



ARCHAEOLOGY - HERITAGE - MEDIATION - ARBITRATION

524-542 Pacific Highway, St Leonards

Aboriginal Cultural Heritage Assessment Report

SEPTEMBER 2023

Report to: Home Apartments

LGA: Lane Cove Council

Version: D.2023



ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Custodians of the land that we live and work on.

We pay our respects to the Elders, past, present and emerging, for they hold the memories, the traditions, the culture and hopes of Aboriginal people.

We honour and acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.

A better understanding and respect for Aboriginal and Torres Strait Islander cultures develops an enriched appreciation of Australia’s cultural heritage and can lead to reconciliation. This is essential to the maturity of Australia as a nation and fundamental to the development of an Australian identity.

DOCUMENT CONTROL

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EXECUTIVE SUMMARY

This Aboriginal Cultural Heritage Assessment Report (ACHAR) is submitted to the Department of Planning and Environment (DPE) in support of a concurrent State Led Rezoning and State Significant Development Application (SSDA) for a new mixed-use development, comprising build-to-rent housing, commercial and retail land uses at the Telstra Exchange Site at 524-542 Pacific Highway, St Leonards (the site).

It is noted that to facilitate the abovementioned development, amendments to *the Lane Cove Local Environmental Plan 2013* are proposed via a concurrent State Led Rezoning to rezone the site from B3 Commercial Core to B4 Mixed Use and to increase the maximum building height of 72m to 155m. The maximum FSR of the site will remain as per existing at 17.1:1.

The Secretary's Environmental Assessment Requirements (SEARS) No.35631707 were issued on 28th January 2022 and require that an Aboriginal Cultural Heritage Assessment Report be prepared. This report has been written to satisfy this requirement. This report is written in accordance with the *Aboriginal Cultural Heritage Consultation Guidelines for Proponents 2010* and addresses the SEARS requirements.

In addition to the SEARs, this Aboriginal Cultural Heritage Assessment Report has also been prepared in accordance with the Study Requirements (IRF22/649) issued in March 2022 by the DPE in collaboration with other government agencies.

The Registered Aboriginal Parties (RAPs) for this project are:

- Metropolitan Local Aboriginal Land Council
- Didge Ngunawal Clan.
- Koori Digs Services
- Tocomwall Pty Ltd
- B.H. Heritage Consultants
- Ginninderra Aboriginal Corporation
- Kamilaroi Yankuntjatjara Working Group
- Darug Boorooberongal Elders Aboriginal Corporation
- Wori Wooolywa
- Darug Custodian Aboriginal Corporation
- A1 Indigenous Services

The archaeological assessment attached to this report determined that the site does not contain archaeological potential and makes the following recommendations:

Recommendation 1: Induction

An Aboriginal heritage induction should be provided to all employees, contractors and subcontractors engaged on the project on the significance of the Aboriginal heritage, that it an offence to harm Aboriginal objects and be advised of their responsibilities under the National Parks and Wildlife Act 1974 in respect of Aboriginal heritage.

Recommendation 2: Unexpected Finds and Human Remains Procedure

Aboriginal Objects: If any Aboriginal objects are unexpectedly uncovered during the redevelopment of the site, all work must cease in the vicinity of the object and an area of at least one metre around the Aboriginal object secured and cordoned off using fencing and/or appropriate barriers. The archaeological consultant must be immediately contacted for further advice. The consultant will assess the object and provide further advice. In addition, the consultant will liaise with the Registered Aboriginal Parties. No-one should enter the secured area and work can only recommence when advised by the consultant.

Human Remains: If any skeletal remains are uncovered during the redevelopment of the site, all work must cease in the vicinity of the human skeletal remains and an area of at least ten metres around the skeletal remains secured and cordoned off using fencing and/or appropriate barriers. The archaeological consultant must be immediately contacted and must attend immediately. The consultant will inspect the skeletal remains to confirm that they are human. If the remains are human, the consultant will contact and liaise with the Police, Heritage NSW and the Registered Aboriginal Parties, all of whom will most likely attend the site. Work will not be able to recommence within the secured area until suitable management procedures are in place. It could take several months to determine an appropriate course.





1 INTRODUCTION

1.1 Background

This Aboriginal Cultural Heritage Assessment Report (ACHAR) is submitted to the Department of Planning and Environment (DPE) in support of a concurrent State Led Rezoning and State Significant Development Application (SSDA) for a new mixed-use development, comprising build-to-rent housing, commercial and retail land uses at the Telstra Exchange Site at 524-542 Pacific Highway, St Leonards (the site).

The proposed development will specifically comprise the following:

- Site preparation and excavation.
- Retention and integration of the existing Telstra Exchange Building;
- Construction of a new 42-storey mixed-use development, comprising:
 - 21,472m² of build-to-rent housing across 31 storeys, including 272 dwellings;
 - 3,840m² of non-residential space within an 8 storey podium used for the purposes of short stay accommodation, including;
 - 721 m² of Key Worker Housing across 1 level, within the podium, delivering a total 10 dwellings to be managed as part of the build to rent development
 - 2,014m² of community amenity facilities throughout the building.
- Residential lobby accessed via Christie Street and separate commercial use lobby accessed via Pacific Highway;
- Podium car parking and loading area with vehicular access via Christie Street, comprising a 48 space car stacker;
- Associated landscaping and public domain works; and
- Augmentation of, and connection to, existing utilities services as required.

It is noted that to facilitate the abovementioned development, amendments to *the Lane Cove Local Environmental Plan 2013* are proposed via a concurrent State Led Rezoning to rezone the site from B3 Commercial Core to B4 Mixed Use and to increase the maximum building height of 72m to 155m. The maximum FSR of the site will remain as per existing at 17.1:1.

1.2 Relevant SEARS and Study Requirements

This Aboriginal Cultural Heritage Assessment Report addresses the following relevant Secretary's Environmental Assessment Requirements set out in Table 1 Below:

Table 1: Secretary's Environmental Assessment Requirements relevant to this Report

| SEARS | Location in Report |
|---|---|
| <p>19. Aboriginal Cultural Heritage</p> <ul style="list-style-type: none">• Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site. | <p>This Aboriginal Cultural Heritage Assessment Report is prepared in accordance with the following relevant guidelines:</p> <ul style="list-style-type: none">- <i>Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW.</i>- <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.</i> <p>This report Identifies, describes and assess any impact for Aboriginal cultural heritage values on the site on page 27.</p> |

In addition to the SEARs, this Aboriginal Cultural Heritage Assessment Report has also been prepared in accordance with the Study Requirements (IRF22/649) issued in March 2022 by the DPE in collaboration with other government agencies.

1.3 Site and Description

The site is situated within the Lane Cove Local Government Area (LGA) (see Figure 1). It is located just 6 km north of the Sydney CBD, within Sydney's Lower North Shore, and approximately 2.5km southeast from Lane Cove. The site is bound by Pacific Highway to the north, Christie St to the west, 505 Pacific Highway to the east and 69 Christie St to the south.



The site comprises eight separate allotments and is located on the corner of the Pacific Highway and Christie Street. The site adjoins an existing commercial building to the south and a future residential development (New Hope) to the east. The site has an area of approximately 1671.3 m². Table 2 and Figure 2 provide the legal description.



Figure 1: Site Location (Home 2022)



| Address | Legal Description | Owner |
|--------------------------|--------------------------|---|
| 524-530 Pacific Highway | Lot 7 Section 17 DP 3175 | Telstra Corporation |
| | Lot 8 Section 17 DP 3175 | Telstra Corporation |
| | Lot 9 Section 17 DP 3175 | Telstra Corporation |
| | Lot 1 DP 433297 | Telstra Corporation |
| 536 Pacific Highway | Lot D DP 377423 | Perpetual Corporate Trust Limited ACN 000 341 533 as custodian for GFM Investment Group Pty Limited ACN 609 143 035 in its capacity as trustee of GFM Home Trust Subtrust No. 2 |
| 538 Pacific Highway | Lot C DP 377423 | Perpetual Corporate Trust Limited ACN 000 341 533 as custodian for GFM Investment Group Pty Limited ACN 609 143 035 in its capacity as trustee of GFM Home Trust Subtrust No. 2 |
| 540 Pacific Highway | Lot B DP 377423 | Perpetual Corporate Trust Limited ACN 000 341 533 as custodian for GFM Investment Group Pty Limited ACN 609 143 035 in its capacity as trustee of GFM Home Trust Subtrust No. 2 |
| 542-542A Pacific Highway | Lot A DP 377423 | Perpetual Corporate Trust Limited ACN 000 341 533 as custodian for GFM Investment Group Pty Limited ACN 609 143 035 in its capacity as trustee of GFM Home Trust Subtrust No. 2 |

Table 2: Legal property description (Home 2022)



Figure 2: Showing the cadastral information (c.2011-12 -Six Maps, DFSI Spatial Services, NSW LRS, prepared by Caroline Plim).



Photograph 1: Study area. Camera facing south east from the corner of the Pacific Highway and Christie Street.

1.4 Objectives of the Aboriginal Cultural Heritage Assessment Report (ACHAR)

This ACHAR details the results of the assessment and recommendations for actions to be taken before, during and after the proposed activities associated with the project in order to manage and protect Aboriginal objects identified by the investigation, assessment and testing of the study area.



2 STATUTORY CONTROLS

2.1 National Parks & Wildlife Act 1974

The *National Parks & Wildlife Act 1974* (NPW Act) provides protection to all Aboriginal sites within New South Wales. Heritage NSW is the State Government agency responsible for the implementation and management of this Act.

Part 6 of the NPW Act provides for protection of all Aboriginal Places and Aboriginal objects.

Aboriginal Place

An Aboriginal Place means any place declared to be an Aboriginal Place under section 84. Section 84 states:

The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.

Aboriginal Objects

An Aboriginal object is defined as:

Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Part 6 of the Act states that it is an offence to harm or desecrate an Aboriginal object or Aboriginal place, without an Aboriginal Heritage Impact Permit (AHIP).

However, this report has determined that the site does not contain Aboriginal archaeological potential and the site is not an Aboriginal Place. In addition, as this project is being assessed as a State Significant Development the provisions of section 90 (Part 6) of the *National Parks & Wildlife Act 1974* does not apply. See below.

2.2 Environmental Planning & Assessment Act 1979

This project is being undertaken as a State Significant Development under Part 4, Division 4.7 of the *Environmental Planning & Assessment Act 1979* (EPA Act). Section 4.41 of the EPA Act (see below) does not require that a State significant development seek approval under the NPW Act as follows:

4.41 Approvals etc legislation that does not apply (cf previous s 89J)

- (1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—
 - (a) (Repealed)
 - (b) a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*,
 - (c) an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*,
 - (d) an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*,
 - (e) (Repealed)
 - (f) a bush fire safety authority under section 100B of the *Rural Fires Act 1997*,
 - (g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000*.
- (2) Division 8 of Part 6 of the *Heritage Act 1977* does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division.
- (3) A reference in this section to State significant development that is authorised by a development consent granted after the commencement of this Division includes a reference to any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements under this Part in connection with a development application for any such development.



The Secretary's Environmental Assessment Requirements (SEARS) (SSD No. 35631707) were issued on 28 January 2022, and require:

19. Aboriginal Heritage

Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site.

This report satisfies the above requirement to identify, describe and assess any impacts on Aboriginal cultural values.

This report has been written in accordance with the *Aboriginal Cultural Heritage Consultation Guidelines for Proponents 2010*.



3 ABORIGINAL HISTORY

Historical records provide some information about Aboriginal people living around Sydney Harbour at the time of the invasion. However, such information has been obtained by male ethnographers without any real understanding of Aboriginal culture, religion and social organisation. The observations were made from a European perspective, so that the information recorded is often distorted or incorrect. For example, in 1798 David Collins noted that:

...each family has a particular place of residence from which is derived its distinguishing name. This is formed by adding the monosyllable Gal to the name of the place: thus the southern shore of Botany Bay is called Gwea, and the people who inhabit style themselves Gweagal. Those who live on the north shore of Port Jackson are called Cam-mer-ray-gal, that part of the harbours being distinguished from other by the name of Cam-mer-ray (Collins 1798).

Governor King made also observations about the extent of Aboriginal territories to the west of Port Jackson, noting Aboriginal place names. In a letter to Lord Sydney in 1790 written by Governor Phillip, he that:

...the north-west part of this harbour there is a tribe (...) the district is called Cammerra; the head of the tribe is called Cammerragal, by which name the men of that tribe are distinguished. A woman of this tribe is called Cammerragalleon (...). The tribes derive their appellations from the places they inhabit: thus Cameeragal, means the men who reside in the bay of Cameera; Cadigal, those who reside in the bay of Cadi; and so of the others.

The tribe of Camerra inhabit the north side of Port Jackson. The tribe of Cadi inhabit the south side, extending from the south head to Long Cove; at which place the district of Wanne, and the tribe of Wangal, commences, extending as far as Par-ra-mata, or Rose Hill (...) (King 1793 cited in Attenbrow 2003: 22).

Governor Phillip noted that the Cammeraygal inhabited the northwest side of Port Jackson, which is the present-day local government area of North Sydney and possibly beyond to the upper stretches of the Lane Cove River and Middle Harbour (Hoskins 2007).

Documentary sources provide little detailed information about the boundaries of the traditional 'country' with which Sydney Aboriginal clans identified. However, due to variances in spelling used by the authors of the various records, it is difficult to ascertain the number of clans. It is quite likely that some were not recorded (Attenbrow 2003: 28-29).

However, Rowena Welsh-Jarrett from the Metropolitan Local Aboriginal Land Council who is a Dharawal woman advised that the people of the St Leonards area were Dharawal and that many descendants now reside in the La Perouse area.

3.1 Food and Subsistence

The land around the study area provided the Aboriginal people with diverse plant and animal resources. The salt and fresh water sources provided a rich environment where fish, turtles, crays, shellfish and molluscs could be caught or collected. The ample fresh water sources attracted native animals which were hunted or trapped. The hunting of tree-dwellers such as possums and gliders is thought to have been a common activity. Kangaroo and wallaby were hunted less often and most likely when several clans came together for ceremonies (Brook & Kohen 1991:3-4). Aboriginal people of the district used traps and snares to catch animals to eat.

Other food resources included bull ants and the eggs and larvae of the longicorn beetle or witchetty grub (Kass *et al* 1996:6). Seasonal plant foods including fruits, tubers, shoots, flowers, berries, seeds and nectar of local trees, and grasses were also prominent in the diet. Food collection required a detailed knowledge of each plant's properties as well as of the local environment, seasonal variations and preparation methods. Macrozamia for example is poisonous unless prepared in a particular way. Plants also provided ingredients for medicinal preparations (Brook & Kohen 1991: 5). The local environment was also the source of raw materials for tool and weapon-making, clothing and shelter (Attenbrow 2003:71).

Aboriginal people relied on an extensive knowledge of their land and its resources and the acquisition of diverse skills essential to their survival in an environment that could be unpredictable. By 1814 it was increasingly difficult for Aboriginal people to catch or procure food using traditional methods. Similarly, food-gathering patterns were altered by the lack of access to their traditional lands, which were now farmed by the new settlers. Limited opportunities were offered by Europeans willing to barter spirits and tobacco, and even food, for fish (Barratt 1981:71-2).

4 ENVIRONMENTAL CONTEXT

4.1 Preamble

The landscape context is important in understanding Aboriginal land use and occupation and the manner in which they interact with it. Describing the physical setting of the area being assessed and the resources within enables a predictive statement to be made about the potential for the area to contain Aboriginal archaeological potential.

4.2 Topography

The topography of the surrounding area is within the Glenorie landscape and is characterised by low rolling and steep hills with local relief of approximately 50-120m and slopes 5-20% (Chapman & Murphy 1989:68). The study area is located on the Crows Nest to Hornsby ridgeline along the Pacific Highway (Herbert 1983:22). An undulating moderately inclined slope falls towards the Lane Cove River to the southwest (Chapman & Murphy 1989:68) (Figure 5).

Berrys Creek is located approximately 700m to the south, Flat Rock Creek approximately 1km to the north, and Gore Creek approximately 1.30km to the west. The Lane Cove River is located approximately 1.50km to the southwest of the study area.

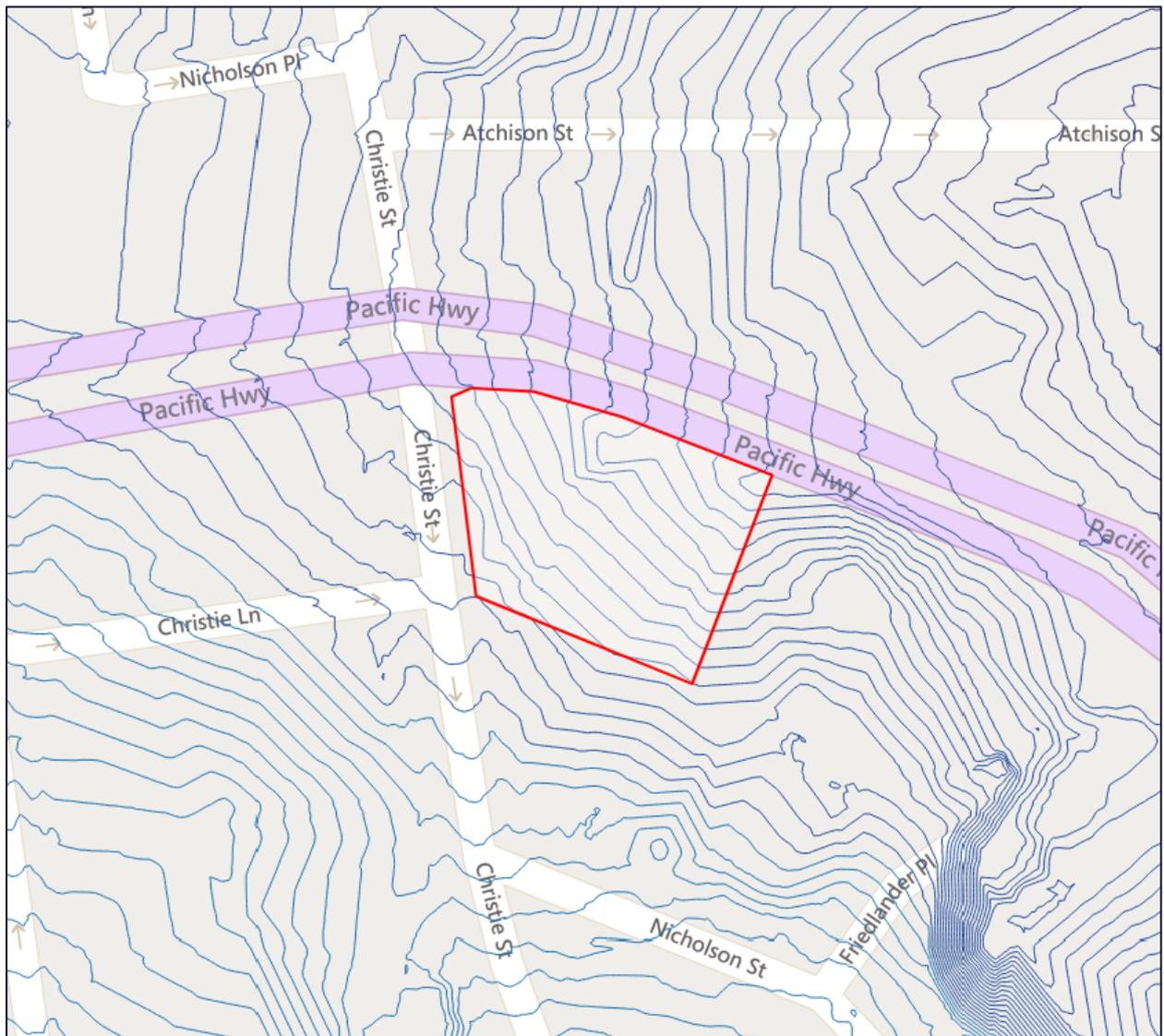


Figure 2: Topographic map of St Leonards with contours 0.5m apart. Study area edged in red
(Source: Webmaps.northsydney.nsw.gov.au)



4.3 Geology and Soils

The study area lies on the Wianamatta Group of Shales consisting of Bringelly Shale, Minchinbury Sandstone and Ashfield Shale. Between the Ashfield shale and the topmost shale lies Minchinbury sandstone (Herbert 1983:21-22). Minchinbury sandstone is friable and so does not form deep rockshelters. The shales and sandstone of the Wianamatta Group of shales do not provide strong, highly siliceous material suitable for small tool manufacture. However, the area is surrounded by the Hawkesbury Sandstone which provides material suitable for stone axe manufacture and weathers into shelters and overhangs suitable for occupation.

