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19-25 Balfour Street, Lindfield

Aboriginal Heritage Due Diligence

Prepared for Balfour Group Pty Ltd

May 2025

Ku-ring-gai Local Government Area



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EVERICK HERITAGE PTY LTD

ABN: 78 102 206 682

Head Office: Level 9, Matisse Tower 110 Mary Street Brisbane 4000

Sydney Office: Level 2, 61 Renwick Street Redfern NSW 2016

Byron Bay Office: 6/64 Centennial Circuit, Byron Bay NSW 2481

T: (02) 9552 2944

E: info@everick.com.au

www.everick.com.au

Ver.	Date	Author	Technical Review	Authorised
1	07.05.2025	G. Holes, M. Armson	J. Marsden	K. Christian
2	21.05.2025	M. Armson	A. Steedman	K. Christian

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Executive summary

This Aboriginal Heritage Due Diligence has been prepared by Everick Heritage Pty Ltd on behalf of Balfour Group Pty Ltd to accompany a State Significant Development Application (SSDA) for a proposed residential flat building (including in-fill affordable housing) at 19 – 25 Balfour Street, Lindfield, within the Ku-ring-gai Local Government Area (LGA).

This report has been prepared to address the Secretary's Environmental Assessment Requirements (SEARs) issued for the Project (SSD-82709458) on 22 April 2025.

The following sections provide the results of the Due Diligence in accordance with the Due Diligence Code of Practice.

Step		Yes/No	Comments
Step 1.	Will the activity disturb the ground surface?	Yes	The proposed works will include ground disturbance.
Step 2.	a) relevant confirmed site records on AHIMS, other sources of information or b	No	No AHIMS sites are recorded within or adjacent to the Project Area
	b) landscape features that are likely to indicate the presence of Aboriginal objects?	No	None of the sensitive landscape features are present within the Project Area.
Step 3.	Can you avoid harm to the object or disturbance of the landscape feature?	Yes	No harm is anticipated to Aboriginal objects or sensitive landscape features.
Step 4.	Does a desktop assessment and visual inspection confirm that there are Aboriginal Objects or that they are likely?	No	Aboriginal objects are unlikely to be present.
Step 5.	Further investigations and impact assessment	No	Further investigation is not required.

Recommendations

The following recommendations are made:

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- In accordance with the *Due Diligence Code of Practice*, the proposed activity can proceed with caution, with no further Aboriginal archaeological investigation, assessment or mitigation measures required.

The recommendations regarding Aboriginal heritage are based on consideration of:

- Statutory requirements under the NPW Act and Heritage Act
- *Due Diligence Code of Practice* (DECCW 2010a)
- The results of the Due Diligence

It was found that:

- No previously recorded Aboriginal sites or Potential Archaeological Deposits (PADs) are located within the Project Area.
- There is a high degree of surface disturbance within the Project Area due to past landscaping, construction, and maintenance activities.
- The Project Area is of low archaeological potential for surface finds due to the extensive disturbance.
- The proposed works will primarily involve areas that have already been heavily modified, minimising the likelihood of impacting undisturbed deposits.
- Aboriginal objects are unlikely to be present or the proposed works will not impact them.

Mitigation Measures

This report concludes that the proposed residential flat building is suitable and warrants approval subject to the implementation of the following mitigation measures.

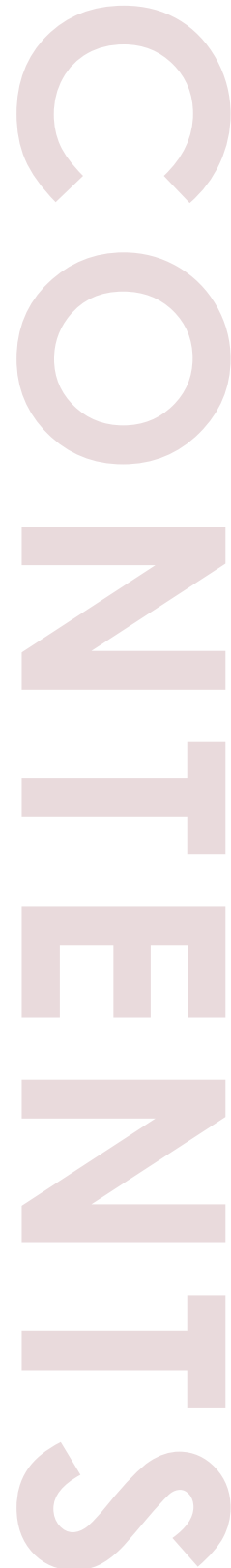
- Unexpected Aboriginal objects remain protected by the NPW Act. If any such objects, or potential objects, are uncovered in the course of the activity, work in the vicinity must cease, and Heritage NSW, and the Metropolitan LALC be contacted for advice.
- If suspected human remains are discovered and/or harmed in, on or under the land within the Project Area, the following actions must be undertaken:
 - The remains must not be harmed/further harmed
 - Immediately cease all works at that particular location
 - Secure the area so as to avoid further harm to the remains

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- Notify the NSW Police and the Environment Line (Department of Climate Change, Energy, the Environment and Water) on 131 555 as soon as practicable and provide any details of the remains and their location
- Do not recommence any work at the particular location unless authorised in writing by Heritage NSW or Department of Planning and Environment.

Contents

EXECUTIVE SUMMARY	II
RECOMMENDATIONS	II
MITIGATION MEASURES	III
GLOSSARY	IX
1. Introduction	1
1.1. Project Background	1
1.2. Authors and Contributors	2
2. Site Description	4
2.1. Surrounding context	4
3. Proposed Development	5
4. Methodology	6
5. Legislative Context	6
5.1. Commonwealth Legislation	6
5.1.1. <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)</i>	6
5.2. State Legislation	7
5.2.1. <i>National Parks and Wildlife Act 1974 (NSW)</i>	7
5.2.2. <i>National Parks and Wildlife Regulation 2019 (NSW)</i>	8
5.2.3. <i>Native Title Act 1994 (NSW)</i>	8
6. Assessment and findings	9
6.1. Environmental Context	9
6.2. Previous Ground Disturbance/Land Use	12
6.3. Database Searches	15
6.3.1. Heritage NSW Aboriginal Heritage Information Management System (AHIMS)	15
6.3.2. Other Database Searches	17
6.4. Previous Archaeological Assessments	19
6.5. Predictive Model	20
6.6. Visual Inspection	21
7. Due Diligence Requirements	25
7.1. Sensitive Landscape Features	25
8. Cumulative Impacts	26
8.1. Previous Ground Disturbance	26



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9.	Conclusion	26
10.	Mitigation Measures (Recommendations)	28
11.	References	29
APPENDIX A - AHIMS DATABASE SEARCH RESULTS		30
APPENDIX B - AHIMS SITE FEATURES, OEH 2012		33

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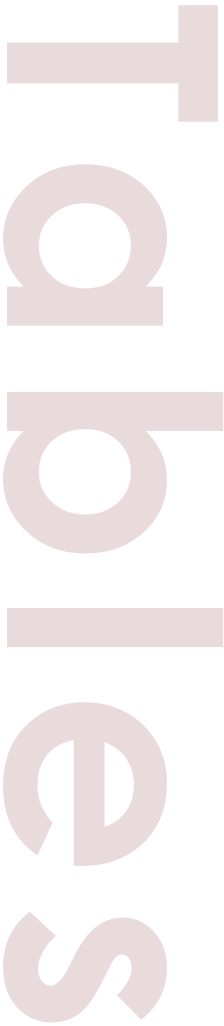
Figures

