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5 May 2025

Department of Planning, Housing and Infrastructure
Locked Bag 5022
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To whom it may concern,

37 ARCHER STREET, CHATSWOOD NSW -PRELIMINARY HISTORICAL ARCHAEOLOGICAL ASSESSMENT

We refer to the proposed redevelopment of 37 Archer Street, Chatswood, NSW, for which approval is sought under a State Significant Development Application SSD-73277714

1. INTRODUCTION

Hyecorp Property Group ('the Proponent') is proposing the redevelopment of 37 Archer Street, Chatswood, NSW, legally described as SP38065 ('the subject area') (Figure 1), for the development of a mixed use residential tower with infill affordable housing.

The subject area is located approximately 5 km northwest of the Sydney Central Business District ("CBD"), within the Willoughby City Council Local Government Area ("LGA").

Approval for the proposed development is being sought via State Significant Development Application SSD-73277714 under Division 4.7 of the *Environmental Planning and Assessment Act 1979* (NSW).

The Planning Secretary's Environmental Assessment Requirements (SEARs) were issued for SSD-73277714 on 12 July 2024. Item 19 of the SEARs specifies the following requirement in relation to historical heritage:

Where there is potential for direct or indirect impacts on the heritage significance of environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (if potential impacts to archaeological resources are identified), prepared in accordance with the relevant guidelines, which assesses any impacts and outlines measures to ensure they are minimised and mitigated. (emphasis added)

The present communication considers the impacts of the works proposed under SSD-73277714 to determine if there are any potential impacts to archaeological resources and thus determine whether a Historical Archaeological Assessment ('HAA') is required.

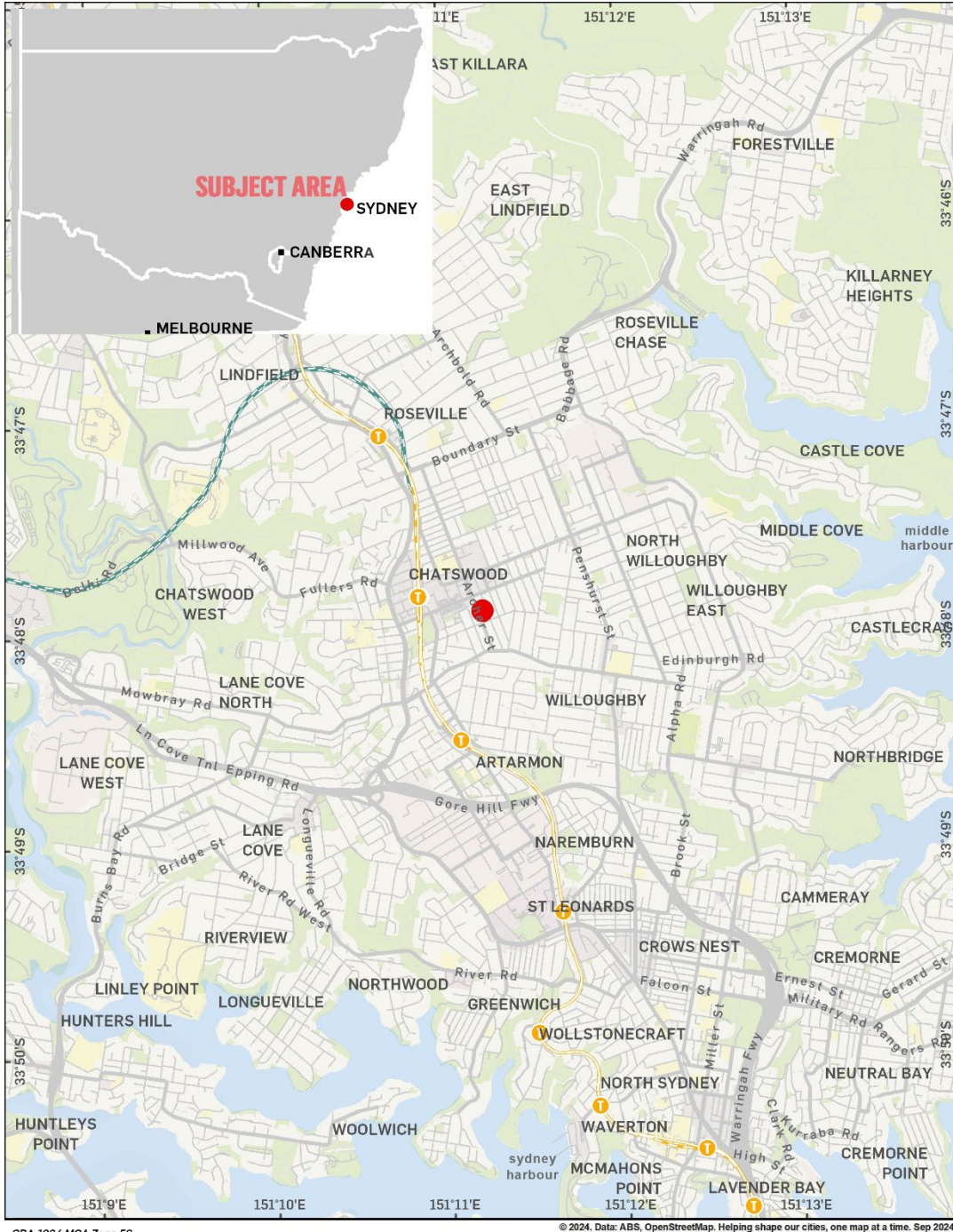
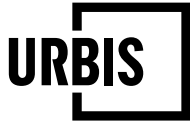


