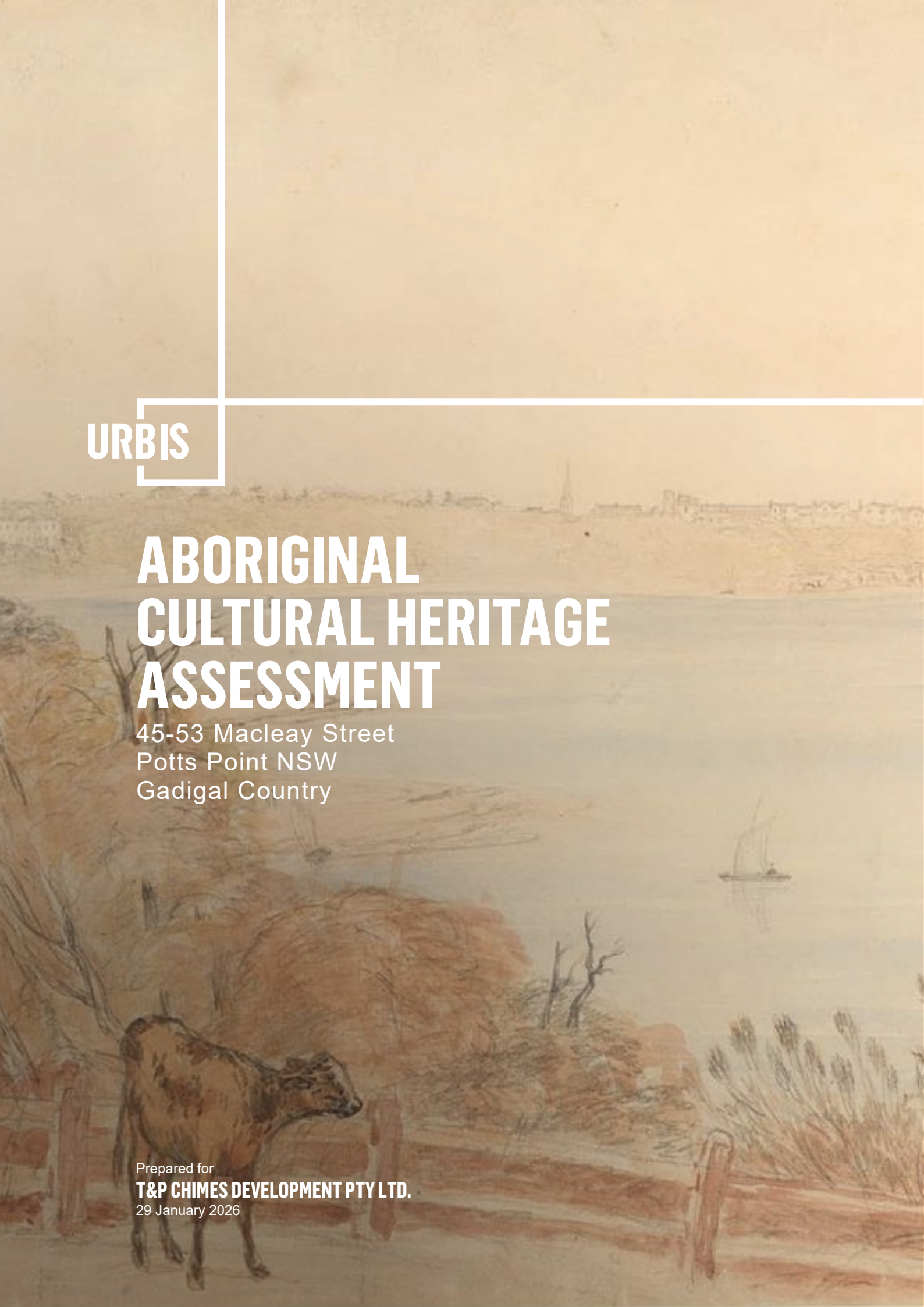




URBIS

ABORIGINAL CULTURAL HERITAGE ASSESSMENT

45-53 Macleay Street
Potts Point NSW
Gadigal Country

Prepared for
T&P CHIMES DEVELOPMENT PTY LTD.
29 January 2026

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Aboriginal and Torres Strait Islander people make in
creating a strong and vibrant Australian society.**

**We acknowledge, in each of our offices the Traditional
Owners on whose land we stand.**

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P0035022_MACLEAY ST POTTS POINT_ACHA

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EXECUTIVE SUMMARY

This Aboriginal Cultural Heritage Assessment (ACHA) has been prepared by Urbis on behalf of T&P Chimes Development Pty Ltd. (the Applicant) to accompany a State Significant Development Application (SSDA) for a shop top housing development at 45-53 Macleay Street, Potts Point (the site).

The proposal seeks approval for the construction and operation of a 16-storey shop-top housing development comprising:

- 44 apartments, including:
 - 23 affordable apartments on podium level 1 and 2 which will be managed by a community housing provider (CHP) for 15 years
 - 21 market apartments over 12 levels
- Ground floor retail
- Four levels of basement for parking, services and storage
- Vehicular and loading access from McDonald Street
- Landscaping and communal open space.

The present ACHA has been prepared to fulfil Item 21 of the project specific, Planning Secretary's Environmental Assessment Requirements (SEARs) for SSD-83867719, issued on 16 May 2025.

An ACHA for the site was previously prepared by Urbis (2025) for the Concept phase of the development (SSD-79316759). Minor updates for the revised development in the Detailed Design DA (SSD- 83867719) have been applied throughout this document. While the Detailed Design DA includes changes to the development such as an additional basement level, the outcome of this archaeological assessment remains the same: no further archaeological investigations

As such, for consistency between the Concept SSD-79316759 and the current Detailed Design SSD-83867719, Urbis submit this ACHA updated with Detailed Design plans.

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:

Conclusion 1 – Known Aboriginal Objects and Places

- No known Aboriginal objects or Aboriginal places have been identified that are within, or likely to be within, the curtilage of the subject area.

Conclusion 2 – Sensitive Landscape Features

- The entire subject area is located within 200 m of Elizabeth Bay and on a ridgeline, both of which are considered indicative of likely past Aboriginal land use.

Conclusion 3 – Ground Disturbance

- Ground disturbance is assessed to be high across the entire subject area in view of evidence of land clearance, construction and demolition of buildings and installation of services in shallow topsoil.

Conclusion 4 – Archaeological Potential

- As the subject area has been subjected to a high level of historical ground disturbance and it is unlikely that any intact natural topsoil remains anywhere in the subject area, the archaeological potential of the subject area is assessed to be **Nil to Very Low**.

Conclusion 5 – Significance Assessment

- The subject area is assessed as having low Aboriginal cultural heritage significance, noting that there is no evidence of a specific Aboriginal cultural association with the subject area and the high level of ground disturbance in the subject area is likely to have diminished any social and cultural value. No historical, aesthetic or scientific Aboriginal heritage values were identified in association with the subject area.

Conclusion 6 – Impact Assessment

- As there are no known Aboriginal objects within the subject area and it is unlikely to retain any as yet unknown Aboriginal objects, the proposed physical works are unlikely to cause either direct or indirect harm to Aboriginal objects or negatively impact inter-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 the development application.

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 and that the proposed development can proceed in line with the Archaeological Unexpected Finds Procedure and Human Remains Procedure outlined below.

Recommendation 3 – Unexpected Archaeological Finds Procedure

The following unexpected finds protocol should be applied to the subject area during works:

1. All works within the vicinity of the find must immediately stop. The find location and minimum 20m buffer zone should be cordoned off with signage identifying the area as a 'no-go zone' to prevent accidental impact. The find must not be moved 'out of the way' without assessment.
2. The site supervisor or another nominated site representative must contact the Department of Planning and either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Heritage NSW should be notified of the find through a Section 146 notification. Such management may require further consultation with the approval authority, preparation of a research design and archaeological investigation/salvage methodology.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject site may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.

Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW

Recommendation 4 – Human Remains Procedure

Should clearly identifiable human remains be uncovered anywhere within the subject site, the following procedure should be implemented:

1. All works within the vicinity of the find must immediately stop. The find location and minimum 20m buffer zone should be cordoned off with signage identifying the area as a 'no-go zone' to prevent accidental impact. The find must not be moved 'out of the way' without assessment.
2. The site supervisor or other nominated manager must notify the NSW Police, Heritage NSW and the Department of Planning.

