



Aboriginal Cultural Heritage Assessment Report

50-52 Phillip Street, Sydney

Client: Built Development Group

Stage 1 Concept SSD-10464 Submission

Final Report, December 2020



PORT JACKSON *in* NEW SOUTH WALES

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View of Port Jackson in New South Wales, 1790, Mitchell Library, State Library of New South Wales.

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Relevant Abbreviations

ABBREVIATION/ TERM	DEFINITION
ACHAR	Aboriginal Cultural Heritage Assessment Report
ATR	Archaeological Technical Report
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
ASIRF	Aboriginal Site Impact Recording Form
'Code of Practice'	DECCW 2010, Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales.
'Consultation Guidelines'	DECCW 2010, Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.
DECCW	Department of Environment, Climate Change and Water (now Office of Environment and Heritage—OEH).
'Due Diligence Code of Practice'	DECCW 2010, Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.
EP&A Act	Environmental Planning and Assessment Act 1979
'Guide to Investigating'	OEH 2011, Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW.
Heritage Act	NSW Heritage Act 1977
ICOMOS	International Council of Monuments and Sites
LALC	Local Aboriginal Land Council
LGA	Local Government Area
NPW Act	NSW National Parks and Wildlife Act 1974
OEH	NSW Office of Environment and Heritage (formerly DECCW)
PAD	Potential Archaeological Deposit
RAPs	Registered Aboriginal Parties
SHR	NSW State Heritage Register

Executive Summary

Curio Projects Pty Ltd was commissioned by Built Development Group to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the 50-52 Phillip Street, Sydney project, located in Central Sydney, along the eastern edge of Sydney's core Central Business District (CBD) (the study area). Built has proposed to refurbish the heritage significant 50 Phillip Street building, and redevelop 52 Phillip Street to create a new mix use luxury hotel.

The study area has had a long history of intensive use and development since 1788, first as the site for First Government House gardens; followed by the development of government and residential lots; before the construction of the state significant Chief Secretary's Building and neighbouring 50-52 Phillip Street, adapting, changing and developing over time until the present day.

The objectives of the Aboriginal heritage assessment for the 50-52 Phillip Street project were to:

- Identify Aboriginal community members who can speak for the Country within which the project is located;
- Involve the Aboriginal community in the cultural heritage assessment process, including consultation to determine their opinions with respect to the project and its potential 'harm' to their cultural heritage;
- Understand the number, extent, type, condition, integrity and archaeological potential of any potential Aboriginal heritage sites and places that may be located within the study area;
- Determine whether the potential Aboriginal sites and places are a component of a wider Aboriginal cultural landscape;
- Understand how any potential physical Aboriginal sites relate to Aboriginal tradition within the wider area;
- Prepare a cultural and scientific values assessment for all identified Aboriginal cultural heritage associated with the study area;
- Determine how the proposed project may impact any identified Aboriginal cultural heritage;
- Determine the most appropriate impact mitigation strategies that will benefit Aboriginal cultural heritage and the proponent (with what available information we have at this point in time); and
- Provide clear recommendations for the conservation for Aboriginal heritage and archaeological values and mitigation of any potential impacts to these values.

Aboriginal Community Consultation

Aboriginal community consultation in accordance with statutory guidelines *Aboriginal cultural heritage consultation requirements for proponents 2010*, (DECCW 2010) was initiated for the 50-52 Phillip Street project in July 2020 (as required by project SEARs). Seven RAPs have been identified for the project and have been consulted throughout the process of this ACHAR for their input and opinions on the project.

Aboriginal Archaeological Potential

The assessment of Aboriginal archaeological potential within the study area has been based on a combination of environmental assessment, including original landform, possible levels of disturbance across the site, and original resource zones that would have been favourable to, or sustained local Aboriginal populations of the area prior to European settlement, in combination with known previous archaeological research in the vicinity of the study area, or on comparable sites in Sydney.

The following predictions are made with regards to Aboriginal archaeological potential within the study area:

- In order for Aboriginal archaeological deposits to be present in situ within the study area, they would require the retention of natural soil profiles in the area that would be extant from 1788- and require these natural soils to be intact- subject to limited amounts of natural erosion.
- PAD sites are the most common site type in the region, and are therefore the most likely site type to be present within the study area, should the site conditions allow the preservation of such a site (i.e. where historical land disturbance activities have not already removed all natural soil profiles)
- There may also be potential for isolated Aboriginal artefacts (stone artefacts and shells) to be present in a disturbed context.
- The study area has no potential for site types such as scarred trees, rock shelters and grinding grooves, as the natural features required for these types of sites are not present.
- It is highly likely that the study area landscape was occupied and used in some way by Aboriginal people prior to 1788 – especially in consideration that the Tank stream was in close proximity, as well as the abundance of resources in the surrounding area along the harbour.
- The GyMEA soil landscape has a high propensity for sheet erosion following vegetation clearance, and this would have impacted the ability for the soils within the study area to retain an Aboriginal archaeological deposit.
- Historical accounts reference the burial of Arabanoo within the grounds of First Government House in 1789. This potential for burials in the vicinity of the study area and surrounds is reflected in registered Aboriginal site AHIMS #45-6-2299.

- The study area has been subject to very high levels of historical ground disturbance and use since 1788 relating to the use of the site as gardens for First Government House, divisions into government residential lots, and construction of Chief Secretary's Building, 50-52 Phillip Street (study area) and all other consequential buildings and urban development in the locality. These developments would have likely impacted and/or removed the majority of natural soil profiles.
- The laneway at the rear of the Colonial Secretary's Building has been subject to the lowest amount of historical excavation and disturbance, with no substantial structure of development undertaken in this location. Therefore, this area of the site retains low to moderate potential for natural soil profiles to be present, albeit likely of varying levels of historical disturbance and fill, depending on localised activities.

Overall, the study area is considered to have low potential for intact Aboriginal archaeological deposits to be present. Areas of the site with existing basement levels (i.e. beneath the Colonial Secretary's Building and Phillip Street extension, and any subsurface features beneath 52 Phillip Street- basement, services, lift pits etc) that have removed all natural soil profiles have no Aboriginal archaeological potential.

The laneway to the rear of the Colonial Secretary's Building retains potential for pockets of intact natural soil profiles (condition and integrity of this potential as yet unknown due to absence of any available geotechnical data at present). Therefore, this laneway area retains some Aboriginal archaeological potential in the form of low potential for PADsites to be present either in intact natural soil profiles, or in a disturbed context within historical archaeological strata.

While the likelihood of Aboriginal burials within the study area is considered to be very low (based on the results of previous excavations), should archaeological evidence of such features remain, these have low potential to be present within the laneway area of the site, i.e. the area of the study area that has been subject to the lowest amount of historical disturbance and excavation. While the potential for burials is considered to be low, should burials be present within the study area, this would be of exceptional significance and likely result in significant impact to any future development, including requirement for retention in situ.

Aboriginal Cultural Heritage Significance

Social, cultural and spiritual values of a site can only be identified through consultation with Aboriginal people. However, it is likely that should an Aboriginal archaeological deposit be present within the study area, it would be viewed to be of high social and cultural significance by the Aboriginal community, providing a direct and tangible link to past Aboriginal life and activity in Sydney's centre.

While little historical evidence is available regarding Aboriginal historical use of the study area, being in close proximity to the Tank Stream, as well as marine and land resources that were important for the local Aboriginal population. Therefore, Aboriginal archaeological deposits, if found to be located within the study area, may be of historical value. If found, an archaeological deposit may also have moderate scientific significance for its ability to provide evidence for and insight into Aboriginal

occupation and use of the locality prior to 1788, representative of the study area as part of the wider Aboriginal cultural landscape of the Sydney Harbour Foreshore. Should Aboriginal archaeological deposits be found to be present within the study area, they may potentially have aesthetic significance for technological form of the artefacts, or as potentially considered useful for education and interpretive purposes.

Mitigation Measures and Recommendations

No registered Aboriginal sites are located within the 50-52 Phillip Street study area. While there is low potential for intact Aboriginal archaeological deposits to remain within the study area, should such deposits be found to be present within remnant natural soil profiles, these may have potential for moderate to high social, historical and scientific significance. Therefore, it is appropriate to develop strategies to potential impact:

- **Archaeological Investigation;** and
- **Aboriginal Heritage Interpretation** to facilitate a long term conservation outcome for Aboriginal cultural heritage values (tangible and intangible) within the proposed development.

It is believed that the application of these strategies through the 50-52 Phillip Street project will serve to minimise any harm posed by the development to Aboriginal cultural heritage values.

The following recommendations are made in light of the conclusions above, following from the Aboriginal cultural heritage assessment of development works proposed by the SSDA for 50-52 Phillip Street, Sydney, including Aboriginal community consultation, ethnohistorical and environmental context, predictive modelling, heritage significance assessment and impact assessment, in accordance with relevant NSW OEH statutory guidelines. It is recommended that:

- While archaeological potential is low, should an aboriginal archaeological deposit be present within the study area, this may hold moderate to high significance, and therefore management strategies have been suggested to help mitigate any potential impacts.
- The impact assessment and management strategies as developed through this ACHAR have been prepared with the anticipation that they will help guide SSDA plans, and once finalised (and if necessary) the impact assessment and management strategies may be revised.
- Representatives from the recognised knowledge holder/Indigenous stakeholders as identified through the Aboriginal community consultation process for the project, should be present for and participate in the archaeological investigation works within the 50-52 Phillip Street study area.
- Aboriginal archaeological works should be coordinated with historical archaeological investigation works (as per the Curio 2020 Historical AA).

- Continuing consultation with the project RAPs should also be undertaken through the subsequent development stages of the project.
- The Unexpected Aboriginal Finds Protocol (in Section 7.2 of this ACHAR) should be implemented during all ground disturbing works within the 50-52 Phillip Street study area (to be included within any Construction Management Plan prepared for site works).
- Following the completion of the Aboriginal archaeological investigation within the study area, a post-excavation report should be prepared detailing the findings and results of the investigation, to be submitted to the project RAPs, and Aboriginal Planning Section of the NSW DPIE for their information and records.
- With respect to Aboriginal intangible heritage values (social and cultural), the 50-52 Phillip Street project presents an opportunity for a positive impact, to be achieved through an Aboriginal cultural heritage interpretation within the site to celebrate and communicate the significance of the site and landscape to the local Aboriginal community.

1. Introduction

Curio Projects Pty Ltd was commissioned Built Development Group (the proponent) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support a Stage 1 State Significant Development (SSD) Development Application (DA) (SSD-10464) for the redevelopment of a new mixed use hotel and branded residential building at 50-52 Phillip Street, Sydney (the study area). The Staged SSD DA proposes a concept proposal or Stage 1 DA for the retention and refurbishment of the heritage building on the site, demolition of other existing buildings on the site and construction of a new mixed use building. The Stage 1 SSD DA specifically seeks consent for land uses, a maximum gross floor area, a maximum building envelope, pedestrian and vehicle access and circulation arrangements, and associated car parking provision.

Built is seeking to transform the current site to deliver a new and modern mixed use development which contributes to overcoming a shortage of hotel accommodation in Sydney, and positively contributes to the character and vibrancy of Sydney's Central Business District (CBD). As part of the redevelopment project, the existing heritage listed building on the site will be retained and refurbished for hotel purposes. As the proposal is for the development of a predominately tourist related purpose, being a hotel, that has a capital investment value in excess of \$100 million, it is SSD as prescribed in Schedule 1 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP).

This ACHAR documents the process of investigation, consultation, and assessment with regards to Aboriginal cultural heritage and Aboriginal archaeology, as undertaken for 50-52 Phillip Street, specific to the proposed development works. This includes background research and assessment of evidence and information about material traces of Aboriginal land use in the study area and surrounds, significance assessment of potential Aboriginal sites, places, landscapes and/or other values, as well as an impact assessment and management recommendations to assist Built with their future responsibilities for Aboriginal cultural heritage within the study area.

This ACHAR has been prepared following the requirements for reporting as established in DECCW 2010 *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South* (Code of Practice); and OEH 2011a *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (Guide to Investigating).

- Built, *50-52 Phillip Street State Significant Development Application Design Brief*, 2020
- Golder, *Geotechnical and Contamination Desktop Study: Proposed Redevelopment of 50-52 Phillip Street Sydney*, 24 June 2020
- NSW Government Architect's Office, *50 Phillip Street Conservation Management Plan*, January 2016
- DPWS Heritage Design Services, *Chief Secretary's Building 121 Macquarie Street Sydney Conservation Management Plan* (Revised), 2002

1.1. Background

50 Phillip Street is a heritage listed sandstone building that adjoins the south of the Chief Secretary's Building, which itself is a State significant heritage item. Both buildings are listed as one property on the State Heritage Register. The Chief Secretary's Building was home to one of the most influential administrative institutions in the country throughout the 19th and 20th centuries. While 52 Phillip Street does not hold the same prestige as 50 Philip Street, it is a commercial tower that is currently owned by Built.

On 15 October 2019, the NSW Government published details of the Built Unsolicited Proposal for the leasehold purchase of 50 Phillip Street, Sydney to allow for the proposed hotel redevelopment. The Built proposal has progressed to Stage 2 of the Unsolicited Proposal process, and has been deemed unique as Built owns the adjacent property (52 Phillip Street, Sydney) to the Government owned 50 Phillip Street, Sydney. As there are no other privately owned properties immediately contiguous to 50 Phillip Street, Built possesses unique property ownership that enables it to amalgamate 50 and 52 Phillip Street, and take full advantage of the unused developable air space.

The proposed redevelopment project will combine both private and Government land, breathing new life into an underutilised heritage-listed NSW Government owned building and Built's aging privately-held commercial office building.

Built is well recognised for work in the refurbishment and restoration of iconic heritage properties across Australia. As such, a foremost principle of the project is to ensure that the integrity of the heritage listed Government building is not compromised. Rather, the heritage qualities of the building will be celebrated and revitalised for the people of NSW. The Chief Secretary's Building which fronts Bridge Street will not be leased as part of this redevelopment project, and it is intended to remain in Government ownership and control.

The NSW Department of Planning has recently issued the Secretary's Environmental Assessment Requirements (SEARS) for the development which include requirements with respect to Aboriginal cultural heritage as follows:

9. Aboriginal Cultural Heritage

- *Identify and describe the Aboriginal cultural heritage values that exist across the whole area that would be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010), and guided by Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (DECCW, 2011)*
- *Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal Cultural heritage Consultation Requirements for Proponents 2010 (DECCW). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.*
- *Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values*

and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.

This ACHAR has been prepared in response to the above SEARs requirements.

1.2. Site Description

The study area is located in Central Sydney, along the eastern edge of Sydney's core Central Business District (CBD). The immediate surrounds of the site in the eastern edge of the Sydney CBD present a mix of commercial, residential, and tourism uses. The prevailing built form in the vicinity of the site includes a range of building typologies and heights, as well as several significant state-listed heritage buildings, such as the Chief Secretary's Building immediately to the north of the site.

The site itself is located at 50-52 Phillip Street, Sydney and has a total area of approximately 1,726m², with frontages to Phillip Street and Phillip Lane (Figure 1.1). Two commercial buildings sharing a built-to-boundary condition currently occupy the site. The heritage-listed sandstone building in the northern portion of the site is six generous storeys in height and contains commercial office space. The building located on the southern portion of the site is 12 storeys in height, and contains a ground level café/bar use, with commercial office space above.

Phillip Lane, which forms part of the 50 Phillip Street lot, connects through the site from Phillip Street at the northern boundary of the site. Phillip Lane is not proposed to be altered from its current form as an access point to the remainder of Phillip Lane at the rear of the site.

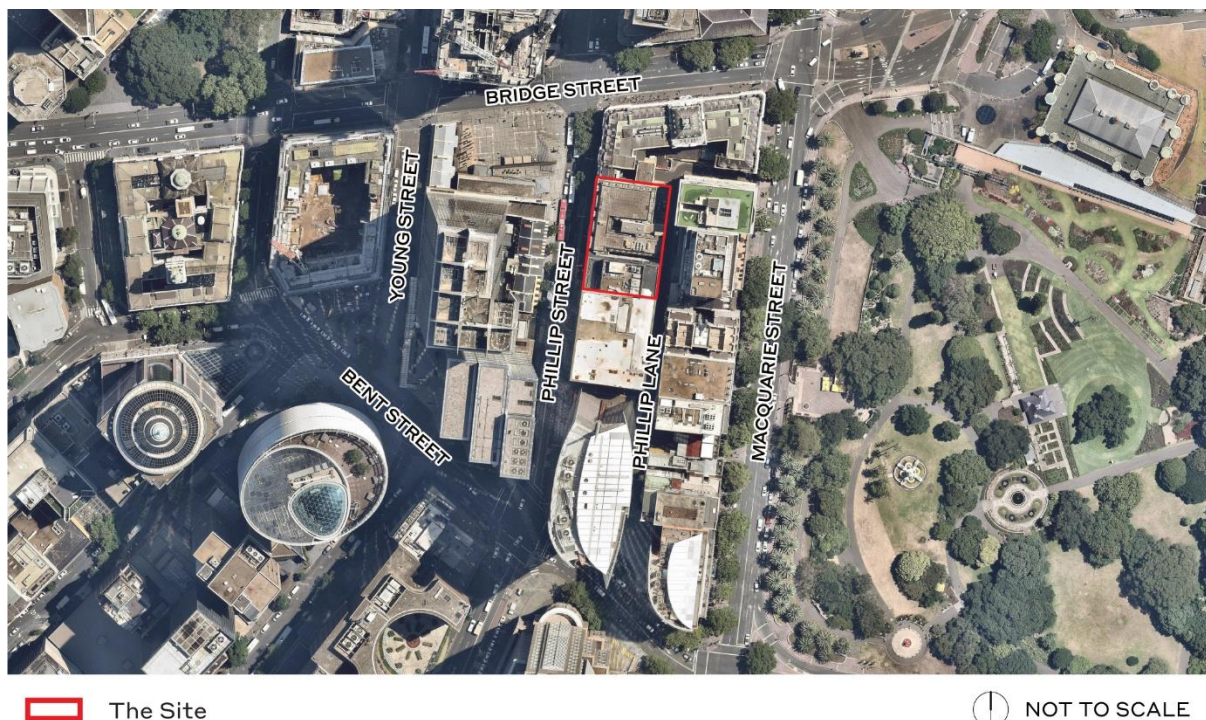


Figure 1.1: Aerial depiction of the Study Area, 50-52 Phillip Street (red) (Source: Nearmaps with Ethos Urban edits 2020)



Figure 1.2: Existing frontages of 50-52 Phillip Street outlined in red (Source: Built 2020)

1.3. Overview of the Proposed Development

The proposed development is the redevelopment of a new luxury hotel, which will include the refurbishment of the existing heritage building on the site at 50 Phillip Street, and the demolition of the adjoining existing 13-storey commercial tower at 52 Phillip Street to construct a new mixed use hotel tower.

The vision for the redevelopment is to revitalise the lower end of Sydney's financial services district by delivering a new luxury mixed use hotel with a portion of branded residential apartments. The proposal will provide an important and much needed asset to the people of NSW and visitors. Sydney will have, as part of the amalgamation of the properties, its finest luxury hotel with associated retail areas providing ground floor public activation accessible to the general public and hotel guests alike.

Overall, the project will provide the following key public benefits:

- Job creation and benefits to the tourism industry from construction and operation of a new 5/6 star hotel in Central Sydney;
- Contribution to the NSW State's economic activity and Gross State Product, including the generation of construction phase revenue for the Government in the form of payroll tax, stamp duty and GST payments;
- Rejuvenation and adaptive reuse of Government owned heritage building;
- Regeneration, enhancement and activation of the surrounding public domain, particularly upgrades to Phillip Lane;
- Creation of a heritage-tourism precinct with a new hotel as the centrepiece;
- A portion of branded residential apartments to support the deliver of the hotel and provide a variety of uses to contribute to the liveability of Central Sydney; and
- The potential to deliver a capital return to Government to fund future Government investment in services and infrastructure.

