

# **APPENDIX H: TECHNICAL REPORT**

## **Lend Lease Circular Quay**

### **Aboriginal Archaeological Assessment**

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PREPARED BY	JILLIAN COMBER & TORY STENING
REPORT TO	CASEY & LOWE ON BEHALF OF LEND LEASE DEVELOPMENT PTY LTD
VERSION NO	G.2015
DATE	OCTOBER 2015

# DOCUMENT CONTROL

**PROJECT NO.** CL194      **STATUS** FINAL

REV	DATE	PREPARED	EDITED	APPROVED
A	18/10/2013	Jillian Comber & Tory Stening	Jillian Comber	Jillian Comber
B	26/10/2013	Jillian Comber & Tory Stening	Mary Casey	Jillian Comber
C	25/11/2013	Jillian Comber & Tory Stening	Letter from MLALC included	Jillian Comber
D	10/06/2014	Jillian Comber & Tory Stening	Jillian Comber	Jillian Comber
E	14/08/2015	Jillian Comber & Tory Stening	Jillian Comber	Jillian Comber
F	22/09/2015	Jillian Comber & Tory Stening	Jillian Comber	Jillian Comber
G	12/10/2015	Jillian Comber & Tory Stening	Jillian Comber	Jillian Comber

**Acknowledgements:**

This report was written by Jillian Comber, B.A., Litt.B., and Tory Stening, B.A., M.A. Caroline Plim, B.A., Dip.Loc&Applied History, wrote the Aboriginal history in section 3.

The assistance of Warwick Bowyer of Lend Lease Developments and Dr Mary Casey of Casey & Lowe is gratefully acknowledged.

Comber Consultants has a certified integrated management system to the requirements of ISO 9001:2008 (quality), ISO 14001:2004 (environmental), OHSAS 18001:2007 (health and safety) and AS/NZS 4801:2001 (health and safety). This is your assurance that Comber Consultants is committed to excellence, quality and best practice and that we are regularly subjected to rigorous, independent assessments to ensure that we comply with stringent Management System Standards.



# EXECUTIVE SUMMARY

Lend Lease Development Pty Ltd propose to redevelop 33-35 Pitt Street and 182 George Street, Jacksons on George, 174-176 George Street, and surrounding laneways (in part) Sydney.

To ensure that the Aboriginal archaeological and cultural heritage significance of the study area is not adversely impacted upon, Casey & Lowe on behalf of Lend Lease Development Pty Ltd have commissioned this Aboriginal archaeological assessment.

This report concludes that the study area has the potential to contain Aboriginal subsurface archaeological deposits and recommends that a program of subsurface testing and salvage be undertaken prior to the redevelopment works. Such testing and salvage should be undertaken in the portion of the study area that does not contain existing basements and will be subject to bulk excavation.

It will be necessary to apply for an Aboriginal Heritage Impact Permit (AHIP) under Part 6 of the *National Parks & Wildlife Act 1974* to undertake testing as it is possible that the site may contain contact archaeology. It will be necessary to undertake Aboriginal community consultation in accordance with OEH's *Aboriginal cultural heritage consultation requirements for proponents 2010*.



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# 1.0 INTRODUCTION

BACKGROUND

LOCATION

DEVELOPMENT PROPOSAL

AIMS



## 1.0 INTRODUCTION

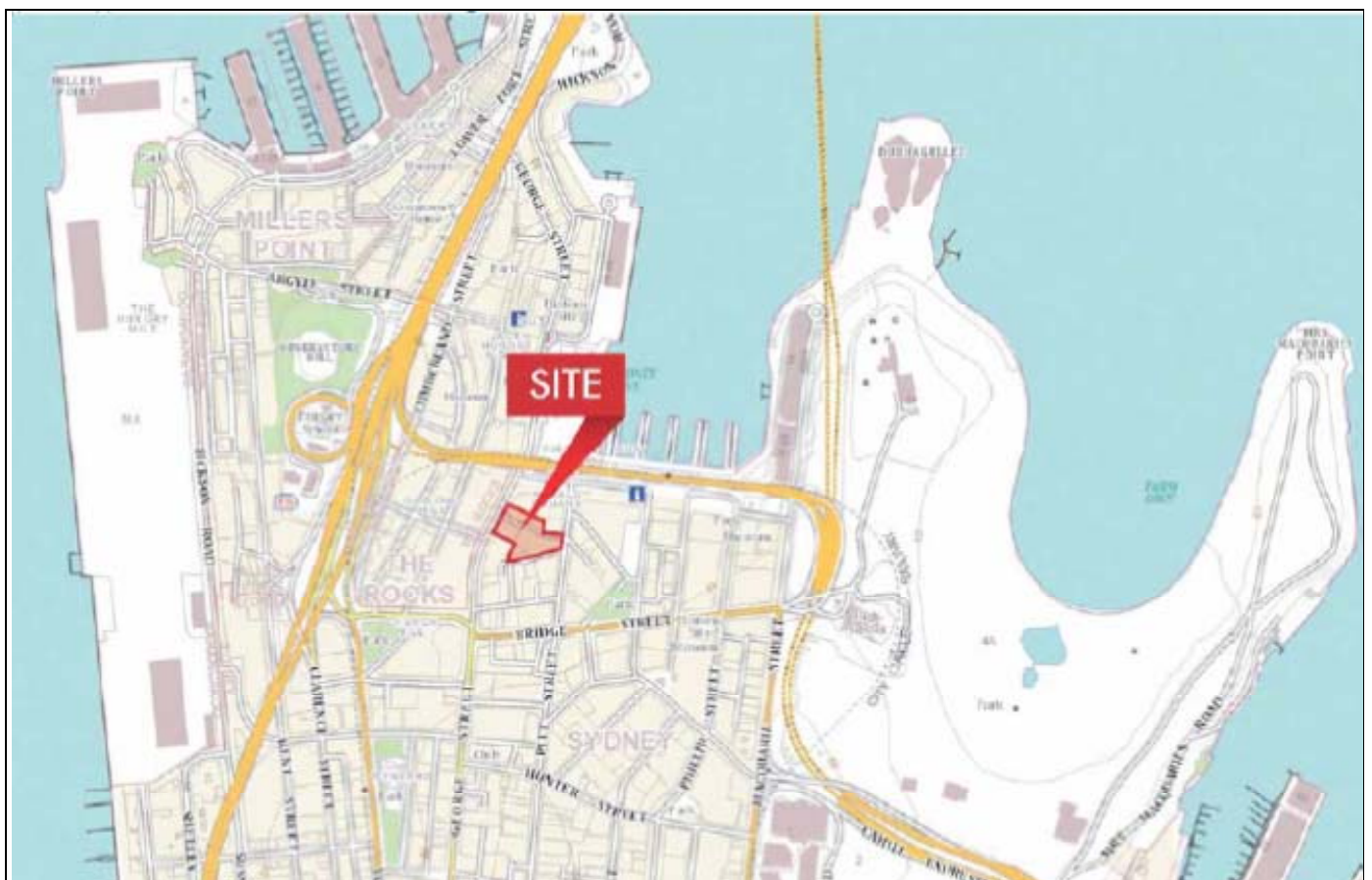
### 1.1 Background

Lend Lease Development Pty Ltd proposes to redevelop 33-35 Pitt Street and 182 George Street, Jacksons on George, 174-176 George Street, and surrounding laneways (in part), Sydney, with a multi-storey tower, a public plaza and shared laneway. The project is referred to as Lend Lease Circular Quay.

To ensure that the Aboriginal archaeological and cultural heritage significance of the subject area is not adversely impacted upon by the proposal, Casey & Lowe on behalf of Lend Lease Development Pty Ltd has commissioned Comber Consultants to undertake this Aboriginal archaeological assessment. This assessment has been undertaken in accordance with the Office of Environment & Heritage's (OEH) *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

### 1.2 Location

The study area is located at 33-35 Pitt Street and 182 George Street within the Sydney Central Business District (CBD). It is situated on a block bound by Crane Place to the north, Pitt Street to the east, Underwood Street to the south and George Street to the west. The site is located adjacent to the now underground, Tank Stream, which is located under Pitt Street. It is located approximately 150m to the south west of Circular Quay Transport Interchange. Figures 1 and 2 shows the location of the study area, whilst Table 1 details the property information.



