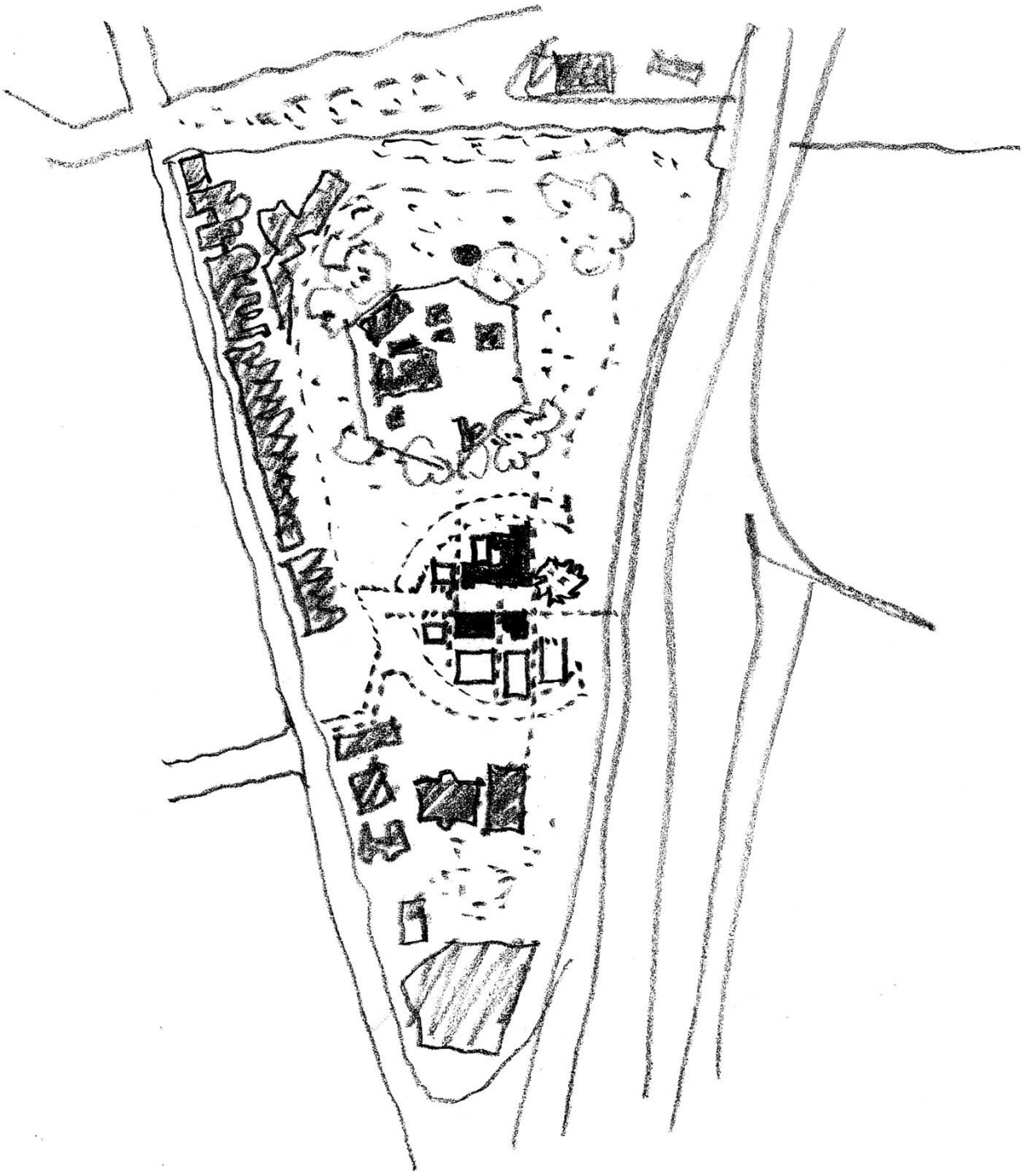
Fort Street Public School
Aboriginal Cultural Heritage Assessment Report

SSD 10340
Prepared by Curio Projects
For School Infrastructure NSW
December 2019



Aboriginal Cultural Heritage Assessment Report

FORT STREET PUBLIC SCHOOL

DECEMBER 2019

Prepared by Curio Projects

FINAL DRAFT

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Curio *noun* cu·rio \kyur-ē-ˌō\: any unusual article, object of art, etc., valued as a curiosity

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City of Sydney Council

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View of Parramatta River from Observatory Hill, c.1789 (Source: NLA. http://nla.gov.au/nla.obj-135681388)

ISSUE No.	ISSUE DATE	VERSION	NOTES/COMMENTS	AUTHOR	REVIEWED
1	18/10/19	Draft Report	For client review	Sam Cooling	Natalie Vinton
2	28/10/19	Final Draft	For SI NSW and RAP Review	Sam Cooling	Natalie Vinton
3	19/12/19	Final Draft	For SI NSW	Sam Cooling, Jacky Dalton	Natalie Vinton

This report has been prepared based on research by Curio Projects specialists. Historical sources and reference material used in the preparation of this report are acknowledged and referenced at the end of each section and/or in figure captions.

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Contents

Executive Summary

Curio Projects Pty Ltd was commissioned by Schools Infrastructure NSW (SINSW) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Fort Street Public School (FSPS) project, located at Upper Fort Street, Millers Point (the study area). The Fort Street Public School has reached both student and functional capacity in its current built form, and therefore, SINSW proposes expansion of the school.

The FSPS study area has a long history of intensive use and development since 1788, first as 'Flagstaff/Windmill Hill' from 1795, adjacent to Fort Phillip (located at what is now the Sydney Observatory to the north of the Fort St PS study area); followed by establishment of the first Military Hospital (1815-1848); at which time the hospital buildings were repurposed for the Fort Street Public School, adapting and changing and developing over time until the present day.

The objectives of the Aboriginal heritage assessment for the Fort Street Public School expansion project, were to:

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

Aboriginal Archaeological Potential

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

Consideration of these above factors determines the likelihood for Aboriginal archaeology, artefacts or physical objects to remain at the subject site in a subsurface capacity.

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

- In order for Aboriginal archaeological deposits to be present in situ within the study area, they would require the retention of natural soil profiles in the area that would be extant from 1788- and require these natural soils to be intact- subject to limited amounts of natural erosion.
- Artefact and midden sites are the most common site type in the region, and are the most likely site types to be present within the study area, should the site conditions allow the preservation of such a site (i.e. where historical land disturbance activities have not already removed all natural soil profiles)
- There may also be potential for isolated Aboriginal artefacts (stone artefacts and shells) to be present in a disturbed context.
- The study area has no potential for site types such as scarred trees, rockshelters and grinding grooves, as the natural features required for these types of sites are not present.
- It is highly likely that the study area landscape was occupied and used in some way by Aboriginal people prior to 1788- especially in consideration of the commanding presence and advantageous views from (what is now referred to as) Observatory Hill.
- The Gymea soil landscape has a high propensity for sheet erosion following vegetation clearance, and this would have impacted the ability for the soils within the study area to retain an Aboriginal archaeological deposit.
- The study area has been subject to very high levels of historical ground disturbance and use since 1788 relating to the use of the site as a Military Hospital, Sydney Observatory activities/Bureau of Meteorology, and Fort Street Public School, that would likely have impacted and/or removed the majority of natural soil profiles.

Overall, the FSPS study area is considered to have low potential for intact Aboriginal archaeological deposits to be present.

Statement of Aboriginal Heritage Significance

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

While little historical evidence is available regarding Aboriginal historical use of the study area and surrounds, as the highest point in Sydney Cove, Observatory Hill would likely have been a popular and/or important lookout for the local Aboriginal population. Therefore, Aboriginal archaeological deposits, if found to be located within the study area, may be of historical value.

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

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

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

Impact Assessment

No registered Aboriginal sites are located within the study area. While there is a low potential for intact Aboriginal archaeological deposits to remain within the FSPS study area, should such deposits be found to be present within remnant natural soil profiles, these may have potential for moderate to high social, historical and scientific significance. Therefore, it is appropriate to develop strategies to mitigate this potential impact. Potential below ground impacts (as per the SSDA Design) appear to be focused in the southeast of the study area, including:

- Bulk excavation works (south of the site and west of the existing main school building);
- Installation of new hydraulic, civil and electrical services- including a new stormwater detention tank (dependent on nature, depth and location of trenching required for installation of new services);
- Localised excavation for new school fences and gate; and
- Landscaping works (unlikely to impact under SSDA Plan- again dependent on nature, depth and location of any excavation works required for landscaping).

As proposed development activities include bulk excavation in areas of the study area with the potential to contain intact natural soil profiles, it has been appropriate to develop management and mitigation strategies to further clarify the actual potential for impact to potential Aboriginal archaeological deposits (if present within the study area).

Recommendations

- While archaeological potential is low, should an Aboriginal archaeological deposit be present within the FSPS study area, this may have moderate to high significance, and therefore management strategies have been developed to mitigate any potential impacts.
- The impact assessment and management mitigation strategies as developed through this ACHAR have been prepared with reference to the SSDA Plan for the FSPS expansion only. Should the detailed Schematic Design process find the required below-ground impacts to differ substantially from those assessed in this ACHAR, it would be appropriate to revise the Impact Assessment and Management Strategies according to the revised impacts.

  - The recommendations of this ACHAR should be included within any Construction Management Plan prepared for site works.

- Following approval of the SSDA, the proposed archaeological investigation (Management Strategy One), including monitoring, and archaeological test excavation (if required based on the results of the monitoring) should be undertaken, to be coordinated with the project development works.
- With regards to Aboriginal intangible heritage values (social and cultural), the FSPS expansion project has the opportunity for a positive impact to be achieved via interpretation initiatives such as the Indigenous Rooftop Garden, to celebrate and communicate the significance of the site and landscape to the Gadigal (Darug) people through education.
- Continuing consultation with the project RAPs should be undertaken through subsequent development stages of the project.
- The Unexpected Aboriginal Finds Protocol (presented in Section 6.4 of this ACHAR) should be implemented during all ground disturbing works within the FSPS study area (to be included within the Construction Management Plan).
- The Metropolitan LALC should be consulted with reference to any proposed heritage interpretation initiatives and programs proposed for implementation at the site, in order to seek input into the plan with regards to Aboriginal cultural heritage significance.
- A copy of this draft ACHAR should be provided to all project RAPs for their review and comment, with all RAP feedback to be incorporated into the final ACHAR.

1. Introduction

1.1. The Purpose of this Report

Curio Projects Pty Ltd was commissioned by Schools Infrastructure NSW (SINSW) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Fort Street Public School (FSPS) project, located at Upper Fort Street, Millers Point (the study area).

The Fort Street Public School has reached both student and functional capacity in its current built form, and therefore, SINSW proposes expansion of the school.

This report has been prepared with reference to the following key project documents, provided by Johnstaff Projects:

- FJMT Studio, *Fort Street Public School- SSDA 10340 Architectural Design Statement Rev 01*, 22 October 2019
- FJMT Studio, *Fort Street Public School- Final Draft Landscape SSDA,* 18 October 2019
- Douglas Partners 2019, *Report on Preliminary Geotechnical Assessment, Fort Street Public School Redevelopment, Upper Fort Street, Millers Point,* prepared for Johnstaff Projects (August 2019)

This ACHAR has also been prepared with reference to the final set of architectural drawings for SSDA submission prepared by FJMT Architects, with particular reference to the following:

- *DA-1101 Overall Location Plan – Existing* (FJMT, SSDA01, 18.10.19)
- *DA 1201 Site- Site Plan Existing* (FJMT, SSDA01, 18.10.19)
- *DA 1211 Site – Site Plan Proposed* (FJMT, SSDA01, 18.10.19)
- *DA-2001 General Arrangement Plans, Proposed Plan - Lower Ground 1* (FJMT, SSDA01, 18.10.19)
- *DA-2101 Demolition Plans- Demolition Plan- Ground* (FJMT, SSDA01, 18.10.19)
- *DA-2105 Demolition Plans- Services Excavation On Demolition Plans* (FJMT, SSDA01, 18.10.19)
- *DA-4001 4000 1:200 Sections- Section 1* (FJMT, SSDA01, 18.10.19)
- *DA-4002 4000 1:200 Sections- Section 2* (FJMT, SSDA01, 18.10.19)
- *DA-4003 4000 1:200 Sections- Section 3* (FJMT, SSDA01, 18.10.19)
- *DA-8101 Landscape- Landscape Sections* (FJMT, SSDA01, 18.10.19)

This report supports a State Significant Development (SSD) Development Application (DA) for the FSPS Expansion project, which is to be submitted to the Minister for Planning pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The relevant project SEARs are summarised in Table 1.1

Table 1.1: SEARs—Aboriginal Heritage

SEARS—DESCRIPTION	REPORT REFERENCE
11. Aboriginal Heritage	
Identify and describe the Aboriginal cultural heritage values that exist across the site and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation.	This report.
Identify and address the Aboriginal cultural heritage values in accordance with the Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).	This Report Section 4
Undertake consultation with Aboriginal people and document in accordance with Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values of Aboriginal people who have a cultural association with the land are to be documented in the ACHAR.	Section 2
Identify, assess and document all impacts on the Aboriginal cultural heritage values in the ACHAR.	Section 5
The EIS and the supporting ACHAR must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes.	Section 5.4.1
Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.	Section 6

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

This report has been prepared following the requirements for reporting as established in DECCW *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (24 September 2010) (Code of Practice), and OEH 2011a *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (Guide to Investigating).

1.2. Site Identification

The Fort Street Public School site (the study area) is located on Observatory Hill, at Upper Fort Street, Millers Point, and is generally defined by the circular cut of the Cahill Expressway on ramp (Figure 1.1). The study area is located to the south of the Sydney Observatory, between the Bradfield Highway in the east, and residential development along Kent Street to the west (Figure 1.2).

The Fort Street School (FSPS) site currently consists of four main buildings (Figure 1.3): The Fort Street School; The Messengers Cottage; The Bureau of Meteorology building (MET Building), and the Environmental Educational Centre (EEC) building. Of these four structures, only the EEC building is not heritage listed.

Figure 1.1: General FSPS Study area Location. (Source: Curio 2019)

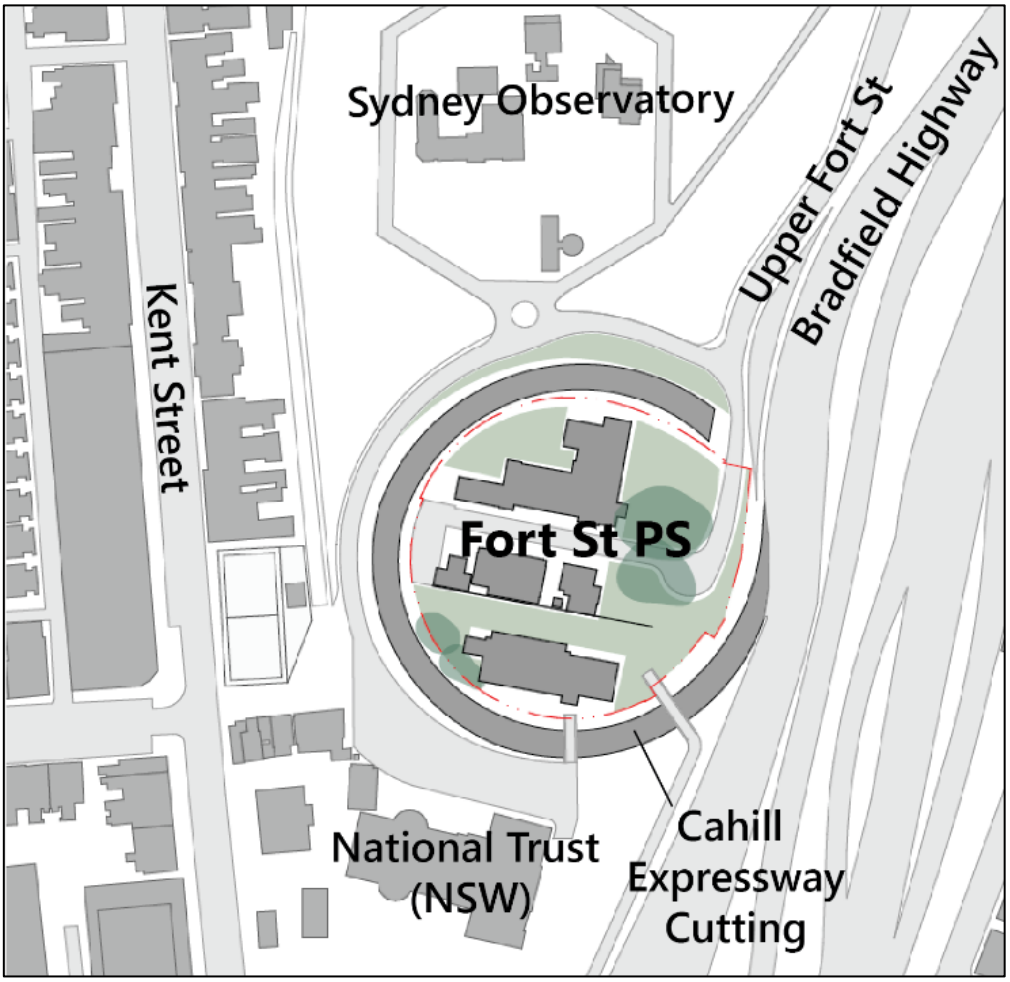


Figure 1.2: FSPS Study Area indicating surrounding features

Figure 1.3: FSPS Site Plan (Source: TKD 2016, Fig. 36)

1.3. Relevant Statutory Controls

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

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

1.3.1. Environmental Planning and Assessment Act 1979

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

Part 4, Division 4.1 of the EP&A Act identifies and defines State Significant Development projects (SSD) as those declared under Section 89C of the EP&A Act. SSD and State Significant Infrastructure projects (SSI), replace 'Concept Plan' project approvals, in accordance with Part 3A of this Act, which was repealed in 2011.

