

Your reference:

Our reference: AHIMS No. 3113 / FIL06/16729

Document number: 1116800

Contact: Lou Ewins (02) 9995 6830

TOSH PTY LTD,
DENBIGH, THE NORTHERN RD,
COBBITTY NSW 2570
STANDARD POST

OLIVE HILL PTY LTD,
BANGOR, 421 THE NORTHERN RD,
COBBITTY NSW 2570
STANDARD POST

ABORIGINAL HERITAGE IMPACT PERMIT

AHIP No: 1116799

Dear Mr Walsh

RE: Oran Park West s90 AHIP

I refer to the application for an Aboriginal Heritage Impact Permit under section 90 of the *National Parks and Wildlife Act 1974* (NPW Act), and accompanying information provided for the development of land within the Oran Park West precinct received by the Department of Environment, Climate Change and Water (NSW) (DECCW) on 9th December 2009 and additional information received 04/05/2010 and 05/07/2010 respectively.

DECCW has considered the application and supporting information provided and has decided to issue an AHIP subject to conditions. The AHIP is attached.

You should read the AHIP carefully and ensure you comply with its conditions. In particular please note that the permit:

- Excludes the 206.95 hectares which is the Denbigh Heritage Curtilage;
- Is of 7 years duration and commences on the date it is signed, in accordance with the conditions of the AHIP;
- Authorises the damage, destruction or defacement of any Aboriginal objects within the AHIP area only;
- Allows for the participation of local Aboriginal groups in a community collection of Aboriginal objects prior to undertaking activities that will damage Aboriginal objects.

Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



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You should note that it is an offence under the NPW Act to knowingly destroy, deface or damage, or knowingly cause or permit the destruction or defacement of (or damage to) an Aboriginal object or Aboriginal place without consent. The maximum penalty that a court may impose on an corporation for failing to comply with this AHIP is \$22,000.

The applicants may appeal to the Minister if dissatisfied with any condition of this AHIP. The appeal must be in writing and set out the basis for the appeal. The deadline for lodging the appeal is 28 days after the date this AHIP was issued.

If you have any questions, or wish to discuss this matter further please contact Lou Ewins on (02) 9995 6830.

Ms Lou Ewins

Manager Planning & Aboriginal Heritage Section

Metropolitan

(by Delegation)

Date: 07-Jul-2010

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



**Environment,
Climate Change
& Water**

AHIP number: 1116799

AHIMS number: 3113

AHIP Issued To:

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DENBIGH, THE NORTHERN RD,
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STANDARD POST

OLIVE HILL PTY LTD,
BANGOR, 421 THE NORTHERN RD,
COBBITTY NSW 2570
STANDARD POST

DECCW Office issuing this AHIP

Department of Environment, Climate Change and Water (NSW)
Metropolitan Branch
PO Box 668
Parramatta
NSW 2124
02 9995 6801
02 9995 6900

Short description of activity and/or location

Development of land for residential and commercial purposes in Oran Park West, Camden Local Government Area, New South Wales.

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

CONSENT TO DESTROY, DEFACE AND DAMAGE ABORIGINAL OBJECTS

Background

On 09-Dec-2009 an application was made to the Director-General of the Department of Environment, Climate Change and Water (DECCW) for a consent under s.90 of the National Parks and Wildlife Act 1974 ("NPW Act") in relation to Aboriginal objects located at Oran Park West Precinct, Camden. The Oran Park Precinct forms part of the South West Growth Centre land release area.

The application is connected to permits (#2921 & 2923) previously issued to the Growth Centres Commission under s87 of the NPW Act for the purposes of archaeological survey, excavation and salvage of Aboriginal objects on a precinct wide basis. Permit # 2921 related to the whole of the Oran Park Precinct and #2923 related to the whole of the Turner Road Precinct. DECCW has been advised that the works authorised by the s87 permits have now been completed.

State Environment Planning Policy (Sydney Region Growth Centres), gazetted on 28 July 2006 and amended on 21 December 2007, prescribes the zoning of the land within the area the subject of the AHIP application, including the identification of residential development areas, a local centre, public and private open space and environment conservation areas within the Oran Park precinct.

The information provided in support of this application was prepared in accordance with the Growth Centres Protocols for stakeholder involvement and the archaeological assessment methodology that was developed with DECCW and Aboriginal community stakeholders.

The Oran Park and Turner Road Waterfront Land Strategy, 1 May 2009, prepared by the Department of Planning (which now includes the former Growth Centres Commission) applies to riparian areas within the area the subject of the AHIP application. The strategy will allow for the restoration, rehabilitation and revegetation of riparian corridors to a more natural state and provide links with remnant vegetation within the Oran Park Precinct and throughout the South West Growth Centre. The strategy sets out the outcomes and requirements for controlled activities occurring within the riparian areas including environmental protection works. Development of land which complies with the requirements of the strategy will be exempt from the requirement to apply for a controlled activity approval under the Water Management Act 2000.

Oran Park West precinct consists of 428 hectares including the Denbigh Precinct, an area of land incorporating the historic Denbigh Homestead (Denbigh Heritage Curtilage). The Denbigh Heritage Curtilage incorporates an area of 206.95 hectares and is not subject to this AHIP. The present application covers 428 hectares within the Oran Park Precinct and seeks to obtain approval for the development of land within the AHIP area including proposed bulk earth works, the construction of residential dwellings and commercial premises and riparian protection works which will damage known Aboriginal objects within the AHIP area. The applicant has applied for a permit of 20 years duration.

An assessment of the Aboriginal cultural heritage values of the AHIP area was previously conducted on a precinct wide basis and extensive community consultation has been undertaken by both the AHIP holder and DECCW in relation to the proposal described in the application.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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It is proposed that a combined s87 and s90 AHIP be granted to the AHIP holder to carry out the works, subject to conditions.

In sum, the AHIP:

- excludes the 206.95 hectares which is the Denbigh Heritage Curtilage;
- Allows for the participation of local Aboriginal groups in the community collection of Aboriginal objects prior to undertaking activities that will damage Aboriginal objects;
- Authorises the damage, destruction or defacement of all Aboriginal objects within a 221.05 hectare area not otherwise protected by the AHIP; and
- Is of 7 years duration from the date of commencement.

A list of defined terms and information about this AHIP are included at the end of this AHIP.

Permit issued subject to conditions

A permit is issued to disturb or move Aboriginal objects identified in Schedule C but only as expressly provided by the conditions of this AHIP.

This permit is issued pursuant to section 87 of the National Parks and Wildlife Act 1974.

Consent given subject to conditions

A consent is given to destroy, deface and damage Aboriginal objects identified in Schedule E, in accordance with the conditions of this AHIP.

This consent is given pursuant to section 90 of the National Parks and Wildlife Act 1974.

Ms Lou Ewins

Manager Planning & Aboriginal Heritage Section

Metropolitan

(by Delegation)

DATED: 07-Jul-2010

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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CONDITIONS OF AHIP

Schedule A: Land to which this AHIP applies

The 221.05 hectare area bounded to the south by Cobbitty Road, to the east by The Northern Road and by land boundaries to the west and north (see **Attachment 1**– map of land to which this AHIP applies).

The Lot and DP number for this land is:

- Part Lot 2 DP1014583

Schedule B: Protected Aboriginal objects

1. Burials

All human remains in, on or under the land.

Schedule C: Aboriginal objects which may be disturbed or moved

Community Collection of known Aboriginal Objects

The collection of the following Aboriginal objects, where they are relocatable, but excluding any Aboriginal objects described in Schedule B.

AHIMS SITE ID	SITE NAME	SITE FEATURE	EASTINGS	NORTHINGS	DATUM – AGD or GDA
52-2-3538	OPM-1	Isolated find	289581	6234536	
45-5-3357	OPD-3	Open artefact scatter	289341	6235649	
45-5-3358	OPD-5	Isolated find	289458	6235843	
52-2-3535	OPD-14	Isolated find	289547	6234722	
52-2-3536	OPD-15	Open artefact scatter	288517	6233980	

Schedule D: Temporary storage location

Australian Museum, 6 College Street, Sydney, NSW 2010.

AHIP number: 1116799

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Schedule E: Aboriginal objects to be destroyed, damaged or defaced

All other Aboriginal objects within the AHIP area including those listed below. For avoidance of doubt, this does not include any of the protected Aboriginal objects described in Schedule B.

AHIMS SITE ID	SITE NAME	SITE FEATURE	EASTINGS	NORTHINGS	DATUM – AGD or GDA
52-2-3538	OPM-1	Isolated find	289581	6234536	
45-5-3357	OPD-3	Isolated find	289341	6235649	
45-5-3358	OPD-5	Isolated find	289458	6235843	
52-2-3535	OPD-14	Isolated find	289547	6234722	
52-2-3536	OPD-15	Open artefact scatter	288517	6233980	

Schedule F: Proposed works

The applicant currently has Development Consent (775/2008) to subdivide the land, with a view to obtaining consent for activities associated with the development of land within the AHIP area including bulk earthworks, the construction of residential dwellings, commercial premises and associated infrastructure, related community facilities and riparian protection works.

All activities associated with the community collection of Aboriginal objects.

The above description of works does not include works which may have occurred before the commencement of this AHIP.

COMMENCEMENT AND OVERSIGHT OF ACTIVITIES RELATING TO THIS AHIP

Commencement of AHIP

1. This AHIP commences on the date it is signed unless otherwise provided by this AHIP.
2. The AHIP holder must not commence activities that would damage, destroy or deface any Aboriginal objects specified in Schedule E, unless the following have taken place:
 - (a) the community collection of objects described in Schedule C has been completed; and
 - (b) the AHIP holder has notified the DECCW in writing that the community collection has been completed.

