

Aboriginal Objects Due Diligence Assessment

*159–167 Darley Street West,
Mona Vale NSW*

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Acknowledgment of Country

Urbis acknowledges the Traditional Custodians of the lands we operate on. We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years. We pay our respects to First Nations Elders, past and present.

Urbis is committed to incorporating our respect for First Nations cultures, peoples and storytelling in our work across the Country. We are proud to have partnered with Darug Nation artist, **Hayley Pigram**, and to profile her artwork – **Sacred River Dreaming**.



The river is the symbol of the Dreaming and the journey of life. The circles and lines represent people meeting and connections across time and space. When we are working in different places, we can still be connected and work towards the same goal.

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Contents

Glossary	4
Executive Summary	7
1 Introduction	10
1.1 Subject Area	11
1.2 Proposed Works	11
1.3 Statutory Controls	12
1.4 Methodology	13
1.5 Limitations	14
2 Aboriginal Cultural Heritage	20
2.1 Archaeological Context	20
2.2 Environmental Context	24
2.3 Visual Inspection	29
2.4 Summary	32
3 Due Diligence Assessment	34
4 Conclusions & Recommendations	36
5 References	39
Disclaimer	40

Figures

Figure 1 – Regional location of subject area	15
Figure 2 – Subject area	16
Figure 3 – Extract of lower ground floor plan Source: PBD Architects	17
Figure 4 – Extract of basement section Source: PBD Architects	18
Figure 5 – Heritage items near subject area	22
Figure 6 – Location of Aboriginal sites registered in AHIMS area	23
Figure 7 – Topography	25
Figure 8 – Soil landscapes and hydrology	26
Figure 9 – Historical Aerial Imagery from 1940 Source: NSW Government, Historical Imagery Viewer	28

Figure 10 – Historical Aerial Imagery from 1955 Source: NSW Government, Historical Imagery Viewer	28
Figure 11 – Historical Aerial Imagery from 1965 Source: NSW Government, Historical Imagery Viewer	28
Figure 12 – Historical Aerial Imagery from 1971 Source: NSW Government, Historical Imagery Viewer	28
Figure 13 – Historical Aerial Imagery from 1994 Source: NSW Government, Historical Imagery Viewer	28
Figure 14 – Historical Aerial Imagery from 2025 Source: NSW Government, Historical Imagery Viewer	28
Figure 15 – 159 Darley St front yard	29
Figure 16 – 159 Darley St backyard	29
Figure 18 – 161 Darley St front yard	30
Figure 19 – 161 Darley St backyard	30
Figure 20 – 163 Darley St front yard	30
Figure 21 – 163 Darley St backyard	30
Figure 22 – 163 Darley St backyard	30
Figure 23 – 163 A Darley St front yard	30
Figure 24 – 163 A Darley St backyard	31
Figure 25 – 163 A Darley St backyard pool	31
Figure 26 – 163 A Darley St backyard	31
Figure 27 – 167 Darley St front yard	31
Figure 28 – 167 Darley St backyard	31
Figure 29 – 167 Darley St backyard	31

Tables

Table 1 – SEARs Requirements	10
Table 2 – Legal description of the site	11
Table 3 – Registered Aboriginal sites in AHIMS search area	20

Glossary

Term	Definition
Aboriginal ceremony and dreaming site	Previously referred to as mythological sites, these are spiritual/story places where no physical evidence of previous use of the place may occur, e.g. natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places etc. These are Aboriginal site features recordable on AHIMS.
Aboriginal cultural heritage	The tangible (objects) and intangible (dreaming stories, legends and places) cultural practices and traditions associated with past and present-day Aboriginal communities.
Aboriginal object	As defined in the NPW Act, any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
Aboriginal place	As defined in the NPW Act, any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects.
Aboriginal resource and gathering sites	Related to everyday activities such as food gathering, hunting, or collection and manufacture of materials and goods for use or trade. These are Aboriginal site features recordable on AHIMS.
AHIMS	Aboriginal Heritage Information Management System. A register of previously reported Aboriginal objects and Aboriginal places in NSW, managed under Section 90 of the NPW Act.
AHIP	Aboriginal Heritage Impact Permit. A permit issued under Section 90, Division 2 of Part 6 of the NPW Act.
Archaeology	The scientific study of material remains of past human life, including artefacts, relics, ruins, buildings and their environment and context.
Art	Art is found in shelters, overhangs and across rock formations. Techniques include painting, drawing, scratching, carving engraving, pitting, conjoining, abrading and the use of a range of binding agents and the use of natural pigments obtained from clays, charcoal and plants. These are Aboriginal site features recordable on AHIMS.
Artefact	Objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Artefact scatter	Multiple artefacts associated with one another in the same context. These are recordable on AHIMS as 'artefacts'.
Burial	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g. in caves,

marked by stone cairns, in sand areas, along creek banks etc. These are Aboriginal site features recordable on AHIMS.

Ceremonial ring	A Raised earth ring associated with ceremony. These are Aboriginal site features recordable on AHIMS.
Cliff	A steep rock face
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW 2010b).
Conflict site	Previously referred to as massacre sites where confrontations occurred between Aboriginal and non-Aboriginal people, or between different Aboriginal groups. These are Aboriginal site features recordable on AHIMS.
DECCW	Department of Environment, Climate Change and Water NSW.
Due Diligence Code	<i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (DECCW 2010a)
Dune	As defined in the Due Diligence Code, a sand ridge or sand hill formed by the wind.
Earth mound	A mounded deposit of round to oval shape containing baked clay lumps, ash, charcoal and, usually, black or dark grey sediment. The deposit may be compacted or loose and ashy. Mounds may contain various economic remains such as mussel shell and bone as well as stone artefacts. Occasionally they contain burials. These are Aboriginal site features recordable on AHIMS.
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EP&BC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth)
Fish trap	A modified area on watercourses where fish were trapped for short-term storage and gathering. These are Aboriginal site features recordable on AHIMS.
Grinding grooves	A groove in a rock surface resulting from manufacture of stone tools such as ground edge hatchets and spears, or rounded depressions resulting from grinding of seeds and grains. These are Aboriginal site features recordable on AHIMS.
Harm	As defined in the NPW Act, to destroy, deface, damage or move an Aboriginal object or destroy, deface or damage a declared Aboriginal place. Harm may be direct or indirect (e.g. through increased visitation or erosion). Harm does not include something that is trivial or negligible.
Habitation structure	Structures constructed by Aboriginal people for short- or long-term shelter. Temporary structures are commonly preserved away from the coastline and may include historic camps of contemporary significance. Smaller structures may make use of natural materials such as branches, logs and bark sheets or manufactured materials such as corrugated iron to form shelters. Archaeological remains of a former structure such as chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc. These are Aboriginal site features recordable on AHIMS.
Headland	A narrow piece of coastal land that projects from a coastline into the sea or ocean
Hearth	Aboriginal site feature recordable on AHIMS. Cultural deposit sometimes marked by hearth stones, usually also contains charcoal and may also contain heat treated stone fragments.