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

1.3.2. NSW National Parks and Wildlife Act 1974

The NSW National Parks and Wildlife Act 1974 (NPW Act), administered by the (former) NSW Office of Environment and Heritage (OEH- now known as the Biodiversity & Conservation Division (BCD) of the Department of Planning, Industry and Environment (DPIE)), is the primary legislation that provides statutory protection for all 'Aboriginal objects' (Part 6, Section 90) and 'Aboriginal places' (Part 6, Section 84) within NSW.

An Aboriginal object is defined through the NPW Act as:

> *"any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains."*[1]

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

> *"...any act or omission that:*
>
> *(a) destroys, defaces or damages the object or place, or*
>
> *(b) in relation to an object-moves the object from the land on which it had been situated, or*
>
> *(c) is specified by the regulations, or*
>
> *(d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c),* (NPW Act 1974)

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

1.3.3. Native Title Act 1993

The *Native Title Act 1993* provides the legislative framework to recognise and protect native title, which recognizes the traditional rights and interests to land and waters of Aboriginal and Torres Strait

[1] NPW Act 1974, Part 1: 5

Islander people. Under the *Native Title Act*, native title claimants can make an application to the Federal Court to have their native title recognised by Australian law.

No native title claimants are registered to include the study area.

1.3.4. OEH Guidelines

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

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

1.4. Objectives of Aboriginal Heritage Assessment:

The objectives of the Aboriginal heritage assessment for the Fort Street Public School expansion project, were to:

- identify Aboriginal community members who can speak for the Country within which the project is located;
- involve the Aboriginal community in the cultural heritage assessment process, including consultation to determine their opinions with respect to the project and its potential 'harm' to their cultural heritage;
- understand the number, extent, type, condition, integrity and archaeological potential of any potential Aboriginal heritage sites and places that may be located within the study area;
- determine whether the potential Aboriginal sites and places are a component of a wider Aboriginal cultural landscape;
- understand how the any potential physical Aboriginal sites relate to Aboriginal tradition within the wider area;
- prepare a cultural and scientific values assessment for all identified aspects of Aboriginal cultural heritage associated with the study area;

- determine how the proposed project may impact any identified Aboriginal cultural heritage;
- determine where impacts are unavailable and develop a series of impact mitigation strategies that benefit Aboriginal cultural heritage and the proponent (in close consultation and discussion with the local Aboriginal community); and
- provide clear recommendations for the conservation for Aboriginal heritage and archaeological values and mitigation of any potential impacts to these values.

1.5. Limitations and Constraints

This report has been prepared using the extensive historical data and documentation available for the FSPS study area and surrounds, including relevant Conservation Management Plans (CMP), and archaeological reports and assessments.

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

1.6. Investigators, Contributors and Acknowledgements

This report has been prepared by Sam Cooling, Senior Archaeologist of Curio Projects, with review by Natalie Vinton, Director of Curio Projects. Table 1.2 presents a complete list of the project team, including qualifications, affiliation and role in the project. Details of all project RAPs are presented in Section 2.

Curio Projects would also like to acknowledge the ongoing assistance throughout the project of Sheena Duggan, Senior Project Manager at Johnstaff Projects. Curio Projects would also like to thank all the project RAPs for their advice and input into this report, as detailed further in Section 2.

Table 1.2: Investigators and Contributors

PERSON (QUALIFICATION)	AFFILIATION	ROLE
Sam Cooling, Senior Archaeologist (BA, M Archaeological Science)	Curio Projects	Project Manager, Author
Natalie Vinton, Director (BA (Hons) Archaeology and Palaeoanthropology)	Curio Projects	Report Reviewer
Andre Fleury, Archaeologist (B. Hist, M Archaeological Science)	Curio Projects	GIS, Mapping

2. Aboriginal Community Consultation

Aboriginal community consultation is required for assessment of Aboriginal cultural heritage and should be undertaken in the early stages of project planning in order to best guide the development process. This section documents the process of Aboriginal community consultation that has been undertaken for the Aboriginal cultural heritage assessment of the FSPS study area, both ongoing, and specific to the masterplanning and schematic design expansion project. Aboriginal community consultation in accordance with OEH statutory guidelines *Aboriginal cultural heritage consultation requirements for proponents 2010*, was initiated for the overall FSPS Expansion project in April 2019.

Aboriginal people are recognised as the determinants of their own heritage. Therefore, the ongoing process of Aboriginal community consultation for the project seeks to identify social and cultural values of the study area and its surrounds to the local Aboriginal community and will incorporate the assessment and acknowledgement of this significance into any future development stages and mitigation measures for the project.

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

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

A complete log of all communications between Curio Projects and registered Aboriginal parties (RAPs) for the project, as well as all written responses (unless requested by RAPs to be not directly included) has been provided as Appendix A.

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

Stage 1—Notification of project proposal and registration of interest

Stage 2—Presentation of Information about the Proposal Project

Stage 3—Gathering Information about Cultural Significance

Stage 4—Review of Draft Cultural Heritage Assessment Report

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

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

On behalf of SINSW, Curio Projects initiated a new process of Aboriginal Community Consultation for the FSPS study area in accordance with OEH consultation guidelines in April 2019. Stage 1 notifications identified the nature and location of the FSPS Expansion project. In accordance with Stage 1.2 of the consultation guidelines, letters were sent to the relevant statutory bodies on 16 April 2019 (NSW Office of Environment and Heritage, Metropolitan Local Aboriginal Land Council, the Registrar Aboriginal Land Rights Act 1983, the National Native Title Tribunal, Native Title Services Corporation Limited, City of Sydney Council, and the Greater Sydney Local Land Services), requesting names of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and places relevant to the FSPS study area.

A public notice advertising the FSPS Expansion project was also placed in the Daily Telegraph on 18.4.19 (consistent with Stage 1.3 of the Consultation Guidelines), advising of the project location and proposed development, and inviting registration from local Aboriginal people.

All names compiled from Stage 1.2 of the process were then written to via email and/registered post in May 2019, inviting registration in the process of community consultation for the FSPS project. Response was requested within 14 days of the date of the letter.

2.1.1. Registered Aboriginal Parties

As a result of Stages 1.2 and 1.3, nine Registered Aboriginal Parties (RAPs) were identified for the FSPS Expansion project (in alphabetical order):

- Barking Owl Aboriginal Corporation;
- Biamanga;
- Cullendulla
- Darug Land Observations;
- Darug Aboriginal Cultural Heritage Assessments;
- Didge Ngunawal Corporation;
- Goobah;
- Metropolitan LALC; and
- Murramarang

2.2. Stage 2 and Stage 3

Each project RAP was provided with written details of the proposed project and the draft proposed Aboriginal cultural heritage assessment methodology for the project (Stage 2 of the consultation guidelines). This letter was sent to all project RAPs in June 2019. Request was made for comment

and/or review within 28 days of provision of the methodology document. A copy of the methodology document is provided in Appendix A.

All project RAPs were invited to a site visit on 13 August 2019, providing an opportunity to visit the site, and to discuss the overall project and proposed methodology. This meeting was attended by Selina Timothy (Metro LALC), Sam Cooling (Curio Projects), Sheena Duggan (Johnstaff Projects), and James Rongen-Hall (MAAS).

While an opportunity was made for project RAPs to visit the project site, no archaeological survey was able to be undertaken, due to the nature of the study area as a highly developed and urbanised site, completely covered with existing structures, building, hardstand, landscaping, therefore presenting with no potential for surface artefacts nor landscape/landform features capable of informing Aboriginal archaeological assessment, to be visible.

2.3. Stage 4—Review of Draft Cultural Heritage Assessment Report

This draft ACHAR was provided to all project RAPs on the 29 October 2019 for review and comment. Request was made for comments and submissions by Tuesday 26 November 2019, (28 days from date of provision of the draft ACHAR). All project RAPs who had not responded were then followed up on the 16 December 2019 by email and phone.

2.4. Submissions Received from the Aboriginal Community

Table 2.1 presents a summary of all RAP submissions received with regards to the FSPS Expansion project. Full details of all comments, feedback and copies of written submissions are included in Appendix A.

Table 2.1: Summary of Key RAP Submissions/Comments

#	DATE	FORMAT	COMMENT
4	31/10/19	Email and verbal (phone)	The Barking Owl Aboriginal Corporation were satisfied with the project information and assessment methodology provided. All other respondents were also satisfied and had no further comments.

2.5. Curio Response to Submissions.

Table 2.2 provides a summary of Curio responses to RAP submissions following the RAP review of the draft ACHAR. All written responses received were replied to, directly addressing any comments, acknowledging how they had been addressed within ACHAR if relevant, or explaining if otherwise. Copies of all written correspondence and responses is included within Appendix A.

Table 2.2: Summary of Curio Responses to RAP submissions

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

3. Summary and Analysis of Background Information

This section summarises the environmental and archaeological background and context for the study area, including previous work undertaken in the proximity. This summary serves to place the study area and proposed development into an appropriate regional context, as well as provide a current archaeological predictive model for the region. This will assist to determine the nature and significance of any potential Aboriginal archaeology that may be present, as well as assist in the development of appropriate management mechanisms. Through a desktop assessment, a general understanding of any potential archaeology at the site can be formed, and appropriate measures developed, prior to any non-reversible impact to the site and Aboriginal archaeology and cultural values.

3.1. Aboriginal Ethnohistory

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

While the Observatory Hill locality would most likely have been an original contact site between the new colonists and Sydney's first inhabitants, few accounts or evidence remain to provide further information about contact in this location. The local Aboriginal people living in the area of the Fort Street Public School would have pursued a mixed food economy in the region, utilising and relying upon the abundant natural resources of Sydney cove, including marine resources from the harbour and surrounding waters, hunting terrestrial mammals, as well as collecting and processing local plants (Figure 3.1).

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

Figure 3.1: View of Parramatta River from Observatory Hill, c.1789 (Source: NLA. http://nla.gov.au/nla.obj-135681388)

3.2. Brief Historical Summary- Post Contact

The FSPS study area has a long history of intensive use and development since 1788, first as 'Flagstaff/Windmill Hill' from 1795, adjacent to Fort Phillip (located at what is now the Sydney Observatory to the north of the Fort St PS study area); followed by establishment of the first Military Hospital (1815-1848); at which time the hospital buildings were repurposed for the Fort Street Public School, adapting and changing and developing over time until the present day.

Six key historical phases of development at the Fort Street Public School study area have been identified as follows:

Phase 1 (1788-1820)—Fort Phillip and Windmill Hill

Phase 2 (c.1820-1850)—Military Hospital and Quarrying

Phase 3 (c.1850-1890s)—Fort Street National School, Observatory and Messengers Cottage

Phase 4 (c.1890s-1918)—Fort Street Girls High School, Additions and Ongoing School Use

Phase 5 (c.1919-1950)—Bureau of Meteorology, New Fort St School and Cahill Expressway

Phase 6 (1950s – Present)—Continued School Use, National Trust and Occupation of surroundings buildings

3.3. Landscape Context

This section presents a summary of the landscape and environmental context of the Fort Street Public School study area, in order to provide locational context for the pre-1788 Aboriginal occupation and use of the region. The landscape context of the locality will then contribute to the development of an archaeological predictive model for the region, which will aim to predict patterns of human behaviour and where archaeological evidence for this may exist or be retained in the landscape.

3.3.1. Soils and Geology

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

The study area is located on the Gymea soil landscape profile, underlain by Hawkesbury Sandstone (Medium to coarse grained quartz sandstone, very minor shale and laminate lenses) (Figure 3.2). The Gymea soil profile is considered to be an erosional landscape, characterised by undulating to rolling rises and low hills with broad convex crests, moderately inclined side slopes with wide benches, and localized rock outcrop. Soils are generally shallow to moderately deep (30-100cm) on crests and insides of benches, shallow (<20cm) on leading edges of benches, and moderately deep (<100cm) on drainage lines (Chapman & Murphy 1989).

Previous investigations (see Section 3.3.4 and 3.3.5 below) have identified the depth of sandstone bedrock across the site to range between 0.4m-3.5m below ground level across the FSPS study area.

3.3.1. Hydrology, Landscape and Landforms

The study area is located on Observatory Hill, the crest of a rocky ridge overlooking Sydney Harbour that geographically separates Sydney Cove to its east, and Darling Harbour to the west overlooking Sydney Harbour. The study area is also located at the western end of the former catchment area for the Tank Stream- a fresh water stream that started around the area of Hyde Park, draining north to the harbour at Sydney Cove around current Circular Quay- the location of which was a major deciding factor of the location of the Sydney colony at Sydney Cove in 1788.

The study area locality would have allowed easy access to both fresh and salt water (and all the resources afforded by both), as well as advantageous positioning at the highest point in Sydney Cove (over 40m above sea level), with access to the underlying to low rolling hills and sandstone cliffs along the Sydney Harbour foreshore within the Sydney Basin (Figure 3.2). As the highest point in Sydney Cove, Observatory Hill would likely have been a popular and/or important lookout for the local Aboriginal population (Sydney Barani 2013).

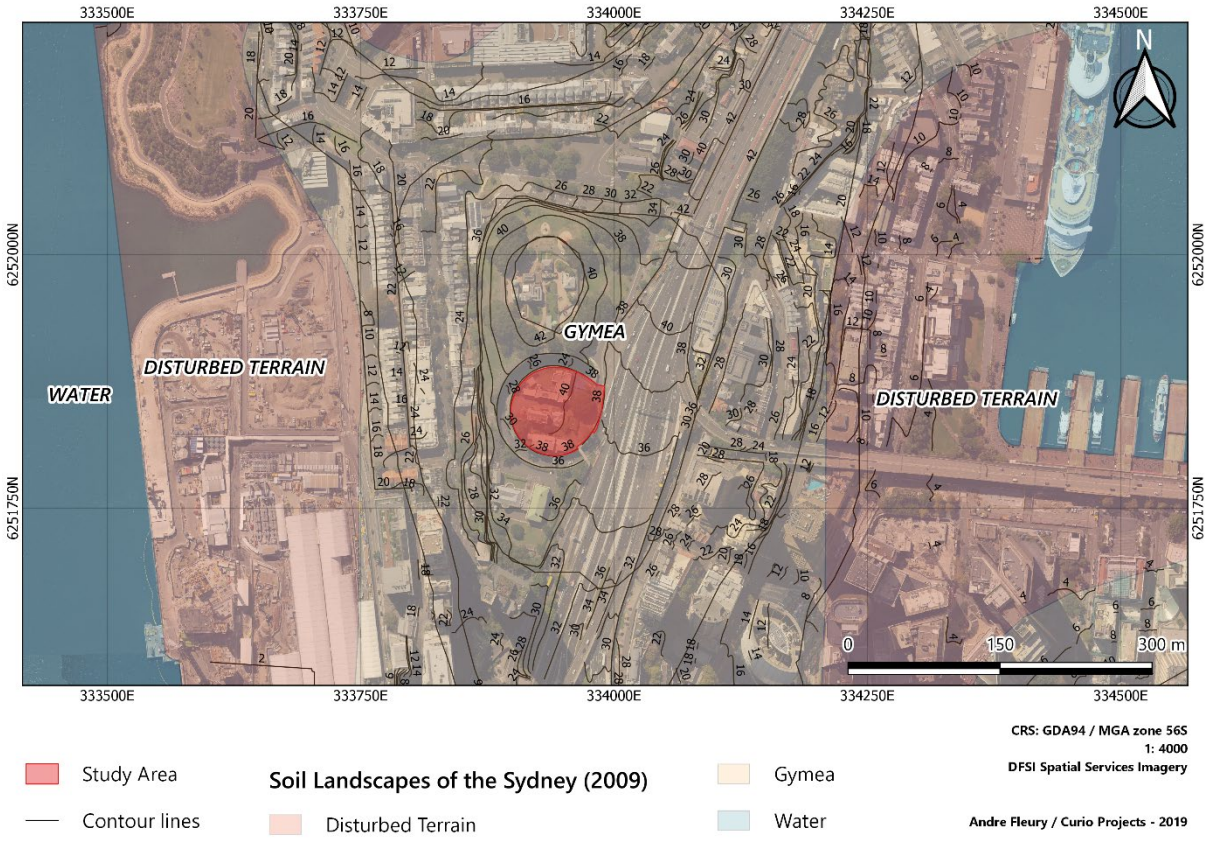


Figure 3.2: Soil Landscapes and Topography (Source: Curio 2019)

3.3.2. Vegetation

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

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

3.3.3. Modern Land Use and Disturbance

Very early in the history of the NSW colony, the natural environment of the Millers Point and Observatory Hill area was subject to early alterations by colonists including extensive land clearing, establishment of quarries and early roadway infrastructure (Figure 3.3).

