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

SSD-85848713 – 601 PACIFIC HIGHWAY, ST LEONARDS – HISTORICAL ARCHAEOLOGY LETTER OF ADVICE

We refer to the proposed redevelopment of 601 Pacific Highway, St Leonards, NSW for which approval is sought under State Significant Development Application SSD-85848713.

1. INTRODUCTION

Urbis was engaged by Stockland Development (**the Proponent**) to conduct a review of historical archaeology at 601 Pacific Highway, St Leonards, NSW legally defined as Lot 71 in DP 749690 (**the subject area**) (Figure 1 and Figure 2)

The Proponent is seeking approval for redevelopment of the subject area to provide a new mixed use residential development including a contribution toward affordable housing. Approval for the proposed development is sought via a State Significant Development Application (**SSD-85848713**) under Division 4.7 of the *Environmental Planning and Assessment Act 1979* (NSW) and a concurrent planning proposal seeking rezoning of the subject area and other amendments to the *North Sydney Local Environmental Plan 2013*.

The present advice has been prepared to address Item 22 of the Planning Secretary's Environmental Assessment Requirements (**SEARs**) issued on 4 July 2025, which requires that:

Where there is potential for direct or indirect impacts on environmental heritage, provide a ... Archaeological Assessment (where required), in accordance with the relevant guidelines.

The potential impacts of the works proposed under SSD-85848713 on historical archaeological resources are considered below to determine whether a Historical Archaeological Assessment (**HAA**) is required to satisfy SEARs Item 22.