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.

1. INTRODUCTION

Urbis was engaged by T&P Chimes Development Pty Ltd. ('the Proponent') to conduct an Aboriginal Cultural Heritage Assessment ('ACHA') of 45-53 Macleay Street Potts Point NSW, legally defined as SP934 ('the subject area') (Figure 1 and Figure 2).

The proponent is seeking approval for the construction and operation of a 16-storey shop-top housing development (SSD- 83867719).

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. RESPONSE TO SEARS

This report has been prepared in response to the requirements contained within the Secretary's Environmental Assessment Requirements (SEARs) dated 16 May 2025 issued for the SSDA (SSD- 83867719). Specifically, this report has been prepared to respond to the SEARS requirement issued below.

SEARs Compliance Item	Description of Requirement	Section Reference
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. <i>If required: Aboriginal Cultural Heritage Assessment Report</i>	The present report

1.2. SUBJECT AREA

The subject area is located at 45-53 Macleay Street, Potts Point, on the traditional lands of the Gadigal in NSW. Legally, this location is defined as SP934 (the 'subject area') (Figure 1 and Figure 2).

The subject area is located approximately 2.2 km South-East of the Sydney CBD (Central Business District). It is located in the City of Sydney Local Government Area (LGA), within the administrative catchment of the La Perouse Local Aboriginal Land Council (LPLALC).

The subject area measures approximately 1,289 m² in area and is currently occupied by one large residential building with associated carparking. The existing residential apartment building comprises a 12-storey building containing 80 x 1 bedroom and studio apartments. It is located in the northeastern part of the site. Car parking occupies the remainder of the ground floor and level 1. There is limited landscaping, and no communal or private open space is provided for the existing development. Planter boxes align the Macleay Street and McDonald Street frontages.

The subject area boundaries are defined by McDonald Street to the north, Macleay Street to the east, McDonald Lane to the west and mixed-use developments to the south. It is currently zoned MU1 – Mixed Use area, with no existing or applicable permit approvals.

1.3. PROPOSED ACTIVITY

The proposed development of the subject area comprises the construction of 16-storey mixed use development comprising 5 levels of basement, ground floor retail and residential above.

1.4. 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.

1.4.1. 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 20 December 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.

1.4.2. 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).

This ACHA has been prepared to meet the requirements under Division 4.1 of the EP&A Act for State Significant Development Applications.

1.5. AUTHORSHIP

The present report has been prepared by Jordan Gilbert, Hayley Campbell and Juliet Scholefield (Urbis Assistant Archaeologists), with review and quality control undertaken by Ginger-Rose Harrington (Urbis Consultant Archaeologist) and Ali Byrne (Urbis Associate Director).

Jordan Gilbert holds a Bachelor of Archaeology from Macquarie University, and First Class Honours in Archaeology from the University of Sydney. Hayley Campbell holds a Bachelor of Archaeology from LaTrobe University and a Graduate Diploma in Museum Studies from Deakin University. Juliet Scholefield holds a Bachelor of Arts (Archaeology) and Advanced Studies (Design) from the University of Sydney. 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.

1.6. 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.

The ACHA is also limited to desktop assessment and archaeological site inspection, with no test excavations undertaken within the subject area.

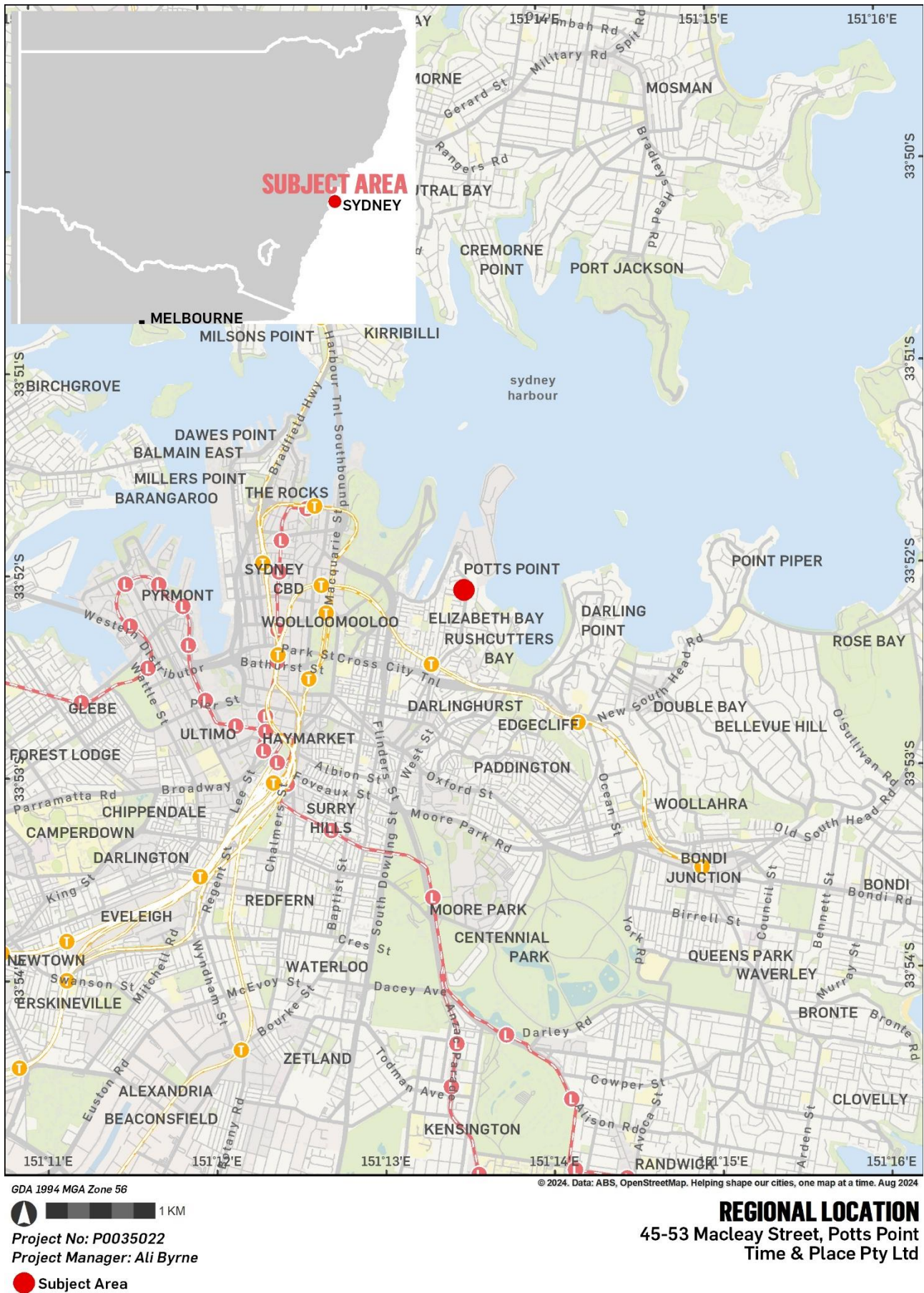


Figure 1 – Regional location of subject area



GDA 1994 MGA Zone 56

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



25 M

Project No: P0035022

Project Manager: Ali Byrne

Subject Area — Contours

LOCATION OF THE SUBJECT AREA
45-53 Macleay Street, Potts Point
Time & Place Pty Ltd

Figure 2 – Subject area

2. ABORIGINAL CONSULTATION

Consultation with the Aboriginal community is required under reg. 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 on 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 6 January 2025. The search identified no pending Native Title claims or Native Title registrations for the subject area. The NNTT was also contacted by email on 6 January 2025 to request a formal search of the NNTT Register. A reply was received on 9 January 2025 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 2 October 2024 (Table 1). A copy of the email sent to each of the contacted organisations is included in Appendix C. A total of 71 Aboriginal parties with a potential interest in the subject area were identified during this stage.

