



artefact

01 April 2022

Ben Hooper
Project Manager
Arup
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Dear Ben,

RE: Mowbray Road Data Centre - Aboriginal Heritage Assessment

Artefact Heritage Services (Artefact) has been engaged by Arup to prepare an Aboriginal Heritage Assessment for the proposed Mowbray Road Data Centre at Lot 10 DP 1179953, 706 Mowbray Road West, Lane Cove North (the subject site) as part of the Secretary's Environmental Assessment Requirements (SEARs).

The proposal is intended to be approved as a State Significant Development (SSD-13475973) in accordance with Schedule 1, Section 25 of the *State Environmental Planning Policy (Planning Systems) 2021*. The SEARs requirements are provided in Table 1 below.

Table 1: SEARs requirements and responses

SEARs Requirement	Response
Aboriginal cultural heritage <i>identification and assessment of potential impacts on Aboriginal cultural heritage values, including a description of any measures to avoid, mitigate and/or manage any impacts. Justification for reliance on any previous Aboriginal Cultural Heritage Assessment Report or other heritage assessment for the site must be provided</i>	<p>This assessment did not identify any Aboriginal sites or areas of Aboriginal archaeological potential within the study area which was found to have been subject to extensive ground disturbance.</p> <p>The Metropolitan LALC will have the opportunity to comment on the report and provide information on cultural values.</p> <p>As no Aboriginal archaeological values have been identified this assessment is recommended to be adequate for assessment under the SEARs and an ACHAR is not required.</p>

The works would involve the demolition of the existing structures within the subject site, earthworks, construction of a new four-storey Data Centre and associated landscaping. The subject site falls within the boundaries of the Lane Cove Municipal Council Local Government Area (LGA) and is located within the Metropolitan Local Aboriginal Land Council (LALC) boundary and is the traditional lands of the Cameray-gal (Gamaragal) clan.

1.1 Legislative context

The *National Parks & Wildlife Act 1974* (the NPW Act) provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW) and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community).

If it is assessed that sites exist or have a likelihood of existing within the activity area and maybe impacted by the proposed activity, further archaeological investigations may be required along with an Aboriginal Heritage Impact Permit (AHIP) under the NPW Act. If it is found to be unlikely that Aboriginal sites exist within the activity area and a due diligence assessment has been conducted according to the due diligence guidelines, work may proceed with caution and without an AHIP. As the project is being assessed as SSD under Part 4 Division 4.7 of the *Environmental Planning & Assessment Act 1979* permits issued under the NPW Act are not required for works undertaken in accordance with the SSD Conditions of Approval issued by DPIE. This assessment provides an Archaeological Heritage Assessment for the project in line with the SEARs for the project.

1.2 The study area

The subject site, 706 Mowbray Road West, Lane Cove North (Lot 10 DP 1179953), is bounded by densely vegetated land (Lot 12 DP 1179953) running along the north-eastern side of Epping Road to the south-west, Mowbray Road West to the north and a mixed office and warehouse space (Lot 11 DP 1179953) to the east.

The subject site is located approximately 230m to the east of Lane Cove River and approximately 100m to the north of Stringybark Creek. The subject site is currently a mixed-use warehouse, retail outlet and office space.

1.3 The proposal

The proponent proposes to construct a Data Centre (Figure 2). The four (4) level facility will reach a building height of approximately 26.7m from Mowbray Road including plant and rooftop equipment (Figure 3). The facility will include three (3) levels of data hall space with external plant gantries and a single level administration area incorporating secure entry facilities, loading dock, storage, and staff offices. The site shall be served from a private on site substation, located on the western section of the building.

Significant landscaped areas are also proposed, where mature local trees will be used to improve aesthetics and amenity for local residents and businesses. The existing nature reserve within the south-eastern part of the Site will be maintained and protected.

Primary road access to the Data Centre will be via Mowbray Road West, at the north-western corner of the Site near Taylors Drive. On-site car parking spaces will be provided for staff and visitors, including disabled and electric vehicle parking.

Figure 1: Location of subject site



Document Path: D:\GIS\GIS_Mapping\21075_Mowbray_Road_Data_Centre\MXD\Study_Area10052021.mxd

