



57 Station Road, Seven Hills
Aboriginal Cultural Heritage Assessment

DRAFT REPORT

Prepared for Lehr Consultants International Pty Ltd

30 June 2022

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Glossary

ACHA	Aboriginal Cultural Heritage Assessment
AHIMS	Aboriginal Heritage Information Management System
AR	Archaeological Report
Biosis	Biosis Pty Ltd
Consultation requirements	<i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i>
DA	Development Application
DECCW	Department of Environment, Climate Change and Water (now Heritage NSW)
DP	Deposited Plan
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
GPS	Global Positioning System
GSV	Ground Surface Visibility
Heritage NSW	Heritage NSW, Department of Planning and Environment (DPE)
ICOMOS	International Council on Monuments and Sites
LALC	Local Aboriginal Land Council
LCI	Lehr Consultants International Pty Ltd
LEP	Local Environmental Plan
LGA	Local Government Area
MGA	Map Grid of Australia
NHL	National Heritage List
NNTT	National Native Title Tribunal
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPWS	National Parks and Wildlife Service
NSW	New South Wales
NTSCORP	Native Title Services Corporation
PAD	Potential Archaeological Deposit
RAPs	Registered Aboriginal Parties
REP	Regional Environmental Plan

SEPP	State Environmental Planning Policy
SSD	State Significant Development
the Code	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i>
The study area	57 Station Road, Seven Hills, NSW (Lot B DP 404669)

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Summary

Biosis Pty Ltd (Biosis) was commissioned by Lehr Consultants International Pty Ltd (LCI Consultants) to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support an Environmental Impact Statement (EIS) for the proposed development of the SYD08 data centre facility at 57 Station Road, Seven Hills, New South Wales (NSW) (the project). While the study area contains the entirety of Lot B DP 404669, this assessment only addresses the north-eastern portion (see Figure 2).

A Development Application (DA) for the entire lot was previously approved by Blacktown City Council on 10 January 2022 (DA-21-01058). The DA has allowed for the removal of trees, bulk earthworks, stormwater drainage works and the construction of a single storey data centre with ancillary offices, on-site parking and associated landscaping throughout SYD08 and the adjacent build identified as SYD09. The DA did not require an Aboriginal heritage assessment prior to approval.

This project is being assessed as a State Significant Development (SSD 33781208) under Part 4.36 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and as such this assessment has been conducted to respond to the requirement for an ACHA under the Secretary's Environmental Assessment Requirements (SEARs).

Consultation

The Aboriginal community was consulted regarding the heritage management of the project throughout its lifespan. Consultation has been undertaken as per the process outlined in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) (consultation requirements). The appropriate government bodies were notified and advertisements placed in the *Parramatta News* (1 March 2022), which resulted in the following Aboriginal organisations registering their interest (Table 1):

Table 1 List of registered Aboriginal parties and group contact

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It was confirmed during the consultation process by a representative of the [REDACTED] that "The study area is significant due to being close by to Toongabbie Creek and Burra Creek both water ways, utilised by many for many reasons such as fresh water, bathing, gathering of food and for everyday life activities." See Section 4.3.1.

A search conducted by the Office of the Registrar, *Aboriginal Land Rights Act 1983* listed no Aboriginal Owners with land within the study area. A search conducted by the National Native Title Tribunal (NNTT) listed no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area.

Upon registration, the Aboriginal parties were invited to provide their knowledge on the study area and on the proposal provided in the project information and methodology. The responses identify the study area as an area of moderate significance. Responses from the Registered Aboriginal Parties (RAPs) are included in Appendix 3.

Cultural significance outcomes from the consultation process will be included once stage 4 consultation has been completed and the RAPs have had an opportunity to provide comment. The results of the consultation process will be included in this document.

The recommendations that resulted from the consultation process are provided below.

Results

Key considerations arising from the background research include:

- There are 117 Aboriginal cultural heritage sites registered with AHIMS [REDACTED] identified within a 4.2 kilometre radius of the study area. None of these registered sites are located within the [REDACTED] study area.
- A ground edged axe was recovered in the adjacent site [REDACTED] (Station Road [REDACTED] Pending). This object was identified during the demolition and excavation phase of the project [REDACTED], with a separate ACHA being undertaken for that portion of the project. As the ACHA for [REDACTED] is still ongoing, this object has not yet been approved by the AHIMS registrar and therefore will not be present within the existing AHIMS search.
- Previous archaeological assessments throughout the Western Sydney region illustrate that while Aboriginal artefacts are present throughout the landscape (particularly when in close proximity to perennial water courses) flat or gently sloped landforms are not as desirable as ridges or crests, due to the lack of elevation throughout the area (JMCHM 2002, DSCA 2003, JMCHM 2011).
- Previous archaeological assessments throughout the Western Sydney region illustrate that Aboriginal artefacts are present throughout the landscape when in close proximity to perennial water courses, as they would have provided an abundance of resources for Aboriginal people (JMCHM 2002, DSCA 2003, JMCHM 2011).
- A review of historical aerial photographs paired with the archaeological investigation identified that extensive disturbance has occurred across the entirety of the study area.

An archaeological survey was conducted on 23 February 2022 by Biosis Archaeologist, Ashley Bridge. The survey consisted of a meandering transect throughout the extent of the study area. Overall the survey was hindered by substantial demolition and stockpiling disturbances from previous land use and recent demolition and excavation works throughout the wider study area under [REDACTED], which limited the surveyors ability to identify any surface artefacts present. Disturbance was prevalent throughout the majority of the study area, however was more extensive in the eastern and central portions where the previous buildings were located. These areas likely have limited potential to contain archaeological deposits, as the

footings and foundations of the buildings would have extended through the culturally sensitive A-horizon soils and into the culturally sterile B-horizon soils, resulting in the removal of large portions of archaeological deposits. In addition to this, the approved DA works for the entire lot has resulted in bulk excavations and demolition throughout the study area, which was observed during the survey and would have caused substantial disturbance to the subsoil deposits.

Management recommendations

Prior to any development impacts occurring within the study area, the following is recommended:

Recommendation 1: Areas identified as having low archaeological potential

No further investigations are required for areas assessed as having low archaeological potential. This recommendation is conditional upon Recommendations 4 and 5.

Recommendation 2: Continued consultation with the registered Aboriginal parties

It is recommended that the proponent provides a copy of the draft ACHA report to the registered Aboriginal parties (RAPs) for the project and considers all comments received. The proponent should continue to inform these groups about the management of Aboriginal cultural heritage within the study area throughout the life of the project.

It is also recommended that RAPs be invited to monitor future works and be consulted on the development of interpretive signage describing the area's cultural significance to Aboriginal people.

Recommendation 3: Discovery of unanticipated Aboriginal objects

All Aboriginal objects and Places are protected under the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is an offence to disturb an Aboriginal object or site without a consent permit issued by the Heritage NSW, Department of Planning Industry and Environment (Heritage NSW). Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and Aboriginal stakeholders.

It is recommended that an ACHMP and heritage induction process for site staff be developed to ensure an unexpected finds procedure is present during the construction phase of this project.

Recommendation 4: Discovery of human remains

If any suspected human remains are discovered during any activity works, all activity in the vicinity must cease immediately. The remains must be left in place and protected from harm or damage. The following contingency plan describes the immediate actions that must be taken in instances where human remains or suspected human remains are discovered. Any such discovery within the study area must follow these steps:

1. **Discovery:** If suspected human remains are discovered all activity in the vicinity must stop to ensure minimal damage is caused to the remains; and the remains must be left in place, and protected from harm or damage.
2. **Notification:** Once suspected human skeletal remains have been found, the Coroner's Office and the NSW Police must be notified immediately. Following this, the find will be reported to the Aboriginal parties and DECCW NSW.

1 Introduction

1.1 Project background

Biosis was commissioned by LCI Consultants to undertake an ACHA to inform an EIS for the proposed development of the SYD08 Data Centre facility at 57 Station Road, Seven Hills, NSW (the study area) (Figure 1).

A DA for the entire lot was previously approved by Blacktown City Council on 10 January 2022 (DA-21-01058). The DA has allowed for the removal of trees, bulk earthworks, stormwater drainage works and the construction of a single storey data centre with ancillary offices, on-site parking and associated landscaping throughout SYD08 and the adjacent build identified as SYD09. The DA did not require an Aboriginal heritage assessment prior to approval.

This report details the investigation, consultation and assessment of Aboriginal cultural heritage undertaken for the study area. The Archaeological Report in Appendix 5 details the findings of the archaeological investigations conducted as part of the ACHA. As required under Section 2.3 of the Code, the Archaeological Report provides evidence about the material traces of Aboriginal land use to support the conclusions and management recommendations in the ACHA.

The project is to be assessed as a SSD (SSD 33781208) under Part 4.36 of the EP&A Act. This assessment has been undertaken in accordance with the Code. The Code has been developed to support the process of investigating and assessing Aboriginal cultural heritage by specifying the minimum standards for archaeological investigation undertaken in NSW under the NPW Act. The archaeological investigation must be undertaken in accordance with the requirements of the Code. The purpose of the assessment is to assist the Secretary of the Department of Planning, Industry and Environment (DPIE) in their consideration and determination of the application. This assessment has been undertaken in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (consultation requirements) and *Guide for Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* under Part 6 of the *National Parks and Wildlife Act 1974*.

1.2 Study area

The study area is located within Lot B DP404669, approximately 6 kilometres north-west of Parramatta CBD, and approximately 25 kilometres north-west of the Sydney CBD (Figure 1). It encompasses 2.5 hectares of private land and the adjacent road reserves. While the study area contains the entirety of Lot B DP 404669, this assessment only addresses the north-eastern portion (see Figure 2).

The study area is within the:

- Blacktown Local Government Area (LGA).
- Parish of Prospect.
- County of Cumberland (Figure 2).

The study area is bounded by Blacktown Creek to the north, parklands and McCoy Street to the east, Station Road to the south, and private industrial buildings to the west.

1.3 Proposed development

The proposed works involve the development of the SYD08 data centre facility within the north eastern portion of Lot B DP404669, 57 Station Road, Seven Hills (Figure 3). The proposed development will be assessed as a SSD under Part 4.3 of the EP&A Act. The works will involve:

- Construction of a new two-storey 19.2MW data centre at the rear of the site including ancillary office space.
- A total floor area of 8,076 square metres.
- Provision of external plant in plant yards to the west, north and south of the proposed data hall, as well as rooftop plant, which will be screened.
- Provision of nine new generators, for a site total of twelve generators.
- Capacity for up to 289,000 litres of diesel fuel storage.
- New vehicular circulation to provide access to Station Road, connecting into new driveways already approved under DA-21-01058.
- Parking for 31 vehicles.
- Landscaping works.

