

16 April 2019

Layne O'Neill
Senior Development Manager
Fraser's Property Australia
Level 2, 1C Homebush Bay Drive
Rhodes NSW 2138

Dear Layne

RE: Exhibition of Eastern Creek Business Hub, Rooty Hill Road South, Eastern Creek – SSD 5175 MOD 5 (Concept Plan) and SSD 8858 (Detailed Design) – Lot 1 Stage 2
Our Ref: Matter 27684 / 29946

This letter has been prepared in response to a request from Fraser's Property Australia (dated 2 April 2019), for assistance in responding to a request for clarification from Office of Environment and Heritage (OEH) (dated 18 January 2019) regarding the Eastern Creek Business Hub, Rooty Hill Road South, Eastern Creek – SSD 5175 MOD 5 (Concept Plan) and SSD 8858 (Detailed Design) – Lot 1 Stage 2. OEH have requested confirmation as to whether all of Lot 1 was assessed by Kayandel as part of the overall assessment for SSD 5175. OEH's query relating to Aboriginal heritage is as follows:

An Aboriginal Cultural Heritage Assessment Report (ACHAR) was submitted with the original concept plan application for the Eastern Creek Business Hub SSD 5175 and an assessment of Aboriginal Cultural Heritage undertaken at this stage. The report prepared by Kayandel Archaeological Services dated August 2012 recommended that for portions of potential archaeological deposits further sub-surface archaeological investigation occur prior to commencement of ground disturbing works in the vicinity.

However, the original concept plan has now been modified several times and this latest proposed modification (SSD 5175 MOD 5) involves significant changes to the location of the building envelopes. It is unclear whether the relocated building envelopes impact on ACH and whether this location on Lot 1 was assessed as part of the original ACHAR. Clarification is required that the original ACHAR included an assessment of all of Lot 1 and the area where the new building envelope is proposed as part of this SSD and modification. Otherwise a revised assessment is required.

Since the original submission for SSD 5175, the concept plan has been modified several times, with the latest proposed modification (SSD 5175 MOD 5) involving significant changes to the location of the building envelopes. The purpose of this letter is to provide clarification on how the assessment completed by Kayandel relates to the existing study area, and the current building envelope. This letter of advice was formulated by Charlotte Allen (Archaeologist) and James Cole (Consultant Archaeologist), and reviewed by Taryn Gooley (Team Leader – Heritage).

An Aboriginal Cultural Heritage Assessment (ACHA) report was prepared for the Eastern Creek Business Hub SSD 5175 by Kayandel Archaeological Services (Kayandel) in August 2012. Biosis has reviewed the original assessment by Kayandel (2012) and the proposed masterplan provided by Fraser's (dated 12/10/2018), which shows the proposed changes to the development.

A review of the assessment completed by Kayandel shows that the 'subject area' assessed (Kayandel 2012, fig 2) includes the entirety of the proposed SSD area as provided by Frasers. Survey data also indicates that Kayandel (2012, fig 6) walked one transect through the proposed modification area during their pedestrian survey. Following the pedestrian survey, Kayandel completed an archaeological assessment which identified two areas of Potential Archaeological Deposit (PAD 6 and PAD 7) as falling within the proposed modification area (Figure 1).

Kayandel's assessment recommended test excavations occur within PADs 2 to 7, and this assessment was included with the original submission for SSD 5175. OEH responded to the original application stating that they believed that the Kayandel assessment report did not provide any clear justification for why any part of the proposed development site should be identified as a PAD. OEH concluded that;

'...there is no rationale or justification for the placement or scoping of any test excavations at one or any of the areas classified as PAD's... OEH is of the view that the ach assessment report does not provide adequate justification for undertaking any test excavations.'

In response to this statement in 2013 Kayandel provided an addendum justifying the placement of the PADs and the need to test excavate. The main justification was that the PADs were placed in the areas believed to have the least disturbance. These areas were argued to therefore have the highest archaeological potential.

The subsequent 2015 Development Consent from the Minister of Planning however, did not recommend test excavations occur, with Condition C13 stating;

'In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). A suitably qualified archaeologist and a registered Aboriginal representatives must be contacted to determine the significance of the object(s). The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by OEH and the management outcome for the site included in the information provided to AHIMS. The applicant must consult with the Aboriginal community representatives, the archaeologist and the OEH to develop and implement management strategies for all objects/sites. Aboriginal heritage Management is to be carried out in accordance with an AHIP applicable to the site.'

Based on the available information, it can be confirmed that the proposed modification area falls within the area assessed by Kayandel (2012). Two areas of PAD were identified within this area by Kayandel, however based on the available correspondence it is understood that OEH did not agree with this assessment, and despite justification for the areas of PAD by Kayandel, no requirement for further assessment in the form of test excavations was included in the determination for SSD 5175, nor were any test excavations undertaken.

If you have any queries regarding this letter, please do not hesitate to contact me on (02) 9101 8700.

