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SYDNEY NSW 2000**

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Chris Webster
Director
IPM Property
Via email: cwebster@ipmproperty.com.au

Dear Chris,

159-167 DARLEY STREET WEST, MONA VALE – PRELIMINARY HISTORICAL ARCHAEOLOGICAL ASSESSMENT

We refer to the proposed redevelopment of 159-167 Darley Street West, Mona Vale for which approval is sought via a State Significant Development Application (SSDA).

1. INTRODUCTION

This Preliminary Historical Archaeological Assessment (PHAA), prepared by Urbis, is submitted to the Department of Planning, Housing and Infrastructure (DPHI) on behalf of The Trustee for DREP1 Mona Vale Sub Trust (the Applicant) in support of a State Significant Development Application (SSDA), identified as SSD-91496958, for in-fill affordable housing at 159-167 Darley Street West, Mona Vale (the subject area) (Figure 1 and Figure 2).

The subject area is located approximately 23 km North of the Sydney CBD, within the Northern Beaches Local Government Area and the Metropolitan Local Aboriginal Land Council. The subject area is located at 159-167 Darley Street West, Mona Vale within the Northern Beaches Council Local Government Area (LGA). It is legally described as Lots 1-5 of DP11109 and owned by Darleydev Pty Ltd. The site has an area of approximately 6,122m², with a 76m frontage to Darley Street West to the northeast. The full legal description of the site is provided below in Table 1.

Table 1 – Legal description of the site

Address	Lot	Area
159 Darley Street	Lot 5 in DP 11108	1254 sqm
161 Darley Street	Lot 4 in DP 11108	1248 sqm
163 Darley Street	Lot 2 and 3 in DP 11108	2495 sqm
167 Darley Street	Lot 1 in DP 11108	1224 sqm

On 22 August 2025, DPHI issued Secretary's Environmental Assessment Requirements (SEARs) to the Applicant for the preparation of an Environmental Impact Statement (EIS) for the proposed development. This report has been prepared to respond to the relevant SEARs summarised in Table 2 below.

Table 2 – SEARs Requirements

Requirement	Response
22. Environmental Heritage Where there is potential for direct or indirect impacts on environmental heritage, provide a Statement of Heritage Impact and Archaeological Assessment (where required), in accordance with the relevant guidelines.	The present PHAA constitutes an initial assessment of potential impacts

This SSDA seeks consent for the design and construction of a new residential flat development comprising.

- Site preparation works including demolition, excavation and tree removal;
- Construction of three (3) x 6-storey residential flat buildings, comprising:
 - 82 apartments, including:
 - 72 market apartments;
 - 10 affordable apartments (10.5% of GFA);
 - Separate residential lobbies;
 - Communal open space;
- Construction of 1-3 storeys of basement parking, comprising:
 - 164 car parking spaces, including:
 - 156 residential spaces;
 - 8 accessible residential spaces;
 - 27 bicycle parking spaces;
 - Two (2) motorcycle parking spaces;
 - Waste and storage facilities;
- Associated landscaping, including transplanting of one (1) tree and planting of new trees and vegetation.

Full details of the proposed development are set out in the accompanying Architectural Drawings and Landscape Drawings prepared by PBD Architects and Arcadia, respectively.

The present communication considers the impacts of the works proposed sought via an SSD pathway to determine if there are any potential impacts to archaeological resources and thus determine whether a Historical Archaeological Assessment ('HAA') is required.

