

URBIS

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

37 Archer Street, Chatswood NSW

Prepared for
HYECORP
5 May 2025

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GLOSSARY

Term	Definition
Aboriginal ceremony and dreaming site	Previously referred to as mythological sites, these are spiritual/story places where no physical evidence of previous use of the place may occur, e.g. natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places etc. These are Aboriginal site features recordable on AHIMS.
Aboriginal cultural heritage	The tangible (objects) and intangible (dreaming stories, legends and places) cultural practices and traditions associated with past and present-day Aboriginal communities.
Aboriginal object	As defined in the NPW Act, any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
Aboriginal place	As defined in the NPW Act, any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.
Aboriginal resource and gathering sites	Related to everyday activities such as food gathering, hunting, or collection and manufacture of materials and goods for use or trade. These are Aboriginal site features recordable on AHIMS.
AHIMS	Aboriginal Heritage Information Management System. A register of previously reported Aboriginal objects and Aboriginal places in NSW, managed under Section 90 of the NPW Act.
AHIP	Aboriginal Heritage Impact Permit. A permit issued under Section 90, Division 2 of Part 6 of the NPW Act.
Archaeology	The scientific study of material remains of past human life, including artefacts, relics, ruins, buildings and their environment and context.
Art	Art is found in shelters, overhangs and across rock formations. Techniques include painting, drawing, scratching, carving engraving, pitting, conjoining, abrading and the use of a range of binding agents and the use of natural pigments obtained from clays, charcoal and plants. These are Aboriginal site features recordable on AHIMS.
Artefact	Objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Artefact scatter	Multiple artefacts associated with one another in the same context. These are recordable on AHIMS as 'artefacts'.
Burial	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g. in caves, marked by stone cairns, in sand areas, along creek banks etc. These are Aboriginal site features recordable on AHIMS.

Term	Definition
Ceremonial ring	A Raised earth ring associated with ceremony. These are Aboriginal site features recordable on AHIMS.
Cliff	A steep rock face
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW 2010b).
Conflict site	Previously referred to as massacre sites where confrontations occurred between Aboriginal and non-Aboriginal people, or between different Aboriginal groups. These are Aboriginal site features recordable on AHIMS.
DECCW	Department of Environment, Climate Change and Water NSW.
Due Diligence Code	<i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (DECCW 2010a)
Dune	As defined in the Due Diligence Code, a sand ridge or sand hill formed by the wind.
Earth mound	A mounded deposit of round to oval shape containing baked clay lumps, ash, charcoal and, usually, black or dark grey sediment. The deposit may be compacted or loose and ashy. Mounds may contain various economic remains such as mussel shell and bone as well as stone artefacts. Occasionally they contain burials. These are Aboriginal site features recordable on AHIMS.
EPA Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Fish trap	A modified area on watercourses where fish were trapped for short-term storage and gathering. These are Aboriginal site features recordable on AHIMS.
Grinding grooves	A groove in a rock surface resulting from manufacture of stone tools such as ground edge hatchets and spears, or rounded depressions resulting from grinding of seeds and grains. These are Aboriginal site features recordable on AHIMS.
Harm	As defined in the NPW Act, to destroy, deface, damage or move an Aboriginal object or destroy, deface or damage a declared Aboriginal place. Harm may be direct or indirect (e.g. through increased visitation or erosion). Harm does not include something that is trivial or negligible.
Habitation structure	Structures constructed by Aboriginal people for short- or long-term shelter. Temporary structures are commonly preserved away from the coastline and may include historic camps of contemporary significance. Smaller structures may make use of natural materials such as branches, logs and bark sheets or manufactured materials such as corrugated iron to form shelters. Archaeological remains of a former structure such as chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc. These are Aboriginal site features recordable on AHIMS.
Headland	A narrow piece of coastal land that projects from a coastline into the sea or ocean
Hearth	Aboriginal site feature recordable on AHIMS. Cultural deposit sometimes marked by hearth stones, usually also contains charcoal and may also contain heat treated stone fragments.
Isolated find	A single artefact found in an isolated context. These are recordable on AHIMS as 'artefacts'.

Term	Definition
Modified Trees	Trees which show the marks of modification as a result of cutting of bark from the trunk for use in the production of shields, canoes, boomerangs, burials shrouds, for medicinal purposes, foot holds etc, or alternately intentional carving of the heartwood of the tree to form a permanent marker to indicate ceremonial use/significance of a nearby area, again these carvings may also act as territorial or burial markers. These are Aboriginal site features recordable on AHIMS.
Non-human bone and organic material	Objects which can be found within cultural deposits as components of an Aboriginal site such as fish or mammal bones, ochres, cached objects which may otherwise have broken down such as resin, twine, dilly bags, nets etc. These are Aboriginal site features recordable on AHIMS.
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2019</i>
Ochre quarry	A source of ochre used for ceremonial occasions, burials, trade and artwork. These are Aboriginal site features recordable on AHIMS.
PAD	A 'potential archaeological deposit'. An area where Aboriginal objects may occur below the ground surface. These are Aboriginal site features recordable on AHIMS.
Ridge	A compound landform element comprising a narrow crest that is longer than its width
Ridge top (or ridgeline)	The crest of a ridge that extends along its highest contours
Shell	An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering and consumption. Usually found in deposits previously referred to as 'shell middens.' These are Aboriginal site features recordable on AHIMS.
SSDA	State Significant Development Application, under Division 4.7 of the EP&A Act
Stone arrangement	Human produced arrangements of stone usually associated with ceremonial activities, or used as markers for territorial limits or to mark/protect burials. These are Aboriginal site features recordable on AHIMS.
Stone quarry	A source of stone which was quarried and used for the production of stone tools by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Waterhole	A source of fresh water for Aboriginal groups which may have traditional ceremonial or dreaming significance and/or may also be used to the present day as a rich resource gathering area (e.g. waterbirds, eels, clays, reeds etc). These are Aboriginal site features recordable on AHIMS.
Waters	As defined in the Due Diligence Code, the whole or any part of any river, stream, lake, lagoon, swamp, wetlands, natural watercourse and tidal waters (including the sea), where the boundary of tidal waters is defined as the high-water mark.

EXECUTIVE SUMMARY

Urbis was engaged by Hycorp Property ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of 37 Archer St Chatswood, legally defined as SP38065 ('the subject area') (Figure 1 and Figure 2).

The ACHA is being prepared to support a State Significant Development Application (SSDA) seeking approval for the construction of a mixed use residential tower with infill affordable housing at the subject area (SSD-73277714).

The ACHA was prepared to address the Planning Secretary's Environmental Assessment Requirement's (SEARs), issued on 12th July 2024, as outlined in Table 1.

The ACHA was undertaken in accordance with the requirements of regs. 60 and 61 of the *National Parks and Wildlife Regulation 2019* (NSW) and the following guidelines:

- *Applying for an Aboriginal Heritage Impact Permit guide for applicants* (OEH 2011a)
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011b) ('the Assessment Guidelines').
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) ('the Consultation Guidelines')
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) ('the Code of Practice').

The aim of the ACHA is to investigate whether future development of the subject area is likely to impact any Aboriginal objects or Aboriginal places that may exist within the subject area and to formulate measures for avoiding or minimising any such impacts.

The ACHA concluded that:

- No Aboriginal sites were identified within the curtilage of the subject area, or within 500m of the subject area.
- No sensitive landscape features have been identified that would suggest an increased potential for Aboriginal objects.
- The entire subject area has been impacted by a **high** level of historical ground disturbance, due to the clearance of vegetation and construction and demolition of buildings.
- There is **very low** potential for Aboriginal objects to occur within the subject area. In the event that Aboriginal objects have been retained they are likely to be **artefacts and/or shell**.
- Given that there are no known Aboriginal objects within the subject area, and a very low potential for Aboriginal objects to occur within the subject area, the proposed physical works are unlikely to cause either direct or indirect harm to Aboriginal objects or negatively impact generational equity.

Based on the above conclusions, Urbis recommends the following:

- **Recommendation 1 – Submission of Report**

A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD- 73277714.

- **Recommendation 2 – No Further Archaeological Investigation**

As the proposed works are unlikely to cause harm to Aboriginal objects, it is recommended that no further investigation is required for the present development. The proposed development can proceed in line with the Archaeological Unexpected Finds Procedure and Human Remains Procedure as outlined below.

- **Recommendation 3 – Unexpected Archaeological Finds Procedure**

1. All works within the vicinity of the find must immediately stop. The find must not be moved 'out of the way' without assessment. The find must be cordoned-off and signage installed to avoid accidental impact.

2. The site supervisor or another nominated site representative must notify either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) of any unexpected finds. Thereafter, it is recommended to contact a suitably qualified archaeologist to examine the find.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS).
4. The Registered Aboriginal Parties must be notified of the find. Consideration should be given to inviting the RAPs to attend the site to examine the objects if they are substantial in nature.
5. Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken.
6. Reporting may need to be prepared regarding the find and approved management strategies.
7. Nominated RAPs are to be included, with continued consultation regarding to changes to the management of Aboriginal cultural heritage, in the Construction Environmental Management Plan ('CEMP') for the project.
8. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

This procedure must be included in the CEMP for the project.

▪ **Recommendation 4 – Human Remains Procedure**

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

1. All works within the vicinity of the find must immediately stop. The find must be cordoned-off and signage installed to avoid accidental impact.
2. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW (Enviroline 131 555). The site supervisor or other nominated manager must notify the NSW Police, Heritage NSW (Enviroline 131 555) and the project archaeologist (if relevant).
3. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
4. The Registered Aboriginal Parties must be notified and provided the opportunity to attend site and contribute to recommendations for the management of confirmed ancestral remains.
5. Management recommendations are to be formulated by the NSW Police, Heritage NSW and site representatives
6. Works are not to recommence until the find has been appropriately managed.

This procedure must be included in the CEMP for the project.

1. INTRODUCTION

Urbis was engaged by Hycorp Property ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of 37 Archer St Chatswood, legally defined as SP38065 ('the subject area') (Figure 1 and Figure 2).

The ACHA is being prepared to support a State Significant Development Application (SSDA) seeking approval for the construction of a multi-storey, mixed-use development at the subject area (SSD-73277714).

The Planning Secretary's Environmental Assessment Requirement's (SEARs) were issued on 12th July 2024. The ACHA was prepared to address SEARs Item 18 as presented in Table 1 below.

Table 1 – SEARs Item 18. Aboriginal Cultural Heritage

Item	Requirement	Documentation
18. Aboriginal Cultural Heritage	Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts to any Aboriginal cultural heritage sites or values associated with the site.	Addressed by the present ACHA report.

The ACHA was undertaken in accordance with the requirements of regs. 60 and 61 of the *National Parks and Wildlife Regulation 2019* (NSW) and the following guidelines:

- *Applying for an Aboriginal Heritage Impact Permit guide for applicants* (OEH 2011a)
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011b) ('the Assessment Guidelines').
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a) ('the Consultation Guidelines')
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) ('the Code of Practice').

The aim of the ACHA is to investigate whether future development of the subject area is likely to impact any Aboriginal objects or Aboriginal places that may exist within the subject area and to formulate measures for avoiding or minimising any such impacts.

1.1. SUBJECT AREA

The site is located at 37 Archer Street, Chatswood within the Willoughby Local Government Area (LGA) and within the administrative bounds of the Metropolitan Local Aboriginal Land Council ('Metropolitan LALC'). The site is legally described as SP38065 and has an area of 2,201m². The existing development includes two buildings (multi-unit housing) of up to three storeys in height which accommodate a total of 14 dwellings. The existing development includes an inground swimming pool fronting Archer Street and single level of basement parking which is accessed from Bertram Street.

The site is situated on the southern edge of the Chatswood CBD, approximately 7.7 km north of the Sydney CBD. The immediately surrounding area has been zoned for more intensive development and is intended to support mixed use development including high density residential uses.

1.2. PROPOSED ACTIVITY

The application seeks consent for the demolition of existing structures on the site and the development of residential apartments (including affordable housing), commercial office space, food and beverage uses and retail tenancies with servicing areas and parking contained within the building's basement. A publicly accessible through site-link is also proposed providing a direct connection between Archer and Bertram Streets and allowing opportunities for outdoor dining and passive recreation.

Specifically, the SSDA seeks development consent for:

- 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

Plans of the proposed development are provided in Figure 3-Figure 6 and are based on the design competition scheme, to be subject to further refinement for DA development.

1.3. STATUTORY CONTEXT

The protection and management of Aboriginal cultural heritage items, places and archaeological sites within New South Wales is governed by the relevant Commonwealth, State or local government legislation. These are discussed below in relation to the present subject area.

1.3.1. Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ('the EPBC Act') provides protection for properties and places listed on the World Heritage List ('WHL'), the National Heritage List ('NHL') and the Commonwealth Heritage List ('CHL').

The WHL is a list of properties around the world considered to be of outstanding value to humanity, the NHL is a list of places of outstanding significance to the nation and the CHL is a list heritage places owned or controlled by the Australian Government. The WHL, NHL and CHL may include properties and places of Aboriginal heritage significance, in addition to places of natural and historical significance.

