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9 December 2008

Sydney Broadcast Property Pty Ltd
c/o Alistair Mein
McLachlan Lister Pty Limited
Level 1, 1 Hickson Road
The Rocks, NSW, 2000

Re: Preliminary Aboriginal Heritage Assessment of proposed Parklands Development, Epping, NSW.

Dear Mr Mein,

This letter report presents results of a Preliminary Aboriginal Archaeological Assessment of the proposed Parklands Development, Epping, NSW (refer to **Figure 1** overleaf).

The study review and identifies potential Aboriginal archaeological issues associated with the study area and provides subsequent recommendations for detailed assessments, investigations.

This preliminary assessment report is not a formal Aboriginal Heritage Impact Assessment (AHIA) in accordance with NSW Department of Environment & Climate Change (DECC) Guidelines and does not include any Aboriginal community consultation, as is required for an AHIA.

Aims

Specific aims of the study were as follows:

a) Identify any known Aboriginal sites, objects and/or places within the proposed development area;

b) Assess the potential for Aboriginal sites and/or objects buried below ground surfaces within the proposed development area;

c) Identify Aboriginal heritage constraints with regard to proposed development (including preparation of a constraints map and identification of further investigations and/or permits that may be required prior to proposed development);

d) Make appropriate recommendations for management of Aboriginal heritage in accordance with relevant statutory requirements, Department of Environment & Climate Change policies regarding Aboriginal heritage assessment; and

e) To satisfy the condition of consent contained in the Concept Plan Approval.

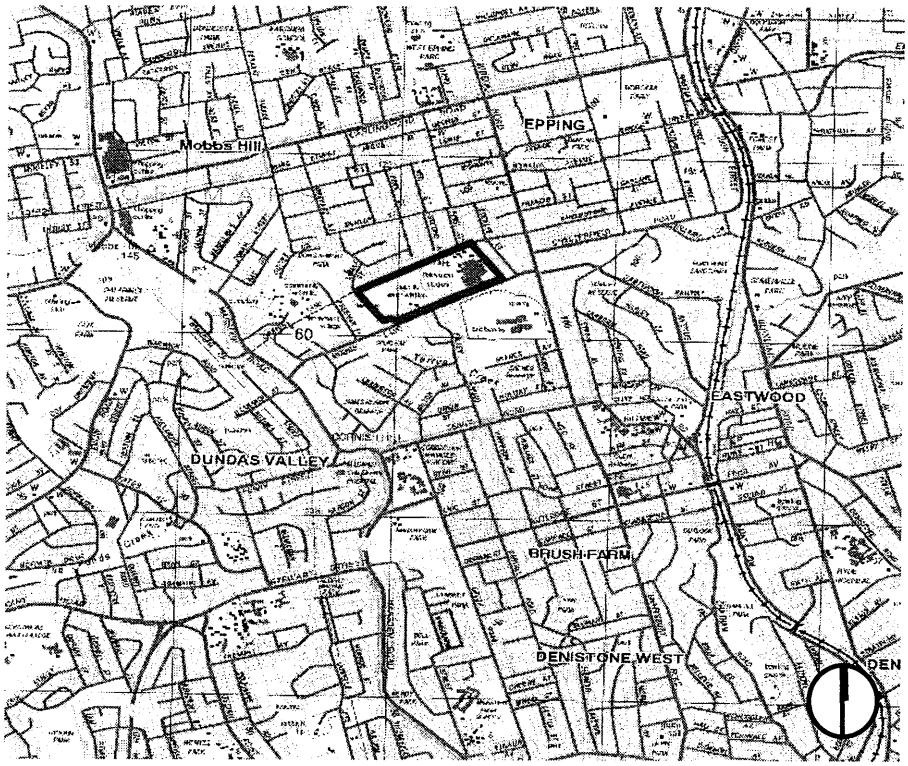

Figure 1 – Location Plan *(study area is outlined in blue). Source: Topoview 2006 Parramatta River.*

Investigation Methodology

1) Research & AHIMS Review

Previous reports, surveys and studies in the locality were reviewed to determine the potential for archaeological sites within the study area as well as regional patterns of Aboriginal use and occupation. The Department of Environment & Climate Change (DECC) Aboriginal Heritage Information Management System (AHIMS) was consulted to identify any known sites within the subject area and to gauge the type and nature of sites in the local area. This review also included a contextual overview of statutory and policy requirements relevant to the site.

2) Site Inspection

The study area was inspected on foot on 23 September 2008. The investigation assessed the degree of land disturbance and erosion in the study area to determine the likelihood of undisturbed Aboriginal sites and/or objects buried below ground surfaces.

3) Constraints Map

Aboriginal heritage constraints identified during the research and site inspection were prepared and marked on a current plan of the proposed development areas. The plan was divided into zones representing different areas of constraint that were described in the report. The map

clearly shows what additional investigations will be required in advance of development within each of the zones.

