

**Proposed Concept for a Retail Outlet Centre and
Stage 1 Early Works (SSD-10457) at
141 Rooty Hill Road South, Eastern Creek,
Blacktown City Council, NSW**
Aboriginal Cultural Heritage Assessment Report

Prepared for Frasers Property Retail Holdings Pty Ltd
April 2021

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Executive Summary

Kayandel has been commissioned by Frasers Property Retail Holdings Pty Ltd (the Proponent) to provide advice in relation to Aboriginal heritage to inform the Environmental Impact Statement (EIS) that will be used support the State Significant Development (SSD) application for the Proposed Amended Concept Plan for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457).

The proposed first stage early works for the Subject Area will involve earthworks, access roads and servicing infrastructure.

On the 3rd July 2020, the Proponent received Planning Secretary's Environmental Assessment Requirements (SEARs) from Department of Planning, Industry and Environment (DPIE) for the proposal.

Kayandel (2012) prepared an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of the Western Sydney Parklands Trust, for the proposed Eastern Creek Business Hub (SSD 5175) at the Western Sydney Parklands along Rooty Hill Road South. The investigation study area included the current Subject Area.

Kayandel (2012) was prepared to inform the staged SSD application. The 2012 investigations were for the first stage approval for super lot subdivision and early works to accommodate future development at the site.

As a result of the investigation, Kayandel (2012) identified seven (7) areas of Potential Archaeological Deposits (PADs) within the investigation study area.

None of the identified areas of PAD are within the current Subject Area.

On 3rd July 2020, amended SEARs were received which under General Requirement 11 required the Proponent to:

identify and describe the Aboriginal cultural heritage values that exist across the whole area that would be affected by the development and document these in an ACHAR which includes consultation with Aboriginal people in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW, 2010a).

As there had been a period of more than 12 months since the last consultation with the Aboriginal stakeholders identified in 2012, in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW, 2010a)*, the Proponent restarted the consultation process.

Due to special request, correspondence from two (2) Registered Aboriginal Party (RAPs) has been omitted from this report.

A log of all consultation with the RAPs is included as Appendix VII.

One (1) of the RAPs stated that the overall cultural significance of the Eastern Creek area is considered to be high (refer to Sections 3.1.6 and 9.1.2, and Appendix XXI).

The Subject Area has undergone significant vegetation clearance in sections while other parts appear to be less disturbed. There is evidence in some areas that roads, buildings and associated infrastructure have been constructed, utilised and later deleted (refer to Figure 9).

The most western section of the Subject Area has undergone significant disturbance as part of early stage works for the current project which began in 2012 (refer to Figure 10).

As such, the ground disturbance within the Subject Area is considered high across the site, and moderate in parts. This ground disturbance will have affected the integrity of any archaeological resource, particularly the likelihood of archaeological deposits if they were present (refer to Figure 10).

As a result of the archaeological investigations within the Subject Area, no Aboriginal sites or areas of PADs were recorded.

Based on the moderate and high degree of previous disturbances (refer to Figure 10), and the proximity of the Subject Area to fresh water sources such as Eastern Creek (refer to Sections 5.4 and Figure 8), it has been concluded that Aboriginal objects and/or artefact bearing deposit are unlikely to be located within the Subject Area.

As a result of the information presented in this report, the overall archaeological and scientific value of the Subject Area is considered to be low.

Obligations

1. Where impacts to Aboriginal objects will occur prior to approval of the SSD application, or works are approved by a Development Consent from Council, an Aboriginal Heritage Impact Permit under Part 6 of the National Parks and Wildlife Act, 1974 will be required.

Recommendations

The following management principles and recommendations are based on:

- Recognition that the current assessment has been prepared to support a proposed State Significant Development (SSD) application (refer to Section 1.3);
- That the SSD will be assessed by the NSW Department of Planning and Environment, and approved by the Minister for Planning, or their delegate;
- An Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the National Parks and Wildlife Act, 1974 is not required for impacts to Aboriginal sites that are identified subsequent to the approval of a SSD (refer to "S 4.41 approvals etc legislation that does not apply (cf previous s 89J)" in Division 4.7 State Significant Development (Environmental Planning and Assessment Act 1979));
- The requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010b);
- The requirements of the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011); and,
- The findings presented within this Aboriginal Cultural Heritage Assessment Report.

Kayandel recommends the following:

1. No further assessment of the Aboriginal heritage within the Subject Area is required to inform the proposed State Significant Development (SSD) application (refer to Section 1.3);
2. Should the proposed works be amended and result in potential impacts to areas previously not inspected as part of this assessment, further investigations may be required;
3. Consultation continues to inform RAPs about the progression of the project until such time as the works approved under the SSD have been completed. This is in line with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW, 2010a). A period

of no longer than six (6) months between contact with the RAPs must be upheld for the consultation to be considered 'continuous'. If a period of longer than six (6) months occurs between contact with the Aboriginal stakeholders, consultation will need to be re-started;

4. If, during the course of development works, suspected Aboriginal cultural heritage material is uncovered, work should cease in that area immediately. Heritage NSW should be notified and works only recommence when an approved management strategy has been developed; and,
5. A copy of the final report should be sent to the RAPs identified in Table 6.

Disclaimer: This archaeological assessment and the management recommendations contained herein, will be independently reviewed by Heritage NSW and the relevant Aboriginal community.

Heritage NSW and the Aboriginal community will make consideration of the findings of the consultant's report and the recommendations in relation to the management of cultural heritage. Formal approval for all actions outlined should be sought from the relevant authority prior to the completion of any works. At no time should automatic approval of the management recommendations stated herein be assumed.

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1 INTRODUCTION

This Aboriginal Cultural Heritage Assessment Report has been prepared for Frasers Property Australia to support a State Significant Development Application (SSDA) submitted to the Department of Planning, Industry and Environment (DPIE) relating to Lot 3 of the Eastern Creek Quarter Site at Rooty Hill Road South, Eastern Creek. The application seeks Concept Plan approval for the staged construction of a new retail outlet centre at Lot 3 with supporting food and beverage tenancies, and ancillary entertainment and recreation usages.

This report addresses the following items of the amended Secretary's Environmental Assessment Requirements (SEARs) (dated 3rd July 2020):

Identify and describe the Aboriginal cultural heritage values that exist across the whole area that would be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This shall address:

- *The need for surface survey and test excavation;*
- *The identification of cultural heritage values, in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011);*
- *Consultation with Aboriginal people in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW, 2010);*
- *The significance of cultural heritage values for Aboriginal people who have a cultural association with the land;*
- *Impacts on Aboriginal cultural heritage values;*
- *Attempts to avoid impact upon cultural heritage values and identify any conservation outcomes;*
- *Where impacts are unavoidable, measures proposed to mitigate impacts; and,*
- *Any objects recorded as part of the assessment must be documented and notified to the Department's Environment, Energy and Sustainability Group.*

1.1 Project Background

Kayandel (2012) prepared an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of the Western Sydney Parklands Trust, for the proposed Eastern Creek Business Hub (SSD 5175) at the Western Sydney Parklands along Rooty Hill Road South. The investigation study area included the current Subject Area.

Kayandel (2012) was prepared to inform the staged SSD application. The 2012 investigations were for the first stage approval for super lot subdivision and early works to accommodate future development at the site.

As a result of the investigation, Kayandel (2012) identified seven (7) areas of Potential Archaeological Deposits (PADs) within the investigation study area.

None of the identified areas of PAD are within the current Subject Area.

Kayandel (2013) was produced as an addendum to Kayandel (2012) as part of addressing queries raised by the Department of Planning & Infrastructure (DoPI) as part of their review of the SSD application.

As part of responding to submissions relating to heritage (Aboriginal and Historical archaeology) that were received in relation to the modifications to the Eastern Creek Business Hub development proposal, Biosis (2016) was commissioned by Western Sydney Parklands Trust to formulate a response.

The comments raised were in relation to the modification of the SSD approval were:

- Modified proposals (specifically additional infrastructure) effect on Aboriginal and Historical archaeology;
- Modified proposals visual effect on Aboriginal and Historical archaeology; and,
- Concerns regarding the content of the Archaeological Management Plan (AMP) and the timing of its implementation.

1.2 Location of the Subject Area

The Subject Area is located within Eastern Creek in the Blacktown City Council LGA, Parish of Rooty Hill, County of Cumberland.

The 34ha Eastern Creek Quarter (ECQ) site is situated to the north of the Great Western Highway between Rooty Hill Road South and the M7 Motorway. Church Street marks the Subject Area's northern boundary. The Subject Area forms part of the Western Sydney Parklands. The Subject Area is located approximately 1.5km south east of Rooty Hill Station (refer to Figure 1).

This SSDA relates to Lot 3 of the ECQ site, which is the final lot proposed to be developed. The Subject Area is located in the northern part of the ECQ site and has an area of approximately 7.29ha (refer to Figure 2).

The Subject Area is defined as 141 Rooty Hill Road South, which comprises the following properties (refer to Figure 2):

- Lots 1, 2 and 13 DP 1258787;
- Lots 2 - 4 DP 830836; and,
- Lots 1/B, 3/B-5/B DP 8681.

1.3 Proposed Development

The proposed SSDA seeks Concept Plan approval for a new retail outlet centre at Lot 3 of the Eastern Creek Quarter site. The Concept Plan will establish the following framework to guide the future detailed design of the Lot 3 development:

- Land uses, including retail (factory outlet), food and drink premises, amusement centre and indoor recreation facility;
- Building footprints, including basement, with a maximum height of 12m;
- A maximum GFA of 39,500m² at Lot 3 which will be staged as follows:
 - Phase A: 29,500m²
 - Phase B: 10,000m²
- Upgrade of Church Street for vehicular access, including traffic signals at the Church Street/Rooty Hill Road South intersection;
- Modifications to the Cable Place/Rooty Hill Road South/Site Access intersection; and
- Modifications to the Francis Street/Eastern Road/Rooty Hill Road South intersection.

It is also proposed to seek consent for a series of early works including:

- Removal of up to 0.73ha of Cumberland Plains Woodlands in the south west corner of the site;

- Bulk earthworks within Lot 3; and
- Extension of the internal access road to connect to the basement car park.

The proposed outlet centre at Lot 3 will necessitate the inclusion of conditions of consent which requires the modification of SSD 5175 (the existing Concept Plan for the broader ECQ site) to amend the overall allocation of GFA and associated uses, relevant Concept Plans and the existing Design Guidelines.

This report is based on the Concept Plan prepared by i2C, shown at Figure 33.

1.4 Study Aim and Objectives

The objective of this study is to produce a report that details the Aboriginal heritage within the Subject Area, and present sufficient information to facilitate an informed decision regarding the potential impact to known and unknown Aboriginal heritage within the Subject Area.

The report has been prepared in accordance with the specifications of the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (Code of Practice)* (DECCW, 2010b) and *The Guide for Investigating, Assessing, and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011).

The following tasks were undertaken to achieve these aims:

- A review of background information, including landscape and ethnographic history as described in the *Code of Practice* (DECCW, 2010b);
- A review of archaeological context, including identification of known Aboriginal sites in or around the Subject Area through a search of Aboriginal Heritage Information Management System (AHIMS), and an analysis of existing archaeological reports relating to the Subject Area and its immediate environs;
- Detail the consultation undertaken with Aboriginal community stakeholders;
- An archaeological field survey of the Subject Area;
- Determine if there is potential for artefact-bearing deposit to be present within the Subject Area;
- Characterise the nature of any archaeological deposits encountered (within the limitations of the sampling and processing methodology); and,
- Provide informed mitigation measures and management recommendations for any sites located within the Subject Area.

1.5 Study Limitations

The advice provided in this report is limited to Aboriginal heritage.

This report is based on a review of available Aboriginal archaeological assessments (sourced from AHIMS, grey literature and Kayandel's report library) and the field inspection. It is possible that further Aboriginal archaeological assessments or the emergence of new analysis of the Aboriginal archaeological landscape within the Eastern Creek area may support different interpretations of the evidence in this report.

A summary of the statutory requirements regarding heritage is provided in Section 2. This is made on the basis of our experience of working with the NSW Aboriginal heritage and European heritage systems and does not purport to be legal advice. It should be noted that legislation, regulations, and

guidelines change over time and users of this report should satisfy themselves that the statutory requirements have not changed since the report was written.

The results from the 'AHIMS Database Search' (Section 6.2) are valid for 12 months (from the date of the search). If the report has not been finalised and/or it is necessary to update the report, and the previous AHIMS database search is over 12 months old, it will be necessary to undertake another search of AHIMS again to ensure the information is still current. If the AHIMS search results identify additional Aboriginal sites which will result in significant changes to the assessment, it will be necessary to update the report to consider these results.

The 'Statement of Archaeological Potential and Significance' (Section 9.2.3) made in this report is a combination of both facts and interpretation of those facts in accordance with a standard set of assessment criteria. It is possible that another professional may interpret the Aboriginal archaeological landscape within the Eastern Creek area and physical evidence in a different way.

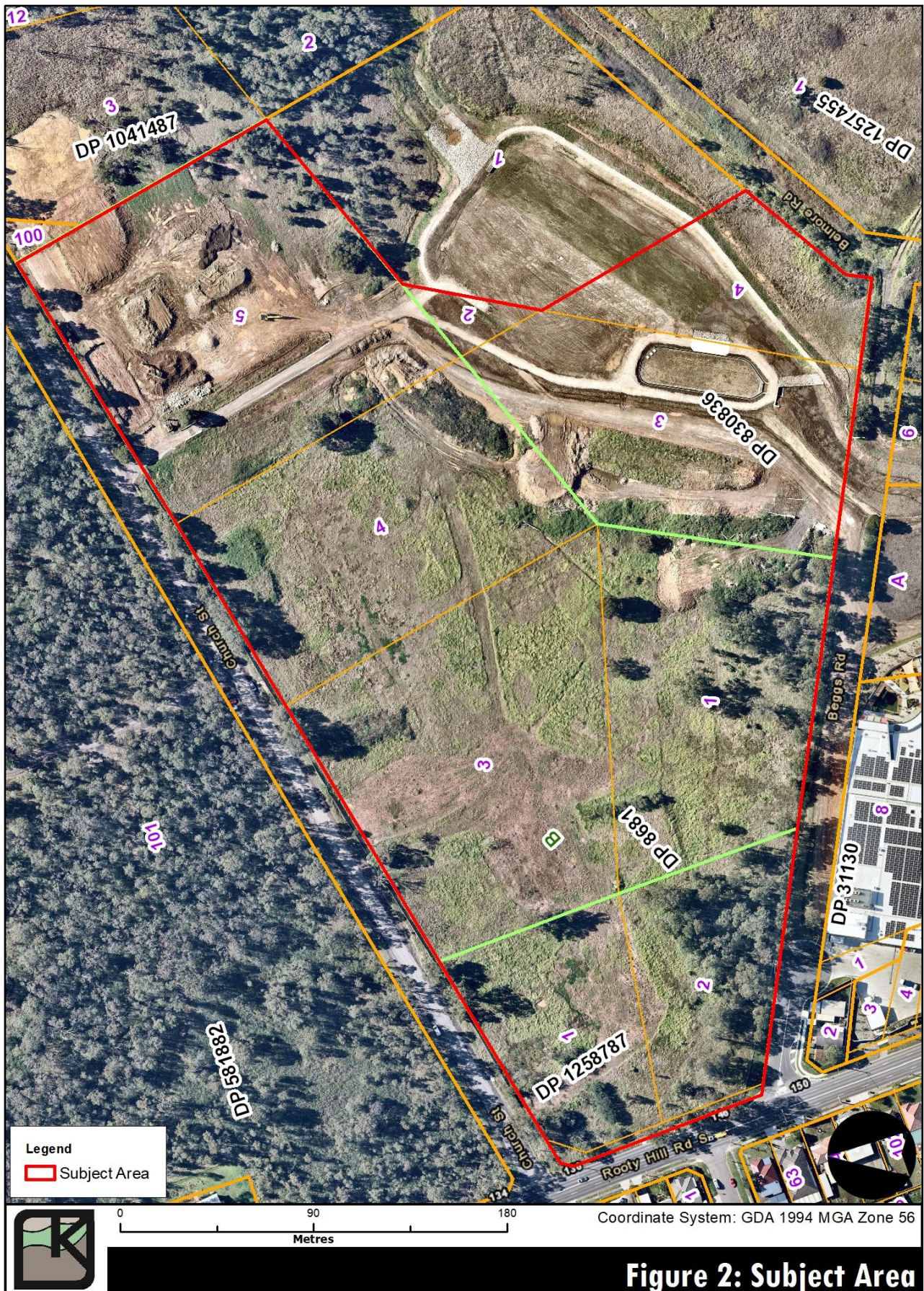
1.6 Personnel

The qualifications of the Kayandel team are included on Table 1.

Person	Qualifications	Experience	Tasks
Steven Castell	B. Arts Ext. (Arch/Anth)	3 years	Consultation with Aboriginal stakeholders, background research, report drafting
Natalie Stiles	B. Arts (Arch/Palaeo), Grad Cert. Arts (Arch), MGIS&RemoteSens	8 years	Mapping, field survey, report review
Lance Syme	B. Arts (Arch/Palaeo), Grad. Dip. (Heritage Cons.), M. ICOMOS	21 years	Project supervisor, field survey, report review

Table 1: Kayandel personnel involved in the preparation of this report







2 APPLICABLE POLICY AND LEGISLATION

Aboriginal and non-Aboriginal cultural heritage in Australia is protected and managed under a variety of legislation. The following section provides a summary of the Acts which are relevant to the management of cultural heritage in NSW. It is important to note that these Acts are presented as a guide and are not legal interpretations of legislation by the consultant.

2.1 Commonwealth Legislation

2.1.1 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

The purpose of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (*Heritage Protection Act*) is the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters that are of particular significance to Aboriginal people in accordance with Aboriginal tradition.

Under the *Heritage Protection Act* the responsible Minister can make temporary or long-term declarations to protect areas and objects of significance under threat of injury or desecration. The Act can, in certain circumstances, override state and territory provisions, or it can be implemented in circumstances where state or territory provisions are lacking or are not enforced. The Act must be invoked by or on behalf of an Aboriginal or Torres Strait Islander or organisation.

2.1.2 Environment Protection & Biodiversity Conservation Act 1999 (EPBC Act)

The *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (*EPBC Act*) took effect on 16 July 2000. The *EPBC Act* includes provisions to protect matters of National Environmental Significance (NES) and Commonwealth land. Lists and registers made under the Act include:

- A National Heritage List of places of national heritage significance.
- A Commonwealth Heritage List of heritage places owned or managed by the Commonwealth.
- Management of the Register of the National Estate.

Approval under the *EPBC Act* is required if you are proposing to take an action that will have, or is likely to have, a significant impact on the National Heritage values of a National Heritage place and/or any other NES matter. This action must be referred to the Australian Government Minister for the Environment and Heritage. The Minister will decide whether an action will, or is likely to, have a significant impact on a matter of national environmental significance.

The heritage provisions of the *EPBC Act* allow for a transition period whilst the National and Commonwealth Heritage Lists are finalised. During this transition period the Register of the National Estate acts in conjunction with the formative National and Commonwealth lists to provide full coverage for items already identified as having cultural heritage significance.

2.1.3 Native Title Act 1993 (Amended)

The *Native Title Act of 1993*, as amended, recognises, and protects native title, and provides that native title cannot be extinguished contrary to the Act. The National Native Title Tribunal (NNTT) is a Commonwealth Government agency set up under this Act to mediate native title claims under the direction of the Federal Court of Australia.

The National Native Title Tribunal maintains the following registers:

- National Native Title Register;

- Register of Native Title Claims;
- Unregistered Claimant Applications; and,
- Register of Indigenous Land Use Agreements.

The objective of a search of the NNTT registers is to identify possible Aboriginal Stakeholders that would not perhaps receive representation as part of the Local Aboriginal Land council or Elders groups.

2.2 New South Wales Legislation

The following New South Wales legislation protects aspects of cultural heritage and is relevant to development activities in the Subject Area.

2.2.1 Environmental Planning and Assessment Act 1979

The *EP&A Act* requires that consideration be given to environmental impacts as part of the land use planning process. This includes impacts on Aboriginal and non-Aboriginal cultural heritage items and places. The Act also requires that LGAs prepare Local Environmental Plans (LEP) and Development Control Plans (DCP) in accordance with the Act to provide guidance on the level of environmental assessment required. LEPs often list locally significant heritage items. Three parts of the *EP&A Act* are most relevant to Heritage. Part 3 relates to planning instruments, including those at local and regional levels; Part 4 controls development assessment processes; and Division 5.1 refers to approvals by determining authorities.

2.2.2 State Environmental Planning Policy (SEPP) (Western Sydney Parklands) 2009

The *SEPP (Western Sydney Parklands) 2009* heritage provisions aims are to conserve the environmental heritage of the Western Parklands, and to conserve the heritage significance of heritage items in the Western Parklands including associated fabric, settings and views.

Section (5) of part 2 of *SEPP (Western Sydney Parklands) 2009* requires heritage impact assessment before granting consent to any development on land in the Western Parklands on land:

- on which a heritage item is situated; or,
- within the vicinity of land referred to in paragraph (a).

Schedule 1 *Heritage Items* lists items of Heritage Significance listed by LGA.

2.2.3 SEPP (Western Sydney Parklands) 2009 Search

A search of Schedule 1 of *SEPP (Western Sydney Parklands) 2009* was undertaken as part of preparing this assessment. Table 2 lists the Schedule 1 heritage items that are adjacent to or in the vicinity of the Subject Area (refer to Figure 4).

Item	Address	Heritage Listing	Significance	Relationship to the Subject Area
The Rooty Hill	Eastern Road Rooty Hill, Lot 101, DP581882; Part of Lot 1, DP1103025 and Lot 1, DP909138	2	State	Adjacent to the Subject Area
Pioneer Memorial Church	Rooty Hill Road South Rooty Hill, Lot 1, DP909138	3	Local	In the vicinity of to the Subject Area

Table 2: SEPP (Western Sydney Parklands) 2009 Schedule 1 Items adjacent to or in the vicinity of the Subject Area

2.2.4 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* provides for protection of Aboriginal objects (sites, relics and cultural material) and Aboriginal places. Under the Act (Section 5), an Aboriginal object is defined as:

any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction and includes Aboriginal remains.

An Aboriginal place is defined under this Act as an area that has been declared by the Minister administering the *National Parks and Wildlife Act, 1974* as a place of special significance for Aboriginal culture. It may or may not contain physical Aboriginal objects.

Under Section 86 of the Act it is an offence to knowingly destroy, deface, damage or desecrate, or cause or permit the destruction, defacement, damage or desecration of, an Aboriginal object or Aboriginal place, without the prior written consent from the Director-General of Heritage NSW (formerly the Department of Planning, Industry and Environment (DPIE)). In order to obtain such consent, a Section 90 Aboriginal Heritage Impact Permit (AHIP) application must be submitted and approved by the Heritage NSW Director-General. In considering whether to issue a permit under Section 90, Heritage NSW will consider:

- The objectives and justifications for the proposed activity;
- The appropriateness of the methodology to achieve the objectives of the proposed activity;
- The significance of the Aboriginal object(s) or place(s) subject to the proposed impacts;
- The effect of the proposed impacts and the mitigation measures proposed;
- The alternatives to the proposed impacts;
- The conservation outcomes that will be achieved if impact is permitted;
- The outcomes of the Aboriginal community consultation regarding the proposed impact and conservation outcomes;
- The views of the Aboriginal community about the proposed activity; and,
- The knowledge, skills, and experience of the nominated person (s) to adequately undertake the proposed activity.

Under Section 89A of the *National Parks and Wildlife Act, 1974* it is a requirement to notify the Heritage NSW Director-General of the location of an Aboriginal object. Identified Aboriginal items and sites are registered with Heritage NSW on AHIMS.

2.2.5 The Heritage Act 1977 (NSW) (Amended 1999)

The *NSW Heritage Act 1977* (Heritage Act) provides protection for items of 'environmental heritage' in NSW. 'Environmental heritage' includes places, buildings, works, relics, movable objects, or precincts considered significant based on historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic values. Items considered to be significant to the State are listed on the State Heritage Register and cannot be demolished, altered, moved, or damaged, or their significance altered without approval from the Heritage Council of NSW.

Items listed on the State Heritage Register (SHR) require consent of the Heritage Council to undertake work or development which alters, moves, deposits, or damages any part of the heritage item, place, precinct, land, its relics or any vegetation.

Relics are afforded automatic protection under Section 139 of the *NSW Heritage Act 1977* which applies generally to all land in New South Wales. Under Section 41(1) of the *NSW Heritage Act 1977* and the *Heritage Amendment Act 2009* (No. 34) a 'relic' is defined as:

Any deposit artefact, object, or material evidence that:

(a) Relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) Is of State or local significance.

Section 146 of the *NSW Heritage Act* requires that the accidental discovery of relics should be reported in writing to the Heritage Council of NSW. Depending on the nature of the discovery, additional assessment and possibly an excavation permit may be required prior to the recommencement of excavation in the affected area. Alternatively, an applicable gazetted 'exception' might apply.

If the Heritage Council believes that a heritage item or place needs to be conserved, it can make a recommendation to the Minister, who decides whether to place protection on that item. There are two types of protection available: interim heritage orders and listing on the State Heritage Register. These forms of protection are 'binding directions', which means that the heritage item that is protected in one of these ways cannot be demolished, redeveloped, and/or altered without permission from the Heritage Council.

The *Heritage Act 1977* does not apply to Aboriginal "relics" (any deposit, object, or material evidence). These items are protected under the *National Parks and Wildlife Act 1974*; however, some aspects of Aboriginal cultural heritage management and protection are covered by provisions of the *Heritage Act 1977*.

2.2.5.1 State Heritage Register Search

A search of the State Heritage Register (SHR) was undertaken as part of preparing this assessment. Table 3 lists the SHR items that are located in the vicinity of the Subject Area (refer to Figure 4 and Appendix III).

Item	Address	SHR Number	Significance	Relationship to the Subject Area
Rooty Hill, The	Eastern Road, Rooty Hill, NSW 2766	01756	State	Adjacent to the Subject Area
Government Depot Site (former)	Dunsmore Street, Rooty Hill, NSW 2766	00345	State	In the vicinity of to the Subject Area

Table 3: State Heritage Register Items adjacent to or in the vicinity of the Subject Area

2.2.5.2 State Heritage Inventory Search

A search of the State Heritage Inventory (SHI) was undertaken as part of preparing this assessment. Table 4 lists the SHI items located in the vicinity of the Subject Area (refer to Figure 4 and Appendix IV).

Item	Address	Database Number	Significance	Relationship to the Subject Area
Rooty Hill, The	Eastern Road, Rooty Hill, NSW 2766	01756	State	Adjacent to the Subject Area
Government Depot Site (former)	Lot 36 DP 8995 Dunsmore Street, Rooty Hill, NSW 2766	00345	State	In the vicinity of to the Subject Area
Belvedere	116 Rooty Hill Road South, Rooty Hill	1140119	Local	In the vicinity of to the Subject Area
Pioneer Memorial Church	Rooty Hill Road South, Rooty Hill	1140118	Local	In the vicinity of to the Subject Area
House	45 Rooty Hill Road South Rooty Hill, (corner of Dunsmore Street), Lot 17, DP658117	1140118	Local	In the vicinity of to the Subject Area
House - Belvedere	116 Rooty Hill Road South Rooty Hill, Lot 2, DP135775	1140119	Local	In the vicinity of to the Subject Area
House—Fairholme (now part of St Agnes High School)	24 Evans Road Rooty Hill, Part of Lot 2, DP579138	1140111	Local	In the vicinity of to the Subject Area
Government Depot (Ruins)	Dunsmore Street (Eastern Road) Rooty Hill, Part of Lot 36 & 43, DP8995	3490010	Local	In the vicinity of to the Subject Area

Table 4: State Heritage Inventory Items adjacent to or in the vicinity of the Subject Area

2.3 Local Government Controls

2.3.1 Blacktown Local Environment Plan (LEP) 2015

Heritage is dealt with under Section 5.10 and Schedule 5 of the Blacktown Local Environmental Plan (LEP) 2015. Section 5.10 (1) outlines the objectives of the clause, including:

(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The clause states that development consent is for the following activities:

- Demolishing or moving a heritage item, Aboriginal Object, or building, work, relic or tree within a conservation area;
- Altering a heritage item that is a building;
- Disturbing or excavating an archaeological site;
- Disturbing or excavating an Aboriginal place of heritage significance;
- Erecting a building on land on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance;
- Subdividing land on land on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

Section 5.10 (8) Specifically applies to *Aboriginal Places of Heritage Significance* and outlines the level of assessment and notification which needs to be undertaken for development affecting Aboriginal places, prior to granting development consents.

Schedule 5 – Environmental Heritage lists places of heritage significance registered on the local listing. These items are primarily European and post-contact sites, however occasionally Aboriginal places are listed at the local level.

2.3.1.1 Blacktown LEP 2015 Schedule 5 Search

A search of Schedule 5 of the Blacktown LEP 2015 for Eastern Creek was undertaken as part of preparing this assessment.

Table 4 lists the SHI items located in the vicinity of the Subject Area (refer to Figure 4 and Appendix V).

Item	Address	Item No	Significance	Relationship to the Subject Area
House	45 Rooty Hill Road South Rooty Hill, (corner of Dunsmore Street), Lot 17, DP658117	I103	Local	In the vicinity of to the Subject Area
House - Belvedere	116 Rooty Hill Road South Rooty Hill, Lot 2, DP135775	I104	Local	In the vicinity of to the Subject Area
House—Fairholme (now part of St Agnes High School)	24 Evans Road Rooty Hill, Part of Lot 2, DP579138	I98	Local	In the vicinity of to the Subject Area
Archaeological site - Ruins	Dunsmore Street (Eastern Road) Rooty Hill, Part of Lot 36, DP8995	A123	State	In the vicinity of to the Subject Area

Table 5: Schedule 5 LEP Items in the vicinity of the Subject Area

2.3.2 Blacktown Development Control Plan (DCP) 2015

Part A Section 4.4.2 of the *Blacktown DCP* identifies the controls that Council applies to determine if an Aboriginal heritage impact assessment is required in accordance with Section 5.10 of the *Blacktown LEP*. Under Part A Section 4.4.3 of the DCP, additional independent assessment of Aboriginal heritage may be requested if:

- Development Applications on land adjacent to and/or adjoining a heritage item;
- Sites which are found to have archaeological significance will have a condition of development consent requiring consultation with Heritage NSW.
- The additional information requested may take the form of a report prepared by a suitability qualified person as defined by the NSW Office of Environment and Heritage, as well as consultation with the NSW Office of Environment and Heritage and appropriate Aboriginal groups; and,
- If an Aboriginal site or relic is discovered, it must be reported to the Heritage NSW and all works stopped; and,
- Development must conserve the significance of any Aboriginal place of heritage significance or Aboriginal object.

2.4 Non-Statutory Listings

The National Trust of Australia (NSW) is a community-based organisation with independently constituted Trusts in each state and territory. The NSW National Trust compiles a heritage list primarily of historic places, but they also include some Aboriginal and natural places. Listing helps to provide recognition and promote public appreciation and concern for local heritage.

The National Trust Register has no legal foundation or statutory power but is recognised as an authoritative statement on the significance to the community of particular items and is held in high esteem by the public.

2.4.1 Register of the National Estate

The Register of the National Estate (RNE) was closed in 2007 and is no longer a statutory list.

The RNE is maintained on a non-statutory basis as a publicly available archive and educational resource.

Items entered in the RNE prior to its closure in 2007 as identified as "registered". The existence of an entry for a place in the RNE does not in itself create a requirement to protect the place under Commonwealth law. Nevertheless, information in the register may continue to be current and may be relevant to statutory decisions about protection.

2.4.1.1 Register of the National Estate Search

A search of the Register of the National Estate was undertaken as part of preparing this assessment. There were no Register of the National Estate items located within or in the vicinity of the Subject Area.



