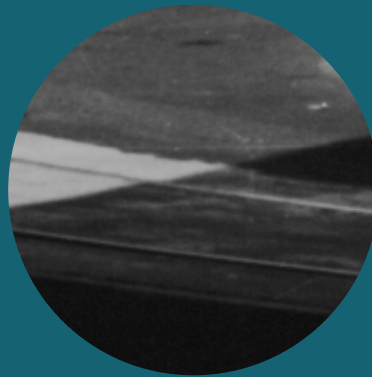


Attachment A9

Archaeological Assessment



232-240 Elizabeth Street, Surry Hills

Preliminary Archaeological Assessment including
Aboriginal Due Diligence

Document Information

Citation

Curio Projects 2022, *232-240 Elizabeth Street, Surry Hills Preliminary Archaeological Assessment including Aboriginal Due Diligence Assessment*, report prepared for Candalepas Associates on behalf of Stasia Holdings Pty Limited.

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Local Government Area

City of Sydney Council

Issue	Issue date	Version	Notes/Comments	Author	Review
1	31 October, 2022	Draft Report	Client Review	Alex Thorn Marika Low	Sarah McGuinness James Rongen-Hall
2	10 November, 2022	Final Report		Alex Thorn Marika Low	Sarah McGuinness James Rongen-Hall

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

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Curio Projects Pty Ltd
5 Blackfriars Street
Chippendale NSW 2008

Contents

Document Information	2
Executive Summary	5
1. Introduction	9
1.1. Background and purpose of this Report	10
1.2. The Study Area	11
1.3. Overview of the Proposed Development	13
1.4. Previous Reports	14
1.5. Limitations & Constraints	14
1.6. Authorship	14
2. Statutory Context	15
2.1. National Parks and Wildlife Act (NSW) 1974	16
2.2. Native Title Act 1993	17
2.3. Heritage NSW (former OEH) Guidelines	17
2.4. Heritage Act (NSW) 1977	20
2.5. Environmental Planning and Assessment Act (NSW) 1979	22
2.6. Sydney Local Environmental Plan (LEP) 2012	22
2.7. Sydney Development Control Plan (DCP) 2012	24
3. Historical Development of the Study Area	26
3.1. Aboriginal Sydney	27
3.2. Post-European Arrival	31
3.2.1. Early Land Grants and Brickfields (Includes Phase 1 1788-c.1807)	31
3.2.2. Phase 2: Subdivisions and potential usage c.1807-c.1843	37
3.2.3. Phase 3: Domestic residences c.1844 -c.1879	40
3.2.4. Phase 4: Commercial and residential occupation c.1879-c.1920	43
3.2.5. Phase 5: 1920s-present – Commercial and residential occupation and extensive internal and external modifications and extensions	47

3.3. Summary of historical disturbance and potential archaeology	59
4. Site Area Description	60
5. Proposed Works	63
5.1. Proposed Development	64
5.2. Indicative Future Design	64
6. Aboriginal Objects Due Diligence Assessment	67
6.1.1. Other Heritage Registers	71
6.1.2. Other source of information: review of previous assessments	71
7. Historical (Non-Aboriginal) Archaeological Assessment	79
7.1. Non-Aboriginal Archaeology	80
7.1.1. Methodology	80
7.1.2. Previous archaeological investigations nearby	81
7.1.3. Archaeological Zoning Plan (AZP)	83
7.1.4. Summary of post 1788 land use	84
7.1.5. Assessment of archaeological significance	87
7.1.6. Summary of non-Aboriginal archaeological potential and significance in the study area	90
8. Conclusions and Recommendations	91
8.1. Conclusions	92
8.2. Recommendations	93
9. References	96

Executive Summary

Curio Projects Pty Ltd have been commissioned by Candalepas Associates on behalf of Stasia Holdings Pty Limited to prepare a Preliminary Archaeological Assessment (AA) report including Aboriginal Objects Due Diligence Assessment (DD) to inform a Planning Proposal for 232-240 Elizabeth Street, Surry Hills, NSW (the 'study area').

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area. No physical works will be undertaken as part of this planning proposal. The indicative design included in the proposal is concerned with the intended future development of the study area involving a 3 storey basement which includes potentially impacting potential archaeological resources.

The purpose of this combined AA and DD is to identify whether or not Aboriginal cultural heritage site(s) or objects and/or significant non-Aboriginal archaeological resources are likely to be present within the study area, and whether or not the proposed works would be likely to harm these archaeological resources (if present).

Conclusions and Recommendations

Aboriginal Heritage and Archaeology

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is recognised to be situated within an area which formerly had a creek adjacent and would have had access to swamplands and their associated resources. Furthermore, the study area is understood to be located within an area that was known to have been utilised by past Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important information on the pre-contact and post-contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The potential future works as outlined in the indicative design, particularly in relation to the construction of the basement car park, have the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

The following recommendations have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

Recommendation 1: Further Aboriginal heritage assessment and investigation:

Due to the moderate potential for Aboriginal objects to be preserved within soil profiles below existing land disturbance it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders be completed to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area prior to any future development of the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Consultation with relevant Aboriginal stakeholders must be undertaken in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

As part of this further assessment, a program of Aboriginal archaeological testing in association with the Registered Aboriginal Parties (RAPs) should be undertaken prior to bulk excavation and construction of the underground car park and in all areas where the natural ground surface will be disturbed. Due to the nature of the study area as a developed urban site with potential for historical archaeology test excavation under the Code of Practice, will not be possible. In this instance, any future Aboriginal archaeological test excavation at the study area would require approval under a s90 Aboriginal Heritage Impact Permit (AHIP).

Recommendation 2: Aboriginal cultural heritage induction:

At the time of any future redevelopment of the site, a site induction should be provided to all employees/contractors engaged on the redevelopment of the study area. The induction material should include an overview of the types of sites to be aware of (i.e., artefact scatters or concentrations of shells that could be middens), obligations under the NPW Act, and the requirements of an archaeological finds' procedure.

Non-Aboriginal Archaeology

The study area is not listed on the SHR, located within a SHR curtilage, an individually listed item or within a Heritage Conservation Area on the City of Sydney LEP 2012 or any other statutory heritage registers.

All properties within the study area were listed as areas of Archaeological Potential (AAP) on the Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP).

- The study area has been subject to five post-1788 land use and development phases:
 - **Phase 1:** 1788-c.1807 Brickfields and farming
 - **Phase 2:** c.1807-c.1843 Subdivisions and potential usage
 - **Phase 3:** c.1844-c.1879 Domestic residences
 - **Phase 4:** c.1879-c.1920 Commercial and residential occupation
 - **Phase 5:** 1920s to present Commercial and residential occupation and extensive internal and external modifications and extensions

- This Assessment has found that the study area has the following non-Aboriginal archaeological potential and significance:
 - **Phase 1:** nil to low potential to contain archaeological resources associated with Phase 1 occupation such as farming, land clearing and brickmaking activities. If encountered, archaeological remains associated with brickmaking would have historic and research significance at a local level
 - **Phase 2:** nil to low potential to contain archaeological resources associated with Phase 2 occupation such as informal structures. If encountered, these remains may meet the threshold for historical and research significance at a local level.
 - **Phase 3:** low potential for underfloor deposits associated with the early building structures and low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 3 occupation.
 - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
 - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
 - **Phase 4:** low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 4 occupation.
 - Artefact bearing assemblages in the form of Phase 4 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
 - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance

The following recommendations refer to non-Aboriginal archaeology only. They have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

- As subsurface excavations are proposed in areas that have low-moderate potential to contain archaeological resources that may contain historical and research significance at a local level, it is recommended that archaeological management in the form of monitoring, test or salvage excavations be carried out under a *s139(4) excavation permit exception* or an approved *s140 excavation permit*.

- ***s139(4) excavation permit exception.*** A *s139(4) excavation permit exception* allows for archaeological test excavations under Exception 2(d) or monitoring under Exception 2(e) to confirm the presence of significant archaeological resources. However, it does not permit the removal of, or impact to, archaeological 'relics' of local or State significance as defined by the Heritage Act. Impacts to 'relics' are only permitted under a *s140 excavation permit* (see below). While no application is required for a *s139(4) excavation exception*; an Archaeological Research Design (ARD) and Archaeological Work Method Statement must be prepared prior to works commencing and used to guide the archaeological program. Investigations must be carried out by a qualified archaeologist.
 - ***s140 excavation permit.*** A *s140 excavation permit application* can be submitted to Heritage NSW for archaeological testing, monitoring and salvage, and if approved, allows for the removal of 'relics' of local or State significance as defined by the Heritage Act. The application must be accompanied by an ARD and Excavation Methodology and investigations must be supervised by a Heritage NSW approved Excavation Director.
- Where excavations are proposed outside of areas assessed as having archaeological potential works may proceed under an Unexpected Finds Procedure.
 - If unexpected archaeological finds not addressed in this report or any future ARD for the project are encountered during the construction program, all excavation activities must cease in the area and a qualified archaeologist engaged to assess the nature and significance of the remains. If assessed as a 'relic' a *s146 Notification of discovery of relic* would be prepared and submitted to Heritage NSW and appropriate management of the remains developed in consultation with Podia and Heritage NSW.
 - Depending on findings from the recommended ACHAR, non-Aboriginal archaeological management should be designed in association with any proposed Aboriginal heritage management for the project.
 - A digital copy of this report and any future archaeological reports associated with the project should be submitted to the Heritage NSW Library and City of Sydney Council for their records.

1. Introduction

1. 1. Introduction

1.1. Background and purpose of this Report

Curio Projects Pty Ltd (Curio) have been commissioned by Candalepas and Associates on behalf of Stasia Holdings Pty Limited to prepare a Preliminary Archaeological Assessment including an Aboriginal Objects Due Diligence Assessment (DD) to inform a planning proposal for 232-240 Elizabeth Street, Surry Hills ('the study area').

The proposed development of the study area as outlined in the indicative design accompanying the Planning Proposal will include the demolition of the existing Elizabeth Street and Reservoir Street buildings and the construction of a new building element fronting Elizabeth Street and Reservoir Street with rear access via Foster Lane, and the construction of a basement car park.

The planning proposal seeks to amend the Sydney LEP 2012 to increase the maximum floor space ratio control for this development from 5.1 up to 7.27.1.¹

The purpose of this combined AA and DD is to identify whether or not Aboriginal cultural heritage site(s) or objects and/or significant non-Aboriginal archaeological resources are likely to be present within the study area, and whether or not the proposed works would be likely to harm these archaeological resources (if present).

The results of this combined assessment will determine whether the proposed activities would require consent in the form of an Aboriginal Heritage Impact Permit (AHIP) or not in accordance with Section 90 of the *NSW National Parks and Wildlife Act 1974* (NPW Act) and/or a Section (s) 139 excavation exception or s140 excavation permit or not in accordance with the *NSW Heritage Act 1977* (Heritage Act).

This report has been prepared with reference to the following documents:

- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Due Diligence Code of Practice). Department of Environment, Climate Change and Water (DECCW), 2010.
- *Australia ICOMOS Charter for Places of Cultural Significance, The Burra Charter*, (Burra Charter) Australia ICOMOS, 2013.
- *City of Sydney Local Environmental Plan* (LEP) 2012.
- *City of Sydney Development Control Plan* (DCP) 2012.
- *Historical Archaeology Code of Practice*. NSW Heritage Office, 2006.
- *Assessing Significance for Historical Archaeological Sites and Relics*. NSW Heritage Branch, Dept. of Planning, 2009.
- Heritage 21 2016, *Statement of Heritage Impact: Proposed Development at 232-240 Elizabeth Street, Surry Hills*, August 2016.
- Candalepas Associates 2022, *Design Proposition Report for Consideration by City of Sydney Council*, July 2022
- Candalepas Associates 2022, *Urban Design Report (Draft)*, prepared on behalf of Stasia Pty Ltd, Nov 2022.
- Candalepas Associates 2022, *Architectural Drawings Extract from Urban Design Report (Draft)*, prepared on behalf of Stasia Pty Ltd, Nov 2022.

¹ City of Sydney, 2022, Correspondence to Candalepas Associates, 26 May 2022.

- Austral Archaeology, 1999, *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash and Associates Pty Ltd Architects, Jan 1999.

1.2. The Study Area

The study area is located at 232-240 Elizabeth Street Surry Hills, 2010 and is comprised of:

- 232-236A Elizabeth Street (SP1379) and
- 238-240 Elizabeth Street (Lots 1 & 2 DP779385 and Lot 1, DP664653)

The study area is positioned on the corner of Elizabeth Street and Reservoir Street and bound by 230 Elizabeth Street to the north and accessible from Foster Lane to the north east (Figure 1-1). The combined site area is approximately 905m². The study area is situated within City of Sydney Local Government Area (LGA) in the Parish of Alexandria, County of Cumberland and within the boundaries of the Metropolitan Local Aboriginal Land Council (LALC).

At present the study area consists of several 1-3 storey buildings and is occupied by multiple tenancies including a laundromat, convenience store, backpackers accommodation, several restaurants and an art gallery (Figure 1-2 to Figure 1-4).

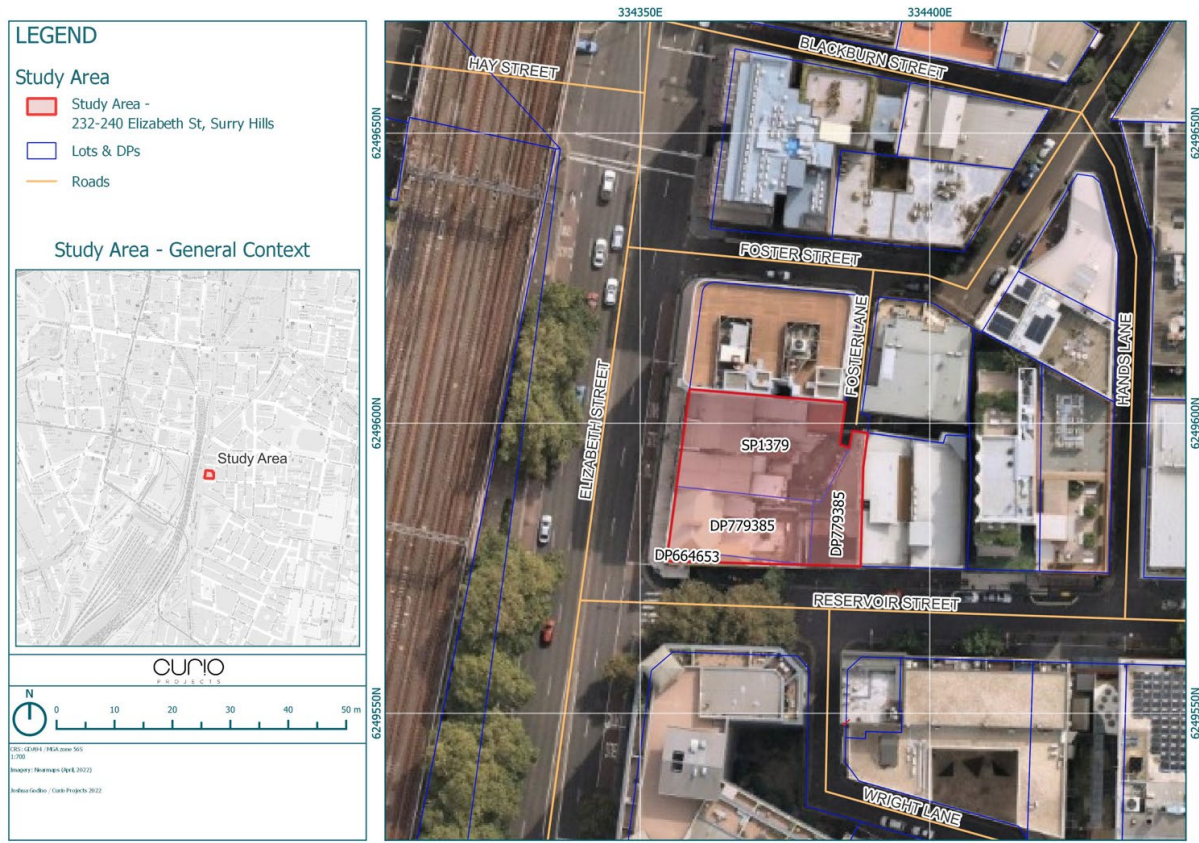


Figure 1-1: Location of the study area outlined in red (Source: Curio 2022)



Figure 1-2: Elizabeth Street frontage (Source: Curio Projects Oct 2022)



Figure 1-3: Reservoir Street frontage (Source: Curio Projects Oct 2022)



Figure 1-4: Foster Lane (Source: Curio Projects Oct 2022)

1.3. Overview of the Proposed Development

The proposed development of the study area as described in the indicative design accompanying the planning proposal includes the demolition of existing buildings within the study area and the construction of a new building fronting Elizabeth Street, Reservoir Street and Foster Lane, and the construction of a basement car park and associated works. The following will be undertaken as part of the development:

- Demolition of existing fabric
- Construction of a nine (9) storey building in the study area
- End of trip facilities across one (1) basement level
- Car parking across two (2) basement levels accessed via Reservoir Street
- A through-site link from Reservoir Street to Foster Lane
- Roof top terrace

Previous Development Applications

A Stage 1 Concept Development Application (DA) (D/2016/1451) (Figure 1-5) was approved by the NSW Land and Environment Court on 21 July 2017 for the demolition of the existing buildings in the study area and the construction of a mixed-use building containing retail, residential and hotel uses with a 2-level basement carpark.

The application was modified removing 1 level of the basement carpark and adding ground level bike parking. This application (D/2016/1451/A) was approved on 25 November 2020.

A 1999 development proposal for 238-240 Elizabeth Street consisted of a six-storey residential building.² (Figure 1-6).



Figure 1-5: D/2016/1451 Design (MHN Design Union)

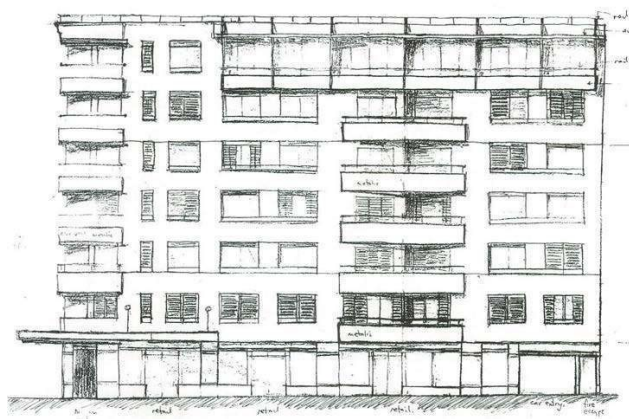


Figure 1-6: 1999 development proposal (Joshua Farkash & Associates)

² Austral Archaeology, 1999. *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash & Associates Pty Ltd, p. 1.

1.4. Previous Reports

Previous heritage reports on the study area include:

- Heritage 21, 2016. *Statement of Heritage Impact: Proposed Development at 232-240 Elizabeth Street, Surry Hills*, prepared on behalf of Patglen Pty Ltd to accompany a Stage 1 DA, August 2016.
- Austral Archaeology, 1999. *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash & Associates Pty Ltd.

These heritage assessments were considered in the development of the current report.

1.5. Limitations & Constraints

This report is a preliminary desktop assessment of environmental, Aboriginal archaeological and non-Aboriginal archaeological potential only. A site inspection took place on 27 October 2022, although sections of the study area were not accessible at the time due to resident occupation and business opening hours. The study area is completely covered with structures and concrete. No consultation with the local Aboriginal community has been undertaken as part of this assessment, and therefore no social or cultural assessment of Aboriginal heritage values has been undertaken at this time.

1.6. Authorship

This report has been prepared by Alex Thorn (Archaeologist and Heritage Specialist) and Marika Low (Archaeologist), reviewed by Sarah McGuinness, Senior Archaeologist and James Rongen-Hall, Director, Projects and Engagement, of Curio Projects. Mapping was prepared by Joshua Godino, GIS Specialist, of Curio Projects.

2. Statutory Context

2. Statutory Context

In NSW, heritage items and known or potential archaeological resources are afforded statutory protection under the:

- National Parks and Wildlife Act 1974 (NSW) (NPW Act);
- Environmental Planning and Assessment Act 1979 (NSW) (EPA Act); and
- Heritage Act 1977 (NSW) (Heritage Act);

In NSW Aboriginal cultural heritage is governed by the National Parks and Wildlife Act 1974 (NSW) (NPW Act); and the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act) whilst Historical archaeology is governed by the Heritage Act 1977 and the Environmental Planning and Assessment Act 1979 (NSW) (EPA Act).

There are further planning policies and controls that provide a non-statutory role in the protection of environmental heritage. These include Development Control Plans for each local Council area.

2.1. National Parks and Wildlife Act (NSW) 1974³

The NPW Act, administered by the Aboriginal Heritage Regulation Section, Heritage NSW, of the NSW Department of Premier and Cabinet (DPC) (formerly known as the Office of Environment and Heritage – 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 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)*

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)

³ National Parks and Wildlife Act 1974 No 80, accessed Oct 2022, <<https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080>>

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.

There are no gazetted Aboriginal Places in the study area.

All Aboriginal Objects and Places are protected under the NPW Act, whether they are recorded or not.

2.2. Native Title Act 1993

The Native Title Act 1993 provides the legislative framework to recognize and protect native title, which recognises the traditional rights and interests to land and waters of Aboriginal and Torres Strait Islander people. Under the Native Title Act, native title claimants can make an application to the Federal Court to have their native title recognised by Australian Law.

A search of the National Native Title Tribunal⁴ was conducted on 26 October 2022 and there were no native title claims or determinations in place for the study area.

2.3. Heritage NSW (former OEH) Guidelines

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

- DECCW 2010a, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (the Due Diligence Code of Practice)
- OEH 2011a, *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (the Guide to Investigating)
- DECCW 2010b, *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (the Code of Practice)
- DECCW 2010c, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (the Consultation Guidelines)
- OEH 2011b, *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*.⁵

The purpose of the Due Diligence Code of Practice is to 'assist individuals and organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects and to determine whether they should apply for consent in the form of an AHIP'. This current report has been prepared in accordance with the Due Diligence Code of Practice.

⁴ National Native Title Tribunal, *NNTT Registers and Databases*, <http://www.nntt.gov.au/searchRegApps/Pages/default.aspx>

⁵ All available from Heritage NSW, *Aboriginal cultural heritage publications*, < <https://www.heritage.nsw.gov.au/search-for-heritage/publications-and-resources/aboriginal-cultural-heritage-publications/>>

Due Diligence Assessment Process

The Due Diligence Assessment process (in accordance with the Due Diligence Code of Practice guidelines) (Figure 2-1) is a step by step process that provides proponents with a reasonable method to follow to determine whether their proposed activity has the potential to harm Aboriginal objects, and to identify reasonable constraints and opportunities of the activity, relating to Aboriginal heritage in the activity location. The primary steps of the Due Diligence process are:

- **Step 1** – Determine whether the activity will disturb the ground surface or any cultural modified trees.
- **Step 2a** – Database Search of the OEH Aboriginal Heritage Information Management Services (AHIMS), and other known sources to determine whether any registered sites are located within/near the study area.
- **Step 2b** – Environmental and Landscape Assessment.
- **Step 3** – Impact Avoidance Assessment.
- **Step 4** – Desktop Assessment and Visual Inspection.

Following this process, should the assessment determine that Aboriginal objects are likely to be present and have potential to be impacted, the Due Diligence Code of Practice advises further investigation and impact assessment (Step 5). Should the assessment determine that Aboriginal objects are unlikely to be present/unlikely to be harmed through the proposed activity, then the activity may proceed with caution.

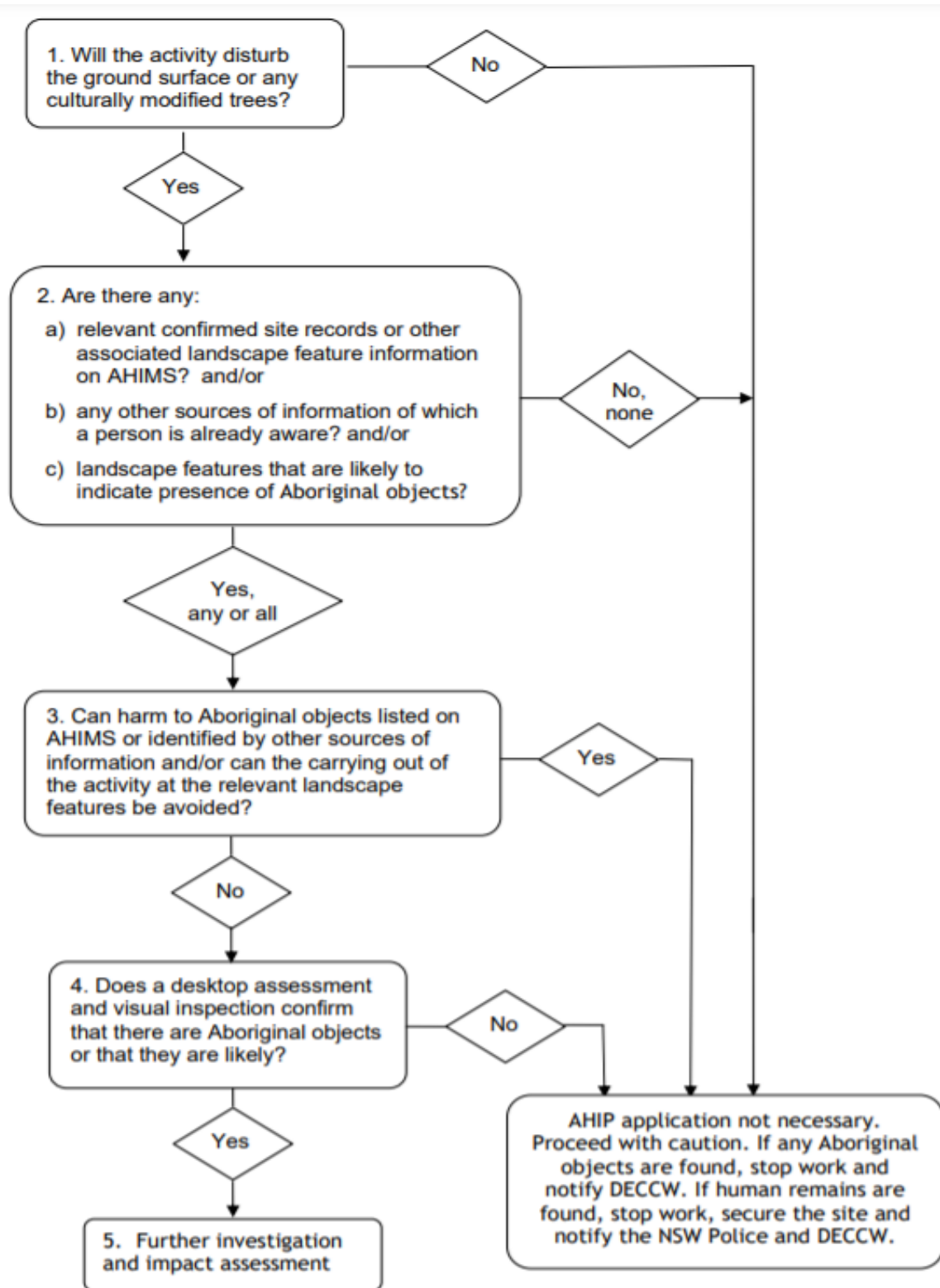


Figure 2-1: Outline of the Due Diligence process (Source: OEH 2010).

2.4. Heritage Act (NSW) 1977

In NSW, heritage items are afforded statutory protection under the Heritage Act. Heritage places and items of importance to the people of NSW are listed on the NSW State Heritage Register (SHR) and may include Aboriginal and Non-Aboriginal listings.

The Heritage Act defines a heritage item as a 'place, building, work, relic, moveable object or precinct'. The Heritage Act is responsible for the conservation and regulation of impacts to items of State heritage significance, with 'State Heritage Significance' defined as being of 'significance to the state in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item'.

Excavation permits are issued by the Heritage Council of NSW, or its Delegate, under s140 of the Heritage Act for relics not listed on the SHR or under Section 60 for relics listed on the SHR. An application for an excavation permit must be supported by an Archaeological Research Design and Archaeological Assessment prepared in accordance with the Heritage NSW archaeological guidelines. Minor works that will have a minimal impact on archaeological relics may be granted an exception under s139 (4) (items not on the SHR) or an exemption under s57 (2) (items on the SHR) of the Heritage Act.

State Heritage Register

The SHR was established under Section 22 of the Heritage Act in 1977 and is encompassed by a list of places, objects, and archaeological sites of particular importance to the people of NSW. It is administered by the NSW Heritage, DPC and includes a diverse range of over 1,500 items, in both private and public ownership.

No items listed on the SHR are within the study area.

Two Items are located proximal to the study area, The first is the *Sydney Terminal and Central Railways Group* (Listing 01255, gazetted 2 April 1999)⁶ which is located directly west of the study area. The SHR curtilage for the listing does not extend to the study area (Figure 2-3). The second is *Sharpies Golf House Sign* (Listing #01655, gazetted 1 Nov 2002)⁷ which was located north of the study area on the corner of Elizabeth and Blackburn Streets (Figure 2-2) prior to its removal and donation to the Museum of Applied Arts and Sciences. These items are listed in Table 2-1 with details of these items including their statements of significance included as Appendix C

Table 2-1: SHR items proximal to the study area

Item	Significance	Listing No.
Sydney Terminal and Central Railway Stations Group	State	01255
Sharpies Golf House Sign	State	01655

⁶ NSW State Heritage Inventory, *Sydney Terminal and Central Railway Stations Group*, State Listing, accessed Oct 2022.

⁷ NSW State Heritage Inventory, *Sharpies Golf House Sign (The Golf House)*, State Listing, accessed Oct 2022.

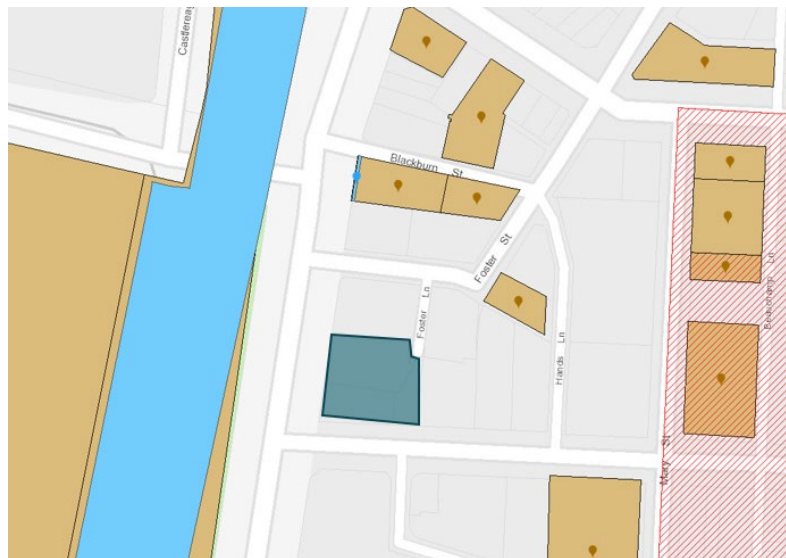


Figure 2-2: Study area and surrounds, SHR items in blue, study area outlined in turquoise (Source: SHI Map with Curio additions)



Figure 2-3: SHR Curtilage for *Sydney Terminal and Central Railway Stations Group*, location of study area indicated by blue dot (Source: SHI Website with Curio additions)

Section 170 Heritage and Conservation Register

Government Agencies are required to keep a register of heritage items that they own, occupy, and manage in accordance with Section 170 of the Heritage Act. This is known as a Heritage and Conservation Register, commonly referred to as a Section 170 (s170) Register. The agencies are required to identify, conserve, and manage the heritage assets included on this register.

No items listed on the s170 Heritage Conservation Register are within the study area.

2.5. Environmental Planning and Assessment Act (NSW) 1979

The NSW Department of Planning and Environment (DPE) administers the EP&A Act, which provides the legislative context for environmental planning instruments to be made to legislate and guide and the process of development and land use. The EP&A Act is an 'Act to institute a system of environmental planning and assessment for the state of NSW'. The EP&A Act establishes the framework for assessing cultural heritage values in the context of land use planning and development consent processes and requires that impacts, including impacts on heritage items, be considered prior to land development.

Local governments are also required under the EP&A Act to prepare planning instruments such as LEPs in accordance with the principles of the legislation to provide guidance on the level of environmental assessment required. Local heritage items, including known archaeological items, identified Aboriginal Places and heritage conservation areas are protected through listings on LEPs or Regional Environmental Plans (REPs). The EP&A Act also requires that potential Aboriginal and historical archaeological resources be adequately assessed and considered as part of the development process, in accordance with the requirements of the Heritage Act.

2.6. Sydney Local Environmental Plan (LEP) 2012

The Sydney LEP 2012 provides local environmental planning provisions for land within the City of Sydney LGA. Clause 5.10 of the Sydney LEP (2012) outlines the controls for heritage conservation including the conservation of Aboriginal objects, Aboriginal places of heritage significance, built heritage and archaeological sites.