Figure 1 – Regional location of subject area



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

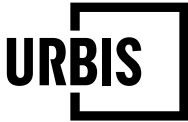


Project No: P00558027
Project Manager: Ali Byrne

■ Subject Area — Contours

LOCATION OF THE SUBJECT AREA
37 Archer Street, Chatswood
Hycorp Property

Figure 2 – Location of the Subject area



2. HISTORICAL OVERVIEW

The historical context of an area provides the basis for assessing what may be retained in the ground as archaeological material. The following is a brief historical overview of the subject area provided in the Aboriginal Cultural Heritage Assessment undertaken for SSD-73277714:¹

The subject area is located in the lower north shore area of Sydney Harbour, in an area that was incorporated in 1865 as the municipality of Willoughby. The Willoughby area remained largely undeveloped by European settlers until the mid to late 19th century, prior to which it was described as:

'A rural district considered somewhat remote from Sydney, with only a small population, where timber getters' cart tracks were almost the only lines of communication – an area that lacked most of the amenities of civilised life in the nineteenth century.' (Russell 1966)

The history of the subject area reflects this absence of development until the early 20th century. The subject area is within an 1814 land grant, one of a number in the area granted to Isaac Nichols in various parcels during the early 1800s (Egan 1988). The land changed hands numerous times throughout the 19th century and is recorded as being adjacent to a number of orchard farms within the region, it is therefore likely that the land was cleared of vegetation by this time.

The late 19th century marked the first subdivision of the study area. Incorporated within the "Chatswood North Shore Railway" estate and listed as 'block 2', it would not be until 1915 that the subject area experienced significant development. The acquisition of the land parcel by Joseph Spora in 1902 paved the way for the construction of small, elongated residential dwellings within the subject area in 1915. No further development occurred within the subject area until the late 20th century.

Historical aerial imagery of the subject area taken in 1930 displays two standalone residential buildings with landscaped gardens present in the eastern section of the site. The subject area remains relatively unchanged and exists as two elongated lots until the early 1990's. From the 1991 aerial imagery, it is apparent that the site undergoes significant change. At this time, the existing lot boundary resumes the neighbouring lot of land to the north to establish the subject area at its present-day lot boundary. Subsequently, the smaller residential structures were demolished, and the existing residential flat buildings including swimming pool are constructed at 37 Archer Street. Little to no structural change is undertaken within the subject area after this time.

Taken together, the subject area has been significantly impacted by ground disturbing works since the early 19th Century, when the area was likely cleared of vegetation for agricultural and/or pastoral purposes. Subsequent construction and demolition processes associated with building works overtime have further impacted the subject area as a whole.

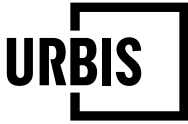
Historical documentation as referred to above is contained within Appendix A.

3. ARCHAEOLOGICAL RESOURCES

Any physical evidence of past human activity can be considered an archaeological resource, even very recent structures and objects.² However, not all archaeological resources require preparation of an archaeological assessment if they are to be impacted.

