

Technical report O

Aboriginal cultural heritage assessment report



**WESTERN SYDNEY ENERGY AND RESOURCE RECOVERY CENTRE
339 WALLGROVE ROAD, EASTERN CREEK**

Aboriginal Cultural Heritage Assessment Report

Prepared for Arup on behalf of
Cleanaway Waste Management Limited and Macquarie Capital

Blacktown Local Government Area

August 2020

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Executive Summary

Cleanaway and Macquarie Capital are jointly developing an energy-from-waste (EfW) facility known as the Western Sydney Energy and Resource Recovery Centre (WSERRC) (the proposal).

The proposal will be designed to thermally treat up to 500,000 tonnes per year of residual Municipal Solid Waste (MSW) and residual Commercial and Industrial (C&I) waste streams that would otherwise be sent to landfill. This process would generate up to 58 megawatts (MW) of base load electricity some of which would be used to power the facility itself with the remaining 55MW exported to the grid. The proposal involves the building of all onsite infrastructure needed to support the facility including site utilities, internal roads, weighbridges, parking and hardstand areas, storm water infrastructure, fencing and landscaping.

The proposal site is located at 339 Wallgrove Road in Eastern Creek, NSW (Lot 1 DP 1059698) which is in the Blacktown local government area (LGA). The site is in the Wallgrove Precinct of the Western Sydney Parklands (WSP) Plan of Management.

The 8.23ha site is divided by a small strip of land not part of the proposal site, resulting in a 2.04ha northern section and a 6.19ha southern section. This dividing strip is part of the adjacent lot and includes a right of carriageway benefitting the proposal site allowing vehicles to move between the two parts of the site. The proposal area will be fully contained in the 6.19ha portion of the site. Works to occur on the 2.04 ha northern section of the site include the clearing of weeds and exotic vegetation within the existing overland flow channel which is confined to the eastern section of this parcel of land. The northern section will also be used temporarily to support construction works. No other works will occur on the 2.04 ha northern section of the site as part of this proposal.

Cleanaway and Macquarie Capital are seeking State Significant Development (SSD) approval for the proposal as electricity generating works with a capital investment value (CIV) greater than \$30 million for the purposes of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP). Secretary's Environmental Assessment Requirements (SEARs) were issued by the Department of Planning, Industry and Environment (DPIE) on 12 December 2019 for the WSERRC (SSD 10395).

Cleanaway and Macquarie Capital are currently undertaking detailed planning and assessment for the proposal, including the preparation of an Environmental Impact Statement (EIS). An Aboriginal heritage assessment is required as part of the EIS. Arup, on behalf of Cleanaway and Macquarie Capital engaged Kelleher Nightingale Consulting Pty Ltd (KNC) to prepare an Aboriginal Cultural Heritage Assessment Report (CHAR) to inform the EIS.

Review of background information, Aboriginal community consultation, and archaeological assessment determined that no Aboriginal archaeological sites will be impacted by the proposed development of the WSERRC. Aboriginal community consultation for the proposal has determined that the general area exhibits some Aboriginal cultural value; however, no specific sites of significance were found to be located within the proposal site boundary. The proposal site exhibits very low sensitivity for Aboriginal archaeological sites and high levels of previous disturbance. The archaeological potential of the proposal site is assessed as very low.

This CHAR addresses the Aboriginal heritage requirements identified in the project SEARs and is in accordance with the Heritage NSW *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, Guide to investigation, assessing and reporting on Aboriginal Cultural Heritage in NSW and Aboriginal cultural heritage consultation requirements for proponents 2010*.

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1 Introduction

1.1 Proponent and consultants

Cleanaway and Macquarie Capital are jointly developing an energy-from-waste (EfW) facility known as the Western Sydney Energy and Resource Recovery Centre (WSERRC) (the proposal). The proposal will be designed to thermally treat up to 500,000 tonnes per year of residual Municipal Solid Waste (MSW) and residual Commercial and Industrial (C&I) waste streams that would otherwise be sent to landfill. This process would generate up to 58 megawatts (MW) of base load electricity some of which would be used to power the facility itself with the remaining 55MW exported to the grid.

Cleanaway and Macquarie Capital are seeking State Significant Development (SSD) approval for the proposal as electricity generating works with a capital investment value (CIV) greater than \$30 million for the purposes of Schedule 1 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). Secretary's Environmental Assessment Requirements (SEARs) were issued by the Department of Planning, Industry and Environment (DPIE) on 12 December 2019 for the WSERRC (SSD 10395).

Cleanaway and Macquarie Capital are currently undertaking detailed planning and assessment for the proposal, including the preparation of an Environmental Impact Statement (EIS). An Aboriginal heritage assessment is required as part of the EIS. Arup, on behalf of Cleanaway and Macquarie Capital engaged Kelleher Nightingale Consulting Pty Ltd (KNC) to prepare an Aboriginal Cultural Heritage Assessment Report (CHAR) to inform the EIS.

1.2 Location and scope of activity

The proposal site (hereafter referred to as the study area) is located at 339 Wallgrove Road in Eastern Creek, NSW (Lot 1 DP 1059698) which is in the Blacktown local government area (LGA). The site is in the Wallgrove Precinct of the Western Sydney Parklands (WSP) Plan of Management.

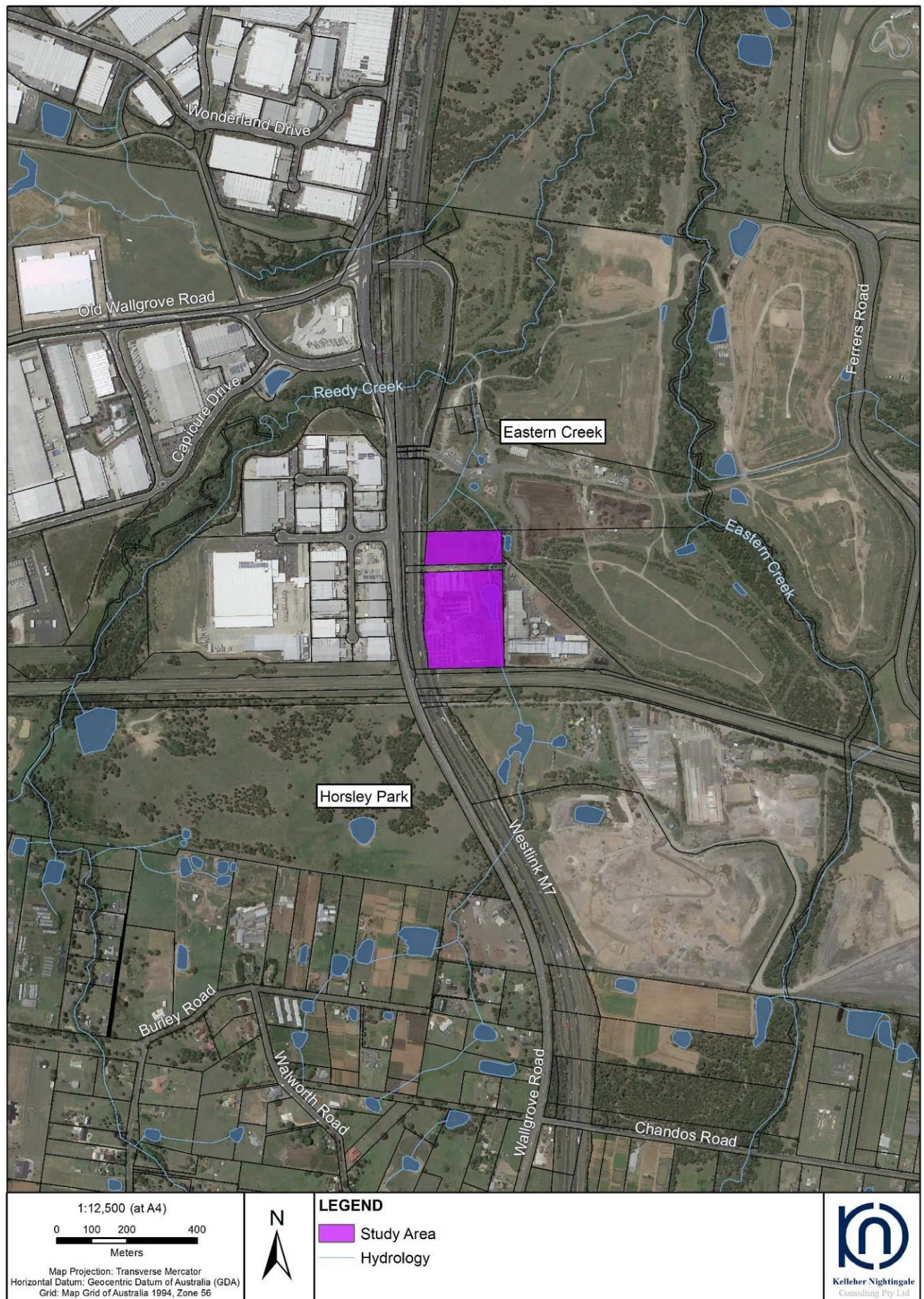
The study area is bounded by the M7 Motorway to the west with the Eastern Creek industrial area located farther west. The now-closed Eastern Creek landfill site (which still has an operational organics recycling facility component) is located to the north and north-east, with the operational Global Renewables waste management facility located immediately to the east. To the south, the study area is bounded by the Warragamba Pipeline Corridor with the Austral Bricks facility located farther south.

The nearest residential area is located around 1 kilometres to the south of the study area. The Erskine Park residential area is located around 3.5 kilometres to the west with Minchinbury located around 3 kilometres to the north. Horsley Park Public School is located over 2 kilometres south of the study area and a childcare centre is located within the Eastern Creek industrial area approximately 1 kilometres to the west of the study area.

The study area encompasses 8.23 hectares that are divided by a small strip of land which is not part of the proposal site, resulting in a 2.04 hectare northern section and a 6.19 hectare southern section. This dividing strip is part of the adjacent lot and includes a right of carriageway benefitting the proposal site allowing vehicles to move between the two parts of the study area.

The proposal area will be fully contained in the 6.19 hectare portion of the study area. The existing site includes buildings associated with a disused poultry facility, which will be cleared from the site prior to starting construction. The proposal involves the building of all onsite infrastructure needed to support the facility including site utilities, internal roads, weighbridges, parking and hardstand areas, storm water infrastructure, fencing and landscaping.

Works to occur on the 2.04 hectare northern section of the study area include the clearing of weeds and exotic vegetation within the existing overland flow channel which is confined to the eastern section of this parcel of land. The northern section will also be used temporarily to support construction works. No other works will occur on the 2.04 hectare northern section of the study area as part of this proposal.

**Figure 1. Location of the study area**

1.3 Project requirements

This CHAR addresses the Aboriginal heritage requirements identified in the project SEARs. The objectives of the CHAR combine Aboriginal community consultation with an archaeological investigation in accordance with:

- Secretary's environmental assessment requirements;
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (Heritage NSW 2010a);
- *Guide to investigation, assessing and reporting on Aboriginal Cultural Heritage in NSW* (Heritage NSW 2011); and
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (Heritage NSW 2010b).

Aboriginal cultural heritage assessment for the project was designed to meet the SEARs. This included:

- Assessment of impacts to Aboriginal heritage (both cultural and archaeological significance); and
- Consultation with Aboriginal communities to assess impacts and develop mitigation measures.

Specific requirements of the SEARs in relation to Aboriginal heritage are outlined in the table below.

Table 1. SEARs for Aboriginal heritage

| Secretary's Environmental Assessment Requirements | Where addressed in this document |
|--|----------------------------------|
| 16. Heritage – including: | |
| – an Aboriginal cultural heritage assessment report in accordance with the 'Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW' (OEH 2010) and the Guide to investigation, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW 2011) | This document |
| – consultation with Aboriginal people must be undertaken and documented in accordance with the 'Aboriginal cultural heritage consultation requirements for proponents' (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR | Sections 5 and 7 |
| – impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to the Environment, Energy and Science Group in the Department of Planning, Industry and Environment. | Sections 7, 8 and 9 |

2 Landscape Context

2.1 Landform, hydrology, geology and soils

The study area is located on the Cumberland Plain, a large low lying and gently undulating physiographic region of the Sydney Basin. The Sydney Basin is a large geological feature stretching from Batemans Bay in the south to Newcastle in the north and Lithgow in the west. The formation of the basin began between 250 to 300 million years ago when river deltas gradually replaced the ocean that had extended as far west as Lithgow (Pickett and Alder 1997).

