



Archaeological Assessment

85 Harrington Street, The Rocks

January 2016

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Executive Summary

The following Aboriginal and Historical Archaeological Assessment was prepared to assess the heritage impacts of proposed works at 85 Harrington Street, The Rocks. In accordance with the Secretary's Environmental Assessment Requirements (SEARs), Aboriginal and Historic Archaeological Assessments are required to inform the Environmental Impact Assessment (EIS) currently being prepared for the proposed redevelopment of the subject site.

The study area is located between the Bradfield Highway and Sydney Cove, with frontages to Harrington Street and Gloucester Street, The Rocks. The site is bounded to the north by Cumberland Place and to the south by the Cahill Expressway. Harrington Court, at 85 Harrington Street and the buildings that make up Bakers Terrace at 66-68 and 70-72 Gloucester Street are located within the one allotment (Lot 1 DP777033).

The site as a whole is not a heritage item, however the buildings within the site comprising Bakers Terrace are separately listed as two buildings on the State Heritage Register 66-68 Gloucester Street (item 1530) and 70-72 Gloucester Street (item 1531), the Sydney Harbour Foreshore Authority S170 Register, 66-68 Gloucester Street (4500100) and 70-72 Gloucester Street (4500101) and The Rocks and Millers Point Archaeological Zoning Plan (site 85 & 93).

The site has been sold by the Sydney Harbour Foreshore Authority (SHFA) on a long term lease and it is proposed to redevelop the site for a mixed use development. The following works have the potential to impact on the archaeological resource that may survive in the site.

- Excavation of additional two levels of basement car parking below existing parking;
- Lower the levels of the Cambridge Street courtyard at the rear of Bakers Terraces;
- Modification of the stairs between Bakers Terrace and the existing building; and
- Excavation of fill and bedrock behind the stone retaining wall to the north of the existing car park entrance.

The project will see the design, planning and approval via State Significance Development. Statutory planning controls for the site are provided under the State Environmental Planning Policy (Major Projects) 2005. The other primary consideration is *The Rocks and Millers Point Archaeological Zoning Plan*.

The early buildings on Gloucester, Cambridge and Harrington Streets, were constructed on the steep topography of The Rocks by cutting into and levelling the rocky terrain. Bakers Terraces were constructed with basements opening to Cambridge Street. The streets were also formed by excavation into the bedrock. In 1988 further large scale modification of the study area included excavation around the terraces to construct the Harrington Court building and its two levels of underground parking. As part of the redevelopment of the study area, the level of Cambridge Street was raised approximately one metre above its original level and the terraces were extensively renovated including changing the internal levels.

This report concludes that;

- There is no potential for evidence of aboriginal occupation in the study area as the original ground levels are almost completely removed across the site due to several phases of building changes to road alignment and construction of basement car parking.
- The archaeological potential of the site was assessed in *The Rocks and Millers Point Archaeological Management Plan in 1991* as Site #93. It was identified as having only limited archaeological potential due to the extensive redevelopment which occurred in the late 1980s. This report concludes that the potential for the study area to contain a historical archaeological resource is low.
- Archaeological evidence predating the 1860s, including wells cess pits, evidence of previous structures, bedrock modification, drainage, underfloor and yard occupation deposits would be considered of local or possibly state significance.

- Archaeological evidence postdating the 1860s, including yard and underfloor occupation deposits and structures are common within The Rocks and have been well documented on the Gloucester-Cumberland Street archaeological site and at adjacent Susannah Place. This resource would be considered of local significance.
- It is considered that the any remaining archaeological resource remaining on the site will be disturbed. The recovery of intact archaeological features or deposits is highly unlikely.
- The proposed redevelopment of the site will be confined within the existing footprint of the current building. Additional excavation of a small area of bedrock at the north east corner of the site is unlikely to impact any archaeological features or deposits as it has been subject to modification in the past.
- There is an option to lower the floors in the basement of Bakers Terrace to their original level and this would not impact on a significant archaeological resource due to extensive modification of the exterior and interior of the building.
- Lowering the level of Cambridge Street Courtyard would not impact an archaeological resource as the car park is located underneath and is excavated into bedrock to a depth of at least five metres.

Recommendations

- No further assessment of the site is required.
- In the unlikely event that unexpected archaeological relics are encountered during works, it would be necessary to stop all work in the immediate vicinity of the identified deposits, notify the NSW Heritage Council and engage a qualified archaeologist to assess the significance of the material and recommend whether further action is required.

1 Introduction

1.1 BACKGROUND

Urbis has been engaged by Savills Australia to prepare the following Archaeological Assessment for proposed works to 85 Harrington Street, The Rocks, also known as Harrington Court.

In accordance with the Secretary's Environmental Assessment Requirements (SEARs), Aboriginal and Historic Archaeological Assessments are required to inform the Environmental Impact Assessment (EIS) currently being prepared for the proposed redevelopment of the subject site. This assessment considers both Aboriginal and Historical archaeology and outlines any heritage constraints within the subject site, and advise on whether further archaeological investigation may be required at later stages of the project. The assessment will be prepared to satisfy the SEARs and inform future applications and design development, if required.

The subject site at 85 Harrington Street and the buildings that make up Bakers Terrace at 66-68 and 70-72 Gloucester Street are located within the one allotment (Lot 1 DP777033). The contemporary 1980s/90s building known as Harrington Court is not a heritage item. The buildings comprising Bakers Terrace are separately listed as two buildings on the State Heritage Register 66-68 Gloucester Street (item 1530) and 70-72 Gloucester Street (item 1531), the Sydney Harbour Foreshore Authority S170 Register, 66-68 Gloucester Street (4500100) and 70-72 Gloucester Street (4500101) and The Rocks and Millers Point Archaeological Zoning Plan (site 85 & 93).

1.2 SITE LOCATION

The site is located between Gloucester Street and Harrington Street, The Rocks.

FIGURE 1 – SITE LOCATION BETWEEN GLOUCESTER STREET AND HARRINGTON STREET (BAKERS TERRACE SHOWN IN BLUE)



SOURCE: SIX MAPS - LAND AND PROPERTY INFORMATION

1.3 AUTHOR IDENTIFICATION

The following report has been prepared by Karyn McLeod (Archaeologist). Stephen Davies (Director) and Kate Paterson (Associate Director) have reviewed and endorsed its content.

1.4 METHODOLOGY

This Archaeological Assessment has been prepared in accordance with the NSW Heritage Branch guidelines 'Assessing Heritage Significance' (2001) and Assessing Significance for Historical Archaeological Sites and 'Relics' (2009). The philosophy and process adopted is that guided by the *Australia ICOMOS Burra Charter* 1999 (revised 2013).

Statutory planning controls for the site are provided under the *State Environmental Planning Policy (Major Projects) 2005*. The other primary consideration is *The Rocks and Millers Point Archaeological Zoning Plan*.

1.4.1 ABORIGINAL CONSULTATION

Due to a number of phases of development of the site the original topography has undergone major excavation and modification. It was therefore considered unnecessary to consult with the Metropolitan Local Aboriginal Land Council (MLALC) prior to the preliminary site visit due to the largely altered streetscape.

1.5 THE PROPOSAL

Sydney Harbour foreshore Authority (SHFA) is presently releasing land within its precinct for the development of residential apartment buildings and offices. The following works have the potential to impact on the archaeological resource that may survive in the site.

- Excavation of additional two levels of basement car parking below existing parking;
- Lower the levels of the Cambridge Street courtyard at the rear of Bakers Terraces;
- Modification of the stairs between Bakers Terrace and the existing building; and
- Excavation of fill and bedrock behind the stone retaining wall to the north of the existing car park entrance.

Due to the proposed impact to the site and in accordance with the Secretary's Environmental Assessment SEARs,

"...an Aboriginal and non-Aboriginal archaeological assessment detailing the likely impacts and outline the proposed management and mitigation measures to protect and preserve the archaeology".

2 Site Description

The study area is located between the Bradfield Highway and Sydney Cove, with frontages to Harrington Street and Gloucester Street, The Rocks. The site is bounded to the north by Cumberland Place and to the south by the Cahill Expressway.

Bakers Terraces fronting Gloucester Street, on the north western corner of the study area, consist of four terraces in two rendered masonry buildings constructed between the 1860s and the 1880s. The buildings are attached centrally and free standing on each end. The steep topography results in the buildings presenting two storeys to Harrington Street and three storeys to the rear on Cambridge Street. The buildings have been constructed to take advantage of the steeply sloping terrain by cutting into the bedrock and creation of a basement at the rear.

The two pairs of terraces read as similar buildings to the street, however have different forms and features behind the façade and to the rear and 70-72 Gloucester Street is wider and taller than its neighbour. The buildings were originally constructed as typical Victorian terraces, consisting of two rooms up and two rooms down, however the buildings were extensively renovated in the 1980s which included reconfiguration of internal spaces, removal of the majority of the original internal fabric and changes to the levels at the rear of the building. The buildings now function as office space.

FIGURE 2 – GLOUCESTER STREET FRONTAGE OF BAKER'S TERRACE



Cambridge Street formerly joined Harrington Street to the south of the study area. The construction of Harrington Court truncated Cambridge Street, incorporating it into the new building and forming a courtyard. Harrington Court has an entrance from Harrington Street and is constructed stepping up the slope between Harrington Street and Gloucester Street. The complex has basement parking accessed from Harrington Street.

FIGURE 3 – REAR OF BAKER'S TERRACE AND STAIRS LEADING TO CAMBRIDGE STREET ON THE LEFT AND TO CUMBERLAND PLACE ON THE RIGHT.



FIGURE 4 – HARRINGTON COURT AND HARRINGTON STREET ENTRANCE TO THE CAR PARK, WITH THE CUMBERLAND PLACE STAIRS ON THE RIGHT. SOURCE: GOOGLE MAPS



FIGURE 5 – VIEWS OF THE STUDY AREA



PICTURE 1 – BEDROCK AND RETAINING WALL ON HARRINGTON STREET



PICTURE 2 – HARRINGTON STREET VIEW TO NORTH



PICTURE 3 – BASEMENT PARKING CUTTING INTO THE BEDROCK



PICTURE 4 – STAIRS TO CAMBRIDGE STREET FROM CUMBERLAND PLACE AND HARRINGTON COURT ON THE LEFT



PICTURE 5 – CUMBERLAND PLACE VIEW EAST FROM GLOUCESTER STREET



PICTURE 6 – CAMBRIDGE STREET AND THE REAR OF BAKER'S TERRACE AT THE LEFT



PICTURE 7 – INTERIOR OF BAKERS TERRACE



PICTURE 8 – INTERIOR OF BAKERS TERRACE



PICTURE 9 – STAIRS BETWEEN GLOUCESTER AND CAMBRIDGE STREET SOUTH OF BAKERS TERRACE.