Duration of AHIP

3. Unless otherwise revoked in writing, this AHIP remains in force for **7 years** from the date of commencement.

Responsibility for compliance with conditions of AHIP

4. The AHIP holder must ensure that all persons involved in activities or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.
5. The AHIP holder must ensure that all persons involved in activities or works covered by this AHIP are provided with information relating to the Aboriginal cultural heritage values of the AHIP area, the location the protected Aboriginal object specified in Schedule B.
6. The information referred to in condition 5 must be consistent with this AHIP. The information referred to in condition 4 may be provided as part of any site induction training.

Information to be provided to future developers and purchasers

7. The AHIP holder must prepare an information package which sets out the responsibilities of individual lot owners in relation to Aboriginal cultural heritage issues and the options available to the owners in relation to the carrying out of works authorised by this AHIP.

Note: Any information package prepared may be tailored for particular lots to reflect any works, which may have already been undertaken on those lots by the AHIP holder.

8. The AHIP holder must submit the proposed information package to DECCW for approval at least 4 weeks prior to needing to provide the information to an individual lot owner.

Aboriginal Heritage Impact Permit

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9. DECCW may approve the proposed information package unconditionally or subject to written conditions.
10. The AHIP holder must provide a copy of the approved information package to any person who proposes to erect a residential dwelling on the land prior to the land being disposed of by the AHIP holder.
11. If the AHIP holder proposes to dispose of land within the AHIP area to a person who is a developer of multiple lots or who intends to develop multiple lots, the AHIP holder must ensure that the person is made aware prior to the disposal of the land of the need to apply for a separate AHIP.

Note: DECCW agrees that if an applicant for a separate AHIP proposes to undertake works already authorised by this AHIP, the applicant may rely on the cultural heritage assessment and consultation information obtained by the AHIP holder to inform the AHIP application.

Notification of commencement of work

12. Prior to the proposed commencement of activities authorised by this AHIP, the AHIP holder must give the DECCW office written notice of the proposed commencement date of those activities.

GENERAL OPERATIONAL CONDITIONS

Activities must not move or disturb Aboriginal objects

13. The AHIP holder must not move or disturb any Aboriginal objects within the AHIP area, except as otherwise expressly provided by a condition of this AHIP.

Activities must not damage Aboriginal objects

14. The AHIP holder must not damage Aboriginal objects within the AHIP area other than those Aboriginal objects specified in Schedule E.

PROTECTION OF ABORIGINAL OBJECTS

Protection of Aboriginal objects

15. The AHIP holder must ensure that Aboriginal objects specified in Schedule B (1) are not damaged.

COMMUNITY COLLECTION AND RELATED ACTIONS

Community Collection

16. The AHIP holder must provide a reasonable opportunity for community collection of Aboriginal objects described in Schedule C to be undertaken by the local Aboriginal groups.
17. Any community collection of Aboriginal objects must be undertaken under the supervision of a qualified archaeologist.
18. The AHIP holder must ensure that information about Aboriginal objects collected as part of the community collection is recorded in the following manner:
 - a) that the locations of the Aboriginal objects are recorded using GPS co-ordinates; and
 - b) the artefact scatter pattern is recorded.
19. The AHIP holder must notify DECCW in writing when the community collection authorised by this AHIP are completed.

Temporary storage of Aboriginal objects recovered as part of community collection under this AHIP

20. Aboriginal objects collected by way of community collection authorised by this AHIP must be moved as soon as practicable to the temporary storage location nominated in Schedule D, pending the resolution as to the long term storing or keeping of the Aboriginal objects.
21. The AHIP holder is responsible for the protection of any Aboriginal objects stored at each temporary storage location other than when the objects are at the Australian Museum.

Long term storage of Aboriginal objects recovered as part of community collection under this AHIP

22. The AHIP holder must use its best endeavours to ensure that Aboriginal objects recovered as part of community collection authorised by this AHIP are moved as soon as practical to the proposed keeping place that is to be established under AHIP # 1100632, issued to Landcom/GDC on 26th May 2009 for Oran Park East.

NOTIFICATION AND REPORTING CONDITIONS

Aboriginal Heritage Impact Permit

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Human remains

23. If any human remains are disturbed in, on or under the land, the AHIP holder must:
- not further disturb or move these remains;
 - immediately cease all work at the particular location;
 - notify DECCW's Environment Line on 131 555 and the local police as soon as practicable and provide any available details of the remains and their location; and
 - not recommence any work at the particular location unless authorised in writing by the DECCW.

Incidents which may breach the Act or AHIP

24. The AHIP holder must notify the DECCW office in writing as soon as practicable after becoming aware of:
- any contravention of s.90 or s.86 of the Act not authorised by an AHIP;
 - any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

25. Where an authorised officer reasonably suspects that an incident which may have breached the Act or AHIP has occurred, the officer may request in writing that the AHIP holder prepare a written report about that incident. The report must detail:
- the nature of the incident;
 - the nature and location of relevant Aboriginal objects or Aboriginal places, referring to and providing maps and photos where appropriate;
 - the impact of the incident on Aboriginal objects or Aboriginal places;
 - any conditions of an AHIP which may have been breached; and
 - the measures which have been taken or will be taken to prevent a recurrence of the incident.
26. The report must be provided to the DECCW office by the due date specified by the authorised officer.

Due date for report about the community collection of Aboriginal objects

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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27. The report detailing the community collection of Aboriginal objects must be provided to the DECCW office within **3 months** of the completion of the community collection authorised by this AHIP.

This report must include:

- a) details of the nature and type of Aboriginal objects collected at each site listed in Schedule C;
- b) a description of the methods of collection, the location recorded with GPS and the artefact scatter pattern recorded.

Report about damage to Aboriginal objects under s.90

28. The AHIP holder must prepare a report about the activities relating to the damage of Aboriginal objects as consented to by this AHIP, as soon as practicable after completing the activities. The report must:
- a. include a short summary of the report;
 - b. provide details of the objects which were fully or partially damaged in the course of undertaking the activities;
 - c. describe any ongoing consultation with or involvement of representatives of local Aboriginal groups in relation to this AHIP;
 - d. describe how any protected Aboriginal objects were managed during the period covered by the AHIP;
 - e. comment on the effectiveness of mitigation measures that were implemented; and
 - f. comment on the effectiveness of the management plan which was in place.

The report must be provided to the DECCW office within **3 months** of the completion of the activities authorised by this AHIP.

The AHIP holder must notify DECCW in writing when the activities authorised by this AHIP are completed.

Provision of copies of reports to local Aboriginal groups

29. The AHIP holder must provide a plain English summary of each report provided to the DECCW under this AHIP to each local Aboriginal group, within 14 days after each report is provided to the DECCW.

Copy of this AHIP to be provided to local Aboriginal groups

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



**Environment,
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30. The AHIP holder must provide a copy of this AHIP to each local Aboriginal group, within 14 days of receipt of the AHIP from DECCW.

OTHER GENERAL CONDITIONS

Indemnity

31. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Director-General of DECCW, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from
- a. any damage or destruction to any real or personal property; and
 - b. injury suffered or sustained (including death) by any persons arising out of or in connection with any activities undertaken pursuant to this AHIP.

Release

32. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Director-General of DECCW and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from
- a. any damage or destruction to any real or personal property; and
 - b. injury suffered or sustained (including death) by any persons arising out of or in connection with any activities undertaken pursuant to this AHIP.

Ongoing obligation to comply with due dates

33. Where a condition of this AHIP specifies a date by which something must be done or ceased to be done, the AHIP holder has a continuing obligation to comply with that condition after that date (subject to any written revocation or variation of the AHIP by DECCW).

Written notice

34. Any requirement to provide written notice to the DECCW office in this AHIP may be complied with by faxing the notice to the DECCW office's fax number or by sending by registered post to the DECCW office's address. The DECCW office's contact details are specified at the front of this AHIP.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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Provision of Aboriginal Site Impact Recording Form

35. The AHIP holder must provide a completed Aboriginal Site Impact Recording Form for each AHIMS site identified in Schedule C to the AHIMS Registrar within **4 months** of the completion of authorised works.