Table 1 – Contacted organisations

Organisation	Notification Sent	Response Received
City of Sydney Council	02/10/24	11/10/24
Metropolitan Local Aboriginal Land Council	02/10/24	N/A
Greater Sydney Local Land Services	02/10/24	03/10/24
Heritage NSW	02/10/24	11/10/24
National Native Title Tribunal	06/01/25	09/01/25
NTS Corp	02/10/24	09/10/24
Office of the Registrar, Aboriginal Land Rights Act 1983	02/10/24	03/10/24

Letters were sent to the 71 identified Aboriginal parties by either email or mail on 17 October 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 31 October 2024, providing 14 days to register an interest. A copy of the letter is included in Appendix C.

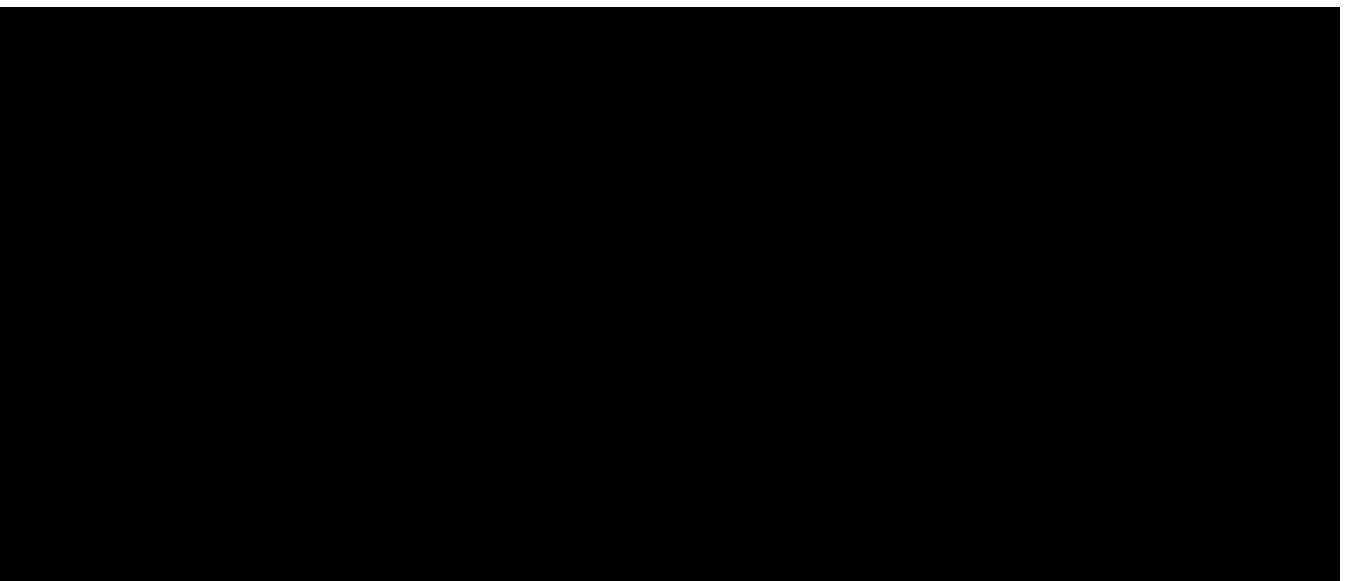
An advertisement was placed in one online newspaper, NewsCorp Australia. The advertisement was published online on 17 October 2024 and registration was open until 31 October 2024, providing 14 days to register an interest. A copy of the advertisement is included in Appendix C.

2.1.3. Registration of Interest

A total of 8 Aboriginal parties registered interest in the project as a result of this phase (Table 2). One of the Aboriginal parties registered despite responding after the deadline. The Metropolitan LALC 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 5 November 2024 (see Appendix C). The details of one RAP were withheld from Metropolitan LALC at their request.

Table 2 – Registered Aboriginal Parties



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 5 November 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 6 December 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 10 December 2024 to all RAPs who had expressed an interest and provided 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 17 December 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.

One response was received to the invitation to attend the site visit and meeting. The RAPs who attended the site visit and meeting are listed in Table 3 below. Relevant comments received from the RAPs during the site visit and meeting are presented and addressed in Table 3 below.

Table 3 – RAP attendees at site visit and meeting

--

2.2.3. Gathering Feedback

Responses from three of the RAPs were received in relation to the Stage 2 & 3 information pack. The responses are included in Appendix C. Of the three responses received, two included comments on the proposed methodology and/or provided cultural information. Those responses are addressed in Table 4 below.

Table 4 – RAP responses to the Stage 2 & 3 Information Pack

--

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 29 January 2025 with comment on the draft ACHAR requested by 27 February 2025, providing 28 days to respond. Two responses were received in relation to the Stage 4 draft ACHA report. The responses are included in Appendix C and addressed in Table 5 below. RAP consultation has been completed up to Stage 4 and is therefore concluded.

Table 5 – RAP responses to the Stage 4 Draft ACHA Report

--

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

The ethnographic context within which an area is situated is relevant to determining the nature of Aboriginal land use, the archaeological material that land use may have produced and whether any intangible cultural associations exist. While ethnographic observations of Aboriginal life post-European contact are relatively common, an absence of written records prior to contact means that ethnographic information about Aboriginal life at that time must be inferred from early European observations. Such inference is 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, it is possible to establish a general understanding of the lives of Aboriginal people.

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 Gadigal (also spelt 'Cadical') people, which extended from Petersham to the southern shores of Port Jackson (Attenbrow 2010:26).

Like Aboriginal people throughout Australia, the Gadigal people 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 Gadigal people are likely to have utilised the resources afforded by the local forests, waterways and the sea. Other materials used by the Gadigal people, such as bone and shell, 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 22 August 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' context s 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 22 August 2024 (AHIMS Client Service IDs: [REDACTED] for an area of approximately 1 km x 1 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 6. A total of 9 Aboriginal sites are registered in the search area. Two of the recorded Aboriginal sites were identified as 'not a site' in the search results, reducing the total number of identified Aboriginal site to 7. The locations of the 7 identified Aboriginal sites are shown in Figure 3. The search did not identify any aboriginal objects or aboriginal places within the curtilage of the subject area.

The nearest confirmed registered sites to the subject area are a PAD [REDACTED], and an artefact scatter [REDACTED] (Figure 3). Given the considerable distance between these registered sites and the subject area, there is no evidence to suggest either of these sites extend into the present subject area.

A summary of the site features of registered Aboriginal sites within the search area is provided in Table 6. Among the 7 registered Aboriginal sites in the search area, a total of 8 site features were identified of 3 different types: art, artefact, and PADs. Of these registered sites, the most common site feature in the search area are PADs representing 71% of sites and feature types, respectively (n=5). Artefacts are the second most common feature appearing in 29% of sites (n=2) and representing 25% of features, whilst art represents only 14% of all sites (n=1) and 13% of all site features.

Due to the high percentage of PADs, it is difficult to discern any distinct patterns related to specific types of features, nonetheless, all 7 registered are located within 1km of a natural waterway. Of these 7, 6 are located in proximity to a natural water source. Furthermore, all are located within or in proximity to disturbed, reclaimed terrain, which historically would have been made up of low-lying swamp. These findings are consistent with the general predictive model for NSW, which consider natural waterways (including creeks, swamps or first order water catchments) to be indicative of likely past Aboriginal land use (see Section 3.1.4. below).

