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Southwest Precinct, South Creek West, 705, 657, 621 & 421 The Northern Road, Bringelly Rezoning – Historical Heritage Study

BHL Group

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Template 2.8.1

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1. Introduction

1.1 Background

Eco Logical Australia (ELA) has been commissioned by BHL Group to prepare a Historical Heritage Study and Statement of Heritage Impact to assist BHL in the Precinct Planning processes for land located within the South West Growth Area (SWGA) which is being progressively rezoned to support residential growth.

In 2018 ELA prepared a desktop Aboriginal and historical heritage constraints assessment, for the Southwest land package that makes up part of the South Creek West Precincts, Bringelly NSW (Figure 1). The report found that historical heritage constraints were considered low as there are no known historical archaeological sites or heritage items within the study area, however field survey was recommended to assess archaeological potential. In addition, preparation of a Statement of Heritage Impact (SoHI) was recommended due to the close proximity of the locally listed Maryland Estate (to the north) and state heritage listed Denbigh Estate (to the south) to assess any impacts of the proposal on the significance of those items.

This report will identify and assess any potential impacts to any archaeological sites in the study area and assess any impacts to the significance of heritage items in the vicinity as a result of the proposal. Where necessary, mitigative measures and recommendations for the long-term conservation of heritage values will be provided.

1.2 Study area location

The South Creek West Land Release Area forms part of the South West Growth Area (SWGA). Given the scale of the release area, the Department of Planning, Industry and Environment (DPIE) divided it into five distinct precincts numbered 1 – 5. The land to which this Planning Proposal relates to is referred to as Cobbitty Sub-Precinct 5, also known as Precinct 5. It totals approximately 303 hectares and has been characterised by rural residential and agricultural land uses and activities.

The precinct was released by the Minister for Planning on 24 November 2017 for urban development. The release formally commenced the rezoning process for land within the precinct, including the subject site.

Precinct 5 is located within the south-west portion of the South Creek West Land Release (SCWLA) area within the suburb of Cobbitty in the Camden LGA. The Precinct adjoins the Lowes Creek Maryland Precinct, which has recently been rezoned to the north, the Pondicherry precinct to the east which is in the process of being rezoned and the growing town centre and suburbs of Oran Park to the south.

Figure 1 illustrates the site boundaries of the Cobbitty Precinct and SCWLA.

1.3 Proposal

BHL, as the major landholder in the precinct, seeks to initiate the preparation of a planning proposal for the rezoning of Precinct 5, consistent with the Draft Indicative Layout Plan (ILP). This is to facilitate the orderly redevelopment of Precinct 5 into a residential community.

The intended outcome of this Planning Proposal is to amend the current *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to facilitate the urban development of the Precinct 5 as part of the South West Growth Centre and envisaged in the Greater Sydney Commission's Regional Plan and District Plan.

The Draft ILP has been prepared to support the planning proposal and precinct rezoning and has been informed by extensive specialist consultant studies. The site will comprise approximately 3,750 dwellings and a population of 12,000 people within a thriving community supported by:

- Easy access to jobs in the Western Sydney Aerotropolis
- Local shops, community uses and services, and proximity to the Oran Park Town Centre
- 36.5 ha of open space
- Sporting fields, local parks, playgrounds and other nature-based recreation areas
- Pedestrian and cycling connections including a central green corridor
- A future local school
- Stormwater and services infrastructure

The proposed new planning controls comprise amendments to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and associated environmental planning instruments including the rezoning of the precinct to reflect land uses shown in the Draft ILP.

This Planning Proposal also seeks to introduce a site-specific Schedule to the *Camden Growth Centre Precincts Development Control Plan* to support the Precinct's development in accordance with the Draft ILP and supporting technical investigations.