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

- Initial vegetation and land clearing (1788-1790s) (Figure 3.3);
- Construction of government windmills (1790s) Fort Phillip (1804) and later Sydney Observatory;
- Construction of the Military Hospital and associated buildings (1815-1849);
- Modification of Military Hospital for Fort Street School including additional buildings for school use (1849-1960s), construction of the Messengers Cottage (associated with the Observatory) (1862), and the Bureau of Meteorology Building (1922);
- Construction of the Cahill Expressway, including deep excavation and demolition of previous site buildings (1940s-50s) (Figure 3.5).

Figure 3.3: Illustration of early European alterations to the nature environment, c.1818. (L to R) Military Hospital, Third Government Windmill and Fort Phillip (Source: NLA.Pic-An4563834-S8).

Figure 3.4: 1820 Major Taylor's Panorama (Left Detail), view approx. north, (Military Hospital just out of frame, to the right). Convicts quarrying windmill hill visible in left of frame

Figure 3.5: Deep Excavation for the Cahill Expressway, 1940

3.3.4. Geotechnical Investigations

JK Geotechnics 2017

JK Geotechnics (JKG) undertook a geotechnical investigation in 2017 (JKG 2017) within the FSPS study area (undertaken prior to the time that any specific development had been proposed). The investigation comprised 13 boreholes (BH1 – 4 and BH6 - 14 and one test pit (TP5) with five of the boreholes (BH2, 3, 6, 8, and 14) cored to recover rock samples and the others augered through soil to refusal in rock. The test pit was excavated to expose the footings and founding strata of one corner of the MET building. While the majority of the boreholes encountered varying depths of historical fill material directly over sandstone bedrock, in some select areas, the investigation encountered evidence for potential natural soil profiles (i.e. see Boreholes 3 and 10 in Figure 3.6 below)

Borehole 3 was recorded as having 'clayey sand' from c.2.1m to c.2.8m below ground, directly overlying sandstone bedrock, while Borehole 10 is recorded with 'clayey sand' from c.0.5m to 1.4m, also directly over bedrock.

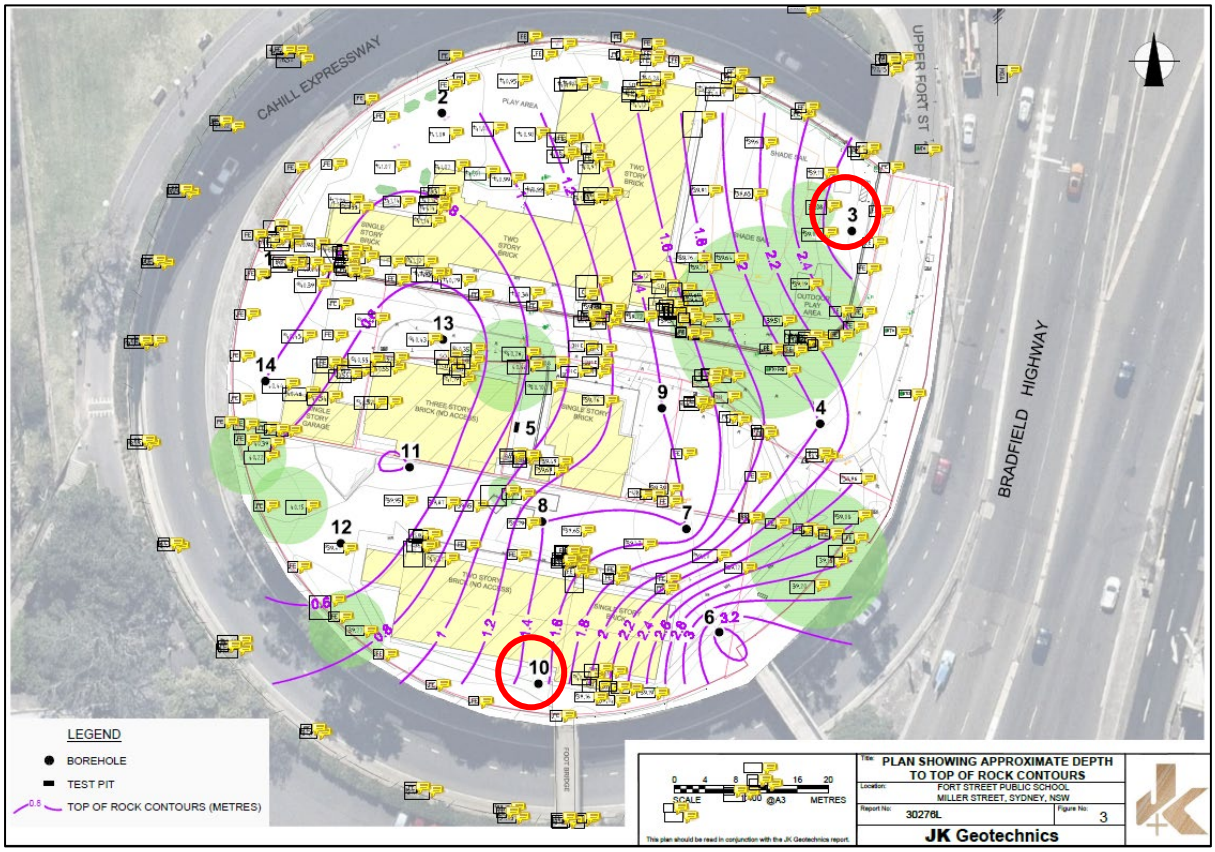


Figure 3.6: 2017 Geotechnical Results. Boreholes 3 and 10 (circled) presenting with a layer of 'clayey sand'. Approximate depth of sandstone bedrock indicated by purple contour lines

(Source: JK Geotechnics 2017 With Curio Annotations)

Douglas Partners 2019

A subsequent preliminary geotechnical assessment was undertaken within the study area by Douglas Partners (2019) in relation to the Fort Street Public School Expansion project. This consisted of the hand excavation of four test pits (numbers TP12 to TP15) under the existing floors of the main school building (Figure 3.7), in order to provide preliminary comment on geotechnical risks to guide the preliminary design for the redevelopment (assess the bearing conditions of the existing footings of the main FSPS building). This investigation was undertaken in conjunction with a program of historical archaeological test excavation (summarised in the following section).

The 2019 investigation generally confirmed the results of that undertaken in 2017: that residual soils have likely been historically removed across most of the site- shown by locations presenting as historical fill directly over sandstone bedrock- with some small select areas potentially presenting with isolated pockets of residual clayey sand soils.

Figure 3.7: 2019 Test Pits (Historical Archaeological trenches in pink, DP in red (Source: Douglas Partners 2019). Locations with potential natural soil profiles circled in red.

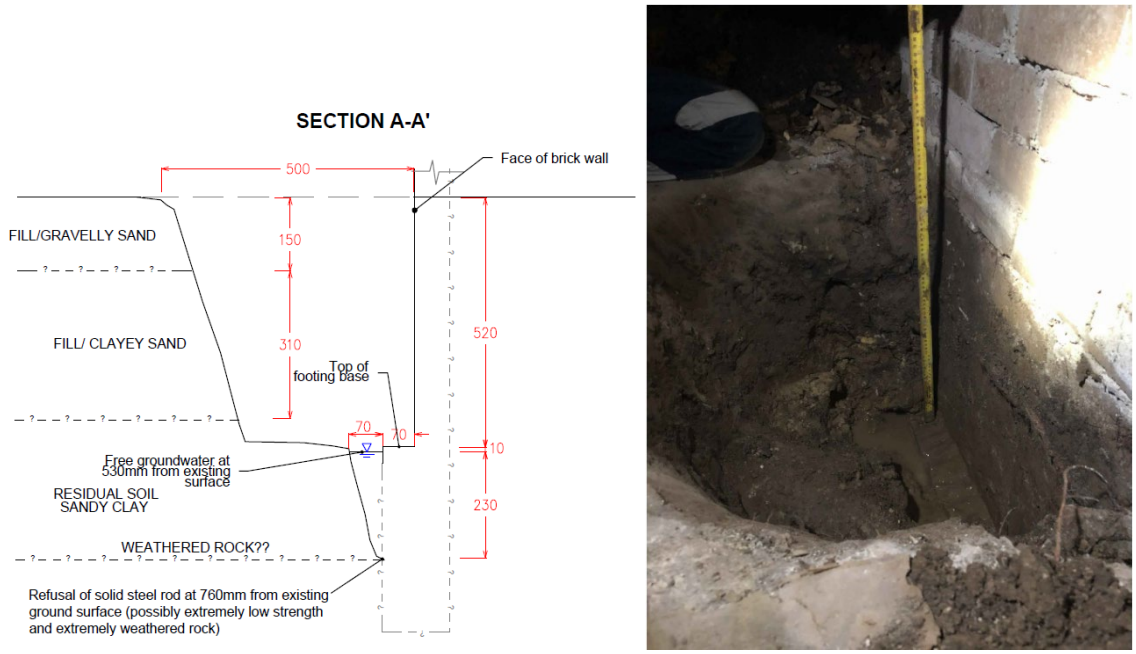


Figure 3.8: Test Pit 12 Section and Image (Source: Douglas Partners 2019)

3.3.5. Historical Archaeological Test Excavation

Historical archaeological test excavation as undertaken at the study area in July 2019 (Curio Projects 2019), in order to provide information to feed into the expansion design. This investigation was undertaken in accordance with a Section 60 excavation permit issued by the NSW Heritage Division in May 2019.

Seven test excavation trenches were excavated within the FSPS study area- with an aim of investigating the nature of the historical archaeological resource present at the site. A further three pits were excavated by environmental scientists under archaeological supervision for a contamination investigation.

Of the test trenches, Trenches 1, 2, 3, 4, and 6 presented with historical archaeology/fill directly overlying sandstone bedrock. Trench 5 presented with a potential thin natural soil profile- partly disturbed- described as a 'mid brown sandy soil with extensive root disturbance'. Trench 7 was highly disturbed in the upper stratigraphy, with the deeper layers not able to be recorded properly due to WHS restrictions, however the trench extended to a maximum depth of 2.6m, with potentially buried natural soil profiles in its deeper stratigraphy underlying a layer of bitumen (Figure 3.10).

Of the three environmental test pits, two encountered potential remnant natural soil profiles (Pit 8- Figure 3.11, and Pit 9), of which only Pit 9 appeared to be relatively intact (Figure 3.12).

Figure 3.9: Historical Archaeological Test Excavation Trenches Plan (Source: Curio 2019, drawn by B. Owens)

Figure 3.10: Western section of Test Trench 7 showing mixed fills with bitumen surface (indicated), underlain by potential natural soil profile. (Source: Curio 2019)

Figure 3.11: Environmental Pit 8 showing partly disturbed natural profile below bitumen surface (indicated) with levelling fills above. (Source: Curio, 2019).

Figure 3.12: Environmental pit 9 showing intact natural soil profile below sandstone and clay levelling fill. (Source: Curio, 2019).

3.3.6. Summary of Environmental Context

The study area is located on the Gymea soil landscape profile, underlain by Hawkesbury Sandstone. Gymea soils are generally shallow to moderately deep (30-100cm) on crests and insides of benches, shallow (<20cm) on leading edges of benches, and moderately deep (<100cm) on drainage lines, with a high propensity for sheet erosion following vegetation clearance. The depth of the underlying bedrock across the FSPS study area generally follows the topography of Observatory Hill, which generally slopes towards the east.

Located on Observatory Hill, the crest of a rocky ridge overlooking Sydney Harbour the elevation and geographical location of the study area would have afforded advantageous views of the harbour and surrounding landscape in every direction, and would likely have been a popular and/or important lookout for the local Aboriginal population. The study area is located at the western end of the former catchment area for the Tank Stream, as well as in close proximity to Sydney Harbour- the location would have therefore allowed easy access to both fresh and salt water (and all the resources afforded by both).

While little ethnographic evidence is available regarding the use and occupation of Observatory Hill by Aboriginal people prior to 1788, the elevation of the FSPS study area and associated access to resources, indicates that the area would almost certainly been utilised by Aboriginal people prior to colonisation.

Ongoing intensive use of the study area and surrounds has continued successively from 1788 to the present day, which accordingly has presented high levels of disturbance to the natural environment including soils, vegetation and landscape. This will have impacted the ability for an Aboriginal archaeological resource to be retained within the FSPS study area.

3.4. Material Evidence of Aboriginal Land Use

3.4.1. Archaeological Evidence of Aboriginal Occupation in Sydney Region

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

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

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

3.4.2. AHIMS Search

The OEH guidelines for Aboriginal cultural heritage management require a current extensive search of the Aboriginal Heritage Information Management System (AHIMS) database, managed by OEH (i.e. current within the last 12 months). The AHIMS search was undertaken on 7 August 2019, centred on the study area with a buffer of 1km, and returned 23 results. The extensive AHIMS search is attached as Appendix B to this report. No registered sites were located directly within the current study area.

AHIMS search results always require a certain amount of scrutiny in order to acknowledge and accommodate for things such as inconsistencies in the coordinates (differing datums between years of

recording), the existence of, and impact to, registered sites (impact to a registered site technically requires the submission of a Heritage Impact Recording form to be submitted to the OEH, however these forms are not always submitted), and other database related difficulties. It should also be noted that AHIMS database is a record of archaeological work that has been undertaken, and registered with OEH in the region. The AHIMS database is therefore a reflection of recorded archaeological work, the need for which has likely been predominantly triggered by development, and not a representation of the actual archaeological potential of the search area. AHIMS searches should be used as a starting point for further research and not as a definitive, final set of data.

Therefore, the above AHIMS search result has been synthesized as best possible within the scope of this current report to determine the most likely nature and location of previously registered sites in proximity to the current subject site.

Summary descriptions of Aboriginal site features as identified by OEH, and as relevant to this report are presented in Table 3.1. The 23 results from the current AHIMS search included seven different site types, some in combination with each other. These sites are summarised in Table 3.2. The general location of each of these registered sites in relation to the study area is depicted in Figure 3.13. The most common site types registered in the area are artefact + midden sites and Potential Archaeological Deposits (PADs). The closest sites to the FSPS study area are 'Lilyvale' (AHIMS 45-6-1853) and '171-193 Gloucester Street (AHIMS 45-6-2742): a shell midden and PAD respectively.

Table 3.1: Aboriginal Site Features referred to in this report.