PICTURE 10 – STAIRS TO GLOUCESTER STREET BETWEEN HARRINGTON COURT AND BAKERS TERRACE

Since the earliest days of the colony, The Rocks has been characterised by the steep streets and laneways running across the rocky promontory. Cumberland Place and steps are located on the northern boundary of the study area and comprise of a series of flights of stairs and landings that remained relatively unchanged over the past 100 years. Cumberland Place has also been known as Cribb's Lane which is a separate lane to the north linking Gloucester and Cumberland Streets.

A set of stairs constructed in the 1980s provides access from the courtyard created by the truncation of Cambridge Street up to Gloucester Street. The stairs separate the Harrington Court Building from Bakers Terraces. Historically an additional set of stairs provided access between Cambridge and Gloucester Streets on the southern boundary of the study area.

The stone retaining wall in Harrington Street originally separated the upper level of Harrington Street from the lower level. The topography was so steep in this part of The Rocks it required separation of the road. The lower section of the road was widened around 1900 and is Harrington Street that we know now. The houses accessed by the upper portion were demolished and allotments remained vacant until the construction of Harrington Court. Harrington Court is built on the vacant allotments and the upper level road. Photographs of The Rocks Resumptions demonstrate the retaining wall was constructed between 1900 and 1914 as a facing over the existing bedrock. The top of the wall acquired several additional courses around 1990. The entire footprint of Harrington Court has been excavated into the bedrock to provide parking and reception areas.

3 Historical Overview

3.1 ABORIGINAL OCCUPATION

The area that is now metropolitan Sydney was originally home to over 30 separate clans collectively known as the 'Eora' (or 'Eora Nation'). The term 'Eora' is often used to reference the coastal people of the Sydney area. The Gadigal people were a clan of the 'Eora', whose traditional lands included the southern side of Sydney Harbour, from Watsons Bay to Sydney Cove.¹ Prior to European settlement, Aboriginal people lived primarily in small family or clan based groups of between 30 and 50 people that were associated with particular areas or places.

The subsistence activities of the Gadigal clan were based primarily on the readily available marine and estuarine resources of the harbour, its beaches and the Parramatta River. Shellfish, for example, were exploited both as a source of food and for the manufacture of shell tools and implements including fish hooks spear points and cutting edges.² Fresh water was readily available in the form of the Tank Stream and numerous other creeks flowing into almost every bay in the harbour. The Sydney area was a rich ecological zone and the native flora and fauna of the area provided both an abundant and diverse variety of food resources and material culture. A range of different resource habitats were likely to have been readily accessible to Aboriginal groups living within the region.

European settlement of Australia commenced in 1788 when Governor Phillip established a colony at Sydney Cove, on what had traditionally been Gadigal land. The reaction of the local Aboriginal people to the arrival of First Fleet was mixed; initially, the local Aboriginal people of Port Jackson were friendly and tried to assist the Europeans to locate water, but when the colonists began to clear vegetation and attempted to modify the landscape, the reaction was clearly negative.³ At Sydney Cove, the colonists were largely avoided as they cut down trees, established gardens, erected buildings, and exploited the natural resources of the area.

Governor Phillip was hopeful that the local population would voluntarily visit the settlement and attempt to engage in a friendly dialogue with the colonists. When it became clear that this was unlikely to happen, a young Aboriginal man called Arabanoo was captured and brought to live in the town. He provided the colonists with information about the Aboriginal people and their customs and later died from what was suspected to be smallpox.⁴ Arabanoo, as well as two other Aboriginal people, have previously been identified as being buried somewhere within the grounds of first Government House. This has been registered on the AHIMS as site #45-6-2299.

Following Arabanoo's death, two more Aboriginal men, Bennelong and Colbee, were captured, and a significant relationship was formed between Bennelong and Phillip; Bennelong frequently visited Phillip at the first Government House and later travelled with him to England. Based on the positive interactions between Bennelong and Phillip the relationship between the local Aboriginal people and the colonists gradually improved; in the early years of the colony, it was not unusual for Aboriginal people to visit the grounds of first Government House and even camp there, and a number of colonists such as William Dawes and David Collins were able to form positive relationships with Aboriginal people.⁵

However, the colonists continued to exploit the natural resources on which Aboriginal people relied for survival, and the intensity of this exploitation gradually increased. As a consequence, the relationships that Phillip had gone to such pains to establish deteriorated and serious conflicts began to occur. As resources became more and more scarce, Aboriginal people were reported to have taken food and other items from the colonists, while convicts often stole items from the Aboriginal people, including canoes, spears, fishing nets and other weapons.⁶ Retaliatory attacks also became common.

¹ Karskens 2009:37

² Artefact Heritage 2012:15

³ Attenbrow 2002:14

⁴ ibid

⁵ Attenbrow 2002:15

⁶ Attenbrow 2002:15

At the turn of the century and into the early 1800s, Aboriginal people continued to venture into the settlement and still sometimes camped on the grounds of first Government House. As such, it has been recognised that first Government House and its grounds was a 'central location for interaction between British officers and local Aboriginal people in the early years of the colony, especially during Phillip's governorship'⁷ However, the deterioration of the relationship between the locals and the colonists, coupled with increasingly intensive land clearing and development, meant that by the mid- 1800s the area was decidedly European and no longer used for traditional Aboriginal activities or customs.

3.2 SITE HISTORY

Colonists began to settle the central portion of the peninsula that forms The Rocks shortly after the founding of the colony of Sydney. The Tank Stream, which served as the original water supply for the colony, divided the early settlement between the military to the east and the convicts to the west.⁸ The sandstone soils of coastal Sydney were found to be unsuited for cultivation and Sydney Cove developed into a busy harbour port and the centre of maritime, commercial and government administration. Wharves, warehouses, industry and government buildings were quickly established along the shoreline of the Cove and residential development crept up the hill to the west of the Cove.

FIGURE 6 – HOUSES ON CAMBRIDGE STREET STEPPING UP THE ROCKY TERRAIN, C1900



SOURCE: TROVE –NATIONAL LIBRARY OF AUSTRALIA

By 1807 the central part of The Rocks, including Cumberland, Gloucester and Harrington Streets, was settled, mainly with freestanding residential buildings with yards and probably gardens. The streets in the area were beginning to formalise with streets running north - south along the ridge and steep lanes and stairs connecting them. Prior to 1810, a steep thoroughfare from Harrington Street through to Cumberland Street was locally known as Cribbs Lane. It was named after George Cribb, a convict butcher who lived opposite the study area on the corner of the laneway and Gloucester Street. The lane was formalised and named by 1830, later being known as Cumberland Place. This was originally a steep lane which acquired a series of stairs and landings that were constructed between 1880 and 1887. By 1900 there were also bollards placed in Cumberland Place to stop carts from using the stairs.

⁷ Hinkson 2002: 73

⁸ Aird, W. V. (1961). The water supply, sewerage, and drainage of Sydney. Sydney, Metropolitan Water Sewerage and Drainage Board.

By 1830 the primarily freestanding buildings on larger lots had given way to a greater density of attached buildings. Commercial, industrial and residential buildings shared The Rocks with people living and working in the same buildings. Pubs were a very common feature of The Rocks.

FIGURE 7 – CITY SECTION STREET PLAN, SECTION 77-88 AND SECTION 80, 1833. THE SUBJECT SITE IS SHOWN AS WELL DEVELOPED WITH A RANGE OF FREE-STANDING BUILDINGS AND YARDS.