1.4 Planning approvals

The proposed development will be assessed against Part 4.3 of the EP&A Act. Other relevant legislation and planning instruments that will inform this assessment include:

- Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).
- NSW *National Parks and Wildlife Act 1974* (NPW Act).
- NSW *National Parks and Wildlife Amendment Act 2010*.
- Infrastructure State Environmental Planning Policy (SEPP) 2007.
- Blacktown Local Environmental Plan 2015 (LEP).
- Blacktown Development Control Plan 2015.

1.5 Restricted and confidential information

Appendix 1 in the Archaeological Report (Appendix 5) contains AHIMS information which is confidential and not to be made public. This is clearly marked on the title page for the Attachment.

1.6 Aboriginal cultural heritage

1.6.1 General description

It is generally accepted that people have inhabited the Australian landmass for at least 65,000 years (Clarkson et al, 2017). Dates of the earliest occupation of the continent by Aboriginal people are subject to continued revision as more research is undertaken. The timing for the human occupation of the Sydney Basin is still uncertain. Whilst there is some possible evidence for occupation of the region around 40,000 years ago, the earliest undisputed radiocarbon date from the region comes from a rock shelter site north of Penrith on the

Nepean River, known as Shaws Creek K2, which has been dated to $14,700 \pm 250$ Before Present (BP) (Attenbrow 1987, Attenbrow 2002, p.20). The assessment of the deposits concurred that the people living in the shelter exploited the food and resources from the nearby creeks and rivers, as well as the surrounding countryside. East of Campbelltown, a sandstone rock shelter site (known as Bull Cave) was excavated and yielded a basal date of 1820 ± 90 BP (Koettig 1985).

Archaeological evidence of Aboriginal occupation of the broader Cumberland Plain area indicates that the area was intensively occupied from approximately 4,000 years BP (JMCHM 2007). Such 'young' dates are probably more a reflection of conditions of archaeological site preservation and sporadic archaeological excavation, rather than actual evidence of the presence or absence of an Aboriginal population prior to this time.

1.6.2 Tangible Aboriginal cultural heritage

Three categories of tangible Aboriginal cultural heritage may be defined:

- Things that have been observably modified by Aboriginal people.
- Things that may have been modified by Aboriginal people but no discernible traces of that activity remain.
- Things never physically modified by Aboriginal people (but associated with Dreamtime Ancestors who shaped those things).

1.6.3 Intangible Aboriginal cultural heritage

Examples of intangible Aboriginal cultural heritage would include memories of stories and 'ways of doing', which would include language and ceremonies (DECCW 2010, p.3).

1.6.4 Statutory

Currently Aboriginal cultural heritage, as statutorily defined by the NPW Act, consists of objects and places which are protected under Part 6 of the Act.

Aboriginal objects are defined as:

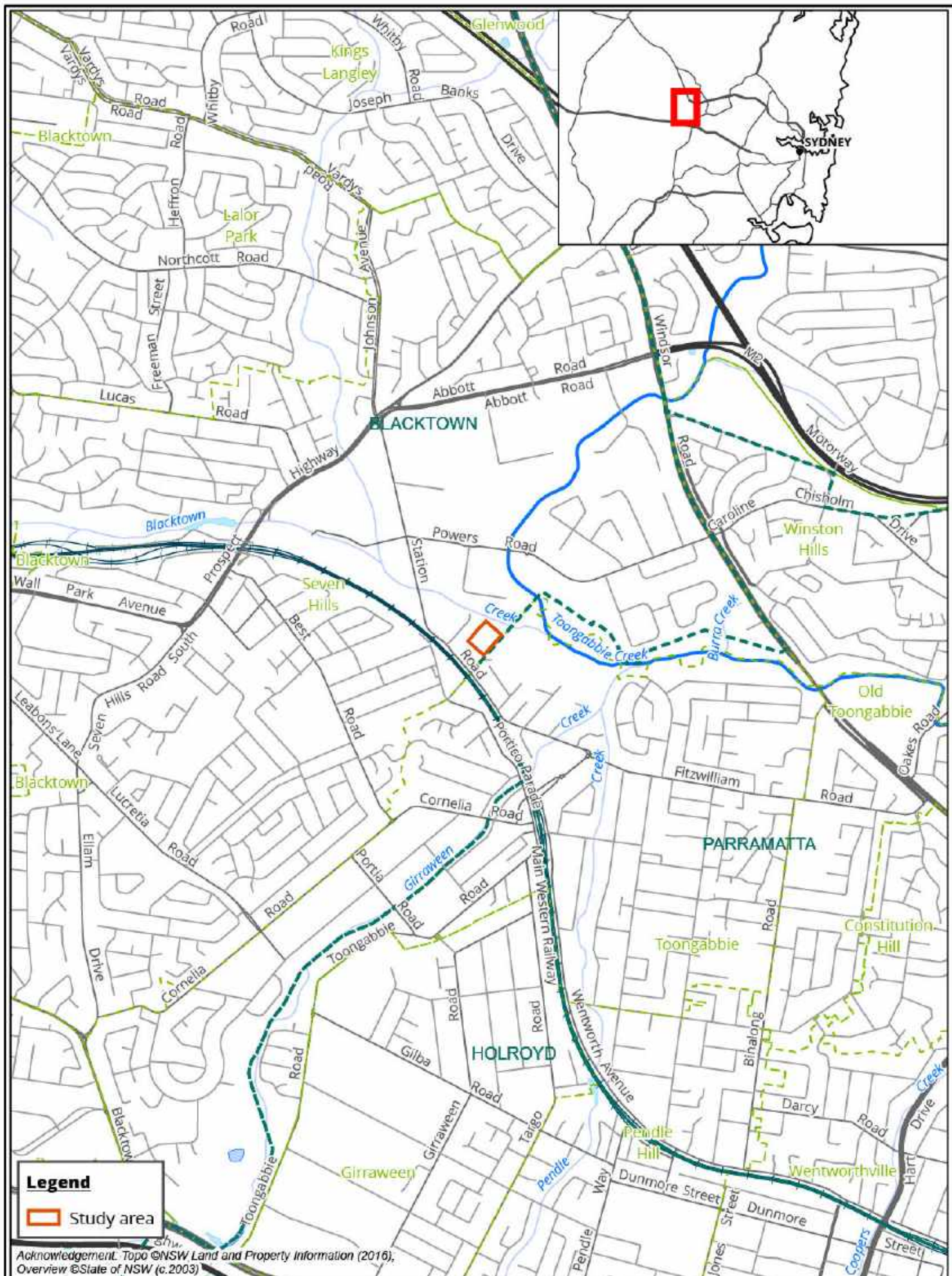
"any deposit, object or material evidence...relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains"

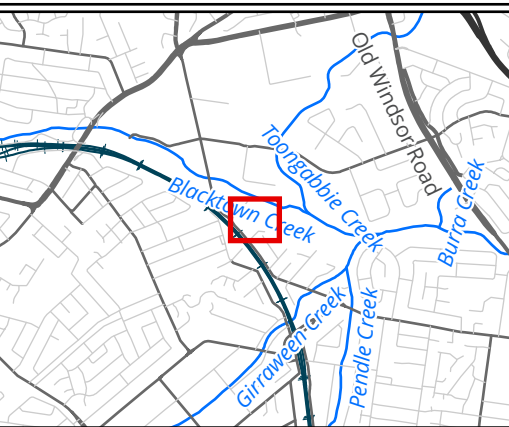
Aboriginal places are defined as a place that is or was of special Aboriginal cultural significance. Places are declared under section 84 of the NPW Act.

1.6.5 Values

Aboriginal cultural heritage is valued by Aboriginal people as it is used to define their identity as both individuals and as part of a group (DECCW 2010, p.iii). More specifically it is used:

- To provide a:
 - 'Connection and sense of belonging to Country' (DECCW 2010, p.iii).
 - Link between the present and the past (DECCW 2010, p.iii).
- As a learning tool to teach Aboriginal culture to younger Aboriginal generations and the general public (DECCW 2010, p.3).
- As further evidence of Aboriginal occupation prior to European settlement for people who do not understand the magnitude to which Aboriginal people occupied the continent (DECCW 2010, p.3).



