

Aboriginal Cultural Heritage Methodology and Methodology for Unexpected Aboriginal Archaeology

Sandstone Precinct, Bridge St, Sydney



Prepared by Curio Projects
January 2017 (Revision following OEH Comment)

Table of Contents

Executive Summary	3
1.0 Introduction.....	5
1.1. The Purpose of this Report	5
1.2. Site Identification	5
1.3. Authorship	6
2.0 Statutory Context.....	7
2.1. NSW Parks and Wildlife Act 1974	7
2.2. OEH Guidelines	7
2.3. Environmental Planning and Assessment Act 1979	8
2.4. Current DA Approval and Requirements	8
3.0 Archaeological Context	9
3.1. Summary of Environmental Context for Aboriginal Occupation	9
3.2. Summary of Archaeological Context	10
3.3. Summary of Aboriginal Archaeological Potential	13
3.4. Historical Archaeological Context.....	14
3.4.1. Brief Historical Overview.....	14
3.4.2. Historical Archaeological Potential	15
4.0 Aboriginal Community Consultation	16
4.1. Registered Aboriginal Parties.....	16
5.0 Development Impacts.....	17
6.0 Unexpected Aboriginal Archaeological Deposits.....	18
6.1. Introduction	18
6.2. Proposed Methodology for Unexpected Aboriginal Archaeology.....	18

Executive Summary

Curio Projects has been commissioned by Pontiac Land Group (PLG) to undertake Aboriginal community consultation for proposed works within 'The Sandstone Precinct' which includes 23-33 Bridge Street (Lands Building), 35-39 Bridge Street (Education Building), the road and public reserves at Gresham Street, Loftus Street and Farrer Place, Sydney (the site).

PLG will sensitively adapt these iconic buildings with world-leading architecture and design and position this as a world class luxury hotel. The development will rejuvenate the Sandstone Precinct as a destination and a focal point of interest for the city of Sydney.

This report provides project details as relevant to the Aboriginal cultural heritage assessment undertaken for the project, including Aboriginal community consultation, presentation of project information, proposed cultural heritage methodology and procedure for managing any unexpected Aboriginal archaeological deposits at the site during development works.

This report constitutes Stage 2.1 (Presentation of project information to Registered Aboriginal Parties) and Stage 3.1 (Presentation of proposed methodology for the cultural heritage assessment) of Office of Environment and Heritage (OEH) guidelines *Aboriginal cultural heritage consultation requirements for proponents 2010*.

As this development is approved as a State Significant Development (SSD 6751), the requirement of the *NSW Parks and Wildlife Act 1974* for a Section 90 Aboriginal Heritage Impact Permit (AHIP) to be sought prior to any impact to Aboriginal sites or objects, legally does not apply. However, Aboriginal objects, sites and places are still afforded statutory protection under the NPW Act, and will be adequately addressed in accordance with current standards and guidelines. While Aboriginal objects are unexpected, a procedure will be developed to be followed in the unlikely event that Aboriginal archaeological deposits are found to exist within the study area.

Curio Projects undertook a reassessment of the Aboriginal archaeological context and potential for the Sandstone Precinct in February 2016. This assessment took the form of an Aboriginal Heritage Due Diligence Assessment, in accordance with the OEH (formerly DECCW) Due Diligence Code of Practice in order to ensure the quality of assessment through adoption of current best practice heritage guidelines. This assessment concluded that:

- there is *low potential* for intact Aboriginal archaeological deposits at the study area;
- there is *low to moderate potential* for Aboriginal objects and archaeological deposits to be present at the study area in a disturbed context, where previous development has not completely removed soils;
- should intact Aboriginal archaeological deposits be present at the study area, these would be of *high significance*, for their research potential, rarity, and potential significance to the Aboriginal community (to be confirmed through Aboriginal community consultation); and
- should Aboriginal objects be present within the study area in a disturbed context, these objects would be of *moderate to high significance*, for their research potential, rarity, and potential significance to the Aboriginal community (to be confirmed through consequent Aboriginal community consultation).

In addition, a historical archaeological deposit associated with the historical use of the study area as the administrative centre of Sydney since 1788 has the potential to be present within the study area, and therefore would also overlie any natural soil profiles, should they be present.

The discovery of an Aboriginal archaeological deposit is not expected within the study area. However, in the unlikely event that natural soil profiles with the potential to retain Aboriginal archaeological deposits are encountered, a methodology to address any unexpected Aboriginal archaeology has been developed. This is in order to mitigate and address any potential impact to unexpected Aboriginal archaeological deposits, to avoid causing unnecessary delay to the development, to provide a clear process as to how this unexpected resource would be addressed and investigated, as well as how to inform and involve the Registered Aboriginal Parties (RAPs) in this process if it is required.

1.0 Introduction

Curio Projects has been commissioned by Pontiac Land Group (PLG) to undertake Aboriginal community consultation for proposed works within 'The Sandstone Precinct' which includes 23-33 Bridge Street (Lands Building), 35-39 Bridge Street (Education Building), the road and public reserves at Gresham Street, Loftus Street and Farrer Place, Sydney (the site).

PLG has been selected by Government Property NSW to be the preferred purchaser of the long-term lease on two iconic buildings in the heart of Sydney. PLG will sensitively adapt these iconic buildings with world-leading architecture and design and position this as a world class luxury hotel. The development will rejuvenate the Sandstone Precinct as a destination and a focal point of interest for the city of Sydney.

The site benefits from Stage 1 Concept Plan Approval (CPA) SSD 6751 granted by the NSW Department of Planning and Environment (DPE) on the 25 August 2015. The Department of Planning and Environment (DPE) issued development approval for the Stage 1 Concept Proposal for tourist and visitor accommodation, retail premises and function centre uses—including a maximum above and below ground building envelope at 23-33 Bridge Street and 35-39 Bridge Street, Sydney.

