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**RE. TRANCHE 41 (PONDICHERRY PART-PRECINCT), SOUTH WEST PRIORITY GROWTH AREA
ASSESSMENT OF IMPACT ON ABORIGINAL CULTURAL HERITAGE**

Greenfields Development Company Pty Limited (GDC) is proposing to rezone a portion of the Pondicherry Priority Precinct known as Tranche 41 (Pondicherry part-precinct) ahead of the wider Pondicherry Priority Precinct located in the South West Priority Growth Area (SWPGA, formerly the South West Growth Area). The Tranche 41 rezoning area is shown on Figures 1 & 2 (attached).

Kelleher Nightingale Consulting Pty Ltd (KNC) has been engaged by GDC to undertake an assessment of the potential harm to Aboriginal heritage for the Tranche 41 rezoning area to facilitate the rezoning process. Review of background information, existing assessments and database searches have established that two Aboriginal archaeological sites containing Aboriginal objects exist within the boundaries of the Tranche 41 rezoning area.

The entirety of the Tranche 41 rezoning area has been subject to comprehensive Aboriginal heritage assessment undertaken as part of the wider Pondicherry Release Land Rezoning precinct planning process.

Previous Aboriginal Heritage Assessment

KNC has previously completed comprehensive Aboriginal archaeological and cultural heritage assessment for the Pondicherry Release Land Rezoning precinct planning process. This included a full consultation process with 34 registered Aboriginal stakeholders. The existing Aboriginal heritage assessment for the Pondicherry Release Lands includes the entirety of the Tranche 41 rezoning area. The following document has previously been prepared for the area:

- KNC, 2018 *Pondicherry Release Land Rezoning, South West Priority Growth Area: Aboriginal Heritage Assessment*. Report prepared for Greenfields Development Company No. 2 Pty Ltd and Department of Planning and Environment.

The assessment was based on the framework established by the former Sydney Growth Centres Commission, including the *Protocol for Aboriginal Stakeholder Involvement in the Assessment of Aboriginal Heritage in the Sydney Growth Centres* and *Precinct Assessment Method for Aboriginal Cultural Heritage in the Sydney Growth Centres*. The assessment was also prepared in accordance with the NSW Department of Planning, Infrastructure and Environment [formerly Office of Environment and Heritage (OEH)] requirements and guidelines relating to the assessment of Aboriginal heritage in NSW.

The Aboriginal heritage assessment undertaken for the wider Pondicherry Priority Precinct was undertaken in three key steps in order to build an understanding of opportunities and constraints to future development and appropriate land use of the Pondicherry Release Lands in relation to Aboriginal heritage. These involved gathering and analysing existing documentation (detailed desktop assessment- including a review of previous archaeological assessments, landscape context and ethnohistoric sources), identifying and assessing Aboriginal cultural heritage values (archaeological field survey and cultural heritage significance assessment) and finally, the development of land use and management options related to Aboriginal heritage to inform future development layouts for the precinct.

All steps of the assessment process were undertaken in consultation and with participation from 34 registered Aboriginal stakeholders for the Pondicherry Priority Precinct rezoning project. Registered Aboriginal stakeholders collectively identified Pondicherry as a significant area and determined that all sites within the Pondicherry Release Lands have cultural value and are significant to the local Aboriginal community.

The Pondicherry Release Land Rezoning assessment identified five Aboriginal archaeological sites and two areas of potential archaeological deposit (PAD) within the wider Pondicherry Priority Precinct as a result of archaeological field survey. Sites consisted of open context artefact sites and registered/previously identified locations of PAD. These results were consistent with predictions for the assessment area. Sites displayed scientific significance ranging from some (low) to moderate.

Indicative Structure Plan (ISP) assessment identified that all sites located within the Pondicherry Priority Precinct would be impacted by future development. Mitigation and management strategies were outlined for each site located within the assessment area should they be subject to harm as a result of future development.

In summary, the Pondicherry Release Land Rezoning Aboriginal heritage assessment determined that:

- All sites containing Aboriginal objects would be harmed by future development of the Pondicherry Priority Precinct according to the ISP. An Aboriginal heritage impact permit (AHIP) issued by the Office of Environment and Heritage under section 90(1) of the *National Parks and Wildlife Act 1974* is required prior to any activity which may harm an Aboriginal object.
- Mitigation measures (salvage excavation) would be required for all sites of moderate archaeological or high cultural value in order to mitigate harm to Aboriginal objects and loss of value resulting from development of the study area. An AHIP would be required prior to undertaking any mitigation activities.
- Consultation with registered Aboriginal stakeholders for the study area is ongoing. Consultation with registered stakeholders should continue in relation to future development activities within the study area. Consultation for seeking an AHIP should be undertaken in accordance with section 60 of the *National Parks and Wildlife Regulation 2019* and *DPIE Aboriginal cultural heritage consultation requirements for proponents 2010*.

With appropriate management and/or mitigation, it was determined that none of the identified Aboriginal heritage features should prevent development of the Pondicherry Priority Precinct.

The existing Aboriginal heritage assessment process for the wider Pondicherry Priority Precinct is compliant with relevant legislation and guidelines, including:

- *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (OEH 2010a)
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011)
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (OEH 2010b)
- *National Parks and Wildlife Act 1974*
- *National Parks and Wildlife Regulation 2019*

Results relating to Tranche 41

Two Aboriginal archaeological sites containing Aboriginal objects were identified within the Tranche 41 rezoning area as a result of the Pondicherry Release Land Rezoning Aboriginal heritage assessment. These include registered sites PAD 2038-6 (45-5-4035) and OPR-9 (45-5-3367).

PAD 2038-6 (45-5-4035)

This site comprises an area of potential archaeological deposit (PAD) adjacent to The Northern Road located along the western boundary of the Tranche 41 rezoning area (Figure 2). The site was assessed as displaying some (low to nil) archaeological significance due to more recent disturbance at the PAD location confirmed during archaeological survey, at the PAD location.

OPR-9 (45-5-3367)

This site comprises a low density artefact scatter situated on the slopes and creek flats adjacent to Anthony Creek located along the south and eastern boundaries of the Tranche 41 rezoning area (Figure 2). The site was assessed as displaying moderate archaeological significance, with moderate potential for intact subsurface archaeological deposit.

Conclusion and Recommendations

The Tranche 41 rezoning area has been subject to detailed and comprehensive assessment as part of the wider Pondicherry Release Lands rezoning Aboriginal heritage assessment. A full consultation process with 34 registered Aboriginal stakeholders is ongoing.

Based on the Indicative Layout Plan provided for the Tranche 41 rezoning area, archaeological sites PAD 2038-6 and OPR-9 will be impacted by future development. An AHIP will be required prior to the commencement of works affecting both archaeological sites. Based on its moderate archaeological significance, OPR-9 will also require archaeological mitigation in the form of salvage excavation prior to any impacts.

If you have any questions or require further information, please do not hesitate to contact me on 02 9232 5373 or email Matthew.Kelleher@knconsult.com.au.

Yours sincerely



Dr Matthew Kelleher
Director/Archaeologist



Figure 1. Location of proposed Tranche 41 rezoning area and Indicative Layout Plan



Figure 2. Location of AHIMS sites located within Tranche 41 Rezoning Area