

3-7 Middlemiss Street & 64-66 Lavender Street, Lavender Bay

Aboriginal Cultural Heritage
Assessment Report

LGA: North Sydney

Report to Trustee for CE Lavender
Bay Trust

March 2026



 artefact

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EXECUTIVE SUMMARY

The Trustee for CE Lavender Bay Trust are seeking approval to redevelop the property located at 3-7 Middlemiss Street and 64-66 Lavender Street, Lavender Bay NSW 2060 as a State-Significant Development. The proposal includes the construction of a new residential development with the provision of affordable housing.

The Secretary's Environmental Assessment Requirements for the project (SSD-86797708) specified that an Aboriginal Cultural Heritage Assessment Report (ACHAR) be prepared to identify, describe and assess the impacts of the proposed works on Aboriginal cultural heritage values and Aboriginal objects within the vicinity of the proposed development.

Artefact Heritage and Environment Pty Ltd has been engaged by the Trustee for CE Lavender Bay to prepare the ACHAR which will be included in the Environmental Impact Statement as part of the development application.

This ACHAR is informed by the Archaeological Technical Report prepared ahead of the present report, which will also be submitted as part of the SSD application process. The ATR is contained in the Appendices (Appendix A – Technical report).

The ATR did not identify any known Aboriginal sites or objects within the study area and assessed that they were unlikely to be present. Based on the environmental background of the study area, as well as previous archaeological investigations, the following predictive statement was prepared:

- Despite the study area being located within Hawkesbury Sandstone which is a landscape environment variable identified to be associated with Aboriginal objects, the study area has been subject to disturbance from the early 1830s from the construction of Brisbane House, and subsequently from residential housing built in the 1940s. Therefore, it is unlikely for Aboriginal objects to be present.

A subsequent archaeological survey confirmed the study area had been subject to significant historical disturbance, and the condition of the study area was consistent with the predictive statement.

Consultation with RAP groups who registered their interest in the project was also conducted as part of this ACHAR. A total of eight RAPs registered their interest in the project. No specific cultural heritage values with the exception of potential aesthetic values prior to colonisation were identified in relation to the study area.

The report has identified the following:

- The background research identified no registered AHIMS sites were located within the study area
- The study area has been subject to significant historical ground disturbance, including land clearing, slope and rock cuttings, and leveling for the construction of residential houses and infrastructure
- No Aboriginal objects or areas of potential archaeological deposit were identified during the archaeological survey and background research

- While the broader landscape around the Sydney Harbour region possesses Aboriginal cultural heritage values, no specific cultural values have been identified in association with the study area

Based on the above findings, the following recommendations are made:

- No mitigation measures are necessary due to the absence of Aboriginal objects, sites and cultural heritage values for the study area, and the lack of potential for Aboriginal objects to be present
- An Unexpected Finds Procedure outlining the protocols to be followed in the event that unexpected Aboriginal objects are encountered during the works must be prepared and presented to project personnel during site inductions
- This ACHAR must be submitted as part of the EIS to fulfil the requirements of the project SEARs.
- Where there are changes to the project area or development proposal, additional archaeological assessment may be required

SEARs Declaration

Declaration		
Qualified Professional Name	Dr. Samantha Higgs	
Qualified Professional Qualifications	Bachelor of Arts (Hons.) Prehistoric and Historic Archaeology (USYD) PhD, Archaeology (ANU)	
	The undersigned declares that this 3-7 Middlemiss Street & 64-66 Lavender Street, Lavender Bay has been prepared in response to the following SEARs requirements issued for the Project on 30 June 2025 (EIS) and 2 July 2025 (Rezoning Report) for SSD-86797708:	
SEARs item no.	SEARs Issue and Assessment Requirement	Relevant Section of this Report that addresses SEARs Requirement
21	Aboriginal Cultural Heritage - Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by: - Identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development application, or - Providing an initial assessment of the potential impacts. - If potential impacts are significant, provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which: - Identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site. - Is prepared in accordance with relevant guidelines.	Within the Aboriginal Cultural Heritage Assessment Report (ACHAR): - Section 1.4 – Statutory framework - Section 5 – Cultural Heritage Values, - Section 6 – Significant Assessment and - Section 7 – Impact Assessment
Signed	<i>S. Higgs</i>	
Dated	17 March 2026	

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NOTE ON LANGUAGE IN QUOTES

A number of quotes used in this report come from documents written in the nineteenth and twentieth centuries by European observers. They have been included because they provide information on the lives of Aboriginal people in the region, though the language used, and views expressed by these writers can be offensive and distressing.

GLOSSARY OF TECHNICAL TERMS

Aboriginal cultural heritage: The material (objects) and intangible (mythological places, dreaming stories etc) traditions and practices associated with past and present-day Aboriginal communities.

Aboriginal object: Any deposit, object or material evidence (not being a handicraft made for sale), including Aboriginal remains, relating to the Aboriginal habitation of NSW.

Aboriginal place: Any place declared to be an Aboriginal place under s.94 of the *National Parks and Wildlife Act 1974*.

AHIMS: Acronym for 'Aboriginal heritage information management system'. AHIMS is a register that contains information about NSW Aboriginal heritage, and it is maintained by DECCW.

Archaeological object: any object that was made, affected, used, or modified in some way by humans in the past and has been discarded.

Archaeology: The scientific study of human history, with focus on material remains and ethnographic evidence.

Area of archaeological sensitivity: A part of the landscape that contains demonstrated occurrences of cultural material. The precise level of sensitivity will depend on the density and significance of the material.

Artefact: An item of cultural material created by humans.

Artefact scatter: Where two or more stone artefacts are found within an area of potential archaeological deposit or a site.

Bedrock: A consolidated rock that is unbroken and un-weathered, located beneath soil or rock fragments.

Contact: A place relating to the period of first contact between Aboriginal and non-Aboriginal people.

Easting: This is a measurement used to determine location. The easting is the x-coordinate and relates to the vertical lines on a map, which divide east to west. It increases in size when moving further east.

Exposure: The level of ground exposure is based on whether the landform is eroding, aggrading or stable. Exposure may occur naturally in creek and riverbanks, land slips, wind-eroded dune faces or other such naturally formed vertical profiles, or be formed artificially, for example in road and railway cutting

Layer: In stratigraphy, it is used to describe a horizon (soil, rock, charcoal) that is distinct from its surrounds.

Midden: The term midden is a Danish word meaning a mound of kitchen refuse. In archaeological terms, a midden refers to an accumulation of shell deposited after people had collected and eaten shellfish. These could contain estuarine and freshwater shellfish species in addition to faunal remains, stone artefacts and charcoal from cooking fires. In northern NSW in many areas, burials have been recorded in direct association with midden deposits.

Northing: This is a measurement used to determine location. The northing is the y-coordinate and relates to the horizontal lines on a map, which divide north to south. It increases in size when moving further north.

Potential Archaeological Deposit (PAD): A PAD is a location that is considered to have a potential for subsurface cultural material. This is determined from a visual inspection of the site, background research of the area and the landform's cultural importance.

Sandstone: Is a sedimentary rock formed from sand-sized grains.

Shell: An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering and consumption. Usually found in deposits previously referred to as shell middens. Must be found in association with other objects like stone tools, fish bones, charcoal, fireplaces/hearths, and burials. Will vary greatly in size and components

Survey: In archaeological terms, this refers to walking over a surface while studying the location of artefacts and landmarks. These are then recorded and photographed.

Visibility: Is the amount of bare ground (or visibility) on the exposures which might reveal artefacts or other archaeological materials. Things like vegetation, plant or leaf litter, loose sand, stony ground or introduced materials will affect the visibility.

1.0 INTRODUCTION

1.1 Project brief

The Trustee for CE Lavender Bay Trust (the proponent) are seeking approval to redevelop the property located at 3-7 Middlemiss Street and 64-66 Lavender Street, Lavender Bay NSW 2060 as a State-Significant Development (SSD). The proposal includes the construction of a new residential development with the provision of affordable housing.

The Secretary's Environmental Assessment Requirements (SEARs) for the project (SSD-86797708) specified that an Aboriginal Cultural Heritage Assessment Report (ACHAR) be prepared to identify, describe and assess the impacts of the proposed works on Aboriginal cultural heritage values and Aboriginal objects within the vicinity of the proposed development.

Artefact Heritage and Environment Pty Ltd (Artefact) has been engaged by the Trustee for CE Lavender Bay to prepare the ACHAR which will be included in the Environmental Impact Statement (EIS) as part of the development application.

