



## **105 Miller Street, North Sydney**

### Aboriginal Cultural Heritage Assessment Report

April 2025

# Document Information

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# Executive Summary

## Summary

This Aboriginal Cultural Heritage Assessment (ACHAR) has been prepared on behalf of Investa (the Proponent) by Curio Projects. It is to be submitted to the Department of Planning, Housing and Infrastructure (DPHI) in support of a State Significant Development Application (SSDA) SSD - 62363217 for the development of the site located at 105-153 Miller Street, North Sydney (herein referred to as 105 Miller Street or the study area).

In accordance with section 4.39 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), Secretary's Environmental Assessment Requirements (SEARs) for SSD- 62363217 were issued on 16 January 2024. This report has been prepared to respond to the relevant issued SEARs.

## Conclusions

This report relates specifically to the proposed development impacts of the project in relation to potential Aboriginal archaeological and cultural heritage impacts and provides recommendations for management and mitigation of development impacts, both archaeologically (i.e. ground disturbing works), as well as culturally (i.e. opportunities for Aboriginal cultural heritage interpretation within the site redevelopment).

As a result of this assessment, the following conclusions have been determined

- The study area is located on the Gymea soil landscape, typified by undulating rises to rolling hills underlying Hawkesbury Sandstone, with areas of outcropping sandstone. Soils are generally shallow to moderately deep well drained sands and yellow earth, as well as high erodibility, silicious sands on stone benches. the study area is also sits on a historic 'Holocene aeolian dune sands mantling bedrock geological feature. The Gymea soil landscape has the potential to contain Aboriginal artefacts in undisturbed soil areas.
- The study area is within 200m of a former watercourse, Rainbow Creek, once located to the south-east, with the remaining mouth of the creek surviving 800m to the south-east in the form of a stormwater drain.
- The study area topography originally consisted of benched side slopes of Hawkesbury Sandstone, with layers of shallow sands sitting on top. The study area itself sits in a slight dip in the center of a protruding ridge.
- Both the above features, being within 200m of a watercourse, and being located on top a ridgeline, are identified as having high potential for Aboriginal objects.
- Based on the favourable environmental context of the study area and surrounds, it is likely that the area was used at some point by Aboriginal people for either short- or long-term occupation or use. However, the site itself has no known association with any known specific Aboriginal stories and/or events and/or persons.
- Aboriginal consultation, including a site visit undertaken on the 10 October 2024, the RAPs in attendance agreed that the site likely contains little to no archaeological potential and were

happy with the overall approach of the project thus far. A single RAP noted that the site was of high significance and sensitivity to Aboriginal people, but this was before the RAP was made aware that almost the entire site footprint had been previously excavated to make way for the basement.

- The stratigraphic deposits identified by preliminary geotechnical testing are consistent with the soils and bedrock deposits expected within the GyMEA soil landscape, which have potential to contain subsurface archaeological objects and features.
- Although no sites have been recorded within the study area, this does not mean that there are no sites there. The AHIMS Register records only where things have been found, usually because of Aboriginal heritage assessments undertaken for previous development proposals. So, if nothing has been proposed over the last 30-40 years in or near the study area, it is likely that this area has never been inspected.
- However, the study area and surrounds have been subject to several land modification, including initial land clearing of the so-far undisturbed landscape, then subdivision and construction of a variety of roads, dwellings and commercial properties in the 19<sup>th</sup> century, their subsequent demolition, and then finally the construction of the current structure in the mid-1950's, which includes the excavation of a c.4m basement in the entire site, aside from a very small strip along the site's Miller Street Boundary (although this was potentially excavated as a buffer for the basement and then infilled).
- Archaeological deposits if found to be present within the study area have the potential to contribute important information relating to the pre-contact and contact Aboriginal occupation of the study area and Sydney region more broadly.
- Previous archaeological assessments for the nearby Victoria Cross Metro Station, Ben Boyd Road, and Nicholson Place that have similar environmental and historical development were found to have **little to no** archaeological potential and **moderate** cultural significance.
- The Cumberland Plain Predictive Model, while not specially relating to the North Sydney location of the study area, outlines that two of the site's features, namely being close to a 1<sup>st</sup> order stream, and its location on the top of a ridgeline, give the study area of 105 Miller Street a low level of potential for Aboriginal artefacts.
- Therefore, Curio's assessment and predictive model has determined that the study area as having **little to no** Aboriginal archaeological potential and **moderate** cultural significance.

## **Mitigation Measures**

Based on the conclusions of this assessment the following recommended mitigation measures are made:

### **Mitigation Measure 1 – Aboriginal Unexpected Finds Procedure**

Upon discovery of an archaeological feature that is suspected to be an Aboriginal Unexpected Find (excluding human remains- see Recommendation 4 below), the following procedure should be followed:

1. Cease works in the immediate vicinity of the find.
2. Contact the Project archaeologist to verify the nature of the find.
3. If Unexpected Find is confirmed as Aboriginal archaeology, Project archaeologist will notify Project RAPs and Heritage NSW of the find. If Unexpected Find is confirmed as not Aboriginal in origin, Project archaeologist will provide advice for works to recommence.
4. Project Archaeologist/Project RAPs will undertake a preliminary assessment and recording of the find.
5. Formulate archaeological or heritage management plan- specific to nature of the find.
6. Implement archaeological/heritage management plan.
7. Works may commence once archaeological/heritage management plan has been successfully implemented and Project archaeologist provides sign off to contractor for works to resume in vicinity of find.

### **Mitigation Measure 2 – Human Remains Procedure**

The unexpected discovery of any potential skeletal remains during development works would be managed in accordance with the approved Heritage NSW protocol for the discovery of human remains which is stated as:

If any suspected human remains are discovered and/or harmed the proponent must:

1. Not further harm these remains.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the remains.
4. Notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location.
5. Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

### **Mitigation Measure 3 – RAP Involvement in Community Engagement**

It is recommended that RAPs have the opportunity to be invited to contribute to any future community engagement or cultural heritage development associated with the project. It has been acknowledged that the study area and wider surrounds contains moderate social and spiritual significance, and it is therefore important to provide opportunities for RAPs to contribute to the interpretation of cultural and heritage.

# 1. Introduction

## **1. 1. Introduction**

### **1.1. The Purpose of this Report**

Curio Projects has prepared this Aboriginal Cultural Heritage Assessment (ACHAR) on behalf of Investa (the Proponent). It is to be submitted to the Department of Planning, Housing and Infrastructure (DPHI) in support of a State Significant Development Application (SSDA) SSD – 62363217 for the adaptive reuse of the building located at 105-153 Miller Street, North Sydney (herein referred to as 105 Miller Street or the study area).

This ACHAR documents the process of investigation, consultation and assessment with regards to Aboriginal cultural heritage and Aboriginal archaeology, as undertaken for the project, specific to the proposed development works. This includes background research and assessment of evidence and information about material traces of Aboriginal land use in the study area and surrounds, significance assessment of potential Aboriginal sites, places, landscapes and/or other values, as well as an impact assessment and management recommendations to assist Investa with their future responsibilities for Aboriginal cultural heritage within the study area.

### **1.2. Site Identification**

The 105 Miller Street site is located in the suburb of North Sydney, within the North Sydney Local Government Area. The site is bound by Denison Street in the east, Brett Whiteley Place and Pacific Highway to the south, Miller Street in the west, and a commercial development over the new Victoria Cross Metro Station to the north. The site has a 6m dip towards the south-east, from a high point on Miller Street in the north-west of RL 63, to a low point on the Mount Street frontage of RL 57.5.

105 Miller Street is located on a single lot (Lot 2 DP 792740) and comprises the commercial office tower (with ground floor retail), a basement, landscaped forecourt fronting Miller Street and a single level podium with overlooking Mount Street and Denison Street.



Figure 1-1: Study area (in red) in context of its surroundings  
Source: SIX Maps

### 1.3. Objectives of Aboriginal Heritage Assessment

The objectives of an Aboriginal Cultural Heritage Assessment for the project are to:

- Identify Aboriginal community members who can speak for the Country within which the project is located.
- Involve the Aboriginal community in the cultural heritage assessment process, including consultation to determine their opinions with respect to the project and its potential 'harm' to their cultural heritage.
- Understanding the number, extent, type, condition, integrity and archaeological potential of any potential Aboriginal heritage sites and places that may be located within the study area.
- Determine whether the potential Aboriginal sites and places are component of a wider Aboriginal cultural landscape.
- Understand how any potential physical Aboriginal sites relate to Aboriginal tradition within the wider area.

- Prepare a cultural and scientific values assessment for all identified aspects of Aboriginal cultural heritage associated within the study area.
- Determine how the proposed project may impact any identified Aboriginal cultural heritage.
- Determine where impacts are unavoidable and develop a series of impact mitigation strategies that benefit Aboriginal cultural heritage and the proponent (in close consultation and discussion with the local Aboriginal community).
- Provide clear recommendation for the conservation for Aboriginal heritage and archaeological values and mitigation of any potential impacts to these values.

#### 1.4. Proposed Development

The proponent is seeking to adaptively re-use 105 Miller Street to create a tertiary education facility in the heart of North Sydney CBD, which will capitalise on the current and planned ongoing revitalisation of the area brought about by the introduction of the Sydney Metro City and Southwest line, as well as the potential pedestrianisation of Miller Street.

Specifically, the proposed works for this development include the following:

- Adaptive reuse and restoration of the Miller Street wing;
- Demolition of the Denison Street wing and construction of a new 22 storey building;
- Alterations to the ground level to deliver a significantly enhance public domain;
- Construction of a double height ground floor retail and the delivery of a new public open space along Miller Street; and
- Basement carparking and loading dock accessed from a relocated entry off Denison Street.

#### 1.5. Secretary's Environmental Assessment Requirements

In accordance with section 4.39 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), Secretary's Environmental Assessment Requirements (SEARs) for SSD – 62363217 were issued on 20 September 2023. This report has been prepared to respond to the relevant issued SEARs, as set out in the table below.

Table 1-1: SEARs relevant to this report

SEAR	Response/Location in report
19. Aboriginal Cultural Heritage	This document addresses this SEAR.
Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts on any Aboriginal cultural heritage values on the land.	

## 1.6. Limitations & Constraints

This report has been prepared using available historical data and documentation for the study area and surrounds, including relevant archaeological reports and assessments.

This report does not include an assessment of non-Aboriginal heritage values or non-Aboriginal archaeology, nor any non-heritage related planning controls and requirements.

## 1.7. Investigators and Contributors

The contributors to this ACHAR and their project roles are listed in Table 1.1. Full details of the RAPs who were consulted with and invited to provide advice on cultural heritage values during the assessment for the project are provided in Section 3.

Table 1-2: Table of Contributors

<b>Contributor</b>	<b>Role</b>	<b>Qualification</b>	<b>Affiliation</b>	<b>Contribution</b>
Sebatian Gerber-Hood	Archaeologist and Museum Specialist	BA Arts/ Archaeology and Ancient History (Honours I) Masters – Heritage and Museum Studies	Curio	Author
Rebecca Agius	Senior Archaeologist and Heritage Specialist	BA Archaeology and Biology	Curio	Review

## 2. Statutory Context

## 2. Statutory Context

### 2.1. Environmental Planning and Assessment Act (NSW) 1979

The EP&A Act is an 'Act to institute a system of environmental planning and assessment for the state of NSW'.<sup>1</sup> Dependent upon which Part of the EP&A Act a project is to be assessed under, differing requirements and protocols for the assessment of associated Aboriginal cultural heritage may apply.

Part 4, Division 4.1 of the EP&A Act identifies and defines State Significant Development projects as those declared under Section 89C of the EP&A Act. SSD and State Significant Infrastructure projects (SSI), replace 'Concept Plan' project approvals, in accordance with Part 3A of this Act (repealed in 2011).

When a project is assessed to be SSD, the process of development approval differs with certain approvals and legislation no longer applicable to the project. Of relevance to the assessment of Aboriginal heritage for a development, the requirement for an Aboriginal Heritage Impact Permit (AHIP) in accordance with Section 90 of the National Parks and Wildlife Act 1974 (NPW Act) is removed for SSD projects (EP&A Act Section 89J).

The project does meet the criteria for SSDA, and therefore will not be subject to the provisions of the NPW Act.

#### 2.1.1. North Sydney Local Environmental Plan (LEP) 2013

Part 5.10 of the North Sydney LEP outlines the legislation guidelines for archaeology and Aboriginal cultural heritage:

Clause 5.10(2) states that development consent is required for works that involve:

*(a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance)—*

*(i) a heritage item,*

*(ii) an Aboriginal object.*

*(iii) a building, work, relic or tree within a heritage conservation area,*

*(b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*

*(c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*

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

*(e) erecting a building on land—*

*(i) on which a heritage item is located or that is within a heritage conservation area, or*

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<sup>1</sup> Environmental Planning and Assessment Act, 1979, NSW Government. Accessed from [http://www.austlii.edu.au/au/legis/nsw/consol\\_act/epaaa1979389/longtitle.html](http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/longtitle.html)

*(ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*

Clause 5.10(3) states that development consent is not required if:

*(a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development—*

*(i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*

*(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*

## **2.2. North Sydney Development Control Plan (DCP) 2013**

Section 13.2 of the North Sydney Development Control Plan relates to Aboriginal heritage, both archaeological and intangible, within the North Sydney area. The DCP notes that Aboriginal places of significance are more likely to occur along the harbour foreshore and creek lines, as well as on sandstone outcrops and rock shelters below cliffs.

The relevant Objectives and Provisions for Aboriginal Heritage are listed below<sup>2</sup>:

### ***Objectives***

*O1 Acknowledge the importance of Aboriginal heritage as part of North Sydney's heritage resources.*

*O2 Protect Aboriginal objects and Aboriginal places of heritage significance by minimising the likelihood of disturbance from development.*

*O3 Minimise potential for interference with archaeological objects as a result of development by encouraging relics to be preserved in-situ.*

### ***Provisions***

*P1 Obtain relevant approvals from the Aboriginal Heritage Office prior to commencing work where a site contains, or has potential for Aboriginal objects.*

*P2 Building and landscaping works, including paths and driveways are not to disturb any Aboriginal objects.*

*P3 Minimise disturbance and exposure of areas along the foreshore, including excavations for swimming pools, jetties and boat sheds.*

*P4 Site structures away from the foreshore where possible.*

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<sup>2</sup> North Sydney Development Control Plan 2013, NSW Government, p. B13-11.

*P5 Minimise disturbance to rock outcrops and overhangs.*

### **2.3. National Parks and Wildlife Act (NSW) 1974**

The NPW Act, administered by the Aboriginal Heritage Regulation Section, Heritage NSW, of the NSW Department of Premier and Cabinet (DPC) (formerly known as the Office of Environment and Heritage – OEH), is the primary legislation that provides statutory protection for all 'Aboriginal objects' (Part 6, Section 90) and 'Aboriginal places' (Part 6, Section 84) within NSW.

An Aboriginal object is defined throughout the NPW Act 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 the area by persons of non-Aboriginal extraction, and includes Aboriginal remains.”*

The NPW Act provides the definition of 'harm' to Aboriginal objects and places as:

*“...any act or omission that:*

- (a) Destroys, defaces or damages the object or place, or*
- (b) In relation to an object – moves object from the land on which it had been situated, or*
- (c) Is specified by the regulations, or*
- (d) Causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c)*

The NPW Act also establishes penalties for 'harm' to Aboriginal objects and declared Aboriginal places, as well as defences and exemptions for harm. One of the main defences against the harming of Aboriginal objects and cultural material is to seek an AHIP under Section 90 of the NPW Act, under which disturbance to Aboriginal objects could be undertaken, in accordance with the requirement of an approved AHIP.

### **2.4. Native Title Act 1993**

The Native Title Act 1993 provides the legislative framework to recognise and protect native titles, which recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the Native Title Act, native claimants can make an application to the Federal Court to have their native title recognised by Australian Law.

There are currently no native title claims or determinations in place for the project study area.

### **2.5. NSW Aboriginal Heritage Statutory Guidelines**

In order to best implement and administer the protection afforded to Aboriginal objects and places as through the NPW and EPA Acts, the OEH (now part of Heritage NSW under the DPE) have prepared a series of best practice statutory guidelines with regards to Aboriginal heritage. These guidelines are designed to assist developers, landowners and archaeologists to better understand their statutory obligations with regards to Aboriginal heritage in NSW and implement best practice policies into their investigation of Aboriginal heritage values and archaeology in relation to their land and/or development. This report has been prepared in accordance with these guidelines, including:

- DECCW 2010(a), *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Due Diligence Code of Practice)
- DECCW 2010(b), *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code of Practice)
- DECCW 2010(c), *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the Consultation Guidelines)
- OEH 2011(a), *Guide to investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (the Guide to Investigating)
- OEH 2011(b), *Aboriginal Heritage Impact Permits, A Guide for Applicants*

# 3. Aboriginal Community Consultation

### 3. Aboriginal Community Consultation

Aboriginal community consultation is required for assessment of Aboriginal cultural heritage and should be undertaken in the early stages of project planning in order to best guide the development process. This section documents the process of Aboriginal community consultation that has been undertaken for the Aboriginal cultural heritage assessment of the project. Aboriginal community consultation in accordance with Heritage NSW statutory guidelines *Aboriginal cultural heritage consultation requirements for proponents 2010* (the Consultation Guidelines), was initiated for the project in February 2024.

Aboriginal people are recognised as the determinants of their own heritage, therefore, the process of Aboriginal community consultation for the project seeks to identify social and cultural values of the study area and its surrounds to the local Aboriginal community, in order to identify appropriate and respectful mitigation strategies for any identified impacts to Aboriginal heritage presented by the project.

The objectives of Aboriginal community consultation, as stated in the Consultation Guidelines is to:

*Ensure that Aboriginal people have the opportunity to improve assessment outcomes by:*

- *Providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s)*
- *Influencing the design of the method to assess cultural and scientific significance of Aboriginal object(s) and/or place(s)*
- *Actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal object(s) and/or place(s) within the proposed project area*
- *Commenting on draft assessment reports before they are submitted by the proponent to the OEH*

#### 3.1. Heritage NSW Consultation Guidelines Process

A complete log of all communications between Curio Projects and Registered Aboriginal Parties (RAPs) for the project has been maintained throughout the project. This log will be appended to the final ACHAR as Appendix A – Aboriginal Community Consultation Log with copies of any meeting minutes, written correspondence to and responses from RAPs etc. will be included.

Cultural protocols with regard to RAP requests to censor, redact or omit sensitive cultural information from reports and correspondence have been observed throughout the consultation process. Therefore, some correspondence may be excluded from direct reproduction within this report, where requested by project RAPs.

The Aboriginal community consultation process in accordance with the Consultation Guidelines consists for main stages:

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

Table 3-1: Key consultation dates

Stage	Date Send	Date Ended
Stage 1.1 Agency	8 August 2024	14 days - 23 August 2024
Stage 1.2 Advert	28 August 2024	14 days - 12 September 2024
Stage 1.3 Invite	28 August 2024	14 days - 12 September 2024
Stage 2/3 Presentation to RAP's	13 September 2024	28 days - 12 October 2024
Site Visit (gathering information)	10 October 2024	10 October
Stage 4 RAP Review of Draft	8 November 2024	28 days - 6 December 2024

### 3.2. Stage 1 – Notification of Project Proposal and Registration of Interest

The first step in undertaking the Aboriginal Cultural Heritage Assessment process for the study area, is the identification of the Aboriginal community members who can speak for Country in the area of the project.

On behalf of Investa, Curio initiated a new process of Aboriginal community consultation for the study area in accordance with the Consultation Guidelines in August 2024. Stage 1 notifications identified the nature and location of the project. In accordance with Stage 1.1 of the consultation guidelines, letters were sent to the relevant statutory bodies on 8 August 2024 requesting names of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and places relevant to the study area.

The statutory bodies contacted during Stage 1.1 were:

- Aboriginal Cultural Heritage Regulation – Heritage NSW
- Metropolitan Local Aboriginal Land Council (LALC)
- The Registrar – Aboriginal Land Rights Act 1983
- Native Title Services Corporation Limited (NTS Corp)
- North Sydney Council
- The Local Land Services (LLS)

A public notice advertising the project was also placed in Koori Mail on 28 August 2024 (consistent with Stage 1.2 of the Consultation Guidelines), advising of the project location and proposed development and inviting registration from local Aboriginal people.

All identified stakeholders from Stages 1.1 and 1.2 of the process were written via email on 28 August 2024, inviting registration in the process of community consultation for the project. Responses were requested within 14 days of the date of the letter (i.e. 12 September 2024).

