

Godden Mackay Logan

Heritage Consultants



Concept Plan – University of Technology, Sydney (UTS) Broadway

Aboriginal and Historical Archaeological Assessment

Report prepared for UTS Facilities Management Unit
February 2009

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Report Register

The following report register documents the development and issue of the report entitled UTS Masterplan—Aboriginal and Historical Archaeological Assessment, undertaken by Godden Mackay Logan Pty Ltd in accordance with its quality management system. Godden Mackay Logan operates under a quality management system which has been certified as complying with the Australian/New Zealand Standard for quality management systems AS/NZS ISO 9001:2000.

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1.0 Introduction

1.1 Preamble

Godden Mackay Logan Pty Ltd (GML) has been engaged by the University of Technology Sydney (UTS) Facilities Management Unit to prepare an Aboriginal and historical archaeological assessment for the UTS site. This report has been prepared to:

- identify known or potential Aboriginal and historical archaeological heritage within the site; and
- provide advice regarding the management of the known and potential archaeological resource.

This assessment will:

- inform the refinement of a Concept Plan for the site; and
- form the basis of any Heritage Impact Statement (HIS) to accompany the Concept Plan Application.

1.2 Site Location

The UTS site, hereafter referred to as the study area, is located in Ultimo, on the southern side of Sydney's central business district (Figure 1.1). The study area is defined by Broadway to the south, Thomas Street to the north, Wattle Street to the west and Harris Street to the east and the UTS Building 6 site between Harris Street and the Ultimo Pedestrian Network (Figure 1.2). The site is spread across several city blocks, operating as the campus for the University of Technology Sydney. The campus houses a range of teaching spaces, offices and associated student facilities within a number of buildings across the site.

1.3 Director General's Requirements

Draft Director General's Requirements (DGRs) have been issued for the site and they include a requirement for an archaeological assessment of the study area in order to support a Concept Application to the Minister for Planning, pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (NSW) (EP&A Act). Specifically, the DGRs require:

Archaeological assessment of the sites defined by Broadway, Harris Street, Thomas Street and Wattle Street and 702 Harris Street (site for CB06) including archaeology and interpretation strategies ...

Details of any Aboriginal cultural heritage significance or items (on site defined by Broadway, Harris Street, Thomas Street and Wattle Street).

This report has been prepared in satisfaction of these requirements.

1.4 Content

This report:

- identifies previously recorded Aboriginal or historical archaeological sites in and near the study area by searching the relevant heritage listings (including the Aboriginal Heritage

Information Management System (AHIMS), the State Heritage Register and State Heritage Inventory);

- predicts the nature and location of possible historical archaeological relics and Aboriginal objects or places within the study area;
- assesses the archaeological significance of those relics/objects; and
- provides recommendations to guide future masterplanning for the site.

1.5 Fieldwork and Aboriginal Community Consultation

This report is informed by a site visit undertaken by a GML archaeologist in November 2008.

Representatives of GML conducted the site visit in the company of Mr Allen Madden of the Metropolitan Local Aboriginal Land Council (MLALC), who has also provided advice regarding the content of the report.

1.6 Limitations

This report has been prepared to inform concept planning for the site and to form the basis of a heritage impact assessment. It contains sufficient detail to inform recommendations for the future management of the potential archaeological resource. Consultation with Aboriginal stakeholders was limited to the MLALC. If further Aboriginal community consultation is required or desirable, this would be reflected in the recommendations of any Heritage Impact Statement accompanying the Concept Application.

The conclusions of this report are based on a surface survey of the site. No excavation was undertaken. Although maximum site coverage was attempted, vegetation, paving and built form limited the visibility and exposed ground surface in many places. One hundred per cent coverage of the site was not possible.

1.7 Authorship and Acknowledgements

This report has been prepared by the following GML personnel:

- Andrew Sneddon, Associate;
- Laura Farquharson, Consultant and Archaeologist; and
- Mark Dunn, Senior Consultant and Historian.

The report has been reviewed by Geoff Ashley, Senior Associate, and David Logan, Partner, of GML. Valuable assistance and information was provided by Allen Madden (MLALC).



Figure 1.1 Map showing the location of the UTS site. (Base plan: Sydway)

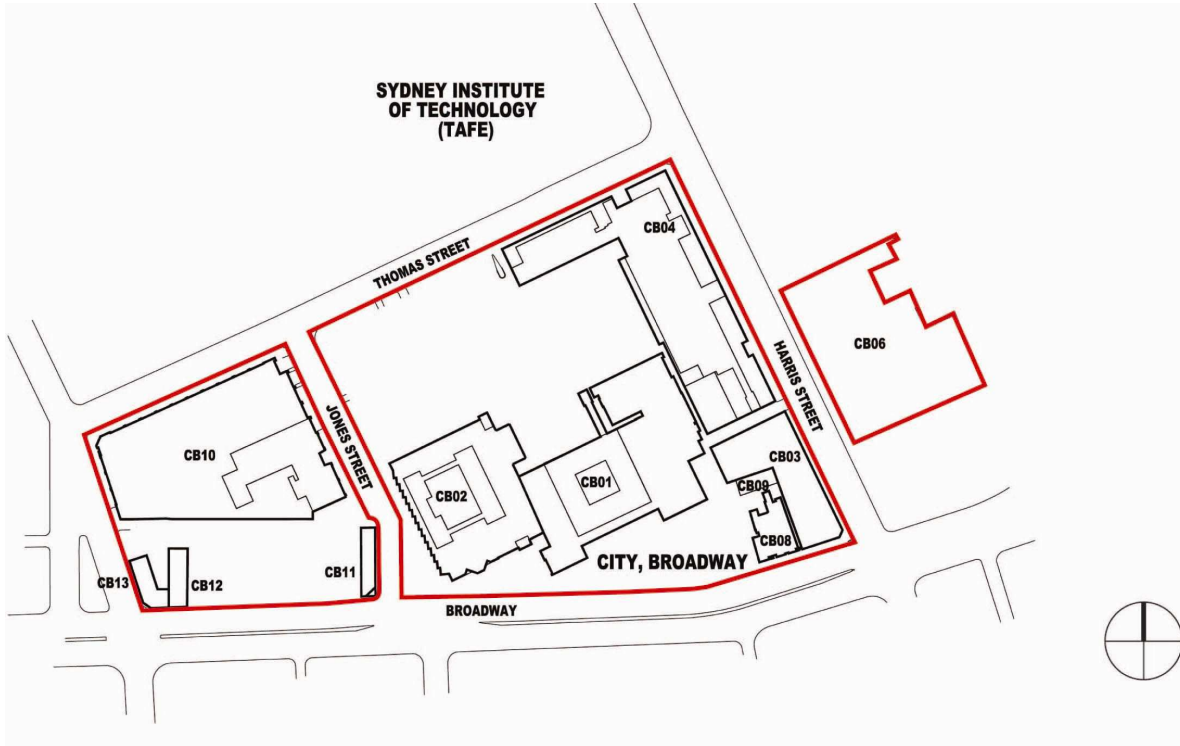


Figure 1.2 Site plan showing the study area in red outline(Source: UTS with GML amendments)

2.0 Statutory Context

2.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides a statutory framework for the determination of development proposals. It distinguishes between:

- Part 3A development—A single assessment and approval system for major development and infrastructure projects in which the provisions of certain legislation do not apply; and
- Part 4 development—Development that must comply with all relevant statutory planning instruments and legislation, including the *Heritage Act 1977* (NSW) (the Heritage Act) and the *National Parks and Wildlife Act 1974* (NSW) (NPW Act).

The proposed redevelopment of the study area is a 'Major Project' under Part 3A of the EP&A Act. Under Part 3A, the Minister for Planning can make a determination that the provisions of the Heritage Act and the NPW Act do not apply.

This Section includes a discussion of the Heritage Act, the NPW Act and the Sydney Local Environmental Plan because the Minister may also determine that those instruments should continue to apply in certain circumstances (for example, to subsequent project/development applications).

Insofar as the potential archaeological resource is concerned, a determination by the Minister that a development is a Part 3A matter usually means:

- an excavation permit issued pursuant to Section 139 of the Heritage Act is not required for non-Aboriginal archaeology; and
- a permit under Section 87 or consent under Section 90 of the NPW Act is not required for potential Aboriginal archaeology.

However, the Minister will still require that appropriate measures be taken for the management of the potential archaeological resource by other means.

2.2 The Heritage Act 1977

The Heritage Act is a statutory instrument designed to conserve New South Wales's environmental heritage.

Archaeological features and deposits are afforded automatic statutory protection by the 'relics provisions' of the Heritage Act. Section 139[1] states that:

A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

A 'relic' is defined to mean any deposit, object or material evidence:

(a) which relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) which is 50 or more years old.

In other words, where archaeological relics, or the potential for archaeological relics, are identified at a site, an application for an excavation permit is ordinarily required.

However, a number of 'exceptions' have been created to the standard excavation permit process. These include (quoting the gazetted exceptions):

- a) *where an archaeological assessment has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that any relics in the land are unlikely to have State or local heritage significance; or*
- b) *where the excavation or disturbance of land will have a minor impact on archaeological relics; or;*
- c) *where the excavation or disturbance of land involves only the removal of unstratified fill which has been deposited on the land.*

2.3 National Parks and Wildlife Act 1974

Aboriginal cultural heritage in NSW is principally protected and managed under the NPW Act. Under this Act, the Director General of the Department of the Environment and Climate Change (DECC) is responsible for the care and protection of all Aboriginal objects (sites, relics and cultural material) and places in NSW. The Act is administered by DECC which has responsibilities—including approvals and enforcement functions—under the legislation.