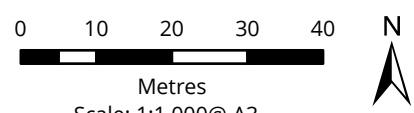


Legend

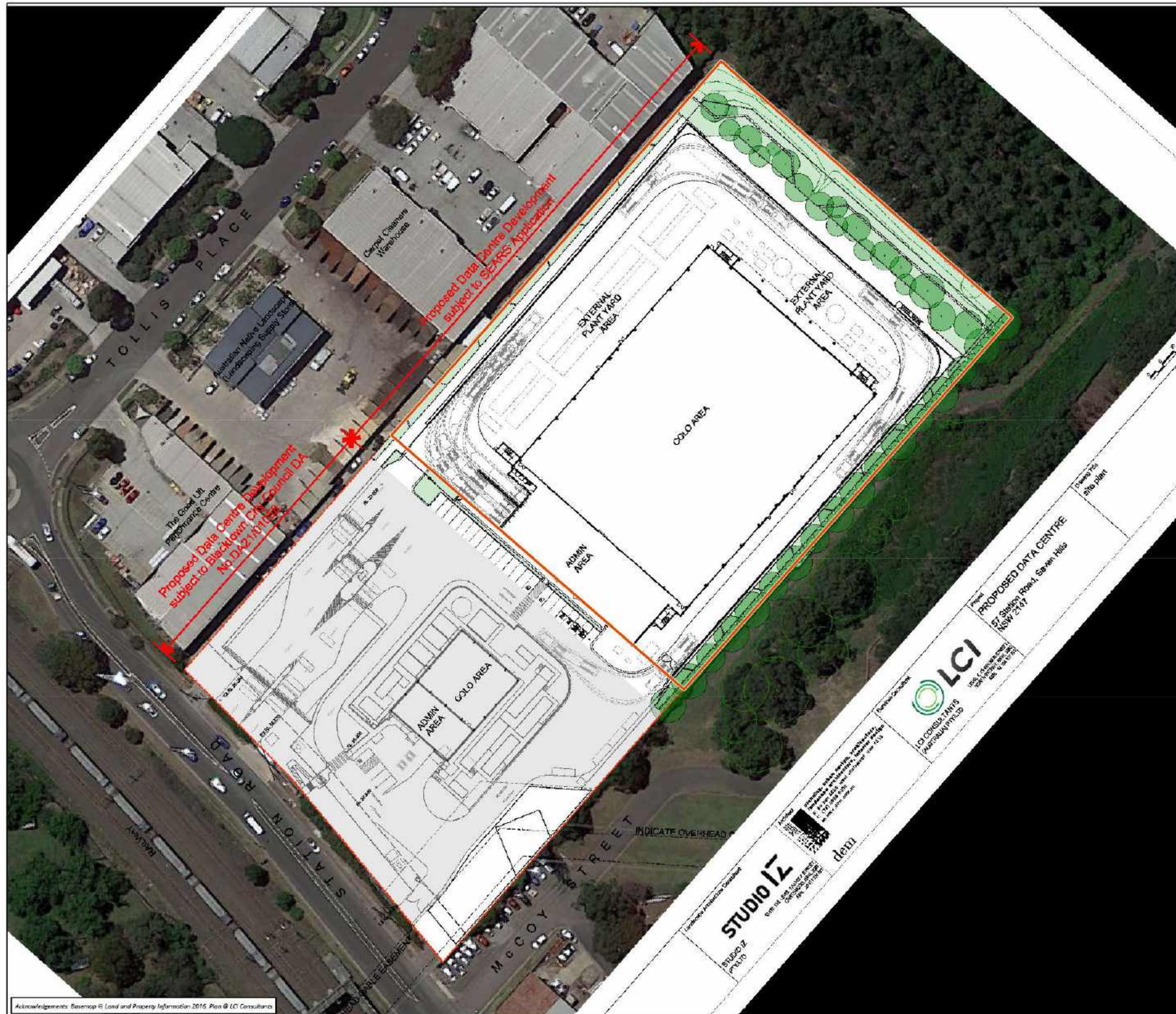
Study area

Lot

Figure 2 Study area detail



Matter: 36773, Date: 30 June 2022,
Drawn by: JET, Checked by: CM, Last edited by: jbeckius
Location: P:\36700s\36773\Mapping\
36773_SYD08 Data Centre, Layout: 36773_ACHA_F2_StudyArea



Legend

Study area

Figure 3 Proposed development

0 8 16 24 32 40
Metres

Scale: 1:1,000@ A3
Coordinate System:
GDA 1994 MGA Zone 56



Matter: 36773, Date: 07 June 2022,
Drawn by: JET, Checked by: CM, Last edited by: jrekius
Location: P:\36700\36773\Mapping\36773_SYD08 Data Centre, Layout: 36773_ACHA_F3_ProposedWorks

2 Study area context

This section discusses the study area in regards to its landscape, environmental and Aboriginal cultural heritage context. This section should be read in conjunction with the Archaeological Report attached in Appendix 5. The background research has been undertaken in accordance with requirements 1 to 4 of the Code.

2.1 Topography and hydrology

The study area is located within the Cumberland Lowlands physio-geographic region. The Cumberland Lowlands consist of low lying, gently undulating plains, rises and low hills atop Wianamatta Group shales and sandstone with a dense drainage net of predominantly northward flowing channels (Bannerman & Hazelton 1990a, p.2). The Wianamatta geological group is Middle Triassic in age (245-235 million years ago), overlaying the Mittagong Formation and Hawkesbury Sandstone. It is divided into two formations, the Ashfield Shale and the overlying Bringelly Shale. These are separated by Minchinbury Sandstone.

The study area is located across a gentle slope landform, which form flats over the study area. These landforms sit upon Ashfield Shales, which dominate the southern portion of the study area and occurs extensively throughout the Cumberland Lowlands. The Ashfield Shale formation is one of three geologic formations that make up the Wianamatta Group and consists of finely-layered laminite and grey siltstone (Bannerman & Hazelton 1990b, p.28). The northern portion of the study area comprises alluvial valley deposits. These consist of loosely consolidated sediment derived from Hawkesbury Sandstone and Wianamatta Group Shales, comprised of Ashfield Shale, Bringelly Shale and Minchinbury Sandstone (Bannerman & Hazelton 1990b, p.68). Bringelly Shale consists of shales with pockets of occasional calcareous claystone, laminate, grey siltstone and infrequent coal deposits, and Minchinbury Sandstone comprises 'fine- to medium-grained quartz lithic sandstone' (Bannerman & Hazelton 1990b, p.28).

Stream order is recognised as a factor which assists the development of predictive modelling in Sydney Basin Aboriginal archaeology, and has seen extensive use in the Sydney region, most notably by JMCHM (2000, 2005a, 2006a, 2008). Predictive models which have been developed for the region have a tendency to favour higher order streams as the locations of campsites as they would have been more likely to provide a stable source of water and by extension other resources which would have been used by Aboriginal groups.

Hydrology within the vicinity of the study area includes Blacktown Creek, a first order non perennial watercourse, and located approximately 20 metres north of the study area. Blacktown creek is a tributary of Toongabbie Creek, a second order perennial watercourse, located approximately 225 metres north-east of the study area. Parramatta River, a perennial water source, is located approximately 4.8 kilometres east of the study area. Full details can be found in Appendix 5.

2.2 Soil landscapes

Soil landscapes possess distinct morphological and topological characteristics that also result in specific archaeological potential. They are defined by a combination of soils, topography, vegetation and weathering conditions. Soil landscapes are essentially terrain units that provide a useful way to summarise archaeological potential and exposure. The study area is located within two soil landscapes: South Creek soil landscape and Blacktown soil landscape.

The South Creek soil landscape is characterised as a fluvial soil landscape situated on flat to gently sloping alluvial plains of less than 5%, with a local relief of 10 metres, with intermittent terraces or levees. Soils are generally very deep (135-190 centimetres) layered sediments over bedrock or relief soils, with red and yellow podzolic soils being predominant upon terraces. Some structured grey clays, leached clay and yellow solodic soils also occur. In areas adjacent to drainage lines where soil evolution has occurred, structured plastic clays and structured loams can also be present. This soil landscape varies in many areas from erosion and deposition resulting in potential disturbances to soil sequencing and potential archaeological deposits (Bannerman & Hazelton 1990a, pp.68-69).

Alluvial and fluvial deposits possess high archaeological potential, firstly, because they are located in the vicinity of water sources utilised by Aboriginal people; and secondly, because of the many active layers of deposition increasing the chance of the preservations of subsurface archaeological remains. Full details for this soil landscape can be found in Appendix 5.

The Blacktown soil landscape is a residual soil landscape and consists of gently undulating rises, broad rounded crests and gently inclined slopes with a gradient of less than 5%. Local relief within the Blacktown soil landscape is up to 30 metres and rocky outcropping is absent. Dominant soils consist of shallow to moderately deep (<100 centimetres) red and brown podzols on crests and in well drained topographies, and deep (150-300 centimetres) yellow podzolic soils and soloths on lower slopes and drainage lines (Bannerman & Hazelton 1990a, p.28).

Residual soils form from the *in-situ* weathering of bedrock material, resulting in slow accumulation of soils over long periods of time. Due to their age and slow accumulation, residual soil landscapes have reasonable potential to preserve archaeological deposits in an open context, such as stone artefacts derived from occupation sites. However, this slow accumulation combined with extensive land clearing and land use (usually associated with pastoral and civic development) will result in an increased likelihood that soils will have been disturbed. This could result in poor preservation of archaeological material in these locations. Full details for this soil landscape can be found in Appendix 5.

2.3 Climate and rainfall

Climate data was provided by the Seven Hills (Collins St) weather station, approximately 1.3 kilometres north-west of the study area. (Station No .067026)

- The mean maximum temperature is highest in December when it reaches 28.4 degrees.
- The lowest maximum mean temperature is in July at 17.4 degrees.
- The mean minimum temperature is highest in February at 17 degrees and lowest in July at 4.5 degrees.
- The average rainfall is highest in February at 116 millimetres and lowest in July at 43.2 millimetres.

Based on modern climate data it is likely the study area would have provided a temperate area with high average rainfalls and proximity to permanent water sources, making it likely the area was seasonally occupied. This would also suggest the presence of Aboriginal sites is highly likely as a result.

2.4 Landscape resources

The Cumberland Plains region would have provided an abundance of natural resources that would have been utilised in a variety of ways by Aboriginal people. Aboriginal people used plant resources in a variety of ways. Fibres were twisted into string, which was used for many purposes, including the weaving of nets,

baskets, fishing lines and personal adornment. Tree bark was also utilized in the provision of shelter (a *gunyah*) (Attenbrow 2002) and would be cut to fashion coolamons, and other items used in everyday life. Traces of these activities can be identified within the landscape in the form of scarred trees.

Vegetation within the Cumberland Plains region would have consisted of Grey Box *Eucalyptus molucana*, Forest Red Gum *E. tereticornis*, Narrow-leaved Ironbark woodland, and Spotted Gum *Corymbia maculata*, on shale hills, while Hard-leaved Scribbly Gum *E. sclerophylla*, Rough-barked Apple *Angophora floribunda*, and Old Man Banksia *Banksia serrata* would have been identified on alluvial sands and gravels. Broad-leaved Apple *Angophora subvelutina*, Cabbage Gum *E. amplifolia*, Forest Red Gum, and Swamp Oak *Casuarina glauca* are also present on river flats. Tall spike rushes (such as *Eleocharis sphacelata*, *Juncus usitatus* and *Polygonum* sp. with Parramatta Red Gum *Eucalyptus parramattensis* is noted around lagoons and swamps (NSW National Parks and Wildlife Service 2003, p.193). Fluvial soils within the study area would have likely supported common tree species that can withstand these conditions, such as the Broad-leaved Apple, Cabbage Gum, and Swamp Oak (Bannerman & Hazelton 1990a, pp.68–69)

Archaeological assessments conducted within the Cumberland plain region suggest there is a strong correlation between the presence of Aboriginal archaeological sites and proximity to water sources (White, B & McDonald, J 2010, McDonald, J. & Rich, E. 1993, Brayshaw McDonald Pty Ltd 1994, AMBS 2012). Rivers, creeks and waterholes provide sources of fresh drinking water, whilst also supplying a habitat for fish and shellfish resources. The presence of permanent water sources would have also attracted a number of animals to the area, that would have been hunted by Aboriginal people (Attenbrow 2002, pp.62–76). Animal products were also used for tool making and fashioning a myriad of utilitarian and ceremonial items. For example, tail sinews are known to have been used to make fastening cord, while 'bone points', which would have functioned as awls or piercers, have been identified as part of the archaeological record.

Native fauna that could have been present in the study area includes, but is not limited to, the Australian Brush-tail Possum *Trichosurus vulpecula*, Short-beaked Echidna *Tachyglossus aculeatus*, Swamp Wallaby *Wallabia bicolor*, Rainbow Lorikeet *Trichoglossus moluccanus*, Kookaburra *Dacelo novaeguineae*, Australian Magpie *Cracticus tibicen*, Water Dragon *Intellagama lesueurii*, and Eastern Blue-Tongue *Tiliqua scincoides*. Terrestrial and avian resources were not only used for food, but also provided a significant contribution to the social and ceremonial aspects of Aboriginal life.