Isolated find	A single artefact found in an isolated context. These are recordable on AHIMS as 'artefacts'.
Modified Trees	Trees which show the marks of modification as a result of cutting of bark from the trunk for use in the production of shields, canoes, boomerangs, burials shrouds, for medicinal purposes, foot holds etc, or alternately intentional carving of the heartwood of the tree to form a permanent marker to indicate ceremonial use/significance of a nearby area, again these carvings may also act as territorial or burial markers. These are Aboriginal site features recordable on AHIMS.
Non-human bone and organic material	Objects which can be found within cultural deposits as components of an Aboriginal site such as fish or mammal bones, ochres, cached objects which may otherwise have broken down such as resin, twine, dilly bags, nets etc. These are Aboriginal site features recordable on AHIMS.
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2019</i>
Ochre quarry	A source of ochre used for ceremonial occasions, burials, trade and artwork. These are Aboriginal site features recordable on AHIMS.
PAD	A 'potential archaeological deposit'. An area where Aboriginal objects may occur below the ground surface. These are Aboriginal site features recordable on AHIMS.
Ridge	A compound landform element comprising a narrow crest that is longer than its width
Ridge top (or ridgeline)	The crest of a ridge that extends along its highest contours
Shell	An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering and consumption. Usually found in deposits previously referred to as 'shell middens.' These are Aboriginal site features recordable on AHIMS.
SSDA	State Significant Development Application, under Division 4.7 of the EP&A Act
Stone arrangement	Human produced arrangements of stone usually associated with ceremonial activities, or used as markers for territorial limits or to mark/protect burials. These are Aboriginal site features recordable on AHIMS.
Stone quarry	A source of stone which was quarried and used for the production of stone tools by Aboriginal people. These are Aboriginal site features recordable on AHIMS.
Waterhole	A source of fresh water for Aboriginal groups which may have traditional ceremonial or dreaming significance and/or may also be used to the present day as a rich resource gathering area (e.g. waterbirds, eels, clays, reeds etc). These are Aboriginal site features recordable on AHIMS.
Waters	As defined in the Due Diligence Code, the whole or any part of any river, stream, lake, lagoon, swamp, wetlands, natural watercourse and tidal waters (including the sea), where the boundary of tidal waters is defined as the high-water mark.

Executive Summary

This Aboriginal Due Diligence (ADD) report, prepared by Urbis, is submitted to the Department of Planning, Housing and Infrastructure (DPHI) on behalf of The Trustee for DREPI 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').

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;

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 ADD was undertaken to determine whether any Aboriginal objects or Aboriginal places are likely to be harmed by the proposed development of the subject area.

The ADD was undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW, 2010) ('Due Diligence Code') and included the following:

- Searches of the Australian Heritage Database ('AHD'), Aboriginal Heritage Information Management System ('AHIMS') and State Heritage Inventory ('SHI')
- Review of previous archaeological assessments relevant to the subject area
- Landscape analysis
- Analysis of historical land use and its impact on the subject area
- Visual inspection of the subject area

The present due diligence assessment concluded that:

- 1) Proposed works are not considered as a "low impact activity" and will disturb the ground surface.
- 2) There are no known Aboriginal objects or Aboriginal places within the curtilage of the subject area.
- 3) There are no previous studies directly addressing the present subject area that indicate Aboriginal objects are likely to be retained within the subject area.
- 4) There are no relevant landscape features within the vicinity of the subject area.
- 5) The subject area has undergone clear and observable ground disturbance that has changed the lands surface.
- 6) No further investigation in the form of an Aboriginal Cultural Heritage Assessment (ACHA) is required.

Based on the above conclusions, Urbis recommends the following:

▪ **Recommendation 1 – Record Keeping**

This ADD report should be kept as evidence of the Due Diligence Process having been applied to the subject area.

▪ **Recommendation 2 – No Further Investigation**

No further investigation is required (ACHA not required). The development may proceed with caution, subject to the following archaeological chance finds and human remains procedures being implemented and followed.

▪ **Recommendation 3 – Unexpected Archaeological Finds Procedure**

Should any archaeological deposits be uncovered during any site works, the following steps must be followed:

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. 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. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS).
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area 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.

▪ **Recommendation 4 – Human Remains Procedure**

In the unlikely event that human remains are uncovered during the proposed works, the following steps must be followed:

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, Heritage NSW and site representatives.
5. Works are not to recommence until the find has been appropriately managed.

1

Introduction

- 1.1. **Subject Area**
- 1.2. **Proposed Works**
- 1.3. **Statutory Context**
- 1.4. **Methodology**
- 1.5. **Limitations**

1 Introduction

This Aboriginal Due Diligence (ADD) report, prepared by Urbis, is submitted to the Department of Planning, Housing and Infrastructure (DPHI) on behalf of The Trustee for DREPI 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'). The regional location and boundary of the subject area are shown in Figure 1 and Figure 2, respectively.

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 the table below.

Table 1 – SEARs Requirements

SEARs Requirements		Section of Report where response is provided
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. rezoning or development application, or - Providing an initial assessment of the potential impacts.	The present ADD constitutes an initial assessment of potential impacts
	If the 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.	The present ADD has concluded that proposed works will not impact potential Aboriginal archaeology within the subject area. As such, an ACHAR is not required.

Therefore, the present ADD has been prepared to meet the SEARs requirements for the project's approval.

The ADD has been prepared to meet the requirements for due diligence under the *National Parks and Wildlife Act 1974* (NSW). The ADD follows the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010a) ('the Due Diligence Code') and aims to establish whether any Aboriginal objects or Aboriginal places would be harmed, or would be likely to be harmed, by the proposed activity and to ascertain whether further investigation is required.

1.1 Subject Area

The site is located at 159–167 Darley Street West, Mona Vale within the Northern Beaches Council Local Government Area (LGA) and within the administrative bounds of the Metropolitan Local Aboriginal Land Council (MLALC). 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 2.

Table 2 – 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

1.2 Proposed Works

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;

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

Plans of the proposed development are provided in Figure 3 and Figure 4.

1.3 Statutory Controls

1.3.1 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (Cth) ('the EPBC Act') provides protection for properties and places listed on the World Heritage List ('WHL'), the National Heritage List ('NHL') and the Commonwealth Heritage List ('CHL').

The WHL is a list of properties around the world considered to be of outstanding value to humanity, the NHL is a list of places of outstanding significance to the nation and the CHL is a list heritage places owned or controlled by the Australian Government. The WHL, NHL and CHL may include properties and places of Aboriginal heritage significance, in addition to places of natural and historical significance.