Figure 1-1: Project Area	3
Figure 2-1: Site Context (Source: Nearmap via Kelyan)	5
Figure 5-1: Soil Landscapes of the Project Area	10
Figure 5-2: Topography and Hydrology of the Project Area	11
Figure 5-3: 1893 Parish Map of the towns of Killara, Roseville and Lindfield	13
Figure 5-4: Historical Aerial from 1930 shows the Project Area largely cleared of mature vegetation and occupied by low density housing.	13
Figure 5-5: 1943 Historical Aerial shows the area has regrown several large trees and is occupied by with the same low-density housing present today. Note the smaller footprint of the rightmost house at 19 Balfour Street.	14
Figure 5-6: 1978 Aerial, showing continual development of the local area, same residential structures seen previously remain.	14
Figure 5-7: 2025 satellite imagery shows the installation of several pools in the back gardens of each of the properties.	15
Figure 5-8: AHIMS extensive search results by site type.	18
Figure 5-9: Terracing and ancillary structure, 19 Balfour	21
Figure 5-10: Terracing, 23 Balfour	22
Figure 5-11: Retaining wall, 19 Balfour	22
Figure 5-12: Residential property, 23 Balfour Street	23
Figure 5-13: Pool, 21 Balfour Street	23
Figure 5-14: Pool, 25 Balfour Street	24
Figure 5-15: Services, 25 Balfour Street	24



Tables

Table 1-1: Planning Secretary’s Environmental Assessment Requirements - Housing	2
Table 1-2: Authors and contributors	2
Table 5-1: AHIMS features within vicinity of the Project Area	16
Table 5-2: Previous Archaeological Assessments	19
Table 9-1: Due Diligence process	27



Glossary

Term	Definition
ACHR	Aboriginal Cultural Heritage Regulation
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ALR Act	<i>Aboriginal Land Rights Act 1983 (NSW)</i>
Commonwealth Act	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)</i>
DECCW	Department of Environment, Climate Change and Water (now Heritage NSW)
Due Diligence Code of Practice	Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales
DPC	Department of Premier & Cabinet
EIS	Environmental Impact Statement
EPBC Act	<i>Environment Protection and Diversity Conservation Act 1999 (Cth)</i>
Everick Heritage	Everick Heritage Pty Ltd
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
Ku-ring-gai LEP	Ku-ring-gai Local Environmental Plan
LGA	Local Government Area
m	metre/s
mm	millimetre/s
NPW Act	<i>National Parks and Wildlife Act 1974 (NSW)</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2009</i>
NSW	New South Wales
OEH	Office of Environment & Heritage (now NSW Environment and Heritage)
PAD	Potential Archaeological Deposit
Project Area	Area as shown in Figure 1-1

1. Introduction

1.1. Project Background

Everick Heritage has been commissioned by Balfour Group Pty Ltd to complete an Aboriginal Heritage Due Diligence for a proposed development at 19-25 Balfour Street, Lindfield. A State Significant Development Application (SSDA) under Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) will seek development consent for the proposed residential flat building, including in-fill affordable housing. The proposed works include demolition of existing structures, site preparation works, excavation and construction of the building and associated landscaping works.

Specifically, the SSDA seeks development consent for:

- demolition of existing buildings and structures on site
- construction of a ten-storey residential flat building featuring:
 - basement level car parking
 - approximately 71 market residential units
 - approximately 27 affordable housing units
- associated landscaping works, including a communal open space.
- associated infrastructure and services

The proposal incorporates 17% affordable housing pursuant to Chapter 2, Section 15C and Chapter 5, Section 156 of the Housing SEPP. The proposal seeks to utilise the incentive controls under Chapter 2, Part 2, Division 1, Section 16 of the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) to achieve 30% additional building height and floor space ratio (FSR).

This report has been prepared in response to the requirements contained within the Secretary's Environmental Assessment Requirements (SEARs) dated 22 April 2025 (SSD-82709458). Specifically, this report has been prepared to respond to the SEARs requirement issued below.

Table 1-1: Planning Secretary's Environmental Assessment Requirements - Housing

Item	Description of Requirement	Section Reference (this report)
21. Aboriginal Cultural Heritage	- Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by: - Identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or - Providing an initial assessment of the potential impacts. - If potential impacts are significant, provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which: - Identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site. - Is prepared in accordance with relevant guidelines.	This report provides an Aboriginal Heritage Due Diligence Assessment. This report has identified potential impacts are not significant and a Due Diligence is satisfactory for compliance with the SEARs.

1.2. Authors and Contributors

Table 1-2: Authors and contributors

Contributor	Affiliation	Role	Qualification	Tasks
Jason Giang	Everick Heritage	Senior Archaeologist	BA (Hons)	Project management
Gareth Holes	Everick Heritage	Senior Archaeologist	Ma, BA (Hons)	Report preparation
Maryam Hossieni	Everick Heritage	Senior GIS	PhD	Mapping
Michael Armson	Everick Heritage	Archaeologist	BA (Hons), BSc	Background research, visual inspection and report preparation.
Nestor Nicola	Everick Heritage	Archaeologist	BA (Hons)	Visual inspection

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Figure 1-1: Project Area

2. Site Description

The site is located at 19-25 Balfour Street, Lindfield, within the Ku-Ring-Gai Local Government Area (LGA). It is legally described as:

- Lot 12 DP654363
- Lot 1 DP121527
- Lot 13 DP657173
- Lot 13 DP663524

The site has an area of approximately 4,771m² and is generally rectangular in shape.

The site is currently occupied by four detached dwellings, swimming pools, landscaping and ancillary structures. It is zoned R2 Low Density Residential pursuant to the Ku-Ring Gai Local Environmental Plan 2015 (KLEP 2015).

The subject site is located within the Lindfield Transport Oriented Development (TOD) area, pursuant to Chapter 5 of the Housing SEPP (Figure 3).

The site itself is not identified as a heritage item; however, it is located within Balfour Street/Highfield Road Conservation area (Area C29). Schedule 5 of the KLEP 2015 states the heritage area is valued for its aesthetic and historical significance with the Federation Queen Anne style housing. Within the heritage area there is one heritage item located approximately 30m from the site (I39).

High biodiversity value land is present at the site across the north part of the site, pursuant to the Biodiversity Conservation Act 2016.

The Project Area is located within the boundary of the Metropolitan Local Aboriginal Land Council (LALC).

2.1. Surrounding context

To the north of the site is the broader Balfour Street Highfield Road Heritage Conservation Area, of which the subject site occupies the south-western portion of the area. Further north is an area of low density residential, consisting generally of one to two storey dwellings.

The Pacific Highway and Lindfield Station are located approximately 330m east of the site, with a strip of commercial and retail uses along the highway. To both the south and west is a large area of low-

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density residential homes and beyond this, is a golf course and local park both within a kilometre west of the site.

In addition to Lindfield Station, the site is also serviced by several bus services, with the nearest stop approximately 400m away (6 min walk), offering services to Chatswood and Macquarie University. The site is located approximately 2.75km north-west of Chatswood, 4.4km east of Macquarie University, and 10.5km north-west of the Sydney CBD.

