

Appendix G

Aboriginal Cultural Heritage Assessment

Kellyville Station Precinct



Planning &
Environment

ARCHAEOLOGY - HERITAGE - MEDIATION - ARBITRATION

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

**North West Rail Link Project
Kellyville Station Priority Precinct
Rezoning Proposal**

PREPARED BY	JILLIAN COMBER
REPORT TO	AVER ON BEHALF OF DEPARTMENT OF PLANNING & ENVIRONMENT
VERSION NO	D.2015
DATE	AUGUST 2015

DOCUMENT CONTROL

PROJECT NO. AV240

STATUS FINAL

REV	DATE	PREPARED	EDITED	APPROVED
A	19/12/2014	Jillian Comber	Jillian Comber	Jillian Comber
B	10/03/2015	Jillian Comber	Jillian Comber	Jillian Comber
C	16/03/2015	Jillian Comber	Jillian Comber	Jillian Comber
D	13/08/2015	Jillian Comber	DP&E; Aver	Jillian Comber

Comber Consultants has a certified integrated management system to the requirements of ISO 9001:2008 (quality), ISO 14001:2004 (environmental), OHSAS 18001:2007 (health and safety) and AS/NZS 4801:2001 (health and safety). This is your assurance that Comber Consultants is committed to excellence, quality and best practice and that we are regularly subjected to rigorous, independent assessments to ensure that we comply with stringent Management System Standards.



EXECUTIVE SUMMARY

The North West Rail Link (NWRL) is a priority transport infrastructure project for the NSW Government. The NWRL will include eight new stations and services as part of a 23km link, running from Epping to Cudgegong in north west Sydney, connecting with the Epping to Chatswood Rail Link (ECRL) and Sydney's wider rail network. Of the eight NWRL Stations, Showground, Bella Vista and Kellyville Stations have been declared by the NSW Government as Priority Precincts.

Comber Consultants were engaged by Aver on behalf of the Department of Planning & Environment to provide advice in respect of Aboriginal Cultural Heritage Issues for the Kellyville Station Priority Precinct rezoning proposal

The proposed rezoning provides the opportunity for future development within the Kellyville Precinct. Whilst the rezoning will not impact upon Aboriginal cultural heritage values the subsequent development will require appropriate management strategies. The provisions of both *The Hills Local Environmental Plan 2012* and the *Draft Blacktown Local Environmental Plan 2013* contain appropriate provisions for the management of Aboriginal objects and Aboriginal heritage values. Therefore the following development control is recommended:

Prior to any development within the Kellyville Priority Precinct the relevant provisions within the *The Hills Local Environmental Plan 2012* and the *Draft Blacktown Local Environmental Plan 2013* (as outlined in section 7 of this report) should be implemented and an assessment of the proposal on Aboriginal objects and Aboriginal heritage values required. Any development within the Kellyville Precinct should be subject to an assessment in accordance with OEH's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.



CONTENTS

1.0 INTRODUCTION	2
1.1 BACKGROUND	2
1.2 PROPOSAL	2
1.3 LOCATION	2
2.0 ABORIGINAL HISTORY	7
2.1 ABORIGINAL HISTORY	7
2.2 ABORIGINAL CONSULTATION	7
3.0 ENVIRONMENTAL CONTEXT	10
3.1 TOPOGRAPHY	10
3.2 STREAM ORDER	10
3.3 GEOLOGY	10
3.4 VEGETATION	10
3.5 CURRENT LAND USE AND DISTURBANCE	11
4.0 ARCHAEOLOGICAL CONTEXT	13
4.1 THE CUMBERLAND PLAIN	13
4.2 KELLYVILLE	14
4.3 THE KELLYVILLE PRIORITY PRECINCT	15
5.0 SIGNIFICANCE ASSESSMENT	19
5.1 PREAMBLE	19
5.2 ASSESSMENT	19
5.3 STATEMENT OF SIGNIFICANCE	19
6.0 LEGISLATION	22
6.1 NATIONAL PARKS & WILDLIFE ACT 1974	22
6.2 THE HILLS LOCAL ENVIRONMENTAL PLAN 2012 (HLEP)	22
6.3 DRAFT BLACKTOWN LOCAL ENVIRONMENTAL PLAN 2013 (DBLEP)	23
6.4 SUMMARY	23
7.0 RECOMENDATIONS	25
REFERENCES	27
APPENDIX A: RESPONSES FROM ABORIGINAL ORGANISATIONS	28
APPENDIX B: EXTENSIVE AHIMS SEARCH	37

1.0 INTRODUCTION

BACKGROUND
PROPOSAL
LOCATION
PROJECT BRIEF



1.0 INTRODUCTION

1.1 Background

This report has been prepared by Jillian Comber of Comber Consultants and provides an assessment of Aboriginal heritage relating to the proposed rezoning of the Kellyville Station Precinct.

The Kellyville Station Precinct was announced by the NSW Government in August 2014. The precinct is one of number of Priority Precincts which aim to provide for more homes, jobs and improved public spaces close to transport and services. One of the key goals for Priority Precincts is to increase housing choice and affordability by delivering increased housing supply in an environmentally, socially and economically sustainable manner.

The Kellyville Station Precinct covers approximately 437 hectares, and includes the area within an 800 metre radius, or roughly a 10 minute walk, of the new Kellyville Station. The boundary has also taken into account the surrounding road network, natural features, and the development pattern of the area.

The Precinct covers two local government areas. Land on the eastern side of Old Windsor Road is located within the Hills Local Government Area, and land on the western side of Old Windsor Road is within the Blacktown Local Government Area.

The vision for the Kellyville Station Precinct is for a vibrant, predominantly residential area offering a mix of housing types within walking distance of the new station, along with local shops, community facilities, and improved open space network. The Kellyville Station Precinct is a long term project that will be delivered over the next 25 years.

1.2 Proposal

The North West Rail Link (NWRL) is a priority transport infrastructure project for the NSW Government. The NWRL will include eight new stations and services as part of a 23km link, running from Epping to Cudgegong in north west Sydney, connecting with the Epping to Chatswood Rail Link (ECRL) and Sydney's wider rail network.

In October 2012, the NSW Government endorsed the Priority Precinct program (previously known as the Urban Activation Precinct). Priority Precincts are important areas that the Minister for the Department of Planning & Environment considers to have a wider social, economic or environmental significance for the community or have redevelopment significance of a scale that is important to implementing the State's planning objectives.

The Department of Planning & Environment and Transport for NSW in collaboration with relevant Councils and State agencies, have prepared the North West Rail Link (NWRL) Corridor Strategy for lands surrounding each of the eight proposed stations of the NWRL.

Of the eight NWRL Stations, Showground, Bella Vista and Kellyville Stations meet the Priority Precinct criteria and have been declared by the NSW Government as Priority Precincts following the Hills Shire Council's unanimous resolution to nominate these as Priority Precincts.

Comber Consultants were engaged by Aver on behalf of the Department of Planning & Environment to provide advice in respect of Aboriginal Cultural Heritage Issues for the Kellyville Station Priority Precinct rezoning proposal.

1.3 Location

The NWRL will include a new station at Kellyville. It will be located just east of Old Windsor Road and south of Samantha Riley Drive. The Kellyville Priority Precinct extends east to Strangers Creek riparian corridor and Windsor Road, Memorial Avenue to the south, Stanhope Parkway, Rothbury Terrace, Salford Street, Tilbury Avenue, Hayle Terrace and Perfection Avenue to the west and Sanctuary Drive to the north. It is an area of approximately 437ha and is located within the Hills Shire and Blacktown Local Government Areas (LGAs). Figure 1 shows the location of Kellyville within the context of the NWRL and Figure 2 shows the Kellyville Priority Precinct Masterplan.

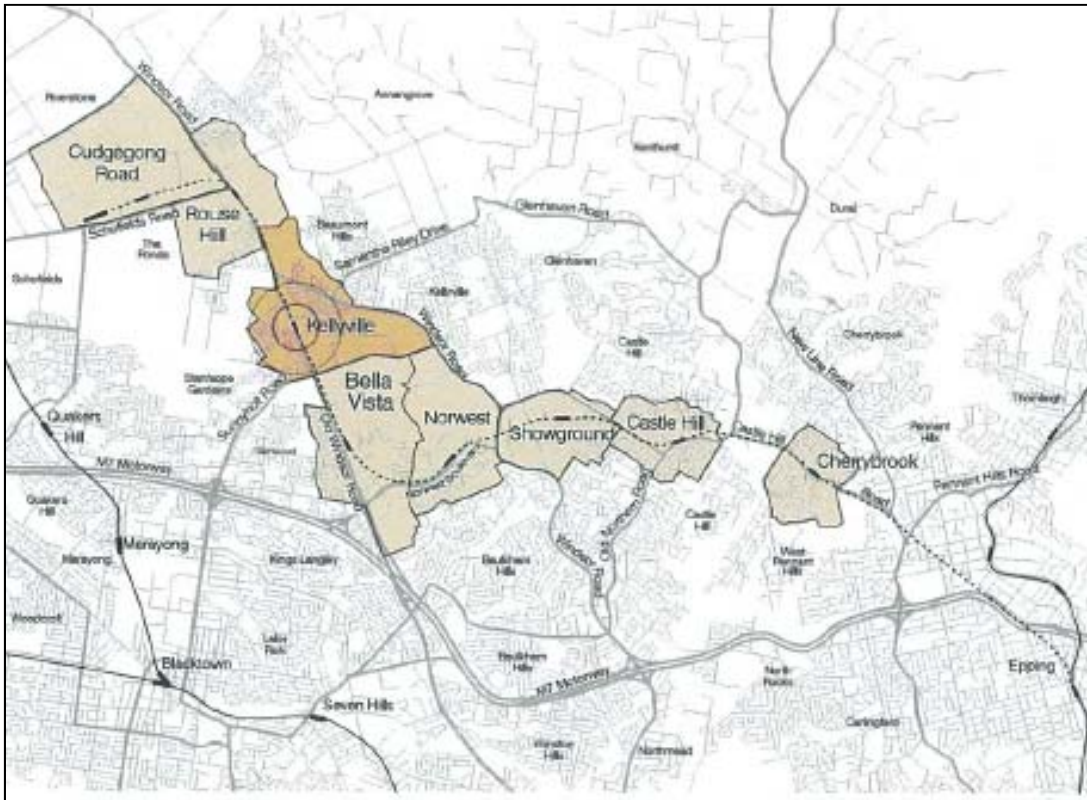


Figure 1: Location of Kellyville within the context of the NWRL
(Structure Plan page 5)