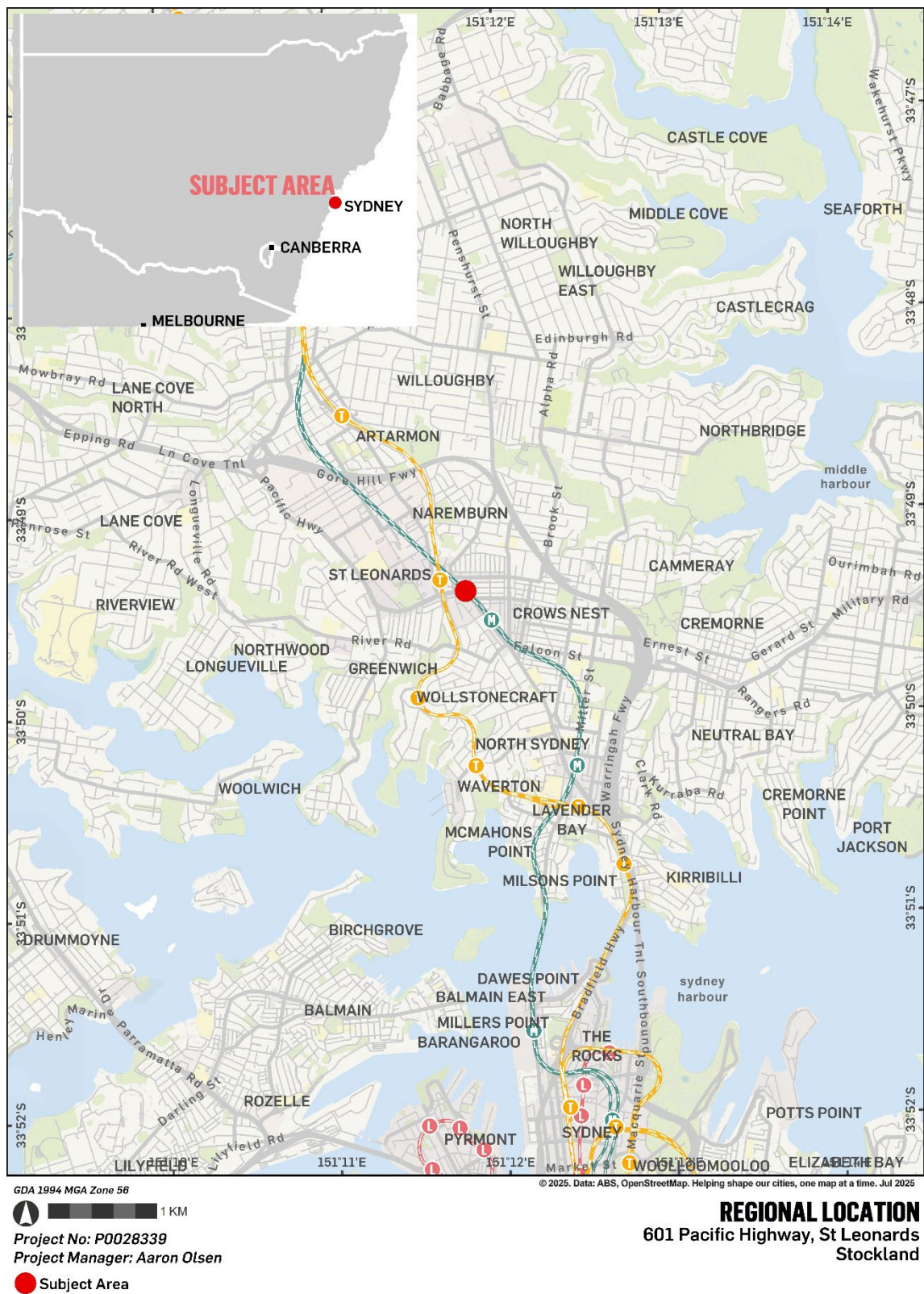


Figure 1 – Regional location of subject area

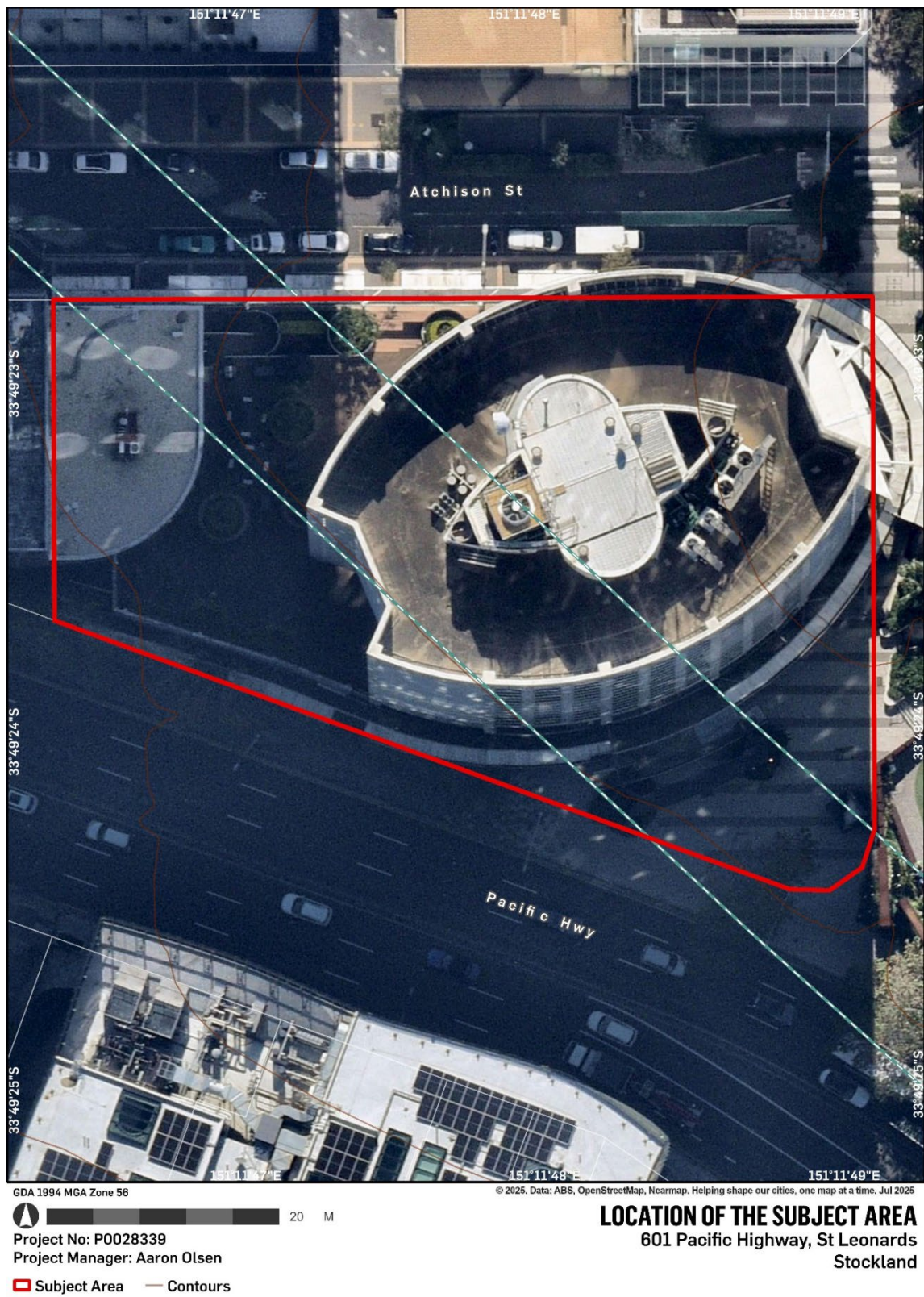


Figure 2 – Subject area

2. HISTORICAL OVERVIEW

The historical context of an area provides the basis for assessing what may be retained in the ground as archaeological material. The following is an overview of the historical development of the subject area.

The subject area is part of a 524-acre grant made to Edward Wollstonecraft in 1821 (Figure 3). In 1832, Wollstonecraft's estate passed to Alexander Berry after Wollstonecraft's death and became known as Berry's Estate (Figure 4). It is unclear whether Wollstonecraft or Berry utilised the subject area, although it may have cleared for agriculture during their ownership. The portion of Wollstonecraft's grant that contained the subject area was acquired by John Hay and James Norton¹ in 1890. Following subdivision of the Berry Estate in 1892, the subject area became Lots 1-7 of Section 12 (Figure 5). A Crown plan from 1896 shows buildings have been constructed near the subject area, but the subject area itself has not been developed by this time (Figure 6).

The various allotments constituting the subject area were purchased between 1898 and 1910.² Earliest development of the subject area likely dates from this time. By 1943, the subject area appears to have been developed for residential purposes, with three dwellings and various associated outbuildings present (Figure 7). These residential buildings had been demolished by 1961 and replaced with a large multi-storey commercial or industrial building and associated yard and at-grade carpark (Figure 8). The existing multi-storey commercial building with 3.5-level basement was constructed in the late 1980s / early 1990s (Figure 9).



Figure 3 – Detail of map of the Parish of Willoughby Map (undated), showing approximate location of the subject area (yellow circle)

Source: NSW Historical Land Records Viewer

¹ HLRV, Vol 144 Fol 103.

² HLRV, Vol 1259 Fol 245, HLRV, Vol 1259 Fol 244, HLRV, Vol 1274 Fol 106, HLRV, Vol 2047 Fol 42.