The contexts of the registered Aboriginal sites within the AHIMS search area are also summarised in Table 6 below. Closed context sites are those that include a cave or rock overhang, while open context sites are those

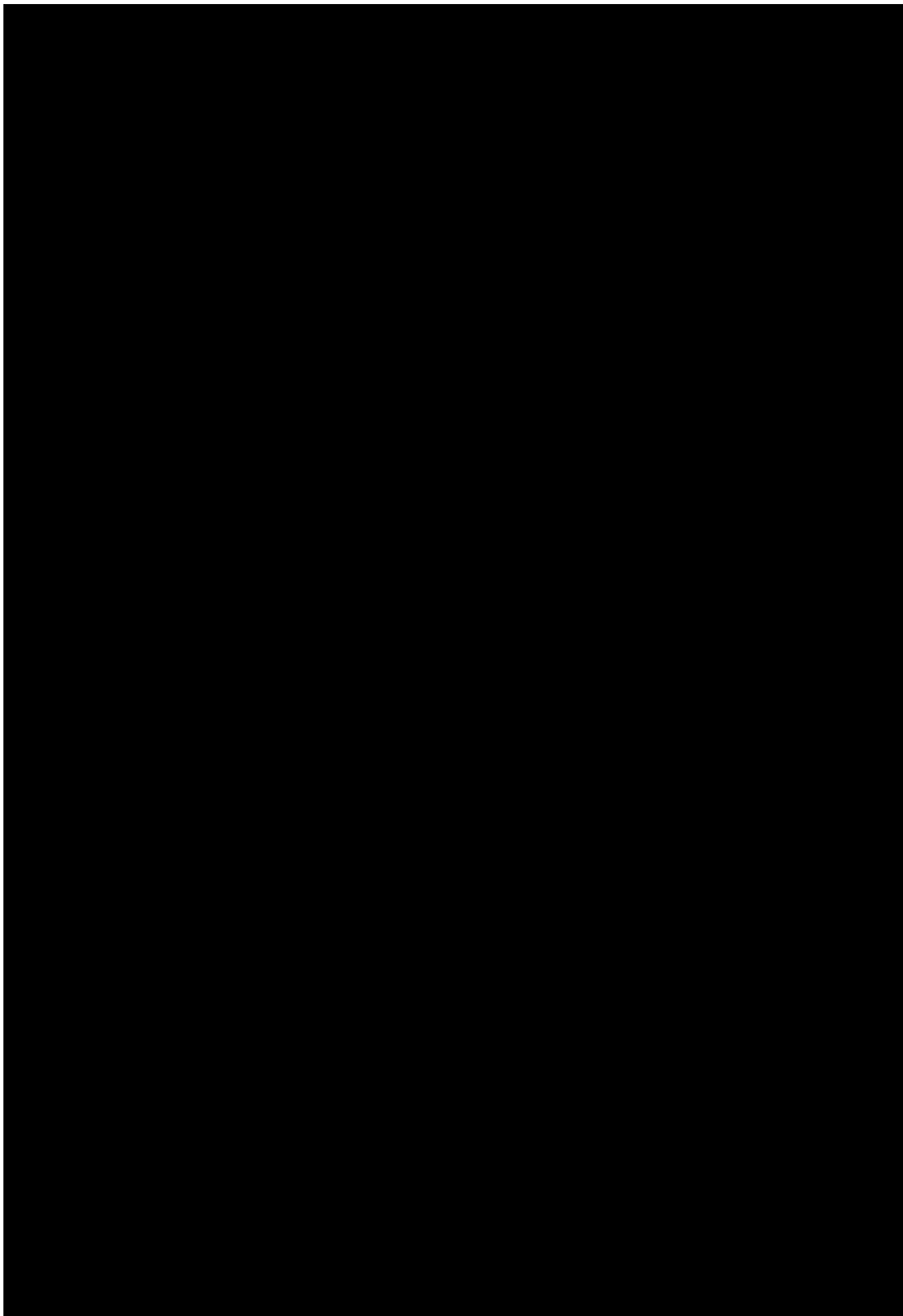
without a cave or rock overhang. Most registered Aboriginal sites in the search area are in open context sites, representing 86% (n =6) of all sites.

Table 6 – Summary of registered Aboriginal sites in the AHIMS search area

Site Features	Number	% of Sites	% of Features
PAD	5	71%	71%
Artefact	2	29%	25%
Art	1	14%	13%

Table 7 – Number of sites that were registered as open and closed in AHIMS search area

Context	Total	% of Sites
Open	6	86%
Closed	1	14%



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

No previous archaeological reports or other relevant investigations relating directly to the present subject area have been identified.

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 (2023) undertook an archaeological investigation of 1 and 1B Wylde Street in Potts Point NSW approximately 300m northwest of the present subject area. The archaeological investigation consisted of a desktop assessment and site inspection. The desktop assessment did not identify any known Aboriginal objects or Aboriginal places within the curtilage of the subject area. Earlier geotechnical investigations confirmed the composition of the soil profile across the study area as having a silty sandy fill (0-600mm) overlying silty sandy clay (<1150mm). Sandstone bedrock was found at shallow depths and was uniform across the study area. A visual inspection confirmed the presence of sandstone bedrock at shallow depths, remaining observable through its use as retaining walls and basement foundations. Further, results from the visual inspection confirmed that the entire subject area had undergone moderate to high levels of ground disturbance. Therefore, the investigation concluded that as there were no known Aboriginal sites within the subject area and historical human activity had resulted in significant disturbance to the natural soil profile, that no further archaeological assessment was recommended. This investigation is of relevance to the present subject area in its close proximity, demonstrating similarly high levels of ground disturbance within the shallow local soil profile.

Comber Consultants (2017) undertook an archaeological investigation of 144 Cleveland Street, Surry Hills NSW approximately 3km southeast of the present subject area. The archaeological investigation consisted of a desktop assessment and site inspection. The desktop assessment did not identify any known Aboriginal objects or Aboriginal places within the curtilage of the subject area. In the absence of geotechnical investigations conducted within the study area, the investigation relied on a series of site predictions, based on landform context to predict the archaeological potential of the site. Based on the site's location between two second order streams, expected site types are predicted to consist of artefact scatters, isolated finds and shell middens. A site inspection was carried out that revealed the high archaeological potential of the study area due to its proximity to swampland, creeks and low ground disturbance of the entirety of the area. The investigation recommended that prior to further development works, that a full archaeological investigation be undertaken. This investigation is of relevance to the present subject area as it is similarly located in proximity to a waterway, being Elizabeth Bay. The present subject area however presents significantly higher levels of ground disturbance.

Jo MacDonald Cultural Heritage Management (2010) undertook an archaeological investigation of the Sydney Golf Club, Rose Bay NSW, approximately 3.5km southeast of the present subject area. The investigation included a desktop assessment and archaeological excavations, which recovered skeletal remains of at least three individuals. In addition, an extensive artefact scatter comprising more than 5700 lithic artefacts was recovered. Much of the archaeological material was located in disturbed fill associated with the construction of the original clubhouse. Both the lithic artefacts and human remains were estimated to be around 1000 years old. Despite high levels of ground disturbance, the recovered human remains, and lithic artefacts were found to have a high cultural and scientific significance. The investigation recommended that the study area be listed as an area of Aboriginal Archaeological Sensitivity. The report further recommended an archaeological excavation program be undertaken to further investigate the possibility of the retention of Aboriginal Archaeological deposits being retained in subsurface deposits across the study area. This investigation demonstrates the ability for significant archaeological deposits to be retained despite high levels of historical ground disturbance within the local area. This investigation is of relevance to the present subject area, displaying a similar level of ground disturbance in naturally shallow soils.

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 situated upon a north-east oriented, low relief slope.