It is an offence under sections 15A, 15C, 27A and 27C of the EPBC Act to take any action that is likely to have a significant impact of the relevant heritage values of a place listed on the WHL, NHL or CHL. Approval from the Minister is required for controlled actions which will have a significant impact on items and places included on the WHL, NHL or CHL.

Properties and places listed on the WHL, NHL or CHL, are included in the Australian Heritage Database ('AHD'). The AHD also includes places under consideration, or that may have been considered, for any one of these lists. A search of the AHD was undertaken on 11 August 2025. The search did not identify any Aboriginal heritage properties or places within the curtilage of the subject area that are protected under the EPBC Act.

1.3.2 The National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NSW) ('the NPW Act') and *National Parks and Wildlife Regulation 2019* (NSW) ('the NPW Reg') protect 'Aboriginal objects' and 'Aboriginal places' in NSW.

The NPW Act defines 'Aboriginal objects' and 'Aboriginal places' as follows:

- **Aboriginal object** means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.
- **Aboriginal place** means any place, which may or may not contain Aboriginal objects, that is declared to be an Aboriginal place under section 84 of the NPW Act because it is or was of special significance with respect to Aboriginal culture.

Under section 86 of the NPW Act, it is an offence to harm or desecrate an Aboriginal object or Aboriginal place. Section 87 of the NPW Act provides the following defences to prosecution under s. 86 of the NPW Act:

- The harm was to a previously unknown Aboriginal object, other than a modified tree, and was caused by a low impact activity as defined in reg. 58 of the NPW Reg.
- The harm was to a previously unknown Aboriginal object and due diligence was exercised by the Proponent to determine whether the activity would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed, per section 87(2) of the NPW Act.
- The harm or desecration was authorised by an Aboriginal Heritage Impact Permit ('AHIP'), per section 87(1) of the NPW Act.
- The harm or desecration was authorised by an approved State Significant Development Application, per section 4.41(1)(d) of the *Environmental Planning and Assessment Act 1979* (NSW).

Regulation 58 of the NPW Reg defines 'low impact' activities as:

- Maintenance of existing roads, fire and other trails and tracks and existing utilities and other similar services, on disturbed land.

- Farming and land management work for cropping and leaving paddocks fallow, the construction of water storage works, the construction of fences, the construction of irrigation infrastructure, ground water bores or flood mitigation works, or the construction of erosion control or soil conservation works (such as contour banks), on disturbed land.
- Farming and land management work that involved the maintenance of existing grain, fibre or fertiliser storage areas, existing water storage works, existing irrigation infrastructure, ground water bores or flood mitigation works, existing fences, or existing erosion control or soil conservation works.
- The grazing of animals.
- An activity on land that has been disturbed that comprises exempt development or was the subject of a complying development certificate issued under the *Environmental Planning and Assessment Act 1979*.
- Mining exploration work that involved costeaning, bulk sampling or drilling, on disturbed land.
- Geological mapping, surface geophysical surveys (excluding seismic surveys), sub-surface geophysical surveys that involve downhole logging and sampling and coring using hand-held equipment (except when carried out as part of an archaeological investigation).
- The removal of isolated, dead or dying vegetation, but only if there is minimal disturbance to the surrounding ground surface.
- Seismic surveying and the construction and maintenance of ground water monitoring bores on disturbed land.
- Environmental rehabilitation work (excluding erosion control or soil conservation works).

For the purposes of the above, land is 'disturbed' if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable (reg. 58(4)).

The proposed works described in Section 1.2 above are not 'low impact' activities as defined in reg. 58 of the NPW Reg. Therefore, the present ADD was undertaken to exercise due diligence to determine whether the proposed activity would harm an Aboriginal object or Aboriginal place.

1.4 Methodology

In accordance with section 87(3) of the NPW Act, due diligence may be exercised by compliance with the requirements set out in the NPW Regulation or a code of practice adopted or prescribed by the NPW Regulation.

The present ADD was undertaken in accordance with the generic due diligence process described in Section 8 of the Due Diligence Code. It is noted that there is an inconsistency between the due diligence process depicted in the flowchart on page 10 of the Due Diligence Code and the process described on pages 11 to 14. The latter was adopted in *Williams v Graham* [2016] NSWLEC 151 and has been applied for the present ADD.

The ADD included the following:

- Searches of the Australian Heritage Database ('AHD'), Aboriginal Heritage Information Management System ('AHIMS') and State Heritage Inventory ('SHI')
- Review of previous archaeological assessments relevant to the subject area
- Landscape analysis
- Analysis of historical land use and its impact on the subject area
- Visual inspection of the subject area

1.5 Limitations

The ADD is limited to consideration of Aboriginal objects and places. Historical heritage properties and places protected under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) and historical heritage items and relics protected under the *Heritage Act 1977* (NSW) are not considered.

The ADD is limited to the due diligence process outlined in the Due Diligence Code. The ADD did not include consultation with the Aboriginal community or consideration of intangible cultural heritage.



GDA 1994 MGA Zone 56

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● Subject Area

REGIONAL LOCATION
159-167 Darley Street West Mona Vale
IPM Property

Figure 1 – Regional location of subject area



GDA 1994 MGA Zone 56

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Project Manager: Aaron Olsen

Subject Area — Contours

LOCATION OF THE SUBJECT AREA
159-167 Darley Street West Mona Vale
IPM Property

Figure 2 – Subject area

2

Aboriginal Cultural Heritage

2.1. Archaeological Context

2.1.1. Declared Aboriginal Places

2.1.2. Registered Aboriginal Objects

2.1.3. Previous Archaeological Investigations

2.2. Environmental Context

2.2.1. Landscape Features

2.2.2. Historical Ground Disturbance

2.3. Visual Inspection

2.4. Summary

2 Aboriginal Cultural Heritage

The following discussion of archaeological context, environmental context and the visual inspection of the subject area provides the relevant background information necessary for applying the due diligence process to the subject area.

2.1 Archaeological Context

2.1.1 Declared Aboriginal Places

The NSW State Heritage Inventory (SHI) includes all declared Aboriginal places within NSW, in addition to historic heritage items listed on the State Heritage Register (SHR), listed Interim Heritage Orders (IHOs) and items listed on Local Environment Plans (LEPs) and State Environmental Planning Policies (SEPPs).

A search of the SHI was undertaken on 11 August 2025. Items listed on the SHI in the vicinity of the subject area are shown in Figure 5. The search did not identify any heritage items within the curtilage of the subject area. No items of Aboriginal heritage significance were identified within the vicinity of the subject area.

2.1.2 Registered Aboriginal Objects

The Aboriginal Heritage Information Management System (AHIMS) is a database of registered Aboriginal sites in NSW. Each registered Aboriginal site includes one or more site 'features', which may be considered an Aboriginal object under the NPW Act.