4) Preliminary Assessment Report

This letter describes the results of the AHIMS site search, literature review, contextual overview and site inspection. It provides recommendations about the level of further archaeological investigation that should be undertaken within a potion of the study area.

Statutory Context

The proposed development (within the study area) is a 'state significant' project within the meaning of Part 3A of the *Environmental Planning and Assessment Act, 1979* (EP&A Act). The applicant has received approval of the described project as a 'Concept Plan' (within the meaning of Part 3A of the EP&A Act). The Concept Plan approval required this report be undertaken as a condition of that consent.

In regards the planning processes relevant to Aboriginal heritage, Section 75U[1] of the EP&A Act states that an approval under Section 87 or a consent under Section 90 of the *National Parks and Wildlife Act, 1974* (NP&W Act) are not required for 'approved projects' under Part 3A. An 'approved project' is defined by section 75A of the EP&A Act as a project which has been approved under Part 3A and is not a Concept Plan approval. Accordingly, the relevant Aboriginal Heritage approval requirements under sections 87 and 90 of the NP&W Act apply while the project remains a Concept Plan or in the event a future approval is sought under Part 4 of the EP&A Act. .

Should a 'Project Approval' be subsequently sought under Part 3A, Section 87 and/or 90 permits under the NP&W Act would no longer be required, but consideration to Aboriginal heritage issues should be incorporated into the Statement of Commitments developed under this approval.

The DECC released draft guidelines for Aboriginal cultural impact assessment of Part 3A Major Projects in July 2005. These form a guide for procedures to be included in Aboriginal heritage assessments that accompany Part 3A applications.

The draft guidelines state:

> *'all project applications state whether or not the project is likely to have an impact on Aboriginal cultural heritage and must include information about how this assessment was made.*
>
> *This assessment must demonstrate that input by affected Aboriginal communities has been considered, when determining and assessing impacts, developing options, and finalising the application.'*

[1] Section 75U (1) (d).

This report has been prepared as a preliminary assessment to determine if the project is likely to have an impact on Aboriginal cultural heritage and whether or not a formal detailed assessment in accordance with these DECC guidelines is warranted.

Archaeological Background

For the purposes of determining settlement and site location patterns, archaeologists examine regional and local trends in the distribution of known sites in relation to environment and topography. This provides evidence about economic and social systems in the past and also assists archaeologists in predicting likely site types and locations in any given area.

Regional Context

In terms of regional archaeology, the study area falls within the Sydney Basin. Aboriginal occupation in this region dates back well into the Pleistocene period (i.e. before 10,000 years ago). This evidence comes from radiocarbon dates retrieved from excavated sites such as Cranebrook Terrace (41,700 years before present), Shaw's Creek K2 (14,700 years before present) and George & Charles St Parramatta (c.25,000-30,000 BP)[2]. The dating of Cranebrook Terrace is currently under review[3], so at this time the Charles & George St site is considered to be the oldest reliable date for Aboriginal occupation in the Sydney region. The oldest coastal site in the Sydney region is Prince of Wales Hospital (8,400 BP), closely followed by Curracurrang Rockshelter in Royal National Park (7,450 BP)[4].

The vast majority of dated sites in the Sydney region are less than 5,000 years old (35 out of a total of 48 dated sites). It has been argued that this is a result of increased populations and 'intensification', during this period[5]. The prevalence of sites dating to the last 5000 years may also be a result of the last significant rise in sea level, approximately 6000 years ago. The sea level rise would have submerged many of the older sites along the coastal fringe.

The archaeology of the Sydney region has been well documented through a large number of academic, amateur and impact assessment investigations over the past 30 years. Approximately 4,300 sites have been recorded and registered with the NPWS Sites Register for Sydney[6], reflecting both the wealth of archaeology in the region and the number of archaeological investigations undertaken.

These studies have permitted a comprehensive model of archaeological site distribution to be developed for the Cumberland Plains, including the Epping area. The model suggests that archaeological sites are focussed upon the higher order creeks (such as the Parramatta and Lane Cover Rivers), situated on the surrounding river terraces, lower slopes and to a lesser extent surrounding elevated areas. Confluences of major creeks are also significant for archaeological distribution. In these areas, the soil profile is often preserved and can be in excess of 70 cm, permitting good stratigraphic and temporal retention of archaeological sites. Due to this depth

[2] McDonald, 2007.
[3] Attenbrow, 2002:20-21.
[4] As cited in Attenbrow, 2002:18-19; Cranebrook Terrace [41 700 +3000/-2000 ANU-4016]; Shaw's Creek [14 700±250 Beta-12423]; Prince of Wales Hospital [8 400±800 lacks a lab no. from source] and Curracurrang 1 [7 450±180 Gak-482].
[5] Hiscock & Wallis, 2005; Smith et al., 2008.
[6] Attenbrow, 2002: 48.

of deposit, Jo McDonald Cultural Heritage Management Pty Ltd (JMCHM) state that subsurface archaeological deposits are frequently found regardless of the presence or absence of surface archaeological evidence[7]. Proceeding away from the creek lines, archaeological site distribution rapidly drops in spatial extent and complexity within 150 to 200 m[8]. The ridges and hills between the drainage lines generally exhibit only minimal archaeological evidence. JMCHM further suggest that the archaeological distribution is significantly effected by recent human activities and impacts.

