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29 October 2021

REF: WTJ21-112
Contact: Eleisha Burton

NSW Department of Planning, Industry and Environment
Industry Assessments
Locked Bag 5022
Parramatta NSW 2124

Attention: William Hodgkinson

**RE: REQUEST FOR INDUSTRY-SPECIFIC SEARS
PROPOSED WAREHOUSE AND DISTRIBUTION CENTRE
PROPERTY AT LOT 1 EASTERN CREEK DRIVE, EASTERN CREEK (LOT 1 DP1274322)**

Dear William,

We write on behalf of Charter Hall Holdings (the Proponent) to the NSW Department of Planning, Industry and Environment (DPIE) in support of a request for industry-specific Secretary's Environmental Assessment Requirements (SEARs), under the new Rapid Assessment Framework (RAF). This intent of the letter is to demonstrate that the proposal is eligible for industry-specific SEARs.

The proposal involves the construction of a warehouse and distribution centre at Lot 1 Eastern Creek Drive, Eastern Creek, more formally described as Lot 1 DP1274322 (subject site).

The subject site is located within the Blacktown Local Government Area (LGA) and is zoned IN1 General Industrial, pursuant to the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (SEPP WSEA). The proposed development falls within the definition of 'warehouse or distribution centre', which is permissible with consent in the IN1 General Industrial zone of the SEPP WSEA.

The proposed development seeks consent for a single warehouse building, including ancillary offices, with a Capital Investment Value (CIV) of approximately \$45,000,000.00.

The proposed development satisfies the definition of State Significant Development (SSD) pursuant to:

- Schedule 1, Clause 12 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP), being development for "the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation" with a CIV of more than \$30 million.

This letter provides an overview of the proposed development and the relevant planning framework that applies to enable the issuance of industry-specific SEARs, which will then guide the preparation of a formal Environmental Impact Statement (EIS) for development of the subject site.

The proposal is considered to meet the criteria for industry-specific SEARs, based on the following:

- It does not constitute Designated Development
- It is wholly permissible pursuant to the SEPP WSEA
- It does not involve a concept development application (DA)



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The following sections provide an overview of proposal to inform the NSW DPIE's decision making for the issuance of industry-specific SEARs.

1.0 Site Description

The subject site is identified as Lot 1 Eastern Creek Drive, Eastern Creek, being more formally described as Lot 1 DP1274322. In its current form the subject site is vacant and devoid of trees, with only a concrete drain located within the southern extent of the allotment; refer to **Figure 1** for context.



Figure 1. Aerial Imagery (Source: Nearmap, 2021)



Figure 2. Cadastral Map (Source: Six Maps, 2021)

The subject site is situated within the Western Sydney Employment Area (WSEA) and centrally located approximately 20km east of Penrith and 20km west of Parramatta. The subject site is within close proximity to the major arterial routes including the M4 and M7 Motorways and the Great Western Highway.



Land surrounding the subject site includes predominantly warehouse and industry-type developments, all of which is zoned IN1 General Industrial under the SEPP WSEA.

Figure 3 below demonstrates the locality of the subject site and its nearest sensitive receivers. The closest residential receiver is located approximately 1.4 km to the north of the subject site. It is also noted that a childcare centre exists within the Eastern Creek industrial area, located on Southridge Street, approximately 620 m south of the subject site. The childcare centre is set within and surrounded by large warehouse developments, as shown below.



Figure 3. Nearest Residential Receivers (Source: Nearmap, 2021)

2.0 Proponent Details

The Proponent for this proposal is Charter Hall Holdings, refer to **TABLE 1**.

TABLE 1: PROPONENT CONTACT DETAILS	
Company Details	Charter Hall Holdings Pty Limited
Contact Name	Theodore Berney
Position	Senior Development Manager - Industrial & Logistics
Contact Number	(02) 8651 9569
Email Address	theodore.berney@charterhall.com.au

3.0 Capital Investment Value

The CIV of the proposed development in accordance with the CIV definition under the *Environmental Planning & Assessment Regulation 2000* (EP&A Regulation), is estimated to be approximately \$45,000,000.00.

A Preliminary Cost Estimate Report, prepared by Napier & Blakeley, is included in **Appendix 1**.

4.0 Project Details

The subject proposal will seek development consent for the construction and operation of a warehouse and distribution centre. The current proposal plans, prepared by Watch This Space Design, are included below.



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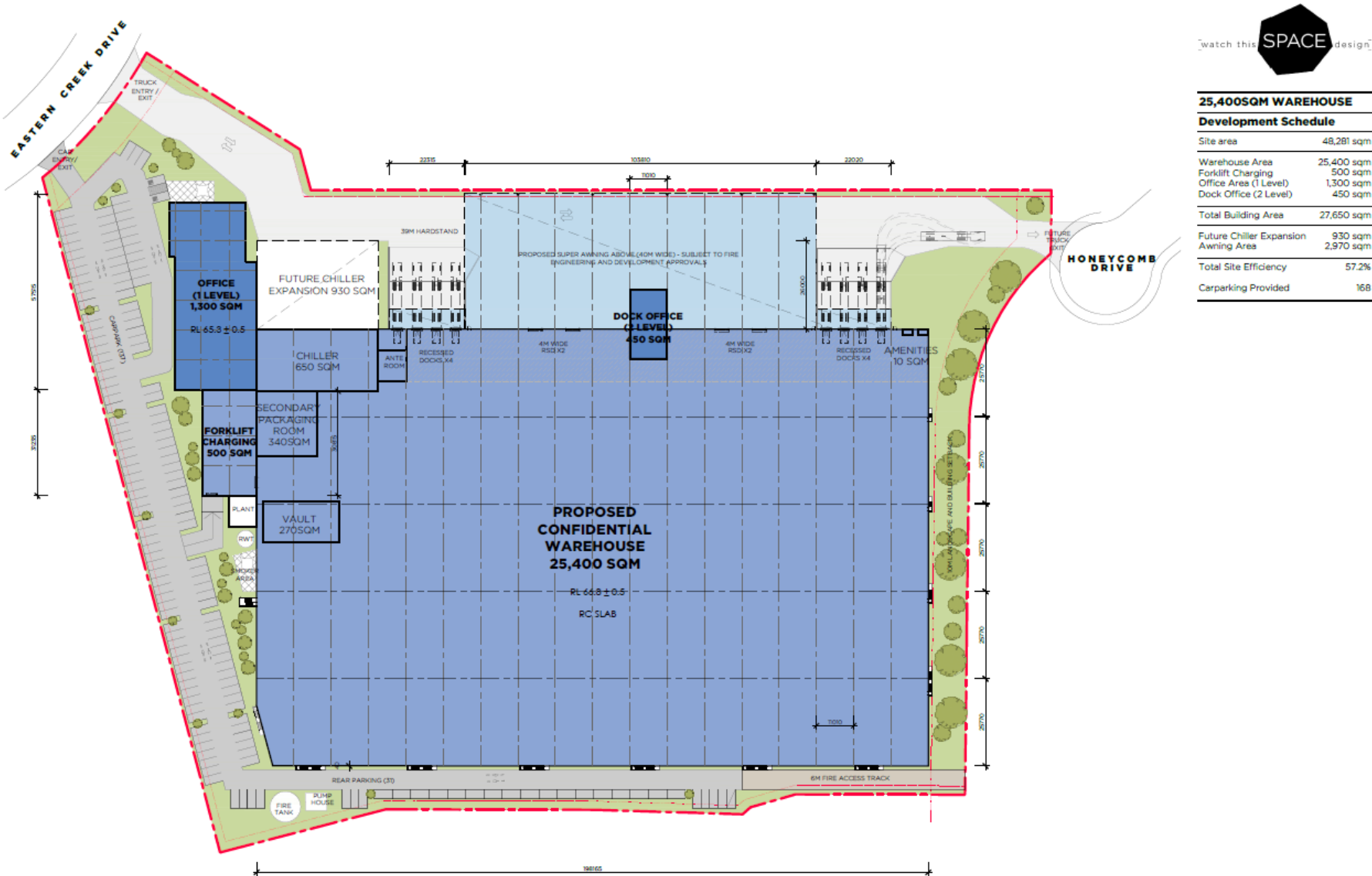


Figure 4. Site Proposal Plan (Source: Watch This Space Design, 2021)



