



Mr Cameron Sargent  
Team Manager, Key Sites Assessment  
Planning Services, Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001  
Attn: Ms Jessica Fountain E: [Jessica.fountain@planning.nsw.gov.au](mailto:Jessica.fountain@planning.nsw.gov.au)

Dear Mr Sargent,

**Re: Notice of Determination - SSD 9694 Referral of Stage 1 Kent Concept Hotel (301-305 Kent Street, Sydney) – Response to Notice of Exhibition**

Thank you for your email received on 4 June 2019 inviting comments from the Heritage Council of NSW and advice on recommended conditions for the above State Significant Development application for Stage 1 Kent Concept Hotel. This referral is supported by the following documents:

- “KENT STREET HOTEL HISTORICAL ARCHAEOLOGY ASSESSMENT” dated March 2019 and prepared by Bridget San Miguel, Bridget San Miguel, Extent Heritage
- “301-305 KENT STREET AND 35-39 ERSKINE STREET, SYDNEY STATEMENT OF HERITAGE IMPACT” dated March 2019 and prepared by GBA Heritage.
- SSDA 9694 301 and 305 Kent Street and 35-39 Erskine Street, Sydney Environmental Impact Statement Kent Concept Hotel, prepared by Architectus, dated May 2019

The subject site is not listed on the State Heritage Register, although it is located close to several locally listed heritage items under the *Sydney Local Environmental Plan 2012*.

However, the site contains potential for State and locally significant Historical archaeological relics. The State significant archaeology may date from the earliest historical phases of Sydney’s occupation. The Heritage Division notes the subject site is located close to the ‘KENS’ site, a site which contained a substantially intact State significant archaeological landscape that was redevelopment under *Heritage Act 1977* approval in the early 2000s, although results of this investigation are not available. This potential is investigated in a site-specific Historical Archaeological Assessment (HAA), which is consistent with the SEARs issued for this project.

This SSDA is seeking a Concept Approval with detailed design of the final hotel, which at this stage is un-finalised. The information supplied anticipates the construction of a four-storey basement carpark. The HAA has identified that there is potential for State significant historical archaeology to survive within the site associated with the early 1800s occupation of Sydney, as well as locally significant archaeology (from mid to late 19<sup>th</sup> century). It recommends a phase of archaeological testing be implemented to understand the survivability of the State significant archaeology and to inform the detailed design of the hotel for the Stage 2 DA.

The Heritage Council of NSW supports this approach, particularly to inform subsequent DA stages. Early and intact State significant archaeology of this type, should it survive, is a very rare resource in Sydney. The Heritage Council of NSW would welcome its protection and extensive interpretation on site, and for its incorporation into the new design of the building.

The following conditions are provided for consideration by the Department of Planning, Infrastructure & Environment (DPIE) to manage key requirements of the archaeological program (before, during and after the testing) and how this will be used to inform the final design of the Stage 2 SSDA. As noted above, should State significant historical archaeology be confirmed as intact and interpretable, the Heritage Council of NSW would encourage the Proponent and DPIE to require retention *in situ* and in an amended detail design of the building. This advice is consistent with other SSD projects, such as the Arthur Phillip High School in Parramatta, and Heritage Council of NSW Policy of managing and conserving intact State significant archaeology.

The Heritage Division advises that any future DA applications submitted to DPIE or Sydney City Council for the Stage 2 Development assessment respond to results from the test excavation phase:

1. **Testing to inform design:** The Detailed Design of the Kent Hotel shall be informed by a phase of Archaeological testing designed to confirm survivability and integrity of potential State significant historical archaeology within the site prior to any approvals being issued for Stage 2 SSDA. The testing results must be used to guide the detailed design of the Hotel in the Stage 2 SSDA and its associated elements.

Areas of substantially intact State significant archaeology shall be avoided as much as possible, if this is not possible, it should be appropriately mitigated in the final development. This could include a detailed archaeological salvage investigation, public open days, provision of a final detailed excavation report and public on-site interpretation of the results.

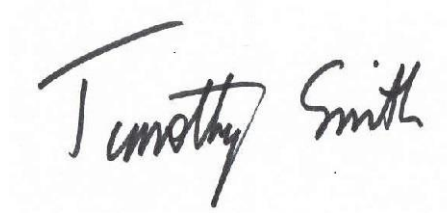
2. **Research Design:** Prior to any demolition works at the site, an Historical Archaeological Research Design and Excavation Methodology (Archaeological Research Design) must be prepared to guide the archaeological test excavation program. The Archaeological Research Design should be prepared in accordance with Heritage Council of NSW Guidelines and be prepared in consultation with Heritage, Department of Premier and Cabinet.
3. **Appropriate Personnel:** The archaeological program should be directed by a suitably qualified and experienced historical archaeologist (Excavation Director). The nominated Excavation Director should be able to demonstrate that they are able to meet the Heritage Council's Excavation Director Criteria (July 2011) for State significant archaeological sites and in particular be able to demonstrate compliance with Criterion A.4 that: 'work under any approvals previously granted by the Heritage Council has been completed in accordance with the conditions of that consent and the final report has been submitted to the NSW Heritage Council.
4. **Reporting of Results:** At the completion of the Archaeological testing program, the Proponent should deliver a Final Excavation Report which documents the findings of the program. The final excavation report should be prepared within 12 months of the completion of archaeological testing on site and copies provided to DPIE, the Heritage Council of NSW, and the City of Sydney Local studies unit. This report should include details of any artefacts recovered, where they are located

and what ongoing conservation and protection is proposed by the Proponent in perpetuity.

5. **Interpretation:** The results of the archaeological investigation are to be interpreted within the new SSDA re-development. An Interpretation Strategy be prepared to guide and integrated into the detailed design of the Stage 2 SSDA. It should incorporate the results of the archaeological investigation and be prepared in accordance with Heritage Council of NSW Guidelines. The Strategy should be submitted for approval to DPIE within 18 months of the completion of the archaeological testing program and include results of that program.

If you have any questions regarding the above matter please contact Felicity Barry, at the Heritage, Department of Premier & Cabinet on (02) 9995 6914 or at [Felicity.Barry@environment.nsw.gov.au](mailto:Felicity.Barry@environment.nsw.gov.au).

Thank you for the opportunity to comment on this proposal.  
Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith". The signature is written in a cursive style with a large, sweeping 'T' and 'S'.

**Tim Smith, OAM**  
Director, Heritage Operations  
Heritage Division  
Department of Premier and Cabinet  
**As Delegate of the NSW Heritage Council**

4 July 2019