This SSD DA seeks consent for a concept proposal for a new landmark mixed use building with approximately 331 new hotel rooms and 23 branded residential apartments in Sydney's CBD. The Stage 1 SSD DA Concept Proposal will establish a maximum building envelope, land uses, a maximum total quantity of floor space, pedestrian, vehicle circulation, and drop-off arrangements and associated car parking provision.

Specifically, the Stage 1 SSD DA seeks concept approval for:

- In-principle site preparation works, including termination/relocation of site services and infrastructure, demolition of existing buildings/structure on the site, excluding the existing heritage-listed building;
- A new 47 storey mixed use building envelope containing:
 - Lower level café/bar uses and associated servicing and back-of-house facilities;
 - A new basement containing waste rooms, loading space, and car parking spaces;
 - Hotel uses on levels 1 to 35; and
 - Residential uses on levels 36 to 47.
- Retention of the existing heritage-listed building on the site, and refurbishment of this building for hotel purposes;
- A new driveway crossing over Phillip Street at the southern end of the site; and
- Maintenance and retention of the existing vehicular access over Phillip Lane.

At the time of writing (December 2020), the development remains in very early stages of design and planning, and further details of specific features, design and impacts have not yet been determined. Development consent is not sought for any detailed component of development. A future separate Stage 2 SSD DA will be lodged for the detailed design and construction of the development, following the completion of a competitive design process. A further detailed description of the proposal is contained in the supporting Environmental Impact Statement prepared for the SSD DA by Ethos Urban.

1.4. Limitations and Constraints

This report has been prepared using the available historical data and documentation available for the study area and surrounds, including relevant archaeological reports and assessments.

This report does not include assessment of non-Aboriginal heritage values or archaeology, nor any non-heritage related planning controls or requirements.

Site access was limited due to areas of each of the study area buildings being occupied/in use as well as due to COVID-19 restrictions and concerns.

At the time of writing (December 2020), the development remains in very early stages of planning and design, and therefore the requirement for/nature of subsurface development and impacts are not yet known. Therefore, this ACHAR is only able to provide a generalised impact assessment for the study area in the context of the general redevelopment of the site, and is not able to provide specific assessment of impacts, nor develop any specific mitigation measures. Once the concept design for the development has progressed to include specific details and impacts, the impact assessment and mitigation measures/recommendations in this ACHAR (i.e. Section 6 and 7 of this report) could be further developed.

1.5. Investigators, Contributors and Acknowledgements

This report has been prepared by Rebecca Agius, Graduate Archaeologist of Curio Projects, with review by Sam Cooling, Cultural Heritage Manager of Curio Projects. Table 1.1 presents a complete list of the project team, including qualifications, affiliations and role in the project. Details of all project RAPs are presented in Section 3.

Table 1.1: Investigators and Contributors

PERSON (QUALIFICATION)	AFFILIATION	ROLE
Rebecca Agius, Graduate Archaeologist (BA Archaeology & Biology)	Curio Projects	Report Author
Sam Cooling, Cultural Heritage Manager (BA, M. Archaeological Science)	Curio Projects	Report Reviewer
Andre Fleury, Archaeologist and GIS Specialist (B. Hist, M. Archaeological Science)	Curio Projects	GIS and Mapping

2. Relevant Statutory Context

Aboriginal cultural heritage is governed in NSW by two principles pieces of legislation:

- *National Parks and Wildlife Act 1974 (NSW)* (NPW Act); and
- *Environmental Planning and Assessment Act 1979 (NSW)* (EPA Act)

2.1. National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974 (NSW)* (NPW Act), administered by the Aboriginal Heritage Regulation Section, Heritage NSW, of the NSW Department of Premier and Cabinet (DPC) (formerly known as the Office of Environment and Heritage (OEH)), is the primary legislation that provides statutory protection for all 'Aboriginal objects' (Part 6, Section 90) and 'Aboriginal places' (Part 6, Section 84) within NSW.

An Aboriginal object is defined through the NPW Act 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."

The NPW Act provides the definition of 'harm' to Aboriginal objects and places as:

"...any act or omission that:

(a) destroys, defaces or damages the object or place, or

(b) in relation to an object-moves the object from the land on which it had been situated, or

(c) is specified by the regulations, or

(d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c), (NPW Act 1974).

The NPW Act also establishes penalties for 'harm' to Aboriginal objects and declared Aboriginal places, as well as defences and exemptions for harm. One of the main defences against the harming of Aboriginal objects and cultural material is to seek an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act, under which disturbance to Aboriginal objects could be undertaken, in accordance with the requirements of an approved AHIP.

2.2. Environmental Planning and Assessment Act 1979

The EP&A Act is an 'Act to institute a system of environmental planning and assessment for the state of NSW'. Dependent upon which Part of the EP&A Act a project is to be assessed under, differing requirements and protocols for the assessment of associated Aboriginal cultural heritage may apply.

Part 4, Division 4.1 of the EP&A Act identifies and defines State Significant Development projects (SSD) as those declared under Section 89C of the EP&A Act. SSD and State Significant Infrastructure

projects (SSI), replace 'Concept Plan' project approvals, in accordance with Part 3A of this Act, which was repealed in 2011.

Where a project is assessed to be an SSD, the process of development approval differs, with certain approvals and legislation no longer applicable to the project. Of relevance to the assessment of Aboriginal heritage for a development, the requirement for an AHIP in accordance with Section 90 of the NPW Act is removed for SSD projects (EP&A Act, Section 89J).

The project will meet the criteria for SSDA, and therefore will be exempt from the requirements for an AHIP under Section 90 of the NPW Act.

2.3. Native Title Act 1993

The *Native Title Act 1993* provides the legislative framework to recognise and protect native title, which recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the Native Title Act, native title claimants can make an application to the Federal Court to have their native title recognised by Australian law.

There are currently no native title claims or determinations in place for the 50-52 Phillip Street study area.

2.4. OEH Statutory Guidelines

In order to best implement and administer the protection afforded to Aboriginal objects and places as through the NPW Act, and EP&A Act, the OEH (now part of Heritage NSW under the DPC) have prepared a series of best practice statutory guidelines with regards to Aboriginal heritage. These guidelines are designed to assist developers, landowners and archaeologists to better understand their statutory obligations with regards to Aboriginal heritage in NSW and implement best practice policies into their investigation of Aboriginal heritage values and archaeology in relation to their land and/or development. This report has been prepared in accordance with these guidelines, including:

- DECCW 2010a, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW*. (the Due Diligence Code of Practice)
- OEH 2011a, *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW*. (the Guide to Investigating)
- DECCW 2010b, *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales*. (the Code of Practice)
- DECCW 2010c, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. (the Consultation Guidelines)
- OEH 2011b, *Aboriginal Heritage Impact Permits, a Guide for Applicants*.

2.5. Objectives of Aboriginal Heritage Assessment

The objectives of the Aboriginal cultural heritage assessment for the 50-52 Phillip Street project, were to:

- Identify Aboriginal community members who can speak for the Country within which the project is located;
- Involve the Aboriginal community in the cultural heritage assessment process, including consultation to determine their opinions with respect to the project and its potential 'harm' to their cultural heritage;
- Understand the number, extent, type, condition, integrity and archaeological potential of any potential Aboriginal heritage sites and places that may be located within the study area;
- Determine whether the potential Aboriginal sites and places are a component of a wider Aboriginal cultural landscape;
- Understand how the any potential physical Aboriginal sites relate to Aboriginal tradition within the wider area;
- Prepare a cultural and scientific values assessment for all identified aspects of Aboriginal cultural heritage associated with the study area;
- Determine how the proposed project may impact any identified Aboriginal cultural heritage;
- Determine where impacts are unavailable and develop a series of impact mitigation strategies that benefit Aboriginal cultural heritage and the proponent (in close consultation and discussion with the local Aboriginal community); and
- Provide clear recommendations for the conservation for Aboriginal heritage and archaeological values and mitigation of any potential impacts to these values.

3. Aboriginal Community Consultation

Aboriginal community consultation is required for assessment of Aboriginal cultural heritage, and should be undertaken in the early stages of project planning in order to best guide the development process. This section documents the process of Aboriginal community consultation that has been undertaken for the Aboriginal cultural heritage assessment of 50-52 Phillip Street project. Aboriginal community consultation in accordance with OEH statutory guidelines *Aboriginal cultural heritage consultation requirements for proponents 2010*, was initiated for the project in July 2020.

Aboriginal people are recognised as the determinants of their own heritage. Therefore, the process of Aboriginal community consultation for the 50-52 Phillip Street project seeks to identify social and cultural values of the study area and its surrounds to the local Aboriginal community, in order to identify appropriate and respectful mitigation strategies for any identified impacts to Aboriginal heritage presented by the project.

The objectives of Aboriginal Community Consultation, as stated in the OEH Consultation guidelines is to:

'ensure that Aboriginal people have the opportunity to improve assessment outcomes by:

- *Providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s)*
- *Influencing the design of the method to assess cultural and scientific significance of Aboriginal object(s) and/or place(s)*
- *Actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal object(s) and/or place(s) within the proposed project area*
- *Commenting on draft assessment reports before they are submitted by the proponent to the OEH.'* (DECCW 2010a)

3.1. OEH Consultation Guidelines Process

A complete log of all communications between Curio Projects and Registered Aboriginal Parties (RAPs) for the project has been maintained throughout the project. This log will be appended to the final ACHAR as Appendix A, while copies of meeting minutes, written correspondence to and responses from RAPs etc will be attached as Appendix B to the final report.

Cultural protocols with regards to RAP requests to censor, redact or omit sensitive cultural information from reports and correspondence have been observed throughout the consultation process. Therefore, some correspondence may be excluded from direct reproduction within this report where requested by project RAPs.

The Aboriginal Community Consultation process in accordance with OEH Guidelines consists of four main stages:

Stage 1—Notification of project proposal and registration of interest

Stage 2—Presentation of Information about the Proposal Project

Stage 3—Gathering Information about Cultural Significance

Stage 4—Review of Draft Cultural Heritage Assessment Report

3.2. Stage 1—Notification of project proposal and registration of interest

The first step in undertaking the Aboriginal Cultural Heritage Assessment process for the study area, is the identification of the Aboriginal community members who can speak for Country in the area of the project (Stage 1).

On behalf of Built, Curio Projects initiated a new process of Aboriginal Community Consultation for the 50-52 Phillip Street study area in accordance with OEH consultation guidelines in July 2020. Stage 1 notifications identified the nature and location of the 50-52 Phillip Street project. In accordance with Stage 1.2 of the consultation guidelines, letters were sent to the relevant statutory bodies on 10 July 2020 (NSW Office of Environment and Heritage, Metropolitan Local Aboriginal Land Council, the Registrar- Aboriginal Land Rights Act 1983, the National Native Title Tribunal (NNTT), Native Title Services Corporation Limited (NTS Corp), City of Sydney Council, and the Greater Sydney Local Land Services (LLS)), requesting names of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and places relevant to the study area.

A public notice advertising the 50-52 Phillip Street project was also placed in the Sydney Morning Herald on 17 July 2020 (consistent with Stage 1.3 of the Consultation Guidelines) (Figure 3.1), advising of the project location and proposed development, and inviting registration from local Aboriginal people.

All names compiled from Stage 1.2 of the process were then written to via email and/registered post in August 2020, inviting registration in the process of community consultation for the project. Response was requested within 14 days of the date of the letter.

3.2.1. Registered Aboriginal Parties

As a result of Stages 1.2 and 1.3, seven Registered Aboriginal Parties (RAPs) were identified for the 50-52 Phillip Street project (in alphabetical order):

- A1 Indigenous Services;
- Amanda Hickey Cultural Services;
- Barraby Cultural Services;
- Clive Freeman;
- Didge Ngunawal Clan;
- Metropolitan Local Aboriginal Land Council; and

- Yurrandaali Cultrual Services



Figure 3.1: Stage 1.2 Advertisement from Sydney Morning Herald

3.3. Stage 2 and Stage 3

Each project RAP was provided with written details of the proposed project and the draft proposed Aboriginal cultural heritage assessment methodology for the project (Stage 2 of the consultation guidelines). This letter was sent to all project RAPS on 31 August 2020. Request was made for comment and/or review within 28 days of provision of the methodology document.

Due to Australian and NSW State Government COVID-19 social distancing regulations and requirements, the initial project RAP site visit and on-site consultation meeting was unable to be conducted. At this stage, in place of an on-site visit, RAPs are asked to provide their comments and suggestions within the 28 day period for the methodology document.

3.4. Stage 4 – Review of Draft Cultural Heritage Assessment Report

The draft ACHAR was provided to all project RAPs for review and comment. Project RAPs were provided minimum 28 days to review and provide comment on the draft ACHAR (Stage 4 of the consultation guidelines). Following RAP review, the ACHAR will be finalised to incorporate any RAP comment, feedback and discussion of cultural values provided.

3.5. Submissions Received from the Aboriginal Community

Table 3.1 provides a summary of submissions received from RAPs with regards to the 50-52 Phillip Street project. Full details of all comments, feedback and copies of written submissions will be included in Appendix A.

All feedback received indicated that the responding RAPs were satisfied and had no further input or comments that would require any changes to the ACHAR.

Table 3.1: Summary of Key RAP Comments

DATE	FORMAT	COMMENT
16/10/2020	Email	DNC is happy with all proposals towards 50-52 Phillip St project and is ready to proceed to the next stage

4. Summary and Analysis of Background Information

This section summarises the environmental, historical and archaeological background and context for the 50-52 Phillip Street study area. This summary serves to place the study area and proposed development into an appropriate regional context. This background assessment has been undertaken in order to provide a holistic understanding of the cultural landscape within which the study area is located. This analysis has been prepared to focus on both the tangible, as well as intangible cultural heritage and Aboriginal history of the region, and will assist with the development of appropriate mitigation measures, prior to any non-reversible impact to the site, Aboriginal archaeology and cultural values and significance.

4.1. Aboriginal Ethnohistory

The traditional owners of the Sydney Cove region are the Gadigal people of the Eora Nation. The traditional territory of the Gadigal stretches along the southern side of Sydney Harbour from South Head, west to approximately Darling Harbour, and south towards Botany Bay. The Sydney region has two main language groups: Darug—with two main dialects, one spoken along the coast, and another in the hinterland/Cumberland Plain region of western Sydney; and Tharawal—spoken to the south of Botany Bay (Attenbrow 2012). Within the Darug language group, people belonged to smaller family/territorial groups or clans, through which they were connected to, and occupied, different areas of land across Sydney, of which the Gadigal people are one.

While the locality around Phillip Street would most likely have been an original contact site between the new colonists and Sydney's first inhabitants, few accounts or evidence remain to provide further information about contact in this location. The local Aboriginal people living in the area would have pursued a mixed food economy in the region, utilising and relying upon the abundant natural resources of Sydney cove, including marine resources from the harbour and surrounding waters, hunting terrestrial mammals, as well as collecting and processing local plants.

At the time of arrival of the First Fleet and Captain Arthur Phillip in January 1788, it is estimated that at least 1500 Aboriginal people would have lived along the coastal region between Broken Bay and Botany Bay. The arrival of the First Fleet devastated the lives and activities of Aboriginal people of the Sydney Harbour area, restricting access to areas traditionally used for hunting and gathering, shelter and for ceremonial purposes, while introducing devastating diseases such as smallpox. It is estimated that almost half of Sydney's Aboriginal population died in the first smallpox epidemic recorded in the colony in 1789 (Hinkson 2010). However, despite the widespread devastation of colonial arrival and establishment to the Aboriginal inhabitants of Sydney, the Gadigal endured and remain a continuing culture in Sydney today.

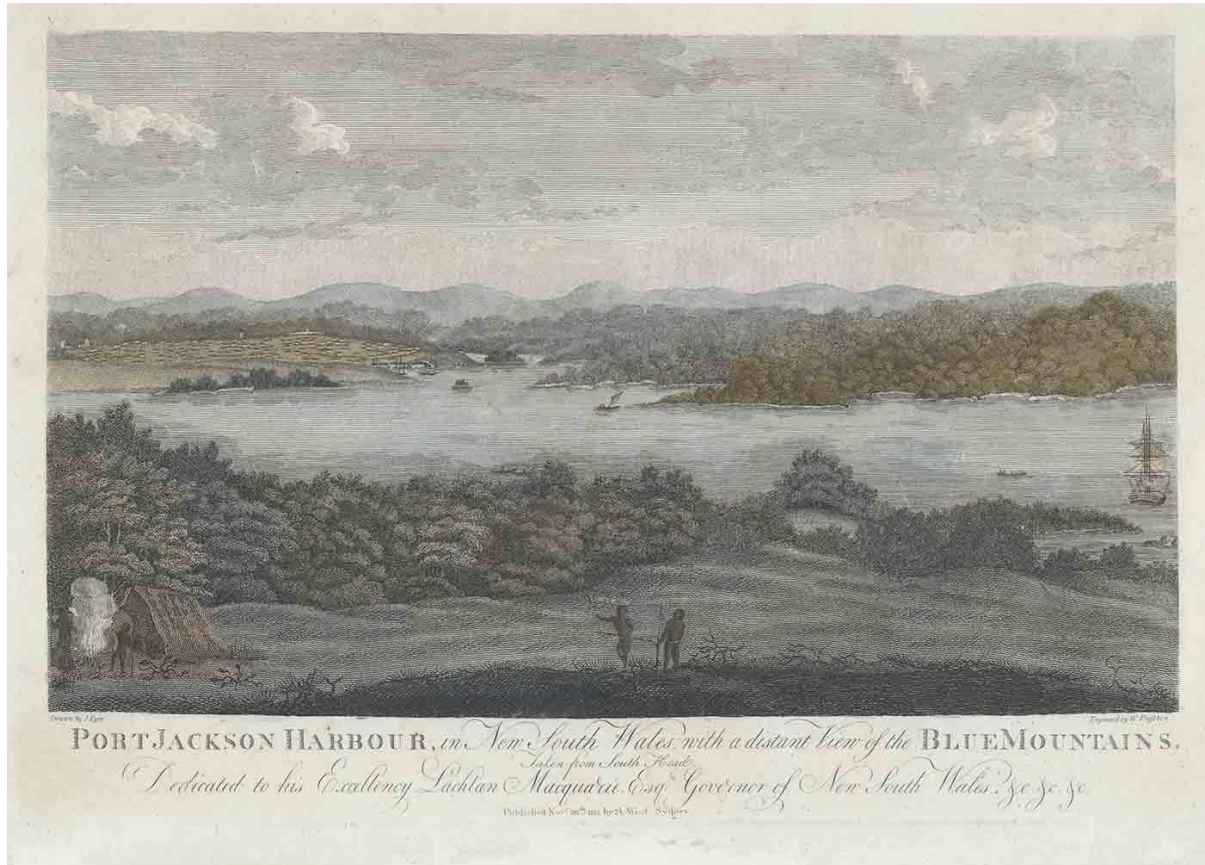


Figure 4.1: View of Port Jackson Harbour from South Head 1812

(Source: NMA <https://www.nma.gov.au/defining-moments/resources/convict-cargo>)

4.2. Early Contact

Within the first few years of colonisation, historical records describe numerous accounts of contact between settlers and Aboriginal inhabitants, many of which highlight the cultural disturbance and conflict between them. As settlers began to fish, clear land and shoot game, Aboriginal society and spiritual life was greatly affected, with First Government House and its grounds playing a significant part in this disturbance.