The *Guide to completing the AHIMS Site Recording Form* (OEH 2012) lists 20 different features that may be recorded on AHIMS. The most common site features registered in NSW are artefacts, modified trees, art, grinding grooves and shell deposits (see Glossary for definitions). However, the likelihood of any particular site feature being found will vary according to region and environment. Less common site features that are encountered are burials, ceremonial rings, earth mounds, fish traps, habitation structures, hearths, non-human bone and organic material, ochre quarries, stone arrangements and stone quarries (see Glossary for definitions).

Other Aboriginal site features that are recorded on AHIMS but are not necessarily 'Aboriginal objects' within the meaning of that term as it is defined in the NPW Act (i.e. are not a 'deposit, object or material evidence... relating to the Aboriginal habitation of the area') are potential archaeological deposits (PADs), Aboriginal ceremony and dreaming sites, Aboriginal resource and gathering sites, conflict sites and waterholes (see Glossary for definitions). These features are only considered to be 'Aboriginal objects' for the purpose of the NPW Act if accompanied by at least one of the other site types defined above.

The AHIMS database also provides information on the context of registered Aboriginal sites. Sites that are recorded as 'closed' context s are those that include a cave or rock overhang, while all other sites are recorded as 'open' context.

It should be noted that the AHIMS register does not represent a comprehensive list of all Aboriginal objects or places as it is limited to sites that have been previously identified and registered. Registration is typically the result of previous archaeological investigation, so the number of registered Aboriginal sites in area is dependent on the amount of such research previously undertaken.

A search of the Aboriginal Heritage Information Management System (AHIMS) was carried out on 08 August 2025 (AHIMS Client Service IDs: 1031428) for an area of approximately 1 km x 1 km centred on the subject area. A summary of all previously registered Aboriginal objects and Aboriginal places within the search area is provided in Table 3 and their spatial distribution is shown in Figure 6. The Basic and Extensive AHIMS search results are included in Appendix A.

The search did not identify any Aboriginal objects or Aboriginal places within the curtilage of the subject area. The results of the search are discussed below.

Table 3 – Registered Aboriginal sites in AHIMS search area

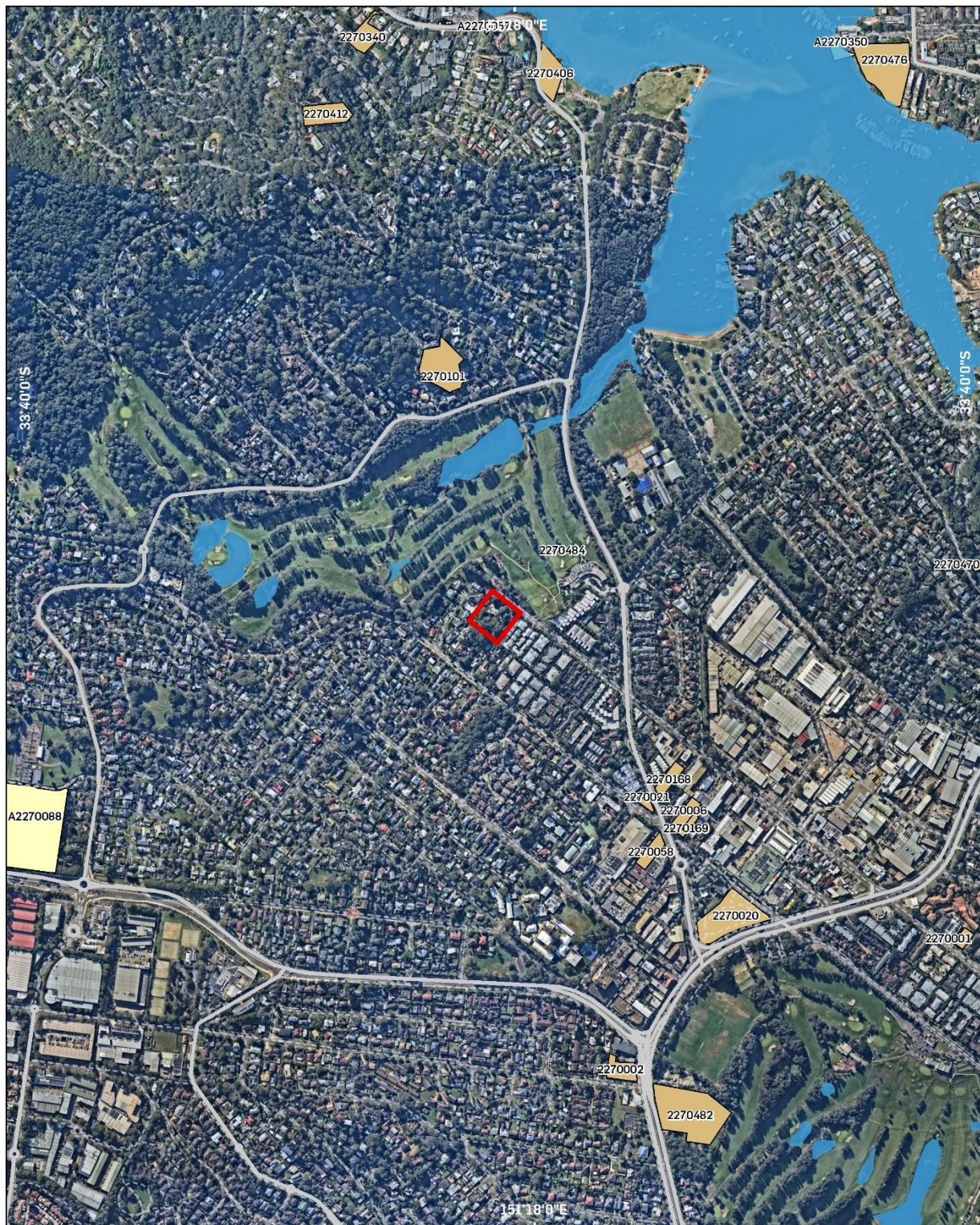
Site Type	Context	Number	% of Sites
Shelter with midden	Closed site	1	100

The search of the broader region around the subject area was undertaken to determine if: (i) there are any registered Aboriginal sites near the subject area that might extend into it; and (ii) to determine if there is any association of Aboriginal sites certain landscape features within the broader region that may be instructive for determining the likelihood of Aboriginal sites within the subject area.

In the broader search area, one Aboriginal site was identified shown in Figure 6. The search did not identify any Aboriginal objects or places within 500 m of the subject area. The nearest Aboriginal site was a shell midden site (AHIMS ID# 45-6-1440) located approximately 800 m north of the subject area.

