

8 March 2019

Allen Romanous
Romanous Pty Limited
Level 8, 10 Park Road
Hurstville
NSW 2220

Our Ref: 18-0766arc1

Re: Aboriginal Heritage Assessment for 301-305 Kent Street and 35-39 Erskine Street, Sydney

Dear Mr Romanous

Romanous Pty Limited (Romanous) proposes to submit a Stage 1 concept proposal for a hotel development at 301-305 Kent Street and 35-39 Erskine Street, Sydney. The application will be submitted to the NSW Department of Planning (Planning NSW) as State Significant Development (SSD). The SSD application number is SSD 9694.

Under Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* (EPA Act) Planning NSW has issued Secretary's Environmental Assessment Requirements (SEARs). The SEARs require an Environmental Impact Statement (EIS) be prepared. SEARs Key Issue 10 (Heritage and Archaeology) requires that an Aboriginal Cultural Heritage Assessment Report (ACHAR) be prepared.

GML Heritage Pty Ltd (GML) has been engaged by Romanous to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to identify and describe Aboriginal cultural heritage values existing across the area affected by the development. This letter provides Romanous with information relating to Aboriginal heritage under Key Issue 10, and presents our initial findings.

Aboriginal Heritage Process

The SEARs require that Aboriginal heritage be assessed in line with the following guidelines:

- Department of the Environment, Climate Change and Water (DECCW), *Aboriginal cultural heritage consultation requirements for proponents 2010, Part 6*, National Parks and Wildlife Act 1974 (April 2010);
- DECCW, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (24 September 2010); and
- Office of Environment and Heritage (OEH), *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (April 2011).

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The period for Aboriginal heritage assessment is determined by the strict timeframes defined in DECCW April 2010. The process required involves registration of Aboriginal persons, followed by providing a method for assessment of the site. GML has commenced the process of registration, which will be complete by 28 March 2019. This establishes the timeline for the consequent Aboriginal heritage assessment process, which should be complete the end of May 2019.

Local Aboriginal Heritage Context

We confirm that within the boundary of 301-305 Kent Street and 35-39 Erskine Street, Sydney, there are no known or registered Aboriginal sites or Aboriginal places (Figure 1). The OEH's Aboriginal Heritage Information Management System (AHIMS) details the closest registered Aboriginal site is 150m to the northwest. This site was identified by GML in 2014, and comprised eight stone artefacts, in remnant Gynea soils. The artefacts were recovered from two archaeological test pits, with seven being present in one pit. Geomorphological interpretation of the soil horizons identified that this site was highly disturbed and that the soils were not intact or original soil profiles. The Aboriginal artefacts had been redeposited from elsewhere, and did not reflect Aboriginal use of this location.

The AHIMS record does not include the archaeology of the KENS (or Watpac site) Aboriginal site, which was located across sloping landforms to the immediate north of Erskine Street. This site was subject to Aboriginal and historical archaeological excavation in 2003, prior to the redevelopment of the city block. The site is situated on a mid-slope to foot-slope area of the north–south trending ridgeline, generally with a westerly aspect. Its lowest point was on the rocky foreshore facing Darling Harbour. The high tide watermark was located under the eastern side of Sussex Street, meaning the western portion of the site was within the tidal zone of mudflats fringed with mangroves, tree and swamp mahogany.

A number of buried original (pre-1788) soil profiles of the (erosional Gynea soil landscape) were identified over the course of the archaeological excavation program. Archaeological testing and salvage across these profiles revealed considerable concentrations of Aboriginal stone artefacts—a total of 952 artefacts were recovered from all archaeological excavations. However, there was evidence that the soil profiles had been truncated by overlying deposits or rapidly buried by historical deposits. While the remaining soil profiles beneath the historical layers did not contain historical artefacts, the overlying colluvium contained both historical and Aboriginal artefacts.

Though original in situ soils remained in pockets, all areas excavated had been impacted by disturbance and post-depositional processes such as mixing (evident through the truncation of soil horizons) and as a result of European development activities. Within the truncated in situ soils, the majority of artefacts were fragmented, had chipped edges and heat damage resulting from substantial traffic trampling and burning during the early historical period.

