



COMPASS 2 WAREHOUSE & DISTRIBUTION CENTRE
LOT 1 DP1274322, EASTERN CREEK DRIVE, EASTERN CREEK NSW
Aboriginal Heritage Assessment

Prepared for Charter Hall Holdings

Blacktown Local Government Area

February 2022

Ref. 2113

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1 Introduction

1.1 Project background

Charter Hall Holdings is proposing the construction of the Compass 2 Warehouse and Distribution Centre on lands they have acquired at Eastern Creek in western Sydney, NSW ('the proposal'). The proposal is located at Lot 1 DP1274322, within the Blacktown Local Government Area (LGA). The proposal includes the following elements:

- Minor earthworks involving cut and fill works;
- Infrastructure comprising civil works and utilities servicing;
- Construction of a warehouse and operation as a distribution centre, comprising:
 - Warehouse area (GFA) of 20,280m²
 - Ancillary office area of 1,300m²
 - Dock office area of 450m²
 - Forklift charging room of 500m²
 - Freezer room of 920m²
 - 184 car parking spaces

Kelleher Nightingale Consulting Pty Ltd (KNC) was engaged by Charter Hall Holdings to undertake an Aboriginal heritage assessment of the proposal site. This assessment has been undertaken with reference to the Heritage NSW [formerly Office of Environment and Heritage (OEH)] *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (OEH 2010a) and *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010b).

1.2 Description of the study area

The 'study area' for this assessment comprises approximately 4.76ha, being the entirety of Lot 1 DP1274322 (the proposal site). The location of the study area is shown in Figures 1 and 2, with the general arrangement plan for the proposal shown in Figure 3.

The study area is wholly situated within the Blacktown LGA, between Eastern Creek Drive and Honeycomb Drive at Eastern Creek. The study area is situated within the Western Sydney Employment Area (WSEA) and is zoned 'IN1 General Industrial' under the *State Environmental Planning Policy (Western Sydney Employment Area) 2009* (SEPP WSEA). Land use surrounding the study area is predominantly warehousing and industrial, with a number of recent development projects being undertaken following the subdivision and sale of the former Jacfin Development Site.

1.3 Summary of findings

No Aboriginal heritage was identified within the study area. Review of background information and the site inspection did not identify any Aboriginal objects. In addition, no areas of potential for subsurface Aboriginal objects were identified.

Review of background information identified that the study area falls within the former Jacfin Development Site at Eastern Creek. The Jacfin Development Site was previously subject to comprehensive Aboriginal archaeological and heritage assessment prior to subdivision and subsequent sale of constituent Lots, including the proposal site. No Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential were identified in the current study area during these assessments.

The majority of the study area is covered by an existing Aboriginal Heritage Impact Permit (AHIP C0003358) issued in 2018 for the Stage 2 Basin development within the Jacfin Site. This AHIP is active until 2028 and allows for impact to Aboriginal objects within the AHIP area. Charter Hall Holdings has confirmed with the AHIP holder that the proposal may use the existing AHIP. The remainder of the study area (outside the AHIP area) is highly disturbed and contains no identified Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential.

It can therefore be reasonably determined that no Aboriginal objects would be harmed by the proposal. Based on the results of this assessment there are no Aboriginal archaeological constraints to the proposed development of the Compass 2 Warehouse and Distribution Centre and the development may proceed with caution.

1.4 Investigator / contributors

A full list of investigator / contributors to the current study is included in Table 1 below.

Table 1. Investigator / contributor

Investigator / Contributor	Affiliation	Role
Dr Matthew Kelleher	Kelleher Nightingale Consulting	Advisor, Reporting and Review
Mark Rawson	Kelleher Nightingale Consulting	Site Inspection, Reporting
Cristany Milicich	Kelleher Nightingale Consulting	Reporting
Ben Anderson	Kelleher Nightingale Consulting	GIS Mapping



Figure 1. Overview of study area (aerial base image December 2018)

