

Channel Nine, Willoughby

MP10_0198 Section 75W Modification No.2

Supplementary Heritage Impact Statement

Report prepared for Platform Project Services Pty Ltd On behalf of LEPC 9 Pty Ltd

April 2017



Sydney Office Level 6 372 Elizabeth Street Surry Hills NSW Australia 20101 T +61 2 9319 4811

Canberra Office 2A Mugga Way Red Hill ACT Australia 2603 T +61 2 6273 7540

GML Heritage Pty Ltd ABN 60 001 179 362

www.gml.com.au

Report Register

The following report register documents the development and issue of the report entitled Channel Nine, Willoughby—MP10_0198 Section 75W Modification, Supplementary Heritage Impact Statement, undertaken by GML Heritage Pty Ltd in accordance with its quality management system.

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16-0072	2	Final Supplementary Heritage Impact Statement	27 June 2016
16-0072A	3	Revised Supplementary Heritage Impact Statement	4 April 2017

Quality Assurance

GML Heritage Pty Ltd operates under a quality management system which has been certified as complying with the Australian/New Zealand Standard for quality management systems AS/NZS ISO 9001:2008.

The report has been reviewed and approved for issue in accordance with the GML quality assurance policy and procedures.

Project Manager:	Steven Barry	Project Director & Reviewer:	Sheridan Burke
Issue No.	3	Issue No.	3
Signature		Signature	
Position:	Senior Consultant	Position:	Partner
Date:	4 April 2017	Date:	4 April 2017

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Cover photo: Master Plan visualisation prepared by CHROFI, February 2016.

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1.0 Introduction

1.1 Background

In 2012, plans for the redevelopment of the Channel 9 site located at 6–30 Artarmon Road, Willoughby were prepared by SJB Architects. The proposal involves the redevelopment of the current Channel 9 Studios site into high density, mixed use residential and commercial facilities. The project was assessed under Part 3A of the *Environmental Planning and Assessment Act 1979* and was approved in 2014. GML Heritage (GML) completed the HIS for the approved Concept Plan. The 2012 HIS assessed the potential heritage impacts of the proposed redevelopment envelope on both the built heritage values of the site and of sites in the vicinity, including the Artarmon Conservation Area.

In March 2016, GML was commissioned by Platform Project Services Pty Ltd on behalf of LEPC 9 Pty Ltd to prepare a supplementary Heritage Impact Statement (HIS) in support of a Section 75W (S75W) Modification application to vary the consent (Section 75W Modification No.1). The proposed modification involved the substitution of the approved concept plan with the new CHROFI Architects masterplan. This HIS formed a short supplementary report to be read in conjunction with the 2012 HIS and assessed any additional impacts associated with the revised design. The updated Secretary's Environmental Assessment Requirements (SEARs) for the proposed modification included input from the NSW Heritage Division as follows:

- *The Environmental Assessment must include a Heritage Impact Assessment (HIS) prepared in accordance with the guidelines in the NSW Heritage Manual that addresses the significance of, and provides an assessment of the impact of the proposal on the heritage significance of, and provides an assessment of the impact of the proposal on the heritage significance Walter Burley Griffin Incinerator (SHR no. 00084).*
- *The Environmental Assessment must include an archaeological [assessment] of Aboriginal and non-Indigenous archaeological resources, including an assessment of the significance and potential impact of the archaeological resources. The assessment should be prepared by suitably qualified archaeologists in accordance with the all relevant guidelines.*

In March 2017, GML was commissioned by Platform Project Services Pty Ltd on behalf of LEPC 9 Pty Ltd to review the Supplementary Heritage Impact Statement (HIS) in support of a Section 75W (S75W) Modification application to vary the current approval (Section 75W Modification No.1). The current design amendments respond to architectural peer review of the scheme, feedback from the NSW Department of Planning, Willoughby Council and others during consultation on the revised masterplan.

1.2 Site Location

The site is located at 6-30 Artarmon Road, Willoughby (Figure 1.1). It is bounded by Artarmon Road to the north, Scott Street to the east and Richmond Avenue to the West. The site is located approximately 8km north of the Sydney CBD within the Willoughby Local Government Area (LGA).

1.3 Heritage Context

The subject site is not identified as a heritage item nor has it been identified as having any specific heritage values. The site however is located within the (distant) vicinity of a number of heritage items of local significance which are listed on the *Willoughby Local Environmental Plan 2012*

(WLEP 2012). One of these items includes the Walter Burley Griffin Incinerator, Willoughby which is also listed on the State Heritage Register SHR.

The Artarmon Conservation Area, which is listed in the above-mentioned local instruments, lies to the north-west of the site, as shown in Figure 1.2.

1.4 Methodology

This HIS has been prepared with reference to the guideline document *Statements of Heritage Impact*, 2002, prepared by the NSW Heritage Office and contained within the *NSW Heritage Manual*.

The preparation of this updated HIS has involved the following steps to assess any additional potential impacts on built heritage and the surrounding context:

- review of the approved concept plan drawings by SJB 2012;
- review of the 2012 HIS prepared by GML and previously identified impacts of the development on heritage items in the vicinity, the Artarmon Conservation Area, and archaeological potential;
- assessment of additional impacts associated with the new masterplan and design modifications (No.2);
- review of the 2016 Section 75W Modification No.1 supplementary HIS prepared by GML; and
- review of the new masterplan and site plan comparative analysis prepared by CHROFI, March 2017.

This updated supplementary HIS is to be read in conjunction with the 2012 HIS prepared by GML. The summary history and historical archaeological assessment provided in the 2012 HIS has not been repeated in this report.

The terminology used in this report is consistent with the *NSW Heritage Manual* and the definitions provided in Article 1 of the Burra Charter for the words: *place, cultural significance, fabric, conservation, maintenance, preservation, restoration, reconstruction, adaptation and compatible use*.

1.5 Limitations

This supplementary HIS is consistent with the 2012 HIS in that it does not consider Aboriginal heritage values, Indigenous Archaeology or heritage landscape values. However, an Aboriginal Archaeological Due Diligence Report was prepared for the site in 2013 and remains relevant to this modified proposal. The report is attached as Appendix A.

No additional site inspections or detailed inspection of the building interiors has been undertaken.

1.6 Authorship

This report has been prepared by Stela Rahman, Consultant. Steven Barry, Senior Consultant and Sheridan Burke, Partner, provided input and reviewed the report.



Figure 1.1 Satellite image with the boundary of the site outlined in red. (Source: Google Earth Pro with GML Overlay)

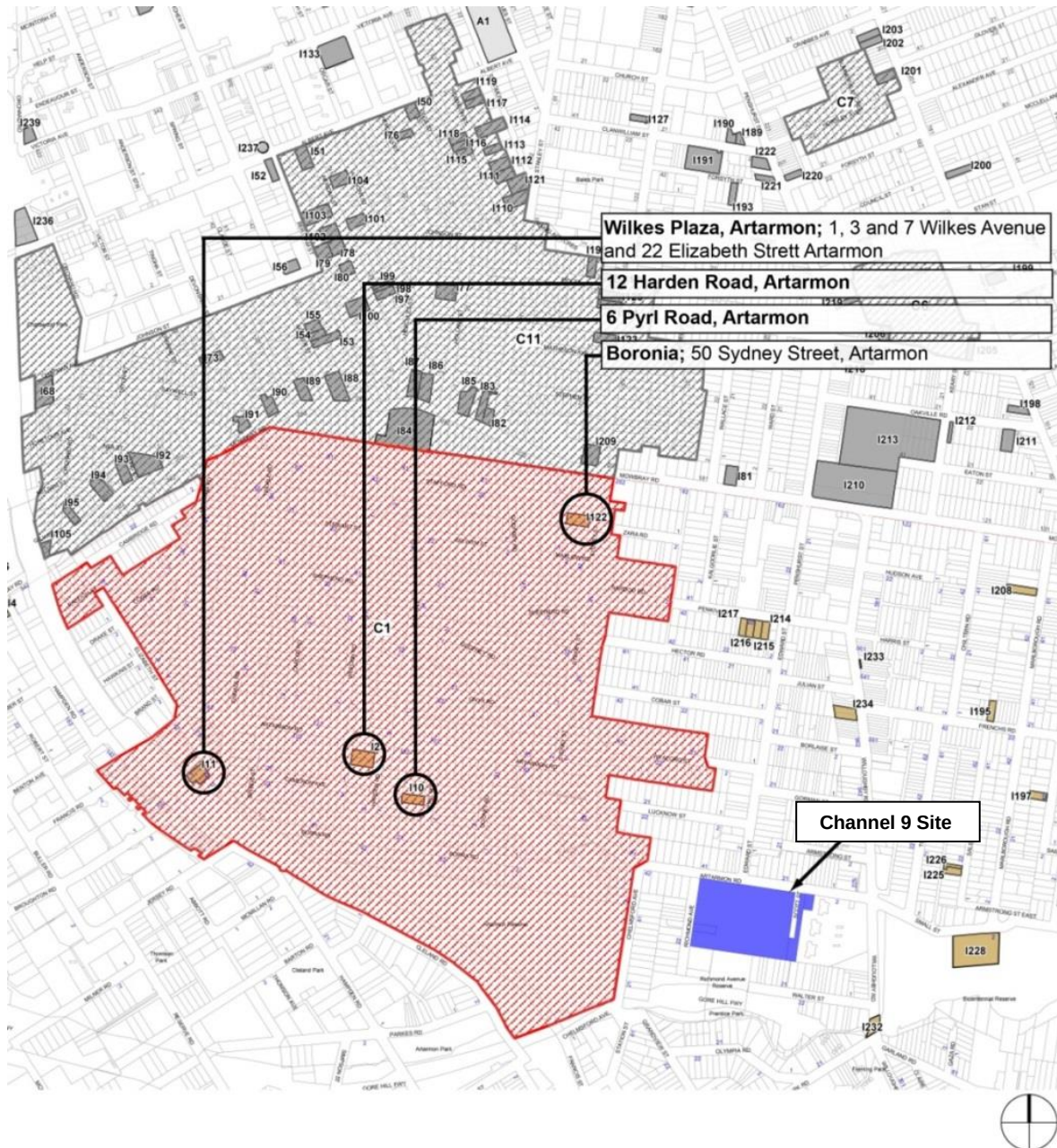


Figure 1.2 Heritage items and the Artarmon Conservation Area (Area C1) in the vicinity of the subject site with the Channel 9 site shaded blue. (Source: Willoughby City Council with GML Overlay).

