

Prospect Logistics Estate

Aboriginal Cultural Heritage
Assessment Report

Report to Aliro Group

July 2020

Blacktown/Cumberland LGA



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EXECUTIVE SUMMARY

ISPT Pty Ltd. propose to develop a warehouse and logistics facility accessible from Clunies Ross Street and Foundation Place, in the suburbs of Prospect and Pemulwuy.

The proposed works will be assessed as a State Significant Development under Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The proposed works would be assessed under the *Environmental Planning and Assessment Act 1979*. Aliro Group on behalf of ISPT Pty Ltd. are preparing an Environmental Impact Statement (EIS) for the proposed redevelopment.

A portion of the study area is located within the State Heritage Register (SHR) curtilage for Prospect Hill (SHR # 01662) which identifies substantial Aboriginal cultural values as part of the significance values of the item.

Aliro Group have engaged Artefact Heritage to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to accompany the EIS.

It was found that:

- No previously unrecorded Aboriginal sites were identified within the study area.
- One previously recorded Aboriginal Heritage Information Management System (AHIMS) site extends into the current study area (AHIMS ID 45-5-2571). [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] AHIMS ID 45-5-2571 will not be impacted by the proposed works.
- The remainder of the study area is considered to have been subject to moderate – high levels of disturbance. All sections of the study area with the exclusion of the Prospect Hill SHR curtilage were found to demonstrate low archaeological potential.
- Proposed impacts to the cultural heritage values of Prospect Hill has been assessed. The proposed development will result in a minor impact to the aesthetic and social values associated with Prospect Hill.
- Marrong Reserve, a portion of the Prospect Hill SHR curtilage to the south of the study area has been assessed for potential impacts to cultural heritage values as part of the current assessment. No impacts to the cultural values of Marrong Reserve have been identified.

The following recommendations are made:

- No further archaeological investigation is recommended.
- The proposed development should investigate measures to reduce the visual impact of the proposed development on the prominence of Prospect Hill.
- The proposed development should investigate methods to incorporate Aboriginal cultural heritage values into the proposed design such as through the development of heritage interpretation elements.

- If suspected human remains are located during any stage of the proposed works, work must stop immediately, and the NSW Police notified. An Archaeologist or Physical Anthropologist should be contacted in the first instance where there is uncertainty whether the remains are human.
- An unexpected finds procedure must be in place throughout the proposed works, with procedures in place for notification of Heritage NSW – Department of Premier and Cabinet (DPC), a heritage consultant and RAPs where unexpected finds are identified.
- If changes are made to the proposed works further archaeological assessment may be required.

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1.0 INTRODUCTION

1.1 Project background

ISPT Pty Ltd. propose to develop a warehouse and logistics facility accessible from Clunies Ross Street and Foundation Place, in the suburbs of Prospect and Pemulwuy (the proposed works).

The proposed works will be assessed as a State Significant Development under Schedule 2 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP). The proposed works would be assessed under the *Environmental Planning and Assessment Act 1979* (EP&A Act). ISPT Pty Ltd are preparing an Environmental Impact Statement (EIS) for the proposed redevelopment. ISPT Pty Ltd have engaged Artefact Heritage to complete an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support the EIS.

A portion of the study area is located within the State Heritage Register (SHR) curtilage for Prospect Hill (SHR # 01662) which identifies substantial Aboriginal cultural values as part of the significance values of the item.

1.2 Approval framework

The proposed works will be subject to assessment by the Department of Planning, Industry and Environment (DPIE) as SSD 10399. As such, the Secretary of DPIE has prepared the Secretaries Environmental Assessment Requirements (SEARS) which need to be addressed in the EIS. The SEARS relating to Aboriginal heritage, and where they are addressed in this report, are listed in Table 1.

Table 1: SEARS requirements

Requirement	Fulfilment of Requirements
<i>Identification and description of Aboriginal cultural heritage values that exist across the development in an ACHAR</i>	Section 8.0
<i>Consultation with Aboriginal people must be undertaken and documented in an ACHAR</i>	Section 3.0
<i>A description and assessment of potential impacts on Aboriginal cultural heritage values such as Prospect Hill and Mar-Rong Reserve</i>	Section 10.0

ISPT Pty Ltd have engaged Artefact Heritage to prepare an ACHAR to respond to the SEARS to support the EIS.

This ACHAR has been prepared in accordance with the following requirements and guidelines:

- SEARs SSD 10399.
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (Code of Practice) (Department of Environment, Climate Change & Water [DECCW] 2010).
- The Burra Charter (ICOMOS 2013).
- Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010) (Consultation Requirements).

- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (Office of Environment & Heritage [OEH] 2011) (The ACHAR Guide).

1.3 Proposed works

ISPT Pty Ltd. propose to develop a warehouse and logistics facility across five consolidated lots (combined area of 18.6ha) accessible from Clunies Ross Street and Foundation Place, in the suburbs of Prospect and Pemulwuy.

The proposed works consist of earthworks across the study area including ground levelling, demolition of existing structures, excavation or backfilling where needed, and would also involve the construction of retaining walls and terraces.

Following demolition of the existing structures and bulk earthworks, seven new buildings would be constructed within the study area, with construction also including associated offices, car parking and an internal estate road. These buildings would be largely rectilinear warehouse structures of varying heights. The buildings would be located on the various terrace levels.

1.4 Study area

The study area for the proposed works is 44 Clunies Ross Street Prospect (Lot 10 DP 1022044, Lot 216 DP 1030744, Lot 601 DP 1047403), 615A Great Western Highway, Pemulwuy (Lot 63 DP 752051) and Boral House, Clunies Ross Street, Pemulwuy (Lot 107 DP 1028208).

The study area is located within the Blacktown and Cumberland (former Holroyd) Local Government Areas (LGAs). The study area falls within the boundaries of the Deerubbin Local Aboriginal Land Council (Deerubbin LALC). The study area is located within the Parish of Prospect and County of Cumberland.

The south eastern portion of the study area includes a portion of the SHR item 'Prospect Hill (SHR # 01662)'. The curtilage of the Prospect Hill SHR item extends to the south of the study area and includes an area of parkland known as Marrong Reserve. In accordance with the SEARS requirements (SSD 10399) an assessment of the potential impact to the cultural significance of both Prospect Hill and Marrong Reserve will be considered as part of this ACHAR.

The location of the study area is illustrated in Figure 1.

1.5 Objectives of this assessment

The objectives of this report are to:

- Assess the Aboriginal cultural heritage values of the study area, including archaeological and community cultural values, and the significance of identified values.
- Identify Aboriginal cultural heritage values that may be impacted by the proposed works, including impact to Prospect Hill and Marrong Reserve, and measures to avoid significant impacts to these elements.
- Ensure appropriate Aboriginal community consultation in the assessment process.
- Identify any recommended further investigations, mitigation and management measures required, should the proposed works proceed.

This report includes:

- A description of the scope of the proposed works and the extent of the study area.
- A description of the Aboriginal community involvement and Aboriginal consultation.
- A significance assessment of the study area including cultural and archaeological values.
- A description of the statutory requirements for the protection of Aboriginal heritage.
- An impact assessment for recorded Aboriginal sites and areas of archaeological potential.
- Provision of measures to avoid, minimise, and if necessary, offset the predicted impacts on Aboriginal heritage values.

1.6 Limitations

This report has been prepared to assess Aboriginal heritage values only. Non-Aboriginal heritage is assessed in a separate technical paper for the EIS (Artefact 2020).

1.7 Authorship and acknowledgements

The report was prepared by Latisha Ryall (Heritage Consultant) and Alyce Haast (Senior Heritage Consultant) who also managed the project and supervised the archaeological survey. The survey was attended by Latisha Ryall, Alyce Haast and Sarah Hawkins (Heritage Consultant, Artefact Heritage). Josh Symons (Principal, Artefact Heritage) directed the project and provided management input.

The qualifications of the heritage consultants involved in the production of the report is included in Table 2

Table 2: Qualifications

Name	Qualification	Years' Experience
Alyce Haast	Master of Professional Archaeology	5 years
Latisha Ryall	BA Archaeology and Palaeoanthropology (Hons)	4 years
Sarah Hawkins	BA Archaeology (Hons) and Master of Museum and Heritage Studies	4 years
Joshua Symons	BA Historic and Prehistoric Archaeology (Hons)	15 years

Figure 1: Study area

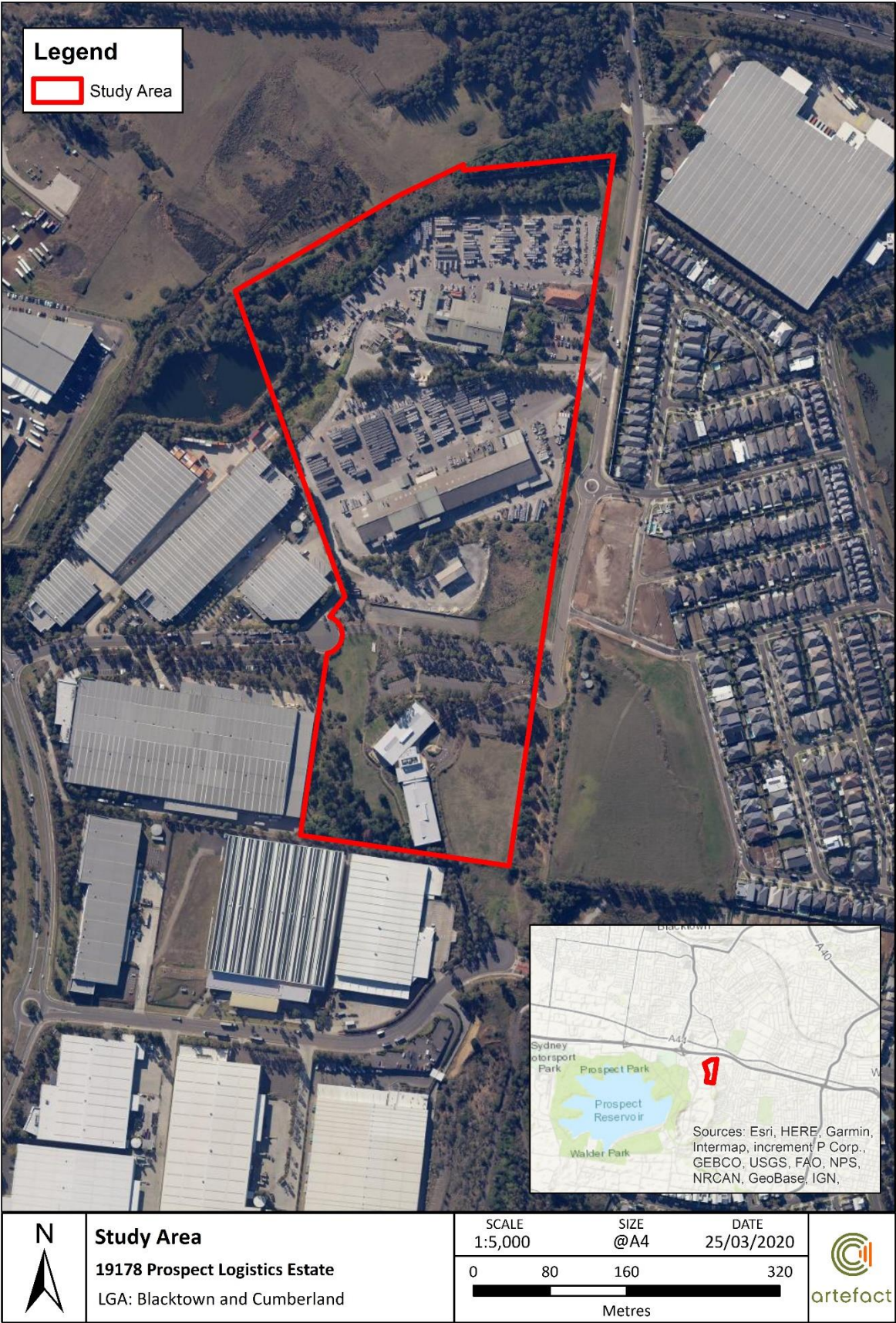


Figure 2: Location of Prospect Hill and Marrong Reserve in relation to the study area shown in yellow, (source: Parkland Planners-Phillips Marler 2018)



2.0 LEGISLATIVE CONTEXT – ABORIGINAL HERITAGE

2.1 State legislation

2.1.1 National Parks and Wildlife Act 1974

The *National Parks & Wildlife Act 1974* (NPW Act) provides statutory protection for all Aboriginal 'objects' as defined under Section 83 of the Act, (consisting of any material evidence of the Aboriginal occupation of NSW) and for 'Aboriginal Places' as defined under Section 84 (areas of cultural significance to the Aboriginal community). Under Section 86 of the NPW Act. Aboriginal objects are afforded automatic statutory protection in NSW whereby it is an offence to harm or desecrate an Aboriginal object.

The NPW Act defines an Aboriginal 'object' as:

...any deposit, object or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal European extraction, and includes Aboriginal remains.

An Aboriginal Place is declared by the Minister, in recognition of its special significance with respect to Aboriginal culture.

Under Section 86 of the NPW Act Aboriginal objects and places are protected. Section 86 provides for two offences relating to Aboriginal objects and one offence concerning Aboriginal places and establishes penalties and fines for the harm or desecration of an Aboriginal object or place. All Aboriginal objects, whether recorded or not are protected under the NPW Act.

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.

There are no gazetted Aboriginal places in the study area however the draft Prospect Hill plan of management (Parkland Planners – Phillip Marler 2018) identifies a proposal to apply for Prospect Hill to be gazetted as an Aboriginal Place including the portion of Prospect Hill within the current study area.

As this proposed works is being assessed under Part 4 Division 4.7 of the EP&A Act permits issued under the NPW Act 1974 are not required (Part 4 Division 4.7, Section 4.4.1).

2.1.2 Native Title Act 1994

The *Native Title Act 1994* was introduced to work in conjunction with the Commonwealth *Native Title Act 1993*. Native Title claims, registers and Indigenous Land Use Agreements are administered under the Act.