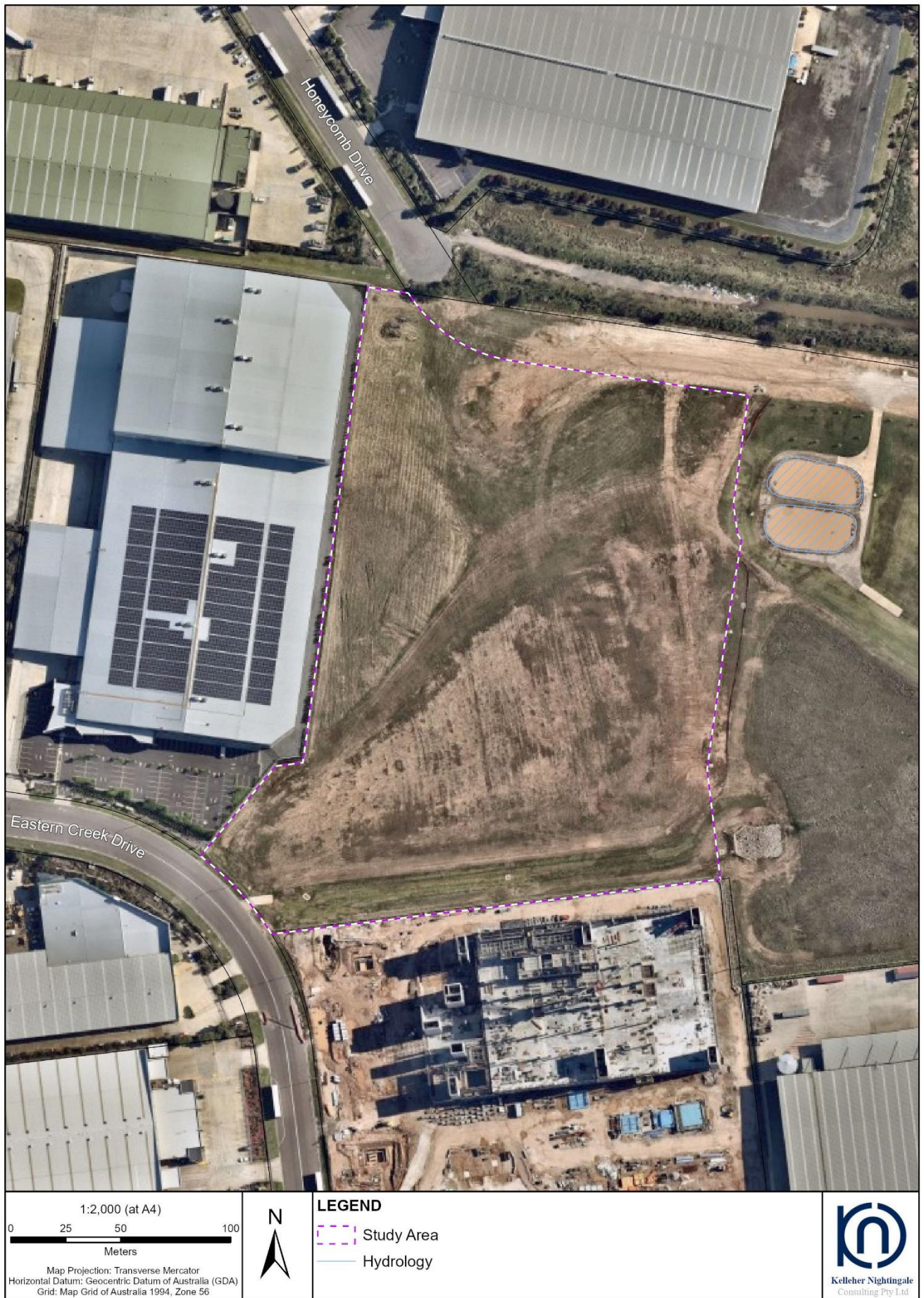


Figure 2. Detail of the study area (aerial base image October 2021)

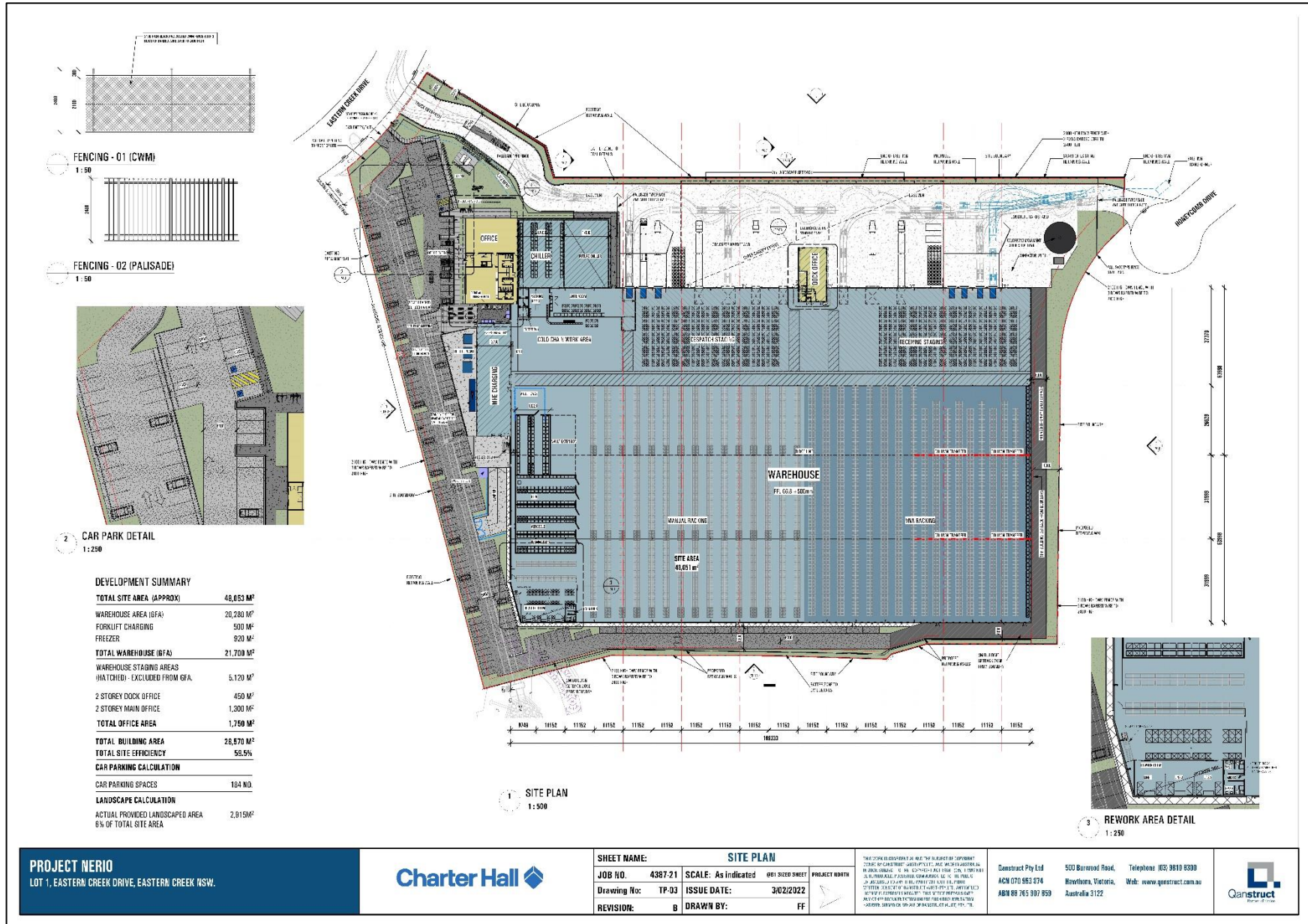


Figure 3. General arrangement plan for the proposal. NB north to right of page.