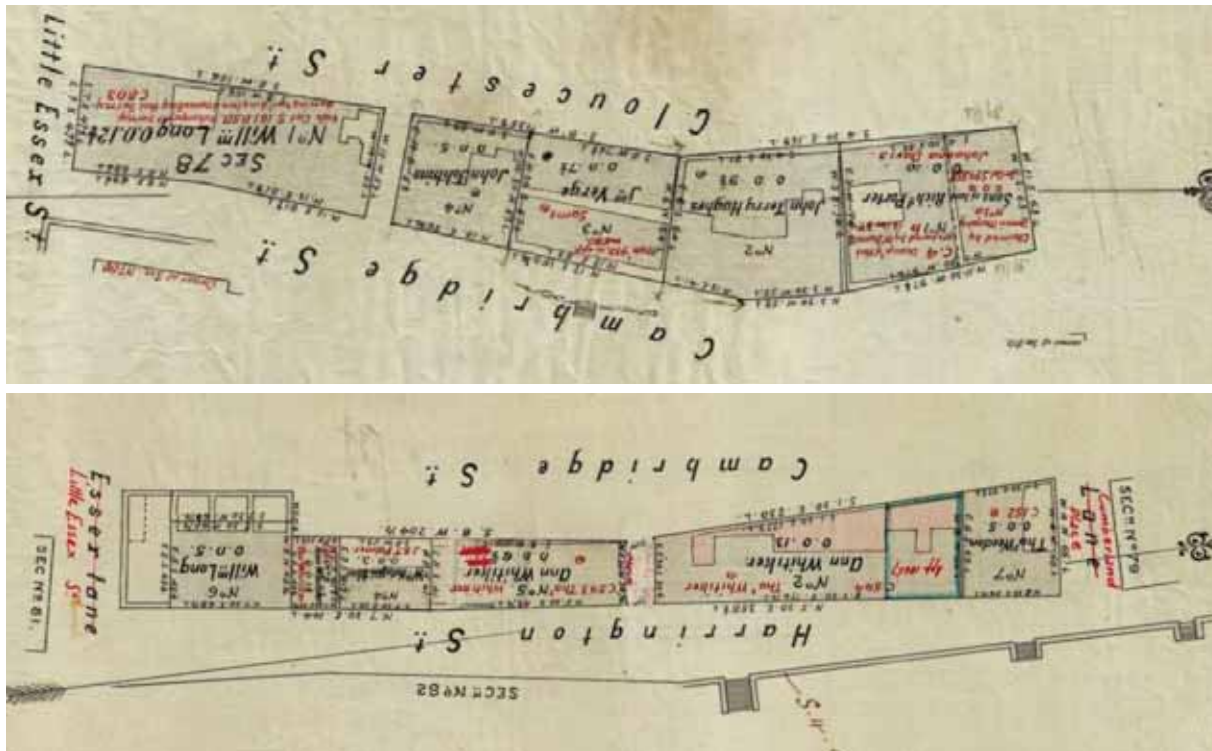
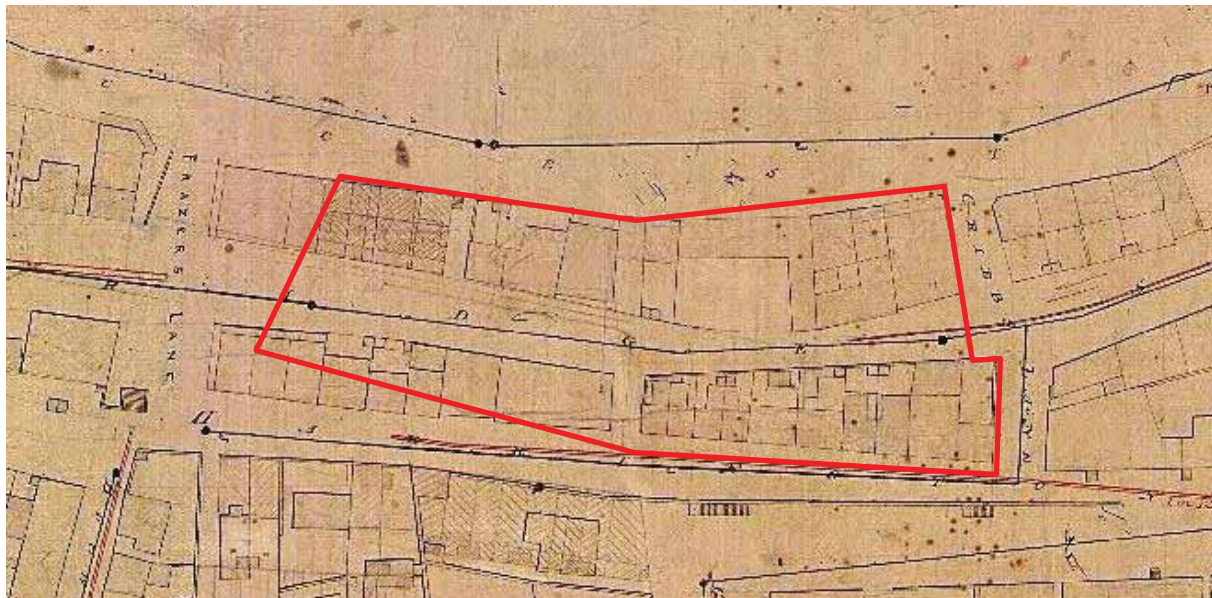


FIGURE 8 –EXTRACT FROM THE 1865 TRIGONOMETRICAL SURVEY OF SYDNEY AND APPROXIMATE SITE OVERLAY.



SOURCE: CITY OF SYDNEY ARCHIVES

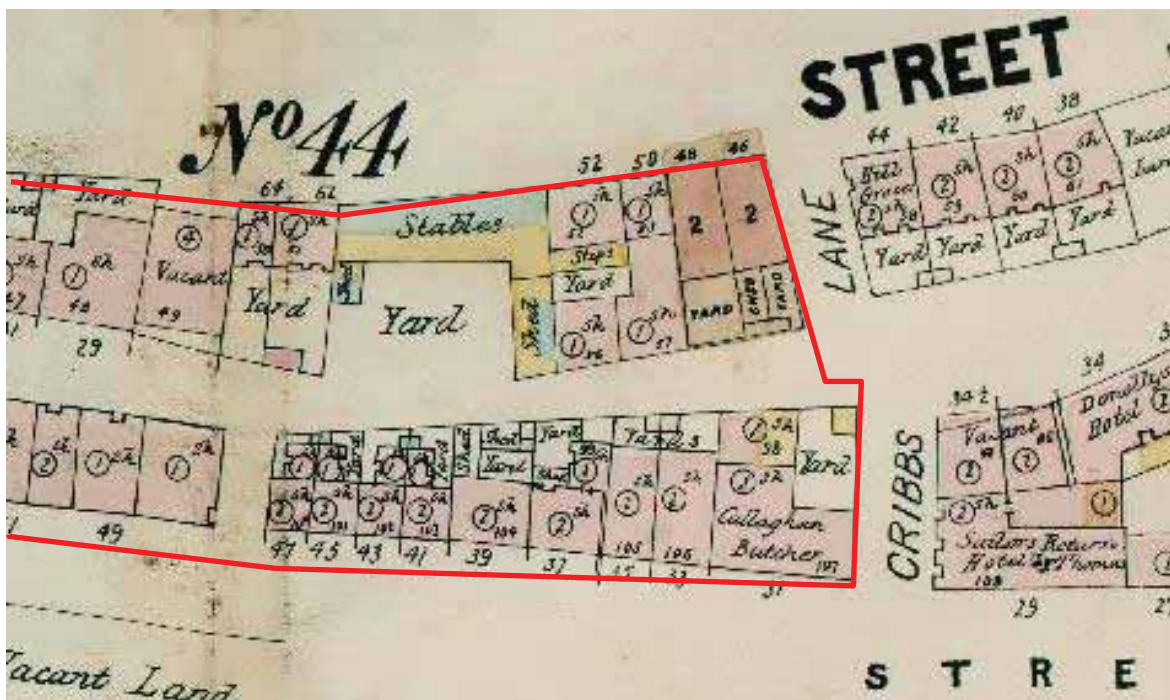
Sewer lines were installed down the main streets in the 1850s, but not every house was connected. Many houses had stone cesspits and some had nothing at all and had to share a neighbour's facilities. With the discovery of gold in 1851, immigration to the colony rose dramatically, resulting in an intense demand for housing. Developers and residents began subdividing the large old yards and built rows of small, plain

terrace housing.⁹ By 1865 the allotment configuration was set. The study area consisted of single and double storey free standing houses, conjoined terraces, shops, a pub and storage sheds. The buildings on both sides of Cumberland Place were also provided with reticulated water by 1865 (Figure 8).

Redevelopment of the entire Rocks, Millers Point and Darling Harbour area took place in the wake of the bubonic plague outbreak which began in January 1900. The plague was a catalyst for the redevelopment of the entire harbour foreshore area of Sydney. Sydney Harbour Trust was formed to take on the role as landlord of all residential and commercial premises in the area and all of Millers Point, The Rocks and Darling Harbour were resumed by the Stat Government. Over the following 20 years, the entire waterfront was demolished and rebuilt. In the residential areas, hundreds of houses were demolished and the enormous task of demolition and reconstruction of the wharves, streets and public housing began.¹⁰

In 1900 the study area consisted of around 30 buildings which included single and double storey houses, stables, the four storey 'Ship and Mermaid Hotel' (Figure 12) that was operating as a boarding house, shops and additional sheds and outbuildings. The topography in Harrington Street was so steep that the road was divided into an upper and lower level in front of the study area. Cambridge Street was more like a lane than a street and joined the upper level of Harrington Street at its southern end. The lower level of Harrington Street is the road we know now, while the upper level now has the Harrington Court Building constructed on it.

FIGURE 9 – EXTRACT FROM PERCY DOVE'S 1880 PLANS OF SYDNEY SHOWING APPROXIMATE LOCATION OF HARRINGTON COURT.



SOURCE: CITY OF SYDNEY ARCHIVES

⁹ Dictionary of Sydney- The Rocks

¹⁰ Dictionary of Sydney- The Rocks

FIGURE 10 – BUILDINGS IN THE STUDY AREA IN 1900, BETWEEN GLOUCESTER STREET AND HARRINGTON STREET WITH SITE OVERLAY



SOURCE: THE ROCKS AND DARLING HARBOUR RESUMPTION PLANS- CITY OF SYDNEY ARCHIVES

FIGURE 11 – GLOUCESTER STREET 1901, PART OF THE STUDY AREA INCLUDING THE STONE SHIP AND MERMAID HOTEL, COTTAGE AND TERRACES. ALL OF THESE BUILDINGS WERE DEMOLISHED BY 1949.



SOURCE: ROCKS RESUMPTION PHOTOGRAPHS, TROVE – NATIONAL LIBRARY OF AUSTRALIA

FIGURE 12 – CAMBRIDGE STREET (UPPER LEVEL HARRINGTON STREET) 1901 - PART OF THE STUDY AREA INCLUDING SMALL COTTAGES, THE SHIP AND MERMAID HOTEL AND BAKERS TERRACES IN THE BACKGROUND



SOURCE : ROCKS RESUMPTION PHOTOGRAPHS, TROVE – NATIONAL LIBRARY OF AUSTRALIA

FIGURE 13 – C1901 SHOWING THE CUTTING BACK OF THE ROCK FACE ON HARRINGTON STREET AND PARTIAL CONSTRUCTION OF THE STONE FACING OF THE WALL.



SOURCE : CUMBERLAND PLACE CMP SHFA 2008

FIGURE 14 – THE SAILORS RETURN TO THE NORTH OF STUDY AREA ON HARRINGTON STREET AROUND 1915. THE STAIRS TO CUMBERLAND PLACE CAN BE SEEN CUT INTO THE BEDROCK AND THE SANDSTONE WALL ON THE LEFT REMAINS IN THE STREET TODAY.



SOURCE : CUMBERLAND PLACE CMP SHFA 2008

In 1900 Harrington Street had a raised cut rock face and timber picket fence presenting to the street. A set of timber stairs attached to the rock face provided access to the upper level of Harrington Street. Harrington Street underwent some realignment and levelling around 1905 and the timber stairs may have been removed and the stairs leading to Cumberland Place may have been constructed at the same time. The Cumberland Place stairs were certainly in place by 1912 according to pictorial images.¹¹ The original stairs were much narrower than those that exist today. They were widened to twice their original width during the 1970s. Due to wear, the older side of Harrington Street Steps were fenced off and the other side capped with concrete in the 1990s.¹²

The sandstone retaining wall on Harrington Street has not changed significantly since the early 20th century and the same bedrock and stone blocks adjacent to the Cumberland Place stairs are clearly identified in images from around 1915 (Figure 14). Photographs of The Rocks Resumptions demonstrate the retaining wall was constructed between 1900 and 1914 (Figure 13). It is constructed as a facing in front of the natural bedrock. The houses accessed by the upper portion of Harrington Street were demolished and allotments remained vacant until the construction of Harrington Court. Harrington Court is built on the vacant allotments and the upper level road. The timber picket fence remained until the 1970s and the top of the wall acquired several additional courses after 1980. The pipes post-date 1965 and have since been replaced. The current footpaths were constructed after the 1980s.