A search of native title vision was undertaken on 9 January 2020. There are no Native Title claims currently registered in the study area.

2.1.3 Aboriginal Lands Right Act 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) established Aboriginal Land Councils (at State and Local levels). These bodies have a statutory obligation under the ALR 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 Deerubbin LALC.

2.1.4 Heritage Act 1977

The NSW *Heritage Act 1977* (Heritage Act) provides protection for items of 'environmental heritage' in NSW. 'Environmental heritage' includes places, buildings, works, relics, movable objects or precincts considered significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. Items considered to be significant to the state are listed on the SHR and cannot be demolished, altered, moved or damaged, or their significance altered without approval from Heritage NSW – DPC.

2.1.4.1 State Heritage Register

The SHR was established under Section 22 of the Heritage Act and is a list of places and objects of particular importance to the people of NSW, including archaeological sites. The SHR is administered by Heritage NSW - DPC and includes a diverse range of over 1,500 items, in both private and public ownership. To be listed, an item must be deemed to be of heritage significance for the whole of NSW.

Although Aboriginal heritage is primarily protected by the NPW Act, if an Aboriginal site, object or place is of State significance, it may be protected by an Interim Heritage Order or by virtue of listing on the SHR.

The proposed works will be assessed as an SSD and as such, approvals under the Heritage Act are not required for the current development consent process. However, consultation with the Heritage NSW - DPC and DPIE would be conducted as part of the consultation process for the proposed works.

There is one SHR listed item within the study area

- Prospect Hill (SHR # 01662)

The SHR listing for Prospect Hill includes reference to Aboriginal significance values.

It is noted that there are no earthworks proposed for within the curtilage of Prospect Hill (SHR # 01662).

2.1.5 NSW Environmental Planning and Assessment Act 1979

The EP&A Act establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits.

The proposed works will be assessed under part 4, Division 4.7 of the EP&A Act, which establishes an assessment and approval regime for SSD. Part 4, Division 4.7 applies to development that is declared to be SSD by a State Environmental Planning Policy (SEPP). Division 4.7, Section 4.41 of the EP&A Act specifies heritage approvals are not required for approved SSD.

The EP&A Act requires also that local governments prepare planning instruments (such as Local Environmental Plans [LEPs] and Development Control Plans [DCPs]) in accordance with the EP&A Act to provide guidance on the level of environmental assessment required.

The current study area falls within the boundaries of The Cumberland LGA (formerly Holroyd LGA), which is subject to the Holroyd LEP 2013 and the Holroyd Development Control Plan (DCP) 2013. This DCP makes specific reference to the Prospect Hill SHR item.

The study area is located on the boundary of Holroyd LGA and the Blacktown LGA. Several heritage items within the vicinity of the study area are therefore subject to the Blacktown LEP 2015.

2.1.6 The Holroyd Local Environmental Plan 2013

The aim of the Holroyd LEP 2013 in relation to Aboriginal heritage is to conserve Aboriginal objects and Aboriginal places of heritage significance. The LEP lists identified items of heritage significance in Schedule 5.

The LEP stipulates development controls in relation to development proposed on or near heritage listed properties, archaeological sites, or Aboriginal places of heritage significance.

There are no heritage items with Aboriginal heritage values listed on the Holroyd LEP within the study area.

There are four Aboriginal heritage items listed on the Holroyd LEP within one kilometre of the study area.

- Prospect Hill (LEP I01662)¹
- Aboriginal scarred tree and Aboriginal flaked stone artefacts (AH1)
- Grey Box Reserve and Aboriginal scarred trees (AH2)
- Aboriginal scarred tree (AH3)

2.1.7 The Blacktown Local Environmental Plan 2015

The study area partially falls within the Blacktown LGA. The Blacktown LEP 2015 aims to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views; and to protect archaeological sites. The LEP stipulates development controls in relation to development proposed on or near heritage listed properties, archaeological sites, or Aboriginal places of heritage significance.

There are no Aboriginal heritage items listed on the Blacktown LEP 2015 located within the study area or within one kilometre of the study area.

¹ The Prospect Hill (LEP I01662) LEP item curtilage does not extend into the current study area.

2.1.8 State Environmental Planning Policy (Western Sydney Employment Area) 2009

The SEPP Western Sydney Employment Area (WSEA) deals with matters of state or regional environmental planning significance and provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region. The current study area is within the WSEA of the South West growth centre.

SEPP WSEA in particular aims to promote economic development and the creation of employment in the WSEA by providing for development including warehousing, industrial and distribution centres.

Under schedule 18 (1) of SEPP WSEA development consent cannot be granted for a development unless the land is subject to a development control plan. As part of this each development control plan must address:

-
- a) *The impact of proposed development on indigenous and non-indigenous heritage values and*
 - b) *Opportunities to offset impacts on areas of heritage significance*
-

2.1.8.1 Holroyd Development Control Plan 2013

The Holroyd DCP 2013 is a non-statutory supporting document that compliments the provisions contained within the SEPP WSEA 2009 and The Holroyd LEP 2013. Part Q of the Holroyd DCP provides development controls specific to the Pemulwuy Northern Employment lands which includes the current study area. As stated in Section 5.4 of Part Q of the DCP, the objectives of the document in regard to Heritage is to:

-
- O2) *To have regard to development should be planned to minimise impacts on areas of high biodiversity or Aboriginal heritage significance and should seek to enhance the values of these areas.*
-

2.1.9 State Environment Planning Policy (State and Regional Development) 2011

The *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) identifies development which is declared to be state significant.

Schedule 1, Clause 12 (1) of the SRD SEPP identifies development that has a capital investment value of more than \$50 million for the purpose of warehouse or distribution centres at one location related to the same operation.

The proposed works has been classified as SSD under application SSD 10399.

Development control plans do not apply to state significant projects.

2.2 Commonwealth legislation

2.2.1 Commonwealth Environment Protection and Biodiversity Conservation Act 1999

The *Environment and Heritage Legislation Amendment Act (No.1) 2003* amends the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to include 'national heritage' as a matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List and the Commonwealth Heritage List.

The *Australian Heritage Council Act 2003* establishes a new heritage advisory body – the Australian Heritage Council, to the Minister for the Environment and Energy and retains the Register of the National Estate.

The *Australian Heritage Council (Consequential and Transitional Provisions) Act 2003* repeals the *Australian Heritage Commission Act 1975*, amends various Acts as a consequence of this repeal and allows the transition to the current heritage system.

Together the above three Acts provide protection for Australia's natural, Indigenous and non-Indigenous heritage. The new framework includes:

- A new National Heritage List of places of national heritage significance
- A new Commonwealth Heritage List of heritage places owned or managed by the Commonwealth
- The creation of the Australian Heritage Council, an independent expert body to advise the Minister on the listing and protection of heritage places
- Continued management of the non-statutory Register of the National Estate.

2.2.2 National Heritage List

The National Heritage List is a list of places with outstanding heritage value to our nation, including places overseas. So important are the heritage values of these places that they are protected under the EPBC Act. This means that a person cannot take an action that has, will have, or is likely to have, a significant impact on the national heritage values of a national heritage place without the approval of the Australian Government Minister for the Environment.

There are no items listed on the National Heritage List located within the study area.

2.2.3 Commonwealth Heritage List

The Commonwealth Heritage List is a list of places managed or owned by the Australian Government.

There are no items listed on the Commonwealth Heritage List located within the study area.

2.2.4 Aboriginal and Torres Strait Islander Heritage Protection Act 1984

Most State Aboriginal heritage databases provide protection for those sites with physical evidence. The Commonwealth Act, *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* deals with Aboriginal cultural property in a wider sense. Such cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. In most cases, archaeological sites and objects registered under the State Act will also be Aboriginal places subject to the provisions of the Commonwealth Act.

There is no cut-off date and the Commonwealth Act may apply to contemporary Aboriginal cultural property as well as ancient sites. The Commonwealth Act takes precedence over State cultural heritage legislation where there is conflict. The responsible Minister may make a declaration under Section 10 of the Commonwealth Act in situations where state or territory laws do not provide adequate protection of heritage places.

3.0 ABORIGINAL COMMUNITY CONSULTATION

Aboriginal community consultation has been conducted in accordance with the Consultation Requirements. A consultation log has been maintained which details all correspondence with the registered Aboriginal parties (RAPs) for the proposed works (see Appendix 1).

3.1 Identification of stakeholders and registrations of interest

In accordance with Stage 4.1.2 of the Consultation Requirements, correspondence was sent to the following organisations requesting details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the Blacktown and Cumberland LGA:

- National Native Title Tribunal
- NTSCORP
- Department of Planning, Industry and Environment
- The Registrar, Aboriginal Land Rights Act 1983
- Greater Sydney Local Land Services
- Deerubbin Local Aboriginal Land Council
- Blacktown City Council
- Cumberland Council

In accordance with Stage 4.1.3 of the Consultation Requirements, Artefact placed an advertisement in the *Parramatta Advertiser* on 15 January 2020. The advertisement invited all Aboriginal persons and organisations who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places in the study area to register their interest.

Also, in accordance with Stage 4.1.3, letters and/or emails were sent on 16 January 2020 to all Aboriginal persons and organisations identified through responses from the agencies contacted during Step 4.1.2. The letters provided details on the location and nature of the proposed works, as well as an invitation to register as an Aboriginal stakeholder. Fourteen days were allowed for registrations.

Following the completion of Steps 4.1.2 and 4.1.3, the following 17 Aboriginal stakeholders registered an interest in the proposed works:

- A1 Indigenous Services
- Amanda Hickey Cultural Services (AHCS)
- Aragung Aboriginal Cultural Heritage Site Assessments
- Barking Owl Aboriginal Corporation
- Barraby Cultural Services
- Butucarbin Aboriginal Corporation
- Didge Ngunawal Clan
- Ginninderra Aboriginal Corporation
- Goodradigbee Cultural & Heritage Aboriginal Corporation
- Kamilaroi Yankuntjatjara Working Group

- Merrigarn
- Muragadi
- Murra Bidgee Mullangari Aboriginal Corporation
- Murramarang
- Widescope Indigenous Group
- Yulay Cultural Services

Yurrandaali Cultural Services In accordance with Step 4.1.6 of the Consultation Requirements, a list of RAPs, a copy of the newspaper advertisement, and a copy of the invitation to register an interest, were forwarded to Heritage NSW – Department of Premier and Cabinet (DPC) (then DPIE) and Deerubbin LALC on 7 February 2020.

3.2 Review of assessment methodology

A copy of the proposed ACHAR methodology was distributed to RAPs on 12 February 2020, with a 28-day period for review and comment. The document included details of the proposed works, and a summary of proposed ACHAR assessment methodology.

Comments were received from eight RAP groups with responses from indicating their support or acknowledgement of the proposed assessment methodology.

Specific comments regarding the cultural value of the study area was received from Aragung Aboriginal Cultural Heritage Site Assessments who identified that the entire study area would have formerly been used by Aboriginal people and that the study area may have been utilised as a meeting place and lookout.

3.3 Site survey

An archaeological survey of the study area was undertaken on the 17 December 2019 with a representative of Deerubbin LALC. Discussions held during the survey indicated that the study area had been heavily impacted through construction of the existing structures across the site and that it was unlikely that archaeological material would be present across the study area. Deerubbin LALC did not identify any concerns with the proposed development.

3.4 Review of draft ACHAR

On the 26 March 2020, a copy of the draft ACHAR was sent to the RAPs with comments due by 23 April 2020. At the end of the consultation period, five RAPs commented on the findings, a summary of these comments is in Table 3 below.

Table 3: Summary of comments from ACHAR review

Group	Comment	Artefact response
Goodradigbee Cultural & Heritage Aboriginal Corporation	Report is detailed and includes appropriate measures and procedures	None required
A1 Indigenous Services	Reviewed the document and support the ACHAR	None required

Group	Comment	Artefact response
Aragung Aboriginal Cultural Heritage Site Assessments	<p>Supports the report in its entirety and agrees with the recommendations put forward</p> <p>Would like to be incorporated into the development of heritage interpretation if the proposed development incorporates this into the design.</p>	Noted
Murra Bidgee Mullangari Aboriginal Corporation	Reviewed the document and supports the recommendations made in the ACHAR	None required
Kamilaroi Yankuntjatjara Working Group		Artefact acknowledges the substantial cultural values associated with Prospect Hill which has been reflected within the significance assessment completed for the current report.
	Identified Prospect Hill as an area of male initiation which was destroyed by the white man and that Aboriginal people died trying to protect the hills.	The proposed works have created a heritage reserve consistent with the area of archaeological potential associated with the intact portion of Prospect Hill. Should this area be subject to impact as part of future work it is acknowledged that further assessment would be required. Any further assessment of the area would involve further consultation and involvement of the RAP groups.
	Believes area should be protected by [Aboriginal people] being part of the excavation of the natural soil. Waterways across the site also would have been important and should be subject to more testing and monitoring.	
	Noted that while the report suggests that the soil has been disturbed that fill layers have been previously shown to contain Aboriginal objects and that Aboriginal people continued their traditional practices long after the settlers arrived	The remainder of the study area has been heavily modified with substantial terracing to a depth of several metres (m) in areas. While artefacts may be identified in fill material, the level of landform modification suggests that test excavation and monitoring across the site would be unlikely to recover cultural material.
	Strongly suggested test excavation and monitoring to respect the Aboriginal men who lost their lives and their rights to live a traditional way of life.	An unexpected finds policy has been recommended for the proposed works. If Aboriginal objects are identified as an unexpected find, the appropriateness of test excavation or monitoring for the remainder of the proposed works will be reassessed.

4.0 ENVIRONMENTAL CONTEXT

The environmental context of the study area is to assist in the prediction of:

- The potential of the landscape over time to have accumulated and preserved Aboriginal objects.
- The ways Aboriginal people have used the landscape in the past with reference to the presence of resource areas, surfaces for art, other focal points for activities and settlement.
- The likely distribution of the material traces of Aboriginal land use based on the above.