The study area is located on the north eastern slope of a low lying north running ridge. The ridge forms a watershed that separates the catchment areas of Eastern Creek, located approximately 600 metres to the east, and Reedy Creek, located approximately 670 metres to the west. Eastern Creek is a major north flowing waterway that flows into South Creek/Wianamatta approximately 20 kilometres north of the study area and is likely to have provided reliable sources of fresh water in the past. Reedy Creek is a tributary of Eastern Creek and the two creeks combine 1.5 kilometres north east of the study area. Hydrology of the region has been highly altered since European settlement with the construction of various drainage works that have affected the natural flow and flood regime in these areas. The remains of a north flowing tributary of Reedy Creek is located along the eastern boundary of the study area; however, it has been dammed and is highly modified.

The study area is located on Bringelly Shale (Rwb) geology which formed during the late Triassic Period (Figure 2). Bringelly Shale geology consists of shale, carbonaceous claystone, claystone, laminate, fine to medium-grained lithic sandstone, rare coal and tuff. Raw materials used by past Aboriginal people to make stone artefacts are not present within the Bringelly Shale geology of the study area; however, outcrops of suitable geology have been identified across the northern Cumberland Plain and near the Georges River to the south.

The soil landscapes within the study area are linked to the topography and underlying geology (Figure 2). The residual Blacktown soil landscape is developed in situ on gentle slopes and crests from underlying Bringelly Shale geology and consists of shallow to moderately deep hard-setting red, brown and yellow podzolic soils. It is subject to minor erosion where surface vegetation is not maintained. The soil landscape is often close to water sources and associated resources without being within areas prone to flooding.

2.2 Vegetation and land use history

The distribution of native vegetation within the study area has been affected by historic and contemporary European land use practices in the region. Prior to 1788, a mixture of native vegetation communities would have extended across the entirety of the Cumberland Plain with distribution determined by a combination of factors including soils, topography and climate. Prior to European land clearance, vegetation within the study area would have derived from two chief communities. A study by the NSW National Parks and Wildlife Service (NPWS) in 2002 identified scattered remnant Shale Plains Woodland would have grown on the slope whilst areas adjacent to the modified tributary of Reedy Creek would have contained Alluvial Forest.

The expansion of British settlement into the region began with the several land grants on the southern and eastern slopes of Prospect Hill in 1791. During the first half of the nineteenth century, British settlement expanded across the Cumberland Plain with the allocation of land grants for farming, the establishment of several major roads and the development of regional centres (Casey and Lowe 2010, Paul Davies 2011). The study area has undergone considerable disturbance as a result of land clearance, agricultural and light industrial practices, as well as landfill activities. These activities have caused significant disturbance and are detrimental for the preservation of Aboriginal archaeological sites with subsurface deposits.

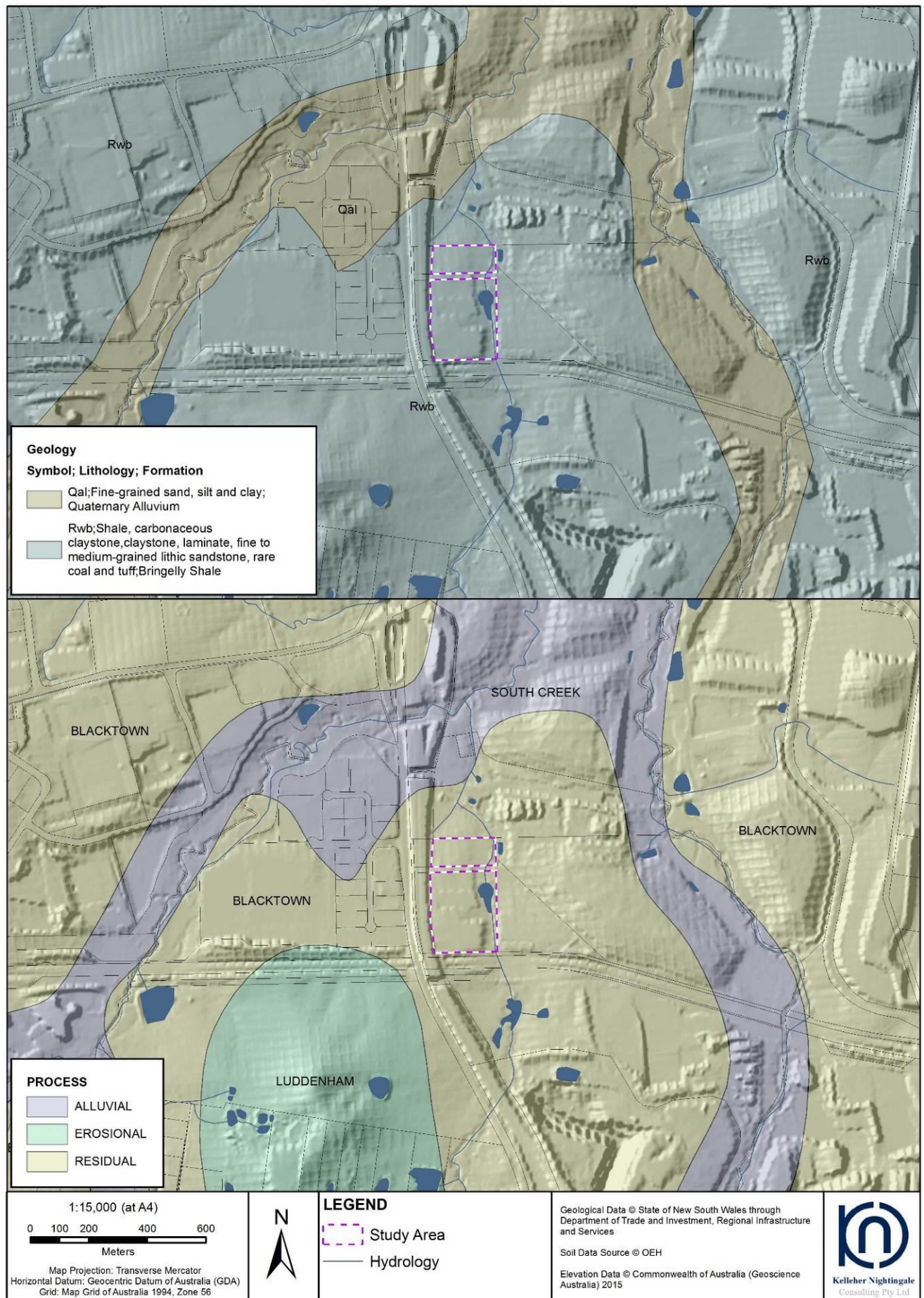


Figure 2. Geology and soil landscapes of study area

3 Ethnohistorical Context

Over seven days between late April and early May 1770, the crew of a British Royal Navy research vessel called the HM Bark Endeavour explored Kamay, a bay on the eastern coast of a continent largely unknown to the Europeans at the time. Lieutenant James Cook who commanded the Endeavour Cook recorded Kamay as Sting-Ray Harbour but changed the name to Botanist Bay and finally Botany Bay in acknowledgement of the specimens collected there by the botanists on the Endeavour.

The history of Aboriginal people who lived on the Cumberland Plain during the eighteenth and nineteenth centuries is disproportionately reliant on contemporary documents created by a small number of individuals from Europe or of European descent. A range of documents that included journals, papers and sketches were produced by the crew of the Endeavour during the voyage and many of these documents have survived to the present day. An account of the voyage, based on information from the journals of Cook, Banks and others, was published in 1773 and the objects acquired during the voyage, some of which were stolen, were given as gifts to important benefactors and friends (Smith 2009: 5). Objects made by Aboriginal people and acquired during the eighteenth and nineteenth centuries remain in museum collections to this day (Megaw 1993).

The study of society, culture and material culture by Europeans during the eighteenth and nineteenth centuries was influential in the development of many social sciences that exist today and, as such, prominence has been given to the documents created by Europeans during this time and, in consequence, the perceptions, beliefs and bias of their authors. Darug Custodian Aboriginal Corporation during consultation for the current project, noted that:

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 (Darug Custodian Aboriginal Corporation, letter dated 23/04/2020).

Contemporary accounts from the perspective of the Aboriginal people who were living around the bay in 1770 are largely unknown and surviving fragments of the oral histories of their descendants were recorded, often decades after being told, by British colonists from the second half of the nineteenth century. As a result, the Aboriginal people who were involved in these events and the history of the eighteenth and nineteenth centuries incorrectly appear “invisible, unrelated to important local historical events, or passive victims of colonisation” (Heritage NSW 2011: 6).

On 22 August 1770, Lieutenant James Cook claimed the eastern half of the continent, which he called New South Wales, for the United Kingdom despite finding the continent inhabited and failing to gain the consent of Aboriginal people as he was instructed to do by the British Admiralty. The actions of Cook were part of a series of territorial acquisitions that were ruled or administered by the United Kingdom and would become known as the British Empire (Ferguson 2003). By 1909, the British Empire would encompass almost a quarter of the world's population and landmass (Ferguson 2003: 240). The British Empire was driven by commercial gain and utilised military, civil and religious coercion to control the often larger local populations of its foreign territories (Ferguson 2003). In Australia, the claim of sovereignty and subsequent colonisation of Australia was founded and implemented on the erroneous belief in the superiority of the British civilisation which continues to have ramifications to the present day (Doukakis 2006).

Aboriginal people living throughout Australia at the time of European invasion belonged to a multitude of groups that spoke approximately 250 distinct languages and several hundred dialects (Walsh 1993: 1). The information within the early British accounts regarding the Aboriginal people living on the Cumberland Plain was reliant upon communication that was based on hand gestures and tone of voice (Troy 1993: 12). Watkin Tench, who published his account of the voyage of the First Fleet and the colony to December 1791, noted that his information on Aboriginal people was “made up of detached observations, taken at different times, and not from a regular series of knowledge of the customs and manners of a people with whom opportunities of communication are so scarce as to have been seldom obtained” (Tench 2012: 51). As such, historical accounts from this period provide vague and at times contradictory information (Attenbrow 2002: 22-28). Some of the material within these accounts contains views that are not considered appropriate today and do not reflect the views of the authors of this report.

On 25 April 1787, Arthur Phillip was commissioned Captain General and Governor in Chief of the Territory of New South Wales by King George III of the United Kingdom. The British First Fleet, under the command of Arthur Phillip, arrived on the eastern coast of the Australian continent in 1788 and established a penal colony in a small bay which would subsequently be known as Sydney Cove. The British First Fleet contained over 1,000 people including marines, officials and convicts. Phillip was instructed to pursue peaceful relations with the Aboriginal people while also taking precautions to protect the British colony against attack from them, documenting information on the numbers of Aboriginal people living in the region and advising the British government on a “manner Our Intercourse with these people may be turned to the advantage of this country” (Governor Phillip's Instructions 25 April 1787).

During the first years of the colony, the British attempted to engage with Aboriginal people living in the vicinity of the colony “through kindness and gifts” (Phillip 1914: 1:52) in order to entice some to live within the colony while at the same time deterring any resistance to their occupation and actions by demonstrating the superiority of their firearms, which the Aboriginal people called *geerubber* or fire sticks (Karskens 2016: 43-44). While the British defined the Aboriginal people living in New South Wales as British subjects that were entitled to the protection of British Law, in practice, protection under British Law was limited and did not extend to land ownership.

By 1789, the British found that their previous attempts to engage with Aboriginal people had been unsuccessful. Governor Phillip decided to capture and detain Aboriginal individuals by force and against their will in the belief that subsequent kind treatment would result in the engagement they desired (Hunter 1793[2003]: 118). The British kidnapped Arabanoo, an Aboriginal man who died of smallpox in April 1789, and then Coleby and Woollarwarree Bennalong who subsequently escaped their captivity. Phillip was speared when attempting to contact Woollarwarree Bennalong after his escape; however, his decision not to retaliate but instead to negotiate is thought to have resulted in the change in relations with Woollarwarree Bennalong, his family and friends moving into the colony (Karskens 2016: 48).