Section 5 of the Act defines an 'Aboriginal object' 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.

Under Section 84, the Act defines an 'Aboriginal place' as:

any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture.

Aboriginal cultural heritage can include human remains and burial sites, scarred trees, artefact scatters, shell middens, rock art, engravings, ceremonial or dreaming sites and natural features that are particularly significant to Aboriginal people. It can also include places with important Aboriginal associations since European settlement.

Under Sections 86 and 87 of the Act, it is an offence to collect, disturb or excavate any land, or cause any land to be disturbed or excavated, for the purpose of discovering an Aboriginal object without a Section 87 permit authorised by the Director General of DECC (sometimes referred to as a 'research permit').

Similarly, under Section 90 of the Act, it is an offence to destroy, deface, damage or desecrate, or cause or permit the destruction, defacement, damage or desecration of an Aboriginal object or place without first obtaining consent from the Director General (sometimes called a 'consent to destroy'). Under Section 90, consent can only be granted by applying for a Heritage Impact Permit, which must be approved by the Director General.

Section 91 requires anyone who discovers an Aboriginal object to notify the discovery to the Director General of DECC.

Identified objects and sites are registered on the Aboriginal Heritage Information Management System (AHIMS), which is managed and maintained by DECC. The AHIMS is a database for all Aboriginal objects, Aboriginal places and other Aboriginal heritage values in NSW that have been reported to DECC. An Aboriginal object is considered to be 'known' if it is registered on AHIMS, is known to the Aboriginal community, or is identified during an investigation of the area conducted for a development application. Aboriginal objects and places are afforded automatic statutory protection in NSW under the Act. This protection applies irrespective of the level of their significance or issues of land tenure. Sites of traditional significance that do not necessarily contain material remains may be gazetted as Aboriginal places and thereby be protected under the NPW Act. However, areas are only gazetted if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is of special significance to Aboriginal culture.

The need for approval (either under Section 87 or Section 90) is determined by the nature of the proposed works and thus any potential impact on Aboriginal objects or places. In considering whether to issue a Section 90 permit, DECC will consider the significance of the object or place that would be subject to the proposed impact, as well as the effect of the impact and mitigation that is proposed. Alternatives to the proposed impact would also be considered, as would the conservation outcomes that would be achieved if consent for impact was granted. Integral to consideration of any permit application is the outcome of Aboriginal community consultation with regards to the proposed impact.

In order to inform this decision, DECC often requires further investigation of a site through a Section 87 research permit or as a salvage condition of a Section 90 Aboriginal Heritage Impact Permit. In either scenario, Aboriginal community consultation conducted in accordance with the DECC *Interim Community Consultation Requirements for Applicants* is required.

There are no registered Aboriginal sites within the study area noted on AHIMS.

2.4 Sydney Local Environmental Plan 2005

2.4.1 General

The Sydney LEP 2005 contains a number of provisions potentially relevant to the management of the potential archaeological resource on the site.

Clause 67 of the LEP includes the following objectives of particular relevance to archaeology:

- (a) to conserve the heritage of Central Sydney, and*
- (b) to integrate heritage conservation into the planning and development control processes, and ...*
- (d) to ensure that any development does not adversely affect the heritage significance of heritage items, and ...*
- (f) to encourage high quality design and the continued use or adaptive re-use of heritage items.*

Clause 68 of the LEP provides that development that impacts on heritage items (in a variety of ways) can only be carried out with development consent. More specifically, Clause 75 of the LEP states with respect to the development of archaeological sites:

The consent authority may grant a consent required by this Part for the carrying out of development on a potential archaeological site only if it has considered an archaeological assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site.

Clause 76 states:

(1) The consent authority must not grant consent for development that, in the opinion of the consent authority, may have a significant effect on the heritage significance of:

(a) an item listed on the State Heritage Register, unless the consent authority has notified the Heritage Council of the development and taken into consideration any views of the Heritage Council submitted to it within 28 days of such notice being given, or

(b) a site listed on the Aboriginal Sites Register of New South Wales, unless the consent authority has notified the Director-General of the Department of Environment and Conservation of the development and taken into consideration any views received from the Director-General within 28 days of such notice being given.

(2) Subclause (1) does not apply to development for which approval has been granted by the Heritage Council or the Director-General of the Department of Environment and Conservation.

A 'potential archaeological site' is defined as:

a site known to the consent authority to have Aboriginal or non-Aboriginal archaeological potential having regard to the Archaeological Zoning Plan for Central Sydney, the City of Sydney Cultural Heritage Database (City of Sydney Archaeological Resource) and the Aboriginal Sites Register of New South Wales.

No part of the UTS study area is listed as a heritage item/site in the heritage schedule of the LEP (Schedule 8, Part 1) or as an 'underground archaeological item' in Schedule 8, Part 3.

2.4.2 Central Sydney Archaeological Zoning Plan

The following addresses are listed in the Central Sydney Archaeological Zoning Plan (AZP):

- 1–7 Broadway—Area of Archaeological Potential/Partially Disturbed (AAP-PD).
- 9, 11, 13, 81, 115–115 and 117–121 Broadway—Area of Archaeological Potential (AAP).

The Central Sydney AZP is an advisory document with no legal status. However, it documents and assesses the archaeological potential of the City of Sydney and is a reference guide used by the Council in determining Development Applications. The AZP states (page 2) that it:

Provides the City of Sydney with an interim framework for the assessment and conservation of the identified archaeological resource in the study area, and presents guidelines for its management on an overall and case by case basis given the current understanding of the resource.

The AZP states that an AAP–PD is:

An allotment of land or feature that has been identified by the field survey as being an area of some archaeological potential but due to the degree of physical disturbance (usually due to the most recent building development), may be partially disturbed or even in part destroyed. It is also possible that the current building/development in its own right may also have archaeological potential due to significant fabric, or be generating its own below ground and/or underfloor archaeological deposits.

The AZP says that an AAP is:

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 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 ... or may become evident during the fieldwork...

The AZP recommends (Section 5.8) that items identified as AAPs be the subject of site-specific archaeological assessment. It recommends that in the case of sites identified as AAP-PD, the assessment should specifically focus on degrees of disturbance. This report assists in addressing these recommendations.

2.5 Commonwealth Heritage List, National Heritage List and the Register of the National Estate

The *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth) creates/governs the following heritage lists:

- the National Heritage List—places of outstanding heritage value to the nation;
- the Commonwealth Heritage List—places that embody identified Commonwealth Heritage values; and
- the Register of the National Estate—a list of heritage places that is presently being phased out but is still a relevant consideration for the Minister for the Environment, Heritage, Water and the Arts.

The site is not listed on these registers.

3.0 Aboriginal Community Consultation

3.1 Background

Consultation with Aboriginal stakeholders is an integral part of assessing the cultural heritage values of Aboriginal objects and places. The recommended process for Aboriginal community consultation is provided by DECC in its *Interim Community Consultation Requirements for Applicants* (2005). These guidelines recognise that:

- *Aboriginal heritage has both cultural and scientific/archaeological significance and that both should be the subject of assessment to inform its decision-making;*
- *Aboriginal people are the primary determinants of the significance of their heritage;*
- *Aboriginal community involvement needs to occur early in the assessment process to ensure that their values and concerns are taken duly into account, and so that their decision-making structures are able to function;*
- *Information arising out of consultation allows the consideration of Aboriginal community views about the significance and impact, as well as the merits of management or mitigation measures to be considered in an informed way.¹*

Where an application is made pursuant to Section 87 or 90 of the NPW Act for a permit to excavate an Aboriginal archaeological site, DECC requires that the above guidelines be adhered to. In Part 3A matters, the Minister also generally requires this (or a similar) level of Aboriginal community consultation.

In non-Part 3A matters, DECC's consultation guidelines outline the requirements (including prescribed timeframes) for engaging with the Aboriginal community as part of the preparation of an application for consent or a permit under Part 6 of the NPW Act (ie Section 87 or Section 90 permit applications). These requirements (including notification and consultation in accordance with the prescribed timeframes) were not observed as part of this archaeological assessment, because a Section 89/Section 90 permit application was not required.

Nevertheless, consultation has been conducted throughout this project with the Metropolitan Local Aboriginal Land Council (MLALC), as outlined below.

3.2 The Consultation Process

The study area lies within the boundaries of the MLALC, as defined under the *Aboriginal Land Rights Act 1983* (NSW), and thus MLALC was identified as the key stakeholder group for the study area. Following commission, GML contacted Allen Madden, Acting CEO and Cultural Education Officer of MLALC to inform him of the project and to invite a representative of MLALC to inspect the study area with a GML archaeologist.

Allen Madden met with Laura Farquharson (GML) on Wednesday 12 November 2008 in order to discuss the project and undertake a field survey of the study area. Field survey was conducted on foot and the potential for Aboriginal cultural heritage was assessed at this time. The outcomes of the project with regards to Aboriginal cultural heritage were discussed, as well as the nature of potential recommendations that should be provided in any report.

Following field survey, Allen Madden provided a letter detailing the outcomes of the field survey and his assessment of potential for Aboriginal cultural material to exist within the study area. This correspondence also provided recommendations with regards to proposed future development of the study area. These comments have been incorporated in Appendix A. A draft copy of this report has also been forwarded to Allen Madden at MLALC.

