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RE. STAGE 3 FACILITIES, SYDNEY BUSINESS PARK – MARSDEN PARK, NSW
ASSESSMENT OF IMPACT ON ABORIGINAL CULTURAL HERITAGE

Kelleher Nightingale Consulting (KNC) has assessed the potential harm to Aboriginal cultural heritage as a result of the proposed development of warehouse and distribution facilities in the area known as 'Stage 3' of Sydney Business Park. The area comprises Part Lots 4 and 5 DP1210172 and Part Lot 36 DP262886, within the Marsden Park Industrial Precinct in Western Sydney, NSW. The project is located in the Blacktown local government area and is shown in Figure 1 (attached).

The Stage 3 Facilities, Sydney Business Park is State Significant Development (SSD 10477) and project approval is being sought under the NSW *Environmental Planning and Assessment Act 1979*. Assessment of Aboriginal heritage is being completed in accordance with the Secretary's Environmental Assessment Requirements (SEARs) for the project and will form part of the Environmental Impact Statement (EIS).

Two archaeological sites containing Aboriginal objects exist in the proposed development area and will be potentially impacted by the proposed development (Figure 1).

Existing Assessment

The proposed development area has been assessed in a comprehensive Aboriginal heritage report:

- Marsden Park Industrial Precinct, Aboriginal Heritage Assessment, KNC report to NSW Department of Planning (2009).

This existing Aboriginal cultural heritage assessment was completed in accordance with the Growth Centres Commission (GCC) Precinct assessment method and Protocol for Aboriginal heritage assessment and Aboriginal community consultation and stakeholder involvement.

Following completion of the GCC assessment, a number of Aboriginal Heritage Impact Permits (AHIPs) issued under Section 90 of the *National Parks and Wildlife Act 1979* have since been granted for various developments within the Marsden Park Industrial Precinct, resulting in the removal of some previously identified Aboriginal archaeological sites in proximity to the current study area. This includes AHIP C0001495 issued by the then Office of Environment and Heritage in November 2015, which permitted the removal of five Aboriginal sites/objects in the Stage 3.01 area of Sydney Business Park (which encompasses part of the northern part of the Stage 3 Facilities site).

GCC Assessment and SEARs

The existing detailed GCC assessment and Aboriginal community consultation is in keeping with the requirements of the project (SSD 10477) SEARs. The existing GCC Aboriginal cultural heritage assessment report is robust and the findings can be reliably used by the current EIS process.

A targeted Aboriginal stakeholder consultation process is currently being undertaken to supplement the GCC report and inform the management of the identified sites for the current project. The management outcomes as part of this supplementary process will likely be consistent with the recommendations already agreed by the Aboriginal community as part of the GCC process.

Aboriginal Community Consultation

A full and detailed Aboriginal community consultation program was completed as part of the GCC assessment. Aboriginal stakeholders were identified by the GCC, both in the Protocol and through an advertisement process. Stakeholders involved in the 2009 assessment included:

- Deerubbin Local Aboriginal Land Council
- Darug Tribal Aboriginal Corporation
- Darug Custodian Aboriginal Corporation
- Darug Aboriginal Cultural Heritage Assessments
- Darug Land Observations

An updated comprehensive Aboriginal community consultation program is currently being completed in accordance with the Heritage NSW consultation requirements: *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* to inform the targeted additional assessment. The updated consultation process has to date resulted in the identification of the following additional Aboriginal stakeholder groups:

- Didge Ngunawal Clan
- Murra Bidgee Mullangari Aboriginal Corporation
- Wurrumay Pty Ltd
- Muragadi Heritage Indigenous Corporation
- Merrigarn
- Wailwan Aboriginal Group
- Yulay Cultural Services
- Corroboree Aboriginal Corporation
- Gunjeewong Cultural Heritage Corporation
- Dhinawan Culture and Heritage Pty Ltd
- Freeman & Marx Pty Ltd
- Waawaar Awaara Aboriginal Corporation
- Kamilaroi Yankuntjatjara Working Group
- Barraby Cultural Services
- Yurrandaali Pty Ltd
- Widescope Indigenous Group
- A1 Indigenous Services
- Warragil Cultural Services
- Butucarbin Aboriginal Corporation
- Tocomwall

In accordance with Heritage NSW requirements, the targeted assessment process will include:

- Notification of project proposal and registration of interest, including letters to relevant government agencies seeking potential stakeholders (completed).
- Advertising for interested parties (completed).
- Registration of interest of Aboriginal stakeholders and provision of project information (completed).
- Consultation on proposed assessment methodology (28 day review period, forthcoming).
- Opportunity to review and provide feedback regarding the archaeological and cultural assessment methodologies (28 day review period, forthcoming).
- Archaeological and cultural assessment of the Aboriginal heritage values of the study area, assessment of the potential impact of the proposed activities on Aboriginal objects or Aboriginal places and recommendations.
- Consultation on the draft report (28 day review period).
- Invitation for Aboriginal cultural knowledge holders and stakeholders to provide information on the cultural value of the area.
- Consideration of all Aboriginal stakeholder comments.

