



**NORTH PENRITH DEVELOPMENT
THE CRESCENT, PENRITH**

**Aboriginal Heritage Management
Site 45-5-2491**

Prepared for Landcom

Penrith Local Government Area

October 2012

Ref. 1201

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Document Information

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1 Introduction

1.1 Project Description

Landcom has been granted concept plan approval to develop a 40 hectare portion of land in north Penrith which has undergone a rezoning process for development for mixed industrial, commercial and high and low density residential purposes. The North Penrith Development site, formerly North Penrith Defence Site, is located immediately to the north of Penrith railway station and is generally bounded by Lemon Grove Road to the east, Castlereagh Road to the west, Coreen Avenue to the north and the railway line to the south. The location of the North Penrith Development site (hereafter referred to as the study area) is shown in Figure 1.

The proposed development makes provision for approximately 1000 residential lots, retail, commercial and industrial floor space, associated infrastructure, road works, water and sewerage lines and landscaping. The development has been determined to be State Significant Development.

Development of the North Penrith site is progressing in stages. The staged development layout is shown in Figure 2. Project approval has been granted for Stage 1 and construction activities have commenced. A project application has been lodged for Stage 2A. Environmental impact statements to support project applications for Stages 2B, 2C, 2D, 3A and 3B are being prepared in accordance with Director General's Requirements (DGRs).

The approvals and DGRs issued for the development include conditions, commitments and requirements related to Aboriginal heritage and consultation with Aboriginal stakeholders. Landcom engaged Kelleher Nightingale Consulting Pty Ltd to assist in meeting requirements for further investigations for the management of Aboriginal heritage.

1.2 Study objectives

To meet the conditions of concept plan approval and statement of commitments for the development, one of the requirements was to:

- consider the views of the Aboriginal community when determining the management regime and interpretation for site 45-5-2491.

This report presents actions for the management and interpretation of site 45-5-2491 within the area designated as C3 within the North Penrith Development site.



