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CULTURAL RESOURCE ASSESSMENT, PLANNING AND MANAGEMENT

29 June 2010

Paul Clark  
Senior Development Manager  
Lipman Properties Pty Ltd  
Level 6, 66 Berry Street  
North Sydney NSW 2060

Dear Mr Clark,

**RE: DECCW COMMENTS ON PRELIMINARY ABORIGINAL ARCHAEOLOGICAL  
ASSESSMENT AT 128 HERRING ROAD, MACQUARIE PARK**

We write in response to your email of today in which you forwarded comments from the Department of Environment Climate Change & Water to the Department of Planning in relation to the Environmental Assessment submitted for the above property. The DECCW comments relate to the MDCA Preliminary Aboriginal Archaeological Assessment which formed part of this Environmental Assessment (Appendix T). Specifically, whilst the DECCW specifically acknowledge the adequacy of the preliminary archaeological assessment they query the adequacy of the Aboriginal community consultation undertaken, stating:

*"The consultation undertaken for the Preliminary Aboriginal Archaeological Assessment in relation to the proposed Part 3A development was restricted to Metropolitan Local Aboriginal Land Council (MLALC). DECCW acknowledges that MLALC is an identified Aboriginal stakeholder for the project area, however, the preliminary assessment did not provide other Aboriginal stakeholders an opportunity to be involved in the project.*

*Before undergoing the process of determining whether there are Aboriginal sites and/or Aboriginal cultural values associated with the project area, the Aboriginal community must be appropriately identified and consulted as the consultation process should be broad and inclusive. The Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation 2005 refers to the DECCW Interim Community Consultation requirements which require Aboriginal stakeholders are identified through written notification and advertisements in local media."*

In response, MDCA note that the preliminary Aboriginal archaeological assessment was prepared in relation to the cited 2005 draft guidelines (attached). Specifically this allows for the preparation an initial "Step 1 Preliminary Assessment" (pages 2-3), primarily involving desk top review of existing information. Aboriginal community consultation as per the DECCW *Interim Community Consultation requirements*<sup>1</sup> is not required under the 2005 guidelines as part of a Step 1 Preliminary Assessment. It is triggered only as part of a full Aboriginal Heritage Assessment which is only required in the event that the

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<sup>1</sup> We note that these interim guidelines have now been superseded by finalised DECCW guidelines as of April 2010.



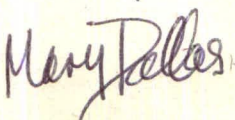
preliminary assessment identifies 'Aboriginal cultural values' which 'are likely to be affected by the proposal' (page 2).

The MDCA preliminary assessment followed the requirements of the 2005 guidelines and concluded that Aboriginal cultural heritage values are not likely to occur on the proposed development site. This was based on a review of available archaeological and historical information, initial Aboriginal community consultation, and review of a recent local study in which Aboriginal cultural values were discussed. This meets if not exceeds the Department of Planning requirements for such preliminary assessments and it cannot be validly argued that further assessment is required. In this event, further Aboriginal community consultation is also not required, as per Department of Planning policy, and hence the comments of DECCW are not valid in this instance.

We would request that the Department of Planning review the DECCW comments in light of this letter and the attached 2005 Departmental guidelines document. Such a review would logically conclude that no further Aboriginal heritage management actions are required in relation to this proposal.

If you require any further information, please do not hesitate to contact us.

Yours sincerely,



Mary Dallas

Principal Heritage Consultant

Mary Dallas Consulting Archaeologists

29.6.10