This ACHAR is informed by the Archaeological Technical Report (ATR) prepared ahead of the present report, which will also be submitted as part of the SSD application process. The ATR is contained in the Appendices (Appendix A – Technical report).

1.2 Description of the study area

The study area is located consists of 64-66 Lavender St and 3-7 Middlemiss St, Lavender Bay NSW 2060 (Figure 1) and includes the following lots:

- SP538
- SP52429
- SP52428
- Lot 4 DP 19368
- SP70601

The study area is located within the boundaries of the Metropolitan Local Aboriginal Land Council (LALC) and within the North Sydney Council Local Government Area (LGA). It is situated within a residential area and is bounded by Middlemiss Street, the rail corridor and Sydney Harbour Bridge to the north and east, Lavender Street to the south and Arthur Lane and other residential houses to the west. Currently the study area consists of five residential buildings containing multiple units and associated landscaping

1.3 Aims and objectives

This ACHAR aims to identify and assess the Aboriginal heritage values of the study area, consult with Aboriginal stakeholders in this process and present the results of the archaeological investigation completed in the ATR. The report will be included in the EIS used to inform the SSD application for the project, satisfying the requirements of the SEARs.

The objectives of this report are to:

- Identify any Aboriginal cultural values in and around the study area

- Assess these cultural values, as related to the study area, through consultation with Aboriginal stakeholders
- Assess the impacts the proposed development might have on Aboriginal cultural heritage and potential archaeological resources within the study area
- Document the process and outcomes of Aboriginal stakeholder consultation
- Provide a plain English summary of the results of the ATR to Registered Aboriginal Parties (RAPs)

1.4 Statutory framework

This ACHAR has been prepared to address the requirements of the SEARs for the project, which state that the proponent must:

21. Where there is known, or reasonably likely, to be Aboriginal cultural heritage on or near the site demonstrate that impacts have been adequately investigated and assessed by:

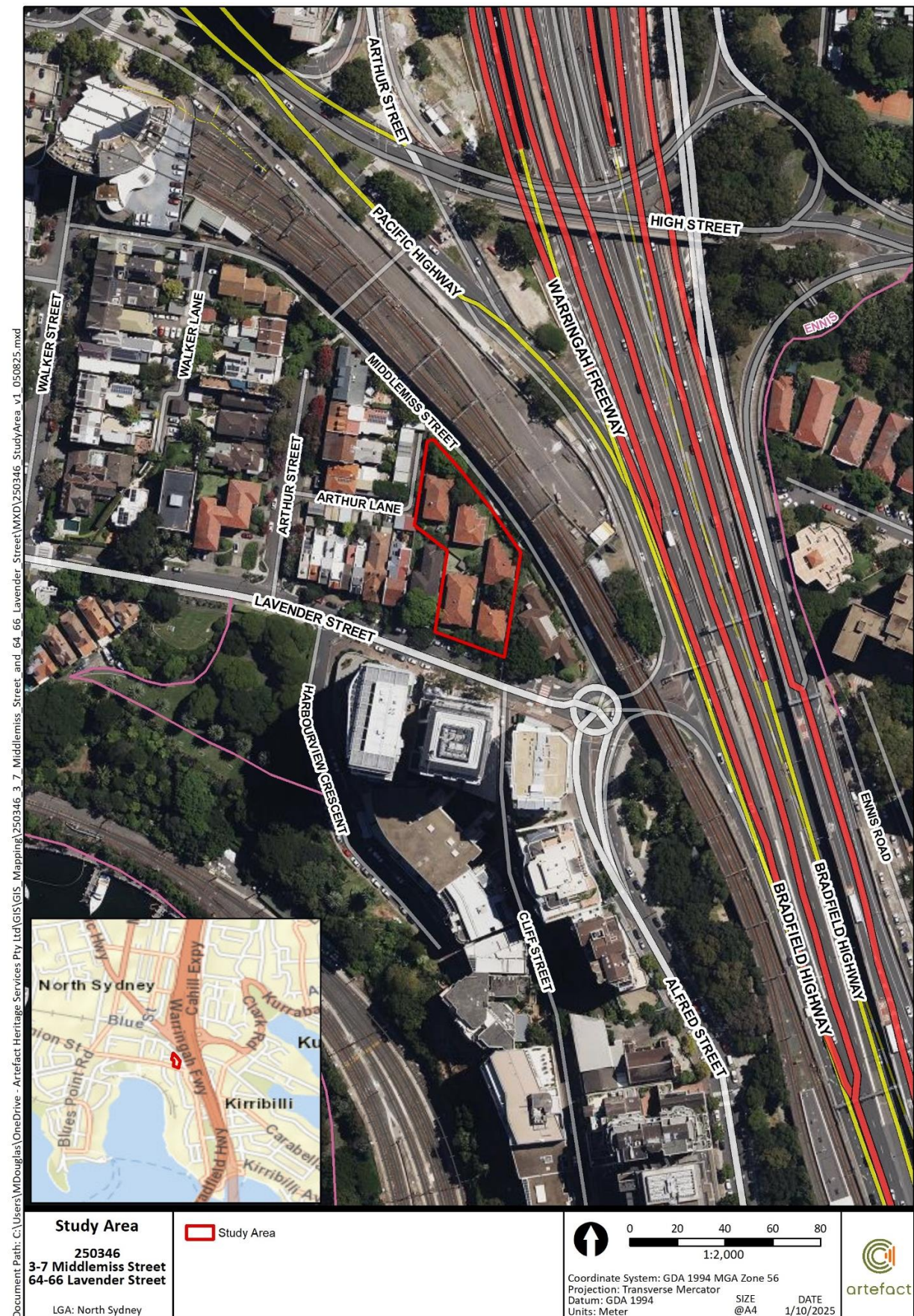
- Identifying that an appropriate prior planning process has already considered these impacts, e.g. a rezoning or development applications, or*
 - Providing an initial assessment of the potential impacts.*
 - If potential impacts are significant, provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) which:*
 - Identifies, describes and assesses any impacts to Aboriginal cultural heritage sites or values associated with the site.*
 - Is prepared in accordance with relevant guidelines*
-

To satisfy these requirements, this report has been prepared using the following guidelines:

- Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales (Department of Environment, Climate Change & Water 2010b); hereafter the Code of the Practice
- Guide to Investigations, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011); hereafter the Guide
- Aboriginal cultural heritage consultation requirements for proponents 2010 (Department of Environment, Climate Change & Water 2010a); hereafter the Consultation Requirements

The full legislative context for this assessment can be found in the ATR prepared alongside this report, which is contained within the Appendices (Appendix A – Technical report).

Figure 1: The study area



2.0 SUMMARY OF CONSULTATION

Consultation for this project has been undertaken in accordance with the Consultation Requirements. Copies of all correspondence and a consultation log are included in Appendix B.

2.1 Stage 1

2.1.1 Agency letters

In accordance with Section 4.1.2 of the Consultation Requirements, Artefact Heritage corresponded with the following organisations by email on 3 September 2025 requesting the details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the local area:

- Heritage NSW
- Native Title Service Corporation (NTSCorp)
- National Native Title Tribunal
- Office of the Registrar, Aboriginal Land Rights Act 1983
- North Sydney Council
- Metropolitan Local Aboriginal Land Council
- Greater Sydney Local Land Services

The due date for responses was 17 September 2025.

2.1.2 Advertisement

In accordance with Step 4.1.4 of the Consultation Requirements, an advertisement was placed online in The Daily Telegraph for publication on 18 September 2025. The publication invited the participation of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the local area, requesting their response by 2 October 2025.

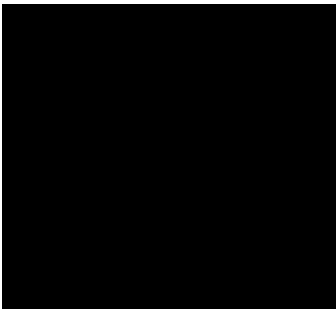
2.1.3 Registration of Aboriginal parties

In accordance with Step 4.1.3 of the Consultation Requirements, invitations to register an interest in the project were sent by email to all those people identified through contacting the agencies on 18 September 2025 with a response requested by 2 October 2025.

As a result of the interest letters and advertisement, eight individuals / organisations registered their interest in the project. The parties who registered are listed below in Table 1.