Figure 1. Study area location

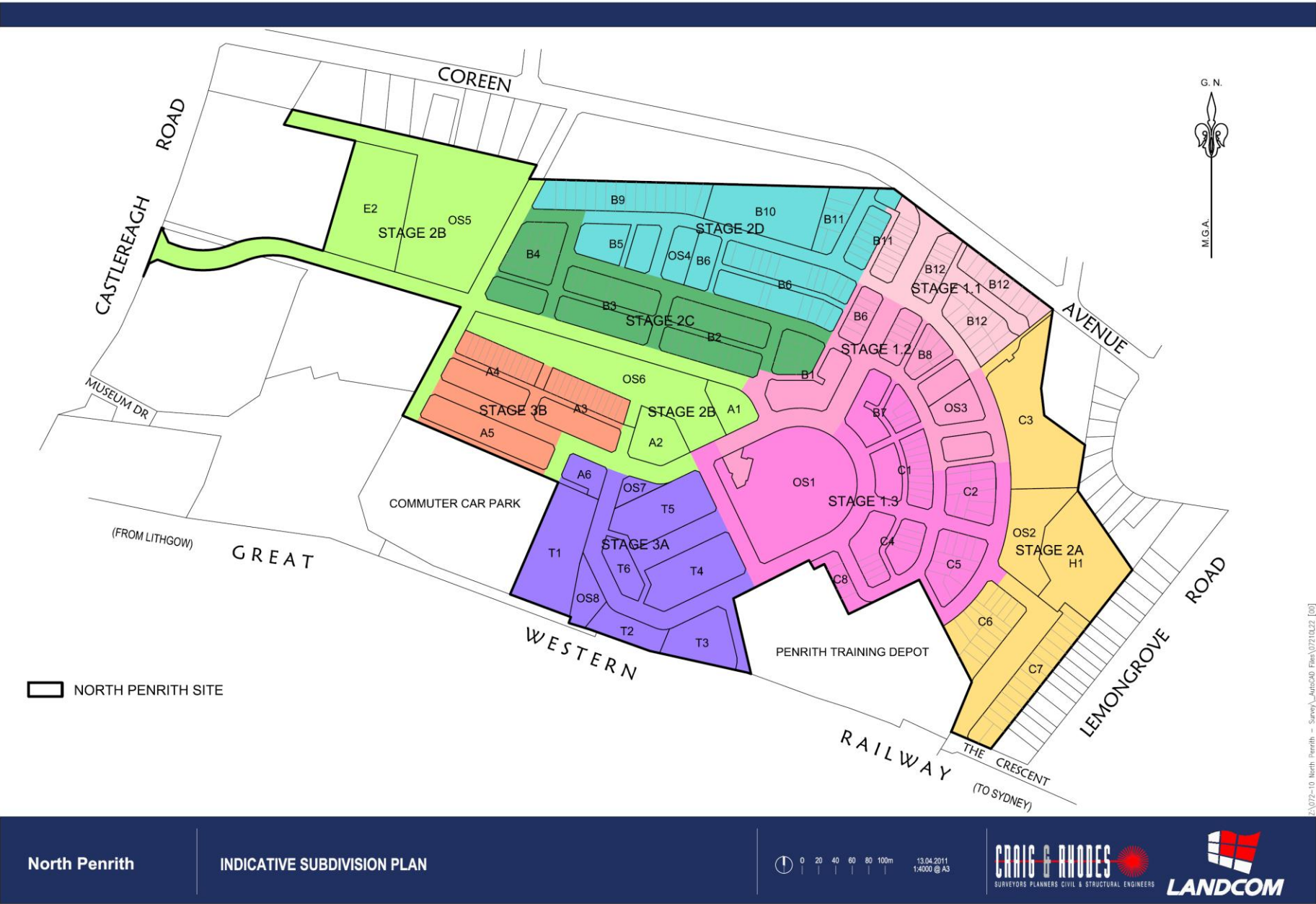


Figure 2. Staged layout plan

2 Approval Conditions for Aboriginal Heritage

The Aboriginal heritage of the North Penrith development site was assessed as part of the rezoning process. One Aboriginal site, Coreen Avenue 1 (AHIMS site # 45-5-2491), a low density artefact scatter, was identified in the east of the site, within Stage 2A (see Figure 3).

An Aboriginal heritage management plan was prepared for the site (JMcD CHM 2011). The management plan made two key recommendations:

1. a portion of site 45-5-2491, considered to have moderate archaeological potential, should be retained in association with a small stand of Cumberland Plan Woodland; and
2. further investigation should be undertaken of Aboriginal heritage values associated with the two historic properties at the North Penrith site, Combewood and Thornton Hall.

These recommendations were adopted in Landcom's commitments for the future development of the North Penrith Development and incorporated into concept plan approval.

2.1 Conditions of Concept Plan Approval and Statement of Commitments

Concept plan approval was granted on 9 November 2011 for the staged development of the former North Penrith Defence Site, The Crescent, Penrith (MP 10-0075). Approval was subject to the conditions of approval listed in Schedule 2 and statement of commitments attached in Schedule 3.

In relation to Aboriginal heritage, the conditions of approval included the provision of a Section 88B instrument (or other suitable means) to protect the Aboriginal heritage item in Lot C3 (site 45-5-2491). The approval required these details be submitted with the development application for Stage 2C (now Stage 2A).

In addition to this condition and included in the instrument of approval was the Statement of Commitments (JBA 2011:36) which ensured further consideration of the views of the Aboriginal community in the creation and implementation of a management regime for site 45-5-2491. Commitment 17 stated that:

Landcom will consider the views of the Aboriginal community when determining the management regime and interpretation of the mapped and identified indigenous artefact identified as No. 45-5-2491.

Results of further consideration and management actions for site 45-5-2491 are presented in this report.