**Figure 1:** Showing the location of the study area  
(BBC 2014:12)



### 1.3 Land Parcels

The parcels of land included by this proposal are as detailed in Table 1, below and shown in Figure 2.

INFORMAL TITLE	ADDRESS	LOT AND DP	OWNERSHIP
The Pitt Street Property	33-35 Pitt Street	Lot 7, DP 629694	Lend Lease (Circular Quay) Pty Limited
The George Street Property	182 George	Lot 182, DP 606865	Lend Lease (Circular Quay) Pty Limited
Jacksons on George	174-176A George Street	Lot 181, DP 606865	Lend Lease Development is the owner of Jacksons on George.
Mirvac Triangle	Part of 200 George Street development site	Lot 1 in DP 69466 and Lot 4 in DP 57434. The part of these Lots to which the Planning Proposal relates is referred to as Lot 2 in the draft plan of subdivision 13 November 2012 (Issue 7) contained in the executed VPA between the City of Sydney and Mirvac.	Mirvac owns the land. Mirvac will transfer the new Lot 2 to the City of Sydney who will then transfer to Lend Lease in return for an equivalent area of completed public realm.
Crane Place including walkway (aerial bridge)	Crane Place extending east from George Street, then north to Rugby Place	Lots 1 & 2 in DP 880891. Lot 1 is in stratum above Lot 2.	City of Sydney
Rugby Club (optional site)	Rugby Place	Lot 180, DP 606866	Wanda One Sydney Pty Limited

**Table 1:** Land parcels to which the development proposal relates.

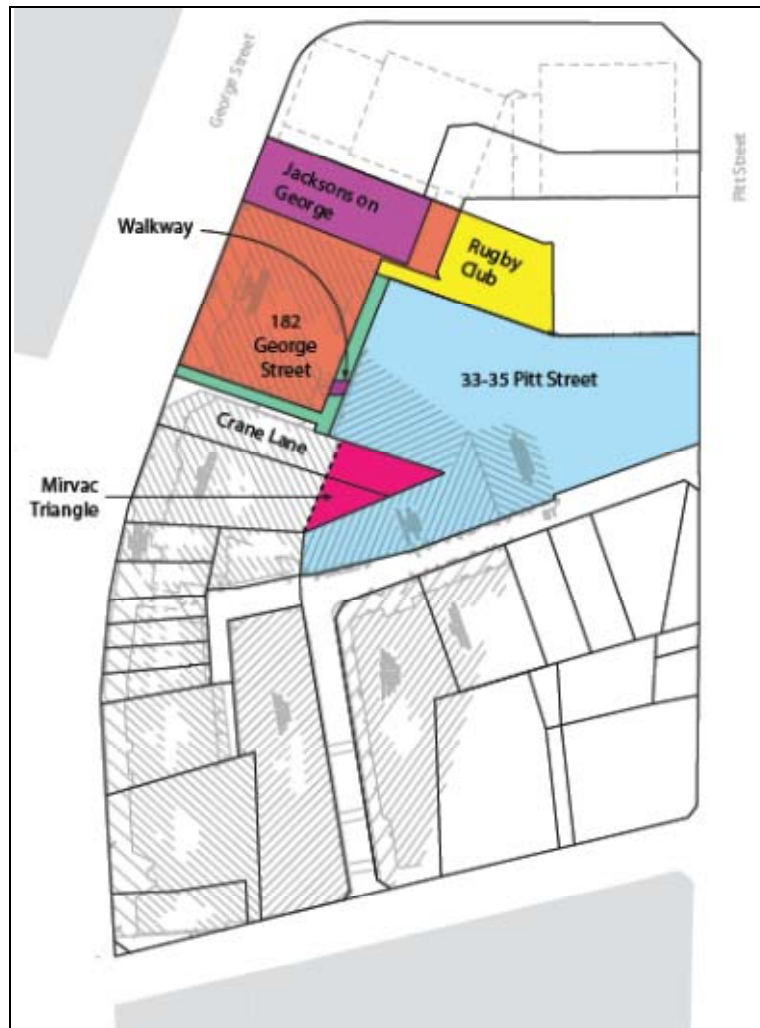


Figure 2: Showing parcels of land

#### 1.4 Proposal

The Planning Proposal relates to the land parcels listed in Table 1 and shown in Figure 2 above.

The redevelopment site is located towards the northern end of Pitt Street, bounded to the south by Underwood Street, to the north by Rugby Place and to the west by George Street. There are existing multi-storey developments adjacent to the site's northern, southern and western boundaries.

The LLCQ scheme contemplates:

- Demolition of existing commercial office buildings at 182 George Street and 33-35 Pitt Street (and possibly Rugby Club (optional site), including the removal and disposal of hazardous materials (where relevant).
- The retention, modification and adaptive reuse of Jacksions on George.
- Site preparatory works including (where relevant):
  - The erection of hoardings and overhead protection structures
  - Remediation of contamination
  - Undertaking of archaeological investigation and protection works
  - Augmentation and diversion of existing infrastructure services.
- The erection of a multi-storey commercial office tower 248m in height, up to 70,000m<sup>2</sup> of gross floor area, and approximately three basement levels.





- Delivery of new public realm consisting of a public plaza on George Street and new interconnecting laneway extensions between Underwood Street and Rugby Place.
- The construction of shared laneway and plaza retail for the purpose of activating the new public realm.
- Internal traffic amendments to Rugby Place.

### 1.5 Archaeological Assessment Objectives

The consultant was commissioned to:

- Undertake background research, including a search of the Office of Environment and Heritage's Aboriginal Heritage Management System (AHIMS). A copy of the AHIMS Search Results are attached at Appendix A;
- Undertake an archaeological survey of the study area to determine whether any Aboriginal sites or places are located within the area of the proposal and to record any sites located, in association with representatives of the relevant Aboriginal community organisations;
- Consult with representatives of the Metropolitan Local Aboriginal Land Council (MLALC) to ascertain their views in respect of the proposal;
- Assess the impact of the proposed development on Aboriginal cultural heritage;
- Provide management recommendations.

# 2.0 METHODOLOGY

METHODOLOGY

EFFECTIVE SURVEY COVERAGE



## 2.0 METHODOLOGY

### 2.1 Methodology

This project was conducted in accordance with the Office of Environment and Heritage's *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

The project was conducted in three stages, which were background research, field survey and report production, as detailed below:

#### **Stage 1: Background Research**

Prior to the field component of this project, the Aboriginal Heritage Information Management System (AHIMS) of the Office of Environment and Heritage was consulted and the results of an extensive search were received on 20 December 2012 and was repeated on 13 October 2013. Both of these searches showed that there was one site (Gloucester Street PAD) within 1km of the study area. The search was again repeated on 22 September which indicated that there are now 2 registered sites in the vicinity of the study area. The second site is a PAD at 200 George Street (the neighbouring property), but excavations by GML have indicated that this is not a site. The AHIMS Search results are attached at Appendix A. Site data, associated documents and archaeological survey reports held in this database were reviewed. Environmental information relating to Aboriginal land use was also consulted. Such research facilitated the understanding of the potential nature of the sites and site patterning in the region, which enabled the predictive statement to be made. It also provided an archaeological and environmental context within which a significance assessment could be made if any Aboriginal sites were located during the field survey.

#### **Stage 2: Field Survey**

The archaeological site inspection was undertaken on Thursday 17<sup>th</sup> October 2013 with the following people present:

- Ms Tory Stening, Archaeologist, Comber Consultants Pty Ltd
- Mr Adam Madden, Site Officer, Metropolitan Local Aboriginal Land Council

#### **Stage 3: Report Preparation**

After completing the survey, this draft report was compiled by Comber Consultants Pty Ltd and a copy was provided to Casey & Lowe on behalf of Lend Lease Development Pty Ltd and to the Metropolitan Local Aboriginal Land Council (MLALC) for comment and then finalisation. The response from MLALC is attached at Appendix B.

### 2.2 Effective Survey Coverage

The study area consists of multistorey commercial buildings, asphalt roadway and concrete paving.

The visibility of some site types such as open artefact scatters is dependent upon ground visibility and exposure. The Office of Environment & Heritage's guidelines (2010) suggest that this information is to be presented in a table which quantifies and details the local detectability. However, as ground visibility was nil there is no need to use the recommended table.