2.1.3 Previous Archaeological Investigations

Previous archaeological investigations may provide information on known or potential Aboriginal archaeological resources in a subject area. No relevant investigations have been identified that relate directly to the present subject area



GDA 1994 MGA Zone 56

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Project No: P0062466

Project Manager: Aaron Olsen

■ Subject Area
 ■ Hydrology
 ■ Item - Archaeological
 ■ Item - General

HISTORICAL HERITAGE ITEMS
 159-167 Darley Street West Mona Vale
 IPM Property

Figure 5 – Heritage items near subject area



GDA 1994 MGA Zone 56 © 2025. Data: ABS, OpenStreetMap, Nearmap. Helping shape our cities, one map at a time. Aug 2025

Project No: P0062466
Project Manager: Aaron Olsen

159-167 Darley Street West Mona Vale
IPM Property

- Subject Area
- Contours
- Ephemeral
- Hydrology
- Shell, Artefact / Closed Site

Figure 6 – Location of Aboriginal sites registered in AHIMS area

2.2 Environmental Context

2.2.1 Landscape Features

Aboriginal objects may be associated with certain landscape features that played a part in the everyday lives and traditional cultural activities of Aboriginal people. The Due Diligence Code specifies the following landscape features are indicative of likely past Aboriginal land use:

- Areas within 200 m of waters including freshwater and the high tide mark of shorelines.
- Areas located within a sand dune system.
- Areas located on a ridge top, ridge line or headland.
- Areas located within 200 m below or above a cliff face.
- Areas within 20 m of or in a cave, rock shelter, or a cave mouth.

The above landscape features are defined in the Glossary of this report. Only the terms 'waters' and 'dune' are explicitly defined in the Due Diligence Code.

2.2.1.1 Hydrology

The nearest natural water source to the subject area is Cahill Creek, located approximately 90 m northwest. As such, the subject area is within 200 metres of waters and does contain a sensitive landscape feature related to its topography.

2.2.1.2 Topography

The subject area is located on the mid slope of a north-south aligned ridge (Figure 7). It is not located on a ridge top, ridge line or headland, within 200 m below or above a cliff face or within 20 m of or in a cave, rock shelter, or a cave mouth.

2.2.1.3 Soils and Geology

The NSW Soil and Land Information System (SALIS) provides information on expected soil landscapes within NSW. The subject area falls within the Erina soil landscape (Figure 8).

The Erina soil landscape consists of a fine sandy loam or a loam-fine sandy with weakly pedal structure and rough-faced, porous fabric. It usually occurs as topsoil (A1 horizon). They are usually rough faced and porous. Colour is commonly brownish black (10YR 2/2) but can range from black (10YR 2/1) to brown (7.5YR 4/4). The pH ranges from strongly acid (pH 4.5) to slightly acid (pH 6.0). Transitioning to a sandy clay loam or occasionally silty clay loam with hard setting apedal massive structure and slowly porous earthy fabric. This material usually occurs as an A2 horizon. Colour ranges from dull yellowish-brown (10YR 5/6) to brown (10YR 4/6, 10YR 4/4, 10YR 5/4). The pH ranges from moderately acid (pH 5.0) to slightly acid (pH 6.5).

Finally, coming onto a sandy clay to medium clay with strongly pedal structure and porous, rough-faced ped fabric. It commonly occurs as subsoil on sandstone bedrock (B horizon). Colours are generally yellowish-brown (10YR 7/6, 10YR 5/8, 10YR 6/6) dull yellow orange (10YR 6/4), or orange (7.5YR 6/8). The pH ranges from strongly acid (pH 4.0) to neutral (pH 7.0).

A geotechnical assessment of the subject area was undertaken by EI Australia in February 2025 to provide preliminary comment and recommendations on likely subsurface conditions and identify any geotechnical issues for the proposed development. As such, geotechnical investigation targeting the general area of the site, consisting of five (5) boreholes.

On average, boreholes within the subject area contained 500 mm of a silty sand fill before transitioning to silty clay that continues for 2300-4500 mm before transitioning to a sandy clay for 1000-2000 mm before encountering sandstone bedrock.

Based on the above, the geotechnical investigations confirm that the culturally sensitive A1 and A2 horizons consisting of loams have since been removed and as result, the subject area in its current state would not be considered a sensitive landscape.