2 Environmental Context and Landscape Assessment

2.1 Geology

The study area is located on the Cumberland Plain, a physiographic region of the Sydney Basin characterised by low lying, gently undulating low hills and plains atop the Wianamatta Group of Triassic Period sedimentary shales. 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 (Clark and Jones 1991).

The underlying geology of the study area consists of Bringelly Shale (Figure 4). Bringelly Shale is part of the Late Triassic Wianamatta Group of shales common to the Cumberland Plain. Bringelly Shale (Rwb) is composed of shale, carbonaceous claystone, claystone, laminate, fine to medium-grained lithic sandstone, rare coal and tuff (Clark and Jones 1991).

2.2 Soils and landform

The study area is situated on the eastern side of a north-south running ridgeline which forms part of the watershed separating the catchments of Reedy Creek and Eastern Creek to the east and Ropes Creek to the west. The topography of the study area is characterised by the slope and drainage depression landforms that are adjacent to Eskdale Creek and several first order tributaries. Eskdale Creek is a second/third order stream that flows to the east and joins Eastern Creek just north of its confluence with Reedy Creek, approximately 2.1 kilometres to the north east of the study area. The study area contains a disturbed former drainage channel associated with first order headwaters of Eskdale Creek, which has been modified by filling and a culvert at its eastern end. Other landforms include south western gentle slopes leading down to the drainage line and surrounding creek flats.

The *Due Diligence Code of Practice* (OEH 2010a) identifies several landscape features that were often used by Aboriginal people in the past and consequently are often associated with Aboriginal objects, provided that the landscape has not been significantly disturbed. The study area is located in proximity to landform features (within 200 metres of waterways) which are often associated with Aboriginal occupation/activity as determined by Heritage NSW. Based on the landscape assessment, the study area therefore has the potential to retain Aboriginal objects and archaeological deposit in contexts where the ground has not been subject to significant disturbance.

The study area contains residual Blacktown soils derived from the underlying Bringelly Shale (Figure 4). The Blacktown soil landscape consists of shallow to moderately deep hard-setting red, brown and yellow podzolic soils with low soil fertility (Bannerman, Hazleton and Tille 1990). Soils are subject to minor to moderate erosion where surface vegetation is not maintained. As a residual soil landscape, Blacktown soils have the potential to conserve archaeological deposits intact where disturbance levels are low but these are likely to retain horizontal integrity only (i.e. stratification of deposit is rare). Where steeper landforms are present, preservation of archaeological deposits is less likely, especially where combined with landscape disturbance.

2.3 Vegetation and land use

Prior to European settlement and land clearing, the study area would have displayed a variety of native vegetation, primarily from the Cumberland Plain Woodland group, comprising Grey Box (*Eucalyptus moluccana*) and Forest Red Gum (*E. tereticornis*), with Narrow-leaved Ironbark (*E. crebra*), Spotted Gum (*Corymbia maculata*) and Thin-leaved Stringybark (*E. eugenioides*) occurring less frequently. The shrub layer was typically dominated by Blackthorn (*Bursaria spinosa*), and it is common to find abundant grasses such as Kangaroo Grass (*Themeda australis*) and Weeping Meadow Grass (*Microlaena stipoides* var. *stipoides*).

The study area formed part of a land grant made to William Hayes in 1819. By 1830, William Hayes had acquired 900 acres that he had cleared and fenced. Early European land use practices in the region were predominantly associated pastoral, viticultural and quarrying activities. More recently, industrial redevelopment and associated infrastructure installations have occurred on lands adjacent to the study area.

Landuse practices and natural processes have had a variable impact on the landscape within the study area. The entirety of the study area has been cleared of native vegetation and was previously utilised for grazing. The south western portion of the study area adjacent to Eastern Creek Drive has been heavily disturbed by the construction of the road and utilities. The low lying areas adjacent to the Eskdale Creek tributary have been previously disturbed by fluvial activity, erosion, livestock movement and the construction of dams and drainage works. More recent stockpiling and earthworks are also evident across the study area (visible on Figure 2).



Figure 4. Geology and soil landscapes of the study area

3 Archaeological Context

3.1 Database searches (AHIMS) and known information sources

3.1.1. AHIMS web services

The Aboriginal Heritage Information Management System (AHIMS) is a database operated by Heritage NSW and regulated under section 90Q of the *National Parks and Wildlife Act 1974*. AHIMS contains information and records pertaining to registered Aboriginal archaeological sites (Aboriginal objects, as defined under the Act) and declared Aboriginal places (as defined under the Act) in NSW.

A search of AHIMS was conducted in November 2021 to identify registered (known) Aboriginal sites or declared Aboriginal places within or adjacent to the study area (AHIMS Client Service ID:641654). The search results are attached as Appendix A.

The AHIMS Web Service database search was conducted within the following coordinates (GDA, Zone 56):

Eastings: 299577.0 - 300839.0
 Northings: 6256593.0 - 6257309.0
 Buffer: 0 metres (coordinates included a buffer around the study area)

Number of records on AHIMS database: 11

The distribution of registered sites within the search area is shown in Figure 5, with site features ('site types') listed in Table 2 below.

