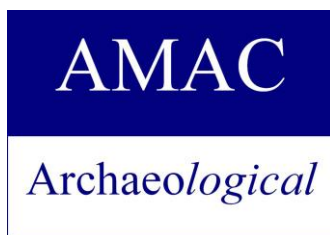


ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT

“338 Pitt Street”
**324-348 Pitt St,
229-253 Castlereagh St,
& 126 - 130 Liverpool St
Sydney, NSW
(Sydney LGA)**



**Benjamin Streat, Yolanda Pavincich,
& Steven J. Vasilakis**

Archaeological Management and Consulting Group
& Streat Archaeological Services

**for
Touchstone Partners Pty Ltd**

**On behalf of
China Centre Development Pty Ltd**

April 2020

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Cover Image

Site Inspection Photo

Martin Carney (AMAC, 2019) [IMG_4192]

ACKNOWLEDGEMENT OF COUNTRY

China Centre Development Pty Ltd would like to acknowledge the Traditional Custodians of the Eora Nation– the -Gadigal Peoples– and pay respect to their cultural heritage, beliefs and continuing relationship with the land.

China Centre Development Pty Ltd would also like to acknowledge the post contact experiences of Aboriginal peoples who have attachment to the Sydney area.

“We pay our respect to the Elders – past, present and future – for they hold the memories, traditions, culture and hopes of Aboriginal Peoples in the area”.

China Centre Development Pty Ltd recognises the role of the registered Aboriginal parties in the management of the Aboriginal cultural heritage sites, landscape features and values of this project.

China Centre Development Pty Ltd would like to thank the Registered Aboriginal Parties for their participation in this project and for their valuable contribution to this Aboriginal Cultural Heritage Assessment which has been enriched by their willingness to share valuable aspects of their cultural knowledge especially in respect of Caring for Country

INTERNAL REVIEW

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CONTENTS	PAGE
ACKNOWLEDGEMENT OF COUNTRY	I
INTERNAL REVIEW	II
CONTENTS PAGE	1
TABLE OF FIGURES	3
LIST OF TABLES	3
EXECUTIVE SUMMARY	4
CONTACT DETAILS	6
1.0 INTRODUCTION	7
1.1 BACKGROUND	7
1.2 DESCRIPTION OF DEVELOPMENT	7
1.3 SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS TABLE	9
1.4 STUDY AREA	9
1.5 SCOPE	10
1.6 AUTHOR IDENTIFICATION	10
1.7 LEGISLATIVE CONTEXT AND STATUTORY CONTROLS	10
1.7.1 New South Wales State Heritage Legislation and Lists	10
1.7.2 Commonwealth Heritage Legislation and Lists	10
1.7.3 Local Planning Instruments	14
1.7.4 Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales	17
1.7.5 Code of Practice for Archaeological Investigation of Aboriginal objects in New South Wales	18
1.7.6 Guidelines	18
1.6 ACKNOWLEDGEMENTS	18
2.0 DESCRIPTION OF STUDY AREA	19
2.1 REGISTERED ARCHAEOLOGICAL SITES WITHIN THE STUDY AREA	22
2.2 EXCLUSION AREAS	22
2.3 ENVIRONMENTAL CONTEXT	22
2.3.1 Topography	22
2.3.2 Geology and Soils	22
2.3.3 Watercourses	23
2.3.4 Vegetation	24
2.4 LAND USE AND DISTURBANCE FACTORS	26
2.4.1 Aboriginal Land Use and Resources	26
2.4.2 European Land Use	27
2.4.3 Disturbance and Archaeological Potential	34
3.0 ABORIGINAL CONSULTATION	36
3.1 DPIE CONSULTATION REQUIREMENTS	36
3.2 CONSULTATION SUMMARY	40
4.0 BACKGROUND INFORMATION	45
4.1 AHIMS SEARCH RESULTS	45
4.2 OTHER SEARCH RESULTS	48
4.3 SUMMARY OF ARCHAEOLOGICAL PREDICTIVE MODEL FOR THE REGION	49
4.4 ARCHAEOLOGICAL PREDICTIVE MODEL FOR THE STUDY AREA	54

4.5	ARCHAEOLOGICAL CONTEXT	54
4.6	THE GADIGAL AND WANGAL NATION	55
4.7	PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS NEAR THE STUDY AREA	56
5.0	PHYSICAL EVIDENCE	61
5.1	SITE INSPECTION	61
5.2	RESULTS SUMMARY	61
6.0	CULTURAL HERITAGE RESPONSES	72
6.1	REGISTERED STAKEHOLDER QUESTIONS	72
6.2	REGISTERED STAKEHOLDER SUBMISSIONS TO QUESTIONS AND RESEARCH METHODOLOGY	73
6.2.1	Responses from RAPs contacted by phone on 27th November 2019	73
6.2.2	Responses from RAPs contacted by phone on 2nd December 2019	73
6.2.3	Kamilaroi Yankuntjatjara Working Group	73
6.2.4	Metropolitan Local Aboriginal Land Council	74
6.2.5	Butucarbin Aboriginal Corporation	75
6.3	REGISTERED STAKEHOLDER SUBMISSIONS TO ACHAR AND AATR	75
6.3.1	Kamilaroi Yankuntjatjara Working Group	75
6.3.2	Responses from RAPs contacted by phone on 8th January 2020	76
6.3.3	Responses from RAPs contacted by phone on 13th January 2020	76
7.0	SIGNIFICANCE ASSESSMENT	77
7.1	ARCHAEOLOGICAL SIGNIFICANCE	77
7.1.1	Educational Significance	77
7.1.2	Scientific Significance	77
7.1.3	Representative Significance	77
7.2	SOCIAL AND CULTURAL SIGNIFICANCE	77
7.2.1	Historic Significance	78
7.2.2	Scientific Significance	78
7.2.3	Aesthetic Significance	78
8.0	PROPOSED ACTIVITY	79
8.1	DESCRIPTION OF PROPOSED ACTIVITY	79
8.2	PROPOSED DEVELOPMENT JUSTIFICATION	79
8.3	POTENTIAL HARM TO ABORIGINAL OBJECTS AND CULTURAL HERITAGE	82
8.4	ASSESSING HARM	82
8.5	AVOIDING AND MINIMISING HARM TO ABORIGINAL OBJECTS	82
8.6	JUSTIFICATION OF HARM TO ABORIGINAL OBJECTS	82
8.7	ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND INTERGENERATIONAL EQUITY	82
9.0	MANAGEMENT AND MITIGATION	90
9.1	CARE AND CONTROL	90
9.2	RECOMMENDATIONS	90
	GLOSSARY	92
	REFERENCES	95
	APPENDICES	99
	APPENDIX ONE: DEVELOPMENT CONSENT – NOTICE OF DETERMINATION	99
	APPENDIX TWO: AHIMS SITE SEARCH	110

TABLE OF FIGURES

Figure 2.1	Topographic map with site location.....	20
Figure 2.2	Aerial photograph showing the study site.	21
Figure 2.3	Soil Landscape 1:100 000 sheet map.....	24
Figure 2.4	Cross Section of soil landscape illustrating relationships between landscape features and dominant soil materials.	25
Figure 2.5	1822 Plan of the town and suburbs of Sydney.....	29
Figure 2.6	Harper's 1823 Plan of Sydney.	30
Figure 2.7	1870 photograph, St Andrew's Church of England School on Allotment 21 Pitt Street.	31
Figure 2.8	1890 survey plan.....	32
Figure 2.9	c. 1909-1913 Demolition of St Andrew's School.	33
Figure 2.10	Archaeological potential of study area.	35
Figure 4.1	AHIMS search results.	47
Figure 4.2	Examples of forager settlement patterns.	49
Figure 4.3	Strahler's hierarchy of tributaries.....	50
Figure 5.1	Image showing the North to South slope of Pitt Street.	62
Figure 5.2	Image showing the East to West slope of Liverpool Street.	63
Figure 5.3	324-330 Pitt Street.	63
Figure 5.4	Entrance to the 229-239 Castlereagh Street car park.....	64
Figure 5.5	332-336 Pitt Street.	65
Figure 5.6	The corner of Pitt and Liverpool Streets.....	66
Figure 5.7	Entrance to the 338-348 Pitt Street car park.	66
Figure 5.8	Two storey buildings at 126 – 130 Liverpool Street.	67
Figure 5.9	The Downing Hotel at 249-253 Castlereagh Street.	68
Figure 5.10	Cellar entrance at the front of the Downing Hotel.	69
Figure 5.11	ANZAC House at 245-247 Castlereagh Street.	70
Figure 5.12	241-243 Castlereagh Street.	71
Figure 8.1	West Podium Elevation – Pitt Street.	83
Figure 8.2	South Podium Elevation – Liverpool Street.....	84
Figure 8.3	Podium Section – East West A showing layout of buildings and basement levels.	85
Figure 8.4	Ground Floor - Hotel Lobby, Residential Lobby, & Retail.	86
Figure 8.5	Basement 1 - Loading Dock, Telstra Parking, Hotel BOH, & Plant.	87
Figure 8.6	Basement 4 – Residential Parking.	88
Figure 8.7	Basement 5 – Residential Parking.	89

LIST OF TABLES

Table 1.1	Secretary's Environmental Assessment Requirements	9
Table 2.1	Description of dominant soil material	22
Table 2.2	Expected Lucas Heights soil profile depth based on landform	23
Table 3.1	Consultation Log	41
Table 4.1	AHIMS Search Results	46
Table 4.2	Relationship between landscape unit and site distribution for region	51
Table 4.3	Aboriginal Cultural Heritage Data Audit, Predictive Modelling for Coastal Aboriginal Sites, NSW.....	53

EXECUTIVE SUMMARY

Study Area

Archaeological Management and Consulting Group (AMAC) in conjunction with Streat Archaeological Services Pty Ltd was commissioned by Touchstone Partners Pty Ltd on behalf of China Centre Development Pty Ltd in November 2019, to prepare an Aboriginal Cultural Heritage Assessment Report and accompanying Aboriginal Archaeological Technical Report for the proposed mixed-use development at 338 Pitt Street, Sydney, New South Wales.

The study site is that piece of land described as Lot 10 of the Land and Property Information, Deposited Plan 857070, Lots A, B, C/DP 448791, Lot B/DP 183853, Lot 1/DP 70702 and Lot 1/DP 78245, forming the following consolidated street address of 338 Pitt Street, Sydney in the Parish of St Phillip, County of Cumberland (hereafter known as the study area).

This report is to be submitted in response to the Secretary's Environmental Assessment Requirements for State Significant Development Application. (SSD# 10362)

Aboriginal Consultation

Consultation for this report has been undertaken in accordance with the Office of Environment and Heritage and National Parks and Wildlife Act 1974: Part 6; National Parks and Wildlife Act *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

A mandatory 28-day period for the Aboriginal stakeholders to comment on this document has taken place. This is the final Aboriginal stakeholder approved version of this report.

Physical Evidence

Martin Carney of AMAC Group inspected the study site on 16th January 2018.

However, as the study area is currently developed and covered in concrete, a formal site survey did not take place in accordance with Section 2 of the *Code of Practice for the Investigation of Aboriginal Objects in NSW* ('The Code'). The approach and methodology chosen for the archaeological survey (in this instance, the absence of a survey) has utilised the information obtained from Requirements 1 to 4 of the Code in order to ensure that the type of archaeological survey which is planned, can logically be expected to yield the information necessary to meet the archaeological objectives stated in Section 1.2 of this Code. As an archaeological survey was not expected to yield any information about the surface or subsurface deposits, a survey sampling strategy was not developed and a programme of test excavation has been proposed.

Significance

No formal significance has of yet been assigned to the study area.

Recommendations

A background analysis of the environment and archaeological context has revealed that the study area has the potential for sub-surface Aboriginal objects and/or natural deposits in undisturbed areas. These are likely to be considered of low to moderate Aboriginal archaeological significance.

Although significant disturbance has taken place within the study area in the form of basements and associated deep earthworks however, in areas where basements are not present, specifically along Castlereagh Street, natural soils are likely to be encountered.

The recommendations have been formulated after consultation with the proponent and the RAPs;

- It is recommended that further investigation in the form of an Aboriginal Cultural Heritage Management Plan (ACHMP) be undertaken in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in New South Wales*, Part 6 National Parks and Wildlife Act 1974 (DECCW 2010), as the development will be submitted as part of a State Significant Development (SSD) Application. This management plan is to assist in the management and mitigation of any potential Aboriginal objects and/or deposits that may be encountered;
- Consultation with the Registered Aboriginal Parties (RAPs) should continue, as per the requirements detailed in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010).
- A systematic subsurface disbursed test excavation programme and open area test excavation (if required) should be carried out under the proposed Aboriginal Cultural Heritage Management Plan as recommended conditions of the SSD. This is to take place after demolition and prior to the development construction proceeding (Figure 8.1-8.7).
- Due to the potential for Historical archaeology any Aboriginal test excavation should be managed in accordance with the methodology outlined by AMAC 2019 *Archaeological assessment, Research Design & Excavation Methodology; 338 Pitt Street, 324 – 348 Pitt Street, 229-253 Castlereagh Street & 126-130 Liverpool Street Sydney NSW*.
- In the event archaeological test excavations reveal Aboriginal archaeological objects and/or deposits, the following is recommended;
Once the nature and extent of the archaeological site has been established through test excavation, the data will be analysed and synthesised into an Aboriginal Archaeological Technical Report. This document will appendix the ACHMP on final submission. No formal AHIP will need to be in place as the development will hold State Significant Development status.
- An analysis of artefacts retrieved should be conducted in a framework to allow for comparison with previous relevant results.
- After this, and before any ground disturbance takes place as part of the construction, all development staff, contractors and workers should be briefed prior to works commencing on site, as to the status of the area and their responsibilities regarding any Indigenous archaeological deposits and/or objects that may be located during the following development through a Cultural Heritage Awareness Induction;

Should any human remains be located during the following development;

- All excavation in the immediate vicinity of any objects of deposits shall cease immediately;
- The NSW police and DPIE's Enviroline be informed as soon as possible:

- Once it has been established that the human remains are Aboriginal ancestral remains, DPIE and the relevant Registered Aboriginal Parties will identify the appropriate course of action.

CONTACT DETAILS

The contact details for the following archaeologist, NSW Police, DPIE and the Local Aboriginal Land Council are as follows:

Organisation	Contact	Contact Details
NSW Environment Line		131 555
NSW Sydney City Local Area Command		LAC Office: 192 Day Street Sydney NSW 2000 Ph: (02) 9265 6499 Fax: (02) 9265 6434
Archaeological Management & Consulting Group	Mr. Benjamin Streat or Mr. Martin Carney	122c-d Percival Road Stanmore NSW 2048 Ph:(02) 9568 6093 Fax:(02) 9568 6093 Mob: 0405 455 869 Mob: 0411 727 395 benjaminstreat@archaeological.com.au
NSW Department of Planning, Industry and Environment	Archaeologist – Head Office	PO Box A290 Sydney South NSW 1232 Ph: (02) 9995 5000 info@environment.nsw.gov.au
Metropolitan Local Aboriginal Land Council (MLALC)	Cultural Heritage Officer	Po Box 1103 Strawberry Hills NSW 2012 (02) 8394 9666 culturalheritage@metrolalc.org.au
Didge Ngunawal Clan	Lillie Carroll & Paul Boyd	didgengunawalclan@yahoo.com.au
Kamilaroi-Yankuntjatjara Working Group	Phil Khan	philipkhan.acn@live.com.au
Butucarbin Aboriginal Corporation	Lowanna Gibson	butuheritage@gmail.com

1.0 INTRODUCTION

1.1 BACKGROUND

Archaeological Management and Consulting Group (AMAC) in conjunction with Streat Archaeological Services Pty Ltd (SAS) was commissioned by Touchstone Partners Pty Ltd on behalf of China Centre Development Pty Ltd in November 2019, to prepare an Aboriginal Cultural Heritage Assessment Report and Aboriginal Archaeological Technical Report.

This report conforms to the reporting process, conditions and requirements of *Aboriginal Cultural Heritage Standards and Guidelines Kit* (NPWS 1998) and Part 6; National Parks and Wildlife Act *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

This report is to be submitted in response to the Secretary's Environmental Assessment Requirements for State Significant Development Application. (SSD# 10362)

1.2 DESCRIPTION OF DEVELOPMENT

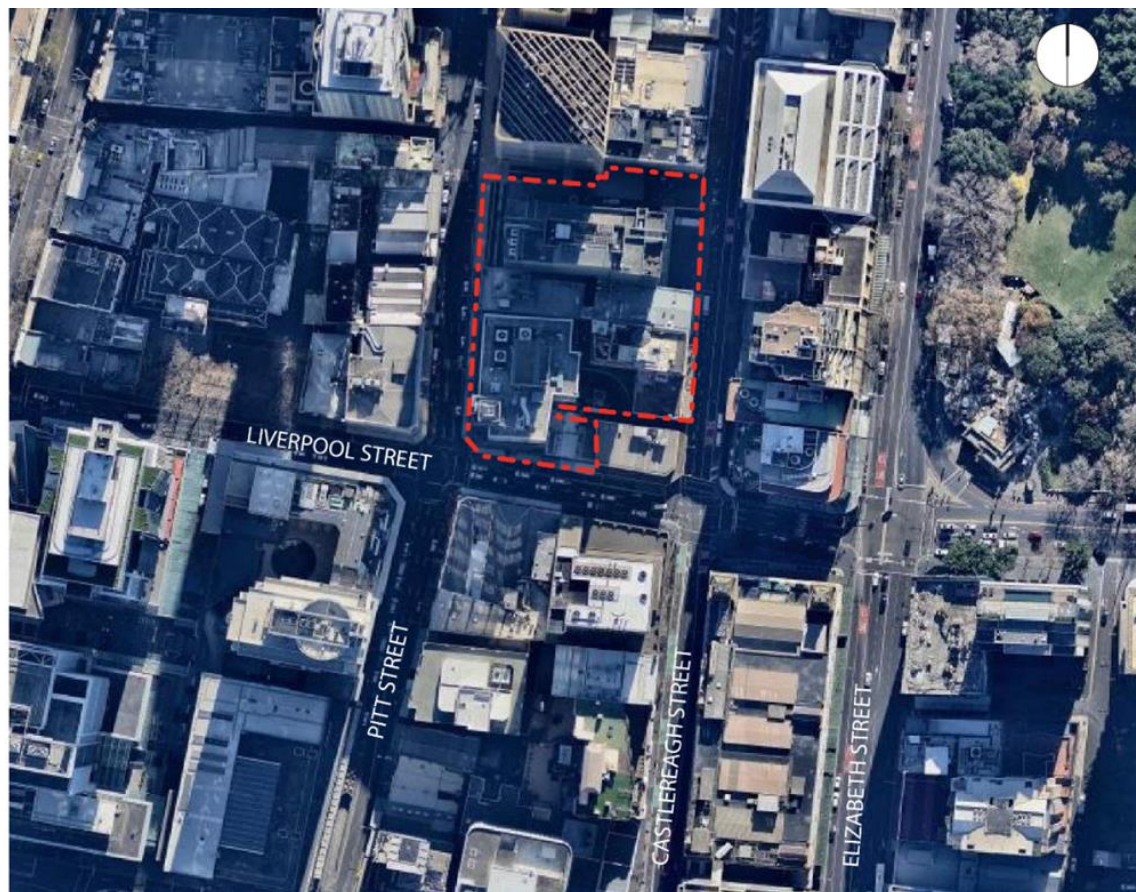
This report supports a State Significant Development Application (SSDA) for the mixed-use redevelopment of 338 Pitt Street, Sydney, which is submitted to the City of Sydney pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). China Centre Development Pty Ltd is the proponent of the SSDA.

The site is located at the corner of Pitt Street and Liverpool Street, within the 'Mid Town' precinct of Sydney's Central Business District (CBD). The site is approximately 150m west of Museum Station and Hyde Park, and approximately 350m from Town Hall Station. The site includes several allotments and constitutes nearly one third of the city block between Bathurst Street, Pitt Street and Liverpool Street. The site is an irregular shape and has a combined area of approximately 5,900m².

The proposed development comprises of hotel, residential, commercial and retail uses and will include:

- demolition of all existing structures;
- excavation and site preparation, including any required remediation;
- construction and use of a mixed-use development, with an iconic 257m two-tower built form above a podium and internal courtyard;
- five (5) basement levels and a lower ground level accommodating residential, retail and hotel car parking, motorcycle parking, bicycle parking, loading dock, storage and relevant building services;
- improvements to the public domain, including landscaping, pedestrian thoroughfares/connections, and landscaping; and
- augmentation and extension of utilities and services.

A detailed description of development is provided by Ethos Urban within the EIS.



 The Site

1.3 SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS TABLE

Table 1.1 Secretary's Environmental Assessment Requirements

Key Issues	Requirement	Relevant report Section
7: Aboriginal Cultural Heritage		
	<ul style="list-style-type: none"> Identify and describe Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010) and the Guide to investigating, assessing and reporting on Aboriginal Cultural heritage in NSW (DECCW 2011) 	See section 7.0, 1.7.5 and 1.7.6
	<ul style="list-style-type: none"> Ensure consultation has taken place with Aboriginal people and is documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW) 	See section 3.0 and 6.0
	<ul style="list-style-type: none"> Assess impacts on Aboriginal cultural heritage values and be documented in the ACHAR. This must demonstrate attempts to avoid impacts, identify any conservation outcomes and measures to mitigate impacts. 	See section 8.0 and 9.0

1.4 STUDY AREA

The study site is that piece of land described as Lot 3 of the Land and Property Information, Deposited Plan 1044304, Lot 1 DP 66428, Lot 1 DP 90016, Lot 1 DP 78245 and Lot 1 DP 70702, Lot B DP 183853, Lot 10 DP 857070, Lots A, B, C DP 448791, forming the following consolidated street address of 338 Pitt Street, Sydney in the Parish of St Phillip, County of Cumberland (Figure 2.1 and Figure 2.2).

Street Address	Title
229-39 Castlereagh Street and 324-330 Pitt Street	Lot 3 DP1044304
332-336 Pitt Street	Lot 1 DP 66428
241-243 Castlereagh Street – “Manchester House”	Lot 1 DP 90016
245-247 Castlereagh Street – “ANZAC House”	Lot 1 DP78245 Lot 1 DP70702
249-253 Castlereagh Street – “Downing Hotel”	Lot B DP 183853
338-348 Pitt Street	Lot 10 DP 857070
126 Liverpool Street	Lot A DP 448791
128 Liverpool Street	Lot B DP 448791
130 Liverpool Street	Lot C DP 448791

1.5 SCOPE

The aims of this cultural heritage assessment are to assess the Aboriginal cultural heritage values of the study area, to provide registered Aboriginal persons or organisations who hold cultural knowledge relevant to determining the cultural significance of Aboriginal object(s) and/or place(s) within, or in the vicinity of the area of the proposed development, to present this knowledge for synthesis, analysis and compilation into a Cultural Heritage Assessment about the study area.

This report will assess the impact of the proposed development on any identified items or places of Aboriginal cultural heritage value and to develop mitigative strategies under the appropriate legislation for the management of Aboriginal archaeological and cultural heritage values of the study area. The process has also allowed the proponent and/or the proponent's representative to outline the project details and the participating Aboriginal parties to have input into formulating mitigative strategies at identified points in the impact assessment process.

A methodology and a timeline for the completion of assessment process and report delivery was developed and distributed to all parties. With these clearly identified roles the methodology and project background had been submitted to the participating Aboriginal parties for review and input for a period of no less than 28 days.

This assessment is intended for submission in conjunction with the Final Aboriginal Archaeological Technical Report.

1.6 AUTHOR IDENTIFICATION

The analysis of the archaeological background and the reporting were undertaken by Mr. Benjamin Streat (BA, Grad Dip Arch Her, Grad Dip App Sc), archaeologist and Director of Streat Archaeological Services Pty Ltd in association with archaeologists Ms. Yolanda Pavincich and Mr. Steven J. Vasilakis (B. Arch. Hons), under the guidance of Mr. Martin Carney archaeologist and Managing Director of AMAC Group.

1.7 LEGISLATIVE CONTEXT AND STATUTORY CONTROLS

This section of the report provides a brief outline of the relevant legislation and statutory instruments that protect Aboriginal archaeological and cultural heritage sites within the state of New South Wales. Some of the legislation and statutory instruments operate at a federal or local level and as such are applicable to Aboriginal archaeological and cultural heritage sites in New South Wales. This material is not legal advice and is based purely on the author's understanding of the legislation and statutory instruments. This document seeks to meet the requirements of the legislation and statutory instruments set out within this section of the report.

1.7.1 Commonwealth Heritage Legislation and Lists

One piece of legislation and two statutory lists and one non-statutory list are maintained and were consulted as part of this report: the National Heritage List; the Commonwealth Heritage List and the Register of the National Estate.

1.7.1.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) offers provisions to protect matters of national environmental significance. This act establishes

the National Heritage List and the Commonwealth Heritage List which can include natural, Indigenous and historic places of value to the nation. This Act helps ensure that the natural, Aboriginal and historic heritage values of places under Commonwealth ownership or control are identified, protected and managed (Australian Government 1999).

1.7.1.2 National Heritage List

The National Heritage List is a list which contains places, items and areas of outstanding heritage value to Australia; this can include places, items and areas overseas as well as items of Aboriginal significance and origin. These places are protected under the Australian Government's EPBC Act.

1.7.1.3 Commonwealth Heritage List

The Commonwealth Heritage List can include natural, Indigenous and historic places of value to the nation. Items on this list are under Commonwealth ownership or control and as such are identified, protected and managed by the Federal Government.

1.7.1.4 Register of the National Estate

The Register of the National Estate is a list of natural, Indigenous and heritage places throughout Australia. It was originally established under the *Australian Heritage Commission Act 1975* (AHC Act). This has now been replaced by the Environment Protection and Biodiversity Conservation Act 1999. The register will continue to operate until February 2012 when it will be completely replaced by The Commonwealth Heritage List.

1.7.2 New South Wales State Heritage Legislation and Lists

The state (NSW) based legislation that is of relevance to this assessment comes in the form of the acts which are outlined below.

1.7.2.1 National Parks and Wildlife Act 1974

The NSW National Parks and Wildlife Act 1974 (as amended) defines Aboriginal objects and provides protection to any and all material remains which may be evidence of the Aboriginal occupation of lands continued within the state of New South Wales. The relevant sections of the Act are sections 84, 86, 87 and 90.

An Aboriginal object, formerly known as a relic is defined 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"
(NSW Government, 1974).