Figure 2: Proposed works, source courtesy of Arup

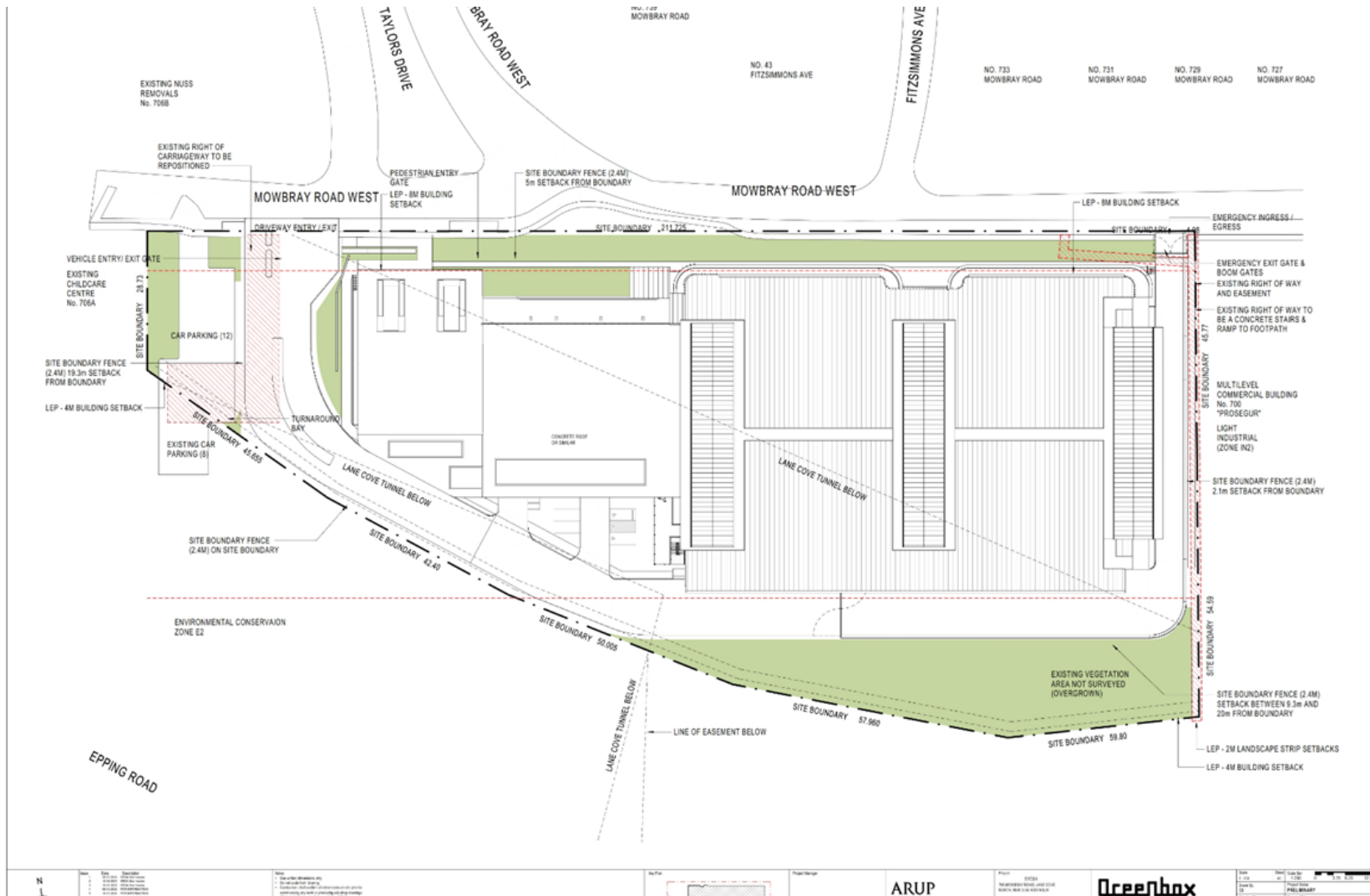
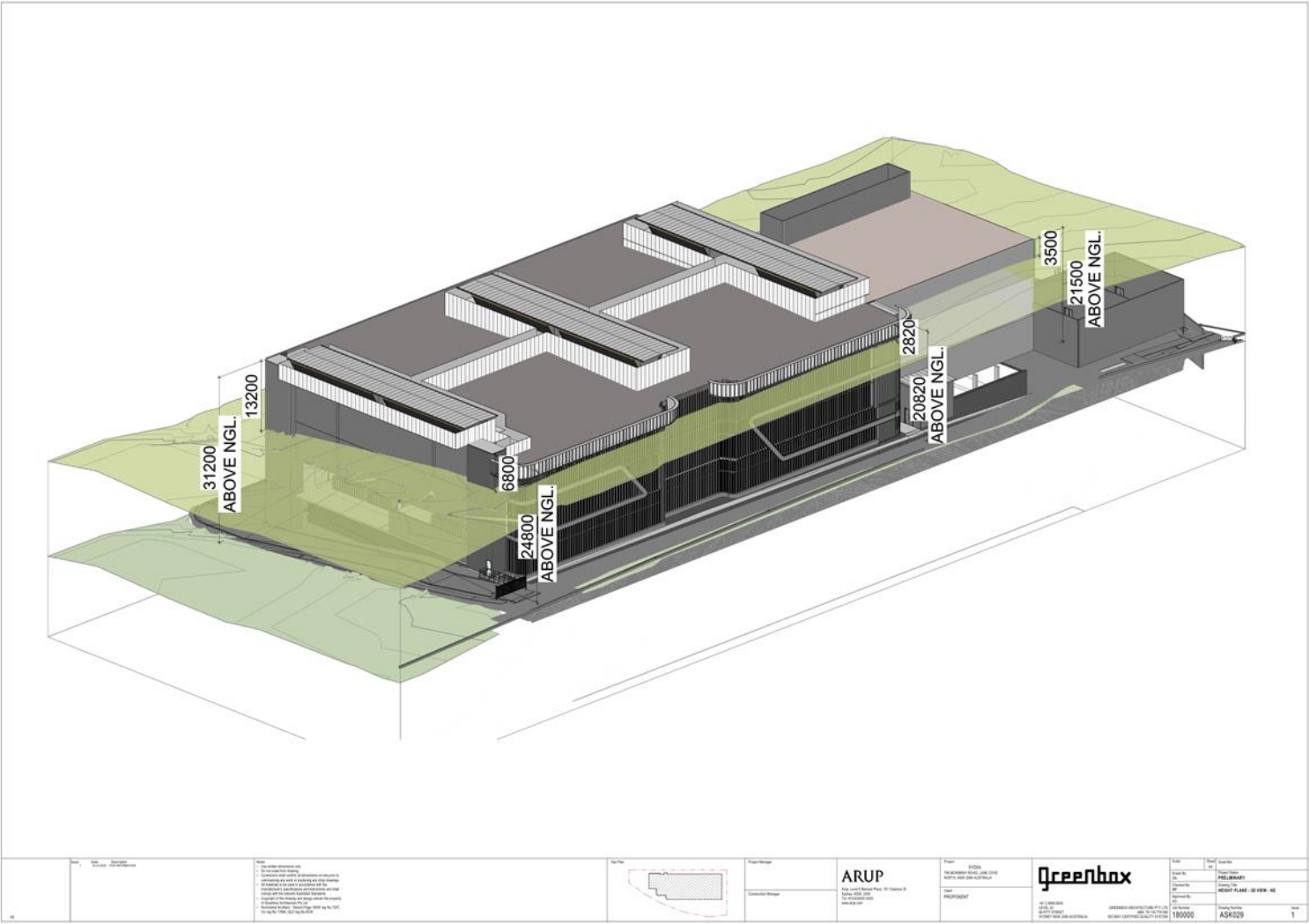