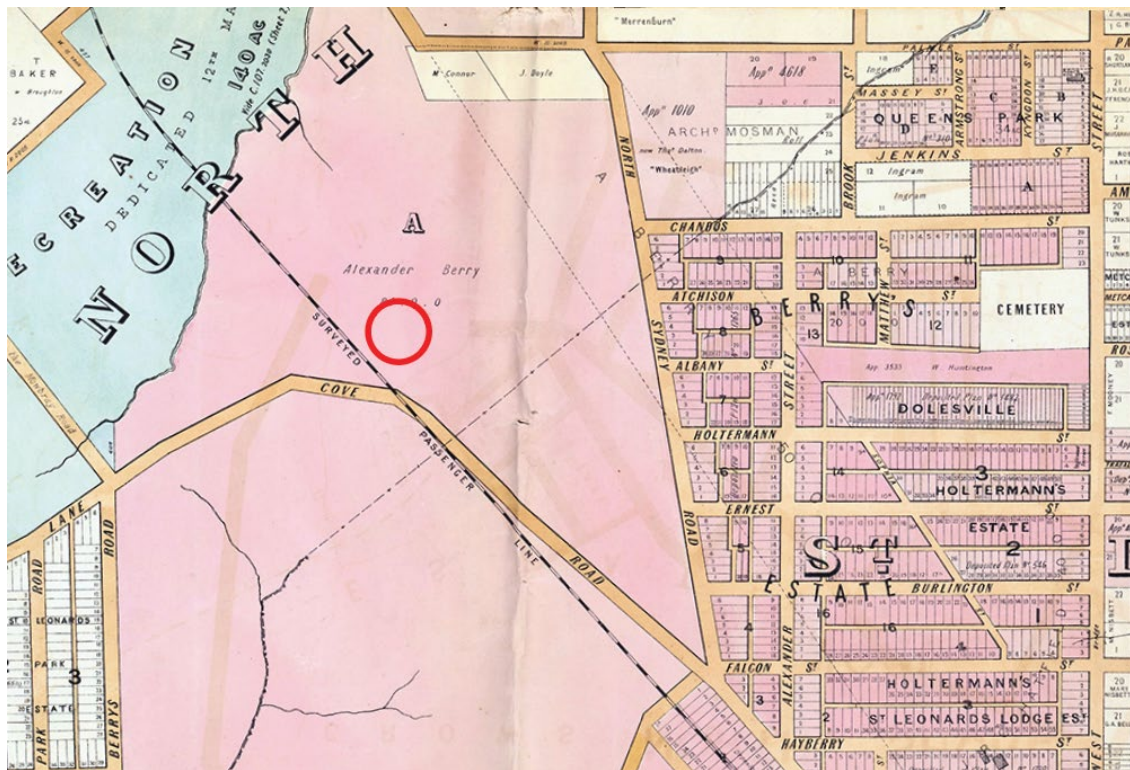


Figure 4 – 1887 plan of Berry's Estate showing approximate location of subject area (red circle)
Source: Stanton Library