### 3.2.1. Registered Aboriginal Parties

As a result of the Consultation Guidelines, nine RAPs were registered for the project (listed in alphabetical order):

- A1 Indigenous Services
- ACHS
- Butucarbin Aboriginal Corporation
- Didge Ngunawal Clan (DNC) Group
- Kamilaroi-Yankuntjatjara Working Group
- Murra Bidgee Mullangari Aboriginal Corporation
- RAW Cultural Healing
- Thomas Dahlstrom
- Yarrawalk PTY Limited

### 3.3. Stage 2 and Stage 3

Each project RAP was provided with written details of the proposed project and the proposed Aboriginal Cultural Heritage Assessment Methodology for the project. This letter was sent to all project RAPs on 13 September 2024. Requests were made for comment and/or review within 28 days of provision of the methodology document (12 October 2024).

Table 3-2: Stage 2 & 3 RAP Responses

Organisation	Date	Comment
Amanda Hickey Cultural Services	16/09/2024	<i>Thank you for your email. AHCS supports the methodology If you need anything else, please don't hesitate to contact me. Have a great day</i>
Didge Ngunawal Clan	01/10/2024	<i>Thanks for this, we will be attending! We had a look at it. We're fine with it from our end.</i>
A1 Indigenous Services	08/10/2024	<i>I have reviewed the document and support the Information and Methodology. I Would like to be included in all Meetings, Reports, Sharing Cultural Information, and Field Work</i>
Kamilaroi-Yankuntjatjara Working Group	10/10/2024	<i>Thank you for your methodology for 105-153 Miller Street, North Sydney. The study area is highly significant and sensitive to our people. We would recommend further investigation take place in the study area in the way of survey and possible test excavations. We look forward to working alongside you on this project.</i>

A site meeting was conducted with project RAPs on 10 October 2024, in order for the RAPs to see the study area, and discuss the project, concerns and cultural knowledge with both Curio and the Proponent. Those in attendance are listed in alphabetical order below:

Table 3-3: List of Attendees at Stage 2 & 3 Site Visit

Representative Organisation	Representative Organisation/ Person
Butucarbin Heritage	██████████
Didge Ngunawal Clan (DNC Group)	██████████

Murra Bidgee Mullangari Aboriginal Corporation

Thomas Dahlstrom

The RAPs in attendance agreed that the site likely contains little to no archaeological potential and expressed that they were happy with the overall approach and projection of the project thus far. No issues or concerns were raised in this site visit.

### 3.4. Stage 4 – Review of Draft Cultural Heritage Assessment Report

This draft ACHAR were provided to all project RAPs for review and comment on 8 November 2024. Project RAPs were provided with a minimum of 28 days (6 December) to review and provide comment on the draft ACHAR. Responses as per Stage 4 have been outlined below.

Table 3-4: Stage 4 responses

Organisation	Comment
Didge Ngunawal Clan Sent 8/11/2024	<i>We are happy with everything from end</i>

### 3.5. Additional Community Consultation

As a part of the project, Investa have engaged FJC Studio and WSP Australia to design a Connecting with Country Framework. As a part of this process, RAPs were invited to a meeting on 27 March 2025 to have the opportunity to provide comment, feedback and input. Table 3.5 lists the RAPs who attended, and Table 3.6 outlines their responses.

Table 3-5: RAPs in attendance for Connecting with Country Framework

Representative Organisation	Representative Organisation/ Person
Didge Ngunawal Clan	
A1 Indigenous Services	
Amanda Hickey Cultural Services	
Kamilaroi-Yankuntjatjara Working Group	

Table 3-6: RAPs comments to Connecting with Country Framework proposed

Organisation	Comment
Didge Ngunawal Clan	<i>Thanks for the brilliant designs that Corey integrated that looks fabulous and a fantastic job, well done!</i>
A1 Indigenous Services & Amanda Hickey Cultural Services	<i>One of the more detailed and well thought out frameworks seen for a project</i>

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Kamilaroi-Yankuntjatjara     *Appreciate you sending this through*  
Working Group

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## 4. Summary and Analysis of Background Information

## 4. Summary and Analysis of Background Information

This section summarises the environmental, historical and archaeological background and context for the study area and serves to place the study area and proposed development into an appropriate regional context. This background assessment has been undertaken in order to provide a holistic understanding of the cultural landscape within which the study area is located and includes a consideration of both tangible and intangible cultural heritage. A predictive model is informed by a succinct assessment of background context and will assist with the development of appropriate mitigation measures, prior to any non-reversible impact to the site, Aboriginal archaeology and cultural values and significance.

### 4.1. Aboriginal Ethnohistory

It should be noted that much of the written historical evidence and early paintings or images of traditional Aboriginal lifestyle and economy is from historical records and documents written by early European settlers rather than Aboriginal people, meaning that it comes with an inherent non-Aboriginal bias and may not accurately represent an Aboriginal perspective of pre-Colonial Aboriginal ways of life and/or the impacts of colonisation on First Nations people. European colonisation resulted in catastrophic outcomes for First Nations People, such as massacres, disease outbreaks, displacement and rapid changes in access to resources and land across NSW and beyond. Nevertheless, Aboriginal connection to country and culture endures throughout the generations and history is slowly being rewritten to provide a fuller understanding of Australia and the impacts of colonisation on First Nations People.

North Sydney sits on land traditionally owned by the Cammeraygal, who are one of the 29 clans that make up the wider Dharug people and language group. The clans living to the south of Sydney Harbour referred to the area around North Sydney and Milson's point as 'Warung', or 'Warrane', meaning 'the other side', and the Cammeraygal called the southern side of the harbor by the same name. According to Governor Phillip in 1790, the lands of the Cammeraygal were known to them as 'Cammerra', the area of which made up Sydney's northern shore and the Lane Cove River serving as its boundary. To the west of the Cammerra land was the territory known as 'Wallumetta', inhabited by the Walumedegal people.<sup>3</sup>

Like most Aboriginal groups in the Sydney area, the Cammeraygal were a saltwater people, who traditionally lived along and managed the coastal waters and bushlands near Sydney Harbour. As access to resources would have been abundant in this area of North Sydney, this would have allowed for the establishment of permanent camp grounds, along with the development of intricate religious and legal customs, as well as a complex and detailed language system, linking them spiritually, socially, and politically to Aboriginal groups in wider Sydney.<sup>4</sup> The North Sydney foreshore regions retain several examples of Aboriginal cultural sites in places like caves, shelters, and as engravings carved into the sandstone benches that dominated the area. One such example, located at Balls Head to the south of the study area, depicts a large fish or whale with a human figure inside, highlighting the kind of cultural landscape that would have likely been present all across the area before much of it was damaged or destroyed in post-colonial development.<sup>5</sup> Like the Gadigal and other Aboriginal groups encountered in the area, the Cammeraygal were noted as an extremely

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<sup>3</sup> Arthur Phillip, 1790, 'The Aboriginal Population'. *Journal of the Australian Population Association Vol. 5, Supplement 1 (March 1988)*; Ian Hoskins 2015, 'We will see a town rising': a history of North Sydney', p.2-4.

<sup>4</sup> Lane Cove Council 2023, 'Aboriginal Heritage' *About Lane Cove*. Accessed from <https://www.lanecove.nsw.gov.au/Community/AboutLaneCove/Pages/AboriginalHeritage.aspx>

<sup>5</sup> Hoskins, Ian, 2019. 'Aboriginal North Sydney: An Outline of Indigenous History'. North Sydney Council, p.7. Retrieved 25 September 2023.

healthy, fit and muscular people by Europeans, highlighting the highly nutritious and ample diet that the land could provide.<sup>6</sup> As a people highly skilled in fishing and hunting, the traditional lifestyle of the Cammeraygal was severely affected by the introduction of European diseases and land acquisition brought on by British colonisation. Despite this devastation, the Cammeraygal are recorded as living and fishing in a traditional manner in the North Sydney area until at least the 1820's, and their descendants continue to live in the area to this day.<sup>7</sup>



Figure 4-1: An aboriginal rock-carving located at Balls Head of a large fish or whale, with a human figure inside it, photographed in 1900.

Source: Stanton Library

Despite differences in language, material culture and customs, the Cammeraygal of the North Shore and the various Dharug clans living across the harbour would likely have interacted at various times of the year for ceremonies, to dispute resolution, trade and marriage arrangements. Ceremonies recorded by early European colonists include the removal of a tooth associated with the initiation of young men into an adult member of their clan, with the tooth removal itself being recorded as being undertaken exclusively by Cammeraygal men and taking place at ceremonial grounds known as *Yoolahng* on the southern shore of Sydney Harbour (Figure 4.1).

As hunter-gatherers, the local Aboriginal communities living in the area would have pursued a mixed food economy, utilising and relying upon readily available and abundant natural resources. European's noted that the Cammeraygal had some of the best fishing grounds in the Port Jackson

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<sup>6</sup> NBRS Architecture 2018, 253-267 HIP, p.12

<sup>7</sup> Hoskins, Ian, 2019. 'Aboriginal North Sydney: An Outline of Indigenous History'. North Sydney Council. Retrieved 25 September 2023.

region, which would have provided coastal marine resources including fish like snapper, bream and leatherjacket as well as, shellfish, and crustacea like sea urchins and crabs, though the availability and abundance of these resources would have changed seasonally.<sup>8</sup> Areas around Lavender Bay and Berry's Bay would have been ideal locations for fishing expeditions along the harbour via bark canoe, as well as the nearby landscape of Hawkesbury Sandstone cliffs eroding into overhangs and rock shelters which would have been suitable for habitation. In contrast, the environment associated with locations further inland from the coast, such as the sandstone slopes on which the study area sits, resulted in a reliance on the exploitation of possums, kangaroos, plant resources—including vegetable roots, berries and seeds— and freshwater resources such as eels and mullets<sup>9</sup>.

Locations for camping were selected based on their ability to provide shelter from the weather in addition to being in locations with access to plant and animal foods and raw material resources. Based on the distribution of Aboriginal sites in the Sydney region, occupation appears to have been focused along valley bottoms and shorelines. The density and complexity of sites has also been suggested to vary in association with the distance from permanent potable water sources and proximity to food, stone and other resources required for the manufacture and maintenance of tools, equipment and other cultural items.<sup>10</sup>

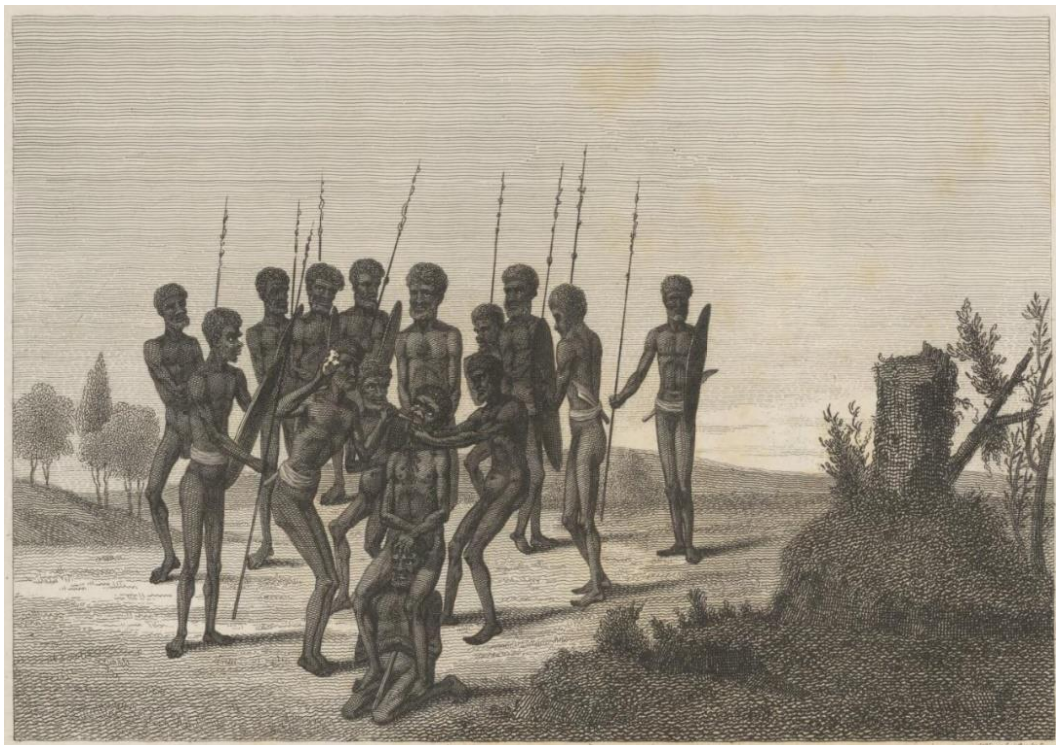


Figure 4-2: Yoo-long erah-ba-diang 1795 Farm Cove initiation ceremony noted as being led exclusively by Cammeraygal men: 'striking out the tooth'. Attributed to T Watling (artist), James Neagle (engraver).

Source: National Library of Australia, Neagle, James. (1798). Yoo-long erah-ba-diang. (S11111/22)

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<sup>8</sup> Attenbrow, 2010 ; Hoskins, Ian, 2019. 'Aboriginal North Sydney: An Outline of Indigenous History', p.12. North Sydney Council. Retrieved 25 September 2023.

<sup>9</sup> Murray, R. and White, K., 1988, Dharug and Dungaree: The History of Penrith and St Marys to 1860. Hargreen Publishing Company in conjunction with the Council of the City of Penrith.

<sup>10</sup> DSCA, 2003

## 4.2. Post Contact History

Following Captain James Cook's discovery of Botany Bay in 1770, the First Fleet arrived on the eastern Australian shoreline in January 1788. Soon after arrival it was determined that Botany Bay was unsuitable for establishing a colony and Governor Arthur Phillip thus moved the fleet further north to Port Jackson where a colony was then founded at Sydney Cove,<sup>11</sup> which consisted of approximately 1,000 people living in huts, tents, or wattle and daub houses.<sup>12</sup> According to early British accounts, the initial reactions of the local Aboriginal people were mixed. Sometimes local Aboriginals were openly antagonistic with shouting and angry gesticulations while at other times they appeared to be curious and friendly even showing early colonists to locations of freshwater.<sup>13</sup>

The arrival of Europeans in the Sydney area was ultimately a devastating event to Aboriginal groups like the Cammeraygal, largely due to the outbreak of smallpox in 1789. Lacking the immunity and resistance to these new diseases unknowingly carried by European colonists, up to 50 percent of the Aboriginal population of Sydney died in swift succession, causing untold social and cultural disruption amongst the survivors. Despite the devastation, Aboriginal people manage to regroup and reorganise their surviving communities, either dispersing further inland or adapting to the new circumstances and the increasing number of European invaders.<sup>14</sup> Many Aboriginal groups continued to live semi-traditional lifestyles, usually on the margins of the ever-growing European settlement, from which they sometimes supplemented their supplies or traded fish and game for luxuries like sugar or metal objects. Despite this adaption, the Aboriginal population of the Sydney region continued to decline, and by only 1827 the population was thought to have dropped to a third of its pre-contact number.<sup>15</sup>

While Aboriginal people remained a common site in the early colony around Sydney Cove, European sources indicate that the Cammeraygal and other Aboriginal groups were a less commonly seen in North Sydney by the 1800's, their numbers having been reduced either through disease or dispersal to place, like La Perouse, as a result of the growing settlement.<sup>16</sup> Despite this general decline, the presence of Aboriginal people in the North Shore as late as 1870 is undoubted, with many working on the estates of the colonising Europeans, navigating the North Shore area to camp near the shoreline at places like Berry's Bay, or to receive blankets from the Government's annual Blanket Distribution.<sup>17</sup> It is likely that many of these people were surviving Cammeraygal and their descendants.

The dispossession and visible decline in population of the Cammeraygal and other local Aboriginal groups in North Sydney was an obvious reality to the European colonists who would come to occupy their land. Some even felt a measure of shame for the injustice of blatantly robbing Aboriginal people of their homes, although these sentiments would have done little to halt the ongoing growth of the colony. As an example, in the late 1870s a resident of Blues Point suggested, in relation to the Aboriginal people that still lived and visited the North Sydney area, that:

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<sup>11</sup> NSW NPWS 2003

<sup>12</sup> Ho and DUAP 1996

<sup>13</sup> Bradley 1786-1792[1969], p.59, Tench 1789: 53-54[1979, p.35] cited in Attenbrow 2009

<sup>14</sup> National Museum Australia, 'Smallpox Epidemic' *Defining Moments*. Accessed from: <https://www.nma.gov.au/defining-moments/resources/smallpox-epidemic>

<sup>15</sup> Murray and White 1988

<sup>16</sup> Ian Hoskins, 2015. 'We will see a town rising': a history of North Sydney. P.12

<sup>17</sup> NBRS Architecture 2018, 253-267 HIP, p.12 & North Sydney Heritage Leaflet 1, North Sydney's Aboriginal Past, [http://www.northsydney.nsw.gov.au/resources/documents/01\\_aboriginal1.pdf](http://www.northsydney.nsw.gov.au/resources/documents/01_aboriginal1.pdf), viewed 11 September 2014. ; Ian Hoskins, 2015. 'We will see a town rising': a history of North Sydney. P.12

*"I hope I may be pardoned for suggesting that the claims of the original owners should not be overlooked when dedicating the islands in the harbour as reserves. It is recorded that one of the aborigines, named Bennilong, inherited Goat Island from his father, and announces his intention of leaving it as a gift to his descendants... considering the vast territory which has been wrested from these poor people without any compensation I take it would be a graceful act to allow them the privilege of pointing to one of these small islands at the entrance to the metropolis as still their own".*<sup>18</sup>

Later still, a prominent North Sydney resident, Alexander Oliver, suggested in 1890 that the St Leonards, now North Sydney area, be instead re-named to 'Cammeray', citing that

*'We have evicted these poor people from their lands, and we have civilised them into absolute extinction. The least recognition we can make of the great Cammeray tribe, which we have driven out of their heritage, would be to preserve the old melodious name of their country for the most beautiful of our suburban district, and, for the future, say 'Cammeray' instead of 'North Shore' or 'St Leonards' ".*<sup>19</sup>

Thankfully, both of these admittedly token concessions have been granted by the time of this report being written, with a North Sydney suburb being named 'Cammeray' soon after in 1920, and Goat Island (Me-Mel) beginning the process of being returned to Indigenous ownership in the 2020's.<sup>20</sup>

### **4.3. Historical Development of the Study Area**

#### **4.3.1. 1828 - 1838 – Initial Land Grants**

The study area was originally part of a large section of undeveloped and 'unclaimed' land on the North Shore, surrounded by William Blue's estate to the south, Alfred Thrupp's estate to the west, and Edward Wolstencroft's estate to the west.<sup>21</sup> By at least 1828, the North Shore region was almost completely undeveloped, with a few scattered dwellings belonging to the various estate owners that inhabited it. An 1828 map by Thomas Mitchell highlighted the potential of the location for a future township, taking advantage of the section of land that had not been divided up into land grants. This map included suggested street plans and subdivisions but was not accepted.

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<sup>18</sup> The Islands of Port Jackson and the Aborigines' *The Sydney Morning Herald*, 23 November 1878, p. 6

<sup>19</sup> *Sydney Morning Herald*, 9 June 1890

<sup>20</sup> Housnia Shams, 2022. 'NSW Government takes first step to returning Me-Mel/Goat island to Indigenous Community' *ABC News*.

<sup>21</sup> Ian Hoskins, 2015. 'We will see a town rising': a history of North Sydney. P.6



Figure 4-3: Survey Map of North Shore with proposed street development, 1828, with rough location of study area in red.

Source: State Library NSW. 'John Thompson. Illustrations from the Report upon the progress made in roads and in the construction of public works in New South Wales from the year 1827 to June 1855': maps and sketches

#### 4.3.2. 1836 – 1853: Township of St Leonards

In 1836 the area was re-surveyed for the purpose of establishing a township, known as 'St Leonards' in response to a growing demand for land in the area north of Sydney. By 1838 this township had a road structure built around a grid of roads including Berry, Mount, Blue and Lavender Streets established east to west, and Miller and Walker Streets running north to south.<sup>22</sup> This area had at least 106 dwellings by 1846, and by 1859 the growing commercial and retail centre ran from Miller Street down to Milsons Point.<sup>23</sup> The area was overall noted to be fairly undeveloped and only had a small number of cottages and larger villas scattered around the smaller hills. The study area appears to have been an undeveloped slope adjoining the early form of Miller Street during this period, with some small residences located to the north and south. The site's south-eastern corner is also

<sup>22</sup> Dictionary of Sydney 'North Sydney'. Accessed from: [https://dictionaryofsydney.org/entry/north\\_sydney](https://dictionaryofsydney.org/entry/north_sydney)

<sup>23</sup> The Book of Sydney Suburbs, compiled by Frances Pollon, Angus & Robertson Publishers, 1990, Published in Australia ISBN 0-207-14495-8, page 19.

located close to the head of Rainbow Creek, likely running down from the ridge to the north-west, as seen in Figure 4-4 below.