It is an offence under sections 15A, 15C, 27A and 27C of the EPBC Act to take any action that is likely to have a significant impact of the relevant heritage values of a place listed on the WHL, NHL or CHL. Approval from the Minister is required for controlled actions which will have a significant impact on items and places included on the WHL, NHL or CHL.

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 17th October 2024. The search did not identify any Aboriginal heritage properties or places within the curtilage of the subject area that are protected under the EPBC Act.

1.3.2. The National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NSW) ('the NPW Act') protects 'Aboriginal objects' and 'Aboriginal places' in NSW. The NPW Act defines 'Aboriginal objects' and 'Aboriginal places' as follows:

- **Aboriginal object** means 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.
- **Aboriginal place** means any place, which may or may not contain Aboriginal objects, that is declared to be an Aboriginal place under section 84 of the NPW Act because it is or was of special significance with respect to Aboriginal culture.

Under section 86 of the NPW Act, it is an offence to harm or desecrate an Aboriginal object or Aboriginal place. Section 87 of the NPW Act provides the following defences to prosecution under s. 86 of the NPW Act:

- The harm was to a previously unknown Aboriginal object, other than a modified tree, and was caused by a low impact activity as defined in reg. 58 of the NPW Reg.
- The harm was to a previously unknown Aboriginal object and due diligence was exercised by the Proponent to determine whether the activity would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed, per section 87(2) of the NPW Act.

- The harm or desecration was authorised by an Aboriginal Heritage Impact Permit ('AHIP'), per section 87(1) of the NPW Act.
- The harm or desecration was authorised by an approved State Significant Development Application, per section 4.41(1)(d) of the *Environmental Planning and Assessment Act 1979* (NSW).

1.3.3. Willoughby Local Environmental Plan 2012

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires each LGA to produce a Local Environment Plan (LEP). The LEP identifies items and areas of local heritage significance and outlines development consent requirements.

The subject area falls within the Willoughby Local Government Area (LGA) and is subject to the Willoughby Local Environmental Plan 2012 (WLEP 2012). Under Section 5.10, Clause 2 of the WLEP 2012, development consent is required when:

(d) disturbing or excavating an Aboriginal place of heritage significance,

Under Section 5.10, Clause 8 it is specified that:

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.

Archaeological sites are listed under Schedule 5 Part 3 of the WLEP 2012. A search of the WLEP 2012 was undertaken on 17th October 2024. No items of Aboriginal heritage significance are listed on the LEP within proximity of the subject area.

Under Division 4.7 of the EP&A Act, some legislation “does not apply” to development that is State significant development. This development requires approval from the Minister for Planning or Independent Planning Commission. Approval may be granted for SSDs even if they do not comply with elements of a local planning instrument. As such, LEP clauses regarding heritage protections may be superseded for an SSD. With regards to Aboriginal archaeology, this includes “*an Aboriginal heritage impact permit under section 90 of the National Parks and Wildlife Act 1974.*” However, SSD approvals still require that relevant environmental regulations be considered as part of the assessment process, including those related to Aboriginal archaeology.

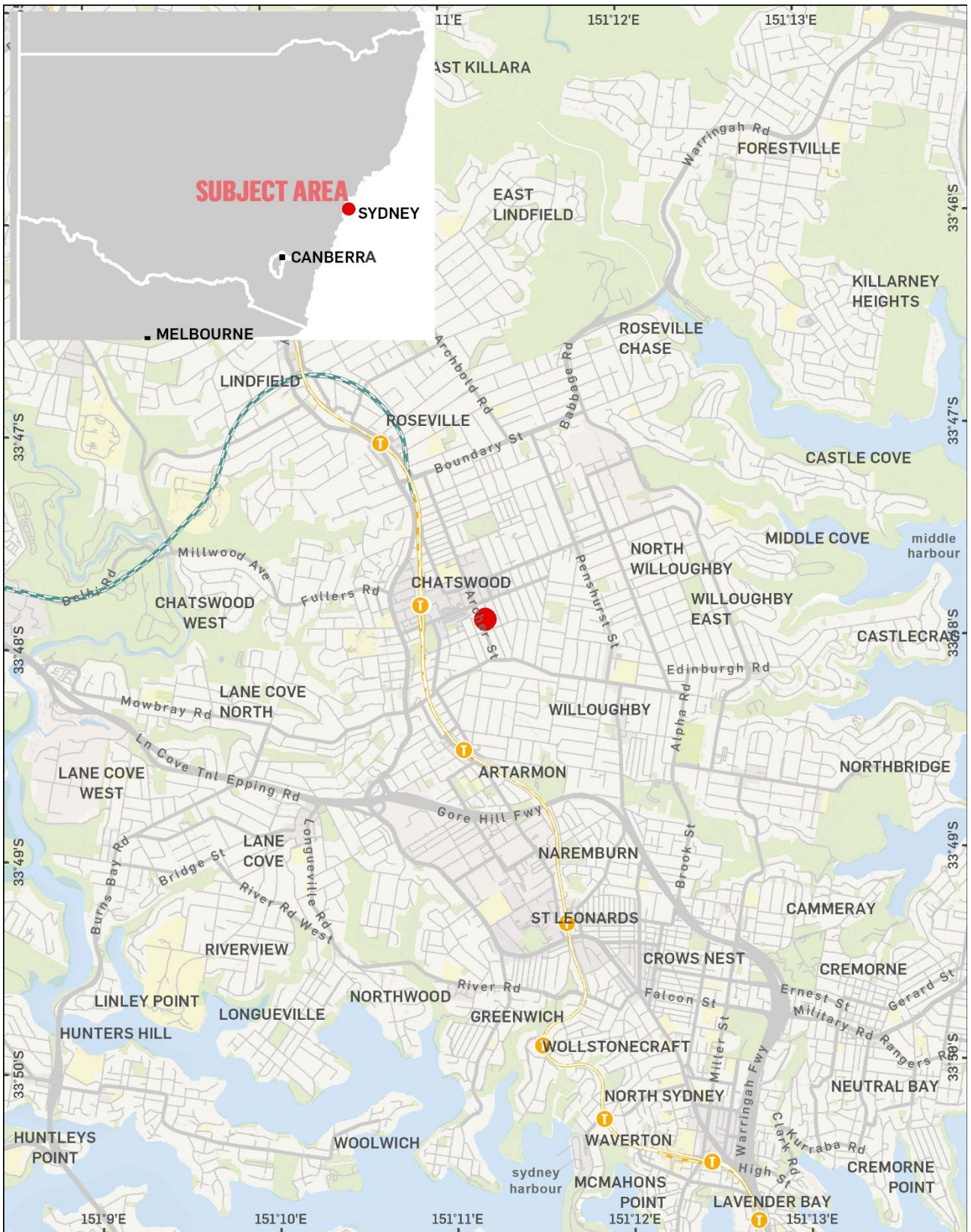
1.4. AUTHORSHIP

The present report has been prepared by Ginger-Rose Harrington (Urbis Consultant Archaeologist), with review and quality control undertaken by Ali Byrne (Urbis Associate Director, Archaeology) and Balazs Hansel (Urbis Director, Archaeology).

Ginger-Rose Harrington holds a Bachelor of Ancient History (Archaeology) from Macquarie University. Ali Byrne holds a Bachelor of Arts (Archaeology) from the University of Sydney. Balazs Hansel holds a Masters (History) and Masters (Archaeology and Museum Studies) from the University of Szeged (Hungary).

1.5. LIMITATIONS

The ACHA is limited to consideration of Aboriginal objects and places. Historical heritage properties and places protected under the EPBC Act and historical heritage items and relics protected under the *Heritage Act 1977* (NSW) are not considered.



GDA 1994 MGA Zone 56

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Project No: P0099995
Project Manager: Ali Byrne

● Subject Area

REGIONAL LOCATION
37 Archer Street, Chatswood
Hycorp Property

Figure 1 – Regional location of subject area



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Project No: P00558027
 Project Manager: Ali Byrne

 Subject Area — Contours

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

Figure 2 – Subject area

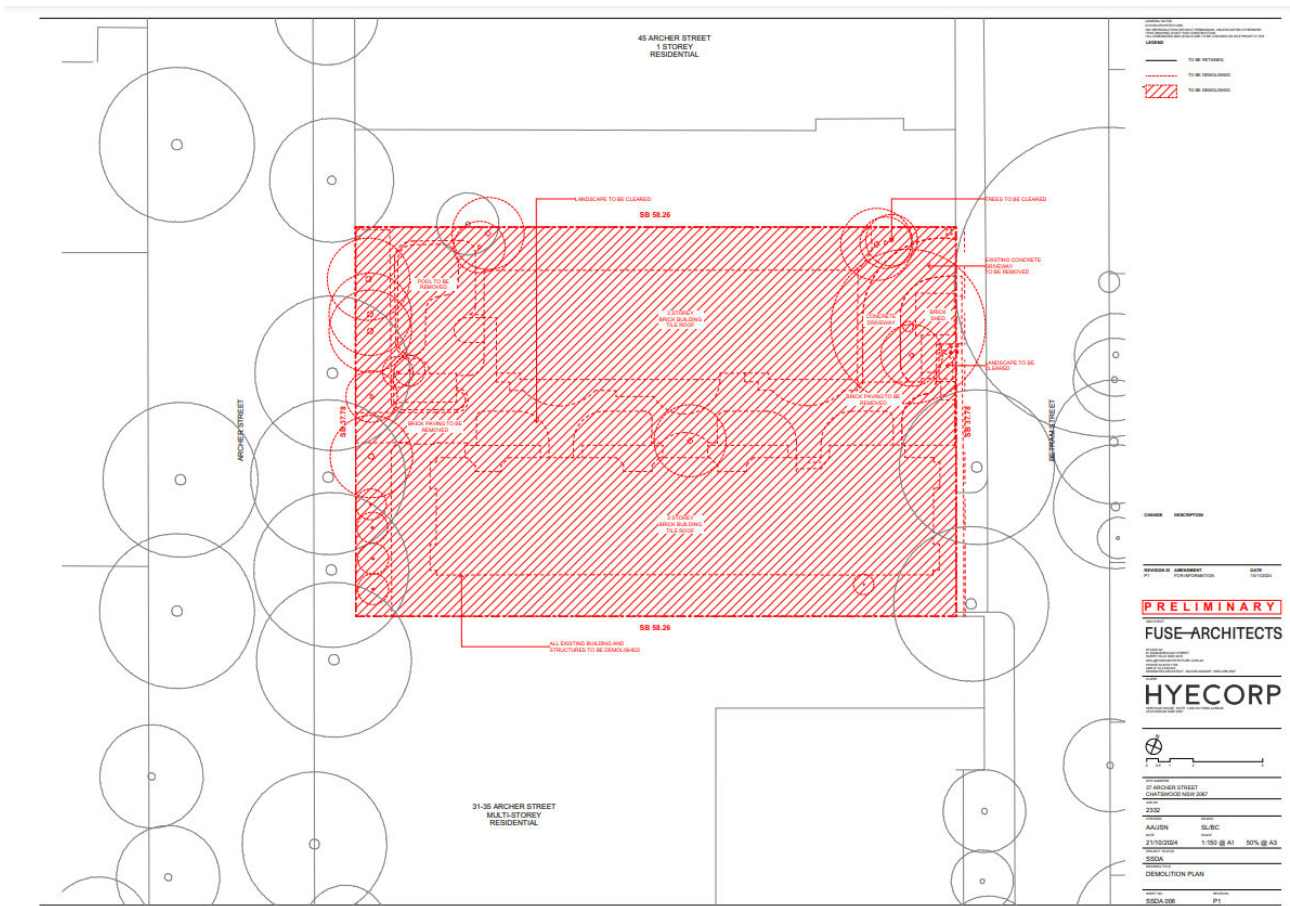


Figure 3 – Proposed demolition plan.

Source: Fuse Architects, 2024.

