

Extension of Glenmore Park, Planning Proposal, Mulgoa, NSW

Desktop Aboriginal objects due diligence assessment

Prepared for Mirvac Homes (NSW) Pty Ltd and Vianello Holdings Pty Ltd April 2022



Document	control
----------	---------

Project no.:	5767
Project client:	Mirvac Homes and Vianello Holdings
Project office:	Sydney
Project Director:	Renée Regal
Project Manager:	Sam Richards
Authors:	Isabel tickle, Sam Richards, Marika Low
Internal review:	Renée Regal, Clare Anderson
Document status:	Final REV 03
Local Government Area:	Penrith

Niche Environment and Heritage Excellence in your environment. ABN: 19 137 111 721

Head Office

Level 3, Suite 2, 93 George Street, Parramatta NSW 2150 All mail correspondence to: PO Box 2443 North Parramatta NSW 1750 Phone: **02 9630 5658** Email: **info@niche-eh.com**

Locations

Sydney Central Coast Illawarra Armidale Newcastle Mudgee Port Macquarie Brisbane Cairns

Document revision status

Author	Revision number	Internal review	Date issued
Sam Richards	FNL REV01	Renée Regal	3 May 2018
Marika Low	FNL REV02	Clare Anderson	24 March 2020
N/A	FNL REV03	N/A	5 April 2022

© Niche Environment and Heritage, 2020

Copyright protects this publication. Except for purposes permitted by the Australian Copyright Act 1968, reproduction, adaptation, electronic storage, and communication to the public is prohibited without prior written permission. Enquiries should be addressed to Niche Environment and Heritage, PO Box 2443, Parramatta NSW 1750, Australia, email: info@niche-eh.com.

Any third party material, including images, contained in this publication remains the property of the specified copyright owner unless otherwise indicated, and is used subject to their licensing conditions.

Cover photograph: Historic Parish map of the Mulgoa Region (source LPI)



Table of Contents

1.	Introduction2			
	1.1	Project background and location2		
	1.2	Proposed activity 2		
	1.3	Scope		
2.	Statu	utory Framework		
	2.1	Preamble5		
	2.2	Aboriginal heritage legislation		
	2.3	Planning legislation		
3.	Abor	iginal Objects Due Diligence Assessment11		
	3.1	Preamble11		
	3.2	Is the proposed activity a low impact activity as defined by the Regulation?		
	3.3	Step 1. Will the activity disturb the ground surface?		
	3.4 infor	Step 2a. Are there any relevant confirmed site records or other associated landscape feature mation on AHIMS?		
	3.5	Step 2b. Are there any other sources of information of which a person is already aware? 13		
	3.6 objeo	Step 2c. Are there landscape features that are likely to indicate the presence of Aboriginal cts?		
	3.7	Step 3: Can the harm or the activity be avoided?16		
	3.8 obje	Step 4: Does a desktop assessment and visual inspection confirm that there are Aboriginal cts or that they are likely?		
	3.9	Step 5. Further investigations and impact assessment19		
4.	Refe	rences		
Appendix 1 – Masterplan 2022				
Арр	Appendix 2 – AHIMS search results			



List of Figures

Figure 1. Regional location of the Subject Area (Source: LPI, Mirvac and Niche)
Figure 2. Location and extent of the Subject Area (Source: Mirvac and Niche)
Figure 3: Due Diligence process under the Code (Source: DECCW 2010)7
Figure 4: Extract from section C7.2 of the Penrith 2014 Development Control Plan showing areas of archaeological significance (Source: Penrith Council 2014, C7-15)
Figure 5: Location of Subject Area in comparison to section C7.2 of the Penrith 2014 Development Control Plan showing areas of archaeological significance (Source: Niche 2020)
Figure 6: Location of AHIMS sites in relation to the Subject Area (Source OEH and Niche 2020)
Figure 7: Soil landscapes in relation to the Subject Area (Source OEH and Niche 2020)15
Figure 8: Historical aerials from 1956, 1975 and 2013 (Source: Department of Finance Services and Innovation)

List of Tables

Table 1: Aboriginal sites and associated Lot and DP	. 11
Table 2: Aboriginal sites listed on the LEP (2010)	. 13
Table 3: Summary of Soil Landscapes (Source: Bannerman and Hazelton 1990)	. 14
Table 4 : Details of historical aerial photographs	. 16

1. Introduction

1.1 Project background and location

Niche Environment and Heritage Pty Ltd (Niche) was commissioned by Mirvac Homes (NSW) Pty Ltd and Vianello Holdings Pty Ltd (Mirvac Homes and Vianello) to undertake a desktop Aboriginal objects due diligence assessment for the proposed planning proposal for the extension of Glenmore Park at Mulgoa, NSW (the Subject Area)(Figure 1 and Figure 2). The Subject Area comprises the following land parcels:

- Lot 2/DP22486
- Lot 19/DP244610
- Lot 2/DP1224642
- Lot 1/DP1224642
- Lot 18/DP244610
- Lot 19/DP244610
- Lot 25/DP244610
- Lot 26/DP244610

- Lot 27/DP244610
- Lot 28/DP244610,
- Lot 29/DP244610
- Lot 30/DP244610
- Lot 31/DP244610
- Lot 5/DP29081
- Lot 3/29081
- Lot 2/DP29081

- Lot 1/29081
- Lot 4/DP29081
- Lot 6/DP29081
- Lot 1/DP1088989
- Lot 8/DP29081
- Lot 1/DP795841.

The aim of the assessment is to investigate if any Aboriginal objects and/or places are located within, or in close proximity to, the Subject Area and if those Aboriginal objects and/or places may be harmed by the proposed activity.

This report provides a desktop Aboriginal objects due diligence assessment of the potential to harm Aboriginal objects and/or places. This assessment has been prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010) (hereafter referred to as the 'Code').