The soil landscape of the Ashfield shale consists of laminite and dark grey shale, while the Bringelly Shale comprises shale, calcareous claystone, laminite, fine to medium grained lithic-quartz sandstone (Chapman & Murphy 1989, Herbert 1983). Dominant soil materials include friable dark brown loam, brown clay loam, reddish-brown clay, mottled grey plastic clay and brownish-grey plastic silty clay (Chapman & Murphy 1989:69-70). The general fertility of the topsoil is moderate with high available water capacity (Chapman & Murphy 1989:69-71). It has also moderate amount of organic matter and moderate nutrient status. Intrinsically this soil has moderate nutrient status. The brown clay loam soil, instead, has low to moderate fertility with moderate available water capacity and intrinsically low to moderate nutrient status (Chapman & Murphy 1989:71). While the reddish-brown clay, mottled grey plastic clay and brownish-grey plastic silty clay have generally low fertility. Tall trees are common on this landscape (Chapman & Murphy 1989:71).

4.4 Vegetation

The study area is bordered by the Gore Creek and Berry Creek valleys running into the Lane Cove and Parramatta Rivers respectively. The vegetation surrounding these watercourses would have consisted of tall trees extending up and long the ridge lines.

The vegetation of the area historically included tall open forest (wet sclerophyll forest). Clay-rich soils have formed a continuous forest from Hornsby to near North Sydney, and from Pennant Hills to Gladesville and Dural (Baker et al 1986). Within this environment dominant tree species included Sydney Blue Gum (*Eucalyptus Saligna*) and Blackbutt (*Eucalyptus Pilularis*). Other species that could be found in the area include Turpentine (*Syncarpia Glomulifera*), Grey Ironbark (*Eucalyptus Paniculata*), White Stringybark (*Eucalyptus Globoidea*), and Rough-barked Apple (*Angophora Floribunda*).

Stringybark Creek has the longest stretch of bushland remaining in the municipality. North of Epping Road, on a higher slope, remains of Sydney Peppermints, smooth barked *Angophora Costata* and Stingybarks form an open forest. Closer to the creek, Benson & Howell (1995) described the presence of Black Wattle, *Callicome serratifoli*, Blueberry Ash, *Elaeocarpus reticulatus*, large old Lillypillies, *Acmena smithii*, and Coachwoods (*Ceratopetalum apetlum*). Lane Cove Bushland Park, within the valley of Gore Creek, is another important reserve of the area which can provide useful information on the vegetation of the area (Benson & Howell 1995).

Such a vegetation would have provided a variety of edible plant species and plants suitable for artefact manufacture. For example, the tall trees such as White Stringybark (*Eucalyptus Globoidea*) has been used along the north coast of New South Wales to make coolamons, shields or canoes. Sydney Peppermint trees along with native blackberries would also have been present on the lower slopes (Benson & Howell 1995). In addition, this vegetation provided habitat for a variety of animals, whilst the creeks would have provided fish, yabbies and eels. Lieutenant William Bradley in describing the first encounter with the Aborigines within the Lane Cove's district reported:

"we saw several Natives, some sitting around a fire, others were just landing with their Canoes, the moment they perceived us they ran off in great confusion & hurry... we found Mussels on fire, others in their canoes & some drop between both; their fright was so great that they went off without taking their fishing lines, spears or any thing with them" (Bradley 1786-1792).

Most of the original vegetation has been extensively cleared. The nature and composition of the study area has been altered by past clearance and European land management activities, including urban development. The study area presently forms part of the urbanised area of the city of St Leonard. No native vegetation remains on the site.

4.5 Current Land Use and Disturbance

The study area is within the suburb of St Leonards which includes commercial and residential buildings and associated infrastructures. The study area faces the Pacific Highway and it slopes southwest towards Christie St as shown in Photographs 2 to 4. The study area is surrounded to the north by the Pacific Highway, east by a high-rise building the Landmark, west by Christie Street, and south by the building located at 64 Christie Street.



As can be seen from the 1943 aerial photograph shown below (Photograph 5) the study area in 1943 included a residential building at the corner of Pacific Highway and Christie Street, and partially cleared land to the east and south of this building. By 1955, as shown in Photograph 6, a building appears to have been built east of the house located at the corner of Pacific Highway and Christie Street. The 1955 aerial photograph also suggests that the area located at the rear of 524 Pacific Highway, which in 1943 was covered by partially cleared land, has been partially paved or covered with a low-rise building. The low quality of the aerial imagery does not permit to clearly assess it.

Currently, the study area currently includes commercial and residential buildings facing the Pacific Highway (Photographs 7-9). Some of these buildings are also accessible from Christie Street as the building 538 Pacific Highway (Photograph 10). Please refer to photographs 11-14 for further detail.

As the study area is located within a highly developed area, it is expected that the previous development will have significantly impacted any possible surface and subsurface archaeological deposit within the study area. The site has mostly cleared all vegetation and natural features.



Photograph 2: Photo of the study area showing the Pacific Highway sloping down towards Christie St. This building contains a basement and underground services



Photograph 3: Study area, camera facing, showing the Pacific Highway sloping down towards Christie St.



Photograph 4: Buildings within the western side of the study area (facing the Pacific Highway) sloping down towards Christie St.



Photograph 5: 1943 aerial photograph. 524-542 Pacific Highway edged in red (Source: 1943 aerial imagery from SixMaps NSW).



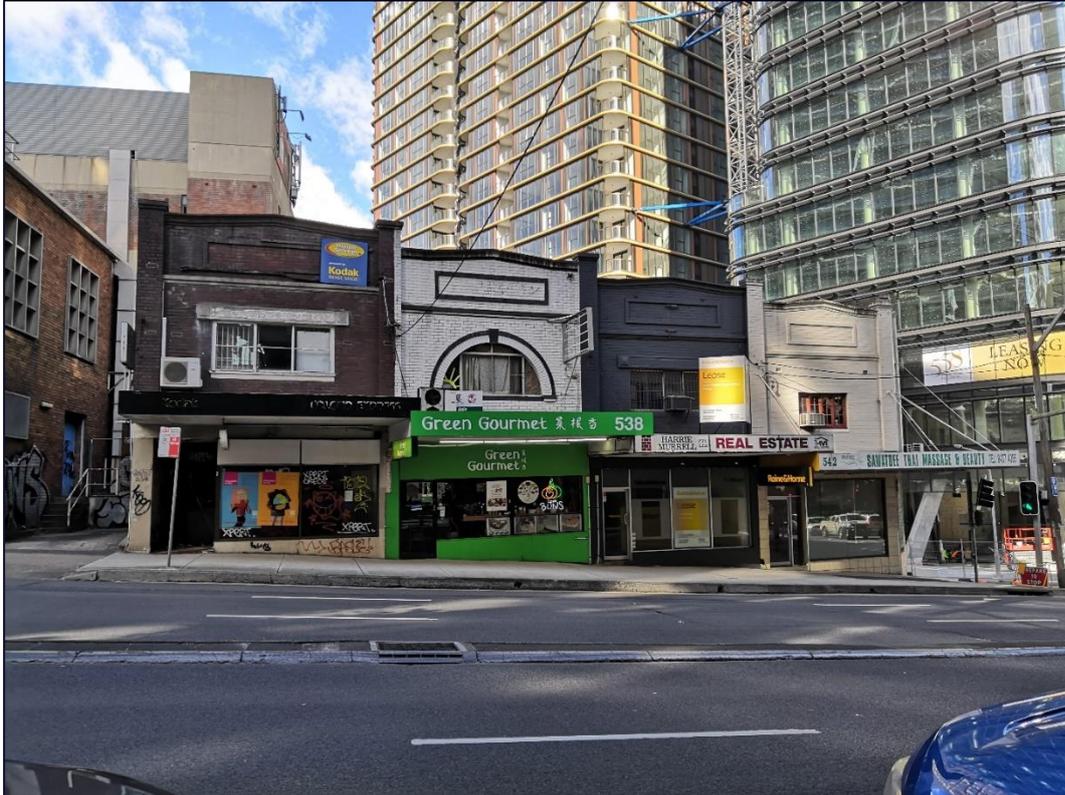
Photograph 6: 1955 aerial photograph. 524-542 Pacific Highway edged in red (Source: 1955 aerial imagery from Historical Imagery – Portal.spatial.nsw.gov.au).



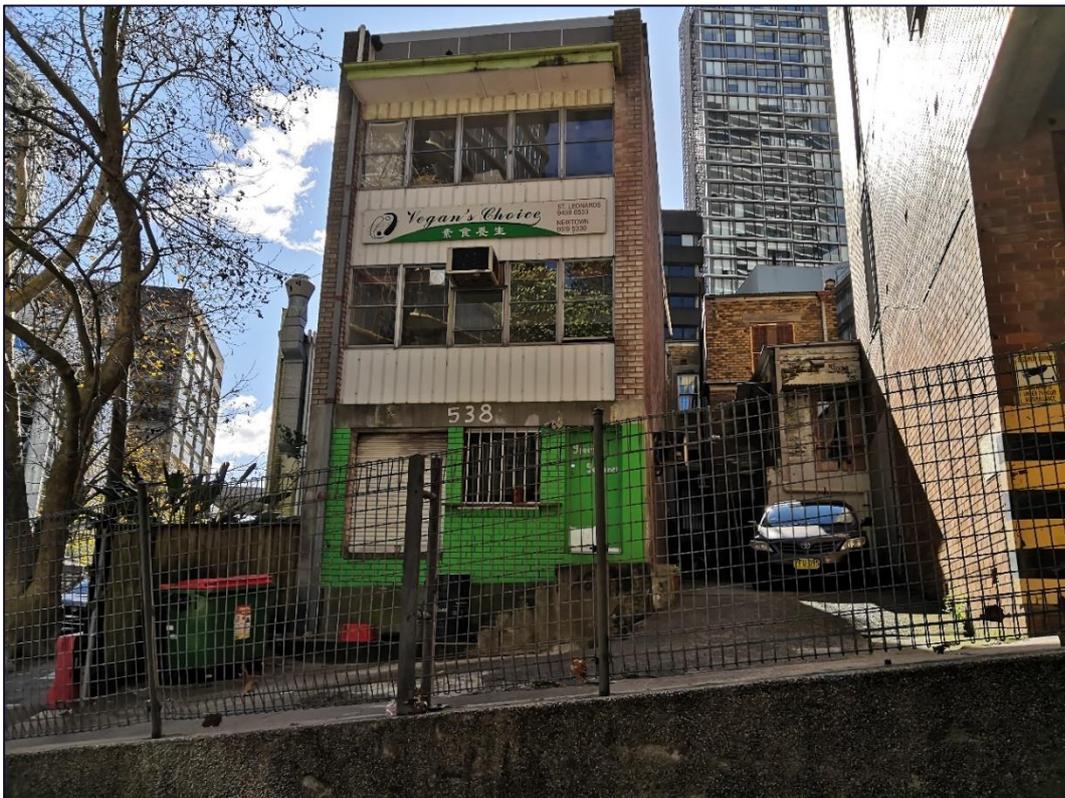
Photograph 7: Aerial photograph of 524-542 Pacific Highway. Study area in red
(Source: aerial imagery from SixMaps NSW)



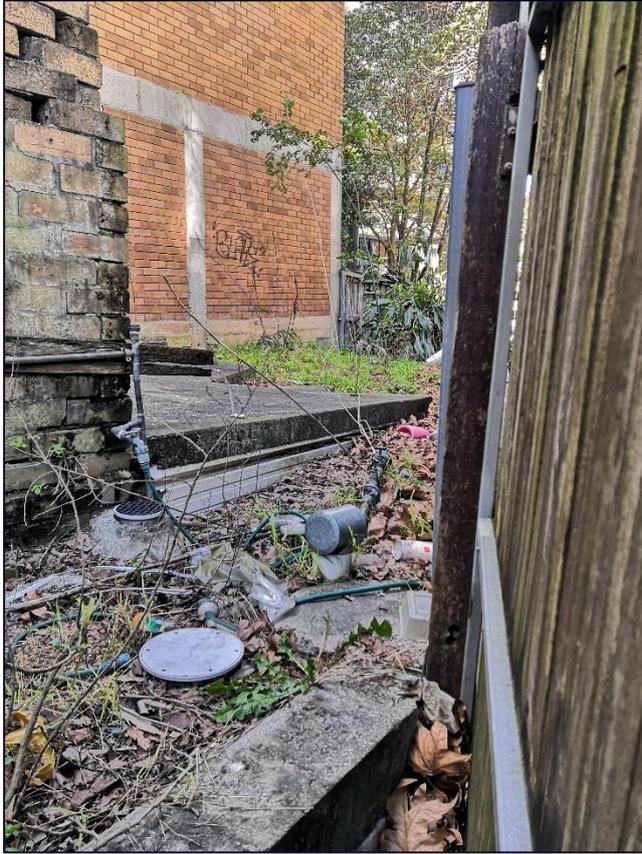
Photograph 8: Telstra building within the eastern side of the study area.



Photograph 9: Commercial buildings within western side of the study area.



Photograph 10: Rear of the building located at 538 Pacific Highway.



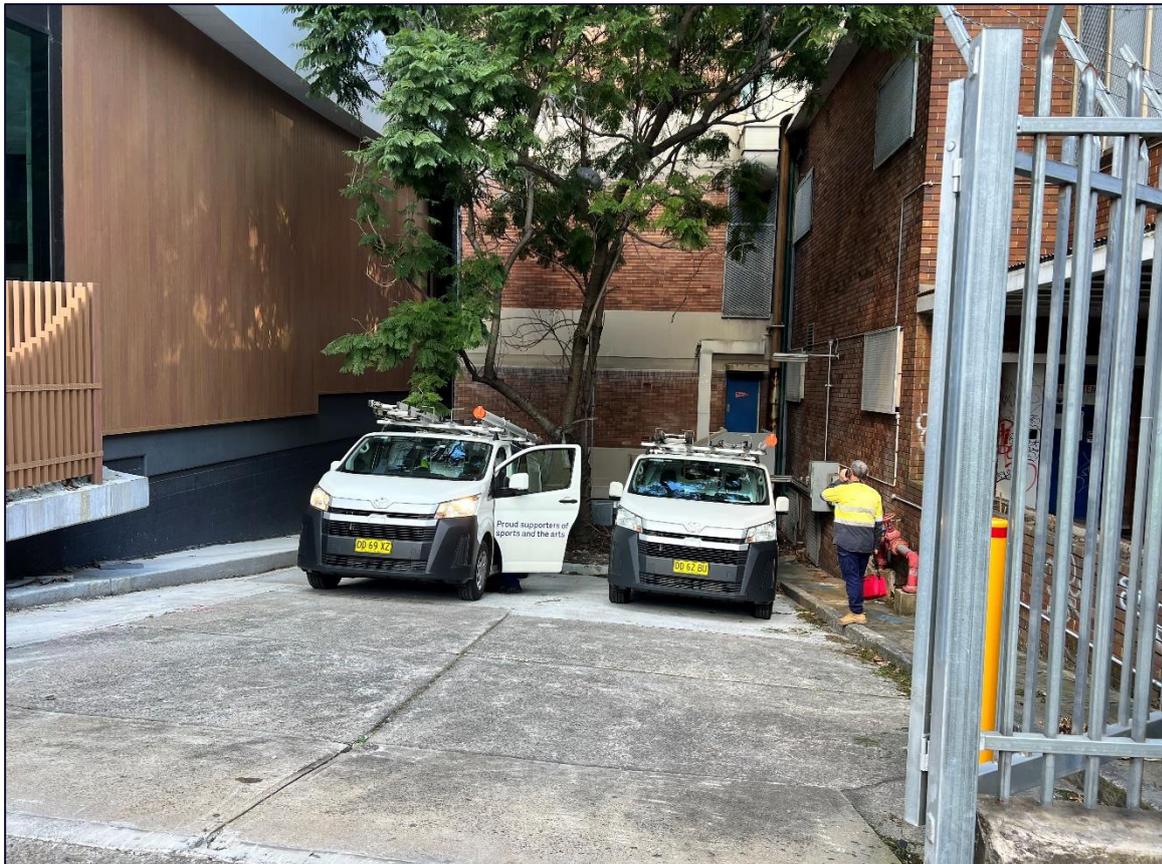
Photograph 11: Rear of the study area.



Photograph 12: Void between 524 Pacific Highway and 536 Pacific Highway.



Photograph 13: Area accessible through a vertical ladder between at 524 Pacific Highway and 536 Pacific Highway.



Photograph 14: Telstra driveway with a tree located to the east of the building at 524 Pacific Highway.



5 ARCHAEOLOGICAL CONTEXT

5.1 Sydney Region

Many surveys have been undertaken in the Sydney region which indicate the richness of the archaeological resources, and which provide information about Aboriginal occupation within the region. In particular, Attenbrow (2003) has excavated a range of sites within the Sydney Basin. The aim of her study was to identify local geographic variation and temporal changes in the subsistence patterns and material culture of the people of this area. She excavated sites at Balmoral Beach, Cammeray, Castle Cove, Sugarloaf Point (Lane Cove River), Darling Mills State Forest, Winston Hills, Vacluse and Cumberland Street in the Rocks. Dates for initial occupation vary from approximately 10,000 years BP at Darling Mills to approximately 450 years BP at Cumberland Street, The Rocks.

One of the oldest dated occupation for the Sydney region is 15,000 years BP from the Shaws Creek K2 rock shelter on the Nepean River (Kohen 1984; Nanson et al 1987). However, these dates must be considered in association with environmental data related to sea level rises. The Sydney region that we know today was vastly different to the landscape of 15,000 years ago.

The period of maximum glaciation was 15,000 – 18,000 years BP. Therefore, the date of the K2 rock shelter and Attenbrow's Darling Mills site indicate that Aboriginal people lived throughout a period of extreme environmental change. During this period, sea levels were up to 130m below current levels (Nutley 2006:1). About 10,000 years ago as temperatures began rising at the end of the last ice age, the polar ice started melting and sea levels rose. The rising sea levels forced people to abandon coastal sites and move inland, with the result that the oldest coastal sites were inundated. By about 6,000 years ago rising water levels had flooded the coastal plain forming the Sydney landscape that we know today. The vast majority of sites in the Sydney region date to around 5,000 years BP, after sea levels had stabilised. Whilst research into submerged indigenous sites is now being undertaken (Nutley 2006), there are few sites in the Sydney area that are known to date beyond 10,000 years BP. Therefore, research undertaken to date has focused on subsistence patterns and cultural change, e.g. Attenbrow (2003).

Attenbrow's (2002) study of the "Sydney region" extended from the eastern coast to the Hawkesbury-Nepean River to the north and west and as far south as Picton (2002:xiii), which includes the present study area. At the time of publication (2002), Attenbrow noted that approximately 4,340 Aboriginal sites had been registered with the Aboriginal Heritage Information Management System (AHIMS) in the Sydney region (Attenbrow 2002:48). Middens and open campsites comprised just over half of the recorded sites (Attenbrow 2002:48-49). From both the archaeological evidence and historical records she noted that the main focus of occupation was "on the valley bottoms and shorelines" (Attenbrow 2002:47). In addition, the evidence indicates that occupation was greater on the coastal/estuarine environments rather than in the hinterland/freshwater environments and on the Hawkesbury sandstone areas rather than the Wianamatta shales (Attenbrow 2002:51). Her work produced a great deal of information in respect of the people of the Sydney region, their social organisation and land use patterns. Her (2002:152-155) analyses indicates that prior to 5,000 years ago occupation in the Sydney region was not intensive and was only by small groups of people. It was not until sea levels stabilised about 5,000 years ago that more intensive occupation began with many open sites being first occupied in the last 1,500 years.

5.2 Lane Cove and Surrounds

A comprehensive survey of the Lane Cove River State Recreation Area (SRA), now known as Lane Cove National Park, was conducted in 1990 (Urbis 2017). The Lane Cove National Park is located approximately 5km northwest of the study area. About one-third of the Lane Cove National Park was surveyed. Seven previously unrecorded Aboriginal sites were located – two engraving sites, two middens, and three rock shelters with deposit. Five potential habitation sites were also recorded along with three engraving sites which had previously been recorded. In 2000, as part of the works for a proposed sewerage upgrade within Lane Cove National Park another survey of the area was conducted (Oakley 2000). The survey located two additional Aboriginal sites in the southern portion of the National Park, shell midden scatters and associated areas of PAD.

In 2011 Artefact Heritage conducted a survey of an area along the northern edge of Stringybark Creek in Lane Cove West, almost 5km to the northwest of the study area (Urbis 2017). As part of the survey, a previously recorded rock shelter with a charcoal drawing of two fish was relocated. However, the shelter had been disturbed by the construction of a sewer pipe. The rock art was recorded as being in good condition. No additional sites were located during the survey.



Total Earth Care (2007) undertook an Aboriginal heritage and archaeological assessment of 126 Greville Street, Chatswood West in 2007. The area of the proposed works is located 4.20km northwest from the study area. They did not locate any Aboriginal objects or areas of archaeological potential. They concluded that there were no suitable areas for occupation within the study area and that areas of occupation were likely to have been located closer to Lane Cove River (Total Earth Care 2007).

In 2016 as part of the Sydney Metro Chatswood to Sydenham project, Artefact Heritage (2016) completed an Aboriginal Heritage and Archaeological Assessment, approximately 2km north of the study area. No archaeological sites were found during the survey and the area was assessed as having a low archaeological potential due to the underlying geology, historical disturbance, and distance from the watercourse.