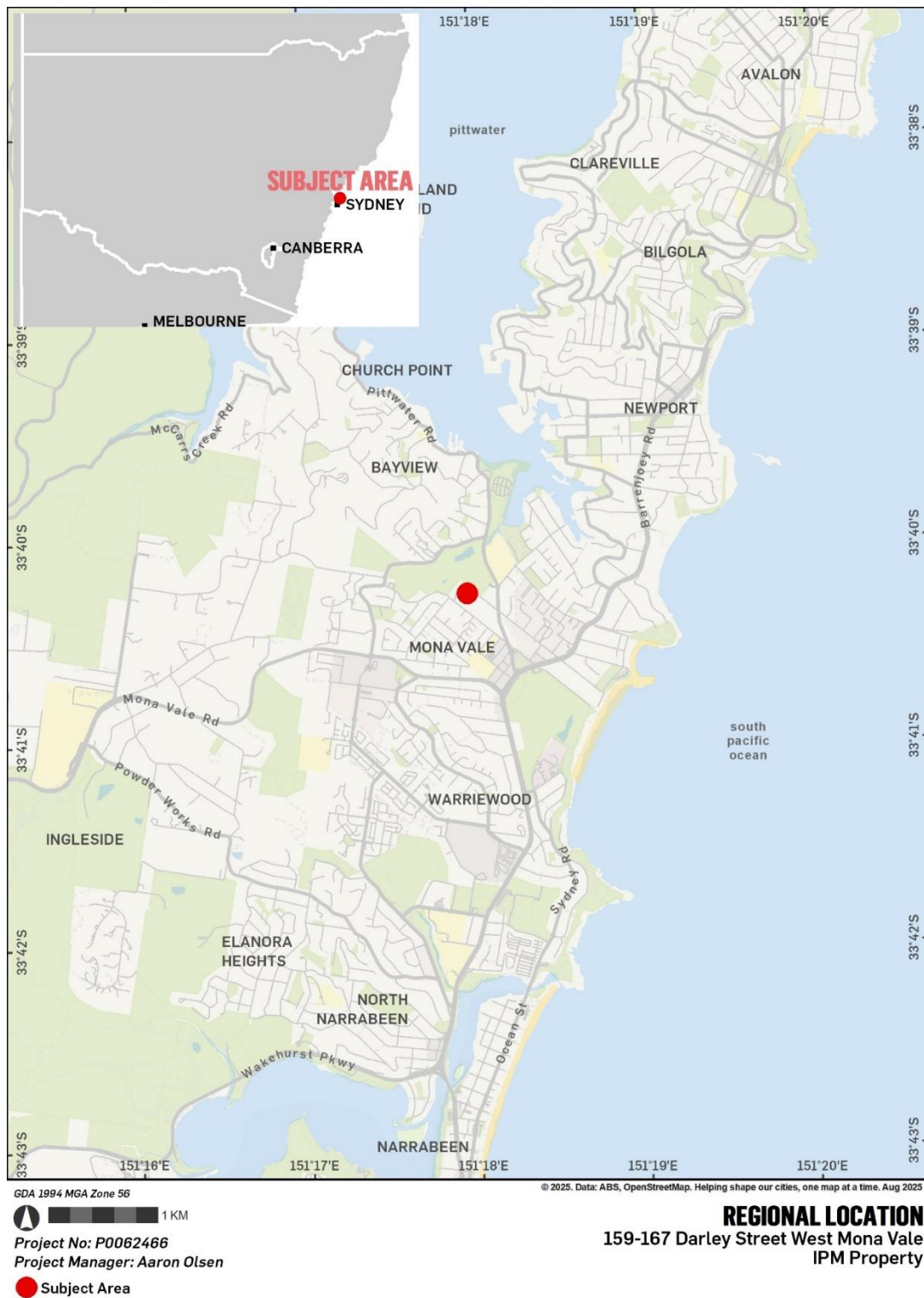


Figure 1 – Regional location of subject area



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 relating to the European occupation of the area.

Prior to European colonisation the subject area and surrounding region was inhabited by the Garigal clan, part of the traditional Guringai country, and was known as Bongin Bongin. The arrival of the Europeans in 1788 and subsequent process of colonisation disrupted the Aboriginal way of life and displaced the original occupants of the land. Land was taken and redistributed to European settlers. Robert Campbell was granted 700 acres at Bongin Bongin in 1814 (Figure 3), encompassing the subject area which he later sold to D'Arcy Wentworth.¹ In 1825, Wentworth leased the property to Martin Burke whom in turn sub-leased it to David Foley. A covenant within the lease agreement reserved cattle grazing rights to Burke, the use of single room house and half an acre of garden ground.² The dwelling and garden grounds were located to the east of the subject area (Figure 4). It is unclear if the subject area was the subject of farming at this point, but it is likely that it was cleared of timber and likely used for cattle grazing.