3 PARTNERSHIP WITH INDIGENOUS COMMUNITIES

Heritage NSW recognises and values Aboriginal cultural heritage. Evidence of Aboriginal occupation is present as objects throughout the NSW landscape, and cultural heritage is present in the memories, stories and relations Aboriginal people have with their traditional land or Country. Aboriginal cultural heritage is an essential part of Aboriginal people's cultural identity, connection, and sense of belonging to Country. Heritage NSW recognises that Aboriginal people who hold cultural knowledge should be provided an opportunity to inform Heritage NSW of the cultural significance of objects or places and have an input into the management of their cultural heritage. To this end, they produced the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010a).

In recognising the rights and interests of Aboriginal people in their cultural heritage, Heritage NSW acknowledges that Aboriginal people:

- Are the primary source of information about the value of their heritage and how this can be protected and conserved;
- Must have an active role in any Aboriginal cultural heritage planning process;
- Must have early input into the assessment of cultural significance of their heritage and its management so that they can continue to fulfil their obligations towards their heritage; and,
- Must control the way in which cultural knowledge and other information relating specifically to their heritage is used, as this may be an integral aspect of its heritage value (DECCW, 2010a, p. 2).

Heritage NSW sets out a process for identifying Aboriginal parties who may have information on the cultural significance of objects or places and providing Aboriginal people with opportunities to comment on the methods used to identify and assess objects or places, and opportunities to contribute to the development of management options and recommendations (DECCW, 2010a, p. 7).

The process must be followed if an application is made to Heritage NSW under Part 6 of the *National Parks and Wildlife Act, 1974* as amended. Consultation for the current study was carried out in accordance with the specified requirements (DECCW, 2010a).

Kayandel undertook consultation with the identified Aboriginal stakeholders known to hold cultural knowledge relating to the Subject Area and who were generally accepted within the Aboriginal community as being the holder of a right to speak for the *country* in which the Subject Area is located. The purpose of this community consultation was to understand the cultural values of the Subject Area and to understand the community's views and concerns about the proposed redevelopment.

The objectives of Aboriginal community consultation were to:

- Give Aboriginal people an opportunity to comment on the design of the field methods for identifying Aboriginal objects or places within the Subject Area;
- Obtain information about the cultural significance and values of any Aboriginal objects or places within the Subject Area;
- Give Aboriginal people an opportunity to contribute to the development of cultural heritage management options and recommendations; and,
- Give Aboriginal people an opportunity to comment on any draft report.

3.1 Consultation Process

3.1.1 2012 Consultation Process

Kayandel (2012) undertook a community consultation process as established by the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010a) for the Proposed Eastern Creek Business Hub which included the current Subject Area (refer to Section 1.1).

The consultation process for the Eastern Creek Business Hub project started at the beginning of May 2012 and ended late September 2012.

This complete process is detailed in Section 2 of Kayandel (2012).

A log of all consultation with the RAPs for the investigation study area is included as Appendix II of Kayandel (2012).

3.1.2 2020 Consultation Process

On 3rd July 2020, amended SEARs were received which under General Requirement 11 required the Proponent to:

identify and describe the Aboriginal cultural heritage values that exist across the whole area that would be affected by the development and document these in an ACHAR which includes consultation with Aboriginal people in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW, 2010a).

As there had been a period of more than 12 months since the last consultation with the Aboriginal stakeholders identified in 2012, in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010a), the Proponent has restarted this process which is detailed below.

There are 4 Stages to the consultation process established by the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010a).

Each Stage is discussed separately in the following sub-sections.

Due to special request, correspondence from two (2) RAPs has been omitted from this report.

A log of all consultation with the RAPs is included as Appendix VII.

3.1.3 Stage 1 – Notification of Project Proposal and Registration of Interest

As there was not an approved determination of Native Title in relation to the Subject Area (refer to Appendix IX and Appendix X), the identification of potential Aboriginal stakeholders was carried out in accordance with the specifications of Section 4.1.2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010a).

Kayandel made enquiries with the following (see Appendix VIII and Appendix IX):

- Heritage NSW (formerly DPIE);
- Deerubbin Local Aboriginal Land Council;
- The Registrar, *Aboriginal Land Rights Act 1983*, for a list of Aboriginal Owners;
- The National Native Title Tribunal for a list of registered native title claimants, native title holders and registered Indigenous Land Use Agreements;
- Native Title Services Corporation Limited (NTSCORP Limited);
- Blacktown City Council; and,

- Greater Sydney Local Land Services (formerly known as Hawkesbury-Nepean Catchment Management Authority).

Correspondence from these organisations is included in Appendix X to Appendix XIV.

The Aboriginal groups and individuals that were identified by the various organisations as having a potential interest in the cultural heritage of the Subject Area as a result of these enquiries are listed in Appendix XV.

In accordance with Section 4.1.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010a), an advertisement for the project was placed online with a 50km radius of Blacktown, 2148 on the 25th June 2020 (refer to Figure 5). There were three (3) registrations from this advertisement.

In addition to the advertisement, Kayandel wrote to the organisations and individuals outlined in Appendix XV in early June 2020 inviting them to register their interest in being consulted for the project (refer to Appendix XVI).

Those organisations that responded, and registered their interest in the project, are outlined in Table 6 (refer to Appendix XVII).

Notification and Registration of Aboriginal Interests

Date listed: 26/6/2020



Aboriginal Stakeholder Consultation Factory Outlet Centre with Basement and At Grade Car Parking and Ancillary Uses Development at Eastern Creek

Notification and Registration of Aboriginal Interests

Public Notice and Registration of Interest National Parks and Wildlife Act, 1974 and Environmental Planning and Assessment Act 1979.

Frasers Property Retail Holdings Pty Ltd proposes a factory outlet centre with basement and at grade car parking and ancillary uses development at 141 Rooty Hill Road South, Eastern Creek (Lot, DP135665, Lots 1,3, 4, 5 and 13 DP8681, Lots 1, 2, 3 and 4, DP830836)

The Proposal is being assessed as a State Significant Development under the Environmental Planning and Assessment Regulation 2000.

The Proposal is being assessed as a State Significant Development under the Environmental Planning and Assessment Regulation 2000.

Kayandel has been commissioned by Frasers Property Retail Holdings Pty Ltd (the Proponent) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the proposed development at Eastern Creek.

The Proponent can be contacted via: Emelie Watkinson – Development Manager Frasers Property Australia Level 2, 1C Homebush Bay Drive, Rhodes NSW 2138.

The Applicant for an Aboriginal Heritage Impact Permit, should one be required, will be Frasers Property Retail Holdings Pty Ltd at the address stated above.

In accordance with Department of Planning, Industry and Environment (DPIE) (previously the NSW Office of Environment and Heritage) Consultation Requirements for Proponents 2010, we are seeking to identify Aboriginal groups and/or people who may have interest and cultural knowledge relevant to determining cultural significance of any Aboriginal objects and/or places within the project area.

The consultation process is to assist in the cultural heritage assessment that will be utilised to assess the project's potential impact upon Aboriginal cultural heritage.

Registrations should include the name of a contact person, address and other relevant contact details. The names of registered Aboriginal parties will be passed on to Deerubbin Local Aboriginal Land Council and DPIE unless a request to the contrary is made.

To register your interest, please contact:
The Project Manager
c/- Kayandel Archaeological Services
PO Box 440, Picton, NSW 2571
Ph: (02) 4627 ... , Fax: (02) 4605 ... , info@kayandel.com.au

The closing date for registrations is Friday 24th July 2020.

Registrations received after this date may not be included in the consultation process.

Note: registering for consultation does not guarantee employment.

Figure 5: Public Notice

Registered Aboriginal Party	Representative
Didge Ngunawal Clan	Lillie Carroll
Dhinawan Culture & Heritage Pty Ltd	Stephen Fields
Goodradigbee Cultural & Heritage Aboriginal Corporation	Caine Carroll
Yulay Cultural Services	Arika Jalomaki
Kamilaroi Yankuntjatjara Working Group	Phil Khan
Gulaga	Wendy Smith
A1 Indigenous Services	Carolyn Hickey
Amanda Hickey Cultural Services	Amanda Hickey
Widescope Indigenous Group	Steven Hickey
Freeman & Marx	Clive Freeman
Waawaar Awaa	Rodney Gunther
Murra Bidgee Mullangari Aboriginal Corporation	Darleen Johnson
Deerubbin Local Aboriginal Land Council	Steve Randall
Barraby Cultural Services	Lee Field
Yurrandaali Pty Ltd	Bo Field
Muragadi Heritage Indigenous Corporation	Jesse Johnson
Darug Custodian Aboriginal Corporation	Justine Coplin
-	Shaun Carroll

Table 6: Registered Aboriginal parties at the completion of the registration period

3.1.4 Stage 2 – Presentation of Information about the Project

Information about the project was provided to the RAPs (see Table 6) in the form of an Aboriginal Heritage Assessment Project Methodology, outlining the project details, background research, the field survey methodology, and the project time line (refer to Appendix XVIII).

Comments received from the RAPs in response to this document are provided below in Table 7 and Appendix XIX.

RAP Submission	RAP's Comment	Kayandel's Response
Murra Bidgee Mullangari (Received 30/7/2020 & 13/8/2020)	I have read the project information and methodology for the above project, I endorse the recommendations made	Thanks for your email. I have made a note in our records of your response.
A1 Indigenous Services (Received 30/7/2020)	I have reviewed the document and support the Methodology for the Retail Outlet Centre	Thanks for your email. I have made a note in our records of your response.
Shaun Carroll (Received 6/8/2020)	I have read the project information and methodology for the above project, I agree with the recommendations made	Thank you for your reply, I'll make a note in our records of your response
Muragadi Heritage Indigenous Corporation (Received 6/8/2020)	I have read the methodology for the above project, I agree with the recommendations	Thank you for your reply, I'll make a note in our records of your response
Barraby Cultural Services (Received 11/8/2020)	I on behalf of Barraby has reviewed and supports the methodology associated with this project	Thank you for your reply, I'll make a note in our records of your response
Yurrandaali (Received 11/8/2020)	Yurrandaali supports the methodology associated with this project.	Thank you for your reply, I'll make a note in our records of your response
Deerubbin LALC (Received 19/8/2020)	I no problem with the proposed methodology	Thank you for your reply, I'll make a note in our records of your response

RAP Submission	RAP's Comment	Kayandel's Response
Kamilaroi Yankuntjatjara Working Group (Received 20/8/2020)	<p>I have reviewed your methodology for 141 Rooty Hill Road Eastern Creek,</p> <p>I agree to your report of further investigation into the cultural heritage.</p> <p>I believe that there is high potential for Aboriginal cultural significance, due to how close it is to Eastern Creek.</p> <p>Water ways are of great importance to the Aboriginal people as we would of followed the water ways and camped close by.</p> <p>There is always the possibility of finding burials sites.</p> <p>I recommend further testing be done as there is high potential for finding cultural heritage.</p>	<p>As discussed in section 6 of this report, it was predicted that:</p> <p>The size, density and significance of sites will vary, although it is anticipated that any sites will be considerably less complex and less dense than those within 250m of major water sources such as Eastern Creek, or along spur lines and elevated positions overlooking Eastern Creek.</p> <p>Also, Burials would not be expected due to the limited depth of soil deposits,</p> <p>Further, as past land use disturbance increases in intensity, the ability for Aboriginal objects to provide spatial and chronological information about past Aboriginal land use will decrease.</p> <p>Due to the level of previous disturbance, distance from Eastern Creek (being 450m), results of the survey and the desktop assessment which includes the predictive model outlined in section 6 of this report, it is considered unlikely that sub-surface Aboriginal sites or objects may be present and may be uncovered during the proposed works.</p>
Yulay Cultural Services (Received 27/8/2020)	on behalf of Yulay cultural service's have reviewed and agree with the methodology for the above project.	Thank you for your reply, I have made a record of your response.
Darug Custodian Aboriginal Corporation (Received 3/09/2020)	<p>This area is significant to the Darug people due to the evidence of continued occupation, within close proximity to this project site there is a complex of significant sites.</p> <p>Landscapes and landforms are significant to us for the information that they hold and the connection to Darug people. Aboriginal people (Darug) had a complex lifestyle that was based on respect and belonging to the land, all aspects of life and survival did not impact on the land but helped to care for and conserve land and the sustenance that the land provided. As Darug people moved through the land there were no impacts left, although there was evidence of movement and lifestyle, the people moved through areas with knowledge of their areas and followed signs that were left in the landscape. Darug people knew which areas were not to be entered and respected the areas that were sacred.</p> <p>Knowledge of culture, lifestyle and lore have been part of Darug people's lives for thousands of years, this was passed down to the next generations and this started with birth and continued for a lifetime. Darug people spent a lifetime learning and</p>	-

RAP Submission	RAP's Comment	Kayandel's Response
	<p>as people grew older they passed through stages of knowledge, elders became elders with the learning of stages of knowledge not by their age, being an elder is part of the kinship system this was a very complicated system based on respect.</p> <p>Darug sites are all connected, our country has a complex of sites that hold our heritage and past history, evidence of the Darug lifestyle and occupation are all across our country, due to the rapid development of Sydney many of our sites have been destroyed, our sites are thousands of years old and within the short period of time that Australia has been developed pre contact our sites have disappeared.</p>	
	<p>Darug Custodian Aboriginal Corporation have received and reviewed the report for Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) at 141 Rooty Hill Road South (Lots 1, 2 and 13 DP 1258787, Lots 2 - 4 DP 830836, and Lots 1/B, 3/B - 5/B DP 8681), Eastern Creek</p> <p>We support the recommendations set out in this report.</p>	-

Table 7: RAP Comments and Responses related to the Stage 2 and 3 Document

3.1.5 Stage 3 – Gathering Information about Cultural Significance

In fulfilment of the Stage 3 requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010a), Kayandel asked the RAPs to provide any cultural information that may be relevant in undertaking the assessment of the proposed works.

No comments were received from the RAPs in relation to the cultural significance of the Subject Area.

3.1.6 Stage 4 – Review of Draft Cultural Heritage Assessment

Kayandel undertook a consultation process as outlined in 3.1.2 (above).

RAP submission comments relating to the draft ACHAR for the investigation can be found in Table 8 and Appendix XXI.

RAP Submission	RAP's Comment	Kayandel's Response
Freeman & Marx (Received 17/10/2020)	No comment from me in relation to the development proposal.	-
Kamilaroi Yankuntjatjara Working Group (Received 19/10/2020)	<p>This whole area is highly significant to our old Aboriginal People as it was a hunting and camping ground as there is a spring on the corner of Eastern Creek Rd and Rooty Hill Road that the (council have buried up) so this area would have been used all year round, also there are creeks that are close by Eastern & Bungaribee Creek.</p> <p>These springs were so important to our people. The white man who farmed</p>	Kayandel appreciates the high cultural significance that the whole area has to the local Aboriginal community, your comments will be included in Section 9.1.2 (Cultural Significance Assessment of the Subject Area) of the final ACHAR.

RAP Submission	RAP's Comment	Kayandel's Response
	used the spring to water his stock and called it Rower Park.	
	<p>As for burials our people buried their people wherever they died as that is where their spirit is. They used the hearth to bury our people as it would have been deep enough, after many years of cooking kangaroos in it.</p> <p>Our people would be covered with the soil and large stones placed around this stopped the dingos digging up the soil and the sacred trees would tell our people it was a burial site however when the invaders came they removed the stones and cut down the sacred trees.</p> <p>I am tired of hearing Archaeologists saying it is not a possibility of finding burial sites in these areas as you do not know this, this is our only chance to have a look.</p> <p>This thing about letting developers know about unusual finds is as they have not got the time and they are not going to stop the job for Aboriginal bones, so it is up to us and the Archaeologists to have a look as you do not know what is under the ground, the council are not telling you that there is a spring on this land.</p>	<p>As discussed in Section 5.5, and shown in Figures 9 and 10 of the draft ACHAR, the Subject Area has undergone a moderate to high level of ground disturbance.</p> <p>In addition, no burial locations have been documented on AHIMS within 2km of the Subject Area (see Section 6.2 (AHIMS Results) of the draft ACHAR).</p> <p>As evident from the photos in Section 7.1.2 of the draft ACHAR, during the field survey evidence of topsoil removal, landform levelling and earthworks within the Subject Area were observed.</p> <p>Based on the archaeological context and previous moderate to high ground disturbance, it has been assessed that unexpected human remains are unlikely to be encountered during development works.</p>
	Also when you did the walk over was a Aboriginal RAP or the Land Council present?	<p>While no Aboriginal stakeholder took part in the recent field survey of the Subject Area, the following Aboriginal stakeholders were involved in the 2012 field survey:</p> <ul style="list-style-type: none"> • Steve Randall (DLALC); • Gordon Morton (DACHA); • Justine Coplin (DCAC); • Gordon and Ron Workman (DLO); and, • Denis Hardy (DTAC).
Waawaar Awaa Aboriginal Corporation (Received 20/10/2020)	Waawaar Awaa Aboriginal Corporation supports the draft ACHAR for the Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) at 141 Rooty Hill Road South (Lots 1, 2 and 13 DP 1258787, Lots 2 - 4 DP 830836, and Lots 1/B, 3/B - 5/B DP 8681), Eastern Creek.	-
Deerubbin LALC (Received 22/10/2020)	(Via phone call) Steve said based on the field survey results and previous disturbance he has no comment to add and that he supports the recommendations of the report.	-
A1 Indigenous Services (Received 24/10/2020)	I have reviewed the document and support the Aboriginal Cultural Heritage Assessment Report for 141 Rooty Hill Road, Eastern Creek	-
Widescope Indigenous Group (Received 03/11/2020)	I have reviewed and support the recommendations out lined in the daft Aboriginal Cultural Heritage Assessment Report (ACHAR)	-

Table 8: RAP Comments and Kayandel Response related to the Draft ACHAR

4 STUDY METHODS

A breakdown of the various tasks that have been undertaken to achieve the objectives of this assessment is provided below.

The process for Aboriginal community consultation is set out in Section 3.1.2 above.

4.1 Background Research

Prior to the fieldwork, the following tasks were undertaken:

- A search of the AHIMS maintained by Heritage NSW was obtained to determine whether any sites or areas of sensitivity had previously been recorded within or near the Subject Area. This search also assisted with the development of a local site distribution model;
- A search of the AHIMS report catalogue was conducted to identify previous archaeological studies that had been carried out in and near the Subject Area. The reports identified were able to provide information on the local archaeological context and assisted with the development of predictions for site location within the Subject Area;
- Published archaeological texts and grey literature regarding the Eastern Creek area were consulted to assist with the development of regional and local archaeological contexts for the Subject Area;
- The Kayandel library was searched and an internet search was carried out to identify any Aboriginal history, ethnography, environmental and climate information relevant to the Subject Area;
- A predictive model for the Subject Area was prepared; and,
- The topographic map and air photos were examined to plan the field survey. It was intended that pedestrian survey (transects) would target areas of exposure which could have improved ground surface visibility (GSV), as well as areas which appeared less disturbed and had potential for intact Aboriginal sites.

4.2 Field Inspection Methodology

Field survey was undertaken on the 31st August 2020 by Lance Syme and Natalie Stiles.

The aim of this survey was to record the characteristics of the Subject Area (including identification of landforms), any physical evidence of Aboriginal land use and any information that could inform predictions about Aboriginal objects within the Subject Area.

The Subject Area was divided into four (4) Survey Units (SUs) that were arbitrarily determined. The Survey Units was assessed using pedestrian survey (transects), which was undertaken in accordance with the specification for archaeological survey contained within Burke and Smith (2004).

The following tasks were carried out during the field survey:

- Landform units were inspected for any potential of archaeological sensitivity across the Subject Area;
- Ground surface exposures were inspected for archaeological material; and,
- Large mature trees were inspected for signs of cultural modification.

The survey team walked transects targeting exposures and mature trees for inspection. Visibility variables were recorded for all SUs within the Subject Area.

Details and results of the site inspection are outlined in Section 7.1.

5 LANDSCAPE CONTEXT

The natural environment of an area influences not only the availability of local resources such as food and raw materials for artefacts but also determines the likely presence and/or absence of various archaeological site types which may be encountered during a field investigation.

Resource distribution and availability (such as the presence of drinking water, plant and animal foods, raw materials of stone, wood and vegetable fibre used for tool production and maintenance) are strongly influenced by the nature of soils, the composition of vegetation cover and the climatic characteristics of a given region.

The location of different site-types (such as open campsites, culturally modified trees, rock-shelters, middens, grinding grooves, engravings etc.) are strongly influenced by factors such as these along with a range of other associated features which are specific to different land systems and bedrock geology.

The environmental background is important in order to give a context to the archaeological record. With respect to Aboriginal archaeology, land formation processes may impact upon the type and frequency of archaeological remains. Past climatic conditions may also impact upon the location and types of resources available, which in turn would impact upon settlement and mobility patterns of past Aboriginal groups in the area.

Heritage NSW requires a review of the landscape context to assist in the determination or prediction of the potential of a landscape to have accumulated or preserved objects, the ways Aboriginal people may have used the landscape in the past, and the likely distribution of the material traces of Aboriginal land use (DECCW, 2010b, pp. 8-9; 2010c).

Detailing the environmental context of a study region is an integral procedure for modelling potential past Aboriginal land-use practices and/or predicting site distribution patterns within any given landscape. The information that is outlined below is considered to be pertinent to the assessment of site potential and site visibility within the specific contexts of the current study.

5.1 Climate

The area lies within the moderate climate zone of the Sydney Basin characterised by mild to cool winters and warm summers. According to the recordings at the monitoring station at the nearby Prospect Reservoir, annual mean maximum temperatures have ranged between 17°C-29°C over the past 30 years, with the highest recorded at 44.7°C and the lowest at -0.8°C. Lowest recorded rainfall is 0.00mm for July-October, up a maximum of 556mm recorded in May. Mean rainfall however, has been 50.1mm (August) to 96.7mm (February) since 1887 (Bureau of Meteorology, 2020).

5.2 Geology

Geological information can contribute to archaeological studies by providing information on the nature of rock resources, as well as informing soils and landforms.

The Sydney Basin Bioregion consists of a geological basin filled with near horizontal sandstones and shales of Permian to Triassic age that overlie older basement rocks of the Lachlan Fold Belt. The sedimentary rocks have been subject to uplift with gentle folding and minor faulting during the formation of the Great Dividing Range. Erosion by coastal streams has created a landscape of deep cliff gorges and remnant plateaus (Branagan & Packham, 2000; NSW National Parks and Wildlife Service, 2003).

Eastern Creek is located in the eastern portion of the Sydney Basin Bioregion, in the northern portion of the Hornsby Plateau (Herbert, 1983, p. 3). The larger scale geology of the Sydney Basin Bioregion is characterised by marine deposition events from the Carboniferous to the early Permian. Numerous coal deposits accumulated before large river systems covered the region in quartz sandstone, known as the Hawkesbury sandstone. The Hawkesbury sandstone, which forms the bedrock for all of the Sydney Basin, dates to the mid Triassic. This bedrock of sandstone is then capped by a thin layer of shale (NSW National Parks and Wildlife Service, 2003).

The underlying geology of the Subject Area is predominantly Wianamatta Group Bringelly Shale (Rwb), and a north-south aligned spine of fine-grained sand, silt and clay (Qal) along the eastern extent (refer to Figure 6).

The Bringelly material is a mixture of shale, carbonaceous claystone, laminate, fine to medium-grained lithic sandstone, rare coal, and tuff. The Bringelly Shale is overlain by alluvium within the valley floors of the Eastern and Bungaribee Creek systems (Clark & Jones, 1991).

5.3 Soil Landscape

Murphy (2000, p. 9) suggested that most Australian soils might be of great antiquity. The Last Glacial Maximum, a very cold phase between 30,000-21,000 BP, may have rejuvenated extensive soil erosion and deposition in the eastern highlands and many of today's soils in this region may date from that time (Hope, 2005; Petherick, McGowan, & Moss, 2008). Climate change between 1,500 and 4,000 years ago may have led to a new series of small but significant alluvial deposits on the landscape and a new round of soil formation (Murphy, 2000, p. 9). The antiquity of soils and details of soil development are relevant to the survival of Aboriginal archaeological materials.

In general, soils consist of A, B and C horizons. The A and B horizon soils are layers that have been modified by weathering and soil development, and the C horizon is weathering parent material. The A₁ horizon is usually referred to as topsoil and includes an accumulation of organic matter, is darker in colour and has more biological activity than other horizons. The A₂ horizon is usually paler in colour than the A₁ and B horizons with less organic matter. It is often the zone of maximum leaching, clay translocation and weathering. When those processes are particularly strong the horizon is white or grey and may be referred to as bleached. The underlying B horizon is usually more clayey, denser, and stronger in colour (Murphy, 2000). In open landscape settings (open sites) Aboriginal artefacts are most commonly found in A horizon soils, and especially the A₂ horizon.

A review of the *1:100,000 Soil Landscape Sheets for Penrith* indicates that the Subject Area lies mostly within the Blacktown (bt) soil landscape with a portion of the eastern part of the Subject Area within the South Creek (sc) soil landscape (Bannerman & Hazelton, 1990) (refer to Figure 7).

The Blacktown soil landscape is characterised by gently undulating rises on Wianamatta Group shales with local reliefs of up to 30 metres and slopes of usually <5% (refer to Table 9). The Blacktown soil landscape is typically shallow to moderately deep, with hard-setting mottled texture contrasts. The Blacktown soils are comprised of red and brown podzolic soils found on crests grading to yellow podzolic soils on lower slopes and in drainage lines. This soil landscape is characterised as moderately reactive, with a highly plastic subsoil, and is subject to and low fertility and poor drainage (Chapman, Murphy, Tille, Atkinson, & Morse, 2009) (refer to Table 9).

The South Creek soil landscape is characterised by flat to gently undulating rises floodplains, valley flats and drainage depressions on the Wianamatta Group shales and Hawkesbury Sandstone with

slopes usually <5%. The soils are often very deep over bedrock or relict soils. Where pedogenesis has occurred, structured plastic clays or structured loams in and immediately adjacent to drainage lines; red and yellow podzolic soils are most common terraces with small areas of structured grey clay, leached clay and yellow solodic soils. The South Creek soils are known for high erodibility and have seasonal waterlogging, localised surface movement potential, and low fertility (Bannerman & Hazelton, 1990) (refer to Table 9).

Soil Landscape	Soil Type	Soil Horizon	Description
Blacktown (bt)	bt1	A ₁	This is a friable brownish-black loam to clay loam with moderately apedal sub-angular blocky structure and rough-faced porous ped fabric. It generally occurs as topsoil.
	Bt2	A ₂	This is a hard-setting brown clay loam to silty clay loam with apedal massive to weakly pedal structure and slowly porous earthy fabric. Peds when present are weakly developed, sub-angular blocky and are rough faced and porous. It commonly occurs as an A2 horizon.
	bt3	B	This is a brown light to medium clay with strongly pedal polyhedral or subangular-blocky structure and smooth-faced dense ped fabric. Texture often increases with depth. Peds range in size from 5 mm to 20 mm. This material usually occurs as subsoil or B horizon.
	bt4	C	This is plastic light grey silty clay to heavy clay with moderately pedal polyhedral to sub-angular blocky structure and smooth-faced dense fabric. This material usually occurs as deep subsoil above shale bedrock or C horizon.
South Creek (sc)	sc1	A ₁	This is a brown sandy loam to sandy clay loam with generally apedal single-grained structure and porous earthy fabric. Colours range from dull reddish brown (5YR 4/3) to dull yellowish brown (10YR 4/3). Small (2–6 mm) angular or rounded gravels occur. Roots are abundant in surface layers, charcoal and other inclusions do not occur.
	sc2	A ₂	This is a hard setting dull brown clay loam to fine sandy clay loam, usually with apedal massive structure and porous earthy fabric. It occurs as topsoil (A horizon). Colour is usually dull brown (7.5YR 5/4) but has a range from greyish brown (5YR 4/2) to yellowish brown (10YR 5/6). Stones and other inclusions do not occur, and roots are rarely found.
	sc3	B	This is a bright brown light to medium clay with strongly pedal structure and dense smooth-faced ped fabric. This material usually occurs as subsoil (B horizon). Occasionally this material contains sufficient fine sand to reach the texture grade of sandy clay. This material is generally whole-coloured ranging from reddish brown (5YR 4/8) to bright yellowish brown (10YR 5/1). Mottles, when they do occur, are yellow or grey and occupy up to 15% of the volume of the material. Roots are only present where this material occurs as topsoil. There is no charcoal but small (2–20 mm) subrounded or subangular gravels may make up 50% of the volume.

Table 9: Soil Types per Soil Landscape (Chapman et al., 2009)

5.4 Topography and Hydrology

The topography of the Subject Area is characterised by elevated, cleared rocky spurs with regrowth on them, medium to very steep slopes and deep gullies (refer to Figure 8).

The Subject Area is located:

- Approximately 560m west of Eastern Creek, a 3rd order watercourse, which flows north/north-west;
- Approximately 910m southeast of the confluence of Bungaribee Creek, a 2nd order watercourse, and Eastern Creek; and,
- Approximately 1.3km west of Angus Creek, a 1st order watercourse.

There are no extant streams within the boundaries of the Subject Area, but the drainage channel in the southern half of the site may largely follow the course of a dried-up tributary of Eastern Creek.

The Subject Area is situated largely between 35-50m AHD, sloping generally east towards the line of Eastern Creek. The 40m contour divides the site roughly down the centre, on a north/north-west to south/south-east orientation (refer to Figure 8).

5.5 Former Land Use and Disturbance

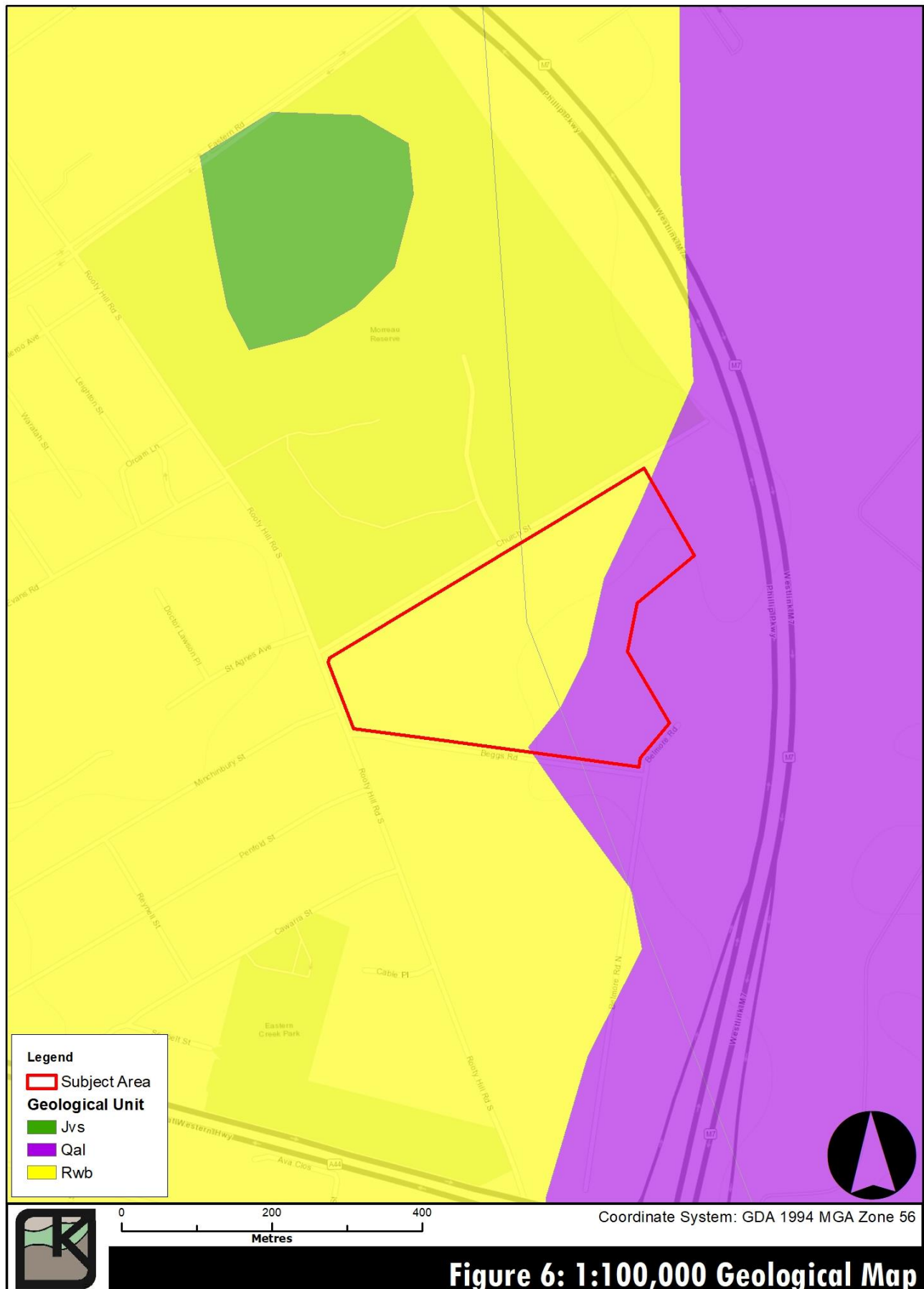
Historical land use across the Subject Area has been a mixture of residential, market garden and grazing practices, these changes have occurred since European occupation began in the early-mid 19th Century; the majority of the broader changes/impacts observed have occurred primarily as a consequence of European land management strategies.