In 2011, Comber Consultants conducted an Aboriginal Archaeological and Cultural Heritage Assessment of The Parishes of Our Lady of the Way St Mary's, North Sydney. This area is located approximately 1.5km southeast of the study area. No Aboriginal sites or objects were located during the course of the survey (Stening and Comber 2011). However, the surveyed area, as noted in the assessment, had been significantly altered by the use of the site as a Church for more than 150 years and modification to the landscape to create a levelled and more useable space.

5.3 St Leonards

Although St Leonards has been extensively built-up with residential and commercial properties there has been limited Aboriginal cultural and archaeological investigations undertaken within the area.

In 2020, Jacobs (2020) completed an Archaeological Assessment of St Leonards Park as part of the works for the Western Harbour Tunnel and Warringah Freeway Upgrade. The site is located approximately 1.5km southeast of the study area. As part of the assessment a total area of 31,500m² of St Leonards Park was surveyed. No new Aboriginal sites were identified during the archaeological survey, and no areas containing Potential Archaeological Deposits (PAD) were identified.

Closer to the study area was the archaeological investigation around the Royal North Shore Hospital, St Leonards, in 2006. The Royal North Shore Hospital is located less than 500m north-west from the study area. The survey found no Aboriginal sites within the area of the proposed works. DSCA (2006) concluded that the area of the proposed works had low potential due to the highly impacted nature of the hospital grounds.

In 2019 Coast History & Heritage, completed an Aboriginal Cultural Heritage Assessment of 211 Pacific Highway, St Leonards, for the construction of an International Chinese School. This site lies approximately 500m west of the study area. The area of the proposed works had been highly impacted by the construction and use of existing buildings and was assessed as having a low archaeological potential. The survey found no evidence of Aboriginal occupation.

5.4 AHIMS search

Two sites, AHIMS 45-6-2938 and 45-6-3880, were recorded within 1km of the study area (Figure 6). According to the map, street addresses and descriptions listed on the original site card submitted in 1997, AHIMS 45-6-2938 should be located 650m north from the study area. AHIMS 45-6-2938 is described as an open campsite on high ground about 30m north of the source of a tributary of Flat Rock Creek. The site card records that stone artefacts were found alongside Dalleys Road which is immediately adjacent to the Naremburn Park on sloping ground between a row of eucalyptus trees. These included red silcrete, quartz, and indurated mudstone. Both Dalleys Road and the park have been subjected to landscape modifications which include extensive earthworks to level and landscape the area. In addition, a railway cutting is also close to the area.

AHIMS 45-6-3880 is located approximately 860m southwest of the study area. The site is located below 2 St Giles Ave, Greenwich. The site features a sandstone overhang with graffiti on the wall, a large shell midden underneath the debris and charcoal present on the undersides of the walls and a small hand stencil beside white paint splashes. The shelter is about 20m long..

5.5 Study Area

A search of the AHIMS register conducted on 24th May 2022 indicated that there are no previously recorded sites within the study area. The site is not an Aboriginal Place.

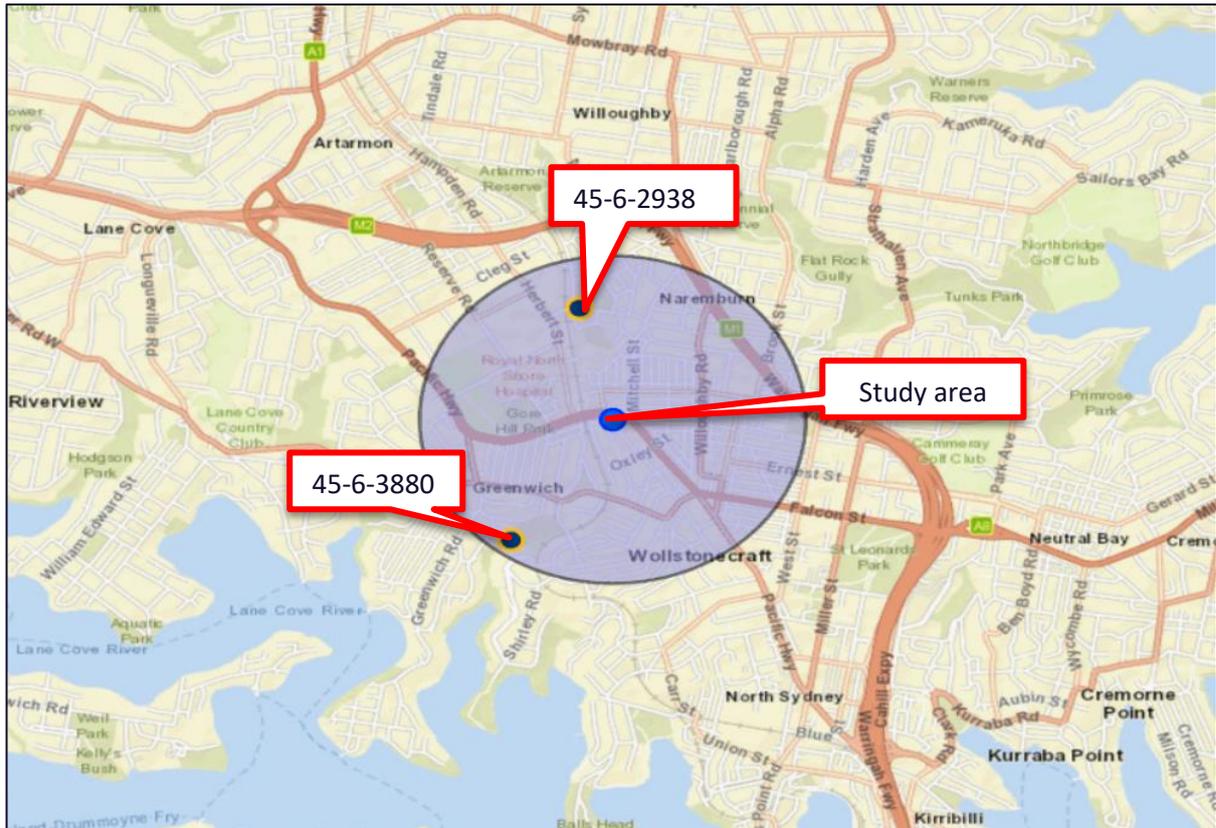


Figure 3: Map of the study area showing the location of entries in the AHIMS register.

5.6 Site Prediction

Based on the above environmental and archaeological information, it is expected that the study area has low potential to contain archaeological deposits. This is primarily due to the urban development of the area which is expected to have significantly impacted any possible surface and subsurface archaeological deposit within the study area. In addition, the site has been cleared of all vegetation and natural features, it is not expected that rock shelters, axe grinding grooves, engravings, scarred or carved trees will be located within the study area. For this reason, it is not expected that any Aboriginal object will remain within the study area.



6 CONSULTATION

Table 3 below summarises the consultation undertaken in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*. The letters and emails are attached at Appendix A.

Table 3: Consultation undertaken in accordance with *Aboriginal cultural heritage consultation requirements for proponents 2010*.

| Step | Task Requirement | Action | Date of action | Outcome |
|-------|--|---|----------------|---|
| 4.1.1 | Identify if native title exists in relation to the project area. | We wrote to National Native Title Tribunal and registered Indigenous Land Use Agreements | 07/06/2022 | No registered Native Title claimants or land use agreements |
| 4.1.2 | Ascertain, from reasonable sources of information, the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places. Compile a list of Aboriginal people who may have an interest for the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places | We wrote to the following organisations seeking the names of any Aboriginal people or organisations who may hold cultural knowledge: <ul style="list-style-type: none"> Metropolitan Local Aboriginal Land Council Lane Cove Council Greater Sydney Local Land Services (GSLLS) Heritage NSW Office of Registrar, Aboriginal Land Rights Act 1983 NTS Corporation | 07/06/2022 | We received responses from: <ul style="list-style-type: none"> Greater Sydney Local Land Services (GSLLS) who advised that it is not a primary source of contact for First Nations (Aboriginal) communities or persons that may inform or provide comment on development or planning issues. Heritage NSW responded with list of people/organisations who have an interest in the area. Office of Registrar advised that the proposed development and study area falls within the boundaries of Metropolitan Local Aboriginal Land Council (MLALC) and suggest contacting the MLALC. No response received from Lane Cove Council. No response received from Metropolitan Local Aboriginal Land Council No response received from NTS Corporation. |
| 4.1.3 | Written notification and advertisement: Write to the Aboriginal people whose names were obtained in step 4.1.2 and the relevant LALC(s) to notify them of the proposed project. Place a notice in the local newspaper circulating in the general location of the proposed project, explaining the project and its exact location. | We wrote to the organisations/people identified in 4.1.2 | 15/06/2022 | Responses were received by the following: <ul style="list-style-type: none"> Lilly Carroll, Didge Ngunawal Clan. Korri Currell, Koori Digs Services Scott Franks, Tocomwall Pty Ltd Ralph Hampton, B.H. Heritage Consultants Krystle Carroll-Elliott, Ginninderra Aboriginal Corporation |



| Step | Task Requirement | Action | Date of action | Outcome |
|-------|---|---|--------------------------|--|
| | <p>Notification by letter and newspaper must include:</p> <p>(a) the name and contact details of the proponent</p> <p>(b) a brief overview of the proposed project that may be the subject of an application for an AHIP, including the location of the proposed project</p> <p>(c) a statement that the purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP and to assist the Director-General of HERITAGE NSW in his or her consideration and determination of the application</p> <p>(d) an invitation for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proposed applicant regarding the proposed activity</p> <p>(e) a closing date for the registration of interests</p> | | | <ul style="list-style-type: none"> Phil Khan, Kamilaroi Yankuntjatjara Working Group Paul Hand, Darug Boorooberongal Elders Aboriginal Corporation Daniel Chalker, Wori Woilywa Justine Coplin, Darug Custodian Aboriginal Corporation Carolyn Hickey, A1 Indigenous Services |
| 4.1.4 | A minimum of 14 days from the date the letter was sent or notice published in the newspaper to register an interest. | Closing date for registration of interest included in the notification letters and notice in the newspaper was at least 14 days from the date the letters were sent and notices appeared in the newspapers. | 21/06/2022 01/07/2022 | Closing date for registration of interest on 21/06/2022 for advertisements and 01/07/2022 for written notification. |
| 4.1.5 | Must advise Aboriginal people who are registering an interest that their details will be forwarded to DPC and the LALC unless they specify that they do not want their details released. | RAP's informed by letter/email 15/06/2022 and by advertisement dated 07/06/2022. | 15/06/2022 08/06/2022 | One organisation advised that their name could be included but that they did not want their correspondence included in the ACHAR. |
| 4.1.6 | Make a record of the | List of RAP's compiled and | 04/07/2022 | |



| Step | Task Requirement | Action | Date of action | Outcome |
|-------|---|---|------------------------------|--|
| | names of each Aboriginal person who registered an interest. Provide a copy of that record and copy of the notification from step 4.1.3 to Heritage NSW and LALC within 28 days of closing date for registration of interest. | forwarded to the MLALC and Heritage NSW | | |
| 4.1.7 | LALCs holding cultural knowledge relevant to determining the significance of Aboriginal objects and places in the proposed project area who wish to register an interest to be involved in consultation must register their interest as an Aboriginal organisation rather than individuals. | Metropolitan LALC is a registered party to be involved in consultation (refer to 4.1.6) | | MLALC is a Registered Aboriginal Party |
| 4.1.8 | Where an Aboriginal organisation representing Aboriginal people, who hold cultural knowledge has registered an interest, a contact person for that organisation must be nominated. Aboriginal cultural knowledge holders who have registered an interest may indicate they have appointed a representative to act on their behalf. Where this occurs, the registered Aboriginal party must provide written confirmation and contact details of those individuals to act on their behalf. | | | A contact person was nominated for all RAPs. Please see 4.1.3 above. |
| 4.2 | Presentation of information about the proposed project. | The archaeological assessment which contained details of the project was sent to the RAPs with the methodology. An onsite meeting was held to present information about the proposal, provide RAPs with an opportunity to visit the site, discuss the methodology, ascertain significance, artefact management and any other issues of concern | 07/08/2022 11/08/2022 | |



| Step | Task Requirement | Action | Date of action | Outcome |
|-------------|---|---|--|--|
| 4.3.1-4.3.2 | Notification of proposed assessment methodology | Methodology sent to all RAPS and discussed at the Connecting with Country meeting | 07/08/2022 11/08/2022 | The following people responded and agreed with the methodology: <ul style="list-style-type: none">Rowena Welsh-Jarrett, MLALCKorri Currell, Koori DigsLilly Carrol and Paul Boyd, DidgeNgunalKadibulla Khan, Kamilaroi-Yankuntjatjara Working Group |
| 4.3.3 | Gathering information about cultural significance | Opportunities to provide cultural information was provided in writing | 15/06/2022 07/08/2022 | Cultural information provided in the significance assessment |
| 4.4 | Review of draft cultural heritage assessment report | Draft Aboriginal Cultural Heritage Assessment Report was forwarded to all RAPS for review | 26/08/2022 With responses due 23/9/22 | The following responded advising that they agreed with the ACHAR: <ul style="list-style-type: none">Korri Currell, Koori DigsLilly Carrol, Didge NgunawalPhil Khan, Kamilaroi-Yankuntjatjara Working GroupDarug Custodians Aboriginal Corporation |
| | Amendments to the design | Aboriginal Cultural Heritage Assessment Report with the amended designs sent to the RAPS for review | 16/09/2023 | The following responded advising that they had no objection to the amended design: <ul style="list-style-type: none">Justine Coplin, Darug Custodian Aboriginal Corporation.Phil Khan, Kamilaroi Yunkantjatjara Working Group |

The Registered Aboriginal Parties (RAPs) are:

- Metropolitan Local Aboriginal Land Council
- Lilly Carroll, Didge Ngunawal Clan.
- Korri Currell, Koori Digs Services
- Scott Franks, Tocomwall Pty Ltd
- Ralph Hampton, B.H. Heritage Consultants
- Krystle Carroll-Elliott, Ginninderra Aboriginal Corporation
- Phil Khan, Kamilaroi Yankuntjatjara Working Group
- Paul Hand, Darug Boorooberongal Elders Aboriginal Corporation
- Daniel Chalker, Wori Woilywa
- Justine Coplin, Darug Custodian Aboriginal Corporation
- Carolyn Hickey, A1 Indigenous Services



7 ASSESSMENT OF SIGNIFICANCE

7.1 Preamble

Significance assessment is the process whereby sites or landscapes are assessed to determine their value or importance to the community.

A range of criteria have been developed for assessing the significance which embody the values contained in the Burra Charter. The Burra Charter provides principles and guidelines for the conservation and management of cultural heritage places within Australia.

Following are the criteria which will be used to assess the study area:

Social or Cultural Value (sometimes termed “Aboriginal” value) which refers to the spiritual, traditional, historical or contemporary associations and attachments which the place or area has for the present day Aboriginal community.

Historic Value refers to the associations of a place with a person, event, phase or activity of importance to the history of an Aboriginal community.

Scientific (archaeological) Value refers to the importance of a landscape, area, place or object because of its archaeological and/or other technical aspects.

Aesthetic Value refers to the sensory, scenic, architectural and creative aspects of the place.

Representativeness refers to whether the site demonstrates the principal characteristics of that site and is a good representative example of that site type.

Rarity refers to the degree to which such a site is known elsewhere and whether the site is uncommon, rare or endangered.

7.2 Assessment

Social or Cultural Values

Consultation with the RAPs did not indicate that the site contains social or cultural values.

Historic Values

The study area does not satisfy this value.

Scientific (archaeological) Values

The study area does not satisfy this value.

Aesthetic Values

The study area does not satisfy this value.

Representative Values

The study area does not satisfy this value.

Rarity Values

The study area does not satisfy this value.

7.3 Statement of significance

The study area does not contain social, cultural, historic, archaeological, aesthetic, representative or rarity values.



8 RESULTS, IMPACT AND MITIGATION

8.1 Results

The study area is located on a slope below the ridgeline that now contains the Pacific Highway. Such an area is not an ideal location for occupation. The study area is a highly urbanised area with commercial and residential buildings. Due to the lack of ground visibility no Aboriginal objects were observed within the study area. However, given the high level of disturbance including basements, underground services and building foundations, it is not expected that any evidence that may once have existed within the study area will remain.

8.2 Impacts of Proposed Works

The proposed works include demolition of existing buildings, and the construction of new residential facilities including basements. However, as it is not expected that any Aboriginal object will remain within the study area, it is not expected that there will be any impact on Aboriginal objects.

8.3 Mitigation

As it is highly unlikely that any Aboriginal objects will be located within the study area, specific mitigation measures are not required. However, if any previously unrecorded Aboriginal object is unexpectedly uncovered, all work should cease in the vicinity of that object and further advice sought from the consultant.



9 RECOMMENDATIONS

The following recommendations are made based on:

- Legal requirements under the terms of the *National Parks & Wildlife Act 1974* (as amended), which states that it is an offence to harm or desecrate an Aboriginal place or object without first gaining a permit under Part 6 of the *National Parks & Wildlife Act 1974*.
- Consultation with the Registered Aboriginal Parties as detailed in this report.
- Research into the archaeological record for the Cumberland Plain and the study area.
- Results of the assessment as outlined in this report.

Recommendation 1: Induction

An Aboriginal heritage induction should be provided to all employees, contractors and subcontractors engaged on the project on the significance of the Aboriginal heritage, that it an offence to harm Aboriginal objects and be advised of their responsibilities under the National Parks and Wildlife Act 1974 in respect of Aboriginal heritage.

Recommendation 2: Unexpected Finds and Human Remains Procedure

Aboriginal Objects: If any Aboriginal objects are unexpectedly uncovered during the redevelopment of the site, all work must cease in the vicinity of the object and an area of at least one metre around the Aboriginal object secured and cordoned off using fencing and/or appropriate barriers. The archaeological consultant must be immediately contacted for further advice. The consultant will assess the object and provide further advice. In addition, the consultant will liaise with the Registered Aboriginal Parties. No-one should enter the secured area and work can only recommence when advised by the consultant.

Human Remains: If any skeletal remains are uncovered during the redevelopment of the site, all work must cease in the vicinity of the human skeletal remains and an area of at least ten metres around the skeletal remains secured and cordoned off using fencing and/or appropriate barriers. The archaeological consultant must be immediately contacted and must attend immediately. The consultant will inspect the skeletal remains to confirm that they are human. If the remains are human, the consultant will contact and liaise with the Police, Heritage NSW and the Registered Aboriginal Parties, all of whom will most likely attend the site. Work will not be able to recommence within the secured area until suitable management procedures are in place. It could take several months to determine an appropriate course.



REFERENCES

- Artefact 2016. Sydney Metro Chatswood to Sydenham, Environmental Impact Statement Technical Paper 5 Aboriginal Heritage - Archaeological Assessment.
- Attenbrow, V. 2003. *Investigating Sydney's Aboriginal Past*. Australian Museum.
- Baker, M., Corringham, R., Dark, J. 1986. Native Plants of the Sydney Region, Three Sisters Productions Pty Ltd, Winmalee, NSW.
- Baker, N. 2004. Archaeological Salvage of an Aboriginal Site at William Street, East Sydney (report to Zonie Construction and Design Pty Ltd).
- Benson, D. & Howell, J. 1995. Taken for Granted: The Bushland of Sydney and Its Suburbs. Kangaroo Press in association with the Royal Botanic Gardens Sydney.
- Bradley, W. 1786-1792. *A Voyage to New South Wales. The Journal of Lieutenant William Bradley of HMS Sirius*. Reproduced in facsimile from the original manuscript. The Trustees of the Public Library of NSW in association with Ure Smith Pty Ltd. 1969
- Chapman, G.A. & Murphy, C.L. 1989. *Sydney 1:100,000 Geological Sheet 9030*. NSW Survey, Sydney, Department Mineral Resources, Sydney.
- Conyers, B. 1990. Survey for Aboriginal Archaeological Sites: Lane Cove River State Recreation Area, unpublished report prepared for the State Recreation Area Trust and NSW National Parks and Wildlife Service.
- Comber, J. 2008. Aboriginal Archaeological Assessment. Darling Walk, Darling Harbour. Unpublished report to Lend Lease Development.
- Department of the Environment, Climate Change and Water. 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.
- Department of the Environment, Climate Change and Water. 2011. *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*.
- DSCA, 2006. Aboriginal Archaeological heritage impact Assessment, Royal North Shore Hospital, St Leonards.
- Gollan, V. 1993. Colonisation and the Law: the role of British law in the dispossession of Aborigines 1788-1840. Unpublished PhD Thesis, Sydney University.
- Herbert, C. 1983. Geology of the Sydney 1:100.000 sheet, 9130. Geographical Survey of New South Wales, Department of Mineral Resources.
- Jacobs, 2020. Western Harbour Tunnel and Warringah Freeway Upgrade Archaeological assessment report, Unpublished report prepared for Roads and Maritime Services.
- Knight, T. 1996. The Batemans Bay Forests Archaeological project – Site distribution analysis. Published report for the Department of Archaeology & Anthropology, The Faculties Australian National University.
- Kohen, J. 1984. *Shaw's Creek KII Rockshelter: a prehistoric occupation site in the Blue Mountains piedmont, eastern New South Wales*, in *Archaeology in Oceania* 19 (2):57-73
- Oakely, B. 2000. Indigenous Heritage Assessment – Proposed Sewerage Upgrade REF, Lane Cove National Park, report to Australian Water Technologies Pty Ltd.
- Stening, T. & Comber, J. 2011. Aboriginal Archaeological and Cultural Heritage Assessment: The Parishes of Our Lady of the Way St Mary's, North Sydney Unpublished report to David Scobie Architects Pty Ltd.



