

2 May 2022

Emily Dillon
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Via email: emily.dillon@environment.nsw.gov.au

Re: 164-170 Croatia Avenue, Edmondson Park – Integrated Development Application: Notice to Supply Further Information

IDA Application No: DA-33/2021, CNR-17700, A-20672

Dear Emily,

Apex Archaeology on behalf of The Bathla Group (applicant) prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the above property to inform the integrated development application (IDA) for the proposed mixed use development of the site. This IDA was referred to Heritage NSW as Liverpool City Council (Council) are seeking general terms of approval (GTAs) for the project.

On 22 April 2022, Heritage NSW sent a Notice to Supply Further Information (NTSFI) for the project. This document outlines the responses to the requested information.

1. Management of RE1 zoned lands

Works within the RE1 zoned lands include vegetation management, realignment of Maxwells Creek (Figure 1), and construction of a new road. These are all included with the current concept development application.

The realignment includes excavation of a new creek bed alignment to the north of the existing creek line, along with battering of the ground on both sides of the new alignment and creation of a flood storage area. This area would be planted. A rock headwall and scour protection would also be installed. The new alignment would pass under a proposed new road and then transition into the existing downstream creek alignment. The new road is not part the current proposal and will be subject to a separate approval process (by others).

The realignment of Maxwells Creek would significantly impact on site CA-AS-01 (AHIMS #45-5-5587). The site comprises five small silcrete artefacts, including two flaked items, a broken backed flake, a small core, and a piece of heat shattered silcrete with a remnant flaked surface. Overall, these items are considered to be of limited archaeological significance, due to the nature of the items which are common item types for the Cumberland Plain, as well as being located within a disturbed context. The location in which they were identified is considered unlikely to retain significant archaeological deposits due to the level of disturbance present.

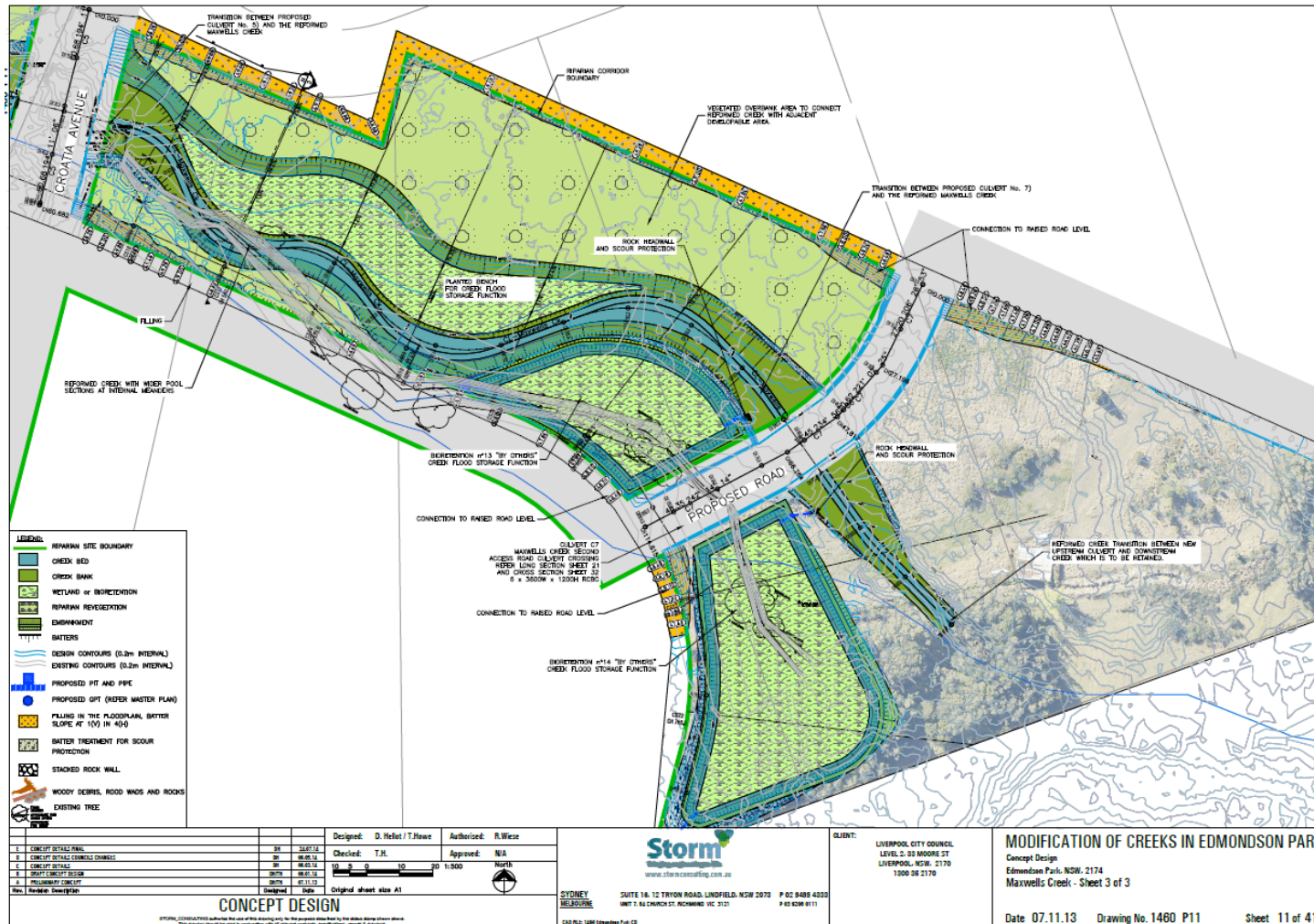


Figure 1: Proposed realignment of Maxwells Creek

Retention of the deposit associated with CA-AS-01 in order to avoid further impact to Aboriginal archaeological deposits is considered unwarranted. The ACHAR has been updated to explore potential options for avoidance or retention.