2.5 European land use history

Exploration west of Port Jackson almost immediately followed the arrival of the first fleet in 1788. Governor Arthur Phillip, Lieutenant John Cresswell and naval surgeon, John White made their initial foray west in 1788, until they reached Prospect Hill on 22 April (John White 2001, pp. 90, Elias 2021). Governor Phillip and his party viewed the landscape from Prospect Hill, and would have seen the area that would later be known as Seven Hills (City of Parramatta Research and Collections 2020). In 1791, land grants near Prospect Hill were given to settlers, including free settlers and emancipated convicts, to continue supporting the settlement in Sydney (Elias 2021).

John Redmond, a retired naval officer, was the first person to receive a land grant in the Seven Hills region (City of Parramatta Research and Collections 2020). The 60 acre (24.28 hectares) lot was granted to Redmond on 1 April 1793 by Lieutenant-Governor Francis Grose. The track adjacent to the north-eastern perimeter of John Redmond's 60 acre land grant later became known as Station Road, which is currently the south-western boundary of the study area (City of Parramatta Research and Collections 2020). The area began to develop rapidly after this initial phase of settlement, and the new settlers continued clearing the land of native vegetation for agricultural and residential purposes (Elias 2021).

The name Seven Hills only became recognised as the official name for the district around 1800. It is suggested that the name of the suburb was unofficially determined by a free settler, Matthew Pearce, who was granted a property of 160 acres (64.75 hectares) in Prospect, from which he claimed he could count seven hills, though this is unverified by official resources (City of Parramatta Research and Collections 2020). One of the earliest found references to Seven Hills was in an article titled 'General Orders' from the *Sydney Gazette* on Saturday 5 March 1803:

"Wheat will be issued to the Civil, Military, &c. until further Orders; except to toe detachments and labouring people at Castle Hill, Seven-Hills, and other Out Posts, who will receive Flour, as they have not the convenience of Mills" ('General Orders' 1803).

The horticultural and pastoral exploitation of Seven Hills continued well into the 1830s, having been established as a productive and valuable agricultural community (Brook 2008). Continuous farming activities and overworking of the soils within the region resulted in decreased levels of soil fertility, and as a result, it became increasingly difficult to yield crops to the same degree at which cultivation occurred in the past (Rosen 1995). It was common for the initial settlers throughout the greater Western Sydney area to grow small, private orchards and vineyards for their own use, and over time in Seven Hills, these proved to produce crops with a higher value and return than the grains that were initially planted throughout the landscape (City of Parramatta Research and Collections 2020, Elias 2021). Eventually many of these grain plantations evolved with the crops being replaced by various fruit trees, notably orange and various stone fruits (Brook 2008).

The majority of the study area exists within Portion 188, a 34 acre (13.76 hectare) lot granted to Thomas Needham on 12 March 1800 (NSW Land Registry Services, Vol. 7506 Fol. 74). A small area in the south-western portion of the study area lies within the south-east corner of a 61 acre (24.69 hectares) lot owned by James Bates.

Historical aerial imagery allows for modern developments within the study area to be identified. The aerial photographs listed in this section are available within the Archaeological Report in Appendix 5. An aerial photograph dated to 1943 shows the study area had been subjected to the extensive clearing of large vegetation and construction of boundary fencing along the southern perimeter. There is limited vegetation remaining in the centre of the eastern boundary of the study area and near the residential buidlings in the southern portion. The entire northern portion of the study area has been cleared, with a man-made dam existing on the eastern border that would have impacted Bankstown Creek. Small shed structures and market gardens can be seen in the southern portion of the study area, surrounding the residential buildings.

A parish map dated to 1956 indicates that the land remained owned by Thomas Needham during this time. Thomas Needham owned Portion 188 until it was subdivided, establishing the present lot boundary, comprising Lot B DP404669. This land was then sold to Charles Carpendale Moore and his wife Neonie Mareeve Primrose Moore on 3 June 1958 (NSW Land Registry Services, Vol. 7506 Fol. 74).

An aerial photograph dated to 1965 shows that the study area has undergone extensive development. Additional large shed structures have been constructed in the south-eastern portion of the study area and boundary fencing now exists around the newly subdivided lot. The residential buildings in the southern portion of the study area remain, however some features and structures have been demolished or removed, including a residential building, a small shed structure and the market gardens. The vegetation in the central part of the eastern border has matured and the man-mad dam appears smaller in size. Shipping containers are placed in various areas within the central and southern portions of the study area.

An aerial photograph dated to 1978 indicates that the study area has been subjected to additional developments. The vegetation within the study area has been completely cleared and two large structures have been built in the central portion of the study area. The dam no longer exists and has been completely filled in. The shipping containers have been moved, and new containers appear in more areas of the study

area. The entire study area appears to have undergone some form of earthworks, with the ground surface appearing homogenous.

An aerial photograph dated to 2005 indicates that the study area has been subjected to limited additional development. The shipping containers have been removed and the large shed structures have been demolished. All other structures appear to be unchanged.

An aerial photograph dated to 2021 indicates that the study area has been subjected to some additional developments. The residential building has been demolished and new shipping containers have been placed in the central and southern portions of the study area. A large shed structure has been constructed where its predecessor existed. The archaeological survey of the study area shows that the buildings within the study area were demolished in February 2022, with no structures remaining within the study area to date. Full details and aerial imagery can be found in Section 3.1.4 of Appendix 5.

DRAFT

3 Aboriginal cultural heritage context

3.1 Ethnohistory

Archaeological evidence clearly indicates that Aboriginal people have occupied the coastal region of south-eastern Australia for up to 20,000 years (Attenbrow 2010, p.153). The date of earliest occupation of the continent by Aboriginal people are subject to continued revision as more research is undertaken. The timing for the human occupation of the Sydney Basin is still uncertain. While there is some possible evidence for occupation of the region around 40,000 years ago, the earliest known radiocarbon date for the Aboriginal occupation of the Sydney Basin is associated with a cultural/archaeological deposit at Parramatta, which was dated to $30,735 \pm 407$ before present (BP) (JMCHM 2005b, JMCHM 2005c).

Our knowledge of the social organisation and languages of Aboriginal people prior to European contact is, to a large extent, reliant on documents written by European people. Such documents contain the inherent bias of the class and cultures of these authors, however, they can be used in conjunction with archaeological information in order to gain a picture of Aboriginal life in the region. The majority of this information was gathered during the late nineteenth century, taking place in already decimated communities where significant disruptions to the pre-existing societies had taken place.

Archaeological evidence of Aboriginal occupation of the Cumberland Plains indicates that the area was intensively occupied from approximately 4000 years BP (Dallas 1982). Such 'young' dates are probably more a reflection of the conditions associated with the preservation of this evidence and the areas that have been subject to surface and subsurface archaeological investigations, rather than actual evidence of the Aboriginal people prior to this time.

Our knowledge of Aboriginal people and their land-use patterns and lifestyles prior to European contact is mainly reliant on documents written by non-Aboriginal people. These documents are affected by the inherent bias of the class and cultures of their authors, who were also often describing a culture that they did not fully understand - a culture that was in a heightened state of disruption given the arrival of settlers and disease. Early written records can however be used in conjunction with archaeological information and surviving oral histories from members of the Aboriginal community in order to gain a picture of Aboriginal life in the region.

Despite a proliferation of Aboriginal heritage sites there is considerable ongoing debate about the nature, territory and range of pre-contact Aboriginal language groups in the greater Sydney region. These debates have arisen largely because, by the time colonial diarists, missionaries and proto-anthropologists began making detailed records of Aboriginal people in the late 19th century; pre-European Aboriginal groups had been broken up and reconfigured by European settlement activity. The following information relating to Aboriginal people on the Cumberland Plains is based on such early records.

There is some confusion relating to group names, which can be explained by the use of differing terminologies in early historical references. Language groups were not the main political or social units in Aboriginal life. Instead, land custodianship and ownership centred on the smaller named groups that comprised the broader language grouping. There is some variation in the terminology used to categorise these smaller groups; the terms used by Attenbrow (2010) will be used here.

The study area is in the vicinity of three language groups, Dharawal, Gundungurra and the hinterland Darug. Attenbrow (2010, pp. 34) suggests:

- The Gundungurra covered "the southern rim of the Cumberland Plain west of the Georges River, as well as the southern Blue Mountains".

- The Dharawal (Tharawal) covered “the south side of Botany Bay, extending as far as the Shoalhaven River; from the coast to the Georges River and Appin, possibly as far west as Camden”.
- The hinterland Darug covered the area “from Appin in the south to the Hawkesbury River in the north; west of the Georges River, Parramatta, the Lane Cove River and Berowra Creek”.

These areas are considered to be indicative only and would have changed through time.

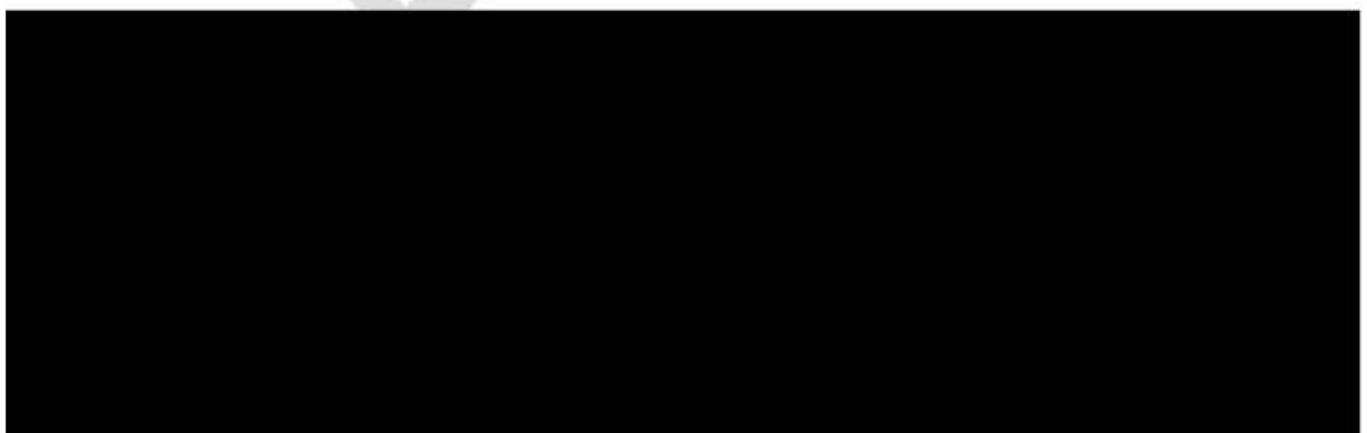
The first contact many of these groups would have had with Europeans would have been with early explorers and surveyors such as John Hunter and George Bass. The written accounts from these explorers provides useful information into the lifeways of Aboriginal peoples of the region despite a lack of formal anthropological training of the commentators.