Table 1: List of Registered Aboriginal Parties

Organisation	Contact
Gadhungal Marring	
Butucarbin Aboriginal Corporation	
Wailwan Aboriginal Group	

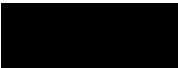
A1 Indigenous Services		
Didge Ngunawal Clan		
Paul Bell Indigenous Site Specialist		
Murra Bidgee Mullangari Aboriginal Corporation		
Metropolitan Local Aboriginal Land Council		

2.2 Stage 2 and Stage 3

Stage 2 of the consultation process is to provide RAPs with information about the scope of the proposed project and the proposed cultural heritage assessment process. Stage 3 of consultation facilitates a process whereby RAPs can contribute to culturally appropriate information gathering and the research methodology, provide information that will enable the cultural significance of Aboriginal objects and/or places within the project area to be determined, and have input into the development of any cultural heritage management options.

A copy of the proposed assessment methodology was sent to the RAPs by email on 3 October 2025, requesting feedback by 31 October 2025. The draft assessment methodology presented information about the project and invited feedback on the cultural significance of the area. A summary of the comments received by Artefact is presented in Table 2.

Table 2. Summary of Aboriginal stakeholder comments on the Assessment Methodology

Person / RAP group	Comment	Response
 Didge Ngunawal Clan	DNC please, the methodology is fine and ready to move on	Noted in the consultation log and in this report
 A1 Indigenous Services	I have reviewed the document and fully support the Information and Methodology. I would like to be included in all meetings, reports, sharing of cultural information, and fieldwork.	Noted in the consultation log and in this report
 – Murra Bidgee Mullangari Aboriginal Corporation	I have read the project information and draft ACHAR for the above project, I endorse the recommendations.	Noted in the consultation log and in this report

2.3 Stage 4

A copy of the draft ACHAR was sent to the RAPs by email on Email requesting feedback by 22 December 2025. A summary of received by Artefact is provided in Table 3.

Table 3. Summary of Aboriginal stakeholder comments on the draft ACHAR

Person/ RAP group	Comment	Response
Carolyn Hickey - A1 Indigenous Services	Thank you for sharing the draft report for Lavender Street, Lavender Bay. I am pleased with the content of the report.	Thank you for your comment. We have noted it for inclusion in the ACHAR.

3.0 SUMMARY AND ANALYSIS OF BACKGROUND INFORMATION

3.1 Archaeological background

Several archaeological assessments have been completed in this region around the study area and summarised below.

Table 4: Previous archaeological assessments

Report	Summary
Attenbrow, V 1991, 'Port Jackson Archaeological Project: A Study of the Prehistory of the Port Jackson Catchment, New South Wales. Stage 1 – site recording and assessment.	• Large scale project relocating and recording Aboriginal sites located within the Port Jackson area • Relocated or newly identified over 350 Aboriginal archaeological deposits • Observed multiple patterns of site distribution: ◦ 98% of middens were located on Hawkesbury sandstone in areas containing rock shelters, overhangs and which had been less subject to development ◦ Higher concentration of Aboriginal sites within 10m of the natural shoreline ◦ Shells were the primary evidence of Aboriginal occupation and activity
HLA EnviroSciences 2001, Bradfield Park North, Milsons Point: Archaeological Assessment. Report prepared for North Sydney Council.	• Archaeological assessment completed approximately 70m southeast of study area • The Bradfield Park North project area was subject to significant levels of historical disturbance including earthworks, demolition, landform leveling and introduction of soils • Assessed that the natural soil profile had been completely removed • Assessed that any Aboriginal objects had likely been destroyed or removed
Dominic Steele Consulting Archaeology 2006, (KENS) site (AHIMS ID #45-6-2647), in GML Heritage 2017, 'Cockle Bay Park: Aboriginal Heritage Due Diligence Report. Prepared for DPT and DPPT.	• Aboriginal and historical test and salvage program completed at Kent, Erskine, Napoleon and Sussex Streets (KENS) site / AHIMS ID 45-6-26, approximately 2.6km southwest of the study area (across Sydney Harbour) • Buried original (pre-1788) natural soil profiles were identified but had somewhat been disturbed by historical activity • 952 artefacts were recovered including flaked glass • A large portion of artefacts were either burnt or trampled. It was assessed these damages could have occurred within the eighteenth or nineteenth centuries • The artefacts were assessed to have an age range from approximately 2,800 years ago to the contact period • The KEN site demonstrated that this area was use intensively by Aboriginal groups prior to and post colonialisation.
GML Heritage 2017, Loreto Kirribilli – Aboriginal Heritage Due Diligence report. Report to Artazan Property Group.	• Due Diligence assessment completed approximately 300m east of the study area • It was assessed that while the study area contained significant evidence for and environmental features favourable for past Aboriginal activity and occupation, historical disturbance and development of the GML project area, has likely destroyed any Aboriginal objects that were present. • It was also assessed that the GML project area does not contain any Aboriginal cultural values

Artefact 2023, 5-7 Lower Wycombe Road, Neutral Bay: Archaeological Survey Report. Report to Vergome Pty Ltd; Artefact 2025, 5-7 Lower Wycombe Road, Neutral Bay: Aboriginal Cultural Heritage Assessment Report. Report to Vergome.

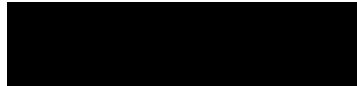
- Archaeological investigations (ASR and ACHAR) completed approximately 890m east of the study area
- A PAD was identified (AHIMS ID 45-6-4139 'Wycombe PAD 01')
 - Consisted of sandstone shelter and several sandstone overhangs
 - Potential for a natural soil profile with Aboriginal objects buried beneath an indeterminate amount of fill within the shelter
- Test excavations have not been completed for the project

3.2 AHIMS search

NOTE: The location of Aboriginal sites is considered culturally sensitive information. It is advised that this information, including the AHIMS data appearing on mapping below must be removed from this report if it is to enter the public domain.

A search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken on 5 August 2025 for a search area measuring approximately 3km x 2km surrounding the study. The search parameters were as follows:

GDA, Zone 56



A total of 38 registered Aboriginal sites were identified within the search area (Figure 2). There are no registered Aboriginal sites within the study area. The closest AHIMS site identified in the search area is AHIMS ID 45-6-1271, 'Shell, Artefact', which is located approximately 140m south of the study area, and approximately 5m above the State Railway Authority (SRA) Railway line (Figure 3).

The most common site type identified from the AHIMS search was 'Shell, Artefact' (n=15, 39%). Overall, the AHIMS search revealed a pattern of sites being located in close proximity to water (often along the foreshore), within a Hawkesbury sandstone landscape and within areas that have been less subject to development.

Figure 2: Extensive AHIMS search



Figure 3: Detailed AHIMS search results



3.3 Environmental background

3.3.1 Soils and geology

The study area is located within the GyMEA soil landscape with soil profiles that can range from shallow to moderately deep. GyMEA soils are strongly to slightly acidic (4.5-6.0 pH) and can contain inclusions such as ironstone and charcoal fragments. Aboriginal objects are more likely to be located in deeper subsurface deposits and where there has been less historical ground disturbance.

The study area is located within the Sydney Harbour foreshore area which largely consists of Hawkesbury Sandstone (Colquhoun et al. 2024, eSPADE 2025). The Hawkesbury landscape typically contains raw material used by Aboriginal groups for stone toolmaking, manufacturing processes and provided an effective surface medium for producing art as well as suitable rock shelter sites (Attenbrow 2010, p. 43).

3.3.2 Hydrology and landforms

The study area is located approximately 165m northeast of the Lavender Bay foreshore, which is one of a series of bays that comprise Sydney Harbour. However, the closest freshwater sources are located over 2km away to the northwest and northeast and includes Berry Creek, Willoughby Creek and Flat Rock Creek, all of which flow into Sydney Harbour. Sydney Harbour (originally known as Port Jackson) is one of the main waterways in Sydney and one of the largest estuaries along the NSW coast (Attenbrow 2010). The vastness of the estuary and the multiple freshwater rivers that flow into it, as well as the variety of rock platforms, mudflats, mangrove forests and differing inter and non-tidal shorelines, has created an environment plentiful with a variety of different marine and freshwater resources for Aboriginal groups (Attenbrow 2010). This would have included sustenance such as fish, shellfish, water birds, crustacea and marine mammals (Attenbrow 2010).

The natural topography of the study area and the region surrounding it consists of coastal headlands, cliffs, very steep slopes and ridgetops. The study area is located on the upper slopes of a steep, slope that descends towards the Lavender Bay foreshore. The study area has been subject to significant land modification, including slope cutting and levelling. However, prior to development, the study area may have been a suitable occupation site for local Aboriginal groups due to the views over the harbour and proximity to natural resources it offered.