Kellyville

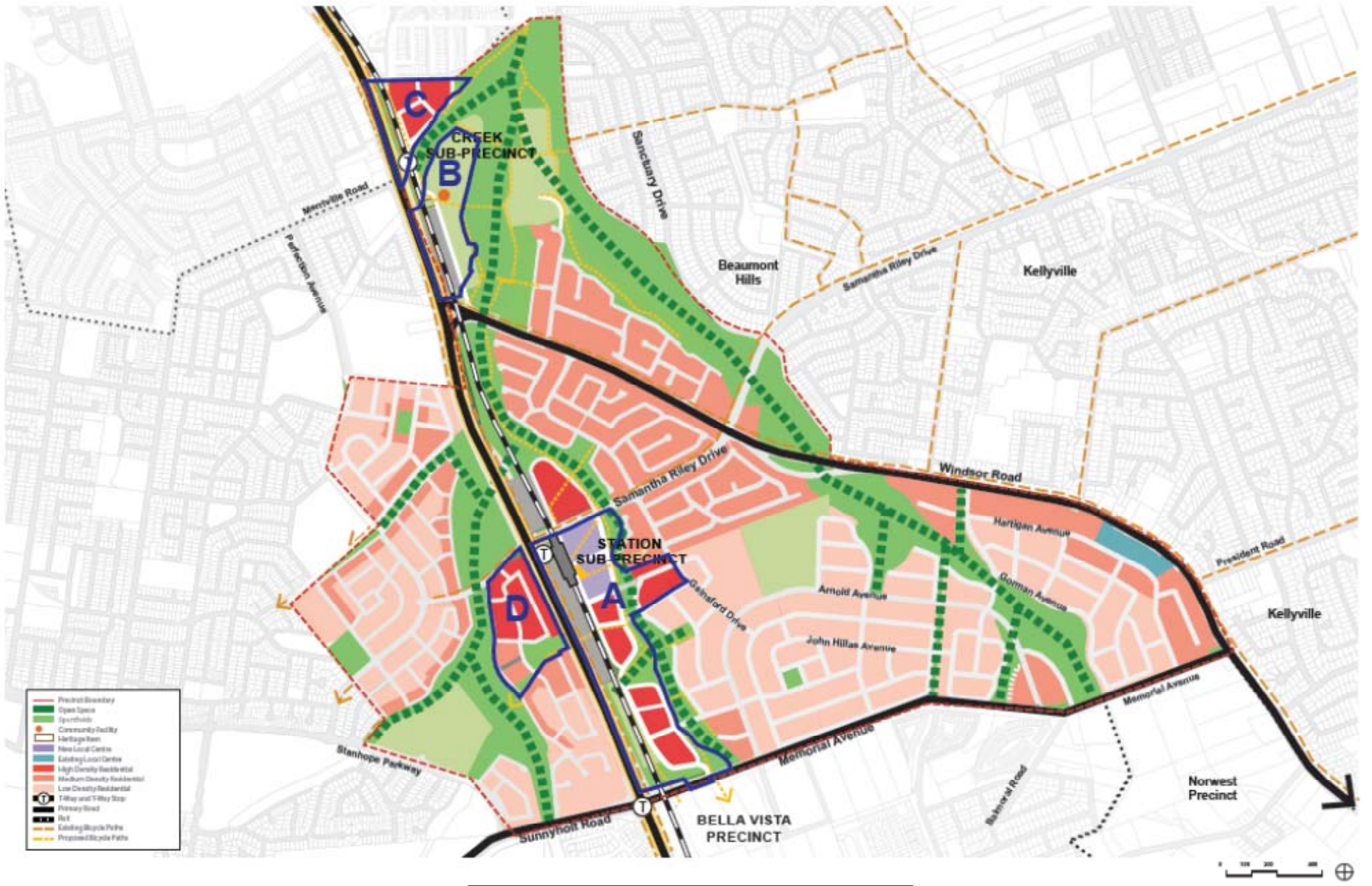


Figure 2: Kellyville Priority Precinct Masterplan

1.3 Project Brief

Comber Consultants were commissioned to undertake an Aboriginal Heritage assessment including the following:

(a) Peer review of existing Aboriginal heritage studies and other reports as detailed.

(b) Preparation of an assessment of the Precinct which includes:

- Summary of the status and significance of Aboriginal heritage values.
- Advice on how Aboriginal heritage items and places should be considered.
- Recommend any development controls.
- Liaise with the Aboriginal community members, Land Council and other relevant stakeholders.

2.0 ABORIGINAL HISTORY & CONSULTATION

ABORIGINAL HISTORY
ABORIGINAL CONSULTATION



2.0 ABORIGINAL HISTORY & CONSULTATION

2.1 Aboriginal History

The Darug people are the traditional owners of the main east-west ridge of the Blue Mountains, the northern Blue Mountains and the Cumberland Plain in which the Precinct is located (Tindale 1974; Attenbrow 2003).

Research by R.H. Mathews, a pioneer linguist and anthropologist, in the early twentieth-century revealed that the Darug (or 'Dharruk' people as he referred to them) inhabited an area adjoining the 'Thurawal' (Dharawal) to the south and Gundungurra and Wiradjuri to the west. Their territory extended along the coast to the Hawkesbury River and inland to Windsor, Penrith and Campbelltown; then from the mouth of the Hawkesbury River to Mount Victoria (Mathews 1901a:140; Mathews 1901b:155). Archaeological and historical records examined in *Sydney's Aboriginal Past* identify three distinct groups – the coastal, hinterland and mountain Darug (Attenbrow 2003:23). The Darug of the Kellyville Precinct area were from the hinterland group (Attenbrow 2002:27). Population estimates for the hinterland group of the Darug vary, but it has been estimated at 500 to 1000 people within a 600 sq km area. Within the Darug were various clans or family groups who hunted and lived together in groups of up to 60 coming together with other clans for annual feasts or ceremonies (Attenbrow 2002).

The clan living within the Kellyville area were the Bediagal who occupied an area to the northwest of Parramatta, between Parramatta and the Hawkesbury River, possibly around present day Castle Hill (Attenbrow 2002:24). Bedi was the name of the land with the suffix "gal" or "galleon" denoting a man or woman. For example, Bediagal was a man from Bedi whilst Bediagalleon was a woman from Bedi. Pemulwuy who led a guerrilla warfare in an attempt to protect his family and land from the predations of the colonial settlers was a Bediagal. Unfortunately the impact of the smallpox epidemic, alienation from their land and food sources by the early settlers and government massacres led to the rapid decline of the Bediagal (Attenbrow 2002).

Given the effect of dispossession, dislocation and dispersal from traditional land it is likely that new family groups or mixed communities formed, taking up residence in remnant pockets of bushland on the outskirts of settlements and homesteads. Forced movement of people resulted in the loss of many aspects of Aboriginal culture and the emergence of new groups incorporating people from diverse areas. Reorganisation ensured the preservation of some of the core cultural practices and knowledge in Aboriginal communities (Hinkson 2001: xxiv-xxv).

It is clear that the lives of people who had lived according to traditional ways in this area were catastrophically altered by European occupation and settlement over a century. Through perseverance and showing great resilience Aboriginal Australians including Darug descendants retained some of their core traditions, customs and beliefs, passing them onto future generations despite the significant changes imposed on their lives. In 2012 Aboriginal people represented 2.7% of the population within the Blacktown LGA and 0.4% within The Hills LGA (www.abs.gov.au).

2.2 Aboriginal Consultation

Aboriginal culture is dynamic and continuous. It includes the tangible and intangible and links people over time to their community and land. It is important to recognise that Aboriginal people have the right to protect, preserve and promote their cultural heritage. In recognition of that right, consultation was undertaken with the following organisations

- Deerubbin Local Aboriginal Land Council
- Darug Tribal Aboriginal Corporation
- Darug Custodian Aboriginal Corporation
- Darug Aboriginal Cultural Heritage Assessments
- Darug Land Observations

Discussions were held with the above organisations and a draft of this report was forwarded to each of the above organisations for their comment. Written comments were received from all of the above organisations and are shown in Appendix A.

Each of the above organisations support the recommendations contained in this report. Their written and verbal reports indicate that they consider the Precinct to be a significant cultural landscape. They do not object to the rezoning but require that an assessment be undertaken for each subsequent development proposal and management recommendations provided for each proposal.



In addition, the Department of Planning & Environment (DP&E) forwarded this report to the organisations listed below. They have been undertaking ongoing consultation with these organisations in respect of the NWRL. As a result, written responses were received from the Kamilaroi-Yankuntjatjara Working Group and Tocomwall Pty Ltd. Copies of their responses are included at Appendix A.

North West Rail Link
Registered Aboriginal Stakeholder Contact Details
Current as of July 2014

Organisation	Contact Person	Address	Phone / Email
Deerubbin Local Aboriginal Land Council	Steve Randall (Kevin Cavanagh CEO)	PO Box 40, Penrith BC, NSW 2751	SRandall@deerubbin.org.au (02) 4724 5600
Parramatta Council Aboriginal & Torres Strait Islander Advisory Committee	Maggie Kyle	Parramatta City Council PO Box 32 PARRAMATTA NSW 2124	
Mr Tony Williams (individual)	Tony Williams	1 Pyrenees Way BEAUMONT HILLS NSW 2155	ajw08@tpg.com.au
Darug Custodian Aboriginal Corporation	Leanne Watson	PO Box 81, WINDSOR NSW 2756	mulgokiwi@bigpond.com (02) 4577 5181
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton & Celestine Everingham	90 Hermitage Rd, KURRAJONG HILLS NSW 2758	Celestine: 4567 7421 (phone/fax) or 0432 528 896 Gordon: 9625 0005 or 0422 865 831
Darug Aboriginal Land Care Inc	Des Dyer	18a Perigee Close DOONSDALE NSW 2767	desmond4552@hotmail.com 0408 360 814
Darug Land Observations	Gordon Workman	PO Box 571, PLUMPTON NSW 2761	gordow51@bigpond.net.au 0415 663 763
Tocomwall	Scott Franks	PO Box 76, CARINGBAH NSW 1495	scott@tocomwall.com.au 9542 7714 or Mobile: 0404 171 544
Darug Tribal Aboriginal Corporation	John Reilly	PO Box 441, BLACKTOWN NSW 2148	jmreilly228@gmail.com 0402 334 123
Metropolitan Local Aboriginal Land Council	Nathan Moran (CEO)	PO Box 1103, STRAWBERRY HILLS NSW 2012	metrolalc@metrolalc.org.au (02) 8394 9666
Gunjeewong Cultural Heritage Aboriginal Corporation	Cherie Carrol Turrise	1 Bellevue Place, PORTLAND NSW 2847	Mobile: 0457 920 198

Tabel 1: List of Aboriginal stakeholders provided by DP&E

3.0 ENVIRONMENTAL CONTEXT

TOPOGRAPHY

STREAM ORDER

GEOLOGY

VEGETATION

CURRENT LAND USE & DISTURBANCE



3.0 ENVIRONMENTAL CONTEXT

3.1 Topography

The Precinct is located within the north western section of the Cumberland Plain, which is characterised by low, gently undulating slopes with narrow crests and moderately inclined rolling side slopes. The Cumberland Plain covers approximately 600km² and extends to the Blue Mountains on the west, to the Georges River and headwaters of the Parramatta River in the east, to the Hornsby Plateau on the north and to the Woronora Plateau on the south (Smith 1989a: 8).