Figure 3 Proposal elevations (ARUP 22.03.2022)



1.4 Background

1.4.1 Environmental context

The subject site is located on the Triassic Hawkesbury sandstone formation. Hawkesbury formation is comprised of sandstone, quartz and shale (Bryan 1996). Hawkesbury sandstone contains frequent above-ground sandstone outcrops. These outcroppings are subject to erosion and have been used by the Cameray-gal (Gamaragal) peoples. The subject site is within the Stringybark Creek valley, which runs west towards the Lane Cove River, south of the subject site. The subject site is located along a slope line that slopes south from the north at. The local area is characterised by undulating to rolling low hills. The banks and tidal mudflaps of the Lane Cove River, have colonies of mangroves (*Avicennia marina*).

Lane Cove River has several freshwater tributaries near the subject site, of note, Brickmakers Creek, Buffalo Creek and Stone Gully. Shell middens and rock shelters have been identified in large numbers along the Lane Cove River foreshore (Attenbrow 2010).

1.4.2 Historical background

European visitation started soon after settlement in 1788. A mapping expedition team led by John Hunter around Port Jackson entered into the lower reaches of the Lane Cove River. The foreshore was not as dense with mangrove vegetation as it is currently, and thick hardwood eucalypt forests were inspected for their suitability for logging (McLoughlin 1988:15-16). A logging industry was well established by the time the first land grants were apportioned in 1792, this industry supplied the colony with timber for the first half of the 19th century (Phippen 2009).

By the 1790s the rural expansion of the colony, and the need for timber, drew settlers to the Lane Cove area. In 1808 a convict sawmill was established on the Lane Cove River so that processed logs could be ferried downstream to Parramatta. Logging remained an important industry in the local area until the 1840s. In 1838 Governor Gipps stated that Lane Cove was the principal source of timber for the Sydney region and that many sawyers resided in the surround bush.

By the late 1800s manufacturing industries such as tanneries and boiling down works were established along the river. The Chicago Starch Mill is an example of industry moving to the area to take advantage of the waterway (<https://cwwpa.org/the-corngrinder/>).

Figure 4: 1986 Aerial photograph of Mowbray Road West, Source NSW Historical Imagery



1.5 Archaeological context

Traditional Aboriginal tribal boundaries within Australia have been reconstructed, primarily based on surviving linguistic evidence and are therefore only approximations. Social interaction, tribal boundaries and linguistic evidence may not always correlate, and it is likely boundaries and interaction levels varied and fluctuated over time. The language group for this area is a matter of contestation, potentially a result of linguistic difficulty. The current agreed language group for this area is the Cameray-gal clan.

