



URBIS

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

Horsley Logistics Park Stage 2
3 Johnston Crescent
Horsley Park NSW

Prepared for
ESR DEVELOPMENTS
14 October 2024

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We acknowledge, in each of our offices the Traditional Owners on whose land we stand.

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CONTENTS

Glossary	5
Executive Summary.....	8
1. Introduction	8
1.1. Subject Area	10
1.2. Proposed Works	10
1.3. Statutory Context	10
1.3.1. Environment Protection and Biodiversity Conservation Act 1999	10
1.3.2. The National Parks and Wildlife Act 1974	11
1.4. Methodology	11
1.5. Authorship	11
1.6. Limitations	12
2. Aboriginal Consultation.....	15
2.1. Stage 1 – Notification and Registration	15
2.1.1. Native Title.....	15
2.1.2. Identification of Cultural Knowledge Holders	15
2.1.3. Registration of Interest	16
2.2. Stages 2 - 4 – Compressed Consultation	17
3. Desktop Assessment	18
3.1. Archaeological Context	18
3.1.1. Aboriginal Land Use	18
3.1.2. Declared Aboriginal Places	18
3.1.3. Registered Aboriginal Objects	19
3.1.4. Previous Archaeological Investigations	22
3.1.4.1. Investigations of the Subject area	22
3.1.4.2. Investigations within the Local Area	22
3.1.5. Existing Predictive Models	23
3.2. Environmental Context.....	23
3.2.1. Natural Landscape	23
3.2.2. Historical Ground Disturbance	27
3.3. Local & Regional Character	30
3.4. Archaeological Potential	30
3.4.1. Predictive Model	30
3.4.2. Assessment of Potential	31
3.5. Summary	31
4. Significance Assessment.....	33
4.1. Framework for Assessment	33
4.2. Assessment of Heritage Values.....	33
4.2.1. Social or Cultural Value	33
4.2.2. Historic Value	34
4.2.3. Scientific (Archaeological) Value	34
4.2.4. Aesthetic Value.....	34
4.3. Statement of Significance	34
5. Impact Assessment.....	34
5.1. Framework for Assessment	35
5.2. Assessment of Potential Harm	35
5.3. Inter-Generational Equity	36
5.4. Avoidance & Minimisation of Harm.....	36
5.4.1. Unexpected Archaeological Finds Procedure	36
5.4.2. Human Remains Procedure	36
6. Conclusions & Recommendations.....	38

7. References	40
Disclaimer	41
Appendix A Basic and Extensive AHIMS Search Results	
Appendix B Registered Aboriginal Party Consultation Log	
Appendix C Registered Aboriginal Party Consultation Documentation	
Appendix D Plans for Proposed Development	

FIGURES

Figure 1 – Regional location of subject area	13
Figure 2 – Subject area	14
Figure 3 – Locations of registered Aboriginal sites in AHIMS search area	21
Figure 4 – Northern portion of former CSR Estate prior to site remediation, January 2021; 16 Johnstone Crescent marked green, the present subject area marked in red	22
Figure 5 – Topography	25
Figure 6 – Soil landscapes and hydrology.....	26
Figure 7 – Aerial image of subject area (red outline) from 1961; cleared for pasture	28
Figure 8 – Aerial images of subject area (red outline) from 1971; early quarrying activities	28
Figure 9 – Aerial image of subject area (red outline) from 2021; the brickworks at its peak	29
Figure 10 – Aerial images of subject area (red outline) from 2022; during site remediation.....	29
Figure 11 – Current aerial image of subject area (red outline) following remediation works	30

TABLES

Table 1 – SEARs requirements and relevant report sections.	10
Table 2 – Contacted organisations	15
Table 3 – Registered Aboriginal Parties	16
Table 4 – RAP responses to the Stage 2 to 4 Draft ACHA Report	17
Table 5 – Summary of registered Aboriginal sites in the AHIMS search area	20

GLOSSARY

Term	Definition
Aboriginal ceremony and dreaming site	Previously referred to as mythological sites, these are spiritual/story places where no physical evidence of previous use of the place may occur, e.g. natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places etc. These are Aboriginal site features recordable on AHIMS.
Aboriginal cultural heritage	The tangible (objects) and intangible (dreaming stories, legends and places) cultural practices and traditions associated with past and present-day Aboriginal communities.
Aboriginal object	As defined in the NPW Act, any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
Aboriginal place	As defined in the NPW Act, any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.
Aboriginal resource and gathering sites	Related to everyday activities such as food gathering, hunting, or collection and manufacture of materials and goods for use or trade. These are Aboriginal site features recordable on AHIMS.
AHIMS	Aboriginal Heritage Information Management System. A register of previously reported Aboriginal objects and Aboriginal places in NSW, managed under Section 90 of the NPW Act.
AHIP	Aboriginal Heritage Impact Permit. A permit issued under Section 90, Division 2 of Part 6 of the NPW Act.
Archaeology	The scientific study of material remains of past human life, including artefacts, relics, ruins, buildings and their environment and context.
Art	Art is found in shelters, overhangs and across rock formations. Techniques include painting, drawing, scratching, carving engraving, pitting, conjoining, abrading and the use of a range of binding agents and the use of natural pigments obtained from clays, charcoal and plants. These are Aboriginal site features recordable on AHIMS.
Artefact	Objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Artefact scatter	Multiple artefacts associated with one another in the same context. These are recordable on AHIMS as 'artefacts'.
Burial	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g. in caves, marked by stone cairns, in sand areas, along creek banks etc. These are Aboriginal site features recordable on AHIMS.

Term	Definition
Ceremonial ring	A Raised earth ring associated with ceremony. These are Aboriginal site features recordable on AHIMS.
Cliff	A steep rock face
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW 2010b).
Conflict site	Previously referred to as massacre sites where confrontations occurred between Aboriginal and non-Aboriginal people, or between different Aboriginal groups. These are Aboriginal site features recordable on AHIMS.
DECCW	Department of Environment, Climate Change and Water NSW.
Due Diligence Code	<i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (DECCW 2010a)
Dune	As defined in the Due Diligence Code, a sand ridge or sand hill formed by the wind.
Earth mound	A mounded deposit of round to oval shape containing baked clay lumps, ash, charcoal and, usually, black or dark grey sediment. The deposit may be compacted or loose and ashy. Mounds may contain various economic remains such as mussel shell and bone as well as stone artefacts. Occasionally they contain burials. These are Aboriginal site features recordable on AHIMS.
EPA Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Fish trap	A modified area on watercourses where fish were trapped for short-term storage and gathering. These are Aboriginal site features recordable on AHIMS.
Grinding grooves	A groove in a rock surface resulting from manufacture of stone tools such as ground edge hatchets and spears, or rounded depressions resulting from grinding of seeds and grains. These are Aboriginal site features recordable on AHIMS.
Harm	As defined in the NPW Act, to destroy, deface, damage or move an Aboriginal object or destroy, deface or damage a declared Aboriginal place. Harm may be direct or indirect (e.g. through increased visitation or erosion). Harm does not include something that is trivial or negligible.
Habitation structure	Structures constructed by Aboriginal people for short- or long-term shelter. Temporary structures are commonly preserved away from the coastline and may include historic camps of contemporary significance. Smaller structures may make use of natural materials such as branches, logs and bark sheets or manufactured materials such as corrugated iron to form shelters. Archaeological remains of a former structure such as chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc. These are Aboriginal site features recordable on AHIMS.
Headland	A narrow piece of coastal land that projects from a coastline into the sea or ocean
Hearth	Aboriginal site feature recordable on AHIMS. Cultural deposit sometimes marked by hearth stones, usually also contains charcoal and may also contain heat treated stone fragments.
Isolated find	A single artefact found in an isolated context. These are recordable on AHIMS as 'artefacts'.

Term	Definition
Modified Trees	Trees which show the marks of modification as a result of cutting of bark from the trunk for use in the production of shields, canoes, boomerangs, burials shrouds, for medicinal purposes, foot holds etc, or alternately intentional carving of the heartwood of the tree to form a permanent marker to indicate ceremonial use/significance of a nearby area, again these carvings may also act as territorial or burial markers. These are Aboriginal site features recordable on AHIMS.
Non-human bone and organic material	Objects which can be found within cultural deposits as components of an Aboriginal site such as fish or mammal bones, ochres, cached objects which may otherwise have broken down such as resin, twine, dilly bags, nets etc. These are Aboriginal site features recordable on AHIMS.
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2019</i>
Ochre quarry	A source of ochre used for ceremonial occasions, burials, trade and artwork. These are Aboriginal site features recordable on AHIMS.
PAD	A 'potential archaeological deposit'. An area where Aboriginal objects may occur below the ground surface. These are Aboriginal site features recordable on AHIMS.
Ridge	A compound landform element comprising a narrow crest that is longer than its width
Ridge top (or ridgeline)	The crest of a ridge that extends along its highest contours
Shell	An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering and consumption. Usually found in deposits previously referred to as 'shell middens.' These are Aboriginal site features recordable on AHIMS.
SSDA	State Significant Development Application, under Division 4.7 of the EP&A Act
Stone arrangement	Human produced arrangements of stone usually associated with ceremonial activities, or used as markers for territorial limits or to mark/protect burials. These are Aboriginal site features recordable on AHIMS.
Stone quarry	A source of stone which was quarried and used for the production of stone tools by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Waterhole	A source of fresh water for Aboriginal groups which may have traditional ceremonial or dreaming significance and/or may also be used to the present day as a rich resource gathering area (e.g. waterbirds, eels, clays, reeds etc). These are Aboriginal site features recordable on AHIMS.
Waters	As defined in the Due Diligence Code, the whole or any part of any river, stream, lake, lagoon, swamp, wetlands, natural watercourse and tidal waters (including the sea), where the boundary of tidal waters is defined as the high-water mark.

EXECUTIVE SUMMARY

Urbis was engaged by ESR Developments ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) 1244594 ('the subject area').

The Proponent is seeking approval for the construction of two buildings for warehouse and distribution use located within the subject area under a State Significant Development Application (SSD-71144719). The present ACHA report addresses Item 18 of the SEARs for SSD-71144719.

The subject area has been within the curtilage of previously approved Development Applications (DA - 893.1-2013) for subdivision, bulk earthworks and site remediation of the former CSR Estate.

The ACHA was undertaken in accordance with the requirements of regs. 60 and 61 of the *National Parks and Wildlife Regulation 2019* (NSW) and the following guidelines:

- *Applying for an Aboriginal Heritage Impact Permit guide for applicants* (OEH 2011a)
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011b) ('the Assessment Guidelines').
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) ('the Consultation Guidelines')
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010c) ('the Code of Practice').

The aim of the ACHA is to investigate whether future development of the subject area is likely to impact any Aboriginal objects or Aboriginal places that may exist within the subject area and to formulate measures for avoiding or minimising any such impacts.

The ACHA concluded that:

- **Conclusion 1 – Known Aboriginal Objects and Places**

No previously identified Aboriginal objects or declared Aboriginal places are located within the subject area.

- **Conclusion 2 – Sensitive Landscape Features**

Part of the subject area along the western boundary is located within 200 m of a waterway, while part of the subject area on the eastern boundary is located on a ridgeline, both of which are considered indicative of likely past Aboriginal land use. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling to approximately 8m depth of the abandoned quarry removed this potential.

- **Conclusion 3 – Ground Disturbance**

Ground disturbance is assessed to be significant across the entire subject area, due primarily to quarrying activities in the subject area beginning in 1970s and more recent bulk earthworks and placement of imported fill during site remediation approved under previous DA (893.1-2013). Clear and observable modification of the landscape will have significantly disturbed, and removed any Aboriginal objects that may have existed within the subject area.

- **Conclusion 4 – Archaeological Potential**

In view of the significant ground disturbance across the entire subject area, the Aboriginal archaeological potential of the entire subject area is assessed to be **Very Low to Nil**.

- **Conclusion 5 – Significance Assessment**

The subject area is assessed as having social and cultural significance to Aboriginal people for its connection to the broader cultural landscape and for the long connection Aboriginal people have with the area. However, no Aboriginal sites or evidence of a specific cultural association with the subject area itself have been identified.

- **Conclusion 6 – Impact Assessment**

As there are no known Aboriginal objects within the subject area and it is unlikely to retain any as yet unknown Aboriginal objects, the proposed physical works are unlikely to cause either direct or indirect harm to Aboriginal objects or negatively impact inter-generational equity.

Based on the above conclusions, Urbis recommends the following:

▪ **Recommendation 1 – Submission of Report**

A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD-71144719.

▪ **Recommendation 2 – No Further Archaeological Investigation**

As the proposed works are unlikely to harm any Aboriginal objects or declared Aboriginal places, it is recommended that no further investigation is required for the present development. The development may proceed with caution, subject to the following archaeological chance finds and human remains procedures.

▪ **Recommendation 3 – Unexpected Archaeological Finds Procedure**

The following unexpected archaeological finds procedure should be followed in the unlikely event that any archaeological materials, or suspected archaeological materials, are uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds. The find must not be moved 'out of the way' without assessment.
2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS). Any management measures should be decided upon consultation with the RAPs.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

▪ **Recommendation 4 – Human Remains Procedure**

The following human remains procedure should be followed in the unlikely event that any human remains, or suspected human remains, are uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds.
2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW (Enviroline 131 555).
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. Management recommendations are to be formulated by the NSW Police, Heritage NSW, site representatives and the RAPs.
5. Works are not to recommence until the find has been appropriately managed.

1. INTRODUCTION

Urbis was engaged by ESR Developments ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) 1244594 ('the subject area') (Figure 1 and Figure 2).

The Proponent is seeking approval for the construction of two buildings for warehouse and distribution use located within the subject area under a State Significant Development Application (SSD-71144719). The subject area has been within the curtilage of previously approved Development Applications (DAs) for subdivision, bulk earthworks and site remediation of the former CSR Estate.

The present ACHA report addresses Item 18 of the SEARs, recited in Table 1 below.

Table 1 – SEARs requirements and relevant report sections.

Item	Description of Requirement	Documentation
18. Aboriginal Cultural Heritage	Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts to any Aboriginal cultural heritage sites or values associated with the site.	Addressed by the Present ACHA report.

1.1. SUBJECT AREA

The subject area is located at 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) DP1244594 within the Fairfield City Council Local Government. The subject area is approximately 35 km east of the Sydney CBD and currently consists of remediated land that historically was the former CSR Estate, utilised as a quarry for a brick making operation. It is bounded by Johnston Crescent on its northern, and western boundaries and further remediated quarry lots to the south and east (Figure 1 and Figure 2).

1.2. PROPOSED WORKS

The Proponent seeks to develop a high-quality warehouse and distribution facility that will complement the industrial operations of the broader Horsley Logistics Park. The proposal will deliver industrial land uses in an existing industrial area with key connections to infrastructure corridors and the Western Sydney Aerotropolis. The project comprises the construction of two warehouse buildings with ancillary offices, continuous pad level with split hardstand areas. Both buildings will support warehouse and distribution use. Plans for proposed works are provided at Appendix D.

1.3. STATUTORY CONTEXT

The protection and management of Aboriginal cultural heritage items, places and archaeological sites within New South Wales is governed by the relevant Commonwealth, State or local government legislation. These are discussed below in relation to the present subject area.

1.3.1. Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ('the EPBC Act') provides protection for properties and places listed on the World Heritage List ('WHL'), the National Heritage List ('NHL') and the Commonwealth Heritage List ('CHL').

The WHL is a list of properties around the world considered to be of outstanding value to humanity, the NHL is a list of places of outstanding significance to the nation and the CHL is a list heritage places owned or controlled by the Australian Government. The WHL, NHL and CHL may include properties and places of Aboriginal heritage significance, in addition to places of natural and historical significance.

It is an offence under sections 15A, 15C, 27A and 27C of the EPBC Act to take any action that is likely to have a significant impact of the relevant heritage values of a place listed on the WHL, NHL or CHL. Approval from the Minister is required for controlled actions which will have a significant impact on items and places included on the WHL, NHL or CHL.

Properties and places listed on the WHL, NHL or CHL, are included in the Australian Heritage Database ('AHD'). The AHD also includes places under consideration, or that may have been considered, for any one of these lists. A search of the AHD was undertaken on 16 August 2024. The search did not identify any Aboriginal heritage properties or places within the curtilage of the subject area that are protected under the EPBC Act.

1.3.2. The National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NSW) ('the NPW Act') protects 'Aboriginal objects' and 'Aboriginal places' in NSW. The NPW Act defines 'Aboriginal objects' and 'Aboriginal places' as follows:

- **Aboriginal object** means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
- **Aboriginal place** means any place, which may or may not contain Aboriginal objects, that is declared to be an Aboriginal place under section 84 of the NPW Act because it is or was of special significance with respect to Aboriginal culture.

Under section 86 of the NPW Act, it is an offence to harm or desecrate an Aboriginal object or Aboriginal place. Section 87 of the NPW Act provides the following defences to prosecution under s. 86 of the NPW Act:

- The harm was to a previously unknown Aboriginal object, other than a modified tree, and was caused by a low impact activity as defined in reg. 58 of the NPW Reg.
- The harm was to a previously unknown Aboriginal object and due diligence was exercised by the Proponent to determine whether the activity would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed, per section 87(2) of the NPW Act.
- The harm or desecration was authorised by an Aboriginal Heritage Impact Permit ('AHIP'), per section 87(1) of the NPW Act.
- The harm or desecration was authorised by an approved State Significant Development Application, per section 4.41(1)(d) of the *Environmental Planning and Assessment Act 1979* (NSW).

As noted in Section 1 above, the ACHA was undertaken in support of a State Significant Development Application (SSD- 71144719) which seeks approval for the proposed works outlined in Section 1.2.

1.4. METHODOLOGY

The ACHA was undertaken in accordance with the requirements of regs. 60 and 61 of the *National Parks and Wildlife Regulation 2019* (NSW) and the following guidelines:

- *Applying for an Aboriginal Heritage Impact Permit guide for applicants* (OEH 2011a)
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011b) ('the Assessment Guidelines').
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) ('the Consultation Guidelines')
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010c) ('the Code of Practice').

The aim of the ACHA is to investigate whether future development of the subject area is likely to impact any Aboriginal objects or Aboriginal places that may exist within the subject area and to formulate measures for avoiding or minimising any such impacts

1.5. AUTHORSHIP

The present report has been prepared by Owen Barrett (Senior Archaeologist, Urbis) and Juliet Scholefield (Assistant Archaeologist, Urbis), with review and quality control undertaken by Balazs Hansel (Urbis Director, Archaeologist).

Owen Barrett holds a Bachelor of Arts (Archaeology and Palaeoanthropology) and a Diploma (Indigenous Archaeology) from the University of New England. Juliet Scholefield holds a Bachelor of Arts (Archaeology)

and a Bachelor of Advanced Studies (Design) from the University of Sydney. Balazs Hansel holds a Masters (History) and Masters (Archaeology and Museum Studies) from the University of Szeged (Hungary).

1.6. LIMITATIONS

The ACHA is limited to consideration of Aboriginal objects and places. Historical heritage properties and places protected under the EPBC Act and historical heritage items and relics protected under the *Heritage Act 1977* (NSW) are not considered.

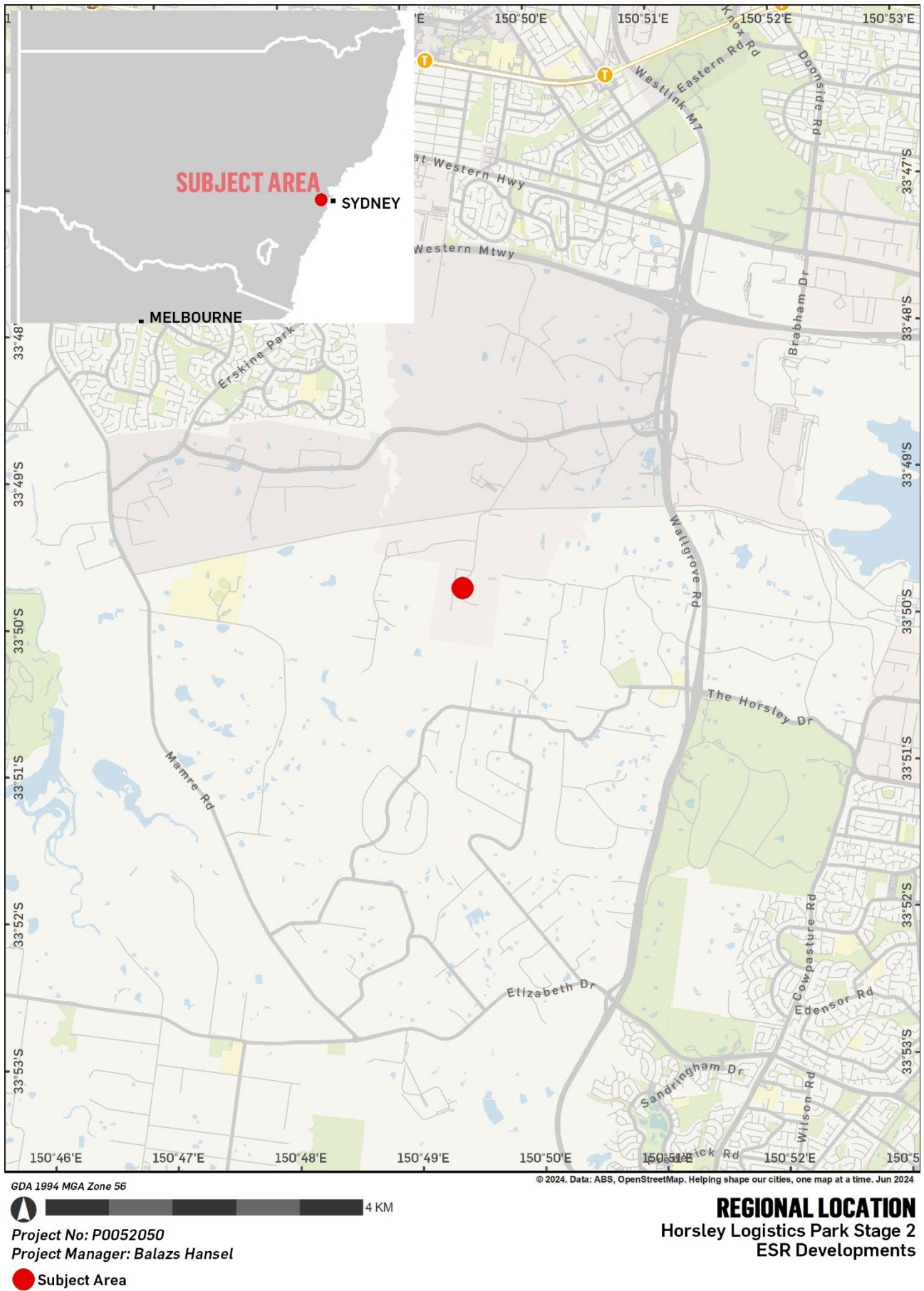


Figure 1 – Regional location of subject area



GDA 1994 MGA Zone 56

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Project No: P0052050

Project Manager: Balazs Hansel

Subject Area -- Ephemeral

SUBJECT AREA
Horsley Logistics Park Stage 2
ESR Developments

Figure 2 – Subject area

2. ABORIGINAL CONSULTATION

Consultation with the Aboriginal community is required under reg. 60 of the NPW Reg and the Consultation Requirements. The purpose of consultation with Aboriginal people is to understand their views and concerns about the proposed project and to understand the cultural values present in the area that may be harmed. Consultation ensures that Aboriginal people have the opportunity to improve assessment outcomes by providing relevant cultural information, influencing assessment methodology, contributing to the development of cultural heritage management options and reviewing and commenting the draft assessment report.

In consultation with Heritage NSW and DPHI a condensed consultation process has been carried out for the current ACHA. This is due to the significantly disturbed nature of the subject area which has been remediated under previously approved DA (893.1-2013) and removed all potential for Aboriginal objects within the subject area. Stage 2,3 and 4 is carried out in one consolidated process, providing the opportunity for Registered Aboriginal Parties (RAPs) for commenting on the findings of the ACHA and provide cultural information on the subject area.

The Consultation Requirements outline a four-stage consultation process that includes the following:

- Stage 1 – Notification of project proposal and registration of interest.
- Stage 2 – Presentation of information about the proposed project.
- Stage 3 – Gathering information about the cultural significance.
- Stage 4 – Review of draft cultural heritage assessment report.

Stages 2 to 4 will operate concurrently under the compressed consultation protocol.

2.1. STAGE 1 – NOTIFICATION AND REGISTRATION

The aim of Stage 1 of Aboriginal consultation is to identify, notify and register Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the subject area.

2.1.1. Native Title

A search of the National Native Title Tribunal (NNTT) registers and databases was undertaken on 14 August 2024. The search identified no pending Native Title claims or Native Title registrations for the subject area. The NNTT was also contacted by email on 14 August 2024 to request a formal search of the NNTT Register. A reply was received on 14 August 2024 indicating that there are no Native Title matters overlapping with the subject area.

2.1.2. Identification of Cultural Knowledge Holders

To identify Aboriginal people who may be interested in registering as Aboriginal parties for the project, the organisations stipulated in Section 4.1.2 of the Consultation Guidelines were contacted on 14 August 2024 (Table 2). A copy of the email sent to the each of the contacted organisations is included in Appendix C. A total of 80 Aboriginal parties with a potential interest in the subject area were identified during this stage.

Table 2 – Contacted organisations

Organisation	Notification Sent	Response Received
Deerubbin Local Aboriginal Land Council	14 August 2024	n/a
Fairfield Council	14 August 2024	n/a
Greater Sydney Local Land Services	14 August 2024	n/a
Heritage NSW	14 August 2024	19 August 2024
National Native Title Tribunal	14 August 2024	15 August 2024

NTS Corp	14 August 2024	20 August 2024
Office of the Registrar, Aboriginal Land Rights Act 1983	14 August 2024	15 August 2024

Letters were sent to the 80 identified Aboriginal parties by either email or mail on 23 August 2024 to notify them of the proposed project. The letters included a brief introduction to the project and the project location including a map of the subject area and set a deadline for response of 6 September 2024, providing 14 days to register an interest. A copy of the letter is included in Appendix C.

A public notice was placed in a local newspaper to open registration to the broader Aboriginal community. A search of <newspapers.com.au> was undertaken to identify local newspapers within the Horsley Park area. The search identified one local newspaper, the 'Fairfield Advance', which is now an online-only news platform published under the Daily Telegraph banner. An advertisement was therefore placed in the online classified advertisement section of the Daily Telegraph ('<https://www.buysearchsell.com.au>'), which is linked to the 'Fairfield Advance'. The advertisement was published online on 23 August 2024 and registration was open until 6 September 2024, providing the required 14 days to register an interest. A copy of the advertisement is included in Appendix C.

2.1.3. Registration of Interest

A total of 13 Aboriginal parties registered interest in the project as a result of this phase (Table 3). Acknowledgement emails were sent by Urbis to all respondents to confirm registration had been received. In addition, Deerubbin LALC was automatically registered.

A list of the Registered Aboriginal Parties (RAPs) was provided to Heritage NSW and Deerubbin LALC on 11 September 2024 (see Appendix C).

Table 3 – Registered Aboriginal Parties

Registered Party	Contact
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

2.2. STAGES 2 - 4 – COMPRESSED CONSULTATION

The aim of community consultation is to provide RAPs with information about the scope of the proposed project, to gather feedback on the proposed project and to gather any cultural information that the RAPs wish to share.

In consultation with Heritage NSW and DPHI a condensed consultation process has been carried out for the current ACHA. This is due to the significantly disturbed nature of the subject area which has been remediated under previously approved DA (893.1-2013), and removed all potential for Aboriginal objects within the subject area. Stage 2,3 and 4 is carried out in one consolidated process, providing the opportunity for Registered Aboriginal Parties (RAPs) for commenting on the findings of the ACHA and provide cultural information on the subject area.

A draft of the present ACHAR was sent to RAPs via email on 11 September 2024 with comment on the draft ACHAR requested by 11 October 2024, providing 30 days to respond. Two responses were received in relation to the Stage 4 draft ACHA report. The responses are included in Appendix C. Of the two responses received, both included comments on the ACHA report. Those responses are addressed and addressed in Table 4 below.

Table 4 – RAP responses to the Stage 2 to 4 Draft ACHA Report

RAP	Comments	Urbis Response
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]
[REDACTED]	[REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED]

3. DESKTOP ASSESSMENT

The aim of the desktop assessment is to determine whether any known Aboriginal objects are located within the subject and whether the subject area is likely to retain any unknown Aboriginal objects. The findings of the desktop assessment inform the archaeological survey of the subject area and contribute to the determining whether an archaeological test excavation is required.

3.1. ARCHAEOLOGICAL CONTEXT

The archaeological context of the subject area encompasses previous archaeological and ethnohistorical studies that are relevant to determining the nature and distribution of Aboriginal archaeological material within the local region and subject area and local region.

3.1.1. Aboriginal Land Use

Ethnohistorical accounts provide a basis for understanding how Aboriginal people lived prior to the arrival of Europeans and therefore the nature and distribution of archaeological material that is likely to be found in the archaeological record. Such accounts are inherently biased by the cultural norms of the observer and behavioural modifications in response to the awareness of being observed (the so-called 'Hawthorne Effect'). Nevertheless, by comparing and contrasting these observations with archaeological evidence and cultural information from the Aboriginal community, it is possible to establish a general understanding of the lives of Aboriginal people.

The archaeological record provides evidence of the long occupation of Aboriginal people in Australia. Current archaeological record establishes occupation of the Australian mainland by as early as 65,000 years before present (BP) (Clarkson et al. 2017). The oldest date for a site in the Sydney region is at Pitt Town on the Hawkesbury River, approximately 53 km south-west of the present subject area, which is dated to around 36,000 BP (Williams et al. 2014). Older occupation sites along the now submerged coastline would have been flooded around 10,000 years ago, with subsequent occupation concentrating along the current coastlines and rivers (Attenbrow 2010). The archaeological record indicates that Aboriginal people were occupying the region around the subject area well before the arrival of the First Fleet in 1788.

Given the early contact with Aboriginal people in the Sydney region, more is known about these groups than those that inhabited regional areas. The Aboriginal population in the greater Sydney region is estimated to have been between around 4000 and 8000 people at the time of European contact (Attenbrow 2010).

The present subject area is located within the traditional lands of the Cabrogal (also spelt Gahborgoal) people (Attenbrow 2010:25). The name of the Cabrogal people is derived from the teredo worms called 'cah-bro' which they ate (Attenbrow 2010:26). The cah-bro grow in submerged timber in the brackish waters of the Georges River. In addition to the cah-bro, the Carbogal, like all inland Aboriginal people of the Sydney basin, would have depended largely on mammals and roots, primarily the yam, for their subsistence (Tench 1789).

Like Aboriginal people throughout Australia, the Cabrogal employed stone tools for everyday tasks. Stone artefacts are common in the archaeological record, partly due to their common use, but also because they are resistant to degradation and therefore survive on the ground surface and in subsurface deposits. Flaked artefacts are typically the most common type of stone artefact encountered, in part due to their long and ubiquitous use, but also due to their high discard rate and the large amount of waste produced during manufacture. Ground edged tools are also known to have been utilised by Aboriginal people in the broader region (Tench 1789) and appear in the archaeological record around 4,000 BP (Attenbrow 2010:102). After European contact, Aboriginal people of the Sydney region continued to manufacture tools, sometimes employing new materials such as bottle glass or ceramics (Attenbrow 2010:103-104).

In addition to stone tools, the Cabrogal are known to have utilised the resources afforded by the local forests and waterways. Other materials used by the Cabrogal, such as bone, also survive in the archaeological record under certain conditions.

3.1.2. Declared Aboriginal Places

The NSW State Heritage Inventory (SHI) includes all declared Aboriginal places within NSW, in addition to historic heritage items listed on the State Heritage Register (SHR), listed Interim Heritage Orders (IHOs) and items listed on Local Environment Plans (LEPs) and State Environmental Planning Policies (SEPPs).

A search of the SHI was undertaken on 6 June 2024. The search did not identify any heritage items within the curtilage of the subject area.

3.1.3. Registered Aboriginal Objects

The Aboriginal Heritage Information Management System (AHIMS) is a database of registered Aboriginal sites in NSW. Each registered Aboriginal site includes one or more site 'features', which may be considered an Aboriginal object under the NPW Act.

The *Guide to completing the AHIMS Site Recording Form* (OEH 2012) lists 20 different features that may be recorded on AHIMS. The most common site features registered in NSW are artefacts, modified trees, art, grinding grooves and shell deposits (see Glossary for definitions). However, the likelihood of any particular site feature being found will vary according to region and environment. Less common site features that are encountered are burials, ceremonial rings, earth mounds, fish traps, habitation structures, hearths, non-human bone and organic material, ochre quarries, stone arrangements and stone quarries (see Glossary for definitions).

Other Aboriginal site features that are recorded on AHIMS but are not necessarily 'Aboriginal objects' within the meaning of that term as it is defined in the NPW Act (i.e. are not a 'deposit, object or material evidence... relating to the Aboriginal habitation of the area') are potential archaeological deposits (PADs), Aboriginal ceremony and dreaming sites, Aboriginal resource and gathering sites, conflict sites and waterholes (see Glossary for definitions). These features are only considered to be 'Aboriginal objects' for the purpose of the NPW Act if accompanied by at least one of the other site types defined above.

The AHIMS database also provides information on the context of registered Aboriginal sites. Sites that are recorded as 'closed' context s are those that include a cave or rock overhang, while all other sites are recorded as 'open' context.

It should be noted that the AHIMS register does not represent a comprehensive list of all Aboriginal objects or places as it is limited to sites that have been previously identified and registered. Registration is typically the result of previous archaeological investigation, so the number of registered Aboriginal sites in area is dependent on the amount of such research previously undertaken.

A search of the Aboriginal Heritage Information Management System (AHIMS) was carried out on 6 June 2024 (AHIMS Client Service IDs: 898769 and 898772) for an area of approximately 2 km x 2 km centred on the subject area. A summary of all previously registered Aboriginal objects and Aboriginal places within the search area is provided in Table 5 and their spatial distribution is shown in Figure 3. The Basic and Extensive AHIMS search results are included in Appendix A. The results of the search are discussed below.

The AHIMS search did not identify any Aboriginal objects or Aboriginal places within the curtilage of the subject area.

Three registered Aboriginal sites are located within 500 m of the subject area. Site # 45-5-3095 is an artefact site, located approximately 170 m east of the subject area (Figure 3). The site is situated in a partially disturbed context, the disturbance being caused by clearance of trees. It comprises two lithic artefacts: a silcrete core and a silcrete flaked piece. Sites #45-5-2046 and AHIMS ID#45-5-2057, located approximately 300m south of the subject area, were isolated finds consisting of undiagnostic lithic pieces. Both were in a highly disturbed context (Discussed further in Section 3.1.4 below).

As these sites are small low-density artefacts, they are unlikely to have extended into the present subject area. There is therefore no indication on AHIMS that any registered Aboriginal sites are located within or extend into the subject area.

The search of the broader region around the subject area was undertaken to determine if: (i) there are any registered Aboriginal sites near the subject area that might extend into it; and (ii) to determine if there is any association of Aboriginal sites certain landscape features within the broader region that may be instructive for determining the likelihood of Aboriginal sites within the subject area.

In the broader search area 16 Aboriginal sites are registered.

Each Aboriginal site is defined according to the site features it includes (e.g. artefacts, art and shell). An Aboriginal site may include one or more site features. In the AHIMS search area the only Aboriginal objects recorded were artefacts representing 96% (n=15). The remaining site was registered as Potential Archaeological Deposit (PAD). The number and types of sites features in the search area are presented in Table 5.

The contexts of the registered Aboriginal sites within the AHIMS search area are also shown in Table 5 below. All registered Aboriginal sites in the search area are in an open context, meaning they are not associated with a cave or rock overhang. The absence of registered closed sites in the AHIMS search results is consistent with the lack of sandstone outcrops in the region.

Table 5 – Summary of registered Aboriginal sites in the AHIMS search area

Site Feature	Context	Number	% of Sites
Artefact	Open	15	94%
Potential Archaeological Deposit (PAD)	Open	1	6%

The spatial distribution of registered Aboriginal sites within the search area shows a clear association of registered sites with creeks (Figure 3). The observed association reflects a reliance of Aboriginal people on local waterways for fresh water and food resources and the more concentrated use of land in the vicinity of these waterways. However, the identified sites represent an isolated cluster. This is likely due to a paucity of archaeological investigation rather than a true representation of Aboriginal land use.

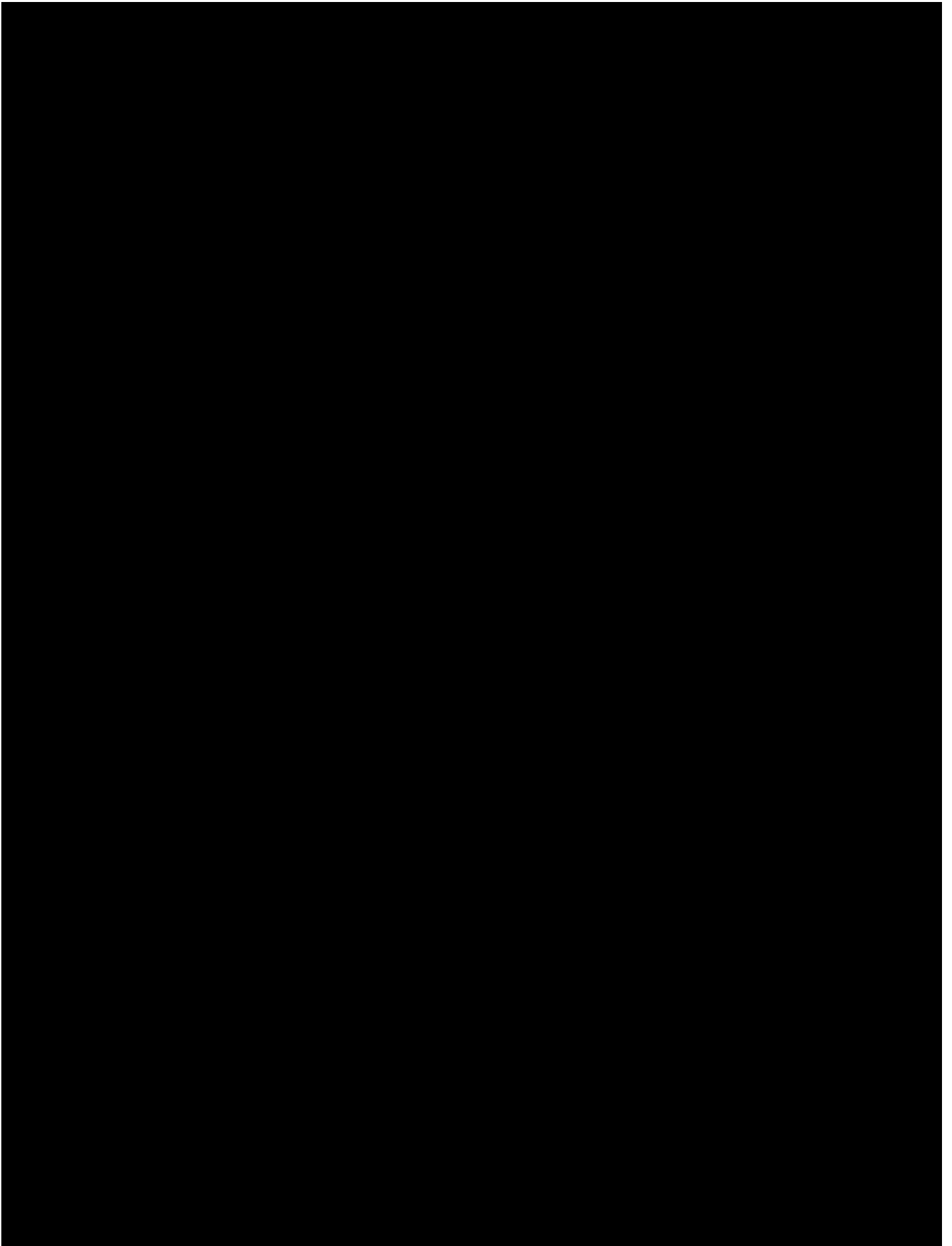


Figure 3 – Locations of registered Aboriginal sites in AHIMS search area

3.1.4. Previous Archaeological Investigations

Previous archaeological investigations may provide information on known or potential Aboriginal archaeological resources in a subject area.

3.1.4.1. Investigations of the Subject area

No previous archaeological investigations of the subject area have been identified.

3.1.4.2. Investigations within the Local Area

A number of investigations have been undertaken in the broader region. The investigations of most relevance to the present subject area are summarised below.

Urbis (2024) previously conducted an Aboriginal Cultural Heritage Assessment (ACHA) for the portion of the CSR Estate directly east of the current subject area at 16 Johnston Crescent, Horsley Park. While the hydrology of the site was considered indicative of likely past Aboriginal use ground disturbance was assessed to be high across the entire subject area due primarily to quarrying activities and subsequent site remediation. Such extensive disturbance reduced archaeological potential to Very Low, as well as diminishing any social and cultural value for the subject area. Figure 4 below shows that the ACHA site (marked green) and the present subject area (marked red) were contiguous portions of the same quarry site, and that they both display similar levels of disturbance.



Figure 4 – Northern portion of former CSR Estate prior to site remediation, January 2021; 16 Johnstone Crescent marked green, the present subject area marked in red

Source: nearmap

Artefact (2022) undertook an Aboriginal Cultural Heritage Assessment of the Oakdale East Industrial Estate, located to the immediate north of the subject on the opposite side of Burley Road. The study area within was assessed to have nil to low archaeological potential because it was within low-lying ground near Reedy Creek that was prone to flooding. The remainder of the study area was assessed as having nil archaeological potential due to the mining activities undertaken there since the 1970s which have resulted in heavy disturbance to the ground. A survey of the study area identified no Aboriginal objects. The investigation

demonstrates that deleterious impacts of both natural ground disturbing processes and human impacts on archaeological material.

Urbis (2020) undertook an Aboriginal Objects Due Diligence Assessment at 327-335 Burley Road, Horsley Park, located within the disturbed quarry directly to the south-east of the present subject area. Two Aboriginal objects were previously listed within the site (AHIMS ID#45-5-2046 and AHIMS ID#45-5-2057). Both were isolated stone artefacts found in a disturbed context and secondary position. These sites have since been destroyed. The investigation assessed low to nil potential for Aboriginal objects to be retained due to high levels of disturbance across the entirety of the subject area. This investigation holds relevant contextual information to the current subject area due to its proximity and similarly disturbed landscape. Further extensive remediation works have since been undertaken at the site and the present subject area under a previous DA. As a result, the potential for isolated stone artefacts similar to those found at 327-335 Burley Road is very low.

Mary Dallas Consulting Archaeologists (2017) undertook an Aboriginal heritage assessment of the Fairfield City Council area, including the present subject area, which consolidates information from previous archaeological investigations. The study found that almost all Aboriginal sites in the area are surface scatters or subsurface deposits of stone artefacts, with most of the remainder being scarred trees. Almost all artefact sites were found to be low density, comprising fewer than 10 artefacts. Due to an absence of sandstone outcrops in the region, rock art was observed to be uncommon. It was further observed that Aboriginal sites in the region are often associated with waterways, including Ropes Creek and Reedy Creek. The study further identified 'Potential Investigation Areas' within the Fairfield LGA based on proximity to waterways, low historical ground disturbance and proximity to known Aboriginal sites. The subject area is not identified as a Proposed Investigation Area.

3.1.5. Existing Predictive Models

Predictive models are used to determine the likelihood of Aboriginal archaeological material being located within a particular area.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010b) ('The Due Diligence Code') provides an overarching predictive model for the entirety of NSW. The Due Diligence Code specifies the following 'relevant landscape features' that are considered indicative of likely past Aboriginal land use:

- Areas within 200 m of waters including freshwater and the high tide mark of shorelines.
- Areas located within a sand dune system.
- Areas located on a ridge top, ridge line or headland.
- Areas located within 200 m below or above a cliff face.
- Areas within 20 m of or in a cave, rock shelter, or a cave mouth.

The above predictions are consistent with the findings of Mary Dallas Consulting Archaeologists (2017) and with the observed locations of registered Aboriginal sites in the local region (Sections 3.1.3 and 3.1.4 above).

3.2. ENVIRONMENTAL CONTEXT

The environment context of the subject area encompasses the natural landscape and the impacts of historical human activity. These aspects of the environmental context are relevant to predicting the potential for unknown Aboriginal objects occurring within the subject area.

3.2.1. Natural Landscape

The purpose of reviewing the natural landscape of the subject area is twofold. It assists in the prediction of the intensity and nature of Aboriginal land use and deposition of archaeological material in the subject area by considering the landforms and resources that would have played a part in the everyday lives of Aboriginal people. It also assists in the determining the likelihood that those material remains would have survived any natural geomorphological process or historical ground disturbance (discussed in Section 3.2.2 below).