4.1 Environmental background

4.1.1 Landform, geology and soils

The study area is located within the central Cumberland Plain. The central Cumberland Plain is characterised by undulating low hills, dissected by numerous watercourses. The watercourses feature shallow valleys and relatively large watersheds, which are fed by semi-permanent and ephemeral streams (MDCA 2010:16). The formation of the Sydney basin began between 300 to 250 million years ago when river deltas gradually replaced the ocean that had extended as far west as Lithgow (Pickett and Alder 1997). The oldest, Permian layers of the Sydney Basin consist of marine, alluvial and deltaic deposits that include shales and mudstone overlain by Coal Measures.

The surface geology in the region of the study area is generally comprised of Hawkesbury Sandstone and Wianamatta Shale. Prospect Hill, however, is comprised of a geological intrusion of Dolerite and Picrite formed approximately 168 million years ago through volcanic uplift. Soils within the southern portion of the study area would have originally been comprised of the Volcanic soil landscape which was comprised of deep (>1.5 m) red and yellow podzolic soils overlying the volcanic Dolerite and Picrite intrusions within underlying Sandstone and Shale geology (Conybeare Morrison 2005: 16).

Soil mapping of the current study area identifies the southern portion of the study area as 'disturbed terrain' (eSpade 2020). Disturbed terrain is identified in areas that have been subject to disturbance by human activity to depth of at least 1 m with the original vegetation being completely cleared. In the case of the study area this disturbance is related to the quarrying of Prospect Hill, the remnants of which remains are located within the south eastern portion of the study area. The northern portion of the study area is comprised of the Blacktown soil landscape (Hazelton 1992). The Blacktown soil landscape is typified by shallow duplex soils over a clay base. The biomantle is underlain by heavily textured subsoil with a depth of generally less than a metre, and most commonly less than 300 millimetres (mm). The archaeological implications of this soil landscape are that intact deposits are likely to occur in the A horizon, which is generally up to 300 mm in depth, and that stratigraphic potential would be limited.

Former assessment of Prospect Hill suggest that the hill may have provided a source of basalt or dolerite from which ground stone axes could have been manufactured, although there is no archaeological or historical evidence that this occurred (Jo McDonald Cultural Heritage Management [JMcD CHM] 2002:7).

4.1.2 Hydrology

The study area is located within the Prospect hydrogeological landscape. As the highest point in the vicinity, the north-south ridgeline of Prospect Hill diverts stormwater easterly and westerly

respectively, draining into the Greystanes creek catchment which flows into the Parramatta River, the main tributary of Sydney Harbour (Parkland Planners – Phillip Marley 2018:19).

The study area is positioned 1.2 km to the north east of Prospect Reservoir, formed through the damming of the upper catchment of Prospect Creek. Prospect Creek flows for over ten km to the southeast before entering the Georges River system near Liverpool. At its closest Prospect Creek is located 2.5 km south west of the current study area. A first order tributary of Girraween Creek is located within the northern portion of the study area as well as to the immediate west of the study area. The prominence of Prospect Hill combined with the unique geology and proximity of Prospect Hill to Prospect Creek may have resulted in the area forming an integral part of land use strategies.

4.1.3 Flora and fauna

The region would have originally featured the Cumberland Plain Woodland which formerly vegetated much of Western Sydney. This vegetation was characterised by mixed Grey Box (*Eucalyptus moluccana*), Forest Red Gum (*E. tereticornis*) and Narrow-leaved Ironbark (*E. crebra*) woodland with a grass and shrub understory (Benson and Howell 1995:70). The Prospect Nature Reserve, which is close to the study area, contains an extremely significant remnant of Cumberland Plain Woodland (NSW NPWS 2012:3).

Much of the wider Prospect area has been heavily disturbed through former quarrying, pastoral and industrial activities removing much of the original woodland landscape.

4.1.4 Historical land use context

The area today known as Prospect and Pemulwuy was likely utilised by Europeans from the earliest years of the colony. It is located in close proximity to fresh water and food resources which may have made it popular to the early colonists.

On arrival in Australia, Governor Phillip had been instructed to immediately begin cultivation of the land. He established a government farm at Rose Hill (later Parramatta) in November 1788, in an attempt to establish an agricultural convict community that would make the colony as self-sufficient as possible (Artefact Heritage 2012:13). Exploration quickly extended and by 1791 Phillip had named Tench's Prospect Mount (later Prospect) and visited the Blacktown area and Nepean River. That same year, Phillip established a settlement for convicts still under sentence at the base of the east side of Prospect Hill. He also granted land to early colonial free residents in a north-south strip between Prospect and Parramatta (MDCA 2010:18).

William Lawson, an NSW Corps officer, had been granted 500 acres of land by 1810. This grant incorporated much of the western side of Prospect Hill. From here, Lawson embarked on his historic crossing of the Blue Mountains to the west, accompanied by Gregory Blaxland and William Wentworth. Lawson later established "Veterans Hall" (1822) on the northwest side of Prospect Hill (MDCA 2010:18).

The Prospect area, specifically Prospect Hill, is associated with conflicts between Aboriginal people and European farmers during the 1790s and early 1800s (MDCA 2010:17). In 1801 Governor King issued a public order that Aboriginal people around Parramatta, Prospect Hill and the Georges River should be driven back through firing at them (Flynn 1997: 36). In the following years hostilities between the settlers and Aboriginal people flared up and settled several times.

In 1805 the Aboriginal people of Prospect requested a meeting with Reverend Marsden "with a view of opening the way to reconciliation (Sun, 5.5.1805)" (Flynn 1997). The meeting led to the end of hostilities between settlers and Aboriginal people within the Parramatta and Prospect region.

Much of the land around Prospect Hill was part of large landholdings by the early 1880s. At this time these estates were largely used for grazing.

Quarrying of the basalt plug within Prospect Hill began in the mid nineteenth century. By the early twentieth century, much of Prospect Hill had been acquired by quarrying firms. The Commonwealth acquired much of the hill in 1946 with the hill primarily used as sheep pasture for research purposes by the CSIRO.

Following the Great Depression, the NSW Government sold a large proportion of quarrying operations to the Quarries Pty Limited. In order to sell these operations, the Blue Metal & Gravel Limited (BMG) was formed and by the end of World War Two, all but two quarries had been closed, with Prospect Hill Quarry remaining open (Conybeare Morrison, 2005). By the late 1930s, stone extraction at Prospect Hill had reached two million tonnes per annum. By the 1960s the company had 90 road vehicles. Under BMI, the Bituminous Pavements company flourished, supplying materials for the greater Sydney Metropolitan area.

Prospect Hill and Widemere quarries were consolidated by BMI to form one quarry in 1967 becoming one of the largest hard rock quarries in Australia. By 1982, BMI was listed 25 on the top 100 companies on the Sydney Stock Exchange (OEI 2018b). When BMI was acquired by Boral in 1982, the company was valued and sold at \$240 million. Prospect Hill quarry was used as administrative support for Boral's various companies and was significant in Boral's growth, obtaining the leading market position in construction materials. (Prospect Heritage Trust, nd) The Prospect Hill Quarry remained in operation up until 2007. The land remains in Boral's ownership currently used as 'Boral Asphalt Prospect' (Boral, 2018).

By the 1970s the majority of the land in the study area had been modified as part of wider quarry related industries. Aerial imagery from the time shows a manufacturing plant and large earth stockpiles across the southern portion of the study area.

In the early 2000s, the northern and western portions of the study area were redeveloped for use by Boral as a corporate office as well as expanding the manufacturing aspect of the site to the north. General landscaping and modification to the study area, including the construction of the gabion wall, occurred during this time.

4.1.5 Current site conditions

The site is currently comprised of warehouses and industrial plant workshops associated with the existing brick and paver manufacturing operation in the northern portion of the study area as well as an office building in the southern portion of the site. Additional landscape modifications include several car park areas and retaining walls indicating a heavily disturbed landform.

A geotechnical assessment was completed on the 30 and 31 May 2019 (Pells Sullivan Meynink 2019), however the assessment only covered the southern portion of the study area (see Figure 3). Assessment comprised of the sinking of four auger holes and one core hole.

The desktop assessment utilised previous geotechnical investigations undertaken in the southern portion of the study area specifically the Greystanes Quarry. Geotechnical investigation identified a mixed subsoil below existing pavement and topsoil deposits. The subsoil was interpreted as either resulting from the weathering of the underlying bedrock or as part of a controlled fill event.

Boreholes were not undertaken within the portion of the Prospect Hill SHR curtilage within the study area (south eastern corner of Lot 107 DP 1028208).

Figure 3: Location of bore holes (Pells Sullivan Meynik 2019)

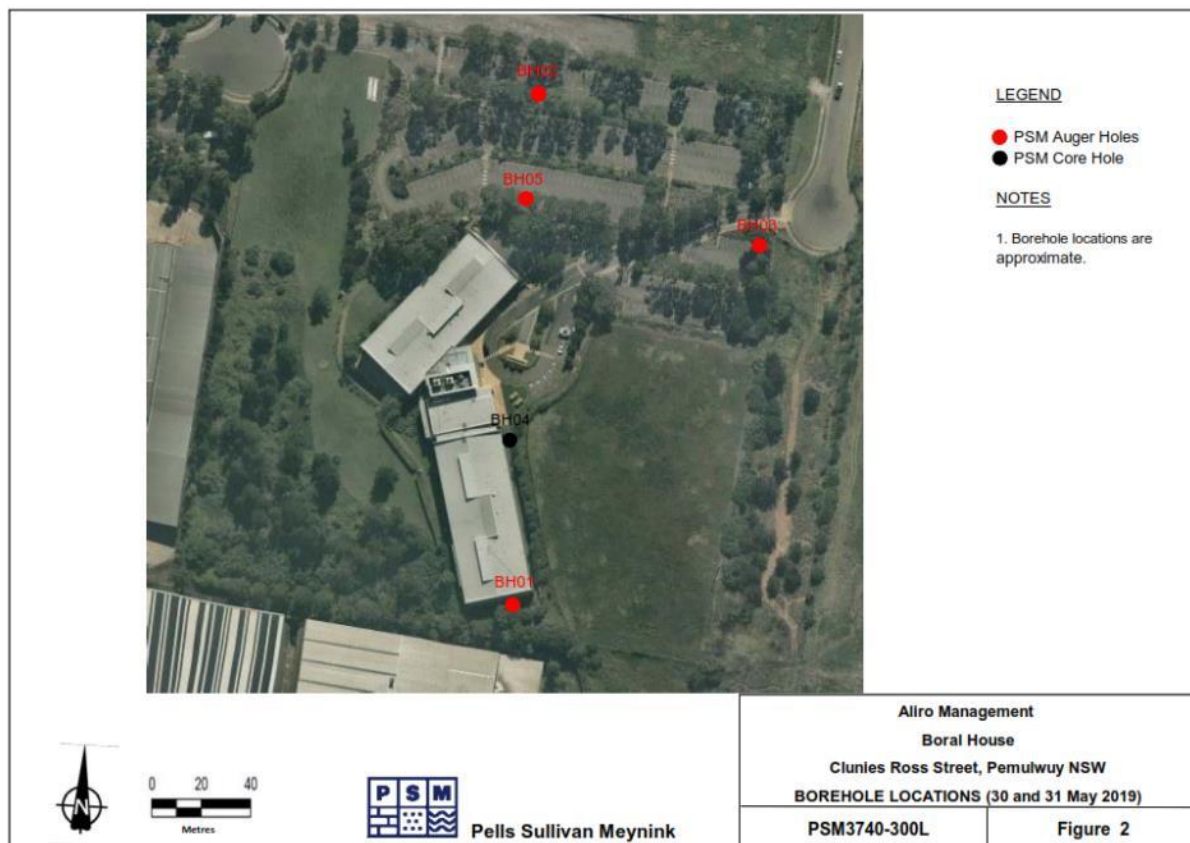


Table 4: Inferred geotechnical profile (Pells Sullivan Meynik 2019)

Geotechnical unit	Inferred depth to top of unit below ground surface	Typical description
Topsoil (Clay, Silt, Sand)	0.0	Clay silt with traces of gravelly sand and some dark grey to dark brown low to medium plasticity clay, fine coarse grained sand, with angular to subangular gravel up to a depth of 30mm. Inclusions consist of dry to moist firm rootlets
Pavement (Asphalt, Gravel)	0.0	Coarse asphalt up to a depth of 40mm with sandy gravel subangular up to 40mm in size and dense, dry medium to coarse grained sand.
Soil (Clay, Sand, Dolerite, Gravel)	0.0-0.5	Clay with a trace of gravelly sand transitioning from light brown to brown and grey to black in colour with a lot of medium plasticity clay. Fine to coarse grained sand sub rounded and subangular gravel up to 30 mm with a moist, firm to stiff consistency, possibly a result of weathering dolerite and/or shale profile. The history of the site may indicate that some of the soil is fill placed under controlled conditions.

Geotechnical unit	Inferred depth to top of unit below ground surface	Typical description
Bedrock A (Shale)	0.0-4.1	Light brown to grey Shale, extremely low to medium strength and extremely to moderately weathered.
Bedrock B (Dolerite)	1.4-8.0	Dark grey Dolerite with very low to medium strength and extremely to moderately weathered.

5.0 ABORIGINAL ARCHAEOLOGICAL CONTEXT

5.1 Aboriginal histories of the locality

Different resources may have been available seasonally, necessitating movement or trade across the landscape (Attenbrow 2010: 78). The study area falls within the boundaries of the Darug language group. This region is described as extending from the coast to at least Katoomba in the Blue Mountains, and from the Hawkesbury River in the north to Appin in the south. The boundary between the Darug in the west and the Dharawal in the east is formed by the Georges River (Ngara Consulting 2003:8).

Several Aboriginal groups of the Darug nation are believed to have inhabited the area, in particular, the Warmuli (or Weymali) (Flynn 1997). Prospect Hill was referred to as 'Marrong' and was known as an Aboriginal meeting place. The Aboriginal population in the region remained dense within the area during the first years of European settlement and contact with the settlers was often hostile (Conybeare Morrison 2005). Notably, Pemulwuy and his son Tedbury led various resistance raids against the colonists from during the late 18th and early 19th centuries (OEH 2018a).