Local Context

Most of the sites identified in and around the Epping area were identified by a private individual[9], were un-associated with development and comprise a number of open camp sites (i.e. artefact scatters).[10] The remaining sites were identified through the Port Jackson (research) Project[11], which consisted of rock shelters. One site was also identified during assessment work for proposed development (i.e. development of the M2 motorway)[12]. The majority of these sites are located more than 2km from the subject land.

The rock shelters identified by the Port Jackson Project were recorded by Val Attenbrow and other colleagues who undertook quite detailed recording. Stone artefacts were recorded at all but one site (a rock shelter with art).

Review of AHIMS site cards located in the vicinity of the study area reveals, most if not all of these sites were re-investigated by archaeologists Paul Irish and Mary Dallas in 2001. AHIMS records indicate Irish and Dallas reassessed the integrity of these sites and identified most of them had been further disturbed since they were initially recorded in the 1980s and 1990s.

Stone artefacts recorded within the local area predominately comprise small surface scatters predominately of silcrete, chert and quartz stone raw materials. No archaeological excavations appear to have been undertaken within 3km of the study area and no areas of potential archaeological deposit have been registered on the AHIMS.

Based on these previous studies, Aboriginal sites within the Epping area comprise a variety of site types, although stone artefact scatters appear to be present in low densities and are often quite disturbed, as a result of historical and more recent human activities. Given the close proximity between two main River systems (Parramatta and Lane Cove Rivers) and also its position close to several freshwater streams (Terrys Creek and the Ponds Creek), there is potential for the local area to have been quite intensively occupied by Aboriginal people in the past. This is because the local area would have contained a diversity of traditional resources associated with the various environments.

[7] JMCHM, 1999, 2001, 2002a, 2002b, 2005.
[8] AMBS, 1998.
[9] Michael Guider.
[10] DECC sites - #45-6-2309, #45-6-2312, #45-6-2313, #45-6-2407, #45-6-2569, #45-6-2570, #45-6-2571, #45-6-2572, #45-6-2573.
[11] DECC sites - #45-6-0977, #45-6-1156, #45-6-1449, #45-6-1432.
[12] DECC site - #45-5-1005.

AHIMS Database Search

A search of the DECC AHIMS database found 14 site recordings within a 3 km radius around the study area. *No sites have been previously recorded within the study area (refer to* ***Figure*** *2)*[13].

The 14 sites can be broken down as 9 open camp sites or artefact scatters, 3 rock shelters with deposit, 1 rock shelter with art and 1 isolated find. This information indicates most of sites in the local area (71.4%) contain evidence of stone artefacts (artefact scatters and isolated finds).

With regard to distribution, **Figure 2** shows that the 14 sites are distributed along creeklines associated with Parramatta River in the Dundas/Telopea area. The greatest density of archaeological sites is found on the lower ground along Subiaco and The Ponds Creeklines.

Although no sites are situated in the immediate vicinity of the study area, several are located within 2km of the subject land. These sites include #45-6-2572; #45-6-2407 and #45-6-2571 and were all open camp sites (or stone artefact scatters). #45-6-2572 is located in Telopea, south-west of the study area, # 45-6-2407 is situated in Acacia Park, Dundas Valley, also south-west of the study area and #45-6-2571 was within the site of a substation in Dundas Valley (but has since been destroyed). These three sites are located along a tributary of The Ponds Creek.

[13] An AHIMS site search was undertaken by the DECC on 15 September 2008 (AHIMS # 23659).