Within the Kellyville Station Precinct the topography is characterised by a ridgeline that runs south-north and falls gently away to two drainage lines, Elizabeth Macarthur and Strangers Creeks, that both feed into Caddies Creek to the north (Kellyville Station Draft Structure Plan 2013: 11).

3.2 Stream Order

Modelling undertaken by McDonald and Mitchell (1994) on the Cumberland Plain indicates that stream order can be used to predict areas of archaeological potential. The model hypothesis is that in any particular climate and landscape, a threshold catchment area is necessary to allow permanent stream flow or the establishment of waterholes with extended longevity (i.e. months to years). The critical point where these conditions are met appears to be at the junction of two second or third order streams. Such a location is likely to contain more complex sites with a high density of artefacts, whilst second and third order streams are also likely to contain large sites within 100 metres of the watercourse.

A first order stream is the smallest and is a small tributary that flows into and feeds larger streams but does not normally have any water flowing into it. The joining of two first order streams creates a second order stream and when two second order streams join they form a third order stream. In addition, first and second order streams generally form on steep slopes and flow quickly until they slow down and meet the next order waterway. First order streams are intermittent.

The Kellyville Precinct contains significant second and third order streams and the junction of Caddies, Strangers and Elizabeth Macarthur is immediately to the north of the Precinct creating optimal conditions for Aboriginal occupation.

3.3 Geology

The Precinct is located on the Wianamatta group of shales, consisting of the Liverpool subgroup. This subgroup consists of a lower formation of Ashfield Shale which grades upwards into a fine sandstone siltstone laminate, culminating in the overlying Minchinbury Sandstone. The Minchinbury Sandstone separates the Ashfield Shale from the overlying Bringelly Shale (Penrith 1:100,000 geological map; Jones & Clark 1991: 17). The Liverpool subgroup does not provide a good variety of lithic materials suitable for stone tool manufacture.

Hawkesbury Sandstone forms the surface of most of the high plateaus surrounding the Cumberland Basin (Sydney 1:250,000 geological map; Jones & Clark 1987: 14). The Hawkesbury Sandstone weathers into overhangs and shelters suitable for habitation and protection from the elements. Hawkesbury Sandstone provides materials suitable for the manufacture of ground edge axes and surfaces suitable for engraved art. The Quartz and claystones which weather from the sandstone also provide material for artefact manufacture. Within Hawkesbury Sandstone can be found outcrops of chert, rhyolite, silcrete and tuff. All of these materials are suitable for small tool manufacture. (Comber & Stening 2008: 9)

Silcrete, suitable for the manufacture of stone tools, is found at number outcrops in the Cumberland Plain. Those located nearest to the Kellyville Precinct are at Plumpton, approximately 10km to the south west of the Kellyville Precinct; St Clair, approximately 16km to the south; Erskine Park, approximately 16km to the south west of the Kellyville Precinct; and Luddenham, approximately 30km to the south west of the Kellyville Precinct (Comber & Stening 2008: 9).

3.4 Vegetation

The present distribution of vegetation within the Cumberland Plain is a result of human activities. Milling, pastoral/agricultural pursuits and rural residential development have contributed to the reduction in forest density and the replacement of native herbaceous communities with grasses and exotic species.

Benson (1989, 1991 and 2002) and the NSW National Parks and Wildlife Service mapped the vegetation of the Cumberland Plain. Historically the Cumberland Plain would have consisted of tall open forests (wet sclerophyll) with species such as



Blaxland's Stringybark (*Eucalyptus blaxlandii*), Ribbon Gum (*Eucalyptus viminalis*), Brown Barrel (*Eucalyptus fastigata*), Blue Mountains ash (*Eucalyptus oreades*), Blackwood (*Acacia melanoxylon*) and narrow leaved Peppermint (*Eucalyptus radiata* ssp. *Radiata*). It would have included a shrubby undergrowth including *Pittosporum undulatum* and *Hakea salicifolia*, ferns and climbers (Benson and Keith 1990).

The original vegetation of the Cumberland Plain would have provided resources for food, medicines or raw materials for artefact manufacture. This vegetation also supports a variety of animal life associated with Aboriginal diet. This includes possums, various wallabies and other small marsupials, as well as birds and lizards. In addition, the gullies, creeks and rivers nearby would have provided habitat for swamp wallabies, antechinus, eels, fish and yabbies. The vegetation would have provided a rich and varied food source, as various plant materials, including rhizomes and seeds would have been gathered for sustenance. Acacia seeds provide a rich source of protein and the bark can be used medicinally, and flowers from the *Eucalyptus* provide a rich nectar (Stening 2012: 9).

Bark and wood suitable for spears, shields, water and/or food vessels (coolamons) and other implements would have been available from large trees.

3.5 Current Land Use and Disturbance

The present nature and composition of the Precinct has been altered by non-Aboriginal land management activities. Figure 3 shows the existing development within the Kellyville Precinct.

After European settlement, Kellyville was initially used for grazing and agricultural purposes. The Kellyville Precinct is an established residential and retail/commercial centre. It comprises an existing village centre along Windsor Road as well as low density residential and rural residential areas.

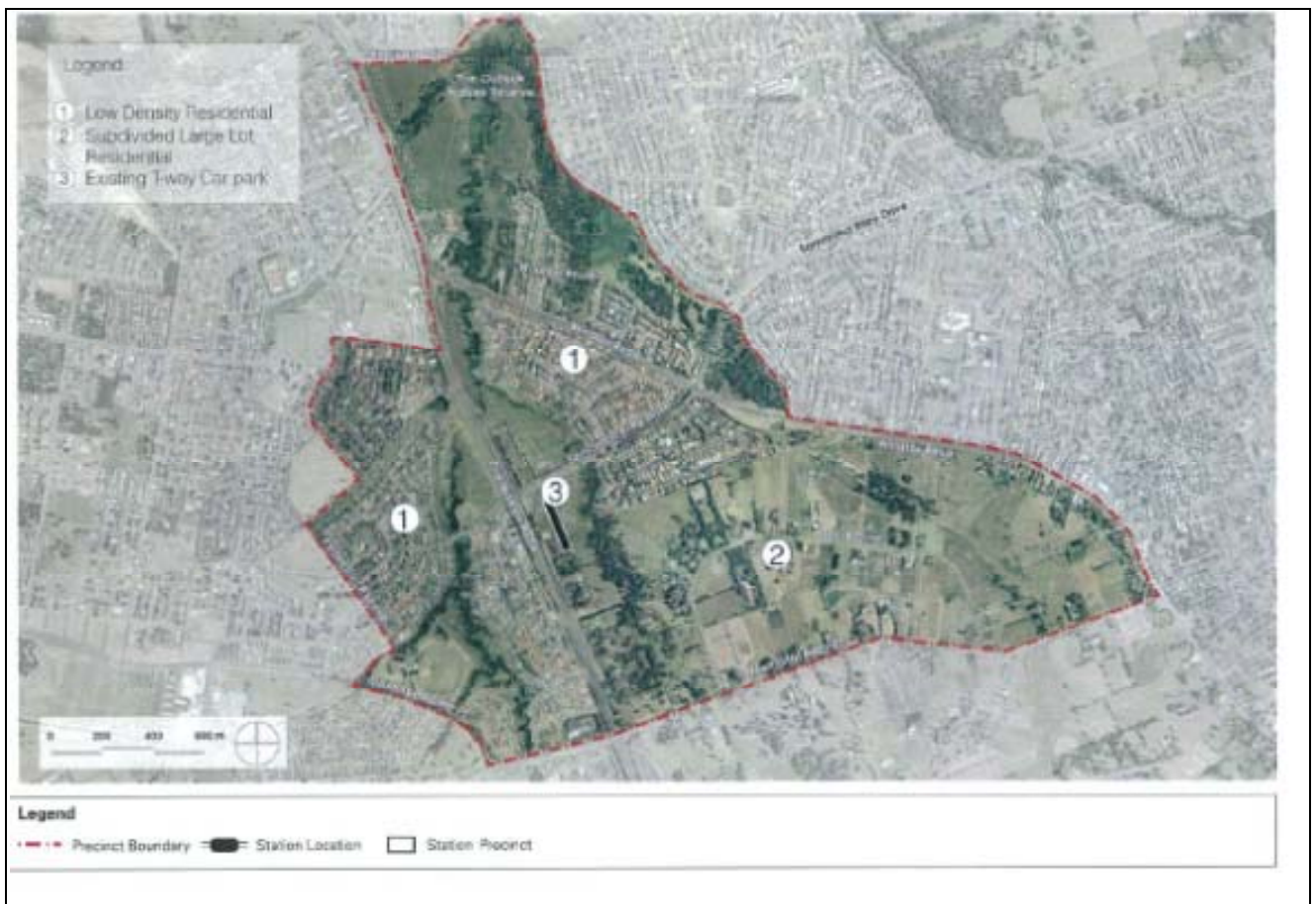


Figure 3: The Kellyville Priority Precinct showing existing development within the Precinct (Structure Plan page 6)

4.0 ARCHAEOLOGICAL CONTEXT

CUMBERLAND PLAIN
KELLYVILLE



4.0 ARCHAEOLOGICAL CONTEXT

4.1 The Cumberland Plain

The information summarised in this section will facilitate an understanding of Aboriginal site patterning in the region and thereby provide a context within which any sites located in the Kellyville Precinct may be archaeologically assessed. It will also assist to determine whether sub-surface sites are likely to exist.

