

23 April 2014

Mr Ahmad Ali  
Lend Lease  
PO BOX 4  
PARRAMATTA NSW 2124

Our Ref: 11-8116aal1

**Re: Jordan Springs Salvage Area 6 (WP6)—Aboriginal Archaeological Requirements**

Dear Mr Ali

Following our phone conversation this morning (Wednesday 16 April 2014), this letter is to confirm that the area of Village 5 within the Jordan Springs Development Area, is subject to the Aboriginal Heritage Impact Permit (AHIP) #10996059 (issued 13 February 2009, valid for a period of 10 years).

A condition of AHIP #10996059 is that seven identified areas across the Jordan Springs Development Area be subject to salvage archaeological excavation prior to development within the identified salvage area. One of these salvage areas—Salvage Area 6 (WP6)—was located within the area of the Village 5 development and required archaeological salvage excavation in accordance with the Archaeological Research Design (ARD) submitted with the AHIP.

Salvage excavation of WP6 was undertaken and completed in July and August 2011. We confirm that completion of this excavation fulfilled Condition 2(a) of AHIP#10996059. The Office of Environment and Heritage (OEH) was notified in writing of the completion of this excavation (letter, 29 August 2011, Ms Lou Ewins), which fulfilled Condition 2(b) of AHIP#10996059.

Therefore, we confirm that Lend Lease may commence development works within the Village 5 area (WP6) with no further archaeological constraints or requirements.

Attached to this letter is a copy of AHIP #10996059, the letter sent to the OEH in 2011 confirming completion of the salvage works within WP6, and the final report presenting full results of the salvage excavation works.

Should you have any further questions or require any further information, please do not hesitate to contact me.

**GML**  
**HERITAGE**

+



**Jo McDonald**  
**CHM**

**Sydney Office**

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**GML Heritage Pty Ltd**  
**ABN 60 001 179 362**

[www.gml.com.au](http://www.gml.com.au)



Yours sincerely

GML Heritage Pty Ltd + Jo McDonald Cultural Heritage Management

A handwritten signature in black ink, appearing to read 'Sam Cooling', with a long horizontal stroke extending to the right.

Sam Cooling

Consultant Archaeologist

**Attachments:**

- Copy of AHIP No. 10996059
- OEH Letter Correspondence, 29 August 2011
- GML + JMcDCHM 2013, *Archaeological Investigations at WP2 and WP6, Jordan Springs (formerly Western Precinct, St Mary Development Site), Post Excavation Report*, prepared for Maryland Development Company.

# Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)

Department of Environment & Climate Change NSW



Your reference:

Our reference: AHIMS No. 3057 FIL07/10749

Document number: 1097716

Contact: Fran Scully (02) 9995 6830

LEND LEASE DEVELOPMENT,  
Trading as LEND LEASE DEVELOPMENT,  
ABN 33 000 311 277,  
LEVEL 1, 19 HARRIS STREET,  
PYRMONT NSW 2009  
STANDARD POST

## ABORIGINAL HERITAGE IMPACT PERMIT

AHIP No: 10996059

Dear Mr Ilias

### RE: s90 consent, Western Precinct, St Marys site, ADI

I refer to your 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 archaeological test and salvage excavation programme received by the Department of Environment and Climate Change (NSW) (DECC) on 11 December 2008.

DECC 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 the following conditions:

- Test and salvage excavations must be carried out in accordance with the excavation methodology as outlined in the research design accompanying the consent application.

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 a corporation for failing to comply with this AHIP is \$22,000.

You 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.

Department of Environment and Climate Change NSW

Printed: 10:13 13-Feb-2009



# Aboriginal Heritage Impact Permit

National Parks and Wildlife Act 1974 (NPW Act)

Department of Environment & Climate Change NSW



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

*K. L. Brown*

Mr Karl Brown

Acting Manager Planning & Aboriginal Heritage Section

Metropolitan

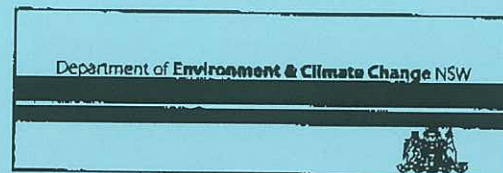
(by Delegation)