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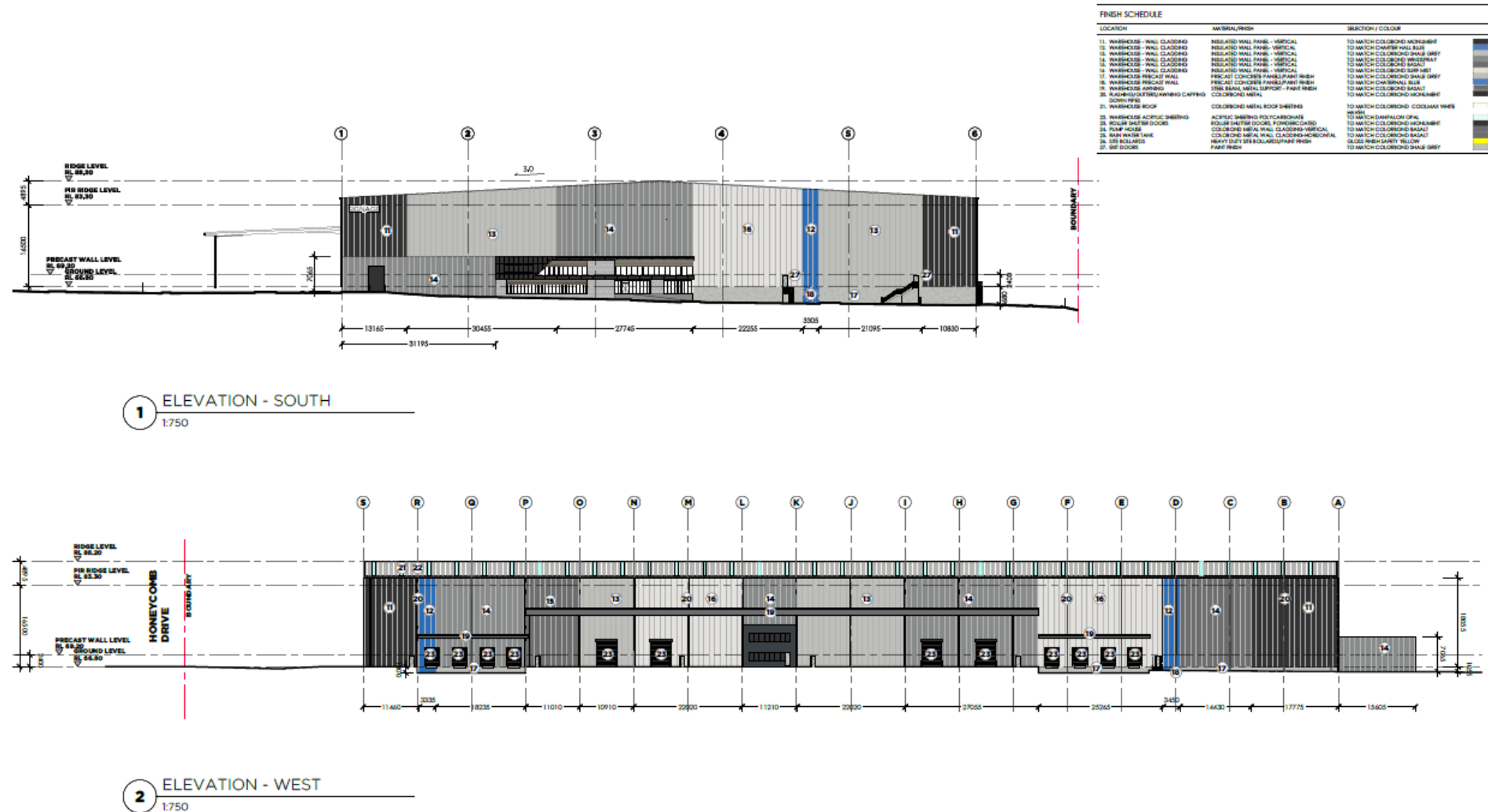


Figure 5. Indicative Elevations (Source: Watch This Space Design, 2021)

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The particulars of this proposal are summarised below:

- Minor earthworks involving cut and fill works;
- Infrastructure comprising civil works and utilities servicing;
- Construction of a warehouse (27,650m²) with an approximate height of 21.5m and operation as a distribution centre, comprising:
 - Warehouse area of 25,400m²
 - Ancillary office area of 1,300m²
 - Dock office area of 450m²
 - Forklift charging room of 500m²
 - 168 car parking spaces
 - 12 loading docks

It is noted that the proposal is reliant on access via Eastern Creek Drive only. Notwithstanding, the proposal plans note a future truck exit via Honeycombe Drive. This is due to the unconstructed nature of the future Honeycomb Drive extension. The proposal is being designed to ensure that it is consistent with the design for Honeycomb Drive extension, allowing for connection in the future.

5.0 Statutory Context

This section sets out the statutory planning framework and controls relevant to the proposal.

The following statutes, strategic plans and policies have been considered as part of the development planning phase:

- *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*
- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Water Management Act 2000*
- *Biodiversity Conservation Act 2016*
- *Rural Fires Act 1997*
- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development*
- *State Environmental Planning Policy No 55 – Remediation of Land*
- *State Environmental Planning Policy (Western Sydney Employment Area) 2009*
- *Employment Lands Precinct Plan – Eastern Creek Precinct (Stage 3)*

5.1 Environment Protection and Biodiversity Conservation Act 1999

Under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), any action (which includes a development, project or activity) that is considered likely to have a significant impact on Matters of National Environmental Significance (MNES) (including nationally threatened ecological communities and species and listed migratory species) must be referred to the Commonwealth Minister for the Environment. The purpose of the referral is to allow a decision to be made about whether an action requires approval at a Commonwealth level. If an action is considered likely to have significant impact on MNES, it is declared a “controlled action” and formal Commonwealth approval is required.

Given the disturbed nature of the subject site, it is considered that no further assessment against the EPBC Act is required.

5.2 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) is the overarching governing statute for all development in NSW and pursuant to Part 4, the proposal is considered SSD under the SRD SEPP.

5.2.1 Section 4.15(1) of the EP&A Act 1979



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Section 4.15(1) of the EP&A Act specifies the matters, that a consent authority must consider when determining a DA. The forthcoming EIS will consider and address all matters outlined in Section 4.15 of the EP&A Act.

5.2.2 Section 4.46 of the EP&A Act 1979 – Integrated Development

Section 4.46 of the EP&A Act defines ‘Integrated Development’ as matters which require consent from the consent authority and one or more authorities under related legislation. Pursuant to Section 4.46(1) of the EP&A Act, Integrated Development does not apply to SSD.

5.3 Environmental Planning and Assessment Regulation 2000

5.3.1 Section 4(1) – Designated Development

Section 4(1) of the EP&A Regulation states that:

“Development described in Part 1 of Schedule 3 is declared to be designated development for the purposes of the Act unless it is declared not to be designated development by a provision of Part 2 or 3 of that Schedule.”

The proposal, being a warehouse, does not trigger Designated Development pursuant to Schedule 3 of the EP&A Regulation.

5.3.2 Section 270 – Contributions plans for Western Sydney Employment Area

Section 270(1) of the EP&A Regulation states, that pursuant to section 4.16(11) of the EP&A Act, a DA in relation to any land zoned IN1 General Industrial under SEPP WSEA must not be determined by the consent authority unless a contributions plan under section 7.18 of the EP&A Act as been approved for land to which the application relates.

However, despite the above, subclause (2) determines that the consent authority may dispense with the need for a contributions plan if—

- (a) *the development application is, in the opinion of the consent authority, of a minor nature, or*
- (b) *the developer has entered into a planning agreement with a planning authority (within the meaning of section 7.1 of the Act) with respect to the matters that may be the subject of a contributions plan.*

Jacfin Pty Ltd (the land developer for this area and former land owner of the subject site) have entered into a series of voluntary planning agreements (VPAs) in relation to the development of land on Eastern Creek Drive.

The land is subject to Clause 29 of the SEPP WSEA, which requires satisfactory arrangements for the provision of regional transport infrastructure and services. Advice is being sought from the NSW DPIE regarding whether satisfactory arrangements have been met for the subject site.

5.4 Water Management Act 2000

The objective of the *Water Management Act 2000* (WM Act) is the sustainable and integrated management of the state's water for the benefit of both present and future generations.

Section 91 relates to Activity Approvals and outlines that a controlled activity approval confers a right on its holder to carry out a specified Controlled Activity at a specified location in, on or under Waterfront Land.

For the purposes of the WM Act, Controlled Activity means:



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- (a) the erection of a building or the carrying out of a work (within the meaning of the Environmental Planning and Assessment Act 1979), or
- (b) the removal of material (whether or not extractive material) or vegetation from land, whether by way of excavation or otherwise, or
- (c) the deposition of material (whether or not extractive material) on land, whether by way of landfill operations or otherwise, or
- (d) the carrying out of any other activity that affects the quantity or flow of water in a water source.

Waterfront Land means:

- (a) the bed of any river, together with any land lying between the bed of the river and a line drawn parallel to, and the prescribed distance inland of, the highest bank of the river, or
- (a1) the bed of any lake, together with any land lying between the bed of the lake and a line drawn parallel to, and the prescribed distance inland of, the shore of the lake, or
- (a2) the bed of any estuary, together with any land lying between the bed of the estuary and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the estuary, or
- (b) if the regulations so provide, the bed of the coastal waters of the State, and any land lying between the shoreline of the coastal waters and a line drawn parallel to, and the prescribed distance inland of, the mean high water mark of the coastal waters, where the prescribed distance is 40 metres or (if the regulations prescribe a lesser distance, either generally or in relation to a particular location or class of locations) that lesser distance. Land that falls into 2 or more of the categories referred to in paragraphs (a), (a1) and (a2) may be waterfront land by virtue of any of the paragraphs relevant to that land.

The subject contains a hydroline watercourse, based on *Water Management (General) Regulation 2018* hydroline spatial data 1.0, which is a tributary of Eskdale Creek. Whilst the subject site has undergone substantial site works since August 2020, which have disturbed this area, due consideration will be given to the requirements of the WM Act through the preparation of the forthcoming EIS.