The archaeological study for that site determined that 'the fringes of the original Cockle Bay foreshore (and its associated toe slopes) situated within the vicinity of the Sussex Street ...[have] the greatest potential to retain evidence for past Aboriginal occupation.'¹ While the extant soil profiles and artefact assemblage were not particularly significant in terms of the nature of the stone tool technology identified, the site was important for the way it demonstrated that this part of the Sydney CBD—marginal to the early colonial settlement—was intensively used by Aboriginal populations prior to, and for a short time following, 1788.

¹ Dominic Steele Consulting Archaeology 2006, 'Aboriginal Archaeological Excavation Report—The KENS Site (Kent, Erskine, Napoleon and Sussex Streets), Sydney, NSW', prepared for Leighton Contractors Pty Limited, p 10.

Implications for the Romanous Development

The importance of these prior studies for the current assessment are twofold: the precise location of Aboriginal archaeological deposits on the sloping landforms below Kent Street; and the extent of historical impact to each development area consequent of historical activities.

Erskine Street slopes significantly to the west, falling from 16m to 12m AHD adjacent to 35-39 Erskine Street (Figure 1). The archaeological deposits recovered from the KENS site (in archaeological zone 5, which was located north of 48 Erskine Street) were on a flatter landform on the foot-slope of the steep rise to Kent Street, with an AHD of 6-8m. This location at the base of the slope appears to have acted as a basin for the colluvial soils.

The outcomes from the KENS investigations state that deposits were out of context and mixed with colluvium. This indicates a movement downslope of historical materials. A similar outcome was identified in the Wynyard Walk investigation, where soils had been significantly redeposited and the few Aboriginal objects were out of place. The implication for the Romanous Development site is that its position across the middle to upper slopes does not lend itself to the deposition or retention of Aboriginal objects. This landform would not have been favoured for Aboriginal occupation activities (unlike the foot slope in the northeast of the KENS site). Had temporary Aboriginal activities resulted in an archaeological signature, any soils connected with the archaeology are very likely to have moved downslope—thereby relocating any archaeological signature from this specific location (this action was clearly demonstrated through the analysis of soils in both the KENS development site and Wynyard Walk development site).

The Romanous development site has been subject to extensive historical impact and reworking—this is detailed by Extent in their assessment of historical archaeology (*Kent Street Hotel, Baseline Historical Archaeological Assessment*, Extent December 2018). In this location the nature of historical development is likely to have modified bedrock surfaces during construction, with the effect of excavating remnant soils and clays from the bedrock.

This has been demonstrated to GML through a site inspection, where bedrock has been observed in the basements and below concrete floor slabs at several locations across the Romanous Development site. As a whole, it is understood that the majority of the development area has been cut to and into the bedrock level, from which historical development has commenced. Whilst this is likely to have created a historical archaeological record, it is a further element resulting in the removal of any remnant soils capable of retaining an Aboriginal archaeological signature.

As such, GML states that the Romanous development site has a low sensitivity for Aboriginal archaeological objects (as afforded statutory protection under the *National Parks and Wildlife Act 1974*). Had this development been subject to a standard development process, with the potential need for an Aboriginal Heritage Impact Permit (AHIP) under Section 90, GML would have advised that a Due Diligence approach would have been adequate, and that the proponent could proceed with the development action without an AHIP, subject to caution.

Aboriginal Assessment

In adherence to the project's SEARs, GML is currently preparing an ACHAR for the area, which will consider the historical, social, aesthetic and scientific potential of 301-305 Kent Street and 35-39 Erskine Street, Sydney. This report will provide a thorough analysis of the archaeological potential, as well as intangible

values which may be associated with the place. Romanous is committed to undertaking this process, and recognising and interpreting any Aboriginal connection within the future development.

I trust this letter provides an overview of GML's understanding of Aboriginal sensitivity connected with the Romanous development site.

Yours sincerely
GML Heritage Pty Ltd

A handwritten signature in black ink, appearing to read 'Tim Owen', is written over the printed name.