Table 2. Site features and context from AHIMS database search

Site Context	Site Feature	Number	Frequency (%)
Open	Artefact	8	72.7
	Artefact; Potential Archaeological Deposit (PAD)	1	9.1
	Modified Tree (Carved or Scarred)	1	9.1
	Potential Archaeological Deposit (PAD)	1	9.1
Total		11	100

AHIMS records show that there are eleven previously recorded sites located within the wider search area. None are located within the current study area. The closest site is 45-5-3286 (ISF2 Jacfin) located on Eastern Creek Drive at the western study area boundary. The site was previously destroyed under Section 90 Consent to Destroy #2610 and is no longer extant. The AHIMS database lists the site status as "destroyed".

The AHIMS results, the nature of previously recorded sites and previous archaeological investigations are discussed further in section 3.2.

3.1.2. Other heritage registers and databases

A search was undertaken of the following statutory and non-statutory heritage registers for Aboriginal heritage items:

- State Heritage Register and State Heritage Inventory
- Blacktown Local Environmental Plan 2015
- State Environmental Planning Policy (Western Sydney Employment Area) 2009
- Section 170 Heritage and Conservation Registers
- National Heritage List
- Commonwealth Heritage List
- Australian Heritage Database
- Australian Heritage Places Inventory
- Register of the National Estate - note the Register was closed in 2007 and is no longer a statutory list. It is maintained on a non-statutory basis as a publicly available archive and educational resource.

No Aboriginal archaeological sites or Aboriginal heritage items were recorded on these databases within the study area.



Figure 5. AHIMS search results (aerial base image December 2018)

3.2 Previous archaeological investigations

The study area and adjacent lands have been subject to several archaeological investigations. In general, these investigations have been in response to light industrial development and associated infrastructure projects. A summary of the relevant studies is presented in this section. More specifically, the study area forms part of the former Jacfin Eastern Creek Development Site and Stage 2 Basin area (refer Figure 6) which have been subject to comprehensive previous Aboriginal heritage assessments (see Sections 3.2.1-3.2.2 below).

Kohen (1986) conducted an archaeological study of Aboriginal sites within the Blacktown LGA. The study collated known information on Aboriginal sites and resource locations. The study surveyed four areas within the Blacktown LGA where Kohen had determined there was significant potential for locating undisturbed archaeological sites. The survey of the Southwest Sector included the current study area. The archaeological survey of the Southwest Sector identified thirteen sites, comprising eleven artefact scatters and two isolated finds. The majority of sites were found in close proximity to water sources or ridges. Visibility was predominantly poor across the survey area due to high grass cover; however, visibility was better along creeks, near dams, on tracks and on ridgetops.

Artefacts types were predominantly flakes and flaked pieces with cores and backed artefacts identified in smaller quantities. The majority of artefacts were made from silcrete while chert, quartz, quartzite and basalt were also used. The survey of the Southwest Sector identified three Aboriginal archaeological sites (Blacktown Southwest 1 Eastern Creek, Blacktown Southwest 2 Eastern Creek and Blacktown Southwest 5 Eastern Creek) within the Jacfin Eastern Creek Development Site. None of these sites are within the current study area, being located between 170 – 900 metres distant.

Site Blacktown Southwest 1 Eastern Creek (AHIMS 45-5-0588) consisted of 17 artefacts that were identified within the creek bed and eroding from the southern bank of Eskdale Creek. The artefacts comprised two silcrete cores, two retouched silcrete scrapers, a utilised silcrete flake, eleven silcrete flakes and a chert flake fragment. Site Blacktown Southwest 2 Eastern Creek (AHIMS 45-5-0556) was a low density open artefact scatter located in an erosion scar adjacent to a dam on the side of a ridge. The artefacts comprised one utilised silcrete flake, five silcrete flakes, three quartz flakes, one chert flake and one quartzite flake. Site Blacktown Southwest 5 Eastern Creek (AHIMS 45-5-0558) comprised two silcrete flakes that were located on the bank of Eskdale Creek. The artefacts were approximately 200 metres west of site Blacktown Southwest 1 Eastern Creek.

Jo McDonald Cultural Heritage Management (JMCHM) (2002) undertook an archaeological survey of the Jacfin Development Site (formerly Lots 101 and 102 DP 1028252) prior to light industrial subdivision. The survey identified an archaeological site (ISF2 Jacfin) within the Eastern Creek Drive corridor to the west of the current study area. Site ISF2 Jacfin (AHIMS 45-5-3286) consisted of one red silcrete flaked piece that was identified on the southern edge of an old dam. The dam had been constructed on an east flowing headwater tributary of Eskdale Creek. A Section 90 Consent to Destroy (#2610) was issued for site ISF2 Jacfin in 2007 and subsequent survey confirmed this site no longer exists (KNC 2017a). The AHIMS database confirms the site status as “destroyed”.

JMCHM (2004) assessed the current study area as part of a heritage conservation strategy for the State Environmental Planning Policy 59 Eastern Creek Business Park (Stage 3) Precinct. The assessment included consultation with Deerubbin Local Aboriginal Land Council (DLALC) and other Aboriginal stakeholder groups. The study identified 42 sites comprising 22 artefact scatters, 19 isolated artefacts and one artefact scatter associated with a potential culturally modified tree. The assessment developed archaeological sensitivity mapping of the precinct which used previous land use to categorise archaeological potential as low, moderate or high. The archaeological sensitivity mapping assessed the majority of the current study area as having low or moderate archaeological potential. Eskdale Creek and areas disturbed by extensive drainage and dam works were assessed as having low archaeological potential (JMCHM 2004: 13).