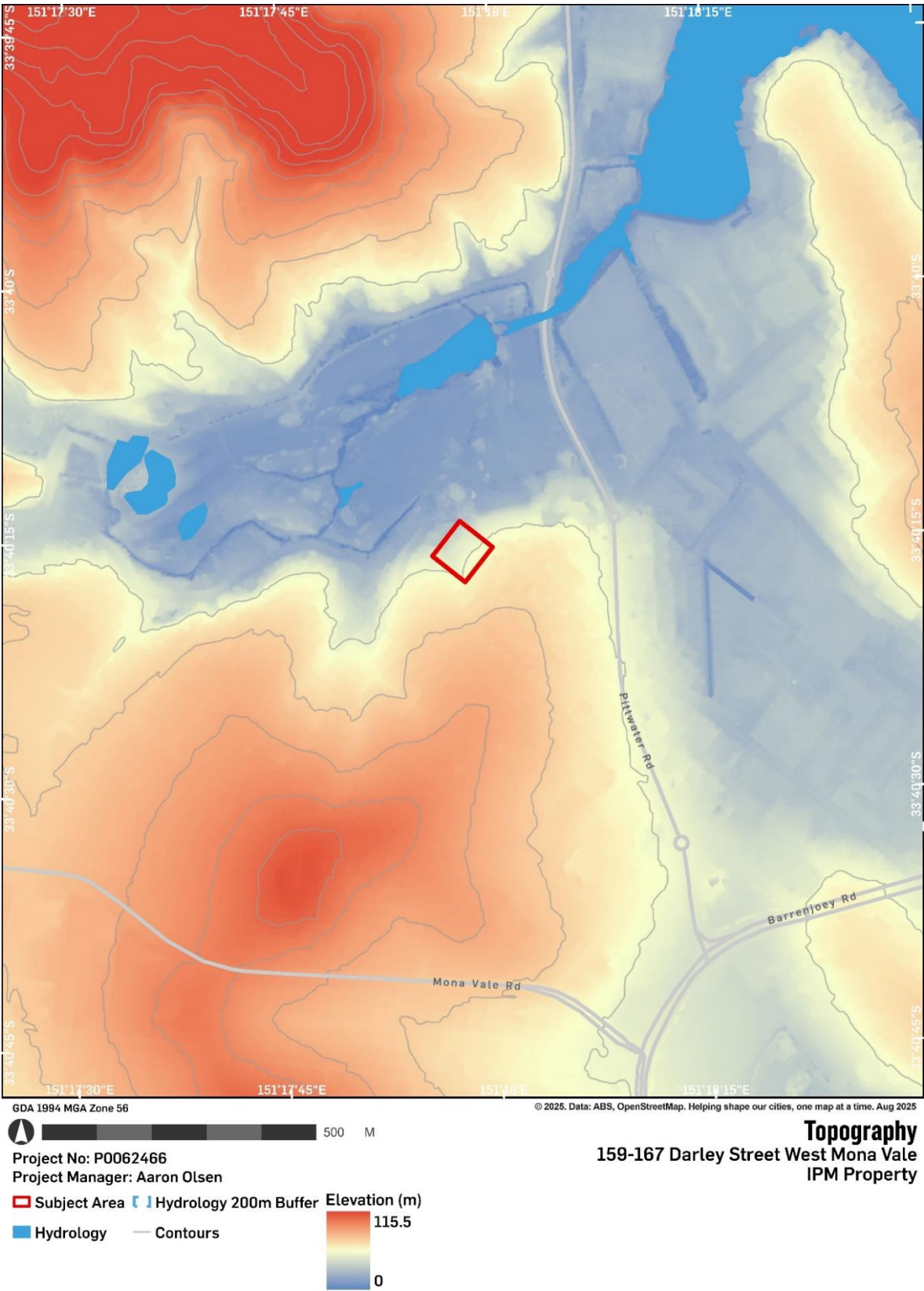


Figure 7 - Topography

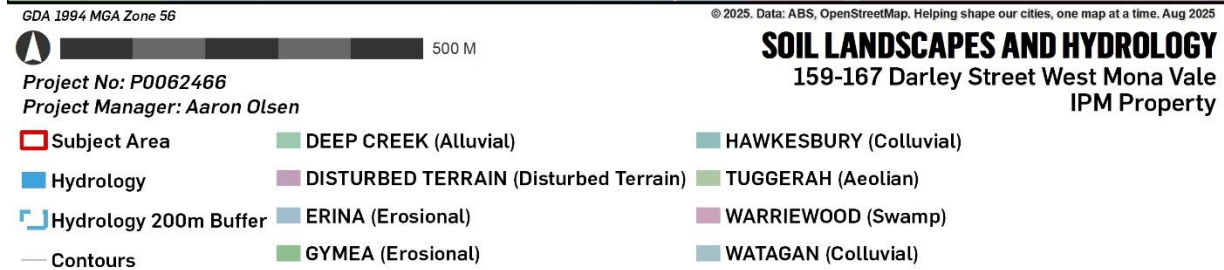
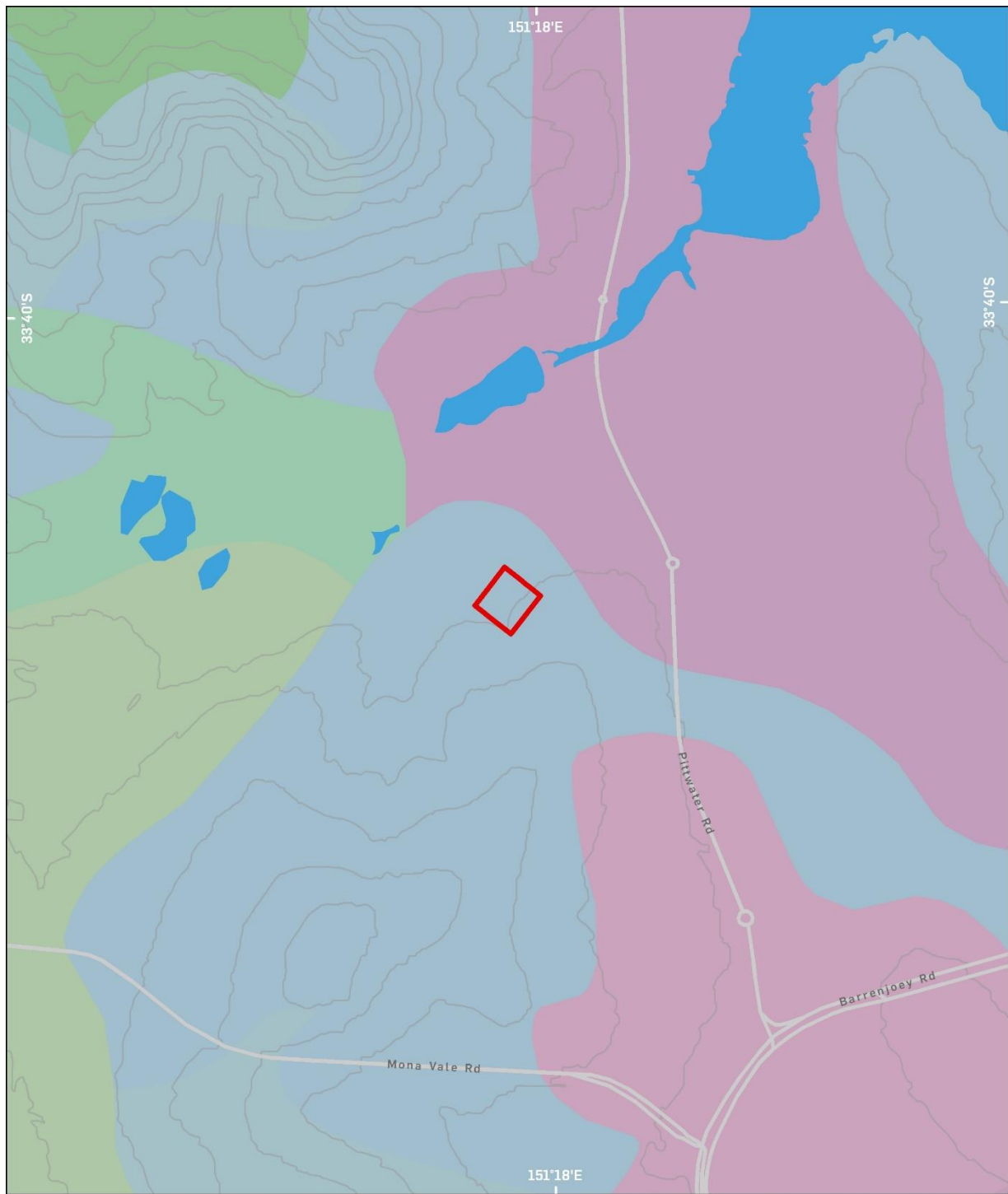


Figure 8 – Soil landscapes and hydrology

2.2.2 Historical Ground Disturbance

Disturbance to the landscape after Aboriginal use reduces the likelihood for Aboriginal objects being retained, either through destruction of the Aboriginal objects or their removal.

According to the Due Diligence Code, land is disturbed if it has been the subject of a human activity that has changed the surface of the land, being changes that remain clear and observable. The Due Diligence Code provides the following examples of activities that may have disturbed land:

- Ploughing
- Construction of rural infrastructure (such as dams and fences)
- Construction of roads, trails and tracks (including fire trails and tracks and walking tracks)
- Clearing vegetation
- Construction of buildings and the erection of other structures
- Construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure)
- Construction of earthworks

For thousands of years prior to the establishment of the Sydney colony in 1788, the Guringai people lived in the in the Pittwater region now part of the Northern Beaches area in which the subject area is located. The subject area was part of 700 acres first granted to Robert Campbell in 1814. Given that the subject area was part of a larger land grant, it likely underwent land clearance and agricultural activities during the 19th century. However, no evidence has been found to indicate any specific historical activities occurring within the study area at this time.