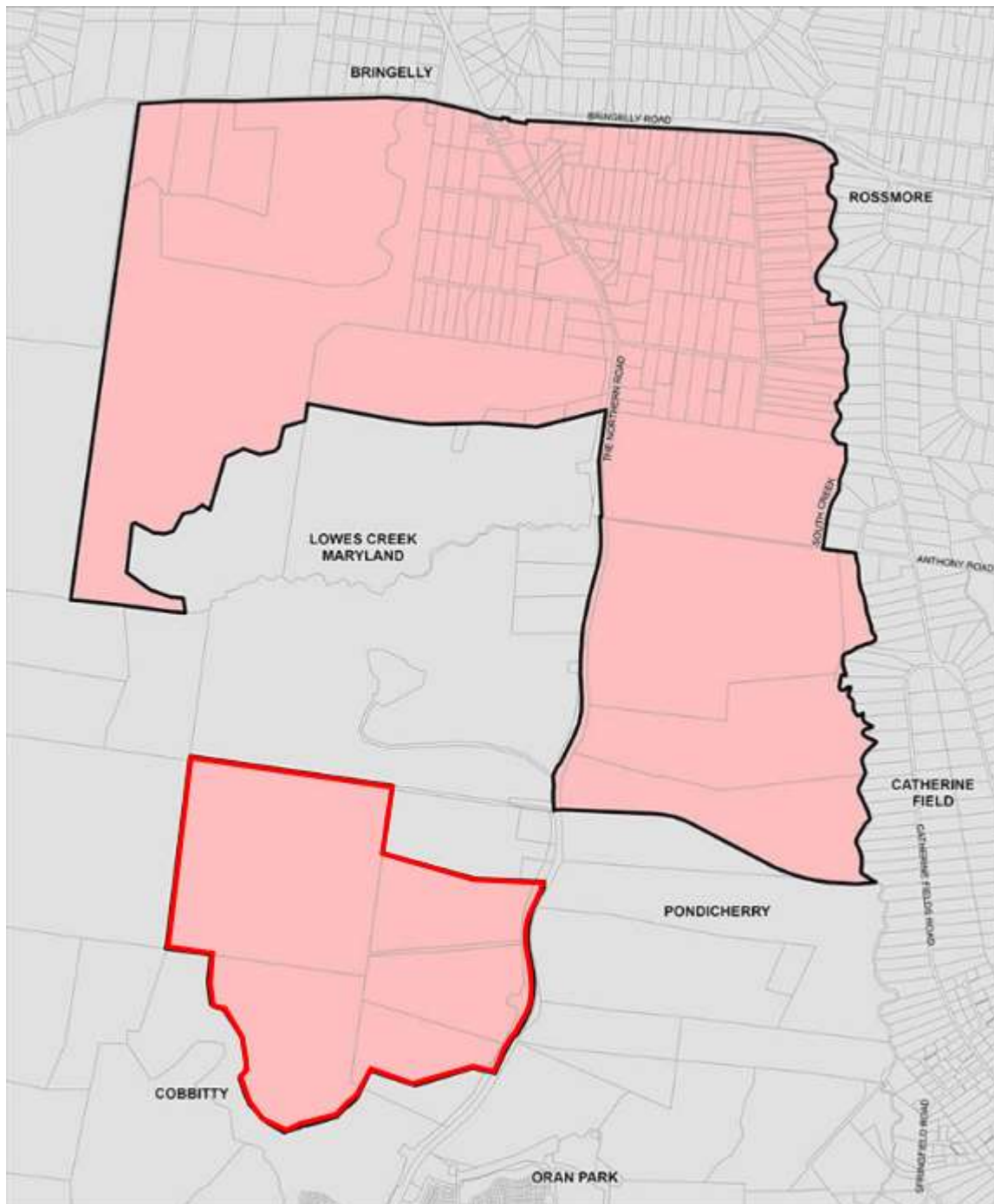


Figure 1: The Cobbitty precinct study area outlined red (Source BHL)



Figure 2 Location of study area in relation to locally listed Maryland to the north and State Listed Denbigh to the South

1.4 Methodology

This Heritage Impact Statement has been prepared in accordance with the NSW Heritage Manual 'Statements of Heritage Impact' (2002) and 'Assessing Heritage Significance' (2001) guidelines. The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999. The subject proposal has also been assessed in relation to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP).

1.5 Author identification

This report has been prepared by Karyn McLeod, ELA Principal Heritage Consultant, (BA Hons [Archaeology] University of Sydney, MA [Cultural Heritage] Deakin University) and reviewed by Jennifer Norfolk (MSc. Marine Archaeology Southampton University).

2. Site context

2.1 Site history

In 1805, John Macarthur circumvented a law preventing settlement of the area known as the Cowpastures, to the south west of the Nepean River, obtained a grant of 5,000 acres of land he named 'Camden'. It was not until 1812 that further land in the Cowpastures was granted by Governor Macquarie. Robert Lowe was one of the earliest settlers in the area after he was granted 1,000 acres he named 'Birling' in 1812. Charles Hook received a grant of 1,100 acres, known as 'Denbigh', and in 1816, 3,000 acres was granted to John Dixon which was known as 'Nonorrah'. The area known as the Cowpastures appealed to European settlers because there was little undergrowth to discourage the lush grasses that made it ideal for grazing cattle. By 1818 most of the Cowpastures land located in Parish of Cook, County Cumberland had been settled and was cleared for farming (Denbigh SHR listing).