¹ Urbis 2024, *Aboriginal Cultural Heritage Assessment: 37 Archer Street, Chatswood NSW*

² Heritage Office and Department of Urban Affairs and Planning 1996, *Archaeological Assessment Guidelines*



Relevant archaeological resources are those which are protected under Commonwealth and/or State legislation. These are limited to:

- Historical archaeological items listed on the World Heritage List ('WHL'), the National Heritage List ('NHL') and the Commonwealth Heritage List ('CHL'), which are protected under sections 15A, 15C, 27A and 27C of the EPBC Act *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ('EPBC Act')
- Historical archaeological items listed on the State Heritage Register ('SHR') or subject to an Interim Heritage Order ('IHO'), which are protected under Part 4 of the *Heritage Act 1977* (NSW) ('Heritage Act')
- Unlisted historical 'relics' protected under Part 6, Division 9 of the Heritage Act.

No previous archaeological assessment has been identified that addresses the possibility of the subject area retaining any of the above resources. A preliminary assessment is therefore provided below.

3.1. LISTED ARCHAEOLOGICAL ITEMS

Properties and places listed on the WHL, NHL or CHL, are included in the Australian Heritage Database ('AHD'). The AHD also includes places under consideration, or that may have been considered, for any one of these lists. A search of the AHD was undertaken on 18 September 2024. The search did not identify any archaeological items within the curtilage of the subject area that are protected under the EPBC Act.

Historical archaeological items that are listed on the SHR or that are subject to an IHO are included in the State Heritage Inventory ('SHI'). A search of the SHI was undertaken on 18 September 2024. The search did not identify any historical archaeological items present within the subject area.

3.2. PREVIOUS HISTORICAL ARCHAEOLOGICAL INVESTIGATIONS

The following assessments have been undertaken in proximity to the subject area and provide a comparative sample in order to inform assessments of significance including rarity, representativeness and research potential. These assessments are considered comparative given their proximity to the site and similar history of use.

Urbis (2024) undertook a historical archaeological investigation of the 849, 853 859 Pacific Highway and 2-8 Wilson Street, Chatswood NSW, which is located approximately 800m north of the present subject area. No historical archaeological relics were found to be located within the curtilage of the subject area. The investigation was limited to a desktop assessment. The investigation found that due to the recurrent development processes incurring within the site since the early 20th century, that it was unlikely that any archaeological material had been retained across the subject area. The report recommended that no further archaeological investigations be undertaken.

Artefact (2016) undertook an historical archaeological assessment of the proposed Sydney City Metro encompassing the Southwest Chatswood to Sydenham region. The investigation conducted a desktop assessment on the Chatswood dive site (northern) located approximately 500m northwest of the present subject area. The investigation established broad historical phasing that encompassed the land use of the site and ultimately concluded that the majority of the Chatswood dive site was unlikely to contain significant archaeological remains. However, late 19th century sites associated with outbuildings, shops and cottages were found to have the potential to contain locally significant archaeology below the present extant buildings that could contribute knowledge on commercial trade,

education and domestic life in 19th century NSW. The investigation therefore recommended that further archaeological investigation occur including monitoring, test excavations and salvage programs.

Thorp W (1996) undertook a historical archaeology investigation into the Sydney Electricity Headquarters in Artarmon NSW, located approximately 2km southwest of the present subject area. The investigation provides a brief archaeological assessment of the site, concluding that although it is likely that archaeological remains may be located at the site that the significance of retained archaeological material would not meet the threshold of local significance. Further, it was proposed that due to the continuity in use of the building as a school that any recovered archaeological remains would not add significant information to the present historical record of settlement in NSW. The investigation recommended that no further archaeological investigation be undertaken.

3.3. HISTORICAL RELICS

The term 'relic' is defined in section 4(1) of the Heritage Act as:

...any deposit, object or material evidence

(a) which relates to the settlement of the area that comprises New South Wales, not being an Aboriginal settlement, and;

(b) is of State or local heritage significance.