SITE FEATURE	DESCRIPTION/DEFINITION BY OEH
Aboriginal Ceremony and Dreaming	These types of sites are usually identified by the local Aboriginal community as locations of cultural significance, and they may not necessarily contain material evidence of Aboriginal associations with the place.
Aboriginal Burial (Aboriginal Ceremony and Dreaming Site)	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g. in caves, marked by stone cairns, in sand areas, along creek banks etc. Soft, sandy soils along creek and river beds, and beaches were favoured for burials, as they allowed for easier movement of soil, however burials may also often have occurred in rock shelters and shell middens.
Art Site	Art is located in shelters, overhangs and across rock formations. Techniques include painting, drawing, scratching, carving, engraving, pitting, conjoining, abrading and the use of a range of binding agents and the use of natural pigments obtained from clays, charcoal and plants.
Artefact Site (Open Camp Sites/artefact scatters/isolated finds)	Artefact sites consist of objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating physical evidence of use of the area by Aboriginal people. Registered artefact sites can range from isolated finds, to large extensive open camp sites and artefact scatters. Artefacts can be located either on the ground surface or in a subsurface archaeological context.

SITE FEATURE	DESCRIPTION/DEFINITION BY OEH
Potential Archaeological Deposit (PAD)	An area where Aboriginal cultural material such as stone artefacts, hearths, middens etc, may be present in a subsurface capacity.
Shell Midden	A shell midden site is an accumulation or deposit of shellfish resulting from Aboriginal gathering and consumption of shellfish from marine, estuarine or freshwater environments. A shell midden site may be found in association with other objects like stone tools, faunal remains such as fish or mammal bones, charcoal, fireplaces/hearths, and occasionally burials. Shell midden sites are often located on elevated, dry ground close to the environment from which the shellfish were foraged, and where fresh water resources are available. Shell middens may vary greatly in size and components.
Shelter	Naturally formed rock shelter or overhang used by Aboriginal people as an occupation site (long or short term). Shelters often also include archaeological deposits, art and/or surface archaeology.

Table 3.2: AHIMS Sites in Vicinity of Study Area

SITE TYPE	NUMBER OF SITES	PERCENTAGE OF SITES (%)
Aboriginal Ceremony and Dreaming	1	4
Aboriginal Ceremony and Dreaming & Burial	1	4
Art	2	9
Artefact	2	9
Artefact & Midden	4	18
Artefact & Potential Archaeological Deposit	1	4
Potential Archaeological Deposit	11	48
Shelter with Midden	1	4
TOTAL	**23**	**100**

The distribution of the AHIMS sites (i.e. with the majority located within the Central Sydney CBD) is more a reflection of a higher density of archaeological survey and excavation work due to urban development, than an indication of the occupation patterns of Aboriginal people.

Of the 23 registered sites, the status of four has been updated as 'Destroyed', while two have been updated as 'not a site' (200 and 420 George Street PADs). It is possible that other site results from this AHIMS search have already been subject to harm or have been destroyed under AHIPs or through authorized site works, and have not been updated in AHIMS. However, as none of these sites are located within the current study area, this is not of a direct concern for this project, and the location of all sites, regardless of their current status, will inform the Aboriginal archaeological potential assessment for the FSPS site.

Assessment of AHIMS Search

The AHIMS results, combined with the landforms and geology of the subject site suggest that the most likely site types to be present within the study area and surrounds would be limited to stone artefact sites and PAD sites, as the required geology and environment for other site types such as art sites, shelters, grinding grooves and scarred trees etc is not present.

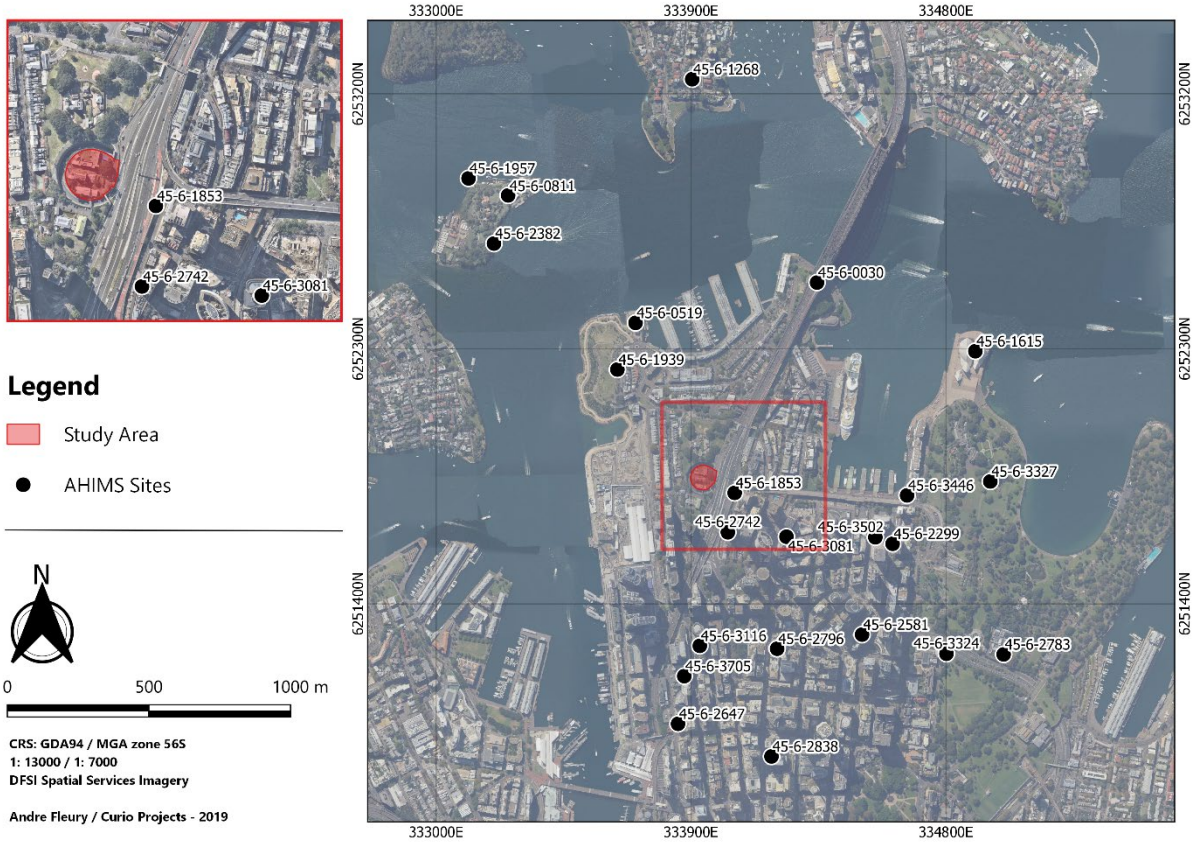


Figure 3.13: AHIMS Search Results Sites (Source: Curio 2019)

3.4.3. Previous Archaeological Investigations and Assessments

Review of relevant previous archaeological work is a highly informative and necessary step in identifying the likely nature of the potential archaeology at a site. The investigation of previous work undertaken in the region, on similar sites, and on similar landscape or landforms, can inform our understanding of a site by providing a proxy against which a newly investigated site can be measured (albeit with caution). That is to say, understanding the archaeological record at a general location can provide us with an indication of the nature and level of potential of archaeology that may be present at a site, prior to any subsurface investigation. As archaeology is by its very nature, a destructive discipline, it is important to acquire as much information and understanding of a site as possible prior to undertaking fieldwork (as once evidence has been excavated, its context is effectively destroyed), and also to avoid any unnecessary fieldwork at a site.

Research into archaeological investigations undertaken in proximity to the current study area indicate the types of archaeology that may survive in the area, and the environment that has allowed it to

survive. No known Aboriginal archaeological excavations have been undertaken previously within the study area nor in the immediate surrounds.

Port Jackson Archaeological Project (Attenbrow 1990)

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

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

174 Cumberland Street (Attenbrow 1992)

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

First Government House (Museum of Sydney)

The site of Sydney's first government house is located on Bridge Street (c.600m southwest of the current study area), the foundations for which were laid within months of the arrival of Governor Phillip and the First Fleet to Sydney Cove in 1788. This site is of extreme significance in the history of Sydney and Australia, not just as the first seat of colonial government, but also as an important place of early contact between the local Aboriginal people and the colonists. Government house was eventually relocated to a newly build purposed building in 1845 (the current location of Government House, alongside the Royal Botanic Gardens), and the original government house was demolished. Unmarked Aboriginal burials were reported to be located at the First Government House site (AHIMS #45-5-2299).

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

Sydney Conservatorium of Music

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

site, it provided physical evidence for the ubiquitous use of the surrounding landscape by Aboriginal people (Attenbrow 2010).

KENS Site, Aboriginal Excavation (Steele 2006)

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

200 George Street, Sydney (GML 2014)

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

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

Fort Street Public School Archaeological Assessment (AMBS 2016)

AMBS prepared an Archaeological Assessment report for the Fort Street Public School as part of the preparation of the draft Conservation Management Plan for the site. AMBS concluded that there may be potential for Aboriginal archaeological deposits in areas of the study area that had experienced limited construction and historical impacts- notably within the school yards to the north and east of the existing 1940s school building. However, it was also noted that even if archaeological deposits were to remain in those less disturbed areas, they would be likely to be highly disturbed due to high levels of sheet erosion that Gymea soils tend to undergo following vegetation clearing (AMBS 2016).

3.5. Regional Character and Archaeological Predictive Model

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

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

- In order for Aboriginal archaeological deposits to be present in situ within the study area, they would require the retention of natural soil profiles in the area that would be extant from 1788- and require these natural soils to be intact- subject to limited amounts of natural erosion.
- Artefact and midden sites are the most common site type in the region, and are the most likely site types to be present within the study area, should the site conditions allow the preservation of such a site (i.e. where historical land disturbance activities have not already removed all natural soil profiles)
- There may also be potential for isolated Aboriginal artefacts (stone artefacts and shells) to be present in a disturbed context.
- The study area has no potential for site types such as scarred trees, rockshelters and grinding grooves, as the natural features required for these types of sites are not present.
- It is highly likely that the study area landscape was occupied and used in some way by Aboriginal people prior to 1788- especially in consideration of the commanding presence and advantageous views from (what is now referred to as) Observatory Hill.
- The Gymea soil landscape has a high propensity for sheet erosion following vegetation clearance, and this would have impacted the ability for the soils within the study area to retain an Aboriginal archaeological deposit.
- The study area has been subject to very high levels of historical ground disturbance and use since 1788 relating to the use of the site as a Military Hospital, Sydney Observatory activities/Bureau of Meteorology, and Fort Street Public School, that would likely have impacted and/or removed the majority of natural soil profiles.

Overall, the FSPS study area is considered to have low potential for intact Aboriginal archaeological deposits to be present.

4. Cultural Heritage Values and Significance Assessment

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

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

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

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

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

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

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

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

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

4.1. Assessment of Aboriginal Cultural Heritage Values

4.1.1. Social (Cultural) and Spiritual Values

Social, cultural and spiritual values of a site can only be identified through consultation with Aboriginal people. However, it is likely that should an Aboriginal archaeological deposit be present within the

study area, it would be viewed to be of high social and cultural significance by the Aboriginal community, providing a direct and tangible link to past Aboriginal life and activity in Sydney's centre. This section will be updated following RAP review of this draft report.

4.1.2. Historical Value

While little historical evidence is available regarding Aboriginal historical use of the study area and surrounds, as the highest point in Sydney Cove, Observatory Hill would likely have been a popular and/or important lookout for the local Aboriginal population. Therefore, Aboriginal archaeological deposits, if found to be located within the study area, may be of historical value.

4.1.3. Scientific (Archaeological) Value

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

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

Following OEH guidelines for assessing scientific value (OEH 2011), five key criteria have been considered with regards to the scientific and archaeological context of the study area in order to determine the level of scientific significance of the study area. These criteria, as they have been applied to the study area, are defined below in Table 4.1. Following the criteria above, an assessment of the potential scientific significance of the FSPS Expansion study area has been undertaken, identified as relevant to the five key criteria.

Table 4.1: Archaeological significance criteria

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

CRITERIA	DESCRIPTION
Archaeological Landscapes	The study of Aboriginal cultural heritage and archaeological study in the context of the wider landscape (geographical and cultural/social) in which they exist.

Research Potential

The nature or extent of an intact Aboriginal archaeological deposit within the study area has not yet been able to be determined, as due to the high amount of fill and the potential historical archaeology across the site, test excavation has not been able to be undertaken under the *Code of Practice*. It is noted that other investigations have confirmed that many locations within the study area have no remnant natural soil profiles present (i.e. historical activities have previously removed all natural soil profiles to sandstone bedrock), while some areas retain limited potential for discrete areas of natural soil profiles to be retained.

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

Rarity

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

Representativeness

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

Education Potential

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

Archaeological Landscapes

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

Summary of Scientific Significance

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

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

4.1.4. Aesthetic Value

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

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

4.2. Statement of Significance

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

While little historical evidence is available regarding Aboriginal historical use of the study area and surrounds, as the highest point in Sydney Cove, Observatory Hill would likely have been a popular and/or important lookout for the local Aboriginal population. Therefore, Aboriginal archaeological deposits, if found to be located within the study area, may be of historical value.

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

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

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

5. Avoiding and Minimising Harm (Impacts)

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

The following section provides assessment and discussion the potential impacts posed by the FSPS Expansion project to both Aboriginal archaeological and cultural heritage values, with respect to the proposed development impacts.

5.1. Ecologically Sustainable Development

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

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

5.1.1. Precautionary Principle

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

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

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

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

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

5.1.2. Intergenerational Equity

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

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

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

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

5.2. Description of Proposed Development- SSDA Plan

Approval is sought for the expansion of Fort Street Public School to accommodate a total of 600 primary school students (Figure 5.2). Specifically:

- **Site preparation, demolition and excavation**
  - Site remediation.
  - Demolition of the southernmost school building, the garage and storage shed west and east of the Bureau of Meteorology Building, and the toilet block adjoining the main school building.
  - Selective removal of various elements of the main school building, as well as minor and insignificant elements of the Bureau of Meteorology Building and the Messenger's Cottage to facilitate refurbishment and future use of these buildings.
  - Bulk excavation works to facilitate the new southern buildings and western addition to the main school building.
  - Tree removal.
  - Installation of hydraulic and electrical services.
- **Land use**
  - Use of all buildings for the purpose of a school.
- **Existing buildings**
  - Retention, refurbishment and extension of the existing Fort Street Public School, including construction of a new roof and rooftop additions.
  - Retention and refurbishment of the Bureau of Meteorology Building and internal alterations and additions.

- Retention and minor alterations to the Messenger's Cottage.

- **New buildings**
  - Construction of two new buildings on the western part of the site for classrooms and a staff room.
  - Construction of two new, interconnected school buildings on the southern third of the site.
  - Construction of a new communal hall and canteen building.
- **Landscaping**
  - Retention of the existing large fig tree.
  - Landscaping works throughout the site, including construction of a new amphitheatre, a deck around the fig tree, new central plaza, and a multi-purpose forecourt.
  - Landscaping of roof gardens on top of the new southern buildings, the existing Bureau of Meteorology Building and the EEC building.
- **Other works**
  - Construction of a new pedestrian link bridge across the Cahill Expressway on the western side of the site.
  - Works to the existing entrance road, including alterations to the Bradfield Tunnel Services Building.
  - Modifications to existing pick-up / drop-off arrangements.
  - Provision of signage zones.

Figure 5.1 and Figure 5.2 below present the existing plan of the FSPS study area in comparison with the proposed as per the SSDA Plan.