The response of Aboriginal people living in the Sydney region to the initial British occupation at Sydney Cove and expansion into the Cumberland Plain varied and was largely dependent on proximity to the British settlements. Aboriginal people generally avoided the colony and its British inhabitants while the British were frequently intimidated by armed groups or attacked outside the settlement (Karskens 2016: 43). Contemporary writers, such as David Collins who was Deputy Judge Advocate and Lieutenant-Governor of the colony, often attributing the responsibility for the attacks on the British individuals involved who were often convicts that he believed had been punished for committing crimes such as theft; however, Karskens suggests that these actions were part of a strategy to keep the British within the colony at Sydney Cove (Karskens 2016: 44).

During March and May 1789, the British documented widespread fatalities amongst the Aboriginal population of the Sydney region which they attributed to an outbreak of smallpox. The British were familiar with smallpox which was the most widespread and deadly disease in the British Isles in the eighteenth century (Dowling 1997: 89). Prior exposure of the British to smallpox and the isolation of infected individuals are likely to have contributed to the low level of infection within colony (Dowling 1997: 89). Governor Phillip estimating that “one half of those who inhabit this part of the country died” (Phillip 1790: 159).

Later accounts of Aboriginal people who bore smallpox scars from the outbreak indicate that the disease spread over a large area that possibly included the Wellington Valley in the west and Jervis Bay and Port Phillip in the south (Dowling 1997: 63). The source of the smallpox outbreak is unclear due to the limited information in contemporary accounts; however, the virus was almost certainly brought to Australia from elsewhere as was the case with seven other outbreaks of smallpox in Australia that were recorded during the nineteenth century and are believed to have been brought by ship passengers (Dowling 1997: 52). The smallpox outbreak of 1789 drastically altered the size and structure of the Aboriginal population living on the Cumberland Plain and several Aboriginal children orphaned by the disease began to live in the British settlement afterwards.

In the first years of the colony, British exploration and expansion of the Cumberland Plain was primarily driven by the need to produce food to support the colony as the food brought with the fleet was limited and Sydney Cove was found to be unsuitable for farming. British efforts were focused along the major waterways in the Sydney Region which could be traversed relatively easily. During the first three years, Broken Bay, Botany Bay and the Hawkesbury and lower reaches of Georges Rivers were surveyed. Aboriginal people enticed into the colony played a crucial role as guides and translators for the British. The overland surveys undertaken by the British from Rose Hill to Prospect Hill, the Hawkesbury River and the Nepean relied on Aboriginal people, including Colebee and an Aboriginal man called Boladaree, who guided the British and interacted with Aboriginal people that they encountered.

Early British accounts described the Sydney region as a mosaic of Aboriginal family groups that were associated with particular areas of land (Collins 1798: 545). The British noted that there were differences between the Aboriginal people living inland, who they referred to as the ‘woods tribes’ (also called the Hunter’s or Woodman’s tribe) and the Aboriginal people living along the coast. David Collins noted that they had a different dialect, songs, dances, subsistence and some implements (Collins 1798: 557-589; Tench 1793). The British use of the term ‘tribes’ when referencing specific Aboriginal groups continued into the late nineteenth century and was used with other derogatory language to invoke a perception of the European social superiority over the Aboriginal people of Australia that is incorrect and inappropriate today.

Collins noted that the inland groups had spears inlaid with stones instead of oyster shell and used a type of mesh unlike the nets of the people living along the coast (Collins 1798: 589). Tench observed that the two Aboriginal men from the coast were unfamiliar with the area west of Rose Hill (Parramatta) (Tench 1793:117-118) and that when the men conversed with an Aboriginal man further inland “they conversed on a par and understood each other perfectly, yet they spoke different dialects of the same language; many of the most common and necessary words used in life bearing no similitude, and others being slightly different” (Tench 1793:122).

Tench (1793:230) wrote that the inland groups 'depend but little on fish, as the river yields only millets and that their principal support is derived from small animals which they kill and some roots (a species of wild yam chiefly) which they dig out of the earth'. Berries, Banksia flowers and wild honey were also recorded as foods of the local inhabitants (Collins 1798 [Kohen 1985:9]). A particularly important plant food was the Burrawong (*Macrozamia communis*), which provided a nutritious nut that was pounded and soaked in running water to leach out toxins before the flour-like extract was made into small cakes and baked over a fire (Kohen 1993:8).

Along the rivers and larger creeks, bandicoots and wallabies were caught in traps and snares, while birds were snared using decoys (Collins 1798: 555; Tench 1793). The open woodland of the Cumberland Plain would have played host to possums and gliders and these likely formed a major component of the diet. These were hunted in a number of ways, including smoking out the animal by lighting a fire in the base of a hollow tree, burning large tracts of land and gathering the stranded animals, as well as cutting toe-holds in trees and climbing up to reach them (Kohen 1993:10; Tench 1793:82).

Several of the groups were identified by early British in the vicinity of the study area including the Boorooberongal (also referred to as the Buruberongal) and the Bè-dia-gal (also referred to as the Bedigal) who the British encountered between Parramatta and the Hawkesbury River and the Gahbrogal (Cah-bro-gal) who ate estuarine teredo worms called cah-bro and were associated with the area around the present day suburb of Cabramatta (Attenbrow 2002: 24-26; Goodall and Cadzow 2009:31). Confusion over the names and territories attributed to Aboriginal groups by the British in this period is likely to have been the result of issues with the sources used and translation in addition to the probability that the organisation of territory and groups was more complex than the British were aware of (Yamanouchi 2007: 109).

During the late eighteenth century and first decade of the nineteenth century, Aboriginal people living across the Cumberland Plain continued to live predominantly traditional lifestyles. The British accounts of an initiation ceremony recorded by Augustus Earle and David Collins at Wogganmagully (or Woccanmagully), now known as Farm Cove and a punishment ordeal endured by Kogi (also been spelt Gogy, Goguey, Gogie or Koggie) near Prospect in March 1805 demonstrate that social practices also continued on the peripheries of the British settlements through this period (Natives 1805a: 3; Konishi 2016: 15).

In November 1788, the British occupied and establish a government farm approximately 20 kilometres west of Sydney Cove at Parramatta, which the British initially called Rose Hill. Prior to 1831, successive governors appointed by the British government made land grants of the claimed territory to free settlers, emancipists (former convicts) and non-commissioned officers within the Sydney region (La Criox 1992: 9). By 1791, small lots on the fertile eastern and western slopes of Prospect Hill were granted by Governor Philip to time-expired convicts and a further government farm was established at Toongabbie in April 1792. British occupation on the Hawkesbury River began in 1794 when land was granted to free settlers, many of whom were former soldiers, at Green Hills near Windsor and Pitt Town Bottoms near Pitt Town.

British occupation around Parramatta and along the Hawkesbury River during last decade of the eighteenth century impeded Aboriginal people's traditional use of the landscape by restricting access to and removing food sources. Several droughts during this time are likely to have placed further strain of the resources used by Aboriginal people. In 1795, Collins reported that large groups of Aboriginal people had been taking corn from the British farms on the Hawkesbury and that "an open war seemed about this time to have commenced between the natives and the settlers" (Collins 1798: 415-416). Raiding by Aboriginal groups and retaliatory killings by Aboriginal people and the British was reported on the peripheries of the colony across the Cumberland Plain including along Hawkesbury River, Prospect Hill, Toongabbie and outside Parramatta during the last decade of the eighteenth century (Collins 1798: 178, 275-276, 292, 304, 326-327).

In June 1795, the acting governor Captain William Paterson sent a detachment of the NSW Corps "from Parramatta, with instructions to destroy as many as they could meet with of the wood tribe (Bè-dia-gal); and, in the hope of striking terror, to erect gibbets [sic] in different places, whereon the bodies of all they might kill were to be hung" (Collins 1798: 416). Paterson stated that the soldiers were sent to the Hawkesbury after five British settlers had been killed and several wounded in the preceding weeks and that he "very much feared they would abandon the settlement entirely, and given[sic] up the most fertile spot which has yet been discovered in the colony" (Bladen 1895: 307). On the night after the arrival of the detachment, the soldiers fired on and pursued Aboriginal people that they believed had come to a farm to plunder it (Bladen 1895: 307). The officer stated that between seven and eight people were killed and one man, five women and some children were taken captive back to Sydney, including a woman and child that had been wounded by shot (Bladen 1895: 307-8; Collins 1798: 416).

Pemulwuy, a member of the Bè-dia-gal, led a series of raids on farms in the Cumberland Plain for food or as 'payback' for atrocities (Kohen 2005). In March 1797, Pemulwuy led a large group of at least a hundred Aboriginal warriors in a raid on the Government Farm at Toongabbie. After the raid, Pemulwuy's group was followed to the outskirts of Parramatta by armed soldiers and settlers. During the ensuing 'Battle of Parramatta', Pemulwuy was shot at least seven times and taken to a government hospital. Although he was wearing leg irons and still had buckshot in his body

and head, Pemulwuy escaped the hospital and by April appeared to have recovered when he was seen with a group of Aboriginal people on the Georges River near Botany Bay (Collins 1798: 44).

The violence between the British and Aboriginal people continued through the first decade of the nineteenth century and followed British occupation across the Cumberland Plain and along the Hawkesbury and Nepean Rivers. On 1 May 1801, Governor King issued a government and general order that the Aboriginal people living near Parramatta, the Georges River and Prospect Hill should be driven back from the British habitations by firing at them and in November of that year he outlawed Pemulwuy and offered a reward for his capture (Kohen 2005). Pemulwuy was killed in June 1802 and Governor King ordered that his head should be preserved in spirits and sent to Sir Joseph Banks for study in England (Philip Gidley King, Government and General Order, 1 May 1801, HRNSW Vol.V: 362; Kohen 2005). King wrote to the Botanist Joseph Banks that although Pemulwuy had been “a terrible pest to the colony, he was a brave and independent character” (Kohen 2005).

During 1804 and 1805 several raids were made by Aboriginal people across the region including an attack on James Dunlap at Prospect in May 1805 (Natives 1804: 2; Natives 1805b: 3) and an attack on two stockmen who were killed on John MacArthur’s Farm at Camden by Aboriginal people ‘from the interior of the mountains’ (Sydney 1805a: 3). In July 1804, the Sydney Gazette reported that Reverend Marsden and the residentary magistrate Mr Arndell met with Richmond Hill chiefs Yaragowby and Yaramandy (Yellowmundee) and requested their help in ending the conflict while providing gifts of food and clothes to take back to Aboriginal people who were friendly to the British (Natives 1804b:2). Two weeks later, it was reported that Major White and Nabbin (also referred to as Terribandy), two Aboriginal men who the British believed were involved in the violence, had been killed at Richmond Hill (Sydney 1804b: 2).

In April 1805, a series of meetings between Reverend Samuel Marsden and Aboriginal people under the protection of John Kennedy were held at Prospect Hill in an effort to reconcile the groups (Postscript 1805: 4). Marsden insisted that reconciliation was not possible until the names of the ‘principal murders’ were provided. The attendees provided Marsden with the names of six individuals. In May 1805, the Aboriginal people well known to the British around Prospect and Parramatta in addition to some strangers from the Cowpastures were allowed to camp between Prospect and the Georges River (Government and General Order, 5 May 1805, HRNSW, Vol. V: 616).

Tedbury (also spelt Tjedboro), son of Pemulwuy, was seen by the British as one of the main perpetrators of the violence during this time and was arrested at Pennant Hills in May 1805 (Sydney 1805a: 3). He was released in August of the same year after Aboriginal people who assisted the British in capturing an Aboriginal man known as Mosquito gave assurances on Tedbury’s future good conduct (Sydney 1805b: 2). During 1809, Tedbury was believed to part of a group of Aboriginal people who threw spears at British landholders on the Georges River and was reported waylaying a man named Tunks near Parramatta with Bundle and another assailant (Sydney 1809a: 2; Sydney 1809b: 2; Liston 1988: 58). Tedbury was shot by Edward Luttrell Jnr at Parramatta in 1810 and is believed to have died the same year.