Historical records do not provide further detail regarding land use or development of the site however it was known that market gardeners lived on Darley Street in 1926. The first recorded development of the subject area is provided via aerial imagery. A 1940 aerial image depicts structures on the eastern portion of the land, possibly a residence and greenhouses while the remaining land is mostly cleared of vegetation with a few medium sized trees (Figure 9). By 1955 two new residences are established on the central and western portions (Figure 10) and by 1965 vegetation had covered the southern portion of the subject area (Figure 11). By 1971 a pool was added to the rear of the western residence. Between 1971 and 2025 the subject area was covered in vegetation except for the established residential structures (Figure 12–Figure 14).

Clear and observable ground disturbance within the subject area including likely land use as market gardens, construction and subsequent redevelopment of residential dwellings, landscaping of yard spaces, and excavation of swimming pools is likely to have significantly impacted the ground surface. This is supported by the geotechnical investigations confirming that the culturally sensitive A1 and A2 horizons consisting of loams have since been removed.



Figure 9 – Historical Aerial Imagery from 1940
Source: NSW Government, Historical Imagery Viewer



Figure 10 – Historical Aerial Imagery from 1955
Source: NSW Government, Historical Imagery Viewer



Figure 11 – Historical Aerial Imagery from 1965
Source: NSW Government, Historical Imagery Viewer



Figure 12 – Historical Aerial Imagery from 1971
Source: NSW Government, Historical Imagery Viewer



Figure 13 – Historical Aerial Imagery from 1994
Source: NSW Government, Historical Imagery Viewer

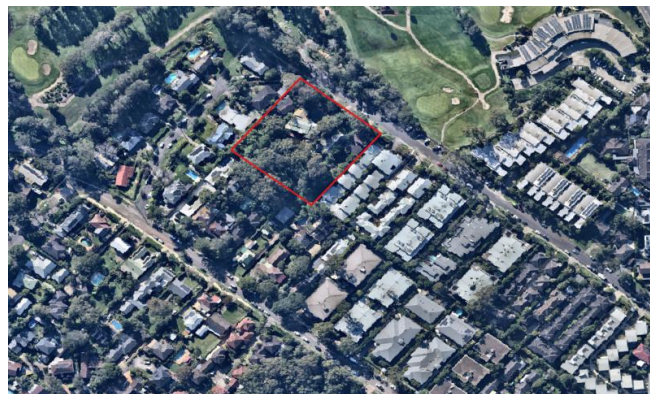


Figure 14 – Historical Aerial Imagery from 2025
Source: NSW Government, Historical Imagery Viewer

2.3 Visual Inspection

A visual inspection of the subject area was undertaken to further investigate the environmental context of the subject area and to determine if any Aboriginal objects were present as surface expressions. The visual inspection of the subject area was undertaken by Urbis Consultant Pedro Silva on 21 August 2025.

The visual inspection was undertaken in overcast conditions. Ground Surface Visibility (GSV) was estimated to be about 0% across the subject area due to surfaces being covered by turfing, gravel, brick, sandstone or concrete surfaces (driveways and footpaths) and mulched garden beds.

No Aboriginal objects were identified during the visual inspection.

The visual inspection confirmed that the entire site has been subject to various degrees of disturbance including the construction of the existing dwellings (Figure 15- Figure 28), such as a pool located in the rear of the subject area (Figure 24). Heavy landscaping was evident throughout the site as well as concrete surfaces for driveways and footpaths (Figure 20-22). Various service pits, drainage systems and plumbing connections were also identified (Figure 21 & 24).

Given the disturbances mentioned above, our visual inspection confirmed the high ground disturbance identified in the desktop research.



Figure 15 – 159 Darley St front yard.



Figure 16 – 159 Darley St backyard.



Figure 17 – 161 Darley St front yard.



Figure 18 – 161 Darley St backyard.



Figure 19 – 163 Darley St front yard.



Figure 20 – 163 Darley St backyard.



Figure 21 – 163 Darley St backyard.



Figure 22 – 163 A Darley St front yard.



Figure 23 – 163 A Darley St backyard.



Figure 24 – 163 A Darley St backyard pool.



Figure 25 – 163 A Darley St backyard.



Figure 26 – 167 Darley St front yard.



Figure 27 – 167 Darley St backyard.



Figure 28 – 167 Darley St backyard.

2.4 Summary

The archaeological and environmental contexts of the subject area are summarised as follows:

- There are no known Aboriginal objects, or Aboriginal places registered within the curtilage of the subject area or within proximity.
- There are no previous studies directly addressing the present subject area that indicate Aboriginal objects are likely to be retained within the subject area.
- There are no sensitive landscape features, that would indicate past Aboriginal land use.
- There is clear and observable ground disturbance that was identified by the desktop assessment and later confirmed by the visual inspection.

3

Due Diligence Assessment

As outlined in Section 8 of the Due Diligence Code

3 Due Diligence Assessment

The due diligence process outlined in the Section 8 of the Due Diligence Code is applied to the subject area below.

Step 1 – Will the activity disturb the ground surface?

YES

As outlined in Section 1.2, proposed works within the subject area will involve the demolition of existing buildings and construction of three residential buildings, six storeys high within the subject area, inclusive of basement levels and associated infrastructure. These works will significantly impact the ground surface.

Step 2a – Are there any relevant confirmed site records on AHIMS or any other sources of information of which a person is aware?

NO

There are no registered sites within the subject area based on: (i) AHIMS coordinates; (ii) site cards of nearby sites as outlined in Section 2.1.2.

Step 2b – Are there any landscape features that are likely to indicate the presence of Aboriginal objects?

NO

There are no sensitive landscape features identified by the desktop assessment and visual inspection in Section 2.2.1.

Step 3 – Can you avoid harm to the object or disturbance of the landscape feature?

N/A

The Due Diligence Code specifies that this step only applies if the proposed activity is on land that is not disturbed (or, implicitly, does not include any relevant landscape features) and does not contain known Aboriginal objects. As there are no known Aboriginal objects or Aboriginal places within the curtilage of the subject area and historical development and there are no landscape features that are likely to indicate the presence of Aboriginal objects, Step 3 of the Due Diligence process does not apply for assessment of the present subject area.

Step 4 – Does the Desktop Assessment and Visual Inspection Confirm that there are Aboriginal Objects or that they are Likely?