3.3 Endnotes

- ¹ Department of Environment and Conservation (NSW) 2005, *Interim Community Consultation Requirements for Applicants*.

4.0 Archaeological Context

4.1 Environment

The study area lies within the southern Central Business District of Sydney and is a highly modified built environment, housing several high-rise buildings and a number of smaller heritage buildings. Associated facilities across the site include basement carparks, access roads, footpaths and landscaped open spaces.

Prior to European settlement and development in this part of Sydney, the environment of the study area would have been starkly different to the highly urbanised landscape that exists today. The study area is located just south of Cockle Bay, the headwaters of which stretched back as far as the intersection of what is today Sussex and Hay Streets at the time of European settlement.¹ Prior to urban development, this part of Cockle Bay was covered by water at high tide and was a swampy tidal estuarine environment.² It would have played a significant role in the surrounding natural environment (including the study area), defining to a large extent the types of flora and fauna present in this area.

Blackwattle Creek, which flowed just to the west of the study area in the vicinity of what is today Blackwattle Lane, was another defining element within the local natural environment. The creek was a tidal watercourse that originated in the swampy area that today is the site of the old Darlington School, and flowed towards Victoria Park and Chippendale through a valley that was rich in alluvial soils and thick with wattles, from which the creek derives its name.³ The creek was swampy, and its outlet at the mudflats of Blackwattle Bay would have provided a range of resources. Indeed Blackwattle Bay, Darling Harbour and Rozelle Bay would have supplied a range of marine and estuarine resources including fish, shellfish and crustaceans at the mouths of the abundant freshwater creeks in this area. These resources would have facilitated Aboriginal occupation of this area.

The topography of the study area is relatively flat, with a gentle slope downwards to the west. This slope is associated with the site's location on the alluvial slopes of the east bank of Blackwattle creek. This relatively flat and amenable topography, and the site's proximity to Blackwattle Creek, indicates that the study area is likely to have been utilised in the past by Aboriginal people as part of their exploitation and ranging across the local landscape.

Geologically, the study area is situated on Wianamatta shales which are present through much of the inner suburbs of Sydney. These shales overlie Hawkesbury sandstone, which occurs across the entire Sydney basin and is exposed in a number of areas throughout the CBD, particularly along the harbour foreshore and surrounding creeks and rivers. Within the study area, surface outcrops of sandstone do not occur, but the excavation of basement carparks and building foundations has resulted in significant cuts into the underlying sandstone bedrock. The geological formations throughout Sydney provide a range of raw stone material types that would have been utilised by Aboriginal people in the past. Silcrete occurs most commonly, with outcrops of this stone being identified in Newtown to the southwest of the study area.⁴ Other common stone types in the area include tuff, chert, quartz, quartzite and basalt. These materials have all been documented in the area, with their frequency and distribution in archaeological sites being related to the proximity of stone outcrops and accessibility of these resources.⁵ There is also extensive documented archaeological evidence of raw stone sources at a greater distance from the study area, such as on the Cumberland Plain to the west.

4.2 Ethnohistory

More than thirty different Aboriginal groups are recorded as having occupied the Sydney region prior to contact. Estimates of the number of Aboriginal people living along the coast between Broken Bay and Botany Bay at the time of contact place the number at approximately 1,500 people. Similar estimates have been made for the inland groups occupying the Cumberland Plain to the west.⁶ However it is difficult to make any certain estimate of population numbers, with researchers placing the total pre-contact number of Aboriginal people within the Sydney region anywhere between 4,000 and 8,000.⁷

The available evidence suggests that the area that today houses UTS forms part of a wider expanse of land traditionally occupied by Cadigal (or Gadi, Gadigal) people, who were known to early European settlers as the Botany Bay tribe.⁸ However the boundary between the Cadigal and neighbouring Wan(n)gal is unclear, with a large amount of ambiguity in the historical records. Thus it will probably never be possible to say for certain where the physical boundary between these two groups was. Both of these Port Jackson clans had strong associations with the Darling Harbour landscape, and the available evidence indicates that the study area may have been part of an area which formed the border between these two groups. For example, records by Phillip Gidley King in 1793 state:

The tribe of Cadi inhabit the south site, extending from the south head to Long-Cove; at which place the district of Wanne, and the tribe of Wangal, commences, extending as far as Par-ra-matta, or Rose-Hill.⁹

However this is contrasted by records made by Governor Arthur Phillip in 1790, which describe a different common boundary between the two groups:

From the entrance of the harbour, along the south shore, to the cove adjoining this settlement the district is called Cadi, and the tribe Cadigal; the women, Cadigalleon. The south site of the harbour from the above-mentioned cove to Rose Hill, which the natives call Parramatta, the district is called Wann, and the tribe Wanngal.¹⁰

King's account would place the tribal boundary at Long Cove (Iron Cove), probably along the ridgeline which forms the eastern watershed of Iron Cove, in which case the study area would be within Cadigal land. In some contrast, Phillip's account would place the boundary along the ridgeline of Darling Harbour or Blackwattle Bay (assuming the 'cove adjoining settlement', which he refers to, is Darling Harbour). In this case the study area would lie on or close to the western boundary of the Cadigal. Cadigal country extended across most of the Sydney peninsula, and today is generally defined as taking in the land between Darling Harbour and South Head and including Port Jackson, Botany Bay and Port Hacking.¹¹

Archaeological and ethnohistoric information provides many details of Aboriginal life in the Sydney basin prior to contact with European settlers. The Cadigal subsisted on the wide resource base of the local area, including terrestrial, estuarine and marine resources, although archaeological and ethnohistorical evidence indicates that the Sydney Aboriginal economy is likely to have been predominantly marine-oriented. Food was obtained through fishing, shellfish collection, hunting and gathering of small plants and animals. These activities would have been conducted in the vicinity of the study area; indeed it is likely that the nearby swamps, estuarine mud flats and bays would have provided a relatively reliable, predictable and concentrated range of fish, shellfish and crustacean resources. Fishing was conducted either with lines or spears, although traps and stone weirs may also have been used.¹² As well as the range of plant and animal foods, the landscape would have

provided a range of medicinal plants, as well as raw materials used for the manufacture of tools, weapons and shelters and for ceremonial purposes including body decoration.¹³

4.3 Post-Contact Relations

The Cadigal were the earliest Aboriginal people to be impacted physically and socially by the European colonisation of Sydney. Early contact started on a relatively positive note, with a range of historic accounts detailing the friendly relations between European and Aboriginal people during this period. Governor Phillip had been instructed 'by every possible means to open an intercourse with the natives and conciliate their affections'.¹⁴ Phillip's policy in dealing with the Aboriginal people was to treat them with the greatest humanity and attention, ensuring that every precaution be made to prevent them from receiving insults.¹⁵

However, these intentions of peaceful cohabitation were difficult to enforce, and friendly relations did not last. Many of the early settlers did not share the sentiments of the governor, being less morally inclined than him in relation to the local Aboriginal population. Incidents of conflict soon emerged and this, combined with European expansion and land and resource use, placed pressure on traditional Aboriginal practices. The local Aboriginal population became increasingly dispossessed of their traditional lands and food and plant resources, leading to inter-tribal conflict, starvation and the breakdown of traditional cultural practices.¹⁶

These pressures were further compounded by the decimation of large portions of Sydney's Aboriginal population by introduced European diseases, particularly smallpox, which quickly became prevalent within the local Aboriginal population. This population decrease is well documented, although the exact impact on local Aboriginal populations in terms of numbers is difficult to determine as there are no accurate baseline figures for the size of the Aboriginal population at the time of first contact in 1788.¹⁷ Within just four years of European settlement, the disappearance of the Aboriginal race was being rationalised in the European mind in terms of the Aboriginal people's preordination by God.¹⁸

Despite these pressures on the local Aboriginal population, there is historical and archaeological evidence that Aboriginal people maintained a presence within Sydney for a considerable time after European settlement. For instance, four shards of blue and white ceramic transfer ware found in association with flaked stone within Aboriginal occupation layers at a site in East Darling Harbour provide evidence that Aboriginal use of this area continued well into the historic period.¹⁹

4.4 European Development and Use

4.4.1 Ultimo Estate

The Ultimo Estate consisted of a series of grants to and purchases by surgeon John Harris between December 1803 and May 1818. Harris arrived in the colony in 1790 with the NSW Corps and by 1796 had joined other officers in taking out a lease on land close to the headwaters of Cockle Bay (Darling Harbour). His first grant, in December 1803, was of 34 acres bounded in the east by a line from the head of Cockle Bay to the old Parramatta Street (later renamed Parramatta Road), following the Parramatta Street west to Blackwattle Creek, then following the creek line for approximately 200 yards where it ran east back to Cockle Bay. In 1806 Harris was granted a further 9¼ acres to the south of Parramatta Street. In taking possession of this portion, Harris also effected the realignment of Parramatta Street to the present alignment of Parramatta Road. It is within this second portion that the study area lies (see Figure 4.1 and 4.2).

The estate, at its peak, was an area of 233 acres extending along the frontage of Parramatta Road between Blackwattle Creek (now Blackwattle Lane) and the approximate position of Barlow Street in Haymarket, and taking in all the present suburb of Ultimo and much of Pyrmont as well.