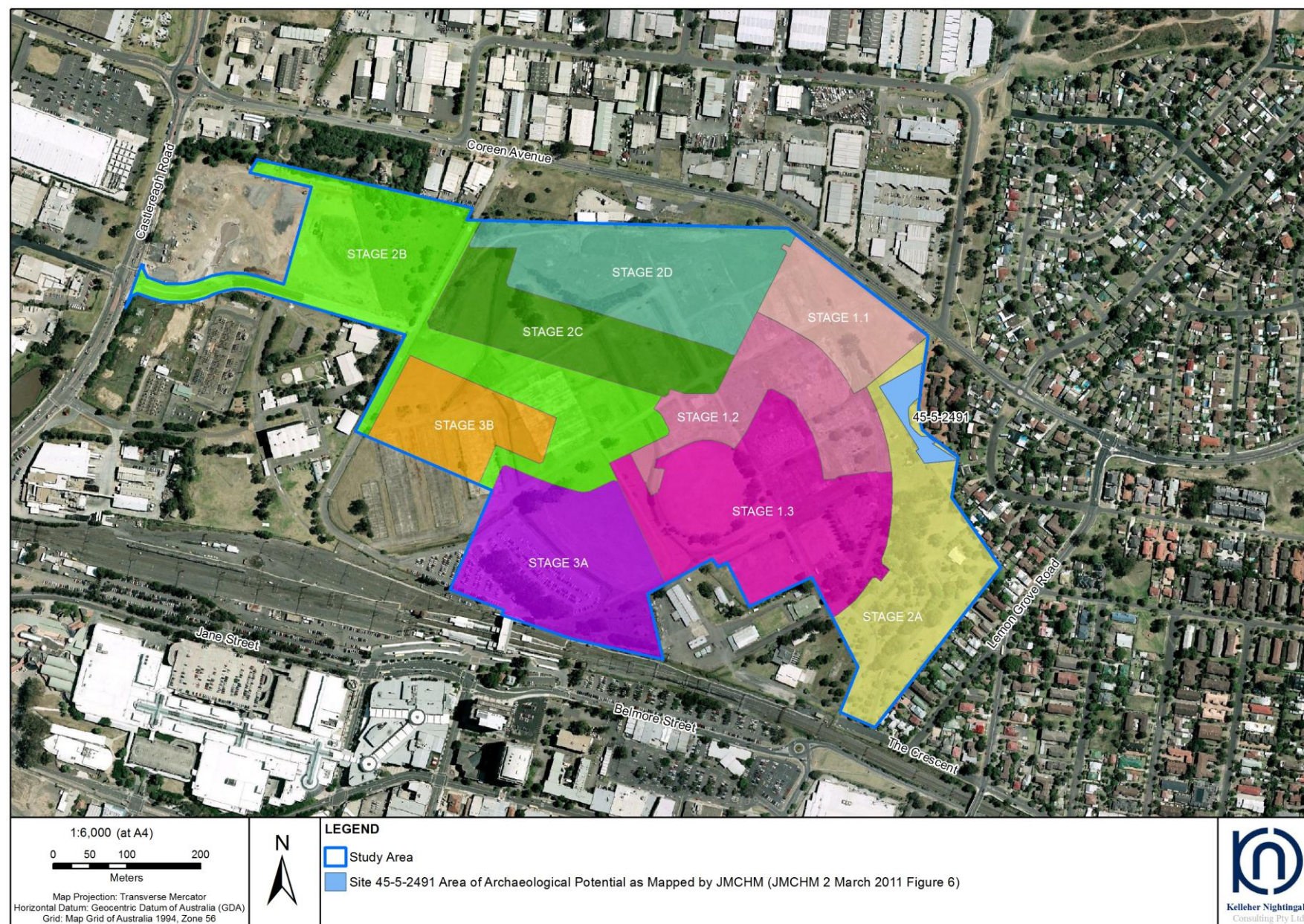


Figure 3. Aboriginal heritage and staged layout plan

3 Consultation with Aboriginal stakeholders

Consultation with Aboriginal stakeholders was undertaken as part of the Concept Plan. The two management plan recommendations developed in consultation with Aboriginal stakeholders formed part of the statement of commitments attached to concept plan approval. Landcom has undertaken further investigation into Aboriginal heritage values associated with Combewood and Thornton Hall and further considered the views of the Aboriginal community for the management and interpretation of site 45-5-2491.

Eight Aboriginal stakeholder groups were identified in the Aboriginal heritage management plan for the site:

- Deerubbin Local Aboriginal Land Council
- Darug Custodian Aboriginal Corporation
- Darug Tribal Aboriginal Corporation
- Darug Aboriginal Cultural Heritage Assessments
- Darug Land Observations
- Darug Aboriginal Land Care Inc
- Widescope Indigenous Group Pty Ltd
- Yarrawalk

Aboriginal stakeholders have been involved in the previous assessments of the study area and development of the Aboriginal heritage management plan. Stakeholders generally agreed with the management principles and made additional recommendations for:

- the collection and reburial of the surface scatter prior to covering the area to protect any subsurface deposit;
- an investigation of the Aboriginal heritage values present in the nearby historic properties;
- the monitoring of works in and around the site; and
- further consultation on any change in the concept plan involving 45-5-2491.

