


60-78 Regent Street, Redfern

Statement of Non-Indigenous (historic)
Heritage Impact

Report to Iglu Pty Ltd

December 2014



 artefact

Artefact Heritage

ABN 73 144 973 526

Lvl 1/716 New South Head Rd
Rose Bay 2029

PO BOX 772 Rose Bay
NSW Australia 2029

+61 2 9025 3958

office@artefact.net.au

EXECUTIVE SUMMARY

Iglu Pty Limited has engaged Artefact Heritage to prepare a non-Indigenous (historic) Statement of Heritage Impact (SoHI) for the proposed Student Accommodation development at 60-78 Regent Street, Redfern (the proposal); encompassing an area bounded by Regent Street to the east, William Lane to the west and private properties on the north and south (the study area).

The aims of this report are to identify any Non-Indigenous (historic) heritage items which may be present within or adjacent to the study area, assess the potential for as yet unidentified historical archaeology to be present within the study area, and to identify any constraints or impacts that may potentially arise from the proposal.

Overview of findings

- The study area is not heritage listed, although the existing buildings demonstrate the development of the area, and reflect the ongoing commercial nature of this part of the suburb of Redfern.
- The Redfern Estate HCA is located 20 metres to the east of the study area. It would not be affected physically by the proposal. The proposal is likely to have some impact on the item visually.
- The study area has potential to preserve a substantial archaeological profile dating back 170 years, although there is insufficient evidence to make a clear determination of its integrity. The proposed development has the potential to negatively impact on this archaeological resource (impacts to be finalised), although this can be mitigated through the adoption of strategies outlined in the following section.

Recommendations

- Depending on the nature of in-ground impacts archaeological test excavation may be required in selected areas to determine the presence or absence of archaeological remains, and identify the intactness, possible extent and refine potential significance. If required, test trenches would be excavated to the top of archaeological remains, or to the top of naturally formed deposits. An appropriate archaeological testing methodology and research design would need to be developed prior to any test excavation once in-ground impacts are finalised.
- Workers should be given a heritage induction prior to excavation. If unexpected archaeological remains are encountered during development, work in the immediate vicinity of the finds should cease and a qualified archaeologist contacted to assess the significance of the remains.

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1.0 INTRODUCTION AND BACKGROUND

1.1 Background

Iglu Pty Limited has engaged Artefact Heritage to prepare a non-Indigenous (historic) Statement of Heritage Impact (SoHI) for the proposed Student Accommodation development at 60-78 Regent Street, Redfern (the proposal); encompassing an area bounded by Regent Street to the east, William Lane to the west and private properties on the north and south (the study area).

The aims of this report are to identify any Non-Indigenous (historic) heritage items which may be present within or adjacent to the study area, assess the potential for as yet unidentified historical archaeology to be present within the study area, and to identify any constraints or impacts that may potentially arise from the proposal.

1.2 The study area

The study area includes 60-78 Regent Street (Lots B to F of DP108322 and Lots 6 to 10 of Section 1, DP3954. The study area is bounded by Regent Street to the east, William Lane to the west and private properties on the north and south. Currently the study area contains ten conjoined structures that are utilised for the hospitality industry.

Figure 1: The study area. Source: Iglu Pty Ltd

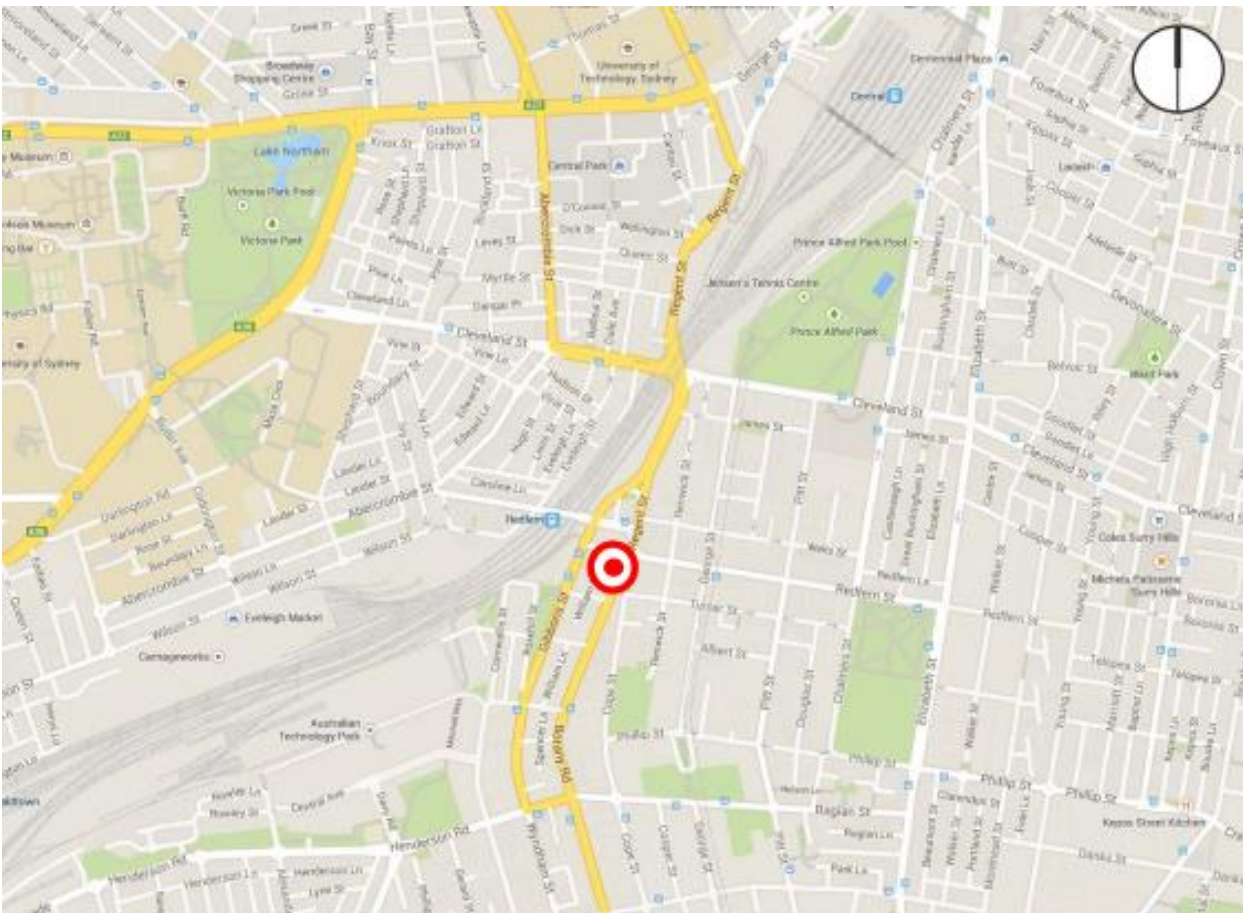


Figure 2: Aerial photograph of the site. Source: Iglu Pty Ltd.



1.3 Statutory Context

The proposal has been deemed State Significant Development (SSD) by the NSW Department of Planning and Environment (DPE) and as such, approval is not required from the NSW Heritage Division to impact historic archaeological remains or State Heritage Register (SHR) listed items, providing the requirements of the Secretary Environmental Assessment Requirements (SEARS) are met.

There are several items of State legislation that form the basis for managing non-Indigenous heritage in NSW. This section provides a summary of these items of legislation and associated statutory registers.

The study area, including the extant buildings, are not currently listed on any heritage register. No heritage listed items are located within the study area.

1.3.1 The NSW Heritage Act 1977

The NSW *Heritage Act 1977* (the Act) is the primary item of State legislation affording protection to items of environmental heritage (natural and cultural) in NSW. The Act is designed to protect both listed heritage items, such as standing structures, and potential archaeological remains or relics. Under the Heritage Act, 'items of environmental heritage' include places, buildings, works, relics, moveable objects and precincts identified as significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values. State significant items are listed on the NSW State Heritage Register (SHR) and are given automatic protection under the Heritage Act against any activities that may damage or affect its heritage significance.

Archaeological relics

Part 6 Division 9 of the Act protects archaeological 'relics' from being exposed, moved, damaged or destroyed. This protection extends to situations where a person has reasonable cause to suspect that archaeological remains may be affected by the disturbance or excavation of the land. It applies to all land in NSW that is not included in the SHR. Section 4(1) of the Heritage Act (as amended 2009) defines 'relic' as follows:

“relic means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance.”

Sections 139-145 of the Heritage Act prevent the excavation or disturbance of land known or likely to contain relics, unless in accordance with an excavation permit. Excavation permits are issued under Section 140 of the Heritage Act, or Section 60 for sites listed on the SHR. Excavation Permit Applications must be supported by an Archaeological Research Design. Section 146 of the Act requires that any discovery or location of a 'relic' is reported to the Heritage Council.

If the proposed works are minor and would have minimal impact on the heritage significance of the place or site, they may be granted an exception or exemption under Section 139 (4) of the Heritage Act.

Section 146 of the Act requires any person who is aware or believes that they have discovered or located a relic must notify the Heritage Council of NSW providing details of the location and other information required.

As the development is being approved as an SSD no permits would be required under the NSW Heritage Act.

Works

The Heritage Act identified 'works' as being in a separate category to archaeological 'relics.' 'Works' refer to past evidence of infrastructure. 'Works' may be buried, and therefore archaeological in nature, however, exposure of a 'work' does not trigger reporting obligations under the Act. 'Works' have the potential to provide information that contributes to our knowledge of past practises, and good environmental practice recognises this.