It is an offence to harm or desecrate an Aboriginal object or places under Part 6, Section 86 of the NPW Act:

Part 6, Division 1, Section 86: Harming or desecrating Aboriginal objects and Aboriginal places:

(1) *A person must not harm or desecrate an object that the person knows is an Aboriginal object.*

Maximum penalty:

- (a) *in the case of an individual—2,500 penalty units or imprisonment for 1 year, or both, or (in circumstances of aggravation) 5,000 penalty units or imprisonment for 2 years, or both, or*
- (b) *in the case of a corporation—10,000 penalty units.*
- (2) *A person must not harm an Aboriginal object.*
Maximum penalty:
 - (a) *in the case of an individual—500 penalty units or (in circumstances of aggravation) 1,000 penalty units, or*
 - (b) *in the case of a corporation—2,000 penalty units.*
- (3) *For the purposes of this section, **circumstances of aggravation** are:*
 - (a) *that the offence was committed in the course of carrying out a commercial activity, or*
 - (b) *that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.*

This subsection does not apply unless the circumstances of aggravation were identified in the court attendance notice or summons for the offence.

- (4) *A person must not harm or desecrate an Aboriginal place.*
Maximum penalty:
 - (a) *in the case of an individual—5,000 penalty units or imprisonment for 2 years, or both, or*
 - (b) *in the case of a corporation—10,000 penalty units.*
- (5) *The offences under subsections (2) and (4) are offences of strict liability and the defence of honest and reasonable mistake of fact applies.*
- (6) *Subsections (1) and (2) do not apply with respect to an Aboriginal object that is dealt with in accordance with section 85A.*
- (7) *A single prosecution for an offence under subsection (1) or (2) may relate to a single Aboriginal object or a group of Aboriginal objects.*
- (8) *If, in proceedings for an offence under subsection (1), the court is satisfied that, at the time the accused harmed the Aboriginal object concerned, the accused did not know that the object was an Aboriginal object, the court may find an offence proved under subsection (2).*

1.7.2.2 Environmental Planning & Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) states that environmental impacts of proposed developments must be considered in land use planning procedures. Four parts of this act relate to Aboriginal cultural heritage.

- *Part 3, divisions 3 and 4 refer to Regional strategic plans and both Local Environmental Plans (LEP) and Development Control Plans (DCP), which are environmental planning instruments and call for the assessment of Aboriginal heritage among other requirements.*
- *Part 4 determines what developments require consent and what developments do not require consent. Section 4.15 calls for the evaluation of*

The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality (NSW Government 1979).

This part of the legislation also addresses State Significant Developments as mentioned in division 4.7 with section 4.38 outlining the consent for State Significant Development in relation to the environmental planning instruments.

- Part 5 of this Act requires that impacts on a locality which may have an impact on the aesthetic, anthropological, architectural, cultural, historic, scientific, recreational or scenic value are considered as part of the development application process (NSW Government, 1979).

1.7.2.3 The Aboriginal Land Rights Act 1983

The NSW *Aboriginal Land Rights Act 1983* (ALR Act), administered by the NSW Department of Aboriginal Affairs, established the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs). The ALR Act requires these bodies to:

- take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law;
- promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

These requirements recognise and acknowledge the statutory role and responsibilities of New South Wales Aboriginal Land Council and Local Aboriginal Land Councils. The ALR Act also establishes the Office of the Registrar whose functions include but are not limited to, maintaining the Register of Aboriginal Land Claims and the Register of Aboriginal Owners.

Under the ALR Act the Office of the Registrar is to give priority to the entry in the Register of the names of Aboriginal persons who have a cultural association with:

- lands listed in Schedule 14 to the NPW Act;
- lands to which section 36A of the ALR Act applies (NSW Government, 1974 & DECCW 2010).

1.7.2.4 The Native Title Act 1993

The *Native Title Act 1993* (NTA) provides the legislative framework to:

- recognise and protect native title;
- establish ways in which future dealings affecting native title may proceed, and to set standards for those dealings, including providing certain procedural rights for registered native title claimants and native title holders in relation to acts which affect native title;
- establish a mechanism for determining claims to native title;
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The National Native Title Tribunal has a number of functions under the NTA including maintaining the Register of Native Title Claims, the National Native Title Register and the Register of Indigenous Land Use Agreements and mediating native title claims (NSW Government, 1974 & DECCW 2010).

1.7.2.5 New South Wales Heritage Register and Inventory 1999

The State Heritage Register is a list of places and objects of particular importance to the people of NSW. The register lists a diverse range of over 1,500 items, in both private and public ownership. Places can be nominated by any person to be considered to be listed on the Heritage register. To be placed an item must be significant for the whole of NSW. The State Heritage Inventory lists items that are listed in local council's local environmental plan (LEP) or in a regional environmental plan (REP) and are of local significance.

1.7.2.6 Register of Declared Aboriginal Places 1999

The NPW Act protects areas of land that have recognised values of significance to Aboriginal people. These areas may or may not contain Aboriginal objects (i.e. any physical evidence of Aboriginal occupation or use). Places can be nominated by any person to be considered for Aboriginal Place gazettal. Once nominated, a recommendation can be made to EPA/OEH for consideration by the Minister. The Minister declares an area to be an 'Aboriginal place' if the Minister believes that the place is or was of special significance to Aboriginal culture. An area can have spiritual, natural resource usage, historical, social, educational or other type of significance. Under section 86 of the NPW Act it is an offence to harm or desecrate a declared Aboriginal place. Harm includes destroying, defacing or damaging an Aboriginal place. The potential impacts of the development on an Aboriginal place must be assessed if the development will be in the vicinity of an Aboriginal place (DECCW 2010).

1.7.3 Local Planning Instruments

1.7.3.1 Sydney Local Environmental Plan 2012

The Sydney Local Environmental Plan was prepared by City of Sydney in 2012. Section 5.10 deals with Heritage Conservation. The plan states in Clause 1:

The objectives of this clause are as follows:

(1) Objectives

The objectives of this clause are as follows:

- (a) *to conserve the environmental heritage of the City of Sydney,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites,*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

(2) Requirement for consent

Development consent is required for any of the following:

- (a) *demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):*
 - (i) *a heritage item,*
 - (ii) *an Aboriginal object,*
 - (iii) *a building, work, relic or tree within a heritage conservation area,*

- (b) *altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,*
- (c) *disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,*
- (d) *disturbing or excavating an Aboriginal place of heritage significance,*
- (e) *erecting a building on land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,*
- (f) *subdividing land:*
 - (i) *on which a heritage item is located or that is within a heritage conservation area, or*
 - (ii) *on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.*

(3) When consent not required

However, development consent under this clause is not required if:

- (a) *the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:*
 - (i) *is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and*
 - (ii) *would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or*
- (b) *the development is in a cemetery or burial ground and the proposed development:*
 - (i) *is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and*
 - (ii) *would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or*
- (c) *the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or*
- (d) *the development is exempt development.*

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and*
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent*

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and*
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and*
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and*
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and*
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area*

1.5.3.2 Sydney Development Control Plan 2011

The Sydney Development Control Plan was endorsed by Council in 2012. Heritage Conservation is discussed in Part 3; Clause 9.1-6. The following section highlights the Aboriginal archaeological considerations of a site in relation to developments.

3.9. Objectives

- (a) Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.*
- (b) Enhance the character and heritage significance of heritage items and heritage conservation areas and ensure that infill development is designed to respond positively to the heritage character of adjoining and nearby buildings and features of the public domain.*

3.9.3 Archaeological assessments

- (1) An archaeological assessment is to be prepared by a suitably qualified archaeologist in accordance with the guidelines prepared by the NSW Office and Environment and Heritage.*

- (2) *For development proposals in Central Sydney, refer to the Central Sydney Archaeological Zoning Plan to determine whether the development site has archaeological potential.*
- (3) *An archaeological assessment is to be submitted as part of the Statement of Environmental Effects for development applications affecting an archaeological site or a place of Aboriginal heritage significance, or potential archaeological site that is likely to have heritage significance.*
- (4) *An archaeological assessment is to include:*
 - (a) *an assessment of the archaeological potential of the archaeological site or place of Aboriginal heritage significance;*
 - (b) *the heritage significance of the archaeological site or place of Aboriginal heritage significance;*
 - (c) *the probable impact of the proposed development on the heritage significance of the archaeological site or place of Aboriginal heritage significance;*
 - (d) *the compatibility of the development with conservation policies contained within an applicable conservation management plan or conservation management strategy; and*
 - (e) *a management strategy to conserve the heritage significance of the archaeological site or place of Aboriginal heritage significance.*
- (5) *If there is any likelihood that the development will have an impact on significant archaeological relics, development is to ensure that the impact is managed according to the assessed level of significance of those relics.*

1.5.3.3 The Central Sydney Archaeological Zoning Plan

The central Sydney Archaeological Zoning Plan comprises the central Sydney area (including sections of Potts Point, Surry Hills, East Sydney and Chippendale), being under the jurisdiction of the City of Sydney. Millers point, the Rocks and the Pyrmont/Ultimo peninsula were excluded as they had been subject to previous archaeological assessments. The Plan identifies areas within Central Sydney which contain archaeological potential and assesses this according to criteria based on their perceived physical potential (dependent on the level of disturbance), resulting from site inspections. The plan also isolates areas of little or no archaeological potential, indicating where no further archaeological assessment/research will be required. The site survey was carried out in August 1992, and the report completed in February 1993.

Schedule 4 of the SAZP lists the following properties within the study site as an “Area of Archaeological Potential.”

- 249-251 Castlereagh Street
- 126 Liverpool Street

1.7.4 Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales

This assessment conforms to the parameters set out in the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010).

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* states that if;

- a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely, then further archaeological investigation and impact assessment is necessary.

1.7.5 Code of Practice for Archaeological Investigation of Aboriginal objects in New South Wales

Any further work resulting from recommendations should be carried out conforming to the Code of Practice for Archaeological Investigation of *Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974*, (DECCW 2010).

1.7.6 Guidelines

This report has been carried out in consultation with the following documents which advocate best practice in New South Wales:

- Guide to investigating, assessing and reporting on Aboriginal Cultural heritage in NSW (DECCW 2011)
- Aboriginal Archaeological Survey, Guidelines for Archaeological Survey Reporting (NSW NPWS 1998);
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010);
- Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010);
- Aboriginal Cultural Heritage Standards and Guidelines Kit (NPWS 1998);
- Australia ICOMOS 'Burra' Charter for the conservation of culturally significant places (Australia ICOMOS 1999);
- Part 6; National Parks and Wildlife Act Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010);
- Protecting Local Heritage Places: A Guide for Communities (Australian Heritage Commission 1999).

1.6 ACKNOWLEDGEMENTS

The author would like to thank the following for advice and/or input into this assessment;

- Ms. T. Hoven of Touchstone Partners Pty Ltd;
- Ms. S. Timothy of Metropolitan Local Aboriginal Land Council (MLALC);
- Ms. L. Carroll & Mr. P. Boyd of Didge Ngunawal Clan;
- Mr. P. Khan of Kamilaroi – Yankuntjatjara Working Group (KYWG);
- Ms. L. Gibson of Butucarbin Aboriginal Corporation;

2.0 DESCRIPTION OF STUDY AREA

The study site is that piece of land described as Lot 3 of the Land and Property Information, Deposited Plan 1044304, Lot 1 DP 66428, Lot 1 DP 90016, Lot 1 DP 78245 and Lot 1 DP 70702, Lot B DP 183853, Lot 10 DP 857070, Lots A, B, C DP 448791, forming the following consolidated street address of 338 Pitt Street, Sydney in the Parish of St Phillip, County of Cumberland (Figure 2.1 and 2.2).

Street Address	Title
229-39 Castlereagh Street and 324-330 Pitt Street	Lot 3 DP1044304
332-336 Pitt Street	Lot 1 DP 66428
241-243 Castlereagh Street – “Manchester House”	Lot 1 DP 90016
245-247 Castlereagh Street – “ANZAC House”	Lot 1 DP78245 Lot 1 DP70702
249-253 Castlereagh Street – “Downing Hotel”	Lot B DP 183853
338-348 Pitt Street	Lot 10 DP 857070
126 Liverpool Street	Lot A DP 448971
128 Liverpool Street	Lot B DP 448971
130 Liverpool Street	Lot C DP 448971

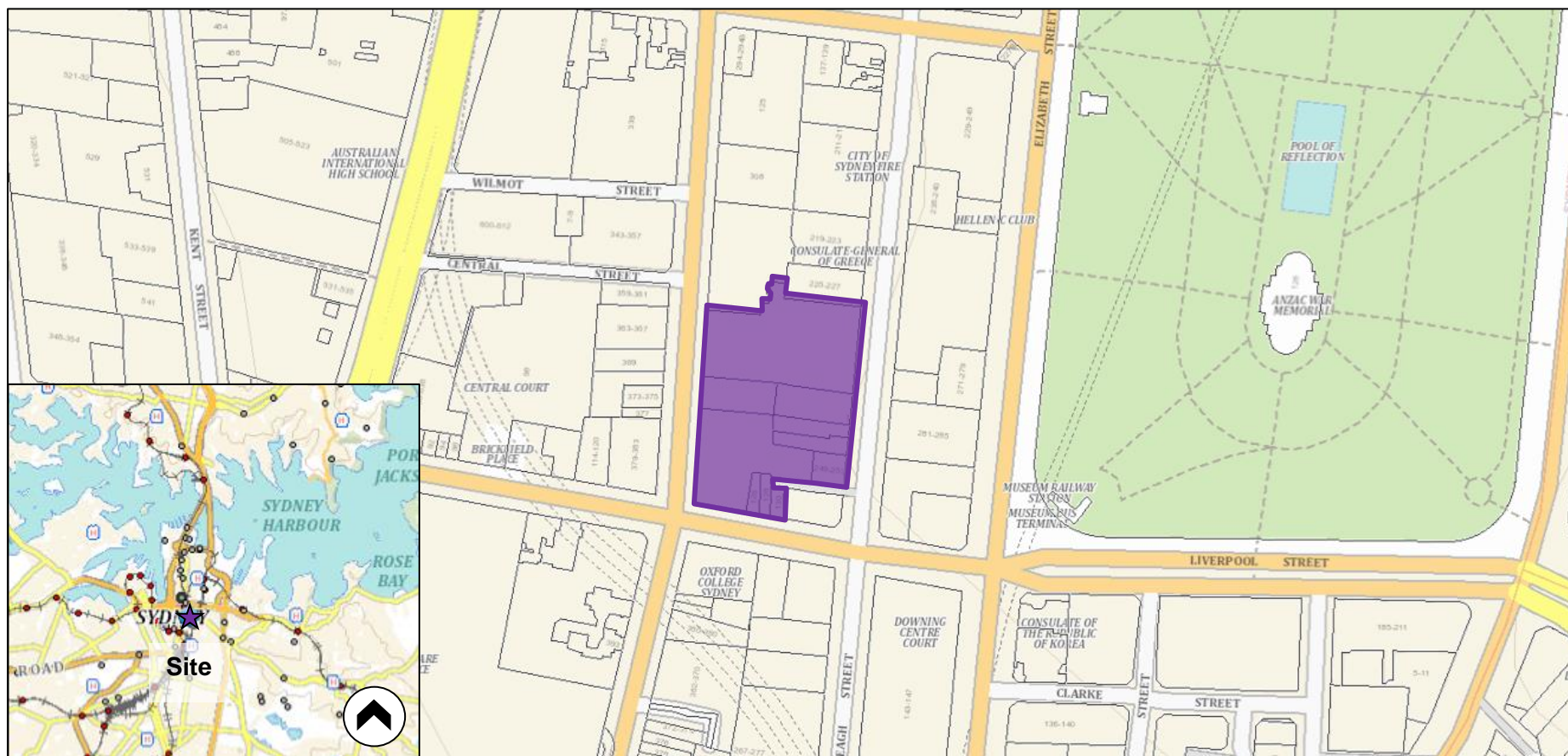


Figure 2.1 Topographic map with site location.
Study site outlined in red. Six Maps, LPI Online, accessed 07/11/2019.



Figure 2.2 Aerial photograph showing the study site.
Study site outlined in red. Six Maps, NSW LPI online, accessed 11/11/19.

2.1 REGISTERED ARCHAEOLOGICAL SITES WITHIN THE STUDY AREA

There are no registered archaeological sites within the study area that the author of the report is aware of.

2.2 EXCLUSION AREAS

No areas of exclusion have been designed for the proposed development.

2.3 ENVIRONMENTAL CONTEXT

To adequately understand and assess the potential Aboriginal archaeological resource that may be present within the study area it is vital to understand the environment in which the Aboriginal inhabitants of the study area carried out their activities. The environment that Aboriginal inhabitants lived in is a dominant factor in shaping their activity and therefore the archaeological evidence created by this activity. Not only will the resources available to the Aboriginal population have an influence on the evidence created but the survival of said evidence will also be influenced by the environment.

2.3.1 Topography

The study area lies near the foreshore of Darling Harbour and extends over one topographic zone which would have consisted of gently undulating plateau 200-1000m in width where the local relief is <30m and slopes <10%. Rock outcrops are absent. The study area has been exposed to significant disturbance and filling events on the bedrock. A number of the buildings in the study area have multi-level/single-level basements. This is consistent with the majority of the land within the City of Sydney that has been significantly developed and modified post settlement.

2.3.2 Geology and Soils

The soil landscape map for the Sydney 1:100 000 map sheet shows that the study area lies on the Lucas Heights (lh) soil landscape (Chapman and Murphy, 1989). The geology of the study area consists of the Mittagong Formation – interbedded shale, laminite and fine to medium grained quartz sandstone. This is one of the dominant geological formations which occur in Sydney, occurring between the Ashfield Shale and Hawkesbury Sandstone.

The Lucas Heights soil profile is low - moderately deep (50-150cm) consisting of hard-setting yellow podzolic soils and yellow earths. The erodibility is seen to be relatively high due to the fine sand grains in the clay matrix.

Table 2.1 Description of dominant soil material

Dominant Soil Material	Soil Horizon	Description
lh1	A Horizon	Loose yellowish-brown sandy loam which sometimes contains organic matter resulting in a friable topsoil. Colour can be a dull yellowish - brown, or very dark brown. It is commonly containing small iron coated sandstone rock fragments, as well as charcoal and roots.

lh2	A2 Horizon	Bleached, Hard-setting, stony, sandy clay loam – clayey sand. Colour can be a dull yellowish-brown, which bleaches when dry. It can however range from brown to bright yellowish-brown. Pale yellow and brown mottles are often present due to bioturbation. Inclusions such as fine sandstone fragments and rounded iron nodules are abundant and are often concentrated at depth. Angular ironstone is also common. Roots become rare with depth.
lh3	B Horizon	Earthy, yellowish – brown sandy clay loam. Develops on coarse sandstone. The soil increases to a sandy clay with depth along with orange mottles occurring with depth. Iron coated sandstone fragments remain common however roots and charcoal fragments are rare.
lh4	B/C Horizon	Yellowish-brown clay – light clay to yellowish-brown sandy clay to heavy clay. Occurs on fine-grained sandstone as a subsoil material. Colour commonly bright yellowish-brown but can range from reddish-brown. Yellow, red and orange mottles are occasionally present. iron coated, fine sandstone rock fragments are common while charcoal and roots are rarely present.

Table 2.2 Expected Lucas Heights soil profile depth based on landform

Common soil profile

- up to 30cm of loose, yellowish-brown sandy loam (**lh1**) overlies;
- 10-30cm of bleached, stony Hard-setting sandy clay loam (**lh2**) overlies;
- Up to 100cm of yellowish-brown, clay (**lh4**)

N.B The total soil profile is commonly <100cm

Soil profile near sandstone boundaries

- up to 15cm of loose, sandy loam (**lh1**) overlies;
- up to 10-30cm of bleached Hard-setting sandy clay loam (**lh2**) occasionally overlies;
- up to 30cm of yellowish – brown sandy clay loam (**lh3**)

2.3.3 Watercourses

The study area is within the Sydney Foreshore and surrounded by several bays, e.g. Blackwattle Bay ca. 1.5km to the west, Darling Harbour ca. 700m to the northwest, Sydney Cove ca. 1.6km to the north, Woolloomooloo Bay ca. 1.3km to the northeast, and Rushcutters Bay ca. 2.1km to the east. The area also contained a number of early freshwater tributaries which have since been filled as a result of European occupation and development activity. In the past, the close proximity to the Sydney basin would have channelled Aboriginal activity to this location as a major resource of food and water.

2.3.4 Vegetation

No vegetation is located within the development zone. The lands were extensively cleared soon after European settlement. The native vegetation would have consisted of eucalypt open forest and low eucalypt woodland with a sclerophyll shrub understorey. Dominant tree species that would have grown within the area include turpentine *Syncarpia glomulifera*, *E. eugenioides* and scribbly gum *E. haemastoma* (Walker 1975, p. 11 – 13).

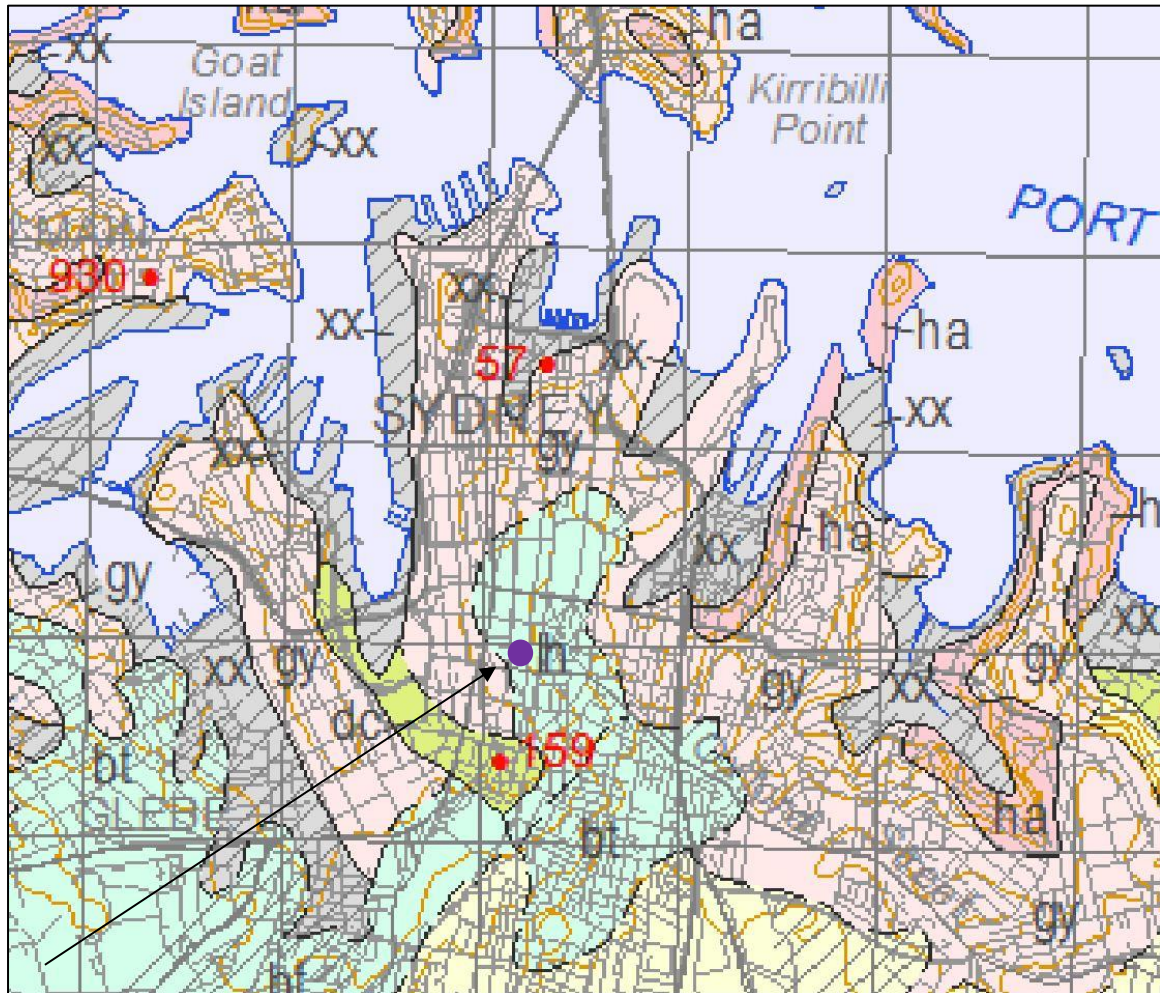


Figure 2.3 Soil Landscape 1:100 000 sheet map.
Study site outlined in purple indicated by black arrow. ---- Soil Landscape (Matthei, 1995).

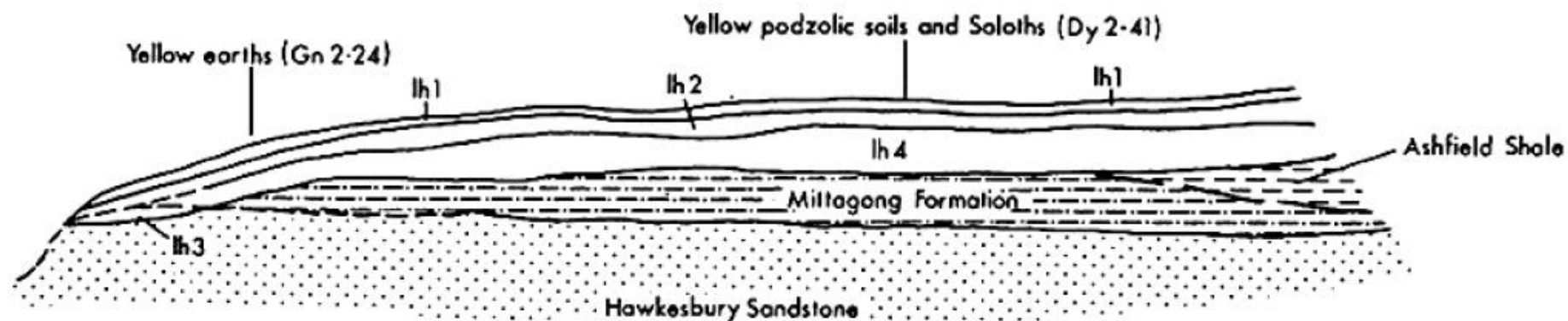


Figure 2.4 Cross Section of soil landscape illustrating relationships between landscape features and dominant soil materials.
Soil Landscape (Matthei, 1995).

2.4 LAND USE AND DISTURBANCE FACTORS

This section of the report provides an assessment of land use, the level of disturbance and the likely archaeological potential of the study area. The archaeological potential is based on the level of previous disturbance as well as the previously discussed predictive model for the region.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010); defines disturbed lands as given below.