# 3.0 ABORIGINAL HISTORY



### 3.0 ABORIGINAL HISTORY

The Cadi are the traditional owners of the Sydney area (Attenbrow 2002:23). Early sources record that Sydney Cove was known by the Cadi as “War-ran”, “Wee-rong”, “Warrane” or “Warrang” (Attenbrow 2002:11).

The Cadi spoke a dialect of the Darug language (Kohen 1993:1; Attenbrow 2002:23). Dialects of the Darug language are spoken from Botany Bay to Port Jackson, north west to the Hawkesbury and west to the Blue Mountains (Kohen 1993:9). The Darug are bound in the north by the Dharkinjung, in the south by the Dharawal, in the southwest by the Gundungurra and in the west by the Wiradjuri (Kohen 1993: 9-10; Attenbrow 2002:23). The base of the Darug community is the band (sometimes referred to as a clan), a smaller kin based population group that occupied a region of land. The number of people within a band or clan ranged from 25-60 (Attenbrow 2002:28-29). The clan appeared to be governed by a headsman (Bradley 1969:77). The Cadi were one clan of the Coastal Darug.

Cadi was the name recorded at contact for the people living in along the shores of Sydney Harbour. The territory the Cadi occupied runs along the southern shore of Port Jackson (Sydney Harbour) from South Head in the east to Darling Harbour in the west. The extent of the southern border is not fully known but does extend to at least Petersham (H.R. v.1:309; Turbet 1989:22; Attenbrow 2002:24). Cadigal means man from Cadi. It is derived from the word *Cadi*, the Aboriginal name for the area they occupied, and *gal* the suffix for man with *galleon* being the suffix for a woman. Whilst the band and its population are referred to as the Cadi, a man is Cadigal and a woman is referred to as Cadigalleon (Tench 1961:292). At the time of contact in 1788, Governor Phillip estimated some 1,500 Aboriginal people lived around Port Jackson from Broken Bay to Botany Bay (H.R. v1: 133, Phillip 1968: 64). The Cadi were one band of 50–60 people of this population estimate. However, occupation of their land by Colonial settlers had a devastating effect. Not only were their food and water sources usurped by the invaders, making survival difficult, introduced diseases compounded the difficulties faced by the Cadi. By 1791 smallpox swept through the Aboriginal population and according to contemporary accounts, reduced the number of Cadi to three (H.R. v1: 308-309; Collins 1910: 52–53).

Much of Cadi life was observed and recorded by the First Fleet chroniclers before the impact of settlement and smallpox severely diminished their numbers. The earliest of records describe the Cadi, and all other Aboriginal people, not as nomadic but migratory within their own band territory, moving according to availability of seasonal food sources in different areas (H.R. v2: 192; Phillip 1968:77). Protection from the elements was provided by what was described as simple bark huts consisting of a single piece of bark 11 feet in length and 4 feet wide and bent in the middle (Phillip 1968:57). Rock shelters were also used for occupation (Bradley 1969: 132-141). While clothing was minimal, if non-existent, the Cadi did adorn themselves with items of fashioned shell and bone and painted their bodies (Tench 1961:47; Bradley 1969:73-77, 140). Stone axes and blades, spears and wooden, bark or reed baskets and bowls were manufactured for everyday use (Phillip 1968:74-75; Attenbrow 2002:90-91). The dingo had been domesticated and was used in hunting (Tench 1961:47; King 1980:34).

Their diet consisted of cockle, oysters, mussels and fish from the harbour. Fruits and roots were collected from the surrounding vegetation. Animals such as flying fox and possum were hunted or trapped for their meat and skin (H.R. v1: 790; H.R. v2: 135; Tench 1961:104, Bradley 1969: 132-135). Fire was a primary source in cooking their food as well as in hunting (Bradley 1969:128). Not all sources of food were exploited though. The Cadi, for reasons not recorded, refused to eat shark or sting ray that were in abundance in the Harbour (H.R. v2: 192). The Cadi manufactured bark canoes (Tench 1961:48; Phillip 1968: 74-75, King 1980: 32) for movement on the Harbour and to fish from using spear and line.

The spiritual life of the Cadi was also recorded. Governor Phillip noted the plethora of rock shelters adorned with drawings of the Cadi people (Phillip 1968:58; Tench 1961:47). The burial practices of the Cadi were recorded (H.R. vol 1: 132; Bradley 1969: 187-188) with cremation and burial often witnessed. The concept of an afterlife was evident (H.R. vol 1: 309) with the belief that the soul of the deceased passed into the sky. Medical techniques (Tench 1961:279; Turbet 1989:78-81) were observed and recorded in the treatment of fractures, cuts, headaches, spear wounds and other injuries common in the process of daily life. These treatments included applying a tourniquet to inflamed injuries; covering wounds with sheets of paperbark and covering burns with a thin paste of kneaded clay (Turbet 1989:78). “Fern root” was chewed for diarrhoea and *Clematis microphylla* (headache vine) was boiled and inhaled or eaten to cure headaches. The Cadi also had names for stars, clouds and the winds (H.R. vol1: 310). The men of the Cadi partook in tooth evulsions as an initiation rite, while at birth the females had part of their little finger removed (Tench 1961: 230, 277-278) for a social purpose not fully recorded by early non-Aboriginal settlers.

As indicated above Aboriginal and non-Aboriginal people co-existed, although perhaps uneasily, during the early contact period, which allowed observations of the Cadi lifestyle. The location of the study area, beside the Tank Stream, has the potential to contain evidence of that co-existence. The Tank Stream and swamps in the area of the study area would have



provided important resources to Aboriginal people, as they did for the non-Aboriginal population. It is possible that evidence of this contact and interaction may exist on the study area in the form of artefacts made from glass or other European materials.

# 4.0 ABORIGINAL CONSULTATION



#### 4.0 ABORIGINAL CONSULTATION

Aboriginal culture is dynamic and continuous. Over the years Aboriginal people have adapted to meet the challenges of colonisation and loss of land and culture. Despite the impact of colonisation, Aboriginal people today have strong links to their traditional lands. It includes the tangible and intangible and links people over time to their community and land. It is important to recognise that Aboriginal people have the right to protect, preserve and promote their cultural heritage.

In recognition of that right, the Metropolitan Local Aboriginal Land Council (MLALC) were invited to take part in the archaeological survey and assessment. Mr Adam Madden undertook the survey, on foot, with Tory Stening of Comber Consultants on Thursday 17<sup>th</sup> October 2013.

Prior to the site survey and assessment being undertaken, the MLALC was contacted by phone and email to discuss the project and their participation. Maps were forwarded to the MLALC which clearly outlined the location of the proposed development.

A copy of the draft report was forwarded to the MLALC for their comment and their response is attached at Appendix B. The MLALC agree with the recommendations contained in this report.

In addition, as it will be necessary to apply for an Aboriginal Heritage Impact Permit (AHIP) consultation has been undertaken in accordance with OEH's *Aboriginal cultural heritage consultation requirements for proponents 2010*. That consultation is documented in the Aboriginal Cultural Heritage Assessment Report (ACHAR) dated September 2015, to which this report is appended.



# 5.0 ENVIRONMENTAL CONTEXT

TOPOGRAPHY

GEOLOGY

VEGETATION

CURRENT LAND USE AND DISTURBANCE



## 5.0 ENVIRONMENTAL CONTEXT

### 5.1 Topography

The study area is located in the central portion of the Sydney Basin. The Sydney Basin is characterised by contrasting landscapes of rugged sandstone escarpments and gently undulating hills over shale (Herbert 1980: 21; Sydney 1:100,000 geological map). The study area is an area of undulating rises on Hawkesbury Sandstone sloping down towards the Harbour. York Street forms a high ridgeline which slopes towards Pitt Street and the former location of the Tank Stream (Casey & Lowe 2012:11). George Street forms a secondary ridgeline which slopes gently towards the Tank Stream.