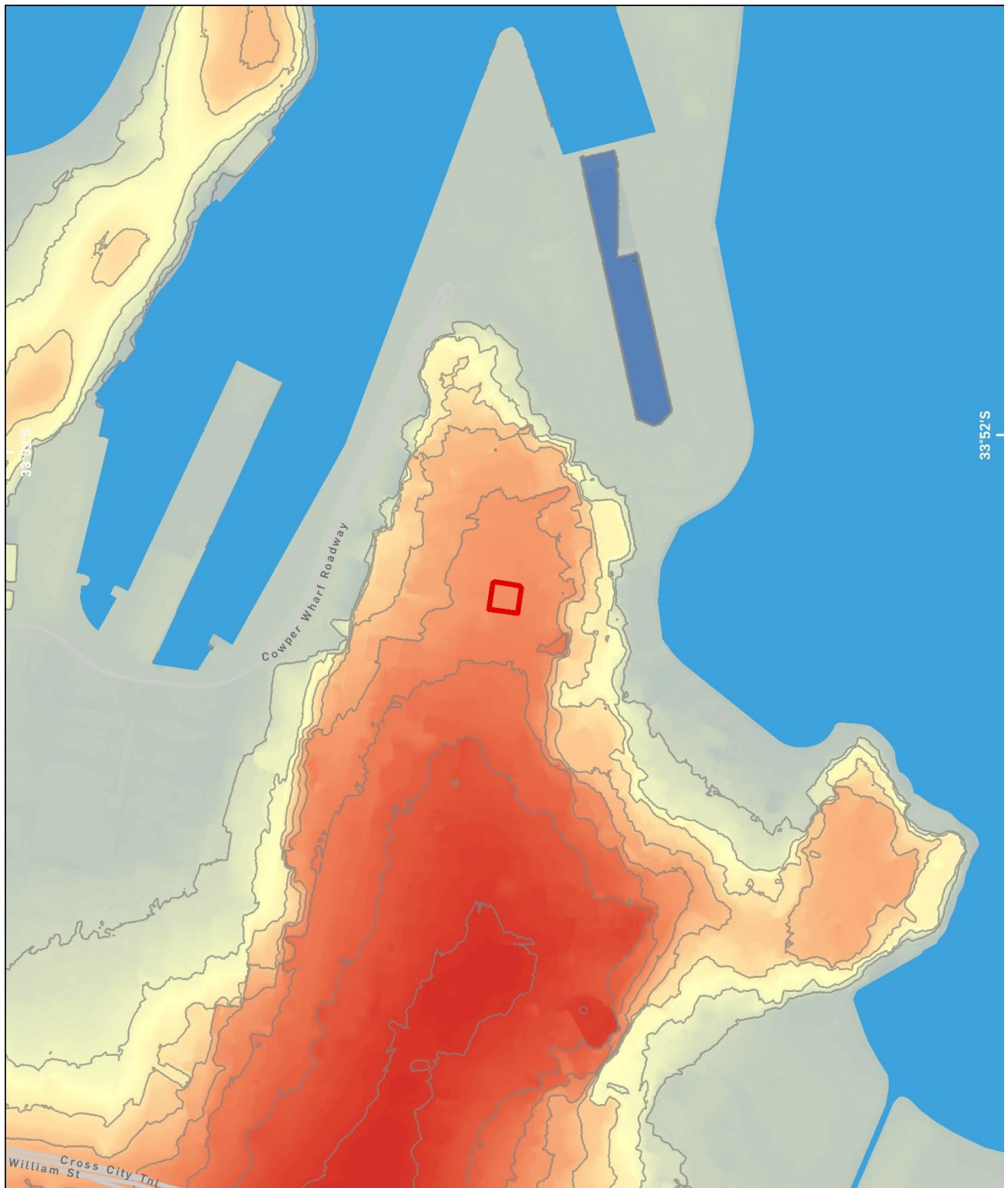
Soils and Geology: The NSW Soil and Land Information System (SALIS) indicate that the subject area is located within the GyMEA soil landscape (Figure 4). On side slopes where the site is situated upon, discontinuous rock outcrop may cover up to 25% of the ground surface. A-horizon soils typically comprise of 30cm of loose, coarse sandy loam overlying approximately 10-30cm of earthy, yellowish-brown clayey sand considered as B-horizon. The underlying geology of the soil landscape of the Hawkesbury sandstone. Rock outcrops are naturally occurring in the GyMEA soil landscape, however, there appears to be no rock outcrops occurring within 20m of the subject area.

Geomorphic Activity: The mode of geomorphic activity in the subject area is erosion. Natural erosional processes, particularly water erosion, have caused displacement of topsoil and other surface material from across the entire subject area, potentially including archaeological material.

Vegetation: The original vegetation associated with ridgelines in the GyMEA soil landscape is characterised by low, dry sclerophyll open woodland. Common species include red bloodwood (*Eucalyptus gummifera*), yellow bloodwood (*E. eximia*), scribbly gum (*E. haemastoma*), brown stringybark (*E. capitellata*) and old man banksia (*Banksia serrata*). Such species could have been subject to cultural modification. Imagery available for the site indicates that vegetation is limited to street plantings and small garden beds, with no remnant native vegetation.

Hydrology: The nearest natural water to the subject area is Elizabeth Bay located approximately 180m east of the site. Elizabeth Bay would have functioned as an important aquatic resource for the local Aboriginal people in this region. Furthermore, the subject area is located in proximity to disturbed, reclaimed terrain, which historically would have been made up of low-lying swamp. These landscape features are considered indicative of likely past Aboriginal land use and sensitive to Aboriginal objects under the Due Diligence Code.

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.



GDA 1994 MGA Zone 56

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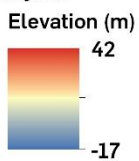


500 M

Project No: P0035022

Project Manager: Ali Byrne

- Subject Area
- Hydrology
- Ephemeral
- Contours



TOPOGRAPHY

45-53 Macleay Street, Potts Point
Time & Place Pty Ltd

Figure 4 – Topography

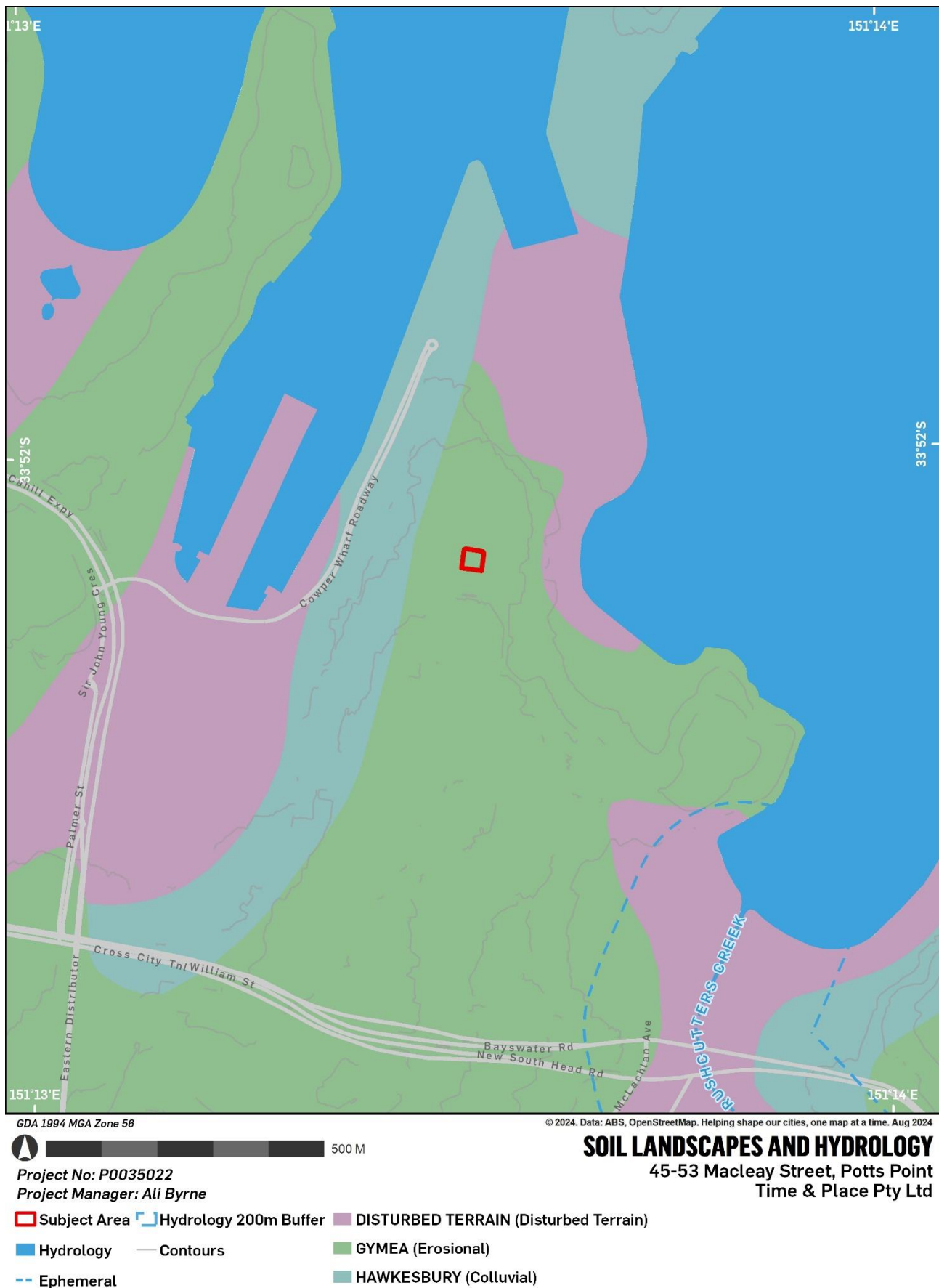


Figure 5 – Soil landscapes and hydrology

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 subject area was impacted by the clearance of natural vegetation as early as 1831, when it was granted to Dr. Henry Douglas as part of an eight-acreage land parcel, before passing to Colonel Shadforth the following year (Australian Historical Society, 1901:56) (Figure 7). This landscape clearance was likely related to its occupation as residential land, with historical documentation from 1854 recording the widespread usage of the surrounding landscape for this purpose, including the construction of Adelaide Cottage southwest of the present subject area (Figure 6 & Figure 7). The early 19th Century historical phase of land clearance and early land grants sees no construction take place directly within the study area.