Topography: The subject area is located on lower slopes of a low ridgeline to the east. However, the original topography has been completely changed by the quarrying of the area and consequent remediation.

Soils and Geology: The NSW Soil and Land Information System (SALIS) provides information on expected soil landscapes within NSW. The subject area is within the Blacktown soil landscape. Blacktown soil landscape occurs on upon gently undulating rises on Wianamatta Group shales and Hawkesbury shale. Soils are described as shallow to moderately deep (<100 cm) on crests, upper slopes and well-drained areas; deep on lower slopes and in areas of poor drainage. The Blacktown soil landscape is residual and subject to erosion. The entire original soil profile has been removed from the subject area by the historical land use and replaced by imported fill to approximately 8m depth during the remediation.

Geomorphic Activity: The mode of geomorphic activity in the subject area is erosion. Natural erosional processes, particularly water erosion, have caused displacement of topsoil and other surface material from across the entire subject area, potentially including archaeological material. The historical land use and disturbance removed all natural soils and consequently geomorphological processes are not relevant to the subject area.

Hydrology: The subject area is located in the upper catchment area of two drainage lines feeding into a tributary of Ropes Creek. One of these is mapped as originating within the northern portion of the subject area, the other from its western boundary. These may have supported ephemeral water sources or permanent water holes. The subject area is therefore located within 200 m of natural water. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling of the abandoned quarry removed this potential.

Vegetation: Vegetation within the Blacktown Soil Landscape is typified by open-forest and open-woodland (dry sclerophyll forest). The original woodland and open-forest were dominated by *Eucalyptus tereticornis* (forest red gum), *E. crebra* (narrow-leaved ironbark), *E. moluccana* (grey box) and *E. maculata* (spotted gum). Such species could have been subject to cultural modification. There is no native vegetation left within the subject area.

The relevance of the natural landscape for the present assessment is discussed in the application of the predictive model to determining Aboriginal archaeological potential in Section 3.1.5 below.

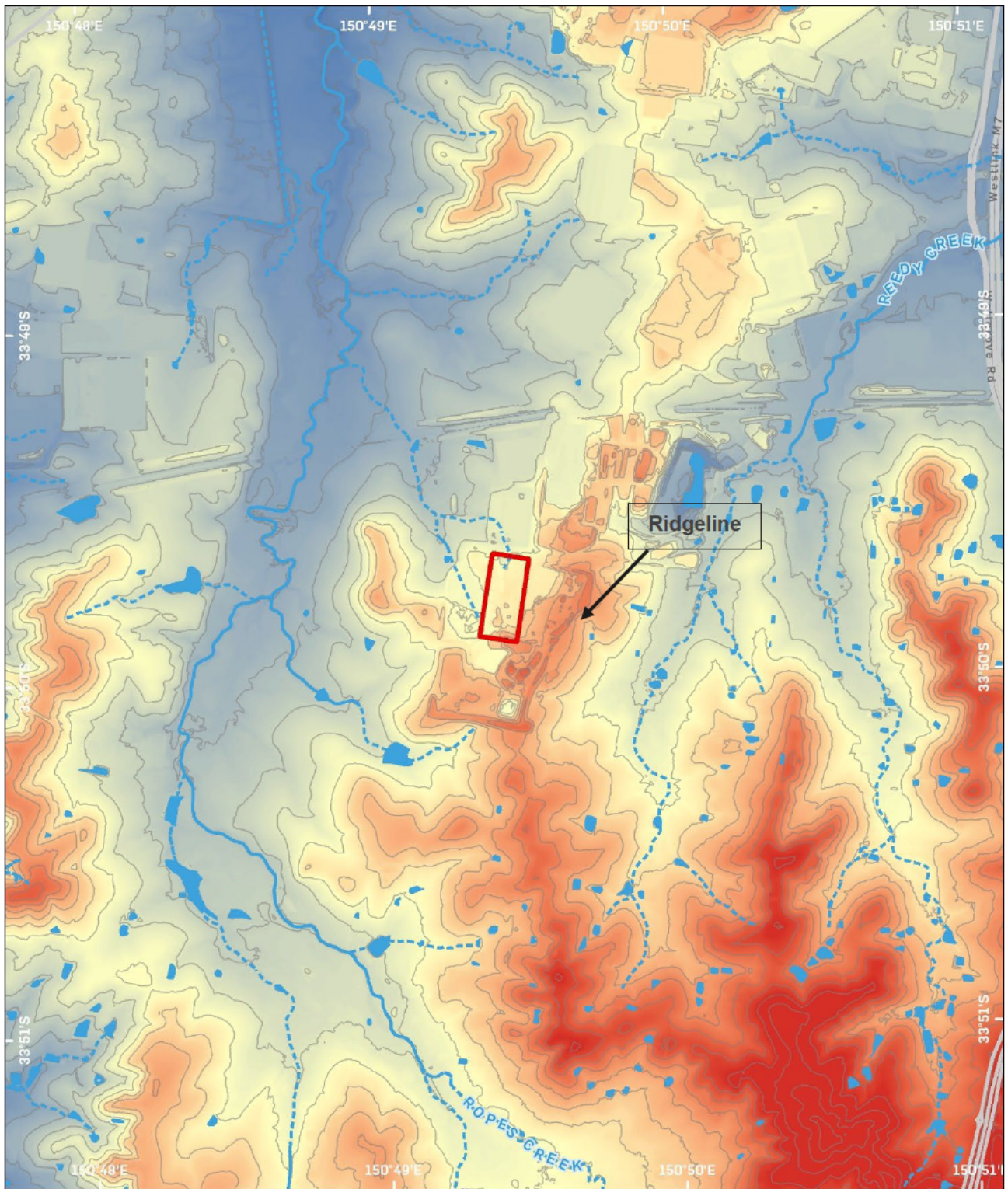


Figure 5 – Topography

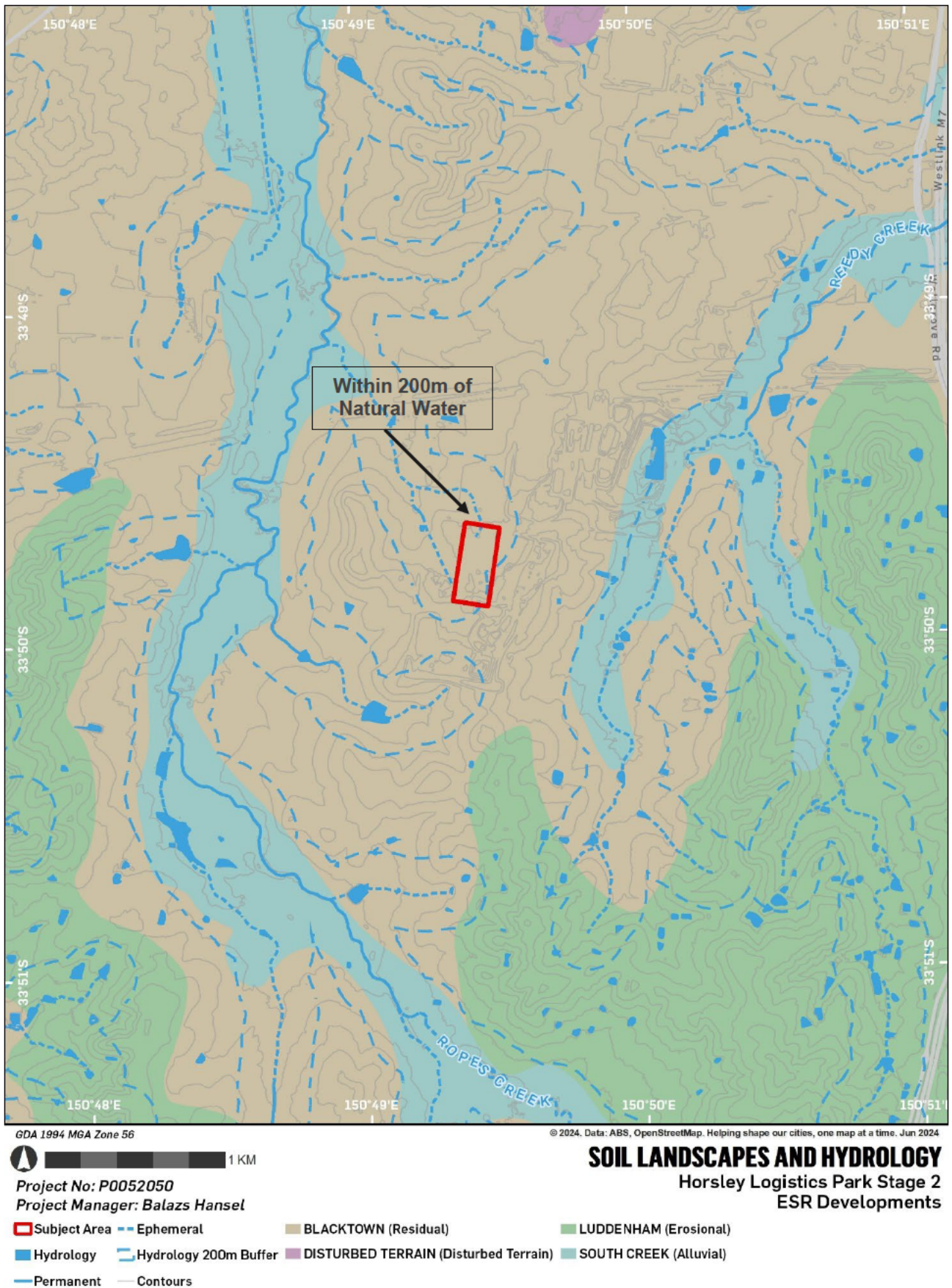


Figure 6 – Soil landscapes and hydrology

3.2.2. Historical Ground Disturbance

Disturbance to the natural landscape, either through human activity (e.g., clearing of vegetation, ploughing and construction of buildings) or natural processes (e.g., erosion), reduces the likelihood of deposited Aboriginal objects being retained, either through destruction of the Aboriginal objects or their removal. Ground disturbance may affect the natural topsoil (A-horizon), within which subsurface Aboriginal archaeological remains are typically found, and other surface features associated with Aboriginal objects, such as trees, rock platforms and rock overhangs.

For the purpose of the present assessment, historical ground disturbance is rated according to the following scheme:

- **High:** all or most topsoil has been removed, with at most only a small part of the lower portion of topsoil possibly remaining intact
- **Moderate:** the upper part of the topsoil has been substantially disturbed or removed, but a substantial amount remains intact
- **Low:** little or no disturbance or removal of topsoil, with all or most topsoil remaining intact

The degree of disturbance is relative to the depth of the natural topsoil. For example, disturbance of the upper 30 cm of a natural soil profile by ploughing may be high if the topsoil only 30 cm deep, but only moderate if the topsoil is 1 m deep.

The former CSR Estate lands have been previously used for resource extraction and brick manufacturing. The operation of the quarry resulted in the clearance of all vegetation, removal of original soils and large-scale disturbance of the landscape across the entire estate, which includes the subject area. CSR identified large portions of land within the former CSR Estate as surplus and available for alternate development. The land was no longer being utilised for quarrying and was subdivided for future development. This has resulted in a series of development applications lodged with and approved by Fairfield City Council and the NSW Land & Environment Court. Following the undertaking of remediation, fill and benching in accordance with these consents, various parcels have been sold to developers including ESR.

An aerial image of the subject area from 1961 shows that it has been extensively cleared of vegetation by this time. Modifications for dams are evident indicating pastoral land use at this time (Figure 7). A significant change in the appearance of the subject area is observed in aerial photograph from 1971 (Figure 8). Quarrying has been initiated and a structure has been constructed, presumably the brickworks. Areas not excavated at this time are beginning to experience disturbance of the upper soil profile. By 2021, the impacts of the quarry had extended to encompass the entirety of the subject area. Heavy modifications for resource extraction and dams/retention ponds are evident across the majority of the subject area (Figure 9). Figure 10 shows the complete disturbance during the remediation process in 2022 under a previous Development Application. Figure 11 shows the final result of remediation. This is the current condition of the subject area to which this assessment refers.

It is evident that the subject area has been impacted by a range of ground disturbing activities since at least the early 20th century. Early land clearance and grazing likely caused some erosion of topsoil. However, quarrying activities beginning in the 1970s, the construction and use of the subject area as a brickworks and more recent earthworks for levelling of the subject area would have had a far greater impact. With a natural topsoil depth of up to only around 40-60 cm, these activities would have likely removed all of the topsoil across the entire subject area and all remnant native trees.

A geotechnical investigation undertaken by Douglas Partners (2019) confirms the absence of natural topsoil within the subject area. The investigation consisted of both borehole tests undertaken across the subject area. A layer of silty clay fill was encountered to depths of 0.5 to 2.8m overlying natural silty clay in each of the boreholes. No natural topsoil was encountered.

The previous summary of historical ground disturbance within the subject area indicates that the subject area is disturbed in accordance with the Due Diligence Code. This reduces the likelihood that Aboriginal objects would be retained within the subject area.

Ground disturbance across the entire subject area is therefore assessed to be **Significant**. No natural soils remain within the subject area.

The relevance of historical ground disturbance for the present assessment is discussed in the application of the predictive model to determining Aboriginal archaeological potential in Section 3.4.1 below.

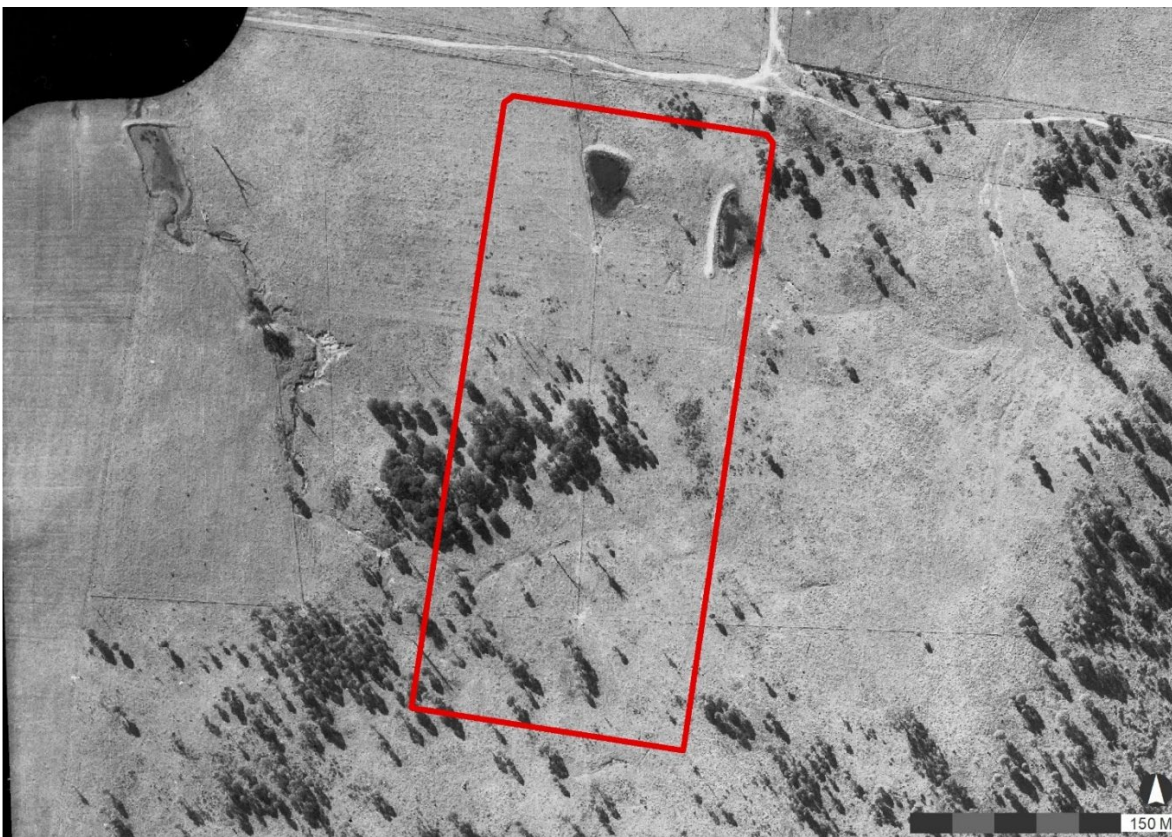


Figure 7 – Aerial image of subject area (red outline) from 1961; cleared for pasture
 Source: NSW Government, Historical Imagery Viewer



Figure 8 – Aerial images of subject area (red outline) from 1971; early quarrying activities
 Source: NSW Government, Historical Imagery Viewer



Figure 9 – Aerial image of subject area (red outline) from 2021; the brickworks at its peak
 Source: NearMap



Figure 10 – Aerial images of subject area (red outline) from 2022; during site remediation
 Source: NearMap



Figure 11 – Current aerial image of subject area (red outline) following remediation works

Source: NearMap

3.3. LOCAL & REGIONAL CHARACTER

The evidence from Sections 3.1 and 3.2 is synthesised below to highlight the main issues and regional character of Aboriginal land use and the material traces that it has produced.

Ethnohistorical accounts and archaeological evidence indicate that Aboriginal land use in the local area and region is heavily reliant on the numerous lower order creeks that traverse the landscape, including nearby Ropes Creek and Reedy Creek and their tributaries. Stone tools are likely to have played a significant role in the lives of Aboriginal people in the local area and region. Lithic artefacts are likely to have been discarded in low densities areas near waterways. It is apparent that cultural modification of trees in the local area and region was relatively common and such trees may survive where remnant native trees are present.

3.4. ARCHAEOLOGICAL POTENTIAL

The Aboriginal archaeological potential of an area is the likelihood that it retains material evidence of past Aboriginal land use. The purpose of undertaking an assessment of Aboriginal archaeological potential is to determine if an archaeological test excavation is required and, if so, inform the sampling strategy for that excavation.

3.4.1. Predictive Model

A predictive model for the present assessment has been formulated based on existing predictive models (Section 3.1.5) and the local and regional character summarised above (Section 3.3).

The following landscape features are considered relevant for indicating likely past Aboriginal land use in the region:

- Areas within 200 m of waters including freshwater and the high tide mark of shorelines.
- Areas located within a sand dune system.

- Areas located on a ridge top, ridge line or headland.
- Areas located within 200 m below or above a cliff face.
- Areas within 20 m of or in a cave, rock shelter, or a cave mouth.

The above predictive model is consistent with the Due Diligence Code.

Aboriginal archaeological potential is further dependent on erosional transport and historical ground disturbance. Archaeological material is more likely to accumulate in aggraded landforms than eroded landforms, while higher ground disturbance reduces the likelihood of archaeological material surviving.

Synthesising the above predictors, Aboriginal archaeological potential is rated according to the following scheme:

- **Very High:** at least one relevant landscape feature, low ground disturbance and an aggraded landform
- **High:** at least one relevant landscape feature and either: (i) low ground disturbance and an eroded landform; or (ii) moderate ground disturbance and an aggraded landform
- **Moderate:** at least one relevant landscape feature, moderate ground disturbance and an eroded landform
- **Low:** no relevant landscape features and low or moderate ground disturbance
- **Very Low:** high ground disturbance

Expected site features are based on the following associations landscape features:

- The location of an area near creek lines or on a ridgeline indicates that artefacts are likely site features as either subsurface deposits or surface scatters.
- The density of artefact sites is likely to be low for all landscape features.
- The presence of remnant native trees indicates that modified trees are possible site features.

The predictive model described above is applied in the following section to determine the Aboriginal archaeological potential of the subject area and likely site features.

3.4.2. Assessment of Potential

Based on the predictive model outlined in the preceding section, the archaeological potential of the present subject area is assessed as follows.

The subject area is located within 200 m of natural water and located on the lower slopes of a low ridgeline to the east. (Section 3.2.1). Association of the subject area with these landforms is considered indicative of likely past Aboriginal land use under the predictive model presented in the preceding section. Based on known Aboriginal sites in the region, that land use is most likely to be materially manifested as lower density subsurface deposits and surface scatters of discarded stone artefacts and, to a much lesser extent, modified trees. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling of the abandoned quarry removed this potential.

Ground disturbance across the entire subject area is assessed to be significant (Section 3.2.1), meaning all intact natural topsoils have been removed by the historical land use subject area. Human activity, particularly quarrying, use of the site as a brickworks and more recent earthworks, have removed the entire natural topsoil from the subject area. Additionally, there are no remnant native trees (or indeed any trees) within the subject area, meaning there is no possibility of modified trees being present.

Synthesising the above factors according to the archaeological rating scheme presented in the preceding section, it is determined that Aboriginal archaeological potential is **Very Low to Nil** across the entire subject area.

3.5. SUMMARY

The desktop assessment of the subject area is summarised as follows:

- There are no known Aboriginal objects or Aboriginal places registered within the curtilage of the subject area.

- The subject area is within 200m of water sources which is considered indicative of likely past Aboriginal land use. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling of the abandoned quarry removed this potential.
- Ground disturbance is assessed to be significant across the entire subject area, due primarily to quarrying activities in the subject area beginning in 1970s and more recent earthworks and remediation that removed all natural soils from the subject area.
- In view of the high ground disturbance across the entire subject area, the Aboriginal archaeological potential of the entire subject area is assessed to be **Very Low to Nil**.

4. SIGNIFICANCE ASSESSMENT

The following is an assessment and discussion of the cultural significance of the subject area, made in consultation with the RAPs. The assessment follows principles and procedures outlined in the Burra Charter the Assessment Guidelines.

4.1. FRAMEWORK FOR ASSESSMENT

The Burra Charter defines cultural significance as being derived from the following values: social or cultural value, historic value, scientific value and aesthetic value. Aesthetic, historic, scientific and social values are commonly interrelated. All assessments of heritage values occur within a social and historic context. Therefore, all potential heritage values will have a social component.

Heritage significance is assessed by considering each cultural or archaeological site against the significance criteria set out in the Assessment Guidelines. The Assessment Guidelines require that the assessment and justification in a statement of significance includes a discussion of whether any value meets the following criteria:

- Does the subject area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons? – social value.
- Is the subject area important to the cultural or natural history of the local area and/or region and/or state? – historic value.
- 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? – scientific (archaeological) value.
- Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state? – aesthetic value.

Assessment of each value should be graded in terms that allow the significance to be described and compared (e.g. high, moderate, or low). In applying these criteria, consideration should be given to:

- Research potential: *does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?*
- Representativeness: *how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?*
- Rarity: *is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?*
- Education potential: *does the subject area contain teaching sites or sites that might have teaching potential?*

The Aboriginal heritage significance of the subject area is assessed in the following section within the framework outlined above.

4.2. ASSESSMENT OF HERITAGE VALUES

The following assessment of the social or cultural, historic, scientific and aesthetic values of the subject area has been prepared in accordance with the Assessment Guidelines.

In acknowledgment that the Aboriginal community themselves are in the best position to identify heritage values, the assessment is informed by consultation with the Aboriginal community undertaken as part of the ACHA (Section 2 above).

4.2.1. Social or Cultural Value

Social or cultural value encompasses the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Places of social or cultural value have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods, or events. Communities can experience a sense of loss should a place of

social or cultural value be damaged or destroyed. Social or cultural values can therefore only be identified through consultation with Aboriginal people.

Throughout the Compressed Consultation period (Section 2.2), no comments were received from the RAPs regarding the significance of the place insofar as its social or cultural value. Additionally, no documentary sources were identified during the ACHA process which outline any social or cultural values specifically associated with the site. Taken together, the ACHA has therefore identified no specific social or cultural values held by Aboriginal people which are associated with the subject area.

4.2.2. Historic Value

Historic value encompasses the history of aesthetics, science and society. A place may have historic value because it is associated with a historic figure, event, phase or activity in an Aboriginal community. The significance of a place will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment. Places may also have 'shared' historic values with other (non-Aboriginal) communities.

No comments regarding the historical value of the subject area were received during the Compressed Consultation period (Section 2.2). Additionally, no documentary sources were identified during the ACHA process which indicate the historical value of the subject area. The ACHA has therefore identified no historical associations between Aboriginal people and the subject area.

4.2.3. Scientific (Archaeological) Value

Scientific value relates 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 value will be gathered through any archaeological investigation undertaken.

The subject area is unlikely to retain any Aboriginal objects due to a significant level of historical ground disturbance. The scientific (archaeological) value of the subject area is therefore assessed to be Nil.

4.2.4. Aesthetic Value

Aesthetic value of a place relates to the sensory, scenic, architectural and creative aspects of a place. It may include visual aspects, such as form, scale, colour, texture and material of the fabric, and the smells and sounds associated with the place and its use.

It is evident that the subject area is highly disturbed through land clearance, grazing, quarrying and earthworks. The present visual appearance and other sensory aspects of the subject area are unlikely to resemble those of the landscape of the local area as it existed prior to European contact. The subject area is therefore unlikely to have aesthetic value insofar as it relates to Aboriginal cultural heritage.

Individual Aboriginal objects may have aesthetic value in their own right. Although there are no known Aboriginal objects within the subject area that could be assessed for aesthetic value, should any Aboriginal objects be identified within the subject area during the proposed works, these should be assessed for aesthetic value.

4.3. STATEMENT OF SIGNIFICANCE

The subject area is assessed as having social and cultural significance to Aboriginal people. The subject area evidently has social and cultural value to the Aboriginal community for its connection to the broader cultural landscape around the subject area and for the long connection Aboriginal people have with the area. However, no comments regarding the specific social or cultural value of the subject area were received during the preparation of the ACHA. Additionally, the ACHA identified no previously registered Aboriginal objects or Aboriginal places within the subject area, concluding that the archaeological potential of the subject area is very low-nil. Historical ground impacting works (including quarrying, earthworks and remediation) would have removed all natural soils from the subject area. Therefore, although the social and cultural value of the subject area is acknowledged, the Aboriginal heritage significance of the subject area itself is graded as low-nil.

The assessment of significance should be updated in the event that any Aboriginal objects are found within the subject area during the proposed works.

5. IMPACT ASSESSMENT

The following is an assessment of the potential impact of the proposed development on any Aboriginal objects and/or Aboriginal places within the subject area and the possible strategies for avoiding or minimising harm to those Aboriginal objects and/or Aboriginal places.

5.1. FRAMEWORK FOR ASSESSMENT

The potential harm to Aboriginal objects and Aboriginal places that is likely to be caused by a proposed activity is the effect of that activity on the Aboriginal heritage values identified above. According to the NPW Act, 'harm' to an object or place includes any act or omission that:

- Destroys, defaces, or damages the object or place.
- Moves the object from the land on which it had been situated.
- Causes or permits the object or place to be harmed.

Harm does not include something that is trivial or negligible, such as picking up and replacing a small stone artefact, breaking a small Aboriginal object below the surface when you are gardening, crushing a small Aboriginal object when you walk on or off a track, picnicking, camping or other similar recreational activities.

The Assessment Guidelines define harm to Aboriginal objects and Aboriginal places as being either 'direct' or 'indirect':

- **Direct harm** may occur as the result of any activity which disturbs the ground including, but not limited to, site preparation activities, installation of services and infrastructure, roadworks, excavation, flood mitigation measures.
- **Indirect harm** may affect sites or features located immediately beyond or within the area of the proposed activity. Examples include, but are not limited to, increased impact on art in a shelter from increased visitation, destruction from increased erosion and changes in access to wild food resources.

The present assessment of potential harm follows the principles of ecologically sustainable development (ESD), in particular the precautionary principle and the principle of inter-generational equity:

- The **precautionary principle** states that full scientific certainty about the threat of harm should never be used as a reason for not taking measures to prevent harm from occurring.
- The **principle of inter-generational equity** holds that the present generation should make every effort to ensure the health, diversity and productivity of the environment, which includes cultural heritage, is available for the benefit of future generations. If a site type that was once common in an area becomes rare, the loss of that site (and site type) will result in an incomplete archaeological record and will negatively affect intergenerational equity.

Consideration of potential harm to Aboriginal objects and Aboriginal places according to ecologically sustainable development (ESD) principles allows for an understanding of the cumulative impact of the proposed activity and an understanding of how harm can be avoided or minimised, if possible.

5.2. ASSESSMENT OF POTENTIAL HARM

The assessment of potential harm considers harm that may occur to both known Aboriginal objects and as yet unknown Aboriginal objects within the subject area.

The desktop assessment identified no known Aboriginal objects within the subject area and that, due to significant level of disturbance across the entire subject area, it is unlikely that any as yet unknown Aboriginal objects are retained anywhere within the subject area. Therefore, any physical works within the subject area, including those presently proposed (Section 1.2), are unlikely to cause either direct or indirect harm to Aboriginal objects.

5.3. INTER-GENERATIONAL EQUITY

The cumulative impact of any development on Aboriginal sites relates to the extent of the proposed impact on the site and how this will affect both the proportion of this type of Aboriginal site in the area and the impact this destruction will have on Aboriginal cultural heritage values generally in the area.

As there are now known Aboriginal objects within the subject and there is very low potential for unknown Aboriginal objects to be retained, the proposed works are unlikely to negatively impact inter-generational equity.

5.4. AVOIDANCE & MINIMISATION OF HARM

All practicable measures must be taken to avoid harm (i.e. protect and conserve) any significant Aboriginal objects within the subject area along with their cultural heritage values. The precautionary principle states that full scientific certainty about the threat of harm should never be used as a reason for not taking measures to prevent harm from occurring.

If harm to Aboriginal objects and/or Aboriginal places is unavoidable, management strategies must be considered to minimise the harm. The type of management strategies proposed must be appropriate to the significance of Aboriginal heritage values, Aboriginal objects and/or Aboriginal places. Harm avoidance and minimisation measures must be feasible and within the financial viability of the proposed activity.

As it is unlikely that any Aboriginal archaeological material is retained within the subject area, no further archaeological investigation is recommended for the present subject area. As precautionary measures, it is recommended that unexpected archaeological finds and human remains procedures described below be implemented.

5.4.1. Unexpected Archaeological Finds Procedure

To mitigate harm to any unknown Aboriginal objects within the subject area, it is recommended that the following unexpected archaeological finds procedure should be followed in the unlikely event that any archaeological material, or suspected archaeological material, is uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds. The find must not be moved 'out of the way' without assessment.
2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS). Any management measures should be decided upon consultation with the RAPs.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

5.4.2. Human Remains Procedure

To mitigate harm to any unknown Aboriginal burial sites within the subject area, it is recommended that the following human procedure should be followed in the unlikely event that any human remains, or suspected human remains, are uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds.

2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW (Enviroline 131 555).
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. Management recommendations are to be formulated by the NSW Police, Heritage NSW, site representatives and the RAPs.
5. Works are not to recommence until the find has been appropriately managed.

6. CONCLUSIONS & RECOMMENDATIONS

The ACHA concluded that:

- **Conclusion 1 – Known Aboriginal Objects and Places**

No previously identified Aboriginal objects or declared Aboriginal places are located within the subject area.

- **Conclusion 2 – Sensitive Landscape Features**

Part of the subject area along the western boundary is located within 200 m of a waterway, while part of the subject area on the eastern boundary is located on a ridgeline, both of which are considered indicative of likely past Aboriginal land use. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling to approximately 8m depth of the abandoned quarry removed this potential.

- **Conclusion 3 – Ground Disturbance**

Ground disturbance is assessed to be significant across the entire subject area, due primarily to quarrying activities in the subject area beginning in 1970s and more recent bulk earthworks and placement of imported fill during site remediation approved under previous DA (893.1-2013). Clear and observable modification of the landscape will have significantly disturbed, and removed any Aboriginal objects that may have existed within the subject area.

- **Conclusion 4 – Archaeological Potential**

In view of the significant ground disturbance across the entire subject area, the Aboriginal archaeological potential of the entire subject area is assessed to be **Very Low to Nil**.

- **Conclusion 5 – Significance Assessment**

The subject area is assessed as having social and cultural significance to Aboriginal people for its connection to the broader cultural landscape and for the long connection Aboriginal people have with the area. However, no Aboriginal sites or evidence of a specific cultural association with the subject area itself have been identified.

- **Conclusion 6 – Impact Assessment**

As there are no known Aboriginal objects within the subject area and it is unlikely to retain any as yet unknown Aboriginal objects, the proposed physical works are unlikely to cause either direct or indirect harm to Aboriginal objects or negatively impact inter-generational equity.

Based on the above conclusions, Urbis recommends the following:

- **Recommendation 1 – Submission of Report**

A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD-71144719.

- **Recommendation 2 – No Further Archaeological Investigation**

As the proposed works are unlikely to harm any Aboriginal objects or declared Aboriginal places, it is recommended that no further investigation is required for the present development. The development may proceed with caution, subject to the following archaeological chance finds and human remains procedures.

- **Recommendation 3 – Unexpected Archaeological Finds Procedure**

The following unexpected archaeological finds procedure should be followed in the unlikely event that any archaeological materials, or suspected archaeological materials, are uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds. The find must not be moved 'out of the way' without assessment.

2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS). Any management measures should be decided upon consultation with the RAPs.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

▪ **Recommendation 4 – Human Remains Procedure**

The following human remains procedure should be followed in the unlikely event that any human remains, or suspected human remains, are uncovered during any works within the subject area:

6. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds.
7. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW (Enviroline 131 555).
8. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
9. Management recommendations are to be formulated by the NSW Police, Heritage NSW, site representatives and the RAPs.
10. Works are not to recommence until the find has been appropriately managed.

7. REFERENCES

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- Urbis 2024, *Aboriginal Cultural Heritage Assessment, S4 Data Centre – 16 Johnston Crescent, Horsley Park NSW*

DISCLAIMER

This report is dated 14 October 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of NEXTDC (**Instructing Party**) for the purpose of an Aboriginal Cultural Heritage Assessment (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

BASIC AND EXTENSIVE AHIMS SEARCH RESULTS

Urbis Pty Ltd - Angel Place L8 123 Pitt Street

Date: 06 June 2024

Level 8 123 Angel Street
Sydney New South Wales 2000

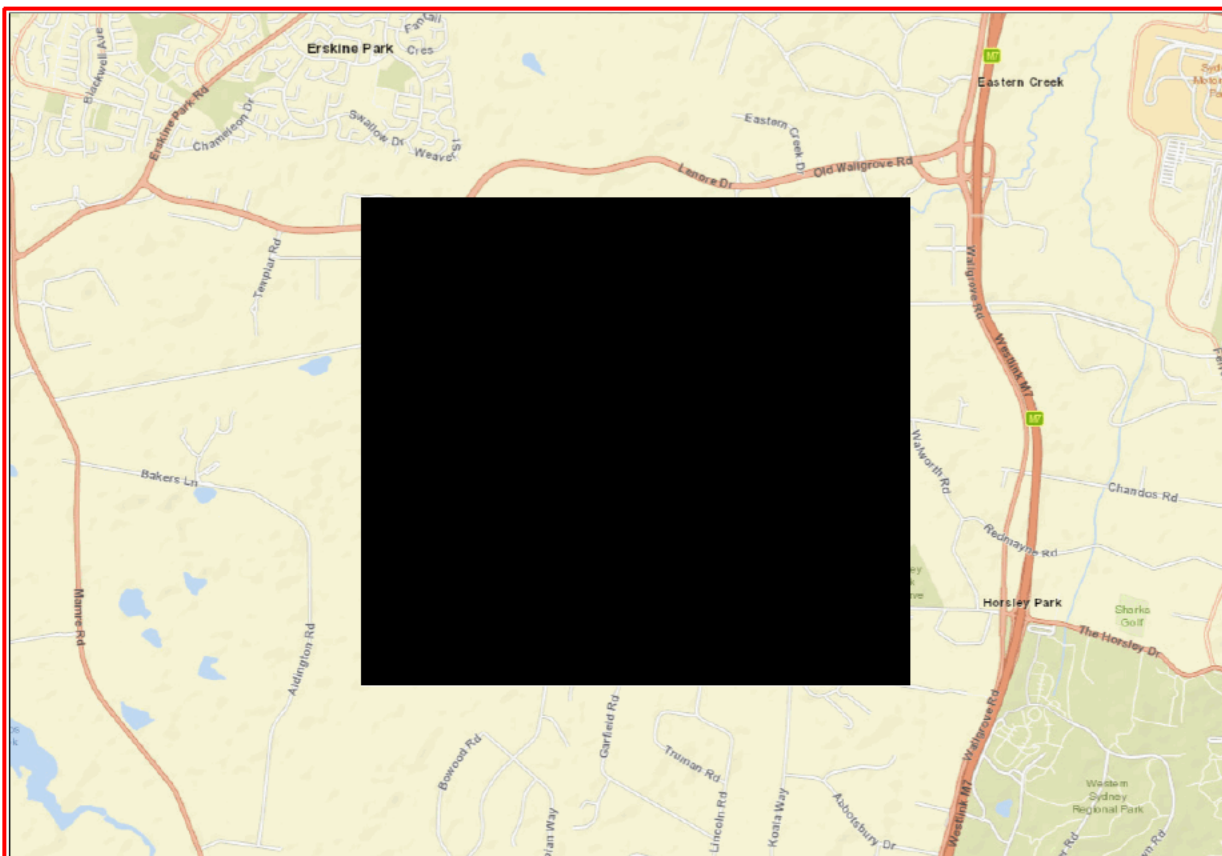
Attention: Owen Barrett

Email: obarrett@urbis.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 297606.0 - 299606.0, Northings : 6253615.0 - 6255615.0 with a Buffer of 0 meters, conducted by Owen Barrett on 06 June 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

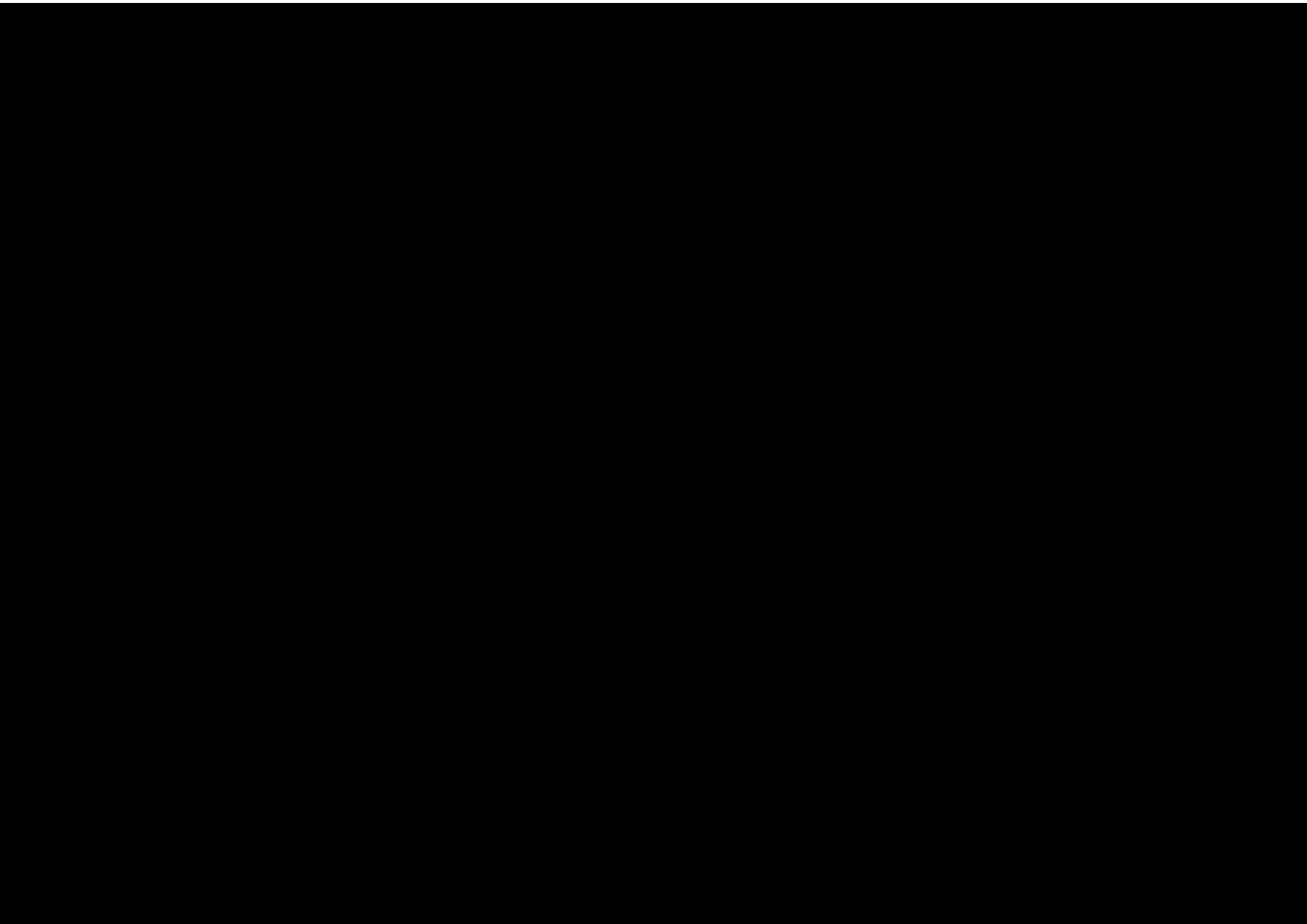
16	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

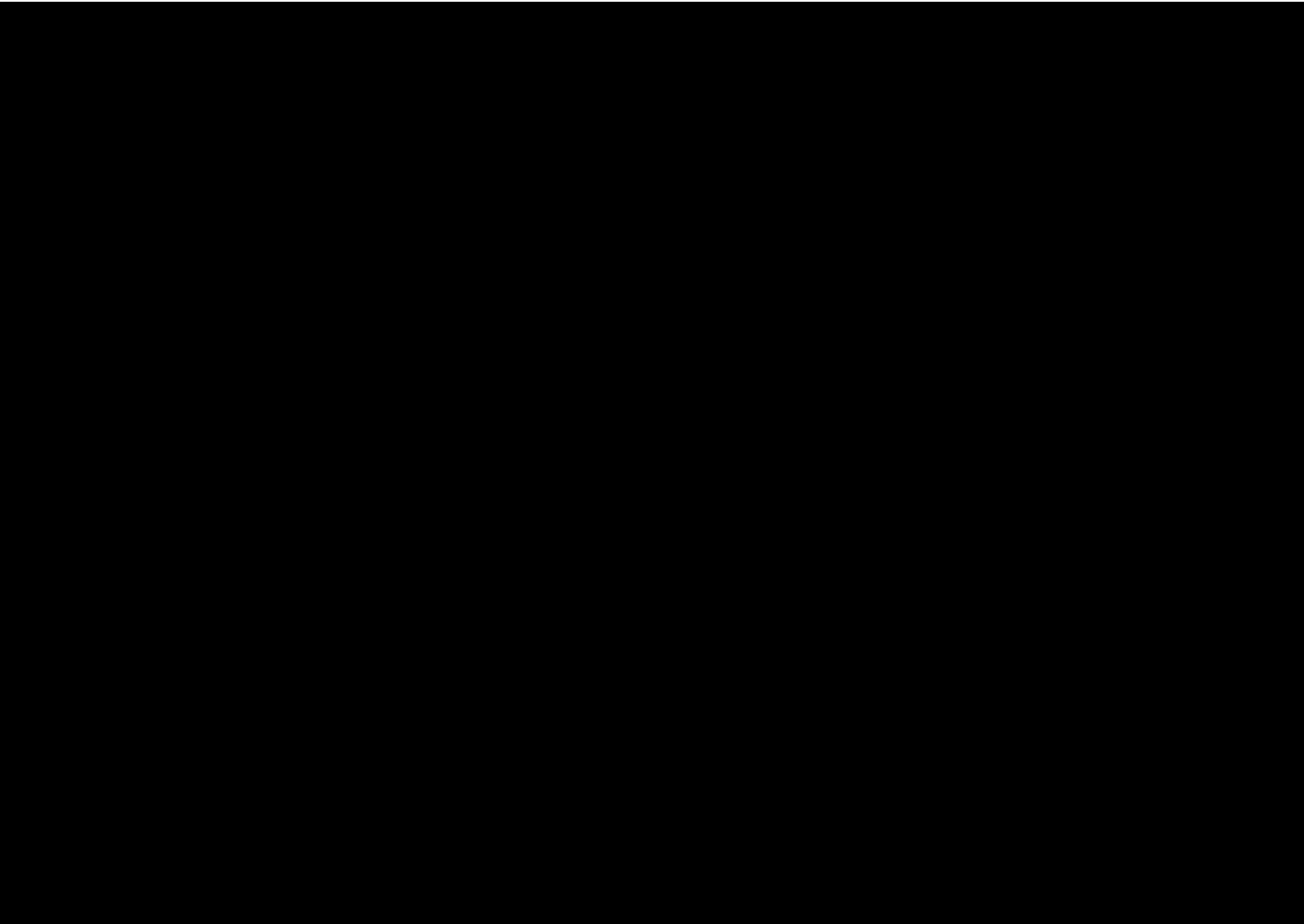
If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.





