



Our ref: DOC20/675229

Ms. Bianca Thornton
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Industry Assessments
Department of Planning, Industry and Environment

By email: bianca.thornton@planning.nsw.gov.au

Dear Bianca

Response to Submissions – SSD-9522 Kemps Creek Warehouse, Logistics and Industrial Facilities Hub

Thank you for your referral dated 12 August 2020 inviting comments from Heritage NSW (HNSW) in relation to the Response to Submissions, prepared for the proposed Kemps Creek Warehouse, Logistics and Industrial Facilities Hub, 657-769 Mamre Road, Kemps Creek, NSW.

HNSW has reviewed all the Aboriginal heritage information supplied for the Kemps Creek Warehouse development, including the *Response to Submission Report proposed Warehouse, Logistics and Industrial Facilities Hub* (SSD 9522) (Section 6.13 Aboriginal Cultural Heritage), prepared by Willowtree Planning, dated August 2020, *ACHAR: Mamre South Precinct State Significant Development – Proposed Warehouse, Logistics and Industrial Facilities Hub*, prepared by Biosis, dated 31 July 2020, and the *Archaeological Report: Mamre South Precinct State Significant Development – Proposed Warehouse, Logistics and Industrial Facilities Hub*, prepared by Biosis, dated 31 July 2020.

HNSW provides its comments and recommendations at Attachment A.

If you have any questions regarding the above advice, please contact Rebecca Yit, Archaeologist at Heritage NSW, on 4927 3244 or rebecca.yit@environment.nsw.gov.au

Yours sincerely

Sam Higgs
Senior Team Leader
**Aboriginal Cultural Heritage Regulation – North
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Department of Premier and Cabinet

2 September 2020

Attachment A

1. Lot X DP 421633 within the project area should be re-surveyed after vegetation removal

HNSW has reviewed the supplied information with respect to the effective ground surface visibility during the archaeological survey undertaken within Lot X DP 421633 by Biosis in January 2019. The ACHAR notes the visibility within this area was generally <10% due to thick vegetation obscuring the ground surface. As a result, the identification of any additional Aboriginal objects present within this portion of the project area is likely to have been hampered by the limited ground surface visibility.

HNSW recommends that re-survey with the Registered Aboriginal Parties (RAPs) should occur within those areas of Lot X, DP 421633 recorded as having very limited ground surface visibility, following surface removal of vegetation.

HNSW recommends that a consent condition is created that requires the archaeological re-survey with the RAPs, following survey removal of vegetation, in order to adequately identify and assess the impacts of the proposal on the potential Aboriginal cultural heritage within Lot X DP421633 of the project area

Any Aboriginal objects or sites identified during the re-survey will need to be managed in accordance with the protocols for newly identified sites in the Aboriginal Cultural Heritage Management Plan (ACHMP), as per comment 2 below.

2. An ACHMP must be prepared and implemented for the project

An ACHMP must be developed for the project in consultation with the RAPs and HNSW, to manage and mitigate extant Aboriginal sites and objects located with the project area. The ACHMP must be completed and approved prior to any ground surface disturbance works being undertaken.

HNSW recommends that a consent condition is created that requires an ACHMP be prepared in consultation with the RAPs and HNSW prior to ground disturbing works being undertaken for the project.

3. Aboriginal sites to be impacted by the proposed development must be mitigated

It is understood from the impact assessment completed as part of the Aboriginal cultural heritage assessment, AHIMS registered Aboriginal sites #45-5-5184 (MSP-01), #45-5-5188 (MSP-02), #45-5-5189 (MSP-03) and newly identified Aboriginal sites MSP-07 and MSP-08 located within the proposed project area will be subject to full impact by project construction works. The ACHAR recommends the sites be subject to salvage through a program of surface collection and archaeological excavation, to be undertaken as conditions of consent under the SSD approval.

HNSW concurs with the recommendations of impact mitigation for AHIMS sites #45-5-5184 (MSP-01), #45-5-5188 (MSP-02), #45-5-5189 (MSP-03) and newly identified Aboriginal sites MSP-07 and MSP-08, as outlined in the ACHAR.

HNSW recommends the salvage program be undertaken as a program of impact mitigation procedures integrated into the ACHMP, to be prepared for the project.

Should any Aboriginal objects be salvaged, then an Aboriginal Site Impact Recording Form (ASIRF) must be completed and submitted, for inclusion on the AHIMS database.