Many archaeological surveys have been conducted on the Cumberland Plain in relation to Environmental Impact Statements. As a result of these studies, which were occasioned by the burgeoning urban expansion extending onto the Cumberland Plain, the NPWS recognised the need for a coherent study of the area to fully assess the impact of urbanisation on the natural and cultural heritage of the Cumberland Plain. Smith (1989b) was commissioned by the NPWS to undertake an Aboriginal Site Planning Study to be utilised in the management of Aboriginal sites on the Cumberland Plain.

Prior to her study, 307 sites had been recorded on the Cumberland Plain, mainly open artefact scatters (297) with four scarred trees, one carved tree and four axe-grinding grooves and a Mission site (the Blacktown Institute). Smith (1989b:2) added 79 open sites and 29 isolated finds from field surveys related to her study.

Smith's (1989b:3) analysis indicated that site location and site densities were influenced by the availability of water and raw materials. She concluded that other factors such as topography, natural vegetation and soil types did not influence site location.

Since Smith's study there has been a dramatic increase in development in Western Sydney resulting in a great deal more archaeological survey and excavation (McDonald 1997). This further work has indicated the complexity in the archaeological record of the area that was not previously recognised. In particular it has been recognised that surface artefact scatters do not represent the full nature and extent of such sites. The potential for sub-surface deposits to remain, despite agricultural disturbance is high. For example, sites on permanent water are more complex than sites on ephemeral drainage lines with major confluences being prime site locations.

In 2005 McDonald published the results of excavations in the Rouse Hill Development area, which is south of the present Kellyville Precinct. This study refined the model of occupation for the Cumberland Plain. Her study examined site location, stone tool manufacture, mobility, change over time and occupation in relation to stream order. Second and Third Order streams are less likely to contain major sites unless they are at the confluence with another creek or river.

Her study also indicated that the surface representation of a site on the Cumberland Plain does not necessarily reflect the actuality of that site. Of the excavations conducted by her, sub-surface deposits were present even when there was no surface indication of a site. According to McDonald (2005a: 5), "despite artefacts being rare or completely absent on the surface at each of the sites investigated, all six sites were found to contain intact archaeological deposit. Almost 500 square metres were excavated during this Project and almost 35,000 artefacts retrieved."

Kohen recorded over 50 sites in the Penrith area which included open artefact scatters, axe grinding grooves and rock shelters. Kohen (1997:7) indicates that sites occurring throughout the Penrith area "are particularly likely to occur adjacent to the rivers and creeks. The distribution of raw materials associated with the manufacture of stone tools suggests that chert and basalt were carried or traded east from the river gravels and that silcrete was traded or carried from sources near South Creek and Eastern Creek, west towards the Nepean flood plain".

Comber (2006a; 2010b) also recorded open artefact scatters and scarred trees within the Cumberland Plain. She undertook excavation at two sites at Penrith Lakes known as Camenzulis (2006a) and PL9 (2010b). At PL9 she retrieved more than 1,500 artefacts, including backed blades and an edge ground axe. Her work confirms McDonald and Kohen's predictive model that sites are more likely to occur adjacent to the rivers and creeks.

A review of the archaeological investigations on the Cumberland Plain confirms McDonald's stream order modelling hypotheses that the junction of two second or third order streams is likely to contain more complex sites with a high density of artefacts, whilst second and third order streams are also likely to contain large sites within 100 metres of the watercourse.



4.2 Kellyville

An extensive search of OEH's Aboriginal Heritage Information System (AHIMS) dated 26/11/2014 (attached at Appendix B), indicates that there are 41 known sites within a 3km radius of the Kellyville Precinct. These sites consist of 29 open artefact scatters, 9 isolated finds, two potential archaeological deposits (PADs) and one modified tree. None of these sites are located within the present Kellyville Precinct.

The Kellyville Precinct is located within an area defined by the Growth Centres Commission as the North-West Growth Centre. The aim of the Growth Centres Commission is to provide housing and associated infrastructure for Sydney's growing population. The North West Growth Precinct is approximately 10,000 ha in area and aims to provide approximately 66,000 new homes (media release 29/6/06). As a result of the North West growth centre, many archaeological studies have been conducted in the vicinity of the Kellyville Precinct. In particular, as a result of the Rouse Hill Infrastructure Project, which is located approximately 1.5km to the north west of the Kellyville Precinct, over 17 assessments have been undertaken (McDonald 1993a & b, 1998, 1999, 2000, 2001a & b, 2002a, b & c; Haglund 1993; Brayshaw & McDonald 1993a & b; Mills 2000a & b; Brayshaw 2002; Painter 1993; Steele 1993; Douglas 1993; AMBS 2000). These studies have included surveys and excavations. The majority of these sites have been open artefact scatters, whilst the excavations have been undertaken in areas of archaeological potential where artefacts were not visible on the surface. These excavations have often yielded large amounts of artefacts. For example McDonald's (2002) excavation at Balfour Ave, Kellyville, which is approximately 2km to the north west of the present Kellyville Precinct, yielded a total of 1,099 artefacts. Excavations undertaken by AMBS (2000) of a PAD identified by McDonald (1993) near Caddies Creek yielded a total of 5,504 artefacts in an area that did not contain any surface artefacts.

Other studies undertaken in the Kellyville area, but not associated with the Rouse Hill Infrastructure Project include Corkill (1992) and Therrin (2001) and HLA (2004). Corkill's 1992 was a survey of a 10km section of Windsor Road and Old Windsor Road, approximately 3km to the north of the present Kellyville Precinct. She recorded 8 open camp sites and 2 isolated finds. Each of these sites were in close proximity to Caddies Creek. Therin (2001) surveyed an area of Windsor Road approximately 4km to the north of the present Kellyville Precinct. This encompassed Corkill's (1992) study area. He re-located only two of the sites recorded by Corkill and recorded an additional site, an isolated find. HLA (2004) surveyed an area approximately 1km to the north of the Kellyville Precinct. Their survey area extended from the junction of Windsor Road and Old Windsor Road to near Memorial Drive, Kellyville. Due to extensive disturbance within their study area they did not identify any sites, however, they did identify four areas of potential archaeological deposit, based on previous predictive models. The four areas of potential archaeological deposit identified by HLA (2004) were subsequently excavated by Austral Archaeology (2005). Austral Archaeology excavated 39 test pits and recovered a total of 66 stone and petrified wood artefacts (Austral 2005:i).

Comber and Stening (2008) undertook a survey of a proposed residential and commercial development approximately 2km to the north east of the Kellyville Precinct. The site was an undisturbed plot of land that had been cleared for grazing. Comber & Stening (2008) did not locate any artefacts. However, they recommended sub-surface testing be undertaken based on predictive modelling and. due to the lack of disturbance.

Stening (2012) undertook an archaeological assessment at 21 Balmoral Road Kellyville, approximately 500m to the south of the Kellyville Precinct. The property was a residential block of land located between the confluence of Elizabeth Macarthur Creek and Caddies Creek. Elizabeth Macarthur Creek formed the western boundary of the property. She determined that the property was prone to frequent and significant flooding and that Aboriginal objects would not be located within the property.

Comber (2012) undertook an archaeological assessment at 19 Balmoral Road Kellyville, approximately 500m to the south of the Kellyville Precinct. This property was adjacent to that assessed by Stening (2012). Comber determined that despite the proximity to Elizabeth Macarthur Creek, the property was subject to frequent and significant flooding and therefore Aboriginal objects would not be located within the property. Due to the flooding it would not have been a suitable place for camping and any evidence of occupation would have been highly disturbed and/or washed away during inundation.

The results of the above studies have refined and confirmed the previous predictive model confirming that the Cumberland Plain is rich in archaeological resources and sites will occur across the whole of the Cumberland Plain. As detailed by McDonald (2002c:15), the size and complexity of those sites will vary depending upon landscape features as follows:

- *In the headwaters of upper tributaries (ie first order creeks) archaeological evidence will be sparse and represent little more than a background scatter.*
- *In the middle reaches of minor tributaries (second order creeks) will be archaeological evidence for sparse but focuses activity (eg one-off camp locations, single episode knapping floors).*



- *In the lower reaches of tributary creeks (third order creeks) will be archaeological evidence for more frequent occupation. This will include repeated occupation by small groups, knapping floors (perhaps used and reused), and evidence of more concentrated activities.*
- *On major creeklines such as the lower reaches of Second Ponds and Caddies Creeks (fourth order) will be archaeological evidence for more permanent or repeated occupation. Sites will be complex and may even be stratified.*
- *Creek junctions may provide foci for site activity; the size of the confluence (in terms of stream ranking nodes) could be expected to influence the size of the site*
- *Ridgetop locations between drainage lines will usually contain limited archaeological evidence although isolated knapping floors or other forms of one-off occupation may be in evidence in such a location.*

4.3 The Kellyville Priority Precinct

Eighteen sites have previously been recorded within the Kellyville Priority Precinct. Table 2 below details those sites and the associated reports.