Figure 6. Hydroline spatial data for subject site (Source: NSW Department of Industry, 2020)



5.5 Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (BC Act) and *Biodiversity Conservation Regulation 2017* (BC Regulation) seek to maintain a healthy, productive and resilient environment for the greatest well-being of the community, now and into the future, consistent with the principles of ecologically sustainable development.

Part 7 of the BC Act sets out requirements for biodiversity assessments and approvals under the EP&A Act.

Pursuant to Section 7.2(l) of the BC Act, development or an activity is likely to significantly affect threatened species if:

- (a) *it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or*
- (b) *the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or*
- (c) *it is carried out in a declared area of outstanding biodiversity value.*

Pursuant to Section 7.9 of the BC Act, an SSD “is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

Given the disturbed nature of the subject site, the proponent intends to seek a Biodiversity Development Assessment Report (BDAR) waiver. The waiver request will be submitted as soon as available.

5.6 Rural Fires Act 1997

The subject site is identified as bushfire prone land, with a portion of its northern extent mapped as vegetation Category 2, refer to **Figure 7**.

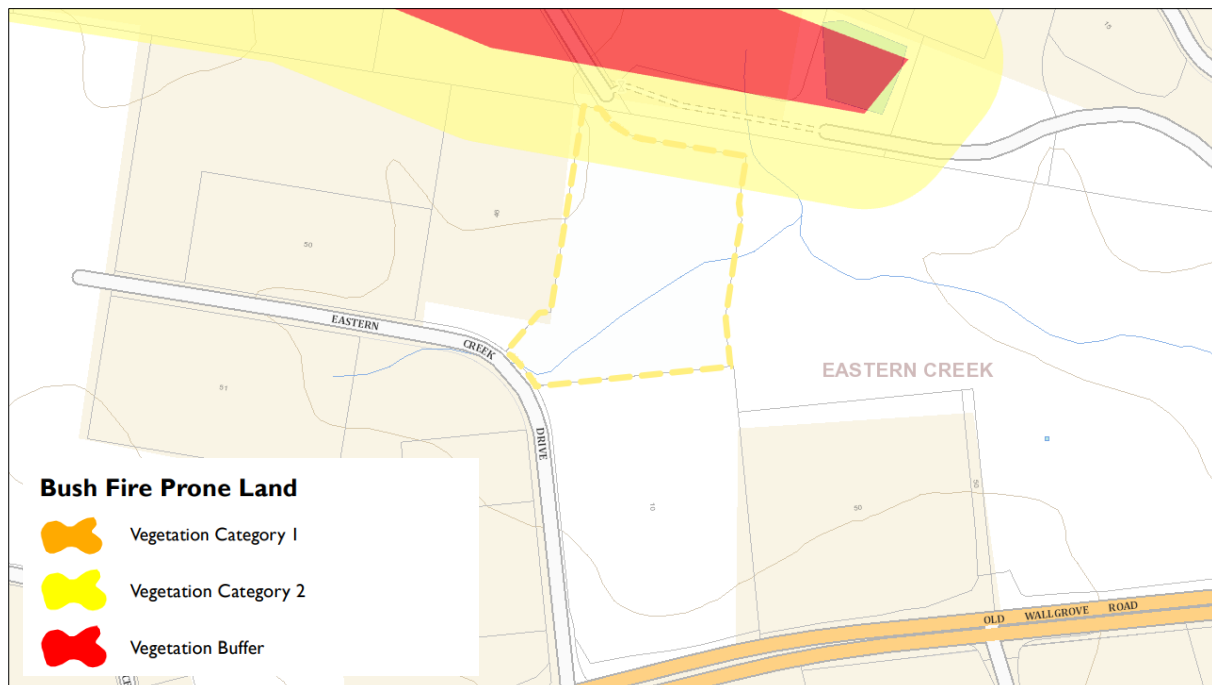


Figure 7. Bushfire Prone Land Map (Source: NSW Legislation, 2021)

A bushfire risk assessment will form part of the forthcoming EIS.



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5.7 State Environmental Planning Policy (State and Regional Development) 2011

Pursuant to Schedule 1 of the SRD SEPP includes provisions for developments to be undertaken as SSD. Section 12 is relevant to the proposed development:

- (1) *Development that has a capital investment value of more than the relevant amount for the purpose of warehouses or distribution centres (including container storage facilities) at one location and related to the same operation.*
- (2) *This clause does not apply to development for the purposes of warehouses or distribution centres to which clause 18 or 19 applies.*
- (3) *In this clause—*
relevant amount means—
 - (a) *for development in relation to which the relevant environmental assessment requirements are notified under the Act on or before 31 May 2023—\$30 million, or*
 - (b) *for any other development—\$50 million.*

The CIV of the proposed development is in excess of \$30 million, thus the SSD provisions apply.

5.8 State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across NSW.

5.8.1 Clause 104 – Traffic generating development

ISEPP repeals the former *State Environmental Planning Policy No. 11 – Traffic Generating Development* and, pursuant to Clause 104, provides for certain proposed developments known as Traffic Generating Development, to be referred to Transport for NSW (TfNSW) for concurrence.

Schedule 3 of ISEPP, lists the types of development that are defined as Traffic Generating Development. The referral thresholds for 'warehouse or distribution centres' development includes sites of:

- *8,000m² in site area or (if the site area is less than the gross floor area) gross floor area;*

The proposal is considered Traffic Generating Development and will be referred to TfNSW for concurrence. The forthcoming EIS will be supported by a robust transport and traffic impact assessment.

5.9 State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The proposed warehouse and distribution facility may require the storage and/or handling of some potentially dangerous goods or materials. As such, a preliminary risk screening analysis will be undertaken in accordance with the *State Environmental Planning Policy No. 33 – Hazardous and Offensive Development* (SEPP33) to determine whether a Preliminary Hazard Analysis is required.

5.10 State Environmental Planning Policy No. 55 – Remediation of Land

Under the provisions of *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55), where a DA is made, the consent authority must not grant consent unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

An environmental site assessment will form part of the forthcoming EIS.



5.11 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The subject site forms part of the WSEA and is subject to the relevant provisions of SEPP WSEA.

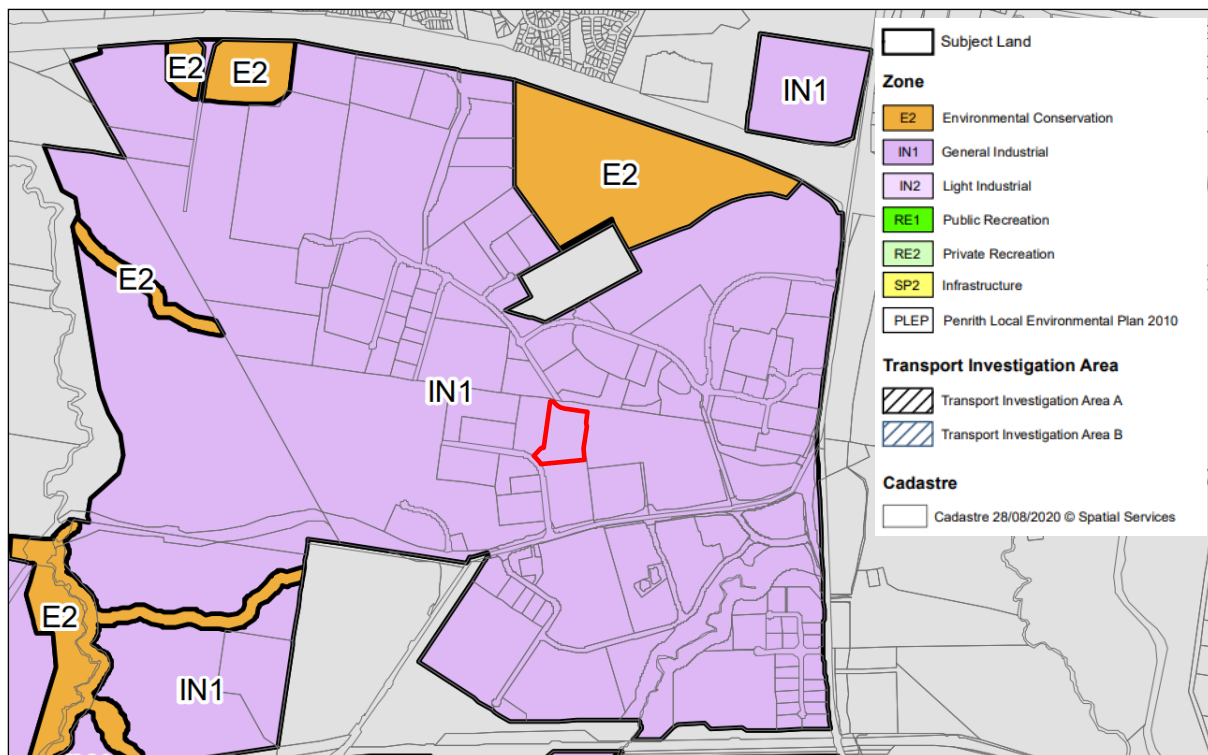


Figure 8. Land Zoning Map (Source: NSW Legislation, 2020)

Figure 8 below provides a representation of the subject site and surrounding land zoning under the SEPP WSEA. The subject site is zoned IN1 General Industrial under the provisions of SEPP WSEA.