1.2 Proposed activity

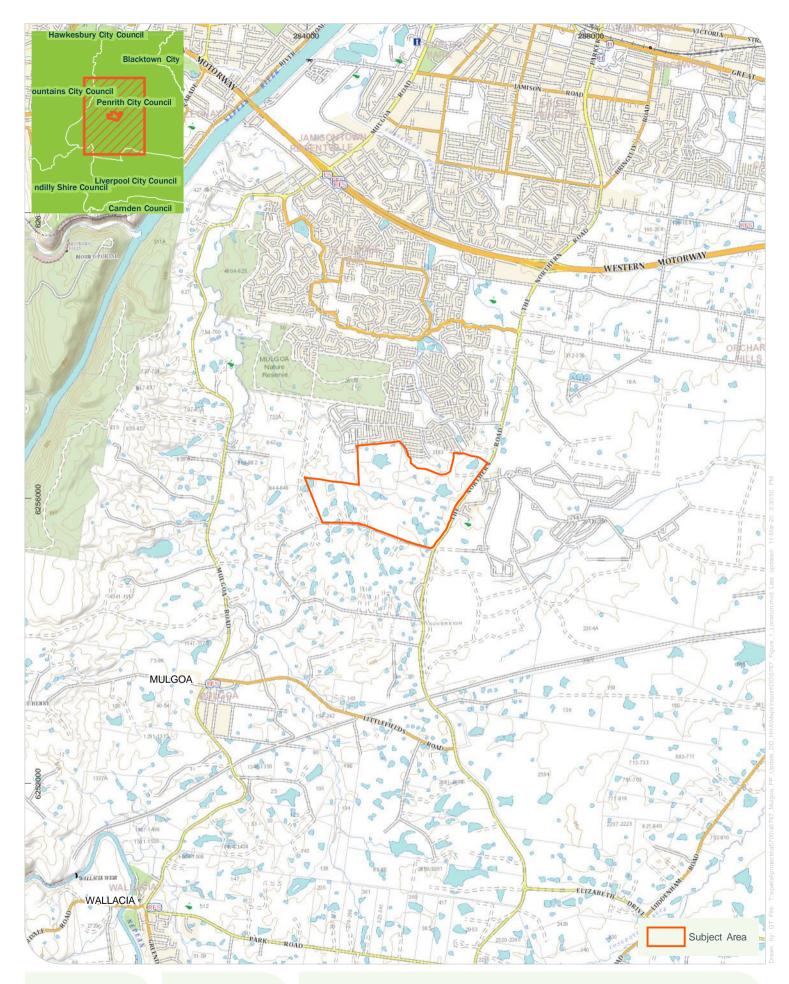
Mirvac Homes and Vianello are preparing an updated planning proposal to submit to Penrith City Council which would facilitate the rezoning of the Subject Area. The rezoning will enable the residential development of approximately 205 hectares of existing rural land. Portions of the existing E3 (Environmental Management) and RU2 (Rural Landscape) zoned land are to be rezoned to R1 (General Residential) or R2 (Low Density Residential) as well as open space and retail offering to facilitate the suburban development of the Subject Area (Appendix 1).

1.3 Scope

The following desktop Aboriginal objects due diligence assessment presents the following:

- a summary of statutory considerations;
- a constraints analysis using an Aboriginal objects due diligence assessment prepared in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010), excluding step four visual inspection;
- conclusions and recommendations.









Niche PM: Marika Low Niche Proj. #: 5767 Client: Mirvac (NSW) Pty Ltd and Vianello Holdings Pty Ltd

Location Map Extension of Glenmore Park, Planning Proposal, Mulgoa, NSW -Aboriginal Objects Due Diligence

Ltd and Vianello Holdings Pty Ltd

Figure 1

ublic_NSW_Base_Map: © Department of Finance, Services & Innovation 2018







Niche PM: Marika Low Niche Proj. #: 5767 Client: Mirvac (NSW) Pty Ltd and Vianello Holdings Pty Ltd

Figure 2

Location of the Subject Area

Aboriginal Objects Due Diligence

Extension of Glenmore Park, Planning Proposal, Mulgoa, NSW -



2. Statutory Framework

2.1 Preamble

The following subsections provide a summary of Aboriginal and historical heritage legislation relevant to the Project.

2.2 Aboriginal heritage legislation

2.2.1 The National Parks and Wildlife Act 1974 (NSW)

The National Parks and Wildlife Act 1974 (NSW) (the 'NPW Act') is the primary piece of legislation for the protection of Aboriginal cultural heritage in New South Wales, administered by the Office of Environment and Heritage (OEH) (now the Biodiversity Conservation Division [BCD] of the Department of Planning, Industry and Environment [DPIE]). The NPW Act provides statutory protection for Aboriginal objects by making it illegal to harm Aboriginal objects and Aboriginal places, by providing two tiers of offence against which individuals or corporations who harm Aboriginal objects or Aboriginal places can be prosecuted. The NPW Act defines Aboriginal objects and Aboriginal places:

Aboriginal object means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place means any place declared to be an Aboriginal place under section 84.

The highest tier offences are reserved for knowledgeable harm of Aboriginal objects or knowledgeable desecration of Aboriginal places. Second tier offences are strict liability offences—that is, offences regardless of whether or not the offender knows they are harming an Aboriginal object or desecrating and Aboriginal place—against which defences may be established under the National Parks and Wildlife Regulation 2009 (NSW) (the 'NPW Regulation') (see below).

Section 87 of the NPW Act establishes defences against prosecution under s.86 (1), (2) or (4). The defences are as follows:

- An Aboriginal Heritage Impact Permit (AHIP) authorising the harm (s.87[1])
- Exercising due diligence to establish Aboriginal objects will not be harmed (s.87[2])
 Due diligence may be achieved by compliance with requirements set out in the National Parks and
 Wildlife Regulation 2009 (the NPW Regulation) or a code of practice adopted or prescribed by the NPW
 Regulation (s.87[3])
- Undertaking "low impact" activities (s.87 [4]).

This assessment report follows the code of practice for due diligence prescribed by the NPW Regulation and aims to establish whether Aboriginal objects would be harmed by the proposed construction activities in accordance with S.87(2) of the NWP Regulation.

2.2.2 The National Parks and Wildlife Regulation 2009 (NSW)

The NPW Regulation 2009 (cl.80A) assigns the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010) (the "Due Diligence Code") as one of the codes of practice that can be complied with pursuant to s.87 of the NPW Act.



In addition, the NPW Regulation describes "certain low impact activities" in s.80B in conjunction with the presence of disturbed land. Mostly the low impact activities described by the NPW Regulation are restricted to land that has been previously disturbed and relate to maintenance of pre-existing infrastructure (such as tracks and pipelines), minerals exploration activities and farming activities. Disturbed land is defined by cl.80B (4) as "disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable".

2.2.3 The Due Diligence Code of Practice for the Protection of Aboriginal Objects

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (the Code) indicates that the Code can be used or adapted to inform the Planning Proposal prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979. The Code describes the process that must be followed; the actions that must be taken by a proponent; and the site conditions that must be satisfied to show due diligence in the consideration of potential harm to Aboriginal objects (Figure 3).