Yours sincerely,

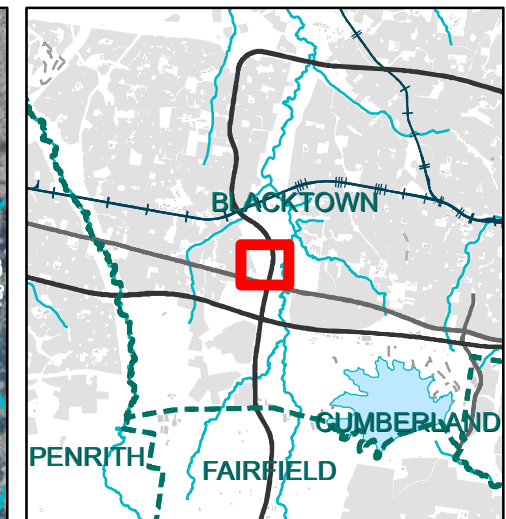
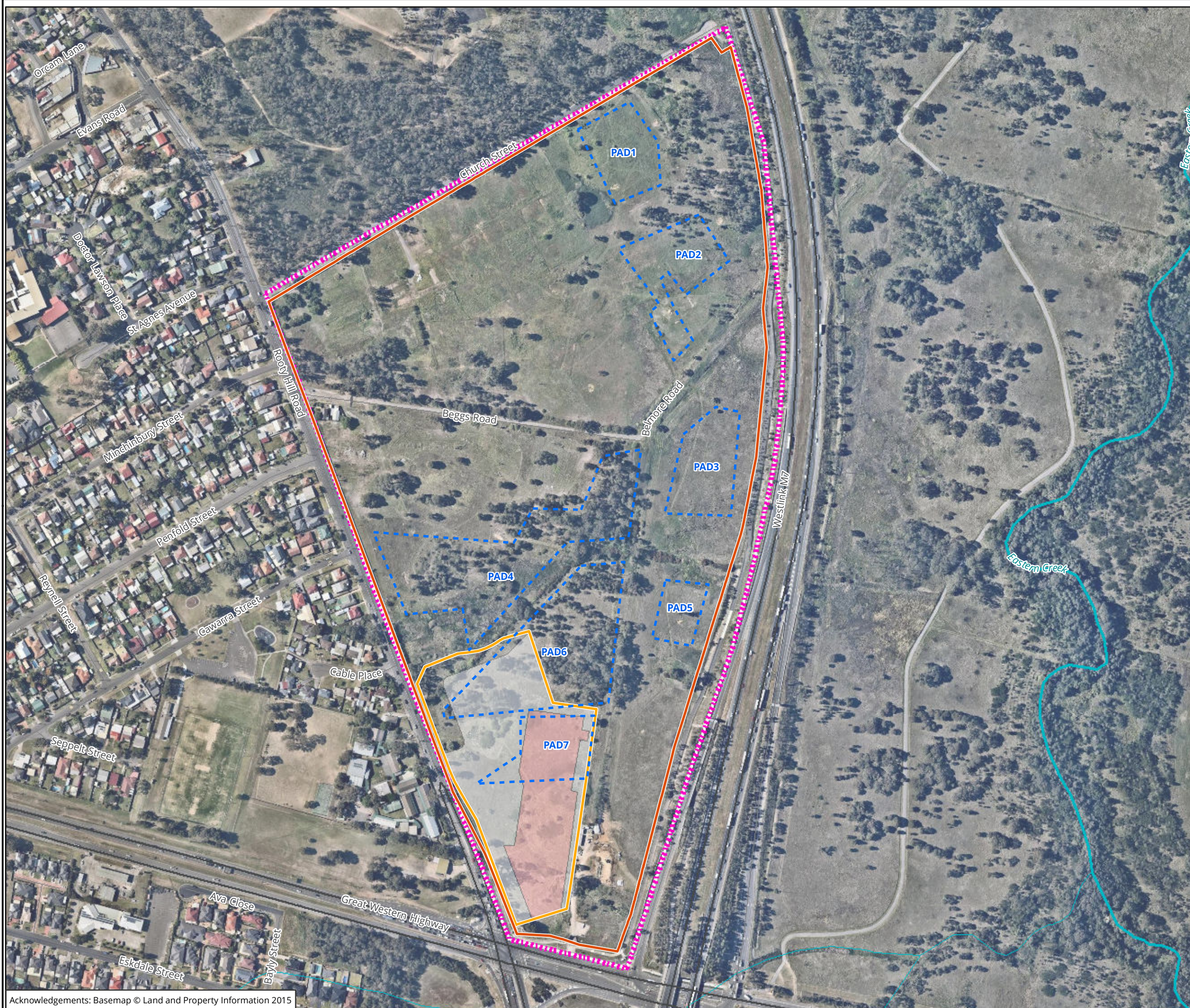
A handwritten signature in blue ink, appearing to read 'John'.

James Cole
Consultant Archaeologist

References

Kayandel Archaeological Services, 2012. Proposed Eastern Creek Business Hub Western Sydney Parklands Rooty Hill Road South, City of Blacktown LGA, NSW. Report prepared for Western Sydney Parklands Trust.

Kayandel Archaeological Services, 2013. Proposed Eastern Creek Business Hub Western Sydney Parklands Rooty Hill Road South, City of Blacktown LGA, NSW: Aboriginal Cultural Heritage Assessment – Addendum. Report prepared for Western Sydney Parklands Trust.



Legend

- Study area (17D83_SK_C100_bound.dwg)
- Study area (Kayandel 2012)
- Proposed modification area
- Indicative building footprint
- Indicative parking layout
- Potential Archaeological Deposits (Kayandel 2012)

Figure 1 Location of the study area including Potential Archaeological Deposits

0 40 80 120 160 200
Metres

Scale: 1:4,000 @ A3
Coordinate System: GDA 1994 MGA Zone 56



Ballarat, Brisbane, Canberra, Melbourne, Newcastle, Sydney, Wangaratta & Wollongong

Matter: 29946
Date: 07 May 2019
Checked by: JAC, Drawn by: LH, Last edited by: Iharley
Location: \\bio-data-01\matters\29900s\29946\Mapping\29946_F1_StudyArea.incArchDeposits