In 1850 Mr. J. H. Challis had purchased the entire land parcel, renting the property to Mr. Macdonald (Australian Historical Society, 1901:56). Shortly after Mr Macdonald's passing in 1888, Adelaide Cottage was demolished, and the entire property was prepared for subdivision as the Challis Estate by 1893 (Figure 8). Due to a paucity of historical documentation not much is known about the subject area following 1893, however it is likely any remaining vegetation was cleared.

Aerial imagery from 1943 showcases the addition of five residential terraces in the western portion of the subject area, and 3 larger terraces in the eastern portion (Figure 9). Together, the eight residential terraces cover the entirety of the subject area. By 1965, these residences appear to have been demolished, and in their place, a new multi storey building has been erected in the northeastern corner of the subject area (Figure 10). The remaining land is difficult to assess due to the warped nature of the aerial imagery, however it is likely that this portion of the study area was a hardstand. Between 1965 and 2024, no new construction or demolition has occurred within the subject area (Figure 11).

Taken together, the site has been subject to two relatively distinct periods of ground disturbing works, the earliest of which occurred in the 19th century. During this period the subject area was periodically cleared of natural vegetation as early as 1831 up until the subdivision of the Challis Estate in 1893. Land clearance may have resulted in some soil truncation and disturbance of the shallow topsoils. The second phase is characterised by the initial construction of residential terraces that covered the entirety of the site, followed by their demolition and the subsequent erection of a new multi storey building and carpark encompassing the entire site. Due to the shallow *Gymea* soil landscape, these ground works have likely eroded any surviving remnants of the B Horizon that once retained archaeologically significant deposits. Therefore, the subject area has been impacted by a moderate-high level of historical ground disturbance from clearance of native vegetation, the construction and demolition of buildings.



Figure 6 – A historical map of Potts Point including the location of the subject area (red outline), [1854]

Source: SLNSW, FL8697317



Figure 7 – A historical map detailing original crown grants and early historic mansions including the subject area (red outline).

Source: SLNSW, FL9189757

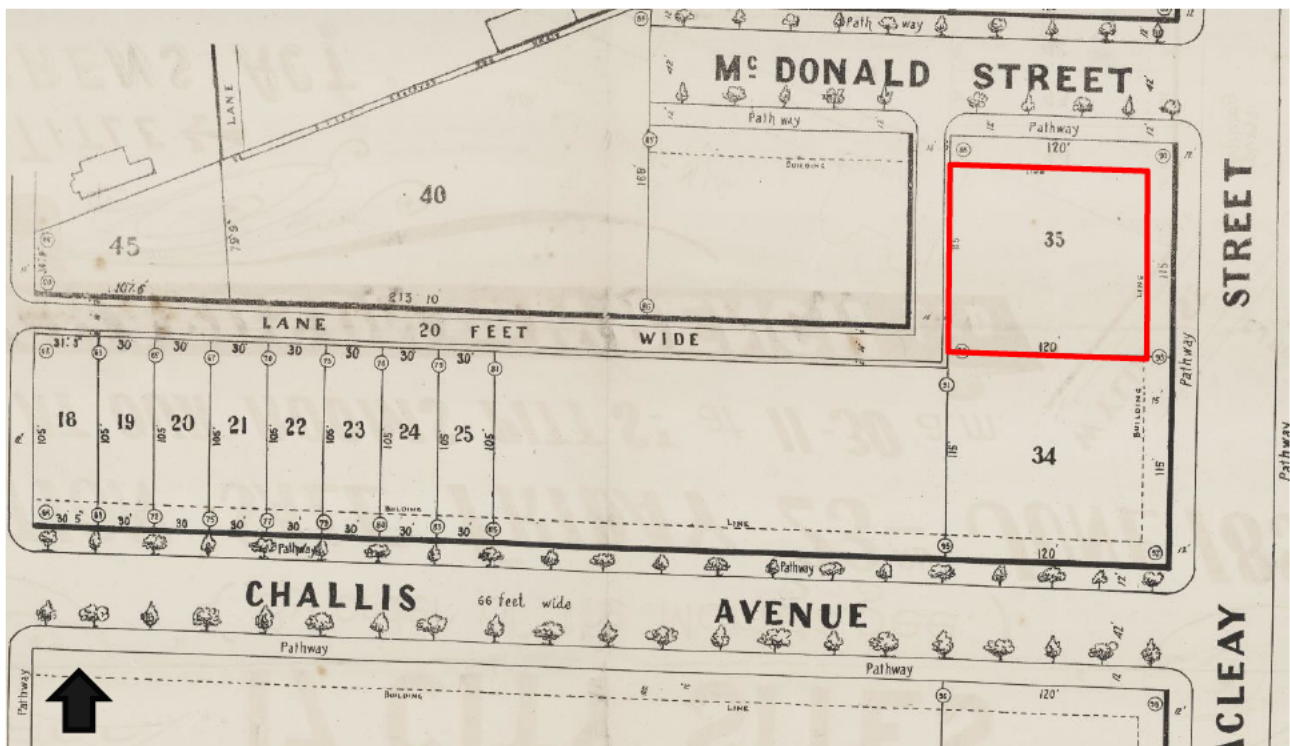


Figure 8 – Challis Estate auction including Lot 35, the present subject area (red outline), [1893]
Source: SLNSW, FL9013845



Figure 9 – The first aerial image of subject area (red outline), [1943]
Source: NSW Government, Historical Imagery Viewer



Figure 10 – Aerial image of subject area (red outline), [1965]
Source: NSW Government, Historical Imagery Viewer



Figure 11 – Aerial image of subject area (red outline), [2024]
Source: NSW Government, Historical Imagery Viewer

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 is heavily reliant on waterways associated with Sydney Harbour. Stone tools are likely to have played a significant role in the lives of the local Aboriginal people, with lithic artefacts being strongly represented in the known archaeological record. Lithic artefacts are likely to have been discarded near waterways, with higher densities likely occurring near major waterways where land use was likely more intensive.

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).

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

Expected site features are based on the following associations landscape features:

- High density sub-surface artefact sites are likely to occur in the vicinity of major watercourses, while low density sub-surface artefact sites are more likely in areas away from major watercourses.
- Shell midden sites are more likely to be identified in close proximity to marine and estuarine areas.

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 **Nil - Very Low**.

The subject area is located within 200m of Elizabeth Bay shoreline which is considered indicative of likely past Aboriginal land use under the Due Diligence Code. This is reflected by the high concentration of registered sites in coastal areas of Sydney Harbour, demonstrating Aboriginal populations' procurement of and heavy reliance on marine and aquatic resources. The Due Diligence Code however specifies that the landscape features are of relevance only if the subject area has not been subjected to ground disturbance

Historical ground disturbance across the entire subject area is assessed as moderate - high (Section 3.2.1). Natural erosional processes are likely to have depleted natural topsoils and inhibited accumulation of archaeological material across the subject area. Likewise, subsequent human activity, including land

clearance, construction and demolition of buildings in a soil landscape characterised by a shallow topsoil have likely displaced any surviving remnants of aboriginal material culture. Intact natural topsoils are therefore unlikely to be present anywhere within subject area.

Synthesising the above factors according to the archaeological rating scheme presented in the preceding section, it is determined that Aboriginal archaeological potential is **Nil - Very Low** across the entire subject area. It is highly unlikely that the subject area would retain any Aboriginal objects.

3.5. SUMMARY

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

- There are no previously identified Aboriginal objects or declared Aboriginal places within the subject area.
- The subject area is located within 200m a shoreline which is a landscape feature that is considered indicative of past Aboriginal land use under The Due Diligence Code.
- The subject area has been impacted by **Moderate - High historical ground disturbance** caused by the clearance of native vegetation, the construction and demolition of buildings.
- High ground disturbance is consistent across the entirety of the site. There are no areas where intact soils are likely to be present.
- The assessed archaeological potential based on the findings presented is **Nil - Very Low**.
- Natural erosional processes are likely to have depleted natural topsoils and inhibited accumulation of archaeological material across the subject area.