A parish map dated to 1928 (Figure 3) demonstrates that the southwestern portion of the study area is located on part of the original Denbigh property. Charles Hook was a merchant and businessman who arrived in Sydney in June of 1808 to join the Australian branch of a shipping company called Campbells, Hook & Co. of which he was a partner. Hook was also an original shareholder in the Bank of New South Wales, a member of the general committee of the New South Wales Philanthropic Society and held office under Macquarie as a magistrate (Australian Dictionary of Biography 1966). Hook's company was bankrupted and dissolved in 1816 and Hook retired to his land grant where he died in 1826. At that time the property was growing wheat, maize, grapes and olives and the farming buildings were clustered around the main house (SHR Listing).

The property was purchased by the well-known parson Thomas Hassall, who extended the homestead and farm infrastructure, however the property remained a nucleus of farm buildings surrounded by agricultural and pastoral land. In 1866 Charles McIntosh, a Scottish farmer, leased land at Denbigh and purchased the following year when Thomas Hassall died. The McIntosh family remain in ownership of the property and it functions as a cattle stud (SHR Listing).

Following a landscape assessment and curtilage study completed for the McIntosh family in 2006 by a team of consultants, areas of the property that were assessed as being outside the core curtilage of the property were subdivided off to provide funds for the ongoing conservation and maintenance of the highly-significant main farm, its landscape, structures and buildings. The core curtilage area was listed on the State Heritage Register in 2006 and is reduced in size from the original 1,100 acre grant. The portion of the study area that was within the Denbigh property was not subject to development and remained agricultural and pastoral in use.

The majority of the study area is located on John Dixon's Nonorrah estate. Dixon was a Scottish engineer and millwright who arrived in Sydney in 1813 with Australia's first steam engine. Macquarie granted him three thousand acres and ten convicts in the Cowpastures area where he ran stock. Dixon returned to England in 1838 and the property was subdivided into smaller lots and sold between 1840 and 1854. Maryland is a remnant of Dixon's original grant and was purchased in 1854 by Thomas Barker who was Dixon's apprentice engineer. The current house was built by Barker and the property functioned as vineyard and cattle grazing property.

Lowes Creek separated Dixon's Nonorrah from Lowe's Birling to the north. The Northern Road traversed through Dixon's property and later the reduced curtilage of Maryland from Cobbitty Road in the south to Bringelly Road in the north and provided access to numerous land grants along its route. The study area does not contain any of the original homesteads or farming infrastructure associated with the early land grants.