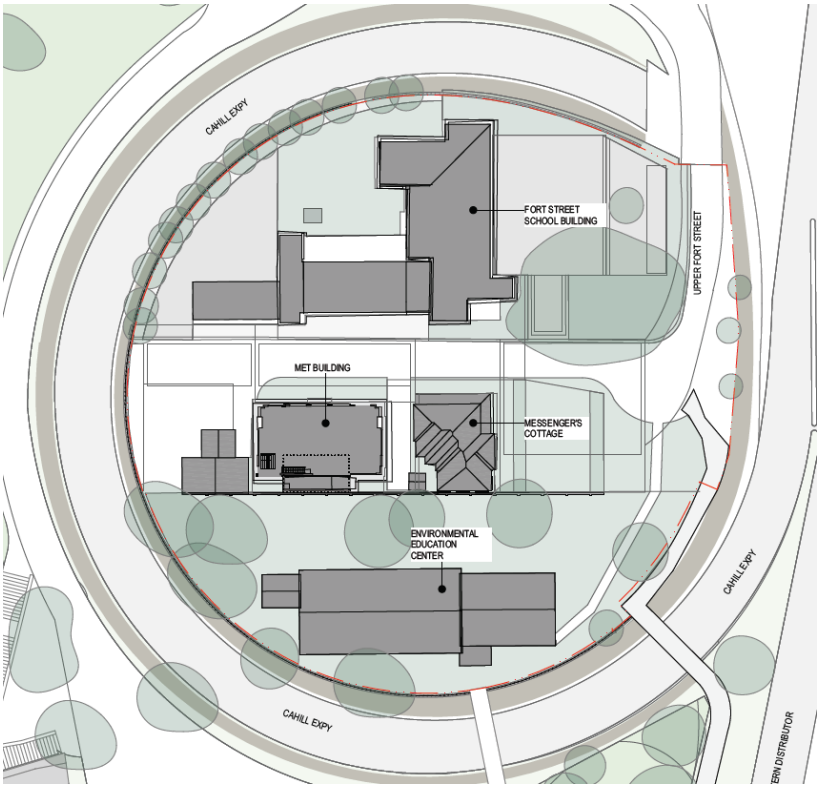


Figure 5.1: Site Plan- Existing (Source: FJMT DWG DA-1201, 18.10.19)

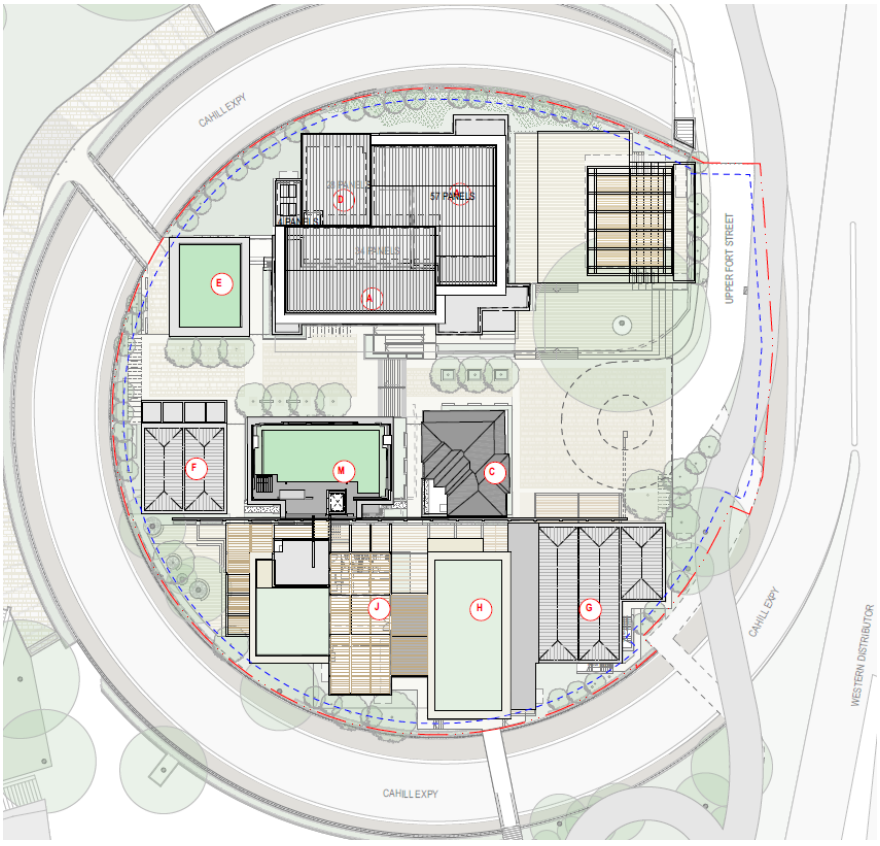


Figure 5.2: Site Plan- Proposed (Source: FJMT DWG DA-1211, 18.10.19)

5.2.1. Bulk Excavation

Bulk excavation works will be required for the construction of a new basement level beneath the new Buildings G and H (Figure 5.3to Figure 5.5). New footings for the new buildings will be situated on the underlying sandstone bedrock to provide uniformity of support. The new basement below new buildings G and H will be constructed by pouring a 150mm thick concrete slab over a layer of 80mm deep crushed rock layer and plastic membrane (BG 2019: 20). The majority of the basement concrete slab will be laid directly over the sandstone bedrock- that is, it is assumed that all fill and any remnant natural soil profiles within the footprint of the new basement will require full excavation.

Figure 5.3: Locations of Bulk Excavation- Proposed Lower Ground Plan (Source FJMT DWG DA-2001-SSDA01, 18.10.19)

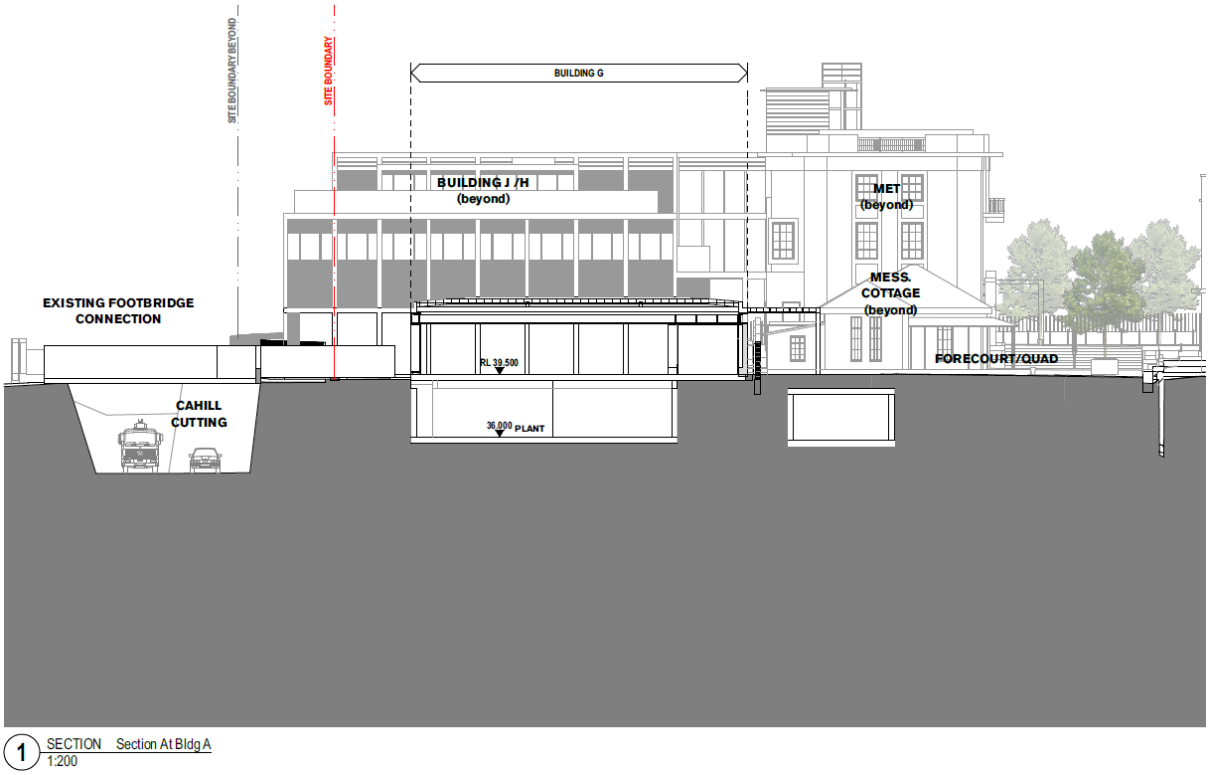


Figure 5.4: Section 1, c. North-South- New Basement and OSD Tank visible (Source: FJMT DWG DA-4001, 18.10.19)

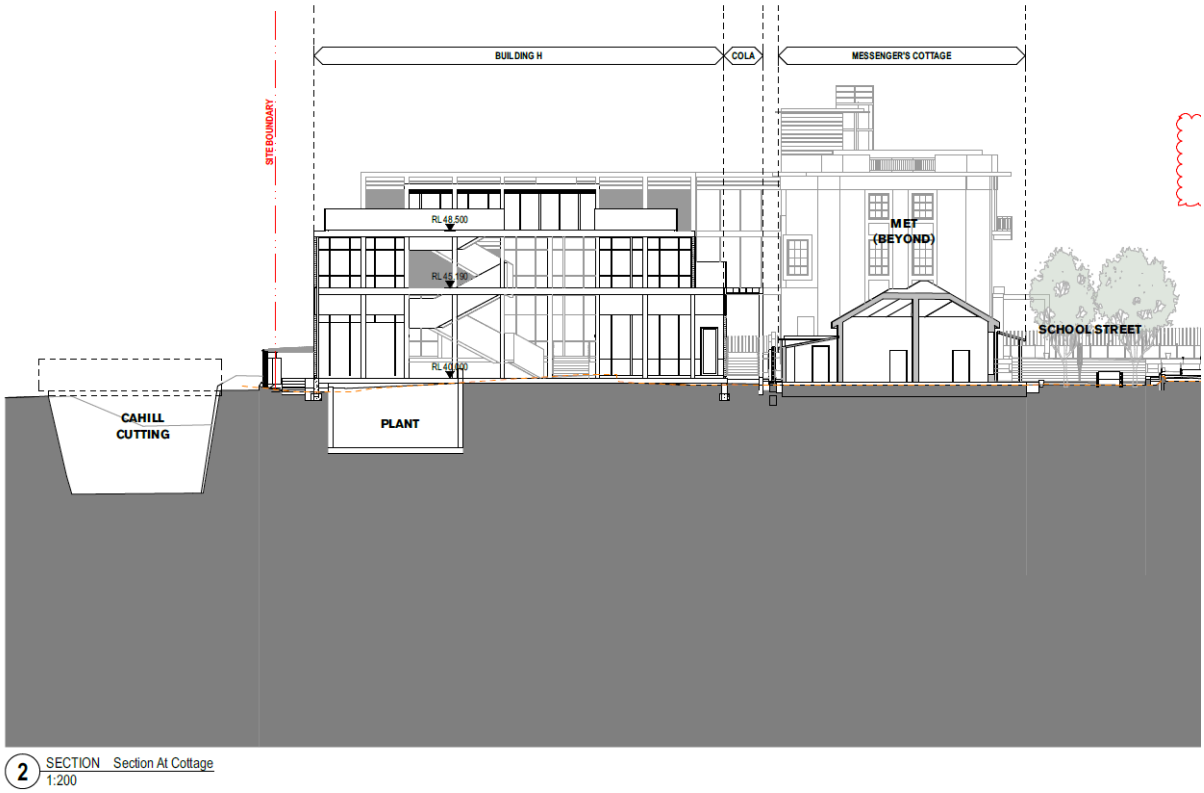


Figure 5.5: Section 2, c. North-South- New Basement visible (Source: FJMT DWG DA-4001, 18.10.19)

5.2.2. Service Trenching

Figure 5.6 presents the current proposed services plan over the demolition plan for the development. Further descriptions of the required service trenching are described in the following sub-sections.

Electrical

Electricity supply enters the site via the north east corner, and provides a low-voltage connection to the site. The combination of the existing and new buildings in the proposal have been assessed for peak demand by the project electrical engineers and verified against the supply capacity as being sufficient. Supplementary photovoltaic solar cells on the roof of the additions to building A and battery provisions in the Lower Ground Floor of Building G are proposed to allow additional power supply and storage to ameliorate the effects of peak demand, grid shortages and/or future functions.

Electrical and Communications services for the proposal include conventional cabling provided to each homebase cluster, teacher's area and staff administration room. Provisions in the classrooms and teaching / admin areas shall respond to current pedagogical requirements for delivery of modern teaching techniques via AV and other aides (smartboards, handheld devices, VR, etc), and will consist of future-proof aspects to ensure viability.[2]

Stormwater

The FSPS expansion will require the installation of a new below ground On-Site Stormwater Detention (OSD) tank. The location of the OSD is proposed to be to the east of the Messengers Cottage. The OSD would require excavation to c.2.5m depth. The new OSD tank is indicated in Figure 5.6 below.

[2] From FJMT SSDA Report, p. 42

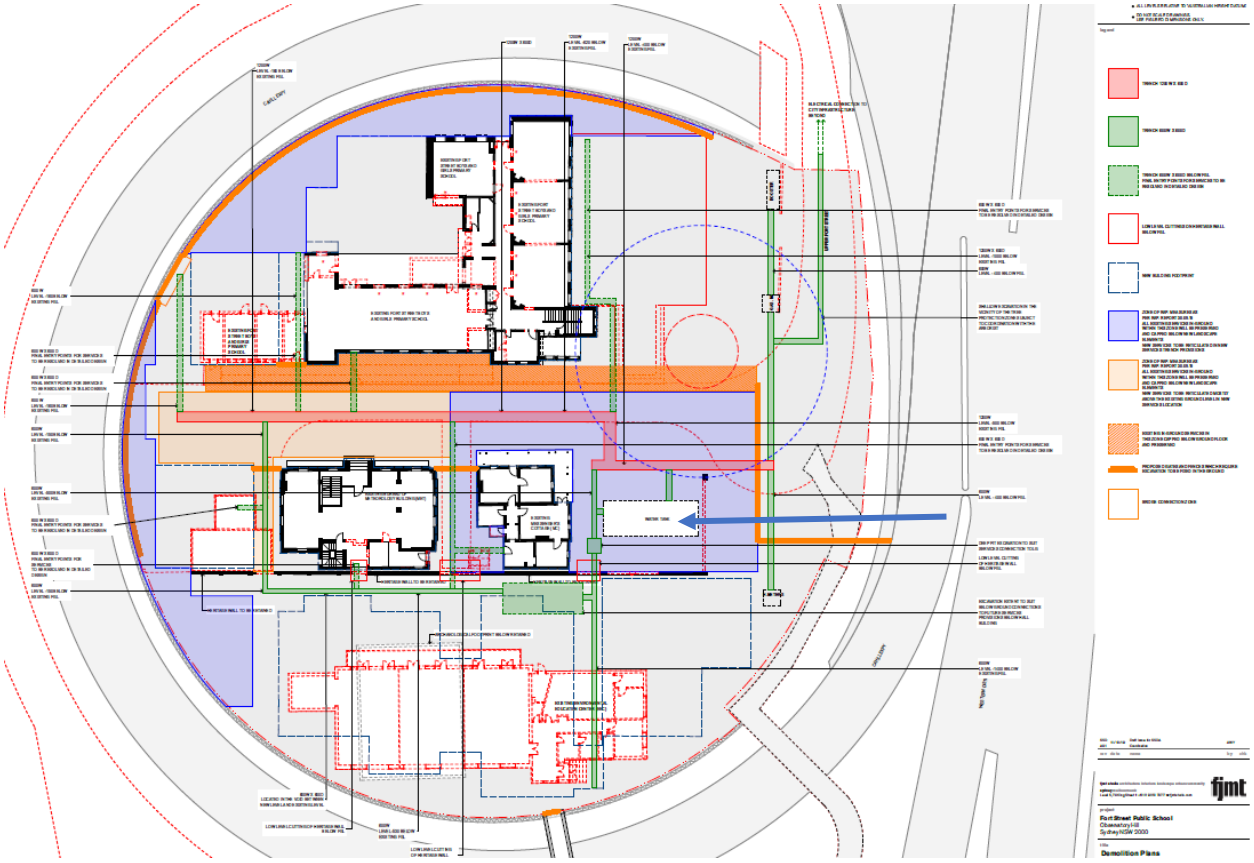


Figure 5.6: Proposed Services Plan over Demolition Plan. OSD tank shown as white rectangle (indicated) (Source: FJMT DWG DA-2105, 18.10.19)

5.2.3. Landscaping

The final draft SSDA landscaping plan indicates that proposed landscaping works will generally entail soft landscaping and planting which will generally be limited in below-ground impact. At present, the majority of the proposed landscaping plan in fact proposes filling in order to slightly elevate the ground surface from existing (Figure 5.7). Therefore, the proposed landscaping works present no potential for impact to any potential Aboriginal archaeology within the site.

The SSDA Plan also proposes the installation of a new school fence and gate fronting Upper Fort Street in the east of the site (indicated as an orange 'L' line in Figure 5.6 above- on the right of image). This will require localised excavation for installation- with the exact excavation requirements to be confirmed through the schematic design.