Lachlan Macquarie, who became Governor of New South Wales on 8 May 1809, implemented a range of policies that focused on changing the way in which Aboriginal people lived by promoting Christianity, British social practices and European farming techniques. On 10 December 1814, Macquarie issued a Government and General Order for the establishment a Native Institution at Parramatta which would be a residential school for Aboriginal children aged between four and sixteen where they would “be instructed in common, Reading, Writing, and Arithmetic; That the Boys shall also be instructed in Agriculture, Mechanical Arts, and such common Manufactures as may best suit their Ages, and respective Dispositions; That the Girls shall also be taught Needle-work”. The order also stipulated that “no Child, after having been admitted into the Institution, shall be permitted to leave it, or be taken away by any Person whatever (whether Parents or other Relatives) until such Time as the Boys shall have attained the Age of Sixteen Years, and the Girls Fourteen Years; at which Ages they shall be respectively discharged”.

On 28 December 1814, Macquarie convened a meeting at the marketplace in Parramatta which he had invited and requested that Aboriginal people attend. The meeting, which would be the first of an annual conference, feast and distribution of goods held at Parramatta until 1835 was attended by approximately 60 Aboriginal families and several Aboriginal children who attended were enrolled in the Native Institution at Parramatta (Sydney 1814: 2). Maria, whose father Yellowmundee was an elder of the Aboriginal people with traditional lands in area the British called Richmond Hill, was one of the children enrolled in 1814 (Irish 2017: 29). Maria excelled in her studies and in 1819 it was reported by the *Sydney Gazette* that an Aboriginal girl (almost certainly Maria) had won first prize in the NSW school examinations, ahead of twenty other students from the Native Institution and almost 100 European children. Teachers reported that Maria was “well in advance of other students” (Parry 2005).

The expansion of European settlements and a period of drought during 1814-1816 saw another period of intensive conflict involving a series of raids and retaliatory killings between Aboriginal groups and the British at Bringelly, Appin and along the Nepean/Hawkesbury River (Liston 1988: 50-51). In April 1816, Macquarie ordered soldiers from the 46th Regiment (South Devonshire) regiment under the command of Captain Schaw, Captain James Wallis and Lieutenant Charles Dawe to form three military reprisal raids to track down, capture or kill all Aboriginal people they came across with no distinction between ‘friendly’ and ‘hostile’ (Sydney 1816: 2; Brook and Kohen 1991: 22-36). The reprisal raids

were provided British guides including John Warby and Aboriginal guides including Bundle, Budbury, Colebee (son of Yellowmunde), Nurragingy (Creek Jemmy) and Tindale.

Captain Schaw was sent to the Hawkesbury River, Lieutenant Dawe was sent to the Cowpastures and Captain Wallis was sent to Airds and Appin. The raids were frustrated by their inability to make contact with Aboriginal people, leading to the suggestion that the Aboriginal guides were 'cunningly and successfully shielding their "wild" compatriots' (Brook and Kohen 1991: 34); however, Schaw's group killed two Aboriginal 'warriors' and captured a boy at the Macarthur Estate after being tipped off by a local stock keeper while the actions of Captain Wallis' group would lead to the Appin Massacre (Brook and Kohen 1991: 22-36). Kogi and his group took refuge with friendly British settlers including Charles Throsby at Glenfield, in the present day suburb of Casula, to avoid the conflict in 1816 (Liston 1988: 58).

Wallis, after being deserted by his Aboriginal guides Bundle and Budbury and his British guide John Warby, had followed several reported sightings across the south western Cumberland Plain without encountering Aboriginal people (Liston 1988: 54). Reported sightings of Aboriginal people on Broughton's farm at Appin lead the group further south and on the morning of 17 April 1816 they killed at least 14 Aboriginal men, women and children by shooting and driving the group over the gorge of the Cataract River. The bodies of two men, Durelle and Conibigal (Cannabayagal) were "hung from trees on Broughton's farm as a warning to others" (Liston 1988: 54).

In May 1816, Governor Macquarie proclaimed that in response to the killing of British settlers and the destruction of cattle, grain and property along the Nepean, Grose and Hawkesbury Rivers a military force had been sent to drive Aboriginal people away from the settlements which resulted in the death and wounding of several Aboriginal people that may have included innocent men, women and children (Macquarie 1816: 1). The proclamation declared that Aboriginal people were no longer allowed to be armed with weapons within one mile of British settlements or farm occupied or owned by a British subject and were no longer allowed to gather in groups exceeding six individuals near a farm "on Pain of being considered Enemies, and treated accordingly" (Macquarie 1816: 1). Governor Macquarie's proclamation from May 1816 also stated that Aboriginal people

assembling in large Bodies or Parties armed, and or fighting and attacking each other on the Plea of inflicting Punishments on Transgressors of their own Customs and Manners, at or near Sydney, and other principle Towns and Settlements in the Colony, shall be henceforth wholly abolished, as a barbarous Custom, repugnant to the British Laws, and strongly militating against the Civilisation of the Natives, which is an Object of the Highest Importance to effect, if possible (Macquarie 1816: 1).

In May 1816, Macquarie presented Nurragingy with a brass breastplate inscribed 'Chief of the South Creek/Wianamatta Tribe' as an Order of Merit. Macquarie established the practice of giving metal breastplates (also referred to as kingplates, gorgets or badges) to individuals that the British identified as 'chief' of the district they resided in and who would be accountable to the British governor for the conduct of Aboriginal people in that district (Irish 2017: 30-31). The practice undermined Aboriginal society by rewarding individuals which the British felt were useful and who may not have been recognised by their communities as leaders.

Macquarie granted Colebee and Nurragingy a parcel of land on South Creek/Wianamatta as a reward for their assistance in May 1816 (Brook and Kohen 1991: 37). Colebee and Nurragingy selected an area in the suburb of Colebee as the location of the grant which Brook and Kohen (1991: 44-45) suggest they chose based on its proximity to the abundant raw materials located at Plumpton Ridge and proximity to the important watercourses of Eastern Creek and Bells Creek. While the area selected was likely to have been within Nurragingy traditional lands, Colebee was the son of Yellowmunde whose traditional lands were around Richmond Hill. The grant was registered on 31 August 1819 in Colebee's name alone and his heirs "to have and to hold for ever" (Macquarie 1819 [in Brook and Kohen 1991: 38]). A further three land grants along Richmond Road were registered on the same date to three British colonists, including Reverend Robert Cartwright, who Brook and Kohen (1991: 42-43) suggest were part of a plan by Macquarie to shape the nature of the settlement. The conflict eventually ended through the outlawing of individuals and an eventual amnesty in November 1816 (Liston 1988: 54-55).

During the first half of the nineteenth century, the Aboriginal people of Cumberland Plain lived in a range of circumstances that were increasingly entangled with the British economically while also remaining socially separate. The settlements and land grants restricted movement across and access to traditional lands that Aboriginal people relied upon for subsistence and cultural activities. The displaced Aboriginal people had to either move away or to seek employment as labours or stockmen in settlements and on land grants in the region. Aboriginal people continued to act as guides for the British as they explored areas outside the Cumberland Plain with Budbury guiding Governor Macquarie to the Nattai River in 1815 and Bundle guiding Meehan, Throsby and Hume on their attempt to find an overland route to Jervis Bay in 1818 (Yamanouchi 2007: 24). Kogi, Budbury and Bundle were also recorded as trackers for the British during this period (Liston 1988: 57-59; McLaren 2018: 505). Some individuals were appointed as constables including Bundle, who was appointed a constable of Upper Minto in 1822 and Colebee, who was appointed a constable of the District of Windsor in 1825 (GGO 1825: 4. Liston 1988: 57-59).

Others occupied areas on the fringes of the settlement where the British believed the land was unsuitable for agriculture. At the junction of Harris Creek and Williams Creek in what is now the suburb of Voyager Point, Kogi and his descendants fished and grew crops until at least the 1840's (Goodall and Cadzow 2009: 57-58). Despite the increasing entanglement of Aboriginal people and British economy in the nineteenth century, Aboriginal Law continued to be practiced, with Kogi and his group attending a gathering in Sydney in 1824 to perform payback while corroborees were reported at Camden Park, Denbigh and Denham Court until the at least the 1850s (Liston 1988: 57; Hassall 1902: 3). The historical accounts also show that Aboriginal people continued to live within their Country while also traveling to other areas for official occasions, such as the annual feasts at Parramatta.

The humanitarian movement in Britain in the 1830's drove a change in government policy towards the Indigenous inhabitants of the British Empire that recognised the harmful process of colonisation and dispossession (Perche 2015: 51). During the 1830's and 1840's several committees were formed to examine the condition of Aboriginal people living in Australia and in 1845 a report on New South Wales was published that included testimony from Maroot (also called Boatswain Maroot) an Aboriginal man from the north shore of Botany Bay. Maroot, who was born about 1793, described the neighbouring Aboriginal groups as the Liverpool tribe, which he called the Cobrakalls after a kind of a worm eaten in the wood, and the Five Islands tribe who spoke a different language.

In February 1883, the NSW Legislative Assembly established the NSW Board for the Protection of Aborigines (NSWBPA) to financially support existing stations, administer missions, and to provide blankets and rations (Doukakis 2006: 9). The protection advocated by the NSWBPA was not the preservation of Aboriginal culture and beliefs, but instead a continuation of the belief that Aboriginal people needed to change their lifestyle and beliefs in order to assimilate (SCLCA 2006: 14). The NSWBPA was tasked with "the elevation of the race, by affording rudimentary instruction, and by aiding in the cost of maintenance or clothing where necessary, as well as by grants of land, gifts of boats, or implements of industrial work" (NSWLA 1883: 920). The NSWBPA determined whether an individual was Aboriginal, primarily on the basis of skin colour which resulted in the separation and alienation of members of the Aboriginal community (HREOC 1997: 24).

During the second half of the nineteenth century, population growth and new industries began to expand into areas previous on the peripheries of the settlement. In 1847, Kogi's grandson Johnathan Goggy wrote a petition to stop his neighbour from taking the land at Voyager Point that his family had been living on since the early nineteenth century (Goodall and Cadzow 2009: 57-58). The migration of Aboriginal people from outside the Cumberland Plain for economic or social reasons was also documented in the second half of the nineteenth century and became a dominant issue for George Thornton (Goodall and Cadzow 2009: 110-113). The formation of the NSWBPA saw the adoption of an isolationist policy that shut down most informal Aboriginal settlements across the Sydney region and moved the inhabitants into reserves at La Perouse, Sackville and elsewhere in the state. The Aboriginal people living within the reserves were effectively segregated from the rest of the population and many were moved away from their traditional lands.

The publication of Darwin's *On the Origin of Species* in 1859 and an increasing interest in the study of human behaviour and societies during the mid nineteenth century in Europe resulted in the publication of several studies on Aboriginal culture and languages by anthropologists including M. Everitt, R. H. Matthews, A.W. Howitt and W Baldwin Spencer (Thomas 2007: 89). As a result of these studies, Darug (also referred to as Daruk, Dharuk, Dharook, and Dharug), Gandangarra (also referred to as Gun'dungar'ra and Gun-dung-ur'ra) and Dharawal (also referred to as Thurrawal or Thur'rawal) began to be used in reference to the languages of the traditional inhabitants of the western Cumberland Plain (Attenbrow 2002:33).

Mathews stated that 'The Dharuk speaking people adjoined the Thurrawal on the north, extending along the coast to the Hawkesbury River, and inland to what are now Windsor, Penrith, Campbelltown, and intervening towns' (Matthews 1901:155 [Attenbrow 2002: 32]). Dharawal was thought to have been spoken across an area stretching from the east coast (i.e. Botany Bay) to as far west as Camden and as far south as the Shoalhaven River while Gandangarra is thought to have been spoken by Aboriginal people that inhabited areas westward and south west of the Dharawal (i.e. west of the Nepean River and into the Blue Mountains) (Attenbrow 2002: 32; Liston 1988:49). The information within the publications was gathered from Aboriginal people who were often unacknowledged including Emma Timbery, a Dharawal woman who was living at La Perouse and Jimmy Lowndes who provided Matthews with information on the Darug, Dharawal and Gandangarra (Goodall and Cadzow 2009: 86; Thomas 2007: 3).