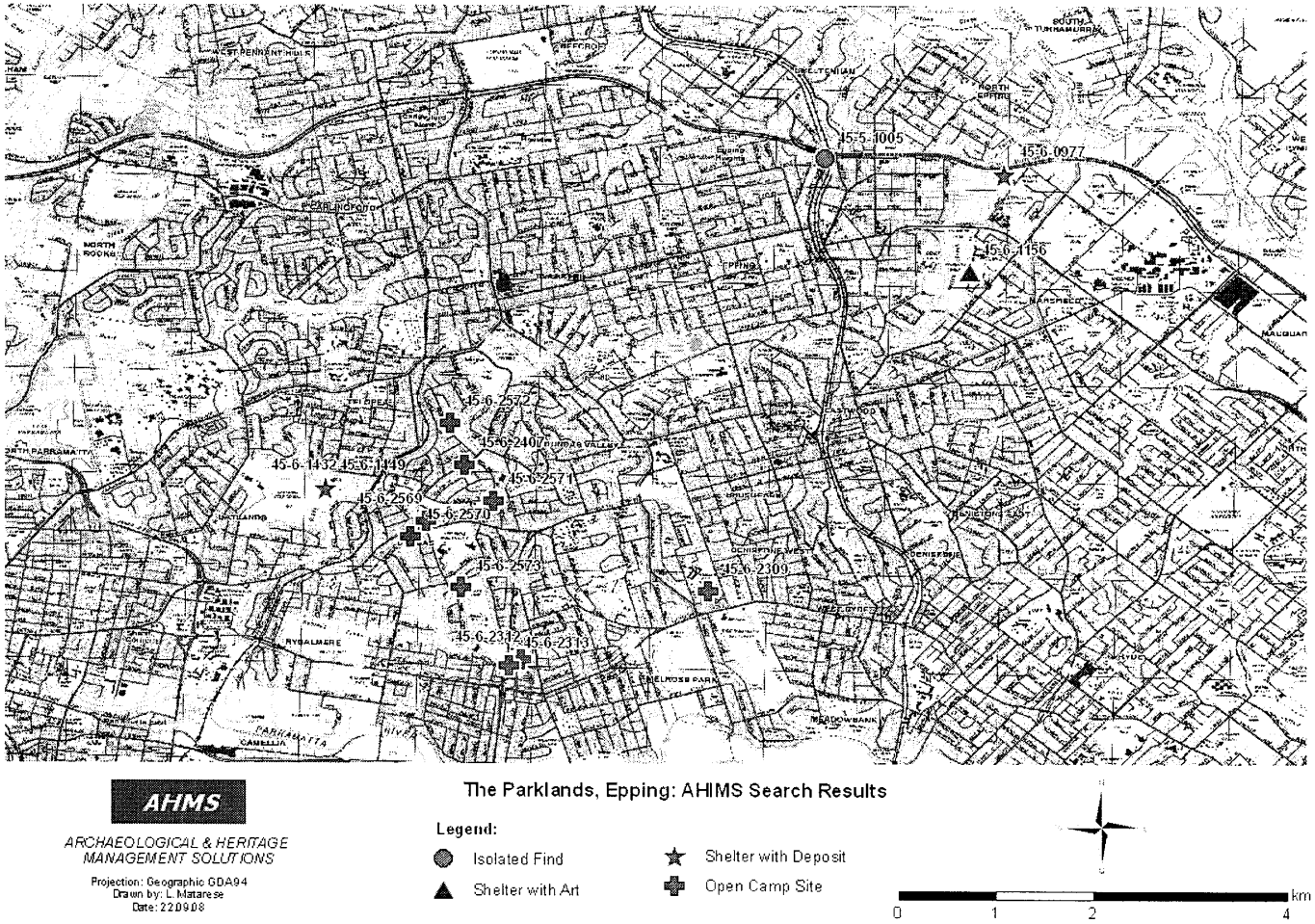

Figure 2 – Topographic map showing Aboriginal sites *recorded on the AHIMS database within 3km of the study area (marked green). Source: Topoview - CMA 1:25,000 map sheets.*

Predictive Modelling

Existing Environment

While the site has been used for both historical and modern activities, previous impacts appear to be generally low across parts of the site, particularly within the western portion of the study area. Previous site disturbance has been focused on the eastern portion of the site associated with a former residence off First Avenue and agriculture adjacent to Edenless Street (although outside the current study area boundary). Further evidence of agricultural use of the site is outlined in **Figure 3** based on earlier 1930 and later 1951 aerial photographs which also shows market gardening/agriculture parallel with Grimes lane on the northern boundary of the site[14]. **Figures 3** and **4** show the majority of site disturbance has occurred since the purchase of the site by Channel 7 and its subsequent development.