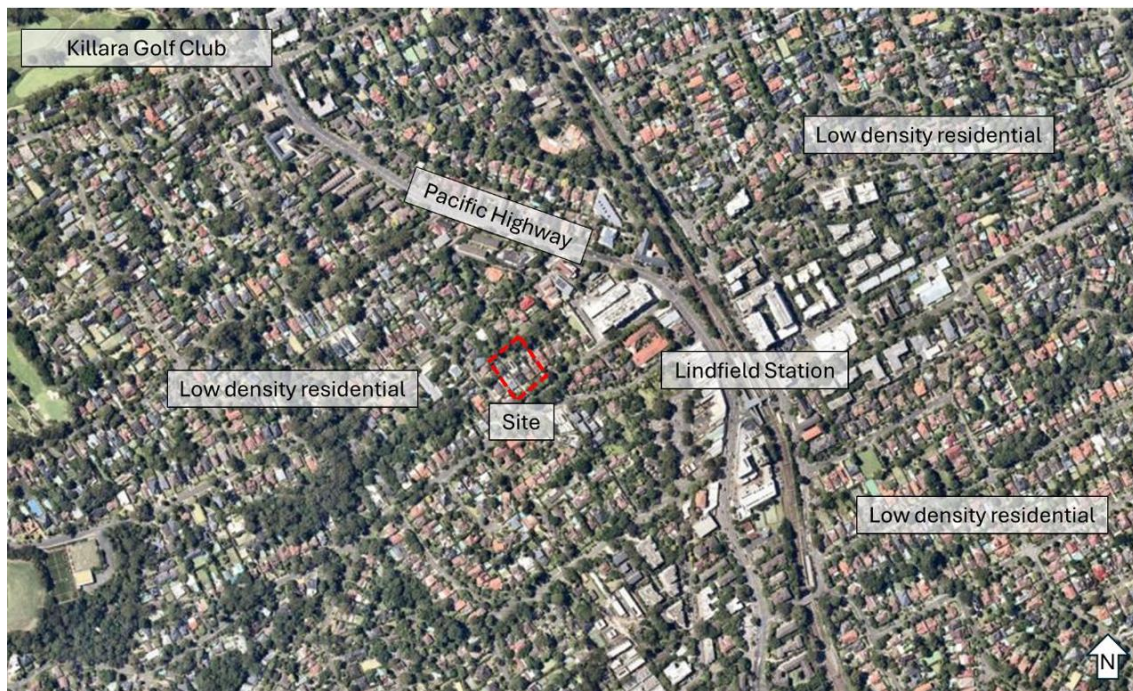


Figure 2-1: Site Context (Source: Nearmap via Kelyan)

3. Proposed Development

The proposed development constitutes a ten-level residential building with a ramp to landscaped area at the rear of the property. The planned development also includes two basement car parking levels and a ground level car park.

4. Methodology

Due Diligence is not required for low impact activity as defined in Section 58 of the *National Parks and Wildlife Regulation 2019*. However, the proposed works do not comprise low impact activity as defined in Section 58, therefore Due Diligence is required.

The Due Diligence consists of the following tasks, in line with Steps 1-5 of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (Due Diligence Code of Practice) (Department of Environment, Climate Change & Water 2010a):

- Step 1. Will the activity disturb the ground surface?
- Step 2a. Search the AHIMS database and use any other sources of information of which you are already aware
- Step 2b. Activities in areas where landscape features indicate the presence of Aboriginal objects
- Step 3. Can you avoid harm to the object or disturbance of the landscape feature?
- Step 4: Desktop assessment and visual inspection
- Step 5. Further investigations and impact assessment

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DCCW 2010) advises that under the NPW Act, a person has a defence to any prosecution alleging harm to an Aboriginal object if they show that they exercised due diligence to identify Aboriginal objects and reasonably decided that no Aboriginal objects would be harmed.

5. Legislative Context

5.1. Commonwealth Legislation

5.1.1. *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)*

Most State Aboriginal heritage acts provide protection for those sites with physical evidence. The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth)* (Commonwealth Act), deals with Aboriginal cultural property in a wider sense. Such cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. In most

cases, archaeological sites and objects registered under the *National Parks and Wildlife Act 1974* (NSW) and *Heritage Act 1977* (NSW) will also be Aboriginal places subject to the provisions of the Commonwealth Act.

There is no cut-off date, and the Commonwealth Act may apply to contemporary Aboriginal cultural property as well as ancient sites. The Commonwealth Act takes precedence over State cultural heritage legislation where there is conflict. The responsible Minister may make a declaration under Section 10 of the Commonwealth Act in situations where state or territory laws do not provide adequate protection of heritage places.

5.2. State Legislation

5.2.1. *National Parks and Wildlife Act 1974* (NSW)

The *National Parks and Wildlife Act 1974* (NSW) (NPW Act) provides statutory protection to all Aboriginal places and objects. An Aboriginal object is defined as:

...any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

An Aboriginal Place is declared by the Minister under section 86 of the NPW Act. Aboriginal Places are recognised for their special significance to Aboriginal culture. Aboriginal Places gazetted under the NPW Act are listed on the State Heritage Register established under the *Heritage Act 1977*.

The protection provided to Aboriginal objects applies regardless of the level of their significance or issues of land tenure. Aboriginal objects and places are afforded statutory protection in that it is an offence to knowingly or unknowingly desecrate and Aboriginal object or place under section 86 of the NPW Act.

In accordance with section 89A, any person who is aware of the location of an Aboriginal object must notify the Chief executive in the prescribed manner within a reasonable time of becoming aware of that object. The prescribed manner is through preparation and submission of an Aboriginal Site Recording Form to the Aboriginal Heritage Information Management System (AHIMS) (DECCW 2010b: 14).

In order to undertake a proposed activity which is likely to involve harm to an Aboriginal object or Aboriginal Place it is necessary to apply to Heritage NSW (Department of Premier and Cabinet) for an

Aboriginal Heritage Impact Permit (AHIP). AHIPs are issued by the Aboriginal Heritage Regulation Team (Heritage NSW) under section 90 of the NPW Act and permit harm to certain Aboriginal objects and Aboriginal Places.

5.2.2. National Parks and Wildlife Regulation 2019 (NSW)

The *Due Diligence Code of Practice* was adopted by the *National Parks and Wildlife Regulation 2009* (NSW) (NPW Regulation) and introduced in October 2010 by Heritage NSW (formerly DECCW). The Regulations were revised in 2019. The aim of this guideline is to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an Aboriginal Heritage Impact Permit (AHIP).

A due diligence assessment should take reasonable and practicable steps to ascertain whether there is a likelihood that Aboriginal objects will be disturbed or impacted during the proposed development. If it is assessed that sites exist or have a likelihood of existing within the development area and may be impacted by the proposed development, further archaeological investigations may be required along with an AHIP. If it is found to be unlikely that Aboriginal sites exist within the study area and the due diligence assessment has been conducted according to the *Due Diligence Code of Practice*, work may proceed without an AHIP.

This due diligence assessment seeks to comply with the NPW Act, by assisting the proponent in meeting their obligations under the NPW Act.

5.2.3. Native Title Act 1994 (NSW)

The *Native Title Act 1994* (NSW) was introduced to work in conjunction with the Commonwealth *Native Title Act 1993* (Cth). Native Title claims, registers and Indigenous Land Use Agreements are administered under the *Native Title Act 1994* (NSW). A search was conducted of the Native Title register on 22 April 2025 but no claims were noted.