Upon Wentworth's death, in 1827, his estates were distributed among his heirs. The estate where the subject area is located, was inherited by Katherine Wentworth, aged 2 years old at the time. Conditions of the will established that Wentworth's lands were not to be sold but kept within the family. Katherine would go on to marry Benjamin Darley and later William Basset. The restrictions of the will would lead to the establishment of a Private Act of Parliament known as *Bassett-Darley Estates Act* of 1877 (Figure 5).³ The Bassett-Darley estate, later known as Mona Vale Estate, was subdivided and put up for sale in 1887 by Miles and Pile. A plan provided in this advertisement locates the subject area within Lot 5 of Section 1 fronting Darley Street (Figure 6). It is not clear if the land was sold then.

The broader area was utilised for military drills between the late 1890s and late 1910s and it is likely that the subject area encompassed these activities.⁴ The first available Land Title dates from 1921 listing Arthur and Elizabeth Gray as co-proprietors and includes a plan illustrating the boundaries of the property lined with post holes (Figure 7).⁵ A second subdivision was carried shortly after, in 1923, dividing the land into 42 smaller lots, all purchased by James Gilmour, of which Lots 1 to 5 compose the subject area as it stands today (Figure 8).⁶ Historical records still do not provide further detail regarding land use or development of the site however it was known that the market gardeners lived on Darley Street in 1926.⁷

¹ *Mona Vale*. Northern Beaches Council, accessed 12/08/2025, <https://northernbeaches.recollect.net.au/nodes/view/13521>

² *The Murder of David Foley*, Pittwater Online News, accessed 12/08/2025, <https://www.pittwateronlinenews.com/themurderofdavidfoleybyshealaghchampionoam.php>

³ Dawson, Tony, *Bassett-Darley Estate*, Dictionary of Sydney, 2008, accessed 12/08/2025 https://dictionaryofsydney.org/entry/bassett_darley_estate

⁴ *Coastal Defences In World War Two: The Dee Why to Warriewood Sections - VP Day 2025*, , Pittwater Online News, accessed 12/08/2025, <https://www.pittwateronlinenews.com/history.php>

⁵ HLRV Volume 3263 Folio 77, accessed 12/08/2025

⁶ HLRV Volume 3543 Folio 7, accessed 12/08/2025

⁷ *1926 Part 7 - Suburban Directory - Randwick to Waterloo* (01/01/1926 - 31/12/1926), [A-01136694]. City of Sydney Archives, accessed 12/08/2025, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1899443>

The first recorded development of the subject area is provided via aerial imagery. A 1940 aerial image depicts structures on eastern portion of the land, possibly a residence and greenhouses while the remaining land is mostly cleared of vegetation with a few medium size trees (Figure 9). The following year only the residence stands on the northeastern corner (Figure 10). By 1955 two new residences are established on central and western portions (Figure 11) and by 1965 vegetation has grown covering the southern portion of the subject area (Figure 12). By 1971 a pool has been added to the rear of the western residence. Between 1971 and 2025 the subject area is covered in vegetation except for the established residential structures (Figure 13 to Figure 15 – 2025 Aerial Imagery (subject area outlined in red)).



Figure 3 - c. 1820s Narrabeen Parish Map with later annotations (subject area outlined in red)

Source: [HLRV]



Figure 4 - Land at Mona Vale, formerly David Foley's Bungin farm. Mona Vale views: Mona Vale, circa 1924 (subject area direction indicated by red arrow located to the west)

Source: [State Library of NSW - Call Number 1 – 15675]



Figure 5 - 1886 Bassett Darley Estate - Mills & Pile (subject area outlined in red)

Source: [State Library NSW c050400027]



Figure 6 - 1887 Mona Vale, Pitwater, Mills & Pile (subject area outlined in red)

Source: [State Library NSW FL9033218]



Figure 7 – 1921 Land Tile plan (subject area outlined in red)

Source: [HLRV Vol. 3263 Fol. 77]