“Land is disturbed if it has been the subject of a human activity that has changed the land’s surface, these being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure and construction of earthworks)”

This definition is based on the types of disturbance as classified in The Australian Soil and Land Survey Field Handbook (CSIRO 2010). The following is a scale formulated by CSIRO (2010) of the levels of disturbances and their classification.

Minor Disturbance		Moderate Disturbance		Major Disturbance	
0	No effective disturbance; natural	3	Extensive clearing (eg: poisoning and ringbarking)	6	Cultivation; grain fed
1	No effective disturbance other than grazing by hoofed animals	4	Complete clearing; pasture native or improved, but never cultivated	7	Cultivation; irrigated, past or present
2	Limited clearing (eg: selected logging)	5	Complete clearing; pasture native or improved, cultivated at some stage	8	Highly disturbed (quarrying, road works, mining, landfill, urban)

The above scale is used in determining the level of disturbance of the study area and its impact on the potential archaeology which may be present.

2.4.1 Aboriginal Land Use and Resources

The study area lies in a resource zone which had resources that may have been exploited on either a regular or repeated basis. Reliable access to fresh water may have been present nearby to the study area.

Sites containing fresh water and sedentary food sources, coupled with the presence of other resources which may have been exploited or available on a seasonal basis, would suggest that Aboriginal land use of the study area was regular and repeated, with this reflected in the archaeological record.

Concentrated and repeated occupation may be represented in areas that have reliable access to water and food sources. These areas will possess a high archaeological potential (Goodwin 1999).

Sydney foreshore provided a rich dietary intake for the local inhabitants in which estuarine and marine resources could be exploited. Coastal tribes depended heavily on marine resources such as fish and shellfish but were not limited to such diets as cabbage palms and bracken fern roots were also included (Dyall 1971).

Farming practices were also utilised in the form of land clearing. This was conducted through the burning of grasslands in order to encourage new growth which attracted local game. It is likely that these activities would result in repeated occupation as do ceremonial activities which take place within specific sacred places within the cultural landscape.

The procurement of specific resources for ceremonial or domestic purposes would rely on the accessibility and availability of these resources. There are readily mapped resources within the region that may have been exploited by Aboriginal occupants, with more being present before the land was cleared and settled.

Historical and archaeological documentation suggests that semi-sedentary coastal groups were evident within the region, where social arrangements allowed for a large number within one camp. Based on the predominance of rock shelters found in regions within the Hawkesbury sandstone landscape and surrounds as well as middens indicating temporary or repeated occupation.

2.4.2 European Land Use

Background research indicates that the entirety of the study area has been impacted on during the 19th Century – 21st Century for commercial and mixed-use purposes. Development surrounding the study area were seen to have formed by 1822, however, no development occurred within the study area as it had originally been slated for non-residential or commercial use, with the land originally designed to be utilised as a ‘race ground’ (Figure 2.5). However, later plans and most contemporary accounts in fact place the race grounds a further two blocks to the east, east of Elizabeth Street, in the area that ultimately became Hyde Park. This inconsistency between the plans and contemporary accounts may suggest that either the positioning of the ‘race ground’ on the 1822 plan was incorrect or the proposed location was changed soon after the 1822 plan was produced.

During 1823, a series of quit rent leases were enacted, which allowed the study site and the associated block to be formalised (Figure 2.6). The 1823 plan indicates that all but three of the eleven allotments (or part allotments) were developed within further development throughout the mid-19th Century. Features which would most certainly have been present on each allotment.

The general nature of the topography of the study site is obscured in part by later developments and basements. However, in a general sense there exists a diagonal northwards downslope on Castlereagh street, to the corner of Pitt and Liverpool streets (Figure 2.8).

The general diagonal sloped alignment can be seen today, but it is clear that the detail of the original topographical arrangement remains elusive when historic photographic and descriptive resources are consulted. Figure 2.7 and Figure 2.9 indicate that the Anglican

School adjoining the study site and a portion of its yard (on the study site), sat 3 or 4 metres above the road, apparently on a bluff or ridge. This has since been truncated and lowered to even out along Pitt Street.

When calculating the potential of the survival of archaeological remains along this frontage, it must be considered that an uneven sliding scale is likely to apply to the amount of the natural pre-20th century ground level and topography still existing, when up to 4 metres can be deducted.

The street level on Castlereagh Street respects the general slope and the development on both sides of the road. The lowest point is reached just before the corner of Liverpool Street, where the former waterway location has been converted into a lane and service corridor. Liverpool Street falls away at the corner of Castlereagh Street down to Pitt Street, and excepting the reclaimed waterway appears, in the absence of other information, to generally represent the original topography. Therefore, in the absence of basements, potential archaeological sites in Castlereagh Street and Liverpool Street stand a better chance than those in Pitt Street.

For a full site history of European land use please refer to AMAC 2019 *338 Pitt Street, 324-348 Pitt St, 229-253 Castlereagh St, & 126-130 Liverpool St Sydney, NSW; Archaeological Assessment, Research Design and Excavation Methodology (In draft)*.

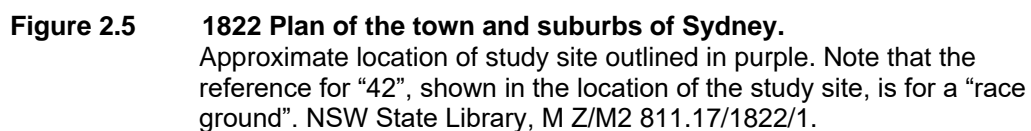




Figure 2.6 Harper's 1823 Plan of Sydney.
Study site outlined in red. NSW State Records, Reference Map SZ434.



Figure 2.7 1870 photograph, St Andrew's Church of England School on Allotment 21 Pitt Street.
State Library of NSW, SPF 446.

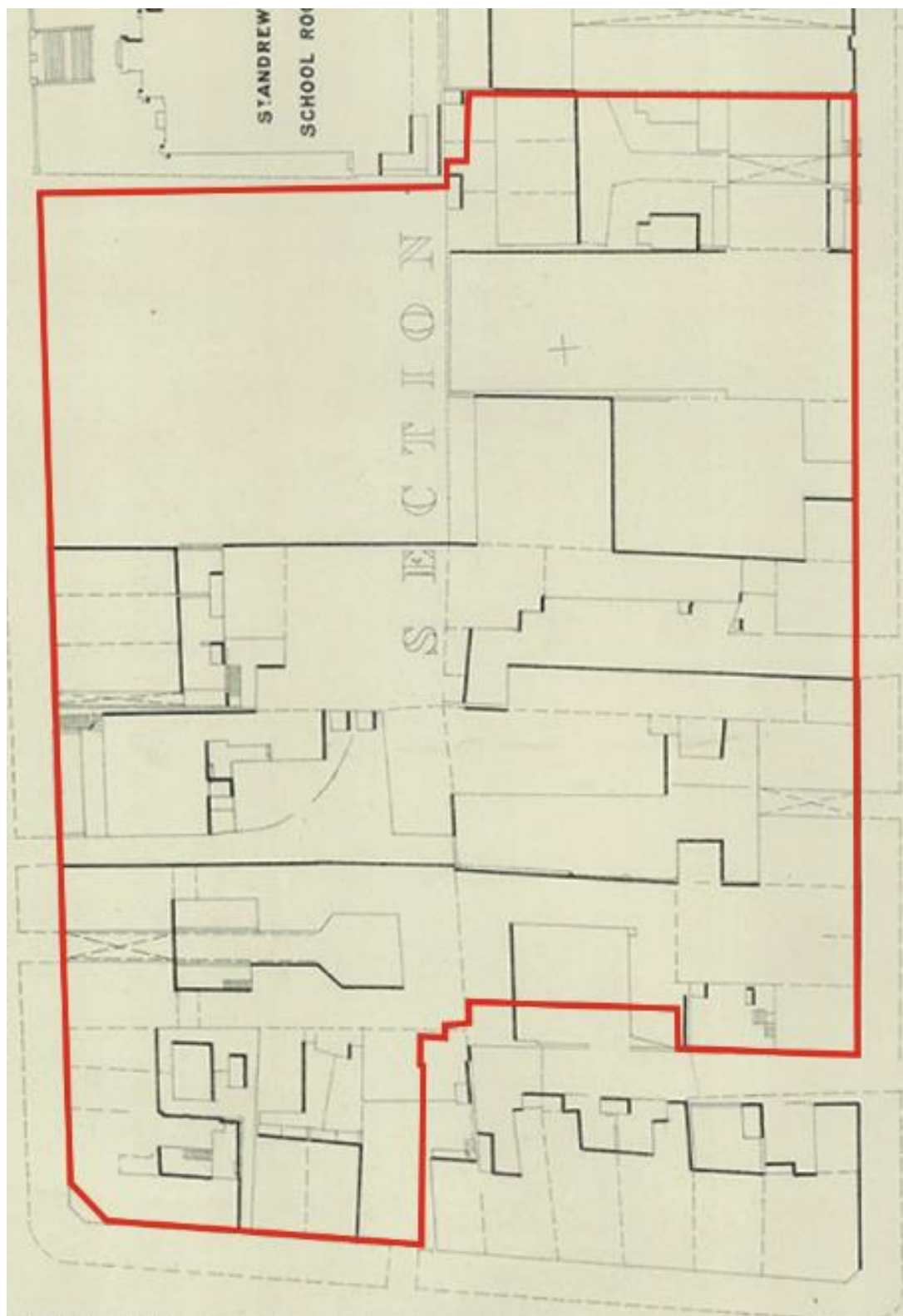


Figure 2.8 1890 survey plan.
Study site outlined in red. Sydney Metropolitan Detail Series, NSW State Library, Part of Sections 14, 15, 16, 17 ZM Ser 4 811.17/1.



Figure 2.9 c. 1909-1913 Demolition of St Andrew's School.
Note Danks & Son on the right. Demolition Books, City of Sydney Archives,
NSCA CRS 51/481.

2.4.3 Disturbance and Archaeological Potential

It is important to note that the following assessments describe the archaeological potential of the study area. It is acknowledged that if the study area has little or no archaeological potential, the study area may still have cultural significance to the Aboriginal community.

Background research indicates that the study area has undergone significant modifications, primarily the deep excavations of the site to bedrock in order to establish the basement levels for some of the buildings which currently stand. Post-contact period developments indicate the site was subject to earthworks as part of the establishment of the original streetscape of the town of which the western side fronting Pitt Street was truncated to even the lot with the current street level of Pitt Street. Areas outside of the current building footprint such as the driveway/access way, are predicted to also be disturbed as a result of modern service trenches evident within this area.

As large sections of the original ground levels of the study have been removed by the installation of basements in the 19th and 20th centuries, the probability of any intact A horizon (artefact bearing soil layer) is unlikely to be present in this area, however, it has potential to be present outside of the basement zones.

In light of this, and in the context of the information provided about the level of disturbance of the site, the following has been predicted;

Major disturbance to the landscape: Sub-surface Aboriginal objects with potential conservation value have a moderate probability of being present within the study area, particularly towards the eastern side along Castlereagh street and Liverpool street to the south of the study area where intact soils are expected (Figure 2.10).

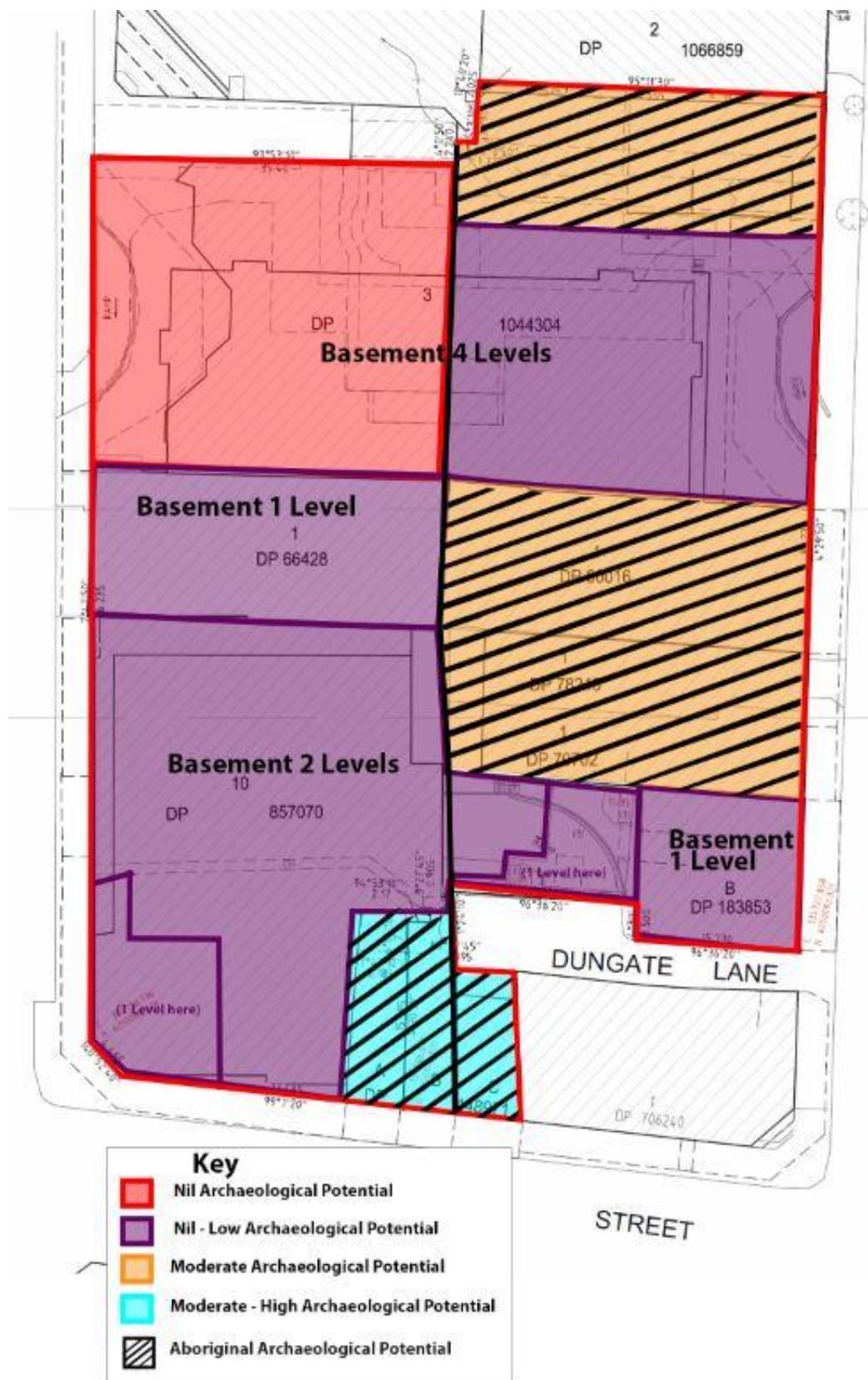


Figure 2.10 Archaeological potential of study area.
AMAC (2019).

3.0 ABORIGINAL CONSULTATION

This section documents the requirements of the Aboriginal consultation process that should be undertaken as part of any Aboriginal archaeological and cultural heritage assessment where an Aboriginal Heritage Impact Permit (AHIP) or test excavation is required. Section 4.1 outlines the guidelines for Aboriginal consultation issued by the DECCW. Section 4.2 documents the steps taken for this Aboriginal cultural assessment and the outcomes of the consultation. Further information, including copies of correspondence to and from registered parties is included in Appendix B.

3.1 DPIE CONSULTATION REQUIREMENTS

Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010), referring to Part 6 Approvals under the NPW Act were released in April 2010. The responsibilities of the proponent when test excavation is to take place and/or permit under section 90 of the NPW Act are listed below.

<http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>

Stage 1 – Notification of project proposal and registration of interest

Stage 1 states that:

“4.1.2- Proponents are responsible for ascertaining, from reasonable sources of information, the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal *objects* and/or *places*. Reasonable sources of information could include (a) to (g) below. Proponents must compile a list of Aboriginal people who may have an interest for the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal *objects* and/or *places* by writing to:

- (a) the relevant DECCW (sic) EPRG regional office
- (b) the relevant Local Aboriginal Land Council(s)
- (c) the Registrar, *Aboriginal Land Rights Act 1983* for a list of Aboriginal owners
- (d) the National Native Title Tribunal for a list of registered native title claimants, native title holders and registered Indigenous Land Use Agreements
- (e) Native Title Services Corporation Limited (NTSCORP Limited)
- (f) the relevant local council(s)
- (g) the relevant catchment management authorities for contact details of any established Aboriginal reference group.

4.1.3- Proponents must write to the Aboriginal people whose names were obtained in step 4.1.2 and the relevant Local Aboriginal Land Council(s) to notify them of the proposed project. The proponent must also place a notice in the local newspaper circulating in the general location of the proposed project explaining the project and its exact location. The notification by letter and in the newspaper must include:

- (a) the name and contact details of the proponent

- (b) a brief overview of the proposed project that may be the subject of an application for an AHIP, including the location of the proposed project
- (c) a statement that the purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP and to assist the Director General of DECCW in his or her consideration and determination of the application
- (d) an invitation for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proposed applicant regarding the proposed activity
- (e) a closing date for the registration of interests.

4.1.4- There must be a minimum of 14 days from the date the letter was sent or notice published in the newspaper to register an interest. The time allowed to register an interest should reflect the project's size and complexity.

4.1.5- The proponent must advise Aboriginal people who are registering an interest that their details will be forwarded to DECCW and the Local Aboriginal Land Council (LALC) unless they specify that they do not want their details released.

4.1.6- The proponent must make a record of the names of each Aboriginal person who registered an interest and provide a copy of that record, along with a copy of the notification from 4.1.3 to the relevant DECCW EPRG regional office and LALC within 28 days from the closing date for registering an interest.

4.1.7- LALCs holding cultural knowledge relevant to determining the significance of Aboriginal objects and places in the proposed project area who wish to register an interest to be involved in consultation must register their interest as an Aboriginal organisation rather than as individuals.

4.1.8- Where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge has registered an interest, a contact person for that organisation must be nominated. Aboriginal cultural knowledge holders who have registered an interest may indicate to the proponent they have appointed a representative to act on their behalf. Where this occurs, the registered Aboriginal party must provide written confirmation and contact details of those individuals to act on their behalf.

Stage 2 – Presentation of information about the proposed project

Stage 2 states that:

“4.2.1- The proponent must initiate arrangements for presenting the proposed project information to the registered Aboriginal parties (from Stage 1).

4.2.2- The presentation of proposed project information should provide the opportunity for:

- (a) the proponent to present the proposal, outline project details relevant to the nature, scope, methodology and environmental and other impacts
- (b) the proponent to outline the impact assessment process including the input points into the investigation and assessment activities

- (c) the proponent to specify critical timelines and milestones for the completion of assessment activities and delivery of reports
- (d) the proponent and registered Aboriginal parties to clearly define agreed roles, functions and responsibilities
- (f) the registered Aboriginal parties to identify raise and discuss their cultural concerns, perspectives and assessment requirements (if any).

4.2.3- The proponent should record or document that the proposed project information has been presented. This record or documentation should include any agreed outcomes, and any contentious issues that may require further discussion to establish mutual resolution (where applicable). The proponent should provide a copy of this record or documentation to registered Aboriginal parties.

4.2.4- Depending on the nature, scale and complexity of the proponent's project, it may be reasonable and necessary for the proponent to:

- (a) conduct additional project information sessions to ensure that all necessary information about the project is provided and enable registered Aboriginal parties to provide information about the cultural significance of Aboriginal object(s) and/or place(s) that may be present on the proposed project area
- (b) create the opportunity for registered Aboriginal parties to visit the project site" (DECCW 2010).

Stage 3 – Drafting, review and finalisation of the Cultural Heritage Assessment Report

Stage 3 states that:

"4.3.1- The proponent must present and/or provide the proposed methodology(s) for the cultural heritage assessment to the registered Aboriginal parties.

4.3.2- The registered Aboriginal parties must be given the opportunity to review and provide feedback to the proponent within a minimum of 28 days of the proponent providing the methodology. The review should identify any protocols that the registered Aboriginal parties wish to be adopted into the information gathering process and assessment methodology and any matters such as issues/areas of cultural significance that might affect, inform or refine the assessment methodology. Comments should be provided in writing, or may be sought verbally by the proponent and accurately recorded.

4.3.3- As part of this consultation, the proponent must also seek cultural information from registered Aboriginal parties to identify:

- (a) whether there are any Aboriginal objects of cultural value to Aboriginal people in the area of the proposed project
- (b) whether there are any places of cultural value to Aboriginal people in the area of the proposed project (whether they are Aboriginal places declared under s.84 of the NPW Act or not). This will include places of social, spiritual and cultural value, historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance.

4.3.4- Some information obtained from registered Aboriginal parties may be sensitive or have restricted public access. The proponent must, in consultation with registered Aboriginal parties, develop and implement appropriate protocols for sourcing and holding cultural information. In some cases, the sensitive information may be provided to the proponent by an individual and the proponent should not share that information with all registered Aboriginal parties or others without the express permission of the individual.

4.3.5- Information obtained in 4.3.4 is used to understand the context and values of Aboriginal object(s) and/or place(s) located on the proposed project site. This information must be integrated with the scientific (archaeological) assessment of significance. Together the context, values, and scientific assessment provide the basis for assessing Aboriginal heritage values and recommending management options.

The information collected by the proponent during the consultation process must be used only to inform decision making for any application for an AHIP, unless the registered Aboriginal parties agree otherwise.

4.3.6- The proponent must seek the views of registered Aboriginal parties on potential management options. Management options will include ways to avoid or mitigate harm and/or conserve known Aboriginal object(s) and/or place(s). Management options should consider how Aboriginal people can continue their association with identified Aboriginal heritage values.

4.3.7- The proponent must document all feedback received in Stage 3 from registered Aboriginal parties in the final cultural heritage assessment report. This must include copies of any submissions received and the proponent's response to the issues raised. In some cases, this may require an acknowledgment of sensitive information and a list of Aboriginal people who should be contacted for permission to receive further details" (DECCW 2010).

Stage 4 – Review of draft cultural heritage assessment report.

Stage 4 states that:

"4.4.1- The proponent must prepare a draft cultural heritage assessment report.

4.4.2- The proponent must provide a copy of the draft cultural heritage assessment report to registered Aboriginal parties for their review and comment.

4.4.3- The proponent must give registered Aboriginal parties a minimum of 28 days from sending the draft report to make submissions. The time allowed for comment on the draft report should reflect the project's size and complexity. Comments should be provided in writing or, where provided verbally, accurately recorded.

4.4.4- After considering the comments received on the draft report the proponent must finalise the report. The final report must include copies of any submissions received, including submissions on the proposed methodology and on the draft report. The final report must also include the proponent's response to each submission. The report must then be submitted to DECCW for consideration with the proponent's application for an AHIP.

4.4.5- The proponent must provide or make available copies of the final cultural heritage assessment report and the AHIP application to registered Aboriginal parties and the relevant LALC(s) (whether or not the LALC is registered in Stage 1). The report and application must be provided or made available within 14 days of the AHIP application being made" (DECCW 2010).

3.2 CONSULTATION SUMMARY

Consultation for this report was undertaken in accordance with National Parks and Wildlife Act 1974: Part 6; *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

All registered stakeholders have been provided with a copy of the Aboriginal Cultural Heritage Assessment Report and Aboriginal Archaeological Technical Report with 28 days to review and respond to the document. These documents have been reviewed and commented on by the Registered Aboriginal Parties (RAPs) and will form the basis of this report as part of understanding the cultural significance of the study area.

A summary has been provided below, however, a full log containing documented evidence and submissions can be seen in Appendix B; Aboriginal Consultation Log; 338 Pitt Street Sydney, Sydney (LGA).