6. Assessment and findings

6.1. Environmental Context

The Project Area is situated within the Cumberland Plain, in an area characterised by gently undulating slopes with broad, rounded ridges and gently inclined slopes. The Cumberland Plain is bordered by the Blue Mountains to the west, the Hornsby Plateau to the north, and the Georges River and Paramatta headwaters to the east. The underlying geology of the Project Area comprises the Wianamatta Group, made up of the following units: Bringelly Shale; Minchinbury Sandstone and Ashfield Shale. In general, Wianamatta Group derived soils are characterised by low fertility and high soil acidity (Bannerman & Hazelton 1990).

The Project Area is located in the Lucas Heights soil landscape and closely borders the Glenorie soil landscape. The Lucas Heights (residual) landscape is characterised by gently undulating plateau, 200–1 000 m in width, with level to gently inclined slope gradients of <10%. Local relief is <30m. Rocky outcroppings are absent. As such, rock shelters are considered unlikely to appear in the Project Area.

The Project Area is located on the southern mid slope of a ridgeline. The area has a local gradient of approximately 0.138. The Project Area is approximately 10m north of the boundary with the Glenorie Soil landscape, and is likely to be located within a transitional zone. The Glenorie soil landscape characterised by undulating and rolling hills, with local relief varying between 50-80m, soils are typically shallow on ridgelines becoming steeper on slopes and along drainage lines.

The generally shallow soils of the Glenorie and Lucas Heights soil landscapes mean that subsurface Aboriginal objects are vulnerable to disturbance, moderate disturbance is likely to have impacted any objects present.

The Project Area is within 300 metres of Little Blue Gum Creek. Distance from watercourses is recognised as impacting the distribution of Aboriginal sites. Within the Due Diligence Code of Practice (DECCW 2010a) sensitivity for Aboriginal objects is recognised within 200m of creek lines. While the Project Area is outside of this area it likely retains some potential for Aboriginal objects to be present.

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Figure 6-1: Soil Landscapes of the Project Area

This is a topographic map of the Balfour Group, showing the area around 19-25 Balfour Street in Lindfield. The map features yellow contour lines indicating elevation, with labels ranging from 66 to 112. A red rectangle highlights the project area, which is situated on a slope. The map also shows residential buildings, trees, and a road. The map is overlaid with a grid of coordinates, with Easting values from 329900 to 330250 and Northing values from 6261050 to 6261500. A scale bar at the bottom left indicates distances up to 60 metres. A north arrow is located at the bottom right. The map is titled 'NSW10296 Balfour Group 19-25 Balfour Street Lindfield' and includes a legend for 'Contours' and 'Project Area'.

NSW10296 Balfour Group 19-25 Balfour Street Lindfield
 Topography & Hydrology
 Prepared by: M.HOSSEINI
 Reviewed by: A.ROBINS
 Date: 23 April 2025
 Scale at A4: 1:2,000
 LGA: KU-RING-GAI
 Suburb: LINDFIELD
 Datum: GDA 1994 MGA Zone 56

Legend
 — Contours
 [Red Box] Project Area

EVERICK GEOSPATIAL

0 20 40 60 Metres

Document Path: \\192.168.15.200\everick-NSW-Jobs\2_NSW_Jobs\NSW10296 Balfour Group_19-25 Balfour Street Lindfield\Maps & Plans\PRO\NSW10296 Balfour Group_19-25 Balfour Street Lindfield\NSW10296 Balfour Group_19-25 Balfour Street Lindfield

NSW10296 19-25 Balfour Street | Aboriginal Heritage Due Diligence
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6.2. Previous Ground Disturbance/Land Use

Parish mapping from 1893 shows that the Project Area was part of a lot granted to 'Jinnors' however it is unknown what use it was put to at this time (Figure 6-3).

By the 1930s the lots have been cleared of vegetation, and residential properties had been constructed within the Project Area (Figure 6-4). These appear consistent with the Federation Queen Anne style housing with a frontage of large trees and hedges present today (Ku-ring-gai Council 2015). Construction and renovation of the residential properties has resulted in significant disturbance. Each of the four properties within the Project Area have landscaped front gardens with the addition of driveways and stone walls. Though the impacts of concrete slabs and laid pavers are relatively moderate, each of the front gardens appears to have undergone some form of landscaping or the deposition of soils from other areas. Aerial imagery from 1940s and 1970s shows progressive increases in tree cover within and surrounding the Project Area (Figure 6-5 and Figure 6-6). Imagery from 2025 shows the Project Area substantially similar with that seen previously, additional tree cover is present, however all four residential properties are retained (Figure 6-7).

Due to the significant slope of the landform, it is likely the blocks were levelled prior to construction of the buildings with the excess soil deposited in the front and rear garden areas of all four properties. This levelling also appears to have occurred with the installation of public and private footpaths and stone slab stairs. At the rear of each property are four below ground pools with extensive paving and other constructions such as sheds, studios and sunshades. Due to the degree to which landscaping and construction of sheds and studios have altered the natural landform across all four properties, it is expected that the likelihood of the remnant natural landforms being retained is low to nil.

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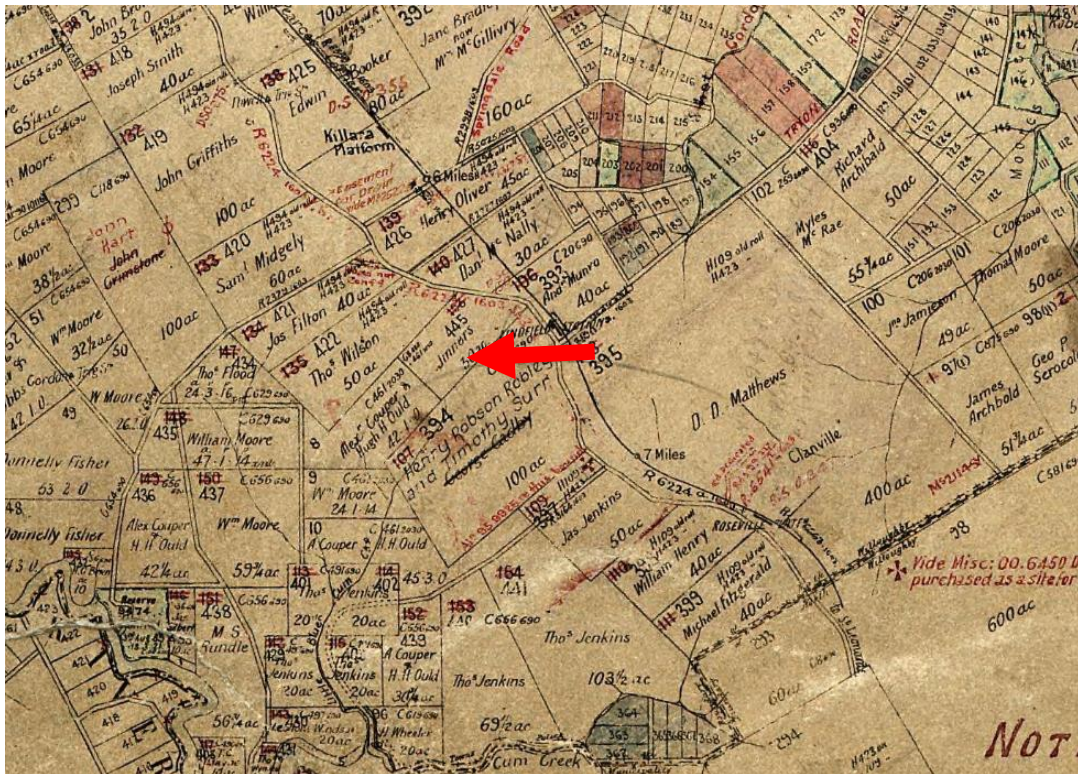


Figure 6-3: 1893 Parish Map of the towns of Killara, Roseville and Lindfield



Figure 6-4: Historical Aerial from 1930 shows the Project Area largely cleared of mature vegetation and occupied by low density housing.