2.0 Development Proposal

2.1 Approved Concept Plan

The redevelopment of the Site was declared to be a project to which Part 3A of the *Environmental Planning and Assessment Act 1979* applies on 19 November 2010. Nine Network Australia submitted a Concept Plan Application (MP 10_0198) to the NSW Department of Planning & Environment in November 2012.

In December 2014, following a lengthy planning assessment and community engagement process, the NSW Planning Assessment Commission PAC, Willoughby Council and Channel 9 mediated an agreed planning approval before the NSW Land and Environment Court. The mediated outcome was formalised by the PAC in its final determination on 23 December 2014 to approve the Concept Plan Application for:

The use of the site for a residential development with small-scale non-residential uses, incorporating:

- *building envelopes for five residential flat buildings above basement level parking and two rows of terrace houses incorporating;*
- *up to 400 dwellings; and*
- *up to 500m² floor space of 'non-residential' uses to support the development;*
- *retention and adaptive reuse of 6 Artarmon Road for retail/commercial purposes;*
- *new internal roadways and other infrastructure works to support the development;*
- *publicly accessible open space and through site link;*
- *temporary exhibition homes and / or exhibition villages; and*
- *superlot subdivision.*

The approved Concept Plan establishes maximum building footprints and heights, open space areas, road infrastructure and other development parameters, and sets out the future environmental assessment requirements for detailed Development Applications that are required to be submitted to Willoughby City Council.

Euro Properties and Lotus Property Fund No.8 (LEPC9) agreed to purchase the Site from Channel 9 in late-August 2015. Recognising the opportunity to deliver an improved urban design, planning, development and community outcome, LEPC9 engaged five of Australia's leading urban design firms to participate in a design competition to identify the most appropriate residential master plan for the site. This voluntary design excellence process led to the selection of the CHROFI master plan by a panel of industry experts. The current scheme offers substantial public benefit above the standard of the current approval, and has the potential to deliver a substantial improvement to the current approval for all project stakeholders.

2.2 Amendments to the Approved Development

The proposed modification to the Concept Approval will involve the substitution of the current approved master plan with the new CHROFI-led master plan (Appendix B) and accompanying amendments. CHROFI have also prepared a comparative analysis of the approved envelope with the proposed modified envelope (Appendix C).

The primary changes observed in the proposed master plan include:

- reconfiguration of buildings with lower scale residential apartments facing Richmond Avenue and Artarmon Road, and taller buildings concentrated in the centre of the site;
- reorientation of the main public open space area from an east-west axis to a north–south axis aligned with Edward Street;
- a height increase of four storeys to the towers and provision of additional dwellings across the site.

The proposed master plan establishes three typologies of buildings within the site—these include ‘Bush Buildings’ immediately adjacent to the broadcasting tower, ‘Edge Buildings’ that front onto Artarmon Road and Richmond Avenue, and ‘Mid Rise Towers’ which will be concentrated in the centre of the site in order to minimise perceived visual height of buildings. The ‘Bush Buildings’ have an irregular geometry and have ‘carved’ facade treatments to reduce the visual mass.

The edge buildings to Artarmon Road and Richmond Avenue are proposed to be up to four storeys, with a combination of transitional site levels and setbacks to the upper level which will result in a streetscape presentation of only two levels with a third level setback. Scott Street to the west is retained which results in a setback to the edge of the western building mass. The height of the southernmost building on the western edge increases by 1 storey to 9 storeys in total, transitioning down to 4 storeys at Artarmon Road and the Village Green.

The proposal also seeks to include the regeneration of the Council reserve located between the site, Walter Street and the Gore Hill Freeway.

Table 2.1 Summary of Changes from the Approved Concept Plan to the Proposed CHROFI Master Plan (Source: CHROFI Master Plan 2017).

Indicator	Approved Concept Plan (SJB)	Masterplan No.2 (CHROFI)	Change from Concept Plan to Masterplan 2
Public Open Space	3,178m ²	8,396m ²	+5,218m ² 172% increase
Communal Open Space	7,139m ²	2,097m ²	Communal open space made into public open space
Apartments	400 dwellings	495 dwellings	+95 dwellings
Affordable Housing	16 apartments	20 apartments	+4 apartments
Floor Space Ratio	1:29:1	1:5:1	+0.21:1
Non-residential Gross Floor Area	500m ² + The Loft Building	500m ² + The Loft Building	No change
Maximum building height	8 storeys	12 storeys	Three buildings above current approval at 9, 11 and 12 storeys
Building Volume (above existing ground)	181727m ³	162495m ³	11% reduction
Vehicular access points	2 x Artarmon Road 1 x Richmond Avenue	1 x Artarmon Road 1 x Richmond Avenue	1 less driveway to Artarmon Road

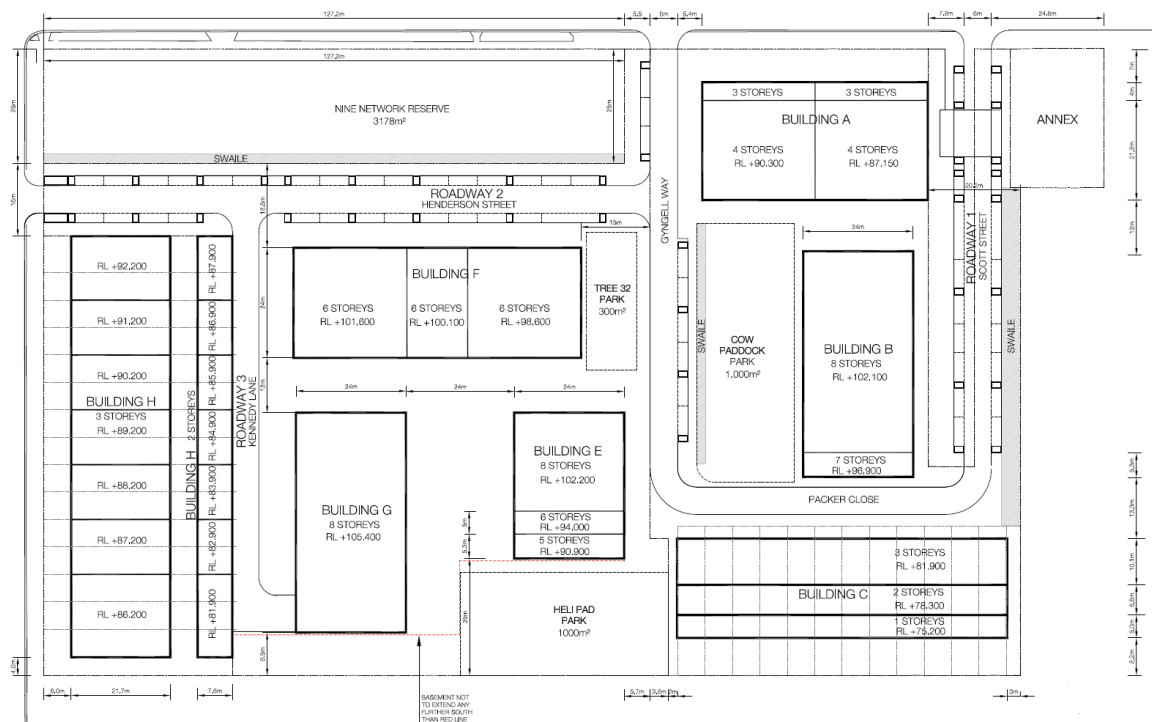


Figure 2.1 Approved location and extent of building envelopes on the site. (Source: Platform PPS)

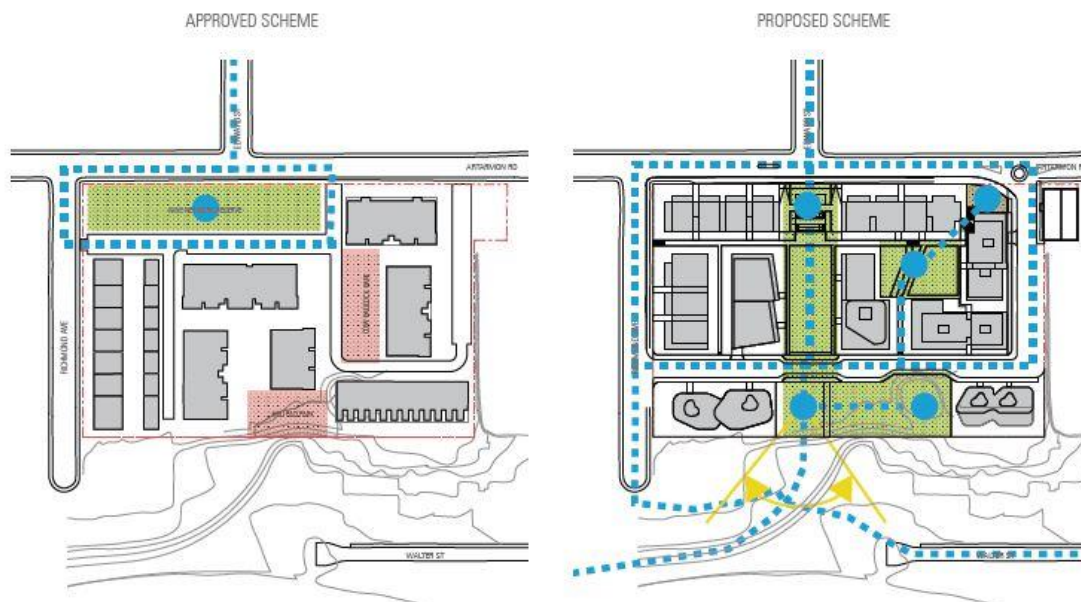


Figure 2.2 Comparison of the approved concept plan and proposed masterplan No.2—approved concept plan (left) and proposed masterplan No.2 (right). (Source: CHROFI Master Plan 2017)