For the first 30 years of the Colony the Tank Stream provided the main source of fresh water. It rose in marshy ground on the western slopes of what is now Hyde Park between Market and Park Streets and was fed from springs seeping through the joints of the underlying Hawkesbury sandstone. The water filtered through the soil in an easterly direction between Pitt and George Streets reaching an area near the present day King Street where it formed a definite channel in its flow to Sydney Cove. The Tank Stream drained an area of approximately 65ha which approximates to the whole of the CBD. At high tide it entered Sydney Cove at approximately the present day intersection with Bridge and Pitt Streets (Henry 1939:42-43). By 1850 the swamp which fed the Tank Stream had been drained and the Tank Stream, which was used for public purposes, became an open sewer. In 1860 a tunnel from Hunter to Bridge Street was constructed and over successive years the Tank Stream was progressively piped and covered. It was eventually connected to the sewer and drainage system becoming a main sewer system for the City of Sydney (Henry 1939:44).

The present study area at 33-35 Pitt Street and 182 George Street, Sydney is located in the area of the former Tank Stream which now runs under the city.

### 5.2 Soils

Soil types provide information to assist in predicting site location. Fertile soils will provide vegetation rich areas contributing to the attractiveness of an area for occupation. In addition different soil types aid preservation of a site.

The dominant soil of the study area is a loamy sand with loose apedal single grained structure occurring as a topsoil (A1 horizon), with the colour becoming lighter with depth. If the soil contains organic matter it tends to be brownish-black in colour ranging through to a bleached dull yellow-orange. It contains small sandstone and ironstone fragments with charcoal fragments and roots common. It could also contain a surface wash of quartz sand grains (Chapman & Murphy 1989:64-66). In general terms the soil could be considered to be an estuarine alluvium related to the flow of the former Tank Stream. Figure 5 indicates the expected extent of estuarine alluvium.

### 5.3 Geology

The geology of the Sydney CBD comprises Hawkesbury Sandstone which in some areas is overlain by the Wianamatta Group of Shales. Within the study area, the geology is comprised of Hawkesbury Sandstone (Sydney 1:100,000 geological map). Geotechnical testing (Coffey 2013) indicates that the sandstone could be exposed at approximately RLO-4 across the site.

The Hawkesbury Sandstone provides materials suitable for the manufacture of ground edge axes and surfaces suitable for engraved art. Hawkesbury Sandstone also weathers into overhangs and shelters suitable for habitation and protection from the elements. The quartz and claystone which weather from the sandstone provide material suitable for the manufacture of artefacts. The Wianamatta Group does not provide a good variety of lithic material suitable for stone tool manufacture. Within the Bringelly Shales which form the upper layer of the Wianamatta Shales are claystones, siltstones and laminate which are not strong enough for small tool manufacture. However, also present within the Bringelly Shales is tuff which is a highly siliceous fine grained material suitable for small tool manufacture.

### 5.4 Vegetation

The vegetation of the Sydney Basin would historically have consisted mainly of dry sclerophyll or open woodland on the higher sections where the soils are sandy and well drained, whilst the slopes would have supported an open Sydney Turpentine Ironbark forest. The alluvial soils would have supported a river flat forest, including various *Eucalypt* species and *Angophoras*. The open woodland species would have included *Eucalyptus siberi* (Silvertop Ash), *Eucalyptus piperita* (Sydney Peppermint), *Eucalyptus sclerophyllia* (Scribbly Gum), plus *Corymbia* with an understorey of *Banksia serrata* (Old Man Banksia), *Banksia*



*spinulosa* (Hairpin Banksia), *Banksia integrifolia* (Coast Banksia) and various *Acacia spp.*, including *Acacia longifolia*. Flowering shrubs would have included *Telopea speciosissima* (Waratah) and *Boronia serrulate* (Native Rose), whilst groundcover species would have included *Grevillia laurifolia* and *Persoonia chamaepitys*. Clumps of *Lomandra longifolia* would also have grown on headland areas. In addition, various heathland communities would have existed along coastal areas (Baker 1986).

Such vegetation would have provided a rich and varied food source. Flowers from the *Eucalyptus* and *Banksias* provide a rich nectar. *Acacia* pods can be eaten and the bark used medicinally. This vegetation also supported a variety of animal life associated with Aboriginal diet. This included possums, various wallabies and other small marsupials, as well as birds and lizards. Bark and wood suitable for spears, shields, water and/or food vessels (coolamons) and other implements would have been available from large trees (Low 1989). The tank stream would have provided fish and yabbies as well as providing drinking water.

However, the urbanisation of the Sydney Basin has ensured that the landscape and its vegetation has been dramatically altered and no longer resembles the pre-contact landscape.

### 5.5 Current Land Use and Disturbance

The study area is presently comprised of 20<sup>th</sup> century multi-storey commercial buildings, laneways, asphalt and paving. The existing building at 182 George Street contains a basement and the existing building at 33-35 Pitt Street contains a basement only in the northern portion of the study area. Figure 3 below shows the footprint of the existing basements. There is an asphalt laneway between 33-35 Pitt Street and 182 George Street. Figure 3 shows the portion of the study area that contains basements.

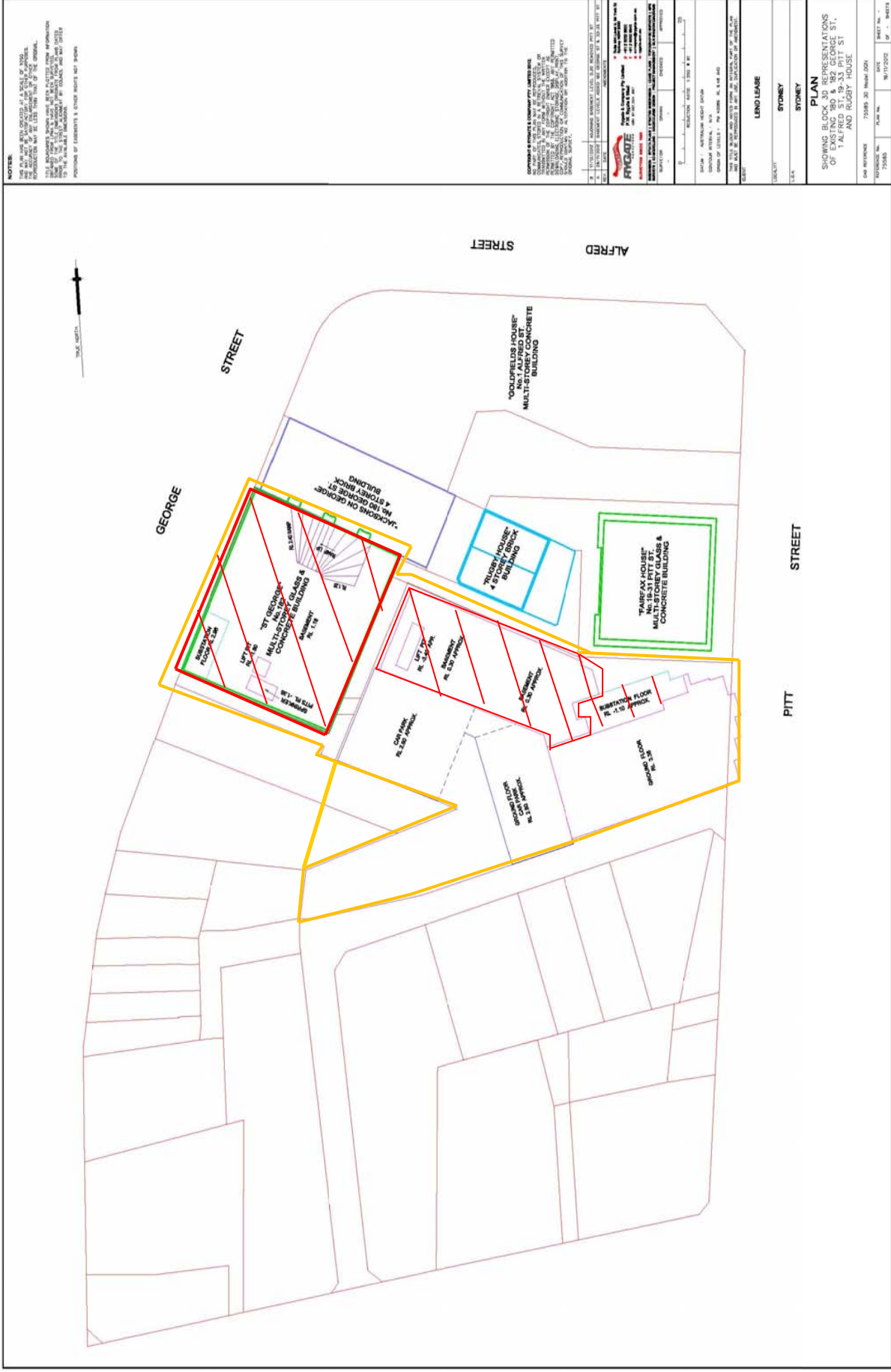


Figure 3: Showing the approximate boundaries of the study area outlined in yellow and the portions of the study area that contain basements hatched red.