1.3.1.1 The State Heritage Register

The State Heritage Register (SHR) was established under Section 22 of the Heritage Act and is a list of places and objects of particular importance to the people of NSW, including archaeological sites. The SHR is maintained by the Heritage Council of the OEH and includes a diverse range of over 1500 items, in both private and public ownership. To be listed, an item must be deemed to be of heritage significance for the whole of NSW.

No items listed on the SHR are located within, or in close proximity to, the study area. The nearest SHR item is the Redfern Railway Station. This item is located over 100 metres to the north-east of the study area. As there is no direct visual connection between the study area and the item it has not been further considered in this document.

1.3.1.2 Section 170 Registers

The Heritage Act requires all government agencies to identify and manage heritage assets under their ownership and control. Under Section 170 of the Heritage Act, government instrumentalities must establish and keep a register which includes all items of environmental heritage listed on the SHR, environmental planning instruments or which may be subject to an interim heritage order that are owned, occupied or managed by that government body. Government agencies must also ensure that all items entered on its register are maintained

with due diligence in accordance with State Owned Heritage Management Principles approved by the Minister on advice of the NSW Heritage Council. These principles serve to protect and conserve the heritage significance of identified sites, items and objects and are based on relevant NSW heritage legislation and statutory guidelines.

No items listed on agency section 170 registers are located within, or in close proximity to, the study area. The nearest item is the Redfern Railway Station, listed on the Railcorp (Sydney Trains) section 170 register. This item is located over 100 metres to the north-east of the study area. As there is no direct visual connection between the study area and the item it has not been further considered in this document.

1.3.2 The Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes a framework for cultural heritage values to be formally assessed in the land use planning and development consent process. The EP&A Act requires that environmental impacts are considered prior to land development; this includes impacts on cultural heritage items and places as well as archaeological sites and deposits. The EP&A Act also requires that Local Governments prepare planning instruments (such as Local Environmental Plans [LEPs] and Development Control Plans [DCPs]) in accordance with the Act to provide guidance on the level of environmental assessment required.

The current study area falls within the boundaries of the City of Sydney Local Government Area (LGA), and is covered by the Sydney Local Environmental Plan (LEP) 2012 and the Sydney Heritage Development Control Plan (DCP) 2006.

The site is located within Redfern-Waterloo Sites area which is identified as a State Significant Site under the Major Development SEPP. As such, the SEPP prescribes the principle statutory land use planning and development controls for the site. The specific controls applying to this area (including the site) are set out in Schedule 3 – Part 5 of the Major Development SEPP.

1.3.2.1 Sydney LEP 2012

The Sydney LEP 2005 was prepared in accordance with the Environmental Planning and Assessment Act 1979 (EP&A Act), which establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process.

- The Redfern Estate Heritage Conservation Area (C56) is located approximately 20 metres to the east of the study area.

1.3.2.2 Sydney Heritage DCP 2006

The Sydney Heritage DCP contains conditions relating to archaeology. Where “there is likelihood of disturbance of significant archaeology, an Archaeological Assessment will be required” for applications relating to heritage buildings, sites and elements, and buildings older than 50 years requiring a heritage statement.

- Development in the vicinity of a heritage item is to minimise the impact on the setting of the item by (c) protecting (where possible) and allowing the interpretation of archaeological features.

1.3.3 State Environment Planning Policy (State and Regional Development) 2011

The State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP) identified development which is declared to be State significant. Schedule 2 of the SRD SEPP states that development

on the Redfern-Waterloo Sites, with Capital Investment Value (CIV) of more than \$10 million, is considered as State significant Development (SSD). The current proposal has been classified as SSD.

1.4 Secretary's Environmental Assessment Requirements (SEARs)

Under Schedule 2 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP), the proposal is classified as SSD. Approval from the Minister for Planning is required and will be based on the assessment of an EIS for the project. This heritage assessment has been prepared to support the EIS. As such the Director-General of the (NSW) Department of Planning and Environment (DP&E) has prepared SEARs which need to be addressed in the EIS. The NSW Heritage Division has had input into drafting the SEARS. The SEARS, and where they are addressed in this report, are listed in Table 1.

Table 1: Summary of the fulfilment of the Director General's Requirements.

SEAR's for assessment of historical heritage	Fulfilment of requirements
Assess the heritage significance of the site and any impacts the development may have upon this significance	Section 5.0
Identify non-Aboriginal heritage items within the area affected by the proposal.	Section 1.3
A statement of significance and an assessment of the impact of the proposal on the heritage significance of these items should be undertaken	Section 5.0 and 6.0
Any policies/measures to conserve their heritage significance should be identified.	Section 6.0
This assessment should be undertaken in accordance with the guidelines in the NSW Heritage Manual.	Throughout

1.5 Limitations and Constraints

This document deals with historic heritage only, including an assessment of historical archaeological potential, analysis of views and vistas, and a review of the heritage significance of potential heritage items within the study area and any potential impacts to those heritage items from the proposed works.

Due to time constraints a full history of the study area, including analysis of Sands Directories and the Assessment and rate books, was unable to be undertaken. A full history of the occupants and development of the study area was therefore unable to be compiled. Lot specific history would need to be compiled prior to any further archaeological investigation, or works on site commencing.

1.6 Report authorship

Senior Archaeologist Jenny Winnett prepared this report, with management input from Dr Sandra Wallace.

2.0 HISTORICAL CONTEXT

The historical context of the subject land has been compiled from cartographic material, illustrations and aerial photographs. Written histories and the results of archaeological investigations were also used. Other records, held for example by the State Records Office, have the potential to provide information about the historical context of the subject land. Such detail would not alter the recommendations of this report, although its limitations are acknowledged.

2.1 Aboriginal histories of the locality

Prior to the settlement of Europeans in 1788, areas surrounding Sydney Harbour were occupied by the Eora people. The name Eora is derived from Ea, meaning yes and ora, meaning this place or here.¹ The Eora inhabited a territory bordered by the coast to the east, Pittwater and the mouth of the Hawkesbury River to the north and the Georges River and Botany Bay to the south. Their geographical location meant that the Eora subsisted on a predominantly marine based diet of fish, shellfish and edible plants from the shoreline. Today their occupation is evident from various middens, rock shelter art and engravings along the coastline. The Eora were distributed into family and clan groups, which included different languages and varying settlements around the harbour. These groups comprised three main clans, the Gadigal, the Wanegal and the Cammeraygal.

Upon initial contact, the population of the Eora is likely to have been 1000; however some estimates put the figure at between 3000-5000.² The arrival of Europeans had a rapid effect on the Eora population due to introduced disease and dislocation and disruption of traditions and established behaviours. In 1789, the area was hit by an epidemic of smallpox-or similarly contagious disease-leading to a significant drop in population and by the 1820s, the number of Aboriginal people inhabiting the area had been irreversibly reduced.³

Of the three Eora clans, the Gadigal people occupied the land closely associated with the study area. Their traditional occupation of the area is believed to have been for at least 20,000 years prior to European arrival in 1788. The territory associated with the Gadigal people stretched from the south side of Port Jackson from South Head to Petersham.⁴

2.2 Early land use: 1788-1815

The area today known as Redfern was likely being utilised by Europeans from the earliest years of the colony. Its location in close proximity to fresh water and the food resources this attracted may have made it popular to the early colonists.

A grant of 30 acres was made to William Roberts on 8 January 1794, although it is unlikely that Roberts lived on this land. The terms of the grant were as follows:

Granted 30 acres between the ground used as a brickfield without the town of Sydney and the east end of the land allotted for the maintenance of a school master.⁵

As noted by AHMS, the only certain part of this description is the indication that the property was located south and east of the present Haymarket (the location of the town boundary and the brickfield). No plan has been located showing the location of Roberts' grant. By 1800 the grant had been purchased by former convict John Boxley, and was known as 'Boxley's Clear'. According to Obed West the present line of Regent Street passed

¹ Smith 2006

² *Ibid*

³ Curon 1985; 9/

⁴ Heiss 2002

⁵ 1794 Book 1A No 140 in (Ryan 1981; 18), cited in AHMS 2007; 3.

through part of the property.⁶ Boxley was a convict transported for life in 1789. By 1802 Boxley had sown two acres of wheat, and 10 acres for maize. West's description suggests that, at this time, Boxley's land was the only cleared ground in what would become the Redfern district. It is possible that the study area is located partly within or adjacent to the farm, as its precise location is unclear. AHMS suggest that West's description of the area places it between Cleveland and Redfern Street, immediately north-east of the study area.⁷ By 1806 he had sold the farm to William Laycock.⁸

The only reference to use of the property around this time was made in the Sydney Gazette of 11 August 1805 following the break-up of a cock fight the following day in the Blackwattle Swamp (the reclaimed low-lying land between Glebe and the Pyrmont Peninsula):

*...a number of idle people assembled at Mr Laycock's Farm (formerly Boxley's) for the renewal of sport, supposing themselves out of the reach of the Magistracy; and having finished the cock fight, concluded the day's amusement by burning down the house.*⁹

This is the only known reference to a structure on the property.

2.3 Early land grants: 1815-1846

In the early part of the nineteenth century several large land grants were made in the Redfern area. Often, these grants represented large farms, and were not subject to occupation until later in the nineteenth century.