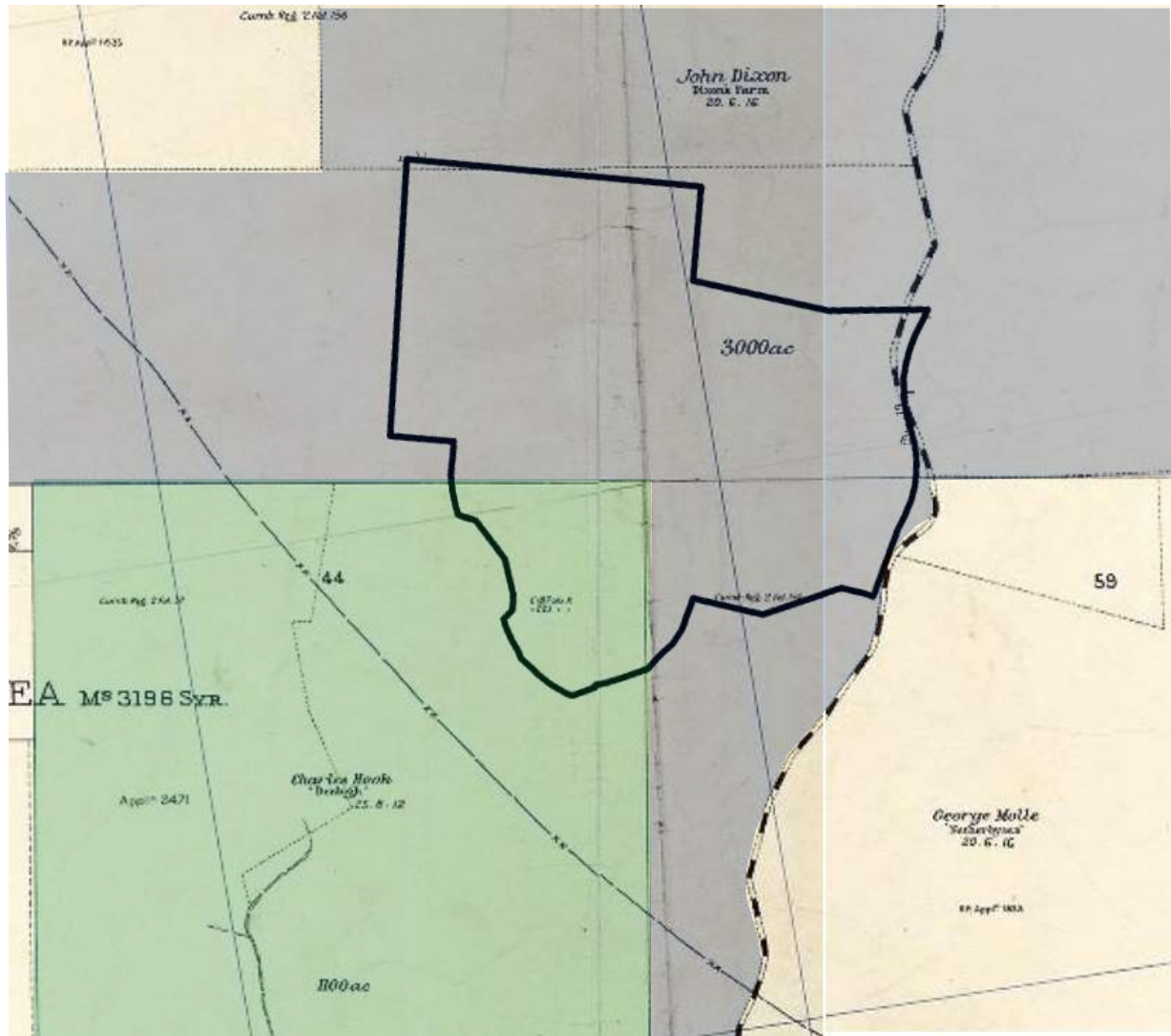


Figure 3: The study area overlain onto 1928 Parish of Cook map (HLRV LPI) Hook's property (green) and Dixon's (blue)

Bringelly was a name given to a district of Sydney in the early 19th century. The first Post Office in the area was opened in 1857 as Luddenham Post Office, but in 1863 was renamed Bringelly. The first public school at Bringelly was opened in 1878, and by that time most farmers in the area were farming dairy cattle and the large estates were in the process of subdivided into smaller farms.

In 1906 the Shire of Nepean was formed, covering the area from Hoxton Park in the west to the Nepean River and south as far as Narellan. In 1948, the amalgamation of Local Government Areas resulted in the suburb of Bringelly being split between Liverpool and Camden Councils as it remains today.

2.2 Site description

A site visit was conducted by ELA Principal Heritage Consultant Karyn McLeod on 1st May 2020. It was neither possible or necessary to survey the entirety of the study area, however targeted areas of potential were investigated on foot based on historical research and aerial mapping. Upgrades to The Northern Road limited access to some properties.

The study area is generally made up of a gently undulating landform and contains numerous waterways with associated chain-of-pond features running through the landscape connected with Lowes Creek to the south, South Creek to the east and Thompsons Creek to the west, as well as a number of artificial dams. This soil landscape contains hard setting brown clay loam (Bannerman & Hazelton 1990:92) that has principally been used for pastoral activities in the past. The study area is generally cleared with vegetation remaining on the ridge lines and creek lines.



Figure 4: The Northern Road and tree line of Lowes Creek to the north of the study area



Figure 5: Maryland, the main house is located on a rise surrounded by trees while the stables and sheds are located on the flats



Figure 6: Stone house on the Northern Road - part of the Maryland property



Figure 7: The study area, dam and pine trees planted along a fence line, view north east



Figure 8: The Northern Road large residential lot



Figure 9: Transmission line in the southern part of the study area



Figure 10: Ridgeline in the southern part of the study area and disturbed areas adjacent to the Northern Road



Figure 11: Photo 6 Oran Park development to the south of the study area and east of Denbigh

The study area contains a range of rural residences and grazing properties, the majority of which comprise modern houses and sheds. Both native and introduced trees have been planted to mark fence lines, driveways and boundaries and African Olive and Box Thorn have run rampant across much of the southern part of the study area. A transmission line runs through the southern part of study area roughly in an east/west direction. The Oran Park residential development is located to the south of the study area adjoining Denbigh.