5.11.1 Land use and permissibility

The objectives of the IN1 General Industrial zone are as follows:

- To facilitate a wide range of employment-generating development including industrial, manufacturing, warehousing, storage and research uses and ancillary office space;
- To encourage employment opportunities along motorway corridors, including the M7 and M4;
- To minimise any adverse effect of industry on other land uses;
- To facilitate road network links to the M7 and M4 Motorways;
- To encourage a high standard of development that does not prejudice the sustainability of other enterprises or the environment; and,
- To provide for small-scale local services such as commercial, retail and community facilities (including child care facilities) that service or support the needs of employment-generating uses in the zone.

Within the IN1 General Industrial zone the following are permissible without consent:

- Nil.

Within the IN1 General Industrial zone the following are permissible with consent:

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- *Building identification signs; Business identification signs; Depots; Environmental facilities; Environmental protection works; Food and drink premises; Freight transport facilities; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries (other than offensive or hazardous industries); Neighbourhood shops; Places of public worship; Recreation areas; Recreation facilities (indoor); Roads; Service stations; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; **Warehouse or distribution centres.***

Within the IN1 General Industrial zone the following are prohibited:

- *Any development not specified in item 2 or 3.*

The proposal, being for a warehouse and distribution centre, is permitted with consent in the IN1 General Industrial zone.

5.11.2 Existing precinct plans under SEPP 59

Pursuant to Clause 19 of the SEPP WSEA, the consent authority may grant consent to development on any land to which the SEPP WSEA applies without a DCP being prepared, if an existing precinct plan applied to the land immediately before the repeal of SEPP 59.

The *Eastern Creek Precinct Plan* is identified as an existing precinct plan, pursuant to Clause 19(3). The EIS will address the *Eastern Creek Precinct Plan* as necessary.

6.0 Other Approvals/Comments

No other approvals are sought for this proposal.

7.0 Industry-specific SEARs

This section reviews the relevant industry-specific SEARs and includes commentary on how the Applicant intends to respond to each item, where applicable. Refer to **TABLE 2** for further details.

TABLE 2: INDUSTRY-SPECIFIC SEARS		
Issue and Assessment Requirements	Documentation	Applicant Comments
<p>1. Statutory Context</p> <ul style="list-style-type: none">▪ Address all relevant legislation, environmental planning instruments (EPIs) (including drafts), plans, policies and guidelines.▪ Identify compliance with applicable development standards and provide a detailed justification for any non-compliances.▪ If the development is only partly State significant development (SSD) under clause 8(1) of the State and Regional Development SEPP, provide an explanation of how the remainder of the development is sufficiently related to the component that is SSD.▪ Address the requirements of any approvals applying to the site, including any concept approval or	Address in EIS.	Noted – the proposal will address the requirement of this item.



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recommendation from any Gateway determination.		
2. Capital Investment Value and Employment <ul style="list-style-type: none"> Provide a detailed calculation of the capital investment value (CIV) of the development, prepared by a qualified quantity surveyor. Provide an estimate of the retained and new jobs that would be created during the construction and operational phases of the development, including details of the methodology to determine the figures provided. 	Cost Summary Report.	Noted – a Cost Summary Report will support the proposal.
3. Design Quality <ul style="list-style-type: none"> Demonstrate how the development will achieve: <ul style="list-style-type: none"> design excellence in accordance with any applicable EPI provisions. good design in accordance with the seven objectives for good design in <i>Better Placed</i>. Where required by an EPI or concept approval, demonstrate how the development has been subject to a competitive design process or reviewed by the State Design Review Panel (SDRP). Recommendations are to be addressed prior to lodgement. 	Address in EIS. If required: <ul style="list-style-type: none"> Design Review Summary (where the project has been reviewed by the SDRP). Design Excellence Strategy (where design excellence is required by an EPI). Competition Report (where a competitive design process has been held). 	Design quality will be addressed in the EIS, however it is noted that a Design Review Summary, Design Excellence Strategy and Competition Report are not required for a proposal of this nature.
4. Built Form and Urban Design <ul style="list-style-type: none"> Explain and illustrate the proposed built form, including a detailed site and context analysis to justify the proposed site planning and design approach. Demonstrate how the proposed built form (layout, height, bulk, scale, separation, setbacks, interface and articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality. Demonstrate how the building design will deliver a high-quality development, including consideration of façade design, articulation, materials, finishes, colours, any signage and integration of services. Assess how the development complies with the relevant accessibility requirements. 	Architectural drawings. Design Report. Survey Plan. BCA Compliance Report. Accessibility Report.	Noted – the proposal will address the requirements of this item through the listed reports.
5. Visual Impact <ul style="list-style-type: none"> Provide a visual analysis of the development from key viewpoints, including photomontages or perspectives showing the proposed and likely future development. 	Visual Analysis. Visual Impact Assessment.	Noted – the proposal will be informed by photomontages and perspective drawings, where necessary, and



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<ul style="list-style-type: none">Where the visual analysis has identified potential for significant visual impact, provide a visual impact assessment that addresses the impacts of the development on the existing catchment.		include a Visual Impact Assessment.
<p>6. Traffic, Transport and Accessibility</p> <ul style="list-style-type: none">Provide a transport and accessibility impact assessment, which includes:<ul style="list-style-type: none">details of all traffic types and volumes likely to be generated during construction and operation, including a description of key access and haul routes.an assessment of the predicted impacts of this traffic on road safety and the capacity of the road network, including consideration of cumulative traffic impacts at key intersections (using industry standard modelling).plans demonstrating how all vehicles likely to be generated during construction and operation and awaiting loading, unloading or servicing can be accommodated on the site to avoid queuing in the street network.details and plans of any proposed internal road network, loading dock provision and servicing, on-site parking provisions, and sufficient pedestrian and cyclist facilities, in accordance with the relevant Australian Standards.swept path analysis for the largest vehicle requiring access to the development.details of road upgrades, infrastructure works, or new roads or access points required for the development if necessary.Provide a Construction Traffic Management Plan detailing predicted construction vehicle movements, routes, access and parking arrangements, coordination with other construction occurring in the area, and how impacts on existing traffic, pedestrian and bicycle networks would be managed and mitigated.	Transport and Accessibility Impact Assessment. Construction Traffic Management Plan. Green Travel Plan or equivalent.	Noted – the proposal will address the requirements of this item through the listed reports.
<p>7. Trees and Landscaping</p> <ul style="list-style-type: none">Provide a detailed site-wide landscape plan, that:<ul style="list-style-type: none">identifies the number and location of trees to be removed	Landscape Plan.	Noted – the proposal will include a Landscape Plan.



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<p>and retained, and how opportunities to retain significant trees have been explored and/or informs the plan.</p> <ul style="list-style-type: none">○ details the proposed site planting, including location, number and species of plantings, heights of trees at maturity and proposed canopy coverage.○ demonstrates how the proposed development would:<ul style="list-style-type: none">– contribute to long term landscape setting in respect of the site and streetscape.– mitigate the urban heat island effect and ensure appropriate comfort levels on-site.– contribute to the objective of increased urban tree canopy cover.– maximise opportunities for green infrastructure, consistent with Greener Places.		
<p>8. Ecologically Sustainable Development (ESD)</p> <ul style="list-style-type: none">▪ Identify how ESD principles (as defined in clause 7(4) of Schedule 2 of the EP&A Regulation) are incorporated in the design and ongoing operation of the development.▪ Demonstrate how the development will meet or exceed the relevant industry recognised building sustainability and environmental performance standards.▪ Demonstrate how the development minimises greenhouse gas emissions (reflecting the Government's goal of net zero emissions by 2050) and consumption of energy, water (including water sensitive urban design) and material resources.	ESD Report.	Noted – the proposal will be supported by an ESD Report.
<p>9. Biodiversity</p> <ul style="list-style-type: none">▪ Assess any biodiversity impacts associated with the development in accordance with the Biodiversity Conservation Act 2016 and the Biodiversity Assessment Method 2020, including the preparation of a Biodiversity Development Assessment Report (BDAR), unless a waiver is granted, or the site is on biodiversity certified land.▪ If the development is on biodiversity certified land, provide information to identify the site (using associated mapping) and demonstrate the	Biodiversity Development Assessment Report or BDAR Waiver.	Noted – the Applicant intends to seek BDAR waiver for this proposal.