The study area is located within a grant of 95 acres made to William Chippendale in 1819, bordered on the north-west by Blackwattle Swamp (Figure 3). It was a condition of this grant that he clear and cultivate at least twenty-five acres within the first five years of occupation.

By 1817 the family had settled on Blackwattle Creek (to the west of the study area), and Chippendale had constructed a house and quarters for his convict servant. The property was producing barley and potatoes, and was used for the grazing of cattle.¹⁰

Solomon Levey acquired Chippendale's grant, and the neighbouring Redfern grant, in 1821. Solomon Levey was a successful Sydney entrepreneur, with interest in shipping, land and trade. He would eventually own most of the area comprising present-day Alexandria, Waterloo and Redfern. In 1838 much of his property was put up for auction (he had died in 1833).

In 1838 part of Levy's property was purchased by W. Hutchinson Esq., who had owned a neighbouring grant (Figure 3) that would become known as the Golden Grove Estate. In 1844 the land was subject to subdivision as part of Block D (Figure 4). By the 1850s, Block D continued to be open ground.¹¹

⁶ The Memoirs of Obed West; 45.

⁷ AHMS 13 July 2007; 3.

⁸ Michael Flynn, 1993; cited in CRM 2009; 20.

⁹ Sydney Gazette 11 August 1805, 2; cited in AHMS 2007; 4.

¹⁰ Fitzgerald, S.; *Chippendale Beneath the Factory Wall*, 1990;16.

¹¹ CRM 2009; 26.

Figure 3: Undated parish map, showing the extent of Chippendale's grant. The study area is circled in red. Source: NSW Department of Lands Parish Map No. 14066301, Parish of Alexandria.

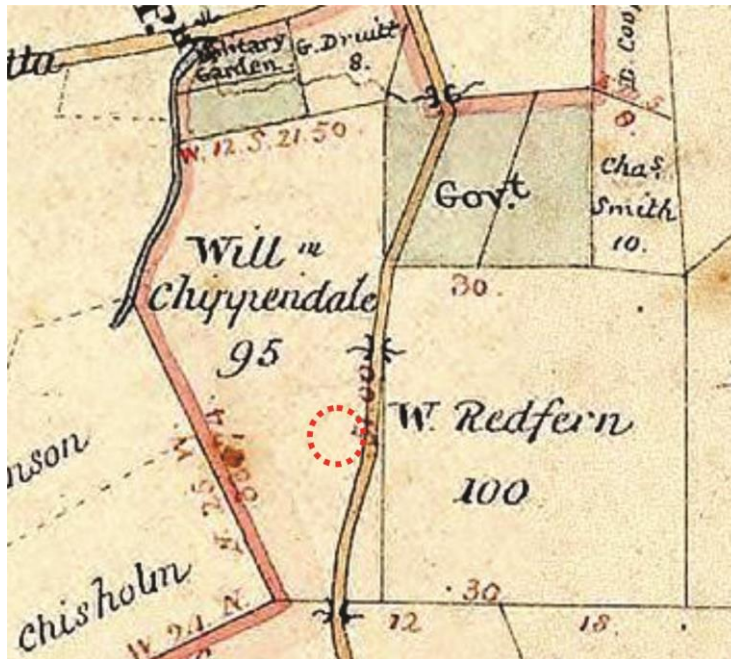
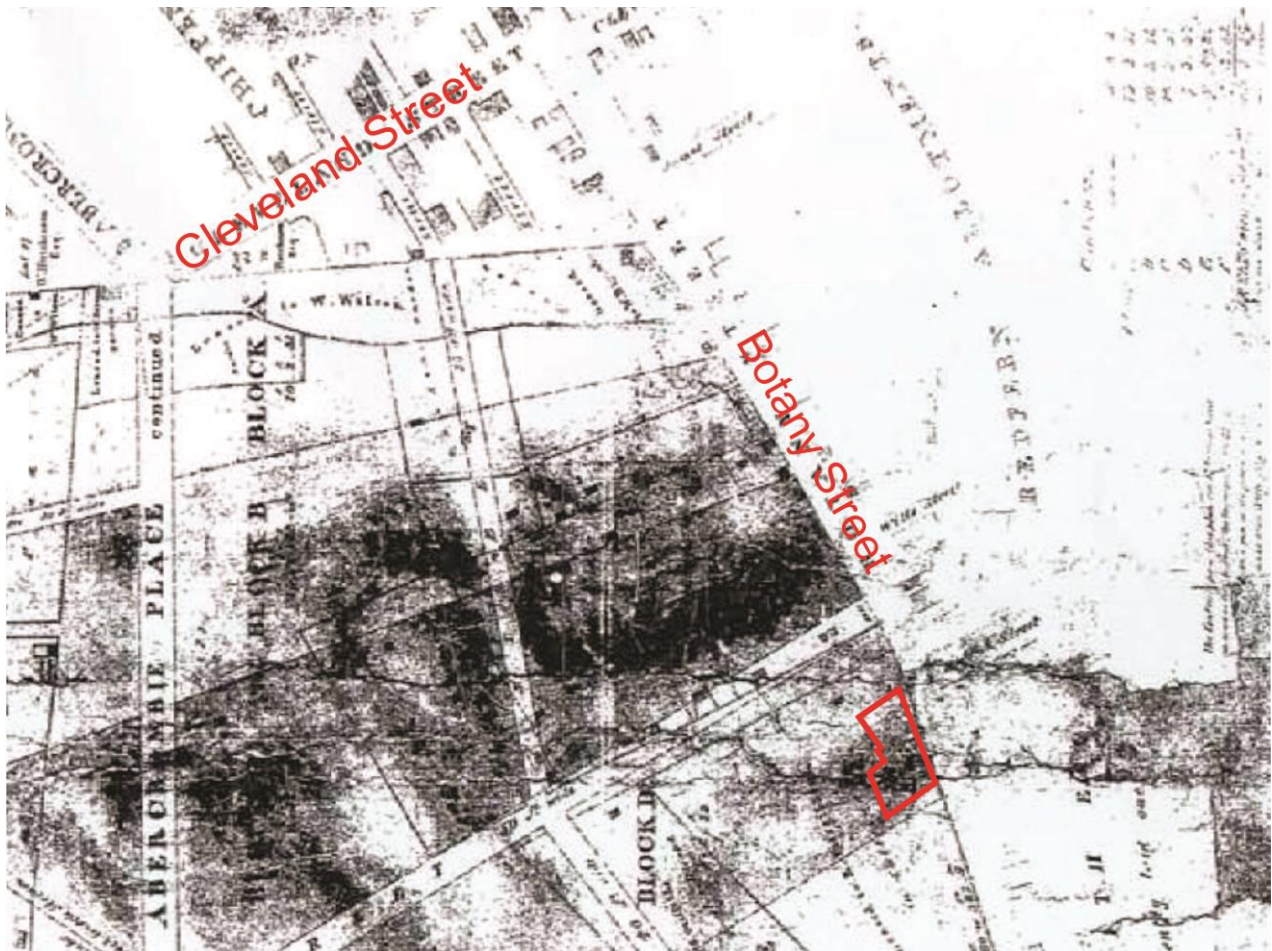


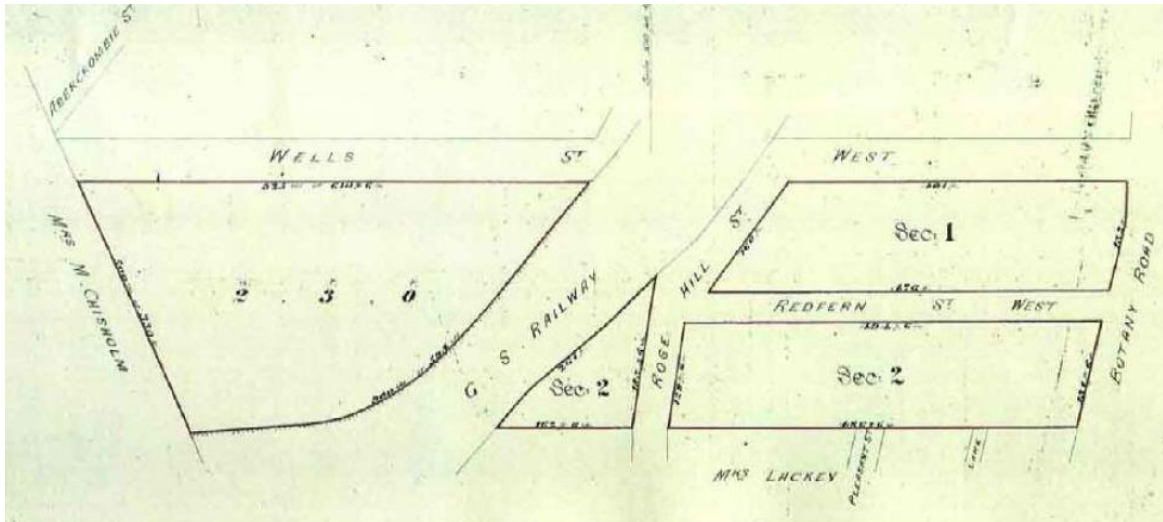
Figure 4: The study area in 1844, contained within the Block D subdivision of land owned by Hutchinson, part of the Chippendale Estate. Source: ML Plans ZM4 811.18194/1844/1.



2.4 The Sydney to Parramatta railway: 1855

The railway line between Sydney and Parramatta opened in 1855. Block D was split in half, with the railway corridor passing through the centre (Figure 5). The land to either side was split into smaller allotments, the study area is located within Section 2, shown in Figure 5.