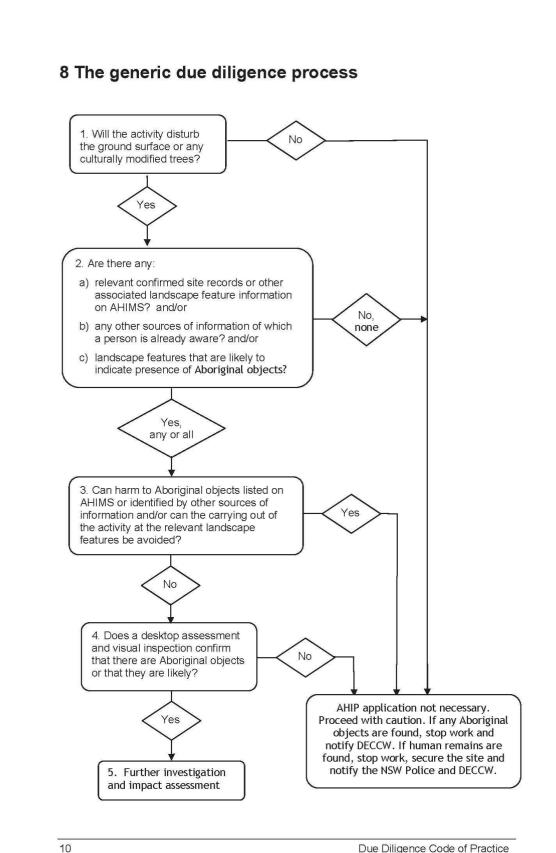
The Code sets out a basic framework with steps to be followed in order to make an assessment of whether or not proposed activities may impact Aboriginal objects (Figure 3):

Step 1.	Will the activity disturb the ground surface?
Step 2.	(if "Yes" to Step 1) Are there any relevant confirmed site records or landscape features that indicate the presence of Aboriginal objects?
Step 3.	(if "Yes" to Step 2) Can potential harm be avoided by relocating the activity?
Step 4.	(if "No" to Step 3) Does a desktop assessment and visual inspection confirm there are Aboriginal objects present or likely to be present?
Step 5.	(if "Yes" to Step 4) Commence Investigations for an AHIP.

The process set out in the Code involves consideration of harm to Aboriginal objects at increasing levels of detail, with additional information incorporated at each step and then used to support the decisions being made. If the proposed activities are not "low impact activities" (a defence for which is provided under the NPW Regulation), then the considerations result in a determination of whether or not:

- further approval (an AHIP) under the NPW Act is required; or,
- the impact is a "low impact" activity; or,
- Due Diligence obligations for the protection of Aboriginal objects are discharged by the process under the Code.







Due Diligence Code of Practice



2.3 Planning legislation

2.3.1 The Environmental Planning & Assessment Act, 1979

The NSW *Environmental Planning and Assessment Act 1979* (EPA Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process and requires that environmental impacts are considered prior to land development; this includes impacts on heritage items. The Act also requires that local governments prepare planning instruments (such as Local Environmental Plans) in accordance with the principles of the legislation to provide guidance on the level of environmental assessment required.

2.3.2 Penrith Development Control Plan 2014

The Penrith Development Control Plan (DCP) outlines detailed local provisions for all land within the Penrith LGA. Part C Section 7.2 of the Penrith DCP states requirements that apply to all development that may impact on Aboriginal Objects.

Figure 4 is taken from Part C Section 7.2 of the DCP and depicts parts of Penrith LGA with the potential to be archaeologically sensitive. This figure has an arrow pointing to the location of the Subject Area. Figure 5 shows the Subject Area in comparison to the 'Archaeological Survey Required' and 'Sites Already Surveyed'. The Subject Area is not within the 'Archaeological Survey Required' that is archaeologically sensitive due to its proximity to Mulgoa Creek. The Northern sections of the Subject Area are located within the 'Sites already surveyed'.



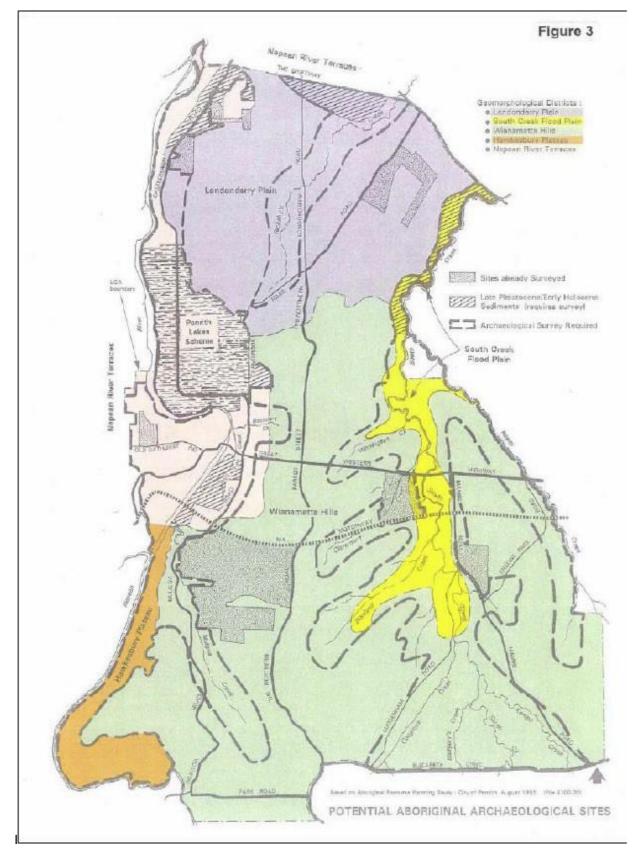
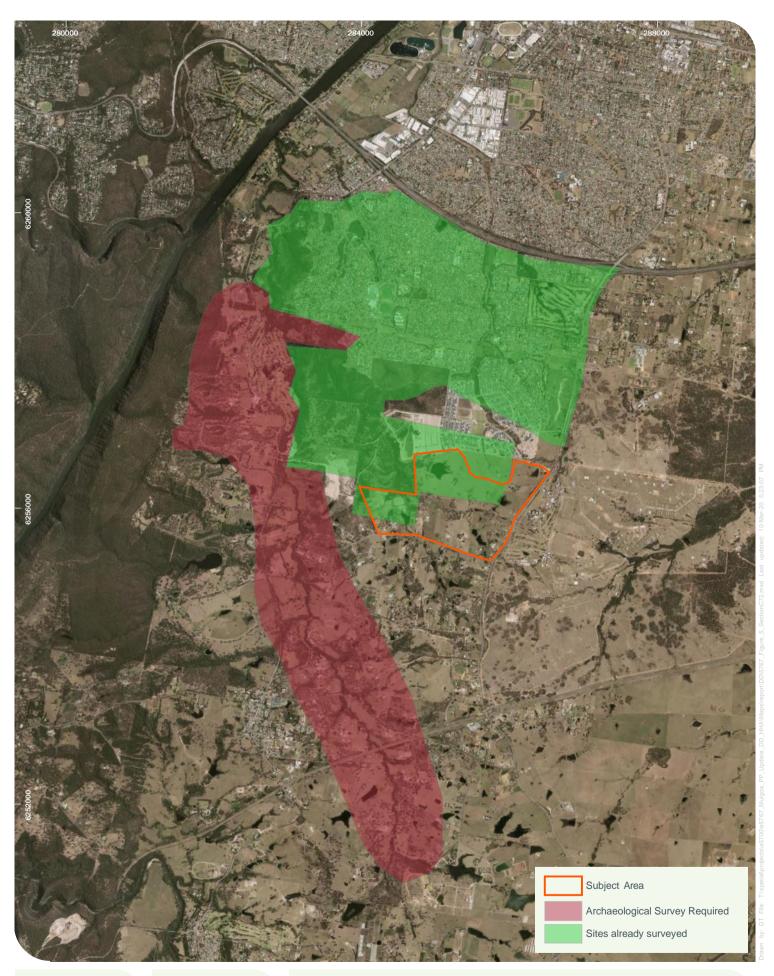