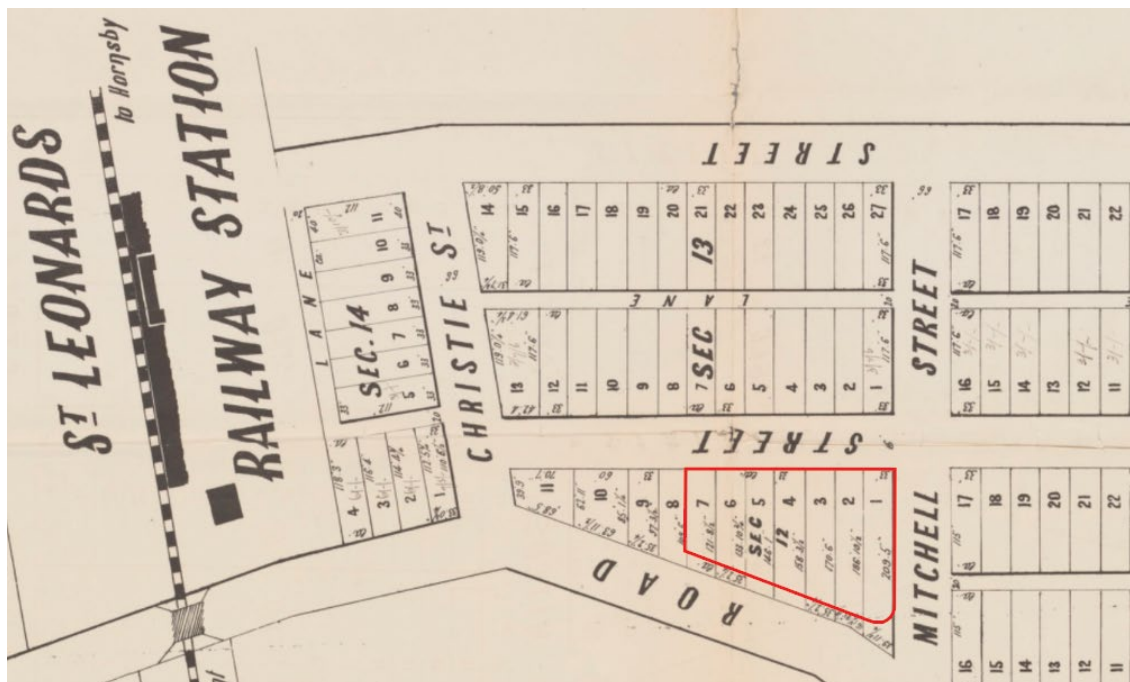


Figure 5 – Detail of subdivision plan of Berry's Estate from 1892, showing location of subject area (red outline); the land shown to the south of the subject area became part of the Pacific Highway
Source: State Library of NSW

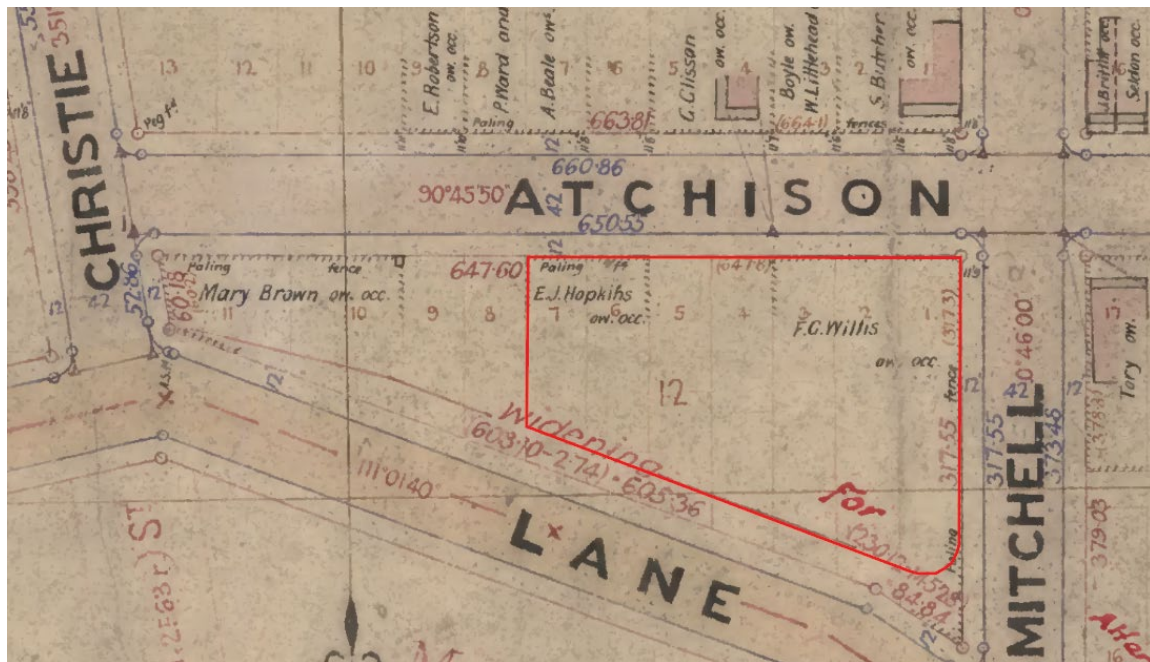


Figure 6 – Detail of Crown Plan from 1896 showing location of subject area (red outline); note that this plan shows buildings on the other side of Atchison Street but not within the study area
Source: Direct Info 48.2005