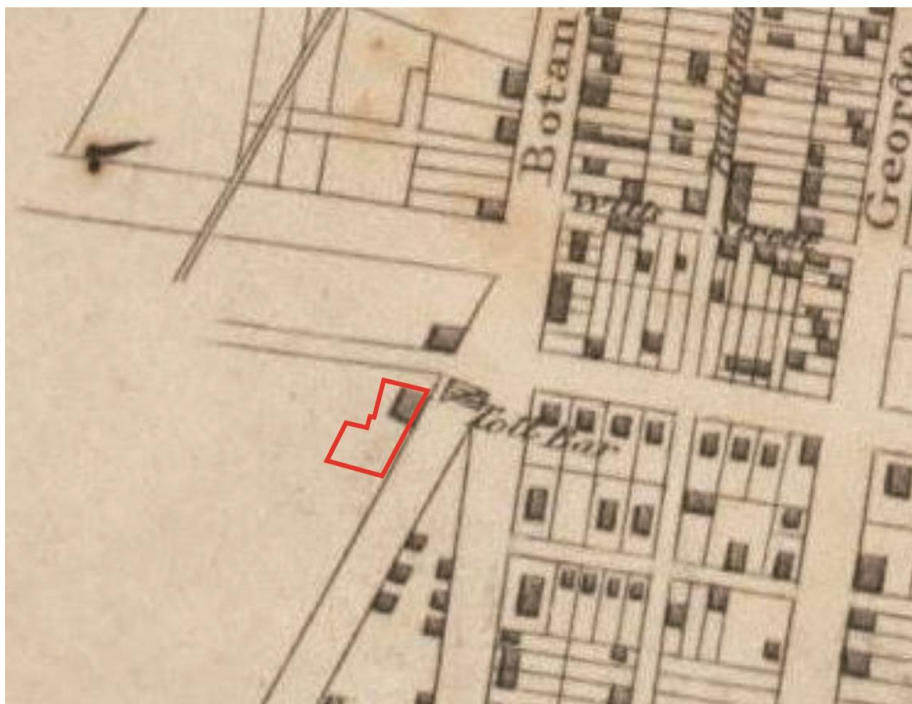
Figure 5: Subdivision of Block D of the Hutchison Estate. Source: LTO Certificate of Title 129-64



2.5 Botany Road

The present day Botany Road was surveyed as early as 1863 and ran from Mascot to Botany. It was also known as 'Corduroy Road' and was a toll road charging threepence until 1882 (Figure 6). In the 1870s horse-buses ran from the city and in the early 1880s, horses powered the first tramline running from Botany to the city. The tramline, later electrified, ceased operation on 24 September 1960.

Figure 6: Detail from Woolcott and Clarke's plan of Sydney from 1854. Study area is outlined in red.



2.6 Early occupation of the study area: 1854-1870

Following the resumptions for the railway, this part of the Redfern became rapidly occupied. Examination of early plans suggests that these properties consisted of a mix of residential and commercial premises, taking advantage of passing trade on busy Botany Road.

Around 1870 the lot boundaries were altered to the present configuration by reducing the size rear yards. It was also around this time that the existing rear lane was established (Figure 8).

Figure 7: Detail of the 1865 Trigonometric Survey of Sydney plan, showing the configuration of properties prior to the reduction of the rear yards.

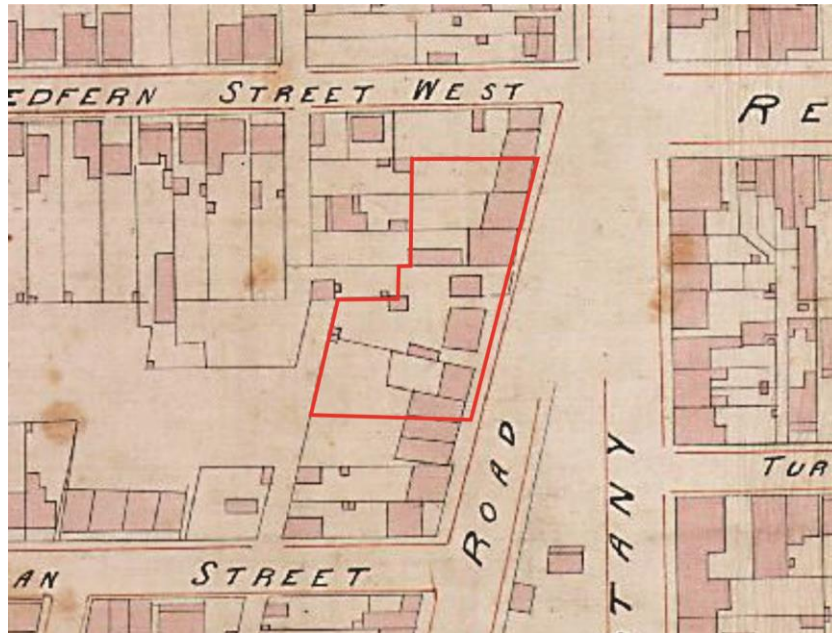
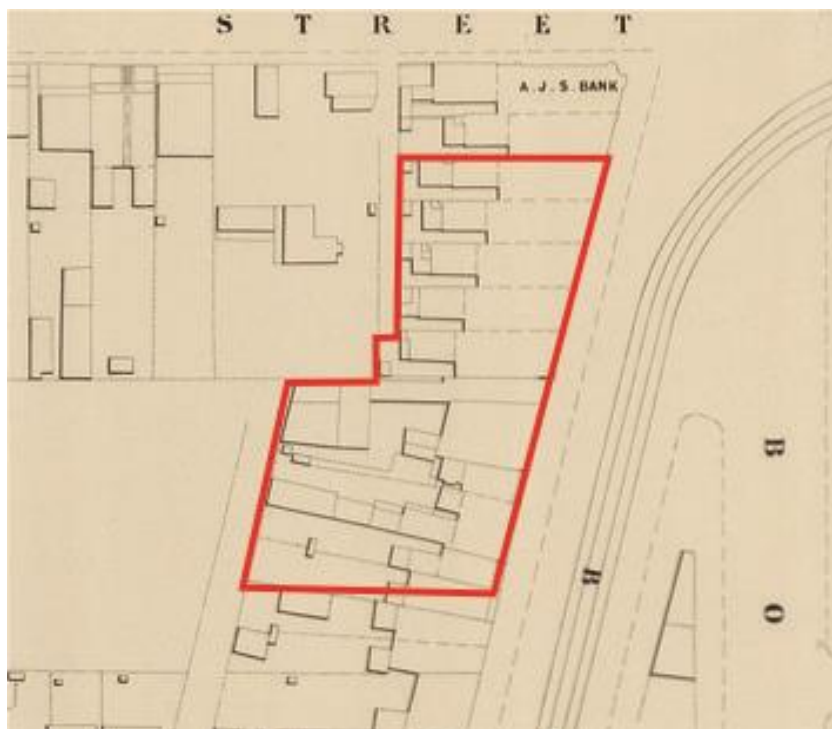


Figure 8: Detail from the 1887 City of Sydney Section plan, showing the reduced backyards.



3.0 THE STUDY AREA

3.1 Background

A preliminary site inspection of accessible premises and backyards was undertaken by archaeologists Jenny Winnett and Alex Timms on 2 December 2014. The inspection was necessary to determine the extent of the study area, and potentially identify and assess any areas of disturbance. The survey area was covered on foot and the survey was undertaken in accordance with best practice standards. Many of the buildings could not be accessed, and assumptions on the extent of buildings and ground surface treatments have been made after examination of modern aerial photographs. It is assumed that the study area contains no basements, or other large intrusive impacts.

3.2 Site description

The study area is positioned on gently sloping land; which runs from the north down to the south; roughly following alignment of Regent Street. The study area contains a row of ten conjoined structures that are utilised as commercial premises; including a café, Chinese restaurant and a bottle shop. The study area is almost completely covered in structures. Open areas at the rear of the structures were accessed from William Lane. All accessible areas at the rear were covered in concrete hard surfaces.

The rear yards of the premises varied in the extent of building. Some, such as number 76, appeared to retain older wood and corrugated iron structures (Figure 12). The rear of Numbers 76 and 78 appear to be occupied wholly by more modern brick extensions (Figure 13, Figure 14).

Figure 11: Regent Street frontage, North aspect.



Figure 12: Frontage of 70-76 Regent Street, on the right is the rear of 74 Regent Street.



Figure 13: The frontage and rear of 78 Regent Street.



Figure 14: Rear of 76 Regent Street.



Figure 15: Rear of 68 Regent Street contains an external bathroom.



3.3 Adjacent heritage item: The Redfern Estate HCA

A residential subdivision dating from 1842 covering the original grant of William Redfern. The subdivision comprises eight regular blocks with irregular secondary streets dividing these blocks. Redfern Street bisects the area and is the civic and commercial centre of the area, containing major civic, religious and commercial buildings. Shops date from the Victorian, Federation and Interwar period. Housing ranges from early single storey cottages, Victorian terraces, some later terraces and recent medium density developments. The Area is interspersed with factories and warehouses dating from the early twentieth century, some of which are being converted to residential uses. The urban fabric has deteriorated at Phillip Street west area and in the vicinity of the Australia Post complex, where sites have been amalgamated. Redfern Park provides a focus for the area.

Figure 16: View of the Redfern Estate HCA from Regent Street. Source: State Heritage Inventory, Regent Street HCA.