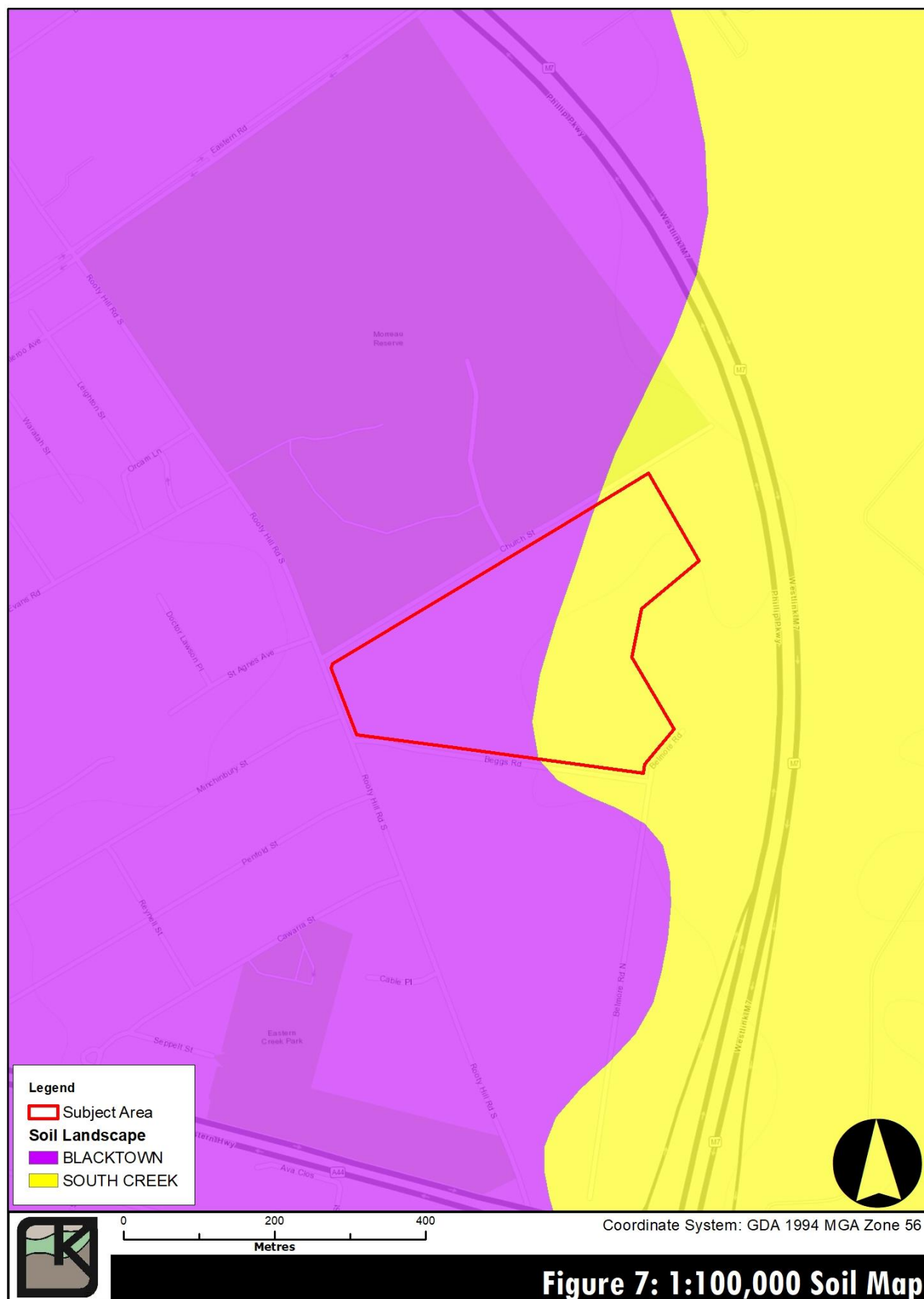
The Subject Area has undergone significant vegetation clearance in sections while other parts appear to be less disturbed. The Subject Area has been utilised most recently for pasture.

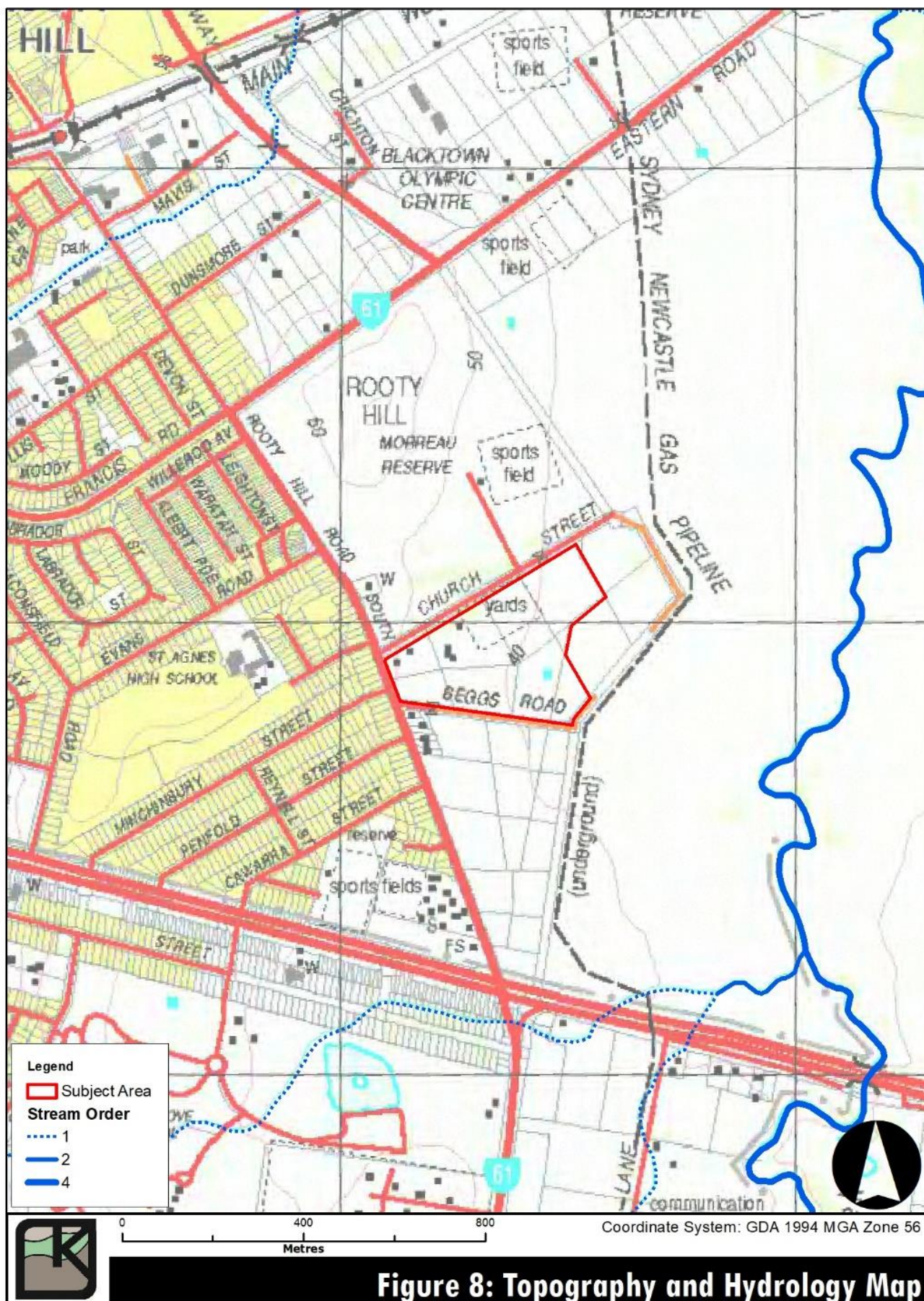
There is evidence in some areas that roads, buildings and associated infrastructure have been constructed, utilised and later deleted (refer to Figure 9).

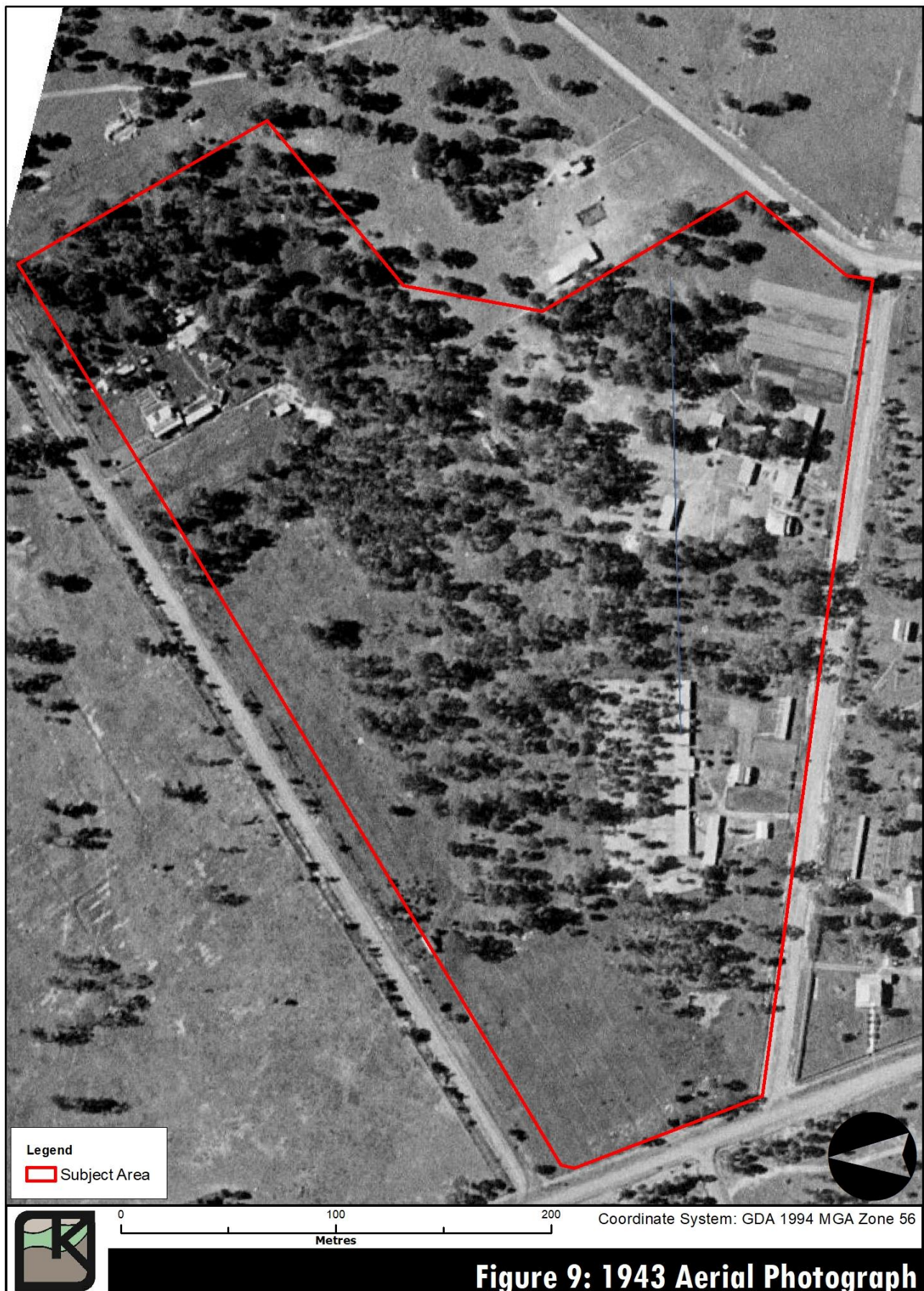
The most western section of the Subject Area has undergone significant disturbance as part of early stage works for the current project which began in 2012 (refer to Figure 10).

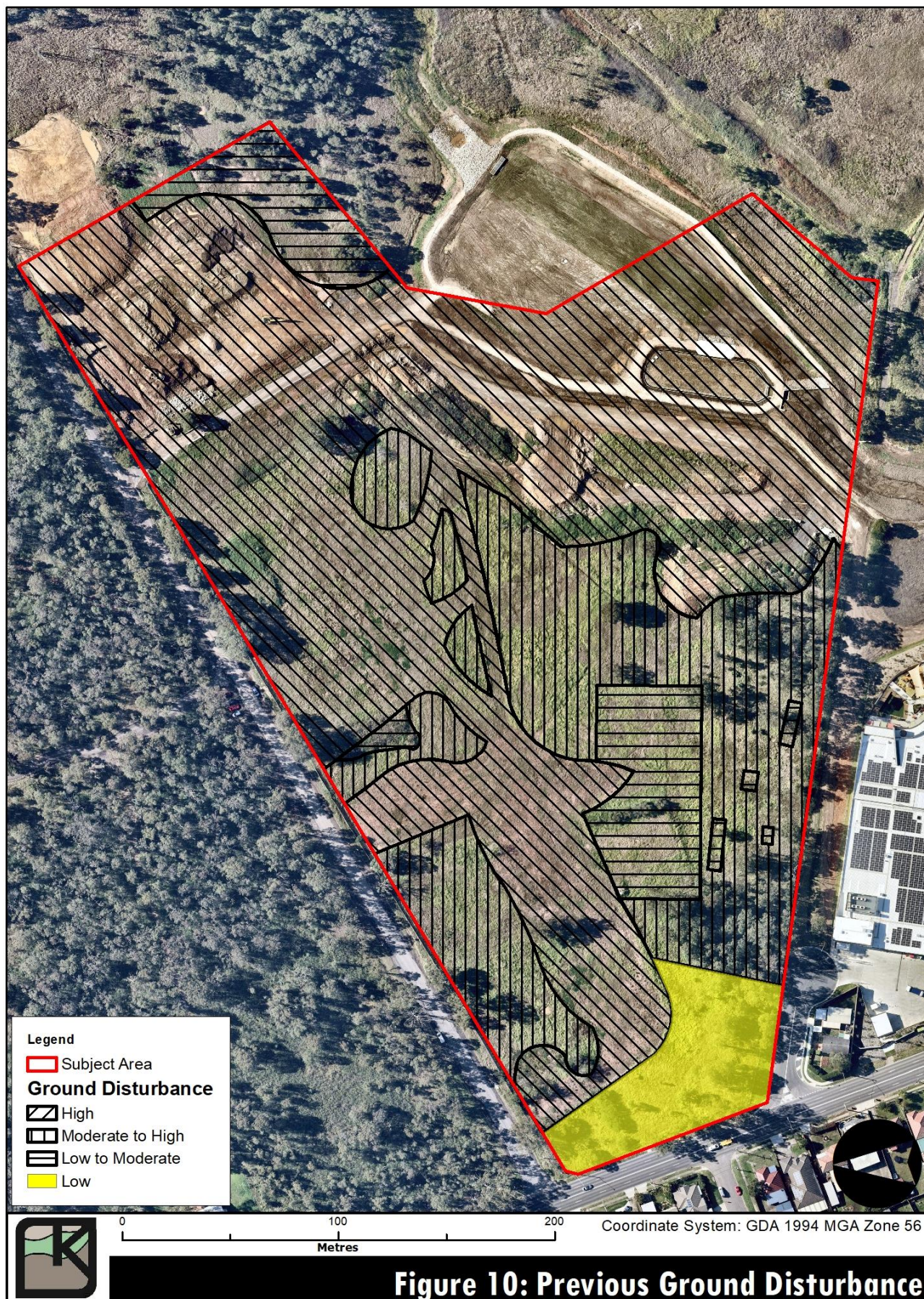
The ground disturbance within the Subject Area is considered high across the site, and moderate in parts. This ground disturbance will have affected the integrity of any archaeological resource, particularly the likelihood of intact *in-situ* archaeological deposits if they were present (refer to Figure 10).











6 ARCHAEOLOGICAL CONTEXT

6.1 Ethnohistory

It is generally accepted that Aboriginal peoples have inhabited Australia for the last 50,000 years (Allen & O'Connell, 2003). Despite a proliferation of known Indigenous sites there is considerable ongoing debate about the nature, territory, and range of pre-contact Indigenous language groups in the greater Sydney region. These debates have arisen due to the lack of ethnographic and linguistic information recorded at the time of European contact. By the time colonial diarists, missionaries and proto anthropologists began making detailed records of Indigenous people in the late 19th Century; European settlement resulted in the changing of Indigenous groups and reconfigured by European settlement activity.

The original inhabitants of this area are most commonly believed to be from the Darug language group – also known as Dharug, Dhar'-rook, Dharrook, Dhar'rook, Dharruk, Dharook, Daruk, Dharuk, and Dharuck (for consistency, all references in this report will be to Darug). Whilst there is much information available regarding the coastal Aboriginal people of Sydney, much less information is available for the Aboriginal people of the Cumberland Plain.

Early historical observations described the Cumberland Plain as a mosaic of Aboriginal groups associated with particular areas of land. These groups were described as 'tribes' in many historical observations, when in fact they were more likely small territorial clans or local clans consisting of extended family groups, forming larger land-using bands linked through marriage and communal participation in subsistence gathering activities (Attenbrow, 2002, p. 22).

The arrival of European settlers caused major social and economic upheaval for the Aboriginal people living on the Cumberland Plain. Contact with Europeans introduced diseases, such as smallpox, that drastically altered the size and structure of the Aboriginal population, whilst the expansion of settlements and establishment of farmland subsumed the traditional areas used to meet subsistence needs activities (Attenbrow, 2002).

6.2 AHIMS Results

The locations and details of Aboriginal sites are considered culturally sensitive information. It is recommended that this information, including the AHIMS data and GIS imagery, is removed from this report if it is to enter the public domain.

Kayandel carried out a search of the AHIMS database on the 16th July 2020 using the Client Service ID 520794 with the coordinates set out in Table 10 below.

	Easting	Northing
Minimum	300304	6258930
Maximum	302304	6260930

Table 10: AHIMS Database Search Criteria

(Zone 56 additional buffer 1kms)

The search area was a 2km by 2km square centred upon the Subject Area, with a 1km buffer (see Figure 11). The results of the AHIMS search are presented in Figure 11 and Table 11. A total of 113 Aboriginal sites have been registered within the search area. Figure 12 shows Aboriginal sites recorded in proximity to the Subject Area.

It should be noted that the distribution of sites in the AHIMS database reflects where site surveys have been conducted, where exposure and visibility conditions have enabled the detection of sites, and where sites have survived modern land disturbance. The distribution of sites from AHIMS may not be a true reflection of the existing Aboriginal sites in an area.

Site types	Total	%
Open Camp Site	62	55%
Isolated Find	39	35%
Potential Archaeological Deposit (PAD)	8	7%
Artefact Reburial Site	2	2%
Open Camp Site and PAD	1	<1%
Culturally Modified Tree	1	<1%
Total	113	100%

Table 11: Site types from AHIMS search (Client Service ID 450378)

The AHIMS search indicates that sixty-two (62) of the one hundred and thirteen (113) identified sites were Open Camp Sites and another thirty-nine (39) of the sites are with Isolated Finds. PADs accounted for eight (8) of the one hundred and thirteen (113) identified sites (see Table 11).

6.3 Regional Archaeological Context

Archaeological investigations generally fall into three categories - large projects that have been carried out within a research-orientated academic framework and broad management context; archaeological surveys carried out by interested amateurs; and, archaeological investigations which have been carried out within a commercial contracting framework and deal with specific localities subject to development or redevelopment.

The spread of urban development across the Cumberland Plain, particularly over the last few decades, has meant that archaeological investigations have intensified as a result for the need of Environmental Impact Assessments. Most archaeological investigations conducted within the Cumberland Plain have been restricted to small study areas, defined by individual developments, and with limited project briefs. As a result, the understanding of Aboriginal utilisation and occupation of the Cumberland Plain is constantly being revised and refined as archaeological data becomes available for the area (AMBS, 2012; Kayandel, 2018; NOHC, 2003).

Regional trends within the Cumberland Plain indicate that Aboriginal sites are likely to be located in close proximity to permanent watercourses, on creek banks and alluvial flats, or on high ground, and within range of food resources and the raw materials for tool making. However, some exception to the regional model have been demonstrated in excavations at Mungerie Park and Parklea Leisure Centre, where large artefact scatters were identified up to 200-250m from major watercourses. McDonald suggested that this site distribution pattern may be due to surface visibility and site formation processes, rather than a true depiction of the cultural distribution of artefacts across the landscape (AMBS, 2012).

The radiocarbon date obtained from the RTA site in George Street, Parramatta indicates that the Sydney region has been inhabited by Aboriginal people for at least 30,000 years, and possibly longer (McDonald et al., 2007). Archaeological sites from the Blue Mountains and Hawkesbury/Nepean River System have provided other evidence of early occupation within the region. Stockton and Holland (1974) produced a radiocarbon date of c.22,000 years BP from a site at Kings Tableland in

the Blue Mountains. Excavation of the Greaves Creek rock shelter site of Walls Cave near Medlow Bath has produced a date of c.12,000 years BP. At Shaws Creek KII, a rock shelter on the west bank of the Nepean north of Penrith, a date of c.13,000 years BP is recorded (Kohen, Stockton, & Williams, 1984).

6.4 Local Archaeology

In recent times, Eastern Creek and the surrounding regions have been the subject of many archaeological studies for development projects, some including subsurface excavation in the Eastern Creek area.

The table below (Table 12) contains the details of some of the Aboriginal heritage assessments that have been undertaken in the general vicinity of the Subject Area, and the areas considered in these reports are mapped in Figure 13. A brief outline of each report is also provided below.

Reference	Locality	Comments	Results
Central West Archaeological and Heritage Services (2001)	Eastern Creek	Aboriginal Archaeological Investigation	As a result of field inspection 1 culturally modified tree, 1 artefact scatter with 3 stone artefacts and 2 areas of PAD were identified within the study area.
Comber Consultants (2008)	Eastern Creek	Aboriginal Archaeological Investigation	As a result of desktop assessment and field inspection, although no known sites were recorded within the study area, due to the likelihood of Aboriginal objects to be present within the landforms contained within the study area, it was recommended that a s90 AHIP be applied for to facilitate salvage excavation within the study area.
Kayandel (2012)	Eastern Creek	Aboriginal Cultural Heritage Assessment	As a result of investigations 7 areas of PAD were identified within the study area. The study area included the current Subject Area
Kayandel (2013)	Eastern Creek	Addendum to Aboriginal Cultural Heritage Assessment	This addendum report was prepared following a request for further information by Heritage NSW regarding levels of ground disturbance within the study area. As a result of assessment, it was shown that there were Heavy, Moderate and Light levels of previous ground disturbance within the study area. The study area included the current Subject Area
Artefact Heritage (2014)	Eastern Creek	Aboriginal Cultural Heritage Assessment Report	As a result of initial investigations 2 areas of PAD were located within the study area. One of the PADs were to be impacted by the proposed works and as such was subject to sub-surface testing. As a result of subsurface testing 14 stone artefacts were recovered from 9 of the 37 test pits. As a result of the investigations the PAD that was subject to testing was assessed as a low density artefact scatter A common site type within the local and regional context on the Cumberland Plain.

Reference	Locality	Comments	Results
GML Heritage (2014)	Eastern Creek	Aboriginal Cultural Heritage Assessment Report	As a result of investigations 1 previously recorded and 2 previously unrecorded Aboriginal sites were located within the study area. The sites consisted of 2 artefact scatters on the slope landform and 1 isolated find on the ridge – slope landform. All of the 3 sites located within the study area were assessed to have high archaeological potential but only the site on the crest – slope landform was to be impacted by the proposed works. As such it was recommended that sub-surface testing be carried out at that site and no further investigation at the other sites was recommended.
Biosis (2016)	Eastern Creek	Response to Submissions	Following on from the Kayandel (2012) assessment discussed above, this response was commissioned to address submissions from Blacktown City Council in relation to justification of the recommendation for test excavations at an area of PAD identified by Kayandel (2012). This review concluded that due to high levels of previous ground disturbance at the location of the PAD, that PAD 2 does not constitute a potential archaeological deposit and does not require further test excavations.
Apex Archaeology (2019)	Eastern Creek	Aboriginal Cultural Heritage Assessment Report	As a result of survey and subsequent sub-surface investigations within the study area, 4 surface artefacts and 11 sub-surface artefacts were recovered and it was recommended that salvage excavations be carried out at AHIMS site #45-5-4493. Two areas, one 9m ² (Area 1) and one 30m ² (Area 2), were excavated within the study area. A total of 70 stone artefacts were excavated from the two areas, 12 from Area 1 and 58 from Area 2. A further 17 stone artefacts were located on the surface within the study area during the salvage excavation program.

Shading indicates those reports that have specifically considered the Subject Area in the report

Table 12: Selection of the Cultural Heritage Investigations Conducted in the Eastern Creek area

6.5 Previous Assessments within the Subject Area

Previous archaeological assessments have been carried out within the scope of the Subject Area. The majority of these assessments have been almost exclusively concerned with archaeological survey, with few actual excavations having taken place within the vicinity of the Subject Area.

Details of previous archaeological works relevant to the Subject Area are outlined below.

Kayandel (2012)

Kayandel (2012) was commissioned by Western Sydney Parklands Trust, to undertake an Aboriginal Cultural Heritage Assessment of potential impact identified within a development application for the Eastern Creek Business Hub, Rooty Hill Road South, and subsequent addendum report.

This project study area included the current Subject Area.

The client was proposing a Staged State Significant Development Application is to be made under Part 4 Division 4.1 of the Environmental Planning and Assessment Act 1979 (As Amended) for:

- A Concept Proposal providing a development structure for the Eastern Creek Business Hub including site layout, activities, building envelopes and design guidelines; and
- First Stage Approval for Super Lot Subdivision and Early Works to accommodate future development. Early works include land establishment, roads, infrastructure and services to establish the site.

A search of the AHIMS database found that 104 Aboriginal sites were known within a 4km² block centred on the study. The vast majority of the sites were artefact scatters (open campsites), and situated on lands similar to that of the study area.

Seven discrete areas within the study area were identified as PADs, given that they had been subject to little or no disturbance through prior land use, and therefore represent the areas of intact archaeological deposit most likely to contain Aboriginal cultural heritage items, should they be present within the study area.

It was recommended that:

- Portions of PAD that have been identified as being proposed for impact should be subject to sub-surface archaeological investigation prior to commencement of ground disturbing works in the vicinity.
- Portions of PAD that have been identified as being free of proposed impacts should be considered for inclusion within a conservation area or open space area.

None of the areas of PAD identified within the study area are within the current Subject Area.

Kayandel (2013)

Kayandel (2013) produced an addendum to the ACHA for the proposed Eastern Creek Business Hub discussed above, following a request for further information by DoP, outlined in a letter to the proponent dated 23rd November 2012.

Item 5 of Schedule 3 of that letter stated:

The Aboriginal Cultural Heritage Assessment, prepared by Kayandel Archaeological Services makes reference to a site inspection and certain parts of the site being subject to heavy, moderate and light disturbance from past activities. The assessment should provide a description of each of these classifications and identify their location on a site map. Also, provide the rationale including a description of the landscape setting and the nature of any archaeological evidence to support the location and extent of the potential archaeological sites (PAD).

This request was on foot of a submission to the DoPI from the Office of Environment and Heritage (OEH) of 9th November 2012.

The responses to these submission comments consisted of justification of the classification of areas of PAD within the study area contained within Kayandel (2012).

Biosis (2016)

Biosis (2016) was commissioned by Western Sydney Parklands Trust to formulate a response to submissions received in relation to the modifications to the State Significant Development (SSD) 5175 Eastern Creek Business Hub development proposal, Rooty Hill Road.

This project study area included the current Subject Area.

The project was subject to a staged SSD Application made under Part 4 Division 4.1 of the Environmental Planning and Assessment Act 1979.

The original application included the proposal for the construction of a development structure for the Eastern Creek Business Hub, which included the site layout, activities, building envelopes and design guidelines.

The modifications to the proposed development included:

- Greater flexibility between GFA limits.
- Amendments to structure plans to enable the transfer of Beggs Rd easement into the business hub.
- Reconfiguration of the Stage 1 stormwater drainage system.
- Additional bulk earthworks as part of the Stage 1 early works and amendments to the Stage 1 consent to reflect the updated Stage site remediation work post determination.

No Aboriginal sites or areas of PAD were found to be within the current Subject Area.

6.6 Previous Predictive Models

The Cumberland Plain region has been the subject of extensive survey and excavation work in the recent times, allowing for the development of a comprehensive predictive model.

A select number of recently produced comprehensive predictive models relevant and that share similar significant features with the Subject Area are discussed below.

Haglund (1980)

Haglund (1980) observed that Plumpton Ridge was a source of Silcrete, and that water seepage apparently caused some parts to be favoured over others. Creek banks appeared to have been generally frequented, but tracts of land close to water holes, and not too low-lying, seem to have been favoured more.

Kohen (1986)

It was also hypothesised by Kohen (1986) that availability to water sources was the most important factor influencing the distribution of sites across the landscape.

Smith (1989)

In support of these predictive models, Smith (1989) concluded 50% of all sites within the Cumberland Plain will occur within 50m of a water source, moreover sites will be more frequent around permanent water sources and that sites may occur in relatively high frequencies on or near stone resources.

Jo McDonald CHM (2006)

Jo McDonald CHM (2006) found that the most commonly identified site types were open sites with rock art and/or grinding grooves along with enclosed/shelter sites with art and/or deposit. Archaeological sites generally occurred on sandstone platforms and along escarpments, below ridge tops on side slopes, and/or in association with drainage lines.

White and McDonald (2010)

White and McDonald (2010) analysed artefact distribution on the north of the Cumberland Plain by examining the results from a number of archaeological investigations in the Rouse Hill area. This research found that artefact distribution varies significantly with stream order, with higher densities of artefacts located next to larger streams. First order streams had a mean density of 0.7 artefacts/m², while for 2nd order streams this was 6.5 artefacts/m² and 4th order streams this increased to 13.9 artefacts/m². There was not enough data on 3rd order streams to make a comparison (White & McDonald, 2010, p. 32).

Distance from water was also tested, as this was believed to be a primary determinant of where people camped and hence where artefact density would be represented in the archaeological record. For 1st order streams, distance from water was not statistically important, with this just being a background scatter. For 2nd order streams, artefact density is highest within 50m of water and declines with increasing distance from water. For 4th order streams, artefact density was found to be highest 51-100m from the stream and lower closer to the stream (<50m) and declining densities greater than 100m from the stream. White and McDonald propose that lower densities within 50m of larger streams may be reflective of a range of factors including erosion and sheet wash adjacent to major streams. Behaviour may also be a factor such as people conducting knapping, artefact discard and hunting activities slightly further away (White & McDonald, 2010, p. 33).

In terms of landforms, terraces yielded the highest densities. Terraces had a mean density of 20.8 artefacts/m². Mean densities for other landforms are as follows: creek flat 3.8 artefacts/m², lower slope 8.4 artefacts/m², mid slope 3.8 artefacts/m² and upper slope and ridge top 0.4 artefacts/m² (White & McDonald, 2010, p. 33).