During the early years of the 20th century the buildings in The Rocks were seen as out-dated at a time when the Government wanted to move away from terrace houses. Land on which buildings had been demolished in The Rocks generally remained vacant, although some public housing was constructed such as the 16 duplex style three bedroom units arranged in eight terraces at 45-56 Gloucester Street built in 1914. By the 1920s more buildings were being demolished to make way for the approach to the Harbour Bridge. Streets in The Rocks were also realigned during this time with Harrington and Gloucester Streets undergoing substantial changes. A number of hotels were also reconstructed including the Australian and the Glenmore Hotel.

¹¹ CMP (Cumberland Place), p 25

¹² *ibid.*

FIGURE 15 – C1900 - CAMBRIDGE STREET-PART OF THE STUDY AREA INCLUDING CUMBERLAND PLACE IN THE FOREGROUND AND REAR OF BAKERS TERRACES.



SOURCE: ROCKS RESUMPTION PHOTOGRAPHS, TROVE – NATIONAL LIBRARY OF AUSTRALIA

When Cumberland Street was realigned and widened in 1911, the streetscape of Gloucester Street also changed significantly, as a number of buildings were demolished including the notable Gloucester Street Bridge over Argyle Street to the north of the study area. The level of Gloucester Street in the vicinity of the study area was raised and a retaining wall was constructed in front of the Gloucester Street terraces and Susannah Place to support the newly elevated road level. These works necessitated alterations to the stairs from Cumberland Place to Gloucester Street. Additional steps were added to the stairs to Gloucester Street to accommodate the level change.

Between 1905 and the 1940s the bulk of the buildings in the study area were demolished. By 1943 Bakers Terraces, the Ship and Mermaid Hotel and seven terraces facing Gloucester Street remained in the study area, however all the buildings fronting Cambridge and Harrington Streets had been demolished. Five years later only Bakers Terraces had survived further demolition in the area to enable the construction of the Cahill Expressway. Between 1954 and 1963 construction of the Cahill expressway resulted in more demolition of buildings in Gloucester and Harrington Streets. Gloucester Street was truncated and Harrington Street was lowered slightly to allow traffic to pass under the overhead roadway.

In the 1930s the Maritime Service Board took over management of the area leasing properties to maritime workers. In 1970 the Sydney Cove Redevelopment (SCRA) became the landlords of The Rocks when most properties were occupied by Housing Commission tenants. The SCRA began infilling vacant land, leasing property for shops and cafes and instigated a large redevelopment program. The study area remained vacant apart from Bakers Terrace until 1988 when the construction of Harrington Court began.

The extant buildings on the site, known as Baker's Terrace, developed as a typical late 19th century terrace-style residential dwelling, built to accommodate multiple tenancies. Buildings are documented on the site in plans dating from 1833, 1855 and 1865. Small single storey buildings that had inhabited the northern allotments were demolished around 1875 and the construction of two (two and three storey) brick Victorian terraces in c1875 is indicated by a large increase in yearly rates.

FIGURE 16 – BUILDINGS IN THE STUDY AREA IN 1943, BETWEEN GLOUCESTER STREET AND HARRINGTON STREET WITH APPROXIMATE SITE OVERLAY, MUCH OF THE STUDY AREA IS VACANT AT THIS TIME.



SOURCE: SIX MAPS - LAND AND PROPERTY INFORMATION

In 1880, Edward Baker is first recorded in the rates assessment books as being the owner of the northern allotment (66-68), which already contained two (two and three) storey mid-Victoria terraces. By 1882, Baker is recorded as being the owner of the southern allotment (70-72) as well. It is presumed the Baker demolished the existing old single storey houses on the southern allotment to make way for the construction of a new pair of terraces between 1880 and 1881. The entire site is recorded as being 'three storey' by 1882.

Baker's Terrace is formed by the two buildings attached at the centre wall. In order to give the two sets of terraces the appearance of being one large building, a new façade was constructed onto the building between 1880 and 1887 resulting in Bakers Terraces protruding into the street further than the original building alignment. Edward Baker was the owner of the properties in 1900 when the area was resumed by the government. By the 1970s the buildings were in poor condition and uninhabitable and were taken over by the Sydney Cove Redevelopment Authority.

FIGURE 17 – GLOUCESTER STREET, THE ROCKS 1984



PICTURE 11 – BAKERS TERRACES IN THE MID- GROUND AND THE VACANT HARRINGTON COURT SITE COVERED WITH VEGETATION



PICTURE 12 – VACANT LOTS IN THE LOCATION OF HARRINGTON COURT. NOTE THE TERRACING OF THE SITE.

The stairs adjacent to the rear of Bakers Terraces were also constructed between 1880 and 1887 which would have required the erection of the retaining wall between the rear yard of the terraces and the new stairs. It appears that the rear yard of Bakers Terraces was excavated into the original slope and that there were several steps leading from the rear basement door to the back yard.

In 1988, an extensive program of works was undertaken to the building, linked to the redevelopment of the surrounding site for the Harrington Court. The large vacant block to the south and east of Bakers Terrace was offered for commercial redevelopment, with the restoration of Baker's Terrace to form part of the terms of the leasehold and redevelopment. This involved the removal of the rear verandas and single storey skillions, removal of all original internal fabric and room configuration changes.

Bakers Terraces were incorporated into the construction of Harrington Court but separated from the new development by a stair way from Cambridge Street to Gloucester Street. Work to Bakers Terraces primarily involved removal and replacement of the rear verandas, removal of the single storey skillions to the rear yards as well as extensive internal restoration and reconfiguration. A detailed list of these works is provided in the CMP¹³.

The hotel and basement parking necessitated major works to Cambridge Street including excavation of up to five metres of sandstone and complete removal of the rear yards of the terraces (Figure 18). The rear yards have been turned into an open paved courtyard. The ground levels have also been raised to allow direct entry into the basement levels, whereas originally there would have been several steps down to the rear yards. There are now stairs leading up to the Cambridge Street courtyard where originally Cambridge Street was flat.

FIGURE 18 – THE STUDY AREA IN 1980 INCLUDING THE STAIRS OF CUMBERLAND PLACE, THE STONE RETAINING WALL AND BAKERS TERRACES IN THE REAR.



SOURCE: CUMBERLAND PLACE CMP SHFA 2008.

¹³ Bakers Terrace Conservation Management Plan Urbis 2015

FIGURE 19 – EXCAVATION OF CAMBRIDGE STREET FOR THE CONSTRUCTION OF HARRINGTON COURT, 1980S



SOURCE: FUTUREPAST BAKERS TERRACE CMP (NO REFERENCE)

4 Aboriginal Archaeological Assessment

4.1 ENVIRONMENTAL CONTEXT

4.1.1 GEOLOGY AND SOILS

The subject site is located within the Hawkesbury Sandstone geological formation, which is characterised by medium to coarse-grained sandstone, very minor shale, and laminate lenses. Hawkesbury Sandstone was one of the most ubiquitous geological layers of the Sydney Basin, and was used extensively by both Aboriginal and European people for a variety of shelter and subsistence requirements. Previous archaeological investigations have revealed various pieces of evidence for the use of the naturally occurring geological resource by local Aboriginal people. This includes stone artefacts, grinding groove sites (where stone tools such as axes were manufactured or maintained by grinding them into areas of exposed sandstone), rock engravings and pigment motifs on exposed sandstone, and occupational deposits (such as shell middens or artefact scatters) within natural sandstone shelter formations¹⁴.

The subject site falls within the GyMEA soil landscape, which comprises soils derived from shale deposits with additional siliceous clays and leached sands along drainage lines. The depth of soil in this landscape is largely dependent on relief, but is typically shallow (around 30 centimetres, but up to 100 centimetres depending on the associated landscape features), and soils are susceptible to sheet erosion when disturbed.¹⁵ Because of the typically shallow soil depth, as well as the propensity for erosion, Aboriginal archaeological deposits, if present within the subject site, are unlikely to be found in their original context

The subject site has undergone considerable modification including levelling and excavation of the bedrock over the past 200 years for the construction of housing, basements, roads and laneways and introduction of services.

4.1.2 HYDROLOGY AND TOPOGRAPHY

In the earlier years of the colony, the natural drainage catchment within the inner Sydney area was a watercourse called the Tank Stream. The Tank Stream flowed north from a swampy area that stretched between Market and Park Streets, and into the area between the current alignments of Pitt and George Streets. This Stream was the primary source of fresh water for Sydney until the early 1800s. The mouth of the stream rapidly filled with silt as a result of land clearance and the cumulative effects of washing, rubbish dumping, animal slaughtering and other domestic and commercial activities resulted in the contamination of the water. Its course was canalised and it was officially abandoned as a source of water in 1826.¹⁶

Topographically, the landscape is characterised by undulating low hills with gentle to moderate slopes and isolated rock outcrops.¹⁷ The subject site, specifically, is located on a rock promontory on the western side of Sydney Cove. Prior to settlement, the Tank Stream would have provided the local Aboriginal population with a permanent and reliable source of fresh water fit for consumption. Additionally, the rock outcrops the subject site and its surrounds means that the area would have been highly suitable for habitation by the local Aboriginal population prior to European settlement.

4.1.3 FLORA AND FAUNA

Prior to European settlement, the vegetation community of the inner Sydney region would have comprised dense open woodland, with common flora species being scribbly gums, tea-trees, native honeysuckle, bottlebrush, swamp mahogany, swamp oak and cabbage tree palm.¹⁸ All of the vegetation

¹⁴ Attenbrow 2002:14

¹⁵ Chapman G.A., Murphy, C.L., Tille P.J., Atkinson G. and Morse R.J., 2009

¹⁶ Chapman, GA and Murphy, CL 1989, *Soil Landscapes of the Sydney 1:100,000 Sheet*.