Steele, D. 2006. Final Aboriginal Archaeological Excavation Report. The KENS Site (Kent, Erskine, Napoleon and Sussex Streets), Sydney, NSW, containing DECC Site 45-6-2647 and associated areas of PAD. Unpublished report to Leighton Contractors Pty Ltd.

Total Earth Care, 2007. 126 Greville Street, Chatswood West: Aboriginal Heritage and Archaeological Assessment, unpublished report to EDAW Australia.

Urbis, 2017. Aboriginal Archaeological Due Diligence Assessment Lindfield Learning Village, Lindfield, unpublished report to Designing Sydney Pty Ltd.



APPENDIX A: CONSULTATION

4.1.1. Native Title

An updated search of the National Native Title Register was undertaken on 21/9/2023. There are no active claims and Native Title does not exist for Parramatta, as shown below. There are no Indigenous Land Use Agreements (ILUAs) for Parramatta.

Search National Native Title Register

The National Native Title Register (NNTR) is a register established under s. 192 of the *Native Title Act 1993* (Cth).

The NNTR contains determinations of native title made by:

- the High Court of Australia
- the Federal Court of Australia
- or a recognised body such as South Australia's Supreme Court and Environment Resources and Development Court.

Further information about the NNTR is available.

| | |
|---|---|
| Tribunal file no. | <input type="text"/> |
| Federal Court file no. | <input type="text"/> |
| Short name | <input type="text"/> |
| Case name | <input type="text"/> |
| State or Territory | ALL <input type="button" value="v"/> |
| Registered Native Title Body Corporate* | <input type="text"/> |
| Representative A/TSI body area | <input type="text"/> |
| Local government area | Lane Cove Municipal Council |
| Determination type | ALL <input type="button" value="v"/> |
| Legal process | ALL <input type="button" value="v"/> |
| Determination outcome | ALL <input type="button" value="v"/> |
| Determination date between | <input type="text"/> <input type="button" value="calendar"/> and <input type="text"/> <input type="button" value="calendar"/> |
| Sort by | Determination date <input type="button" value="v"/> |

*Please note: current contact details for the Registered Native Title Body Corporate are available from the Office of the Registrar of Indigenous Corporations www.oric.gov.au

No results for current search criteria



Search Register of Indigenous Land Use Agreements

Under the *Native Title Act*, the Registrar is responsible for maintaining the Register of Indigenous Land Use Agreements (ILUAs), which contains information about ILUAs that have been [accepted for registration](#).
The register entry for each ILUA must include:

- a description of the area covered by the agreement
- the name of each party to the agreement and the address at which the party can be contacted
- if the agreement specifies the period during which it will operate — that period
- if the agreement includes any statements regarding extinguishment, the validation or doing of *future acts*, contracting out of the 'right to negotiate' provisions of the *Native Title Act*, or changing the effect of 'intermediate period acts' on native title — a reference to that fact, setting out any such statements

The Registrar must remove details of the ILUA from the Register if:

- there is an approved determination of native title over the ILUA area and certain conditions exist, and the Court has not ordered that the ILUA should remain on the Register
- a party tells the Registrar in writing that the agreement has expired
- all parties tell the Registrar in writing that they wish to terminate the agreement
- the Federal Court orders the Registrar to remove the details of the agreement

If you have a question about a particular ILUA, please contact the parties to the agreement identified on the register extract for the ILUA. If you need assistance searching the Register of ILUAs, please email iluas@nntt.gov.au.

| | |
|---|---|
| Tribunal file no. | <input type="text"/> |
| ILUA name | <input type="text"/> |
| ILUA type | ALL <input type="button" value="v"/> |
| State or Territory | New South Wales <input type="button" value="v"/> |
| Representative A/TSI body area | <input type="text"/> |
| Subject Matter | <input type="text"/> |
| Date registered between | <input type="text"/> <input type="button" value="calendar"/> and <input type="text"/> <input type="button" value="calendar"/> |
| Sort by | Date registered <input type="button" value="v"/> |
| <input type="button" value="Search"/> <input type="button" value=">"/> | |

Your search returned **27** matches.

| ILUA name | ILUA type | Subject matter(s) | Tribunal file no | Date registered |
|---|----------------|---|------------------|-----------------|
| Buronga Sandwash ILUA | Body Corporate | Small mining, Commercial | NI2021/001 | 09/12/2021 |
| Ongoing Tenures (including White Cliffs) ILUA | Body Corporate | Tenure resolution, Commercial | NI2021/002 | 09/12/2021 |
| Western Bundjalung Amended Settlement Indigenous Land Use Agreement | Area Agreement | Native Title Settlement, Access, Consultation protocol | NI2020/002 | 04/05/2021 |
| St Ives Pistol Club and Awabakal and Guringai People and Ors ILUA | Area Agreement | Access, Development | NI2020/001 | 01/09/2020 |
| Cavanbah (Byron Bay) Arakwal Indigenous Land Use Agreement | Area Agreement | Native Title Settlement, Access, Community, Consultation protocol | NI2019/005 | 20/05/2020 |
| Buronga HealthOne ILUA | Body Corporate | Government, Development | NI2019/006 | 04/03/2020 |
| Copmanhurst Projects ILUA | Area Agreement | Mining, Infrastructure | NI2019/001 | 04/10/2019 |



| | | | | |
|---|----------------|---|-------------|------------|
| Barkandji Single Dealings ILUA | Body Corporate | Extinguishment, Tenure resolution | NI2019/004 | 10/09/2019 |
| Barkandji RNTBC Keltren ILUA | Body Corporate | Extinguishment, Not specified | NI2019/002 | 30/07/2019 |
| Yaegl Interim Licences ILUA | Body Corporate | Native Title Settlement, Not specified | NI2018/006 | 20/11/2018 |
| Barkandji Interim Licences ILUA | Body Corporate | Not specified | NI2018/007 | 20/11/2018 |
| Bandjalang Interim Licences ILUA | Body Corporate | Not specified | NI2018/008 | 20/11/2018 |
| Gumbayngirr (Boney) Settlement ILUA | Area Agreement | Extinguishment, Native Title Settlement | NI2018/004 | 26/07/2018 |
| Gumbayngirr Wenonah Head ILUA | Area Agreement | Native Title Settlement, Tenure resolution | NI2018/005 | 26/07/2018 |
| Barkandji Appin Station ILUA | Area Agreement | Native Title Settlement | NI2018/002 | 13/07/2018 |
| Barkandji Weinteriga and Yobel Station ILUA | Area Agreement | Native Title Settlement | NI2018/003 | 13/07/2018 |
| Tubba-Gah ILUA | Area Agreement | Native Title Settlement, Co-management | NI2015/001 | 12/01/2016 |
| Gundurra Area Agreement | Area Agreement | Native Title Settlement, Consultation protocol | NI2014/001 | 27/02/2015 |
| Cubbitch Barta Clan of the Dharawal People Indigenous Land Use Agreement | Area Agreement | Access | NI2010/001 | 16/03/2011 |
| Bundjalung People of Byron Bay (ILUA 2) | Area Agreement | Co-management, Consultation protocol, Extinguishment | NI2006/004 | 22/04/2008 |
| Ti Tree Lake (Taylor's Lake) (ILUA 3) | Area Agreement | Co-management, Consultation protocol | NI2006/005 | 22/04/2008 |
| Gundurra Taralga Wind Farm Agreement | Area Agreement | Development, Commercial | NI2006/002 | 13/12/2007 |
| Githabul People ILUA | Area Agreement | Access, Co-management, Consultation protocol, Extinguishment, Terms of Access | NI2006/001 | 15/08/2007 |
| Twofold Bay | Area Agreement | Infrastructure, Transport | NI2001/003 | 29/04/2002 |
| Powercoal Pty Ltd, Victor Perry, Stephen Seiver & NSW ALC ILUA Area Agreement | Area Agreement | Mining, Large mining | NIA2000/001 | 29/08/2001 |
| Bunjalung of Byron Bay (Arakwal) | Area Agreement | Development, Community | NIA2001/001 | 28/08/2001 |
| Tumut Brungle Area Agreement | Area Agreement | Mining, Exploration | NIA1998/001 | 21/06/1999 |



4.1.2. We wrote to the following organisations to ascertain the names of Aboriginal people who hold cultural knowledge 23/05/2022

We wrote to the following organisations:

- Heritage NSW
- Metropolitan Local Aboriginal Land Council
- The Registrar, *Aboriginal Land rights Act 1983*, for a list of Aboriginal owners.
- Lane Cove Council
- Greater Sydney Local Land Services.

From: Agata Calabrese

Sent: Tuesday, June 7, 2022 2:15 PM

To: Heritage NSW AHIP applications <heritagemailbox@environment.nsw.gov.au>; Information@ntscorp.com.au; service@lanecove.nsw.gov.au; Local Land Services - Greater Sydney <gs.service@lls.nsw.gov.au>

Subject: 524-542 Pacific Highway, St Leonards, NSW 2065

524-542 Pacific Highway, St Leonards, NSW 2065

Home Apartments of Level 16, 175 Pitt Street, Sydney, proposes the preparation of an Aboriginal Cultural Heritage Assessment Report and will possibly undertake excavation prior to redevelopment of 524-542 Pacific Highway, St Leonards, located within the Lane Cove Local Government Area (LGA).

Comber Consultants have been engaged by Home Apartments of Level 16, 175 Pitt Street, Sydney, to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. Therefore, I am writing to you to ascertain if you are aware of Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and or/places within the study area. If so, I would be pleased if you could forward their contact details to me.

Please provide your response by 21/06/2022 to: agata.calabrese@comber.net.au.

Kind regards
Agata

AGATA M.C. CALABRESE

SENIOR ARCHAEOLOGIST

COMBER CONSULTANTS

76 EDWIN STREET NORTH, CROYDON, NSW, 2132

T (02) 9799 6000

E agata.calabrese@comber.net.au





From: Agata Calabrese
Sent: Tuesday, June 7, 2022 2:15 PM
To: jodie.rikiti2@oralra.nsw.gov.au
Subject: 524-542 Pacific Highway, St Leonards, NSW 2065

Home Apartments of Level 16, 175 Pitt Street, Sydney, proposes the preparation of an Aboriginal Cultural Heritage Assessment Report and will possibly undertake excavation prior to redevelopment of 524-542 Pacific Highway, St Leonards, located within the Lane Cove Local Government Area (LGA).

Comber Consultants have been engaged by Home Apartments of Level 16, 175 Pitt Street, Sydney, to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. I would be pleased if you could provide me with a list of Aboriginal owners. Also, could you please advise if you are aware of Aboriginal people or organisations who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and or/places within the study area. If so, I would be pleased if you could forward their contact details to me.

Please provide your response by 21/06/2022 to: agata.calabrese@comber.net.au.

Kind regards
Agata

AGATA M.C. CALABRESE

SENIOR ARCHAEOLOGIST
COMBER CONSULTANTS
76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T (02) 9799 6000
E agata.calabrese@comber.net.au



From: Agata Calabrese
Sent: Tuesday, June 7, 2022 2:16 PM
To: metrolalc@metrolalc.org.au
Subject: 524-542 Pacific Highway, St Leonards, NSW 2065

524-542 Pacific Highway, St Leonards, NSW 2065

Home Apartments of Level 16, 175 Pitt Street, Sydney, proposes the preparation of an Aboriginal Cultural Heritage Assessment Report and will possibly undertake excavation prior to redevelopment of 524-542 Pacific Highway, St Leonards, located within the Lane Cove Local Government Area (LGA).

Comber Consultants have been engaged by Health Infrastructure NSW, of 1 Reserve Rd, St Leonards NSW 2065, to undertake Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.



You are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects and or/places within the study area. You are also invited to provide the names and contact details of any other Aboriginal person or organisations who may hold cultural knowledge relevant to the study area.

The community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for a State Significant Development Application (SSDA) and to assist the Department of Planning and Environment in the determination of the application.

Please provide your response by 21/06/2022 to: agata.calabrese@comber.net.au.

Kind regards
Agata

AGATA M.C. CALABRESE

SENIOR ARCHAEOLOGIST
COMBER CONSULTANTS
76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T (02) 9799 6000
E agata.calabrese@comber.net.au





4.1.2. We received the following responses to the letters sent to agencies, as above:

From: LLS GS Service Mailbox <gs.service@lls.nsw.gov.au>
Sent: Tuesday, June 7, 2022 2:35 PM
To: Agata Calabrese <agata.calabrese@comber.net.au>
Subject: Re: 524-542 Pacific Highway, St Leonards, NSW 2065

Dear Ms Calabrese

Thank you for your recent letter seeking assistance to identify Aboriginal stakeholder organisations and persons who may hold an interest in Country at the project area designated in your correspondence.

Greater Sydney Local Land Services (GS LLS) acknowledges that Local Land Services (formerly as Catchment Management Authorities) has been listed in Section 4.1.3.(g) of the Aboriginal Cultural Heritage Consultation requirements for proponents 2010, to support Part 6, of the NSW National Parks and Wildlife Act 1974 as a source of information to obtain the 'names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places'.

GS LLS understands and respects the significant role and values that tangible and intangible Aboriginal Cultural Heritage holds for First Nations/Aboriginal people with Country. GS LLS also partners with many First Nations communities on Caring for Country projects that aim to protect and enhance those tangible and intangible values in Country including Aboriginal Cultural Heritage. GS LLS considers Aboriginal Cultural Heritage matters in relation to its role in land management and considers cultural heritage issues in the context of Natural Resource Management.

However, GS LLS feels that it is not a primary source of contact for First Nations (Aboriginal) communities or persons that may inform or provide comment on development or planning issues.

GS LLS strongly recommends you contact Heritage NSW to seek their advice on all-inclusive contact lists of persons and organisations who 'speak for Country' and that may assist with your investigation.

Regards

Customer Service Team

Greater Sydney Local Land Services

Level 4, 2 - 6 Station St Penrith | PO Box 4515, Westfield Penrith NSW 2750

T: 02 4724 2100

E: gs.service@lls.nsw.gov.au | **W:** www.greatersydney.lls.nsw.gov.au



Premier
& Cabinet

Our reference: Doc22/451668

AGATA M.C. CALABRESE
SENIOR ARCHAEOLOGIST
COMBER CONSULTANTS
76 EDWIN STREET NORTH
CROYDON, NSW, 2132

14/06/2022

Dear Agata,

**WRITTEN NOTIFICATION OF PROPOSAL AS REQUIRED UNDER DECCW ABORIGINAL
CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010**

Subject: 524-542 Pacific Highway, St Leonards.

Thank you for your correspondence dated 7 June 2022 to Heritage NSW (Department of Premier and Cabinet) regarding the above project.

Attached is a list of known Aboriginal parties for the proposed development at Lane Cove local Government Area that Heritage NSW considers likely to have an interest in the activity.

Please note this list is not necessarily an exhaustive list of all interested Aboriginal parties.

Receipt of this list does not remove the requirement of a proponent/ consultant to advertise in local print media and contact other bodies seeking interested Aboriginal parties, in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (April 2010).

Under Section 4.1.6. of the Consultation Requirements, you must also provide a copy of the names of each Aboriginal person who registered an interest to the relevant Heritage NSW office and Local Aboriginal Land Council (LALC) within 28 days from the closing date for registering an interest.

Please note that the contact details in the list provided by Heritage NSW may be out of date as it relies on Aboriginal parties advising Heritage NSW when their details need changing. If individuals/companies undertaking consultation are aware that any groups contact details are out of date, or letters are returned unopened, please contact either the relevant stakeholder group (if you know their more current details) and/or Heritage NSW. AHIP applicants should make a note of any group they are unable to contact as part of their consultation record.



If you have any questions about this advice, please email:
heritagemailbox@environment.nsw.gov.au or contact (02) 9873 8500.

Yours sincerely

Barry Gunther
Aboriginal Heritage Planner
Aboriginal Heritage Regulation Branch – South Heritage NSW

Attachment A: Registered Aboriginal Interests Heritage NSW RAP List for the Lane Cove local Government Area.

LIST OF ABORIGINAL STAKEHOLDERS FOR THE DEPARTMENT of PREMIER and CABINET (DPC) SOUTHERN REGION HELD BY DPC FOR THE PURPOSES OF THE OEHS ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010

These lists are provided to proponents in accordance with section 4.1.2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the "Consultation Requirements") which commenced on 12 April 2010.

The consultation process involves getting the views of, and information from, Aboriginal people and reporting on these. It is not to be confused with other field assessment processes involved in preparing a proposal and an application. Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring. Aboriginal people may provide services to proponents through a contractual arrangement however, this is separate from consultation. The proponent is not obliged to employ those Aboriginal people registered for consultation. Consultation as per these requirements will continue irrespective of potential or actual employment opportunities for Aboriginal people.

A copy of the Consultation Requirements can be found on the OEHS website at:

<http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>

Under the Consultation Requirements, a proponent is required to provide Aboriginal people who may hold cultural knowledge relevant to determining the cultural significance of Aboriginal objects and/or places as relevant to the proposed project area, with an opportunity to be involved in consultation. Section 3.3.1 of the Consultation Requirements states that Aboriginal people who can provide this information are, based on Aboriginal lore and custom, the traditional owners or custodians of the land that is the subject of the proposed project.

The Consultation Requirements also state that:

Traditional owners or custodians with appropriate cultural heritage knowledge to inform decision making who seek to register their interest as an Aboriginal party are those people who:

- *continue to maintain a deep respect for their ancestral belief system, traditional lore and custom*
- *recognise their responsibilities and obligations to protect and conserve their culture and heritage and care for their traditional lands or Country*
- *have the trust of their community, knowledge and understanding of their culture, and permission to speak about it.*

Please note: the placement of an organisation's name on any OEHS Aboriginal stakeholder list for the Consultation Requirements does not override a proponent's requirement to also advertise in the local newspaper and to seek from other sources the names of any other Aboriginal people who may hold cultural knowledge as required under clause 60 of the National Parks and Wildlife Regulation 2019.

How to use this list

1. Contact the organisations/individuals who have indicated an interest in the relevant LGA/s and invite them to register an interest in your project

Do not reproduce the attached list in publicly available reports and other documents. Your report should only contain the names of the organisations and individuals who you have invited to register an interest in your project and those who have registered as stakeholders for your project.

Last updated 14 June 2022



16 June 2022

By email: agata.calabrese@comber.net.au

Agata Calabrese
Senior Archaeologist
Comber Consultants
76 Edwin Street North
CROYDON NSW 2132

Dear Agata,

**Aboriginal Cultural Heritage Assessment – proposed redevelopment of 524-542
Pacific Highway, St Leonards, NSW: request for list of potential
Aboriginal stakeholders**

We refer to your email to this Office, dated 7 June 2022, requesting contact information for Aboriginal organisations, stakeholders and/or people who may have cultural knowledge relevant to the proposed redevelopment of 524-542 Pacific Highway, St Leonards, NSW, as part of an Aboriginal Cultural Heritage Assessment (ACHA).

Under Section 170 of the *Aboriginal Land Rights Act 1983 (NSW)*, the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO) for New South Wales. A search of the RAO has shown that there are currently no Registered Aboriginal Owners in the project area.

The proposed development and study area falls within the boundaries of Metropolitan Local Aboriginal Land Council (LALC). We suggest you contact Metropolitan LALC (contact details provided below), as they may wish to participate or contribute.

Yours sincerely

Brendan Smith
Project Officer
Office of the Registrar, Aboriginal Land Rights Act 1983

Metropolitan Local Aboriginal Land Council
PO Box 1103
Strawberry Hills NSW 2012
B:(02) 8394 9666
metrolalc@metrolalc.org.au

Address: Level 3, 2 – 10 Wentworth Street, PARRAMATTA NSW 2150
Post: P.O Box 787, PARRAMATTA NSW 2124
Phone: 02 8575 1160



4.1.3 Newspaper Notification 26/05/22

The newspaper notification in Parramatta Advertiser dated 07/06/2022 requested responses to be received by COB 21/06/22

ABORIGINAL CULTURAL HERITAGE

7/6/2022

524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

NOTIFICATION AND REGISTRATION OF ABORIGINAL INTERESTS

Home Apartments of Level 16, 175 Pitt Street, Sydney, proposes a new Build-to-Rent (BTR) development at 524-542 Pacific Highway, St Leonards. Comber Consultants Pty Ltd has been appointed to prepare an Aboriginal Cultural Heritage Assessment Report and will undertake testing and possibly salvage prior to the redevelopment. The property is located within the Lane Cove Local Government Area (LGA).