No items listed on the Sydney LEP are within the study area.

The study area is not located within a Heritage Conservation Area (HCA).

Items of local significance and heritage conservation areas located in the proximity of the study area are listed below in Table 2-2. The closest items being Belmore Park⁸ and the Central Station Railway Group⁹ located directly west of the study area. The closest HCAs are *Reservoir Street and Forestville* (C66) located to the east of the study area and *Albion Estate* (C58) located south of the study area (see Figure 2-4 and Figure 2-5). Details of these heritage items including their statements of significance have been included as Appendix C

⁸ NSW State Heritage Inventory, *Belmore Park Grounds, Landscaping and Bandstand*, Local listing, accessed Oct 2022.

⁹ NSW State Heritage Inventory, *Central Railway Station Group including Buildings, Station Yard, Viaducts and Bu*, Local listing, accessed Oct 2022.

Table 2-2: Locally listed items proximal to the study area

Item	Significance	Listing No.
Central Station Railway Group	Local	I824
Belmore Park Grounds, Landscaping and Bandstand	Local	I825
Commercial Building Element 'Sharpies Golf House' sign	Local	I1532
Industrial Building 'Prospect House'	Local	I1424
Warehouse 'Edwards & Co'	Local	I1545
Community Building 'Norman Gibson & Co'	Local	I1466
Former Commercial Building 'Silknet House'	Local	I1572
Former City Sydney Mission Headquarters	Local	I1569
Terrace Group	Local	I1570
Chinese Masonic Hall	Local	I1571
Warehouse	Local	I1585
Reservoir Street & Forestville	Local	C66
Albion Estate	Local	C58



Figure 2-4: Section from Sydney LEP 2012 Map 1, study Area in turquoise (Source: Sydney LEP 2012 with Curio overlay).



Figure 2-5: Section from Sydney LEP 2012 Map 16 showing the location of the Albion Estate HCA (C58) (Source: Sydney LEP 2012)

2.7. Sydney Development Control Plan (DCP) 2012

The Sydney DCP 2012 is a non-statutory development control plan that provides the detailed design guidelines to support the LEP 2012. The DCP provides guidance on how development may occur and includes primary objectives to ensure that items of environmental heritage are conserved, respected, and protected.

The Sydney DCP 2012 does not have a specific Aboriginal cultural heritage section. Controls relating to Aboriginal cultural heritage are mentioned in General Provisions – Section 3.9 Heritage. This section identifies the following objective: *“Ensure that heritage significance is considered for heritage items, development within heritage conservation areas, and development affecting archaeological sites and places of Aboriginal heritage significance.”*¹⁰

Table 2-3 below provides a summary of the current land zoning associated with land contained within the study area.

Table 2-3: Current Zoning of land contained within the study area

Address	Lot / DP	Current Zoning
232-236A Elizabeth Street	SP71379	B4 – Mixed Use
238-240 Elizabeth Street	Lots 1 & 2 DP779385 Lot 1 DP664653	B4 – Mixed Use

¹⁰ Sydney DCP 2012, Section 3.9 Objective (a)

Aboriginal Heritage and non-Aboriginal Archaeology

Controls relating to Aboriginal cultural heritage and non-Aboriginal archaeological resources from the City of Sydney DCP 2012 and the correlating section of this report are outlined in Table 2-4 below.

Table 2-4: Aboriginal cultural heritage controls in the City of Sydney DCP 2012

DCP Section	Text	Response
General Provisions, Section 3.9.3 – Archaeological Assessments	<i>(3) An archaeological assessment is to be submitted as part of the Statement of Environmental Effects for development applications affecting an archaeological site or a place of Aboriginal heritage significance, or potential archaeological site that is likely to have heritage significance.</i>	This report has been prepared to investigate any non-Aboriginal archaeological resources, Aboriginal cultural objects and/or areas of significance for the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	<i>(4) An archaeological assessment is to include: (a) an assessment of the archaeological potential of the archaeological site or place of Aboriginal heritage significance.</i>	This report has been prepared to investigate any non-Aboriginal archaeological resources, Aboriginal cultural objects and/or areas of significance for the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	<i>(c) the probable impact of the proposed development on the heritage significance of the archaeological site or place of Aboriginal heritage significance.</i>	This report has been prepared to investigate the probable impact the proposed development may have on archaeological heritage resources within the study area.
General Provisions, Section 3.9.3 – Archaeological Assessments	<i>(e) a management strategy to conserve the heritage significance of the archaeological site or place of Aboriginal heritage significance.</i>	A preliminary consideration of management measures has been undertaken as part of this report and is considered in the development of the recommendations section.

3. Historical Development of the Study Area

3. Historical Summary

3.1. Aboriginal Sydney

The timing and nature of initial Aboriginal occupation in the Sydney region remains poorly understood.¹¹ Past Aboriginal occupation within the Sydney region was likely shaped by changes in sea levels and associated environmental conditions throughout the last glacial cycle. The most recent period of maximum glaciation in Sydney was 15,000-18,000 BP, at which time sea levels would have been up to 130m below current, pushing the coastline further to the east. Around 10,000 years ago at the end of the Pleistocene epoch, the polar ice caps melted, and sea levels began to rise, which would have forced Aboriginal people to abandon coastal sites and move inland, significantly influencing both physical occupation patterns, as well as economic and social habits. By around 6,000 years ago, rising sea levels had flooded what was once a coastal plain along Sydney's east coast, forming the landscape of Sydney harbour and its river valleys roughly as they occur today.¹² It is currently unknown whether the earliest Aboriginal groups were "interior forest dwellers" or coastal groups "tethered to large river systems draining the coastal plain".¹³

Although occupation of Australia is now understood to date back to at least 65,000 years,¹⁴ archaeological deposits dating to the Pleistocene are rare in the Sydney region with few archaeological sites having been dated to before 10,000 BP. Currently, the earliest date for Aboriginal occupation in the Sydney Basin region derives from an open context site 'RTA-G1' located in Parramatta approximately 18km to the north west of the current study area, which indicates that the Sydney region was occupied by at least 30,735 ± 3000/-2000 (ANU-4016).¹⁵ The oldest inhabited rock shelter in the Sydney region, Shaws Creek K2, located on the western side of the Nepean River, has been dated to approximately 17,800 years.¹⁶ In contrast, the majority of archaeological sites in Sydney that have been scientifically dated, provide evidence of occupation dating to 5,000 BP and later following the stabilisation of sea levels.

Prior to the arrival of Europeans in Sydney Cove, the current study area would have formed part of the hunting and gathering grounds of the Eora. The term 'Eora' has frequently been used to refer collectively to the Aboriginal groups occupying the central and eastern Sydney regions, however, the true meaning and history of the term is unclear. It has been suggested, for instance, that the term 'Eora' was used by colonists as a word for 'people' and that there is no evidence in ethnographic accounts for the word ever having been used in the context of describing particular tribes, groups or places.¹⁷

The Sydney region has two main language groups: Darug – with two main dialects, one spoken along the coast and another in the hinterland/Cumberland Plain region of western Sydney; and Tharawal –

¹¹ Williams, et al 2021, 'Was Aboriginal population recovery delayed after the Last Glacial Maximum? A synthesis of a terminal Pleistocene deposit from the Sydney Basin, New South Wales, Australia.' *Journal of Archaeological Science Reports*, 40: 103225.

¹² Attenbrow, V., 2010, *Sydney's Aboriginal Past. Investigating the archaeological and historical records*. UNSW Press, Sydney, pp. 38-39.

¹³ Williams et al. 2021, p. 10.

¹⁴ Clarkson, C et al., 2017, 'Human occupation of northern Australia by 65,000 years ago'. *Nature* (547), pp. 306-310.

¹⁵ Jo McDonald 2005 pp.107-125.

¹⁶ Nanson et al. 1987, p. 76.

¹⁷ Attenbrow 2010, p. 27.

spoken to the south of Botany Bay.¹⁸ Within the Darug language group, people belonged to smaller family/territorial groups or clans, through which they were connected to, and occupied, different areas of land across Sydney. The Surry Hills area is understood to have formed part of the boundary between the Wangal (or Won-gal) and Gadigal (or Cadi-gal) clans of the coastal Darug. According to early records of Governor Philip, the Gadigal lands stretched from “the entrance of the harbour, along the south shore, to the cove adjoining the settlement”.¹⁹ The traditional territory of the Gadigal is therefore recognised to extend along the southern side of the Sydney Harbour from South Head, west to approximately Darling Harbour (previously known as Cockle Bay), and south towards Botany Bay.

The Gadigal people are understood to have spoken the Darug (or Dharruk) language which was shared by groups across the greater Sydney region along the Sydney coast between Port Jackson and Botany Bay, as far south as Appin, north to the Hawkesbury River, west to the Georges River, Parramatta and Blue Mountains.²⁰

Despite differences in language, material culture and customs, the various Darug clans would likely have interacted at various times of the year for ceremonies, dispute resolution trade and marriage arrangement. It has been recorded, for instance, that the Gadigal clans engaged in a variety of important ceremonial rituals. Two such recorded rituals included tooth avulsion involving the removal of a tooth. This practice was associated with the initiation of young men when they came of age and was also practiced during significant ceremonial activities at ceremonial grounds located near Farm Cove called Yoo-lahng. Ceremonial rituals for young women involved the removal of the first two joints of the little finger on the left hand.²¹

At the time of the arrival of the First Fleet in January 1788, it is estimated that at least 1,500 Aboriginal people may have lived along the coastal region between Broken Bay and Botany Bay. The arrival of the First Fleet devastated the lives and activities of Aboriginal people in the Sydney Harbour area, restricting access to areas traditionally used for hunting and gathering, shelter, and for ceremonial purposes, while also introducing devastating diseases such as smallpox. It is estimated that almost half of Sydney's Aboriginal population died in the first smallpox epidemic recorded in the colony in 1789.²² An 1819 watercolour painting by Joseph Lycett looking towards Sydney from Surry Hills in 1819 shows a small group of Aboriginal people camping on the margins of the colony demonstrating the continued use of the area by Aboriginal groups in the early 19th century (Figure 3-1).

¹⁸ Attenbrow 2010.

¹⁹ Philip 1790 [1892:309].

²⁰ Attenbrow 2010, p. 34.

²¹ Unearthed Archaeology & Heritage 2019.

²² Hinkson 2010.



Figure 3-1: Joseph Lycett, *Sydney From Surry Hills*, 1819 (Source: State Library NSW <<https://archival.sl.nsw.gov.au/Details/archive/110327850>>)

The area around Central Train Station and Belmore Park remained an important meeting place for Aboriginal people through the 1790s²³ as Collins describes Aboriginal people ‘*choosing a clear spot between the town and the brickfield for the performance of any of their rites and ceremonies ...*’²⁴

Early settlers noted a road linking Cockle Bay to Botany Bay that acted as an important corridor for trade and movement for Aboriginal people in early Sydney. The area along this corridor between Cockle Bay and Botany Bay is described in 1788 by Governor Arthur Phillip as being occupied by wood and beyond that, a kind of heath- sandy and full of swamps. The same area is later described in 1792 by Atkins on a walk to the brick fields:

*A very good road is made the whole way to it through the wood, where trees of an immense size border it on both sides, their lofty and wide spreading Branches look beautiful ... The underwood is mostly flowering shrubs, some of whom are now in blossom of the most vivid and beautiful colours imaginable, and many of them most delicately formed.*²⁵

²³ AHMS 2015, *Central to Eveleigh Corridor: Aboriginal and Historic Heritage Review*, Sep 2015, p. 12.

²⁴ Collins 1798, Dec 1793 cited in AHMS 2015, p. 12.

²⁵ Atkins 1792 cited in AHMS 2015, p. 13.

The study area is located within this corridor, located on low ground near a creek that ran through the present Reservoir Street.²⁶ This creek joined an additional creek that ran along present Hay Street, emptying into the foreshore of Tumbalong (Darling Harbour).²⁷

Much of the evidence of traditional Aboriginal lifestyle and economy was disrupted in the early years of European settlement and understandings of the local Aboriginal groups in the Sydney region are based on ethnohistorical sources and/or information obtained from the archaeological record. The pre-contact environment of the study area would have been an incredibly valuable location for Aboriginal people, with access to a plethora of important resources associated with the swamplands and associated creeks.

As hunter-gatherers, the local Aboriginal communities living in the area would have pursued a mixed food economy, utilising and relying upon readily available and abundant natural resources. The Sydney coastline, situated approximately 1 km from the study area, would have provided coastal resources including fish, shellfish and crustacea which could be gathered from the sea though availability and abundance of resources likely changed seasonally²⁸. Nearby, Rose Bay would have been an ideal location for fishing expeditions along the harbour via bark canoe, as well as the surrounding landscape of Hawkesbury sandstone cliffs eroding into overhangs and rock shelters which would have been suitable for habitation. In contrast, the environment associated with locations further inland from the coast resulted in a reliance on the exploitation of possums, kangaroos, plant resources including vegetable roots, berries and seed and freshwater resources such as eels and mullet.²⁹

Locations for camping were selected based on their ability to provide shelter from the weather in addition to being in locations with access to plant and animal foods and raw material resources. Based on the distribution of Aboriginal sites in the Sydney region, occupation appears to have been focused along valley bottoms and shoreline contexts and the density and complexity of sites has been suggested to vary in accordance with distance from permanent potable water sources and proximity to food, stone and other resources required for the manufacture and maintenance of tools, equipment and other cultural items.³⁰

²⁶ Casey and Lowe, *Archaeological Investigation 19-41 Reservoir Street* (leaflet)

²⁷ Casey and Lowe, *Archaeological Investigation 19-41 Reservoir Street* (leaflet)

²⁸ Attenbrow, 2010, p. 62.

²⁹ Murray and White, 1988.

³⁰ DSCA 2003, p. 23.

3.2. Post-European Arrival

Since the colonisation, the Sydney landscape has been heavily modified. A summary of the modern development history of the subject area and its surrounds, including land reclamation, disturbance and historical development, is provided here in order to understand the effect that previous land use may have had on the preservation or destruction of potential Aboriginal archaeological remains and non-Aboriginal archaeological resources at this location. The following section presents an overview of the historical development of the study area post-European arrival.

3.2.1. Early Land Grants and Brickfields (Includes Phase 1 1788-c.1807)

A sandstone plateau, overlaid by a shale cap, formed the north-south corridor of Surry Hills with Crown Street as the western rim and the land sloping steeply after Riley down to Elizabeth Street.³¹ The shale cap had weathered, becoming a hard blue clay that was ideal for brickmaking yet later caused problems for residents.

When dry and hard it did not absorb water easily. The low absorbency of the clayey soil, denuded of its protective vegetation, combined with the rapid fall in slope in many parts of Surry Hills meant water-torn gullies along the side of the plateau, to be followed, when building commenced in the area by gullied streets and flooded houses. Conversely, once the clay had absorbed water, it became a sticky mass difficult for pedestrians to traverse.³²

Foveaux's Grant

The first and grants in the area were made in the 1790s. In October 1793 Captain Joseph Foveaux was granted 80 acres³³, but by December this was extended to 105 acres "on the east side of the line laid down for the common ground appropriated for the town of Sydney"³⁴ that formed Surrey Hills Farm. Rent was 1 shilling for every 50 acres to commence after 5 years.³⁵ Foveaux did not reside on the farm but partially cleared the area through the use of convict labour, and farmed cattle.³⁶

The study area appears on both the western border of Captain Joseph Foveaux's 1793 land grant of 105 acres (later Palmer's) (Figure 3-2) and 'The Brick-fields'. The Brickfields were a brick making and pottery precinct which had been established in the early days of the colony on an extensive clay resource. Originally situated near Parramatta Road near the crossing of Cockle Creek, they spread further north and by 1807 were within the town boundary of 1792.³⁷

In 1800 John Palmer purchased Foveaux's Surry Hills Farm yet he was forced to sell his land in 1814 after suffering great financial losses supporting Bligh during the Rum Rebellion.³⁸ Meehan's 1813

³¹ Kass', T 'The Builders and Landlords of Surry Hills 1830-82' unpublished MA Thesis in Keating 2007, p. 12.

³² Kass', T 'The Builders and Landlords of Surry Hills 1830-82' unpublished MA Thesis cited in Keating 2007, p. 12.

³³ Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, pp. 16-17)

³⁴ No 122, Dec 2, 1793 Book 1A. (Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, pp. 16-17)

³⁵ No 122, Dec 2, 1793 Book 1A (Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library, p. 17)

³⁶ Keating, C. 2007, *Surry Hills: The City's Backyard*, Hale & Iremonger, p. 16.

³⁷ Austral Archaeology, 1999, *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash and Associates Pty Ltd Architects, Jan 1999, p. 9.

³⁸ Steven, M. 'Palmer, John 1760-1833' *Australian Dictionary of Biography* (website) accessed Oct 2022.

and 1814 plans of Surry Hills show the study area, including 40-42 Reservoir Street, partially within John Foster's grant of this subdivision, and partially within the 'Brickfields' (Figure 3-9). The Foster family retained the land until 1843 when it was subdivided.³⁹ (Figure 3-11, Figure 3-12). There was minimal development surrounding the study area as sale of the allotments was impacted by the depression of the 1840s.⁴⁰ A section of the study area including the properties at 40-42 Reservoir Street were within the boundary of Foveaux's grant.

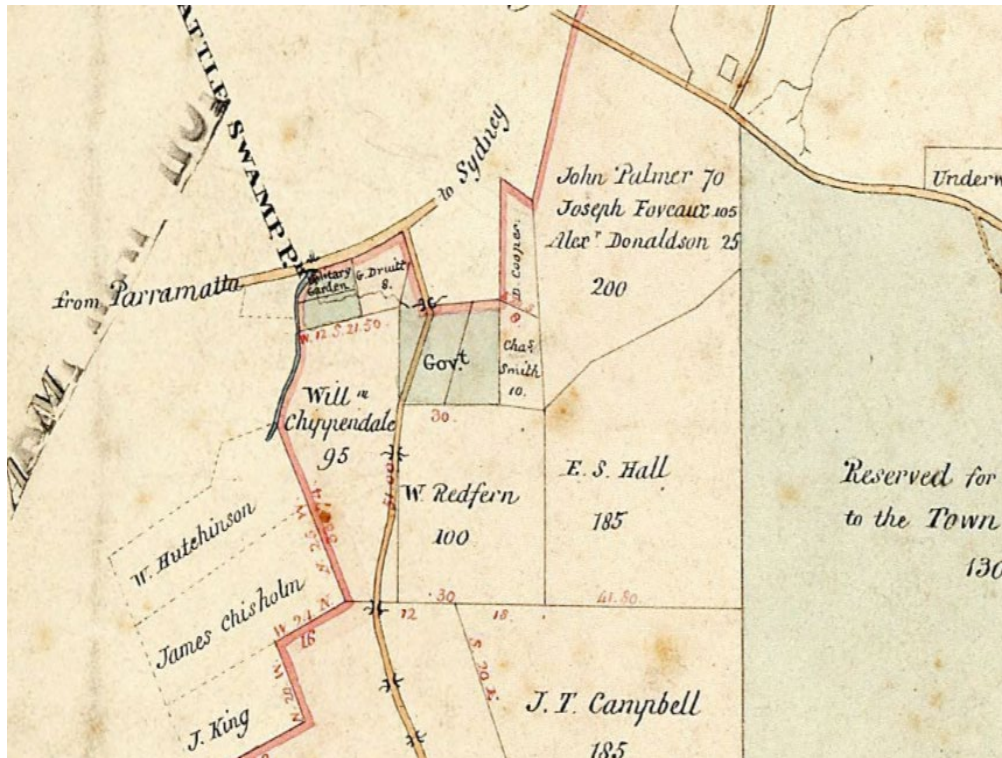


Figure 3-2: Section from AO Map No 185 showing the Parish of Alexandria, Country of Cumberland, no date (Source HLRV, Land & Water Conservation Map No 140663)

Tawell's Grant

A section of the study area (approximate location of 236 and 238-240 Elizabeth Street) are within a portion of John Tawell's original 1831 grant (Section 5, allotment 2). The grant was bound by the Fosterville Estate to the east, William Greville to the north, Elizabeth Street to the west and a Watch House reserve to the south.⁴¹ Tawell sold the grant in 1834⁴² to William Dalton who sold the northern section to William Webb in 1836⁴³ and the southern portion to J T Barrett in 1837.⁴⁴

Barrett briefly retained the property before selling to Ward and Eliza Stephen in 1840. The title passed to William Russell in 1841, but reverted to Adolphus William Young through mortgage. Young sold the property to Thomas Brown in 1846. Brown retained the property for several years before selling it to Thomas Page, a licensed

³⁹ Austral Archaeology, 1999, p. 10.

⁴⁰ Austral Archaeology, 1999, p. 10.

⁴¹ Austral Archaeology, 1999, p. 9. also citing LTPO Grants Index 1827-1831

⁴² Austral Archaeology, 1999, pp. 9.-10 also citing LTPO Grants Index 1827-1831

⁴³ HLRV LTO Book K-508, 1836

⁴⁴ Austral Archaeology, 1999, p. 10

virtualler, in 1855. Page added to the property by the grant of a sliver of land formerly set aside for the Watch House in 1873 Page and his family through inheritance and trustees retained the property until 1946. The Pages lived at the study site (today number 240) from at least 1873 to 1897. The property was transferred to Henry Russell Elliott a second-hand dealer of Annandale for 6500 pounds in 1946. Hang Tat Enterprises purchased the property in 1987.⁴⁵

Webb sold his northern portion of Tawell's grant to Jason Brown (Bk 6-506) on 11 April 1844, who is recorded in the 1845 Assessment books as owning/occupying a one storey wooden dwelling with a shingle roof.⁴⁶ The land was owned by several Brown's and trustees for John Brown until 1860 when it passed from Elizabeth Brown to Elizabeth and James Chapman.⁴⁷ Elizabeth Chapman consolidated the property with a lot from Greville's Section 5 allotment 3 grant and following Elizabeth Chapman's death in 1882 the combined lot passed to Catherine McDonald.⁴⁸ Following McDonald's death it was sold to Samuel Hordern⁴⁹ who at the time occupied 230 Elizabeth Street on the corner of Foster Street.



Figure 3-3: Corrected Survey of the vacant land at Fosterville - Campbell St, Foster St, Elizabeth St, Albion St, Ann St, Gipps St, Mary St, Macquarie St, Smith St, Samuel St, Riley St, no date but 'Young' suggests 1840s (State Library NSW Image 440 of <<https://collection.sl.nsw.gov.au/record/74VqdwMJ3Zl/ZMe3NJDMz3007>>)

⁴⁵ Austral Archaeology, 1999, p. 10

⁴⁶ Assessment Books 1845, Cook Ward.

⁴⁷ HLRV PA11245

⁴⁸ HLRV PA11245

⁴⁹ HLRV PA11245

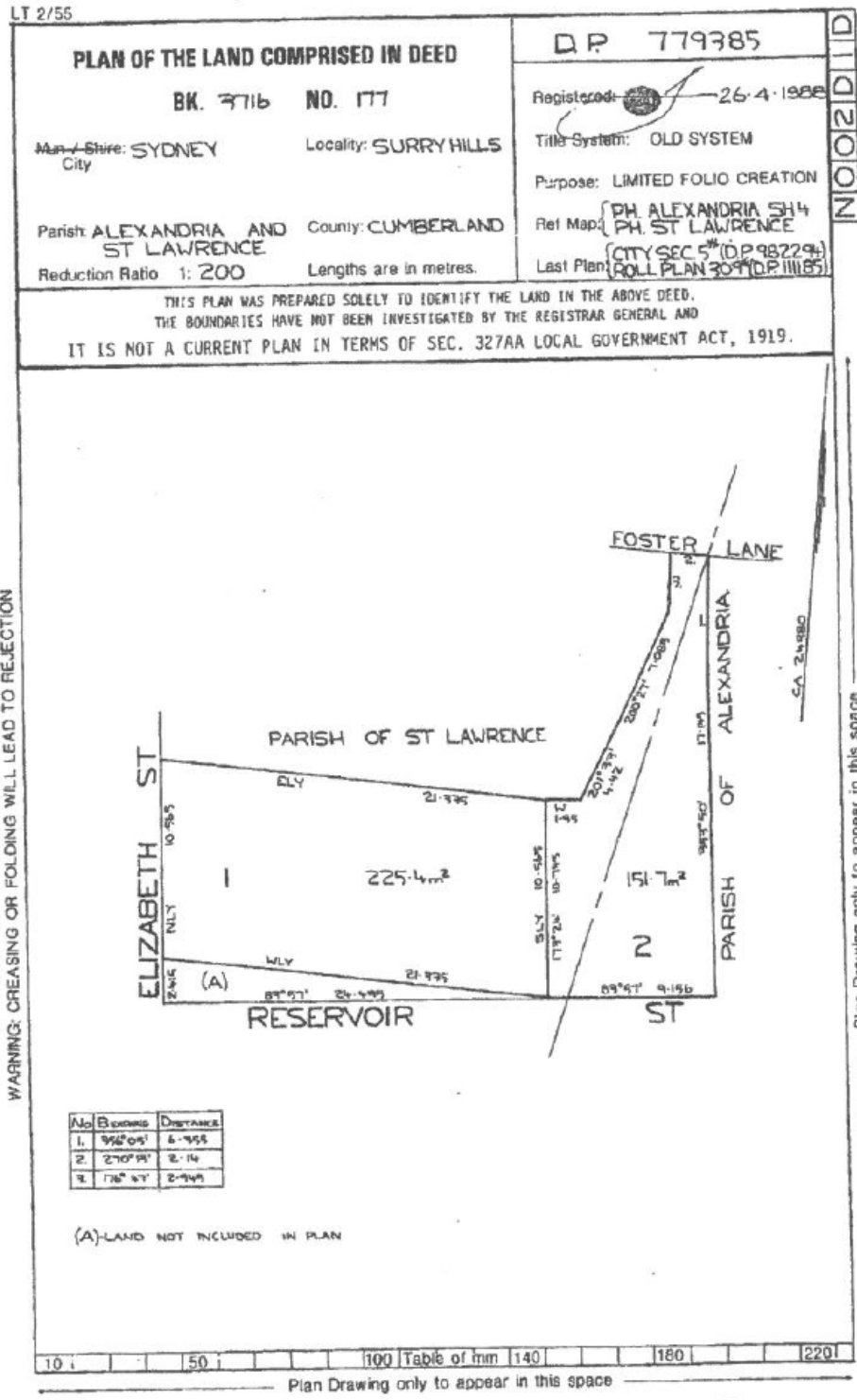


Figure 3-4: DP779785 formed from both Foveaux's 1790 and Tawell's 1830 grants

Greville's Grant

In 1831 William Charles Greville was granted 33 perches on Elizabeth Street (Section 5, allotment 3), bound to the north by a lane that led to the Surry Hills Estate.⁵⁰ This lane took his name becoming Greville Street (present Foster Street). Historical maps and plans (including Figure 3-11 and Figure 3-12) indicate that the northern portion of the study area (approximate location of 232-234 Elizabeth Street) is within Greville's grant, whilst the southern portion is within the 1831 grant to John Tawell.

Greville was not recorded as living on his lot from c.1858⁵¹ and from 1862 was recorded as living at Thomas Page's property on the corner of Elizabeth and Gipps (now Reservoir) Streets, then known as [426] Elizabeth, now 238-40. Greville subdivided his land around 1874 (partially evident in Figure 3-3) and sold lot 4 to Thomas Page on 30 Nov 1874. Within several days, Page sold the property to Elizabeth Chapman, who lived at then [422-424] Elizabeth Street, between the two properties.

Elizabeth Chapman retained the property until 1882 when she passed away and Catherine Ann McDonald took ownership of her combined property that constituted part of Greville's and part of Tawell's 1831 grants as discussed above.

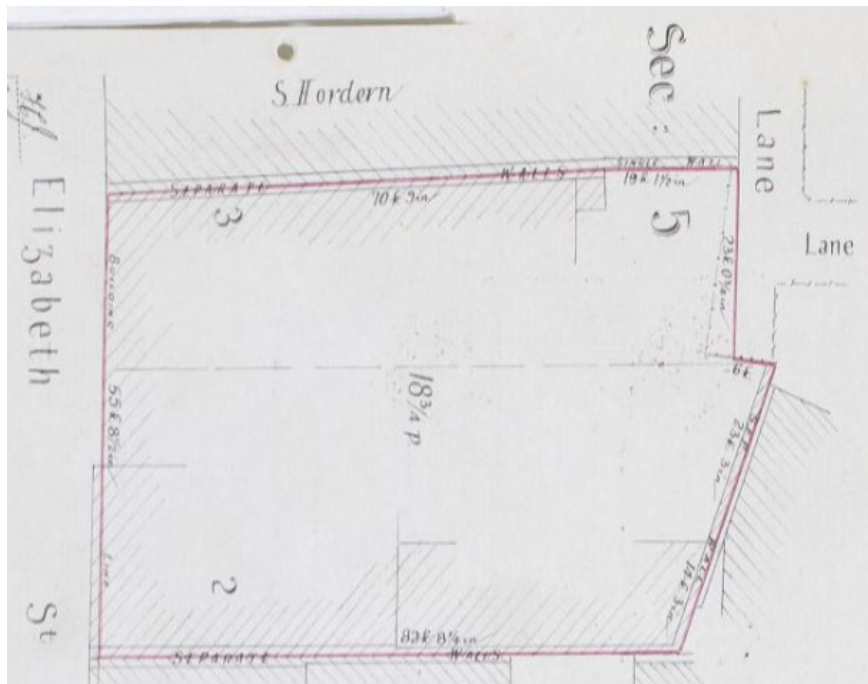


Figure 3-5: PA 11245, Vol 1330, fol 109 showing the property (now SP1379) formed from both Greville's and Tawell's grants

⁵⁰ 'Government Notice: Town Allotments' *The Sydney Morning Herald*, 23 May 1831, p. 1.

⁵¹ Assessment Books, Cook Ward 1858, 1860, 1861

(a) State if whole or part.
 (b) Refer to number of Lot, Abandonment, or Part and to the Devised Plan, Town, or as the case may be.
 (c) Additional fees should be shown in an account.
 (d) Delete if inappropriate.

Parcel comprises (a) whole of (b) R.P.A. 11245		STRATA PLAN 1379 (E)	
Reference to Title Vol. 5655 Fol. 36 & 37		Registered: 21-6-1965	
Name/Street/City Sydney		C.A.: 22/1965 of 15-3-65	
Locality Sydney		Ref Map: City Section 5	
Parish St. Lawrence County Cumberland		Last Plan: P. A. 11245	
Scale: 20 feet to an inch.			
App. 11245 Pt. Allot. 2 Sec. 5 gtd. to John Towell on 19 th Oct. 1831 & do Pt. Allot. 3 do William Charles Greville on 13 th Oct. 1831 & Vol. 5655 Fols. 36 & 37			
Schedule of Unit Entitlement (a)		OFFICE USE ONLY	
		Current C's of T.	
Lot No.	Unit Entitlement	Vol.	Fol.
1	1	10043	153
2	1	10043	154
AGGREGATE		2	
The address for service of notices on the body corporate is:—		The Proprietors, Strata Plan No 1379 236 Elizabeth Street, Sydney.	
		i. David Ashley Williams of 198 Mons Vale Rd, St. Ives. a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that: (1) the building erected on the parcel described above is within the external boundaries of the parcel(s) subject to clause (2) of this certificate (2) no notice of the building project beyond such external boundaries and no appropriate account has been granted to an appropriate person by registered Transfer No. Dated 10th. June, 1964. Signature <i>D.A. Williams</i> Approved by the Council for the purposes of the Conveyancing (Strata Titles) Act, 1961. Date 15 th March, 1965 Subdivision No. 22/1965 <i>J. Russell</i> Town Council Clerk	

4437 12-63 K 1212 V. C. H. Right, Government Printer
 Surveyor's Reference: 1001

Figure 3-6: SP1379 formed from Greville's and Towell's 1831 land grants.