Figure 4: Extract from section C7.2 of the Penrith 2014 Development Control Plan showing areas of archaeological significance (Source: Penrith Council 2014, C7-15)







Location of Subject Area in comparison to section C7.2 of the Penrith 2014 Development Control Plan Extension of Glenmore Park, Planning Proposal, Mulgoa, NSW -Aboriginal Objects Due Diligence

Niche PM: Marika Low Niche Proj. #: 5767 Client: Mirvac (NSW) Pty Ltd and Vianello Holdings Pty Ltd

Figure 5



3. Aboriginal Objects Due Diligence Assessment

3.1 Preamble

The following subsection provides a response to the various steps outlined in the Due Diligence Code.

3.2 Is the proposed activity a low impact activity as defined by the Regulation? No.

The activity of rezoning existing E3 (Environmental Management) land to R1 (General Residential) or R2 (Low Density Residential) land e is not one of the low impact activities defined under section 80B of the *National Parks and Wildlife Regulation 2009* ('the Regulation').

3.3 Step 1. Will the activity disturb the ground surface?

No.

The activity of rezoning existing E3 (Environmental Management) land to R1 (General Residential) or R2 (Low Density Residential) land would not disturb the ground surface

3.4 Step 2a. Are there any relevant confirmed site records or other associated landscape feature information on AHIMS?

Yes.

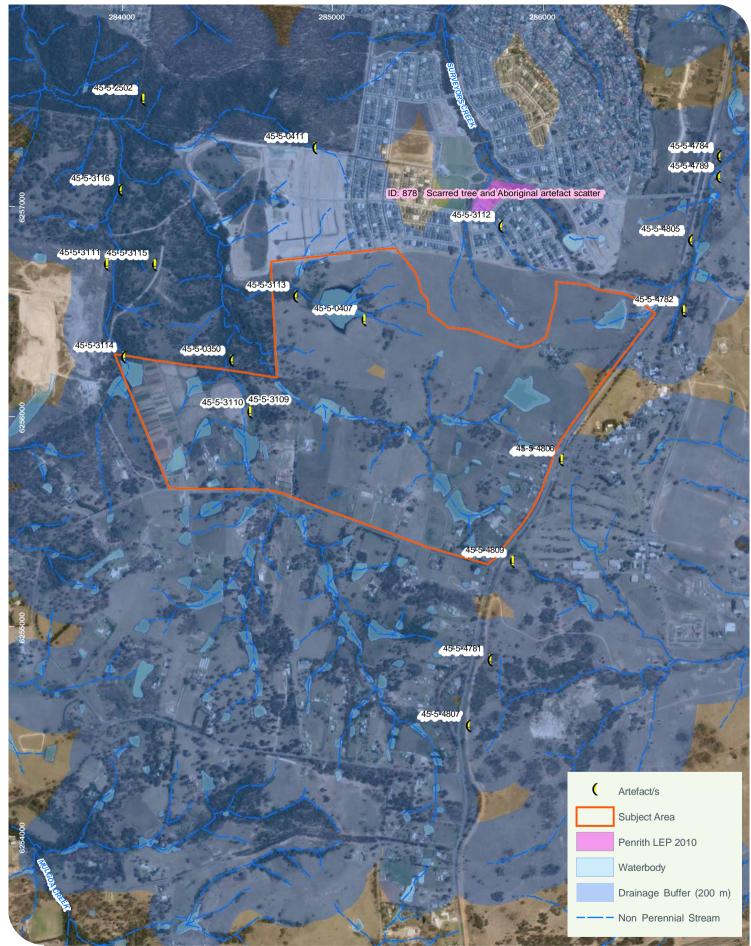
An extensive search of the Aboriginal Heritage Information Management System (AHIMS) was conducted on 10 March 2020 (AHIMS Client Service ID #489925) for the following area: GDA, Zone: 56, Eastings: 283755 – 286607, Northings: 6255476 – 6256629 with a buffer of 1000 m. Twenty (20) Aboriginal sites were identified from the extensive search (Appendix 2). All Aboriginal sites were either isolated finds or artefact scatters that were associated with or in close proximity to 1st or 2nd order drainage channels of Mulgoa Creek.

Five (5) of the 20 Aboriginal sites area located within the Subject Area. Three of the AHIMS register sites located within the Subject Area (AHIMS ID's #45-5-0407, 45-5-3109, and 45-5-3113) are artefact scatters. The other two AHIMS site registered are isolated finds (AHIMS ID's #45-5-3114 and 45-5-3110) (Figure 6). Table 1 outlines the Aboriginal Sites that are located within the Subject Area and which Lot and DP they are located in.