The proposed development is being assessed as a State Significant Development (SSD) under Part 4, Division 4.7 of the Environmental Planning and Assessment Act 1979. This requires Aboriginal community consultation to be undertaken in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010.

Registrations of interest are sought from Aboriginal people who hold cultural knowledge relevant to determining the significance of any potential Aboriginal objects at this location. This will assist in the assessment of the proposal by the Department of Planning and Environment.

Please note that the details of Aboriginal people or organisations who register an interest will be forwarded to Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC). If you do not want your details forwarded to Heritage NSW and/or the MLALC, please notify Comber Consultants Pty Ltd at the time of registration.

You can register, indicating the nature of your interest by phone or in writing to:

Agata Calabrese
Comber Consultants Pty Ltd
76 Edwin Street North
Croydon NSW 2132
Tel: (02) 9799 ...
Email: agata.calabrese@comber.net.au

REGISTRATIONS MUST BE RECEIVED BY COB 21st June 2022.

St Leonards 2065



4.1.3 Written Notification

Notification of the proposed project was sent to the people/organisations provided by Heritage NSW, as shown below

From: Agata Calabrese

Sent: Wednesday, June 15, 2022 10:47 AM

To: tracey@guringai.com.au; officeadmin@metrolalc.org.au; daruglandobservations@gmail.com; cazadirect@live.com; Phil Khan (philipkhan.acn@live.com.au) <philipkhan.acn@live.com.au>; scott@tocomwall.com.au; amandahickey@live.com.au; Kylie Ann Bell (gunyuuchts@gmail.com) <gunyuuchts@gmail.com>; walbunja@gmail.com; Karia Bond (baduchts@gmail.com) <baduchts@gmail.com>; goobahchts@gmail.com; Lee-Roy James Boota (wuullunglb@gmail.com) <wuullunglb@gmail.com>; yerramura@gmail.com; Newton Carriage (nundagurri@gmail.com) <nundagurri@gmail.com>; murrumbul@gmail.com; Joanne Anne Stewart (jerringong@gmail.com) <jerringong@gmail.com>; Pemulwuy Johnson (pemulwuyd@gmail.com) <pemulwuyd@gmail.com>; bilingachts@gmail.com; munyungachts@gmail.com; Hayley Bell (wingikarachts@gmail.com) <wingikarachts@gmail.com>; Aaron Broad (minnamunning@gmail.com) <minnamunning@gmail.com>; walgaluchts@gmail.com; Shane Carriage (thauairachts@gmail.com) <thauairachts@gmail.com>; dharugchts@gmail.com; Wendy Smith (gulagachts@gmail.com) <gulagachts@gmail.com>; Seli Storer (biamangachts@gmail.com) <biamangachts@gmail.com>; Corey Smith (cullendullachts@gmail.com) <cullendullachts@gmail.com>; Roxanne Smith (murramarangchts@gmail.com) <murramarangchts@gmail.com>; darrenjohnduncan@gmail.com; Jennifer Beale (butuheritage@gmail.com) <butuheritage@gmail.com>; Lilly Carroll & Paul Boyd (didgengunawalclan@yahoo.com.au) <didgengunawalclan@yahoo.com.au>; Steven Johnson and Krystle Carroll (Ginninderra.corp@gmail.com) <ginninderra.corp@gmail.com>; Waarlan12@outlook.com; barkingowlcorp@gmail.com; paulhand1967@gmail.com; hamptonralph46@gmail.com; kinghampton@77gmail.com; Kaarina Slater (ngambaaculturalconnections@hotmail.com) <ngambaaculturalconnections@hotmail.com>; Caine Carroll (goodradigbee1@outlook.com) <goodradigbee1@outlook.com>; mura.indigenous@bigpond.com; Jamie Eastwood (James.eastwood@y7mail.com) <james.eastwood@y7mail.com>; Rodney Gunther (Waawaar.awaa@gmail.com) <waawaar.awaa@gmail.com>; Daniel Chalker <woriwoolywa@gmail.com>; justinecoplin@optusnet.com.au; Kerrie Slater and Vicky Slater (wurrumay@hotmail.com) <wurrumay@hotmail.com>; Darleen Johnson and Ryan Johnson (murrabidgeemullangari@yahoo.com.au) <murrabidgeemullangari@yahoo.com.au>; Shayne Dickson <gunjeewongculturalheritage21@hotmail.com>; Julia-Ann Narayan <juliaannnarayan2018@gmail.com>; James Carroll <bidjawong@gmail.com>; Adam Gunther <gunya.ach@gmail.com>; Phil Khan (philipkhan.acn@live.com.au) <philipkhan.acn@live.com.au>; kooridigs@gmail.com; ngunawal56@outlook.com; Yurwang.Gundana.C.H.S@outlook.com; Dean Delponte <mundawari.hc@gmail.com>

Subject: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Attachment: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065 site location.pdf

ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Home Apartments of Level 16, 175 Pitt Street, Sydney, proposes a new Build-to-Rent (BTR) development at 524-542 Pacific Highway, St Leonards. The proposed development is being assessed as a State Significant Development (SSD) under Part 4, Division 4.7 of the *Environmental Planning and Assessment Act 1979*. The property is located within the Lane Cove Local Government Area (LGA). A map showing the location of the study area is attached.

Comber Consultants have been engaged to undertake Aboriginal community consultation. This will assist in the assessment of the proposal by the NSW Department of Planning and Environment.

Heritage NSW have advised that you are a stakeholder who may have an interest in the project. Therefore, you are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects



and or/places within the study area. You are also invited to provide the names and contact details of any other Aboriginal person or organisations who may hold cultural knowledge relevant to the study area.

Please note that this invitation is for Aboriginal community consultation, which should not be confused with employment. As stated in section 3.4 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. "Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring." Therefore, responding to this invitation will not be a guarantee of work.

Please note that a log of responses will be prepared and forwarded to Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC). If you do not want your name forwarded to Heritage NSW and/or MLALC, please let me know.

Please forward your response to:

Agata Calabrese
Comber Consultants
76 Edwin Street North
Croydon NSW 2132
Email: agata.calabrese@comber.net.au
Ph: (02) 9799 6000

Please send your response by 1st July 2022.

Kind regards

Agata

AGATA M.C. CALABRESE

SENIOR ARCHAEOLOGIST
COMBER CONSULTANTS
76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T (02) 9799 6000
E agata.calabrese@comber.net.au





Registration of Interest

Registration of interest was received from the following people and organisations.

- Lilly Carroll, Didge Ngunawal Clan.
- Korri Currell, Koori Digs Services
- Scott Franks, Tocomwall Pty Ltd
- Ralph Hampton, B.H. Heritage Consultants
- Krystle Carroll-Elliott, Ginninderra Aboriginal Corporation
- Phil Khan, Kamilaroi Yankuntjatjara Working Group
- Paul Hand, Darug Boorooberongal Elders Aboriginal Corporation
- Daniel Chalker, Wori Woilywa
- Justine Coplin, Darug Custodian Aboriginal Corporation
- Carolyn Hickey, A1 Indigenous Services

From: lilly carroll <didgengunawalclan@yahoo.com.au>

Sent: Wednesday, June 15, 2022 10:29 AM

To: Agata Calabrese <agata.calabrese@comber.net.au>

Subject: EOI

Hi Agata

DNC would like to register an interest into 524-542 Pacific HWY project

Kind regards

Paul Boyd & Lilly Carroll

Directors DNC

From: Korri Currell <kooridigs@gmail.com>

Sent: Wednesday, June 15, 2022 10:33 AM

To: Agata Calabrese <agata.calabrese@comber.net.au>

Subject: Re: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Hi agata

Koori digs would like to register an interest in this project and also consultation.

If you need anything else please don't hesitate to contact me

0450015710

Kind regards

From: Scott Franks <scott@tocomwall.com.au>

Sent: Wednesday, June 15, 2022 10:39 AM

To: Agata Calabrese <agata.calabrese@comber.net.au>

Subject: Re: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Tocomwall is registering our interest



Regards
Scott Franks

Consultant
Tocomwall Pty Ltd
scott@tocomwall.com.au
0404 171544

From: Ralph Hampton <hamptonralph46@gmail.com>
Sent: Wednesday, June 15, 2022 12:59 PM
To: Agata Calabrese <agata.calabrese@comber.net.au>
Subject: Re: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Good afternoon my name is Ralph Hampton I would like to register for this project thank you.

From: Ginninderra Aboriginal Corporation <ginninderra.corp@gmail.com>
Sent: Wednesday, June 15, 2022 8:15 PM
To: Agata Calabrese <agata.calabrese@comber.net.au>
Subject: Re: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Hi Agata,

Thank you for your email.

Please register Ginninderra AC for the above mentioned project. We would like to be involved in all aspects going forward.

Our preferred method of contact is email. Our postal address however is [PO Box 3143 Grose Vale NSW 2753](#).

Kind regards,

Krystle Carroll-Elliott
Ginninderra Aboriginal Corporation
M: [0451016224](tel:0451016224)
E: Ginninderra.corp@gmail.com

From: Kadibulla khan <philipkhan.acn@live.com.au>
Sent: Thursday, June 16, 2022 9:33 AM
To: Agata Calabrese <agata.calabrese@comber.net.au>
Subject: RE: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Hi Agata,

Thank you for informing us that **Comber Consultants** will be involved in an Aboriginal Cultural Heritage Assessment at **524-542 Pacific Highway, St Leonards** &, that you are inviting Aboriginal organisations to register, if they wish too be involved in the community consultation process.



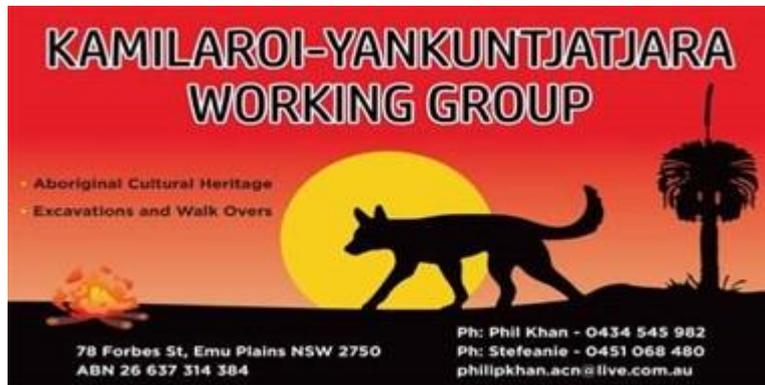
As a senior Aboriginal person for the past 50yrs, I actively participate in the protection of the Aboriginal Cultural Heritage throughout the Sydney Basin, & particularly throughout Western Sydney, on behalf of Kamilaroi Yankuntjatjara Working Group I wish to provide to you my organisation's registration of interest.

I wish to be involved & participate in all levels of consultation/project involvement. I wish to attend all meetings, participate in available field work & receive a copy of the report.

I have attached a copy of Kamilaroi Yankuntjatjara Working group's Public Liability Insurance & Workers Compensation certificate.

Should you wish me to provide further information, please do not hesitate to contact me on 0434545982 or Stefeanie on 0451068480.

Kind Regards
Phil Khan



From: Paul Hand <paulhand1967@gmail.com>
Sent: Wednesday, June 15, 2022 10:49 AM
To: Agata Calabrese <agata.calabrese@comber.net.au>
Subject: Re: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Thanx for the email

From: Agata Calabrese
Sent: Wednesday, June 15, 2022 11:20 AM
To: Paul Hand <paulhand1967@gmail.com>
Subject: RE: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Hi Paul,
Thanks for your email. Do you want to register an interest in the below project?
Kind regards
Agata

AGATA M.C. CALABRESE
SENIOR ARCHAEOLOGIST
COMBER CONSULTANTS



76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T (02) 9799 6000
E agata.calabrese@comber.net.au

From: Paul Hand <paulhand1967@gmail.com>
Sent: Thursday, June 23, 2022 4:16 PM
To: Agata Calabrese <agata.calabrese@comber.net.au>
Subject: Re: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Yes, I would.

From: Daniel Chalker <woriwoolywa@gmail.com>
Sent: Friday, July 1, 2022 8:11 PM
To: Agata Calabrese <agata.calabrese@comber.net.au>
Subject: Re: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

Yarma Agata

We would like to acknowledge the land owners as the first nation's families of the country. We would like to acknowledge and pay thanks to mother earth for providing for us, Father for looking over us and the sprites for helping guide us. Also we pay our respects to the old the young and the new.

We thank you for your invitation to register for the Aboriginal Cultural Heritage Assessment at 525-542 Pacific Highway St Leonards, New South Wales. We would like to be involved in the consultation process and are also able to provide field workers if required.

Thank you again and please feel free to contact me if you require anything further.

Thankyou
Daniel Chalker
[0409 006216](tel:0409006216)
Wori Woolywa



DARUG CUSTODIAN

ABORIGINAL CORPORATION



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0414962766 Justine Coplin
EMAIL: justinecoplin@optusnet.com.au

Attention: Comber Consultants

Date: 02/07/22

Subject: 524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW

Dear Agata

Our group is a non-profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

The St Leonards area is an area that our group has a vast knowledge of, we have worked and lived in for many years, this area is significant to the Darug people due to the connection of sites and the continued occupation. Our group has been involved in all previous assessments and works in this area as a traditional owner Darug group for the past 40 plus years.

People from other mobs should be respectful of our country and people if they are not respectful that the Darug are the knowledge holders then they are not cultural, therefore should not be involved on cultural heritage on Darug land.

Therefore, we would like to register our interest for full consultation and involvement in the above project area.

Please contact us with all further enquiries on the above contacts.

Regards



Justine Coplin

We acknowledge and pay respect to the Darug people, the traditional Aboriginal custodians of this land.



4.1.6 List of RAP's compiled and provided to Heritage NSW and Metropolitan Local Aboriginal Land Council

A list of the names of each Aboriginal person who registered an interested, along with a copy of the notification from 4.1.3 was prepared and sent to Heritage NSW and Metropolitan Local Aboriginal Land Council on 04 July 2022.

From: Agata Calabrese

Sent: Monday, July 4, 2022 4:07 PM

To: Heritage NSW AHIP applications (heritagemailbox@environment.nsw.gov.au)

<heritagemailbox@environment.nsw.gov.au>; metrolalc@metrolalc.org.au; officeadmin@metrolalc.org.au

Subject: List 4.1.6 - 524-542 Pacific Highway, St Leonards

524-542 Pacific Highway, St Leonards

As required by the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, I advise that the following Aboriginal organisations have registered an interest in the redevelopment of **524-542 Pacific Highway, St Leonards**:

- Lilly Carroll, Didge Ngunawal Clan.
- Korri Currell, Koori Digs Services
- Scott Franks, Tocomwall Pty Ltd
- Ralph Hampton, B.H. Heritage Consultants
- Krystle Carroll-Elliott, Ginninderra Aboriginal Corporation
- Phil Khan, Kamilaroi Yankuntjatjara Working Group
- Paul Hand, Darug Boorooberongal Elders Aboriginal Corporation
- Daniel Chalker, Wori Woilywa
- Justine Coplin, Darug Custodian Aboriginal Corporation

Please find attached a copy of the notification letter and the advertisement.

Best Regards

Agata Calabrese

DR AGATA M.C. CALABRESE

SENIOR ARCHAEOLOGIST

COMBER CONSULTANTS

76 EDWIN STREET NORTH, CROYDON, NSW, 2132

T (02) 9799 6000

E agata.calabrese@comber.net.au





Copy of letter of notification sent on 15th June 2022:

**ABORIGINAL CULTURAL HERITAGE CONSULTATION REQUIREMENTS FOR PROPONENTS 2010
524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065**

Home Apartments of Level 16, 175 Pitt Street, Sydney, proposes a new Build-to-Rent (BTR) development at 524-542 Pacific Highway, St Leonards. The proposed development is being assessed as a State Significant Development (SSD) under Part 4, Division 4.7 of the Environmental Planning and Assessment Act 1979. The property is located within the Lane Cove Local Government Area (LGA). A map showing the location of the study area is attached.

Comber Consultants have been engaged to undertake Aboriginal community consultation. This will assist in the assessment of the proposal by the NSW Department of Planning and Environment.

Heritage NSW have advised that you are a stakeholder who may have an interest in the project. Therefore, you are invited to register an interest, particularly if you hold cultural knowledge relevant to determining the significance of Aboriginal objects and or/places within the study area. You are also invited to provide the names and contact details of any other Aboriginal person or organisations who may hold cultural knowledge relevant to the study area.

Please note that this invitation is for Aboriginal community consultation, which should not be confused with employment. As stated in section 3.4 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. "Consultation does not include the employment of Aboriginal people to assist in field assessment and/or site monitoring." Therefore, responding to this invitation will not be a guarantee of work.

Please note that a log of responses will be prepared and forwarded to Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC). If you do not want your name forwarded to Heritage NSW and/or MLALC, please let me know.

Please forward your response to:

Agata Calabrese
Comber Consultants
76 Edwin Street North
Croydon NSW 2132
Email: agata.calabrese@comber.net.au
Ph: (02) 9799 6000

Please send your response by 1st July 2022.

Kind regards

Agata

AGATA M.C. CALABRESE

SENIOR ARCHAEOLOGIST
COMBER CONSULTANTS
76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T (02) 9799 6000
E agata.calabrese@comber.net.au





ABORIGINAL CULTURAL HERITAGE



7/6/2022

524-542 PACIFIC HIGHWAY, ST LEONARDS, NSW 2065

NOTIFICATION AND REGISTRATION OF ABORIGINAL INTERESTS

Home Apartments of Level 16, 175 Pitt Street, Sydney, proposes a new Build-to-Rent (BTR) development at 524-542 Pacific Highway, St Leonards. Comber Consultants Pty Ltd has been appointed to prepare an Aboriginal Cultural Heritage Assessment Report and will undertake testing and possibly salvage prior to the redevelopment. The property is located within the Lane Cove Local Government Area (LGA).

The proposed development is being assessed as a State Significant Development (SSD) under Part 4, Division 4.7 of the Environmental Planning and Assessment Act 1979. This requires Aboriginal community consultation to be undertaken in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010.

Registrations of interest are sought from Aboriginal people who hold cultural knowledge relevant to determining the significance of any potential Aboriginal objects at this location. This will assist in the assessment of the proposal by the Department of Planning and Environment.

Please note that the details of Aboriginal people or organisations who register an interest will be forwarded to Heritage NSW and the Metropolitan Local Aboriginal Land Council (MLALC). If you do not want your details forwarded to Heritage NSW and/or the MLALC, please notify Comber Consultants Pty Ltd at the time of registration.

You can register, indicating the nature of your interest by phone or in writing to:

Agata Calabrese

Comber Consultants Pty Ltd

76 Edwin Street North

Croydon NSW 2132

Tel: (02) 9799 ...

Email: agata.calabrese@comber.net.au

REGISTRATIONS MUST BE RECEIVED BY COB 21st June 2022.

📍 St Leonards 2065

Advertisement placed on 07/06/2022 (<https://www.buysearchsell.com.au/notices/public-notices/aboriginal-cultural-heritage/5934944/>).



Providing project details, methodology and seeking cultural information

From: Jillian Comber

Sent: Sunday, 7 August 2022 2:39 PM

To: Lilly Carroll (didgengunawalclan@yahoo.com.au) <didgengunawalclan@yahoo.com.au>; Korri Currell (kooridigs@gmail.com) <kooridigs@gmail.com>; Scott Franks (scott@toacomwall.com.au) <scott@toacomwall.com.au>; Ralph Hampton (hamptonralph46@gmail.com) <hamptonralph46@gmail.com>; Krystle Carroll-Elliott (ginninderra.corp@gmail.com) <ginninderra.corp@gmail.com>; Phil Khan (philipkhan.acn@live.com.au) <philipkhan.acn@live.com.au>; Paul Hand (paulhand1967@gmail.com) <paulhand1967@gmail.com>; Daniel Chalker (woriwoolywa@gmail.com) <woriwoolywa@gmail.com>; Justine Coplin (justinecoplin@optusnet.com.au) <justinecoplin@optusnet.com.au>

Subject: 524-542 Pacific Highway St Leonards

Hi Everyone

In accordance with the *Aboriginal Cultural Heritage Consultation Guidelines for Proponents 2010*, I am required to send to you the methodology for comment. The site is on a slope and contains commercial buildings which are to be demolished. I doubt that much evidence of occupation would have been on this site, as a slope is not a good place to camp. Also, construction of the commercial buildings on the site would have destroyed any evidence that may once have existed on the site. Therefore, I am not recommending testing or salvage. So, the methodology, which is detailed below is just to detail that an assessment and consultation is being undertaken. The methodology is:

- Undertake an Aboriginal archaeological assessment in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*. This has been undertaken and is attached. It did not assess the site as not containing Aboriginal archaeological potential. This report also contains details of the development.
- Undertake consultation in accordance with the *Aboriginal Cultural Heritage Consultation Guidelines for Proponents 2010*. As you are aware, this consultation has commenced and you are a Registered Aboriginal Party.