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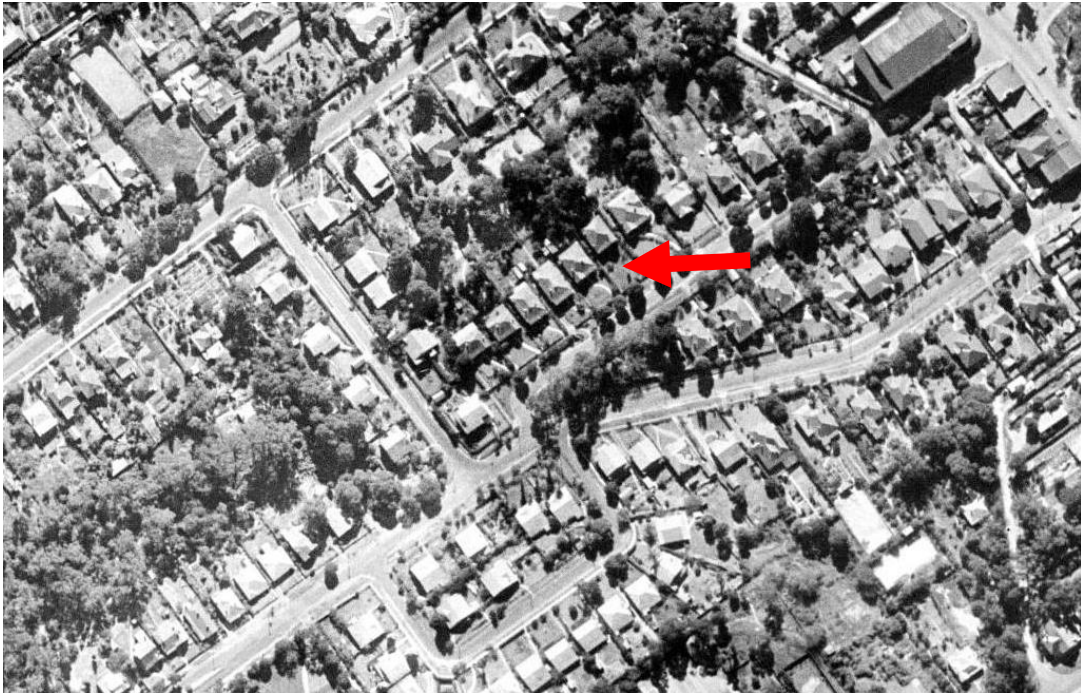


Figure 6-5: 1943 Historical Aerial shows the area has regrown several large trees and is occupied by with the same low-density housing present today. Note the smaller footprint of the rightmost house at 19 Balfour Street.



Figure 6-6: 1978 Aerial, showing continual development of the local area, same residential structures seen previously remain.

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Figure 6-7: 2025 satellite imagery shows the installation of several pools in the back gardens of each of the properties.

6.3. Database Searches

6.3.1. Heritage NSW Aboriginal Heritage Information Management System (AHIMS)

Caution should be taken when using the Heritage NSW Aboriginal Heritage Information Management System (AHIMS) database to reach conclusions about site prevalence or distribution. For example, a lack of sites in each area should not be seen as evidence that the area was not occupied by Aboriginal people. It may simply be an indication that it has not been surveyed for cultural heritage, or that the surveys were undertaken in areas of poor surface visibility. Further to this, care needs to be taken when looking at the classification of sites. For example, the decision to classify a site an artefact scatter containing shell, rather than a midden can be a highly subjective exercise, the threshold for which may vary between archaeologists. It is also important to note that the nature and location of Aboriginal sites can be culturally sensitive information and should only be made publicly available with the consent of the Aboriginal community. A search of AHIMS was initially conducted on 22 April 2025 (Client Service ID: 997352) with the following coordinates:

Lat, Long from: -33.7937, 151.1354

Lat, Long to: - -33.758, 151.1972

The AHIMS search identified 36 Aboriginal sites and zero Aboriginal Places. There are 20 standard site features that can be used to describe a site registration with AHIMS, and more than one feature can be used for each site. For the 36 sites within the search area, a total of six different site features are recorded (Appendix B - AHIMS Site Features). Details of the occurrence of site features is provided in Table 6-2. AHIMS sites listed under the Artefact site feature generally consist of artefact scatters. A map of the extensive search is provided in Figure 6-8.

There are no sites within 500m of the Project Area, likely due to the age and extent of previous land disturbance. Registered sites within the search area are predominantly located in close proximity to watercourses. No site type within the search area has a clear majority, however, Artefact or Shell, Artefact, are the most common site features. Several sites within the search area comprise shell and/or artefacts, and represent midden sites, closely associated with creek lines and river foreshore. Midden sites are the result of repeated use of a site for the collection and/or consumption of shellfish. Aboriginal middens are often associated with stone artefacts and in the wider region, with burials. However, there are no known burials in the search area. It should be noted that though several rock engravings and rock shelters appear in the wider search radius, these are not anticipated in the Project Area due to the differing geology. However, those sites within the search that are in closer proximity to the site, or those in comparable locations, are commonly identified by the midden site type.

Table 6-1: AHIMS features within vicinity of the Project Area

Site features	Number	Percentage (%)
Art (Pigment or Engraved)	11	31
Artefact	6	17
Shell, Artefact	10	28
Potential Archaeological Deposit (PAD)	6	17
Grinding Groove	1	2.8
Grinding Groove, Art (Pigment or Engraved)	1	2.8
Artefact, Habitation Site	1	2.8
Total	36	100

6.3.2. Other Database Searches

A search of the Aboriginal Heritage Impact Permit (AHIP) Register was undertaken to ascertain if there are any active AHIPs which intersect with the Project Area. No active AHIPs were located. A search of the Native Title Vision, Native Title claim and determination web tool was undertaken, and no claims determined or otherwise are located within the Project Area.

The following heritage registers were accessed on the 22 April 2025:

- World Heritage List (Australian Heritage Council/ UNESCO)
- The National Heritage List (Australian Heritage Council)
- Commonwealth Heritage List (Australian Heritage Council)
- The State Heritage Register (Heritage NSW)
- Ku-ring-gai LEP (Ku-ring-gai Council) 2015

The Project Area is within the Balfour Street/Highfield Road Conservation Area (Balfour Street/ Highfield Road Conservation Area - C29, Ku-ring-gai Council 2015), a review of the reference card for the conservation area did not identify any Aboriginal cultural heritage values. It is noted however, that Aboriginal cultural heritage values are rarely identified within LGA LEP heritage lists.

There are no listed State or Local listings within the Project Area that relate to Aboriginal Cultural Heritage.