4.0 ARCHAEOLOGICAL POTENTIAL

Non-Aboriginal archaeological potential is defined as the potential of a site to contain historical archaeological relics, as classified under the *NSW Heritage Act 1977*. Non-Aboriginal archaeological potential is assessed by identifying former land uses and associated features through historical research, and evaluating whether subsequent actions (either natural or human) may have impacted on evidence for these former land uses.

The following discussion of the historical archaeological potential of the study area is not intended to be exhaustive. Based on the background research and identification of the level of disturbance that has occurred throughout the study area, there is always some probability that historical archaeological remains—that are not known from the historical records, and not shown on historical plans—may be encountered during works. The following discussion is, therefore, indicative only.

4.1 Known impacts in the study area

Earlier impacts need to be identified before an assessment of archaeological potential can be undertaken as subsurface impacts associated with former or current land uses have the potential to remove or damage potential archaeological remains. Following site inspection and the analysis of available archaeological reports and historical sources, suggest that the study area has the potential to contain relics associated with the earliest inhabitation of the suburb of Redfern. The study area is also likely to have been subject to numerous impacts. These may include the following;

- During site inspection a number of drainage points were observed in the rear yards. Concrete ground surfaces also appeared to have been cut in places, presumably for the installation of in-ground surfaces. No other intrusive impacts were observed.
- Construction of the buildings currently occupying the site would have resulted in localised impacts due to the excavation for footings, ground clearance and levelling, etc.

The buildings currently occupying the study area appear to have been constructed between in the early to late 20th century, although they may incorporate elements of earlier structures. The height and nature of the buildings would suggest that substantial excavation is unlikely to have been undertaken for construction purposes, and it is unlikely that the building include basements.

4.2 Overview of previous structures

Analysis of historical plans of the study area suggests that it has been subject to intensive occupation from the 1850s. The popularity of Botany Road as a route between the coast and the city, resulted in a commercial precinct that continues to develop to the present day. The study area would have contained a number of shop frontages on Botany Road, with residences above and to the rear of the properties, throughout the mid to late nineteenth centuries. It is likely that into the early twentieth century that this also included small manufactures and warehouses.

It is likely that the standing building may incorporate earlier fabric. The evolution of the study area would have included the construction of numerous additions and extensions to earlier structures. Figure 17 provides an overview of the occupation of the study area, based on historic plans. It should be noted that the 1854 plan is unlikely to be to scale.

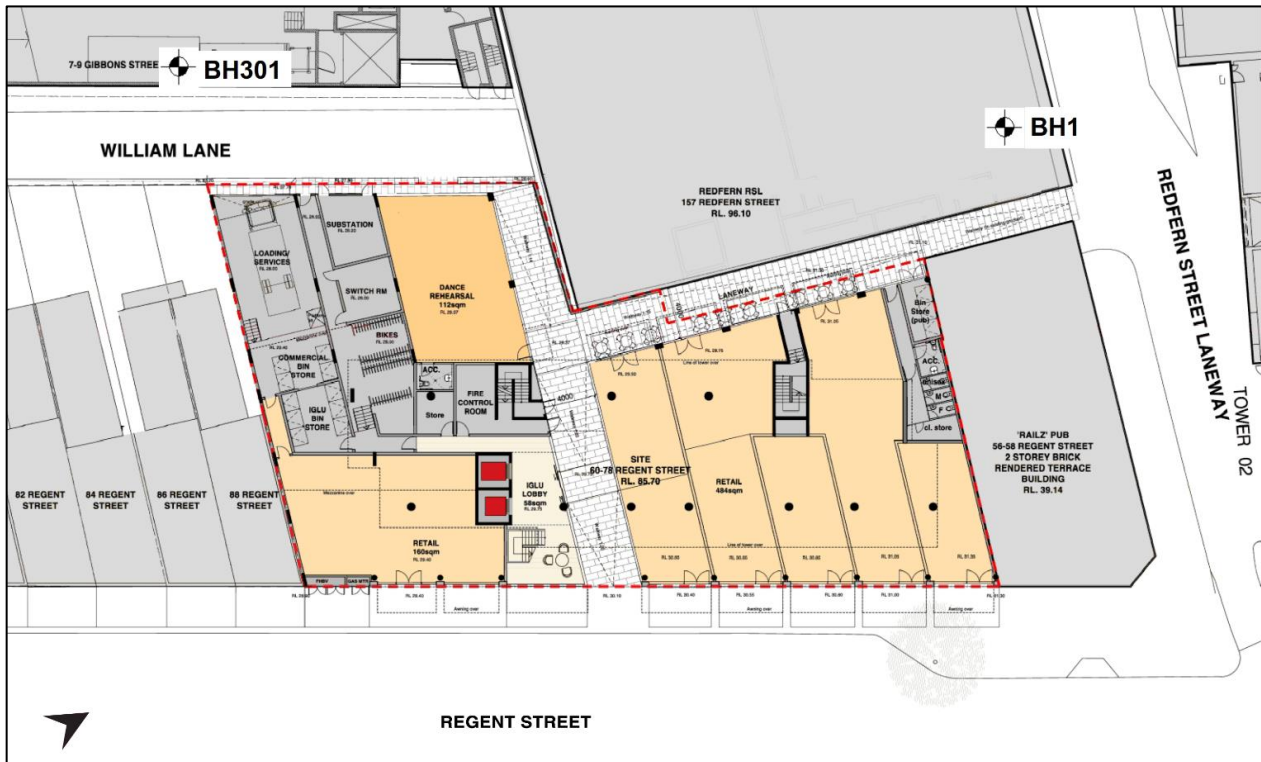
the study area. The location of the boreholes are shown in Figure 18 and a summary of the borehole logs are provided in Table 2.

The environmental background indicates that the study area was on the fringe of a former dune system. The expected soils would comprise wind-blown, fine to medium grained, well sorted marine quartz sand. The results of the geotechnical investigation indicate the sand A-horizon soils have been removed from the area. It appears that fill has subsequently been deposited directly onto silty clay subsoils. Whether these fills contain material commonly associated with intensively occupied areas is unknown (usually fills would be expected to contain fragments of brick and other building material), although it is likely they are present. The geotechnical results suggest that archaeological remains may be present within the fill on the site, although the extent of preservation is unknown and would require additional testing.

Table 2: Summary of borehole results (SMEC 2014)

Geotech Pit ID	Depth (cm)	Description
BH1	0-20	Concrete
	20-60	Fill: Clayey gravelly sand- Light grey/brown, fine to medium grained, gravel
	60-270	Silty clay: Orange brown with light grey, medium plasticity
	270-2880	Shale: Light grey/brown
	2880	Sandstone: Light grey with dark bands
BH301	0-33	Concrete
	33-120	Fill: Clayey gravelly sand- Light grey/brown, fine to medium grained, gravel. Becoming clayey toward base
	120-560	Silty clay: Grey mottled red brown, medium to high plasticity, ironstone gravel
	560-2500	Shale: Light grey/brown

Figure 18: Location of boreholes – Scale unknown. Source: SMEC 2014; 7.



4.4 Assessment of historical archaeological potential

Archaeological potential is defined as the potential of a site to contain archaeological relics, as classified under the *NSW Heritage Act 1977*. Archaeological potential is assessed by identifying former land uses and associated features through historical research, and evaluating whether subsequent actions (either natural or human) may have impacted on evidence for these former land uses.

The following is a list of the typical types of archaeological remains found in Sydney:

- Structural remains associated with buildings shown on plan are likely to survive but will be impacted by later phases of building:
 - building footings
 - underfloor deposits associated with the occupation of the house
 - other types of deposits
- Certain types of remains are typically not shown on plan although some may be on later plans:
 - wells
 - cesspits
 - rubbish pits
 - evidence for gardens, layout and use of the yard areas
 - fencelines, assisting with clarification of lot boundaries and internal use of lots
 - pollen and soil evidence
 - land clearing and modification of the landform, including major filling events, i.e., backfilling of dams or ponds

- rubbish dumps
- other types of archaeological deposits
- Later building phases will impact on the remains of early phases.
- The greater the number of phases the more complicated the nature of the archaeological the remains.

Modern construction and demolition activities can impact on earlier archaeological remains. Typically the following issues need to be considered:

- The later the date a building was demolished then the greater the impact from construction through the utilisation of more modern, and therefore larger and more destructive, machinery.
- The footing systems of single-storey buildings tend to have less impact than those of multi-storey buildings as they were not required to carry a heavy load.
- Historically, demolition activities often retained foundations in the ground and were less likely to excavate in order to expend as little effort as possible.
- Typically, naturally higher areas in the landscape get cut down and levelled, and lower damp areas get in-filled to create more useable land.

The following discussion of archaeological potential is not intended to be exhaustive. There is high probability that archaeological remains are located on the site that are not known from the historical records and are not shown on plans. The following plans and discussion are therefore indicative only.

A series of gradations of potential have been identified and mapped to indicate the degree to which archaeological remains are likely to survive within the study area. The mapping of archaeological potential addresses the potential archaeological remains in the area, as the location of potential impacts is unknown. The overview map shows the likely remains within the study area. The identified levels of archaeological potential are:

Low Potential: while there is likely to be quite high impacts in these areas, deeper sub-surface features such as wells, cesspits and their artefact-bearing deposits may survive.

Moderate Potential: while there are impacts in this area a range of archaeological remains are likely to survive across the site, including building footings and shallower remains as well as deeper sub-surface features.