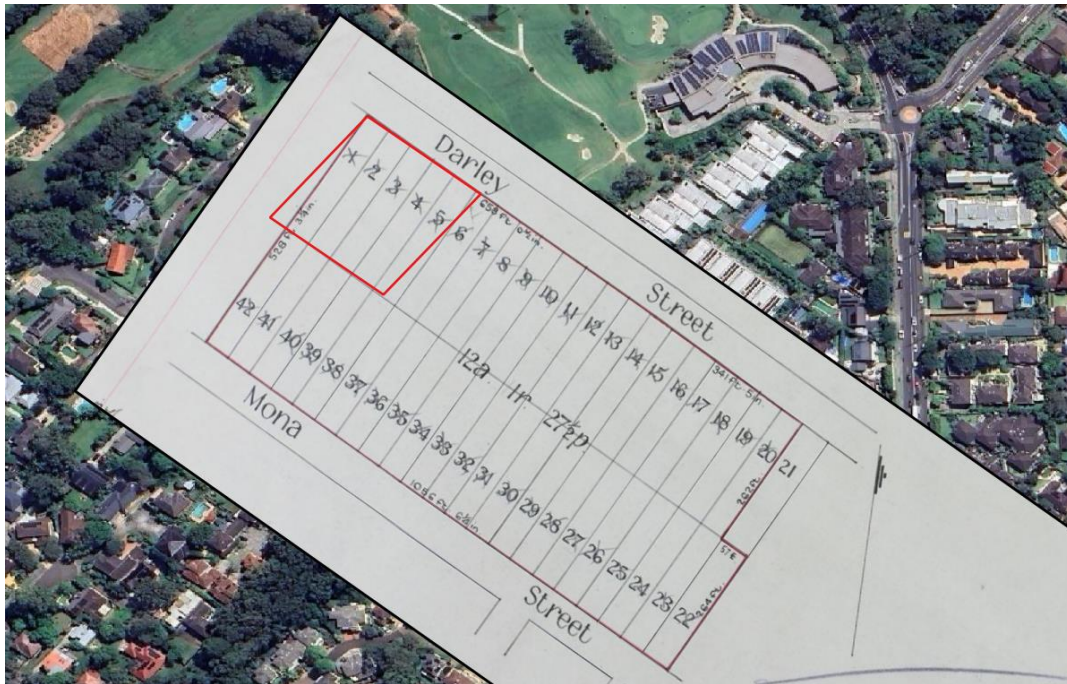


Figure 8 - 1923 Land Tile plan (subject area outlined in red)

Source: [HLRV Vol. 3543 Fol. 7]



Figure 9 – 1940 Aerial Imagery (subject area outlined in red)

Source: [CHAPC MAP3175_frame4570]



Figure 10 – 1941 Aerial Imagery (subject area outlined in red)

Source: [CHAPC MAP1310_frame4082]



Figure 11 – 1955 Aerial Imagery (subject area outlined in red)

Source: [SixMaps – Historical Imagery Viewer]



Figure 12 - 1965 Aerial Imagery (subject area outlined in red)

Source: [SixMaps – Historical Imagery Viewer]



Figure 13 – 1971 Aerial Imagery (subject area outlined in red)

Source: [SixMaps – Historical Imagery Viewer]



Figure 14 - 1994 Aerial Imagery (subject area outlined in red)

Source: [SixMaps – Historical Imagery Viewer]