3.2.1. *Jacfin Eastern Creek: Aboriginal archaeological survey report*

KNC (2017a) previously assessed the current study area as part of the Jacfin Eastern Creek development site (Figure 6). The assessment included a review of previous investigations and an analysis and discussion of regional archaeological context and character. Permanent waterways, such as Eastern Creek and Ropes Creek, provided a focus for Aboriginal activities as evidenced by higher density artefact scatters while minor water sources, such as the upper reaches of Eskdale Creek in the current study area, were suitable for secondary occupation as evidenced by lower density sites.

The assessment included a full coverage survey of the Jacfin Eastern Creek development site and closely inspected exposed ground, such as tracks or eroded surfaces, for artefacts. The survey also focused on establishing a detailed appreciation of archaeologically sensitive landforms to assist in identifying the full spatial extent of identified archaeological sites. Ground surface visibility was generally high adjacent to Eskdale Creek due to fluvial activity, erosion and disturbance. In the remaining portions of the project area, surface visibility was low due to dense grass cover.

The survey relocated the three Aboriginal archaeological sites within the development site previously recorded by Kohen (1986), the closest being east of the current study area (Blacktown Southwest 1 Eastern Creek (AHIMS 45-5-0588) and Blacktown Southwest 5 Eastern Creek (AHIMS 45-5-0558)).



Figure 6. Location of study area within Jacfin Development Site and Stage 2 Basin AHIP C0003358 area (aerial base image December 2018)

These two sites comprised artefact scatters located on terrace landforms south of Eskdale Creek. The artefacts were predominantly silcrete with some chert and quartzite artefacts also identified. The sites were assessed as exhibiting in situ archaeological material and moderate archaeological significance. Further to the west, one further previously recorded site (Blacktown Southwest 2 Eastern Creek (AHIMS 45-5-0556)) and two new areas of PAD were identified. These were associated with a tributary of Ropes Creek and two elevated crests of a prominent rise overlooking the Ropes Creek floodplain.

For the current study area, the low-lying areas around Eskdale Creek and tributaries were heavily disturbed by fluvial activity and the adjacent slopes were predominantly too steep for intact archaeological deposits. High levels of disturbance were noted along creek banks where fluvial activity had caused extensive erosion, while livestock movement had disturbed the creek banks at crossing points. Disturbance from drainage and sewer works was also evident. No Aboriginal archaeological sites or areas of archaeological potential were identified within the current study area by the assessment, due to unsuitable landform and high levels of existing disturbance.

3.2.2. Jacfin Stage 2 Basin: CHAR and AHIP

Following the Aboriginal archaeological assessment, KNC undertook preparation of an Aboriginal Cultural Heritage Assessment Report (CHAR) for a proposed regional basin and preliminary works within Stage 2 of the overall Jacfin development site (KNC 2017b). The Stage 2 Basin area contains the majority of the current study area and is shown on Figure 6. The CHAR built on the results of the previous assessment. The CHAR was prepared in accordance with relevant guidelines including the Heritage NSW *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011). A full Aboriginal community consultation process was undertaken in accordance with the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH 2010c) and the *National Parks and Wildlife Regulation 2009*.

Two Aboriginal archaeological sites were located within the Stage 2 Basin area: Blacktown Southwest 1 Eastern Creek and Blacktown Southwest 5 Eastern Creek. Both sites were assessed as displaying moderate significance and were to be fully impacted by the proposed works. Following the completion of the Aboriginal cultural heritage assessment process for the Stage 2 Basin, an AHIP was sought under s.90 of the *National Parks and Wildlife Act 1974* for the area where potential impact to Aboriginal objects was identified. The AHIP application excluded areas of existing severe disturbance, including the drainage culvert and area of high disturbance on Eastern Creek Drive, within the current study area. No potential impact to Aboriginal objects was identified in these areas due to the existing infrastructure.

An AHIP was subsequently granted by the Office of Environment and Heritage [now Heritage NSW] on 24/01/2018 (AHIP number C0003358; AHIMS Permit ID 4218) and is valid for ten years. The AHIP area is shown in Figure 6 and covers the majority of the current study area.

The AHIP included provision for archaeological salvage excavation at the two sites within the Stage 2 Basin area. Salvage work was completed in April 2018 and the sites are now destroyed, with this site status confirmed on the AHIMS search (Section 3.1.1; Figure 5). Neither site is located within the current study area. The existing AHIP allows for impact to Aboriginal objects within the Stage 2 Basin AHIP area, provided that works are undertaken in accordance with AHIP conditions. This AHIP is current and Charter Hall Holdings has confirmed with the AHIP holder that the current proposal may use the existing AHIP within the current study area.

4 Aboriginal Community Consultation

The aim of consultation is to integrate cultural and archaeological knowledge and ensure Aboriginal community stakeholders have information to make decisions on Aboriginal cultural heritage. Previous assessments for the Jacfin Eastern Creek Development Site and Stage 2 Basin area (inclusive of the current study area) have included comprehensive Aboriginal community consultation.

For the preparation of the previous Stage 2 Basin CHAR and application for an AHIP, consultation with Aboriginal people was undertaken in accordance with the Heritage NSW *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH 2010c) and the requirements of the *National Parks and Wildlife Regulation 2009*.