Figure 2.3 Proposed site plan. (Source: CHROFI Master Plan 2017)



Figure 2.4 Visualisation of the proposed masterplan at the corner of Artarmon Road and Richmond Avenue (Source: CHROFI Master Plan 2017)

3.0 Assessment of Heritage Impacts of Modified Proposal

3.1 Heritage Impacts on the Site and Adjacent Broadcast Tower

The heritage impacts on the existing site and broadcast tower are generally consistent with the impacts identified in the 2012 HIS. The proposed modification and increase in height will have minor additional impacts on views to the broadcast tower; however it will continue to dominate the skyline, and its immediate setting. The proposed residential buildings (or 'bush buildings') immediately adjacent to the tower are designed with 'carved away' surfaces to reduce the sense of bulk and mass. This will reduce the visual scale of the buildings when viewed next to the tower. Impacts to historical archaeology resulting from the modified proposal are consistent with the impacts assessed in the 2012 HIS. The report identified that the removal of historical archaeological evidence on the site would be a minor archaeological impact.

3.2 Impacts on the Artarmon Conservation Area

The subject site is located to the east and southeast of the Artarmon Conservation Area. This area is primarily significant for its intact streetscapes of mostly interwar period houses. There is an overall uniformity of scale and character which is enhanced by existing historic plantings and remnant forest trees.

The subject site is located approximately 150 metres from the nearest eastern extent of the Artarmon Conservation Area. The proposal would not have any physical impact on the Conservation Area. Due to the topography, the proposed development would not be visible from most areas of the public domain of the central, northern and western parts of the Conservation Area. The visual impacts on the setting of the Conservation Area from within its south-eastern portion would remain consistent with the approved concept plan.

The approved concept plan originally included the provision of public open space in the northwest portion of the site. The proposed master plan includes low scale residential buildings sited on the corner of Richmond Avenue and Artarmon Road. Given the smaller scale of these buildings, as well as the setback and siting of taller buildings in the central portion of the site, the modification will have a minor additional impact on views from the Artarmon Conservation Area. However, this modification will also allow for the 'edge buildings' along Richmond Avenue and Artarmon Road to screen some of the lower building mass of the tower buildings behind and reduce their perceived scale on the site. This will help to mitigate impacts on views from the Conservation Area and create the perception of a gradual height transition.

The proposed apartment buildings on Richmond Avenue and Artarmon Road are up two storeys in height at the street frontage and designed with setbacks to the upper levels, minimising the perception of bulk and scale on the periphery of the site which faces the Artarmon Conservation Area.

In summary, the proposed modification of the concept plan would have a negligible additional impact on the streetscape value on the majority of the Artarmon Conservation Area. The increase in scale of the central towers in the proposed modification would have a minor additional impact on the visual setting of the south-eastern portion of the Conservation Area impacting on its identified streetscape significance. The upper levels of the tower buildings have been designed to be lightweight and as transparent as possible to reduce the visual mass of the additional levels on the skyline. This assists in mitigating the additional impacts that have been identified.

3.3 Impacts of Modification to Heritage Items in the Vicinity

Heritage Item	Heritage Listing	Previously Identified Impact of Approved Concept Plan (2012 HIS)	Revised Impact of Proposed Master Plan No.2
Walter Burley Griffin Incinerator 2 Small Street, Willoughby  Figure 3.1 Walter Burley Griffin designed Incinerator with a view of the broadcasting tower in the background. (Source: GML 2012)	NSW State Heritage Register (SHR 00084) Schedule 5 of Willoughby LEP 2012, Item No. I228	Given the topography, and the distance of the heritage item from the site, the proposal would not form a backdrop to the item in most of the available views. However, some views from the east would include the uppermost portions of the tallest buildings. However, it is considered that this would not represent an adverse impact on the visual setting of the heritage item.	The height increase will not adversely affect the visual setting of the heritage item. The taller tower buildings (which represent a 4.5 storey increase compared with the approved concept design), will be concentrated in the centre of the site and western edge. The proposed scheme sets the western building form back from the retained Scott Street. While the uppermost portions of these new buildings will be slightly more visible than the approved concept design, the distance between the sites and the topography between them means that there is a negligible increase in the visual impact on the visual setting of the heritage item.

Heritage Item	Heritage Listing	Previously Identified Impact of Approved Concept Plan (2012 HIS)	Revised Impact of Proposed Master Plan No.2
Flat Rock Creek Bridge Willoughby Road, Willoughby  Figure 3.2 View of Flat Rock Creek Bridge from Willoughby Park. (Source: Willoughby City Council)	Schedule 5 of Willoughby LEP 2012, Item No. I232	The uppermost levels of the tallest buildings would be visible adjacent to the broadcasting tower but this would not have any impact on the visual setting of the bridge which is mainly viewed from close range from the east and west.	There will be no additional impacts to the heritage item or the appreciation of its setting.
16 and 18 Salisbury Road, Willoughby  Figure 3.3 View of 16 and 18 Salisbury Road, Willoughby (Source: GML 2012)	Schedule 5 of Willoughby LEP 2012, Item Numbers I225 and I226	The uppermost portions of the tallest towers would be visible above the roofline of the heritage items. However given the distance involved this would have negligible impact on the heritage significance and visual setting of these items.	The height increase of the proposed master plan will have minor additional impact on the heritage cottages on Salisbury Road, however this is still negligible. While the uppermost portions of the towers will be slightly more visible than the concept plan, the majority of the new development retains a similar bulk and scale to the concept plan. Furthermore, the taller towers are positioned in the centre of the site, minimising the perception of additional height.

GML Heritage

Heritage Item	Heritage Listing	Previously Identified Impact of Approved Concept Plan (2012 HIS)	Revised Impact of Proposed Master Plan No.2
35 Frenchs Road, Willoughby  Figure 3.4 View of 35 Frenchs Road, Willoughby (Source: Willoughby City Council)	Schedule 5 of Willoughby LEP 2012, Item I195	The new buildings are well to the south of the heritage item and would not become a backdrop or affect the visual setting.	The cottage is located approximately 1km north-east of the subject site. Due to the substantial distance between the sites and southern orientation of the cottage, the proposed design modification will have no additional impact on the heritage item.
Bridgeview Hotel 580 Willoughby Rd, Willoughby  Figure 3.5 View of Bridgeview Hotel from directly across Willoughby Road. (Source: Willoughby City Council)	Schedule 5 of Willoughby LEP 2012, Item I234	The site is well to the southwest of this item and the proposed towers would not impact on its visual appreciation or setting.	The site for the proposed development is located approximately 650m south-west of the Bridgeview Hotel. Given the substantial distance between the sites, any visual impact of the modified design will be negligible, and will not adversely impact the appreciation of the heritage item or its setting.

Heritage Item	Heritage Listing	Previously Identified Impact of Approved Concept Plan (2012 HIS)	Revised Impact of Proposed Master Plan No.2
76 Marlborough Road, Willoughby  Figure 3.6 View of 76 Marlborough Road, Willoughby (Source: GML 2012)	Schedule 5 of Willoughby LEP 2012, Item I208.	The site is well to the southwest of this item and the proposed towers would not impact on its visual appreciation or setting.	The site of the proposed development is located approximately 1.3km south-west of the heritage item. Given the substantial distance between the two sites, the design modification will have no adverse impact on the heritage item.
18, 20, 22 and 24 Penkivil Street, Willoughby  Figure 3.7 View of 20 Penkivil Street, Willoughby (Source: GML 2012)	Schedule 5 of Willoughby LEP 2012, Item numbers I214, I215, I216, I217.	Only the very top of the broadcasting tower is currently visible above the roofs of these items. The new towers would not intrude into views of these items and therefore would not affect their visual settings.	The proposed modification will have no additional impact on these heritage items.

GML Heritage

Heritage Item	Heritage Listing	Previously Identified Impact of Approved Concept Plan (2012 HIS)	Revised Impact of Proposed Master Plan No.2
Boronia 50 Sydney Street, Artarmon  Figure 3.8 View of Boronia, Artarmon (Source: Willoughby City Council)	Schedule 5 of Willoughby LEP 2012, Item No. I122	This item is viewed from the street in a westerly direction whereas the subject site lies in a southerly direction. The proposal would not form part of the visual setting of this item.	The heritage item is located in the adjacent Artarmon Conservation Area and is approximately 1km north of the proposed development. The proposal does not form a part of the visual setting of this heritage item and the modification will have no additional impact on this heritage item.
6 Pyrl Road, Artarmon  Figure 3.9 View of 6 Pyrl Road, Artarmon (Source: GML 2012)	Schedule 5 of Willoughby LEP 2012, Item No. I10	This item is viewed from the street in a westerly direction whereas the subject site lies in a south-easterly direction. The proposal would not form part of the visual setting of this item.	The heritage item is located in the adjacent Artarmon Conservation Area. The proposal does not form a part of the visual setting of this heritage item and the proposed modification will have no additional impact on this heritage item.