Further consideration of these recommendations formed part of the conditions of concept plan approval.

Filling the area to cover any subsurface archaeological deposit was considered but deemed inappropriate, based on requirements for the conservation and protection of the Cumberland Plain Woodland.

An investigation of the Aboriginal heritage values present in the historic properties has been undertaken, with the result being no identifiable Aboriginal heritage values associated with the historic properties.

There has been no change in the concept plan involving site 45-5-2491. Landcom has committed to the protection of a portion of site 45-5-2491 with moderate archaeological potential associated with Cumberland Plain Woodland, as identified in the Aboriginal heritage management plan. Landcom will monitor works in association with site 45-5-2491, if required. Measures for the protection of Aboriginal heritage within the area during construction have been developed and presented in this report.

4 Background Information on Aboriginal Heritage in the Development Area

4.1 Database search (AHIMS)

The Aboriginal Heritage Information Management System (AHIMS) is a database operated by Office of Environment and Heritage (OEH) and regulated under section 90Q of the *National Parks and Wildlife Act 1974*. AHIMS contains information and records related to registered Aboriginal archaeological sites (Aboriginal objects, as defined under the Act) and declared Aboriginal places (as defined under the Act) in NSW.

A search of AHIMS was conducted on 3 August 2012 to identify registered (known) Aboriginal sites or declared Aboriginal places within or near the study area. Search results are attached as Appendix A.

The AHIMS Web Service database search was conducted within the following coordinates (GDA, Zone 56):

Easting: 0286100 - 0287300
Northing: 6263150 - 6263750
Buffer: 50 metres

Coreen Avenue 1 (45-5-2491) is the only site identified within the study area. Information from AHIMS shows the site has been partially destroyed under a section 90 consent issued in 2002 (permit number 1367).

4.2 Previous investigations of Coreen Avenue 1 (45-5-2491)

3.2.1 *Brayshaw (1993)*

Brayshaw (1993) conducted a pedestrian survey of the study area as a part of a rezoning application for the defence land. The study area was noted as being heavily disturbed associated with land use, with eighty per cent previously disturbed through construction of roads and buildings, leaving roughly twenty per cent of relatively undisturbed land in the north eastern portion of the property.

Coreen Avenue 1 was located in an exposure around an ant nest in the north eastern portion of the property on what Brayshaw described as a barely detectable rise. The site was an open artefact scatter which contained 14 flakes, flake fragments and cores of chert, silcrete, quartz and mudstone. Brayshaw also noted the presence of artefacts eroding out of the basal clay in the exposure and suggested that overall artefact density was likely to be higher than recorded.

It was recommended that the site and associated land surrounding it be conserved as a part of a reserve, however if impacted by future development subsurface investigation of the site would be required.

3.2.2 *Australian Museum Business Services (2001)*

The conservation of site 45-5-2491 was further investigated as part of the preparation of a master plan for the study area (AMBS 2001). The AMBS assessment of Coreen Avenue 1 identified a total of twenty five artefacts at the site, although noted through analysis of historical air photos and ground disturbance that the artefacts were out of context, having been affected by construction of a dam and other bulk earth movement.

It was recommended site 45-5-2491 be incorporated into the master plan through the creation of an "Archaeological Park", which would preserve those areas of the site where artefacts had been identified, as well as those areas where an intact subsurface deposit might occur. Recommendations for site management included rubbish removal and the restoration of a stand of trees around the site without disturbing the subsurface integrity of the site and the introduction of grasses to aid in the protection of artefacts. It was also suggested a local Aboriginal community representative be present to monitor works. If the site could not be conserved it was recommended the site be excavated.

3.2.3 *Jo McDonald Cultural Heritage Management (2010, 2011)*

The site was reassessed by Jo McDonald Cultural Heritage Management as part of concept plan development for the North Penrith development site (JMCD CHM 2010). The majority of the study area was assessed as having minimal or no archaeological potential based on past land use disturbance.

It was determined that "the proposed Archaeology Park does contain some surface artefacts, but with very little potential for intact deposit" (JMCD CHM 2010:8). The site was assessed as having low archaeological significance and it was concluded that there were no lands worthy of conservation.