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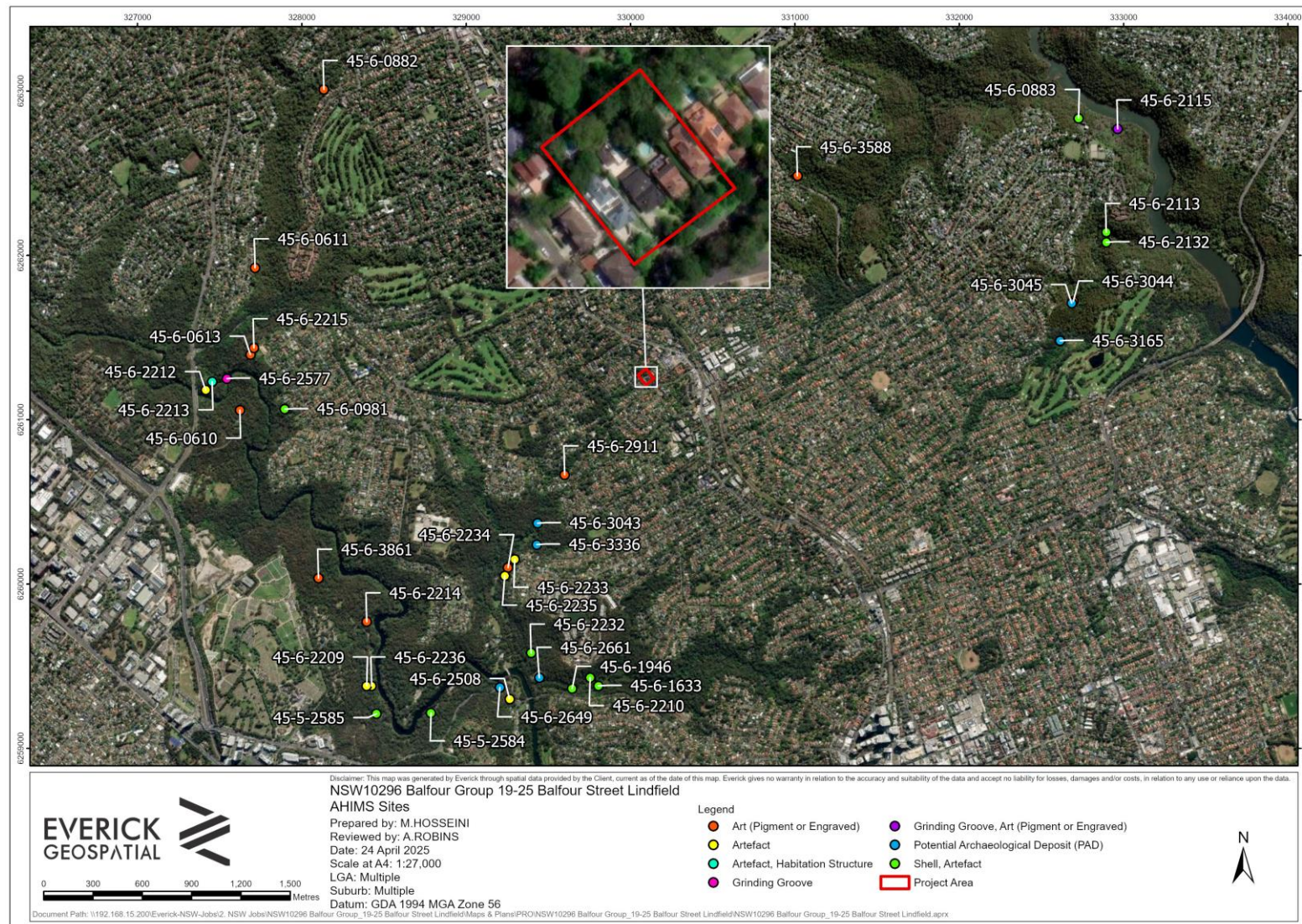


Figure 6-8: AHIMS extensive search results by site type.

6.4. Previous Archaeological Assessments

Numerous previous investigations have taken place within the local area. A summary is provided in Table 6-2.

Table 6-2: Previous Archaeological Assessments

Report	Distance from Project Area	Summary
RPS (2022), Aboriginal Heritage Due Diligence Assessment, Areas 18, 19 & 20, Berry & River Road and Holdworth Avenue, St Leonards	6.2km	Prepared a predictive model: - Higher artefact densities are likely on terraces and lower slopes within 50-100m of forth order streams and within 50 m of second order streams - Potential for scarred trees unlikely due to old growth tree removal - Rock shelters are common around the Harbour and are often associated with middens and art (pigment and engraving) - Grinding grooves are normally present on sandstone exposures, often along creek lines and where water is present. Subsequent field surveys did not identify any Aboriginal sites or PADs due to high levels of disturbance.
Eco Logical Australia (2020), Aboriginal Cultural Heritage Assessment, Chatswood Public and Highschool	2.75km	Identified that the Sydney area has been subject to extensive disturbance, through development. Heavy ground disturbance associated with land clearance, development and levelling may reduce or remove Aboriginal potential. No Aboriginal sites or PADs were identified due to high levels of disturbance.
Total Earth Care (2007), Aboriginal Cultural Heritage Assessment, 126 Greville Street, Chatswood West		A predictive model was developed: - Camp sites are typically located nearer to such larger water courses and smaller tributaries such as Blue gum Creek - Rock shelters are unlikely due to limited rocky outcropping - In situ artefacts unlikely due to the extensive land clearance Subsequent field surveys did not identify any Aboriginal sites or PADs due to high levels of disturbance.

6.5. Predictive Model

For the purposes of this assessment, the archaeological sensitivity and potential of the Project Area have been defined as discrete terms. Archaeological sensitivity has been defined after Section 8 of the Due Diligence Code of Practice (2010a: 12); that is, the association of a site or area with particular landscape features considered to have been used in everyday activities of Aboriginal people, as well as traditional cultural activities. Archaeological sensitivity is provided as a graded assessment, from low to high, and accounts for the results of the desktop assessment.

Archaeological potential has been defined as the actual likelihood of archaeological sites to be identified, accounting for past and present disturbance to both the ground surface and subsurface soil deposits. Archaeological potential is also provided as a graded assessment, from low to high, and compares the results of the desktop assessment against those of the visual inspection, to evaluate if, and to what degree, sensitive landscape features have been subjected to ground disturbance and, therefore, if Aboriginal objects are likely to be present in a surface or subsurface context.

The Project Area has been assessed to be of moderate sensitivity due to the occurrence of ridgeline landforms within the Project Area which are known to be associated with the occurrence of artefact scatter sites. It is expected that the archaeological potential of the area will be low due to the previous land use including the construction of buildings, services and rural infrastructure. The exact nature and extent of the disturbance must be determined through a visual inspection.

The following predictive statements are made regarding the occurrence of Aboriginal objects within the Project Area:

- The most likely site types to occur within the Project Area are artefact scatters. Artefact scatters will most likely occur on the lower slopes of ridgelines.
- Other site types such as rock shelters are found within the surrounding region but are considered unlikely to occur due to the landform and soil landscape in which rocky outcrops are usually absent and high degree of disturbance.
- The archaeological potential of the Project Area is likely to be low due to the high degree of land disturbance.

6.6. Visual Inspection

A visual inspection was undertaken by Michael Armson (Heritage Consultant, Everick Heritage), Nestor Nicola (Heritage Consultant, Everick Heritage) and Raymond Weatherall (Site Officer, Metropolitan LALC) on 2 May 2025. The visual inspection was undertaken in overcast conditions with good visibility.

The visual inspection found that the Project Area had been heavily terraced with large retaining walls visible, little natural slope remains (Figure 6-9 – Figure 6-11). Imported fill was present throughout although material displaced during the terracing was also present. Four residential properties with exterior landscaping, ancillary building, pools and associated services were seen (Figure 6-12 – Figure 6-15), which would have had a significant impact on subsurface potential.