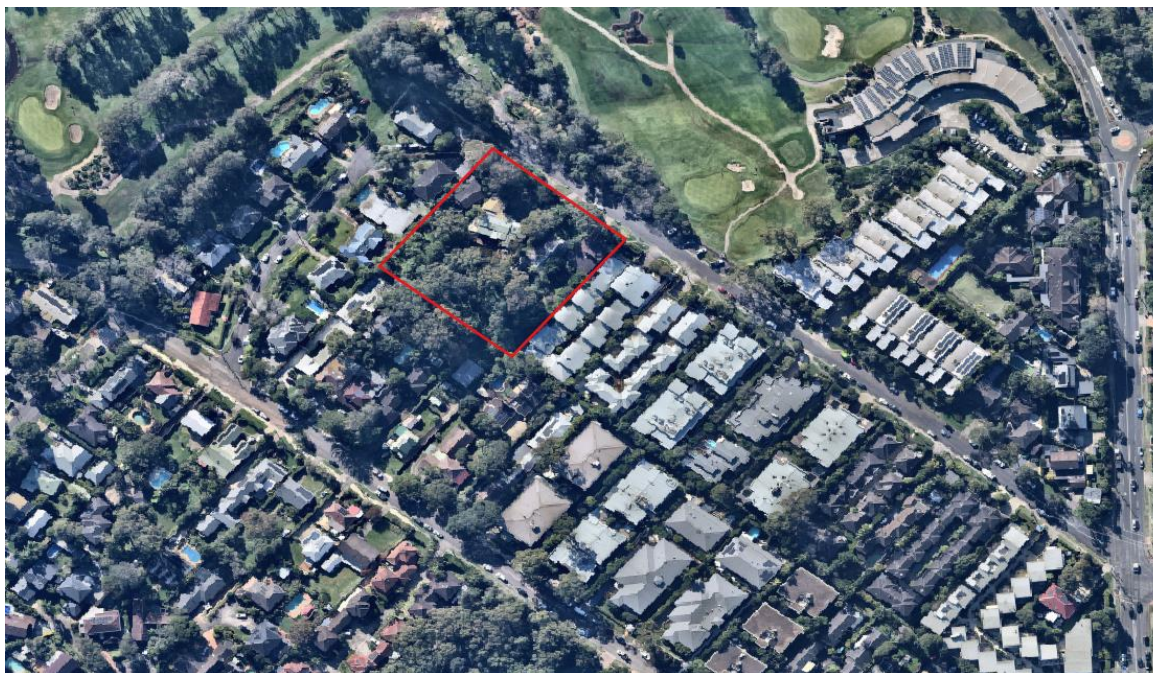


Figure 15 – 2025 Aerial Imagery (subject area outlined in red)

Source: [NearMap]

3. ARCHAEOLOGICAL RESOURCES

Any physical evidence of past human activity can be considered an archaeological resource, even very recent structures and objects.⁸ 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 EPBC Act *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 12 August 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 12 August 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

⁸ Heritage Office and Department of Urban Affairs and Planning 1996, *Archaeological Assessment Guidelines*

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 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.

The earliest material likely to be found within the subject area relates to the early 20th century land use associated with market gardens. While the subject area was subject to tree clearing and potentially farming, during the mid to late 19th century, such evidence is ephemeral in nature and likely highly disturbed by the subsequent residential development from the mid-20th century.

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 proposed development involves the demolition of the existing site structures and the construction of three residential apartment structures, each three-storeys high, overlying a combined basement. The basement is shown to extend between one and three basement levels below existing ground level.

The lowest basement level is proposed to have a Finished Floor Level of RL 3.7 m. A Bulk Excavation Level RL 3.5 m is assumed, which includes allowance for the construction of the basement slab. To achieve the bulk excavation level, excavation depths up to 9.0m Below Existing Ground Level has been estimated. Locally deeper excavations may be required for footings, lift overrun pits, crane pads, and service trenches. The proposed basement extends approximately 14 m from the north-western boundary, 7 m from the north-eastern boundary, 3 m from the southeastern boundary and 31 m from the south-western boundary (EI Australia 2025). Plans of the proposed development are provided in Figure 16 and Figure 17.

As discussed in the preceding Section, 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 thresholds requirements of the definition of a ‘relic’ under the Heritage Act.

Therefore, the works proposed works sought under an SSD are unlikely to impact any archaeological resources which would be considered relics. A Historical Archaeological Assessment (HAA) would not be required.