The study area and Denbigh do not share a boundary and at their closest point are 120 m apart. A ridge line also prevents views to and from Denbigh from the study area.

The study area does not share a boundary with Maryland and is separated by an unnamed property access road along its north eastern margin.

3. Heritage Impact Assessment

3.1 Listing

The study area is not a listed heritage item, is not located in a Conservation Area and the site survey did not locate any potential heritage items or archaeological sites.

Denbigh, 421 The Northern Road, Cobbitty, to the south of the study area, is listed on the State Heritage Register (SHR) as item 1691.

Maryland, 773 The Northern Road, Bringelly, to the north of the study area, is listed on the Camden Local Environmental Plan (LEP) 2010 (Schedule 5) as item I1.

3.2 Previous heritage assessments

Eco Logical Australia, 2018. South Creek West Precincts, South West - Aboriginal and Historical Heritage Constraints Assessment. Prepared for Boyan Holdings Limited.

ELA prepared a desktop Aboriginal and historical heritage constraints assessment, for the South West land package. The report found that historical heritage constraints were considered low as there are no known historical archaeological sites or heritage items within the study area, however field survey and a Statement of Heritage Impact (SoHI) was recommended to assess archaeological potential of the study area and to assess any impacts of the proposal on Maryland Estate and Denbigh Estate. The study concluded that the potential for Aboriginal sites within the study areas was moderate to high, based on previously identified AHIMS sites within and adjacent to the study area, especially in areas that include creek lines and areas less disturbed by past agricultural practices.

Eco Logical Australia, 2018. Bringelly Residential Rezoning – Aboriginal and Historical Heritage Constraints Assessment. Prepared for Stockland.

ELA prepared a heritage assessment for four parcels of land along The Northern Road, Bringelly (part of which is located within the current study area) and two parcels of land along Chittick Lane, Cobbitty. The report found that historical heritage constraints were considered low as there are no known historical archaeological sites or heritage items within the study area. The study concluded that the potential for Aboriginal sites within the study areas was moderate to high, based on the landform presence of creek lines and previously identified AHIMS sites.

Tropman & Tropman Architects, 2017. Thomas Barker Estate: Maryland & Lowe's Birling Conservation Management Plan prepared for Macarthur Developments Pty Ltd.

This CMP was prepared for the NSW Department of Planning and Environment via Macarthur Developments Pty Ltd to review and update the existing documentation of the property, investigate and analyse the physical evidence available to formulate a statement of cultural significance, and to provide management guidelines to enable this significance to be retained in future use and development. The surrounding land is subject to rezoning.

Design 5 Architects, 2008. Denbigh 421 The Northern Road, Cobbitty, NSW 2570: Conservation Management Plan and Curtilage Study. Prepared for the Department of Planning.

The purpose of this study was to define those areas of the property essential to Denbigh's significance, and then to define those areas which could be alienated for urban development. The estate was subsequently listed on the NSW State Heritage Register. Relevant consultants were engaged by Design 5 to assist with the identification and assessment of significant Aboriginal archaeology, European historical significance and cultural landscape aesthetic significance. This report responds to the 2003 NSW Government release of rural land for urban development in the Bringelly area, the southern part of which includes the Denbigh estate.

3.3 Archaeological Potential

Archaeological Potential is defined as:

The degree of physical evidence present on an archaeological site, usually assessed on the basis of physical evaluation and historical research. Common units for describing archaeological potential are:

- known archaeological features/sites (high archaeological potential)
- potential archaeological features/sites (medium archaeological potential)
- no archaeological features/sites (low archaeological potential) (OEH 2011).

Using a series of aerial images and the history of the study area, the site survey targeted areas that were assessed to have archaeological potential. These included fence lines, stock yards, former access tracks, rubbish dumps and disturbed landforms. Apart from exotic plantings, and trees - generally pines, planted along fence lines, there was no evidence of previous structures, building materials, former roads or land use. All structures and access within the study area is modern.

The historical development of the study area does not indicate that there were ever any buildings constructed in the study area or activities undertaken that would result in an archaeological resource. The site survey confirmed that the study area has low archaeological potential and will not yield new or further substantial scientific and/or archaeological information.