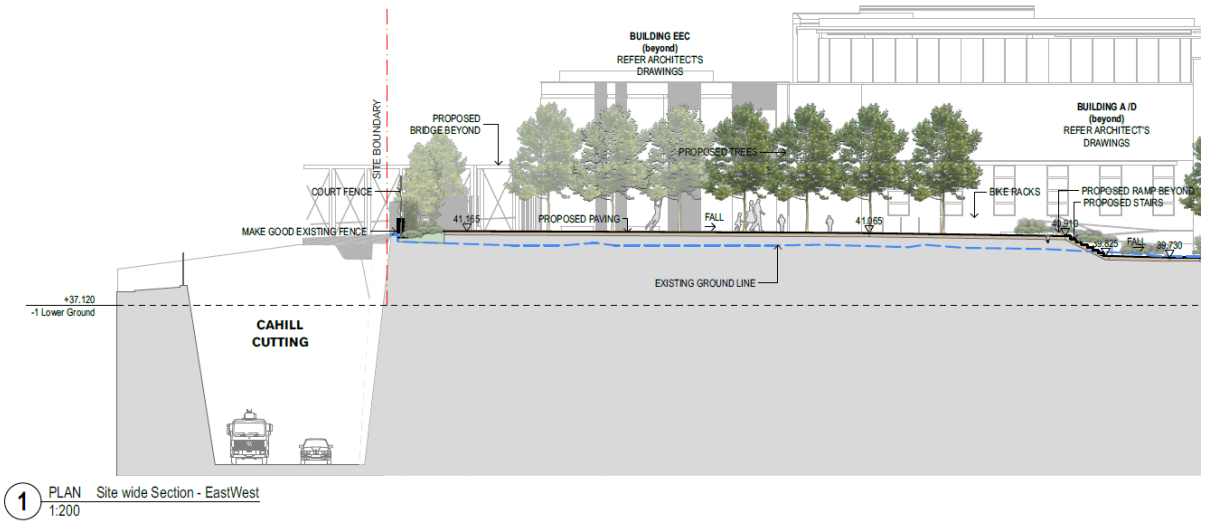


Figure 5.7: Landscaping Section (1)- EastWest (Source: FJMT DWG DA-8101, 18.10.19)

5.3. Conservation and Impact Assessment

5.3.1. Proposed Impact to Potential Archaeological Resources

Development impacts with potential to impact any potential Aboriginal archaeological deposits (should they be present within the study area), are only impacts that will disturb the ground surface. Therefore, this impact assessment has been prepared with specific reference to the following development activities:

- Bulk excavation works (south of the site and west of the existing main school building);
- Installation of new hydraulic, civil and electrical services- including a new stormwater detention tank;
- Localised excavation for new school fences and gate; and
- Landscaping works (unlikely to impact under SSDA Plan- again dependent on nature, depth and location of any excavation works required for landscaping).

The location and extent of below ground development impacts have been compared with areas in the site that have been demonstrated to retain a natural soil profile- or with potential to retain a natural soil profile- in order to identify areas where the development has potential to encounter/impact natural soil profiles.

Table 5.1 summarises the SSDA Design below ground development impacts. These development impacts have then been compared in Table 5.2 with locations within the FSPS study area that confirmed or potential natural soil profiles have been identified, in order to conclude whether each development activity has potential to encounter natural soils (and therefore where archaeological mitigation may be required).

Figure 5.8 maps the locations across the study area where natural soil profiles have been identified. Figure 5.9 locates the development impacts over the estimated area of potential remnant natural soil profiles.

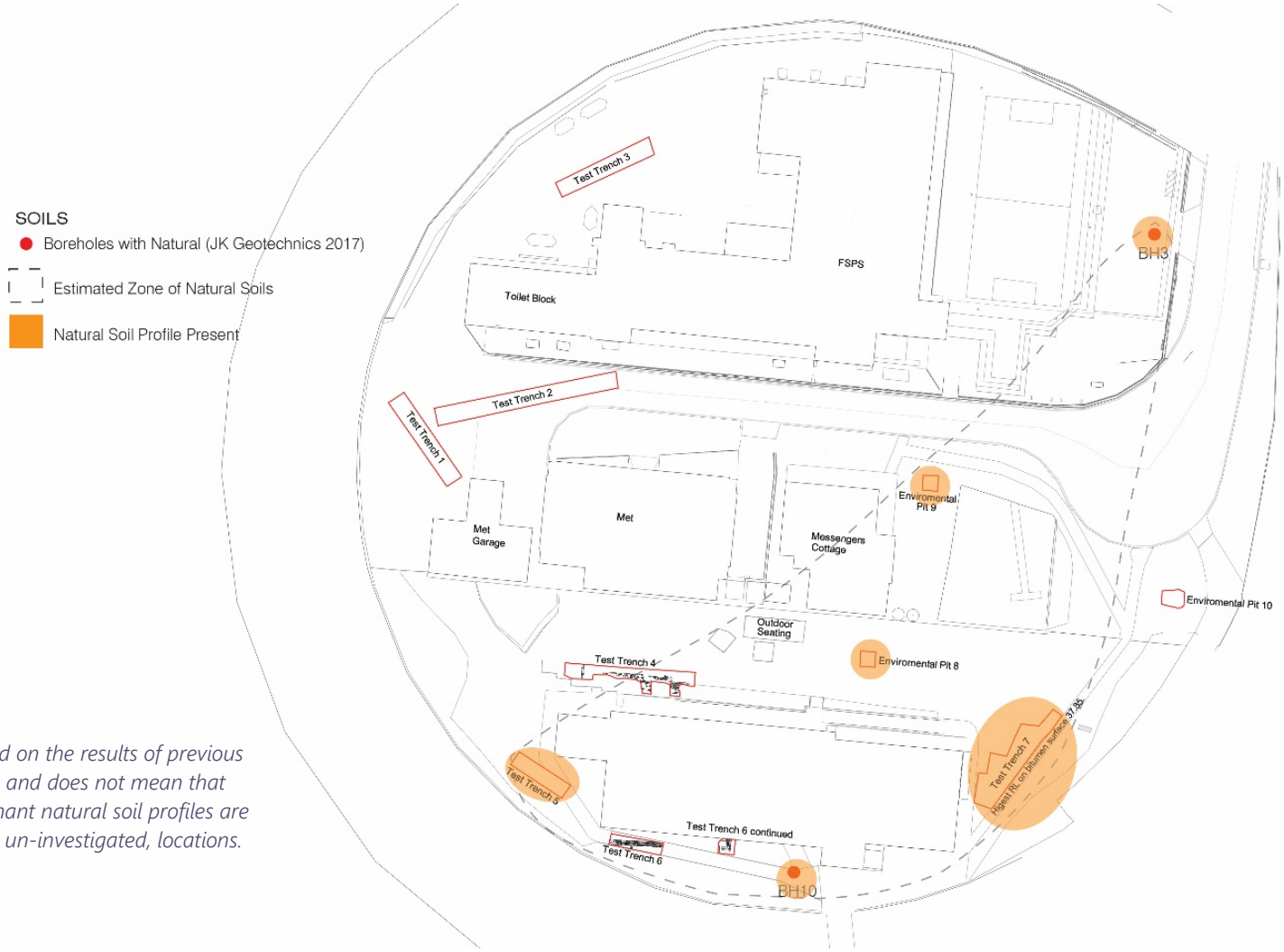
Table 5.1: Development Excavation Impacts

DEVELOPMENT EXCAVATION IMPACT	LOCATION	DIMENSIONS OF WORKS/DEPTH	IMPACT NATURAL SOILS?
Bulk Excavation for New Buildings G	SE (east of existing ECC)	To bedrock	Yes
Bulk Excavation for New Building H	South-Centre	To bedrock	Yes
New OSD	East of Messengers Cottage	2.5m depth	Yes
New Lift Pits	Within MET North of existing school.	c. 2.4m x 2.5m x 1.1m deep	Unlikely
Service Trenching: • 1.2m w x 60cm d (Pink on Plan)	E-W on north side of MET/Messengers (approx. in existing driveway/road)	1.2m w x 60cm d	Yes
• 60cm x 60cm (Green on Plan)	Across numerous areas	60cm w x 60cm d	Yes
New fences and gate	East of study area	TBC	Maybe
Landscaping	Across study area	TBC	Unlikely

Table 5.2: Natural Soil Profile Locations vs Impacts

LOCATION WITH POTENTIAL NATURAL SOIL PROFILE	DESCRIPTION	DEPTH FROM SURFACE (NATURAL SOIL)	DEVELOPMENT WORKS PROPOSED (CONCEPT DESIGN)	POTENTIAL FOR WORKS TO ENCOUNTER NATURAL SOILS
Trench 5	'Mid-brown sandy soil', disturbed. Potential natural soil only.	c.60cm below ground level (bgl)	No works	No
Trench 7	Dark brown loam, potential buried remnant natural soils	c. 2m bgl	Basement	Yes
Environmental Pit 8	Sequence of loams and fills to bedrock- suggestive of a *partially disturbed* natural	? c.60-70cm bgl	Basement/electrical trenching	Yes

LOCATION WITH POTENTIAL NATURAL SOIL PROFILE	DESCRIPTION	DEPTH FROM SURFACE (NATURAL SOIL)	DEVELOPMENT WORKS PROPOSED (CONCEPT DESIGN)	POTENTIAL FOR WORKS TO ENCOUNTER NATURAL SOILS
Environmental Pit 9	Decayed sandstone rubble fill sealing an intact natural profile to the bedrock	? c. 80-90cm bgl	Service Trenching	Yes
BH3	'Clayey sand'	c.2.1m to c.2.8m bgl	Service Trenching	Maybe
BH10	'Clayey sand'	c.0.5m to 1.4m bgl	Basement	Yes



NB. This map is based on the results of previous investigations only, and does not mean that discrete areas of remnant natural soil profiles are not possible in other, un-investigated, locations.

Figure 5.8: Estimated Zone of Mapped Natural Soil Profiles within FSPS study area (Source: Curio 2019)

Figure 5.9: Development Impacts over Estimated Zone of Natural Soil Profiles (Source: Curio 2019)

5.4. Harm to Aboriginal Objects and Values

Excavation works proposed to be undertaken within the FSPS study area for the expansion of the school, including bulk excavation for new buildings, as well as new services, stormwater detention tank, and associated landscaping, has potential to encounter pockets of remnant natural soil profiles- particularly in the southeast of the study area, where natural soils have been demonstrated to be present (although to what extent remains uncertain).

Therefore, while the potential for Aboriginal archaeological deposits to be present within the study area is considered to be low, ground disturbing works still have some potential to encounter natural soil profiles with the capability of containing Aboriginal archaeological deposits.

Due to the level of fill and State significant historical archaeological deposit present within the study area, Aboriginal archaeological test excavation under the OEH *Code of Practice* to investigate these potential natural soil profiles further was not possible. Therefore, it is appropriate that the opportunity for targeted Aboriginal archaeological mitigation strategies be applied to the study area as necessary, prior to below ground development impacts being undertaken, in order to properly confirm whether or not the study area is capable of retaining an Aboriginal archaeological resource, and investigating said resource if demonstrated to be present.

5.4.1. Avoiding and Minimising Harm

Firstly, it should be noted that any natural soil profiles beneath the FSPS study area are likely to have already been subject to high levels of disturbance, due to extensive historical use and development of the site since 1788- as well as the propensity for the soil types in this area to suffer from extensive sheet erosion following vegetation clearing. While this severely limits the intactness of any potential Aboriginal archaeological resource, until the nature of the potential natural soils (as identified through the historical archaeological testing, and associated geotechnical/environmental testing) can be investigated, the potential for the presence of Aboriginal archaeological deposits within the study area, albeit low, must still be acknowledged.

The highest levels of Aboriginal archaeological potential within the site have been assessed to be in the northeast and north of the study area. Aboriginal archaeology was considered during the Master Planning process for the site, and this level of potential was one of the contributing factors that lead the development of the Concept Plan to avoid new development below ground in the north and east of the study area. Therefore, any impact to potential Aboriginal archaeological deposits that may be present in the north/northeast of the study area, would be avoided through this development.

With regards to Aboriginal heritage values, the FSPS expansion project will not pose any additional or further impact to Aboriginal cultural and social values associated with the site and surrounds. In fact, it provides an opportunity to provide a positive impact to values, through the potential future implementation of Aboriginal cultural heritage interpretation elements and initiatives at the site.

5.5. Summary of Impact Assessment

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

moderate to high social, historical and scientific significance. Therefore, it is appropriate to develop strategies to mitigate this potential impact.

Potential below ground impacts (as per the SSDA Design) appear to be focused in the southeast of the study area.

The following chapter develops appropriate management and mitigation strategies to further clarify the actual potential for impact to potential Aboriginal archaeological deposits (if present within the study area).

6. Management and Mitigation

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

Therefore, the Aboriginal cultural heritage values and Aboriginal archaeological potential of the study area are proposed to be managed and mitigated via two main strategies:

- **Archaeological monitoring and potential targeted test excavation**- tailored to specific below ground impacts of the development works; and
- **Aboriginal Heritage Interpretation** to facilitate a long term conservation outcome for Aboriginal cultural heritage values (tangible and intangible) within the proposed development, beneficial to both SI and the school itself, as well as contributing to the acknowledgement, maintenance, and celebration of Gadigal (Darug) cultural heritage.

It is believed that the application of these strategies through the FSPS expansion project will serve to minimise any harm posed by the development to Aboriginal cultural heritage values.

6.1. Strategy One—Archaeological Monitoring and Testing

Due to the high level of fill and confirmed presence of State significant historical archaeology present within the FSPS site, Aboriginal archaeological test excavation under the OEH *Code of Practice* has not been possible for the study area.

While the potential for the study area to retain Aboriginal archaeological deposits has been assessed to be low- that is, an Aboriginal archaeological deposit is not considered likely to be encountered during development works- historical archaeological test excavation and geotechnical/environmental assessment have demonstrated the potential for some truncated natural soil profiles to be present within the south-eastern areas of the site. As some of these locations coincide with the areas proposed through the SSDA plan for excavation, it is appropriate that the opportunity for Aboriginal archaeological mitigation strategies be implemented (if found to be necessary) during site works to confirm whether an Aboriginal archaeological deposit is present within the study area or not (and to mitigate the impact to such a deposit- should one be found to be present).

Therefore, the proposed Aboriginal archaeological mitigations in relation to the below ground works proposed by the SSDA Plan for the expansion of the FSPS will include three main methods of archaeological investigation:

- **Targeted archaeological monitoring** of excavation works in areas that have demonstrated potential to encounter natural soil profiles (with potential to trigger test excavation if natural soils are encountered);
- **Targeted test excavation** in any areas where monitoring encounters substantial intact natural soil profiles requiring impact; and

- **Salvage excavation** of any identified Aboriginal archaeological deposit (if encountered), in order to understand the full extent, and nature of the identified resource, to the extent of development impacts.

6.1.1. Co-ordination with Historical Archaeology

Due to the historical archaeological potential of the study area, the Aboriginal archaeological monitoring may potentially be undertaken concurrent with a program of historical archaeological investigation, guided by a separate historical ARD (to be prepared in the future, specific to the Schematic Design, once completed).

Should historical archaeological excavation (as guided by the future ARD) encounter any displaced Aboriginal objects within historical archaeological deposits, the Aboriginal archaeology Excavation Director, and project RAPs would be informed. Any displaced Aboriginal objects within historical contexts would be recorded in their location, and removed, to be catalogued and analysed in accordance with the methodology outlined above.

6.1.2. Monitoring

In locations where ground disturbing works have potential to encounter natural soil profiles, targeted Aboriginal archaeological monitoring is proposed.

The monitoring methodology would proceed as follows:

- Monitoring of the excavation works in identified monitoring areas undertaken under the supervision of a qualified archaeologist, accompanied by representatives from project RAPs acknowledged as being cultural knowledge holders for the FSPS area.
- The general stratigraphy of the soil profiles shall be recorded via field notes, photography, and preparation of stratigraphic section drawings.
- Should natural soils be identified within development impact zones, opportunity should be made (to be discussed between archaeological Excavation Director, project RAPs and site contractor) to commence Aboriginal archaeological test excavation in these locations, in accordance with the test excavation methodology as presented in the section below.
- Allowance must be made for any contamination considerations or issues at the site during proposed archaeological mitigation works, should such issues become apparent, in order to ensure that all WH&S and Environmental requirements are met during site works. This may require slight variation of proposed strategy of soil monitoring, and should this be required, would be discussed between the archaeologist, contractor, client, and RAPs in the field.

6.1.3. Test Excavation

Should intact natural soil profiles be encountered during the archaeological monitoring phase, development excavation in the immediate vicinity will be paused, and a suitably qualified and experienced archaeologist will be consulted to assess the nature of the soils, in order to confirm whether the soils are in fact remnant natural profiles with the potential to retain an Aboriginal archaeological deposit. If soils are confirmed to be natural, the project archaeologist/Aboriginal Excavation Director, in consultation with project RAPs and site contractor, would identify if test

excavation is possible within the parameters of the location (i.e. considering factors such as accessibility, WHS conditions, and the required level of ground impact for the specific development location).