A significant individual, Arabanoo, was an Aboriginal warrior who was forcibly taken at the order of Governor Phillip from Manly in 1788 and lived at First Government House in 1789, during which time he was held in high regard by Phillip and his officers (Hinkson 2010: 39). When Arabanoo died from smallpox later that same year, he was reportedly buried within the Government Gardens (potentially within the current study area) (NSW GAO 2016: 18; City of Sydney Barani) (Figure 4.1).

Historical records account Phillip's motives for Arabanoo's capture as a 'desperate but misguided' attempt to establish communication with Sydney's Aboriginal people (Irish 2017: 20), to learn more about Aboriginal customs, and try to assimilate Aboriginal people within the newly established European colony. After the death of Arabanoo, Governor Phillip organised the kidnapping of a further three Aboriginal men— David Turkey, Bennelong, and Dr Gold—in an effort to continue his

aspirations for assimilation of Aboriginal people into the colony. Of these, Bennelong is one of the most well known Aboriginal people in Australian history and would have spent considerable amounts of time in Government House and its grounds from his capture in 1789 until his departure with Governor Phillip for England in 1793.

In the Dictionary of Sydney entry for Woollarawarre Bennelong, Keith Vincent Smith states:

Thrust into history by his abduction, Bennelong would lead a tumultuous life, becoming the best known Aboriginal figure in the first decades of European settlement. More than a mediator and interpreter, he connects twenty-first century Australia with the social and spiritual Aboriginal world that existed before the English colony of New South Wales. His voice, filtered through accounts by First Fleet observers, speaks to us across the centuries and has been Interpreted and misinterpreted in turn by historians, linguists and anthropologists. It reminds us that Sydney has an ancient Aboriginal past and for thousands of years belonged to the coastal clans who called themselves Eora ('People').
(Smith 2013)



Figure 4.1: First Government House c.1807, showing the gardens where Arabanoo was reportedly buried in 1789
watercolour by John Eyre (Source: State Library NSW)

4.2.1. Brief Historical Summary – Post Contact

The study area has a long history of intensive use and development since 1788. This includes falling within the eastern end of the gardens of First Government House within the Governor's Domain from 1789, the redevelopment of the area and relocation of Government House which created room for public streetscapes including Phillip Street (1836-1845), early terraces and houses built for both private and government office use (1860s), various extensions to the buildings and a series of renovations over the span of 90 years (1880s-1970s).

A more detailed historical overview of the study area is presented in the historical archaeological assessment report that has been prepared concurrent with this ACHAR (Curio 2020, *50-52 Phillip Street, Historical Archaeological Assessment*), summarised in the following table.

Table 4.1: Summary of Historical Phases and Structures across the Study Area since 1788

HISTORICAL PHASE	DATES	DESCRIPTION
Aboriginal Occupation	Pre 1788	See Section 4.1 above
British Colonisation and Early Town Development	1788-1845	Settlement at Sydney Cove was greatly determined by the topography of the harbour. The study area is believed to have been situated within the north-eastern portion of the gardens of First Government House within the fenced perimeter of Governor's Domain (Figure 4.). Public officials' residences/offices began to branch off the Governor's House. The relocation of First Government House further northeast in 1845 (i.e. to its extant location adjacent to the Royal Botanic Gardens) allowed for the development of principle streets such as Phillip and Bridge Streets throughout the colony.
Subdivisions	1846-1868	Following the demolition of First Government House by 1846, the Phillip Street streetscape consisted of a cleared promenade (Figure 4.). Subdivisions in the area at the time targeted establishment of a public administration centre. In 1849 the Treasury Audit building was erected on the corner of Macquarie and Bridge Streets, opposite the study area. The study area was subdivided into six lots, with a large 'L' shape on the frontage to Bridge Street (set aside as a 'Government Reserve' for the Colonial Secretary's Office in 1853) and a series of terraces fronting Phillip Street (No.s 44-54) constructed in the 1850s and 1860s (Figure 4. and Figure 4.).
Erection of Chief Secretary's Building and Public Works Offices	1869-1888	The location for the Chief Secretary's Building was strategic and symbolic in demonstrating the elevation of status of the department, being in close proximity to Parliament House and the Treasury. Construction of Chief Secretary's Building (main frontage to Bridge St) began in 1872, completed 1879.
Extensions to Phillip Street	1889-1896	There was a need for additional public works offices to be added to the Chief Secretary's Building locality, with the façade

HISTORICAL PHASE	DATES	DESCRIPTION
		facing Phillip Street. This plan resulted in the resumption of terraces at 44 and 46 Phillip Street and construction of an extension to the Col. Secretary Building of a six storey building fronting Phillip St (Figure 4.). Around this time, the laneway was bridged between the two buildings with the extension of an archway.
Additions and Changes to the Buildings Functions	1896-1970s	Minor changes and additions were added to the interiors of the buildings. There were also some major renovations to the roof of the Chief Secretary's Building after a fire. With the construction of modern buildings, it was proposed that government offices be moved to a newer building at the corner of Bent and Macquarie Streets. The study area became the home for new divorce courts and accommodation for judges. Earlier terraces at 52 Phillip Street were demolished between 1918-1921, replaced by five storey flat/units. Demolition of the flats and construction of the current 12 storey office building at 52 Phillip Street was later conducted at an undetermined date.
Recognition as a Heritage Site	1980s-Present	Conservation projects were run to repair the stone facades, with the development of ongoing conservation management plans.



Figure 4.3: Leseur 1802 Map of Sydney showing the house and garden of the Governor (Source: NLA)

Receivable General Secretary
Office

Robert Lumsden	10
John Thompson	10
John Thompson	10
John Thompson	10
James Brown	10
Liam Macpherson	10
Robert Macdonald	10
James Macdonald	10
James Macdonald	10

30

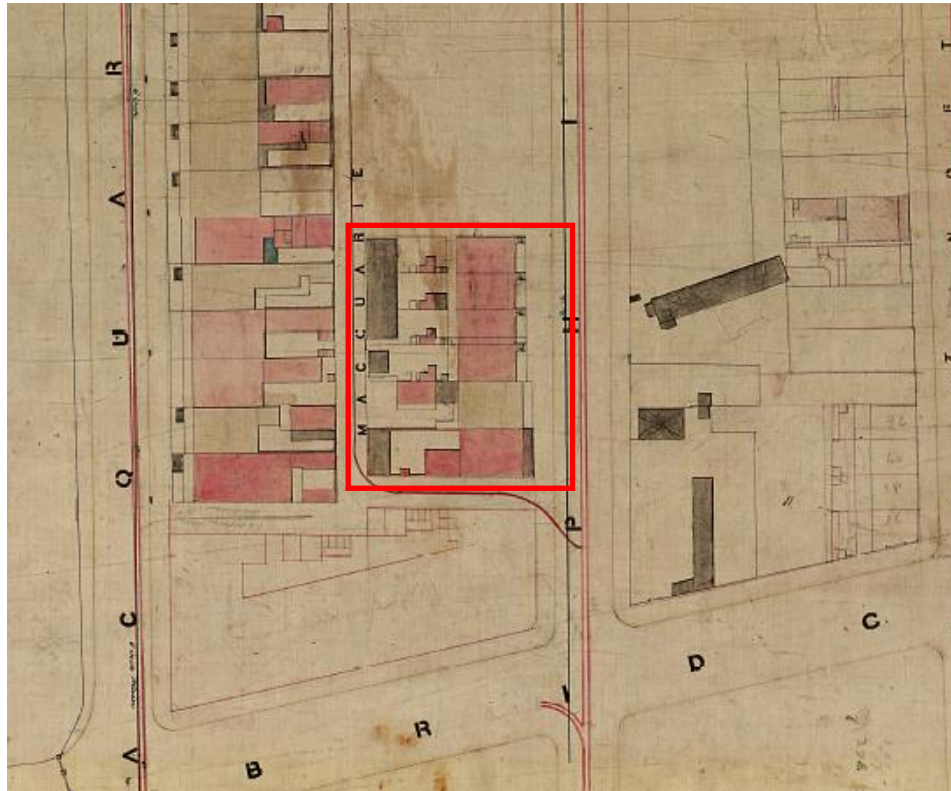


Figure 4.6: 1865 Trigonometrical Survey of Sydney Section D Map (Source: City of Sydney)

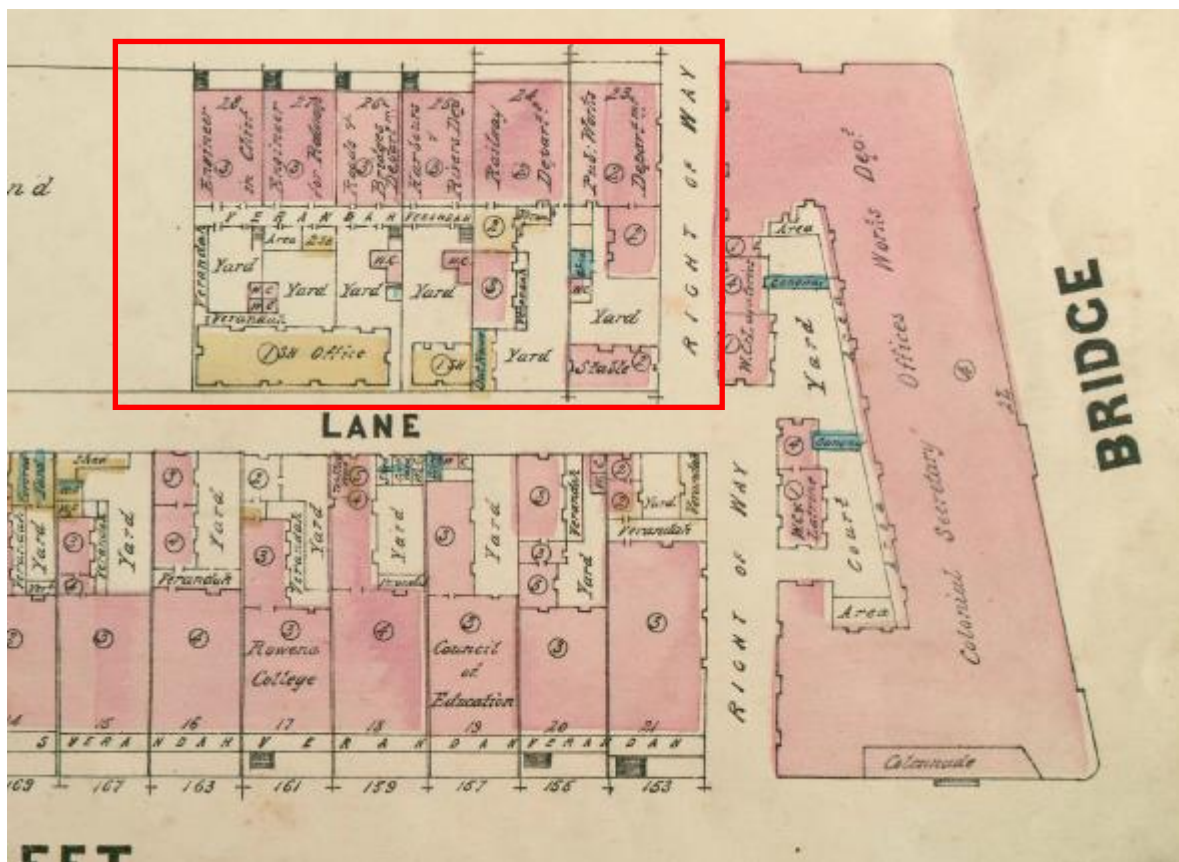


Figure 4.7: Dove's 1880 Plan

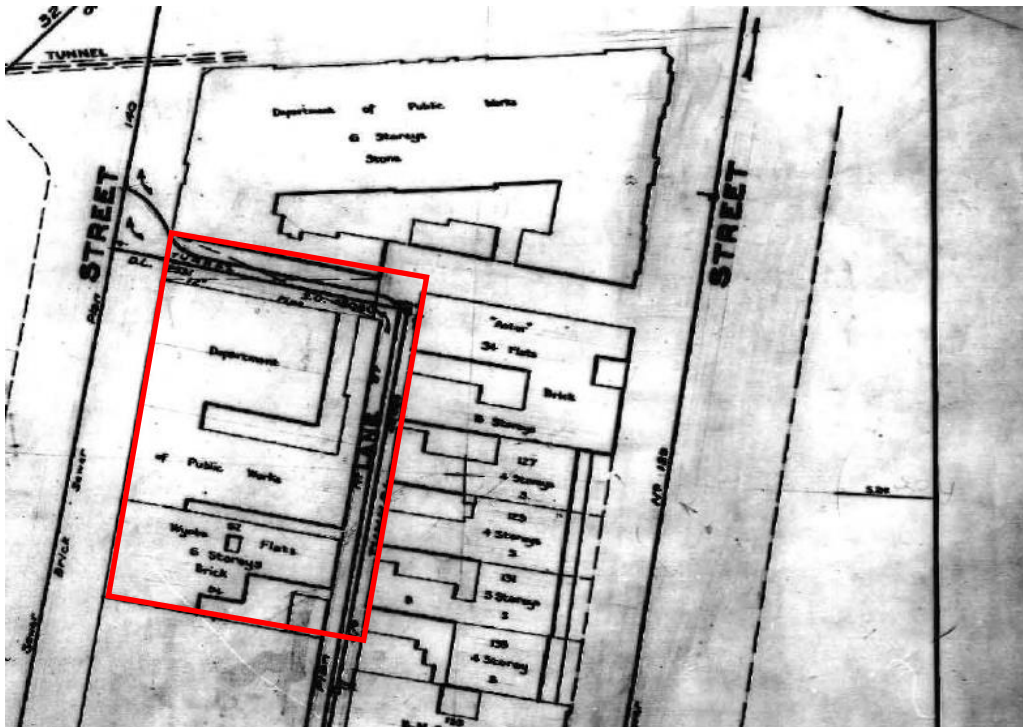


Figure 4.8: MWS DB Sydney Water Detail Sheet 3772

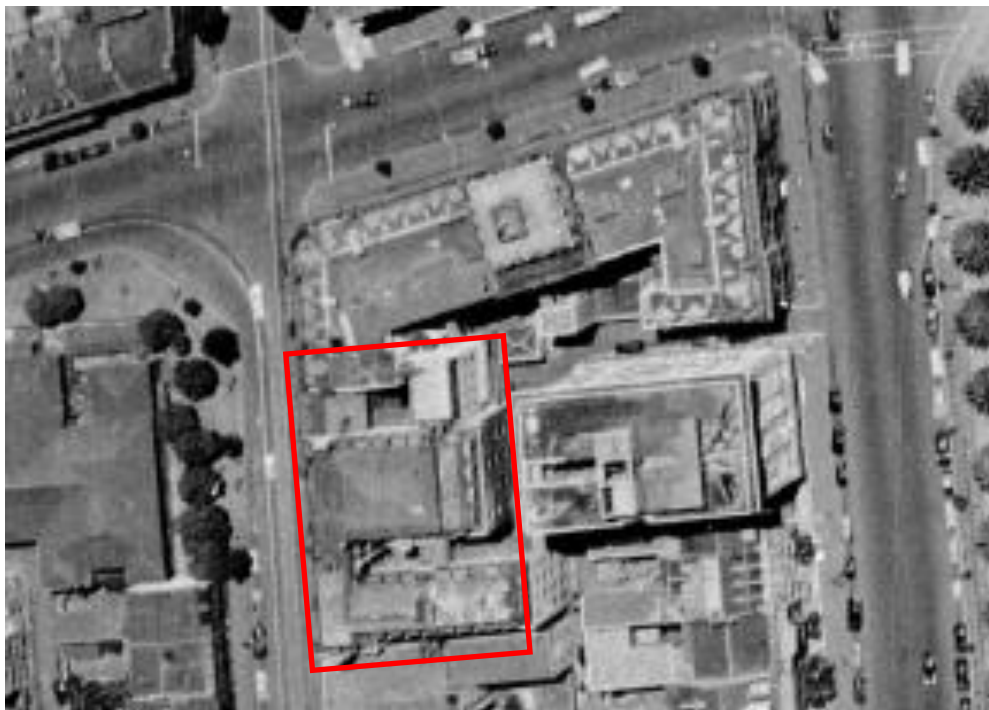


Figure 4.9: 1949 Aerial Photograph (Source: City of Sydney)

4.3. Physical Setting and Landscape Context

The physical setting of the study area, its natural resources, landforms, and wider landscape setting has a significant influence over the nature, location, and form of Aboriginal occupation and use patterns through their interactions with the land (tangible values and site), while also providing meaningful landscape context for intangible heritage and connection to Country.

4.3.1. Soils and Geology

The geology and soils of a locale can provide information for the prediction and modelling of the nature and positioning of potential Aboriginal sites, for example, soil types capable of supporting vegetation/flora resources of importance to Aboriginal people (and the corresponding faunal resources that would utilise the vegetation), may provide clues to indicate Aboriginal use and occupation across a landscape.

The study area is located on the GyMEA soil landscape profile, underlain by Hawkesbury Sandstone (Medium to coarse grained quartz sandstone, very minor shale and laminate lenses) (Figure 4.10). The GyMEA soil profile is considered to be an erosional landscape, characterised by undulating to rolling rises and low hills with broad convex crests, moderately inclined side slopes with wide benches, and localized rock outcrop. Soils are generally shallow to moderately deep (30-100cm) on crests and insides of benches, shallow (<20cm) on leading edges of benches, and moderately deep (<100cm) on drainage lines (Chapman & Murphy 1989).

Soils of the GyMEA profile are generally comprised of loose, coarse sandy loam to yellowish-brown clayey sand, sandy clay loam, and clay. Small sandstone and ironstone fragments, and charcoal fragments are common in the sandy loam topsoil. The soils native to the study area are also generally characterised by high levels of erosion, tend to be highly permeable, and with low fertility. As can be seen in Figure 4.2, the study area is located directly on top of GyMEA soils.



Figure 4.10: Soil Landscapes of the Sydney Harbour Foreshore (Source: Curio 2020)

4.3.1. Hydrology, Landscapes and Landforms

The initial European settlement of Sydney in 1788 was chosen, among various reasons, to be located at Sydney Cove due to the presence of a stream of fresh water, that came to be known as the Tank Stream. The Tank Stream was formed from seepage springs in underlying sandstone, in a swampy area near to what is now Hyde Park, flowing north, between what is now George and Pitt Streets, and emptying into Sydney Cove.

The natural head of Sydney Cove was originally located in the vicinity of the intersection of George Street, Bridge Street and Pitt Street, however a massive public works program in the 1840s and 1850s (i.e. the development of Circular Quay), included land reclamation which saw the shape of the cove and the harbour altered to generally the location and shape it is today.

While the Tank Stream was Sydney's predominate source of fresh water until the early 1800s, it was quickly fouled through cumulative effects of the settlement including rubbish dumping, washing, and animal slaughter, and was eventually replaced by other water sources.

While the hydrology of the CBD of Sydney is vastly different today than that of 1788, the original formation of Sydney Cove prior to reclamation and the development of Circular Quay, as well as the presence of the Tank Stream as a fresh water source, would have meant that fresh and salt water sources (and the rich flora and faunal resources they would have sustained) were both located in close

proximity to the current study area, and would have provided a rich resource zone for Aboriginal people to utilise prior to, and immediately after, European settlement.

The natural landscape of the Sydney CBD has obviously been vastly altered from what it would have been pre-1788. The study area would have originally been located on a relatively flat, wide bench that sloped gradually to the north (towards Sydney Cove), and slightly towards the Tank Stream to the west. The site is located on a small ridge line trending approximately north to south.

4.3.2. Vegetation and Fauna

Prior to European settlement and subsequent land clearing, the vegetation of the study area and surrounds would have generally comprised of dry sclerophyll open woodland and forest across ridges and upper slopes. Common varieties would have included Red Bloodwood, Scribbly Gum, Brown Stringybark and Old Man Banksia. The understory would have consisted of a variety of native shrubs.