Whilst the site does not contain Aboriginal archaeological potential, it may contain cultural significance, which you may wish to share with me. I would be pleased if you could:

- Comment on the methodology.
- Advise me of the site contains cultural significance.
- Review the attached archaeological report and provide me with your comments.
- Any other information you may wish to provide or discuss.

You can provide you information in writing or feel free to ring me to discuss.

Kind regards

Jillian

DR JILLIAN COMBER

ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T (02) 9799 6000 F (02) 9799 6011 M 0418 788 802
E jillian.comber@comber.net.au

A Connecting with Country meeting was held onsite on 11th August. At this meeting the proposed development was discussed, copies of the plans were handed to everyone, the methodology and cultural significance of the site were discussed. All present at the meeting agreed with the methodology. It was also agreed that the site was highly disturbed and did not contain archaeological potential. No cultural information specific to the site was provided.



Responses:

From: lilly carroll <didgengunawalclan@yahoo.com.au>

Sent: Sunday, 7 August 2022 3:38 PM

To: Jillian Comber <jillian.comber@comber.net.au>

Subject: Re: 524-542 Pacific Highway St Leonards

Hi Jillian

I agree with you on all these proposals I have total trust in you and will back this up on my phone call

At an onsite meeting on 11th August the following people agreed with the methodology and agreed that the site was highly disturbed and did not contain archaeological potential

- Rowena Welsh-Jarrett, MLALC
- Korri Currell, Koori Digs
- Paul Boyd, DidgeNgunal (by phone)
- Kadibulla Khan, Kamilaroi-Yankuntjatjara Working Group



Draft ACHAR forwarded to the RAPs

The draft ACHAR was forwarded to the RAPs on 26/08/2022 for review and comment

From: Jillian Comber

Sent: Friday, 26 August 2022 1:24 PM

To: Lilly Carroll (didgengunawalclan@yahoo.com.au) <didgengunawalclan@yahoo.com.au>; Korri Currell (kooridigs@gmail.com) <kooridigs@gmail.com>; Scott Franks (scott@tocomwall.com.au) <scott@tocomwall.com.au>; Ralph Hampton (hamptonralph46@gmail.com) <hamptonralph46@gmail.com>; Krystle Carroll-Elliott (ginninderra.corp@gmail.com) <ginninderra.corp@gmail.com>; Phil Khan (philipkhan.acn@live.com.au) <philipkhan.acn@live.com.au>; Paul Hand (paulhand1967@gmail.com) <paulhand1967@gmail.com>; Daniel Chalker (woriwoolywa@gmail.com) <woriwoolywa@gmail.com>; Justine Coplin (justinecoplin@optusnet.com.au) <justinecoplin@optusnet.com.au>; metrolalc@metrolalc.org.au

Subject: 524-542 Pacific Highway St Leonards

Hi Everyone

Attached please find the draft Aboriginal Cultural Heritage Assessment Report for your review and comment.

Please provide me with your comments and let me know if you are satisfied with the report.

You can provide your comments in writing or feel free to ring me to discuss.

Kind regards

Jillian

DR JILLIAN COMBER

ARCHAEOLOGIST
HERITAGE CONSULTANT

76 EDWIN STREET NORTH, CROYDON, NSW, 2132
T (02) 9799 6000 F (02) 9799 6011 M 0418 788 802
E jillian.comber@comber.net.au



Responses to draft ACHAR

From: Korri Currell <kooridigs@gmail.com>
Sent: Sunday, 28 August 2022 3:59 PM
To: Jillian Comber <jillian.comber@comber.net.au>
Subject: Re: 524-542 Pacific Highway St Leonards

Hi Jillian

Koori digs agrees with draft

If you need anything else please don't hesitate to contact me

Koori digs
Manager
Korri currell
0450015710

From: lilly carroll <didgengunawalclan@yahoo.com.au>
Sent: Thursday, 1 September 2022 5:28 PM
To: Jillian Comber <jillian.comber@comber.net.au>
Subject: Re: 524-542 Pacific Highway St Leonards

Hi Jillian

DNC is happy with everything from our end Towards the St Leonards job

[Sent from Yahoo Mail for iPhone](#)

From: Phil Khan <philipkhan.acn@live.com.au>
Sent: Tuesday, 6 September 2022 9:27 AM
To: Jillian Comber <jillian.comber@comber.net.au>
Subject: RE: 524-542 Pacific Highway St Leonards

Hi Jillian,

Thank you for your ACHAR, we would like to agree and support your recommendations regarding 524-542 Pacific Highway, St Leonards.

Kind Regards
Phil Khan - Director
P: 0434545982
Email: philipkhan.acn@live.com.au





DARUG CUSTODIAN

ABORIGINAL CORPORATION



DARUG CUSTODIAN
ABORIGINAL
CORPORATION

PO BOX 81 WINDSOR 2756
PHONE: 0245775181 FAX: 0245775098
MOBILE: 0415770163 Leanne Watson
0414962766 Justine Coplin
EMAIL: mulgokiwi@bigpond.com / justinecoplin@optusnet.com.au

Attention: Comber Consultants

Date:14/09/22

Subject: 524-542 Pacific Highway St Leonards

Dear Jillian

Our group is a non-profit organisation that has been active for over forty years in Western Sydney, we are a Darug community group with over three hundred members. The main aim in our constitution is the care of Darug sites, places, wildlife and to promote our culture and provide education on the Darug history.

Our group promotes Darug Culture and works on numerous projects that are culturally based as a proud and diverse group. It has been discussed by our group and with many consultants and researches that our history is generic and is usually from an early colonists perspective or solely based on archaeology and sites. These histories are adequate but they lack the people's stories and parts of important events and connections of the Darug people and also other Aboriginal people that now call this area home and have done so for numerous generations.

This area is significant to the Darug people due to the evidence of continued occupation, within close proximity to this project site there is a complex of significant sites.

Landscapes and landforms are significant to us for the information that they hold and the connection to Darug people. Aboriginal people (Darug) had a complex lifestyle that was based on respect and belonging to the land, all aspects of life and survival did not impact on



the land but helped to care for and conserve land and the sustenance that the land provided. As Darug people moved through the land there were no impacts left, although there was evidence of movement and lifestyle, the people moved through areas with knowledge of their areas

and followed signs that were left in the landscape. Darug people knew which areas were not to be entered and respected the areas that were sacred.

Knowledge of culture, lifestyle and lore have been part of Darug people's lives for thousands of years, this was passed down to the next generations and this started with birth and continued for a lifetime. Darug people spent a lifetime learning and as people grew older they passed through stages of knowledge, elders became elders with the learning of stages of knowledge not by their age, being an elder is part of the kinship system this was a very complicated system based on respect.

Darug sites are all connected, our country has a complex of sites that hold our heritage and past history, evidence of the Darug lifestyle and occupation are all across our country, due to the rapid development of Sydney many of our sites have been destroyed, our sites are thousands of years old and within the short period of time that Australia has been developed pre contact our sites have disappeared.

The *Aboriginal cultural heritage consultation requirements for proponents* Section 4.1.8 refers to "Aboriginal organisations representing Aboriginal people who hold cultural knowledge". Recent consultation meetings have revealed that many of these Aboriginal organisations and individuals do not hold cultural knowledge of the Western Sydney area. The increasing involvement of such parties in cultural heritage management means that genuine local Aboriginal organisations are unable to properly care for our cultural heritage.

Many Aboriginal organisations listed in the Heritage response letter do not contribute to the Aboriginal community of Western Sydney. Individuals listed in the Heritage response letter do not represent the community and while they may be consulted with, should not be employed for their own personal financial benefit.

Our organisation is committed to providing benefits back to our local Aboriginal community through such measures as funding the local Aboriginal juniors' touch football team, painting classes for the local children and donating money to various charities. Employment in cultural heritage activities is source of income that organisations such as ours can use to contribute to beneficial activities and support within the community.

Darug custodian Aboriginal Corporation's site officers have knowledge of Darug land, Darug Culture, Oral histories, landforms, sites, Darug history, wildlife, flora and legislative requirements. We have worked with consultants and developers for many years in Western



Sydney (Darug Land) for conservation, site works, developments and interpretation/education strategie.

Darug Custodian Aboriginal Corporation have received and reviewed the report for 524-542 Pacific Highway St Leonards.

We support the recommendations set out in this report.

Our Country is the traditional land of the Darug people, who speak the Darug language.

Our Country isn't defined or identified by government bodies and their agencies.

These agencies and bodies do not support the people of our Country and are not the traditional custodians and therefore should not be in a position to speak for the Darug people, Darug land or Darug knowledge.

Maintaining cultural protocols is fundamental in obtaining knowledge and invoking discussion for Country. To speak directly to and consult with the people of traditional lands, in this case the Darug people, is necessary to maintain correct protocol and acquire accurate knowledge.

It is culturally inappropriate for any Non-Darug person or group/s to speak on Darug cultural heritage.

Darug people are the only people that have the authority to speak for Darug Country, and hence should be the only peoples that can and must speak for Darug Country.

Please contact us with all further enquiries on the above contacts.

Regards

Justine Coplin



Amended ACHAR comments

From: Jillian Comber <jillian.comber@comber.net.au>

Sent: Saturday, September 16, 2023 2:41 PM

To: metrolalc@metrolalc.org.au; Lilly Carroll (didgengunawalclan@yahoo.com.au) <didgengunawalclan@yahoo.com.au>; Korri Currell (kooridigs@gmail.com) <kooridigs@gmail.com>; Scott Franks (scott@tocomwall.com.au) <scott@tocomwall.com.au>; Ralph Hampton (hamptonralph46@gmail.com) <hamptonralph46@gmail.com>; Krystle Carroll-Elliott (ginninderra.corp@gmail.com) <ginninderra.corp@gmail.com>; Phil Khan (philipkhan.acn@live.com.au) <philipkhan.acn@live.com.au>; Paul Hand (paulhand1967@gmail.com) <paulhand1967@gmail.com>; Daniel Chalker (woriwoolywa@gmail.com) <woriwoolywa@gmail.com>; Justine Coplin (justinecoplin@optusnet.com.au) <justinecoplin@optusnet.com.au>; Carolyn Hickey (cazadirect@live.com) <cazadirect@live.com>

Subject: 524-542 Pacific Highway St Leonards

Hi Everyone

Last year an assessment was undertaken of a proposed development at 524-542 Pacific Highway, St Leonards. The site contained an existing Telstra exchange with underground conduits and other buildings. As a result of the construction of these buildings the site was assessed as having no archaeological potential. A meeting was held on 11th August, at which most of you attended, in which the development plans were presented and explained. Since then the design for the development has changed. I have amended the ACHAR to detail the new design. The amendments are minor, as follows:

- Increase Bult to Rent apartments from 271 to 272.
- Reduce parking from 90 to 48 spaces in a Car Stacker [as previously provided]
- Inclusion of 10 x Key Worker Housing units at L8, at the expense of Commercial Floor Space.
- Introduction of 84 Short Stay Accommodation Units within the 8 Level Commercial podium.
- Building Height, façade or Gross Floor Area have not changed.

The amendments to the design don't change the recommendations contained in the report. The site still does not contain archaeological potential and the area to be developed remains the same.

I have attached the updated ACHAR for your information and review. Could you please provide me with your comments and let me know if you have any concerns about the changes to the design.

I'm sorry about the very short notice but could you please provide your comments by Thursday 21st September.

Thanks very much.

Kind regards

Jillian

DR JILLIAN COMBER
B.A., Litt.B., PhD. M.AACAI, M.ICOMOS, JP

DIRECTOR
ARCHAEOLOGIST
HERITAGE CONSULTANT

4 CANBERRA STREET, HURLSTONE PARK, NSW, 2193
M 0418 788 802
E jillian.comber@comber.net.au



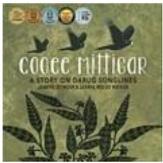
From: justinecoplin@optusnet.com.au <justinecoplin@optusnet.com.au>
Sent: Sunday, September 17, 2023 7:15 PM
To: Jillian Comber <jillian.comber@comber.net.au>
Subject: RE: 524-542 Pacific Highway St Leonards

Warami Jillian Darug Custodians do not have any concerns with the changes made to the design.



Didyurigura
Justine Coplin

Budyari Ngami Darug Nurawa
Walama Ngyini Bud Bud dali Darug Nura



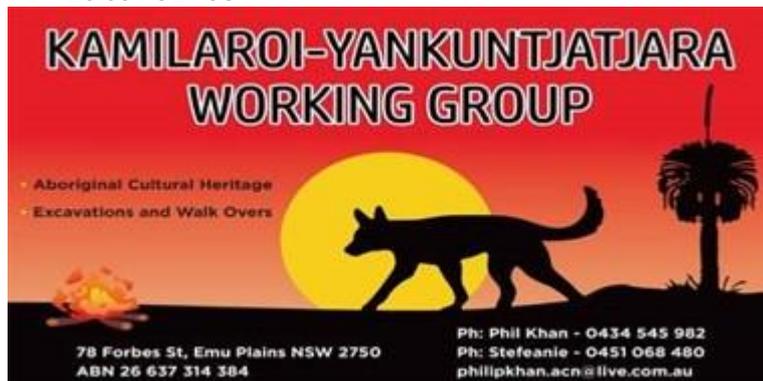
Explore [Dyarubbin Digital story map](#)
Visit [Dyarubbin Exhibition](#)
Read [Dictionary of Sydney - Dyarubbin project](#)
Listen [Yarramundi and the people of Dyarubbin - The History Listen - ABC Radio National](#)

From: Phil Khan <philipkhan.acn@live.com.au>
Sent: Tuesday, September 19, 2023 11:56 AM
To: Jillian Comber <jillian.comber@comber.net.au>
Subject: RE: 524-542 Pacific Highway St Leonards

Hi Jillian,

Thank you for your updated report, as there are no changes to the footprint, we agree and support your recommendations for updated report regarding 524-542 Pacific Highway St Leonards.

Kind Regards
Phil Khan – Director
P 0434545982
E philipkhan.acn@live.com.au
ABN 26 637 314 384





APPENDIX B: TECHNICAL REPORT



ARCHAEOLOGY - HERITAGE - MEDIATION - ARBITRATION

524-542 Pacific Highway, St Leonards

Aboriginal Archaeological Assessment

SEPTEMBER 2023

Report to: Home Apartments

LGA: Lane Cove Council

Version: B.2022



ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Traditional Custodians of the land that we live and work on.

We pay our respects to the Elders, past, present and emerging, for they hold the memories, the traditions, the culture and hopes of Aboriginal people.

We honour and acknowledge the stories, traditions and living cultures of Aboriginal and Torres Strait Islander peoples on this land and commit to building a brighter future together.

A better understanding and respect for Aboriginal and Torres Strait Islander cultures develops an enriched appreciation of Australia’s cultural heritage and can lead to reconciliation. This is essential to the maturity of Australia as a nation and fundamental to the development of an Australian identity.

DOCUMENT CONTROL

PROJECT NO.: HM438 STATUS: FINAL

| Rev | Date | Prepared by | Edited by | Approved by |
|-----|------------|--------------------|-------------------|-------------------|
| A | 20/05/2022 | Dr Agata Calabrese | Dr Jillian Comber | Dr Jillian Comber |
| B | 21/09/2023 | Dr Jillian Comber | David Nutley | Dr Jillian Comber |

INTEGRATED MANAGEMENT SYSTEM

Comber Consultants has a certified integrated management system to the requirements of ISO 9001 (quality), ISO 14001 (environmental) and ISO 45001 (health and safety). This is your assurance that Comber Consultants is committed to excellence, quality, and best practice and that we are regularly subjected to rigorous, independent assessments to ensure that we comply with stringent Management System Standards.





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EXECUTIVE SUMMARY

Home Apartments proposes a new Build-to-Rent (BTR) development at 524-542 Pacific Highway, St Leonards with a State Significant Development Application planning pathway.

Comber Consultants were engaged by Home Apartments to undertake this Aboriginal archaeological assessment and to determine if Aboriginal objects would be present, and if so, to provide mitigation and management recommendations. This assessment has been undertaken in accordance with the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW*. This report contains research into Aboriginal land use patterns, previous archaeological work in the area, the environmental and geomorphological processes which would impact upon site location; and a search of the Aboriginal Heritage Information Management System (AHIMS). The report concludes that the does not contain Aboriginal archaeological potential and makes the following recommendations.

Recommendation 1: Induction

An Aboriginal heritage induction should be provided to all employees, contractors and subcontractors engaged on the project on the significance of the Aboriginal heritage, that it an offence to harm Aboriginal objects and be advised of their responsibilities under the National Parks and Wildlife Act 1974 in respect of Aboriginal heritage.

Recommendation 2: Unexpected Finds and Human Remains Procedure

Aboriginal Objects: If any Aboriginal objects are unexpectedly uncovered during the redevelopment of the site, all work must cease in the vicinity of the object and an area of at least one metre around the Aboriginal object secured and cordoned off using fencing and/or appropriate barriers. The archaeological consultant must be immediately contacted for further advice. The consultant will assess the object and provide further advice. In addition, the consultant will liaise with the Registered Aboriginal Parties. No-one should enter the secured area and work can only recommence when advised by the consultant.

Human Remains: If any skeletal remains are uncovered during the redevelopment of the site, all work must cease in the vicinity of the human skeletal remains and an area of at least ten metres around the skeletal remains secured and cordoned off using fencing and/or appropriate barriers. The archaeological consultant must be immediately contacted and must attend immediately. The consultant will inspect the skeletal remains to confirm that they are human. If the remains are human, the consultant will contact and liaise with the Police, Heritage NSW and the Registered Aboriginal Parties, all of whom will most likely attend the site. Work will not be able to recommence within the secured area until suitable management procedures are in place. It could take several months to determine an appropriate course.



1. INTRODUCTION

1.1 Background

Home Apartments proposes a new Build-to-Rent (BTR) development within a landmark high-rise tower diagonally opposite St Leonards railway station. They propose to deliver a 40+ tower comprising predominately residential units with a commercial podium and retail at ground floor. The tower will sit adjacent to and above the existing Telstra telephone and data exchange building which will be retained and operated by Telstra for the foreseeable future.

The proposed development will specifically comprise the following:

- Site preparation and excavation.
- Retention and integration of the existing Telstra Exchange Building;
- Construction of a new 42-storey mixed-use development, comprising:
 - 21,472m² of build-to-rent housing across 31 storeys, including 272 dwellings;
 - 3,840m² of non-residential space within an 8 storey podium used for the purposes of short stay accommodation, including;
 - 721 m² of Key Worker Housing across 1 level, within the podium, delivering a total 10 dwellings to be managed as part of the build to rent development
 - 2,014m² of community amenity facilities throughout the building.
- Residential lobby accessed via Christie Street and separate commercial use lobby accessed via Pacific Highway;
- Podium car parking and loading area with vehicular access via Christie Street, comprising a 48 space car stacker;
- Associated landscaping and public domain works; and
- Augmentation of, and connection to, existing utilities services as required.

It is noted that to facilitate the abovementioned development, amendments to *the Lane Cove Local Environmental Plan 2013* are proposed via a concurrent State Led Rezoning to rezone the site from B3 Commercial Core to B4 Mixed Use and to increase the maximum building height of 72m to 155m. The maximum FSR of the site will remain as per existing at 17.1:1.

To ensure that the Aboriginal archaeology of the site is not adversely impacted upon by the proposal, Comber Consultants was commissioned to undertake this Aboriginal Archaeological Assessment. The assessment and this report have been undertaken in accordance with Heritage NSW's Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW.

1.2 Location

The site is situated within the Lane Cove Local Government Area (LGA) (see Figure 1). It is located just 6 km north of the Sydney CBD, within Sydney's Lower North Shore, and approximately 2.5km southeast from Lane Cove. The site is bound by Pacific Highway to the north, Christie St to the west, 505 Pacific Highway to the east and 69 Christie St to the south.



Figure 1: Site Location edged in red (Home 2022)

The site comprises eight separate allotments and is located on the corner of the Pacific Highway and Christie Street. The site adjoins an existing commercial building to the south and a future residential development (New Hope) to the east. The site has an area of approximately 1671.3 m². Table 1 and Figure 2 provide the legal description.

| Address | Legal Description |
|--------------------------|--------------------------|
| 524-530 Pacific Highway | Lot 7 Section 17 DP 3175 |
| | Lot 8 Section 17 DP 3175 |
| | Lot 9 Section 17 DP 3175 |
| | Lot 1 DP 433297 |
| 536 Pacific Highway | Lot D DP 377423 |
| 538 Pacific Highway | Lot C DP 377423 |
| 540 Pacific Highway | Lot B DP 377423 |
| 542-542A Pacific Highway | Lot A DP 377423 |

Table 1: Legal property description (Home 2022).



Figure 2: Showing the cadastral information (c.2011-12 -Six Maps, DFSI Spatial Services, NSW LRS, prepared by Caroline Plim).



Photograph 1: Study area. Camera facing south east from the corner of the Pacific Highway and Christie Street.



2. LEGISLATION

2.1 National Parks & Wildlife Act 1974

The National Parks & Wildlife Act 1974 (NPW Act) provides statutory protection to all Aboriginal sites within New South Wales. Heritage NSW is the State Government agency responsible for the implementation and management of this Act.