Table 2: Sites recorded within the Kellyville UAP

AHIMS NUMBER/SITE NAME	SITE TYPE	RECORDER/REPORT
45-5-0910 PK/CD 1 Rouse Hill	Open artefact scatter	Archaeological Survey of the Rouse Hill Infrastructure Project (Stage 1) Works along Caddies, Small and Second Ponds Creeks, Rouse Hill, NSW. March 1993 by Brayshaw McDonald Pty Ltd
45-5-0933 RH/CD_9 Rouse Hill	Open artefact scatter	Archaeological Survey of the Rouse Hill Infrastructure Project (Stage 1) Works along Caddies, Small and Second Ponds Creeks, Rouse Hill, NSW. March 1993 by Brayshaw McDonald Pty Ltd
45-5-0940 PK/CD7 Rouse Hill	Open artefact scatter	Archaeological Survey of the Rouse Hill Infrastructure Project (Stage 1) Works along Caddies, Small and Second Ponds Creeks, Rouse Hill, NSW. March 1993 by Brayshaw McDonald Pty Ltd
45-5-2291 RH/CD8 Rouse Hill	Open artefact scatter and axe grinding groove	Additional Archaeological Survey of the Rouse Hill Infrastructure Project (Stage 1) Works along Caddies and Second Ponds Creeks, Rouse Hill, NSW. May 1993 by Brayshaw McDonald Pty Ltd
45-5-0926 RH/CD_10	Open artefact scatter	Additional Archaeological Survey of the Rouse Hill Infrastructure Project (Stage 1) Works along Caddies and Second Ponds Creeks, Rouse Hill, NSW. May 1993 by Brayshaw McDonald Pty Ltd
45-5-2365 KV/CD1	Open artefact scatter	Balmoral Road Sewer Carrier, Rouse Hill, NSW Archaeological Survey for Aboriginal Sites. October 1994 by Brayshaw McDonald
45-5-2418 IF1 Glenmore Dairy	Isolated Find	Recorded by Helen Brayshaw & Elizabeth White. Report not available from AHIMS
45-5-2653 Kellyville/Strangers Creek 1	Open artefact scatter	Rouse Hill Infrastructure Project (Stage 3) Development Areas 2, 5, 20, 22 and 24B Second Ponds Creek Area Indigenous & European Heritage Issues. June 2002 by Jo McDonald Cultural Heritage Management Pty Ltd.
45-5-3955 Arnold Avenue IF1	Isolated Find	Mary Dallas & Paul Irish Report not available from AHIMS
45-5-2572 PAD X	Potential Archaeological Deposit	Test Excavation Report PAD X comprising Part Lots 203 & 202 in DP 873271. June 2001 by Dominic Steele
45-5-2517 PK/GD2	Open artefact scatter	Recorded by Stephanie Garling. Report not available from AHIMS.
45-5-0977 No.100 Windsor Rd	Scarred Tree	Archaeological Survey of No. 100 Windsor Road, Kellyville. May 1994 by Denis Byrne, Mary Dallas Consulting Archaeologists
45-5-0908 RD/CD6 Rouse Hill	Grinding Groove	Archaeological Survey of the Rouse Hill Infrastructure Project (Stage 1) Works along Caddies, Small and Second Ponds Creeks, Rouse Hill, NSW. March 1993 by Brayshaw McDonald Pty Ltd
45-5-0909 RH/CD7 Rouse Hill	Artefact scatter and grinding groove	Archaeological Survey of the Rouse Hill Infrastructure Project (Stage 1) Works along Caddies, Small and Second Ponds Creeks, Rouse Hill, NSW. March 1993 by Brayshaw McDonald Pty Ltd



AHIMS NUMBER/SITE NAME	SITE TYPE	RECORDER/REPORT
45-5-2981 PAD4 Windsor Road	Potential Archaeological Deposit	Recorded by AECM Australia Report not available from AHIMS
45-5-3064 Burns Road North IF1	Isolated Find	Recorded by Megan Mebberson Report not available from AHIMS
45-5-3021 PAD Y	Potential Archaeological Deposit	Archaeological Survey of No. 100 Windsor Road, Kellyville. May 1994 by Denis Byrne, Mary Dallas Consulting Archaeologists
45-5-4261 NWRL PAD9	Potential Archaeological Deposit	North West Rail Link: EIS1 – Major Civil Construction Works Indigenous Heritage. March 2012 by Godden Mackay Logan and Jo McDonald CHM. North West Rail Link Early Works Project: Indigenous Heritage and Archaeological Consultancy West Zone. Aboriginal Cultural Heritage Assessment Report and Methodology for Phase 1 and Phase 2 Salvage by Kelleher Nightingale Consulting, 25 February 2013.

The above reports were reviewed to determine the nature of sites and site patterning within the Kellyville Precinct. That review informed the significance assessment detailed in the following section of this report. Figure 4 shows the location of the sites recorded within the Kellyville Precinct and those sites recorded in the broader area outside the Precinct.

The site patterning conforms to the predictive model developed McDonald (2002c:15) and detailed on page 12 of this report. Sites are concentrated in the vicinity of second and third order creeklines whilst site density is higher in the vicinity of the confluence of Caddies, Strangers and Elizabeth Macarthur Creeks. However, it should be noted that the assessments undertaken to date have been site selective having been conducted prior to development. Sites have not been identified in the areas in the south and east of the Kellyville Precinct because development has not occurred within these areas which are still predominantly rural. The Kellyville Precinct is within an area containing three creeks and a number of smaller ephemeral watercourses. Such conditions provided a resource rich environment. The surveys and assessments undertaken to date indicates that the Kellyville Precinct is a significant Aboriginal cultural landscape. It contains the full suite of Aboriginal sites, including artefact scatters, scarred trees and grinding grooves. This landscape provides evidence of occupation demonstrating Aboriginal precontact subsistence activities and lifestyles.

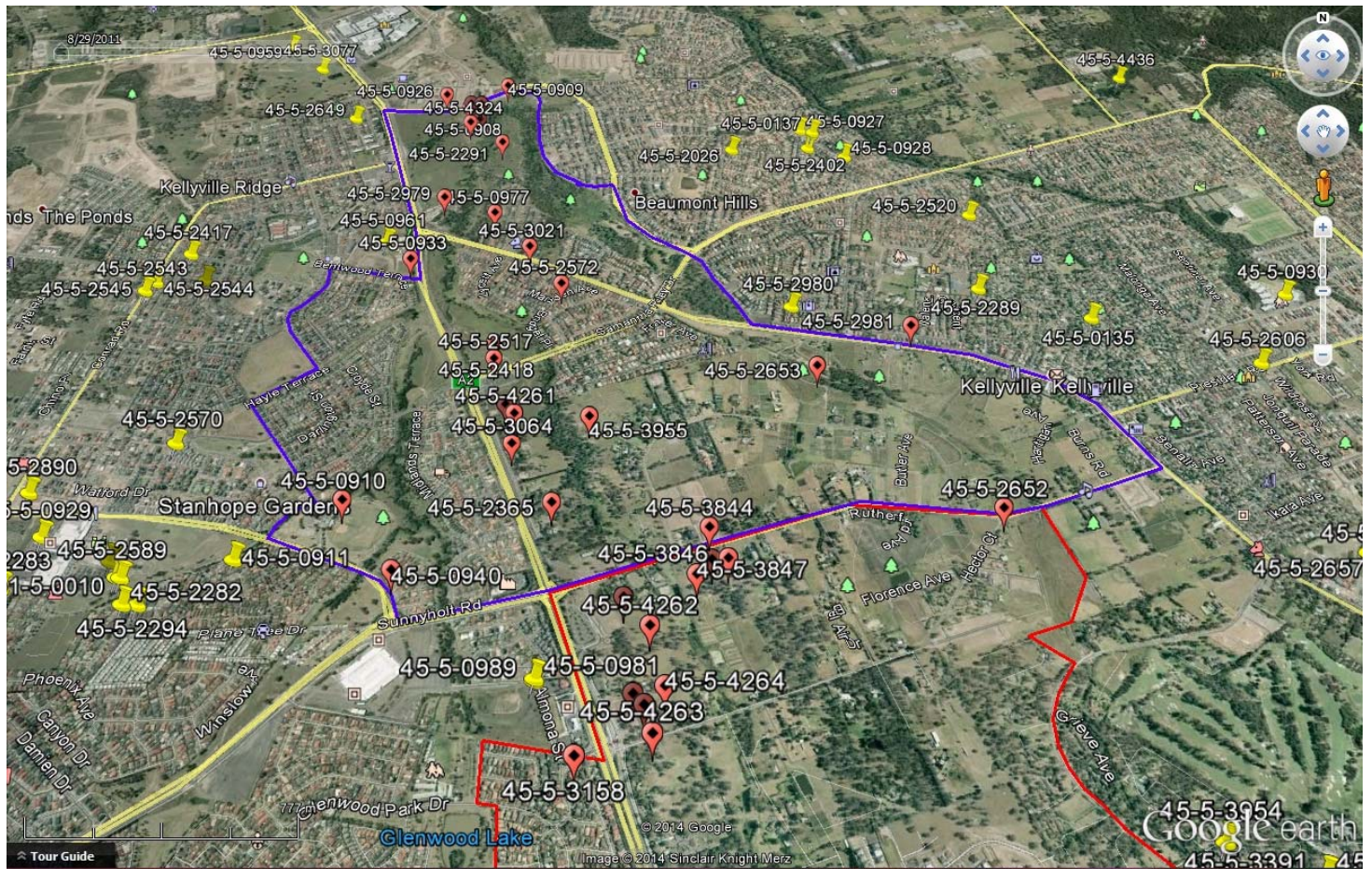


Figure 4: Showing known Aboriginal sites within the Kellyville Precinct indicated by red balloons. Kellyville Priority Precinct edged in blue. The red lines indicate the boundaries of the Bella Vista Priority Precinct. Sites outside the Kellyville Priority Precinct indicated by the yellow pins

5.0 SIGNIFICANCE ASSESSMENT

PREAMBLE

ASSESSMENT

STATEMENT OF SIGNIFICANCE



5.0 SIGNIFICANCE ASSESSMENT

5.1 Preamble

Significance assessment is the process whereby sites or landscapes are assessed to determine their value or importance to the community. A range of criteria have been developed for assessing the significance which embody the values contained in the Burra Charter. The Burra Charter provides principles and guidelines for the conservation and management of cultural heritage places within Australia.

Following are the criteria which will be used to assess the significance of Kellyville Priority Precinct:

Social Value (sometimes termed “Aboriginal” value) which refers to the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present day Aboriginal community.

Historic Value refers to the associations of a place with a person, event, phase or activity of importance to the history of an Aboriginal community.

Scientific Value refers to the importance of a landscape, area, place or object because of its archaeological and/or other technical aspects.

Representativeness refers to whether the site demonstrates the principal characteristics of that site and is a good representative example of that site type.

Rarity refers to the degree to which such a site is known elsewhere and whether the site is uncommon, rare or endangered.

5.2 Assessment

Social Values

Consultation with representatives of the Aboriginal community indicates that all of the sites within the Kellyville Precinct are exceptionally important to the local and broader Aboriginal community. The sites within their landscape setting create a cultural landscape demonstrating evidence of Aboriginal occupation which indicates a continuing cultural link to their past. The sites and their landscape setting provide tangible links with the lifestyle and values of their ancestors.

Historic Values

The sites within their landscape setting are significant because they represent significant aspects of Aboriginal history. The various site types (artefact scatters, scarred trees, grinding grooves etc) demonstrate the survival techniques utilised prior to European occupation. Such a landscape provides important educational opportunities to demonstrate Aboriginal history.

Scientific Values

This cultural landscape has the potential to yield further information through detailed scientific research into the nature of Aboriginal occupation and techniques utilised in subsistence activities.

Representative Values

Combined, the various sites within the Precinct are a good representative example of an Aboriginal cultural landscape.

Rarity Values

Neither the recorded sites or the landscape contains rarity values.