# 5.0 ARCHAEOLOGICAL CONTEXT



## 6.0 ARCHAEOLOGICAL CONTEXT

### 6.1 The Sydney Basin and Sydney CBD

The 1883 publication *Aborigines of Australia* and the 1880 *Journal of the Royal Anthropological Institute* recorded a rock engraving at the area now known as Dawes Point Park, approximately 1km to the north of the present study area. The engraving was either of a whale or a shark with the figure of a man at its head. This engraving has since been destroyed, probably during the construction of the Sydney Harbour Bridge (AHIMS 45-6-0030). Prior to construction of the Harbour Bridge Dawes Point would have been a high rocky point.

In 1985 Lampert excavated a midden and camp site at Mort's Bond Store, (previously located at East Circular Quay). The site had been truncated by construction of the building and was in a highly disturbed condition. It contained shell and bone, as well as stone artefacts manufactured from red and grey silcretes, quartz, quartzite and chert. The artefacts were comprised of flakes, flaked pieces and cores. He hypothesised that the stone material was sourced from quarries on the Cumberland Plain (Lampert 1985).

An engraving was recorded "on upright surfaces in creek bed" at Goat Island (AHIMS 45-6-811). These engravings include a whale, kangaroo and fish. Three disturbed middens have also been recorded on Goat Island, (AHIMS 45-6-0811; 45-6-1957; 45-6-2382). Goat Island is situated at the mouth of Darling Harbour, to the west of Pitt Street. Goat Island itself is extremely important, as it was recorded in 1798 as being owned by Bennelong, who played a significant role in early Aboriginal-European relations. It was also recorded as being used by Aboriginal people for imprisonment prior to European settlement. Deputy Judge Advocate David Collins, was required by the Colonial Government "...to observe, record and if possible reconcile the Aborigines..." In 1798 he published details of Bennelong's relationship to Goat Island. This is the first official, written account of ownership of land by an Aboriginal person (Gollan 1993).

A midden was recorded at Bennelong Point, to the north east of Pitt Street. The shell from this midden had been collected by the convicts to burn into lime to provide building mortar (AHIMS 45-6-1615).

Another midden was uncovered during building works near the historic building "Lilyvale" on the corner of Cumberland and Essex Streets, The Rocks, just to the north west of the present study area. It had been highly disturbed by the construction of terrace houses in the 1830s and was subsequently destroyed by the construction of a hotel (AHIMS 45-6-1853).

During historic excavations in relation to the construction of the eastern distributor at Woolloomooloo, an artefact scatter was uncovered. This site was subsequently excavated by Brayshaw (AHIMS 45-6-2580). This site, which was located near a spring contained 4 silcrete, 4 chert, 2 quartz artefacts plus one quartzite and one chalcedonic silica artefact. They were found at a depth of about one metre in "disturbed topsoil, overlain by fill" (AHIMS 45-6-2580:2).

During historic excavations in respect of a development works located at William Street (to the south of the present study area), an artefact scatter was uncovered. This was subsequently excavated and the artefacts included fine quartz debitage and cores, silcrete flakes and tuff cores and flakes (AHIMS 45-6-2651).

At Angel Place, (only a short distance south of the present study area), during development works stone artefacts were uncovered. This site was subsequently excavated by Steele who retrieved three broken flaked pieces in "partially disturbed topsoil mixed with alluvial silts" (AHIMS 45-6-2581). Steele also recorded a potential archaeological deposit (PAD) on George Street, opposite Wynyard Station (AHIMS 45-6-2796). Neither his assessment report nor subsequent excavation report were available from AHIMS, therefore no further comment about this site can be made. Steele was also requested to record a potential midden at 589-593 George Street, Sydney (AHIMS 45-6-2637) which had been uncovered during historical archaeological excavations prior to redevelopment of the site (Steele 2002a). In 2002 Steele (2002b) excavated a site on the corner of Broadway and Mountain Streets in relation to the Quadrant Development. He uncovered 7 quartz and 6 silcrete artefacts.

Steele (2006) also undertook an assessment and excavations at a development site bound by Kent, Erskine, Napoleon and Sussex Streets, which became known as the KENS site. He retrieved a large assemblage of 952 artefacts which were predominately manufactured from silcrete with some tuff and quartz artefacts (Steele 2006:97). He interpreted the site as being occupied between 2,800 BP to 1788.

Comber (2012) undertook an assessment and excavation at Darling Harbour close to the former shoreline which contained a silty alluvium. It had previously been developed with a large commercial building which was demolished prior to the



archaeological excavations and redevelopment of the site. During the archaeological excavation a redeposited midden with ten predominantly chert artefacts was uncovered. The ten artefacts comprised unretouched flakes and flaked pieces with no features that could be used to attribute the artefacts to the phases described by McCarthy (1967) or Gould (1969).

Comber Consultants also undertook Aboriginal archaeological excavations in 2013-2014 at the former International Convention Centre (now known as Darling Harbour Live) on the western shore of Darling Harbour (in prep). They uncovered a sequence of middens along the rocky foreshore which contained six edible shellfish species. A total of 63 artefacts, predominantly silcrete, were retrieved during these excavations. The artefacts from this excavation were predominantly flaked pieces, with nine unretouched flakes and one retouched flake. The artefact analysis indicates that the assemblage collected during these excavations belong to Gould's "Australian small tool tradition" (1969:235) and the Bondaian phase of McCarthy's Eastern Regional Sequence (1976:96). Interestingly, 44 of the artefacts collected at Darling Harbour Live were collected from a discrete knapping floor on the edge of a midden. Radiocarbon dating and environmental information indicates that the midden was deposited in the mid 1800s.

Godden Mackay Logan recently undertook excavations at 200 George Street, Sydney, which borders the current study area. They recorded two small areas of natural soil profiles which were determined by their geomorphologist, to have been below sea level. Godden Mackay Logan determined that the original shoreline passed through their site near the area of the Mirvac triangle. During the excavations GML uncovered two areas containing intact soil profiles, however they did not find any Aboriginal artefacts (GML 2014). In one of these areas, known as Area 4, the natural soil profile had been deposited by marine action and therefore it was considered that this area had no Aboriginal archaeological potential. The second area, known as Area 8, GML considered that the geomorphology of this area was unlikely to have resulted in deposition of Aboriginal objects due to the "highly irregular bedrock surface" (GML 2014: 5).

The majority of the sites uncovered in the Sydney area were in areas previously disturbed by building construction, and most were within an estuarine alluvium. They were then subsequently uncovered during redevelopment of the site. This indicates that it is possible for subsurface archaeological deposits to exist in areas previously disturbed by building works. The location of the study area near the former Tank Stream and Harbour make it a highly desirable camping area prior to European occupation. Food, water and other resources would have been plentiful and the ridgeline of the current York Street would have provided a good vantage point.

It is also possible that occupation within the study area continued after European contact. The Aboriginal history contained in section 3 of this report indicates that Aboriginal and non-Aboriginal people co-existed within the Sydney basin for some time after contact. The midden excavated at Darling Harbour has confirmed this by providing a date in the mid-1800s. Therefore, it is possible that the study area will contain evidence of contact archaeology.

## 6.2 The Study Area

A search of the Office of Environment & Heritage's Aboriginal Heritage Information Management System (AHIMS) was undertaken on the 20 December 2012 and was repeated on the 13 October 2013 and again on 22 September 2015. The results of the AHIMS search indicate that there are no known Aboriginal sites recorded within the present study area. These AHIMS searches are attached at Appendix A.