The official settlement by Europeans at Prospect Hill promoted the first organised Aboriginal resistance in the region. Pemulwuy and his Bidjigal clan played a pivotal role in this resistance. The Government response to this resistance was drastic (OEH 2018b). On May 1801, Governor King issued a public order to Aboriginal people gathering around Parramatta, Georges River and Prospect Hill "to be driven back from the settler's habitation by firing at them." (Australian Museum 2016) Governor King has made it illegal for Aboriginal people to approach settlers' properties, and settlers were not allowed to provide Aboriginal people with food, shelter, or clothing. (Karskens 2009: 487) Military led raids occurred throughout Parramatta in the early 1800s with the intention of 'apprehending' local Aboriginal people. Europeans who refused to participate in the raids were gaoled (Karskens 2009: 479). With the death of Pemulwuy in 1802 there was a significant reduction in Aboriginal resistance. In 1805 Reverend Marsden, following the request of the local Aboriginal people organised a conference between Aboriginal groups and European settlers near Prospect Hill to discuss ways of ending the restrictions and indiscriminate reprisals inflicted on them (OEH 2018b).

The Warmuli clan continued to exist as a social entity into at least the 1840s. Europeans knew the clan as the "Prospect tribe" and magistrates at Parramatta issued blankets to the group on a regular basis from 1833 to 1843. The usual place of residence of the group was given as "Prospect" in the early 1830s. By the late 1830s the group was recorded as living at Bungaribee on Eastern Creek, a few km to the west of the study area (Ngara Consulting 2003:8).

5.2 Recent aboriginal history of the locality

Since early European exploration and settlement from 1788 Prospect Hill has undergone significant physical and cultural change, with land uses including agriculture, quarrying and scientific research (Conybeare Morrison 2005).

Despite dispossession and conflict with European settlers, Prospect Hill has continued to be utilised by Aboriginal people. Recent uses of Prospect Hill include annual reconciliation events, NAIDOC week and education activities. Events include the Discover Cumberland Aboriginal Heritage Tour which allows participants the opportunity to discover stories and places of Aboriginal cultural significance and heritage.

In general Prospect Hill has been utilised as a place of educational learning for primary and high school children to learn about Aboriginal culture and Australian heritage as well as being a place for local residents to visit. (Parkland Planners -Phillips Marler 2018:24-26)

5.3 Aboriginal Heritage Information Management System

The locations and details of Aboriginal sites are considered culturally sensitive information. It is recommended that this information, including the AHIMS data and GIS imagery, is removed from this report if it is to enter the public domain.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 16 December 2019 (Client ID: 472717).

An area of approximately 4 km (east-west) by 4 km (north-south) was included in the 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. The parameters of the search were as follows:

GDA 1994 MGA 56

Buffer

0 m

Number of sites

36

A total of 36 Aboriginal archaeological sites were identified in the extensive AHIMS search area. The distribution of recorded sites within the AHIMS search area is shown in Figure 4. Heritage NSW-DPC lists 20 standard site features that can be used to describe a site registered with AHIMS, and more than one feature can be used for each site. The frequency of recorded site types is summarised in Table 5. For the 36 sites within the search area, seven site features were recorded. The majority of recorded sites (75%) are artefacts (n=27, with potential archaeological deposits (PAD) (n=4) recording the second highest frequency.

Table 5: Frequency of recorded site types

Site feature	Frequency	Per cent (%)
Aboriginal Ceremony and Dreaming	1	2.78%
Artefact	27	75%
Modified Tree (Carved or Scarred)	1	2.78%
Modified Tree (Carved or Scarred), Artefact	1	2.78%
Modified Tree (Carved or Scarred), Artefact, Potential Archaeological Deposit (PAD)	1	2.78%
Potential Archaeological Deposit (PAD), Artefact,	1	2.78%
Potential Archaeological Deposit (PAD)	4	11.11%
<i>Total</i>	36	100 %

The nature and location of registered sites is a reflection of the past Aboriginal occupation from which they derive, but is also influenced by historical land-use, and the nature and extent of previous archaeological investigations. Although Aboriginal occupation covered the whole of the landscape,

the availability of fresh water, and associated resources, was a significant factor in repeated and long-term occupation of specific areas within the landscape. Certain site types, such as culturally modified trees, are particularly vulnerable to destruction through historical occupation, while others, such as stone artefacts, are more resilient.

Three archaeological sites are located within the vicinity of the study area. The closest site to the study area is Prospect Hill (AHIMS ID 45-5-2571) which was recorded during historical research compiled during a precinct plan compiled for Greystanes. The listed coordinates for AHIMS ID 45-5-2571 place the site approximately 5m east of the current study area.

The site card for Prospect Hill (AHIMS ID 45-5-2571) references the site as including the Boral brickworks site on the western side of Prospect Hill and the CSIRO site on the eastern side. The address of the site on the site card includes several lots within the current study area. This includes Lot 63 DP 752051 and Part of Lot 5 DP 235064 (now Lot 107 DP 1028208). The site card is however unclear to the extent of the site within these lots.

The site was registered as a cultural and ceremonial place in response to concerns by the local Aboriginal community regarding development of the site. The site card indicates that site features within the site extent include open camp sites and scarred trees there, however is no information to indicate whether these elements are located within the current study area.

Figure 4: Extensive AHIMS search

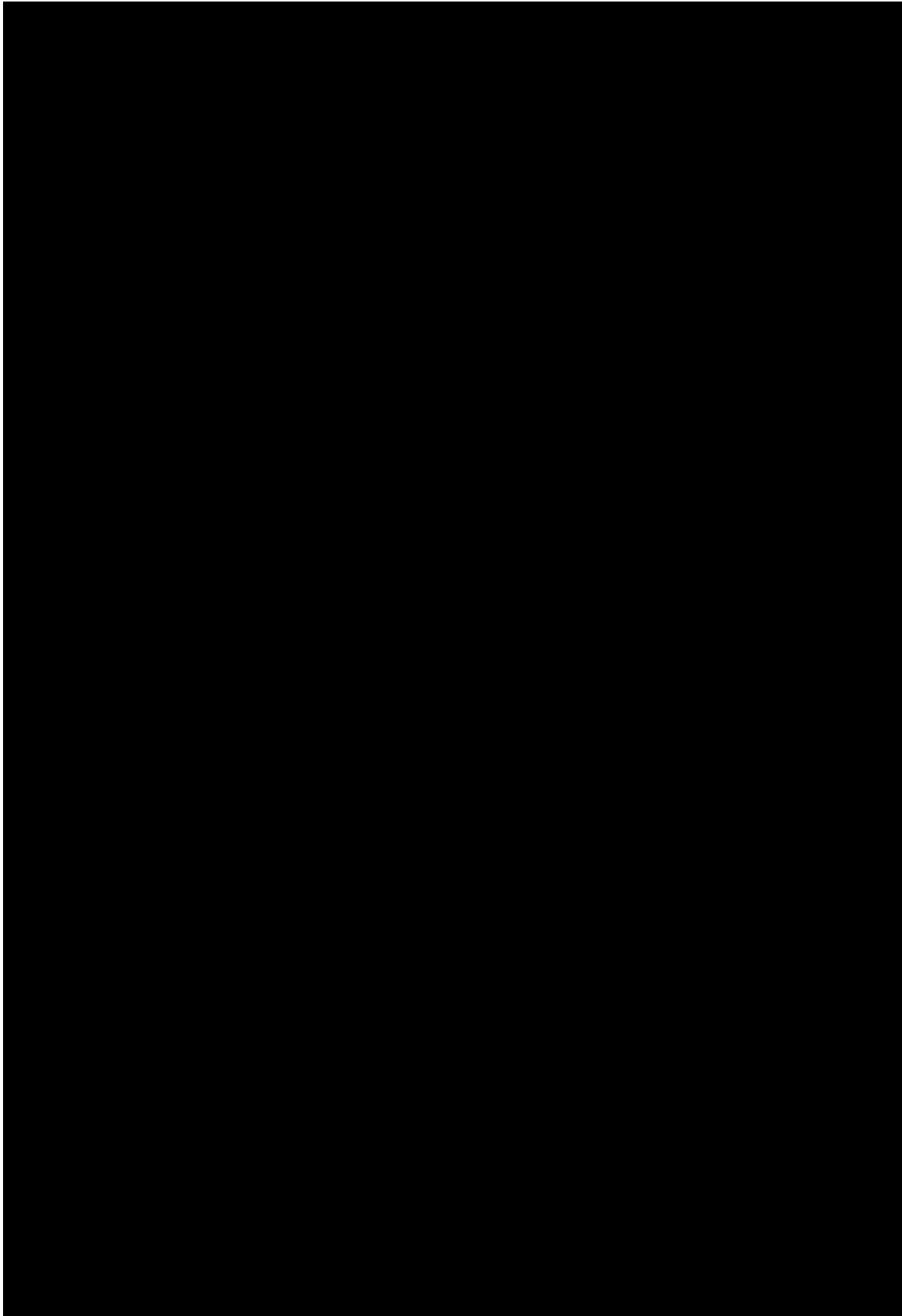
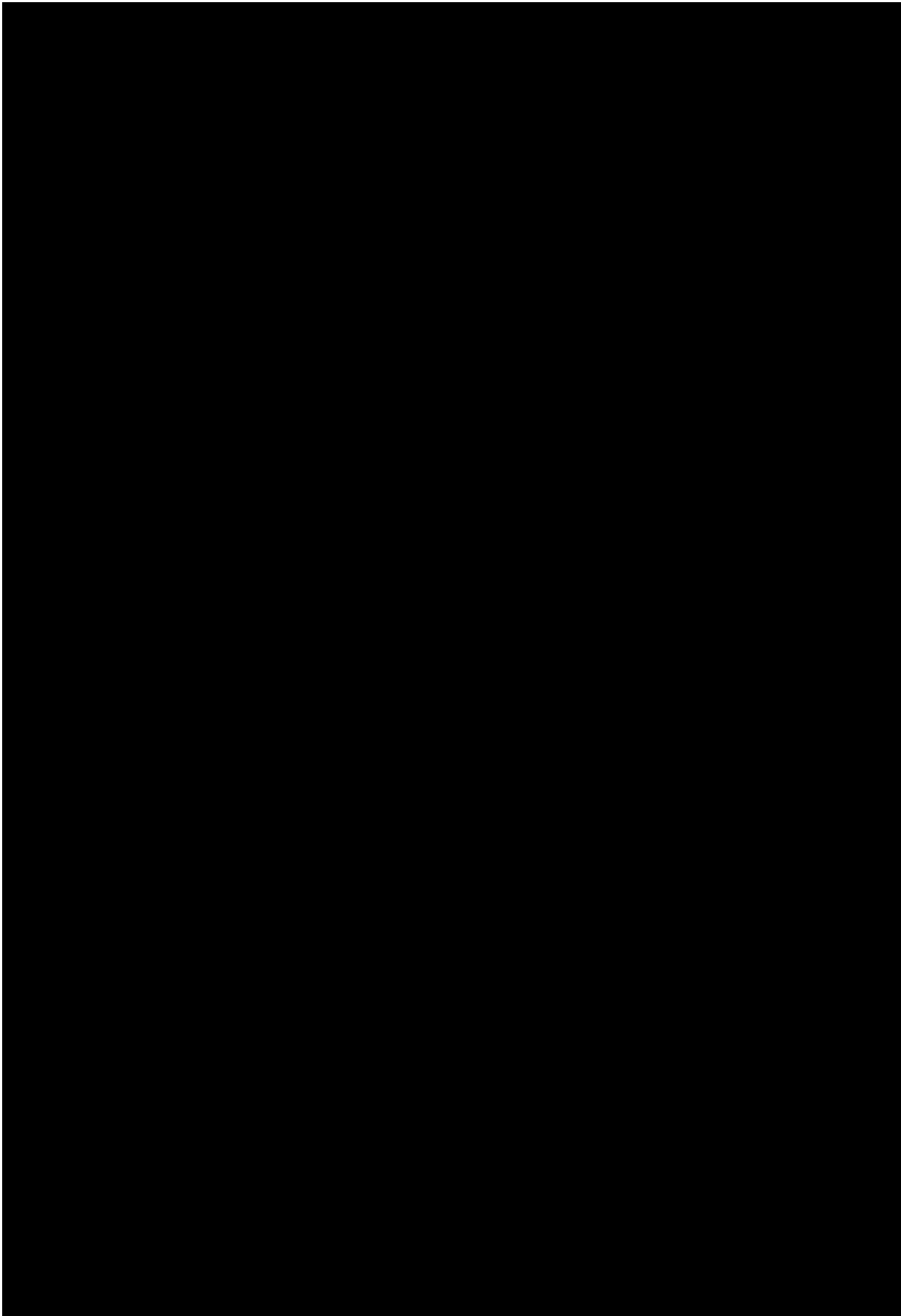


Figure 5: AHIMS within the vicinity of the study area



5.4 Previous archaeological assessments

5.4.1 Previous archaeological assessments

A number of Aboriginal archaeological assessments have been conducted within the local region. These assessments have included archaeological excavations conducted at sites identified during the course of historical archaeological investigations.

Archaeological survey for Aboriginal sites at the former CSIRO Animal Research Laboratory, Prospect, NSW (JMcD CHM 2002)

JMcD CHM completed an Aboriginal archaeological survey at the CSIRO lands located immediately east of the current study area. Fieldwork consisted of a pedestrian survey focusing on land previously unsurveyed on the western side of a tributary of Girrawheen creek to target any area of ground surface exposure. JMcD CHM identified large areas of disturbance and vegetation clearance resulting from extensive pastoral use, quarrying cultivation and building activities. An area of approximately 59 hectares (ha) was surveyed with no new Aboriginal sites identified, however three new areas of potential archaeological deposits were identified. PAD 2 was assessed as having moderate archaeological potential as a representative sample of ridge crest/mid hillslope landform on the north eastern slopes of Prospect Hill. PAD 3 was assessed as having moderate archaeological potential with relatively undisturbed vegetation and potential for intact deposits or burials. PAD 4 was assessed as having low archaeological potential due to severe disturbance of the area.