Note: the DECCW Aboriginal Site Impact Recording Form is available from the DECCW office and on the DECCW website at:

<http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>

DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object(s)	has the same meaning as in the Act
Aboriginal place	has the same meaning as in the Act
Act	means the National Parks and Wildlife Act 1974
AHIMS	means the Aboriginal Heritage Information Management System maintained by DECCW
AHIP holder	means the person listed on the cover page under the heading "AHIP issued to"
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Authorised officer	means an employee of the DECCW who is appointed as authorised officer under s.156B of the Act
Community collection	means the recovery of Aboriginal objects by representative(s) of the Aboriginal community
Damage	in relation to an Aboriginal object or Aboriginal place, unless otherwise specified in this AHIP, includes destruction and defacement
DECCW	Department of Environment, Climate Change and Water (NSW)
DECCW office	means the office listed on the cover page of this AHIP
Director-General	means the Director-General of DECCW
Invasive analysis	Any analysis of an Aboriginal object that damage the Aboriginal object
Land	means the land described at Schedule A
Local Aboriginal groups	means the following the following groups: <i>Tharawal Local Aboriginal Land Council</i> <i>220 West Parade, Couridjah, NSW 2571</i> <i>Contact: Robyn Straub</i> <i>Cubbitch Barta Native Title Claimants Aboriginal Corporation</i>

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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*55 Nightingale Road, Pheasants Nest, NSW 2574
Contact: Glenda Chalker*

*Darug Custodian Aboriginal Corporation
PO Box 81, Windsor, NSW 2756
Contact: Leanne Watson*

*Darug Tribal Aboriginal Corporation
PO Box 441, Blacktown, NSW 2148
Contact: Sandra Lee*

*Darug Aboriginal Cultural Heritage Assessments
90 Hermitage Road, Kurrajong Hills, NSW 2758
Contact: Gordon Morton*

Non-invasive analysis	Any analysis of an Aboriginal object that does not damage the Aboriginal object
Protected Aboriginal objects	means those Aboriginal objects which are described in Schedule B
Salvage	the recovery of Aboriginal objects in accordance with the archaeological research methodology accompanying the application, as modified by the conditions of this AHIP
Standards and Guidelines Kit	means the Aboriginal Cultural Heritage Standards and Guidelines Kit (NSW National Parks and Wildlife Service 1997) as amended or replaced from time to time

INFORMATION ABOUT THIS AHIP

Responsibilities of AHIP holder

The AHIP holder is responsible for ensuring the AHIP holder's employees, contractors, sub-contractors agents, invitees are made aware of and comply with the conditions of this AHIP.

Penalties for breach of the Act

Significant penalties can be imposed by a court for failure to obtain or breach of an AHIP. The DECCW can also issue penalty notices.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the National Parks and Wildlife Act

Newly identified Aboriginal objects need to be notified to the Director-General under s.91 of the Act using the form available on www.environment.nsw.gov.au

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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Stop work orders and interim protection orders may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth).

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the DECCW office in writing for a variation of any conditions of an AHIP. Requests for variations may need to be accompanied by evidence of further consultation with interested parties including Aboriginal stakeholders and in some cases may include payment of fees. The conditions of an AHIP may be varied at any time at the discretion of the Director-General. The AHIP holder may appeal a decision of the Director General to vary the conditions of the AHIP.

Transfer of AHIP

An AHIP is not transferable. The surrender or revocation of an existing AHIP could occur at the same time an AHIP is issued to a new AHIP holder.

Revocation of AHIP

An AHIP may be revoked at any time at the discretion of the Director General. Prior to revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in DECCW's possession in accordance with any lawful requirement.

Making copies of reports

Aboriginal Heritage Impact Permit

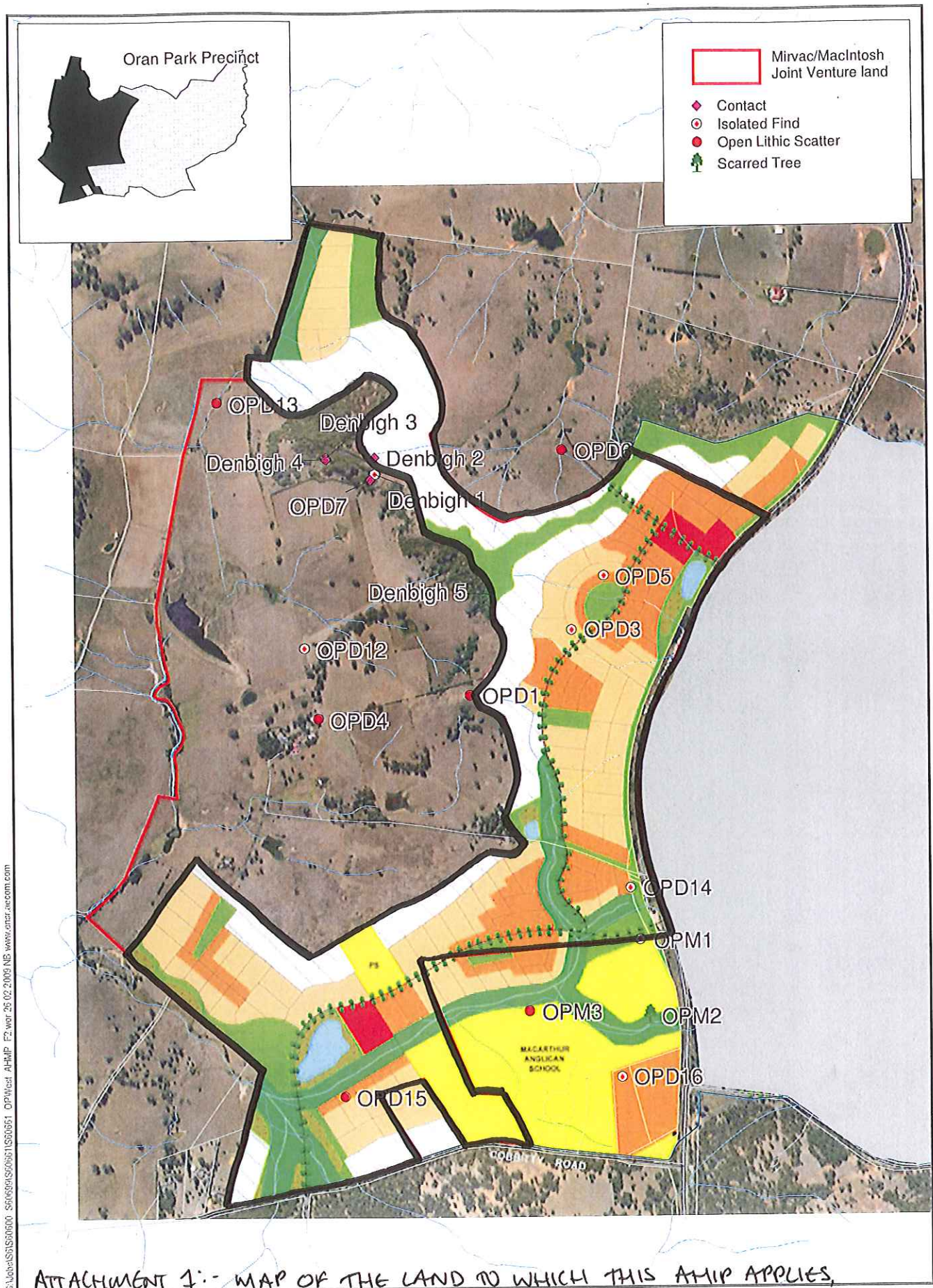
Section 90 of the National Parks and Wildlife Act 1974



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By providing a report, the AHIP holder acknowledges that DECCW can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

DECCW is able to make copies of any reports provided to DECCW under this AHIP.



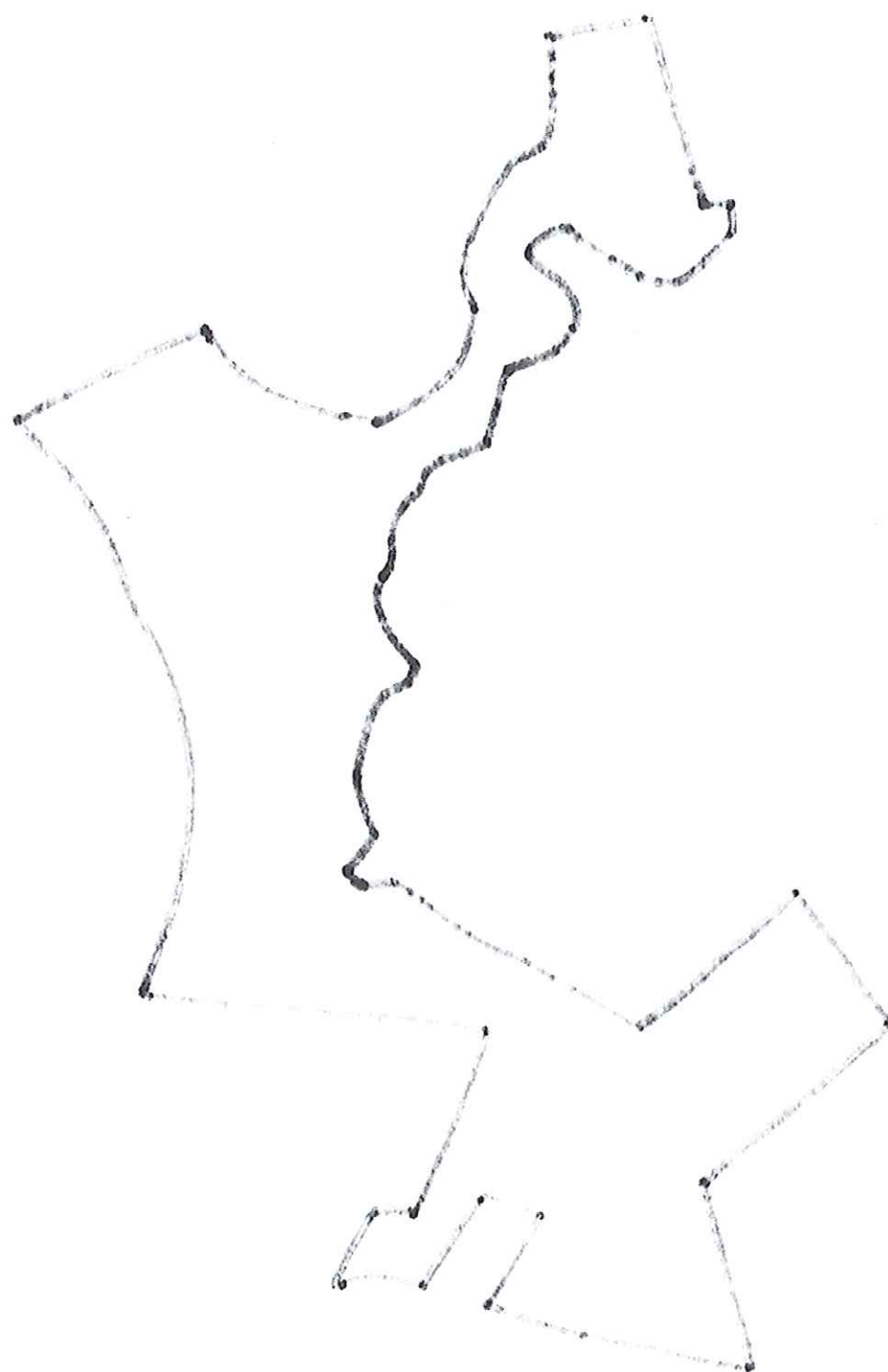
ENSR | AECOM



0 0.25 0.5 0.75 1 km

Figure F2 Interim Layout Plan

Mirvac
Aboriginal Heritage Management Plan
Oran Park Precinct
West of The Northern Road



Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

Your reference:

Our reference: AHIMS No. 3113 / SF17/24908

Notice number: C0002835

Contact: Fran Scully (02) 9995 6830

TOSH PTY LTD
DENBIGH, THE NORTHERN RD
COBBITTY, NSW 2570

OLIVE HILL PTY LTD
BANGOR, 421 THE NORTHERN RD
COBBITY, NSW 2570

NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. 1116799

Issued pursuant to section 90D(5) *National Parks and Wildlife Act 1974* (NPW Act)

BACKGROUND

- A. Tosh Pty Ltd and Olive Hill Pty Ltd (the applicants) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. 1116799 (the AHIP) granted under section 90D of the NPW Act. The AHIP authorises the carrying out of harm to Aboriginal objects within 221.05 hectares within the Oran Park West precinct (excluding the Denbigh Historic curtilage).
- B. OEH received the application on 1 June 2017.
- C. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

- 1. OEH has decided to grant this variation. By this notice OEH varies AHIP No. 1116799 in the following manner:

Variation 1

Condition 3 on page 6 of 15, which states that:

"Duration of AHIP

3. Unless otherwise revoked in writing, this AHIP remains in force for **7 years** from the date of commencement".

is replaced by:

"Duration of AHIP

3. Unless otherwise revoked in writing, this AHIP remains in force for **7 years** from the date of commencement of this variation, that is, until **28 June 2024**".

Notice number C0002835

Application Ref No. A08810-2017

Printed: 3:12:29 PM 26/06/2017

Variation of Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974



Office of
Environment
& Heritage

2. You must provide a copy of this AHIP variation notice to each Local Aboriginal Group referenced on pages 12 and 13 of AHIP number 1116799, within 14 days.

S. Harrison

SUSAN HARRISON

Senior Team Leader Planning

Greater Sydney Division

(by Delegation)

Date: 28 June 2017

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.
- You should read this Variation Notice carefully and ensure that you continue to comply with all conditions of the original AHIP 1116799 issued on 7 July 2010, as amended by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

- The variations to the AHIP specified in this notice begin to operate immediately from the date of this Variation Notice, unless another date is specified in this notice.

Variation of this notice

- This Variation Notice may only be varied by subsequent notices issued by OEH.

Appeals against this decision

- You can appeal against this decision to the Land and Environment Court. The deadline for lodging the appeal is 21 days after the date that this notice was issued.

Collection of Stone Artefacts from Aboriginal Sites at Oran Park Town (West)

Oran Park Growth Centre Precinct (West)



Collection of Stone Artefacts from Aboriginal Sites at Oran Park Town (West)

Oran Park Growth Centre Precinct (West)

Prepared for

Gray & Walsh

Prepared by

AECOM Australia Pty Ltd

Level 11, 44 Market Street, Sydney NSW 2000, PO Box Q410, QVB Post Office NSW 1230, Australia

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ABN 20 093 846 925

04 November 2010

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Quality Information

Document Collection of Stone Artefacts from Aboriginal Sites at Oran Park Town (West)

Ref 60159331

Date 04 November 2010

Prepared by Geordie Oakes

Reviewed by Luke Kirkwood



Revision History

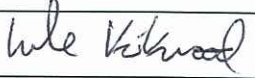
Revision	Revision Date	Details	Authorised	
			Name/Position	Signature
1	04-Nov-10	Technical Review	Luke Kirkwood	

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1.0 Introduction

AECOM Australia Pty Ltd (AECOM) was engaged by Gray & Walsh Pty Ltd to undertake a community collection of stone artefacts from Aboriginal sites within the western part of the Oran Park Growth Centre Precinct, known as the 'Denbigh Property'. This report has been prepared in fulfilment of condition 16-19 & 27 of Section 90 Aboriginal Heritage Impact Permit (AHIP) #1116799 dated 7 July 2010 issued to Tosh Pty Ltd and Olive Hill Pty Ltd. The report describes the methods and results of a surface collection of Aboriginal stone artefacts carried out on 28 October 2010 in fulfilment of the AHIP's conditions (**Appendix A**).

1.1 AHIP Conditions

Schedule C of the AHIP provides the following list of Aboriginal objects to be included in the community collection:

Table 1: Aboriginal Sites Collected

Site ID	Site Name	Site Type	MGA Easting ¹	MGA Northing
52-2-3538	OPM-1	Isolated find	289686	6234725
45-5-3357	OPD-3	Artefact scatter ²	289446	6235838
45-5-3358	OPD-5	Isolated find	289563	6236032
52-2-3535	OPD-14	Isolated find	289652	6234911
52-2-3536	OPD-15	Open artefact scatter	288622	6234169

Conditions 16 to 19 of the AHIP sets out the manner in which the artefacts are to be collected:

Community Collection

16. *The AHIP holder must provide a reasonable opportunity for community collection of Aboriginal objects described in Schedule C to be undertaken by the local Aboriginal groups.*
17. *Any community collection of Aboriginal objects must be undertaken under the supervision of a qualified archaeologist.*
18. *The AHIP holder must ensure that information about Aboriginal objects collected as part of the community collection is recorded in the following manner:*
 - a. *that the location of the Aboriginal objects are recorded using GPS co-ordinates; and*
 - b. *the artefact scatter is recorded.*

Condition 27 of the AHIP sets out the timeframe in which the report must be completed and what it must include:

Due date for report about the community collection of Aboriginal objects

27. *The report detailing the community collection of Aboriginal objects must be provided to the DECC office within 3 months of the completion of the community collection authorised by this AHIP.*

This report must include:

- a) *details of the nature and type of Aboriginal objects collected at each site listed in Schedule C; and*
- b) *a description of the methods of collection, the location recorded with GPS and the artefact scatter pattern recorded.*

¹ All co-ordinates are in GDA94 Zone 56

² JMCHM 2007 recorded this site as an isolated find, however DECCW have this site recorded as an artefact scatter. Two artefacts were collected from the site.

1.2 The Study Area

The land referred to here as 'Oran Park West – Denbigh Property' is located north of Camden in south-west Sydney. The Denbigh Property is bounded to the east by The Northern Road and to the south by Cobbitty Road (**Figure 1**). Parts of the property are being developed as part of Oran Park Township, however parts are being retained as the Denbigh estate is state heritage listed.

Denbigh property is located within Oran Park Precinct itself located towards the southern end of the Cumberland Plain and ranges in elevation from 162 m asl (above sea-level) in the northwest corner to 66 m asl on Cobbitty Creek. The landscape primarily comprises gently rolling hills and concave creek valleys. There are several prominent ridges, one of which commences at the north east part of Oran Park Precinct and continues south to the Nepean River. The land is situated on bedrock of Bringelly Shale with soils typically comprising of shallow topsoil of around 200 mm over clay B horizon soils. The land is located in the headwaters of tributaries of South Creek, which is variably a third or fourth order stream. South Creek is a major catchment of the Cumberland Plain and connects to the Hawkesbury River in the north.

1.3 Project Team

Fieldwork was conducted by the local Aboriginal groups working with Geordie Oakes as supervising archaeologist. The stakeholders and the persons representing them during fieldwork on the 28 October 2010 were:

- Cubbitch Barta Native Title Claimants Aboriginal Corporation (Glenda Chalker);
- Darug Aboriginal Cultural Heritage Assessments (Tim Wells);
- Darug Custodian Aboriginal Corporation (Leanne Watson);
- Darug Tribal Aboriginal Corporation (John Riley); and
- Tharawal LALC (Alfred Fazledeen).

Geordie Oakes prepared this report and undertook mapping.



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2.0 Methodology

2.1 Previous Site Recording

The Aboriginal sites listed in **Table 1** above were recorded during the initial Aboriginal heritage assessment of the land by JMCHM³ in 2007.

2.2 Collection and Field Recording Methods

The field collection was undertaken over one day on 28 October 2010.

Artefact collection in 2010 relied on the GPS coordinates and site descriptions provided in the 2007 survey report and included in AHIP Schedule C (**Table 1**). Site descriptions in the JMCHM 2007 survey report included a text description of the area where artefacts were originally observed as well as a description of artefacts observed.

The methodology employed for the collection consisted of locating the sites using a combination of AMG coordinates entered into a Differential GPS (Trimble GEO-XM) and written descriptions to locate the general area of the site. Hard copy maps had been prepared for each fieldwork team member highlighting the Schedule C sites for collection. The ground surface in the vicinity of each scheduled Aboriginal site was inspected by the field team. Where artefacts were identified, a GPS point was taken, along with the basic attributes of the artefacts. Due to heavy grass growth obscuring the ground surface, artefacts at two of the five sites were not located. Both these sites consisted of isolated artefacts making their relocation difficult.