Land with low to no archaeological potential posed no constraint to development. The small portion of the site identified as having Zone 2 archaeological potential was determined to be too small to warrant further archaeological investigation and should only be protected if it was considered to be an optimal planning solution. The assessment concluded that “the most appropriate management outcome for this site is not conservation” (JMCD CHM 2010:10).

Further development of the concept plan identified the portion of the site assessed as having moderate potential archaeological deposit coincided with a proposed area of retained vegetation. As such, an Aboriginal heritage management plan was prepared (JMCD CHM 2011). The management plan was developed in consultation with Aboriginal stakeholders and concluded that:

1. No part of site 45-5-2491 warranted conservation.
2. The site was not worthy of subsurface archaeological investigation.
3. Based on ecological values, development would be restricted by the inclusion of a section 88B instrument over the retained vegetation. As a result, any archaeological deposit with moderate potential in the retained areas would be preserved.
4. The remainder of the site was assessed as having low-no archaeological potential and did not pose a constraint to development.

The management plan addressed the retained portion of site 45-5-2491 associated with the proposed retained vegetation.

While the site was not considered worthy of conservation on archaeological grounds, it was noted that the retention of both ecological and cultural heritage values can be seen as a positive outcome where possible as part of the overall concept plan. The management plan concluded that:

the proposed area of retained vegetation can be protected as part of an optimal planning solution which considers ecological and cultural heritage matters.

Based on the nature and significance of the identified site, it is concluded that the most appropriate management outcome for this site is not conservation in the pure sense of the word (JMCD CHM 2011:23).

Furthermore, it was recommended that the recognition and interpretation of the site, as part of the broader Aboriginal history of the place, be included elsewhere in the North Penrith Development site, such as the proposed open space around Thornton Hall located to the south of the site.

Consultation with Aboriginal stakeholders was undertaken as part of the Concept Plan. Based on comments made by Aboriginal stakeholders, the management plan also recommended further assessment of the Aboriginal heritage values associated with the two historic properties Combewood and Thornton Hall.

The two management plan recommendations formed part of the statement of commitments attached to concept plan approval. Landcom has undertaken further investigation into Aboriginal heritage values associated with Combewood and Thornton Hall and further considered Aboriginal community views regarding the management of site 45-5-2491.

The locations of site 45-5-2491, Combewood and Thornton Hall are shown on Figure 4.



Figure 4. Site 45-5-2491, Combewood and Thornton Hall

5 Management of Site 45-5-2491

5.1 Aboriginal Heritage Management Plan

Previous assessment concluded site 45-5-2491 had low to moderate archaeological value and excavation of the site was not considered warranted prior to development. It was specifically noted that:

the most appropriate management outcome for this site is not conservation (JMCD CHM 2010:10).

While conservation of the site was not considered the most appropriate management outcome, the development layout was to retain a small stand of Cumberland Plain Woodland which would also retain a portion of site 45-5-2491.

An Aboriginal heritage management plan was prepared for the site (JMCD CHM 2011) and it was suggested that the portion of the site associated with the Cumberland Plain Woodland community could be conserved under a section 88B instrument. This small portion of the site was determined to be too small to warrant further archaeological investigation and should only be protected if it was considered to be an optimal planning solution.

The management plan, developed in consultation with Aboriginal stakeholders, concluded that:

1. No part of site 45-5-2491 warranted conservation.
2. The site was not worthy of subsurface archaeological investigation.
3. Based on ecological values, development would be restricted by the inclusion of a section 88B instrument over the retained vegetation. As a result, any archaeological deposit with moderate potential (Zone 2) in the retained areas would be preserved.
4. The remainder of the site was assessed as having low-no archaeological potential (Zones 3 and 4) and did not pose a constraint to development.

While the site was not considered worthy of conservation on archaeological grounds it was noted that the retention of both ecological and cultural heritage values where possible can be seen as a positive outcome as part of the overall concept plan for the development.

The management plan identified that:

The area of proposed retained vegetation contains most of the area which is designated Zone 2 but the area with surface artefacts (Zone 3) will be impacted upon by the construction of housing (JMCD CHM 2011:20).

The remainder of the site outside the stands of trees, including the area where surface artefacts were recorded, were assessed as being of low archaeological potential (Zone 3) due to past land disturbance such as stripping, drainage and dam construction. These areas were not considered a constraint to development. The mapped zones of archaeological potential are shown on Figure 5. The portion of the site being retained in association with the Cumberland Plain Woodland community is shown in Figure 6.