Archaeological test excavation of PAD1 at the CSIRO Ian Clunies Ross Research Laboratory, Prospect, NSW (JMcD CHM 1997)

JMcD CHM completed test excavation at the CSIRO lands located to the east of the current assessment area. A total of 25 (1 m x 1 m) squares were excavated recovering 131 stone artefacts. The assemblage was identified as largely resulting from generalised stone flaking with examples of bi-polar flaking and microlith production also noted. The majority of test pits were identified as being subject to varying levels of disturbance.

Archaeological salvage excavations in the Greystanes Residential Lands: site PH2 +3 (NPWS # 45-5-2547) Former CSR Lands Greystanes, NSW (JMcD CHM 2004)

Survey of the land on the south eastern side of Prospect Hill (approximately 1.2 kilometres (km) south east of the current study area) identified a site complex comprised of combination of artefact scatters, areas of PAD and a scarred tree (AHIMS ID 45-5-2547). The complex was located on a ridge slope and ridge crest up to 150 m from an ephemeral water source. As part of works a total of 58 artefacts were collected from the surface of an access track in the northern part of the Prospect Hill SHR curtilage. Test excavation of 58 m² was undertaken across the site recovering 838 artefacts. A flat area adjacent to the creek line was also subject to subsurface excavation which recovered 3984 artefacts. Overall the assessment area was considered to be representative of transient occupation based on the generally low artefact densities recovered across the assessment area. The assessment hypothesised that occupation in the vicinity of Prospect Hill would have been focused along larger streams such as Prospect Creek.

Prospect Hill Conservation Management Plan (CMP) (Conybeare Morrison 2005)

Helen Brayshaw Heritage Consultants (HBHC) completed an assessment of the southern portion of the current study area during archaeological assessment completed for the Prospect Hill CMP. HBHC identified that rich soils associated with the Prospect Hill geology would have supported a large variety of plant and animal resources not available elsewhere across the Cumberland Plain. It was

considered that the current study area would have previously been utilised by Aboriginal people for hunting and foraging as part of general transient visitation.

HBHC identified that excavations on sites on elevated landscapes typically recovered very low artefact densities. Given the lack of level ground across the Prospect Hill heritage curtilage it was considered unlikely that Prospect Hill would have been used for camping. It was however considered possible that isolated artefacts could be recovered.

Archaeological assessment identified the remaining portion of Prospect Hill located within the current study area was identified as moderately disturbed (Conybeare Morrison 2005: 96). HBHC concluded that the study area contained low archaeological sensitivity based on the steep slope and moderate level of disturbance across the study area (Conybeare Morrison 2005: 96). The assessment considered that there may be little or no physical evidence of Aboriginal use of Prospect Hill across the entirety of the site.

Prospect Hill Due Diligence (Artefact 2019)

Artefact Heritage prepared a due diligence assessment of the southern portion of the current study area on behalf of ISPT Pty Ltd as part of the due diligence during the acquisition of Lot 107 DP 1028208. The assessment identified that the majority of the study area demonstrated nil-low archaeological sensitivity based on extensive levels of historic disturbance such as extensive earthworks within the northern and western portions.

The south eastern portion of the assessment area was identified as containing low-moderate archaeological sensitivity associated with the portion of Prospect Hill within the assessment area. The area of sensitivity was based on the intact nature of that portion of the assessment area, the significant Aboriginal cultural values and Aboriginal history associated with Prospect Hill and the sites location on the edge of a ridgeline which is identified as a sensitive landform.

5.5 Predictive model

The results of the previous investigations undertaken indicate the following:

- Prospect Hill would likely have formed an integral part of Aboriginal land-use strategies, including potential utilisation of lithic raw material resources and subsistence activities.
- The current study area has been subject to substantial industrial development. This has resulted in the removal of any old growth trees within the study area and the removal of the upper soil profile.
- Aboriginal objects may be identified within intact soil deposits should they be present below the existing ground level.
- Aboriginal objects are likely to be present within proximity of water resources such as Girraween Creek. This resource is located within the immediate vicinity of the study area, however historic records indicate the original line of tributary of Girraween Creek has shifted and artificial ponds have been created within the study area. Occupation in association with Prospect Hill is likely to have been focused along larger streams such as Prospect Creek.
- The majority of the study area was originally comprised of a sloped landform with the south western portion located within a steep slope directly adjacent to the Prospect Hill ridgeline. Due to the study areas sloped nature, it is considered unlikely that the study area would have

represented a preferred area of Aboriginal occupation however it is possible that portions of the study area would have been utilised as a travel route.

- The portion of Prospect Hill within the study area is located in a steep mid-upper slope landform context. The gradient of the slope may have had an effect on the long-term nature of the archaeological record in this area, with artefacts potentially moved downslope through colluvial geomorphic actions.

6.0 ARCHAEOLOGICAL SURVEY

6.1 Survey methodology

6.1.1 Aims

The aims of the archaeological survey were to:

- Cover a representative sample of the study area that will potentially be impacted by the proposed works.
- Record any new Aboriginal objects identified during the survey.
- Identify areas of potential archaeological deposit (PAD) that may be present in areas that have had no or minimal disturbance.
- Liaise with Deerubbin LALC regarding the proposed works and the archaeological potential of the study area.
- Collect information to ascertain whether further archaeological investigation is required.

6.1.2 Timing and personnel

A site survey was conducted on 17 December 2019 on foot by Latisha Ryall, Sarah Hawkins (Heritage Consultants) and Alyce Haast (Senior Heritage Consultant) of Artefact Heritage. David Lousick (Aliro) and Steve Randall (Deerubbin Local Aboriginal Land Council) also participated in the site survey. The main aims of the site survey were to gain a preliminary understanding of the intactness of the study area and identify areas of potential Aboriginal archaeological remains

During the site survey five consolidated lots including 44 Clunies Ross Street Prospect (Lot 10 DP 1022044, Lot 216 DP 1030744, Lot 601 DP 1047403), 615A Great Western Highway, Pemulwuy (Lot 63 DP 752051) and Boral House Clunies Ross Street, Pemulwuy (Lot 107 DP 1028208) were inspected.

Several view lines from within the Prospect Hill and Marrong Reserve outside of the study area were also inspected to gain an understanding of the relationship between these elements and the wider study area. These elements are outside the study area and were not surveyed for the presence of Aboriginal objects and are not included as a survey unit.

6.1.3 Methodology

The field survey was undertaken within an industrial site with current structures and areas of hard stand obstructing the majority of the natural ground surface. The sample surface survey was conducted to develop an understanding of the extent of current disturbances related to the current use of the study area.

A photographic record was kept of the landform elements, disturbance of the site and ground conditions.

6.2 Survey results

6.2.1 Survey coverage

A summary of survey coverage, in accordance with the Code of Practice, is outlined in Table 6 and Table 7 below.

A variety of urban materials including concrete, brick, paving and asphalt covered the majority of the study area, resulting in nil to low visibility across the study area. The survey focused on assessing evidence of the study area's land use history and previous research was used to inform assessments of archaeological potential. A section of land to the north and north west contained portions of Girraween Creek and artificial ponds, whilst an area to the south and south east of the study area provided more visibility of the ground surface.

Table 6: Effective survey coverage

Survey unit	Landform	Survey unit area (sq m)	Visibility (%)	Exposure (%)	Effective coverage Area (sq m)	Effective coverage (%)
Survey Unit 1	Modified Flat, Drainage Line	69,674	5	10	348	0.5%
Survey Unit 2	Modified Flat, Modified Slope	73,030	5	20	730.	1%
Survey Unit 3	Modified Flat, Modified Slope Slope	50,921	5	10	254	0.5%

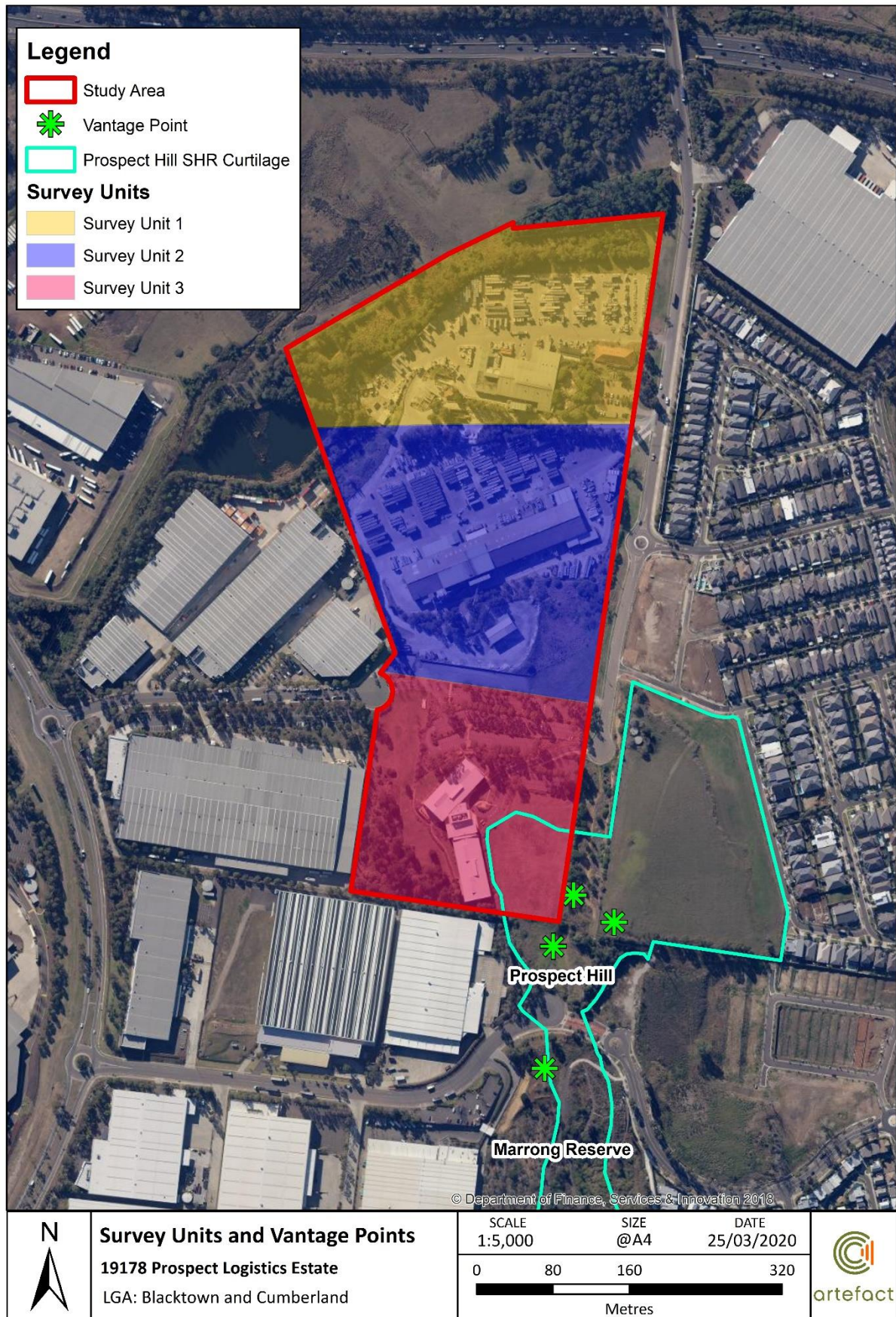
Table 7: Landform survey coverage

Landform	Landform Area (sq m)	Area effectively surveyed (sq m)	% of landform effectively surveyed	Number of sites
Modified Slope	35931	268	0.74%	0
Modified Flat	138330	968	0.7	0
Slope	9150	46	0.5	1
Drainage Line	10214	51	0.5	0

6.2.2 Survey units

The study area is located within a heavily modified landform which has been terraced from its original slope landform. The study area is comprised of five consolidated lots that include the current Austral Bricks and Boral offices, with the adjacent Prospect Hill located to the south east of the study area.

Figure 6: Survey unit map



6.2.2.1 Survey Unit 1 – Northern portion of Austral Bricks (Including Lot 216 DP1030744, Lot 2 DP860392 and the northern portion of Lot 10 DP1022044)

Survey unit 1 is comprised of the northern portion of the Austral bricks site (Figure 6). The survey unit is a primarily built environment and extensive previous ground disturbance is evident across the site. The site can be entered through three driveways off Clunies Ross St, although two are for the use of heavy vehicles only. The main entrance leads into a paved carpark area which has been previously levelled. Immediately west of the carpark is a small outdoor showroom area, which includes some stepping and paving throughout. To the north of the carpark is the main administration building which is sited approximately one metre below the carpark level. This style of terracing is prominent throughout the site and demonstrates the previous earthworks within the site, involving excavation and backfilling to level surfaces for the industrial site.

The primary industrial and storage area on site encompasses the public/customer accessible area of the carpark, showroom and administration building. To the west of the showroom, the industrial area is accessed by a steep metal staircase which leads to an area approximately two m below the ground surface at Clunies Ross Street and the carpark. This area is supported by a bricked retaining wall abutting the truck and heavy vehicle access route through the site. This western portion of the industrial site contains a large manufacturing warehouse and other industrial buildings and features.

The northern half of the site is an extensive hard surface storage area which contains large numbers of pallets and the heavy vehicle access route for shipment of masonry products. Much of this area is completely levelled by past earthworks, however some portions, including a grassed hill abutting the truck access at the western side of the site, reflect what may be the natural slope of the land.

The western and northern borders of the site include regrowth bushland around a heavily modified section of Girraween Creek. Visibility in survey unit 1 was limited to small areas of exposed ground surrounding Girraween Creek.

No Aboriginal objects or areas of archaeological potential were identified within the survey unit.