Heritage Item	Heritage Listing	Previously Identified Impact of Approved Concept Plan (2012 HIS)	Revised Impact of Proposed Master Plan No.2
12 Harden Road, Artarmon  Figure 3.10 View of 12 Harden Road, Artarmon. (Source: Google Maps 2016)	Schedule 5 of Willoughby LEP 2012, Item No. I2	The 2012 HIS incorrectly identified the tower to the west of the residence at 12 Harden Road. The house faces east and is viewed in a westerly direction. The broadcast tower seen in the background is not that of the subject site.	Due to the substantial distance between the sites and eastern orientation of the house, the proposed design modification will have no impact on the visual setting or backdrop of the heritage item.
Wilkes Plaza 1,3 and 7 Wilkes Avenue and 22 Elizabeth Street, Artarmon  Figure 3.11 View of Wilkes Plaza, Artarmon (Source: Willoughby City Council)	Schedule 5 of Willoughby LEP 2012, Item No. I11	The new towers would not be able to be seen from within or adjacent to this item and the proposal would not have any impact on its visual setting.	The heritage item is located in the adjacent Artarmon Conservation Area and is located approximately 1.5km west of the proposed development. Given the substantial distance between the sites and the minor height increase of the buildings which will be concentrated in the centre of the site, the proposed modification would not have any impact on its visual setting.

3.4 Conclusion

This updated HIS will form part of S75W Modification application to vary the consent for the redevelopment of the Channel 9 site located at 6–30 Artarmon Road, Willoughby.

The heritage impacts on the existing site and broadcast tower are generally consistent with the impacts identified in the 2012 HIS. The proposed modification and increase in height will have minor additional impacts on views to the broadcast tower; however it will continue to dominate the skyline, and its immediate setting. Furthermore, the design of the proposed buildings immediately adjacent to the tower have been refined with modulated facade treatments which include ‘carved away’ surfaces which give the perception of a greater setback from the tower.

The subject site is located within the (distant) vicinity of a number of heritage items of local significance. Given the considerable distance between the proposed development and these heritage items, the increase in height and reconfiguration of open spaces and buildings of the modified scheme will have a negligible additional visual impact. In some instances, the development will not be visible or form a backdrop to many of the listed heritage items.

The height increase of the taller towers will have some minor additional heritage impacts on the visual setting and streetscape significance of the south-eastern portion of the Artarmon Conservation Area. These impacts have been mitigated by the design of lower scale street buildings (two storey street height, with third storey set back) to Richmond Avenue and Artarmon Road which will create the perception of a gradual transition in building height across the site. Together with landscaping treatments, these buildings will assist in screening the lower building mass of the taller buildings, thus reducing the perceived scale of the taller buildings and minimising impacts on streetscape views from the south-eastern portion of the Artarmon Conservation Area.

The modification alters the arrangement of the buildings with the taller buildings concentrated in the centre of the site, and the smaller scale buildings along the street edge. This is considered a positive impact in heritage terms in reducing streetscape impacts.

There has been no change to the historical archaeological assessment or mitigation measures prepared for the 2012 HIS. In the event that any unexpected historical archaeological remains were discovered during any excavation works at the site, further assessment or approval may be required under Section 146 of the NSW Heritage Act 1977.

In summary, the proposed modification would still have a negligible impact on the streetscape value of the majority of the Artarmon Conservation Area. However, given the proposed increase in height, there would be a minor additional impact on the visual setting and identified streetscape significance of the south-eastern portion of the Conservation Area. Otherwise despite being a substantial change to the approved concept plans, the heritage impacts of the proposed S75 modification are substantially the same as those assessed in the 2012 HIS.

Mitigative measures identified in the 2012 HIS should continue to apply.

4.0 Appendices

Appendix A

Aboriginal Archaeological Due Diligence, GML Heritage, 2013

Appendix B

Site Plan Comparison prepared by CHROFI December 2016

Appendix A

Aboriginal Archaeological Due Diligence, GML Heritage, 2013

Godden Mackay Logan

Heritage Consultants



Channel Nine, Willoughby

Aboriginal Archaeological Due Diligence Report

Report prepared for Lend Lease
29 January 2013

Godden Mackay Logan Pty Ltd
ABN 60 001 179 362

78 George Street Redfern
NSW Australia 2016

T +61 2 9319 4811
F +61 2 9319 4383

www.gml.com.au

Report Register

The following report register documents the development and issue of the report entitled Channel 9, Artarmon, Aboriginal Archaeological Due Diligence, undertaken by Godden Mackay Logan Pty Ltd in accordance with its quality management system. Godden Mackay Logan operates under a quality management system which has been certified as complying with the Australian/New Zealand Standard for quality management systems AS/NZS ISO 9001:2008.

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13-0008	1	Draft	25 January 2013
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1.0 Introduction

Godden Mackay Logan (GML) Pty Ltd has been engaged by Lend Lease to prepare a Due Diligence Aboriginal Archaeology Report for the Channel 9 Artarmon site, Willoughby (the study area). This report forms part of the Environmental Assessment for the study area prepared under Part 3A of the *Environmental Planning and Assessment Act 1979*.

The purpose of this report is to identify whether the study area possesses or has the potential to possess Aboriginal heritage sites, places, objects and/or values, in accordance with the Office of Environment and Heritage (OEH) guidelines for due diligence.

This report does not provide a significance assessment of any Aboriginal sites, places and/or values. This project does not follow the OEH guidelines for Aboriginal community consultation. Recommendations are provided as to whether further Aboriginal heritage assessment and management will be necessary.

This report was prepared by Joshua Madden, archaeologist and reviewed by Dr Tim Owen, Associate and David Logan, Partner. The site visit was conducted by Joshua Madden and Sam Cooling, archaeologists of GML.

1.1 NSW Legislation Relevant to Aboriginal Heritage

In NSW Aboriginal heritage is principally protected under two Acts:

- the *National Parks and Wildlife Act 1974* (NWS Act 1974); and
- the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

On 1 October 2010 the mechanisms for the protection and management of Aboriginal heritage places and objects changed with the adoption of the *NPW Amendment (Aboriginal Objects and Places) Regulation 2010*.

New offences relating to the harm to, or desecration of, an Aboriginal object or declared Aboriginal Place were introduced. The definition of 'harm' now includes to destroy, deface, damage or move an Aboriginal object or declared Aboriginal Place. The DECCW has stated:

The most significant change is the introduction of tiered offences and penalties. Offences committed with knowledge, in aggravating circumstances or in relation to an Aboriginal Place will attract higher penalties than previously. There is a new strict liability offence of harming Aboriginal objects and of harming or desecrating Aboriginal Places.¹

The strict liability offence of harming Aboriginal objects has a number of defences. The two defences relevant to this project include the statutory defence of due diligence through complying with an adopted industry code of practice (see due diligence below) or compliance with the conditions of an Aboriginal Heritage Impact Permit (AHIP).

1.2 Approach to Aboriginal Heritage Management

In order to administer the NPWS Act 1974 and EP&A Act 1979, the DECCW has issued a series of best practice guidelines and policies. The applicability of these depends upon the approval mechanism for a project. The current project will be assessed and granted approval under Part 3A

of the EP&A Act 1979. Therefore the approach to the preparation of this document was based on the following current best practice guidelines:

- Department of Planning (DoP) Director General's Requirements (DGR's) (reference 10_0198, issues 16. Heritage);
- The Department of Planning and Infrastructure (DPI) letter '*Adequacy of Environmental Assessment for Channel Nine Site*' (MP10_0198)' (8.1.13). This letter states that "an assessment of the significance and potential impact on the Aboriginal archaeological resources of the development" should be provided.
- DECCW (23-12-2009; Attachment A [DECC EA Requirements] and Attachment C [guidelines for Aboriginal cultural heritage]);
- NPWS Aboriginal Cultural Heritage. Standards and Guidelines Kit (draft 1997);
- Department of Planning's (DoP) *Part 3A EP&A Act Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (2005);
- Department of the Environment and Climate Change (DECC) *Interim Community Consultation Requirements for Applicants* (2005); and
- The *Australia ICOMOS Burra Charter 1999* (Burra Charter).

1.3 Due Diligence Approach

The OEH has issued a code of practice guideline that defines a 'due diligence' approach to Aboriginal heritage: OEH *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (13 September 2010). This guideline is designed to assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects, and/or Aboriginal Places, and to determine whether they should apply for consent in the form of an AHIP.

Activities declared Part 3A project under s.75B of the EP&A Act normally adhere to the 2005 (draft) *Part 3A EP&A Act Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation*. However, the due diligence approach to Aboriginal heritage management has been taken as the DGR's for this project do not stipulate the necessity for adherence to the above guideline. Lend Lease has adopted the *Due Diligence Code of Practice* as a best practice management tool for potential Aboriginal heritage objects, places and/or values which could be associated with the project.

If this project is approved under Part 3A of the EP&A Act but subsequent applications to a consent authority (such as a local council) necessitate determination under Part 4 of the EP&A Act (ie staged development or concept plan approvals) any Aboriginal heritage matters not already covered by the Part 3A approval may still require an AHIP. In such as case then adherence to the following guidelines will be necessary:

- DECC *Guide to Determining and Issuing Aboriginal Heritage Impact Permits* (2009);
- DECC *Operational Policy: Protecting Aboriginal Cultural Heritage* (February 2009);
- DECCW *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks and Wildlife Act 1974* (April 2010); and

- DECCW *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (24 September 2010).

The *Due Diligence Code of Practice* sets out the reasonable and practicable steps which individuals and organisations need to take in order to:

- identify whether or not Aboriginal objects are, or are likely to be, present in an area;
- determine whether or not their activities are likely to harm Aboriginal objects (if present); and
- determine whether an AHIP application (or further investigation under Part 3A of the EP&A Act) is required.