AHIMS ID	Site name	Lot and DP
45-5-0407	Mulgoa	Lot 3 DP 1224642
45-5-3109	GP7, Mulgoa Quarry	Lot 25 DP 244610.
45-5-3110	GP8, Mulgoa Creek	Lot 25 DP 244610.
45-5-3113	GP4, Mulgoa Quarry	Lot 3 DP 1224642
45-5-3114	GP3, Mulgoa Quarry	Lot 18 DP 244610

Table 1: Aboriginal sites and associated Lot and DP

A visual inspection of the Subject Area has not been conducted as part of this assessment and the locations and integrity of the five Aboriginal sites has not been verified. Step 2a of 'the Code' states "any recorded Aboriginal objects you should confirm that these objects can be located in the area where your activity is proposed". These sites will need to be visually inspected per 'the Code' before any disturbance to grounds surface can take place within the vicinity of these Aboriginal sites.







Niche PM: Marika Low Niche Proj. #: 5767 Client: Mirvac (NSW) Pty Ltd and Vianello Holdings Pty Ltd

Figure 6

Location of AHIMS Sites and Heritage Items

Aboriginal Objects Due Diligence

Extension of Glenmore Park, Planning Proposal, Mulgoa, NSW -



3.5 Step 2b. Are there any other sources of information of which a person is already aware?

Yes.

Searches of the State Heritage Register, the Penrith Local Environmental Plan (LEP) (2010) and the Penrith Development Control Plan (DCP) (2014) were conducted on 20 February 2018 and again on 10 March 2020. No Aboriginal sites or places were located in the Subject Area from these searches. The following Aboriginal site, however, is listed in the LEP (2010) and is in proximity to the Subject Area (Table 2).

Suburb	Item name	Address	Property description	Significance	Item no
Glenmore Park	Scarred tree and Aboriginal artefact scatter	Lot 2000 Bradley Street	Lot 2000, DP 1204777	Local	878

3.6 Step 2c. Are there landscape features that are likely to indicate the presence of Aboriginal objects?

Yes.

The following landscape features listed in the Due Diligence Code signify a high potential for the presence of Aboriginal objects:

- within 200m of waters, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or
- located within 200m below or above a cliff face, or
- within 20m of or in a cave, rock shelter, or a cave mouth

A number of 1st and 2nd order drainage lines are located within the Subject Area which, according to White and McDonald (2010) gives the Subject Area a high potential of containing Aboriginal objects. Higher order drainage lines tend to have higher artefact densities and more continuous distributions than lower order drainage lines. Landforms with higher densities occur on terraces and lower slopes, and with sparse discontinuous scatters on upper slopes. Higher artefact densities tend to be within 50 m of 2nd order drainage lines.

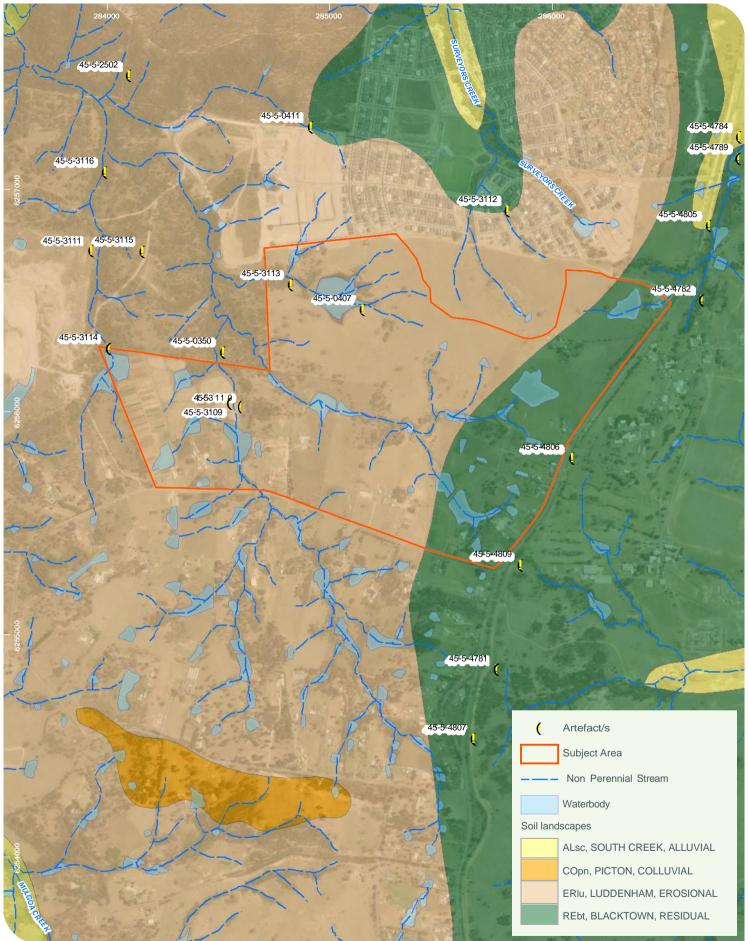
Soil landscapes may also be used to provide an indication of the nature of archaeological deposits in the area. The Subject Area Subject Area encompasses two soil landscapes; Luddenham and Blacktown, described in Table 3 (Figure 7). The Blacktown soil landscape is known to preserve Aboriginal objects in association with hill crests, lower slopes and flats associated with good outlook and/or drainage lines. This landscape is prone to localised erosion, which may impact the integrity of archaeological deposits.

The Luddenham soil landscape is also likely to preserve Aboriginal objects in association with hillcrests and valleys with water sources nearby. Erosion may have impacted archaeological deposits, however, particularly in areas that have been cleared or grazed.



Table 3: Summary of Soil Landscapes (Source: Bannerman and Hazelton 1990)

Soil Landscape Name	Landscape Type	Likelihood of Aboriginal objects being present
Blacktown	Gently undulating rises on Wianamatta Group shales. The Wianamatta Group comprises mostly shale with some carbonaceous claystone, laminate and some occasional fine to medium grain lithic sandstone The land system comprises broad rounded crests and ridges with gently inclined slopes usually >5%. Soil deposits are generally shallow to moderately deep (>100 cm). Cleared tall open-forest and Eucalypt woodland. The land system is prone to localised seasonal waterlogging and erosion.	Soil erosion and flood events are likely to have affected the integrity of subsurface archaeological deposits
Luddenham	Undulating to rolling low hills on Wianamatta Group shales, often associated with fine to medium-grained Minchinbury Sandstone. The land system comprises narrow ridges, hillcrests and valleys with slopes 5-20%. Soil deposits are generally shallow (<100 cm) on crests; moderately deep (<150 cm) on upper and lower slopes and drainage lines. Extensively cleared open dry sclerophyll forest The land system is prone to minor gully erosion and moderate sheet erosion in cleared and disturbed areas.	Soil erosion may have affected the integrity of subsurface archaeological deposits in crests or along drainage lines depending on the speed of flow of water



Environment and Heritage



Soil landscapes and hydrology in the local area Extension of Glenmore Park, Planning Proposal, Mulgoa, NSW -Aboriginal Objects Due Diligence

Niche PM: Marika Low Niche Proj. #: 5767 Client: Mirvac (NSW) Pty Ltd and Vianello Holdings Pty Ltd

Figure 7



The potential for Aboriginal objects is lower on land that has been disturbed by more recent European land use. For instance, major earthworks, construction of dwellings, dams, services and infrastructure may remove the archaeological potential while vegetation clearance, grazing and ploughing may damage or remove the integrity of any archaeological deposits within the top 30 cm of soil.