Accounts from Tench (1979) describe equipment and shelter use in the western Sydney region. Tench noted that the equipment used by Aboriginal peoples included “few stone hatchets very crudely fashioned” as well as small nets and fish hooks made of bone, neither of which were “skilfully executed” according to Tench (1979). Tench also commented on the types of shelter he observed. He described shelters as consisting of “pieces of bark laid together in the form of an oven, open at one end, and very low, though long enough for a man to lie full length in” (1979). These shelters were often grouped together and were often large enough to hold six to eight people (Collins 1798), but Tench noted that these types of shelter were less utilised than rock shelters (1979).

In addition to the material culture of Aboriginal peoples, Tench also made generalised observations of the language used by Aboriginal peoples at the time. He described an interaction between inland and coastal groups, stating that “they conversed on par and understood each other perfectly, yet spoke different dialects of the same languages” (Tench 1979, p.122).

After the arrival of European settlers the movement of Aboriginal people became increasingly restricted. European expansion along the Cumberland Plain was swift and soon there had been considerable loss of land to agriculture. This led to violence and conflict between Europeans and Aboriginal people as both groups sought to compete for the same resources (Brookes & Associates et al. 2003, p.16). At the same time diseases such as small pox were having a devastating effect on the Aboriginal population. Two such outbreaks were recorded, one in 1789 and another from 1829 to 1831 (Butlin 1983), with the first outbreak believed to have resulted in the deaths of 50% of Aboriginal populations (Tench 1979). Death, starvation and disease were some of the disrupting factors that led to a reorganisation of the social practices of Aboriginal communities after European contact. The formation of new social groups and alliances were made as Aboriginal people sought to retain some semblance of their previous lifestyle.

3.2 Aboriginal heritage located in the study area



3.3 Interpretation of past Aboriginal land use

The Cumberland Plains region would have provided an abundance of natural resources for utilisation by the Aboriginal people populating the area. The Cumberland Plains maintains a fluvial soil capable of nourishing common tree species that may have also populated the river flats, lagoons and swamps of the region (NSW National Parks and Wildlife Service 2003, p.193). Aboriginal people would have used these resources in various ways. For example, plant fibres and tree bark can be used for weaving, construction and more. Traces of these activities can be identified within the landscape in the form of scarred trees.

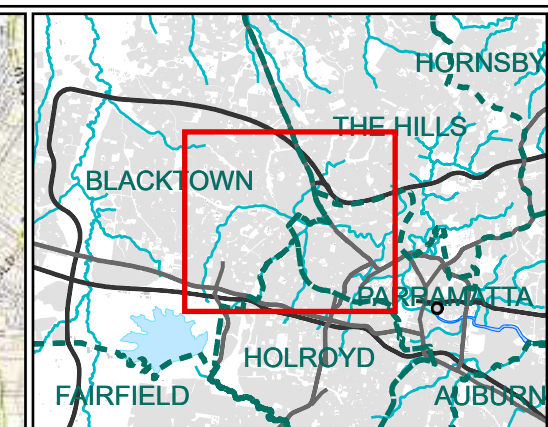
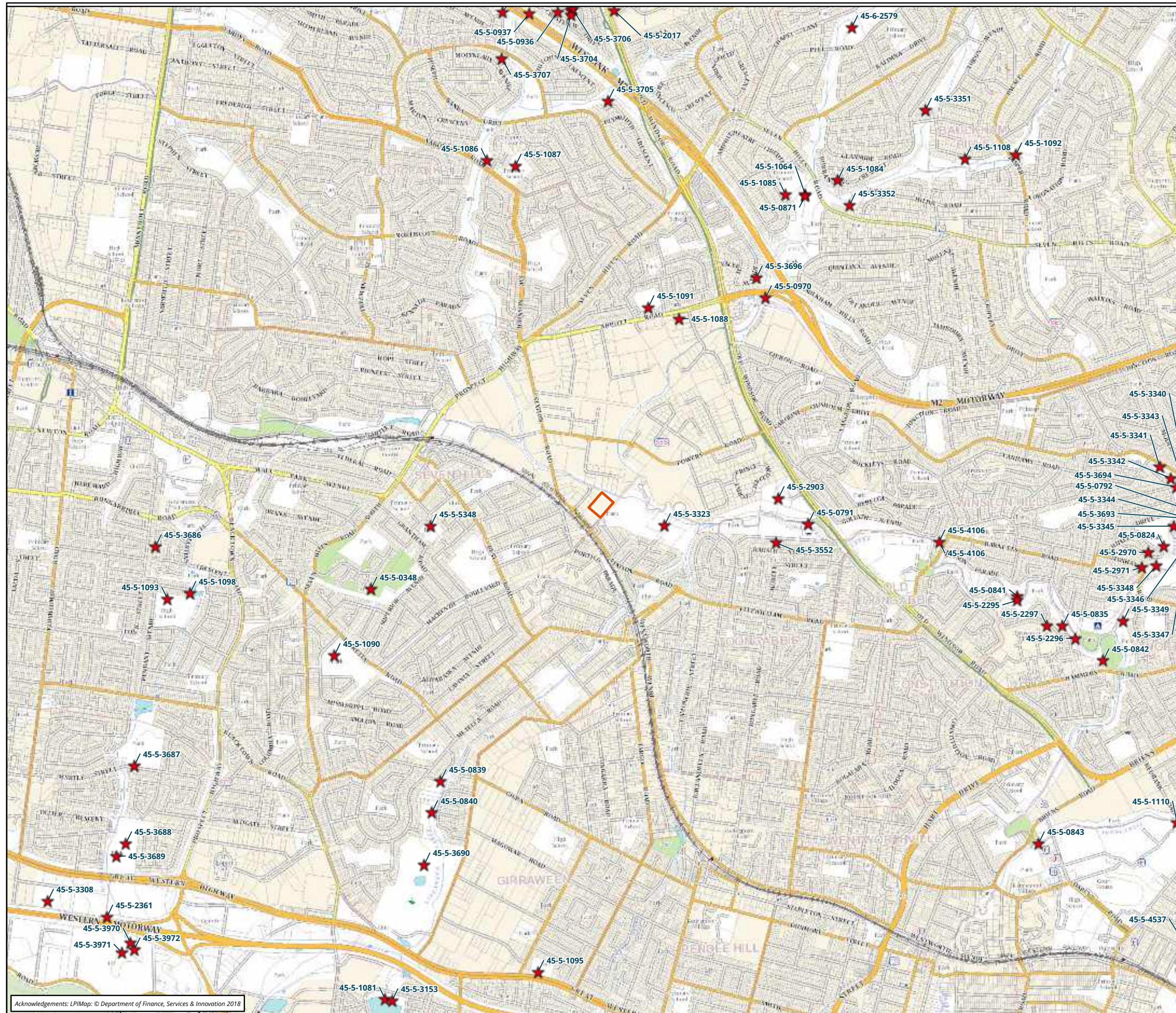
Archaeological assessments conducted within the Cumberland plain region suggest there is a strong correlation between the presence of Aboriginal archaeological sites and proximity to water sources (White, B & McDonald, J 2010, McDonald, J. & Rich, E. 1993, Brayshaw McDonald Pty Ltd 1994, AMBS 2012). Rivers, creeks and waterholes nearby to the study area would provide sources of fresh drinking water, while also providing access to fish and shellfish as a food resource in addition to the appeal permanent water sources provide to animals who would travel into the area for access, allowing for adequate hunting grounds for the local Aboriginal people (Attenbrow 2002, pp. 62–76). Animal products were also used for tool making.

The northern portion of the study area is located adjacent to Blacktown Creek, a first order non perennial watercourse that has been heavily modified. Blacktown creek is a tributary of Toongabbie Creek, a second order perennial watercourse, located approximately 225 metres north-east of the study area. Parramatta River, a third order perennial water source, is also located approximately 4.8 kilometres east of the study area. The proximity of the study area to multiple water courses of a range of stream order levels suggests that Aboriginal people would have had sustained access to ample water sources. As a result, there would have been access to a plethora of associated resources, including various faunal and floral species to be used for subsistence, ritual and medicinal purposes. This increases the potential for Aboriginal people to have occupied the study area.

The location of the study area in the Wianamatta Group geological formation, indicates potential deposits of Aboriginal artefact scatter sites and PADs within the study area, as these site types are common throughout this formation. The residual Blacktown soil landscape and alluvial South Creek soil landscape also indicates potential for archaeological deposits within the study area, such as stone artefacts, due to their slow accumulation and age. Erosion is not common in this landscape, with the exception of it occurring in areas with absent or removed vegetation, and land use pertaining to agricultural, industrial and residential development activities. As such, in areas where these activities occurred, deposits may have been potentially disturbed, which may result in minimal preservation of archaeological material. Conversely, in regions that remain undisturbed, the potential for archaeological material is moderate to high.

The entire study area has been extensively disturbed by previous industrial development and, more recently, bulk excavation and demolition of soils due to the works undertaken under the DA. These recent and past development activities would have disturbed and removed natural soil profiles and archaeological deposits. While Station Road [REDACTED] Pending was recovered in the same lot, to the south of the study area, it was recovered in a redeposited fill layer throughout the rubble of the previous buildings foundations. It is likely that this is an isolated find due to the previous disturbances that have occurred historically throughout the site, in addition to the extensive bulk excavations and demolition works currently being undertaken throughout the entire lot under DA-21-01058, with further intact archaeological deposits or objects unlikely to be present throughout the current study area.

While the study area would have been likely to be a favourable location for Aboriginal occupation, due to its close proximity to water courses and access to resources, the existing disturbances throughout the study area are very extensive, therefore it is unlikely that the study area will contain any intact Aboriginal sites. The study area has therefore been assessed as holding low archaeological potential. Full details of the archaeological survey undertaken for this project can be found in Appendix 5.



Legend

- Study area
- AHIMS

NOT TO BE MADE PUBLIC

Figure 4 AHIMS within the vicinity of the study area



Metres
Scale: 1:25,000@ A3
Coordinate System:
GDA 1994 MGA Zone 56



Matter: 36773, Date: 07 June 2022,
Drawn by: JET, Checked by: CM, Last edited by: jbeckius
Location: P:\36700s\36773\Mapping\
36773_SYD08 Data Centre, Layout: 36773_ACHA_F4_AHIMS

4 Aboriginal community consultation

Consultation with the Aboriginal community has been undertaken in compliance with the consultation requirements as detailed below. A consultation log of all communications with RAPs is provided in Appendix 1.

