

Department of Planning and Environment

HMS Application ID: 4931

Planner
Northern Beaches Council
PO Box 82, MANLY NSW 1655
Email: daplanningportal@northernbeaches.nsw.gov.au

Dear Sir/Madam

DEVELOPMENT APPLICATION REFERRAL HERITAGE NSW COMMENT

Address: 2 Manor Road, Ingleside NSW 2101
Development CNR-56200 - A-68630 - DA2023/0707
Application no:

I refer to your submission received by Heritage NSW on 3 November 2023 referring the above-named development application (DA) for comment.

The proposed development involves:

- CNR-56200 - Proposed secondary dwelling with attached carport and new driveway.

The following key documents provided in the application were subject to review:

- *Statement of Environmental Effects (SEE): Construction of a new secondary dwelling, car port, tree removal and ancillary works at 2 Manor Road, Ingleside 2101*, prepared by Romic Planning, dated 23 February 2023.
- *Baseline Heritage and Archaeological Report – Proposal: New Secondary Dwelling; Property: H/N 2 Manor Road, Ingleside (Lot 81 in DP 866452)*, prepared by Romic Planning, dated 18 October 2023.

Aboriginal cultural heritage

The following comments are provided in relation to the proposal:

- Heritage NSW advises that it is the responsibility of the proponent to ensure that they comply with Part 6 of the *National Parks and Wildlife Act 1974*.

- If Aboriginal objects are present, or likely to be present, and the proposed activity will harm those objects, an Aboriginal Cultural Heritage assessment must be undertaken. This assessment should inform appropriate management and mitigation measures, which may include the requirement for an Aboriginal Heritage Impact Permit.
- Heritage NSW recommends that the Aboriginal Cultural Heritage assessment is guided by the following documents:
 - *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales.*
 - consultation with the Aboriginal community undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents.*
 - satisfy the requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.*

Environmental heritage

The following comments are provided under delegation from the Heritage Council of NSW in relation to the proposal:

- It is identified in the SEE and Archaeological Assessment that the project area is within the curtilage of the *Ruins of Powder Works* archaeological site, which is listed on the Pittwater Local Environmental Plan (2014) as item 2270133.
- The Archaeological Assessment concludes that the project area is within disturbed land, within an identified area of low historical archaeological potential.
- The Archaeological Assessment recommends that the proposed works can be done under an excavation permit exception under section 139 of the *Heritage Act 1977*.
- Heritage NSW is unable to advise whether the proposed works can be done under a section 139(4) excavation permit exception because this is a self-assessment process. It is up to the proponent to look at the relevant guidelines and requirements and determine whether their proposed works meet the criteria.
- Guidelines on how to use the section 139(4) excavation permit exceptions and the associated requirements, including general conditions that must be complied with, are available on our website [here](#).

Recommendations

If the proponent has determined that their proposed works can be completed under a section 139(4) excavation permit exception, in accordance with Heritage NSW guidelines and requirements, it is recommended that the following condition is included on the Development Application:

Notify discovery of a relic

1. If any archaeological deposits or relics are discovered during works, works must cease, and the Heritage Council of NSW must be notified. To address this discovery, a s146 notification to the

Heritage Council of NSW must be lodged. Additional assessment and approval under the *Heritage Act 1977* may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: Archaeological relics are protected under s.139 of the Heritage Act 1977. Notification of the unexpected discovery of known or suspected relics is a statutory requirement under s.146 of the Heritage Act 1977.

If you have any questions about this correspondence, please contact Sam Gibbins, Senior Assessments Officer - Historical Archaeology at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely

Michael Ellis.

Michael Ellis
Manager Assessments
Heritage NSW
Department of Planning and Environment

Environmental heritage comments made as delegate of the Heritage Council of NSW

17 November 2023