Table 3.1 Consultation Log

STAGE 1						
Authority Letters & Advertisement						
Authority Body/ Organisation	Contact Person	Contact Details	Date Sent	Method	Response Received	Date
Sydney City Council	Heritage Officer	GPO Box 1591, Sydney NSW 2001	14/10/2019	Mail	Yes/Email	25/10/2019
Greater Sydney LLS	Heritage Officer	PO BOX 4515, Westfield Penrith NSW 2750	14/10/2019	Mail	Yes/Email	23/10/2019
Metropolitan Local Aboriginal Land Council	Heritage Officer	PO BOX 1103, Strawberry Hills NSW 2016	14/10/2019	Mail	No	-
NSW Native Title Services	Heritage Officer	PO BOX 2105, Strawberry Hills NSW 2012	14/10/2019	Mail	No	-
NNTT	Heritage Officer	GPO BOX 9973, Sydney NSW 2001	14/10/2019	Mail	Yes/Email	16/10/2019
NTSCORP	Heritage Officer	PO BOX 2105, Strawberry Hills NSW 2012	14/10/2019	Mail	No	-
DPIE (Formerly OEH)	Archaeologist	PO BOX 644, Parramatta NSW 2124	14/10/2019	Mail	Yes/Email	23/10/2019
Office of Registrar	Heritage Officer	PO BOX 112, Glebe NSW 2037	14/10/2019	Mail	No	-
Newspaper Advertisement:	Wentworth Courier	Submitted: 13/11/19		Date printed: 20/11/19		End Period: 04/12/19
Stakeholders Contacted		Minimum 14 days to register		(29/10/2019) - (12/11/2019)		
Name/Organisation	Contact Person	Contact Details	Date Sent	Method	Notes	
La Perouse LALC	Chris Ingre	PO Box 365 Matraville NSW 2036	29/10/2019	Mail		
Darug Land Observations	Anna O'Hara	PO BOX 173, Ulladulla NSW 2539	29/10/2019	Mail		
A1 Indigenous Services	Carolyn Hickey	10 Marie Pitt Pl, Glenmore Park NSW 2745	29/10/2019	Mail		
Eric Keidge		11 Olson Cl, Hornsby Heights NSW 2077	29/10/2019	Mail		
Kamilaroi-Yankuntjatjara Working Group	Phil Khan	78 Forbes St. Emu Plains NSW 2750	29/10/2019	Mail		
Tocomwall	Scott Franks	PO Box 76, Caringbah NSW 1495	29/10/2019	Mail		
Gunyu	Kylie Ann Bell	gunyuuchts@gmail.com	29/10/2019	Email		
Walbunja	Hika te Kowhai	walbunja@gmail.com	29/10/2019	Email		
Badu	Karia Lea Bond	11 Jeffery Pl, Moruya NSW 2537	29/10/2019	Mail		

Goobah Developments	Basil Smith	66 Grantham Rd, Batehaven NSW 2536	29/10/2019	Mail	
Wullung	Lee-Roy James Boota	54 Blackwood St, Gerringong NSW 2534	29/10/2019	Mail	
Yerramurra	Robert Parson	yerramurra@gmail.com	29/10/2019	Email	
Nundagurri	Newton Carriage	nundagurri@gmail.com	29/10/2019	Email	
Murrumbul	Mark Henry	murrumbul@gmail.com	29/10/2019	Email	
Jerringong	Joanne Anne Stewart	jerringong@gmail.com	29/10/2019	Email	
Pemulwuy CHTS	Pemulwuy Johnson	pemulwuyd@gmail.com	29/10/2019	Email	
Bilinga	Simalene Carriage	bilingachts@gmail.com	29/10/2019	Email	
Munyunga	Kaya Dawn Bell	munyungachts@gmail.com	29/10/2019	Email	
Wingikara	Hayley Bell	wingikarachts@gmail.com	29/10/2019	Email	
Minnamunning	Aaron Broad	1 Waratah Ave, Albion Park Rail NSW 2527	29/10/2019	Mail	
Darug Aboriginal Cultural Heritage Assessments	Celestine Everingham	Unit 9/ 6 Chapman Ave, Chatswood NSW 2067	29/10/2019	Mail	
Walgalu	Ronald Stewart	walgachts@gmail.com	29/10/2019	Email	
Thauaira	Shane Carriage	thauairachts@gmail.com	29/10/2019	Email	
Dharug	Andrew Bond	dhargchts@gmail.com	29/10/2019	Email	
Waawaar Awaa	Rodney Gunther	15 Bungonia St. Prestons NSW 2170	29/10/2019	Mail	
Gulaga	Wendy Smith	gulagachts@gmail.com	29/10/2019	Email	
Biamanga	Seli Storer	biamangachts@gmail.com	29/10/2019	Email	DPIE Contact Invalid - Janaya Smith New Contact
Cullendulla	Corey Smith	cullendullachts@gmail.com	29/10/2019	Email	
Murramarang	Roxanne Smith	murramarangchts@gmail.com	29/10/2019	Email	
DJMD Consultancy	Darren Duncan	darrenjohnduncan@gmail.com	29/10/2019	Email	
Butucarbin Aboriginal Corporation	Jennifer Beale	koori@ozemail.com.au	29/10/2019	Email	
Didge Ngunawal Clan	Paul Boyd	33 Carlyle Cres., Cambridge Gardens NSW 2747	29/10/2019	Mail	
Ginninderra Aboriginal Corp	Steven Johnson	PO BOX 3143, Grose Vale NSW 2754	29/10/2019	Mail	

Aragung Aboriginal Cultural Heritage Site Assessments	Jamie Eastwood	33 Bulolo Dr. Whalan NSW 2770	29/10/2019	Mail	
Wailwan Aboriginal Digging Group	Philip Boney	waarlan12@outlook.com	29/10/2019	Email	
Barking Owl Aboriginal Corporation	Jody Kulakowski	2/65-69 Wehlow St. Mt. Druitt NSW	29/10/2019	Mail	
Thoorga Nura	John Carriage	50B Hilltop Crescent, Surf Beach NSW 2536	29/10/2019	Mail	
Darug Boorooberongal Elders Aboriginal Corporation	Paul Hand	PO Box 14, Doonside NSW 2767	29/10/2019	Mail	
B.H. Heritage Consultants	Ralph Hampton	184 Captain Cook Dr. Willmot NSW 2770	29/10/2019	Mail	
B.H. Heritage Consultants	Nola Hampton	95 Mt. Ettalong Rd. Umina Beach NSW 2257	29/10/2019	Mail	
Ngambaa Cultural Connections	Kaarina Slater	6 Natchez Crescent, Greenfield Park NSW 2167	29/10/2019	Mail	
Goodradigbee Cultural & Heritage Aboriginal Corporation	Caine Carroll	1 Morilla Rd. East Kurrajong NSW 2758	29/10/2019	Mail	
Mura Indigenous Corporation	Phillip Carroll	11 Nargal St. Flinders NSW 2529	29/10/2019	Mail	
Registered Organisations/Individuals	Contact Person	Email Address	Date	Method	Notes
Metropolitan LALC	Selina Timothy	culturalheritage@metrolalc.com.au	17/10/2019	Email	
Didge Ngunawal Clan	Paul Boyd	didgengunawalclan@yahoo.com.au	31/10/2019	Email	
Kamilaroi-Yankuntjatjara Working Group	Phil Khan	philipkhan.acn@live.com.au	5/11/2019	Email	
Butucarbin Aboriginal Corporation	Lowanna Gibson	butuheritage@gmail.com	13/11/2019	Email	Attached Letter
STAGE 2 & 3					
ACHAR Methodology (/Test Excavation Methodology)		Minimum 28 days to respond		(21/11/2019) - (19/12/2019)	
Contacted Organisation/Individuals	Contacted by Organisation/Individual	Subject	Date	Method	Notes

All RAPs	AMAC/Yolanda Pavincich	Dispatch ACHAR Research Design/Testing Methodology	21/11/2019	Email	
All RAPs	AMAC/Steven J. Vasilakis	ACHAR Research Design/Testing Methodology Support	27/11/2019	Phone	Kamilaroi/Phil Khan; DNC/Paul Boyd support ACHAR recommendations; Metro LALC/Selina Timothy to review; Butucarbin No response Left Message
Metropolitan LALC/Selina Timothy & Butucarbin/Lowanna Gibson	AMAC/Steven J. Vasilakis	ACHAR Research Design/Testing Methodology Support	2/12/2019	Phone	Metro LALC to review today & reply; Butucarbin no response/left message
AMAC/Steven J. Vasilakis	Metropolitan LALC/Selina Timothy & Kamilaroi/Phil Khan	ACHAR Research Design/Testing Methodology Support	2/12/2019	Email	MLALC/Selina Timothy & Kamilaroi/Phil Khan support ACHAR Recommendations
AMAC/Steven J. Vasilakis	Butucarbin/Lowanna Gibson	ACHAR Research Design/Testing Methodology Support	9/12/2019	Email	Supports ACHAR Recommendations
STAGE 4					
ACHAR Report		Minimum 28 days to respond		(19/12/2019) - (16/01/2020)	
Contacted Organisation/ Individuals	Contacted by Organisation/ Individual	Subject	Date	Method	Notes
All RAPs	AMAC/Yolanda Pavincich	Dispatch ACHAR Report	19/12/2019	Email	
AMAC/Yolanda Pavincich	Kamilaroi/Phil Khan	ACHAR Report Review	24/12/2019	Email	Supports Recommendations
MLALC/Butucarbin/DNC	AMAC/Steven J. Vasilakis	ACHAR Report Review	8/01/2020	Phone	DNC supports ACHAR; MLALC to review; Butucarbin no response
MLALC/Butucarbin	AMAC/Steven J. Vasilakis	ACHAR Report Review	13/01/2020	Phone	MLALC not available; Butucarbin no response

4.0 BACKGROUND INFORMATION

Pre-field work research consisted of an analysis and synthesis of the background data to determine the nature of the potential archaeological and cultural heritage resource in the region.

The research of this cultural heritage assessment consisted of stages which are listed below:

- Background research;
- Aboriginal consultation and oral history interviews;
- Site inspection and cultural heritage mapping;

Background research entailed a detailed review of sources of information on the history, oral history, ethno-history and archaeological background of the study area and surrounds and will include but not be limited to material from:

- DPIE archaeological assessment and excavation reports and cultural heritage assessments;
- DPIE Library;
- State Library of NSW including the Mitchell Library;
- Local libraries and historical associations;
- National Library of Australia.

A search of the DPIE AHIMS was undertaken and the results examined. The site card for each site within 1000m in all directions from the centre of the study area was inspected (where available) and an assessment made of the likelihood of any of the sites being impacted by the proposed development. The DPIE library of archaeological reports (Hurstville) was searched and all relevant reports were examined. Searches were undertaken on the relevant databases outlined in *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010);

Further to this the following sources were examined:

- The National Heritage List;
- The Commonwealth Heritage List;
- The NSW State Heritage Inventory;
- The Register of the National Estate;
- The National Native Title Register;
- The Register of Declared Aboriginal Places;
- Prevailing local and regional environmental plans;
- Environmental background material for the study area.

4.1 AHIMS SEARCH RESULTS

The Archaeological Heritage and Information Management System Database (AHIMS) is located at the DPIE Offices at Hurstville in New South Wales. This database comprises information about all the previously recorded Aboriginal archaeological sites registered

with DPIE. Further to the site card information that is present about each recorded site, the assessments and excavation reports that are associated with the location of many of these sites are present in a library of reports.

The location of these sites shown (Figure 4.1) must be viewed as purely indicative as errors in the recording of the locations of sites often occurs due to the disparate nature of the recording process, the varying level of experience of those locating the sites and the errors that can occur when transferring data. If possible, sites that appear to be located near a study area should be relocated.

An AHIMS extensive 1km search was conducted on 16th October 2019 (ID 456948). This search resulted in 13 registered sites within 1000m of the study area, 2 of which have been indicated as not sites. The following table is comprised of the results listed from the extensive search.

Table 4.1 AHIMS Search Results

Site ID	Site name	Site status	Site features
45-6-2580	Junction Lane	Valid	Artefact
45-6-2637	George street 1	Valid	Artefact
45-6-2651	William St PAD	Valid	Potential Archaeological Deposit (PAD)
45-6-2647	KENS Site 1	Valid	Artefact, Potential Archaeological Deposit (PAD)
45-6-2652	Ultimo PAD 1	Valid	Potential Archaeological Deposit (PAD)
45-6-2663	Mountain Street Ultimo	Valid	Artefact, Potential Archaeological Deposit (PAD)
45-6-2687	Crown Street PAD 1	Valid	Potential Archaeological Deposit (PAD)
45-6-2838	420 George Street PAD	Not a Site	Potential Archaeological Deposit (PAD)
45-6-2979	UTS PAD 1 14-28 Ultimo Rd Syd	Valid	Potential Archaeological Deposit (PAD)
45-6-2987	Poultry Market 1	Valid	Artefact 1
45-6-3152	168-190 Day Street, Sydney PAD	Not a Site	Potential Archaeological Deposit (PAD)
45-6-3217	Darling Central Midden	Valid	Aboriginal Ceremony and Dreaming1, Artefact 1, Shell 1
45-6-3654	CRS AS 01 (Central Railway Station Artefact scatter 01)	Valid	Artefact

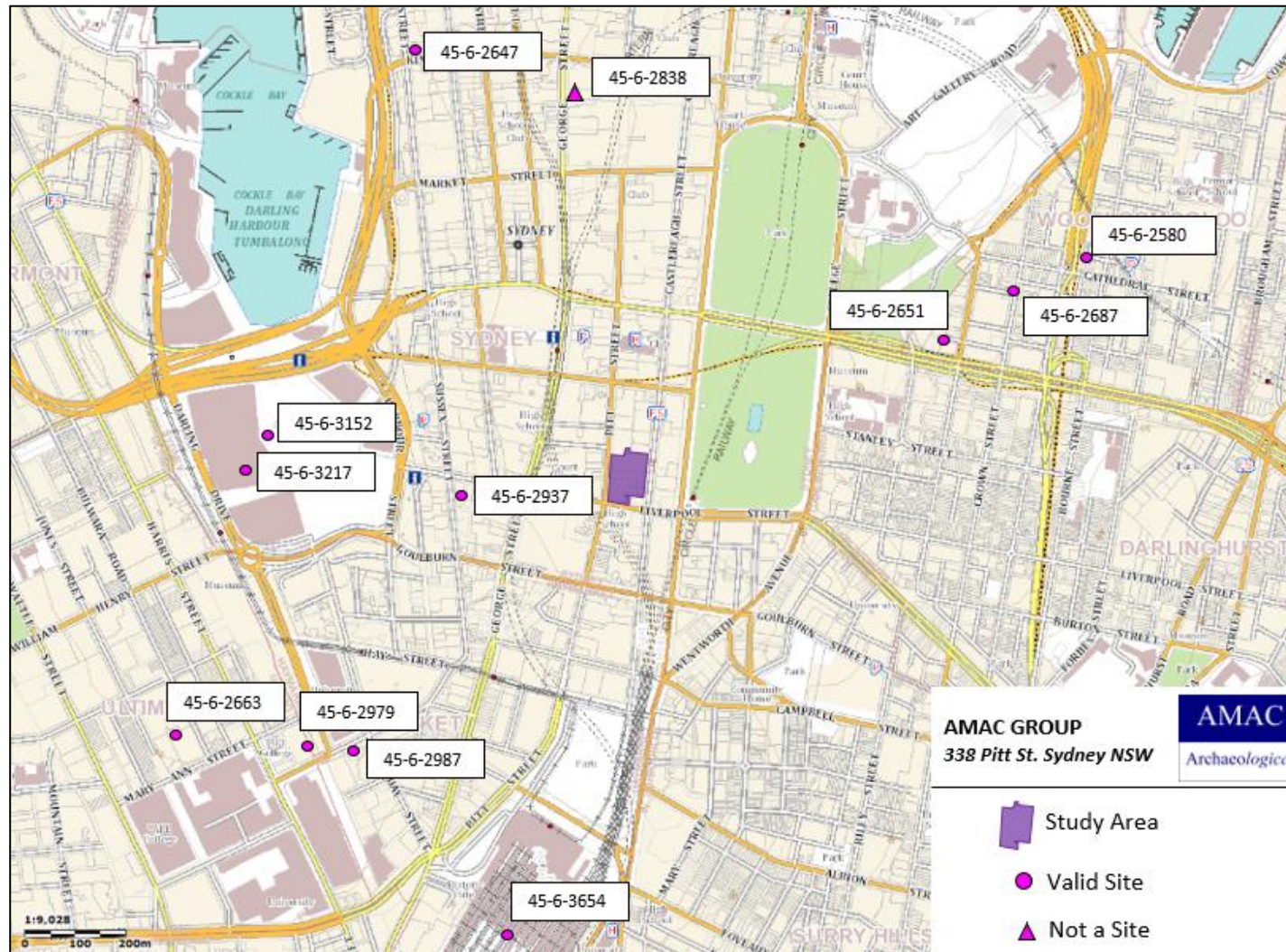
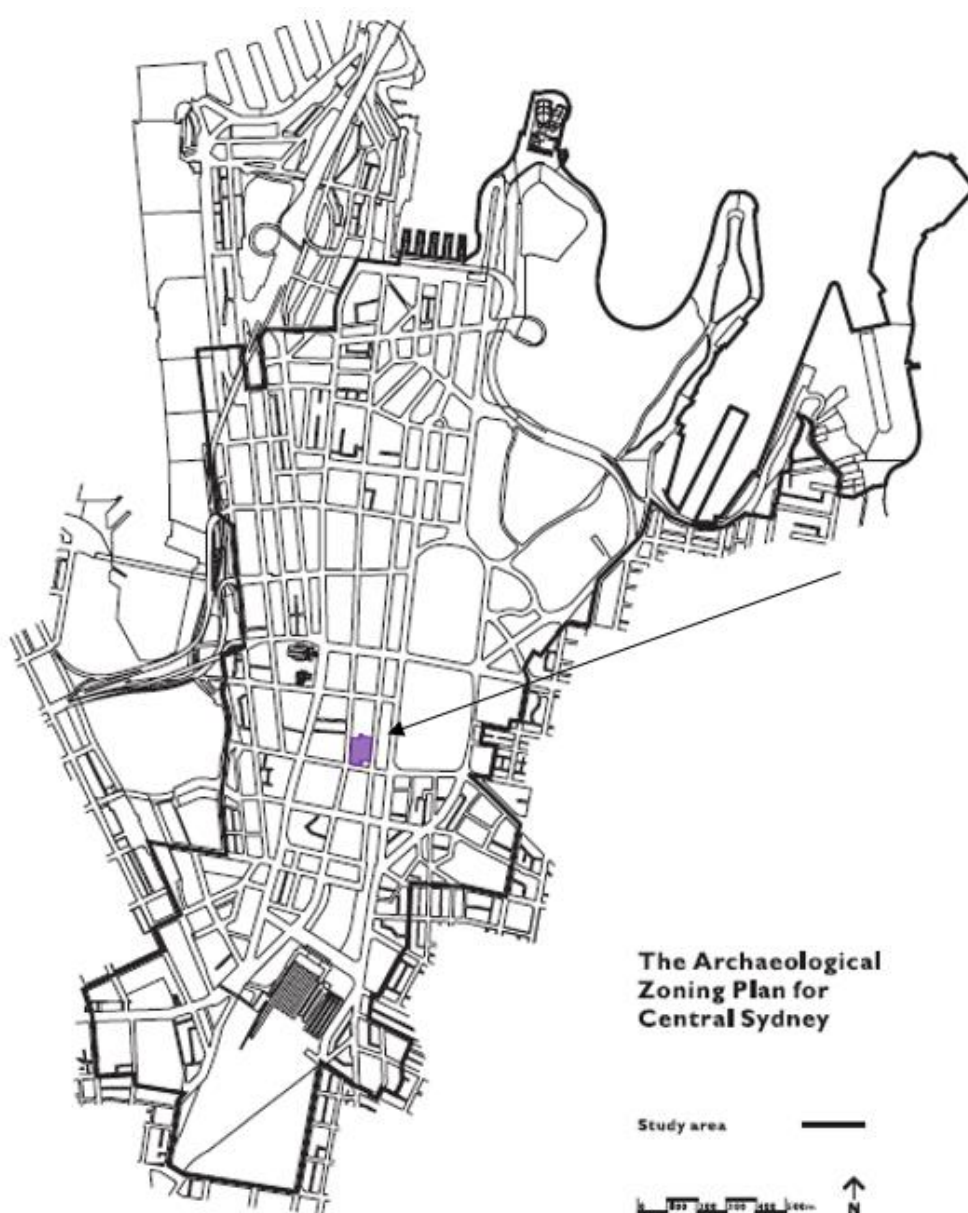


Figure 4.1 AHIMS search results.
Registered sites indicated in pink with the study area indicated in purple. DPIE AHIMS (2019).

4.2 OTHER SEARCH RESULTS

Results for other statutory databases searched are given below;

Heritage Listings/ Register/ Other	Result
National Heritage List	Not Listed
Commonwealth Heritage List	Not Listed
NSW State Heritage Register	Not Listed
Register of Declared Aboriginal Places	Not Listed
National Native Title Register	Not Listed
The Central Sydney Archaeological Zoning Plan (1997)	Listed



4.3 SUMMARY OF ARCHAEOLOGICAL PREDICTIVE MODEL FOR THE REGION

Predictive modelling is an adaptive process which relies on a framework formulated by a number of factors, including but not limited to the use of local land systems, the environmental context, archaeological work and any distinctive sets of constraints that would influence land use patterns. This is based on the concept that different landscape zones may offer different constraints, which is then reflected in the spatial distributions and forms of archaeological evidence within the region (Hall and Lomax 1996).

Early settlement models focused on seasonal mobility, with the exploitation of inland resources being sought once local ones become less abundant. These principles were adopted by Foley (1981) who developed a site distribution model for forager settlement patterns. This model identifies two distinctive types of hunter and gatherer settlements; 'residential base camps' and 'activities areas.' Residential base camps are predominately found located in close proximity to a reliable source of permanent water and shelter. From this point the surrounding landscape is explored and local resources gathered. This is reflected in the archaeological record, with high density artefact scatters being associated with camp bases, while low density and isolated artefacts are related to the travelling routes and activity areas (Foley 1981).

However, more recently, investigation into understanding the impacts of various episodes of occupation on the archaeological record has been explored, of which single or repeated events are being identified. This is often a complex process to establish, specifically within predictive models as land use and disturbance can often result in post depositional processes and the superimposition of archaeological materials by repeated episodes of occupation.

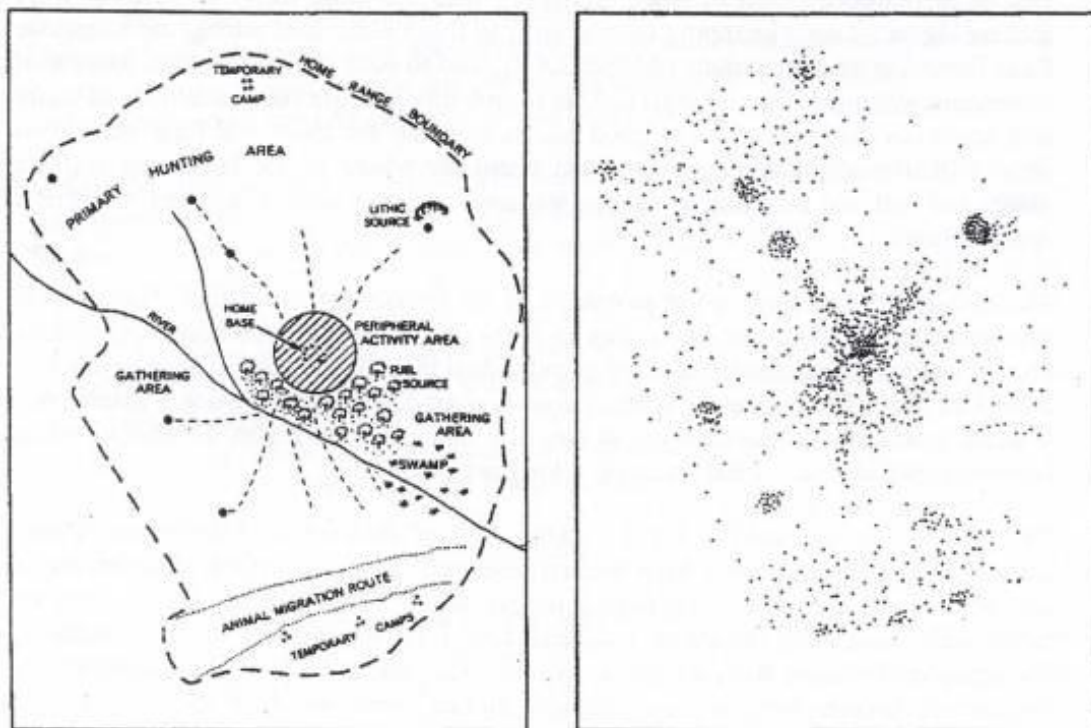


Figure 4.2 Examples of forager settlement patterns.
Foley (1981).

The principals behind this model have been incorporated into other predictive models such as that of McBryde (1976). McBryde's model is centred on the utilisation of food resources as a contributor to settlement patterns, specifically with reference to the predictability and reliability of food resources for Aboriginal people within the immediate coastal fringe and/or hinterland zone, with migratory behaviour being a possibility. Resources such as certain species of animals, particularly; small marsupials and reptiles, plant resources and nesting seabirds may have been exploited or only available on a seasonal or intermittent basis. As such, archaeological sites which represent these activities whilst not being representative of permanent occupation may be representative of brief, possibly repeated occupation.

Jo McDonald and Peter Mitchell have since contributed to this debate, with reference to Aboriginal archaeological sites and proximity to water using their Stream order model (1993). This model utilises Strahler's hierarchy of tributaries. This model correlates with the concept of proximity to permanent water and site locations and their relationship with topographical units. They identify that artefact densities are greatest on terraces and lower slopes within 100m of water.

Intermittent streams however, also have an impact on the archaeological record. It was discovered that artefacts were most likely within 50 – 100m of higher (4th) order streams, within 50m (2nd) order streams and that artefact distributions around (1st) order streams was not significantly affected by distance from the watercourse. Landscapes associated with higher order streams (2nd) order streams were found to have higher artefact densities and more continuous distribution than lower order streams.

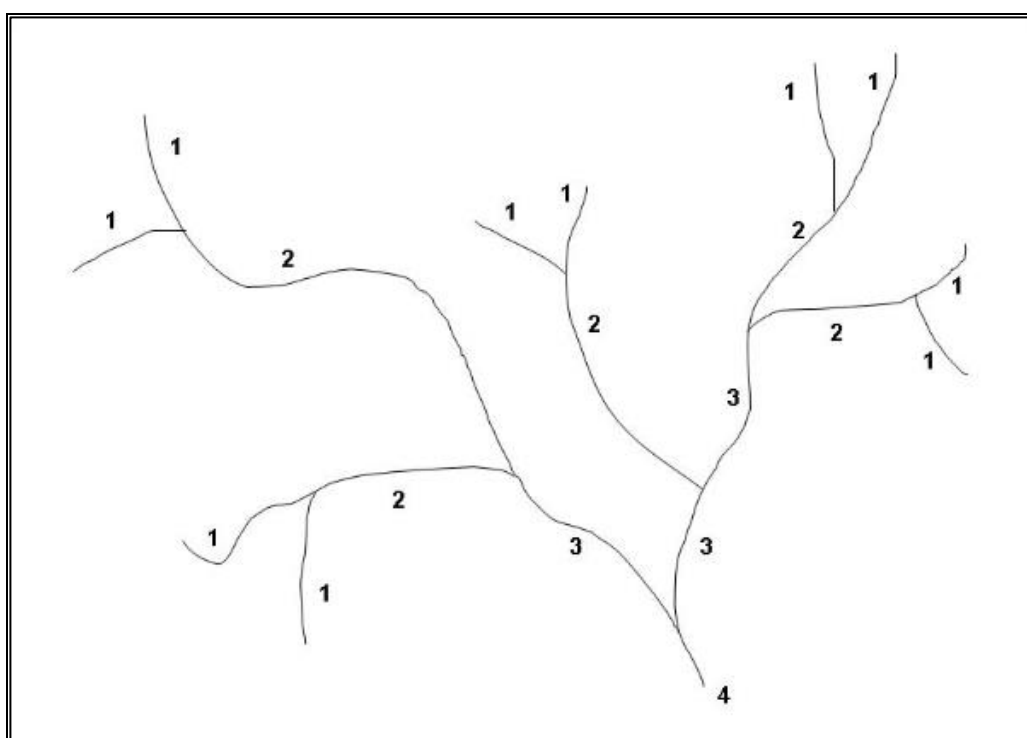


Figure 4.3 Strahler's hierarchy of tributaries.
Strahler (1957).

Table 4.2 Relationship between landscape unit and site distribution for region

Landscape Unit /Site types	Site Distribution and activity
1st order stream	Archaeological evidence will be sparse and reflect little more than a background scatter
Middle reaches of 2nd Order Stream	Archaeological evidence will be sparse but focus activity (one off camp locations, single episodes and knapping floor)
Upper reaches of 2nd order stream	Archaeological evidence will have a relatively sparse distribution and density. These sites contain evidence of localised one-off behaviour.
Lower reaches of 3rd order stream	Archaeological evidence for frequent occupation. This will include repeated occupation by small groups, knapping floors (used and unused material) and evidence of concentrated activities.
Major creeklines 4th order streams	Archaeological evidence for more permanent or repeated occupation. Sites will be complex and may be stratified with a high distribution and density.
Creek junctions	This landscape may provide foci for site activity, the size of the confluence in terms of stream rankings could be expected to influence the size of the site, with the expectation of there being higher artefact distribution and density.
Ridge top locations between drainage lines	Ridge Tops will usually contain limited archaeological evidence, although isolated knapping floors or other forms of one-off occupation may be in evidence in such a location.
Raw Materials near water-sources	The most common raw materials are silcrete and chert in sites closer to coastal headlands, though some indurated mudstone/silicified tuff and quartz artefacts may also be found.
Grinding Grooves	Grinding Grooves may be found in the sandstone or shale/sandstone transition areas.
Scarred trees -	May occur in stands of remnant vegetation.
Ceremonial Sites	Consultation with relevant Aboriginal Stakeholder groups, individuals and review of ethnographic sources often reveal the presence of ceremonial or social sites.