Artist and writer Louisa Meredith, writing in 1840, describes the general vicinity of the study area as:

*“The opposite or north shore of Port Jackson, here about two miles across, is rather a monotonous character. Hills of no great elevation and very tame outline rise from the beach, dotted here and there with villas and cottages, their adjoining gardens making a pleasant green contrast with the uniform brown hue of the scrub. Numbers of boats were pulling and sailing about giving animation to the scene.”*<sup>24</sup>



Figure 4-4: 1853 Trigonometrical survey of Port Jackson, with approximate location of study area highlighted in red. Note that only Miller (NS) and Blue Street (EW) are present in this survey, possibly indicating that the other streets were not present or were still largely dirt tracks when this part of Sydney was surveyed.

Source: Mitchell, Thomas, Sir, 1792-1855; engraved by J.W. Lowry, published by T. & W. Boone, New Bond Street, 1853.  
Accessed via Trove.

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<sup>24</sup> Mrs Charles Meredith, Notes and Sketches of New South Wales, [1844], Penguin Books, 1972, p.37

### 4.3.3. 1880's – early 1900's - Municipality of North Sydney

By 1887 the Township of St Leonards had developed substantially, with the study area and surrounding blocks subdivided into various residential and commercial residences. The area officially became known as 'North Sydney' in 1890, after several naming disputes, and the existing St Leonards post office, town hall, and public school were renamed to use the name 'North Sydney'.<sup>25</sup> By this date the study area appears to have been divided into roughly 8 smaller subdivisions, as part of what is labelled the 'Fisher's Subdivisions'. At this date the only known owner of any of the lots is Lewis Moore, who owned a large chunk of the north-western corner of the study area, and it is unknown if any structures were built on the lots at this time (See Fig 4-5).

Plans dating to 1892 indicate that the subdivisions contained roughly 10 structures in total, including a larger structure facing Miller Street to the west and a number of smaller residential or houses to the south along Mount Street. A larger, empty lot with what appears to be a pathway or more likely a small river or creek running south-east to north-west (likely a remnant of Rainbow Creek) is visible on the sites eastern face along Denison Street (fig 4-6).

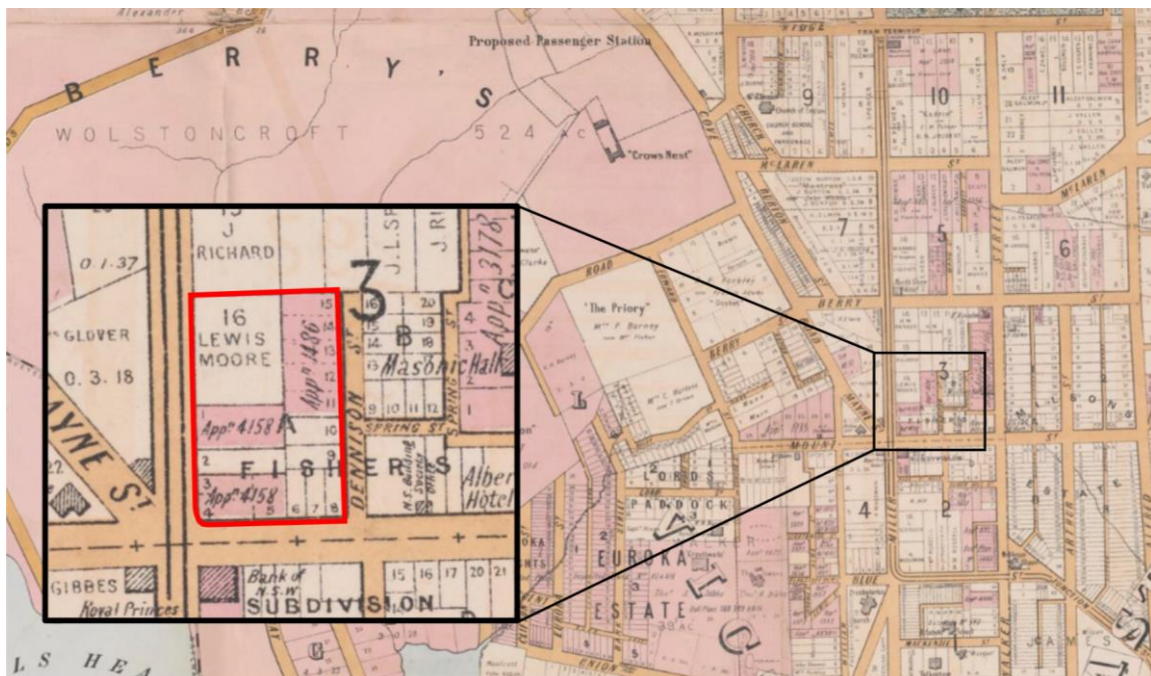


Figure 4-5: 1887 Map of St Leonards area, showing the significant increase in development since the earlier 1953 survey. The study area is divided into roughly 8 subdivisions as part of the Fisher's Subdivision, with the largest subdivision owned by Lewis Moore. Source: 'Map of St. Leonards on the North Shore Parish of Willoughby / compiled, lithographed and published by Higinbotham & Robinson'. National Library of Australia - MAP RM 4458. Accessed via Trove from <https://nla.gov.au/nla.obj-232482086/view>

<sup>25</sup> The Book of Sydney Suburbs, compiled by Frances Pollon, Angus & Robertson Publishers, 1990, Published in Australia ISBN 0-207-14495-8, page 19.

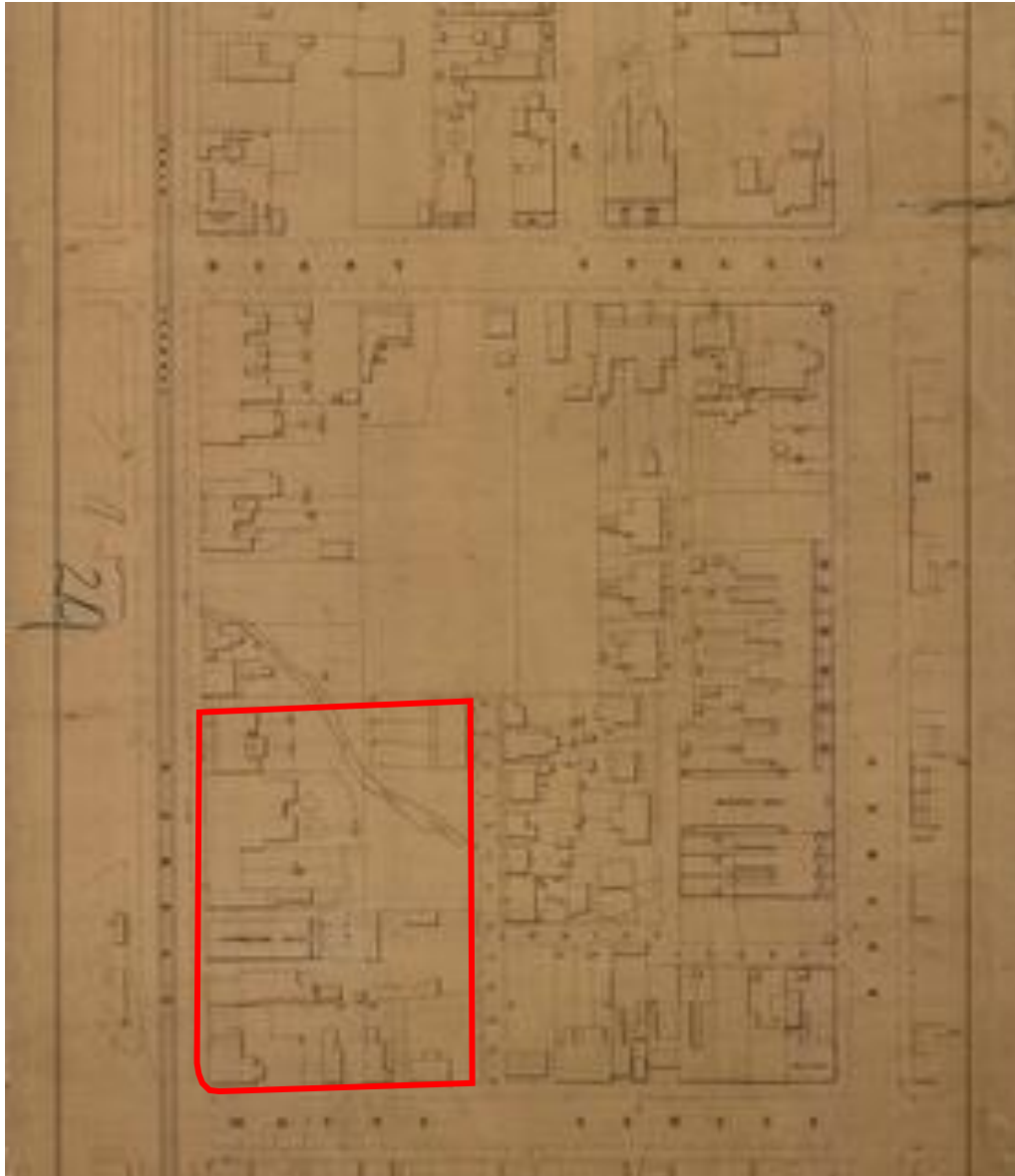


Figure 4-6: Low-res copy of the North Sydney Water Board Map dating to 1892, showing the buildings present within the study area at this date.

Source: North Sydney Archives – Stanton Library- LH REF MF299/29

#### 4.3.4. 1940's -1950's – MLC Company

By the early 1950's the MLC Company realised that its primary office building in Martin Place, built in 1938, was becoming inadequate for the growing needs of the company and its various functions. A site in North Sydney was investigated and chosen for the new building in 1953, which currently makes up the study area.<sup>26</sup>

The area chosen hosting a variety of two-three storey, timber-built banks, tailors, grocery stores, fruiteries, bakeries, stationaries. and draperies, as well as a Post Office, Courthouse, Emporium and Sewing machine shop. Nine of these commercial lots from 105 to 253 Miller Street on the corner of

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<sup>26</sup> 'New Head Office For MLC'. *The Sydney Morning Herald*. No. 36, 274. New South Wales, Australia. 26 March 1954. p. 9. - Retrieved 26 September 2023 from National Library of Australia.

Mount Street were purchased in June 1955 by the MLC Company with the intention of demolishing the blocks to make way for what was to become the study area.<sup>27</sup>

Aerial photographs show the range of building types that made up the study area before it was demolished to facilitate the current 105 Miller Street structure, including what appears to be shopfronts and larger commercial structures to the south, residential houses in the centre-north, and possible lawns or an undeveloped open area to the north-east, as seen in Figure 4-7 below.



Figure 4-7: 1943 Aerial Photograph of Study area. Source: Historical Imagery Viewer, 2024.

#### **4.3.5. 1952-1999 – MLC Building North Sydney, 105 Miller Street**

105 Miller Street built in 1957, was the first high-rise building to be built in North Sydney. Designed by MLC's preferred architects, 'Bates, Smart and McCutcheon', the 59-meter-high tower was built in the International Style, with inspiration taken from the 1952 Lever House in New York. As seen in Figure 4-8 below, the building required the total demolition of the previous buildings within the boundary, and almost the entire footprint to be significantly excavated to accommodate the site's basement and support structures.

The building's modern design was unique for its use of a curtain wall, as well as being the first high-rise building in Australia to make use of modular units, and an in-built public plaza. The modern development and architectural philosophies employed in its construction, which would make it the largest office block in Australia for several years and by far the tallest building in North Sydney, would become a watershed moment for North Sydney's future development, with the Mayor of North

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<sup>27</sup> Jackson Teece Chesterman Willis, 1998. p. 19.

Sydney, William Brothers, commenting that the MLC's design would mean that "...the northern side of the harbour will eventually develop into the commercial centre of Sydney".<sup>28</sup>



Figure 4-8: South-facing photograph showing the excavation site for 105 Miller Street as it appeared in 1955, highlighting the deep excavation undertaken, which would have significantly disturbed any soil profiles.

Source: Douglass Baglin, 1956. North Sydney Council Heritage Collections - LH REF PF1357/1



Figure 4-9: MLC Building under construction in 1956.

Source: Douglass Baglin, 1956. North Sydney Council Heritage Collections - LH REF PF1357/4

<sup>28</sup> "Twin Cities on The Harbour?". Construction. New South Wales, Australia. 31 March 1954. p. 4. Retrieved 26 September 2023.



Figure 4-10: The North Sydney MLC Building in 1957.  
Source: Philip Goad. 2004. p. 164.

Over the years the building underwent multiple interior changes including refurbishment, remodelling and partitioning of interior floor spaces, reworking of the interiors of the retail and commercial tenancies, and some minor changes to shop front facades. The building continued to be used and occupied by the MLC, up until 1999.

#### **4.3.6. 2000-2023 – Modern Alterations**



In 2000, a large-scale interior renovation was undertaken to accommodate Campus MLC – an alternative to conventional office spaces, with the introduction of interconnected workspaces across all floors. The façade was restored by Bates Smart and the interior renovations undertaken by Bligh Voller Nield architects. In 2017, the interiors were renewed again by Woods Baggot to accommodate the requirements of MLC & NAB Wealth.

A development application was lodged with North Sydney Council in July 2020 for the demolition of 105 Miller Street and construction of a 27-storey mixed use commercial building. The lodgement of the development application was considered the catalyst for the proposed State heritage listing for the study area. An appeal against North Sydney Council's deemed refusal of this development application was lodged in August 2021. In May 2023, the LEC determined this application by way of refusal including because of the heritage significance of 105 Miller Street.

### 4.3.7. Historical Aerial Imagery

Historical aerial imagery was used to understand the development of the site from 1943 to the present day. Table 4-1 below shows each available historical aerial and changes to the study area over time.

Table 4-1: Historical aerial imagery

Historical Imagery	Description
	<ul style="list-style-type: none"> <li>• In the earliest available aerial imagery, several lots and properties are visible in the site boundary, including what appears to be a number of commercial or residential terraces on the southern Mount Street boundary, and an empty, grassed lot (possibly the front lawns of the houses to the west) on the north-east Denison Street boundary.</li> <li>• It is unknown if this empty lot was previously developed and then demolished, or if it remained empty since the initial subdivision.</li> </ul>
<p>Figure 4-11: 1943 historical aerial Source: NSW Historical Imagery Viewer</p>	
	<ul style="list-style-type: none"> <li>• All 9 buildings have been demolished to prepare for the construction of the North Sydney MLC Building, now the existing 105 Miller Street Building.</li> <li>• Some deeper ground disturbance, visible in Fig 4-8 above, can be seen on the site at this time</li> </ul>
<p>Figure 4-12: 1955 historical aerial Source: NSW Historical Imagery Viewer</p>	

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Historical Imagery

Description



- Aerial photographs show that 105 Miller Street has been completed by 1965

Figure 4-13: 1965 historical aerial  
Source: NSW Historical Imagery Viewer



- Initial form of Mount Street Plaza / Brett Whitley Plaza (before 2014 redevelopment) has been completed to the south of the study area

Figure 4-14: 1986 historical aerial  
Source: NSW Historical Imagery Viewer

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Historical Imagery	Description
	<ul style="list-style-type: none"><li>• Site has reached its current appearance and condition</li></ul>

Figure 4-15: 2009 aerial  
Source: Nearmaps

## 4.4. Physical Setting and Landscape Context

### 4.4.1. Soils and Geology

The physical setting of an area, including its natural resources, landforms, and wider landscape setting, has a significant influence on the nature, location, and form of Aboriginal occupation, usage patterns and interactions with the land. The physical context therefore dictates and influences the locations and forms of tangible values and physical sites that main remain across the landscape. The physical setting of a location also provides meaningful landscape context for intangible heritage and connection to Country.

The study area is located on the Gymea soil landscape (see Figure 4-16 and 4-17). These soil landscapes are both typified by undulating rises to rolling hills on top of underlying Hawkesbury Sandstone, with areas of outcropping sandstone. Soils are generally shallow to moderately deep (25 to <100cm) well drained sands and yellow earth. The Gymea landform is typified by generally shallow (<20cm) deep silicious sands on stone benches, with deeper sands (<100cm) along drainage lines. These landscapes have high erodibility where clay content is low.<sup>29</sup>

Where historic disturbance is low, Gymea soil landforms and dune features have the potential to contain subsurface Aboriginal archaeological deposits.

<sup>29</sup> 'Gymea' p.75-76. NSW Planning, Industry & Environment

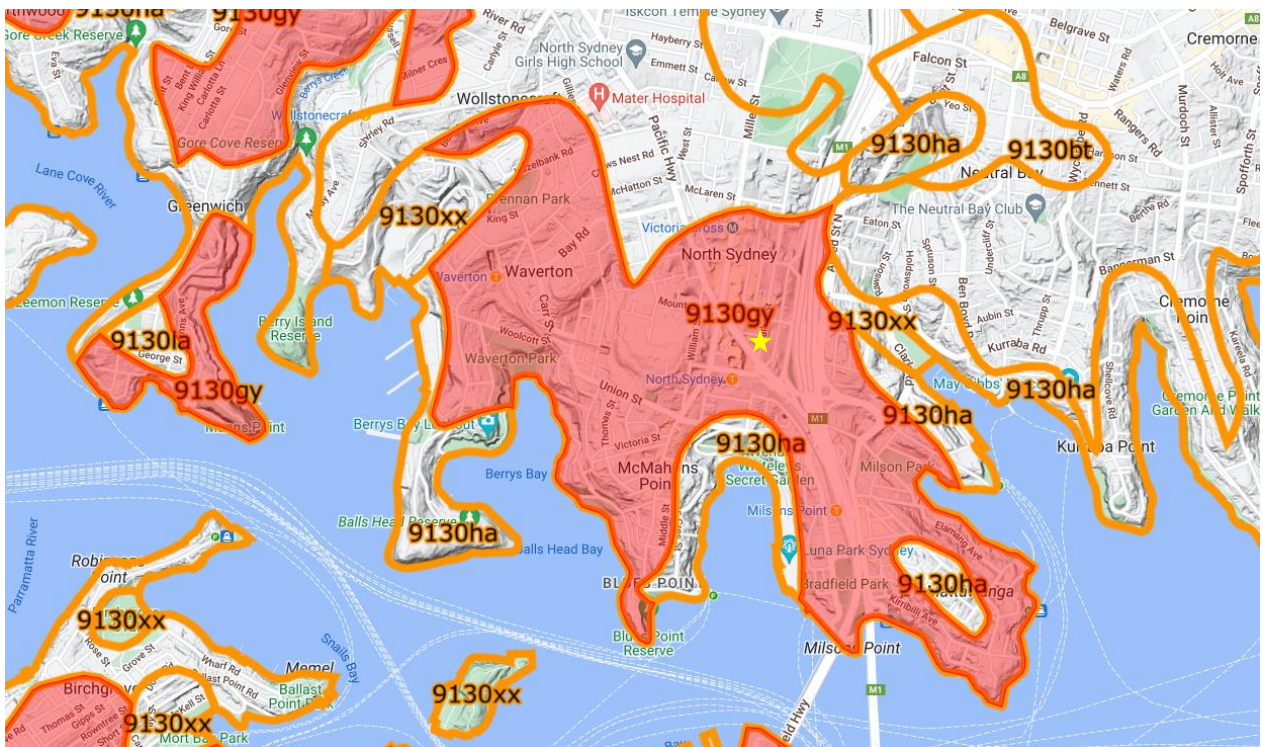


Figure 4-16: Soil landscapes with study area indicated as yellow star. 9130gy = GyMEA  
 Source: eSPADE 2024

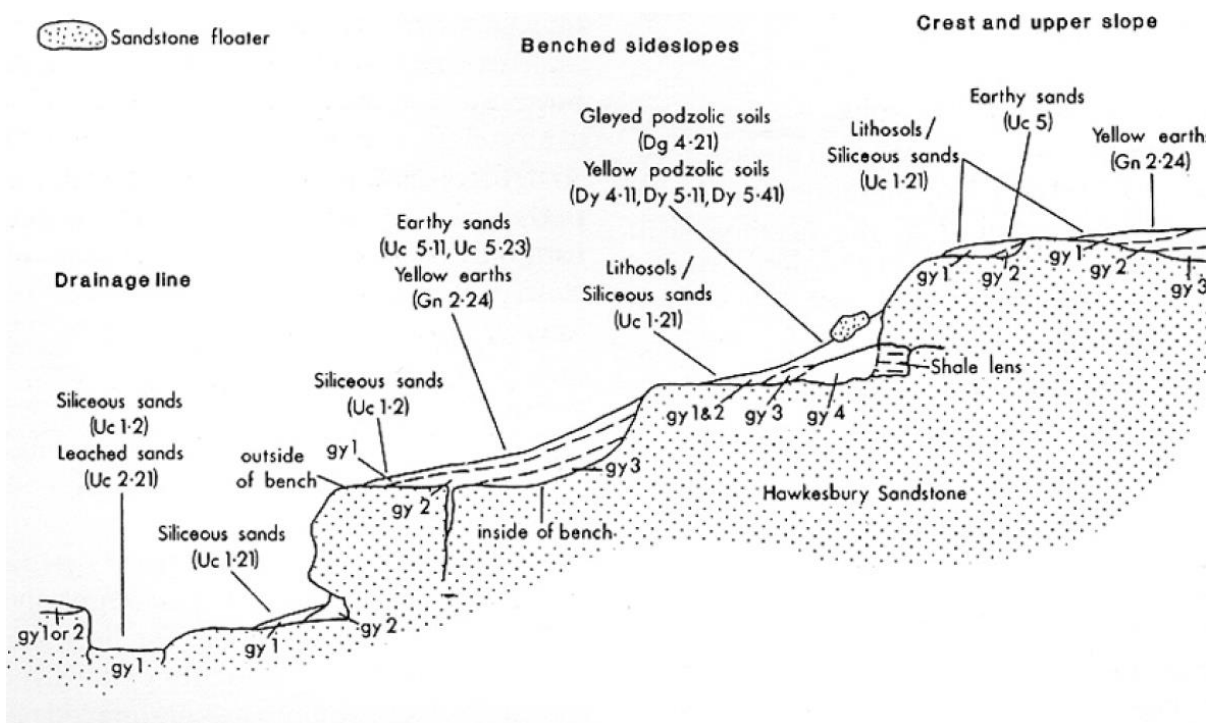


Figure 4-17: Cross section of GyMEA soil landscape illustrating the occurrence and relationship of the dominant soil material  
 Source: eSPADE 2024, 'GyMEA' p.79. NSW Planning, Industry and Environment

#### 4.4.2. Hydrology, Landscapes and Landforms

Water availability and topography are recognised factors that can aid in developing predictive modelling of patterns of life and movement of Aboriginal communities prior to invasion. An understanding of natural hydrology, landscapes and landform patterning can provide information regarding potential resources that would have been available in the local area.