Dr Tim Owen
Principal

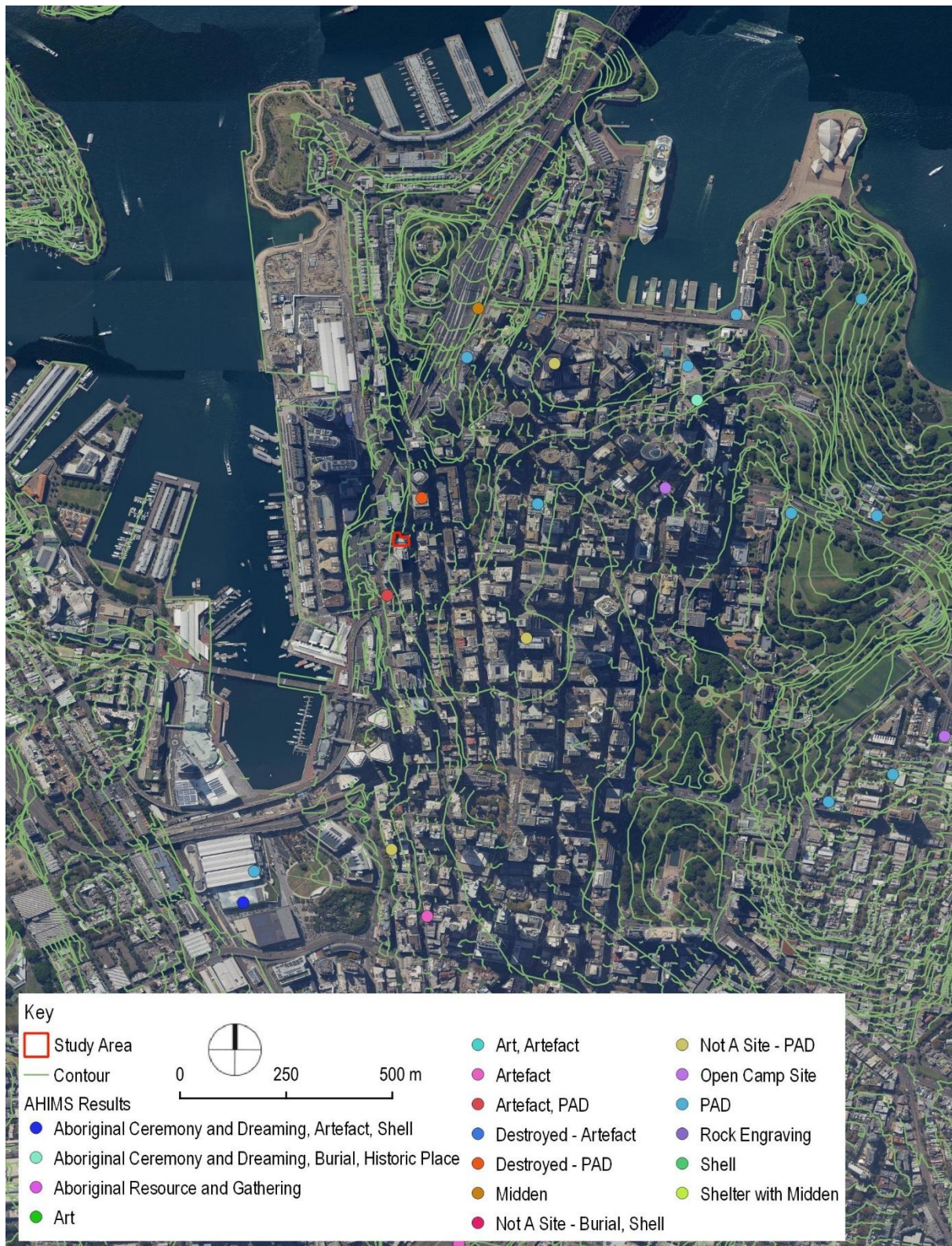


Figure 1 OEH AHIMS data for the CBD, with contour lines, showing the location of 301-305 Kent Street and 35-39 Erskine Street, Sydney. (Source: OEH AHIMS, Google Earth Pro, with GML additions 2019)