In areas identified through monitoring as presenting with natural soil profiles, where test excavation is possible within the required development impact zone, the following methodology would be applied:

- Should a remnant soil profile be positively identified, that is capable of being subject to archaeological test excavation, this would proceed by hand excavation in targeted locations, with the purpose of testing for Aboriginal archaeological material within the natural soil profile.
- Test units will generally be undertaken in accordance with the methodology proposed in Requirement 16 of the OEH *Code of Practice*, as much as possible given site-specific conditions) as per the following:
    - A test unit would be initialised within the identified natural soil profile, size and orientation to be established to meet with the location, with maximum continuous surface area to be no greater than 3m^2.
    - Excavation of the test unit would proceed in 50cm x 50cm quadrants, with the first spit of the first quadrant being undertaken in 50mm spits, with all subsequent quadrants to be excavated in 100mm spits, unless a shallower depth is defined by natural soil profiles or other stratigraphy/features are identified.
    - Hand excavation would proceed in this way until culturally sterile soils are reached within the test unit, or until site conditions dictate that safe access for hand excavation can no longer be maintained.
- If carbon or other features suitable for scientific dating are identified, these would be sampled for possible further analysis.
- The deposit from each test unit would be wet or dry sieved (depending on the nature of the soils, and any limitations of the work site at the time of excavation) through a 5mm aperture wire-mesh sieve, with any recovered objects recorded in correspondence to their test trench and catalogued appropriately.
- The location of each test trench will be recorded by GPS and recorded in detail including stratigraphic/soil profile description and drawings, description of any relevant features, artefacts etc, and photographed using a DSLR camera and appropriate photoscale.
- If the test excavation within the identified natural soil profile (i.e. targeted test excavation areas) does not identify any Aboriginal objects or archaeological deposits within an initialised test trench, then excavation will cease in this location, and the archaeological investigation will return to monitoring.
- Should a test trench identify high numbers of Aboriginal artefacts (>2 artefacts/m^2), the Excavation Director will assess whether establishment of a salvage excavation undertaken by hand is possible (given site conditions), in order to understand the full extent and nature of

the resource within development impact zones. Salvage excavation methodology is presented in the relevant section below.

- Where possible, information derived from the monitoring/test excavation would be used to expand the archaeological understanding of the FSPS study area, and wider Aboriginal occupation patterns around Millers Point and the wider Sydney Harbour Foreshore.
- Stone artefact recording of any recovered Aboriginal stone artefacts would follow the requirements detailed through the OEH Code of Practice, and in accordance with current accepted academic texts for stone artefact analysis and recording in southeast Australia (i.e. Holdaway and Stern 2004).

6.1.4. Salvage Excavation

Should an Aboriginal archaeological deposit be identified within test trenches, and hand excavation is deemed to be possible in the location (considering WHS and stability issues), the relevant test trench would be subject to salvage archaeological expansion, with the purpose of identifying, fully understanding and salvaging the nature and extent of any identified Aboriginal archaeological deposit, within the extent of the development impact zone.

Archaeological salvage excavation in identified locations would proceed as per the following methodology:

- Salvage excavation would be undertaken by the nominated Aboriginal Excavation Director, accompanied by representatives from project RAPs. OEH would be notified of the commencement of any salvage Aboriginal archaeological excavation works.
- The test trench presenting with an Aboriginal archaeological deposit would be expanded through the initialisation of a 1m x 1m excavation unit, to identify the extent of any identified Aboriginal archaeological resource. If additional Aboriginal objects or features are located, the trench would continue to be expanded by 1m x 1m at a time, until the extent of the resource has been fully explored (i.e. to culturally sterile soils), or to the extent of the development impact zone (whichever comes first), assuming WHS requirements can be maintained throughout the excavation.
- All deposits will be excavated in 100mm spits, unless a shallower depth is defined by natural soil profiles, or other stratigraphy/features are identified.
- Should Aboriginal archaeological features such as a midden or hearth deposit be identified, each feature would be subject to stratigraphic hand excavation in 1m x 1m test pits (or as required if space restrictions apply), appropriate to the nature of the feature, and would be expanded by 1m x 1m excavation units in order to fully explore the extent of the resource encountered, within the extent of the development impact zone.
- If carbon or other features suitable for scientific dating are identified, these would be sampled for possible further analysis.
- The deposit from each expansion unit would be wet or dry sieved (depending on the nature of the sands, and any limitations of the work site at the time of excavation) through a 5mm

aperture wire-mesh sieve, with any recovered objects recorded in correspondence to their test trench and excavation unit and catalogued appropriately.

- Where expansion units fail to yield a significant Aboriginal archaeological deposit (i.e. an artefact density of <2 artefacts/m^2, or absence of any other unusual or significant archaeological feature), excavation will cease.
- A post-excavation report detailing the results of both the monitoring and excavation phases (if required) of the investigation would be prepared following completion of the archaeological works for the FSPS development. This report would be provided to all project RAPs for their information, as well as forwarded to OEH for their records.
- Should an Aboriginal archaeological deposit have been identified within the FSPS study area (as per the methodologies described above), this would be reflected in the submission of a site registration card to the Aboriginal Heritage Information Management System (AHIMS) database.

6.1.5. Research Framework

Three primary objectives have been identified to guide any Aboriginal archaeological investigation required to be undertaken within the FSPS study area, with regard to the Aboriginal archaeological potential. These objectives are:

- to identify to what extent intact natural soil profiles capable of retaining an Aboriginal archaeological deposit are present within the study area;
- to determine whether these natural soil profiles contain an Aboriginal archaeological deposit, and, if present, to undertake an assessment of the deposit within a local and regional landscape context; and
- to explore and fully understand the extent and nature of any identified Aboriginal archaeological deposit, within required development impact zones (as possible in consideration of any WHS concerns or accessibility issues at the site).

Several research questions have been developed to inform the above objectives. Key research questions for the proposed archaeological investigation of the study area include:

- Will the proposed development works within the FSPS study area impact intact natural soil profiles?
- If natural soil profiles are encountered during development works, is an Aboriginal archaeological deposit present within these soils? If so, to what nature and extent are Aboriginal archaeological remains present?
- Can the natural soil profiles inform a geomorphological context of the study area? If so, how?
- Can archaeological investigation provide any additional information as to whether the overall study area is likely to retain a remnant Aboriginal archaeological signature (i.e. within potential natural soils in the north and northeast of the study area)?
- Can archaeological investigation provide any information as to whether the wider Millers Point/Observatory Hill area is likely to retain a remnant Aboriginal archaeological signature?

- How can the Aboriginal archaeological deposit (if recovered) be interpreted in a local and regional context?
- Is the archaeological deposit (if encountered) culturally and/or publicly significant? To what extent?

6.2. Strategy Two—Aboriginal Heritage Interpretation

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

The preliminary Landscaping Plan for the SSDA Plan describes a proposed 'Indigenous Planted Garden', to be located as an Educational Rooftop garden (FJMT 2019- Landscaping Plan: 31) within the Fort Street Public School. The introduction of the Indigenous Garden provides a significant opportunity to interpret Aboriginal heritage, history and significance of the site, potential initiatives to include:

- Aboriginal cultural workshops and demonstrations
- Native permaculture and environmental sustainability practices
- Aboriginal heritage walking and learning (FJMT: 31).

It is recommended that SI work closely with the Metropolitan LALC through the development of this garden and associated educational programs.

During the August 2019 site visit, Aboriginal site Officer, Selina Timothy (Metro LALC) noted that the Metro LALC would be interested in working with SI for development of possible Aboriginal heritage interpretation initiatives that could be implemented at the site, appropriate to the nature and function of the area as a primary school. These could include:

- Place naming within appropriate locations within the school with Gadigal words
- Use of native plants within the new landscaping plan to refer back to the natural landscape of Observatory Hill pre 1788
- MLALC to assist in the development of a 'Yarning Circle' location within the school grounds- a meeting place for parents, teachers, and children- something that the MLALC has helped to implement at other Sydney public schools
- Additional opportunities and suggestions to be added following RAP review of this draft ACHAR.

6.3. Management of Aboriginal Objects

While there is considered low potential for Aboriginal archaeological deposits or objects to be encountered through the development works, it is still appropriate to develop options and a strategy for the management of Aboriginal objects, should such a deposit be encountered.

There are several options when it comes to the long-term management and curation of Aboriginal stone objects, once recovered from excavations. The suitability of each option depends on a number

of factors including the nature of the development, the significance and extent of the deposit, and the wishes of the Aboriginal community.

A possible temporary storage location for any Aboriginal artefacts recovered during development works could be the office of the Metropolitan LALC. However, this has yet to be discussed with the LALC.

This section will be updated and revised following RAP review of this draft ACHAR as to the preferable long term management strategy for any Aboriginal objects recovered from the FSPS site (if applicable).

6.4. Unexpected Finds

6.4.1. Unexpected Aboriginal Objects

Upon discovery of an archaeological feature that is suspected to be an Aboriginal Unexpected Find (excluding human remains- see Section 6.4.2 below), the following procedure should be followed:

1. Cease works in the immediate vicinity of the find.
2. Contact the project archaeologist to verify the nature of the find.
3. If Unexpected Find is confirmed as Aboriginal archaeology, project archaeologist will notify project RAPs and BCD of the find. (If Unexpected Find is confirmed as not Aboriginal in origin, project archaeologist will provide advice for works to recommence).
4. Project Archaeologist/Project RAPs will undertake a preliminary assessment and recording of the find.
5. Formulate archaeological or heritage management plan- specific to nature of the find.
6. Implement archaeological/heritage management plan.
7. Works may commence once archaeological/heritage management plan has been successfully implemented and project archaeologist provides sign off to contractor for works to resume in vicinity of find.

6.4.2. Unexpected Skeletal Remains

While not anticipated to be encountered within the FSPS study area, the unexpected discovery of any potential skeletal remains during development works would be managed in accordance with the approved OEH protocol for the discovery of human remains which is stated as:

> *If any suspected human remains are discovered and/or harmed the proponent must:*
>
> *a) Not further harm these remains;*
>
> *b) Immediately cease all work at the particular location;*
>
> *c) Secure the area so as to avoid further harm to the remains;*
>
> *d) Notify the local police and OEH's (now BCD of DPIE) Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location; and*
>
> *e) Not recommence any work at the particular location unless authorised in writing by OEH (now BCD of DPIE).*

7. Management Recommendations

The following management recommendations are made for the SSDA for the Fort Street Public School study area, located on Observatory Hill, at Upper Fort Street, Millers Point. These recommendations are made on the basis of:

- Legislation as detailed and adhered to through this ACHAR, including the NPW Act, EP&A Act, and relevant OEH (now BCD of DPIE) statutory guidelines, protecting Aboriginal cultural and archaeological objects and places in NSW;
- Background research and archaeological analysis of the study area in its local and regional contexts;
- Consultation with the local Aboriginal community regarding the cultural significance of the study area and surrounding Millers Point/Observatory Hill region, noting their concerns, views and requests; and
- The impact of the proposed development within the FSPS study area.

7.1. Conclusions

- This ACHAR documents the process of investigation, consultation and assessment with regards to Aboriginal cultural heritage and Aboriginal archaeology, as undertaken for the FSPS expansion project, specific to the SSDA Plan.
- The FSPS study area has been subject to very high levels of historical ground disturbance and use since 1788 relating to the use of the site as a Military Hospital, Sydney Observatory activities/Bureau of Meteorology, and Fort Street Public School, that would likely have impacted and/or removed the majority of natural soil profiles.
- In general, the study area has low potential for Aboriginal archaeological deposits to be present, due to the high levels of historical disturbance at the site, as well as the propensity for Gymea soils for erosion following vegetation clearance.
- Previous investigations within the study area has shown that many areas across the site have been previously excavated to sandstone bedrock, removing all natural soil profiles. However, some areas, particularly in the southeast of the study area have potential to retain remnant natural soil profiles- although the extent and integrity of these natural soils is not currently fully understood.
- Due to the high level of fill and confirmed presence of State significant historical archaeology present within the FSPS site, Aboriginal archaeological test excavation under the OEH *Code of Practice* has not been possible for the study area.
- While the Aboriginal archaeological potential within the FSPS study area is considered low, should an Aboriginal archaeological deposit be found to be present within the FSPS study area, this may have moderate scientific significance for its ability to provide evidence for and insight into Aboriginal occupation and use of the Millers Point/Observatory Hill locality prior to 1788, representative of the FSPS study area as part of the wider Aboriginal cultural landscape of the Sydney Harbour Foreshore.

7.2. Recommendations

The following management and mitigation statements are made in light of the conclusions above, following from the Aboriginal cultural heritage assessment of development works proposed by the SSDA Plan for the expansion of the Fort Street Public School, including Aboriginal community consultation, ethnohistorical and environmental context, predictive modelling, heritage significance assessment and impact assessment, in accordance with relevant NSW OEH statutory guidelines. It is recommended that:

- While archaeological potential is low, should an Aboriginal archaeological deposit be present within the FSPS study area, this may have moderate to high significance, and therefore management strategies have been developed to mitigate any potential impacts.
- The impact assessment and management mitigation strategies as development through this ACHAR have been prepared with reference to the SSDA Plan for the FSPS expansion only. Should the detailed Schematic Design process find the required below-ground impacts to differ substantially from those assessed in this ACHAR, it would be appropriate to revise the Impact Assessment and Management Strategies according to the revised impacts.
    - The recommendations of this ACHAR should be included within any Construction Management Plan prepared for site works.
- Following approval of the SSDA, the proposed archaeological investigation (Management Strategy One), including monitoring, and archaeological test excavation (if required based on the results of the monitoring) should be undertaken, to be coordinated with the project development works.
- With regards to Aboriginal intangible heritage values (social and cultural), the FSPS expansion project has the opportunity for a positive impact to be achieved via interpretation initiatives such as the Indigenous Rooftop Garden, to celebrate and communicate the significance of the site and landscape to the Gadigal (Darug) people through education.
- Continuing consultation with the project RAPs should be undertaken through subsequent development stages of the project.
- The Unexpected Aboriginal Finds Protocol (presented in Section 6.4 of this ACHAR) should be implemented during all ground disturbing works within the FSPS study area (to be included within the Construction Management Plan).
- The Metropolitan LALC should be consulted with reference to any proposed heritage interpretation initiatives and programs proposed for implementation at the site, in order to seek input into the plan with regards to Aboriginal cultural heritage significance.
- A copy of this draft ACHAR should be provided to all project RAPs for their review and comment, with all RAP feedback to be incorporated into the final ACHAR.

8. References

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Steele, D. 2006, *Final Aboriginal Archaeological Excavation Report. The KENS Site (Kent, Erskine, Napolean and Sussex Street), Sydney, NSW.* Report to Leighton Contractors Pty Ltd

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APPENDIX A—Aboriginal Consultation Log—Fort Street Public School

Stage 1—Notification of project proposal and registration of interest

Stage 1.1—Compilation of a list of Aboriginal stakeholders

Statutory Body	Contact	Date Sent	Date Reply	Comment
NSW Office of Environment and Heritage Regional Office	Barry Gunther	16.4.19	1.5.19	List of stakeholders
The Registrar, Aboriginal Land Rights Act	Elizabeth Loane	16.4.19	18.4.19	Not currently any Registered Aboriginal Owners in project area, contact Metropolitan LALC
National Native Title Tribunal	N/A	16.4.19	16.4.19	Search of Native Title web. No native title holders.
Metropolitan Local Aboriginal Land Council (LALC)	Nathan Moran	16.4.19	14.6.19	Registration
City of Sydney Council	John Poulton	16.4.19	16.4.19	'the City of Sydney defers to the Metropolitan Local Aboriginal Land Council as the cultural stakeholder for these matters.'
Native Title Services Corp		16.4.19		
Greater Sydney Local Land Services	Margaret Bottrell	16.4.19	16.4.19	'We strongly recommend that you make contact with the Office of Environment and Heritage (OEH), Cultural Heritage Division, for all-inclusive contact lists of persons and organisations that may assist with your investigation.'

Stage 1.2—Newspaper Advertisement

NEWSPAPER	DATE SENT	DATE PRINTED
Daily Telegraph	17.4.19	18.4.19

A minimum 14 days were allowed for Aboriginal people to respond to the newspaper advertisement (2 May 2019).