The study area is located within 200m of the former northern source of Rainbow Creek, visible in Figures 4-18 and 4-19 below, which was once a small stream that ran south into what is now Careening Cove, roughly 800m to the south-east<sup>30</sup>. Livingstone Mann, who visited the area in the 1930's, recalled the creek as such:

*"Many a time on a hot day have I quenched my thirst from the clear stream called Rainbow Creek that ran through St Leonards (where McIntyre's Pictures now stand) onward to Careening Cove."<sup>31</sup>*

The middle section of the Creek appears to have still been present around 1943, visible in aerial photographs (Figure 4-11) running north from its mouth until what is now Ennis Lane, however the northern extent of the creek is not visible. The southern-most 170m of the creek is still present in 2024 at the time of writing this report, running as a canal parallel to the northern boundary of Milson Park along Bradley Avenue.

The study area is located on topography that would have originally been made up of benched side slopes of Hawkesbury Sandstone, with shallow sands sitting on top of the benches. As seen in Figure 4-20 below, the study area sits on 50+ meter ridge that slopes down towards the harbour, with the study area itself sitting in a slight dip in the center of the protruding ridge.

Both of these features, being within 200m of a watercourse, and being located on top a ridgeline, are known identifying markers for an area to be assessed as having high potential/likelihood for Aboriginal objects to be present.

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<sup>30</sup> Park, R.: Ruth Park's Sydney, Duffy and Snellgrove revised 1973 edition, 2000

<sup>31</sup> Mann, L. F, 1932. 'Early Neutral Bay.' Journal and Proceedings of the Royal Australian Historical Society, Vol xvii Pt iv. p.191-192



Figure 4-18: 1853 map of North Sydney, with the rough location of the study area in red, and the nearby location of Rainbow Creek highlighted in yellow, running out into Careening Cove.  
Source: Mitchell, Thomas, Sir, 1792-1855; engraved by J.W. Lowry, published by T. & W. Boone, New Bond Street, 1853. Accessed via Trove.



Figure 4-19: Map showing the presence of Rainbow Creek in 1887, very close to the study area (red). Note that the northernmost head Creek still appears to flow south from Mount Street by this date, but appears to have lost its westernmost tributary.  
Source: 'Map of St. Leonards on the North Shore [cartographic material] Parish of Willoughby' 1887. National Library of Australia

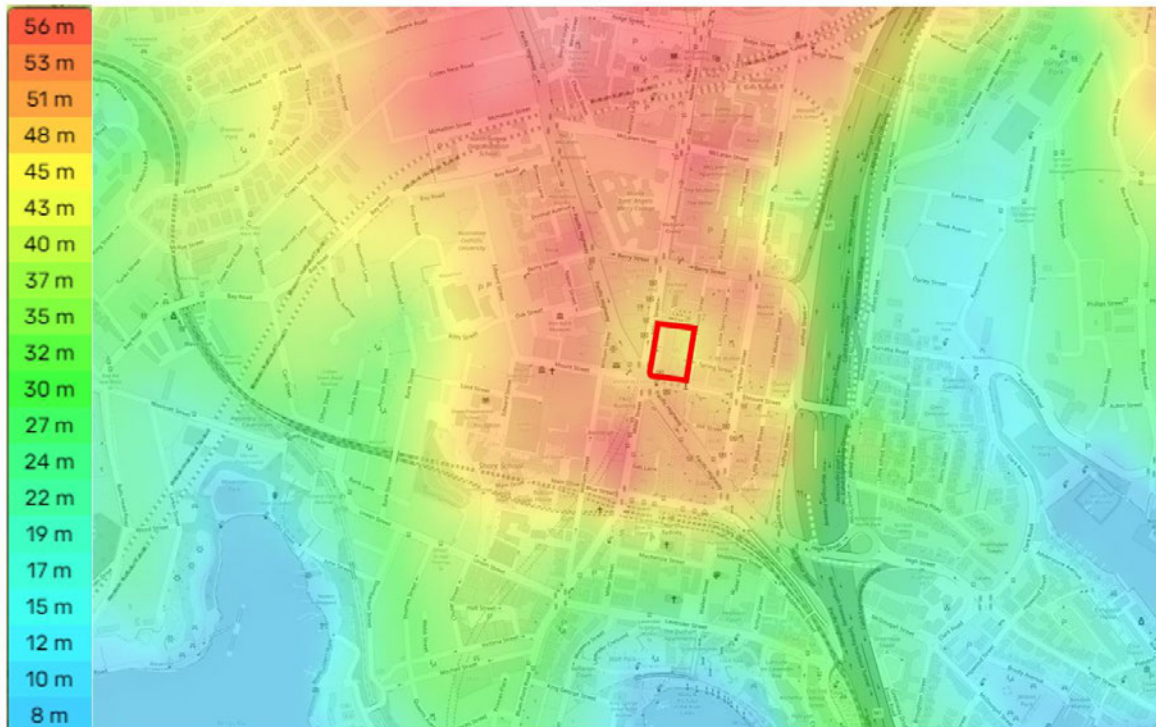


Figure 4-20: Elevations map – study area is located in a small sloped depression on a ridge.  
Source: 'New South Wales Topographic Map' Accessed from [topographic-map.com](https://en-gb.topographic-map.com/map-96hb3/New-South-Wales/?center=-33.8976%2C151.19741&zoom=15), at <https://en-gb.topographic-map.com/map-96hb3/New-South-Wales/?center=-33.8976%2C151.19741&zoom=15>

#### 4.4.3. Vegetation and Fauna

An understanding of the original vegetation of an area provides information about the resources that such vegetation would have provided to Aboriginal people in the area, and would have influenced how different locations were accessed, used and visited. Vegetation can itself be a direct resource, such as tree bark for canoes, shields etc. or edible plants, or it can be an indirect resource, creating habitats for different animals for hunting.

While the study area has been entirely cleared of its original native vegetation, the Gynea landscape in its pre-contact form generally consisted of dry sclerophyll woodlands and open-forests that dominated ridges and upper slopes, similar to those present in and around the study area. Common species would have included red bloodwood Eucalyptus, scribbly gums, stringybarks and banksias. More sheltered slopes would have been covered in black ash, Sydney peppermint, and smooth-barked apple trees.<sup>32</sup>

Terrestrial animals that would have made this vegetation their habitat would have most likely been wallabies, possums, snakes, lizards and a wide variety of insects.

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<sup>32</sup> NSW Government, *Gynea Soil Landscape*. p. 76. Accessed via eSpade 2024.

#### 4.4.4. Description of the Project Area

A site visit was undertaken of the study area by Curio and project RAPs on 10 October 2024.

The site at 105-153 Miller Street is situated at the junction of Pacific Highway, Miller Street and Brett Whiteley Place. It is bound to the south by Mount Street/Brett Whiteley Place, to the west by Denison Street, and to the north by the upcoming Victoria Cross Metro Station. The primary frontage of the building is Miller Street (identified as the Ground floor of the building), with the site sloping down towards Denison Street, which forms the Lower Ground Floor of the building.

105 Miller Street is comprised of three elements – the west Wing with a frontage to Miller Street, the east Wing along Denison Street and a (Service) Core between the Miller Street Wing and Denison Street Wing, which connects the two buildings. A landscaped forecourt along Miller Street provides a foreground frontage for the building, as well as pedestrian access to the Miller Street Wing. Vehicular access to the full site is from Denison Street through the loading bay entrance which forms part of the Denison Street Wing.

Below are several site photographs taken by Curio projects during the site visit in 2023.



Figure 4-21: Eastern facing photograph showing the study area from Miller Street. Source: Curio Projects 2023.



Figure 4-22: Northern facing photograph showing the study area from the Pacific Highway. Curio Projects 2023.

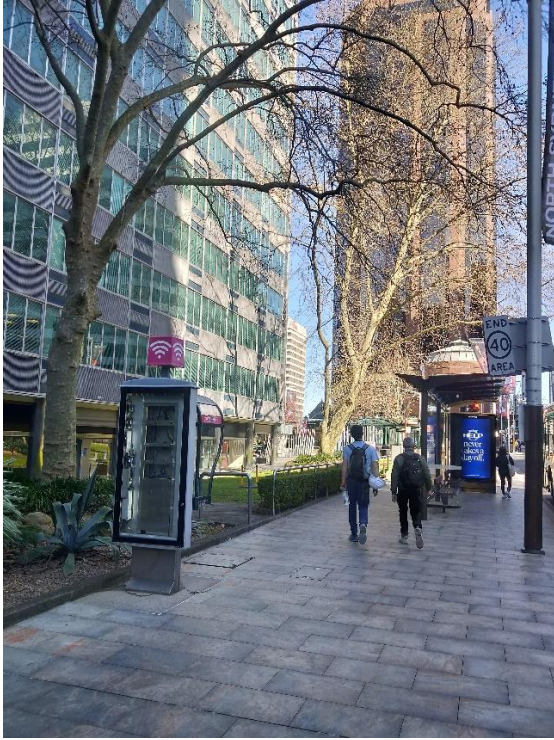


Figure 4-23: Southern facing photograph showing the western landscaping of the study area along the Miller Street Footpath. Curio Projects 2023.



Figure 4-24: Northern facing photograph showing the northern end of the study area's eastern landscaping from the Miller Street footpath. Curio Projects 2023.



Figure 4-25: Northern facing photograph showing the Miller Street Entrance and surrounding landscaping. Curio Projects 2023.

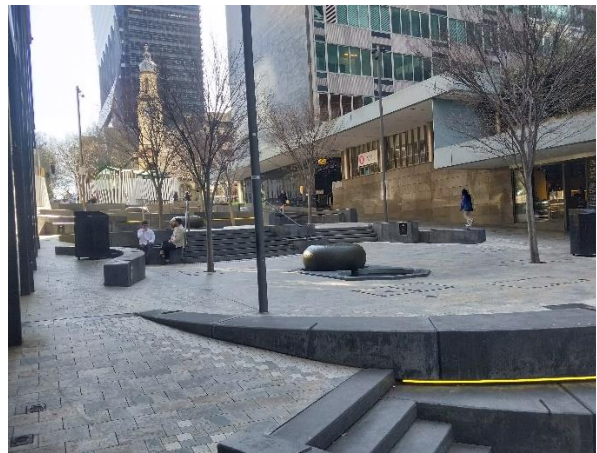


Figure 4-26: Western facing photograph showing the study area's southern boundary from BRETT Whiteley Plaza. Curio Projects 2023.



Figure 4-27: North-west facing photograph showing the site's eastern boundary off Denison Street. Curio Projects 2023.



Figure 4-28: Northern facing photograph showing the site's eastern boundary off Denison Street. Curio Projects 2023.

#### 4.4.5. Modern Land Use, History and Disturbance

A summary of the modern development history of the study area and its surrounds has been provided in order to understand the effect that previous land use may have had on the preservation or destruction of potential Aboriginal archaeological remains at this location.

The study area and surrounds have been subject to several periods of land modification, including:

- Phase 1: Initial land clearing of the so-far undisturbed landscape c. 1850-1880's
- Phase 2: Subdivision and construction of a variety of roads, dwellings and commercial properties on the various lots that make up the study area c. 1880- 1940's
- Phase: Demolition of existing structures in 1955 and construction of the current structure by 1957, which includes extensive, deep excavation of a c.4m basement in the entire site (likely through bedrock), aside from a strip along the site's Miller Street Boundary.

While the study area has only undergone two phases of significant structural development, the various structures in Phase 2 cover nearly the entire study area, aside from a small empty lot in the north-east corner, likely resulting in considerable sub-surface disturbance. Furthermore, Phase 3 required significant excavation for the entire site footprint, and would have heavily disturbed and destroyed any intact soil profiles that survived the earlier phases. Current site plans show that a small strip of landscaping on the site's western boundary along Miller Street does not overlap with the site's basement, although it is likely that this is not a patch of remnant soil profile, and is however a layer of fill associated with the construction of the basement footprint.

#### 4.4.6. Geotechnical Investigation

A preliminary desktop geotechnical study was conducted by Douglas Partners in 2019. Based on the knowledge of the area, a preliminary geotechnical model for the site was developed (Table 4-2). It was also noted that the regional groundwater table will likely be located below the proposed excavation site, with some seepage expected along the interface of soil and bedrock, within fractured zones, and within joints within the rock. These seepage flows are expected to increase following extended wet weather periods.

The stratigraphic deposits identified by the preliminary geotechnical testing are consistent with the soils and bedrock deposits expected within the Gymea soil landscape, which have potential to contain subsurface archaeological objects and features.

Table 4-2: Preliminary geotechnical model

<b>Material Description</b>	<b>Approximate depth (m bgl)</b>
Fill: typically sandy, very loose to loose	0.5-2
Residual Soils: comprising sandy clay, clayey sand, and sand	3-5
Weathered Sandstone: extremely low strength	1-2
Sandstone: slightly weathered to fresh, medium, and high strength, with occasional iron-cemented bands and fracture zones	n/a

#### 4.4.7. Summary of Physical Setting and Landscape Context

Areas of the study area that may have the highest potential for natural soils to be present (and corresponding potential for intact Aboriginal archaeological deposits), are areas where the lowest level of historical development and excavation have been undertaken.

As outlined in the historical development of the study area, Phases 1 and 2 of the study area subjected it to varying levels of ground disturbance through initial clearing and the construction of several residences and commercial structures, aside from a section in the north-east corner of the site which was undeveloped until the 1950s. Almost the entire site has undergone significant ground disturbance during Phase 3 associated with the construction of the site's basement, which has likely disturbed the soil profiles. While it is possible that this disturbance may likely be less severe along the western-most boundary along Miller Street, which has no basement level, it is unlikely that these soils are residual and are likely to fill associated with the construction of the basement itself.

As informed by the previous sections, the following summary of the physical setting and landscape context for the study area can be made:

- The study area is located on the Gymea soil landscape, typified by undulating rises to rolling hills underlying Hawkesbury Sandstone, with areas of outcropping sandstone. Soils are generally shallow to moderately deep well drained sands and yellow earth, as well as high erodibility, silicious sands on stone benches. the study area is also sits on a historic 'Holocene aeolian dune sands mantling bedrock' geological feature. The Gymea soil landscape has the potential to contain Aboriginal artefacts in undisturbed soil areas.
- The study area sits within 200m of a former watercourse, Rainbow Creek, once located to the south-east, with the remaining mouth of the creek surviving 800m to the south-east in the form of a stormwater drain.
- The study area topography originally consisted of benched side slopes of Hawkesbury Sandstone, with layers of shallow sands sitting on top. The study area itself sits in a slight dip in the center of a protruding ridge.
- Both features, being within 200m of a watercourse, and being located on top a ridgeline, are usual identifying markers suggesting a site may have high potential for Aboriginal objects to be present.

- Based on the favourable environmental context of the study area and surrounds, it is likely that the area was used by Aboriginal people for either short or long-term occupation or use.
- The stratigraphic deposits identified by preliminary geotechnical testing are consistent with the soils and bedrock deposits expected within the GyMEA soil landscape..
- The study area and surrounds have been subject to several significant land modification, including initial land clearing, subdivision and construction of a variety of roads, dwellings and commercial properties in the 19<sup>th</sup> century, their subsequent demolition, and then the construction of the current structure in the mid-1950's, which includes the excavation of a c.4m basement in the entire site, aside from a strip along the site's Miller Street Boundary .

#### **4.5. Aboriginal Archaeological Context**

Research into the regional and local archaeological context of the study area can be used to develop an understanding of the patterning of Aboriginal land use and enable the preparation of a predictive model to determine the likelihood of particular site types that may be present within the study area.

Generally, the predominate types of Aboriginal sites in the Sydney region that have the potential to be found are:

- In areas with flat exposed boulders or sandstone outcrops (potential for rock engravings and/or groove used to grind seeds, food and other materials).
- Within sandstone shelters and/or overhangs (potential for occupation and art sites).
- In the form of more open camp sites (shell midden and artefact sites, or subsurface potential archaeological deposits (PAD) associated with former open camp sites).

##### **4.5.1. Archaeological Evidence of Aboriginal Occupation and Land Use**

The diversity of the geology and landforms of the wider Sydney region landscape means that there is a wide range of existing Aboriginal archaeological evidence and sites in existence across the region. The presence of Aboriginal archaeological sites in Sydney were first noted by the First Fleet officers upon their arrival in Sydney, where Governor Phillip commented on the rock engravings in the sandstone around Sydney Cove, Botany Bay and Broken Bay.<sup>33</sup> Each geographical element of the Sydney landscape provides different conditions for the survival of physical reminders of the long-term Aboriginal habitation and occupation of the Sydney region, including shell midden sites along the coast and sand dunes, rock engravings and art sites in sandstone shelters and surfaces, occupation sites in remnant soils containing Aboriginal stone tools, remains of hearth and cooking sites, remnant scarred and carved trees, and other archaeological evidence preserving the pre-1788 history of the Gadigal people.

Early researchers in Sydney's colonial history recorded and published a range of information regarding Aboriginal sites in the Sydney region, such as paleontologist and museum director Robert Etheridge Jr, who, along with Thomas Whitelegge, documented an early archaeological excavation of Aboriginal stone tool sites along the coastline, including the first identification of an artefact type that has come to be known as 'Bondi Point', a type of small pointed stone tool that is common to the

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<sup>33</sup> Attenbrow 2010

Sydney region.<sup>34</sup> Hundreds of Aboriginal archaeological sites have been excavated across Sydney, especially from the 1960s onwards.