APPENDIX B

REGISTERED ABORIGINAL PARTY CONSULTATION LOG




APPENDIX C

REGISTERED ABORIGINAL PARTY CONSULTATION DOCUMENTATION

Search Register of Native Title Claims

The Register of Native Title Claims (RNTC) contains information about all claimant applications that have been registered. The Registrar is responsible for maintaining the RNTC.

Further information about the RNTC is available.

Tribunal file no.	<input type="text"/>
Federal Court file no.	<input type="text"/>
Application name	<input type="text"/>
State or Territory	New South Wales ▼
Representative A/TSI body area	<input type="text"/>
Local government area	Fairfield City Council
Date filed between	<input type="text"/>  and <input type="text"/> 
Sort by	Date filed ▼
<input type="button" value="Search >"/>	

No results for current search criteria



Search National Native Title Register

The National Native Title Register (NNTR) is a register established under s. 192 of the *Native Title Act 1993* (Cth).

The NNTR contains determinations of native title made by:

- the High Court of Australia
- the Federal Court of Australia
- or a recognised body such as South Australia's Supreme Court and Environment Resources and Development Court.

Further information about the NNTR is available.

Tribunal file no.	<input type="text"/>
Federal Court file no.	<input type="text"/>
Short name	<input type="text"/>
Case name	<input type="text"/>
State or Territory	New South Wales ▼
Registered Native Title Body Corporate*	<input type="text"/>
Representative A/TSI body area	<input type="text"/>
Local government area	Fairfield City Council
Determination type	ALL ▼
Legal process	ALL ▼
Determination outcome	ALL ▼
Determination date between	<input type="text"/>  and <input type="text"/> 
Sort by	Determination date ▼
<input type="button" value="Search >"/>	

*Please note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

No results for current search criteria



Request for Spatial Search of Tribunal Registers

1: Your details

Your name:	<i>Owen Barrett</i>		
Your company:	<i>Urbis Ltd</i>		
E-mail address:	<i>obarrett@urbis.com.au</i>	Phone:	<i>+61 2 8424 5135</i>
Your reference:	<i>Horsley Park Centre</i>	Your state:	<i>New South Wales</i>
<input checked="" type="checkbox"/>	<i>I have read and acknowledge the terms and conditions on the next page.</i>		

2: Areas to be searched

Jurisdiction to be searched:	<i>New South Wales</i>	Tenure to be searched:	<i>Non freehold parcel</i>
------------------------------	------------------------	------------------------	----------------------------

Parcel or tenement identifiers (add up to 20 separate identifiers). **Please see over for parcel identifiers.**

Parcel 1:	<i>Lot 301 DP1244594</i>	Parcel 2:	<i>Click or tap here to enter text.</i>
Parcel 3:	<i>Click or tap here to enter text.</i>	Parcel 4:	<i>Click or tap here to enter text.</i>
Parcel 5:	<i>Click or tap here to enter text.</i>	Parcel 6:	<i>Click or tap here to enter text.</i>
Parcel 7:	<i>Click or tap here to enter text.</i>	Parcel 8:	<i>Click or tap here to enter text.</i>
Parcel 9:	<i>Click or tap here to enter text.</i>	Parcel 10:	<i>Click or tap here to enter text.</i>
Parcel 11:	<i>Click or tap here to enter text.</i>	Parcel 12:	<i>Click or tap here to enter text.</i>
Parcel 13:	<i>Click or tap here to enter text.</i>	Parcel 14:	<i>Click or tap here to enter text.</i>
Parcel 15:	<i>Click or tap here to enter text.</i>	Parcel 16:	<i>Click or tap here to enter text.</i>
Parcel 17:	<i>Click or tap here to enter text.</i>	Parcel 18:	<i>Click or tap here to enter text.</i>
Parcel 19:	<i>Click or tap here to enter text.</i>	Parcel 20:	<i>Click or tap here to enter text.</i>

If your search area is not a parcel or mining or petroleum tenement, you can enter other tenure or administrative regions here (e.g. local government area, townsite or county). Please provide as much detail as you can.

3 Johnston Crescent, Horsley Park, NSW,

E-mail the completed form to GeospatialSearch@NNTT.gov.au

Parcel Identifiers

In most jurisdictions please identify parcels using lot on plan, or lot/section/plan as appropriate. The NNTT is generally not able to identify parcels using land title information. Where possible, the NNTT uses the terminology and formatting of unique identifiers used in each state to uniquely identify a land parcel. More details are below:

1. **Lot on plan.** Use for Western Australia and Queensland.
2. **Lot/Section/Plan.** Use for New South Wales.
3. **LAISKEY.** Use for the Northern Territory. The laiskey is a unique identifier for each parcel comprised of the location code, LTO code (derived from the survey plan) where applicable and the parcel number.
4. **Parcel ID** – Use for South Australia. Concatenation of Parcel Type, Parcel, Plan Type and Plan.
5. **SPI** (Standard Parcel Identifier) – Use for Victoria.

Terms and Conditions

1. Specify only one jurisdiction (e.g. Queensland) and one type of tenure (e.g. mining tenement) per form. You can add up to 20 separate tenements or parcels per search request. For more than 20 parcels or tenements please submit additional search requests or contact GeospatialSearch@NNTT.gov.au to discuss your requirements.

Note: if your area of interest cannot be clearly identified from the search form, or is not held in NNTT datasets, we may instead provide search results for a surrounding local government area, or other suitable regional area.

2. Freehold land.

Under the Native Title Act 1993 (Cth), the valid grant of a freehold estate (other than certain types of Aboriginal and Torres Strait Islander land) on or before 23 December 1996 is known as a 'previous exclusive possession act'. This means that native title has been extinguished over the area. Native title claimants are not allowed to include land and waters covered by previous exclusive possession acts in their applications; therefore they would normally exclude freehold areas. A native title application may, however, be made over freehold land on the basis that freehold was invalidly granted, but the chances of this happening are very low.

3. Cultural Heritage in NSW.

The National Native Title Tribunal has undertaken steps to remove itself from the formal list of sources for information about indigenous groups in development areas. The existence or otherwise of native title is quite separate to any matters relating to Aboriginal cultural heritage. Information on native title claims, native title determinations and Indigenous Land Use Agreements is available on the Tribunal's website.

4. Spatial searches rely on data obtained from the relevant custodian. Whilst efforts are taken to update such datasets on a regular basis, the collection and interpretation of such datasets may be influenced by a number of factors that can impact of the completeness and accuracy of your search results.

Disclaimer

While the National Native Title Tribunal (NNTT) and the Native Title Registrar (Registrar) have exercised due care in ensuring the accuracy of the information provided, it is provided for general information only and on the understanding that neither the NNTT, the Registrar nor the Commonwealth of Australia is providing professional advice. Appropriate professional advice relevant to your circumstances should be sought rather than relying on the information provided. In addition, you must exercise your own judgment and carefully evaluate the information provided for accuracy, currency, completeness and relevance for the purpose for which it is to be used.

The information provided is often supplied by, or based on, data and information from external sources, therefore the NNTT and Registrar cannot guarantee that the information is accurate or up-to-date.

The NNTT and Registrar expressly disclaim any liability arising from the use of this information.

This information should not be relied upon in relation to any matters associated with cultural heritage.

From: [Geospatial Search Requests](#)
To: [Owen Barrett](#)
Cc: [Juliet Scholefield](#)
Subject: RE: SR24/1368 - Native title search request [SEC=OFFICIAL]
Date: Wednesday, 14 August 2024 5:29:02 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

CAUTION: This email originated from outside Urbis group. Don't click on links or attachments unless you trust the sender.

OFFICIAL

Your ref: *Horsley Park Centre* **Our ref:** *SR24/1368*

Dear Owen Barrett

Thank you for your search request, please find your results below.

Search Results

The results provided are based on the information you supplied and are derived from a search of the following Tribunal databases:

- 0. Schedule of Native Title Determination Applications
- 1. Register of Native Title Claims
- 2. Native Title Determinations
- 3. Indigenous Land Use Agreements (Registered and notified)

Results for overlapping native title matters in NSW:

Feature ID	Tenure	Cadastral Data As At	Feature Area SqKm	Overlapping Native Title Feature				
				NNTT File Number	Name	Category	Overlap Area SqKm	% Selected Feature
301//DP1244594	FREEHOLD	8/03/2024	0.0861	No overlap			-	0.00%

For more information about the Tribunal's registers or to search the registers yourself and obtain copies of relevant register extracts, please visit our [website](#).

Information on native title claims and freehold land can also be found on the Tribunal's website here: [Native title claims and freehold land](#).

Please note: There may be a delay between a native title determination application being lodged in the Federal Court and its transfer to the Tribunal. As a result, some native title determination applications recently filed with the Federal Court may not appear on the Tribunal's databases.

The search results are based on analysis against external boundaries of applications only. Native title applications commonly contain exclusions clauses which remove areas from within the external boundary. To determine whether the areas described are in fact subject to claim, you need to refer to the "Area covered by claim" section of the relevant Register Extract or Schedule Extract and any maps attached.

Search results and the existence of native title

Please note that the enclosed information from the Register of Native Title Claims and/or the Schedule of Applications is **not** confirmation of the existence of native title in this area. This cannot be confirmed until the Federal Court makes a determination that native title does or does not exist in relation to the area. Such determinations are registered on the National Native Title Register.

The Tribunal accepts no liability for reliance placed on enclosed information

The enclosed information has been provided in good faith. Use of this information is at your sole risk. The National Native Title Tribunal makes no representation, either express or implied, as to the accuracy or suitability of the information enclosed for any particular purpose and accepts no liability for use of the information or reliance placed on it.

If you have any further queries, please do not hesitate to contact us via GeospatialSearch@NNTT.gov.au

Regards,

[Geospatial Searches](#)

National Native Title Tribunal | Perth

Email: GeospatialSearch@nntt.gov.au | www.nntt.gov.au

From: Owen Barrett <cobarrett@urbis.com.au>
Sent: Wednesday, August 14, 2024 8:38 AM
To: Geospatial Search Requests <GeospatialSearch@NNTT.gov.au>
Cc: Juliet Scholefield <jscholefield@urbis.com.au>
Subject: SR24/1368 - Native title search request

Caution: This is an external email. DO NOT click links or open attachments unless you recognise the sender and know the content is safe.

Hello,

Please find attached the Native title search request form for Lot 310/ /DP1244594, 3 Johnston Crescent, Horsley Park, NSW.





Thank you

OWEN BARRETT
SENIOR CONSULTANT

D +61 2 8424 5135
E cobarrett@urbis.com.au

**SHAPING
CITIES AND
COMMUNITIES**



   
ANGEL PLACE, LEVEL 8, 123 PITT STREET
SYDNEY, NSW 2000, AUSTRALIA
GADIGAL COUNTRY
T +61 2 8233 9900



Urbis recognises the traditional owners of the land on which we work.

Learn more about our [Reconciliation Action Plan](#).

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From: [Owen Barrett](#)
To: ["OEH HD Heritage Mailbox"](#); ["Deerubbin Reception"](#); ["aboriginalowners@oralra.nsw.gov.au"](#); ["enquiries@nntt.gov.au"](#); ["notifications@ntscorp.com.au"](#); ["mail@fairfieldcity.nsw.gov.au"](#); ["gs.service@lls.nsw.gov.au"](#)
Cc: [Juliet Scholefield](#); [Balazs Hansel](#)
Subject: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2
Date: Wednesday, 14 August 2024 11:13:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[P0052050_3JohnstonCres_1.2.pdf](#)

Good morning,

Urbis is undertaking an Aboriginal Cultural Heritage Assessment (ACHA) of 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) DP1244594 (the subject area). The subject area is located within the Fairfield Local Government Area (LGA).

As part of the consultation process for the ACHA, we are seeking to compile a list of Aboriginal people and organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places that may exist within the subject area.

If you are aware of any Aboriginal persons and/or organisations that may hold an interest in the project, we request that you provide their details by return email at your earliest convenience and preferably by Close of Business 21 Aug 2024.

For further details, please refer to our formal letter attached.

Kind regards,

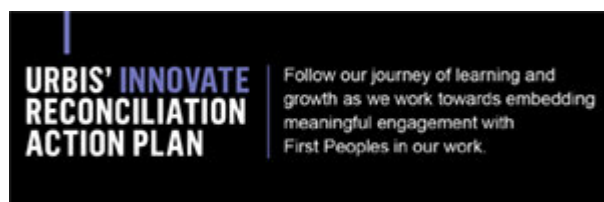
OWEN BARRETT
SENIOR CONSULTANT

D +61 2 8424 5135
E obarrett@urbis.com.au

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COMMUNITIES**



ANGEL PLACE, LEVEL 8, 123 PITT STREET
SYDNEY, NSW 2000, AUSTRALIA
GADIGAL COUNTRY
T +61 2 8233 9900



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Learn more about our [Reconciliation Action Plan](#).

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**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

14 August 2024

To whom it may concern,

3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2

Urbis has been commissioned by ESR Developments ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) DP1244594 within Fairfield Local Government Area (LGA) (the 'subject area'). This ACHA has been prepared to support a State Significant Development Application (SSDA) (SSD-71144719) for the redevelopment of the subject area for the construction of two buildings for warehouse and distribution use.

The ACHA is to be carried out in accordance with relevant guidelines under *the National Parks and Wildlife Act 1974* (NPW Act), including *the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011). The assessment would detail the nature, location and spatial extent of any potential Aboriginal cultural heritage resources within the subject area, investigate if the proposed development would harm those resources and provide recommendations for management options. This ACHA will also be used to support an Aboriginal Heritage Impact Permit (AHIP) if deemed necessary.

The Proponent can be contacted via:

Grace MacDonald
NSW Development Manager
ESR Developments
Email: grace.macdonald@esr.com.au

In accordance with the *Aboriginal cultural heritage consultation requirements for proponents* (DEECW 2010) (the Consultation Requirements) and Clause 80C of the NSW National Parks and Wildlife Regulation 2009, the Proponent will conduct an Aboriginal community consultation process with registered Aboriginal people to assist with the preparation of the ACHA to identify any Aboriginal cultural heritage values or archaeological materials and mitigate risk of harm.

In accordance with Section 4.1.2 of the Consultation Requirements, Urbis proposes to compile a list of Aboriginal people and organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places that may exist within the subject area. Should you be aware of any Aboriginal persons and/or organisations that may hold an interest in the project, please provide their details at your earliest convenience and preferably **by 21 August 2024** in writing to:



Owen Barrett
Senior Consultant
Urbis Pty Ltd
obarrett@urbis.com.au
Level 8, 123 Pitt Street, Sydney, 2000.

The proponent will write to each Aboriginal person or group whose details are provided to notify them of the proposed project and invite them to register an interest in the community consultation process.

Please do not hesitate to contact us should you have any queries in relation to the provided information.

Kind regards,

A handwritten signature in black ink, appearing to read "O. Barrett". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Owen Barrett
Senior Consultant
+61 2 8424 5135
obarrett@urbis.com.au

From: [Aboriginal Owners](#)
To: [Owen Barrett](#)
Subject: Reply: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2
Date: Wednesday, 28 August 2024 8:17:52 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[P0052050_3JohnstonCres_1.2.pdf](#)
[20240815_ACHA_Horsley Park_Urbis.pdf](#)

You don't often get email from aboriginalowners@oralra.nsw.gov.au. [Learn why this is important](#)

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OFFICIAL

Good morning Owen

Please find attached the response from the Office of the Registrar, ALRA to your email and letter of 14 August 2024 regarding the proposed redevelopment of 3 Johnston Crescent Horsley Park NSW, as part of an Aboriginal Cultural Heritage Assessment (ACHA).

We had some difficulty with our software, we are re-sending this letter to you just in case you did not receive it.

Kind regards

The Aboriginal Owners team

Office of the Registrar, Aboriginal Land Rights Act 1983
T (02) 8575 1160 **E** aboriginalowners@oralra.nsw.gov.au
www.oralra.nsw.gov.au

PO Box 787
PARRAMATTA NSW 2124

Working days Monday to Friday, 9:00 am – 5:00 pm



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

The Office of the Registrar stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to supporting the return of land to Aboriginal people as compensation for past dispossession; and to support self-determination through participation and representation in the land council network.

Please consider the environment before printing this email.

OFFICIAL

From: Owen Barrett <obarrett@urbis.com.au>

Sent: Wednesday, August 14, 2024 11:15 AM

To: OEH HD Heritage Mailbox <heritagemailbox@environment.nsw.gov.au>; Deerubbin Reception <Reception@deerubbin.org.au>; Aboriginal Owners <aboriginalowners@oralra.nsw.gov.au>; enquiries@nntt.gov.au; notifications@ntscorp.com.au; mail@fairfieldcity.nsw.gov.au; gs.service@lls.nsw.gov.au

Cc: Juliet Scholefield <jscholefield@urbis.com.au>; Balazs Hansel <bhansel@urbis.com.au>

Subject: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2

[CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.]

Good morning,

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For further details, please refer to our formal letter attached.

Kind regards,

OWEN BARRETT

SENIOR CONSULTANT

D +61 2 8424 5135

E obarrett@urbis.com.au

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ANGEL PLACE, LEVEL 8, 123 PITT STREET
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Follow our journey of learning and growth as we work towards embedding meaningful engagement with First Peoples in our work.

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Learn more about our **Reconciliation Action Plan**.

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15 August 2024

By email: obarrett@urbis.com.au

Owen Barrett
Urbis Pty Ltd
Level 8, 123 Pitt Street
Sydney NSW 2000

Dear Owen,

Request - Search for Registered Aboriginal Owners: 3 Johnston Crescent, Horsley Park

We refer to your email dated 14 August 2024 seeking the identification of Aboriginal organisations and people who may have an interest in the proposed redevelopment and construction of two buildings for warehouse and distribution use. The Subject area located at 3 Johnston Crescent, Horsley Park, NSW.

Under Section 170 of the Aboriginal Land Rights Act 1983 the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are currently no Registered Aboriginal Owners in the project area.

We suggest you contact the Deerubbin Local Aboriginal Land Council on (02) 4724 5600 or via email KCavanagh@deerubbin.org.au as they may wish to participate.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Rachel Rewiri'.

Rachel Rewiri
Project Officer
Office of the Registrar, Aboriginal Land Rights Act 1983

From: [Aboriginal Owners](#)
To: [Owen Barrett](#)
Subject: Reply: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2
Date: Wednesday, 28 August 2024 8:17:52 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[P0052050_3JohnstonCres_1.2.pdf](#)
[20240815_ACHA_Horsley Park_Urbis.pdf](#)

You don't often get email from aboriginalowners@oralra.nsw.gov.au. [Learn why this is important](#)

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OFFICIAL

Good morning Owen

Please find attached the response from the Office of the Registrar, ALRA to your email and letter of 14 August 2024 regarding the proposed redevelopment of 3 Johnston Crescent Horsley Park NSW, as part of an Aboriginal Cultural Heritage Assessment (ACHA).

We had some difficulty with our software, we are re-sending this letter to you just in case you did not receive it.

Kind regards

The Aboriginal Owners team

Office of the Registrar, Aboriginal Land Rights Act 1983
T (02) 8575 1160 **E** aboriginalowners@oralra.nsw.gov.au
www.oralra.nsw.gov.au

PO Box 787
PARRAMATTA NSW 2124

Working days Monday to Friday, 9:00 am – 5:00 pm



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The Office of the Registrar stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to supporting the return of land to Aboriginal people as compensation for past dispossession; and to support self-determination through participation and representation in the land council network.

Please consider the environment before printing this email.

OFFICIAL

From: Owen Barrett <obarrett@urbis.com.au>

Sent: Wednesday, August 14, 2024 11:15 AM

To: OEH HD Heritage Mailbox <heritagemailbox@environment.nsw.gov.au>; Deerubbin Reception <Reception@deerubbin.org.au>; Aboriginal Owners <aboriginalowners@oralra.nsw.gov.au>; enquiries@nntt.gov.au; notifications@ntscorp.com.au; mail@fairfieldcity.nsw.gov.au; gs.service@lls.nsw.gov.au

Cc: Juliet Scholefield <jscholefield@urbis.com.au>; Balazs Hansel <bhansel@urbis.com.au>

Subject: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2

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Good morning,

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As part of the consultation process for the ACHA, we are seeking to compile a list of Aboriginal people and organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places that may exist within the subject area.

If you are aware of any Aboriginal persons and/or organisations that may hold an interest in the project, we request that you provide their details by return email at your earliest convenience and preferably by Close of Business 21 Aug 2024.

For further details, please refer to our formal letter attached.

Kind regards,

OWEN BARRETT

SENIOR CONSULTANT

D +61 2 8424 5135

E obarrett@urbis.com.au

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From: [NTSCORP Notifications](#)
To: [Owen Barrett](#)
Subject: RE: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2
Date: Tuesday, 20 August 2024 2:14:34 PM
Attachments: [image007.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)
[image014.png](#)

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Dear Owen,

Thank you for your email. With regards to the relevant Aboriginal Stakeholders for this project, our procedure is to forward the notification to the relevant groups for any person interested to then contact you directly for registration. Can you please confirm the date by which registration is to occur, keeping in mind the **minimum 14-day** registration period pursuant to the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Kind regards,

Maggie Lai | Paralegal



NTSCORP proudly acknowledge that our office is situated on the country of the Gadigal People of the Dharug Nation.

We also acknowledge and pay our respect to their Elders past and present.

f 02 9310 4177 | **t** 61 2 9310 3188 |

e mlai@ntscorp.com.au | **w** www.ntscorp.com.au

Level 1, 44-70 Rosehill Street, Redfern, NSW 2016 Australia



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From: Owen Barrett <obarrett@urbis.com.au>
Sent: Wednesday, August 14, 2024 11:15 AM
To: OEH HD Heritage Mailbox <heritagemailbox@environment.nsw.gov.au>; Deerubbin Reception <Reception@deerubbin.org.au>; aboriginalowners@oralra.nsw.gov.au; enquiries@nntt.gov.au; NTSCORP Notifications <notifications@ntscorp.com.au>; mail@fairfieldcity.nsw.gov.au; gs.service@lls.nsw.gov.au
Cc: Juliet Scholefield <jscholefield@urbis.com.au>; Balazs Hansel <bhansel@urbis.com.au>

Subject: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE
ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2

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For further details, please refer to our formal letter attached.

Kind regards,

OWEN BARRETT
SENIOR CONSULTANT

D +61 2 8424 5135
E obarrett@urbis.com.au

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From: [Enquiries](#)
To: [Owen Barrett](#)
Subject: RE: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2 [SEC=OFFICIAL]
Date: Thursday, 15 August 2024 8:38:49 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

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OFFICIAL

Good morning,

Thank you for your enquiry regarding Register Searches. To enable us to complete the search appropriately and adequately, please forward your request, along with a Geospatial Search Form, to the following email address: GeospatialSearch@NNTT.gov.au

A Geospatial Search Form must accompany your request. Search request forms are available for download from our website

at: http://www.nntt.gov.au/assistance/Geospatial/Pages/Geospatial_Searches.aspx

Please note:

Cultural Heritage - The existence or otherwise of native title is quite separate to any matters relating to Aboriginal cultural heritage. In NSW, the National Native Title Tribunal has undertaken steps to remove itself from the formal list of sources for information about indigenous groups in development areas.

Kind Regards,

Tahlia

National Native Title Tribunal | Brisbane

Level 5, Harry Gibbs Commonwealth Law Courts, 119 North Quay, Brisbane QLD 4000

p. (07) 3052 4040 | e. enquiries@nntt.gov.au

www.nntt.gov.au



National
Native Title
Tribunal

I acknowledge the traditional custodians of the lands where we live, learn and work.

A Reconciled Future



From: Owen Barrett <obarrett@urbis.com.au>

Sent: Wednesday, August 14, 2024 11:15 AM

To: OEH HD Heritage Mailbox <heritagemailbox@environment.nsw.gov.au>; Deerubbin Reception <Reception@deerubbin.org.au>; aboriginalowners@oralra.nsw.gov.au; Enquiries <Enquiries@nntt.gov.au>; notifications@ntscorp.com.au; mail@fairfieldcity.nsw.gov.au; gs.service@lfs.nsw.gov.au

Cc: Juliet Scholefield <jscholefield@urbis.com.au>; Balazs Hansel <bhansel@urbis.com.au>

Subject: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT –
ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2

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Kind regards,

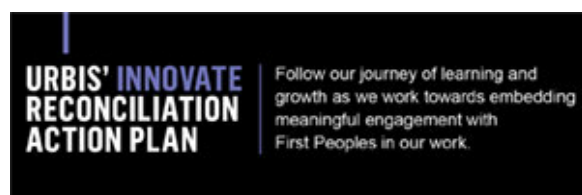
OWEN BARRETT
SENIOR CONSULTANT

D +61 2 8424 5135
E obarrett@urbis.com.au

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From: [LLS GS Service Mailbox](#)
To: [Owen Barrett](#)
Subject: Automatic reply: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2
Date: Wednesday, 14 August 2024 11:19:57 AM

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Thank you for contacting Greater Sydney Local Land Services. We have received your email and will respond as soon as possible. **If your matter is urgent please call 1300 795 299.**

We value your feedback and we want to provide you with the best service possible. However, we also expect our customers to treat our customer service team with respect and courtesy.

Please note that any abusive, rude, or threatening language or behaviour towards our customer service team will not be tolerated and may result in the termination of our communication or service.

If you suspect an exotic animal disease, please contact the Emergency Animal Disease hotline on 1800 675 888. If you suspect a plant health issue, please contact the Exotic Plant Pest hotline on 1800 084 881.

You can find all the latest information via our website www.greatersydney.lls.nsw.gov.au or follow us on our Greater Sydney Local Land Services' Facebook page.

If you would like to learn more about our Measuring What Matters community to help us understand how we can improve the information and services we provide you please click [here](#).

Kind regards,

Customer Service Team

From: [Mail Mail](#)
To: [Owen Barrett](#)
Subject: Automatic reply: 3 JOHNSTON CRESCENT, HORSLEY PARK - ABORIGINAL CULTURAL HERITAGE ASSESSMENT – ABORIGINAL COMMUNITY CONSULTATION STAGE 1.2
Date: Wednesday, 14 August 2024 11:16:08 AM

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Thank you for contacting Fairfield City Council.

Your enquiry is important to us and will be sent to the appropriate department as soon as possible.

If you have an urgent enquiry, please call Customer Service on 02 9725 0222.

PLEASE DO NOT REPLY TO THIS EMAIL

Customer Service: 02 9725 0222 | PO Box 21 Fairfield NSW 1860

www.fairfieldcity.nsw.gov.au

mail@fairfieldcity.nsw.gov.au

We acknowledge the Cabrogal of the Darug nation who are the Traditional Custodians of this Land. We also pay our respect to the Elders both past, present and emerging of the Darug Nation.

This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please delete it immediately and notify the sender. Any views expressed in this email, are those of the individual sender, except where the sender expressly and with authority, states them to be the view of Fairfield City Council.

From: [Barry Gunther](#)
To: [Owen Barrett](#)
Subject: Heritage NSW Aboriginal stakeholder list for Warehouse and distribution buildings - 3 Johnston Crescent, Horsely Park – Fairfield.
Date: Monday, 19 August 2024 2:18:25 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Heritage NSW Aboriginal stakeholder list for Fairfield LGA.docx](#)
[P0052050_3JohnstonCres_1.2.pdf](#)

You don't often get email from barry.gunther@environment.nsw.gov.au. [Learn why this is important](#)

CAUTION: This email originated from outside Urbis group. Don't click on links or attachments unless you trust the sender.

Hi Owen,

Please find attached the Heritage NSW Aboriginal stakeholder list for Warehouse and distribution buildings - 3 Johnston Crescent, Horsely Park – Fairfield.

regards

Barry Gunther
Aboriginal Senior Assessment Officer
Heritage NSW
Department of Climate Change,
Energy, the Environment and Water

www.environment.nsw.gov.au/topics/heritage

Locked bag 5020
Parramatta NSW 2124

Working days Monday to Friday, 9:00am - 5:00pm

I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

From: Owen Barrett <obarrett@urbis.com.au>

Sent: Wednesday, August 14, 2024 11:15 AM

To: OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>; Deerubbin Reception <Reception@deerubbin.org.au>; aboriginalowners@oralra.nsw.gov.au; enquiries@nntt.gov.au; notifications@ntscorp.com.au; OLG - Fairfield City Council <mail@fairfieldcity.nsw.gov.au>; LLS GS Service Mailbox <gs.service@lls.nsw.gov.au>

Cc: Juliet Scholefield <jscholefield@urbis.com.au>; Balazs Hansel <bhansel@urbis.com.au>

Subject: Stakeholder Request - ACHA - SSD-71144719 - Warehouse and distribution buildings - 3 Johnston Crescent, Horsely Park - Fairfield LGA

Good morning,

Urbis is undertaking an Aboriginal Cultural Heritage Assessment (ACHA) of 3 Johnston Crescent, Horsely Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) DP1244594 (the subject area). The subject area is located within the Fairfield Local Government Area (LGA).

As part of the consultation process for the ACHA, we are seeking to compile a list of Aboriginal people and organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places that may exist within the subject area.

If you are aware of any Aboriginal persons and/or organisations that may hold an interest in the project, we request that you provide their details by return email at your earliest convenience and preferably by Close of Business 21 Aug 2024.

For further details, please refer to our formal letter attached.

Kind regards,

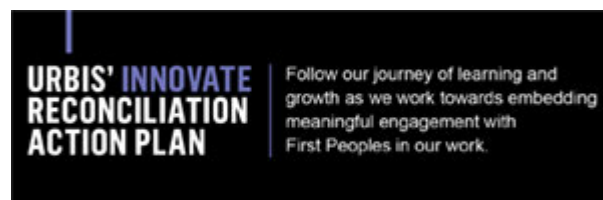
OWEN BARRETT
SENIOR CONSULTANT

D +61 2 8424 5135
E obarrett@urbis.com.au

**SHAPING
CITIES AND
COMMUNITIES**



ANGEL PLACE, LEVEL 8, 123 PITT STREET
SYDNEY, NSW 2000, AUSTRALIA
GADIGAL COUNTRY
T +61 2 8233 9900



Urbis recognises the traditional owners of the land on which we work.
Learn more about our [Reconciliation Action Plan](#).

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This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

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**LIST OF ABORIGINAL STAKEHOLDERS FOR THE DEPARTMENT OF PLANNING AND ENVIRONMENT (DPE) HELD BY DPE FOR THE PURPOSES OF THE OEH
ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010**

The purpose of this letter is to assist you as the proposed applicant in undertaking Aboriginal community consultation in accordance with the relevant legislation and guidelines.

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement however, this is separate from consultation. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people.

In accordance with Clause 60 (10) of the National Parks and Wildlife Regulation 2019, where an agreement of the kind listed below specifies or identifies a modified or alternative consultation process for the purposes of Part 6 of the National Parks and Wildlife Act 1974, the applicant is to undertake consultation in accordance with the modified or alternative process. The applicable agreements are:

- a) a registered Indigenous Land Use Agreement under the Native Title Act 1993 of the Commonwealth entered into between an Aboriginal community and the State,
- b) a lease entered into under Part 4A of the Act,
- c) an agreement entered into by the Secretary and a board of management reserved under Part 4A of the Act that has the consent of Aboriginal owner board members for the land concerned,
- d) an agreement entered into between an Aboriginal community and the Department of Planning, Industry and the Environment.

Where you believe your application is wholly or partially located within an area subject to any of the above agreements, please provide further correspondence (including mapping, if required) detailing the applicable agreement and its relationship to the application area to heritagemailbox@environment.nsw.gov.au. Heritage NSW will respond with further advice.

Where the above does not apply, please proceed with consultation in accordance with the Clause 60 (1-9) of the National Parks and Wildlife Regulation 2019 and Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (the "Consultation Requirements"). A copy of the Consultation Requirements can be found on the OEH website at: <http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>.

Under the Consultation Requirements, a proponent is required to provide Aboriginal people who may hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places as relevant to the proposed project area, with an opportunity to be involved in consultation. Section 3.3.1 of the Consultation Requirements states that Aboriginal people who can provide this information are, based on Aboriginal lore and custom, the traditional owners or custodians of the land that is the subject of the proposed project.

The Consultation Requirements also state that:

Traditional owners or custodians with appropriate cultural heritage knowledge to inform decision making who seek to register their interest as an Aboriginal party are those people who:

- continue to maintain a deep respect for their ancestral belief system, traditional lore and custom

- recognise their responsibilities and obligations to protect and conserve their culture and heritage and care for their traditional lands or Country
- have the trust of their community, knowledge and understanding of their culture, and permission to speak about it.

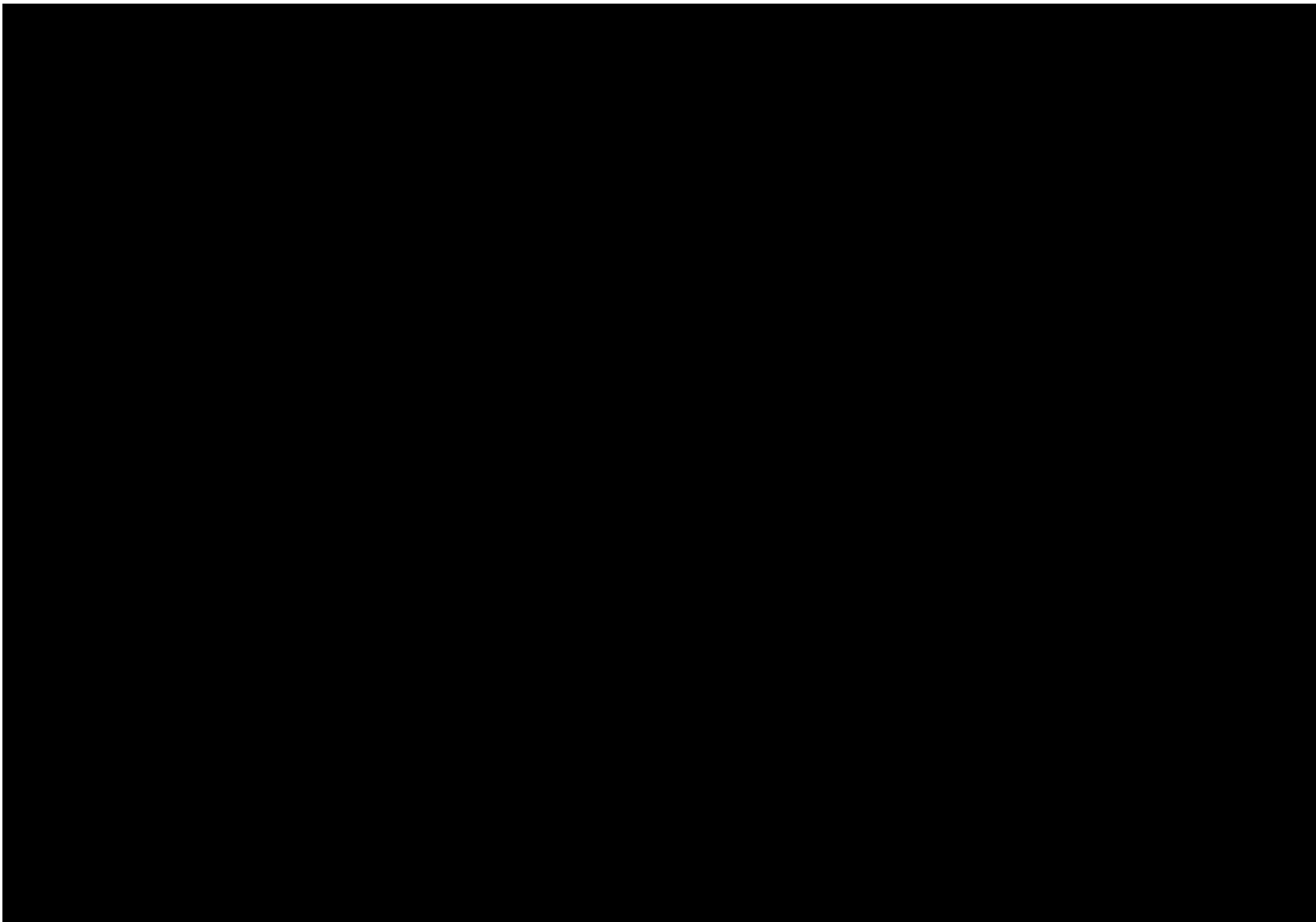
This list is provided to proponents in accordance with Clause 60(2)(a)(i) of the National Parks and Wildlife Regulation 2019 and section 4.1.2 of the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

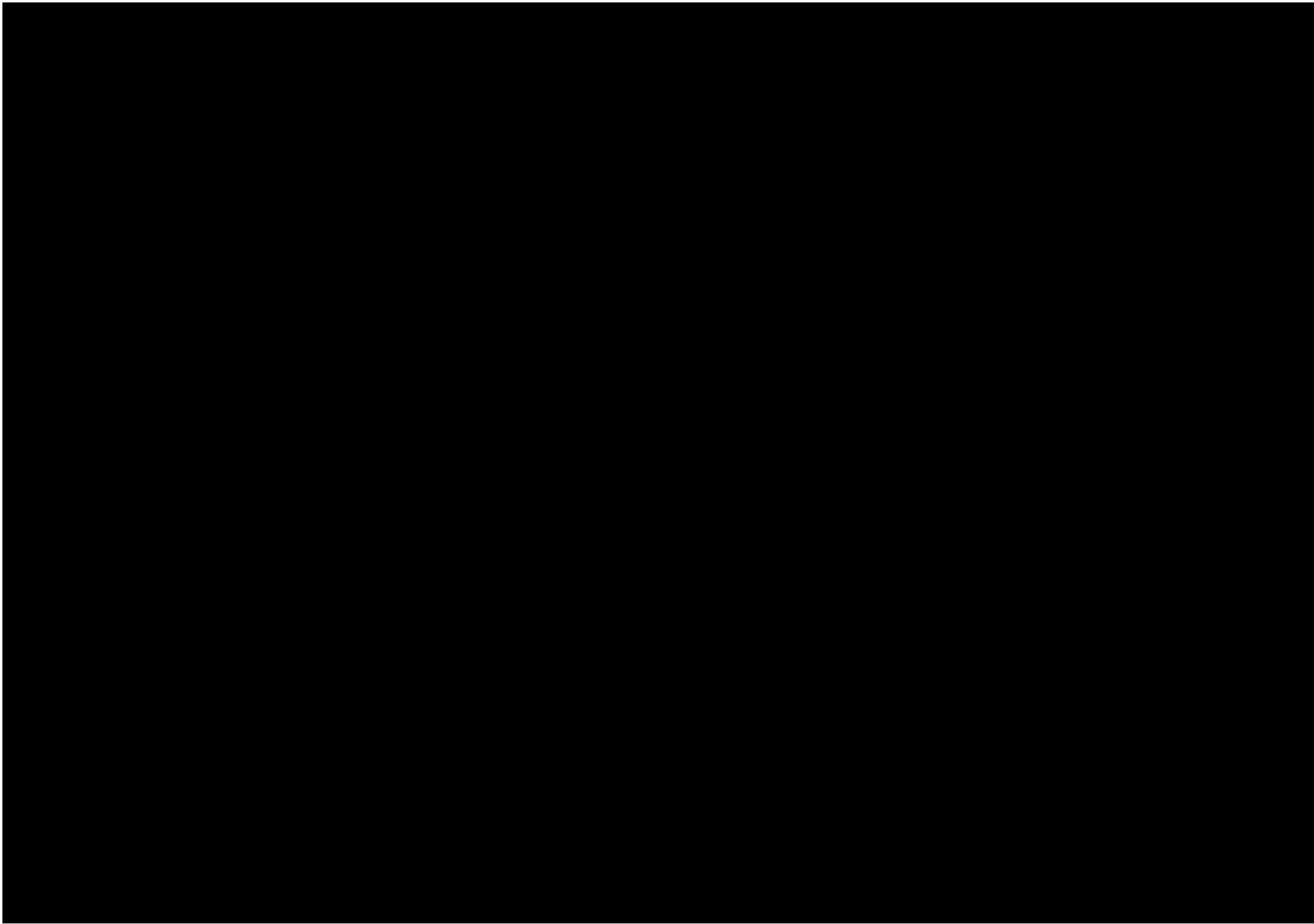
The stakeholders identified on this list may have an interest in the proposed project area and may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places.

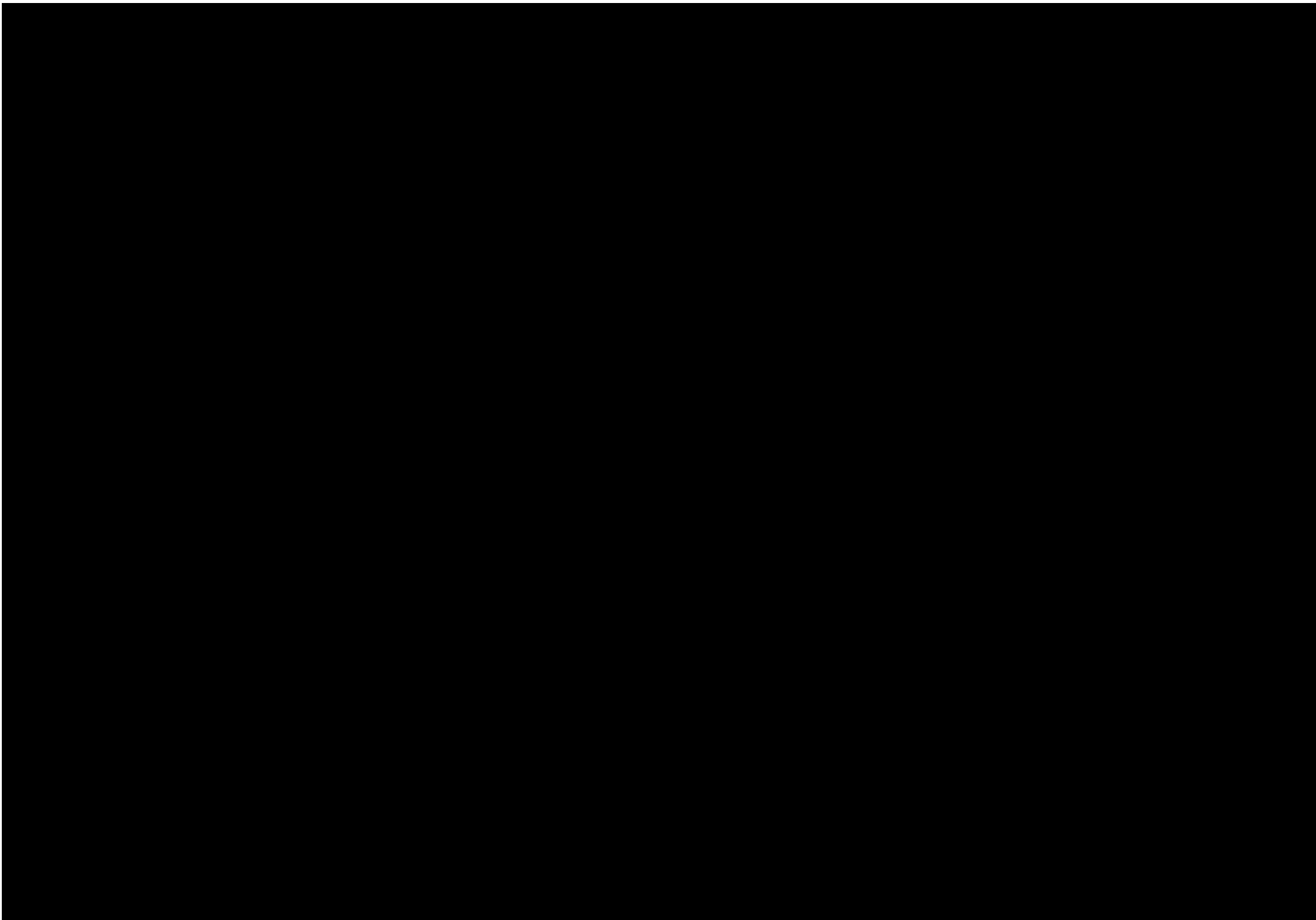
How to use this list

- Contact the organisations/individuals who have indicated an interest in the relevant LGA/s and invite them to register an interest in your project.
- Do not reproduce the attached list in publicly available reports and other documents. Your report should only contain the names of the organisations and individuals who you have invited to register an interest in your project and those who have registered as stakeholders for your project.
- Note that the provision of this Aboriginal stakeholder list does not override a proponent's requirement to also advertise in the local newspaper and to seek from other sources the names of any other Aboriginal people who may hold cultural knowledge as required under clause 60 (2) of the National Parks and Wildlife Regulation 2019.
- Please refer to Clause 60 of the National Parks and Wildlife Regulation 2019 and the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 for further information on the requirements of the consultation process.
- If contact details of stakeholders are found to be incorrect or outdated, please contact heritagemailbox@environment.nsw.gov.au.