OEH has defined due diligence thus:

Due diligence is a legal concept describing a standard of care. Exercising due diligence means turning your mind to the likely risks of your proposed course of action. It is not enough to perform activities carefully. Due diligence requires consideration of your obligations under, in this case, the NPW Act, and the consideration and adoption of a course of action that is directed towards preventing a breach of the Act.

In the context of protecting Aboriginal cultural heritage, due diligence involves taking reasonable and practicable measures to determine whether your actions will harm an Aboriginal object and if so avoiding that harm.²

The steps that are required to follow the due diligence process are:

- searching the Aboriginal Heritage Information Management System (AHIMS);
- checking for landscape features which may indicate the presence of Aboriginal objects;
- strategies to avoid harming Aboriginal objects; and
- desktop assessment and visual inspection to confirm the presence of Aboriginal objects.³

In preparing this report, GML complied with the guidelines set out in OEH's *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (13 September 2010).

1.4 Description of the Study Area

The study area is located on the North Shore of Sydney with the primary address 6-30 Artarmon Road, Willoughby. The study area is located approximately 8km north of the Sydney CBD within the Willoughby Local Government Area (LGA). The study area is bounded by Artarmon Road to the north, Scott Street to the east and Richmond Avenue to the West, although the building at 6 Artarmon Road, on the southeast corner of Artarmon Road and Scott Street is also part of the study area. The study area and its location are shown in Figures 1.1 and 1.2.

As stated above the preferred option and three alternate options for building envelopes, site layout and access have been developed and are detailed in the SJB Concept Plan documentation from which this Due Diligence has based its conclusions.

1.5 The Due Diligence Process

In accordance with Step 1 of the OEH *Due Diligence Code of Practice* it is identified that the proposed activity will disturb the ground surface of the study area. Therefore the following due diligence steps will be undertaken:

Step 2a—Aboriginal Heritage Information Management System (AHIMS) database search (Chapter 2 of this report);

Step 2b—the identification of landscape features that indicate the presence of Aboriginal objects (Chapter 2);

Step 3—discussion with respect to the extent of the development footprint (Chapter 3); and

Step 4—desktop assessment and visual inspection (Chapter 4).

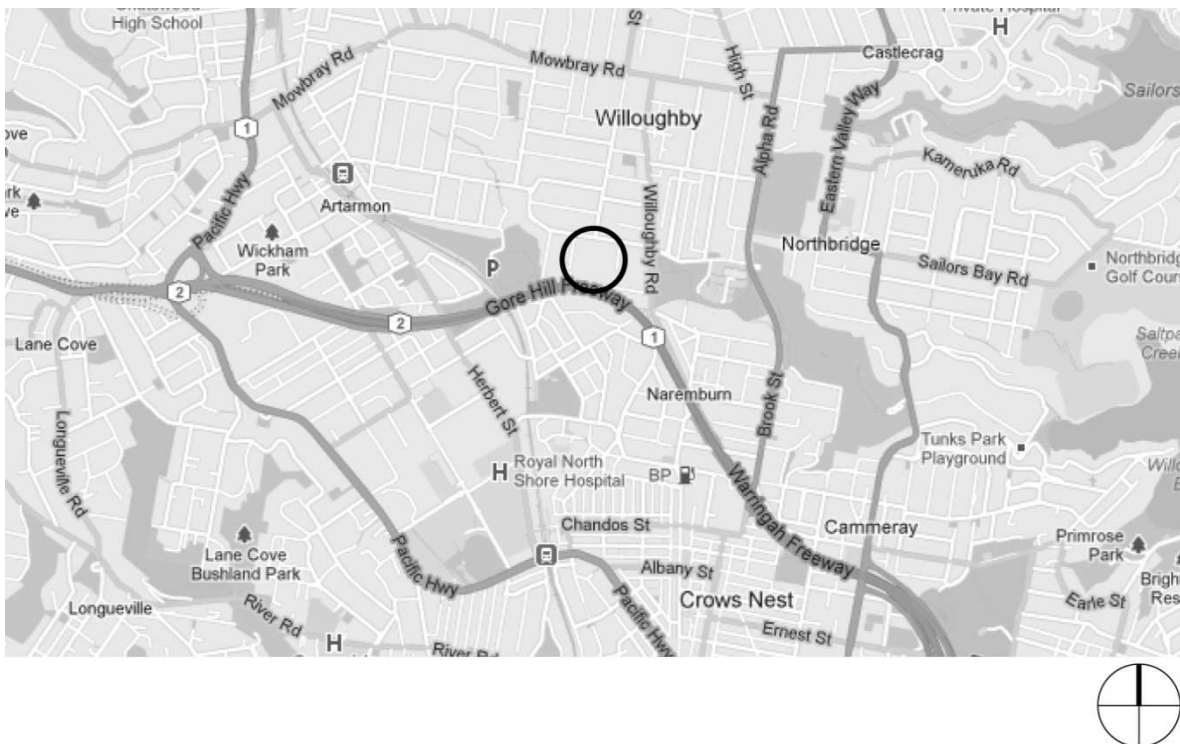


Figure 1.1 Location map showing the site (circled). (Source: Google Earth Pro with GML Overlay)



Figure 1.2 Satellite image with the boundary of the site outlined in red. (Source: JBA Planning)

2.0 AHIMS and Environment Context

2.1 AHIMS Search

A search of the OEH Aboriginal Heritage Information Management System (AHIMS) database for a zone with a 1.8km buffer surrounding the study area was undertaken on 16 January 2013. The results of the search are shown in Table 2.1. The search identified five recorded Aboriginal sites and/or places, which comprised: middens, axe grinding grooves, shelters and a stone artefact (termed 'an isolated find').

Table 2.1 Results of AHIMS search

Site Feature	Frequency
Axe Grinding Groove	1
Midden	1
Shelter with Midden	1
Shelter with Art and Midden	1
Stone Artefacts	1

The scant patterning of Aboriginal sites in the local area shows a strong association with sandstone landform feature, where these features exhibit evidence of past Aboriginal activities. The AHIMS search indicated that no previously recorded Aboriginal sites and/or places have been located within the study area boundary. The previously registered Aboriginal sites are located more than 500m south and south east of the study area.

2.2 The Environmental Context

The purpose of this section is to provide environmental contextual information for use in developing a predictive model of Aboriginal site locations associated with the study area. Interactions between people and their surroundings are of integral importance in both the initial formation and the subsequent preservation of the archaeological record. The nature and availability of resources including water, flora and fauna and suitable raw materials for the manufacture of stone tools and other items had (and continues to have) a significant influence over the way in which people use the landscape.

Alterations to the natural environment also impact upon the preservation and integrity of any cultural materials that may have been deposited whilst current vegetation and erosional regimes affect the visibility of Aboriginal sites and objects. For these reasons, it is essential to consider the environmental context as part of any heritage assessment.

2.2.1 Geology and Soils

The study area is located approximately 2.2km west of the Sydney Middle Harbour and approximately 3km North of Sydney Harbour and is located within the Port Jackson, North Shore region. The study area sits within the Mesozoic, Triassic Period Hawkesbury Sandstone Group, which is comprised of medium course grained quartz sandstone, minor shale and laminate lenses.⁴ The study area is overlain by two separate soil profiles:

Soil profile 1: the Hawkesbury colluvium is the predominating soil profile within the study area. This soil profile is shallow (>50cm) discontinuous and contains Siliceous Sand, yellow Earths and Sands and yellow and red Podzolic soils; and

Soil profile 2: is located to the north and north western portions of the study area, the soil profile is a Gynea erosional form. These soils range in depth from shallow to moderately deep (30-100cm) and consist of yellow Earths red and yellow Podzolic.⁵

2.2.2 Landforms, Landscape and Geomorphology

The natural landscape of the Channel 9 Willoughby offices study area is characterised by rugged, rolling to very steep hills of the Hawkesbury Sandstone region. The natural landscape of the study area are characterised by its location on the north shore of Sydney Harbour within the Port Jackson catchment area.

Landforms across the subject area are comprised of narrow crests and ridges, narrow incised valleys and steep side slopes with rocky benches and boulders. Surrounding local relief is 40-200metres with a modal terrain slope of approximately >25%. This has resulted in an erosional landform pattern comprising of moderately inclined rolling hills sloping steeply, toward the southern and western portions of the study area.⁶

The primary modes of geomorphological activity within the study area are extreme soil erosion and mass movement of rock.

2.2.3 Hydrology

The study area is located 4.3km northeast from the mouth of the Lane Cove River. Approximately 150m south of the study area is Flat Rock Creek, a third or fourth order creek which is the primary drainage channel for landforms surrounding the study area. The study area is also located approximately 2.2km west of the Sydney Middle Harbour and approximately 3km North of Sydney Harbour.

2.2.4 Flora, Fauna and Marine resources

The North Shore Willoughby region originally contained a complex of woodland adapted to sandstone slopes. The vegetation community surrounding the subject area includes trees such as the Sydney Blue Gum (*E. saligna*), Red Bloodwood (*Corymbia gummifera*), Sydney Peppermint (*E. piperita*), Bangalay (*E. botryoides*), Black She-Oak (*Allocasuarina littoralis*), the Narrow-leafed Stringybark (*E. hoblonhga*), the Brown Stringybark (*E. capitellata*), scribbly gum (*E. haemostoma*) and the Grey Gum (*E. punctata*)⁷.

The original vegetation cover, based on the remnant survival of representative vegetation would have comprised of open woodland, the Hawkesbury Sandstone Flora, including heaths on exposed harbour side cliff faces, with pockets of tall open-forest and closed forests.⁸

The fauna of North Sydney, at the time of contact, is well documented and includes many species still present in other Sydney regions like that of the nearby Cumberland lowlands today. The various species included kangaroo, wallaby, wombat, echidna, bandicoots, flying fox, emus, quolls, various native rats and mice, snakes, frogs and lizards.