¹⁷ *ibid*

¹⁸ Benson and Howell 1990

zones which are likely to have characterised the pre - European environmental context of the region have been eliminated during the post-contact period.¹⁹

Aboriginal people were highly mobile hunter-gatherers utilising different landform units and resource zones. Varying resources are likely to have only been available seasonally, this limitation of the resources utilised may have necessitated the need for movement and trade of resources across the landscape.²⁰ Ethnographic observations indicate that the Sydney Aborigines had an economy focused largely upon marine resources. A large variety of fish and shellfish were available to aboriginal people and it is likely that they also exploited woodland species such as wallabies, bandicoots, possums and dingoes. These European observations also suggest that their toolkit was fashioned largely on organic materials, such as wood, bark, palm leaves, shell and bone. The use of stone by coastal Sydney Aboriginals does not figure prominently within the early European descriptions.²¹

Plants were an important source of nutrition and were also used in the manufacture of tools. Gum and sap were used for binding or for hafting, such as in the manufacture of stone hatchets and plant fibres and bark were used to make baskets, nets, ropes and hammocks²². Plant products were also used in the manufacture of shelters, shields and other weapons, digging sticks and coolamons that were used to carry food and water.

A study of the Sydney region reveals that Aboriginal sites are distributed across the whole range of topographic units and environmental zones. Shell middens are common in the Port Jackson region in areas where shellfish are available around the shores of bays, rivers, harbours and the coast. The archaeological record of the coast and rivers is different to that of the Cumberland Plain of Sydney, partly because of the different resources in these areas.²³

After European colonisation the Aboriginal people of Port Jackson continued to manufacture tools, sometimes with new materials such as bottle glass or ceramics. There are a number of sites in the Sydney basin where flaked glass has been recorded, for example at Moore's Wharf, Walsh Bay.

4.2 ARCHAEOLOGICAL CONTEXT

The following section includes all known Aboriginal archaeology of the study area and the vicinity based upon a review of relevant archaeological reports and publications and a search and review of previously recorded sites from Aboriginal Heritage Information Management System (AHIMS). This information allows for the development of a predictive model for potential Aboriginal sites within the study area.

Aboriginal occupation of the Sydney basin is likely to have spanned at least 20,000 years. Late Pleistocene occupation sites have been identified on the fringes of the Sydney basin and from rock shelter sites in adjoining areas. However the majority of sites in the Sydney region date to within the last 3,000 to 5,000 years, with many researchers proposing that occupation intensity increased from this period (Kohen 1986; McDonald 1994; McDonald and Rich 1993). Such an increase in occupation intensity may have been influenced by rising sea levels, which stabilised approximately 6,500 years ago.²⁴

A study of the Sydney region reveals that Aboriginal sites are distributed across the whole range of topographic units and environmental zones. Shell middens are common in the Port Jackson region in areas where shellfish are available around the shores of bays, rivers, harbours and the coast. The archaeological record of the coast and rivers is different to that of the Cumberland Plain of Sydney, partly because of the different resources in these areas.²⁵

¹⁹ Attenbrow 2002 p:28

²⁰ Attenbrow 2010 p:28

²¹ Artefact Heritage 2013 p:20

²² Saunders 2003

²³ Attenbrow 1990 p:30

²⁴ AMBS 2012 p:12

²⁵ Attenbrow 1990 p:30

Prior to European settlement, the study area is likely to have been a rich ecological zone which provided both an abundant and a diverse variety of food resources. A range of different resource habitats were likely to have been readily accessible to Aboriginal groups living within the region. These variable habitats include Sydney Harbour and its tributaries, significant creek-lines such as the Tank Stream wetland areas of mangrove and saltmarsh and a variety of open and woodland terrestrial zones situated within the more elevated areas.

A review of the environmental context (Section 3) suggests that resources, including water, flora and fauna and raw material sources, would have been available in and around the study area. Topographically, the study area would have been easily accessed by foot and from the water. Physical evidence of Aboriginal use of the Sydney region has been found in the form of stone artefacts, middens, rock shelter sites, art sites, rock engravings and axe grinding grooves.

On the basis of the location of recorded sites, it appears likely that Aboriginal people camped on drier, more elevated ground while collecting plant foods and shellfish, fishing and hunting game. Rock shelters and bark shelters are likely to have been used for protection from the weather. Archaeological and ethnohistorical evidence from the Sydney region indicates that the economy of the Aboriginal inhabitants of the study area at the time of Contact is likely to have been marine orientated. It is probable that certain species of both fish and shellfish were seasonally available. Fish appear to have been generally speared or taken by line. Traps and stone weirs may also have been employed. Shellfish were gathered and carried, along with other articles, in net bags. Other foods resources such as crabs would also have been sought within the mangroves.

Due to the rugged outcrops of rock which later gave the “The Rocks” its name, it is unlikely there was any “permanent” occupation of the upper ridges. Flat stones by the water at Dawes Point were said to have been used by the Cadigal for cooking fish.

The closest registered Aboriginal site is located at Walsh Bay and the Lilyvale Site on Cumberland Street. It is considered that the registered sites are distant enough that they are not considered to present a constraint and will not be physically impacted by the proposed works.

Land in The Rocks was granted to a number of people as early as the 1790s. Trees were cut down, the thin soils were removed and the bedrock was levelled. In 1833 all the allotments in the study area were in ownership and the majority had buildings on at least part of the allotment. By 1855 the subject site consisted of terraces, houses and shops fronting Gloucester Street and Harrington Street with rear yards and out buildings generally facing Cambridge Street. Most of the buildings on the subject site were progressively demolished between 1905 and 1950, with only the Baker’s Terraces remaining.

In 1988 major excavation of the site was undertaken for the construction of the new Harrington Court complex. Up to five meters of bedrock has been removed across the site for the construction of the underground carpark and the current hotel and office. The scale of the works suggest that there are no longer any original levels or soil deposits remaining on the site.

4.3 PREVIOUS ARCHAEOLOGICAL INVESTIGATION

In 1989-90, Val Attenbrow undertook Stage 1 and 2 of the Port Jackson Archaeological Project, which involved documentary research on previous archaeological work done in the catchment, detailed recording of registered sites and some field survey of areas where no sites had been registered. Overall, Attenbrow classified six sites as having excellent research potential, 48 as having good potential, and 151 as having poor to nil potential. Attenbrow found, from a review of excavation work in the Port Jackson area that Aboriginal people were living around the harbour foreshores gathering shellfish at least 4,500 years ago, that the number and species of shellfish represented in middens varied according to distance from the harbour mouth, and that a change from exploitation of predominantly cockle (*Anadara trapezia*) to predominantly oysters (*Saccostrea commercialis*) appears to have occurred over time in this region²⁶.

²⁶ Attenbrow 1990:30

There have been a number of Aboriginal archaeological deposits identified during the course of historical archaeological excavations including locations at Millers Point and The Rocks, at Angel Place and Sussex Street in the city, Broadway Ultimo and William Street in Woolloomooloo.

Steele, D, and Czastka, J 2003, *Archaeological Salvage Excavations at the Quadrant, Broadway, Report to Australand Holdings*

At Broadway, Aboriginal objects were retrieved from archaeological deposit revealed during extensive historical archaeological excavation across the site. The area had formerly been located on the southern margin of the estuarine environment of Blackwattle Bay. The introduction of fill on the original ground surface may have acted to preserve Aboriginal archaeological material.

Godden Mackay 1997: *Angel Place Project 1997 Volume 3: Prehistory Report, Salvage Excavation of Site # 45-6-2581, report to AMP Asset Management Australia Ltd, the NSW Heritage Council and the National Parks and Wildlife Service (NSW).*

At Angel Place, Aboriginal archaeological deposit was identified when a small number of Aboriginal stone artefacts were retrieved during the course of historical excavation at the site. The site, AHIMS site # 45-6-2581, was located across a 4 x 4 metre area of surviving topography bordering the Tank Stream. Excavation revealed that only small portions within that area were relatively free of disturbance. A total of 54 stone artefacts were retrieved from excavation of the Aboriginal archaeological deposit at Angel Place, consisting predominantly of silicified tuff raw material, followed by mudstone, silcrete and quartz. The distribution of the artefacts across the intact portions of a tiny area bordering the Tank Stream led Godden Mackay to conclude that the banks of the stream were likely the site of repetitive Aboriginal occupation. The Aboriginal archaeological deposit at Angel Place was largely destroyed by subsequent building construction and other related activities bordering the Tank Stream and only a very small portion of archaeological deposit remained intact.

Baker, N 2004, *Archaeological Salvage of an Aboriginal Site at William Street, East Sydney, report to Zonie Construction and Design Pty Ltd.*

At the William Street site, archaeological excavation at AHIMS site # 45-6-2629 included salvage of an intact sandy deposit bordering a watercourse that flowed north to Woolloomooloo Bay, which was identified during the course of historical archaeological investigation of the site. Predominant raw material types amongst the stone artefact assemblage retrieved from the William Street site included quartz, grey tuff, silcrete and mudstone. Bipolar flaking techniques were frequent amongst the quartz assemblage, with Baker (2004) suggesting that utilised quartz pebbles were likely sourced from exposed portions of Hawkesbury Sandstone in the area. Baker also suggested that the prevalence of bipolar quartz flakes with sharp cutting edges in the assemblage showed a preference for quartz over the sharp edges of shellfish, which were abundantly available in nearby estuarine environments.

A definite date for the archaeological deposit excavated at the William Street site was not determined. Based on the artefact assemblage and geomorphology of the site, it was assessed that the archaeological deposit represented cumulative occupation of the site over the last 6,500 years. Baker has noted that the implications of Aboriginal archaeological deposit being identified beneath several phases of building construction was that the survivability of Aboriginal heritage should be considered on inner Sydney building sites, especially areas adjacent to former watercourses.

4.4 ABORIGINAL ARCHAEOLOGICAL ASSESSMENT

Environmental factors represent some of the more important determinants which influence the nature and distribution of archaeological sites across the landscape. The analysis of environmental factors contributes to the development of the predictive modelling of archaeological sites, but it is also required to contextualise archaeological material and to interpret patterns of past human behaviour.