The formal consultation process included:

- Notification of Aboriginal persons, including register of native title determinations search and government agency notification letters;
- advertising for registered stakeholders in local print media
- notification of closing date for registration
- record of registration of interest
- provision of project-specific information
- provision of assessment methodology for review (28 day review period)
- invitation to advise on Aboriginal cultural value of the area
- provision of draft CHAR for review (28 day review period)
- ongoing consultation with the local Aboriginal community including regular project updates and participation in archaeological fieldwork activities.

Aboriginal people who hold knowledge relevant to determining the cultural heritage significance of Aboriginal objects and Aboriginal places in the Stage 2 Basin area were invited to register an interest in a process of community consultation. Investigations included consultation with Aboriginal community individuals and groups as listed below in Table 3.

Table 3. Registered Aboriginal Stakeholders for Stage 2 Basin – AHIP C0003358

Group / Individual	Representative / Contact
Deerubbin Local Aboriginal Land Council	Steve Randall
A1 Indigenous Services	Carolyn Hickey
Aboriginal Archaeology Service INC.	Andrew Williams
Amanda Hickey Cultural Services	Amanda Hickey
Biamanga	Seli Storer
Corroboree Aboriginal Corporation	Steve Johnson
Cullendulla	Corey Smith
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton
Darug Aboriginal LandCare	Des Dyer
Darug Land Observations Pty Ltd	Jamie Workman
Darug Tribal Aboriginal Corporation	John Reilly
Didge Ngunawal Clan	Paul Boyd and Lilly Carroll
Goobah	Basil Smith
Gulaga	Wendy Smith
Gundungurra Tribal Technical Services	Christopher Payne
Gunjeewong Cultural heritage Aboriginal Corporation	Cherie Turrise Carroll
Kamilaroi-Yankuntjatjara Working Group	Pollowan Phillip Khan
Kawul Cultural Services	Vicky Slater

Group / Individual	Representative / Contact
Minnamunnung	Aaron Broad
Muragadi Heritage Indigenous Corporation	Jesse Johnson
Murra Bidgee Mullangari Aboriginal Corporation Cultural Heritage	Darleen Johnson
Murramarang	Roxanne Smith
Rane Contracting	Tony Williams
Widescope	Steven Hickey
Wuurrumay Consultants	Vicky Slater

4.1 Aboriginal cultural values

It was identified during the consultation process that the wider Stage 2 Basin project area had cultural heritage value to the local Aboriginal community. Some of the Aboriginal cultural heritage values expressed by stakeholders included:

- 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, especially Eastern Creek and Reedy Creek and their floodplains
- indigenous plants and animals
- general concern for burials, as their locations are not always known and they can be found anywhere.

No specific cultural values associated with the Stage 2 Basin area or the current study area were identified during the assessment.

5 Regional character

Previous archaeological investigations have provided data on site distribution, site typology and lithic raw material use that aid in assessing the archaeological character of the region. Site frequency and density can be related to key landscape factors including distance to water, landform, degree of slope, soil landscape and proximity to environmental resources.

Archaeological sites in the region generally occur as surface artefact scatters and isolated artefacts that have been identified across the various landforms, geologies and soil landscapes. Relatively elevated landforms along the margins of creeks, especially those offering permanent water and associated environmental resources would have been favourable for occupation by Aboriginal people. This is reflected in the archaeological record by higher site frequency, especially along the major creeklines of Ropes Creek and Eastern Creek, potentially reflecting repeated or more intensive use of these locations.

The study area is located within a landscape with varying levels of natural and human disturbance. Vegetation clearance and the construction of roads and utilities in addition to natural process such as erosion disturb both surface and subsurface deposits. Within these contexts Aboriginal objects are unlikely to survive in situ and the archaeological potential of such areas is generally low. Conversely, ground surface visibility is often increased by these processes, leading to increased identification of surface artefacts in these areas.

Based on information from previous archaeological investigations, landscape context and regional character, site predictions for the study area and surrounds as developed in KNC 2017a included the following:

- Archaeological sites are likely to consist of open artefact scatters and/or isolated artefacts on elevated terraces and flats or hill crests.
- It can be expected that silcrete will be the most commonly encountered artefact raw material, with occasional occurrences of quartz, chert and quartzite.
- Clearance of original vegetation lessens the likelihood of identifying culturally modified trees, but old growth trees may be present around the area and have the potential to display scars of Aboriginal origin.
- The identification of archaeological sites is likely to be affected by differential visibility of the ground surface, but successful assessment of areas of potential archaeological deposit can be made based on landform and other environmental factors such as disturbance, degree of slope and distance to water.

Previous comprehensive archaeological field survey and Aboriginal cultural heritage assessment did not identify any Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential within the current study area.

6 Site Inspection

6.1 Sampling strategy and field methods

Following the background information review, a site inspection was undertaken to assess the study area. The aim of the site inspection was to conduct a full coverage, pedestrian survey of the study area and to record any Aboriginal archaeological sites or remnant areas with potential to contain Aboriginal objects. The site inspection aimed to confirm the extent of disturbance and the findings of the previous Aboriginal heritage assessments (KNC 2017a, 2017b).

The study area was inspected via pedestrian survey on 21 December 2021 by Mark Rawson (Senior Archaeologist, KNC). The inspection was equipped with high resolution aerial photography and topographic maps showing the study area boundary. A non-differential GPS receiver was used for spatial recordings. All GPS recordings were made using the Geocentric Datum of Australia (GDA) coordinate system. Detailed notes on the condition of the study area were compiled including an assessment of surface visibility, vegetation coverage, modern disturbance and land use.