3.4 Significance Assessment

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. These include historical, associative, social, aesthetic, scientific/technical, representative and rarity. There are two levels of heritage significance used in NSW: state and local.

3.4.1 Statement of Significance

Statements of heritage significance summarise a place's heritage values – why it is important, why a statutory listing was made to protect these values. Understanding these values leads to decisions that will retain these values in the future.

Denbigh

Denbigh is of State significance as an intact example of a continuously functioning early farm complex (1817-1820s) on its original 1812 land grant. It contains a rare and remarkable group of homestead, early farm buildings and associated plantings with characteristics of the Loudon model of homestead siting within an intact rural landscape setting fundamental to its interpretation. The large collection of early farm buildings is perhaps the most extensive and intact within the Cumberland/Camden region. It has historic associations with pioneering Anglican minister Thomas Hassall, as an early contact point between Aboriginal and European culture and is of social significance for the descendants of the Hassall and Macintosh families. It retains its historic views across the valley to Cobbitty in the west. The place is of scientific significance for its potential to reveal, through archaeology, evidence of both early European farming practices and aboriginal occupation. The significance of Denbigh is considerably enhanced by the extent to which it has retained its form, character, fabric and rural setting. The homestead and attendant farm buildings are an exceptionally rare and intact group of structures dating from the very early 19th century (State Heritage Register 2003).

Denbigh Estate is State significant due to its historical, social, aesthetic, scientific/technical and rarity values.

Maryland

Maryland is an outstanding complex of early homestead and farm buildings, especially significant for its completeness as a group, its excellent state of preservation, and the integration of the buildings, garden and magnificent setting. Includes many early buildings in good repair as well as buildings of special architectural interest. The winery and store may be the oldest winery buildings in Australia. The property has been in continuous occupation by only two families for over 130 years. It also has long associations with the surrounding district (State Heritage Register 2002).

Maryland is locally significant for its historical, social, representative and scientific/technical values.

Southwest Precinct

While the study area is associated with two significant early land grants, there is nothing on the site to demonstrate or reflect this association or connections with historically important activities or processes. The boundaries of the study area do not reflect the early land grants and the land has been used for farming activities like so many other allotments in the region. The study area has no evidence of creative or technical innovation or achievement nor does it have landmark qualities. The historical development of the study area does not suggest that there were ever any buildings constructed on the site or activities undertaken that would result in an archaeological resource and therefore the study area does not have potential to yield new or further substantial scientific and/or archaeological information.

The study area does not meet the threshold for local or state significance.

3.5 Proposal

Heritage Investigations are required to inform the Precinct Planning process, in particular the preparation of an Indicative Layout Plan (ILP) and the Precinct Planning Report which will be submitted to DoPIE for rezoning.

BHL, as the major landholder in the precinct, seeks to initiate the preparation of a planning proposal for the rezoning of Precinct 5, consistent with the Draft Indicative Layout Plan (ILP). This is to facilitate the orderly redevelopment of Precinct 5 into a residential community.

The intended outcome of this Planning Proposal is to amend the current *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to facilitate the urban development of Precinct 5 as part of the South West Growth Centre as envisaged in the Greater Sydney Commission's Regional Plan and District Plan.

The Draft ILP has been prepared to support the planning proposal and precinct rezoning and has been informed by extensive specialist consultant studies. The site will comprise approximately 3,800 dwellings and a population of approximately 12,000 people within a thriving community supported by:

- Easy access to jobs in the Western Sydney Aerotropolis
- Local shops, community uses and services, and proximity to the Oran Park Town Centre
- Over 78ha of open space, including 32 ha of sporting fields and local parks
- Open space typologies also include creeks, grasslands, playgrounds, and other nature-based recreations areas
- Pedestrian and cycling connections including a central green corridor
- Prominent creeks and riparian areas that retain water in the local environment
- A future local school
- Integrated stormwater and services infrastructure that improve local amenity.

The proposed new planning controls comprise amendments to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and associated environmental planning instruments including the rezoning of the precinct to reflect land uses shown in the Draft ILP.

This Planning Proposal also seeks to introduce a site-specific Schedule to the *Camden Growth Centre Precincts Development Control Plan* to support the Precincts development in accordance with the Draft ILP and supporting technical investigations.