Harris built his house, Ultimo House, using convict labour in 1804, moving into the two-storey brick residence in June of that year. The house was sited on a rise in the land north of Parramatta Road with views over Cockle Bay, north of the present corner of Thomas Street and Jones Street. In 1814 Harris had the house extended significantly by colonial architect Francis Greenway and imported deer from India to roam the grounds.²⁰

The house remained as a country seat for Harris until 1821 when he relocated to Shane's Park (St Mary's) in Sydney's west where he built a second mansion. He leased Ultimo House using the nearby Ultimo Cottage (north of the study area) as his Sydney base. The Ultimo estate remained largely intact until the beginnings of the 1830s when the first parcels were subdivided from it by Harris. He was probably encouraged by the rising land prices in Sydney, the increasing development close to his estate and the improvements made to Parramatta Road, which fronted his land. In 1825 Robert Cooper had built the first stage of his Brisbane Distillery on Blackwattle Creek south of Parramatta Road, which was followed in 1835 by the brewery of John Tooth, whose main gate stood directly opposite the main entrance to the Ultimo Estate. In addition, the government had used convict labour to improve the condition of the road to Parramatta, widening it and realigning it, which in turn encouraged the use of the road and the development of businesses along its route close to Sydney. The alignment of Parramatta Street (later Parramatta Road) had previously run through the study area (see Figure 4.1).

4.4.2 Subdivision and Development

In 1830–31 Harris subdivided the estate area fronting Parramatta Road and George Street, selling 45 blocks with an average frontage of 66 feet and depth of 132 feet, raising £6076 in the process.²¹ A number of these lots were purchased by land speculators, resubdivided into smaller sites and re-sold to satisfy the growing market for land in Sydney (see Figures 4.2 and 4.3). By 1835 houses and shops were being built along the street frontage of Parramatta Road within the study site boundaries. In 1839 James Maclehole commented in his *Picture of Sydney and Stranger's guide to NSW for 1839*:

From the Old Toll-bar the street (George Street) diverges considerably westward, and is called Parramatta Street, from its being the direct road by which people leaving Sydney must travel towards that town. Almost all the houses in this vicinity have been erected in the last four years—since the greater part have, in fact, sprung up since the close of the year 1835. Most of these houses are of brick, but being overlaid with cement, they have the appearance of freestone, and will bear a close inspection, both as regards the workmanship and the manner in which they have been contrived²²

Maclehole also compiled a directory of New South Wales to accompany his 1839 *Stranger's guide*, listing the citizens of Sydney (and other settled districts). This directory lists at least 22 people living along Parramatta Street in 1839. Maps from this same period show that the majority of the development is on the north side of the street, including the study site. Residents of Parramatta Street listed by Maclehole include butchers, blacksmiths, fellmongers, spirit merchants, grocers, builders, general dealers, boot and shoemakers, tailors, stonemasons and hoteliers.²³ These commercial and small industrial sites were mixed in with residential buildings that faced out to Parramatta Street. These land uses remained typical for the study area until the mid twentieth century.

Rate books for the Phillip Ward (which the study area falls into) from the year 1845 indicate a mix of residential and commercial buildings along Parramatta Street. The rate assessments indicate a mix of building types with shops and houses being constructed of wood, brick and some stone, most with shingles. Most had two storeys, probably a combination of shop and residence. Only four along the strip (in the study area) are shown to be owner-occupied—indicated as shops or businesses—with the remainder being leased, many owned by the same landlord.²⁴

Sands Sydney Directory for 1855–58 (its first year of publication) gives some indication of the types of businesses that had established themselves along the Parramatta Street frontage during the first twenty years of occupation. As with Maclehole's 1839 directory, the street was still home to a range of businesses and small-scale industry, many housed in small cramped premises. The nature of the ground in this part of the city, with a slope running down towards Blackwattle Creek, also created problems with drainage and sanitation, which were addressed by the city council in large-scale resumptions and demolitions. The businesses included Thomas Berwick, farrier close to the junction with Harris Street; John Goodlet, timber merchant next door; three butchers who probably got meat from the slaughter yards further down Parramatta Street; nine drapers, clothiers or upholsterers; four hotels; three boot makers; a cooper; an ironmonger; a corn dealer; a hairdresser; a surgeon; a druggist; a pawnbroker; seven grocers; and a glazier and printer.²⁵

A plan of 1865 shows these buildings crowding onto the street, the majority constructed of brick, most with outbuildings at the rear. A sewer ran along the front of Parramatta Street, with connections extending into the study area from Parramatta Street and Wattle Street. Small lanes also ran from Parramatta Street into the study area, such as Maitland Place, Murphys Lane, Ultimo Lane and other unnamed passages. Small houses faced out onto these lanes, most shown as being of timber construction. The land to the rear of what is now Thomas Street remained largely undeveloped, with a few stone dwellings and yards (see Figure 4.5).

The use of the shops and businesses along Parramatta Street remained largely unchanged throughout the nineteenth century. The street was dominated by small-scale industrial buildings and commercial shops trading to locals and those travelling along Parramatta Street between Sydney town and the western districts. Many of the shops included an upstairs domestic dwelling. Hotels were interspaced along the street, with the Volunteer Hotel having been trading since 1848. The Volunteer Hotel, although altered in the 1930s and again in the later 1950s, remained on site until at least the 1960s when it was demolished to make way for the NSW Institute of Technology, later to become the University of Technology.²⁶ The former Regent Hotel, which remains on the corner of Broadway and Wattle Street was a relative latecomer, being constructed by Tooheys in 1936.

In 1886 the Sydney Metropolitan Fire Brigade erected a fire station on the site, two doors up from the Volunteer Hotel, to serve as a station for the southern end of the city. The station had four storeys with accommodation for six married and two single firemen, stalls for two horses and engine bays for two steamer engines and a manual engine.²⁷ The station was badly damaged by fire in January 1901 but was restored and remained in service until it was closed in 1955 and then demolished to make way for the Institute of Technology.²⁸

In Thomas Street the development was similar, although it had more residential development which began later in the 1860s and 1870s. Houses with attached stables, small stand-alone industrial sites such as cooperages, stores and a coach factory in Mews Street off Thomas Street, all recorded in the Denison Ward rate books through the 1870s and into the early years of the

twentieth century. During the 1890s the Thomas Street area was sold in a number of subdivisions as freehold land from the Ultimo Estate, from which they had previously been leased. From the 1920s, many of the houses were replaced by larger stores and a depot of the Sydney Municipal Council, Dairy Farmers Co-op and later the Department of Instruction as part of the Sydney Institute of Technology development.

4.4.3 Fairfax and the University of Technology 1950–1985

In 1954 Fairfax Newspapers purchased the land bounded by Jones Street, Thomas Street, Wattle Street and Bishop Lane for the site of their new Sydney headquarters. Fairfax had intended to purchase the allotments fronting Broadway as well, but was unable to secure the properties at this juncture. While combined shops and dwellings lined Broadway, the allotments fronting Thomas and Wattle Streets and Harris Lane included assorted brick factories and offices. All the buildings on site were demolished between September 1954 and January 1955 when construction of the new building began. Although partially occupied from September 1955, the new building was not completed until 1956–57.

In March 1967 Fairfax applied to Sydney City Council to demolish the buildings it now owned facing Broadway for the construction of a carpark on the cleared area. Fairfax had purchased the lots in separate transactions between 1954 and 1964, and by 1967 most had been vacated and stood empty. Demolitions commenced in 1969 with a carpark built to accommodate 21 trucks and 40 cars. During 1969 Fairfax also purchased from the council a portion of Bishop Lane from its eastern end to the boundary of the Regent Hotel, with the rest of the lane being bought in 1970.

From the 1940s the NSW Government, Department of Public Instruction had also been purchasing land along Broadway and Harris, Jones and Thomas Streets. An institute of technology had been proposed in 1940, with an Act in the NSW Parliament establishing the institute within the Department of Public Instruction, expanding the training and educational facilities being run by the Sydney Technical College. Rate books for the Phillip Ward in 1948 show that the department had ownership of all the lots from numbers 15 to 57 Broadway, leasing the majority to shops and workshops. The Sydney Technical College occupied 43–49 Broadway.

In the early 1960s the department proposed a series of seven twelve-storey tower buildings for the site. Between 1963 and 1969 this was reworked to a single twenty-seven storey tower. Work began in 1967 on the excavations for the site. As part of the preparations, the shops and workshops that fronted Broadway (just west of numbers 9–11 Broadway) were demolished. Deep excavation for basements was carried out between these terraces and Jones Street, removing any evidence of the previous occupation. Construction commenced in 1969 with the tower finally completed in 1979. A second building of eleven floors was added to the site between 1980 and 1984 and extended to Jones Street.

4.5 Aboriginal Archaeological Context

4.5.1 AHIMS Sites

A search of the Aboriginal Heritage Information Management System (AHIMS) confirmed that there are no recorded Aboriginal sites within the study area, but revealed a total of 23 known sites within a 5km x 5km search area surrounding the study area. These sites are summarised by site type and site features in Table 4.1 below.

Table 4.1 AHIMS registered sites within a 5km x 5km search area surrounding the study area.