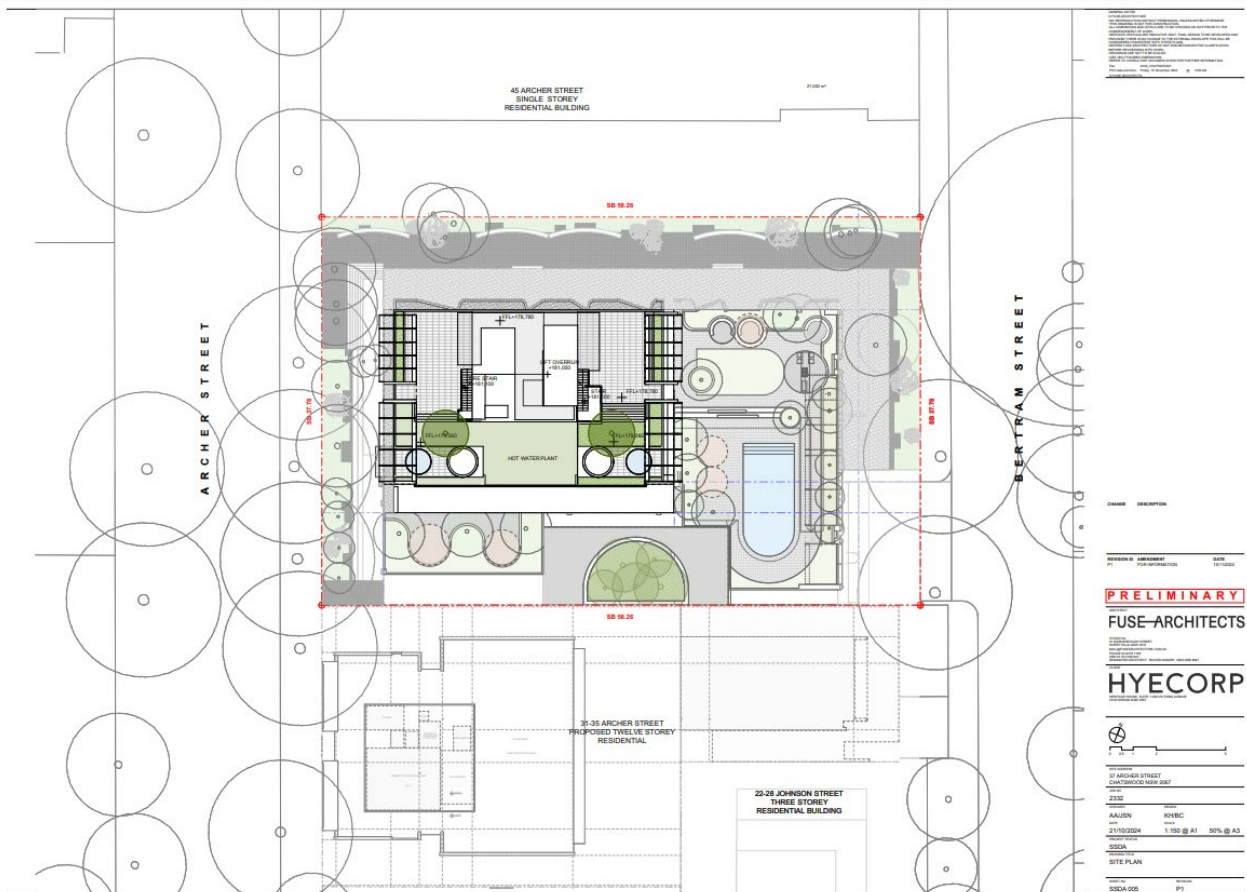


Figure 4 – Proposed site plan.
Source: Fuse Architects, 2024.

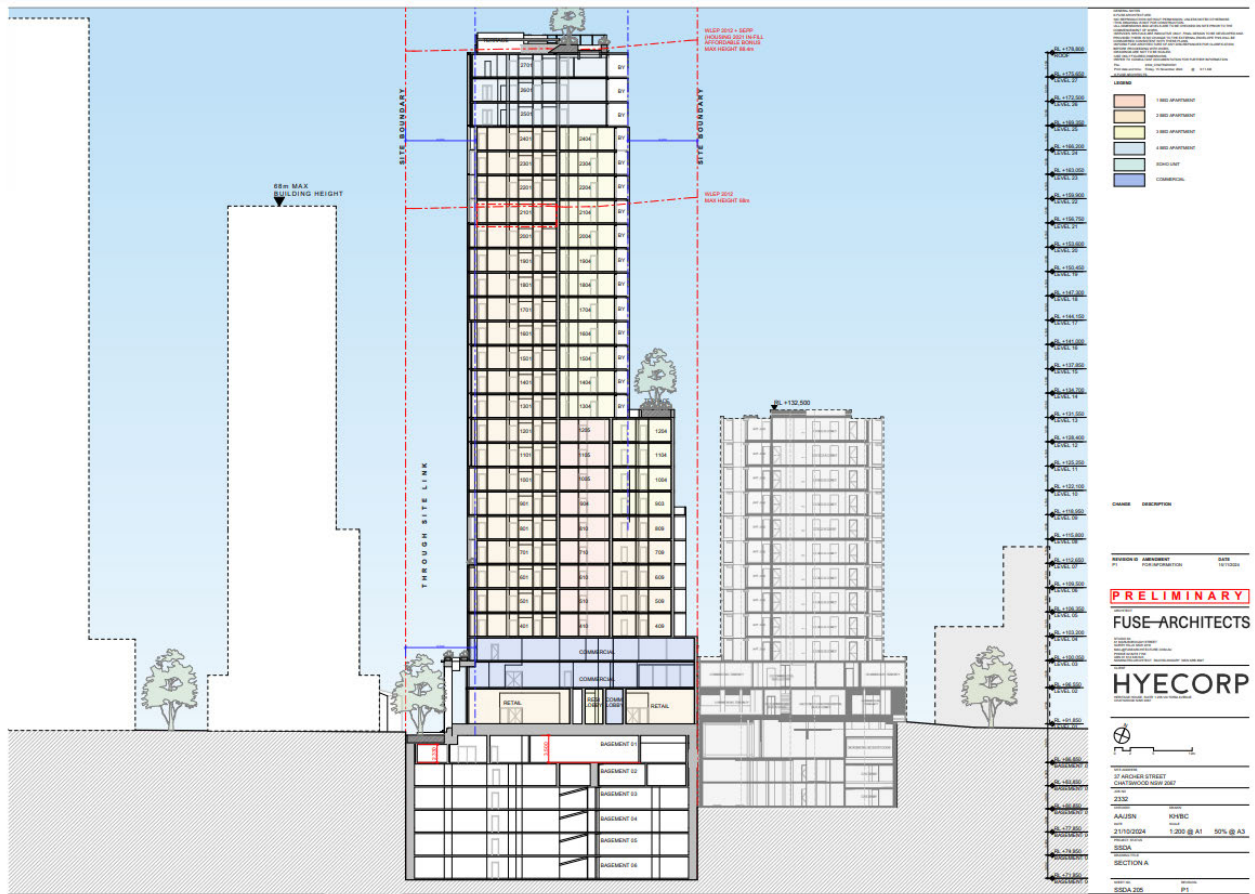


Figure 6 – Proposed building section.
 Source: Fuse Architects, 2024.

2. ABORIGINAL CONSULTATION

Consultation with the Aboriginal community is required under clause 60 of the NPW Reg and the Consultation Requirements. The purpose of consultation with Aboriginal people is to understand their views and concerns about the proposed project and to understand the cultural values present in the area that may be harmed. Consultation ensures that Aboriginal people have the opportunity to improve assessment outcomes by providing relevant cultural information, influencing assessment methodology, contributing to the development of cultural heritage management options and reviewing and commenting the draft assessment report.

The Consultation Requirements outline a four-stage consultation process that includes the following:

- Stage 1 – Notification of project proposal and registration of interest.
- Stage 2 – Presentation of information about the proposed project.
- Stage 3 – Gathering information about the cultural significance.
- Stage 4 – Review of draft cultural heritage assessment report.

The following section documents the conduct and results of the Aboriginal consultation undertaken as part of the present assessment.

2.1. STAGE 1 – NOTIFICATION AND REGISTRATION

The aim of Stage 1 of Aboriginal consultation is to identify, notify and register Aboriginal people who hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places in the subject area.

2.1.1. Native Title

A search of the National Native Title Tribunal (NNTT) registers and databases was undertaken on 17th October 2024. The search identified no pending Native Title claims or Native Title registrations for the subject area. The NNTT was also contacted by email on 17 October 2024 to request a formal search of the NNTT Register. A reply was received on 18 October 2024 indicating that there are no Native Title matters overlapping with the subject area.

2.1.2. Identification of Cultural Knowledge Holders

To identify Aboriginal people who may be interested in registering as Aboriginal parties for the project, the organisations stipulated in Section 4.1.2 of the Consultation Guidelines were contacted on 10 September 2024 (Table 2). A copy of the email sent to the each of the contacted organisations is included in Appendix C. A total of 52 Aboriginal parties with a potential interest in the subject area were identified during this stage.

Table 2 – Contacted organisations

Organisation	Notification Sent	Response Received
Willoughby City Council	10 September 2024	No response
Metropolitan Local Aboriginal Land Council	10 September 2024	No response
Greater Sydney – Local Land Services	10 September 2024	12 September 2024
Heritage NSW	10 September 2024	20 September 2024
National Native Title Tribunal	10 September 2024	No response
NTS Corp	10 September 2024	No response
Office of the Registrar, Aboriginal Land Rights Act 1983	10 September 2024	11 September 2024

Letters were sent to the 52 identified Aboriginal parties by either email or mail on 25 September 2024 to notify them of the proposed project. The letters included a brief introduction to the project and the project location

including a map of the subject area and set a deadline for response of 10 October 2024, providing 14 days to register an interest. A copy of the letter is included in Appendix C.

An advertisement was placed in one local newspaper, the 'Weekly Times', for a run period of two weeks. The advertisement was published on the 23rd and 30th October 2024. Registration was open until 6th November 2024 providing 14 days to register an interest. A copy of the advertisement is included in Appendix C.

2.1.3. Registration of Interest

A total of 7 Aboriginal parties registered interest in the project as a result of this phase (Table 3). One (1) of the Aboriginal parties registered despite responding after the deadline. The Metropolitan Local Aboriginal Land Council was registered despite not responding. Acknowledgement emails were made by Urbis to all respondents to confirm registration had been received.

A list of the Registered Aboriginal Parties (RAPs) was provided to Heritage NSW and Metropolitan Local Aboriginal Land Council on 7 November 2024 (see Appendix C). The details of 0 RAPs were withheld from Metropolitan Local Aboriginal Land Council and Heritage NSW at their request.

Table 3 – Registered Aboriginal Parties

Registered Party	Contact
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

2.2. STAGE 2 & 3 – PRESENTING AND GATHERING INFORMATION

The aim of Stages 2 and 3 of the community consultation process is to provide RAPs with information about the scope of the proposed project and the proposed ACHA methodology, to gather feedback on the proposed project and proposed methodology and to gather any cultural information that the RAPs wish to share.

2.2.1. Presentation of Project Information and Methodology

A Stage 2 & 3 information pack was sent to registered Aboriginal parties via email on 21 October 2024. The information pack was prepared as a combination of Stage 2 and 3 of the Consultation Guidelines, and included the following information:

- An outline of the proposal and an overview of the subject area.
- The proposed methodology for the ACHA, including the impact assessment process and input points for RAPs into the investigation and assessment.
- Critical timelines and milestones for the completion of assessment activities and delivery of reports.
- Agreed roles, functions and responsibilities.
- A request for comment on methodology, recommendations for site investigation any cultural information the respondent wished to share.

A response to the Stage 2 & 3 information pack was requested by 15 November 2024 providing 28 days to respond. A copy of the Stage 2 & 3 information pack is included in Appendix C.

2.2.2. Site Visit and Meeting

A separate communication was sent on 8th November 2024 to all RAPs who had expressed an interest a schedule of rates and copies of insurances by the deadline. The communication invited the RAPs to register for a site visit and meeting to be held on 13th November 2024 as part of Stage 2 & 3 of the consultation process.

The purpose of the site inspection and meeting was to conduct a thorough briefing with the RAPs about the proposed development, to conduct a walkover of the subject area with the RAPs, to discuss the information provided in the Stage 2 & 3 information pack and to discuss potential archaeological mitigation strategies.

Two responses were received to the invitation to attend the site visit and meeting. The RAPs who attended the site visit and meeting are listed in Table 4 below. Relevant comments received from the RAPs during the site visit and meeting are presented and addressed in Table 5 below.

Table 4 – RAP attendees at site visit and meeting

RAP	Representative
[REDACTED]	[REDACTED]

Table 5 – RAP comments during site visit and meeting

RAP	Comment	Urbis Response
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

2.2.3. Gathering Feedback

Responses from one of the RAPs were received in relation to the Stage 2 & 3 information pack. The response is included in Appendix C. As addressed in Table 6 below, this response included comments on the proposed methodology.

Table 6 – RAP responses to the Stage 2 & 3 Information Pack

RAP	Response	Urbis Response
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

2.3. STAGE 4 – REVIEW OF DRAFT ACHA REPORT

The aim of Stage 4 of the community consultation process is to prepare and finalise an ACHA report with input from RAPs.

A draft of the present ACHAR was sent to RAPs via email on 21 November 2024 with comment on the draft ACHAR requested by 19 December 2025, providing 28 days to respond. One response was received in relation to the Stage 4 draft ACHA report. The response is included in Appendix C and addressed in Table 7 below.

Table 7 – RAP responses to the Stage 4 Draft ACHA Report

RAP	Comments	Urbis Response
-----	----------	----------------

Mu [REDACTED] [REDACTED] [REDACTED] [REDACTED]	[REDACTED] [REDACTED] [REDACTED]	N/a
---------------------------------------------------------	-------------------------------------	-----

3. DESKTOP ASSESSMENT

The aim of the desktop assessment is to determine whether any known Aboriginal objects are located within the subject and whether the subject area is likely to retain any unknown Aboriginal objects. The findings of the desktop assessment inform the archaeological survey of the subject area and contribute to the determining whether an archaeological test excavation is required.

