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By email: Chelle.Leith@centralcoast.nsw.gov.au

Planning Proposal – Saddles Restaurant, 20 Ashbrookes Road and 231 Pacific Highway, Mount White

Dear Ms Leith

Thank you for the opportunity to comment on the planning proposal for Saddles Restaurant, 20 Ashbrookes Road and 231 Pacific Highway, Mount White under the *Central Coast Local Environmental Plan 2022*. We understand that Council has received a Gateway approval from the Department of Planning and Environment and that advice is sought from Heritage NSW on Aboriginal cultural heritage and environmental heritage matters. Our comments are provided below.

We have reviewed the planning proposal and understand that the purpose of the planning proposal is to permit additional uses to facilitate rural tourism and that no additional ground disturbance works are proposed on the land at 20 Ashbrookes Road at the location of the existing Saddles Restaurant. However, development including a possible hotel or motel, café, restaurant or bar is proposed on the land at 231 Pacific Highway.

Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974*

Local Planning Direction 3.2, Heritage Conservation, requires planning proposals to address the conservation of Aboriginal objects. Early assessment provides the best opportunity to identify and protect Aboriginal cultural heritage values. It also provides certainty to all parties about any future Aboriginal cultural heritage management requirements. This is particularly relevant to the proposed future ground disturbance works at 231 Pacific Highway, Mount White.

It is important that any management, mitigation and conservation mechanisms are developed at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage. It is important that the current and future land owners of 20 Ashbrookes Road are aware of their responsibilities in relation to not harming the recorded Aboriginal cultural heritage site on the land.

We also advise Council that an assessment under the 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* is not considered an archaeological assessment or substitute for a comprehensive Aboriginal cultural heritage assessment report. The due diligence process does not adequately assess the impacts on Aboriginal cultural heritage as required by Local Planning Direction 3.2. This is because without Aboriginal community consultation the extent of the impacts on Aboriginal objects and heritage values through the planning proposal and future development is not known.

If the planning proposal is approved and future development proceeds, proponents will need to consider the Aboriginal cultural heritage impacts within their environmental assessments. Where harm to Aboriginal objects cannot be avoided the proponent is required to obtain an Aboriginal Heritage Impact Permit (AHIP) before proceeding. Further information is available in Heritage NSW guidelines on our website: environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/aboriginal-objects-and-places/apply-for-an-ahip.

State and local heritage considerations under the *Heritage Act 1977*

Based on the information provided, we have reviewed the planning proposal against our records and do not believe that there are any identified impacts on items listed on the State Heritage Register. In relation to historic archaeology, if the proponent has not already undertaken their own investigation to assess the likelihood of 'relics' and any subsequent management required under the *Heritage Act 1977*, they should do so.

General Comments

Before finalising the planning proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed. Council's assessment should include, but not be limited to, a search of the State Heritage Inventory (environment.nsw.gov.au/topics/heritage) and the Aboriginal Heritage Information Management System (environment.nsw.gov.au/topics/heritage/search-heritage-databases/aboriginal-heritage-information-management-system).

If you have any questions about the advice above, please contact:

- Lara Goldstein in relation to environmental heritage matters by phone on (02) 9895 6408 or by email at lara.goldstein@environment.nsw.gov.au.
- Rose O'Sullivan in relation to Aboriginal cultural heritage matters by phone on (02) 4224 4177 or by email at rose.osullivan@environment.nsw.gov.au, or

Yours sincerely



Rose O'Sullivan

Senior Assessments Officer
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18 January 2023