Survey of Stage 3 Facilities, Sydney Business Park

A full archaeological survey of the Stage 3 Sydney Business Park project area was completed as part of the existing GCC assessment, which is compatible with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

The aim of the field survey was to assess the properties' Aboriginal heritage, assess the general condition of the study area, the extent and condition of archaeological sites, and identify any areas of Potential Archaeological Deposit (PAD).

The Stage 3 development area has been utilised extensively for a number of differing commercial and industrial uses. One of the aims of the survey was to assess the general condition of the study area, including areas that may have been heavily impacted by soil stripping, rubbish dumping, industry etc. as compared to those areas that may have been cleared and used for rural activities but could potentially still exhibit a relatively intact archaeological deposit.

Linking in with the assessment of the condition of the study area, one of the aims of the survey was to identify the extent of both recorded sites and areas of PAD. This involved linking recorded Aboriginal sites with landforms that were both relatively intact and were considered to be archaeologically sensitive, thereby demonstrating the potential subsurface extent of sites. Areas of PAD were designated in archaeologically sensitive areas where no surface artefacts were identified, but where it was considered there was high potential for subsurface deposits. However, no PADs were found to exist within the Stage 3 development lands.

Consistency Assessment Survey

A targeted consistency assessment of the GCC survey results is being completed in consultation with Aboriginal stakeholders. It is anticipated that the outcome of the consistency assessment will be in accordance with the existing 2009 GCC report.

Identified Impacts to Aboriginal Heritage

The detailed GCC Aboriginal heritage assessment identified two extant Aboriginal archaeological sites within the current proposed Stage 3 development area: MPIP 17 (AHIMS 45-5-3748) and MPIP 18 (45-5-3749) (Figure 1). The sites are not covered by any existing AHIP or impact approval.

MPIP 17 (AHIMS 45-5-3748)

Site MPIP 17 consisted of two artefacts around 40 m apart located on an unformed vehicle access track running along a property boundary fence. The area was very gently sloping down to the south-west, with a broad flat area approximately 80 m to the north-east. The area contained occasional regrowth eucalypt trees. There was a raised access track between the two artefacts that ran north, roughly perpendicular from the boundary fence. The two artefacts consisted of two red silcrete flaked pieces. The site location exhibited limited subsurface potential.

MPIP 18 (AHIMS 45-5-3749)

MPIP 18 consisted of an artefact scatter of eight artefacts on an unformed vehicle access track running along a property boundary fence. The site was located in a mid-slope context, with a gentle slope down to the west and north-west. The area contained occasional regrowth eucalypt trees with grass cover becoming increasingly dense away from the vehicle track. The artefacts consisted of yellow and red silcrete with some vehicle damage evident. The gradient of the site location exhibited limited subsurface potential.

Updated Database Search (AHIMS)

A search of the Heritage NSW Aboriginal Heritage Information Management System (AHIMS) was conducted on 20 July 2020 (search attached as Appendix A) to confirm the existing registered Aboriginal heritage sites and to identify any new sites listed since 2009 within the proposed Stage 3 development area.

The AHIMS search confirmed the previously registered Aboriginal sites within the boundaries of the proposed development area. No additional Aboriginal archaeological sites are listed on AHIMS within the boundary of the proposed Stage 3 development.

Significance Assessment of MPIP 17 and MPIP 18

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. 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. 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 existing GCC cultural heritage assessment, related to the Stage 3 proposed development, provides an outline of how Aboriginal places and values should be assessed which is in accordance with the SEARs and current best archaeological practice. The assessment criteria used by the GCC are based on the guidelines of the NSW Heritage Office, which incorporate the five types of cultural heritage values identified in The Burra Charter (social, spiritual, scientific, aesthetic and historic values). These criteria involve the assessment of both the cultural and scientific significance of a place or area, in that they incorporate both archaeological or scientific significance and the importance and values placed on these areas by the local Aboriginal community groups.