The fauna of Sydney at and prior to 1788 would have consisted of species such as kangaroo, wallaby, wombat, echidna, flying fox, emus, quolls, various native rats and mice, snakes and lizards. Marine faunal resources would have also been easily accessed from the study area.

4.3.3. Description of the Project Area

50-52 Phillip Street, Sydney is located in Central Sydney, along the eastern edge of Sydney's core Central Business District (CBD). The surrounding area consisting of Phillip, Bridge, Macquarie Street contain a large amount of historically significant locations and building archetypes.

At the time of writing this, the study area is surrounded by several key buildings and features, including (Figure 4.11):

- Justice and Police Museum cnr of Phillip and Albert Street;
- First Government House Place and Museum of Sydney cnr of Phillip and Bridge Street, across from the study area;
- Edge of Trees sculpture (37 Phillip Street);
- Late Victorian residential terraces (39-47 Phillip Street)

The study area itself consists of two main buildings and a laneway between them; 50 Phillip Street which adjoins the State Significant Chief Secretary's Building (Figure 4.12), Phillip Lane which runs in between Chief Secretary's and 50 Phillip Street (Figures 4.13, 4.15 and 4.16), and 52 Phillip Street which is a modern 14 storey commercial building currently owned by Built (Figure 4.17).



Figure 4.11: Historic sites within the vicinity of the study area (Source: Curio 2020)



Figure 4.12: Chief Secretary's Building facade Phillip Street, Phillip Lane underpass to the right (Source: Curio 2020)



Figure 4.13: 50 Phillip Street facade with Phillip Lane underpass (Source: Curio 2020)



Figure 4.14: 50 Phillip Street facade (Source: Curio 2020)



Figure 4.15: Phillip Lane underpass with Chief Secretary's Building & 50 Phillip Street on either side (Source: Curio 2020)



Figure 4.16: View of Phillip Lane between Chief Secretary's Building and 50 Phillip Street (Source: Curio 2020)



Figure 4.17: 52 Phillip Street Façade next to 50 Phillip Street (Source: <https://www.realcommercial.com.au/for-lease/property-52-phillip-street-sydney-nsw-2000-502765030>)

4.3.4. Modern Land Use History and Disturbance

Very early in the history of the NSW colony, the natural environment of the area was subject to early alterations by colonists including extensive land clearing, establishment of buildings and early roadway infrastructure.

Ongoing intensive use of the study area and surrounds has continued successively from 1788 to the present day, which accordingly has presented high levels of disturbance to the natural environment including soils, vegetation and landscape. This will have impacted the ability for an Aboriginal archaeological resource to be retained within the study area. Historical activities that will have significantly impacted, disturbed and/or removed nature landscape features and soil profiles within the study area and surrounds include:

- Initial vegetation and land clearing (1788-1790s);
- **Phase 1:** Development of the Government Domain (1788-1845) (Figure 4.9);
- **Phase 2:** Relocation of Government House, subdivision, construction of Phillip St terraces (potential basements) (1846-1868);
- **Phase 3:** Chief Secretary's Building and Public Works Offices extension (including basement) (1869-1888);
- **Phase 4:** continuous building extensions and repurposing (1889-1970s);
- **Phase 5:** extensive conservation works on the facades and interiors (1980s-present).



Figure 4.18: Depiction of First Government House, with study area to the left (Source: NLA <http://nla.gov.au/nla.pic-an3329075-1>)



Figure 4.19: Development of Sydney from the western side of the Cove 1803 – study area towards the top right (Source: State Library NSW)

Geotechnical Desktop Study

A geotechnical and contamination desktop study was conducted by Golder in June 2020 for the 50-52 Phillip Street project area in order to investigate and assess the contaminated soils, subsurface concept/model for the site and identify potential constraints of geotechnical and contaminated soils, and any known existing/historical underground facilities within the vicinity of the site. The study concluded that there was no evidence of contamination or waste facilities present within the locality, and acknowledged that the Pitman LIV dyke geological structure is located approximately 50m north, the GPO Fault Zone 100m west and the Martin Place Joint Swarm 50m east of the site (Figure 4.11). There are a number of deeply excavated basements within the locality of the study area, and therefore a large portion of the landscape and soil profiles are greatly disturbed.

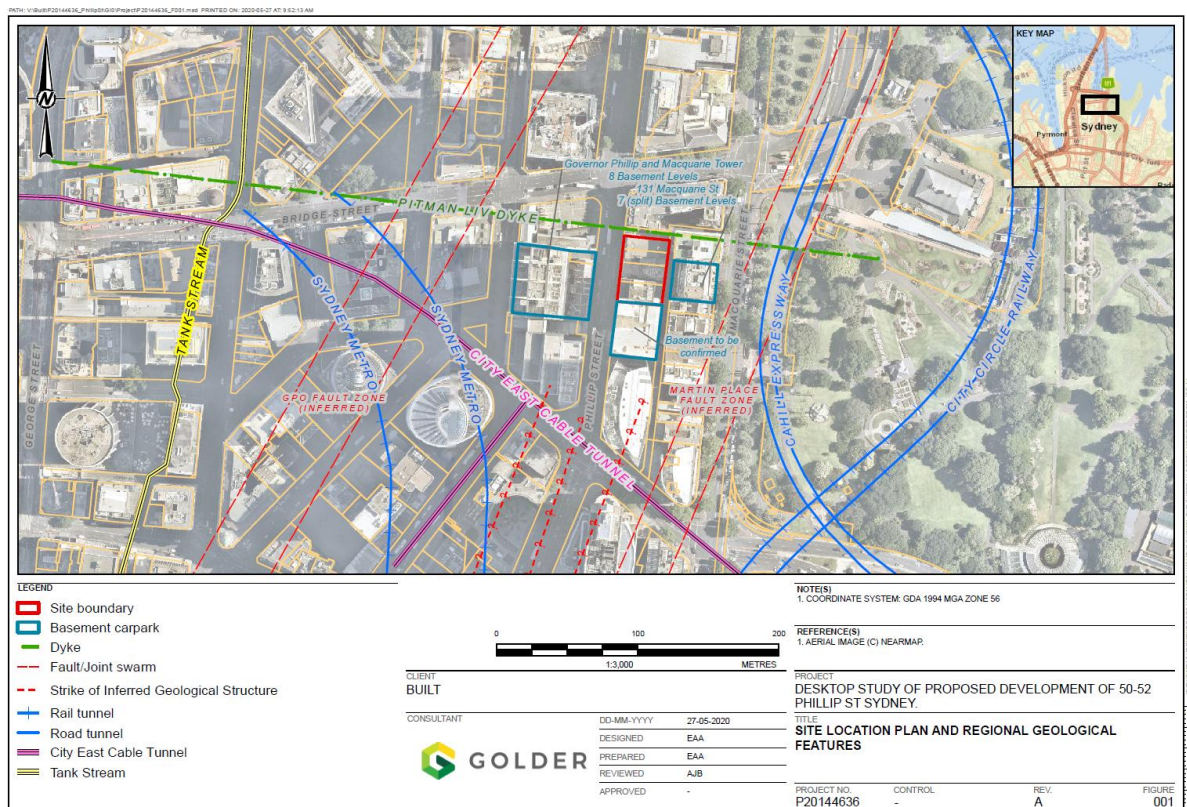


Figure 4.20: Study Area (red) and Surrounding Geological Features (Source Golder 2020)

4.4. Aboriginal Archaeological Context

There have been a numerous amount of Aboriginal archaeological excavations undertaken across the Sydney CBD, many of which have demonstrated that the presence of modern development at a site is not sufficient to determine that all sub-surface archaeological deposits have been disturbed or removed, and that both historical and Aboriginal archaeological deposits (including the potential for natural soil profiles) can remain intact. The following section presents the results of a literature review of the NSW AHIMS library database, archaeological research, and other relevant reports in order to describe the nature, location and extent of archaeological evidence of Aboriginal occupation as it presents in the Sydney CBD area.

4.4.1. Archaeological Evidence of Aboriginal Occupation

The diversity of the geology and landforms of the Sydney region landscape means there is a wide range of existing Aboriginal archaeological evidence and sites in existence across the region. The presence of Aboriginal archaeological sites in Sydney were first noted by the First Fleet officers upon their arrival in Sydney, where Governor Phillip commented on the rock engravings in the sandstone around Sydney Cove, Botany Bay and Broken Bay (Attenbrow 2010). Each geographical element of the Sydney landscape provides different conditions for the survival of physical reminders of the long term Aboriginal habitation and occupation of the Sydney region, including shell midden sites along the coast and sand dunes, rock engraving and art sites in sandstone shelters and surfaces, occupation sites in remnant soils containing Aboriginal stone tools, remains of hearth and cooking sites, remnant scarred and carved trees, and other archaeological evidence preserving the pre-1788 history of the Gadigal people.

Early researchers in Sydney's colonial history (late 19th Century) recorded and published a range of information regarding Aboriginal sites in the Sydney region, such as palaeontologist and museum director Robert Etheridge Jr, who (along with Thomas Whitelegge) documented an early archaeological excavation of Aboriginal stone tool sites along the coast, including the first identification of an artefact type that has come to be known as a 'bondi point', a type of small pointed stone tool that is common to the Sydney region (Attenbrow 2010: 6). Hundreds of Aboriginal archaeological sites have been excavated across Sydney, especially from the 1960s onwards.

Aboriginal archaeological sites in the Sydney region have been scientifically dated, including Discovery Point in Tempe (a hearth dated to c.9376BP), the Prince of Wales Hospital site (a hearth dated to c.8400BP), and Captain Cooks Landing Site at Kurnell (dated to c.1330BP) (Attenbrow 2010).

4.4.2. AHIMS Search

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 22 July 2020 centred on the study area with a buffer of 1km, and returned 27 results. The extensive AHIMS search is attached as Appendix B. No registered sites were located directly within the current study area.

AHIMS search results always require a certain amount of scrutiny in order to acknowledge and accommodate for things such as inconsistencies in the coordinates (differing datums between years of recording), the existence of, and impact to, registered sites (impact to a registered site technically requires the submission of a Heritage Impact Recording form to be submitted to the OEH, however these forms are not always submitted), and other database related difficulties. It should also be noted that AHIMS database is a record of archaeological work that has been undertaken, and registered with OEH in the region.

The AHIMS database is therefore a reflection of recorded archaeological work, the need for which has likely been predominantly triggered by development, and not a representation of the actual archaeological potential of the search area. AHIMS searches should be used as a starting point for further research and not as a definitive, final set of data.

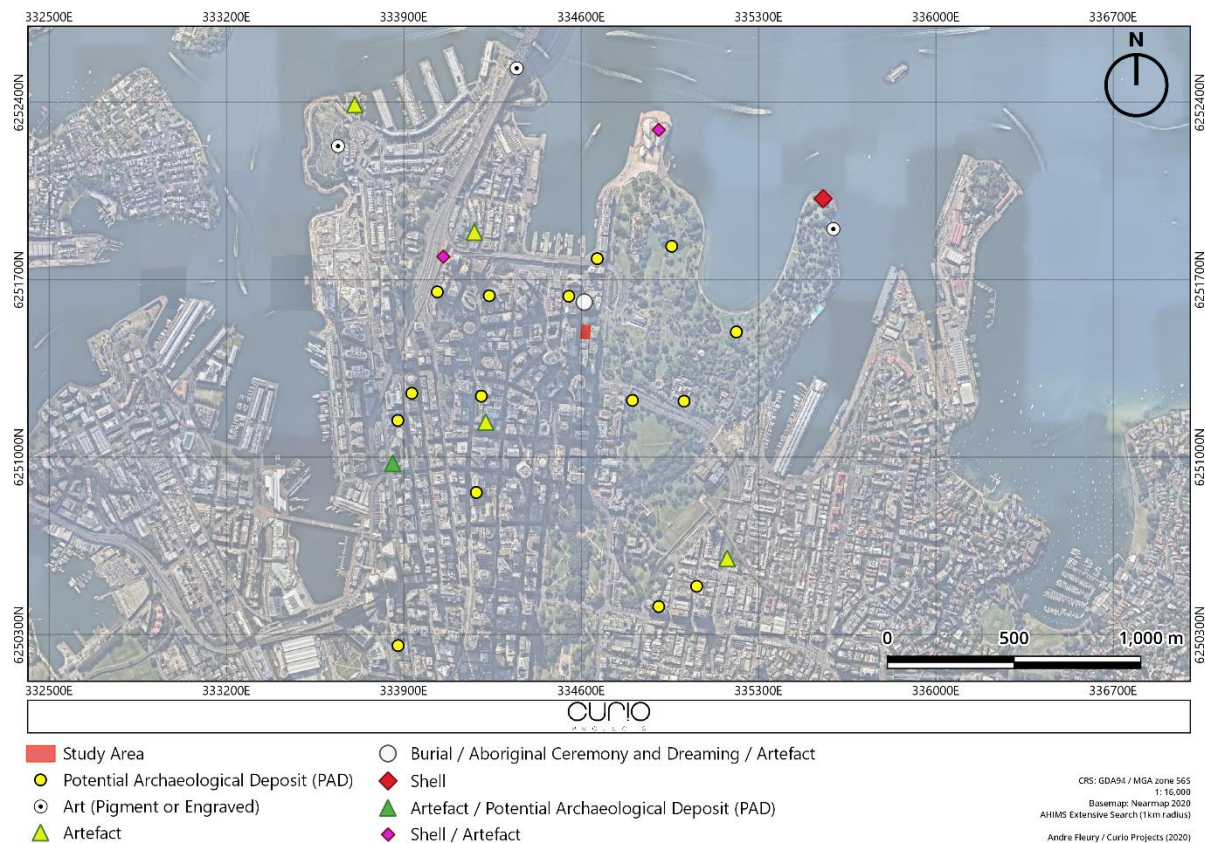
Summary descriptions of Aboriginal site features registered on AHIMS, as relevant to the study area are presented in Table 4.2. The 27 registered sites from the AHIMS search included seven different site types, as summarised in Table 4.3. The general location of each of these registered sites in relation to the study area is depicted in Figure 4.21. The most common site types in the area are Potential Archaeological Deposits (PADs) (n=15), followed by artefact and artefact combination sites (n=7), and art sites (n=3). There is also a burial site (AHIMS 45-6-2299) recorded in close proximity to the study area. While there is little information on the burial site itself, as no evidence of burials have been encountered during previous archaeological investigations in the area, this site type has exceptional significance.

Table 4.2: Aboriginal Site Features referred to in this report

SITE FEATURE	DESCRIPTION
Aboriginal Burial (Aboriginal Ceremony and Dreaming Site)	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g. in caves, marked by stone cairns, in sand areas, along creek banks etc. Soft, sandy soils along creek and river beds, and beaches were favoured for burials, as they allowed for easier movement of soil, however burials may also often have occurred in rock shelters and shell middens.
Art Site	Art is located in shelters, overhangs and across rock formations. Techniques include painting, drawing, scratching, carving, engraving, pitting, conjoining, abrading and the use of a range of binding agents and the use of natural pigments obtained from clays, charcoal and plants.
Artefact Site (Open Camp Sites/artefact scatters/isolated finds)	Artefact sites consist of objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating physical evidence of use of the area by Aboriginal people. Registered artefact sites can range from isolated finds, to large extensive open camp sites and artefact scatters. Artefacts can be located either on the ground surface or in a subsurface archaeological context.
Potential Archaeological Deposit (PAD)	An area where Aboriginal cultural material such as stone artefacts, hearths, middens etc, may be present in a subsurface capacity.
Shell Midden	A shell midden site is an accumulation or deposit of shellfish resulting from Aboriginal gathering and consumption of shellfish from marine, estuarine or freshwater environments. A shell midden site may be found in association with other objects like stone tools, faunal remains such as fish or mammal bones, charcoal, fireplaces/hearth, and occasionally burials. Shell midden sites are often located on elevated, dry ground close to the environment from which the shellfish were foraged, and where fresh water resources are available. Shell middens may vary greatly in size and components.

Table 4.3: AHIMS Sites in the Vicinity of the Study Area

SITE TYPE	NUMBER OF SITES	% OF SITES
Aboriginal Burial	1	3.7
Art Site	3	11.1
Artefact Site	4	14.8
Artefact & Potential Archaeological Deposit	1	3.7
Potential Archaeological Deposit	15	55.6
Shell Midden	1	3.7
Artefact & Midden	2	7.4
TOTAL	27	100%



4.4.3. Previous Archaeological Investigations and Assessment

Review of relevant previous archaeological work is a highly informative and necessary step in identifying the likely nature of the potential archaeology at a site. The investigation of previous work undertaken in the region, on similar sites, and on similar landscape or landforms, can inform our understanding of a site by providing a proxy against which a newly investigated site can be measured

(albeit with caution). That is to say, understanding the archaeological record at a general location can provide us with an indication of the nature and level of potential of archaeology that may be present at a site, prior to any subsurface investigation. As archaeology is by its very nature, a destructive discipline, it is important to acquire as much information and understanding of a site as possible prior to undertaking fieldwork (as once evidence has been excavated, its context is effectively destroyed), and also to avoid any unnecessary fieldwork at a site.

Research into archaeological investigations undertaken in proximity to the current study area indicate the types of archaeology that may survive in the area, and the environment that has allowed it to survive. No known Aboriginal archaeological excavations have been undertaken previously within the study area.

Port Jackson Archaeological Project (Attenbrow 1990)

The Port Jackson Archaeological Project was undertaken by Val Attenbrow in 1989-90, and involved documentary research into previous archaeological work undertaken around Sydney harbour, including details and assessment of registered sites, as well as some field survey to identify new sites. Upon conclusion of the project, Attenbrow concluded that:

- Aboriginal people were gathering shellfish in the Port Jackson region at least 4,500 years ago;
- Most Aboriginal shell middens are located within 10m of the high water level; and
- Burials in the region were placed in open middens as well as within rockshelters.

174 Cumberland Street (Attenbrow 1992)

A midden site (AHIMS 45-6-2742) was excavated in 1991 during excavation works for a hotel. The midden site presented with Rock Oyster and Anadara species shells in a layer 6cm thick, located immediately beneath the remnant footings of a historical cottage at the site. Radiocarbon dating of the deposit returned a date of c. 502BP, however the site was interpreted as being representative of ephemeral land use, rather than a result of long-term occupation of the location specifically.

First Government House (Museum of Sydney)

The site of Sydney's first Government House is located on Bridge Street (opposite the current study area), the foundations for which were laid within months of the arrival of Governor Phillip and the First Fleet to Sydney Cove in 1788. This site is of extreme significance in the history of Sydney and Australia, not just as the first seat of colonial government, but also as an important place of early contact between the local Aboriginal people and the colonists. Government house was eventually relocated to a new purpose-built building in 1845 (the current location of Government House, alongside the Royal Botanic Gardens), and the original Government House was demolished. Unmarked Aboriginal burials

were reported to be located at the First Government House site (reflected by the registration of AHIMS Site #45-5-2299).

The site is now occupied by the Museum of Sydney, after it was excavated extensively in 1983 as part of the redevelopment of the area. No Aboriginal burials were located as a result of this excavation, however physical evidence for the use of the area by Aboriginal people was encountered at the site in the form of contact period Aboriginal artefacts that appeared to have been manufactured from dark green bottle glass.

Sydney Conservatorium of Music

The current site of the Sydney Conservatorium of Music is located on the site of the former stables for first Government House. Historical excavation of the former stables was undertaken in 1998, during which, some Aboriginal stone artefacts were uncovered. While the archaeologists concluded that it was likely that the Aboriginal stone artefacts had in fact been relocated to the site through the movement of soil and 'fill' material during the early colonial period, the presence of the artefacts was still significant. The relocated soil material (within which the artefacts would likely have originally been deposited) would likely have been sourced by the colonists from a site close to the former stables site. Therefore, while the actual artefacts did not provide specific information about Aboriginal use of the site, it provided physical evidence for the ubiquitous use of the surrounding landscape by Aboriginal people (Attenbrow 2010).