2.3 Site Conditions – Constraints and Opportunities

The original archaeological survey recording of Oran Park East in February 2007 (JMCHM 2007) had been conducted towards the end of a period of sustained drought. The drought-affected areas afforded greater than normal ground surface visibility conditions. In addition to reduced grass cover and higher visibility along tracks, the extremely low level of farm dams had exposed large areas of normally inundated ground. For most sites, ground surface visibility in 2010 was far below the levels of 2007 as a result of heavy grass growth.

2.4 Analysis

Analysis of the artefactual material was limited to the requirements of the AHIP to demonstrate the scatter pattern. For descriptive purposes, the following attributes were recorded to allow basic descriptive comparison with assemblages recovered from the Phase 2 investigations: number of artefacts, raw material and artefact type.

2.5 AHIMS Register

An Aboriginal Site Impact Recording Form will be completed for each site impacted. This form is used to update AHIMS on the site's condition once an impact has occurred.

2.6 Storage of Artefacts

Condition 20, 21 and 22 of the AHIP sets out guidelines for the storage of the artefacts collected:

Temporary storage of Aboriginal objects recovered as part of the community collection under this AHIP

20. *Aboriginal objects collected by way of community collection authorised by this AHIP must be moved as soon as practicable to the temporary storage location nominated in Schedule D, pending the resolution as to the long term storing or keeping of the Aboriginal objects.*
21. *The AHIP holder is responsible for the protection of any Aboriginal artefacts stored at each temporary storage location other than when the objects are at the Australian Museum.*

Long term storage of Aboriginal objects recovered as part of the community collection under this AHIP

³ Jo McDonald Cultural Heritage Management Pty Ltd 2007 ***Archaeological Investigation of the Oran Park Precinct in the South West Growth Centre, Camden, NSW Stage 3 Report***, Report to APP

22. *The AHIP holder must use its best endeavours to ensure that Aboriginal objects recovered as part of the community collection authorised by this AHIP are moved as soon as practicable to the proposed keeping place that is to be established under AHIP #1100632, issued to Landcom/GDC on 26th May 2009 for Oran Park East.*

In accordance with the above conditions Aboriginal artefacts collected as part of this community collection (Oran Park West) will be placed with artefacts collected during the community collection for Oran Park East and stored in the nominated storage location defined in Schedule D – The Australian Museum, 6 College St, Sydney NSW 2010. At the time of writing this report AECOM has made a written request to the Australian Museum to store the artefacts and are awaiting a response.

3.0 Results

3.1 Artefact Numbers

A total of 11 Aboriginal artefacts were collected from the five sites designated for collection. Three of the five sites identified for collection consisted of isolated finds. The remaining two were artefact scatters. No artefacts were visible at two of the isolated find sites. The remaining isolated find was collected. Multiple artefacts were collected from both artefact scatters.

An additional three lithics not considered artefactual as a result of post collection analysis were also collected. These have been included here to avoid potential confusion over the artefact count.

The number of artefacts reported in 2007 is compared with numbers identified in 2010 in **Table 2**.

Table 2: Artefact Frequencies Compared 2007 & 2010

AHIMS Site #	Site Name	2007 Artefacts	2010 Artefacts	Comment
52-2-3538	OPM-1	1	2	Originally recorded as a single artefact broken into two pieces. Two artefacts were located in 2010 but were not considered part of a single artefact.
45-5-3357	OPD-3	1	2	The original description of this site did not match the GPS co-ordinates. However, two artefacts were located and collected at the GPS coordinates of the site.
45-5-3358	OPD-5	1	0	The artefact was recorded in 2007 as located at the base of a <i>eucalypt</i> , however, while the <i>eucalypt</i> was located, the artefact was not.
52-2-3535	OPD-14	1	0	The artefact was recorded in 2007 as located on an exposure along the fenceline bordering The Northern Road. Due to thick grass cover and the small size of the artefact (15x5x4 mm), it was not relocated in 2010.
52-2-3536	OPD-15	9	10	Nine artefacts were originally recorded by JMCHM (2007). In 2010, seven artefacts with clear diagnostic features, and three non-diagnostic lithics were collected (considered non-artefactual).

3.2 Artefact Characteristics

Six of the collected artefacts with diagnostic features were of red/brown silcrete; one was of quartz and three of mudstone.

Three non-diagnostic lithics were collected however post collection analysis determined that these were non-artefactual. These consisted of one possible petrified wood, one chert and one blue metal gravel.

Artefact frequencies are shown in **Table 3**.

Table 3: Artefact Raw Materials for Each Site Collected in 2010

Site	Silcrete	Indurated Mudstone	Quartz	Non Artefactual	Grand Total
OPM-1		2			2
OPD-3	2				2
OPD-5					0
OPD-14					0
OPD-15	5	1	1	2	10
Grand Total	7 (50%)	3 (21%)	1 (7%)	3 (22%)	14

For comparison, the Phase 2 investigation analysis of 4,780 artefacts(ENSR AECOM 2009) ⁴ had the following raw material proportions: silcrete 74%, indurated mudstone 15%, quartz 10%, and petrified wood and other raw materials <1%. The predominance of silcrete followed by indurated mudstone and quartz is reflected in the surface collected artefact assemblage.

Artefact types are predominantly angular shatter (N=5; 36%) and flake shatter (N=4; 29%) with one flake (N=1; 7%), retouched artefacts (N=1; 7%; geometric microlith) and three non-artefactual shatter fragments (21%).

Table 4: Artefact Types by Site

Type	Site					Total
	OPM-1	OPD-3	OPD-5	OPD-14	OPD-15	
Flake					1	1
Retouched artefact					1	1
Flaked shatter	1	1			2	4
Angular shatter	1	1			3	5
Other – non artefactual					3	3
Total	2	2	0	0	10	14

3.3 Scatter Pattern

Isolated Finds

Figure 2 shows the scatter pattern results from plotting the MGA coordinates of the artefacts collected in 2010. No comparative data is available for the 2007 survey. Due to the limited number of artefacts located at the sites, the scatter pattern does not demonstrate any particular patterning, but essentially shows that surface artefacts occur randomly across the region as 'background scatter'.

⁴ ENSR Australia (ENSR AECOM). 2009. *Phase 2 archaeological excavations – Oran Park and Turner Road Precincts, South West Sydney NSW*. Report for Landcom / Greenfields Development Corporation, Dart West Developments Pty Ltd and Paynter Dixon Golf Pty Ltd.

Artefact Scatter

The artefact scatter located on the dam wall at OPD-15 is likely to consist of topsoil stripped from the surrounding area to create the dam walls. Therefore, the density of artefacts at this location is likely to be artificially created and not the result of intensive occupation of the site.

3.4 Conclusion

Due the small number of artefacts located at the nominated sites, which were predominately isolated finds, the scatter pattern map does not offer any obvious insights into artefact distribution other than the area was used by Aboriginal people in the past. Such isolated finds or 'background scatter' have some scientific value by demonstrating the types of Aboriginal artefacts that occur in the area, but due to their low densities do not provide insights into the intensity of use, evidence of discrete activity areas or an indication of potential subsurface deposit.



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Appendix A

Section 90 AHIP

Appendix A Section 90 AHIP

Your reference:

Our reference: AHIMS No. 3113 / FIL06/16729

Document number: 1116800

Contact: Lou Ewins (02) 9995 6830

TOSH PTY LTD,
DENBIGH, THE NORTHERN RD,
COBBITTY NSW 2570
STANDARD POST

OLIVE HILL PTY LTD,
BANGOR, 421 THE NORTHERN RD,
COBBITTY NSW 2570
STANDARD POST

ABORIGINAL HERITAGE IMPACT PERMIT

AHIP No: 1116799

Dear Mr Walsh

RE: Oran Park West s90 AHIP

I refer to the application for an Aboriginal Heritage Impact Permit under section 90 of the *National Parks and Wildlife Act 1974* (NPW Act), and accompanying information provided for the development of land within the Oran Park West precinct received by the Department of Environment, Climate Change and Water (NSW) (DECCW) on 9th December 2009 and additional information received 04/05/2010 and 05/07/2010 respectively.

DECCW has considered the application and supporting information provided and has decided to issue an AHIP subject to conditions. The AHIP is attached.

You should read the AHIP carefully and ensure you comply with its conditions. In particular please note that the permit:

- Excludes the 206.95 hectares which is the Denbigh Heritage Curtilage;
- Is of 7 years duration and commences on the date it is signed, in accordance with the conditions of the AHIP;
- Authorises the damage, destruction or defacement of any Aboriginal objects within the AHIP area only;
- Allows for the participation of local Aboriginal groups in a community collection of Aboriginal objects prior to undertaking activities that will damage Aboriginal objects.

Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)



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You should note that it is an offence under the NPW Act to knowingly destroy, deface or damage, or knowingly cause or permit the destruction or defacement of (or damage to) an Aboriginal object or Aboriginal place without consent. The maximum penalty that a court may impose on an corporation for failing to comply with this AHIP is \$22,000.

The applicants may appeal to the Minister if dissatisfied with any condition of this AHIP. The appeal must be in writing and set out the basis for the appeal. The deadline for lodging the appeal is 28 days after the date this AHIP was issued.