5.3 Statement of Significance

Consultation with representatives of the Aboriginal community indicates that all of the sites within the Kellyville Precinct are exceptionally important to the local and broader Aboriginal community. The sites within their landscape setting create a cultural landscape demonstrating evidence of Aboriginal occupation which indicates a continuing cultural link to their past. The sites and their landscape setting provide tangible links with the lifestyle and values of their ancestors and represent significant aspects of Aboriginal history. The various site types (artefact scatters, scarred trees, grinding grooves etc) demonstrate the



survival techniques utilised prior to European occupation. Such a landscape provides important educational opportunities to demonstrate Aboriginal history. The landscape has the potential to yield further information through detailed scientific research into the nature of Aboriginal occupation and techniques utilised in subsistence activities. Combined, the various sites within the Precinct are a good representative example of an Aboriginal cultural landscape.

6.0 LEGISLATION

NATIONAL PARKS & WILDLIFE ACT 1974

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

DRAFT BLACKTOWN LOCAL ENVIRONMENTAL PLAN 2013



6.0 LEGISLATION

6.1 National Parks & Wildlife Act 1974

The *National Parks & Wildlife Act 1974* (NPW Act) provides statutory protection to all Aboriginal sites within New South Wales. The Office of Environment & Heritage (OEH) is the State Government agency responsible for the implementation and management of this Act.

Part 6 of the *National Parks & Wildlife Act* provides provision for the protection of all Aboriginal “objects” which are defined as “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”.

Part 6 of the Act states that it is an offence to harm or desecrate an Aboriginal object or Aboriginal place without an Aboriginal Heritage Impact Permit (AHIP). However, before an AHIP will be issued it is necessary to undertake an assessment in accordance with OEH’s *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* in consultation with the relevant Aboriginal stakeholders in accordance with OEH’s *Aboriginal cultural heritage consultation requirements for proponents 2010*.

6.2 The Hills Local Environmental Plan 2012 (HLEP)

Section 5.10 of the HLEP makes the following provision for the protection of Aboriginal heritage:

5.10 (2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item
 - (ii) an Aboriginal object,**
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

5.10 (8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.



6.3 Draft Blacktown Local Environmental Plan 2013 (DBLEP)

The Draft Blacktown Local Environmental Plan (DBLEP) has been forwarded to the Minister for Planning and Environment to be finalised and gazetted. In the meantime the DBLEP has been adopted by Council and any development applications submitted will be assessed under the DBLEP.

The following provisions apply in respect of Aboriginal heritage:

5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Blacktown,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.**

5.10 (2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,**
 - (iii) a building, work, relic or tree within a heritage conservation area
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,**
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

5.10 (8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an **Aboriginal place of heritage significance**:

- (a) consider the effect of the proposed development on the heritage significance of the place and any **Aboriginal object** known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

6.4 Summary

All Aboriginal objects are protected by the *NPW Act*, whether or not they are recorded on the AHIMS register. The Kellyville Precinct is a significant cultural landscape which contains known Aboriginal objects and has the potential to contain many more objects in areas previously undeveloped and therefore not previously assessed. Therefore, any development within the Kellyville Precinct has the potential to impact upon Aboriginal objects. The provisions in both the HLEP and the DBLEP require that an assessment be undertaken if a proposal has the potential to impact upon an Aboriginal object of place of Aboriginal significance. To ensure protection of Aboriginal cultural heritage values the provisions of both the HLEP and DBLEP should be implemented for any development proposal within the Kellyville Priority Precinct.

7.0 RECOMMENDATIONS



7.0 RECOMMENDATIONS

The following recommendation for appropriate development controls is made on the basis of:

- The provisions of the *National Parks & Wildlife Act 1974* which states it is an offence to harm or desecrate an Aboriginal object.
- The provisions of *The Hills Local Environmental Plan 2012*.
- The provisions of the *Draft Blacktown Local Environmental Plan 2013*.
- The background research contained in this report for the Cumberland Plain and Kellyville.
- The assessment contained in this report.

Development Controls:

The proposed rezoning provides the opportunity for future development within the Kellyville Priority Precinct. Whilst the rezoning will not impact upon Aboriginal cultural heritage values the subsequent development will require appropriate management strategies. The provisions of both *The Hills Local Environmental Plan 2012* and the *Draft Blacktown Local Environmental Plan 2013* contain appropriate provisions for the management of Aboriginal objects and Aboriginal heritage values. Therefore the following development controls are recommended:

Prior to any development within the Kellyville Priority Precinct the relevant provisions within the *The Hills Local Environmental Plan 2012* and the *Draft Blacktown Local Environmental Plan 2013* (as outlined in section 7 of this report) should be implemented and an assessment of the proposal on Aboriginal objects and Aboriginal heritage values required, as follows:

Any development within the Kellyville Priority Precinct should be subject to an assessment in accordance with OEH's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

REFERENCES



REFERENCES

- AMBS 2000 Menagerie Park Town Centre, Archaeological Salvage Excavations near Kellyville, Cumberland Plain, NSW. Volumes 1 and 2. Unpublished report to the Department of Urban Affairs and planning.
- AUSTRAL ARCHAEOLOGY 2005 Archaeological Test Excavations PADs 1, 3 and 4, Windsor Road Upgrade, Acres Road to Old Windsor Road, Kellyville, NSW, Excavation Report. Unpublished report to NSW RTA.
- BAKER M, CORRINGHAM R and DARK J 1986 *Native Plants of the Sydney Region*.
- BANNERMAN SM & HAZLETON PA 1990 Soil Landscapes of the Penrith 1:100,000 Sheet. Soil Conservation Service of NSW.
- BENSON DH 1981 Explanatory Notes for the Penrith 1:100,000 Vegetation Map Sheet. Royal Botanic Gardens, Sydney.
- BENSON DH & KEITH DA 1990 The natural vegetation of the Wallerawang 1:100,000 map sheet.
- BRAYSHAW H 1983 Archaeological Survey of the Rouse Hill Infrastructure Project (Stage 1) Works along Caddies, Smalls and Second Ponds Creeks, Rouse Hill, NSW. Unpublished report to the RTA.
- BRAYSHAW H 1994 Balmoral Road Sewer Carrier, Rouse Hill, NSW. Archaeological Survey for Aboriginal Sites.
- BRAYSHAW H 1996 Proposed Subdivision at Poole Road, Kellyville, NSW.
- BRAYSHAW H 1999a Proposed Subdivision at Merryville Road, Kellyville, Archaeological Survey of Aboriginal Sites, Lot 1, DP 29088.
- BRAYSHAW H 1999b Proposed subdivision at Poole Road, Windsor Road Kellyville. Archaeological Survey for Aboriginal sites.
- COMBER J 2008 Archaeological and Cultural Heritage Assessment in the area surrounding PL9, Penrith Lakes Scheme. Report to the Penrith Lakes Development Corporation.
- COMBER J & STENING T 2008 Aboriginal Archaeological and Cultural Heritage Assessment: Lots 101-103 Samantha Riley Drive, Kellyville. Unpublished report to Leffler Simes Architects on behalf of Zulfi and Sons.
- CORKHILL T 1992 Survey for Aboriginal Archaeological Sites along Windsor Road and Old Windsor Road, Sydney, NSW. Unpublished report to Mitchell Cotter & Associates.
- DOUGLAS P 1993 Archaeological Investigation of Sites OWR3 at Rouse Hill, Excavation Report.
- HAGLUND L 1993 Archaeological Investigations PADs 10 & 15-16 at Rouse Hill Excavation.
- HLA ENVIROSCIENCES PTY LTD 2004 Indigenous Heritage Assessment: Windsor Road Upgrade Works Old Windsor Road to Acres Road.
- JONES D & CLARK N (eds.) 1987 *Geology of the Penrith 1:100,000 Sheet 9030*.
- JONES D & CLARK N (eds.) 1991 *Geology of the Penrith 1:100,000 Sheet 9030*, Geological Survey of NSW. Department of Minerals and Energy.
- McDONALD JO CHM PTY LTD 1993a Archaeological Investigation of PAD 19 At Rouse Hill, NSW.
- McDONALD JO CHM PTY LTD 1993b Archaeological Survey of the Rouse Hill Infrastructure Project (Stage 1) works along Caddies, Smalls and Second Ponds Creek, Rouse Hill.
- McDONALD JO CHM PTY LTD 1998 Survey for archaeological sites: proposed Rouse Hill Stage 2 Infrastructure works at Rouse Hill, Parklea and Kellyville, Report to GHD on behalf of RHIC.
- McDONALD JO CHM PTY LTD 1999a Archaeological Survey at Lot 25 at Kellyville, NSW.
- McDONALD JO CHM PTY LTD 1999b Test excavations of PAD 5 and PAD 31 at Rouse Hill and Kellyville, NSW.



- McDONALD JO CHM PTY LTD 2000 Aboriginal Archaeological Assessment: Landcom Project 12015, Kellyville, NSW.
- McDONALD JO CHM PTY LTD 2001a Aboriginal Archaeological Assessment: Australand Proposed Stage 4 Development, Windsor Road, Kellyville.
- McDONALD JO CHM< PTY LTD 2001b Salvage excavation of six sites along Caddies Creek, Second Ponds, Smalls & Cattai Creeks in the Rouse Hill Development Area, NSW. Unpublished report to the Rouse Hill Infrastructure Program.
- McDONALD JO CHM PTY LTD 2002a Excavations at Windsor Road, Kellyville, NSW. Archaeological Salvage Program prior to residential development.
- McDONALD JO CHM PTY LTD 2002b Rouse Hill Infrastructure Project (Stage 3) Balmoral Road Release Area. Indigenous & European Heritage Issues. Unpublished report to RHI Pty Ltd.
- McDONALD JO CHM PTY LTD 2002c Archaeological Excavations at Balfour Drive, Kellyville, NSW. An archaeological Salvage Program prior to residential development. Unpublished report to Mepstead & Associates on behalf of Bake Investments Pty Ltd & Cardno BLH Pty Ltd.
- McDONALD JO CHM PTY LTD 2005 *Salvage Excavation of Six Sites along Caddies, Second Ponds, Smalls and Cattai Creeks in the Rouse Hill Development Area, NSW*. Australian Archaeological Consultancy Monograph Series, Volume 1.
- MILLS R 2002a An Indigenous and non-Indigenous heritage assessment of the land proposed for rezoning on the eastern side of Caddies Creek, Rouse Hill.
- MILLS R 2002b An Indigenous and non-Indigenous heritage assessment of the land proposed for rezoning on the western side of Caddies Creek, Rouse Hill.
- PAINTER R 1993 Archaeological investigation of Site RH/OC 1, Rouse Hill, excavation.
- SMITH LJ 1989a Prospect Reservoir Proposed Water Channel 2: archaeological survey for Aboriginal sites. Unpublished report to the NSW Water Board.
- SMITH LJ 1989b Archaeological Site Survey and Analyses of Sites on the Northern Cumberland Plain. Unpublished Report to the NSW National Parks and Wildlife Service.
- STEELE D 1993 Archaeological survey of Landcom Project 120015 Portion 93 Windsor Road, Kellyville, NSW.
- THERIN M 2001 Archaeological Surface Survey for the Proposed Windsor Road Upgrade, between Schofields Road and Merriville Road, Kellyville. Unpublished report to Hyder Consulting.