## 6.3 Site Prediction

On the basis of the above environmental and archaeological information, it could be expected that subsurface archaeological deposits containing artefact scatters, midden or rock engravings may be located within the study area in the portions of the site that do not contain basements. The background research has indicated that despite later development, it is possible that sites may exist within the CBD, particularly on areas of alluvium in close proximity to a water source. The background research also indicates the possibility for contact archaeology to exist on the site in the form of artefacts made from glass. This could also be confirmed by dating of any midden shell retrieved from the site.

# 6.0 RESULTS





## 7.0 RESULTS & MITIGATION

### 7.1 Results

No Aboriginal sites were recorded within the study area. As the study area is developed, there was no surface visibility. However, the possibility that subsurface artefacts still remain, despite later disturbance, must be considered.

The background research, as contained in this report, provides information to enable an assessment to be made as to whether any subsurface Aboriginal archaeological deposits could remain. The majority of the sites uncovered in the Sydney CBD were in areas previously disturbed by building construction. In particular, the following four sites are relevant to the present study due to their proximity and location in similar environments.

The excavation undertaken by Steele (2006) at the development site bound by Kent, Erskine, Napoleon and Sussex Streets, which became known as the KENS site, was located in a similar environmental context as the present study area. The KENS site had been previously developed with commercial buildings which were demolished prior to the archaeological excavations. The KENS site is located approximately 700 metres to the south west of the present study area. Steele retrieved a large assemblage of 952 artefacts (Steele 2006:97).

The excavation by Lampert (1985) was also undertaken on a previously developed site, only 500 metres to the west of the present study area. It revealed a midden and Aboriginal camp site.

The two excavations undertaken by Comber (2012) and Stening (2015) on both the eastern and western shores of Darling Harbour also provides relevant data to enable a comparative analysis to be made. These excavations were located close to the former shoreline, within a similar environmental context as the present study area. Both study areas had previously been developed with large commercial buildings. At Darling Quarter (Comber 2012) a redeposited midden and ten artefacts were recovered. At Darling Harbour Live (Stening 2015) a sequence of middens along the rocky foreshore were uncovered. A discrete knapping floor was uncovered adjacent to the edge of a midden. Dating of the midden shell found in association with the artefacts has provided a date of approximately mid-1800s.

The excavation by Godden Mackay Logan on the neighbouring site confirmed that the original shoreline passed near the Mirvac triangle. Although they did not find Aboriginal artefacts, it did confirm the location of shoreline, which is an area that may contain artefacts.

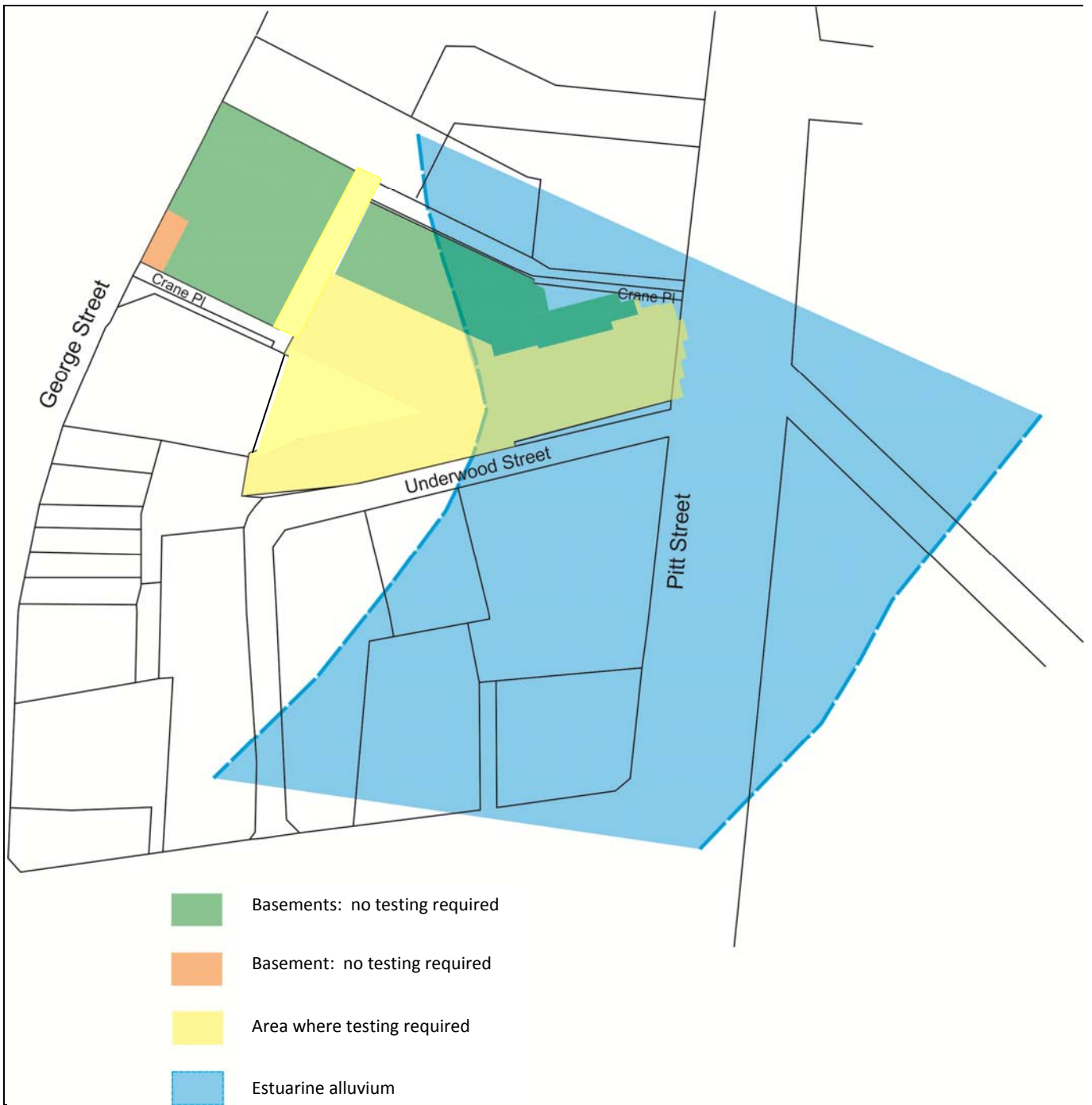
### 7.2 Mitigation

Given the proximity of known sites within the Sydney CBD in similar environments to the present study area, it is possible to predict that subsurface Aboriginal archaeological deposits may remain within the present study area in the form of stone tools or remnant midden material. As sandstone is very close to the original ground level it is possible that engravings or axe grinding grooves could be found on a sandstone outcrop. Midden material is highly likely. At the Darling Quarter excavation (Comber 2012) the midden was found on a rock outcrop and extending landward. At Darling Harbour Live (Stening 2015), middens were recorded on the rocky foreshore along the coast.

Therefore, a program of subsurface testing and salvage should be undertaken prior to construction of the proposed development. Such testing and salvage should be undertaken in the areas of the site which will disturb the ground surface and where existing basements are not present. It is considered that the disturbance from excavation and construction of the basements would have removed any archaeological deposit in these areas.

The area recommended for testing is shown on Figure 4. The area required for testing is the portion of 33-35 Pitt Street that does not contain a basement and which will be subject to bulk excavation. Figure 5 shows the areas that will be subject to bulk excavation.