Part 6 of the National Parks & Wildlife Act states that it is an offence to harm or desecrate an Aboriginal object or Aboriginal place, without an Aboriginal Heritage Impact Permit (AHIP). An Aboriginal object is defined as:

Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

An Aboriginal Place is defined as:

A place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal place for the purposes of this Act.

As this assessment indicates that the site does not contain Aboriginal archaeological potential, an AHIP will not be required.

2.2 Environmental Planning & Assessment Act 1979

This project is being undertaken as a State Significant Development under Part 4, Division 4.7 of the Environmental Planning & Assessment Act 1979 (EPA Act). Section 4.41 of the EPA Act (see below) does not require that a State significant development seek approval under the NPW Act as follows:

4.41 Approvals etc legislation that does not apply (cf previous s 89J)

(1) The following authorisations are not required for State significant development that is authorised by a development consent granted after the commencement of this Division (and accordingly the provisions of any Act that prohibit an activity without such an authority do not apply)—

(a) (Repealed)

(b) a permit under section 201, 205 or 219 of the *Fisheries Management Act 1994*,

(c) an approval under Part 4, or an excavation permit under section 139, of the *Heritage Act 1977*,

(d) an Aboriginal heritage impact permit under section 90 of the *National Parks and Wildlife Act 1974*,

(e) (Repealed)

(f) a bush fire safety authority under section 100B of the *Rural Fires Act 1997*,

(g) a water use approval under section 89, a water management work approval under section 90 or an activity approval (other than an aquifer interference approval) under section 91 of the *Water Management Act 2000*.

(2) Division 8 of Part 6 of the *Heritage Act 1977* does not apply to prevent or interfere with the carrying out of State significant development that is authorised by a development consent granted after the commencement of this Division.

(3) A reference in this section to State significant development that is authorised by a development consent granted after the commencement of this Division includes a reference to any investigative or other activities that are required to be carried out for the purpose of complying with any environmental assessment requirements under this Part in connection with a development application for any such development.

This report satisfies the requirement to address Aboriginal cultural heritage issues in accordance with *the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* and will consider the impact upon cultural heritage values of the project.

Aboriginal consultation is being undertaken in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 and will be presented in a separate Aboriginal Cultural Heritage Assessment Report (ACHAR).



The Secretary's Environmental Assessment Requirements (SEARS), SSD No. 35631707, were issued on 28 January 2022, and require:

19. Aboriginal Heritage

Provide an Aboriginal Cultural Heritage Assessment Report prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site.

This report describes the Aboriginal archaeology of the site and assesses the impact of the development on the Aboriginal archaeology of the site. This report will be attached to the Aboriginal Cultural Heritage Assessment.



3. METHODOLOGY

This project was conducted in three stages, being background research, field survey and report preparation, as detailed below.

Stage 1: Background Research

Prior to the field component of this project, the Aboriginal Heritage Information Management System (AHIMS) was searched on 24th May 2022 and an updated search undertaken on 21/9/2023. A copy of the extensive search is attached at Appendix B. Site data, associated documents and archaeological survey reports held by AHIMS were reviewed. Environmental information relating to Aboriginal land use was also researched. Such research facilitated an understanding of the potential nature of sites and site patterning in the region, which enabled a predictive statement to be made. It also provided an archaeological and environmental context within which a significance assessment could be made, if any Aboriginal sites were located during the field survey.

Stage 2: Site Inspection

The archaeological site inspection was undertaken on 7th June 2022 by the people detailed below. The whole of the study area was inspected on foot.

Metropolitan Local Aboriginal Land Council:

- Joshua Marr

Fellingham Consultancy & Design

- Matt Fellingham

Comber Consultants:

- Jillian Comber
- Agata Calabrese
- Chris Jones
- Glenn Suey
- Supriya Singh

Stage 3: Report Preparation

Further archaeological research was conducted, where necessary, to clarify the results of the survey. This report was then compiled and provided to the Metropolitan Local Aboriginal Land Council and Home Apartments.

5. ENVIRONMENTAL CONTEXT

5.1 Preamble

The landscape context is important in understanding Aboriginal land use and occupation and the manner in which they interact with it. Describing the physical setting of the area being assessed and the resources within enables a predictive statement to be made about the potential for the area to contain Aboriginal archaeological potential.

5.2 Topography

The topography of the surrounding area is within the Glenorie landscape and is characterised by low rolling and steep hills with local relief of approximately 50-120m and slopes 5-20% (Chapman & Murphy 1989:68). The study area is located on the Crows Nest to Hornsby ridgeline along the Pacific Highway (Herbert 1983:22). An undulating moderately inclined slope falls towards the Lane Cove River to the southwest (Chapman & Murphy 1989:68) (Figure 5).

Berrys Creek is located approximately 700m to the south, Flat Rock Creek approximately 1km to the north, and Gore Creek approximately 1.30km to the west. The Lane Cove River is located approximately 1.50km to the southwest of the study area.

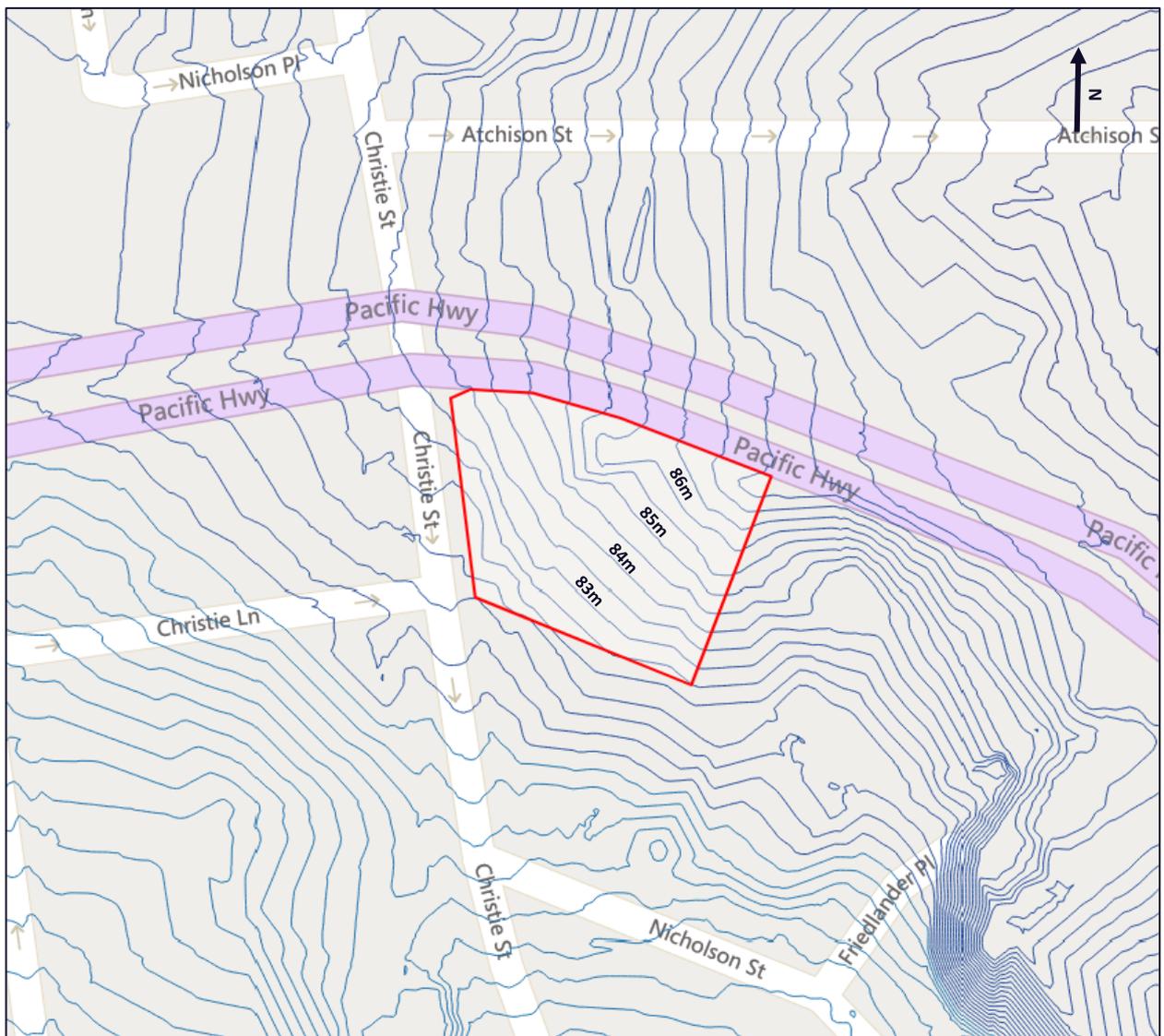


Figure 2: Topographic map of St Leonards with contours 0.5m apart. Study area edged in red
(Source: Webmaps.northsydney.nsw.gov.au).



5.3 Geology and Soils

The study area lies on the Wianamatta Group of Shales consisting of Bringelly Shale, Minchinbury Sandstone and Ashfield Shale. Between the Ashfield shale and the topmost shale lies Minchinbury sandstone (Herbert 1983:21-22). Minchinbury sandstone is friable and so does not form deep rockshelters. The shales and sandstone of the Wianamatta Group of shales do not provide strong, highly siliceous material suitable for small tool manufacture. However, the area is surrounded by the Hawkesbury Sandstone which provides material suitable for stone axe manufacture and weathers into shelters and overhangs suitable for occupation.

The soil landscape of the Ashfield shale consists of laminite and dark grey shale, while the Bringelly Shale comprises shale, calcareous claystone, laminite, fine to medium grained lithic-quartz sandstone (Chapman & Murphy 1989, Herbert 1983). Dominant soil materials include friable dark brown loam, brown clay loam, reddish-brown clay, mottled grey plastic clay and brownish-grey plastic silty clay (Chapman & Murphy 1989:69-70). The general fertility of the topsoil is moderate with high available water capacity (Chapman & Murphy 1989:69-71). It has also moderate amount of organic matter and moderate nutrient status. Intrinsically this soil has moderate nutrient status. The brown clay loam soil, instead, has low to moderate fertility with moderate available water capacity and intrinsically low to moderate nutrient status (Chapman & Murphy 1989:71). While the reddish-brown clay, mottled grey plastic clay and brownish-grey plastic silty clay have generally low fertility. Tall trees are common on this landscape (Chapman & Murphy 1989:71).

5.4 Vegetation

The study area is bordered by the Gore Creek and Berry Creek valleys running into the Lane Cove and Parramatta Rivers respectively. The vegetation of the area historically included tall open forest (wet sclerophyll forest). Clay-rich soils have formed a continuous forest from Hornsby to near North Sydney, and from Pennant Hills to Gladesville and Dural. Within this environment dominant tree species included Sydney Blue Gum (*Eucalyptus Saligna*) and Blackbutt (*Eucalyptus Pilularis*). Other species that could be found in the area include Turpentine (*Syncarpia Glomulifera*), Grey Ironbark (*Eucalyptus Paniculata*), White Stringybark (*Eucalyptus Globoidea*), and Rough-barked Apple (*Angophora Floribunda*) (Baker et al 1986).

Stringybark Creek has the longest stretch of remaining bushland. North of Epping Road, on a higher slope, remains of Sydney Peppermints, smooth barked *Angophora Costata* and Stingybarks form an open forest. Closer to the creek, Benson & Howell (1995) describe the presence of Black Wattle, *Callicome serratifoli*, Blueberry Ash, *Elaeocarpus reticulatus*, large old Lillypillies, *Acmena smithii*, and Coachwoods (*Ceratopetalum apetalum*). Lane Cove Bushland Park, within the valley of Gore Creek, is another important reserve of the area which can provide useful information on the vegetation that once existed in the area. Sydney Peppermint trees along with native blackberries would also have been present on the lower slopes (Benson & Howell 1995).

Such a vegetation would have provided a variety of edible plant species and plants suitable for artefact manufacture. For example, the tall trees such as White Stringybark (*Eucalyptus Globoidea*) can be used to make coolamons, shields or canoes. In addition, this vegetation provided habitat for a variety of animals, whilst the creeks would have provided fish, yabbies and eels. Lieutenant William Bradley in describing the first encounter with Aboriginal people within the Lane Cove's district reported on their fishing, use of canoes and resources gathered from the sea:

"we saw several Natives, some sitting around a fire, others were just landing with their Canoes, the moment they perceived us they ran off in great confusion & hurry... we found Mussels on fire, others in their canoes & some drop between both; their fright was so great that they went off without taking their fishing lines, spears or any thing with them" (Bradley 1786-1792)

Most of the original vegetation has been extensively cleared. The nature and composition of the study area has been altered by past clearance and European land management activities, including urban development. The study area presently forms part of the urbanised area of the suburb of St Leonards. No native vegetation remains on the site.

5.5 Current Land Use and Disturbance

The study area is within the suburb of St Leonards which includes commercial and residential buildings and associated infrastructures. The study area faces the Pacific Highway and it slopes southwest towards Christie St as shown in Photographs 2 to 4. The study area is surrounded to the north by the Pacific Highway, east by a high-rise building the Landmark, west by Christie Street, and south by the building located at 64 Christie Street.

As can be seen from the 1943 aerial photograph shown below (Photograph 5) the study area in 1943 included a residential building at the corner of Pacific Highway and Christie Street, and partially cleared land to the east and south



of this building. By 1955, as shown in Photograph 6, a building appears to have been built east of the house located at the corner of Pacific Highway and Christie Street. The 1955 aerial photograph also suggests that the area located at the rear of 524 Pacific Highway, which in 1943 was covered by partially cleared land, has been partially paved or covered with a low-rise building. The low quality of the aerial imagery does not permit to clearly assess it.

Currently, the study area currently includes commercial and residential buildings facing the Pacific Highway (Photographs 7-9). Some of these buildings are also accessible from Christie Street as the building 538 Pacific Highway (Photograph 10). Please refer to photographs 11-14 for further detail.

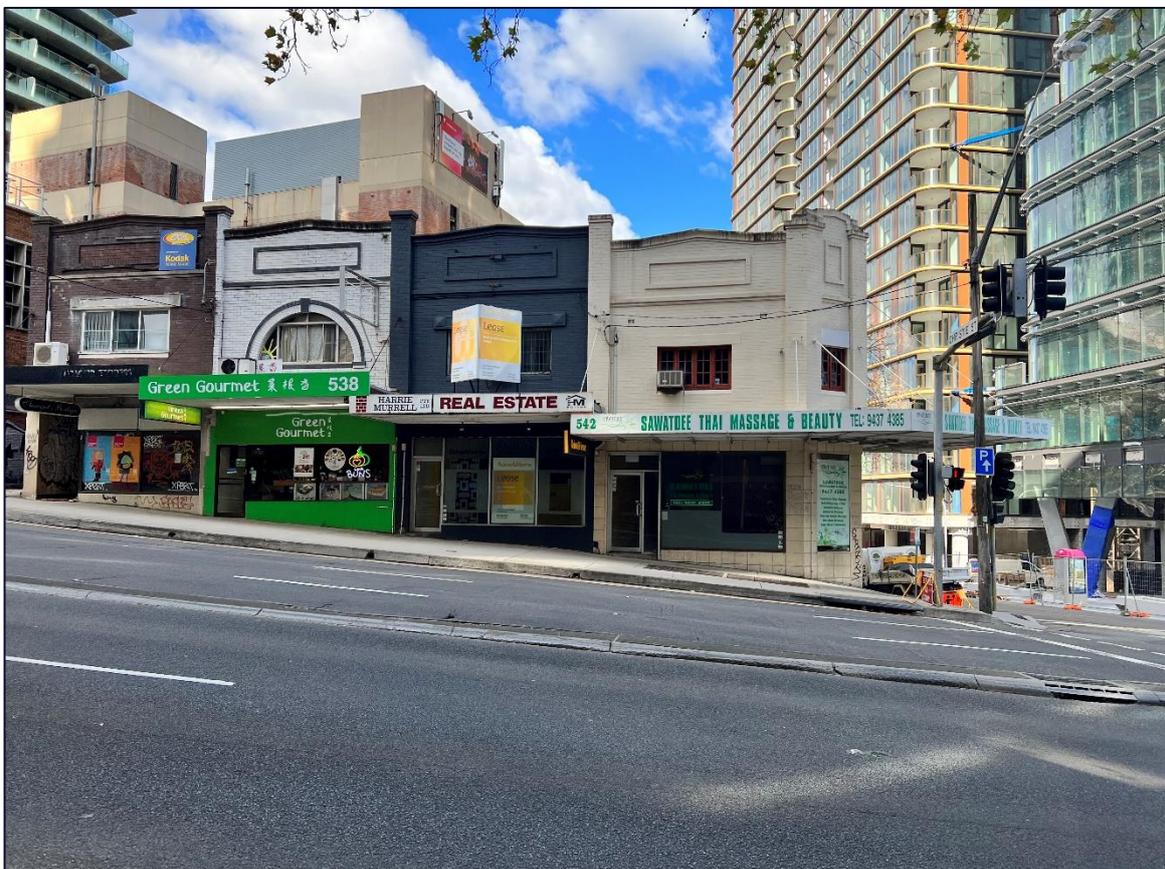
As the study area is located within a highly developed area, it is expected that the previous development will have significantly impacted any possible surface and subsurface archaeological deposit within the study area. The site has mostly cleared all vegetation and natural features.



Photograph 2: Photo of the study area showing the Pacific Highway sloping down towards Christie St. This building contains a basement and underground services



Photograph 3: Study area, camera facing, showing the Pacific Highway sloping down towards Christie St.



Photograph 4: Buildings within the western side of the study area (facing the Pacific Highway) sloping down towards Christie St.



Photograph 5: 1943 aerial photograph. 524-542 Pacific Highway edged in red (Source: 1943 aerial imagery from SixMaps NSW).



Photograph 6: 1955 aerial photograph. 524-542 Pacific Highway edged in red (Source: 1955 aerial imagery from Historical Imagery – Portal.spatial.nsw.gov.au).



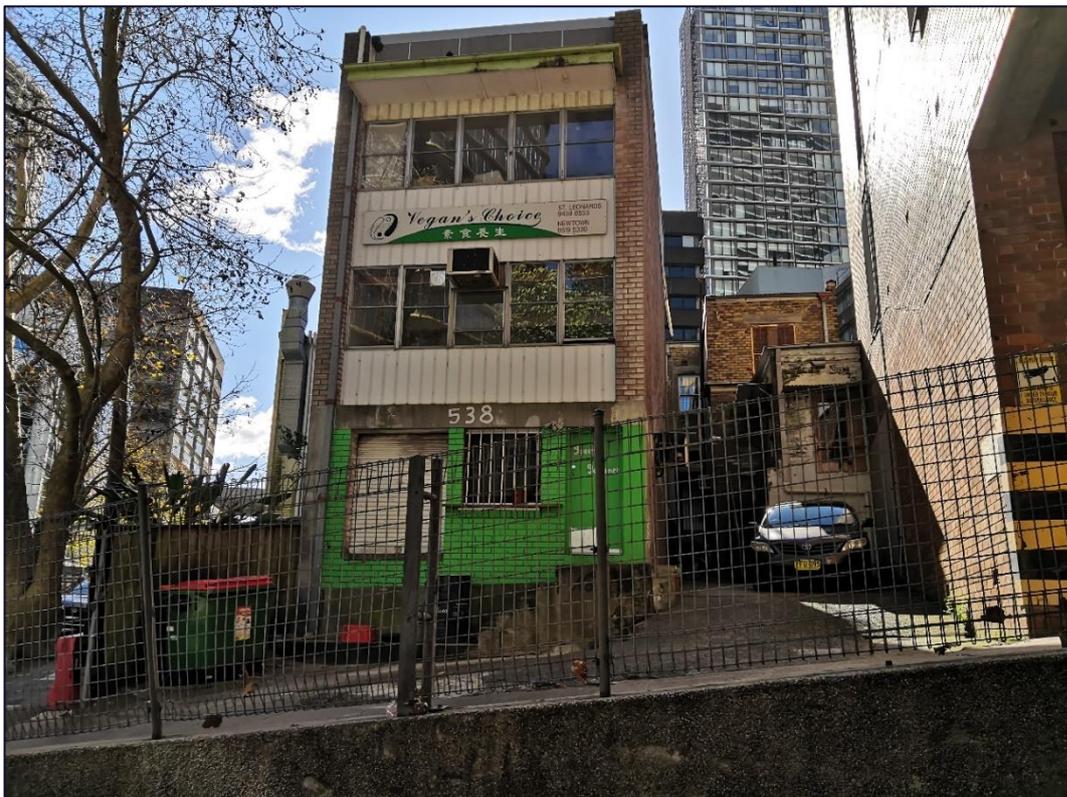
Photograph 7: Aerial photograph of 524-542 Pacific Highway. Study area in red
(Source: aerial imagery from SixMaps NSW)



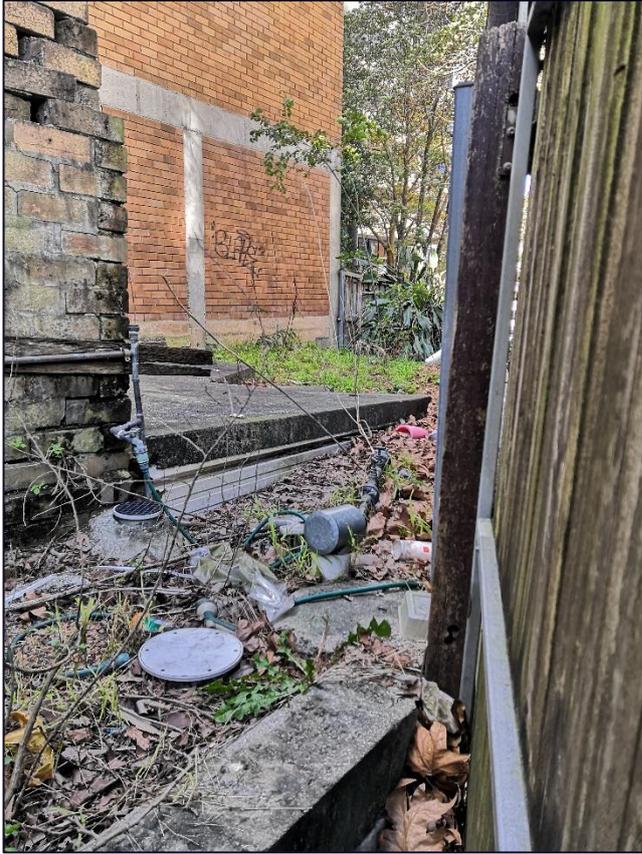
Photograph 8: Telstra building within the eastern side of the study area.