Figure 7 – Aerial photograph of subject area (red outline), 1943
Source: NSW Historical Imagery Viewer

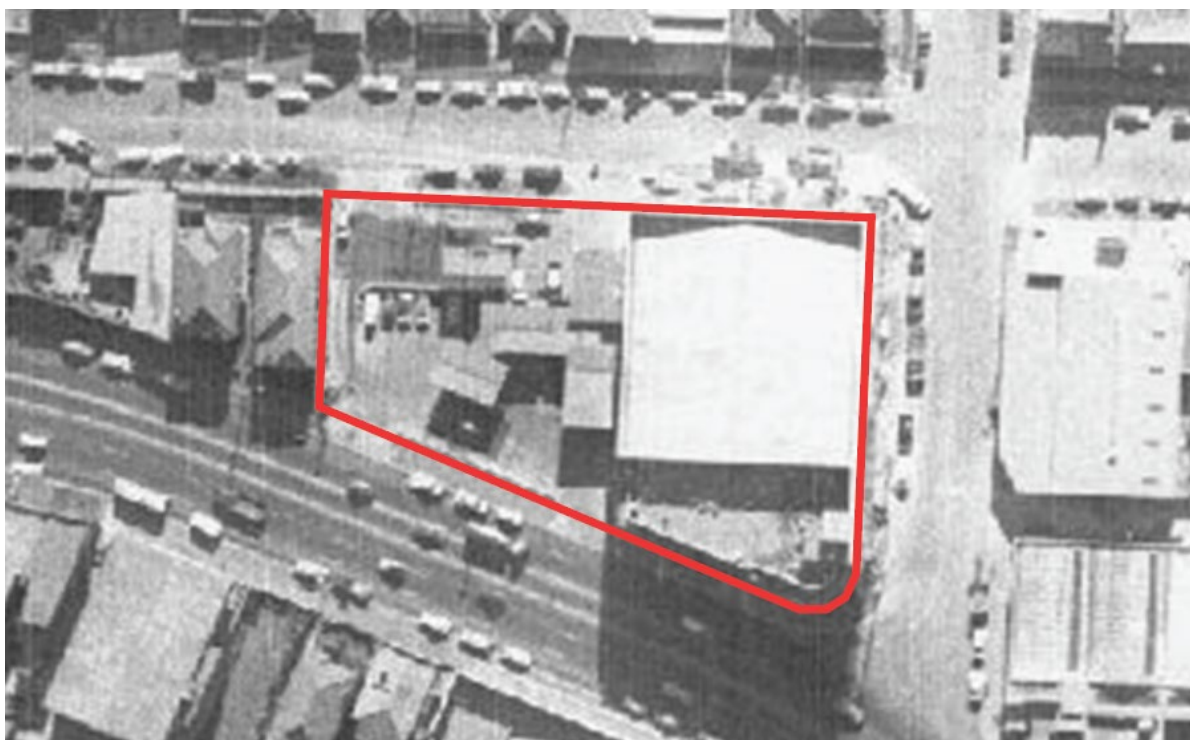


Figure 8 – Aerial photograph of subject area (red outline), 1961
 Source: NSW Historical Imagery Viewer