Raymond Weatherall noted that the Project Area was located on the mid-slope and was unsuitable for camping, therefore potential for Aboriginal sites was limited. While Aboriginal objects may move downslope through wash movement, the high level of disturbance makes this unlikely.

Overall, no Aboriginal objects were seen, and the Project Area was found to be heavily disturbed. Therefore, Aboriginal objects are unlikely to be present.



Figure 6-9: Terracing and ancillary structure, 19 Balfour

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Figure 6-10: Terracing, 23 Balfour

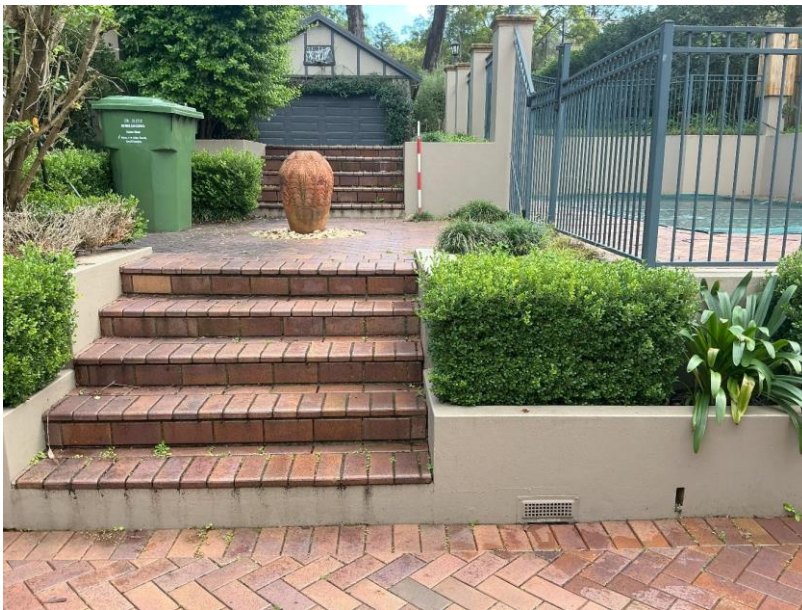


Figure 6-11: Retaining wall, 19 Balfour

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Figure 6-12: Residential property, 23 Balfour Street



Figure 6-13: Pool, 21 Balfour Street

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**Figure 6-14: Pool, 25
Balfour Street**



**Figure 6-15: Services, 25
Balfour Street**

7. Due Diligence Requirements

The purpose of this section is to document the due diligence process. The NPW Act allows that a person who exercises due diligence to determine that their proposed works will not harm Aboriginal object has a defence against prosecution if they later unknowingly harm an object (DECCW 2010). By following the due diligence process Everick Heritage will:

- identify whether or not Aboriginal objects are, or are likely to be, present in an area
- determine whether or not their activities are likely to harm Aboriginal objects (if present)
- determine whether an AHIP application is required.

The *Due Diligence Code of Practice* lays out five steps for conducting Aboriginal Due Diligence, these are laid out in Table 5-1.

7.1. Sensitive Landscape Features

Landscape features may indicate the presence of Aboriginal objects, as a result of Aboriginal people's use of those features in their everyday lives and for traditional cultural activities. It is essential to determine whether the site contains landscape features that indicate the likely existence of Aboriginal objects. The Due Diligence Code of Practice (2010a: 12) defines these landscapes as:

- within 200 m of waters, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or
- located within 200 m below or above a cliff face, or
- within 20 m of or in a cave, rock shelter, or a cave mouth.

The Project Area does not contain any sensitive landscape features as it is located on a mid-slope, with no known cliffs or rock shelters. There are no sources of water within 200 m of the Project Area, but first and second order streams are located within the wider vicinity of the area, with the closest located approximately 300 m from the Project Area.

8. Cumulative Impacts

8.1. Previous Ground Disturbance

Part 8A, Clause 80B (4) of the NPW Regulation states that land is disturbed if it has been the subject of human activity that has changed the land's surface, being changes that remain clear and observable. Examples of activities that may have caused disturbance are provided in the NPW Regulation as:

- (a) soil ploughing,
- (b) construction of rural infrastructure (such as dams and fences),
- (c) construction of roads, trails and tracks (including fire trails and tracks and walking tracks),
- (d) clearing of vegetation,
- (e) construction of buildings and the erection of other structures,
- (f) construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure),
- (g) substantial grazing involving the construction of rural infrastructure,
- (h) construction of earthworks associated with anything referred to in paragraphs (a)-(g).

The desktop and visual inspection have confirmed that the Project Area has been subject to activities associated with paragraphs (a), (d), (e), (f), and (h).

As such, there are unlikely to be any substantial cumulative impacts due to the lack of surviving archaeological potential.

9. Conclusion

The following conclusion is based on:

- Statutory requirements under the NPW Act
- *Due Diligence Code of Practice* (DECCW 2010a)
- Results of desktop assessment and visual inspection

It was found that:

- No previously recorded Aboriginal sites or Potential Archaeological Deposits (PADs) are located within the Project Area.
- There is a high degree of surface disturbance within the Project Area due to past landscaping, construction, and maintenance activities.
- The Project Area is of low archaeological potential for surface finds due to the extensive disturbance.
- The proposed works will primarily involve areas that have already been heavily modified, minimising the likelihood of impacting undisturbed deposits.
- Aboriginal objects are unlikely to be present or the proposed works will not impact them.

Therefore, the works may proceed with caution. The Due Diligence will provide a legal defence against harm under the NPW Act.

Table 9-1: Due Diligence process

Step	Yes/No	Comments
Step 1. Will the activity disturb the ground surface?	Yes	The proposed works will include ground disturbance.
Step 2. a) relevant confirmed site records on AHIMS, other sources of information or b	No	No AHIMS sites are recorded within or adjacent to the Project Area
b) landscape features that are likely to indicate the presence of Aboriginal objects?	No	None of the sensitive landscape features are present within the Project Area.
Step 3 Can you avoid harm to the object or disturbance of the landscape feature?	Yes	No harm is anticipated to Aboriginal objects or sensitive landscape features.
Step 4 Does a desktop assessment and visual inspection confirm that there are Aboriginal Objects or that they are likely?	No	Aboriginal objects are unlikely to be present.
Step 5 Further investigations and impact assessment	No	Further investigation is not required.

10. Mitigation Measures (Recommendations)

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

- Statutory requirements under the NPW Act
- Due Diligence Code of Practice (DECCW 2010a)
- Results of desktop assessment and visual inspection.

The following recommendations are made:

- In accordance with the Due Diligence Code of Practice, the proposed activity can proceed with caution, with no further Aboriginal archaeological investigation, assessment or mitigation measures required.
- Unexpected Aboriginal objects remain protected by the NPW Act. If any such objects, or potential objects, are uncovered in the course of the activity, work in the vicinity must cease, and Heritage NSW, and the Metropolitan LALC be contacted for advice.
 - If suspected human remains are discovered and/or harmed in, on or under the land within the Project Area, the following actions must be undertaken:
 - The remains must not be harmed/further harmed
 - Immediately cease all works at that particular location
 - Secure the area so as to avoid further harm to the remains
 - Notify the NSW Police and the Environment Line (Department of Climate Change, Energy, the Environment and Water) on 131 555 as soon as practicable and provide any details of the remains and their location
 - Do not recommence any work at the particular location unless authorised in writing by Heritage NSW or Department of Planning and Environment.

