

1111-1141 ELIZABETH DRIVE, CECIL PARK, NSW

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

LGA: Fairfield City Council

July 2023





Apex Archaeology acknowledges and pays respect to the past, present and future Traditional Custodians and Elders of this nation and in whose land this assessment took place, and to the continuation of cultural, spiritual and educational practices of Aboriginal and Torres Strait Islander peoples.

DOCUMENT CONTROL

The following register documents the development and issue of the document entitled '1111-1141 Elizabeth Drive, Cecil Park, NSW: Aboriginal Cultural Heritage Management Plan', prepared by Apex Archaeology in accordance with its quality management system.

Revision	Prepared by	Reviewed by	Comment	Issue Date
1 – Draft	Jenni Bate	Leigh Bate	Issue for client review	22 June 2023
2 – Draft	Leigh Bate	Anne Renshaw	Draft issued to RAPs	26 June 2023
3 – Final	Jenni Bate	RAPs	Issue of final	26 July 2023



GLOSSARY OF TERMS

Aboriginal Object	An object relating to the Aboriginal habitation of NSW (as defined in the NPW Act), which may comprise a deposit, object or material evidence, including Aboriginal human remains.
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management System maintained by Heritage NSW, detailing known and registered Aboriginal archaeological sites within NSW
AHIP	Aboriginal Heritage Impact Permit
ATER	Aboriginal Test Excavation Report
BP	Before Present, defined as before 1 January 1950.
Code of Practice	The DECCW September 2010 <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i>
Consultation	Aboriginal community consultation in accordance with the DECCW April 2010 <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> . Consultation is not a required step in a due diligence assessment; however, it is strongly encouraged to consult with the relevant Local Aboriginal Land Council and to determine if there are any Aboriginal owners, registered native title claimants or holders, or any registered Indigenous Land Use Agreements in place for the subject land
DA	Development Application
FCC	Fairfield City Council
GSV	Ground Surface Visibility
GTAs	General Terms of Approval
Harm	To destroy, deface or damage an Aboriginal object; to move an object from land on which it is situated, or to cause or permit an object to be harmed
Heritage NSW	Heritage NSW of the NSW Department of Premier and Cabinet, responsible for all heritage matters in NSW
LALC	Local Aboriginal Land Council
LGA	Local Government Area
LEP	Local Environmental Plan
NPW Act	NSW <i>National Parks and Wildlife Act 1974</i>
OEH	The Office of Environment and Heritage of the NSW Department of Premier and Cabinet – now Heritage NSW
RAPs	Registered Aboriginal Parties



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1.0 INTRODUCTION

Archaeological Management & Consulting Group (AMAC) and Streat Archaeological Services (SAS) prepared an Aboriginal Cultural Heritage Assessment (ACHA) for a proposed subdivision located within Lot 2 Section 4 DP 2954 1111-1141 Elizabeth Drive, Cecil Park, NSW (the study area). Subsequently, preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP) was required in order to manage any unexpected Aboriginal archaeological and cultural constraints that may arise during development of the site. Apex Archaeology was engaged to prepare the required ACHMP, which is outlined in this report.

This document outlines the management principles which apply to the site.

1.1 STUDY AREA

The project is located within the Fairfield Local Government Area (LGA). The study area is located within 1111-1141 Elizabeth Drive, Cecil Park, NSW and is legally defined as Lot 2 Section 4 DP 2954. It covers an area of approximately 4.7 hectares.

1.2 PURPOSE



This ACHMP has been prepared to address the requirement of cultural heritage management to be considered in the construction and development of the study area, and ensure any unexpected Aboriginal archaeological and cultural constraints that may arise during the construction period are managed appropriately

The document has been designed to minimise impacts from development activities within the study area on Aboriginal cultural heritage by describing strategies for the management of unexpected Aboriginal sites during the undertaking of these activities.

Specifically, the ACHMP has been developed in order to:

- Fulfil the Secretary's Environmental Assessment Requirements (SEARs);
 - Provide an unexpected finds protocol for Aboriginal archaeological and cultural constraints during the clearing and construction works within the site;
 - Document the roles and responsibilities of the proponent, their contractors, the community, and RAPs, during each stage of the development and into the future; and
- Detail the results of the Aboriginal community consultation undertaken for the project, and to provide guidelines for future consultation with RAPs for the project.



 Study Area
 Lot Boundaries

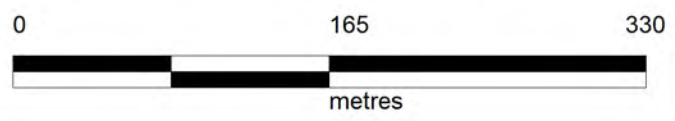


Figure 1: General location of the study area in its local context.