Page's Grant

Thomas Page acquired a small portion of the study area in 1873.⁵² A section of land reserved for a watch house was dissected when Gipps Street (now Reservoir Street) was joined to Elizabeth Street forming a $\frac{3}{4}$ perch sliver of land (DP664653, see Figure 3-7).⁵³

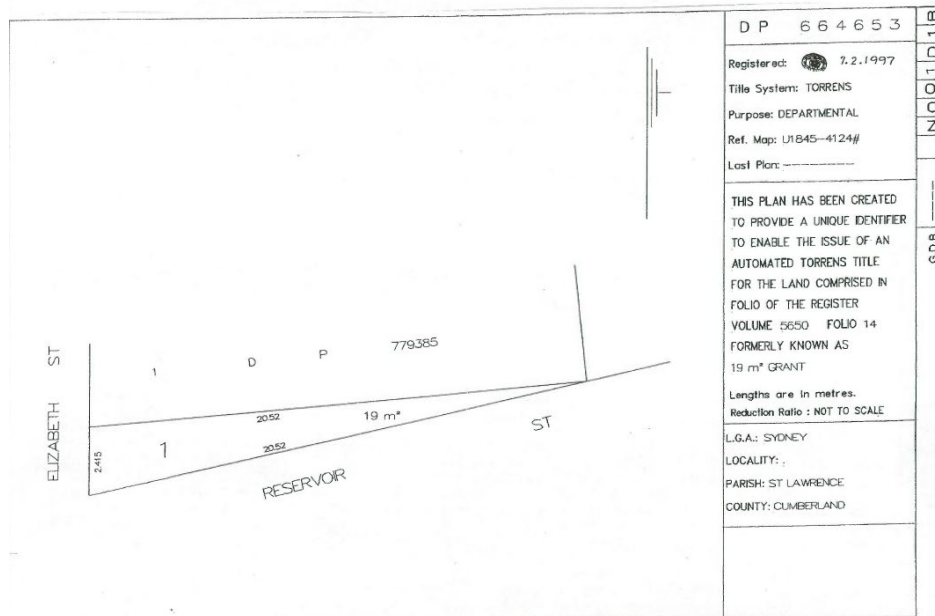


Figure 3-7: Page's 1873 Grant : DP664653 (Source LTO reproduced in Austral 1999 p. 31).

3.2.2. Phase 2: Subdivisions and potential usage c.1807-c.1843

Meehan's 1807 plan of Sydney shows a number of "irregularly built" huts scattered amongst the brick fields and across the ditch that formed the western boundary of Palmer's farm, one of which appears to be within the approximate location of the study area (Figure 3-8), although there can be issues with accuracy with early maps. No documentary evidence for brickmaking within the study area has been recovered, yet this does not rule out the potential for brick making to have occurred within the study area. Many potters operated without leases or land titles⁵⁴ and an undocumented kiln was uncovered during archaeological excavations near the study area in Albion Street⁵⁵ (discussed in Section 6.1.2). Wells' 1843 plan shows brick kilns located just east of the study area (Figure 3-10) and Keating⁵⁶ describes 'brick kilns on Samuel Foster's lots north of Albion Street' during this period.

Around 1843 a couple of structures are evident near and within the study area as evidenced by Wells' map (Figure 3-10) and one of the Fosterville Estate (Figure 3-11). The 1843 maps of the Fosterville Estate subdivision (Figure 3-12) show a proposed extension of Foster Street through to Gipps (now Reservoir) Street (Figure 3-11) where a small square structure is evident, the extension did not eventuate and the land was subdivided (Figure 3-12). The structure would have been in the

⁵² DP 1/664653, HLRV

⁵³ Austral Archaeology, 1999, p. 10

⁵⁴ Austral Archaeology, 1999, p. 11.

⁵⁵ Casey & Lowe cited in Austral Archaeology 1999, p. 34.

⁵⁶ Keating, C. 2007, *Surry Hills: The City's Backyard*, Hale & Iremonger, p. 21.

approximate location of today's 40 Reservoir Street.⁵⁷ The purpose of the structure is not known, although Austral noted that a watch house had been planned nearby⁵⁸ which is referenced in land descriptions of the study area.⁵⁹

An additional property located on Elizabeth Street, appears in Wells' 1843 map (Figure 3-10), yet the location of this property appears to be north of the study area and appears to be the earlier residence of W C Greville.⁶⁰ Prior to the division of the Fosterville estate, access to the estate from Elizabeth Street was closed off.⁶¹

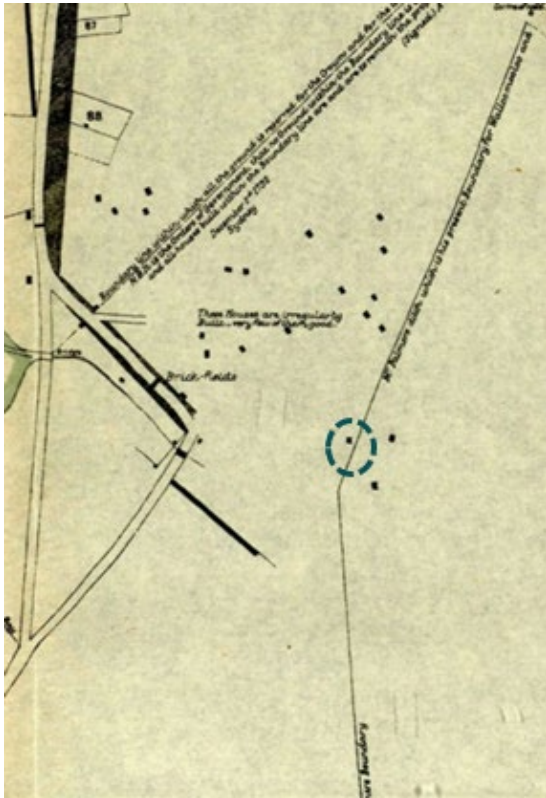


Figure 3-8: Meehan's Plan of the Town of Sydney in 1807 (Source: State Library NSW FL3738457). Approximate location of the study area circled.



Figure 3-9: Study Area c.1814, Meehan (Meehan 1814-17), approximate study area circled. (Source: State Library NSW FL3787361 with Curio overlay)

⁵⁷ Austral Archaeology, 1999, p. 10

⁵⁸ Austral Archaeology, 1999, p. 10

⁵⁹ HLRV, LTO Book 3 fol. 896.

⁶⁰ Assessment Books, Cook Ward 1845.

⁶¹ Keating, C. 2007, p. 29.



Figure 3-10: Section from Wells' 1843 Map of Sydney with approximate location of the study area circled (Source: State Library NSW FL3709191
<https://digital.sl.nsw.gov.au/delivery/DeliveryManagerServlet?embedded=true&toolbar=false&dps_pid=IE3709175>)



Figure 3-11: 1843 Fosterville Estate, the property of John Smith to be leased showing the approximate location of the study area and a small, square structure within the approximate location of 40 Reservoir Street (Source: State Library NSWFL3672959)



Figure 3-12: 1843 Fosterville Subdivision showing the land to be within Greville's Grant on the border of the Forestville Estate. (State Library NSW
<https://collection.sl.nsw.gov.au/record/74v30546jQy/WrNAWdzmjop2p>)

3.2.3. Phase 3: Domestic residences c.1844 -c.1879

Compared with areas to the north, the study area was relatively undeveloped by the late 1840s and 1850s. The 1855 City of Sydney detail plan (see Figure 3-14 and Figure 3-15) shows three dwellings fronting Elizabeth Street on two blocks of land within the study area in the approximate location of 234-238 Elizabeth Street. W. C. Greville's property around the time appears just north of the study area and the dwelling was listed as being in bad repair.⁶² In the approximate location of 234-236 Elizabeth Street, to the north there is a one storey wooden house with a shingled roof [266], occupied by Thomas Eustace in close proximity to a two storey brick house with a shingled roof [268] owned by John Brown and occupied by George Sweeting.⁶³ Water closets are evident at the rear of [268] and at the rear of [266] abutting the proposed extension of Foster Street (Figure 3-15). The assessment books beginning in 1845⁶⁴ record Jason Brown in a wooden house on the street at the time and the 1845 Shield's map, although not highly detailed, identify a structure in the study area (Figure 3-13). The brick building adjacent appears to have been constructed around 1853-55 as it does not appear on the 1852 Assessment books.

The house in the vicinity of 238 Elizabeth Street [270] is a two-storey brick dwelling with a shingled roof. The property is listed as owned by Thomas Page and occupied by James Topham.⁶⁵ This also appears to have been constructed around 1853-1855.

By 1865 demolitions and alterations to the properties have occurred (Figure 3-16). The wooden house [266] at 234-236 Elizabeth St appears to have been demolished and a brick structure built in the previously vacant lot to its north. The wooden house appears to have been demolished in c.1861-1862 as the Assessment books for 1861 record George Sweeting as the owner/occupier, but the building is noted as being in a very dilapidated condition.⁶⁶ By 1862 James Chapman is listed as the owner/occupier of the two-storey brick house with a slated roof and a coach house, stables and hay loft at the rear.⁶⁷

The second property in the study area at the time (Page's) appears to be an extension of the previous [270] structure. The 1865 map shows a long brick structure extending from Elizabeth Street through to the eastern border of the property. At this time, the property is owned by Thomas Page but occupied by W. C. Greville. The Assessment books describe it as a 2 storey, 7 room brick house with a shingled roof.⁶⁸

In 1873 Page added the sliver of land on the corner of Elizabeth and Gipps (Reservoir) Streets to his residence at 238-40 Elizabeth Street. It appears that Page extended his house to the corner of Gipps and Elizabeth Street at this time, its façade reaching its current form.⁶⁹

As mentioned above, Greville subdivided his land on the corner of Elizabeth and Greville (Foster) Streets in 1874, and Thomas Page purchased lot 4, to the south of Greville's property on 30 November 1874, selling it several days later to Elizabeth Chapman, now a widow, who lived next door.

⁶² Assessment Books, Cook Ward 1858.

⁶³ Assessment Books, Cook Ward 1858.

⁶⁴ Assessment Books, Cook Ward 1845.

⁶⁵ Assessment Books, Cook Ward 1858.

⁶⁶ Assessment books, Cook Ward 1861

⁶⁷ Assessment books, Cook Ward 1862

⁶⁸ Assessment books, Cook Ward 1862

⁶⁹ Austral 1999, p. 11.

During this stage the properties appear to have been used predominantly as domestic residences.



Figure 3-13: 1845 Shield's Map showing approximate location of the study area (Source: City of Sydney Archives)



Figure 3-14: 1855 structures within the study area (Source: Curio Projects 2022)



Figure 3-15: Section from 1855 City of Sydney Detail Plan

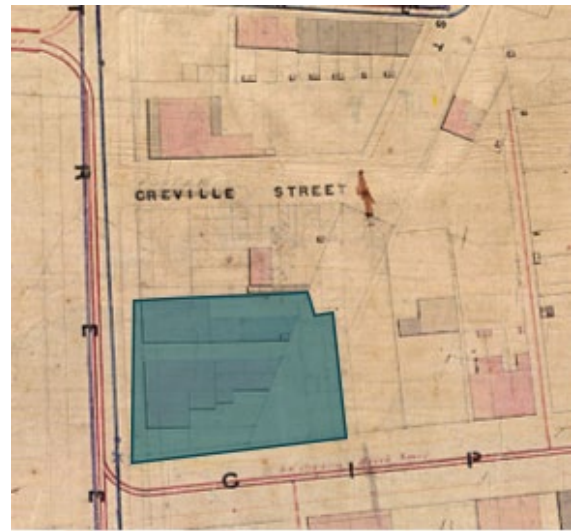


Figure 3-16: 1865 Trigonometrical Plan of Sydney (Source: City of Sydney Archives)

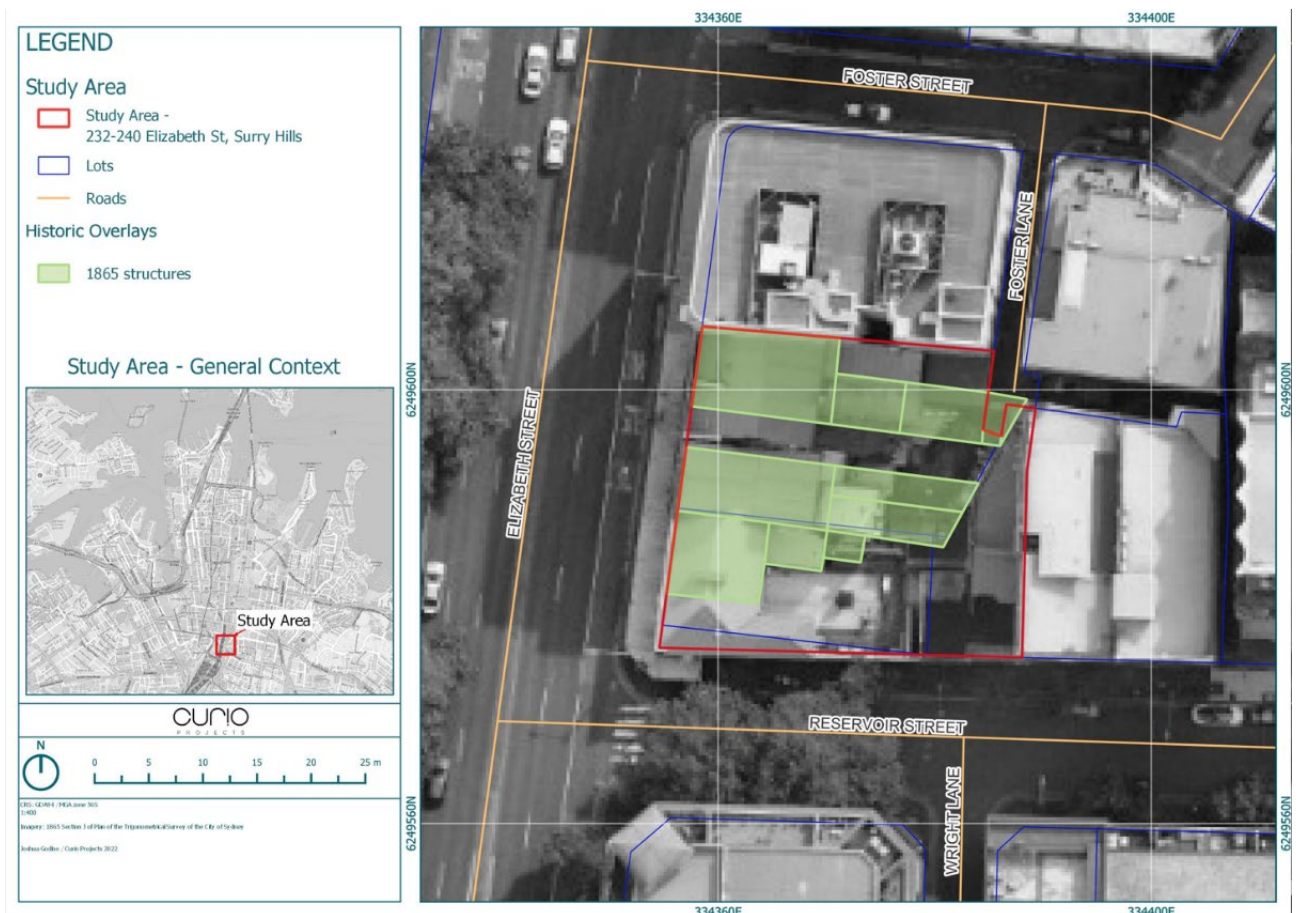


Figure 3-17: 1865 structures within the study area (Source: Curio Projects 2022)

3.2.4. Phase 4: Commercial and residential occupation c.1879-c.1920

232-236 Elizabeth Street

When Elizabeth Chapman died in 1882 and her death notice lists her address at 'Cleugh Terrace'⁷⁰, Elizabeth Street suggesting the present terraced building structure replaced the previous structures during her ownership, a search for advertisements under this name revealed its use from 1879-1885⁷¹. From 1879 the Sands Directory, and Assessment Books from 1880⁷² shows a distinct change in both street numbering and occupancy for the property, extending to three street numbers ([420, 422, 424], by 1880 known as the present numbering 232, 234, 236) and three occupants.

In 1879 there appears to be a shift in the usage of the 232 to 236 Elizabeth Street properties [then 420-424] with the Sands recording three addresses and a combination of residential and commercial occupation.⁷³ From 1879 (and until 1885) the building was referenced as "Cleugh Terrace" suggesting that the terrace building across 232-236 was constructed around this time. Within the year they have the current numbering system of 232-236.⁷⁴ Elizabeth Chapman appears to have continued to live at the premises, renting out rooms until her 1882 death, after which time Catherine McDonald took ownership of 232-236 Elizabeth Street.

The building footprint that appears on the 1888 Rygate and West Map, and the later 1895 Metropolitan water detail map, suggest that the building constructed at this time (c.1879) is likely the current building at 232-236 Elizabeth Street as the dwellings are in a similar alignment to those present today. The 1888 map (Figure 3-18) shows McDonald remaining as the owner of 232-236 Elizabeth Street. They appear as brick/stone terraces between 2 [236] and 3 [232 and 234] floors with brick outhouses and yards.

The terraces at 232-236 Surry Hills appear to have operated in both a commercial capacity and boarding/ lodging houses during this phase. From 1892, 232 and 234 Elizabeth Street were listed as boarding-houses and lodging houses. No. 232 was advertised as a Jewish Boarding House operated by Mrs Jen Davis from 1898⁷⁵ until her death in 1899.⁷⁶ Dr Richard Grindrod, a "Medical Practitioner" "Specialist" and "Hydropathist" occupied 236 Elizabeth Street from c. 1888 to 1911 when a series of other hydropathists occupied the property until 1920.⁷⁷

On 3 March 1898 John McDonald, as executor of the will of the widow Catherine Ann McDonald⁷⁸ sold the property comprised of Sections of Greville's and Tawell's grants, to Samuel Hordern, who had owned the northern section of Greville's grant since 1891.⁷⁹ From the south east corner the land followed "on the East by lines along the east side of a very old stone wall along part of the western boundary of the Surry Hills Estate".⁸⁰

⁷⁰ 1882: 'Family Notices' *The Sydney Morning Herald*, 14 Jun 1882, p. 1.

⁷¹ A Trove search for "Cleugh Terrace" show advertisements and notices from 1879-1885.

⁷² There are no assessment books available for 1878 and 1879

⁷³ Sands 1879.

⁷⁴ Assessment Books, Cook Ward, 1880

⁷⁵ The Hebrew Standard of Australasia 20 May 1898, p. 7

⁷⁶ The Sydney Morning Herald, 22 Aug 1899, p. 10

⁷⁷ Sands, various from 1888 to 1920

⁷⁸ see Book 618-700

⁷⁹ PA 1952, Vol 998 fol 515

⁸⁰ HLRV LTO Book 618 No 700

From c.1905-1910, Chow Kum, who operated the furniture business north of the study area on Anthony (and later Samuel) Horden's block on the corner with Foster Street is registered as the occupant of no. 232, after which time a laundry operated by Goon War is recorded from 1911 to 1920.⁸¹ A brick building in the north-east corner of the property, fronting Foster Lane does not appear on the 1888 or 1905 maps.

238-240 Elizabeth Street

The 1888 Rygate and West map (Figure 3-18) show Sparke as the owner of the three storey brick buildings at 238 and 240 Elizabeth Street, though Thomas Page owned the properties at this time.⁸² which have open yard spaces and wooden outhouses, a passageway is evident from Gipps (now Reservoir) Street, just before 40 Reservoir Street. The Page family occupied 238-240 Elizabeth Street for around 25 years and it was used predominantly as a domestic residence until c. 1897.⁸³

From c.1895-1898 nos. 238 and 240 Elizabeth Street were predominantly used as boarding/lodging houses. In 1919 there were proposed alterations to 238 and 240 Elizabeth and Reservoir Street.⁸⁴

40-42 Gipps (Reservoir Street)

The properties at 40-42 Gipps (Reservoir) Street appear to have been constructed around 1882⁸⁵ and are evident in the 1888 Rygate and West map as two storey brick terraces owned by Sharpe, no 42 is recorded as having a balcony (Figure 3-18). By 1891 the assessment books record Thomas Page as the owner of both 40 and 42 Gipps (now Reservoir) Street. They are recorded as 2 storey brick and stone dwellings with slate rooves.⁸⁶

According to the *History of the Sydney Streets*, the street was named Gipps St until 1896. An original street of the Fosterville Subdivision in 1843 it got its name from the Crown St Reservoir on the corner but was renamed to combat the 'ill repute' attached to Gipps St.⁸⁷

The original structures of 40-42 Reservoir Street were believed to have been removed c.1889 and 1893 before the construction of a 5 foot 10 inch brick oviform drain (Figure 3-20 and Figure 3-21) that runs through the site, believed to be part of the Bondi Ocean Outfall sewerage system.⁸⁸ The current premises would have then been built c.1893-1895 as domestic residences.⁸⁹ The Pages are listed as the owners of the properties in the 1896 assessment books.⁹⁰ From 1898 until c.1923 Thomas White, a chimney sweep, and his wife, lived at 40 Reservoir Street, operating it as a boarding house.⁹¹

⁸¹ Sands Directory and Assessment Book searches 1905-1920.

⁸² Assessment Books and Sands Directory searches

⁸³ Austral 1998, p. 11.

⁸⁴ City of Sydney Archives, 269/19

⁸⁵ Assessment Books 1882, Sands 1883

⁸⁶ Assessment Books 1891, Cook Ward

⁸⁷ City of Sydney, *History of Sydney Streets*

⁸⁸ Austral Archaeology, 1999, p. 11.

⁸⁹ Austral Archaeology, 1999, p. 11.

⁹⁰ Assessment Books 1896, Cook Ward

⁹¹ Austral Archaeology, 1999, p. 11.

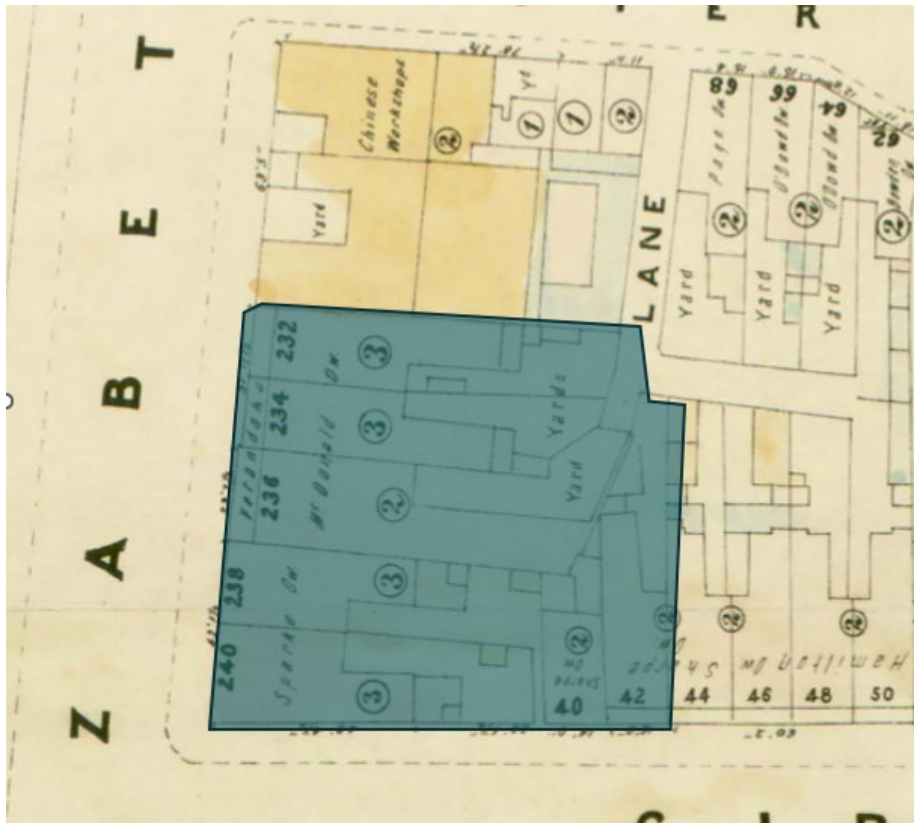


Figure 3-18: 1888 Rygate & West map (Source: City of Sydney Archives)



Figure 3-19: 1895 Metropolitan Detail Map (From Austral 1999)

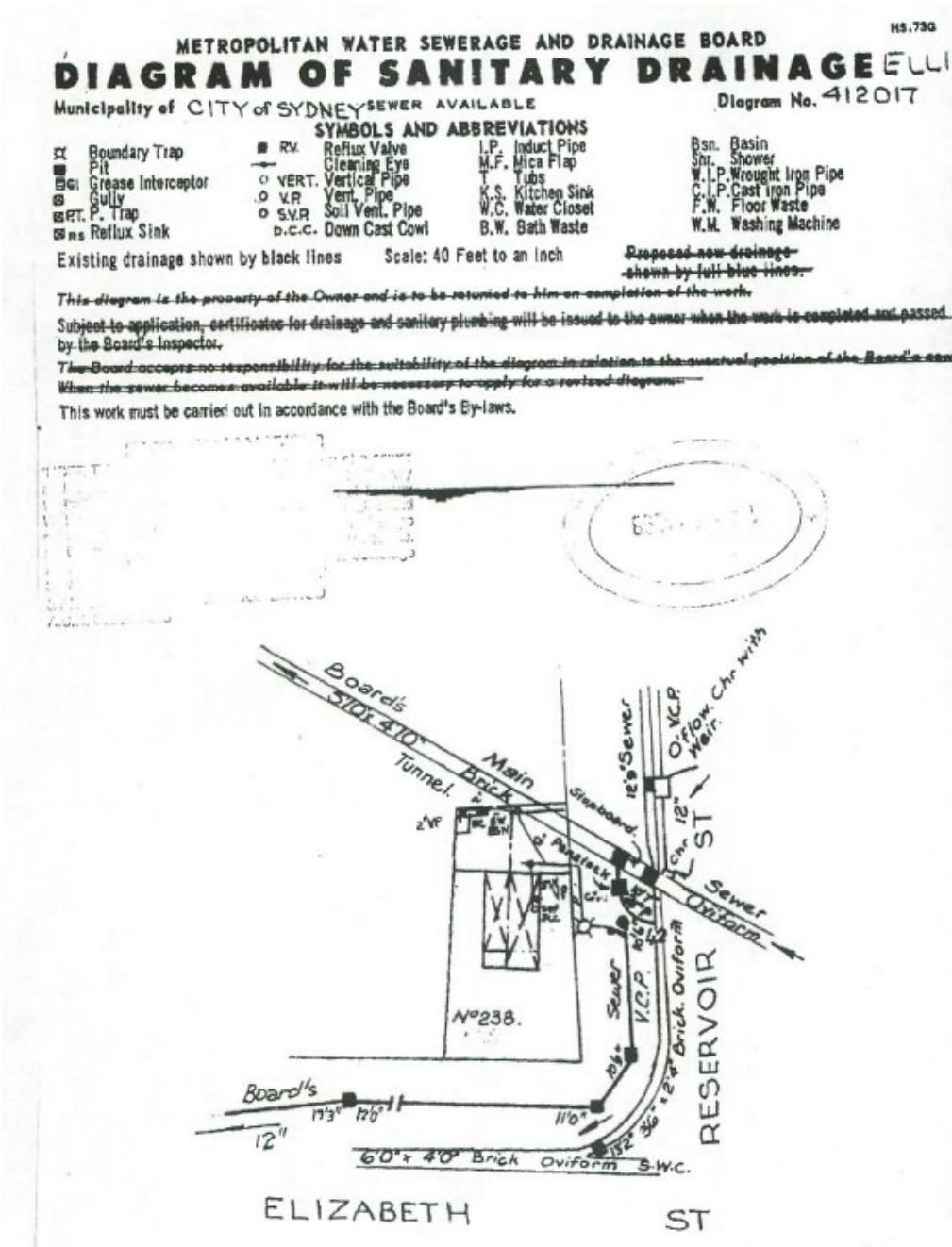


Figure 3-20: MWS & DB drainage diagram showing an oviform drain in the eastern portion of the study area (Source" MWS & DB, no date in Austral 1999 p. 32).

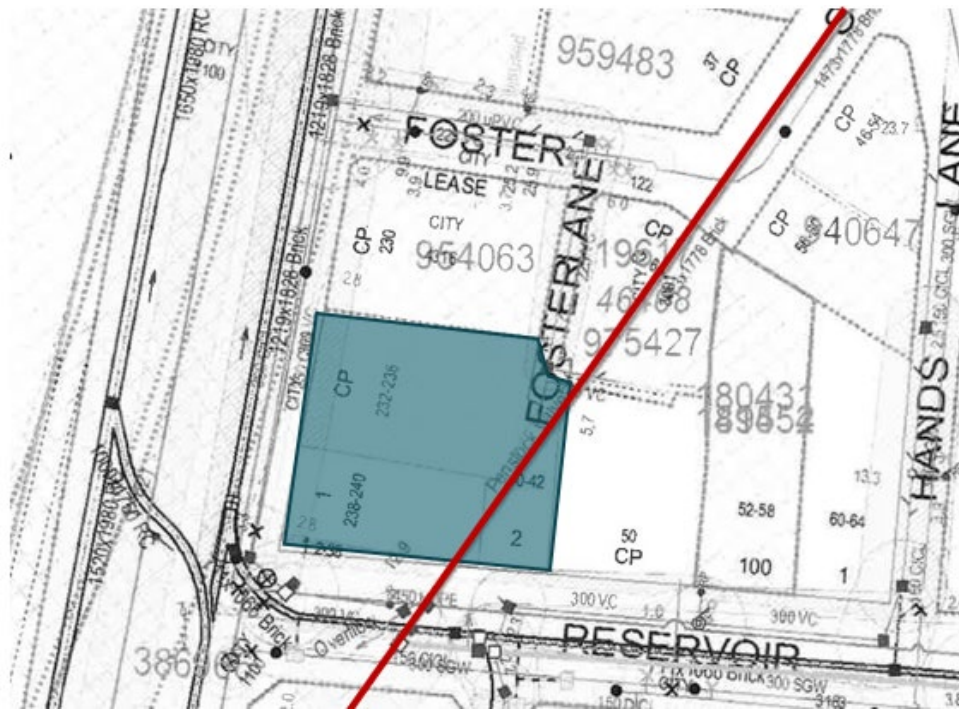


Figure 3-21: Current location of the brick oviform sewer (red) in relation to the study area (turquoise) (Source: Sydney Water with Curio additions)

3.2.5. Phase 5: 1920s-present – Commercial and residential occupation and extensive internal and external modifications and extensions

232-236 Elizabeth Street

From the 1920s the properties along Elizabeth Street were predominantly used as commercial premises, often with the upper levels let as private residences. Mason Jeremiah had a restaurant at 232-234 Elizabeth Street from 1923 to at least 1933⁹² which included a billiard saloon from 1930.⁹³ From 1922 to 1927 the Belmore Chambers operated at 236B Elizabeth street⁹⁴, presumably on the upper levels of the building.

Surry Hills had a reputation for crime in the 1920s and 30s.⁹⁵ 236-236A Elizabeth Street was a wine saloon from c.1924 to 1933 when the saloon was shut down. Ernest Good, who operated the saloon from 1926, shot criminal Lancelot MacGregor Saidler in his saloon in September 1930 when he was attacked.⁹⁶ The wine saloon had a reputation as a gangland haunt with crimes reportedly committed around the area.⁹⁷ Soon after the attack a girl carved a threat 'I am going to get you. I kill!' on the door.⁹⁸ Goode sold his business in 1932.

⁹² 1933 is the last Sands available. Listed as 234 only from 1923-4.

⁹³ Sands 1930, 1931, 1932-3

⁹⁴ Sands 1922, 1923, 1924, 1925, 1926, 1927.

⁹⁵ Keating, 2007, p. 74.

⁹⁶ 'Shot Dead' The Sydney Morning Herald, 15 Sep 1930, p. 9.; 'Shot dead in Wine Saloon' Singleton Argus, , 15 Sep 1930, p. 1.

⁹⁷ 'Good bye those Good Old Days: Hoodoo Wine Shop Closed for all Time' The Arrow, 29 Jan 1932, p. 1

⁹⁸ 'Shot dead in Wine Saloon' Singleton Argus, , 15 Sep 1930, p. 1.

In the 1949 to 1972 Building Surveyor Sheets (Figure 3-28) The Windsor Private Hospital is listed at 232A, 234, 236A and 236B Elizabeth Street, whilst the adjacent building at 238-240 Elizabeth Street, on the corner of Reservoir Street is listed as the Waratah Private Hotel.

The Windsor Private Hotel occupied 232-236A Elizabeth Street from the 1930s until the 1950s⁹⁹, in 1948 women staying in the hotel fought off a burglar.¹⁰⁰ In 1950 a truck driver staying at the hotel fell from one of the balconies.¹⁰¹ A fire occurred at the hotel in 1951, but the building was not severely damaged.¹⁰²

Excluding the development applications outlined in Section 1, in recent years, development applications for 232-236A Elizabeth Street include changes to shop usage in 2006 (D/2006/2103 and D/2006/2106) and 2011 (D/2011/794), the use of the back courtyard as restaurant seating in 2008 (D/2008/41/B) and changes to a shopfront in 2009 (D/2009/1535).

238-240 Elizabeth Street

In 1919 W. Schofield made a building application for alterations to 238-240 Elizabeth Street which were prepared by architect John Barlow.¹⁰³ These alterations included the removal of a balcony, removal of walls and a window formed into a doorway. At the time the ground floor was used as a shop.

The Waratah Private Hotel operated at 238-240 Elizabeth Street from the c.1930s to 1950s and Mrs Elliott ran an antique business at 238-40 in the 1950s and 60s (Figure 3-30).