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proposed development is consistent with the relevant biodiversity measure conferred by the biodiversity certification.		
10. Air Quality <ul style="list-style-type: none">Identify significant air emission sources at the proposed development (during construction and operation), assess their potential to cause adverse off-site impacts, and detail proposed management and mitigation measures that would be implemented. Where air emissions during operation have the potential to cause adverse off-site impacts, provide a quantitative air quality impact assessment prepared in accordance with the relevant NSW Environment Protection Authority (EPA) guidelines.	Address in EIS. If required: <ul style="list-style-type: none">Air Quality Impact Assessment.	Noted – the proposal involves a warehouse and distribution facility and not considered to exhibit any significant air emissions sources, nor is it located within close proximity to sensitive receivers. As such, the EIS will suitably address this requirement. If required, an Air Quality Impact Assessment will be undertaken.
11. Noise and Vibration <ul style="list-style-type: none">Provide a noise and vibration assessment prepared in accordance with the relevant EPA guidelines. The assessment must detail construction and operational noise and vibration impacts on nearby sensitive receivers and structures and outline the proposed management and mitigation measures that would be implemented.	Noise and Vibration Impact Assessment.	Noted – the proposal will be supported by a Noise and Vibration Impact Assessment.
12. Ground and Water Conditions <ul style="list-style-type: none">Provide an assessment of the potential impacts on soil resources, including related infrastructure and riparian lands on and near the site.Provide an assessment of the potential impacts on surface and groundwater resources (quality and quantity), including related infrastructure, hydrology, aquatic and groundwater dependent ecosystems, drainage lines, downstream assets and watercourses.Identify predicted water discharge points to surface/groundwater and consider discharge quality against relevant water quality criteria.Provide a detailed site water balance including identification of water requirements for the life of the development, and measures to ensure an adequate and secure water supply.Provide an assessment of salinity and acid sulfate soil impacts.	Geotechnical Assessment. Surface and Groundwater Impact Assessment. Salinity Management Plan and/or Acid Sulfate Soils Management Plan.	Noted – the proposal will address the requirements of this item through the listed reports.
13. Stormwater and Wastewater <ul style="list-style-type: none">Provide an Integrated Water Management Plan for the development that:<ul style="list-style-type: none">is prepared in consultation with the local council and any other	Integrated Water Management Plan.	Noted – the proposal will be supported by an Integrated Water Management Plan.



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<p>relevant drainage or water authority.</p> <ul style="list-style-type: none">○ details the proposed drainage design for the site including any on-site detention facilities, water quality management measures and the nominated discharge points, on-site sewage management, and measures to treat, reuse or dispose of water.○ demonstrates compliance with the local council or other drainage or water authority requirements and avoids adverse impacts on any downstream properties. <ul style="list-style-type: none">▪ Where drainage infrastructure works are required that would be handed over to the local council, or other drainage or water authority, provide full hydraulic details and detailed plans and specification of proposed works that have been prepared in consultation with, and comply with the relevant standards of, the local council or other drainage or water authority.		
<p>14. Flooding Risk</p> <ul style="list-style-type: none">▪ Identify any flood risk on-site having regard to adopted flood studies, the potential effects of climate change, and any relevant provisions of the NSW Floodplain Development Manual.▪ Assess the impacts of the development, including any changes to flood risk on-site or off-site, and detail design solutions and operational procedures to mitigate flood risk where required.	Flood Risk Assessment.	Noted – the proposal will be supported by a Flood Risk Assessment.
<p>15. Hazards and Risk</p> <ul style="list-style-type: none">▪ Where there are dangerous goods and hazardous materials associated with the development provide a preliminary risk screening in accordance with SEPP 33.▪ Where required by SEPP 33, provide a Preliminary Hazard Analysis prepared in accordance with Hazardous Industry Planning Advisory Paper No.6 – Guidelines for Hazard Analysis.▪ If the development is adjacent to or on land in a pipeline corridor, report on consultation outcomes with the operator of the pipeline, and prepare a hazard analysis.	Preliminary Hazard Analysis.	Noted – the proposal will be supported by a preliminary risk screening assessment, and if required a Preliminary Hazard Analysis.
<p>16. Contamination and Remediation</p> <ul style="list-style-type: none">▪ In accordance with SEPP 55, assess and quantify any soil and groundwater contamination and demonstrate that the site is suitable (or will be suitable,	Preliminary Site Investigation. If required: <ul style="list-style-type: none">▪ Detailed Site Investigation.	Noted – the proposal will be supported by a Preliminary Site Investigation (as a minimum).



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Proposed Warehouse and Distribution Centre

Eastern Creek Drive, Eastern Creek (Lot 1 DP1274322)

after remediation) for the development.	<ul style="list-style-type: none"> Remedial Action Plan. Preliminary Long-term Environmental Management Plan. 	
17. Waste Management <ul style="list-style-type: none"> Identify, quantify and classify the likely waste streams to be generated during construction and operation. Provide the measures to be implemented to manage, reuse, recycle and safely dispose of this waste. Identify appropriate servicing arrangements for the site. If buildings are proposed to be demolished or altered, provide a hazardous materials survey. 	Waste Management Plan. Hazardous Material Survey.	Noted – the proposal will be supported by a Waste Management Plan, noting the site is vacant, therefore a Hazardous Material Survey is not required.
18. Aboriginal Cultural Heritage <ul style="list-style-type: none"> Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site. 	Aboriginal Cultural Heritage Assessment Report.	<p>The subject site is afforded an Aboriginal Heritage Impact Permit (AHIP), which is a legal instrument issued by Heritage NSW under Part 6 of the <i>National Parks and Wildlife Act 1974</i>.</p> <p>The AHIP (reference C0003358) relates to AHIMS Permit ID 4218, and was issued to Jacfin Pty Ltd in 2018, which is valid for 10 years.</p> <p>A copy of the AHIP is provided in Appendix 2.</p> <p>Given the presence of the AHIP, and the substantial site works that have occurred over recent years (refer to Appendix 1), the applicant intends to undertake consultation with Heritage NSW to discuss the possibility of waiving the requirement of an Aboriginal Cultural Heritage Assessment Report (ACHAR) based on current site undertakings.</p>
19. Environmental Heritage <ul style="list-style-type: none"> Where there is potential for direct or indirect impacts on the heritage significance of items of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which 	Statement of Heritage Impact. Archaeological Assessment.	N/A – the subject site does not contain, nor is it within the vicinity of an item of heritage significance.



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Proposed Warehouse and Distribution Centre

Eastern Creek Drive, Eastern Creek (Lot 1 DP1274322)

assesses any impacts and outlines measures to ensure they are minimised and mitigated.		
20. Social Impact <ul style="list-style-type: none"> Provide a Social Impact Assessment prepared in accordance with the Social Impact Assessment Guidelines for State Significant Projects. 	Social Impact Assessment.	Noted – the proposal will be supported by a Social Impact Assessment.
21. Infrastructure Requirements and Utilities <ul style="list-style-type: none"> In consultation with relevant service providers: <ul style="list-style-type: none"> assess the impacts of the development on existing utility infrastructure and service provider assets surrounding the site. identify any infrastructure upgrades required on-site and off-site to facilitate the development and any arrangements to ensure that the upgrades will be implemented on time and be maintained. provide an infrastructure delivery and staging plan, including a description of how infrastructure requirements would be co-ordinated, funded and delivered to facilitate the development. 	Infrastructure Delivery, Management and Staging Plan.	Noted – the proposal will be supported by an Infrastructure Delivery, Management and Staging Plan.
22. Bush Fire Risk <ul style="list-style-type: none"> If the development is on bush fire prone land, provide a bush fire assessment that details proposed bush fire protection measures and demonstrates compliance with Planning for Bush Fire Protection. 	Bush Fire Assessment.	Noted – the proposal will be supported by a Bush Fire Assessment.
23. Construction, Operation and Staging <ul style="list-style-type: none"> If staging is proposed, provide details of how construction and operation would be managed and any impacts mitigated. 	Address in EIS.	Noted – the proposal will address the requirement of this item.
24. Contributions and Public Benefit <ul style="list-style-type: none"> Address the requirements of any relevant contribution plan(s), planning agreement or EPI requiring a monetary contribution, dedication of land and/or works-in-kind and include details of any proposal for further material public benefit. Where the development proposes alternative public benefits or a departure from an existing contributions framework, the local council, the Department and relevant State agencies are to be consulted prior to lodgement and details, 	Address in EIS.	Noted – the proposal will address the requirement of this item.



REQUEST FOR INDUSTRY-SPECIFIC SEARS

Proposed Warehouse and Distribution Centre

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including how comments have been addressed, are to be provided.		
25. Engagement <ul style="list-style-type: none">Detail engagement undertaken and demonstrate how it was consistent with the <i>Undertaking Engagement Guidelines for State Significant Projects</i>. Detail how issues raised and feedback provided have been considered and responded to in the project. In particular, applicants must consult with:<ul style="list-style-type: none">the relevant Department assessment team.any relevant local councils.any relevant agencies.the community.if the development would have required an approval or authorisation under another Act but for the application of s 4.41 of the EP&A Act or requires an approval or authorisation under another Act to be applied consistently by s 4.42 of the EP&A Act, the agency relevant to that approval or authorisation.	Engagement report.	Noted – the proposal will be supported by an Engagement Plan, in accordance with the <i>Undertaking Engagement Guidelines for State Significant Projects</i> .

The proposal is considered to meet the eligibility criteria for industry-specific SEARs. As such, it is requested that NSW DPIE issue formal SEARs for the preparation of an EIS for this proposal as SSD. Should you require any further information to do so, please do not hesitate to contact Eleisha Burton on 0427 069 823 or via email at eburton@willowtp.com.au.