The earliest accepted scientific date from archaeological sites in Sydney are, like those across the rest of Australia, unlikely to accurately reflect the earliest occupation of Aboriginal people. This discrepancy between scientific dating and likely occupation relates largely to changes in sea levels, which impacted both occupation patterns of Aboriginal people between the Last Glacial Maximum and present day, as well as inundating sites along the coasts and rivers, making them inaccessible to today's archaeological investigations.

The most recent period of maximum glaciation in Sydney was 15,000-18,000BP, at which time sea levels would have been up to 140m below current levels, pushing coastlines further to the east. Around 10,000 years ago, at the end of the Pleistocene epoch, the polar ice caps melted, and sea levels began to rise, which would have forced Aboriginal people to abandon their coastal sites and move inland, causing significant impact both to physical occupation patterns, as well as to economic and social habits. By around 6,000 years ago, the rising sea levels had flooded what was once a coastal plain along Sydney's east coast, forming the landscape of Sydney harbour and its river valleys that we recognise today. Therefore, the majority of archaeological sites in Sydney that have actually been scientifically dated, recovering dates of 5,000BP and later, after sea levels had stabilized. Few archaeological sites in Sydney have been dated before 10,000BP, with a few exceptions (summarised as follows).

The oldest widely accepted date for Aboriginal occupation in the Greater Sydney region is 25,000-30,000 years ago, recovered from the George and Charles Street site in Parramatta, a basal date of  $30,735 \pm 407$ BP, recovered from the Pleistocene geomorphological formation known as the Parramatta Sand Body.<sup>35</sup> Aboriginal archaeological sites closer in the Sydney region have been scientifically dated, including Discovery Point in Tempe – a hearth dated to c9376BP; the Prince of Wales Hospital site – a hearth dated to c8400BP; and Captain Cook's Landing site at Kurnell – dated to c1330BP.

#### **4.5.2. AHIMS Search**

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 16 August 2024 centered on the study area with a buffer of 1000m, with 12 results. The extensive AHIMS search is attached as Appendix B. No registered sites were located directly within the current boundaries of the study area.

AHIMS search results always require a certain amount of scrutiny in order to acknowledge and accommodate for things such as inconsistencies in the coordinates (differing datums between years of recording), the existence of, and impact to, registered sites (impact to a registered site technically requires a submission of a Heritage Impact Recording form to Heritage NSW, however these forms are not always submitted), and other database related difficulties. It should also be noted that the AHIMS database is a record of archaeological work that has been undertaken and registered with Heritage NSW in the region. The AHIMS database is therefore a reflection of recorded archaeological work, the need for which has likely been predominately triggered by development, and not a representation of the actual archaeological potential of the search area. AHIMS searches should be used as a starting point for further research and not as a definitive, final set of data.

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<sup>34</sup> Ibid

<sup>35</sup> McDonald 2005

Summary descriptions of Aboriginal site features registered on AHIMS, as relevant to the study area, as presented in Table 4-3. The 12 registered sites from the AHIMS search included only two site types, as summarised in Table 4-4. The general distribution of each of these registered sites in relation to the study area is depicted in Figure 4-29

The most common AHIMS site types in the area are Shell and Midden sites, followed by Art sites. A large cluster of six mostly shell sites are present around Waverton Park, roughly 800 south-west of the study area. Two other shell sites are located around 700-900m to the south around Lavender Bay, and two art sites roughly 1.4km north-east of the study area. The presence of sandstone benches common in the GyMEA soil landscape beneath the study area mean that an art site is the most likely Aboriginal site to be found in the study area, although the very high levels of disturbance make the survival of any such site to be fairly unlikely.

Table 4-3: Definitions of Aboriginal Site Features

Site Feature	Description
Art	Art is usually located in shelters, overhangs and across rock formations. Techniques included 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.
Shell	A shell midden site is an accumulation or deposit of shellfish resulting from Aboriginal gathering and consumption of shellfish from marine, estuarine or freshwater environments. A shell midden site may be found in association with other objects like stone tools, faunal remains such as fish or mammal bones, charcoal, fireplaces/hearths, and occasionally, burials. Shell midden sites are often located on elevated, dry ground close to the environment from which the shellfish were foraged, and where freshwater resources are available. Shell middens may vary greatly in size and components.

Table 4-4: Distribution of Aboriginal Site Types identified in the AHIMS search

Site Type	Number of Sites	Percentage of Sites (%)
Art	4	33.3
Shell	8	66.7
<b>Total</b>	<b>12</b>	<b>100</b>

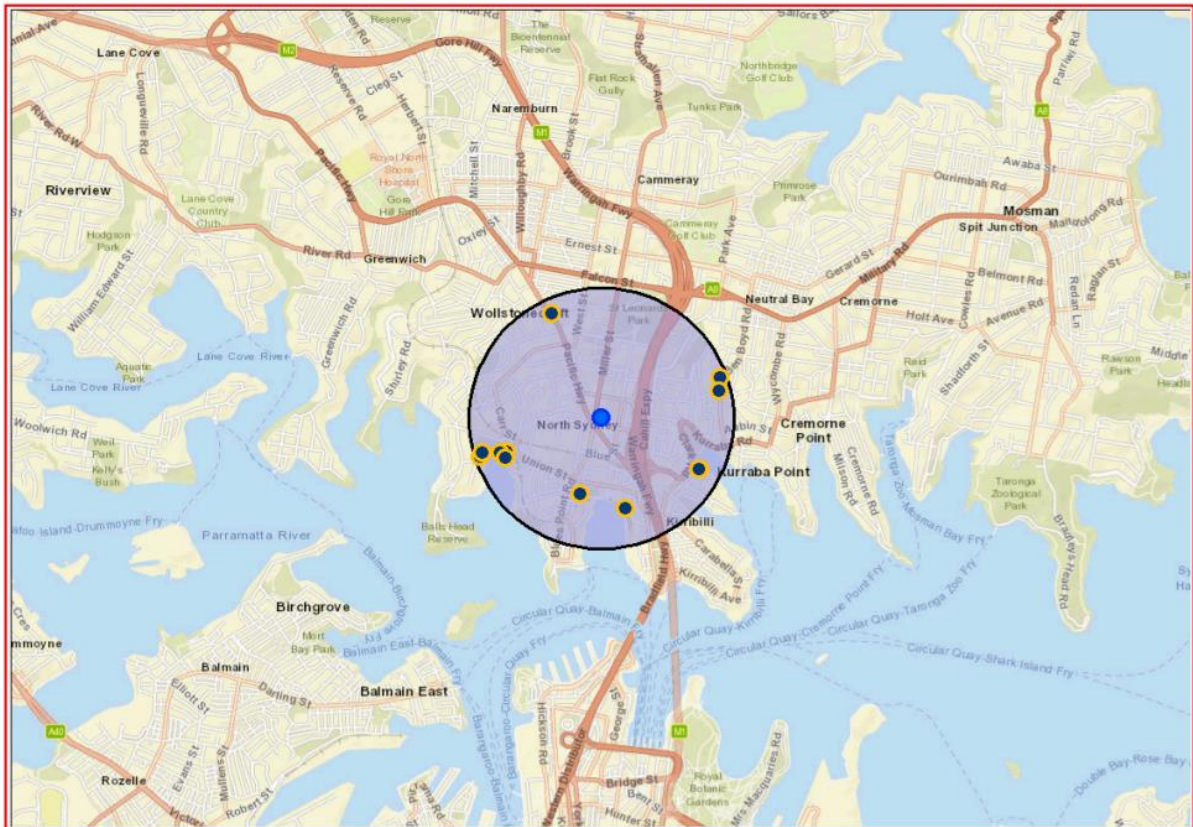


Figure 4-29: AHIMS Map with the study area indicated by blue dot

#### 4.5.3. Previous Archaeological Investigations and Assessments

Undertaking a review of previous archaeological assessments completed in the local region surrounding the study area can be used to identify trends and patterning in the distribution, nature and extent of archaeology associated with an area. Aboriginal archaeological excavations have often been undertaken in conjunction with historical archaeological excavations across the Sydney region. Numerous Aboriginal archaeological excavations have successfully demonstrated that, regardless of level of supposed development and ground surface modification within the Sydney region, locations recorded as PADs are often confirmed to be associated with sub-surface archaeological deposits within intact remnant natural soil profiles, as well as in post-contact contexts.

The following section presents the results of a literature review of a selection of relevant NSW AHIMS library and other available reports, to better understand the broader archaeological patterning of the local region surrounding the study area.

### **Nicholson Place Archaeological Cultural Heritage Assessment Report (Curio Projects, 2023)**

The Nicholson Place ACHAR was prepared by Curio Projects in 2024 to support a concept-stage SSDA for a mixed-use commercial development at 46-52 Nicholson Street, St Leonards<sup>36</sup>. This site is roughly 1.8km north-west of the 105 Miller Street Study area. While the geology of the Nicholson Place site is of the differing Wianamatta Group, this geology consists of a thin lense of Bringelly Shales covering the top of the ridge line, overlying Hawkesbury Sandstone, which is geologically similar to the thin soils and sandstone ridges of the GyMEA soil landscape. Similarly to 105 Miller Street, the Nicholson Place site is heavily disturbed by residential and commercial structures, which has significantly affected its potential for archaeological or cultural significance. Overall, the 2023 Nicholson Place ACHAR found:

- *The study area is not in geological, topographical or environmental context that conforms with the known distribution of Aboriginal sites or areas of Aboriginal archaeological potential in the local area.*
- *The study area has been extensively disturbed by landscape modifications to the area caused by the residential use of the area from at least 1901 and the subsequent demolition and excavation required for the replacement of these residences with multi-storied blocks in 1960s-1980s.*
- *Historical research has not identified any information regarding specific historical events, activities, or significance of the study area to Aboriginal people. No known contact sites are located directly within, nor in close proximity to the study area. No specific historical values for the study area have been identified by project RAPs to date. The study area is not assessed as having any historical value.*
- *No Aboriginal objects, sites or areas of Aboriginal archaeological potential were identified during this assessment and accordingly, the study area has been found to have no value as assessed against the criteria for scientific, historical, Aboriginal social/spiritual significance.*
- *The is nil to low potential for the presence of Aboriginal objects, including Aboriginal archaeological deposits, within the study area.*

### **Ben Boyd Aboriginal Due Diligence Report (Curio Projects 2022)**

The 96-98 Ben Boyd Road Aboriginal Objects Due Diligence (DD) Assessment was completed in 2022 for a site in Neutral Bay<sup>37</sup>. The site is located approximately 1km north-east of the 105 Miller Street study area. Overall, the site's geological and historical features are fairly similar to Miller Street, and the site was concluded to have potential for Aboriginal objects. The following conclusions and recommendations were determined as a result of the DD assessment.

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<sup>36</sup> Curio Projects 2024, *Aboriginal Cultural Heritage Assessment Report- Nicholson Place*. Report to Equity Development Management

<sup>37</sup> Curio Projects 2022, *96-98 Ben Boyd Road Neutral Bay Aboriginal Objects Due Diligence Assessment*. Report for Podia.

- *The study area is located on the Gymea/Lambert soil landscape.*
- *There are no water sources in direct proximity to the study area, however Neutral Bay and access to Sydney Harbour is situated approximately 500m to the south.*
- *The study area and surrounds may have been used by Aboriginal people for transitory or short- occupation or use, however locations in closer proximity to the Sydney Harbour were likely preferred.*
- *The study area has undergone various disturbances including widespread surface impact through levelling, construction, service intervention and demolition across the entire study area.*
- *The study area does not contain any previously registered Aboriginal sites.*
- *As the study area has outcropping geology within its particular context, the most likely sites to be present are artefact sites as well as rock engravings.*
- *The majority of the site has been subject to higher levels of ground disturbance, significantly reducing archaeological potential.*
- *Landforms within the Gymea soil landscape generally have the potential to contain Aboriginal archaeological deposits, however, this greatly diminishes when urbanisation and development has occurred, as is evident within the study area.*
- *Overall, the study area has low potential to contain subsurface Aboriginal objects based on the analysis of the landscape and understanding of the historical disturbances to the site over time.*

### **Sydney Metro City and Southwest Aboriginal Heritage – Archaeological Assessment (Artefact Heritage 2016) – Victoria Cross Chapter**

The Sydney Metro – Chatswood to Sydenham: Aboriginal Heritage – Archaeological Assessment was written in 2016 for the entire Chatswood to Sydenham Metro line, as part of the project's Environmental Impact Statement. Of particular relevance to the study area is section 7.5, which relates to the Archaeological Assessment of Victoria Cross Station which is located directly north of the study area.<sup>38</sup>

Similar to the study area, the Victoria Cross site has gone through significant alteration and disturbance over its history due to the construction of commercial and residential buildings, which have disturbed the Hawkesbury Sandstone ridges that would have dominated both sites.

The assessment notes that an archaeological salvage excavation was undertaken on a similar sandstone crest environment on the southern side of the harbour, in The Rocks. This excavation found a midden assemblage that was carbon dated to roughly 340 years before 1788, and included bones of Snapper, Bream, Rock Oysters, and Mussel. This site is highlighted for its ability to exhibit that evidence for marine resource use may also be found in higher areas above the direct shoreline,

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<sup>38</sup>Artefact Heritage, 2016, 'Sydney Metro City and Southwest Aboriginal Heritage – Archaeological Assessment'. Prepared for Jacobs / Arcadis / RPS, p.51

but it is also outlined that the Victoria Cross site (along with the study area in 105 Miller Street) has undergone far more disturbance and ground impacts than the Rocks and is unlikely to contain such surviving material.

Overall, the Assessment of Archaeological Potential for the Victoria Cross site concluded:

*Limited archaeological investigation has occurred at North Sydney in the vicinity of Victoria Cross Station. The majority of recorded Aboriginal sites in the local area are associated with the Harbour foreshore zone, approximately 600 metres to the south. The Aboriginal heritage assessment conducted for the Royal North Shore Hospital in a similar crest landform context to Victoria Cross Station<sup>140</sup> identified that due to large-scale disturbance there was no assessed archaeological potential across that area.*

*The construction of commercial buildings, roads and underground services are likely to have impacted upon or removed archaeological deposits. The relatively shallow soils associated with Ashfield Shale and the crest context Hawkesbury Sandstone suggest that even minor surface disturbance associated with building or road construction is likely to have a significant impact or result in the removal of natural A horizon contexts.*

*Limited basement information available for preparation of this report suggests that a basement covers the majority of the lot located at 194 Miller Street (Lot 1 DP1183173), in the northernmost study area. The property has two basement levels, with Basement 2 (the lowest) ranging between 4.94 metres below ground level fronting Miller Street and 8.94 metres below ground level towards the rear of the property (74.16 metres AHD). It can be assumed that any archaeological resource in this location has been removed.*

*The predictive model (Section 6.6) indicates that more frequently visited areas likely to demonstrate evidence of repeated and overlapping activities are likely to occur in close proximity to high order watercourses, raw material resources, or salient features in the landscape. Victoria Cross Station is located on a crest landform context away from major watercourses, suggesting that the overall archaeological potential of Victoria Cross Station is likely to be low<sup>39</sup>*

Overall, the archaeological potential is established to be low, due to heavy disturbance on already very shallow soils sitting on sandstone outcrops, extreme disturbance caused by the excavation of the site's basement, and the site being away from major watercourses. Likewise, the Aboriginal Significance Assessment outlines that the Victoria Cross Station site is assessed as being of low potential, due to the high levels of ground disturbance that would have significantly impacted any surface or subsurface Aboriginal sites, and the lack of any identified sites.

All of these features are shared by the adjacent site at 105 Miller Street, which supports the conclusion that the study area is of little to no Aboriginal archaeological potential and cultural significance.

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<sup>39</sup> Artefact Heritage, 2016, 'Sydney Metro City and Southwest Aboriginal Heritage – Archaeological Assessment'. Prepared for Jacobs / Arcadis / RPS, p. 55-56

#### 4.5.4. Summary of Previous Archaeological Investigations

The archaeological assessments noted above provide similar contexts to the 105 Miller St study area. These insights allow us to understand that:

- Limited archaeological resources have been identified within the Northern Sydney region, either due to a lack of evidence, or extensive disturbance that has effected natural soil profiles.
- Whilst GyMEA soil profiles can have the potential to contain archaeological and cultural resources, the soils are very shallow and do not retain their archaeological potential when a site has been significantly disturbed.

#### 4.6. Regional Character and Archaeological Predictive Model

Predictive modelling plays an important role in understanding the remnant archaeological potential of a location, and thus factors into development of appropriate management recommendations and mitigation strategies. Archaeological predictive modelling integrates information about environmental context, previous historical activities and ground disturbance, and known locations of surrounding Aboriginal sites (excavations and registered AHIMS sites), to assess and predict the nature of archaeology that may be present within the study area.

For Aboriginal archaeological sites to be present in situ, they require the retention of natural soil profiles prior to 1788 and limited disturbance from erosion, bioturbation and/or past land-use practices. Portions of the study area that may have the highest potential for natural soils to be present (and corresponding potential for intact Aboriginal archaeological deposits), are areas where the lowest levels of historical development and excavation have been undertaken.

Archaeological surveys and excavations undertaken across the Sydney region demonstrate the richness of the archaeological resource and provide information about Aboriginal occupation within the wider Sydney region. Of particular note, Dr Val Attenbrow (Australian Museum) has excavated a range of sites within the Sydney Basin over the several decades of her career, including sites at Balmoral Beach, Cammeray, Castle Cove, Sugarloaf Point (Lane Cove River), Winston Hills, Vaucluse and Cumberland Street, The Rocks.<sup>40</sup> This significant body of work provides archaeological context and chronology for Aboriginal archaeological sites in the Sydney basin.

Occupation campsites were located both within natural landscape features such as sandstone rockshelters and caves, as well as in the form of more open campsite, with shelter provided by the construction of more temporary residences such as bark structures. Since physical evidence of the latter site rarely survives in the archaeological record (and is therefore difficult to ascertain locations), likely open campsite locations are often correlated with presence of cultural deposits of less organic materials with the ability to survive in the landscape, such as stone artefacts, bone and shell fragments, and charcoal deposits from campfires etc. While manufacture ('knapping') of stone tools would likely have occurred within campsites, it is also likely that knapping occurred during movement across and through landscapes, as tools were prepared and/or repaired during hunting and gathering activities.

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<sup>40</sup> Attenbrow, 2010

#### 4.6.1. Archaeological Chronology of Sydney

Although occupation of Australia is now understood to date back to at least 65,000 years<sup>41</sup>, archaeological deposits dating to the Pleistocene are rare in the Sydney bioregion, with few archaeological sites having been dated to before 10,000 BP. Currently, the earliest date for Aboriginal occupation on the Cumberland Plain derives from an open context site 'RTA-G1' located in Parramatta, approximately 26km to the north east of the current study area, with a basal date of  $30,735 \pm 3000/-2000$  (ANU-4016) recovered from the Pleistocene geomorphological formation known as the Parramatta Sand Body.<sup>42</sup> The oldest inhabited rockshelter in the region, Shaws Creek K2, located on the western side of the Nepean River, has been dated to approximately 17,800 years.<sup>43</sup>

In contrast, the majority of archaeological sites in the region that have been scientifically dated, provide evidence of occupation dating to between 3,000-5,000 BP. Based partially on this patterning in the distribution and chronology of archaeological sites, it has been hypothesised that the earliest occupants of the region focused their occupation along the Nepean River and/or adjacent to large reliable creeks, with expansion away from these focal points as groups became more mobile and sea levels stabilised (after 6,000 years BP) forcing coastal groups further inland and resulting in increased sites dating to this period across the Cumberland Plain.<sup>64</sup> Regardless, the result of this extensive and continued occupation has left a vast amount of accumulated archaeological evidence.

#### 4.6.2. Cumberland Plain Predictive Model

The Cumberland Plain has been the subject of intensive archaeological assessment over the last half a century. The most common Aboriginal site types identified on the Cumberland Plain are artefact sites in the form of open artefact scatters or isolated artefacts. Scarred trees have also been recorded in areas where mature trees remain, though the extensive vegetation clearing that has occurred across the region means that this site type is relatively uncommon. Shelter sites and grinding groove sites have also been identified though are largely restricted to the margins of the Cumberland Plain where sandstone geology suitable for the formation of these site types occurs. While the study area at 105 Miller Street, North Sydney is located on the boundary/periphery area and is therefore not technically located within the Plain itself, the results of this study area are still relevant in relation to their modelling of watercourses, particularly in relation to the nearby Rainbow Creek.