Date: 13/2/09

Consent to destroy, deface or damage Aboriginal

## ***Aboriginal Heritage Impact Permit***

Section 90 of the National Parks and Wildlife Act 1974



**AHIP number: 1096059**

**AHIMS number: 3057**

### **AHIP Issued To:**

LEND LEASE DEVELOPMENT,  
Trading as LEND LEASE DEVELOPMENT,  
ABN 33 000 311 277,  
LEVEL 1, 19 HARRIS STREET,  
PYRMONT NSW 2009  
STANDARD POST

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### **DECC Office issuing this AHIP**

Department of Environment and Climate Change (NSW)  
Metropolitan Branch EPRG  
PO Box 668  
Parramatta NSW 2150  
02 9995 6830  
02 9995 6900

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### **Short description of activity and/or location**

Mix of residential and commercial development at the Western Precinct,  
St Marys site, ADI.

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**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 or damage Aboriginal

## ***Aboriginal Heritage Impact Permit***

Section 90 of the National Parks and Wildlife Act 1974

Department of Environment & Climate Change NSW



### **CONSENT TO DESTROY, DEFACE AND DAMAGE ABORIGINAL OBJECTS**

#### **Background**

On 11-Dec-2008 an application was made to the Director-General of the Department of Environment and Climate Change for a consent pursuant to s.90 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 C, in accordance with the conditions of this AHIP.

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

*K. L. Brown*

Mr Karl Brown

Acting Manager Planning & Aboriginal Heritage Section

Metropolitan

(by Delegation)

DATED: 13/2/09



Consent to destroy, deface or damage Aboriginal

## Aboriginal Heritage Impact Permit

Section 90 of the National Parks and Wildlife Act 1974

Department of Environment & Climate Change NSW



### CONDITIONS OF AHIP

#### Schedule A: Land to which this AHIP applies

The land to which this AHIP applies is all land within the Western Precinct, St Marys site, ADI.  
See Attachment 1

#### Schedule B: Protected Aboriginal objects which must not be disturbed or moved

1. **Burials** All human remains in, on under the land.

#### Schedule C: Aboriginal objects to be destroyed, damaged or defaced

Aboriginal objects on the land which are identified on the map (figure 2 of the application) other than the protected Aboriginal objects described in Schedule B.

AHIMS SITE ID	SITE NAME	SITE FEATURE	EASTINGS	NORTHINGS	DATUM — AGD or GDA
45-5-3587	ADI-FF11	PAD	290527	6266893	AGD
45-5-1035	ADI-34	PAD	289539	6266322	AGD
45-5-1033	ADI-32	PAD	289077	6266354	AGD
45-5-1057	ADI-56	PAD	289077	6266354	AGD
45-5-1042	ADI-41	PAD	288835	6265442	AGD
45-5-3331	ADI-FF30	PAD	289330	6265200	AGD
45-5-1023	ADI-22	PAD	289330	6265200	AGD
45-5-1029	ADI-28	PAD	289330	6265200	AGD
45-5-1055	ADI-54	PAD	290637	6265743	AGD
45-5-3328	ADI-FF3	PAD	290637	6265743	AGD
45-5-3588	ADI-FF20	PAD	290749	6265178	AGD
45-5-3586	ADI-FF21	PAD	290749	6265178	AGD
45-5-3586	SA-4	PAD	290749	6265178	AGD

#### Schedule D: Proposed works

A combination of residential and commercial development.



Consent to destroy, deface or damage Aboriginal

## ***Aboriginal Heritage Impact Permit***

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Department of Environment & Climate Change NSW



### **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, in a salvage area described in an AHIP that remains in force, commence activities that would damage, destroy or deface any Aboriginal object or Aboriginal Place, unless the following have taken place:
  - (a) the salvage works described in that AHIP have been completed; and
  - (b) the AHIP holder responsible for the salvage works has notified the DECC in writing that those works have been completed.

#### **Duration of AHIP**

3. Unless otherwise revoked in writing, this AHIP remains in force for:
  - (a) 10 years from the date of commencement; or
  - (b) the date on which the s90 report is submitted,whichever is the sooner.

#### **Responsibility for compliance with conditions of AHIP**

4. The AHIP holder must ensure that all of its employees, contractors, sub-contractors, agents and invitees are made aware of and comply with the conditions of this AHIP.