Resource distribution and availability such as the presence of drinking water, plant and animal foods, raw materials of stone, wood and vegetable fibre used for tool production and maintenance is strongly influenced by the nature of soils, the composition of vegetation cover and the climatic characteristics of a given region. The location of site-types such as open camp-sites and middens are strongly influenced by these factors, which are specific to different land systems and bedrock geologies. Understanding the

environmental context of any given region is therefore an integral component necessary to modelling past Aboriginal land-use practices and/or predicting site distribution patterns within any given landscape.

Current land use practices have the potential to affect the visibility of archaeological material; they may obscure, or expose archaeological sites. In addition, previous disturbances may have also exposed archaeological material, such as excavation for dams or other ground disturbance. It is important that such factors are also considered in making assessments of archaeological resources in an area and understanding the distribution of observed sites. The majority of registered AHIMS sites in the region of the study area are stone artefact sites and middens, which occur along Sydney Harbour.

Aboriginal occupation was often focussed on prominent landforms such as ridges, which were favourable locations for camping and travelling, and from which surrounding plant and animal resources could be viewed. However, they also camped on lower, elevated areas adjacent to reliable water sources, such as the Tank Stream.

All Aboriginal Objects are protected regardless of their significance or land tenure under the National Parks and Wildlife Act (NPW Act). Under Section 90 of NPW Act, it is an offence for a person to destroy, deface, damage or desecrate an Aboriginal Object or Aboriginal Place without the prior issue of an Aboriginal Heritage Impact Permit (AHIP). The Act requires a person to take reasonable precautions and due diligence to avoid impacts on Aboriginal Objects. AHIPs may only be obtained from the Environmental Protection and Regulation Division (EPRD) of OEH (see section 6 for further information).

- There is no potential for evidence of aboriginal occupation in the study area as the original ground levels are almost completely removed across the site due to several phases of building changes to road alignment and construction of basement car parking.

5 Historical Archaeological Assessment

5.1 PREVIOUS ARCHAEOLOGICAL INVESTIGATION

The Cumberland Gloucester Street site, The Rocks, Godden Mackay and Sydney Cove Authority 1994

The Dig Site is located on the western side of Sydney Cove between Cumberland Street and Gloucester Street, opposite the northern part of subject site. Archaeological excavation of approximately 70% of resource in 1994 included a high level of public involvement and participation. The excavations revealed an exceptionally well preserved resource with over 750,000 artefacts recovered. The site preserved approximately 60% of its pre-1830 resource and the remains of around 35 buildings that were progressively demolished c1890-1915. Other smaller scale excavations have been carried out by the University of Sydney Summer School in 2005, 2006 and 2008.

The Dig Site represents in microcosm of life and community in The Rocks covering more than a century. Historical research indicates that the site has been occupied by Europeans from at least as early as c1795. During the early part of the nineteenth century it became a focus for settlement for convicts and ex-convicts. It had a rich subsequent history characterised by progressive intensification of occupation during the nineteenth century and large scale resumption and clearing by the government in the early 20th century. The excavation revealed remnant structural features and deposits which has produced a complete picture of the activities undertaken on the site.²⁷

Susanna Place Archaeological Report EJC Lydon, for the for Sydney Cove Authority, 1992

This report presents the results of archaeological monitoring of works to Gloucester and Cambridge Streets, and controlled excavation in several areas of Susannah Place, 58-64 Gloucester Street. Controlled excavation was undertaken prior to a conservation program undertaken by the Sydney Cove Authority, to change the building into a house museum.

Evidence for the construction of the terraces was located in most areas. The bedrock had been cut and filled to provide a level building site. The fill contained a number of fragments of early ceramics, possibly from earlier occupation. Constructed in 1844, the buildings have evidence for a flagged coolroom or pantry in the basement. The artefact assemblage comprised of a range of domestic household items such as food remains, building materials, sewing items and ceramic and glass table wares. Evidence for the former Gloucester Street levels and construction was found in several areas and Cambridge Street was found to have been stripped and levelled by previous works, leaving no significant remains.²⁸

Report on the Excavation of the Jobbins Buildings, 105 Gloucester Street, The Rocks, Sydney, Edward Higginbotham & Associates Pty Ltd. 1992 for Sydney Cove Authority

This report details the archaeological excavation of part of the Jobbins Building at 105 Gloucester Street, The Rocks, prior to restoration of the building. Number 105 forms one of five two storey brick houses, numbering 103 to 111 Gloucester Street. These houses were built by John Jobbins between 1854 and 1858. The site appears to have been occupied as early as 1839 by a row of timber buildings.

The terraces were never owner occupied, but were leased from their completion date until 1985 when they were occupied by squatters. The archaeological excavation was confined to the removal of deposits within the building. Evidence relating to the occupation of the building, as well as evidence of construction and prior land use was recovered. Artefacts consisted of everyday eating and drinking containers and implements, building materials including plaster, stone and brick, food remnants such as shell, bone and seeds and personal items like coins, buttons, beads and toys.²⁹

²⁷ SHFA 2015

²⁸ ECJ Lydon 1992

²⁹ Higginbotham 1992

5.2 ARCHAEOLOGICAL POTENTIAL

Historical archaeology is the study of the past using physical evidence in conjunction with historical sources. It focuses on the objects used by people in the past and the places where they lived and worked. It can tell us about the way things were made and used and how people lived their daily lives. Archaeology is not just about objects and remains. It is also about landscapes and links between sites. Archaeology is assessed in two ways, the potential for the site to retain an archaeological resource and the significance of that resource.

Archaeological Potential is defined as:

The degree of physical evidence present on an archaeological site, usually assessed on the basis of physical evaluation and historical research. Common units for describing archaeological potential are:

- known archaeological features/sites (high archaeological potential);
- potential archaeological features/sites (medium archaeological potential);
- no archaeological features/sites (low archaeological potential).³⁰

In 1833 all the allotments in the study area were in ownership and the majority had buildings on at least part of the allotment. By 1855 the subject site consisted of terraces, houses and shops fronting Gloucester Street and Harrington Street with rear yards and out buildings generally facing Cambridge Street. Only two allotments on Gloucester Street were vacant at this time.

The buildings at Bakers Terrace were typical two up two down Victorian buildings with frontage onto Gloucester Street. Cambridge Street, at the rear is significantly lower, allowing an additional basement level, yard and privy backing onto Cambridge Street. By the 1880s other buildings in the study area included large stables opening to Cambridge Street, one and two storey dwellings, most without yards, fronting Carrington Street, Harrington Street and Gloucester Street and a four storey sandstone hotel known as the Ship and Mermaid. Most of the buildings on the subject site were progressively demolished between 1905 and 1950, with only the Baker's Terraces remaining.

FIGURE 20 – ARCHAEOLOGICAL EVIDENCE 1988 – CONDITION OF THE BUILDING PRIOR TO CONSERVATION.



PICTURE 13 – BASEMENT OF NO.72 SOURCE: FUTUREPAST CMP 2006



PICTURE 14 – BASEMENT OF NO. 68 SOURCE: FUTUREPAST CMP 2006

In 1988 major excavation of Cambridge Street was undertaken for the construction of the new Harrington Court complex (Figure 19). Cambridge Street was then reconstructed at a higher level (approximately 1.0m) as is clearly seen in the stairs leading from the original street level in Cumberland Place. This work will have removed all archaeological potential from those areas. The interiors of the buildings have also

³⁰ Department of Urban Affairs and Planning 1996

been completely reconstructed, and levels in the basements have been altered. Concrete slabs have replaced all original floors and all underfloor deposits are likely to have been cleared during the 1988/89 conservation works. The brief for the development of the site held instructions to prevent any removal or destruction of artefacts, or the return to the Authority of any which had to be removed.³¹ Pictorial evidence of the development process suggests this was not the case. Any archaeological deposits remaining will be limited to the vicinity of Bakers Terraces and will be disturbed due to extensive modification of the exterior and interior of the building and the loss of their rear yards in the development process.

The archaeological potential of the site was assessed in *The Rocks and Millers Point Archaeological Management Plan in 1991* as Site #93. It was identified as having only limited archaeological potential due to the extensive redevelopment which occurred in the late 1980s.

- The potential for the study area to contain a historical archaeological resource has been assessed as low.

5.3 ARCHAEOLOGICAL SIGNIFICANCE

In NSW the process of finding out whether an item is important is called assessing significance.

Archaeological sites, which contain 'relics' as defined in the NSW Heritage Act, are managed like any other significant item of environmental heritage. They should be treated in the same way with the same level of consideration and assessment process as any other surviving physical evidence of the past such as buildings, works, precincts, landscapes or other places and items with potential or known heritage value. Significance is thus an expression of the cultural value afforded a place, site or item.

The Heritage Council of NSW has developed a set of seven criteria for assessing heritage significance, which can be used to make decisions about the heritage value of a place or item. These include Historic, Social, Associative, Aesthetic, Scientific/Technical, Rarity and Representative.

Archaeological significance has long been accepted as linked directly to archaeological (or scientific) research potential:

*A site or resource is said to be scientifically significant when its further study may be expected to help answer questions. That is scientific significance is defined as research potential.*³²

There are two levels of heritage significance used in NSW: State and local.

The significance of the site has been assessed in the Harrington Court Conservation Management Plan³³ This report considers only the archaeological resource of the study area.

- In the unlikely event that archaeological evidence predating the 1860s remains on site, including wells cess pits, evidence of previous structures, bedrock modification, drainage, underfloor and yard occupation deposits, it would be considered of local and possibly state significance.
- In the unlikely event that archaeological evidence postdating the 1860s remains on site, including yard and underfloor occupation deposits and structures, the resource would be considered of local significance. These deposits and features are common within The Rocks and have been well documented on the Gloucester-Cumberland Street archaeological site and at adjacent Susannah Place.

It is considered that the any remaining archaeological resource remaining on the site will be disturbed. The recovery of intact archaeological features or deposits is highly unlikely. Any archaeological deposits present are likely to duplicate those from other sites in the area that have been methodically excavated.

³¹ SHFA Inventory sheets http://www.shfa.nsw.gov.au/sydney-About_us-Heritage_role-Heritage_and_Conservation_Register.htm&objectid=141

³² Heritage Branch 2009 Assessing Significance for Historical Archaeological Sites and Relics (Bickford and Sullivan, 1984 pp 23–24).p:8

³³ Urbis November 2015

5.4 ARCHAEOLOGICAL IMPACT

Excavation of additional two levels of basement car parking below existing parking will have no archaeological impact as the excavation will be wholly within bedrock.