3.3.3 Historical land disturbance

Previous plans, maps and historical aerial imagery demonstrate that the study area was located within land that was leased to James Milson before it was subject to development in the early-mid-nineteenth century when Brisbane House and its gardens were built (Figure 4 to Figure 6). This stood until the 1920s when it was demolished for the construction of the Sydney Harbour Bridge. Additionally, Junction Street was widened to form the southern portion of the Pacific Highway leading to Sydney Harbour Bridge (North Sydney Council, n.d.).

Following the demolition of Brisbane House, it is unclear whether the area was developed during the 1930s, as the historical aeriels are of poor quality (Figure 7). However, aeriels from the 1940s clearly demonstrate that residential housing was constructed within the entirety of the study area (Figure 8). No obvious modifications or further development to these buildings is apparent in later aeriels, indicating that the study area has been consistent from the 1940s to today (Figure 9 to Figure 11).

Figure 4: c.1800s parish map showing the study area within Milson's land lease

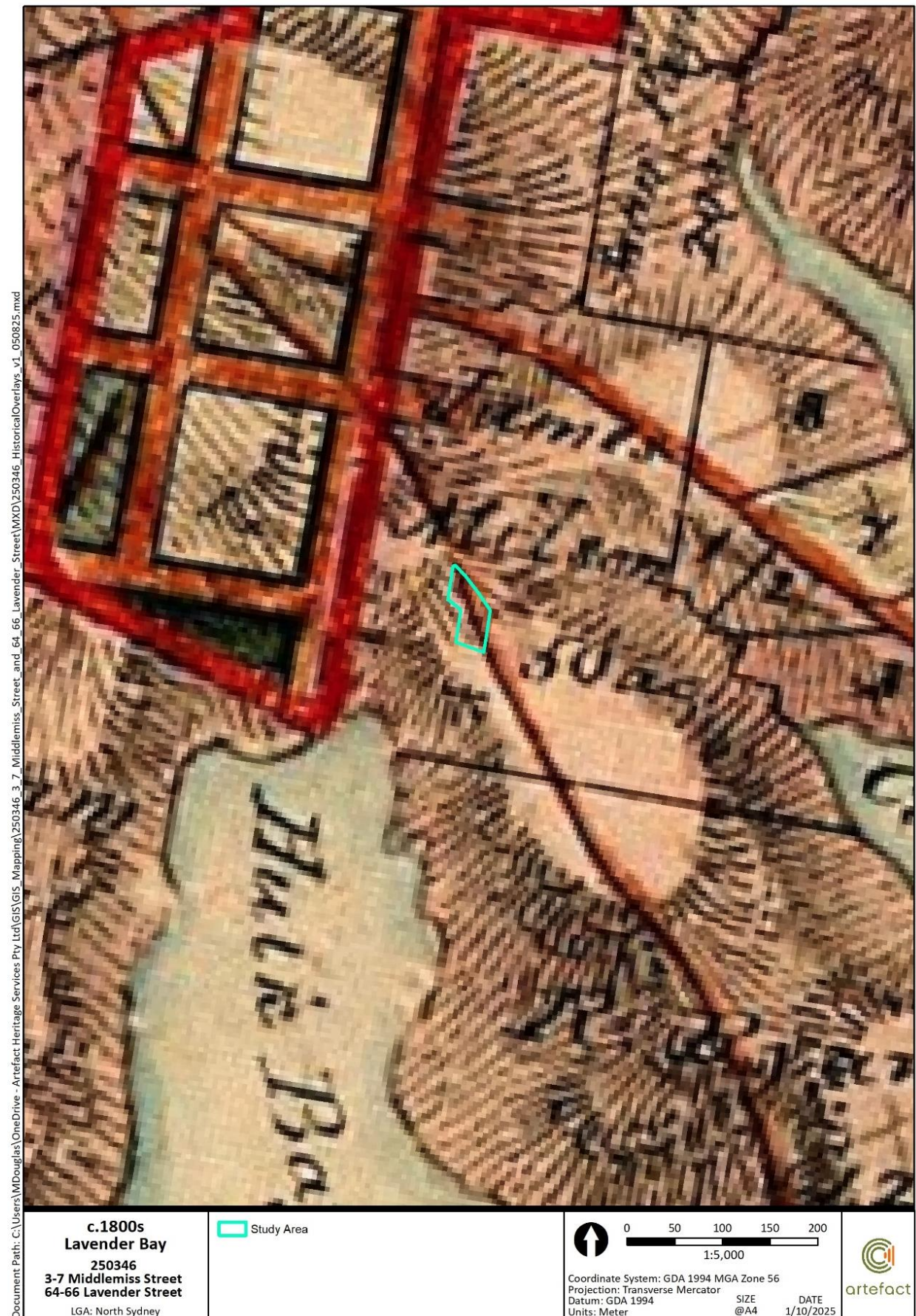


Figure 5: 1885 parish map showing the study area located within the Brisbane House and Gardens

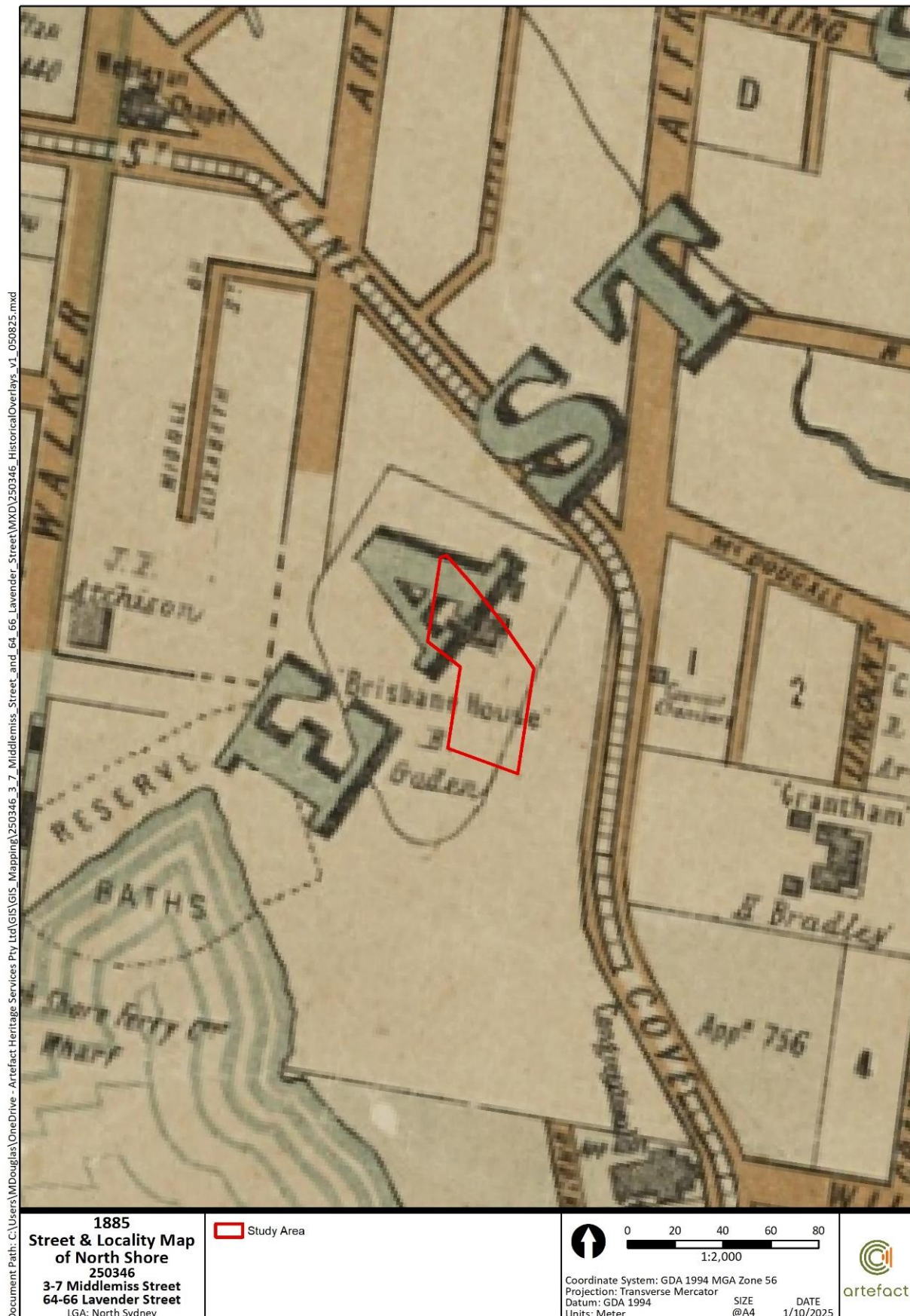


Figure 6: 1891 Water Board Block Plan showing study area located within upon former structures