Stage 1.3 and 1.4—List of Aboriginal groups/people from Stage 1.1 and 1.2, Aboriginal notification of proposed project and offer to be involved in consultation

Organisation/Person	Contact	How Name was Obtained	Date Contacted	Date Registered	Comments
Metropolitan LALC		City of Sydney	16.4.19		
La Perouse LALC	Chris Ingrey	OEH	9.5.19		
Darug Aboriginal Cultural Heritage Assessments	Gordon Morton	OEH	9.5.19		
Darug Land Observations	Jamie and Anna Workman	OEH	8.5.19		
A1 Indigenous Services	Carolyn Hickey	OEH	8.5.19		
Eric Keidge		OEH	9.5.19		
Tocomwall	Scott Franks	OEH	8.5.19		
Amanda Hickey Cultural Services	Amanda Hickey	OEH	8.5.19		

Organisation/Person	Contact	How Name was Obtained	Date Contacted	Date Registered	Comments
Gunyuu	Kylie Ann Bell	OEH	8.5.19		
Walbunja	Hika Te Kowhai	OEH	8.5.19		
Badu	Karia Lea Bond	OEH	9.5.19		
Goobah Developments	Basil Smith	OEH	8.5.19		
Wullung	Lee-Roy James Boota	OEH	9.5.19		
Yerramurra	Robert Parson	OEH	8.5.19		
Nundagurri	Newton Carriage	OEH	8.5.19		
Murrumbul	Mark Henry	OEH	8.5.19		
Jerringong	Joanne Anne Stewart	OEH	8.5.19		
Pemulwuy CHTS	Pemulwuy Johnson	OEH	8.5.19		
Bilinga	Simalene Carriage	OEH	8.5.19		
Munyunga	Kaya Dawn Bell	OEH	8.5.19		
Wingikara	Hayley Bell	OEH	8.5.19		
Walgalu	Ronald Stewart	OEH	8.5.19		
Thauaira	Shane Carriage	OEH	8.5.19		
Dharug	Andrew Bond	OEH	8.5.19		

Organisation/Person	Contact	How Name was Obtained	Date Contacted	Date Registered	Comments
Mirramajah	Management	OEH	8.5.19		
Gulaga	Wendy Smith	OEH	8.5.19		
Biamanga	Seli Storer	OEH	8.5.19		
Callendulla	Corey Smith	OEH	8.5.19		
Murramarang	Roxanne Smith	OEH	8.5.19		
DJMD Consultancy	Darren Duncan	OEH	8.5.19		
Butucarbin Aboriginal Corporation	Jennifer Beale	OEH	8.5.19		
Didge Ngunawal Clan	Lillie Carroll, Paul Boyd	OEH	8.5.19		
Ginninderra Aboriginal Corporation	Steven Johnson, Krystle Carroll	OEH	8.5.19		
Nerrigundah	Newtown Carriage	OEH	8.5.19		
Wailwan Aboriginal Group	Phil Boney	OEH	8.5.19		
Barking Owl Aboriginal Corporation	Jody Kulakowski (Director)	OEH	8.5.19		
Thoorga Nura	John Carriage	OEH	8.5.19		
Darug Boorooberongal Elders Aboriginal Corporation	Gordon Workman	OEH	8.5.19		

Organisation/Person	Contact	How Name was Obtained	Date Contacted	Date Registered	Comments
B. H Heritage Consultants	Ralph and Nola Hampton	OEH	8.5.19		
Goodradigbee Cultural & Heritage Aboriginal Corporation	Caine Carroll	OEH	8.5.19		
Mura Indigenous Corporation	Phillip Carroll	OEH	8.5.19		

A minimum 14 days were allowed for Aboriginal people to register and interest to be consulted.

Stage 1.5—Registered Aboriginal Parties

Aboriginal Organisation/Person	Contact	Method Registered	Registration Date and Comments
Darug Land Observations	Anna Workman	Email	9.5.19
Barking Owl Aboriginal Corporation	Jody Kulakowski	Email	8.5.19
Didge Ngunawal Corporation	Paul Boyd/Lilly Carroll	Email	8.5.19
Murramarang	Roxanne Smith	Email	13.5.19
Biamanga	Janaya Smith	Email	13.5.19
Cullendulla	Corey Smith	Email	13.5.19
Goobah	Basil Smith	Email	13.5.19
Darug Aboriginal Cultural Heritage Assessments	Celestine Everingham	Phone	20.5.19

Aboriginal Organisation/Person	Contact	Method Registered	Registration Date and Comments
Metropolitan LALC	Nathan Moran	Email	14.6.19

A copy of the registered Aboriginal parties was provided to the OEH and LALC via email on 19 December 2019.

Stage 2—Presentation of information about proposed project

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

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

RAP	Date Sent	Date Reply	Method of Reply	Comments, Outcomes or Issues
Darug Land Observations	18.6.19	8.7.19	Email	*Darug Land Observations Pty Ltd has reviewed the project background and cultural heritage methodology and supports the methodology for the proposed expansion of Fort Street Public School, located at Upper Fort Street, Observatory Hill, in Millers Point.* *In relation to the long-term storage of recovered artefacts, if any, we strongly believe that recovered artefacts should be reburied on Country (study area).* *Furthermore, we would like to be involved in the onsite meeting / field survey, archaeological test excavations, topsoil removal and all other forms of works to be carried out on the site.*
Barking Owl Aboriginal Corporation	18.6.19			
Didge Ngunawal Corporation	18.6.19			
Murramarang	18.6.19			

RAP	Date Sent	Date Reply	Method of Reply	Comments, Outcomes or Issues
Biamanga	18.6.19			
Cullendulla	18.6.19			
Goobah	18.6.19			
Darug Aboriginal Cultural Heritage Assessments	18.6.19			
Metropolitan LALC	18.6.19			.

All RAPs were provided with a minimum of 28 days (from date of provision of methodology document) to provide feedback of the project information and proposed cultural heritage methodology document. Verbal comment was also accepted from RAPs if desired, during the site visit (see below).

Submissions to the project information and methodology were documented, addressed where appropriate, and included within the ACHAR. Submissions received are appended to this document below.

Stage 2.2—On-Site Consultation Meeting and Opportunity for RAPs to Visit project site—Attendees

An opportunity was made for RAPs to visit the project site on 13.8.19 for an on-site meeting and site visit. All RAPs were invited to attend the site visit.

RAP	Representative	Date	Comments/Discussion
Selina Timothy	MLALC	13.8.19	

Stage 3—Gathering information about cultural significance

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

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

Stage 4—Review of draft cultural heritage assessment report

All RAPs were provided a copy of the draft ACHAR via email and registered post on 29 October 2019 and provided with 28 days from date of provision of draft ACHAR for review. Comments received are detailed below. Where verbal comment has been provided rather than written comment, Curio Projects has confirmed with the RAP that they are happy with this method of submission of feedback and comments. A reminder email for feedback/comment was sent to all RAPs on 16 December 2019, as well as follow up phone calls.

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

RAP	Contact	Date Sent	Date Reply	Method	Comments, Outcomes or Issues	How Comments were Addressed (where relevant)
Darug Land Observations	Anna Workman	29/10/19		Email	Sent follow up email 16/12/19, left phone message. No response.	
Barking Owl Aboriginal Corporation	Jody Kulakowski	29/10/19	31/10/19	Email	*Myself and the members of Barking Owl Aboriginal Corporation have agreed and are satisfied with the project information and assessment methodology provided.*	

RAP	Contact	Date Sent	Date Reply	Method	Comments, Outcomes or Issues	How Comments were Addressed (where relevant)
Didge Ngunawal Corporation	Paul Boyd/Lilly Carroll	29/10/19	17.12.19	Email & Phone	Spoke to Paul Boyd. Happy with report, no comments to make at this stage.	
Murramarang	Roxanne Smith	29/10/19		Email	Sent follow up email 16/12/19, no response.	
Biamanga	Janaya Smith	29/10/19		Email	Sent follow up email 16/12/19, no response.	
Cullendulla	Corey Smith	29/10/19		Email	Sent follow up email 16/12/19, no response.	
Goobah	Basil Smith		17.12.19	Phone	Spoke to Basil Smith and he is happy with the report, no comments to make at this stage.	
Darug Aboriginal Cultural Heritage Assessments	Celestine Everingham	30/10/19	17/12/19 By Phone	Post & phone	Spoke to Celestine Everingham and she is happy with the report, no comments to make at this stage. She did query how long it will take before the project is due to commence.	
Metropolitan LALC	Nathan Moran	29/10/19		Email & phone	Left message to call or email 17/12/19, no response.	

Jacky Dalton

From: Barking Owl Aboriginal Corporation <barkingowlcorp@gmail.com>
Sent: Thursday, 31 October 2019 5:21 PM
To: Jacky Dalton
Subject: Re: Request for comment on the draft Aboriginal Cultural Heritage Assessment Report - Fort Street Public School expansion project, Upper Fort St Millers Point

Dear Jacky,

Myself and the members of Barking Owl Aboriginal Corporation have agreed and are satisfied with the project information and assessment methodology provided.

Kind regards

Jody Kulakowski - BOAC
Barking Owl Aboriginal Corporation
Phone: 0426242015
Email: barkingowlcorp@gmail.com

On 29 Oct 2019, at 5:06 pm, Jacky Dalton <jacky.dalton@curioprojects.com.au> wrote:

> Dear Jody,
>
> Please find attached a copy of the draft Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Fort Street Public School expansion project at Upper Fort Street, Millers Point, provided for your review and comment.
>
> We would greatly appreciate any comment, feedback, questions or input you may have in response to this draft document. Following your input and feedback, the ACHAR will be revised to reflect any comments, and will then be submitted to the NSW DPIE with an application for an Aboriginal Heritage Impact Permit (AHIP) for the proposed development.
>
> We would greatly appreciate receiving your review and input of the draft ACHAR within 28 days of this email (i.e. 26 November 2019).
>
> Comments can be submitted via email to: Jacky.dalton@curioprojects.com.au or via verbal comment if preferred to Jacky Dalton or Natalie Vinton on 8014 9800.
>
> Written comment can also be provided via post addressed to:
> Attn: Jacky Dalton
> Curio Projects
> Suite 9, 17 Thurlow Street
> REDFERN NSW 2016
>
> Yours sincerely,
>
> **Jacky Dalton**
> **Curio Projects Pty Ltd.** | EA/CULTURAL HERITAGE EDUCATOR
> Archaeology Built Heritage & Interpretation Specialists
>
> 1

APPENDIX B—AHIMS Search Results

Office of Environment & Heritage

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : FSPS
Client Service ID : 440468

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-6-2382	Goat Island 2	AGD	56	333100	6252480	Closed site	Valid	Artefact : -, Shell : -, Aboriginal Ceremony and Dreaming : -		
	Contact	Recorders	Klim Gollan					Permits		
45-6-2299	First Government House	GDA	56	334612	6251612	Open site	Valid	Burial : -, Aboriginal Ceremony and Dreaming : -, Artefact : -	Burial/s,Historic Place	102494,102763,102765
	Contact	Recorders	Michael Guider,Watkin Tench,Artefact - Cultural Heritage Management ,Mrs.Anna c					Permits		
45-6-0519	Moores Wharf	AGD	56	333600	6252200	Open site	Valid	Artefact : -	Open Camp Site	808
	Contact	Recorders	R Lampert					Permits		
45-6-1268	Balls Head Reserve;	AGD	56	333800	6253060	Open site	Valid	Shell : -, Artefact : -	Midden	
	Contact	Recorders	Michael Guider,Mr.Phil Hunt,Aboriginal Heritage Office					Permits		
45-6-2581	Angel Place	AGD	56	334400	6251100	Open site	Valid	Artefact : -	Open Camp Site	97963,102494,102763,102765
	Contact	Recorders	Dominic Steele Archaeological Consulting					Permits	918	
45-6-1939	MSB Tower;	GDA	56	333640	6252227	Open site	Destroyed	Art (Pigment or Engraved) : -	Rock Engraving	102763
	Contact	Recorders	Michael Guider					Permits		
45-6-1615	Bennelong Point	AGD	56	334800	6252100	Open site	Destroyed	Shell : -, Artefact : -	Midden	102763
	Contact	Recorders	ASRSYS					Permits		
45-6-1957	Goat Island Cave;	AGD	56	333010	6252710	Closed site	Valid	Shell : -, Artefact : -	Shelter with Midden	
	Contact	Recorders	Michael Guider					Permits		
45-6-1853	Lilyvale	AGD	56	333950	6251600	Open site	Valid	Shell : -, Artefact : -	Midden	102763
	Contact	Recorders	Val Attenbrow,Andrew Ross					Permits		
45-6-0030	Dawes Point;Dawes Point Park;	GDA	56	334345	6252534	Open site	Destroyed	Art (Pigment or Engraved) : -	Rock Engraving	
	Contact	Recorders	Michael Guider					Permits		
45-6-2647	KENS Site 1	AGD	56	333750	6250785	Open site	Valid	Artefact : -, Potential Archaeological Deposit (PAD) : -		99857,100494,102494,102763,102765
	Contact	Recorders	Dominic Steele Archaeological Consulting					Permits	1428,1700	
45-6-0811	Goat Island;Parramatta River;	AGD	56	333150	6252650	Open site	Valid	Artefact : -, Shell : -	Midden,Open Camp Site	
	Contact	Recorders	Elizabeth Rich					Permits		

Report generated by AHIMS Web Service on 07/08/2019 for Sam Cooling for the following area at Lat, Long From : -33.8625, 151.2015 - Lat, Long To : -33.8587, 151.2075 with a Buffer of 1000 meters. Additional Info : AA. Number of Aboriginal sites and Aboriginal objects found is 23

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AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : FSPS
Client Service ID : 440468

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-6-2742	171-193 Gloucester Street PAD	AGD	56	333926	6251461	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102763
	Contact	Recorders	Jim Wheeler					Permits	2143,2342,2766	
45-6-2783	PAD Central Royal Botanic Gardens	AGD	56	334900	6251030	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	Contact T Russell	Recorders	Haglund and Associates					Permits	2364	
45-6-2796	320-328 George St PAD	AGD	56	334100	6251050	Open site	Valid	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	Contact T Russell	Recorders	Mr.Dominic Steele					Permits	2415	
45-6-2838	420 George Street PAD	AGD	56	334080	6250670	Open site	Not a Site	Potential Archaeological Deposit (PAD) : -		102494,10276 3,102765
	Contact	Recorders	Doctor.Tim Owen					Permits	2654	
45-6-3081	200 George Street	GDA	56	334237	6251637	Open site	Not a Site	Potential Archaeological Deposit (PAD) : 1		103114
	Contact	Recorders	Ms.Sally MacLennan					Permits	3577,3934,4239	
45-6-3116	Wynyard Walk PAD	GDA	56	333931	6251252	Open site	Destroyed	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders	GML Heritage Pty Ltd + Context - Surry Hills,GML Heritage Pty Ltd + Context - Surr					Permits	3670	
45-6-3324	RBG PAD 1	GDA	56	334802	6251224	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders	AMAC Group P/L,Mr.Benjamin Streat					Permits		
45-6-3327	RBG PAD 3	GDA	56	334957	6251832	Open site	Valid	Potential Archaeological Deposit (PAD) : 1		
	Contact	Recorders	AMAC Group P/L,Mr.Benjamin Streat					Permits		
45-6-3502	Loftus PAD 01	GDA	56	334551	6251635	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	Contact	Recorders	Artefact - Cultural Heritage Management ,Miss.Julia McLachlan					Permits	4292	
45-6-3446	71 Macquarie Street PAD	GDA	56	334663	6251783	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	Contact	Recorders	GML Heritage Pty Ltd + Context - Surry Hills,Ms.Jodi Cameron					Permits	4285	

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Office of Environment & Heritage NSW GOVERNMENT

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : FSPS
Client Service ID : 440468

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-6-3705	Kent and Erskine St PAD	GDA	56	333876	6251145	Open site	Valid	Potential Archaeological Deposit (PAD) : -		

Contact | Recorders | GML Heritage Pty Ltd + Context - Surry Hills,Ms.Jodi Cameron | Permits

Report generated by AHIMS Web Service on 07/08/2019 for Sam Cooling for the following area at Lat, Long From : -33.8625, 151.2015 - Lat, Long To : -33.8587, 151.2075 with a Buffer of 1000 meters. Additional Info : AA. Number of Aboriginal sites and Aboriginal objects found is 23