Site Context	Site Features	Site Types	Number
Open site	Potential archaeological deposit	None	10
Open site	Artefact	None	3
Open site	Artefact, earth mound, shell	Midden	2
Open site	Artefact	Open camp site	2
Open site	Artefact, potential archaeological deposit	None	2
Open site	Aboriginal ceremony and dreaming, burial	Burial/s, historic place	1
Enclosed shelter	Art, artefact	None	1
Open site	Aboriginal resource and gathering	None	1
Open site	Art	Rock engraving	1
TOTAL			23

As shown in Table 4.1, the majority of site types within the vicinity of the study area are potential archaeological deposits (PADs) and artefact sites. Identified artefact sites occur in a range of contexts including as isolated artefacts; in concentrations known as open camp sites; or in association with earth mounds, shell middens, art or PADs. One Aboriginal ceremony and dreaming site and burial is also known to exist in the area, as well as one Aboriginal resource gathering place and one rock engraving site.

Mapping of these sites in a Geographical Information System (GIS) provides valuable information as to the distribution of these site types around the study area. It reveals that four sites are located in very close proximity to the study area:

- Mountain Street Ultimo—an open artefact site and PAD, comprising three isolated artefacts (not in situ) recovered during historical archaeological excavations (AHIMS # 45-6-2663).
- Wattle Street PAD 1—an area assessed to be a PAD because of its adjacency to the former alignment of Blackwattle Creek. Whilst the site was covered by an extensive depth of fill, it was considered to have potential to contain sections of the original creek bank and flats associated with this watercourse (AHIMS # 45-6-2668).
- Broadway Picture Theatre PAD 1—an area assessed to be a PAD because of its potential for open artefact scatters and isolated finds within remnant A horizon soils beneath current building footprints (AHIMS # 45-6-2680).
- Broadway 1—an artefact site comprising a remnant patch of topsoil containing up to 15 small fragments of flaked silcrete and quartz (AHIMS # 45-6-2629).

The number of sites in the vicinity of the study area indicates that a body of archaeological research exists for the local area. This provides an important archaeological context for the study area, as summarised below.

4.5.2 Previous Archaeological Research

There have been a number of large-scale Aboriginal archaeological investigations in Sydney in the last 30 years which provide archaeological context for the study area. These are summarised briefly below.

Quadrant Site, Broadway and Mountain Streets

Archaeological testing for Aboriginal cultural material was conducted at this site in March 2002 as part of a broader historical archaeological investigation. A Section 87 research permit was issued by the (then) DEC for the program of archaeological testing. A series of 1m x 1m test pits were excavated along the bank of a section of Blackwattle Creek, as well as in elevated locations upslope from the creek, targeting areas where there were surviving patches of topsoil (as identified during the historical archaeological investigations).²⁹ Up to 15 flaked stone artefacts (AHIMS # 45-6-2629) were recovered from one small remnant patch of topsoil, comprising generally small undiagnostic pieces of flaked stone. No further artefacts were identified during archaeological monitoring of subsequent development works.

Moore's Wharf

An Aboriginal campsite (AHIMS # 45-6-0519) was identified during excavations at Moore's Wharf, east Darling Harbour, in 1980. This campsite was identified beneath part of a rubble floor at the Bond Store, and comprised a shell midden identified in a topsoil matrix, above a dark brown compact sand deposit containing flaked stone.³⁰ A range of flaked stone artefacts was encountered, including red and grey silcrete, quartz, quartzite and chert. Their small sizes indicated the exploitation of small pebbles possibly derived locally from within the underlying Hawkesbury sandstone. Recovered stone tools included small scrapers, edge-polished flakes and a fish hook file, a tool used solely by women to shape pieces of hard shell into fish hooks. This site is particularly significant because four shards of blue and white ceramic transfer ware were encountered in association with flaked stone, providing evidence that the Aboriginal use of this site continued well into the historic period.

Lilyvale Cottage

Part of an Aboriginal midden was identified during monitoring of excavations for hotel foundations near Lilyvale Cottage, on the corner of Cumberland and Essex Streets.³¹ Salvage excavation of the site by Val Attenbrow in 1989 recovered shell and fish bones from within the small midden. Dominant shell species included rock oyster (*Saccostrea cucullata*) and hairy mussel (*Trichomya hirsute*), while identified fish bones included snapper (*Pagrus auratus*) and bream (*Acanthopagrus Australis*).³² Radiocarbon dating of the midden indicated occupation at the site approximately 340 years before European settlement of Sydney Cove.³³

Angel Place

Salvage excavation was conducted at this site across approximately 10m² of relict pre-European topography adjacent to the Tank Stream watercourse, recovering a total of 54 flaked stone artefacts. Technological analysis of the recovered lithic material documents the existence of flakes, cores and flake fragments produced during on-site reduction of a variety of raw materials including silicified tuff, indurated mudstone, silcrete and quartz.³⁴ The total size of the original site could not be determined due to the history of development-related impacts alongside the Tank Stream, but the distribution of artefacts did suggest that if further deposits had survived, a greater number of

artefacts would certainly have been recovered.³⁵ The distribution of artefacts was interpreted to indicate that a contiguous distribution of lithics alongside the banks of the original creek, deposited from repetitive or continuous Aboriginal occupation, was highly likely.³⁶

The KENS Site (Kent, Erskine, Napoleon and Sussex Streets)

Historical archaeological investigations of the KENS site in 2003 identified a buried soil deposit, which on subsequent investigation was found to contain considerable concentrations of Aboriginal stone artefacts (AHIMS # 45-6-2647).³⁷ Test and salvage excavation of the identified Aboriginal cultural material was subsequently undertaken in advance of redevelopment of the site. Three areas of concentrated salvage excavation revealed the remains of past Aboriginal knapping, including evidence of pre- and post-contact activities, with the latter being evidenced by the presence of flaked glass.³⁸ Recovered artefacts were interpreted to indicate a late Bondian to early post-contact date, providing an important example of Aboriginal settlement remaining in Sydney after contact despite the impact of the early historical period on Aboriginal communities.³⁹

4.5.3 Site Types Considered in the Study Area

A wide range of site types can be encountered during archaeological investigations in NSW, and these reflect the range of activities carried out by Aboriginal people in the past. The AHIMS sets out 20 site types which are defined by the cultural activities associated with the use of a place. These site types reflect the diverse range of evidence that may be encountered relating to past Aboriginal activity. It is important to note that one site may comprise a number of different site types or attributes, indicating the diverse range of cultural activities that can be undertaken in one place.

All site types listed on the AHIMS database were considered prior to commencement of the site inspection in order to determine the site types most likely to be encountered within the study area. This was informed by a review of the AHIMS search results (which indicate the type of sites and distribution patterns that typically occur within the immediate vicinity of the study area) as well as a desktop assessment of the landforms and environment within the study area. The highly developed and modified nature of the study area indicated that the occurrence of any Aboriginal site types would be relatively unlikely, however stone artefact sites and PADs were considered possible. Although artefact sites can occur in a range of contexts, as described below, it was considered that given the highly disturbed nature of the study area, artefacts would most likely occur in disturbed contexts as isolated occurrences. Middens were considered unlikely because of the distance between the study area and the edge of Blackwattle Creek. All other site types (scarred trees, burials, natural/mythological sites, stone arrangements, ceremonial grounds, traditional resource use places) were not considered to be possible within the highly modified and built environment of the study area.

The potential site types are discussed below.

Open Camp Sites, Artefact Scatters and Isolated Artefacts

Stone artefacts occur across much of the NSW landscape in varying densities, and are typically classified as artefact scatters, open camp sites or isolated occurrences of individual artefacts. These sites provide a record of past Aboriginal occupation and activity across the landscape. Artefact scatters comprise visible concentrations of artefacts (although these sites often have a significant sub-surface element) and typically reflect areas of concentrated Aboriginal activity and occupation in the past, either as camp sites or more transient places of concentrated activity. Open camp sites are typically scatters of stone artefacts which may be associated with hearths, and can

occur in a variety of landforms. These contrast with isolated artefacts, which occur in much lower densities and are generally considered a 'background scatter' across the landscape in many areas of NSW. Thus, an open camp site can be defined as a concentration of artefacts that occur in a greater density than the surrounding low-density 'background scatter'.

Potential Archaeological Deposits

The term 'potential archaeological deposit' was first coined to deal specifically with potential archaeological deposits within rock shelters and aggrading landforms, but has since been used more broadly to describe areas of archaeological potential in open contexts. In the context of this broader application, PADs are usually defined as areas where there are no identifiable archaeological materials, but where there may be intact soil strata with potential for subsurface archaeological deposits.

