

28 October 2015

Jason Shepherd
Director
Commercial & Industrial Property Pty Ltd

Dear Mr Shepherd

Re: 2 Hume Highway, Chullora—Preliminary Aboriginal Archaeological Assessment

This letter report has been prepared by Artefact Heritage at your request in relation to the proposed development at 2 Hume Highway, Chullora NSW (Figure 1). It outlines the results of an Aboriginal Cultural Heritage Assessment which meets the requirements of the Office of Environment and Heritage (OEH) 2010 *'Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales'*, and includes recommendations as to whether further archaeological investigation may be required in relation to the current proposal.

This report was written by Claire Rayner (Archaeologist). Abi Cryerhall (Principal Archaeologist) provided management input and reviewed the report.

Study Area

The study area consists of 10.28 hectares located at 2 Hume Highway (Lot 12/DP 834734, see Figure 1). The study area is bound by Worth Street to the north and east, Hume Highway to the south and a large warehouse complex to the west. The site is currently occupied by the decommissioned Fairfax Media Limited Newspaper Printing and Distribution facility.

The study area is located within the Bankstown and Strathfield LGAs and the parish of Bankstown.

The Proposal

Commercial & Industrial Property Pty. Ltd. propose to develop the site at 2 Hume Highway for the purpose of a warehouse and distribution facility (Figure 2). Use of the facility will be for warehousing and distribution on a 24 hour, seven day a week basis. The proposal will include the construction of a warehouse, bulk building, office, raised pedestrian walkway, gate house as well as internal parks and roads. The project can be broken down into three main stages:

- Demolition and earthworks;
- Building and construction; and
- Integrated building fit out and commissioning.

Minor excavation will be involved in the initial site clearance. The majority of site will be filled to maximum of 9.5m to tie in with adjacent site levels. It is proposed that pad footings will be used to support the proposed building structure.

Legislative Context

National Parks and Wildlife Act (1974) (NPW Act)

The NPW Act, administered by the OEH provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) under Section 90 of the Act, and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community) under Section 84.

The protection provided to Aboriginal objects applies irrespective of the level of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal Places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is, of special significance to Aboriginal culture.

The NPW Act was amended in 2010 and as a result the legislative structure for seeking permission to impact on heritage items has changed. A Section 90 permit is now the only Aboriginal Heritage Impact Permit (AHIP) available and is granted by the OEH. Various factors are considered by OEH in the AHIP application process, such as site significance, Aboriginal consultation requirements, ESD principles, project justification and consideration of alternatives. The penalties and fines for damaging or defacing an Aboriginal object have also increased.

As this project is being assessed under Part 4 Division 4.1 of the EP&A Act 1979 permits issued under the NPW Act 1974 are not required.

Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010) (Code of Practice)

The Code of Practice was introduced in October 2010 by the OEH (formerly the Department of Environment, Climate Change and Water). The aim of the guidelines is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an AHIP.

A due diligence assessment should take reasonable and practicable steps to ascertain whether there is a likelihood that Aboriginal sites will be disturbed or impacted during the proposed development. If it is assessed that sites exist or have a likelihood of existing within the development area and may be impacted by the proposed development, further archaeological investigations may be required along with an AHIP. If it is found to be unlikely that Aboriginal sites exist within the study area and the due diligence assessment has been conducted according to the Code of Practice, work may proceed without an AHIP.

The Code of Practice has been used in the context of best practice to inform and structure the current study.

Environmental Planning & Assessment Act (1979) (EP&A Act)

The EP&A Act is administered by the Department of the Planning and Environment and provides planning controls and requirements for environmental assessment in the development approval process. This Act has three main parts of direct relevance to Aboriginal cultural heritage. Namely, Part 3 which governs the preparation of planning instruments, Part 4 which relates to development assessment process for local government (consent) authorities and Part 5 which relates to activity approvals by governing (determining) authorities.

Planning decisions within Local Government Areas (LGAs) are guided by Local Environmental Plans (LEPs). Each LGA is required to develop and maintain an LEP that includes Aboriginal and historical heritage items which are protected under the EP&A Act 1979 and the *Heritage Act 1977*.