From a study of historical aerial photographs, we can learn about past land use within the Subject Area. A summary of the available aerials (Figure 8) is presented in Table 4 below.

Year	Description of Subject Area
1951	The Subject Area by 1951 has been almost entirely cleared of native vegetation. A dwelling and agricultural activity is visible in the southeast of the Subject Area. Vegetation regrowth is seen along the drainage lines to the west. The rest of the Subject Area seems untouched.
1975	Small amounts of secondary regrowth are visible across the Subject Area with it noticeably thicker along the drainage line in the east. Three dams have been constructed by 1975 in the centre, south east and north with land manipulation evident throughout the eastern half of Subject Area in the form of dwellings and tracks.
1986	By 1975 a significant amount of subdivisions has taken place within the western extent of the Subject Area with farming activities taking place. Similarly, the south western corner has been sub-divided multiple times and is being used for farming related activities. The rest of Subject area isolated event of farming is present.
2016	By 2016 the southern extent of the Subject Area has been subdivided into multiple smaller lots that are being used for farming activities. Much of the north west is unchanged since 1986 with further subdivision in the north west. The construction of three extra dams is visible within the Subject Area.

It is difficult to determine exactly what disturbance occurred within the Subject Area prior to the 1951 aerial, but the land appears to have been predominantly cleared, with multiple events of farming and subdivision up to the present day. In areas of disturbance the top 30 cm of the soil profile are likely to have been extensively disturbed by previous land use.

From the above historical aerials, it appears that not all areas within the Subject Area are disturbed. A visual inspection did not form part of this planning proposal, before disturbance to the ground surface can be conducted a further investigation at Development Application stage is needed to understand the areas which have the potential to contain Aboriginal objects.

3.7 Step 3: Can the harm or the activity be avoided?

From this desktop constraints analysis there is a lack of information to imply that harm can be avoided. The proposed activity transverses some archaeologically sensitive landscape features (refer to step 2c) and existing Aboriginal sites are registered within the Subject Area (refer to step 2a). Before understanding whether harm can be avoided to these archaeologically sensitive landscape features a visual inspection is needed to understand the extent of the archaeological potential and the extent of disturbance, this can occur at Development Application stage.

3.8 Step 4: Does a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely?

Yes.

A visual inspection of the Subject Area was not conducted as part of this assessment. Five Aboriginal sites are registered within the Subject Area, their locations and integrity has not been verified. The proposed activity transverses some archaeologically sensitive landscape features and the extent of the archaeological potential within the Subject Area is not clearly understood. Before disturbance to the ground surface can be conducted further investigation is needed to understand the areas which have the potential to contain

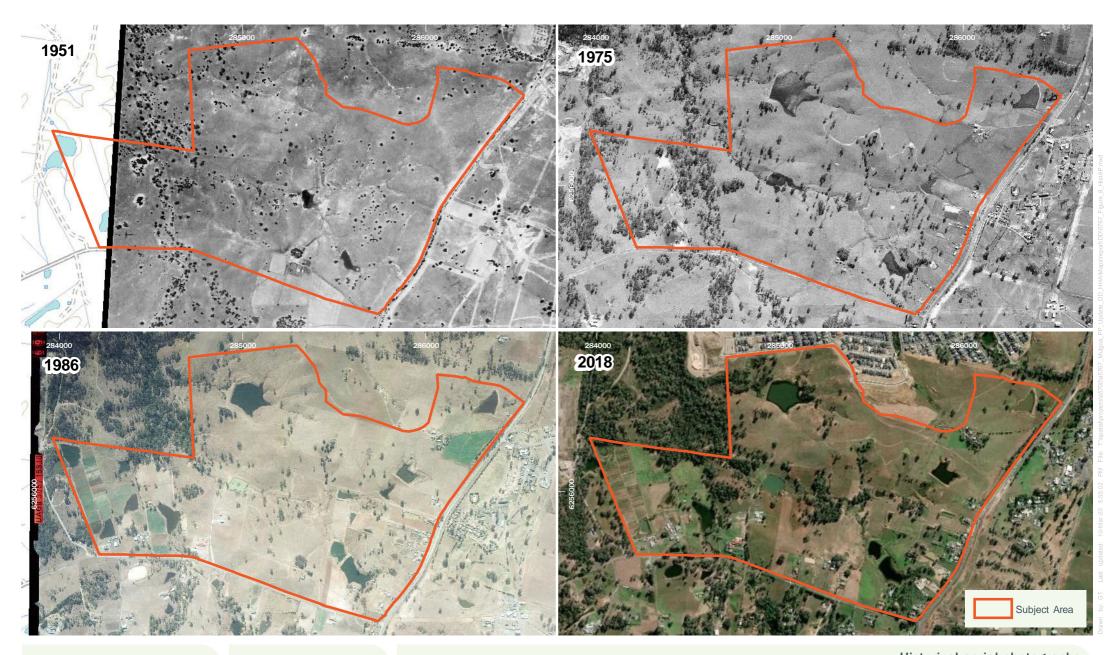


further Aboriginal objects and to understand the landscape in more detail to predict where these intact archaeological deposits are likely.

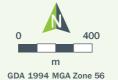
It is evident from the historical aerials that the Subject Area has been used extensively for farming practise over the last 60 years. This may have disturbed the integrity of any in situ stratified archaeological deposits. However, there is still the potential for pockets of undisturbed archaeological deposits.

The landscape within the Subject Area is classified as having high surface and subsurface Archaeological potential. 1st and 2nd order drainage channel transverse the Subject Area which have been identified by previous studies such as White and McDonald (2010) as having a high archaeological sensitivity.

Due to the proximity of the Subject Area to drainage lines, and five previously recorded Aboriginal sites, it is possible that further Aboriginal objects will be present within the Subject Area.







A Zone 56 Niche PM: Marika Low Niche Proj. #: 5767 Client: Mirvac (NSW) F Historical aerial photographs Extension of Glenmore Park, Planning Proposal, Mulgoa, NSW -Aboriginal Objects Due Diligence

Client: Mirvac (NSW) Pty Ltd and Vianello Holdings Pty Ltd

Figure 8



3.9 Step 5. Further investigations and impact assessment.

Yes.

This assessment indicates that Aboriginal objects occur within the Subject Area with the potential for further Aboriginal objects to be present. Therefore further investigation in accordance with the *Guide to Investigating, assessing and reporting on Aboriginal cultural heritage in NSW (NSW Office of Environment and Heritage [OEH], 2011), the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010)* and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010)* is required. Niche recommends the following occur after Gateway and before development occurs on the land:

- Preparation of an Aboriginal Cultural Heritage Assessment (ACHA) to assess the significance of the Subject Area and the recorded Aboriginal objects (AHIMS ID #45-5-0407, 45-5-3109, 45-5-3113, 45-5-3114 and 45-5-3110).
- As part of the ACHA process Aboriginal community consultation is to be carried out in accordance with the (DECCW2010) *Aboriginal cultural heritage consultation guidelines for proponents 2010.*
- An Aboriginal Heritage Impact Permit (AHIP) under section 90 of the *National Parks and Wildlife Act 1974* will be necessary for the identified Aboriginal objects if the proposed harm cannot be avoided.
- In any master planning for the site, incorporate previously identified artefacts in open space area where no disturbance of existing ground levels is proposed/required.



4. References

Australia ICOMOS. 2004. The Illustrated Burra Charter: Good Practice for Heritage Places, Deakin University, Burwood, Victoria.

DECCW (2010) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.* Department of Environment, Climate Change and Water NSW, Sydney.

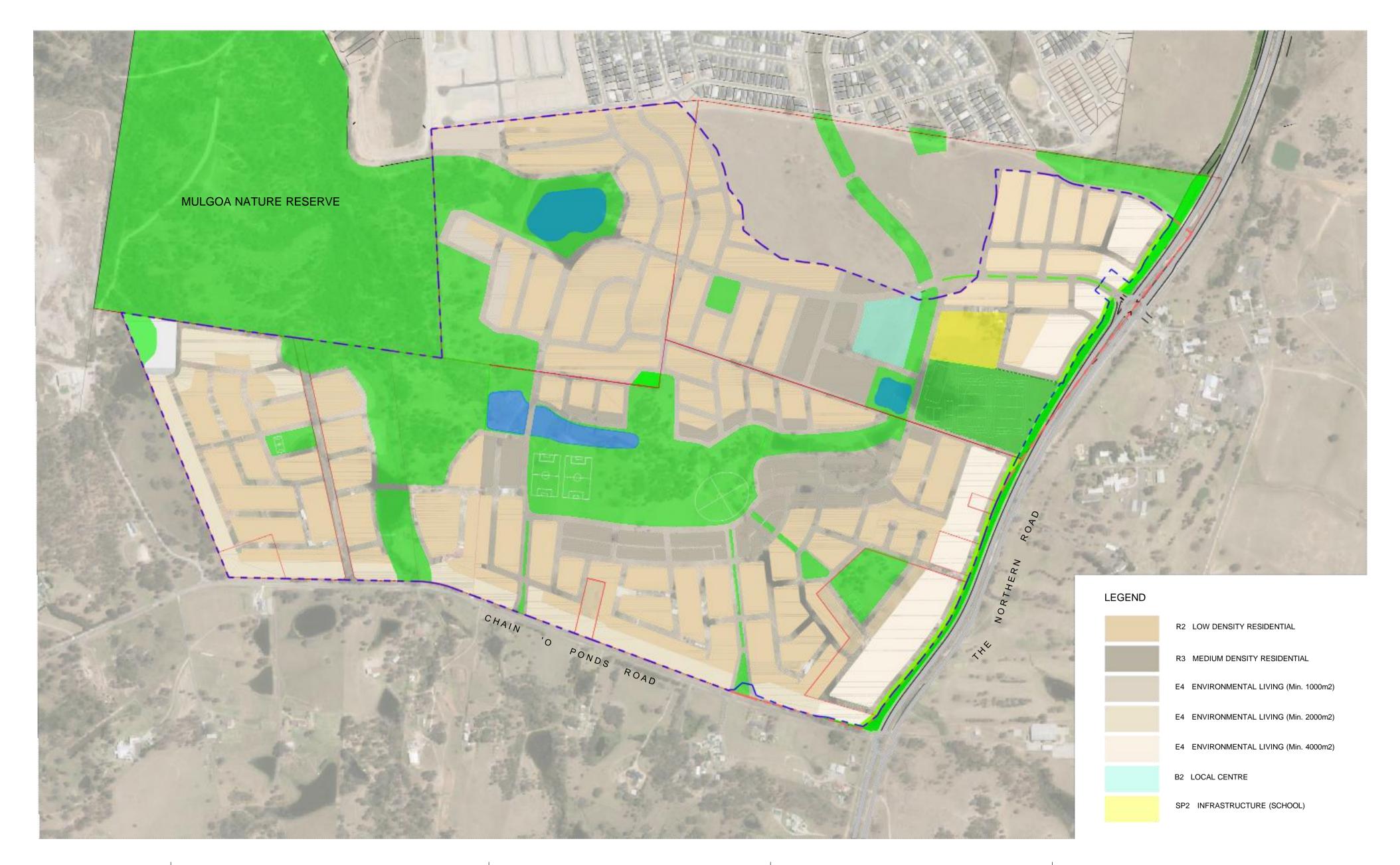
NPWS (2009) National Parks and Wildlife Regulation 2009. Sydney.

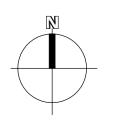
Penrith Development Control Plan 2014, Penrith City council.

White, B and McDonald, J. 2010. LITHIC ARTEFACT DISTRIBUTION in the Rouse Hill Development Area, Cumberland Plain, New South Wales. Australian Archaeology, Number 70.



Appendix 1 – Masterplan 2022





New CPCP Boundaries Response

Mulgoa Chain-O-Ponds & The Northern Road Plan A.1 - 4000 m2 lots along The Northern Road



Level 28 200 George St Sydney NSW 2000 T 02 9080 8000

Mirvac Design Pty. Ltd. ABN 78 003 359 153

八八 mirvac

client:

date 31-03-2022

scale @ A1 1:4000

drawing no. PL 01 rev E



job no.



Appendix 2 – AHIMS search results



AHIMS Web Services (AWS)

Extensive search - Site list report

Client Service ID : 489925

<u>SiteID</u>	SiteName	Datum	<u>Zone</u>	Easting	Northing	Context	<u>Site Status</u>	<u>SiteFeatures</u>		<u>SiteTypes</u>	<u>Reports</u>
45-5-2502	RC 10 - "Roscrea 10"	AGD		283990	6257320	Open site	Valid	Artefact : -		Open Camp Site	
	Contact			,	ld,Stephanie G	0			rmits		
45-5-0407	Mulgoa	AGD	56	285040	6256270	Open site	Valid	Artefact : -		Open Camp Site	1018
	Contact			n Brayshaw					<u>rmits</u>		
45-5-0411	Mulgoa Open Site	AGD	56	284805	6257090	Open site	Destroyed	Artefact : -		Open Camp Site	347,1018
	Contact		Shell	y Greer,Matt	hew Kelleher			Per	<u>rmits</u>		
45-5-0350	Chain of Ponds (Chain of Ponds Road)	AGD	56	284410	6256080	Open site	Valid	Artefact : -		Open Camp Site	260,1018
	Contact	Recorders	Helei	n Brayshaw				Pe	<u>rmits</u>		
45-5-3109	GP7, Mulgoa Quarry	GDA	56	284564	6256033	Open site	Valid	Artefact : 2			
	Contact T Russell	<u>Recorders</u>	Tom	Knight				Pe	<u>rmits</u>		
45-5-3110	GP8, Mulgoa Creek	GDA	56	284606	6256019	Open site	Valid	Artefact : 1			
	Contact T Russell	<u>Recorders</u>	Navi	n Officer Her	itage Consulta	nts Pty Ltd		Pe	<u>rmits</u>		
45-5-3111	GP6, Mulgoa Quarry	GDA	56	283923	6256725	Open site	Valid	Artefact : 7			
	Contact T Russell	Recorders	Tom	Knight				Pe	rmits		
45-5-3112	GP5, Mulgoa Quarry	GDA	56	285796	6256906	Open site	Valid	Artefact : 7			
	Contact T Russell	Recorders	Tom	Knight				Per	rmits		
45-5-3113	GP4, Mulgoa Quarry	GDA	56	284820	6256573	Open site	Valid	Artefact : 5			
	Contact T Russell	Recorders	Tom	Knight				Per	<u>rmits</u>	3828	
45-5-3114	GP3, Mulgoa Quarry	GDA	56	284000	6256285	Open site	Valid	Artefact : 1			
	Contact T Russell	<u>Recorders</u>	Tom	Knight				Pe	rmits		
45-5-3115	GP2, Mulgoa Quarry	GDA	56	284152	6256722	Open site	Valid	Artefact : 6			
	Contact T Russell	Recorders	Tom	Knight				Per	<u>rmits</u>		
45-5-3116	GP1, Mulgoa Quarry	GDA	56	283982	6257079	Open site	Valid	Artefact : 6			
	Contact T Russell	<u>Recorders</u>	Tom	Knight				Per	<u>rmits</u>		
45-5-4781	TNR AFT 10	GDA	56	285746	6254839	Open site	Valid	Artefact : -			
	Contact	<u>Recorders</u>	Kelle	her Nighting	ale Consulting	Pty Ltd,Kelleher Nigl	htingale Consultin	g Pty Ltd,Mr <u>Per</u>	<u>mits</u>		
45-5-4782	TNR AFT 09	GDA	56	286670	6256503	Open site	Valid	Artefact : -			
	Contact	Recorders	Kelle	her Nighting	ale Consulting	Pty Ltd,Mr.Benjamin	Anderson	Pe	rmits		
45-5-4784	TNR AFT 07	GDA		286839	6257234	Open site	Valid	Artefact : -			
	<u>Contact</u>	Recorders	Kelle	her Nighting	ale Consulting	Pty Ltd,Mr.Benjamin	Anderson	Pe	<u>rmits</u>		
45-5-4805	TNR IF 01	GDA		286701	6256838	Open site	Valid	Artefact : -			
	Contact	Recorders	Kelle	her Nighting	ale Consulting	Pty Ltd,Mr.Benjamin	Anderson	Pe	<u>rmits</u>		
45-5-4806	TNR IF 02	GDA		286082	6255790	Open site	Valid	Artefact : -			
	<u>Contact</u>	Recorders	Kelle	her Nighting	ale Consulting	Pty Ltd,Mr.Benjamin	Anderson	Pe	<u>rmits</u>		
			Refie		are consulaing	. cy Bea, m. Benjamm		<u>1 C</u>			

Report generated by AHIMS Web Service on 10/03/2020 for Marika Low for the following area at Datum :GDA, Zone : 56, Eastings : 283755 - 286607, Northings : 6255476 - 6256629 with a Buffer of 1000 meters. Additional Info : DD assessment. Number of Aboriginal sites and Aboriginal objects found is 20

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



AHIMS Web Services (AWS) Extensive search - Site list report

Client Service ID : 489925

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	Easting	<u>Northing</u>	<u>Context</u>	Site Status	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
45-5-4807	TNR IF 03	GDA	56	285642	6254526	Open site	Valid	Artefact : -		
	Contact	<u>Recorders</u>	Recorders Kelleher Nightingale Consulting Pty Ltd,Mr.Benjamin Anderson							
45-5-4789	TNR ATF 08	GDA	56	286838	6257139	Open site	Valid	Artefact : -		
	<u>Contact</u>	Recorders	zorders Kelleher Nightingale Consulting Pty Ltd,Mr.Benjamin Anderson							
45-5-4809	TNR IF 05	GDA	56	285855	6255309	Open site	Valid	Artefact : -		
	Contact	Recorders	s Kelleher Nightingale Consulting Pty Ltd,Mr.Benjamin Anderson							

Report generated by AHIMS Web Service on 10/03/2020 for Marika Low for the following area at Datum :GDA, Zone : 56, Eastings : 283755 - 286607, Northings : 6255476 - 6256629 with a Buffer of 1000 meters. Additional Info : DD assessment. Number of Aboriginal sites and Aboriginal objects found is 20

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



Niche Environment and Heritage

A specialist environmental and heritage consultancy.

Head Office

Niche Environment and Heritage PO Box 2443 North Parramatta NSW 1750 Email: info@niche-eh.com

All mail correspondence should be through our Head Office