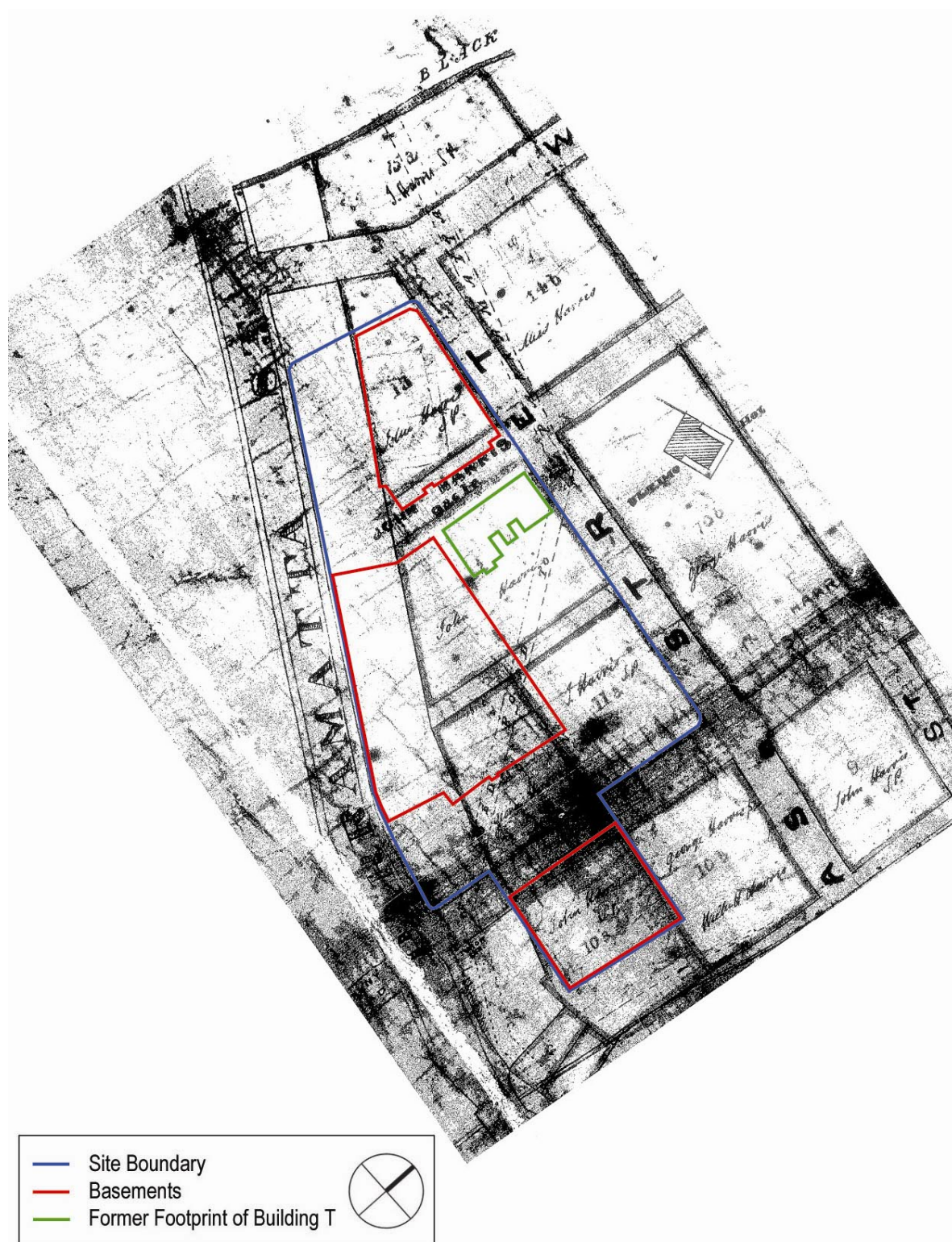


Figure 4.1 c1850s plan of part of the Ultimo Estate showing the old Parramatta Street's alignment as a broken line running at an angle toward Ultimo House. This alignment marked the southern boundary of John Harris's first land grant. The old road alignment is annotated as 'Old Road to Parramatta'. This old alignment crosses the UTS site and Jones Street. The wider site boundary (blue) and basement excavations (red) are shown. (Source: Mitchell Library ZM4 811.173/1866?/1)

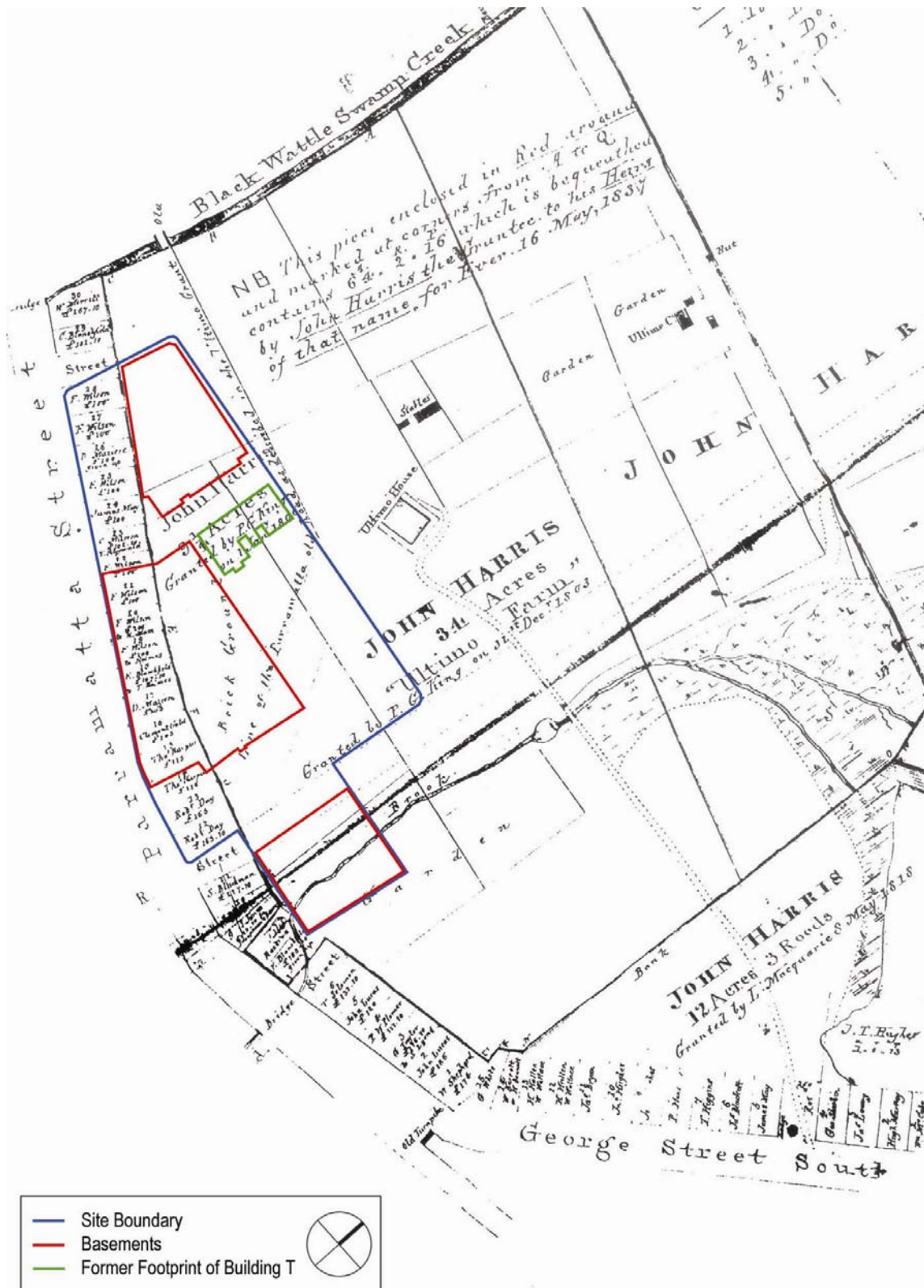


Figure 4.2 1837 plan of the subdivision of John Harris's Ultimo Estate, showing the allotments along George Street South and Parramatta Street. Harris Street is shown intersecting with Parramatta Street with a stream running parallel on the northern side through part of the study area. The old alignment of Parramatta Street is also shown running through the study area. The current alignment of Parramatta Road (as shown on this plan) was established in 1806 with a grant of a further 9 1/4 acres to Harris. The overall study site is shown, with areas previously excavated for building basements marked within. (Source: AONSW)

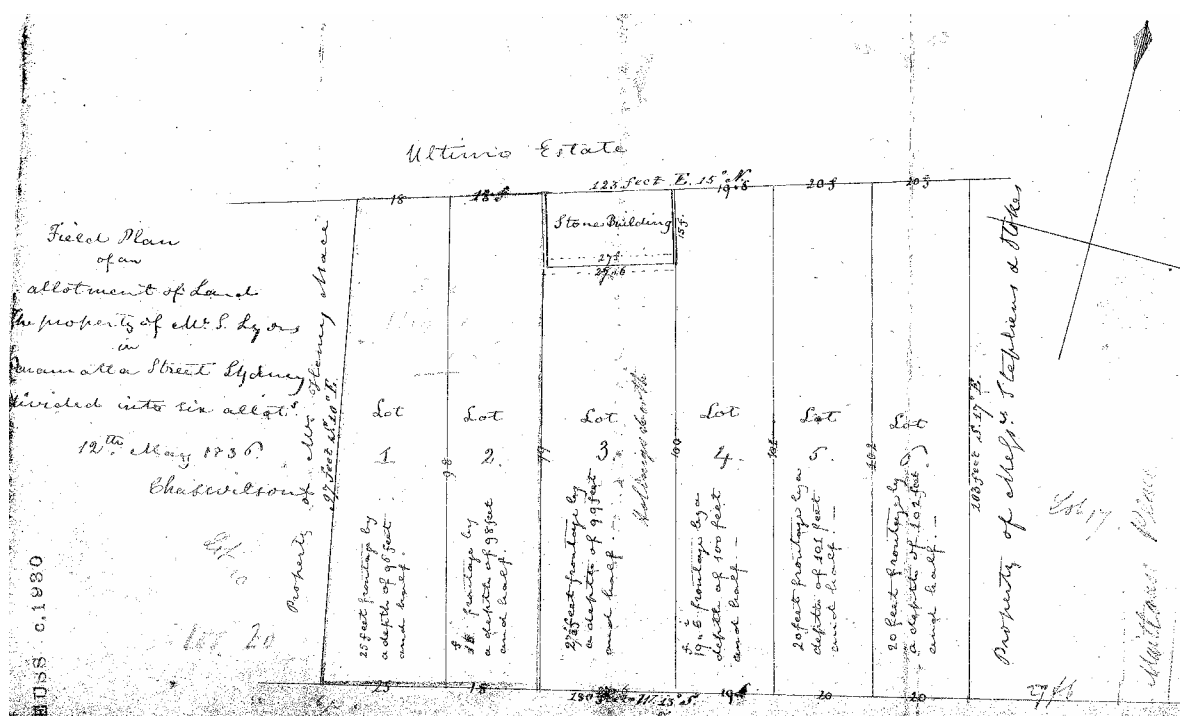


Figure 4.3 1837 plan of six allotments of the Ultimo Estate to be sold by WS Lyons. Lyons had purchased lots from the original subdivision and re-subdivided them into smaller allotments for resale. These blocks, including Maitland Place as seen on the right of the plan, were within the UTS site between Jones Street and the Broadway terraces, in the area that today houses the UTS tower. (Source: Mitchell Library ZM1 811.1735/1836/1)