Lowering the levels of the Cambridge Street courtyard at the rear of Bakers Terraces will have no archaeological impact as the entire courtyard area has been excavated into bedrock up to five meters and the original levels no longer survive.

Modification of the stairs between Bakers Terrace and the existing building will have no archaeological impact as this area has already been previously cut into the topography for the construction of the existing stairs.

Excavation of fill and bedrock behind the stone retaining wall to the north of the existing car park entrance will have no archaeological impact. The original bedrock can be seen in the face of the wall. Several courses of stone were added to it in the early decades of the 20th Century and it has gained three additional courses of stone after the development of the Harrington Court. The top of the bedrock is likely to have been levelled in the early 20th century and backfilled in the 1980s. Excavation of this area for the foundation of the existing building has already occurred behind the retaining wall and most of the wall adjacent to the existing car park entrance had been reconstructed.

FIGURE 21 – PROPOSED DEVELOPMENT OF THE SITE SHOWING AREA TO BE EXCAVATED AT THE NORTH EASTERN CORNER OF THE SITE (PINK).



SOURCE: FJMT SITE PLAN 2015.

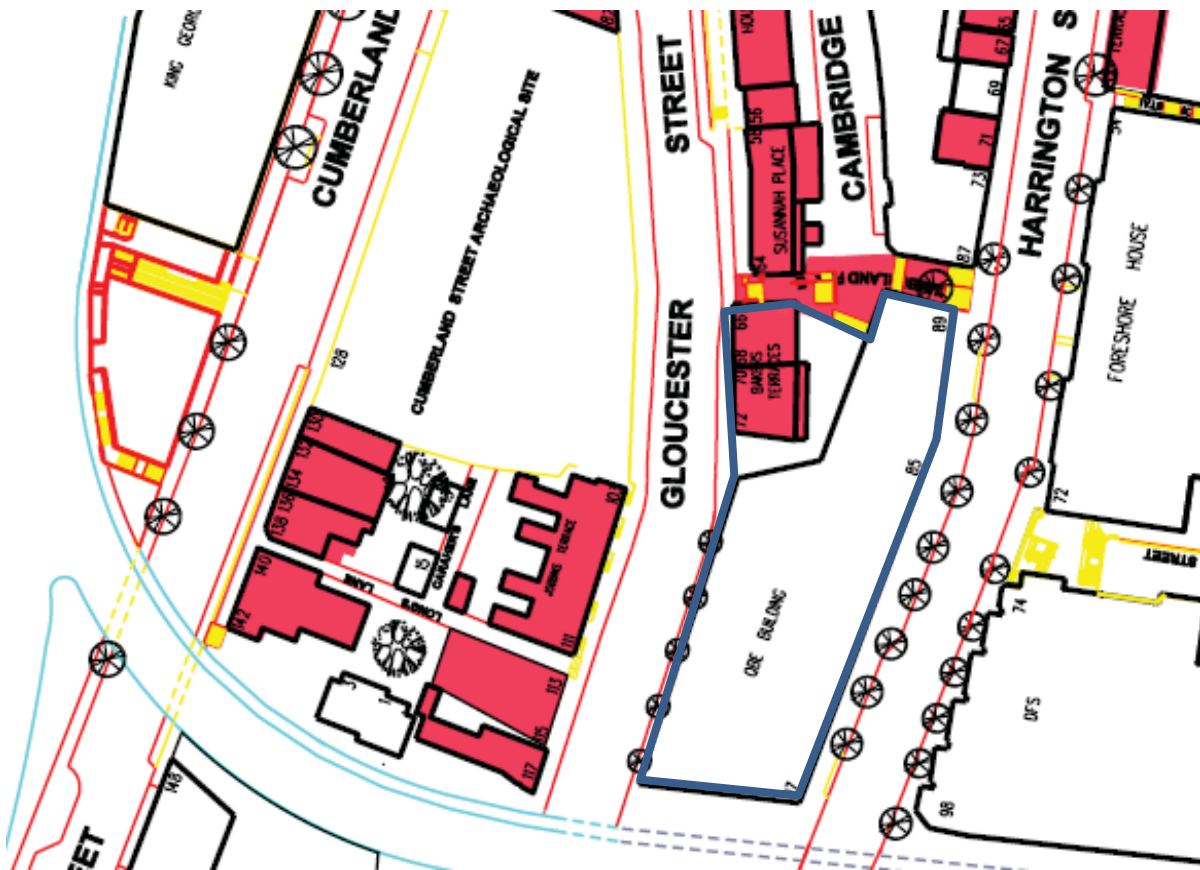
6 Statutory Controls

6.1 HERITAGE LISTING

The following heritage listings apply to the site;

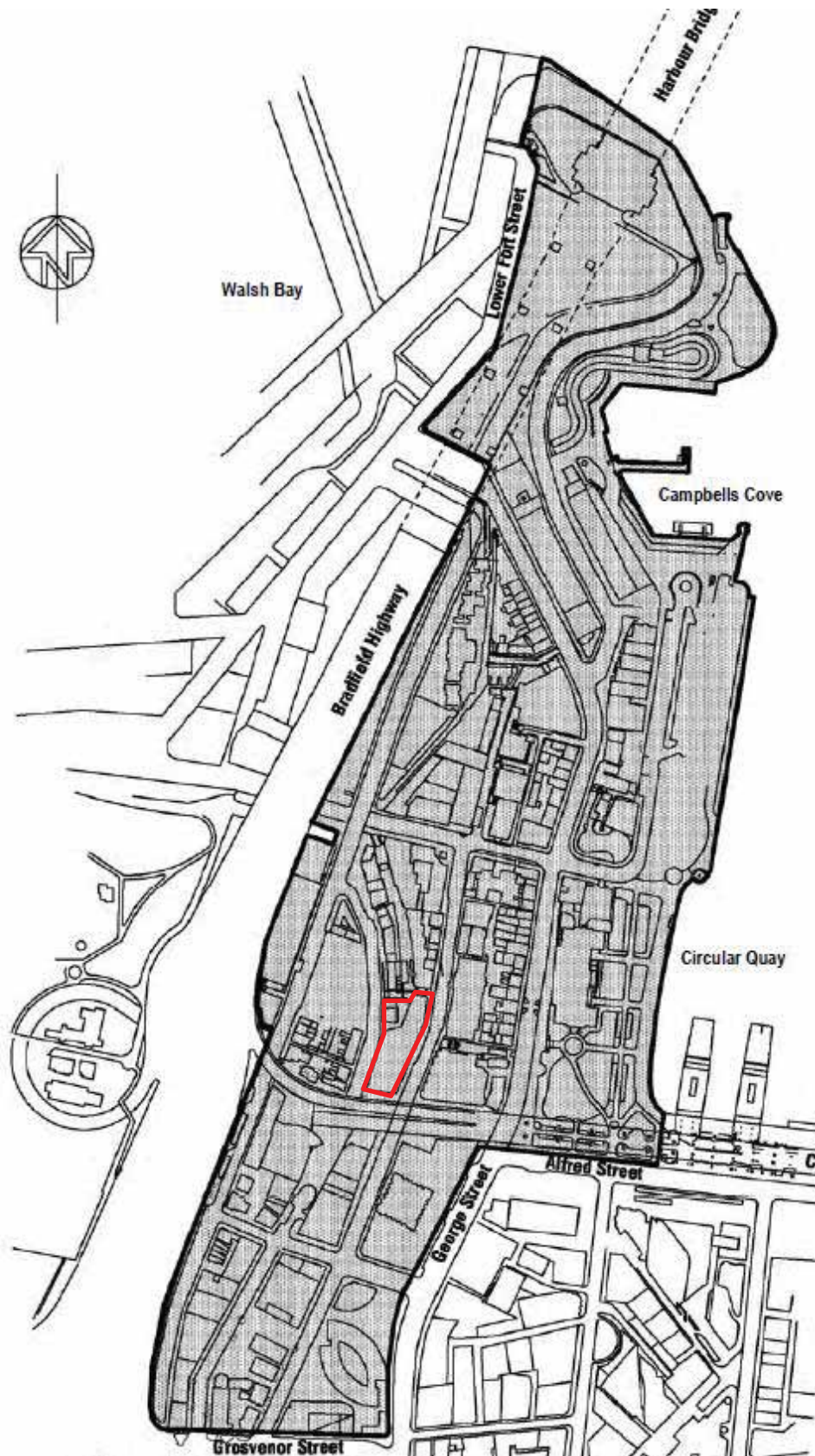
- The buildings comprising Bakers Terrace are separately listed as two buildings on the State Heritage Register as 66-68 Gloucester Street (item 1530) and 70-72 Gloucester Street (item 1531).
- In addition, they are separately listed as two buildings on the Sydney Harbour Foreshore Authority S170 Register as 66-68 Gloucester Street (item 4500100) and 70-72 Gloucester Street (item 4500101).
- The site as a whole is also within The Rocks Conservation Area, also listed on the Sydney Harbour Foreshore Authority S170 Register (item 4500458) as shown in Figure 23.

FIGURE 22 – HERITAGE CONTEXT OF BAKERS TERRACES SHOWING ITEMS OF STATE HERITAGE SIGNIFICANCE LISTED IN RED, SUBJECT SITE OUTLINED IN BLUE.



SOURCE: MAP OF HERITAGE LISTINGS IN THE ROCKS, THE ROCKS HERITAGE MANAGEMENT PLAN VOLUME 1, 2010, SYDNEY HARBOUR FORESHORE AUTHORITY.

FIGURE 23 – PHYSICAL CURTILAGE OF THE ROCKS CONSERVATION AREA SUBJECT SITE SHOWN IN RED.



– SOURCE: THE ROCKS HERITAGE MANAGEMENT PLAN VOLUME 1, BY SYDNEY HARBOUR FORESHORE AUTHORITY (SHFA), 2010, P7).

6.2 NATIONAL LEGISLATION

Environment Protection & Biodiversity Conservation Act 1999

In 2004, a new Commonwealth heritage management system was introduced under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The National Heritage List (NHL) was established to protect places that have outstanding value to the nation. The Commonwealth Heritage List (CHL) was established to protect items and places owned or managed by Commonwealth agencies. The Australian Government Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) is responsible for the implementation of national policy, programs and legislation to protect and conserve Australia's environment and heritage and to promote Australian arts and culture. Approval from the Minister is required for controlled actions which will have a significant impact on items and places included on the NHL or CHL.