The study area is within the Bankstown LGA and Strathfield LGA.

The Bankstown LEP 2015 and Strathfield LEP 2012 (Part 5, Clause 5.10) make standard provision for the protection of Aboriginal objects and Aboriginal places of heritage significance. There are no Aboriginal items within the study area that are listed in the Bankstown LEP 2015 or Strathfield LEP 2012.

The proposal will be assessed under Part 4, Division 4.1 of the EP&A Act, which establishes an assessment and approval regime for State Significant Development (SSD). Part 4, Division 4.1 applies to development that is declared to be SSD by a State Environmental Planning Policy (SEPP). Section 89J of the EP&A Act specifies that approvals or permits under section 90 of the NPW Act 1974 are not required for approved SSD projects.

Aboriginal Land Rights Act (1983)

The *Aboriginal Land Rights Act 1983* is administered by the NSW Department of Human Services - Aboriginal Affairs. This Act established Aboriginal Land Councils (at State and Local levels). These bodies have a statutory obligation under the Act to; (a) take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law, and (b) promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The study area is within the boundary of the Metropolitan Local Aboriginal Land Council (MLALC)

Native Title Act (1994)

The *Native Title Act 1994* was introduced to work in conjunction with the Commonwealth Native Title Act. Native Title claims, registers and Indigenous Land Use Agreements are administered under the Act.

There are no native title claims within the study area.