182 George Street and a portion of 33-35 Pitt Street contain basements and so will not require testing.



**Figure 4:** Areas to be tested are coloured yellow.



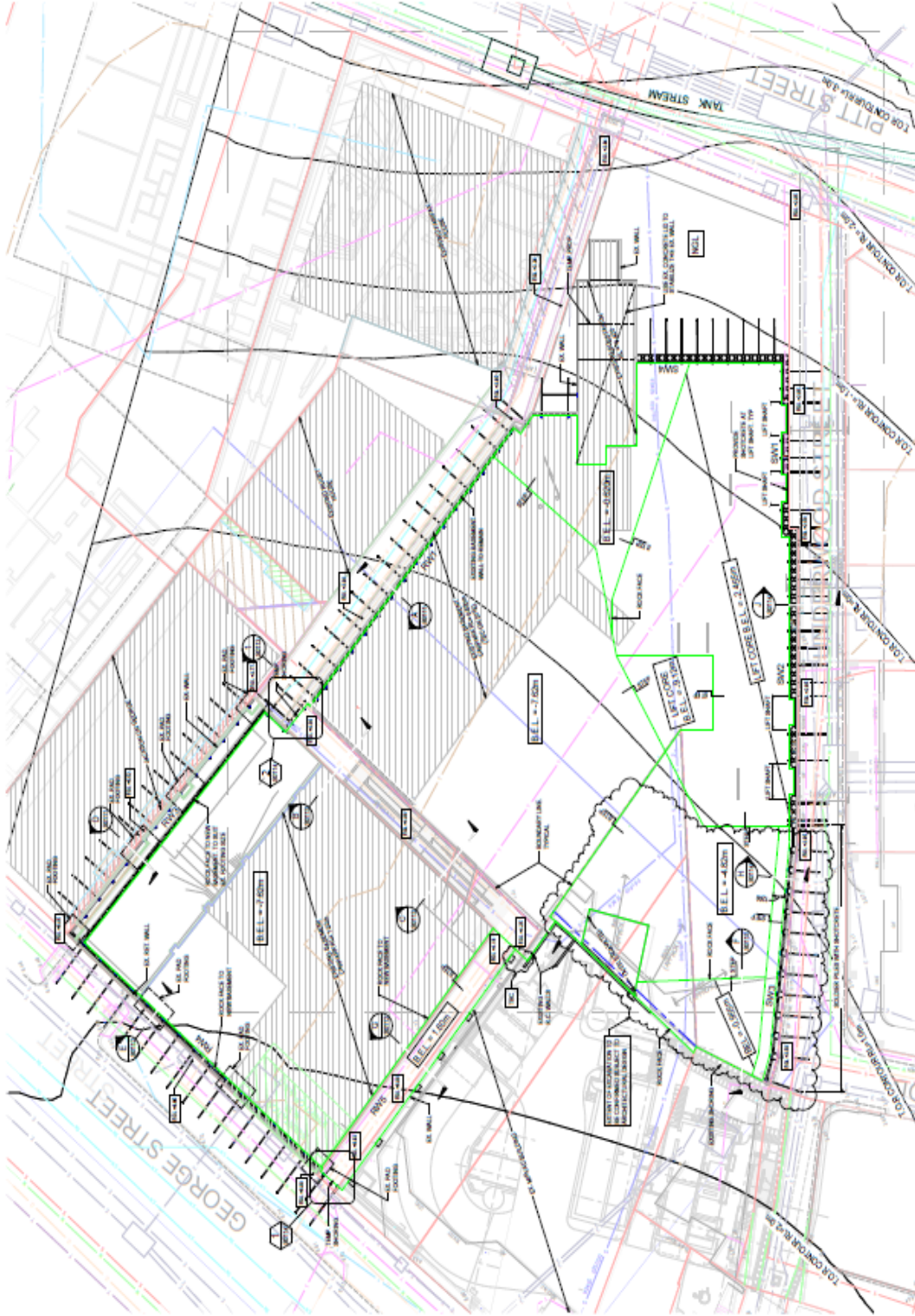
THESE NOTES ARE FOR INFORMATION ONLY AND DO NOT CONSTITUTE A CONTRACT. THE CONTRACT DOCUMENTS SHALL PREVAIL IN THE EVENT OF A DISCREPANCY.

TENDER NOTES

1. These notes are prepared in accordance with the tender documents and shall be read in conjunction with the tender documents.
2. The contractor shall be responsible for obtaining all necessary permits and approvals for the excavation and shoring work.
3. The contractor shall be responsible for providing all necessary shoring and bracing for the excavation.
4. The contractor shall be responsible for providing all necessary safety measures for the excavation.
5. The contractor shall be responsible for providing all necessary access and egress for the excavation.
6. The contractor shall be responsible for providing all necessary lighting for the excavation.
7. The contractor shall be responsible for providing all necessary ventilation for the excavation.
8. The contractor shall be responsible for providing all necessary dewatering for the excavation.
9. The contractor shall be responsible for providing all necessary monitoring for the excavation.
10. The contractor shall be responsible for providing all necessary record keeping for the excavation.

NO.	DESCRIPTION	DATE	STATUS	COMMENTS
1	TEMPORARY ANCHOR SCHEDULE		TEMPORARY	
2	SHORING PLAN		TEMPORARY	
3	EXCAVATION PLAN		TEMPORARY	
4	FOUNDATION PLAN		TEMPORARY	
5	FOUNDATION PLAN		TEMPORARY	
6	FOUNDATION PLAN		TEMPORARY	
7	FOUNDATION PLAN		TEMPORARY	
8	FOUNDATION PLAN		TEMPORARY	
9	FOUNDATION PLAN		TEMPORARY	
10	FOUNDATION PLAN		TEMPORARY	

REFER TO NUMBERS FOR LOCATIONS



**SHORING PLAN**  
 SCALE: 1:50  
 1. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING FOUNDATIONS AND ADJACENT STRUCTURES.  
 2. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING UTILITIES AND SERVICES.  
 3. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING CURBS AND SIDEWALKS.  
 4. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING TREES AND LANDSCAPE.  
 5. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING SIGNAGE AND MARKINGS.  
 6. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING ACCESS AND EGRESS.  
 7. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING VENTILATION AND LIGHTING.  
 8. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING RECORD KEEPING.

**SHORING NOTES**  
 1. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING FOUNDATIONS AND ADJACENT STRUCTURES.  
 2. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING UTILITIES AND SERVICES.  
 3. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING CURBS AND SIDEWALKS.  
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 7. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING VENTILATION AND LIGHTING.  
 8. SHORING SHALL BE PROVIDED TO MAINTAIN EXISTING RECORD KEEPING.

**FOR INFORMATION**  
 PROJECT NO: 131498  
 DRAWING NO: S0100  
 SHEET NO: 1  
 DATE: 11/20/15

**LEND LEASE CIRCULAR QUAY**  
**SHORING PLAN / BULK EXCAVATION**

Architect: TAYLOR THOMPSON WHITING  
 100 GERRARD STREET EAST, SUITE 200  
 TORONTO, ONTARIO M5E 1B3  
 TEL: 416-593-8888  
 FAX: 416-593-8889  
 WWW: TAYLOR-THOMPSON-WHITING.COM

Figure 5: Showing areas proposed for bulk excavation

# 7.0 LEGISLATION

NATIONAL PARKS & WILDLIFE ACT 1974



## 8.0 LEGISLATION

### National Parks & Wildlife Act 1974

The *National Parks & Wildlife Act 1974* (NPW Act) provides statutory protection to all Aboriginal sites within New South Wales. The Office of Environment and Heritage is the State Government agency responsible for the implementation and management of this Act.

Part 6 of the NPW Act provides provision for the protection of all “Aboriginal objects” which are 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”. In particular Part 6 of the Act states that it is an offence to harm or desecrate an Aboriginal object or Aboriginal place, without an Aboriginal Heritage Impact Permit (AHIP).

As it is possible that Aboriginal “objects” may be disturbed during the course of the development, it will be necessary to apply for a Part 6 Aboriginal Heritage Impact Permit (AHIP) to allow archaeological testing to be undertaken prior to the development. Although limited testing can be undertaken without a permit in accordance with OEH’s *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, as the site has the potential to contain contact archaeology it will be necessary to apply for an AHIP to undertake testing. A research design must be prepared by an archaeologist and submitted with the permit application. Once that has been completed and the nature and extent of the deposit is fully understood, it is possible to apply for another AHIP for harm and possibly with salvage.

In addition, when applying for an AHIP, OEH’s *Aboriginal cultural heritage consultation requirements for proponents 2010* must be implemented prior to submitting the permit application. These guidelines require that an advertisement be placed in the local paper seeking Aboriginal people or organisations to register an interest; and that the organisations listed below be contacted in writing to advise of the project and to obtain a list of Aboriginal people or organisations who have knowledge relevant to determining the cultural significance of Aboriginal objects and/or places:

- Office of Environment and Heritage
- The Local Aboriginal Land Council
- The Registrar of Aboriginal Owners
- The Native Title Tribunal
- Native Title Services Corporation
- Local Council
- The Catchment Management Authority.