KENS Site, Aboriginal Excavation (Steele 2006)

Aboriginal archaeological assessment and excavation was undertaken by Dominic Steele in 2003, of a large Aboriginal campsite, at the site that has come to be known as the KENS site (named for the streets which form the general boundaries of this site: Kent, Erskine, Napoleon and Sussex Streets). This Aboriginal campsite was uncovered as a result of the demolition of the present building, and associated historical archaeological excavation at the site. Excavation of this site recovered around 1000 Aboriginal stone artefacts within buried remnant soil profiles, including backed artefact tools, other retouched tools, cores and numerous waste flakes, which have been relatively dated to be occupied in the last 3000 years. In addition, two Aboriginal artefacts manufactured of glass were recovered from this site, demonstrating that the site was occupied by Aboriginal people of the area through to the post-contact period.

Darling Quarter (Comber 2008-2009)

Comber Consultants undertook a series of Aboriginal archaeological excavations in 2008 and 2009 for the redevelopment of Darling Quarter (formerly Darling Walk), Darling Harbour (in collaboration with Casey & Lowe who undertook the historical archaeological work for the project). The post excavation report for this work was prepared in 2012.

The site was located along the original foreshore of Cockle Bay (Darling Harbour). Aboriginal test excavation identified the remains of a shell midden, including Aboriginal stone artefacts on an

exposed area of bedrock (Area 5 of the excavation) in close proximity to the original shoreline. This area was expanded into an open area salvage excavation across the remainder of the sandstone outcrop in the south-east of the excavation area and recovered ten Aboriginal stone artefacts in association with the midden. It was determined that Aboriginal people would have used this location on the sandstone outcrop to cook and eat the shellfish that had been gathered from the surrounding environment.

Of the ten stone artefacts recovered, all but two of them were manufactured from chert. There is no known local source of this rock type, and therefore the report suggests that the presence of this raw material type may have been the result of trading between the local Aboriginal people of the Cockle Bay area, and Aboriginal people that lived in the west, near Plumpton Ridge, a known source of chert for Western Sydney. It is also possible that other more local sources of chert were present around the Sydney CBD area prior to 1788 that currently remain unknown to archaeologists.

200 George Street (GML 2014)

The 200 George Street site was identified as having a high potential for historical archaeological relics and a low to moderate potential for Aboriginal objects to be present, mainly due to its location on the banks of an intertidal zone of the Tank Stream. This potential would be impacted by the proposed redevelopment of the site. The Aboriginal PAD site was registered with AHIMS (45-5-3081), and therefore required an AHIP to impact. However, due to the nature of the site in an urban, developed environment, as well as the potential presence of Aboriginal artefacts in conjunction with the historical archaeology, usual methods of Aboriginal archaeological test excavation in accordance with the OEH *Code of Practice* could not be undertaken for this site. Therefore, the proposed excavation methodology involved the commencement of Aboriginal archaeological test excavation at the site, if and when natural soil profiles were uncovered through the course of the historical excavation.

While the excavation of the site identified a few areas of remnant natural soil profiles across the site, no Aboriginal objects were recovered from the excavation of these soils. Geomorphological investigation of the site determined that the stepped sandstone and highly organic estuarine environment would likely have been unsuitable for Aboriginal people, or not suitable for the preservation of archaeological signature relating to possible Aboriginal activity (GML 2014). The 200 George Street excavation demonstrated that the presence of isolated pockets of natural soil within a site does not necessarily mean an Aboriginal archaeological deposit will be present.

Wynyard Walk (GML 2014)

GML Heritage undertook Aboriginal archaeological excavation of the Wynyard Walk, West Portal site in 2014. The potential Aboriginal archaeological deposit located at Wynyard Walk was assessed to be of moderate to high scientific significance primarily for its educative and research potential values. While disturbance at the site was considered likely, previous excavations in close proximity to the site, such as the neighbouring KENS site, had illustrated that soil profiles capable of bearing archaeological deposits could be preserved in the area.

Sandstone Precinct (Curio 2019)

In 2019, Curio undertook a historical archaeological investigation within the Sandstone Precinct (to the west of the study area). Whilst the investigation focused on historical archaeology, it was predicted that Aboriginal archaeology was not likely to occur due to the high levels of previous disturbance and development in the area. It was predicted that small discrete pockets of intact natural soils may potentially be present, however, it was unlikely that they would yield any Aboriginal archaeological deposits. During excavation, pockets of natural soils were found and showed no indication of Aboriginal archaeological deposits. This confirmed their initial predictions for the site.



Figure 4.22: Location of Sites Referenced Above (Source: Curio 2020)

4.5. Regional Character and Archaeological Predictive Model

Predictive modelling plays an important role in understanding the remnant archaeological potential of a site, and thus factors into development of appropriate management recommendations and mitigation strategies. Archaeological predictive modelling integrates information about environmental context, previous historical activities and ground disturbance, and known locations of surrounding sites (excavations and registered AHIMS sites), to assess and predict the nature of archaeology that may be present within the study area.

The following assessment of Aboriginal archaeological potential within the study area is based on a combination of the environmental assessment, including original landform, possible levels of disturbance across the site, and original resource zones that would have been favourable to, or sustained local Aboriginal populations of the area prior to European settlement, in combination with known previous archaeological research in the vicinity of the subject site, or on comparable sites in Sydney. Consideration of these above factors determines the likelihood for Aboriginal archaeology, artefacts or physical objects to remain at the subject site in a subsurface capacity.

While the historical activities within the study area would have impacted the natural soil profiles within the study area to varying degrees (and therefore impacted the level of Aboriginal archaeological potential accordingly), where previous development did not involve substantial excavation, potential for deeper sub-surface archaeological deposits remains. In addition, very little geotechnical information is available for the site but the general observance of the site topography strongly suggests that there is little opportunity for natural soil profiles to survive intact, other than in small, discrete pockets across the site. Therefore, this desktop study is limited in its ability to definitively confirm whether there has been a total subsurface disturbance and/or removal of Aboriginal archaeological deposits, or complete disturbance or full removal of natural soil profiles (those that would contain Aboriginal archaeological deposits, if present). Rather, the potential has been based on predictive modelling specific to the site, and its environmental surrounds.

It should be noted that the potential for Aboriginal burials has been identified at the First Government House site (now the Museum of Sydney site), which is located immediately to the west of the study area. While no Aboriginal burials were uncovered through archaeological excavations at the First Government House site in the 1980's, and are considered to be highly unlikely within the current study area, the potential for burials as noted through ethnographical records should still be recognised during any development within this area.

The following predictions are made with regards to Aboriginal archaeological potential within the study area:

- In order for Aboriginal archaeological deposits to be present in situ within the study area, they would require the retention of natural soil profiles in the area that would be extant from 1788- and require these natural soils to be intact- subject to limited amounts of natural erosion.
- PAD sites are the most common site type in the region, and are therefore the most likely site type to be present within the study area, should the site conditions allow the preservation of such a site (i.e. where historical land disturbance activities have not already removed all natural soil profiles)
- There may also be potential for isolated Aboriginal artefacts (stone artefacts and shells) to be present in a disturbed context.
- The study area has no potential for site types such as scarred trees, rock shelters and grinding grooves, as the natural features required for these types of sites are not present.
- It is highly likely that the study area landscape was occupied and used in some way by Aboriginal people prior to 1788 – especially in consideration that the Tank stream was in close proximity, as well as the abundance of resources in the surrounding area along the harbour.

- The GyMEA soil landscape has a high propensity for sheet erosion following vegetation clearance, and this would have impacted the ability for the soils within the study area to retain an Aboriginal archaeological deposit.
- Historical accounts reference the burial of Arabanoo within the grounds of First Government House in 1789. This potential for burials in the vicinity of the study area and surrounds is reflected in registered Aboriginal site AHIMS #45-6-2299.
- The study area has been subject to very high levels of historical ground disturbance and use since 1788 relating to the use of the site as gardens for First Government House, divisions into government residential lots, and construction of Chief Secretary's Building, 50-52 Phillip Street (study area) and all other consequential buildings and urban development in the locality. These developments would have likely impacted and/or removed the majority of natural soil profiles.
- The laneway at the rear of the Colonial Secretary's Building has been subject to the lowest amount of historical excavation and disturbance, with no substantial structure of development undertaken in this location. Therefore, this area of the site retains low to moderate potential for natural soil profiles to be present, albeit likely of varying levels of historical disturbance and fill, depending on localised activities.

Overall, the study area is considered to have low potential for intact Aboriginal archaeological deposits to be present. Areas of the site with existing basement levels (i.e. beneath the Colonial Secretary's Building and Phillip Street extension, and any subsurface features beneath 52 Phillip Street- basement, services, lift pits etc¹) that have removed all natural soil profiles have no Aboriginal archaeological potential.

The laneway to the rear of the Colonial Secretary's Building retains potential for pockets of intact natural soil profiles (condition and integrity of this potential as yet unknown due to absence of any available geotechnical data at present). Therefore, this laneway area retains some Aboriginal archaeological potential in the form of low potential for PADsites to be present either in intact natural soil profiles, or in a disturbed context within historical archaeological strata.

While the likelihood of Aboriginal burials within the study area is considered to be very low (based on the results of previous excavations), should archaeological evidence of such features remain, these have low potential to be present within the laneway area of the site, i.e. the area of the study area that has been subject to the lowest amount of historical disturbance and excavation. While the potential for burials is considered to be low, should burials be present within the study area, this would be of exceptional significance and likely result in significant impact to any future development, including requirement for retention in situ.

¹ The nature of subsurface features at 52 Phillip Street is awaiting confirmation at time of writing (Dec 2020), awaiting access to the building/plans of the existing building etc, in order to confirm whether or not a basement is present beneath this building which would in turn have significant impact on the assessment of Aboriginal archaeological potential in this location.

5. Cultural Heritage Values and Significance Assessment

The Burra Charter (Australia ICOMOS 2013) defines cultural significance as:

...aesthetic, historic, scientific, social or spiritual value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects. Places may have a range of values for different individuals or groups. (Australia ICOMOS 2013: 2)

The five types of cultural heritage value, as presented in The Burra Charter (2013) form the basis of assessing the Aboriginal heritage values and significance of a site or area. Each of these cultural heritage values, as specifically relevant to Aboriginal cultural heritage, are summarised as follows (after OEH 2011a).

Social (Cultural) and Spiritual Value—spiritual, traditional, historical or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them.

Historic Value—associations of a place with a historically important person, event, phase or activity in an Aboriginal community. Historic places do not always have physical evidence of their historical importance (such as structures, planted vegetation or landscape modifications). They may have 'shared' historic values with other (non-Aboriginal) communities.

Scientific Value—the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information.

- Assessment of Scientific Value also includes assessment in terms of Research Potential, Integrity, Condition, Complexity, Archaeological Potential, Connectedness, Representativeness, Rarity, Education Potential, and Archaeological Landscapes.

Aesthetic Value—sensory, scenic, architectural and creative aspects of the place. It is often closely linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use.

Assessment of each of the above criteria has been undertaken in consideration of the landscape and environmental context of the study area, Aboriginal history, previous archaeological work, and the field survey. The assessment of each criteria has then been graded (as per OEH 2011a Guide to Investigating) in terms of high, medium and low, in order to allow significance to be described and compared. The application of the cultural values criteria to the Aboriginal cultural heritage of the study area has also included consideration of research potential, representativeness, rarity and education potential for each criterion (as relevant).

5.1. Assessment of Aboriginal Cultural Heritage Values

5.1.1. Social (Cultural) and Spiritual Value

Social, cultural and spiritual values of a site can only be identified through consultation with Aboriginal people. However, it is likely that should an Aboriginal archaeological deposit be present within the study area, it would be viewed to be of high social and cultural significance by the Aboriginal community, providing a direct and tangible link to past Aboriginal life and activity in Sydney's centre.

While no previous archaeological investigations in the surrounding area have encountered or confirmed the presence of Aboriginal burials (i.e. the potential for which is represented by AHIMS registered burial site #45-6-2299), and the potential for such burials to be present within the study area are considered low, any Aboriginal burials would be of very high social and cultural significance.

5.1.2. Historical Value

While limited historical accounts are available regarding Aboriginal occupation and use of the study area and surrounds prior to 1788, it was an area rich with resources (marine, freshwater and land) and would likely have been a central area for local Aboriginal population. Therefore, Aboriginal archaeological deposits, if found to be located within the study area, may be of historical value.

The area has moderate to high historical significance for its post-contact connections and interactions between early colonial government and officials, and Sydney's traditional owners.

5.1.3. Scientific (Archaeological) Value

OEH states the scientific (archaeological) value of an Aboriginal site or place to:

Refer to the importance of a landscape, area, place or object because of its rarity, representativeness, and the extent to which it may contribute to further understanding and information. (OEH 2011: 9)

Following OEH guidelines for assessing scientific value (OEH 2011), five key criteria have been considered with regards to the scientific and archaeological context of the study area in order to determine its level of scientific significance. These criteria, as they have been applied to the study area, are defined below in Table 5.1. Following the criteria above, an assessment of the potential scientific significance of the 50-52 Phillip Street study area has been undertaken, identified as relevant to the five key criteria.

Table 5.1: Archaeological Significance Criteria

CRITERIA	DESCRIPTION
Research potential	Research potential describes how much potential a site has to contribute to a further scientific or archaeological understanding of a site/area/region. This should include consideration of factors such as: integrity and condition (the level of soil disturbance that a site has been subject to and the ability for the site to yield intact archaeological deposits); complexity (demonstrated or potential ability of a site to yield a complex archaeological deposit; archaeological potential (the potential for a site to yield an archaeological deposit or resource); and connectedness (the connection of a site to others in the
Rarity	Rarity refers to the frequency of similar site types in a local or regional area/landscape.
Representativeness	Representativeness refers to the level of variability between or within Aboriginal sites in an area or region, what is already conserved, how sites relate to each other, and the condition that a particular site type may be in that is able to better present or demonstrate more clearly that specific site type through the archaeological record.
Education Potential	Education potential refers to the ability of a site to contribute to the public record and provide teaching resources in order to further understanding of Aboriginal cultural heritage and archaeology. Is the site well preserved? Are there artefacts that would be good to use in teaching? Are there recognisable site features, artefacts types, records etc, that would be productive in teaching or use within public heritage interpretation strategies?
Archaeological Landscapes	The study of Aboriginal cultural heritage and archaeological study in the context of the wider landscape (geographical and cultural/social) in which they exist.

Research Potential

The nature or extent of intact Aboriginal archaeological deposit within the study area has not yet been able to be determined. Whilst there have been previous historical excavations across and surrounding the study area, there have been no further investigations for the potential of Aboriginal archaeological deposits. Due to the level of urban development in the area, it is noted that many locations within the study area have very little to no remnant natural soil profiles present (i.e. historical activities have previously removed natural soil profiles to sandstone bedrock).

Regardless of the low archaeological potential, should intact Aboriginal archaeological deposits or objects be found to be present within the study area, these may have moderate research potential for their ability to provide evidence for and insight into Aboriginal occupation and use of the locality prior to 1788.

Rarity

A low density Aboriginal artefact deposit, consistent with a background scatter derived from general occupation and use of the surrounding area, would be unlikely to be considered rare in the wider Sydney context.

Representativeness

Should intact Aboriginal archaeological deposits be present within natural soil profiles within the study area, these may be representative of the use of the study area by Aboriginal people. However, this would depend on the presence and condition of an Aboriginal archaeological deposit in this location – which considering high levels of historical disturbance – is considered to have a low potential to be present.

Educational Potential

This criterion is unable to be assessed prior to further understanding as to whether an Aboriginal archaeological deposit may be present within the study area or not.

Archaeological Landscapes

The study area exists within a wider Aboriginal archaeological landscape of the Sydney Harbour Foreshore. Should the study area present with an intact Aboriginal archaeological deposit, this could potentially contribute further to the archaeological understanding of Aboriginal site use and occupational habits in the region. Therefore, the study area may be of moderate significance when considered as part of a wider Aboriginal archaeological landscape of Sydney Harbour Foreshore – however this would require further investigation.

Summary of Scientific Significance

Aboriginal archaeological deposits, if found to survive within the study area, would have the potential to contribute knowledge regarding Aboriginal occupation, land use, and resource gathering in the area prior to the establishment of the NSW colony.

Overall, it is not possible to determine the nature and extent of any Aboriginal archaeological deposit at the study area without investigating the site physically (although, archaeological assessment has determined the potential for such a deposit to be retained within the site to be low). However, should an intact Aboriginal archaeological deposit be present, it would potentially be of moderate research potential and potentially moderate significance as part of the wider Aboriginal landscape.

5.1.4. Aesthetic Value

The study area may have aesthetic value to the local Aboriginal community in the context of the wider Sydney Aboriginal landscape it exists in, however this would need to be confirmed with the community.

Should Aboriginal archaeological deposits be found to be present within the study area, they may potentially have aesthetic significance for technological form of the artefacts, or as potentially considered useful for education and interpretative purposes.

5.2. Statement of Significance

Social, cultural and spiritual values of a site can only be identified through consultation with Aboriginal people. However, it is likely that should an Aboriginal archaeological deposit be present within the 50-52 Phillip Street study area, it would be viewed to be of high social and cultural significance by the Aboriginal community, providing a direct and tangible link to past Aboriginal life and activity in Sydney's centre.

While little historical evidence is available regarding Aboriginal historical use of the 50-52 Phillip Street study area and surrounds, it was an area rich with resources (marine, freshwater and land) and would likely have been a central area for local Aboriginal population. Therefore, Aboriginal archaeological deposits, if found to be located within the study area, may be of historical value.

Should an Aboriginal archaeological deposit be found to be present within the 50-52 Phillip Street study area, this may have moderate scientific significance for its ability to provide evidence for and insight into Aboriginal occupation and use of the locality prior to 1788, representative of the 50-52 Phillip Street study area as part of the wider Aboriginal cultural landscape of the Sydney Harbour Foreshore.

The 50-52 Phillip Street study area may have aesthetic value to the local Aboriginal community in the context of the wider Sydney Aboriginal landscape it exists in.

Should Aboriginal archaeological deposits be found to be present within the 50-52 Phillip Street study area, they may potentially have aesthetic significance for technological form of the artefacts, or as potentially considered useful for education and interpretative purposes.

6. Conservation and Impact Assessment

As noted by the OEH, it is important that an impact assessment directly addresses the potential harm that an activity may pose, specific to an Aboriginal place, objects, site or archaeological deposit (OEH 2011: 12).

6.1. Ecologically Sustainable Development

One of the aims of the NPW Act is to 'conserve places, objects and features of significance to Aboriginal people' (NPW Act, Section 2A(1)(b)(i)). One of the ways in which this objective can be achieved, is via the consideration of the principles of Ecologically Sustainable Development (ESD). ESD is defined in Section 6 of the Protection of the Environmental Administration Act 1991 (NSW), as requiring the integration of both economic and environmental considerations (including cultural heritage) in the decision-making process for a development, with an aim to achieving, on balance, beneficial outcomes for both development, and Aboriginal cultural heritage.

ESD can be achieved with regards to Aboriginal cultural heritage, by applying the precautionary principle, and the principle of inter-generational equity, to the nature of the proposed activity, in relation to the Aboriginal cultural heritage and archaeological values of a site.