The management plan also recommended that the recognition and interpretation of site 45-5-2491, as part of the broader Aboriginal history of the study area, be included elsewhere in the North Penrith Development site, such as the proposed open space around Thornton Hall located south of site 45-5-2491. An interpretive art strategy which included installation of Aboriginal art panels within the Thornton Hall open space area was proposed.

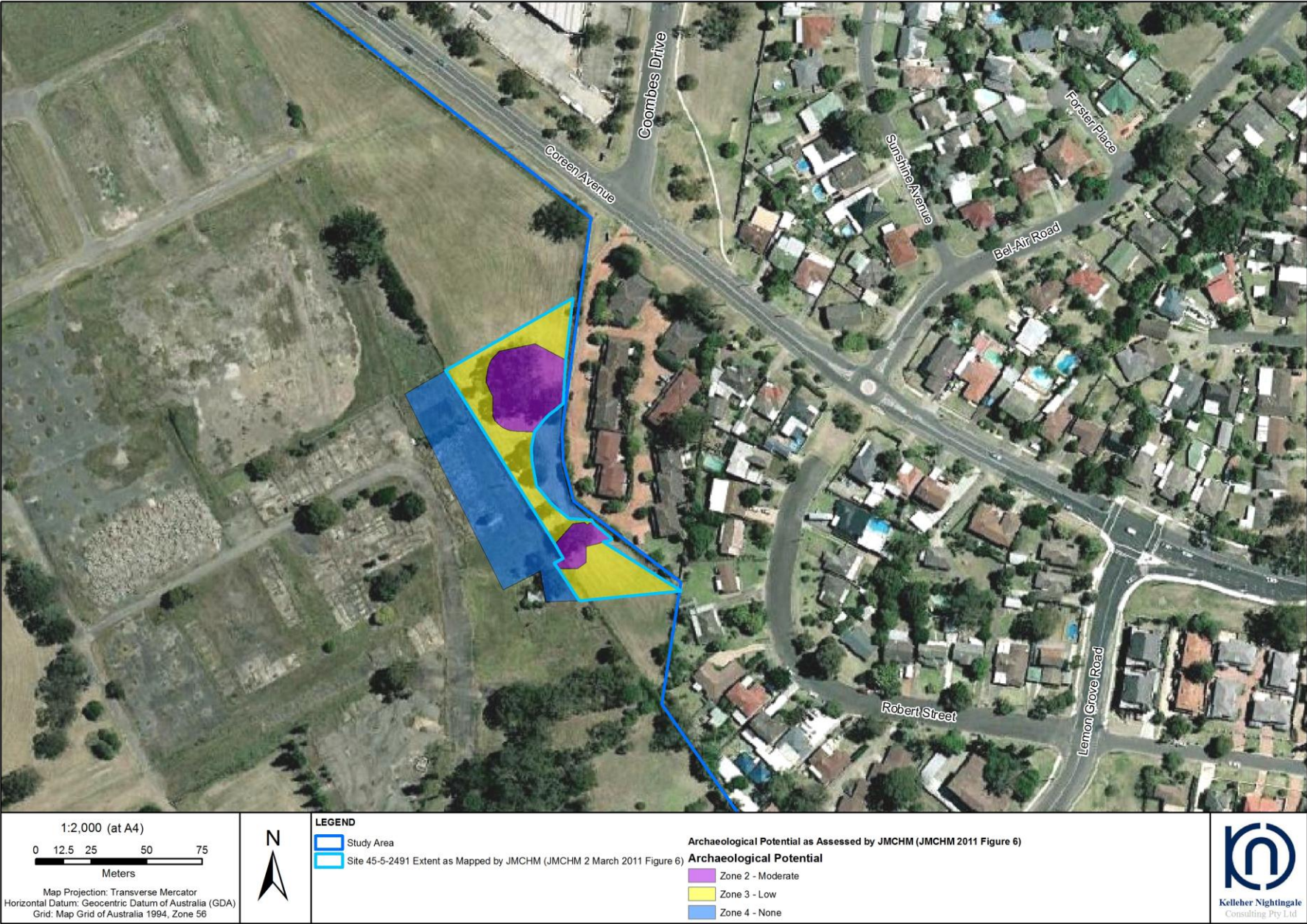


Figure 5. Mapped zones of archaeological potential site 45-5-2491 (from JMCD CHM 2011)