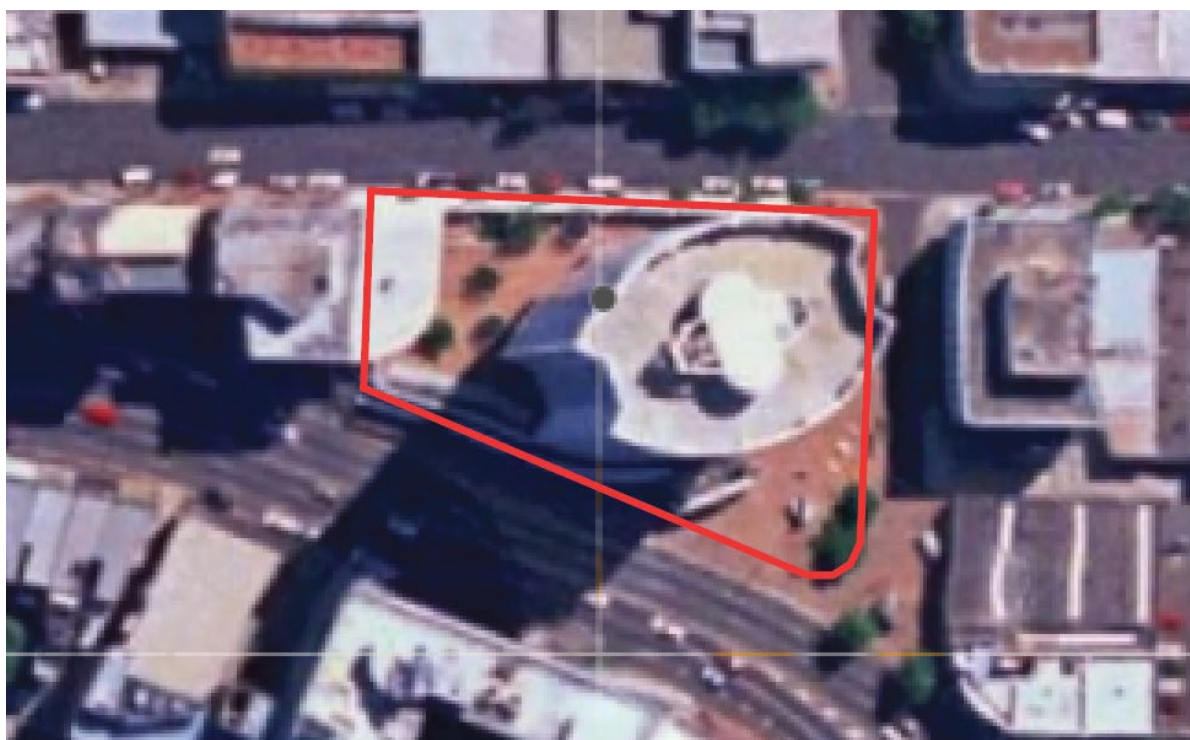


Figure 9 – Aerial photograph of subject area (red outline), 1994
 Source: NSW Historical Imagery Viewer

3. ARCHAEOLOGICAL RESOURCES

Any physical evidence of past human activity can be considered an archaeological resource, even very recent structures and objects.³ However, not all archaeological resources require preparation of an archaeological assessment if they are to be impacted.

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

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

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

3.1. LISTED ARCHAEOLOGICAL ITEMS

Properties and places listed on the WHL, NHL or CHL, are included in the Australian Heritage Database ('AHD'). The AHD also includes places under consideration, or that may have been considered, for any one of these lists. A search of the AHD was undertaken on 21 July 2025. The search did not identify any archaeological items within the curtilage of the subject area that are protected under the *EPBC Act*.

Historical archaeological items that are listed on the SHR or that are subject to an IHO are included in the State Heritage Inventory ('SHI'). A search of the SHI was undertaken on 21 July 2025. The search did not identify any heritage items within the curtilage of the subject area.

3.2. HISTORICAL RELICS

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

...any deposit, object or material evidence

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

(b) is of State or local heritage significance.

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

³ Heritage Office and Department of Urban Affairs and Planning 1996, *Archaeological Assessment Guidelines*.

colonial settlement' of a region could not reasonably be regarded as satisfying part (a) of the definition of a 'relic'.

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

Any physical material presently retained within the subject area is unlikely to satisfy either part (a) or part (b) of the definition of 'relic'. Construction of the extant multi-storey building and 3.5-level basement would almost certainly have removed or destroyed any material from the subject area pre-dating the late 1980s / early 1990s. Any material after that date post-dates the earliest development of the subject area by at least half a century and is evidently not of a sufficient age to relate to the settlement of St Leonards area. Furthermore, any such material is unlikely to provide any relevant historical information that is not already known or readily available from other sources, so is unlikely to have heritage significance.