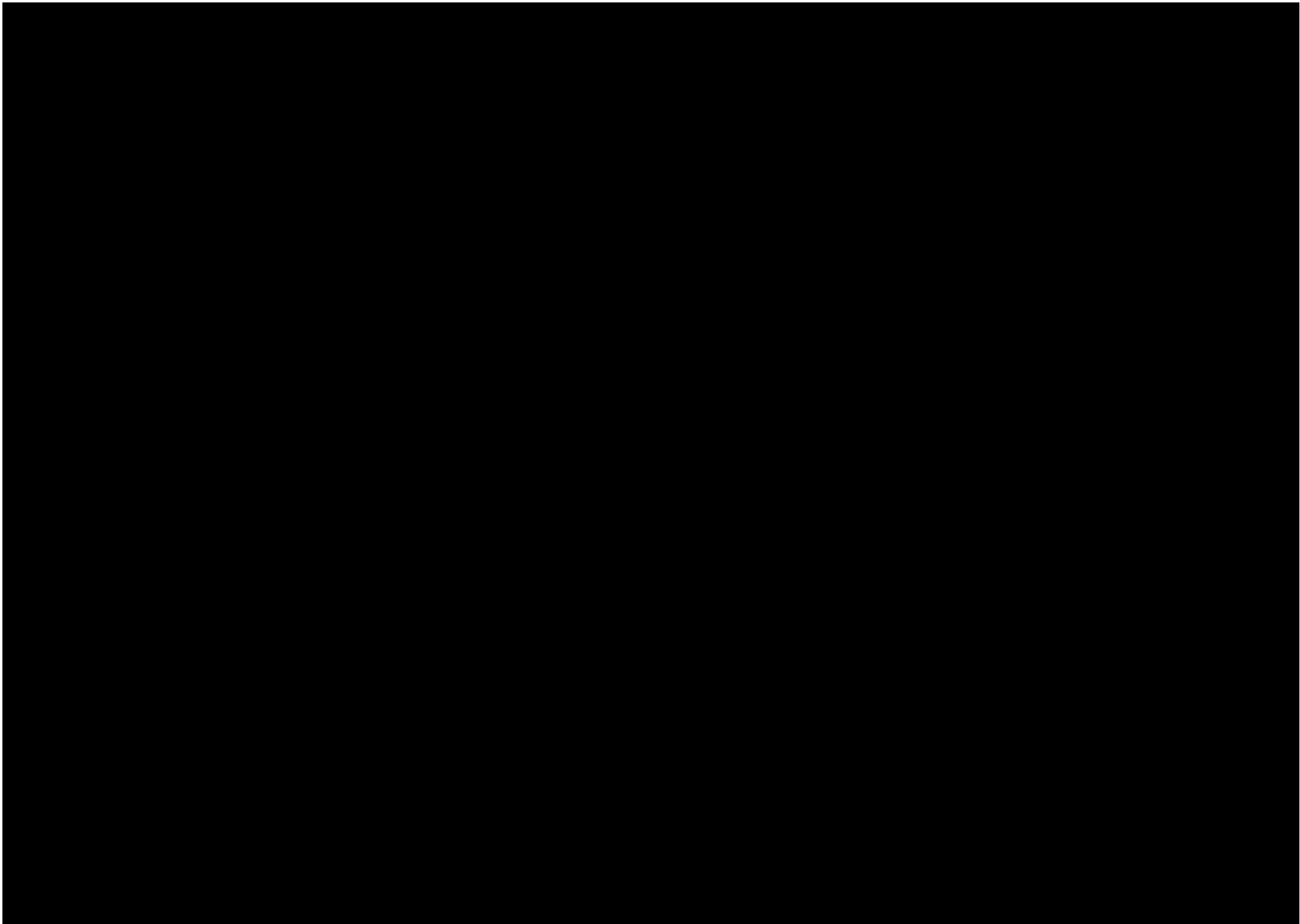
Last updated August 2024

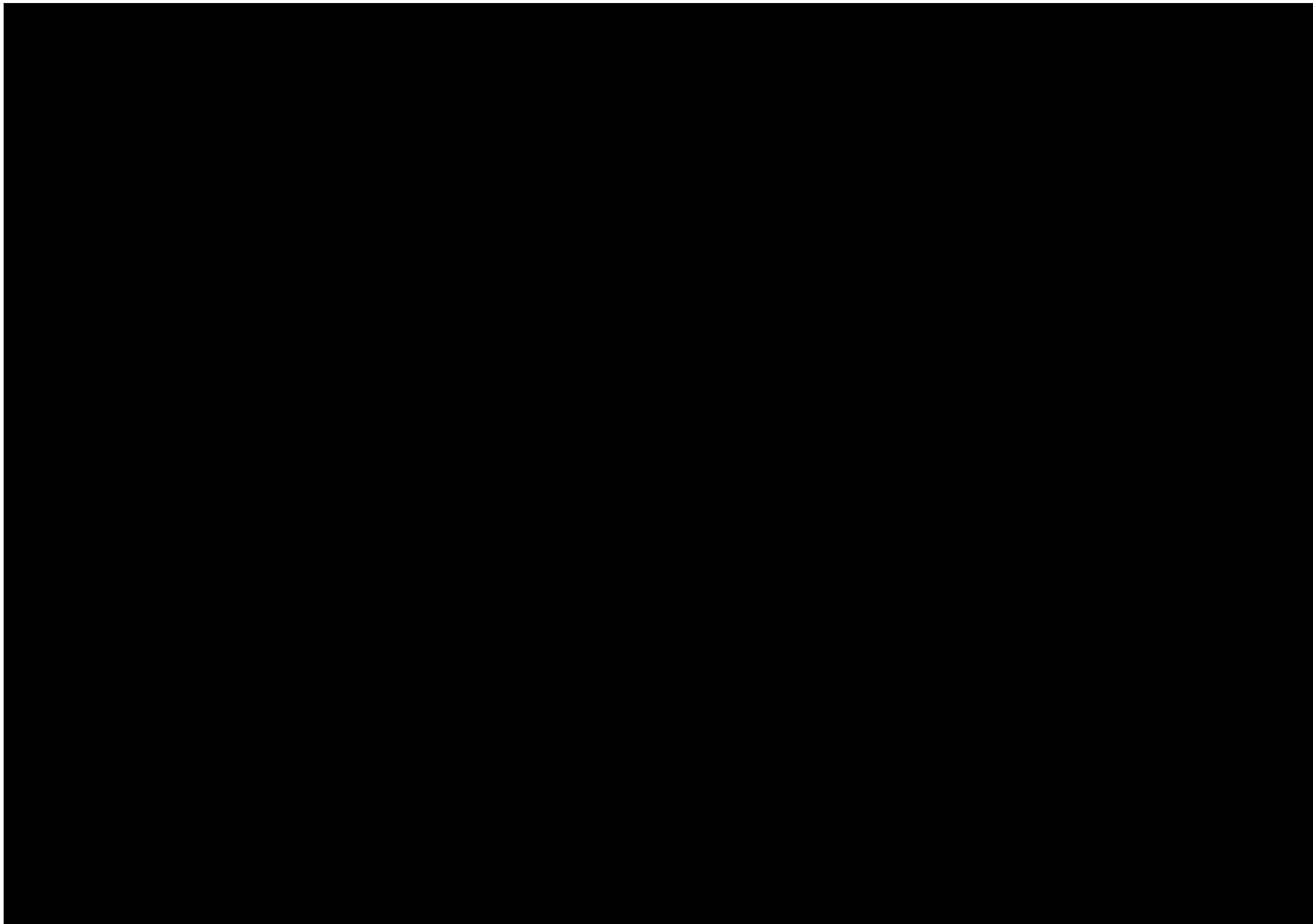


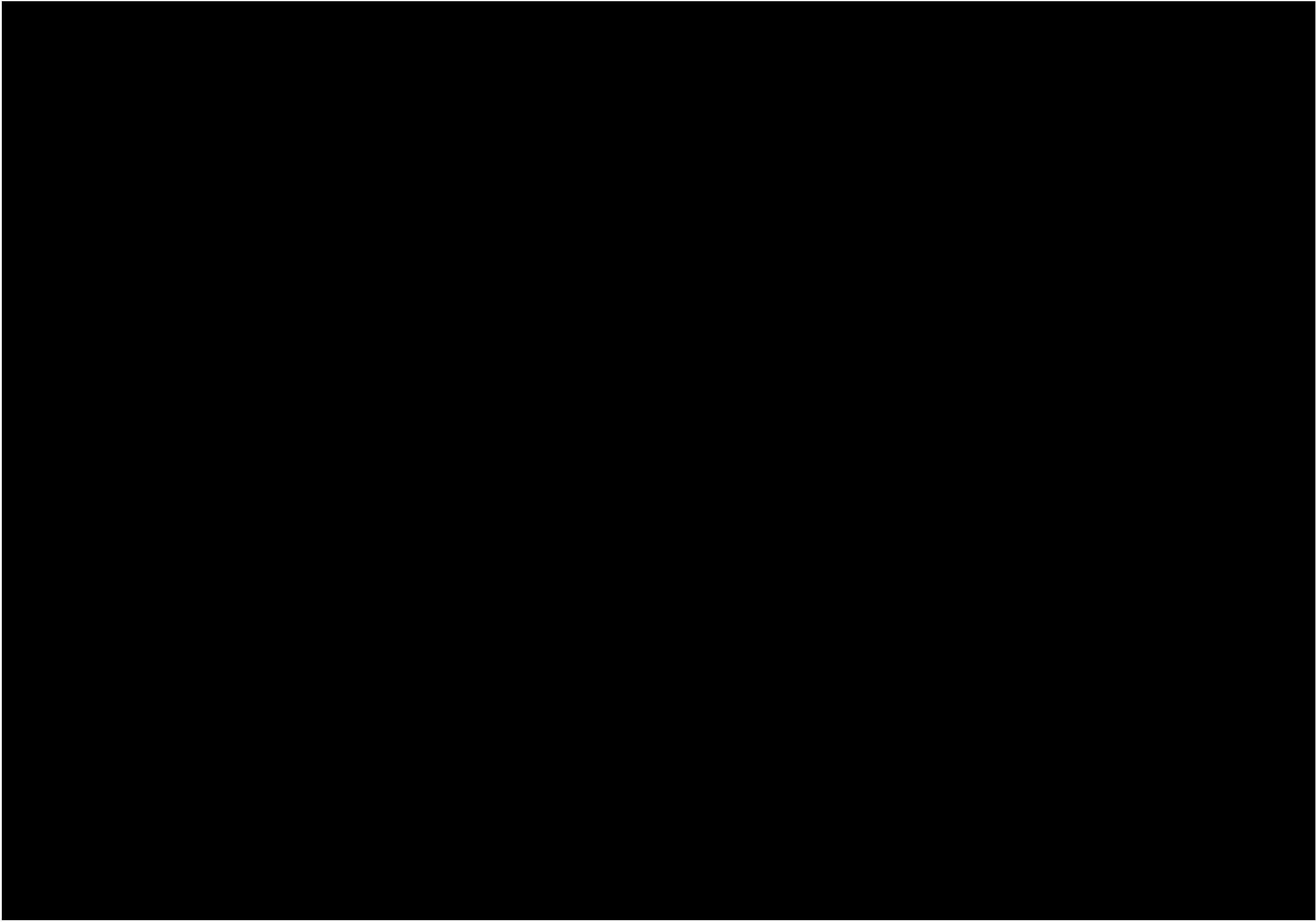














From: [REDACTED]
To: [Owen Barrett](#)
Subject: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Friday, 6 September 2024 8:08:12 AM

CAUTION: This email originated from outside Urbis group. Don't click on links or attachments unless you trust the sender.

Hi Owen

So sorry for the late response my emails have been down
[REDACTED] would like to Formally register a interest in this project
If you need anything please don't hesitate to contact me
[REDACTED]

Get [Outlook for Android](#)

From: [REDACTED]
To: [Juliet Scholefield](#)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Tuesday, 3 September 2024 6:44:58 AM
Attachments: [image005.png](#)
[image002.png](#)
[image004.png](#)
[image003.png](#)
[image006.png](#)
[image001.png](#)

You don't often get email from [REDACTED] - [Learn why this is important](#)

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Hi Juliet

I am interested in being involved in the project

Regards
[REDACTED]

On Fri, 23 Aug 2024 at 10:48 AM, Juliet Scholefield <jscholefield@urbis.com.au> wrote:

Good morning,

Urbis has been commissioned by ESR Developments ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of [3 Johnston Crescent, Horsley Park, NSW](#), legally defined as Lot 301 in Deposited Plan (DP) DP1244594 within Fairfield Local Government Area (LGA) (the 'subject area'). This ACHA has been prepared to support a State Significant Development Application (SSDA) (SSD-71144719) for the redevelopment of the subject area for the construction of two buildings for warehouse and distribution use.

The ACHA is to be carried out in accordance with relevant guidelines under the *National Parks and Wildlife Act 1974* (NPW Act), including the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011). The assessment would detail the nature, location and spatial extent of any potential Aboriginal cultural heritage resources within the subject area, investigate if the proposed development would harm those resources and provide recommendations for management options.

The Proponent can be contacted via:

Grace MacDonald

NSW Planning Manager

ESR Developments

Email: grace.macdonald@esr.com.au

In accordance with the Consultation Requirements and Clause 80C of the *NSW National Parks and Wildlife Regulation 2019*, the Proponent will conduct a community consultation process with registered Aboriginal parties to assist with the preparation of the ACHA. In accordance with Section 4.1.2 of the Consultation Requirements Urbis proposes to invite Aboriginal people and/or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places that may exist within the subject area.

Please be advised that, as per the Consultation Requirements, the Proponent is required to forward the names of Aboriginal persons and groups who register an interest (Registered Aboriginal Parties) to the Local Aboriginal Land Council and Heritage NSW unless the person or group specifies that they do not want their details released.

Should you wish to register your interest in this project, please respond in writing by clearly stating your interest and nominating a contact person by **6 September 2024**. Please send responses to the following:

Owen Barrett

Senior Consultant

Urbis Pty Ltd

obarrett@urbis.com.au

Level 8, [123 Pitt Street, Sydney, 2000](#).

Please be advised that in accordance with Section 3.4 of the Consultation Requirements, inclusion in the consultation process does not automatically result in paid site assessment. The decision on who is engaged for delivering particular services is decided by the proponent and will be based on a range of considerations including skills, relevant experience, and providing necessary certificates of currency.

Our formal letter is attached.

Please do not hesitate to contact us should you have any queries in relation to the provided information.

Kind regards,

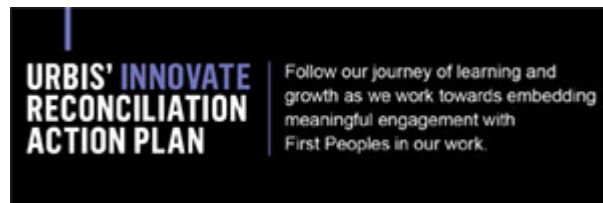
JULIET SCHOLEFIELD she/her/hers
ARCHAEOLOGY ASSISTANT

D +61 2 8424 5129

E jscholefield@urbis.com.au



ANGEL PLACE, LEVEL 8, [123 PITT STREET](#)
[SYDNEY, NSW 2000, AUSTRALIA](#)
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From: [Deerubbin Reception](#)
To: [Juliet Scholefield](#)
Subject: Automatic reply: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Friday, 23 August 2024 10:48:58 AM

CAUTION: This email originated from outside Urbis group. Don't click on links or attachments unless you trust the sender.

Thank you for your email to Deerubbin Local Aboriginal Land Council. We receive a significant number of emails and we are reviewing yours for a reply. One of our team will be in touch with you in a minimum of 10 business days.

If your enquiry is about a booking for an event at Old Parramatta Gaol, please email events@deerubbin.org.au

From: [REDACTED]
To: [Juliet Scholefield](#)
Cc: [Owen Barrett](#); [Balazs Hansel](#)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Thursday, 29 August 2024 8:11:24 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image005.png](#)

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Hi Juliet,

I would like to register [REDACTED] for this project.

Kind regards,
[REDACTED]

On Fri, 23 Aug 2024, 10:48 am Juliet Scholefield, <jscholefield@urbis.com.au> wrote:

Good morning,

Urbis has been commissioned by ESR Developments ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of [3 Johnston Crescent, Horsley Park, NSW](#), legally defined as Lot 301 in Deposited Plan (DP) DP1244594 within Fairfield Local Government Area (LGA) (the 'subject area'). This ACHA has been prepared to support a State Significant Development Application (SSDA) (SSD-71144719) for the redevelopment of the subject area for the construction of two buildings for warehouse and distribution use.

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NSW Planning Manager

ESR Developments

Email: grace.macdonald@esr.com.au

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obarrett@urbis.com.au

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Our formal letter is attached.

Please do not hesitate to contact us should you have any queries in relation to the provided information.

Kind regards,

JULIET SCHOLEFIELD she/her/hers
ARCHAEOLOGY ASSISTANT

D +61 2 8424 5129

E jscholefield@urbis.com.au



ANGEL PLACE, LEVEL 8, [123 PITT STREET](#)
[SYDNEY, NSW 2000, AUSTRALIA](#)

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From: [Microsoft Outlook](#)
To: goobahdits@gmail.com
Subject: Undeliverable: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Saturday, 24 August 2024 10:48:28 AM
Attachments: [3 Johnston Crescent Horsley Park - Stage 1.3. RAP Notice.msg](#)

From: [REDACTED]
To: [Juliet Scholefield](#)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Friday, 23 August 2024 11:17:47 AM

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WArami
Please Register [REDACTED] for this project.
Yanu
[REDACTED]

----- Original Message -----

From:
"Juliet Scholefield" <jscholefield@urbis.com.au>

To:

Cc:
"Owen Barrett" <obarrett@urbis.com.au>, "Balazs Hansel" <bhansel@urbis.com.au>

Sent:
Fri, 23 Aug 2024 00:48:17 +0000

Subject:
3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice

Good morning,

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NSW Planning Manager

ESR Developments

Email: grace.macdonald@esr.com.au

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Our formal letter is attached.

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Kind regards,

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ARCHAEOLOGY ASSISTANT

D +61 2 8424 5129
E jscholefield@urbis.com.au

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Email sent using Optus Webmail

From: [REDACTED]
To: [Juliet Scholefield](#)
Subject: RE: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Monday, 26 August 2024 1:19:17 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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Hi Juliet,

Thank you for informing us that **Urbis** will be involved in an Aboriginal Cultural Heritage Assessment at **3 Johnston Cres, Horsley Park** & that you are inviting Aboriginal organisations to register, if they wish too be involved in the community consultation process.

As a senior Aboriginal person for the past 51yrs, I actively participate in the protection of the Aboriginal Cultural Heritage throughout the Sydney Basin, & particularly throughout Western Sydney, on behalf of [REDACTED] I wish to provide to you my organisation's registration of interest.

I wish to be involved & participate in all levels of consultation/project involvement. I wish to attend all meetings, participate in available field work & receive a copy of the report.

I have attached a copy of [REDACTED] Public Liability Insurance & Workers Compensation certificate.

Our RAPS have up to 16yrs Cultural Heritage experience in - field work which involves manual excavation (digging), sieving, identifying artefacts, setting up transits, setting up equipment, packing equipment, site surveys & attending meetings (Focus groups, CwC, interpretation).

Should you wish me to provide further information, please do not hesitate to contact me on [REDACTED].

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

From: Juliet Scholefield <jscholefield@urbis.com.au>

Sent: Friday, August 23, 2024 10:48:17 AM

Cc: Owen Barrett <obarrett@urbis.com.au>; Balazs Hansel <bhansel@urbis.com.au>

Subject: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice

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Email: grace.macdonald@esr.com.au

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Urbis Pty Ltd
obarrett@urbis.com.au
Level 8, 123 Pitt Street, Sydney, 2000.

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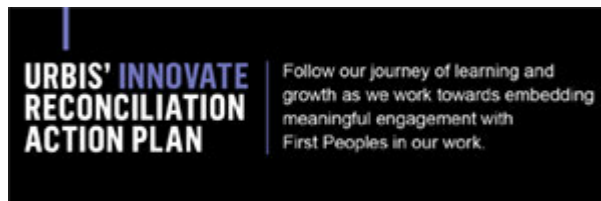
JULIET SCHOLEFIELD she/her/hers
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E jscholefield@urbis.com.au

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CITIES AND
COMMUNITIES**



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From: [REDACTED]
To: [Juliet Scholefield](#)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Friday, 23 August 2024 10:54:07 AM
Attachments: [image002.png](#)
[image001.png](#)
[image006.png](#)
[image005.png](#)
[image004.png](#)
[image003.png](#)

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Hi Juliet

Can u plz register us on this project at Horsley Park thank you

Kind regards
[REDACTED]

[Sent from Yahoo Mail for iPhone](#)

On Friday, August 23, 2024, 10:48 AM, Juliet Scholefield <jscholefield@urbis.com.au> wrote:

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The Proponent can be contacted via:

Grace MacDonald
NSW Planning Manager
ESR Developments
Email: grace.macdonald@esr.com.au

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Should you wish to register your interest in this project, please respond in writing by clearly stating your interest and nominating a contact person by **6 September 2024**. Please send responses to the following:

Owen Barrett
Senior Consultant
Urbis Pty Ltd
obarrett@urbis.com.au
Level 8, 123 Pitt Street, Sydney, 2000.

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Our formal letter is attached.

Please do not hesitate to contact us should you have any queries in relation to the provided information.

Kind regards,

JULIET SCHOLEFIELD she/her/hers
ARCHAEOLOGY ASSISTANT

D +61 2 8424 5129
E jscholefield@urbis.com.au

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COMMUNITIES**



ANGEL PLACE, LEVEL 8, 123 PITT STREET
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**URBIS' INNOVATE
RECONCILIATION
ACTION PLAN**

Follow our journey of learning and growth as we work towards embedding meaningful engagement with First Peoples in our work.

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Learn more about our [**Reconciliation Action Plan**](#).

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From: [REDACTED]
To: [Juliet Scholefield](#)
Subject: Re: Registering 3 Johnston Crescent, Horsley Park - Stage 1.3.
Date: Friday, 23 August 2024 5:13:35 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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Hi Juliet

[REDACTED] of interest as required under
Heritage NSW Aboriginal Cultural heritage

We at [REDACTED] are identified First Nations people who hold cultural knowledge relevant to this project area and we wish to register an interest in the process of community consultation. We employ numerous clans. As such we send the relevant clan members to the project areas. Baring in mind that as per legislation as long ad we are Aboriginal and hold culture connections and knowledge, etc, we support participation of our stakeholders/members as part of this legislation to partake as per their connections and ours. As part of our registering we look forward to the opportunity to provide culturally appropriate information and to comment on the cultural heritage significance of Aboriginal Culture and heritage We are registering [REDACTED] in a full capacity. We have worked on a vast number of projects as Cultural Heritage Officers in the project area. We are currently involved on many projects in the subject area. My family and other family members have lived in the area and family currently reside in the surrounding areas.

We are registering in a full capacity. We are Aboriginal people who are culturally & heritage aware. We have the necessary ability, experience, skills, insight and the knowledge to identify artefacts on field work. And as Aboriginal People we connect thru the land, thru our Ancestors and our Heritage. Therefore we are able participate on all levels. We have worked with many archaeologists across a broad landscape. We have consulted with most archeological companies over many years on projects. We have all the relevant insurances and safety gear. We are all fit, capable and adapt to a vast landscape.

Contact is preferred via email [REDACTED] The contact number, email and contact person is also listed in the signature.

Please do not disclose any of our details to LALC. We have responded for inclusion, to participate on all levels. Thanks.

Kind regards

[REDACTED]

We respectfully acknowledge the Traditional Owners of the lands upon which we work and pay our deep respect to Elders past, present and emerging.

On 23 Aug 2024, at 10:48 AM, Juliet Scholefield
<jscholefield@urbis.com.au> wrote:

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JULIET SCHOLEFIELD she/her/hers
ARCHAEOLOGY ASSISTANT

D +61 2 8424 5129
E jscholefield@urbis.com.au
<image001.png>

[<image002.png>](#)
[<image003.png>](#)
[<image004.png>](#)
[<image005.png>](#)

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[<image006.png>](#)

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<P0052050_3JohnstonCres_1.3_RAPnotice.pdf>

From: [REDACTED]
To: [Juliet Scholefield](#)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Tuesday, 3 September 2024 5:28:46 PM
Attachments: [image004.png](#)
[image003.png](#)
[image002.png](#)
[image001.png](#)
[image006.png](#)
[image005.png](#)

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Hi Owen
Please register our company for the above project.
Kind regards
[REDACTED]

On Friday 23 August 2024 at 10:48:26 am AEST, Juliet Scholefield <jscholefield@urbis.com.au> wrote:

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Kind regards,

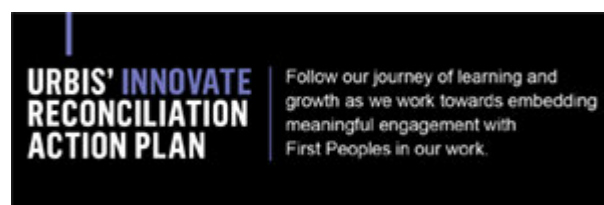
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E jscholefield@urbis.com.au

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From: [REDACTED]
To: [Owen Barrett](#)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Tuesday, 3 September 2024 3:55:49 PM
Attachments: [image002.png](#)
[image001.png](#)
[image006.png](#)
[image005.png](#)
[image004.png](#)
[image003.png](#)

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Hi Owen

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Kind regards

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E jscholefield@urbis.com.au

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From: [REDACTED]
To: [Juliet Scholefield](#)
Cc: [Owen Barrett](#); [Balazs Hansel](#)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Friday, 23 August 2024 10:59:00 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

You don't often get email from [REDACTED]. [Learn why this is important](#)

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Hi Juliet,

Thank you for reaching out with the information regarding the Aboriginal Cultural Heritage Assessment (ACHA) for 3 Johnston Crescent, Horsley Park.

I would like to register my interest in participating in this project. Please note that I am nominating myself, [REDACTED], as the contact person.

Should you require any further information or wish to discuss this matter further, please do not hesitate to contact me at [EMAIL].

Looking forward to your response


Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]



From: Juliet Scholefield <jscholefield@urbis.com.au>
Date: Friday, 23 August 2024 at 10:48 AM
To:
Cc: Owen Barrett <obarrett@urbis.com.au>, Balazs Hansel <bhansel@urbis.com.au>
Subject: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice

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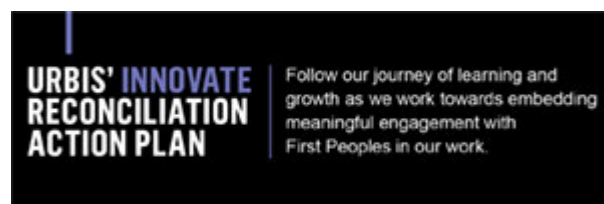
JULIET SCHOLEFIELD she/her/hers
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From: [REDACTED]
To: [Juliet Scholefield](#)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Friday, 23 August 2024 7:44:05 PM

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Hi

Thank you for your invitation. Can you please register me as an Individual RAP for this project? Look forward to hearing back from you.

Kind regards

[REDACTED]

Sent from my iPhone

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<image001.png>

[<image002.png>](#)
[<image003.png>](#)
[<image004.png>](#)
[<image005.png>](#)

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[<image006.png>](#)

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<P0052050_3JohnstonCres_1.3_RAPnotice.pdf>

From: [REDACTED]
To: [Juliet Scholefield](#)
Subject: RE: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Thursday, 12 September 2024 5:20:52 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[Public liability insurance 24-25.pdf](#)
[workcover insurance 24-25.pdf](#)

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Hi Juliet,

[REDACTED] would like to express an interest in the ACHA for 3 Johnston Crescent Horsley Park -Stage 1-3 RAP Notice. [REDACTED] has an experience cultural and heritage officer who has worked with Sydney University to identify the differences between Indigenous Australian's bone structure to Non-Indigenous People. He has participated and co-ordinated a repatriation of Aboriginal skeletal remains to the land from which she belonged. He has years of experience in identifying Aboriginal artefacts. He has worked with numerous Archaeologist on similar projects.

[REDACTED] would like to be included in any field work or excavation involved with this project. Our rate of pay is \$110.00 per hour. Please see the insurances attached.

We look forward to working with you.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]

From: Juliet Scholefield <jscholefield@urbis.com.au>
Sent: Friday, 23 August 2024 10:48 AM
Cc: Owen Barrett <obarrett@urbis.com.au>; Balazs Hansel <bhansel@urbis.com.au>
Subject: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice

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Urbis Pty Ltd
obarrett@urbis.com.au
Level 8, 123 Pitt Street, Sydney, 2000.

Please be advised that in accordance with Section 3.4 of the Consultation Requirements, inclusion in the consultation process does not automatically result in paid site assessment. The decision on who is engaged for delivering particular services is decided by the proponent and will be based on a range of considerations including skills, relevant experience, and providing necessary certificates of currency.

Our formal letter is attached.

Please do not hesitate to contact us should you have any queries in relation to the provided information.

Kind regards,

JULIET SCHOLEFIELD she/her/hers
ARCHAEOLOGY ASSISTANT

D +61 2 8424 5129
E jscholefield@urbis.com.au

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From: [REDACTED]
To: [Owen Barrett](#)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Sunday, 25 August 2024 9:50:36 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

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Good morning,

[REDACTED] would like to register his interest in the project

Project Involvement: [REDACTED] would like to be involved in all meeting and field works.

Thank you.

Regards
[REDACTED]

[REDACTED]

From: Juliet Scholefield <jscholefield@urbis.com.au>
Sent: Friday, 23 August 2024 10:48 AM
Cc: Owen Barrett <obarrett@urbis.com.au>; Balazs Hansel <bhansel@urbis.com.au>
Subject: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice

Good morning,

Urbis has been commissioned by ESR Developments ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) DP1244594 within Fairfield Local Government Area (LGA) (the 'subject area'). This ACHA has been prepared to support a State Significant Development Application (SSDA) (SSD-71144719) for the redevelopment of the subject area for the construction of two buildings for warehouse and distribution use.

The ACHA is to be carried out in accordance with relevant guidelines under the *National Parks and Wildlife Act 1974* (NPW Act), including the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011). The assessment would detail the nature, location and spatial extent of any potential Aboriginal cultural heritage resources within the subject area, investigate if the proposed development would harm those resources and provide recommendations for management options.

The Proponent can be contacted via:

Grace MacDonald
NSW Planning Manager
ESR Developments
Email: grace.macdonald@esr.com.au

In accordance with the Consultation Requirements and Clause 80C of the *NSW National Parks and Wildlife Regulation 2019*, the Proponent will conduct a community consultation process with registered Aboriginal parties to assist with the preparation of the ACHA. In accordance with Section 4.1.2 of the Consultation Requirements Urbis proposes to invite Aboriginal people and/or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places that may exist within the subject area.

Please be advised that, as per the Consultation Requirements, the Proponent is required to forward the names of Aboriginal persons and groups who register an interest (Registered Aboriginal Parties) to the Local Aboriginal Land Council and Heritage NSW unless the person or group specifies that they do not want their details released.

Should you wish to register your interest in this project, please respond in writing by clearly stating your interest and nominating a contact person by **6 September 2024**. Please send responses to the following:

Owen Barrett
Senior Consultant
Urbis Pty Ltd
obarrett@urbis.com.au
Level 8, 123 Pitt Street, Sydney, 2000.

Please be advised that in accordance with Section 3.4 of the Consultation Requirements, inclusion in the consultation process does not automatically result in paid site assessment. The decision on who is engaged for delivering particular services is decided by the proponent and will be based on a range of considerations including skills, relevant experience, and providing necessary certificates of currency.

Our formal letter is attached.

Please do not hesitate to contact us should you have any queries in relation to the provided information.

Kind regards,

JULIET SCHOLEFIELD she/her/hers
ARCHAEOLOGY ASSISTANT

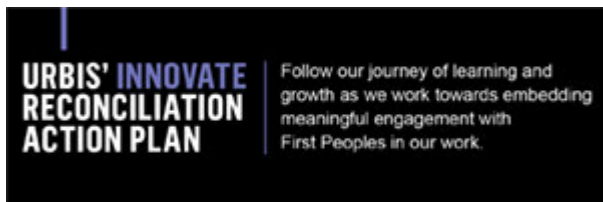
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From: [REDACTED]
To: [Juliet Scholefield; obarratt@urbis.com.au](mailto:juliet.scholefield@urbis.com.au)
Subject: Re: 3 Johnston Crescent, Horsley Park - Stage 1.3. RAP Notice
Date: Friday, 6 September 2024 7:24:17 AM
Attachments: [image006.png](#)
[image001.png](#)
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[image004.png](#)
[image003.png](#)

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Good morning,

[REDACTED] would like to register and be involved in all aspects of the project
Contact person details are below we look forward to working with you in n this project.

Kind regards,

[REDACTED]

On Fri, 23 Aug 2024 at 10:48 am, Juliet Scholefield <jscholefield@urbis.com.au> wrote:

Good morning,

Urbis has been commissioned by ESR Developments ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of [3 Johnston Crescent, Horsley Park, NSW](#), legally defined as Lot 301 in Deposited Plan (DP) DP1244594 within Fairfield Local Government Area (LGA) (the 'subject area'). This ACHA has been prepared to support a State Significant Development Application (SSDA) (SSD-71144719) for the redevelopment of the subject area for the construction of two buildings for warehouse and distribution use.

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The Proponent can be contacted via:

Grace MacDonald

NSW Planning Manager

ESR Developments

Email: grace.macdonald@esr.com.au

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Owen Barrett

Senior Consultant

Urbis Pty Ltd

obarrett@urbis.com.au

Level 8, [123 Pitt Street, Sydney, 2000](#).

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Our formal letter is attached.

Please do not hesitate to contact us should you have any queries in relation to the provided information.

Kind regards,

JULIET SCHOLEFIELD she/her/hers
ARCHAEOLOGY ASSISTANT

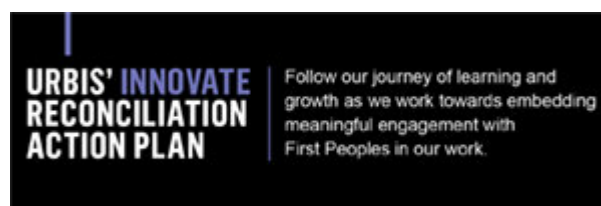
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E jscholefield@urbis.com.au

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From: [Ginger-Rose Harrington](#)
To: [OEHD Heritage Mailbox](#)
Cc: [Balazs Hansel](#); [Owen Barrett](#)
Subject: 3 Johnston Crescent, Horsley Park ACHA - Stage 1.6 (Our Ref#P0052050)
Date: Wednesday, 11 September 2024 12:09:00 PM
Attachments: [P0052050_HNSW_HorsleyPark_Stage1.6.pdf](#)
[image001.png](#)
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[image004.png](#)
[image005.png](#)
[image006.png](#)

Good afternoon,

In accordance with Section 4.1.6 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010), please find attached the updated list of Registered Aboriginal Parties (RAPs) and notification letter under Section 4.1.3 for the Aboriginal Cultural Heritage Assessment (ACHA) of 3 Johnston Crescent, Horsley Park in NSW (the 'subject area').

If you have any questions, please let us know.

Take care,
Ginger-Rose

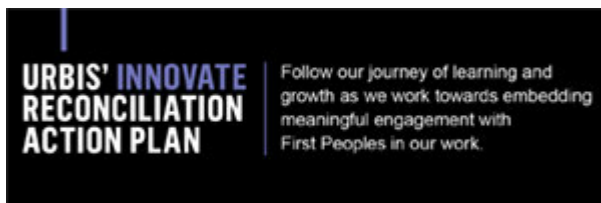
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CONSULTANT

D +61 2 8424 5139
E gharrington@urbis.com.au

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SYDNEY NSW 2000

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Urbis Ltd
ABN 50 105 256 228

11 September 2024

Aboriginal Cultural Heritage Regulation Branch
Heritage NSW
Department of Planning & Environment
By email: heritagemailbox@environment.nsw.gov.au

To whom it may concern,

3 JOHNSTON CRESCENT, HORSLEY PARK – ABORIGINAL CULTURAL HERITAGE ASSESSMENT – STAGE 1.6 LIST OF REGISTERED ABORIGINAL PARTIES AND NOTIFICATION LETTER

In accordance with Section 4.1.6 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010) please find below the compiled list of Registered Aboriginal Parties (RAPs) and notification letter under Section 4.1.3 for the abovementioned project (attached to associated email).

Table 1 – List of Registered Aboriginal Parties

Name	Contact
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]



Name	Contact
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

One other RAP group have registered for the consultation process, but have requested that their details not be disclosed.

Please do not hesitate to contact us should you have any queries in relation to the provided information.

Kind regards,

A handwritten signature in black ink, appearing to read "Balazs Hansel". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Balazs Hansel
Director
+61 2 8233 7668
bhansel@urbis.com.au

From: [Ginger-Rose Harrington](#)
To: Reception@deerubbin.org.au
Cc: [Balazs Hansel](#); [Owen Barrett](#)
Subject: 3 Johnston Crescent, Horsley Park ACHA - Stage 1.6 (Our Ref#P0052050)
Date: Wednesday, 11 September 2024 12:09:00 PM
Attachments: [P0052050_LALC_HorsleyPark_Stage1.6.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

Good afternoon,

In accordance with Section 4.1.6 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010), please find attached the updated list of Registered Aboriginal Parties (RAPs) and notification letter under Section 4.1.3 for the Aboriginal Cultural Heritage Assessment (ACHA) of 3 Johnston Crescent, Horsley Park in NSW (the 'subject area').

If you have any questions, please let us know.

Take care,
Ginger-Rose

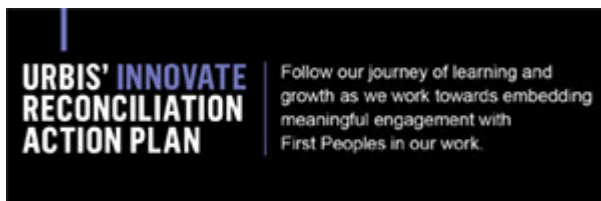
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SYDNEY NSW 2000

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Urbis Ltd
ABN 50 105 256 228

11 September 2024

Deerubbin Local Aboriginal Land Council
73A O'Connell St, North Parramatta NSW 2151
Via email: Reception@deerubbin.org.au

To whom it may concern,

3 JOHNSTON CRESCENT, HORSLEY PARK – ABORIGINAL CULTURAL HERITAGE ASSESSMENT – LIST OF REGISTERED ABORIGINAL PARTIES AND NOTIFICATION LETTER

In accordance with Section 4.1.6 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010) please find below the compiled list of Registered Aboriginal Parties (RAPs) and notification letter under Section 4.1.3 for the abovementioned project (attached to associated email).

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Name	Contact
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Name	Contact
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

One other RAP group have registered for the consultation process, but have requested that their details not be disclosed.

Please do not hesitate to contact us should you have any queries in relation to the provided information.

Kind regards,



Balazs Hansel
Director
+61 2 8233 7668
bhansel@urbis.com.au

From: [Ginger-Rose Harrington](#)

To: [Balazs Hansel](#)

Bcc:

Subject: 3 Johnston Crescent, Horsley Park ACHA - Stage 4 Draft ACHA (Our Ref#P0052050)

Date: Wednesday, 11 September 2024 11:54:00 AM

Attachments: [image001.png](#)
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Good afternoon,

Thank you again for your interest in the Aboriginal Cultural Heritage Assessment ('ACHA') of 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) DP1244594 within Fairfield Local Government Area (LGA) (the 'subject area').

We now provide a draft ACHA report for your review and comment, in accordance with section 4.4 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW). The report is accessible via the following link: <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:6a837116-553e-3348-afd7-05b197226faa>

If you wish to provide any comments for inclusion into the report, please do so by 5:00pm, 11 October 2024 to:

Ginger-Rose Harrington
Consultant, Urbis Ltd
Level 8, 123 Pitt Street
Sydney NSW 2000
E: gharrington@urbis.com.au

If you have any questions, please do not hesitate to reach out.

Kind regards

GINGER-ROSE HARRINGTON

CONSULTANT

D +61 2 8424 5139

E gharrington@urbis.com.au

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URBIS

DRAFT ABORIGINAL CULTURAL HERITAGE ASSESSMENT

Horsley Logistics Park Stage 2
3 Johnston Crescent
Horsley Park NSW

Prepared for
ESR DEVELOPMENTS
11 September 2024

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Balazs Hansel, MA Archaeology, MA History, M. ICOMOS
Senior Consultant	Owen Barrett, BA Archaeology and Palaeoanthropology
Archaeology Assistant	Juliet Scholefield, BA Archaeology and Design
Report Version	Draft 01 issued 11 September 2024

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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CONTENTS

Glossary	5
Executive Summary.....	8
1. Introduction	10
1.1. Subject Area	10
1.2. Proposed Works	10
1.3. Statutory Context	10
1.3.1. Environment Protection and Biodiversity Conservation Act 1999	10
1.3.2. The National Parks and Wildlife Act 1974	11
1.4. Methodology	11
1.5. Authorship	11
1.6. Limitations	12
2. Aboriginal Consultation.....	15
2.1. Stage 1 – Notification and Registration	15
2.1.1. Native Title.....	15
2.1.2. Identification of Cultural Knowledge Holders	15
2.1.3. Registration of Interest	16
2.2. Stages 2 - 4 – Compressed Consultation	17
3. Desktop Assessment	18
3.1. Archaeological Context	18
3.1.1. Aboriginal Land Use	18
3.1.2. Declared Aboriginal Places	18
3.1.3. Registered Aboriginal Objects	19
3.1.4. Previous Archaeological Investigations	22
3.1.4.1. Investigations of the Subject area	22
3.1.4.2. Investigations within the Local Area	22
3.1.5. Existing Predictive Models	23
3.2. Environmental Context.....	23
3.2.1. Natural Landscape	23
3.2.2. Historical Ground Disturbance	27
3.3. Local & Regional Character	30
3.4. Archaeological Potential	30
3.4.1. Predictive Model	30
3.4.2. Assessment of Potential	31
3.5. Summary	31
4. Significance Assessment.....	33
4.1. Framework for Assessment	33
4.2. Assessment of Heritage Values.....	33
4.2.1. Social or Cultural Value	33
4.2.2. Historic Value	34
4.2.3. Scientific (Archaeological) Value	34
4.2.4. Aesthetic Value.....	34
4.3. Statement of Significance	34
5. Impact Assessment.....	35
5.1. Framework for Assessment	35
5.2. Assessment of Potential Harm	35
5.3. Inter-Generational Equity	36
5.4. Avoidance & Minimisation of Harm.....	36
5.4.1. Unexpected Archaeological Finds Procedure	36
5.4.2. Human Remains Procedure	36
6. Conclusions & Recommendations.....	38

7. References	40
Disclaimer	41

Appendix A	Basic and Extensive AHIMS Search Results
Appendix B	Registered Aboriginal Party Consultation Log
Appendix C	Registered Aboriginal Party Consultation Documentation
Appendix D	Plans for Proposed Development

FIGURES

Figure 1 – Regional location of subject area	13
Figure 2 – Subject area	14
Figure 3 – Locations of registered Aboriginal sites in AHIMS search area	21
Figure 4 – Northern portion of former CSR Estate prior to site remediation, January 2021; 16 Johnstone Crescent marked green, the present subject area marked in red	22
Figure 5 – Topography	25
Figure 6 – Soil landscapes and hydrology	26
Figure 7 – Aerial image of subject area (red outline) from 1961; cleared for pasture	28
Figure 8 – Aerial images of subject area (red outline) from 1971; early quarrying activities	28
Figure 9 – Aerial image of subject area (red outline) from 2021; the brickworks at its peak	29
Figure 10 – Aerial images of subject area (red outline) from 2022; during site remediation	29
Figure 11 – Current aerial image of subject area (red outline) following remediation works	30

TABLES

Table 1 – SEARs requirements and relevant report sections.	10
Table 2 – Contacted organisations	15
Table 3 – Registered Aboriginal Parties	16
Table 4 – RAP responses to the Stage 2 to 4 Draft ACHA Report	17
Table 5 – Summary of registered Aboriginal sites in the AHIMS search area	20

GLOSSARY

Term	Definition
Aboriginal ceremony and dreaming site	Previously referred to as mythological sites, these are spiritual/story places where no physical evidence of previous use of the place may occur, e.g. natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places etc. These are Aboriginal site features recordable on AHIMS.
Aboriginal cultural heritage	The tangible (objects) and intangible (dreaming stories, legends and places) cultural practices and traditions associated with past and present-day Aboriginal communities.
Aboriginal object	As defined in the NPW Act, any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
Aboriginal place	As defined in the NPW Act, any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.
Aboriginal resource and gathering sites	Related to everyday activities such as food gathering, hunting, or collection and manufacture of materials and goods for use or trade. These are Aboriginal site features recordable on AHIMS.
AHIMS	Aboriginal Heritage Information Management System. A register of previously reported Aboriginal objects and Aboriginal places in NSW, managed under Section 90 of the NPW Act.
AHIP	Aboriginal Heritage Impact Permit. A permit issued under Section 90, Division 2 of Part 6 of the NPW Act.
Archaeology	The scientific study of material remains of past human life, including artefacts, relics, ruins, buildings and their environment and context.
Art	Art is found in shelters, overhangs and across rock formations. Techniques include painting, drawing, scratching, carving engraving, pitting, conjoining, abrading and the use of a range of binding agents and the use of natural pigments obtained from clays, charcoal and plants. These are Aboriginal site features recordable on AHIMS.
Artefact	Objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Artefact scatter	Multiple artefacts associated with one another in the same context. These are recordable on AHIMS as 'artefacts'.
Burial	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g. in caves, marked by stone cairns, in sand areas, along creek banks etc. These are Aboriginal site features recordable on AHIMS.