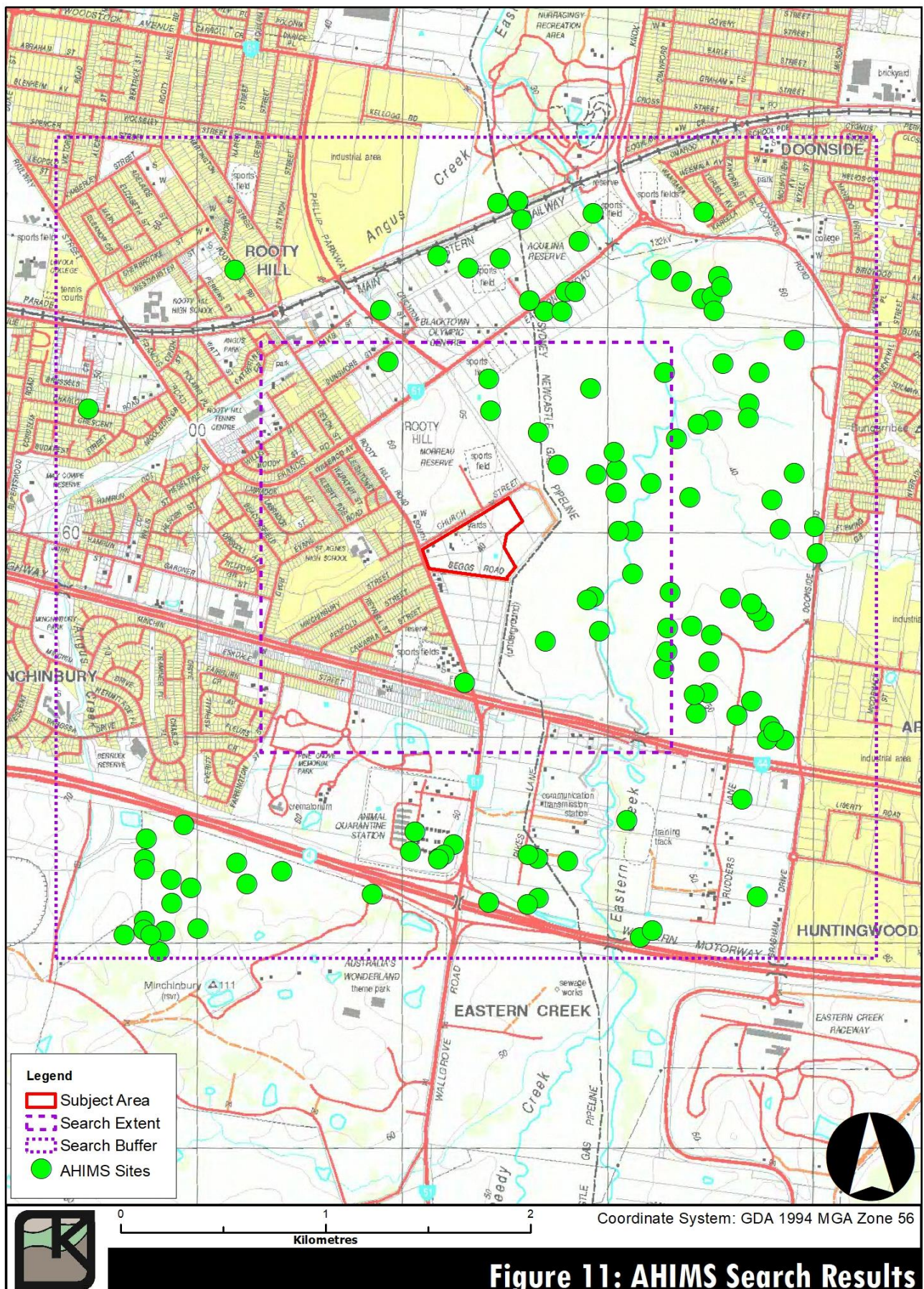
6.7 Aboriginal Heritage Predictions for the Subject Area

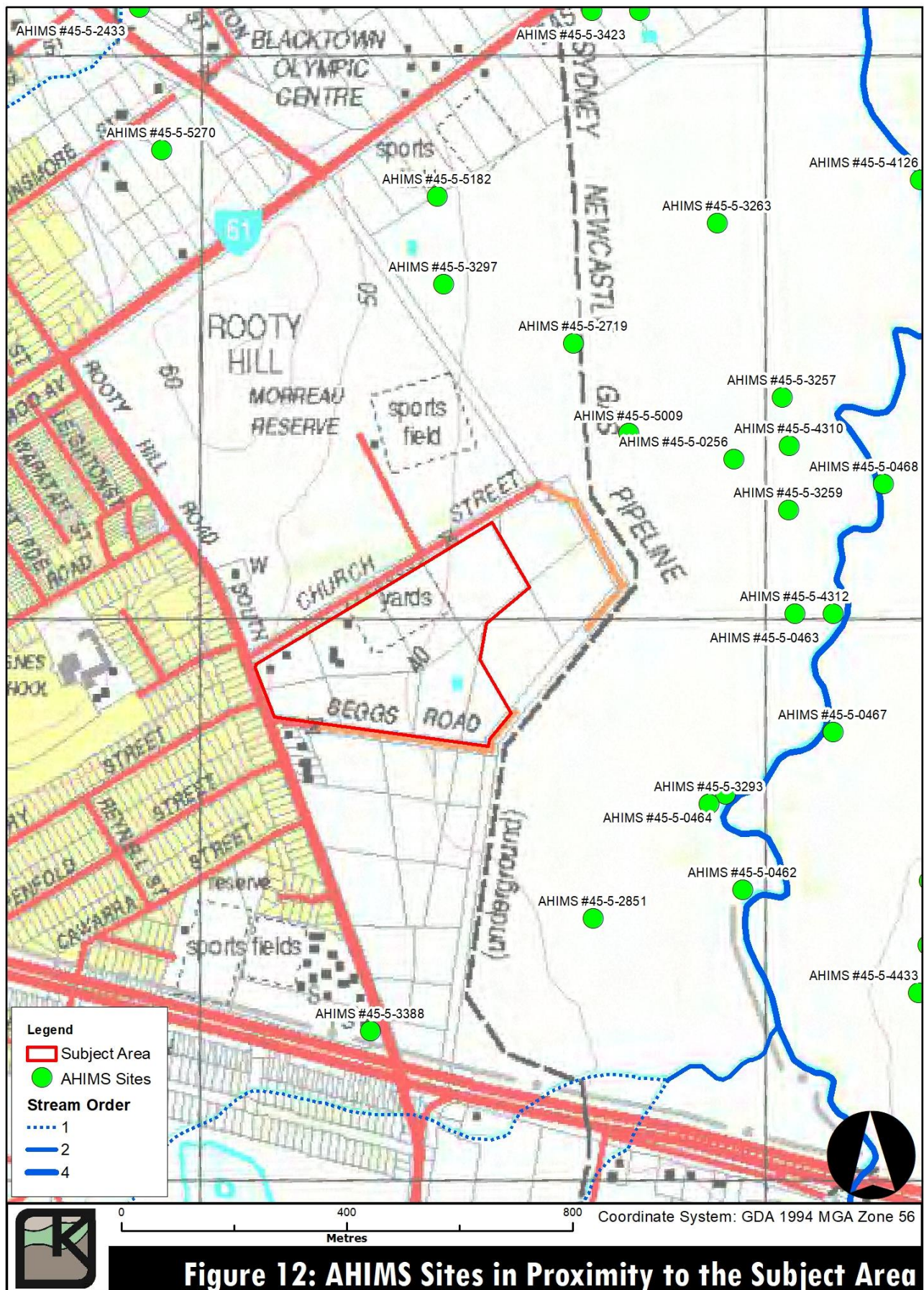
Based on a review of the predictive models for Aboriginal archaeological investigations that have been undertaken within and in the area surrounding Eastern Creek, it is predicted that:

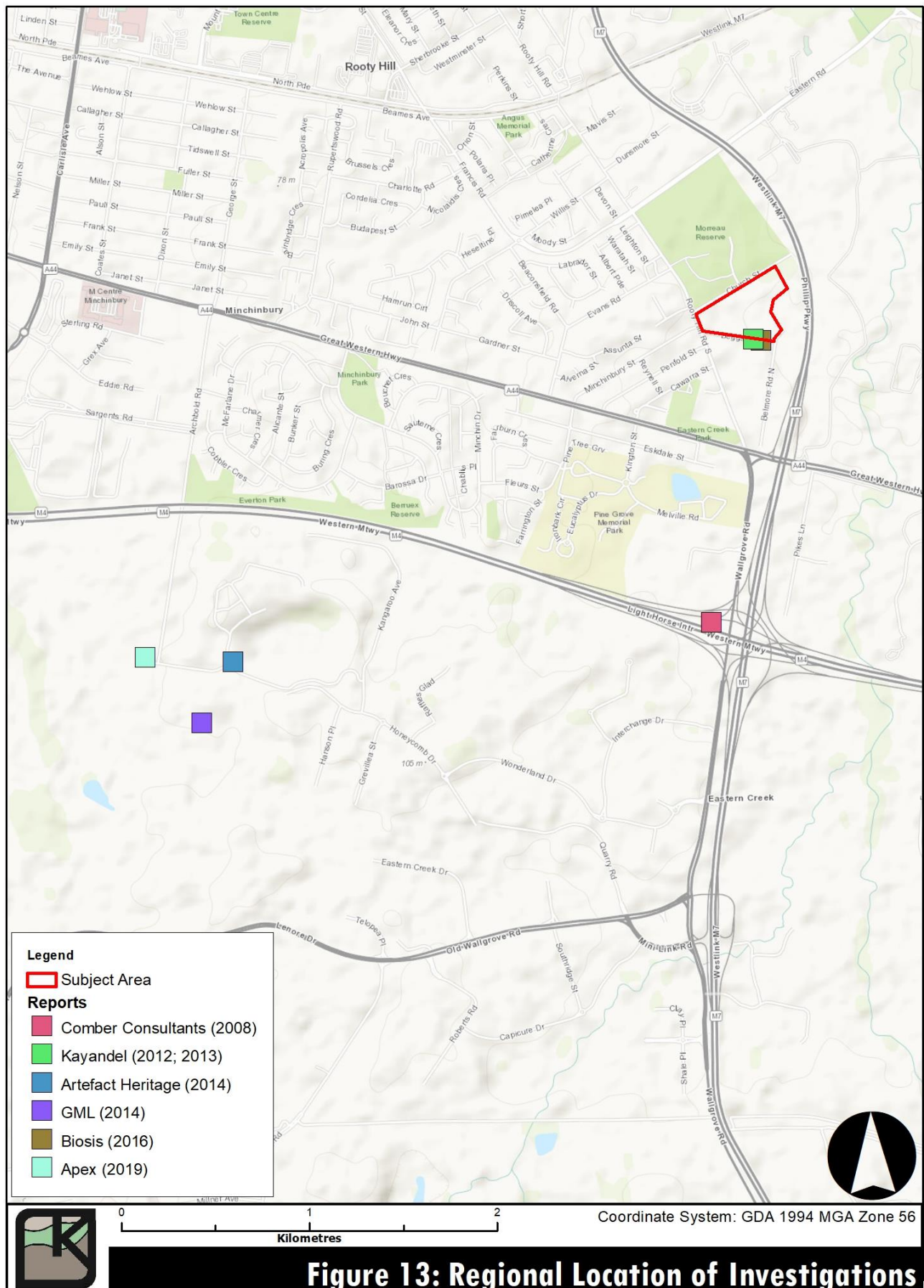
- Both surface and subsurface artefacts may occur across the entire Subject Area especially in less disturbed areas and within proximity to water sources;
- The size, density and significance of sites will vary, although it is anticipated that any sites will be considerably less complex and less dense than those within 250m of major water sources such as Eastern Creek, or along spur lines and elevated positions overlooking Eastern Creek;
- No lithic raw material outcrops have been identified in the Subject Area, however there are numerous, significant raw material sources within 7km of the Subject Area. Any archaeological material present within the Subject Area may provide additional understanding to raw material selection in the Cumberland Plain;
- Areas of PADs may occur in locations with minimal previous land disturbance. The ground disturbance of the Subject Area changes across the site from low to moderate to high. The

landforms within the Subject Area are comparable to landforms where Aboriginal sites and associated PAD have previously been recorded;

- Burials would not be expected due to the limited depth of soil deposits, and,
- As past land use disturbance increases in intensity, the ability for Aboriginal objects to provide spatial and chronological information about past Aboriginal land use will decrease.







7 RESULTS

7.1 Field Survey

7.1.1 Survey Coverage and Visibility Variables

The effectiveness of an archaeological field survey is heavily reliant upon the obtrusiveness of the Aboriginal site being looked for, and the incidence and quality of ground surface exposure. Visibility variables have been estimated for all areas where a comprehensive survey was carried out in the Subject Area. This data provides a measurement with which to gauge and compare the effectiveness of the survey and the level of sampling conducted. It may also be utilised to determine the numbers and types of sites that may be present, but which could not be identified by the survey due to poor ground visibility and exposure.

Ground surface visibility (GSV) is a measure of the bare ground visible to the archaeologist during the field survey. There are two variables used to assess GSV:

- The frequency and extent of exposures encountered by the archaeologist; and,
- The quality of visibility within those exposures.

The major factors affecting the quality of GSV within an area of exposure are the extent of vegetation and ground litter, the depth and origin of the exposure, the extent of recent sedimentary deposition and the level of visual interference from surface gravels. Two variables of GSV were estimated during the survey:

- A percentage estimate of the total area of ground inspected which contained useable exposures of bare ground; and,
- A percentage estimate of the average levels of GSV within those exposures. This is a net estimate and accounts for all visual and physical variables that have affected the visibility including the archaeological potential of any sediment or rock exposed.

Various Aboriginal site types exhibit different levels of prominence within the landscape. This is an important factor to consider when assessing the impact on visibility levels. Sites present upon or within rock exposures, such as grinding grooves, engravings, and rock shelters, are more likely to be encountered than sites that are located on or within sedimentary contexts with little or no ground surface relief. A common factor affecting visibility is the presence of small rocks, pebbles, and gravels in the exposure. If these particular raw materials are also suitable for stone artefact manufacture, it may make stone artefact identification more difficult.

7.1.2 Survey Units

The Subject Area was divided into four (4) Survey Units (SU) for ease of recording.

The boundaries of the survey units were determined based on Lot and DP, and ground disturbance identifiers.

GSV was low throughout most of the Subject Area with areas of exposure being limited to small patches of erosion likely the result of weathering combined with land clearance/disturbance.

Historical land use and disturbance varies throughout the Subject Area, with evidence of topsoil removal, landform levelling and earthworks. Visibility was a key issue within the Subject Area.

Areas of ground surface exposure within the Subject Area had approximately 40% visibility.



SU1

SU1 is located in the western corner of the Subject Area.

SU1 is bounded by Beggs Road (to the south), Rooty Hill Road South (to the west), Church Street (to the north) and SU2.

SU1 is covered by thick ground cover and some young tree regrowth (refer to Plate 1 and Plate 2). GSV at exposures was estimated at <10%.

No Aboriginal sites or objects were identified in SU1.



Plate 1: General view looking northeast across SU1



Plate 2: General view looking east across SU1

SU2

SU2 extends across the central portion of the Subject Area and is bounded by Beggs Road (to the south) and Church Street (to the north).

SU2 had low GSV owing to consistent ground coverage across the majority of the SU (refer to Plate 3 and Plate 4).

Areas of exposure were limited to small patches of erosion due to loss of topsoil, likely the result of land clearance.

Where there are areas of exposures GSV is estimated to be 40%.

No Aboriginal sites or objects were identified in SU2.



Plate 3: General view looking northwest across SU2



Plate 4: General view looking west within SU2

SU3

SU3 is located in the south eastern portion of the Subject Area, bounded by Beggs Road, Belmore Road, SU2 and SU4.

SU3 has some grass coverage (refer to Plate 5 and Plate 6), with areas of exposure limited to areas of erosion due to loss of topsoil, likely the result of land clearance.

Where there are areas of exposure GSV is estimated to be 40%.

No Aboriginal cultural material was identified within SU3.



Plate 5: General view looking northeast across SU3



Plate 6: General view looking north accross SU3

SU4

SU3 is located in the south eastern portion of the Subject Area, bounded by Beggs Road, Belmore Road, SU2 and SU4.

SU3 has grass coverage (refer to Plate 7), with some areas of exposure limited to areas of erosion due to loss of topsoil, likely the result of land clearance.

Where there are areas of exposure GSV is estimated to be 40% (refer to Plate 8).

No Aboriginal cultural material was identified within SU4.



Plate 7: General view looking of SU4 looking towards SU3



Plate 8: General example of exposure within SU4

7.1.3 Survey Coverage Data

The Subject Area was divided up into four (4) SUs for ease of recording (refer to Table 13). All landforms were sampled during the survey (refer to Table 14).

The main areas that were focused upon were the exposures as these areas would be the most likely to yield intact Aboriginal artefacts and deposits.

Survey Unit	Landform	SU Area (ha)	Visibility %	Exposure %	Effective Coverage Area (ha)	Effective Coverage %
SU1	Lower-slope	1.52878	40	10	0.06	4
SU2	Lower-slope	4.91361	40	20	0.39	8
SU3	Lower-slope	2.16064	40	40	0.35	16
SU4	Lower-slope	2.03271	60	60	0.73	36

Table 13: Survey Coverage Data

Landform	Landform Area (ha)	Area Effectively Surveyed (ha)	% of Landform Effectively Surveyed	Number of Sites	Number of Artefacts or Features
Lower-slope	10.63	1.53	14.40	0	0

Table 14: Landform Summary

8 DISCUSSION

No Aboriginal sites or areas of PADs were recorded within the Subject Area during the Kayandel (2012) assessment.

As a result of the current survey and assessment undertaken for the Subject Area, no previously unrecorded Aboriginal sites or areas of PADs were identified.

The Subject Area has been impacted by significant and repeated disturbance in the form of clearing, farming and grazing practices, as well as early stage works for the current project within the western portion of the Subject Area (refer to Section 5.5 and Figure 10).

No archaeologically sensitive landforms were categorised based on the archaeological background research and predictive models for the Eastern Creek area (refer to Sections 6.6 and 6.7).

Based on the moderate and high degree of previous disturbances (refer to Figure 10), and the proximity of the Subject Area to fresh water sources such as Eastern Creek (refer to Sections 5.4 and Figure 8), it has been concluded that Aboriginal objects and/or artefact bearing deposit are unlikely to be located within the Subject Area.

9 SIGNIFICANCE ASSESSMENT

While all Aboriginal objects are afforded protection under the *National Parks and Wildlife Act, 1974* decisions about appropriate management of individual cultural heritage items or sites is usually based on their assessed significance as well as the likely impact of a proposed development and the need for the development. Heritage NSW requires significance assessment in accordance with the processes set out in *The Burra Charter* (DECCW, 2010b, p. 21).

Australia ICOMOS (2013) adopted *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. In *The Burra Charter* cultural significance means “aesthetic, historic, scientific or social value for past, present or future generations”. Cultural significance is a concept that helps in estimating the value of places. The places that are likely to be of significance are those that help an understanding of the past, enrich the present, and may be of value to future generations. The Guidelines develop the following definitions:

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture, and material of the fabric; the smells and sounds associated with the place and its use.

A place may have *historic value* because it has influenced, or has been influenced by, an historic figure, event, phase, or activity. It may also have historic value as the site of an important event. For any given place, the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment.

The *scientific or research value* of a place will depend on the importance of the data involved, on its rarity, quality, or representativeness, and on the degree to which the place may contribute further substantial information.

Social value embraces the qualities for which a place has become a focus of spiritual, political, national, or other cultural sentiment to a majority or minority group.

The process of significance assessment has received considerable attention since the early 1980s and criteria for assessing these values have been developed and adapted to deal specifically with Aboriginal cultural heritage.

9.1 Cultural Significance

9.1.1 Cultural Significance Assessment

Cultural significance indicates the importance of a site or feature to Aboriginal communities. This category may include sites, items, and landscapes that people may have traditional ties with, as well as areas that may have contemporary importance to Aboriginal communities. Places of cultural value may have social significance to Aboriginal communities, they may have historic value through association with historic themes (e.g. missions or massacres), or they may take on value because of their rarity or because a place may be able to contribute new information about the past. Places may have aesthetic significance, being natural features with symbolic values, dramatic presence, or tranquil qualities. Cultural significance may not be in accord with the interpretations made by archaeologists – a site may have low archaeological significance but high Aboriginal significance, or vice versa.

9.1.2 Cultural Significance Assessment of the Subject Area

Phil Khan was the only RAP to provide any commentary regarding the cultural significance of the whole area (Eastern Creek) (refer to Table 8).

Phil Khan stated that:

This whole area is highly significant to our old Aboriginal People as it was a hunting and camping ground as there is a spring on the corner of Eastern Creek Rd and Rooty Hill Road that the (council have buried up) so this area would have been used all year round, also there are creeks that are close by Eastern & Bungarribee Creek.

and that:

These springs were so important to our people. The white man who farmed used the spring to water his stock and called it Rower Park.

9.2 Archaeological Significance

9.2.1 Archaeological Significance Assessment

Scientific or archaeological significance may be assessed by placing a site, feature, or landscape in a broader regional context and by assessing its individual merits in the context of current archaeological discourse. This type of significance relates to the ability of a site to answer current and future research questions, which may be influenced by physical condition (integrity), information potential, rarity, and/or representativeness.

Rarity and Representativeness is an assessment of how rare or common a site or landscape is. In theory, heritage items may be determined to be significant because they are rare forms, or they may be considered to be very good typical forms. Whether items are of rare or common forms will depend to some extent on the variables used to distinguish them. Open sites, for example, may be distinguished from grinding grooves or scarred trees according to the general type of evidence present (e.g. stone artefacts distinguishable from trees with marks or grooves on rock platforms). To assess rarity and representativeness, site type can be used initially, and then this category subdivided until a satisfactory level of (dis)similarity is achieved. Within the general group "open artefact scatters", sites may be distinguished according to other variables, such as their content, or their landscape setting. Technically, an assessment of representativeness should identify both what is typical and/or common as well as what is rare.

Research potential is an assessment of the ability of a site or landscape to provide information to answer questions about the past. Several criteria may be considered:

- Physical condition. Sites or landscapes in good physical condition are generally able to provide information on spatial relationships between (for example) stone artefacts, other remains, chronological units if present, and landscape settings;
- The connectedness of individual sites or landscapes – is the content, site, or landscape part of a complex of related sites or landscapes?
- The potential of a site or landscape to provide a relative or absolute chronology extending back into the past; i.e. stratified sequences of cultural materials and/or dateable materials such as organic remains (radiocarbon dating), or sealed or cultural deposits (optical or thermo-luminescence); and,

- The ability of the site or landscape to provide a large sample size (large numbers of stone artefacts, art motifs, grinding grooves etc.) about which statistically significant statements can be made.

9.2.2 Archaeological Assessment of the Subject Area

Rarity and Representativeness

No Aboriginal sites have been identified or recorded within the Subject Area, as such it is not possible to make an assessment on the rarity and representativeness.

Research potential

<i>Physical condition</i>	As discussed in Section 5.5, high levels of ground disturbance across the Subject Area would have removed any evidence of previous occupation of the landscape by Aboriginal people.
<i>Connectedness</i>	While no Aboriginal sites have been recorded within the Subject Area, all known and <u>unknown</u> Aboriginal objects within the wider Eastern Creek area would be connected through the utilisation patterns by the Aboriginal people.
<i>Potential for a Chronological Sequence</i>	In order for chronological information to be gathered, there are several other factors that need to be met. Among these are the presences of an undisturbed stratigraphy suitable for a relative dating sequence and the presence of suitable material to provide samples for absolute dating methods.
<i>Ability to produce statistically useful samples of objects</i>	As levels of historic ground disturbance within the Subject Area increased, there is a reduction in the possibility of identifying of deposits suitable for making an assessment regarding the chronological sequence of an archaeological deposit.
	The definition of a statistically useful sample is purely dependant on the questions which are being asked of the data.
	As no Aboriginal sites or objects were identified within the Subject Area, a statistically viable sample is not possible.

9.2.3 Statement of Archaeological Potential and Significance

High levels of ground disturbance have occurred across the Subject Area, and as such it has been assessed to have low archaeological potential.

10 PRINCIPLE FINDINGS AND IMPACT ASSESSMENT

10.1 Principle Findings

In Section 1.4 of this report a number of aims and objectives were identified. This report has presented details of the archaeological survey that has been undertaken within the Subject Area and presents sufficient information to facilitate an informed decision regarding the proposed impact upon Aboriginal heritage.

This report has reviewed the available existing documents, including previous archaeological assessments conducted within the Eastern Creek area and the surrounding region (see Section 6.4).

No previously recorded or unrecorded Aboriginal sites, PADs or archaeologically sensitive landforms were identified as a result of the background research or survey of the Subject Area.

10.2 Impact Assessment

It is considered unlikely that subsurface Aboriginal sites or objects may be present and may be uncovered during the proposed works, due to the highly disturbed nature of the Subject Area and the proximity of the Subject Area to fresh water sources.

11 MANAGEMENT CONSIDERATIONS

11.1 Ecologically Sustainable Developments

Consideration of the principles of Ecologically Sustainable Development (ESD) and the use of the precautionary principle was undertaken when assessing the harm to potential unknown sites or objects and the potential for mitigating impacts to these within the Subject Area. The main consideration was the cumulative effect of the proposed impact to unknown sites or objects and the wider archaeological record. The precautionary principle in relation to Aboriginal heritage implies that development proposals should be carefully evaluated to identify possible impacts and assess the risk of potential consequences.

In broad terms, while there has been numerous archaeological surveys/excavations that have been undertaken within Eastern Creek, the background research (refer to Sections 6.3 and 6.6, Figure 13) supported by the ethnohistory and regional archaeological context (refer to Sections 6.1, 6.3 and 6.4) have identified that different actions/activities are more likely to occur in different landforms, and as such archaeological evidence will vary.

The implications for ESD principles is that Aboriginal sites and objects are likely to be present in Eastern Creek and the surrounding regions, this is shown to be true based on the results of the previous archaeological studies in the Eastern Creek area and surrounding region.

The principle of inter-generational equity requires the present generation to ensure that the sites and diversity of the archaeological record is maintained or enhanced for the benefit of future generations.

We believe that the diversity of the archaeological record would not be compromised by the proposed SSD application.

12 LEGISLATIVE OBLIGATIONS AND RECOMMENDATIONS

Specific clauses within the *National Parks and Wildlife Act, 1974* (as amended) and the *National Parks and Wildlife Regulations 2009* give rise to certain obligations. Recommendations for other tasks and activities to be undertaken come from the application of industry standards. Where an activity or task must be undertaken to comply with relevant legislation it will be detailed in Section 12.1, where a task or activity is recommended to be undertaken to meet the current industry standards it is presented in Section 1.

12.1 Obligations

1. Where impacts to Aboriginal objects will occur prior to approval of the SSD application, or works are approved by a Development Consent from Council, an Aboriginal Heritage Impact Permit under Part 6 of the *National Parks and Wildlife Act, 1974* will be required.

12.2 Recommendations

The following management principles and recommendations are based on:

- Recognition that the current assessment has been prepared to support a proposed State Significant Development (SSD) application (refer to Section 1.3);
- That the SSD will be assessed by DPIE, and approved by the Minister for Planning, or their delegate;
- An Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the *National Parks and Wildlife Act, 1974* is not required for impacts to Aboriginal sites that are identified subsequent to the approval of a SSD (refer to "S 4.41 approvals etc legislation that does not apply (cf previous s 89J)" in Division 4.7 State Significant Development (Environmental Planning and Assessment Act 1979));
- The requirements of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW, 2010b);
- The requirements of the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011); and,
- The findings presented within this Aboriginal Cultural Heritage Assessment Report.

Kayandel recommends the following:

1. No further assessment of the Aboriginal heritage within the Subject Area is required to inform the proposed State Significant Development (SSD) application (refer to Section 1.3);
2. Should the proposed works be amended and result in potential impacts to areas previously not inspected as part of this assessment, further investigations may be required;
3. Consultation continues to inform RAPs about the progression of the project until such time as the works approved under the SSD have been completed. This is in line with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010a). A period of no longer than six (6) months between contact with the RAPs must be upheld for the consultation to be considered 'continuous';
4. If, during the course of development works, suspected Aboriginal cultural heritage material is uncovered, work should cease in that area immediately. Heritage NSW should be notified and works only recommence when an approved management strategy has been developed; and,

5. A copy of the final report should be sent to the RAPs identified in Table 6.

12.3 Distribution of Report

One digital copy of the draft report should be sent to each RAPs identified in Appendix XVII and Table 6 for comment, so that their views can be incorporated into the final report.