The Rocks is not included on the NHL or the CHL, No historic heritage items in The Rocks and no Aboriginal heritage in or within the vicinity of the study area which are listed on the NHL or the CHL.

6.3 STATE LEGISLATION

6.3.1 NSW HERITAGE ACT 1977

The *NSW Heritage Act 1977* (the Heritage Act) provides protection to items of environmental heritage in NSW. This includes places, buildings, works, relics, moveable objects and precincts identified as significant based on historical, social, aesthetic, scientific, archaeological, architectural, cultural or natural 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 an item or affect its heritage significance.

State Heritage Register

The Heritage Act is administered by the Office of Environment and Heritage. The purpose of the Heritage Act 1977 is to ensure cultural heritage in NSW is adequately identified and conserved. Items of significance to the State of NSW are listed on the NSW State Heritage Register (SHR) under Section 60 of the Act.

Bakers Terrace and three items in the vicinity of the subject site are listed in the SHR including;

- Cumberland Place and Stairs, Gloucester Street - item 01542
- Jobbins Terrace 113-111 Gloucester Street - item 01553
- Susanna Place, 58-64 Gloucester Street – item 01310

There are no Aboriginal heritage items or places within the vicinity of the study area listed on the SHR.

Section 170 Heritage and Conservation Register

The Heritage Act also requires government agencies to identify and manage heritage assets in their ownership and control. Under Section 170 of the Heritage Act, Government agencies must keep a register which includes all local and State listed items or items which may be subject to an interim heritage order that are owned, occupied or managed by that Government body. Under Section 170A of the Heritage Act all government agencies must also ensure that items entered on its register are maintained with due diligence in accordance with State Owned Heritage Management Principles.

- The Rocks Conservation area is listed on the SHFA Section 170 register.

The following items are also listed on the SHFA Section 170 register;

- Bakers Terrace item 4500100 and 4500101
- Cumberland Street Dig Site – Archaeology –(no item number)
- Cumberland Place and Stairs, Gloucester Street - item 01542

- Jobbins Terrace 113-111 Gloucester Street - item 01553
- Susanna Place, 58-64 Gloucester Street – item 01310

Historical Archaeology

Under Section 57(1) of the Heritage Act Heritage Council approval is required to move, damage, or destroy a relic listed in the State Heritage Register, or to excavate or disturb land which is listed on the SHR and there is reasonable knowledge or likelihood of relics being disturbed. The Act defines a 'relic' as:

Any deposit, object or material evidence

- (a) which relates to the settlement of the area that comprises New South Wales, not being an Aboriginal settlement, and;*
- (b) which is 50 or more years old.*

A Section 60 application is required to disturb relics on an SHR listed site.

Standard Exemptions for works to State Heritage Register listed items

Under S. 57(2) of the Heritage Act, the Minister may make exemptions from approval otherwise required under S. 57(1) for works to SHR items. Such exemptions are intended to streamline the approvals process. There are two types of exemptions:

- Standard exemptions: apply to all State Heritage Register items and cover maintenance and repair and minor alterations.
- Site specific exemptions: apply only to an individual State Heritage Register item.

Site specific exemptions relate to the particular requirements of an individual State Heritage Register item, and can only be for works which have no potential to materially affect the significance of the item.

As the site had been assessed as having low potential for the presence of archaeological features or deposits and the proposed impacts to the site will not disturb or destroy an archaeological resource, an Exemption is not required.

6.4 NATIONAL PARKS & WILDLIFE ACT 1974 (AMENDED 2010)

Under the provisions of the *National Parks & Wildlife Act 1974* (NPW Act), the Director-General of the National Parks and Wildlife Service (NPWS; now OEH) is responsible for the care, control and management of all national parks, historic sites, nature reserves, state conservation areas, karst conservation reserves and regional parks. The Director-General is also responsible, under this legislation, for the protection and care of native fauna and flora, and Aboriginal places and objects throughout NSW.

All Aboriginal Objects are protected regardless of their significance or land tenure under the NPW Act. Aboriginal Objects can include pre-contact features such as scarred trees, middens and open campsites, as well as physical evidence of post-contact use of the area such as Aboriginal built fencing and fringe camps. The NPW Act also protects Aboriginal Places, which are defined as 'is or was of special significance with respect to Aboriginal culture'. Aboriginal Places can only be declared by the Minister administering the NPW Act.

Under Section 90 of the Act, it is an offence for a person to destroy, deface, damage or desecrate an Aboriginal Object or Aboriginal Place without the prior issue of an Aboriginal Heritage Impact Permit (AHIP). The Act requires a person to take reasonable precautions and due diligence to avoid impacts on Aboriginal Objects. AHIPs may only be obtained from the Environmental Protection and Regulation Division (EPRD) of OEH.

The *National Parks and Wildlife Amendment Regulation 2010* commenced on 1 October 2010. This Regulation excludes activities carried out in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* from the definition of harm in the Act. That is, test excavations may be carried out in accordance with this Code of Practice, without requiring an AHIP. The Regulation also specifies Aboriginal community consultation requirements (*Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*). In addition, the Regulation adopts a Due Diligence Code of Practice

which specifies activities that are low impact, providing a defence to the strict liability offence of harming an Aboriginal object.

Part of the regulatory framework for the implementation of the NPW Act is the Aboriginal Heritage Information Management System (AHIMS), maintained by OEH. AHIMS includes a database of Aboriginal heritage sites, items, places and other objects that have been reported to the OEH. Heritage consultants are obliged to report Aboriginal sites identified during field investigations to OEH, regardless of land tenure, or whether such sites are likely to be impacted by a proposed development.

Sydney Harbour Foreshore Authority

The Rocks area is managed by the Sydney Harbour Foreshore Authority, constituted on 1 February 1999 under the Sydney Harbour Foreshore Act 1998. The Rocks area is not within the jurisdiction of the Council of the City of Sydney.

The principle functions of the Foreshore Authority, stated in its Act, are to:

- Protect and enhance the natural and cultural heritage of the foreshore area;
- Promote, co-ordinate, manage, undertake and secure the orderly and economic development and use of the foreshore area, including the provision of infrastructure;
- Promote, co-ordinate, organise, manage, undertake, secure, provide and conduct cultural, educational, commercial, tourist, recreational, entertainment and transport activities and facilities.

It is essential that the Foreshore Authority is consulted in order to determine any approvals that may be required for the execution of any works. Approvals for works may be required under both the Environmental Planning and Assessment Act and the Heritage Act. The Authority has delegation to determine development applications valued under \$5 million. Projects valued above \$5 million are to be determined by the minister. Applications are to be made to the Sydney Harbour Foreshore Authority.

In some instance, for major projects applications may be required to be made to the Department of Planning. In all cases, liaison with the Sydney Harbour Foreshore Authority's Planning Assessment Team should occur to ensure correct statutory processes are followed.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

The Rocks is included in the 'Foreshores and Waterways Area' defined in the SREP, and as such any development must be considered in terms of the criteria set out in the SREP. The SREP does not identify any heritage items within The Rocks, however it does identify the Sydney Harbour Bridge and the Circular Quay Ferry Wharves as heritage items and any development within their vicinity needs to be considered in terms of impacts on these items, including views to the items. Draft Amendment 1 to the SREP also identifies a 'Buffer Zone' for development in the vicinity of the Sydney Opera House, which covers a majority of The Rocks area, and any impacts on views to the Opera House are to be taken into consideration. The SREP also requires the consideration of potential to impact on archaeological or potential archaeological relics. The Rocks is also included as a 'Strategic Foreshore site' on Sheet 1 of the SREP, for which a Master Plan (deemed DCP) is required. However this only applies to the City Foreshores area if the Minister directs, and as yet there has been no such direction. The DCP that exists under the SREP is also relevant to development in The Rocks. Its primary focus is on ecological and landscape character areas, and built form design guidelines for development very close to the water's edge. The only relevant landscape character area in The Rocks is Dawes Point.

7 Conclusion and Recommendations

Conclusion

The early buildings on Gloucester, Cambridge and Harrington Streets, were constructed on the steep topography of The Rocks by cutting into and levelling the rocky terrain. Bakers Terraces were constructed with basements opening to Cambridge Street. The streets were also formed by excavation into the bedrock. In 1988 further large scale modification of the study area included excavation around the terraces to construct the Harrington Court building and its underground parking. As part of the redevelopment of the study area, almost the entire Cambridge Street courtyard was excavated to create the car park, the level of Cambridge Street was raised approximately one metre above its original level and the terraces were extensively renovated.

This report concludes that;

- There is no potential for evidence of aboriginal occupation in the study area as the original ground levels are almost completely removed across the site due to several phases of building changes to road alignment and construction of basement car parking.
- The archaeological potential of the site was assessed in *The Rocks and Millers Point Archaeological Management Plan in 1991* as Site #93. It was identified as having only limited archaeological potential due to the extensive redevelopment which occurred in the late 1980s. This report concludes that the potential for the study area to contain a historical archaeological resource is low.
- Archaeological evidence predating the 1860s, including wells cess pits, evidence of previous structures, bedrock modification, drainage, underfloor and yard occupation deposits would be considered of local or possibly state significance.
- Archaeological evidence postdating the 1860s, including yard and underfloor occupation deposits and structures are common within The Rocks and have been well documented on the Gloucester-Cumberland Street archaeological site and at adjacent Susannah Place. This resource would be considered of local significance.
- It is considered that the any remaining archaeological resource remaining on the site will be disturbed. The recovery of intact archaeological features or deposits is highly unlikely.
- The proposed redevelopment of the site will be confined within the existing footprint of the current building. Additional excavation of a small area of bedrock at the north east corner of the site is unlikely to impact any archaeological features or deposits as it has been subject to modification in the past.
- There is an option to lower the floors in the basement of Bakers Terrace to their original level and this would not impact on a significant archaeological resource due to extensive modification of the exterior and interior of the building.
- Lowering the level of Cambridge Street Courtyard would not impact an archaeological resource as the car park is located underneath and is excavated into bedrock to a depth of at least five metres.

Recommendations

- In the unlikely event that unexpected archaeological relics are encountered during works, it would be necessary to stop all work in the immediate vicinity of the identified deposits, notify the NSW Heritage Council and engage a qualified archaeologist to assess the significance of the material and recommend whether further action is required.

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