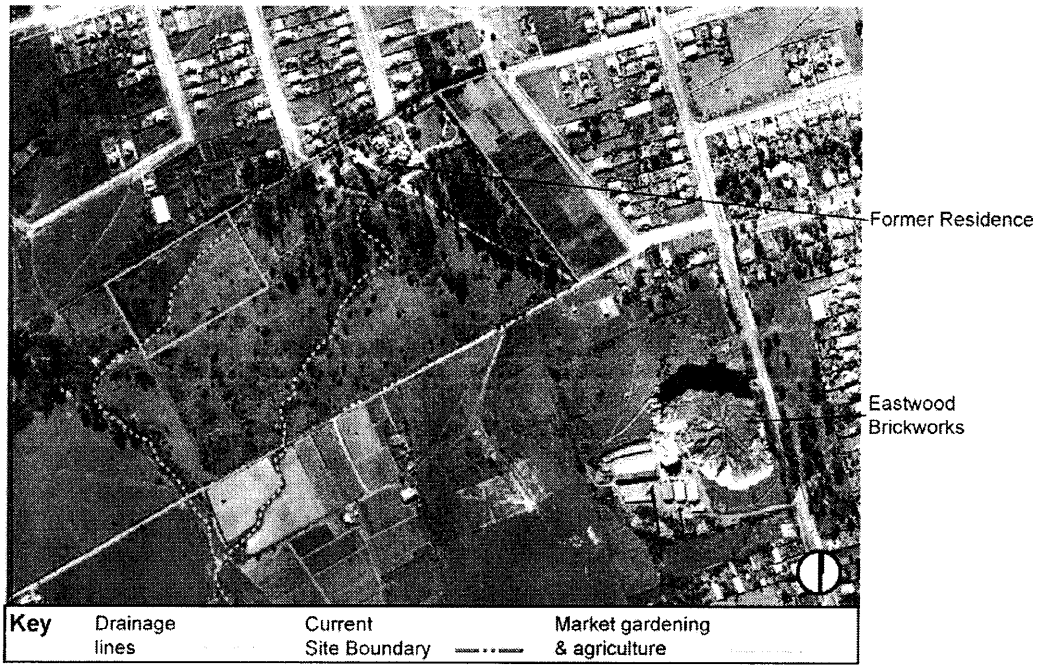

Figure 3 - The 1943 aerial photograph of the study area (outlined in red). Features indicative of previous disturbance within the site (i.e. market gardening shown in green) are marked on the figure. *Source: NSW Department of Lands and RTA 1943 Aerial Photograph of Run BB08 frame 397.*

Geotechnical information suggests that the site is comprised of predominately dark to pale brown and black loam onto clay and weathered shale[15]. The bore records indicate quite considerable variation in topsoils within a small area (between black, brown and pale brown soils, some sandy, some loamy[16]). This variation in the geo-tech data within a small sample zone

[14] Lands Department, NSW 1930 Aerial Photograph and Graham Brooks and Associates, 2005:15.
[15] CETEC Pty Ltd, 2008: 8-9.
[16] These results were recorded between ground level and up to 1.6m in depth within samples 2, 3, 4, 5, 6, 7 and 21. However these samples are predominately taken from a carpark situated along the northern boundary between the helipad and the Channel 7 studio buildings (CETEC Pty Ltd, 2008: 19).

suggests the soil found there is not natural topsoil but disturbed/imported fill. These results provide further evidence to indicate the level of disturbance within some parts of the site.

Therefore, historical and geotechnical information indicate that most of the site (in the central and western portions) has undergone varying amounts of disturbance.

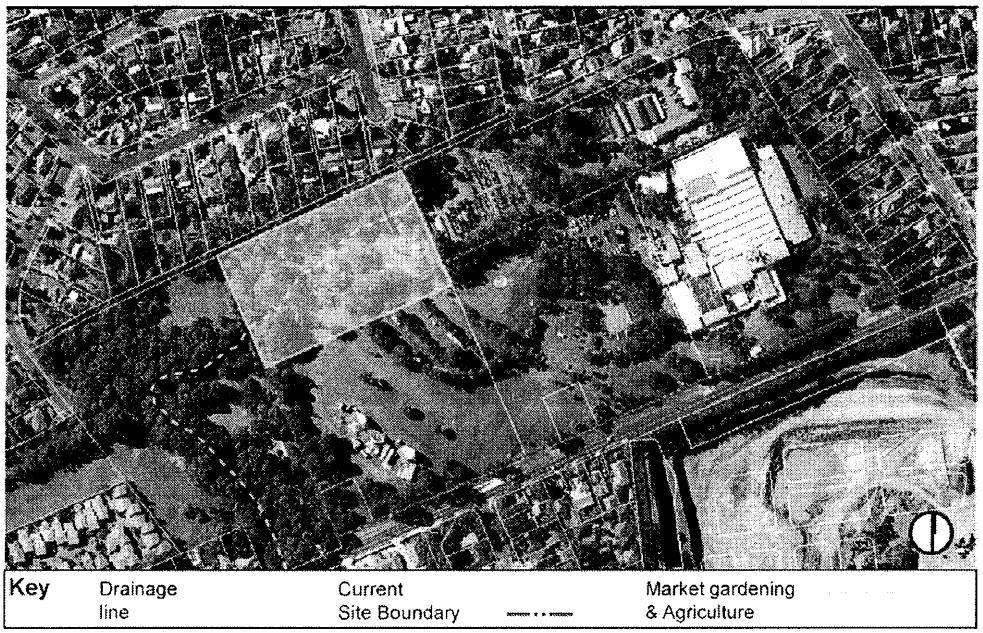

***Figure 4 - A recent aerial photograph showing locations of historic impacts** (in green) **based 1930 and 1951 aerial photographs** within the study area. Source: Spatial Information Exchange, NSW Department of Lands and Department of Lands 1930 Aerial Photograph Map 3424 Sydney Run 4 Frame 8165*

Archaeological Potential

The topography and distribution of natural resources near the study area generally indicates a potential for:

- Open artefact scatter sites;
- Potential archaeological deposits within intact topsoils; and
- Isolated finds anywhere across the landscape.