If you have any questions, or wish to discuss this matter further please contact Lou Ewins on (02) 9995 6830.

Ms Lou Ewins

Manager Planning & Aboriginal Heritage Section

Metropolitan

(by Delegation)

Date: 07-Jul-2010

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



**Environment,
Climate Change
& Water**

AHIP number: 1116799

AHIMS number: 3113

AHIP Issued To:

TOSH PTY LTD,
DENBIGH, THE NORTHERN RD,
COBBITTY NSW 2570
STANDARD POST

OLIVE HILL PTY LTD,
BANGOR, 421 THE NORTHERN RD,
COBBITTY NSW 2570
STANDARD POST

DECCW Office issuing this AHIP

Department of Environment, Climate Change and Water (NSW)
Metropolitan Branch
PO Box 668
Parramatta
NSW 2124
02 9995 6801
02 9995 6900

Short description of activity and/or location

Development of land for residential and commercial purposes in Oran Park West, Camden Local Government Area, New South Wales.

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

CONSENT TO DESTROY, DEFACE AND DAMAGE ABORIGINAL OBJECTS

Background

On 09-Dec-2009 an application was made to the Director-General of the Department of Environment, Climate Change and Water (DECCW) for a consent under s.90 of the National Parks and Wildlife Act 1974 ("NPW Act") in relation to Aboriginal objects located at Oran Park West Precinct, Camden. The Oran Park Precinct forms part of the South West Growth Centre land release area.

The application is connected to permits (#2921 & 2923) previously issued to the Growth Centres Commission under s87 of the NPW Act for the purposes of archaeological survey, excavation and salvage of Aboriginal objects on a precinct wide basis. Permit # 2921 related to the whole of the Oran Park Precinct and #2923 related to the whole of the Turner Road Precinct. DECCW has been advised that the works authorised by the s87 permits have now been completed.

State Environment Planning Policy (Sydney Region Growth Centres), gazetted on 28 July 2006 and amended on 21 December 2007, prescribes the zoning of the land within the area the subject of the AHIP application, including the identification of residential development areas, a local centre, public and private open space and environment conservation areas within the Oran Park precinct.

The information provided in support of this application was prepared in accordance with the Growth Centres Protocols for stakeholder involvement and the archaeological assessment methodology that was developed with DECCW and Aboriginal community stakeholders.

The Oran Park and Turner Road Waterfront Land Strategy, 1 May 2009, prepared by the Department of Planning (which now includes the former Growth Centres Commission) applies to riparian areas within the area the subject of the AHIP application. The strategy will allow for the restoration, rehabilitation and revegetation of riparian corridors to a more natural state and provide links with remnant vegetation within the Oran Park Precinct and throughout the South West Growth Centre. The strategy sets out the outcomes and requirements for controlled activities occurring within the riparian areas including environmental protection works. Development of land which complies with the requirements of the strategy will be exempt from the requirement to apply for a controlled activity approval under the Water Management Act 2000.

Oran Park West precinct consists of 428 hectares including the Denbigh Precinct, an area of land incorporating the historic Denbigh Homestead (Denbigh Heritage Curtilage). The Denbigh Heritage Curtilage incorporates an area of 206.95 hectares and is not subject to this AHIP. The present application covers 428 hectares within the Oran Park Precinct and seeks to obtain approval for the development of land within the AHIP area including proposed bulk earth works, the construction of residential dwellings and commercial premises and riparian protection works which will damage known Aboriginal objects within the AHIP area. The applicant has applied for a permit of 20 years duration.

An assessment of the Aboriginal cultural heritage values of the AHIP area was previously conducted on a precinct wide basis and extensive community consultation has been undertaken by both the AHIP holder and DECCW in relation to the proposal described in the application.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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It is proposed that a combined s87 and s90 AHIP be granted to the AHIP holder to carry out the works, subject to conditions.

In sum, the AHIP:

- excludes the 206.95 hectares which is the Denbigh Heritage Curtilage;
- Allows for the participation of local Aboriginal groups in the community collection of Aboriginal objects prior to undertaking activities that will damage Aboriginal objects;
- Authorises the damage, destruction or defacement of all Aboriginal objects within a 221.05 hectare area not otherwise protected by the AHIP; and
- Is of 7 years duration from the date of commencement.

A list of defined terms and information about this AHIP are included at the end of this AHIP.

Permit issued subject to conditions

A permit is issued to disturb or move Aboriginal objects identified in Schedule C but only as expressly provided by the conditions of this AHIP.

This permit is issued pursuant to section 87 of the National Parks and Wildlife Act 1974.

Consent given subject to conditions

A consent is given to destroy, deface and damage Aboriginal objects identified in Schedule E, in accordance with the conditions of this AHIP.

This consent is given pursuant to section 90 of the National Parks and Wildlife Act 1974.

Ms Lou Ewins

Manager Planning & Aboriginal Heritage Section

Metropolitan

(by Delegation)

DATED: 07-Jul-2010

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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CONDITIONS OF AHIP

Schedule A: Land to which this AHIP applies

The 221.05 hectare area bounded to the south by Cobbitty Road, to the east by The Northern Road and by land boundaries to the west and north (see **Attachment 1**– map of land to which this AHIP applies).

The Lot and DP number for this land is:

- Part Lot 2 DP1014583

Schedule B: Protected Aboriginal objects

1. Burials

All human remains in, on or under the land.

Schedule C: Aboriginal objects which may be disturbed or moved

Community Collection of known Aboriginal Objects

The collection of the following Aboriginal objects, where they are relocatable, but excluding any Aboriginal objects described in Schedule B.

AHIMS SITE ID	SITE NAME	SITE FEATURE	EASTINGS	NORTHINGS	DATUM – AGD or GDA
52-2-3538	OPM-1	Isolated find	289581	6234536	
45-5-3357	OPD-3	Open artefact scatter	289341	6235649	
45-5-3358	OPD-5	Isolated find	289458	6235843	
52-2-3535	OPD-14	Isolated find	289547	6234722	
52-2-3536	OPD-15	Open artefact scatter	288517	6233980	

Schedule D: Temporary storage location

Australian Museum, 6 College Street, Sydney, NSW 2010.

AHIP number: 1116799

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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Schedule E: Aboriginal objects to be destroyed, damaged or defaced

All other Aboriginal objects within the AHIP area including those listed below. For avoidance of doubt, this does not include any of the protected Aboriginal objects described in Schedule B.

AHIMS SITE ID	SITE NAME	SITE FEATURE	EASTINGS	NORTHINGS	DATUM – AGD or GDA
52-2-3538	OPM-1	Isolated find	289581	6234536	
45-5-3357	OPD-3	Isolated find	289341	6235649	
45-5-3358	OPD-5	Isolated find	289458	6235843	
52-2-3535	OPD-14	Isolated find	289547	6234722	
52-2-3536	OPD-15	Open artefact scatter	288517	6233980	

Schedule F: Proposed works

The applicant currently has Development Consent (775/2008) to subdivide the land, with a view to obtaining consent for activities associated with the development of land within the AHIP area including bulk earthworks, the construction of residential dwellings, commercial premises and associated infrastructure, related community facilities and riparian protection works.

All activities associated with the community collection of Aboriginal objects.

The above description of works does not include works which may have occurred before the commencement of this AHIP.

COMMENCEMENT AND OVERSIGHT OF ACTIVITIES RELATING TO THIS AHIP

Commencement of AHIP

1. This AHIP commences on the date it is signed unless otherwise provided by this AHIP.
2. The AHIP holder must not commence activities that would damage, destroy or deface any Aboriginal objects specified in Schedule E, unless the following have taken place:
 - (a) the community collection of objects described in Schedule C has been completed; and
 - (b) the AHIP holder has notified the DECCW in writing that the community collection has been completed.

Duration of AHIP

3. Unless otherwise revoked in writing, this AHIP remains in force for **7 years** from the date of commencement.

Responsibility for compliance with conditions of AHIP

4. The AHIP holder must ensure that all persons involved in activities or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.
5. The AHIP holder must ensure that all persons involved in activities or works covered by this AHIP are provided with information relating to the Aboriginal cultural heritage values of the AHIP area, the location the protected Aboriginal object specified in Schedule B.
6. The information referred to in condition 5 must be consistent with this AHIP. The information referred to in condition 4 may be provided as part of any site induction training.

Information to be provided to future developers and purchasers

7. The AHIP holder must prepare an information package which sets out the responsibilities of individual lot owners in relation to Aboriginal cultural heritage issues and the options available to the owners in relation to the carrying out of works authorised by this AHIP.

Note: Any information package prepared may be tailored for particular lots to reflect any works, which may have already been undertaken on those lots by the AHIP holder.

8. The AHIP holder must submit the proposed information package to DECCW for approval at least 4 weeks prior to needing to provide the information to an individual lot owner.

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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9. DECCW may approve the proposed information package unconditionally or subject to written conditions.
10. The AHIP holder must provide a copy of the approved information package to any person who proposes to erect a residential dwelling on the land prior to the land being disposed of by the AHIP holder.
11. If the AHIP holder proposes to dispose of land within the AHIP area to a person who is a developer of multiple lots or who intends to develop multiple lots, the AHIP holder must ensure that the person is made aware prior to the disposal of the land of the need to apply for a separate AHIP.

Note: DECCW agrees that if an applicant for a separate AHIP proposes to undertake works already authorised by this AHIP, the applicant may rely on the cultural heritage assessment and consultation information obtained by the AHIP holder to inform the AHIP application.