The concrete infill building between 240 Elizabeth and 40 Reservoir Street appears to have been built after 1949.¹⁰⁴ (see Figure 3-38) Alterations to 238-240 were approved in 1967¹⁰⁵ which included demolition to the rear section and brickwork taken up 9 feet to the rear, hard floor joist to the first floor and brickwork above the first floor and across the first floor level and kliplock roofing. The description matches the first floor extension of the rear of 238 Elizabeth along Reservoir Street, and potentially the inclusion of the infill building (Figure 3-23).

From 2004 to 2016 there were a number of development applications were made for 238-240 Elizabeth Street (including 40-42 Reservoir Street) concerning changes to shop fit outs / signage and the use of the shops and land.¹⁰⁶ Various applications were made for shop fit outs. In addition, in 1995 an application was approved for an extension of the rear of the second floor of 238-240 in the southeast corner¹⁰⁷ and the use of the public footpath as food and drink seating in 2016 (FA/2016/132).

⁹⁹ Newspaper advertisements recording the hotel appear during these decades.

¹⁰⁰ 'Women Fight Burglar in Hotel Room' Newcastle Morning Herald and Miner's Advocate, 13 Jan 1948, p. 1.

¹⁰¹ 'Man hurt in 35ft city fall' The Daily Telegraph, 10 Dec 1950, p. 18.

¹⁰² 'Guests flee from Hotel Fire' Sunday herald, 4 Nov 1951, p. 4.

¹⁰³ City of Sydney Archives, A-00571588, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1448958>

¹⁰⁴ Austral Archaeology, 1999, p. 12.

¹⁰⁵ City of Sydney Archives, Building Inspectors Card 1967-68 A-0388042 <https://archives.cityofsydney.nsw.gov.au/nodes/view/1594313>

¹⁰⁶ City of Sydney, Development Application Search 238 Elizabeth Street

¹⁰⁷ City of Sydney Archives B/1995/994

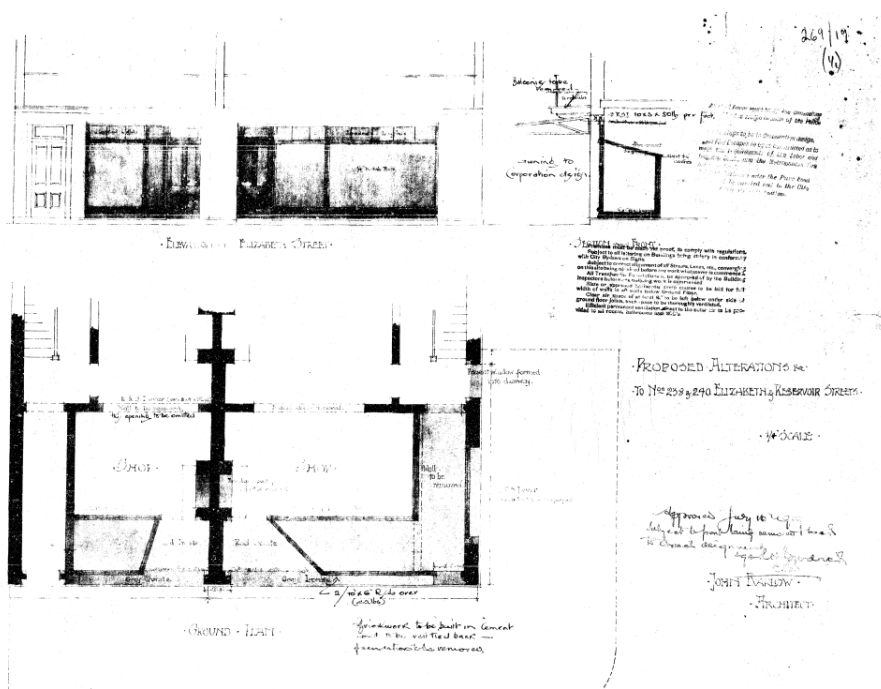


Figure 3-22: 1919 alterations to 238-240 Elizabeth Street (Source: City of Sydney archives A-00571588)



Figure 3-23: 1991 Reservoir Street near Elizabeth, dotted line indicating extension (City of Sydney Archives A-01129791 with Curio overlay).

40-42 Reservoir Street

In 1950-51 there was an application to use the ground floor of 40 Reservoir Street as a sandwich shop.¹⁰⁸ In 1959 Mrs J E Elliott applied to use 40 and 42 Reservoir Street to store articles associated with her second-hand business as 238-240 Elizabeth Street¹⁰⁹ and in 1968 she applied to open a shopfront and wall opening at 40 Reservoir Street¹¹⁰

A pictorial history of the study area from the 1920s to present follows (Figure 3-24 - Figure 3-40). The buildings continue to be used as commercial premises today.



Figure 3-24: Study area in 1920 (Source: *Panorama of Sydney from Central Station Tower*, 1920, Alan Row & Co (Source: State Library NSW FL8952086, < <https://search.slnsw.gov.au/primo-explore/fulldisplay/ADLIB110361937/SLNSW>>)

¹⁰⁸ City of Sydney Archives 0779/50

¹⁰⁹ City of Sydney Archives 5796/59

¹¹⁰ City of Sydney Archives A-00389956



Figure 3-25: Study area in 1920 showing the overhead tramway and construction of the train line (Source: City of Sydney Archives < <https://archives.cityofsydney.nsw.gov.au/nodes/view/669530>>)



Figure 3-26: 1925 During the construction of Central Station (Source: City of Sydney Archives A-00006195< <https://archives.cityofsydney.nsw.gov.au/nodes/view/566840>>)

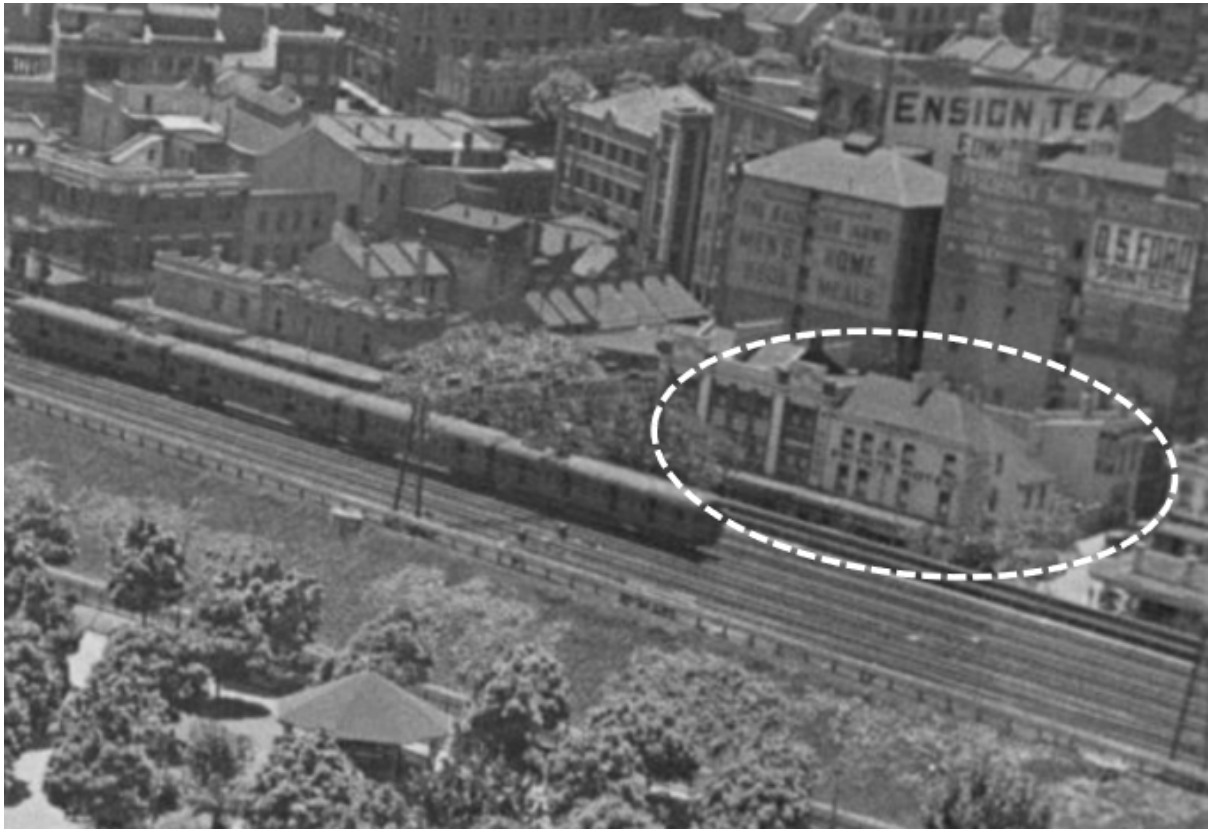


Figure 3-27: View from Central 1937 (Source: City of Sydney Archives A-01141980 <https://archives.cityofsydney.nsw.gov.au/nodes/view/1905042>)

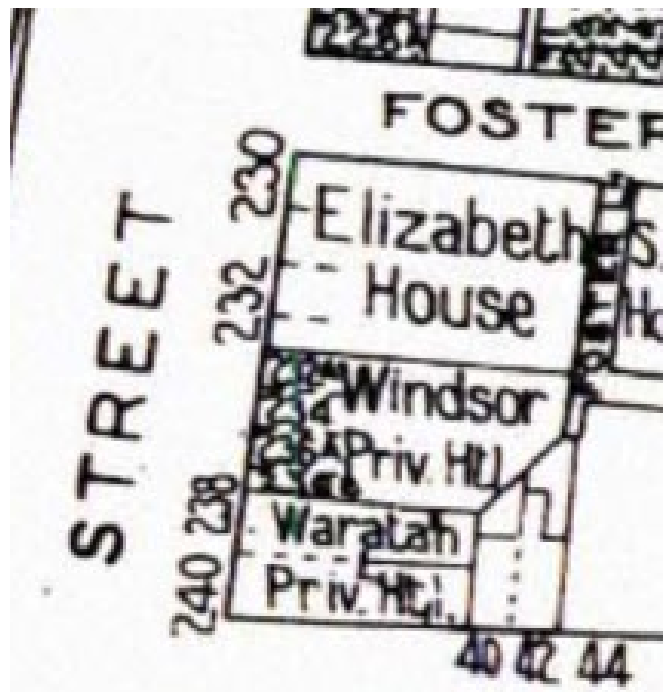


Figure 3-28: 1949-1972 map (City of Sydney Archives)



Figure 3-29: 1949 Aerial (Source: City of Sydney Archives)



Figure 3-30: Elizabeth Street 1953 (Source: City of Sydney Archives <
<https://archives.cityofsydney.nsw.gov.au/nodes/view/670495>>)



Figure 3-31: Study area visible next to Elizabeth House 1954 (Source: City of Sydney Archives A-00058033 < <https://archives.cityofsydney.nsw.gov.au/nodes/view/670493>>)



Figure 3-32: Section from Elizabeth St Streetscape 1954 (Source: City of Sydney Archives A-00044336, < <https://archives.cityofsydney.nsw.gov.au/nodes/view/685534>>) Windsor Private Hotel



Figure 3-33: Elizabeth Street 1955 (Source: City of Sydney Archives A-00058035, <<https://archives.cityofsydney.nsw.gov.au/nodes/view/670500>>)



Figure 3-34: Study area in relation to Belmore Park, 1957 (Source: City of Sydney Archives A-01168247, <<https://archives.cityofsydney.nsw.gov.au/nodes/view/1932242>>)

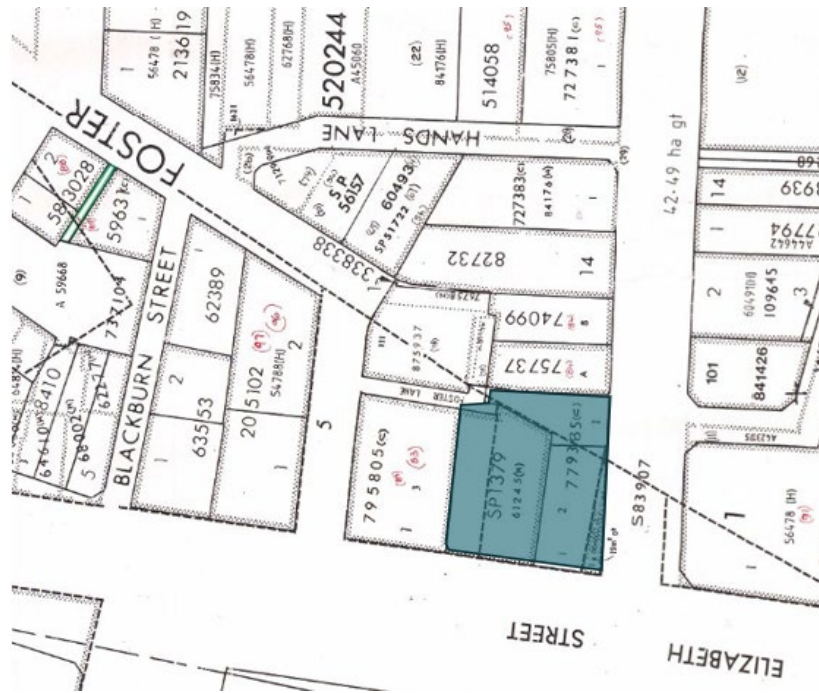


Figure 3-35: Sydney U1845-4124 Cadastral, 1981 (Source: HLRV)



Figure 3-36: Study Area visible next to Elizabeth House 1989 (Source: City of Sydney Archives A-00024132 < <https://archives.cityofsydney.nsw.gov.au/nodes/view/584777>>)



Figure 3-37: 1991 (City of Sydney Archives A-01129790, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1892358?keywords=reservoir%20%20elizabeth%20&highlights=WyllbG16YWJldGgiLCJyZXNlcnZvaXliXQ==&lsk=4b83255cfad83e86cf2752277e549351>)



Figure 3-38: 1991 Reservoir Street near Elizabeth (City of Sydney Archives A-01129791, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1892359?keywords=reservoir%20%20elizabeth%20&type=all&highlights=WyllZXNlcnZvaXliLCJlbG16YWJldGgiXQ==&lsk=4b83255cfad83e86cf2752277e549351>)



Figure 3-39: 2001, City of Sydney Archives A-01129796 : <https://archives.cityofsydney.nsw.gov.au/nodes/view/1892364>



Figure 3-40: Elizabeth St during 2021 Covid Lockdown (Source: City of Sydney Archives A-0117311, < <https://archives.cityofsydney.nsw.gov.au/nodes/view/1937133>>)

3.3. Summary of historical disturbance and potential archaeology

Over time there has been a variety of land disturbances to the study area which have potentially impacted the survivability of archaeological deposits. The study area's location borders the early farming estate and the brick fields. Early land clearing for farming and movement of cattle across the cleared land would have led to widespread erosion of the landscape and the potential loss of surface artefacts and occupation deposits.

The sections of the study area within the brickfields could have resulted in clay deposits removed for brickmaking. There is also the potential of the remains of a temporary hut, in addition to the potential of evidence of brick making activities such as the remains of pits, kilns, or terraced areas from clay removal.¹¹¹

The building at 238 Elizabeth Street is believed to have been the one constructed between 1855-1865, modified to reach its present shape by c.1875.¹¹² The initial construction would likely have used abutting floorboards which provide a greater potential of archaeological deposits within the building footprint.¹¹³ In later years, with the introduction of tongue- and-groove floorboards, there tends to be a reduction in archaeological deposits below floors.

In the location of 234-236 Elizabeth Street there was a wooden structure, built c.1845 and demolished c.1861. A brick building in the location of 236 Elizabeth was built c. 1853-55 and demolished prior to the construction of the terrace houses.

The terrace houses at 232-236 Elizabeth Street were likely built c. 1879 at the transition stage between abutting and tongue and groove floorboards.¹¹⁴ Tongue and groove floorboards still have the potential of having underfloor archaeological deposits as gaps can occur in tongue and groove floorboards over time.¹¹⁵

Former rear yards have the potential to produce archaeological deposits of domestic refuse that have since been covered and/or built upon.¹¹⁶

Cess pits, associated with water closets, have the potential to have been filled in with household refuse when plumbing was introduced into the study area.

The urban nature of the study area does not preclude the possibility of Aboriginal archaeological remains,¹¹⁷ as excavations in similar urban environments have produced artefacts (e.g. Conservatorium of Music¹¹⁸ and Angel Place¹¹⁹).

¹¹¹ Austral 1999 p. 34.

¹¹² Austral 1999 p. 34.

¹¹³ Austral 1999 p. 35.

¹¹⁴ Casey 2004, 'Falling through the Cracks: Method and Practice at the CSR Site, Pyrmont' *Australasian Historical Archaeology*, 22, 2004, p. 34.

¹¹⁵ Winter, Green et al 2020, 'Investigating underfloor and Between Floor Deposits in Standing Buildings in Colonial Australia' *International Journal of Historical Archaeology*, Aug 2020, Springer

¹¹⁶ Austral 1999 p. 35.

¹¹⁷ Austral 1999 p. 34.

¹¹⁸ Excavated by Casey & Lowe in 1998-2001

¹¹⁹ Excavated by Godden Mackay in 1997

4. Site Area Description

4. Site Area Description

A pedestrian survey of the study area took place on 27 October 2022 by archaeologist Alex Thorn.

The study area is located on the eastern side of Elizabeth Street on the corner with Reservoir Street. It is bound by 230 Elizabeth Street “Elizabeth House” to the north, and 250 Reservoir Street to the east, accessible via Foster Lane to the north-east.

It was observed that the study area is highly urbanised and covered by existing structures, asphalt and concrete with no original surfaces evident. The floor level of the buildings is noticeable higher than the street level across the study area, ranging from approximately 10-30cm. Ramps have been formed in a number of shops to connect the street level to the internal shop floor.

232-236 Elizabeth Street is located to the north of the study area, to Elizabeth Street it presents as a three-storey red brick terrace. The ground level is currently occupied by a laundromat, a vacated fast food restaurant and a clothing shop.

238-240 Elizabeth Street is located to the South of the study area on the corner of Elizabeth and Reservoir Streets. To Elizabeth Street it presents as a three-storey building with an uneven hipped iron roof. The ground floor is occupied by Surry Hills Dumplings and a cake shop.

The infill building between 240 Elizabeth and 42 Reservoir Street is currently occupied by a Mexican restaurant, a street level doorway to the east of the building, before 40 Reservoir Street leads to a set of stairs that access the second storey of 42 Reservoir Street, presently utilised as a laundry for the backpacker hostel, connected to 238-240 Elizabeth Street via a wooden balcony-like platform.

The ground floor of 42 Reservoir Street (formerly 40) is occupied by art gallery ‘Gallery Oz’ and the ground floor of 44 Reservoir Street (formerly 42) is soon to open as a restaurant.

The rear yard is completely covered in concrete. The majority of internal floors were covered with tiles, artificial floorboards and carpet. There is no evidence to suggest that there have ever been basements within the study area and the current buildings do not have basements.

Images from the pedestrian survey are included below (Figure 4-1 to Figure 4-8).



Figure 4-1: Elizabeth Street frontage (Source: Curio 2022)



Figure 4-2: Reservoir Street frontage (Source: Curio 2022)



Figure 4-3: Foster Lane access (Source: Curio 2022)



Figure 4-4: South east corner facing west on level one platform (Source: Curio 2022)



Figure 4-5: Rear of buildings 238-40 , infill and rear yard from ground level (Source: Curio 2022)



Figure 4-6: Rear of Buildings part 238-40, 232-236 Elizabeth and rear yard from first floor (Source: Curio 2022)



Figure 4-7: Street level and internal floor level at 242 Reservoir Street (former 240) (Source: Curio 2022)



Figure 4-8: Street level and internal floor level at 244 Reservoir Street (former 242) (Source: Curio 2022)

5. Proposed Works

5. Proposed Works

5.1. Proposed Development

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area.

No physical works will be undertaken as part of this planning proposal. Any future works will be subject to a subsequent Development Application.

5.2. Indicative Future Design

The indicative design as part of the proposal includes the demolition of existing buildings within the study area and the construction of a new building fronting Elizabeth Street, Reservoir Street and Foster Lane, and the construction of a basement car park and associated works (Figure 5-1- Figure 5-4). The following may be undertaken as part of future development:

- Demolition of existing fabric
- Construction of a nine (9) storey building in the study area
- End of trip facilities across one (1) basement level
- Car parking across two (2) basement levels accessed via Reservoir Street
- A through-site link from Reservoir Street to Foster Lane
- Roof top terrace

A copy of the indicative development plans is provided as Appendix B.

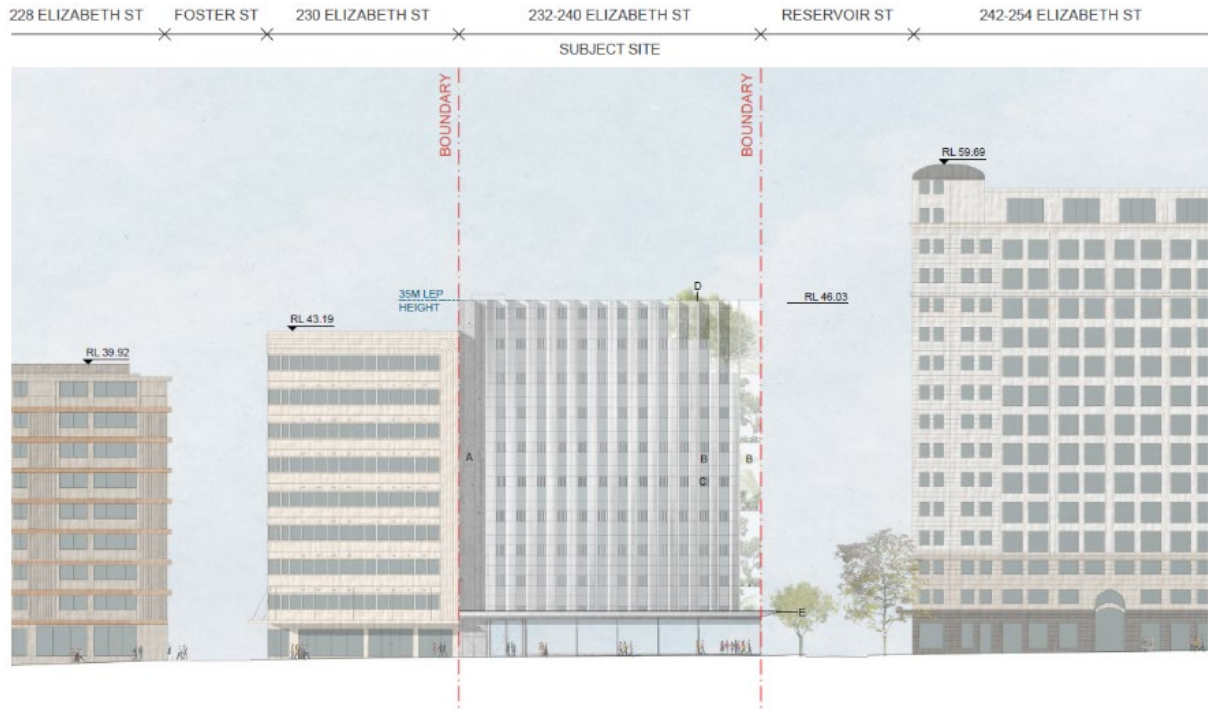


Figure 5-1: West Elevation – Elizabeth Street (Source: Candalepas Associates, Nov 2022)

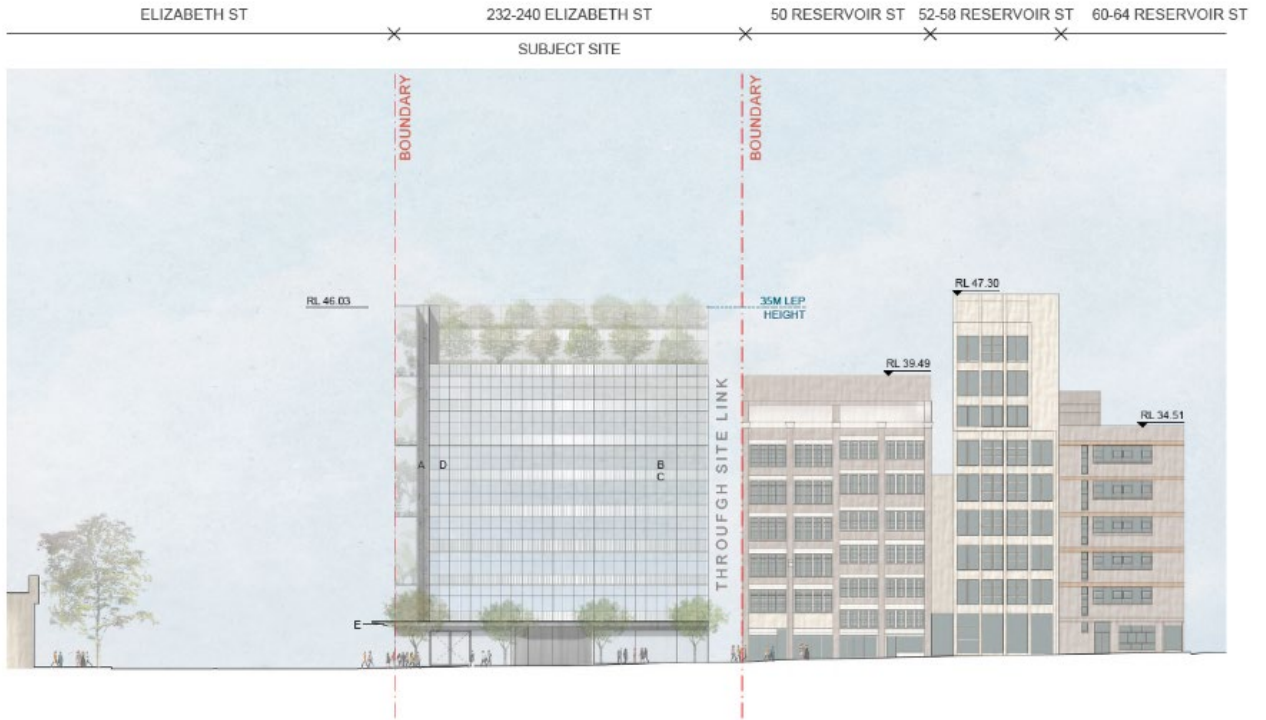


Figure 5-2: South Elevation- Reservoir Street (Source: Candalepas Associates, Nov 2022)

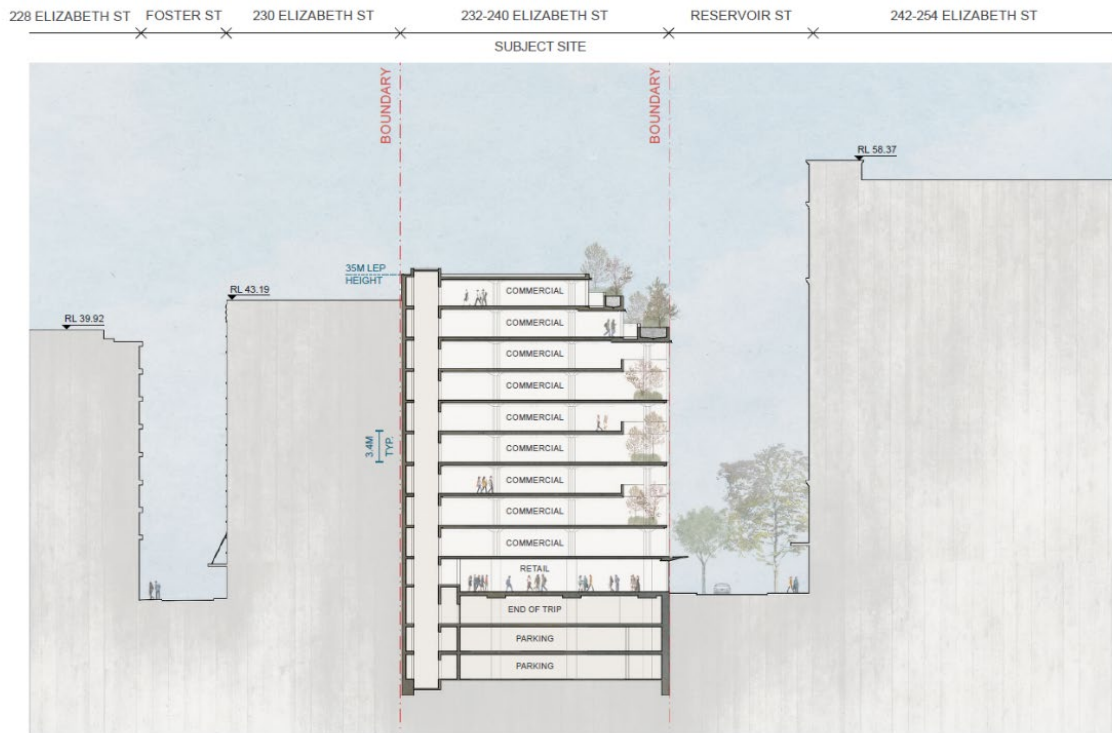


Figure 5-3: Section AA of the proposed development (Source: Candalepas and Associates, Nov 2022)

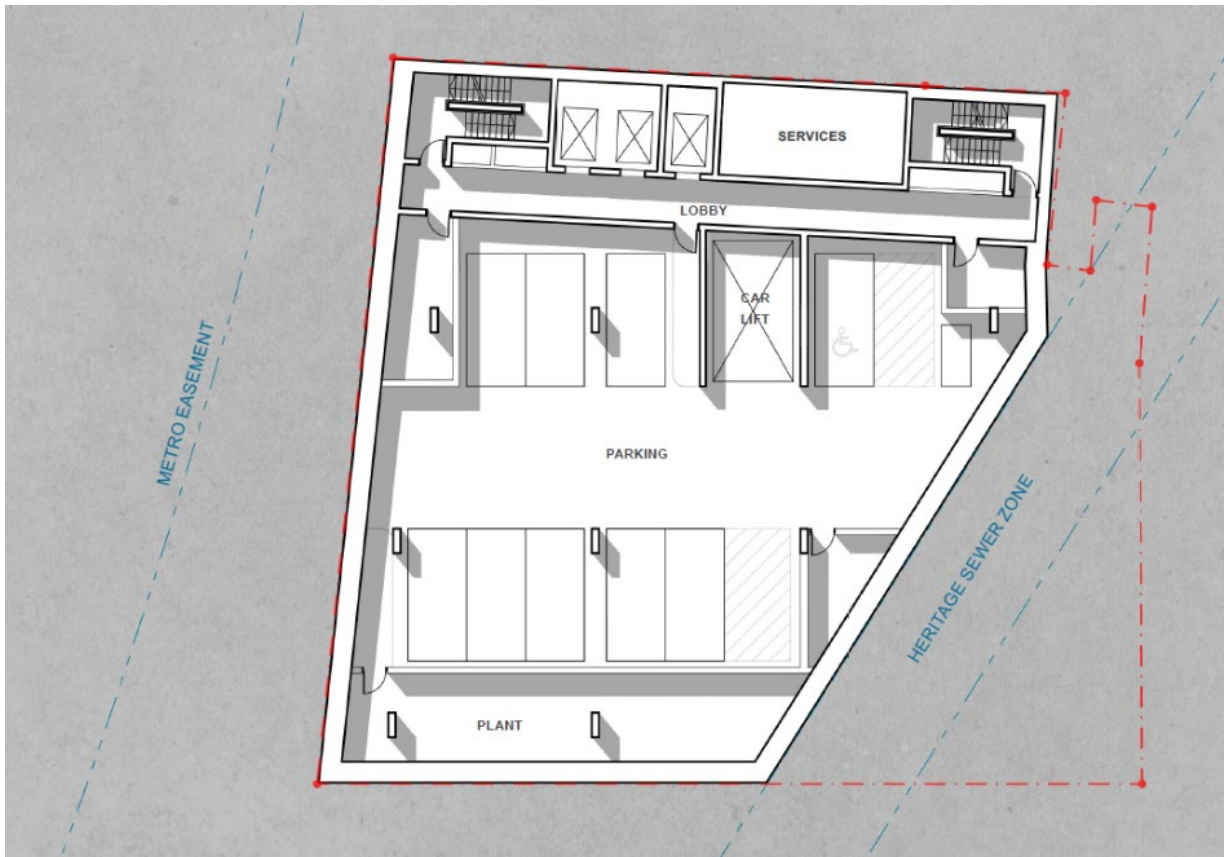


Figure 5-4: Basement Level 2-3 plan showing the location of the Heritage Sewer (Source: Candalepas and Associates Nov 2022)

6. Aboriginal Objects Due Diligence Assessment

6. Aboriginal Objects Due Diligence Assessment

Is the proposed activity a low impact activity as defined by the Regulation?

No.

A planning proposal is being prepared for the proposed development of the study area which will include the demolition of the existing buildings and the construction of a new building element fronting Elizabeth Street and Reservoir Street with access from Foster Lane, and the construction of a basement car park. For the purposes of the assessment, it has been assumed that the proposed activity will involve earthworks and ground disturbance associated with landscaping, the construction of new structures and the underground car park and the installation/modification of associated infrastructure and services relating to the development.

