

Development Application No: DA2023/1225; 10 Linkmead Ave, Clontarf

I refer to your letter of 6 December 2023.

I note, that you refer to an Aboriginal Cultural Heritage and Archaeological Advice of December 2017 and suggest *“further advice will be needed to determine whether the proposed works (ie replacement decking and foundations) will avoid harming the potential cultural deposit”*.

In response I note the following:

1. The Report of December 2017 was prepared in response to a previous Development Application (which has been approved) for major construction works over the full extent of the work proposed in the present application, including demolition of the deck, subject of the application, and its replacement by a concrete swimming pool and detention tank underneath stretching out well beyond the bounds of the proposed replacement deck.
2. The Report found (at para.4.1) no Aboriginal cultural heritage deposits or risk of harm to Aboriginal objects in the vicinity of the then proposed work and now proposed new deck or in the whole of the *“upper area”* of the block, well beyond the area of the proposed deck.
3. The Report found at para 4.2 *“midden deposits”* only in the *‘lower area’* of the block. That is 10m below the *“upper area”* and protected by a rock overhang, which itself begins about 10m to the east and south of the start of the deck to be replaced on its current footings and a full 20m or more on the other side of the block from the area of additional footings required for the extension of the existing deck. The *“rock overhang area”* is marked by an orange oval on the aerial photo on page 8 of the 2017 report.
4. The Report further noted at para.4.2, that *“it is likely that the material is focused within the small rockshelter”*, but that *“it could not be determined, whether any extends down the slope outside it”*. Although the area of the then proposed shed was some significant distance further away from the *“slope outside”* the rockshelter, presumably for this reason, Council was advised in October 2023 to have and it

appears from Council's letter of 3 November 2023, that the Aboriginal Heritage Office has had a site inspection. There was no suggestion, that the AHO's site inspection found any relevant material beyond, that found in the 2017 report. Indeed, it said "*no sites are recorded in the current development area*".

5. The 3 November 2023 letter notes the request of the AHO for a "*due diligence*" inspection by a qualified Aboriginal Heritage Professional on the basis, that "*the area of the proposed development is identified as having high potential for unrecorded Aboriginal sites*". This could only have been a reference to the lower area, where the shed was proposed. As the shed is no longer a part of this application, the reason for those enquiries has gone.

6. The 2017 report was based on a full '*due diligence*' inspection by a qualified Aboriginal Heritage Professional of the area, to which the application is now confined, finding nothing of concern.

7. The site of the formerly proposed shed and the "*slope outside*" the rockshelter are so far away from both the upper area and the other side of the block, where the deck footings are proposed (as is the rockshelter itself), that they are irrelevant to this application.

8. Our builder has been provided with the proposed plans and has undertaken that there will be no construction activities or access in the heritage-sensitive zone. Excavation for the new post footings will be limited to the deck construction area and all soil removed to a skip in the front of the house ensuring there is no impact on the heritage zone.

Please proceed to deal with the application in light of these comments and the 2017 Report cited in the context of the 2018 Development Approval.

This approval is now of some urgency, due to the deterioration of the deck and rot affecting much of the planking, making it quite unsafe in places.

Yours faithfully,

Simon and Elena Burchett