Notification of commencement of work

12. Prior to the proposed commencement of activities authorised by this AHIP, the AHIP holder must give the DECCW office written notice of the proposed commencement date of those activities.

GENERAL OPERATIONAL CONDITIONS

Activities must not move or disturb Aboriginal objects

13. The AHIP holder must not move or disturb any Aboriginal objects within the AHIP area, except as otherwise expressly provided by a condition of this AHIP.

Activities must not damage Aboriginal objects

14. The AHIP holder must not damage Aboriginal objects within the AHIP area other than those Aboriginal objects specified in Schedule E.

PROTECTION OF ABORIGINAL OBJECTS

Protection of Aboriginal objects

15. The AHIP holder must ensure that Aboriginal objects specified in Schedule B (1) are not damaged.

COMMUNITY COLLECTION AND RELATED ACTIONS

Community Collection

16. The AHIP holder must provide a reasonable opportunity for community collection of Aboriginal objects described in Schedule C to be undertaken by the local Aboriginal groups.
17. Any community collection of Aboriginal objects must be undertaken under the supervision of a qualified archaeologist.
18. The AHIP holder must ensure that information about Aboriginal objects collected as part of the community collection is recorded in the following manner:
 - a) that the locations of the Aboriginal objects are recorded using GPS co-ordinates; and
 - b) the artefact scatter pattern is recorded.
19. The AHIP holder must notify DECCW in writing when the community collection authorised by this AHIP are completed.

Temporary storage of Aboriginal objects recovered as part of community collection under this AHIP

20. Aboriginal objects collected by way of community collection authorised by this AHIP must be moved as soon as practicable to the temporary storage location nominated in Schedule D, pending the resolution as to the long term storing or keeping of the Aboriginal objects.
21. The AHIP holder is responsible for the protection of any Aboriginal objects stored at each temporary storage location other than when the objects are at the Australian Museum.

Long term storage of Aboriginal objects recovered as part of community collection under this AHIP

22. The AHIP holder must use its best endeavours to ensure that Aboriginal objects recovered as part of community collection authorised by this AHIP are moved as soon as practical to the proposed keeping place that is to be established under AHIP # 1100632, issued to Landcom/GDC on 26th May 2009 for Oran Park East.

NOTIFICATION AND REPORTING CONDITIONS

Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974



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Human remains

23. If any human remains are disturbed in, on or under the land, the AHIP holder must:
- not further disturb or move these remains;
 - immediately cease all work at the particular location;
 - notify DECCW's Environment Line on 131 555 and the local police as soon as practicable and provide any available details of the remains and their location; and
 - not recommence any work at the particular location unless authorised in writing by the DECCW.

Incidents which may breach the Act or AHIP

24. The AHIP holder must notify the DECCW office in writing as soon as practicable after becoming aware of:
- any contravention of s.90 or s.86 of the Act not authorised by an AHIP;
 - any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

25. Where an authorised officer reasonably suspects that an incident which may have breached the Act or AHIP has occurred, the officer may request in writing that the AHIP holder prepare a written report about that incident. The report must detail:
- the nature of the incident;
 - the nature and location of relevant Aboriginal objects or Aboriginal places, referring to and providing maps and photos where appropriate;
 - the impact of the incident on Aboriginal objects or Aboriginal places;
 - any conditions of an AHIP which may have been breached; and
 - the measures which have been taken or will be taken to prevent a recurrence of the incident.
26. The report must be provided to the DECCW office by the due date specified by the authorised officer.

Due date for report about the community collection of Aboriginal objects

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27. The report detailing the community collection of Aboriginal objects must be provided to the DECCW office within **3 months** of the completion of the community collection authorised by this AHIP.

This report must include:

- a) details of the nature and type of Aboriginal objects collected at each site listed in Schedule C;
- b) a description of the methods of collection, the location recorded with GPS and the artefact scatter pattern recorded.

Report about damage to Aboriginal objects under s.90

28. The AHIP holder must prepare a report about the activities relating to the damage of Aboriginal objects as consented to by this AHIP, as soon as practicable after completing the activities. The report must:
- a. include a short summary of the report;
 - b. provide details of the objects which were fully or partially damaged in the course of undertaking the activities;
 - c. describe any ongoing consultation with or involvement of representatives of local Aboriginal groups in relation to this AHIP;
 - d. describe how any protected Aboriginal objects were managed during the period covered by the AHIP;
 - e. comment on the effectiveness of mitigation measures that were implemented; and
 - f. comment on the effectiveness of the management plan which was in place.

The report must be provided to the DECCW office within **3 months** of the completion of the activities authorised by this AHIP.

The AHIP holder must notify DECCW in writing when the activities authorised by this AHIP are completed.

Provision of copies of reports to local Aboriginal groups

29. The AHIP holder must provide a plain English summary of each report provided to the DECCW under this AHIP to each local Aboriginal group, within 14 days after each report is provided to the DECCW.

Copy of this AHIP to be provided to local Aboriginal groups

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30. The AHIP holder must provide a copy of this AHIP to each local Aboriginal group, within 14 days of receipt of the AHIP from DECCW.

OTHER GENERAL CONDITIONS

Indemnity

31. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Director-General of DECCW, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from
- a. any damage or destruction to any real or personal property; and
 - b. injury suffered or sustained (including death) by any persons arising out of or in connection with any activities undertaken pursuant to this AHIP.

Release

32. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Director-General of DECCW and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from
- a. any damage or destruction to any real or personal property; and
 - b. injury suffered or sustained (including death) by any persons arising out of or in connection with any activities undertaken pursuant to this AHIP.

Ongoing obligation to comply with due dates

33. Where a condition of this AHIP specifies a date by which something must be done or ceased to be done, the AHIP holder has a continuing obligation to comply with that condition after that date (subject to any written revocation or variation of the AHIP by DECCW).

Written notice

34. Any requirement to provide written notice to the DECCW office in this AHIP may be complied with by faxing the notice to the DECCW office's fax number or by sending by registered post to the DECCW office's address. The DECCW office's contact details are specified at the front of this AHIP.

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Provision of Aboriginal Site Impact Recording Form

35. The AHIP holder must provide a completed Aboriginal Site Impact Recording Form for each AHIMS site identified in Schedule C to the AHIMS Registrar within **4 months** of the completion of authorised works.

Note: the DECCW Aboriginal Site Impact Recording Form is available from the DECCW office and on the DECCW website at:

<http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>

DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

Aboriginal object(s)	has the same meaning as in the Act
Aboriginal place	has the same meaning as in the Act
Act	means the National Parks and Wildlife Act 1974
AHIMS	means the Aboriginal Heritage Information Management System maintained by DECCW
AHIP holder	means the person listed on the cover page under the heading "AHIP issued to"
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Authorised officer	means an employee of the DECCW who is appointed as authorised officer under s.156B of the Act
Community collection	means the recovery of Aboriginal objects by representative(s) of the Aboriginal community
Damage	in relation to an Aboriginal object or Aboriginal place, unless otherwise specified in this AHIP, includes destruction and defacement
DECCW	Department of Environment, Climate Change and Water (NSW)
DECCW office	means the office listed on the cover page of this AHIP
Director-General	means the Director-General of DECCW
Invasive analysis	Any analysis of an Aboriginal object that damage the Aboriginal object
Land	means the land described at Schedule A
Local Aboriginal groups	means the following the following groups: <i>Tharawal Local Aboriginal Land Council</i> <i>220 West Parade, Couridjah, NSW 2571</i> <i>Contact: Robyn Straub</i> <i>Cubbitch Barta Native Title Claimants Aboriginal Corporation</i>

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*55 Nightingale Road, Pheasants Nest, NSW 2574
Contact: Glenda Chalker*

*Darug Custodian Aboriginal Corporation
PO Box 81, Windsor, NSW 2756
Contact: Leanne Watson*

*Darug Tribal Aboriginal Corporation
PO Box 441, Blacktown, NSW 2148
Contact: Sandra Lee*

*Darug Aboriginal Cultural Heritage Assessments
90 Hermitage Road, Kurrajong Hills, NSW 2758
Contact: Gordon Morton*

Non-invasive analysis	Any analysis of an Aboriginal object that does not damage the Aboriginal object
Protected Aboriginal objects	means those Aboriginal objects which are described in Schedule B
Salvage	the recovery of Aboriginal objects in accordance with the archaeological research methodology accompanying the application, as modified by the conditions of this AHIP
Standards and Guidelines Kit	means the Aboriginal Cultural Heritage Standards and Guidelines Kit (NSW National Parks and Wildlife Service 1997) as amended or replaced from time to time

INFORMATION ABOUT THIS AHIP

Responsibilities of AHIP holder

The AHIP holder is responsible for ensuring the AHIP holder's employees, contractors, sub-contractors agents, invitees are made aware of and comply with the conditions of this AHIP.

Penalties for breach of the Act

Significant penalties can be imposed by a court for failure to obtain or breach of an AHIP. The DECCW can also issue penalty notices.

Responsibility for obtaining all approvals and compliance with applicable laws

The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the National Parks and Wildlife Act

Newly identified Aboriginal objects need to be notified to the Director-General under s.91 of the Act using the form available on www.environment.nsw.gov.au

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Stop work orders and interim protection orders may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws

The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth).

Exercise of investigation and compliance powers

Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP

This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP

The AHIP holder may apply to the DECCW office in writing for a variation of any conditions of an AHIP. Requests for variations may need to be accompanied by evidence of further consultation with interested parties including Aboriginal stakeholders and in some cases may include payment of fees. The conditions of an AHIP may be varied at any time at the discretion of the Director-General. The AHIP holder may appeal a decision of the Director General to vary the conditions of the AHIP.