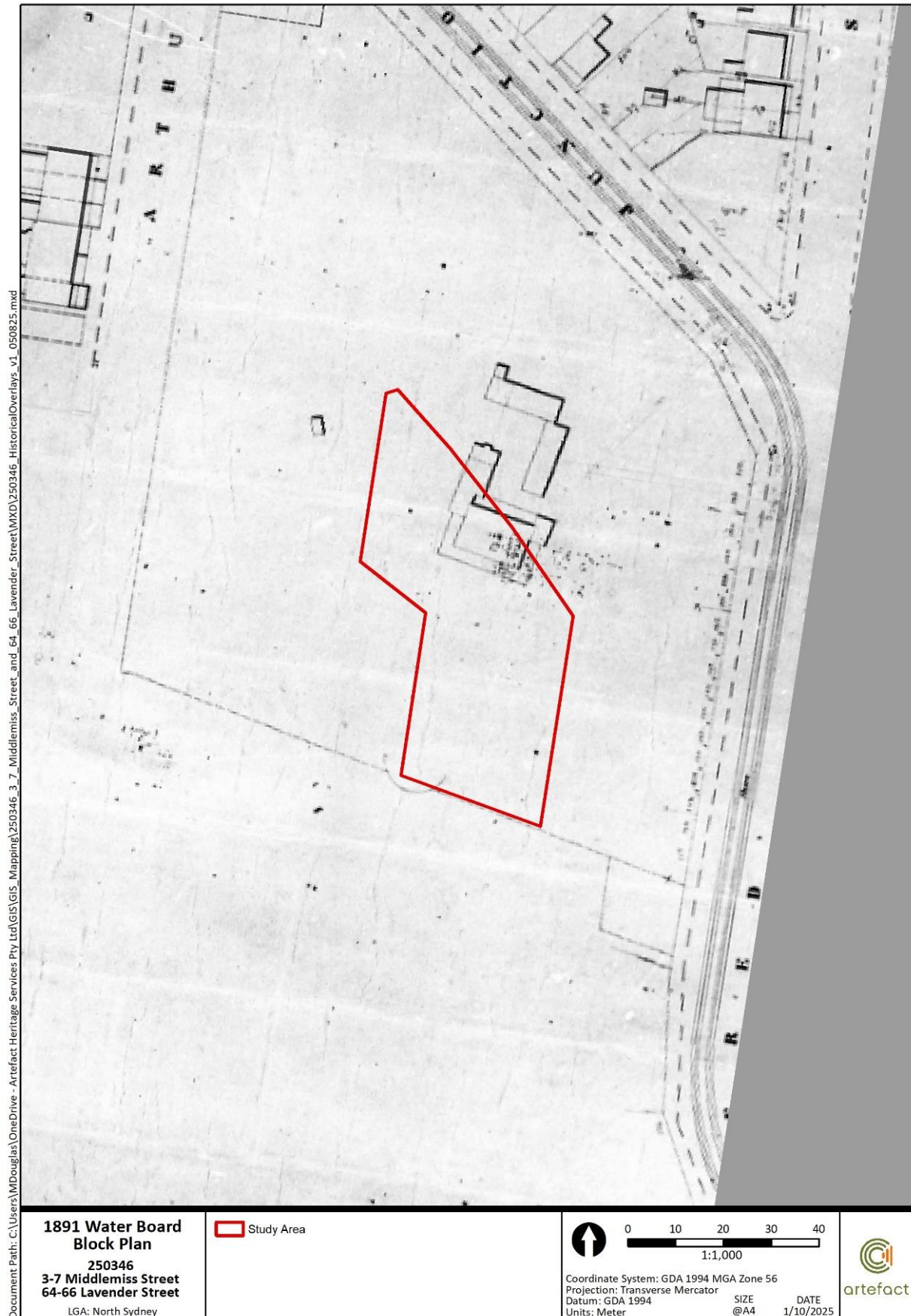


Figure 7: 1930 aerial overlay showing ambiguity whether the study area had been subject to development following Brisbane House



Figure 8: 1943 aerial overlay showing multiple residential buildings within the study area