Your sincerely,



Andrew Cowan
Director
Willowtree Planning Pty Ltd

enc

Appendix 1 Historic Aerial Photography
Appendix 2 AHIP C0003358



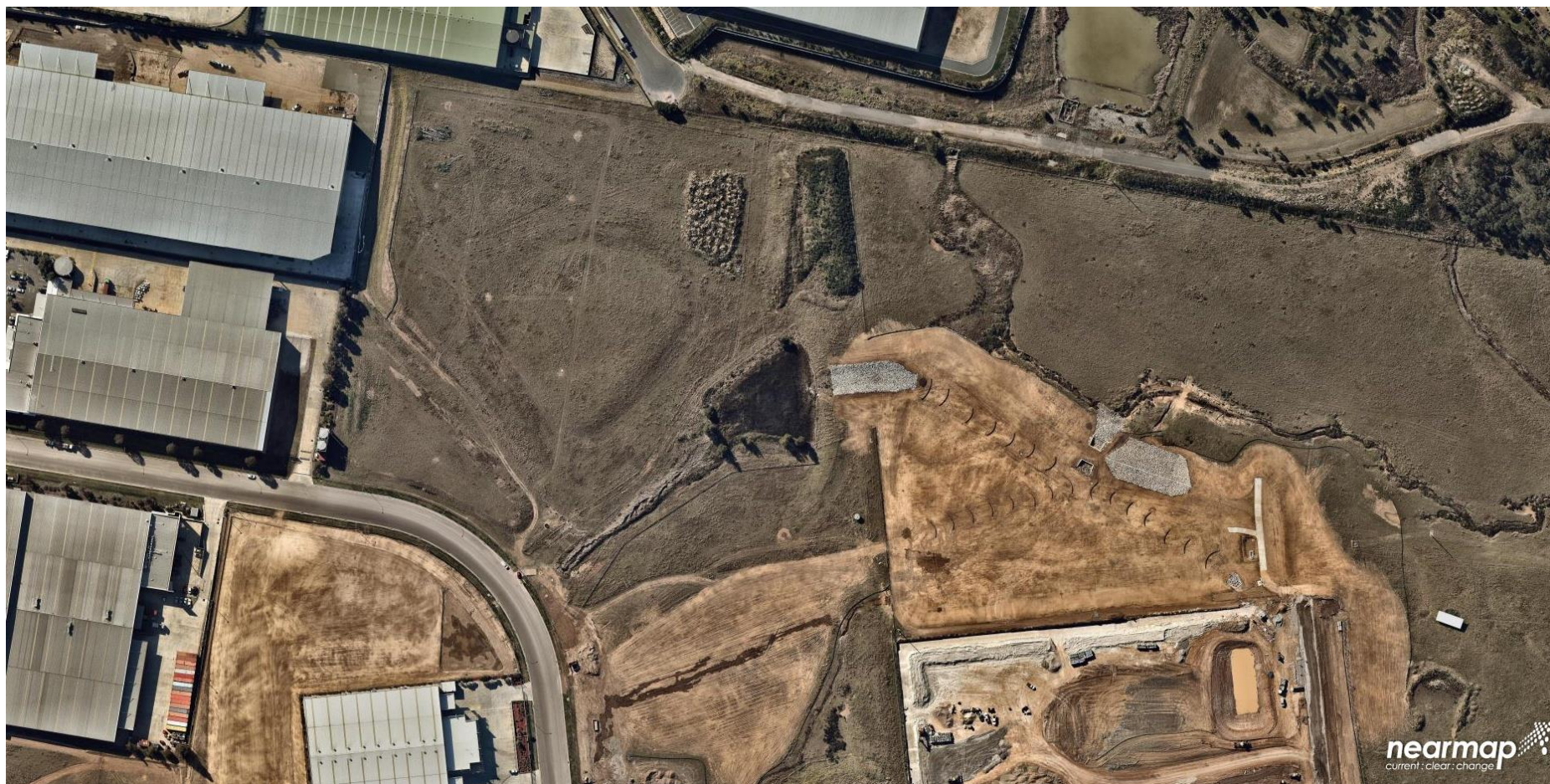
APPENDIX 1





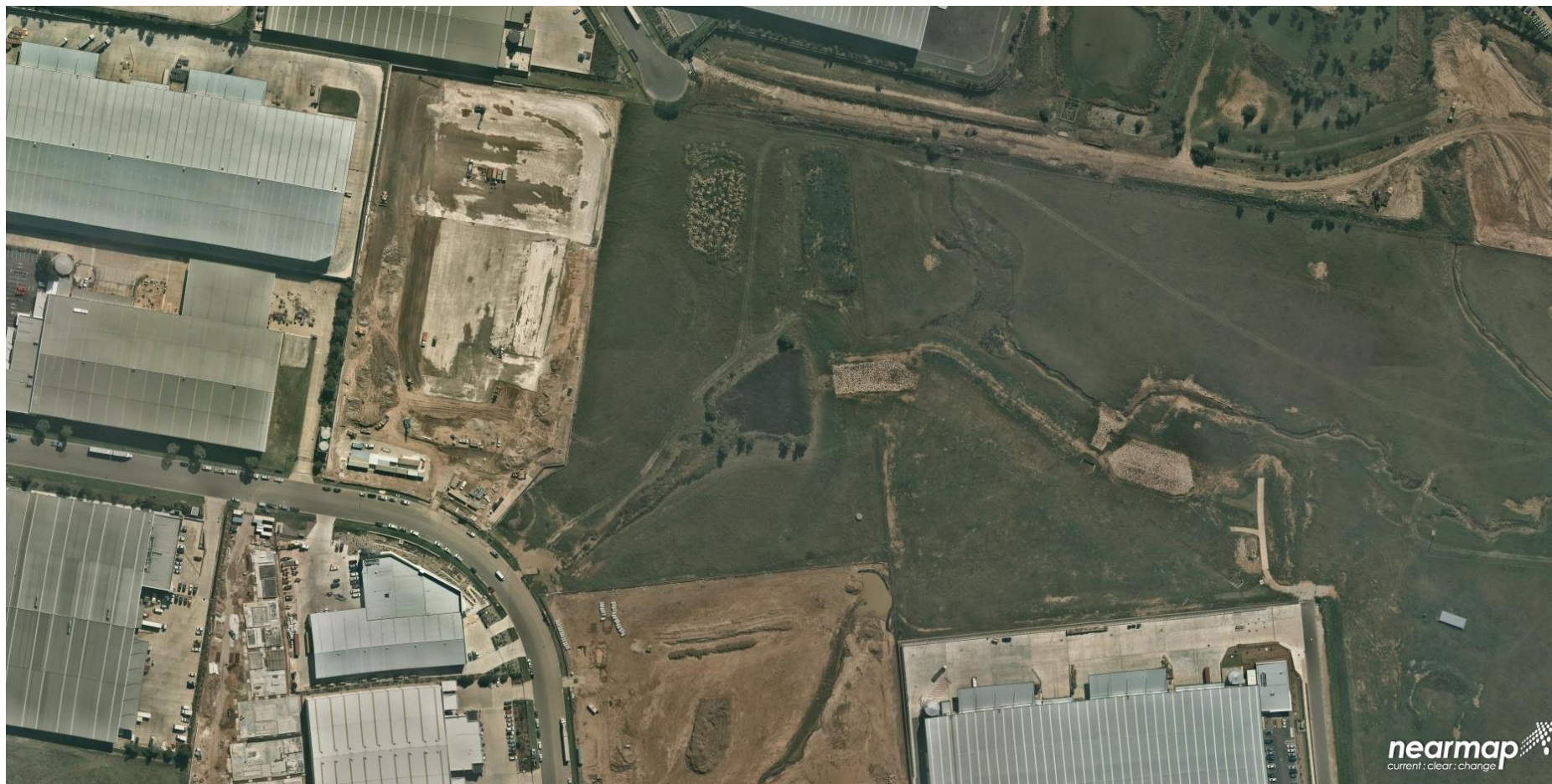
nearmap
current : clear : change

Extract 1: 11 February 2017 (Source: Nearmap, 2017)



nearmap
current : clear : change

Extract 2: 22 August 2017 (Source: Nearmap, 2017)



Extract 3: 7 April 2019 (Source: Nearmap, 2019)



Extract 4: 2 October 2020 (Source: Nearmap, 2020)



Extract 5: 26 January 2021 (Source: Nearmap, 2021)



Extract 6: 6 October 2021 (Source: Nearmap, 2021)

APPENDIX 2



Aboriginal Heritage Impact Permit

Section 90 of the *National Parks and Wildlife Act 1974*



Office of
Environment
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AHIP number: C0003358

(AHIMS Permit ID: 4218)

AHIP Issued To:

Jacfin Pty Ltd
44 000 967 902

PWC, One International Towers, Watermans Quay
Barangaroo, NSW 2000

OEH Office issuing this AHIP

Office of Environment and Heritage

Regional Operations

Greater Sydney Branch

PO Box 644

Parramatta NSW 2124

Telephone number: (02) 8837 6000

Additional details for public register

a) Name of development or project	Jacfin Eastern Creek Development Site – Stage 2 Basin, Eastern Creek, NSW
b) Location	Lot 532 DP 1236811 (formally Lot 20 DP 1206129) Old Wallgrove Road, Eastern Creek, NSW
c) Local Government Area(s)	Blacktown
d) Description of harm authorised	<ul style="list-style-type: none">• Salvage excavations• Harm to certain Aboriginal objects through the proposed works
e) AHIP commencement date and duration	<i>Commencement:</i> <i>Duration:</i> 10 years

AHIP TO HARM ABORIGINAL OBJECTS

A. Background

- (i) On 16 November 2017 an application was made to the Chief Executive of the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974* (the Act).
- (ii) OEH considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP subject to conditions.