Aboriginal people have lived in the Sydney region for up to 30,000 years, as indicated by radiocarbon dating undertaken in Parramatta (Jo McDonald CHM 2005: 87-94). Evidence of Aboriginal occupation has been found dated to 50-60,000 BP at Lake Mungo in NSW so it is likely that Aboriginal people have lived in the Sydney region for even longer than indicated by the oldest recorded dates known at present. The archaeological material record provides evidence of this long occupation, but also provides evidence of a dynamic culture that has changed through time.

The existing archaeological record is limited to certain materials and objects that were able to withstand degradation and decay. In the northern Sydney area, rock shelters and rock art/engravings are the predominate remnants of Indigenous occupation. It is estimated that there is at least 1500 rock shelters across the northern Sydney harbour (<http://www.lanecove.nsw.gov.au/Community/AboutLaneCove/Pages/AboriginalHeritage.aspx>).

Sugarloaf 1 is a rock shelter located on the northern side of Sugarloaf Point, directly north of the point where Buffalo Creek meets the Lane Cove River. Sugarloaf 1 is approximately 1.5km from the subject site. Excavations conducted in this rock shelter revealed a large quantity of shell remains compared to that of fish bones. Terrestrial animal bones were recovered in smaller quantities still (Attenbrow 2010: 64,71). Comparisons between Sugarloaf 1 and other archaeological sites on the foreshores of Port Jackson show that fish resources are better represented in sites which are in the lower areas of the estuary than the middle and upper reaches, where evidence of shellfish gathering predominates (Attenbrow 2010: 64-65). A large number of other sites have been identified along the Lane Cove River estuary foreshore and the surrounding escarpment (Attenbrow 2010: 17 –19). The types of sites identified are predominately shell middens and rock art sites, which is consistent with European accounts of how Aboriginal people lived in Port Jackson during the late 18th and early 19th centuries. Aboriginal people were recorded as building and using canoes, collecting shellfish, fishing, collecting medicinal and edible plants, and hunting game along the foreshores of Port Jackson. The sandstone escarpment offered many locations for engraving and pigment art, as well as manufacturing and grinding stone tools (Currie 2008: 18-19). The large number of archaeological sites identified around Port Jackson shows a long history of occupation and intensive use of these natural resources (Attenbrow 2010: 17 –19; Currie 2008: 12-15).

1.6 Previous archaeological assessments

Several archaeological investigations have been conducted within the Lane Cove precinct and wider North Sydney area, summarised below.

Artefact Heritage 2014

In 2014 Artefact Heritage was commissioned to undertake an Aboriginal Heritage Impact Assessment for Meriton Group for the proposed pedestrian walkway up-grade works along Epping Road, Lane Cove (Lot 21 DP 825400). This site is approximately 130m from the study area.

The works was to assess the potential archaeological significance and damage to three previously registered PADs (AHIMS ID 45-5-2982 PAD2, AHIMS ID 45-6-3013 LCC086, and AHIMS ID 45-6-1354 LCCC087).

Artefact Heritage 2013

In 2013 Artefact Heritage was engaged to undertake a Due Diligence assessment for the proposed 132kV feeders through Artarmon Reserve, Artarmon for Ausgrid. The study area was 147m long and included access to Artarmon Oval, remnant bushland and a section of industrial/residential zoning.

This site is approximately 4.5km from the study area and has a similar soil profile sitting on Hawkesbury sandstone. The feeder trenches being excavated were approximately 1m wide by 1.5 m deep. The archaeological team investigated associated sandstone outcrops across the study area to ensure that no rock art shelters and or rock engraving sites would be impacted, directly or indirectly. Remnant bushland with mature trees were investigated as an area of potential sensitivity. Additionally, this remnant bushland was close to the 1st order tributary, Flat Rock Creek.

The site inspection found that the sandstone outcrops, which were visible, showed no evidence of rock engravings, grinding grooves, art or evidence of occupation. The sandstone platforms within the study area were uneven and limited in extent. There were no rock overhangs suitable for habitation. Investigation of remnant bushland and mature trees did would not be impacted by the proposed feeder line route.

Artefact Heritage 2019

In 2109 Artefact Heritage was engaged to undertake an Aboriginal heritage assessment at 25 Ferdinand Street, Hunters Hill (Lot 3 DP 539241) for Ausgrid. This site is approximately 7km from the study area. The proposed works was the removal and replacement of two condemned timber power poles within Ferdinand Street reserve. AHIMS register search indicated, initially, two sites AHIMS ID 45-6-1687 and AHIMS ID 45-6-1688.

The assessment identified that at location 1 (adjacent to 25 Ferdinand St), the underlying subsurface deposit was comprised of backfill down to bedrock had no archaeological sensitivity. Location 2 was located at the bottom of a slope below a small rock shelter. Investigation of the rock shelter did not identify any Aboriginal artefacts or artwork.