6.2 Site coverage

Inspection commenced in the southern part of the study area from Eastern Creek Drive. A small triangle of land at this location is not covered under existing AHIP C0003358. This area was confirmed to be highly impacted by existing disturbance including road construction, earthworks/landscaping and installation of buried services and utilities. The location of former AHIMS site ISF 2 Jacfin (AHIMS 45-5-3286) outside of the study area was confirmed as destroyed.

The central part of the study area was found to have been modified by earthworks/levelling and introduction of fill materials following the issue of the AHIP. The drainage line and dam formerly running through the centre of the property have been modified and filled. Scattered fill material and top dressed gravels were evident just below patchy regrowth grass cover. A small area along the eastern boundary fence is not covered under the existing AHIP. This location contains a gravelled drainage culvert visible on earlier satellite imagery, which has since been filled in following the completion of the drainage works and covered over with fill. This area was found to be severely disturbed.



Plate 1. View to east across southern part of study area, from entrance on Eastern Creek Drive



Plate 2. View to south west showing buried services and drainage



Plate 3. View to north along eastern boundary fence. Former drainage culvert on creekline now covered by fill soil



Plate 4. View to south-west. Former dam on creekline was in background, now filled and levelled



Plate 5. View to east. Exposures of clay subsoils and bedrock. Northern boundary at left.



Plate 6. View to south-west from low rise at right. Former creek was in depression in mid distance.

Widespread disturbance was evident across the northern and western parts of the study area. Several locations along the northern fenceline have been stripped and levelled, with exposed clay subsoils and bedrock interspersed with fill. Exposures were closely inspected for Aboriginal objects but none were identified. A low rise/bench within the former slope in the north western part of the property has also been modified as part of fill and levelling works along the former drainage line. No areas of Aboriginal archaeological potential were identified.

6.3 Results

No Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential or sensitivity were identified during the site inspection. The visual inspection confirmed the extent of disturbance across the study area. The ground has been significantly disturbed and levelled, with widespread introduction of fill material. While ground surface visibility was low, disturbed fill material was evident in exposures. The two small portions of the study area not covered under existing AHIP C0003358 were confirmed to be severely disturbed by existing drainage and services infrastructure.

Based on the findings of the site inspection, the study area is considered unlikely to contain any intact archaeological deposits and does not display Aboriginal archaeological heritage potential.

7 Discussion and Impact Assessment

No Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential or sensitivity have been identified within the study area. This assessment is based on the findings of previous comprehensive Aboriginal heritage investigations, background information review including assessment of environmental and archaeological context, and a full coverage pedestrian site inspection.

No Aboriginal objects (artefacts) or Aboriginal archaeological sites have previously been identified within the study area. No Aboriginal cultural features or specific cultural heritage values were identified during previous assessment with Registered Aboriginal Stakeholders for the Jacfin Stage 2 Basin assessment (KNC 2017b).

The proposed development of the Compass 2 Warehouse and Distribution Centre would not impact on any known Aboriginal archaeological heritage items or sites. The Aboriginal archaeological potential and sensitivity of the study area has been assessed as very low to nil due to the nature and extent of previous landscape disturbance.

Existing AHIP C0003358 for the Stage 2 Basin is active over the majority of the study area and remains valid until 2028. This existing AHIP allows for impact to identified Aboriginal heritage and Aboriginal objects within the AHIP area, provided that works are undertaken in accordance with AHIP conditions. Charter Hall Holdings has confirmed with the AHIP holder that the current proposal may use the existing AHIP.

In sum, background research, AHIMS records and the site inspection did not identify any Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential or sensitivity within the study area. It can be reasonably determined that no Aboriginal objects would be harmed by the proposal.

8 Significance assessment

No Aboriginal objects (artefacts) or Aboriginal archaeological sites were identified within the study area. No Aboriginal cultural features were identified during previous assessment with Registered Aboriginal Stakeholders for the Jacfin Stage 2 Basin project (KNC 2017b).

The study area does not display any areas of Aboriginal archaeological potential or sensitivity.

9 Legislative considerations

The *National Parks and Wildlife Act 1974* (NPW Act) is the primary statutory control dealing with Aboriginal heritage in New South Wales. Items of Aboriginal heritage (Aboriginal objects) or Aboriginal places (declared under section 84) are protected and regulated under the Act.

Under the Act, an “Aboriginal object” is defined as “any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains”. As such, Aboriginal objects are confined to physical evidence and are commonly referred to as Aboriginal sites.

Aboriginal objects are protected under section 86 of the Act. It is an offence to harm or desecrate an Aboriginal object, either knowingly [section 86 (1)] or unknowingly [section 86 (2)].

There are offences and penalties relating to harm to, or desecration of, an Aboriginal object or declared Aboriginal place. Harm includes to destroy, deface, damage or move. Penalties are tiered according to offences, which include:

- a person must not harm or desecrate an Aboriginal object that the person knows is an Aboriginal object;
- a person must not harm or desecrate an Aboriginal object (strict liability offence);
- a person must not harm or desecrate an Aboriginal place (strict liability offence);
- failure to notify Office of Environment and Heritage of the location of an Aboriginal object (existing offence and penalty); and
- contravention of any condition of an Aboriginal Heritage Impact Permit.

Under section 87 (1) it is a defence if “(a) the harm or desecration concerned was authorised by an Aboriginal heritage impact permit, and (b) the conditions to which that Aboriginal heritage impact permit was subject were not contravened”.

Section 87 (2) of the Act provides a defence against prosecution under section 86 (2) if “the defendant exercised due diligence to determine whether the act or omission constituting the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed”.