The proposed activity is not a low impact activity as defined under Part 5 Division 2 Section 58 of the National Parks and Wildlife Regulation 2019 ('the Regulation') because:

- It involves earthworks associated with demolition, excavation, construction, and landscaping.

Step 1: Will the proposed activity disturb the ground surface or any culturally modified trees?

Yes and No.

The proposed activity as previously outlined in Section 1.3 involves earthworks and therefore has the potential to disturb Aboriginal objects if present.

The study area has been cleared of vegetation and has been subject to intensive use and urban development. No culturally modified trees will be impacted by the proposed works.

Step 2a: Are there any relevant confirmed site records on AHIMS (or other heritage registers) or other sources of information of which you are already aware?

AHIMS Search

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) database was undertaken on 26 October 2022 for the following area centred on the study area (using address 238 Elizabeth Street Surry Hills). A total of 8 registered Aboriginal heritage sites are listed as being located within the 1km search area, though none are located directly within or adjacent to the current study area (Figure 6-1). The extensive AHIMS search is attached as Appendix A.

AHIMS search results always require a certain amount of scrutiny in order to acknowledge and accommodate for things such as inconsistencies in the coordinates (differing datums between years of recording), the existence of, and impact to, registered sites (impact to a registered site technically requires the submission of a Heritage Impact Recording form to be submitted to Heritage NSW, however these forms are not always submitted), and other database related difficulties. It should also be noted that the AHIMS database is a record of archaeological work that has been undertaken and registered with Heritage NSW in the region. The AHIMS database is therefore a reflection of recorded archaeological work, the need for which has likely been predominately triggered by development, and not a representation of the actual archaeological potential of the search area. AHIMS searches should be used as a starting point for further research and not as a definitive, final set of data.

Summary descriptions of Aboriginal site features registered on AHIMS, as relevant to the study area and surrounding local region, are presented in Table 6-1. The 8 registered sites from the AHIMS are summarised in Table 6-2. The general distribution of each of these registered sites in relation to the study area is depicted in Figure 6-1. The most common AHIMS site types from this search are Artefact sites (n=4) and Potential Archaeological Deposits (PADs) (n=2).

The closest registered site to the study is CRS AS 01 (Central Railway Artefact scatter 01) (AHIMS ID # 45-6-3654) situated approximately 500m south-west of the study area. The site is partially destroyed. The lack of recorded sites in the area suggests that assessment and investigations of Aboriginal cultural heritage has been limited, this however does not remove the potential for Aboriginal archaeological deposits to be present.

Table 6-1: Aboriginal Site Features

Site Feature	Description
Artefact Site (Open Camp Sites/Artefact Scatters/Isolated Finds)	Artefact sites consist of objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating physical evidence of use of the area by Aboriginal people/ registered artefact sites can range from isolated finds to large extensive open camp sites and artefact scatters. Artefacts can be located either on the ground surface or in a subsurface archaeological context.
Aboriginal Ceremony and Dreaming	Aboriginal Ceremony and Dreaming sites were previously referred to as mythological sites. These sites are spiritual/story places and might not provide physical evidence of previous use such as spiritual or ceremonial areas, natural unmodified landscape features, men's/women's sites, marriage places, dreaming (creation) tracks, etc
Potential Archaeological Deposit (PAD)	An area where Aboriginal cultural material such as stone artefacts, hearths, middens etc. may be present in a subsurface capacity.
Shell Midden	A shell midden site is an accumulation or deposit of shellfish resulting from Aboriginal gathering and consumption of shellfish from marine, estuarine or freshwater environments. A shell midden site may be found in association with other objects like stone tools, faunal remains such as fish or mammal bones, charcoal, fireplaces/hearth, and occasionally, burials. Shell midden sites are often located on elevated, dry ground close to the environment from which the shellfish were foraged, and where freshwater resources are available. Shell middens may vary greatly in size and components.

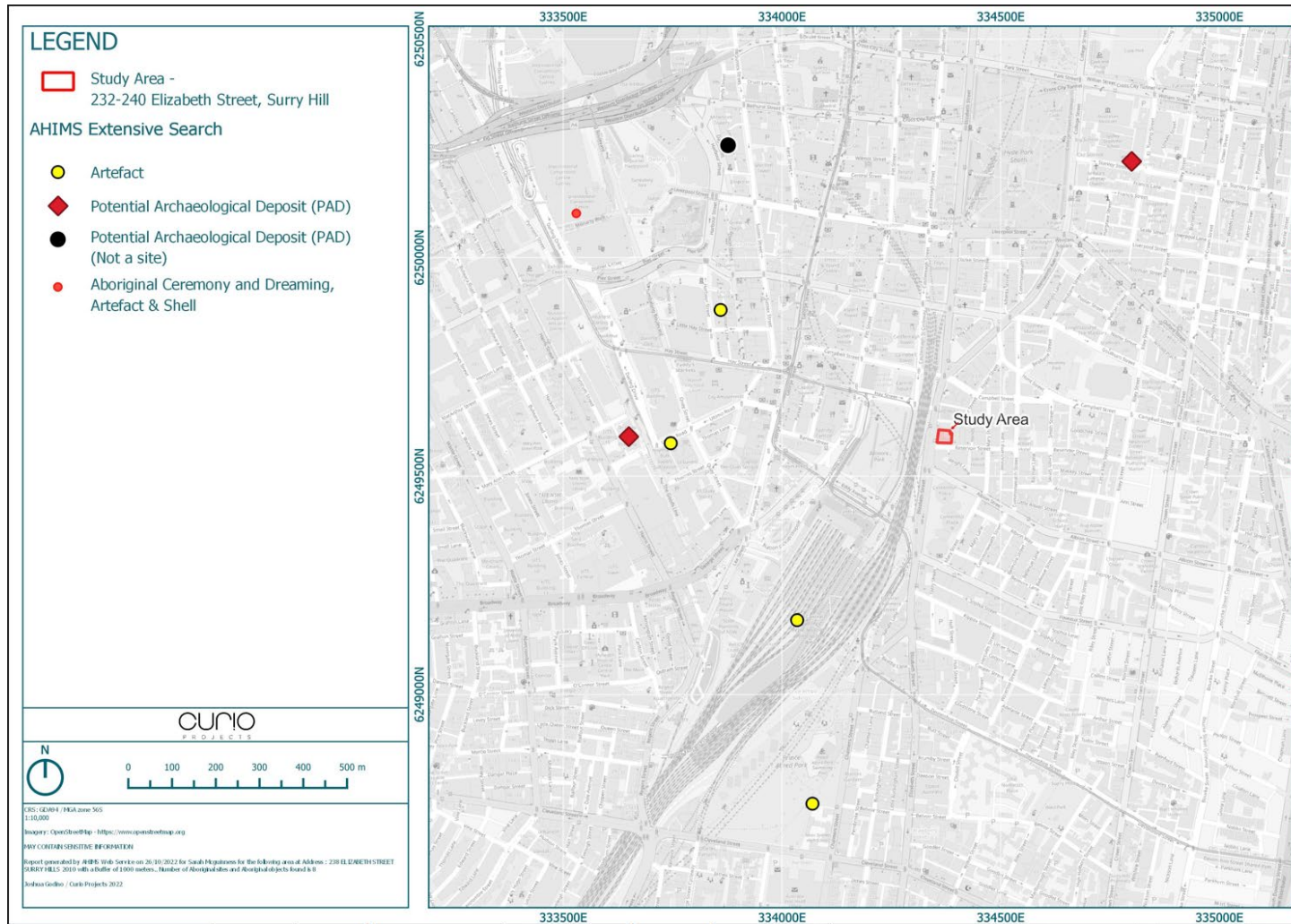


Figure 6-1: AHIMS Sites with proximity to the study area (indicated in red) (Source: Curio 2022),

Table 6-2: AHIMS Sites within 1km of the study area

Site Type	Number of Sites	Percentage of Sites (%)
Artefact	4	50%
Potential Archaeological Deposit (PAD)	2	25%
Potential Archaeological Deposit (PAD) (not a site)	1	12.5%
Aboriginal Ceremony and Dreaming, Artefact, Shell	1	12.5%
Total	8	100%

6.1.1. Other Heritage Registers

On 28 October 2022, searches took place of the Australian World Heritage Database, the Commonwealth Heritage List, State Heritage Register, State Heritage Inventory, the Sydney LEP (2012), and the Sydney DCP (2012). Clause 5.10 of the Sydney LEP (2012) outlines the controls for Heritage conservation including the conservation of Aboriginal objects and Aboriginal Places of heritage significance.

The searches concluded that there are no Aboriginal heritage items within, or directly adjacent to, the study area.

6.1.2. Other source of information: review of previous assessments

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

Research into archaeological investigations undertaken in proximity to the current study area indicate the types of archaeology that may survive in the area, and the environment that has allowed it to survive. No known Aboriginal archaeological excavations have been undertaken previously within the study area. The following provides a brief review of assessments undertaken in proximity to the study area.

Site Examples

432-436, 440-442 & 444 Elizabeth Street, Surry Hills – RPS Group 2019

In 2017, RPS Group was commissioned by Cadbuilt Aust Pty Ltd to prepare a Historical Archaeological Assessment in support of a Section 140 Permit for the proposed development of 432-436, 440-442 & 444 Elizabeth Street, Surry Hills situated approximately 680m south of the current study area. While the report is focussed upon the non-Aboriginal heritage of the assessment

area, it was noted that no unexpected Aboriginal heritage was identified throughout the duration of the monitoring and excavation.¹²⁰

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area

216-228A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills AMAC Group 2019

This report presents the results of archaeological excavations by AMAC, the site is situated approximately 70m north of the study area. The site is of a similar urban environment to the study area. While the report is focussed upon the non-Aboriginal heritage of the assessment area it was noted that no aboriginal objects or evidence of aboriginal occupation was found during the archaeological excavations of the site and no natural topsoil was recovered from the site, the topsoil had been stripped to the B horizon and underlying shale.¹²¹

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area

The Quay Project, Haymarket – Biosis Research Pty Ltd 2012

This report presents the results of archaeological investigations by Biosis for the redevelopment of land located at the corner of Quay Street and Ultimo Road in Haymarket situated approximately 600m west of the current study area. Based on the results of an earlier due diligence assessment completed for the project, it was suggested that the area would likely have been favoured by Aboriginal people prior to European settlement due to its proximity to resources and its topography. The extensive disturbance of the natural landscape since the late 18th Century, however, meant that it was unlikely that traces of Aboriginal occupation had survived in the assessment area. During subsequent historical excavations within the assessment area, potential remnant deposits of natural topsoil were identified resulting in further Aboriginal assessment including consultation and test excavation within the area. A total of five (5) 50cm by 50cm test pits were excavated. No Aboriginal objects were recovered confirming the results of the earlier Due Diligence Assessment. A single lithic artefact, however, was later identified in spoil from the fill of a European post hole. The isolated artefact was recorded as site Poultry Market 1 (AHIMS ID# 45-6-2987) and consists of a retouched flake manufactured from a dark fine-grained material preliminarily identified as being petrified wood. The highly disturbed context from which the artefact derived resulted in the conclusion that further artefacts were unlikely.

This assessment is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area.

Former Inwards Parcel Office – Urbis 2020

This report presents the results of an ACHAR completed by Urbis for a commercial and hotel development above the Former Inwards Parcel Shed at 8-10 Lee Street, Haymarket located approximately 550m to the southwest of the current study area. The assessment involved desktop background research and a visual inspection of the assessment area. It was determined that, despite the high level of disturbance within the assessment area resulting from modern development, there remains the potential for sand deposits associated with the Tuggerah Soil Landscape as well as a potential paleo channel to be located within the assessment area. These environmental features were hypothesised to increase the potential for archaeological deposits (artefacts, middens, burials) to remain within the assessment area below the current structures. The results from a geotechnical

¹²⁰ RPS 2019, p.2

¹²¹ AMAC 2019, *Elizabeth & Blackburn Streets Surry Hills*, Final Archaeological Report (Vol 2), p. 347.

assessment provided support for this prediction indicating that a 2m thick lens of very loose sand alluvium exists beneath the present 2-8m of fill material.¹²² It was concluded an archaeological test excavation program would be required to test the nature of sub-surface archaeological resources within the assessment area.

This report is of relevance to the current study as it contributes to the predictive model for the region as it is a similar Urban environment located in proximity to the study area.

Key finding previous assessments

Based on the AHIMS search results and a consideration of the results of several previous archaeological assessments completed within the wider region surrounding the study area, the following key findings are made:

- Artefact sites represent the most common site type present in the local region followed by PADs.
- High levels of disturbance because of European land use practices have resulted in the removal of soil deposits, and thus the removal of archaeological potential.
- Based on the extensive disturbance that has occurred within the local region, predictions of the potential for archaeological deposits must be made based on a desktop review of the pre-European environmental context of an area.
- Most registered Aboriginal sites have been uncovered during historical archaeological excavations in relation to development proposals.
- Despite the intensive urban development that has occurred within the local region, the potential exists for intact natural soil profiles, and thus archaeological deposits, to be preserved below historically disturbed layers. The nature and extent of natural soil profiles, however, varies considerably and is dependent upon the nature of past land use practices in an area.

Step 2b: Are there any landscape features that are likely to indicate the presence of Aboriginal objects?

Yes.

The Due Diligence Code identifies certain landscape features that have the high potential for Aboriginal archaeological resources and cultural heritage. The following landscape features are identified as having high potential for Aboriginal objects:

- within 200m of waters, or
- located within a sand dune system, or
- located on a ridge top, ridge line or headland, or
- located within 200m below or above a cliff face, or

¹²² Urbis Pty Ltd 2020

- within 20m of or in a cave, rock shelter, or a cave mouth.

The study area meets these criteria as it was located within 200m of waters.

The physical setting of the study area, its natural resources, landforms, and wider landscape setting has a significant influence over the nature, location, and form of Aboriginal occupation and use patterns through their interactions with the land (tangible values and site), while also providing meaningful landscape context for intangible heritage and connection to Country. Due to the highly modified nature of the current study area, however, an assessment of archaeological potential must be made based on the environment as it would have been prior to European land-use practices.

Surry Hills is characterised by gently undulating hills, crests, and ridges with gently inclined slopes. Prior to settlement, the study area was located on low ground near a creek that ran down Reservoir Street. The hydrology and topography of the study area and surrounds is presented in Figure 6-3.

Cockle Bay (now Darling Harbour) is located to the west and would have provided an additional source of coastal resources. Similarly, the fauna of Sydney region at and prior to 1788 would have offered an abundant natural resource for the local Aboriginal people. Typical species within the region would have consisted of possums, various wallabies and other small marsupials, as well as birds and lizards.

The archaeological characteristics and potential of an area are additionally influenced by stability of the soil matrix and land use history. The study area is situated within the Deep Creek Alluvial Soil Landscape with the Lucas Heights residual soil landscape unit to the north, south and east (Figure 6-2).

Deep Creek soils are associated with level to gently undulating alluvial floodplains on lower, non-tidal reaches of watercourses that drain the Hawkesbury Sandstone.¹²³ The deep creek soils in this area follow the course of a small creek that ran through the present Reservoir Street before linking with another creek that followed Hay Street, before emptying into Tumbalong (Darling Harbour).¹²⁴

The Deep Creek Soil profile is characterised by deep (>200cm) podzols on well well-drained terraces with silicious sands on current floodplains and humus podzols in low lying areas.¹²⁵ The soil landscape's original vegetation was partially cleared open woodland, closed forest (rainforest) and tall open forest (wet sclerophyll forest) infested with weeds.¹²⁶

The Lucas Heights residual soil profile is characterised by moderately deep (50-150cm hardsetting yellow soloths and yellow podzolic soils with yellow earths on the outer edges).¹²⁷ The landscape's original vegetation was extensively to completely cleared low, eucalypt open-forest and a low eucalypt woodland, with an understorey of sclerophyll shrub.¹²⁸

The potential for in-situ Aboriginal objects is lower on land that has been disturbed by more recent European land use. For Aboriginal archaeological deposits to be present in situ, they require the retention of natural soil profiles in the area that would be extant from 1788. Areas of the study area that may have the highest potential for natural soils to be present (and corresponding potential for intact Aboriginal archaeological deposits), are areas where the lowest level of historical development

¹²³ Deep Creek 9130dc

¹²⁴ Casey and Lowe, [n.d.] *Archaeological Investigation 19-41 Reservoir Street* (leaflet)

¹²⁵ Deep Creek 9130dc

¹²⁶ Deep Creek 9130dc

¹²⁷ Lucas Heights 9130lh

¹²⁸ Lucas Heights 9130lh

and excavation have been undertaken. As outlined in the historical development of the study area section of this report, the study area has been subject to historical ground disturbance through initial clearing of vegetation, potential grazing and/ or brick making activities within the study area and subsequent development of the existing buildings and structures on site. These factors would have resulted in impact to the upper layers of the natural soil profile. The absence of basement developments associated with these building, however, means that it is likely that intact soil profiles may be preserved at depth.

Based on an assessment of the pre-European environmental context of the study area, the following conclusions are made:

- The study area is located within the Deep Creek soil landscape unit while the Lucas Heights soil landscape unit is situated to the north, south and east.
- The study area was historically located adjacent to a creek and near swamplands. Such an environment would have provided an abundance of resource diversity and water availability for Aboriginal communities in the past.
- The study area is situated within an area known to be utilised by past Aboriginal groups.
- Based on the favourable environmental context of the study area and surrounds, it is likely that the area was used by Aboriginal people for either short- or long-term occupation or use.
- The study area has undergone various periods of disturbance and development, which have affected the natural form and integrity of the original landscape though intact soil profiles may be retained below the historical levels of disturbance.

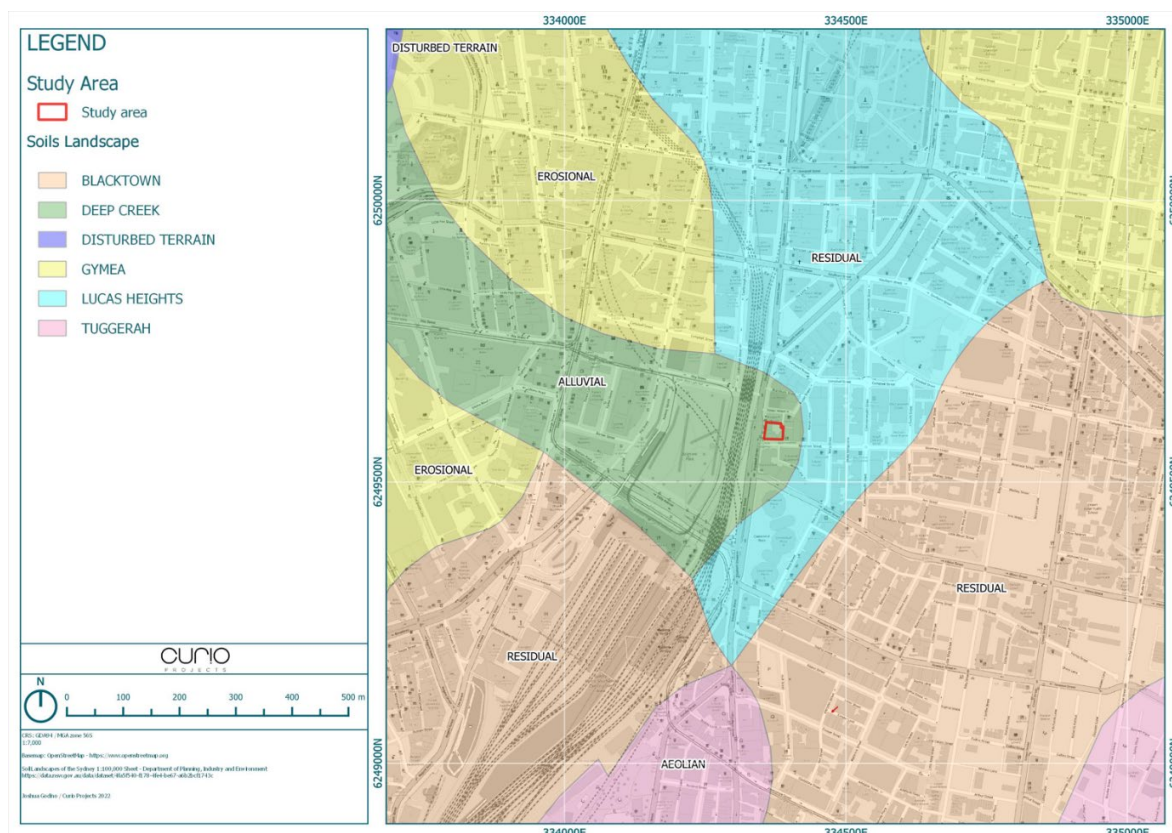


Figure 6-2: Soil Landscape Map (Source: Curio 2022)

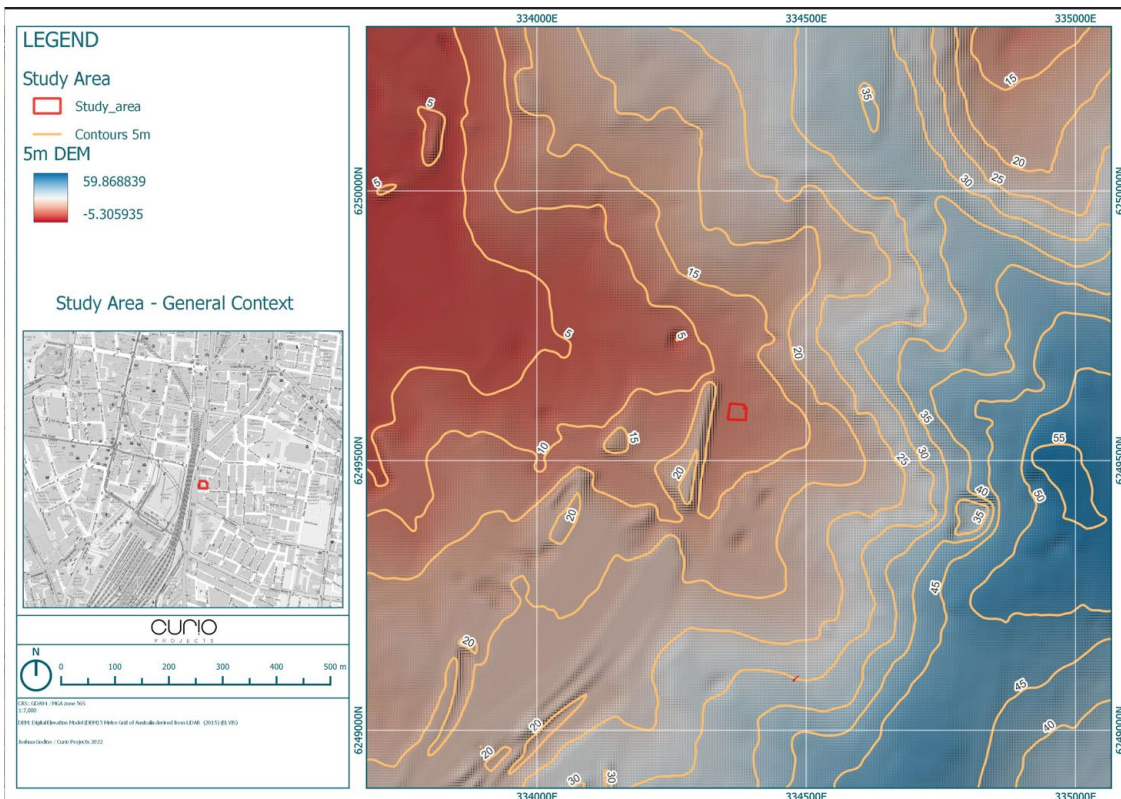


Figure 6-3: Hydrology and Topography Map (Source: Curio 2022)

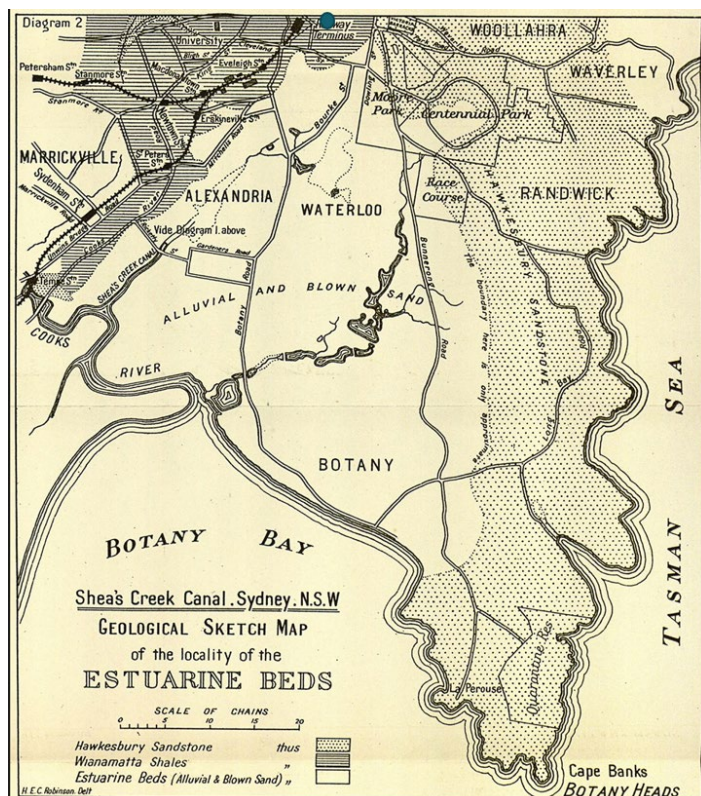


Figure 6-4: Geological sketch map of the locality of the estuarine beds, Shea's Creek Canal Sydney NSW 1896. Approximate location of the study area circles. (Source: Plate VIII, 'On the occurrence of a submerged forest, with remains of the Dugong, at Shea's Creek near Sydney' by R Etheridge, Junior, Professor TW Edgeworth David, BA, FGS, and HW Grimshaw, M Inst CE, Journal and proceedings of the Royal Society of New South Wales, Vol 30, 1896, p 158)

Step 3: Can you avoid harm to the object or disturbance of the landscape feature?

Further investigation required.

The planning proposal does not in itself disturb the landscape, but the indicative future works, particularly relating to the development of the underground parking, has the potential to impact intact soil profiles, if present in this area. Further investigation is needed. There are no Aboriginal sites registered with AHIMS within the study area. The presence of the deep Deep Creek soil landscape has the potential for Aboriginal sites such as, occupational deposits, stone artefacts, shell and burials.

Step 4: Desktop Assessment and visual inspection

A pedestrian survey of the study area took place on 27 October 2022 by Alex Thorn. It was observed that the study area is covered by existing structures, asphalt and concrete with no original surfaces evident. This survey and the results of the desktop survey have confirmed the following:

- There are no previously recorded Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is located in an area known to have historically been located close to a creek and near swamplands and their associated wealth of resources making it a favourable location for past Aboriginal occupation.
- The study area is situated within areas known to have been utilised by Aboriginal groups.
- The high level of disturbance, with specific reference to the high impact of the upper layers of the natural soil profile for the construction of subterranean facilities, results in low archaeological potential for sections of the study area. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units may still have potential for Aboriginal archaeological resources.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.

Step 5: Further investigation and impact assessment

Yes.

This DD was prepared to investigate the presence or absence of Aboriginal object and/or sites within the study area, and whether the proposed development has the potential to harm any Aboriginal objects that may exist. The DD was prepared in accordance with the Due Diligence Code and included the following:

- Comprehensive background research of the AHIMS register and statutory and non-statutory heritage listings (Step 2a).
- Analysis of previous assessments that have been completed within the local region surrounding the study area (Step 2a).
- Analysis of landscape features and their potential to retain Aboriginal objects (Step 2b).
- Analysis of historical land use and its impact on the study area (Section 3).

The DD concluded that:

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is located in an area known to have historically been located close to a creek and near swamplands and their associated wealth of resources making it a favourable location for past Aboriginal occupation.
- The study area is situated within areas known to have been utilised by Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important information regarding the precontact and contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The indicative future works, particularly in relation to the construction of the basement car park, has the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

The Due Diligence Code states that, where either the desktop assessment or visual inspection indicates that there are (or are likely to be) Aboriginal objects in the area of the proposed activity, more detailed investigation and impact assessment will be required.

As the planning proposal for which this assessment has been prepared does not include any physical works, an Aboriginal Cultural Heritage Assessment (ACHA) is not recommended at this stage.

It is understood that any future physical works in the study area will be subject to a subsequent Development Application. The indicative design included in the planning proposal includes the construction of basements. As such, prior to any physical development of the study area, it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders should be completed to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Please refer to Section 8 of this report for further details of the recommendations relating to Aboriginal cultural heritage.

7. Historical (Non-Aboriginal) Archaeological Assessment

7. Historical (Non-Aboriginal) Archaeological Assessment

7.1. Non-Aboriginal Archaeology

7.1.1. Methodology

The following section discusses the study area's potential to contain non-Aboriginal (European) archaeological resources and the significance of any potential remains. It has been guided by methodologies outlined below.

Archaeological potential

The potential for archaeological resources to survive in a landscape is significantly affected by the historical use of a site past ground disturbing activities. The following assessment of archaeological potential is based on definitions summarised below:

Archaeological potential	Definition
High	A site where there is known occupation associated with the historical phase and preceding ground disturbance has been minimal
Moderate	A site where there is some potential for archaeological relics associated with the historical phase to survive, though they may have been subject to some disturbance
Low	A site that has either been subject to little or no known historical development, or where levels of disturbance are so high that they may have removed all evidence of former structures. Unexpected or highly truncated/disturbed archaeological resources may survive, though this is unlikely
Nil	A site where there has been no known historical development or where impacts are significant, such as the construction of deep basements

Archaeological significance

Determining the significance of a potential archaeological resource is carried out by utilising a system of assessment under seven criteria outlined in the 2013 *Burra Charter of Australia*.¹²⁹ In 2009 the Heritage Council of NSW endorsed criteria developed specifically to assist archaeologists determine the significance of archaeological sites and relics.¹³⁰ These are presented below.

Criterion	Definition
Archaeological Research Potential NSW Heritage Criterion E	Archaeological research potential is the ability of archaeological evidence, through analysis and interpretation, to provide information about a site that could not be derived from any other source, and which contributes to the archaeological significance of that site and its 'relics'.
Associations with individuals, events, or groups of historical importance NSW Heritage Criteria A, B, D	Archaeological remains may have associations with individuals, groups and events which may transform mundane places or objects into significant items through their relationship with important historical occurrences.

¹²⁹ Australia ICOMOS, 2013. *Burra Charter*.

¹³⁰ Heritage Branch Department of Planning, 2009, p. 11.

Criterion	Definition
Aesthetic or technical significance NSW Heritage Criterion C	Whilst the technical value of archaeology is usually considered as 'research potential' aesthetic values are not usually considered to be relevant to archaeological sites. This is often because until a site has been excavated, its actual features and attributes may remain unknown. It is also because aesthetic is often interpreted to mean attractive, as opposed to the broader sense of sensory perception or 'feeling' as expressed in the Burra Charter.
Ability to demonstrate the past through archaeological remains NSW Heritage Criteria A, C, F & G	Archaeological remains have an ability to demonstrate how a site was used, what processes occurred, how work was undertaken and the scale of an industrial practice or other historic occupation. They can demonstrate the principal characteristics of a place or process that may be rare or common.

7.1.2. Previous archaeological investigations nearby

The following archaeological investigations focusing on non-Aboriginal archaeological resources have been carried out in close proximity to the study area and will be used to inform this assessment of archaeological potential:

- Archaeological Management & Consulting Group Pty Ltd AMAC, 2019. *Final Archaeological Report: 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, NSW*
- Austral Archaeology Pty Ltd, 2017. *New Children's Court, 66-78 Albion Street, Surry Hills, NSW. Historical Archaeological Excavation Report.*
- Casey & Lowe, 1996-7, *Archaeological Excavation Silknit House, Mary Street, Surry Hills*
- Casey & Lowe, 1996, *Archaeological Excavation, 20 Albion Street, Surry Hills*
- RPS Australia East Pty Ltd, 2019. *432-436, 440-442 & 444 Elizabeth Street, Surry Hills - Historical Archaeological Excavation Report*

Archaeological Management & Consulting Group Pty Ltd AMAC, 2019. Final Archaeological Report: 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, NSW

AMAC carried out salvage excavations at 216-22A Elizabeth Street and former 1-5 Blackburn Street, Surry Hills, approximately 70m north of the study area, in 2018.

The site was originally occupied by a large sandstone and brick cottage constructed on the early 1830s, three two-storey brick terraces from the 1840s and vacant area of land used as a pottery sale yard from the 1870s. Throughout the late 19th century a series of terraces and shops were built on vacant land or on the site of earlier structures such as the 1830s cottage.

Salvage excavations uncovered intact foundations of the 1830s cottage, two wells at the site of the 1840s terraces and disturbed evidence of late 19th century shops and former privy which had been modified with early 20th century sewer pipes. The site had been heavily cut down and modified over time, and as a result, no intact topsoils were encountered during the archaeological program.