Investigation of the two AHIMS sites ID 45-6-1687 & 45-6-1688, showed that they were registered incorrectly as the coordinates submitted did not match the site card information for any of the sandstone outcrops/overhangs within the study area. The study area was recorded as being heavily disturbed and having low Aboriginal archaeological sensitivity.

1.7 Aboriginal Heritage Information Management System (AHIMS) Search

The location of Aboriginal sites is considered culturally sensitive information. It is advised that this information, including the AHIMS data appearing on the heritage map for the proposal be removed from this report if it is to enter the public domain.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 27 April 2021.

An area of approximately 200 m (east-west) by 200m (north-south) was included in the search. The AHIMS search provides archaeological context for the area and identifies whether any previously recorded Aboriginal sites are located within or near the study area. The parameters of the search were as follows:

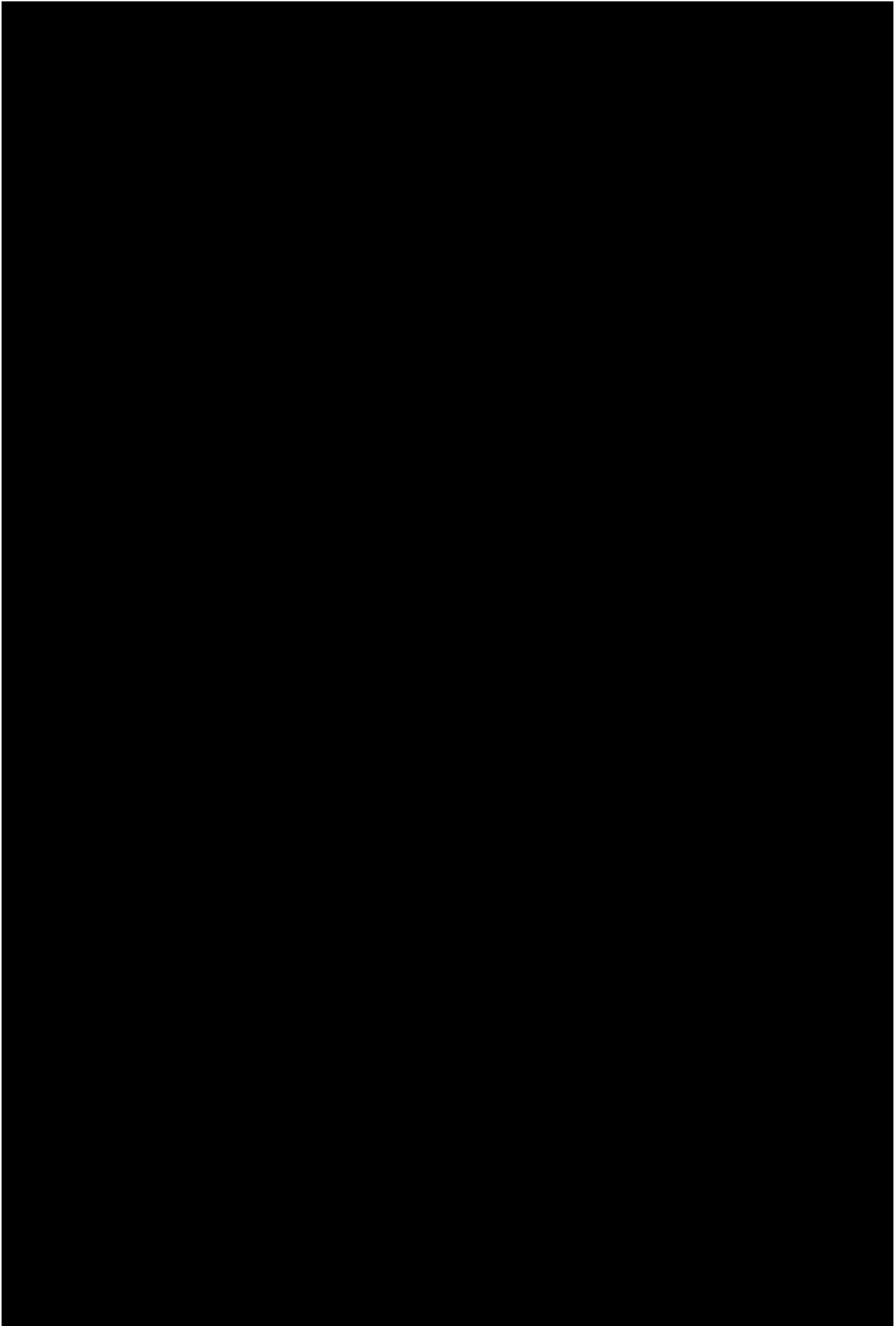
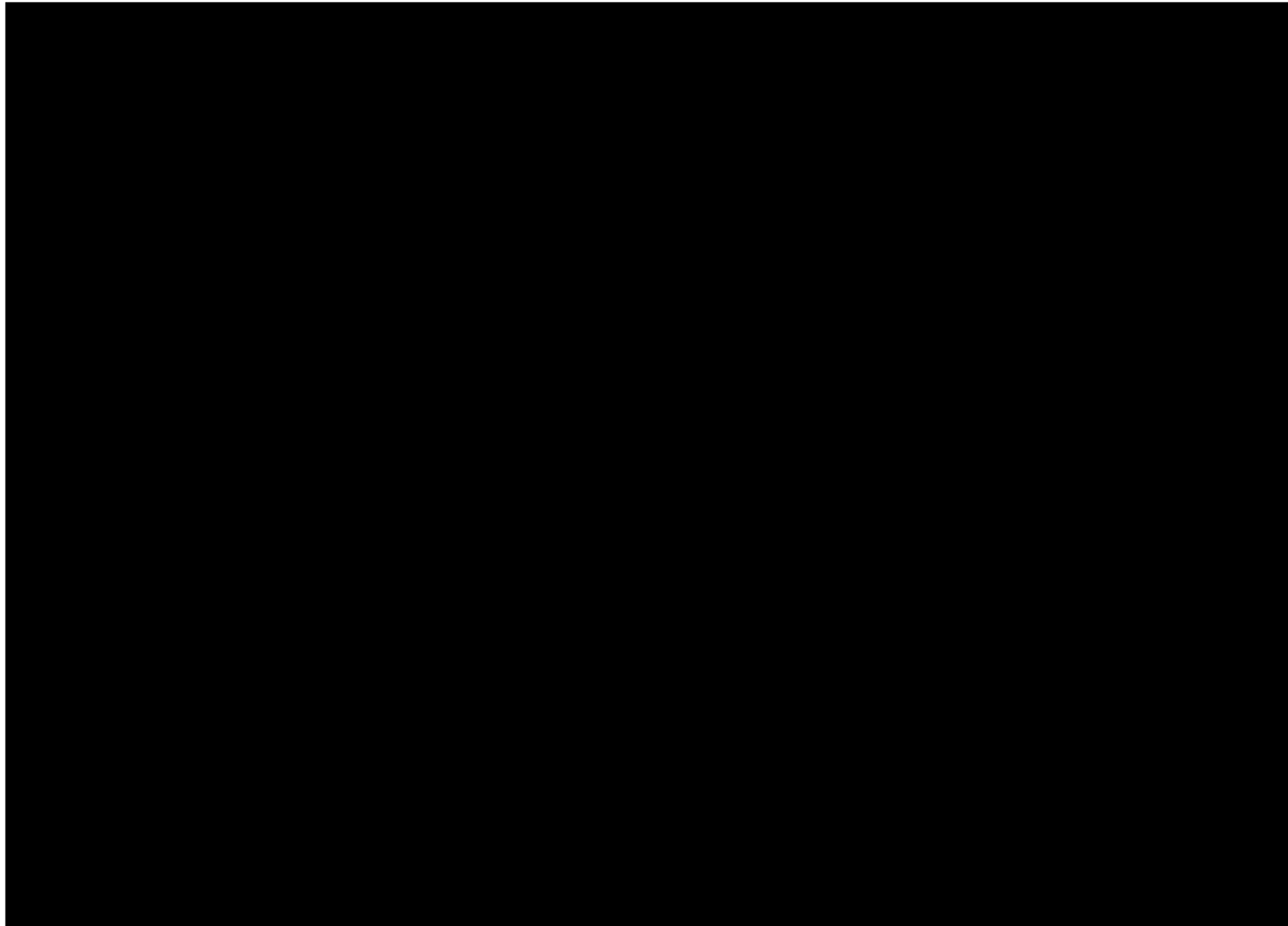