11. References

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Tindale, N.B. 1974. Aboriginal Tribes of Australia: their terrain, environmental controls, distribution, limits and proper names. University of California Press, Berkeley.

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Appendix A - AHIMS Database Search Results

Site ID	Site name	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
45-6-0981	Lane Cove River	AGD	56	327792	6260874	Open site	Valid	Grinding Groove	Mr.R Taplin
45-6-0613	Max Allen Track Kangaroo ENG (KUR069)	GDA	56	327687	6261396	Open site	Valid	Art (Pigment or Engraved)	Ms.Bronwyn Conyers, Mr.Oliver Descoeudres
45-6-2215	Terrace Road #2	GDA	56	327708	6261438	Open site	Valid	Art (Pigment or Engraved)	Ms.Bronwyn Conyers,DPIE - Armidale, Ms.Elise McCarthy
45-6-2649	Lane Cove River PAD 1	AGD	56	329100	6259180	Open site	Valid	Potential Archaeological Deposit (PAD)	Mr.Neville Baker
45-6-1946	Blue Gum Creek;.	GDA	56	329645	6259364	Open site	Valid	Artefact, Shell	Michael Guider
45-6-2212	Blue Hole	AGD	56	327310	6260990	Closed site	Valid	Artefact	Ms.Bronwyn Conyers
45-6-2115	MCW 6;East Lindfield;	GDA	56	332964	6262770	Open site	Valid	Art (Pigment or Engraved), Grinding Groove	Michael Guider
45-5-2585	LCNPM 2	AGD	56	328350	6259020	Open site	Valid	Artefact, Shell	Bobbie Oakley
45-6-3336	Little Blue Gum Shelter PAD 2	GDA	56	329430	6260240	Open site	Valid	Potential Archaeological Deposit (PAD)	Mr.Phil Hunt
45-6-3861	Riverside Drive Charcoal Art	GDA	56	328101	6260036	Open site	Valid	Art (Pigment or Engraved)	DPIE - Armidale, Ms.Elise McCarthy
45-6-0882	Lane Cove River;Gordon;	GDA	56	328134	6263010	Open site	Valid	Art (Pigment or Engraved)	Charles.D Power

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Site ID	Site name	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
45-6-2577	River Bend;	AGD	56	327440	6261060	Open site	Valid	Grinding Groove : -	Michael Guider
45-5-2584	NOT A SITE - LC NPM 1	GDA	56	328786	6259215	Open site	Not a Site	Artefact, Shell	Bobbie Oakley, Coast History & Heritage , Coast History & Heritage , Miss.Gina Basile, Miss.Gina Basile
45-6-3588	Upper Gordon Creek - 1 KUR 161	GDA	56	331015	6262485	Closed site	Valid	Art (Pigment or Engraved)	Mr.Phil Hunt
45-6-2113	Moores Creek Cave; East Lindfield; (duplicate copy of 45-6-2100)	AGD	56	332790	6261950	Closed site	Valid	Artefact, Shell	Michael Guider
45-6-2234	LBG Creek 2;	AGD	56	329150	6259910	Closed site	Valid	Art (Pigment or Engraved)	Michael Guider
45-6-2236	Blue Gum Cave;	AGD	56	328320	6259190	Closed site	Valid	Artefact	Michael Guider
45-6-3043	Little Blue Gum Shelter PAD 1 KUR 082	GDA	56	329434	6260370	Closed site	Valid	Potential Archaeological Deposit (PAD)	Aboriginal Heritage Office
45-6-1633	Fullers Park Lane Cove River SRA	GDA	56	329804	6259380	Open site	Valid	Artefact, Shell	ASRSYS
45-6-0883	Middle Harbour Creek;	GDA	56	332726	6262834	Closed site	Valid	Artefact, Shell	Val Attenbrow
45-6-0610	Lane Cove River De Burgh's Bridge	AGD	56	327518	6260868	Open site	Valid	Art (Pigment or Engraved)	Unknown Author
45-6-0611	Lane Cove River West Pymble	GDA	56	327715	6261925	Open site	Valid	Art (Pigment or Engraved)	Charles.D Power
45-6-2209	Carters creek.	AGD	56	328290	6259190	Closed site	Valid	Artefact	Ms.Bronwyn Conyers, R Pallin

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Site ID	Site name	Datum	Zone	Easting	Northing	Context	Site status	Site features	Recorders
45-6-2214	Commandment Rock(LC#2)	AGD	56	328290	6259580	Open site	Valid	Art (Pigment or Engraved)	P Clark, Ms.Bronwyn Conyers, D Brown
45-6-2508	Delhi Road; RYDE 008	GDA	56	329264	6259300	Closed site	Valid	Artefact	W Walker, Mr.David Crew, Aboriginal Heritage Office
45-6-2210	Blue Gum creek	GDA	56	329754	6259430	Closed site	Valid	Artefact, Shell	Ms.Bronwyn Conyers
45-6-3045	Upper Moores Creek 1 KUR 102	GDA	56	332684	6261710	Closed site	Valid	Potential Archaeological Deposit (PAD)	Aboriginal Heritage Office
45-6-3165	UPPER MOORES CK-3 KUR160	GDA	56	332615	6261480	Closed site	Valid	Potential Archaeological Deposit (PAD)	Mr.Phil Hunt
45-6-2213	DeBurghs Bridge	GDA	56	327454	6261230	Open site	Valid	Artefact, Habitation Structure	Ms.Bronwyn Conyers, DPIE - Armidale, Ms.Elise McCarthy
45-6-2232	Depression Cave;	AGD	56	329290	6259390	Closed site	Valid	Artefact, Shell	Michael Guider
45-6-2235	LBG Creek 3;	AGD	56	329130	6259860	Closed site	Valid	Artefact	Michael Guider
45-6-3044	Upper Moores Creek 2 KUR 103	GDA	56	332694	6261720	Closed site	Valid	Art (Pigment or Engraved)	Aboriginal Heritage Office
45-6-2132	Moores Ck. 2;	AGD	56	332790	6261890	Closed site	Valid	Artefact, Shell	Michael Guider
45-6-2661	Lane Cove PAD 1	AGD	56	329340	6259240	Open site	Valid	Potential Archaeological Deposit (PAD)	ERM Australia Pty Ltd- Sydney CBD
45-6-2911	Cocupara Shelter 1	GDA	56	329599	6260665	Closed site	Valid	Art (Pigment or Engraved)	Mr.Phil Hunt, Aboriginal Heritage Office
45-6-2233	LBG Creek 1;	AGD	56	329190	6259960	Closed site	Valid	Artefact	Michael Guider

Appendix B - AHIMS Site Features, OEH 2012

Site features	Description
Aboriginal Ceremony and Dreaming	These sites are often 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
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.
Artefacts	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.
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
Grinding Groove	A groove in a rock surface resulting from manufacture of stone tools such as ground edge hatchets and spears, may also include rounded depressions resulting from grinding of seeds and grains.
Modified tree*	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.
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
Potential archaeological deposit (PAD) Note: This is not Aboriginal object and therefore not included in the legislative	An area where Aboriginal objects may occur below the ground surface.

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Site features	Description
process unless accompanied by an object.	
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. Must be found in association with other objects like stone tools, fish bones, charcoal, fireplaces/hearths, and burials. Will vary greatly in size and components.