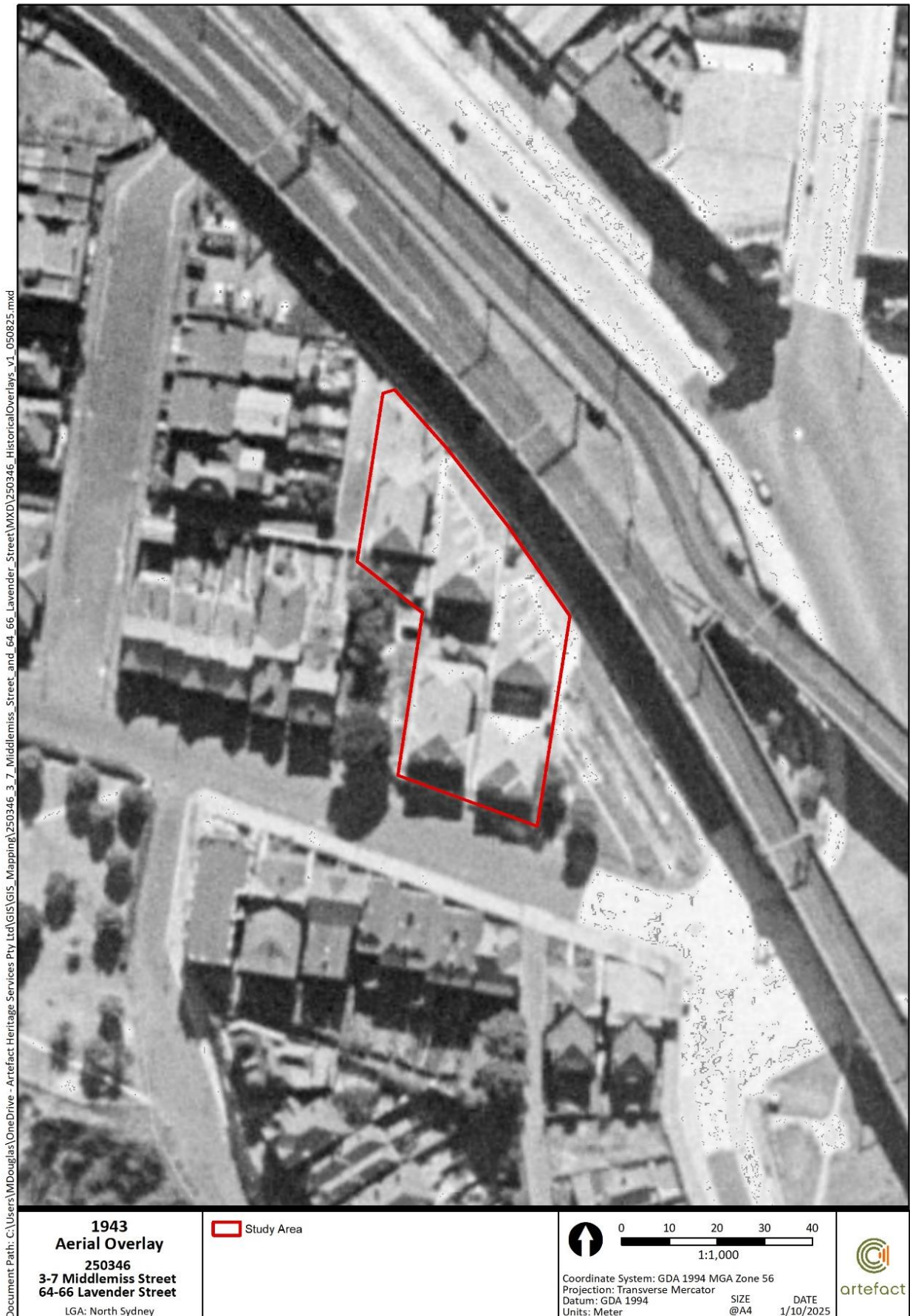


Figure 9: 1961 aerial overlay consistent with 1943

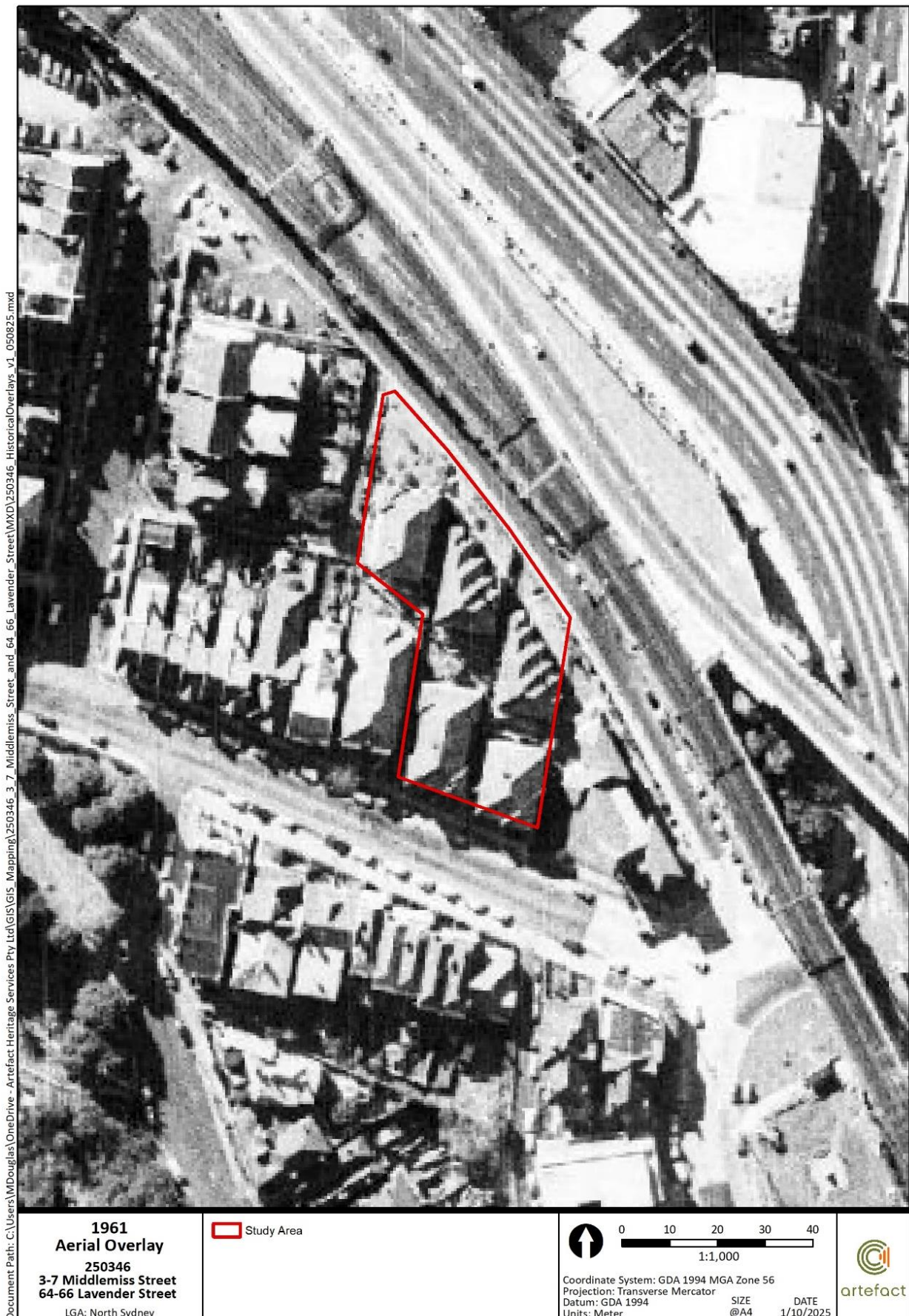
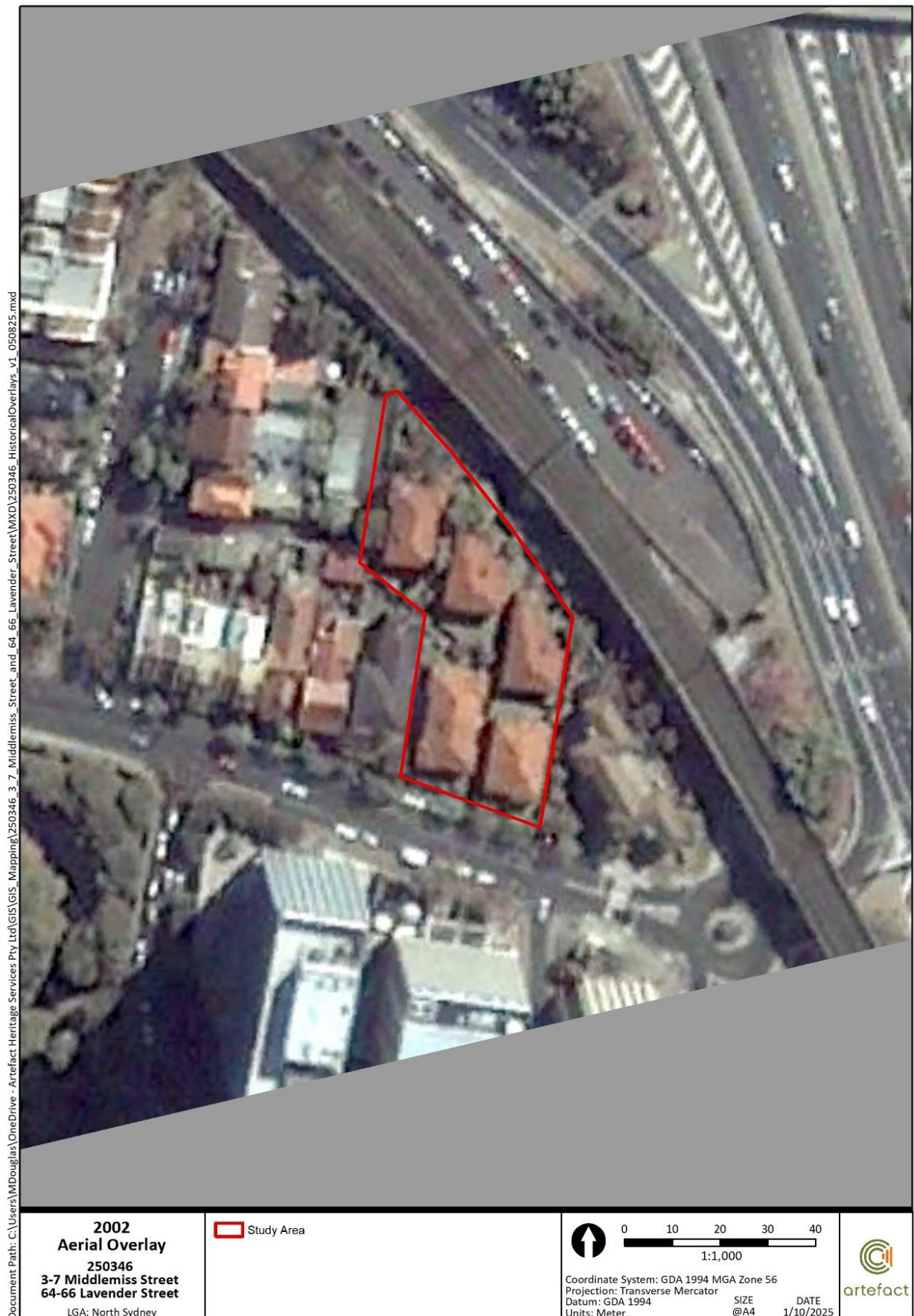


Figure 10: 1986 aerial overlay showing study area is consistent with 1943 and 1961



Figure 11: 2002 aerial overlay showing study area is consistent with 1943, 1961 and 1986



3.4 Predictive model

The predictive model comprises a series of statements regarding the nature and distribution of Aboriginal land use that is expected in the study area. Based on the synthesis of information from the results of desktop research, landscape context and previous archaeological assessment inside and surrounding the study area, the following predictive statements are made:

- Despite the study area being located within Hawkesbury Sandstone which is a landscape environment variable identified to be associated with Aboriginal objects, the study area has been subject to disturbance from the early 1830s from the construction of Brisbane House, and subsequently from residential housing built in the 1940s. Therefore, it is unlikely for Aboriginal objects to be present.

4.0 SUMMARY OF FIELD INVESTIGATIONS

An archaeological survey of the study area was completed on 13 August 2025 by Sammut Sammut (Senior Heritage Consultant, Artefact Heritage).