This predictive model has been refined with focus on the dominant environment and landscape zones of the Cumberland Lowlands, such as the Wianamatta Group Shales, Hawksbury Sandstone, Quaternary alluvium, Quaternary Aeolian and Tertiary alluvium. Attenbrow (2002) discovered that the Quaternary alluvial deposits had a greater concentration of archaeological sites, which is likely the result of these deposits being located towards major creeklines and rivers, such as Eastern Creek, Second Ponds Creek etc. Areas of alluvial deposits were found by Kohen (1986) to contain artefact scatters of a large and complex nature the closer they were to permanent creeks.

Umwelt (2004), have identified similar environmental – archaeological relationships which contribute to the mapping and modelling of archaeological sites, such as;

- The pattern of watercourses and other landscape features such as ridge lines affected the ease with which people could move through the landscape;
- Certain landscape features such as crests or gently sloping, well-drained landforms influenced the location of camping places or vantage points that provided outlooks across the countryside;
- The morphology of different watercourses affected the persistence of water in dry periods and the diversity of aquatic resources and so influenced where, and for how long, people could camp or procure food;
- The distribution of rock outcrops affected the availability of raw materials for flakes and ground stone tools;
- The association of alluvial, colluvial and stable landforms affects the potential that sites will survive;
- European land-use practices affect the potential for site survival and/or the capacity for sites to retain enough information for us to interpret the types of activities that took place at a specific location.

The Aboriginal Cultural Heritage Data Audit (DOP, 2005) produced the following table as part of the NSW Comprehensive Coastal Assessment Toolkit (DOP, 2005) which made the following statements outlined in table 4.3 about the predictive location of Aboriginal sites in Coastal NSW. These statements support the conclusions drawn in the following predictive model established for the study area. The study makes one very important claim which is that Aboriginal Ceremonial or Dreaming Sites can only be identified by Aboriginal community knowledge.

All models state that the primary requirement of all repeated, concentrated or permanent occupation is reliable access to fresh water. Brief and possibly repeated occupation may be represented in areas that have unreliable access to ephemeral water sources, however these areas will not possess a high archaeological potential (Goodwin 1999).

Table 4.3 Aboriginal Cultural Heritage Data Audit, Predictive Modelling for Coastal Aboriginal Sites, NSW.

Site Type	Archaeological/ Predictive Modelling
Aboriginal Ceremony and Dreaming Sites	Can only be identified on the basis of Aboriginal community knowledge.
Aboriginal Resource and Gathering Sites	Can occur at any location where plant and animal target species are found at present or were available in the past.
Art Sites:	All rock paintings or drawings and some rock engravings will occur within rock shelters/overhangs, most commonly within sandstone cliff lines and in granite boulder fields. Rock engravings may occur wherever there are suitable rock-surface exposures.
Artefacts:	Will occur in all landscapes with varying densities. Artefacts of greatest scientific significance will occur in stratified open contexts (such as alluvial terraces, sand bodies) and rock shelter floors.
Burials:	Most likely (but not always) to be buried in, or eroding from, sandy soils. Can occur within rock shelters/overhangs, most commonly within sandstone cliff lines and in granite boulder fields.
Ceremonial Ring Sites:	Environmental factors may be of particular importance in site location including association with sources of water, ridges, unstructured soils and geological boundaries. Distance to adjacent ceremonial ring sites may influence site location.
Conflict Sites:	Can only be identified on the basis of historical records and community knowledge.
Grinding Grooves:	Most likely to occur on surface exposures of sandstone. Occasionally occur within sandstone rock shelters.
Modified Trees	Will only occur where target tree species survive and if these are of an age generally greater than 100 years old.
Non-Human Bone and Organic Material Sites:	Will occur in any surface or buried context where preservation conditions allow. Most commonly survive in open shell midden sites and in rock shelter floor deposits.
Ochre Quarry Sites:	Can occur at any location where suitable ochre sources are found, either as isolated nodules or as suitable sediments (clays).
Potential Archaeological Deposits:	Can occur in all landscape types. PADs of greatest scientific significance will occur in stratified open contexts (such as alluvial terraces, sand bodies) and rock shelter floors.
Shell Middens:	Will occur as extensive packed shell deposits to small shell scatters in all coastal zones along beaches, headlands and estuaries, both in open situations and in rock shelters. May occur along rivers and creeks where edible shellfish populations exist or existed in the past.
Stone Arrangements	Tend to be on high ground, often on the tops of ridges and peaks commanding views of the surrounding country. Often situated in relatively inaccessible places.
Stone Quarry Sites:	Can occur at any location where suitable raw materials outcrop, including pebble beds/beaches.
Waterholes	May occur within any river or creek. Rare examples may occur in open exposures of rock.

4.4 ARCHAEOLOGICAL PREDICTIVE MODEL FOR THE STUDY AREA

Site Type	Research	Likelihood
Open Artefact Scatters	Higher order streams are located within the vicinity of the study area. The dearth of known reliable raw material source within nearby landscape units, would suggest that the artefacts may be significant in number but smaller in size, on account to greater levels of stone tool reduction. Excavations in the vicinity of the study area indicate the presence of deposits that are suggestive of concentrated and repeated occupation.	Likely within undisturbed parts of the study area.
Isolated Artefacts	Higher order streams are located within the vicinity of the study area. The dearth of known reliable raw material source within nearby landscape units, would suggest that the artefacts may be significant in number but smaller in size, on account to greater levels of stone tool reduction. Excavations in the vicinity of the study area indicate the presence of deposits that are suggestive of concentrated and repeated occupation.	Likely within undisturbed parts of the study area.
Grinding Grooves	Boulders of sandstone or outcrops can occur in the landscape, generally near watercourses.	Unlikely, none in area.
Stone Resource Sites	Rock outcrops of suitable flaking material are almost absent from the soil landscapes represented within the study area.	Unlikely
Scarred Trees	Trees of sufficient age are not located within the study area due to land clearing.	Unlikely
Sandstone Shelters	The soil landscapes of the study area do not contain sandstone overhangs	Unlikely
Burials	Undisturbed sandy loam deposits do not lie within the study area and the soil landscapes in which the study area is located are generally acidic. Skeletal remains tend to decompose very quickly in acidic soil profiles.	Unlikely
Ceremonial Sites	Consultation with relevant Aboriginal parties and individuals is taking place, however it is possible that such information may become available in the future as a result of further consultation	Possible that Ceremonial/Social sites will be present within the study area

4.5 ARCHAEOLOGICAL CONTEXT

It is generally accepted that Aboriginal occupation of Australia dates back at least 40,000 years (Attenbrow 2002 p.20 - 21 & Kohen et. al. 1983). The result of this extensive and continued occupation which includes the Sydney region has left a vast amount of accumulated depositional evidence and the Cumberland Lowlands is no exception. The oldest date generally considered to be reliable for the earliest occupation around the region comes from excavations at Parramatta which contain objects or features which have been dated to 30,735 ± 407 BP (McDonald et al 2005).

The majority of reliably dated archaeological sites within the region are less than 5,000 years old which places them in the mid to late Holocene period. A combination of reasons has been suggested for this collection of relatively recent dates. There is an argument that an increase in population and 'intensification' of much of the continent took place around this time, leading to a great deal more evidence being deposited than was deposited as a result of the sparser prior occupation period. It is also the case that many archaeological sites along the past coastline may have been submerged as the seas rose approximately to their current level around 6,000 years ago. This would have had the effect of covering evidence of previous coastal occupation. In addition, it is also true that the acidic soils which are predominate around the Sydney region do not allow for longer-term survival of sites (Hiscock 2008 p. 106).

Different landscape units not only influence the preservation of sites but can determine where certain site types will be located. Across the whole of the Sydney Basin, the most common Aboriginal archaeological site type is occupation evidence within Rock Shelters. However, the most common Aboriginal archaeological site type in the Cumberland Lowlands is Open Artefact Scatters or Open Campsites, which are locations where two or more pieces of stone show evidence of human modification. These sites can sometimes be very large, with up to thousands of artefacts and include other habitation remains such as animal bone, shell or fireplaces [known as *hearths*] (Attenbrow 2002 p. 75 – 76). Many hundreds of artefact sites have been recorded within the Cumberland Lowlands. This is despite the fact that at least 50% of the Cumberland Lowlands has already been developed to such an extent that any archaeological evidence which may have once been present has been destroyed.

4.6 THE GADIGAL AND WANGAL NATION

It is estimated that around 250 distinct languages were in use throughout the Australian continent at the time of contact. The exact number cannot be known for certain, however 250 is a conservative estimate. These languages fell within two language groups; the *Pama-Nyungan* and *Non Pama-Nyungan* languages. Knowledge of the different language groups in a given area is variable. Early European recordings noted the names of particular Aboriginal individuals and groups, but were not always clear about which named groups represented a language rather than some other social grouping (Hardy and Streat 2008).

The Gadigal and Wangal extended from Darling Harbour to South Head, including some of the lower parts of Port Jackson (Casey & Lowe, 2014). Within these large language groups resource access and ownership was centred on extended family groups or 'clans' which appear to have had ownership of land (Attenbrow 2002). As it was unlikely to be acceptable to find sexual partners within the family grouping and for other reasons such as resource sharing, a number of clans would often travel together in a larger group.

These groups are referred to as *bands*. Whether the clan or the band was the most important group politically to an individual is likely to have varied from place to place. Group borders were generally physical characteristics of the landscape inhabited, such as waterways or the limits of a particular resource. Groups also shared spiritual affiliations, often a common dreaming ancestor, history, knowledge and dialect (Hardy 2008).

Other physical practices included farming in the form of land clearing. This was conducted through the burning of grasslands in order to encourage new growth which attracted local game. Based on the predominance of rock shelters found within the

Hawkesbury sandstone landscape, it is also evident that natural rock overhangs were utilised as an alternate place of temporary and/or repeated occupation. However, open camps were the preferred site due to spiritual beliefs surrounding the collapse of rock shelters if spirits were not appeased.

A wide variety of activities comprised the lifestyle of the Aboriginal groups. Some behaviours leave traces which can be retrieved by archaeological study of material remains. Many of these can only be reconstructed by oral history, observations of European explorers and ethnologists, and other forms of past recording such as photography or art. Some of the details of the complexity and sophistication of the past lifestyles of Aboriginal people in the area have been lost, but many can be reconstructed using the sources available.

4.7 PREVIOUS ARCHAEOLOGICAL INVESTIGATIONS NEAR THE STUDY AREA

As part of the research process of this report the library of archaeological assessments, test excavation and open area salvage excavation reports which is located at the offices of DECCW at Hurstville was consulted. Presented below are summaries of indigenous archaeological survey assessments, test excavations and salvage excavations in the vicinity of the study area, which have all been carried out. This list is by no means exhaustive and is merely a representative sample of archaeological activity within the vicinity of the study area.

V. Attenbrow (1984) – Sheas Creek midden

In 1984, Attenbrow conducted excavations at Sheas Creek (now Alexandria Canal) which resulted in two shell horizons. Artefacts were located within these horizons consisting of stone axes and butchered bones. The bones were later tested and found to date to $5,520 \pm 70\text{BP}$.

Crew, David (1991) – Aboriginal Archaeological Assessment – Archaeological Survey for Aboriginal Sites of the Botany Wetlands, Sydney NSW

In 1991, David Crew conducted an Aboriginal Archaeological Assessment within the Botany Wetlands. The report identified that the Lachlan Swamps System, which extends across much of the Centennial Parklands provided a significant freshwater resource area flanked by 25m sand dunes and in close proximity to the sheltered estuary at Botany Bay for Aboriginal occupation. It concluded that Aboriginal archaeological evidence such as occupation and burial sites have the potential to survive in areas which are less disturbed during historical settlement activities. Crew also reports on the 1982 Aboriginal skeletal remains that were identified in the Botany Wetlands at Eastlakes Golf Course.

Godden Mackay Pty Ltd and Austral Archaeology Pty Ltd (1995) – Aboriginal Archaeological Assessment – Prince of Wales Hospital Excavation, NSW Department of Health

In 1995, Godden Mackay (GM) and Austral Archaeology (AA) prepared an Aboriginal Archaeological Assessment as part of a historical archaeological excavation at the Prince of Wales Hospital. During the historical excavations three roughly circular shaped hearths with burnt sandstone manuports were identified. Carbon 14 dating and thermoluminescence were used to date one of the hearths (Feature 203) and dated to $7860 \pm 50\text{BP}$ and $8400 \pm 800\text{BP}$ respectively. In addition, residue analysis on one of

the hearth stones from Feature 203 indicated high amounts of fatty acids probably belonging to a freshwater fish that had been cooked on this hearth.

Additional sandstone manuports were also identified though not clearly associated to a defined hearth. The report indicated that these sandstone manuports are evidence of local Aboriginal occupation based on the 'assumption that pieces of stone in an aeolian sand dune can have no method of transport other than human' (GM & AA 1995: 29). Ten flaked artefacts of white, banded indurated stone (unknown source) were also identified during the excavations, with the report noting the unusual absence of silcrete. The report suggested that the small number of flaked stone artefacts indicates that the site was probably a short-term settlement and subsistence type formed under conditions of high human mobility (GM & AA 1995: 40).

Godden Mackay Heritage Consultants (1997) – Aboriginal Archaeological Monitoring – Eastern Distributor, Moore Park NSW

In 1997, Godden Mackay conducted Aboriginal archaeological monitoring along the western boundary of Moore Park. The test pits were excavated to a depth of 2.2m and resulted in no evidence of Aboriginal habitation. The investigation indicated that this area of Moore Park was highly disturbed with introduced fill between 40cm and 150cm present across the site.

In addition, the report included details from geotechnical investigations conducted during the construction of the Eastern Distributor in the Moore Park Precinct. The results of these investigations indicated that fill between 1m and 4.7m deep extended along some parts of Moore Parks' western end. South of the Moore Park Precinct (south of Charles St. Redfern), sand dunes between 15m to 20m thick were reported. Close to Charles Street, lake deposits and freshwater swamp peat was located in the A Horizon between 1m to 3m thick and 13m to 17m below the present ground level and increasing to 5m below ground level in the vicinity of Maddison Street.

Australian Museum Business Services (2002) – Aboriginal Archaeological Assessment – Centennial Parklands Conservation Management Plan

In 2002, Australian Museum Business Services (AMBS) prepared an Aboriginal archaeological assessment as part of an investigation for Aboriginal land and resource use in Centennial, Moore and Queens Parks for the Centennial Parklands Conservation Management Plan. The assessment discussed previously identified Aboriginal sites, including a rock-shelter with 27 white human hand stencils at Queens Park, rock engravings (now destroyed) at Darvall Street and one artefact found at the Sydney Cricket Ground which is now stored at the Australian Museum collection.

AMBS indicated that it is likely that Aboriginal archaeological evidence may survive in areas beneath buildings, ponds, and landfill that are now present across the Centennial Parklands. The assessment also suggested that it is possible that additional rock engravings may have been exposed in areas of currently covered sandstone outcrops during periods in the past when these outcrops were exposed.

Archaeological & Heritage Management Solutions 2003 – Test Excavation – William Henry & Harris St's, Ultimo

Archaeological & Heritage Management Solutions conducted an Aboriginal test excavation programme in 2003. This was in response to the proposed Ultimo Aquatic Centre development. A total of 12 (1m x 1m) test trenches were excavated within the boundary of the development and identified PADs. Only remanent A and A2 horizon

were identified (artefact bearing layer), however, no artefacts were recovered from any of the test trenches.

Jo McDonald Cultural Heritage Management (2005) – Archaeological Testing and Salvage Excavation – Discovery Point, NSW

In 2005, Jo McDonald Cultural Heritage Management conducted excavations at Discovery Point to the southwest area of Tempe House. The excavation was divided into three phases during the course of archaeological activities; 1) across the proposed carpark, backhoe testing to the water-table depth to establish whether intact cultural material present; 2) If stone artefacts identified during backhoe work, test pits to be hand excavated; and 3) to retrieve a sample of cultural materials for analysis, open area salvage excavations. A number of intact natural soil horizons were located consisting of black sand, a light grey sand layer, overlaying a mottled sand/coffee rock. Three hundred and eighty-nine artefacts were excavated the majority recovered from the light grey sand layer.

It was concluded that the site constituted an extensive, low density artefact scatter. The excavation of a charcoal feature that was subsequently radiocarbon dated was calibrated to ca. 10,700 BP and classified as the earliest date of Aboriginal occupation along the Sydney Basin's eastern coastal strip. As a result, it was suggested that people have been repeatedly visiting Discovery Point, for thousands of years.

Dominic Steele Consulting Archaeology (2006) – Aboriginal Heritage Assessment – Randwick Racecourse, Randwick NSW

In 2006, Dominic Steele Consulting Archaeology was commissioned to prepare an Aboriginal heritage assessment as part of a conservation management plan for Randwick Racecourse. It is reported that the site has had widespread environmental and landscape modification and subsequently concluded that due to the high disturbance levels it was unlikely that any surface and/or subsurface Aboriginal archaeological evidence would be located across most of the site. However, it was advised that a large sand dune to the southeast of the racecourse with a height of over 20m may have archaeological evidence in deeper sand dune contexts, possibly as much as several thousand years old, and was identified as high Aboriginal archaeological sensitivity.

Cultural Heritage Connections, (2007) – Indigenous Archaeological Investigation for Proposed Upgrade of Beare Park & Kings Cross Rotary Park, Elizabeth Bay

In May 2007, Cultural Heritage Connections were commissioned to conduct an Indigenous archaeological investigation of potential impacts from the proposed upgrade of the Beare Park & Kings Cross Rotary Park, Elizabeth Bay. The assessment identified that the study site was located within reclaimed land suggesting the highly disturbed context of the area and therefore concluded no impediment to the proposed development on Aboriginal archaeological grounds.

Comber Consultants Pty Ltd 2008 – Aboriginal Archaeological & Cultural Heritage Assessment – Darling Walk, Darling Harbour

Comber Consultants Pty Ltd, conducted an Aboriginal Archaeological & Cultural Heritage Assessment in 2008. This was in response to the proposed upgrade of the Darling Walk at Darling Harbour. As part of this assessment, a site inspection took place, however, it resulted in no new or known sites identified. Research indicated that there was the potential for objects and deposits of archaeological and/or cultural value to be present within the development area. This area was identified as a tidal zone with the potential original shoreline being present and if so, evidence of past occupation may be

present. Therefore, a programme of subsurface test excavation was proposed within the area where the basement would be located.

Jo McDonald Cultural Heritage Management (2010) – Royal Sydney Golf Club

Excavations were conducted by JMCHM resulting in several human remains as well as over 5,700 artefacts. It was evident through testing that the Tuggerah Dune-field has been truncated – although disturbed still maintained Aboriginal objects and features. The assemblage was seen to be of middle to late Bondaian age predominately consisting of quartz and FGS material. More recently, work within the Botany Lowlands physiographic region at the Randwick Stabling Yard has recovered some 32,000 stone ‘items’ (including complete and broken tools, as well as flaked debitage and unworked stone/manuports), though the results of this study have yet to be published or verified (Sydney Morning Herald, 30 March 2016; Transport for NSW 2017).

Comber Consultants Pty Ltd 2011 – Aboriginal Archaeological & Cultural Heritage Assessment – Johnstons Stormwater Canal, Darling Harbour

Comber Consultants Pty Ltd, conducted an Aboriginal Archaeological & Cultural Heritage Assessment in 2011. This was in response to the proposed shared pathway project which connects to an existing shared pathway on the north-eastern side of Johnstons Stormwater Canal at Blackwattle Bay to the existing shared pathway south of Wigram Road. A site inspection of the proposed shared pathway and background research confirmed that the study area is in reclaimed land and therefore no Aboriginal objects and/or deposits of cultural and archaeological significance is expected to exist within the study area.

Biosis 2012 – Test Excavation– The Quay Project, Haymarket

Biosis conducted a programme of test excavation in 2012. This was in response to the proposed mixed-use development in Haymarket. A total of 5 (50cm x 50cm) test pits were excavated across the study area where intact A horizon were identified. A high level of disturbance was evident across the site and as such, no Aboriginal artefacts and/or deposits were recovered during the testing programme. However, during the European historical excavations, an isolated find was located (Site 45-6-2987). This artefact came from a highly disturbed context. It was proposed that an AHIP be sought in order for the development to proceed.

Godden Mackay Logan 2014 – Post excavation Report – 200 George Street, Sydney

Godden Mackay Logan (GML) conducted, both historical and Aboriginal test excavation in 2013. The study area was initially recorded as a PAD 45-6-3081, the excavation of eight pits revealed no Aboriginal objects of heritage value, however, it did locate sediments associated with the original shoreline towards the northern end of the study area. The majority of the area consisted of exposed bedrock with little intact natural upper soil deposits, of those discovered it was determined that the stepped sandstone and highly organic estuarine soils would have made it unsuitable to Aboriginal people or unsuitable for conserving an archaeological signature relating to any activity that did occur.

Artefact Heritage (2014) – Aboriginal Heritage Management Assessment – CBD and South East Light Rail Project: Construction Heritage Management Plan for the Moore Park Works

In 2014, as part of the CBD and South East Light Rail Project (CSELR), Artefact Heritage carried out an Aboriginal Heritage Impact Assessment at Moore Park. The

Tramway Oval and Tennis Centre formed part of the investigation of the Moore Park Works. Based on geotechnical investigations at the Tramway Oval Site, the following archaeological implication was concluded. Due to the removal of the upper sand layers that may have contained Aboriginal objects, it is likely that the site is culturally sterile and Aboriginal archaeological test excavation not warranted.

Dominic Steele Consulting Archaeology 2015 – Due Diligence – Biome RBG

Dominic Steele Consulting Archaeology conducted an Aboriginal archaeological due diligence assessment in 2015. This report assesses the Aboriginal archaeological and cultural potential for the proposed electrical substation and cabling for Ausgrid within the Royal Botanic Garden. This desktop study resulted in no Aboriginal sites and/or objects being identified and that the proposed works had a minimal probability of impacting on any significant objects and/or intact deposits.

Archaeological & Heritage Management Solutions 2015 – Aboriginal and Historical Heritage Review – Central to Eveleigh Corridor, Sydney

Archaeological & Heritage Management Solutions (AHMS), conducted an Aboriginal and Historical heritage review in 2015. This was in response to investigations concerning redevelopment options within the stretch of land known as the Central to Eveleigh Corridor. Community consultation took place as part of this review and as a result, it was proposed that an archaeological assessment and associated archaeological zoning plan will need to be devised in order to inform future management, as well as, an interpretation strategy including an oral history programme focusing on urban communities and heritage places.

Archaeological Management & Consultancy Group (AMAC) 2017 – Archaeological Survey Report - 210–220 George Street, Sydney

In 2017, Archaeological Management & Consultancy Group (AMAC) conducted an Archaeological Survey. The survey revealed that the study area was not likely to contain items or areas of Aboriginal archaeological significance. There were no confirmed Aboriginal archaeological site records located within the study area on the Aboriginal Heritage Information Management System (AHIMS) or from other sources of information.

The landscape had been identified as being heavily disturbed with the site located on reclaimed land. Prior to reclamation works the site would have been an intertidal zone. Based on this information, sub-surface Aboriginal objects with potential conservation value may be present within undisturbed parts of the study area. However, the disturbed nature and significant land modifications made to the site, indicates that there is no intact topsoil (A horizon) – the layer of soil in which Aboriginal archaeological or cultural material would be located if present. It was recommended that no further archaeological and cultural assessment was necessary.

The practical ramifications of the results of the aforementioned archaeological assessments and excavation are that there is a moderate potential for Aboriginal archaeological objects to be present within the study area, particularly if intact original soil profiles are present.

5.0 PHYSICAL EVIDENCE

5.1 SITE INSPECTION

Martin Carney of AMAC Group inspected the study site on 16th January 2018. The site consists of seven commercial buildings fronting Pitt Street (west), Castlereagh Street (east) and Liverpool Street (south).

As the study area is currently developed and covered in concrete, a formal site survey did not take place in accordance with Section 2 of the *Code of Practice for the Investigation of Aboriginal Objects in NSW* ('The Code'). The approach and methodology chosen for the archaeological survey (in this instance, the absence of a survey) has utilised the information obtained from Requirements 1 to 4 of the Code in order to ensure that the type of archaeological survey which is planned, can logically be expected to yield the information necessary to meet the archaeological objectives stated in Section 1.2 of this Code. As an archaeological survey was not expected to yield any information about the surface or subsurface deposits, a survey sampling strategy was not developed, and a programme of test excavation has been proposed.

5.2 RESULTS SUMMARY

Topography

Pitt and Castlereagh Streets slopes downwards north to south (Figure 5.1). Liverpool Street slopes downwards from east to west (Figure 5.2).

324-330 Pitt Street & 229-239 Castlereagh Street

The building at 324-330 Pitt Streets occupies the width of the block, reaching east at 229-239 Castlereagh Street (Figure 5.3). The building is several storeys high and constructed of concrete with a 4-storey car park basement. The car park is accessible via ramp from both Pitt and Castlereagh street. Entry to the building on both sides is behind the car park ramp, the Pitt street entrance is covered. The entrance to the Castlereagh Street side of the building is set much further back from the road than the Pitt Street side (Figure 5.4).

332-336 Pitt Street

The building at 332-336 Pitt Street is a six-storey commercial building (Figure 5.5). The building has a single level basement which is currently occupied by a Greek restaurant. Entry to the building's various shops is via Pitt street, the entrances are covered by an awning.

338-348 Pitt Street

338-348 Pitt Street occupies the corner of Pitt and Liverpool Streets (Figure 5.6). The building is a commercial tower building with shops and restaurants on the street level. The building has a split level, two-storey basement carpark which is accessed from the rear of the building via Dungate Lane (Figure 5.7).

126 – 130 Liverpool Street

The buildings fronting 126-130 Liverpool Street form three individual buildings to which their frontages were remodelled in the late 19th century to reflect a unified set of terraces. 126 Liverpool Street, forming the western building, was constructed in c.1891 and it appears that the facades of the two existing buildings at 128 and 130 Liverpool Street were rebuilt at this point in time. All three buildings are constructed of brick and are two storeys high. 128 and 130 Liverpool Street form early 19th century buildings which

appear to have been extended at the rear and remodelled multiple times throughout the 19th and 20th centuries. There is an awning covering the footpath of all three buildings.