B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for 10 years from the date of commencement.

D. Proposed Works

All works associated with but not limited to the construction of a drainage detention basin, realignment of the riparian corridor and bulk earthworks.

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

.....*S. Harrison*.....

Susan Harrison
Senior Team Leader Planning
Greater Sydney

(by Delegation)

DATED: *24/01/18*

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LAND TO WHICH THIS AHIP APPLIES

Land shaded orange in **Attachment 1: Land to which this AHIP applies.**

CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.
3. The individual appointed as project manager must be the project manager nominated in the application form.
4. If an alternative to the nominated project manager is appointed, OEH must be notified of their contact details within 14 days of this appointment.

Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed, other than any human remains identified in Schedule B4.

Salvage excavations

7. Salvage excavations may be carried out in the area shaded orange in **Attachment 1: Land to which this AHIP applies.**
8. Aboriginal objects that are recovered during the excavations may be analysed on-site and/or may be taken off-site for further analysis.

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9. The excavations and analysis of Aboriginal objects must be carried out in accordance with **Attachment 2: Archaeological Salvage Methodology**.
10. The excavations must be completed in an area before any harm of Aboriginal objects described in Schedule C can commence in that same area.

Harm of certain Aboriginal objects through the proposed works

11. The Aboriginal objects described in Schedule C may be harmed. Nothing in this condition authorised harm to Aboriginal objects described in Schedule A (whether human remains, Aboriginal objects or 'no-harm areas').
12. Aboriginal objects described in Schedule C must not be harmed unless:
 - (a) all excavations described in Schedule B2 have been completed in the area.

Temporary storage of certain Aboriginal objects

13. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP, must be moved as soon as practicable to the temporary storage location in the table below, pending any agreement reached about the long term management of the Aboriginal objects.
14. The temporary storage location is as follows:

Location name:	Kelleher Nightingale Consulting Pty Ltd Offices
Address:	Level 10, 25 Bligh Street, Sydney NSW 2000
Storage particulars:	Secure storage location in a locked office

15. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

Long term management of certain Aboriginal objects

16. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP must be lodged as soon as practicable with the Australian Museum, 1 William Street, Sydney NSW 2010.
17. Requirement 26 "Stone artefact deposition and storage" in the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (24 September 2010, available online at: <http://www.environment.nsw.gov.au/licences/archinvestigations.htm>) must be complied with.

Notification and Reporting Conditions

Notification of commencement and completion of actions

18. Written notice must be provided to the OEH office at least 7 days prior to the commencement of actions authorised by this AHIP.
19. Written notice must be provided to the OEH office within 7 days of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

20. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH.
21. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.

Human remains

22. If any human remains (other than any human remains described in Schedule B4) are discovered and/or harmed in, on or under the land, the AHIP holder must:
 - (a) not further harm these remains
 - (b) immediately cease all work at the particular location
 - (c) secure the area so as to avoid further harm to the remains
 - (d) notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
 - (e) not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

23. The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:
 - (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
 - (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

24. Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written incident report, which includes the following:
 - (a) the nature of the incident
 - (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
 - (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
 - (d) any conditions of an AHIP which may have been breached, and
 - (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.
25. The incident report must be provided to the OEH office within the timeframe specified in the request.

Provision of Aboriginal Site Impact Recording Form

26. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within 4 months of the completion of the actions authorised by this AHIP.

Note:

- (i) The Aboriginal Site Impact Recording Form can be found on the OEH website:
<http://www.environment.nsw.gov.au/licences/DECCAHIIMSSiteRecordingForm.htm>
- (ii) Contact details for the AHIMS Registrar can be found on the OEH website:
<http://www.environment.nsw.gov.au/contact/AHIMSRegistrar.htm>

Report about harm to Aboriginal objects (Archaeological Salvage Excavation Report)

27. An Archaeological Salvage Excavation Report must be prepared about the actions relating to the harm of Aboriginal objects (as permitted by this AHIP). The report must:
- (a) include a short summary of the report
 - (b) describe any ongoing consultation with or involvement of representatives of Registered Aboriginal Parties in relation to this AHIP
 - (c) describe how any Aboriginal objects or 'no-harm areas' described in Schedule A were managed during the period covered by the AHIP
 - (d) provide details of the Aboriginal objects which were fully or partially harmed in the course of undertaking the actions
 - (e) provide a description of the methods and results of the salvage excavation
 - (f) comment on the effectiveness of any mitigation measures that were implemented
 - (g) comment on the effectiveness of any management plan which was in place
 - (h) if any Aboriginal objects were moved to a temporary storage location, a description of the nature and types of Aboriginal objects which are now at that location
 - (i) detail the results of any analysis of Aboriginal objects
 - (j) detail the long-term management arrangements for any Aboriginal objects, and
 - (k) include a statement confirming that all Aboriginal Site Impact Recording Forms have been completed and submitted to the AHIMS Registrar.
28. The Archaeological Salvage Excavation Report must be submitted to the OEH office within 12 months of the completion of the actions authorised by this AHIP.
29. A copy of the Archaeological Salvage Excavation Report, including a summary of the report in plain English, must be sent by registered post to each Registered Aboriginal Party within 14 days of the report being submitted to OEH.

General Conditions

Indemnity

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

Release

31. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:
- (a) any damage or destruction to any real or personal property; and

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- (b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

- 32. Any requirement to provide written notice to the OEH office in this AHIP may be complied with by sending by registered post to the OEH office's address. The OEH office's contact details are specified at the front of this AHIP.

SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains

All human remains in, on or under the land must not be harmed.

A2 Aboriginal objects that are identified on AHIMS

Not applicable

A3 No-harm areas

Not applicable

Schedule B: Aboriginal objects that may be harmed through the certain actions

B1 Movement only

Not applicable

B2 Salvage excavations

The salvage excavation area comprises the following known Aboriginal objects, as identified on AHIMS (excluding any Aboriginal objects described in Schedule A):

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	45-5-0588	Artefact	Blacktown Southwest 1 Eastern Creek	N	300330	6256700	GDA
Whole	45-5-0558	Artefact	Blacktown Southwest 5 Eastern Creek	N	300120	6256880	GDA

B3 Community collection

Not applicable

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B4 Other

Not applicable

Schedule C: Aboriginal objects which may be harmed through the proposed works

The Aboriginal objects described in this schedule may be harmed, but only in accordance with the conditions of this AHIP (excluding any Aboriginal objects described in Schedule A).

C1 Harm of Aboriginal objects identified on AHIMS

Portion of Site (whole or part)	AHIMS Site ID	Site Feature	Site Name	Information access restriction? (Y/N)	Easting	Northing	Datum
Whole	45-5-0588	Artefact	Blacktown Southwest 1 Eastern Creek	N	300330	6256700	GDA
Whole	45-5-0558	Artefact	Blacktown Southwest 5 Eastern Creek	N	300120	6256880	GDA

C2 Areas where harm of Aboriginal objects is authorised

All Aboriginal objects in, on or under the land which is shaded orange in **Attachment 1: Land to which this AHIP applies**.

DICTIONARY

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

Aboriginal object	has the same meaning as in the Act.
Act	means the <i>National Parks and Wildlife Act 1974</i> .
AHIMS	means the Aboriginal Heritage Information Management System maintained by OEH, as defined in s.90Q of the Act.
AHIP	means Aboriginal Heritage Impact Permit
AHIP holder	means the entity or person listed on the cover page under the heading "AHIP issued to".
Application	means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.
Community collection	means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.
Community collection area	means an area described as a community collection area in Schedule B3
Harm	has the same meaning as in the Act. In relation to Aboriginal objects, harm means the movement, damage, defacement and/or destruction of Aboriginal objects. In relation to an Aboriginal place, harm means the damage, defacement and/or destruction of the Aboriginal place.
Land	means the land described under the heading "Land to which this AHIP applies".
No-harm areas	means those areas described in Schedule A3.
OEH	Office of Environment and Heritage (NSW).
OEH office	means the office listed on the cover page of this AHIP.
Proposed works	means the works described under the heading "D. Proposed Works" at the front of this AHIP.
Public register	means the public register established under s.188F of the Act, that contains details of AHIPs issued by the Chief Executive of OEH, as described under the heading "Information about this AHIP".
Registered Aboriginal Parties	means the Registered Aboriginal Parties listed in the application.
Salvage excavation	means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.
Salvage excavation area	means any area described as a salvage excavation area in Schedule B2.
Test excavation	means an archaeological excavation carried out in accordance with

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methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.