Transfer of AHIP

An AHIP is not transferable. The surrender or revocation of an existing AHIP could occur at the same time an AHIP is issued to a new AHIP holder.

Revocation of AHIP

An AHIP may be revoked at any time at the discretion of the Director General. Prior to revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land

An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement

This AHIP does not prevent the disclosure of any information or document in DECCW's possession in accordance with any lawful requirement.

Making copies of reports

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By providing a report, the AHIP holder acknowledges that DECCW can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

DECCW is able to make copies of any reports provided to DECCW under this AHIP.

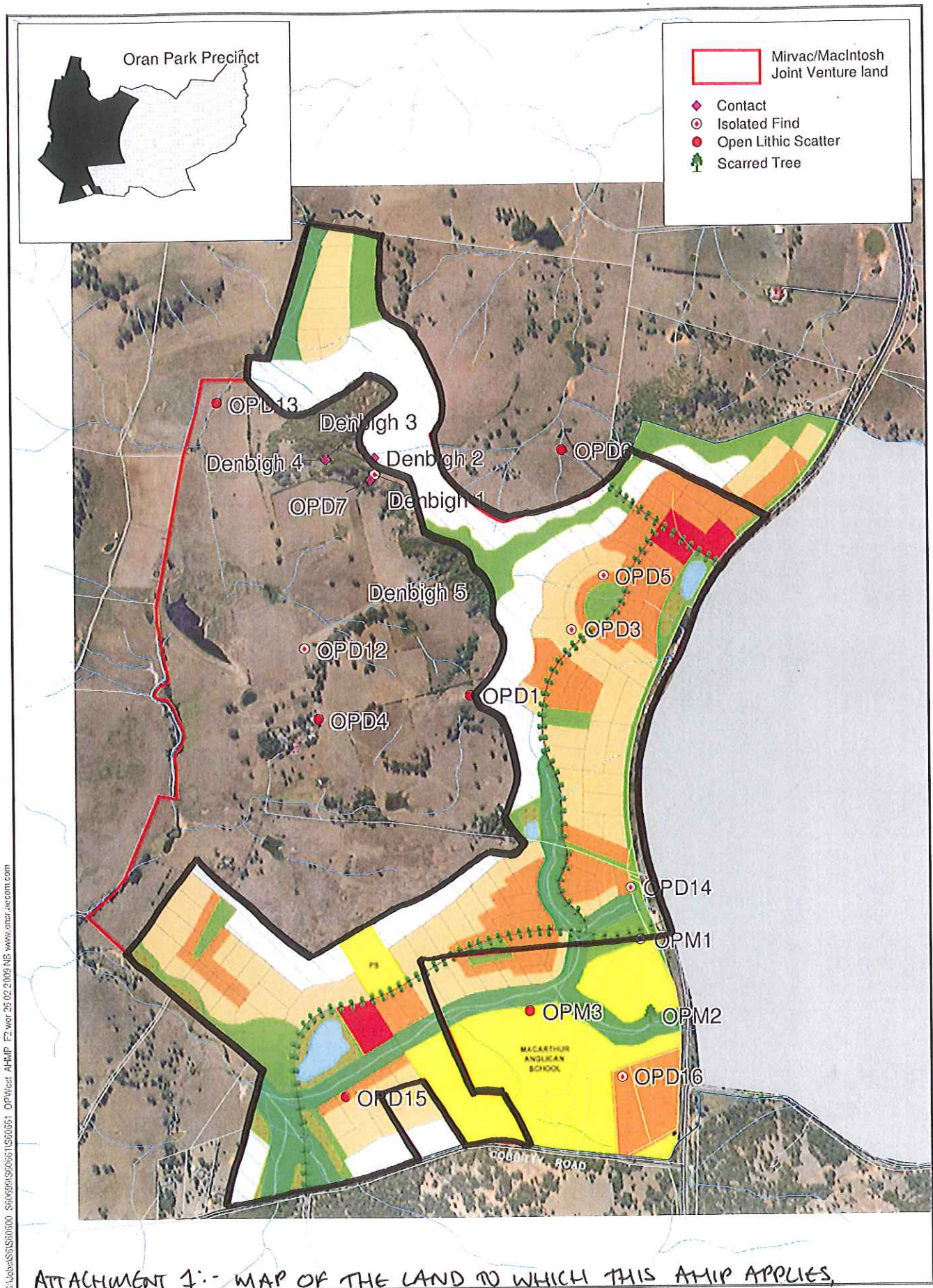
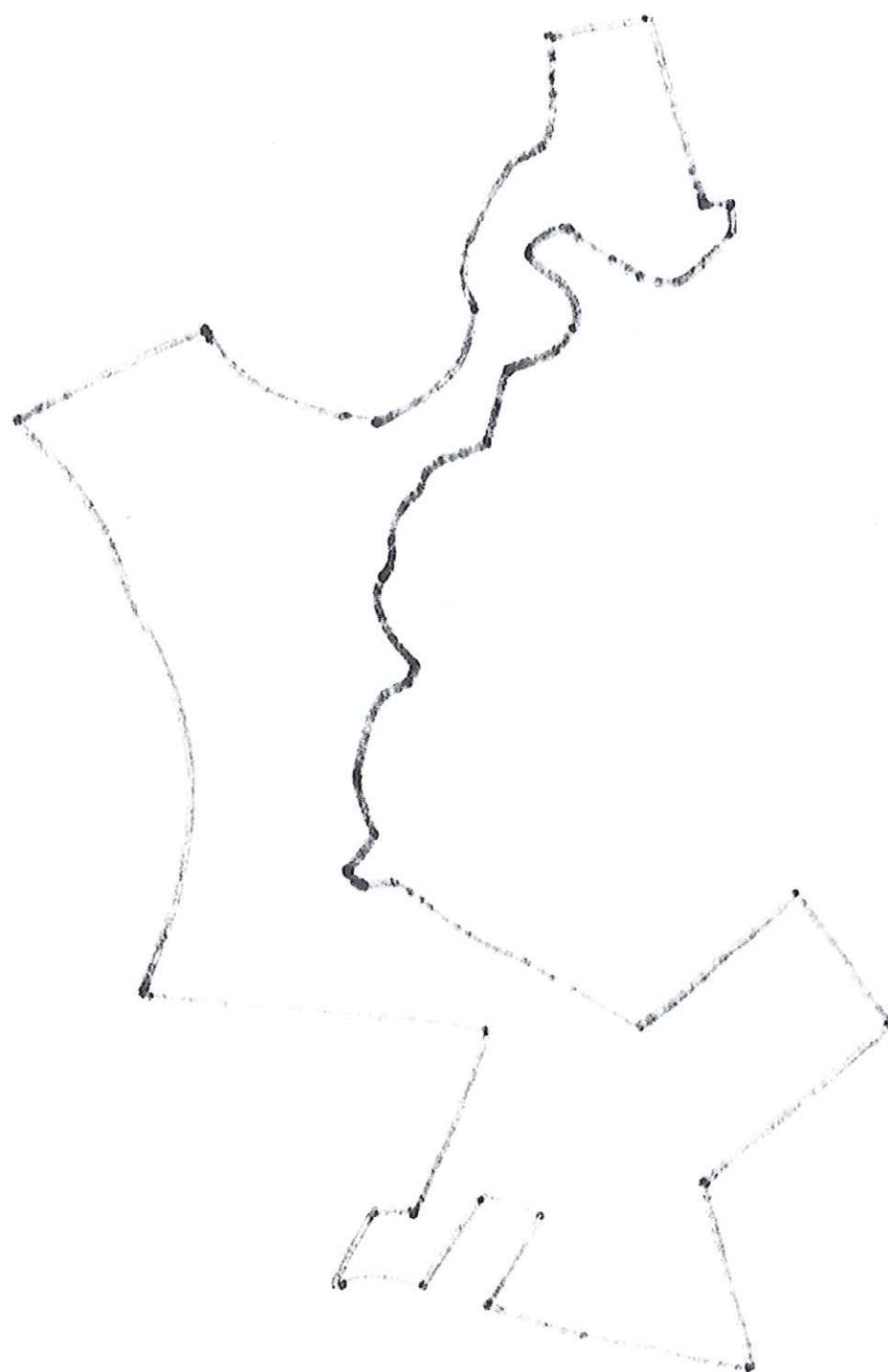


Figure F2 Interim Layout Plan

Mirvac
 Aboriginal Heritage Management Plan
 Oran Park Precinct
 West of The Northern Road



Worldwide Locations

Australia	+61-2-8484-8999
Azerbaijan	+994 12 4975881
Belgium	+32-3-540-95-86
Bolivia	+591-3-354-8564
Brazil	+55-21-3526-8160
China	+86-20-8130-3737
England	+44 1928-726006
France	+33(0)1 48 42 59 53
Germany	+49-631-341-13-62
Ireland	+353 1631 9356
Italy	+39-02-3180 77 1
Japan	+813-3541 5926
Malaysia	+603-7725-0380
Netherlands	+31 10 2120 744
Philippines	+632 910 6226
Scotland	+44 (0) 1224-624624
Singapore	+65 6295 5752
Thailand	+662 642 6161
Turkey	+90-312-428-3667
United States	+1 978-589-3200
Venezuela	+58-212-762-63 39

Australian Locations

Adelaide
Brisbane
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Darwin
Melbourne
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Sydney
Singleton

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