Key Parameters

Key Parameter	ILP
Precinct name:	Cobbitty Sub Precinct 5 / (Precinct 5)
Proponent reference:	BHL Group
Total site size:	303.15 ha (approx. 303)
Total public open space:	31.79 ha (approx. 32)
Total passive open space:	16.8 ha (approx. 17)
Total active open space	14.99 ha (approx. 15)
Riparian corridor area:	40.93 ha (approx. 41)
Detention Basins:	14.8 ha (approx. 15)
Grassland areas (Easement)	5.67 ha (approx. 6)
Projected Dwelling Yield:	3,800 (approx. 3,800)

Key Parameter	ILP
Average Household Size:	3.1
Projected total population	11,903 (approx. 12,000)

3.6 Impacts

The curtilage of Denbigh follows a ridgeline and is over 100 m from the southern boundary of the study area. Views from Denbigh toward the study area are obscured by the ridgeline. Likewise, Denbigh cannot be seen from the study area. Sympathetic solutions for any impacts of future development that results from this subdivision have been considered and include open space covering portion of the southern boundary of the study area providing a vegetated buffer in the direction of Denbigh.

The northern boundary of the study area is currently separated from Maryland by an unnamed road which will be upgraded to provide access to the study area and the proposed Maryland Precinct. The heritage curtilage of Maryland is proposed to be considerably reduced allowing rezoning of additional land between the heritage item and the boundary of the study area. Views to and from Maryland and the study area will contain open space playing fields and low-density housing. The undulating terrain and tree plantings currently obscure views to and from Maryland and the study area.

- The study area is not a heritage item. There are no unidentified heritage items or potential archaeological sites in the study area and therefore there will be no heritage impacts to the study area as a result of the proposal.
- The proposal will not detrimentally impact on heritage significance of any of the heritage items in the vicinity of the study area including Denbigh and Maryland.
- Views to and from the study area do not contribute to the significance of Denbigh or Maryland.
- Denbigh and Maryland will retain the ability to be viewed and appreciated by the public, and users of the items.



Figure 12 Draft Indicative Layout Plan (ILP) (Design+Planning September 2021)

4. Statutory Controls

4.1.1 *Heritage Act 1977 (New South Wales)*

The *Heritage Act 1977* (NSW) provides protection of the environmental heritage of the State which includes places, buildings, works, relics, movable objects or precincts that are of State or local heritage significance.

The NSW State Heritage Register (SHR) is the statutory register under Part 3A of the NSW Heritage Act. Listing on the SHR means that any proposed works or alterations (unless exempted) to listed items must be approved by the Heritage Council or its delegates under section 60.

Section 57(2) of the Heritage Act provides for a number of potential exemptions to Section 57(1) approval requirements to reduce the need for approval of minor or regular works such as maintenance. Exempted development does not require prior Heritage Council approval. Standard exemptions do not apply to the disturbance, destruction, removal or exposure of archaeological relics.

Archaeological features and deposits are afforded statutory protection by the ‘relics provision’. Section 4(1) of the Heritage Act (as amended 2009) defines ‘relic’ as *any deposit, artefact, object or material that relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and is of State or Local heritage significance*. The ‘relics provision’ requires that no archaeological relics be disturbed or destroyed without prior consent from the Heritage Council of NSW.

Archaeological sites that are not located within a state heritage curtilage are protected under Section 139-140 of the *Heritage Act 1977* (Heritage Act). A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damage or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

The Heritage Council must be notified on the discovery of a relic under Section 146 of the Heritage Act.

- The study area is not a state listed heritage item nor are there any known archaeological sites. No approvals are required from the Heritage Council.

4.1.2 *Environmental Planning and Assessment Act 1979 (New South Wales)*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that consideration is given to environmental impacts as part of the land use planning process. In New South Wales, environmental impacts are interpreted as including cultural heritage impact. Proposed activities and development are considered under different parts of the EP&A Act, including:

- Major projects (State Significant Development under Part 4.1 and State Significant Infrastructure under Part 5.1) require the approval of the Minister for Planning;
- Minor or routine developments requiring local council consent are usually undertaken under Part 4 activities which, in limited circumstances, may require the Minister’s consent; and
- Part 5 activities which do not require development consent. These are often infrastructure projects approved by local councils or the State agency undertaking the project.

Development in the Camden Local Government Area (LGA) is controlled by Camden Local Environmental Plan 2010 . Land that is located within the South West Growth Area (SWGGA) is assessed under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP).

4.2 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP).