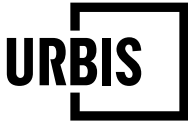
Guidance on the meaning of part (a) of the above definition is found in *Waterways Authority v Coal and Allied* [2005] NSWSC 1285 ('Waterways') and *Cousins v Transport for NSW* [2020] NSWLEC 146 ('Cousins'). In *Waterways*, the Supreme Court found that an early 20th century wharf in Balls Head on the north shore of Sydney Harbour did not meet this threshold requirement because the whole of Sydney Harbour had been settled for a 'considerable period' by that time. The Court in *Cousins* was more explicit, stating that material dating to '40 to 60 years after the commencement of European colonial settlement' of a region could not reasonably be regarded as satisfying part (a) of the definition of a 'relic'.

Heritage significance, as recited in part (b) of the definition of a 'relic', is assessed against the criteria described in *Assessing Heritage Significance, Guidelines for Assessing Places and Objects Against the Heritage Council of NSW Criteria* (DPE 2023). Of primary relevance to archaeological material is 'Criterion (e): Research Potential', which ascribes significance to sites that can have the potential to yield information that is not already known or readily available from other sources.

This PHAA has assessed the likelihood of the retention of historical relics across the entirety of the subject area as being **low**.

The existing multi-level dwellings and associated property at 37 Archer Street have undergone significant development processes since the early 20th century. Further, the property has retained its residential use since 1915 with no identifiable historic associations that would compel the likelihood of archaeological material being retained within the subject area. For these reasons, this PHAA has assessed the subject area as unable to meet the threshold criterion (e) of Research Potential and is not likely to have the means to yield further or new contributory information on local or State history in NSW.

The subject area was developed relatively late in the history of the settlement in NSW and therefore has been assessed to not provide a clear association or representative example of settlement in the broader NSW region.



The *Heritage of East Chatswood Study*³, inclusive of the subject area, indicated that the integrity of archaeological resources throughout the East Chatswood region are most influenced by urbanisation, subdivision and associated development processes which have resulted in the removal of most pre-existing structures and archaeological remains throughout the 20th century, this study supports the conclusions drawn within this PHAA.

Due to the relatively late development of the Chatswood area in the 1880s, the greater majority of the subject area cannot be associated with the settlement of NSW.

There is therefore no reasonable cause to suspect that subject area retains any 'relics' that would be protected under Section 57(1) of the *Heritage Act*.

4. IMPACT ASSESSMENT

The proposed development of the subject area comprises the demolition of existing multi-level dwellings and construction of a mixed-use development within the subject area. The proposed development will include the following works:

Demolition of existing buildings, structures and trees.

Excavation of the site to a basement depth of RL RL71.85mm.

Construction of a mixed-use building to 28 storeys (RL184.25m) comprising residential and commercial uses.

The development of 125 apartments (including 28 affordable housing units) with residential amenities and services, commercial office space, food and beverage tenancies and retail uses.

Plans of the proposed development are provided in Appendix B.

As discussed in the preceding Section, no historical archaeological items have been identified within the subject area. Therefore, it is unlikely that the subject area retains any archaeological resources that would meet the threshold requirements of the definition of a 'relic' under the Heritage Act.

Therefore, the works proposed under SSD-73277714 are unlikely to impact any relevant archaeological resources.

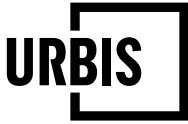
5. MITIGATION MEASURES

In view of the foregoing, it is recommended the following procedures be implemented to mitigate impacts to archaeological resources in the unlikely event that any such resources are encountered during the works proposed under 73277714.

5.1. UNEXPECTED ARCHAEOLOGICAL FINDS PROCEDURE

In the unlikely event that any potential archaeological resources are uncovered during any site works, the following must be undertaken:

³ Egan V 1988, *The Heritage of East Chatswood*, Sydney NSW

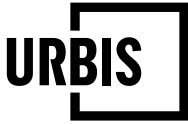


1. All works within the vicinity of the find must immediately stop. The find location and minimum 2m buffer should be cordoned off with signage identifying the area as a 'no-go zone' to prevent accidental impact. The find must not be moved 'out of the way' without assessment.
2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Heritage NSW should be notified of the find through a Section 146 notification. Such management may require further consultation with the approval authority, preparation of a research design and archaeological investigation/salvage methodology.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject site may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

5.2. HUMAN REMAINS PROCEDURE

In the unlikely event that human remains are uncovered during any site works, the following must be undertaken:

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



6. SUMMARY

The above findings are summarised as follows:

No historical archaeological items have been identified within the subject area.