Austral Archaeology Pty Ltd, 2017. New Children's Court, 66-78 Albion Street, Surry Hills, NSW. Historical Archaeological Excavation Report.

Austral completed archaeological test and salvage excavations at 66-78 Albion Street, Surry Hills, approximately 300m southeast of the study area, in 2015 and 2016. The Albion Street site was occupied by residential housing between c1850 and 1910, after which the Children's Court building was constructed.

Archaeological excavations uncovered intact evidence of the 1850s buildings including their footings, cesspits, underfloor deposits, yard surfaces, a refuse pit, a well and yard deposits. These were capped by a thick layer of levelling fill. Modern services had cut and truncated various pre-1910 occupation deposits and structures. Evidence of the historic removal of buildings materials (robbing) for unrelated construction activities was observed across the site. No evidence of pre-c1850 occupation was encountered.

The majority of cesspits encountered at the site were intact (i.e., had not been modified for plumbing) and had been cut into underlying clays. However, a brick lined plumbed toilet constructed during later development activities in around 1908/1910 was encountered. Unlike the intact cesspits, this did not contain a large artefact assemblage.

Casey & Lowe, 1996-7, Archaeological Excavation Silkknit House, Mary Street, Surry Hills

In 1996-7 Casey and Lowe excavated Silkknit House on the corner of Reservoir and Mary Streets, Surry Hills.¹³¹ Archaeological deposits in the northwest corner of the site included a pre-1860s sealed deposit and remains associated with Chinese residential occupation in the late 19th century. Beneath the clean sand layer there were ephemeral brickfield remains, impressions of horse shoes and cart marks, suggesting the brickfields site was sealed and levelled prior to residential construction.¹³² In situ archaeological deposits which included a timber capped stone drain, were left in place 2.5m below the street level. Archaeological testing at the southern end of the site also revealed evidence of brickfield era activity such as horses hooves and cart marks. Under investigation the topsoil and clay of the area had been removed and a number of shallow features had been cut into the clay. A sealed rubbish deposit dating to the pre-1860s was also found.¹³³ The archaeological evidence of the excavations generally confirmed that brickfield activities had extended into this area.¹³⁴

Casey & Lowe, 1996, Archaeological Excavation, 20 Albion Street, Surry Hills

Casey and Lowe conducted an archaeological excavation at 20 Albion Street in 1996 with the aim of recording any archaeological remains from the post 1840s residential occupation in addition to any remains from the areas likely use as a brickfield.¹³⁵ Substantial intact remains from both periods were uncovered including the remains of a brick clamp kiln, the first example of a brickfield remains identified in the Sydney CBD.¹³⁶ The brick kiln was located immediately above shale, the clay had likely been removed for the purpose of brickmaking prior to the construction of the kiln. The brickfield remains were located at the rear of the site which had been subject to minimal later activity. The site above the brickfield remains had been filled with up to 500mm of sand and had been later used as a rubbish disposal location.

RPS Australia East Pty Ltd, 2019. 432-436, 440-442 & 444 Elizabeth Street, Surry Hills - Historical Archaeological Excavation Report

¹³¹ Casey & Lowe, 2001, *Campbell Street Substation Archaeological Assessment & Research Design*, report prepared for Enerserve Energy Australia, p. 28

¹³² Discussed in Casey & Lowe, 2001, p. 31.

¹³³ Discussed in Casey & Lowe, 2001, p. 31.

¹³⁴ Discussed in Casey & Lowe, 2001, p. 31.

¹³⁵ Discussed in Casey & Lowe, 2001, p. 30.

¹³⁶ Discussed in Casey & Lowe, 2001, p. 30.

RPS carried out archaeological monitoring and salvage excavations at 432-436, 440-442 & 444 Elizabeth Street, Surry Hills, located 700m south of the study area, in 2017. Like the current study area, the site was occupied by various century shops and residences.

Archaeological monitoring in the northern portion of the project area revealed that all evidence of previous structures had been removed through the construction of a 1903 basement and demolition of late 19th century buildings. However, intact footings, walls, surfaces and secondary artefact deposits associated with former 1870s shopfronts along the southern side of the site were found to have survived.

The limited nature of artefacts recovered from the site could not be directly associated with specific activities that may have occurred in residences or shops.

Summary of findings in relation to the study area

Findings from previous non-Aboriginal archaeological excavations in the vicinity of the study area suggest colonial sites in Surry Hills were sometimes cut down to basal clays to accommodate 19th century development. This often removed evidence of former soil horizons and Aboriginal land use. Levelling fills were introduced to accommodate later development at 66-78 Albion Street and to fill in removed brickfield era clay deposits at 20 Albion Street.

In terms of the current study area, similar activities may have removed archaeological resources associated with the site prior to the construction of the Elizabeth and Reservoir Street buildings; however, the extent of landscape modification in the area is unknown.

In terms of the survival of structural and artefact bearing deposits, where deep excavations for basements or cellars had not occurred, there was generally high to moderate potential for evidence of former buildings such as footings, foundations, cesspits, yard surfaces, refuse deposits and wells to survive, although these were sometimes truncated by modern services or building footings.

Additionally, previous excavations suggest that cesspits were sometimes modified to accommodate modern plumbing throughout the late 19th and early twentieth century, when formal Municipal services were brought into the suburb.

7.1.3. Archaeological Zoning Plan (AZP)

The 1992 AZP for Central Sydney has listed the following addresses in the study area as **areas of archaeological potential** (AAP) (shown in Figure 7-1). Foster Lane was not listed as a street assessed in the study.

- 232- 236A Elizabeth Street, Building, AAP¹³⁷
- 238-240 Elizabeth Street, Building, AAP
- 40 Reservoir Street. Building, AAP¹³⁸
- 42 Reservoir Street. Building, AAP¹³⁹

The AZP describes areas of Archaeological Potential as:

An allotment of land or feature that has been identified in the field survey as being an area of high archaeological potential due to limited physical disturbance (usually due to the most recent building development). This category includes both above and

¹³⁷ City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 18.

¹³⁸ City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 32.

¹³⁹ City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 32.

below ground archaeological features such as remnant structures, significant fabric of extant buildings / structures, as well as below ground sites. Most areas identified will contain sites of former occupations / activity and buildings. These sites may be known through historic documentation (not undertaken as part of this project), or may become evident during the fieldwork. An example of the latter is within currently vacant allotments (generally development sites and car parks), where the shadows or outlines of the most recently demolished structures are evident on the walls of adjoining buildings.

Areas of Archaeological Potential are indicated by dark grey shading on the field survey plan. Where specific above ground features have been identified, they have been noted as part of the building allotment / street on which they are located in the schedule of sites.¹⁴⁰

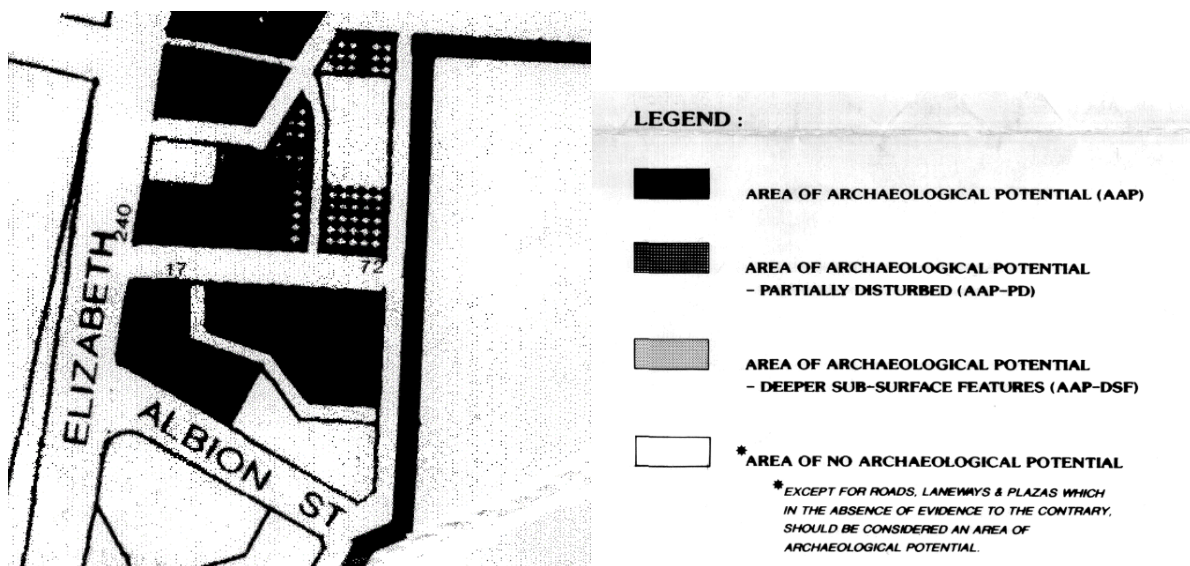


Figure 7-1: Central Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP) showing the study area as an area of Archaeological Potential (AAP), (Source: Central Sydney AZP)

7.1.4. Summary of post 1788 land use

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 1 1788-c.1807 Brickfields and farming	<p>Predominantly vacant lots associated with the Brickfields and Surry Hills farm.</p> <p>The site straddled the brickfields and Surry Hills Estate. In 1898 an “old stone wall” marking the border of the estate is noted along the eastern edge of the study area.</p>	<p>Ephemeral evidence of informal land use such as clearing of vegetation (tree boles), landscape modification, informal development and animal grazing.</p> <p>Potential evidence of brickmaking including clay pits or terraced areas, horse hoof and cart marks, kilns.</p> <p>Potential stone wall marking the former line of the Surry Hills Estate.</p>

¹⁴⁰ City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney, p. 6.

Occupation phase	Known and potential land use and development	Potential archaeological resources
<p>Phase 2 c.1807-c.1843 Subdivisions and potential usage</p>	<p>Subdivisions occur</p> <p>Potential use as part of brickfields.</p> <p>Possible ephemeral brickfield huts as evidenced from Meehan's 1807 plan.</p> <p>By c.1840s a small structure evident around 40 Reservoir St</p>	<p>Potential fence lines and boundary markers</p> <p>Potential evidence of brickmaking including clay pits or terraced areas, horse hoof and cart marks, kilns.</p> <p>Potential structural remains of temporary structures including a brickfield hut and potential watch house.</p>
<p>Phase 3 c.1844-c.1879 Domestic Residences</p>	<p>Potential levelling of site</p> <p>c.1845 construction of wooden house around 234-236 Elizabeth Street</p> <p>c.1853-5 construction of brick house around 236 Elizabeth Street</p> <p>c.1853-5 construction of property at 238 Elizabeth Street</p> <p>c. 1861 demolition of wooden house around 234-236 Elizabeth Street</p> <p>c.1865 extension of 238 Elizabeth Street,</p> <p>c.1874 extension of 238 Elizabeth Street</p> <p>c.1879 construction of terraces at 232-236 Elizabeth Street</p> <p>232-236 believed to be built c,1879</p> <p>238-40 believed to have been extended c.1874</p> <p>Possible disturbance of earlier land use during construction and extensions</p>	<p>Brick or stone footings, brick or stone cesspits, yard surfaces comprising of compacted earth, stone/brick flagging and/or paving, bitumen or concrete, discreet refuse pits, post holes associated with sheds or informal structures.</p> <p>Potential underfloor deposits from early abutting flooring.</p> <p>Potential occupation deposits</p>

Occupation phase	Known and potential land use and development	Potential archaeological resources
Phase 4 c.1879-c.1920 Commercial and Residential Occupation	<p>Construction of terraces at 40 and 42 Reservoir Street</p> <p>Installation of Bondi Outfall Brick sewer c.1889-93, potential removal of initial 40-42 Reservoir Street structures for the installation of the sewer</p> <p>Potential construction of new terraces at 40-42 Reservoir Street c.1895.</p> <p>Cess pits associates with water closets at rear of property potentially filled in when properties connected to water.</p>	<p>Brick oviform drain (although plans indicate it should not be disturbed by the development)</p> <p>Construction of the drain likely disturbed deposits in the eastern portion of the study area, associated construction fills.</p> <p>Brick or stone footings, brick or stone cesspits, yard surfaces comprising of compacted earth, stone/brick flagging and/or paving, bitumen or concrete, discreet refuse pits, post holes associated with sheds or informal structures.</p> <p>Potential Commercial and domestic occupation deposits</p>
Phase 5: 1920s-present Commercial and residential occupation and extensive internal and external modifications and extensions	<p>Addition of infill dwelling between 240 Elizabeth Street and 40 Reservoir Street post 1949.</p> <p>Rear extension of first floor of 238-240 Elizabeth Street c.1964</p> <p>A number of internal fit out changes, changes to awnings and shop fronts.</p>	<p>Utilities, concrete slabs, paved surfaces, concrete or brick footings associated with Phase 5 additions and extensions.</p>

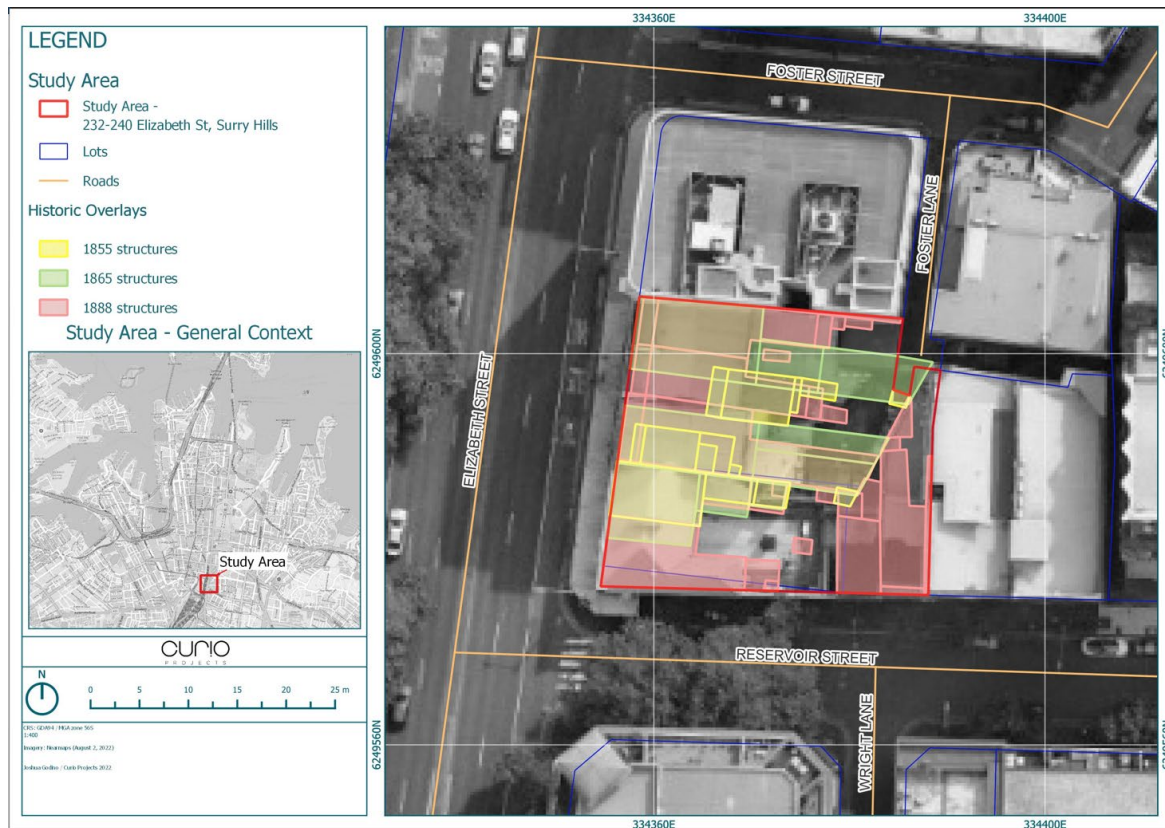


Figure 7-2: Location of 1855, 1865 and 1888 structures

7.1.5. Assessment of archaeological significance

The following assessment of archaeological significance is based on known occupation and development in the study area. It does not include an assessment of post-1920 development (Phase 5), as subsurface evidence for this later phase of development would likely represent surviving structures within the study area footprint or represent structures that do not contain research value due to their contemporary, ubiquitous, and well understood nature.

Table 7-1: Non-Aboriginal Archaeological assessment

Occupation phase	Assessment of archaeological potential
Phase 1 1788-c.1807 Brickfields and farming	Based on known land use and development, there is nil to low potential for deposits relating to the brickfields and early farming practices in the study area. Archaeological resources associated with this period would be highly ephemeral and fragile, for example tree boles associated with land clearing and are unlikely to have survived later development activities. Evidence of brickfield use and cart tracks, horse hooves has been revealed on nearby sites beneath sand levelling. There is the potential for an understanding of the brickfields landscape. ¹⁴¹
Phase 2 c.1807-c.1843 Subdivisions and potential usage	Based on known land use and development, there is nil to low potential for deposits relating to the ephemeral structures that appears on early maps of the study area. The construction of the Phase 3 buildings in the study area would likely have disturbed, truncated or removed evidence of the potential Phase 2 usage. The

¹⁴¹ Austral 1999, p. 35.

Occupation phase	Assessment of archaeological potential
	construction of the ovoid drain would likely have disturbed any evidence of a potential structure in the vicinity of 40 Reservoir Street ¹⁴²
Phase 3 c.1844-c.1879 Domestic residences	<p>Based on known land use, development, and previous archaeological investigations In Surry Hills there is low potential for underfloor deposits associated with the early building structures on the Elizabeth Street frontage of the study area.</p> <p>There is low to moderate potential for Phase 3 yard surfaces, outbuildings, water closets and potentially cess pits.</p> <p>Building extensions and redevelopment, the late 19th Century excavation for the sewer, in addition to the installation of plumbing in the late 19th and 20th century and later utilities all may have potentially impacted the integrity of these deposits.</p> <p>Deep or structural archaeological resources such as cesspits or footings may continue to survive in discreet areas along with yard surfaces that were capped by later concrete surfaces.</p>
Phase 4 c.1880-c.1920 Commercial and residential occupation	<p>Based on known land use, development, and previous archaeological investigations In Surry Hills there is low to moderate potential for Phase 4 yard surfaces, outbuildings, water closets and potentially cess pits.</p> <p>Installation of plumbing in the late 19th and 20th century and later utilities all may have potentially impacted the integrity of these deposits.</p> <p>Deep or structural archaeological resources such as cesspits or footings may continue to survive in discreet areas along with yard surfaces that were capped by later concrete surfaces.</p>

Table 7-2. Assessment of archaeological significance

Occupation phase	Assessment of archaeological significance
Phase 1 1788-c.1807 Brickfields and farming	<p>In the unlikely event that potential archaeological resources associated farming were encountered in the study area, they are unlikely to meet the threshold for local or State significance under any of the NSW Heritage Criteria. Potential archaeological resources would be highly ephemeral in nature and represent ubiquitous land use activities such as evidence of vegetation clearing, the erection of fences.</p> <p>The location of the study area within the brickfields suggests that whilst there is a low potential of recovering archaeological resources associated with brick making and brick works, if recovered these deposits would be of local significance.</p> <p>Potential Phase 1 archaeological resources associated with farming are unlikely to reach the threshold for local or State significance.</p> <p>Potential Phase 1 archaeological resources associated with brickmaking may reach the threshold for historical, scientific and rare significance at a local level</p>

¹⁴² Austral 1999, p. 35.

Occupation phase	Assessment of archaeological significance
<p>Phase 2 c.1807-c.1843 Subdivisions and potential usage</p>	<p>In the unlikely event that intact, artefact bearing deposits associated with the ephemeral structures mapped on the study area at this time, they may meet the threshold for historical and research significance at a local level.</p> <p>The structures each appear on a single map each, any remaining evidence of these ephemeral structures would have likely been disturbed, truncated or removed by later developments and, in the case of the structure near 40 Reservoir Street, the construction of the oviform sewer.</p> <p>If intact artefact bearing deposits associated with Phase 2 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level.</p>
<p>Phase 3 c.1844-c.1879 Domestic residences</p>	<p>If intact, artefact bearing deposits associated with Phase 3 occupation were encountered in the study area, they may have historical significance under Criterion A and research significance under Criterion E at a local level, depending on their integrity and context.</p> <p>This phase of residential occupation represented working class residential occupation in Surry Hills. If present, primary artefact bearing deposits such as cesspits or refuse deposits associated with occupants and tenants may inform our understanding of the men, women and children who lived and worked in Surry Hills during this period, as well as their living conditions, commercial activities, consumer habits and cultural traditions.</p> <p>Structural evidence of Phase 3 occupation may meet the threshold for local or state significance under the NSW Heritage Criterion, albeit that development in the study area is well documented through cartographic records and surviving buildings across Surry Hills and the broader urban landscape.</p> <p>If intact artefact bearing deposits associated with Phase 3 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level.</p> <p>Structural evidence of Phase 3 occupation not associated with artefact bearing deposits may meet the threshold of local or State significance.</p>
<p>Phase 4 c.1880-c.1920 Commercial and residential occupation</p>	<p>If intact, artefact bearing deposits associated with Phase 4 occupation were encountered in the study area, they may have historical significance under Criterion A and research significance under Criterion E at a local level, depending on their integrity and context.</p> <p>This phase of residential occupation represented working class residential and commercial occupation in Surry Hills. If present, primary artefact bearing deposits such as cesspits or refuse deposits associated with occupants and tenants may inform our understanding of the men, women and children who lived and worked in Surry Hills during this period, as well as their living conditions, commercial activities, consumer habits and cultural traditions.</p> <p>If intact artefact bearing deposits associated with Phase 4 occupation were encountered in the study area, they may reach the threshold for historical and research significance at a local level.</p> <p>Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance.</p>

7.1.6. Summary of non-Aboriginal archaeological potential and significance in the study area

This assessment has found that the study area has the following non-Aboriginal archaeological potential and significance.

- **Phase 1 (1788-c1807):**
 - **Nil to low** potential to contain archaeological resources associated with **Phase 1** farming and/or brick making. Remains associated with farming are unlikely to reach the threshold of local or State significance. Archaeological remains associated with brickmaking would have historic and research significance at a local level.
- **Phase 2 (c1807-1843):**
 - **Nil to low** potential to contain archaeological resources associated with **Phase 2** occupation. If encountered, these remains they may meet the threshold for historical and research significance at a local level.
- **Phase 3 (c1844-1879):**
 - **Low potential** for underfloor deposits associated with the early building structures on the Elizabeth Street frontage of the study area.
 - **Low to moderate** potential for Phase 3 yard surfaces, outbuildings, water closets and potentially cess pits.
 - Artefact bearing assemblages in the form of **Phase 3** refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
 - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
- **Phase 4 (c.1879-c.1920)**
 - **Low to moderate potential** for Phase 4 yard surfaces, outbuildings, water closets and potentially cess pits.
 - Artefact bearing assemblages in the form of **Phase 4** refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
 - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance.

8. Conclusions and Recommendations

8. Conclusions and Recommendations

The following conclusions have been determined as a result of this DD and AA.

8.1. Conclusions

Aboriginal Heritage and Archaeology

- There are no registered Aboriginal objects and/or sites located within or directly adjacent to the study area.
- The study area is recognised to be situated within an area which formerly had a creek adjacent and would have had access to swamplands and their associated resources. Furthermore, the study area is understood to be located within an area that was known to have been utilised by past Aboriginal groups.
- Past land-use practices within the study area have likely resulted in the removal of the upper portion of natural soils. However, deeper, less disturbed soil deposits associated with the Deep Creek and Lucas Heights residual soil landscape units retain the potential to preserve Aboriginal archaeological resources. If present, archaeological deposits within the study area would have the potential to contribute important on the pre-contact and post-contact Aboriginal occupation of the study area and Sydney region more broadly.
- The deeper, undisturbed soils under existing structures and below existing disturbance associated with historical land use is assessed as being of moderate Aboriginal archaeological potential.
- The potential future works as outlined in the indicative design, particularly in relation to the construction of the basement car park, have the potential to impact natural soil profiles, and thus Aboriginal archaeological deposits in this area if present. The nature and extent of sub-surface archaeological deposits, however, remains unknown.

Non-Aboriginal Archaeology

- The study area is not listed on the SHR, located within a SHR curtilage, an individually listed item or within a Heritage Conservation Area on the City of Sydney LEP 2012 or any other statutory heritage registers.
- All properties within the study area were listed as areas of Archaeological Potential (AAP) on the Sydney Archaeological Zoning Plan for Central Sydney 1992 (AZP).
- The study area has been subject to five post-1788 land use and development phases:
 - **Phase 1:** 1788-c.1807 Brickfields and farming
 - **Phase 2:** c.1807-c.1843 Subdivisions and potential usage
 - **Phase 3:** c.1844-c.1879 Domestic residences
 - **Phase 4:** c.1879-c.1920 Commercial and residential occupation
 - **Phase 5:** 1920s to present Commercial and residential occupation and extensive internal and external modifications and extensions
- This Assessment has found that the study area has the following non-Aboriginal archaeological potential and significance:

- **Phase 1:** nil to low potential to contain archaeological resources associated with Phase 1 occupation such as farming, land clearing and brickmaking activities. If encountered, archaeological remains associated with brickmaking would have historic and research significance at a local level
- **Phase 2:** nil to low potential to contain archaeological resources associated with Phase 2 occupation such as informal structures. If encountered, these remains may meet the threshold for historical and research significance at a local level.
- **Phase 3:** low potential for underfloor deposits associated with the early building structures and low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 3 occupation.
 - Artefact bearing assemblages in the form of Phase 3 refuse pits or cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the mid to late 19th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
 - Structural remains of Phase 3 buildings and ancillary structures not associated with *in situ* artefact bearing deposits may reach the threshold of local or State significance dependent on rarity, condition and level of intactness.
- **Phase 4:** low to moderate potential for former yard surfaces, outbuildings, water closets and potentially cesspits associated with Phase 4 occupation.
 - Artefact bearing assemblages in the form of Phase 4 refuse pits of cesspit deposits (associated with Water Closets) may have historical significance and research value at a local level for their ability to inform our understanding of living conditions and consumer habits of the late 19th and early 20th century residents and commercial tenants in the study area. If found, they would be considered 'relics' under the Heritage Act.
 - Structural evidence of Phase 4 occupation not associated with artefact bearing deposits would not likely reach the threshold of local or State significance

8.2. Recommendations

This planning proposal seeks consent to increase the Floor Space Ratio (FSR) for future construction in the study area. No physical works will be undertaken as part of this planning proposal.

The indicative design included in the proposal is concerned with the intended development of the study area involving a 3 storey basement which includes potentially impacting potential archaeological resources.

The following recommendations have been made in accordance with the above conclusions and are to guide the future intended development of the study area, which will be subject to a subsequent Development Application.

Aboriginal Heritage and Archaeology

Recommendation 1: Further Aboriginal heritage assessment and investigation:

Due to the moderate potential for Aboriginal objects to be preserved within soil profiles below existing land disturbance it is recommended that an ACHA including consultation with relevant Aboriginal stakeholders be completed at the time of future development to investigate, assess and manage both tangible and intangible Aboriginal cultural heritage resources within the study area prior to any development of the study area. This further assessment must be completed in accordance with relevant Heritage NSW statutory guidelines.

Consultation with relevant Aboriginal stakeholders must be undertaken in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

As part of this further assessment, a program of Aboriginal archaeological testing in association with the Registered Aboriginal Parties (RAPs) should be undertaken prior to bulk excavation and construction of the underground car park and in all areas where the natural ground surface will be disturbed. Due to the nature of the study area as a developed urban site with potential for historical archaeology test excavation under the Code of Practice, will not be possible. In this instance, any future Aboriginal archaeological test excavation at the study area would require approval under a s90 Aboriginal Heritage Impact Permit (AHIP).

Recommendation 2: Aboriginal cultural heritage induction:

At the time of any future redevelopment of the site, a site induction should be provided to all employees/contractors engaged on the redevelopment of the study area. The induction material should include an overview of the types of sites to be aware of (i.e., artefact scatters or concentrations of shells that could be middens), obligations under the NPW Act, and the requirements of an archaeological finds' procedure.

Non-Aboriginal Archaeology

The following recommendations refer to non-Aboriginal archaeology only.

- As subsurface excavations are proposed in areas that have low-moderate potential to contain archaeological resources that may contain historical and research significance at a local level, it is recommended that archaeological management in the form of monitoring, test or salvage excavations be carried out under a *s139(4) excavation permit exception* or an approved *s140 excavation permit*.
 - *s139(4) excavation permit exception.* A *s139(4) excavation permit exception* allows for archaeological test excavations under Exception 2(d) or monitoring under Exception 2(e) to confirm the presence of significant archaeological resources. However, it does not permit the removal of, or impact to, archaeological 'relics' of local or State significance as defined by the Heritage Act. Impacts to 'relics' are only permitted under a *s140 excavation permit* (see below). While no application is required for a *s139(4) excavation exception*; an Archaeological Research Design (ARD) and Archaeological Work Method Statement must be prepared prior to works commencing and used to guide the archaeological program. Investigations must be carried out by a qualified archaeologist.
 - *s140 excavation permit.* A *s140 excavation permit application* can be submitted to Heritage NSW for archaeological testing, monitoring and salvage, and if approved, allows for the removal of 'relics' or local or State significance as defined by the Heritage Act. The

application must be accompanied by an ARD and Excavation Methodology and investigations must be supervised by a Heritage NSW approved Excavation Director.

- Where excavations are proposed outside of areas assessed as having archaeological potential works may proceed under an Unexpected Finds Procedure.
- If unexpected archaeological finds not addressed in this report or any future ARD for the project are encountered during the construction program, all excavation activities must cease in the area and a qualified archaeologist engaged to assess the nature and significance of the remains. If assessed as a 'relic' a *s146 Notification of discovery of relic* would be prepared and submitted to Heritage NSW and appropriate management of the remains developed in consultation with Podia and Heritage NSW.
- Depending on findings from the recommended ACHAR, non-Aboriginal archaeological management should be designed in association with any proposed Aboriginal heritage management for the project.
- A digital copy of this report and any future archaeological reports associated with the project should be submitted to the Heritage NSW Library and City of Sydney Council for their records.

9. References

9. References

AMAC 1998, *Research Design & Excavation Methodology*, 62-64 Foster Street Surry Hills, report prepared for IDEX Design.

AMAC 2019, *216-228A Elizabeth & former 1-5 Blackburn Streets Surry Hills*, Final Archaeological Report (Vol 1),

AMAC 2019, *216-228A Elizabeth & former 1-5 Surry Hills*, Final Archaeological Report (Vol 2),

AHMS 2015, *Central to Eveleigh Corridor: Aboriginal and Historic Heritage Review*, Sep 2015.

Attenbrow, V., 2010, *Sydney's Aboriginal Past. Investigating the archaeological and historical records*. UNSW Press, Sydney.

Austral Archaeology, 1999, *Baseline Archaeological Assessment of 238-240 Elizabeth Street, Surry Hills*, report prepared for Joshua Farkash and Associates Pty Ltd Architects, Jan 1999.

Australia ICOMOS, 2013. *Burra Charter*.

Candalepas Associates 2021, *Urban Design Report*, prepared on behalf of Stasia Pty Ltd, Aug 2021.

Candalepas Associates 2022, *Design Proposition Report for Consideration by City of Sydney Council*, July 2022

Casey, Mary 2004, 'Falling through the Cracks: Method and Practice at the CSR Site, Pyrmont' *Australasian Historical Archaeology*, 22, 2004.

Casey and Lowe, [n.d] *Archaeological Investigation 19-41 Reservoir Street* (leaflet)

Casey & Lowe, 2001, *Campbell Street Substation Archaeological Assessment & Research Design*, report prepared for Enerserve Energy Australia.

Casey & Lowe, 1997, *Archaeological Assessment 242 Elizabeth Street & 19-23 Reservoir Street, Surry Hills* report prepared for Addenbroke Pty Ltd

Casey & Lowe, 1998, *Archaeological Assessment 66-72 Reservoir Street, Surry Hills* report prepared for P. D. Mayoh Architects Pty Ltd

City of Sydney 1992, *The Central Sydney Archaeological Zoning Plan*, City of Sydney.

City of Sydney, 2012 *History of Sydney Streets*, available from <https://www.cityofsydney.nsw.gov.au/history/history-sydney-streets>

Clarkson, C., Jacobs, Z., Marwick, B., Fullagar, R., Wallis, L., Smith, M., Oberts, R.G., Hayes, E., Lowe, K., Florin, S.A., McNeil, J., Cox, D., Arnold, L.J., Hua, Q., Huntley, J., Brand, H.E.A., Manne, T., Fairbairn, A., Shulmeister, J., Lyle, L., Salinas, M., Page, M., Connell, K., Park, G., Norman, K., Murphy, T., Pardoe, C., 2017, 'Human occupation of northern Australia by 65,000 years ago'. *Nature* (547), pp. 306-310.