Marine resources, such as rock oysters, the hairy mussel, the Sydney cockle and mud oyster, both of which are now virtually extinct in Port Jackson⁹ would have been plentiful and accessed, along

with various fish species from both Middle Harbour and Sydney harbour to the east and south of the study area respectively, although Watkin Tench, a military officer on the First Fleet, describes in 1788 that the fish at Port Jackson are less plentiful than at Botany Bay¹⁰.

2.3 Synopsis of the AHIMS Search and Environmental Context

Based upon the AHIMS search, it can be stated that no previously recoded Aboriginal sites and/or places have been identified within the study area.

The assessment of the environmental context, within which the study area is located, suggests that the wider area associated with the study is likely to have scant Aboriginal archaeological material retained primarily in disturbed contexts.

The study area is located on steep landforms near a medium order creek. If present, landforms could present evidence associated with Aboriginal shelters and possibly midden material. However, this hypothesis should be tempered against land use history verified through visual inspection.

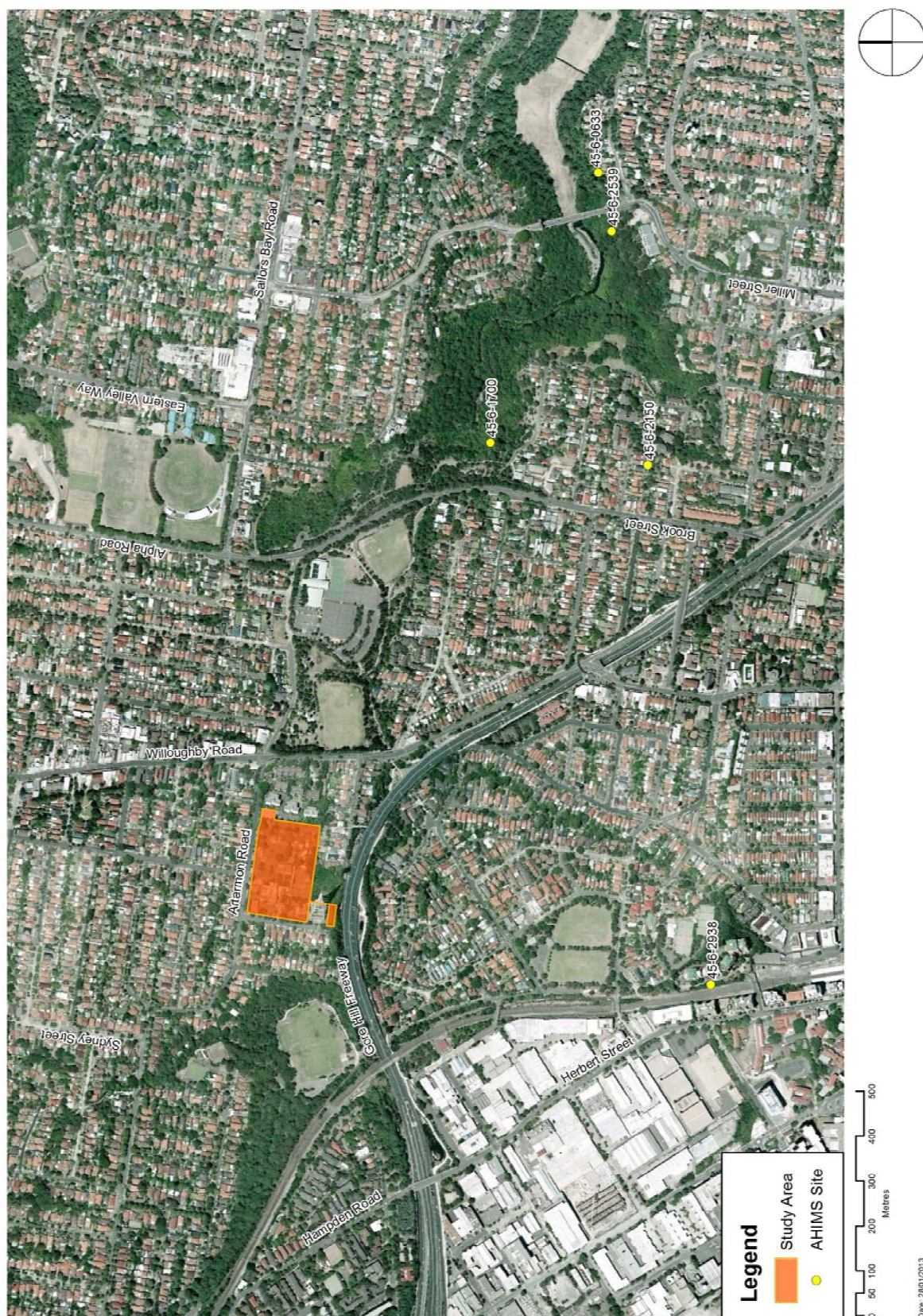


Figure 2.1 Outline of study area with location of previously registered sites (source: GML and AHIMS, 2013)

3.0 The Proposed Development

3.1 Description of the Proposed Development

The following proposal description has been provided by JBA Planning:

The Concept Plan Application seeks to establish a high density residential land use for the Channel Nine, Willoughby site use with indicative building envelopes, site access arrangements, public open space, landscaping and infrastructure and stormwater concepts. The Concept Plan also includes details of project staging, superlot subdivision and establishes a framework for future development approvals and developer contributions.

The Preferred Option which has been developed by SJB Australia seeks to establish building envelopes which will provide approximately 600 dwellings (approximately 60,000m² of gross floor area) within the site as well as a new local park along part of the site's Artarmon Road and Richmond Avenue frontage. The Preferred Option provides for:

- *6 residential flat buildings, with indicative building envelopes providing for three buildings being between 4 and 6 storeys in height, a 10 storey building, a 14 storey building and an 18 storey building and*
- *Approximately 30 attached dwellings up to two storeys in height.*

Three alternate options for building envelopes, site layout and access have also been developed and are detailed in the SJB Concept Plan documentation.

3.2 Impacts Arising from the Proposed Development

As no Aboriginal sites and/or places have been recorded within the boundary of the study area, the future re-development of the site will not have a negative impact on any known Aboriginal sites and/or places.

3.3 Heritage Avoidance Strategy

No previously recorded Aboriginal site and/or places have been recorded within the study area and analysis of the relevant literature has confirmed this. Thus, no heritage avoidance strategy needs to be developed at this point in time.

4.0 Desktop Assessment and Visual Inspection

4.1 Aboriginal Ethno-history

Most of the available ethnohistorical information available for the Aboriginal people who lived at and near Sydney Cove was written by officials who travelled to New South Wales with the First Fleet, including Governor Arthur Phillip, judge-advocate David Collins, Captain-lieutenant Watkin Tench and Lieutenant William Dawes. Dawes also recorded a large amount of vocabulary of the Port Jackson Aboriginal. Paintings and sketches were also produced, which frequently depicted Aboriginal people, camps, tools and weapons.¹¹ A wealth of information is contained in these documents.

The original Aboriginal inhabitants of the study area would have been among the first Aboriginal people to experience the effects of physical and social dislocation as a result of the arrival and settlement of the First Fleet at Sydney Cove. Consequently, epidemics of smallpox dramatically affected the Aboriginal population in Sydney, and across Australia. In 1790 Bennelong estimated to Governor Phillip that over half of Sydney's original Aboriginal population had died as a result of the smallpox epidemic that broke in 1789.¹²

Other effects of European colonisation on local Aboriginal populations included loss of access to traditional lands and resources, inter-tribal conflict, starvation, and the breakdown of traditional cultural practices. The effects of such severe social dislocation may have dramatically altered some aspects of the lives of local Aboriginal people recorded by early European observers. This is highlighted within the North Shore as by accounts confirming that by the 1860's no Aboriginal peoples inhabited their traditional lands on the North Shore. Processes of disease and land appropriation led to the North Shore area being visited for gatherings by the remaining tribal members at Christmas time.¹³

In 1790 Governor Phillip reported that the North Shore area was inhabited by the Cammeraygal and Wallumedegal Clans of the Kurringgai Tribe.¹⁴ It is also noted by Attenbrow, that the Borogegal inhabited the lands west and south of Middle Harbour. This indicates that the 6-30 Artarmon Road, Willoughby study area was likely to have been located within Kurringgai lands and was inhabited by the Borogegal clan and neighboured by the Cammeraygal to the west.¹⁵

4.2 Historical Impacts to the Study Area

The following succinct history of the Post-European occupation of the study area and has been resourced from GML 2012,¹⁶ which identified a series of historical developments that may have impacted original soil horizons and landforms across the study area.

4.2.1 Early Development 1856-1904.

The study area is situated on part of three original five acre grants to John Sylvester Ryan, Thomas Cronin and Arthur Catlett. Subdivision of Catlett's land for residential subdivision began in 1911 followed by Ryan's land in 1912. Thomas Cronin's land was not subdivided.¹⁷ The area during this time was primarily rural in nature.

4.2.2 Forster's 'St Leonards' Dairy 1904-1955.

Thomas Cronin's land was sold in its entirety in 1904 to Robert Henry Foster, dairyman who established the 'St Leonards' Dairy. The existence of dairies had been part of the rural landscape of Willoughby for some time.

Aerial photographs from 1930 and 1943 (Figures 4.1 and 4.2) show the dairy as a large establishment. The dairy continued on the site until Forster's death in 1955. His wife Eliza then subdivided the property into three portions, Lots A, B, and C:

- Lot A which contained the Forster's house was sold to Television Corporation Limited (later TCN Channel Nine) in 1961;
- Lot B (over 2 acres), was purchased by Television Corporation Limited (later TCN Channel Nine) for its Channel Nine Centre in 1955; and
- Lot C which fronted Flat Rock Creek and contained over 2 acres was purchased by Willoughby Council in 1956.