6.1.1. Precautionary Principle

The precautionary principle states that if there are threats of serious or irreversible environmental damage, lack of scientific certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation. In applying the precautionary principle, decisions should be guided by:

- *a careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and*
- *an assessment of the risk-weighted consequences of various options.*

The precautionary principle is relevant to DECC's [now OEH] consideration of potential impacts to Aboriginal cultural heritage where:

- *the proposal involves a risk of serious or irreversible damage to Aboriginal objects or places or to the value of those objects or places; and*
- *there is uncertainty about the Aboriginal cultural heritage values or scientific or archaeological values, including in relation to the integrity, rarity, or representativeness of the Aboriginal objects or places proposed to be impacted.*

Where this is the case, a precautionary approach should be taken and all cost-effective measures implemented to prevent or reduce damage to the objects/place. (DECC 2009: 26)

6.1.2. Intergenerational Equity

Intergenerational equity is the principle whereby the present generation should ensure the health, diversity and productivity of the environment for the benefit of future generations.

In terms of Aboriginal heritage, intergenerational equity can be considered in terms of the cumulative impacts to Aboriginal objects and places in a region. If few Aboriginal objects and places remain in a region (for example, because of impacts under previous AHIPs), fewer opportunities remain for future generations of Aboriginal people to enjoy the cultural benefits of those Aboriginal objects and places.

Information about the integrity, rarity or representativeness of the Aboriginal objects and places proposed to be impacted, and how they illustrate the occupation and use of land by Aboriginal people across the region, will be relevant to the consideration of intergenerational equity and the understanding of the cumulative impacts of a proposal.

Where there is uncertainty, the precautionary principle should also be followed. (DECC 2009: 26)

6.2. Proposed Activity

The proposed development is the redevelopment of a new luxury hotel, which will include the refurbishment of the existing heritage building on the site at 50 Phillip Street, and the demolition of the adjoining existing 13-storey commercial tower at 52 Phillip Street to construct a new mixed use hotel tower.

At the time of writing (September 2020), the development remains in early stages of design and planning, with the only impacts recognised at this point in time being the proposed basement excavation (limited to within the existing study area footprint). This deep excavation works will accommodate a plant room, storage space, mechanical car parking facilities and lift pits for the hotel. It is proposed that the excavation would be approximately 9m below current street and lane levels and will therefore most likely remove most, if not all potential archaeological remains within the footprint.

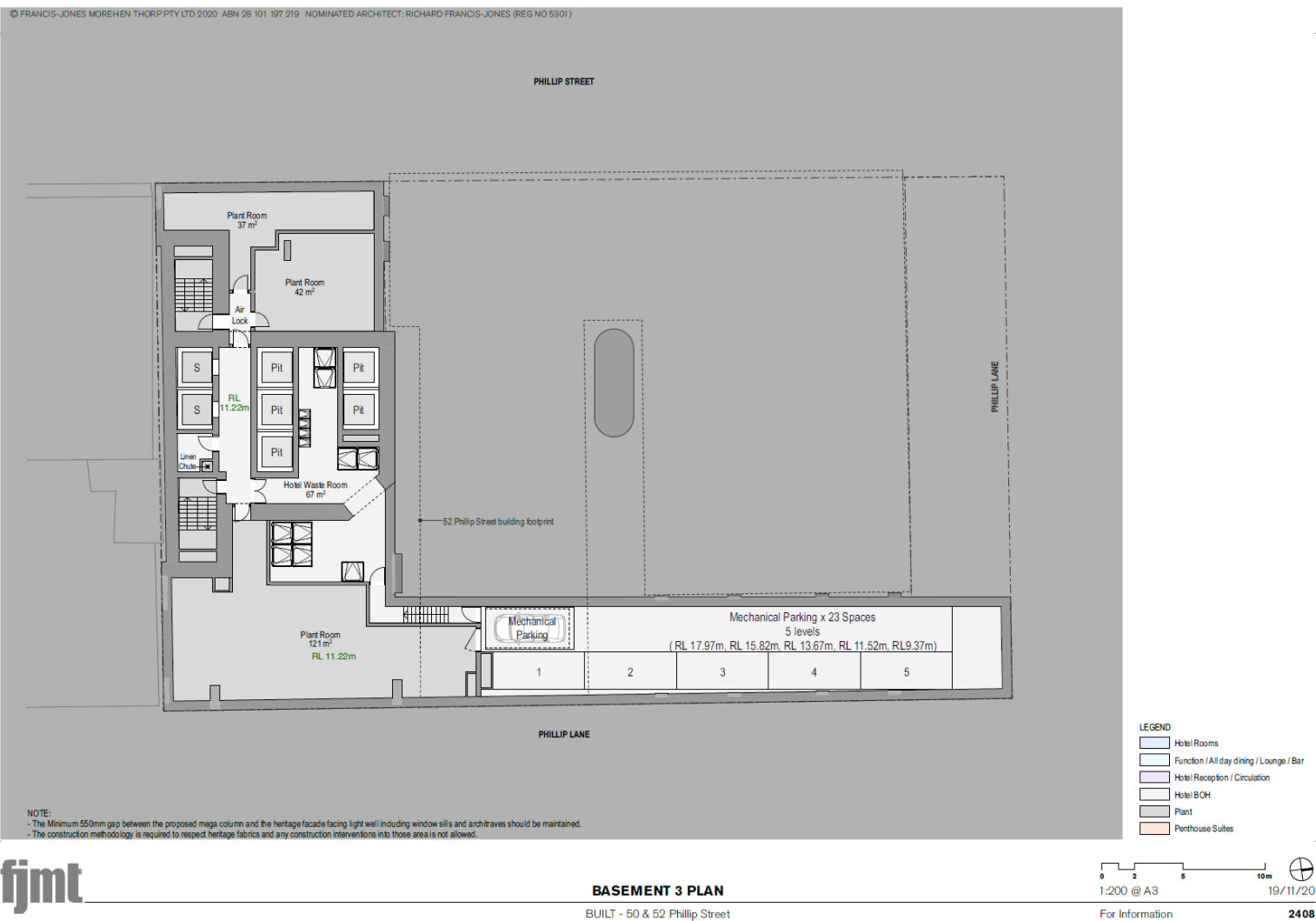


Figure 6.1: Basement Level 3 Plan (Source FJMT 2020)

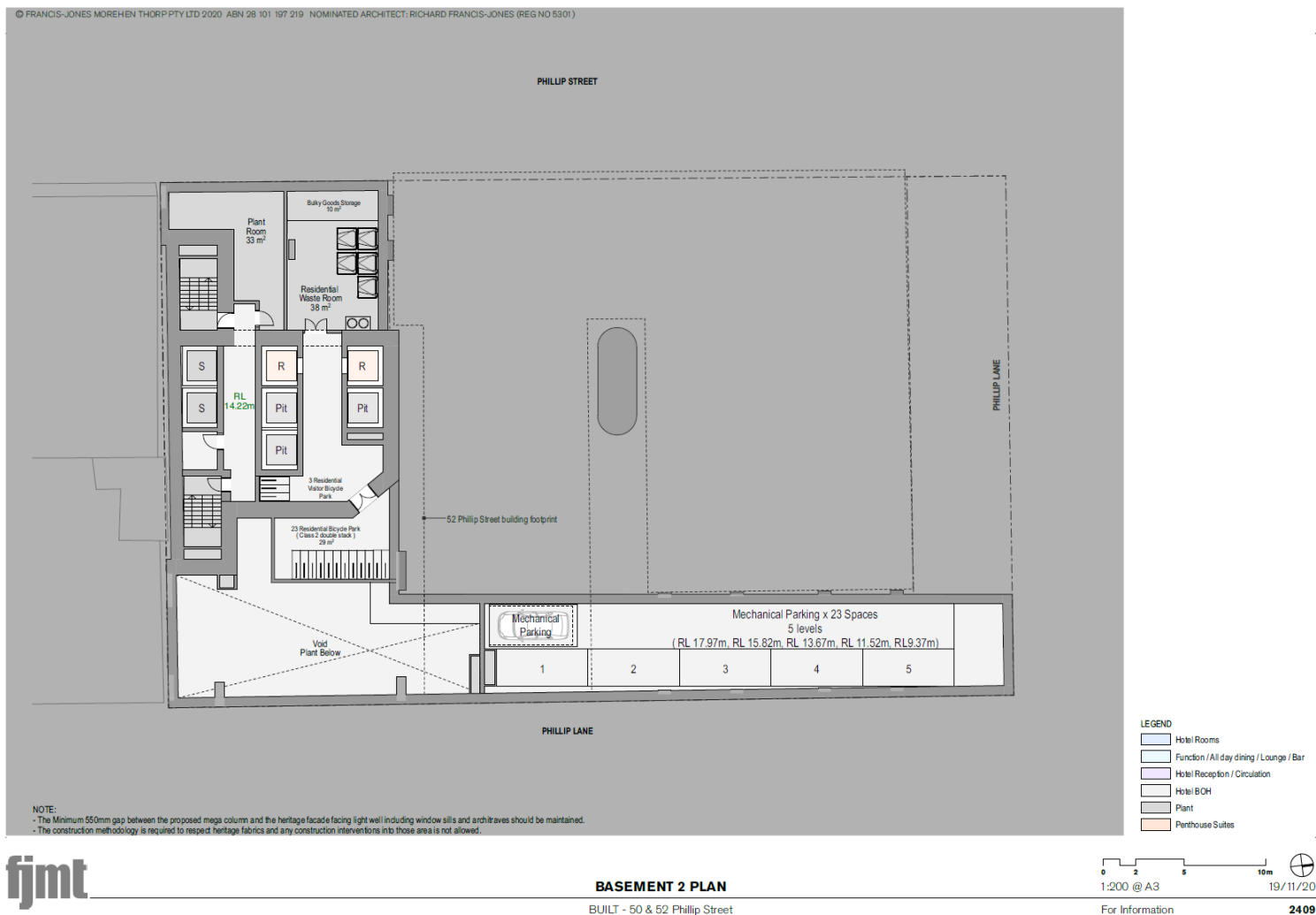


Figure 6.2: Basement Level 2 Plan (Source FJMT 2020)

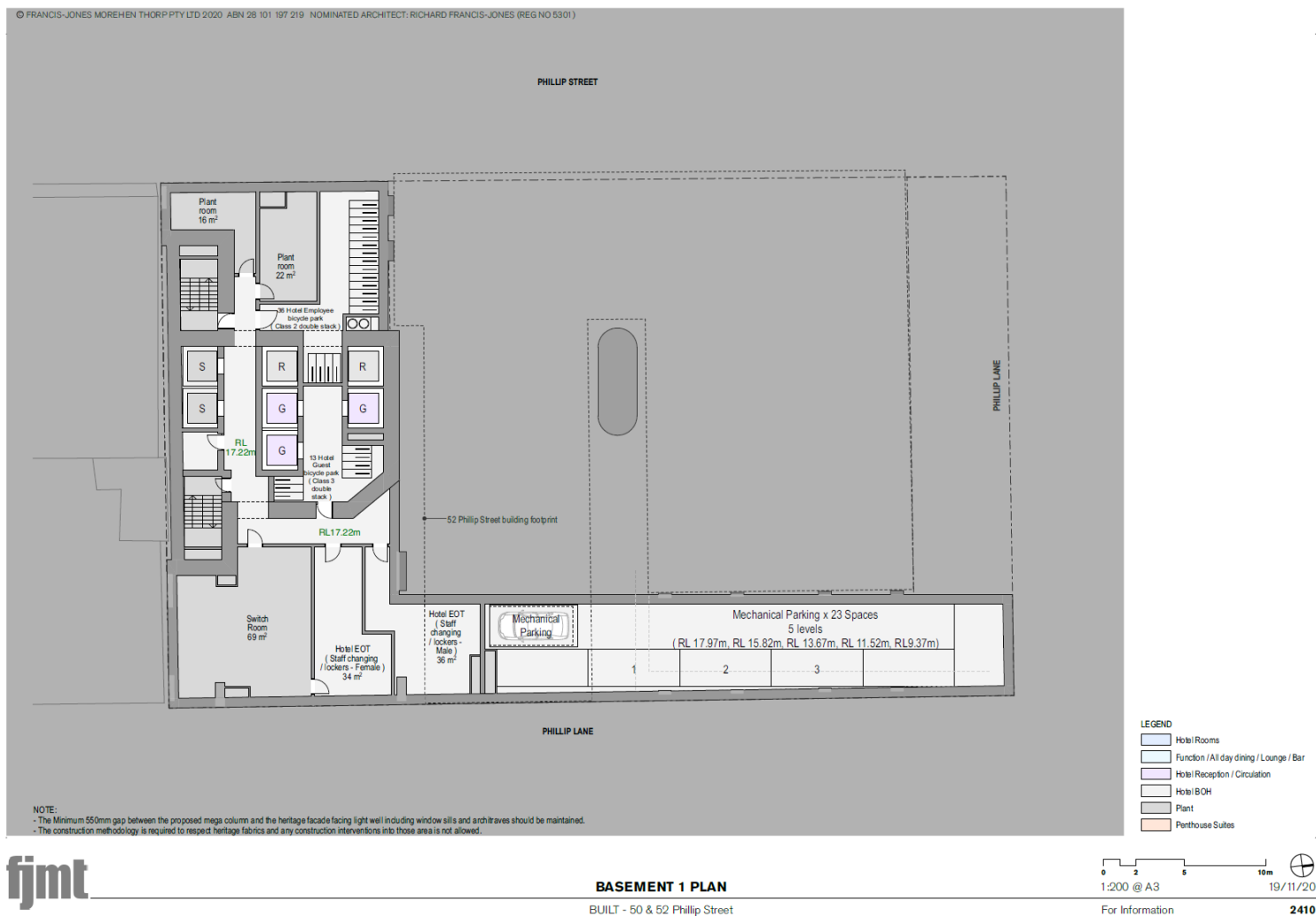


Figure 6.3: Basement Level 1 Plan (Source: FJMT 2020)

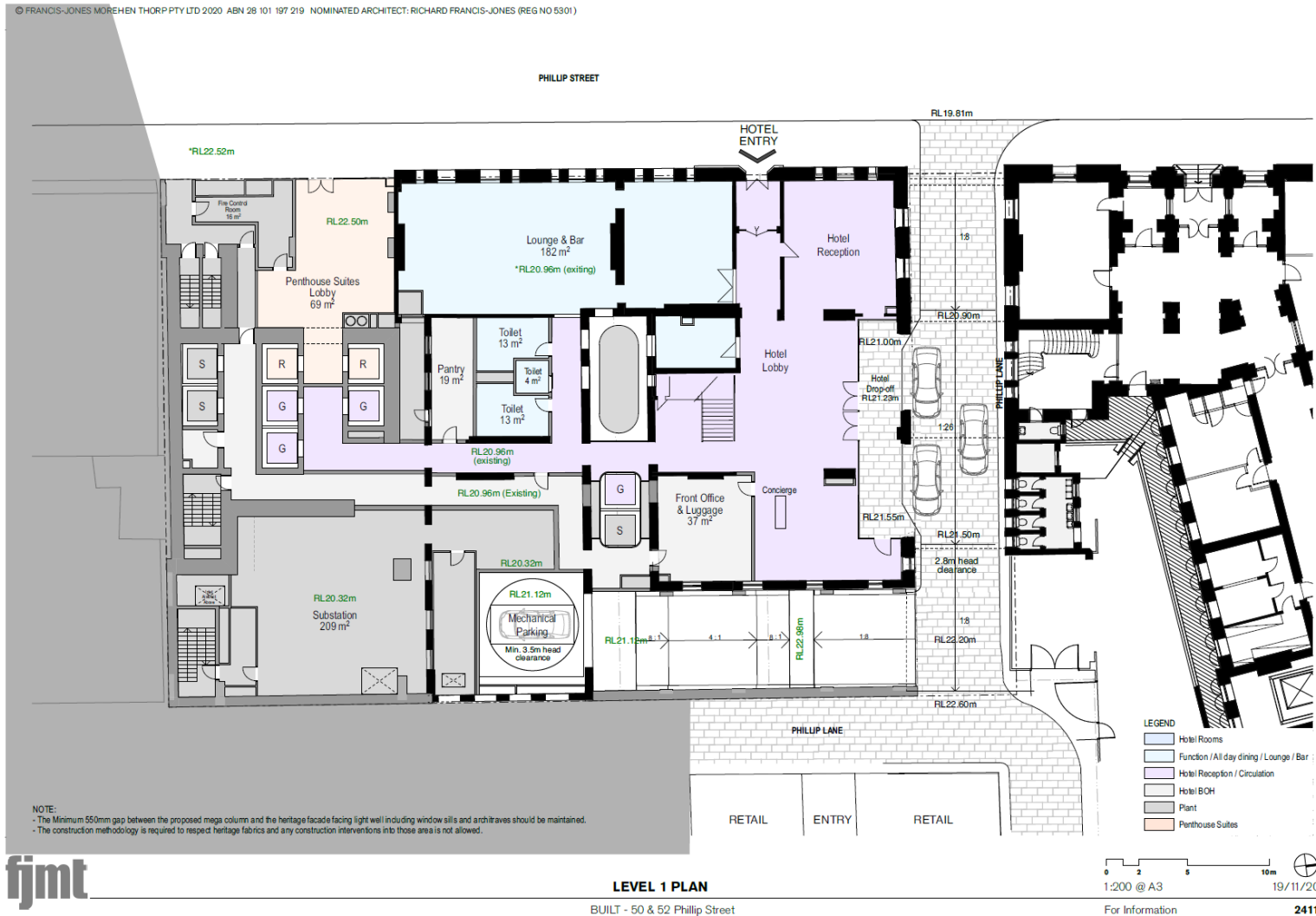


Figure 6.4: Level 1 Plan (Source: FJMT 2020)

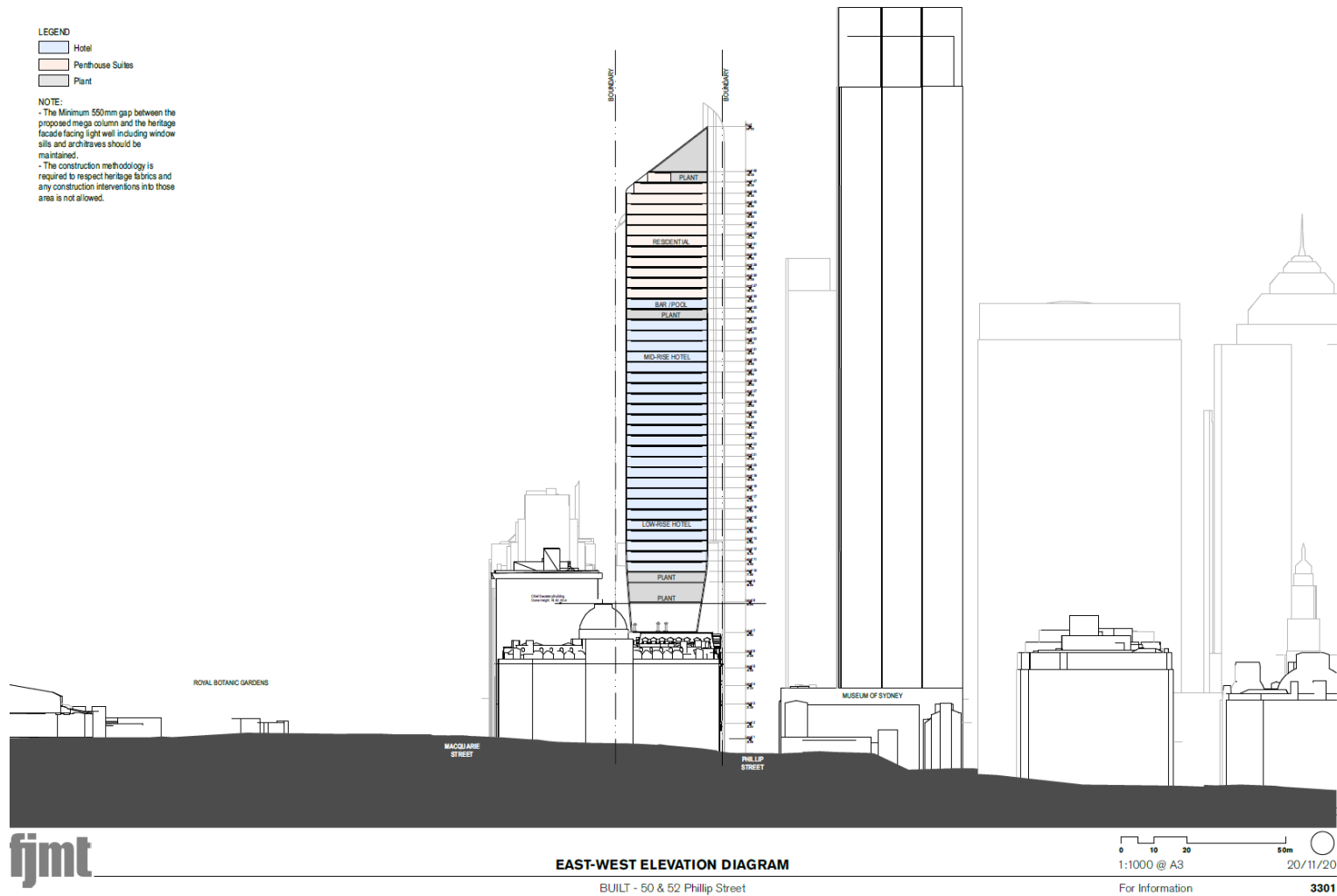


Figure 6.5: East-West Elevation (Source: FJMT 2020)