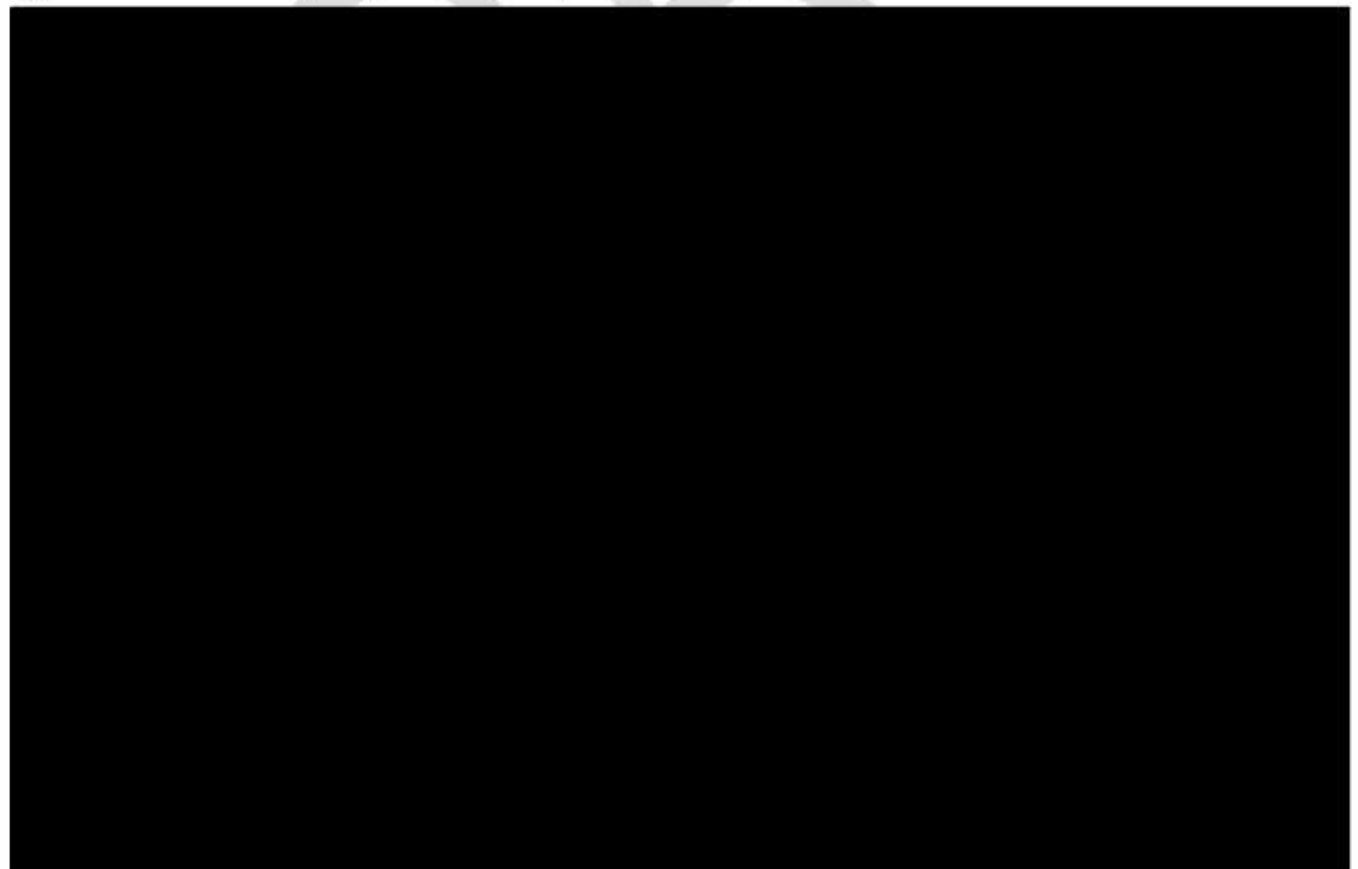
4.1 Stage 1: Notification of project proposal and registration of interest

4.1.1 Identification of relevant Aboriginal stakeholders

In accordance with the consultation guidelines, Biosis notified the following bodies regarding the proposal:

- Blacktown City Council.
- Heritage NSW, Department of Planning and Environment (Heritage NSW).
- NSW Native Title Services Corporation Limited (NTSCORP Limited).
- Office of the Registrar, Aboriginal Land Rights Act 1983 of Aboriginal Owners.
- National Native Title Tribunal (NNTT).
- Greater Sydney Local Land Services.
- [REDACTED]

A list of known Aboriginal stakeholders was provided by Heritage NSW (a copy of this response is provided in Appendix 2 and includes (in alphabetical order):





A search conducted by the Office of the Registrar, *Aboriginal Land Rights Act 1983* (NSW) listed no Aboriginal Owners with land within the study area. A search conducted by the NNTT listed no Registered Native Title Claims, Unregistered Claimant Applications or Registered Indigenous Land Use Agreements within the study area.

4.1.2 Public notice

In accordance with the consultation guidelines, a public notification was placed in the *Parramatta News* on 1 March 2022.

The advertisement invited Aboriginal people who hold cultural knowledge to register their interest in a process of community consultation to provide assistance in determining the significance of Aboriginal object(s) and/or places in the vicinity of the study area. A copy of the public notice is provided in Appendix 2.

4.1.3 Registration of Aboriginal parties

Aboriginal groups identified in Section 4.1.1 were sent a letter inviting them to register their interest in a process of community consultation to provide assistance in determining the significance of Aboriginal object(s) and/or places in the vicinity of the study area. In response to the letters and public notice, a total of 12 groups registered their interest in the project. Responses to registration from Aboriginal parties are provided in Appendix 2. A full list of Aboriginal parties who registered for consultation is provided below:

Table 2 List of registered Aboriginal parties

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4.2 Stage 2: Presentation of information about the proposed project

On 4 April 2022 Biosis provided RAPs with details about the proposed development works (project information pack). A copy of the project information pack is provided in Appendix 3.

4.3 Stage 3: Gathering information about cultural significance

4.3.1 Archaeological assessment methodology information pack

On 4 April 2022, Biosis provided each RAP with a copy of the project methodology pack outlining the proposed ACHA process and methodology for this project. RAPs were given 28 days to review and prepare feedback on the proposed methodology. A copy of the project methodology pack is provided in Appendix 3.

responded by confirming their support of the proposed methodology.

responded on 7 April 2022:

Our group is a non-profit organisation that has been active for over forty years in Western Sydney, we are a [redacted] with over three hundred members. The main aim in our constitution is the care of [redacted] sites, places, wildlife and to promote our culture and provide education on the [redacted] history.

The Seven Hills area is an area our group has a vast knowledge of, we have worked and lived in for many years, this area is highly significant to the [redacted] people due to the connection of sites and the continued occupation. Our group has been involved in all previous assessments and works in this area as a traditional owner [redacted] for the past 40 plus years.

"Aboriginal peoples are the oldest continued culture...the land may have been taken from us for many tens of years and disturbed. However, they still have cultural values, as a culture we have had to adapt to a forever changing

landscape, allowance for culture, way of practicing these cultures and even our language is forever changing and adapting."

Key priorities of the development are to use sustainable materials, plant native plants that are from the area, using correct terminology, do not use the past tense and ensure that it is clear throughout the development that this is always has been and always will be Aboriginal land.

Our [redacted] and can only be assessed by [redacted] people, we have our song lines and creation places that only our people can identify, our connection to our nura is part of us and our country.

Our histories are held by our people and places, when we are looking for cultural aspects of an area they are not only seen but felt, our spiritual connections are our culture and heritage that connect us to our old people through the evidence that we see on our site visits.

People from other mobs should be respectful of our country and people if they are not respectful that the [redacted] are the knowledge holders then they are not cultural, therefore should not be involved on cultural heritage on [redacted] land.

We support the project information, due to finding the ground edged axe on the adjacent block, as we know from previous excavations that building that have been demolished and there still be intact natural soils underneath,

What year was the existing building built.

I would like to see that it is recommended the area be monitored and if natural soils are there some testing be arranged.

Biosis responded to [redacted] stating:

Apologies for the delay in response. Thank you for your feedback on the project information and methodology for the 57 Station Road, Seven Hills ACHA. In response to your comments, please see below:

"We support the project information, due to finding the ground edged axe on the adjacent block, as we know from previous excavations that building that have been demolished and there still be intact natural soils underneath" – The ground edged axe recovered to the south of the study area (SYD08) was recovered in a redeposited fill layer throughout the rubble of the previous buildings foundations. It is likely that this is an isolated find due to the previous disturbances that have occurred historically throughout the site, in addition to the extensive bulk excavations and demolition works currently being undertaken throughout the entire lot under DA-21-01058. Due to these excavation works, it is unlikely that intact, natural archaeological deposits will be present throughout the current study area.

"What year was the existing building built?" – The buildings visible in the aerials were built between 1965 and 1975. The DA for the project demolished these buildings in February 2022, therefore no buildings currently exist on site.

"I would like to see that it is recommended the area be monitored and if natural soils are there some testing be arranged" – I have included a mitigation measure for monitoring in the ACHA document based on this request. It is estimated that the draft report will be ready for RAP review next week.

No further comments were received to date.

responded on 26 April 2022:

Thank you for your ACHA methodology for 57 Station Road, Seven Hills, New South Wales (NSW) project. The whole study area is highly significance to us Aboriginal people due to our people occupying and caring for the land for many years. We have walked this land for thousands of years and continue to do so today, we live off mother earth we aim to protect and maintain her. Hunting and gathering would have taken place, Aboriginal people living the nomadic lifestyle moving with the seasons which was generally six seasons. This in turn created environments that thrived and flourished providing Aboriginal people with an abundance of continuing resources. Aboriginal people have the knowledge and understanding to maintain, rejuvenate and protect the many different types of environments this land provides us.

We hold a deep spiritual connection to the land, the sky, fire and the water ways, we have an obligation to the givers of life, the elements that allow us to be. Baiame the creator allowed us to be with as long as we protect, conserve, and care for Mother Earth, to keep sacred places out of harms ways. This is something we all must be aware of as the creator placed us here on Mother Earth for a reason and we must not forget why and aim to protect our mother.

The study area is significant due to being close by to Toongabbie Creek and Burra Creek both water ways, utilised by many for many reasons such as fresh water, bathing, gathering of food and for everyday life activities. Water is a giver of life without water we would not be here so we should respect, conserve and manage water ways as naturally as possible and keep them maintained. Aboriginal people have been following waterways for tens of thousands of years a sense of way finding and a deep connection we hold.

Fire played a big part in the Aboriginal lifestyle as the flora needs to be burnt to rejuvenate, this was known by the Aboriginal people and was carried out seasonally. The Aboriginal people moved around seasonally and knew the land very well, in fact they could read the land navigating them around, like they used the sky to navigate around and to understand the weather from reading the sky and stars at night. We Aboriginal people hold a connection to the sky and many of our dreaming stories are told through the stars and constellations along with the land and wildlife.