On 1 January 1901, the Commonwealth of Australia was established and the Constitution of Australia came into effect. The constitution mentioned Aboriginal people in Section 51(xxvi) where they were excluded from part of the people which the Commonwealth government could make *laws for the peace, order and good government* and Section 127 which excluded Aboriginal people from *reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth*. The reason for the wording of these sections was not recorded; however, the ramifications of Section 51(xxvi) was to keep the administration and control of Aboriginal people in the hands of the state governments while Section 127 excluded Aboriginal people from having a role in Federal politics (Gardiner-Garden 2007: 4).

Between 1909 and 1969, the NSW Government introduced legislation that is commonly referred to as the 'Protection Acts' which gave the NSWBPAA increasing control over the lives of Aboriginal people and were used to implement "policies of protection, separation, absorption and assimilation of Indigenous populations, depending on the prevailing philosophy of governments at the time" (SCLCA 2006: 7). The *Aborigines Protection Act 1909* gave the NSWBPAA statutory powers in relation to reserves which it defined as "area of land heretofore or hereafter reserved from sale or lease by the Governor, or given by or acquired from any private person, for the use of aborigines". The statutory powers included the appointment of managers, power to remove people from reserves, ownership of structures, livestock and other items within the reserves, and the ability to apprentice Aboriginal children living in the reserve. The *Aborigines Protection Amending Act 1915* gave the board full control of Aboriginal children, including with the ability to apprentice Aboriginal children under circumstances the board thought were desirable, and to removing them to a home or institution if they refused.

The Protection Acts were used by the NSWBPAA to implement policies separating Aboriginal children from their parents in order to encourage "the conversion of the children to Christianity and distancing them from their Indigenous lifestyle" (SCLCA 2006: 8). The children were placed into state run homes including Cootamundra Girls Home and Kinchela Aboriginal Boys Training Home and would become known as the stolen generation. The *Bringing them Home Report*, published in 1997 documented the harsh and often abusive treatment of the children in state run homes that lead to multitude of disadvantages (HREOC 1997: 11-13).

In the early twentieth century, several camps were present along the Georges River including at Salt Plan Creek where an Aboriginal community developed around a property purchased by Ellen Anderson and her husband Hugh Anderson. Ellen was the daughter of Bi-yar-rung, a Gweagal woman known as Biddy Giles and had been taken to the Maloga Mission near Moama on the Murray River in 1881 where she met and married Hugh. By 1926, 30 people lived at Salt Plan Creek where they were largely safe from the NSWBPAA (Goodall and Cadzow 2009: 135-136). The Aboriginal community at Salt Pan Creek became part of growing activist movement in the 1920s and 1930s which included Ellen and Hugh's son Joe Anderson.

In 1937, the Australian Aborigines' League was established to campaign against discriminatory legislation. The Aborigines Progressive Association was cofounded in the same year. On 26 January 1938, the 150th anniversary of the beginning of British occupation in Australia, the Aborigines Progressive Association supported by the Australian Aborigines' League, held the Day of Mourning & Protest in Sydney. The Day of Mourning & Protest was organised to generate public awareness of the civil rights issues and included many Aboriginal civil rights activists. An appeal to the citizens of the Australian Commonwealth was published as part of the Day of Mourning & Protest in which it was argued that state policies towards Aboriginal people were hypocritical and did not protect them but instead made Aboriginal people "deprived of ordinary civil legal rights and citizenship, and we [sic] are made a pariah caste within this so-called democratic community" (Patten and Ferguson 1938: 3). It argued against charity and instead demanded "FULL CITIZEN STATUS and EQUALITY WITHIN THE COMMUNITY" (Patten and Ferguson 1938: 12)

By the mid-1960's, Aboriginal opposition to assimilation was strengthening and an Indigenous civil rights movement was growing under the banner of self-determination. On 27 May 1967, a referendum was held in which Australians voted to change the Australian Constitution to give the Commonwealth Parliament power to make laws with respect to Aboriginal people wherever they lived in Australia and to make it possible to include Aboriginal people in national censuses. The Protection Acts were predominantly repealed by the *Aborigines Act 1969* and the Aboriginal community were, for the first time since 1788, granted the same rights as other Australian citizens.

In 1972, the Whitlam government officially changed the approach to Aboriginal affairs from a policy of assimilation to one of self-determination. The Aboriginal and Torres Strait Islander Commission (ATSIC) was established, composed of Indigenous peoples whose role was to maximise participation of the community in the development and implementation of policies that affected them. Self-determination brought significant challenges to many Aboriginal communities, who were often left under-resourced and unequipped to meet the challenges imposed upon them by top-down approach of the new system. ATSIC was abolished following election of the Howard government in 1996.

The long struggle for recognition, self-determination and acknowledgement forms part of the Aboriginal cultural heritage story and lived experience of contemporary Aboriginal people. New South Wales has the largest Aboriginal population in Australia and the Aboriginal people of New South Wales "continue to fight to protect cultural heritage and maintain cultural practices" (Hunt and Ellsmore 2016: 78). Members of the contemporary Aboriginal community continue to experience connection with the area through cultural and family associations.

4 Archaeological Context

A series of archaeological investigations have taken place over the last three decades within the suburb of Eastern Creek. The investigations pertinent to the current assessment are summarised below.

Archaeological investigations were undertaken during the planning of an extension to the waste depot facilities which encompassed the area between the eastern boundary of the current study area and the western bank of Eastern Creek (MKAS 1989). The investigations included an archaeological survey, test excavation and salvage excavation. The area encompassed a low lying knoll which formed the northern extent of a north running ridge, the eastern side of a north flowing drainage line and the toe slope and flat adjacent to the western bank of Eastern Creek. The archaeological survey found that surface visibility within the area was low and recommended that an archaeological test excavation program be undertaken to determine if Aboriginal archaeological sites were present.

The test excavation program was undertaken in six areas (WDD 1-6) where 30 test pits were excavated using a backhoe. The pits were approximately 200 centimetres long, 60 centimetres wide and between 30 and 50 centimetres in depth. In addition, a trench, measuring 100 centimetres by 25 centimetres, was excavated with hand tools at WDD 1 in an area where high artefact density was encountered, to more accurately determine the depth at which the artefacts were occurring. The tested areas were located on the flats adjacent to Eastern Creek (WDD 1-2), the crest of a low knoll (WDD 3), the eastern side of the north flowing drainage line (WDD4), the crest of a low lying spur overlooking a marsh and Eastern Creek (WDD 5) and the crest of a low lying spur that extended from the knoll (WDD 6). The test program recovered 69 artefacts from 18 of the 30 test pits excavated. Approximately 45% of test pits contained low artefact densities with one artefact per square metre.

The artefacts were predominantly recovered from WDD 1 (n=29), WDD 2 (n=12) and WDD 5 (n=7) which were located on the flat adjacent to Eastern Creek (WDD 1 and 2) and the crest of the low lying spur (WDD 5) overlooking a marsh and Eastern Creek (Figure 3). At WDD 4, which was the closest test area to the current study area, three test pits were excavated; however, no Aboriginal artefacts were recovered. The deposit within the test areas was generally shallow and consisted of a humic loam, approximately 10 centimetres deep, overlying silty clay to basal clay. The artefacts recovered from the test program at WDD1-3, 5 and 6 were predominantly flakes and flaked fragments while four cores and one backed artefact were also found. Retouch or usewear was present on six artefacts. The artefacts were predominantly made from silcrete (65%). Smaller quantities of artefacts were made from indurated mudstone/tuff (IMT) (14%), chert (11%), quartz (6%), basalt (2%) and an unidentified material (2%).

An archaeological salvage excavation was later undertaken at WDD 2 and WDD 6 approximately 650 and 710 metres east of the current study area respectively (Smith 1990). A total of 26 pits, measuring 100 centimetres by 25 centimetres, were excavated at five metre intervals across WDD 2. Subsequently, an open area was excavated at WDD 2 around a test pit with a high artefact density. The deposit at WDD 2 was found to be disturbed with basal clay, burnt soil or clay and glassy slag found within the subsurface deposit. The salvage excavation at WDD 6 was limited to six pits due to the presence of extensive disturbance at the site. A total of 95 artefacts were recovered during the salvage excavation with 45 artefacts recovered from WDD 2 and 49 artefacts recovered from WDD 6. The horizontal distribution of artefacts at WDD 2 was characterised by a low density artefact scatter with only 16 artefacts recovered from the open area while at WDD 6, there was an area of higher artefact density with 41 artefacts recovered from the open area. While the artefact density at WDD 6 was higher than that at WDD 2, it was noted that the excavation at WDD 6 was restricted to an area where there was a concentration of artefacts due to disturbance.

The types of artefacts recovered from WDD 2 and WDD 6 were predominantly unmodified flakes and flake fragments. Retouched artefacts and cores were absent from the artefact assemblages at both sites. Retouch was identified on one artefact from each site. A fragment of basalt that was ground on one surface was found at WDD 6 and a grindstone fragment was found at WDD 2. Usewear was present on 11 artefacts from WDD 2 and three artefacts from WDD 6. Artefact raw materials were similar at WDD 2 and WDD 6. Silcrete was the predominant artefact material while smaller quantities of chert, IMT, quartz and basalt artefacts were also found.

Several archaeological assessments have also been conducted within the Stage 3 release of the SEPP 59 - Eastern Creek Precinct, located immediately west of the current study area (JMCHM 2004). The area was approximately 600 hectares and encompassed a portion of Reedy Creek and an unnamed tributary creek which were divided by two ridgelines. Over half of the area was found to have been moderately disturbed (52.8%) while 28.2% of the area had been affected by high disturbance and 19% of the area had been affected by low disturbance. A total of 42 Aboriginal archaeological sites were identified within the Stage 3 release of the SEPP 59 - Eastern Creek Precinct. The sites consisted of 22 surface artefact scatters, 19 isolated artefacts and one culturally modified tree with an associated surface artefact scatter. The sites were identified on a range of landforms; however, the majority were located on hillslopes (n=19) or creek banks (n=10). Artefact density was generally low with 10 or more surface artefacts recorded at only three sites. Artefacts were made from silcrete, IMT, quartz and chert.