High Potential: substantially intact archaeological remains could survive in these areas.

4.4.1 Early land use: 1788-1816

During this period it is likely that the study area was subject to informal ownership. Although it is possible that early owners may have constructed hut or houses, these are not recorded, and it is unlikely that substantial structures were constructed during this period (although there is reference to a building being burnt down following cock fight, see section 2.2). Historical references suggest that the study area was cleared during this period, and presumably utilised for the grazing of livestock and the growing of crops.

Archaeological remains associated with early farming practises may include evidence of vegetation clearing (following the felling of trees the stumps were often burnt, leaving large identifiable tree boles, often associated with rubbish dumps), evidence of the growing of crops such as post or stake holes, evidence of water management systems (dams, cisterns, wells), fencing, or evidence of small huts or outbuildings. Evidence of the pre-colonisation environment and topography may be preserved within the study area. This may include soils containing pollens and micro-flora that may contribute to knowledge of earlier vegetation or farming practises in the area.

Evidence dating to these early periods of occupation are generally ephemeral, and often impacted by later occupation and construction practises.

Due to the intensive nature of later occupation of the study area, there is low potential for archaeological remains associated with this phase to be encountered within the study area.

4.4.2 Early land grants: 1815-1846

During the ownership of Chippendale (1815-1821), Levey (1821-1838) and Hutchinson (1838-1846), it is unlikely that structures were constructed within the study area. Chippendale's homestead was located to the north-west, outside the study area alongside Blackwattle Creek. Levey would not have occupied the land, and Hutchinson's homestead was likely located on his earlier grant (to become the Golden Grove estate), to the west. It is possible that improvements to Botany Road were made during this time, along the street frontage of the study area (Figure 3 shows that a bridge or culvert was located immediately north of the study area). It is likely that the land was further cleared and more intensively farmed during this period of use.

Archaeological remains associated with early farming practises may include evidence of vegetation clearing, evidence of the growing of crops such as post or stake holes, evidence of water management systems, fencing, or evidence of small huts or outbuildings associated with storage or farm workers. Evidence of the pre-colonisation environment and topography may be preserved within the study area. This may include soils containing pollens and micro-flora that may contribute to knowledge of earlier vegetation or farming practises in the area.

Evidence dating to these early periods of occupation are generally ephemeral, and often impacted by later occupation and construction practises.

Due to the intensive nature of later occupation of the study area, there is low potential for archaeological remains associated with this phase to be encountered within the study area.

4.4.3 The expansion of the suburb: 1850s-1870s

From the 1850s onwards, following subdivisions associated with the establishment of the railway, the study area was subject to increasingly intensive occupation. It is likely that this involved the construction of premises fronting Botany Road, with residences above or behind.

It is likely that buildings were added to earlier structures, or earlier structures were modified. Many properties appear to have constructed additions covering much of the footprint of their allotments. These residences would likely have been associated wells and cesspits at the rear of the properties alongside the lanes (these may later have been converted to pan toilets), as Redfern was not incorporated into municipal sewerage and water until the later years of the nineteenth century (although it is likely that the pre-1870s properties would have had outhouses and cesspits outside the current study area, as the lots were reduced in size after this). Wells and cesspits can contain large amounts of discarded material valuable for answering research questions regarding the personal preferences of occupants, social status, and can also provide useful dating evidence.

Archaeological remains may include the remains of earlier footings, flooring, postholes associated with verandahs, in-filled basements and cisterns. There is some potential for accumulated underfloor deposits and discrete yards surfaces to be preserved within the study area. These often contain large amounts of small artefacts that can be used to answer research questions.

There is high potential that structures, relics and deposits relating to the early settlement of Redfern, dating from the 1850s onwards, would be located within the study area. These remains are likely to include the remains of both domestic and commercial premises, some of these may include basements, cesspits and wells.

4.4.4 Late nineteenth century onwards

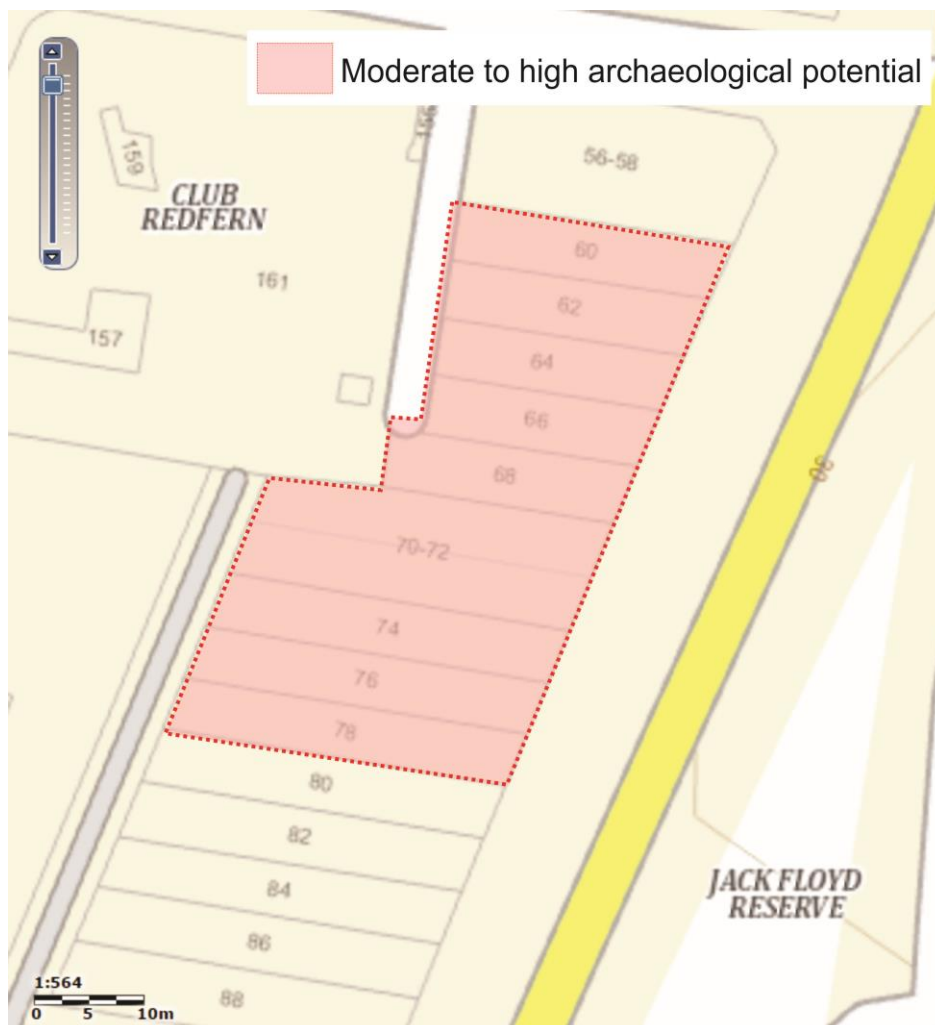
Although the same types of building are likely to have been within the study area into the twentieth century, they would have been subject to numerous rebuilds, additions and modifications. Different construction techniques became preferred, for example, the construction of flooring using tongue and groove joints greatly reduces the chance of underfloor deposits accumulating. The expansion of the municipal sewerage and water networks also means that cesspits and wells were often no longer required, with older structures converted to link into municipal plumbing systems.

Overall, there is high potential to encounter archaeological remains associated within ongoing modification of the properties within the study area.

4.5 Overview of archaeological potential

The study area has been designated as having moderate-high potential to contain archaeological remains due to the probable level of fill on the site. The history of the site would suggest that existing impacts would be localised and minimal. There is therefore high potential for deep cut or built structures, such as wells, cesspits and deep foundations cuts, to survive within the rear yards of the properties. There is moderate potential for remains associated with occupation deposits, such as yard surfaces and associated artefact scatters, to remain within the study area.

Figure 19: Archaeological potential.



5.0 HERITAGE SIGNIFICANCE

5.1 Heritage significance

Determining the significance of heritage items is undertaken by utilising a system of assessment centred on the *Burra Charter of Australia ICOMOS*. The principles of the charter are relevant to the assessment, conservation and management of sites and relics. The assessment of heritage significance is outlined through legislation in the *NSW Heritage Act 1977* and implemented through the *NSW Heritage Manual and the Archaeological Assessment Guidelines*.¹² If an item meets one of the seven heritage criteria, and retains the integrity of its key attributes, it is considered to have heritage significance.

The significance of an item or potential archaeological site can then be assessed as being of Local or State significance. If a potential relic is not considered to reach the local or State significance threshold then it is not a relic under the *NSW Heritage Act 1977*.

'State heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

'Local heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.¹³

The heritage significance assessment criteria are as follows:

Table 3: NSW heritage assessment criteria

Criteria	Description
A – Historical Significance	An item is important in the course or pattern of the local area's cultural or natural history.
B – Associative Significance	An item has strong or special associations with the life or works of a person, or group of persons, of importance in the local area's cultural or natural history.
C – Aesthetic Significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.
D – Social Significance	An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons.
E – Research Potential	An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history.
F – Rarity	An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history.
G - Representativeness	An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places of cultural or natural environments (or the cultural or natural history of the local area).

¹² NSW Heritage Office 1996; 25-27

¹³ This section is an extract based on the Heritage Office Assessing Significance for Historical Archaeological Sites and Relics 2009:6.