The Stage 1 CPA includes:

- Use of the buildings for predominantly hotel accommodation;
- Concept approval for a three storey addition on top of the Education Building;
- a potential link between the two buildings under Loftus Street; and
- potential hotel-related support services under the buildings, and under Farrer Place and Gresham Street.¹

1.1. The Purpose of this Report

This report provides project details as relevant to the Aboriginal cultural heritage assessment undertaken for the project, including Aboriginal community consultation, presentation of project information, proposed cultural heritage methodology and procedure for managing any unexpected Aboriginal archaeological deposits at the site during development works.

This report constitutes Stage 2.1 (Presentation of project information to Registered Aboriginal Parties) and Stage 3.1 (Presentation of proposed methodology for the cultural heritage assessment) of Office of Environment and Heritage (OEH) guidelines *Aboriginal cultural heritage consultation requirements for proponents 2010*.

1.2. Site Identification

The subject site, known as 'The Sandstone Precinct' comprises a total area of 9,370m² and is located in the northern end of the Sydney Central Business District (CBD). The site is located adjacent to the former First Government House Site (now Museum of Sydney) and is within close walking distance to Circular Quay, the Royal Botanic Gardens, the NSW State Library, Sydney Opera House, The Rocks and Martin Place. The site location is shown in Figure 1 and Figure 2.

The specific property descriptions are as follows:

- Land's Building, 23-33 Bridge Street, Sydney (Lot 1877 DP 877000)—3,350m²

¹ Department of Planning and Environment, Press Release, 28 August 2015. *Sandstone Precinct concept plan approved*. Available at: <<http://www.planning.nsw.gov.au/News/2015/Sandstone-Precinct-concept-plan-approved>>

- Education Building, 35-39 Bridge Street, Sydney (Lot 56 DP 729620)—2,795m²
- Road and Public Reserves—Gresham Street, Loftus Street and Farrer Place—3,220m²



FIGURE 1: STUDY AREA (OUTLINED IN RED) IN ITS WIDER CONTEXT (SOURCE: GOOGLE EARTH PRO WITH CURIO ADDITIONS 2016)

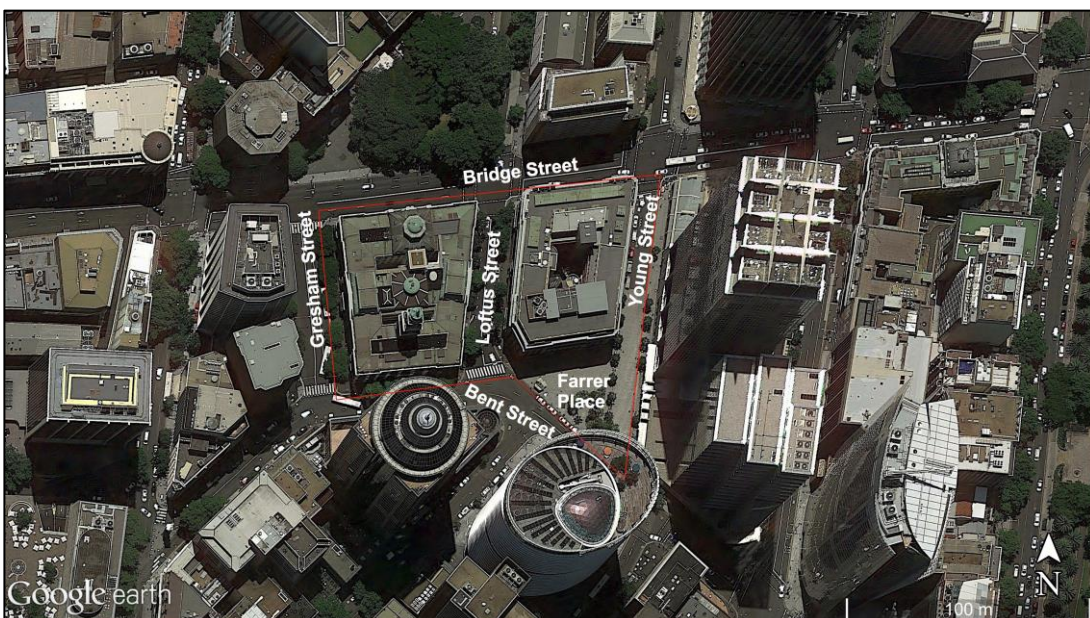


FIGURE 2: STUDY AREA (OUTLINED IN RED) IN IMMEDIATE LOCAL CONTEXT (SOURCE: GOOGLE EARTH PRO WITH CURIO ADDITIONS 2016)

1.3. Authorship

This report has been prepared by Sam Cooling, Senior Archaeologist, and reviewed by Natalie Vinton, Heritage Specialist and Director, of Curio Projects Pty Ltd.

2.0 Statutory Context

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

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

2.1. NSW Parks and Wildlife Act 1974

The NSW Parks and Wildlife Act 1974 (NPW Act), administered by the OEH, is the primary legislation that provides statutory protection for all ‘Aboriginal objects’ (Part 6, Section 90) and ‘Aboriginal places’ (Part 6, Section 84) within NSW.

An Aboriginal object is defined through the NPW Act as:

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

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

“...any act or omission that:

(a) destroys, defaces or damages the object or place, or

(b) in relation to an object-moves the object from the land on which it had been situated, or

(c) is specified by the regulations, or

(d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c), “²

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

2.2. OEH Guidelines

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

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW.*³
- *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW.*⁴

² NPW Act 1974

³ DECCW 2010, *Due Diligence Code of Practice for the Investigation of Aboriginal Objects in New South Wales*.

⁴ OEH 2011, *Guide to Investigating, assessing and reporting on Aboriginal cultural heritage in NSW*.

- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales*.⁵
- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.⁶
- *Aboriginal Heritage Impact Permits, a Guide for Applicants*.⁷

2.3. Environmental Planning and Assessment Act 1979

The EP&A Act is an 'Act to institute a system of environmental planning and assessment for the state of NSW' (EP&A Act)⁸. Dependent upon which Part of the EP&A Act a project is to be assessed under, differing requirements and protocols for the assessment of associated Aboriginal cultural heritage may apply.

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

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

2.4. Current DA Approval and Requirements

On 25th August, 2015, the proposed development project was determined to be a State Significant Development (SSD 6751) in accordance with Section 89E of the EP&A Act.

The main condition of this SSD determination as relevant to Aboriginal heritage is:

*'B6. Future Development Applications involving excavation shall include a detailed Aboriginal and historical archaeological assessment which includes an assessment of the urban archaeological site, impact assessment, proposed mitigation measures and proposed preservation processes. This shall be undertaken in close consultation with the local Aboriginal community group'*⁹

As this development is SSD, the requirement of the NPW Act for a Section 90 AHIP to be sought prior to any impact to Aboriginal sites or objects, legally does not apply. However, Aboriginal objects, sites and places are still afforded statutory protection under the NPW Act, and are required to be adequately address in accordance with current standards and guidelines. While Aboriginal objects are unexpected, a procedure will be developed to be followed in the unlikely event that Aboriginal archaeological deposits are found to exist within the study area.

This current report functions as part of the above quoted condition, as part of the Aboriginal consultation process undertaken for this project.

⁵ DECCW 2010, *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales*.

⁶ DECCW 2010, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

⁷ OEH 2011, *Aboriginal Heritage Impact Permits, a Guide for Applicants*.

⁸ http://www.austlii.edu.au/au/legis/nsw/consol_act/epaaa1979389/longtitle.html

⁹ SSD 6571, p 5 Issued 24 August 2015

3.0 Archaeological Context

An archaeological assessment report was prepared for the site, including an assessment of potential Aboriginal archaeology for the study area, by Urbis in November 2014.¹⁰ The Urbis report stated that:

“It has been assessed that there is a low degree of archaeological potential for Aboriginal archaeological deposits to be present on site. If present, any potential archaeological deposits are likely to be highly disturbed. Irrespective of this, any Aboriginal archaeological material, if identified, must be recorded, reported to the Office of Environment and Heritage (OEH) and registered on the AHIMS.

...Aboriginal archaeological deposits are relatively rare within inner Sydney and the Sydney CBD specifically. If identified, Aboriginal archaeological remains within the subject site would be considered to provide a rare and highly valuable contribution to the archaeological record.”¹¹

In summary, the Urbis report concluded that Aboriginal archaeology within the study area would:

1. have a low degree of potential to be present intact;
2. if present, have a high degree of rarity and scientific significance, with the ability to contribute in a meaningful way to the Aboriginal archaeological record and our understanding of use of the landscape of the Sydney CBD by Aboriginal people;
3. require the preparation of an Aboriginal archaeological assessment specific to proposed site works (i.e. subsequent DA applications); and
4. possibly require an AHIP prior to ground impacts.

Curio Projects undertook a reassessment of the Aboriginal archaeological context and potential for the Sandstone Precinct in February 2016. This assessment took the form of an Aboriginal Heritage Due Diligence Assessment, in accordance with the OEH (formerly DECCW) Due Diligence Code of Practice in order to ensure the quality of assessment through adoption of current best practice heritage guidelines. The Curio Projects Aboriginal archaeological assessment reassessed the environmental context, Aboriginal archaeological context and archaeological potential of the study area, in light of current development plans, DA, and in the context of the determination of this project as a SSD since the 2014 report. As noted in the statutory context above, the status of this project as an SSD means that it is legally exempt from the requirement to seek an AHIP from the OEH.

The results of the Curio Projects Aboriginal Heritage Due Diligence Assessment are summarised below.

3.1. Summary of Environmental Context for Aboriginal Occupation

The study area would have provided a rich resource zone to Aboriginal people, with proximity to fresh water of the Tank Stream and its estuary, as well as Sydney Cove, and the associated floral and faunal resources sustained by these environments and the sandy soils. The landscape positioning and vantage point over Sydney Cove would have been impressive and intensely utilised by Aboriginal people. Selection of the location of the study area and surrounds by Governor Phillip as the initial seat of

¹⁰ Urbis 2014, *Archaeological Assessment—‘Sandstone Precinct’: 23-33 Bridge Street (Lands Building), 35-39 Bridge Street (Education Building), and road and public reserves at Gresham Street, Loftus Street, and Farrer Place, Sydney.* (Report to Government Property NSW).

¹¹ Urbis 2014, 48

government and colonial management in 1788, provides further evidence to the landscape of the study area as a convenient, resourceful and desirable location for human occupation.

Aboriginal archaeology, if present within the study area, would be present either within natural soil profiles, possibly mixed into historical fill from previous land disturbance, or possibly located within layers of historic archaeology at the site due to post-1788 contact between the local Aboriginal people and the colonists.

Gynea soils are generally shallow (20-100cm), dependent on the landform on which they are located, and due to their sandy nature, are susceptible to sheet erosion when disturbed. This propensity for erosion and disturbance of soils within the study area indicate a low to moderate likelihood for natural soil profiles to be intact. However, a small possibility does still exist for natural soils (in which Aboriginal objects may have been deposited) to be intact, or disturbed but still present, at the study area location.

The current building alignment (i.e. the levels of the Lands and Education Buildings) generally corresponds with the natural slope of the landform on which the study area is located. It is possible that this may indicate a lower level of ground modification and ground disturbance has taken place through the construction of the Lands and Education buildings and previous Macquarie-era buildings at the study area, and may suggest the possibility that natural soil profiles may be present in isolated locations at the study area.