4. No impacts to Aboriginal site MSP-11 should occur

The ACHAR identifies that newly identified Aboriginal site MSP-11 located within the project, currently lies outside of the proposed development footprint and will not be subject to proposed development impacts. The ACHAR recommends the erection of temporary fencing during development works to avoid potential impacts to the site.

HNSW is not satisfied with the recommendation of temporary fencing to prevent unintended impacts occurring during development works as the ACHAR does not provide an adequate level of detail of the proposed fencing mitigative procedure to ensure appropriate implementation.

HNSW recommends that a clearly defined strategy for mitigating impacts during development works be prepared for Aboriginal site MSP-11 in consultation with the RAPs. The strategy should be integrated into the ACHMP, to be developed for the project. The ACHMP should also provide detailed procedures regarding the long-term management of Aboriginal site MSP-11 to ensure the sites protection into the future.

5. AHIMS site cards for registered Aboriginal sites #45-5-5187 (MSP-01), #45-5-5188 (MSP-02), #45-5-5189 (MSP-03) must be updated

HNSW understands that three AHIMS registered sites; #45-5-5187 (MSP-01), #45-5-5188 (MSP-02) and #45-5-5189 (MSP-03), were subject to a test excavation program under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010). The AHIMS database must be updated to reflect the current site status of Aboriginal sites located within the project area, to show which sites have been subject to impacts from test excavation.

In accordance with recommendation 6 in the ACHAR (July 2020), ASIRFs for all impacted sites, must be submitted for inclusion on the AHIMS database. The ASIRFs must be completed by a suitably qualified archaeologist and show the total count of the artefacts identified at each site.

6. All newly identified Aboriginal cultural heritage sites must be registered on AHIMS

HNSW understands that as a result of test excavations under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) completed for the project, an additional seven Aboriginal sites were identified within the project area, including MSP-05, MSP-06, MSP-07, MSP-08, MSP-09, MSP-10 and MSP-11.

In accordance with recommendation 7 in the ACHAR, HNSW recommends that AHIMS site cards be prepared for all newly identified Aboriginal sites located within the project area and submitted to AHIMS for registration on the database.

7. AHIMS site cards for Aboriginal sites incorrectly registered within the project area should be corrected

The ACHAR documents that three AHIMS registered sites #45-5-3028 (EPTA 3), #45-5—3032 (EPTA 10) and #45-5-3033 (EPTS 11) originally recorded by Navin Officer in 2005 during subsurface testing at Lenora Lane, Erskine Park and registered on the AHIMS database as located within the project area, were assessed by Biosis, as “incorrectly georeferenced at the time of the recording” (ACHAR 2020 Appendix 22: 31). Biosis claim they could not identify any evidence of test excavations at the locations provided on the AHIMS site cards, leading the consultants to argue that as a result of errors during the original recording, these three sites occur outside of the Kemps Creek SSD project area. The ACHAR recommends no further archaeological work is required for these sites.

HNSW recommends that the AHIMS Registrar be advised of the potential site information errors so as to initiate a process of verification and if required, correction of the AHIMS database information. This will assist with the maintenance of accurate and current AHIMS records, which support and reflect the findings of the Aboriginal cultural heritage assessment completed for the project area.

8. Temporary storage of Aboriginal objects must be determined

A temporary storage location must be determined in consultation with the RAPs in order that a temporary keeping place can be used to analyse, and catalogue Aboriginal objects recovered during the salvage program, pending any agreement reached about their long-term management.

HNSW recommends that a care agreement be prepared for the project and integrated into the ACHMP.

9. Long term management of Aboriginal objects must be determined

HNSW understands that consultation with the RAPs regarding the long-term management of salvaged Aboriginal Objects from within the project area is ongoing.

HNSW recommends the arrangements regarding the long-term care and control of Aboriginal objects be finalised in consultation with the RAPs and the management procedure integrated into the ACHMP, to be prepared for the project.

10. Unexpected finds protocols should be included in the ACHMP

The ACHAR recommends that stop work procedures be implemented, should unexpected finds including Aboriginal objects and/or human remains, be encountered during development works.

HNSW recommends that an unexpected finds protocols for managing and mitigating any such newly identified Aboriginal objects and human remains should be prepared and implemented for the project. The unexpected finds protocols should be developed as a condition of consent for the project in consultation with the RAPs.