The following sections will outline the heritage significance of those heritage items that may be impacted by the proposal, and will provide a statement of heritage significance of the potential archaeological resource. The significance of the Redfern Estate HCA have been previously assessed against the NSW heritage assessment criteria.

5.2 Heritage significance of the Redfern Estate HCA

The heritage significance of the Redfern Estate HCA has been previously assessed against the NSW heritage significance criteria.¹⁴ This assessment has been included in Table 4.

Table 4: Assessment against the NSW heritage criteria

Criteria	Discussion
A – Historical Significance	The area occupies the grant of Dr William Redfern made in 1817. An early Victorian residential subdivision dating from 1842, structured in eight equal blocks. Redfern developed from the 1840s to the 1890s as a prestigious inner city suburb with housing for the upper, middle and working class and several fine public buildings.
B – Associative Significance	Residential settlement, commercial centres, corner stores, pubs etc., associated with the establishment of the railway and small-scale industry.
C – Aesthetic Significance	Streetscape qualities, landmark buildings. Built form responding to the gently undulating topography. Small scale working class community and fine terraces built for the upper class in harmonious streetscapes. The park and fine plantings have high aesthetic values.
D – Social Significance	Continued community and residential focus since the 1850s.
E – Research Potential	Archaeological potential on redeveloped sites and to the rear of pre 1860 properties.
F – Rarity	Proportion of single storey circa 1850 buildings.
G - Representativeness	The establishment of early Colonial / Victorian residential subdivision and its continued expansion.

5.2.1 Statement of significance

The following statement of significance has been extracted from the inventory listing for the heritage item;¹⁵

“The Redfern Estate Heritage Conservation Area is historically significant as an early Victorian structured subdivision covering the entire grant to William Redfern. The development of the estate from the 1840s - 1890s reflects the establishment of the Railway at Redfern. The importance of the suburb of Redfern in the mid/late nineteenth century is evidenced in the development of the Commercial Centre, the fine Civic buildings, the Park and the prestige housing on primary streets. The area is able to represent a great diversity of housing types dating from the period 1840 - 1890. Large scale factories and warehouses reflect the importance of manufacturing in Redfern in the early twentieth century”.

¹⁴ This information can be accessed online via the Office of Environment & Heritage, State Heritage Inventory.

¹⁵ This listing can be accessed online via the Office of Environment & Heritage, State Heritage Inventory.

5.3 Heritage significance of the potential archaeological resource

In Table 5, the potential archaeological resource, as outlined in section 4, has been assessed against the NSW heritage significance criteria.

Table 5: Assessment against the NSW heritage criteria

Criteria	Discussion
A – Historical Significance	<p>The study area has moderate to high potential to contain archaeological remains dating from the 1850s. These remains have the potential to demonstrate the growth of Redfern, from small semi-rural suburb on the outskirts of Sydney, to a bustling town centre in its own right.</p> <p>The study area has low potential to encounter remains associated with the earliest agricultural uses of the area, however, if archaeology dating to this period was found, it would be contextually rare and potentially significant. The potential archaeological remains of the occupation of former structures may provide information related to the activities conducted on the site during the years of its early development and its later occupation. The manner in which this area developed as an early urban centre close to the city, and the influence of the railway on that development, may be reflected in the archaeological remains on the site.</p> <p>There may also be opportunities to acquire environmental evidence that may help to describe the pre- and early settlement landscape.</p> <p>If particularly evocative, rare or substantial archaeological remains, dating to the mid 19th century or earlier, or large numbers of <i>in situ</i> artefacts were recovered, with the potential to answer research questions and contribute to historical knowledge, the potential archaeological resource may have historical significance at a local level.</p>
B – Associative Significance	<p>While the area is associated with William Chippendale he did not directly inhabit the site. The site has no known strong association with another specific person or group. The potential archaeological resource is unlikely to have associative significance.</p>
C – Aesthetic Significance	<p>Whilst it is acknowledged that exposed archaeological remains can have some aesthetic value, the potential archaeological resource is unlikely to have aesthetic significance.</p>
D – Social Significance	<p>The history of this site reflects the working of Redfern, and less prestigious addresses. This provides an alternative view of the development of the area to that which now survives above ground, and may provide an archive of information that may not be able to be found via alternative sources (i.e. through written histories). The site has been occupied by a diversity of occupants and this is one of the characteristics of this type of site. If the archaeological resource was found to be particularly intact, the remains may have social significance at a local level.</p>
E – Research Potential	<p>Should any archaeological remains exist within the study area they may be able to provide information related to the nature of occupation of the site from the mid 19th through to the 20th Century. The nature of any information would be representative of the local occupation of the Redfern and Chippendale area but would also provide important comparative material to evidence already uncovered at the Rocks and Ultimo.</p> <p>If particularly evocative, rare or substantial archaeological remains, dating to the mid 19th century or earlier, or large numbers of artefacts were recovered (with the potential to answer research questions), the potential archaeological resource is likely to have research significance at a local level.</p>

Criteria	Discussion
F – Rarity	<p>Archaeological sites in Sydney are becoming increasingly rare due to the rapid pace of continuing commercial and private development and therefore archaeological sites. The potential archaeological resource within the study area is atypical of this part of the city due to the fact that much of the area still retains late 19th Century building stock which is still occupied and any archaeological resource on these sites is therefore likely to have been largely undisturbed. Potentially intact mid 19th Century occupation within the greater Sydney area, on this scale, is also a rare resource as many of the earliest sites were developed later in the 19th Century with increased pressure on land.</p> <p>If a substantial, intact early archaeological resource was found within the study area (i.e. pre 1850s), the archaeological resource may have significance at a local level.</p>
G - Representativeness	<p>Whilst the site is likely to contain archaeological remains representative of an early suburb of Sydney, these remains are unlikely to be considered to be the best example of this type of resource. The potential archaeological remains are unlikely to reach the significance threshold under this criterion.</p>

5.3.1 Statement of heritage significance

The study area has moderate to high potential to contain archaeological remains associated with the development of the study area throughout the last 150 years. The site has the potential to have an important archaeological resource that may be able to provide information, unavailable elsewhere. The rarity of this site rests on both the nature and scale of the potential resource, its availability and the combination of occupations evident in its history. Archaeology provides information related to general questions of socio-economic standing, technology and environmental factors not available from other sources such as historical records.

If high-yield artefact-bearing deposits such as wells or rubbish dumps are encountered during works, they may reach the local significance threshold through their ability to provide information regarding the previous occupants of the study area, and potentially contribute to our knowledge of the historical development of Redfern. If a substantially intact archaeological resource was found, the remains may have research potential at a local significant level.

6.0 STATEMENT OF HERITAGE IMPACT

6.1 The proposal

The proposal involves the development of an 18 storey building for student housing, including:

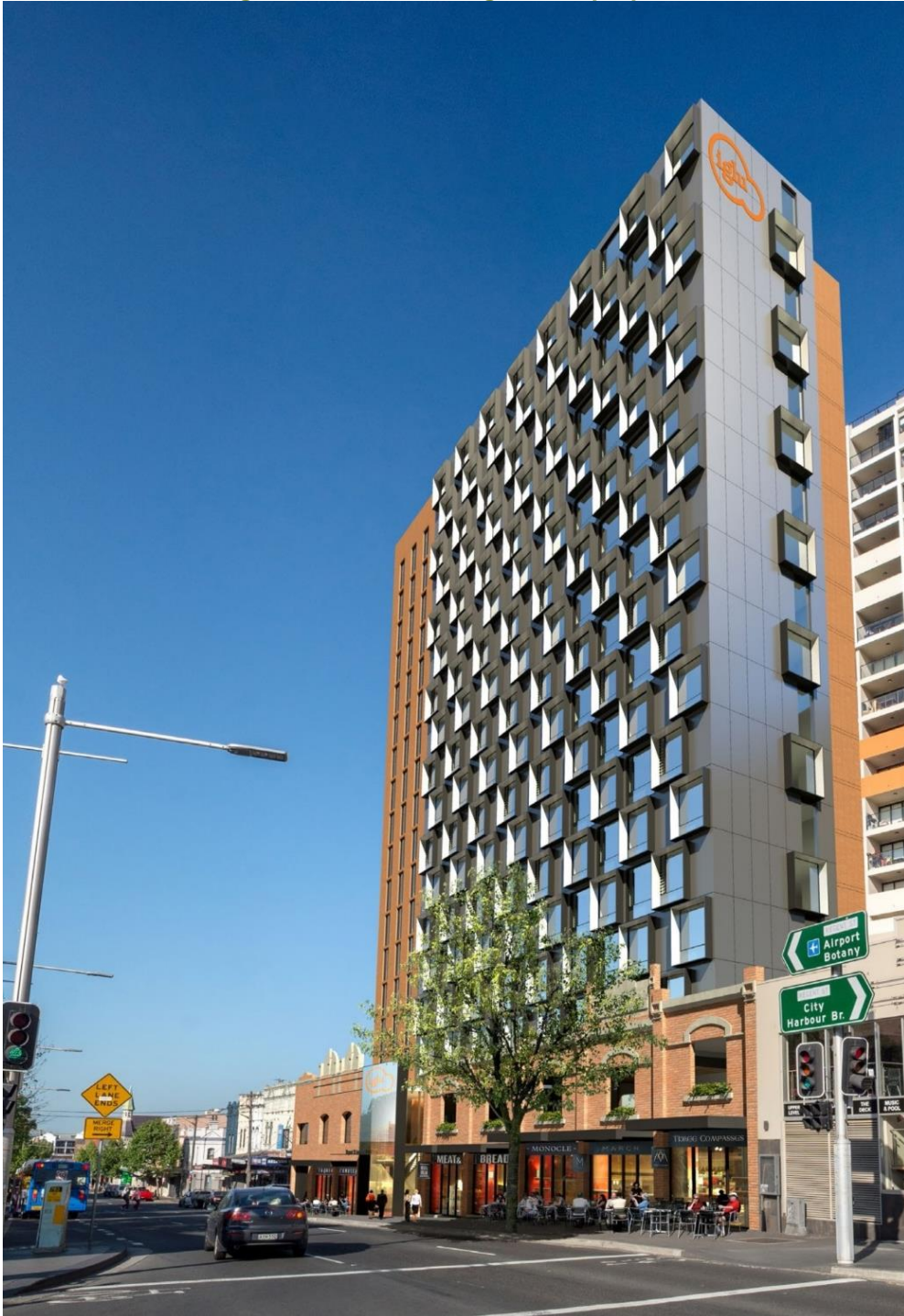
- Partial retention of Regent Street facades and demolition of existing buildings within the site;
- Accommodation for 370 students within 134 units arranged as follows :
 - 85 x studio units
 - 4 x 4-bed room units
 - 1 x 5-bed room units
 - 44 x 6-bed room units
- Communal student facilities, including study areas, games room, common areas and laundry facilities;
- Student accommodation administrative facilities;
- Total gross floor area for student accommodation and ancillary facilities of 9,094m²;
- Ground floor retail and commercial tenancies, including a dance rehearsal room, with a total gross floor area of 791m²;
- Construction of a new through-site link between William Lane, Redfern Street and Regent Street;
- Loading dock with vehicular access to William Lane; and
- Business identification signage;
- Streetscape improvements and landscaping; and
- Extension and augmentation of services and infrastructure as required.