3.2. Summary of Archaeological Context

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 22nd January 2016, and returned 25 results within approximately 2km of the study area. No registered sites were located within the current study area. The AHIMS results included six different site types, some in combination with each other. These sites are summarised in Table 1. The general location of each of these registered sites in proximity to the study area is depicted in Figure 3. The most common site type registered in the area are 'PAD' sites, followed by 'Artefact' sites, and 'Artefact in combination with Shell Midden' sites.

A review of previous archaeological work in the Sydney CBD was undertaken for the Due Diligence Assessment, and nearby sites were noted to include:

- **First Government House (Museum of Sydney) (AHIMS #45-5-2299).** Located immediately to the east of the current study area. Unmarked Aboriginal burials were reported to be located at the First Government House site. The site is now occupied by the Museum of Sydney, after it was excavated in 1983 as part of the redevelopment of the area. No Aboriginal burials were located as a result of this excavation, however physical evidence for the use of the area by Aboriginal people was encountered at the site in the form of contact period Aboriginal artefacts that appeared to have been manufactured from dark green bottle glass.¹²
- **Sydney Conservatorium of Music.** The current site of the Sydney Conservatorium of Music is located on the site of the former stables for first government house. Historical excavation of the former stables was undertaken in 1998, during which, some Aboriginal stone artefacts were uncovered. While the archaeologists concluded that it was likely that the Aboriginal stone artefacts had in fact been relocated to the site through the movement of soil and 'fill' material

¹² H Proudfoot, A Bickford, B Egloff and R Stocks, 1991. *Australia's First Government House* (North Sydney; Allen & Unwin)

during the early colonial period, the presence of the artefacts provided physical evidence for the ubiquitous use of the surrounding landscape by Aboriginal people.¹³

- **Darling Quarter.** Comber Consultants undertook a series of Aboriginal archaeological excavations in 2008 and 2009 for the redevelopment of Darling Quarter, Darling Harbour. The site was located along the original foreshore of Cockle Bay (Darling Harbour), and excavation identified the remains of a shell midden, including ten Aboriginal stone artefacts on an exposed area of bedrock.¹⁴
- **200 George Street, Sydney (#45-5-3081).** The 200 George Street site was identified as having a high potential for historical archaeological relics and a low to moderate potential for Aboriginal objects to be present, mainly due to its location on the banks of an intertidal zone of the Tank Stream. Due to the location of the site in an urban, developed environment, as well as the potential presence of Aboriginal artefacts in conjunction with the historical archaeology, a two staged excavation methodology was undertaken, which involved the commencement of Aboriginal archaeological test excavation at the site, if and when natural soil profiles were uncovered through the course of the historical excavation. However, few areas of remnant natural soil profiles were identified across the site, and no Aboriginal objects were recovered from the excavation of these soils. Geomorphological investigation of the site determined that the stepped sandstone and highly organic estuarine environment would likely have been unsuitable for Aboriginal people, or not suitable for the preservation of archaeological signature relating to possible Aboriginal activity.¹⁵
- **Wynyard Walk.** GML Heritage undertook Aboriginal archaeological excavation of the Wynyard Walk, West Portal site in 2014. While disturbance at the site was considered likely, previous excavations in close proximity to the site such as the neighbouring KENS site, had illustrated that soil profiles capable of bearing archaeological deposits could be preserved in the area. Similar to 200 George Street, the Aboriginal archaeological excavation of this site required a two-staged approach due to the nature of the site below previous development and in association with the historical archaeology at the site. The post excavation report is still in preparation, however Aboriginal stone artefacts were indeed recovered in association with the historical archaeology present at the site, as well as within surviving natural soil profiles.

While the extent of development across the Sydney CBD has been great since 1788, evidence for surviving Aboriginal archaeological sites, demonstrates that many sites still survive within the vicinity of the study area. As investigation of sites within the CBD is triggered only by extensive development, it is clear that the possibility remains for many Aboriginal archaeological deposits to remain partially or wholly intact beneath the skyscrapers and historical buildings of Sydney.

The extent to which these sites survive clearly varies (i.e. 200 George Street no longer demonstrated an Aboriginal archaeological signature, while Wynyard Walk and Darling Quarter both retained evidence to contribute to the archaeological record), however these sites are still significant for their ability to add to our understanding of Aboriginal use of the Sydney landscape, as well as often providing a tangible

¹³ Attenbrow, V. 2012 *Sydney's Aboriginal Past. Investigating the Archaeological and Historical Records* (Sydney, UNSW Press)

¹⁴ Comber Consultants 2012, *Darling Quarter (formerly Darling Walk), Darling Harbour. Aboriginal Archaeological Excavation Report*. Prepared for Casey + Lowe on behalf of Lend Lease.

¹⁵ GML Heritage 2014, *200 George Street Post Excavation Report, Volume 2*. Prepared for Mirvac.

link through the artefactual record to assist local Aboriginal people of Sydney to connect to their culture and past.