It is understood that exploring all options for avoidance or retention of the site is appropriate at Concept stage, prior to the issue of any DA for physical site works, and that requirements for the management of the sites within the study area would be included as parts of the GTA for the project.

2. Boundaries and Extent of Sites

Please see Figure 2 which outlines the extent of the recorded sites in relation to the proposed development layout. The southern portion of EPCS 3 (AHIMS #45-5-3909) is located just south of the site boundary for the current study area.

3. Impact Assessment

Site EPCS 3 (AHIMS #45-5-3909) falls within the development boundaries for the proposed residential development, with the northern portion within the proposed retail/residential development and the part of the southern portion within the proposed new road. As such, an AHIP would be required to permit impact to this site as part of the proposed residential development. It is noted that part of EPCS 3 is located outside of the study area and would not be impacted as part of the current proposal.

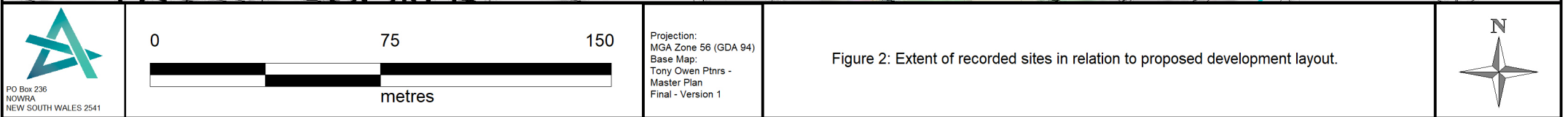
4. Site impact assessment

The below table outlines the impact to registered Aboriginal sites as a result of the proposed development. This recognises the fact that the southern portion of EPCS 3 is located outside of the current proposal boundaries and thus a portion (as shown on Figure 2) would not be impacted by the current proposal.

Site number	Type of Harm	Degree of Harm	Consequence of Harm
45-5-3909	Direct	Partial	Partial loss of value
45-5-5587	Direct	Total	Total loss of value

5. Management Options

While site 45-5-5587 is located within the RE1 zoned land, the realignment of Maxwells Creek would significantly impact on the site. *In situ* conservation of this site is not possible with the current creek realignment. The retention of the site is not considered warranted given the low scientific and cultural significance of the site, as well as the fact that the artefacts associated with the site have been recovered during test excavation and will need to be reburied on the site within an area that would not be impacted in future.



The test pit they were recovered from would be impacted by the proposed works. The area is considered unlikely to retain any moderate to high density artefact deposits; however it is noted that isolated finds may be located anywhere across a landscape, with their precise location impossible to predict. As such, further mitigation in the form of movement of the creek alignment or similar is not considered appropriate in this instance.

6. Survey

EcoLogical prepared the methodology for the project, which included an archaeological field survey (ELA 2021:6). Two survey units were identified for the study area and context photographs provided. The methodology noted “All landform units within the study area were sampled as part of the field survey” (ELA 2021:6).

As part of the additional assessment undertaken by Apex Archaeology, an additional survey of the study area was undertaken to inform the assessment and confirm the results presented in the ELA reporting provided when Apex Archaeology were engaged to complete the project. As a result, the Apex Archaeology survey was not a “full coverage” survey as such, but focussed on areas of exposure and accessibility. Much of the study area was heavily vegetated, making access difficult. Further, aerial imagery of the site had suggested the area was heavily disturbed, and thus areas with potential to have intact deposits were the focus of the survey.

Requirement 5 of the Code of Practice requires that a survey sampling strategy should be developed. EcoLogical advised that all landforms within the study area were sampled during their survey.

7. Photographs with Scale

It is acknowledged that many of the context photographs provided by Apex Archaeology do not contain a metric scale. We will ensure that all relevant photographs in future assessments contain a scale. It is noted that in some instances, factors such as vegetation cover, topography, and disturbance make it difficult to include a metric scale, particularly for context photographs. Apex Archaeology include scales in all detail photographs such as surface artefacts or test pit sections.

Please see below photographs of the study area containing scales. All were taken by EcoLogical (2021) as part of their assessment of the study area, and all captions are taken verbatim from their report. Significant regrowth of vegetation occurred across the site between when EcoLogical undertook their survey and when Apex Archaeology were on site for test excavations.



Plate 1: remnants of gravel surfaces in east of SU1



Plate 2: thick, obscuring vegetation cover in middle of SU1



Plate 3: open cleared area in north west of SU1



Plate 4: Prior disturbances from access road and associated drainage infrastructure in north west of SU2



Plate 5: Soil profile exposed by erosion and vehicle damage in north east of SU2



Plate 6: Open area of PAD in northwest SU2, view southwest



Plate 7: Evidence of landscape modifications in east of SU2, view south



Plate 8: Remnant irrigation lines and associated impacts of market gardening in centre of SU2, view west



Plate 9: Exposed soil profile at southern extent of SU2, view east



Plate 10: Evidence of earthworks in relation to market gardening at southern extent of SU2



Thank you for the opportunity to address your queries, and please do not hesitate to contact me if you have any further questions.

Kind Regards,

Jenni Bate

Director/Archaeologist

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