From an archaeological resource perspective, the site is located immediately adjacent to a first order creekline that flows into Terrys Creek which is itself located within the Mobbs Lane Reserve (less than 50m downstream). Terrys Creek is a tributary of the Lane Cove River, which is located further to the north-east. The study area is also located within 700m of the Ponds Creek, which is a tributary of the Parramatta River, south-west of the subject land. This means the study area is situated within close proximity to two sources of permanent fresh-water in addition to 3km away from the significant water sources of Lane Cove River and Parramatta River. Given the study area's close proximity to these resources, it is likely that elevated areas adjacent to creeklines, such as Terrys Creek, are likely to retain high potential for archaeological material.

The lower slope landform across the western portion of the study area would have been an ideal location for Aboriginal use and settlement because they comprise slightly elevated gently sloping land immediately adjacent to water sources. Several previous archaeological studies outlined in the section above have indicated the significance of these types of landform for archaeological presence and distribution. For these reasons, there is moderate potential for archaeological material to occur within this area.

There is no potential for axe grinding grooves, rock engravings or rock-shelters within the study area due to an absence of rock outcrop. Further, there is no potential for scarred and/or carved trees because the study area does not contain remnant old growth trees.

Based on the geotechnical and background review, we conclude that undisturbed parts of the site (focussed on the southern corner of the study area) do have potential to retain Aboriginal objects due to its proximity to Terrys Creek. However, these objects are likely to be of low density (based on previous site recordings) and may occur in truncated or disturbed contexts. Assuming the assessment of past disturbance within the site is accurate, and the southeast corner (of the study area) has not been truncated and disturbed by past land use, the southern portion of the study area has the highest potential to yield intact archaeological deposits.

Results of the Site Inspection

A site inspection of the study area was carried out on 23 September 2008 by Bernadette Allen and Felicity Barry (AHMS). Coverage of the study area was designed to identify areas of potential archaeological sensitivity as well as areas where previous development/disturbance has occurred.

The site was heavily grassed and covered with bitumen, leaving only limited exposure and visibility (<5%) with a mixture of young plantings (both native and non-native) and a few older trees (e.g. eucalypts) which were separated within the site. However tree clearance has occurred right across the site throughout its use[17].

The inspection found that structures present within the eastern portion of the study area (on the crest), which were associated with the Channel 7 Studios, have been cut into original ground surfaces, in some cases clearly into the B horizon subsoils (**Figure 5**) (and hence removing the topsoil and any associated archaeological material). Some features in the central portion of the site, i.e. the tennis court, amphitheatre, helipad with associated earthen mound and a former rubbish dump have also extensively disturbed original soil profiles (**Figure 5**). This effectively means that topsoil with the potential to contain evidence of Aboriginal occupation has been either removed or extensively disturbed within large portions of the study area.

Other portions of the site displayed clear evidence of extensive modification for drainage and terracing. These activities may have included movement and importation of fill to terrace the site. This is particularly evident in **Figure 5** (shown as a pink dashed line), with steep regular earth mounding within the central portion of the site. Modification to the natural drainage line located along the Grimes Lane north-western boundary was also seen through the presence of several ponding areas and the linear man-made characteristics of the drainage line heading downslope towards Terrys Creek. Comparison with the 1943 aerial photograph indicates the natural drainage line has been modified in recent times to create ponds.

Several areas within the site have also been modified for use as carparks and roads are also present throughout this area, particularly in the central and eastern parts of the site. Comparison of the road embankments with the level of the pavement indicates substantial excavation was required to establish the roads within the study area. Although the central carpark has been built up at the western end by terracing, modifications for drainage indicate this area has also been disturbed in addition to being partially filled to create a level terrace.

No evidence of ploughing for market gardening along the northern boundary off Grimes Lane was observed during the site inspection. However, as previously discussed historic aerial photographs indicate that this has occurred on site previously.

While no Aboriginal sites were identified during the site inspection, we believe that there is moderate potential for Aboriginal objects to be located in the southern portion of the study area. This is because this portion of the site appears to have been subjected to fewer historic impacts.

[17] Graham Brooks and Associates 2005: 14-24

The remainder of the site (shown in blue on **Figure 5**) has been more extensively impacted and these areas are considered to have much lower archaeological potential.