Figure 5: AHIMS Sites



1.8 Predictive Model

Previous assessments of the Port Jackson area and recorded AHIMS sites indicate that site types within the Port Jackson area will be different from those located in the Cumberland Plain. While Cumberland Plain sites are more likely to consist of silcrete artefact scatters, Port Jackson sites are more likely to be comprised of shell middens with artefacts. The artefact assemblages are likely to be comprised of a diverse lithology; chert, quartz and basalt appearing in addition to silcrete.

Sites are likely to be located within close proximity to water (less than 100m) and near rock shelters, cliffs or ridge lines (less than 30m). Sites are strongly associated with areas close to the littoral zone.

Previous assessments have also shown that shell middens are commonly found in association with rock shelters and can also be found in association with art and burials.

Previous assessment have also shown that where sandstone overhangs or platforms of suitable sandstone occur it is possible that rock engravings may be present.

1.9 Site inspection

An inspection of the study area was conducted on foot by Michael Lever (Heritage Consultant), and Brye Marshall (Heritage Consultant) on 3 May 2021. The main aims of the site inspection were to gain an overall impression of the intactness of the study area and identify whether Aboriginal objects occur or are likely to occur beneath the ground surface.

The subject site is located on a raised terraced slope, which has been levelled through the introduction of fill. The study area sits below street level with the driveway showing the extent of the angle of the slope that the subject site is currently positioned (Figure 6, Figure 7).