One hard copy and one digital copy of the finalised report should be sent to:

Aboriginal Heritage Information Management System (AHIMS)

Heritage NSW
PO Box 1967,
Hurstville NSW 1481


13 REFERENCES

- Allen, J., & O'Connell, J. F. (2003). The Long and the Short of It: Archaeological Approaches to Determining When Humans First Colonised Australia and New Guinea. *Australian Archaeology*, 57(Shaping the Future Past: Papers in Honour of J. Peter White), 5-19.
- AMBS. (2012). *Indigenous Heritage Assessment Project: Austral & Leppington North Precincts, South West Growth Centres* (Vol. 1: Main Report (for Public Exhibition)). Report for NSW Department of Planning and Infrastructure.
- Apex Archaeology. (2019). *Archbold Road – Eastern Creek Asphalt Plant EIS: Aboriginal Archaeological Salvage Excavation Report*. Prepared for Fulton Hogan.
- Artefact Heritage. (2014). *Energy from Waste Facility, Eastern Creek: Aboriginal Heritage Test Excavation Report*. Prepared for Urbis.
- Attenbrow, V. (2002). *Sydney's Aboriginal Past. Investigating the Archaeological and Historical Records*. Sydney: University of NSW Press.
- Australia ICOMOS. (2013). *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013*. Burwood, VIC: Australia ICOMOS Incorporated.
- Bannerman, S. M., & Hazelton, P. A. (1990). *Soil Landscapes of the Penrith 1:100,000 Sheet map and report*. Sydney: Soil Conservation Service of NSW.
- Biosis. (2016). *Response to submissions: State Significant Development 5175, Eastern Creek Business Hub Application Modification*. Prepared for Western Sydney Parklands Trust.
- Branagan, D. F., & Packham, G. H. (2000). *Field Geology of New South Wales*. Sydney: Department of Mineral Resources New South Wales.
- Bureau of Meteorology. (2020). Monthly climate statistics (Prospect Reservoir).
- Burke, H., & Smith, C. (2004). *The Archaeologist's Field Handbook* (1st ed.). Crow's Nest, NSW: Allen & Unwin.
- Central West Archaeological and Heritage Services. (2001). *An Aboriginal Archaeological Investigation of a Proposed Contractor's Works Compound at Eastern Creek for the Western Sydney Orbital*. Prepared for the Roads & Traffic Authority, NSW.
- Chapman, G. A., Murphy, C. L., Tille, P. J., Atkinson, G., & Morse, R. J. (2009). *Soil Landscapes of the Sydney 1:100,000 Sheet map* (4 ed.). Sydney: Department of Environment, Climate Change and Water.
- Clark, N. R., & Jones, D. C. (1991). *Penrith 1:100 000 Geological Sheet 9030* (1st edition ed.). Sydney: Geological Survey of New South Wales.
- Comber Consultants. (2008). *Aboriginal Cultural Heritage Assessment: Link Road, Eastern Creek*. Report to Compe Urban Solutions.
- DECCW. (2010a). *Aboriginal Cultural Heritage Consultation Requirements for Proponents*. Sydney South: Department of Environment, Climate Change and Water NSW
- DECCW. (2010b). *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Sydney South: Department of Environment, Climate Change and Water NSW

- DECCW. (2010c). *Fact Sheet 2: What is an Aboriginal Cultural Landscape?* Sydney: Department of Environment, Climate Change and Water NSW
- GML Heritage. (2014). *Energy from Waste (EFW) Plant, Eastern Creek: Aboriginal Archaeological Technical Report*.
- Haglund, L. (1980). *Preliminary Survey to Assess Archaeological Resources in the Area of the Proposed Kerrabee Dam*. Prepared for National Parks and Wildlife Service of NSW and the Water Resources Commission.
- Herbert, C. (1983). *Geology of the Sydney 1:100,000 Sheet 9130*. Sydney: New South Wales Geological Survey.
- Hope, P. (2005). *The weather and climate of Australia at the Last Glacial Maximum*. (Doctor of Philosophy). The University of Melbourne, Melbourne.
- Jo McDonald CHM. (2006). *Aboriginal Archaeological Assessment: Western Sydney Parklands: Phase 1, Bungaribee Precinct and Interface Lands*. Prepared for APP on behalf of Landcom and DIPNR.
- Kayandel. (2012). *Proposed Eastern Creek Business Hub Western Sydney Parklands: Aboriginal Cultural Heritage Assessment*. Prepared for Western Sydney Parklands Trust.
- Kayandel. (2013). *Proposed Eastern Creek Business Hub, Western Sydney Parklands, Rooty Hill Road South, City of Blacktown LGA, NSW: Aboriginal Cultural Heritage Assessment - Addendum*. Prepared for the Western Sydney Parklands Trust.
- Kayandel. (2018). *Proposed Residential Subdivision, Lots 44 & 45 DP2475 Twentieth Avenue, Hoxton Park, Liverpool City Council LGA, NSW: Aboriginal Cultural Heritage Assessment Report*. Prepared on behalf of the Uniprop Holdings Pty Ltd.
- Kohen, J. L. (1986). *An Archaeological Study of Aboriginal Sites Within the City of Blacktown*. Prepared for the Blacktown City Council.
- Kohen, J. L., Stockton, E. D., & Williams, M. A. J. (1984). Shaws Creek KII Rockshelter: A Prehistoric Occupation Site in the Blue Mountains Piedmont, Eastern New South Wales. *Archaeology in Oceania*, 91, 53-73.
- McDonald, J. J., Donlon, D., Field, J. H., Fullagar, R. L. K., Brenner Coltrain, J., Mitchell, P., & Rawson, M. (2007). The first archaeological evidence for death by spearing in Australia. *Antiquity*, 81, 877-885.
- Murphy, B. W. (2000). The Nature of Soil. In B. W. Murphy (Ed.), *Soils: Their Properties And Management* (pp. 1-12). Oxford: Oxford University Press.
- NOHC. (2003). *Georges River Program Stage 2: Proposed Recycled Water Pipeline and Overflow Abatement Works at Glenfield and Liverpool Sewage Treatment Plants: Assessment of Indigenous Heritage*. Prepared for Parsons Brinckerhoff Pty Ltd on behalf of Sydney Water.
- NSW National Parks and Wildlife Service. (2003). Sydney Basin Bioregion. In *The Bioregions of New South Wales – their biodiversity, conservation and history* (pp. 185-196). Retrieved from <http://www.environment.nsw.gov.au/resources/nature/sydneyBasin.pdf>
- OEH. (2011). *Guide to Investigating, Assessing and Report on Aboriginal Cultural Heritage in NSW*. South Sydney: Office of Environment and Heritage


- Petherick, L., McGowan, H., & Moss, P. (2008). Climate variability during the Last Glacial Maximum in eastern Australia: evidence of two stadials? *Journal of Quaternary Science*, 23, 787-802.
- Smith, L. (1989). *Archaeological Site Survey and Analysis of Sites on the Northern Cumberland Plain*. Report for National Parks and Wildlife Service.
- Stockton, E. D., & Holland, W. (1974). Cultural Sites and Their Environment in the Blue Mountains. *Archaeology & Physical Anthropology in Oceania*, 9(1), 36-65.
- White, B., & McDonald, J. (2010). Lithic Artefact Distribution in the Rouse Hill Development Area, Cumberland Plain, New South Wales. *Australian Archaeology*, 70, 29-38.

APPENDIX I. COMMONWEALTH HERITAGE LIST SEARCH RESULTS



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Search

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Place name

Street name

Town or suburb

State

New South Wales

Country

Advanced search options

List

Commonwealth Heritage List

Different lists will provide different status and class options

Local Government Area

Blacktown City Council

Place ID number

Legal status

--All--

Class

--All--

Keyword Search

☒ Description

☒ Statement of Significance

☒ Place history

Latitude/Longitude

N

Latitude 1

Longitude 1

S

Longitude 2

E

Latitude 2

S

W

E

E

☐ Wholly within region

☒ Wholly or partially within region

Longitude coordinates should be entered as ddd.mm.ss
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Map Ref No

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APPENDIX II. NATIONAL HERITAGE LIST SEARCH RESULTS



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State

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Country

Advanced search options

List

National Heritage List

Different lists will provide different status and class options

Local Government Area

Blacktown City Council

Place ID number

Legal status

--All--

Class

--All--

Keyword Search

☒ Description

☒ Statement of Significance

☒ Place history

[Latitude/Longitude](#)

N

Latitude 1

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☐ Wholly within region

☒ Wholly or partially within region

Longitude coordinates should be entered as ddd.mm.ss
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APPENDIX III. STATE HERITAGE REGISTER SEARCH RESULTS

Search Aboriginal Places & State Heritage Register

The map below shows declared Aboriginal Places and items listed on the State Heritage Register. It does not include listed Interim Heritage Orders, items on State Agency Heritage Registers or Local Environmental Plans.

The location of Aboriginal Places and State Heritage Register items are marked on the map as a single approximation point for general identification and research purposes only.

Location information for some Aboriginal Places (e.g. burial grounds and sacred sites) has been generalised because of their cultural sensitivity. Location information for restricted Aboriginal Places is not shown at all. If a proposed activity or development could potentially impact or harm (i.e. damage, deface or destroy) an Aboriginal Place, the people responsible for the proposed development must undertake a search for the exact boundaries of Aboriginal Places through [Aboriginal Heritage Information Management System](#).

State Heritage Register spatial datasets and associated metadata into a Geographical Information System (GIS) software package is available through [Data NSW](#).

Listing Type:



All



Aboriginal Places



State Heritage Register

Local government area:

Blacktown

Item name/Database ID:

SHR number:

Location:

Local Aboriginal Land Council (LALC):

Please Choose...

State theme:

Please Choose...

Item type:

Please Choose...

Item Group:

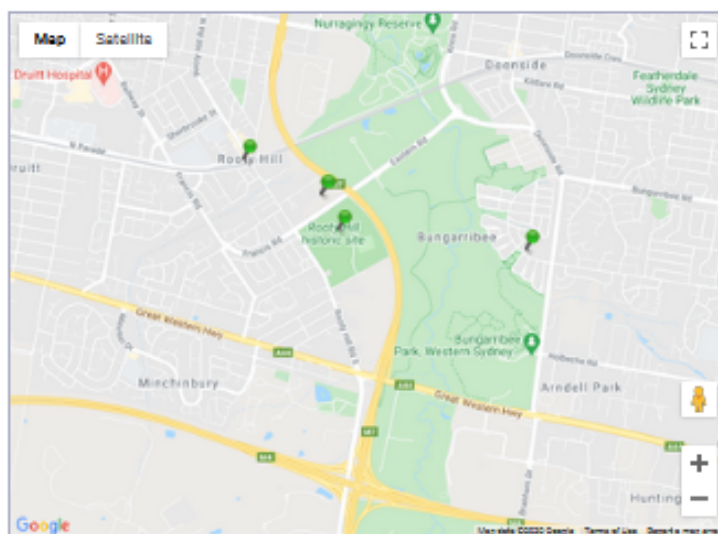
Please Choose...

Item category:

Please Choose...

Search

Reset



APPENDIX IV. STATE HERITAGE INVENTORY SEARCH

[Return to search page where you can refine/broaden your search.](#)

Statutory listed items

Information and items listed in the State Heritage Inventory come from a number of sources. This means that there may be several entries for the same heritage item in the database. For clarity, the search results have been divided into three sections.

- **Section 1** - contains Aboriginal Places declared by the **Minister for the Environment** under the National Parks and Wildlife Act. This information is provided by Heritage NSW.
- **Section 2** - contains heritage items listed by the **Heritage Council of NSW** under the Heritage Act. This includes listing on the State Heritage Register, an Interim Heritage Order or protected under section 136 of the Heritage Act. This information is provided by Heritage NSW.
- **Section 3** - contains items listed by **local councils** on Local Environmental Plans under the Environmental Planning and Assessment Act and **State government agencies** under s.170 of the Heritage Act. This information is provided by local councils and State government agencies.

Section 1. Aboriginal Places listed under the National Parks and Wildlife Act.

Your search did not return any matching results.

Section 2. Items listed under the Heritage Act.

Your search did not return any matching results.

Section 3. Items listed by Local Government and State Agencies.

Your search returned 4 records.

Item name ^	Address	Suburb	LGA	Information source
Belvedere	116 Rooty Hill Road South	Rooty Hill	Blacktown	LGOV
House	45 Rooty Hill Road South	Rooty Hill	Blacktown	LGOV
Pioneer Memorial Church	Rooty Hill Road South	Rooty Hill	Blacktown	LGOV
School of Arts	32 Rooty Hill Road South	Rooty Hill	Blacktown	LGOV

There was a total of 4 records matching your search criteria.

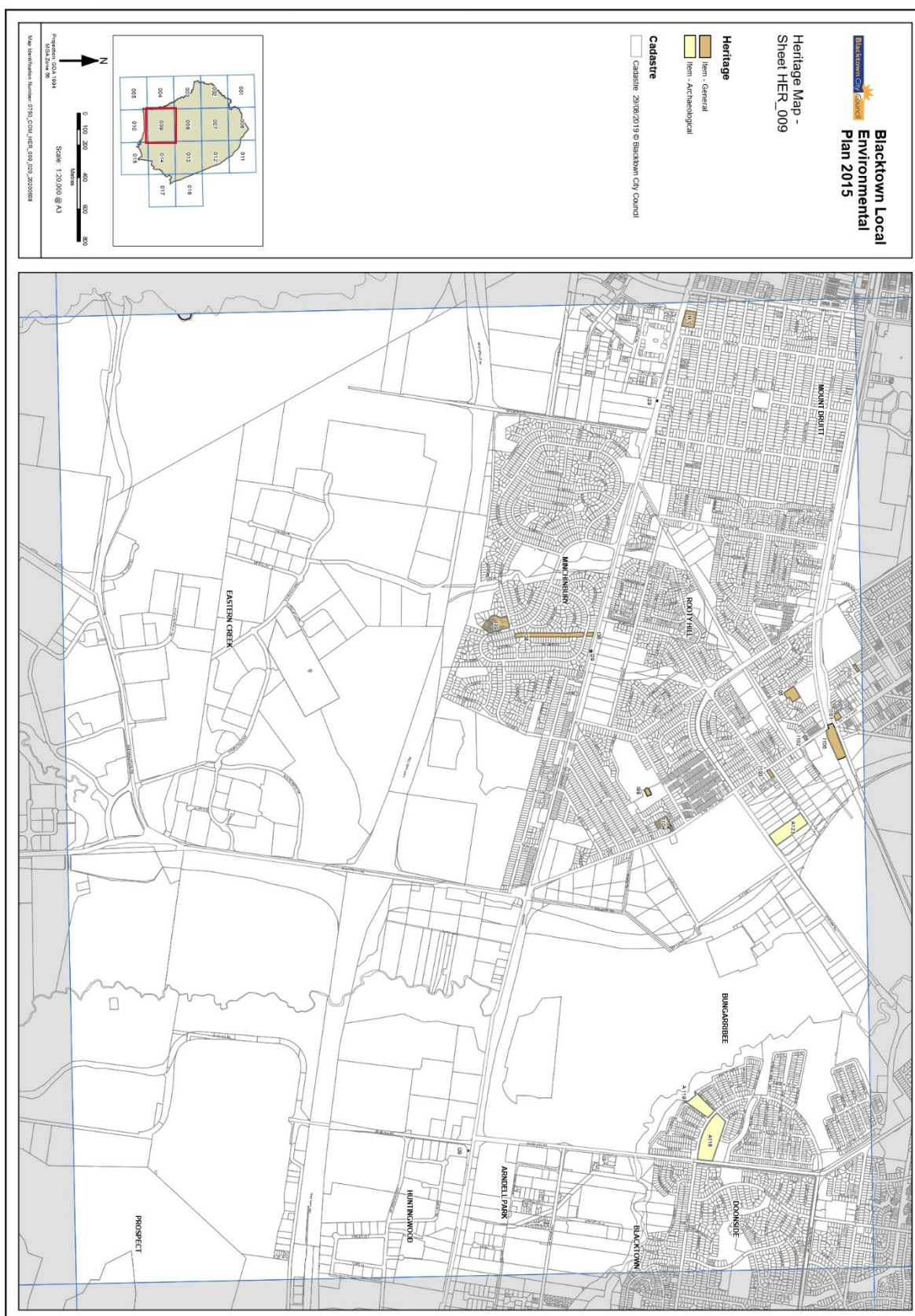
Key:

LGA = Local Government Area


GAZ= NSW Government Gazette (statutory listings prior to 1997), HGA = Heritage Grant Application,
HS = Heritage Study, LGOV = Local Government, SGOV = State Government Agency.

Note: While Heritage NSW seeks to keep the Inventory up to date, it is reliant on State agencies and local councils to provide their data. Always check with the relevant State agency or local council for the most up-to-date information.


APPENDIX V. BLACKTOWN LEP 2015 HERITAGE MAP (SHEET HER_009)



APPENDIX VI. REGISTER OF THE NATIONAL ESTATE SEARCH RESULTS



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SearchReset form

Place name

Street name

Town or suburb

Eastern Creek

State

New South Wales

Country

Advanced search options

List

Register of the National Estate (Non-statutory archive)

Different lists will provide different status and class options

Local Government Area

Place ID number

Legal status

--All--

Class

--All--

Keyword Search

☒ Description

☒ Statement of Significance

☒ Place history

Latitude/Longitude

N

Latitude 1

Longitude 1

S

Longitude 2

E

W

E

Latitude 2

E

S

Wholly within region

☐

Wholly or partially within region

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Longitude coordinates should be entered as ddd.mm.ss

Latitude coordinates should be entered as dd.mm.ss

Map Ref No

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APPENDIX VII. CONSULTATION LOG

Date	Time	Nature of consultation	Action taken by:	Stage of Consultation Requirements
25/6/2020	4:15	Sent Initial Agency Letters to NTS Corp, Department of Planning, Industry and Environment , Office of the Registrar, Blacktown City Council, Deerubbin Local Aboriginal Land Council, Greater Sydney Local Land Services	SC	4.1.2
26/06/2020	12:25pm	Completed NNTT search form & emailed to NNTT	SC	4.1.2
26/06/2020	-	Public Advert set to run on NewsCorp online targeted at Blacktown, NSW with a 50km buffer on the 26/06/2020. Registrations close COB the 24/07/2020.	SC	4.1.3, 4.1.4 & 4.1.5
29/06/2020	9:36pm	Received response from Barry Gunther, DPIE, providing RAP list for the project.	SC	4.1.2
29/06/2020	8:53am	Received reply from NNTT search request, stating that the land in question is freehold and that native title is extinguished.	SC	4.1.2
02/07/2020	11:09am	Sent reminder emails with Initial Agency Letters attached to NTS Corp, Office of the Registrar, Blacktown City Council, Deerubbin Local Aboriginal Land Council, Greater Sydney Local Land Services	SC	4.1.2
06/07/2020	04:05pm	Sent reminder emails with Initial Agency Letters attached to Office of the Registrar, Blacktown City Council, Deerubbin Local Aboriginal Land Council, Greater Sydney Local Land Services	SC	4.1.2
06/07/2020	04:010pm	Made follow up phone call to Blacktown City Council (02 9839 6000), was told the matter has been referred to council heritage officer Sue Galt, with council reference number: C20/29002 , Sue was unavailable, left phone number to return call	SC	4.1.2
06/07/2020	04:18pm	Made follow up phone call to Deerubbin LALC (02 4724 5600), was told that they reception will follow up and find out who I need to speak to, they took my number to call me back	SC	4.1.2
07/07/2020	04:25pm	Made follow up phone call to ORALRA (02 8633 1266) was told that they reception will follow up and find out who I need to speak to, they took my number to call me back	SC	4.1.2
07/07/2020	04:25pm	Made follow up phone call to Deerubbin (02 4724 5600) was told to resend to reception and they will follow up with Steve Randall and the CEO, to get a response for us, resent the email to reception@deerubbin.org.au	SC	4.1.2
07/07/2020	11:55am	Received response from ORALRA to initial agency letter, suggesting we contact Deerubbin LALC.	SC	4.1.2
10/07/2020	10:50am	Received response from Deerubbin LALC, Steve Randall spoke to me on phone as he prefers to speak on phone rather than write. Steve said that he knows people but can't give out their contact details. He said he would like me to add Deerubbin LALC to the list. I said that once he receives the invitation to register an interest in the project for Deerubbin, for him to please extend that invitation to his contacts which he does not wish to share, and that those parties are also invited to register an interest.	SC	4.1.2
10/07/2020	11:30am	Received response from Greater Sydney LLS to initial agency letter, stating that they are unable to provide information regarding Aboriginal cultural heritage.	SC	4.1.2
10/07/2020	4:09pm	Made follow up call the Blacktown City Council, was told that the only person that can help me is Sue Galt, who is away sick until the 14th of July so will have to wait until then to follow up	SC	4.1.2

Date	Time	Nature of consultation	Action taken by:	Stage of Consultation Requirements
10/07/2020	6:20pm	Issued Registration of Interest letters via email to 62 and post to 5 potential Aboriginal stakeholders	SC	4.1.2
10/07/2020	9:22pm	Received response from Lilly Carroll from Didge Ngunawal Clan registering their interest in the project	SC	4.1.2
12/07/2020	9:19am	Received response from Caine Carroll from Goodradigbee registering their interest in the project	SC	4.1.2
12/07/2020	12:20pm	Received response from Stephen Fields from Dhinawan Culture and Heritage registering their interest in the project	SC	4.1.2
13/07/2020	10:40am	Re-issued Registration of Interest letters via email to 3 of the 67 potential Aboriginal stakeholders, who we had incorrect email addresses for, that were supplied by Heritage NSW. Mura Indigenous Corp, Butu Heritage and B H Heritage Consultants	SC	4.1.2
13/07/2020	12:16pm	Received response from Arika Jalomaki Yulay Cultural Services registering their interest in the project	SC	4.1.2
13/07/2020	1:05pm	Received response from Phil Khan of Kamilaroi Yankuntjatjara Working group registering their interest in the project	SC	4.1.2
14/07/2020	10:10am	Made follow up call the Blacktown City Council, asked for Sue Galt, was told that she is not available, asked if I can speak to someone else, was told someone will call me back by tomorrow	SC	4.1.2
15/07/2020	10:10am	Received response from Blacktown City Council, Sue Galt said we are best to contact Heritage NSW to obtain information relating to potential stakeholders	SC	4.1.2
15/07/2020	7:09pm	Received response from Wendy Smith of Gulaga registering their interest in the project	SC	4.1.2
16/07/2020	10:29am	Sent acknowledgement of registration to Lilly Carroll from Didge Ngunawal Clan	SC	4.1.2
16/07/2020	10:37am	Sent acknowledgement of registration to Caine Carroll from Goodradigbee	SC	4.1.2
16/07/2020	10:42am	Sent acknowledgement of registration to OStephen Fields of Dhinawan Culture and Heritage	SC	4.1.2
16/07/2020	10:56am	Sent acknowledgement of registration to Phil Khan of Kamilaroi Yankuntjatjara Working group	SC	4.1.2
16/07/2020	11:25pm	Sent acknowledgement of registration to Wendy Smith of Gulaga	SC	4.1.2
16/07/2020	1:13pm	Received response from Carolyn Hickey of A1 Indigenous Services registering their interest in the project	SC	4.1.2
16/07/2020	1:29pm	Received response from Amanda Hickey of ACHS registering their interest in the project	SC	4.1.2
16/07/2020	2:25pm	Received response from Steven Hickey of WIDESCOPE registering their interest in the project	SC	4.1.2
20/07/2020	11:27am	Received response from Clive Freeman of Freeman & Marx registering their interest in the project	SC	4.1.2
20/07/2020	6:26pm	Received response from Rodney Gunther of Waawaar Awaa registering their interest in the project	SC	4.1.2
21/07/2020	10:27am	Received response from Darleen Johnson of Murra Bidgee Mullangari Aboriginal Corporation registering their interest in the project	SC	4.1.2
21/07/2020	10:28am	Sent acknowledgement of registration to Carolyn Hickey of A1 Indigenous Services	SC	4.1.2
21/07/2020	10:37am	Sent acknowledgement of registration to Amanda Hickey of ACHS	SC	4.1.2
21/07/2020	10:42am	sent acknowledgement of registration to Steven Hickey of WIDESCOPE	SC	4.1.2
21/07/2020	10:55am	sent acknowledgement of registration to Rodney Gunther of Waawaar Awaa	SC	4.1.2

Date	Time	Nature of consultation	Action taken by:	Stage of Consultation Requirements
21/07/2020	11:00am	sent acknowledgement of registration to Darleen Johnson of Murra Bidgee Mullangari Aboriginal Corporation	SC	4.1.2
21/07/2020	11:47am	sent acknowledgement of registration to Clive Freeman of Freeman & Marx	SC	4.1.2
21/07/2020	2:25pm	Received response from Steven Randall of Deerubbin LALC registering their interest in the project, Steven specified that he would like to respond to our emails regarding the project via phone calls.	SC	4.1.2
22/07/2020	1:19pm	Received registration of interest to email address in public notice, from Lee Field of Barraby Cultural Services	SC	4.1.2
22/07/2020	1:21pm	Received registration of interest to email address in public notice, from Bo Field of Yurrandaali Pty Ltd	SC	4.1.2
22/07/2020	2:19pm	Sent acknowledgement of registration to Lee Field of Barraby Cultural Services	SC	4.1.2
22/07/2020	2:25pm	Sent acknowledgement of registration to Bo Field of Yurrandaali Pty Ltd	SC	4.1.2
23/07/2020	6:01am	Received registration of interest email from Jesse Johnson of Muragadi Heritage Indigenous Corporation	SC	4.1.2
23/07/2020	10:51am	Sent acknowledgement of registration to Jesse Johnson of Muragadi Heritage Indigenous Corporation	SC	4.1.2
28/07/2020	11:31am	Received registration of interest email from Justine Coplin of Darug Custodian Aboriginal Corporation	SC	4.1.2
28/07/2020	2:18pm	Sent acknowledgement of registration to Justine Coplin of Darug Custodian Aboriginal Corporation	SC	4.1.2
29/07/2020	1:50pm	Received registration of interest email from Shaun Carroll	SC	4.1.2
29/07/2020	2:45pm	Sent acknowledgement of registration to Shaun Carroll	SC	4.1.2
30/07/2020	12:00pm	Sent stage 2/3 document to 20 RAPs via email	SC	4.1.2, 4.1.3
30/07/2020	12:18pm	Received response to Stage 2/3 Document from Darleen Johnson of Murra Bidgee Mullangari	SC	4.1.2, 4.1.3
30/07/2020	6:01pm	Received response to Stage 2/3 Document from Carolyn Hickey of A1 Indigenous Services	SC	4.1.2, 4.1.3
31/07/2020	10:30am	Sent acknowledgement of response to stage 2/3 Document to Darleen Johnson of Murra Bidgee Mullangari	SC	4.1.2
31/07/2020	10:34am	Sent Acknowledgement of Response to Stage 2/3 Document to Carolyn Hickey of A1 Indigenous Services	SC	4.1.2
6/08/2020	11:53am	Received response to Stage 2/3 Document from Shaun Carroll	SC	4.1.2, 4.1.3
6/08/2020	12:08pm	Received response to Stage 2/3 Document from Jesse Johnson of Muragadi Heritage Indigenous Corporation	SC	4.1.2, 4.1.3
7/08/2020	9:02am	Received acknowledgement of receipt of Stage 2/3 Document from Caine Carroll of Goodradigbee Cultural & Heritage Aboriginal Corporation	SC	4.1.2, 4.1.3
11/08/2020	10:21am	Sent acknowledgement of response to stage 2/3 Document to Shaun Carroll	SC	4.1.2, 4.1.3
11/08/2020	12:08pm	Sent acknowledgement of response to stage 2/3 Document to Jesse Johnson of Muragadi Heritage Indigenous Corporation	SC	4.1.2, 4.1.3
11/08/2020	8:03pm	Received response to Stage 2/3 Document from Lee Field Barraby Cultural Services	SC	4.1.2, 4.1.3

Date	Time	Nature of consultation	Action taken by:	Stage of Consultation Requirements
11/08/2020	8:42pm	Received response to Stage 2/3 Document from Bo Field of Yurrandaali Pty Ltd	SC	4.1.2, 4.1.3
13/08/2020	6:24pm	Received response to Stage 2/3 Document from Darleen Johnson of Murra Bidgee Mullangari	SC	4.1.2, 4.1.3
18/08/2020	9:52am	Sent acknowledgement of response to stage 2/3 Document to Lee Field Barraby Cultural Services	SC	4.1.2, 4.1.3
18/08/2020	9:56am	Sent acknowledgement of response to stage 2/3 Document to Bo Field of Yurrandaali Pty Ltd	SC	4.1.2, 4.1.3
19/08/2020	10:02am	Sent acknowledgement of response to stage 2/3 Document to Darleen Johnson of Murra Bidgee Mullangari	SC	4.1.2, 4.1.4
19/08/2020	9:55am	Received response to Stage 2/3 Document from Steve Randall of DLALC via telephone	SC	4.1.2, 4.1.3
20/08/2020	3:21pm	Received response to Stage 2/3 Document from Phil Khan of Kamilaroi Yankuntjatjara Working group	SC	4.1.2, 4.1.3
20/08/2020	3:32pm	Sent acknowledgement of response to stage 2/3 Document to Phil Khan of Kamilaroi Yankuntjatjara Working group, letting Phil know the comments will be addressed in the draft ACHAR	SC	4.1.2, 4.1.4
21/08/2020	5:01pm	Sent notification of RAPs for the project to Heritage NSW and Deerubbin LALC	SC	4.1.6
27/08/2020	12:59pm	Received response to Stage 2/3 Document from Arika Jalomaki Yulay Cultural Services	SC	4.1.2, 4.1.3
27/08/2020	4:29pm	Sent acknowledgement of response to stage 2/3 Document to Arika Jalomaki Yulay Cultural Services	SC	4.1.2, 4.1.4
3/09/2020	10:29pm	Received response to Stage 2/3 Document from Justine Coplin of Darug Custodian Aboriginal Corporation	SC	4.1.2, 4.1.3
3/09/2020	1:32am	Sent acknowledgement of response to stage 2/3 Document to Justine Coplin of Darug Custodian Aboriginal Corporation	SC	4.1.2, 4.1.3
2/10/2020	6:10pm	Sent draft ACHAR to RAPs for review and request for comments before COB 2nd November	NS	4.4.2, 4.4.3
16/10/2020	4:00pm	Sent follow up emails requesting comments on draft ACHAR before COB 2nd November	SC	4.1.4
17/10/2020	8:36pm	Received email from Clive Freeman stating that he has no comment in relation to the ACHAR	SC	4.1.4
19/10/2020	9:22am	Received comments from Phil Khan regarding the draft ACHAR and cultural significance of the Subject Area	NS	4.1.4
20/10/2020	6:48pm	Received email from Rodney Gunther of Waawaar Awaa who supports the ACHAR	SC	4.1.4
22/10/2020	10:10am	Spoke to Steve Randall of Deerubbin on the phone regarding comment on draft ACHAR, Steve said that he supports the recommendations of the report and that he has nothing to add	SC	4.1.4
3/11/2020	8:34am	Received email from Steven Hickey of WIDESCOPE who supports the ACHAR and its recommendations	NS	4.1.4

APPENDIX VIII. AGENCY LETTERS



NTS Corp
PO Box 2105
Strawberry Hills NSW 2012

Dear Sir or Madam,

P.O. Box 440,
Picton NSW 2571
T. +61 (0)2 4627 8622
F. +61 (0)2 4605 0815
W. www.kayandel.com
Our Reference: KA-79

25th June 2020

RE: Identification of Aboriginal organisation and people who may have an interest in the Proposed Factory Outlet Centre with Basement and At Grade Car Parking and Ancillary Uses Development at 141 Rooty Hill Road South, Eastern Creek (Lot1, DP135665, Lots 1,3, 4, 5 and 13 DP8681, Lots 1, 2, 3 and 4, DP830836).

Kayandel Archaeological Services (KAS) has been engaged by Frasers Property Retail Holdings Pty Ltd (the Proponent) to undertake an Archaeological and Aboriginal Cultural Heritage Assessment Report. This assessment will be completed for a proposed Factory Outlet Centre with Basement and At Grade Car Parking and Ancillary Uses Development at 141 Rooty Hill Road South, Eastern Creek (Lot1, DP135665, Lots 1,3, 4, 5 and 13 DP8681, Lots 1, 2, 3 and 4, DP830836).

The contact details for the Project Manager are Emelie Watkinson, Frasers Property Australia, Level 2, 1C Homebush Bay Drive, Rhodes NSW 2138.

In accordance with our obligations under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010), we are seeking to identify Aboriginal organisations and people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places for that area.

The proposed Factory Outlet Centre with Basement and At Grade Car Parking and Ancillary Uses Development is classified as a State Significant Development (SSD) on the basis that it falls within the requirements of clause 12 of Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), being 'development that has a capital investment value of more than \$50 million for the purpose of warehouses or distribution centres'.

The cultural heritage assessment may result in an application for a Section 90 Consent under Part 6 of the *National Parks & Wildlife Act 1974*.

Should your organisation know of any groups or people that meet this requirement we request that you supply their name and most recent contact details to enable our firm to make contact and involve them in future aspects of the project.

Should you have any queries please free to contact our office and ask for the Project Manager for Project ID:KA-79.

Thank you for your assistance with this matter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steven Castell', is written over a light blue circular stamp.

Steven Castell

Graduate Archaeologist
BART Ext (Arch/Anthro)

Sydney

Melbourne

Brisbane

Perth



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Picton NSW 2571

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W. www.kayandel.com

Our Reference: KA-79

Department of Planning, Industry and Environment
Climate Change & Sustainability
PO Box 644
Parramatta NSW 2124

25th June 2020

Dear Ms Harrison,

RE: Identification of Aboriginal organisation and people who may have an interest in the Proposed Factory Outlet Centre with Basement and At Grade Car Parking and Ancillary Uses Development at 141 Rooty Hill Road South, Eastern Creek (Lot1, DP135665, Lots 1,3, 4, 5 and 13 DP8681, Lots 1, 2, 3 and 4, DP830836).

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Thank you for your assistance with this matter.

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Steven Castell

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BART Ext (Arch/Anthro)

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Melbourne

Brisbane

Perth



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W. www.kayandel.com

Our Reference: KA-79

Office of the Registrar - Aboriginal Land Rights Act 1983 (NSW)
PO Box 5068
Parramatta NSW 2124

25th June 2020

Dear Sir or Madam,

RE: Identification of Aboriginal organisation and people who may have an interest in the Proposed Factory Outlet Centre with Basement and At Grade Car Parking and Ancillary Uses Development at 141 Rooty Hill Road South, Eastern Creek (Lot1, DP135665, Lots 1,3, 4, 5 and 13 DP8681, Lots 1, 2, 3 and 4, DP830836).

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Our Reference: KA-79

Blacktown City Council
The General Manager
PO Box 63
Blacktown NSW 2148

25th June 2020

Dear Sir or Madam,

RE: Identification of Aboriginal organisation and people who may have an interest in the Proposed Factory Outlet Centre with Basement and At Grade Car Parking and Ancillary Uses Development at 141 Rooty Hill Road South, Eastern Creek (Lot1, DP135665, Lots 1,3, 4, 5 and 13 DP8681, Lots 1, 2, 3 and 4, DP830836).