TABLE 1: AHIMS SITES

Site Type	Number of Sites	Percentage of Sites (%)
Aboriginal Burial (Aboriginal Ceremony and Dreaming)	1	4%
Art (Pigment or Engraved)	3	12%
Artefact	4	16%
Artefact and Shell Midden	4	16%
Artefact, Shell Midden and Aboriginal Ceremony and Dreaming	1	4%
Artefact and Potential Archaeological Deposit (PAD)	1	4%
Potential Archaeological Deposit (PAD)	10	40%
Shell Midden	1	4%
TOTAL	25	100%

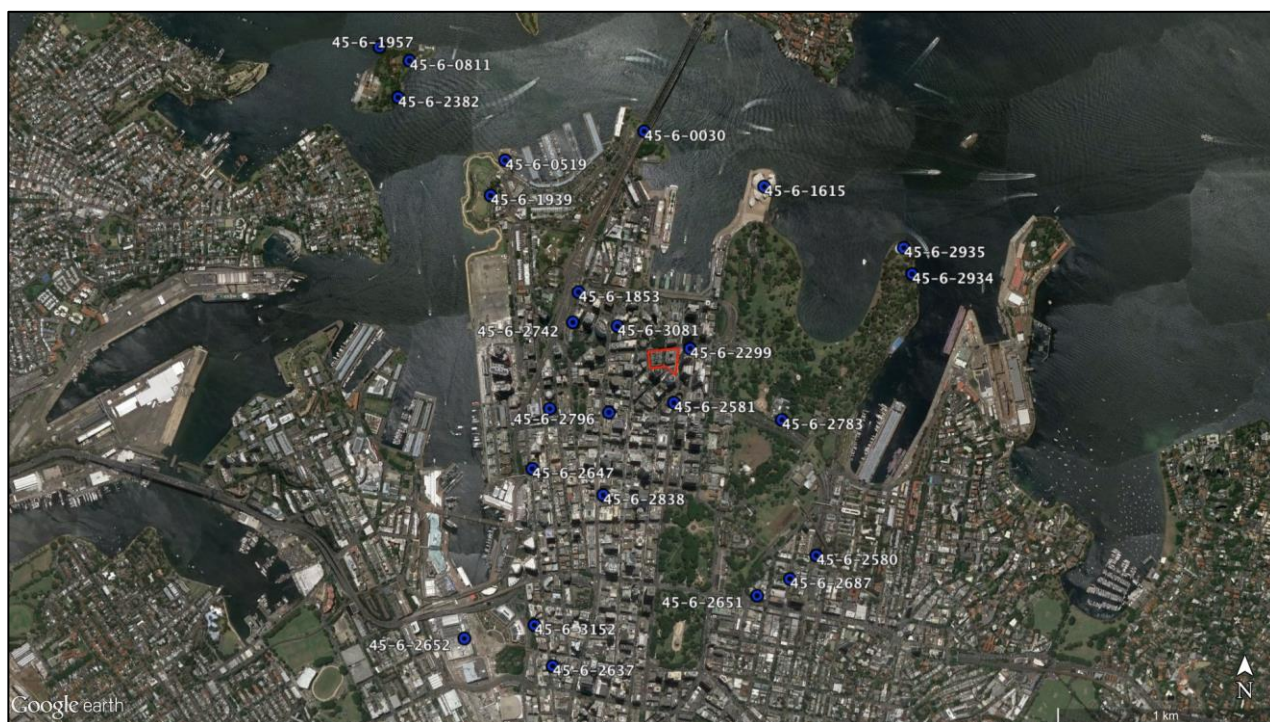


FIGURE 3: AHIMS SITES. CURRENT STUDY AREA IS SHOWN IN RED. (SOURCE: GOOGLEEARTH PRO WITH CURIO PROJECTS ADDITIONS 2016)