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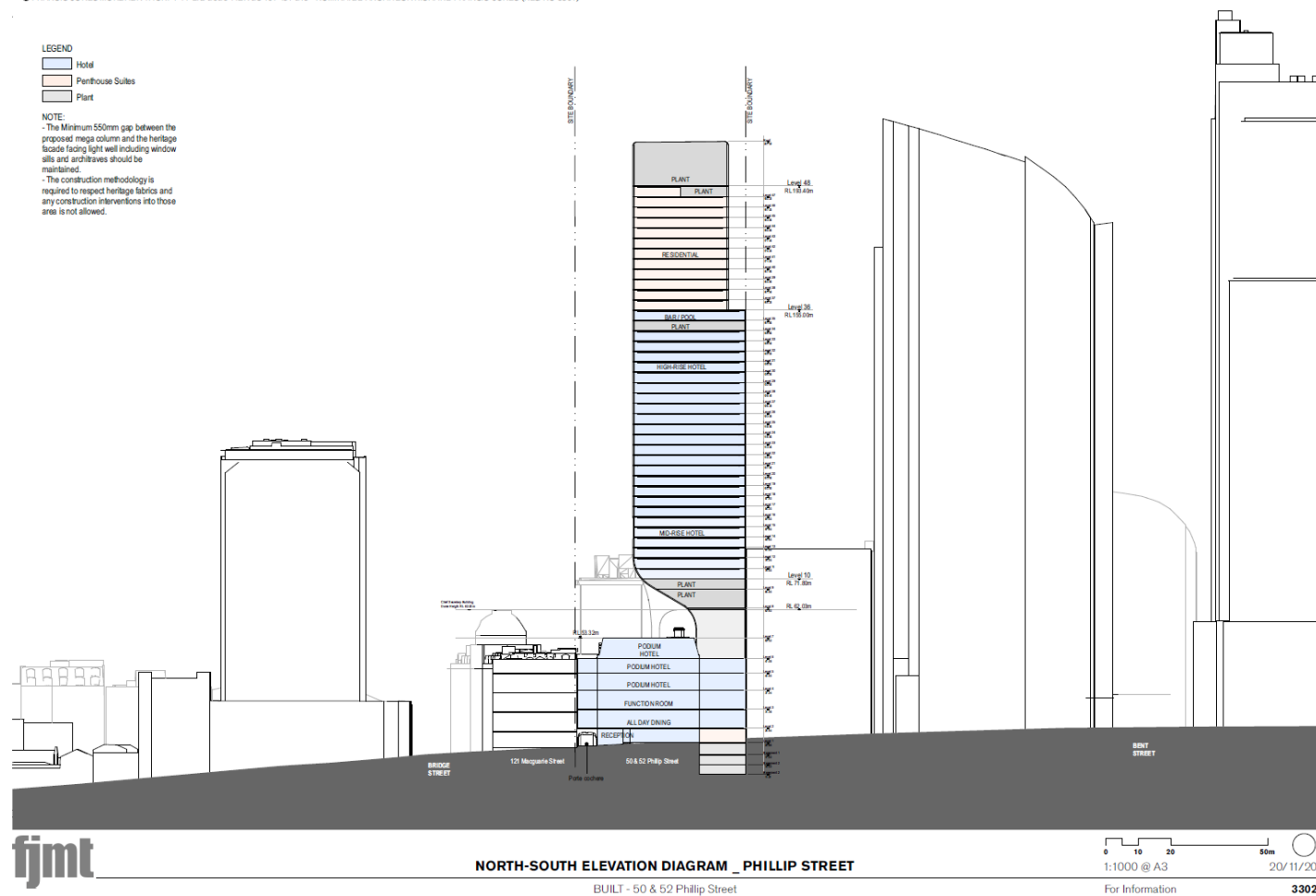


Figure 6.6: North-South Elevation (Source: FJMT 2020)

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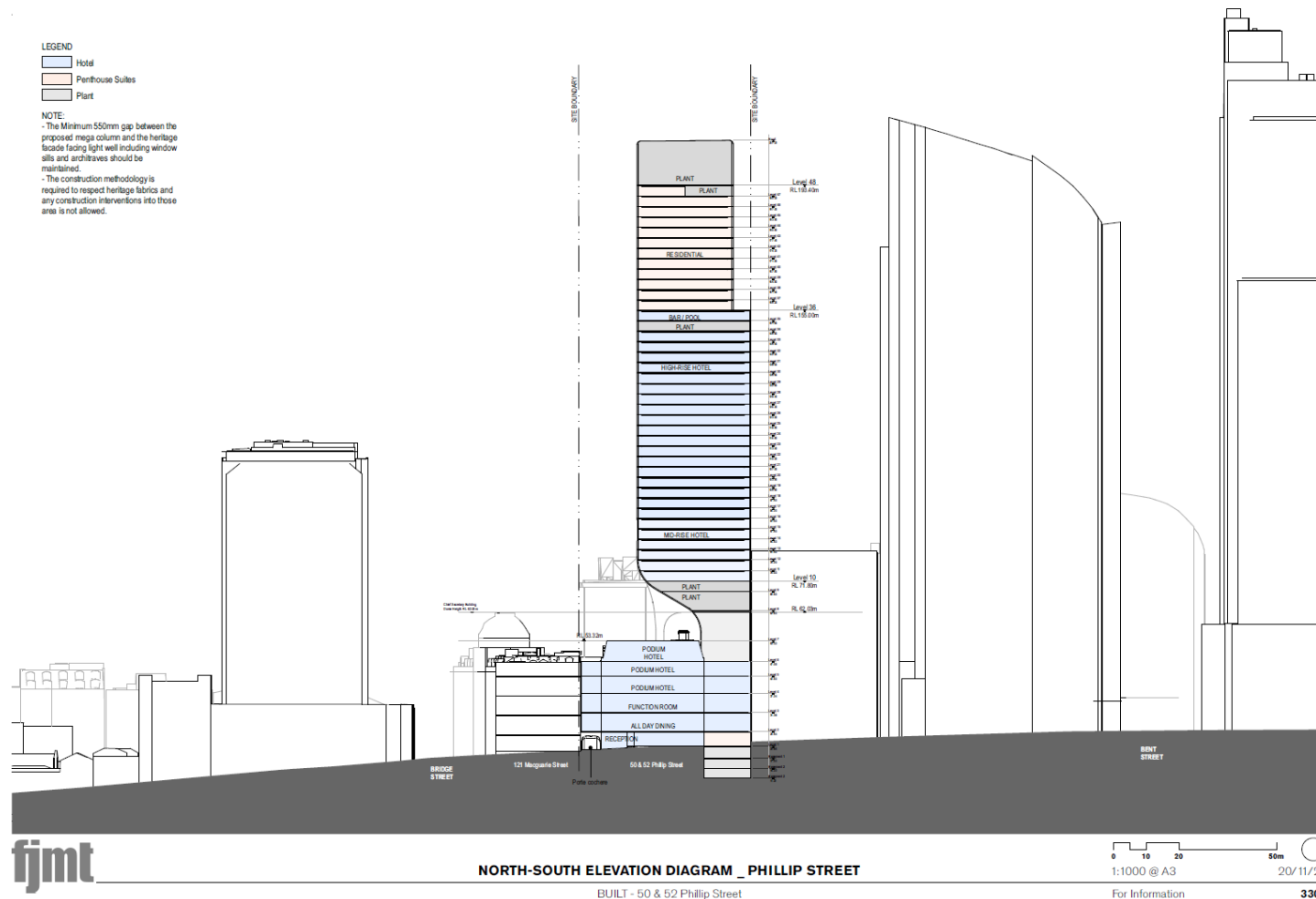


Figure 6.7: North-South Section (Source: FJMT 2020)

6.3. Avoiding and Minimising Harm

While the provisions of the NPW Act hinge predominantly on the presence and protection of physical Aboriginal sites (i.e. an AHIP provides a defence against 'harm' to 'Aboriginal objects'), an effective and holistic assessment of potential impact to Aboriginal cultural heritage values as posed by a development is really two-fold:

- The physical and archaeological values of sites (tangible heritage); and
- The wider social and cultural impact of a development within a landscape (often relating to more intangible Aboriginal heritage values, lacking material evidence).

6.3.1. Potential Impact to Aboriginal Objects/Sites/Archaeology

At the time of writing this report, the proposed developments are in the preliminary stages (Stage 1 of the SSD DA), and therefore there is limited knowledge of all proposed impacts for the study area. Further detailed design and construction development will be available with the lodging of a Stage 2 SSD DA at a later time. At this stage in time, there are proposed works for a basement presented, and therefore will be assessed with respect to the potential impact it may have to aboriginal cultural heritage values and potential archaeology.

It should be noted that any natural soil profiles beneath the 50-52 Phillip Street study area are likely to have already been subject to high levels of disturbance, due to extensive historical use and development of the site since 1788 – as well as the propensity for the soil types in this area to suffer from extensive sheet erosion following vegetation clearing. Wherever basements exist beneath existing buildings (i.e. directly to the east and south of the study area), this will have removed all natural soil profiles, and therefore locations with existing basements will have no Aboriginal archaeological potential.

Areas without basements (i.e. the Phillip Lane and 52 Phillip Street) would likely still have potential to retain natural soil profiles, and hence, retain Aboriginal archaeological potential. Deep excavation works have the highest potential to impact any remnant natural soil profiles that hold the potential to retain Aboriginal archaeological deposits. However, at this point in time it cannot be determined where there may be remnant natural soil profiles or potentially archaeologically sensitive areas, until such time as further geotechnical investigation at the site is able to be undertaken (as per the recommendation from Golder's desktop study), as well as future investigation/access to 52 Phillip Street building, to allow assessment of existing extent of historical disturbance of this site.

While historical disturbance severely limits the intactness of any potential Aboriginal archaeological resource, until the nature of the potential natural soils (as identified through historical archaeological testing, and geotechnical/environmental testing) can be investigated, the potential for the presence of Aboriginal archaeological deposits within the study area (outside of areas with existing basements), albeit low, must still be acknowledged.

Thus, the proposed development, which includes large ground disturbing impacts (i.e. the proposed basement under 52 Phillip Street), should be mindful of the potential to encounter natural soil profiles, will in turn have potential to encounter archaeological deposits (should they be present within the study area).

Table 6.1: Type and Degree of Impact and Harm that Development Activities may cause to Aboriginal sites

ACTIVITY	TYPE OF HARM	DEGREE OF HARM	CONSEQUENCE OF HARM
Bulk Excavation (Basement)	Direct	Partial	Partial loss of value (dependant on nature of potential aboriginal archaeological deposits)

6.3.2. Potential Impact to Aboriginal Cultural Heritage Values

Intangible Aboriginal heritage values of a site or area are as important to the local Aboriginal community, if not more important, as the more tangible and physical evidence of Aboriginal life and culture that remains in the landscape. Therefore, it is appropriate to consider the potential impact the proposed development may have to wider intangible cultural heritage values, and, should potential impact be identified, appropriate management strategies should be developed to help mitigate this impact.

Considering the current form of the study area as a significantly developed and built site in the highly urbanised environment of the Sydney CBD, it is unlikely that the physical form of any new building would present an impact to Aboriginal cultural heritage values.

However, the association of the larger surrounding area with the gardens of First Government House and Aboriginal burials, regardless of whether there are any physical/archaeological remaining within the study area or surrounds, would be of high cultural and social significance to Aboriginal people. While the archaeological potential for Aboriginal burials to remain within the study area is low, should evidence of burials be present, any impact posed by the development to such features would present an unacceptable and detrimental level of impact to Aboriginal cultural heritage values, and should be avoided.

6.4. Proposed Conservation (Avoidance)

It is recommended that the development design makes a concerted effort to locate impacts as much as possible within areas of the study area that have already been excavated and/or highly disturbed by previous works (i.e. previous basements), and therefore have low to no potential to contain Aboriginal archaeological deposits.

The subsurface impacts proposed by the development should consider lower levels of historical disturbance within the study area (i.e. particularly the laneway to the south of the Colonial Secretary's Building), due to the potential for Aboriginal archaeological deposits and burials. Should subsurface

impacts be required within these areas, this would require preliminary investigation works (e.g. geotechnical investigation) prior to finalisation of development impacts, to identify the nature/presence of subsurface soil profiles and potential Aboriginal archaeology. Early investigation in these areas should be undertaken to ensure impact to any significant Aboriginal archaeology or burials (if found to be present within the study area) could be avoided by future development works.

Should Aboriginal burials be found to be present within the study area, these would require retention in situ without impact, with further management and mitigation measures to be guided and developed in accordance with the wishes of, and through comprehensive consultation with, the Aboriginal community.

It is noted that Section 90 AHIP permits are not issued to allow harm to Aboriginal burials.

6.5. Harm to Aboriginal Objects and Values

There are no registered Aboriginal sites located within the study area. While there is a low potential for intact Aboriginal archaeological deposits to remain within the study area, should such deposits be found to be present within potential remnant natural soil profiles, these may have potential for moderate to high social, historical and scientific significance.

Should Aboriginal burials be present within the study area, this would be of exceptional cultural, social, historical, and scientific significance, and would require in situ conservation without impact.

Once design development has progressed to understand proposed impacts, particularly with respect to subsurface development impacts, this section should be revised and updated specific to the confirmed impacts.

7. Management, Mitigation and Recommendations

This report relates specifically to the proposed development impacts of the 50-52 Phillip Street, in relation to potential Aboriginal archaeological and cultural heritage impacts, and provides recommendations for management and mitigation of development impacts, both archaeologically (i.e. ground disturbing works), as well as culturally (i.e. opportunities for Aboriginal cultural heritage interpretation within the site redevelopment).

Measures and recommendations to mitigate impact to Aboriginal cultural heritage values and potential archaeology, as presented by the redevelopment of the study area, are not able to be developed until development impacts are confirmed. Therefore, this section should be revised and refined once the development design has progressed and proposed impacts are known.

7.1. Mitigation Measures

Measures that can be applied to a site of this nature in order to mitigate impact to Aboriginal cultural values and/or potential archaeology include (but are not limited to) the following strategies:

- Intentional design development to **avoid and conserve** areas of higher heritage significance and/or archaeological sensitivity;
- **Archaeological investigation** where impacts to potential Aboriginal archaeology are identified as being unavoidable for the viability by the design (does not include impact to Aboriginal burials, should they be present within the study area);
- **Aboriginal Heritage Interpretation** to facilitate a long term conservation outcome for Aboriginal cultural heritage values (tangible and intangible) within the proposed development.

7.1.1. Avoid and Conserve

With further geotechnical information available, there would be a greater understanding of the archaeological potential and potentially high risk areas within the currently proposed impact zone. With this information, proposed designs may be guided to develop a more considerate development that would minimise the impacts on potential archaeological finds.

7.1.2. Archaeological Investigation

A brief suggestive archaeological excavation methodology has been developed based on the Aboriginal archaeological predictive model, as well as taking into consideration the shape and nature of the proposed basement. As stated in the impacts above (Section 6), deep excavation going down 9m (potentially to bedrock) will be required for the construction of the proposed basement.

The methodology would entail initial testing of the impact zone, with test pits along Phillip street, the base of 52 Phillip Street and along Phillip Lane. This will aim to identify the presence or absence of intact subsurface soil profiles and any associated Aboriginal archaeological deposits that may be

present. Guided by the results of the initial testing, salvage excavation will be proposed to be undertaken within the impacted zone in order to recover archaeological deposits.

Should further geotechnical information become available, the indication of potential intact or disturbed soil would allow for the possibility to reduce the number of test pits along the impacted zone.

7.1.3. Aboriginal Heritage Interpretation

Aboriginal heritage interpretation strategies can contribute to the conservation and celebration of the history and cultural heritage of the local Darug people and wider local Aboriginal community, preserving their culture, history and stories within the development for generations to come.

7.2. Conclusions and Recommendations

This report relates specifically to the proposed development works of 50-52 Phillip Street, Sydney in relation to potential Aboriginal archaeological and cultural heritage impacts. The following conclusions and recommendations are made based on:

- Legislation as detailed and adhered to through this ACHAR, including the NPW Act, EP&A Act, and relevant OEH statutory guidelines, protecting Aboriginal cultural and archaeological objects and places in NSW;
- Background research and archaeological analysis of the study area in its local and regional contexts;
- Consultation with the local Aboriginal community regarding the cultural significance of the study area and surrounding Sydney CBD region, noting their concern, views and requests; and
- Providing general assessment on the 50-52 Phillip Street study area as a guide for the proponent until detailed impact assessments can be made once proposed works are developed.

7.2.1. Conclusions

- This ACHAR documents the process of investigation, consultation, and assessment with regards to Aboriginal cultural heritage and Aboriginal archaeology, as undertaken for the 50-52 Phillip Street, Sydney project and proposed development works.
- The 50-52 Phillip Street study area has been subject to significant historical ground disturbance and use since 1788 relating to the use of the site as First Government House gardens, development of government and residential lots, erection of Chief Secretary's Building and Public Works Offices, and additions of 50-52 Phillip Street and other

consequential buildings in the area (especially the presence of basements), that would likely have impacted and/or removed the majority of natural soil profiles.

- In general, the study area has low potential for Aboriginal archaeological deposits to be present, due to the levels of historical disturbance at the site, as well as the propensity for Gympsea soils for erosion following vegetation clearance. However, it should be kept in mind that the potential for burials has been identified at the First Government House site (now the Museum of Sydney site), which is located immediately to the west of the study area. If a burial is found to be present, this will require a reconsideration for proposed works, requiring in situ retention and significant discussion with the Aboriginal community.
- There has been very limited investigative works done to the study area, other than some historical excavation works to Phillip Lane and a desktop geotechnical study, and therefore there is limited information on the soil profiles within the study area. Further geotechnical will be needed to confirm the potential for natural soil pockets in the study area.
- While the Aboriginal archaeological potential within the 50-52 Phillip Street study area is considered low, should an Aboriginal archaeological deposit be found to be present, this may have moderate scientific significance for its ability to provide evidence for and insight into Aboriginal occupation and use of the locality prior to 1788, representative of the study area as part of the wider Aboriginal cultural landscape of the Sydney Harbour Foreshore.