Figure 7. Carpark, at grade with Clunies Ross Street (eastern aspect)



Figure 8. Administration building, below carpark (northern aspect)



Figure 9. Retaining wall between ground level and hard surface level for manufacturing and storage area (western aspect)



Figure 10. Industrial area within Austral (eastern aspect)



Figure 11. Hard surface storage area (eastern aspect)



Figure 12. Overview of industrial and storage areas (eastern aspect)



Figure 13. Undulating hill area within storage area (southern aspect)



Figure 14. Bushland area at western side of Lot, within mature screening trees



Figure 15. View to Prospect Hill from study area (southern aspect)



Figure 16. View to Prospect Hill from front of lot (southern aspect)



6.2.2.2 Survey Unit 2 – Southern Portion of Austral Bricks (Including Lot 63 DP752051, Lot 601 DP104740 and the southern portion of Lot 10 DP1022044)

Survey unit 2 is comprised of the southern portion of the Austral Bricks site (Figure 6). The survey unit is accessed through one heavy vehicles driveway off Clunies Ross Street, and is mostly a flat, hard surface area. This lot is sited slightly higher than the northern portion of the Austral lands and comprises a few large warehouses/sheds. Large numbers of masonry products are stored across the site. The landform in the eastern portion of the survey unit has been heavily modified with steep retaining walls across this portion of the survey unit.

During the site inspection, the south-east corner of the lot was undergoing remediation works for contaminated soils which has resulted in ground excavation within the area.

No Aboriginal objects or areas of archaeological potential were identified within the survey unit.

Figure 17. Entry to Lot 2 (western aspect)



Figure 19. Industrial buildings (eastern aspect)



Figure 18. Hard surface industrial area (western aspect)



Figure 20. View to Prospect Hill from study area (southern aspect)



6.2.2.3 Survey Unit 3 - Boral Office (Lot 107 DP1028208)

The Boral Office is located within the southern-most lot within the study area and includes a multi-storey contemporary style office building (Figure 6). The property is entered via one access driveway, which provides access to four levels of outdoor carparking which are terraced down to the north. To the rear of the office building there is an outdoor recreational area with landscaping. To the west there is an open woodland area with pine trees that provide screening between the neighbouring industrial properties. The basement carpark level of the office building and the terraced levels of carparking demonstrate extensive landscape modification, and levelling of the natural slope of Prospect Hill and its surrounds.

Prospect Hill

The south eastern portion of the survey unit is comprised of a large steep hill which forms the northern extent of a large ridgeline which encompasses the remaining extent of Prospect Hill. This portion of the study area falls within the curtilage of Prospect Hill (SHR # 01662).

Prospect Hill is comprised of a large hill underlain by igneous rock. The Prospect Hill SHR curtilage extends across an area of approximately 1.2 km and includes several vegetated areas, including remnant areas and regrowth of native vegetation. At its highest point, Prospect Hill rises to a height of 117 m above sea level and is a commanding feature within the surrounding landscape visible from multiple viewpoints within the region.

For the current assessment, inspection was limited to the portion of Prospect Hill within accessible vantage points accessed from entry points off Butu Wargun Drive and Clunies Ross Street. Within the study area Prospect Hill was overgrown and could not be accessed during the site survey. Prospect Hill has been separated from the remainder of the study area by retaining structures built during the construction of the existing development.

Depending on the viewpoint, Prospect Hill affords views towards the Sydney, Parramatta and the Blue Mountains. Within the current study area views are obstructed to the east and south by higher portions of Prospect Hill and existing vegetation. Views to other significant elements to the north and east of the study area include St Bartholomew's Church and Cemetery and Prospect Reservoir.

Figure 21. Entry carpark adjacent to Clunies Ross Street (eastern aspect)



Figure 22. Carpark and Prospect Hill, south-eastern aspect



Figure 23. Boral Offices south-western aspect



Figure 24. Boral Offices, western aspect



Figure 25. Boral Offices carpark, south-western aspect



Figure 26. Rear of Boral Offices, north-western aspect



Figure 27. Landscaping and Cumberland Plain Woodland, western aspect



Figure 28. Landscaping area at rear of building, northern aspect



Figure 29. Boral offices from the crest of Prospect Hill



Figure 30. View north from Prospect Hill



Figure 31. View from Prospect Hill to St Bartholomew's Church and Cemetery



Figure 32. View east towards Sydney from Prospect Hill



7.0 DISCUSSION

7.1 Ground disturbance

Based on historical records, geotechnical investigation and the site survey it has been identified that the majority of the study area has been subject to moderate to high levels of ground disturbance associated with former industrial and construction activities.

The results of geotechnical investigation (Section 4.1.5) confirm that portions of the study area have been subject to extensive subsurface disturbance with the soil profile comprised of a mixed subsoil below existing pavement and topsoil deposits. Based on previous land use in the area it was considered that the subsoil likely resulted from the weathering of the underlying bedrock or as part of a controlled fill event (Pells Sullivan Meynik 2019).

7.2 Prospect Hill (AHIMS ID 45-5-2571)

Prospect Hill (AHIMS ID 45-5-2571) was recorded as a Ceremony and Dreaming site on the AHIMS database at the request of the local Aboriginal community. The registration included land on both the eastern and western side of Clunies Ross Street comprised at the time of Boral lands and the CSIRO lands. The site card identifies the site address as including Lot 63 DP 752051 and part of Lot 5 DP 235064 (now Lot 107 DP 1028208) as well as several other lots to the east of Clunies Ross Street. The site card however is unclear to the extent of the site within these lots. The site card identifies that the site includes open camp sites and scarred trees however no information regarding the specific location of these features is available.

Survey during the current assessment identified that the majority of the potential site extent within the current study area is heavily disturbed. No old growth trees or intact landforms were identified within this northern portion of the study area.

Assessment of the cultural significance of Prospect Hill completed for the CMP and Prospect Hill Plan of Management have limited the geographic location of the area of cultural sensitivity (AHIMS ID 45-5-2571) to the south eastern portion of Lot 107 DP 1028208 (see Figure 33), the southern extent of the study area. The remainder of the study area has not been identified as contributing to the cultural values of Prospect Hill.

7.3 Analysis of archaeological potential

The archaeological potential of an area is determined by its landform, its location and the level of disturbance. Certain landforms, such as gentle slopes, are conducive to the survivability of archaeological material while others, such as steep slopes, are not. Additionally, different landform types are likely to have been utilised differently resulting in a different archaeological signature. The location of appropriate landforms in relation to natural resources, in particular their proximity to a permanent water source, increases levels of potential. Correlations between site location and proximity to a water source have been proven in previous archaeological investigations where the number of sites and their densities is highest in close proximity to a water source.

In areas where there is high level of disturbance however, the archaeological potential is lowered. It is unlikely that surface finds in these areas are in their original context and it is unlikely that sub-surface archaeological deposits are intact. The archaeological potential of an area is rated high, moderate or low, based on all of the above considerations.

- High: Intact archaeological material is likely to be found in this area.

- Moderate: Intact archaeological material may be found in this area.
- Low: It is unlikely that intact archaeological material will be found in this area.

With the exception of Prospect Hill, the study area has been subject to high levels of disturbance associated industrial use and landscape modification.

Previous assessments undertaken on the southern portions of the study area (HBHC 2005) identified that excavations on sites on elevated landscapes typically recovered very low artefact densities. Based on the predictive model and steep landform context it is considered that high density artefact sites are unlikely across Prospect Hill. Low density artefact scatters and isolated artefact are considered to be more likely to occur.

While Prospect Hill is identified as containing cultural significance and archaeological sensitivity, this potential is largely associated with Aboriginal spiritual and ceremonial connection to the site as a men's place. The significance of Prospect Hill is focused at the crest of the hill which has previously been modified through quarrying.

Historic records indicate that Prospect Hill was an important area for both pre contact and contact Aboriginal use and as such it is likely that Aboriginal objects would have been used and discarded within the study area.

The portion of Prospect Hill within the study area appears to have been subject to lower levels of disturbance than the remainder of the study area with the majority of impacts associated with tree clearance and surface erosion.

Based on the steep nature of much of the portion of Prospect Hill within the study area it is likely Aboriginal objects within this portion of the study area may have been subject to movement through colluvial and fluvial geomorphic actions. This assessment is supported by HBHC during the archaeological assessment completed for the Prospect Hill CMP (Conybeare Morrison 2005: 96) which assessed the majority of survey unit 3 as demonstrating low archaeological potential. However, the CMP noted that there is some potential that cultural material is present within the portion of Prospect Hill within the study area. Therefore, it is considered that this portion of the study area maintains low-moderate levels of Aboriginal archaeological potential. This area of archaeological potential is consistent with the identified site extent of AHIMS ID 45-5-2571 and for the purposes of this report considered to be associated with this site.

The northern portion of the study area is comprised of the heavily modified slope landform leading down from Prospect Hill towards Girrawheen Creek. Within the study area Girrawheen creek is comprised of a second order creek which is unlikely to have offered a permanent supply of water. Occupation in this area is likely to have been associated with transient occupation. As this portion of the study area is underlain by the generally shallow Blacktown soil landscape it is considered likely that landform modification in the study area would have completely removed intact potentially artefact bearing deposits.

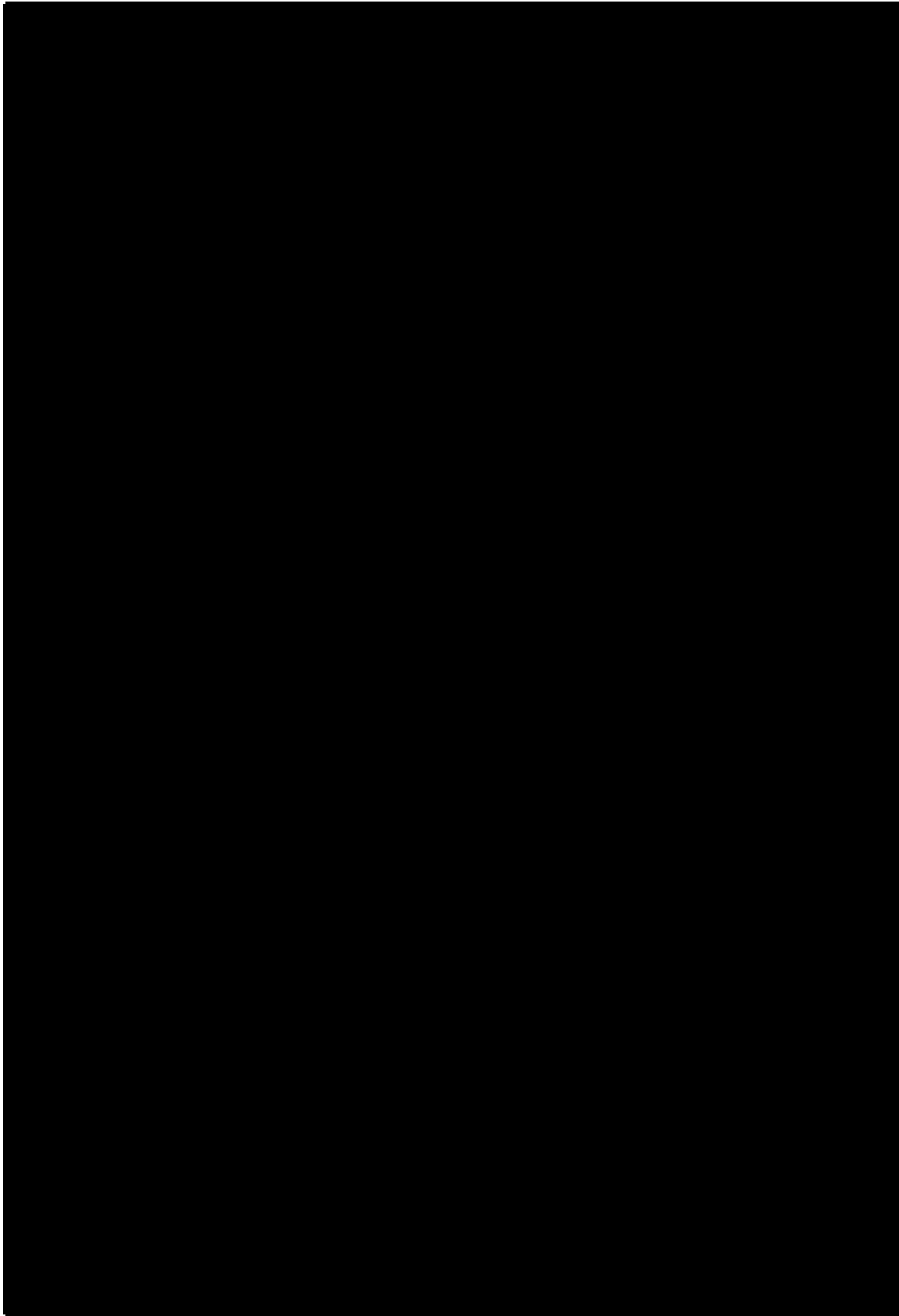
Current geotechnical investigation undertaken on the southern section of the study area (excluding Prospect Hill) identified a mixed subsoil below existing pavement and topsoil deposits. The subsoil was interpreted as either resulting from the weathering of the underlying bedrock or as part of a controlled fill event. The mixed subsoil and topsoil deposits are considered unlikely to contain Aboriginal objects.

Figure 33: Area of cultural sensitivity associated with Prospect Hill as identified within the Draft Prospect Hill Plan of Management² (Parkland Planners - Phillip Marler 2018: 31)



² The area of cultural sensitivity does not reference the earlier AHIMs listing for AHIMS ID 45-5-2571

Figure 34: Summary of archaeological and cultural sites within study area



8.0 ABORIGINAL CULTURAL HERITAGE ASSESSMENT

8.1 Methodology

The cultural assessment in this report includes information collected through site survey, desktop assessment, and consultation conducted throughout the ACHAR. This information was collected by Alyce Haast (Senior Heritage Consultant, Artefact Heritage) and Latisha Ryall (Heritage Consultant, Artefact Heritage).