It is important that we grab hold of what we have left from our old people and honour them. We can do this through interpretation with in the development through artwork, 3D replicas of artefacts on display, native gardens and digital display or app. It is just as important to recognise the Aboriginal people and to educate the wider community. We would like to also recommend that the land is managed appropriately and in a cultural way.

We would like to agree your methodology and we look forward to furthering consultation on this project.

4.4 Stage 4: Review of draft ACHA report

This section will be completed following closure of the Stage 4 consultation period, with any comments received from Aboriginal RAPs provided below.

5 Aboriginal cultural significance assessment

The two main values addressed when assessing the significance of Aboriginal sites are cultural values to the Aboriginal community and archaeological (scientific) values. This report will assess the cultural values of Aboriginal sites in the study area. Details of the scientific significance assessment of Aboriginal sites in the study area are provided in Appendix 5.

5.1 Introduction to the assessment process

Heritage assessment criteria in NSW fall broadly within the significance values outlined in the Australia International Council on Monuments and Sites (ICOMOS) *Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS 2013) (the Burra Charter). This approach to heritage has been adopted by cultural heritage managers and government agencies as the set of guidelines for best practice heritage management in Australia. These values are provided as background and include:

- **Historical significance** (evolution and association) refers to historic values and encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all of the terms set out in this section. A place may have historic value because it has influenced, or has been influenced by, a historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance 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.
- **Aesthetic significance** (Scenic/architectural qualities, creative accomplishment) refers to the sensory, scenic, architectural and creative aspects of the place. It is often closely linked with social values and may include consideration of form, scale, colour, texture, and material of the fabric or landscape, and the smell and sounds associated with the place and its use.
- **Social significance** (contemporary community esteem) refers to the spiritual, traditional, historical or contemporary associations and attachment that the place or area has for the present-day community. Places of social significance 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 significance be damaged or destroyed. These aspects of heritage significance can only be determined through consultative processes with local communities.
- **Scientific significance** (Archaeological, industrial, educational, research potential and scientific significance values) refers to the importance of a landscape, area, place or object because of its archaeological and/or other technical aspects. Assessment of scientific value is often based on the likely research potential of the area, place or object and will consider the importance of the data involved, its rarity, quality or representativeness, and the degree to which it may contribute further substantial information.

The cultural and archaeological significance of Aboriginal and historic sites and places is assessed on the basis of the significance values outlined above. As well as the Burra Charter significance values guidelines, various government agencies have developed formal criteria and guidelines that have application when assessing the significance of heritage places within NSW. Of primary interest are guidelines prepared by the Australian

Government, Heritage NSW and the Heritage Branch, and the NSW Department of Planning, Industry and Environment. The relevant sections of these guidelines are presented below.

These guidelines state that an area may contain evidence and associations which demonstrate one or any combination of the Burra Charter significance values outlined above in reference to Aboriginal heritage. Reference to each of the values should be made when evaluating archaeological and cultural significance for Aboriginal sites and places.

In addition to the previously outlined heritage values, the Heritage NSW *Guidelines to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011) also specify the importance of considering cultural landscapes when determining and assessing Aboriginal heritage values. The principle behind a cultural landscape is that 'the significance of individual features is derived from their inter-relatedness within the cultural landscape'. This means that sites or places cannot be 'assessed in isolation' but must be considered as parts of the wider cultural landscape. Hence the site or place will possibly have values derived from its association with other sites and places. By investigating the associations between sites, places, and (for example) natural resources in the cultural landscape the stories behind the features can be told. The context of the cultural landscape can unlock 'better understanding of the cultural meaning and importance' of sites and places.

Although other values may be considered – such as educational or tourism values – the two principal values that are likely to be addressed in consideration of Aboriginal sites and places are the cultural/social significance to Aboriginal people and their archaeological or scientific significance to archaeologists and the Aboriginal community. The determinations of archaeological and cultural significance for sites and places should then be expressed as statements of significance that preface a concise discussion of the contributing factors to Aboriginal cultural heritage significance.

5.2 Cultural (social significance) values

Cultural or social significance refers to the spiritual, traditional, historical and/or contemporary associations and values attached to a place or objects by Aboriginal people. Aboriginal cultural heritage is broadly valued by Aboriginal people as it is used to define their identity as both individuals and as part of a group (DECCW 2010, p.iii). More specifically it provides:

- A 'connection and sense of belonging to Country' (DECCW 2010, p.iii).
- A link between the present and the past (DECCW 2010, p.3).
- A learning tool to teach Aboriginal culture to younger Aboriginal generations and the general public (DECCW 2010, p.3).
- Further evidence of Aboriginal occupation prior to European settlement for people who do not understand the magnitude to which Aboriginal people occupied the continent (DECCW 2010, p.3).

It is acknowledged that Aboriginal people are the primary determiners of the cultural significance of Aboriginal cultural heritage. During consultation the following information was provided by RAPs in regards to the cultural values of the study area.

- [REDACTED] responded on 7 April 2022:
 - *The Seven Hills area is an area our group has a vast knowledge of, we have worked and lived in for many years, this area is highly significant to the [REDACTED] people due to the connection of sites and the continued occupation. Our group has been involved in all previous assessments and works in this area as a traditional owner [REDACTED] group for the past 40 plus years.*

- *“Aboriginal peoples are the oldest continued culture...the land may have been taken from us for many tens of years and disturbed. However, they still have cultural values, as a culture we have had to adapt to a forever changing landscape, allowance for culture, way of practicing these cultures and even our language is forever changing and adapting.”*
- *Our [redacted] land can only be assessed by [redacted] people, we have our song lines and creation places that only our people can identify, our connection to our nura is part of us and our country.*
- *Our histories are held by our people and places, when we are looking for cultural aspects of an area they are not only seen but felt, our spiritual connections are our culture and heritage that connect us to our old people through the evidence that we see on our site visits.*

- [redacted] responded on 26 April 2022:

- *We hold a deep spiritual connection to the land, the sky, fire and the water ways, we have an obligation to the givers of life, the elements that allow us to be. Baiame the creator allowed us to be with as long as we protect, conserve, and care for Mother Earth, to keep sacred places out of harms ways. This is something we all must be aware of as the creator placed us here on Mother Earth for a reason and we must not forget why and aim to protect our mother.*
- *The study area is significant due to being close by to Toongabbie Creek and Burra Creek both water ways, utilised by many for many reasons such as fresh water, bathing, gathering of food and for everyday life activities. Water is a giver of life without water we would not be here so we should respect, conserve and manage water ways as naturally as possible and keep them maintained. Aboriginal people have been following waterways for tens of thousands of years a sense of way finding and a deep connection we hold.*

5.3 Historic values

Historic significance refers to associations a place or object may have with a historically important person, event, phase or activity to the Aboriginal and other communities. Background research, archaeological survey and consultation with the Aboriginal community has concluded that the study area is not known to have any historic associations. Therefore this assessment has concluded that the study area has low historic significance.

5.4 Archaeological (scientific significance) values

An archaeological scientific assessment was undertaken for the SYD08 study area and is presented in detail as part of the attached Archaeological Report (Appendix 5).

5.5 Aesthetic values

The study area has been historically used for industrial use. While the Seven Hills Aboriginal community strongly identifies with the broader landscape of the Seven Hills area, the study area has been extensively impacted by industrial development and therefore has low aesthetic significance.

5.6 Statement of significance

The significance of sites was assessed in accordance with the following criteria:

- Requirements of the Code.
- The Burra Charter.
- *Guide to Investigating and Reporting on Aboriginal Heritage*.

The combined use of these guidelines is widely considered to represent the best practice for assessments of Aboriginal cultural heritage. The identification and assessment of cultural heritage values includes the four values of the Burra Charter: social, historical, scientific and aesthetic values. The resultant statement of significance has been constructed for the study area based on the significance ranking criteria assessed in Table 3.

5.6.1 Statement of significance for the study area

The study area is located within the suburb of Seven Hills, and has been impacted by land clearing and extensive industrial development. The archaeological significance of this site has been assessed as low, as the archaeological survey did not identify any Aboriginal sites or objects. While an unexpected find was recovered in the adjacent project area (SYD09) (██████████ Pending), it was recovered in a redeposited fill layer throughout the rubble of the previous buildings foundations. It is likely that this is an isolated find due to the previous disturbances that have occurred historically throughout the site, in addition to the extensive bulk excavations and demolition works currently being undertaken throughout the entire lot under DA-21-01058. Therefore, it is unlikely that any intact archaeological deposits will be located within the current study area.

The study area consists of a disturbed landscape. It is not considered to have any specific aesthetic values, and is a common example of the existing landscape across the Seven Hills area. This site is not connected to any historical event or personage and therefore possesses low historical significance. The cultural significance of the site will be assessed as part of the consultation process and will be updated following stage 4 consultation.

Table 3 Significance assessment criteria

Criteria	Ranking
Cultural – discussions with the local Aboriginal communities has indicated that the study area has high cultural value.	TBC
Historical – the study area is not connected to any historical event or personage.	Low
Scientific – the study area does not possess any archaeological sites due substantial disturbances from historical vegetation clearance and recent demolition and bulk excavation practices. The study area has low scientific value.	Low
Aesthetic – the site is located in the Seven Hills region, and has been impacted by land clearing and housing development.	Low

6 Development limitations and mitigation measures

As previously outlined, the proposed development involves the development of the SYD08 data centre facility at Lot B DP404669, 57 Station Road, Seven Hills (Figure 3). The proposed development will be assessed as a SSD under Part 4.36 of the EP&A Act. The works will involve:

- Construction of a new two-storey 19.2MW data centre at the rear of the site including ancillary office space.
- A total floor area of 8,076 square metres.
- Provision of external plant in plant yards to the west, north and south of the proposed data hall, as well as rooftop plant, which will be screened.
- Provision of nine new generators, for a site total of twelve generators.
- Capacity for up to 289,000 litres of diesel fuel storage.
- New vehicular circulation to provide access to Station Road, connecting into new driveways already approved under DA-21-01058.
- Parking for 31 vehicles.
- Landscaping works.

6.1 Potential risks to Aboriginal cultural heritage

The study area does not contain any recorded Aboriginal sites or objects and has been assessed as having low archaeological potential due to extensive disturbances observed in the study area. The proposed works will therefore not impact on any Aboriginal heritage values (Figure 5).

6.2 Management and mitigation measures

Ideally, heritage management involves conservation of sites through the preservation and conservation of fabric and context within a framework of 'doing as much as necessary, as little as possible' (Marquis-Kyle & Walker 1994, p.13). In cases where conservation is not practical, several options for management are available. For sites, management often involves the salvage of features or artefacts, retrieval of information through excavation or collection (especially where impact cannot be avoided) and interpretation.