3.1. ARCHAEOLOGICAL CONTEXT

The archaeological context of the subject area encompasses previous archaeological and ethnohistorical studies that are relevant to determining the nature and distribution of Aboriginal archaeological material within the local region and subject area and local region.

3.1.1. Aboriginal Land Use

Ethnohistorical accounts provide a basis for understanding how Aboriginal people lived prior to the arrival of Europeans and therefore the nature and distribution of archaeological material that is likely to be found in the archaeological record. Such accounts are inherently biased by the cultural norms of the observer and behavioural modifications in response to the awareness of being observed (the so-called 'Hawthorne Effect'). Nevertheless, by comparing and contrasting these observations with archaeological evidence and cultural information from the Aboriginal community, it is possible to establish a general understanding of the lives of Aboriginal people.

The archaeological record provides evidence of the long occupation of Aboriginal people in Australia. Current archaeological record establishes occupation of the Australian mainland by as early as 65,000 years before present (BP) (Clarkson et al. 2017). The oldest date for a site in the Sydney region is at Pitt Town on the Hawkesbury River, approximately 50 km west of the present subject area, which is dated to around 36,000 BP (Williams et al. 2014). Radiometric evidence indicates that Aboriginal people were living in the area around Chatswood for at least 5,800 years (Hoskins 2007), long before the arrival of Europeans in 1788.

Given the early contact with Aboriginal people in the Sydney region, more is known about these groups than those that inhabited regional areas. The Aboriginal population in the greater Sydney region is estimated to have been between around 4000 and 8000 people at the time of European contact (Attenbrow 2010). The present subject area is located within the traditional lands of the Gamaragal people (also 'Cammerragal' or 'Cammerraygal') people (Attenbrow 2010:26), known as which is believed to have spanned from Cremorne in the east to Woodford Bay in the west (Hoskins 2007).

Like Aboriginal people throughout Australia, the Gamaragal employed stone tools for everyday tasks. Stone artefacts are common in the archaeological record, partly due to their common use, but also because they are resistant to degradation and therefore survive on the ground surface and in subsurface deposits. Flaked artefacts are typically the most common type of stone artefact encountered, in part due to their long and ubiquitous use, but also due to their high discard rate and the large amount of waste produced during manufacture. Ground edged tools are also known to have been utilised by Aboriginal people in the broader region (Tench 1789) and appear in the archaeological record around 4,000 BP (Attenbrow 2010:102). After European contact, Aboriginal people of the Sydney region continued to manufacture tools, sometimes employing new materials such as bottle glass or ceramics (Attenbrow 2010:103-104).

In addition to stone tools, the Gamaragal are likely to have utilised the resources afforded by the local forests and waterways. Other materials used by the Gamaragal, such as bone, may survive in the archaeological record under certain conditions.

Based on the above background, it is possible that similar evidence of Aboriginal occupation will also be present within original and/or intact topsoils within the present subject area.

3.1.2. Declared Aboriginal Places

The NSW State Heritage Inventory (SHI) includes all declared Aboriginal places within NSW, in addition to historic heritage items listed on the State Heritage Register (SHR), listed Interim Heritage Orders (IHOs) and items listed on Local Environment Plans (LEPs) and State Environmental Planning Policies (SEPPs).

A search of the SHI was undertaken on 19 September 2024. The search did not identify any heritage items within the curtilage of the subject area.

3.1.3. Registered Aboriginal Objects

The Aboriginal Heritage Information Management System (AHIMS) is a database of registered Aboriginal sites in NSW. Each registered Aboriginal site includes one or more site 'features', which may be considered an Aboriginal object under the NPW Act. An Aboriginal site may include one or more site features.

The *Guide to completing the AHIMS Site Recording Form* (OEH 2012) lists 20 different features that may be recorded on AHIMS. The most common site features registered in NSW are artefacts, modified trees, art, grinding grooves and shell deposits (see Glossary for definitions). However, the likelihood of any particular site feature being found will vary according to region and environment. Less common site features that are encountered are burials, ceremonial rings, earth mounds, fish traps, habitation structures, hearths, non-human bone and organic material, ochre quarries, stone arrangements and stone quarries (see Glossary for definitions).

Other Aboriginal site features that are recorded on AHIMS but are not necessarily 'Aboriginal objects' within the meaning of that term as it is defined in the NPW Act (i.e. are not a 'deposit, object or material evidence... relating to the Aboriginal habitation of the area') are potential archaeological deposits (PADs), Aboriginal ceremony and dreaming sites, Aboriginal resource and gathering sites, conflict sites and waterholes (see Glossary for definitions). These features are only considered to be 'Aboriginal objects' for the purpose of the NPW Act if accompanied by at least one of the other site types defined above.

The AHIMS database also provides information on the context of registered Aboriginal sites. Sites that are recorded as 'closed' contexts are those that include a cave or rock overhang, while all other sites are recorded as 'open' context.

It should be noted that the AHIMS register does not represent a comprehensive list of all Aboriginal objects or places as it is limited to sites that have been previously identified and registered. Registration is typically the result of previous archaeological investigation, so the number of registered Aboriginal sites in area is dependent on the amount of such research previously undertaken.

A search of the Aboriginal Heritage Information Management System (AHIMS) was carried out on 19 September 2024 (AHIMS Client Service IDs: 932143 and 932189) for an area of approximately 2.5 km x 2.5 km centred on the subject area. The Basic and Extensive AHIMS search results are included in Appendix A.

The search was undertaken to determine if:

- There are any registered Aboriginal sites registered within the curtilage of the subject area.
- There are any registered Aboriginal sites near the subject area that might extend into it.
- There is any association of Aboriginal sites with certain landscape features within the broader region that may be instructive for determining the likelihood of Aboriginal sites within the subject area.

A summary of all previously registered Aboriginal objects and Aboriginal places within the search area is provided in Table 8. A total of 43 Aboriginal sites are registered in the search area. One of the recorded Aboriginal sites were identified as 'not a site' in the search results, reducing the total number of identified Aboriginal sites to 42. The locations of the 42 identified Aboriginal sites are shown in Figure 7.

The nearest confirmed registered sites to the subject area are a PAD (AHIMS #45-6-336) and an Artefact scatter (AHIMS #45-6-3599) located 1.6km south of Archer Street, respectively (Figure 7). Given the significant distance between these registered sites and the subject area, there is no evidence of a site overlap.

The number and types of sites features in the search area are presented in Table 8. Among the 42 registered Aboriginal sites in the search area, a total of 73 site features were identified of 6 different types: art, artefact, grinding groove, habitation structure, PAD and shell.

Of these registered sites, the search area is dominated by artefacts and shell, the latter being the most common appearing in 81% of registered sites (n = 34), and account for 47% of registered site features. Artefacts presented as the second most common feature occurring in 69% of registered sites (n=29) and accounting for 40% of all site features within the study area.

The high representation of artefact sites is consistent with the important role of stone tools in the everyday lives of Aboriginal people discussed in Section 3.1.1 above. Artefact sites are found across the search area, nonetheless a high concentration is found in association with Middle Harbour approximately 3km east of the subject area. Likewise, the aggregation of shells along Middle Harbour suggests the importance of waterways as sources of food. These findings are consistent with the general predictive model for NSW, which consider

natural waterways (including creeks or first order water catchments) to be indicative of likely past Aboriginal land use (see Section 3.1.4. below).

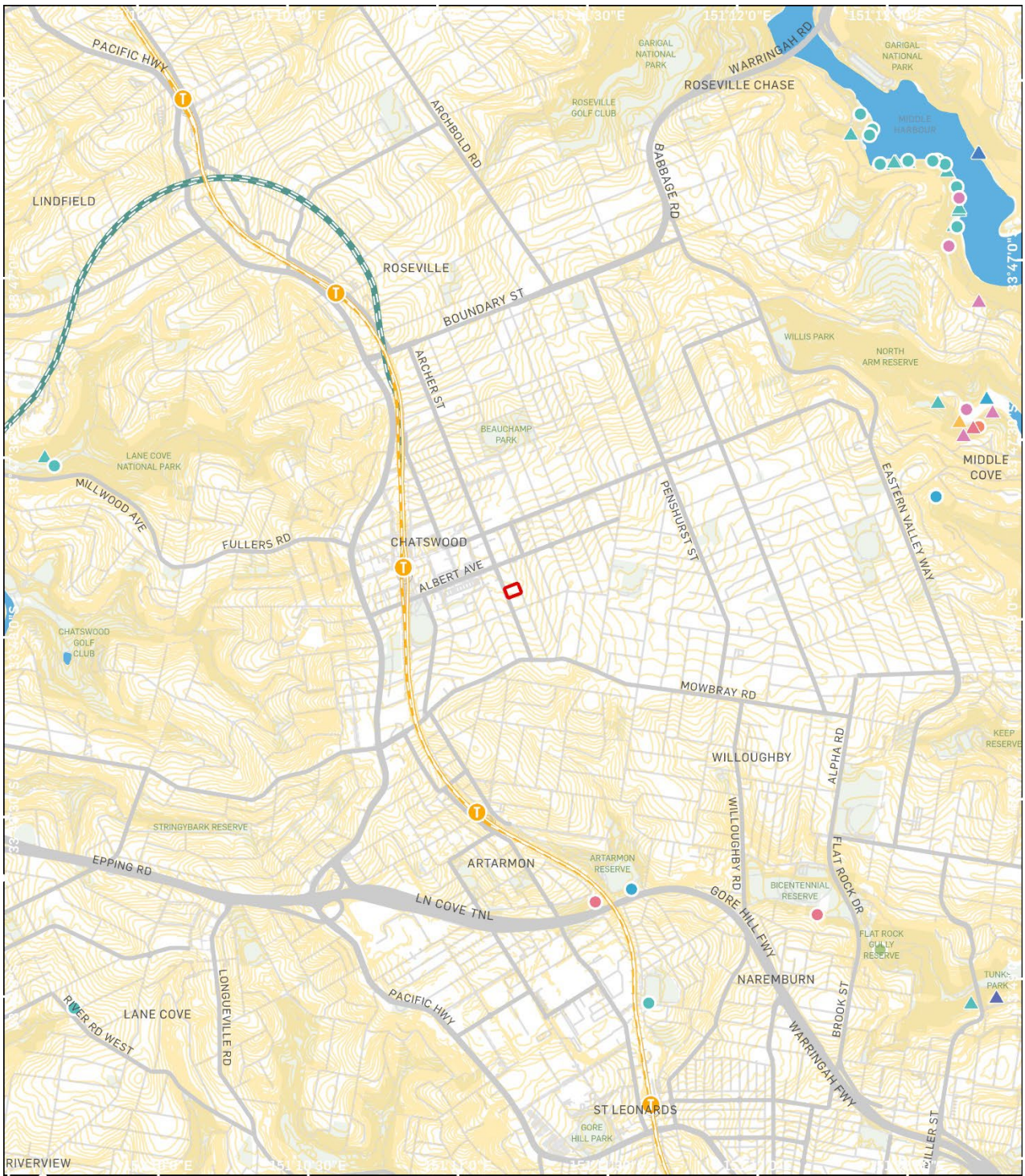
The contexts of registered Aboriginal sites within the AHIMS search area are summarised in Table 8 below. Closed context sites are those that include a cave or rock overhang, while open context sites are those without a cave or rock overhang. Registered aboriginal sites within the search area are evenly represented by both closed and open contexts, respectively. Whilst open contexts constitute 50% of sites (n=21), several site cards registered with NPWS indicate open sites were often at the base of cliff lines or rocky escarpments. Whilst these open contexts were not deemed as rock shelters or overhangs, the apparent association between rocky outcrops and archaeological deposits reflects the high concentration of sites around natural waterways, where exposed Hawkesbury sandstone is common.

Table 8 – Summary of registered Aboriginal sites in the AHIMS search area

Site Features	Number	% of Sites	% of Features
Artefact	29	69%	40%
Art	2	5%	3%
PAD	4	10%	5%
Shell	34	81%	47%
Grinding Groove	1	2%	1%
Habitation Structure	3	7%	4%

Table 9 – Number of sites that were registered as open and closed in AHIMS search area

Context	Total	% of Sites
Open	21	50%
Closed	21	50%



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Project No: P00558027
Project Manager: Ali Byrne

AHIMS SITES IN EXTENSIVE SEARCH AREA

37 Archer Street, Chatswood
Hycorp Property

- | | | | |
|--------------|----------------------------------|-----------------------------|----------------|
| Subject Area | Art, Artefact, Shell | Habitation Structure, PAD | Context |
| Hydrology | Art, Habitation Structure, Shell | Habitation Structure, Shell | Closed site |
| Permanent | Artefact | PAD | Open site |
| Ephemeral | Artefact, Shell | Shell | |
| Contours | Grinding Groove | | |

Figure 7 – Locations of registered Aboriginal site in AHIMS search area

3.1.4. Previous Archaeological Investigations

Previous Aboriginal archaeological investigations undertaken within or near to the subject area may provide information about known Aboriginal sites that have not previously registered on the AHIMS database. Additionally, Aboriginal archaeological investigations undertaken in the broader region may provide information on the types of archaeological site features that are likely to occur within the subject area.