APPENDIX A

RESPONSES FROM ABORIGINAL ORGANISATIONS



DEERUBBIN LOCAL ABORIGINAL LAND COUNCIL

From: Steve Randall [mailto:SRandall@deerubbin.org.au]
Sent: Friday, 13 March 2015 3:41 PM
To: jillian.comber@comber.net.au
Subject: Aboriginal Cultural Heritage Assessments Bella Vista & Kellyville Priority Precincts

Hi Jillian,

The future development of lands either side of the North West Rail Link corridor and stations along the route from Bella Vista to Tallawong Rd, Schofield requires an Aboriginal cultural heritage assessment before any proposed development

Cheers Steve

Steve Randall
Deerubbin Local Aboriginal Land Council
Level 1, Suite 3, 291-295 High Street PENRITH, NSW, 2570
PO Box 40 PENRITH 2751
Ph: (02) 4724 5600 | **Fax:** (02) 4722 9713 | **M:** 0417 219 174
E: SRandall@deerubbin.org.au | Website www.deerubbin.org.au



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0415770163 Leanne Watson
0414962766 Justine Coplin
EMAIL: mulgokiwi@bigpond.com / justinecoplin@optusnet.com.au

Attention: Comber

Subject: Aboriginal Cultural Heritage Assessment Desk Top Report for North West Rail Link, Kellyville and Bella Vista

Dear Jillian

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

The surrounding sites in this area are highly significant, We have received and reviewed the Aboriginal Cultural Heritage Assessment Desk top Report, the report is inclusive and the assessment is thorough with a good documentation of findings. We support the findings and recommendation within this report.

During the assessment our group is concerned with the amount of groups consulted from out of the area and also personal profit groups, this area has traditional owners with knowledge ,all other groups that would like to be consulted should receive documentation but not employment.

Please contact us with all further enquiries on the above contacts.

Regards

Justine Coplin



DARUG TRIBAL ABORIGINAL CORPORATION

From: Darug Tribal [mailto:darug_tribal@live.com.au]
Sent: Thursday, 12 March 2015 3:03 PM
To: JILLIAN COMBER; Darug Tribal; Gordow; j mreilly228@gmail.com
Subject: RE: Kellyville and Bella Vista Stations

12/03/2015

Hi jillian,

Thank you for the documents about the NWRL, and by all means Darug Tribal Aboriginal Corporation agrees that considering the location and the enormous area that will be affected, there should absolutely be fieldwork work done. I have spoken to the Elders and the Board of directors about the Information and all unanimously agree to the fieldwork being adhered to. If there is anything else we need to do please let us know.

Kindest regards,

Denise Newham
DTAC - Admin / Public Officer
(02) 9622 4081



DARUG LAND OBSERVATIONS

From: Gordow [mailto:gordow51@bigpond.net.au]
Sent: Thursday, 12 March 2015 4:38 PM
To: Jillian Comber
Subject: NWRL

D.L.O Pty Ltd recommends that prior to any development, whether for construction of the stations or for later commercial/residential development, that an assessment of the proposal would be required and the monitoring of ALL soil removed and or stored

With Thank's

Uncle
Gordon Workman
Darug Elder



Darug Aboriginal Cultural Heritage Assessments

ABN 51734106483

Gordon Morton
Mob: 0422 865 831
Fax: 941 036 65

Celestine Everingham
9/6 Chapman Ave
Chatswood, 2067.
Phone/Fax: 941 03665
Mobile: 0432 528 896

TO:
Department of Planning & Environment

12.3.15

BELLA VISTA & KELLYVILLE PRIORITY PRECINCTS REZONING PROPOSAL

The areas surrounding Bella Vista and Kellyville are exceptionally significant cultural landscapes. They contain a variety of sites, including camping sites and scarred trees. These sites within their landscape setting provide important information about Darug culture and values.

To ensure their proper management it is important that before any development, whether it is construction of the Bella Vista and Kellyville Stations, or surrounding commercial and residential development that a full assessment is undertaken which includes a site inspection and ongoing consultation with our organisation.

We support the recommendations contained in the reports by Jillian Comber.

Yours Sincerely,
C. Everingham



Pollowan Phillip Khan
78 Forbes Street
Emu Plains NSW 2750
21.4.15,
mobile: 0434545982 email philipkhan.acn@live.com.au

Michael File
Director Urban Renewal
Department of Planning & Environment
23-33 Bridge Street Sydney NSW 2000

Dear Michael

Thank you for the copy of the Draft Aboriginal Heritage assessment report for each of the three precincts, Showground, Kellyville and Bella Vista Station Precincts, I have read the report and have no problems with it.

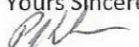
Kamilaroi Yankuntjatjara Working Group are looking forward to be working with you on this project in protecting our Culture and Heritage.

As Senior Aboriginal person who has for the past forty of so years (40) actively participated in the Protection Aboriginal Cultural Heritage throughout the Sydney Basin, and particularly throughout Western Sydney, I, on behalf of the Kamilaroi- Yankuntjatjara Working Group, wish to provide to you my organisations' registration of interest.

Information in my registration of interest:

1. I am a Senior Aboriginal and Principal of the Kamilaroi -Yankuntjatjara Working Group, and all Aboriginal entity (ABN33979702507).
2. I prefer communicating by, Mail, Telephone, and; and I am, the Principal, person to contact, and;
My contact details are:
Phillip Khan
78 Forbes Street, Emu Plains NSW 2750
Mobile 043 4545 982
3. I wish to be involved and participate in all levels of consultation/project involvement. I wish to attend all meetings, and, participate in available field work; and would receive a copy of the report.
4. I attach to this letter a copy of Kamilaroi- Yankuntjatjara Working Group's; GIO Public Liability Insurance; GIO Workers Compensation Certificate.

Should you wish me to provide further information, please do not hesitate to contact me on 0434545982.

Yours Sincerely,

Pollowan Phillip Khan





Tocomwall Pty Ltd

PO Box 76 Caringbah NSW 1495

Tel: 02 9542 7714 Fax: 02 9524 4146

Email: info@tocomwall.com.au www.tocomwall.com.au

ABN: 13 137 694 618

05 May 2015

Jillian Comber
Comber Consultants
Via email: jillian.comber@comber.net.au

Dear Jillian,

RE: Aboriginal Cultural Heritage Assessment For Department of Planning and Environment, Bella Vista Station Urban Activation precinct Rezoning Proposal.

Registration of Interest

Tocomwall is seeking *primary involvement* in all consultation meetings and fieldwork for the above mentioned project.

Tocomwall represents traditional owners from this area and retains local and oral history on behalf of its membership. We do not accept or support any person or organisation that comments regarding the said area unless confirmed in writing by myself. We have no objection to our information being provided to the Office of Environment and Heritage and the Local Aboriginal Land Council.

Tocomwall is able to assist with input that can be incorporated into a written assessment of cultural values of the area. We are also able to provide fit staff to assist with work that may involve physical labour. We can provide our schedule of rates and copies of relevant certificates of currency for business insurances on request.

Please be advised that this Aboriginal organisation does not do volunteer work or attend unpaid meetings. Tocomwall's payment terms are strictly 14 days from date of invoice. Please ensure that we receive a contract prior to commencement of the project and the payer is aware of our terms.

All correspondence should be emailed to danny@tocomwall.com.au and sarah@tocomwall.com.au or to the above postal address.

Kindly contact our office if you require any further information.

Yours faithfully

Danny Franks
Aboriginal Heritage & Senior Field Manager

APPENDIX B

AHIMS EXTENSIVE SEARCH



APPENDIX B: AHIMS EXTENSIVE SEARCH

Site ID	Site Name	Date	Zone	Radius	Numbering	Contact	Site Status	Site Features	Site Type	Resource
43-5-2027	PK/5/01 near Parkies	AGD	56	108700	6247640	Open site	Valid	Artefact:-	Open Camp Site	3768
43-5-2416	PK-3, Gomerre Dairy	AGD	56	108620	6247950	Open site	Valid	Artefact:-	Isolated Hut	9953277
43-5-2462	PKD/51	AGD	56	110542	6247433	Open site	Valid	Prehistoric Archaeological Deposits (PO):-		98653,102579
43-5-2463	Bellyville/Strangers Creek 1	AGD	56	108650	6247950	Open site	Partially Destroyed	Artefact:-		2002,2003,636,3638
43-5-3763	Arnold Avenue BP	AGD	56	109011	6247979	Open site	Valid	Artefact:-		2002,2013,475
43-5-2372	PK/3	AGD	56	108650	6246080	Open site	Valid	Artefact:-	Open Camp Site	3401,2,402
43-5-2324	BN/5/2	AGD	56	110820	6246750	Closed site	Valid	Art (Painted or Engraved):-	Shelter with Art	102179
43-5-2317	PK/5/02	AGD	56	108630	6247070	Open site	Valid	Artefact:-	Isolated Hut	98653,1102579,1021821
43-5-2462	Parkies/Bellyville	AGD	56	108600	6246000	Open site	Valid	Artefact:-	Open Camp Site	102179
43-5-0977	Mc100 Windsor Rd	AGD	56	108230	6246710	Open site	Valid	Modified Tree (Carved or Scram):-	Scram Tree	2492,94263
43-5-0981	OW/5/17-2	AGD	56	108600	6246160	Open site	Valid	Artefact:-	Open Camp Site	102179
43-5-0985	OW/5/17-2	AGD	56	108600	6246160	Open site	Delisted	Artefact:-	Open Camp Site	102179
43-5-0986	BN/CD 6 Rowse Rd	AGD	56	108220	6246450	Open site	Valid	Grinding Grooves:-	Assorted Grinding Grooves	2495,94263
43-5-0989	BN/CD 7 Rowse Rd	AGD	56	108480	6246620	Open site	Valid	Grinding Grooves:-	Assorted Grinding Grooves	2495,94263,50
43-5-0990	BN/CD 6 Rowse Rd	AGD	56	108220	6246450	Open site	Valid	Grinding Grooves:-	Assorted Grinding Grooves	2495,94263,50

Report generated by AHIMS Web Service on 26/11/2014 for Jillian Cambler for the following area of Datum: GDA, Zone: 56, Eastings: 306276 - 312080, Northings: 6246750 - 6249807 within a buffer of 50 meters. Additional to (b) To include in a assessment. Number of Aboriginal sites and Aboriginal objects found is 50. This information is provided to the relevant authorities for their use and is not to be used for any other purpose without the written consent of the relevant authorities.