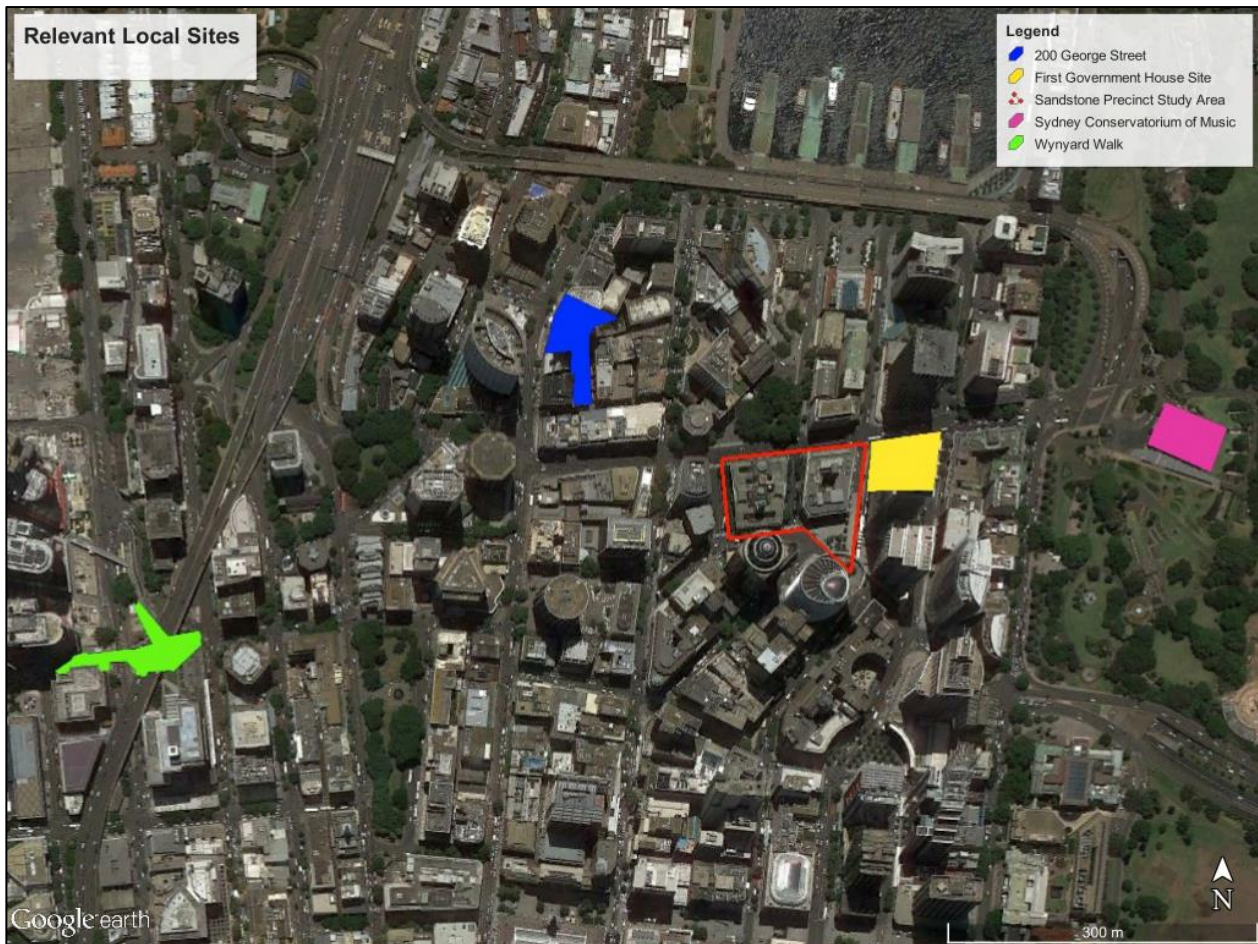


FIGURE 4: RELEVANT LOCAL ARCHAEOLOGICAL WORK. STUDY AREA OUTLINED IN RED. NOTE THAT DARLING QUARTER (NOT PICTURED) IS LOCATED APPROX. 1.3KM TO THE SOUTH WEST OF THE CURRENT STUDY AREA. (SOURCE: GOOGLEEARTHPRO WITH CURIO ADDITIONS 2016).

3.3. Summary of Aboriginal Archaeological Potential

Aboriginal archaeological deposits have the potential to be present either within remnant pockets of natural soil profiles, or in a disturbed context within layers of historical archaeology. Previous development works that have involved excavation or piling to bedrock would have removed all potential for Aboriginal archaeological deposits to be present in those locations, however in all other locations where excavation to bedrock has not occurred Aboriginal archaeological potential still exists, albeit at varying degrees depending on activities undertaken.

The potential for the presence of Aboriginal archaeological evidence within the study area is summarised as follows:

- there is *low potential* for intact Aboriginal archaeological deposits at the study area;
- there is *low to moderate potential* for Aboriginal objects and archaeological deposits to be present at the study area in a disturbed context, where previous development has not completely removed soils;
- should intact Aboriginal archaeological deposits be present at the study area, these would be of *high significance*, for their research potential, rarity, and potential significance to the Aboriginal community (to be confirmed through Aboriginal community consultation); and
- should Aboriginal objects be present within the study area in a disturbed context, these objects would be of *moderate to high significance*, for their research potential, rarity, and potential

significance to the Aboriginal community (to be confirmed through consequent Aboriginal community consultation).

3.4. Historical Archaeological Context

As part of the Stage 2 Development Application submission, an assessment of the subject site's historical archaeological potential was undertaken by Curio Projects. A brief summary of the history of the site since 1788 has been presented below, summarised from Curio Projects 2016, *Sandstone Precinct—Archaeological Assessment*.

3.4.1. Brief Historical Overview

The subject site is located immediately west of the site of the first permanent Government House, construction of which commenced just months after arrival of Governor Phillip and the First Fleet into Sydney Cove. On 29 January 1788, the portable house of Governor Arthur Phillip was erected just to the east of the subject site, with the first Government House (first permanent building to be erected in the colony) completed in the same location by 1789. It remained in use as the colony's Government House until 1845.

In 1792, a row of permanent residences and gardens for the Colony's civil officers were established across the subject site, including the Commissary, Judge-Advocate, Surveyor-General, and Chaplain. The present configuration of Bridge Street, Bligh Street, O'Connell Street and Bent Street were already established by the early 1800s (and subsequently renamed to their current street names in 1810 by Governor Macquarie). For at least the first 40 years of settlement, the colony of New South Wales was administered from this site and its surrounding area early - as a natural response to the location of the administrative buildings.

In the early 1800s, Governor Macquarie undertook a major public works program within the subject site and surrounding area, which included the gradual demolition of the civil officer's residences within the subject site and their replacement with more significant administrative offices.

The construction of various new buildings, in and around the subject site, commenced between 1810-1817. The Colonial-Secretary's residence, the Judge-Advocate's residence, and the Surveyor General's residence were all constructed within the curtilage of the subject site. At the same time (1810-1812), a new guard house for the first Government House was constructed immediately to the east of the study area (below current Young St). The general layout of these Macquarie era buildings within the current study area are shown in Figure 5.

By the mid-1800s, the Sydney public works program had intensified and the area surrounding the subject site was reconfigured. The new guardhouse was dismantled, with its materials sold, and the first Government House site was demolished. Within the subject site, itself, the Judge-Advocate's house was demolished for the construction of Loftus Street (c.1845). The Colonial Secretary's Office, along with several associated outbuildings survived these changes and were surrounded by the new streets, including Loftus, Gresham and Young Streets. They were enclosed within a new boundary wall and survived, with modifications and extensions for several decades.

Construction of the Lands Building (within the subject site) was undertaken in two stages, commencing in 1876, and completed by 1893, which required the demolition of numerous Macquarie-era buildings, including the Surveyor-General's Office. A drainage 'moat' was also constructed beneath the footpath surrounding the Lands Building.

The Education Building was also constructed in two stages, with the northern stage completed by 1915, and demolition of Colonial-Secretary's Office undertaken in 1916 to make way for the second stage of the Education building. The Education Building was completed by 1930.