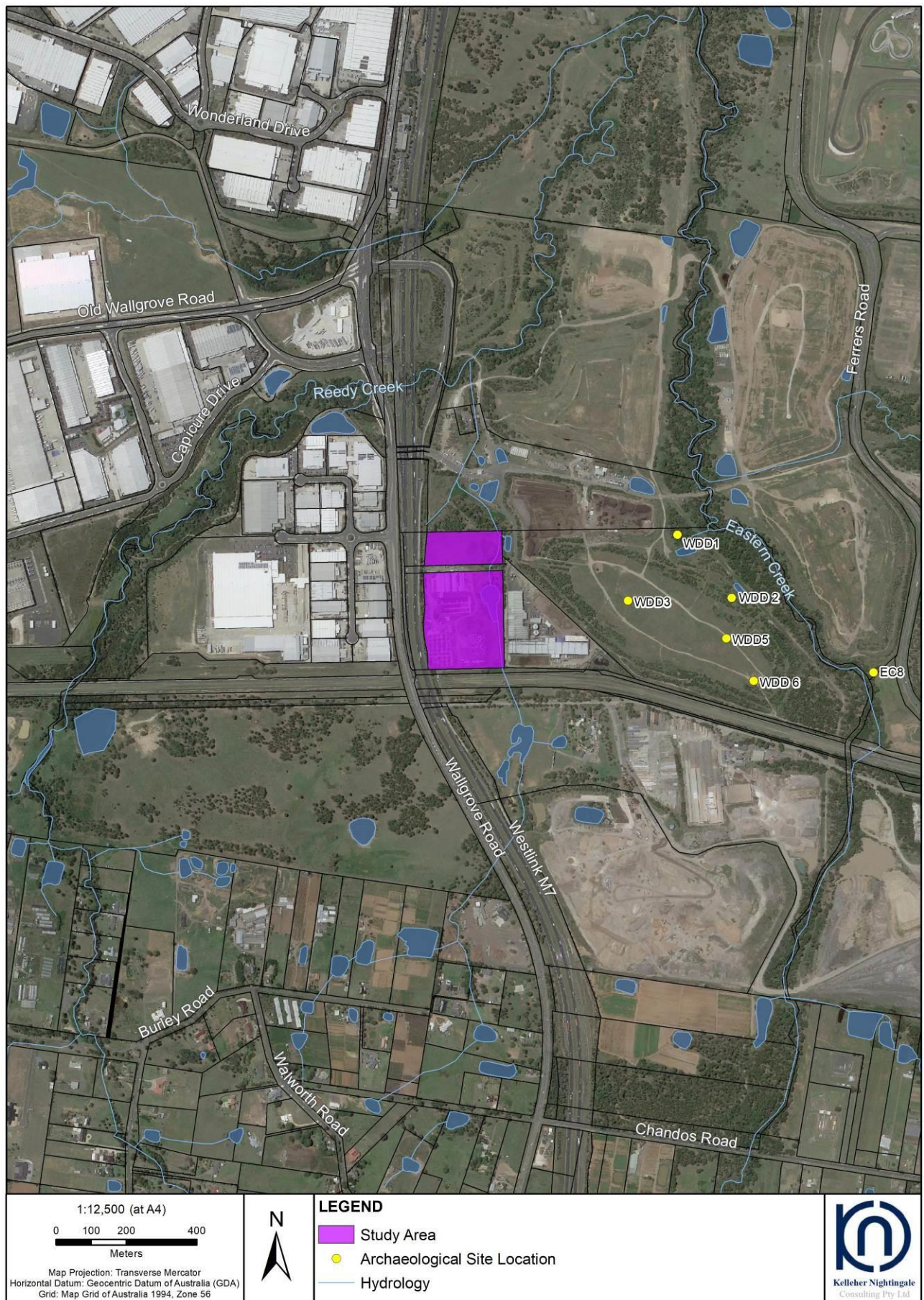


Figure 3. Location Aboriginal archaeological sites mentioned in text

4.1 339 Wallgrove Road, Eastern Creek: Aboriginal and Non-Aboriginal Heritage Assessment

An archaeological assessment of Aboriginal and non-Aboriginal heritage was undertaken for the current project in 2019 (KNC 2019). The assessment included a desktop and landscape assessment in addition to a visual inspection. The desktop assessment reviewed previously identified Aboriginal archaeological sites in the area and found that while one site, EC8 (AHIMS 45-5-2582), had been registered on the Aboriginal Heritage Information Management System (AHIMS) database in the vicinity of the study area, a review of the site details and associated archaeological report confirmed that the site coordinates were incorrect and that the site was located approximately one kilometre east of the registered location. The corrected location of site EC8 (AHIMS 45-5-2582) is shown in Figure 3. No Aboriginal archaeological sites had been recorded within the study area.

The landscape assessment determined that the study area had undergone considerable disturbance as a result of land clearance, agricultural and light industrial practices, as well as landfill activities. These activities would have caused significant disturbance to Aboriginal archaeological sites (if present) such as surface and subsurface artefact scatters, and culturally modified trees. The assessment noted that based on previous archaeological investigations, areas further than 50 metres from a major water course are likely to have sporadic evidence of Aboriginal occupation.

The visual inspection confirmed that the study area had been impacted by variable levels of disturbance associated with modern land use practices. The drainage channel has been extensively modified as a result of infrastructure development in the area. Fill material was observed around the banks of a dam constructed into the drainage channel and ground levelling was also noted. Extensive car yard and car parking areas extended across the northern study area. The southern portion of the study area was found to be extensively disturbed by poultry and other farm sheds, as well as a car yard that had been levelled and overlain with road base.

The assessment did not identify any Aboriginal archaeological objects, non-Aboriginal heritage objects or areas of potential archaeological deposit. The study area was found to have been extensively disturbed by modern land use practices and natural processes.

5 Aboriginal Community Consultation

5.1 Registration of interest

Aboriginal people who hold knowledge relevant to determining the cultural heritage significance of Aboriginal objects and Aboriginal places in the area in which the proposed activity was to occur were invited to register an interest in a process of community consultation. Investigations for the Western Sydney Energy and Resource Recovery Centre project have included consultation with 25 Aboriginal community individuals and groups as listed in Table 2.

Table 2. Registered Aboriginal stakeholders

| Registered Aboriginal Stakeholder | Representative and/or Contact Person |
|---|---|
| Deerubbin Local Aboriginal Land Council | CEO |
| A1 Indigenous Services | Carolyn Hickey |
| Aragung Aboriginal Cultural Heritage Site Assessments | Jamie Eastwood |
| Barking Owl Aboriginal Corporation | Jody Kulakowski |
| Barraby Cultural Services | Lee Field |
| Biamanga | Seli Storer |
| Butucarbin Aboriginal Corporation | Lowanna Gibson |
| Darug Custodian Aboriginal Corporation | Justine Coplin |
| Dharug Ngurra Aboriginal Corporation | John Reilly |
| Dhinawan Culture and Heritage | Stephen Fields |
| Didge Ngunawal Clan | Paul Boyd & Lilly Carroll |
| Goodradigbee Cultural & Heritage Aboriginal Corporation | Caine Carroll |
| Kamilaroi Yankuntjatjara Working Group | Phil Khan |
| Merrigarn | Shaun Carroll |
| Muragadi Heritage Indigenous Corporation | Jesse Johnson |
| Murra Bidgee Mullangari Aboriginal Corporation | Ryan Johnson |
| Murramarang | Roxanne Smith |
| Ngambaa Cultural Connections | Kaarina Slater |
| Paul Gale | Paul Gale |
| Tocomwall | Scott Franks |
| Waawaar Awaa Aboriginal Corporation | Rodney Gunther |
| Widescope Indigenous Group | Steven Hickey |
| Yulay Cultural Services | Arika Jalomaki |
| Yurrandaali | Bo Field |
| Registered Aboriginal Stakeholder [details withheld]* | Registered Aboriginal Stakeholder [details withheld]* |

*One additional Aboriginal stakeholder has registered for the project but has chosen to withhold their details in accordance with item 4.1.5 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Heritage NSW 2010a).

5.2 Consultation process

The aim of consultation is to integrate cultural and archaeological knowledge and ensure registered stakeholders have information to make decisions on Aboriginal cultural heritage. For the preparation of this CHAR, consultation with Aboriginal people has been undertaken in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (Heritage NSW 2010b), the requirements of Clause 61 of the *National Parks and Wildlife Regulation 2019*, and the SEARs for the project. The formal consultation process has included:

- Government agency notification letters (letters dated 10/02/2020);
- Advertising for registered stakeholders in local media (*Blacktown Advocate* 4/03/2020: refer Appendix A);
- Notification of closing date for registration (final closing date 18/03/2020);
- Provision of project information and proposed cultural heritage assessment methodology, allowing for a 28 day review period (closing date 17/04/2020);
- Provision of draft CHAR for review allowing for a 28 day review period (closing date 18/05/2020), and;
- Ongoing consultation with the local Aboriginal community.

5.3 Review of proposed cultural heritage assessment methodology

The proposed cultural heritage assessment methodology was provided to stakeholders for a 28 day review and comment period. Formal responses were received from A1 Indigenous Services, Aragung Aboriginal Cultural Heritage Site Assessments, Barraby Cultural Services, Darug Custodian Aboriginal Corporation, Dhinawan Culture and Heritage, Kamilaroi Yankuntjatjara Working Group, Murra Bidgee Mullangari Aboriginal Corporation, Muragadi Heritage Indigenous Corporation, Widescope Indigenous Group and Yurrandaali. Comments and information received from stakeholders during this period are attached in full in Appendix B and summarised below.

A1 Indigenous Services stated that they had reviewed and supported the proposed cultural heritage assessment methodology (email received 27/03/2020).

Aragung Aboriginal Cultural Heritage Site Assessments (AACHSA) stated that they had reviewed and agreed with the proposed cultural heritage assessment methodology (letter dated 23/03/2020). AACHSA advised that they had strong cultural connection to the Eastern Creek area and stated that “the entire area would have been once occupied by Darug people of the past and may have been a possible meeting place, trading place and or ceremony place. Highly valued for its natural resources” (letter dated 23/03/2020).

Barraby Cultural Services stated that they had reviewed and agreed with the proposed cultural heritage assessment methodology (email received 3/04/2020).

Darug Custodian Aboriginal Corporation stated that they support the proposed cultural heritage assessment methodology (letter received 6/04/2020).

Dhinawan Culture and Heritage stated that they had reviewed the proposed cultural heritage assessment methodology and were satisfied that it met their requirements in terms of managing important Aboriginal cultural and heritage values associated with the area (email received 24/03/2020).

Kamilaroi Yankuntjatjara Working Group (KYWG) stated that they had reviewed and agreed with the proposed cultural heritage assessment methodology (email received 27/03/2020). KYWG stated that the study area “holds significance to our culture due to the location and surrounding areas. There is always potential to find burials which are of great significance to our people” (email received 27/03/2020).

Murra Bidgee Mullangari Aboriginal Corporation stated that they had read the proposed cultural heritage assessment methodology and endorsed the recommendations (email received 20/03/2020).

Muragadi Heritage Indigenous Corporation stated that they had read the proposed cultural heritage assessment methodology and agreed with the recommendations (email received 20/03/2020).

Widescope Indigenous Group stated that they had reviewed and supported the proposed cultural heritage assessment methodology (email received 2/04/2020).

Yurrandaali stated that they had reviewed and agreed with the proposed cultural heritage assessment methodology (email received 3/04/2020).

5.4 Review of draft CHAR and stakeholder responses

The draft CHAR was provided to stakeholders for a 28 day review and comment period. Formal responses were received from Darug Custodian Aboriginal Corporation, Goodradigbee Cultural & Heritage Aboriginal Corporation, Kamilaroi Yankuntjatjara Working Group and Waawaar Awaa Aboriginal Corporation. Comments and information received from stakeholders during this period are attached in full in Appendix B and summarised below.

Darug Custodian Aboriginal Corporation (DCAC) noted that they had reviewed the draft CHAR and supported the recommendations (letter dated 23/04/2020). DCAC stated that 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” (letter dated 23/04/2020).

DCAC stated that “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” (letter dated 23/04/2020).

Goodradigbee Cultural & Heritage Aboriginal Corporation advised that they were “happy with the current report and planned process for the works” (email received 20/04/2020).

Kamilaroi Yankuntjatjara Working Group (KYWG) stated that the ridgeline is highly significant and holds cultural significance to Aboriginal people (email received 18/05/2020). They advised that the ridgeline “could be an indication that there was men’s business in this location” and that they “believe further investigations should be done” (email received 18/05/2020). The CHAR process for the project involved Aboriginal community consultation and archaeological investigation. The study area was highly modified with no archaeological objects present and no potential archaeological deposits. The CHAR recognises that general area exhibits some Aboriginal cultural value; however, consultation with Aboriginal stakeholders did not identify any specific cultural features associated with the study area.

Waawaar Awaa Aboriginal Corporation stated that they support the draft CHAR (email dated 8/05/2020).

5.5 Aboriginal cultural values

It has been identified during the initial consultation process that the wider study area has cultural heritage value to the local Aboriginal community. Some of the Aboriginal cultural heritage values expressed by stakeholders include:

- strong association with the land
- responsibility to look after the land, including the heritage sites, plants and animals, creeks and the land itself
- scarred trees
- artefact sites and landscape features
- creek lines, particularly Eastern Creek and tributaries
- indigenous plants and animals
- general concern for burials, as their locations are not always known and they can be found anywhere.

Several registered stakeholders have expressed a connection to the study area with several generations of their families living in the region.

Darug Custodian Aboriginal Corporation (DCAC) stated that “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” and that “landscapes and landforms are significant to us for the information that they hold and the connection to Darug people” (letter dated 23/04/2020). The CHAR recognises that general area exhibits some Aboriginal cultural value; however, consultation with Aboriginal stakeholders did not identify any specific cultural features associated with the study area.