Figure 1: Location of study area

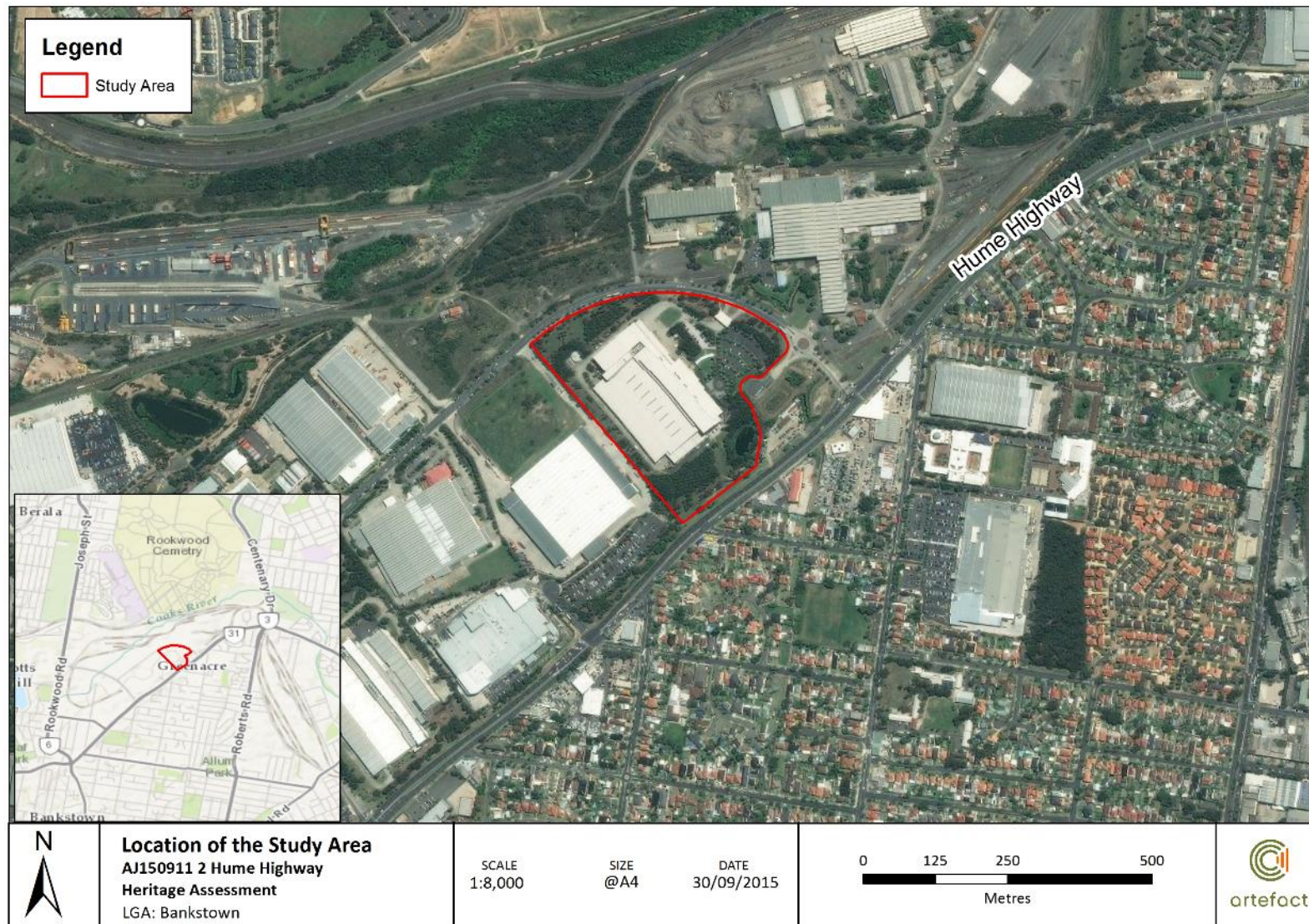
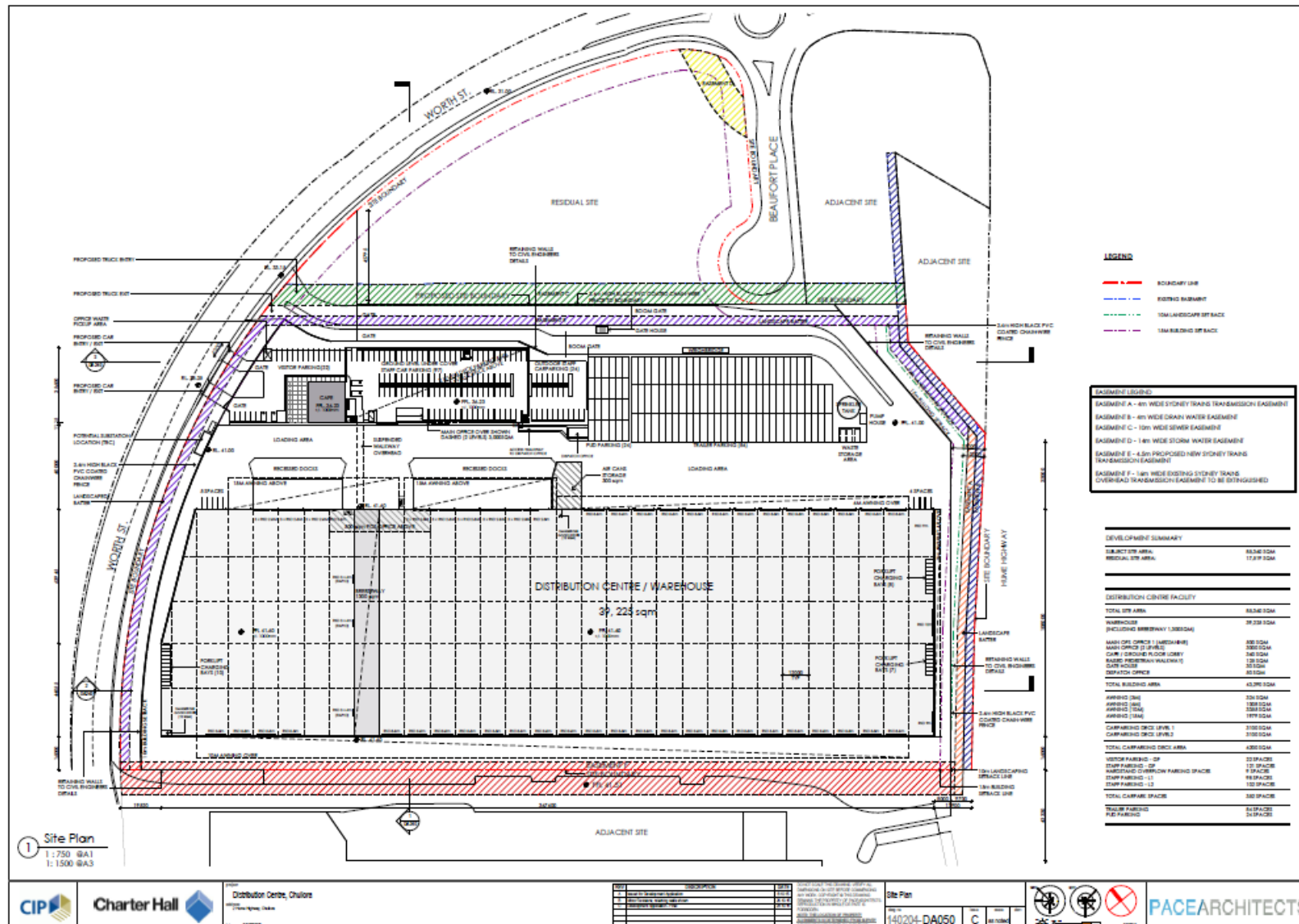