249-253 Castlereagh Street

The building at 249-253 is a four-storey brick building currently occupied by the Downing Hotel (Figure 5.9). This building is also known as 'Bognor House' and 'Stratton's Hotel'. Dungate Lane is to the south of this building and the access ramp for the 338-348 Pitt Street car park is to the rear (Figure 5.7). Windows visible from the street on both Castlereagh Street and Dungate Lane indicate that the building has a basement (Figure 5.10).

245-247 Castlereagh Street

245-247 Castlereagh Street is an eight-storey building called 'ANZAC House' or 'Sekers House' (Figure 5.11). The entrance is on Castlereagh Street and there is a ground level car park. The building houses Mercury Colleges and the NSW Branch of the RSL.

241-243 Castlereagh Street

The building at 241-243 Castlereagh Street is a six-storey commercial building (Figure 5.12). The entrance is on Castlereagh Street and is covered by an awning.



Figure 5.1 Image showing the North to South slope of Pitt Street.
Google Maps, accessed 22nd January 2018,
<https://www.google.com.au/maps>



Figure 5.2 Image showing the East to West slope of Liverpool Street.
Google Maps, accessed 22nd January 2018,
<https://www.google.com.au/maps>

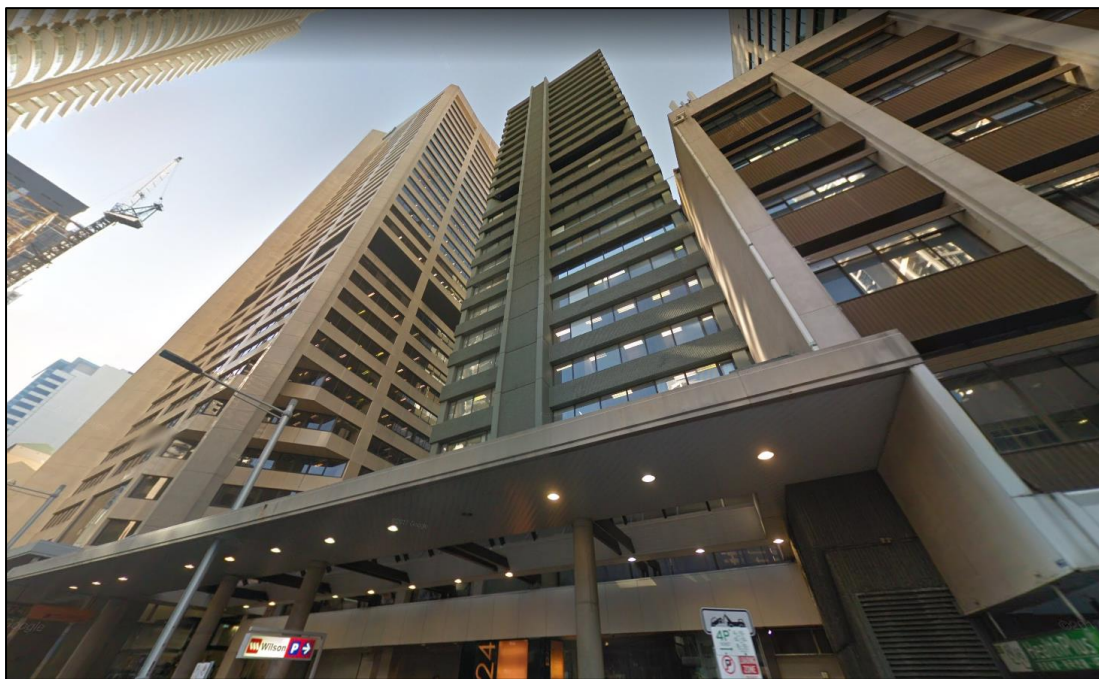


Figure 5.3 324-330 Pitt Street.
Google Maps, accessed 22nd January 2018,
<https://www.google.com.au/maps>



Figure 5.4 **Entrance to the 229-239 Castlereagh Street car park.**
AMAC Group, 16th January 2018, digital image 4162.



Figure 5.5 332-336 Pitt Street.
AMAC Group, 16th January 2018, digital image 4209.



Figure 5.6 The corner of Pitt and Liverpool Streets.
Google Maps, accessed 22nd January 2018,
<https://www.google.com.au/maps>



Figure 5.7 Entrance to the 338-348 Pitt Street car park.
AMAC Group, 16th January 2018, digital image 4127.



Figure 5.8 Two storey buildings at 126 – 130 Liverpool Street.
Grey building is number 126, salmon coloured building is number 128 and the exposed brick building at the right forms number 130.
AMAC Group, 16th January 2018, digital image 4190.



Figure 5.9 The Downing Hotel at 249-253 Castlereagh Street.
AMAC Group, 16th January 2018, digital image 4113.



Figure 5.10 Cellar entrance at the front of the Downing Hotel.
AMAC Group, 16th January 2018, digital image 4138.



Figure 5.11 ANZAC House at 245-247 Castlereagh Street.
AMAC Group, 16th January 2018, digital image 4110.



Figure 5.12 241-243 Castlereagh Street.
AMAC Group, 16th January 2018, digital image 4119.

6.0 CULTURAL HERITAGE RESPONSES

All registered stakeholders were given a copy of this report and were given a minimum of 28 days to comment on this report. All comments have been incorporated in this report. This section outlines the research questions and responses concerning the cultural heritage of the study area.

6.1 REGISTERED STAKEHOLDER QUESTIONS

All registered stakeholders were given a copy of the proposed Aboriginal Cultural Heritage Assessment Report (ACHAR) research methodology and given 28 days to respond to this methodology.

The following is a questionnaire that was included with the ACHAR methodology.

- Does the study area hold any social, spiritual or cultural values to the participating Aboriginal stakeholders? If so, what are these values and are they confined to particular parts of the study area?
- Why are these parts or the whole of the study area culturally significant to the participating Aboriginal stakeholders?
- Are particular parts of the study area more important than others?
- Are any previously unidentified known culturally significant places present within the study area? If so, where are they located?
- Are any previously unidentified Aboriginal objects or Aboriginal places present within the study area? If so, where are they located?
- Are any previously unidentified natural or archaeological resources present within the study area? If so, where are they located?
- Are there any traditional stories or legends associated with the study area?
- Are there any recollections of Aboriginal people living within the study area?
- Is there any information to suggest the presence of burials within the study area?
- Are any traditional flora or fauna resources associated with the study area?
- Does the study area have any sensory scenic or creatively significant cultural values? If so, what are these values and are they confined to particular parts of the study area and where are they located?
- In what way if any will the proposed development harm the identified cultural heritage and archaeological values of the study area?
- Do the participants have suggestions on the mitigative strategies for the management of the cultural and archaeological values of the study area?
- Are there any gender specific cultural values associated with the study area which cannot be raised in a male presence?
- Are there any gender specific cultural values associated with the study area which cannot be raised in a female presence? If so, how would the Aboriginal stakeholders like these be dealt with?
- Do the participants have any concerns not yet raised in this interview?

6.2 REGISTERED STAKEHOLDER SUBMISSIONS TO QUESTIONS AND RESEARCH METHODOLOGY

6.2.1 Responses from RAPs contacted by phone on 27th November 2019

- Metropolitan LALC – To review ACHAR Methodology and respond
- Butucarbin Aboriginal Corp. – No response and left message
- Didge Ngunawal Clan - Support ACHAR Methodology recommendations
- Kamilaroi Yankuntjatjara Working Group - Support ACHAR Methodology recommendations

6.2.2 Responses from RAPs contacted by phone on 2nd December 2019

- Metropolitan LALC – To review ACHAR Methodology and respond
- Butucarbin Aboriginal Corp. – No response and left message

6.2.3 Kamilaroi Yankuntjatjara Working Group



Mon 2/12/2019 2:17 PM

philip khan <philipkhan.acn@live.com.au>

RE: 338 Pitt Street, Sydney - ACHA Research Design and Test Excavation Methodology

To Consultation

Hi Yolanda,

Thank you for your report, we agree and support your methodology regarding 338 Pitt Street, Sydney.

Kind Regards

Phil

Kamilaroi Yankuntjatjara Working Group

Aboriginal Cultural Heritage Surveys, Lawn Mowing & Fencing

ABN 33 979 702 507

Not registered for GST

78 Forbes Street, Emu Plains NSW 2750

Mobile: 0434545982

Email: philipkhan.acn@live.com.au



6.2.4 Metropolitan Local Aboriginal Land Council



Mon 2/12/2019 4:44 PM

Cultural Heritage <culturalheritage@metrolalc.org.au>

Recommendations and support from MLALC

To Steven John Vasilakis

Cc Benjamin Streat (AMAC)

Good afternoon Steven and Ben just a brief email in regards to 338 Pitt Street, Sydney project for research design and testing methodology, Metropolitan Local Aboriginal Land Council established under NSW Aboriginal Land Rights Act 1983 is the legislated Aboriginal representative body for all Aboriginal people and the Cultural authority for protection & preservation of Aboriginal Culture & Heritage within its prescribed boundaries that includes Sydney CBD, Sydney Harbour, South to Georges River, East of Bankstown and Parramatta, and covers to Hawkesbury River in the north and to Macdonald River in the North West. Please refer to MLALC website for further details on MLALC boundaries.

As a general recommendation, if human burials or bones and any cultural materials are unearthed during any stages and are exposed, standard stop-work procedures and protocols to take place and to contact appropriate authorities should be followed, and if suspected to be of Aboriginal origin the Heritage, Community Engagement, Department of Premier and Cabinet and Metropolitan Local Aboriginal Land Council and Benjamin Streat are to be contacted and need to be notified of the discovery immediately.

Cultural significant objects found during works carried out are to be cared, respected and recorded in the correct way.

After proposed development finalized, MLALC suggested that landscapes of native vegetation with seasonal fruits to be replanted and encourages that Aboriginal language within the area be utilized in any naming conventions or outputs that may stem from the project.

If you require further information please do not hesitate in contacting the MLALC Office for assistance.

Thanks

Kind Regards

Selina Timothy

Culture and Heritage Officer

Metropolitan Local Aboriginal Land Council (MLALC)

36-38 George St, Redfern NSW 2016 | PO Box 1103, Strawberry Hills NSW 2012

B:(02) 8394 9666 | F: (02)8394 9733 | W: www.metrolalc.org.au

6.2.5 Butucarbin Aboriginal Corporation



Mon 9/12/2019 11:52 PM

Butucarbin Heritage <butuheritage@gmail.com>

Re: 338 Pitt Street, Sydney - ACHA Research Design and Test Excavation Methodology

To Consultation

To whom it may concern,

Upon reading the Test Excavation Plans for 338 Pitt Street I can confirm, that Butucarbin is in full support.

Kind regards,

6.3 REGISTERED STAKEHOLDER SUBMISSIONS TO ACHAR AND AATR

6.3.1 Kamilaroi Yankuntjatjara Working Group



Tue 24/12/2019 3:13 PM

philip.khan <philipkhan.acn@live.com.au>

RE: Pitt Street, Sydney - ACHAR documents for review and comment

To Consultation

Hi Yolanda,

Thank you for sending through a copy of your ACHA report, I have reviewed your recommendations and confirm we agree and support all your recommendations regarding Pitt St, Sydney.

Kind Regards
Stef

Kamilaroi Yankuntjatjara Working Group

Aboriginal Cultural Heritage Surveys, Lawn Mowing & Fencing

ABN 33 979 702 507

Not registered for GST

78 Forbes Street, Emu Plains NSW 2750

Mobile: 0434545982

Email: philipkhan.acn@live.com.au



6.3.2 Responses from RAPs contacted by phone on 8th January 2020

- Metropolitan LALC – Selina Timothy advised would review ACHAR & AATR and respond
- Butucarbin Aboriginal Corp. – No response and left message
- Didge Ngunawal Clan - Support ACHAR & AATR recommendations

6.3.3 Responses from RAPs contacted by phone on 13th January 2020

- Metropolitan LALC – No response and left message
- Butucarbin Aboriginal Corp. – No response and left message

7.0 SIGNIFICANCE ASSESSMENT

The processes of assessing significance for items of cultural heritage value are set out in *The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance: the Burra Charter* (amended 1999) formulated in 1979 and based largely on the Venice Charter of International Heritage established in 1966. Archaeological sites may be significant according to four criteria, including scientific or archaeological significance, cultural significance to Aboriginal people, representative significance which is the degree to which a site is representative of archaeological and/or cultural type, and value as an educational resource. In New South Wales the nature of significance relates to the scientific, cultural, representative or educational criteria and sites are also assessed on whether they exhibit historic or cultural connections.

7.1 ARCHAEOLOGICAL SIGNIFICANCE

7.1.1 Educational Significance

The educational value of any given location will depend on the importance of any archaeological material located, on its rarity, quality and the contribution this material can have on any educational process (Australia ICOMOS, 1999 p. 11).

No specific educational significance can as yet be assigned to the study area. Test excavation has been recommended in order to assess the soil profile and level of disturbance, as to whether natural soils are present, particularly along Castlereagh street where there are no pre-existing basements.

7.1.2 Scientific Significance

The scientific value of any given location will depend on the importance of the data that can be obtained from any archaeological material located, on its rarity, quality and on the degree to which this may contribute further substantial information to a scientific research process. (Australia ICOMOS, 1999 p.11).

No specific scientific significance can as yet be assigned to the study area. Test excavation has been recommended in order to assess the soil profile and level of disturbance, as to whether natural soils are present, particularly along Castlereagh street where there are no pre-existing basements.

7.1.3 Representative Significance

The representative value of any given location will depend on rarity and quality of any archaeological material located and on the degree to which this representativeness may contribute further substantial information to an educational or scientific research process. (Australia ICOMOS, 1999 p.11).

No specific representative significance can as yet be assigned to the study area. Test excavation has been recommended in order to assess the soil profile and level of disturbance, as to whether natural soils are present, particularly along Castlereagh street where there are no pre-existing basements.

7.2 SOCIAL AND CULTURAL SIGNIFICANCE

As defined in the 'Burra Charter' (ICOMOS, 1999) cultural significance is broken into three parts: aesthetic, historic and scientific value for past, present or future generations. Cultural significance is a concept which assists in estimating the value of any given

place. Places that are likely to be of significance are those which can contain information which may assist with the understanding of the past or enrich the present, and which will be of value to future generations. The meaning of these terms in the context of cultural significance is outlined below. It should be noted that they are not mutually exclusive, (Australia ICOMOS, 1999 p.12).

7.2.1 Historic Significance

A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment. (Australia ICOMOS, 1999 p.11).

No historical significance has been assigned to the study area by any participating Aboriginal Stakeholders.

7.2.2 Scientific Significance

The scientific value of any given location will depend on the importance of the data that can be obtained from any archaeological material located, on its rarity, quality and on the degree to which this may contribute further substantial information to a scientific research process. (Australia ICOMOS, 1999 p.11).

No scientific significance has been assigned to the study area by any participating Aboriginal Stakeholders.

7.2.3 Aesthetic Significance

Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with the place and its use. (Australia ICOMOS, 1999 p.11).

No aesthetic significance has been assigned to the study area by any participating Aboriginal Stakeholders.

8.0 PROPOSED ACTIVITY

This section outlined the proposed activity including the staging and timeframes along with the potential harm of the proposed activity on Aboriginal objects and or declared Aboriginal places, assessing both the direct and indirect result of the activity on any cultural heritage values associated with the study area.

It also aims to outline the justification for harm with the intention of avoiding and minimising harm where possible.

8.1 DESCRIPTION OF PROPOSED ACTIVITY

The proposed development seeks to construct a multi storey mixed retail, hotel and residential development (Figure 8.1). The development will include the construction of two towers, each comprising of 80 levels in total. While both towers will remain separate to one another, the footprint of the towers on the first seven floors will be larger to accommodate retail spaces, hotel and residential lobbies, hotel facilities and function spaces. The two towers will still remain separate at ground/ plaza level, divided by pedestrian walkways providing access between Pitt, Castlereagh and Liverpool Streets (Figure 8.4).

The hotel space will be divided among the podium and lower levels of the towers, though the majority of the north tower will comprise of residential space. Apart from a hotel amenities space (pool, spa, restaurant) on level 35, the hotel space will not exceed level 18 in the south tower. Both towers will measure 277.5m in total height (Figure 8.1). Retail space will be restricted to the lower ground, ground/ plaza and first floors of the podium construction.

A five storey multi-level basement carpark with loading facilities is proposed to be constructed beneath the proposed building footprint. Part of the ground floor/ plaza level fronting Pitt Street will form the access ramp to basement parking (Figure 8.4). Based on real levels (RLs), the lowest basement level (five) will be set at approximately RL-2.50, the ground floor/ plaza level of the development at RL20.50 (Figure 8.3). Due to reserve curtilages for the Sydney Metro tunnel, the footprint of basement levels 2 – 4 will be slightly smaller in the southwest corner of the study site (corner of Pitt and Liverpool Streets) with basement level 5 containing a stairwell/lift pits/plant section located towards Pitt Street and a residential carpark/turning bay/storage section located along Castlereagh Street. Basement level one will reflect the entire study site footprint, the slab level sitting at RL9.50, approximately 9.50m (Pitt Street) and 9.50m (Castlereagh Street) below current street level.

8.2 PROPOSED DEVELOPMENT JUSTIFICATION

A detailed description of development is provided by Ethos Urban within the EIS.

1.6 Strategic Need for the Proposal

Currently, there are number of issues that inform the strategic need for the proposed development. These include:

- The existing development comprises low-grade commercial stock of varying scales, which is inconsistent with the objectives for the B8 Metropolitan Centre Zone in that does not provide an intensity of land uses commensurate with the global status of Sydney;*
- Dungate Lane is dominated by waste services and is an unsafe and uninviting public space, which experiences flooding during periods of rainfall;*

- The existing pedestrian ground plane is dominated by vehicle crossovers and parallel ramps, which provide a poor interface with surrounding streets; and
- The shortage of high quality visitor accommodation in the Sydney CBD, as identified in the Visitor Accommodation Action Plan 2015.

Given the aforementioned deficiencies, there is an identifiable strategic need for the proposed development which provides an opportunity to:

- Provide an intensity and diversity of land uses consistent with the objectives of the B8 Metropolitan Centre Zone, which serve the workforce, visitors and wider community;
- Capitalise on a large consolidated landholding, constituting nearly one third of a city block, to dramatically enhance the permeability of the Sydney CBD through new pedestrian connections;
- Address the current deficiency in high quality visitor accommodation within the Sydney CBD;
- Rationalise vehicle crossovers, remove detracting basement ramps and substantially improve the interface with surrounding streets, pedestrian safety and amenity; and
- Capitalise on the proximity to existing and future public transport services, including the recently completed CBD and South East Light Rail along George Street and the Sydney Metro City & Southwest.

5.28 Social and Economic Impacts

The operation of the proposed development is expected to promote the diversity of employment opportunities in the Sydney CBD. Specifically, it is anticipated that the development will create 750 ongoing jobs, associated primarily with the provision of 17,633m² hotel GFA and 5,123m² retail GFA.

In addition to this, the construction of the proposed development will support a significant number of construction jobs (over 3,090 jobs). This will be supplemented by further employment and broader economic benefits occurring within the local and wider economy, relating to flow-on multipliers during the construction period.

Housing Supply and Choice

The proposed development provides for 592 residential dwellings. The proposed development will accommodate a mix of apartment types and a range of apartment sizes, which can meet diverse household needs. Located within the heart of the Sydney CBD, the proposed development supports the key strategic objectives Council and State Government with regard to locating housing in proximity to infrastructure and employment opportunities, while also contributing towards achieving housing targets.

Tourism

The proposed development also provides additional visitor accommodation in the Sydney CBD, within a boutique hotel that draws on the unique opportunity to locate hotel rooms and facilities across a series of connected podium buildings, as well as within the iconic South Tower. The hotel will contain 158 rooms, which will contribute to addressing the current deficiency in high quality visitor accommodation within the Sydney CBD. Tourism plays an important role in the City of Sydney's and NSW's economy and the proposed development will contribute towards making Sydney an attractive place to visit.

Amenity, Safety and Security of the Public Domain

The proposed development will revitalise the public domain along and between Liverpool Street, Castlereagh Street and Pitt Street. This is an area that constitutes nearly one third of the city block and its revitalisation will play an important role in the continuing renewal of the south-eastern portion of the Sydney CBD.

The proposed development provides activating uses along adjoining streets and will enhance the traditional grid of the Sydney CBD with new pedestrian connections. This will:

- Improve the amenity and quality of the public domain;
- Generate increased pedestrian activity and interaction;
- Increase safety and security in the public domain; and

- Provide opportunities for the integration of public art and extensive landscaping.

5.29 Public Benefits / Development Contributions

The proposal will be subject to Council's contributions requirements under Section 61 of the City of Sydney Act 1988. This will levy an additional monetary contribution (1% of the development cost) to fund public facilities, amenities and services to meet the needs of the growing workforce and residential population within Central Sydney.

5.30 Site Suitability

Having regard to the characteristics of the site and its location in the Sydney CBD, the proposed development is considered suitable in that:

- *It will deliver both high quality tourist accommodation and additional housing supply, servicing Sydney's global tourist status and providing for its growing population;*
- *It has been designed in a manner that minimises impacts on surrounding development and public spaces;*
- *It will contribute to the revitalisation of the south-eastern portion of the Sydney CBD by delivering considerable benefits, including a high-quality public domain and a wide variety of services and amenities for workers, residents and visitors; and*
- *It will result in only minor environmental impacts that can be appropriately managed and mitigated.*

In regard to the characteristics of the site and its location in the Sydney CBD, it is also considered to be highly suitable for the proposed development in that:

- *It is zoned B8 Metropolitan Centre;*
- *It is located within the south-eastern portion of the Sydney CBD, which is currently in transition towards a mixed-use neighbourhood, with an increasing number of high rise residential and commercial developments, alongside older style retail shopfronts and heritage items;*
- *The site remains capable of being appropriately serviced to accommodate the development;*
- *It is close to existing and future public transport services, including the recently completed CBD and South East Light Rail along George Street and the Sydney Metro City & Southwest, being 150m south of the Pitt Street Metro Station.*
- *It has excellent access to a wide range of services and facilities that will support, and benefit from, the future occupants of the development; and*
- *The character of surrounding precincts, including existing built form, are compatible with the scale and nature of the proposal.*

5.31 Public Interest

The proposed development is in the public interest for the following reasons:

- *It will provide numerous public benefits, including new through site links, and a publicly accessible plaza incorporating high quality landscaping, public art and water features;*
- *It will substantially improve the public domain, with a human-scale podium designed to enhance the penetration of natural light into the public domain, while enhancing the permeability of the traditional grid of the Sydney CBD through new pedestrian connections and activated laneway frontages;*
- *It will deliver both high quality tourist accommodation and additional housing supply, contributing to Sydney's global tourist status and providing for its growing population; and*
- *It will deliver a world-class retail destination, with an iconic two-tower form that makes a dramatic contribution to the skyline of Sydney.*

The proposed development is therefore considered to be in the public interest and will play an important role in the continuing revitalisation of the south-eastern end of the Sydney CBD.

8.3 POTENTIAL HARM TO ABORIGINAL OBJECTS AND CULTURAL HERITAGE

The proposed development activity will disturb the ground surface and may disturb Aboriginal objects and areas of cultural significance. The study area has been shown through research to have moderate archaeological potential. As such the proposed development has moderate potential to disturb/ harm Aboriginal archaeological deposits, objects and items or areas of cultural significance.

8.4 ASSESSING HARM

The proposed development will harm any potential objects and/or deposits of Aboriginal and archaeological significance. Test excavation has been recommended in order to assess the soil profile and level of disturbance as to whether natural soils are present, particularly along Castlereagh street where there are no pre-existing basements.

8.5 AVOIDING AND MINIMISING HARM TO ABORIGINAL OBJECTS

The proposed development will harm any potential objects and/or deposits of Aboriginal and archaeological significance. Test excavation has been proposed to assess the level of disturbance of the site and the potential harm that may be the result of the proposed development activity. The results of said excavation will assist in minimising harm to Aboriginal objects and/or places, if present.

8.6 JUSTIFICATION OF HARM TO ABORIGINAL OBJECTS

This cannot be addressed at this point in time. Test excavation has been proposed to assess the level of disturbance and whether Aboriginal objects and/or places are present.

8.7 ECOLOGICALLY SUSTAINABLE DEVELOPMENT AND INTERGENERATIONAL EQUITY

The ability of any development to be completely ecologically sustainable will be limited by definition. However, the proponents of this development appear to have made significant efforts to meet the needs of the current generation without compromising the ability of future generations to meet their own needs. This has been accomplished by proposing a plan on a manageable and affordable scale while still protecting and conserving the archaeological resources. This is being accomplished by a proposed program of subsurface test excavation with the possibility of further salvage excavation if needed as well as extensive consultation with the relevant Aboriginal community.

Inter-generational equity refers to the equitable sharing of resources between current and future generations. The planet's current generation should ensure that future generations have the same opportunities and resources available. This idea is being accomplished by designing a building with as little disturbance to the ground surface as possible and as such any archaeological or cultural material that may be present in these areas either identified or unidentified will be left intact and persevered for future generations.