1.3 PROJECT BRIEF

The study area is located within Lot 2 Section 4 DP 2954 that forms a roughly rectangular shape between Elizabeth Drive and existing undeveloped lots to the north, east and south. It is approximately 4.7ha in size and is within the Fairfield Local Government Area (LGA). It is proposed to subdivide the property into 12 smaller lots for mixed business use along with the installation of services, including sewerage, electricity, town water, roads, and associated landscaping.

Excavation relating to the development will include infrastructure and levelling of the ground surface. Connection to town water supply, sewerage, and electricity will require trenching. Earthworks would also include clearing, grubbing, stripping and stockpiling topsoil, excavation of soil and backfilling. On completion of the development the area would be landscaped. All proposed works would have an impact to some extent on the ground surface.

1.4 STATUTORY CONTEXT

The proposed works have been assessed as a State Significant Development Application (SSDA) under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979*. Development consent has been issued under SSD-8859. Specific Environmental conditions have been outlined within Part B of the development consent relating to Aboriginal Heritage and outlined below:

ABORIGINAL HERITAGE

B23. Prior to the commencement of any clearing or construction works for the development, the Applicant must update the location details of site number 45-5-2563 on the Heritage NSW's Aboriginal Heritage Information Management System Aboriginal Sites Register.

Aboriginal Cultural Heritage Management Plan

B24. Prior the commencement of any clearing or construction works, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to protect and manage aboriginal heritage within the site. The plan must form part of the CEMP required by condition C2 and must:

(a) be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties;

(b) be submitted to the satisfaction of the Planning Secretary prior to construction of any part of the development; and

(c) address the recommendations within the Aboriginal Cultural Heritage Assessment Report prepared by Archaeological Management & Consulting Group & Streat Archaeological Services dated October 2021.

B25. The Applicant must:



- (a) not commence construction until the Aboriginal Cultural Heritage Management Plan is approved by the Planning Secretary; and
- (b) implement the most recent version of the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary for the duration of the development

This report has been prepared in response to SSD-8859 development consent for the project.

Under Part 4, division 4.7 State Significant Development of the EP&A Act, there is no requirement to obtain consent from Heritage NSW under the provisions of s.90 of the NPW Act. Instead, an ACHMP guides the management of Aboriginal cultural values within the study area.

1.5 PREVIOUS ARCHAEOLOGICAL ASSESSMENT

1.5.1 AMAC & STREAT ARCHAEOLOGICAL SERVICES 2018-2021

Archaeological Management and Consulting Group (AMAC) in conjunction with Streat Archaeological Services Pty Ltd (SAS) were commissioned by 1111 Elizabeth Drive, Cecil Park in January 2018, to undertake an Aboriginal Cultural Heritage Assessment for the proposed subdivision at Lot 2 Section 4 DP 2954 – 1111-1141 Elizabeth Drive, Cecil Park.

The assessment identified a previously registered site within the study area, which on further assessment was noted to be located outside of the study area. Nonetheless, test excavation under the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) was undertaken across the study area. The ACHA and accompanying Aboriginal Test Excavation Report (ATER) did not detail the results of the archaeological survey undertaken for the assessment nor define any areas of potential archaeological deposit or the rationale for undertaking test excavation. Test excavations covered the entirety of the development footprint within the site.

No Aboriginal objects were recovered during the test excavations. None were identified on the ground surface within the study area. No specific cultural values were identified by the Aboriginal community for the study area.

The report recommended the following:

- Consultation with the registered Aboriginal stakeholders should continue. Stakeholders have been given the opportunity to comment on the recommendations of this report and these comments are included in this report;
- An Aboriginal Cultural Heritage Management Plan should be devised as a final document for the study area when State Significant Development (SSD) status (SSD #8859), in order to manage any unexpected Aboriginal archaeological and cultural constraints that may arise;



- Archaeological test excavation in accordance with Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, part 6 National Parks and Wildlife Act 1974, (DECCW 2010) revealed no Aboriginal archaeological objects or deposits; the subdivision as shown (Figures 8.1 [AMAC 2021]) should be allowed to ‘proceed with caution’;
- After this and before any ground disturbance takes place all development stage, contractors and workers should be briefed prior to works commencing on site as to their responsibilities regarding any Indigenous archaeological deposits and/or objects that may be located during the following development.

If any Aboriginal archaeological deposits and/or objects are located during the development, then the following should take place;

- All work is to cease in the immediate vicinity of the deposits and/or objects
- The area is to demarcated
- Heritage NSW, a qualified archaeological and the participating RAPs are to be notified.