Figure 2: The proposal, study area is outlined in red.



Aboriginal Heritage Information Management System search

The AHIMS search provides archaeological context for the area and identifies whether any previously recorded Aboriginal sites are located within or near the study area. An extensive search of the OEH Aboriginal Heritage Information Management System (AHIMS) site register was requested on 21 September 2015 with the following parameters:

GDA 1994 MGA 56	318947mE – 321462mE 6247087mN – 6249474mN
Number of sites	0
AHIMS Search ID	191355

There are no AHIMS registered sites located within the extensive search area.

Environmental Context

The study area is located within the Cumberland Plain, which is typified by an undulating landscape of rolling hills and prominent rises. The geology of the study area is characterised by Quaternary fluvial deposits of fine grained sand, silt and clay.

Soils across the study area are characterised as disturbed terrain (Bannerman & Hazelton 1990). These areas have been extensively disturbed by human activity including complete disturbance, removal or burial of soil. Landfill includes soil, rock, building and waste materials. Original vegetation is generally completely cleared and replaced with turf or grass land. Soils surrounding the study area consist of the residual Blacktown soil landscape (Bannerman & Hazelton 1990). The Blacktown soils are shallow (<100 centimetres) hard setting mottled red and brown podzolic soils on crests and yellow podzolic soils on lower slopes and along drainage lines (Bannerman & Hazelton 1990). The Blacktown soil landscape is generally associated with gently undulating rises. The soils are primarily poorly drained with very little erosional activity.

Prior to European settlement, the Cumberland Plain would have been vegetated with open Cumberland Plain Woodland typical of the Wianamatta Group shale geology. Tree species would have included Forest Red Gum (*E. tereticornis*), and Grey Box (*E. moluccana*). Honey Myrtle (*Melaleuca decora*) and Prickly Leaf Paperbark (*Melaleuca nodosa*) associated with waterlines in the area (Benson & Howell 1990).

Aboriginal people were highly mobile hunter-gatherers utilising different landform units and resource zones. Different resources may have been available seasonally, necessitating movement or trade across the landscape (Attenbrow 2010: 78). Aboriginal people hunted kangaroo and wallaby and snared possums and other small animals and birds for food and skins. Plants were likewise an important source of nutrition for past Aboriginal peoples with numerous plant species utilised for food, manufacture and medicinal purposes (Attenbrow 2010: 41).

Given the location of the study area within close proximity to fresh water sources as well as the shore of Homebush Bay it is likely that Aboriginal people would have employed a range of subsistence activities to take advantage of their local environment. Coastal resources such as saltwater fish and shellfish would have been available to groups as well as small animals, plants and freshwater fish and eels (Tench 1793:230 Kohen 1986:77). Banksia flowers, wild honey, varieties of wild yam and Burrawong nut were recorded as important food sources (Collins 1798 Kohen 1985:9), particularly for inland groups. Small animals such as bandicoots and wallabies were hunted through traps and snares (Kohen 1985:9).