Photograph 9: Commercial buildings within western side of the study area.



Photograph 10: Rear of the building located at 538 Pacific Highway.



Photograph 11: Rear of the study area.



Photograph 12: Void between 524 Pacific Highway and 536 Pacific Highway.



Photograph 13: Area accessible through a vertical ladder between at 524 Pacific Highway and 536 Pacific Highway.



Photograph 14: Telstra driveway with a tree located to the east of the building at 524 Pacific Highway.



6. ARCHAEOLOGICAL BACKGROUND

6.1 Sydney Region

Many surveys have been undertaken in the Sydney region which indicate the richness of the archaeological resources, and which provide information about Aboriginal occupation within the region. In particular, Attenbrow (2003) has excavated a range of sites within the Sydney Basin. The aim of her study was to identify local geographic variation and temporal changes in the subsistence patterns and material culture of the people of this area. She excavated sites at Balmoral Beach, Cammeray, Castle Cove, Sugarloaf Point (Lane Cove River), Darling Mills State Forest, Winston Hills, Vaucluse and Cumberland Street in the Rocks. Dates for initial occupation vary from approximately 10,000 years BP at Darling Mills to approximately 450 years BP at Cumberland Street, The Rocks.

One of the oldest dated occupation for the Sydney region is 15,000 years BP from the Shaws Creek K2 rock shelter on the Nepean River (Kohen 1984; Nanson et al 1987). However, these dates must be considered in association with environmental data related to sea level rises. The Sydney region that we know today was vastly different to the landscape of 15,000 years ago.

The period of maximum glaciation was 15,000 – 18,000 years BP. Therefore, the date of the K2 rock shelter and Attenbrow's Darling Mills site indicate that Aboriginal people lived throughout a period of extreme environmental change. During this period, sea levels were up to 130m below current levels (Nutley 2006:1). About 10,000 years ago as temperatures began rising at the end of the last ice age, the polar ice started melting and sea levels rose. The rising sea levels forced people to abandon coastal sites and move inland, with the result that the oldest coastal sites were inundated. By about 6,000 years ago rising water levels had flooded the coastal plain forming the Sydney landscape that we know today. The vast majority of sites in the Sydney region date to around 5,000 years BP, after sea levels had stabilised. Whilst research into submerged indigenous sites is now being undertaken (Nutley 2006), there are few sites in the Sydney area that are known to date beyond 10,000 years BP. Therefore, research undertaken to date has focused on subsistence patterns and cultural change, e.g. Attenbrow (2003).

Attenbrow's (2002) study of the "Sydney region" extended from the eastern coast to the Hawkesbury-Nepean River to the north and west and as far south as Picton (2002:xiii), which includes the present study area. At the time of publication (2002), Attenbrow noted that approximately 4,340 Aboriginal sites had been registered with the Aboriginal Heritage Information Management System (AHIMS) in the Sydney region (Attenbrow 2002:48). Middens and open campsites comprised just over half of the recorded sites (Attenbrow 2002:48-49). From both the archaeological evidence and historical records she noted that the main focus of occupation was "on the valley bottoms and shorelines" (Attenbrow 2002:47). In addition, the evidence indicates that occupation was greater on the coastal/estuarine environments rather than in the hinterland/freshwater environments and on the Hawkesbury sandstone areas rather than the Wianamatta shales (Attenbrow 2002:51). Her work produced a great deal of information in respect of the people of the Sydney region, their social organisation and land use patterns. Her (2002:152-155) analyses indicates that prior to 5,000 years ago occupation in the Sydney region was not intensive and was only by small groups of people. It was not until sea levels stabilised about 5,000 years ago that more intensive occupation began with many open sites being first occupied in the last 1,500 years.

6.2 Lane Cove and Surrounds

A comprehensive survey of the Lane Cove River State Recreation Area (SRA), now known as Lane Cove National Park, was conducted in 1990 (Urbis 2017). The Lane Cove National Park is located approximately 5km northwest of the study area. About one-third of the Lane Cove National Park was surveyed. Seven previously unrecorded Aboriginal sites were located – two engraving sites, two middens, and three rock shelters with deposit. Five potential habitation sites were also recorded along with three engraving sites which had previously been recorded. In 2000, as part of the works for a proposed sewerage upgrade within Lane Cove National Park another survey of the area was conducted (Oakley 2000). The survey located two additional Aboriginal sites in the southern portion of the National Park, shell midden scatters and associated areas of PAD.

In 2011 Artefact Heritage conducted a survey of an area along the northern edge of Stringybark Creek in Lane Cove West, almost 5km to the northwest of the study area (Urbis 2017). As part of the survey, a previously recorded rock shelter with a charcoal drawing of two fish was relocated. However, the shelter had been disturbed by the construction of a sewer pipe. The rock art was recorded as being in good condition. No additional sites were located during the survey.



Total Earth Care (2007) undertook an Aboriginal heritage and archaeological assessment of 126 Greville Street, Chatswood West in 2007. The area of the proposed works is located 4.20km northwest from the study area. They did not locate any Aboriginal objects or areas of archaeological potential. They concluded that there were no suitable areas for occupation within the study area and that areas of occupation were likely to have been located closer to Lane Cove River (Total Earth Care 2007).

In 2016 as part of the Sydney Metro Chatswood to Sydenham project, Artefact Heritage (2016) completed an Aboriginal Heritage and Archaeological Assessment, approximately 2km north of the study area. No archaeological sites were found during the survey and the area was assessed as having a low archaeological potential due to the underlying geology, historical disturbance, and distance from the watercourse.

In 2011, Comber Consultants conducted an Aboriginal Archaeological and Cultural Heritage Assessment of The Parishes of Our Lady of the Way St Mary's, North Sydney. This area is located approximately 1.5km southeast of the study area. No Aboriginal sites or objects were located during the course of the survey (Stening and Comber 2011). However, the surveyed area, as noted in the assessment, had been significantly altered by the use of the site as a Church for more than 150 years and modification to the landscape to create a levelled and more useable space.

6.3 St Leonards

Although St Leonards has been extensively built-up with residential and commercial properties there has been limited Aboriginal cultural and archaeological investigations undertaken within the area.

In 2020, Jacobs (2020) completed an Archaeological Assessment of St Leonards Park as part of the works for the Western Harbour Tunnel and Warringah Freeway Upgrade. The site is located approximately 1.5km southeast of the study area. As part of the assessment a total area of 31,500m² of St Leonards Park was surveyed. No new Aboriginal sites were identified during the archaeological survey, and no areas containing Potential Archaeological Deposits (PAD) were identified.

Closer to the study area was the archaeological investigation around the Royal North Shore Hospital, St Leonards, in 2006. The Royal North Shore Hospital is located less than 500m north-west from the study area. The survey found no Aboriginal sites within the area of the proposed works. DSCA (2006) concluded that the area of the proposed works had low potential due to the highly impacted nature of the hospital grounds.

In 2019 Coast History & Heritage, completed an Aboriginal Cultural Heritage Assessment of 211 Pacific Highway, St Leonards, for the construction of an International Chinese School. This site lies approximately 500m west of the study area. The area of the proposed works had been highly impacted by the construction and use of existing buildings and was assessed as having a low archaeological potential. The survey found no evidence of Aboriginal occupation.

6.4 AHIMS search

Two sites, AHIMS 45-6-2938 and 45-6-3880, were recorded within 1km of the study area (Figure 6). According to the map, street addresses and descriptions listed on the original site card submitted in 1997, AHIMS 45-6-2938 should be located 650m north from the study area. AHIMS 45-6-2938 is described as an open campsite on high ground about 30m north of the source of a tributary of Flat Rock Creek. The site card records that stone artefacts were found alongside Dalleys Road which is immediately adjacent to the Naremburn Park on sloping ground between a row of eucalyptus trees. These included red silcrete, quartz, and indurated mudstone. Both Dalleys Road and the park have been subjected to landscape modifications which include extensive earthworks to level and landscape the area. In addition, a railway cutting is also close to the area.

AHIMS 45-6-3880 is located approximately 860m southwest of the study area. The site is located below 2 St Giles Ave, Greenwich. The site features a sandstone overhang with graffiti on the wall, a large shell midden underneath the debris and charcoal present on the undersides of the walls and a small hand stencil beside white paint splashes. The shelter is about 20m long..

6.5 Study Area

A search of the AHIMS register conducted on 24th May 2022 indicated that there are no previously recorded sites within the study area. The site is not an Aboriginal Place.

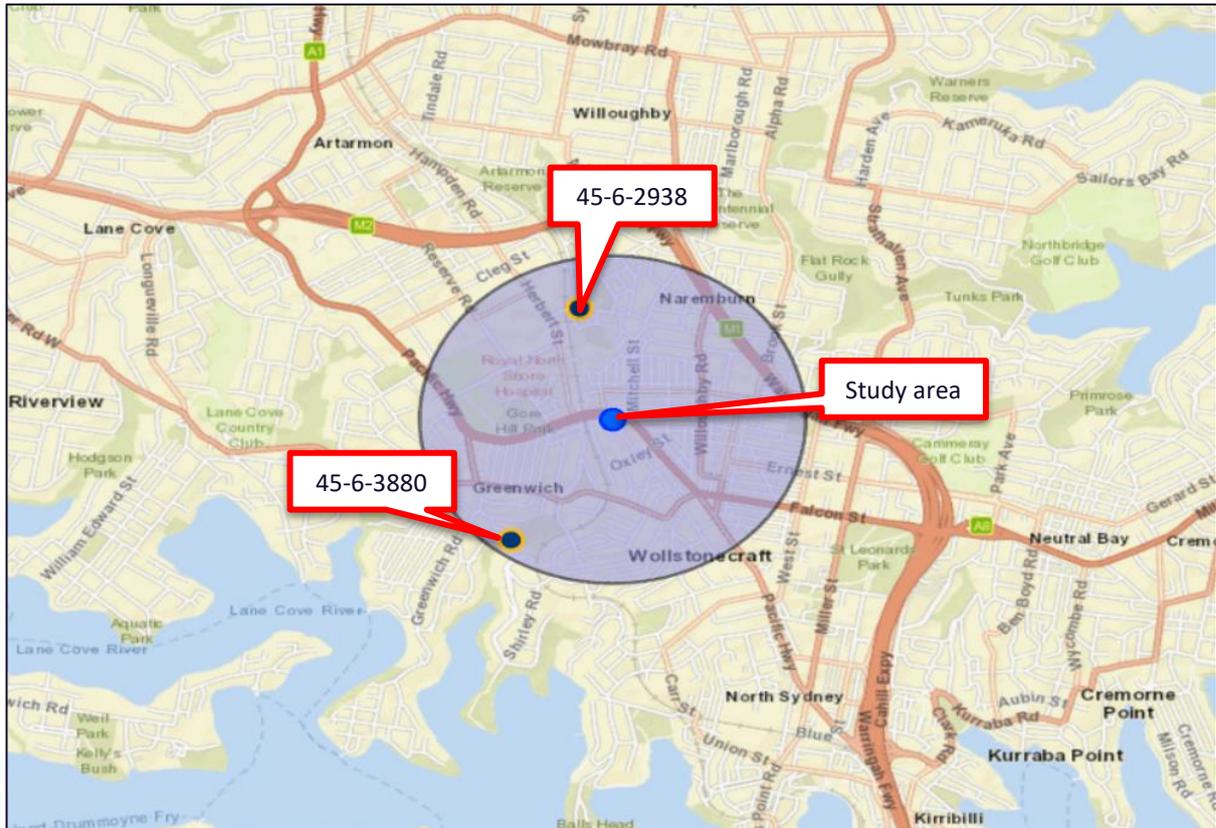


Figure 3: Map of the study area showing the location of entries in the AHIMS register.

6.6 Site Prediction

Based on the above environmental and archaeological information, it is expected that the study area has low potential to contain archaeological deposits. This is primarily due to the urban development of the area which is expected to have significantly impacted any possible surface and subsurface archaeological deposit within the study area. In addition, the site has been cleared of all vegetation and natural features, it is not expected that rock shelters, axe grinding grooves, engravings, scarred or carved trees will be located within the study area. For this reason, it is not expected that any Aboriginal object will remain within the study area.



7. RESULTS, IMPACT & MITIGATION

7.1 Results

The study area is located on a slope below the ridgeline that now contains the Pacific Highway. Such an area is not an ideal location for occupation. The study area is a highly urbanised area with commercial and residential buildings. Due to the lack of ground visibility no Aboriginal objects were observed within the study area. However, given the high level of disturbance including basements, underground services and building foundations, it is not expected that any evidence that may once of existed within the study area will remain.

7.2 Impacts of Proposed Works

The proposed works include demolition of existing buildings, and the construction of new residential facilities including basements. However, as it is not expected that any Aboriginal object will remain within the study area, it is not expected that there will be any impact on Aboriginal objects.

7.3 Mitigation

As it is highly unlikely that any Aboriginal objects will be located within the study area, specific mitigation measures are not required. However, if any previously unrecorded Aboriginal object is unexpectedly uncovered, all work should cease in the vicinity of that object and further advice sought from the consultant.



8. RECOMMENDATIONS

The following recommendations are made based on:

- Legal requirements under the terms of the *National Parks & Wildlife Act 1974* (as amended).
- Research into the archaeological record for the Sydney region, Lane Cove, St Leonards, and the study area.
- Results of the assessment as outlined in this report.

Recommendation 1: Induction

An Aboriginal heritage induction should be provided to all employees, contractors and subcontractors engaged on the project on the significance of the Aboriginal heritage, that it an offence to harm Aboriginal objects and be advised of their responsibilities under the National Parks and Wildlife Act 1974 in respect of Aboriginal heritage.

Recommendation 2: Unexpected Finds and Human Remains Procedure

Aboriginal Objects: If any Aboriginal objects are unexpectedly uncovered during the redevelopment of the site, all work must cease in the vicinity of the object and an area of at least one metre around the Aboriginal object secured and cordoned off using fencing and/or appropriate barriers. The archaeological consultant must be immediately contacted for further advice. The consultant will assess the object and provide further advice. In addition, the consultant will liaise with the Registered Aboriginal Parties. No-one should enter the secured area and work can only recommence when advised by the consultant.

Human Remains: If any skeletal remains are uncovered during the redevelopment of the site, all work must cease in the vicinity of the human skeletal remains and an area of at least ten metres around the skeletal remains secured and cordoned off using fencing and/or appropriate barriers. The archaeological consultant must be immediately contacted and must attend immediately. The consultant will inspect the skeletal remains to confirm that they are human. If the remains are human, the consultant will contact and liaise with the Police, Heritage NSW and the Registered Aboriginal Parties, all of whom will most likely attend the site. Work will not be able to recommence within the secured area until suitable management procedures are in place. It could take several months to determine an appropriate course.



REFERENCES

- Artefact 2016. Sydney Metro Chatswood to Sydenham, Environmental Impact Statement Technical Paper 5 Aboriginal Heritage - Archaeological Assessment.
- Attenbrow, V. 2003. *Investigating Sydney's Aboriginal Past*. Australian Museum.
- Baker, M., Corringham, R., Dark, J. 1986. Native Plants of the Sydney Region, Three Sisters Productions Pty Ltd, Winmalee, NSW.
- Baker, N. 2004. Archaeological Salvage of an Aboriginal Site at William Street, East Sydney (report to Zonie Construction and Design Pty Ltd).
- Benson, D. & Howell, J. 1995. Taken for Granted: The Bushland of Sydney and Its Suburbs. Kangaroo Press in association with the Royal Botanic Gardens Sydney.
- Bradley, W. 1786-1792. *A Voyage to New South Wales. The Journal of Lieutenant William Bradley of HMS Sirius*. Reproduced in facsimile from the original manuscript. The Trustees of the Public Library of NSW in association with Ure Smith Pty Ltd. 1969
- Chapman, G.A. & Murphy, C.L. 1989. *Sydney 1:100,000 Geological Sheet 9030*. NSW Survey, Sydney, Department Mineral Resources, Sydney.
- Conyers, B. 1990. Survey for Aboriginal Archaeological Sites: Lane Cove River State Recreation Area, unpublished report prepared for the State Recreation Area Trust and NSW National Parks and Wildlife Service.
- Comber, J. 2008. Aboriginal Archaeological Assessment. Darling Walk, Darling Harbour. Unpublished report to Lend Lease Development.
- Department of the Environment, Climate Change and Water. 2010. *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*.
- Department of the Environment, Climate Change and Water. 2011. *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*.
- DSCA, 2006. Aboriginal Archaeological heritage impact Assessment, Royal North Shore Hospital, St Leonards.
- Gollan, V. 1993. Colonisation and the Law: the role of British law in the dispossession of Aborigines 1788-1840. Unpublished PhD Thesis, Sydney University.
- Herbert, C. 1983. Geology of the Sydney 1:100.000 sheet, 9130. Geographical Survey of New South Wales, Department of Mineral Resources.
- Jacobs, 2020. Western Harbour Tunnel and Warringah Freeway Upgrade Archaeological assessment report, Unpublished report prepared for Roads and Maritime Services.
- Knight, T. 1996. The Batemans Bay Forests Archaeological project – Site distribution analysis. Published report for the Department of Archaeology & Anthropology, The Faculties Australian National University.
- Kohen, J. 1984. *Shaw's Creek KII Rockshelter: a prehistoric occupation site in the Blue Mountains piedmont, eastern New South Wales*, in *Archaeology in Oceania* 19 (2):57-73
- Oakely, B. 2000. Indigenous Heritage Assessment – Proposed Sewerage Upgrade REF, Lane Cove National Park, report to Australian Water Technologies Pty Ltd.
- Stening, T. & Comber, J. 2011. Aboriginal Archaeological and Cultural Heritage Assessment: The Parishes of Our Lady of the Way St Mary's, North Sydney Unpublished report to David Scobie Architects Pty Ltd.



Steele, D. 2006. Final Aboriginal Archaeological Excavation Report. The KENS Site (Kent, Erskine, Napoleon and Sussex Streets), Sydney, NSW, containing DECC Site 45-6-2647 and associated areas of PAD. Unpublished report to Leighton Contractors Pty Ltd.

Total Earth Care, 2007. 126 Greville Street, Chatswood West: Aboriginal Heritage and Archaeological Assessment, unpublished report to EDAW Australia.

Urbis, 2017. Aboriginal Archaeological Due Diligence Assessment Lindfield Learning Village, Lindfield, unpublished report to Designing Sydney Pty Ltd.



APPENDIX A: AHIMS SEARCH



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Home
Client Service ID : 821933

| <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> |
|---------------|------------------------------|------------------|----------------|----------------|-----------------|----------------|-----------------------|-------------------------------|------------------|----------------|
| 45-6-2938 | Naremburn Park | GDA | 56 | 332864 | 6256615 | Open site | Valid | Artefact : - | | |
| | <u>Contact</u> | <u>Recorders</u> | Michael Guider | | | | | <u>Permits</u> | | |
| 45-6-3880 | Glenview Shelter 1 (LCC0110) | GDA | 56 | 332535 | 6255195 | Open site | Valid | Art (Pigment or Engraved) : 1 | | |
| | <u>Contact</u> | <u>Recorders</u> | Mr.Phil Hunt | | | | | <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 21/09/2023 for Jillian Comber for the following area at Address : 524 PACIFIC HIGHWAY ST LEONARDS 2065 with a Buffer of 1000 meters..

Number of Aboriginal sites and Aboriginal objects found is 2

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.