Based on this concept and The Burra Charter criteria, the GCC developed a suggested significance ranking and justification system for use across all Precincts within the Growth Centres:

Ranking	Justification
Exceptional	<ul style="list-style-type: none">• Rare example of its type in the nation, state or outstanding example of its type in the region; and/or• Irreplaceably expresses Aboriginal cultural heritage, history or stories of the region (or state or nation); and/or• Of primary and essential importance to the identity and culture of the Aboriginal communities of the region; and/or• Intact with no disturbance; and/or• Loss or unsympathetic or further disturbance or change <i>will irreversibly</i> diminish the Aboriginal cultural heritage significance of the Precinct and/or community cultural identity of the Aboriginal communities associated with the Precinct.
High	<ul style="list-style-type: none">• Rare example of its type in the region; and/or• Expresses (possibly in combination with other places or features) the Aboriginal cultural heritage, history or stories of the region; and/or• Important to the identity and culture of the Aboriginal communities of the region; and/or• Existing disturbance and evidence of change does not detract from Aboriginal cultural heritage significance; and/or• Loss or unsympathetic or further disturbance or change <i>is likely to</i> diminish the Aboriginal cultural heritage significance of the Precinct and/or community cultural identity of the Aboriginal communities associated with the Precinct.
Moderate	<ul style="list-style-type: none">• Rare example of its type in the Precinct, but not the region (or Growth Centre); and/or• Expresses in combination with other places or features the Aboriginal cultural heritage, history or stories of the region; and/or• Contributes to the identity and culture of the Aboriginal communities of the region; and/or• Existing disturbance and evidence of change does not detract from Aboriginal cultural heritage significance of the place; and/or• Loss or unsympathetic or further disturbance or change <i>may</i> diminish the Aboriginal cultural heritage significance of the Precinct and/or community cultural identity of the Aboriginal communities associated with the Precinct.
Some (low)	<ul style="list-style-type: none">• Common example of its type in the Precinct; and/or• Does not express clear community or cultural values of the precinct or only in a minor way; and/or• Substantially modified or impacted; and/or• Loss or change <i>is unlikely</i> to diminish Aboriginal cultural heritage significance of the Precinct and/or applicable Aboriginal community cultural identity.

Based on the criteria outlined above in accordance with the SEARs, the two archaeological sites (MPIP 17 and MPIP 18) within the Stage 3 development area have been assessed for significance.

Assessed Significance

Archaeological sites MPIP 17 and MPIP 18 both exhibit some (low) archaeological value. The low relative significance was justified from the following:

- These identified artefact scatters and isolated finds occur frequently across the Marsden Park Industrial Precinct and the Cumberland Plain.
- Every Aboriginal site is important to the local Aboriginal community; however, there are more intact or better examples of these site types within the Marsden Park Industrial Precinct.
- All of these sites have experienced some degree of impact/disturbance, including vegetation clearance, erosion, and road/infrastructure development. Several of these sites have been destroyed.
- Any change or loss of these sites *is unlikely* to diminish the Aboriginal cultural heritage of the MPIP or the local Aboriginal community.

The low level of significance was also agreed by the Aboriginal community in the existing 2009 GCC report.

Beyond the SSD approval process, the sites in themselves are not a hindrance to the proposed development.

Existing Recommendations

In agreement with the Aboriginal stakeholders, the GCC report recommended an impact permit (project approval) be granted for both MPIP 17 and MPIP 18. No additional assessment (or test excavation) was recommended for sites MPIP 17 and MPIP 18. In addition, no mitigation was recommended for the low significance sites MPIP 17 and MPIP 18.

It is anticipated that the recommendation of the current EIS assessment process will be in accordance with the existing 2009 GCC report.

Conclusion and Recommendations

A comprehensive Aboriginal archaeological assessment and Aboriginal community consultation program exists for the Stage 3 Sydney Business Park development as part of the 2009 GCC development. Two identified Aboriginal sites exist within the proposed development area for the warehouse and distribution facilities development at Marsden Park and will be impacted by the proposed works. A more targeted updated investigation will be undertaken of the identified sites to inform their management, in consultation with the Aboriginal community; however it is anticipated the results from the targeted and updated assessment will be consistent with the existing 2009 GCC results.

If you have any questions or require further information, please do not hesitate to contact me on (02) 9232 5373 or email Matthew.Kelleher@knconsult.com.au

Yours sincerely



Dr Matthew Kelleher
Director/Archaeologist

Appendix A – AHIMS Extensive Search Results



Office of
Environment
& Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 1947