8.2 Cultural landscape

The World Heritage Convention of United Nations Educational, Scientific and Cultural Organisation (UNESCO) defines a cultural landscape as one which has 'powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent' (UNESCO 1991). The relationship between Aboriginal Australians and the land is conceived in spiritual terms rather than primarily in material terms (Andrews et al 2006). Aboriginal cultural knowledge has been defined as:

Accumulated knowledge which encompasses spiritual relationships, relationships with the natural environment and the sustainable use of natural resources, and relationships between people, which are reflected in language, narratives, social organisation, values, beliefs and cultural laws and custom (Andrews et al 2006).

Aboriginal cultural knowledge was traditionally bequeathed through oral traditions from generation to generation. Within all Aboriginal communities there was a time of dislocation and upheaval associated with the arrival of colonial settlers. This widespread disruption resulted in much of the detailed knowledge and understanding of many of the elements of the cultural landscape being lost from the Aboriginal community, nonetheless many Aboriginal people maintain a strong connection to the land of their ancestors and collectively possess a wealth of knowledge passed down through the generations.

8.3 Identified Aboriginal cultural heritage values

Information from the desktop assessment for this and other projects in the Prospect and Pemulwuy region suggests that the study area is potentially part of a wider landscape of cultural significance. During consultation a strong theme emerged, regarding the importance of acknowledging the changing and continuing relationship to Prospect/Pemulwuy for Aboriginal people.

Table 8 summarises the cultural heritage values identified.

Table 8: Identified Aboriginal cultural heritage values

Cultural heritage value	Description	Source
Cannemegal-Warmuli Clan	Traditional area of the Cannemegal-Warmuli Clan	Conybeare Morrison Prospect Hill CMP 2005:20:
Prospect Hill as a meeting place and male initiation place	Prospect Hill, particularly the top of the hill is a sacred Aboriginal spiritual and ceremonial place as a men's place. It is however noted that Prospect Hill has been altered by the removal of the original peak through quarrying	Parkland Planners – Phillip Marler 2018 Kamilaroi Yankuntjatjara Working Group – ACHAR review
Prospect Hill as strategic navigation point	Prospect Hill would have formed a major strategic and navigational point for Aboriginal people	Conybeare Morrison Prospect Hill CMP 2005:162
Crows	Butu Wargun, the Darug name for Crow is the totem for Pemulwuy who united the clans and led the resistance against the European settlers	Parkland Planners – Phillip Marler 2018 Conybeare Morrison Prospect Hill CMP 2005:113
Prospect Hill as an educational place	As a place where elders teach children about Pemulwuy and other Aboriginal people as well as a focus of local schools while teaching Aboriginal culture within the curriculum	Parkland Planners – Phillip Marler 2018 Conybeare Morrison Prospect Hill CMP 2005: 192
Pemulwuy	Prospect Hill is associated with Pemulwuy who is a well known Aboriginal warrior. Prospect hill was used as a strategic surveillance outpost and was the focus of Pemulwuy's resistance	Conybeare Morrison Prospect Hill CMP 2005: 161
Warfare and later attempted reconciliation between the Prospect Aboriginal groups and Reverend Samuel Marsden	Guerilla warfare between 1797 and 1802 led by Pemulwuy Conference between Reverend Marsden and local Aboriginal clans to end hostilities was held near Prospect Hill	NSW Government OEH Heritage Office 'Prospect Hill' Western Sydney Parklands Trust 'Aboriginal Heritage' 2020 Flynn 1997, Holroyd History and the Silent Boundary Project

8.4 Summary of Aboriginal cultural heritage values

While broad cultural values have been identified associated with the study area and wider Prospect/Pemulwuy region, Prospect Hill has been identified as the key cultural element within the vicinity of

the study area. A summary of the cultural values associated with Prospect Hill and Marrong Reserve are provided below.

8.4.1 Prospect Hill

Prospect Hill contains substantial Aboriginal cultural heritage values associated with both pre and post contact use of Prospect Hill. Prospect Hill is a significant element within the wider landscape which has significance associated with its use as a navigation marker and meeting location. The top of Prospect Hill specifically has been identified as a ceremonial place and as a men's site. Historically, Prospect Hill contains associations with the guerrilla warfare between the Aboriginal groups and settlers which was led by Aboriginal warrior Pemulwuy. Later, Prospect Hill was associated with the meeting between Reverend Marsden and the Prospect Aboriginal groups. Prospect Hill also contains contemporary value associated with the use of the site as an educational location with Prospect Hill visited as part of the school curriculum. The draft plan of management limits the area of cultural sensitivity to the portion of the Prospect Hill SHR curtilage within the current study area.

8.4.2 Marrong Reserve

Marrong Reserve is comprised of the southern portion of the Prospect Hill SHR curtilage located outside of the current study area to the south of Butu Wargun Drive. Marrong Reserve has been redeveloped into a Parkland which includes a concrete/ bitumen walking trail and regrowth eucalypt species. The parkland includes several interpretive and educational signs discussing the heritage values of Prospect Hill and the surrounding landscape. Marrong Reserve contains landscape values associated with the connection of the current landscape with the pre European landscape related to the prevalence of eucalypt bushland across the park. The presence of heritage interpretation elements including educational signage also suggests that Marrong Reserve also contains values associated with its educational potential.

9.0 SIGNIFICANCE ASSESSMENT

9.1 Aboriginal material culture

The portion of Prospect Hill within the current study area is considered to form a portion of AHIMS ID 45-5-2571. The site recording for AHIMS ID 45-5-2571 references open camp sites and scarred trees within the Prospect Hill area. No Aboriginal objects have been recorded on the AHIMS site card associated with the portion of AHIMS ID 45-5-2571 within the current study area. Survey for the current assessment has identified low-moderate potential for Aboriginal objects to be present within this portion of the study area.

9.2 Significance assessment

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. The ACHAR Guide (2011) provides guidelines for heritage assessment with reference to the Burra Charter (Australia ICOMOS 2013) and the Heritage Office guidelines (2001). The assessment is made in relation to four values or criteria (Table 9). In relation to each of the criteria, the significance of the subject area should be ranked as high, moderate or low.

It is important to note that heritage significance is a dynamic value.

Table 9: Heritage criteria

Criterion	Description
Social	The spiritual, traditional, historical or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Does the subject area have strong or special association with the Aboriginal community for social, cultural or spiritual reasons?
Historic	Historic value refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community. Is the subject area important to the cultural or natural history of the local area and/or region and/or state?
Scientific	This refers to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information. Information about scientific values will be gathered through any archaeological investigation undertaken. Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state?
Aesthetic	This refers to the sensory, scenic, architectural and creative aspects of the place. It is often linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use. Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state?

Social

Portions of the study area are considered to contain high social values associated with both occupation of the region prior to European colonisation as well as the association of Prospect Hill as a men's ceremonial place. This area also contains social values associated with Aboriginal contact with the early settlers and attempted reconciliation with Reverend Samuel Marsden. Elements of the social value include the following associations:

- Prospect Hill is in a key position within the landscape with panoramic views for transient occupation and abundant resources and water sources; there are deep time connections with this area over thousands of years.
- The site is within the traditional area of the Cannemegal-Warmuli group with Prospect Hill being a sacred ceremony place for men.
- Prospect Hill is an educational place where elders teach children about Pemulwuy and Aboriginal culture as well as a focus of local schools while teaching Aboriginal culture within the curriculum.
- Aboriginal resistance during the early 1800s led to an attempted reconciliation between local Prospect Aboriginal groups and European settlers through a meeting held with the Reverend Marsden near Prospect Hill.

Historic

The Prospect and Pemulwuy region contain high historic significance associated with Aboriginal warrior Pemulwuy and the guerrilla warfare he led against the settlers between 1797 and 1802. Prospect Hill is also associated with the attempted reconciliation between the Prospect Aboriginal groups and European settlers, facilitated through a reconciliation meeting with Reverend Marsden to end hostilities was held near Prospect Hill in 1805.

Scientific

Archaeological values refer to the archaeological or scientific attributes of a landscape or area. These are characterised using archaeological criteria such as archaeological potential, rarity of the archaeological resource, and disturbance. The majority of the study area has been designated as having a low archaeological potential due to the fact that it is unlikely for undisturbed intact archaeological deposit to remain the area due to the high nature of modification.

The portion of Prospect Hill within the study area (as a portion of AHIMS ID 45-5-2571) is considered to have low to moderate archaeological significance associated within the potential for Aboriginal objects to be located below the ground surface and the potential for those objects to be associated with highly significant cultural or spiritual land uses.

Aesthetic

Prospect Hill contain high aesthetic significance associated with its prominence within the surrounding landscape. There are several significant view lines between the apex of Prospect Hill and significant environmental and cultural features such as the Blue Mountains and St Bartholomew's Church. The aesthetic significance of Prospect Hill is further connected with Aboriginal social and community networking.

Statement of significance

Prospect Hill contains substantial Aboriginal cultural values associated with both pre and post contact use of Prospect Hill. The top of Prospect Hill has been identified as a men's ceremonial place. In addition, the hill is historically associated with the reconciliation conference between Reverend Marsden and the Prospect Aboriginal groups following years of war fare between European settlers, authorities and the local Aboriginal groups. Prospect Hill contains contemporary value associated with the use of the site as an educational location with Prospect Hill visited as part of the school curriculum.

The remainder of the study area is considered to demonstrate low significance values.

10.0 IMPACT ASSESSMENT AND HERITAGE MANAGEMENT

10.1 Proposed development and Aboriginal heritage impact

The proposed works consist of earthworks across the study area including ground levelling, demolition of existing structures (Figure 35), excavation or backfilling where needed, and would also involve the construction of retaining walls and terraces.

Following demolition of the existing structures and bulk earthworks, seven new buildings would be constructed within the study area, with construction also including associated offices, car parking and an internal estate road (Figure 36). These buildings would be largely rectilinear warehouse structures of varying heights. The buildings would be located on the various terrace levels. The buildings will range in height between 10 m to 42 m and may exceed the height of existing buildings across the study area. Landscaping plans for the proposed works indicate that substantial screening vegetation would be planted between Prospect Hill and the warehouse structures (Figure 37).

No earthworks or construction activities are proposed for within the Prospect Hill SHR curtilage.

Figure 35: Proposed demolition plan, July 2020. Source: Aliro

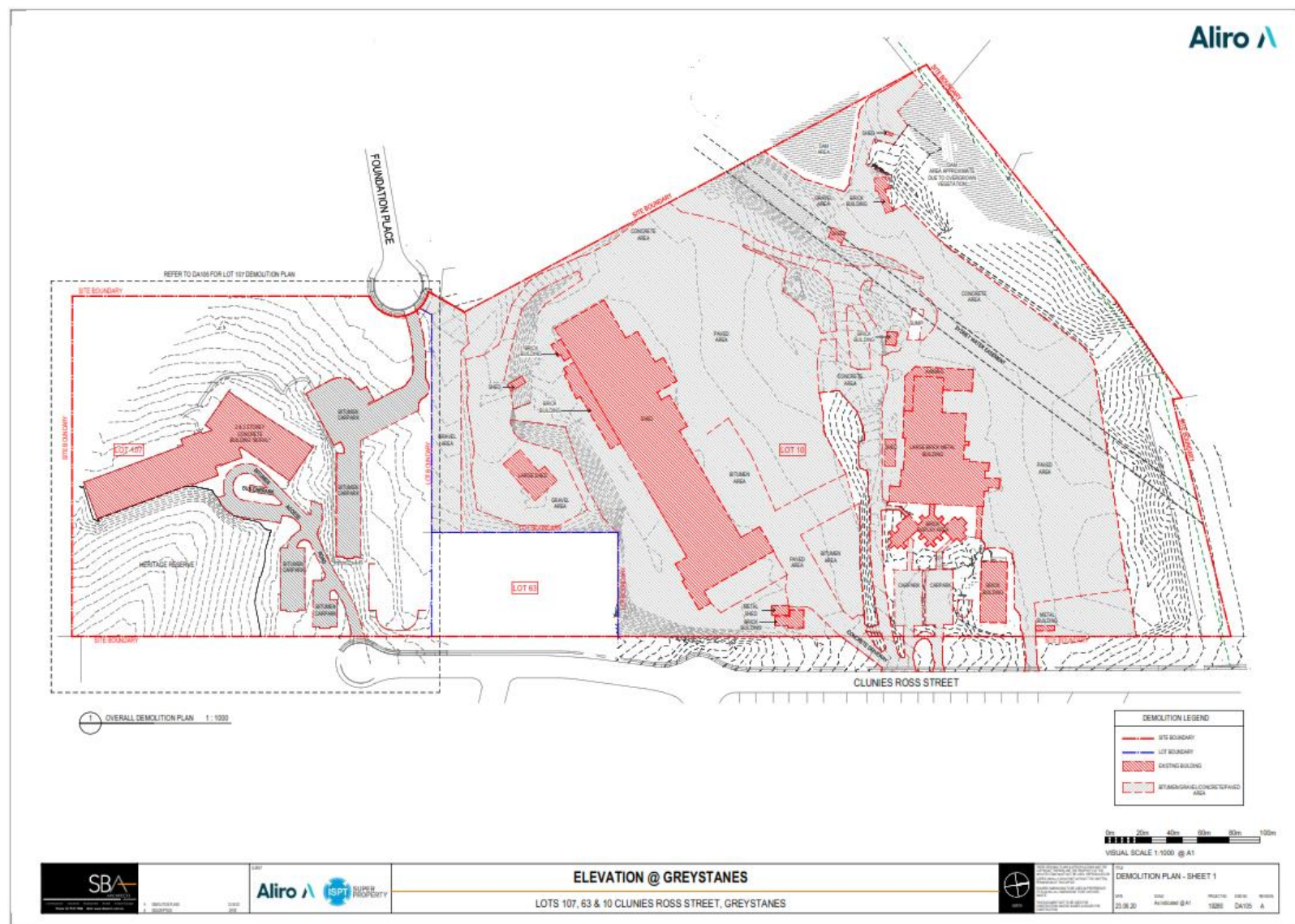


Figure 36. Proposed warehouse development (Source: SBA Architects April 2020)