AHIMS Web Services (AWS)
Extensive search - Site list report



Purchase Order/Reference : AV240
Client Service ID : 155898

Site ID	Site Name	Zone	Easting	Northing	Contact	Site Status	Site Features	Site Types	Records
45-5-0910	PK/CD 1 Rouse Hill <u>Contact</u>	56	308590	6267200	Open site	Valid	Artefact:-	Open Camp Site	2499,98281
45-5-0926	RH/CD_10 <u>Contact</u>	56	308200	6269550	Open site	Valid	Artefact:-	Open Camp Site	3096,102576
45-5-0928	RH/SC 6 Rouse Hill <u>Contact</u>	56	310020	6269540	Open site	Valid	Artefact:-	Open Camp Site	499,508,2368,2467
45-5-0930	RH/SC1 Rouse Hill <u>Contact</u>	56	311700	6268270	Open site	Valid	Grinding Groove:-	Axe Grinding Groove	351
45-5-0932	RH/CD12 (PA024) Rouse Hill <u>Contact</u>	56	308380	6269360	Open site	Valid	Artefact:-	Open Camp Site	1031
45-5-0933	RH/CD_9 Rouse Hill <u>Contact</u>	56	308200	6268420	Open site	Valid	Artefact:-	Open Camp Site	98281
45-5-0940	PK/CD 7 Rouse Hill <u>Contact</u>	56	309410	6266920	Open site	Valid	Artefact:-	Open Camp Site	266,6,98281
45-5-2289	unregistered Taplin site 2 Rouse Hill <u>Contact</u>	56	310500	6268000	Closed site	Valid	Grinding Groove:- Art (Pigment or Engraved):-	Axe Grinding Groove/Shelter with Art	102579
45-5-2291	RH/CD8 Rouse Hill <u>Contact</u>	56	308505	6269590	Open site	Valid	Artefact:- Grinding Groove:-	Axe Grinding Groove/Open Camp Site	2544,98281
45-5-2365	KY/CD 1 <u>Contact</u>	Helin Brayshaw	56	308910	6267190	Open site	Artefact:-	Open Camp Site	3094,98740
45-5-0135	Mo Byville <u>Contact</u>	Helin Brayshaw, Tony Kombik, M-Paul Leah	56	310915	6268137	Closed site	Artefact:- Grinding Groove:-	Axe Grinding Groove/Shelter with Deposit	102579
45-5-0136	Stanhope/Kellyville <u>Contact</u>	M-R Taplin	56	308631	6268002	Closed site	Artefact:-	Shelter with Deposit	98281
45-5-0137	Genturnie/Kellyville <u>Contact</u>	M-R Taplin	56	309086	6269806	Closed site	Artefact:- Grinding Groove:-	Axe Grinding Groove/Shelter with Deposit	98281

Report generated by AHIMS Web Service on 26/11/2014 for Jillias Corner for the following area at Datum: GDA, Zone: 56, Eastings: 308276 - 312000, Northings: 6266756 - 6269007 with a Buffer of 50 meters. Additional Info: To include in assessment. Number of Aboriginal sites and Aboriginal objects found is 50
This information is not guaranteed to be free from error/omission. Office of Environmental Heritage (OEH) and its employees disclaim liability for any action or omission made on the information and consequences of such acts or omissions.



Site ID	Site Name	Datum	Zone	Easting	Northing	Context	Site Status	Site Features	Site Types	Rebounds
45-5-2979	PAD 1 Windsor Road	AGD	56	308000	6268000	Open site	Valid	Potential Archaeological Deposit (PM.D) :-	Permits	1963, 2195
45-5-2980	PAD 3 Windsor Road	Records	AECOM Australia Pty Ltd (previously HLA- Environmental)							
AGD	56	309750	6268190	Open site	Valid	Potential Archaeological Deposit (PM.D) :-	Permits	1963	102379	
45-5-2981	PAD 4 Windsor Road	Records	AECOM Australia Pty Ltd (previously HLA- Environmental)							
AGD	56	310220	6268050	Open site	Valid	Potential Archaeological Deposit (PM.D) :-	Permits	1963	102379	
45-5-3063	Burne Road Compound PAD	Records	AECOM Australia Pty Ltd (previously HLA- Environmental)							
AGD	56	309176	6268819	Open site	Valid	Potential Archaeological Deposit (PM.D) :-	Permits	1963	102379	
45-5-3064	Burne Road North 1/F1	Records	Megan Mebberson							
AGD	56	308744	6267445	Open site	Valid	Artefact :-	Permits	2241, 2319		
45-5-3021	PAD Y	Records	Megan Mebberson							
AGD	56	308700	6268000	Open site	Valid	Potential Archaeological Deposit (PM.D) :-	Permits	2242		
45-5-3339	Kellyville 2 (RZ)	Records	Mury Dallas Consulting Archaeologists							
GDA	56	311600	6267950	Open site	Valid	Artefact: 1	Permits	2151, 3379	9762, 9774, 5	
45-5-3379	Kellyville 1 (RZ) Riverside	Records	Stephanie Gurling							
GDA	56	311720	6266920	Open site	Valid	Artefact: 2	Permits		4732	
45-5-0927	RH/S/CS Rose Hill	Records	Jo McDonald Cultural Heritage Management							
AGD	56	309830	6269330	Open site	Valid	Artefact: -	Permits	Open Camp Site	98881	
45-5-4260	MWRB PAD 10	Records	Dexter, Jo McDonald							
GDA	56	308824	6269473	Open site	Valid	Potential Archaeological Deposit (PM.D) : 1	Permits	551, 1290		
45-5-4261	MWRB PAD 9	Records	Golden Mackay Logan Heritage Consultants							
GDA	56	308737	6267589	Open site	Valid	Potential Archaeological Deposit (PM.D) : 1	Permits			
45-5-4262	MWRB PAD 7	Records	Golden Mackay Logan Heritage Consultants							
GDA	56	309265	6266717	Open site	Valid	Potential Archaeological Deposit (PM.D) : 1	Permits			

Report generated by AHIMS Web Service on 26/11/2014 for Jillian Comber for the following area at Datum: GDA, Zone: 56, Eastings: 6266756 - 6269807 with a Buffer of 50 meters. Addressed to: To include in assessment. Number of Aboriginal sites and Aboriginal objects found: 50
This information is not guaranteed to be free from error or omission. Office of Environment and Heritage (OEH) and its employees disclaim liability for any and all consequences of such acts or omissions.



AHIMS Web Services (AWS)
Extensive search - Site list report

Purchase Order Reference : AV240
Client Service ID : 155096

Site ID	Site Name	Date	Area	Latitude	Longitude	Category	Site Status	Site Features	Site Types	Records	
43-5-267	Contact KPI	Records	Gordon Mackay Light Heritage Consultants	56	311630	6267020	Open site	Valid	Artefact:--	Parasita	4316
43-5-264	Contact RH/CD12	Records	Stephanie Gerling	56	308485	6269549	Open site	Valid	Aboriginal Resource and Gathering:--	Parasita	97421
43-5-266	Contact RH/521 - Saddle Creek Thruway (Army PAD 32)	Records	Doctor Jo McDonald	56	311500	6267900	Open site	Valid	Aboriginal Resource and Gathering:--	Parasita	97421
43-5-267	Contact KPI - Kellyville 1	Records	Doctor Jo McDonald	56	311630	6267020	Open site	Valid	Aboriginal Resource and Gathering:--	Parasita	97421
43-5-264	Contact MA1 (Revised)	Records	Doctor Jo McDonald	56	309430	6267094	Open site	Valid	Artefact:1	Parasita	102467,30257
43-5-265	Contact MA2 (Revised)	Records	Jo McDonald Cultural Heritage Management	56	309459	6266965	Open site	Valid	Artefact:1	Parasita	102467,30257
43-5-266	Contact MA3 (Revised)	Records	Jo McDonald Cultural Heritage Management	56	309613	6266971	Open site	Valid	Artefact:1	Parasita	102467,30257
43-5-267	Contact MA4 (Revised)	Records	Jo McDonald Cultural Heritage Management	56	309430	6266900	Open site	Valid	Artefact:4	Parasita	102467,30257
43-5-416	Contact Cairn On Inland Arnhem 2	Records	Jo McDonald Cultural Heritage Management	56	311363	6266743	Open site	Valid	Artefact:--	Parasita	9
43-5-424	Contact Cairn Creek 1	Records	Doctor Dennis Jordan	56	308140	6269329	Open site	Valid	Artefact:1	Parasita	9
43-5-423	Contact Cairn Creek 2	Records	Mr Geraldine O'Brien/ALCOM Australia Pty Ltd (previously B.L.K. Enterprises)	56	308071	6269469	Open site	Valid	Artefact:1	Parasita	9

Report generated by AHIMS Web Service on 26/11/2014 for JH as Camber for the following area at Datum:GDA, Zone:16, Eastings: 308276 - 312060, Northings: 6266756 - 6269907 with a Buffer of 50 meters. Additional Info: To include in a search. Number of Aboriginal sites and Aboriginal objects found is 10
This information was generated by the AHIMS web service and is for information only. It does not constitute a site visit or any other form of field work or research.



ARCHAEOLOGY - HERITAGE - MEDIATION - ARBITRATION

COMBER CONSULTANTS PTY LTD
ABN 96 109 670 573

76 EDWIN STREET NORTH
CROYDON, NSW, 2132

T 02 9799 6000

F 02 9799 6011

www.comber.net.au

DIRECTOR
JILLIAN COMBER

ASSOCIATE DIRECTOR, SYSTEMS
DAVID NUTLEY

ASSOCIATE DIRECTOR, PROJECTS
TORY STENING