DCAC advised that “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” (letter dated 23/04/2020).

Kamilaroi Yankuntjatjara Working Group (KYWG) stated that the ridgeline is highly significant and holds cultural significance to Aboriginal people (email received 18/05/2020). They advised that the ridgeline “could be an indication that there was men’s business in this location” (email received 18/05/2020). The CHAR process for the project involved Aboriginal community consultation and archaeological investigation. The study area was highly modified with no archaeological objects present and no potential archaeological deposits. The CHAR recognises that general area exhibits Aboriginal cultural value; however, consultation with Aboriginal stakeholders did not identify any specific cultural features associated with the study area.

6 Summary and Analysis of Background Information

Analysis of the background information presented in the preceding sections allows for an assessment of the cultural heritage values within the study area to be made. Combining data from historical/ethnographic sources, Aboriginal community consultation, landscape evaluation and archaeological context provides an insight into how the landscape around the study area was used and what sort of events took place in the past.

The study area and surrounding region are known to have been important to and extensively used by past Aboriginal people. Early colonial interest in the area led to interactions between the British and the local Aboriginal people relatively soon after the arrival of Europeans to Australia. Aboriginal people's use of the wider Cumberland Plain is well-documented in historic accounts and members of the contemporary Aboriginal community continue to experience connection with the area through cultural and family associations.

Archaeological investigations have been undertaken in the region over several decades that have revealed physical traces of a range of Aboriginal land use activities which have survived in the form of Aboriginal archaeological sites. The Aboriginal archaeological sites identified in the regions have been predominantly surface artefact scatters, isolated artefacts and subsurface archaeological deposits of varying artefact density and integrity. Other Aboriginal site types including culturally modified trees and areas of potential archaeological deposit (PAD) have also been recorded. Soil landscape, vegetation and land use practices have been identified as factors influencing the preservation of Aboriginal archaeological sites in the region.

Soil landscapes subject to high levels of erosion or fluvial activity are unlikely to retain in situ Aboriginal objects while areas where sediment has been deposited contain Aboriginal objects that are often without spatial context. Land use practices, including vegetation clearance, construction, trenching and bulk earthworks have variable effects on the preservation of culturally modified trees and subsurface archaeological deposits across the region. These processes distort our perception of Aboriginal land use through the spatial distribution of known sites.

Despite this imbalance, general trends can still be observed. Previous archaeological investigations have shown that the distribution of Aboriginal archaeological sites in the region has been highly influenced by the reliability and permanence of fresh water sources. Investigations in the region have found higher stone artefact density and site frequency along the margins of major watercourses, such as Eastern Creek, where elevated and stable micro-topographic landforms have suffered minimal disturbance. Elevated locations on hilltops and ridge crests further from major watercourses tend to display a different archaeological signature, chiefly a sparser artefact distribution and less evidence for 'everyday' or utilitarian activities, suggesting that these areas were often used differently.

An archaeological assessment of the study area was undertaken as part of the current project (see Section 4.1). The assessment did not identify any Aboriginal archaeological sites within the study area. The study area was found to have been heavily disturbed by past land use practices and natural processes. Aboriginal community consultation for the current project (see Section 5) has determined that the general area exhibits some Aboriginal cultural value; however, no specific sites of significance were found to be located within the study area. No areas of Aboriginal archaeological potential or sensitivity were identified.

7 Cultural Heritage Values and Statement of Significance

7.1 Significance Assessment Criteria

One of the primary steps in the process of cultural heritage management is the assessment of significance. Not all sites are equally significant and not all are worthy of equal consideration and management (Sullivan and Bowdler 1984; Pearson and Sullivan 1995:7). The determination of significance can be a difficult process as the social and scientific context within which these decisions are made is subject to change (Sullivan and Bowdler 1984). This does not lessen the value of the heritage approach, but enriches both the process and the long term outcomes for future generations as the nature of what is conserved and why, also changes over time.

The assessment of significance is a key step in the process of impact assessment for a proposed activity as the significance or value of an object, site or place will be reflected in resultant recommendations for conservation, management or mitigation.

The *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (Heritage NSW 2010a) requires significance assessment according to criteria established in the Australia ICOMOS Burra Charter, 1999 (Australia ICOMOS 1999). The Burra Charter and its accompanying guidelines are considered best practice standard for cultural heritage management, specifically conservation, in Australia. Guidelines to the Burra Charter set out four criteria for the assessment of cultural significance:

- Aesthetic value - relates to the sense of the beauty of a place, object, site or item
- Historic value - relates to the association of a place, object, site or item with historical events, people, activities or periods
- Scientific value - scientific (or research) value relates to the importance of the data available for a place, object, site or item, based on its rarity, quality or representativeness, as well as on the degree to which the place (object, site or item) may contribute further substantial information
- Social value - relates to the qualities for which a place, object, site or item has become a focus of spiritual, political, national or other cultural sentiment to a group of people. In accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, the social or cultural value of a place (object, site or item) may be related to spiritual, traditional, historical or contemporary associations. According to Heritage NSW, "social or cultural value can only be identified through consultation with Aboriginal people" (Heritage NSW 2011:8).

There are no locations of scientific value within the study area.

Social Values

This area of assessment concerns the value/s of a place, feature or site to a particular community group, in this case the local Aboriginal community. Aspects of social significance are relevant to sites, objects and landscapes that are important or have become important to the local Aboriginal community. This importance involves both traditional links with specific areas as well as an overall concern by Aboriginal people for sites generally and their continued protection. Aboriginal cultural significance may include social, spiritual, historic and archaeological values.

It has been identified during the consultation process that the general local area has cultural heritage value (social value) to the local Aboriginal community. No cultural values have been ascribed to the specific study area to date.

Historic Values

Historical research did not identify any information regarding specific historical significance within the study area. No specific historical significance within the study area has been provided by the registered Aboriginal stakeholders to date. Archaeologically, the study area does not contain these values in relation to Aboriginal heritage.

Scientific Values

For archaeologists, scientific significance refers to the potential of a site to contribute to current research questions. Alternately, a site may be an in situ repository of demonstrably important information, for example rare artefacts of unusually high antiquity.

Scientific significance is assessed using criteria to evaluate the contents of a site, state of preservation, integrity of deposits, representativeness of the site type, rarity/uniqueness and potential to answer research questions on past human behaviour. Recommended criteria for assessing archaeological significance include:

- Archaeological Research Potential - significance may be based on the potential of a site or landscape to explain past human behaviour and can incorporate the intactness, stratigraphic integrity or state of preservation of a site, the association of the site to other sites in the region (connectivity), or a datable chronology.
- Representativeness - all sites are representative of those in their class (site type/subtype) however the issue here relates to whether particular sites should be conserved to ensure a representative sample of the archaeological record is retained. Representativeness is based on an understanding of the regional archaeological context in terms of site variability in and around the study area, the resources already conserved and the relationship of sites across the landscape.
- Rarity – which defines how distinctive a site may be, based on an understanding of what is unique in the archaeological record and consideration of key archaeological research questions (i.e. some sites are considered more important due to their ability to provide certain information). It may be assessed at local, regional, state and national levels.

High significance is usually attributed to sites which are so rare or unique that the loss of the site would affect our ability to understand an aspect of past Aboriginal use/occupation of an area. In some cases a site may be considered highly significant because it is now rare due to destruction of the archaeological record through development. Moderate (medium) significance is attributed to sites which provide information on an established research question. Sites with moderate significance are those that offer the potential to yield information that will contribute to the growing holistic understanding of the Aboriginal cultural landscape of the region. Archaeological investigation of moderately significant sites will contribute knowledge regarding site type interrelationships, cultural use of landscape features and occupation patterns. Low significance is attributed to sites which cannot contribute new information about past Aboriginal use/occupation of an area. This may be due to site disturbance or the nature of the site's contents.

There are no locations of scientific value within the study area. Archaeologically, the study area does not contain these values in relation to Aboriginal heritage.

Aesthetic Values

Aesthetic values are often closely related to the social values of a site or broader cultural landscape. Aspects may include scenic sights, smells and sounds, architectural fabric and creative aspects of a place.

No specific associated aesthetic values have been identified by registered Aboriginal community groups to date. Archaeologically, the study area does not contain these values in relation to Aboriginal heritage.

7.2 Statements of Significance

There are no extant Aboriginal archaeological sites as defined under the *National Parks and Wildlife Act 1974* within the study area.

Previous investigations and the current consultation process have noted that the local area has cultural heritage value (social value) to the local Aboriginal community.

8 The Proposed Activity and Impact Assessment

Cleanaway and Macquarie Capital are jointly developing an energy-from-waste facility known as the Western Sydney Energy and Resource Recovery Centre. The Western Sydney Energy and Resource Recovery Centre will be designed to thermally treat up to 500,000 tonnes per year of residual Municipal Solid Waste and residual Commercial and Industrial waste streams that would otherwise be sent to landfill. This process would generate up to 58 megawatts (MW) of base load electricity some of which would be used to power the facility itself with the remaining 55MW exported to the grid.

The Western Sydney Energy and Resource Recovery Centre will be fully contained in the 6.19 hectare southern portion of the study area. The existing site includes buildings associated with a disused poultry facility, which will be cleared from the site prior to starting construction. The proposal involves the building of all onsite infrastructure needed to support the facility including site utilities, internal roads, weighbridges, parking and hardstand areas, storm water infrastructure, fencing and landscaping (Figure 4).

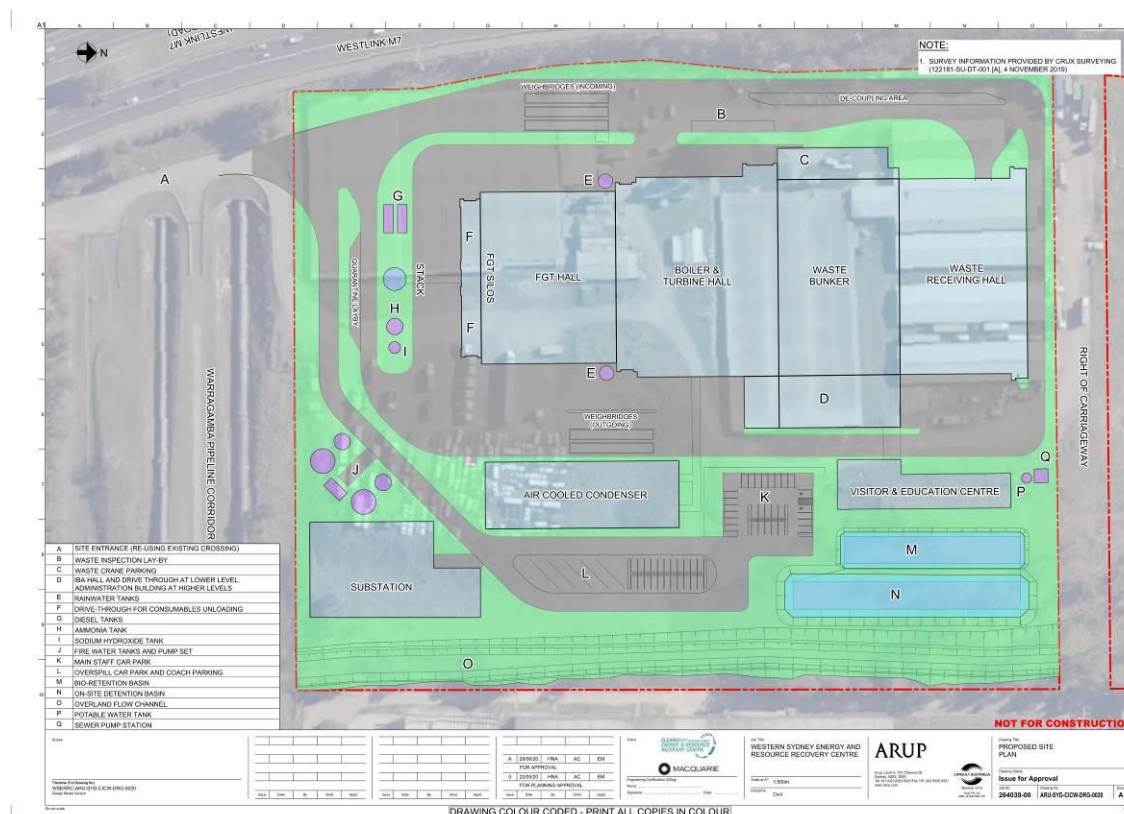


Figure 4. Draft site layout

Works to occur on the 2.04 hectare northern section of the study area include the clearing of weeds and exotic vegetation within the existing overland flow channel which is confined to the eastern section of this parcel of land. The northern section will also be used temporarily to support construction works. No other works will occur on the 2.04 hectare northern section of the study area as part of this proposal.