4. PHYSICAL ASSESSMENT

4.1. ARCHAEOLOGICAL SITE INSPECTION

A visual inspection was undertaken to confirm the assessment of archaeological potential within the subject site and to determine if any Aboriginal objects were present as surface expressions. The visual inspection of the subject area was undertaken on 17 December 2024 by Ali Byrne (Urbis Associate Director, Archaeology) and [REDACTED]

The visual inspection was undertaken in sunny conditions. Ground Surface Visibility (GSV) was estimated to be 0% across the subject area being covered by hardstand, vegetation, and the main structure. 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 residential building taking up majority of the site and carparking at the south and west of the building.

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 the multi-storey apartment building in the mid-twentieth century, installation of underground services, and levelling across the site.

The visual inspection confirms the assessment that the subject area has nil to very low Aboriginal archaeological potential due to a high level of modern ground disturbance. The RAP in attendance, Long Gully Cultural Services, was in agreement with this assessment.

Archaeological survey in accordance with the Code of Practice was not considered to be appropriate, or necessary at this site.



Figure 12 – View south along frontage of subject area to Macleay Street



Figure 13 – View from McDonald Street to north-western side of property



Figure 14 – View north along Macleay Street frontage, showing gardens and carpark on left

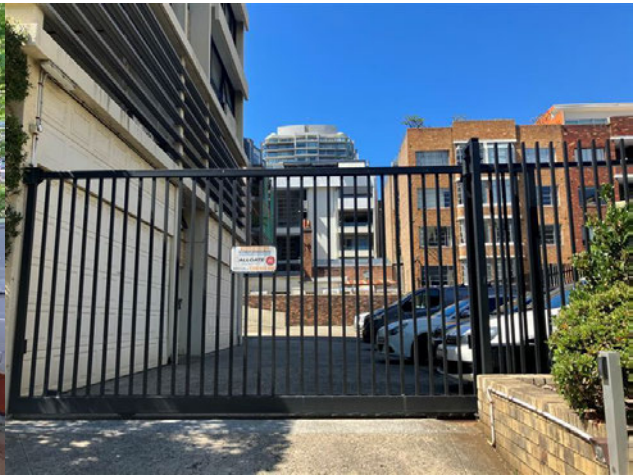


Figure 15 – View south from McDonald Street into carparking at rear of building



Figure 16 – View south from corner of Macleay and McDonald Streets



Figure 17 – View east from McDonald Street

4.2. SUMMARY

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

- No Aboriginal objects were identified during the archaeological site inspection.
- Archaeological survey coverage was not possible due to the nature of the site.
- Ground disturbance in the subject site is extremely high as a result of construction of the existing multi-storey residential apartment building.
- The subject site is considered to have nil to very low archaeological potential.

5. 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.

5.1. 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.

5.2. 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).

5.2.1. 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 field survey was also conducted to assist in the assessment of the site's social or cultural value. All RAPs 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 from the RAPs regarding the significance of the place insofar as its social or cultural value. Finally, no comments regarding the social or cultural value of the site were received from the RAPs in response to the Stage 4 draft ACHAR (see Section 2.3). Taken together, the ACHA has therefore identified no specific social or cultural values held by Aboriginal people which are associated with the subject area.

5.2.2. 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 comments regarding the historical value of the subject area were received in response to the Stage 2 and 3 information pack (Section 2.2), during the site inspection (Section 2.2.2) or in response to the Stage 4 draft ACHA (Section 2.3). Additionally, no documentary sources were identified during the ACHA process which indicate the historical value of the subject area. The ACHA has therefore identified no historical associations between Aboriginal people and the subject area.

5.2.3. 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 highly 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.

5.2.4. 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 the clearance of native 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.

5.3. STATEMENT OF SIGNIFICANCE

No specific social or cultural values associated with Aboriginal heritage have been identified in connection with the subject area. 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 which may previously have existed. Additionally, no historical, aesthetic or scientific significance has been identified at the subject site with regard to Aboriginal cultural heritage.

Therefore, although the intrinsic social and cultural value of the area to the Gadigal People in general is acknowledged, the Aboriginal heritage significance of the subject area itself is graded as low.

6. 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.

6.1. 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.

6.2. 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 a level 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 1.3), are unlikely to cause either direct or indirect harm to Aboriginal objects.

6.3. 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 and there is nil to very low potential for unknown Aboriginal objects to be retained, the proposed works are unlikely to negatively impact inter-generational equity.

6.4. 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.

As it is unlikely that any Aboriginal archaeological material is retained within the subject area, no further archaeological investigation is recommended for the present subject area. As precautionary measures, it is recommended that unexpected archaeological finds and human remains procedures described below be implemented.

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

6.4.2. Human Remains Procedure

Should clearly identifiable human remains be uncovered anywhere within the subject site, the following procedure should be implemented:

1. All works within the vicinity of the find must immediately stop. The find location and minimum 2m buffer should be cordoned off with signage identifying the area as a 'no-go zone' to prevent accidental impact. The find must not be moved 'out of the way' without assessment.
2. The site supervisor or other nominated manager must notify the 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.

7. CONCLUSIONS & RECOMMENDATIONS

The ACHA concluded that:

Conclusion 1 – Known Aboriginal Objects and Places

- No known Aboriginal objects or Aboriginal places have been identified that are within, or likely to be within, the curtilage of the subject area.

Conclusion 2 – Sensitive Landscape Features

- The entire subject area is located within 200 m of Elizabeth Bay and on a ridgeline, both of which are considered indicative of likely past Aboriginal land use.

Conclusion 3 – Ground Disturbance

- Ground disturbance is assessed to be high across the entire subject area in view of evidence of land clearance, construction and demolition of buildings and installation of services in shallow topsoil.

Conclusion 4 – Archaeological Potential

- As the subject area has been subjected to a high level of historical ground disturbance and it is unlikely that any intact natural topsoil remains anywhere in the subject area, the archaeological potential of the subject area is assessed to be Nil to Very Low.

Conclusion 5 – Significance Assessment

- The subject area is assessed as having low Aboriginal cultural heritage significance, noting that there is no evidence of a specific Aboriginal cultural association with the subject area and the high level of ground disturbance in the subject area is likely to have diminished any social and cultural value. No historical, aesthetic or scientific Aboriginal heritage values were identified in association with the subject area.

Conclusion 6 – Impact Assessment

- As there are no known Aboriginal objects within the subject area and it is unlikely to retain any as yet unknown Aboriginal objects, the proposed physical works are unlikely to cause either direct or indirect harm to Aboriginal objects or negatively impact inter-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 the development application.

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 and that the proposed development can proceed in line with the Archaeological Unexpected Finds Procedure and Human Remains Procedure outlined below.

Recommendation 3 – Unexpected Archaeological Finds Procedure

The following unexpected finds protocol should be applied to the subject area during works:

6. All works within the vicinity of the find must immediately stop. The find location and minimum 20m buffer zone should be cordoned off with signage identifying the area as a 'no-go zone' to prevent accidental impact. The find must not be moved 'out of the way' without assessment.
7. The site supervisor or another nominated site representative must contact the Department of Planning and either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
8. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Heritage NSW should be notified of the find through a Section 146 notification. Such management may require further consultation with the

approval authority, preparation of a research design and archaeological investigation/salvage methodology.

9. Depending on the significance of the find, reassessment of the archaeological potential of the subject site may be required and further archaeological investigation undertaken.
10. Reporting may need to be prepared regarding the find and approved management strategies.

Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW

Recommendation 4 – Human Remains Procedure

Should clearly identifiable human remains be uncovered anywhere within the subject site, the following procedure should be implemented:

11. All works within the vicinity of the find must immediately stop. The find location and minimum 20m buffer zone should be cordoned off with signage identifying the area as a 'no-go zone' to prevent accidental impact. The find must not be moved 'out of the way' without assessment.
12. The site supervisor or other nominated manager must notify the NSW Police, Heritage NSW and the Department of Planning.
13. The find must be assessed by the NSW Police, which may include the assistance of a qualified forensic anthropologist.
14. Management recommendations are to be formulated by the NSW Police, Heritage NSW and site representatives.
15. 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.