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W. www.kayandel.com

Our Reference: KA-79

Deerubbin Local Aboriginal Land Council
Level 1, 295, High Street
Penrith NSW 2150

25th June 2020

Dear Sir or Madam,

RE: Identification of Aboriginal organisation and people who may have an interest in the Proposed Factory Outlet Centre with Basement and At Grade Car Parking and Ancillary Uses Development at 141 Rooty Hill Road South, Eastern Creek (Lot1, DP135665, Lots 1,3, 4, 5 and 13 DP8681, Lots 1, 2, 3 and 4, DP830836).

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Our Reference: KA-79

Greater Sydney Local Land Services
PO Box 4515
Penrith Westfields NSW 2750

25th June 2020

Dear Sir or Madam,

RE: Identification of Aboriginal organisation and people who may have an interest in the Proposed Factory Outlet Centre with Basement and At Grade Car Parking and Ancillary Uses Development at 141 Rooty Hill Road South, Eastern Creek (Lot1, DP135665, Lots 1,3, 4, 5 and 13 DP8681, Lots 1, 2, 3 and 4, DP830836).

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BART Ext (Arch/Anthro)

Sydney

Melbourne

Brisbane

Perth

APPENDIX IX. NATIONAL NATIVE TITLE SEARCH



National
Native Title
Tribunal

Request for Search of Tribunal Registers

Search for overlapping interests

DO NOT use for searches over freehold land.

1. Your details

NAME:	Steven Castell
POSITION:	Archaeologist
COMPANY/ORGANISATION:	Kayandel Archaeological Services
POSTAL ADDRESS:	PO Box 440, Picton NSW 2571
TELEPHONE:	02 46278622
EMAIL:	Steven.Castell@kayandel.com.au
YOUR REFERENCE:	KA-79
DATE OF REQUEST:	26th June 2020

2. Reason for your request

Are you a party to a native title proceeding?

☐ Yes ☒ No

Please provide Federal Court/Tribunal file number/or application name:

OR

Do you need to identify existing native title interests to comply with the *Native Title Act 1993* (Cth) or other State/Territory legislation?

☒ Yes ☐ No

Please provide brief details of these obligations here:

Section 4.1.2 of the Consultation Requirements

3. Identify the area to be searched

Mining tenure

If there is insufficient room please attach a clearly typed list of tenement references.

State/Territory:

Tenement ref/s:

OR

Crown land / non freehold tenure

Tenure type:

☐ Lease ☐ Reserve or other Crown land

State/Territory:

NSW

Lot and plan details:

Pastoral Lease number or name:

Other details: (Town/County/Parish/

Section/Hundred/Portion):

141 Rooty Hill Road South, Eastern Creek (Lot1,
DP135665, Lots 1,3, 4, 5 and 13 DP8681, Lots 1, 2, 3
and 4, DP830836).

Please refer to the link to our website for further information:

<http://www.nntt.gov.au/nativetitleclaims/Pages/Native-title-claims-and-freehold-land.aspx>

APPENDIX X. NATIONAL NATIVE TITLE SEARCH RESULTS

RE: SR20/611 - Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek - SR20/611



Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
To Steven Castell

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Mon 29/06/2020 8:53 PM

UNCLASSIFIED

Native title search – NSW Freehold Parcels – Multiple
Your ref: KA-79- Our ref: SR20/611

Dear Steven Castell,

Thank you for your search request received on 26 June 2020 in relation to the above area.

Please note: Records held by the National Native Title Tribunal as at 29 June 2020 indicate that the identified parcels appear to be freehold, and freehold tenure extinguishes native title.

The National Native Title Tribunal does not hold data sets for freehold tenure; consequently, we **cannot** conduct searches over freehold. For confirmation of freehold data, please contact the NSW Land and Property Information office or seek independent legal advice.

For further information, please visit our [website](#).

These items not found in NNTT non freehold data:

Parcel ID
1//D135665
1//D830836
13//D8681
2//D830836
3//D135665
3//D830836
4//D135665
4//D830836
5//D136556

If you have any further queries, please do not hesitate to contact us on the free call number 1800 640 501.

Regards,

Geospatial Searches

National Native Title Tribunal | Perth

Email: GeospatialSearch@nntt.gov.au | www.nntt.gov.au

APPENDIX XI. BLACKTOWN CITY COUNCIL RESPONSE

Request for information on Aboriginal organisations and/or indi...




Sue Galt <Sue.Galt@blacktown.nsw.gov.au>

To Steven Castell

Cc Courtney Hardy; Trevor Taylor; Rita Vella



15/07/2020

 You forwarded this message on 15/07/2020 2:14 PM.

Dear Steve,

Thank you for your email dated 25 June 2020 regarding Aboriginal stakeholders contact details relevant to the above . I sincerely apologise for the delay in reply.

The NSW Department of Planning, Industry and Environment (DPIE) has advised us that the consultation list for this purpose is confidential and may only be obtained on a project by project basis from the agency administering Aboriginal Cultural Heritage regulation (e.g. Aboriginal Heritage Impact Permits (AHIPS), Registered Aboriginal Parties, Care Agreements, etc)

Your enquiry regarding Aboriginal stakeholders therefore is best directed to heritagemailbox@environment.nsw.gov.au, or (02) 9873 8500.

Regards,

Sue.



Sue Galt
Senior Policy/Heritage Planner

9839 6216

0414 194 474

Sue.Galt@blacktown.nsw.gov.au

PO Box 63 Blacktown NSW 2148

blacktown.nsw.gov.au

Follow us on social media



APPENDIX XII. DEERUBBIN LOCAL ABORIGINAL LAND COUNCIL RESPONSE

Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek - ...



Steven Castell
To Lance Syme
Cc Natalie Stiles



10/07/2020

Hi Lance,

I have spoken to Uncle Steve Randell on the phone today in relation to the Initial agency letter I sent to Deerubbin LALC on 25th June 2020.

Uncle Steve said that he prefers to speak to us via phone rather than write to us, I told him he is welcome to call anytime we send any letters to him.

Uncle Steve asked for Deerubbin to be added to the list of potential stakeholders and said that he will register Deerubbin for the project when he receives the invitation to register.

Uncle Steve said he knows of potential stakeholders but can-not give us their details, so I asked him to extend the Deerubbin invitation to register to those parties and that they are welcome to register their interest also, which he said is great and that he would do that.

Thank you,

Steven Castell
Archaeologist
Bachelor of Arts Ext (Arch/Anthro)



PO Box 440, Picton NSW 2571

Tel. +61 (0)2 4627 8622 Fax. +61 (0)2 4605 0815

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APPENDIX XIII. GREATER SYDNEY LOCAL LAND SERVICES RESPONSE

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



peter.freeman@lls.nsw.gov.au on behalf of GS Service <gs.s

To Steven Castell

Cc Paul Bennett



10/07/2020



You forwarded this message on 10/07/2020 11:30 AM.

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Dear Steven

Thank you for your letter requesting information about Aboriginal organisations or individuals who may hold knowledge relevant to determining the cultural significance of Aboriginal objects in the area of a proposed development.

Further to our conversation, I can confirm that at this time we are unable to provide any additional information relating to Aboriginal cultural heritage.

Regards

Customer Service Team

Greater Sydney Local Land Services

Level 4, 2 - 6 Station St Penrith | PO Box 4515, Westfield Penrith NSW 2750

T: 02 4724 2100

E: gs.service@lls.nsw.gov.au | **W:** www.greatersydney.lls.nsw.gov.au

Our offices will be operating differently due to COVID-19

The best way to get in touch with us is through our [online enquiry form](#) or by calling 1300 795 299

APPENDIX XIV. OFFICE OF THE REGISTRAR RESPONSE



7 July 2020

By email: steven.castell@kayandel.com.au

Mr Steven Castell
Graduate Archaeologist
Kayandel Archaeological Services
PO Box 440
PICTON NSW 2571

Dear Steven,

Request - Search for Registered Aboriginal Owners

We refer to your letter dated 25 June 2020 regarding an Aboriginal Cultural Heritage Assessment for proposed factory outlet centre at 141 Rooty Hill Road South, Eastern Creek (Lot 1 DP135665, Lots 1,3-5 & 13 DP 8681, Lots 1- 4 DP830836) in NSW.

Under Section 170 of the *Aboriginal Land Rights Act 1983* the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are currently no Registered Aboriginal Owners in the project area.

We suggest you contact Deerubbin Local Aboriginal Land Council on 02 4724 5600 as they may be able to assist you in identifying Aboriginal stakeholders who wish to participate.

Yours sincerely

Senior Manager
Office of the Registrar, ALRA

APPENDIX XV. IDENTIFIED POTENTIAL ABORIGINAL STAKEHOLDERS

Potential Aboriginal Party	Representative/Contact	Identified By	Date Advised
Deerubbin Local Aboriginal Land Council	Mr Steve Randall	Heritage NSW	29/06/2020
Darug Custodian Aboriginal Corporation	Mrs Justine Coplin	Heritage NSW	29/06/2020
Darug Tribal Aboriginal Corporation	Sir/Madam	Heritage NSW	29/06/2020
Darug Aboriginal Cultural Heritage Assessments	Mr Gordon Morton	Heritage NSW	29/06/2020
Darug Aboriginal Cultural Heritage Assessments	Ms Celestine Everingham	Heritage NSW	29/06/2020
Darug Land Observations	Mr Jamie Workman	Heritage NSW	29/06/2020
Darug Land Observations	Ms Anna Workman	Heritage NSW	29/06/2020
Darug Aboriginal Land Care	Mr Mark Dyer	Heritage NSW	29/06/2020
A1 Indigenous Services	Ms Carolyn Hickey	Heritage NSW	29/06/2020
Gunjeewong Cultural Heritage Aboriginal Corporation	Ms Cherie Carroll Turrise	Heritage NSW	29/06/2020
Corroboree Aboriginal Corporation	Ms Marilyn Carroll-Johnson	Heritage NSW	29/06/2020
Murra Bidgee Mullangari Aboriginal Corporation	Ms Darleen Johnson	Heritage NSW	29/06/2020
Murra Bidgee Mullangari Aboriginal Corporation	Mr Ryan Johnson	Heritage NSW	29/06/2020
Bidjawong Aboriginal Corporation	Mr James Carroll	Heritage NSW	29/06/2020
Kamilaroi Yankuntjatjara Working Group	Mr Phil Khan	Heritage NSW	29/06/2020
Wurrumay Pty Ltd	Ms Kerrie Slater	Heritage NSW	29/06/2020
Wurrumay Pty Ltd	Mr Vicky Slater	Heritage NSW	29/06/2020
Warragil Cultural Services	Mr Aaron Slater	Heritage NSW	29/06/2020
Tocomwall	Mr Scott Franks	Heritage NSW	29/06/2020
Amanda Hickey Cultural Services	Ms Amanda Hickey	Heritage NSW	29/06/2020
Widescope Indigenous Group	Mr Steven Hickey	Heritage NSW	29/06/2020
Widescope Indigenous Group	Ms Donna Hickey	Heritage NSW	29/06/2020
Dhinawan Culture & Heritage Pty Ltd	Mr Stephen Fields	Heritage NSW	29/06/2020
HSB Consultants	Ms Patricia Hampton	Heritage NSW	29/06/2020
Rane Consulting	Mr Tony Williams	Heritage NSW	29/06/2020
	Mr Anthony Williams	Heritage NSW	29/06/2020
Gunya	Ms Kylie Ann Bell	Heritage NSW	29/06/2020
Walbunja	Mr Hika	Heritage NSW	29/06/2020
Badu	Ms Karia Lea Bond	Heritage NSW	29/06/2020
Goobah Developments	Mr Basil Smith	Heritage NSW	29/06/2020
Wullung	Mr Lee-Roy James Boota	Heritage NSW	29/06/2020
Yerramurra	Mr Robert Parson	Heritage NSW	29/06/2020
Nundagurri	Mr Newton Carriage	Heritage NSW	29/06/2020
Murrumbul	Mr Mark Henry	Heritage NSW	29/06/2020
Jerringong	Ms Joanne Anne Stewart	Heritage NSW	29/06/2020
Pemulwuy CHTS	Mr Pemulwuy Johnson	Heritage NSW	29/06/2020
Bilinga	Ms Simalene Carriage	Heritage NSW	29/06/2020
Munyunga	Ms Kaya Dawn Bell	Heritage NSW	29/06/2020

Potential Aboriginal Party	Representative/Contact	Identified By	Date Advised
Wingikara	Ms Hayley Bell	Heritage NSW	29/06/2020
Minnamunnung	Mr Aaron Broad	Heritage NSW	29/06/2020
Walgala	Mr Ronald Stewart	Heritage NSW	29/06/2020
Thauaira	Mr Shane Carriage	Heritage NSW	29/06/2020
Dharug	Mr Andrew Bond	Heritage NSW	29/06/2020
Gulaga	Ms Wendy Smith	Heritage NSW	29/06/2020
Biamanga	Mr Seli Storer	Heritage NSW	29/06/2020
Callendulla	Mr Corey Smith	Heritage NSW	29/06/2020
Murramarang	Ms Roxanne Smith	Heritage NSW	29/06/2020
DJMD Consultancy	Mr Darren Duncan	Heritage NSW	29/06/2020
Butucarbin Aboriginal Corporation	Ms Jennifer Beale	Heritage NSW	29/06/2020
Didge Ngunawal Clan	Ms Lillie Carroll	Heritage NSW	29/06/2020
Didge Ngunawal Clan	Mr Paul Boyd	Heritage NSW	29/06/2020
Ginninderra Aboriginal Corporation	Mr Steven Johnson	Heritage NSW	29/06/2020
Ginninderra Aboriginal Corporation	Ms Krystle Carroll	Heritage NSW	29/06/2020
Wailwan Aboriginal Group	Mr Philip Boney	Heritage NSW	29/06/2020
Barking Owl Aboriginal Corporation	Mrs Jody Kulakowski	Heritage NSW	29/06/2020
Yulay Cultural Services	Ms Arika Jalomaki	Heritage NSW	29/06/2020
Thoorga Nura	Mr John Carriage	Heritage NSW	29/06/2020
Darug Boorooberongal Elders Aboriginal Corporation	Mr Paul Hand	Heritage NSW	29/06/2020
B. H. Heritage Consultants	Mr Ralph Hampton	Heritage NSW	29/06/2020
B. H. Heritage Consultants	Ms Nola Hampton	Heritage NSW	29/06/2020
Ngambaa Cultural Connections	Ms Kaarina Slater	Heritage NSW	29/06/2020
Goodradigbee Cultural & Heritage Aboriginal Corporation,	Mr Caine Carroll	Heritage NSW	29/06/2020
Mura Indigenous Corporation	Mr Phillip Carroll	Heritage NSW	29/06/2020
Aragung Aboriginal Cultural Heritage Site Assessments	Mr Jamie Eastwood	Heritage NSW	29/06/2020
-	Mr Paul Gale	Heritage NSW	29/06/2020
Waawaar Awaa	Mr Rodney Gunther	Heritage NSW	29/06/2020
-	Mr Clive Freeman	Heritage NSW	29/06/2020

APPENDIX XVI. COMMUNITY CONSULTATION INVITATION TO REGISTER

There were 67 Potential Stakeholders identified by Heritage NSW. Letters were issued to all Potential Stakeholders, inviting them to register their involvement with the project. The letter below is an example of that which was sent to the identified community groups.



P.O. Box 440,
Picton NSW 2571

T. +61 (0)2 4627 8622

F. +61 (0)2 4605 0815

W. www.kayandel.com

Our Ref: KA-79

Deerubbin Local Aboriginal Land Council
Mr Steve Randall
PO Box 40
Penrith NSW 2751

10th July 2020

Dear Mr Randall,

Re: Registration of Interest for the Proposed Factory Outlet Centre with Basement and an at Grade Car Parking and Ancillary Uses Development of 141 Rooty Hill Road South (Lot 1 DP135665, Lot 3 DP830836, and Lots 1, 3, 4 and 13 Section B DP8681), Eastern Creek

Kayandel Archaeological Services (Kayandel) has been engaged by Frasers Property Retail Holdings Pty Ltd (the Proponent) to prepare an Aboriginal Cultural Heritage Assessment Report for the Proposed Factory Outlet Centre with Basement and an at Grade Car Parking and Ancillary Uses Development of 141 Rooty Hill Road South (Lot 1 DP135665, Lot 3 DP830836, and Lots 1, 3, 4 and 13 Section B DP8681), Eastern Creek.

The consultation process, that is being undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010), is to assist in the cultural heritage assessment to seek approval under S.90 Aboriginal Heritage Impact Permit application under Part 6 of the *National Parks and Wildlife Act 1974* and will assist the Director General of Heritage NSW in considering that application.

In making our enquires to satisfy Section 4.1.2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) you or your organisation was identified as potentially having an interest in the Subject Area and also being a holder of knowledge relevant to determining the cultural significance of *Aboriginal objects* and/or *places* within the Subject Area.

Should you or your organisation be interested in being consulted in relation to the above project we require your expression of interest to be forward to our office no later than COB 24th July 2020. If you are expressing an interest on behalf of an organisation please nominate an authorised representative to receive all future correspondence.

The contact details for the Proponent are Yvette Fenech, Project Manager, Frasers Property Australia, Level 2, 1C Homebush Bay Drive, Rhodes NSW 2138.



P.O. Box 440,
Picton NSW 2571

T. +61 (0)2 4627 8622
F. +61 (0)2 4605 0815

W. www.kayandel.com

Section 4.1.5 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) requires Kayandel to forward your details to Heritage NSW and the Deerubbin Local Aboriginal Land Council, unless you specifically indicate otherwise.

Should you have any queries about the project, feel free to call the office on the above number and speak to me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Steven Castell', written over a light blue rectangular background.

Steven Castell

Archaeologist
BART Ext (Arch/Anthro)

APPENDIX XVII. RAP REGISTRATION


Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Lilly Carroll <didgengunawalclan@yahoo.com.au>
To Steven Castell



10/07/2020

 Follow up. Completed on Thursday, 16 July 2020.
You replied to this message on 16/07/2020 10:29 AM.

Hi Steven

DNC would like to register an interest into Re: 141 Rooty hill Rd south Eastern Creek

Kind regards DNC
Lilly Carroll
0426823944

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Caine Carroll <Goodradigbee1@outlook.com>
To Steven Castell



12/07/2020

 Follow up. Start by Monday, 13 July 2020. Due by Monday, 13 July 2020.
You replied to this message on 16/07/2020 10:37 AM.

Hi Steven,

Goodradigbee would like to register our interest in the project.

I will be the best contact for the project and my details are below.

Kind Regards,

Caine Carroll
0410 974 236
Director
Goodradigbee Cultural & Heritage Aboriginal Corporation (GCAHAC)

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek




Stephen Fields <dhinawan.ch@gmail.com>

To: Steven Castell



12/07/2020

 Follow up. Start by Monday, 13 July 2020. Due by Monday, 13 July 2020.

Dear Steven,

on behalf of Dhinawan Culture and Heritage Pty Ltd, I would like to register our interest in the consultation process the Proposed Factory Outlet Centre with Basement and an at Grade Car Parking and Ancillary Uses Development of 141 Rooty Hill Road South (Lot 1 DP135665, Lot 3 DP830836, and Lots 1, 3, 4 and 13 Section B DP8681), Eastern Creek.

Please forward any future correspondence to this email address.

Regards,

Stephen Fields

Director

Dhinawan Culture and Heritage Pty Ltd

0411232285

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Arika Jalomaki <yulayculturalservices@gmail.com>

To: Steven Castell



13/07/2020

 Follow up. Start by Monday, 13 July 2020. Due by Monday, 13 July 2020.
You replied to this message on 16/07/2020 10:47 AM.

Dear Steven,

Yulay Cultural service's would like to register our interest in the above project. Please see below contact details.

Arika Jalomaki

0411 048 794

28 Poplar street st Mary's 2760

Kind regards


RE: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



philip khan <philipkhan.acn@live.com.au>
To Steven Castell



13/07/2020

 Follow up. Completed on Thursday, 16 July 2020.
You replied to this message on 16/07/2020 10:55 AM.



Public Liability Kamilaroi 2020 to 2021 20million cover.pdf
.pdf File



Workers Comp Insurance for Kamilaroi Yankuntjatjara Working Group Pty Ltd.pdf
.pdf File



Hi Steven,

Thank you for informing us that **Kayandal Archaeology Services** will be involved in an Aboriginal Cultural Heritage Assessment **141 Rooty Hill Road South, Eastern Creek** &, that you are inviting Aboriginal organisations to register, if they wish too be involved in the community consultation process.

As a senior Aboriginal person for the past 40yrs, I actively participate in the protection of the Aboriginal Cultural Heritage throughout the Sydney Basin, & particularly throughout Western Sydney, on behalf of Kamilaroi Yankuntjatjara Working Group I wish to provide to you my organisation's registration of interest.

I wish to be involved & participate in all levels of consultation/project involvement. I wish to attend all meetings, participate in available field work & receive a copy of the report.

I have attached a copy of Kamilaroi Yankuntjatjara Working group's Public Liability Insurance & Workers Compensation certificate.

Should you wish me to provide further information, please do not hesitate to contact me on 0434545982 or Stefeanie on 0451068480.

Kind Regards
Phil Khan

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Gulaga <gulagachts@gmail.com>

To Steven Castell



15/07/2020



Follow up. Completed on Thursday, 16 July 2020.
You replied to this message on 16/07/2020 11:23 AM.



Aboriginal Cultural Heritage person of interest.docx
.docx File

Hi Steven,

Thank you for the email, Gulaga is most certainly interested in assisting you with the up and coming project. Please see my attached cover letter, hope to hear from you soon

Kind Regards,

Wendy Smith
Cultural Heritage Officer
Gulaga
0401 808 988

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek




Amanda DeZwart <amandahickey@live.com.au>

To Steven Castell



16/07/2020

 You replied to this message on 21/07/2020 10:35 AM.



Contact: Amanda DeZwart

Mobile: 0434 480 558

Address: 57 Gough St, Emu Plains, NSW 2750

ABN: 498 242 132 40

Hi,

I would like to register for consultation Meetings and future field work, I hold cultural knowledge to determine cultural significance of Aboriginal Objects and areas that exist in the project area.

Kind regards,
Amanda DeZwart

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Carolyn .H <cazadirect@live.com>
To: Steven Castell



16/07/2020

i Follow up. Start by Thursday, 16 July 2020. Due by Thursday, 16 July 2020.
You replied to this message on 21/07/2020 10:28 AM.
If there are problems with how this message is displayed, [click here to view it in a web browser.](#)



Contact: Carolyn Hickey

M: 0411 650057

E: [Cazadirect@live.com](mailto:cazadirect@live.com)

A: 10 Marie Pitt Place, Glenmore Park, NSW 2745

ACN: 639 868 876

Hi,

I would like to register for consultation Meetings and field work, I hold cultural knowledge relevant to determining the cultural significance of any Aboriginal objects and values that exist within the project area.

Kind Regards,
Carolyn Hickey

RE: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



WIDESCOPE . <widescope.group@live.com>

To Steven Castell



16/07/2020

 Follow up. Start by Thursday, 16 July 2020. Due by Thursday, 16 July 2020.
You replied to this message on 21/07/2020 10:41 AM.

Hi,

My name is Steven Hickey

Please register my interest in the Aboriginal Cultural heritage assessment for the above project

I am a recognised indigenous cultural knowledge holder. I hold cultural knowledge relevant in determining the significance of Aboriginal objects and places in the vicinity of the study area. I hold a cultural connection to the area of the project and surrounding areas

My preferred Method of contact is Via Email:

Or Steven Hickey (RAP) Mob 0425230693

Donna Hickey Administration 0425232056

My level of involvement:widescope.group@live.com

I would like to attend Community Consultation meetings; I do not require hard copies of reports

I would like to be considered for any future field survey works. I am fit and skilled in all aspects of cultural surveying works.

Thank you for your consideration, I look forward to assisting the team with the Aboriginal Cultural Heritage section of the project.

Privacy: Please do not release my personal details including my Email address to other RAP

I give consent to Heritage NSW and Local Aboriginal Land Council thank you.

Regards

Steven Hickey

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek




Clive Freeman <clive.freeman@y7mail.com>

To: Steven Castell



20/07/2020

 You replied to this message on 21/07/2020 10:46 AM.

Hi I team,

We at Freeman&marx Pty Ltd would like to register our interest in this project.

Kind regards

Clive Freeman
Managing Director
Freeman&marx Pty Ltd

Sent from my iPhone

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek




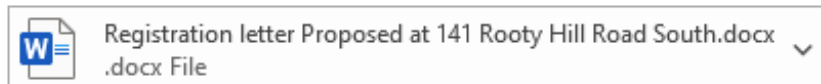
Rodney Gunther <waawaar.awaa@gmail.com>

To: Steven Castell



20/07/2020

 You replied to this message on 21/07/2020 10:53 AM.



Hi Steven,

Registration letter for 141 Rooty Hill Road South proposal.

Please advise of any proposed fieldwork.

regards

Rodney

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek




Darleen Johnson <murrabidgeemullangari@yahoo.com.au>

To: Steven Castell



21/07/2020

 You replied to this message on 21/07/2020 10:59 AM.

Hi Steven

Please register our organisation for the above project, we have been doing aboriginal cultural heritage projects in the area for over 26 years.

Kind regards

Darleen Johnson

0490051102

Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Steven Castell

To: Lance Syme

Cc: Natalie Stiles



21/07/2020

Hi Lance,

I have just spoken with Steve Randall of DLALC just now via telephone, Steve confirmed DLALC's registration of interest in the project with himself as the contact person.

Steve stated that when we email correspondence to him regarding the project he wants to make his replies via phone call, I said that when I send correspondence to him I will then follow up with him via phone call.

Thank you,

Steven Castell

Archaeologist

Bachelor of Arts Ext (Arch/Anthro)



PO Box 440, Picton NSW 2571

Tel. +61 (0)2 4627 8622 Fax. +61 (0)2 4605 0815

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www.kayandel.com.au/emaildisclaimer.html

From: Bo Field

Sent: Wednesday, 22 July 2020 1:20:25 PM (UTC+10:00) Canberra, Melbourne, Sydney

To: Info

Subject: Aboriginal Community Consultation - 141 Rooty Hill Road South, Eastern Creek NSW

To The Project Manager,

Yurrandaali Pty Ltd would like to be consulted and register our interest in the following project: 141 Rooty Hill Road South, Eastern Creek NSW.

Please see our company details below.

Company: Yurrandaali Pty Ltd

Contact Person: Bo Field

Address: 10B Elphin Street, Tahmoor NSW

Phone: 0403 048 263

Email: Yurrandaali_cs@hotmail.com

Kind Regards,

Bo Field

Yurrandaali Pty Ltd

0403 048 263 | yurrandaali_cs@hotmail.com

From: Lee Field

Sent: Wednesday, 22 July 2020 1:19:34 PM (UTC+10:00) Canberra, Melbourne, Sydney

To: Info

Subject: Registration Of Interest ACHA - 141 Rooty Hill Road South, Eastern Creek NSW

To The Project Manager,

Barraby Cultural Services would like to be consulted and register our interest in the following project:

141 Rooty Hill Road South, Eastern Creek NSW.

Please see our company details below.

Company: Barraby Cultural Services

Contact Person: Lee Field

Address: 10B Elphin Street, Tahmoor NSW

Phone: 0431 314 892

[Email: barrabyculturalservices@gmail.com](mailto:barrabyculturalservices@gmail.com)

Kind Regards,

Lee Field

141 Rooty hill road south, Eastern Creek Registration



jesse johnson <muragadi@yahoo.com.au>

To: Steven Castell



23/07/2020

 Follow up. Start by Thursday, 23 July 2020. Due by Thursday, 23 July 2020.
You forwarded this message on 23/07/2020 10:17 AM.

Hi Steven,

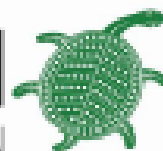
Please register our corporation for the above project, we have done many projects in the area and surrounding areas.

Kind regards

Jesse Johnson

DARUG CUSTODIAN

ABORIGINAL CORPORATION



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775088
MOBILE: 0414962766 Justine Coplin
EMAIL: justinecoplin@optusnet.com.au

Attention Kayandel

Date: 28072020

Subject: 141 Rooty Hill Road South (Lot 1 DP135665, Lot 3 DP830836, and Lots 1, 3, 4 and 13 Section B DP8681), Eastern Creek.

Dear Steven

Our group is a non-profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

The Rooty Hill /Eastern Creek area is an area that our group has a vast knowledge of, we have worked and lived in for many years, this area is significant to the Darug people due to the connection of sites and the continued occupation. Our group has been involved in all previous assessments and works in this area as a traditional owner Darug group for the past 40 plus years.

Therefore we would like to register our interest for full consultation and involvement in the above project area.

Please contact us with all further enquiries on the above contacts.

Regards

Justine Coplin

We acknowledge and pay respect to the Darug people, the traditional Aboriginal custodians of this land.

registration - 141 Rootyhill Road South, Eastern Creek




Shaun Carroll <Merrigarn@hotmail.com>

To: Steven Castell



29/07/2020

 You replied to this message on 29/07/2020 2:52 PM.

Hi Steve

Please register me for the above project, we have worked and lived in the area for over 50 years.

Kind regards

Shaun Carroll

0499187238

APPENDIX XVIII. ABORIGINAL HERITAGE ASSESSMENT PROJECT METHODOLOGY

Letters were issued to all RAPs in Table 6, providing details in regard to the project going forward. The letter below is an example of that which was sent to the RAPs.



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W. www.kayandel.com

Our Ref: KA-79

Deerubbin Local Aboriginal Land Council
Mr Steve Randall
PO Box 40
Penrith NSW 2751

30th July 2020

Dear Mr Randall,

**RE: Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) at 141 Rooty Hill Road South (Lots 1, 2 and 13 DP 1258787, Lots 2 - 4 DP 830836, and Lots 1/B, 3/B - 5/B DP 8681), Eastern Creek -
Aboriginal Heritage Assessment Project Methodology**

Thank you for your registration of interest in relation to the Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) at 141 Rooty Hill Road South (Lots 1, 2 and 13 DP 1258787, Lots 2 - 4 DP 830836, and Lots 1/B, 3/B - 5/B DP 8681), Eastern Creek (refer to Figure 1 and Figure 2).

Kayandel has prepared this document to meet the requirements of 'Stage 2 – Presentation of Information about the Proposed Project' and 'Stage 3- Gathering Information about Cultural Significance' in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010a, p. 12).

Below is the proposed methodology for the project. I would like to invite you to review the methodology and provide any comments you may have by 27th August 2020.

Please note that Kayandel is the primary contact for the Proponent. However, should you be unsatisfied with Kayandel's response to any comments raised, the alternative contact for the Proponent is Yvette Fenech, Project Manager, Frasers Property Australia, Level 2, 1C Homebush Bay Drive, Rhodes NSW 2138.

1. Introduction

Kayandel has been commissioned by Frasers Property Retail Holdings Pty Ltd (the Proponent) to provide advice in relation to Aboriginal heritage to inform the Environmental Impact Statement (EIS) that will be used to State Significant Development (SSD) application for the Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) (refer to Figure 3).

On the 3rd July 2020, the Proponent received Planning Secretary's Environmental Assessment Requirements (SEARs) from the Department of Planning, Industry and Environment's (DPIE) for the proposal.

In order to address the relevant SEARs, Kayandel will prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to document the process to identify and describe any Aboriginal cultural heritage values that exist within the Subject Area, including any likely impacts to Aboriginal heritage as a result of the project.

This also includes undertaking and documenting the process of consultation with the local Aboriginal community in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010a).



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2. Location of the Subject Area

The Subject Area comprises the following properties (refer to Figure 2):

- ✦ Lot 1 DP135665;
- ✦ Lot 3 DP830836; and,
- ✦ Lots 1, 3, 4 and 13 Section B DP8681.