There are no Aboriginal archaeological sites or areas of Aboriginal archaeological potential within the study area and the proposal would not impact on Aboriginal heritage. Aboriginal community consultation has determined that the general area exhibits some Aboriginal cultural value; however, no specific sites of significance were found to be located within the study area.

9 Conclusions and Recommendations

There are no Aboriginal archaeological sites or areas of Aboriginal archaeological potential within the study area and the proposal would not impact on Aboriginal heritage. Aboriginal community consultation has determined that the general area exhibits some Aboriginal cultural value; however, no specific sites of significance were found to be located within the study area. The study area exhibits a very low sensitivity for Aboriginal archaeological sites and high levels of previous disturbance. The archaeological potential of the study area is assessed as very low.

9.1 Procedures for handling unexpected Aboriginal objects

This section outlines the procedure for handling unexpected archaeological sites and objects. In the unlikely event that construction activity reveals possible Aboriginal objects, the following procedure is recommended to be followed:

1. all work is to halt at that location immediately and the Project environmental manager on site is to be immediately notified to allow assessment and management;
 - i. stop all activities; and
 - ii. secure the site.
2. contact the project archaeologist to assess the find and determine if it is consistent with the Project Approval;
 - i. if the find is consistent, the archaeologist will allow work to continue
 - ii. if the find is inconsistent, Heritage NSW will be notified as soon as practical providing any details of the Aboriginal object and its location. Work cannot recommence unless authorised in writing by Heritage NSW.

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Appendix A Advertisement for registration of interest

Notice for Registration of Interest

Cleanaway Operations Pty Ltd ('Cleanaway') is proposing to develop an energy and resource recovery centre at 339 Wallgrove Road, Eastern Creek in western Sydney, NSW. The proposal is known as the Western Sydney Energy and Resource Recovery Centre and is located within the Blacktown Local Government Area. The proponent is Cleanaway (Mikaela Orme, Community & Media Relations Manager, Level 2, 9 Help St, Chatswood NSW 2067).

The proposal is subject to assessment and approval under the NSW *Environmental Planning and Assessment Act 1979*. The purpose of this consultation is to inform the preparation of an Environmental Impact Statement for the proposal in accordance with the Department of Planning, Industry and Environment (DPIE) Secretary's Environmental Assessment Requirements issued in December 2019.

Cleanaway invites Aboriginal groups and/or Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places at Eastern Creek, NSW to register interest in a process of community consultation with the contact shown below (on behalf of Cleanaway):

Kelleher Nightingale Consulting
Level 10, 25 Bligh Street
Sydney NSW 2000
phone 9232 5373

The closing date for registration is 18 March 2020.

Please be advised that in accordance with DPIE requirements, we are required to record the names and contact details of each Aboriginal person who has registered an interest in this project and provide a copy of that record to the relevant DPIE office and Local Aboriginal Land Council. If you are registering your interest, please let us know if you do not want your details forwarded to these organisations.

Appeared in: *Blacktown Advocate*, Wednesday March 2020, page 27

Appendix B Aboriginal Community Comments

Zac Thomas

From: Carolyn .H [REDACTED]
Sent: Friday, 27 March 2020 4:50 PM
To: Zac Thomas
Subject: Re: Project Info & Methodology Letter - 1903 Western Sydney Energy and Resource Recovery Centre - A1



INDIGENOUS SERVICES PTY LTD

Contact: Carolyn Hickey



Hi Zac,

I have reviewed the document and support the Project Information and the proposed assessment Methodology.

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

Thank you

Carolyn Hickey

Kind Regards,

Carolyn Hickey

**ARAGUNG****Aboriginal Cultural Heritage Site Assessments***Protecting the Past Preserving the Future***23/3/2020****Zac Thomas****Kelleher Nightingale Consulting Pty Ltd****Reference CHAR Methodology****RE: WESTERN SYDNEY AND RESOURCE RECOVERY CENTER < EASTERN CREEK NSW****NOTIFICATION OF RESPONSE TO PROJECT INFORMATION AND METHODOLOGY**

Dear Zac

I am writing to you in response to the above mention project.

Having worked extensively in and around the Eastern Creek Area particularly around the proposed archaeological study area, as an Aboriginal site Officer. I believe that the proposed developments will impact on Aboriginal objects, and culturally significant places.

With a strong cultural connection to the Eastern Creek Area and a member of the Darug Community I believe that I may hold relevant cultural knowledge to determine the significance of Aboriginal objects and places in this area.

With evidence of Archaeological Deposits – Artefacts – and open sites found during previous Archaeological investigations around the proposed project area, it is with my strong Aboriginal spiritual feeling that the entire area would have been once occupied by Darug people of the past and may have been a possible meeting place, trading place and or ceremony place. Highly valued for its natural resources.

I have reviewed the proposed project information and methodologies in the report provided and agree with the recommendations put forward. It is within all of my utmost cultural interest that I would like to be involved in all aspects of the proposed project by offering my cultural understanding of the area my connection to country and my cultural feedback as a local Indigenous person. Should you require any further information from me please do not hesitate to contact me.

Aragung Aboriginal Cultural Heritage Site Assessments has a team of four Indigenous site officers who are highly experienced in Aboriginal archaeological field excavation, are physically fit, and can conduct their work duties in a safe and productive way. Should field work or archaeological Aboriginal heritage site surveys be required? Attach to this email is my current insurance (certificate of Currency and workers Compensation insurance)

Contact detail nominated person

Jamie Eastwood 

Yours sincerely

Zac Thomas

From: Lee Field [REDACTED]
Sent: Friday, 3 April 2020 11:45 AM
To: Zac Thomas
Subject: Re: Project Info & Methodology Letter - 1903 Western Sydney Energy and Resource Recovery Centre - BCS

Dear Zac

BARRABY agrees with the methodology for this project

Thanks
Lee Field

DARUG CUSTODIAN

ABORIGINAL CORPORATION



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Attention: KNC

Subject: WESTERN SYDNEY ENERGY AND RESOURCE RECOVERY CENTRE, EASTERN CREEK NSW

Dear Zac

We have received the Draft report for WESTERN SYDNEY ENERGY AND RESOURCE RECOVERY CENTRE, EASTERN CREEK NSW, Within this document the amount of groups for consultation is high with many groups not from this area, we do not support personal profit groups and also do not support any input that they have into the recommendations.

Apart from the amount of people consulted, we support the assessment Methodology.

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.

Zac Thomas

From: Stephen Fields [REDACTED]
Sent: Tuesday, 24 March 2020 7:18 AM
To: Zac Thomas
Subject: Re: Project Info & Methodology Letter - 1903 Western Sydney Energy and Resource Recovery Centre - DCH

Hi Zac,

Thank you for providing the information regarding the **proposed energy and resource recovery centre in Eastern Creek project**.

We have reviewed the project information and are satisfied that **proposed assessment methodology** meets our requirements in terms of managing the important Aboriginal culture and heritage values associated with the area.

Regards,

Stephen Fields
Director
Dhinawan Culture and Heritage
[REDACTED]

Zac Thomas

From: philip.khan@westernsydney.gov.au
Sent: Friday, 27 March 2020 11:40 AM
To: Zac Thomas
Subject: RE: Project Info & Methodology Letter - 1903 Western Sydney Energy and Resource Recovery Centre - KYWG

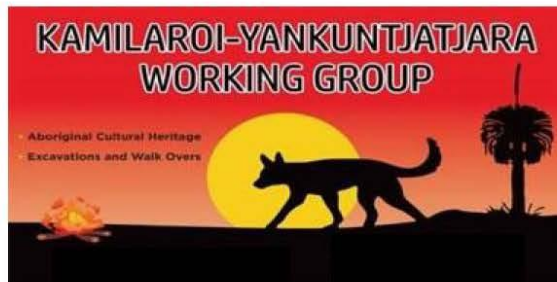
Follow Up Flag: Follow up
Flag Status: Completed

Hi Zac,

Thank you for your methodology,

I have reviewed your methodology for the proposed site of Western Sydney Energy and Resource Recovery Centre, Eastern Creek NSW. I agree with it and look forward to further testing and excavation of the site. As it holds significance to our culture due to the location and surrounding areas. There is always potential to find burials which are of great significance to our people.

Kind Regards
Phil Khan



Sent from [Mail](#) for Windows 10

Zac Thomas

From: Ryan Johnson [REDACTED]
Sent: Friday, 20 March 2020 5:17 PM
To: Zac Thomas
Subject: Re: Project Info & Methodology Letter - 1903 Western Sydney Energy and Resource Recovery Centre - MBMAC

Hi Zac

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

Kind regards

Ryan johnson

Zac Thomas

From: jesse johnson [REDACTED]
Sent: Friday, 20 March 2020 5:22 PM
To: Zac Thomas
Subject: Re: Project Info & Methodology Letter - 1903 Western Sydney Energy and Resource Recovery Centre - MHIC

Hi Zac

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

Thanks

Jesse

Zac Thomas

From: WIDESCOPE . [REDACTED]
Sent: Thursday, 2 April 2020 5:13 PM
To: Zac Thomas
Subject: RE: Project Info & Methodology Letter - 1903 Western Sydney Energy and Resource Recovery Centre - WIG

Hi Zac

Thank you I have reviewed and support the proposed assessment methodology

Regards
Steven Hickey

Zac Thomas

From: [REDACTED]
Sent: Friday, 3 April 2020 11:57 AM
To: Zac Thomas
Subject: Re: Project Info & Methodology Letter - 1903 Western Sydney Energy and Resource Recovery Centre - Yurrandaali

Dear Zac

Yurrandaali Pty Ltd has reviewed and agrees with the methodology for this project

Thanks
Bo Field



DARUG CUSTODIAN
ABORIGINAL
CORPORATION



Attention: KNC

Date: 23/04/2020

Subject: Western Sydney Energy and Resource Recovery Centre

Dear Zac

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 strategie.

We support the recommendations set out in this report.

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.

Zac Thomas

From: Caine Carroll [REDACTED]
Sent: Monday, 20 April 2020 6:44 PM
To: Zac Thomas
Subject: Re: 1903 Draft CHAR Review - Western Sydney Energy and Resource Recovery Centre - GCHAC

Follow Up Flag: Follow up
Flag Status: Completed

Hi Zac,

Thanks for the email and update.

Report looks fine so far.

We are happy with the current report and the planned process for the works.

Keep me posted as this progress.

Have a great evening.

Kind Regards,

Caine Carroll

[REDACTED]
Director

Goodradigbee Cultural & Heritage Aboriginal Corporation (GCAHAC)

Zac Thomas

From: philip khan [REDACTED]
Sent: Monday, 18 May 2020 11:18 AM
To: Zac Thomas
Subject: RE: 1903 Draft CHAR Review - Western Sydney Energy and Resource Recovery Centre - KYWG

Follow Up Flag: Follow up
Flag Status: Completed

Hi Zac,

Thank you for your report, the ridge line is highly significant and holds cultural significance to the Aboriginal People. I feel the ridge line could be a indication that there was men's business in this location. This is why I believe further investigations should be done.

Thanks
Phil



Zac Thomas
Heritage Administration Assistant
Kelleher Nightingale Consulting Pty Ltd
Level 10, 25 Bligh St
Sydney NSW 200

08/05/2020

Dear Zac,

Waawaar Awaaa Aboriginal Corporation **supports** the Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Energy and Resource Recovery Centre in Eastern Creek, NSW.

regards

Rodney Gunther
Director
Waawaar Awaaa Aboriginal Corporation

[Redacted signature block]