The closest watercourse to the study area is Cooks River located approximately 650 metres to the north. Haslams creek, another prominent water course is located approximately 5.7 kilometres to the north.

Archaeological and Historical Context

Aboriginal Ethno-historical and archaeological context

Prior to the appropriation of their land by Europeans, Aboriginal people lived in small family or clan groups that were associated with particular territories or places. It seems that territorial boundaries were fairly fluid, although details are not known. The language group spoken across Sydney was known as Darug (Dharruk – alternate spelling). The first written use of this term was in 1900, as before the late 1800s language groups or dialects were not discussed in the literature (Mathews and Everitt 1900). The Darug language group is thought to have extended from Appin in the south to the Hawkesbury River, west of the Georges River, Parramatta, the Lane Cove River and to Berowra Creek (Attenbrow 2010:34). This area was home to a number of different clan groups throughout the Cumberland Plain.

Early historical accounts of Aboriginal people are inevitably subject to the writer's bias, however, they do provide valuable observations of Aboriginal customs and life during the early period of European occupation. Language dialects varied across the Cumberland Plain, although early Europeans recorded observations of interaction and mutual intelligibility between Darug speakers from different regions. Captain Watkin Tench detailed an interaction between two Aboriginal men, one from the coast and one from inland, and noted the range of variability between dialects. Tench observed that though the men conversed on par and understood each other perfectly, many words for common things bore no similarities, yet other words were only slightly different (Tench 1793:122).

There are two possible groups or clans associated with the local area. Bediagal or Bidjigal were observed in association with Arrowanelly 'Island at the Flats' an island originally on the western side of Botany Bay near the mouth of the Bay (Attenbrow 2010: 24). Alternatively Wangal, Wann-gal or Won-gal were observed from the southern shore of the Parramatta River from near Darling Harbour to Rose Hill (Attenbrow 2010: 26).

Evidence of Aboriginal occupation within NSW has been found dated to 50-60,000 yBP at Lake Mungo and up to 30,000 yBP years in Parramatta (JMcD CHM 2005). It is likely that Aboriginal people have lived in the Sydney region for even longer than indicated by the oldest recorded dates we have at present. The archaeological material record provides evidence of this long occupation, but also provides evidence of a dynamic culture that has changed through time.

The existing archaeological record is limited to certain materials and objects that were able to withstand degradation and decay. As a result the most common type of Aboriginal objects remaining in the archaeological record are stone artefacts, followed by bone and shell. The locality of the study area along an undulating landscape within close proximity to fresh water sources indicates that the predominant site type would be stone artefact sites and open camp sites.

European Historical Context

Exploration to the west of Sydney Cove began soon after first settlement, as it was found that the sandstone soils of coastal Sydney were unsuited to cultivation and it was necessary to find more fertile land.

In 1788, a government farm was established on the banks of the Parramatta River at Parramatta (initially named Rose Hill). A government house was built near the farm, which prompted the

development of the town of Parramatta, which was laid out in 1790. Initially the river was the main form of transport to and from Parramatta, but an overland track between Parramatta and Sydney was cleared through the bush between 1789 and 1791. This track formed the basis for 'the road to Parramatta', which was laid out in 1797. By the early 19th century, Parramatta Road was a major thoroughfare for the colony (Wotherspoon 2010a, 2010b).

The parish in which the study area is located was originally known as Liberty Plains. The earliest use of this name is found in the description of land grants made to Thomas Rose, Frederick Meredith, Thomas Webb and Edward Powell on 28 May 1793 (Perrin & Kass 2008). The name appears to have been derived from the colonist's status as the first free settlers to take up farming in the colony (Karskens 2010: 112).