The results of early work in the region highlighted the fact that surface survey was not necessarily a reliable method for identifying and assessing the archaeological potential of an area since soils were largely aggrading, most artefacts were buried, and visibility is often poor due to overgrown grasses and vegetation regrowth.<sup>44</sup> In response to this, archaeologists have used the results of past assessments combined with an understanding of environmental characteristics to formulate predictive models of past Aboriginal occupation for the region.

Early predictive models emphasised the availability and occurrence of water in predicting the distribution of Aboriginal sites within the landscape stating that: "sites will most commonly be found along permanent creeks and within and around swamp margins. Creek flats and banks are the

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<sup>41</sup> Clarkson et al., 2017

<sup>42</sup> McDonald, 2005a, pp 107-125

<sup>43</sup> Nanson et al., 1987, pp 76

<sup>44</sup> McDonald, J. and Mitchell, P., 1997, Interim Heritage Management Report: ADI Site St Marys. Volume 1: Text. Report to Lend Lease - ADI Joint Venture in Response to the Section 22 Committee Interim Report.

topographical features most likely to contain sites".<sup>45</sup> While the results of subsequent investigations have largely supported this prediction, more nuanced predictive models have been developed. The size and permanence of waterways have been used to develop general predictions about Aboriginal cultural heritage site locations as well as make inferences regarding the intensity and nature of those sites. Predictive models which use the stream order classification by Strahler<sup>46</sup> in particular have become popular, being widely utilised based on work by McDonald and others. Extensive archaeological investigations undertaken at Rouse Hill in the north of the Cumberland Plain have been used to develop and refine a stream-based predictive model that has been broadly applied across the Cumberland Plain and further afield.

McDonald and colleagues have encouraged consideration of the 'archaeological landscape' as an appropriate means of assessing the archaeological potential of an area. They hypothesised that three primary factors likely influenced the nature and distribution of open artefact sites within the Cumberland Plain including: (1) stream order; (2) landscape unit / landform type; and (3) proximity to stone sources suitable for the manufacture of stone tools.<sup>47</sup> Based on a sample of 4,429 artefacts recovered from 631 test pits excavated at 19 sample locations (characterised by different variables such as stream order, distance from water, landform, geology, aspect and distance from known recorded silcrete sources) the following model of occupation was developed:

- Artefact distribution varies significantly with stream order, with artefact density increasing with stream order. Areas associated with 1<sup>st</sup> order streams (the smallest tributary stream), for example, were on average associated with low artefact densities and sparse artefact distributions (0-1 artefact /m<sup>2</sup>). While areas associated with 4th order streams (formed from the joining of two 3<sup>rd</sup> order streams) were associated with the highest densities of artefacts (14 artefacts / m<sup>2</sup>). The study area is located close to a 1<sup>st</sup> order stream, namely what was once the northern-western extremity of Rainbow Creek and is therefore likely to have less artefact density.
- Artefact distribution varies significantly with landform types, with artefact densities generally lower on upper slopes and ridge tops and artefact density generally increasing towards lower positions in valleys. There are increasing densities on mid-slopes and lower slopes and are highest on terraces. This trend was found to not be related simply to soil accumulation or stripping. The exception to this patterning was creek flats/ flood plains, which were found to be associated with low densities, a result attributed to the flood-prone nature of this landform. The study area is located on the top of a small ridgeline, sloping slightly southwards.
- Artefact distribution does appear vary in relation to distance from water, although this further varies with stream order in that:
  - No significant difference was found in the distribution of artefacts with distance from 1<sup>st</sup> order streams.
  - Artefact density is highest within 50m of 2<sup>nd</sup> order landscapes and then declines with increasing distance.

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<sup>45</sup> Smith, L., 1989, Liverpool Release Areas: Archaeological site survey and planning study. Unpublished report prepared for Liverpool City Council.

<sup>46</sup> Strahler, A. N., 1952, Hypsometric (area-altitude) analyses of erosional topology. Geological Society of America Bulletin 63(11): 1117-1142.

<sup>47</sup> McDonald and Mitchell 1997

- Artefact density is highest within 51-100m of 4<sup>th</sup> order landscapes and then declines with increasing distance.
- The orientation of land surfaces in open contexts appears to have influenced the selection of discard locations with higher densities of artefacts associated with slopes facing north and north-east which would have received morning sun in winter and be sheltered from hot afternoon sun in summer.
- Distance from silcrete sources does not appear to have had a significant influence on artefact density.<sup>48</sup>

Table 4-5 provides a summary of the type of archaeological evidence / activities that are expected to occur based on stream order and context.

Table 4-5: Stream order, context and archaeological expectations

Unit	Expected Activities & Evidence
1 <sup>st</sup> order streams	Archaeological evidence will be sparse and be indicative of general 'background scatter' which is understood to occur across the landscape.
2 <sup>nd</sup> order streams	Archaeological evidence will be sparse (i.e. highly dispersed low-density stone artefact scatters) but may also include one-off camp locations, single episodes of use and knapping floors
3 <sup>rd</sup> order streams	Archaeological evidence expected to be indicative of frequent occupation including repeated visits by small groups, knapping floors and evidence of concentrated activities.
4 <sup>th</sup> order streams	Archaeological evidence expected to be indicative of more permanent and/or frequent repeated occupation. Sites expected to be more complex and may contain stratified material with overall high artefact densities and distributions.
Creek Junctions	This landscape context may offer a focus for site activity. The nature of the streams at the confluence will influence the nature of use and the nature of the evidence found.
Ridge top locations between drainage	This landscape context will usually contain limited archaeological evidence though isolated knapping floors and/or evidence for other one-off activities (i.e. tool maintenance) may be identified.

The extensive work undertaken by McDonald and colleagues and their development and refinement of the stream-order model has been influential in expanding our understanding of past Aboriginal occupation within the Cumberland Plain. The results of previous assessments within the local region, including geomorphological work, indicates that often the primary *"means of dating sites in this landscape will be by recognition of cultural sequences of artefacts, or from the recovery of intact 'hearths'*

<sup>48</sup> White, B. and J. McDonald, 2010, Lithic Artefact Distribution in the Rouse Hill Development Area, Cumberland Plain, New South Wales. *Australian Archaeology*, 7: pp. 29-38.

*or burials. All other dates, especially those based on detrital charcoal, and including those based on thermo-luminescence, will be spurious because artefacts can move through soil material of any age.”*<sup>49</sup>

#### **4.6.3. Summary of 105 Miller Street Predictive Model**

The following assessment of Aboriginal archaeological potential within the study area is based on a combination of the environmental assessment, including original landform, possible levels of disturbance across the site, and original resource zones that would have been favourable to, or sustained local Aboriginal populations of the area prior to European settlement, in combination with known previous archaeological research in the vicinity of the study area. Consideration of these above-mentioned factors determines the likelihood for Aboriginal archaeology, artefacts, or physical objects to remain at the study area in a subsurface capacity.

- The study area is located on the Gymea soil landscape, typified by undulating rises to rolling hills underlying Hawkesbury Sandstone, with areas of outcropping sandstone. Soils are generally shallow to moderately deep well drained sands and yellow earth, as well as high erodibility, silicious sands on stone benches. The study area is also sits on a historic ‘Holocene aeolian dune sands mantling bedrock’ geological feature. The Gymea soil landscape has the potential to contain Aboriginal artefacts in undisturbed soil areas.
- The study area is within 200m of a former watercourse, Rainbow Creek, once located to the south-east, with the remaining mouth of the creek surviving 800m to the south-east in the form of a stormwater drain.
- The study area topography originally consisted of benched side slopes of Hawkesbury Sandstone, with layers of shallow sands sitting on top. The study area itself sits in a slight dip in the center of a protruding ridge.
- Being located within 200m of a watercourse, and on top a ridgeline, are usual identifying markers suggesting a site may have high potential for Aboriginal objects.
- Based on the favourable environmental context of the study area and surrounds, it is likely that the area was used by Aboriginal people for either short or long-term occupation or use.
- The stratigraphic deposits identified by preliminary geotechnical testing are consistent with the soils and bedrock deposits expected within the Gymea soil landscape, which have potential to contain subsurface archaeological objects and features in undisturbed or minimally disturbed contexts.
- The study area and surrounds have been subject to significant land modification, including initial land clearing, subdivision and construction of a variety of roads, dwellings and commercial properties in the 19<sup>th</sup> century, their subsequent demolition, and then the construction of the current structure in the mid-1950's, which includes the excavation of a c.4m basement in the entire site, aside from a strip along the site's Miller Street boundary.

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<sup>49</sup> Mitchell, P., 2007, Geomorphology and pedology of the Sydney Water Project: Rouse Hill - North Kellyville in relation to possible Aboriginal archaeology. Report prepared by Groundtruth Consulting for Bobbie Oakley & Associates Heritage Consultants on behalf of Sydney Water Corporation.

- The study area does not contain any previously recorded AHIMS sites.
- Previous archaeological assessments for the nearby Victoria Cross Metro Station, Ben Boyd Road in Neutral Bay, and Nicholson Place in St Leonards present very similar environmental and historical development across their sites and were assessed to have little to no archaeological potential.
- The Cumberland Plain Predictive Model, while not specially relating to the North Sydney location of the study area, outlines that two of the site's features, namely being close to a 1<sup>st</sup> order stream, and its location on the top of a ridgeline, give the study area of 105 Miller Street a low level of potential for Aboriginal artefacts.
- Curio's assessment and predictive model deems that, based on the study area's history and disturbance, the site has **nil to low archaeological potential**.

# 5. Cultural Heritage Values and Significance Assessment

## 5. Cultural Heritage Values and Significance Assessment

The Burra Charter (Australia ICOMOS 2013) defines cultural significance as:

*...aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, record, related places and related objects. Places may have a range of values for different individuals or groups.*

The five types of cultural heritage value, as presented in the Burra Charter (2013) from the basis of assessing the Aboriginal heritage values and significance of a site or area. Each of these cultural heritage values, as specifically relevant to Aboriginal cultural heritage, as summarised as follows (after OEH 2011a).

**Social (Cultural) and Spiritual Value** – spiritual, traditional, historical, or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them.

**Historic Value** – associations of a place with a historically important person, event, phase, or activity in an Aboriginal community. Historic places do not always have physical evidence of their historical importance (such as structures, planted vegetation or landscape modifications). They may have ‘shared’ historic values with other (non-Aboriginal) communities.

**Scientific Value** – 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. The assessment of scientific value also includes assessment in terms of Research Potential, Integrity, Condition, Complexity, Archaeological Potential, Connectedness, Representativeness, Rarity, Educational Potential and Archaeological Landscapes.

**Aesthetic Value** – sensory, scenic, architectural and creative aspects of the place. It is often closely linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use. The physical setting of a site contributes to its aesthetic value and in the sensory response people may have to it. Archaeological site types that may hold high aesthetic significance include rock art sites, cultural landscapes and scarred trees.

### 5.1. Assessment of Aboriginal Cultural Heritage Values

Assessment of each of the above criteria has been undertaken in consideration of the landscape and environmental context of the study area, Aboriginal history, previous archaeological work, and the field survey. The assessment of each criterion has then been graded (as per OEH 2011a Guide to Investigating) in terms of high, medium and low, in order to allow significance to be described and compared. The application of the cultural values criteria to the Aboriginal cultural heritage of the study area has also included consideration of research potential, representativeness, rarity and educational potential for each criterion (as relevant).

#### 5.1.1. Social (Cultural) and Spiritual Value

Social, cultural, and spiritual values of a site can only be identified through consultation with Aboriginal people. Nevertheless, the Aboriginal heritage values of the area are expected to be complex and interwoven with the European heritage values and are likely to include intangible

cultural heritage values associated with identity, pre-1788 and post-settlement history and the importance of the area for movement and connecting with people and places within the Sydney landscape.

A large part of Aboriginal cultural heritage draws on their surrounding environment. The environment is closely intertwined with cultural heritage, and usually encompasses themes surrounding water, air, earth, plants, animals, foods, and medicines. The nearby Rainbow Creek and Sydney Harbour, as well as the variety of sandstone outcrops and overhangs, would have had significant spiritual and social connections to the local Aboriginal people that lived in the general vicinity of the study area, providing access to a variety of resources, shelters, and landmarks.

One Registered Aboriginal Party (RAP), representing Kamilaroi-Yankuntjatjara Working Group, noted in correspondence that the study area contained high levels of significance and sensitivity to Aboriginal People, and recommended further survey and excavation to protect this. While this response noted intangible social and spiritual significance is supported by the site's past environmental features and known Aboriginal occupation and use, it should be noted that this correspondence was sent before the RAP was made aware that the site's basement had already significantly disturbed the soil profiles likely to contain cultural material.

In the unlikely chance that an Aboriginal archaeological deposit is present within the study area, it would be viewed to be of high social and cultural significance by the Aboriginal community, providing a direct and tangible link to past Aboriginal life and activity. However, given the paucity of evidence, the study area is therefore determined to be of **moderate social and cultural significance**, balanced by its noted intangible heritage.

### 5.1.2. Historical Value

The study area has been extensively modified due to initial clearing of vegetation and subsequent development works associated with the several phases of later historical construction and development of the existing buildings and features within the area. While the study area is understood to be located within an area that would have had significant potential for Aboriginal use over its long history, with access to various locations within the northern Sydney harbour landscape, it is not directly associated with any known specific Aboriginal stories and/or events and/or persons. Historical research has also not identified any information regarding specific historical events, activities, or significance of the study area to Aboriginal people. No known contact sites are located directly within, nor in close proximity to the study area.

Based on this assessment, the study area is considered to have **little to no historical significance values**. While unlikely, if evidence of post-contact archaeology is identified within the study area, the historical value of the study area may require reassessment.

### 5.1.3. Scientific (Archaeological) Value

Heritage NSW states that the scientific (archaeological) value of an Aboriginal site of place:

*Refers to the importance of a landscape, area, place or object because of its rarity or representativeness, and the extent to which it may contribute to further understanding and information.*

Following Heritage NSW Guidelines for assessing scientific value, five key criteria have been considered with regards to the scientific and archaeological context of the study area in order to determine its level of scientific significance. These criteria, as they have been applied to the study area, are defined in Table 5.1. Following the criteria below, an assessment of the potential scientific significance of the study area has been undertaken, identified as relevant to the five key criteria.

Table 5-1: Scientific (Archaeological) Significance Criteria

Criteria	Description
Research Potential	Research potential describes how much potential a site has to contribute to a further scientific or archaeological understanding of a site/area/region. This should include consideration of factors such as integrity and condition (the level of soil disturbance that a site has been subject to and the ability for the site to yield intact archaeological deposits), complexity (demonstrated or potential ability of a site to yield a complex archaeological deposit), archaeological potential (the potential for a site to yield an archaeological deposit or resource), and connectedness (the connection of a site to others in the region).
Rarity	Rarity refers to the frequency of similar site types in a local or regional area/landscape.
Representativeness	Representativeness refers to the level of variability between or within Aboriginal sites in an area or region, what is already conserved, how sites relate to each other, and the condition that a particular site type may be in that is able to better present or demonstrate more clearly that specific site types through the archaeological record.
Educational Potential	Educational potential refers to the ability of a site to contribute to the public record and provide teaching resources in order to further understanding of Aboriginal cultural heritage and archaeology. Is the site well preserved? Are there artefacts that would be good to use in teaching? Are there recognisable site features, artefact types, records etc. that would be productive in teaching or use within public heritage interpretation strategies?
Archaeological Landscapes	The study of Aboriginal cultural heritage and archaeological study in the context of the wider landscape (geographical and cultural/social) in which they exist.

As mentioned above, one RAP, representing Kamilaroi-Yankuntjatjara Working Group, noted in correspondence that the study area contains high levels of significance and sensitivity, and recommended further survey and excavation to protect this, however this correspondence was sent before the RAP was made aware that the site's basement had already significantly disturbed the soil profiles.

High scientific significance is usually attributed to sites which are so rare or unique that the loss of the site (particularly without investigation or appropriate mitigation) would be likely to affect the ability to understand an aspect of past Aboriginal life/occupation of an area.

Based on the review of the environmental context and archaeological background for the study area, it has been determined that there is **little to no potential** for Aboriginal archaeological deposits to be present within the study area, due to the highly disturbed soil profiles that are the result of significant excavation for the site's current basement. The nature and extent of any intact Aboriginal archaeological deposits within the study area, although unlikely, has not yet been determined however, and should intact Aboriginal archaeological deposits or objects be found to be present within the study area, these and then the site by proxy, may have moderate research potential when considered as part of a wider Aboriginal archaeological landscape within the Sydney region, however this would require further investigation

#### 5.1.4. Aesthetic Value

The study area is situated within a highly urban landscape that bears no resemblance to its pre-1788 appearance, with no remnant natural landforms, and/or environmental features which Aboriginal groups would have occupied or utilised. Accordingly, the study area retains little of its natural aesthetic value and is **assessed to not meet this criterion**.

While unlikely, should Aboriginal archaeological and cultural material be found to be present within the study area, they may potentially hold aesthetic significance for the technological form of the artefacts, or as potentially considered useful for education and interpretative purposes.

#### 5.2. Statement of Significance

The study area is located in an area that is known to have been nearby to a former 1<sup>st</sup> order stream, known to Europeans as Rainbow Creek, as well as located in an environment dominated by sandstone benches and cliffs which may have once been used by Aboriginal people for shelters and rock art. As such, it is more than likely that some level of Aboriginal occupation has taken place on what is now the study area at some point in the past.

One Registered Aboriginal Party (RAP), representing Kamilaroi-Yankuntjatjara Working Group, noted in correspondence that the study area contains high levels of significance and sensitivity to Aboriginal People. This noted intangible social and spiritual significance is supported by the site's past environmental features, although this correspondence was sent before the RAP was made aware that the site's basement had already significantly disturbed the soil profiles likely to contain physical evidence of cultural material. As such, the study area is considered to have **moderate social and spiritual significance** to the local Aboriginal community, including the Cammeraygal people as well as Aboriginal people from other Nations who visited and continue to live in the area.

The study area has been extensively modified due to initial clearing of vegetation and subsequent development works associated with the several phases of later historical construction and development. While the study area is understood to be located within an area that would have had significant potential for Aboriginal use over its long history, it is not directly associated with any known specific Aboriginal stories and/or events and/or persons.

The extensive modification and disturbance of the original environment of the area since European colonisation more than likely has had considerable impact on Aboriginal archaeological resources within the region. The results of numerous previous archaeological assessments and excavations within the local North Sydney region have confirmed that the survivability of Aboriginal archaeological deposits is very low among the thin soils of the Gynea soil and Hawkesbury sandstone landscape. Based on this environmental context and archaeological background, the study area is considered to have **little to no historical significance values**, and **little to no scientific significance**. While unlikely, if evidence of post-contact archaeology is identified within the study area, the historical value of the study area may require reassessment.

Furthermore, the highly urban landscape surrounding the study area bears no resemblance to its pre-colonial appearance, having been entirely stripped of its natural fauna and landforms and the Hawkesbury sandstone bedrock having been heavily excavated to create the site's basement level. As such **the aesthetic value of the study area is determined to be nil -low**, although any aboriginal cultural material found in archaeological excavations, although unlikely, would potentially have some level of aesthetic significance.

Overall, the study area of 105 Miller Street, North Sydney, is therefore determined by this study to have **low-moderate Cultural Heritage Significance**.

## 6. Conservation and Impact Assessment

## 6. Conservation and Impact Assessment

As noted by Heritage NSW, it is important that an impact assessment directly addresses the potential harm that an activity may pose to an Aboriginal place, object, site or archaeological deposit.

### 6.1. Ecologically Sustainable Development

One of the aims of the NPW Act (Section 2A(1)(b)(i)) is to 'conserve places, objects and features of significance to Aboriginal people'. One of the ways in which this objective can be achieved is via the consideration of the principles of Ecologically Sustainable Development (ESD). ESD is defined in Section 6 of the Protection of the Environmental Administration Act 1991 (NSW), as requiring the integration of both economic and environmental considerations (including cultural heritage) in the decision-making process for a development, with an aim to achieving balanced and beneficial outcomes for both development and Aboriginal cultural heritage.

ESD can be achieved with regards to Aboriginal cultural heritage, by applying the precautionary principle and the principle of inter-generational equity to the nature of the proposed activity, in relation to the Aboriginal cultural heritage and archaeological values of a site.