Term	Definition
Ceremonial ring	A Raised earth ring associated with ceremony. These are Aboriginal site features recordable on AHIMS.
Cliff	A steep rock face
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW 2010b).
Conflict site	Previously referred to as massacre sites where confrontations occurred between Aboriginal and non-Aboriginal people, or between different Aboriginal groups. These are Aboriginal site features recordable on AHIMS.
DECCW	Department of Environment, Climate Change and Water NSW.
Due Diligence Code	<i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (DECCW 2010a)
Dune	As defined in the Due Diligence Code, a sand ridge or sand hill formed by the wind.
Earth mound	A mounded deposit of round to oval shape containing baked clay lumps, ash, charcoal and, usually, black or dark grey sediment. The deposit may be compacted or loose and ashy. Mounds may contain various economic remains such as mussel shell and bone as well as stone artefacts. Occasionally they contain burials. These are Aboriginal site features recordable on AHIMS.
EPA Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Fish trap	A modified area on watercourses where fish were trapped for short-term storage and gathering. These are Aboriginal site features recordable on AHIMS.
Grinding grooves	A groove in a rock surface resulting from manufacture of stone tools such as ground edge hatchets and spears, or rounded depressions resulting from grinding of seeds and grains. These are Aboriginal site features recordable on AHIMS.
Harm	As defined in the NPW Act, to destroy, deface, damage or move an Aboriginal object or destroy, deface or damage a declared Aboriginal place. Harm may be direct or indirect (e.g. through increased visitation or erosion). Harm does not include something that is trivial or negligible.
Habitation structure	Structures constructed by Aboriginal people for short- or long-term shelter. Temporary structures are commonly preserved away from the coastline and may include historic camps of contemporary significance. Smaller structures may make use of natural materials such as branches, logs and bark sheets or manufactured materials such as corrugated iron to form shelters. Archaeological remains of a former structure such as chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc. These are Aboriginal site features recordable on AHIMS.
Headland	A narrow piece of coastal land that projects from a coastline into the sea or ocean
Hearth	Aboriginal site feature recordable on AHIMS. Cultural deposit sometimes marked by hearth stones, usually also contains charcoal and may also contain heat treated stone fragments.
Isolated find	A single artefact found in an isolated context. These are recordable on AHIMS as 'artefacts'.

Term	Definition
Modified Trees	Trees which show the marks of modification as a result of cutting of bark from the trunk for use in the production of shields, canoes, boomerangs, burials shrouds, for medicinal purposes, foot holds etc, or alternately intentional carving of the heartwood of the tree to form a permanent marker to indicate ceremonial use/significance of a nearby area, again these carvings may also act as territorial or burial markers. These are Aboriginal site features recordable on AHIMS.
Non-human bone and organic material	Objects which can be found within cultural deposits as components of an Aboriginal site such as fish or mammal bones, ochres, cached objects which may otherwise have broken down such as resin, twine, dilly bags, nets etc. These are Aboriginal site features recordable on AHIMS.
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2019</i>
Ochre quarry	A source of ochre used for ceremonial occasions, burials, trade and artwork. These are Aboriginal site features recordable on AHIMS.
PAD	A 'potential archaeological deposit'. An area where Aboriginal objects may occur below the ground surface. These are Aboriginal site features recordable on AHIMS.
Ridge	A compound landform element comprising a narrow crest that is longer than its width
Ridge top (or ridgeline)	The crest of a ridge that extends along its highest contours
Shell	An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering and consumption. Usually found in deposits previously referred to as 'shell middens.' These are Aboriginal site features recordable on AHIMS.
SSDA	State Significant Development Application, under Division 4.7 of the EP&A Act
Stone arrangement	Human produced arrangements of stone usually associated with ceremonial activities, or used as markers for territorial limits or to mark/protect burials. These are Aboriginal site features recordable on AHIMS.
Stone quarry	A source of stone which was quarried and used for the production of stone tools by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Waterhole	A source of fresh water for Aboriginal groups which may have traditional ceremonial or dreaming significance and/or may also be used to the present day as a rich resource gathering area (e.g. waterbirds, eels, clays, reeds etc). These are Aboriginal site features recordable on AHIMS.
Waters	As defined in the Due Diligence Code, the whole or any part of any river, stream, lake, lagoon, swamp, wetlands, natural watercourse and tidal waters (including the sea), where the boundary of tidal waters is defined as the high-water mark.

EXECUTIVE SUMMARY

Urbis was engaged by ESR Developments ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) 1244594 ('the subject area').

The Proponent is seeking approval for the construction of two buildings for warehouse and distribution use located within the subject area under a State Significant Development Application (SSD-71144719). The present ACHA report addresses Item 18 of the SEARs for SSD-71144719.

The subject area has been within the curtilage of previously approved Development Applications (DA - 893.1-2013) for subdivision, bulk earthworks and site remediation of the former CSR Estate.

The ACHA was undertaken in accordance with the requirements of regs. 60 and 61 of the *National Parks and Wildlife Regulation 2019* (NSW) and the following guidelines:

- *Applying for an Aboriginal Heritage Impact Permit guide for applicants* (OEH 2011a)
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011b) ('the Assessment Guidelines').
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) ('the Consultation Guidelines')
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010c) ('the Code of Practice').

The aim of the ACHA is to investigate whether future development of the subject area is likely to impact any Aboriginal objects or Aboriginal places that may exist within the subject area and to formulate measures for avoiding or minimising any such impacts.

The ACHA concluded that:

- **Conclusion 1 – Known Aboriginal Objects and Places**

No previously identified Aboriginal objects or declared Aboriginal places are located within the subject area.

- **Conclusion 2 – Sensitive Landscape Features**

Part of the subject area along the western boundary is located within 200 m of a waterway, while part of the subject area on the eastern boundary is located on a ridgeline, both of which are considered indicative of likely past Aboriginal land use. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling of the abandoned quarry removed this potential.

- **Conclusion 3 – Ground Disturbance**

Ground disturbance is assessed to be significant across the entire subject area, due primarily to quarrying activities in the subject area beginning in 1970s and more recent bulk earthworks and placement of imported fill to approximately 8m during site remediation approved under previous DA. Clear and observable modification of the landscape will have significantly disturbed, and removed any Aboriginal objects that may have existed within the subject area.

- **Conclusion 4 – Archaeological Potential**

In view of the significant ground disturbance across the entire subject area, the Aboriginal archaeological potential of the entire subject area is assessed to be **Very Low to Nil**.

- **Conclusion 5 – Significance Assessment**

The subject area is assessed as having low scientific/archaeological and aesthetic significance due to the absence of Aboriginal objects and the significant disturbance of the original natural landscape. The social and cultural, and historical values will be finalised following the close of consultation and receiving feedback for Registered Aboriginal Parties.

▪ **Conclusion 6 – Impact Assessment**

As there are no known Aboriginal objects within the subject area and it is unlikely to retain any as yet unknown Aboriginal objects, the proposed physical works are unlikely to cause either direct or indirect harm to Aboriginal objects or negatively impact inter-generational equity.

Based on the above conclusions, Urbis recommends the following:

▪ **Recommendation 1 – Submission of Report**

A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD-71144719.

▪ **Recommendation 2 – No Further Archaeological Investigation**

As the proposed works are unlikely to harm any Aboriginal objects or declared Aboriginal places, it is recommended that no further investigation is required for the present development. The development may proceed with caution, subject to the following archaeological chance finds and human remains procedures.

▪ **Recommendation 3 – Unexpected Archaeological Finds Procedure**

The following unexpected archaeological finds procedure should be followed in the unlikely event that any archaeological materials, or suspected archaeological materials, are uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds. The find must not be moved 'out of the way' without assessment.
2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS). Any management measures should be decided upon consultation with the RAPs.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

▪ **Recommendation 4 – Human Remains Procedure**

The following human remains procedure should be followed in the unlikely event that any human remains, or suspected human remains, are uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds.
2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW (Enviroline 131 555).
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. Management recommendations are to be formulated by the NSW Police, Heritage NSW, site representatives and the RAPs.
5. Works are not to recommence until the find has been appropriately managed.

1. INTRODUCTION

Urbis was engaged by ESR Developments ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) 1244594 ('the subject area') (Figure 1 and Figure 2).

The Proponent is seeking approval for the construction of two buildings for warehouse and distribution use located within the subject area under a State Significant Development Application (SSD-71144719). The subject area has been within the curtilage of previously approved Development Applications (DAs) for subdivision, bulk earthworks and site remediation of the former CSR Estate.

The present ACHA report addresses Item 18 of the SEARs, recited in Table 1 below.

Table 1 – SEARs requirements and relevant report sections.

Item	Description of Requirement	Documentation
18. Aboriginal Cultural Heritage	Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts to any Aboriginal cultural heritage sites or values associated with the site.	Addressed by the Present ACHA report.

1.1. SUBJECT AREA

The subject area is located at 3 Johnston Crescent, Horsley Park, NSW, legally defined as Lot 301 in Deposited Plan (DP) DP1244594 within the Fairfield City Council Local Government. The subject area is approximately 35 km east of the Sydney CBD and currently consists of remediated land that historically was the former CSR Estate, utilised as a quarry for a brick making operation. It is bounded by Johnston Crescent on its northern, and western boundaries and further remediated quarry lots to the south and east (Figure 1 and Figure 2).

1.2. PROPOSED WORKS

The Proponent seeks to develop a high-quality warehouse and distribution facility that will complement the industrial operations of the broader Horsley Logistics Park. The proposal will deliver industrial land uses in an existing industrial area with key connections to infrastructure corridors and the Western Sydney Aerotropolis. The project comprises the construction of two warehouse buildings with ancillary offices, continuous pad level with split hardstand areas. Both buildings will support warehouse and distribution use. Plans for proposed works are provided at Appendix D.

1.3. STATUTORY CONTEXT

The protection and management of Aboriginal cultural heritage items, places and archaeological sites within New South Wales is governed by the relevant Commonwealth, State or local government legislation. These are discussed below in relation to the present subject area.

1.3.1. Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ('the EPBC Act') provides protection for properties and places listed on the World Heritage List ('WHL'), the National Heritage List ('NHL') and the Commonwealth Heritage List ('CHL').

The WHL is a list of properties around the world considered to be of outstanding value to humanity, the NHL is a list of places of outstanding significance to the nation and the CHL is a list heritage places owned or controlled by the Australian Government. The WHL, NHL and CHL may include properties and places of Aboriginal heritage significance, in addition to places of natural and historical significance.

It is an offence under sections 15A, 15C, 27A and 27C of the EPBC Act to take any action that is likely to have a significant impact of the relevant heritage values of a place listed on the WHL, NHL or CHL. Approval from the Minister is required for controlled actions which will have a significant impact on items and places included on the WHL, NHL or CHL.

Properties and places listed on the WHL, NHL or CHL, are included in the Australian Heritage Database ('AHD'). The AHD also includes places under consideration, or that may have been considered, for any one of these lists. A search of the AHD was undertaken on 16 August 2024. The search did not identify any Aboriginal heritage properties or places within the curtilage of the subject area that are protected under the EPBC Act.

1.3.2. The National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NSW) ('the NPW Act') protects 'Aboriginal objects' and 'Aboriginal places' in NSW. The NPW Act defines 'Aboriginal objects' and 'Aboriginal places' as follows:

- **Aboriginal object** means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
- **Aboriginal place** means any place, which may or may not contain Aboriginal objects, that is declared to be an Aboriginal place under section 84 of the NPW Act because it is or was of special significance with respect to Aboriginal culture.

Under section 86 of the NPW Act, it is an offence to harm or desecrate an Aboriginal object or Aboriginal place. Section 87 of the NPW Act provides the following defences to prosecution under s. 86 of the NPW Act:

- The harm was to a previously unknown Aboriginal object, other than a modified tree, and was caused by a low impact activity as defined in reg. 58 of the NPW Reg.
- The harm was to a previously unknown Aboriginal object and due diligence was exercised by the Proponent to determine whether the activity would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed, per section 87(2) of the NPW Act.
- The harm or desecration was authorised by an Aboriginal Heritage Impact Permit ('AHIP'), per section 87(1) of the NPW Act.
- The harm or desecration was authorised by an approved State Significant Development Application, per section 4.41(1)(d) of the *Environmental Planning and Assessment Act 1979* (NSW).

As noted in Section 1 above, the ACHA was undertaken in support of a State Significant Development Application (SSD- 71144719) which seeks approval for the proposed works outlined in Section 1.2.

1.4. METHODOLOGY

The ACHA was undertaken in accordance with the requirements of regs. 60 and 61 of the *National Parks and Wildlife Regulation 2019* (NSW) and the following guidelines:

- *Applying for an Aboriginal Heritage Impact Permit guide for applicants* (OEH 2011a)
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011b) ('the Assessment Guidelines').
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) ('the Consultation Guidelines')
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010c) ('the Code of Practice').

The aim of the ACHA is to investigate whether future development of the subject area is likely to impact any Aboriginal objects or Aboriginal places that may exist within the subject area and to formulate measures for avoiding or minimising any such impacts

1.5. AUTHORSHIP

The present report has been prepared by Owen Barrett (Senior Archaeologist, Urbis) and Juliet Scholefield (Assistant Archaeologist, Urbis), with review and quality control undertaken by Balazs Hansel (Urbis Director, Archaeologist).

Owen Barrett holds a Bachelor of Arts (Archaeology and Palaeoanthropology) and a Diploma (Indigenous Archaeology) from the University of New England. Juliet Scholefield holds a Bachelor of Arts (Archaeology)

and a Bachelor of Advanced Studies (Design) from the University of Sydney. Balazs Hansel holds a Masters (History) and Masters (Archaeology and Museum Studies) from the University of Szeged (Hungary).

1.6. LIMITATIONS

The ACHA is limited to consideration of Aboriginal objects and places. Historical heritage properties and places protected under the EPBC Act and historical heritage items and relics protected under the *Heritage Act 1977* (NSW) are not considered.

DRAFT

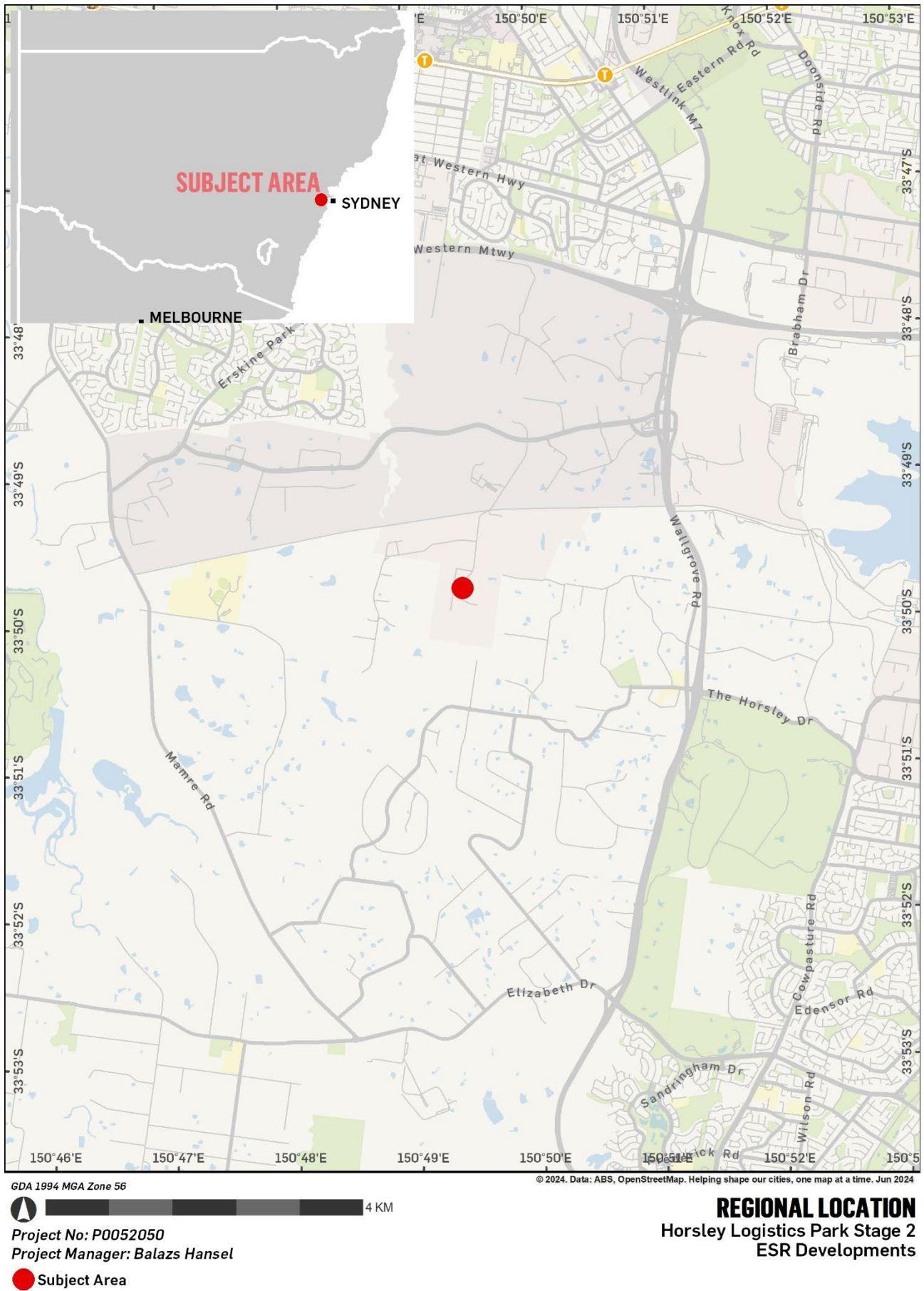


Figure 1 – Regional location of subject area



GDA 1994 MGA Zone 56

© 2024. Data: ABS, OpenStreetMap, Nearmap. Helping shape our cities, one map at a time. Jun 2024



Project No: P0052050

Project Manager: Balazs Hansel

Subject Area -- Ephemeral

SUBJECT AREA
Horsley Logistics Park Stage 2
ESR Developments

Figure 2 – Subject area

2. ABORIGINAL CONSULTATION

Consultation with the Aboriginal community is required under reg. 60 of the NPW Reg and the Consultation Requirements. The purpose of consultation with Aboriginal people is to understand their views and concerns about the proposed project and to understand the cultural values present in the area that may be harmed. Consultation ensures that Aboriginal people have the opportunity to improve assessment outcomes by providing relevant cultural information, influencing assessment methodology, contributing to the development of cultural heritage management options and reviewing and commenting the draft assessment report.

In consultation with Heritage NSW and DPHI a condensed consultation process has been carried out for the current ACHA. This is due to the significantly disturbed nature of the subject area which has been remediated under previously approved DA (893.1-2013) and removed all potential for Aboriginal objects within the subject area. Stage 2,3 and 4 is carried out in one consolidated process, providing the opportunity for Registered Aboriginal Parties (RAPs) for commenting on the findings of the ACHA and provide cultural information on the subject area.

The Consultation Requirements outline a four-stage consultation process that includes the following:

- Stage 1 – Notification of project proposal and registration of interest.
- Stage 2 – Presentation of information about the proposed project.
- Stage 3 – Gathering information about the cultural significance.
- Stage 4 – Review of draft cultural heritage assessment report.

Stages 2 to 4 will operate concurrently under the compressed consultation protocol.

2.1. STAGE 1 – NOTIFICATION AND REGISTRATION

The aim of Stage 1 of Aboriginal consultation is to identify, notify and register Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the subject area.

2.1.1. Native Title

A search of the National Native Title Tribunal (NNTT) registers and databases was undertaken on 14 August 2024. The search identified no pending Native Title claims or Native Title registrations for the subject area. The NNTT was also contacted by email on 14 August 2024 to request a formal search of the NNTT Register. A reply was received on 14 August 2024 indicating that there are no Native Title matters overlapping with the subject area.

2.1.2. Identification of Cultural Knowledge Holders

To identify Aboriginal people who may be interested in registering as Aboriginal parties for the project, the organisations stipulated in Section 4.1.2 of the Consultation Guidelines were contacted on 14 August 2024 (Table 2). A copy of the email sent to the each of the contacted organisations is included in Appendix C. A total of 80 Aboriginal parties with a potential interest in the subject area were identified during this stage.

Table 2 – Contacted organisations

Organisation	Notification Sent	Response Received
Deerubbin Local Aboriginal Land Council	14 August 2024	n/a
Fairfield Council	14 August 2024	n/a
Greater Sydney Local Land Services	14 August 2024	n/a
Heritage NSW	14 August 2024	19 August 2024
National Native Title Tribunal	14 August 2024	15 August 2024

NTS Corp	14 August 2024	20 August 2024
Office of the Registrar, Aboriginal Land Rights Act 1983	14 August 2024	15 August 2024

Letters were sent to the 80 identified Aboriginal parties by either email or mail on 23 August 2024 to notify them of the proposed project. The letters included a brief introduction to the project and the project location including a map of the subject area and set a deadline for response of 6 September 2024, providing 14 days to register an interest. A copy of the letter is included in Appendix C.

A public notice was placed in a local newspaper to open registration to the broader Aboriginal community. A search of <newspapers.com.au> was undertaken to identify local newspapers within the Horsley Park area. The search identified one local newspaper, the 'Fairfield Advance', which is now an online-only news platform published under the Daily Telegraph banner. An advertisement was therefore placed in the online classified advertisement section of the Daily Telegraph ('<https://www.buysearchsell.com.au>'), which is linked to the 'Fairfield Advance'. The advertisement was published online on 23 August 2024 and registration was open until 6 September 2024, providing the required 14 days to register an interest. A copy of the advertisement is included in Appendix C.

2.1.3. Registration of Interest

A total of 13 Aboriginal parties registered interest in the project as a result of this phase (Table 3). Acknowledgement emails were sent by Urbis to all respondents to confirm registration had been received. In addition, Deerubbin LALC was automatically registered.

A list of the Registered Aboriginal Parties (RAPs) was provided to Heritage NSW and Deerubbin LALC on 11 September 2024 (see Appendix C).

Table 3 – Registered Aboriginal Parties

Registered Party	Contact
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

2.2. STAGES 2 - 4 – COMPRESSED CONSULTATION

The aim of community consultation is to provide RAPs with information about the scope of the proposed project, to gather feedback on the proposed project and to gather any cultural information that the RAPs wish to share.

In consultation with Heritage NSW and DPHI a condensed consultation process has been carried out for the current ACHA. This is due to the significantly disturbed nature of the subject area which has been remediated under previously approved DA (893.1-2013), and removed all potential for Aboriginal objects within the subject area. Stage 2,3 and 4 is carried out in one consolidated process, providing the opportunity for Registered Aboriginal Parties (RAPs) for commenting on the findings of the ACHA and provide cultural information on the subject area.

A draft of the present ACHAR was sent to RAPs via email on 11 September 2024 with comment on the draft ACHAR requested by 11 October 2024, providing 30 days to respond. ### responses were received in relation to the Stage 4 draft ACHA report. The responses are included in Appendix C. Of the ### responses received, ### included comments on the ACHA report. Those responses are addressed and addressed in Table 4 below.

Table 4 – RAP responses to the Stage 2 to 4 Draft ACHA Report

RAP	Comments	Urbis Response

3. DESKTOP ASSESSMENT

The aim of the desktop assessment is to determine whether any known Aboriginal objects are located within the subject and whether the subject area is likely to retain any unknown Aboriginal objects. The findings of the desktop assessment inform the archaeological survey of the subject area and contribute to the determining whether an archaeological test excavation is required.

3.1. ARCHAEOLOGICAL CONTEXT

The archaeological context of the subject area encompasses previous archaeological and ethnohistorical studies that are relevant to determining the nature and distribution of Aboriginal archaeological material within the local region and subject area and local region.

3.1.1. Aboriginal Land Use

Ethnohistorical accounts provide a basis for understanding how Aboriginal people lived prior to the arrival of Europeans and therefore the nature and distribution of archaeological material that is likely to be found in the archaeological record. Such accounts are inherently biased by the cultural norms of the observer and behavioural modifications in response to the awareness of being observed (the so-called 'Hawthorne Effect'). Nevertheless, by comparing and contrasting these observations with archaeological evidence and cultural information from the Aboriginal community, it is possible to establish a general understanding of the lives of Aboriginal people.

The archaeological record provides evidence of the long occupation of Aboriginal people in Australia. Current archaeological record establishes occupation of the Australian mainland by as early as 65,000 years before present (BP) (Clarkson et al. 2017). The oldest date for a site in the Sydney region is at Pitt Town on the Hawkesbury River, approximately 53 km south-west of the present subject area, which is dated to around 36,000 BP (Williams et al. 2014). Older occupation sites along the now submerged coastline would have been flooded around 10,000 years ago, with subsequent occupation concentrating along the current coastlines and rivers (Attenbrow 2010). The archaeological record indicates that Aboriginal people were occupying the region around the subject area well before the arrival of the First Fleet in 1788.

Given the early contact with Aboriginal people in the Sydney region, more is known about these groups than those that inhabited regional areas. The Aboriginal population in the greater Sydney region is estimated to have been between around 4000 and 8000 people at the time of European contact (Attenbrow 2010).

The present subject area is located within the traditional lands of the Cabrogal (also spelt Gahborgal) people (Attenbrow 2010:25). The name of the Cabrogal people is derived from the teredo worms called 'cah-bro' which they ate (Attenbrow 2010:26). The cah-bro grow in submerged timber in the brackish waters of the Georges River. In addition to the cah-bro, the Cabrogal, like all inland Aboriginal people of the Sydney basin, would have depended largely on mammals and roots, primarily the yam, for their subsistence (Tench 1789).

Like Aboriginal people throughout Australia, the Cabrogal employed stone tools for everyday tasks. Stone artefacts are common in the archaeological record, partly due to their common use, but also because they are resistant to degradation and therefore survive on the ground surface and in subsurface deposits. Flaked artefacts are typically the most common type of stone artefact encountered, in part due to their long and ubiquitous use, but also due to their high discard rate and the large amount of waste produced during manufacture. Ground edged tools are also known to have been utilised by Aboriginal people in the broader region (Tench 1789) and appear in the archaeological record around 4,000 BP (Attenbrow 2010:102). After European contact, Aboriginal people of the Sydney region continued to manufacture tools, sometimes employing new materials such as bottle glass or ceramics (Attenbrow 2010:103-104).

In addition to stone tools, the Cabrogal are known to have utilised the resources afforded by the local forests and waterways. Other materials used by the Cabrogal, such as bone, also survive in the archaeological record under certain conditions.

3.1.2. Declared Aboriginal Places

The NSW State Heritage Inventory (SHI) includes all declared Aboriginal places within NSW, in addition to historic heritage items listed on the State Heritage Register (SHR), listed Interim Heritage Orders (IHOs) and items listed on Local Environment Plans (LEPs) and State Environmental Planning Policies (SEPPs).

A search of the SHI was undertaken on 6 June 2024. The search did not identify any heritage items within the curtilage of the subject area.

3.1.3. Registered Aboriginal Objects

The Aboriginal Heritage Information Management System (AHIMS) is a database of registered Aboriginal sites in NSW. Each registered Aboriginal site includes one or more site 'features', which may be considered an Aboriginal object under the NPW Act.

The *Guide to completing the AHIMS Site Recording Form* (OEH 2012) lists 20 different features that may be recorded on AHIMS. The most common site features registered in NSW are artefacts, modified trees, art, grinding grooves and shell deposits (see Glossary for definitions). However, the likelihood of any particular site feature being found will vary according to region and environment. Less common site features that are encountered are burials, ceremonial rings, earth mounds, fish traps, habitation structures, hearths, non-human bone and organic material, ochre quarries, stone arrangements and stone quarries (see Glossary for definitions).

Other Aboriginal site features that are recorded on AHIMS but are not necessarily 'Aboriginal objects' within the meaning of that term as it is defined in the NPW Act (i.e. are not a 'deposit, object or material evidence... relating to the Aboriginal habitation of the area') are potential archaeological deposits (PADs), Aboriginal ceremony and dreaming sites, Aboriginal resource and gathering sites, conflict sites and waterholes (see Glossary for definitions). These features are only considered to be 'Aboriginal objects' for the purpose of the NPW Act if accompanied by at least one of the other site types defined above.

The AHIMS database also provides information on the context of registered Aboriginal sites. Sites that are recorded as 'closed' context s are those that include a cave or rock overhang, while all other sites are recorded as 'open' context.

It should be noted that the AHIMS register does not represent a comprehensive list of all Aboriginal objects or places as it is limited to sites that have been previously identified and registered. Registration is typically the result of previous archaeological investigation, so the number of registered Aboriginal sites in area is dependent on the amount of such research previously undertaken.

A search of the Aboriginal Heritage Information Management System (AHIMS) was carried out on 6 June 2024 (AHIMS Client Service IDs: 898769 and 898772) for an area of approximately 2 km x 2 km centred on the subject area. A summary of all previously registered Aboriginal objects and Aboriginal places within the search area is provided in Table 5 and their spatial distribution is shown in Figure 3. The Basic and Extensive AHIMS search results are included in Appendix A. The results of the search are discussed below.

The AHIMS search did not identify any Aboriginal objects or Aboriginal places within the curtilage of the subject area.

Three registered Aboriginal sites are located within 500 m of the subject area. Site # 45-5-3095 is an artefact site, located approximately 170 m east of the subject area (Figure 3). The site is situated in a partially disturbed context, the disturbance being caused by clearance of trees. It comprises two lithic artefacts: a silcrete core and a silcrete flaked piece. Sites #45-5-2046 and AHIMS ID#45-5-2057, located approximately 300m south of the subject area, were isolated finds consisting of undiagnostic lithic pieces. Both were in a highly disturbed context (Discussed further in Section 3.1.4 below).

As these sites are small low-density artefacts, they are unlikely to have extended into the present subject area. There is therefore no indication on AHIMS that any registered Aboriginal sites are located within or extend into the subject area.

The search of the broader region around the subject area was undertaken to determine if: (i) there are any registered Aboriginal sites near the subject area that might extend into it; and (ii) to determine if there is any association of Aboriginal sites certain landscape features within the broader region that may be instructive for determining the likelihood of Aboriginal sites within the subject area.

In the broader search area 16 Aboriginal sites are registered.

Each Aboriginal site is defined according to the site features it includes (e.g. artefacts, art and shell). An Aboriginal site may include one or more site features. In the AHIMS search area the only Aboriginal objects recorded were artefacts representing 96% (n=15). The remaining site was registered as Potential Archaeological Deposit (PAD). The number and types of sites features in the search area are presented in Table 5.

The contexts of the registered Aboriginal sites within the AHIMS search area are also shown in Table 5 below. All registered Aboriginal sites in the search area are in an open context, meaning they are not associated with a cave or rock overhang. The absence of registered closed sites in the AHIMS search results is consistent with the lack of sandstone outcrops in the region.

Table 5 – Summary of registered Aboriginal sites in the AHIMS search area

Site Feature	Context	Number	% of Sites
Artefact	Open	15	94%
Potential Archaeological Deposit (PAD)	Open	1	6%

The spatial distribution of registered Aboriginal sites within the search area shows a clear association of registered sites with creeks (Figure 3). The observed association reflects a reliance of Aboriginal people on local waterways for fresh water and food resources and the more concentrated use of land in the vicinity of these waterways. However, the identified sites represent an isolated cluster. This is likely due to a paucity of archaeological investigation rather than a true representation of Aboriginal land use.

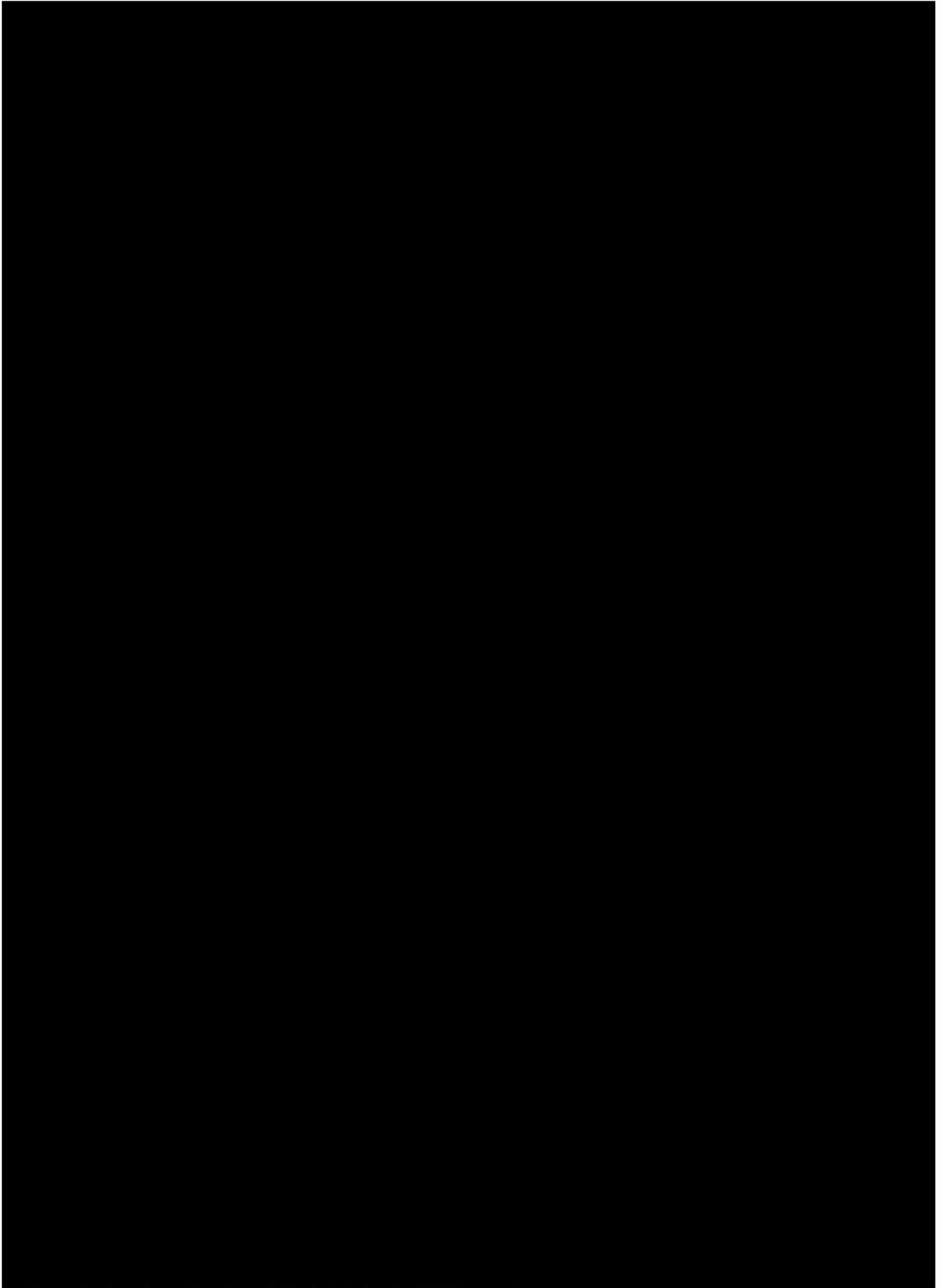


Figure 3 – Locations of registered Aboriginal sites in AHIMS search area

3.1.4. Previous Archaeological Investigations

Previous archaeological investigations may provide information on known or potential Aboriginal archaeological resources in a subject area.

3.1.4.1. Investigations of the Subject area

No previous archaeological investigations of the subject area have been identified.

3.1.4.2. Investigations within the Local Area

A number of investigations have been undertaken in the broader region. The investigations of most relevance to the present subject area are summarised below.

Urbis (2024) previously conducted an Aboriginal Cultural Heritage Assessment (ACHA) for the portion of the CSR Estate directly east of the current subject area at 16 Johnston Crescent, Horsley Park. While the hydrology of the site was considered indicative of likely past Aboriginal use ground disturbance was assessed to be high across the entire subject area due primarily to quarrying activities and subsequent site remediation. Such extensive disturbance reduced archaeological potential to Very Low, as well as diminishing any social and cultural value for the subject area. Figure 4 below shows that the ACHA site (marked green) and the present subject area (marked red) were contiguous portions of the same quarry site, and that they both display similar levels of disturbance.



Figure 4 – Northern portion of former CSR Estate prior to site remediation, January 2021; 16 Johnstone Crescent marked green, the present subject area marked in red

Source: nearmap

Artefact (2022) undertook an Aboriginal Cultural Heritage Assessment of the Oakdale East Industrial Estate, located to the immediate north of the subject on the opposite side of Burley Road. The study area within was assessed to have nil to low archaeological potential because it was within low-lying ground near Reedy Creek that was prone to flooding. The remainder of the study area was assessed as having nil archaeological potential due to the mining activities undertaken there since the 1970s which have resulted in heavy disturbance to the ground. A survey of the study area identified no Aboriginal objects. The investigation

demonstrates that deleterious impacts of both natural ground disturbing processes and human impacts on archaeological material.

Urbis (2020) undertook an Aboriginal Objects Due Diligence Assessment at 327-335 Burley Road, Horsley Park, located within the disturbed quarry directly to the south-east of the present subject area. Two Aboriginal objects were previously listed within the site (AHIMS ID#45-5-2046 and AHIMS ID#45-5-2057). Both were isolated stone artefacts found in a disturbed context and secondary position. These sites have since been destroyed. The investigation assessed low to nil potential for Aboriginal objects to be retained due to high levels of disturbance across the entirety of the subject area. This investigation holds relevant contextual information to the current subject area due to its proximity and similarly disturbed landscape. Further extensive remediation works have since been undertaken at the site and the present subject area under a previous DA. As a result, the potential for isolated stone artefacts similar to those found at 327-335 Burley Road is very low.

Mary Dallas Consulting Archaeologists (2017) undertook an Aboriginal heritage assessment of the Fairfield City Council area, including the present subject area, which consolidates information from previous archaeological investigations. The study found that almost all Aboriginal sites in the area are surface scatters or subsurface deposits of stone artefacts, with most of the remainder being scarred trees. Almost all artefact sites were found to be low density, comprising fewer than 10 artefacts. Due to an absence of sandstone outcrops in the region, rock art was observed to be uncommon. It was further observed that Aboriginal sites in the region are often associated with waterways, including Ropes Creek and Reedy Creek. The study further identified 'Potential Investigation Areas' within the Fairfield LGA based on proximity to waterways, low historical ground disturbance and proximity to known Aboriginal sites. The subject area is not identified as a Proposed Investigation Area.

3.1.5. Existing Predictive Models

Predictive models are used to determine the likelihood of Aboriginal archaeological material being located within a particular area.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010b) ('The Due Diligence Code') provides an overarching predictive model for the entirety of NSW. The Due Diligence Code specifies the following 'relevant landscape features' that are considered indicative of likely past Aboriginal land use:

- Areas within 200 m of waters including freshwater and the high tide mark of shorelines.
- Areas located within a sand dune system.
- Areas located on a ridge top, ridge line or headland.
- Areas located within 200 m below or above a cliff face.
- Areas within 20 m of or in a cave, rock shelter, or a cave mouth.

The above predictions are consistent with the findings of Mary Dallas Consulting Archaeologists (2017) and with the observed locations of registered Aboriginal sites in the local region (Sections 3.1.3 and 3.1.4 above).

3.2. ENVIRONMENTAL CONTEXT

The environment context of the subject area encompasses the natural landscape and the impacts of historical human activity. These aspects of the environmental context are relevant to predicting the potential for unknown Aboriginal objects occurring within the subject area.

3.2.1. Natural Landscape

The purpose of reviewing the natural landscape of the subject area is twofold. It assists in the prediction of the intensity and nature of Aboriginal land use and deposition of archaeological material in the subject area by considering the landforms and resources that would have played a part in the everyday lives of Aboriginal people. It also assists in the determining the likelihood that those material remains would have survived any natural geomorphological process or historical ground disturbance (discussed in Section 3.2.2 below).

Topography: The subject area is located on lower slopes of a low ridgeline to the east. However, the original topography has been completely changed by the quarrying of the area and consequent remediation.

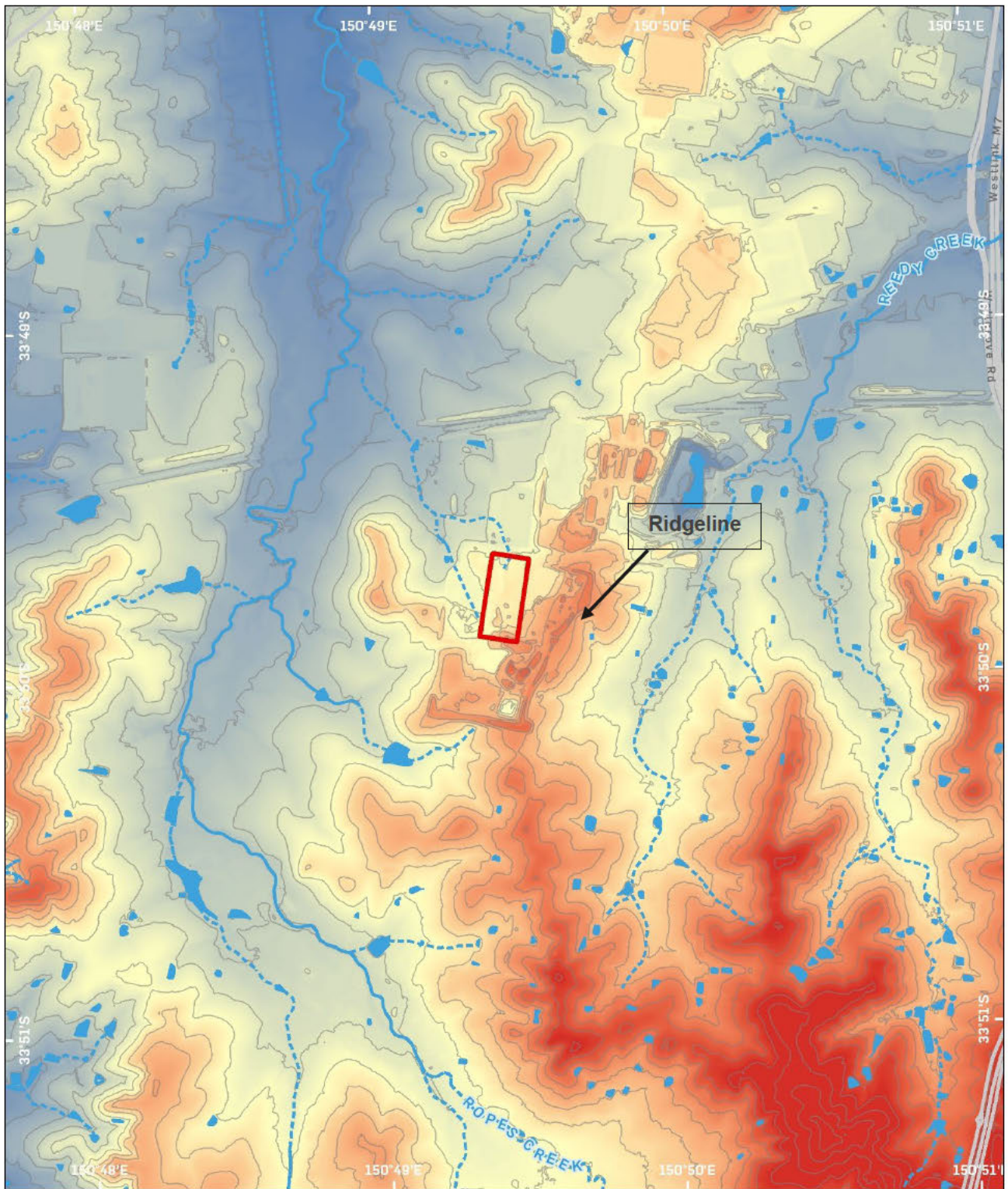
Soils and Geology: The NSW Soil and Land Information System (SALIS) provides information on expected soil landscapes within NSW. The subject area is within the Blacktown soil landscape. Blacktown soil landscape occurs on upon gently undulating rises on Wianamatta Group shales and Hawkesbury shale. Soils are described as shallow to moderately deep (<100 cm) on crests, upper slopes and well-drained areas; deep on lower slopes and in areas of poor drainage. The Blacktown soil landscape is residual and subject to erosion. The entire original soil profile has been removed from the subject area by the historical land use and replaced by imported fill to approximately 8m depth during the remediation.