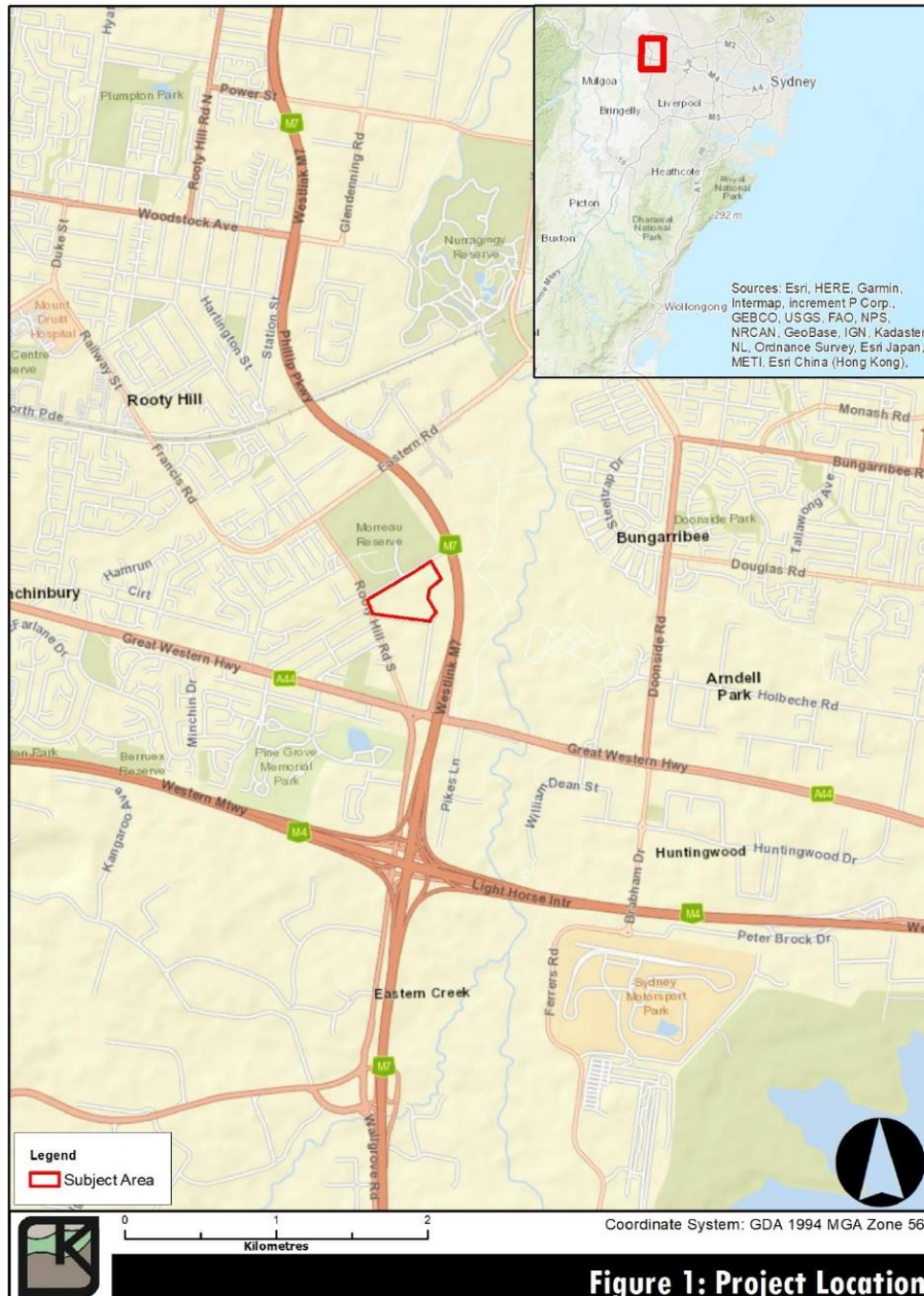
The Subject Area is located within Eastern Creek in the Blacktown City Council LGA, Parish of Rooty Hill, County of Cumberland.

The Subject Area is bounded by (refer to Figure 2):

- ✦ Rooty Hill Road South to the west;
- ✦ Church Street to the west/north; and,
- ✦ Beggs Road to the south.



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Sydney

Melbourne

3

Brisbane

Perth



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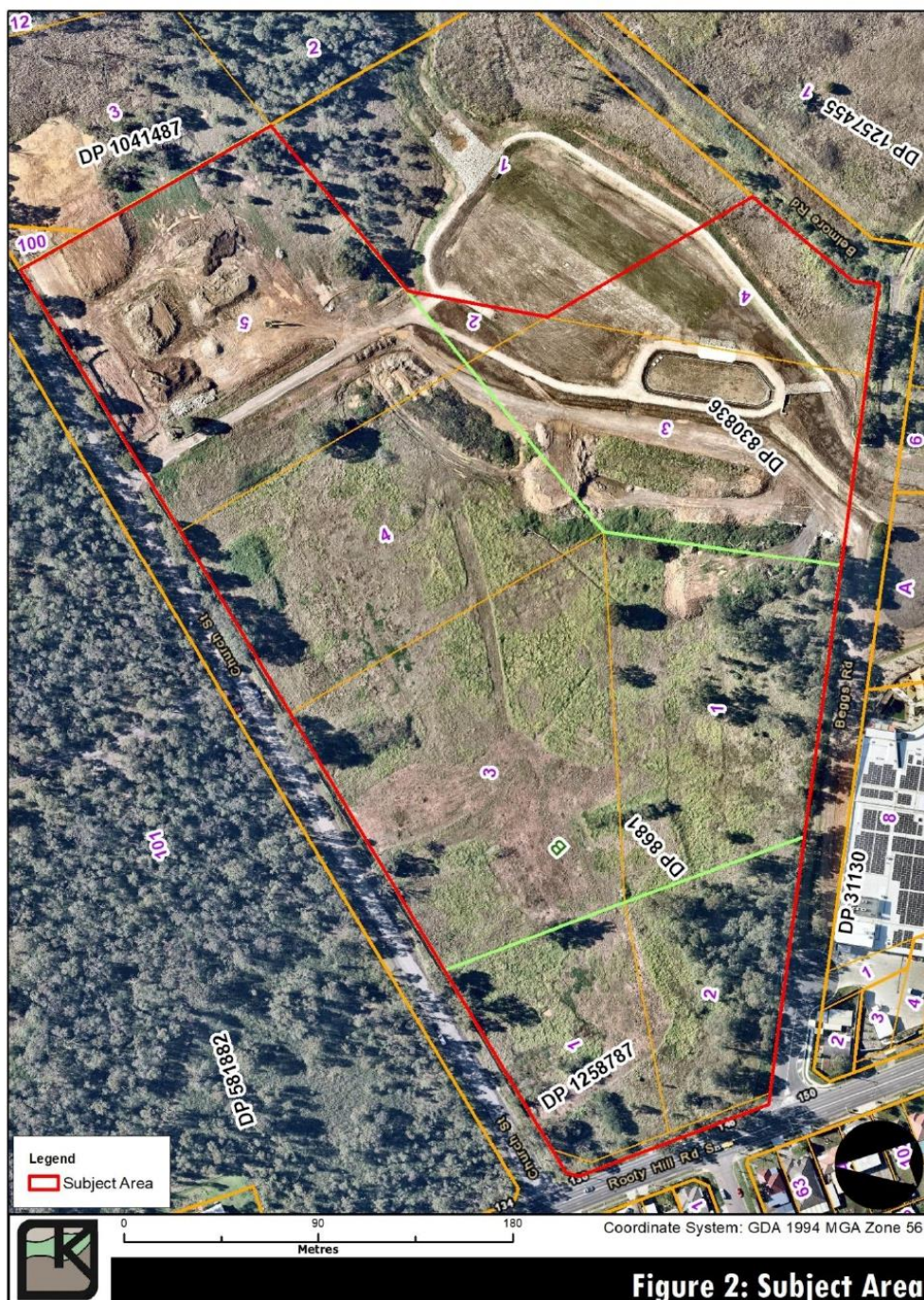


Figure 2: Subject Area

Sydney

Melbourne

4

Brisbane

Perth



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Figure 3: Proposed Concept Design

Sydney

Melbourne

5

Brisbane

Perth



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3. Project Background

In 2012, Kayandel (2012) prepared an Aboriginal Cultural Heritage Assessment (ACHA) on behalf of the Western Sydney Parklands Trust, for the proposed Eastern Creek Business Hub (SSD 5175) at the Western Sydney Parklands along Rooty Hill Road South. The investigation included the current Subject Area.

Kayandel (2012) was prepared to inform the staged SSD application. The 2012 investigations were for the first stage approval for super lot subdivision and early works to accommodate future development at the site.

Kayandel (2012) made the following predictions regarding the presence of Aboriginal sites within and in the area surrounding Eastern Creek and Bungarabee Park:

- ✦ Both surface and subsurface artefacts may occur across the entire Subject Area especially in less disturbed areas and within proximity to water sources;
- ✦ The size, density and significance of sites will vary, although it is anticipated that any sites will be considerably less complex and less dense than those within 250m of major water sources such as Eastern Creek, or along spur lines and elevated positions overlooking Eastern Creek;
- ✦ No lithic raw material outcrops have been identified in the Subject Area, however there are numerous, significant raw material sources within 7km of the Subject Area. Any archaeological material present within the Subject Area may provide additional understanding to raw material selection in the Cumberland Plain;
- ✦ Areas of PADs are may occur in locations with minimal previous land disturbance. The ground disturbance of the Subject Area changes across the site from low to moderate to high. The landforms within the Subject Area are comparable to landforms where Aboriginal sites and associated potential archaeological deposit (PAD) have previously been recorded;
- ✦ Burials would not be expected due to the limited depth of soil deposits, and,
- ✦ As past land use disturbance increases in intensity, the ability for Aboriginal objects to provide spatial and chronological information about past Aboriginal land use will decrease.

As a result of the investigation, Kayandel (2012) identified seven (7) areas of Potential Archaeological Deposits (PADs) within the study area.

None of the identified areas of PAD are within the current Subject Area (refer to Figure 4 and Figure 5).

Kayandel (2013) was produced as an addendum to the 2012 ACHA as part of addressing queries raised by the Department of Planning & Infrastructure (DoPI) as part of their review of the SSD application.

As part of responding to submissions relating to heritage (Aboriginal and Historical archaeology) that were received in relation to the modifications to the Eastern Creek Business Hub development proposal, Biosis (2016) was commissioned by Western Sydney Parklands Trust to formulate a response.

The comments raised were in relation to the modification of the SSD approval were:

- ✦ Modified proposals (specifically additional infrastructure) effect on Aboriginal and Historical archaeology;
- ✦ Modified proposals visual effect on Aboriginal and Historical archaeology; and,



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- ✦ Concerns regarding the content of the Archaeological Management Plan (AMP) and the timing of its implementation.

The ACHAR that is to be prepared by Kayandel will consider (but not limited to) the previous assessments presented above and will provide the necessary documentation to inform the preparation EIS for the proposal.



Sydney

Melbourne

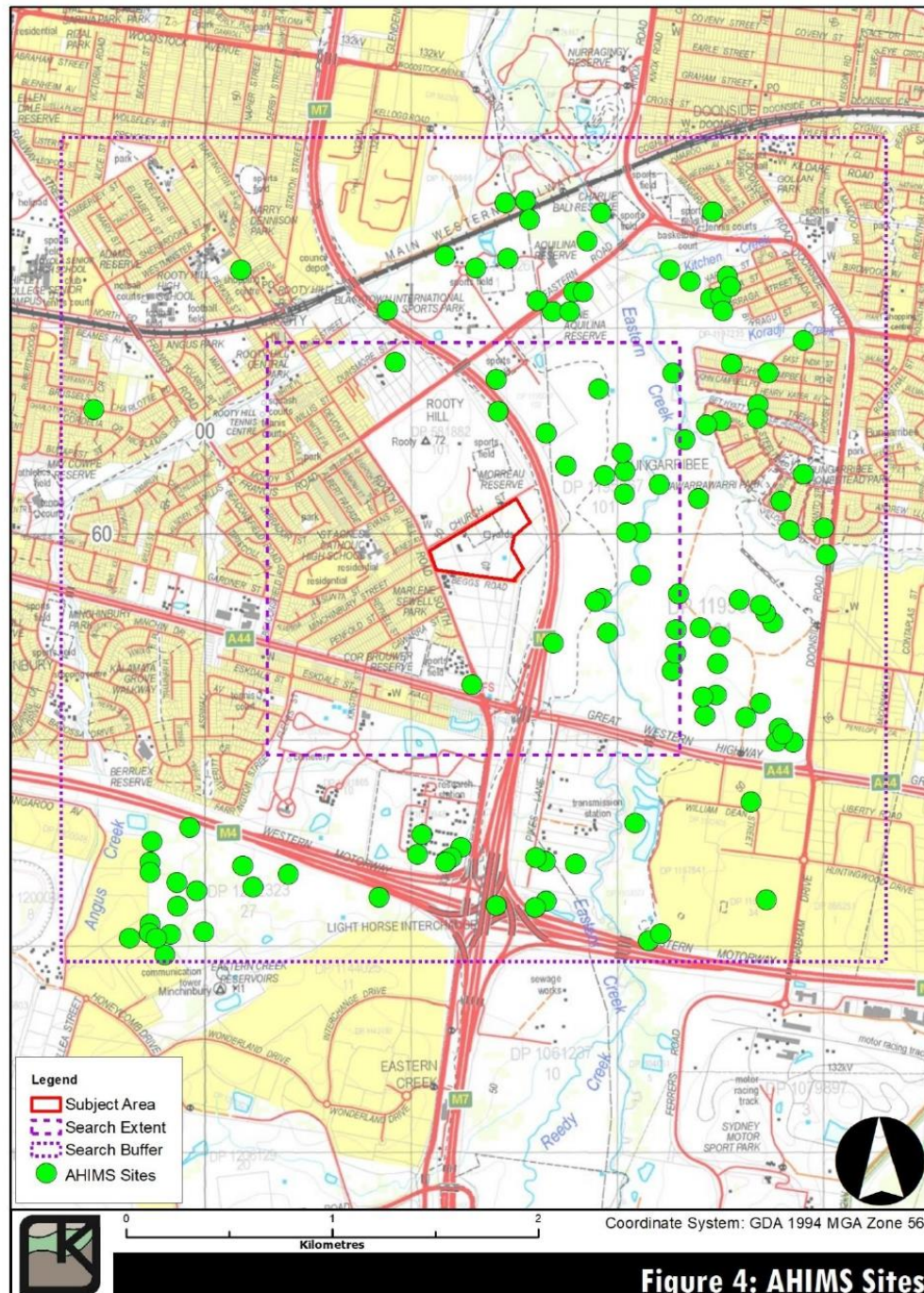
7

Brisbane

Perth

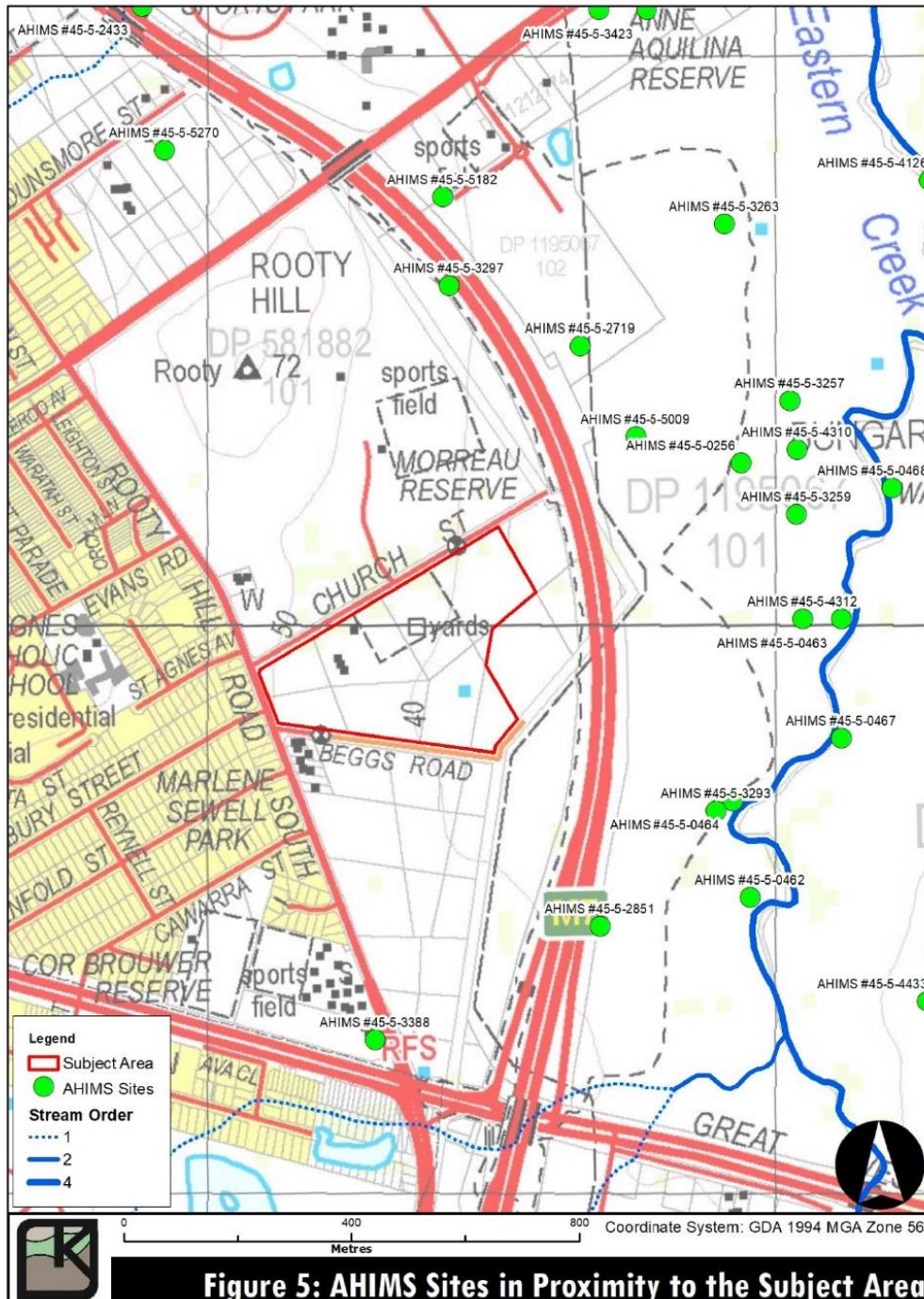


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4. Proposed Assessment Methodology

Kayandel proposes to prepare an ACHAR in accordance with the following guidelines:

- ✦ *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011);
- ✦ *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010b); and,
- ✦ *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW, 2010a).

Development of the ACHAR will include the following tasks:

- ✦ Aboriginal community consultation;
- ✦ Desktop research;
- ✦ Field Survey;
- ✦ Preparation of the ACHAR, which will incorporate Aboriginal consultation and any cultural information provided, assess potential impacts to Aboriginal heritage, and make recommendations on any Aboriginal heritage sites and/or objects that may be present within the Subject Area; and,
- ✦ If Aboriginal sites and/or objects are identified, submissions of site recordings for registration on Heritage NSW's Aboriginal Heritage Information Management System (AHIMS) database.

5. Timeline

Kayandel proposes the following indicative timeframes for the project:

- ✦ Distribution of this document to Registered Aboriginal Parties (RAPs): late-July 2020;
- ✦ End of review period for the proposed methodology: late-August 2020;
- ✦ Archaeological field inspection: late-August 2020;
- ✦ Distribution of the draft ACHAR to RAPs for review: early-September 2020.

Kayandel will notify RAPs of definite dates for fieldwork and document delivery as they become available.



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6. Information Sought

Kayandel would appreciate your feedback on the methodology proposed for the Aboriginal heritage investigation and assessment of the Subject Area.

In returning your answers, please consider and include the following where appropriate:

- ✦ Any protocols that you would like adopted during the project;
- ✦ Identification of any Aboriginal objects of cultural significance and/or importance that you are aware of within the activity areas, and how you wish them to be dealt with during the project;
- ✦ Identification of any places of cultural significance and/or importance that you are aware of locally and/or within the Subject Area. Can you please provide details about how you wish them to be dealt with during the project;
- ✦ Are you aware of any areas locally and/or within the Subject Area that may be relevant to determining the significance of the Subject Area and any archaeological material that may be recovered;
- ✦ Are you aware of any intangible cultural values that may be relevant to determining the significance of the Subject Area;
- ✦ Guidance on the protocols, sensitivity, use and/or distribution of any cultural information that you provide Kayandel; and,
- ✦ Whether you require any further information prior to Kayandel proceeding with the project.

It is important that you understand that Kayandel will compile and forward information for review by the Proponent, but we do not decide who will be involved in field work in any paid capacity.

However, to avoid disappointment please note that few offers for fieldwork involvement will be made as requirements are limited.

Any decision to engage RAPs for paid services will be based on local connection, relevant experience, and cost in consultation with the Proponent.

Any decisions are of a commercial nature separated from the process of consultation regarding cultural values and Aboriginal cultural heritage management outcomes. Any RAPs that use aggressive tactics to secure paid fieldwork will not be engaged.



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Are you offering fieldwork services? (yes/no) (Note: With the limited scope of the assessment and the likely number of RAPs, a very limited number of these offers will be taken up)	
Will a worker be covered by Worker's Compensation and Liability Insurance? (Certificates of currency will be requested if an offer to provide paid fieldworker is taken up)	
What is your daily rate? (Note: The proponent may set a fixed offer)	
If we have not worked together before, you may like to suggest a consultant archaeologist who can provide a reference.	

If you have any questions about any aspect of this letter, please contact me on (02) 4627 8622.

Yours sincerely,

Steven Castell

Archaeologist
 Bachelor of Arts Ext (Arch/Anthro)



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References

- Biosis. (2016). *Response to submissions: State Significant Development 5175, Eastern Creek Business Hub Application Modification*. Prepared for Western Sydney Parklands Trust.
- DECCW. (2010a). *Aboriginal Cultural Heritage Consultation Requirements for Proponents*. Sydney South: Department of Environment, Climate Change and Water NSW.
- DECCW. (2010b). *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Sydney South: Department of Environment, Climate Change and Water NSW.
- Kayandel. (2012). *Proposed Eastern Creek Business Hub Western Sydney Parklands: Aboriginal Cultural Heritage Assessment*. Prepared for Western Sydney Parklands Trust.
- Kayandel. (2013). *Proposed Eastern Creek Business Hub, Western Sydney Parklands, Rooty Hill Road South, City of Blacktown LGA, NSW: Aboriginal Cultural Heritage Assessment - Addendum*. Prepared for the Western Sydney Parklands Trust.
- OEH. (2011). *Guide to Investigating, Assessing and Report on Aboriginal Cultural Heritage in NSW*. South Sydney: Office of Environment and Heritage.

APPENDIX XIX. RAP COMMENTS - ABORIGINAL HERITAGE ASSESSMENT PROJECT METHODOLOGY

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



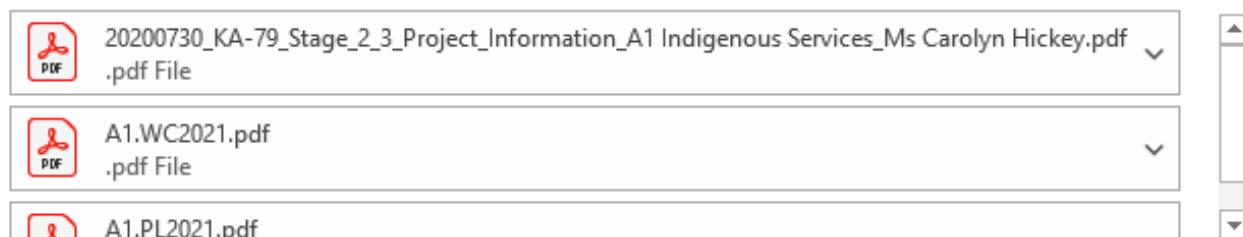
Carolyn .H <cazadirect@live.com>

To Steven Castell



30/07/2020

If there are problems with how this message is displayed, click here to view it in a web browser.



Contact: Carolyn Hickey

M: 0411650057

E: [Cazadirect@live.com](mailto:cazadirect@live.com)

A: 10 Marie Pitt Place, Glenmore Park, NSW 2745

ACN: 639 868 876

Hi,

I have reviewed the document and support the Methodology for the Retail Outlet Centre.

A1 would like to be involved in any future field work.

Please find attached the completed document, and insurances.

Kind regards

Carolyn Hickey

20200730_KA-79_Stage_2_3_Project_Information_Murra Bidgee Mullan...



Darleen Johnson <darleenj@y7mail.com>
To Steven Castell



30/07/2020



Follow up. Start by Thursday, 30 July 2020. Due by Thursday, 30 July 2020.
You forwarded this message on 30/07/2020 12:31 PM.



20200730_KA-79_Stage_2_3_Project_Information_Murra Bidgee Mullangari Aboriginal Corporation_...
.pdf File

Dear Steve

I have read the project information and methodology for the above project, I endorse the recommendations made.

Kind regards

Darleen Johnson

Our connection to country is we were born and bred here, we've been involved with the local community since birth, I myself worked for the aboriginal legal service St'Marys.

Regards

Darleen

0490051102

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Jesse Johnson <muragadi@yahoo.com.au>
To Steven Castell



6/08/2020



Follow up. Start by Thursday, 6 August 2020. Due by Thursday, 6 August 2020.
You replied to this message on 11/08/2020 10:15 AM.

Hi Steven

I have read the methodology for the above project, I agree with the recommendations.

Kind regards

Jesse Johnson

RE: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Shaun Carroll <Merrigarn@hotmail.com>
To Steven Castell



6/08/2020



Follow up. Start by Thursday, 6 August 2020. Due by Thursday, 6 August 2020.
You replied to this message on 11/08/2020 10:14 AM.

Hi Steven,

I have read the project information and methodology for the above project, I agree with the recommendations made.

Cheers

Shaun Carroll

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Bo Field <yurrandaali_cs@hotmail.com>

To: Steven Castell



Tue 11/08

 Follow up. Start by Thursday, 13 August 2020. Due by Thursday, 13 August 2020.

	Kayandel Bo.pdf .pdf File		
	yurrandaali workers comp.png .png File		
	AAMI Mobile Business Insurance Certificate of Currency SPD013721882.pdf		

Dear Steven,

Yurrandaali supports the methodology associated with this project. I would also like to express my interest in the upcoming field works and have filled in the required information needed as well as sent through my insurances.

Regards,

Bo Field - Manager

Yurrandaali Pty Ltd

0403 048 263 | yurrandaali_cs@hotmail.com

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek




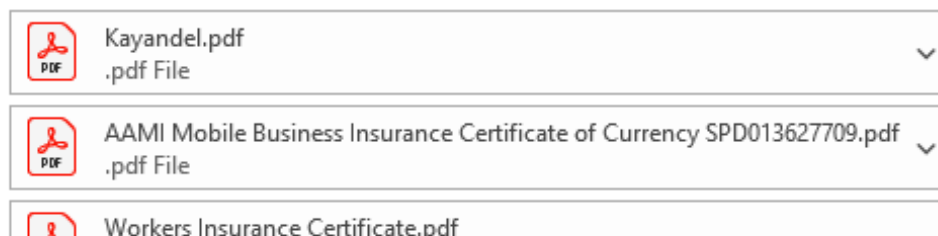
Lee Field <barrabyculturalservices@gmail.com>

To Steven Castell



Tue 11/08

 Follow up. Start by Thursday, 13 August 2020. Due by Thursday, 13 August 2020.
You replied to this message on 18/08/2020 9:50 AM.



Dear Steven,

I on behalf of Barraby has reviewed and supports the methodology associated with this project.
I would like to express my interest in being considered as I would love to be able to participate in the upcoming field work.
I have attached my insurances and filled in the required information needed.

Many Thanks
Lee Field

Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Steven Castell

To Lance Syme

Cc Natalie Stiles



10:01 AM

Hi Lance,

I have spoken with Steve Randall of DLALC just now via telephone, to follow up on the Stage 2/3 information package I had sent to him on 30th July.

Steve stated that he has no problem with the proposed methodology.

Thank you,

Steven Castell

Archaeologist

Bachelor of Arts Ext (Arch/Anthro)



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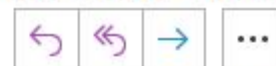
Please consider the environment when printing this email.

This email and all attachments are confidential. For further important information about emails sent to or from Kayandel or if you have received this email in error, please refer to www.kayandel.com.au/emaildisclaimer.html

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



philip khan <philipkhan.acn@live.com.au>
To: Steven Castell



3:21 PM

 You replied to this message on 20/08/2020 3:29 PM.

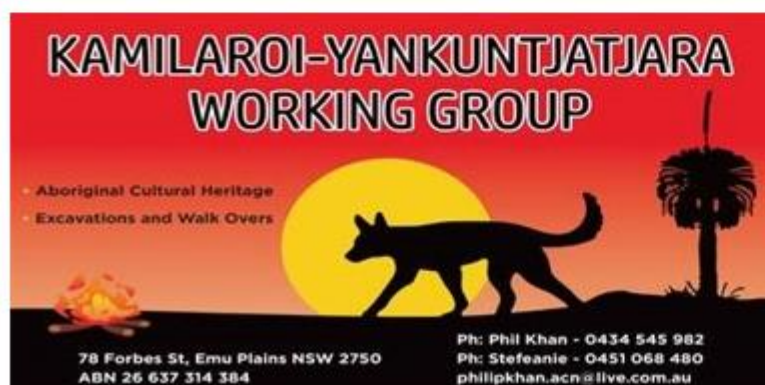
Dear Steven,

I have reviewed your methodology for 141 Rooty Hill Road Eastern Creek, I agree to your report of further investigation into the cultural heritage. I believe that there is high potential for Aboriginal cultural significance, due to how close it is to Eastern Creek. Water ways are of great importance to the Aboriginal people as we would of followed the water ways and camped close by. There is always the possibility of finding burials sites. I recommend further testing be done as there is high potential for finding cultural heritage .

Thank you for your methodology we look forward to working alongside you on this project.

Warm regards

Phil Khan



Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Easter...




Arika Jalomaki <yulayculturalservices@gmail.com>

To Steven Castell



27/08/2020

 Follow up. Start by Thursday, 27 August 2020. Due by Thursday, 27 August 2020.
You replied to this message on 27/08/2020 4:29 PM.

Dear Steven,

I on behalf of Yulay cultural service's have reviewed and agree with the methodology for the above project. Please find attached a copy of the required documents below.

Kind regards,
Arika Jalomaki



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0415770163 Leanne Watson
0414962766 Justine Coplin
EMAIL: mulgokiwi@bigpond.com / justinecoplin@optusnet.com.au

Attention: kayandel

Date: 30/9/2020

Subject: RE: Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) at
141 Rooty Hill Road South (Lots 1, 2 and 13 DP 1258787, Lots 2 - 4 DP 830836, and Lots 1/B, 3/B -
5/B DP 8681), Eastern Creek

Dear Steven

Our group is a non- profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

Our group promotes Darug Culture and works on numerous projects that are culturally based as a proud and diverse group. It has been discussed by our group and with many consultants and researches that our history is generic and is usually from an early colonists perspective or solely based on archaeology and sites. These histories are adequate but they lack the people's stories and parts of important events and connections of the Darug people and also other Aboriginal people that now call this area home and have done so for numerous generations.

This area is significant to the Darug people due to the evidence of continued occupation, within close proximity to this project site there is a complex of significant sites.

Landscapes and landforms are significant to us for the information that they hold and the connection to Darug people. Aboriginal people (Darug) had a complex lifestyle that was based on respect and belonging to the land, all aspects of life and survival did not impact on the land but helped to care for and conserve land and the sustenance that the land provided. As Darug people moved through the land there were no impacts left, although there was evidence of movement and lifestyle, the people moved through areas with knowledge of their areas

and followed signs that were left in the landscape. Darug people knew which areas were not to be entered and respected the areas that were sacred.

Knowledge of culture, lifestyle and lore have been part of Darug people's lives for thousands of years, this was passed down to the next generations and this started with birth and continued for a lifetime. Darug people spent a lifetime learning and as people grew older they passed through stages of knowledge, elders became elders with the learning of stages of knowledge not by their age, being an elder is part of the kinship system this was a very complicated system based on respect.