One of the aims of the SEPP is to protect and enhance land with natural and cultural heritage value. As the precinct planning process has not been finalised, specific controls applying to the South Creek West precincts have not been developed. General Heritage Conservation provisions have been developed for nearby land release areas such as the Oran Park Precinct which includes the following objectives;

- (a) to conserve the environmental heritage of the Oran Park Precinct and the Turner Road Precinct, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas including associated fabric, settings and views, and
- (c) to conserve archaeological sites, and
- (d) to conserve places of Aboriginal heritage significance.

5. Conclusion and Recommendations

CONCLUSION

The study area and surrounds are in the process of large scale rezoning as part of the SWGA. The study area has been used for cattle grazing since the earliest land grants were issued for the area and there is no evidence to suggest that there were previous structures or uses of the land. The study area has no heritage significance and the proposal will not impact on potential heritage items or archaeological sites.

Denbigh and Maryland are significant as early homestead and farm complexes and have historical social, aesthetic, scientific/technical values. The proposal does not obscure views to, and from, Denbigh and Maryland. The subdivision and future development of the study area is separated from the heritage items by either road or open space and does not compromise or impact the curtilage or significance of the heritage items.

RECOMMENDATIONS

Historical archaeological relics are protected under the *Heritage Act 1977* regardless of whether they are listed or not. Based on the results of this assessment, the study area has no archaeological potential therefore future subdivision, excavation and ground disturbance works associated with the proposal can go ahead without further approvals.

Future controls for the study area should consider roof heights of residences on the southern boundary of the study area are below the ridge line so that the future development of the study area will not result in visual impacts to Denbigh.

Unexpected finds

If any unexpected Aboriginal objects, historical heritage items or human skeletal remains are uncovered in any future works at the site, the works must cease, and the unexpected finds procedure must be followed.

An 'unexpected heritage find' can be defined as any unanticipated archaeological discovery, that has not been previously assessed or is not covered by an existing approval under the *Heritage Act 1977* (Heritage Act) or *National Parks and Wildlife Act 1974* (NPW Act). These discoveries are categorised as either:

- (a) Aboriginal objects (archaeological remains ie stone tools),
- (b) Historic (non-Aboriginal) heritage items (archaeological remains (ie artefacts) or movable objects),
- (c) Human skeletal remains.

Should any unexpected historical archaeology be uncovered during any future excavation works, the following procedure must be adhered to:

- Stop all work in the immediate area of the item and notify the Project Manager.
- Establish a 'no-go zone' around the item. Use high visibility fencing, where practical. Inform all site personnel about the no-go zone.

- No work is to be undertaken within this zone until further investigations are completed.
- Engage a suitably qualified and experienced Archaeologist to assess the finds.
- The Heritage Council must be notified if the finds are of local or state significance. Additional approvals will be required before works can recommence on site.
- If the item is assessed as not a 'relic', a 'heritage item' or an 'Aboriginal object' by the Archaeologist, work can proceed with advice provided in writing.

6. References

Australia ICOMOS, 1999. *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*, Australia ICOMOS, Burwood (revised 2013).

Design 5 Architects, 2008. *Denbigh 421 The Northern Road, Cobbitty, NSW 2570: Conservation Management Plan and Curtilage Study*. Prepared for the Department of Planning.

Eco Logical Australia, 2018. *South Creek West Precincts, South West - Aboriginal and Historical Heritage Constraints Assessment*. Prepared for Boyan Holdings Limited.

Eco Logical Australia, 2018. *Bringelly Residential Rezoning – Aboriginal and Historical Heritage Constraints Assessment*. Prepared for Stockland.

Hector Abrahams Architects, 2017. *Maryland and Birling Conservation Management Plan Grading of Significance and Policies*. Prepared for Camden Council.

Heritage Office and Department of Urban Affairs & Planning 1996, *NSW Heritage Manual*, Heritage Office and Department of Urban Affairs & Planning (NSW), Sydney.

Heritage Office, 2001. *Assessing Heritage Significance*, Heritage Office, Parramatta.

Heritage Office, 2002. *Statements of Heritage Impact*, Heritage Office, Parramatta.

Historical Land Records Viewer (HLRV) <https://online.nswlrs.com.au/wps/portal/six/services/hlrw/>

Land and Property Department - Six Maps: <https://maps.six.nsw.gov.au/>

State Heritage Inventory: <https://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>

Tropman & Tropman Architects, 2017. *Maryland Estate Conservation Management Plan*. Prepared for Macarthur Developments Pty Ltd.