Should any human remains be located during the following development;

- All excavation in the immediate vicinity of any objects of [sic] deposits shall cease immediately;
- The NSW police and Heritage NSW’s Enviroline be informed as soon as possible;
- Once it has been established that the human remains are Aboriginal ancestral remains, Heritage NSW and the relevant Registered Aboriginal Parties will identify the appropriate course of action.



2.0 MANAGEMENT STRATEGIES

This ACHMP has been prepared to provide strategies for the management of Aboriginal cultural heritage within the study area.

The site is not considered to contain Aboriginal cultural objects, either on the surface or within subsurface deposits. However, there is always potential for isolated objects to be located anywhere across the Cumberland Plain, even in disturbed contexts. In the instance that unexpected Aboriginal objects are identified during construction works on site, the following should be implemented.

2.1 UNEXPECTED FINDS PROTOCOLS

If a suspected Aboriginal object is identified during construction works, the following should be enacted:

- Works should cease in the vicinity of the find
- A qualified archaeologist experienced in lithic identification should be contacted to make an assessment of the find
- If confirmed to be an Aboriginal object, the RAPs should be notified
- The item should be collected and recorded
- The general location of the item should be recorded on the bag, using indelible marker
- The date of collection should be recorded on the bag
- The item/s should be reburied on site at a location that would not be impacted in future; or a Care Agreement prepared for the Aboriginal community to care for the item/s
- If reburied on site, the location should be recorded and registered on AHIMS as a new site
- The location of the reburied item/s should not be impacted by any works in future. An AHIP may be required to impact the item/s if future impact is proposed subsequent to the completion of the subdivision works approved by SSD-8859

In the unlikely event that suspected, **unexpected** human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required.

2.1.1 CONTACT DETAILS FOR UNEXPECTED FINDS

- Department of Planning and Environment: 1300 361 967
- Deerubbin Local Aboriginal Land Council: 02 4724 5600
- Wetherill Park Police Station: 02 8788 5199

2.2 CONTRACTOR INDUCTION

All personnel working on site should be aware of their legal obligations under the *National Parks and Wildlife Act 1974* with regard to Aboriginal cultural heritage. It is an offence to harm an Aboriginal object without an approval in place. The site has been assessed as having no Aboriginal archaeological potential, but within the Cumberland Plain, isolated finds can be located in almost any context, including heavily disturbed landscapes; and their locations can be very difficult to predict. As such, people working on site should be aware of the types of items that constitute Aboriginal objects, and what to look for. The following are examples of Aboriginal objects that have been recovered from excavations on the Cumberland Plain, although not from within the study area itself.

All photographs by Dr Beth White, lithic expert, from various excavations undertaken by Apex Archaeology.