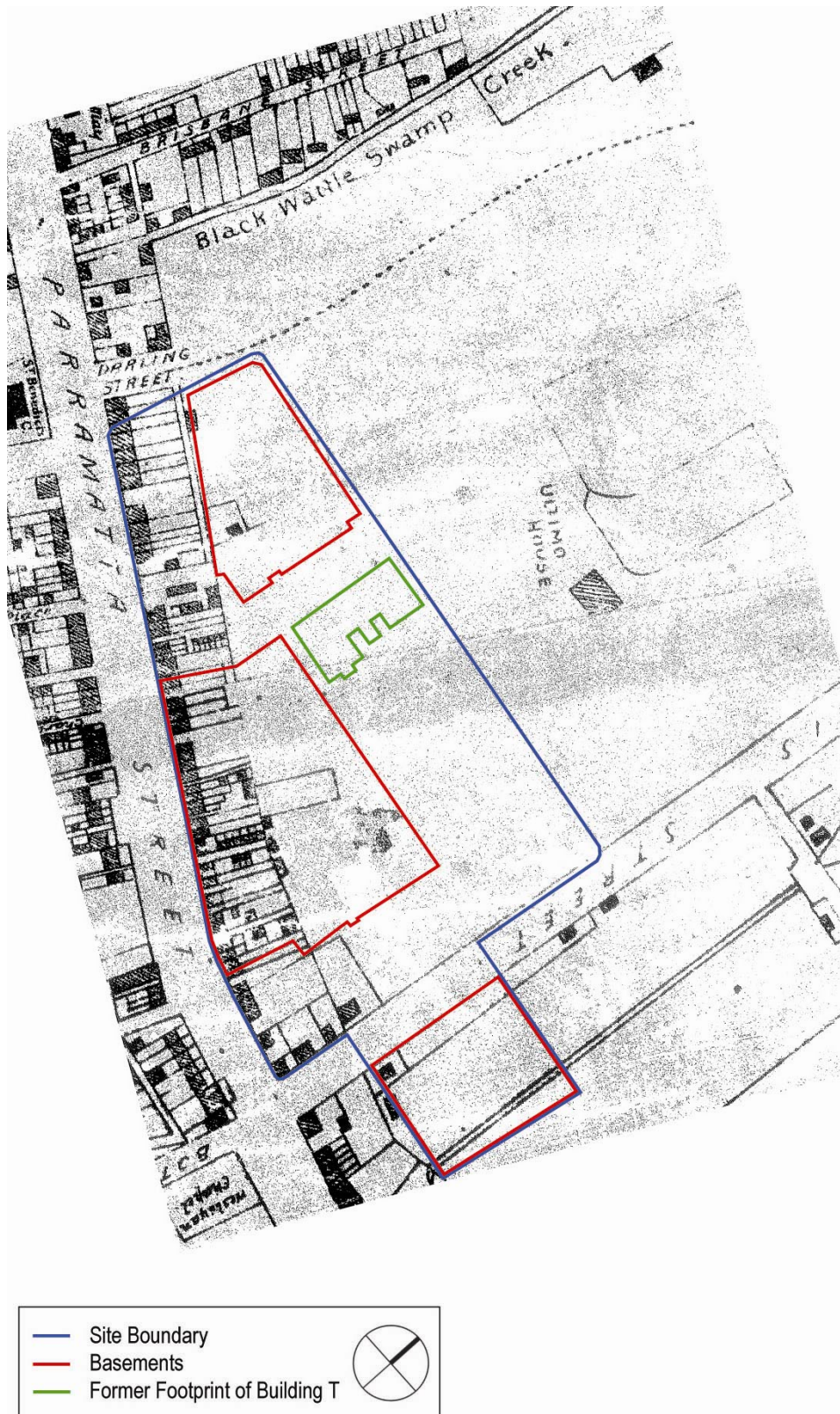


Figure 4.4 Detail of the *Plan of Sydney including its Environs*, 1850, showing the development along Parramatta Street and Harris Street with the study area marked. The plan shows most of the allotments facing Parramatta Road as having been occupied, including outbuildings. The lanes and passageways were also being developed, with terrace houses facing these narrow streets. To the rear, however, much of Ultimo Estate remained undeveloped. Darling Street was later widened and renamed Wattle Street and marked the western boundary. (Source: Mitchell Library ZM4 811.17gbbd/1850/1)

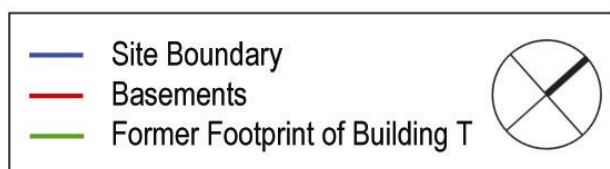
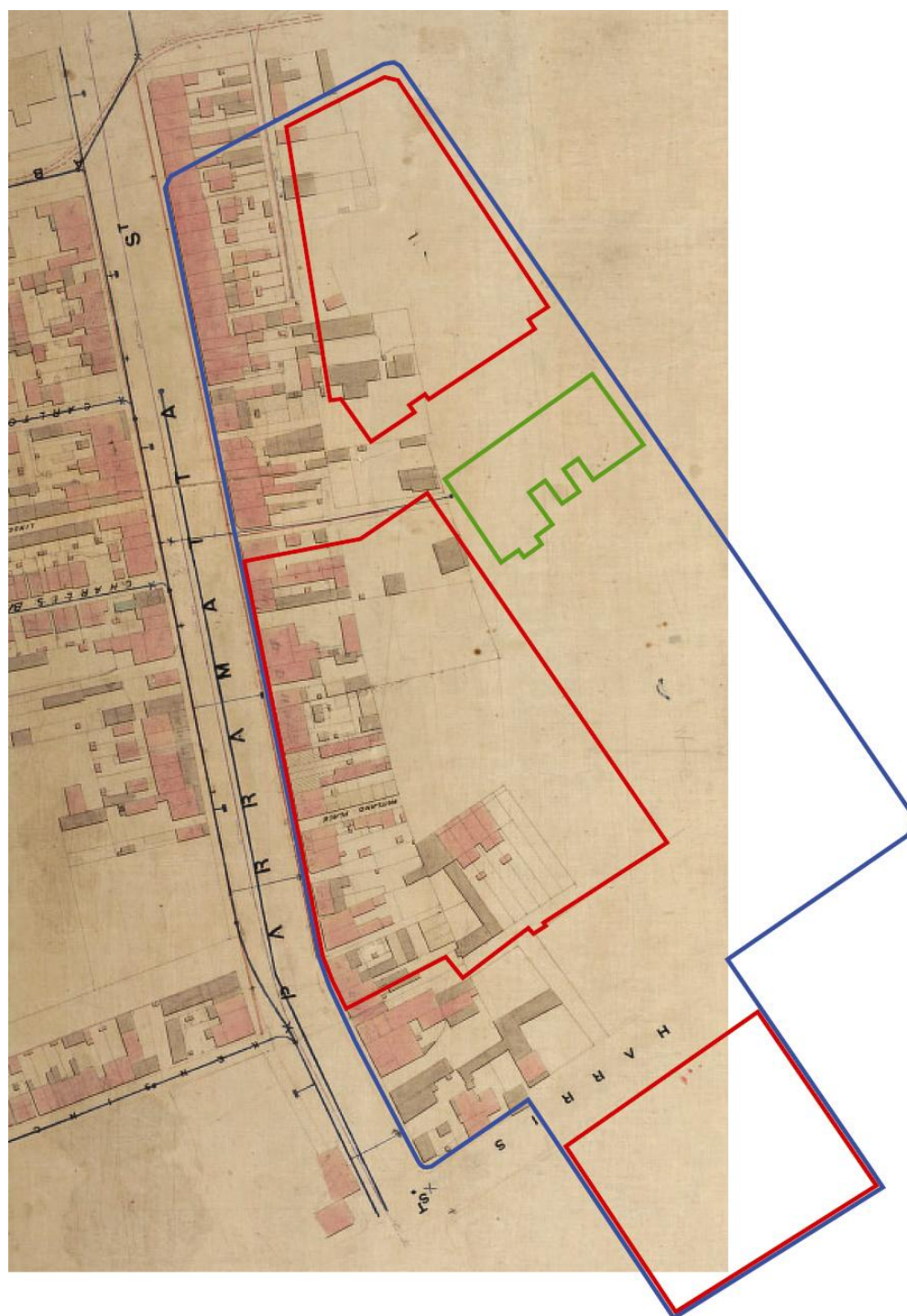