It is unlikely that the subject area retains any archaeological resources that would meet the threshold requirements of the definition of a 'relic' under the Heritage Act due to the relatively late development of the subject area and subsequent development processes that have been undertaken across the entirety of the site since the 19th and 20th century, which has likely removed any earlier archaeological resources.

Consequently, the works proposed under SSD-73277714 are unlikely to impact any relevant historical archaeological resources.

- A Historical Archaeological Assessment is therefore considered unnecessary for SSD-73277714, subject to the unexpected finds and human remains procedures outlined above being implemented during the proposed works.

Yours faithfully,

A handwritten signature in black ink that reads "A Byrne". The signature is written in a cursive, flowing style.

Ali Byrne
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APPENDIX A

HISTORICAL DOCUMENTATION



Figure 3 - Willoughby railway and tramway plan including subject area (red outline), [1884]

Source: SLNSW, FL10451890

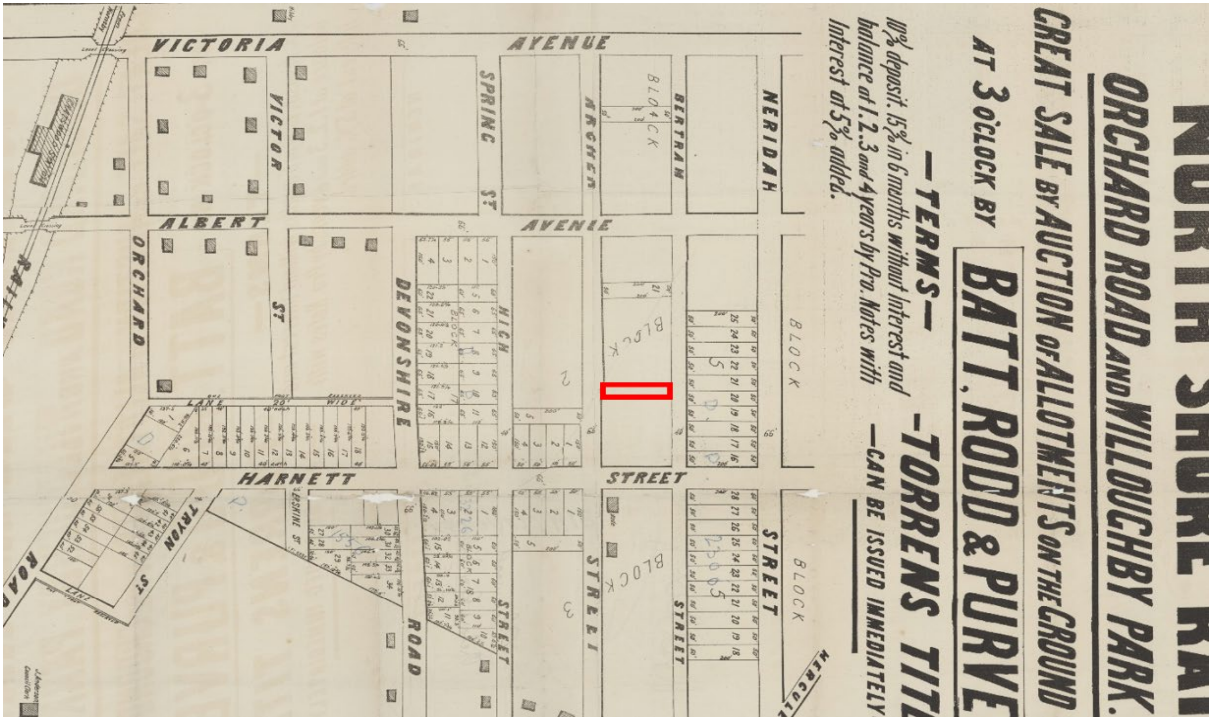


Figure 4 Auction notice of empty lots of Orchard Road and Willoughby Park. The subject area (red outline) is included within the map, [1893].

Source: SLNSW, FL10451328



Figure 5 - Aerial image of subject area (red outline), [1930]

Source: NSW Government, *Historical Imagery Viewer*



Figure 6 - Aerial image of subject area (red outline), [1991]

Source: NSW Government, *Historical Imagery Viewer*



Figure 7 - Aerial image of subject area (red outline), [2005]

Source: NSW Government, *Historical Imagery Viewer*



APPENDIX B

ARCHITECTURAL PLANS