Ground visibility was low (10%) with a high percentage of the subject site covered with concrete or asphalt. A small proportion of the northern, southern and south western sections of the subject site had some visible ground surface.

The northern section of the subject site had landscaped vegetation which has modified the original ground surface (Figure 8, Figure 9, and Figure 10).

The southern section of the subject site has a strip of formerly grassed area which now contains vegetation encroaching from the gully (Figure 11). A section of this strip is now denuded and top soil exposed to wind and water erosion (Figure 12).

The south western section has been modified and levelled to allow the construction of an outdoor table within a young grove of Casuarina's (Figure 13). A second car parking facility has been deployed here to accommodate short term parking for clients and subcontractors (Figure 14 and Figure 15).

Sandstone outcrops were observed outside of the subject site and are noted as a reference to the overall abundance of sandstone outcrops commonly utilised across this local geographical area. These outcrops were located within a gully, separating the subject site and Epping Road (Figure 16, Figure 17, Figure 18 and Figure 19). An inspection of the sandstone outcrops was undertaken to ensure there was no engravings/artworks or associated *in situ* cultural material in close proximity to the subject site.

Figure 6 Mowbray Road W Entrance of subject site, modified landscape. Facing west



Figure 7: Main driveway to covered parking bays. Modification of landform to enable vehicle movement. Facing south



Figure 8: Landscaping along Mowbray Road W. Facing east



Figure 9: Landscaping between Mowbray Road W and office buildings. Facing east



Figure 10: Modification of terraced landform, facing west

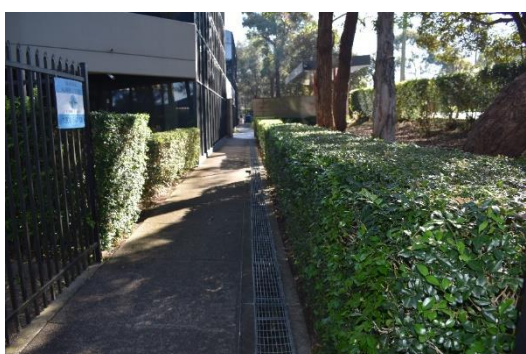


Figure 11: Epping Road side of the subject site. Eroded and exposed ground surface. Facing west

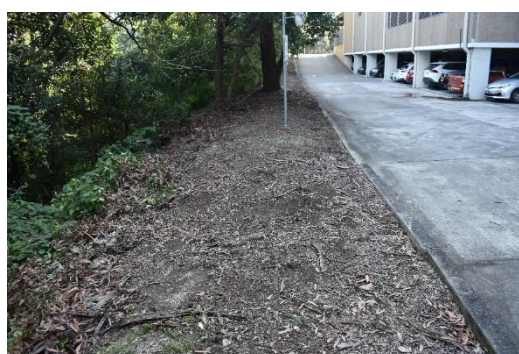


Figure 12: Surface visibility across the southern side of subject site. Facing west