Under section 90 (1) of the Act “the Director-General may issue an Aboriginal heritage impact permit”. The regulation of Aboriginal heritage impact permits is provided in Part 6 Division 2 of the Act, including regulations relating to consultation (section 90N).

An Aboriginal Heritage Impact Permit (AHIP) is required for an activity which will harm an Aboriginal object.

9.1 Existing AHIP C0003358

Existing AHIP C0003358 for the Stage 2 Basin is active over the majority of the study area and remains valid until 2028. Figure 6 shows the AHIP area in relation to the current study area. This existing AHIP allows for impact to identified Aboriginal heritage and Aboriginal objects within the AHIP area, provided that works are undertaken in accordance with AHIP conditions. Charter Hall Holdings has confirmed with the AHIP holder that the current proposal may use the existing AHIP.

The two small portions of the study area that are not covered by the AHIP (small triangle of land adjacent to Eastern Creek Drive and area around former drainage culvert along eastern lot boundary) are both highly disturbed locations with no Aboriginal archaeological sensitivity or potential. Previous Aboriginal heritage investigations and the current assessment identified no Aboriginal objects or potential impact to Aboriginal heritage in these areas.

10 Conclusions and recommendations

No Aboriginal heritage was identified within the study area. Review of background information and the site inspection did not identify any Aboriginal objects. In addition, no areas of potential for subsurface Aboriginal objects were identified.

Review of background information identified that the study area falls within the former Jacfin Development Site at Eastern Creek. The Jacfin Development Site was previously subject to comprehensive Aboriginal archaeological and heritage assessment prior to subdivision and subsequent sale of constituent Lots, including the proposal site. No Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential were identified in the current study area during these assessments.

The majority of the study area is now covered by an existing Aboriginal Heritage Impact Permit (AHIP C0003358) issued in 2018 for the Stage 2 Basin development within the Jacfin Site. This AHIP is active until 2028 and allows for impact to Aboriginal objects within the AHIP area, provided that works are undertaken in accordance with AHIP conditions. Charter Hall Holdings has confirmed with the AHIP holder that the proposal may use the existing AHIP.

The remainder of the study area (outside the AHIP area) is highly disturbed and contains no identified Aboriginal objects, archaeological sites or areas of Aboriginal archaeological potential. Findings of the current assessment are consistent with the findings of the previous comprehensive Aboriginal heritage investigations (KNC 2017a and 2017b).

It can therefore be reasonably determined that no Aboriginal objects would be harmed by the proposal. Based on the results of this assessment there are no Aboriginal archaeological constraints to the proposed development of the Compass 2 Warehouse and Distribution Centre and the development may proceed with caution.

References

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- OEH, 2010c. *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010: Part 6 National Parks and Wildlife Act 1974*. Department of Environment, Climate Change and Water NSW, Sydney.
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Appendix A – AHIMS Extensive Search Results



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

Your Ref/PO Number : SSD-30923027

Client Service ID : 641654

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-5-3286	ISF2 Jacfin	GDA	56	299824	6256919	Open site	Destroyed	Artefact : -		
Contact		Recorders		Jo McDonald Cultural Heritage Management see GML,Kelleher Nightingale Consulti						
45-5-5265	Eastern Creek Lot 40 Artefact Reburial	GDA	56	300327	6257149	Closed site	Valid	Artefact : -	2610	
Contact		Recorders		GML Heritage Pty Ltd - Surry Hills, Miss.Hannah Morris						
45-5-4726	Lot 40 PAD	GDA	56	300521	6257112	Open site	Valid	Potential Archaeological Deposit (PAD) : -, Artefact : -		
Contact		Recorders		GML Heritage Pty Ltd - Surry Hills, Doctor.Tim Owen, Doctor.Tim Owen						
45-5-2822	WBP 1	AGD	56	300650	6257100	Open site	Valid	Modified Tree (Carved or Scarred) : -	4136	98444
Contact		Recorders		Dominic Steele Archaeological Consulting						
45-5-0588	Blacktown Southwest 1 Eastern Creek	GDA	56	300490	6256935	Open site	Destroyed	Artefact : -	Open Camp Site	98435
Contact		Recorders		Jim Kohen, Mr.Matthew Kelleher, Kelleher Nightingale Consulting Pty Ltd (Generic u						
45-5-2837	IF:8	AGD	56	300640	6256780	Open site	Valid	Artefact : -		4599,100449
Contact		Recorders		Dominic Steele Archaeological Consulting						
45-5-2828	AWL 6	AGD	56	300670	6256780	Open site	Valid	Artefact : -		4599,98444,10 0449
Contact		Recorders		Dominic Steele Archaeological Consulting						
45-5-2829	AWL 7	AGD	56	300680	6256860	Open site	Valid	Artefact : -		4599,98444,10 0449
Contact		Recorders		Dominic Steele Archaeological Consulting						
45-5-2836	IF:7	AGD	56	300600	6256840	Open site	Valid	Artefact : -		4599,98444,10 0449
Contact		Recorders		Dominic Steele Archaeological Consulting						
45-5-3779	Link Road PAD	GDA	56	300711	6256775	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
Contact		Recorders		Mr.Oliver Brown						
45-5-0558	Blacktown Southwest 5 Eastern Creek	GDA	56	300240	6257000	Open site	Destroyed	Artefact : -	Open Camp Site	1007,1050,984 35
Contact		Recorders		Jim Kohen, Mr.Matthew Kelleher, Kelleher Nightingale Consulting Pty Ltd (Generic u						

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 24/11/2021 for Matthew Kelleher for the following area at Datum :GDA, Zone : 56, Eastings : 299577.0 - 300839.0, Northings : 6256593.0 - 6257309.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 11

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