Dominic Steele Consulting Archaeology (DSCA), 2003, *Aboriginal Archaeological Excavation Report for NPWS Site 45-6-2658, 1-81 Little Bay Road, Little Bay, NSW*.

Heritage 21, 2016. *Statement of Heritage Impact: Proposed Development at 232-240 Elizabeth Street, Surry Hills*, prepared on behalf of Patglen Pty Ltd to accompany a Stage 1 DA, August 2016.

Hinkson, M. & Harris, A., 2010, *Aboriginal Sydney: a guide to important places of the past and present*, 2nd ed, Aboriginal Studies Press Canberra.

Jo McDonald Cultural Heritage Management Pty Ltd, 2005a, *Archaeological Salvage Excavation of Site RTA-G1. 109-113 George Street, Parramatta, NSW*. Report to Landcom.

Keating, C. 2007, *Surry Hills: The City's Backyard*, Hale & Iremonger.

Murray, R. and White, K., 1988, *Dharug and Dungaree: The History of Penrith and St Marys to 1860*. Hargreen Publishing Company in conjunction with the Council of the City of Penrith

Nanson, G.C., Young, R.W., and Stockton, E.D., 1987, 'Chronology and paleoenvironment of the Cranebrook Terrace (near Sydney) containing artefacts more than 40,000 years old.' *Archaeology in Oceania*, 22(2), pp. 72-78.

National Parks and Wildlife Act 1974 No 80, accessed Oct 2022, <<https://legislation.nsw.gov.au/view/html/inforce/current/act-1974-080>>

Phillip, A., 1790 [1892], 'Letter from Governor Phillip to Lord Sydney, Government House, Sydney Cove, February 12th, 1790', in *Historical Records of NSW vol. 1 no. 2 – Phillip 1783-1792*, Government Printer, Sydney, pp. 293-301.

Ryan, R. J. 1981. *Land Grants 1788-1809*, Australian Documents Library

Thorp, W. 1998, *Archaeological Assessment, 62-64 Foster Street, Surry Hills "Foster House" (Former Salvation Army Hostel)*, report prepared for IDEX Design.

Unearthed Archaeology & Heritage, 2019, *Cranbrook School, Bellevue Hill, Aboriginal Cultural Heritage Assessment Report*, prepared for Cranbrook School and the Department of Planning and Environment.

Urbis Pty Ltd, 2020, *Aboriginal Cultural Heritage Assessment: Former Inwards Parcel Office*. Prepared for Vertical First Pty Ltd.

Williams, A. N., McDonald, J., Atkinson, F., Toms, P.S., Hobbs, A., Barry, L., Sapienza, T., Wood, J.C. and Doelman, T., 2021, 'Was Aboriginal population recovery delayed after the Last Glacial Maximum? A synthesis of a terminal Pleistocene deposit from the Sydney Basin, New South Wales, Australia.' *Journal of Archaeological Science Reports*, 40: 103225.

Winter, Green et al 2020, 'Investigating underfloor and Between Floor Deposits in Standing Buildings in Colonial Australia' *International Journal of Historical Archaeology*, Aug 2020, Springer.

Websites

Archaeology Near Me (website) < <https://archaeology-near-me.com/main-site.html>>

City of Sydney, *City of Sydney Archives* (website) < <https://www.cityofsydney.nsw.gov.au/history-archive-collections/archives>>

City of Sydney, *Development Application Search* (website) < <https://online2.cityofsydney.nsw.gov.au/DA/>>

National Native Title Tribunal, *NNTT Registers and Databases*, <http://www.nntt.gov.au/searchRegApps/Pages/default.aspx>

National Library of Australia (website) < <https://www.nla.gov.au/>>

- NSW Government, *Heritage NSW Intersearch* (website), <<https://heritagenw.intersearch.com.au/>>
- NSW Government, *Heritage NSW Aboriginal Heritage Information Management System (AHIMS) Web Services* (website), < <https://www.environment.nsw.gov.au/awssapp/login.aspx>>
- NSW Government *Historical Imagery* (website)
<<https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7c215b873864d44bccddda8075238cb>>
- NSW Land Registry Services, *Historical land Records Viewer* (website) < <https://hlrv.nswlrs.com.au/>>
- NSW State Archives (website) < <https://www.records.nsw.gov.au/>>
- NSW State Heritage Inventory, *Belmore Park Grounds, Landscaping and Bandstand*, Local listing, accessed Oct 2022, < <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424668>>
- NSW State Heritage Inventory, *Central Railway Station Group including Buildings, Station Yard, Viaducts and Bu...*, Local listing, accessed Oct 2022,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424249>>
- NSW State Heritage Inventory, *Chinese Masonic Hall Including Interior*, Local listing,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2420970>>
- NSW State Heritage Inventory, *Former City Sydney Mission Headquarters*, Local listing,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2420968>>
- NSW State Heritage Inventory, *Former "Silknit house" including interior*, Local listing, accessed Oct 2022, < <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424351>>
- NSW State Heritage Inventory, *"Norman Gibson & Co" Including Interior*, Local listing, accessed Oct 2022 < <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424304>>
- NSW State Heritage Inventory, *"Prospect House" Including Interior*, local listing, accessed Oct 2022, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424314>>
- NSW State Heritage Inventory, *Sharpies Golf House Sign (The Golf House)*, State listing, accessed Oct 2022, < <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5053378>>
- NSW State Heritage Inventory, *Sign and Supporting Structure "Sharpies Gold House" Sign*, Local listing, accessed Oct 2022, < <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2431101>>
- NSW State Heritage Inventory, *Sydney Terminal and Central Railway Stations Group*, State listing, accessed Oct 2022 < <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5012230>>
- NSW State Heritage Inventory, *Terrace Group Including Interiors*, Local listing,
<<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2420969>>
- NSW State Heritage Inventory, *Warehouse "Edwards & Co"*, Local listing, accessed Oct 2022, < <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2424334>>
- NSW State Heritage Inventory, *Warehouse Including Interior*, Local listing, accessed Oct 2022, <<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2421179>>
- State Library NSW (website) < <https://www.sl.nsw.gov.au/>>

Steven, M. 'Palmer, John 1760-1833' *Australian Dictionary of Biography* (website) accessed Oct 2022, <<https://adb.anu.edu.au/biography/palmer-john-2533>>)

Newspaper Articles

1831: 'Government Notice: Town Allotments' *The Sydney Morning Herald*, 23 May 1831, p. 1.

1882: 'Family Notices' *The Sydney Morning Herald*, 14 Jun 1882, p. 1.
<<https://trove.nla.gov.au/newspaper/article/13513397>>

1898: *The Hebrew Standard of Australasia* 20 May 1898, p. 7

1899: *The Sydney Morning Herald*, 22 Aug 1899, p. 10

1908: 'Gas fatality', *Goulburn Evening Penny Post*, 2 July 1908, p. 2,
<<https://trove.nla.gov.au/newspaper/article/98791311>>

1930: 'Shot Dead' *The Sydney Morning Herald*, 15 Sep 1930, p. 9.,
<<https://trove.nla.gov.au/newspaper/article/16705571>>

1930: 'Shot dead in Wine Saloon' *Singleton Argus*, , 15 Sep 1930, p. 1.
<<https://trove.nla.gov.au/newspaper/article/81180888>>

1932: 'Good bye those Good Old Days: Hoodoo Wine Shop Closed for all Time' *The Arrow*, 29 Jan 1932, p. 1 <<https://trove.nla.gov.au/newspaper/page/10885549>>

1948: 'Women Fight Burglar in Hotel Room' *Newcastle Morning Herald and Miner's Advocate*, 13 Jan 1948, p. 1. < <https://trove.nla.gov.au/newspaper/article/134322425> >

1950: 'Man hurt in 35ft city fall' *The Daily Telegraph*, 10 Dec 1950, p. 18.

1951: 'Guests flee from Hotel Fire' *Sunday herald*, 4 Nov 1951, p. 4.



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SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
45-6-2637	George street 1	AGD	56	333860	6249880	Open site	Valid	Artefact : -		98238,102494, 102763,10276 5
	Contact								Permits	1369
45-6-3848	244 Cleveland Street	GDA	56	334070	6248750	Open site	Valid	Artefact : -		
	Contact								Permits	
45-6-2979	UTS PAD 1 14-28 Ultimo Rd Syd	GDA	56	333650	6249590	Open site	Valid	Potential Archaeological Deposit (PAD) :-		102494,10276 3,102765
	Contact								Permits	3458
45-6-3152	168-190 Day Street, Sydney PAD	GDA	56	333877	6250257	Open site	Not a Site	Potential Archaeological Deposit (PAD) :-		
	Contact								Permits	3789
45-6-3654	CRS AS 01 (Central Railway Station Artefact scatter 01)	GDA	56	334035	6249170	Open site	Partially Destroyed	Artefact : -		104403
	Contact								Permits	4639
45-6-2651	William St PAD	AGD	56	334800	6250220	Open site	Valid	Potential Archaeological Deposit (PAD) :-		102494,10276 3,102765
	Contact								Permits	1589,1670
45-6-2987	Poultry Market 1	GDA	56	333746	6249575	Open site	Valid	Artefact : 1		102494,10276 3
	Contact								Permits	3506
45-6-3217	Darling Central Midden	GDA	56	333530	6250101	Open site	Valid	Aboriginal Ceremony and Dreaming : 1, Artefact : 1, Shell : 1		
	Contact								Permits	

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

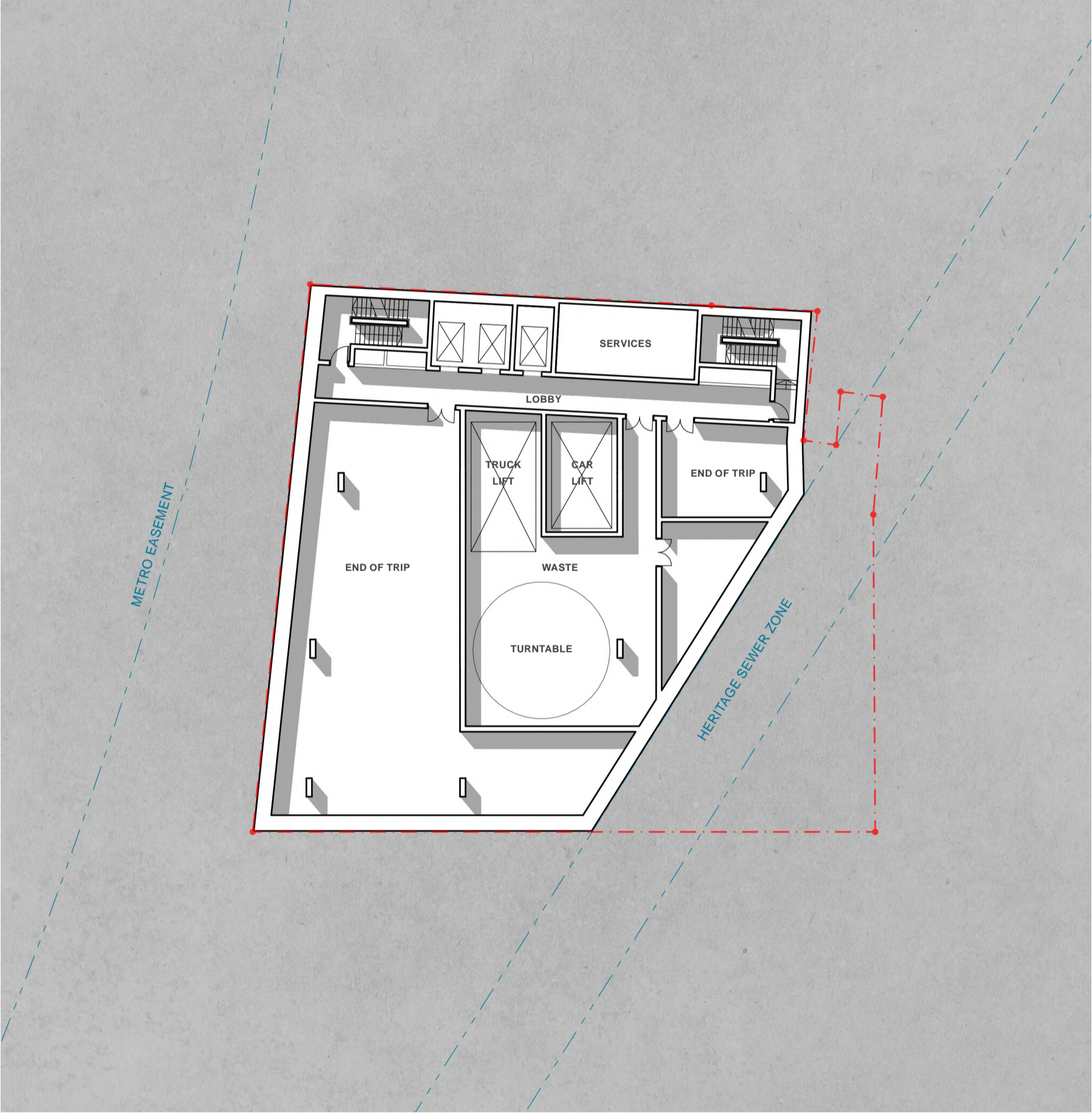
Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 26/10/2022 for Sarah Mcguinness for the following area at Address : 238 ELIZABETH STREET SURRY HILLS 2010 with a Buffer of 1000 meters..

Number of Aboriginal sites and Aboriginal objects found is 8

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



BASEMENT 1 PLAN

END OF TRIP GFA

270 m²

SCALE 1:250

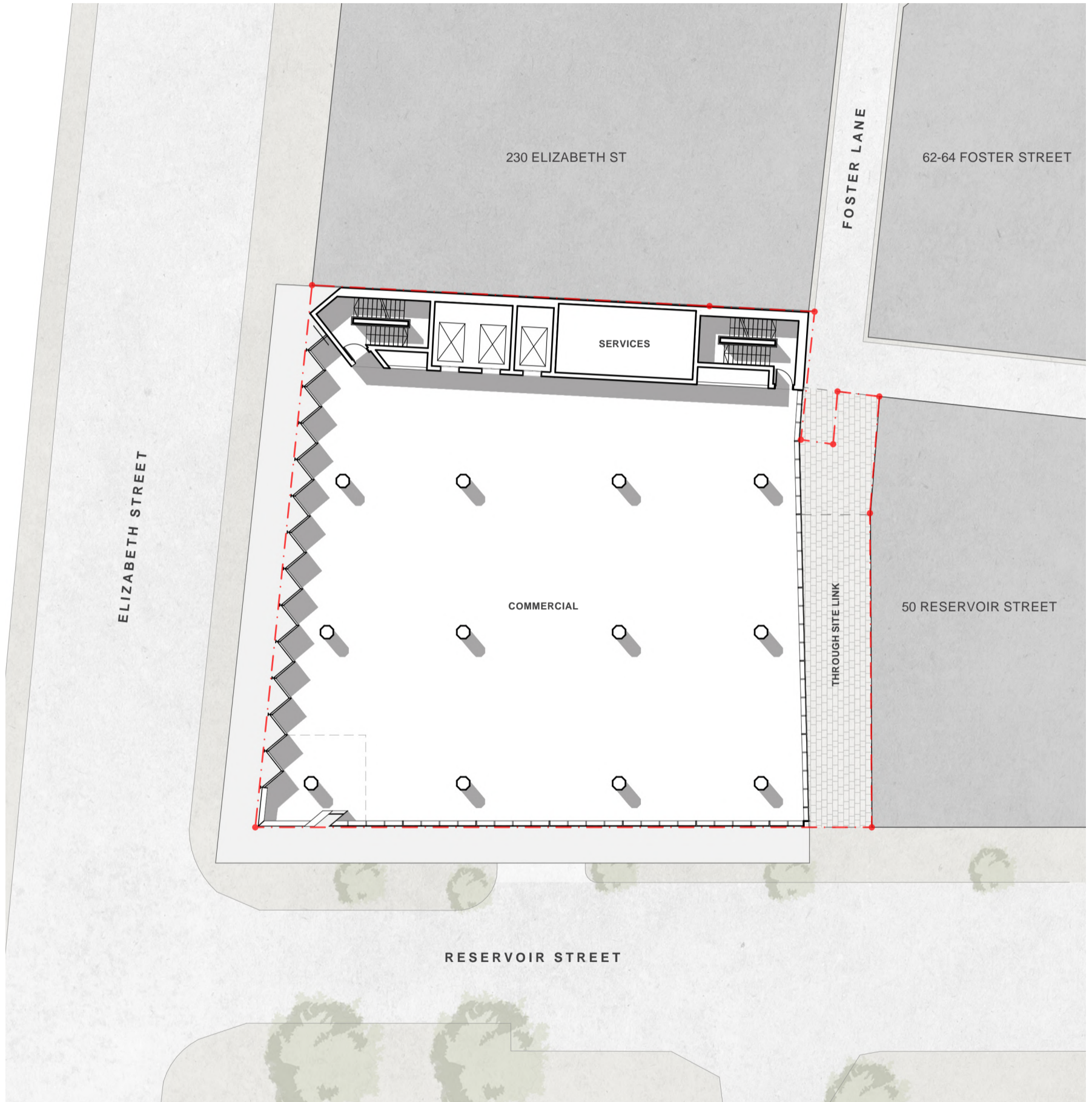




GROUND FLOOR PLAN

COMMERCIAL GFA 79 m²
RETAIL GFA 452 m²



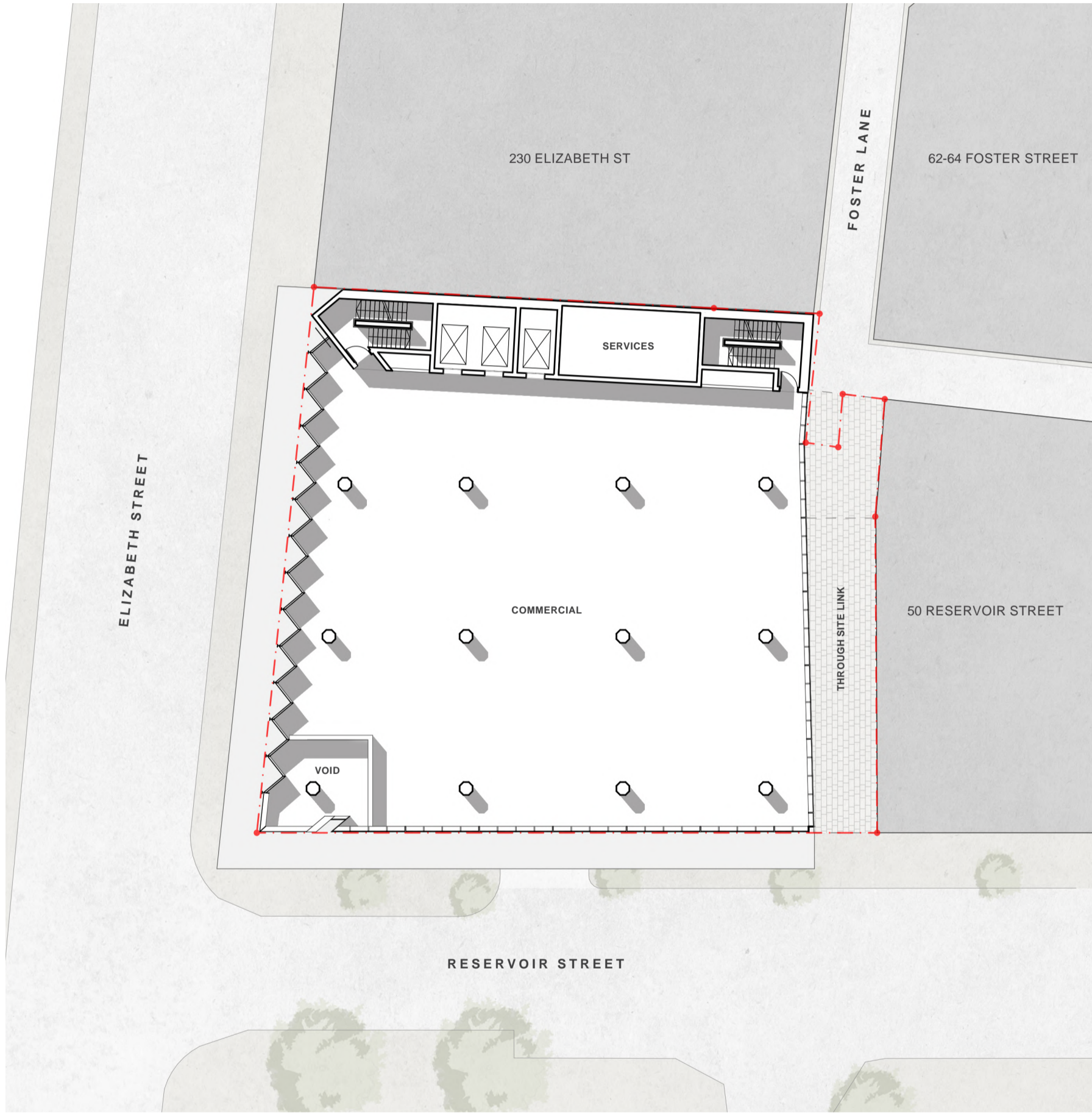


TYPICAL FLOOR PLAN L1, L2, L4, L6

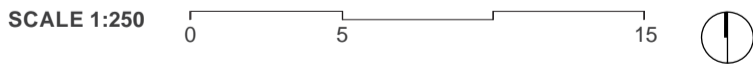
COMMERCIAL GFA 706 m²

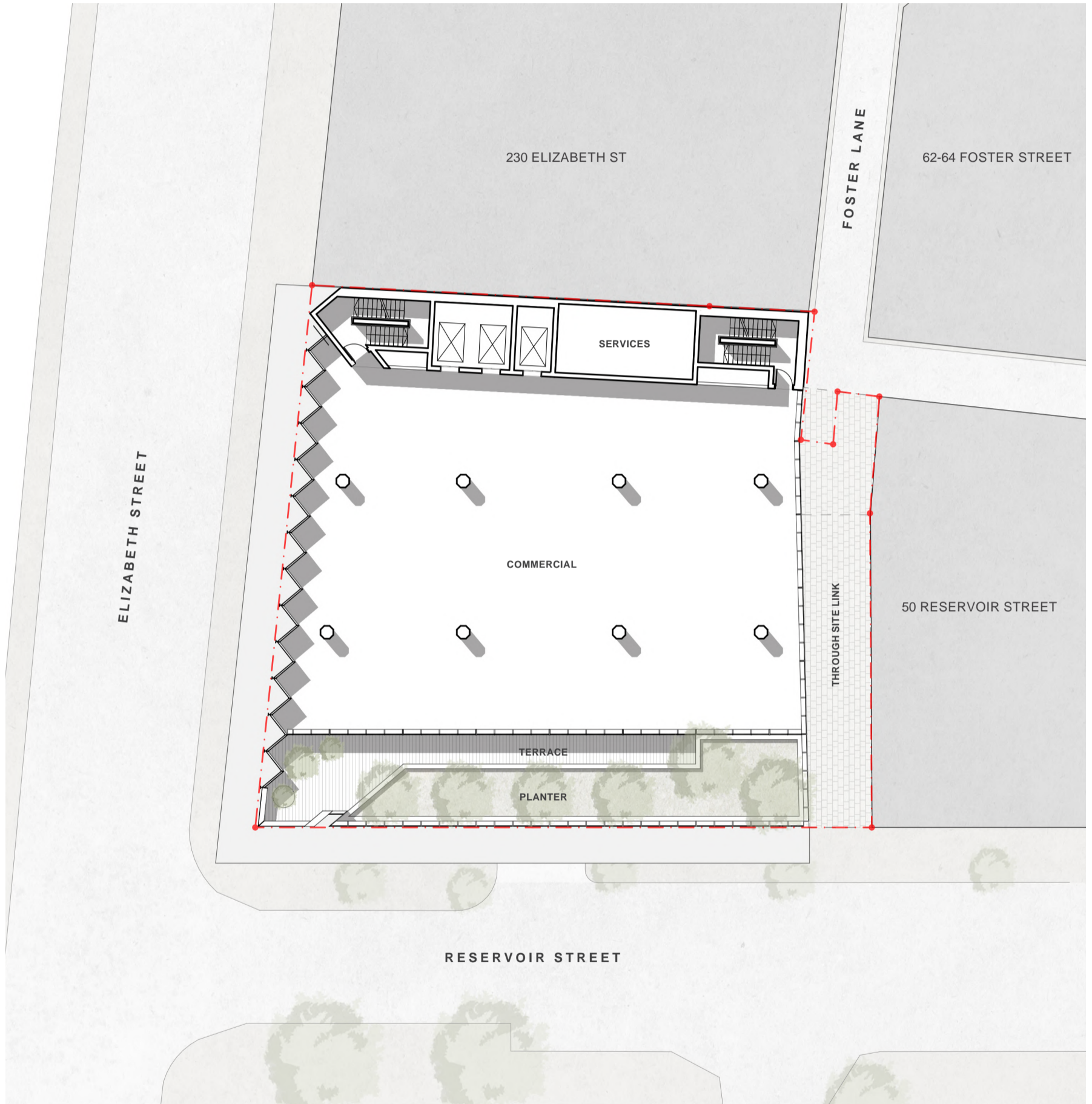
SCALE 1:250





TYPICAL FLOOR PLAN L3, L5, L7
COMMERCIAL GFA 681 m²



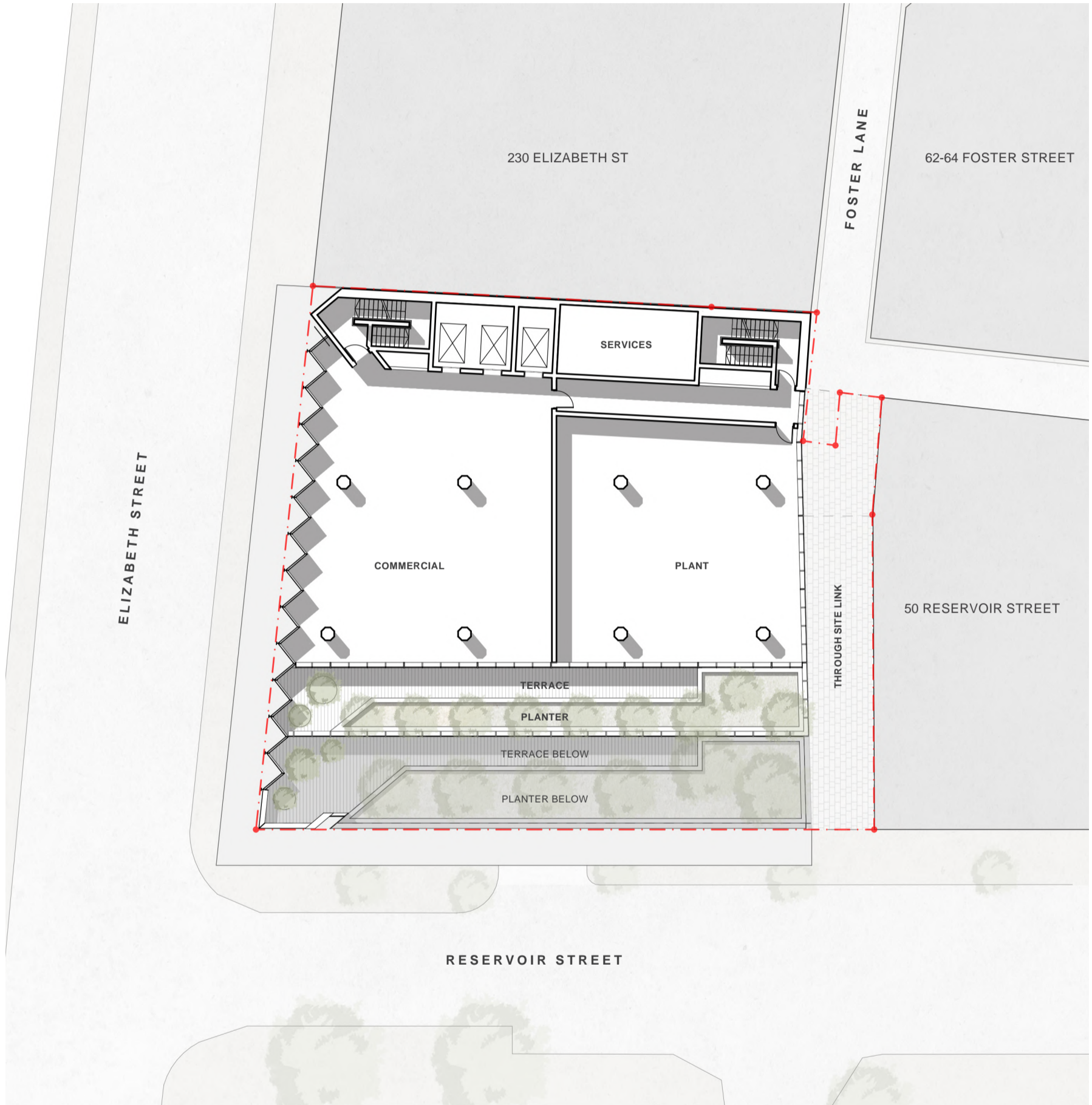


FLOOR PLAN - L8

COMMERCIAL GFA	561 m ²
TERRACE	61 m ²
PLANTER	78 m ²

SCALE 1:250



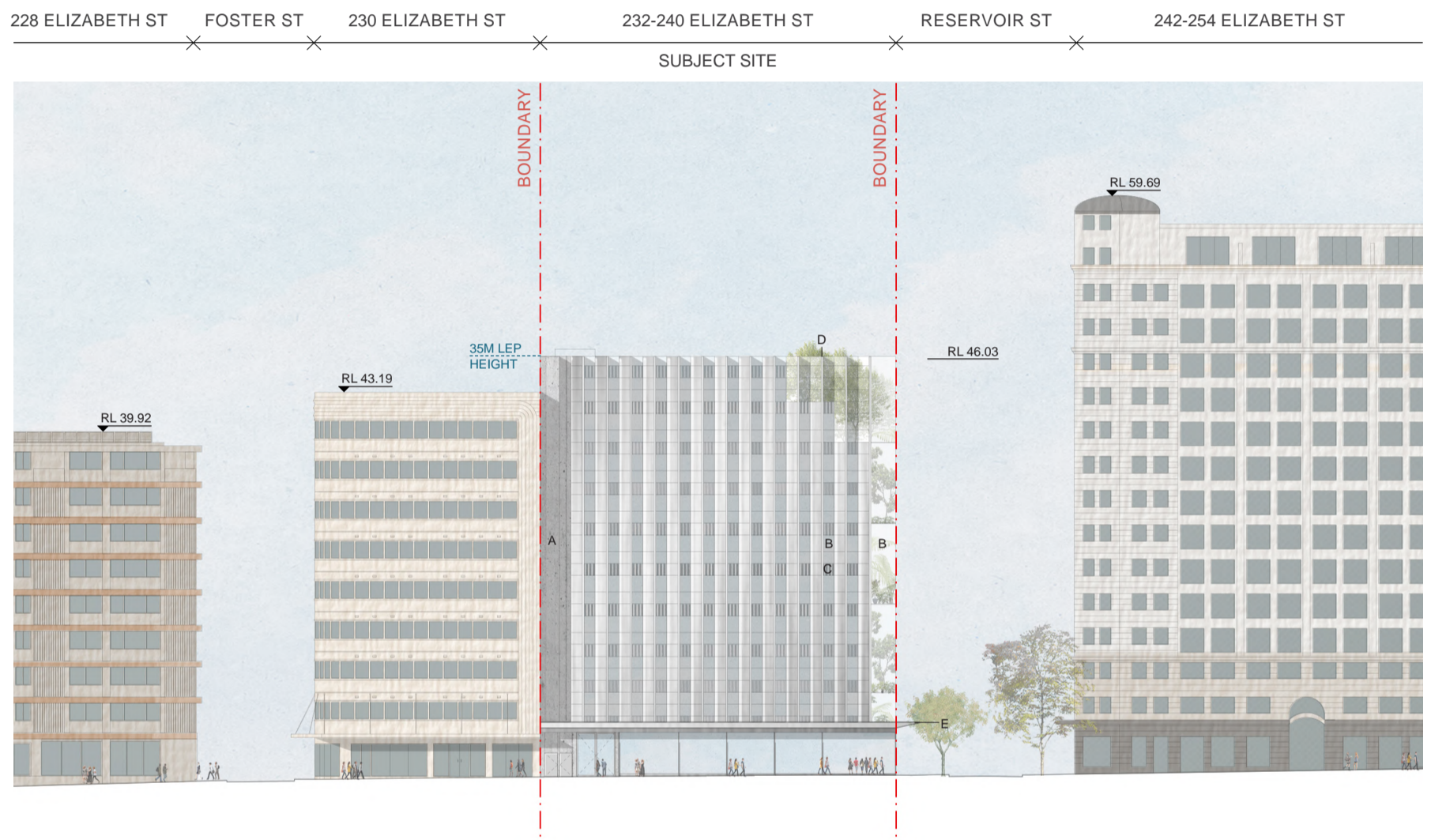


FLOOR PLAN - L9

COMMERCIAL GFA	380 m ²
TERRACE	44 m ²
PLANTER	58 m ²
PLANT	66 m ²

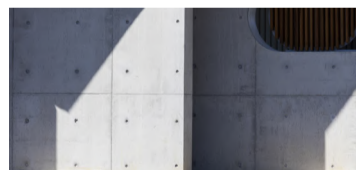
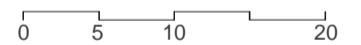
SCALE 1:250