It is understood that although there is no basement, the ground work may involve some levelling, and localised excavation for the installation of services and infrastructure, as required.

Figure 20: Ground floor concept plan



Figure 21: Photomontage of the proposal



6.2 Assessment of heritage impact

The following assessment is based on the guidelines included in the NSW Heritage Office publication *Statements of Heritage Impact*¹⁶

The document outlines a series of questions that may be asked when assessing whether development may impact on nearby heritage items. Table 6 outlines the questions that can be asked when new development is required to be adjacent to an item that has been assessed as being of local heritage significance.

Table 6: Questions that can be asked to determine whether a new development may impact on adjacent heritage items.

Question	Discussion
How is the impact of the new development on the heritage significance of the item or area to be minimised?	<p>The proposed design seeks to retain a substantial portion of the existing brick façade to Regent Street. These elements are not items of heritage significance, however, they have been acknowledged as being important to the locality and scale of Regent Street. It is proposed that an echoing of materials be used in the proposed tower elements, for visual continuity.</p> <p>Therefore, the 'set-back' frontage of the proposed building, with redeveloped ground floor frontages retaining the existing scale from street level, would assist in minimising potential heritage impacts.</p> <p>The proposed design would also retain the historical street grid and the existing rear lane by removing an existing gate and providing new access to the lanes from Regent Street via the development. The development would provide opportunities for small laneway tenancies, effectively revitalising unused spaces that, historically, were significant throughways and property access route.</p>
Why is the new development required to be adjacent to the heritage item?	<p>The nearest heritage item is the Redfern Estate HCA, located over 20 metres from the eastern frontage of the proposal. The proposal is located within an area that is becoming progressively developed, with large high rise buildings already located to the north and west. Although the new proposal is located in close proximity to the Redfern Estate HCA, and is a significantly higher building than currently exists, it is unlikely to impact further on the heritage significance of the conservation area. Large scale modern buildings already dominate the view corridor west from the HCA.</p> <p>As stated above, the 'set-back' frontage of the proposed building, with redeveloped ground floor frontages retaining the existing scale from street level, would assist in minimising potential heritage impacts.</p>
How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?	<p>The buildings within the study area are not heritage listed. The study area is not located within an HCA.</p> <p>The Redfern Estate HCA would retain its curtilage and heritage significance.</p>
How does the new development affect views to, and from, the heritage item? What has been done to minimise negative effects?	<p>The buildings within the study area are not heritage listed. Views towards the Redfern Estate HCA would not be impacted.</p>

¹⁶ NSW Heritage Office, 2002.

Question	Discussion
<p>Is the development sited on any known or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?</p>	<p>As outlined in Sections 4.0 and 5.0, the study area has moderate to high potential to contain archaeological remains associated with the post 1850s occupation and development of the study area, and representative of the commercial development of Redfern. The study area has low potential to contain earlier remains associated with the earliest agricultural uses of the study area.</p> <p>These remains, if early and substantially intact, may be of local heritage significance. A basement has not been included in the design. Despite this, the construction of the building is likely to involve localised impacts for installation of services and other infrastructure, as well as substantial excavation to support the framework of the building (it is now known whether this would involve piling, or some other method).</p> <p>It is not known whether alternative sites were considered, however, it is likely that much of Redfern has a similar level of archaeological potential (in areas that have not been subject to modern development).</p>
<p>Is the new development sympathetic to the heritage item? In what way?</p>	<p>As outlined above, the new development aims to be sympathetic to the surrounding, low-scale character of Redfern, including the \Redfern Estate HCA, by retaining the brick frontages and setting the modern frontage back from Regent Street. This will limit visual impacts.</p>
<p>Will the addition visually dominate the heritage item? How has this been minimised?</p>	<p>The study area is not heritage listed. The tall modern buildings to the west of the study area already visually dominate much of this area of Redfern. The Redfern Estate HCA will not be further dominated by this proposal.</p>
<p>Will the public, and users of the item, still be able to view and appreciate its significance?</p>	<p>The Redfern Estate HCA will not be impacted. The public will still be able to appreciate the item.</p>

6.3 Statement of heritage impact

In Table 7, the proposal is assessed against the questions included in the Statements of Heritage Impact guidelines document published by the NSW Heritage Office (2002).

Table 7: Assessment of the proposal against the NSW Heritage Office questions.

NSW Heritage Office question	Comment
<p>What aspects of the proposal respect or enhance the heritage significance of the item?</p>	<p>As the subject site does not contain any heritage items, and is not itself heritage listed, the main focus of this statement of heritage impact is the potential visual impact on the nearby Redfern Estate HCA, and possible impacts to items of archaeological significance.</p> <p>The proposal is unlikely to impact on the Redfern Estate HCA, due to the existing modern tower buildings to the north and west of the study area. These already have a strong visual impact on the immediate area, and strongly dominate the character of Redfern as they are highly visible. The area is already partially visually ‘compromised.’ In order to further mitigate visual impacts, a design has been adopted that aims to incorporate existing materials into its palette, and to set back a modern frontage from Regent Street, whilst retaining the existing shop frontages in order to maintain the scale of the streetscape.</p> <p>It is possible that the proposal would enhance the streetscape through revitalising the precinct including the historical laneway alignments, and providing through-ways to connect the laneways with Regent Street. Small tenancies in these laneways would provide further uses for the laneways. The new development would provide active frontages to all public domain areas on the Regent Street frontage.</p>
<p>What aspects of the proposal could have a detrimental impact on heritage significance?</p>	<p>The visual impact of the high tower would further affect the heritage significance of the Redfern Estate HCA, although this impact is likely to be minimal. Retention of existing facades and use of sympathetic materials, colours and landscaping would go some way towards lessening this potential impact.</p> <p>The principal impact of the works with respect to heritage values would be on the potential archaeological profile in those areas where excavation or levelling will take place. Any intrusive ground impact has the potential to impact on potentially locally significant archaeological remains with the potential to provide an archive of information that may be rare, and not available from other sources (i.e. written histories). These impacts have not yet been finalised.</p>
<p>Have sympathetic solutions been considered and discounted?</p>	<p>There are no known sympathetic solutions that have been considered and discounted.</p>

7.0 CONCLUSIONS AND RECOMMENDATIONS

7.1 Conclusions

- The study area is not heritage listed, although the existing buildings demonstrate the development of the area, and reflect the ongoing commercial nature of this part of the suburb of Redfern.
- The Redfern Estate HCA is located 20 metres to the east of the study area. It would not be affected physically by the proposal. The proposal is likely to have some impact on the item visually.
- The study area has potential to preserve a substantial archaeological profile dating back 170 years, although there is insufficient evidence to make a clear determination of its integrity. The proposed development has the potential to negatively impact on this archaeological resource (impacts to be finalised), although this can be mitigated through the adoption of strategies outlined in the following section.

7.2 Recommendations

- Depending on the nature of in-ground impacts archaeological test excavation may be required in selected areas to determine the presence or absence of archaeological remains, and identify the intactness, possible extent and refine potential significance. If required, test trenches would be excavated to the top of archaeological remains, or to the top of naturally formed deposits. An appropriate archaeological testing methodology and research design would need to be developed prior to any test excavation once in-ground impacts are finalised.
- Workers should be given a heritage induction prior to excavation. If unexpected archaeological remains are encountered during development, work in the immediate vicinity of the finds should cease and a qualified archaeologist contacted to assess the significance of the remains.

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artefact

Artefact Heritage
ABN 73 144 973 526
Lvl 1/716 New South Head Rd
Rose Bay 2029
PO BOX 772 Rose Bay
NSW Australia 2029
+61 2 9025 3958
office@artefact.net.au
www.artefact.net.au