It should be noted that in accordance with these guidelines at least six (6) months may be required to undertake the community consultation, apply for the permit and receive OEH consent. For example, following is a draft timetable:

ACTION	TIMEFRAME
Write to stakeholders and advertise, allowing sufficient time for stakeholders to respond	30 days
Review responses and develop a register of interested parties	14 days
Preparation of Cultural Assessment report (which will include the present report and community comments)	30 days
Present Cultural Assessment to the community. This can involve a community meeting as well as providing copies to the people/organisations who have registered an interest	10 days
Allow community time to respond to the assessment	28 days
Finalise Cultural Assessment (to include the community’s responses)	15 days
Prepare AHIP application (including research design) and submit to OEH	5 days
OEH approval process	60 days
<b>ESTIMATED TOTAL</b>	<b>192 days (approximately 6½ months)</b>

# 8.0 RECOMMENDATIONS



## 9.0 RECOMMENDATIONS

The following recommendations are made on the basis of:

- Legal requirements under the terms of the *National Parks & Wildlife Act 1974* (as amended) which states that it is an offence to harm or desecrate an Aboriginal object without first gaining the consent of the Director-General of the Office of Environment and Heritage;
- Research into the Aboriginal archaeological record for the Sydney CBD;
- Results of the site survey and assessment as outlined in this report.

### IT IS THEREFORE RECOMMENDED THAT:

1. Archaeological testing should be undertaken to determine if Aboriginal objects are located on the site and the nature and extent of those objects. This information will inform design and planning decisions. It will also determine if an AHIP for harm is required.
2. An Aboriginal Heritage Impact Permit (AHIP) will be required to undertake the testing. Therefore, an application to undertake the test excavations should be submitted to the Office of Environment & Heritage. A Research Design setting out the proposed testing methodology will be required to accompany the permit application. This will need to be prepared by a suitably qualified and experienced archaeologist. Once the testing has been completed further management decisions can be provided, in particular, whether an AHIP for harm will be required and whether salvage will be required.
3. Aboriginal community consultation should be undertaken in accordance with OEH's *Aboriginal cultural heritage consultation requirements for proponents 2010*. Please see Section 7.0 of this report for further details.

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# PHOTOGRAPHS



PHOTOGRAPHS



**Photograph 1:** Facing west and showing the forecourt area of 33-35 Pitt Street. The area is paved.



**Photograph 2:** Facing south east and looking from Rubgy Place toward Pitt Street through the forecourt area of 33-35 Pitt Street.



**Photograph 3:** Facing west and looking up Rugby Place with toward George Street. 33-35 Pitt Street can be seen at the left of the photo, while 182 George Street can be seen at the end of the laneway.



**Photograph 4:** Facing south and showing the laneway between 33-35 Pitt Street and 182 George Street. The Mirvac construction site is indicated by the black hoarding at the end of the laneway.



**Photograph 5:** Facing east and looking along Rugby Place. 33-35 Pitt St can be seen at the end of the laneway, 182 George Street is located at the right of the photo.



**Photograph 6:** Facing north east and showing the front of 182 George Street. The area is paved.



**Photograph 7:** Facing south east and looking along the front of 182 George Street towards the Mirvac construction site.



**Photograph 8:** Facing north east and showing the front of 182 George Street.



**Photograph 9:** Facing north and showing the laneway between 33-35 Pitt Street and 182 George Street.



**Photograph 10:** Showing the rear of 182 George Street. This building has a basement.



**Photograph 11:** Facing east and looking along Rugby Place toward Pitt Street. 33-35 Pitt Street is visible to the right of the photo.



**Photograph 12:** Facing west and looking toward Pitt Street. This shows the forecourt area of 33-35 Pitt Street.



# APPENDIX A

## AHIMS SEARCH RESULTS



APPENDIX A: AHIMS SEARCH RESULTS

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
45-G-3081	200 George Street	GDA	56	334237	6251637	Open site	Not a Site	Potential Archaeological Deposit (PAD) : 1		103114
<b>Contact</b>										
45-G-2742	171-193 Gloucester Street PAD	AGD	Ms Sally MacLennan 56	333926	6251461	Open site	Valid	Potential Archaeological Deposit (PAD) :-	3577	102763
<b>Contact</b>										
<b>Recorders</b> Jim Wheeler <b>Permits</b> 2149,2342,2766										

**AHIMS Web Services (AWS)**  
Extensive search - Site list report



Purchase Order/Reference : CL194  
Client Service ID : 191511

Report generated by AHIMS Web Service on 22/09/2015 for William Comber for the following area at Datum : GDA, Zone : 56, Eastings : 334000 - 334500, Northings : 6251500 - 6251700 with a Buffer of 50 meters. Additional Info : Archaeological assessment. Number of Aboriginal sites and Aboriginal objects found is 2  
This information is not guaranteed to be free from error or omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



Office of Environment & Heritage

### AHIMS Web Services (AWS) Extensive search - Site list report

Your Ref Number : CC George St  
Client Service ID : 88197

Sited	SiteName	Datum	Zone	Eastng	Northing	Context	SiteStatus	SiteFeatures	SiteTypes	Reports
45-6-2742	171-193 Gloucester Street PAD	AGD	56	333926	6251461	Open site	Valid	Potential Archaeological Deposit (PAU) :-		Permits 2143,2942,2766

Contact

Recorders Jirr, White Iler

---

Report generated by AHIMS Web Service on 20/12/2012 for Jillian Comber for the following area at Datum :GDA, Zone : 56, Eastings : 334000, Northings : 6251500 - 6251700 with a Buffer of 50 meters. A Additional Info : Due Diligence advice. Number of Ab original sites and A boriginal objects found is 1  
This information is not guaranteed to be free from error omission. Office of Environment and Heritage (OEH) and its employees accept no liability for any omissions or inaccuracies of such acts or omissions.

# APPENDIX B

LETTER FROM THE METROPOLITAN LOCAL ABORIGINAL LAND COUNCIL



APPENDIX B: LETTER FROM METROPOLITAN LOCAL ABORIGINAL LAND COUNCIL



**Metropolitan Local Aboriginal Land Council**

36-38 George Street Redfern NSW 2016

PO Box 1103 Strawberry Hills NSW 2012

Telephone: (02) 8394 9666 Fax: (02) 8394 9733

Email: [metrolalc@metrolalc.org.au](mailto:metrolalc@metrolalc.org.au)

Friday 22<sup>nd</sup> November 2013

Jillian Comber

COMBER CONSULTANTS PTY LTD

76 EDWIN STREET NORTH

CROYDON NSW 2132

**RE: Aboriginal Heritage Assessment**

**Sydney 2000**

**33 – 35 Pitt Street and 182 George Street, Sydney.**

Dear Jillian,

An Aboriginal Site Assessment was carried out on 33 – 35 Pitt Street and 182 George Street Sydney, for the purpose to re develop 33 – 35 Pitt Street and 182 George Street Sydney, with a multi-storey tower, a public plaza and shared laneway.

Prior to the work commencing of this report, discussion took place with Tory Stening, Archaeologist, Comber Consultants Pty Ltd & Brad Welsh, Des Madden, and also David Watts, of the Aboriginal Heritage Office (AHO) Northbridge NSW and members of the Metropolitan Local Aboriginal Land Council.

Both the M.L.A.L.C. and AHO concluded that there are NO Aboriginal Sites of Significance to the Aboriginal Community in the site survey area (33 – 35 Pitt Street and George Street, Sydney).

The Aboriginal Heritage Assessment was carried out by Adam Madden, representing Metropolitan Local Aboriginal Land Council and the Aboriginal People of Sydney this report was prepared by Adam Madden .

All of the Assessment area was looked at. No Aboriginal Engravings or Relics or Cultural Material was found within the Aboriginal Site Assessment Area 33 – 35 Pitt Street and 182 George Street Sydney .

I read your recommendations and I agree with your report 1, Archaeological Salvage Excavations 2, An Aboriginal Heritage Impact Permit, 3, Aboriginal Community Consultation.

If you require further information please don't hesitate to contact me on 0421 471 487 or (MLALC) (02) 8394 9666.

Yours Sincerely

Adam Madden



ARCHAEOLOGY - HERITAGE - MEDIATION - ARBITRATION

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