In general, animal grazing and the associated agricultural uses, result in a low level of impact, where the affect is a small loss of soil integrity. Animal grazing on steep landforms can result in erosion and an extensive loss of soil condition.

Construction associated with this phase would have significantly impacted soil horizons, resulting in the bulk removal of natural profiles and the loss of condition and integrity.

These historical activities would have resulted in a low level of disturbance in the southern and central zones and mid to high disturbance in the northern section.

4.2.3 Channel Nine Centre: 1955-2013

Television Corporation Limited bought Lots B and C of Forster's Dairy because they were located in an ideal position for a transmission tower on the top of a high hill in Willoughby. In November 1955 the old dairy, milking sheds and cows, were removed and work began on constructing the transmission tower.

Channel 9 quickly outgrew the Forster's Dairy site and from 1956 began buying up nearby properties.¹⁸ These included residential sites on the western side of Scott Street formerly part of Catlett's grant and properties on the eastern side of Richmond Avenue formerly part of John Ryan's land. A couple of the Richmond Avenue cottages and most of the Scott Street cottages still remain within the Channel 9 site (Figure 4.3). In the early 1960s a new larger transmission tower was constructed on the site with the old tower demolished in 1972.

The entire natural landscape for the study during this phase has been altered and transformed. Demolition works of buildings associated with earlier phases and the construction of buildings, roads and car parks have severely compromised the natural soil horizons across the extent of the study area. This major phase of demolition and construction would have resulted in the holistic loss of soil condition and integrity across the majority of the study area. The consequence would be a low likelihood for any residual sub surface Aboriginal archaeology within the study area.

4.3 Relevant Local Studies

A few archaeological studies and academic works have been prepared that include the study area. Those works and reports of direct relevance to this due diligence assessment are detailed below.

4.3.1 Academic Literature Review

Morris 1986¹⁹

Morris undertook archaeological survey across the North Port Jackson, covering 100km², including the current study area. The results of the survey included the identification of only six sites—two middens, three shelters with middens and a rock engraving (all outside the current study area boundary). Morris' review of Aboriginal site patterning showed the 1980's archaeological record comprised 27% rock engravings, 24% shelter/middens, 22% open midden sites, 15% shelter/rock art sites, 4% shelter/deposit sites, 3% axe grinding grooves, 2.5% burial sites.

Attenbrow 1991—Port Jackson Archaeological Project²⁰

In 1991 Val Attenbrow undertook a project to relocate registered OEH sites as many were poorly recorded. Site survey was undertaken across the Port Jackson catchment, which Attenbrow divided into eight sub-catchments. Attenbrow identified a number of patterns of site distribution associated with aquatic zones and geological formations within the catchment.

Attenbrow's study revealed that 98% of middens in the Port Jackson catchment were located on Hawkesbury sandstone, even though there is a greater area of Wianamatta shale landscapes within the region, possibly due to the projects findings that a higher density of middens occurred within rock shelters as opposed to open areas/sites. The number of middens varied drastically across the Port Jackson catchment, partly due to discrepancies in factors such as land area of each sub-catchment and intensity of residential and industrial development. However, it was clear that middens and deposits occurred in higher densities in ocean and estuarine sub-catchments.²¹

Results for the Middle harbour sub-catchment identified the catchment as having a 12.5% ocean influenced zone, 59.5% as estuarine and 28% as freshwater. Of the 369 shell middens identified within the wider study 178 (48%) were identified within the Middle Harbour catchment area, within which the current study area is located and more specifically 92 (25%), were recorded in the Willoughby LGA (none of which were located within the current study area).

Hoskins 2007—Aboriginal Northern Sydney²²

In 2007 Ian Hoskins and the North Sydney Council undertook a study of the Aboriginal history of North Sydney. Hoskins indicates that, prior to and during the initial colonisation phase, the study area was likely to have been located within Kurringgai lands and was inhabited by the Borogegal clan and neighboured by the Cammeraygal to the west.²³

The history provides a brief account of the Aboriginal cultural heritage record and uses primary sources to inform the North Sydney Aboriginal people's spirituality, the interaction with colonists and the dispossession of lands and resulting outcomes.

It was acknowledged by early European observers that the Cammeraygal were a muscular and robust people who enjoyed a powerful place within the complex Aboriginal social system. Using primary sources written from early European settlers, Hoskins identified that the Cammeraygal were thought to have the best fishing grounds within Port Jackson. It was noted, that men tended to

make wooden objects for hunting and warfare while the women used and made fishing line and hooks. Hoskins notes that early records of Aboriginal lifestyle included the use of fire as both a hunting tool and land management strategy.

Throughout the early periods of colonisation interaction was both harmonious and at times volatile and highlights volatile and cooperative interaction with members of the ships *Sirius* and the ship *Supply* respectively. Dispossession of lands was continuous from the early 1790's, with all traditional Aboriginal owners of the North Shore/ North Sydney area not living on traditional lands by the mid 1800's.

4.3.2 Archaeological Consultancy Studies Literature Review

Helen Brayshaw Heritage Consultants 2003

In 2003 Helen Brayshaw Heritage Consultants (HBHC) was engaged by Mirvac Homes Pty Ltd to undertake an Aboriginal Heritage Assessment of land located between MacPherson Street and Warriewood Road, Warriewood, approximately 20km from the current study area. The survey identified no Aboriginal archaeological within Brayshaw's study area.

4.4 Synopsis of Past Heritage Work

As identified during Attenbrow's seminal works, a vast majority of the shell middens and rock shelters with middens around Port Jackson were located within aquatic Hawkesbury sandstone zones.²⁴ Likewise, it was noted that a greater number of middens within the Port Jackson catchment zone were located within shelters, assuming past Aboriginal peoples were consuming resources within the shelter of rock overhangs. The nature of middens, as places where extensive amounts of shell and other material have been discarded, sometimes over thousands of years, are often better preserved and more archaeologically obvious than other more ephemeral site types like open campsites. The current study area, although within the Hawkesbury sandstone formation zone and within an area where sandstone shelters are abundant, 3km from the Port Jackson harbour foreshore.

Attenbrow notes that previous studies within the Sydney wider area have indicated that Aboriginal sites and/or places are generally clustered within 200m of a permanent freshwater water ways.²⁵ The current study area is bordered by Flat Rock Creek, although, the steep landforms to the south of the study area could have precluded the use of the land immediately adjacent to the creek for habitation activities.

While the extent of development in the Willoughby area since the early 1800's has greatly disturbed and destroyed many Aboriginal archaeological sites, the archaeological data indicates that Aboriginal sites remain in a broad proximity of the study area. The majority of these sites, as indicated by Attenbrow, have been disturbed to some extent, however, they are still significant for their contribution to our understanding of Aboriginal occupation of the Sydney landscape.

4.5 Visual Inspection of the Study Area

An inspection of the subject area was undertaken on 21 January 2013 by Joshua Madden and Sam Cooling both of GML, and Bernadette Brendan, of The Nine Network.

The main purpose of the visual inspection was to determine whether the subject area contained or has the potential to contain Aboriginal archaeological sites.

The subject area inspection was informed by historical evidence, site plans, an AHIMS search and aerial photographs. During the inspection various aspects of the subject area were recorded, including: topography, the change in ground levels across the site and presence of above and sub-surface services. The following observations were made:

- The subject area is dominated by multiple buildings, houses and car parks (Figures 4.4 to 4.9);
- pedestrian and vehicular access within the subject area is dominated by concrete and bitumen car parking facilities and roadways (Figures 4.4, 4.5, 4.7 and 4.9);
- services both above ground and subsurface were evident across the subject area and concentrated within the substation zone (Figures 4.9 to 4.13);
- cutting, grading, filling and retaining of the natural land surfaces were evident across the entire study area (Figures 4.14 to 4.18); and
- sandstone outcroppings were evident outside the study area boundaries to the south (in residential premises) and to the east (appears to be altered).

The subject area inspection demonstrated that it has generally been highly developed with the creation of multiple surfaces, consisting of fill terraces, retained hill slopes, capping of area (i.e. car parks) and fill across the study area. Ground visibility was low due to high coverage of modern materials such as bitumen, asphalt, concrete and brick as well as dense vegetation. Within exposure and hillslope zones surface visibility was at a maximum of (~45%). A number of sandstone outcrops were present outside the study area boundary and were not examined due to access restrictions (Figures 4.19 to 4.22).

4.6 Synopsis of the Desktop Assessment and Visual Inspection

The study area inspection did not identify any Aboriginal archaeological sites. The study area has a very low to no level of potential for containing subsurface Aboriginal archaeological deposits.

It was determined that the majority of the study area had been impacted by historical development, which had modified the majority of original natural landforms.

Due to the dense vegetation cover and steep slopes, there was limited access to the southern portions of the site. Thus, in the southern area it was not possible to positively identify the presence or absence of Aboriginal objects, engravings, or any other evidence of Aboriginal occupation. However, areas that were accessed identified the presence of two separate fence lines, concrete and wooden retaining walls and associated fill and rubble, indicating a moderate-high level of disturbance in the southern zone.

In summary the study area has been assessed to possess no Aboriginal archaeological potential due to historical impacts associated with multiple phases of development. A very low chance for intact residual natural soil horizons exist for the study area. If present, these soils would have little integrity and given the landforms of the study area, are unlikely to possess Aboriginal objects. The small portion of the study area (to the south) which was not inspected has a low potential for containing Aboriginal sites on the steep sandstone landforms. However, these landforms will be avoided during the proposed re-development.

As such, it is recommended that the proponent can proceed with caution without further Aboriginal heritage management investigation. Details with respect to the mechanism for dealing with the unexpected discovery of an Aboriginal object are established in Chapter 5.