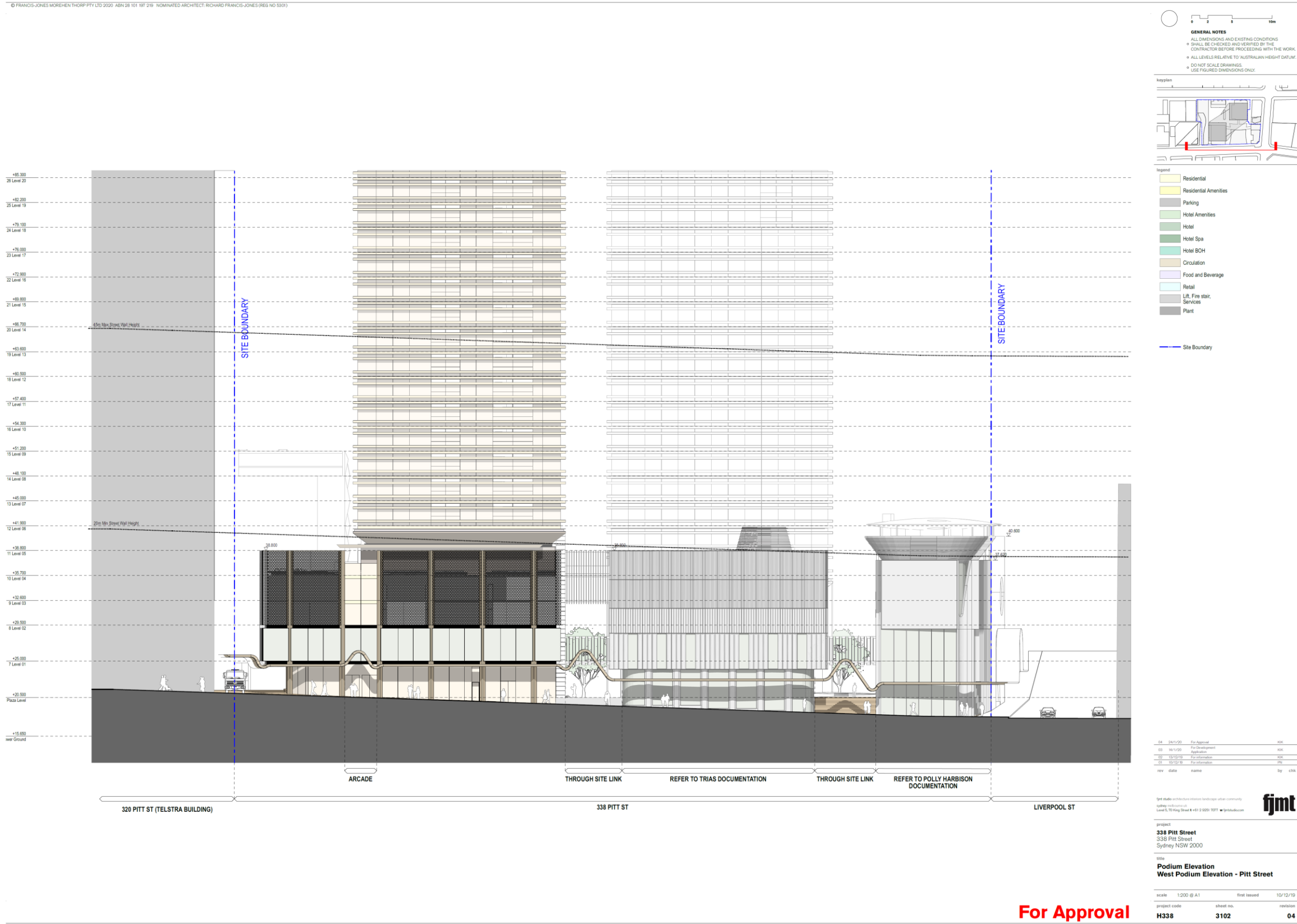


Figure 8.1 West Podium Elevation – Pitt Street.
FJMT Studio, Jan. 2020, No. 3102, Rev.04.

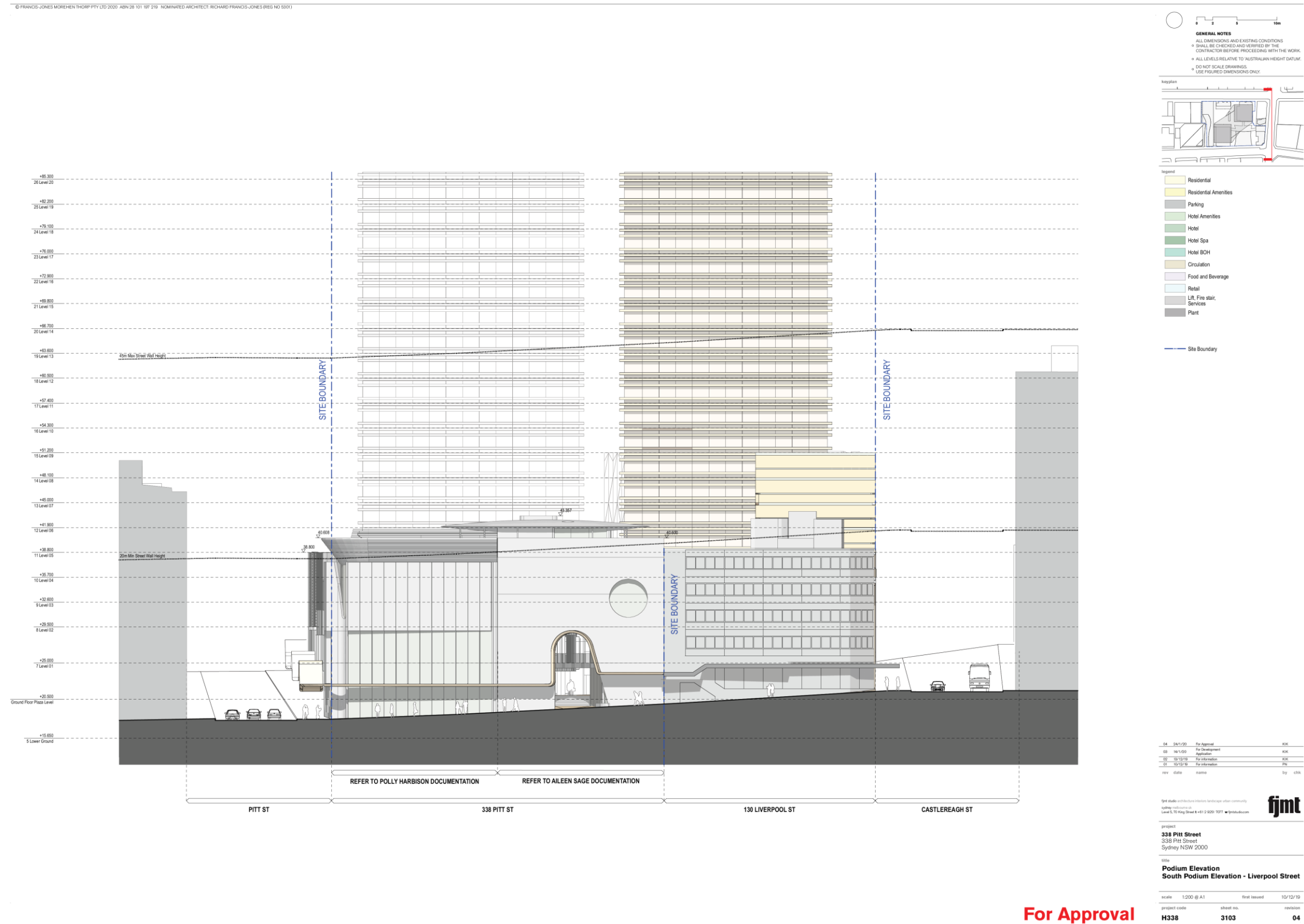


Figure 8.2 South Podium Elevation – Liverpool Street.
FJMT Studio, Jan. 2020. No. 3103, Rev.04.

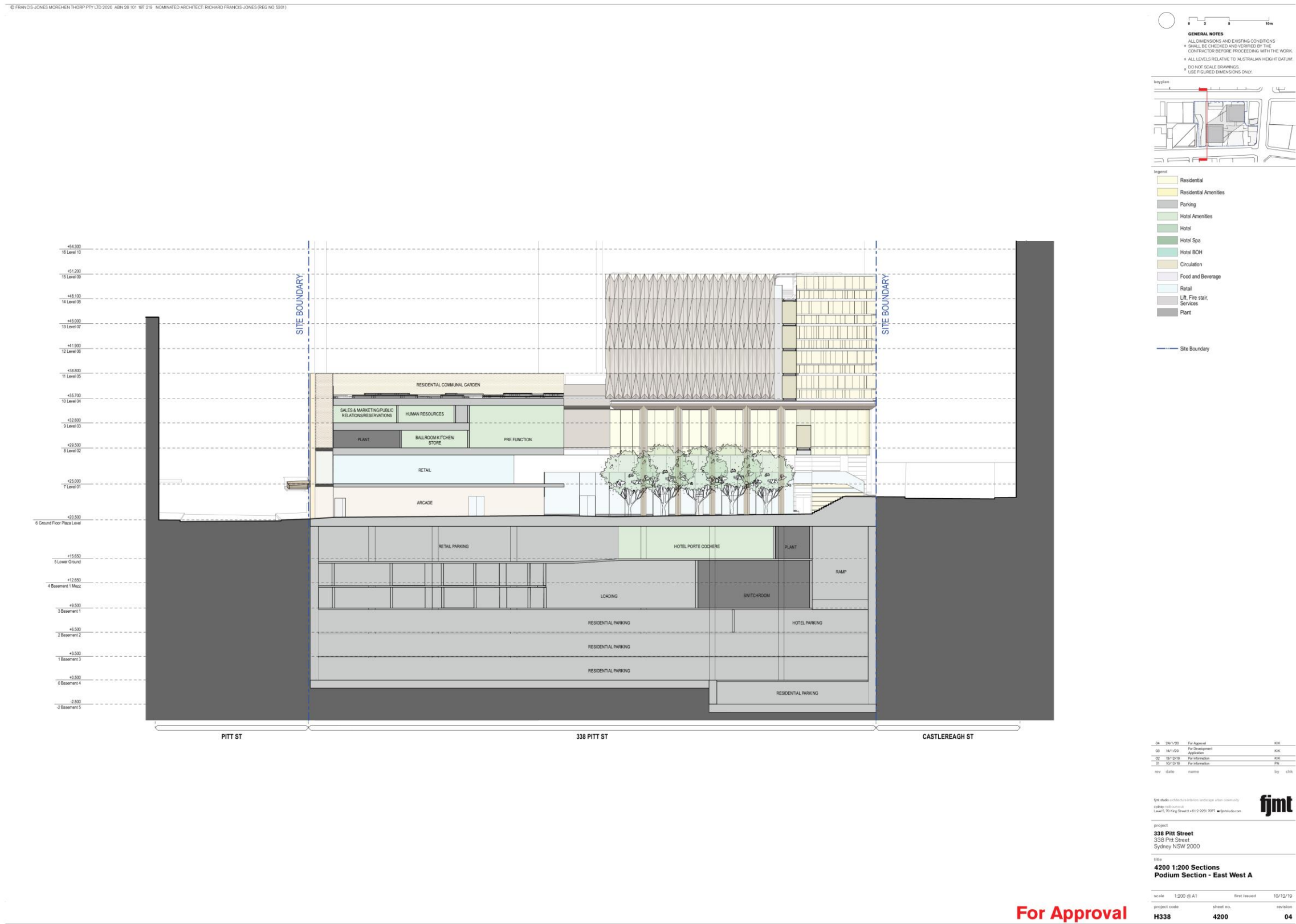


Figure 8.3 Podium Section – East West A showing layout of buildings and basement levels.
FJMT Studio, Jan. 2020. No. 4200, Rev.04.

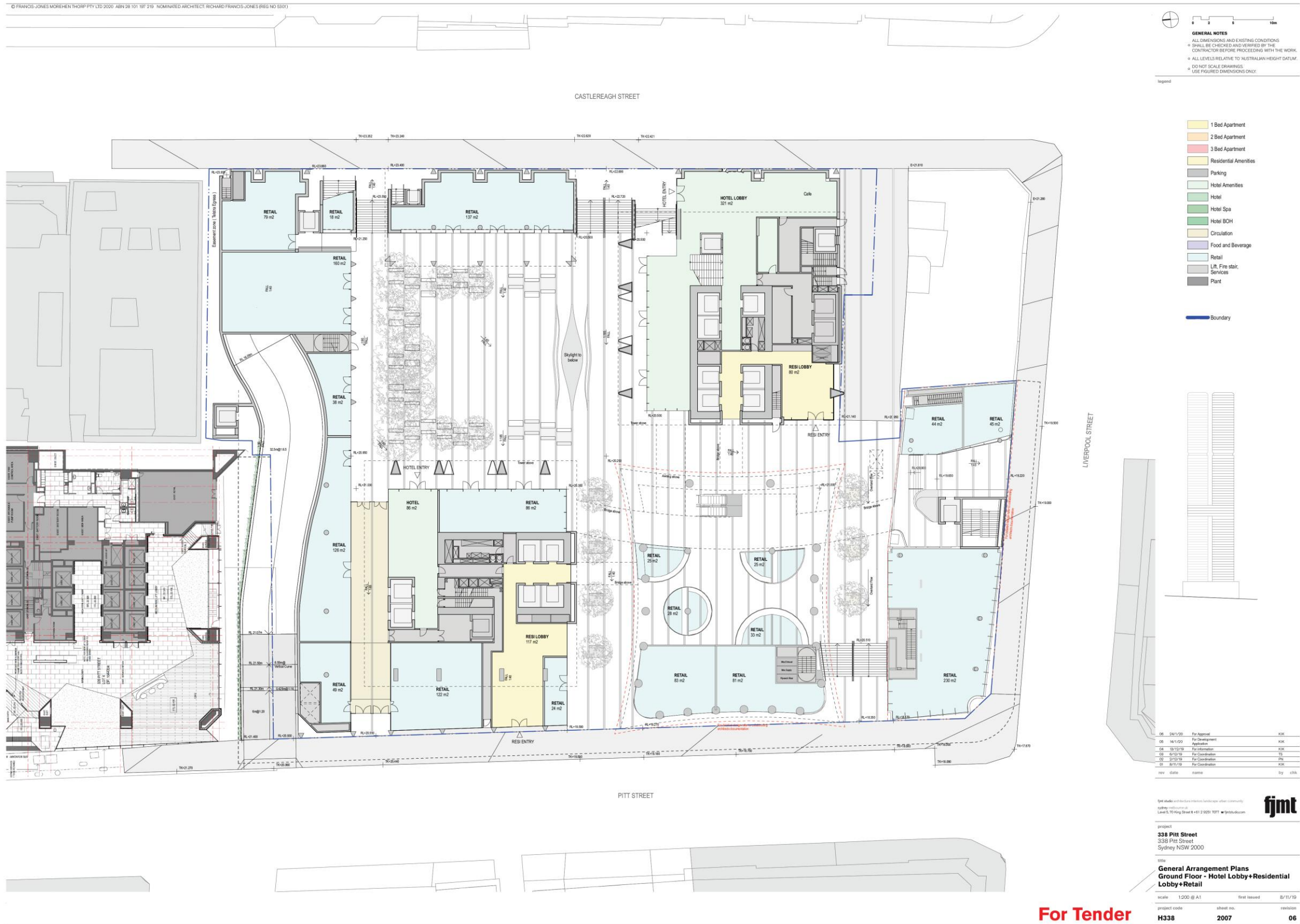


Figure 8.4 Ground Floor - Hotel Lobby, Residential Lobby, & Retail.
FJMT Studio, Jan. 2020. No. 2007, Rev.06.

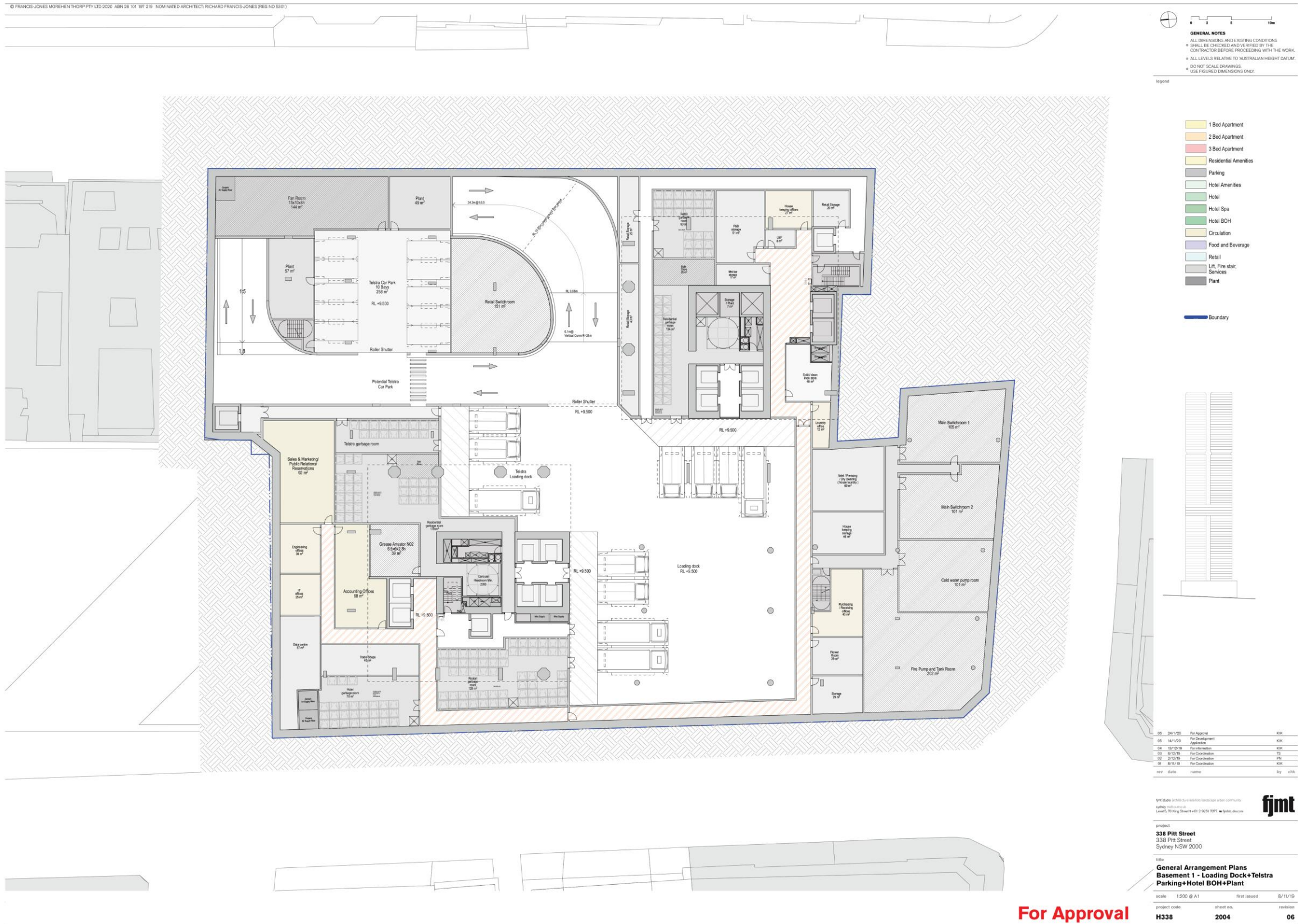


Figure 8.5 Basement 1 - Loading Dock, Telstra Parking, Hotel BOH, & Plant.
FJMT Studio, Jan. 2020. No. 004, Rev.06.

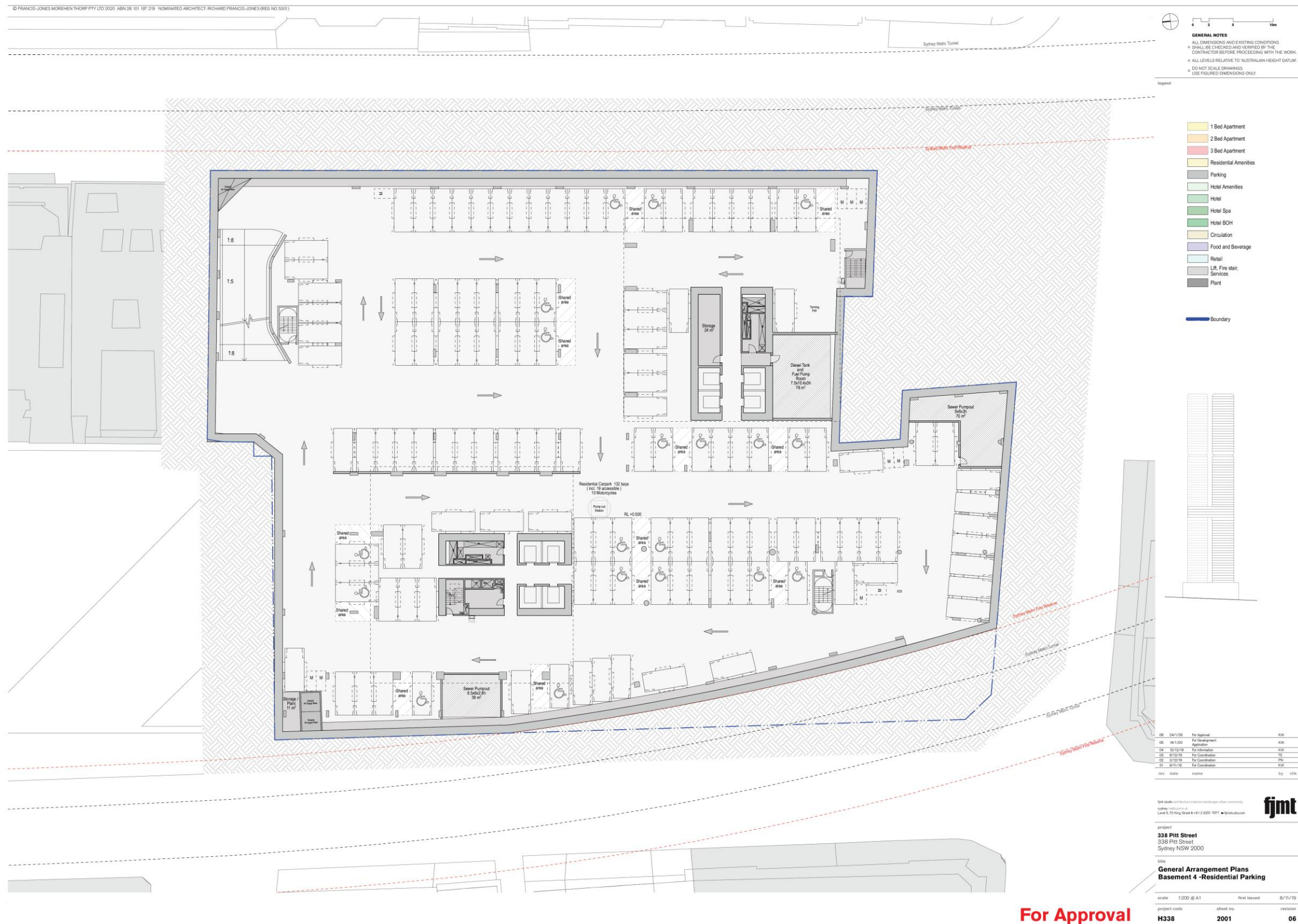


Figure 8.6 **Basement 4 – Residential Parking.**
FJMT Studio, Jan. 2020. No. 2001, Rev.06.

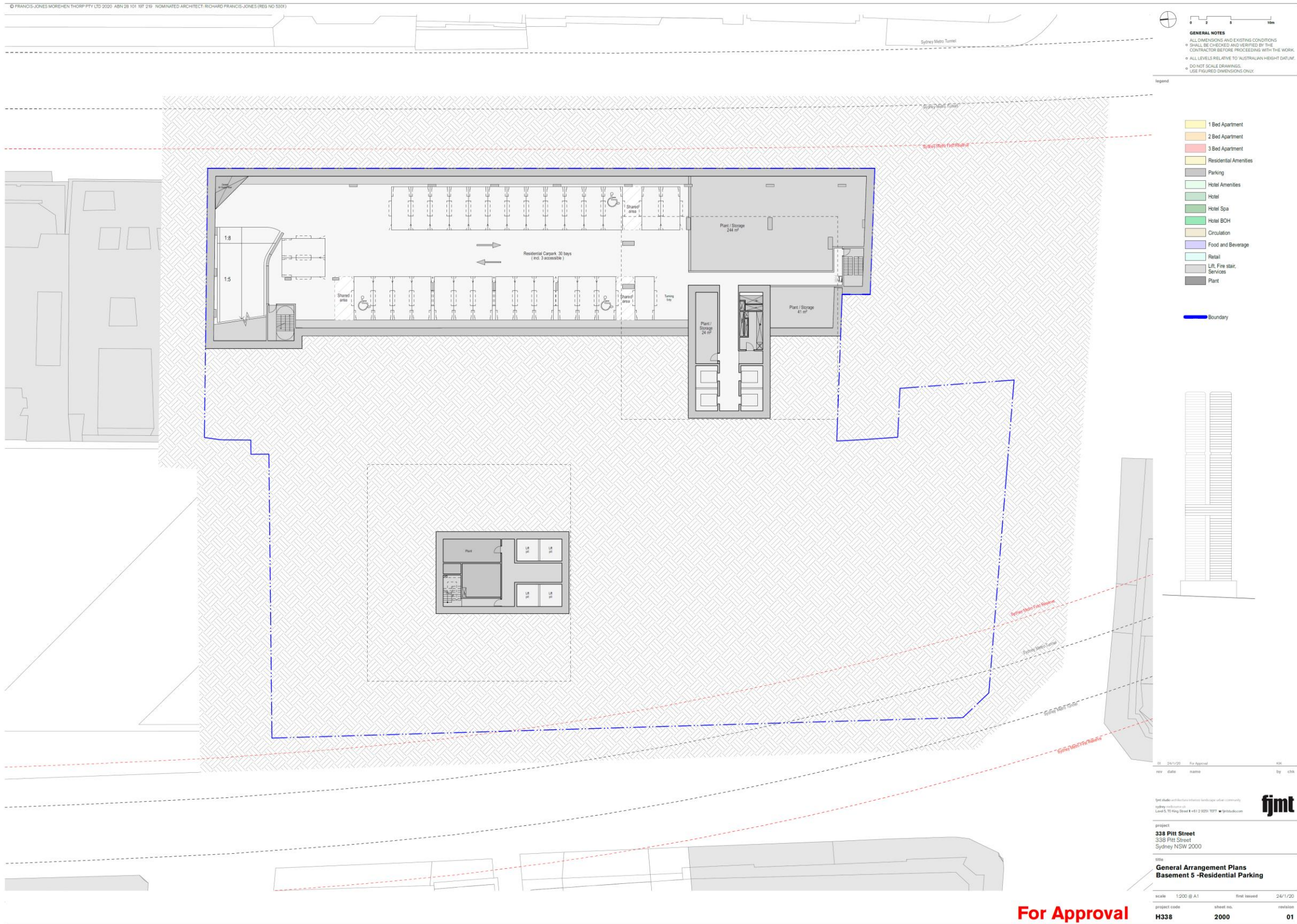


Figure 8.7 Basement 5 – Residential Parking.
FJMT Studio, Jan. 2020. No. 2000, Rev.01.

9.0 MANAGEMENT AND MITIGATION

The management recommendations presented in the following section of the report take into account the following:

- Legislation outlined in this report which protects Aboriginal cultural and archaeological objects and places in New South Wales;
- Research and assessment carried out by the author/s of this report;
- Results of previous archaeological assessment and excavation in the vicinity of the study area;
- The concerns and views of the Aboriginal stakeholders listed in this report;
- The impact of the proposed development on any Aboriginal archaeological material that may be present;
- The requirements of the consent authority Department of Planning, Industry and Environment (DPIE);

9.1 CARE AND CONTROL

Any artefacts recovered shall be reburied as soon as practicable in a secure temporary storage location in accordance with requirement 26 of the *Code of Practice for the investigation of Archaeological objects in NSW*, pending any agreement reached as to the long-term management of the salvaged Aboriginal objects. The excavation director is responsible for ensuring that procedures are put in place so that Aboriginal objects that are reburied are not harmed. The location of the secure temporary storage location must be submitted to AHIMS with a site update record card for the site(s) in question.