#### **Project manager to oversee the activities relating to this AHIP**

5. The AHIP holder must appoint a suitably qualified and experienced individual who is responsible for overseeing, for and on behalf of the AHIP holder, the activities relating to this AHIP.
6. The individual appointed must be the individual nominated in the application form.
7. If an alternative individual is appointed whilst this AHIP remains in force, the AHIP holder must advise the DECC office in writing within 14 days of the new appointment.

#### **Notification of commencement of work**

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



Consent to destroy, deface or damage Aboriginal

## ***Aboriginal Heritage Impact Permit***

Section 90 of the National Parks and Wildlife Act 1974

Department of Environment & Climate Change NSW



### **GENERAL OPERATIONAL CONDITIONS**

#### **Activities must not damage Aboriginal objects**

9. The AHIP holder must not damage Aboriginal objects other than those Aboriginal objects specified in Schedule C.

#### **Activities must be in accordance with methodology**

10. Activities must be carried out in accordance with the methodology specified in the application to which this AHIP applies, except as otherwise expressly provided by a condition of this AHIP.

### **PROTECTION OF ABORIGINAL OBJECTS**

#### **Protection of Aboriginal objects**

11. The AHIP holder must ensure that Aboriginal objects specified in Schedule B are not damaged.
12. To the fullest extent possible, each protected Aboriginal object must be clearly marked so as to provide a clear visual marker to persons on foot or in vehicles in the vicinity of that Aboriginal object.
13. The AHIP holder must ensure that persons entering the land such as employees, contractors, sub-contractors, agents and invitees have a copy of any Map referred to in Schedule B.
14. Appropriate sediment control measures must be installed, operated and maintained so as to prevent any disturbance of a protected Aboriginal object.
15. Vehicles must not be driven on or in the immediate vicinity of a protected Aboriginal object.

### **NOTIFICATION AND REPORTING CONDITIONS**

#### **Human remains**

16. If any human remains are disturbed in, on or under the land, the AHIP holder must:
  - (a) not further disturb or move these remains;
  - (b) immediately cease all work at the particular location;
  - (c) notify DECC'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
  - (d) not recommence any work at the particular location unless authorised in writing by the DECC.



Consent to destroy, deface or damage Aboriginal

Department of Environment & Climate Change NSW

## ***Aboriginal Heritage Impact Permit***

Section 90 of the National Parks and Wildlife Act 1974



### **Incidents which may breach the Act or AHIP**

17. The AHIP holder must notify the DECC office in writing as soon as practicable after becoming aware of:
- (a) any contravention of s.90 or s86 of the Act not authorised by an AHIP;
  - (b) any contravention of the conditions of this AHIP.

### **Reports about incidents which may breach the Act or AHIP**

18. 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:
- (a) the nature of the incident;
  - (b) the nature and location of relevant Aboriginal objects or Aboriginal places, referring to and providing maps and photos where appropriate;
  - (c) the impact of the incident on Aboriginal objects or Aboriginal places;
  - (d) any conditions of an AHIP which may have been breached; and
  - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
19. The report must be provided to the DECC office by the due date specified by the authorised officer.

### **Report about damage to Aboriginal objects under s.90**

20. 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 monitoring activities and mitigation measures that were implemented; and
  - (f) comment on the effectiveness of any management plan which was in place.
21. The report must be provided to the DECC office within 21 days of completion of the activities.



Consent to destroy, deface or damage Aboriginal

## ***Aboriginal Heritage Impact Permit***

Section 90 of the National Parks and Wildlife Act 1974

Department of Environment & Climate Change NSW



### **Provision of copies of reports to local Aboriginal groups**

22. The AHIP holder must provide a copy of each report provided to the DECC under this AHIP to each local Aboriginal group, within 14 days after each report is provided to the DECC.

### **Copy of this AHIP to be provided to local Aboriginal groups**

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

## **OTHER GENERAL CONDITIONS**

### **Indemnity**

24. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Director-General of DECC, 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**

25. 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 DECC, 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**

26. 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 DECC).

### **Written notice**

27. Any requirement to provide written notice to the DECC office in this AHIP may be complied with by faxing the notice to the DECC office's fax number or by sending by registered post



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## ***Aboriginal Heritage Impact Permit***

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Department of Environment & Climate Change NSW



to the DECC office's address. The DECC office's contact details are specified at the front of this AHIP.