WEST ELEVATION - ELIZABETH STREET

SCALE 1:500



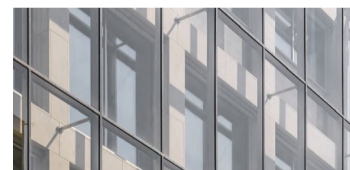
A
Off-form Concrete
President Avenue
Apartments,
Candalepas Associates



B
Glass
Cullen Aalhuitzen House,
Candalepas Associates



C
Reeded Glass
Plain English Design

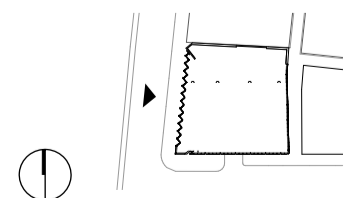


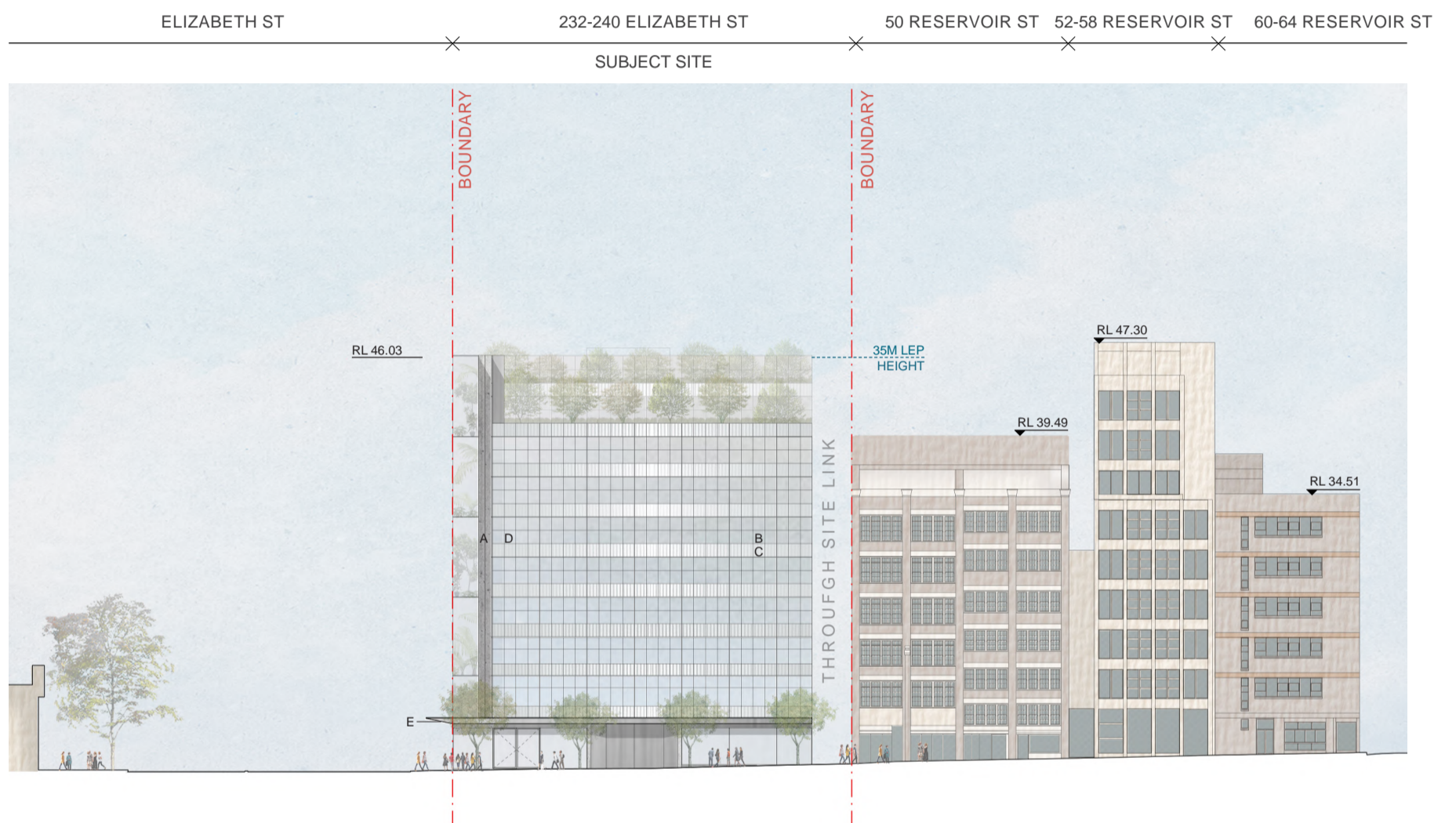
D
Stainless Steel
Virchow 6,
Álvaro Siza Vieira



E
Dark Painted Steel
QT Hotel, Melbourne,
Candalepas Associates

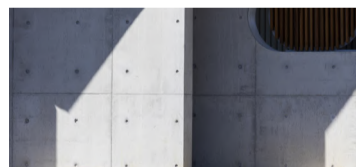
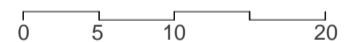
MATERIALS





SOUTH ELEVATION - RESERVOIR STREET

SCALE 1:500



A
Off-form Concrete
President Avenue
Apartments,
Candalepas Associates



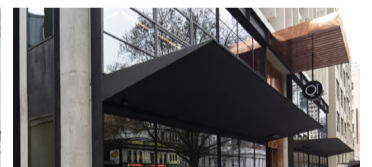
B
Glass
Cullen Aalhuitzen House,
Candalepas Associates



C
Reeded Glass
Plain English Design

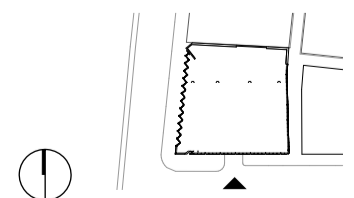


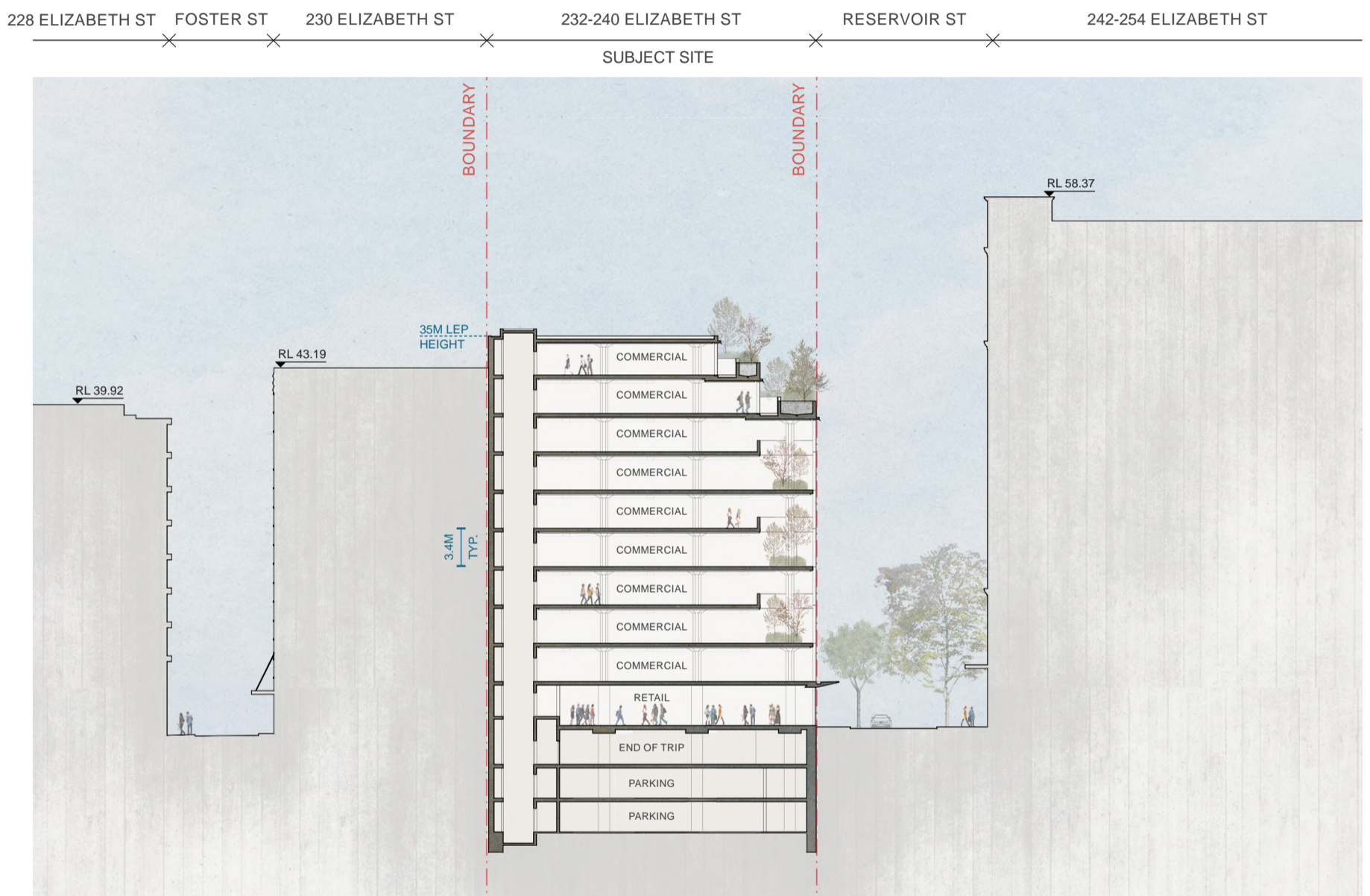
D
Stainless Steel
Virchow 6,
Álvaro Siza Vieira



E
Dark Painted Steel
QT Hotel, Melbourne,
Candalepas Associates

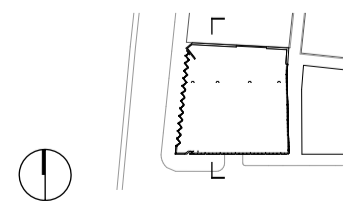
MATERIALS

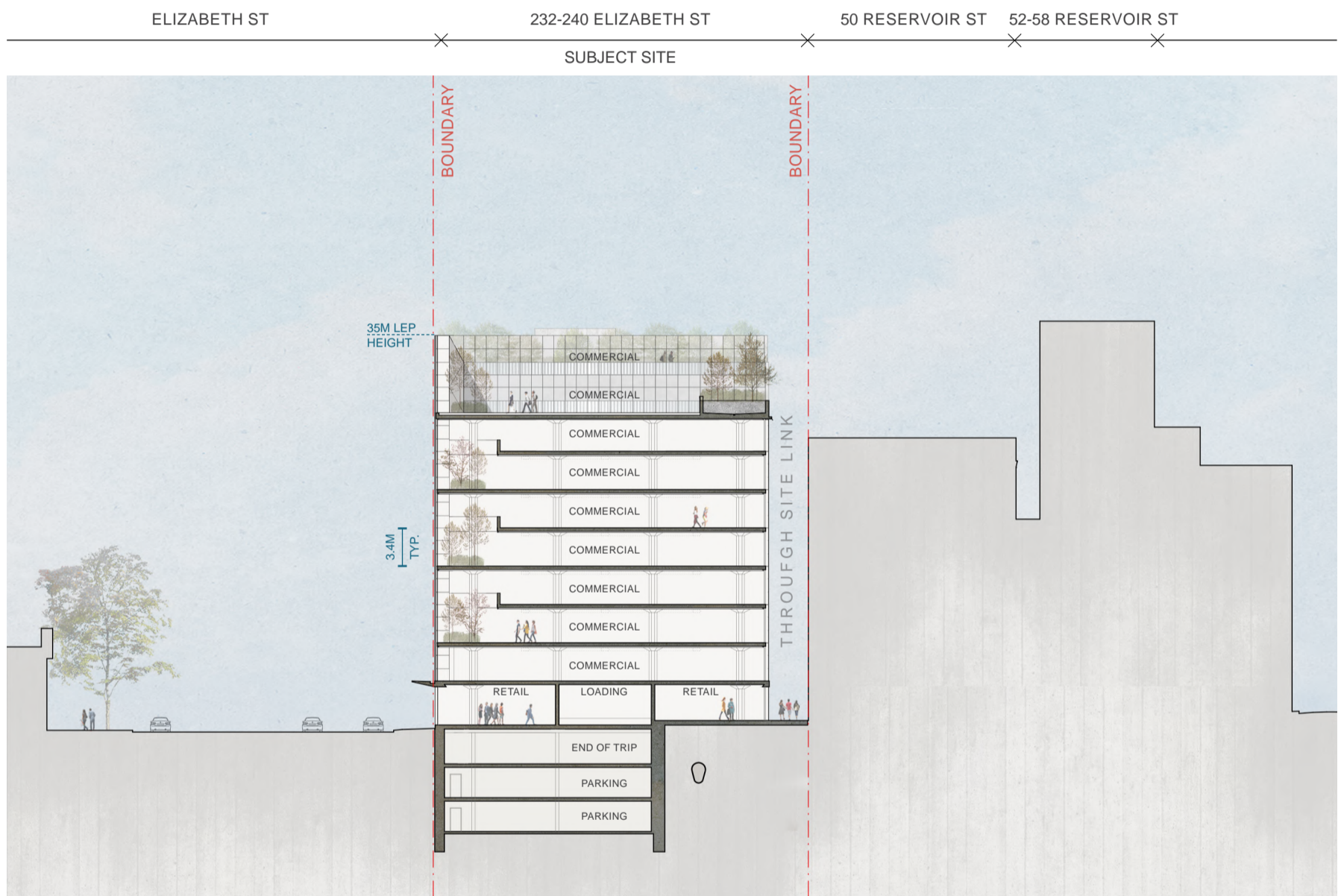




SECTION AA

SCALE 1:500 0 5 10 20

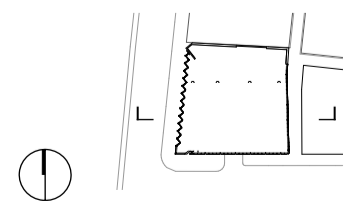




SECTION BB

SCALE 1:500

0 5 10 20



Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Sydney Terminal and Central Railway Stations Group	<p><i>THE SYDNEY TERMINAL AND YARDS:</i></p> <ul style="list-style-type: none"> - As the site of the first Sydney Terminal and the starting point of the main line, from which the NSW rail network grew; - for its continuity of railway use since 1855; - As the site of one of the first passenger stations in NSW; - As a major terminal by world standards, comparable with late Victorian and Edwardian metropolitan stations in Europe, Great Britain and North America; - Containing the Mortuary Station, one of five pre 1870 stations surviving in the State; - As the first major terminus to be constructed in Australia and the only example of a high level terminus in the country; - As a unique terminal, in NSW, not only in extent but also for the high standard of design of the associated buildings in particular the Mortuary Station, Railway Institute and the Parcels Post Office; - Containing two of the three station buildings, in NSW designed by the Colonial or Government Architect in NSW; - As one of the two longest continuously operating yard/workshop complexes in Australia, dating from the 1850s. Although many of the original functions have been superseded, or operations transferred to other sites, evidence of the working 19th century yard remains extant; - As a major multi-level transport interchange between pedestrians, vehicular traffic and trains and later trams and subsequently buses. Since its establishment in 1855 it has been one of the busiest transport interchanges in Australia; - As the largest formally planned addition to the urban fabric of Sydney prior to World War 1, intended to form a gateway to the city; - As the site of the Benevolent Asylum and Carters Barracks and Devonshire Street Burial Ground and Stations, evidence of which is likely to be found in the archaeological record; - As a major public work undertaken in numerous stages between 1855 and 1930 by two branches of the Department of Public Works, the Railway and Tramway Construction Branch and the Colonial (later Government) Architects Branch; - For the evidence provided of the changing technology of train travel from steam to electric trains, indicated not only by the declining yard workforce but also by the changes in yard layout and signalling work practises; - As point of entry to the city for visitors from country NSW and a major departure point for travellers within Australia; - The railway yards, the Mortuary Station, Railway Institute Building, terminus and clock tower are familiar Sydney landmarks, particularly to rail travellers. <p><i>THE WESTERN YARD:</i></p> <ul style="list-style-type: none"> - For their continual operation as a rail yard since the introduction of railways to NSW in 1855; - As site of the first and second Sydney Terminals and the Mortuary Station; - Whitten virtually abandoned Sydney work in order to construct the main line network in the country areas. <p><i>THE DARLING HARBOUR BRANCH LINE</i></p> <ul style="list-style-type: none"> - Containing one of the first overbridges and cuttings constructed in Australia, part of the first phase of railway construction in NSW; - As a vital link with Darling Harbour and for the export of wool and other agricultural products from country NSW; - For the surviving fabric which provides evidence of change embankment and retaining wall and bridge construction techniques. <p><i>THE MORTUARY STATION</i></p> <ul style="list-style-type: none"> - As one of a pair of purpose built mortuary or receiving stations, the only known example in Australasia. Whilst the station at Sydney remains in its original location, the Rookwood Station has been relocated; - As a fine, rare example of 19th century Venetian Gothic; - As the finest example of a covered single platform type station in Australia and the most elaborately detailed stations, of its period. The detail includes a rare example of a tiled platform, elaborately carved stonework and joinery, furniture and decorative wrought iron work; 	State	01255

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
	<ul style="list-style-type: none"> - As one of few Gothic Revival buildings designed by the Colonial Architect James Barnet, a highly praised design, marking a high point in his career and considered to be one of his finest designs; - For its association with Victorian rituals surrounding death and mourning. The building was designed as an elaborate setting for the example of the use of trains rather than horse drawn carriages to transport coffins to cemeteries; - As one of few Gothic revival buildings of the period that were designed for a function other than for churches or schools. The style was selected to provide an appropriate atmosphere for the mourners; - As an early example of the introduction of Venetian Gothic motifs including the colonnade which screens the platform; - As a fine example of stone masonry including an arcade with foliated capitals and carved intrados (soffit), metal and wood work. - For the role played by the colonial Architect James Barnet in encouraging the art of stone masonry through his designs; - For its association with the development of the Rookwood Necropolis, one of the largest garden cemeteries in the world; - As a local landmark, visible from locations such as Prince Alfred Park, the Cleveland Street Bridge and the forecourt of Sydney University. <p>THE WEST CARRIAGE SHEDS</p> <ul style="list-style-type: none"> - One of few surviving working buildings on the site, whose industrial character, specialised layout and form demonstrate former functions and operations; - As the smaller, and remaining of two carriage sheds, built for the servicing of carriages; - Part of the extension of the Sydney Terminal shortly after the turn of the century; - The disuse of the carriage sheds provides evidence of the changing nature of rail travel and work practices, such labour intensive processes no longer being undertaken within the Sydney Yards. <p>PRECINCT 2: THE PRINCE ALFRED SIDINGS</p> <ul style="list-style-type: none"> - Contain the only remains of a workshop building within the Sydney Terminal complex, which date from the 1870s, and also the Railway Institute; - Mark the eastern boundary of the once extensive Sydney yards. <p>THE RAILWAY INSTITUTE</p> <ul style="list-style-type: none"> - The first Railway Institute to be established in Australia; - A fine example of the Queen Anne revival style, based on English precedent. The building exhibits characteristic features of the style including Dutch Gables, the use of moulded brickwork and Marseille roof tiles; - For its role in the continuing education of the railway employees, through evening classes; - A setting for social activities for the railway employees; - Containing significant plaques and memorials to railway employees; - Containing a rare, and largely intact, example of a small scale, late Victorian Hall. <p>PRECINCT 3: THE SYDNEY TERMINAL - THE TERMINUS</p> <ul style="list-style-type: none"> - The first major terminus, and the only high level terminal, to be constructed in Australia, the design of which was overseen by experts from NSW, Victoria and Queensland. Comparative in scale and quality of design to the major European and American termini; - A major transport interchange, with numerous tram lines on different levels, the most complex in Australia; - A major planned urban design aimed at improving Sydney, in contrast to the haphazard beginning and former unplanned growth of the rail termini. The only major building of this period in Sydney where the urban setting was consciously designed to complement, and provide views of the main structure; - A symbol of the progress of the development of the city and the railway; - A major public building designed by the Government Architect WL Vernon, and detailed by GM Blair, and completed by his successor George McRae. The only railway station designed by Vernon, and his most adventurous free classical design; 		

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
	<ul style="list-style-type: none"> - A major sandstone building, one of the few to be constructed, in Sydney, outside of the heart of the CBD. The use of sandstone reflected the status of the building as a major public building; - For its design as an elaborate progression of spaces, from the tram portico to the booking hall to the concourse and into the (proposed) train shed, enhancing the sense of journey. This contrasted with the previous station which had grown into an unplanned conglomeration of platforms; - The largest station to have been constructed in NSW, previously the major country stations such as Albury were grander both in scale and decorative detail than the Sydney Terminal; - The Sydney Terminal would have been even grander had the train shed been constructed covering the platforms. The changing of the design as a cost cutting measure reflects the economic conditions of the time. The construction of Stage Two during the war years, however, reflects the importance of this transport link to the Australian economy; - A rare example, in Sydney, of the use of multi level vehicular approaches, the separate approaches for tram, pedestrian and vehicle, being identified at the outset as being a particular feature; - The clocktower, completed as part of the second stage, is a well known Sydney landmark, nicknamed "the working man's watch"; - Containing such planning innovations as separate subways for passengers and baggage handling and the main assembly platform [concourse]; - Further investigation may reveal the main assembly platform to be one of the earliest uses of reinforce concrete floor slabs in NSW; - Marking a period of prosperity for the railways and a subsequent decline in other forms of transport, in particular the more unreliable coastal shipping, following construction of the north coast Railway 1910-1922; - The manner in which different structural systems, such as the three pin and crescent truss roofs, were used throughout the design to form a variety of spaces; - The original floor plan indicates separate waiting facilities for different classes of passenger and for women. These distinctions have largely disappeared, with the exception of the use of a system of classes on the transcontinental trains and the XPT and Explorers; - For the inclusion, in the design, of up-to-date technology including telephones and telegraphs. <p>THE PARCEL POST OFFICE</p> <ul style="list-style-type: none"> - The only purpose built post office building, of this period in Sydney; - An indication of the importance of rail in carrying parcels; - An example of the work of the Government Architects Vernon and McRae and their principal design architect, GM Blair; - A fine example of neo-classical detailing on one of the few brick and sandstone public buildings in inner Sydney; - A landmark in Railway Square; - An early example of a concrete and steel framed office building of fire proof construction. <p>THE SYDNEY YARD</p> <ul style="list-style-type: none"> - The yard contains one of the earliest sewers in Metropolitan Sydney, built by the newly formed Department of Public Works in the mid 1850s; - The site of the workshops which were the heart of the working yard in the mid to late 19th century; - Containing evidence of the changing technology of train travel, commencing with steam locomotives in the mid 1850s; - Showing the impact of the decentralisation of railway functions, which began in the 1880s, on the Sydney Yard. <p>PRECINCT 5: THE CENTRAL ELECTRIC STATION</p> <ul style="list-style-type: none"> - Association with JJC Bradfield and the construction of the City Electric Railway, and the Sydney Harbour Bridge in the late 1920s; - One of a number of inner Sydney stations designed by JJC Bradfield, of which two are above ground, Milsons Point and Central Electric; - Containing the most elaborate station entrance (Elizabeth Street), of the City Circle stations; - For the continuation of the neo-classical architectural vocabulary and the use of sandstone for the station building and the viaduct; - For its continuous use as a commuter station for the Sydney suburban lines; 		

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
	<p>- For the use of 'state of the art' reinforced concrete construction. (Conservation Manage Plan Sydney/Central Station Author: Department of Public Works & Services Year: 1996 Page: 128-135 reproduced for the SHR State listing)</p>		
<p>Sharpies Golf House Sign</p>	<p><i>Sharpies Golf sign has high rarity values as a unique example of 20th century advertising. The sign is historically significant as the only original animated neon sign remaining insitu and is representative of the animated neon sign phase during the 1950s. It has aesthetic appeal as it retains the character of the time and has high social and cultural significance. Sharpies Golf sign has strong associations with the business district of Elizabeth Street, Central Sydney. The sign has strong associations with professional golfer Lindsay Sharp, the first professional to win the newly introduced National Ambrose competition in Australia. Sharpies Golf sign is rare on a national level as a surviving animated neon sign in situ. (NSW State Heritage Inventory, Sharpies Golf House Sign (The Golf House), State listing)</i></p>	<p>State</p>	<p>01655</p>
<p>Central Station Railway Group</p>	<p><i>The Central Railway Station Terminus forms a landmark feature at the southern end of Central Sydney. It is a vast structure of particular architectural merit located to dominate its surroundings. It is the only true terminus building in Australia preventing further extension of rail lines and is significant as one of the largest covered public spaces in the city. It is one of the finest examples of the classically inspired Beaux Arts style in Railway buildings in Australia. It has historic significance as being an important design of the Colonial Architect Walter Liberty Vernon. It was one of the first major rail termini to be constructed in Australia and has had a lengthy association with rail transport in New South Wales and with a variety of historically important persons. It has scientific significance for its unique use in New South Wales (and probably in Australia), of the three pin truss to the porte-cochere for the trams, which was similar to the Galerie des Machines in Paris. It is significant for the multi level segregation of trams, trains and vehicular traffic. It was reputed to be the first large scale use of reinforced concrete slab construction in New South Wales. The building is socially significant as a purpose built railway terminus demonstrating the growth and change of transport, and as an important symbol for the social history of the nation.</i></p> <p><i>Central Railway Station Yard is associated with the introduction of railways to New South Wales. The Central Railway Station Yard is significant for its part in the distribution of produce from regional New South Wales. It was one of the largest planned interventions undertaken in the urban fabric of Sydney prior to World War One. The Yard has significance for its association with the development of Central Railway Station and with a variety of historically important persons in New South Wales. It has historic significance as an important design of the Railways Engineer, H Dearne. Central Railway Station Yard has scientific significance as part of one of the few true railway termini to prevent further extension of rail lines in Australia. The Yard is significant for the part it played in the growth and development of commerce and industry in New South Wales.</i></p> <p><i>Central Railway Station Viaducts are significant as part of the Central Railway Station, and are associated with the introduction of railways to New South Wales. The Viaducts are significant for their association with the now decommissioned tramways and as part of one of the largest planned interventions undertaken in the urban fabric of Sydney prior to World War One. The Viaducts have historic significance as an important part of the design of Railways Engineer, H Dearne, as well as for its association with a variety of other historically important persons. The Viaducts have aesthetic significance forming part of the landmark feature of the Sydney Terminus, and are representative as part of a form of transportation used in the early nineteenth century. (NSW State Heritage Inventory, Central Railway Station Group including Buildings, Station Yard, Viaducts and Bu..., Local listing)</i></p>	<p>Local</p>	<p>1824</p>
<p>Belmore Park Grounds, Landscaping and Bandstand</p>	<p><i>The park is a vital portion of parkland in the southern portion of central Sydney. It provides evidence of the key characteristics of park design in the early part of the 20th Century, many of these as espoused by JH Maiden former director of the Royal Botany Gardens. It has close association with the design and construction and subsequent expansion of Central Station and the city railway system. It contributes to the aesthetic qualities of Central Station by providing a landscaped forecourt to the prominent sandstone terminus. The site also has archaeological potential associated with the Pitt St Presbyterian manse and school, Carters' Barracks and the air raid shelters (NSW State Heritage Inventory, Belmore Park Grounds, Landscaping and Bandstand, Local listing)</i></p>	<p>Local</p>	<p>1825</p>

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Commercial Building Element 'Sharpies Golf House' Sign	<i>Sharpies Golf sign has high rarity values as a unique example of 20th century advertising. The sign is historically significant as the only original animated neon sign remaining insitu and is representative of the animated neon sign phase during the 1950's. It has aesthetic appeal as it retains the character of the time and has high social and cultural significance. Sharpies Golf sign has strong associations with the business district of Elizabeth Street, Central Sydney. The sign has strong associations with professional golfer Lindsay Sharp, the first professional to win the newly introduced National Ambrose competition in Australia. Sharpies Golf sign is rare on a national level as a surviving animated neon sign in situ. (NSW State Heritage Inventory, Sign and Supporting Structure "Sharpies Gold House" Sign, Local listing)</i>	Local	11532
Industrial Building 'Prospect House'	<i>Prospect House is historically significant as an apparently early industrial building in the fringe district of the city, and for its early associations with the Chinese community. It is aesthetically significant as a simple, well proportioned building, evocative of the nineteenth century streetscape. Prospect House abuts onto a Heritage Streetscape, Blackburn Street. (NSW State Heritage Inventory, "Prospect House" Including Interior, Local listing)</i>	Local	11424
Warehouse 'Edwards & Co'	<i>Edwards & Co Ltd is of aesthetic significance for its contribution to the warehouse character of Fosters Street, and the visual termination of the related Elizabeth Street vista. It presents elevations to Foster Street and Hands Lane. It is significant as a good example of its style in a warehouse building of the 1920s, using stripped classical elements and robust Romanesque proportions. The building design is an important contribution to the representative styles of the 1920s, and interesting for its warehousing application. The building has historic significance for its association with Edwards Co. (NSW State Heritage Inventory, Warehouse "Edwards & Co", Local listing)</i>	Local	11545
Community Building 'Norman Gibson & Co'	<i>The building, formerly the Sydney Freethought Hall, is a two storey painted stucco building in Free Classical style. It is located within the mixed streetscape of Campbell Street. The building has high historic significance as the earliest and only example of meeting rooms for Sydney members of the Australasia Secular Association. The building has aesthetic significance a rare and outstanding example of a highly intact original meeting room with exterior and interior of high quality design, and outstanding potential to be restored by the removal of the recent floor provided a viable use for the building is available. The building has social significance for its outstanding ability to reflect the social justice concerns of the Church of Christ. (NSW State Heritage Inventory, "Norman Gibson & Co" Including Interior, Local listing)</i>	Local	11466
Former Commercial Building 'Silkknit House'	<i>Constructed in 1911 the warehouse building is a good and relatively intact example of a Federation Warehouse building on the diverse streetscape of the city edge area. It was built for Feurth and Nail Ltd as a cardboard factory. After the war, it was owned by the Silkknit garment company. The building represents large commercial and industrial expansion in the local area following the development of Sydney train terminal and Central Station.</i> <i>The large scale and the solid built form of the large warehouse make great contribution to the character of the local area.</i> <i>The archaeological remains of this site are likely to have significance for past, present and future generations. The Silkknit House site has the potential to illustrate a phase in the development of brickworks and pottery making in the early 19th century. The structures features and deposits associated with the residential occupation have potential through archaeological analysis to further our understanding of variation in urban material culture, living standards, consumerism, ethnicity and other areas of archaeological research. (NSW State Heritage Inventory, Former "Silkknit house" including interior, Local listing)</i>	Local	11572
Former City Sydney Mission Headquarters	<i>The building was constructed as the headquarters for the Sydney City Mission in Surry Hills and was an important element in the community support organisation. It is a good example of an Inter War Free Classical style building on a prominent corner site which makes a positive contribution to the streetscape. Of historical significance as physical evidence of the social aspects of early 20th century inner suburban life for the general community and for the Australian Chinese community, closely connected with the churches and terraces of the area. Of aesthetic significance as fine institutional example of the Inter War Free Classical style. (NSW State Heritage Inventory, Former City Sydney Mission Headquarters, Local listing)</i>	Local	11569

Appendix C : Heritage items in proximity to study area

Item Name	Statement of Significance	Significance	Item No.
Terrace Group including Interiors (8-16 Mary St)	<i>The building dates from one of the key period of layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of a mid Victorian terrace group which makes a positive contribution to the streetscape. The rear of the terrace group is intact which is rare.</i> (NSW State Heritage Inventory, <i>Terrace Group Including Interiors</i> , Local listing)	Local	I1570
Chinese Masonic Hall including Interior	<i>The building dates from one of the key period of layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of a Federation building which makes a positive contribution to the streetscape and an important focus of the Australian Chinese community in Surry Hills since its construction.</i> (NSW State Heritage Inventory, <i>Chinese Masonic Hall Including Interior</i> , Local listing)	Local	I1571
Warehouse including Interior	<i>The building dates from one of the key period historical layers for the development of Surry Hills as a direct result of the subdivision of the Riley Estate. It is a good example of an Inter War warehouse which makes a positive contribution to the streetscape.</i> (NSW State Heritage Inventory, <i>Warehouse Including Interior</i> , Local listing)	Local	I1585