3.1.4.1. Investigations of the Subject area

There are no archaeological reports relating directly to the subject area.

3.1.4.2. Regional Investigations

A number of investigations have been undertaken in the broader region. The most relevant investigations to the present subject area are discussed below.

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.

Urbis (2024) undertook a historical archaeological investigation of 5-9 Gordon Ave, Chatswood NSW, which is located approximately 713m south-west of the present subject area. The investigation was limited to a desktop assessment, which concluded that recurrent development across the site since the early-20th Century had removed or significantly disturbed any Aboriginal objects. On this basis, the site was assessed as holding low-nil potential for Aboriginal archaeological materials, recommending that no further archaeological investigations be undertaken.

Artefact (2023) undertook an archaeological investigation of 763-769 Pacific Highway, Chatswood NSW approximately 705 metres west of the present subject area. The archaeological investigation was limited to a desktop assessment and site survey. The desktop assessment did not identify any known Aboriginal object or Aboriginal places within the subject area. In the absence of a geotechnical investigation, the assessment found that the study area had been subject to significant ground disturbance processes through the construction of the extant buildings and basement levels. This was confirmed through a site survey that identified significant sub-surface disturbance. Further predictive statements based on the landform context were made, identifying stone artefacts as the most common site type to occur within the study area. The investigation concluded that the study area had low archaeological potential and was unlikely to have retained Aboriginal objects. The assessment recommended that no further archaeological investigation be undertaken under the scope of the proposed works.

Ecological (2020) undertook an archaeological investigation of Chatswood Public School and Chatswood High School at 5 Centennial Avenue, Chatswood NSW approximately 915 metres west of the present subject area. The investigation consisted of a desktop assessment and site survey. The desktop assessment did not identify any known Aboriginal object or Aboriginal places within the subject area. In the absence of landscape analysis, the assessment predicted that there was low potential for the retention of Aboriginal objects within the study area due to high levels of historic ground disturbance associated with the construction of both school campuses. The investigation recommended that no further archaeological investigations be conducted.

Coast History and Heritage (2019) undertook an Aboriginal Cultural Heritage Assessment of the site located at 211 Pacific Highway, St Leonards. The site is located approximately 2.7km to the south of the present subject area. The archaeological investigation consisted of a desktop study and a survey. The assessment established that the area was located on a ridgeline and within a soil landscape which is extremely susceptible to weathering. It further established that the site had been subject to high levels of historical disturbance within the footprint of the extant building and extensive levelling and disturbance to accommodate the associated paving and landscaping. It was concluded that these impacts had removed any and all archaeologically sensitive natural soils except for an area which had been subject to less historical ground disturbance. Within the area that had undergone less disturbance, it was assessed that there was some possibility for isolated of low densities of stone artefacts to be present in a partial or total disturbed context.

Artefact (2016) undertook an archaeological assessment of the Sydney Metro Chatswood to Sydenham Project (including the Chatswood Dive Site). The archaeological investigation consisted of a desktop

assessment and field survey. As this overall rail corridor extends over 15 kilometres, the overall study area was broken into smaller study units. The assessment did not identify any known Aboriginal object or Aboriginal places within the subject area. The 'Chatswood Dive Site (Northern)' study unit comprised of 24,000 square metres in area and was located adjacent to the T1 North Shore Line in Chatswood. Overall, this survey unit is located approximately 500 metres west of the subject area. The investigation assessed the study area as possessing a shallow soil profile and having experienced high levels of historic ground disturbance. Therefore, the Aboriginal archaeological potential of the 'Chatswood Dive Site (Northern)' study unit was assessed as low. The investigation recommended no further archaeological investigations regarding Aboriginal archaeology within the study area.

The archaeological reports summarised above demonstrate that archaeological deposits surrounding the subject area have been subject to historical ground disturbance, the extent of which has displaced and destroyed any surviving archaeological material. Further consideration of the degree of ground disturbance and soil depth specific to the present subject area is required in the current assessment of archaeological potential.

3.1.5. Existing Predictive Models

Predictive models are used to determine the likelihood of Aboriginal archaeological material being located within a particular area. A review of existing predictive models relevant to the region around subject area is relevant for formulating a predictive model for the present assessment.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010c) ('The Due Diligence Code') provides an overarching predictive model for the entirety of NSW. The Due Diligence Code specifies the following 'relevant landscape features' that are considered indicative of likely past Aboriginal land use:

- Areas within 200 m of waters including freshwater and the high tide mark of shorelines.
- Areas located within a sand dune system.
- Areas located on a ridge top, ridge line or headland.
- Areas located within 200 m below or above a cliff face.
- Areas within 20 m of or in a cave, rock shelter, or a cave mouth.

3.2. ENVIRONMENTAL CONTEXT

The environment context of the subject area encompasses the natural landscape and the impacts of historical human activity. These aspects of the environmental context are relevant to predicting the potential for unknown Aboriginal objects occurring within the subject area.

3.2.1. Natural Landscape

The purpose of reviewing the natural landscape of the subject area is twofold. It assists in the prediction of the intensity and nature of Aboriginal land use and deposition of archaeological material in the subject area by considering the landforms and resources that would have played a part in the everyday lives of Aboriginal people. It also assists in the determining the likelihood that those material remains would have survived any natural geomorphological process or historical ground disturbance (discussed in Section 3.2.2 below).

Topography: The subject area is located on the side slope of an east-west aligned ridgeline, extending north into a minor depression (Figure 8).

Soils and Geology: The NSW Soil and Land Information System (SALIS) indicates that the subject area is located within the Blacktown (Bt) soil landscape (Figure 9). The soil A-horizon typically comprises 30 cm of friable brownish black loam (A1) overlying 10-20cm of hard-setting brown clay loam (A2). B-Horizon comprises 20-50cm of strongly pedal, mottled brown light clay (B) overlying 100cm of light grey plastic mottled (B3 or C-Horizon). On side slopes where the subject area is situated, A1 soils are often absent. The underlying geology of the Blacktown soil landscape is the Wianamatta group shales. Rock outcrops are not naturally occurring in the Blacktown soil landscape.

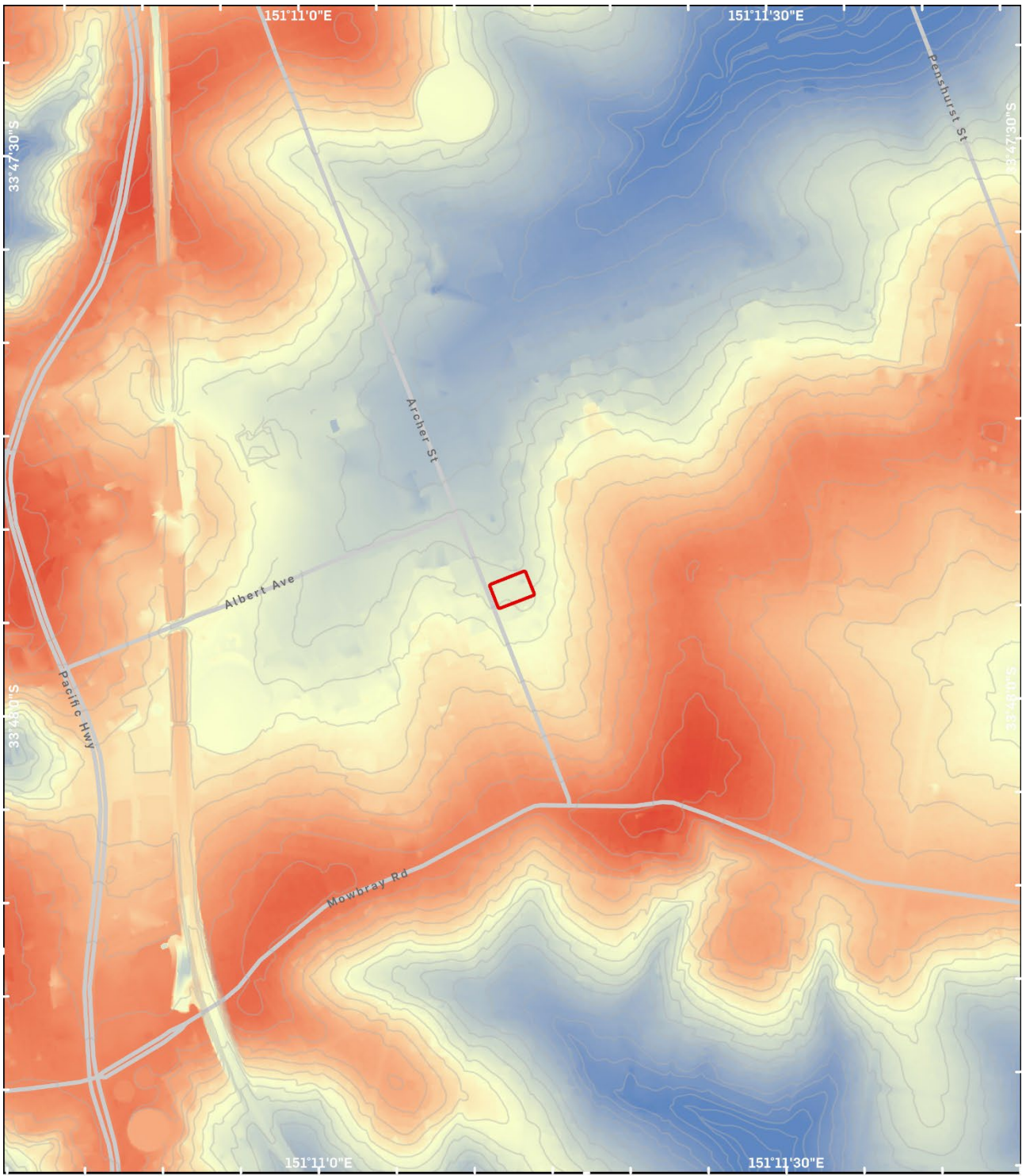
Geomorphic Activity: The mode of geomorphic activity in the subject area is residual. Residual soil landscapes are dominated by sites where deep soils have formed from *in situ* weathering of parent materials

with minimal movement of lateral surface. To this point, archaeological materials are no more likely to aggregate in one area of the subject area than another.

Vegetation: Almost completely cleared tall open-forest (wet sclerophyll forest) and open-woodland (dry sclerophyll forest). The original woodland and open-forest in drier areas to the west were dominated by forest red gum *E. tereticornis*, narrow-leaved ironbark *E. crebra* and grey box *E. moluccana*. This has been almost completely cleared. Such species may have been subject to cultural modification.

Hydrology: The nearest natural waterway to the subject area is Scotts Creek, located approximately 850 metres to the north-east. As there are no identified waterways within 200m of the subject area, the hydrology of the subject area does not provide a positive indication of past Aboriginal land use.

The relevance of the natural landscape for the present assessment is discussed in the application of the predictive model to determining Aboriginal archaeological potential in Section 3.4.2 below.



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 Project Manager: Ali Byrne

AHIMS SITES IN EXTENSIVE SEARCH AREA
 37 Archer Street, Chatswood
 Hycorp Property