7.2.2. Recommendations

The following recommendations are made in light of the conclusions above, following from the Aboriginal cultural heritage assessment of development works proposed by the SSDA for 50-52 Phillip Street, Sydney, including Aboriginal community consultation, ethnohistorical and environmental context, predictive modelling, heritage significance assessment and impact assessment, in accordance with relevant NSW OEH statutory guidelines. It is recommended that:

- While archaeological potential is low, should an aboriginal archaeological deposit be present within the study area, this may hold moderate to high significance, and therefore it is important to develop appropriate management strategies to help mitigate any potential impacts (once plans are provided).
- The management strategies as briefly mentioned through this ACHAR have been prepared with the anticipation that they will help guide SSDA plans, and once finalised the impact assessment and management strategies will be revised.
- Representatives from the recognised knowledge holder/Indigenous stakeholders as identified through the Aboriginal community consultation process for the project, should be present for and participate in any potential archaeological investigation works within the 50-52 Phillip Street study area.

- Aboriginal archaeological works (if required) should be coordinated with historical archaeological investigation works (as per the Curio 2020 Historical AA).
- Continuing consultation with the project RAPs should also be undertaken through the subsequent development stages of the project.
- With respect to Aboriginal intangible heritage values (social and cultural), the 50-52 Phillip Street project presents an opportunity for a positive impact, to be achieved through an Aboriginal cultural heritage interpretation within the site to celebrate and communicate the significance of the site and landscape to the local Aboriginal community.
- Once proposed works and designs have been finalised, this report will need revision to address the specific impacts and develop appropriate management strategies.

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APPENDIX A – Aboriginal Community Consultation Log

Stage 1 – Notification of Project Proposal and Registration of Interest

State 1.1 – Compilation of a list of Aboriginal stakeholders

STATUTORY BODY	CONTACT	DATE SENT	DATE REPLY	COMMENT
NSW Office of Environment and Heritage Regional Office	Barry Gunther	10/7/2020	3/8/3030	List of stakeholders
Metropolitan Local Aboriginal Land Council (Metro LALC)	Nathan Moran	10/7/2020	13/7/2020	Registration
City of Sydney Council	David Beaumont	10/7/2020	17/7/2020	'The City advises contacting the Metropolitan Local Aboriginal Land Council on matters of Aboriginal cultural heritage within the local government area of Sydney.'
Greater Sydney Local Land Services		10/7/2020		No response
National Native Title Tribunal	N/A	10/7/2020	10/7/2020	Search of Native Title web. No native title responses.
Native Title Services Corp		10/7/2020		No response
The Registrar, Aboriginal Lands Rights Act	Rachel Rewiri	10/7/2020	17/8/2020	'We suggest you contact the Metropolitan Local Aboriginal Land Council on (02) 8394 9666 or via email – nmoran@metrolalc.org.au as they may wish to participate.'

Stage 1.2 – Newspaper Advertisement

NEWSPAPER	DATE SENT	DATE PRINTED
Sydney Morning Herald	13/7/2020	17/7/2020

A minimum of 14 days were allowed for Aboriginal people to respond to the newspaper advertisement.

Stage 1.3 and 1.4 – List of Aboriginal Groups/People from Stage 1.1 and 1.2, Aboriginal notification of proposed project and offer to be involved in consultation

ORGANISATION/PERSON	CONTACT	HOW NAME WAS OBTAINED	DATE CONTACTED	DATE REGISTERED	COMMENT
Metropolitan LALC	Nathan Moran	Statutory Body	10/7/2020	13/7/2020	
La Perouse Local Aboriginal Land Council	Chris Ingrey	OEH	10/8/2020		
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	OEH	10/8/2020		Invitation posted
Darug Land Observations	Jamie & Anna Workman	OEH	10/8/2020		
A1 Indigenous Services	Carolyn Hickey	OEH	10/8/2020	11/8/2020	
Eric Keidge		OEH	10/8/2020		Invitation posted
Kamilaroi Yankuntjatjara Working Group	Phil Khan	OEH	10/8/2020		
Tocomwall	Scott Franks	OEH	10/8/2020		Invitation posted
Amanda Hickey Cultural Services	Amanda Hickey	OEH	10/8/2020	23/8/2020	
Gunyu	Kylie Ann Bell	OEH	10/8/2020		
Walbunja	Hika Te Kowhai	OEH	10/8/2020		

Badu	Karia Lea Bond	OEH	10/8/2020		Invitation posted
Goobah Developments	Basil Smith	OEH	10/8/2020		Invitation posted
Wullung	Lee-Roy James Boota	OEH	10/8/2020		Invitation posted
Yerramurra	Robert Parson	OEH	10/8/2020		
Nundagurri	Newton Carriage	OEH	10/8/2020		
Murrumbul	Mark Henry	OEH	10/8/2020		
Jerringong	Joanne Anne Stewart	OEH	10/8/2020		
Pemulwuy CHTS	Pemulwuy Johnson	OEH	10/8/2020		
Bilinga	Simalene Carriage	OEH	10/8/2020		
Munyunga	Kaya Dawn Bell	OEH	10/8/2020		
Wingikara	Hayley Bell	OEH	10/8/2020		
Minnamunnung	Aaron Broad	OEH	10/8/2020		Invitation posted
Walgala	Ronald Stewart	OEH	10/8/2020		
Thauaira	Shane Carriage	OEH	10/8/2020		
Dharug	Andrew Bond	OEH	10/8/2020		
Gulaga	Wendy Smith	OEH	10/8/2020		
Biamanga	Seli Storer	OEH	10/8/2020		
Callendulla	Corey Smith	OEH	10/8/2020		
Murramarang	Roxanne Smith	OEH	10/8/2020		
DJMD Consultancy	Darren Duncan	OEH	10/8/2020		
Butucarbin Aboriginal Corporation	Jennifer Beale	OEH	10/8/2020		
Didge Ngunawal Clan	Lillie Carroll & Paul Boyd	OEH	10/8/2020	10/8/2020	
Ginninderra Aboriginal Corporation	Steven Johnson and Krystle Carroll	OEH	10/8/2020		
Wailwan Aboriginal Group	Philip Boney	OEH	10/8/2020		

Barking Owl Aboriginal Corporation	Jody Kulakowski	OEH	10/8/2020		
Thoorga Nura	John Carriage	OEH	10/8/2020		
B.H. Heritage Consultants	Ralph Hampton	OEH	10/8/2020		
B.H. Heritage Consultants	Nola Hampton	OEH	10/8/2020		
Darug Boorooberongal Elders Aboriginal Corporation	Paul Hand	OEH	10/8/2020		
Goodradigbee Cultural & Heritage Aboriginal Corporation	Caine Carroll	OEH	10/8/2020		
Mura Indigenous Corporation	Phillip Carroll	OEH	10/8/2020		Invitation posted
Aragung Aboriginal Cultural Heritage Site Assessments	Jamie Eastwood	OEH	10/8/2020		
Waawaar Awaa	Rodney Gunther	OEH	10/8/2020		
Clive Freeman		OEH	10/8/2020	11/8/2020	
Galamaay Cultural Consultants (GCC)	Robert Slater	OEH	10/8/2020		
Wurrumay Pty Ltd	Kerrie Slater and Vicky Slater	OEH	10/8/2020		
Ngambaa Cultural Connections	Kaarina Slater	OEH	10/8/2020		
Yurrandaali Cultrual Services Pty Ltd	Bo Field	Newspaper Advert		18/8/2020	
Barraby Cultural Services	Lee Field	Newspaper Advert		18/8/2020	

Stage 1.5 – Registered Aboriginal Parties

ABORIGINAL ORGANISATION/PERSON	CONTACT	METHOD REGISTERED	REGISTRATION DATE & COMMENTS
A1 Indigenous Services	Carolyn Hickey	Email	11/8/2020 – would like to register for consultation meetings and fieldwork
Amanda Hickey Cultural Services	Amanda Hickey	Email	23/8/2020 – would like to register for consultation meetings and future fieldwork
Barraby Cultural Services	Lee Field	Email	18/8/2020
Clive Freeman		Email	11/8/2020
Didge Ngunawal Clan	Lillie Carroll & Paul Boyd	Email	10/8/2020
Metropolitan LALC	Nathan Moran	Email	13/7/2020
Yurrandaali Cultrual Services Pty Ltd	Bo Field	Email	18/8/2020

Stage 2 – Presentation of Information About Proposed Project

Stage 2.1 – Presentation of proposed project information and provision of proposed assessment methodology to RAPs

All RAPs were provided a copy of a document presenting the project information and proposed cultural heritage assessment methodology

ABORIGINAL ORGANISATION/PERSON	DATE SENT	DATE REPLY	METHOD OF REPLY	COMMENTS, OUTCOMES OR ISSUES
A1 Indigenous Services	31/8/2020	6/9/2020	Email	<i>I have reviewed the document and support the Information and Methodology. A1 would like to be involved in any future Meetings and field work.</i>
Amanda Hickey Cultural Services	31/8/2020	17/9/2020	Email	<i>I have reviewed the document and support the project information and methodology</i>
Barraby Cultural Services	31/8/2020		Email	
Clive Freeman	31/8/2020		Email	
Didge Ngunawal Clan	31/8/2020	31/8/2020	Email	<i>DNC would like to tell you that we are happy with the methodology and is such an interesting project and we hope to be included in the fieldwork</i>
Metropolitan LALC	31/8/2020		Email	
Yurrandaali Cultrual Services Pty Ltd	31/8/2020		Email	

All RAPs were provided with a minimum of 28 days (from the date of provision of methodology document) to provide feedback of the project information and proposed cultural heritage methodology document.

Submissions to the project information and methodology were documented, addressed where appropriate, and included within the ACHAR.

Stage 3 – Gathering Information about Cultural Significance

Stage 3.1 – Gathering information from RAPs on presence of Aboriginal objects of cultural value, and places of cultural value

RAPs were provided the cultural heritage assessment methodology at the same time as the project information, with a minimum of 28 days to provide feedback of the project information and proposed cultural heritage methodology document. Details including submissions and responses are summarised above in Stage 2.1.

Stage 4 – Review of Draft Cultural Heritage Assessment Report

All RAPs were provided a copy of the draft ACHAR via email on 16 October 2020 and provided with 28 days from date of provision of draft ACHAR for review. Comments received are detailed below. A reminder email for feedback/comment was sent to all RAPs on 19 November 2020.

A copy of all written submissions received from project RAPs are attached to this appendix.

ABORIGINAL ORGANISATION/PERSON	CONTACT	DATE SENT	DATE REPLY	METHOD OF REPLY	COMMENTS, OUTCOMES OR ISSUES
A1 Indigenous Services	Carolyn Hickey	16/10/2020		Email	Sent follow up email 19/11/2020, no response
Amanda Hickey Cultural Services	Amanda DeZwart	16/10/2020		Email	Sent follow up email 19/11/2020, no response
Barraby Cultural Services	Lee Field	16/10/2020		Email	Sent follow up email 19/11/2020, no response
Clive Freeman	Clive Freeman	16/10/2020		Email	Sent follow up email 19/11/2020, no response
Didge Ngunawal Clan	Lillie Carroll & Paul Boyd	16/10/2020	16/10/2020	Email	<i>DNC is happy with all proposals towards 50-52 Phillip St Project and is ready to proceed to the next stage</i>
Metropolitan LALC	Nathan Moran	16/10/2020		Email	Sent follow up email 19/11/2020, no response
Yurrandaali Cultrual Services Pty Ltd	Bo Field	16/10/2020		Email	Sent follow up email 19/11/2020, no response

APPENDIX B – Extensive AHIMS Search Results



AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref/PO Number : phillip st closer

Client Service ID : 522289

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-6-2299	First Government House	GDA	56	334612	6251612	Open site	Valid	Burial : -, Aboriginal Ceremony and Dreaming : -, Artefact : -	Burial/s,Historic Place	102494,102763,102765
	Contact	Recorders	Michael Guider,Watkin Tench,Artefact - Cultural Heritage Management - Pymont,NSW							
45-6-0519	Moore's Wharf	AGD	56	333600	6252200	Open site	Valid	Artefact : -	Open Camp Site	808
	Contact	Recorders	R Lampert							
45-6-2580	Junction Lane	AGD	56	335070	6250410	Open site	Valid	Artefact : -	Open Camp Site	102494,102763,102765
	Contact	Recorders	Helen Brayshaw							
45-6-2581	Angel Place	GDA	56	334223	6251138	Open site	Valid	Artefact : -	Open Camp Site	97963,102494,102763,102765
	Contact	Recorders	Dominic Steele Archaeological Consulting							
45-6-1939	MSB Tower;	GDA	56	333640	6252227	Open site	Destroyed	Art (Pigment or Engraved) : -	Rock Engraving	102763
	Contact	Recorders	Michael Guider							
45-6-1615	Bennelong Point	AGD	56	334800	6252100	Open site	Destroyed	Shell : -, Artefact : -	Midden	102763
	Contact	Recorders	ASRSYS							
45-6-1853	Lilyvale	AGD	56	333950	6251600	Open site	Valid	Shell : -, Artefact : -	Midden	102763
	Contact	Recorders	Val Attenbrow,Andrew Ross							
45-6-0030	Dawes Point;Dawes Point Park;	GDA	56	334345	6252534	Open site	Destroyed	Art (Pigment or Engraved) : -	Rock Engraving	
	Contact	Recorders	Michael Guider							
45-6-2651	William St PAD	AGD	56	334800	6250220	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,102763,102765
	Contact	Recorders	Mr.Neville Baker							
45-6-2647	KENS Site 1	AGD	56	333750	6250785	Open site	Valid	Artefact : -, Potential Archaeological Deposit (PAD) : -		99857,100494,102494,102763,102765
	Contact	Recorders	Dominic Steele Archaeological Consulting							
45-6-2687	Crown Street PAD 1	AGD	56	334950	6250300	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,102763,102765
	Contact	Recorders	Dominic Steele Archaeological Consulting							
45-6-2742	171-193 Gloucester Street PAD	AGD	56	333926	6251461	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102763

Report generated by AHIMS Web Service on 22/07/2020 for Rebecca Agius for the following area at Lat, Long From : -33.8663, 151.2083 - Lat, Long To : -33.8611, 151.2165 with a Buffer of 1000 meters. Additional Info : for a report. Number of Aboriginal sites and Aboriginal objects found is 27

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

Page 1 of 3

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : phillip st closer

Client Service ID : 522289

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<u>Contact</u>	<u>Recorders</u>						<u>Permits</u>		
45-6-2783	PAD Central Royal Botanic Gardens	AGD	56	334900	6251030	Open site	Valid	Potential Archaeological Deposit (PAD) :-	2143,2342,2766	102494,10276 3,102765
	<u>Contact</u> T Russell	<u>Recorders</u> Haglund and Associates						<u>Permits</u>	2364	
45-6-2796	320-328 George St PAD	AGD	56	334100	6251050	Open site	Valid	Potential Archaeological Deposit (PAD) :-		102494,10276 3,102765
	<u>Contact</u> T Russell	<u>Recorders</u> Mr.Dominic Steele						<u>Permits</u>	2415	
45-6-2838	420 George Street PAD	AGD	56	334080	6250670	Open site	Not a Site	Potential Archaeological Deposit (PAD) :-		102494,10276 3,102765
	<u>Contact</u>	<u>Recorders</u> Doctor.Tim Owen						<u>Permits</u>	2654	
45-6-2934	Yurong Cave	GDA	56	335595	6251900	Closed site	Valid	Art (Pigment or Engraved) :-		102763
	<u>Contact</u>	<u>Recorders</u> Michael Guider,Mr.Paul Irish						<u>Permits</u>		
45-6-2935	Yurong 1	GDA	56	335555	6252020	Open site	Valid	Shell : 6		
	<u>Contact</u>	<u>Recorders</u> Michael Guider,Mr.Paul Irish						<u>Permits</u>		
45-6-3081	200 George Street	GDA	56	334237	6251637	Open site	Not a Site	Potential Archaeological Deposit (PAD) : 1		103114
	<u>Contact</u>	<u>Recorders</u> Ms.Sally MacLennan						<u>Permits</u>	3577,3934,4239	
45-6-3152	168-190 Day Street, Sydney PAD	GDA	56	333877	6250257	Open site	Not a Site	Potential Archaeological Deposit (PAD) :-		
	<u>Contact</u>	<u>Recorders</u> Mr.Josh Symons,Mr.Alex Timms						<u>Permits</u>	3789	
45-6-3116	Wynyard Walk PAD	GDA	56	333931	6251252	Open site	Destroyed	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u> GML Heritage Pty Ltd + Context - Surry Hills,GML Heritage Pty Ltd + Context - Surry						<u>Permits</u>	3670	
45-6-3324	RBG PAD 1	GDA	56	334802	6251224	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u> AMAC Group P/L,Mr.Benjamin Streat						<u>Permits</u>		
45-6-3325	RBG PAD 2	GDA	56	335212	6251494	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>	<u>Recorders</u> AMAC Group P/L,Mr.Benjamin Streat						<u>Permits</u>		

Report generated by AHIMS Web Service on 22/07/2020 for Rebecca Agius for the following area at Lat, Long From : -33.8663, 151.2083 - Lat, Long To : -33.8611, 151.2165 with a Buffer of 1000 meters. Additional Info : for a report. Number of Aboriginal sites and Aboriginal objects found is 27

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : phillip st closer

Client Service ID : 522289

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-6-3327	RBG PAD 3	GDA	56	334957	6251832	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>							<u>Permits</u>		
45-6-3502	Loftus PAD 01	GDA	56	334551	6251635	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>	4292	
45-6-3446	71 Macquarie Street PAD	GDA	56	334663	6251783	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>	4285	
45-6-3705	Kent and Erskine St PAD	GDA	56	333876	6251145	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>		
45-6-3762	Harrington IFS01	GDA	56	334178	6251888	Open site	Destroyed	Artefact : 1		
	<u>Contact</u>							<u>Permits</u>		
		<u>Recorders</u>				AMAC Group P/L,Mr.Benjamin Streat				

Report generated by AHIMS Web Service on 22/07/2020 for Rebecca Agius for the following area at Lat, Long From : -33.8663, 151.2083 - Lat, Long To : -33.8611, 151.2165 with a Buffer of 1000 meters. Additional Info : for a report. Number of Aboriginal sites and Aboriginal objects found is 27

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APPENDIX C – Glossary of Technical Terms

TERM	DEFINITION
Aboriginal Object	“Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains” (DECCW 2010:18).
Aboriginal Place	“A place declared under s.84 of the NPW Act that, in the opinion of the Minister, is or was of special significance to Aboriginal culture” (DECCW 2010:18). Aboriginal places are gazetted by the minister.
Archaeological survey	A method of data collection for Aboriginal heritage assessment. It involves a survey team walking over the land in a systematic way, recording information about how and where the survey is conducted, recording information about the landscape and recording any archaeological sites or materials that are visible on the land surface. The activities undertaken by a survey team do not involve invasive or destructive procedures, and are limited to note taking, photography and making other records of the landscape and archaeological sites (e.g. sketching maps or archaeological features). (From DECCW 2010: 37)
Exposure	Estimates area with a likelihood of revealing buried artefacts or deposits rather than just an observation of the amount of bare ground. The percentage of land for which erosion and exposure was sufficient to reveal archaeological evidence of the surface of the ground. (From DECCW 2010: 37)
In Situ	Anything in its natural or original position or place is said to be in situ.
Knapping	The process of manufacture of stone tools.
PAD	Potential Archaeological Deposit. Nature of potential site yet unknown, environmental, archaeological and cultural modelling suggests the location has potential for a subsurface archaeological deposit to be present.
Test Unit	Location identified for archaeological test excavation
Study Area	Development/project area to which this report, the information, discussion and assessment presented within, directly refers to.



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