### **DICTIONARY**

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

<b>Aboriginal object(s)</b>	has the same meaning as in the Act
<b>Aboriginal place</b>	has the same meaning as in the Act
<b>Act</b>	means the National Parks and Wildlife Act 1974
<b>AHIMS</b>	means the Aboriginal Heritage Information Management System maintained by DECC
<b>AHIP holder</b>	means the person listed on the cover page under the heading "AHIP issued to"
<b>Application</b>	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.
<b>Authorised officer</b>	means an employee of the DECC who is appointed as authorised officer under s.156B of the Act
<b>Community collection</b>	means the recovery of Aboriginal objects by representative(s) of the Aboriginal community
<b>Damage</b>	in relation to an Aboriginal object or Aboriginal place, unless otherwise specified in this AHIP, includes destruction and defacement
<b>DECC</b>	Department of Environment and Climate Change (NSW)
<b>DECC office</b>	means the office listed on the cover page of this AHIP
<b>Director-General</b>	means the Director-General of DECC
<b>Invasive analysis</b>	Any analysis of an Aboriginal object that damage the Aboriginal object
<b>Land</b>	means the land described at Schedule A
<b>Local Aboriginal groups</b>	means the following the following groups: <i>Deerubbin Local Aboriginal Land Council</i> PO Box 314, Mt Druitt NSW 2770



Consent to destroy, deface or damage Aboriginal

## ***Aboriginal Heritage Impact Permit***

Section 90 of the National Parks and Wildlife Act 1974

Department of Environment & Climate Change NSW



Kevin Kavanagh and Steve Randall

*Darug Tribal Aboriginal Corporation*

PO Box 441 Blacktown NSW 2148

Sandra Lee

*Darug Custodians Aboriginal Corporation*

PO Box 81 Windsor NSW 2756

Leanne Watson

*Darug Aboriginal Cultural Heritage Assessments*

90 Hermitage Rd Kurrajong Hills NSW 2758

Gordon Morton

*Darug Land Observations*

PO Box 571 Plumpton NSW 2761

Gordon Workman

<b>Non-invasive analysis</b>	Any analysis of an Aboriginal object that does not damage the Aboriginal object
<b>Protected Aboriginal objects</b>	means those Aboriginal objects which are described in Schedule B
<b>Salvage</b>	the recovery of Aboriginal objects in accordance with the archaeological research methodology accompanying the application, as modified by the conditions of this AHIP
<b>Standards and Guidelines Kit</b>	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 DECC can also issue penalty notices.

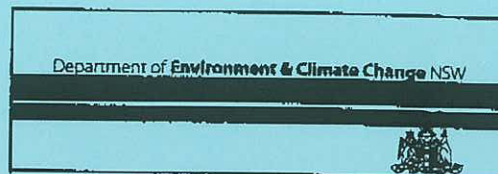
#### **Responsibility for obtaining all approvals and compliance with applicable laws**



Consent to destroy, deface or damage Aboriginal

## ***Aboriginal Heritage Impact Permit***

Section 90 of the National Parks and Wildlife Act 1974



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](http://www.environment.nsw.gov.au)

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 DECC 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**



Consent to destroy, deface or damage Aboriginal

## ***Aboriginal Heritage Impact Permit***

Section 90 of the National Parks and Wildlife Act 1974



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 DECC's possession in accordance with any lawful requirement.

### **Making copies of reports**

By providing a report, the AHIP holder acknowledges that DECC 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.

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



## Office of Environment & Heritage

Our reference: DOC11/36417  
Contact: Fran Scully 902) 9995 6830

Dr Jo McDonald  
Director  
Jo McDonald CHM  
GML  
78 George Street  
Redfern  
NSW 2016

Dear Jo

Thank you for your preliminary report regarding the archaeological investigations of Salvage Area 2 at the Jordan Springs Development Project, Western Precinct, former ADI, which Office of Environment and Heritage (OEH) received on 10<sup>th</sup> August 2011.

OEH considers that Condition 2(b) of AHIP No 10996059 has been satisfied with the provision of the preliminary report.

If you have any further questions in relation to this, please don't hesitate to contact Fran Scully, Archaeologist, on (02) 9995 6830.

Yours sincerely

**LOU EWINS**  
**Manager Planning & Aboriginal Heritage**  
**Environment Protection and Regulation**  
**Office of Environment and Heritage**  
**Department of Premier and Cabinet**

The Department of Environment, Climate Change and Water is now known as the Office of Environment and Heritage, Department of Premier and Cabinet

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