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

4. IMPACT ASSESSMENT

The proposal seeks consent for the following:

- An amendment to the North Sydney Local Environmental Plan 2013 (NLEP 2013) to rezone the site from E2 Commercial Centre to MU1 Mixed Use and to amend the minimum non-residential floor space ratio development standard under Clause 4.4A from 20:1 to 1:1.
- Demolition of the existing 14 storey commercial office building that is currently on the site.
- Site excavation, remediation and other preparatory works.
- Construction and operation of a new 52 storey (RL264.50) mixed use shop top housing development, with a FSR of 20:1 (maximum GFA of 56,880m²), comprising:
 - 538 dwellings including 508 Build-to-Sell apartments and 30 Affordable Housing apartments across a mix of apartment typologies.
 - A contribution of 5% of the residential GFA toward Affordable Housing.
 - Retail and commercial land uses at the ground and podium levels.
 - Internal and external residential amenities provided throughout the building.
 - Six levels of basement carparking, comprising a total of 300 car spaces, bicycle parking, loading bays, waste areas, plant, and back of house.
- Vehicular access to the basement via Atchison Street.
- Landscaping and Public Domain works.
- Reticulation of site services and infrastructure (electricity, telecommunication, water, and sewer connections).

As discussed in the preceding Sections, no listed archaeological items or places have been identified within the subject area and it is unlikely that the subject area retains any archaeological resources that would meet the requirements of a 'relic' under the Heritage Act. Therefore, the proposed works under SSD-85848713 are unlikely to impact any relevant archaeological resources.

5. MITIGATION MEASURES

In view of the foregoing, it is recommended the following procedures be implemented to mitigate impacts to archaeological resources in the unlikely event that any such resources are encountered during the works proposed under SSD-85848713.

5.1. UNEXPECTED ARCHAEOLOGICAL FINDS PROCEDURE

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

1. All works within the vicinity of the find must immediately stop. The area should be secured with a barrier at least 2 metres around the find, and clear signs must be put in place marking it as a 'no-go zone' to prevent accidental disturbance. The find must not be moved or handled until it has been assessed by a qualified archaeologist.
2. The site supervisor or another nominated site representative must contact either the project archaeologist (if relevant) or Heritage NSW (Enviroline 131 555) to contact a suitably qualified archaeologist.
3. The nominated archaeologist must examine the find, provide a preliminary assessment of significance, record the item and decide on appropriate management measures. Heritage NSW should be notified of the find through a Section 146 notification. Such management may require further consultation with the approval authority, preparation of a research design and archaeological investigation/salvage methodology.
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject site may be required and further archaeological investigation undertaken.
5. Reporting may need to be prepared regarding the find and approved management strategies.
6. Works in the vicinity of the find can only recommence upon receipt of approval from Heritage NSW.

5.2. HUMAN REMAINS PROCEDURE

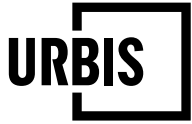
In the unlikely event that human remains are uncovered during any site works, the following must be undertaken:

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

6. CONCLUSION

Our advice in relation to historical archaeology for the subject area is summarised as follows:

- No listed archaeological items have been identified within the subject that are protected under the *EPBC Act* or *Heritage Act*.
- The subject area is unlikely to retain any historical archaeological resources that would meet the thresholds requirements of the definition of a 'relic' under the *Heritage Act* due to construction of



the existing multi-storey building and 3.5-level basement, which would have removed all traces of previous development and use.

- Consequently, the works proposed under SSD-85848713 are unlikely to impact any relevant historical archaeological resources.
- A Historical Archaeological Assessment is therefore considered unnecessary for SSD-85848713.
- In the unlikely event that any potential archaeological resources are uncovered during any site works, unexpected finds procedure and human remains procedures must be implemented.

Yours faithfully,

A handwritten signature in black ink, appearing to be "A. Olsen", with a long horizontal flourish extending to the right.

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