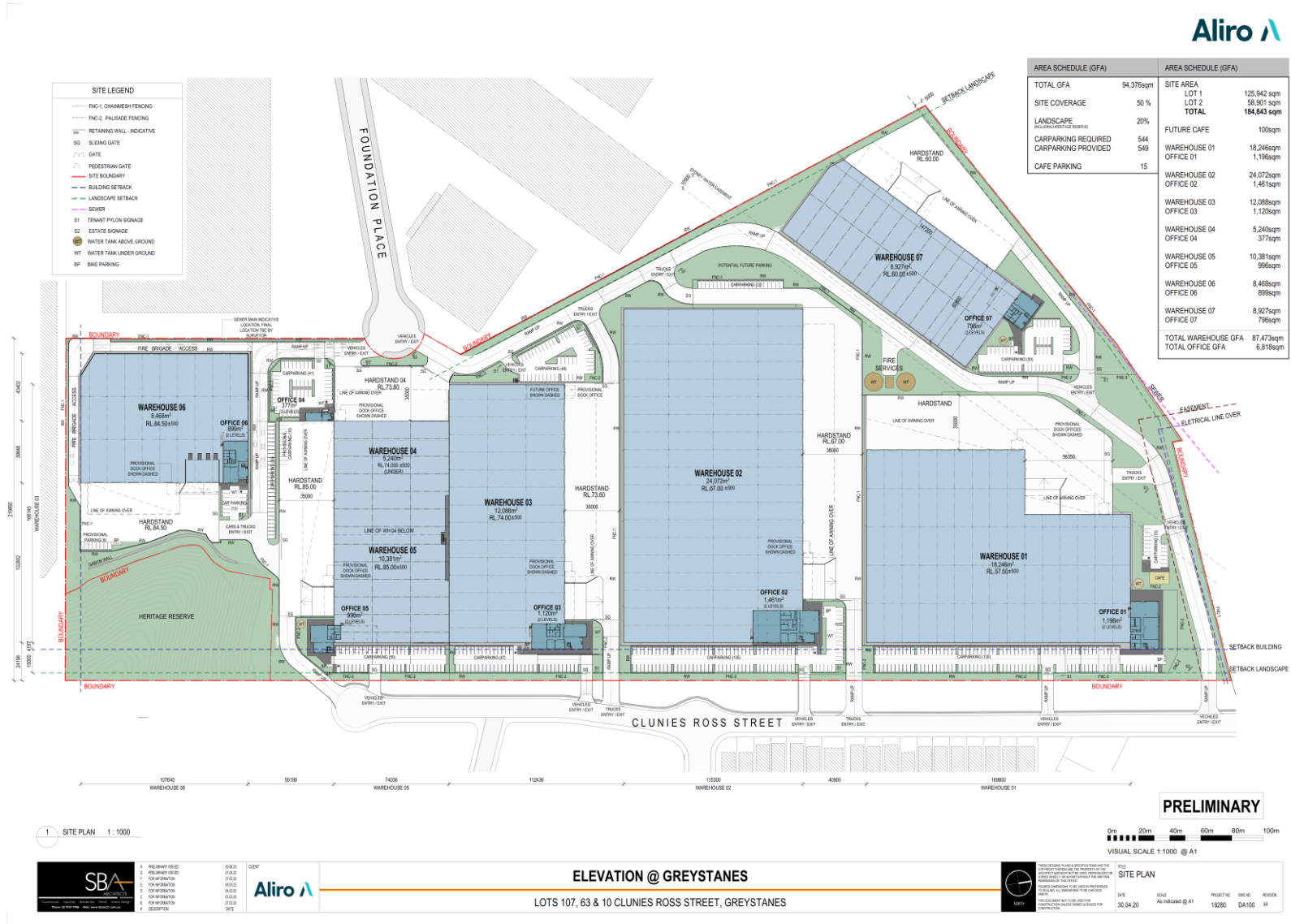


Figure 37: Proposed landscape plan



10.2 Aboriginal heritage impact

10.2.1 Impact to Aboriginal objects

The definition of harm under the NPW Act is limited to impacts which ‘...destroys, defaces, damages an object or place or in relation to an object – moves the object from land on which it has been situated.’ (s5 NPW Act).

The current report has identified that the site extent of Prospect Hill (AHIMS ID 45-5-2571) extends into the southern eastern portion of Lot 107 DP 1028208. The current assessment has identified that Aboriginal site features associated with this portion of the study area is limited to an area of potential archaeological deposit identified during the current assessment. No other Aboriginal site features associated with AHIMS ID 45-5-2571 have been identified within this portion of the study area.

A heritage reserve has been established surrounding the portion of Prospect Hill (both the SHR curtilage and identified extent of AHIMS ID 45-5-2571) within the current study area. No earthworks are proposed within the heritage reserve. The remainder of Prospect Hill is located uphill of the proposed development and is unlikely to be subject to indirect impacts through earthworks, vibration or increased runoff. As the proposed works would not result in impacts to identified Aboriginal objects, areas where Aboriginal objects may occur beneath the ground surface (AHIMS ID 45-5-2571), or a registered Aboriginal Place the proposed works would be unlikely to result in harm as defined under the NPW Act.

10.2.2 Impacts to the cultural heritage values of Prospect Hill and Marrong Reserve

10.2.2.1 Prospect Hill

The Aboriginal cultural significance of Prospect Hill is largely related to its prominence as a landscape element within the region. The prominence of Prospect Hill is associated with its aesthetic significance and its social significance as a men’s site and meeting place. The proposed height and density of the proposed development would significantly reduce the visual prominence of Prospect Hill from surrounding view lines as well as obstructing views from Prospect Hill towards significant landscape features such as the Blue Mountains, Prospect Reservoir, and St Bartholomew’s Church. The reduction in the prominence of Prospect Hill would however be limited to the views towards Prospect Hill from the north west. The prominence of Prospect Hill from other view lines would not be impacted by the proposed development. This would result in a minor impact to the aesthetic significance and social significance of Prospect Hill.

Impacts to cultural heritage values associated with the historic significance of Prospect Hill as a place of warfare and later reconciliation are unlikely to be impacted by the proposed development.

Measures to manage and mitigate impacts to the cultural heritage values are provided in Section 10.3.

10.2.2.2 Marrong Reserve

The proposed development is not visible from Marrong Reserve and subsequently will not result in an impact to the visual landscape surrounding the reserve.

Impacts to the social values associated with the use of Marrong Reserve as an educational space will not be impacted by the proposed development.

10.3 Management and mitigation measures

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved. There will be no impacts to known Aboriginal sites and areas of archaeological potential within the study area and subsequently management and mitigation measures related to this aspect of cultural heritage is not required.

However, the study area is located within a culturally significant precinct with regards to both pre-contact and post contact use of the region and the close proximity of Prospect Hill. This connection to the region resulted in high cultural values being ascribed to the Prospect/Pemulwuy region.

The proposed management measures, outlined below, are based on the assessed levels of cultural significance and the potential for ongoing development to detract from the cultural significance of the region.

10.3.1 Modifications to detailed design

The current assessment has identified a relationship between the visual prominence of Prospect Hill and its aesthetic and cultural values.

Methods to minimise the visual bulk of the proposed design and maintain the visual prominence of Prospect Hill should be investigated. Reduced impact could include reduction of building height, use of screening plantings and use of a muted colour scheme as part of the design.

Measures to minimise impacts to the significance values of Prospect Hill are further discussed in the SoHI (Artefact 2020) for the proposed works.

10.3.2 Heritage interpretation

The key aim of heritage interpretation would be to connect to contemporary experience of residents and the public with the Aboriginal cultural values associated with the Prospect and Pemulwuy regions (see Section 8.0).

Heritage interpretation elements at the site may include:

- Engaging Aboriginal artists to develop designs/artworks that could be incorporated into the built form through design features such as:
 - Facades
 - Paving
 - Murals
 - Artwork
- Incorporating local Aboriginal place names into naming conventions within the building, in consultation with RAPs
- Incorporating native plant species into any plantings
- Providing interpretive information regarding the Aboriginal history of the site within common areas, developed in consultation with RAPs.

10.3.3 Changes to the proposed works

This ACHAR is based upon the most recent information made available to Artefact Heritage as of the date of preparation of this report. Any changes made to the proposed works should be assessed by an archaeologist in consultation with the registered Aboriginal stakeholder groups. Any changes that may impact areas not assessed during the current study may warrant further investigation and result in changes to the recommended management and mitigation measures.

10.3.4 Unexpected finds

An unexpected finds policy should be included as part of the proposed works Construction Environment Management Plan. If unanticipated suspected Aboriginal objects are uncovered during works, all work in the vicinity should cease immediately. A qualified archaeologist should be contacted to assess the find and Heritage NSW - DPC and Deerubbin LALC must be notified.

10.4 Ecologically sustainable development principles

In accordance with the ACHAR Guide, Ecologically Sustainable Development (ESD) principles have been considered in preparation of this ACHAR, including options to avoid impacts to Aboriginal cultural heritage, assessment of unavoidable impacts, identification of mitigation and management measures, and taking account of Aboriginal community views. The principles of ESD are detailed in the NSW *Protection of the Environment Administration Act 1991*. ESD principles relevant to assessment of the proposed works as it relates to Aboriginal cultural heritage are considered below.

The integration principle

Decision-making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations (the 'integration principle').

The proposed works would comply with the integration principle in regard to Aboriginal heritage. There are no identified areas of archaeological significance within the study area that will be impacted. An in-depth assessment of cultural values of the region was also completed during the consultation process for the current ACHAR. Recommendations to limit the impact to Aboriginal cultural values have been included within this report.

The precautionary principle

If there are threats of serious or irreversible environmental damage, lack of full scientific confidence should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle').

Current and previous assessments of the study area have identified the majority of the study area as heavily disturbed and subsequently demonstrating low archaeological potential. Areas of archaeological potential associated with Prospect Hill will not be subject to impacts and subsequently additional scientific investigation of this area would not be required associated with the current proposed works. Potential impact to social and cultural values of Prospect Hill have been investigated as part of the current ACHAR investigation and as part of the SoHI (Artefact 2020) for the proposed works.

The principle of intergenerational equity

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the 'principle of intergenerational equity').

No areas of archaeological potential will be impacted as part of the proposed works and subsequently the archaeological resource within the region will continue to be available for investigation by future generations. Where impacts to social, cultural or aesthetic values of Prospect Hill have been identified, measures to reduce and mitigate the impact of the proposed development have been provided in Section 10.3.2.

11.0 RECOMMENDATIONS

The following recommendations are based on consideration of:

- Statutory requirements under the National Parks and Wildlife Act 1974.
- The requirements of the relevant guidelines: The ACHAR Guide (OEH 2011), Code of Practice (DECCW 2010a) and the Consultation Requirements (DECCW 2010b)
- SEARS SSD 10399
- The results of the background research, site survey and assessment.
- The likely impacts of the proposed development.

It was found that:

- No previously unrecorded Aboriginal sites were identified within the study area.
- One previously recorded Aboriginal Heritage Information Management System (AHIMS) site extends into the current study area (AHIMS ID 45-5-2571). [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] AHIMS ID 45-5-2571 will not be impacted by the proposed works.
- The remainder of the study area is considered to have been subject to moderate – high levels of disturbance. All sections of the study area with the exclusion of the Prospect Hill SHR curtilage were found to demonstrate low archaeological potential.
- Proposed impacts to the cultural heritage values of Prospect Hill has been assessed. The proposed development will result in a minor impact to the aesthetic and social values associated with Prospect Hill.
- Marrong Reserve, a portion of the Prospect Hill SHR curtilage to the south of the study area has been assessed for potential impacts to cultural heritage values as part of the current assessment. No impacts to the cultural values of Marrong Reserve have been identified.

The following recommendations are made:

- No further archaeological investigation is recommended.
- The proposed development should investigate measures to reduce the visual impact of the proposed development on the prominence of Prospect Hill.
- The proposed development should investigate methods to incorporate Aboriginal cultural heritage values into the proposed design such as through the development of heritage interpretation elements.
- If suspected human remains are located during any stage of the proposed works, work must stop immediately, and the NSW Police notified. An Archaeologist or Physical Anthropologist should be contacted in the first instance where there is uncertainty whether the remains are human.

- An unexpected finds procedure must be in place throughout the proposed works, with procedures in place for notification of Heritage NSW - DPC, a heritage consultant and RAPs where unexpected finds are identified.
- If changes are made to the proposed works further archaeological assessment may be required.

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13.0 APPENDICES

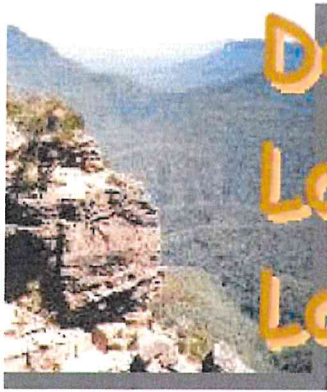
13.1 Appendix 1: Aboriginal community consultation

Removed for public display

13.2 Appendix 2: Extensive AHIMS Search

Removed for public display

13.3 Appendix 3: Deerubbin LALC report



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6 March 2020

PROTECTION OF ABORIGINAL CULTURAL HERITAGE

Proposed Logistics Estate

Great Western Highway, Clunies Ross Street, Prospect

Attention: – Alyce Haast,

A representative of Deerubbin Local Aboriginal Land Council inspected the Austral Bricks property on Clunies Ross Road, Prospect on Tuesday, 17th December 2019. An Aboriginal cultural heritage assessment was undertaken to evaluate the likely impact the proposed development has on the cultural heritage of the land.

Because of the large area of buildings, factory, storage space & roadways there no section of this landscape that has intact top soils. No Aboriginal cultural materials (in the form of stone artefacts, for example) were found during the assessment

Deerubbin Local Aboriginal Land Council therefore has no objections for the proposed development of the Logistic Estate, Prospect.

Yours Faithfully,

Steven Randall

(Senior Aboriginal Cultural Heritage Officer)

Barry Gunther – Department of Planning Industry and Environment



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