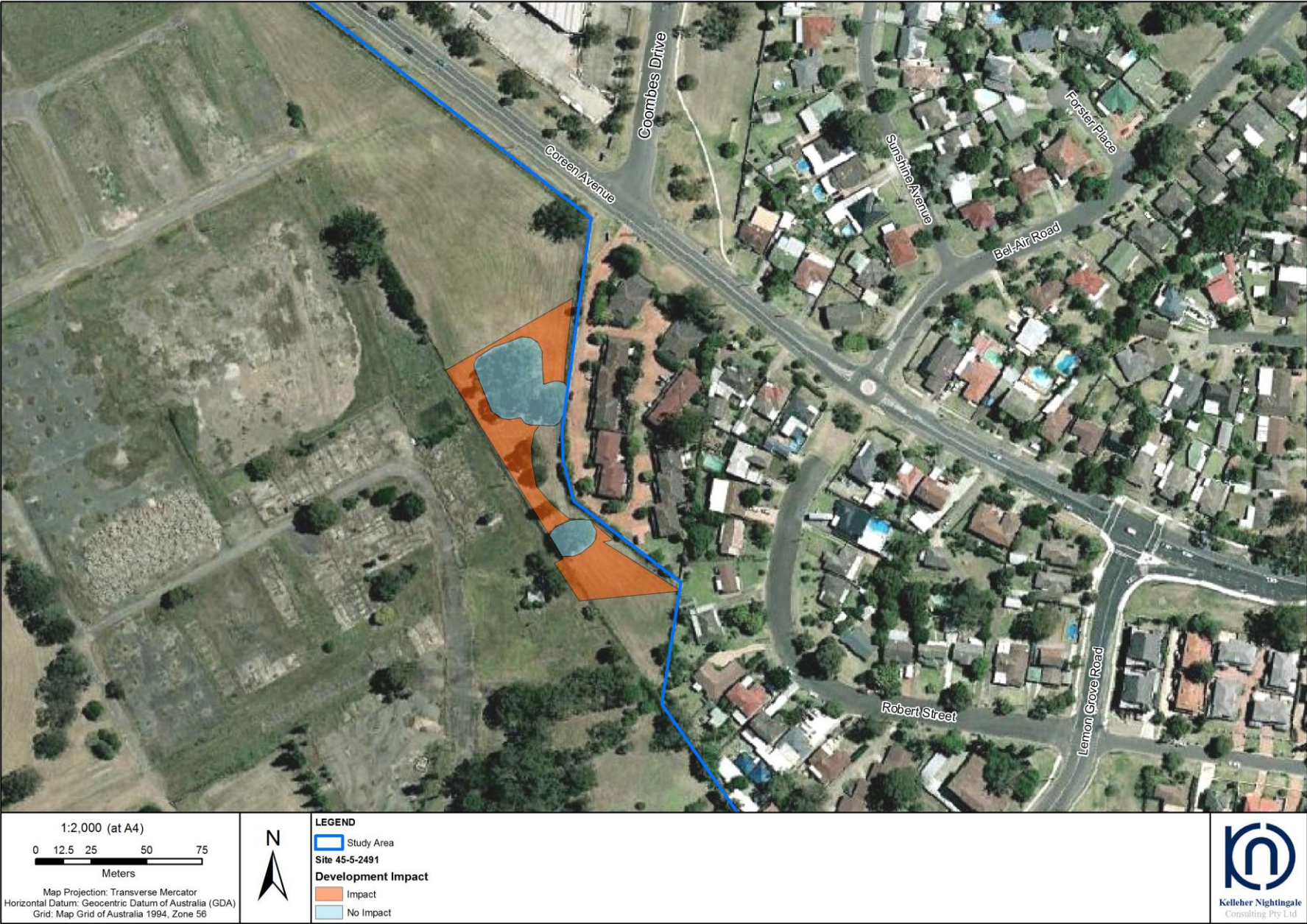


Figure 6. Conserved and impacted portions of site 45-5-2491

6 Management Outcomes and Actions for Site 45-5-2491

Management for site 45-5-2491 involves:

- Obtain approval for impact to Aboriginal heritage items within the impacted portion of site 45-5-2491.
Approval to impact the site would be required from the Department of Planning and Infrastructure, as part of project approval.
- In accordance with the management plan for the site, no archaeological mitigation is required for the impacted portion of site 45-5-2491.
- Identify the conserved (no impact) portion of the site.
- The location/boundaries of the site should be included in construction management plans.
- Landcom must ensure all of its employees, contractors, subcontractors and agents are made aware of and comply with management outcomes and actions for site 45-5-2491.
- Fencing should be erected on the construction line to ensure that no construction impact extends further into the conserved (no impact) portion of the site.
- No signage identifying the area as having Aboriginal heritage significance to be erected, signage should state 'Significant Environmental Area – No Entry Permitted'.
- Any future work within the conserved (no impact) portion of the site would require further consideration of Aboriginal heritage and consultation with Aboriginal stakeholders. Any impact to Aboriginal objects would require approval from Department of Planning and Infrastructure.
- Landscaping activities (e.g. seeding by direct drilling, individual tree planting, weed control measures) may take place within the site area. Landscaping (not including recontouring or the addition of fill) is considered a neutral impact on archaeological sites as the benefits or reducing the erosion hazard will protect the archaeology in the long term.
- Notification and reporting about incidents that breach the management outcomes and actions for site 45-5-2491. Where Landcom reasonably suspects that an incident has occurred that contravenes the management policy presented here Landcom must prepare a written report within a reasonable time detailing that incident. The report must describe
 - a. the nature of the incident
 - b. the relevant notifications where required (e.g. Department of Planning and Infrastructure, specialists)
 - c. the nature and location of relevant Aboriginal objects, with reference to and provision of maps and photographs where appropriate
 - d. the impact of the incident on Aboriginal objects, with the appropriate specialist input where required
 - e. the measures which have been taken or will be taken to prevent a reoccurrence of the incident.

Interpretation for site 45-5-2491 involves:

- Appropriate recognition of Aboriginal cultural heritage values.
- Incorporation of Aboriginal themes within the Heritage Interpretation Strategy for the North Penrith Development site.
While no accounts survive of direct interactions with the historic properties of Combewood and Thornton Hall, the archaeological evidence associated with site 45-5-2491 identifies the continuity of place between Aboriginal and historic times.
- Incorporation of Aboriginal themes within parklands (e.g. Thornton Hall) or publicly accessible lands within the broader North Penrith Development, such as place names, artwork or plaques of recognition, where appropriate, for parks, features or pathways within the development site.

References

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- Jo McDonald Cultural Heritage Management Pty Ltd (JMcD CHM) 2011. Aboriginal Heritage Management Plan for Site 45-5-2491. Prepared for Landcom.
- JMcD CHM 2010. Brief Reassessment of Site 45-52491. Report to Landcom.
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- Tanner Architects 2010. North Penrith Defence Site Concept Plan. Heritage Interpretation Strategy. Prepared for Landcom
- Tench, W., 1793. Complete Account of the Settlement at Port Jackson. G. Nicol and J. Sewell, London. Online resource <http://ebooks.adelaide.edu.au/t/tench/watkin/settlement/>, accessed 12:06 15/08/2012

Appendix A AHIMS Search Results



AHIMS Web Services (AWS) Search Result

Your Ref Number : 1201

Client Service ID : 76456

Kelleher Nightingale Consulting Pty Ltd

Date: 03 August 2012

suite 911-912 155 King Street

Sydney New South Wales 2000

Attention: Kylie McDonald

Email: kylie.mcdonald@knconsult.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 286100 - 287300, Northings : 6263150 - 6263750 with a Buffer of 50 meters, conducted by Kylie McDonald on 03 August 2012

A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

PO BOX 1967 Hurstville NSW 2220
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Web: www.environment.nsw.gov.au



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref Number : 1201

Client Service ID : 76456

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-2491	Coreeen Ave 1	AGD	56	287070	6263430	Open site	Partially Destroyed	Artefact : -	Open Camp Site	98259
	<u>Contact</u>	<u>Recorders</u>	Helen Brayshaw,Tony Kondek					<u>Permits</u>	1367	

Report generated by AHIMS Web Service on 03/08/2012 for Kylie McDonald for the following area at Datum :GDA, Zone : 56, Eastings : 286100 - 287300, Northings : 6263150 - 6263750 with a Buffer of 50 meters.Additional Info : Background. Number of Aboriginal sites and Aboriginal objects found is 1

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