Geomorphic Activity: The mode of geomorphic activity in the subject area is erosion. Natural erosional processes, particularly water erosion, have caused displacement of topsoil and other surface material from across the entire subject area, potentially including archaeological material. The historical land use and disturbance removed all natural soils and consequently geomorphological processes are not relevant to the subject area.

Hydrology: The subject area is located in the upper catchment area of two drainage lines feeding into a tributary of Ropes Creek. One of these is mapped as originating within the northern portion of the subject area, the other from its western boundary. These may have supported ephemeral water sources or permanent water holes. The subject area is therefore located within 200 m of natural water. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling of the abandoned quarry removed this potential.

Vegetation: Vegetation within the Blacktown Soil Landscape is typified by open-forest and open-woodland (dry sclerophyll forest). The original woodland and open-forest were dominated by *Eucalyptus tereticornis* (forest red gum), *E. crebra* (narrow-leaved ironbark), *E. moluccana* (grey box) and *E. maculata* (spotted gum). Such species could have been subject to cultural modification. There is no native vegetation left within the subject area.

The relevance of the natural landscape for the present assessment is discussed in the application of the predictive model to determining Aboriginal archaeological potential in Section 3.1.5 below.



GDA 1994 MGA Zone 56

© 2024. Data: ABS, OpenStreetMap. Helping shape our cities, one map at a time. Jun 2024



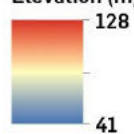
2 KM

Project No: P0052050

Project Manager: Balazs Hansel

- Subject Area
- Ephemeral
- Hydrology
- Contours
- Permanent

Elevation (m)



TOPOGRAPHY

Horsley Logistics Park Stage 2
ESR Developments

Figure 5 – Topography

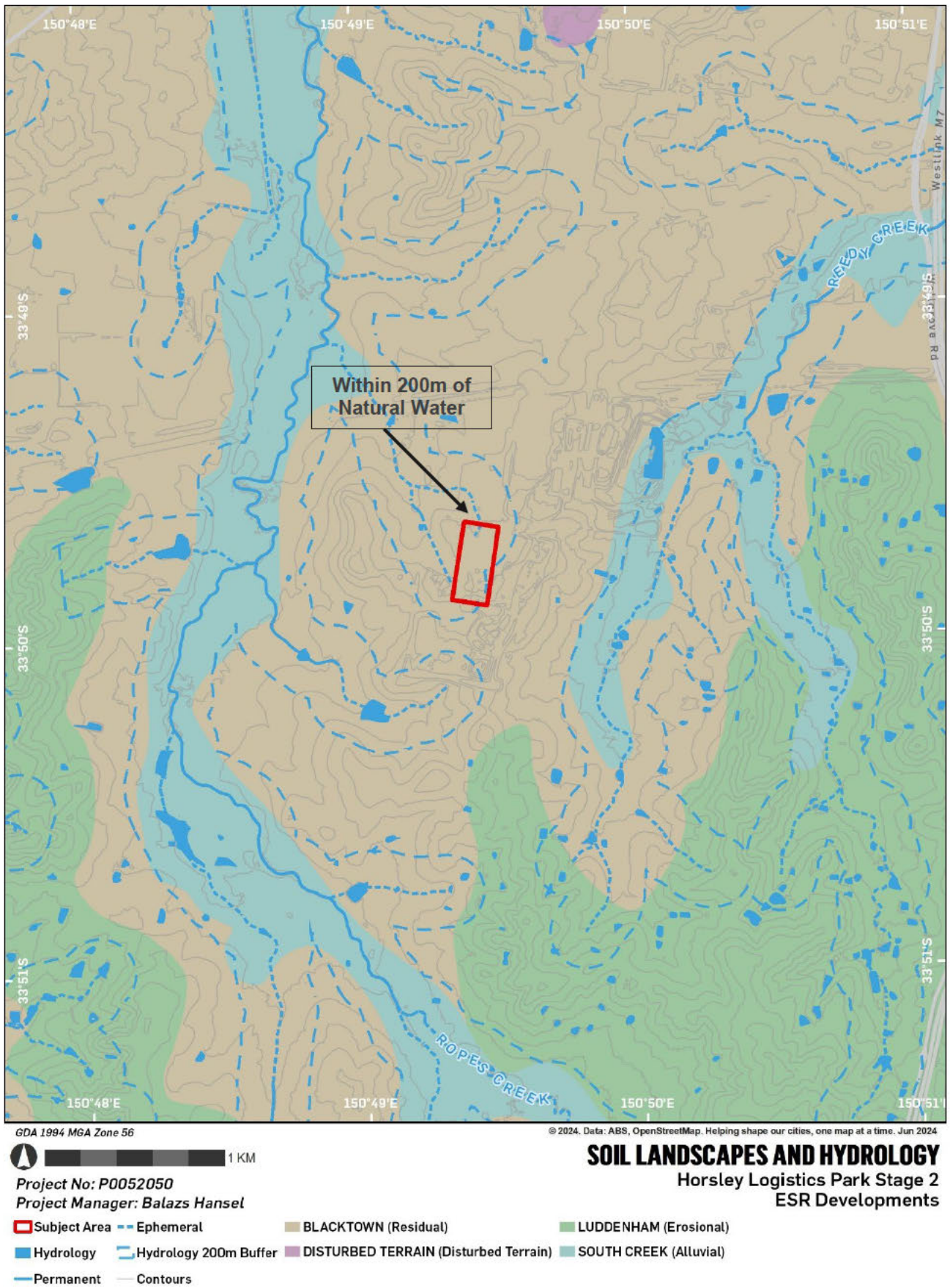


Figure 6 – Soil landscapes and hydrology

3.2.2. Historical Ground Disturbance

Disturbance to the natural landscape, either through human activity (e.g., clearing of vegetation, ploughing and construction of buildings) or natural processes (e.g., erosion), reduces the likelihood of deposited Aboriginal objects being retained, either through destruction of the Aboriginal objects or their removal. Ground disturbance may affect the natural topsoil (A-horizon), within which subsurface Aboriginal archaeological remains are typically found, and other surface features associated with Aboriginal objects, such as trees, rock platforms and rock overhangs.

For the purpose of the present assessment, historical ground disturbance is rated according to the following scheme:

- **High:** all or most topsoil has been removed, with at most only a small part of the lower portion of topsoil possibly remaining intact
- **Moderate:** the upper part of the topsoil has been substantially disturbed or removed, but a substantial amount remains intact
- **Low:** little or no disturbance or removal of topsoil, with all or most topsoil remaining intact

The degree of disturbance is relative to the depth of the natural topsoil. For example, disturbance of the upper 30 cm of a natural soil profile by ploughing may be high if the topsoil only 30 cm deep, but only moderate if the topsoil is 1 m deep.

The former CSR Estate lands have been previously used for resource extraction and brick manufacturing. The operation of the quarry resulted in the clearance of all vegetation, removal of original soils and large-scale disturbance of the landscape across the entire estate, which includes the subject area. CSR identified large portions of land within the former CSR Estate as surplus and available for alternate development. The land was no longer being utilised for quarrying and was subdivided for future development. This has resulted in a series of development applications lodged with and approved by Fairfield City Council and the NSW Land & Environment Court. Following the undertaking of remediation, fill and benching in accordance with these consents, various parcels have been sold to developers including ESR.

An aerial image of the subject area from 1961 shows that it has been extensively cleared of vegetation by this time. Modifications for dams are evident indicating pastoral land use at this time (Figure 7). A significant change in the appearance of the subject area is observed in aerial photograph from 1971 (Figure 8). Quarrying has been initiated and a structure has been constructed, presumably the brickworks. Areas not excavated at this time are beginning to experience disturbance of the upper soil profile. By 2021, the impacts of the quarry had extended to encompass the entirety of the subject area. Heavy modifications for resource extraction and dams/retention ponds are evident across the majority of the subject area (Figure 9). Figure 10 shows the complete disturbance during the remediation process in 2022 under a previous Development Application. Figure 11 shows the final result of remediation. This is the current condition of the subject area to which this assessment refers.

It is evident that the subject area has been impacted by a range of ground disturbing activities since at least the early 20th century. Early land clearance and grazing likely caused some erosion of topsoil. However, quarrying activities beginning in the 1970s, the construction and use of the subject area as a brickworks and more recent earthworks for levelling of the subject area would have had a far greater impact. With a natural topsoil depth of up to only around 40-60 cm, these activities would have likely removed all of the topsoil across the entire subject area and all remnant native trees.

A geotechnical investigation undertaken by Douglas Partners (2019) confirms the absence of natural topsoil within the subject area. The investigation consisted of both borehole tests undertaken across the subject area. A layer of silty clay fill was encountered to depths of 0.5 to 2.8m overlying natural silty clay in each of the boreholes. No natural topsoil was encountered.

The previous summary of historical ground disturbance within the subject area indicates that the subject area is disturbed in accordance with the Due Diligence Code. This reduces the likelihood that Aboriginal objects would be retained within the subject area.

Ground disturbance across the entire subject area is therefore assessed to be **Significant**. No natural soils remain within the subject area.

The relevance of historical ground disturbance for the present assessment is discussed in the application of the predictive model to determining Aboriginal archaeological potential in Section 3.4.1 below.

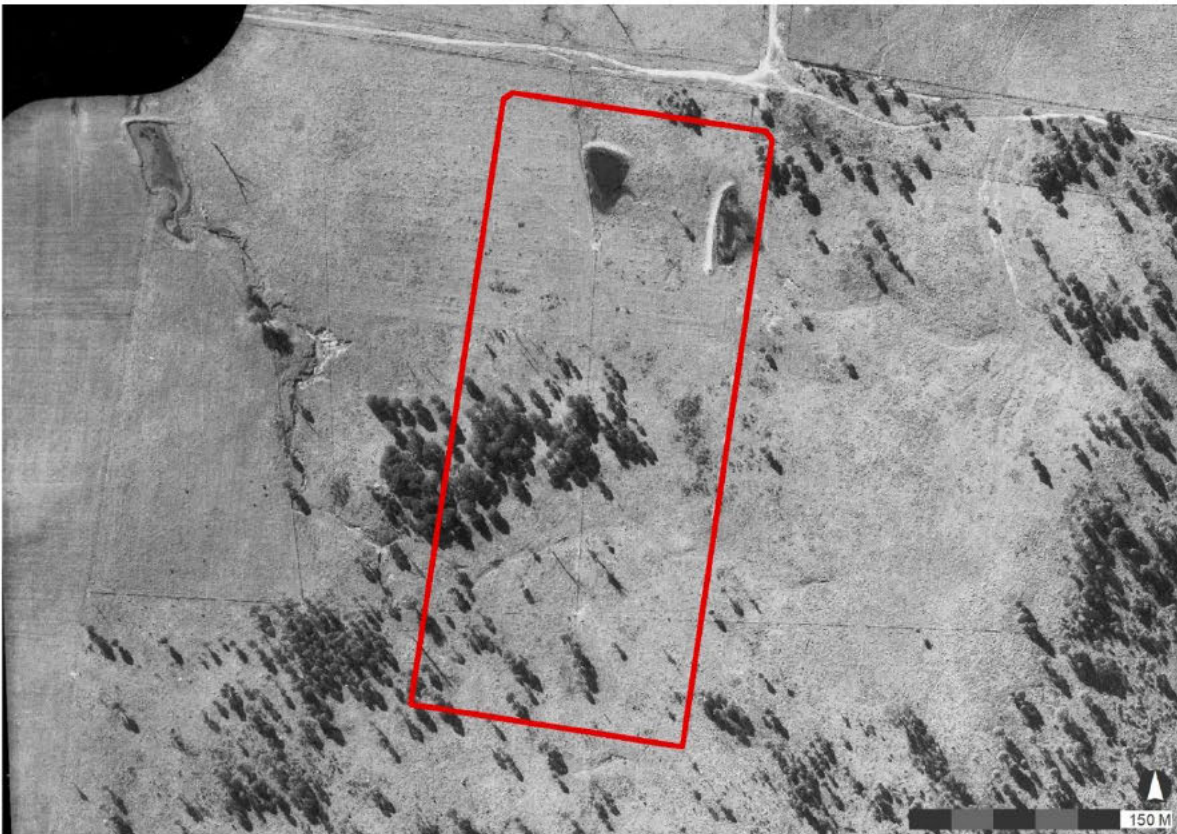


Figure 7 – Aerial image of subject area (red outline) from 1961; cleared for pasture
 Source: NSW Government, Historical Imagery Viewer



Figure 8 – Aerial images of subject area (red outline) from 1971; early quarrying activities
 Source: NSW Government, Historical Imagery Viewer



Figure 9 – Aerial image of subject area (red outline) from 2021; the brickworks at its peak
 Source: NearMap



Figure 10 – Aerial images of subject area (red outline) from 2022; during site remediation
 Source: NearMap



Figure 11 – Current aerial image of subject area (red outline) following remediation works

Source: NearMap

3.3. LOCAL & REGIONAL CHARACTER

The evidence from Sections 3.1 and 3.2 is synthesised below to highlight the main issues and regional character of Aboriginal land use and the material traces that it has produced.

Ethnohistorical accounts and archaeological evidence indicate that Aboriginal land use in the local area and region is heavily reliant on the numerous lower order creeks that traverse the landscape, including nearby Ropes Creek and Reedy Creek and their tributaries. Stone tools are likely to have played a significant role in the lives of Aboriginal people in the local area and region. Lithic artefacts are likely to have been discarded in low densities areas near waterways. It is apparent that cultural modification of trees in the local area and region was relatively common and such trees may survive where remnant native trees are present.

3.4. ARCHAEOLOGICAL POTENTIAL

The Aboriginal archaeological potential of an area is the likelihood that it retains material evidence of past Aboriginal land use. The purpose of undertaking an assessment of Aboriginal archaeological potential is to determine if an archaeological test excavation is required and, if so, inform the sampling strategy for that excavation.

3.4.1. Predictive Model

A predictive model for the present assessment has been formulated based on existing predictive models (Section 3.1.5) and the local and regional character summarised above (Section 3.3).

The following landscape features are considered relevant for indicating likely past Aboriginal land use in the region:

- Areas within 200 m of waters including freshwater and the high tide mark of shorelines.
- Areas located within a sand dune system.

- Areas located on a ridge top, ridge line or headland.
- Areas located within 200 m below or above a cliff face.
- Areas within 20 m of or in a cave, rock shelter, or a cave mouth.

The above predictive model is consistent with the Due Diligence Code.

Aboriginal archaeological potential is further dependent on erosional transport and historical ground disturbance. Archaeological material is more likely to accumulate in aggraded landforms than eroded landforms, while higher ground disturbance reduces the likelihood of archaeological material surviving.

Synthesising the above predictors, Aboriginal archaeological potential is rated according to the following scheme:

- **Very High:** at least one relevant landscape feature, low ground disturbance and an aggraded landform
- **High:** at least one relevant landscape feature and either: (i) low ground disturbance and an eroded landform; or (ii) moderate ground disturbance and an aggraded landform
- **Moderate:** at least one relevant landscape feature, moderate ground disturbance and an eroded landform
- **Low:** no relevant landscape features and low or moderate ground disturbance
- **Very Low:** high ground disturbance

Expected site features are based on the following associations landscape features:

- The location of an area near creek lines or on a ridgeline indicates that artefacts are likely site features as either subsurface deposits or surface scatters.
- The density of artefact sites is likely to be low for all landscape features.
- The presence of remnant native trees indicates that modified trees are possible site features.

The predictive model described above is applied in the following section to determine the Aboriginal archaeological potential of the subject area and likely site features.

3.4.2. Assessment of Potential

Based on the predictive model outlined in the preceding section, the archaeological potential of the present subject area is assessed as follows.

The subject area is located within 200 m of natural water and located on the lower slopes of a low ridgeline to the east. (Section 3.2.1). Association of the subject area with these landforms is considered indicative of likely past Aboriginal land use under the predictive model presented in the preceding section. Based on known Aboriginal sites in the region, that land use is most likely to be materially manifested as lower density subsurface deposits and surface scatters of discarded stone artefacts and, to a much lesser extent, modified trees. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling of the abandoned quarry removed this potential.

Ground disturbance across the entire subject area is assessed to be significant (Section 3.2.1), meaning all intact natural topsoils have been removed by the historical land use subject area. Human activity, particularly quarrying, use of the site as a brickworks and more recent earthworks, have removed the entire natural topsoil from the subject area. Additionally, there are no remnant native trees (or indeed any trees) within the subject area, meaning there is no possibility of modified trees being present.

Synthesising the above factors according to the archaeological rating scheme presented in the preceding section, it is determined that Aboriginal archaeological potential is **Very Low to Nil** across the entire subject area.

3.5. SUMMARY

The desktop assessment of the subject area is summarised as follows:

- There are no known Aboriginal objects or Aboriginal places registered within the curtilage of the subject area.

- The subject area is within 200m of water sources which is considered indicative of likely past Aboriginal land use. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling of the abandoned quarry removed this potential.
- Ground disturbance is assessed to be significant across the entire subject area, due primarily to quarrying activities in the subject area beginning in 1970s and more recent earthworks and remediation that removed all natural soils from the subject area.
- In view of the high ground disturbance across the entire subject area, the Aboriginal archaeological potential of the entire subject area is assessed to be **Very Low to Nil**.

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4. SIGNIFICANCE ASSESSMENT

The following is an assessment and discussion of the cultural significance of the subject area, made in consultation with the RAPs. The assessment follows principles and procedures outlined in the Burra Charter the Assessment Guidelines.

4.1. FRAMEWORK FOR ASSESSMENT

The Burra Charter defines cultural significance as being derived from the following values: social or cultural value, historic value, scientific value and aesthetic value. Aesthetic, historic, scientific and social values are commonly interrelated. All assessments of heritage values occur within a social and historic context. Therefore, all potential heritage values will have a social component.

Heritage significance is assessed by considering each cultural or archaeological site against the significance criteria set out in the Assessment Guidelines. The Assessment Guidelines require that the assessment and justification in a statement of significance includes a discussion of whether any value meets the following criteria:

- Does the subject area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons? – social value.
- Is the subject area important to the cultural or natural history of the local area and/or region and/or state? – historic value.
- 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? – scientific (archaeological) value.
- Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state? – aesthetic value.

Assessment of each value should be graded in terms that allow the significance to be described and compared (e.g. high, moderate, or low). In applying these criteria, consideration should be given to:

- Research potential: *does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?*
- Representativeness: *how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?*
- Rarity: *is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?*
- Education potential: *does the subject area contain teaching sites or sites that might have teaching potential?*

The Aboriginal heritage significance of the subject area is assessed in the following section within the framework outlined above.

4.2. ASSESSMENT OF HERITAGE VALUES

The following assessment of the social or cultural, historic, scientific and aesthetic values of the subject area has been prepared in accordance with the Assessment Guidelines.

In acknowledgment that the Aboriginal community themselves are in the best position to identify heritage values, the assessment is informed by consultation with the Aboriginal community undertaken as part of the ACHA (Section 2 above).

4.2.1. Social or Cultural Value

Social or cultural value encompasses the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Places of social or cultural value have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods, or events. Communities can experience a sense of loss should a place of

social or cultural value be damaged or destroyed. Social or cultural values can therefore only be identified through consultation with Aboriginal people.

The following comments relevant to the social or cultural value of the subject area were received from RAPs during the consultation process. The comments, received from [RAP], are as follows:

.....

In view of the above feedback, the subject area [is/is not] assessed as having social and cultural value to the Aboriginal community due to

4.2.2. Historic Value

Historic value encompasses the history of aesthetics, science and society. A place may have historic value because it is associated with a historic figure, event, phase or activity in an Aboriginal community. The significance of a place will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment. Places may also have 'shared' historic values with other (non-Aboriginal) communities.

No historical associations between Aboriginal people and the subject area have been identified through the technical assessment. Historical values can also be identified through consultation with Aboriginal people.

The following comments relevant to the historical value of the subject area were received from RAPs during the consultation process. The comments, received from [RAP], are as follows:

.....

In view of the above feedback, the subject area [is/is not] assessed as having historical value to the Aboriginal community due to

4.2.3. Scientific (Archaeological) Value

Scientific value relates 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 value will be gathered through any archaeological investigation undertaken.

The subject area is unlikely to retain any Aboriginal objects due to a significant level of historical ground disturbance. The scientific (archaeological) value of the subject area is therefore assessed to be Nil.

4.2.4. Aesthetic Value

Aesthetic value of a place relates to the sensory, scenic, architectural and creative aspects of a place. It may include visual aspects, such as form, scale, colour, texture and material of the fabric, and the smells and sounds associated with the place and its use.

It is evident that the subject area is highly disturbed through land clearance, grazing, quarrying and earthworks. The present visual appearance and other sensory aspects of the subject area are unlikely to resemble those of the landscape of the local area as it existed prior to European contact. The subject area is therefore unlikely to have aesthetic value insofar as it relates to Aboriginal cultural heritage.

Individual Aboriginal objects may have aesthetic value in their own right. Although there are no known Aboriginal objects within the subject area that could be assessed for aesthetic value, should any Aboriginal objects be identified within the subject area during the proposed works, these should be assessed for aesthetic value.

4.3. STATEMENT OF SIGNIFICANCE

The subject area is assessed as having low Aboriginal cultural heritage significance for its social and cultural value. Based on comments received from RAPs during the consultation process, the subject area is having/not having ... values/significance. Furthermore, the high level of ground disturbance in the subject area, due to quarrying and earthworks from the 1970s onwards, is likely to have diminished any social and cultural value. Therefore, although the social and cultural value of the landscape within which the subject area is situated is acknowledged, the Aboriginal heritage significance of the subject area itself is assessed to be low.

5. IMPACT ASSESSMENT

The following is an assessment of the potential impact of the proposed development on any Aboriginal objects and/or Aboriginal places within the subject area and the possible strategies for avoiding or minimising harm to those Aboriginal objects and/or Aboriginal places.

5.1. FRAMEWORK FOR ASSESSMENT

The potential harm to Aboriginal objects and Aboriginal places that is likely to be caused by a proposed activity is the effect of that activity on the Aboriginal heritage values identified above. According to the NPW Act, 'harm' to an object or place includes any act or omission that:

- Destroys, defaces, or damages the object or place.
- Moves the object from the land on which it had been situated.
- Causes or permits the object or place to be harmed.

Harm does not include something that is trivial or negligible, such as picking up and replacing a small stone artefact, breaking a small Aboriginal object below the surface when you are gardening, crushing a small Aboriginal object when you walk on or off a track, picnicking, camping or other similar recreational activities.

The Assessment Guidelines define harm to Aboriginal objects and Aboriginal places as being either 'direct' or 'indirect':

- **Direct harm** may occur as the result of any activity which disturbs the ground including, but not limited to, site preparation activities, installation of services and infrastructure, roadworks, excavation, flood mitigation measures.
- **Indirect harm** may affect sites or features located immediately beyond or within the area of the proposed activity. Examples include, but are not limited to, increased impact on art in a shelter from increased visitation, destruction from increased erosion and changes in access to wild food resources.

The present assessment of potential harm follows the principles of ecologically sustainable development (ESD), in particular the precautionary principle and the principle of inter-generational equity:

- The **precautionary principle** states that full scientific certainty about the threat of harm should never be used as a reason for not taking measures to prevent harm from occurring.
- The **principle of inter-generational equity** holds that the present generation should make every effort to ensure the health, diversity and productivity of the environment, which includes cultural heritage, is available for the benefit of future generations. If a site type that was once common in an area becomes rare, the loss of that site (and site type) will result in an incomplete archaeological record and will negatively affect intergenerational equity.

Consideration of potential harm to Aboriginal objects and Aboriginal places according to ecologically sustainable development (ESD) principles allows for an understanding of the cumulative impact of the proposed activity and an understanding of how harm can be avoided or minimised, if possible.

5.2. ASSESSMENT OF POTENTIAL HARM

The assessment of potential harm considers harm that may occur to both known Aboriginal objects and as yet unknown Aboriginal objects within the subject area.

The desktop assessment identified no known Aboriginal objects within the subject area and that, due to significant level of disturbance across the entire subject area, it is unlikely that any as yet unknown Aboriginal objects are retained anywhere within the subject area. Therefore, any physical works within the subject area, including those presently proposed (Section 1.2), are unlikely to cause either direct or indirect harm to Aboriginal objects.

5.3. INTER-GENERATIONAL EQUITY

The cumulative impact of any development on Aboriginal sites relates to the extent of the proposed impact on the site and how this will affect both the proportion of this type of Aboriginal site in the area and the impact this destruction will have on Aboriginal cultural heritage values generally in the area.

As there are now known Aboriginal objects within the subject and there is very low potential for unknown Aboriginal objects to be retained, the proposed works are unlikely to negatively impact inter-generational equity.

5.4. AVOIDANCE & MINIMISATION OF HARM

All practicable measures must be taken to avoid harm (i.e. protect and conserve) any significant Aboriginal objects within the subject area along with their cultural heritage values. The precautionary principle states that full scientific certainty about the threat of harm should never be used as a reason for not taking measures to prevent harm from occurring.

If harm to Aboriginal objects and/or Aboriginal places is unavoidable, management strategies must be considered to minimise the harm. The type of management strategies proposed must be appropriate to the significance of Aboriginal heritage values, Aboriginal objects and/or Aboriginal places. Harm avoidance and minimisation measures must be feasible and within the financial viability of the proposed activity.

As it is unlikely that any Aboriginal archaeological material is retained within the subject area, no further archaeological investigation is recommended for the present subject area. As precautionary measures, it is recommended that unexpected archaeological finds and human remains procedures described below be implemented.

5.4.1. Unexpected Archaeological Finds Procedure

To mitigate harm to any unknown Aboriginal objects within the subject area, it is recommended that the following unexpected archaeological finds procedure should be followed in the unlikely event that any archaeological material, or suspected archaeological material, is uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds. The find must not be moved 'out of the way' without assessment.
2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS). Any management measures should be decided upon consultation with the RAPs.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

5.4.2. Human Remains Procedure

To mitigate harm to any unknown Aboriginal burial sites within the subject area, it is recommended that the following human procedure should be followed in the unlikely event that any human remains, or suspected human remains, are uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds.

2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW (Enviroline 131 555).
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. Management recommendations are to be formulated by the NSW Police, Heritage NSW, site representatives and the RAPs.
5. Works are not to recommence until the find has been appropriately managed.

6. CONCLUSIONS & RECOMMENDATIONS

The ACHA concluded that:

- **Conclusion 1 – Known Aboriginal Objects and Places**

No previously identified Aboriginal objects or declared Aboriginal places are located within the subject area.

- **Conclusion 2 – Sensitive Landscape Features**

Part of the subject area along the western boundary is located within 200 m of a waterway, while part of the subject area on the eastern boundary is located on a ridgeline, both of which are considered indicative of likely past Aboriginal land use. However, the significant ground disturbance caused by historical land use, including quarrying and backfilling to approximately 8m depth of the abandoned quarry removed this potential.

- **Conclusion 3 – Ground Disturbance**

Ground disturbance is assessed to be significant across the entire subject area, due primarily to quarrying activities in the subject area beginning in 1970s and more recent bulk earthworks and placement of imported fill during site remediation approved under previous DA (893.1-2013). Clear and observable modification of the landscape will have significantly disturbed, and removed any Aboriginal objects that may have existed within the subject area.

- **Conclusion 4 – Archaeological Potential**

In view of the significant ground disturbance across the entire subject area, the Aboriginal archaeological potential of the entire subject area is assessed to be **Very Low to Nil**.

- **Conclusion 5 – Significance Assessment**

- The subject area is assessed as having low scientific/archaeological and aesthetic significance due to the absence of Aboriginal objects and the significant disturbance of the original natural landscape. The social and cultural, and historical values will be finalise following the close of consultation and receiving feedback for Registered Aboriginal Parties.

- **Conclusion 6 – Impact Assessment**

As there are no known Aboriginal objects within the subject area and it is unlikely to retain any as yet unknown Aboriginal objects, the proposed physical works are unlikely to cause either direct or indirect harm to Aboriginal objects or negatively impact inter-generational equity.

Based on the above conclusions, Urbis recommends the following:

- **Recommendation 1 – Submission of Report**

A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD-71144719.

- **Recommendation 2 – No Further Archaeological Investigation**

As the proposed works are unlikely to harm any Aboriginal objects or declared Aboriginal places, it is recommended that no further investigation is required for the present development. The development may proceed with caution, subject to the following archaeological chance finds and human remains procedures.

- **Recommendation 3 – Unexpected Archaeological Finds Procedure**

The following unexpected archaeological finds procedure should be followed in the unlikely event that any archaeological materials, or suspected archaeological materials, are uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds. The find must not be moved 'out of the way' without assessment.

2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS). Any management measures should be decided upon consultation with the RAPs.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

▪ **Recommendation 4 – Human Remains Procedure**

The following human remains procedure should be followed in the unlikely event that any human remains, or suspected human remains, are uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impact to the finds.
2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW (Enviroline 131 555).
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. Management recommendations are to be formulated by the NSW Police, Heritage NSW, site representatives and the RAPs.
5. Works are not to recommence until the find has been appropriately managed.

7. REFERENCES

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- Urbis 2024, *Aboriginal Cultural Heritage Assessment, S4 Data Centre – 16 Johnston Crescent, Horsley Park NSW*

DISCLAIMER

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

**BASIC AND EXTENSIVE AHIMS
SEARCH RESULTS**



AHIMS Web Services (AWS)

Search Result

Your Ref/PO Number : 3 Johnston

Client Service ID : 898769

Urbis Pty Ltd - Angel Place L8 123 Pitt Street

Date: 06 June 2024

Level 8 123 Angel Street
Sydney New South Wales 2000

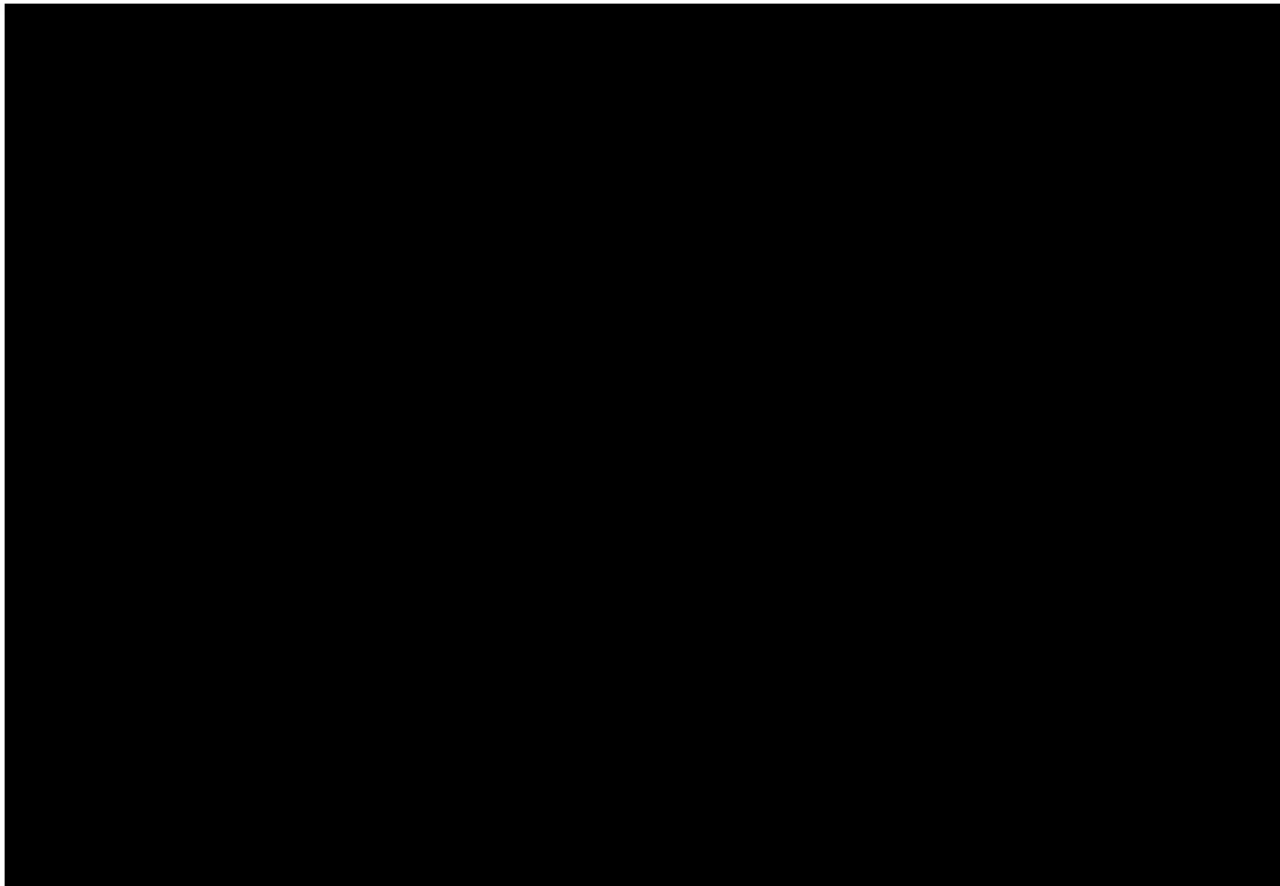
Attention: Owen Barrett

Email: obarrett@urbis.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 297606.0 - 299606.0, Northings : 6253615.0 - 6255615.0 with a Buffer of 0 meters, conducted by Owen Barrett on 06 June 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

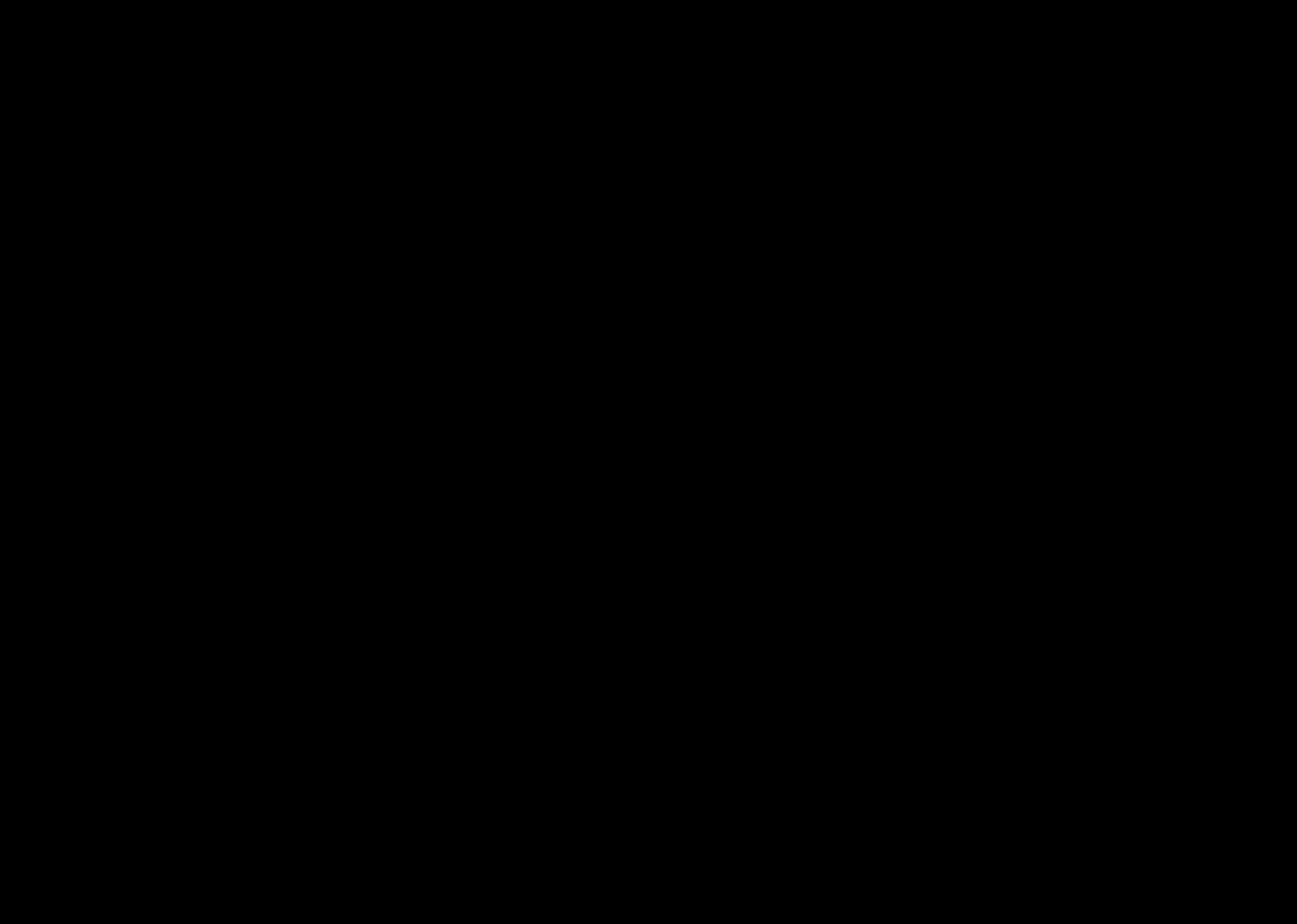
16	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.