The study area was heavily developed with numerous residential and commercial structures, as well as significant levels of landscaping to accommodate these structures and roadways. The study area was largely taken up by residential buildings which covered the majority of the land encompassed in the study area (Figure 12). While there were no basements within these buildings, their construction and instalment of underground services has caused significant ground disturbance as there was evidence of slope / rock cutting and fill within the study area. This was most evident along the study area's Middlemiss Street and Lavender Street frontages, as well as within 3 Middlemiss Street (Figure 13 to Figure 15). This landform modification is likely to have significantly impacted any Aboriginal objects that may have been present within the study area.

Grassed areas and garden beds were within the study area and in some locations bare ground surfaces were visible (Figure 16). An imported soil layer was also observed within the study area (Figure 17). No Aboriginal objects were identified on ground surfaces during the survey.

No Aboriginal objects were identified on ground surfaces during the survey. Furthermore, despite the presence of underlying sandstone platforms numerous substantial rock cuttings within and on the boundaries of the study area would have removed any evidence of potential grinding or engraving by Aboriginal groups. As a result, no potential for Aboriginal objects was identified.

Figure 12: Overview of study area – view towards 7 Middlemiss Street



Figure 13: Sandstone bedrock underlying study area on Middlemiss Street, study area situated on top of rocky platform



Figure 14: Terracing within rear of 64 Lavender Street



Figure 15: View from 3 Middlemiss looking towards 5 Middlemiss



Figure 16: Grassed area complete with pathways and services in boundary of 3 Middlemiss Street



Figure 17: Likely imported topsoil profile observed consistently across the study area



5.0 CULTURAL HERITAGE VALUES

5.1 Methodology

The cultural assessment in this report includes information collected through desktop assessment and Aboriginal community consultation undertaken in accordance with the Consultation Requirements. This information was collected by Neve Penklis (Graduate Heritage Consultant, Artefact Heritage).

5.1.1 Cultural landscape

The World Heritage Convention of United Nations Educational, Scientific and Cultural Organisation (UNESCO) defines a cultural landscape as one which has 'powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent' (UNESCO 1991). The relationship between Aboriginal Australians and the land is conceived in spiritual terms rather than primarily in material terms (Andrews et al 2006). Aboriginal cultural knowledge has been defined as:

Accumulated knowledge which encompasses spiritual relationships, relationships with the natural environment and the sustainable use of natural resources, and relationships between people, which are reflected in language, narratives, social organisation, values, beliefs and cultural laws and custom (Andrews et al 2006).

Aboriginal cultural knowledge was traditionally bequeathed through oral traditions from generation to generation. Within all Aboriginal communities there was a time of dislocation and upheaval associated with the arrival of colonial settlers. This widespread disruption resulted in much of the detailed knowledge and understanding of many of the elements of the cultural landscape being lost from the Aboriginal community, nonetheless many Aboriginal people maintain a strong connection to the land of their ancestors and collectively possess a wealth of knowledge passed down through the generations.

5.1.2 Types of values

Aboriginal people hold significant knowledge about traditional use of land before and after contact. The landscape which encompasses the study area has cultural value of importance to the Aboriginal community. The Aboriginal community collectively holds values and knowledge that relate to:

- Traditional values: these are passed down by family and community as part of ancient tradition.
- Historical values: these are passed down by family and community and relate to the eras since colonisation; these may include information gained from historical source documents.
- Contemporary values: these are values of modern importance and relevance for Aboriginal stakeholder groups.

There is often no clear separation between these values, and they collectively co-exist with equal importance in forming the value that Aboriginal people place on landscape, cultural heritage, intangible heritage, and particular landforms or parts of the landscape.

5.2 Identified Aboriginal cultural heritage values

Table 5 provides a summary of the Aboriginal cultural heritage values associated with the study area.

Table 5: Cultural heritage values identified for the study and surroundings

Cultural heritage value	Description	Source
Traditional and contemporary	The Sydney Harbour region is known to have been a key place of occupation for Aboriginal groups in the pre- and post-contact periods. The local area in particular is within the lands of the Cammeraygal Aboriginal people who have valued and been custodians of Country for thousands of years.	Background research; Collins 1789; Currie 2008; Attenbrow 1991; Dominic Steele Consulting Archaeology 2006; GML Heritage 2017; Artefact 2023
Traditional	A deep connection to and knowledge of Country has been passed down through hundreds of generations. Traditional activities associated with this region include: • Food resources • Stone tool production and creation of fishhooks • Resource gathering, including hunting, collecting shellfish and fishing • Language • Dreamtime stories • Rock art and engraving • Firestick Farming • Modified trees • Place of ceremonies	Background research; Currie 2008; Hunter 1793; Tench 1789; Hoskins 2019; Mann c. 1890; Attenbrow 1991
Traditional and contemporary	Local animals within the harbour were culturally valued and particularly important to the Cammeraygal symbolically and as a food source, such as sharks. These animals are depicted in numerous engravings and were in some cases special places of ceremony.	Background research; Currie 2008; Hoskins 2015
Traditional and historical	Contact archaeology from the Kent, Erskine, Napoleon and Sussex Streets (KENS) site / AHIMS ID 45-6-26 site, such as flaked glass, has been identified and demonstrates how Aboriginal occupation and traditional practices have continued in the Sydney region post contact.	Dominic Steele Consulting Archaeology 2006
Traditional and historical	Trading of stone material and ochre was extensive and far-reaching. The local region contains multiple Aboriginal pathways and travelling routes used for trade and hunting, some of which have since been transformed into modern roads such as the Pacific Highway.	Background research; Currie 2008;

5.3 Aboriginal cultural values within the study area

The study area is located within the lands of the Cammeraygal Aboriginal people who greatly valued and celebrated the abundant resources once present within and surrounding the study area. The study area may have been culturally important as a place to provide good and useful views of the harbour or provided a suitable platform for rock or engravings while Aboriginal groups travelled across the landscape. However, no specific Aboriginal cultural values have been identified within the study area during the survey, background research or during consultation.

6.0 SIGNIFICANCE ASSESSMENT

A significance assessment of the scientific, social, historic and aesthetic values of the study area is included below.

6.1 Significance assessment criteria

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. The Guide (OEH 2011: 10) provides guidelines, in accordance with the Burra Charter (Australia ICOMOS 2013) for significance assessment with assessments being required to consider the following criteria:

- Social values – does the area have a strong or special association with a particular community or cultural group for social, cultural or spiritual reasons
- Historic values – is the area important to the cultural or natural history of the local area and/or region and/or state
- Scientific values - does the area have the potential to yield information that will contribute to an understanding of the cultural and natural history of the local area and/or region and/or state
- Aesthetic values – is the area important in demonstrating aesthetic characteristics in the local area and/or region and/or state.

Scientific values should be considered in light of the following criteria:

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

It is important to note that heritage significance is a dynamic value.

6.1.1 Historic value

Historic values refer to the association of place with aspects of Aboriginal history. Historic values are not necessarily reflected in physical objects, but may be intangible and relate to memories, stories or experiences.

No specific historic values have been identified within the study area.

6.1.2 Aesthetic value

Aesthetic values refer to the sensory, scenic, architectural, and creative aspects of the place. These values may be related to the landscape and are often closely associated with socio/cultural values.

The study area may have had aesthetic values prior to colonisation and historical development due to its close proximity to Sydney Harbour and the views it may have offered over the surrounding landscape.

6.1.3 Socio/cultural value

Socio/cultural heritage values should be addressed by Aboriginal people who have a connection to or interest in the area.

No specific socio/cultural values have been identified within the study area as a result of the background research and consultation to date.

6.1.4 Scientific value

No Aboriginal objects or areas of Aboriginal archaeological potential were associated with the study area. Therefore, the study area possessed no scientific value or archaeological significance.

6.2 Statement of significance

No specific historical and social/cultural significance for the study area has been identified to date, however, the study area may have possessed aesthetic values prior to colonisation and historical development. The study area has also been shown not possess any Aboriginal objects or Aboriginal archaeological potential as it has been significantly disturbed by historical land use. As such, it has no scientific significance.

7.0 IMPACT ASSESSMENT

7.1 Proposed works

The Trustee for CE Lavender Bay Trust are seeking approval to redevelop the properties known as 3-7 Middlemiss Street and 64-66 Lavender Street, Lavender Bay as State Significant Development (SSD). The proposed works includes the demolition of the current structures within the study area, and the construction of a new residential development consisting of four multi-storey towers that include the provision of affordable housing.