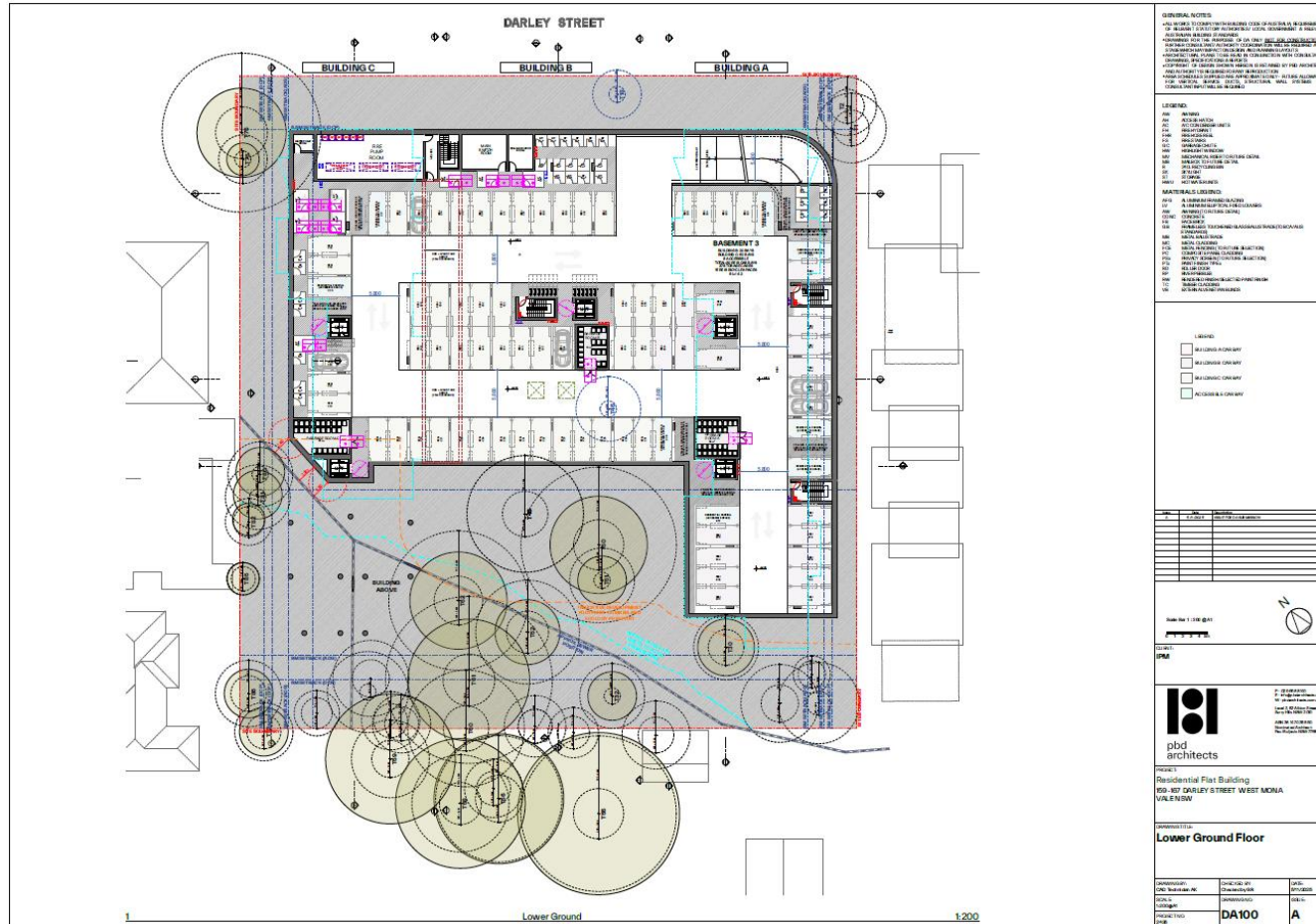


Figure 16 - Extract of lower ground floor plan

Source: PBD Architects (DA100 A – 05/11/2025)

Source: PBD Architects (DA301 A – 05/11/2025 P2)

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 sought under an SSD.

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

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 the 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.

6. SUMMARY

The above findings are summarised as follows:

- No listed archaeological items have been identified within the subject that are protected under the EPBC Act or Heritage Act.
- It is unlikely that the subject area retains any archaeological resources that would meet the thresholds requirements of the definition of a 'relic' under the Heritage Act due to the relatively mid to late 20th century disturbance of the subject area that is likely to have removed any earlier archaeological resources.
- Consequently, the works proposed works sought under an SSD are unlikely to impact any relevant historical archaeological resources.
- A Historical Archaeological Assessment is therefore considered unnecessary for the project sought via an SSD pathway, subject to the unexpected finds and human remains procedures outlined above being implemented during the proposed works.

Yours faithfully,

A handwritten signature in black ink, appearing to read "A Byrne".

Ali Byrne
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