Darug sites are all connected, our country has a complex of sites that hold our heritage and past history, evidence of the Darug lifestyle and occupation are all across our country, due to the rapid development of Sydney many of our sites have been destroyed, our sites are thousands of years old and within the short period of time that Australia has been developed pre contact our sites have disappeared.

The Aboriginal cultural heritage consultation requirements for proponents Section 4.1.8 refers to "Aboriginal organisations representing Aboriginal people who hold cultural knowledge". Recent consultation meetings have revealed that many of these Aboriginal organisations and individuals do not hold cultural knowledge of the Western Sydney area. The increasing involvement of such parties in cultural heritage management means that genuine local Aboriginal organisations are unable to properly care for our cultural heritage.

Many Aboriginal organisations listed in the OEH response letter do not contribute to the Aboriginal community of Western Sydney. Individuals listed in the OEH response letter do not represent the community and while they may be consulted with, should not be employed for their own personal financial benefit.

Our organisation is committed to providing benefits back to our local Aboriginal community through such measures as funding the local Aboriginal juniors' touch football team, painting classes for the local children and donating money to various charities. Employment in cultural heritage activities is source of income that organisations such as ours can use to contribute to beneficial activities and support within the community.

Darug custodian Aboriginal Corporation's site officers have knowledge of Darug land, Darug Culture, Oral histories, landforms, sites, Darug history, wildlife, flora and legislative requirements. We have worked with consultants and developers for many years in Western Sydney (Darug Land) for conservation, site works, developments and interpretation/education strategies

Darug Custodian Aboriginal Corporation have received and reviewed the report for Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) at 141 Rooty Hill Road South (Lots 1, 2 and 13 DP 1258787, Lots 2 - 4 DP 830836, and Lots 1/B, 3/B - 5/B DP 8681), Eastern Creek

We support the recommendations set out in this report.

Are you offering fieldwork services? **yes** (Note: With the limited scope of the assessment and the likely number of RAPs, a very limited number of these offers will be taken up)

Will a worker be covered by Worker's Compensation and Liability Insurance? (Certificates of currency will be requested if an offer to provide paid fieldworker is taken up) **Attached**

What is your daily rate? (Note: The proponent may set a fixed offer) **Attached**

If we have not worked together before, you may like to suggest a consultant archaeologist who can provide a reference. If you have any questions about any aspect

Please contact us with all further enquiries on the above contacts.

Regards



Justine Coplin

APPENDIX XX. AHIMS RESULTS

The locations and details of Aboriginal sites are considered culturally sensitive information. It is recommended that this information, including the AHIMS data and GIS imagery, is removed from this ACHAR before it is to be entered into the public domain.



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Lot_3_Eastern_Creek

Client Service ID : 520794

Kayandel Archaeological Services

Date: 16 July 2020

PO Box 440 15 Henry Street

Picton New South Wales 2571

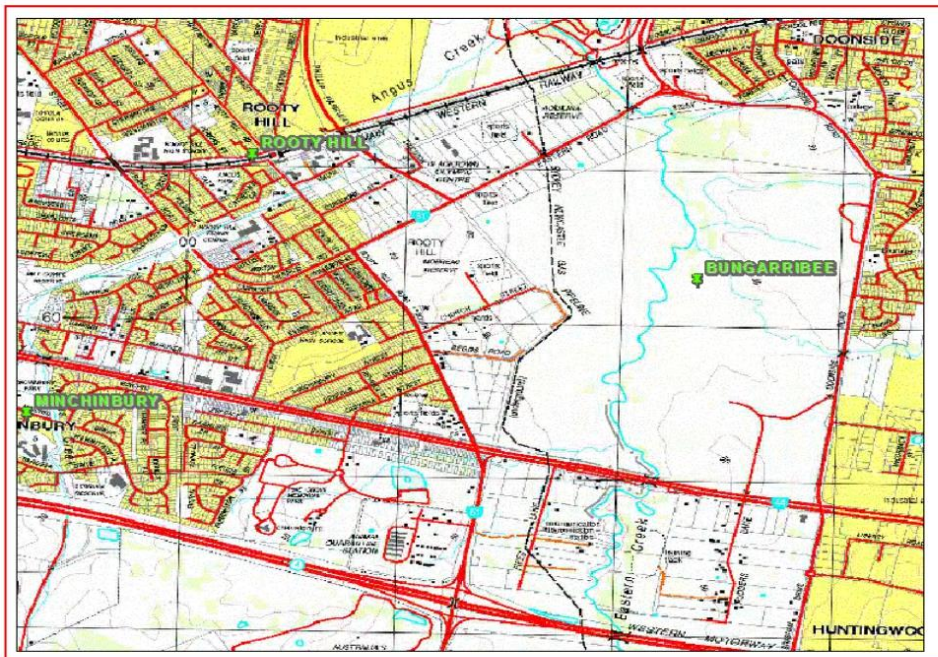
Attention: Lance Syme

Email: lance.syme@kayandel.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 300304 - 302304, Northings : 6258930 - 6260930 with a Buffer of 1000 meters, conducted by Lance Syme on 16 July 2020.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



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

113	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 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.

Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) at 141 Rooty Hill Road South, Eastern Creek, Blacktown City Council, NSW
Aboriginal Cultural Heritage Assessment Report



Office of
Environment
& Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Lot_3_Eastern_Creek

Client Service ID : 520794

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-2431	EC-OS-3	AGD	56	301750	6261230	Open site	Valid	Artefact : -	Open Camp Site	
	Contact									
	Recorders									
45-5-2432	EC-OS-2	AGD	56	301060	6261160	Open site	Valid	Artefact : -	Open Camp Site	
	Contact									
	Recorders									
45-5-2433	EC-OS-1	AGD	56	300780	6260896	Open site	Valid	Artefact : -	Open Camp Site	
	Contact									
	Recorders									
45-5-2719	PAD-OS-9	AGD	56	301550	6260300	Open site	Valid	Artefact : -		
	Contact									
	Recorders									
45-5-2832	IF:3	AGD	56	299630	6257920	Open site	Valid	Artefact : -		4599
	Contact									
	Recorders									
45-5-2833	IF:4	AGD	56	299700	6257770	Open site	Valid	Artefact : -		4599
	Contact									
	Recorders									
45-5-2834	IF:5	AGD	56	299730	6257870	Open site	Valid	Artefact : -		4599
	Contact									
	Recorders									
45-5-2835	IF:6	AGD	56	299855	6258080	Open site	Valid	Artefact : -		4599
	Contact									
	Recorders									
45-5-2806	AWL 5	AGD	56	300080	6258200	Open site	Valid	Artefact : -		
	Contact									
	Recorders									
45-5-2654	PL-05-1	AGD	56	301550	6258030	Open site	Destroyed	Artefact : -		
	Contact									
	Recorders									
45-5-2824	AWL 1	AGD	56	300300	6258160	Open site	Valid	Artefact : -		4599
	Contact									
	Recorders									
45-5-2825	AWL 2	AGD	56	299640	6258320	Open site	Valid	Artefact : -		4599
	Contact									
	Recorders									
45-5-2826	AWL 3	AGD	56	299630	6258220	Open site	Valid	Artefact : -		4599
	Contact									
	Recorders									
45-5-2830	IF:1	AGD	56	300130	6258100	Open site	Valid	Artefact : -		4599
	Contact									
	Recorders									
45-5-2831	IF:2	AGD	56	299630	6258170	Open site	Valid	Artefact : -		4599
	Contact									
	Recorders									
45-5-3388	Eskdale Street 1 (ES 1)	AGD	56	301190	6259080	Open site	Valid	Artefact : -		
	Contact									
	Recorders									
45-5-0453	Bungarribee 12 Blacktown	AGD	56	302680	6258870	Open site	Valid	Artefact : -	Open Camp Site	
	Contact									
	Recorders									

Report generated by AHIMS Web Service on 16/07/2020 for Lance Syme for the following area at Datum :GDA, Zone : 56, Eastings : 300304 - 302304, Northings : 6258930 - 6260930 with a Buffer of 1000 meters. Additional Info : archaeological assessment. Number of Aboriginal sites and Aboriginal objects found is 113

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Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) at 141 Rooty Hill Road South, Eastern Creek, Blacktown City Council, NSW
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Office of
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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-3880	OTC4	AGD	56	302400	6260360	Open site	Valid	Artefact : -		
	Contact	Recorders		Miss.Amy Stevens				Permits	3364,3393	
45-5-3881	OTC6	AGD	56	302800	6260100	Open site	Valid	Artefact : -		
	Contact	Recorders		Miss.Amy Stevens				Permits	3292	
45-5-3882	OTC8	AGD	56	302900	6259840	Open site	Valid	Artefact : -		
	Contact	Recorders		Miss.Amy Stevens				Permits	3292	
45-5-3883	WSP PAD	GDA	56	302436	6260530	Open site	Valid	Artefact : 5535, Potential Archaeological Deposit (PAD) : -		
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML, Miss.Amy Stevens				Permits	3292,3393,3411,3487	
45-5-5270	Dunsmore Av IF-01	GDA	56	300924	6260833	Open site	Valid	Artefact : -		
	Contact	Recorders		Urbis Pty Ltd - Angel Place L8 123 Pitt Street, Miss.Meggan Walker				Permits		
45-5-0465	Bungarribee18 Blacktown	AGD	56	302320	6258930	Open site	Valid	Artefact : -	Open Camp Site	1018,98435
	Contact	Recorders		Jim Kohen				Permits		
45-5-0466	Doonside 4 (Doonside)	AGD	56	301210	6261100	Open site	Valid	Artefact : -	Open Camp Site	1018,4188
	Contact	Recorders		Jim Kohen				Permits		
45-5-0467	Bungarribee 17 Blacktown	AGD	56	302010	6259610	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders		Jim Kohen				Permits		
45-5-0468	Bungarribee16 O.T.C.Doonside	AGD	56	302100	6260050	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders		Jim Kohen				Permits	3772	
45-5-0469	Bungarribee 14 O.T.C.Doonside	AGD	56	302750	6258800	Open site	Valid	Artefact : -	Open Camp Site	1018,98435
	Contact	Recorders		Jim Kohen				Permits		
45-5-0470	Doonside 5 Services Corridor	AGD	56	302150	6261090	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders		Jim Kohen				Permits		
45-5-0472	South Blacktown 5 Blacktown	AGD	56	302910	6259710	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders		Jim Kohen				Permits		
45-5-0256	Wallgrove	AGD	56	301834	6260095	Open site	Valid	Artefact : -	Open Camp Site	367,1018
	Contact	Recorders		Ms.Laila Haglund				Permits		
45-5-0464	Bungarribee19 Blacktown	AGD	56	301820	6259500	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders		Jim Kohen				Permits	2635	
45-5-2357	EC 1(3);	AGD	56	302430	6261060	Open site	Partially Destroyed	Artefact : -	Open Camp Site	
	Contact	Recorders		Kerry Navin				Permits	3559	
45-5-2358	EC 2(3);	AGD	56	302350	6260950	Open site	Valid	Artefact : -	Open Camp Site	
	Contact	Recorders		Kerry Navin				Permits		

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Extensive search - Site list report

Your Ref/PO Number : Lot_3_Eastern_Creek

Client Service ID : 520794

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-2359	EC 3(3);	AGD	56	302400	6260960	Open site	Partially Destroyed	Artefact : -	Open Camp Site	
	Contact	Recorders	Kerry Navin					Permits	3559	
45-5-2360	EC 4(3);	AGD	56	302800	6260750	Open site	Destroyed	Artefact : -	Open Camp Site	
	Contact	Recorders	Kerry Navin					Permits	3425	
45-5-0435	Eastern Creek W6	AGD	56	299890	6257880	Open site	Valid	Artefact : -	Open Camp Site	1018,98435
	Contact	Recorders	Doctor.Susan McIntyre-Tamwoy					Permits		
45-5-0436	Eastern Creek W3	AGD	56	300740	6258050	Open site	Valid	Artefact : -	Open Camp Site	1018,98435
	Contact	Recorders	Doctor.Susan McIntyre-Tamwoy					Permits		
45-5-0440	Eastern Creek W5	AGD	56	299760	6258120	Open site	Valid	Artefact : -	Open Camp Site	1018,98435
	Contact	Recorders	Doctor.Susan McIntyre-Tamwoy					Permits		
45-5-0452	Bungarribee 9 blacktown OTC Doonside	AGD	56	302690	6259970	Open site	Valid	Artefact : -	Open Camp Site	947,1018
	Contact	Recorders	Jim Kohen					Permits	3292	
45-5-0454	Bungarribee13 O.T.C.Doonside	AGD	56	302590	6258990	Open site	Valid	Artefact : -	Open Camp Site	947,1018,98435
	Contact	Recorders	Jim Kohen					Permits		
45-5-0455	Bungarribee 10 Blacktown	AGD	56	302520	6258920	Open site	Valid	Artefact : -	Open Camp Site	947,1018,98435
	Contact	Recorders	Jim Kohen					Permits		
45-5-0459	Bungarribee 8 Blacktown	AGD	56	302650	6259380	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders	Jim Kohen					Permits	3772	
45-5-0460	Bungarribee 7 Blacktown	AGD	56	302580	6260440	Open site	Destroyed	Artefact : -	Open Camp Site	1018
	Contact	Recorders	Jim Kohen					Permits	3425	
45-5-0462	Bungarribee 21 Blacktown	AGD	56	301850	6259330	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders	Jim Kohen					Permits	3772	
45-5-0463	Bungarribee 20 Blacktown	AGD	56	302010	6259820	Open site	Valid	Artefact : -	Open Camp Site	1018
	Contact	Recorders	Jim Kohen					Permits		
45-5-0255	Bells Creek Cannery Road	AGD	56	299358	6260413	Open site	Valid	Artefact : -	Open Camp Site	367,1018
	Contact	Recorders	Ms.Laila Haglund					Permits		
45-5-2849	SO-ST 2 (A, B, C, D & E)	AGD	56	301310	6258010	Open site	Destroyed	Modified Tree (Carved or Scarred) : -		4015,98084
	Contact	Recorders	Australian Museum Consulting (AM Consulting),Megan Mebberson					Permits	1597	
45-5-2851	WSO-OS-10	AGD	56	301585	6259280	Open site	Valid	Artefact : 4		
	Contact	Recorders	Mrs.Robynne Mills					Permits	1637	
45-5-3018	EC_AMBS_01	AGD	56	301352	6261416	Open site	Valid	Artefact : -		

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact	Recorders		Matthew Kelleher				Permits	2150	
45-5-3019	EC_AMBS_02	AGD	56	301452	6261426	Open site	Valid	Artefact : -		
	Contact	Recorders		Matthew Kelleher				Permits	2150	
45-5-3020	EC_AMBS_04	GDA	56	301654	6258414	Open site	Destroyed	Artefact : -		
	Contact	Recorders		Matthew Kelleher,Niche Environment and Heritage, Miss.Layne Holloway				Permits	2150	
45-5-3420	bop2	GDA	56	301687	6261080	Open site	Valid	Artefact : 30		
	Contact	Recorders		Navin Officer Heritage Consultants Pty Ltd				Permits	2973	
45-5-3421	bop1	GDA	56	301613	6261131	Open site	Valid	Artefact : 30		
	Contact	Recorders		Navin Officer Heritage Consultants Pty Ltd				Permits	2973	
45-5-3422	bop pad 1	GDA	56	301469	6261336	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders		Navin Officer Heritage Consultants Pty Ltd				Permits	2973	
45-5-3423	bop3	GDA	56	301772	6261080	Open site	Valid	Artefact : -		
	Contact	Recorders		Navin Officer Heritage Consultants Pty Ltd				Permits	2973	
45-5-3424	bop4	GDA	56	301789	6261176	Open site	Valid	Artefact : 9		
	Contact	Recorders		Navin Officer Heritage Consultants Pty Ltd				Permits	2973	
45-5-3425	bop5	GDA	56	301836	6261176	Open site	Valid	Artefact : 2		
	Contact	Recorders		Navin Officer Heritage Consultants Pty Ltd				Permits		
45-5-3426	bop6 pad	GDA	56	301923	6261557	Open site	Valid	Artefact : 3		
	Contact	Recorders		Navin Officer Heritage Consultants Pty Ltd				Permits		
45-5-3419	BOP (Blacktown Olympic Park) PAD 1	AGD	56	301470	6261337	Open site	Valid	Potential Archaeological Deposit (PAD) : -		100842
	Contact	Recorders		Navin Officer Heritage Consultants Pty Ltd				Permits	2911	
45-5-4307	Bungarribee Precinct Artefact Scatter 1 (BP AS1)	GDA	56	302355	6261226	Open site	Valid	Artefact : -		
	Contact	Recorders		Mr.Josh Symons				Permits		
45-5-4308	Bungarribee Precinct Artefact Scatter 2 (BP AS2)	GDA	56	302773	6258994	Open site	Valid	Artefact : -		
	Contact	Recorders		Mr.Josh Symons				Permits		
45-5-4309	Bungarribee Precinct Artefact Scatter 3 (BP AS3)	GDA	56	302487	6259373	Open site	Valid	Artefact : -		
	Contact	Recorders		Mr.Josh Symons				Permits	3772	
45-5-4310	Bungarribee Precinct Artefact Scatter 4 (BP AS4)	GDA	56	302038	6260308	Open site	Valid	Artefact : -		
	Contact	Recorders		Mr.Josh Symons				Permits		
45-5-4312	Bungarribee Precinct Isolated Find 1 (BP IF1)	GDA	56	302048	6260010	Open site	Valid	Artefact : -		
	Contact	Recorders		Mr.Josh Symons				Permits		
45-5-4313	Bungarribee Precinct Artefact Scatter 5 (BP AS5)	GDA	56	302594	6259684	Open site	Valid	Artefact : -		

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Client Service ID : 520794

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact	Recorders		Mr.Josh Symons				Permits	4028	
45-5-4314	Bungarribee Precinct Isolated Find 2 (BP IF2)	GDA	56	302721	6259618	Open site	Valid	Artefact : -		
	Contact	Recorders		Mr.Josh Symons				Permits	3772	
45-5-4315	Bungarribee Precinct Isolated Find 3 (BP IF3)	GDA	56	302695	6259656	Open site	Valid	Artefact : -		
	Contact	Recorders		Mr.Josh Symons				Permits	3772	
45-5-4126	Bungarribee Precinct-OTC/3	GDA	56	302270	6260780	Open site	Valid	Artefact : 3		
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits		
45-5-4583	M4-02 Eastern Creek	GDA	56	302152	6258029	Open site	Destroyed	Artefact : -		
	Contact	Recorders		Helen Brayshaw,Kelleher Nightingale Consulting Pty Ltd, Miss.Kristen Taylor				Permits	4001	
45-5-4584	M4-03 Minchinbury Hill	GDA	56	299928	6258578	Open site	Destroyed	Artefact : -		
	Contact	Recorders		Helen Brayshaw,Kelleher Nightingale Consulting Pty Ltd, Miss.Kristen Taylor				Permits	4001	
45-5-5009	BSF AS 01	GDA	56	301753	6260331	Open site	Valid	Artefact : -		
	Contact	Recorders		Artefact - Cultural Heritage Management - Pyrmont, Miss.Julia McLachlan				Permits	4297	
45-5-5182	Bungarribee Sportsfield Artefact Reburial 01 (BS AR 01)	GDA	56	301413	6260751	Open site	Valid	Artefact : -		
	Contact	Recorders		Artefact - Cultural Heritage Management - Pyrmont, Ms.Alyce Haast				Permits		
45-5-5159	OTC/10	GDA	56	302650	6258700	Open site	Destroyed	Artefact : -		
	Contact	Recorders		Haglund and Associates				Permits		
45-5-5169	BTH AS	GDA	56	302806	6259030	Open site	Valid	Artefact : 1		
	Contact	Recorders		Extent Heritage Pty Ltd - Pyrmont - Individual users, Mr.Ashley O'Sullivan				Permits		
45-5-2648	Eastern Creek PAD 20	AGD	56	301500	6258000	Open site	Destroyed	Potential Archaeological Deposit (PAD) : -		103782
	Contact	Recorders		Australian Museum Consulting (AM Consulting)				Permits	1317,1566	
45-5-2864	Kellogg Road 1	AGD	56	300070	6261090	Open site	Valid	Artefact : -		
	Contact	Recorders		Ms.Jillian Comber				Permits	2050	
45-5-3201	EC3-PAD1	AGD	56	299764	6258006	Open site	Partially Destroyed	Potential Archaeological Deposit (PAD) : -		100449
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	2470	
45-5-3202	EC3-PAD2	AGD	56	299627	6257876	Open site	Partially Destroyed	Potential Archaeological Deposit (PAD) : -		100449
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	2470	
45-5-3204	ISF9	AGD	56	299530	6257850	Open site	Valid	Artefact : -		100449
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	2470	
45-5-3205	ISF10	AGD	56	299660	6257850	Open site	Valid	Artefact : -		100449

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	2470	
45-5-3247	WSP 01	GDA	56	302680	6260560	Open site	Partially Destroyed	Artefact : 1		100103
	Contact	Recorders		Doctor.Jo McDonald				Permits	3559	
45-5-3248	WSP 02	GDA	56	302558	6260824	Open site	Valid	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	3487	
45-5-3249	WSP 03	GDA	56	302735	6260782	Open site	Valid	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	3487	
45-5-3250	WSP 04	GDA	56	302513	6261084	Open site	Partially Destroyed	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	3559	
45-5-3251	WSP 05	GDA	56	302837	6260017	Open site	Valid	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	3292	
45-5-3252	WSP 06	GDA	56	302330	6260460	Open site	Valid	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits		
45-5-3253	WSP 07	AGD	56	302290	6259984	Open site	Valid	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	3614,3772	
45-5-3254	WSP 08	GDA	56	302501	6259502	Open site	Valid	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML,Mr.Josh Symons				Permits	3772	
45-5-3255	WSP 09	GDA	56	302300	6259710	Open site	Partially Destroyed	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	3614,3772,4028	
45-5-3256	WSP 10	GDA	56	302405	6259545	Open site	Partially Destroyed	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	3614,4028	
45-5-3257	WSP 11	GDA	56	302025	6260394	Open site	Valid	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits	3772	
45-5-3293	PP-2	GDA	56	301895	6259673	Open site	Valid	Artefact : -		
	Contact	Recorders		Ms.Laila Haglund				Permits	2635	
45-5-3297	PP-F2	GDA	56	301425	6260595	Open site	Valid	Artefact : -		
	Contact	Recorders		Mr.Mark Rawson				Permits	2635	
45-5-3259	WSP 12	GDA	56	302036	6260194	Open site	Valid	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits		
45-5-3260	WSP 13	GDA	56	302724	6258228	Open site	Valid	Artefact : 1		100103
	Contact	Recorders		Jo McDonald Cultural Heritage Management see GML				Permits		
45-5-3261	WSP 14	GDA	56	301798	6258400	Open site	Valid	Artefact : 1		100103

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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	Contact S Scanlon	Recorders				Jo McDonald Cultural Heritage Management see GML		Permits		
45-5-3262	WSP 15	GDA	56	302212	6258063	Open site	Valid	Artefact : -		100103
	Contact S Scanlon	Recorders				Jo McDonald Cultural Heritage Management see GML		Permits		
45-5-3263	WSP 16	GDA	56	301910	6260703	Open site	Valid	Artefact : 1		100103
	Contact S Scanlon	Recorders				Jo McDonald Cultural Heritage Management see GML		Permits		
45-5-3265	WSP 18	GDA	56	302087	6258599	Open site	Valid	Artefact : 1		100103
	Contact S Scanlon	Recorders				Jo McDonald Cultural Heritage Management see GML		Permits		
45-5-3809	Doonside Substation (PAD)	GDA	56	302550	6261200	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	Contact	Recorders				Comber Consultants Pty Limited		Permits	3243,3317	
45-5-3807	DS1 (Prospect)	AGD	56	302357	6261375	Open site	Valid	Artefact : 4		101825
	Contact	Recorders				Stirling Smith		Permits		
45-5-3810	Q1 (Prospect)	GDA	56	301032	6258446	Open site	Valid	Artefact : 1		101797
	Contact	Recorders				Jo McDonald Cultural Heritage Management see GML		Permits		
45-5-3811	Q2 (Prospect)	GDA	56	301173	6258417	Open site	Valid	Artefact : 1		101797
	Contact	Recorders				Jo McDonald Cultural Heritage Management see GML		Permits		
45-5-3812	Q3 (Prospect)	GDA	56	301053	6258543	Open site	Valid	Artefact : 1		101797
	Contact	Recorders				Jo McDonald Cultural Heritage Management see GML		Permits		
45-5-3813	Q4 (Prospect)	GDA	56	301243	6258480	Open site	Valid	Artefact : 1		101797
	Contact	Recorders				Jo McDonald Cultural Heritage Management see GML,Kelleher Nightingale Consulti		Permits		
45-5-3814	Q5 (Prospect)	GDA	56	301198	6258432	Open site	Valid	Artefact : 1		101797
	Contact	Recorders				Jo McDonald Cultural Heritage Management see GML,Kelleher Nightingale Consulti		Permits		
45-5-3815	Q6 (Prospect)	GDA	56	301168	6258410	Open site	Valid	Artefact : 1		101797
	Contact	Recorders				Jo McDonald Cultural Heritage Management see GML,Kelleher Nightingale Consulti		Permits		
45-5-4435	Bungarribee Precinct Artefact Reburial Location 01 (BPARL 01)	GDA	56	302286	6259536	Open site	Valid	Artefact : -		
	Contact	Recorders				Mr.Josh Symons,Mr.Josh Symons		Permits	4028	
45-5-4433	BP AS6	GDA	56	302267	6259337	Open site	Valid	Artefact : -		
	Contact	Recorders				Mr.Josh Symons		Permits		
45-5-4434	BP AS7	GDA	56	302283	6259422	Open site	Valid	Artefact : -		
	Contact	Recorders				Mr.Josh Symons		Permits	3772	
45-5-4771	Sydney Zoo Artefact Scatter 02 (SZ AS02)	GDA	56	302481	6259219	Open site	Valid	Artefact : -		
	Contact	Recorders				Artefact - Cultural Heritage Management - Pyrmont, Miss.Claire Rayner		Permits		
45-5-4772	Sydney Zoo Artefact Scatter 01 (SZ AS01)	GDA	56	302418	6259212	Open site	Valid	Artefact : -		
	Contact	Recorders				Artefact - Cultural Heritage Management - Pyrmont, Miss.Claire Rayner		Permits		

Report generated by AHIMS Web Service on 16/07/2020 for Lance Syme for the following area at Datum :GDA, Zone : 56, Eastings : 300304 - 302304, Northings : 6258930 - 6260930 with a Buffer of 1000 meters. Additional Info : archaeological assessment. Number of Aboriginal sites and Aboriginal objects found is 113

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Office of
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& Heritage

AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : Lot_3_Eastern_Creek

Client Service ID : 520794

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-5329	Pikes Lane AS1	GDA	56	301607	6258430	Open site	Valid	Artefact : -		
	Contact	Recorders	Biosis Pty Ltd - Wollongong, Mrs. Samantha Keats					Permits		

Report generated by AHIMS Web Service on 16/07/2020 for Lance Syme for the following area at Datum :GDA, Zone : 56, Eastings : 300304 - 302304, Northings : 6258930 - 6260930 with a Buffer of 1000 meters. Additional Info : archaeological assessment. Number of Aboriginal sites and Aboriginal objects found is 113

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APPENDIX XXI. RAP COMMENTS – DRAFT ACHAR

Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek




Clive Freeman <clive.freeman@y7mail.com>

To: Steven Castell



17/10/2020

 Follow up. Start by Tuesday, 20 October 2020. Due by Tuesday, 20 October 2020.
You forwarded this message on 21/10/2020 9:59 AM.

Hi Steven,

No comment from me in relation to the development proposal.

Regards

Clive Freeman
Managing Director
Freeman&marx PtyLtd

Sent from my iPhone

----- Original message -----

From: Rodney Gunther <waawaar.awaa@gmail.com>

Date: 20/10/20 7:36 pm (GMT+10:00)

To: Natalie Stiles <Natalie.Stiles@kayandel.com.au>

Subject: Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek

Hi Natalie,

Waawaar Awaa Aboriginal Corporation supports the draft ACHAR for the Proposed Concept for a Retail Outlet Centre and Stage 1 Early Works (SSD-10457) at 141 Rooty Hill Road South (Lots 1, 2 and 13 DP 1258787, Lots 2 - 4 DP 830836, and Lots 1/B, 3/B - 5/B DP 8681), Eastern Creek.

regards

Rodney Gunther
Waawaar Awaa Aboriginal Corporation

From: philip khan <philipkhan.acn@live.com.au>

Sent: Monday, 19 October 2020 9:22 AM

To: Natalie Stiles <Natalie.Stiles@kayandel.com.au>; Barry Gunther <Barry.Gunther@environment.nsw.gov.au>

Subject: RE: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek

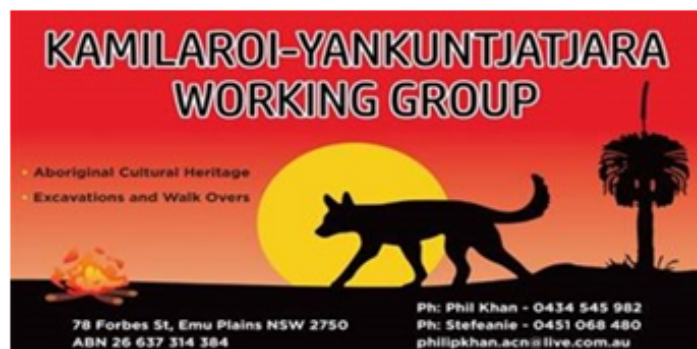
Hi Natalie,

As I said this whole area is highly significant to our old Aboriginal People as it was a hunting and camping ground as there is a spring on the corner of Eastern Creek Rd and Rooty Hill Road that the (council have buried up) so this area would have been used all year round, also there are creeks that are close by Eastern & Bungaribee Creek. These springs were so important to our people. The white man who farmed used the spring to water his stock and called it Rower Park. As for burials our people buried their people wherever they died as that is where their spirit is. They used the hearth to bury our people as it would have been deep enough, after many years of cooking kangaroos in it. Our people would be covered with the soil and large stones placed around this stopped the dingos digging up the soil and the sacred trees would tell our people it was a burial site however when the invaders came they removed the stones and cut down the sacred trees.

I am tired of hearing Archaeologists saying it is not a possibility of finding burial sites in these areas as you do not know this, this is our only chance to have a look. This thing about letting developers know about unusual finds is.... as they have not got the time and they are not going to stop the job for Aboriginal bones, so it is up to us and the Archaeologists to have a look as you do not know what is under the ground, the council are not telling you that there is a spring on this land. Also when you did the walk over was a Aboriginal RAP or the Land Council present?

Kind Regards

Phil Khan



Sent from [Mail](#) for Windows 10

From: WIDESCOPE . <widescope.group@live.com>
Sent: Tuesday, 3 November 2020 8:34 AM
To: Natalie Stiles <Natalie.Stiles@kayandel.com.au>
Subject: RE: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek

Hi

Thank you for providing me with the draft Re: 141 Rooty Hill Road South, Eastern Creek

I have reviewed and support the recommendations out lined in the daft Aboriginal Cultural Heritage Assessment Report (ACHAR)

Regards
Steven Hickey

From: "Carolyn .H" <cazadirect@live.com>
Date: 24/10/20 7:12 pm (GMT+10:00)
To: Natalie Stiles <Natalie.Stiles@kayandel.com.au>
Subject: Re: Kayandel Heritage Project - 141 Rooty Hill Road South, Eastern Creek



Contact: Carolyn Hickey
M: 0411650057
E: Cazadirect@live.com
A: 10 Marie Pitt Place, Glenmore Park, NSW 2745
ACN: 639 868 876
ABN: 31 639 868 876\

Hi Natalie,
I have reviewed the document and support the Aboriginal Cultural Heritage Assessment Report for 141 Rooty Hill Road, Eastern Creek.
Kind Regards
Carolyn Hickey