- Subject Area
- Permanent
- - - Ephemeral
- Contours

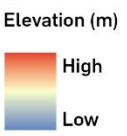
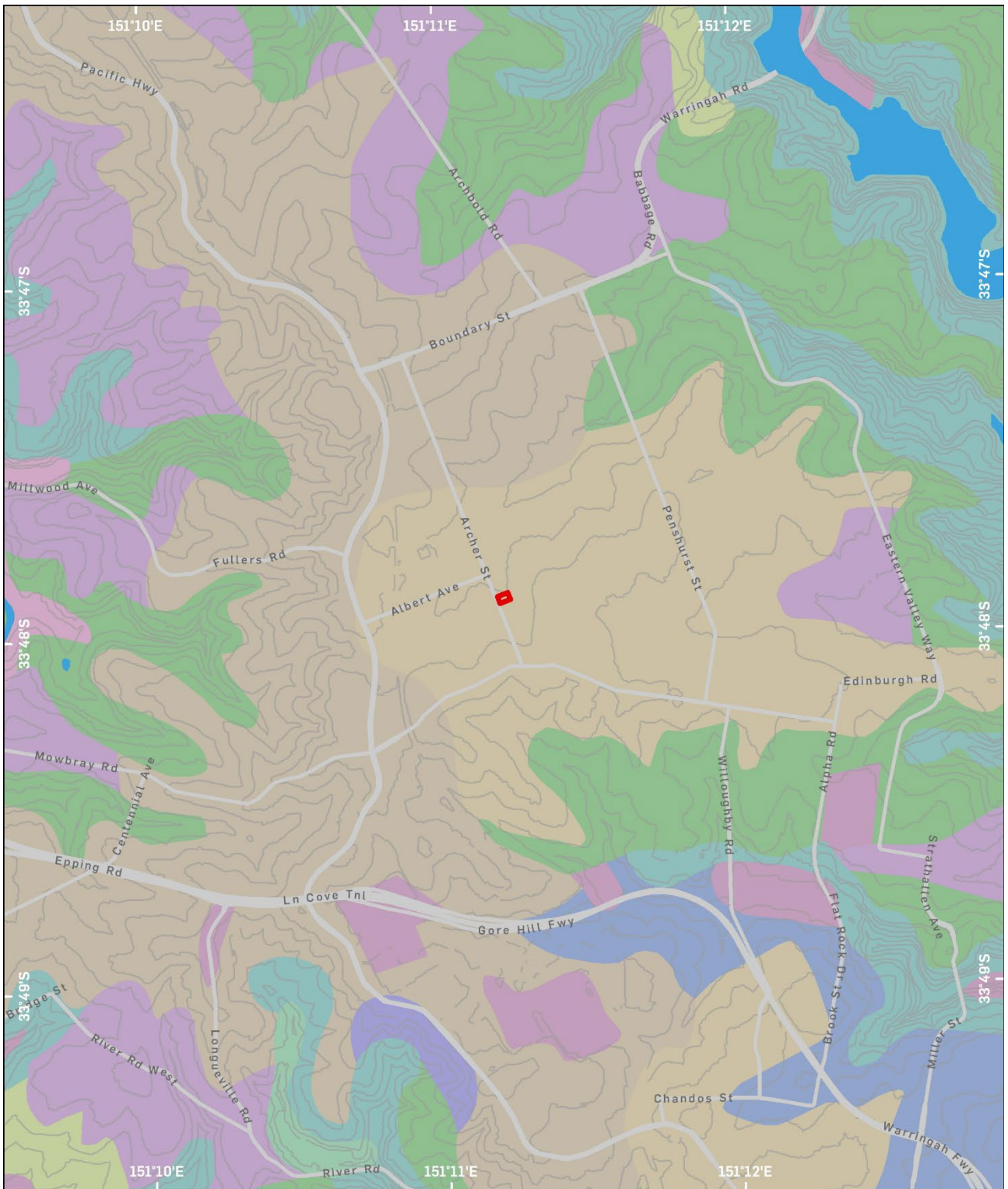


Figure 8 – Topography



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Project No: P00558027

Project Manager: Ali Byrne

SOIL LANDSCAPES AND HYDROLOGY

37 Archer Street, Chatswood

Hycorp Property

- | | | | |
|-----------------------|---------------------------------------|---------------------------|--------------------------------|
| Subject Area | BLACKTOWN (Residual) | GYMEA (Erosional) | LANE COVE (Alluvial) |
| Hydrology | DEEP CREEK (Alluvial) | GYMEA/LAMBERT (Erosional) | LUCAS HEIGHTS (Residual) |
| Hydrology 200m Buffer | DISTURBED TERRAIN (Disturbed Terrain) | HAWKESBURY (Colluvial) | WEST PENNANT HILLS (Colluvial) |
| Contours | GLENORIE (Erosional) | LAMBERT (Erosional) | |

Figure 9 – Soil landscapes and hydrology

3.2.2. Historical Ground Disturbance

Disturbance to the natural landscape, either through human activity (e.g., clearing of vegetation, ploughing and construction of buildings) or natural processes (e.g., erosion), reduces the likelihood of deposited Aboriginal objects being retained, either through destruction of the Aboriginal objects or their removal. Ground disturbance may affect the natural topsoil (A-horizon), within which subsurface Aboriginal archaeological remains are typically found, and other surface features associated with Aboriginal objects, such as trees, rock platforms and rock overhangs.

For the purpose of the present assessment, historical ground disturbance is rated according to the following scheme:

- **High:** all or most topsoil has been removed, with at most only a small part of the lower portion of topsoil possibly remaining intact
- **Moderate:** the upper part of the topsoil has been substantially disturbed or removed, but a substantial amount remains intact
- **Low:** little or no disturbance or removal of topsoil, with all or most topsoil remaining intact

The degree of disturbance is relative to the depth of the natural topsoil. For example, disturbance of the upper 30 cm of a natural soil profile by ploughing may be high if the topsoil only 30 cm deep, but only moderate if the topsoil is 1 m deep.

The relevance of historical ground disturbance for the present assessment is discussed in the application of the predictive model to determining Aboriginal archaeological potential in Section 3.4.2 below.

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' (see Figure 10 and Figure 11), it would not be until 1915 that the subject area experienced significant development (Egan 1988:64). 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 (Figure 12). The subject area remains relatively unchanged and exists as two elongated lots until the early 1990s. From the 1991 aerial imagery, it is apparent that the site undergoes significant change (Figure 13). 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 (Figure 14).

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. Altogether, the entire subject area has been impacted by a high level of historical ground disturbance.



Figure 10 – Willoughby railway and tramway plan including subject area (red outline), [1884]
 Source: SLNSW, FL10451890

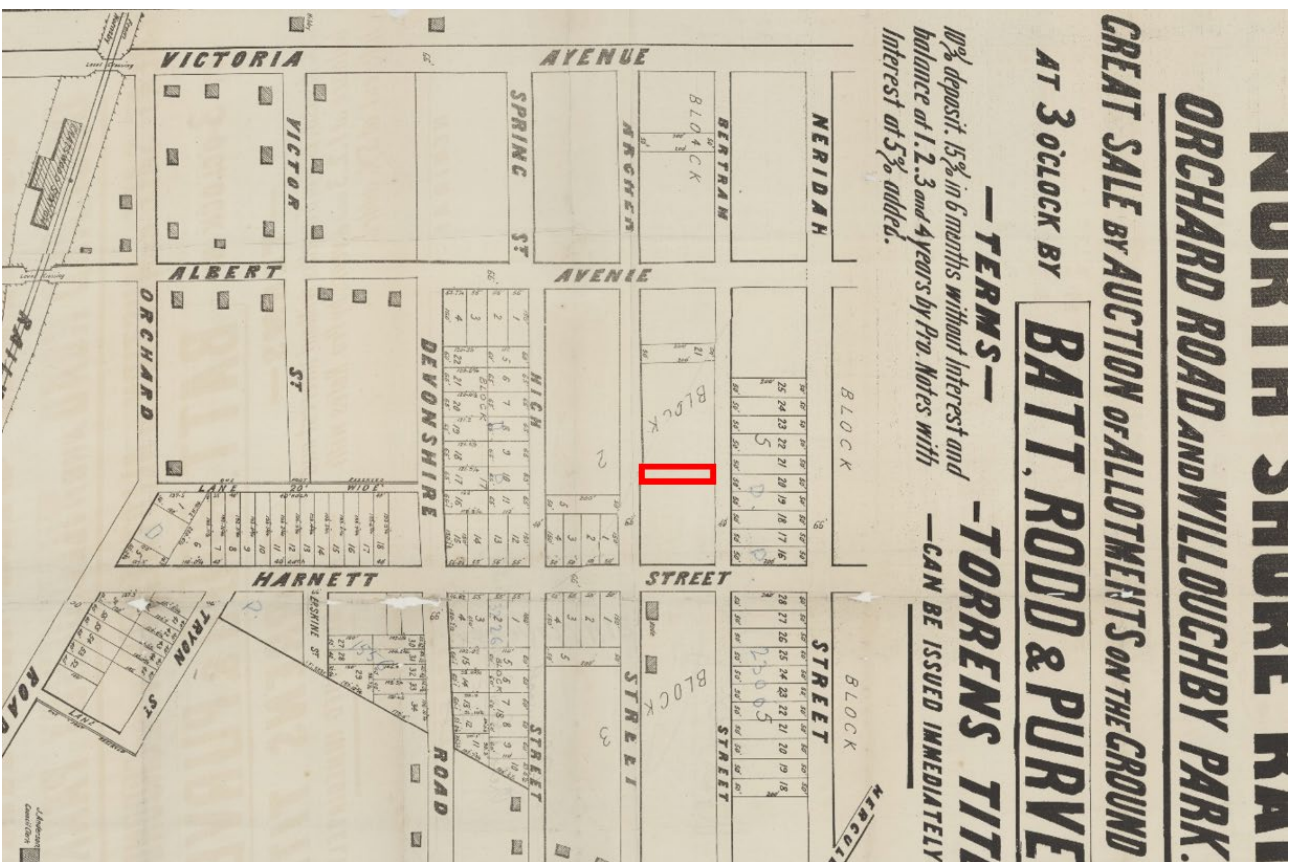


Figure 11 – Auction notice of empty lots of Orchard Road and Willoughby Park. The subject area (red outline) is included within the map, [1893].

Source: SLNSW, FL10451328



Figure 12 – Aerial image of subject area (red outline), [1930]
Source: NSW Government, Historical Imagery Viewer



Figure 13 – Aerial image of subject area (red outline), [1991]
Source: NSW Government, Historical Imagery Viewer



Figure 14 - Aerial image of subject area (red outline), [2005]

Source: NSW Government, Historical Imagery Viewer



GDA 1994 MGA Zone 56

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Project No: P00558027
Project Manager: Ali Byrne

HISTORICAL GROUND DISTURBANCE
37 Archer Street, Chatswood
Hycorp Property

Subject Area
 Contours
 High Disturbance

Figure 15 – Historical Ground Disturbance

3.3. LOCAL & REGIONAL CHARACTER

The evidence from Sections 3.1 and 3.2 is synthesised below to highlight the main issues and regional character of Aboriginal land use and the material traces that it has produced, in accordance with Requirement 11 of the Code of Practice.

Archaeological evidence indicates that Aboriginal land use in the local area and region was heavily reliant on waterways – particularly, the Lane Cove River and other tributary creeks in its vicinity. Stone tools are likely to have played a significant role in the lives of the local Aboriginal people, alongside artefacts such as fishing hooks that were used for the seasonal exploitation of local resources. Strongly represented within the archaeological record, isolated artefacts are likely to have been discarded near waterways and along major transport routes, with higher densities likely occurring along these landscape features where land use was likely more intensive. Archaeological material such as burials, art and hearths are prominent throughout the broader landscape, associated with rock overhangs and outcrops of Hawksbury sandstone that occur in proximity to these waterways.

3.4. ARCHAEOLOGICAL POTENTIAL

The Aboriginal archaeological potential of an area is the likelihood that it retains material evidence of past Aboriginal land use. The purpose of undertaking an assessment of Aboriginal archaeological potential is to inform the sampling strategy for the subsequent archaeological survey, to determine if an archaeological test excavation is required and, if so, inform the sampling strategy for that excavation.

3.4.1. Predictive Model

A predictive model for the present assessment has been formulated based on existing predictive models (Section 3.1.5) and the local and regional character summarised above (Section 3.3).

The following landscape features are considered relevant for indicating likely past Aboriginal land use in the region:

- Areas within 200 m of waters including freshwater and the high tide mark of shorelines.
- Areas located within a sand dune system.
- Areas located on a ridge top, ridge line or headland.
- Areas located within 200 m below or above a cliff face.
- Areas within 20 m of or in a cave, rock shelter, or a cave mouth.

The above predictive model is consistent with the Due Diligence Code.

Aboriginal archaeological potential is further dependent on erosional transport and historical ground disturbance. Archaeological material is more likely to accumulate in aggraded landforms than eroded landforms, while higher ground disturbance reduces the likelihood of archaeological material surviving.

Synthesising the above predictors, Aboriginal archaeological potential is rated according to the following scheme:

- **Very High:** at least one relevant landscape feature, low ground disturbance and an aggraded landform
- **High:** at least one relevant landscape feature and either: (i) low ground disturbance and an eroded landform; or (ii) moderate ground disturbance and an aggraded landform
- **Moderate:** at least one relevant landscape feature, moderate ground disturbance and an eroded landform
- **Low:** no relevant landscape features and low or moderate ground disturbance
- **Very Low:** high ground disturbance

The predictive model described above is applied in the following section to determine the Aboriginal archaeological potential of the subject area and likely site features.