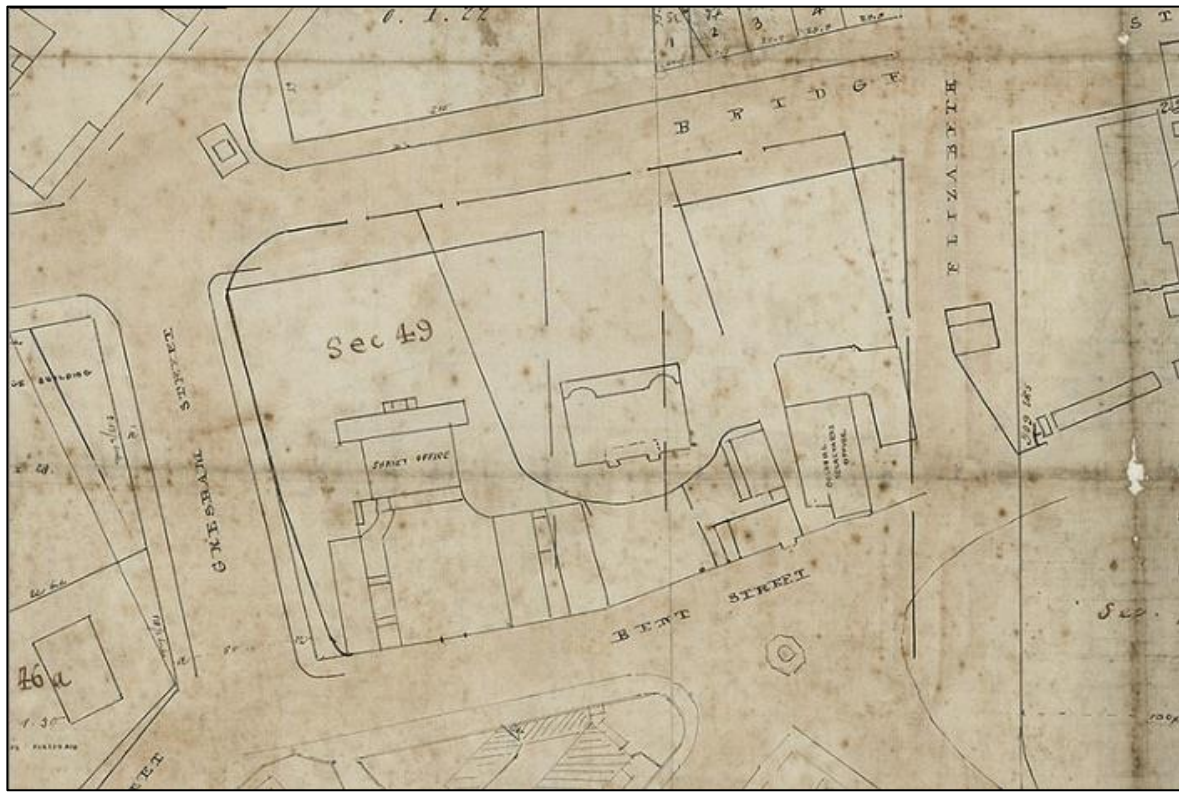


FIGURE 5: TRACING OF A MAP SHOWING PART OF SYDNEY, 1842(?). (SOURCE: STATE LIBRARY OF NSW. CALL NO. Z/M2 811.1722/1842/1. DIGITAL ORDER NO. C015100001)

3.4.2. Historical Archaeological Potential

Relevant to the historical archaeological potential of the study area, the Curio Projects 2016 report concluded that the subject site has the potential to contain State significant historical archaeological relics associated with all phases of development at the site.

Therefore, prior to mechanical bulk excavation commencing at the site, historical archaeological excavation must take place within the study area in order to minimise and mitigate any impact of the development on the potential historical archaeological resource. An Archaeological Research Design for historical archaeological excavation is currently being prepared for the study area.

4.0 Aboriginal Community Consultation

While the current project is approved as an SSD, and legally does not require an AHIP in accordance with the NPW Act, Aboriginal community consultation for this project has generally been undertaken in accordance with the OEH's guidelines *Aboriginal cultural heritage consultation requirements for proponents 2010*.

As stated by the OEH:

The objective of community consultation is to ensure that Aboriginal people have the opportunity to improve assessment outcomes by:

- *providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s)*
- *influencing the design of the method to assess cultural and scientific significance of Aboriginal object(s) and/or place(s)*
- *actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal object(s) and/or place(s) within the proposed project area*
- *commenting on draft assessment reports before they are submitted by the proponent to DECCW.*¹⁶

4.1. Registered Aboriginal Parties

After following the Stage One requirements for Aboriginal community consultation (as per OEH guidelines listed above), ten Registered Aboriginal Parties (RAPs) were identified for this project. All RAPs have been contacted regarding the project.

This document constitutes Stage 2.1 and Stage 3.1 of the OEH guidelines, that is 'Presentation of information about the proposed project', and presentation of 'the proposed methodology for the cultural heritage assessment to the RAPs for comment'. This document also presents the proposed methodology for managing unexpected Aboriginal archaeological deposits for the project, for review and comment by the RAPs.

All RAPs have been provided with a copy of this document for their information, review, and comment.

¹⁶ DECCW (Now OEH) 2010, *Aboriginal cultural heritage consultation requirements for proponents 2010*

5.0 Development Impacts

The proposed development of the study area by PLG into a world class luxury hotel mainly involves the adaptive reuse of the Lands and Education Buildings, and does not include the complete demolition of either building. As such, ground impacts for the development will be limited in nature (i.e. only discrete areas within the site will be subject to ground disturbance or excavation in order to make additions to make the development viable in its current form).

The main ground impacts proposed through the development include some excavation beneath the Education Building for the installation of a ballroom, plant, as well as housekeeping and laundry spaces. The exact locations and depths of these ground disturbances are currently in the process of being finalised and will be updated for the archaeological assessment once known.

Therefore, any unexpected Aboriginal archaeological deposits will only have the potential to be encountered and potentially disturbed within areas of the site that will be subject to ground disturbance.