Consideration has been given to the principles of Ecologically Sustainable Development (ESD) in order to minimise impacts. Avoidance of impact to archaeological and cultural heritage sites through design of the development is the primary mitigation and management strategy, and should be implemented where practicable. As part of the management and mitigation measures for the proposed works, an ACHA including archaeological survey and consultation with the Aboriginal community was undertaken. This was done to determine the presence and nature of any potential Aboriginal sites so that appropriate management could be undertaken. The survey did not identify any Aboriginal sites or objects, therefore the study area has been assessed as having low archaeological potential. However, this assessment has positively contributed to our knowledge of Aboriginal land use in the region and will be available for future generations to build on in line with inter-generational equity principles. The proposed works will avoid impacts to any known Aboriginal sites. Consultation undertaken has resulted in the following management strategies.

6.2.1 No further archaeological work required

No further archaeological work is recommended for the study area. The study area has been assessed as having low archaeological potential and therefore no further investigations are required. This recommendation is conditional upon the recommendations outlined in this report.

6.2.2 Heritage induction

Heritage inductions for all site workers and contractors should be undertaken in order to prevent any unintentional harm to unexpected Aboriginal objects or sites, or Aboriginal sites or objects located within proximity to the study area. The heritage induction should include the following items:

- Relevant legislation.
- Location of identified Aboriginal heritage sites, areas of archaeological potential, and areas of archaeological sensitivity.
- Basic identification skills for Aboriginal and non-Aboriginal artefacts and human remains.
- Procedure to follow in the event of an unexpected heritage item find during construction works.
- Procedure to follow in the event of discovery of human remains during construction works.
- Penalties and non-compliance.

6.2.3 Development of an Aboriginal Cultural Heritage Management Plan

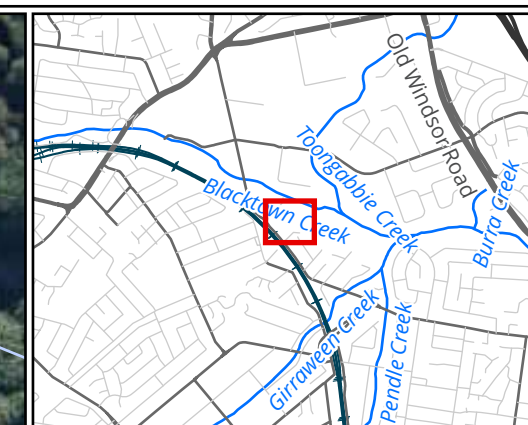
Based on the unexpected find recovered in the adjacent development (SYD09), it is recommended that an Aboriginal Cultural Heritage Management Plan (ACHMP) is developed as part of a Construction Management Plan (CMP) to ensure an unexpected finds procedure is present during the construction phase of this project.

As it is an offence to disturb an Aboriginal site without a consent permit issued by DPIE, should any Aboriginal objects be encountered during works associated with this project, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and Aboriginal stakeholders.

6.2.4 Ongoing engagement with RAPs for site monitoring and interpretation

Representatives from Darug Custodian Aboriginal Corporation conveyed the need for future works on site to be monitored, given the unexpected find recovered from the SYD09 study area. Monitoring of future works by RAPs is recommended in order to prevent any unintentional harm to unexpected Aboriginal objects or sites, or Aboriginal sites or objects located within proximity to the study area.

Ongoing management of the site may also include interpretive signage describing the area's cultural significance to Aboriginal people, as recommended by representatives from Darug Custodian Aboriginal Corporation and Kamilaroi Yankuntjatjara Working Group in Stage 3 of the consultation process (Section 4.3.1). These mitigation strategies would be included in a Cultural Heritage Management Plan for the study area, should the Conditions of Consent for the project require it.



Legend

Study area

Archaeological potential

Low

Figure 5 Archaeological potential

0 10 20 30 40

Metres

Scale: 1:1,000@ A3
Coordinate System:
GDA 1994 MGA Zone 56



Matter: 36773, Date: 30 June 2022,
Drawn by: JET, Checked by: AB, Last edited by: jbeckius
Location: P:\36700s\36773\Mapping\
36773_SYD08 Data Centre, Layout: 36773_HHA_F5_ArchPot

7 Recommendations

The recommendations below respond specifically to the wishes of the RAPs. Recommendations regarding the archaeological value of the site, and the subsequent management of Aboriginal cultural heritage is provided in the archaeological report (Appendix 5).

Recommendation 1: Areas identified as having low archaeological potential

No further investigations are required for areas assessed as having low archaeological potential. This recommendation is conditional upon Recommendations 4 and 5.

Recommendation 2: Continued consultation with the registered Aboriginal parties

It is recommended that the proponent provides a copy of the draft ACHA report to the registered Aboriginal parties (RAPs) for the project and considers all comments received. The proponent should continue to inform these groups about the management of Aboriginal cultural heritage within the study area throughout the life of the project.

It is also recommended that RAPs be invited to monitor future works and be consulted on the development of interpretive signage describing the area's cultural significance to Aboriginal people.

Recommendation 3: Discovery of unanticipated Aboriginal objects

All Aboriginal objects and Places are protected under the NSW *National Parks and Wildlife Act 1974* (NPW Act). It is an offence to disturb an Aboriginal object or site without a consent permit issued by the Heritage NSW, Department of Planning Industry and Environment (Heritage NSW). Should any Aboriginal objects be encountered during works associated with this proposal, works must cease in the vicinity and the find should not be moved until assessed by a qualified archaeologist. If the find is determined to be an Aboriginal object the archaeologist will provide further recommendations. These may include notifying Heritage NSW and Aboriginal stakeholders.

It is recommended that an ACHMP and heritage induction process for site staff be developed to ensure an unexpected finds procedure is present during the construction phase of this project, as outlined in Section 4.3.1.

Recommendation 4: Discovery of human remains

If any suspected human remains are discovered during any activity works, all activity in the vicinity must cease immediately. The remains must be left in place and protected from harm or damage. The following contingency plan describes the immediate actions that must be taken in instances where human remains or suspected human remains are discovered. Any such discovery within the study area must follow these steps:

1. **Discovery:** If suspected human remains are discovered all activity in the vicinity must stop to ensure minimal damage is caused to the remains; and the remains must be left in place, and protected from harm or damage.
2. **Notification:** Once suspected human skeletal remains have been found, the Coroner's Office and the NSW Police must be notified immediately. Following this, the find will be reported to the Aboriginal parties and DECCW NSW.

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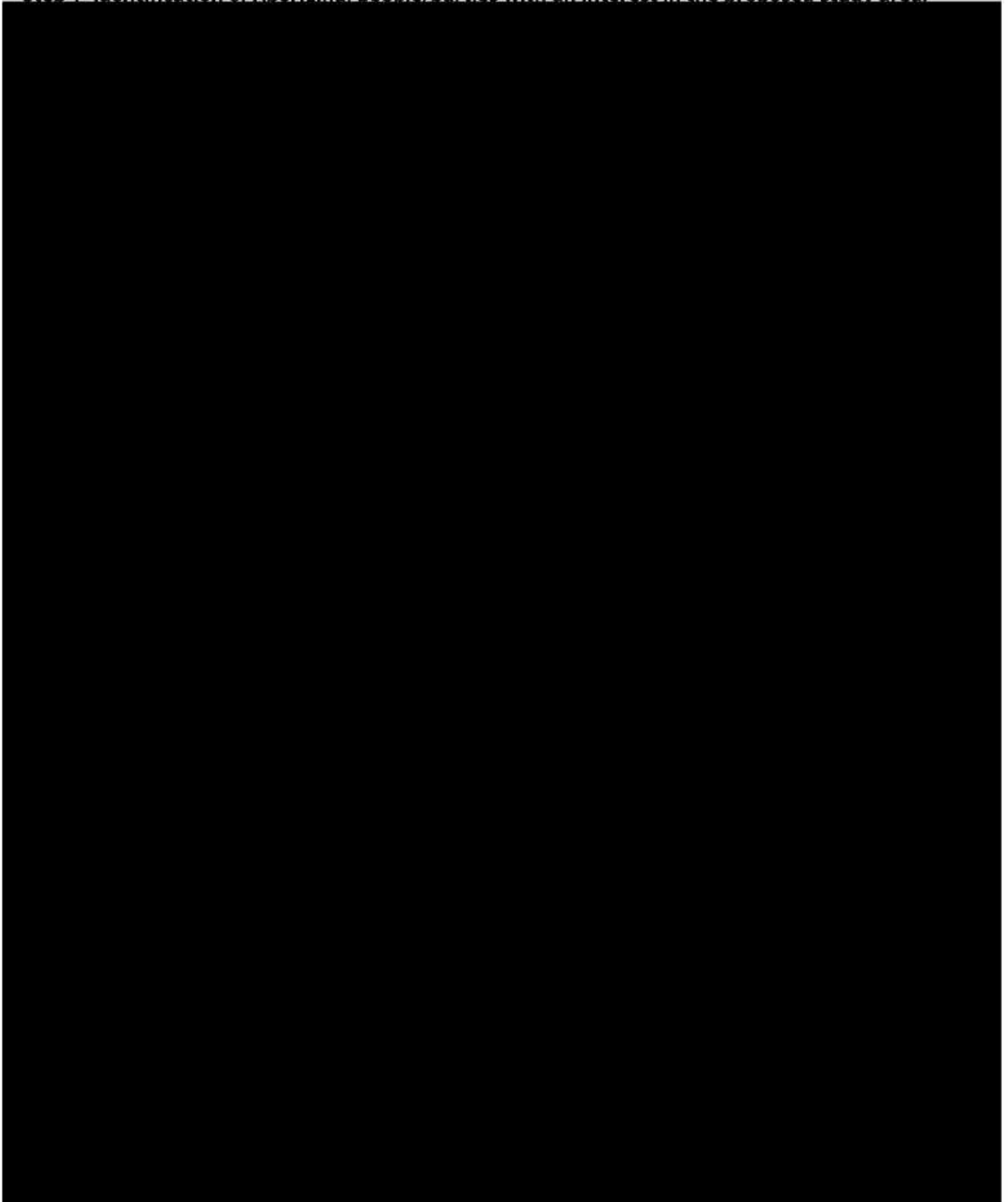
Appendices

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Appendix 1 Consultation log

Stage 1 – Notification of project proposal and registration of interest

Step 1- Identification of Aboriginal people/parties with an interest in the proposed study area.



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Appendix 2 Stage 1: Notification of project proposal and registration of interest

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Appendix 3 Stage 2/3: Presentation of information about the proposed project and gathering information about cultural significance

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Appendix 4 Stage 4: Review of draft cultural heritage assessment report

To be completed once the 28 day review period has concluded.

Redacted

Appendix 5 Archaeological report

Redacted