The isolation of the Liberty Plains grants inhibited the expansion of farming within the region (bankstown.nsw.gov.au). Routes to the markets of Parramatta and Sydney were generally unsafe and a large number of settlers abandoned their land in favour of areas closer to Parramatta and Sydney (bankstown.nsw.gov.au). A road connecting Liverpool and Sydney was commissioned by Governor Macquarie in 1813 (bankstown.nsw.gov.au). The 'Great South Road' and later the Hume Highway/Liverpool Road as it became known, facilitated the movement of produce between Liverpool and Sydney encouraging an influx of market gardeners, farmers and timber cutters into the area (bankstown.nsw.gov.au).

The establishment of Liverpool Road and the subsequent construction of the railway line encouraged the development of industries, residential areas and shops along their routes. Since World War II, new suburbs have developed along the Liverpool Road

Results of the Site Visit

A site visit was conducted on 24 September 2015 by Claire Rayner (Archaeologist), Alyce Howard (Archaeologist) and Lee Davison a representative of the Metropolitan Local Aboriginal Land Council. The study area was inspected on foot to determine whether there are Aboriginal objects on the surface or if there are likely to be intact subsurface archaeological deposits within the study area.

The study area is located within a highly modified and disturbed context. The majority of the site is occupied by the decommissioned Fairfax Media printing plant, associated warehouse, carparks and roads (Plate 1 and Plate 2). Landform modifications observed include, cutting into and levelling of the hill slope where the warehouse has been constructed, introduction of fill to build the landscape up from Worth Street and construction of dams and sediment basins. Various subsurface services were observed throughout the study area (Plate 3).

Visibility was low across the site due to the sealed roads and carparks. Exposures occurred within the vegetated areas along the southern, eastern and northern borders of the study area (Plate 4). These exposures were inspected for Aboriginal objects however none were identified. There were no mature native trees suitable for scarring or carving located within the study area.

Plate 1: View of decommissioned printing facility



Plate 2: View south across sealed roads



Plate 3: Various underground services are located across the study area



Plate 4: area of exposure along unsealed footpath



Assessment of Archaeological Potential

Archaeological potential is closely related to the levels of ground disturbance. However, other factors are also taken into account when assessing archaeological potential, such as whether artefacts were located on the surface, and whether the area is within a sensitive landform unit according to the predictive statements.

Research conducted for the non-Aboriginal Heritage and Archaeological Impact Assessment (HAIA) report indicates that previous landuses have impacted the site since the late 19th Century and early 20th century (Artefact Heritage 2015).

This Aboriginal Archaeological Assessment has identified that a large portion of the study area has been subject to these past ground disturbances. The Code of Practice defines disturbed land:

Sec 7.5 (4) For the purposes of this clause, land is disturbed if it has been the subject of human activity that has changed the lands surface, being changes that remain clear and observable.

This includes disturbed land via:

- (a) soil ploughing*
- (b) construction of rural infrastructure*

(d) clearing of vegetation,

(e) construction of buildings and the erection of other structures,

(f) construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure),

The study area has been impacted by landform modifications associated with the construction of the printing facility and warehouse including the cutting and levelling of the hill slope, the construction and of dams, carparks and roads. These factors significantly reduce the archaeological potential of the study area.

Conclusions and Recommendations

The background research indicates that the study area is located within a soil context defined as disturbed terrain. The AHIMS search revealed that there are no registered Aboriginal sites or places located within the vicinity of the study area.

The site survey has confirmed that the study area has undergone a severe degree of landform modification. It is unlikely that Aboriginal objects will occur beneath the ground surface within the study area. It is concluded that the study area has low archaeological potential.

It is therefore recommended that there are no Aboriginal heritage constraints on the proposed development and works can proceed with caution.

A report from the MLALC is in preparation and will be attached to the final version of this report.

If unforeseen Aboriginal objects are uncovered during construction, work should cease, and an archaeologist, OEH, and MLALC should be informed. If human remains are found, work should cease, the site should be secured and the NSW Police and OEH should be notified. It is an offence under the *NPW Act 1974* (as amended 2011) to disturb or destroy an Aboriginal object without an Aboriginal Heritage Impact Permit (AHIP).

If changes are made to the project that may result in impacts to areas not covered by this assessment, further archaeological assessment may be required.

Kind Regards,



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