#### 6.1.1. Precautionary Principle

*The precautionary principle states that if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation. In applying the precautionary principle, decisions should be guided by:*

- *A careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and*
- *An assessment of the risk-weighted consequences of various options.*

*The precautionary principle is relevant to DECC's [now OEH] consideration of potential impacts to Aboriginal cultural heritage where:*

- *The proposal involves a risk of serious or irreversible damage to Aboriginal objects or places or to the value of those objects or places; and*
- *There is uncertainty about the Aboriginal cultural heritage values or scientific or archaeological values, including in relation to the integrity, rarity, or representativeness of the Aboriginal objects or places proposed to be impacted.*

*Where this is the case, a precautionary approach should be taken and all cost-effective measures implemented to prevent or reduce damage to the objects/place (DECC 2009).*

#### 6.1.2. Intergenerational Equity

*Intergenerational equity is the principle whereby the present generations should ensure the health, diversity and productivity of the environment for the benefit of future generations.*

*In terms of Aboriginal heritage, intergenerational equity can be considered in terms of the cumulative impacts to Aboriginal objects and places in a region. If few Aboriginal objects and places remain in a region (for example, because of impacts under previous AHIPs), fewer opportunities remain for future generations of*

*Aboriginal people to enjoy the cultural benefits of those Aboriginal objects and places.*

*Information about the integrity, rarity or representativeness of the Aboriginal objects and places proposed to be impacted, and how they illustrate the occupation and use of land by Aboriginal people across the region, will be relevant to the consideration of intergenerational equity and the understanding of the cumulative impacts of a proposal.*

*Where there is uncertainty, the precautionary principle should also be followed. (DECC 2009)*

## **6.2. Proposed Activity**

The proponent is seeking two separate developments to adaptively re-use 105 Miller Street to create a tertiary education facility and commercial space in the heart of North Sydney CBD, which will capitalise on the current and planned ongoing revitalisation of the area brought about by the introduction of the Sydney Metro City and Southwest line, as well as the potential pedestrianisation of Miller Street.

Specifically, the proposed works for this development include the following:

- Adaptive reuse and restoration of the Miller Street wing;
- Demolition of the Denison Street wing and construction of a new 22 storey building;
- Alterations to the ground level to deliver a significantly enhanced public domain;
- Construction of a double height ground floor retail and the delivery of a new public open space along Miller Street; and
- Basement carparking and loading dock accessed from a relocated entry off Denison Street.



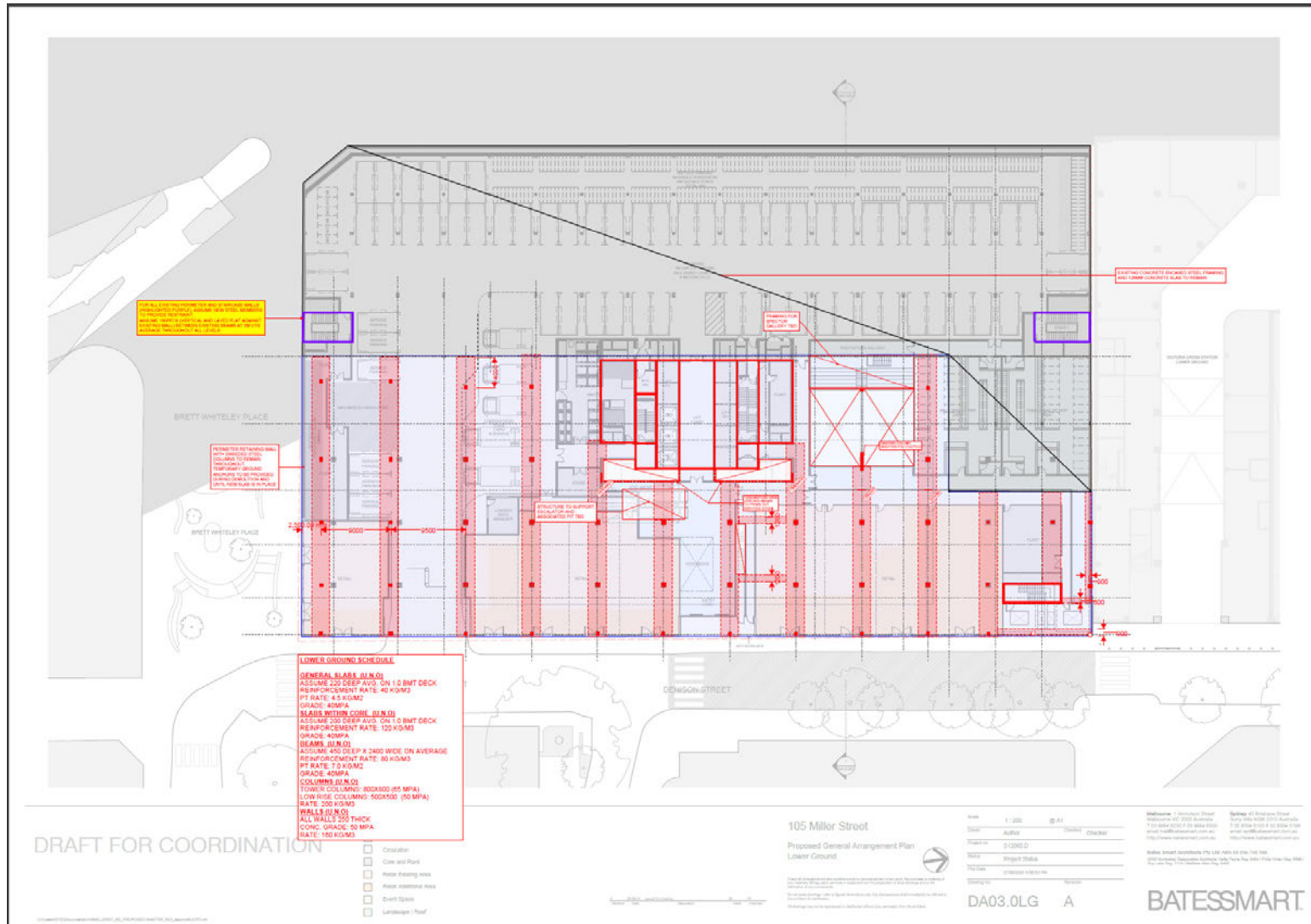


Figure 6-2: Proposed Site Plan for the 105 Miller Street Development - Lower Ground Floor. Note the western half of the building has been heavily excavated to create the lower ground floor, owing to the site's east-west slope. Together with the basement (Figure 6-3 below) nearly the entire site footprint has been excavated significantly below ground. Source: BatesSmart 2024

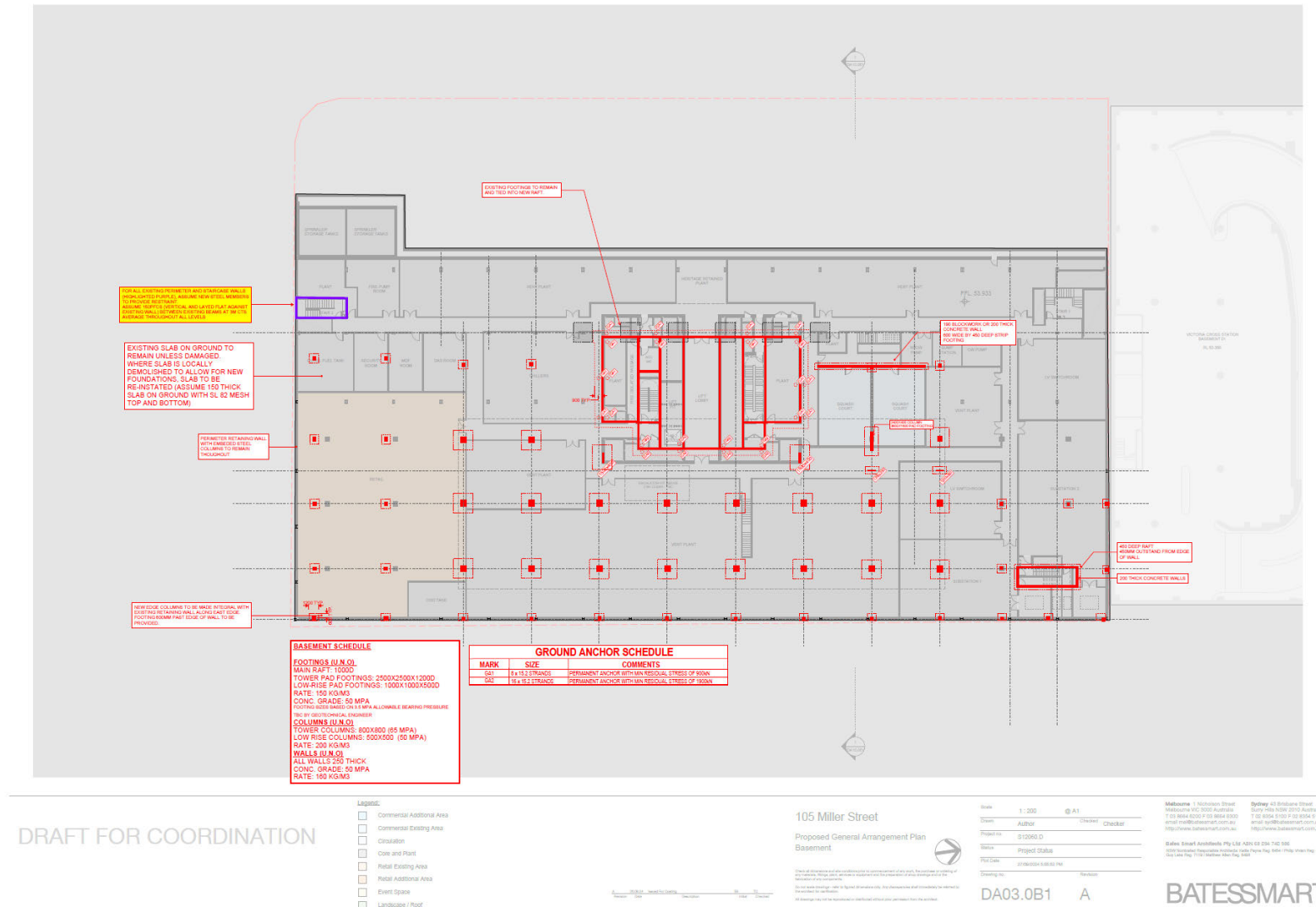
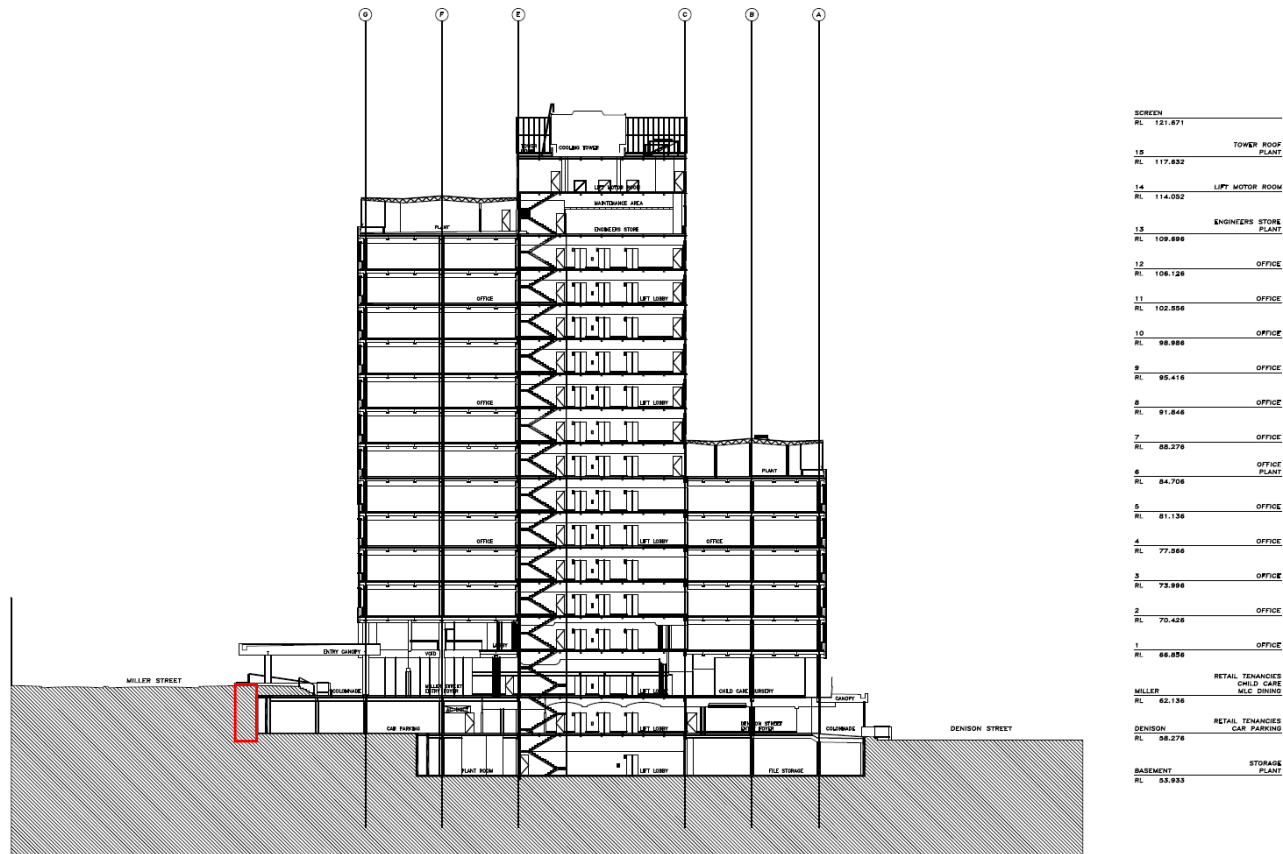


Figure 6-3: Proposed Site Plan for the 105 Miller Street Development - Basement Floor, showing the extent to which nearly the entire site footprint has been excavated on the eastern side, including the lower ground floor to the west.

Source: Bates Smart 2024



**DISCLAIMER**  
The drawings are dated 12.09.1997 and thus they may not reflect current conditions. Do not scale nor assume all structural framing are shown.

Revised	Date	Description	By	Checked

**INVESTA**  
105 Miller Street, North Sydney  
East-West Section  
Existing Section

Scale:	1:200 @ A1
Drawn:	Checked
Project No:	s12060.A
Status:	
Plot Date:	17/7/2017 10:32:19 AM
Plot File:	\\s12060\project_data\105_miller_street\105_miller_street_17_07_2017.dwg
Drawing No.:	A00.17

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Figure 6-4: Existing site elevation plan for 105 Miller Street, showing the considerable basement excavation for the entire site footprint, with a small landscaping strip on the western face which appears outside the basement excavation footprint, although this was likely as a buffer and then infilled.  
Source: Bates Smart 2024

### 6.3. Avoiding and Minimising Harm

While the provisions of the NPW Act hinge predominately on the presence and protection of physical Aboriginal sites (i.e. an AHIP provides a defence against 'harm' to Aboriginal objects), an effective and holistic assessment of potential impact to Aboriginal cultural heritage values as posed by a development is ultimately two-fold:

- The physical and archaeological values of a site (tangible heritage)
- The wider social and cultural impact of a development within a landscape (often relating to more intangible Aboriginal heritage values, lacking material evidence)

#### 6.3.1. Potential Impact to Aboriginal Objects/Sites/Archaeology

The *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) requires that both direct and indirect harm to Aboriginal objects and Aboriginal places be considered. Generally direct harm refers to occasions where an activity physically impacts a site or objects and therefore affects the heritage values possessed by the site or objects. Indirect harm is usually taken to mean harm stemming from secondary consequences of the activity and may affect sites or objects as an indirect consequence of the activity. Examples of such indirect harm are increased visitors to a site, or increased erosion in an area as a result of an activity.

This assessment has established that the current study area does not contain any previously recorded Aboriginal sites. The nature, extent and level of harm (indirect or direct) cannot be identified at this stage due to the lack of sufficient information on the presence or absence of Aboriginal objects and archaeological resources within the study area. However, this ACHAR has concluded that there is **nil-low potential** for Aboriginal objects in a subsurface context, despite the study area is situated within an archeologically sensitive landscape, i.e. situated in proximity to water sources and its location with the GyMEA Soil landscape. This is due to the site's very high levels of sub-surface disturbance caused by the excavation of the current building's basement, as seen in Figures 6-1 to 6-4, and the already very thin layer of soil that would have existed previously.

The portions of the study area that have the highest potential (albeit still low) for natural soils to be present (and corresponding potential for intact Aboriginal archaeological deposits), are areas where the lowest levels of historical development and excavation have been undertaken. In this case, the potentially least disturbed part of the study area is a thin strip along the site's westernmost boundary, which appears outside of the basement footprint. However, this part of the building's footprint was still likely to have been excavated as a buffer for the basement, or in order to provide support for the other parts of the structure, and then later filled in, so it is unlikely to contain cultural or archaeological material.

Further investigation in the form of test excavations is therefore not required, due to the already heavily disturbed soil landscape and unlikelihood potential for surviving material.

However, should Aboriginal archaeological resources be found within the study area during the Miller Street landscape strip's proposed development, this may have direct impact on those resources and potentially remove the archaeological resource completely. The exact level, nature and extent of potential harm cannot be ascertained unless archaeological excavations were undertaken within the study area during the development, which would trigger and be beholden to the Unexpected Finds Procedure.

### **6.3.2. Potential Impact to Aboriginal Cultural Heritage Values**

Intangible Aboriginal heritage values of a site or area are as important to the local Aboriginal community, if not more important, as the more tangible and physical evidence of Aboriginal life and culture that remains in the landscape. The study area was identified during the Aboriginal consultation process to be of moderate intangible heritage significance, owing to its proximity to a former watercourse (Rainbow Creek) and the site being noted as significant and having sensitivity to Aboriginal people by a RAP during correspondence.

Therefore, it is appropriate to consider the potential impact the proposed development may have on the wider intangible cultural heritage values, and should potential impact be identified, appropriate management strategies should be developed to help mitigate this impact.

### **6.4. Proposed Conservation (Avoidance)**

The proposed works associated with the project will have some levels of disturbance within most of the study area, as the redevelopments to the Miller Street landscaping strip and the demolition and construction of a new building on the Dennison Street wing will likely result in some levels of disturbance to the ground beneath. As the sub-surface areas of the study area have already been heavily disturbed and built-into to create the site's basement, no conservation or investigation works would be required due to the already excavated and removed soil profiles.

While it is likely that this part of the site footprint was also excavated and has simply been infilled, the aforementioned strip on the Miller Street boundary of the site should be excavated during and development with some care, with any suspected Aboriginal cultural material being subject to the Unexpected Finds Procedure, as described in Section 7 below.

### **6.5. Harm to Aboriginal Objects and Values**

This section should be updated in the event that Aboriginal objects and/or sites are identified during any further assessment completed within the study area for this project.

# 7. Management, Mitigation and Recommendations

## 7. Management, Mitigation and Recommendations

This report relates specifically to the proposed development impacts of the 105 Miller Street project, in relation to potential Aboriginal archaeological and cultural heritage impacts and provides recommendations for management and mitigation of development impacts, both archaeologically (i.e., ground disturbing works), as well as culturally (i.e., opportunities for Aboriginal cultural heritage interpretation within the site redevelopment).

While it has been determined by this report that there is little to no potential for Aboriginal archaeological or cultural material to be present in subsurface landscape of the study area due to its heavily disturbed soil profile, the proposed development works for the project do still have some level of potential to impact Aboriginal objects and archaeology, and therefore require some minimum level of development of mitigation measures to offset this potential impact. Any potential impact to Aboriginal cultural heritage values, as identified during consultation with project RAPs, will also require management and is therefore considered in the development of preliminary mitigation measures as detailed in the following section.

### 7.1. Mitigation Measures

Measures that can be applied to a study area of this nature in order to mitigate potential impact to Aboriginal cultural values and/or potential archaeology include (but are not limited to) the following strategies:

- **Unexpected Finds Procedure:** with protocols for both the encountering of archaeological material or human remains, should be developed in the case that archaeological resources are found on site.
- **Community Engagement:** RAPs should be provided with opportunities to comment and provide feedback on any cultural heritage initiative associated with the project.

It is believed that the application of this strategy for this project will serve to minimize harm posed by the development to Aboriginal cultural heritage values.

Proposed Measures	Timing
Aboriginal Unexpected Finds Procedure	The procedure should be undertaken as soon as any suspected unexpected Aboriginal archaeological finds are encountered.
Human Remains Procedure	The procedure should be undertaken as soon as any suspected human remains finds are encountered.
Community Engagement	RAPs should be provided opportunities to be involved in cultural heritage initiatives as relevant during the project.