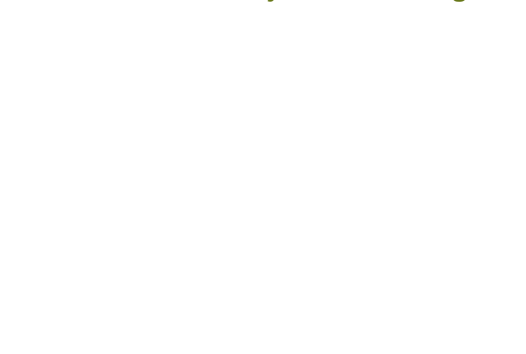


Figure 13: Grove of Casuarinas and landscaped eating area. Facing west

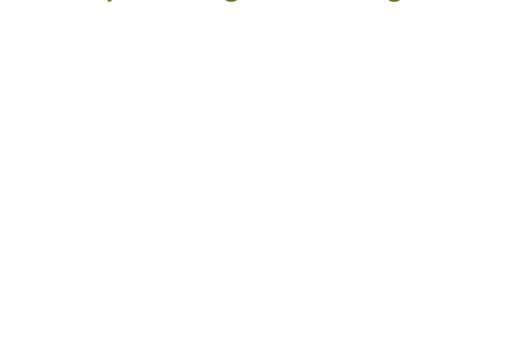




Figure 14: Short term parking bay. Facing north-east

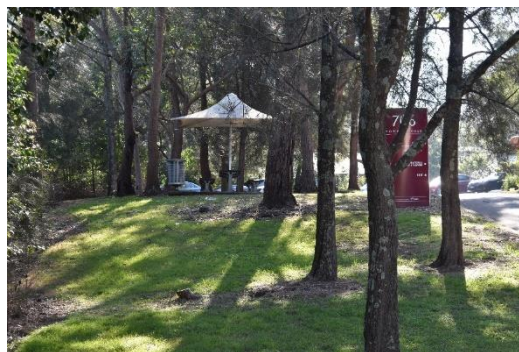


Figure 15: Carpark exit, area of high disturbance. Facing north



Figure 16: Accessible outcrop on Epping Road walkway, facing north east



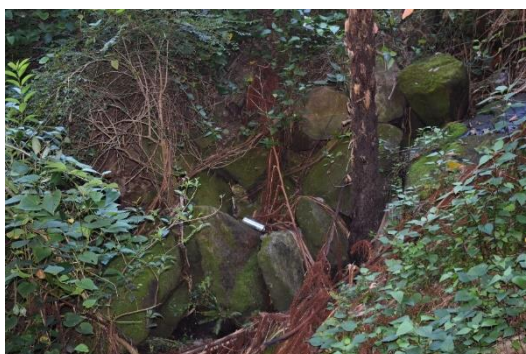
Figure 17: Accessible outcrop on Epping Road walkway, facing north west



Figure 18: Sandstone covered in vegetation and moss, facing north



Figure 19: Sandstone outcrop, partially covered in leaf litter, facing north east



1.10 Assessment of archaeological sensitivity

Archaeological sensitivity is closely related to levels of ground disturbance. However, other factors are also taken into account when assessing archaeological sensitivity, such as whether artefacts were located on the surface, and whether the area is within a sensitive landform unit according to the predictive statements.

This Aboriginal Archaeological assessment has identified that the entirety of the study area has been subject to past ground disturbance through the introduction of fill, construction of buildings, utilities, landscaping, concrete, and bitumen. The Due Diligence Code of Practice defines disturbed land:

Sec 7.5 (4) For the purposes of this clause, land is disturbed if it has been the subject of human activity that has changed the lands surface, being changes that remain clear and observable.

This includes disturbed land via:

- (a) soil ploughing*
- (b) construction of rural infrastructure*
- (c) clearing of vegetation*
- (e) construction of buildings and the erection of other structures*
- (f) construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure)*

The subject site is located on an artificial terraced landform located approximately 402m from Lane Cove Creek and 183m from Stringybark Creek. The subject site has disturbed the original landform. Surface visibility across the subject site was limited to the areas along the boundary of the subject site which were not covered by asphalt or concrete, these areas were the northern end (Mowbray Road West), the south and south western boundaries which abut a nature strip.

Noted: sandstone outcrops adjoining the subject site are not part of the subject site.

The site inspection did not identify any Aboriginal sites or areas of archaeological potential within the subject site. Current assessment of the subject site has determined that it an area which has altered the original landform. This has been achieved through the leveling and construction of current building, terracing landscaping along the western and southern boundaries and laying of concrete and asphalt for vehicle use. This modification of the landform has significantly reduced the archaeological sensitivity within the subject site.

1.11 Community Consultation

A second inspection of the study area was carried out on 12 November 2021. Participants were Rowena Welsh-Jarrett of the Metropolitan LALC, and Michael Lever, Heritage Consultant (Artefact Heritage). LALC comments were:

- The landform is culturally sensitive due to proximity to the Lane Cove River
- The potential exists for sandstone outcrops and formations to be present beneath current built surfaces.

- Demolition of ground floor built surfaces should be monitored by a LALC representative
- This report should be provided to the Metropolitan LALC.

1.12 Conclusions and recommendations

The following recommendations regarding Aboriginal heritage are based on consideration of:

- Statutory requirements under the *National Parks and Wildlife Act 1974* as amended
- The results of the background research, site survey and assessment
- The likely impacts of the proposed development

It was found that:

- The subject site has been heavily disturbed through activities including the construction of buildings, the introduction of fill, the laying of concrete and bitumen, and landscaping along the southern end of the study area.
- There are no sandstone outcrops or shelters within the subject site.
- No Aboriginal objects or areas where Aboriginal objects may be located beneath the ground surface were identified within the subject site.
- The subject site has been assessed as having nil to low potential to retain intact archaeological deposits.

It is recommended that:

- As no Aboriginal objects, or areas where Aboriginal objects may occur beneath the ground surface, were identified during the site inspection, the proposed works can proceed with caution.
- As the subject site was found to be comprehensively disturbed and to have a nil-low potential for Aboriginal objects to be located within it, it is recommended that further assessment is not required. It is considered that an ACHAR waiver would be an appropriate approach to Aboriginal heritage assessment for the proposal.
- If human remains are found, work should cease, the site should be secured and the NSW Police and OEHL should be notified. It is an offence under the *NPW Act 1974* (as amended 2011) to impact Aboriginal human remains without approval from OEHL under Section 90 of the *NPW Act 1974*.
- If changes are made to the project that may result in impacts to areas not covered by this assessment, further archaeological assessment may be required.

Kind regards,

Brye Marshall
Artefact Heritage
9518 8411

1.13 Reference list

Artefact Heritage 2019 Ferdinand St Hunters Hills. Aboriginal Heritage Due Diligence Report to Ausgrid.

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