



Office of  
Environment  
& Heritage

DOC17/477236  
SSD 8344

Mr Peter McManus  
Team Leader, School Infrastructure Assessments  
NSW Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Dear Mr McManus

**Notice of Exhibition - North Kellyville Public School, 120-126 Hezlett Road, Kellyville (SSD 8344)**

I refer to your letter received by the Office of Environment and Heritage (OEH) on 18 September 2017, requesting comments with respect to the proposed new North Kellyville Public School at 120-126 Hezlett Road, Kellyville.

OEH has reviewed the documentation provided and provides comments on Aboriginal cultural heritage and dam dewatering at Attachment 1.

If you have any further questions about this issue, please contact Dana Alderson on 8837 6304 or [dana.alderson@environment.nsw.gov.au](mailto:dana.alderson@environment.nsw.gov.au).

Yours sincerely

*S. Harrison 05/10/17*

**SUSAN HARRISON**  
Senior Team Leader Planning  
Greater Sydney

## ATTACHMENT 1 – Office of Environment and Heritage comments

### 1. Aboriginal cultural heritage

OEH notes that a due diligence Aboriginal heritage assessment was undertaken for the proposal by Cultural Heritage Connections (August 2017). This is inconsistent with the Secretary's Environmental Assessment Requirements (SEARs) issued 11 April 2017. Due diligence is not a substitute for undertaking an Aboriginal cultural heritage assessment. Due diligence is a legal defence against harm under the *National Parks and Wildlife Act 1974* and is inadequate to assess the impacts of the proposed development on the Aboriginal archaeological and cultural heritage values of the subject land.

OEH recommends that a full Aboriginal cultural heritage assessment be prepared consistent with the SEARs.

### 2. Dam dewatering

OEH has reviewed the Dam Dewatering Report prepared by GHD (August 2017) which addresses the dewatering of two (2) dams located within the subject site. OEH supports the proposed approach and recommends that a condition be imposed requiring the proponent to consult with the National Parks and Wildlife Service's Area Manager - Valleys Area in relation to the relocation of native fauna as part of the dam dewatering on 8448 0400 or [valleys.area@environment.nsw.gov.au](mailto:valleys.area@environment.nsw.gov.au).

OEH supports the proposal in the Pre Development Tree Audit prepared by Arboreport (25 May 2017) to retain the multi-trunked *Eucalyptus tereticornis* located near the existing onsite dam. However, this tree may be impacted by the earthworks within the 22.4m development exclusion zone associated with filling in the dam and level the site for a play area. The Audit does not comment on whether the tree is a hollow bearing tree (HBT) or whether it is likely to support any native fauna species.

OEH recommends that the tree be surveyed for hollows and that its viability be reassessed. If it is a HBT and it is determined that viability of this tree in the long term is low, it is recommended that a condition be imposed requiring an artificial hollow replacement strategy be developed consistent with the Tree Management Plan requirements of the North Kellyville Development Control Plan (DPE, November 2016, page 35).

(END OF SUBMISSION)