Plate 1: Silcrete core

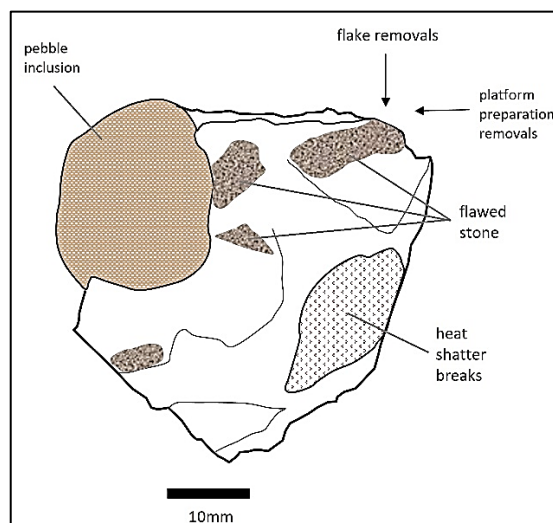


Figure 2: Silcrete core



Plate 2: Silcrete backed artefact

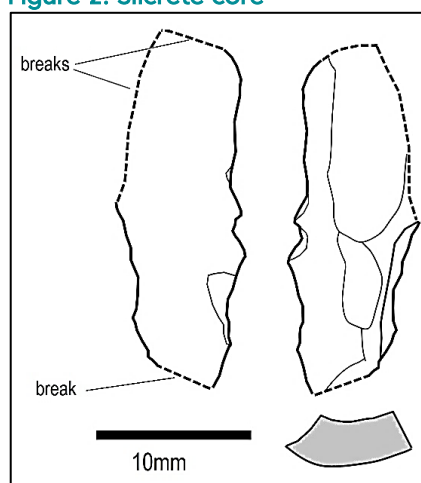


Figure 3: Silcrete backed artefact



Plate 3: Silcrete backed artefact

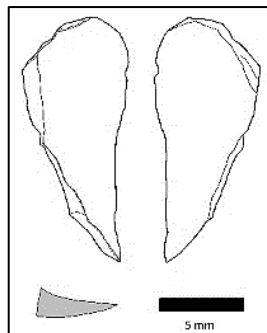


Figure 4: Silcrete backed artefact



Plate 4: Silcrete core



Plate 5: Elongate IMST flake



Plate 6: Fine Grained Siliceous broken flake

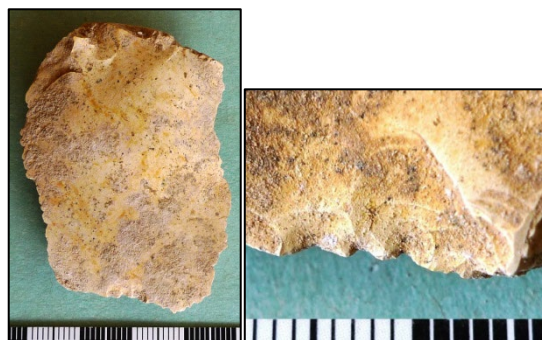
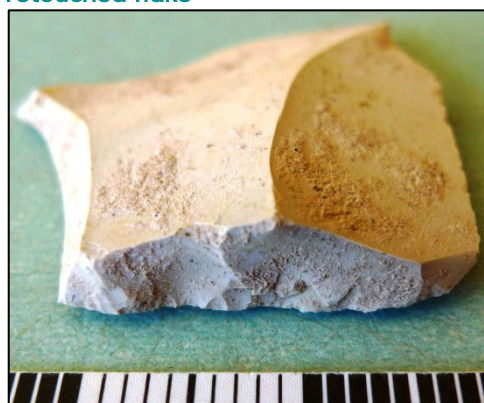


Plate 7: Indurated Mudstone Silicified Tuff serrate retouched flake



Plate 8: Broken Indurated Mudstone Silicified Tuff artefact with steep retouch along a straight edge





The above are just a few examples of the types of items that may be found within the Cumberland Plain. If there is any uncertainty over whether an item is culturally modified and of Aboriginal origin, an archaeologist experienced in lithic identification should be contacted to assess the find.

Penalties apply for impacting Aboriginal objects. Following the above in the event of an unexpected find mitigates the likelihood of prosecution.

2.3 ABORIGINAL CONSULTATION

A copy of the ACHMP was provided to all RAPs for their review and comment on 26 June 2023. No comments were received. Copies of the consultation documentation are attached to the ACHMP.

Any further consultation with the Aboriginal community would relate to any unexpected finds within the site during works.



3.0 REFERENCES

Archaeological Management & Consulting Group and Streat Archaeological Services. 2020, *Aboriginal Text [sic] Excavation Report: Lot 2 Section 4 DP 2954, 1111-1141 Elizabeth Drive Cecil Park NSW (Fairfield LFA)*. Report to 1111 Elizabeth Drive Pty Ltd.

Archaeological Management & Consulting Group and Streat Archaeological Services. 2021, *Aboriginal Cultural Heritage Assessment Report: Lot 2 Section 4 DP 2954, 1111-1141 Elizabeth Drive Cecil Park NSW (Fairfield LFA)*. Report to 1111 Elizabeth Drive Pty Ltd.

DECCW. 2010, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. DECCW, Sydney South.

DECCW. 2010, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. DECCW, Sydney South.

DECCW. 2010, *Aboriginal cultural heritage consultation requirements for proponents 2010*. DECCW, Sydney South.

OEH. 2011, *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*. OEH, Sydney South.



ABORIGINAL COMMUNITY CONSULTATION FOR ACHMP

From: [Jenni Bate](#)
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Subject: 1111-1141 Elizabeth Drive, Cecil Park ACHMP
Date: Monday, 26 June 2023 7:33:20 PM
Attachments: [23073 1111-1141 Elizabeth Drive, Cecil Park Draft ACHMP.pdf](#)

Good afternoon,

Your details have been provided by Archaeological Management & Consulting Group (AMAC) and Streat Archaeological Services (SAS) as a RAP for the above project.

The project is an approved State Significant Development. A requirement of the approval was to prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) to manage any unexpected finds within the study area. Apex Archaeology were engaged to prepare this documentation in line with the recommendations of the AMAC & SAS report for the project. Please find the draft ACHMP attached for your information.

Please send through any comments on the ACHMP by CoB 24 July 2023, and don't hesitate to contact me if you have any questions.

Kind regards,



Jenni Bate
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