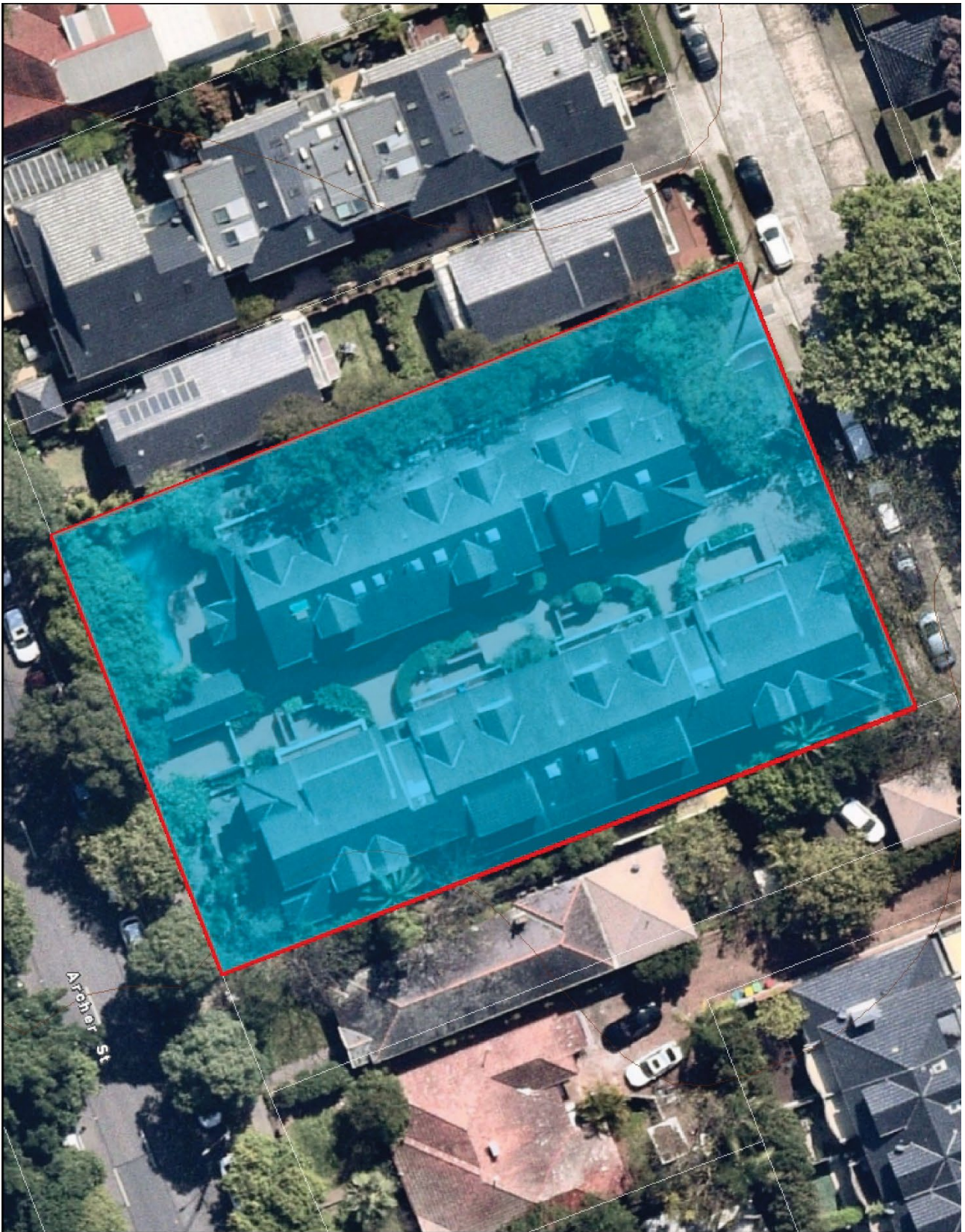
3.4.2. Assessment of Potential

Based on the predictive model outlined in the preceding section, the archaeological potential of the present subject area is assessed to be **Very Low**. The assessed archaeological potential of the subject area is mapped in Figure 16.

The subject area is not associated with any landscape features, which, under the Due Diligence Code, are considered sensitive for Aboriginal objects.

Historical ground disturbance has been assessed as high throughout the entire site (Section 3.2.1), meaning intact natural topsoils are not likely to be present in the subject area. Additionally, the site contains no areas of remnant native tree or exposed sandstone rock outcropping which could have been subjected to cultural modification. Given the site's situation within a residual soil landscape, erosion would not have caused any additional depletion of archaeological material within the site.

Aboriginal site features which may occur within the subject area are **artefacts and/or shell**. However, synthesising the above factors according to the archaeological rating scheme presented in the preceding section, it is determined that there is **Very Low** potential for Aboriginal objects to occur within the subject area.



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Project No: P00558027
Project Manager: Ali Byrne

Subject Area Contours Very Low Potential

ARCHAEOLOGICAL POTENTIAL

37 Archer Street, Chatswood
Hycorp Property

Figure 16 – Aboriginal archaeological potential

3.5. VISUAL INSPECTION

A visual inspection of the subject area was undertaken to confirm the assessment of archaeological potential within the subject area and to determine if any Aboriginal objects were present as surface expressions. The visual inspection of the subject area was undertaken on 13th November 2024 by Ginger-Rose Harrington (Urbis Archaeologist) and Johnathon Whitton (Butucarbin Aboriginal Heritage).

The visual inspection was undertaken in overcast conditions. Ground Surface Visibility (GSV) was estimated to be 0% across the subject area due to the presence of paving, buildings, garden beds and hardstand. No Aboriginal objects were identified during the visual inspection of the subject area.

The visual inspection confirmed significant levels of ground disturbance across the subject area. The entirety of the subject area has been impacted by the construction of current structures, with a large apartment complex taking up majority of the site. This apartment complex included a large basement garage from boundary to boundary, with underground services. Paving and modern garden beds occupied the remainder of the site.

No observable landscape features indicated a potential focus for activity by Aboriginal people which might indicate higher archaeological potential.

It is evident from inspection that the subject area has been modified by historical activities. Disturbance will have been significant in the naturally shallow soil profiles due to the construction of basement levels and installation of underground services.

The visual inspection confirms the assessment that the subject area has very low to nil Aboriginal archaeological potential due to a high level of modern ground disturbance. The RAPs in attendance were in complete agreement with this assessment.



Figure 17 – Overview of the site's Archer Street frontage. Note presence of paving, buildings and garden beds.



Figure 18 – View of the central courtyard within the subject area. Note presence of paving, buildings and garden beds.



Figure 19 – View of the central courtyard within the subject area. Note presence of paving, buildings and garden beds.



Figure 20- Vehicular access point for basement level parking.



Figure 21 - View of the central courtyard over the basement access point, showing the depth of basement excavations.



Figure 22 – view of the underground basement level, which extends from boundary to boundary.

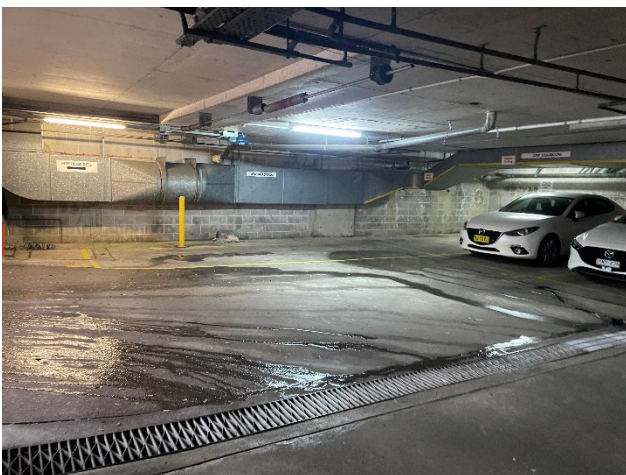


Figure 23 – view of the underground basement level, which extends from boundary to boundary.

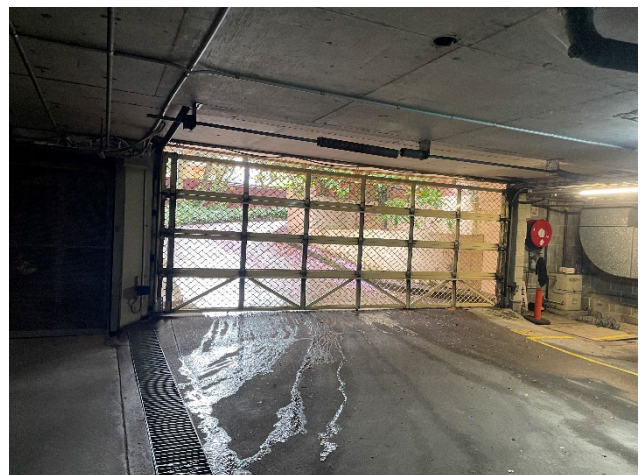


Figure 24 – View of the vehicular access point from within the basement parking lot.

3.6. SUMMARY

The desktop assessment of the subject area is summarised as follows:

- No known Aboriginal objects or declared Aboriginal places have been identified within the curtilage of the subject area
- No sensitive landscape features were identified that would suggest an increased potential for Aboriginal objects.
- The subject area has been impacted by a high level of historical ground disturbance caused by the clearance of vegetation, and construction and demolition of buildings.
- The archaeological potential of the present subject area is assessed to be **Very Low**.

4. SIGNIFICANCE ASSESSMENT

The following is an assessment and discussion of the cultural significance of the subject area, made in consultation with the RAPs. The assessment follows principles and procedures outlined in the Burra Charter the Assessment Guidelines.

4.1. FRAMEWORK FOR ASSESSMENT

The Burra Charter defines cultural significance as being derived from the following values: social or cultural value, historic value, scientific value and aesthetic value. Aesthetic, historic, scientific and social values are commonly interrelated. All assessments of heritage values occur within a social and historic context. Therefore, all potential heritage values will have a social component.

Heritage significance is assessed by considering each cultural or archaeological site against the significance criteria set out in the Assessment Guidelines. The Assessment Guidelines require that the assessment and justification in a statement of significance includes a discussion of whether any value meets the following criteria:

- Does the subject area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons? – social value.
- Is the subject area important to the cultural or natural history of the local area and/or region and/or state? – historic value.
- Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state? – scientific (archaeological) value.
- Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state? – aesthetic value.

Assessment of each value should be graded in terms that allow the significance to be described and compared (e.g. high, moderate, or low). In applying these criteria, consideration should be given to:

- *Research potential: does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?*
- *Representativeness: how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?*
- *Rarity: is the subject area important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?*
- *Education potential: does the subject area contain teaching sites or sites that might have teaching potential?*

The Aboriginal heritage significance of the subject area is assessed in the following section within the framework outlined above.

4.2. ASSESSMENT OF HERITAGE VALUES

The following assessment of the social or cultural, historic, scientific and aesthetic values of the subject area has been prepared in accordance with the Assessment Guidelines.

In acknowledgment that the Aboriginal community themselves are in the best position to identify heritage values, the assessment is informed by consultation with the Aboriginal community undertaken as part of the ACHA (Section 2 above).

4.2.1. Social or Cultural Value

Social or cultural value encompasses the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Places of social or cultural value have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods, or events. Communities can experience a sense of loss should a place of

social or cultural value be damaged or destroyed. Social or cultural values can therefore only be identified through consultation with Aboriginal people.

In response to the Stage 2 and 3 information pack (see Section 2.2), no comments were received regarding the social or cultural value of the site. As reported in Section 2.2.2, a site inspection was also conducted to assist in the assessment of the site's social or cultural value. The RAP representative in attendance agreed that the subject area has sustained considerable historical disturbance which is likely to impact the site's potential to retain Aboriginal objects. However, no comments were received regarding the significance of the place insofar as its social or cultural value. Taken together, the ACHA has therefore identified no specific social or cultural values held by Aboriginal people which are associated with the subject area.

4.2.2. Historic Value

Historic value encompasses the history of aesthetics, science and society. A place may have historic value because it is associated with a historic figure, event, phase or activity in an Aboriginal community. The significance of a place will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment. Places may also have 'shared' historic values with other (non-Aboriginal) communities.

No historical associations between Aboriginal people and the subject area have been identified. The subject area is therefore unlikely to have historic value insofar as it relates to Aboriginal cultural heritage.

4.2.3. Scientific (Archaeological) Value

Scientific value relates to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information. Information about scientific value will be gathered through any archaeological investigation undertaken.

The subject area is unlikely to retain any Aboriginal objects due to a high level of historical ground disturbance. Furthermore, if any Aboriginal objects are present, they are likely to be located within a highly disturbed context. The scientific (archaeological) value of the subject area is therefore assessed to be low.

Should any Aboriginal objects be identified within the subject area, the scientific (archaeological) value of those objects and the subject area should be reassessed.

4.2.4. Aesthetic Value

Aesthetic value of a place relates to the sensory, scenic, architectural and creative aspects of a place. It may include visual aspects, such as form, scale, colour, texture and material of the fabric, and the smells and sounds associated with the place and its use.

It is evident that the subject area is highly disturbed through clearance of vegetation and the construction and demolition of buildings in shallow topsoil. The present visual appearance and other sensory aspects of the subject area are unlikely to resemble those of the landscape of the local area as it existed prior to European contact. The subject area is therefore unlikely to have aesthetic value insofar as it relates to Aboriginal cultural heritage.

Individual Aboriginal objects may have aesthetic value in their own right. There are no known Aboriginal objects within the subject area that could be assessed for aesthetic value. In the event that any Aboriginal objects are identified within the subject area during the proposed works, these should be assessed for aesthetic value.

4.3. STATEMENT OF SIGNIFICANCE

The subject area is assessed as having social and cultural significance to Aboriginal people. Based on comments received from RAPs during the consultation process, the subject area evidently has social and cultural value to the Aboriginal community for its connection to the broader cultural landscape around the subject area and for the long connection Aboriginal people have with the area. However, no Aboriginal sites or evidence of a specific cultural association with the subject area itself have been identified. Furthermore, the high level of ground disturbance in the subject area (caused by land clearance and the construction and demolition of buildings) is likely to have diminished any social and cultural value. Therefore, although the social and cultural value of the subject area is acknowledged, the Aboriginal heritage significance of the subject area itself is graded as low.