### 7.2. Conclusions and Mitigation Measures

This report relates specifically to the proposed development impacts of the project in relation to potential Aboriginal archaeological and cultural heritage impacts and provides recommendations for management and mitigation of development impacts, both archaeologically (i.e. ground disturbing works), as well as culturally (i.e. opportunities for Aboriginal cultural heritage interpretation within the site redevelopment).

The conclusions and recommended mitigation measures have been developed based on the following key considerations:

- Legislation as detailed and adhered to through this ACHAR, including the NPW Act, EP&A Act, and relevant statutory guidelines, protecting Aboriginal cultural and archaeological objects and places in NSW.
- Background research and archaeological analysis of the study area in its local and regional contexts.
- Consultation with the local Aboriginal community regarding the cultural significance of the study area and the surrounding region, noting their concerns, views and requests.
- The impact of the proposed development works within the study area.

### **7.2.1. Conclusions**

As a result of this assessment, the following conclusions have been determined:

- The study area is located on the GyMEA soil landscape, typified by undulating rises to rolling hills underlying Hawkesbury Sandstone, with areas of outcropping sandstone. Soils are generally shallow to moderately deep well drained sands and yellow earth, as well as high erodibility, silicious sands on stone benches. The study area is also sits on a historic 'Holocene aeolian dune sands mantling bedrock' geological feature. The GyMEA soil landscape has the potential to contain Aboriginal artefacts in undisturbed soil areas.
- The study area is within 200m of a former watercourse, Rainbow Creek, once located to the south-east, with the remaining mouth of the creek surviving 800m to the south-east in the form of a stormwater drain.
- The study area topography originally consisted of benched side slopes of Hawkesbury Sandstone, with layers of shallow sands sitting on top. The study area itself sits in a slight dip in the center of a protruding ridge.
- Both the above features, being within 200m of a watercourse, and being located on top a ridgeline, are identified as having high potential for Aboriginal objects
- Based on the favourable environmental context of the study area and surrounds, it is likely that the area was used at some point by Aboriginal people for either short- or long-term occupation or use. However, the site itself has no known association with any known specific Aboriginal stories and/or events and/or persons.
- Aboriginal consultation, including a site visit undertaken on the 10 October 2024, the RAPs in attendance agreed that the site likely contains little to no archaeological potential and were happy with the overall approach of the project thus far. A single RAP noted that the site was of high significance and sensitivity to Aboriginal people, but this was before the RAP was made aware that almost the entire site footprint had been previously excavated to make way for the basement.
- The stratigraphic deposits identified by preliminary geotechnical testing are consistent with the soils and bedrock deposits expected within the GyMEA soil landscape, which have potential to contain subsurface archaeological objects and features.
- Although no sites have been recorded within the study area, this does not mean that there are no sites there. The AHIMS Register records only where things have been found, usually

because of Aboriginal heritage assessments undertaken for previous development proposals. So, if nothing has been proposed over the last 30-40 years in or near the study area, it is likely that this area has never been inspected.

- However, the study area and surrounds have been subject to several land modification, including initial land clearing of the so-far undisturbed landscape, then subdivision and construction of a variety of roads, dwellings and commercial properties in the 19<sup>th</sup> century, their subsequent demolition, and then finally the construction of the current structure in the mid-1950's, which includes the excavation of a c.4m basement in the entire site, aside from a very small strip along the site's Miller Street Boundary (although this was potentially excavated as a buffer for the basement and then infilled).
- Archaeological deposits if found to be present within the study area have the potential to contribute important information relating to the pre-contact and contact Aboriginal occupation of the study area and Sydney region more broadly.
- Previous archaeological assessments for the nearby Victoria Cross Metro Station, Ben Boyd Road, and Nicholson Place that have similar environmental and historical development were found to have **little to no** archaeological potential and **moderate** cultural significance.
- The Cumberland Plain Predictive Model, while not specially relating to the North Sydney location of the study area, outlines that two of the site's features, namely being close to a 1<sup>st</sup> order stream, and its location on the top of a ridgeline, give the study area of 105 Miller Street a low level of potential for Aboriginal artefacts.

Therefore, Curio's assessment and predictive model has determined that the study area having **little to no** Aboriginal archaeological potential, and **moderate** cultural significance.

### **7.2.2. Mitigation Measures**

Based on the conclusions of this assessment the following recommended mitigation measures are made:

#### **Mitigation Measure 1 – Aboriginal Unexpected Finds Procedure**

Upon discovery of an archaeological feature that is suspected to be an Aboriginal Unexpected Find (excluding human remains- see Recommendation 4 below), the following procedure should be followed:

1. Cease works in the immediate vicinity of the find.
2. Contact the Project archaeologist to verify the nature of the find.
3. If Unexpected Find is confirmed as Aboriginal archaeology, Project archaeologist will notify Project RAPS and Heritage NSW of the find. If Unexpected Find is confirmed as not Aboriginal in origin, Project archaeologist will provide advice for works to recommence.
4. Project Archaeologist/Project RAPS will undertake a preliminary assessment and recording of the find.
5. Formulate archaeological or heritage management plan- specific to nature of the find.
6. Implement archaeological/heritage management plan.
7. Works may commence once archaeological/heritage management plan has been successfully implemented and Project archaeologist provides sign off to contractor for works to resume in vicinity of find.

### **Mitigation Measure 2 – Human Remains Procedure**

The unexpected discovery of any potential skeletal remains during development works would be managed in accordance with the approved Heritage NSW protocol for the discovery of human remains which is stated as:

If any suspected human remains are discovered and/or harmed the proponent must:

1. Not further harm these remains.
2. Immediately cease all work at the particular location.
3. Secure the area so as to avoid further harm to the remains.
4. Notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location.
5. Not recommence any work at the particular location unless authorised in writing by Heritage NSW.

### **Mitigation Measure 3 – RAP Involvement in Community Engagement**

It is recommended that RAPs have the opportunity to be invited to contribute to any future community engagement or cultural heritage development associated with the project. It has been acknowledged that the study area and wider surrounds contains moderate social and spiritual significance, and it is therefore important to provide opportunities for RAPs to contribute to the interpretation of cultural and heritage.

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# Appendix A - Aboriginal Community Consultation Log

## APPENDIX A – Aboriginal Consultation Log

### Stage 1 – Notification of Project Proposal and Registration of Interest

#### Stage 1.1 – List of Aboriginal Stakeholders

Stakeholder	Date Sent	Response Date	Response
National Native Title Tribune	8/08/2024		
Metropolitan LALC	8/08/2024		
Greater Sydney Local Land Services	8/08/2024		
	8/08/2024	19/08/2024	<p>To Sebastian,</p> <p>I have received this request for a list of relevant Aboriginal people/groups who should be consulted in the project you are undertaking on behalf of a client.</p> <p>As a planning advisor, I do not have access to this type of information. However, I highly recommend getting in contact with the Aboriginal Heritage Office with the same request: <a href="https://www.aboriginalheritage.org/">https://www.aboriginalheritage.org/</a></p> <p>Kind Regards,</p> <p>Max Crowe</p>
North Sydney Council			
Native Title Service Corp	8/08/2024		
The Registrar, Aboriginal Lands Rights Act	8/08/2024		

	8/08/2024	15/08/2024	Hi Sebastian,  Please find attached the Heritage NSW Aboriginal stakeholder list for 105 Miller Street, North Sydney.  regards
Heritage NSW			
National Native Title Tribune	8/08/2024		

### Stage 1.2 – Newspaper Advertisement

Newspaper	Date Sent	Date Advertised
Advertisement in Koori Mail	16/08/2024	28/08/2024

A minimum of 14 days were allowed for Aboriginal people to respond to the newspaper advertisement.

### Stage 1.3 & 1.4 – List of Aboriginal Groups/People from Stage 1.1 & 1.2 + Aboriginal Notification of Proposed Project & Offer to be Involved in Consultation

Organisation	Person	Contact	How Name was Obtained	Date Sent	Date Reply
A1 Indigenous Services	██████████	██████████	██████████	28/08/2024	06/09/2024
Amanda Hickey Cultural Services	██████████	██████████	██████████	28/08/2024	06/09/2024

Organisation	Person	Contact	How Name was Obtained	Date Sent	Date Reply
Aragung Aboriginal Cultural Heritage Site Assessments	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
B.H. Heritage Consultants	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]	[REDACTED]	28/08/2024	N/A
Badu (Murrin Clan/Peoples)	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Barking Owl Aboriginal Corporation	[REDACTED] [REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Bidjawang Aboriginal Corporation	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]	28/08/2024	N/A
Bilinga (Murrin Clan/Peoples)	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Butucarbin Aboriginal Corporation	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	02/09/2024
Cullendulla (Murrin Clan/Peoples)	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Darug Aboriginal Cultural Heritage Assessments	[REDACTED]		[REDACTED]	28/08/2024	N/A
Darug Boorooberongal Elders Aboriginal Corporation	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A

Organisation	Person	Contact	How Name was Obtained	Date Sent	Date Reply
Dharug Custodian Aboriginal Corporation	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Darug Land Observations	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]		28/08/2024	N/A
Dharug (Murrin Clan/Peoples)	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Dharug Ngurra Aboriginal Corporation	[REDACTED]	[REDACTED] [REDACTED]		28/08/2024	N/A
Didge Ngunawal Clan	[REDACTED]	[REDACTED] [REDACTED]		28/08/2024	28/08/2024
DJMD Consultancy	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Ginninderra Aboriginal Corporation	[REDACTED] [REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Goobah Development PTY LTD (Murrin Clan/Peoples)	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]	28/08/2024	N/A
Goodradigbee Cultural & Heritage Aboriginal Corporation	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Gulaga	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Gunjeewong Cultural Heritage Aboriginal Corporation	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]	28/08/2024	N/A
Gunyuu (Murrin Clan/Peoples)	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A

Organisation	Person	Contact	How Name was Obtained	Date Sent	Date Reply
Guringai Tribal Link Aboriginal Corporation	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]	28/08/2024	N/A
Jerringong (Murrin Clan/Peoples)	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Julia Narayan	†	[REDACTED] [REDACTED]	[REDACTED]	28/08/2024	N/A
Kamilaroi Yankuntjatjara Working Group	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	9/09/2024
Metropolitan Local Aboriginal Land Council	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Minnamunnung	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Munyunga (Murrin Clan/Peoples)	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Mura Indigenous Corporation (icn:8991)	[REDACTED]	[REDACTED] [REDACTED]	[REDACTED]	28/08/2024	N/A
Murra Bidgee Mullangari Aboriginal Corporation	[REDACTED] [REDACTED]	[REDACTED] [REDACTED]	[REDACTED]	28/08/2024	03/09/2024
Murramarang (Murrin Clan/Peoples)	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A
Murrumbul (Murrin Clan/Peoples)	[REDACTED]	[REDACTED]	[REDACTED]	28/08/2024	N/A

Organisation	Person	Contact	How Name was Obtained	Date Sent	Date Reply
Ngambaa Cultural Connections				28/08/2024	N/A
Nundagurri (Murrin Clan/Peoples)				28/08/2024	N/A
Pemulwuy (Murrin Clan/Peoples)				28/08/2024	N/A
Thauaira				28/08/2024	N/A
Thomas Dahlstrom Offers ACH value by using 3D Laser and Drone technology				28/08/2024	28/08/24
Thoorga Nura				28/08/2024	N/A
Scott Franks on the behalf of the Wonnarua PBC Yarrawalk Pty Ltd				28/08/2024	28/08/2024
Waawaar Awaa Aboriginal Corporatio				28/08/2024	N/A
Wailwan Aboriginal Group				28/08/2024	N/A
Walbunja (Murrin Clan/Peoples)				28/08/2024	N/A
Walgalu (Murrin Clan/Peoples)				28/08/2024	N/A

Organisation	Person	Contact	How Name was Obtained	Date Sent	Date Reply
Wingikara (Murrin Clan/Peoples)				28/08/2024	N/A
Wori Woilywa				28/08/2024	N/A
Wullung (Murrin Clan/Peoples)				28/08/2024	N/A
Wurrumay Pty Ltd				28/08/2024	N/A
Yerramurra (Murrin Clan/Peoples) and Taste of Tradition Native Aboriginal Corporation				28/08/2024	N/A
Yurwang Gundana Consultancy Cultural Heritage Services.				28/08/2024	N/A
Wallanbah Aboriginal Site Conveyancing				28/08/2024	N/A
RAW Cultural Healing				28/08/2024	03/09/2024
Guthers Aboriginal Corporation				28/08/2024	N/A
Gadu chts				28/08/2024	N/A
Wallangang Aboriginal Corporation				28/08/2024	N/A

**Stage 1.3 – Registered Aboriginal Parties**

<b>Organisation/Person</b>	<b>Contact</b>	<b>Method Registered</b>	<b>Registration Date &amp; Comments</b>
Thomas Dahlstrom		Email	28/08/24
Paul Boyd and Lilly Carroll / DNC		Email	28/08/2024
Scott Franks		Email	28/08/2024
Jenny / Butucarbin		Email	02/09/2024
Raymond Weatherall / Raw Cultural Headling		Email	03/09/2024
Darleen Johnson / Murrabidgee Mullangari		Email	03/09/2024
Carolyn Hickey / A1 Indigenous Services		Email	06/09/2024
Amanda De Zwart / AHCS		Email	06/09/2024
Phil Khan / Kamilaroi Yankutjatjara Working Group		Email	9/09/2024

**Stage 2 – Presentation of Information About Proposed Project****Stage 2.1 – Presentation of Proposed Project Information & Provision of Proposed Cultural Heritage Assessment Methodology****Stage 3 – Gathering Information about Cultural Significance****Stage 3.1 – Gathering Information from RAPs on Presence of Aboriginal Objects and Places of Cultural Value**

RAPs were provided the cultural heritage assessment methodology at the same time as the project information, with a minimum of 28 days to provide feedback of the project information and proposed cultural heritage methodology document. Details including submissions and responses are summarised below.

Organisation/ Person	Date Sent	Date Reply	Method of Reply	Comments	Response from Curio
Amanda De Zwart / AHCS	13/09/2024	16/09/2024	Email	<i>Yeah, we had a look at it. We're fine with it from our end.</i>	
Lilly Carroll	13/09/2024	1/10/2024	Email	<i>Hi Sebastian Thank you for your email AHCS supports the methodology If you need anything else please don't hesitate to contact me.</i>	
A1 Indigenous Services	13/09/2024	08/10/2024	Email	<i>I have reviewed the document and support the Information and Methodology. I Would like to be included in all Meetings, Reports, Sharing Cultural Information, and Field Work</i>	
Kamilaroi- Yankuntjatjara Working Group	13/09/2024	10/10/2024	Email	<i>Thank you for your methodology for 105-153 Miller Street, North Sydney. The study area is highly significant and sensitive to our people. We would recommend further investigation take place in the study area in the way of survey and possible test excavations. We look forward to working alongside you on this project.</i>	

**Site Inspection- A site inspection was undertaken on 10 October 2024**

Organisation/ Person	RAP comment
Butacarbin Heritage / Teagan Pittman	All RAPs in attendance agreed that the site likely contains little to no archaeological potential and expressed that they were happy with the overall approach and projection of the project thus far. No issues or concerns were raised in this site visit.
Didge Ngunawal Clan (DNC Group) / Paul Boyn	See above
Murra Bidgee Mullangari Aboriginal Corporation / A. Johnson	See above
Thomas Dahlstrom / Thomas Dahlstrom	See above

#### Stage 4 – Review of Draft Cultural Heritage Assessment Report


All RAPs were provided a copy of the draft ACHAR and ARD via email on 8 November 2024 and provided 28 days (6 December 2024) from days of provision of draft ACHAR for review. Comments received are detailed below. A reminder email for feedback/comment was sent to all RAPs on 22 November 2024.

A copy of all written submissions received from project RAPs are attached to this appendix.

Organisation/ Person	Contact	Date Sent	Date Reply	Method of Reply	Comments	Response from Curio
Didge Ngunawal Clan (DNC Group)	Paul Boyn	8/11/2024	8/22/2024	Email	Hi Sebastian We are happy with everything from end Cheers Paul	N/A

### Additional Community Consultation 2025

A meeting was held on March 27 2025 inviting RAPs to provide comment and feedback on the preliminary Connecting with Country Framework. The following RAPs were in attendance for the meeting:

Representative Organisation	Representative Organisation/ Person
Didge Ngunawal Clan	
A1 Indigenous Services	
Amanda Hickey Cultural Services	
Kamilaroi-Yankuntjatjara Working Group	

Organisation	Date Sent	Comment
Didge Ngunawal Clan	27.3.25 (email)	<i>Thanks for the brilliant designs that Corey integrated that looks fabulous and a fantastic job, well done!</i>
A1 Indigenous Services & Amanda Hickey Cultural Services	27.3.25 (verbal at meeting)	<i>One of the more detailed and well thought out frameworks seen for a project</i>
Kamilaroi-Yankuntjatjara Working Group	15.4.25 (email)	<i>Appreciate you sending this through</i>

# Appendix B – Extensive AHIMS Search Result



## AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : Miller Street ACHAR  
Client Service ID : 920690

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports	
45-6-3077	Adderstone Shelter 1 NSC-081	GDA	56	334895	6253940	Open site	Valid	Shell : 1			
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Aboriginal Heritage Office								<a href="#">Permits</a>
45-6-0825	Myrtle Street	GDA	56	333757	6255113	Open site	Not a Site	Art (Pigment or Engraved) : -	Not an Aboriginal Site		
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Australian Museum								<a href="#">Permits</a>
45-6-0635	Neutral Bay Ben Boyd Rd	GDA	56	335034	6254650	Open site	Valid	Art (Pigment or Engraved) : -	Rock Engraving		
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Michael Guider,Aboriginal Heritage Office								<a href="#">Permits</a>
45-6-2147	Ivy Cliff (Waverton Park)	AGD	56	333330	6253860	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	1809	
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Val Attenbrow,D Earle								<a href="#">Permits</a>
45-6-2181	Waverton Park Cave;	AGD	56	333130	6253820	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden		
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Michael Guider,Mr.Phil Hunt,Aboriginal Heritage Office								<a href="#">Permits</a>
45-6-0760	Neutral Bay;	GDA	56	335029	6254545	Open site	Valid	Art (Pigment or Engraved) : -	Rock Engraving		
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Michael Guider,Aboriginal Heritage Office								<a href="#">Permits</a>
45-6-3076	Adderstone Shelter 2 NSC-082	GDA	56	334885	6253945	Open site	Valid	Shell : 1			
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Aboriginal Heritage Office								<a href="#">Permits</a>
45-6-1269	Waverton Park Waverton	GDA	56	333384	6254040	Open site	Valid	Shell : -, Artefact : -	Midden		
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Unknown Author,Aboriginal Heritage Office								<a href="#">Permits</a>
45-6-1271	Lavender Bay Milsons Point	GDA	56	334339	6253635	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden		
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Michael Guider,Aboriginal Heritage Office								<a href="#">Permits</a>
45-6-0906	Waverton Park	AGD	56	333320	6253813	Closed site	Valid	Art (Pigment or Engraved) : -	Shelter with Art		
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Michael Guider								<a href="#">Permits</a>
45-6-1270	Waverton Park Waverton	GDA	56	333254	6254040	Open site	Valid	Shell : -, Artefact : -	Midden		
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Unknown Author,Mr.Phil Hunt,Aboriginal Heritage Office								<a href="#">Permits</a>
45-6-2055	Lavender bay 2;	AGD	56	333890	6253550	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	1809	
	<a href="#">Contact</a>	<a href="#">Recorders</a>	Michael Guider								<a href="#">Permits</a>

**\*\* Site Status**

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

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

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

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

Report generated by AHIMS Web Service on 16/08/2024 for Sebastian Gerber-Hood for the following area at Address : 105-153 MILLER STREET NORTH SYDNEY 2060 with a Buffer of 1000 meters.. Number of Aboriginal sites and Aboriginal objects found is 12

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

# Glossary of Technical Terms

<b>Abbreviation/Term</b>	<b>Definition</b>
ACHAR	Aboriginal Cultural Heritage Assessment Report
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ASIRF	Aboriginal Site Impact Recording Form
Code of Practice	DECCW 2010, <i>Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales</i>
Consultation Guidelines	DECCW 2010, <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i>
Guide to Investigating	OEH 2011, <i>Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW</i>
HNSW	Heritage NSW
ICOMOS	International Council of Monuments and Sites
LALC	Local Aboriginal Land Council
LGA	Local Government Area
NPW Act	National Parks and Wildlife Act 1974 (NSW)
PAD	Potential Archaeological Deposit
RAPs	Registered Aboriginal Parties
TP	Test Pit