8. REFERENCES

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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.

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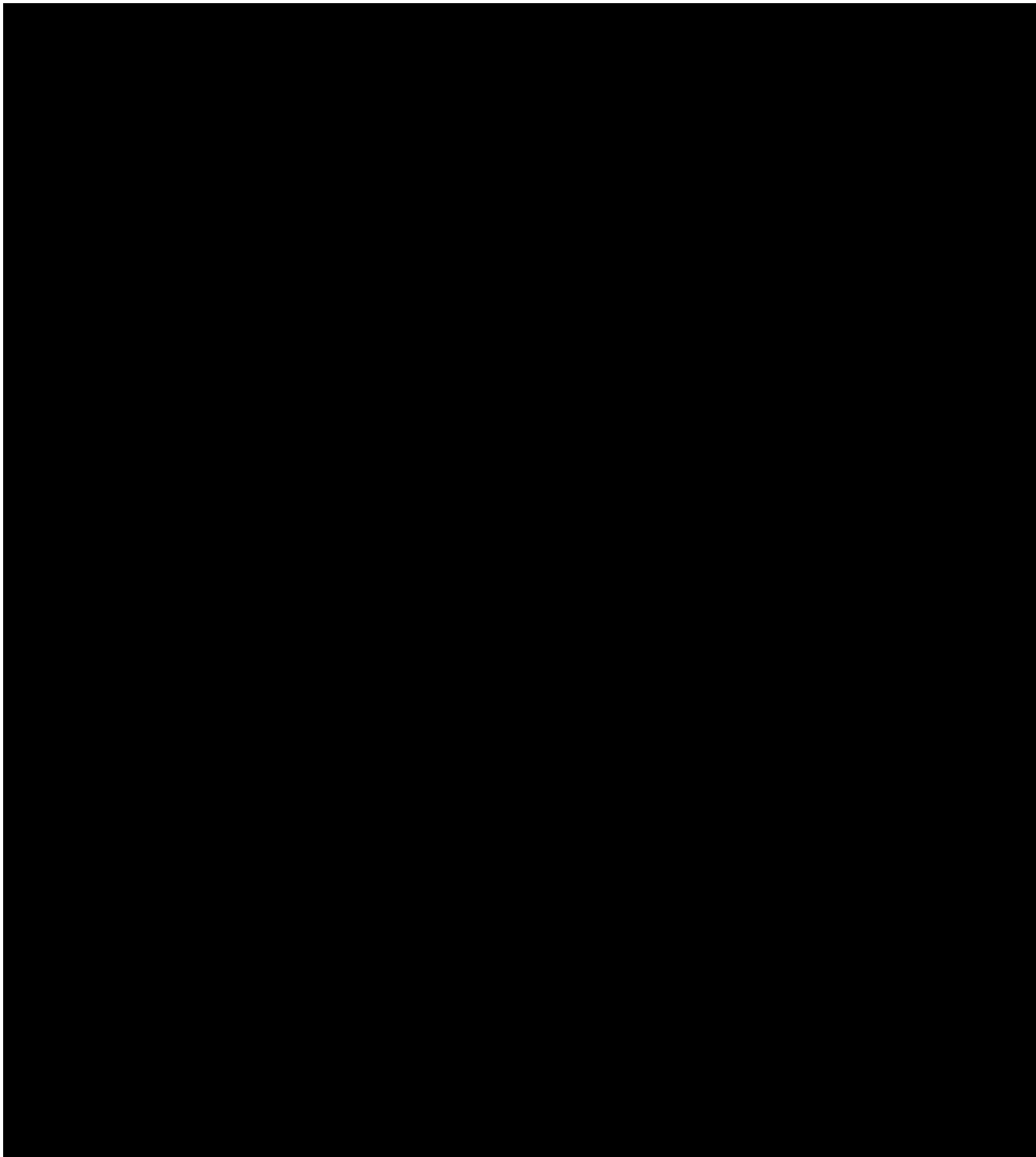
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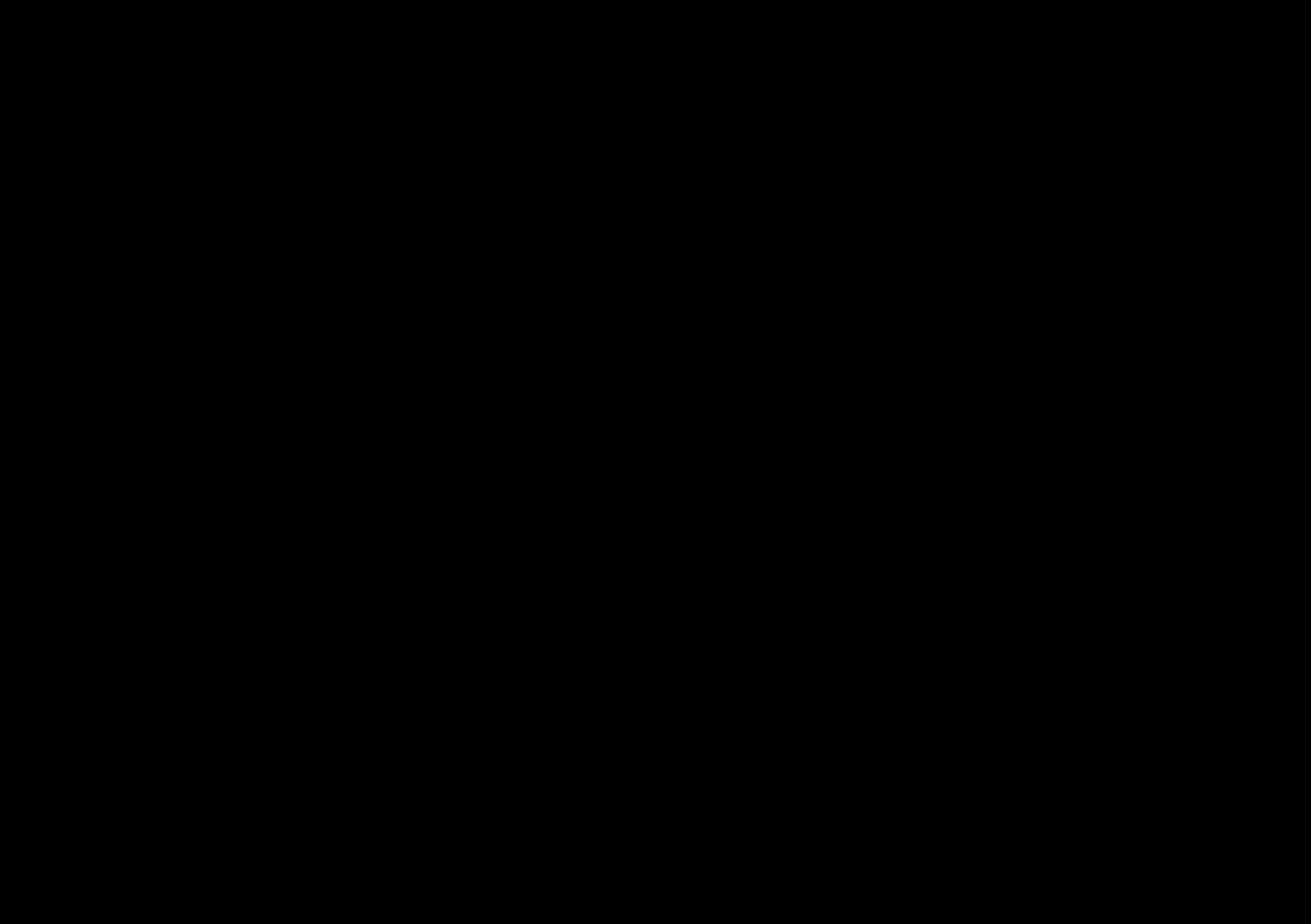
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APPENDIX A

BASIC AND EXTENSIVE AHIMS SEARCH RESULTS





APPENDIX B

REGISTERED ABORIGINAL PARTY CONSULTATION LOG

APPENDIX C

REGISTERED ABORIGINAL PARTY CONSULTATION DOCUMENTATION