APPENDIX B

REGISTERED ABORIGINAL PARTY CONSULTATION LOG

APPENDIX C

REGISTERED ABORIGINAL PARTY CONSULTATION DOCUMENTATION

APPENDIX D

PLANS FOR PROPOSED DEVELOPMENT



DA DRAWING LIST				
	No.:	SHEET NAME	CURRENT REVISION	DATE
14092_	DA000	COVER SHEET	6	12.07.2024
14092_	DA001	LOCALITY & CONTEXT PLAN	4	05.07.2024
14092_	DA011	SITE PLAN	6	12.07.2024
14092_	DA012	FLOOR PLANS - BUILDING A	6	12.07.2024
14092_	DA013	FLOOR PLANS - BUILDING B	6	12.07.2024
14092_	DA014	ROOF PLAN	5	12.07.2024
14092_	DA015	OFFICE FLOOR PLANS - BUILDING A	6	12.07.2024
14092_	DA016	OFFICE FLOOR PLANS - BUILDING B	6	12.07.2024
14092_	DA017	DOCK OFFICE FLOOR PLANS & ELEVATIONS - BUILDING B	4	05.07.2024
14092_	DA020	ELEVATIONS - BUILDING A	5	12.07.2024
14092_	DA021	ELEVATIONS - BUILDING B	5	12.07.2024
14092_	DA025	OFFICE ELEVATIONS - BUILDING A	4	05.07.2024
14092_	DA026	OFFICE ELEVATIONS - BUILDING B	4	05.07.2024
14092_	DA030	SECTIONS - BUILDING A	5	12.07.2024
14092_	DA031	SECTIONS - BUILDING B	5	12.07.2024
14092_	DA040	SIGNAGE STRATEGY PLAN	5	12.07.2024
14092_	DA041	SIGNAGE DETAILS	4	05.07.2024

HORSLEY LOGISTICS PARK STAGE 2

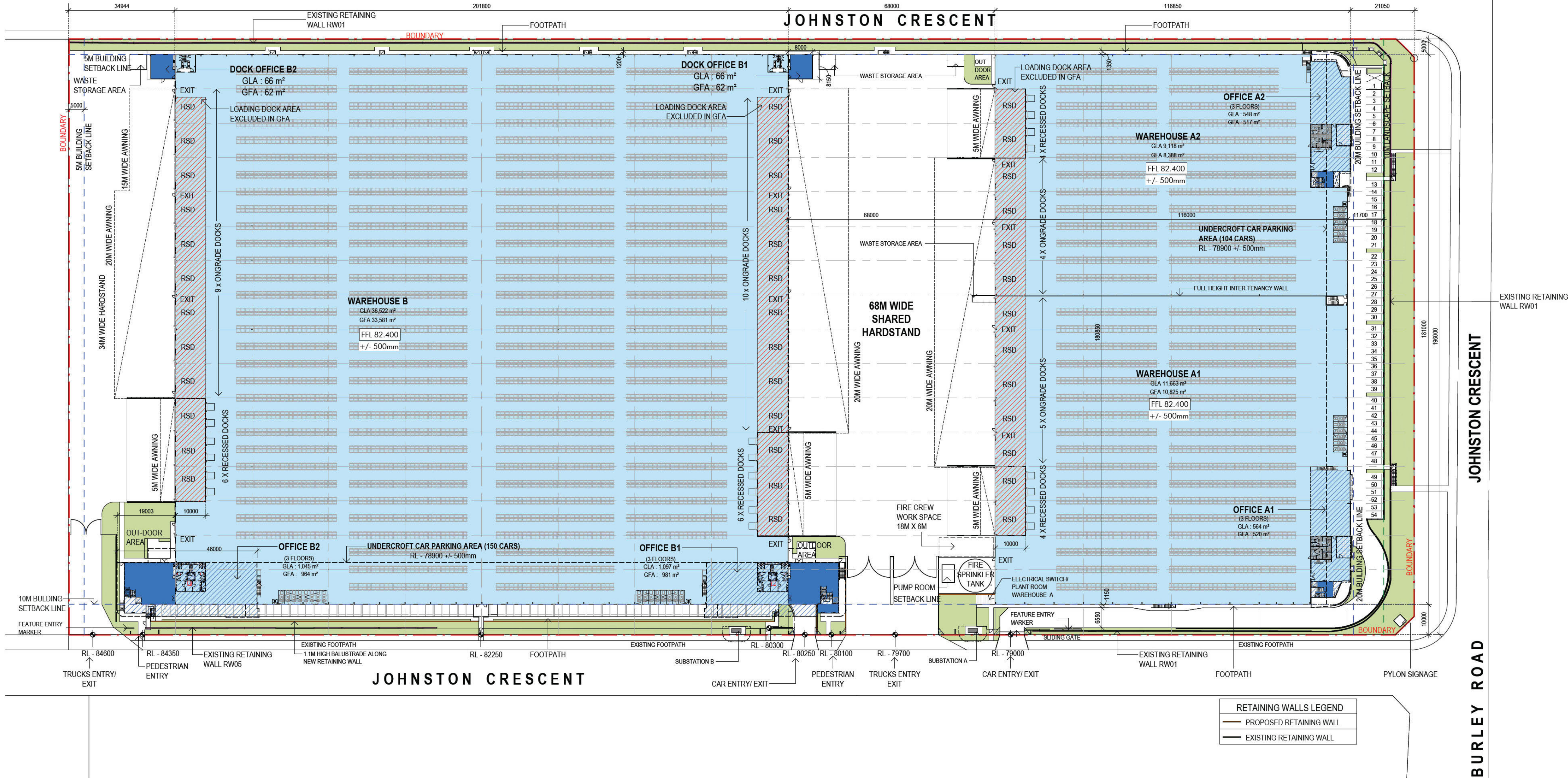
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SSD APPLICATION
JULY 2024

DEVELOPMENT SUMMARY (GLA)	
SITE AREA	86,721 m ²
TOTAL BUILDING AREA (GLA)	60,689 m ²
SITE EFFICIENCY	70%
TOTAL WAREHOUSE AREA	57,303 m ²
TOTAL OFFICES AREA	3,386 m ²
BUILDING A	
WAREHOUSE A1	11,663 m ²
OFFICE A1	564 m ²
WAREHOUSE A2	9,118 m ²
OFFICE A2	548 m ²
TOTAL BUILDING AREA (GLA)	21,893 m ²
BUILDING B	
WAREHOUSE B	36,522 m ²
OFFICE B INCLUDING DOCK OFFICES	2,274 m ²
INCLUDES AREAS OF BIKE STORAGE AND ELEC PLANT ROOMS	
TOTAL BUILDING AREA (GLA)	38,796 m ²

DEVELOPMENT SUMMARY (GFA)	
TOTAL BUILDING AREA (GFA)	55,900 m ²
FLOOR SPACE RATIO	0.64:1
TOTAL WAREHOUSE AREA EXCLUDING LOADING DOCK AREA	52,794 m ²
TOTAL OFFICES AREA	3,106 m ²
BUILDING A	
WAREHOUSE A1	10,825 m ²
OFFICE A1	520 m ²
WAREHOUSE A2	8,388 m ²
OFFICE A2	517 m ²
TOTAL BUILDING AREA (GFA)	20,250 m ²
BUILDING B	
WAREHOUSE B	33,581 m ²
OFFICE B INCLUDING DOCK OFFICES	2,069 m ²
TOTAL BUILDING AREA (GFA)	35,650 m ²

CAR PARKING PROVISIONS	
TOTAL CAR PARKING REQUIRED WH 1000 MP (GFA) OFFICE 1/40 MP (GFA)	254 CARS
TOTAL CAR PARKING PROVIDED	254 CARS



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Client

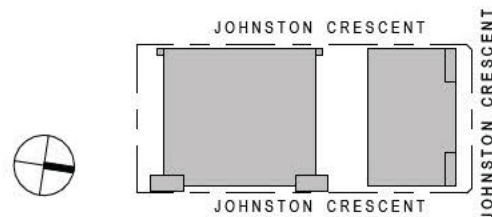


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5	REVISED GLA	10.07.2024
4	ISSUED FOR SRDA	05.07.2024
3	ISSUED FOR SRDA	03.07.2024
2	ISSUED FOR COORDINATION	14.06.2024
1	DRAFT ISSUE	05.06.2024

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Key Plan



Project Name
HORSLEY LOGISTICS PARK STAGE 2
Project Address
3 JOHNSTON CRESCENT, HORSLEY PARK, NSW

Bar Scales



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Author:
AB
Drawing Number:
14092_DA011

Checker:
MC

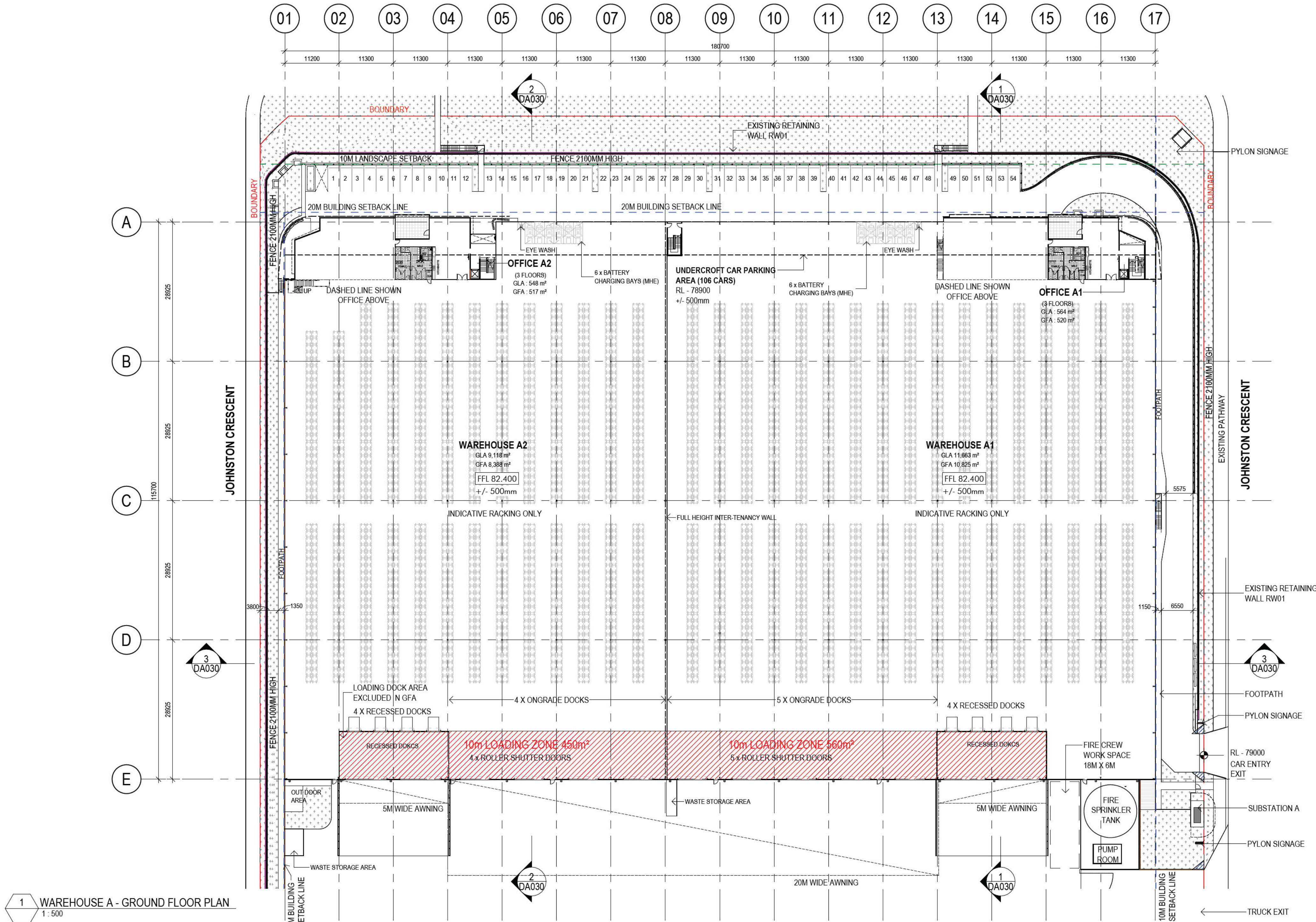
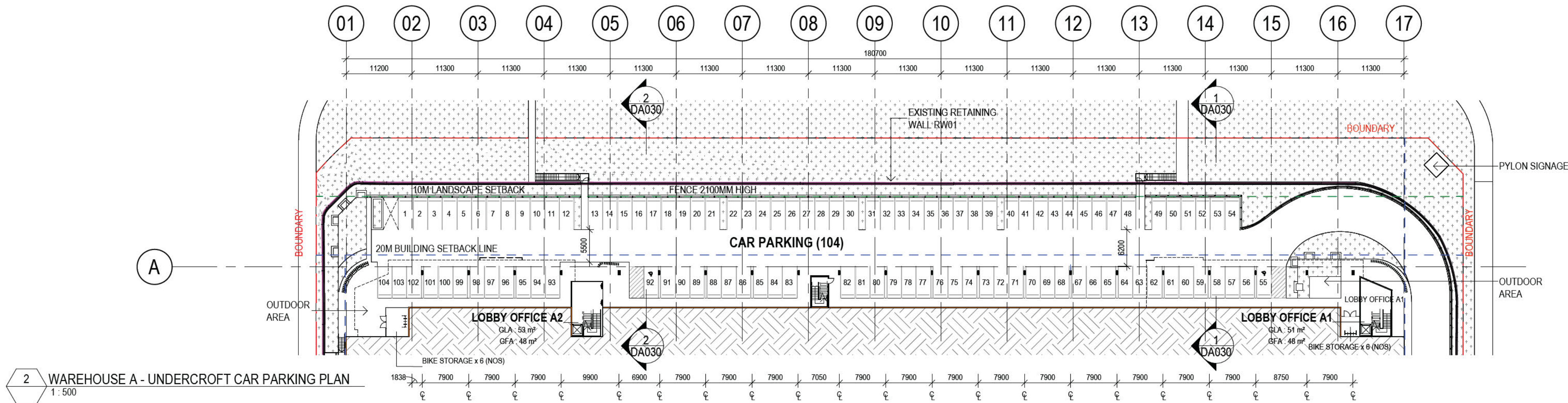
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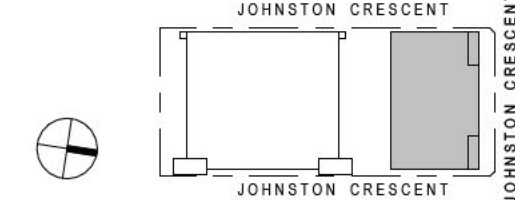


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FLOOR PLANS - BUILDING A

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AB
Checker:
MC
Sheet Size:
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Drawing Number:
14092_DA012


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Issue:
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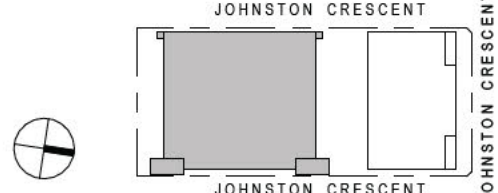
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RETAINING WALLS LEGEND	
	PROPOSED RETAINING WALL
	EXISTING RETAINING WALL

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Project Name
HORSLEY LOGISTICS PARK STAGE 2

Project Address
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Bar Scales



Drawing Title:

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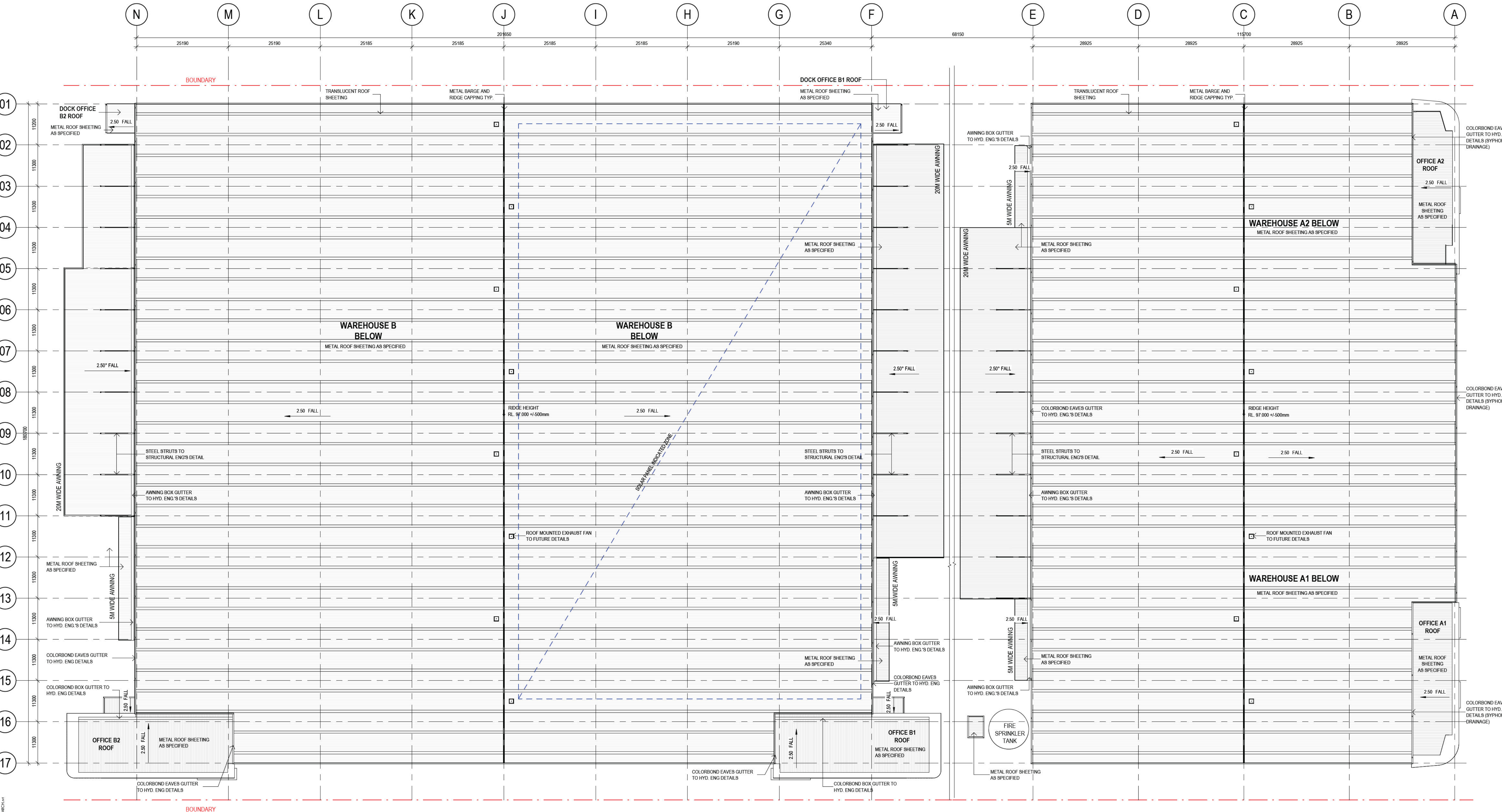
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Issue: **6**

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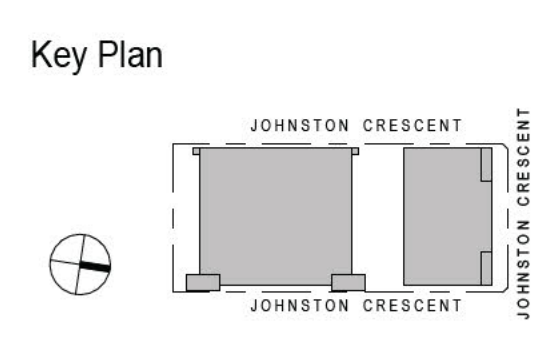
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4	ISSUED FOR SSDA	05.07.2024
3	ISSUED FOR SDA	03.07.2024
2	ISSUED FOR COORDINATION	14.06.2024
1	DRAFT ISSUE	05.06.2024

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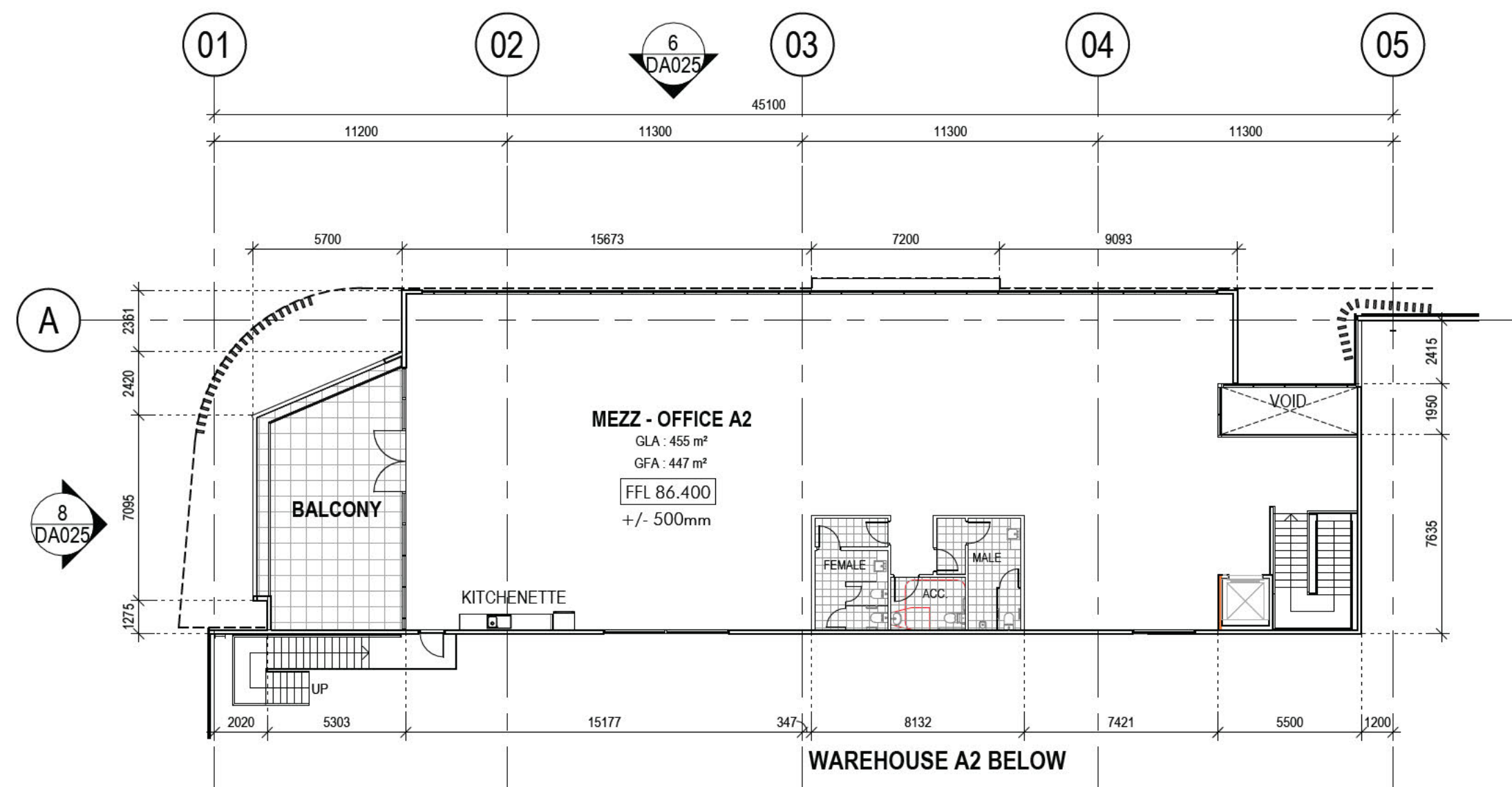
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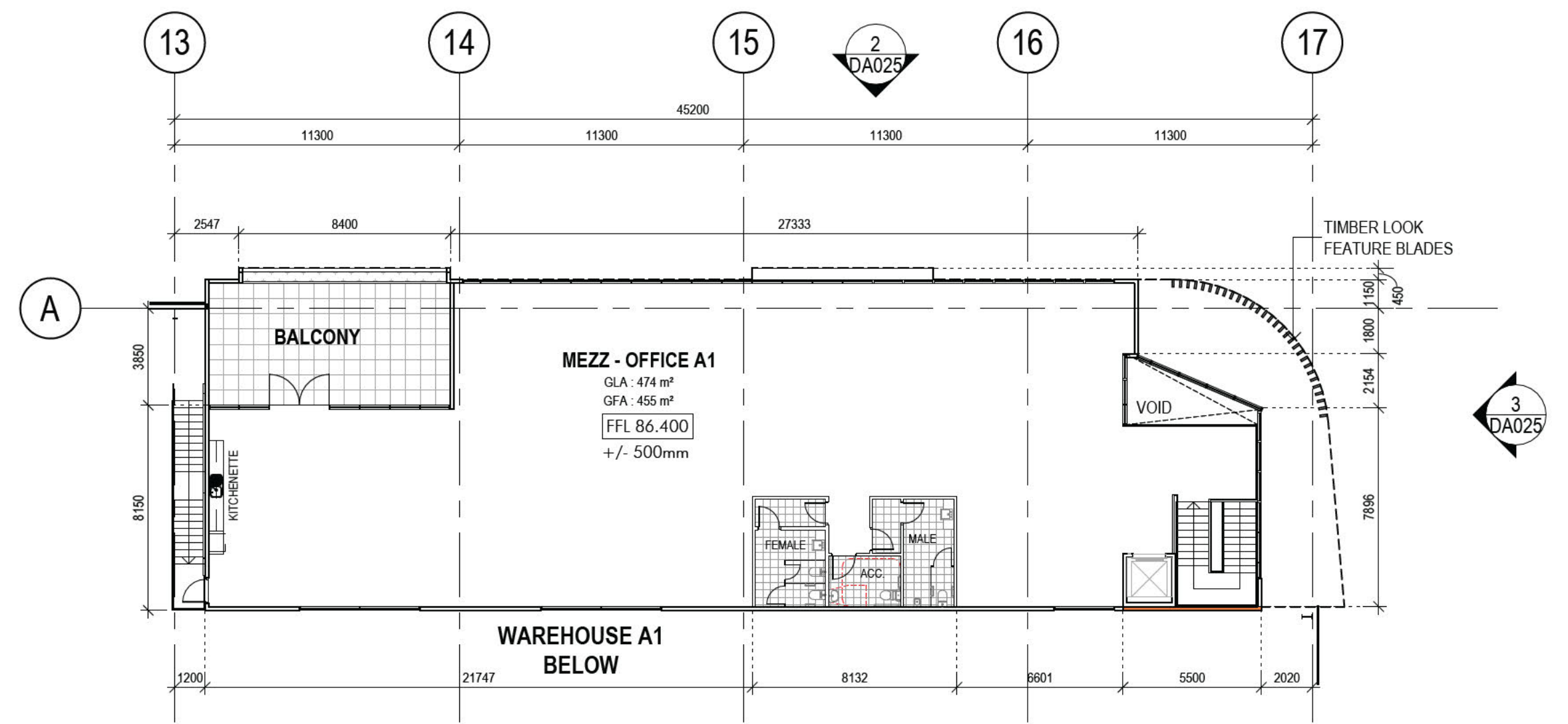
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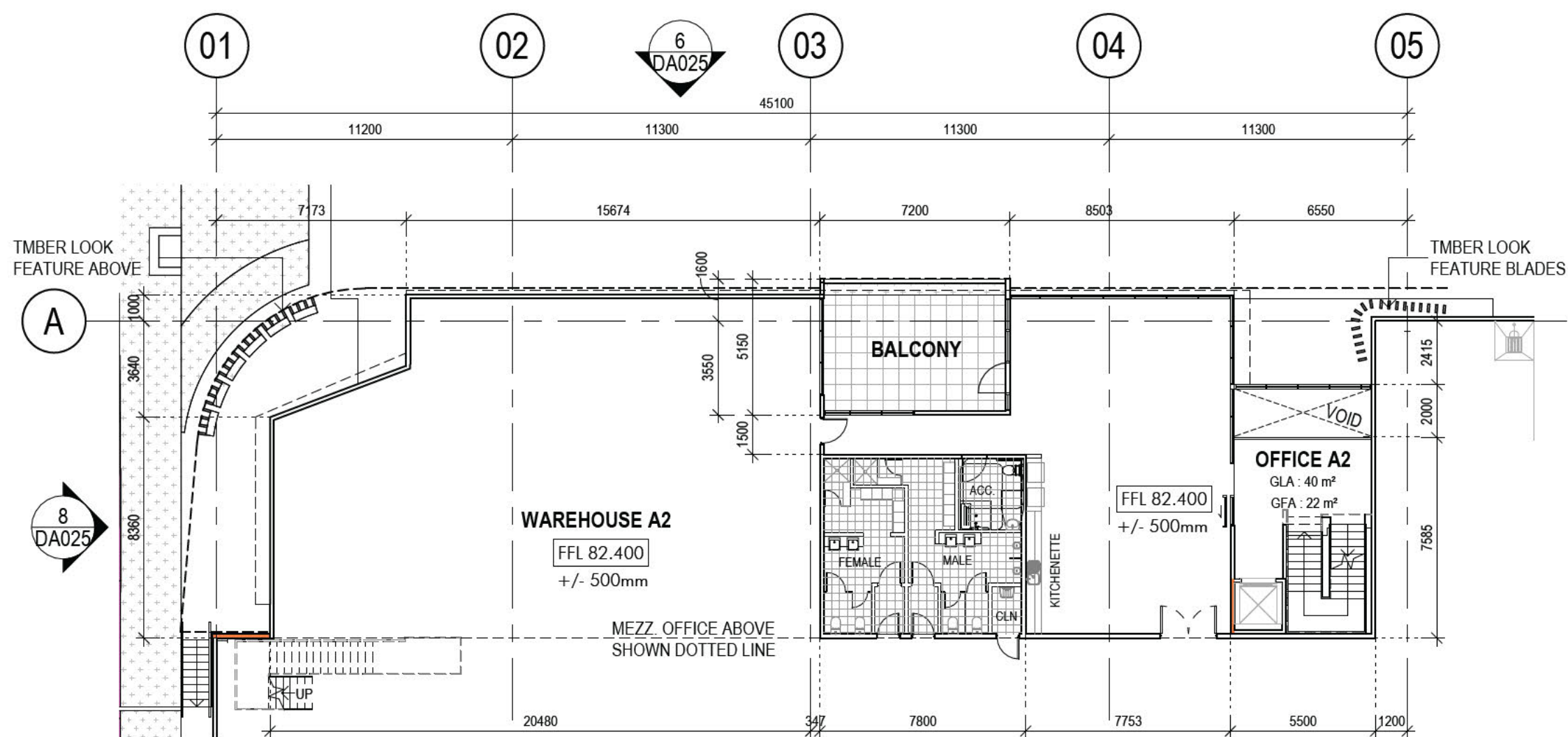
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e: sydney@nettletontribe.com.au w: nettletontribe.com.au



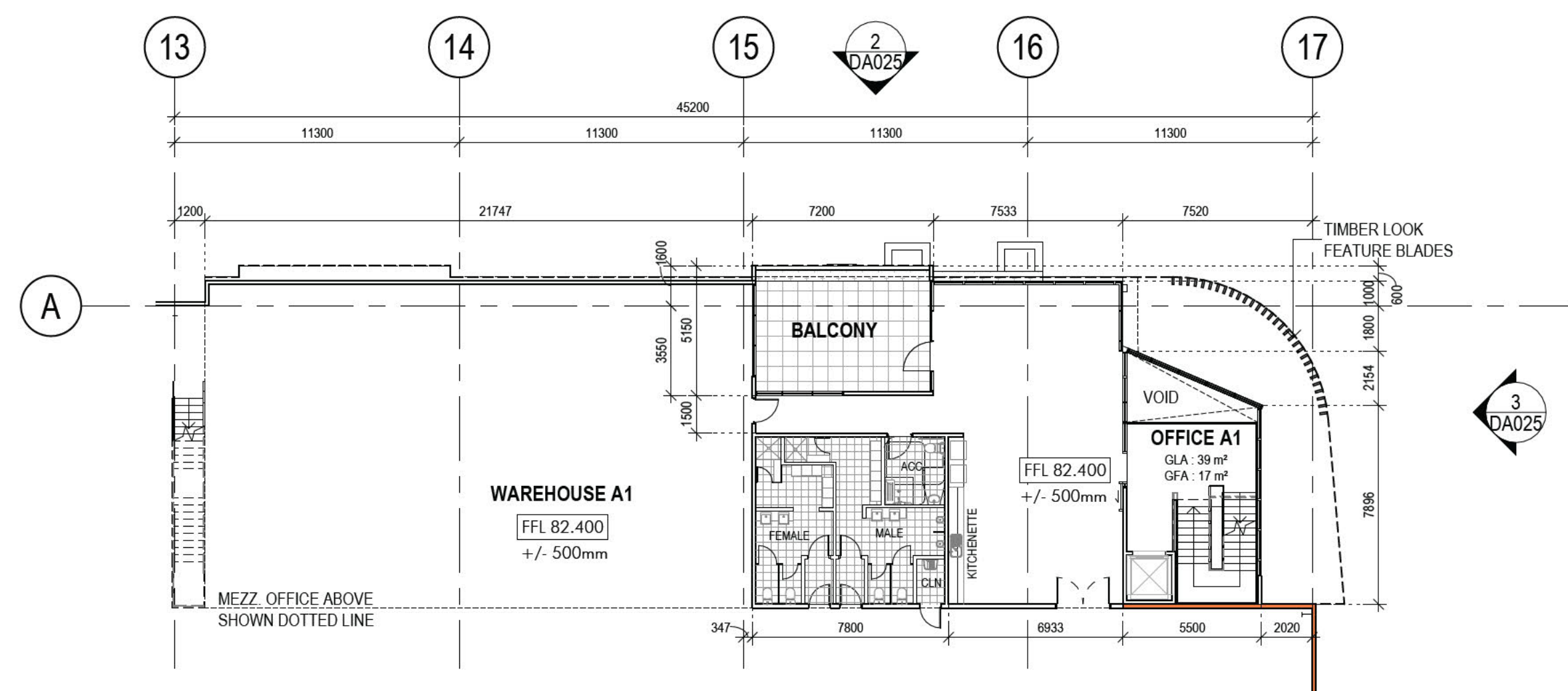
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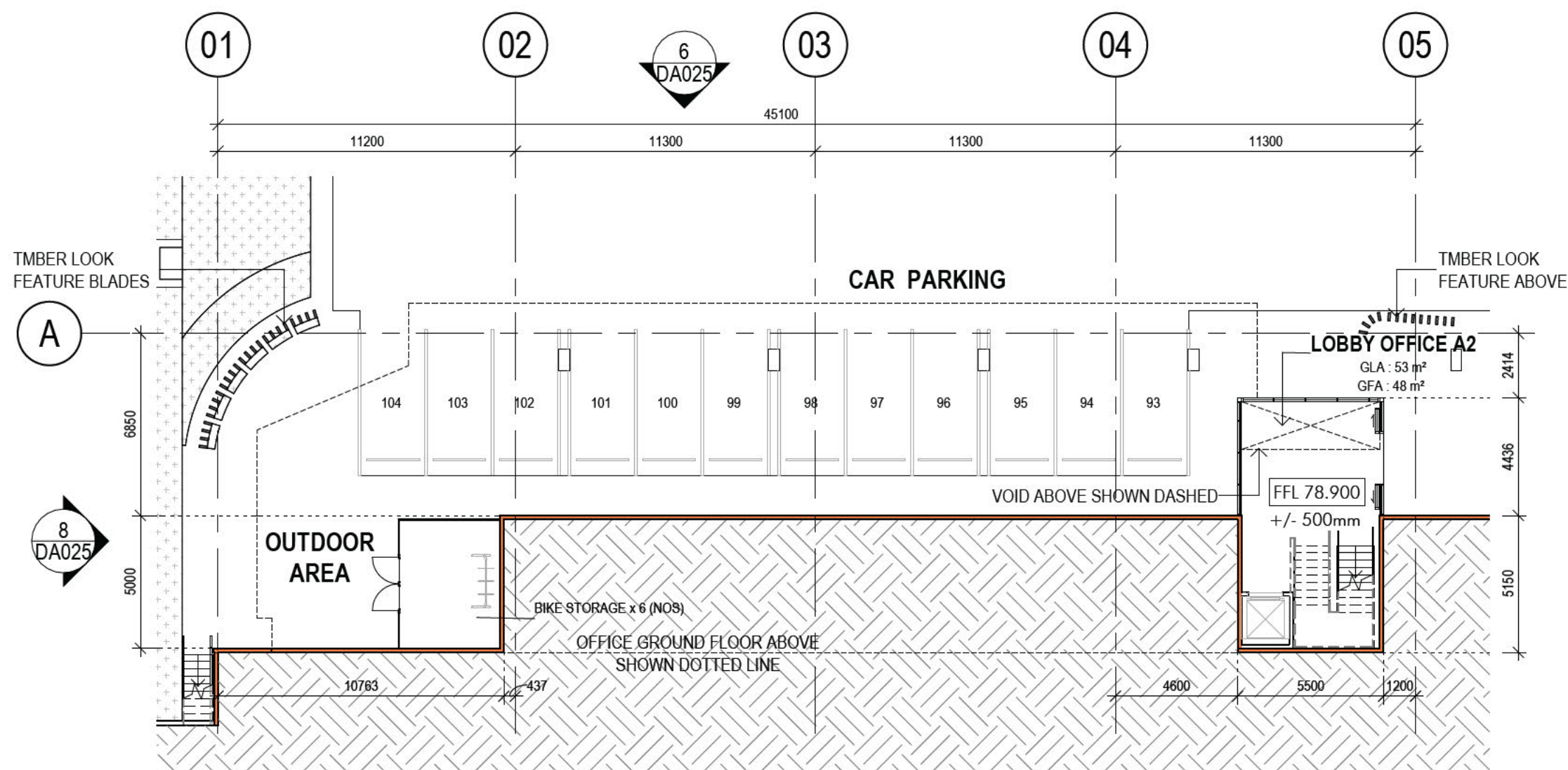
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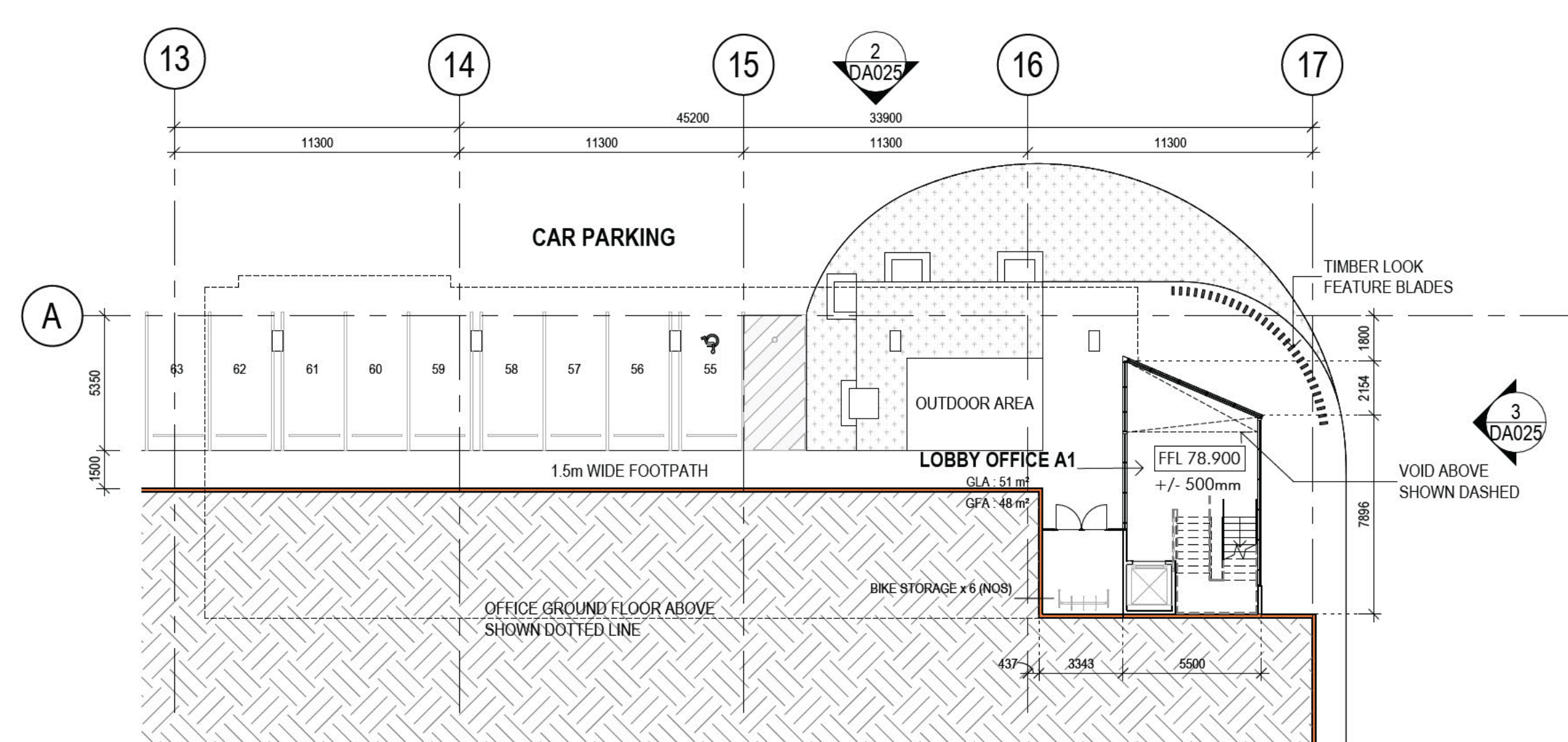
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2 OFFICE A1 - GROUND FLOOR PLAN
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7 OFFICE A2 - UNDERCROFT CAR PARKING PLAN
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1 OFFICE A1 - UNDERCROFT CAR PARKING PLAN
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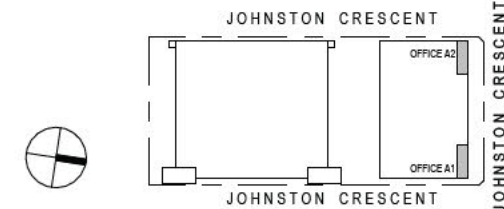


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3	ISSUED FOR SSDA	03.07.2024
2	ISSUED FOR COORDINATION	14.06.2024
1	ISSUED FOR ISSUE	05.06.2024