The assessment of significance should be updated in the event that any Aboriginal objects are found within the subject area during the proposed works.

5. IMPACT ASSESSMENT

The following is an assessment of the potential impact of the proposed development on any Aboriginal objects and/or Aboriginal places within the subject area and the possible strategies for avoiding or minimising harm to those Aboriginal objects and/or Aboriginal places.

5.1. FRAMEWORK FOR ASSESSMENT

The potential harm to Aboriginal objects and Aboriginal places that is likely to be caused by a proposed activity is the effect of that activity on the Aboriginal heritage values identified above. According to the NPW Act, 'harm' to an object or place includes any act or omission that:

- Destroys, defaces, or damages the object or place.
- Moves the object from the land on which it had been situated.
- Causes or permits the object or place to be harmed.

Harm does not include something that is trivial or negligible, such as picking up and replacing a small stone artefact, breaking a small Aboriginal object below the surface when you are gardening, crushing a small Aboriginal object when you walk on or off a track, picnicking, camping or other similar recreational activities.

The Assessment Guidelines define harm to Aboriginal objects and Aboriginal places as being either 'direct' or 'indirect':

- **Direct harm** may occur as the result of any activity which disturbs the ground including, but not limited to, site preparation activities, installation of services and infrastructure, roadworks, excavation, flood mitigation measures.
- **Indirect harm** may affect sites or features located immediately beyond or within the area of the proposed activity. Examples include, but are not limited to, increased impact on art in a shelter from increased visitation, destruction from increased erosion and changes in access to wild food resources.

The present assessment of potential harm follows the principles of ecologically sustainable development (ESD), in particular the precautionary principle and the principle of inter-generational equity:

- The **precautionary principle** states that full scientific certainty about the threat of harm should never be used as a reason for not taking measures to prevent harm from occurring.
- The **principle of inter-generational equity** holds that the present generation should make every effort to ensure the health, diversity and productivity of the environment, which includes cultural heritage, is available for the benefit of future generations. If a site type that was once common in an area becomes rare, the loss of that site (and site type) will result in an incomplete archaeological record and will negatively affect intergenerational equity.

Consideration of potential harm to Aboriginal objects and Aboriginal places according to ecologically sustainable development (ESD) principles allows for an understanding of the cumulative impact of the proposed activity and an understanding of how harm can be avoided or minimised, if possible.

5.2. ASSESSMENT OF POTENTIAL HARM

The assessment of potential harm considers harm that may occur to both known Aboriginal objects and as yet unknown Aboriginal objects within the subject area.

The desktop assessment and site inspection identified no known Aboriginal objects within the subject area. Furthermore, due to high levels of disturbance across the entire subject area, it is unlikely that any as yet unknown Aboriginal objects are retained anywhere within the subject area. Therefore, any physical works within the subject area, including those presently proposed (Section 1.2), are unlikely to cause either direct or indirect harm to Aboriginal objects.

5.3. INTER-GENERATIONAL EQUITY

The cumulative impact of any development on Aboriginal sites relates to the extent of the proposed impact on the site and how this will affect both the proportion of this type of Aboriginal site in the area and the impact this destruction will have on Aboriginal cultural heritage values generally in the area.

As there are no known Aboriginal objects within the subject area and there is nil-low potential for unknown Aboriginal objects to be retained, the proposed works are unlikely to negatively impact upon inter-generational equity.

5.4. AVOIDANCE & MINIMISATION OF HARM

All practicable measures must be taken to avoid harm (i.e. protect and conserve) any significant Aboriginal objects within the subject area along with their cultural heritage values. The precautionary principle states that full scientific certainty about the threat of harm should never be used as a reason for not taking measures to prevent harm from occurring.

If harm to Aboriginal objects and/or Aboriginal places is unavoidable, management strategies must be considered to minimise the harm. The type of management strategies proposed must be appropriate to the significance of Aboriginal heritage values, Aboriginal objects and/or Aboriginal places. Harm avoidance and minimisation measures must be feasible and within the financial viability of the proposed activity.

5.4.1. Unexpected Archaeological Finds Procedure

To mitigate harm to any unknown Aboriginal objects within the subject area, it is recommended that the following unexpected archaeological finds procedure should be followed in the unlikely event that any archaeological material, or suspected archaeological material, is uncovered during any works within the subject area:

1. All works within the vicinity of the find must immediately stop and the location cordoned off with signage installed to stop any accidental impacts to the finds. 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. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information System (AHIMS). Any management measures should be decided upon consultation with the RAPs.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area 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.

5.4.2. Human Remains Procedure

To mitigate harm to any unknown Aboriginal burial sites within the subject area, it is recommended that the following human procedure should be followed in the unlikely event that clearly identifiable human remains are uncovered during any works within the subject area:

1. All works within the vicinity of the find must stop immediately 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 NSW Police and Heritage NSW.
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, Heritage NSW and site representatives.
5. Works are not to recommence until the find has been appropriately managed.

In the event that bones are uncovered which may be human but cannot be confirmed by onsite staff, a suitably qualified archaeologist or heritage specialist should be contacted in the first instance to determine how to proceed.

6. CONCLUSIONS & RECOMMENDATIONS

The ACHA concluded that:

- No Aboriginal sites were identified within the curtilage of the subject area, or within 500m of the subject area.
- No sensitive landscape features have been identified that would suggest an increased potential for Aboriginal objects.
- The entire subject area has been impacted by a **high** level of historical ground disturbance, due to the clearance of vegetation and construction and demolition of buildings.
- There is **very low** potential for Aboriginal objects to occur within the subject area. In the event that Aboriginal objects have been retained they are likely to be **artefacts and/or shell**.
- Given that there are no known Aboriginal objects within the subject area, and a very low potential for Aboriginal objects to occur within the subject area, the proposed physical works are unlikely to cause either direct or indirect harm to Aboriginal objects or negatively impact generational equity.

Based on the above conclusions, Urbis recommends the following:

- **Recommendation 1 – Submission of Report**

A copy of this report should be submitted with the Environmental Impact Statement (EIS) in support of SSD- 73277714.

- **Recommendation 2 – No Further Archaeological Investigation**

As the proposed works are unlikely to cause harm to Aboriginal objects, it is recommended that no further investigation is required for the present development. The proposed development can proceed in line with the Archaeological Unexpected Finds Procedure and Human Remains Procedure as outlined below.

- **Recommendation 3 – Unexpected Archaeological Finds Procedure**

9. All works within the vicinity of the find must immediately stop. The find must not be moved 'out of the way' without assessment. The find must be cordoned-off and signage installed to avoid accidental impact.
10. The site supervisor or another nominated site representative must notify either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) of any unexpected finds. Thereafter, it is recommended to contact a suitably qualified archaeologist to examine the find.
11. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS).
12. The Registered Aboriginal Parties must be notified of the find. Consideration should be given to inviting the RAPs to attend the site to examine the objects if they are substantial in nature.
13. Depending on the significance of the find, reassessment of the archaeological potential of the subject area may be required and further archaeological investigation undertaken.
14. Reporting may need to be prepared regarding the find and approved management strategies.
15. Nominated RAPs are to be included, with continued consultation regarding to changes to the management of Aboriginal cultural heritage, in the Construction Environmental Management Plan ('CEMP') for the project.
16. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

This procedure must be included in the CEMP for the project.

- **Recommendation 4 – Human Remains Procedure**

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

7. All works within the vicinity of the find must immediately stop. The find must be cordoned-off and signage installed to avoid accidental impact.
8. The site supervisor or other nominated manager must notify the NSW Police and Heritage NSW (Enviroline 131 555). The site supervisor or other nominated manager must notify the NSW Police, Heritage NSW (Enviroline 131 555) and the project archaeologist (if relevant).
9. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
10. The Registered Aboriginal Parties must be notified and provided the opportunity to attend site and contribute to recommendations for the management of confirmed ancestral remains.
11. Management recommendations are to be formulated by the NSW Police, Heritage NSW and site representatives
12. Works are not to recommence until the find has been appropriately managed.

This procedure must be included in the CEMP for the project.

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Environment Protection and Biodiversity Conservation Act 1999

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National Parks and Wildlife Act 1974

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Office of Environment and Heritage (OEH) 2011a, *Applying for an Aboriginal Heritage Impact Permit guide for applicants*

OEH 2011b, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*

DISCLAIMER

This report is dated 21 November 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Hyecorp Property (**Instructing Party**) for the purpose of an Aboriginal Cultural Heritage Assessment (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

BASIC AND EXTENSIVE AHIMS SEARCH RESULTS

Urbis Pty Ltd - Angel Place L8 123 Pitt Street

Date: 19 September 2024

Level 8 123 Angel Street
 Sydney New South Wales 2000

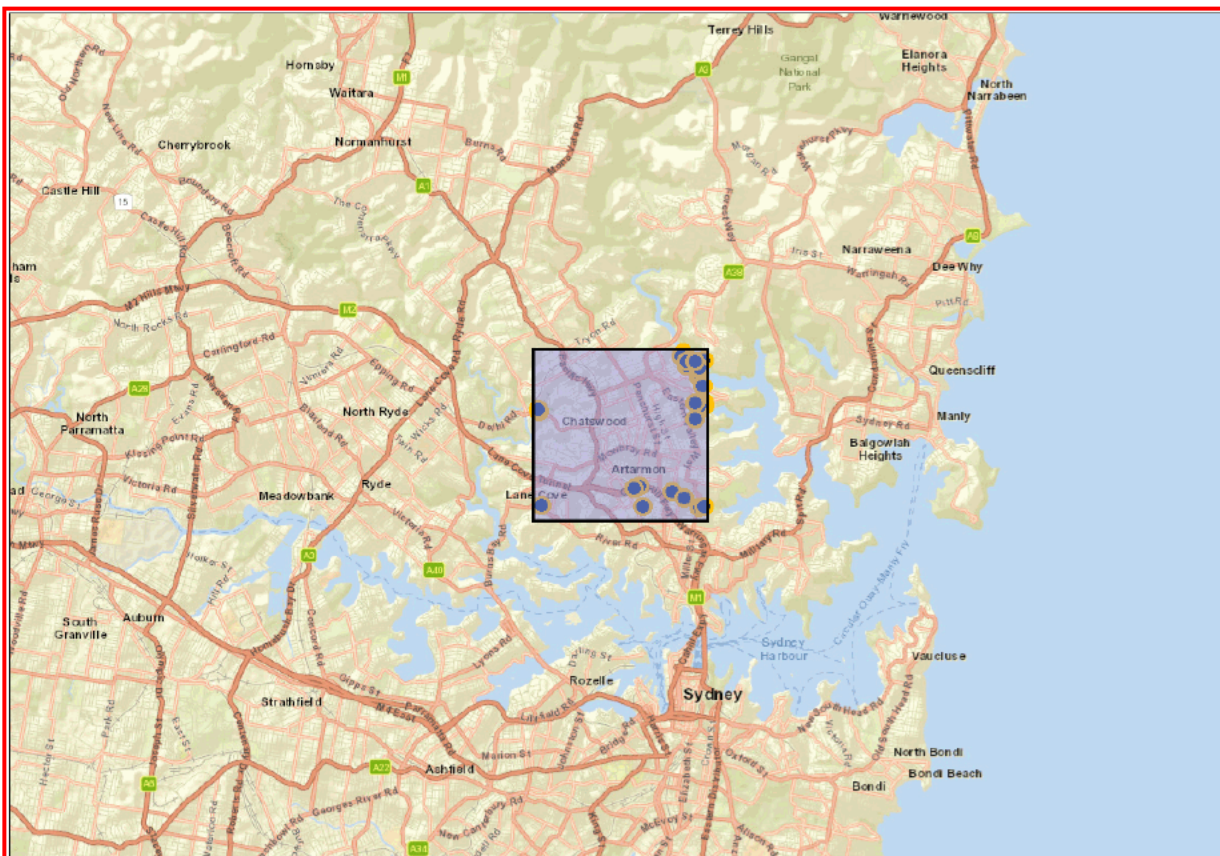
Attention: Jordan Gilbert

Email: jgilbert@urbis.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 329663.0 - 334663.0, Northings : 6256236.0 - 6261235.0 with a Buffer of 0 meters, conducted by Jordan Gilbert on 19 September 2024.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

43	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette \(https://www.legislation.nsw.gov.au/gazette\)](https://www.legislation.nsw.gov.au/gazette) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 37 Archer st Chatswood

Client Service ID : 932189

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status **</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
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**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 19/09/2024 for Jordan Gilbert for the following area at Datum :GDA, Zone : 56, Eastings : 329663.0 - 334663.0, Northings : 6256236.0 - 6261235.0 with a Buffer of 0 meters.. Number of Aboriginal sites and Aboriginal objects found is 43

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

APPENDIX B

REGISTERED ABORIGINAL PARTY CONSULTATION LOG

APPENDIX C

REGISTERED ABORIGINAL PARTY CONSULTATION DOCUMENTATION