6.0 Unexpected Aboriginal Archaeological Deposits

6.1. Introduction

The Aboriginal Due Diligence assessment for the subject site determined that there is a **low** potential for intact Aboriginal archaeological deposits to be present at the site, and a **low to moderate** potential for Aboriginal objects and archaeological deposits to be present at the study area in a disturbed context, where previous development has not completely removed soils.

When this is considered in the context of the development impacts (i.e. limited areas of ground disturbance, mainly restricted to underneath the Education Building), the likelihood of encountering Aboriginal archaeological deposits through the course of the current development, is very low.

The discovery of an Aboriginal archaeological deposit is not expected within the study area. However, in the unlikely event that natural soil profiles with the potential to retain Aboriginal archaeological deposits are encountered, a methodology to address any unexpected Aboriginal archaeology has been developed. This is in order to mitigate and address any potential impact to unexpected Aboriginal archaeological deposits, to avoid causing unnecessary delay to the development, to provide a clear process as to how this unexpected resource would be addressed and investigated, as well as how to inform and involve the Registered Aboriginal Parties (RAPs) in this process if it is required.

6.2. Proposed Methodology for Unexpected Aboriginal Archaeology

The following methodology for Aboriginal archaeological excavation within the study area would follow on from Stage 1 historical archaeological excavation (Historical Archaeological Research Design in preparation), and would only commence if remnant soil profiles, with the potential to yield Aboriginal archaeological deposits, were to be unexpectedly found through the historical archaeological excavation program.

In the unexpected event that suspected remnant soil profiles are encountered within the study area, excavation in the immediate vicinity will be paused, and a geomorphologist will be consulted to assess the geomorphological nature of the soils, in order to confirm whether the soils are in fact remnant natural profiles. If soils are confirmed to be natural, the Archaeologist/Aboriginal Excavation Director, Sam Cooling, will investigate the nature of the soils. Should any Aboriginal stone artefacts be encountered, excavation will immediately cease in the area, and the project RAPs will be contacted.

If an Aboriginal archaeological deposit is identified, this will be subject to archaeological investigation by the Excavation Director, with assistance from the project RAPs. Archaeological investigation would proceed in the way of open area expansion in the area of the identified Aboriginal archaeological deposit, until the edges of the archaeological deposit had been reached (within the area of the development impact).

Excavation would be undertaken by hand, generally in 10cm spit depths, in provenanced 1m squares subdivided into 50cm x 50cm quadrants. Precise archaeological techniques to be applied (including spit depth, and area of expansion etc) would be determined by the Excavation Director in the field, in consultation with the project RAPs, to allow excavation techniques to be flexible to the nature of the unexpected find.

The AA has determined that Aboriginal artefacts are not expected to be present within the study area in high enough densities to trigger the need for a comprehensive Research Design specific to Aboriginal archaeology. Current industry standard for expansion and investigation of an Aboriginal archaeological

deposit is generally 4 artefacts/m². However, in order to ensure any unexpected Aboriginal archaeology of the subject site is investigated in an appropriate manner, it is proposed that a trigger point of an encountered density of 3 artefacts/m² would apply to this site.

If greater than 3 artefacts/ m² are unexpectedly discovered, then work would cease in the immediate area so that the RAPs, OEH and DoPE could be consulted, and the preparation of a detailed Aboriginal Research Design, including research questions specific to the Aboriginal occupation and use of the subject land and how this compares with other sites in the region could be prepared, prior to works recommencing in the affected area.

All deposits excavated would be individually sieved and any archaeological material recovered, retained by provenance. All information regarding the excavation of the Aboriginal archaeological deposit would be recorded by the Excavation Director throughout the excavation including provenance (square), soil profiles, spit depth, final open area depth, excavator, and any observations made during excavation. A photographic record would be kept of all open area excavation squares, and scale-drawn records of stratigraphy/soil profiles would be made where applicable. A running field count of any Aboriginal stone artefacts recovered would be kept throughout the excavation. The Excavation Director would undertake basic analysis and recording of recovered stone artefacts on site.

Stone artefact recording of any unexpected Aboriginal stone artefacts would follow the requirements detailed through the Code of Practice, and in accordance with current accepted academic texts for stone artefact analysis and recording in southeast Australia (i.e. Holdaway and Stern 2004).

Any unexpected Aboriginal artefacts would be temporarily stored at the Curio Projects office (Level 1/24-26 Botany Road, Alexandria, NSW), in a locked box.

There are several options when it comes to the long-term management and curation of Aboriginal stone objects, once recovered from excavations. The suitability of each option depends on a number of factors including the nature of the development, the significance and extent of the deposit, and the wishes of the Aboriginal community. Long term management strategies for any Aboriginal objects would be discussed with project RAPs and the developer, upon the conclusion of any required excavation work.

Following the completion of any Aboriginal archaeological investigation at the subject site, detailed post excavation reporting and analysis of the results of excavation would be undertaken. Results would be compiled in a detailed report, suitable for submission to the OEH.

The discovery of any potential skeletal remains would be in accordance with the approved OEH protocol for the discovery of human remains which is stated as:

If any suspected human remains are discovered and/or harmed the proponent must:

- a) Not further harm these remains;*
- b) Immediately cease all work at the particular location;*
- c) Secure the area so as to avoid further harm to the remains;*
- d) Notify the local police and OEH's Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location; and*

- e) Not recommence any work at the particular location unless authorised in writing by OEH.¹⁷*

Interpretation of any Aboriginal archaeological deposit found within the study area would be addressed through consultation with the project RAPs as part of the wider Interpretation Plan for the Sandstone Precinct site, following completion of the archaeological investigation.

¹⁷ Letter from OEH to NSW Department of Planning and Environment, dated 14 December 2016 (OEH Ref DOC16/581, SSD 7484/SSD 6751 MOD2)