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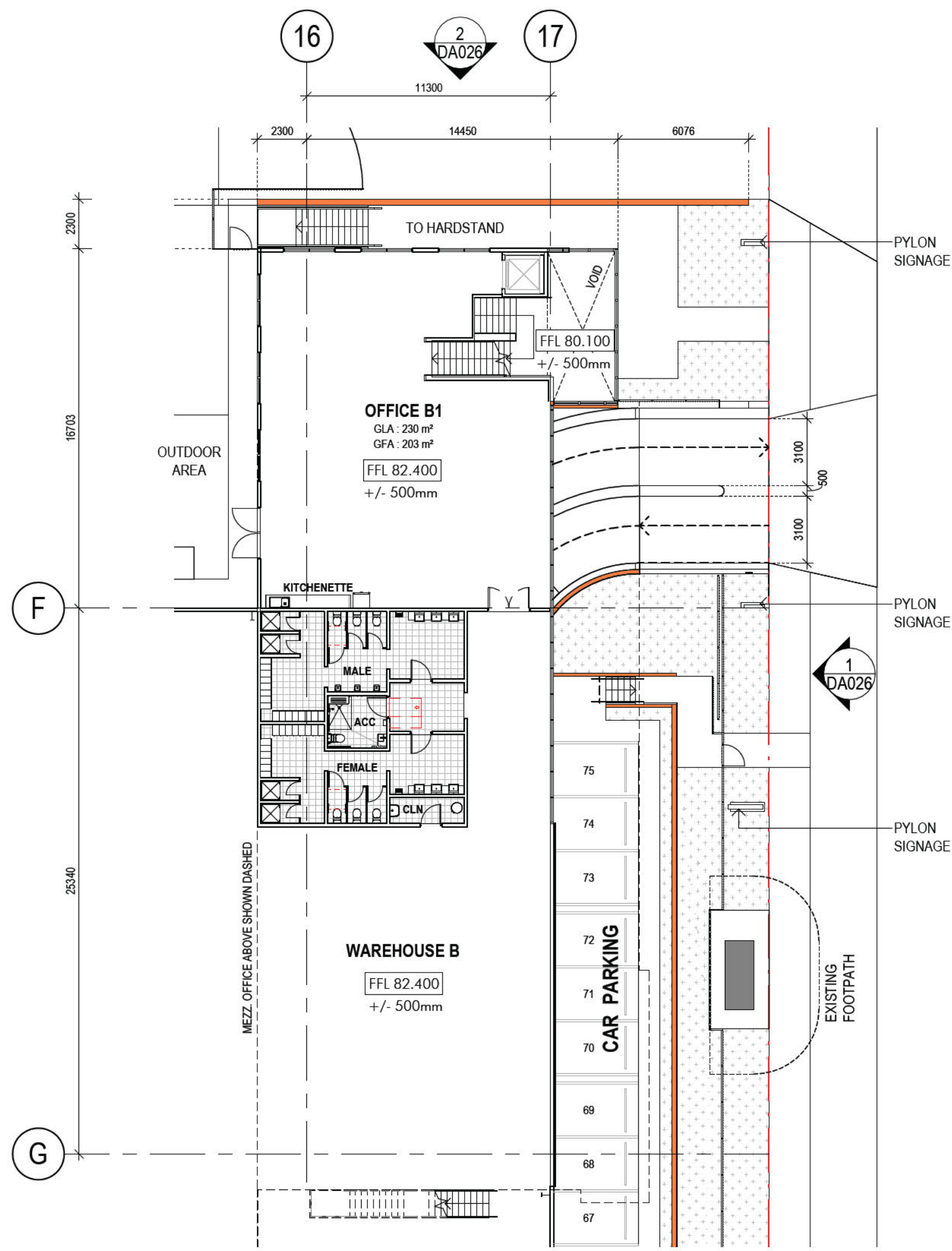
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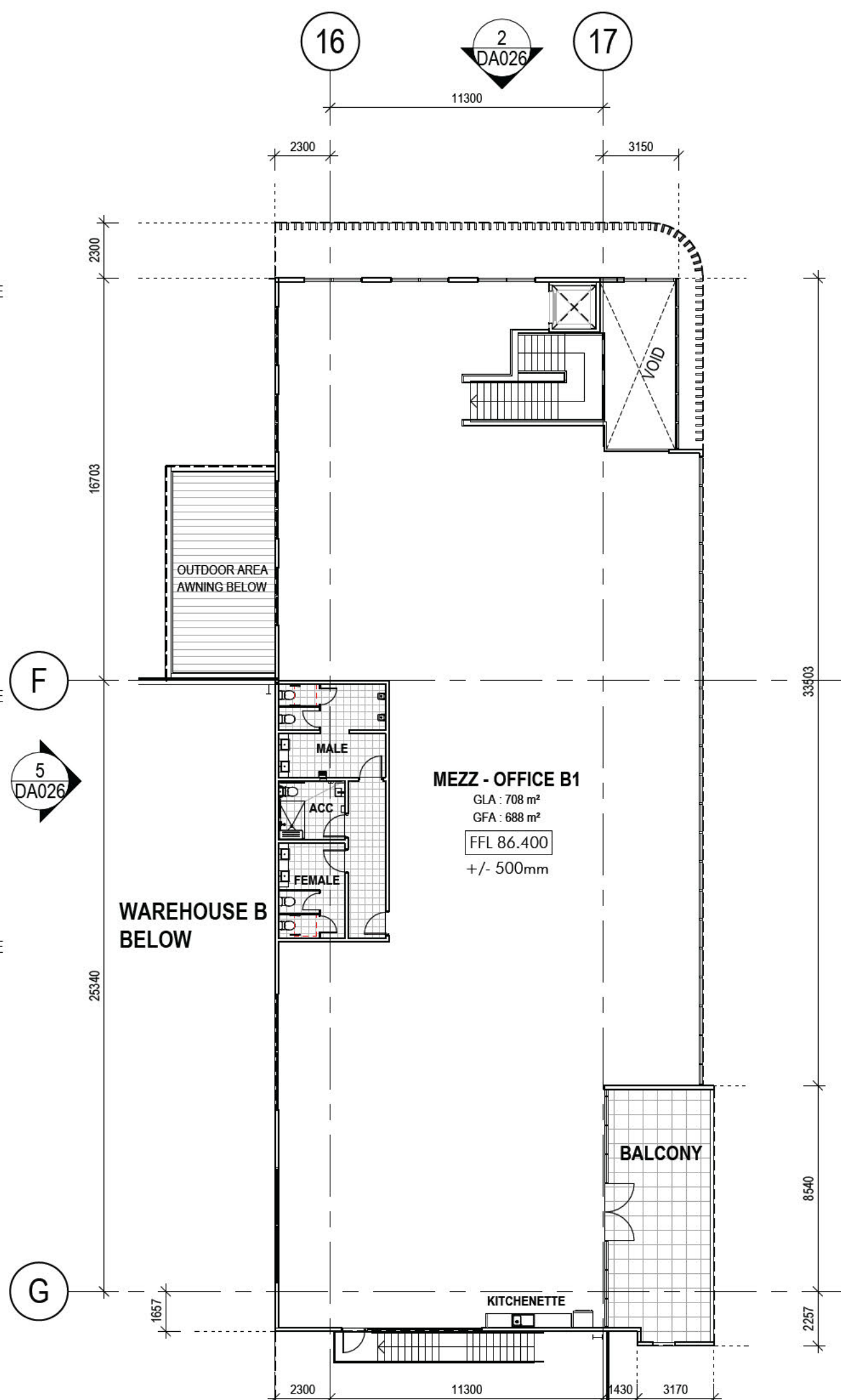
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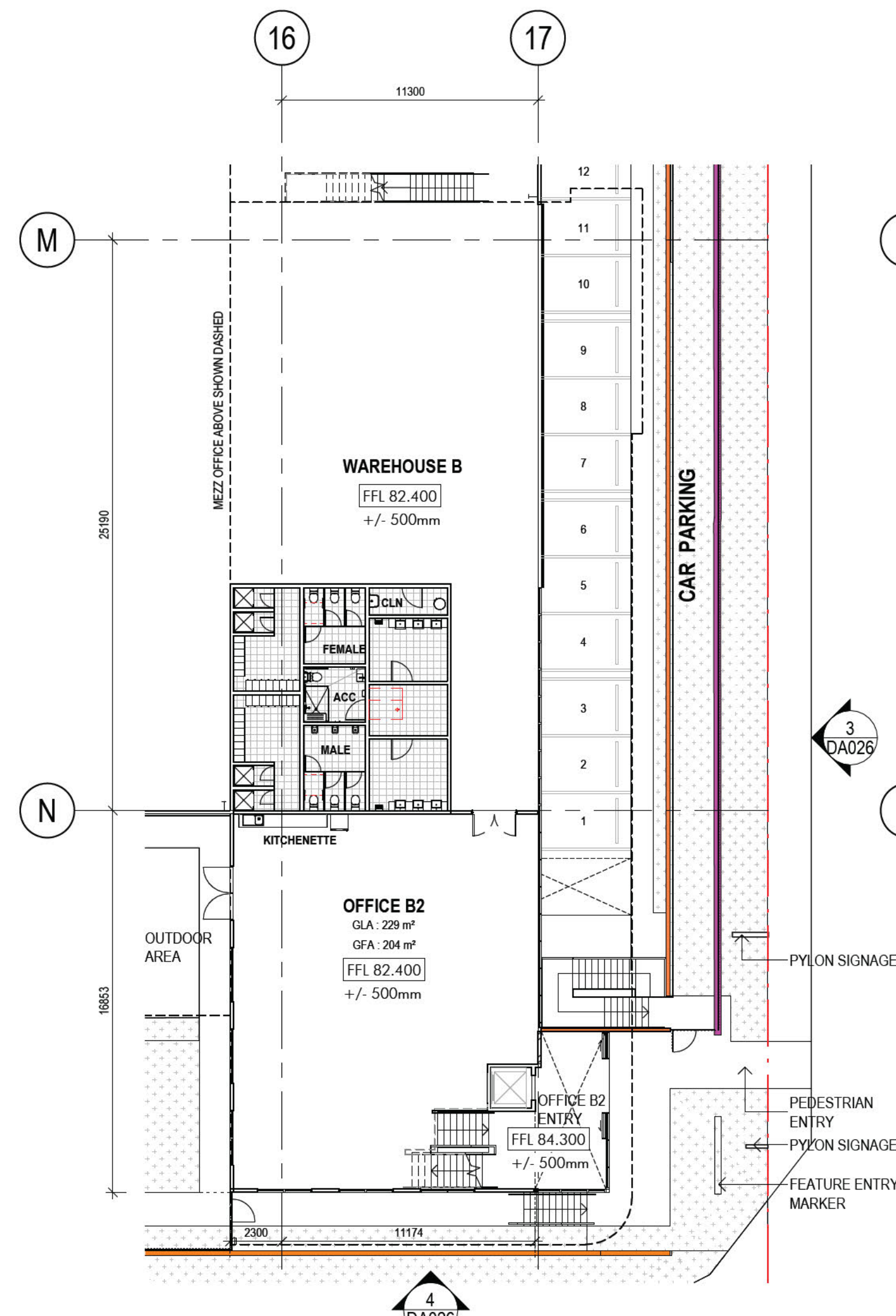
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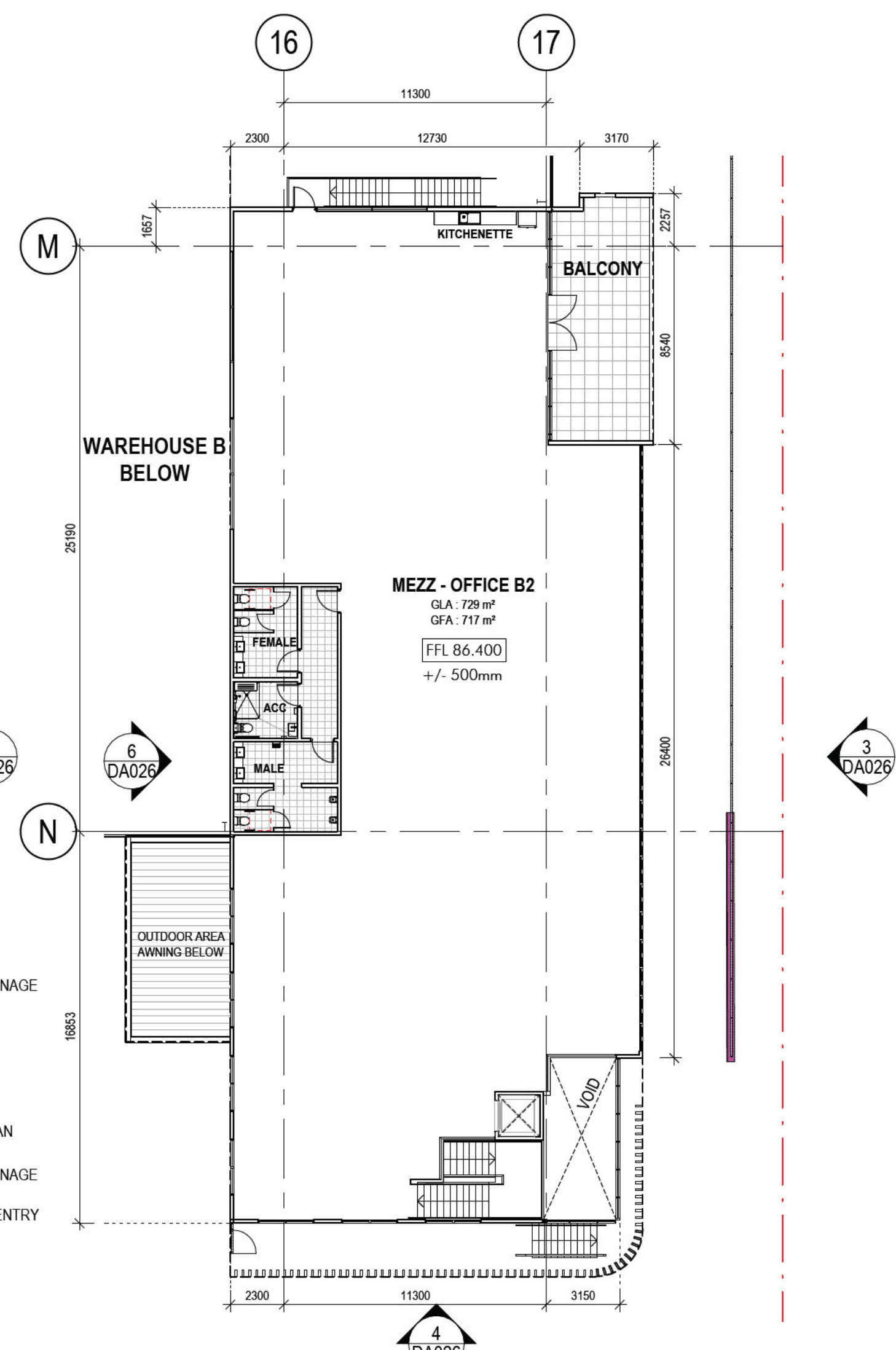
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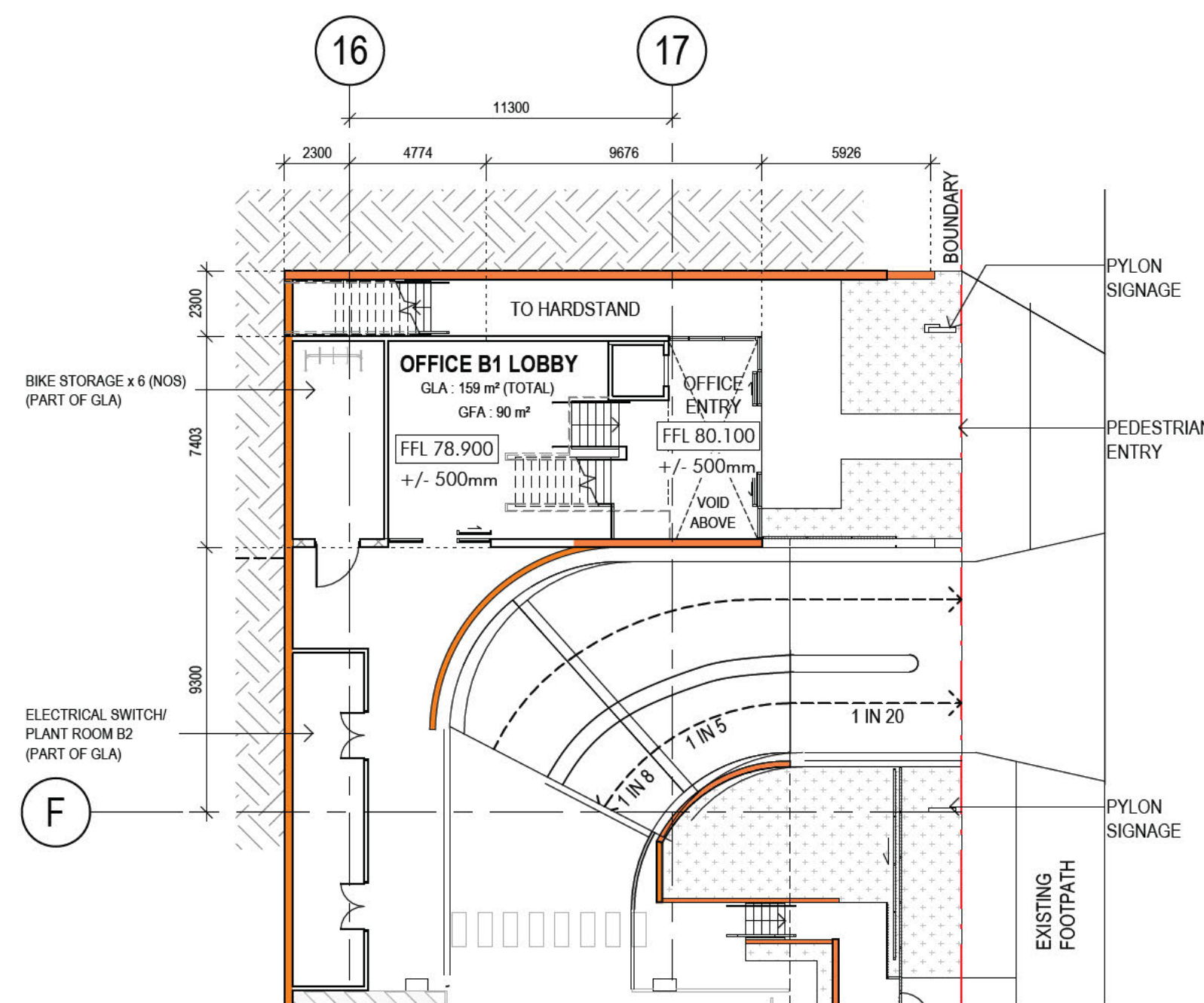
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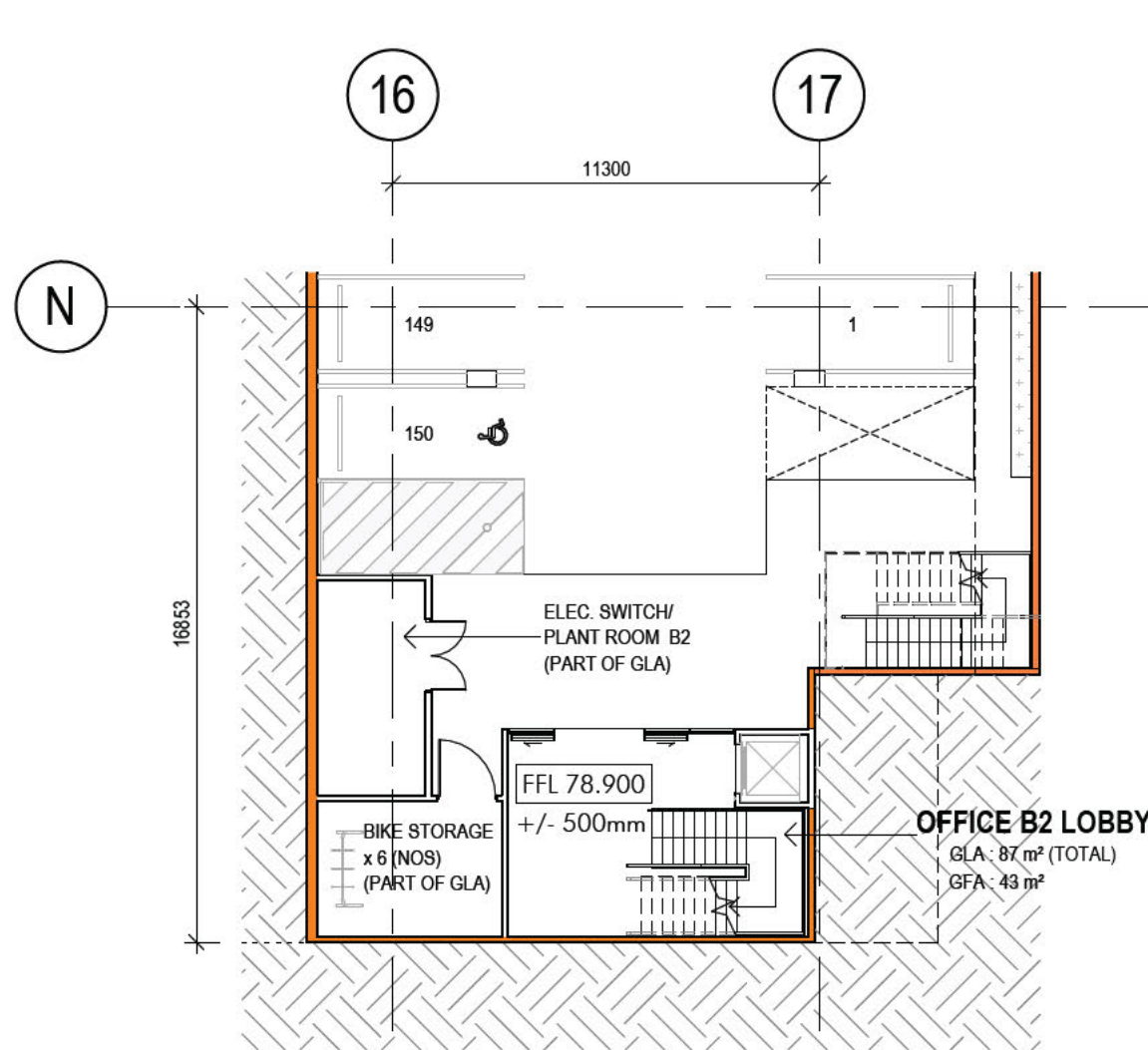
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6 OFFICE B2 - MEZZANINE FLOOR PLAN
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4 OFFICE B2 - UNDERCROFT CAR PARKING PLAN
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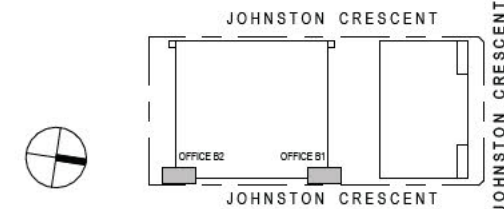
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Issue	Description	Date
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5	REVISED GLA	10.07.2024
4	ISSUED FOR SDA	03.07.2024
3	ISSUED FOR SDA	03.07.2024
2	ISSUED FOR COORDINATION	14.06.2024
1	DRAFT ISSUE	05.06.2024

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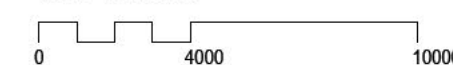
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Key Plan



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3 JOHNSTON CRESCENT, HORSLEY PARK, NSW

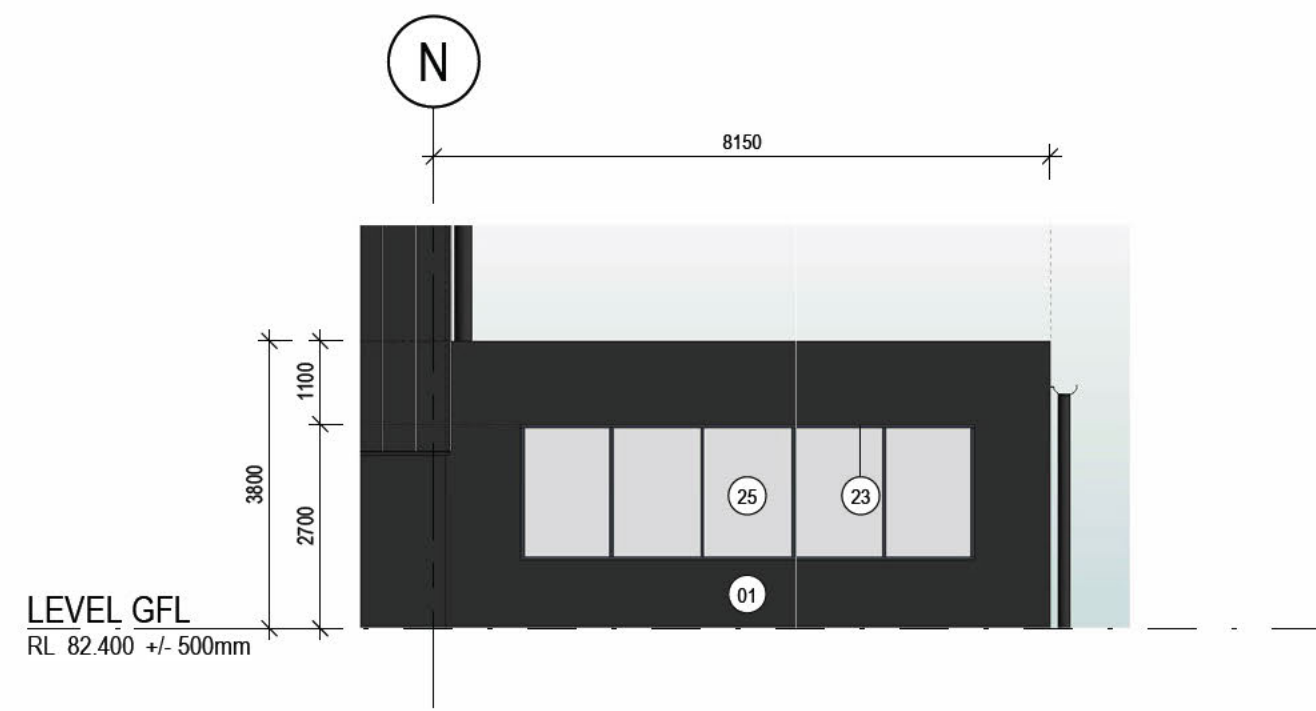
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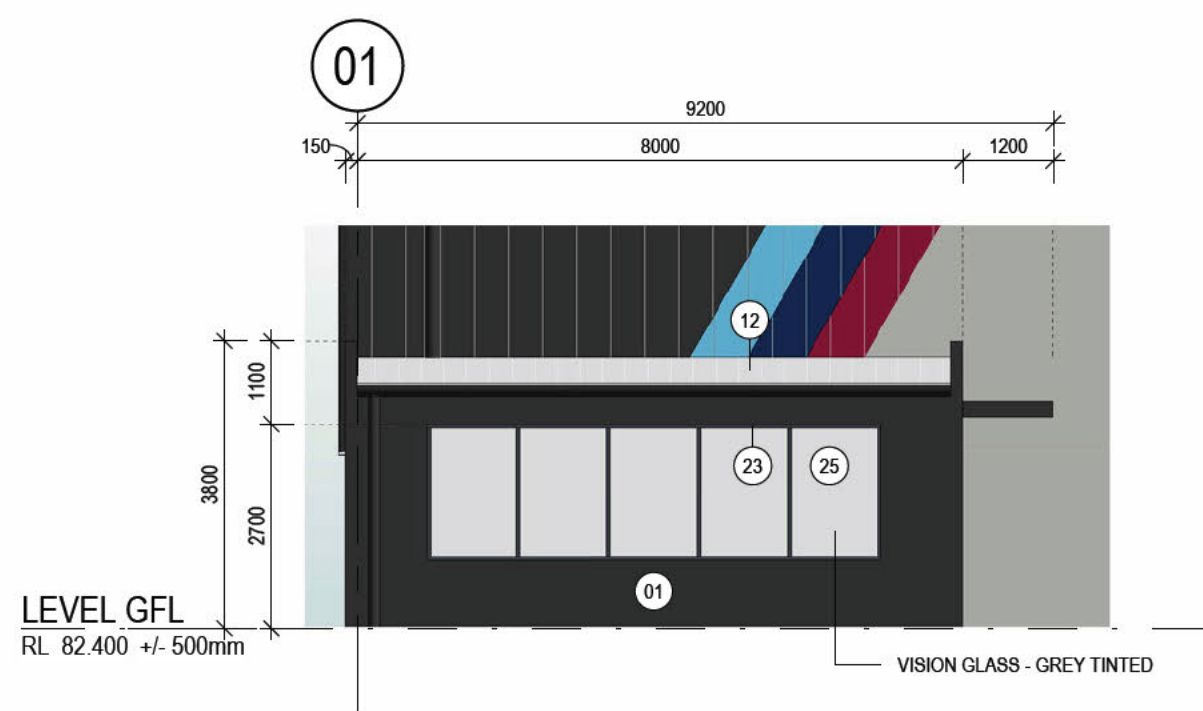
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Drawing Number: 14092_DA016			Issue: 6

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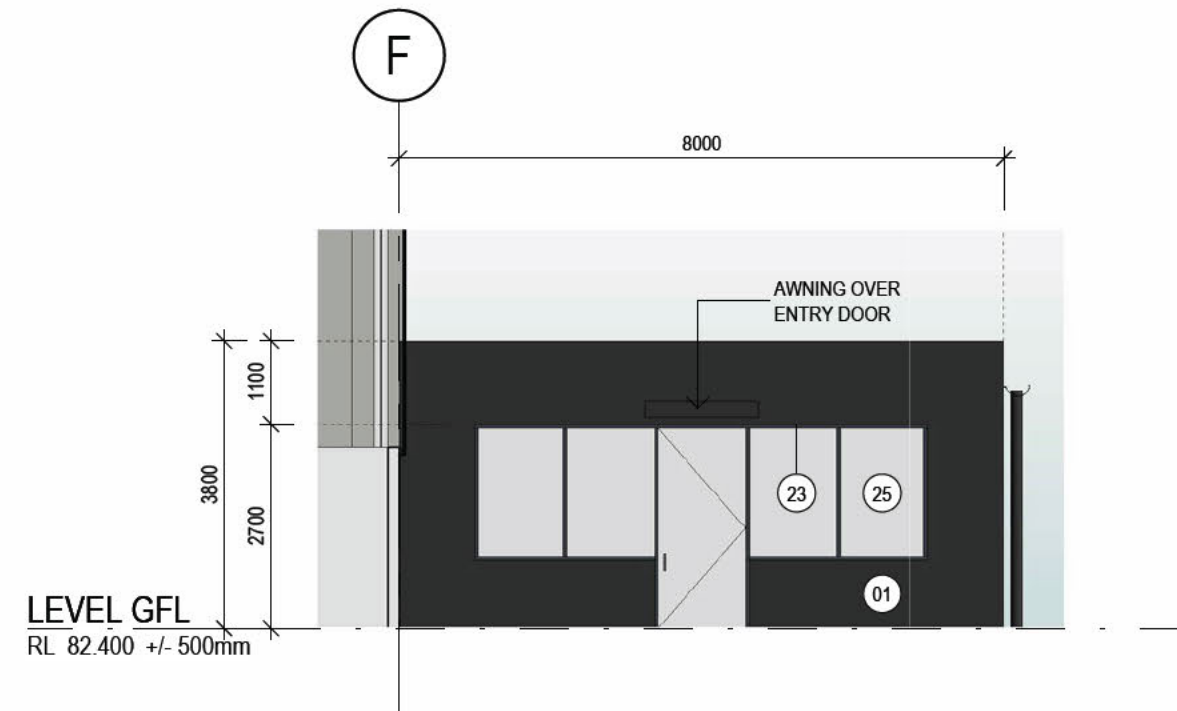
nettleton tribe partnership Pty Ltd ABN 58 161 683 122
117 Willoughby Road, Crows Nest, NSW 2065
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e: sydney@nettletontribe.com.au w: nettletontribe.com.au



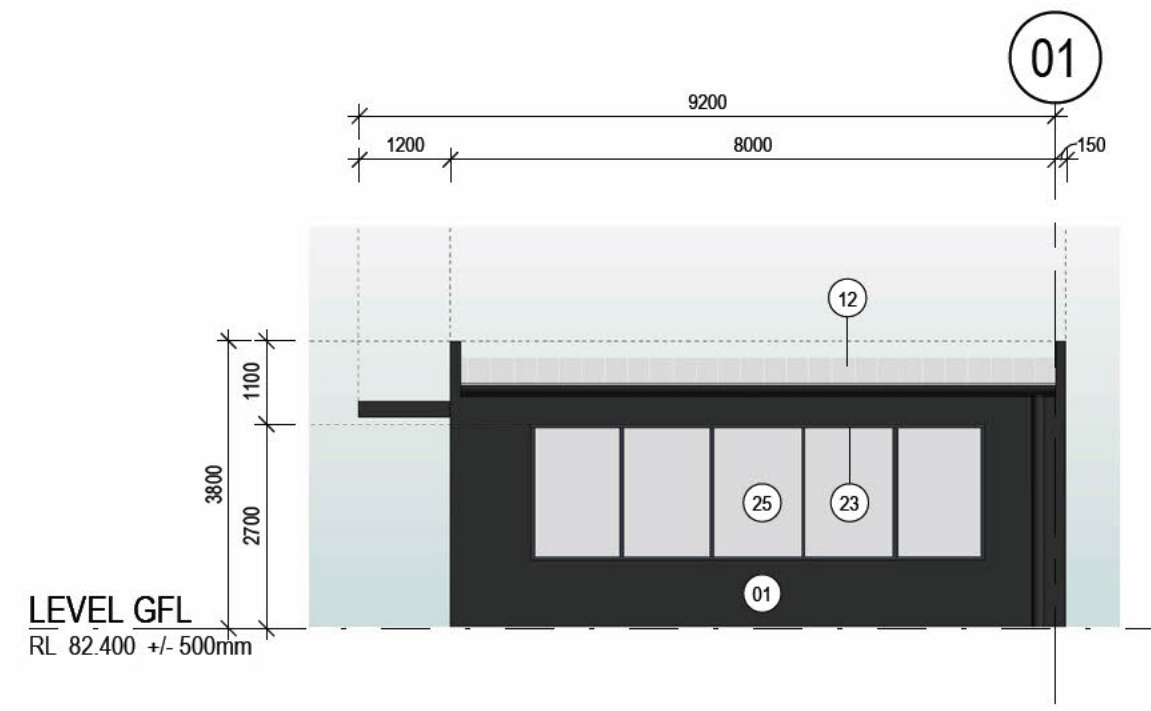
7 DOCK OFFICE B2 WEST ELEVATION
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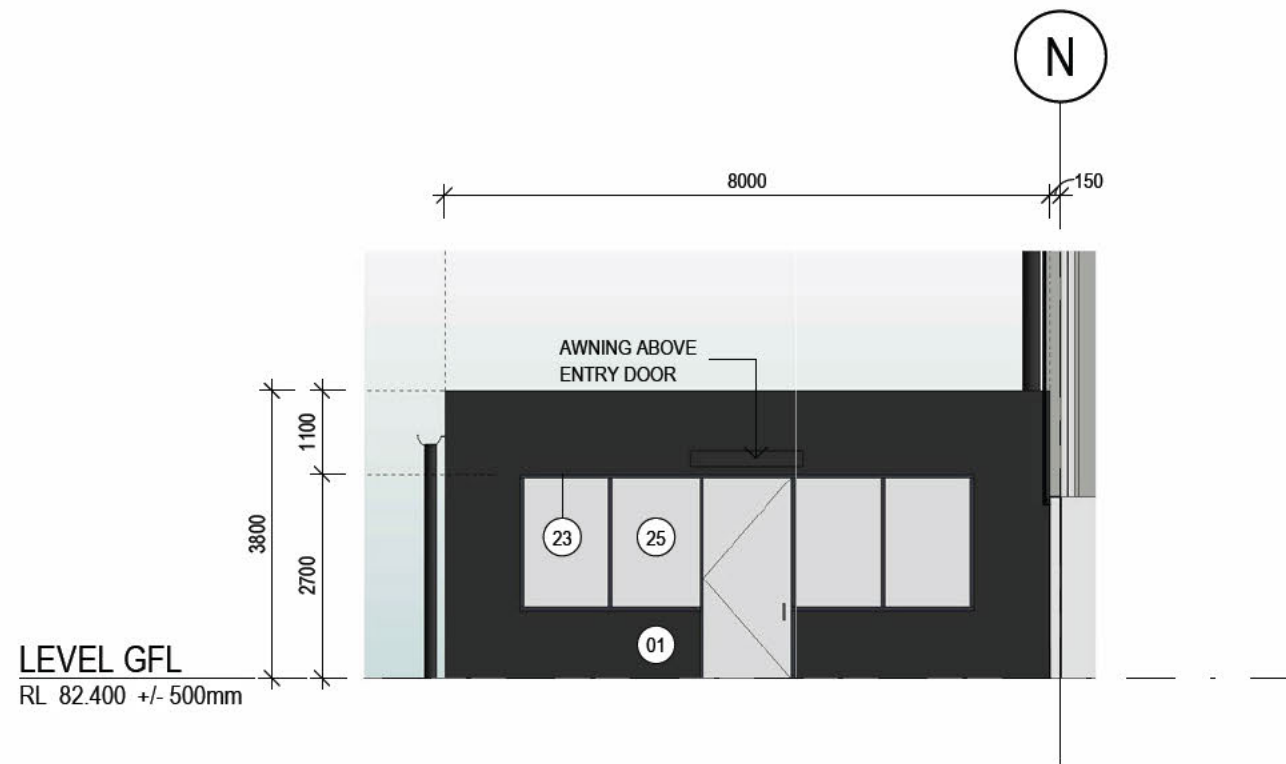
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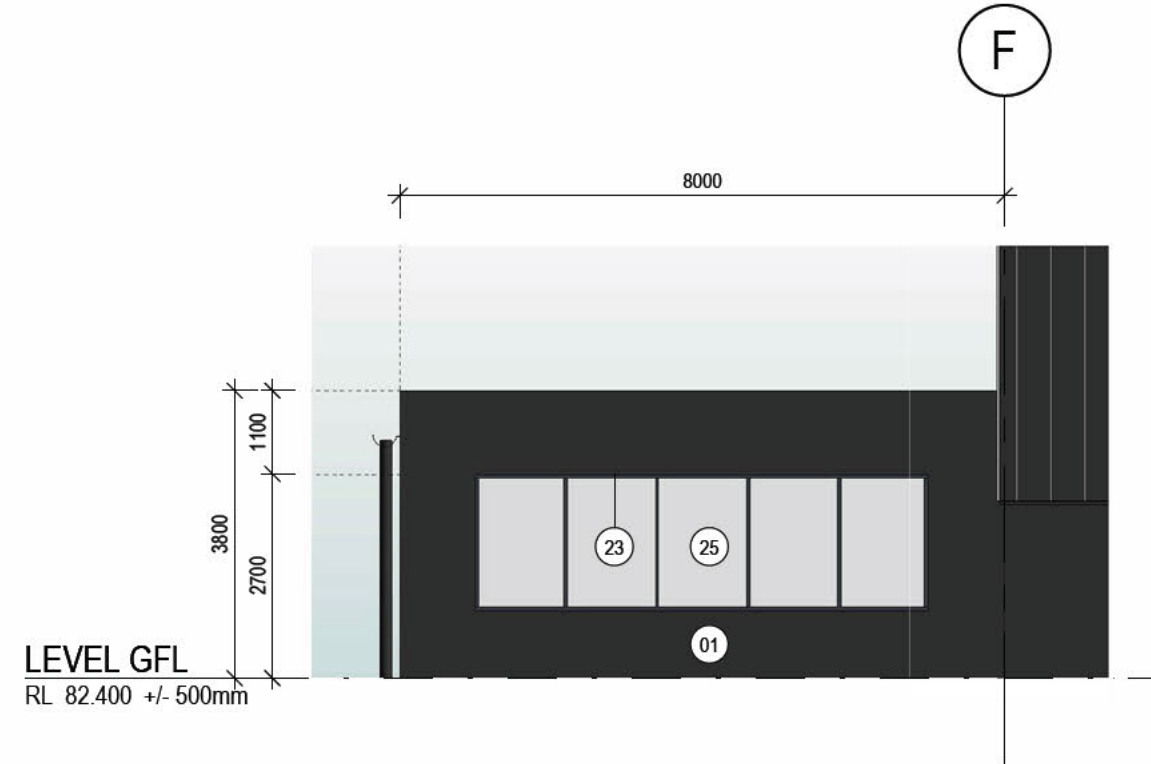
2 DOCK OFFICE B1 EAST ELEVATION
1:100



3 DOCK OFFICE B1 NORTH ELEVATION
1:100



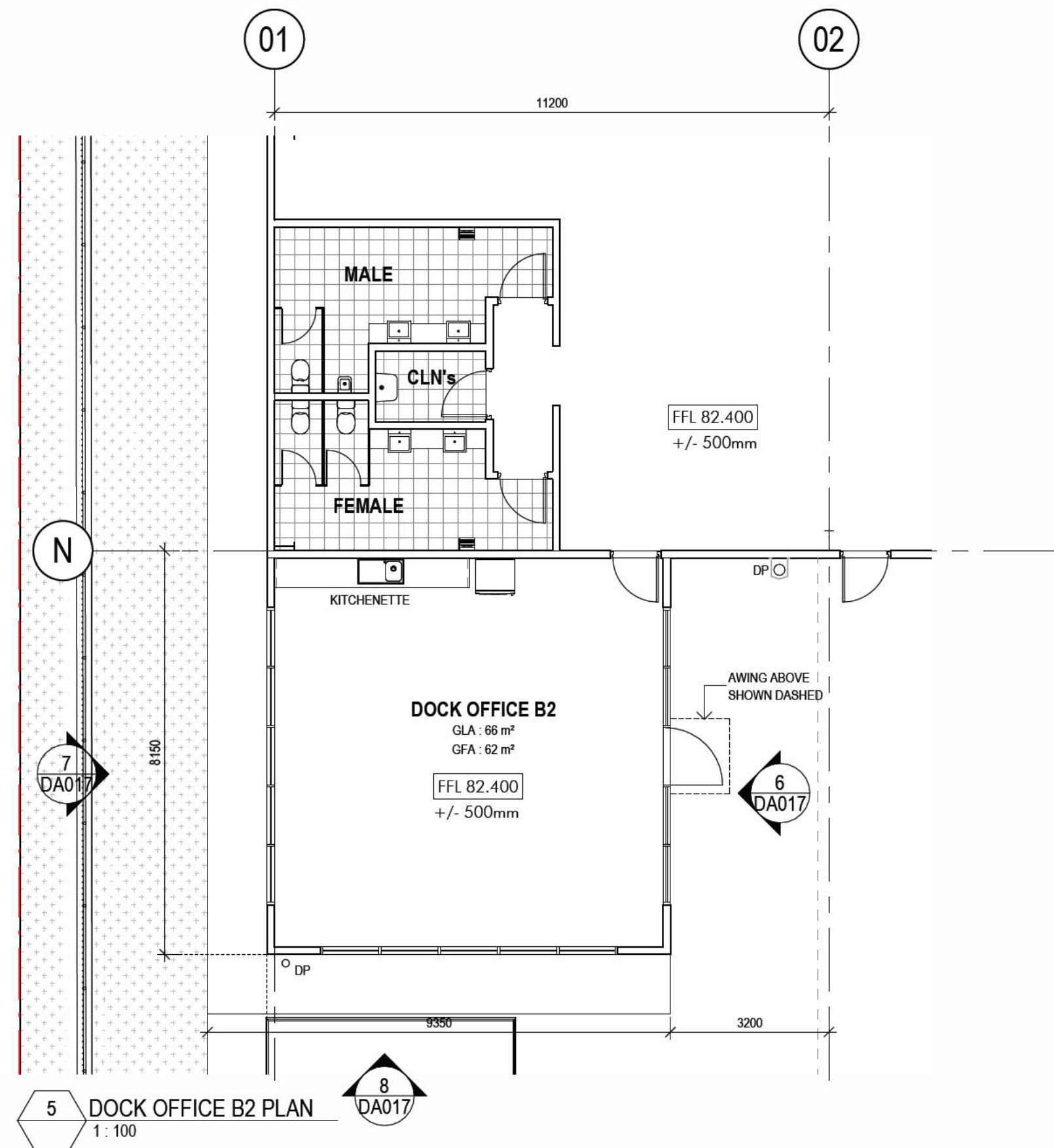
6 DOCK OFFICE B2 EAST ELEVATION
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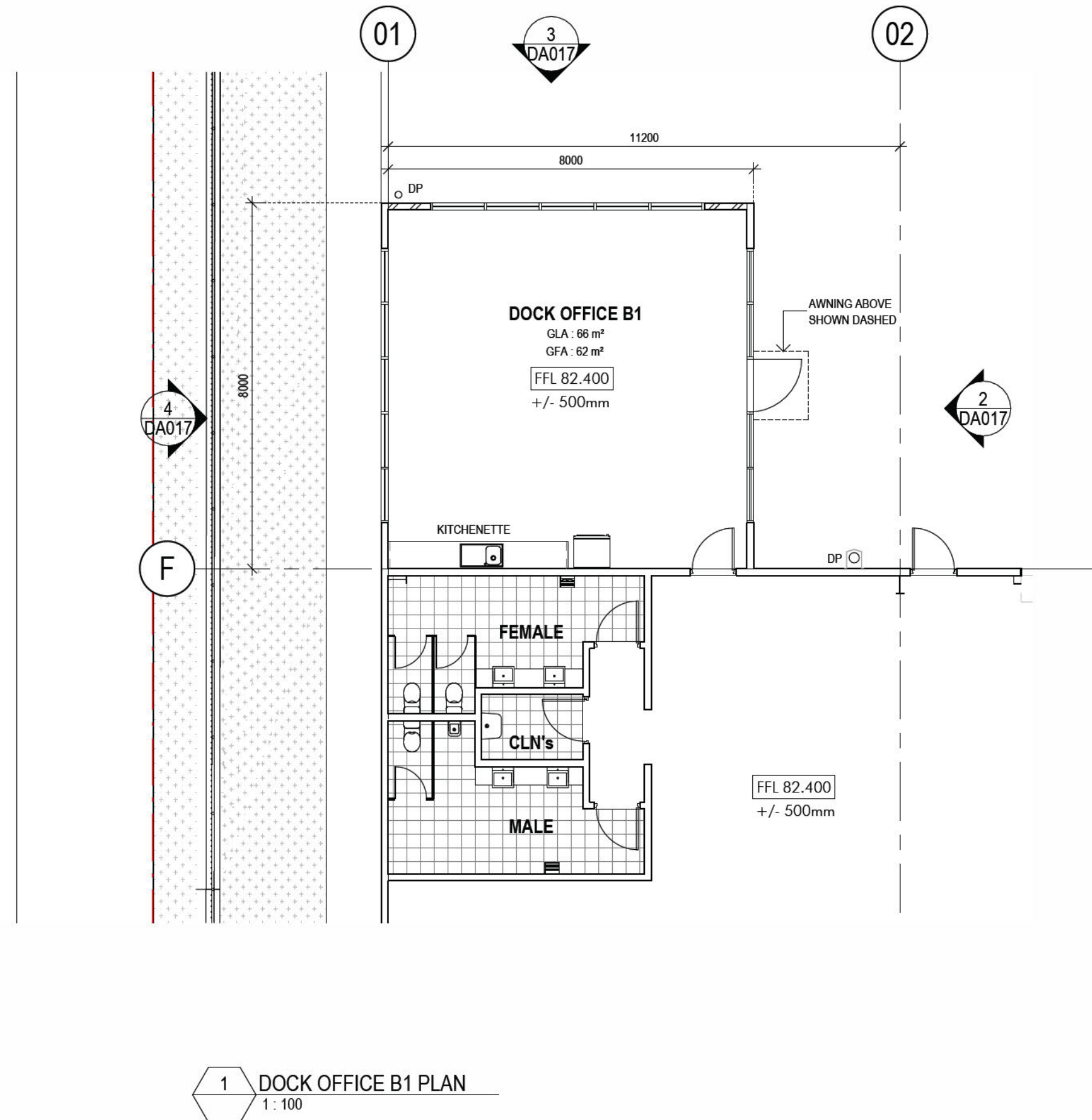
4 DOCK OFFICE B1 WEST ELEVATION
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OFFICES

- 21. EXTERNAL GRADE FC SHEET - COLORBOND 'MONUMENT'
- 22. COLOURBACKED GLASS - COLORBOND 'WOODLAND GREY'
- 23. ALUMINIUM FRAMED GLAZING - COLOUR MONUMENT POWDERCOATED SATIN
- 24. PREFINISHED TIMBER LOOK FC SHEET
- 25. VISION GLASS - GREY TINTED
- 26. TIMBER-LOOK FEATURE BLADES
- 27. TIMBER-LOOK EXTERNAL GRADE SOFFIT
- 28. PARAPET CAPPING - COLOUR TO MATCH COLORBOND 'MONUMENT'
- 01. PRECAST CONCRETE PAINT FINISH - COLORBOND 'MONUMENT'
- 07. PROFILED METAL SHEETING - COLORBOND 'SHALE GREY'
- 12. ROOF SHEETING - COLORBOND 'DOVER WHITE'



5 DOCK OFFICE B2 PLAN
1:100



1 DOCK OFFICE B1 PLAN
1:100

Client

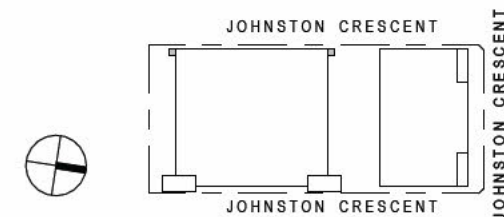


Issue	Description	Date
4	ISSUED FOR SDA	05.07.2024
3	ISSUED FOR SDA	03.07.2024
2	ISSUED FOR COORDINATION	14.06.2024
1	DRAFT ISSUE	05.06.2024

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FOR SSDA

Key Plan



Project Name
HORSLEY LOGISTICS PARK STAGE 2
Project Address
3 JOHNSTON CRESCENT, HORSLEY PARK, NSW

Bar Scales



Drawing Title:
DOCK OFFICE FLOOR PLANS & ELEVATIONS - BUILDING B

Author:
AB
Drawing Number:
14092_DA017

Checker:
MC

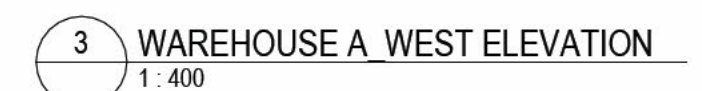
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Issue:
4

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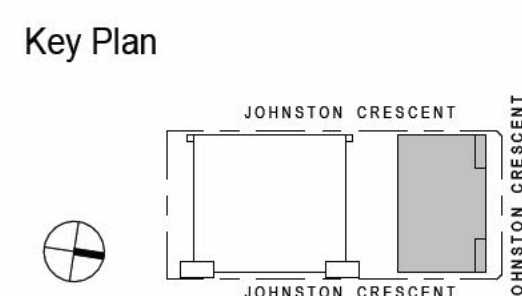
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- | | |
|---|---|
|  | 01 PRECAST CONCRETE PAINT FINISH - COLORBOND 'MONUMENT' |
|  | 02 PRECAST CONCRETE PAINT FINISH - COLORBOND 'SHALE GREY' |
|  | 03 PRECAST CONCRETE PAINT FINISH - COLOUR TO MATCH ESR LIGHT BLUE (PMS 297 C) |
|  | 04 PRECAST CONCRETE PAINT FINISH - COLOUR TO MATCH ESR BLUE (PMS 295 C) |
|  | 05 PRECAST CONCRETE PAINT FINISH - COLOUR TO MATCH ESR RED (PMS 1955 C) |
|  | 06 PROFILED METAL SHEETING - COLORBOND 'MONUMENT' |
|  | 07 PROFILED METAL SHEETING - COLORBOND 'SHALE GREY' |
|  | 08 PROFILED METAL SHEETING - COLOUR TO MATCH ESR LIGHT BLUE (PMS 297 C) |
|  | 09 PROFILED METAL SHEETING - COLOUR TO MATCH ESR BLUE (PMS 295 C) |
|  | 10 PROFILED METAL SHEETING - COLOUR TO MATCH ESR RED (PMS 1955 C) |
|  | 11. TRANSLUCENT ROOF SHEETING |
|  | 12. ROOF SHEETING - COLORBOND "DOVER WHITE" |
|  | 13. DOWNPIPES, FASCIA & CAPPING - COLORBOND 'MONUMENT' |
|  | 14. ROLLER SHUTTER DOORS - COLORBOND 'MONUMENT' |
|  | 15. POWDERCOATED FIRE SPRINKLER TANK - COLORBOND 'MONUMENT' |
|  | 16. PAINTED PA DOORS - COLORBOND 'SHALE GREY' |
|  | 17. TOEMOULD TO MATCH ADJACENT METAL SHEET ABOVE |

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FOR SSDA



Project Name
HORSLEY LOGISTICS PARK STAGE 2

Project Address
3 JOHNSTON CRESCENT, HORSLEY PARK, NSW



Drawing Title:
ELEVATIONS - BUILDING A

Author: AB Checker: MC Sheet Size: A1

Drawing Number:
14092 DA020

Scale:
1:400

Issue:
5

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