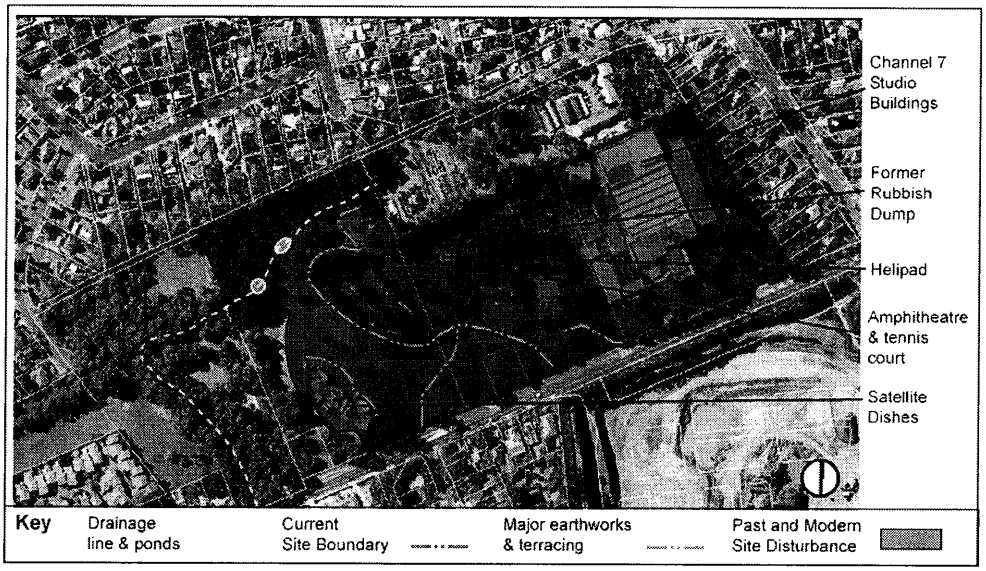

Figure 5 - Aerial photograph showing historic and observed impacts (in blue) occurring within the study area. *Impacts include the historic and more recent buildings presented in Figures 3 and 4; the current track running through the site; and visual disturbances to the northwest and western parts of the study area. Source: Spatial Information Exchange, NSW Department of Lands.*

Aboriginal Archaeological Constraints

No Aboriginal sites were identified during the site inspection, but the potential for sub-surface archaeological material varied across the site with the southern portion having moderate potential. Our assessment of archaeological constraints presented below is based on conclusions about archaeological potential drawn from our understanding of local archaeological patterns and our assessment of landscape and prior land use disturbance. We have suggested that the southern portion of the study area (shaded orange on **Figure 6**) has potential to retain Aboriginal objects and/or remnant soils to varying degrees based on past land use and its proximity to an adjacent water source. However, our investigation found that the remainder of the study area (shaded in blue on **Figure 6**) has been extensively affected by historical use and has very low to nil potential for intact Aboriginal sites and/or objects.

*Moderate Potential Archaeological Deposit (shaded orange on **Figure 6**)*

The orange shaded area has been identified as having moderate potential to contain intact topsoils and/or soil profiles. The presence of these minimally disturbed topsoils/soil profiles, in combination with the areas proximity to water and landform type, further indicates potential for archaeological materials to be present.

This area is likely to have been the least affected by past land use of the subject land such as structures associated with the use of the site by Channel 7 and market gardening shown in 1930 and 1951 aerial photographs (**Figures 3, 4** and **5**). This land is within a relatively flat lower

slope, close to a freshwater creekline and is likely to contain evidence of Aboriginal occupation within intact soils.

Based on the approved concept plan (**Attachment 1**) it appears that this area may be impacted as part of the development. Should this be the case, and given the potential for archaeological deposits to be located within this area (**Figure 6**), sub-surface investigation may be required to confirm whether these areas contain archaeological materials or not. To undertake excavation under a Part 3A 'Concept Plan', a permit will be required from the DECC in accordance with section 87 and/or 90 of the *National Parks and Wildlife Act, 1974*. To obtain such permits, an AHIA undertaken in accordance with the DECC (2004) *Interim Community Consultation Requirements for Applicants* will be required. Please note under the provisions of the *National Parks and Wildlife Act, 1974* Section 90 consent would be required from DECC prior to any disturbance of a potential archaeological deposit.

*Negligible Archaeological Potential (shaded blue on **Figure 6**)*

No further work is recommended on Aboriginal archaeological grounds in areas coloured blue in **Figure 6**. This area has been subjected to moderate to high disturbance mainly through construction of extant buildings and market gardening dating to the 20th century in addition to major earthworks involving re-landscaping for drainage and site terracing works.

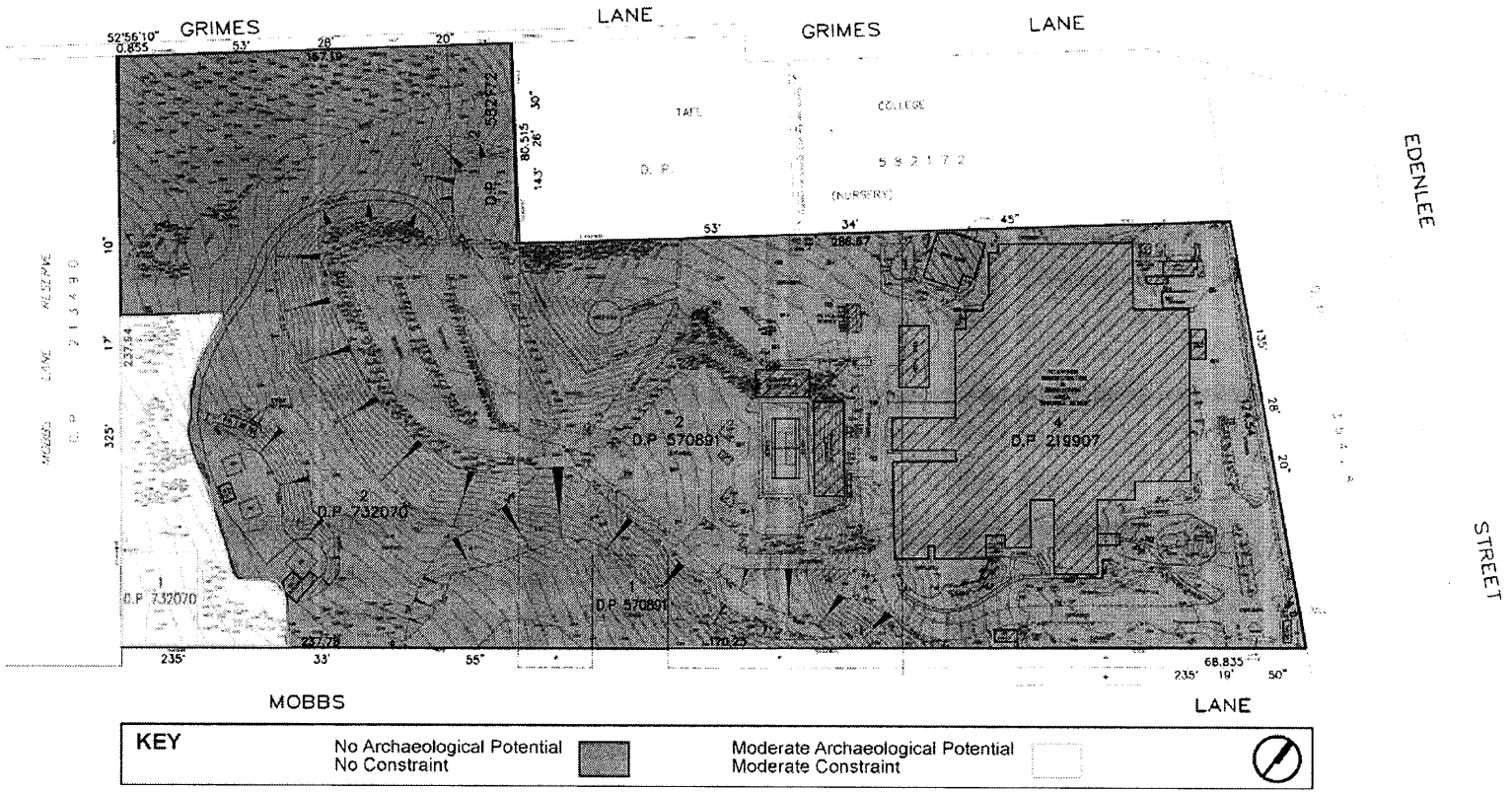

Figure 6 – Survey of the study area showing zones of no archaeological potential (blue), low archaeological potential (green) and moderate archaeological potential (orange). *Source: Higgins North Partners Surveyors and Property Consultants dated 15 March 2004*

Recommendations

The following recommendations are based upon:

- the legal requirements of the *National Parks and Wildlife Act of 1974;* in conjunction with
- the legal requirements of part 3A of the *Environmental Planning and Assessment Act, 1979;* and
- the results of the preliminary archaeological investigation documented in this letter.

It is recommended/noted that:

1. If new works requiring excavation of existing soils are proposed in zones of moderate archaeological potential (shaded orange in **Figure 6**), an *Aboriginal Heritage Impact Assessment (AHIA)* should be undertaken; the AHIA should seek to fulfil the DECC's (1997) *Aboriginal Cultural Heritage Standards and Guidelines Kit* and (2004) *Interim Community Consultation Requirements for Applicants.*
2. No further archaeological investigations are warranted, within the remainder of the subject land, i.e. areas of no Aboriginal archaeological potential (shaded blue) on **Figure 6**; and
3. Currently, unless otherwise advised by DoP under section 75U, the provisions of the *National Parks and Wildlife Act, 1974* relating to protection of Aboriginal Heritage are still valid[18]. This means it is an offence under *Section 90* of the *National Parks & Wildlife Act 1974* to disturb, destroy or deface Aboriginal objects without the consent of the DECC. If any Aboriginal sites or objects are found during the course of development works within the subject land, excavation work in that area must cease immediately. If the Aboriginal object(s) cannot be avoided by development works (i.e. through re-design), a *Section 90 Aboriginal Heritage Impact Permit* from DECC will be required before work can recommence.

Please don't hesitate to contact Felicity Barry if you wish to discuss these matters further.

Yours sincerely,

Felicity Barry

Aboriginal Archaeologist

[18] Should the project subsequently develop a 'Project Approval' under Part 3A, the need for excavation permits under NP&W Act would not be required. However, consideration of Aboriginal heritage in the Statement of Commitments for the project may still be needed.

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Attachment 1: Proposed Development *Source: Rebel Property Group, Architectus, PTW, Context, Dated October 2005 The Parklands Proposed Concept Plan*