Client Service ID : 521834

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-2031	MP3 Marsden Park	GDA	56	298664	6266959	Open site	Destroyed	Artefact :-	Open Camp Site	4152
	Contact									
	Recorders									
45-5-2032	MP4 Marsden Park	GDA	56	299144	6267239	Open site	Destroyed	Artefact :-	Open Camp Site	4152
	Contact									
	Recorders									
45-5-2040	MP 12 Marsden Park	GDA	56	299115	6267040	Open site	Destroyed	Artefact :-	Open Camp Site	4152
	Contact									
	Recorders									
45-5-3315	Western Sydney 3	GDA	56	298624	6266125	Open site	Valid	Artefact : 2		100554
	Contact									
	Recorders									
45-5-2380	SROS1;	AGD	56	297880	6266910	Open site	Valid	Artefact :-	Open Camp Site	3759
	Contact									
	Recorders									
45-5-3863	MPIP 31	AGD	56	297712	6266594	Open site	Valid	Artefact : 4		
	Contact									
	Recorders									
45-5-3864	MPIP 29	AGD	56	297610	6266194	Open site	Valid	Artefact : 5		
	Contact									
	Recorders									
45-5-3865	MPIP 30	AGD	56	297491	6266623	Open site	Valid	Artefact :-		
	Contact									
	Recorders									
45-5-1022	ADI 17;	AGD	56	298950	6266040	Open site	Valid	Artefact :-	Open Camp Site	
	Contact									
	Recorders									
45-5-2381	SROS2;	AGD	56	297720	6267160	Open site	Valid	Artefact :-	Open Camp Site	3759
	Contact									
	Recorders									
45-5-2382	SROS7;	AGD	56	297800	6267210	Open site	Valid	Artefact :-	Open Camp Site	3759
	Contact									
	Recorders									
45-5-2384	SROS5;	GDA	56	297944	6266709	Open site	Valid	Artefact :-	Open Camp Site	3759
	Contact									
	Recorders									
45-5-2386	SROS3;	AGD	56	297720	6267120	Open site	Valid	Artefact :-	Open Camp Site	3759
	Contact									
	Recorders									
45-5-3744	MPIP 15	GDA	56	299090	6266400	Open site	Valid	Artefact : 1		
	Contact									
	Recorders									
45-5-3745	MPIP 15A	GDA	56	299072	6266474	Open site	Valid	Artefact : 1		4171
	Contact									
	Recorders									
45-5-3747	MPIP 16	GDA	56	299143	6266957	Open site	Valid	Artefact : 2		4171
	Contact									
	Recorders									
45-5-3748	MPIP 17	GDA	56	298438	6266288	Open site	Valid	Artefact : 2		
	Contact									
	Recorders									

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 1947

Client Service ID : 521834

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-5-3749	MPIP 18	GDA	56	298368	6266361	Open site	Valid	Artefact : 9		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd					<u>Permits</u>		
45-5-3750	MPIP 19	GDA	56	298236	6266549	Open site	Valid	Artefact : 2		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd					<u>Permits</u>	3928	
45-5-3751	MPIP 20	GDA	56	297986	6266350	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd					<u>Permits</u>		
45-5-3752	MPIP 21	GDA	56	298020	6266770	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd					<u>Permits</u>		
45-5-3753	MPIP 21A	GDA	56	297998	6266831	Open site	Valid	Artefact : 4		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd					<u>Permits</u>		
45-5-3754	MPIP 22	GDA	56	298150	6267010	Open site	Destroye d	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd,Kelleher Nightingale Consulting Pty Ltd,Mi					<u>Permits</u>	3909	
45-5-3755	MPIP 22A	GDA	56	298160	6266975	Open site	Destroye d	Artefact : 3		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd,Kelleher Nightingale Consulting Pty Ltd,Mi					<u>Permits</u>	3909	
45-5-3756	MPIP 23	GDA	56	298170	6267395	Open site	Destroye d	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd,Kelleher Nightingale Consulting Pty Ltd,Mi					<u>Permits</u>	3909	
45-5-2034	MP5 Marsden Park	GDA	56	299154	6267359	Open site	Destroye d	Artefact : -	Open Camp Site	4152
	<u>Contact</u>	<u>Recorders</u>	Helen Brayshaw,Matthew Kelleher,Ms.Laila Haglund,Kelleher Nightingale Consulti					<u>Permits</u>		
45-5-4179	MPP-16	GDA	56	297789	6266917	Open site	Valid	Artefact : 3		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd					<u>Permits</u>		
45-5-4180	MPP-17	GDA	56	297954	6266788	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd					<u>Permits</u>		
45-5-4620	MPIP PAD 3	GDA	56	298179	6266413	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<u>Contact</u>	<u>Recorders</u>	Kelleher Nightingale Consulting Pty Ltd					<u>Permits</u>		
45-5-5217	South St 2	GDA	56	298056	6266363	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	OzArk Environmental and Heritage Management, Miss, Stephanie Rusden					<u>Permits</u>		
45-5-4904	South St 1	GDA	56	298002	6266477	Open site	Valid	Artefact : 1		
	<u>Contact</u>	<u>Recorders</u>	Eco Logical Australia Pty Ltd - Sydney - Individual users, Beebe Tyler					<u>Permits</u>		
45-5-4894	Hollinsworth Industrial IF2	GDA	56	298648	6266553	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Mr.Oliver Brown, Associates Archaeology and Heritage					<u>Permits</u>	4171	

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