N/A

The Due Diligence Code specifies that this step only applies if the proposed activity is on land that is not disturbed (or, implicitly, does not include any relevant landscape features) and does not contain known Aboriginal objects. As there are no known Aboriginal objects or Aboriginal places within the curtilage of the subject area and historical development and there are no landscape features that are likely to indicate the presence of Aboriginal objects, Step 4 of the Due Diligence process does not apply for assessment of the present subject area.

Step 5 – Outcome of Assessment

In accordance with the due diligence process described in the Due Diligence Code, the above assessment has determined that no further investigation is required for the subject area. Urbis recommends that the development proceed with caution, subject to unexpected archaeological finds and human remains procedures being implemented (see Section 4.0 below).

4

Conclusions & Recommendations

4 Conclusions & Recommendations

The present due diligence assessment concluded that:

- 1) Proposed works are not considered a “low impact activity” and will significantly disturb the ground surface.
- 2) There are no known Aboriginal objects or Aboriginal places within the curtilage of the subject area.
- 3) There are no previous studies directly addressing the present subject area that indicate Aboriginal objects are likely to be retained within the subject area.
- 4) There are no relevant landscape features within the vicinity of the subject area.
- 5) The subject area has undergone clear and observable ground disturbance that has changed the lands surface.
- 6) No further investigation is required (ACHA is not required).

Based on the above conclusions, Urbis recommends the following:

- **Recommendation 1 – Record Keeping**

This ADD report should be kept as evidence of the Due Diligence Process having been applied to the subject area.

- **Recommendation 2 – No Further Investigation**

No further investigation is required (ACHA is not required). The development may proceed with caution, subject to the following archaeological chance finds and human remains procedures being implemented and followed.

- **Recommendation 3 – Unexpected Archaeological Finds Procedure**

Should any archaeological deposits be uncovered during any site works, the following steps must be followed:

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. 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. Such management may require further consultation with Heritage NSW, preparation of a research design and archaeological investigation/salvage methodology and registration of the find with the Aboriginal Heritage Information Management System (AHIMS).
4. Depending on the significance of the find, reassessment of the archaeological potential of the subject area 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.

- **Recommendation 4 – Human Remains Procedure**

In the unlikely event that clearly identifiable human remains are uncovered during the proposed works, the following steps must be followed:

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, Heritage NSW and site representatives.
5. Works are not to recommence until the find has been appropriately managed.

5

References

5 References

Department of Environment Climate Change and Water ('DECCW') 2010a, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*

DECCW 2010b, *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*

DECCW 2010c, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*

Environmental Planning and Assessment Act 1979 (NSW)

Environment Protection and Biodiversity Conservation Act 1999 (Cth)

National Parks and Wildlife Act 1974 (NSW)

National Parks and Wildlife Regulation 2019 (NSW)

Office of Environment & Heritage ('OEH') 2011a, *Applying for an Aboriginal Heritage Impact Permit: Guide for applicants*

OEH 2011b, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*

OEH 2012, *Guide to completing the AHIMS Site Recording Form*

Disclaimer

This report is dated 10 November 2025 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd **(Urbis)** opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of The Trustee for DREPI Mona Vale Sub Trust **(Instructing Party)** for the purpose of Aboriginal Objects Due Diligence Assessment **(Purpose)** and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

Appendix A – AHIMS Search Results



AHIMS Web Services (AWS)

Search Result

Your Ref/PO Number : P0062466

Client Service ID : 1031428

Urbis Pty Ltd - Angel Place L8 123 Pitt Street

Date: 07 August 2025

Level 8 123 Angel Street

Sydney New South Wales 2000

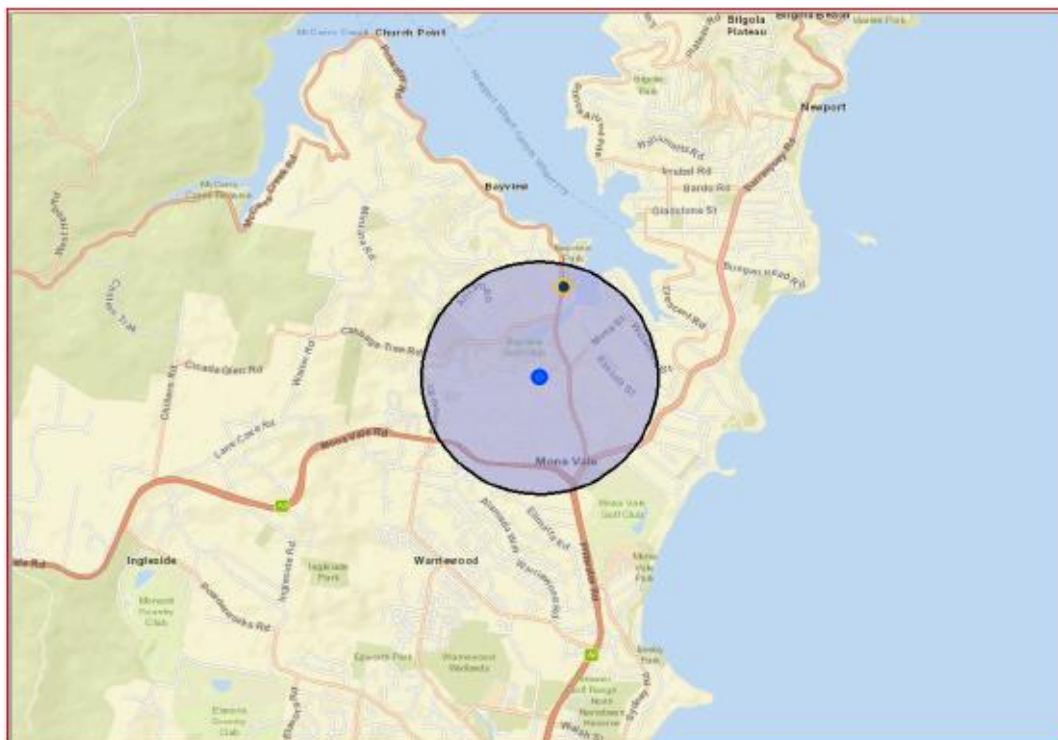
Attention: John Sokalik

Email: jsokalik@urbis.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 159 DARLEY STREET WEST MONA VALE 2103 with a Buffer of 1000 meters. conducted by John Sokalik on 07 August 2025.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : P0062466

Client Service ID : 1031428

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status **</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
45-6-1440	Bayview Midden:	AGD	56	342451	6273595	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	
	<u>Contact</u>	<u>Recorders</u>	ASRSYS					<u>Permits</u>		

** 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 07/08/2025 for John Sokalik for the following area at Address : 159 DARLEY STREET WEST MONA VALE 2103 with a Buffer of 1000 meters..

Number of Aboriginal sites and Aboriginal objects found is 1

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.

Page 1 of 1



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and communities
for a better future.**

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