If any archaeological material is recovered it shall be subject to a care and control agreement established after the nature and significance of the archaeological or cultural material is understood as per requirement 26 of the *Code of Practice for the investigation of Archaeological objects in NSW*.

9.2 RECOMMENDATIONS

A background analysis of the environment and archaeological context has revealed that the study area has the potential for sub-surface Aboriginal objects and/or natural deposits in undisturbed areas. These are likely to be considered of moderate Aboriginal archaeological significance.

Although significant disturbance has taken place within the study area in the form of basements and associated deep earthworks however, in areas where basements are not present, specifically along Castlereagh Street, natural soils are likely to be encountered.

The recommendations have been formulated after consultation with the proponent and the RAPs;

- It is recommended that further investigation in the form of an Aboriginal Cultural Heritage Management Plan (ACHMP) be undertaken in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in New South Wales*, Part 6 National Parks and Wildlife Act 1974 (DECCW 2010), as the development will be submitted as part of a State Significant Development

(SSD) Application. This management plan is to assist in the management and mitigation of any potential Aboriginal objects and/or deposits that may be encountered;

- Consultation with the Registered Aboriginal Parties (RAPs) should continue, as per the requirements detailed in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010).
- A systematic subsurface disburied test excavation programme and open area test excavation (if required) should be carried out under the proposed Aboriginal Cultural Heritage Management Plan as recommended conditions of the SSD. This is to take place after demolition and prior to the development construction proceeding (Figure 8.1-8.7).
- Due to the potential for Historical archaeology any Aboriginal test excavation should be managed in accordance with the methodology outlined by AMAC 2019 *Archaeological assessment, Research Design & Excavation Methodology; 338 Pitt Street, 324 – 348 Pitt Street, 229-253 Castlereagh Street & 126-130 Liverpool Street Sydney NSW*.
- In the event archaeological test excavations reveal Aboriginal archaeological objects and/or deposits, the following is recommended;

Once the nature and extent of the archaeological site has been established through test excavation, the data will be analysed and synthesised into an Aboriginal Archaeological Technical Report. This document will appendix the ACHMP on final submission. No formal AHIP will need to be in place as the development will hold State Significant Development status.
- An analysis of artefacts retrieved should be conducted in a frame work to allow for comparison with previous relevant results.
- After this, and before any ground disturbance takes place as part of the construction, all development staff, contractors and workers should be briefed prior to works commencing on site, as to the status of the area and their responsibilities regarding any Indigenous archaeological deposits and/or objects that may be located during the following development through a Cultural Heritage Awareness Induction;

Should any human remains be located during the following development;

- All excavation in the immediate vicinity of any objects of deposits shall cease immediately;
- The NSW police and DPIE's Enviroline be informed as soon as possible:
- Once it has been established that the human remains are Aboriginal ancestral remains, DPIE and the relevant Registered Aboriginal Parties will identify the appropriate course of action.

GLOSSARY

Term	Definition
Aboriginal/ Aborigine	These terms apply to indigenous Australians throughout time.
Aboriginal Object	A term now used (formerly 'relic') within the NSW <i>National Parks and Wildlife Act, 1974</i> to refer to "...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."
AHIP	Aboriginal Heritage Impact Permit, issued under Part 6 of the National Parks and Wildlife Act 1974, where harm to an Aboriginal object or Aboriginal place cannot be avoided.
Alluvial	Describes material deposited by, or in transit in flowing water.
AMAC	Archaeological Management and Consulting Group.
Artefact	Any object, usually portable, that has been made or shaped by human hand.
Assemblage	A collection of artefacts found in close proximity with one another often excavated together.
Axe grinding Grooves	Areas on a stone surface where other items such as stone tools, wood or bones have been sharpened.
Basalt	A dark coloured, basic volcanic rock.
Bioturbation	Reworking of sediments through the action of ground dwelling life forms. This can also include soil cracking and root activity.
Broken Flake	A flake fragment which displays only part of the diagnostic features of a complete flake.
BP	Before present (AD1950).
Burial	Sites containing the physical remains of deceased Aboriginal people.
Ceremonial Sites	Places or objects of ceremonial, religious or ritual significance to Aboriginal people.
Chert	A hard siliceous rock suitable for flaking into tools.
DCP	Development Control Plan.
DP	Deposited Plan.
DPIE	Department of Planning, Industry and Environment (formerly OEH)
Erosion	Process where particles are detached from rock or soil and transported away principally via water, wind and ice.
Flake	A piece of stone, detached by striking a core with another stone.
Flaking/Knapping	The process of making stone tools by detaching flakes from a piece of stone.
Friable	Easily crumbled or cultivated.
Hard setting	Soil which is compact and hard. It appears to have a pedal structure when dried out.
Heritage Division	Formerly known as the Heritage Branch

Holocene	The period of time since the last retreat of the polar icecaps, commencing approximately 10,000 – 110,000
Intensification	Increased social and economic complexity.
Landscape Unit	An area of land where topography and soils have distinct characteristics, are recognisable, describable by concise statements and capable of being represented on a map.
Laminite	A thinly bedded, fine grained sedimentary rock.
LEP	Local Environment Plan.
LGA	Local Government Area.
Lithics	A term used to describe stone and stone artefacts.
Loam	A medium textured soil of approximate composition of 10- 25% clay, 25-50% silt and 2% sand.
Loose	A soil which is not cohesive.
Matrix	Finer grained fraction, typically a cementing agent within soil or rock in which larger particles are embedded.
Midden	Aboriginal occupation site consisting chiefly of shells, which can also include bone, stone artefacts and other debris.
NPW Act	National Parks and Wildlife Act 1974
OEH	NSW Office of Environment and Heritage (formerly known as the DECCW)
Open Campsite	A surface accumulation of stone artefacts and/ or other artefacts exposed on the ground surface.
Potential Archaeological Deposit (PAD)	An area where no surface archaeological remains are visible but where it has been assessed that there is some potential for sub-surface archaeological remains to be present.
Ped	An individual, natural soil aggregate.
Pedal	Describes a soil in which some or all of the soil material occurs in the form of peds in a moist state.
Plastic	Describes soil material which is in a condition which allows it to undergo permanent deformation without appreciable volume change or elastic rebound and without rupture.
Pleistocene	The epoch of geological time starting 1.8 million years ago.
Quartz	Common mineral with naturally sharp edges and poor fracturing properties. Colour ranging from clear, to milky white and pink.
Quartzite	Homogenous medium to coarse grained metamorphosed sandstone.
Rock Painting	Encompassing drawing, paintings or stencils that have been placed on a rock surface usually within a rock shelter.
Rock Engraving	Pictures which have been carved, pecked or abraded into a rock surface, usually sandstone and predominantly open, flat surfaces.
Sandstone	A detrital sedimentary rock with predominantly sand sized particles.
Scarred/ Carved Tree	A tree from which bark has been deliberately removed.
Sclerophyll	Denoting the presence of hard stiff leaves, typically used to classify forest and indicative of drier conditions.
Sedimentation	Deposition of sediment typically by water.

Silcrete	A sedimentary rock comprising of quartz grains in a matrix of fine grained – amorphous silica.
Silt	Fine soil particles in size ranges of 0.02 – 0.002mm.
Slope	A landform element inclined from the horizontal at an angle measured in degrees or as a percentage.
SHI	State Heritage Inventory
SHR	State Heritage Register
Subsoil	Subsurface material comprising the B and C horizons of soils with distinct profiles.
Stone Resource Site	A geological feature in the landscape from which raw material for the manufacture of stone tools was obtained.
Texture	The coarseness or fineness of a soil as measured by the behaviour of a moist ball of soil when pressed between the thumb and forefinger.
Topsoil	A part of the soil profile, typically the A1 Horizon, containing material which is usually darker, more fertile and better structured than the underlying layers.
Weathering	The physical and chemical disintegration, alteration and decomposition of rocks and minerals at or near the earth's surface by atmospheric and biological agents.

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APPENDICES

APPENDIX ONE: DEVELOPMENT CONSENT – NOTICE OF DETERMINATION (SSD# 10362)

Planning Secretary's Environmental Assessment Requirements

Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*
Schedule 2 of the Environmental Planning and Assessment Regulation 2000

Application Number	SSD-10362
Project Name	Mixed Use Development
Location	338 Pitt Street, Sydney
Applicant	China Centre Development Pty Ltd
Date of Issue	19/08/2019
General Requirements	<p>The environmental impact statement (EIS) must be prepared in accordance with, and meet the minimum requirements of, clauses 6 and 7 of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (the Regulation).</p> <p>Notwithstanding the key issues specified below, the EIS must include an environmental risk assessment to identify the potential environmental impacts associated with the development.</p> <p>Where relevant, the assessment of key issues below, and any other significant issues identified in the risk assessment, must include:</p> <ul style="list-style-type: none"> - adequate baseline data - consideration of the potential cumulative impacts due to other developments in the vicinity (completed, underway or proposed); - measures to avoid, minimise and if necessary, offset predicted impacts, including detailed contingency plans for managing any significant risks to the environment. <p>The EIS must also be accompanied by a report from a qualified quantity surveyor providing:</p> <ul style="list-style-type: none"> - a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the Regulation) of the proposal, including details of all assumptions and components from which the CIV calculation is derived. The report shall be prepared on company letterhead and indicate applicable GST component of the CIV; - an estimate of jobs that will be created during the construction and operational phases of the proposed development; and - certification that the information provided is accurate at the date of preparation.
Key issues	<p>The EIS must address the following specific matters:</p> <p>1. Statutory and Strategic Context</p> <p>Address the statutory provisions applying to the development contained in all relevant environmental planning instruments, including:</p>

- o State Environmental Planning Policy (State and Regional Development) 2011
- o State Environmental Planning Policy (Infrastructure) 2007
- o State Environmental Planning Policy No 55 – Remediation of Land (and Draft remediation of Land SEPP)
- o State Environmental Planning Policy No 64 – Advertising and Signage
- o State Environmental Planning Policy No 65 – Design Quality of Residential Development (including Apartment Design Guideline)
- o State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004
- o Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- o Draft State Environmental Planning Policy (Environment)
- o Sydney Local Environmental Plan 2012.

Address the relevant planning provisions, goals and strategic planning objectives in the following:

- o NSW State Priorities
- o Greater Sydney Region Plan and supporting District Plan
- o Better Placed – an integrated design policy for the built environment of NSW
- o Better Placed – Design Guide for Heritage
- o Future Transport Strategy 2056 and supporting plans
- o Guide to Traffic Generating Development (RMS)
- o EIS Guidelines – Road and Related Facilities (DoPI)
- o Cycling Aspects of Austroads Guides
- o NSW Planning Guidelines for Walking and Cycling
- o Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development
- o Standards Australia AS2890.3 (Bicycle parking facilities)
- o Development near Rail Corridors and Busy Roads – Interim Guideline
- o Sustainable Sydney 2030
- o Sydney Development Control Plan 2012.
- o Sydney's Cycling Future
- o Sydney's Walking Future
- o Legible Sydney
- o City Centre Access Strategy
- o City of Sydney Interim Floodplain Management Policy
- o City of Sydney Public Domain Manual

	<ul style="list-style-type: none"> o Making Sydney a Sustainable Destination o Sydney Landscape Code o Tourism Action Plan 2013 o Retail Action Plan 2013 o Sydney Landscape Code o City of Sydney Section 61 Contributions Plan 2013 o City of Sydney Guidelines for Waste Management in New Development 2018.
	<p>2. Compliance with the Concept Approval</p> <p>The EIS shall demonstrate how the proposed development is consistent with the Concept Approval D/2016/1509, including the terms, conditions and future assessment requirements contained within the approval.</p>
	<p>3. Design Excellence</p> <p>The EIS shall demonstrate that a design competition has been undertaken in accordance with the Concept Approval D/2016/1509. The EIS shall include the design competition brief, jury recommendations report and a design integrity process/strategy, prepared in consultation with the Government Architect and City of Sydney, demonstrating how the proposal will achieve design excellence in accordance with the design competition winning scheme.</p>
	<p>4. Built form and urban design</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> o provide an analysis of the proposed built form against the applicable development standards and controls and concept approval D/2016/1509 o include a table identifying the proposed land uses, including a floor by floor breakdown of gross floor area (GFA), total GFA and FSR and site coverage o provide a Visual Impact Assessment of the proposal, including before and after photomontages and perspectives for each elevation, showing: <ul style="list-style-type: none"> - elements and views of the proposal from key locations, vistas and view corridors from the public domain and residential buildings that may be impacted; and - an assessment of the view impacts and design considerations to mitigate any impacts. o include public domain details, including: <ul style="list-style-type: none"> - clear definition of any private use of the public domain - pedestrian movement patterns - street trees, associated landscaping, hardworks, street furniture, lighting, materials and surface finishes alignment levels and stormwater design - identify linkages with and between other public domain spaces, other

	streets and lanes
	<ul style="list-style-type: none"> o consider opportunities to provide green roof, cool roof and/or green walls into the building design.
	5. Amenity
	The shall EIS include:
	<ul style="list-style-type: none"> o a detailed assessment of amenity impacts for future occupants of the residential component of the development and any amenity impacts of the proposal on surrounding development and the public domain o a detailed analysis of overshadowing impacts of the development on key public spaces, including Harmony Park and Hyde Park, and existing residential dwellings in the vicinity o a Wind Impact Assessment, including wind tunnel testing of any wind impacts of the proposal on the public domain and all landscape areas on upper levels (using the assessment criteria for sitting) o an integrated landscape design for the hotel and residential towers, with consideration of green roofs, walls and facades o detailed design for a residential common open space, being a minimum 25% of the total site area and 6 metres wide o detail on the amenity and solar access in accordance with the Sydney DCP 2012 and Apartment Design Guide o measures to minimise potential overshadowing, noise, reflectivity, visual privacy, wind, daylight and view impacts.
	6. Heritage
	The EIS shall include:
	<ul style="list-style-type: none"> o a Statement of Heritage Impact (SOHI), prepared by a suitably qualified heritage consultant in accordance with the guidelines in the NSW Heritage Manual. The SOHI is to address the impacts of the proposal on the heritage significance of the site and adjacent areas and is to: <ul style="list-style-type: none"> - identify all heritage items (state and local) within and near the site, including built heritage, landscapes and archaeology, include detailed mapping of these items, and an assessment of why the items and site(s) are of heritage significance - assess the proposal's impact on the heritage significance of heritage items or potential heritage items on, and near the development site - address the proposal's compliance with policies of relevant Conservation Management Plans for the affected sites - include a detailed visual impact assessment along with photomontages - provide detailed mitigation measures and strategies to avoid and mitigate any adverse impacts on heritage values of the affected sites.

- o a historical archaeological assessment (if the SOHI identifies a potential impact on historical archaeology) by a suitably qualified archaeologist in accordance with the Heritage Guidelines 'Archaeological Assessment' 1996 and 'Assessing Significance for Historical Archaeological Sites and Relics' 2009. This assessment should identify what relics, if any, are likely to be present, assess their significance and consider the impacts from the proposal on this potential archaeological resource. Where harm is likely to occur, it is recommended that the significance of the relics be considered in determining an appropriate mitigation strategy. If harm cannot be avoided in whole or part, an appropriate Research Design and Excavation Methodology should also be prepared to guide any proposed excavations or salvage programme
- o a strategy for any archaeological finds during the excavation and demolition to be interpreted and where possible displayed in the new building
- o an investigation and analysis of the quality of sandstone to be removed during the excavation, including consideration of contamination and an assessment of the suitability of the rock for removal by cutting into quarry blocks for use as high-quality building construction material.

7. Aboriginal Cultural Heritage

The EIS shall:

- o identify and describe Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH 2010) and the Guide to investigating, assessing and reporting on Aboriginal Cultural heritage in NSW (DECCW 2011)
- o ensure consultation has taken place with Aboriginal people and is documented in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW)
- o assess impacts on Aboriginal cultural heritage values and be documented in the ACHAR. This must demonstrate attempts to avoid impacts, identify any conservation outcomes and measures to mitigate impacts.

8. Operation

The EIS shall include details of the proposed use and operation of the development, including but not limited to:

- o any uses ancillary and/ or not ancillary to the hotel use
- o hours of operation
- o patron capacity
- o signage
- o the relationship between the proposed uses of the building
- o a Plan of Management.

	<p>9. Traffic, Transport Parking and Access (Construction and Operation)</p> <p>The EIS shall include a Traffic and Transport Impact Assessment that includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> o details of the current and likely estimated future daily and peak hour vehicle, public transport network, point to point transport, taxis, pedestrian and bicycle movements to/ from the site o an assessment of the operation of existing and future transport networks including the rail, bus, Sydney Light Rail and Sydney Metro City and Southwest, pedestrian and bicycle networks and point-to-point transport and coach facilities and their ability to accommodate the forecast number of trips to and from the development o an assessment of the: <ul style="list-style-type: none"> - impact of the proposal on existing traffic and transport performance and safety at key intersections in the area, including but not limited to Pitt St/Liverpool Street/Bathurst Street, Castlereagh Street/Bathurst Street and Castlereagh Street/Liverpool Street. This must include specific reference to the impact of taxi trips to the performance of nearby intersections - likely impact of the proposal on bus operations (stops, routes and parking) - point to point parking in the surrounding streets - proposed temporary or permanent changes to transport and access on surrounding streets. o details of existing and proposed vehicular access, including for hotel drop off and pick up, coach and servicing, and an assessment of any potential impacts, such as potential pedestrian, cyclist and bus conflict. This must include how the access impacts on the pedestrian and bicycle amenity of the area given that the site is in an area with high numbers of pedestrians o details of any road/intersection upgrades required as a result of the development, supported by appropriate modelling and analysis, and any other measures to mitigate impacts of the development o details of the proposed vehicle, motorcycle, taxi, bus and coach parking, including compliance with parking requirements and justification for the level of parking on the site o details of the location of bicycle parking facilities (and end of trip facilities) as these need to be in secure, convenient, accessible areas close to main entries incorporating lighting and passive surveillance o details of emergency vehicle access arrangements o road and pedestrian safety adjacent to the proposed development and details of required road safety measures o proposals to encourage employees, guests and residents to make sustainable travel choices, such as walking, cycling, public transport and car
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	<p>sharing and how these will be implemented</p> <ul style="list-style-type: none"> o assessment of loading and servicing demand and details of the existing and proposed loading and servicing facilities, including safe and efficient access to loading, deliveries and servicing of the development. o a draft Construction Pedestrian and Traffic Management Plan that includes, but is not limited to, the following: <ul style="list-style-type: none"> - assessment of cumulative impacts associated with other construction activities including the construction of the Sydney Light Rail project and the Sydney Metro City and Southwest - assessment of road safety at key intersections and locations subject to heavy vehicle movements and high pedestrian activity - details of construction program detailing the anticipated construction duration and highlighting significant and milestone stages and events during the construction process - details of anticipated number of peak hour and daily truck movements to and from the site, vehicle routes, hours of operation, access arrangements and traffic control measures for all demolition/construction activities - details of access arrangements for workers to/from the site, emergency vehicles and service vehicle movements - details of temporary cycling and pedestrian access during construction - details of proposed construction vehicle access arrangements at all stages of construction - details of mitigation measures for traffic, pedestrian, cyclists, parking and public transport impacts to demonstrate the proposed management of the impact. <p>10. Construction management</p> <p>The EIS shall include a draft construction management plan that includes:</p> <ul style="list-style-type: none"> o an assessment of potential impacts of the construction on surrounding buildings and the public domain, including noise and vibration, air quality and odour impacts, dust emissions, water quality, stormwater runoff, groundwater seepage, soil pollution and construction waste, and details of measures to mitigate any impact o provide a Demolition and Construction Noise Vibration Management Plan in accordance with Condition 30 of the Stage 1 consent. <p>11. Water, drainage and stormwater</p> <p>The EIS shall include:</p> <ul style="list-style-type: none"> o a detail assessment of flooding hazard in accordance with City of Sydney Interim Floodplain Management Policy and the Environment, Energy and Science (EES) Group flooding comments o information on the required water and waste water services and any
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	<p>augmentation to Sydney Water infrastructure that may be required for the proposed development</p> <ul style="list-style-type: none"> o a stormwater management plan through the City's MUSIC link model. <p>12. Rail corridor</p> <p>The EIS shall detail the likely effect of the proposal on the Sydney Metro Corridor and Pitt Street North Station consistent with the Sydney Metro Underground Corridor Protection Technical Guidelines (available from www.sydneymetro.info).</p> <p>13. Ecologically Sustainable Development (ESD)</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> o identify how the development will incorporate ESD principles (as defined in Clause 7(4) of Schedule 2 of the Regulation) in the design, construction and ongoing operation phases of the development, and include innovative and best practice proposals for environmental building performance o include a framework for how the future development will be designed to consider and reflect national best practice sustainable building principles to improve environmental performance and reduce ecological impact. This should be based on a materiality assessment and include waste reduction design measures, future proofing, use of sustainable and low-carbon materials, energy and water efficient design (including water sensitive urban design) and technology and use of renewable energy o include certification that the residential component of the development achieves the BASIX scores set out in the Concept Approval D/2016/1509 o investigate the use of third party ESD certification to achieve targets beyond those required under the concept approval and NCC o outline any sustainability initiatives that will minimise/ reduce the demand for drinking water, including alternative water supply and end uses of drinking and non-drinking water that may be proposed, demonstrate water sensitive urban design principles are used, and any water conservation measures that are likely to be proposed. <p>14. Utilities</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> o address the existing capacity of the site to service the proposed development and any augmentation requirements for utilities, including arrangements for electrical network requirements, drinking water, waste water and recycled water o identify the existing infrastructure on-site and any possible impacts of the construction and operation of the proposal on this infrastructure. The existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure and additional licence/approval requirements in consultation with relevant agencies o provide details on the location, construction and servicing of the waste/recycling collection facilities for the building.
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	<p>15. Biodiversity</p> <p>The EIS shall:</p> <ul style="list-style-type: none"> o provide an assessment of the proposal's biodiversity impacts in accordance with Section 7.9 of the <i>Biodiversity Conservation Act 2017</i>, the Biodiversity Assessment Method and documented in a Biodiversity Development Assessment Report where required under the Act o include landscape plans that improve and accommodate biodiversity (see Section 3.5.1 of the Sydney Development Control Plan 2012). Landscaping is to give preference to using local native provenance species from the native vegetation community that once occurred in the locality, where appropriate. <p>16. Contributions and/ or Voluntary Planning Agreement</p> <p>The EIS shall address the provision of public benefit, services, infrastructure and any relevant contribution requirements.</p>
Consultation	<p>During the preparation of the EIS, you must consult with the relevant local, State or Commonwealth Government authorities, service providers, community groups and affected landowners.</p> <p>In particular you must consult with:</p> <ul style="list-style-type: none"> - City of Sydney Council - Government Architect of NSW - Transport for NSW (Roads and Maritime Services) - Heritage Council of NSW - Sydney Coordination Office within Transport for NSW - Sydney Trains - Sydney Metro - Sydney Airport/CASA <p>The EIS must describe the consultation process and the issues raised, and identify where the design of the development has been amended in response to these issues. Where amendments have not been made to address an issue, a short explanation should be provided.</p>
Further consultation after 2 years	<p>If you do not lodge a Development Application and EIS for the development within 2 years of the issue date of these SEARs, you must consult further with the Secretary in relation to the preparation of the EIS.</p>
Plans and Documents	<p>The EIS must include all relevant plans, architectural drawings, diagrams and relevant documentation required under Schedule 1 of the Regulation. Provide these as part of the EIS rather than as separate documents.</p> <p>In addition, the EIS must include the following:</p> <ul style="list-style-type: none"> - high quality files of maps and figures of the subject site and proposal

10

	<ul style="list-style-type: none"> - architectural drawings (to a useable scale at A3) showing key dimensions, RLs, scale bar and north point, plans, sections and elevations of the proposal (including 1:20 scale detail plans where works affect heritage fabric) and illustrated materials schedule including physical or digital samples board - site title diagrams and survey plan, showing existing levels, location and heights of existing and adjacent structures/ building - locality/context plan drawn, including significant local features such as heritage items - urban design report - heritage impact statement - Aboriginal and historical archaeological impact assessment - access impact statement - visual impact assessment - solar access analysis report and diagrams - public domain design statement and plans - landscape design report and landscape design package, including plans, details and levels for hotel and residential components - detailed green wall and green roof plans and details - biodiversity development assessment report (or waiver) - ESD statement (incorporating a sustainability framework) and BASIX Certificate - geotechnical report - Building Code of Australia statement - consultation summary report - noise impact assessment - wind impact report, including wind tunnel testing for public domain areas and all landscaped terraces on upper levels - reflectivity report - flood study and stormwater concept plan - Public Art Proposal in accordance with the adopted Public Art Strategy - signage strategy, including commercial signage / building name signage (if proposed) - traffic and transport impact assessment, including parking, access, loading dock
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	<p>strategy / management plan and a construction traffic management plan</p> <ul style="list-style-type: none"> - a report demonstrating compliance with the Sydney Metro Underground Corridor Protection Guidelines - construction impacts and management plan, including a construction noise and vibration management plan, construction waste and recycling management plan and cumulative impact of construction activities on other nearby sites, including any impact to Rail services nearby - utilities and services statement - Detailed Environmental Site Investigation - Acoustic reports regarding: <ul style="list-style-type: none"> o Demolition and Construction Noise Vibration Management Plan in accordance with Condition 30 of the Stage 1 consent o Noise impact assessment considering City's Acoustic Amenity requirements under DCP 2012 4.2.3.11 for residential apartments & NSW EPA <i>Noise Policy for Industry</i> and NSW Department of Planning <i>Planning for Entertainment Guidelines 2009</i> for commercial plant and entertainment related noise associated with the proposed development - Acid Sulphate Soils report - Crime Prevention through Environmental Design report - Physical and 3D CAD model as per Council requirements.
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APPENDIX TWO: AHIMS SITE SEARCH



AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 338 Pitt Street
Client Service ID : 456948

Benjamin Streat
122 c-d Percival Road
Stanmore New South Wales 2048
Attention: Benjamin Streat
Email: streatarchaeological@netspace.net.au

Date: 16 October 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 10, DP:DP857070 with a Buffer of 1000 meters, conducted by Benjamin Streat on 16 October 2019.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

13	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *