

31 July 2024

Colin Kane, Director Environment and Planning
Greater Hume Council
PO Box 99
Holbrook NSW 2644

Via Email, NSW Planning Portal

Dear Colin,

**Re: Aboriginal Heritage Due Diligence Assessment
Lots 136, 137 and 138 in DP753751 and Lot 1 in DP 240321 addressed as 2028
Culcairn-Holbrook Road, Morven**

This letter seeks to provide a Due Diligence Assessment in accordance with Section 8 of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* in support of a planning proposal for an amendment to the Greater Hume Shire Local Environmental Plan 2012 (LEP). In particular, the proposal seeks to rezone the subject site from RU4 Primary Production Small Lot Zone and RU1 Primary Production Zone to R5 Large Lot Residential Zone. Additionally, the proposal seeks to reduce the minimum lot size of from 8ha/100ha to 2ha.

1. Due Diligence Assessment

The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (Code of Practice) was introduced in September 2010. It outlines a method to undertake 'reasonable and practical' steps to determine whether a proposed activity has the potential to harm Aboriginal objects within the subject area, and thereby determine whether an application for an Aboriginal Heritage Impact Permit (AHIP) is required.

The planning proposal and resulting LEP amendment will not necessitate any ground disturbance, though subsequent development applications for residential construction may.

Section 8 of these guidelines sets out the generic due diligence process. The provisions of Section 8 of the Due Diligence Code of Practice are addressed in the following table:

Table 1 Due diligence assessment (adapted from Section 8 of the Due Diligence Code of Practice)

Step	Response
Step 1 – Will the activity disturb the ground surface or any culturally modified trees?	<p>There will be some ground disturbance associated with the eventual construction of a dwelling, however the majority of likely disturbance has already been made by the historical agricultural production on the site.</p> <p>For the purposes of the planning proposal and rezoning, no ground disturbance will occur.</p> <p>There are no culturally modified trees known to be on the subject land.</p>

Step 2a – Search the AHIMS database and use any other sources of information of which you are already aware	There are no recorded aboriginal archaeological sites on the AHIMS database or on the Heritage Map in the LEP within 1km of the subject land. A copy of the AHIMS report is attached.
Step 2b – Activities in areas where landscape features indicate the presence of Aboriginal objects	<p>The subject land is located approximately 1km north of Billabong Creek, which is an identified and known landscape feature that is known to be host to traditional landowners and Wiradjuri people.</p> <p>Notwithstanding, the area of proposed works has been highly modified by agricultural activity, is greater than 200m from the creek and is not expected to contain any items of Aboriginal cultural significance.</p>
Step 3 – Can you avoid harm to the object or disturbance of the landscape feature?	As outlined above, the subject site is already highly modified by agricultural activity. It is not expected to contain any items of Aboriginal cultural significance that warrant avoiding.
Step 4 – Desktop assessment and visual inspection	Not applicable. As above.
Step 5 – Further investigations and impact assessment	Not required

The due diligence assessment above considers the proposal is not likely to adversely affect any potential sites of Aboriginal Cultural Heritage. The land is considered highly disturbed and devoid of features that would signify occupation or would warrant further investigation.

While no application for an Aboriginal Heritage Impact Permit is deemed necessary at this stage, in accordance with the Code of Practice, any works should proceed with caution. In the event the applicant does identify or uncover an Aboriginal object during works, the items must be left in place and assessed by an appropriately qualified professional.

Should you have any queries please contact the undersigned directly on 6021 0662 or ashley@habitatplanning.com.au.



Ashley Mackey
Consultant