Test excavation area means any area described as a test excavation area in Schedule B2

INFORMATION ABOUT THIS AHIP

Public Register

Under section 188F of the Act, the Chief Executive of OEH is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at www.environment.nsw.gov.au

Appeals

Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition

Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. OEH can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws

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

Other relevant provisions of the *National Parks and Wildlife Act*

Newly identified Aboriginal objects must be notified to the Chief Executive of OEH under s.89A of the Act using the form available online at www.environment.nsw.gov.au

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

Obligation to report Aboriginal remains under Commonwealth laws

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

Exercise of investigation and compliance powers

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

Duration of AHIP

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

Variation of AHIP

The AHIP holder may apply to the OEH office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.environment.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.

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The conditions of an AHIP may be varied at any time by the Chief Executive of OEH in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Chief Executive of OEH to vary the conditions of the AHIP.

Transfer of AHIP

The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.environment.nsw.gov.au.

Surrender of AHIP

The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.environment.nsw.gov.au. The surrender must be approved by the Chief Executive of OEH and may be subject to conditions.

Suspension and revocation of AHIP

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

Entry to land

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

Disclosure of information pursuant to lawful requirement

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

Making copies of reports

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

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

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Attachment 1: Land to which this AHIP applies



Attachment 2: Archaeological Salvage Methodology

Research Aims

The main aims of the proposed salvage excavation program are:

- To salvage a representative sample of the identified archaeological sites Blacktown Southwest 1 Eastern Creek (45-5-0588) and Blacktown Southwest 5 Eastern Creek (45-5-0558) prior to impact.
- Analysis of the salvaged archaeological material to gain and conserve knowledge and understanding of the scientific and cultural information exhibited by the activities associated with Eskdale Creek.

The further scientific aim of the salvage excavation program will be to determine the subsurface integrity, extent, spatial distribution and nature of the cultural deposit and the specific types of associated archaeological/cultural activities.

- Determining the integrity of a deposit involves assessing the degree of disturbance which is present.
- Determining the statistical extent of the site and/or activity areas involves identifying the boundaries associated with the identified archaeological deposit.
- Assessing the spatial distribution involves identifying the presence/absence of archaeological material across.
- The nature of the site refers to the type of activities indicated by the artefactual material (e.g. primary production, domestic knapping, hunting camps). The goal would be to retrieve entire assemblages from specific activities if such activities were present.

Retrieved assemblages would be compared with the results from other relevant archaeological projects in the local and regional area in order to assess significance.

Research Question

The results of the proposed salvage excavation would increase our understanding of subsurface archaeology of the study area. In particular, research would focus on the landforms adjacent to Eskdale Creek and explore the effect of soil formation processes and disturbance on the identified subsurface archaeological deposit. The effects of flooding and modern land use have been documented as detrimental factors in the preservation of archaeological sites in the local and regional area, particularly open context surface sites.

Question 1: What cultural activities are archaeologically identifiable on landforms adjacent to Eskdale Creek and how does the identified archaeology compare to locations closer to the major water sources of Ropes Creek and Eastern Creek?

Question 2: What is the effect of natural processes and modern land use practices on the preservation of the Aboriginal archaeological sites? What implications does this have for future management of Aboriginal archaeological sites in similar landscape contexts?

What can we expect?

It is anticipated that differences in stone tool assemblages may be related to different cultural activities (e.g. primary reduction vs maintenance flaking). The science of archaeology is paramount to any research question and it is important to stress that the goal for the salvage program for all excavated sites is straightforward: to retrieve a viable sample for comparative analysis using established techniques (see Field Methods below). In this regard interpretation would not precede data collection. The proposed archaeological program would systematically sample the relevant areas using standard techniques with the outcome being a viable, robust and comparable sample. Analysis of the sample would follow and interpretations would be made distinctly separate from the results.

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FIELD METHODS

The goal of the field excavation program is to recover significant assemblages of artefacts and investigation of contributing geomorphic processes.

Archaeological Salvage Areas

Salvage excavation would be undertaken on identified archaeological sites Blacktown Southwest 1 Eastern Creek and Blacktown Southwest 5 Eastern Creek. Salvage excavation of these sites would focus on the extraction of collections of artefacts related to activity areas and geomorphic information.

Salvage Program

In order to achieve the most robust and comparable result, KNC advocates an open area salvage excavation at the two locations. The first phase in open area salvage is to establish the statistical boundaries of the previously identified archaeological deposit. This approach is designed to salvage the spatial properties of the site as shown in the lithic continuum. In other words, recording the spread of activities across the site/landscape.

Phase 1

A series of 1 m² squares are excavated on a transect grid overlain on each site to mark the spread of lithics and related geomorphic activity. Distribution/density data from the 1m² salvage excavation squares would be used to effectively encapsulate the boundaries of the identified deposit ('site area') or spread of specific activity areas.

Geocentric Datum of Australia 1994 (GDA94) coordinates would be recorded for each square to enable three dimensional modelling. Statistical salvage following this method is highly beneficial because it creates a robust inter-site sample, sufficiently random, critical for regional comparative analysis. No other method is as efficient or effective.

Phase 2

Next open salvage will occur where information bearing deposits are identified by triggers such as: significant quantities of artefacts, variations in raw material, unusual artefacts, chronological material and/or taphonomic indicators. In this context chronologic material is anything that can be used to date artefacts or deposit: charcoal or charcoal bearing deposit (e.g. hearth ash), sandy deposit, gravels (e.g. aluminium feldspar).

Open area salvage of significant deposit will expand to encompass entire activity areas. It is anticipated that a total of 50m² (combining Phase 1 and Phase 2 squares) will be excavated for the total program.

Individual excavation squares measuring 1 m² would be hand excavated in stratigraphic units (Unit A, Unit B, etc.). Squares would be excavated until the basal layer or culturally sterile deposit is reached (usually 25-35 cm). Previous excavation of the podzolic soils associated with the local area indicates no archaeological stratigraphy within units. As such the A1 and A2 soil layers are culturally one layer (suffering from cyclical soil transfer resulting in a mixed cultural profile within the soil) and can be salvaged as one unit where possible. All excavated deposit would be wet sieved using nested 5.0 mm and 2.5 mm sieves with 1.0 mm mesh used to determine the intactness of the deposit.

The location of each excavated square would be identified on a surveyed plan of the site. Stratigraphic sections detailing the stratigraphy and features within the excavated deposit would be drawn and all squares would be photographed. Soil samples as well as thin section profiles (where feasible) would also be collected. The stratigraphy of all excavated areas would be fully documented and appropriate records archived.

Carbon samples will be collected and analysed for material relating to both the archaeology and geomorphology. Where appropriate cosmogenic and radiometric dating of soils and rock surfaces will be applied (Nishiizumi et al. 1986, 1993).

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Analysis

Artefacts would be analysed on a comparable level with previous analyses of excavated assemblages. Information derived from this analysis; in particular the identification of specific artefact types and their distributions and associations; would be used to put together interpretations about how sites were used, where sites were located across the landscape, the age of sites and to assess cultural heritage values. By comparing different areas it would be possible to determine whether there were differences in the kinds of activities carried out and if different activities were related to different landforms.

A range of stone artefacts may be present across the salvage areas and the analysis would expand accordingly to account for artefact variability. All information would be recorded in database form (MS Excel). Various types of evidence would be used to determine the kinds of activities that were carried out. A short description of the proposed analysis is outlined below.

- ♦ Field analysis would record basic data, such as material type, number and any significant technological characteristics, such as backing or bipolar techniques; added to this would be any provenance data such as pit ID and spit number. The purpose of the field recording is twofold: 1) establish a basic recording of artefacts retrieved and 2) to allow on-going assessment of the excavation regime (e.g. whether higher stratigraphic resolution is required while digging).
- ♦ Detailed (laboratory) analysis would entail recording a larger number of characteristics for each individual artefact. These details would be recorded in matrices suitable for comparative analysis (e.g. multivariate and univariate) of the excavated assemblage on a local and regional basis.
- ♦ Lithic characteristics to be recorded cover a range of basic information but are not limited to these categories (see example below). For transparency, terms and category types would in large part be derived from Holdaway and Stern (2004).

Sample Categories		
Record Number	% Cortex	Flake Type
Pit ID	Length	Termination Type
Spit Number	Width	Core Type
Count	Thickness	Number of Scars (Core)
Raw Material	Weight	Scar Type (Core)
Colour	Modification	Shape of Flake
Quality	Reduction Type	Platform Type

Minimum Number of Flake (MNF) calculations formulated by Hiscock (2002) would be undertaken where applicable (although past experience indicates MNF calculations would not be required for this excavation program).

The analysis of artefacts recovered during the excavation program would be undertaken in a transparent and replicable fashion so as to permit the comparison of the entire excavated assemblage with data from other areas. This would also allow for an interpretation of the project area's archaeological significance.

KNC directors, Dr Matthew Kelleher and Alison Nightingale, would be responsible for the salvage excavation program. Dr Matthew Kelleher would direct the excavation component of the Aboriginal archaeological assessment. Matthew has extensive experience in managing archaeological excavations and research projects throughout the Cumberland Plain. Matthew would also be the principal contact for the overall Aboriginal archaeological assessment for the project.

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Figure 7. Indicative transect locations

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