Figure 18: Proposed works - basement level (Source: Trustee for CE Lavender Bay Trust, August 2025)

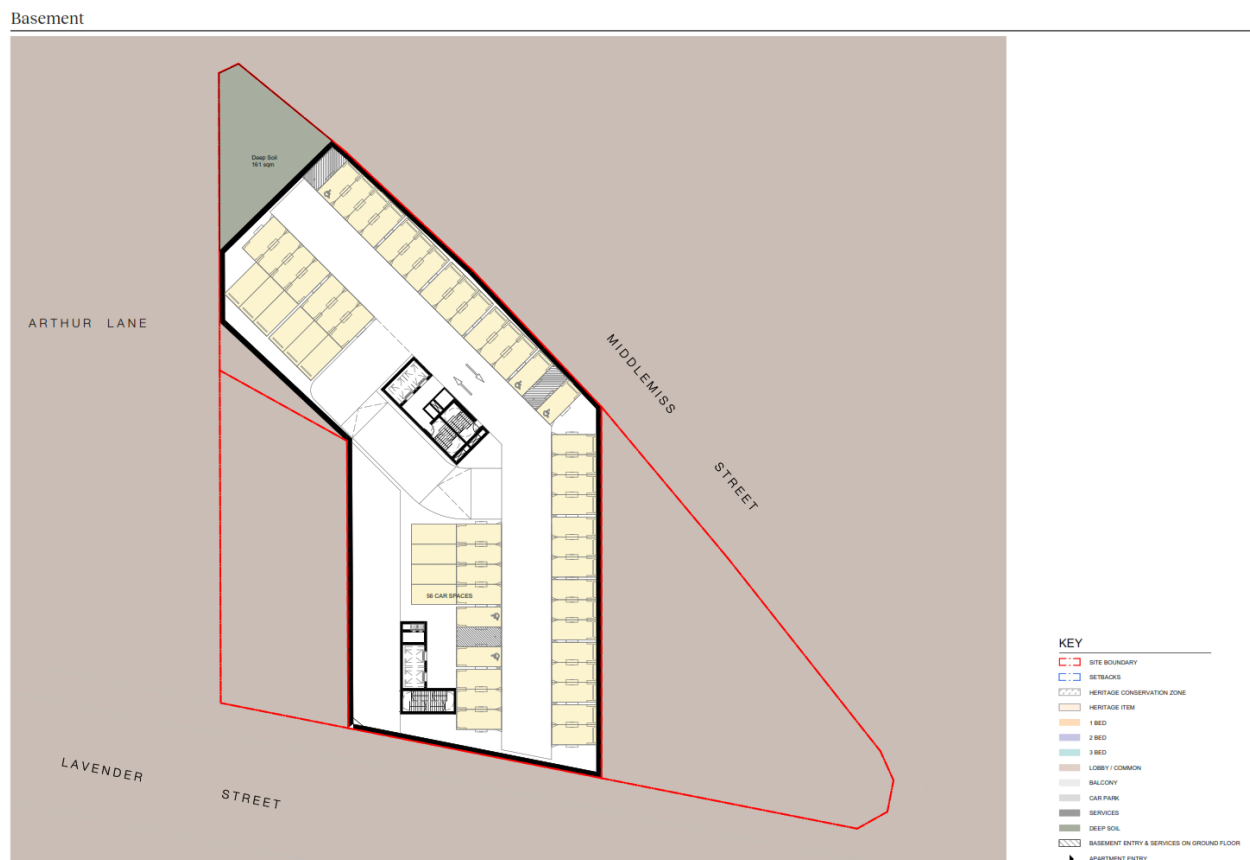


Figure 19: Proposed works - ground level (Source: Trustee for CE Lavender Bay Trust, August 2025)



7.2 Aboriginal heritage impact

This report has determined that there are no Aboriginal objects within the study area, nor is there the potential for Aboriginal objects to be present due to the historical disturbance that has occurred within the study area. As such, the proposed works would have no impact to Aboriginal heritage.

7.3 Ecological Sustainable Development principles

The Guide (OEH 2011) specifies that Ecological Sustainable Development (ESD) principles must be considered when assessing harm and recommending mitigation measures in relation to Aboriginal objects.

The following relevant ESD principles are outlined in Section 3A of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*:

- Decision-making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations (the 'integration principle')
- If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle')
- The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the 'principle of intergenerational equity').

7.3.1 The integration principle

Decision making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations (the 'integration principle'). The preparation of this ACHAR demonstrates regard for the integration principle by considering Aboriginal heritage values and impacts to these from the proposal during the planning phase. The nature of the proposal is in itself one that contributes to the long term economic and social needs of current and future residents of the area.

7.3.2 The precautionary principle

If there are threats of serious or irreversible environmental damage, lack of full scientific confidence should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle'). This ACHAR has assessed that Aboriginal objects are unlikely to be present based on significant historical disturbance within the study area.

7.3.3 The principle of intergenerational equity

The proposed works would adhere, as close as possible, to the principle of intergenerational equity by collating scientific and cultural information on former Aboriginal occupation of the study area through the previous investigations and this ACHAR. The ATR prepared an assessment of the study area and synthesised the regional character of Aboriginal objects and sites for posterity and future generations.

7.4 Cumulative impacts

A cumulative impact is an impact on Aboriginal cultural heritage resulting from the incremental impact of the action/s of a development when added to other past, present, and reasonably foreseeable future actions. As the proposed works will not impact Aboriginal cultural heritage, there will not be any cumulative impacts.

8.0 MANAGEMENT AND MITIGATION MEASURES

8.1 Guiding principles

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved.

Where unavoidable impacts occur then measures to mitigate and manage impacts are proposed. Mitigation measures primarily concern preserving the heritage values of sites beyond the physical existence of the site. The most common methods involve detailed recording of Aboriginal objects, archaeological test and salvage excavations, artefact analysis and, where appropriate, reburial of Aboriginal objects in a location determined by the RAPs.

Mitigation measures vary depending on the assessment of archaeological significance of a particular Aboriginal site and are based on its research potential, rarity, representatives and educational value. In general, the significance of a site would influence the choice of preferred conservation outcomes and appropriate mitigation measures, usually on the following basis:

- Low archaeological significance – conservation where possible. SSD Conditions of Approval would be required to impact the site before work can commence
- Moderate archaeological significance – conservation where possible. If conservation was not practicable, further archaeological investigation would be required such as salvage excavations or surface collection in accordance with the SSD Conditions of Approval.
- High archaeological significance – conservation as a priority. Where all other practical alternatives have been discounted mitigation measures such as comprehensive salvage excavations in accordance with the SSD Conditions of Approval would be required.

This report has determined that Aboriginal objects are unlikely to be present within the study area. As such, no mitigation measures are proposed. Any unexpected Aboriginal objects encountered during the development would be managed under an Unexpected Finds Procedure.

8.2 Management measures

Unexpected Finds must be managed through an Unexpected Finds Procedure (UFP), which outlines the protocols necessary in the event that any unexpected Aboriginal objects, sites or archaeological deposits are identified during the works. This procedure should be presented to the project personnel as part of site inductions for the project.

8.3 Changes to the project area

Advice provided within this ACHAR is based upon the most recent information provided by the proponent at the time of writing. Any additional areas added to the project area should be assessed by an archaeologist in consultation with the RAPs. Any changes that may impact on Aboriginal sites not assessed as part of the project may warrant further investigation and result in changes to the recommended management and mitigation measures.

9.0 CONCLUSION

9.1 Summary of findings

The report has identified the following:

- The background research identified no registered AHIMS sites were located within the study area
- The study area has been subject to significant historical ground disturbance, including land clearing, slope and rock cuttings, and leveling for the construction of residential houses and infrastructure
- No Aboriginal objects or areas of potential for Aboriginal objects were identified during the archaeological survey and background research
- While the broader landscape around the Sydney Harbour region has possesses Aboriginal cultural heritage values, no specific cultural values have been identified in association with the study area

9.2 Recommendations

Based on the above findings, the following recommendations are made:

- No further assessment or mitigation measures are necessary due to the absence of Aboriginal objects, sites and cultural heritage values for the study area, and the lack of potential for Aboriginal objects to be present
- An Unexpected Finds Procedure outlining the protocols to be followed in the event that unexpected Aboriginal objects are encountered during the works must be prepared and presented to project personnel during site inductions
- This ACHAR must be submitted as part of the EIS to fulfil the requirements of the project SEARs.
- Where there are changes to the project area or development proposal, additional archaeological assessment may be required

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APPENDIX A – TECHNICAL REPORT

APPENDIX B – CONSULTATION RECORDS



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