Figure 4.1 1930 aerial showing dairy in the centre plus and residential development on both Ryan's and Catlett's original land grants. (Source: Department of Lands)



Figure 4.2 1943 aerial showing dairy, indicated by an arrow surrounded by residential development. (Source: Department of Lands)



Figure 4.3 1980 aerial showing the current tower. (The original smaller tower has been demolished. (Source: Department of lands and JBA planning)



Fig 4.4 Southern car park and main building facing NW(GML 2013)



Fig 4.5 Southern car park and main building facing N (GML 2013)



Fig 4.6 Main building, southern car park and substation area facing SW (GML 2013)



Fig 4.7 Northern car park with main building facing E (GML 2012)



Fig 4.8 One of the converted houses of the eastern border of the study area (GML 2013)



Fig 4.9 Example of pedestrian access way within study area (GML 2013)



Fig 4.10 Above ground service between 'middle' and 'southern' car parks (GML 2013)



Fig 4.11 Services above and below ground within substation area (GML 2013)



Fig 4.12 Services above and below ground within substation area (GML 2013)



Fig 4.13 Storm water drainage (GML 2013)



Fig 4.14 Cutting and filling for central area of study area 9GML 2013)



Fig 4.15 Cutting for implementation of Satellite Dishes (GML 2013)



Fig 4.16 Retaining wall and southern fence line (GML 2013)



Fig 4.17 Multiple retaining walls and southern fence line (GML 2013)



Fig 4.18 Fill and cut areas for car park, helipad and gardens in the SW of study area (GML 2013)



Fig 4.19 Dense vegetation along southern border (GML 2013)

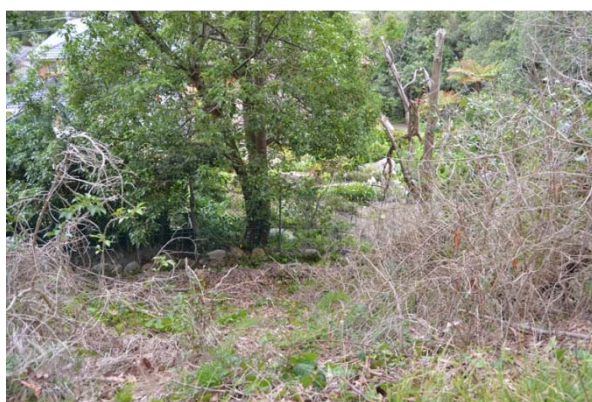


Fig 4.20 Dense vegetation along southern border (GML 2013)



Fig 4.21 Example of ground exposure in garden beds (GML 2013)



Fig 4.22 Sandstone outcropping on eastern border (looking vertically down) (GML 2013)

5.0 Conclusions and Recommendations

5.1 Conclusions

This due diligence report has found that there are no previously recorded Aboriginal heritage sites or places within the subject area. The study area has very little to no Aboriginal archaeological potential.

The study area does not possess Aboriginal archaeological significance. As such, the proposed development would not impact Aboriginal archaeological resources.

5.2 Recommendations

Based on the findings of this assessment, the following management recommendations are provided for the study area:

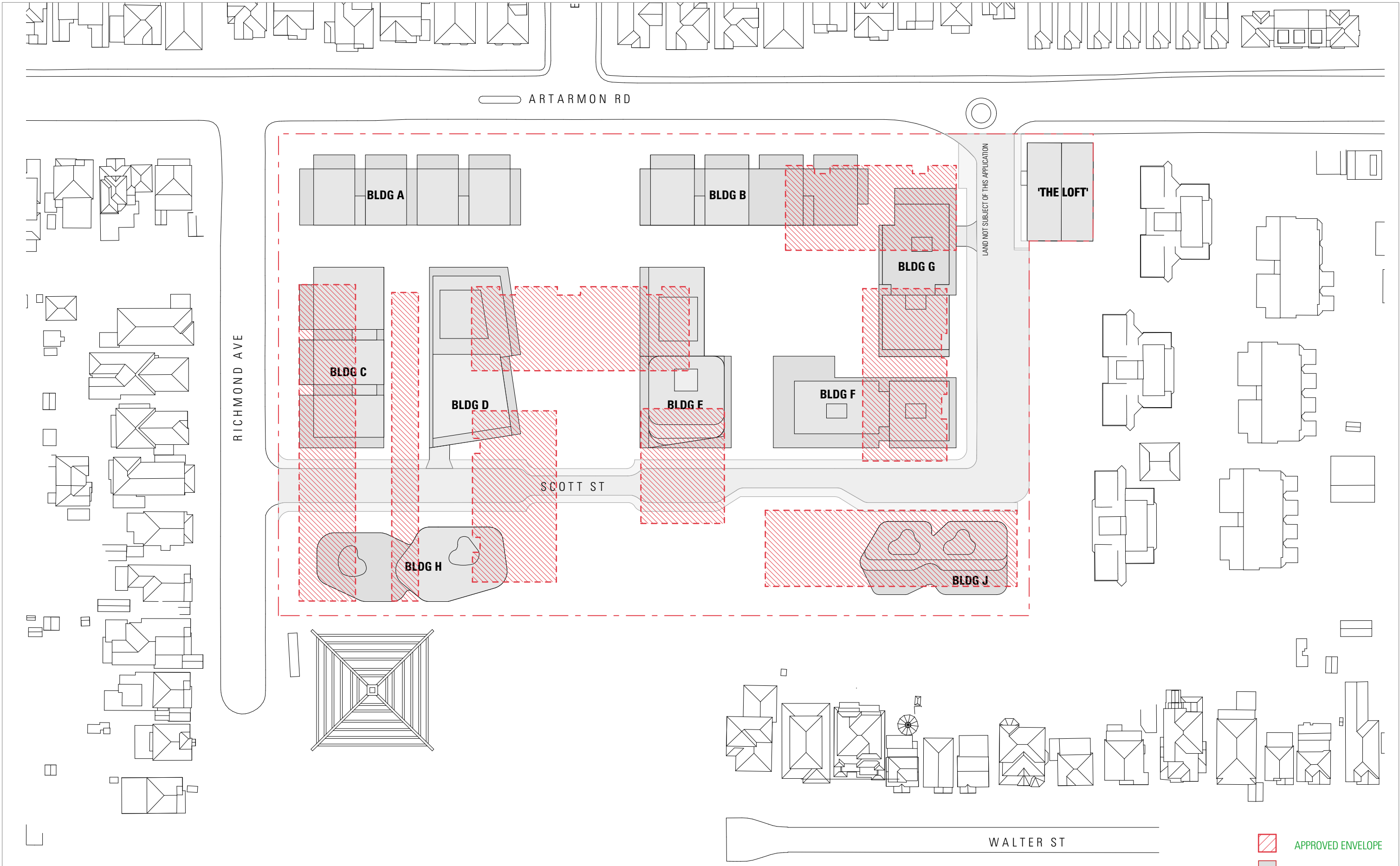
- It is recommended that no further Aboriginal heritage management is required.
- This report can be included in the Environmental Assessment for the proposed redevelopment of the site.
- If unexpected Aboriginal archaeological deposits were to be identified during development of the subject land, works must stop and a suitable qualified archaeologist be notified immediately to assess the finds. The finds must be reported to OEH and further approvals may be necessary prior to the recommencement of works.
- If human remains were to be discovered during any development works on the property, the finding would need to be reported immediately to the New South Wales Coroner's Office and/or the New South Wales Police. If the remains are suspected to be Aboriginal, OEH would also need to be contacted and a specialist consulted to determine the nature of the remains.

6.0 Endnotes

- ¹ DECCW 2010. NPWS Act 1974. *Fact sheet 1*. September 2010.
- ² DECCW. 13 September 2010. *Due diligence guidelines for protection of Aboriginal objects in NSW*. Accessed Online.
- ³ DECCW 2010. NPWS Act 1974. *Fact sheet 2*. September 2010.
- ⁴ <http://www.geoscience.gov.au/geoportal-geologicalmaps/download?map=125dpi/si5605.jpg>
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- ¹⁹ Morris A.K 1986, *An archaeological Survey of North Port Jackson*
- ²⁰ Attenbrow, V 2002 (2nd ed. 2010), *Sydney's Aboriginal Past: Investigating the archaeological and historical records*, UNSW Press, Sydney
- ²¹ *Ibid* 50-53
- ²² Hoskins, Ian, 2007, *Aboriginal North Sydney: An Outline Of Indigenous History*, North Sydney Council
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Appendix B

Envelope Comparison prepared by CHROFI December 2016



ISSUE			DATE	DESCRIPTION	ISSUE			DATE	DESCRIPTION	ARCHITECT					PROJECT					NORTH		SHEET TITLE	
01	14.07.16	S75W MODIFIED CONCEPT MASTERPLAN SUBMISSION								CHROFI					CHANNEL 9 SITE MASTERPLAN							SITE PLAN COMPARATIVE	
02	21.12.16	RESPONSE TO SUBMISSIONS								3/1 THE CORSO MANLY NSW 2095 AUSTRALIA T +61 2 8096 8500 F +61 2 8007 0411 E info@chrofi.com													
										CHOI ROPHA FIGHERA P/L ACN 144 714 885 ATF CHOI ROPHA FIGHERA UNIT TRUST T/A CHROFI ABN 22 365 257 187 NOMINATED ARCHITECT JOHN CHOI 8706 TAI ROPHA 6568 STEVEN FIGHERA 6609 THIS DRAWING SHOULD BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACTS, SPECIFICATION, REPORT AND DRAWINGS. DO NOT SCALE DRAWINGS. DIMENSIONS GOVERN. VERIFY ALL DIMENSIONS ON SITE BEFORE CONSTRUCTION. COPYRIGHT OF THIS DRAWING IS VESTED IN CHROFI.					PROJECT NUMBER	PLOT DATE	DRAWN	CHECKED	SHEET SCALE	SHEET SIZE	SHEET NUMBER	ISSUE	
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