Figure 4.5 1865 trigonometrical survey of Parramatta Street showing the outline of buildings, sewer and water lines, outbuildings, lanes and passageways. By this time the study area was crowded with a variety of building types, the majority being two-storey brick shops and residences. The study area is shown with areas excavated for basements. It can be seen that the buildings and their associated outbuildings west of Jones Street were largely unaffected by basement excavation. (Source: State Records)

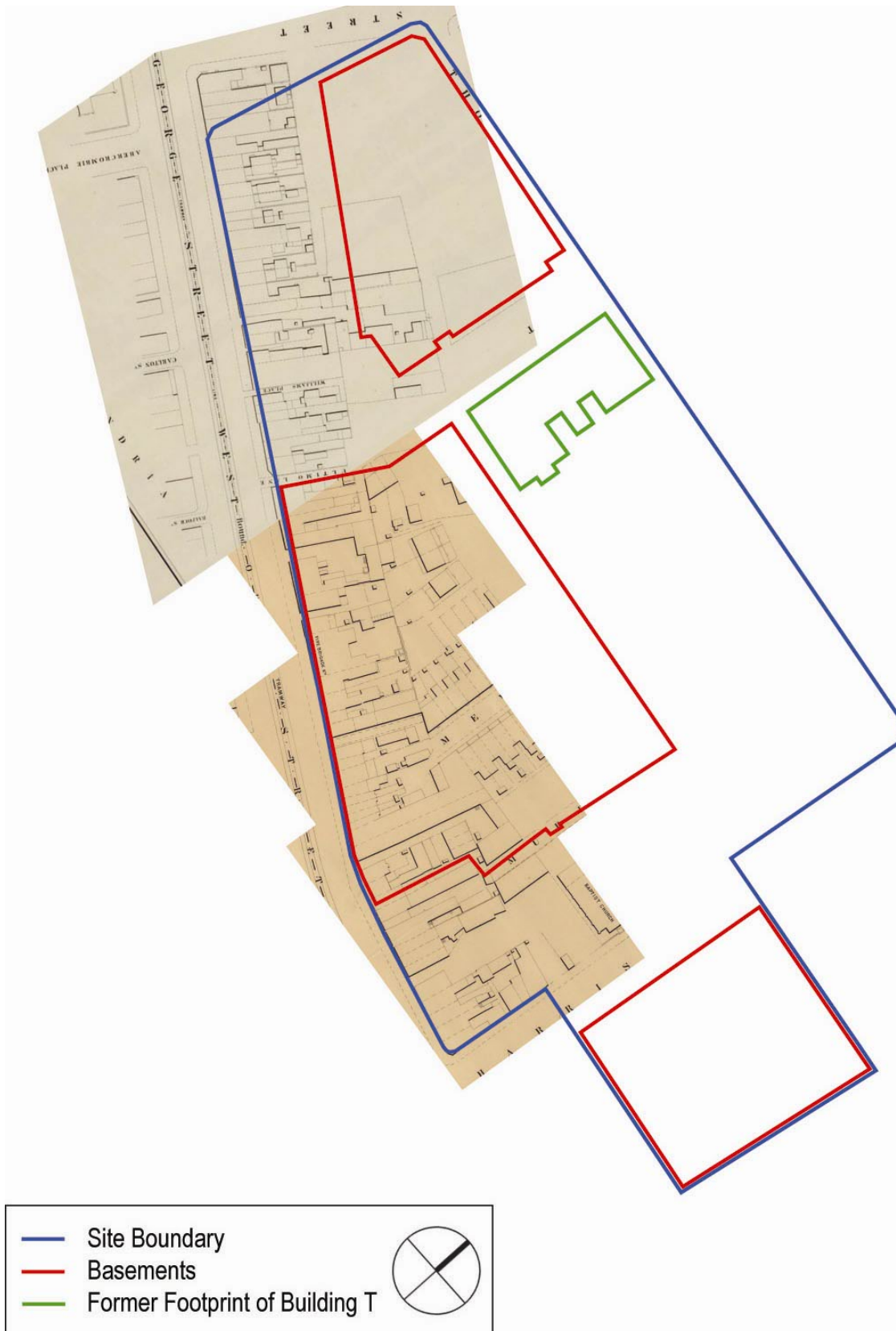


Figure 4.6 Composite plan of the Metropolitan Detail Series Survey 1887–1888 for the Parramatta Street frontage of the study area showing the shop terrace development and associated outbuildings and laneways. Terraces with combined shops and residences were the main form of development along the Parramatta Street frontage from the 1830s until the 1950s. (Source: Mitchell Library)

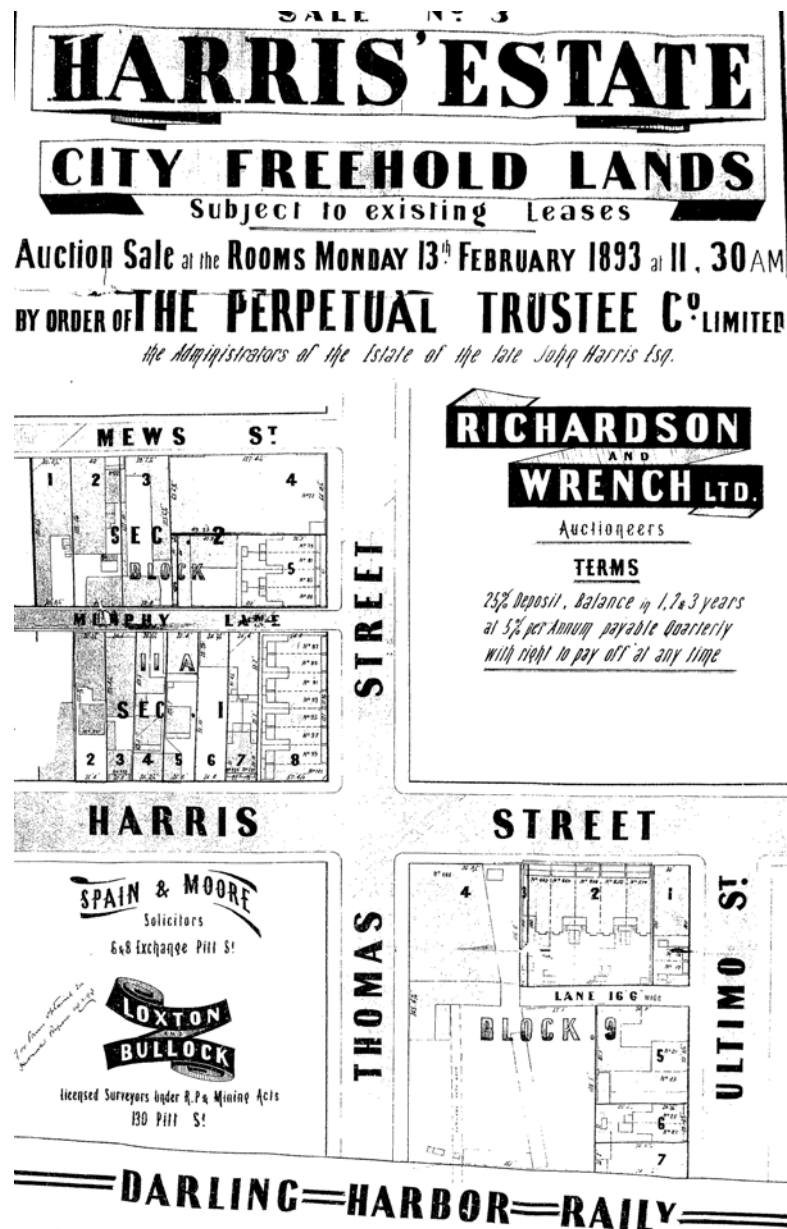


Figure 4.7 1893 subdivision plan showing the study area in Harris and Thomas Streets (Sections 1 and 2), now occupied by UTS (Building CB04). The area included houses and stables, a cooperage and small industrial sites. (Source: Mitchell Library Subdivision Plans Ultimo)



Figure 4.8 Nos 85–87 George Street West (Broadway) in 1926 showing the development style typical along the study area: two-storey commercial and residential with mixed uses. (Source: City of Sydney Archives)



Figure 4.9 Corner of Wattle Street and Parramatta Road (Broadway) prior to demolition for the widening of the corner. The McIlrath's store shown on the right remains on site, with the Regent Hotel (built 1936) now adjacent. (Source: City of Sydney Archives)



Figure 4.10 The Volunteer Hotel in 1963 prior to demolition. (Source: City of Sydney Archives)



Figure 4.11 Looking along Broadway from Wattle Street towards the city in 1964. The new Fairfax building is visible on the left, with the nineteenth- and early twentieth-century streetscape of shops and residences still in place. The Regent Hotel occupies the corner site. (Source: State Records NSW)



Figure 4.12 Looking towards Harris Street across the excavation for the Institute of Technology (now UTS) tower block in 1967. This shows the complete clearance of the site up to the Broadway frontage prior to deep excavation for the basements and tower foundations. Unfortunately, the photograph does not capture the Broadway frontage further to the west. (Source City of Sydney Archives)

4.6 Endnotes

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- ² *ibid*, p 10.
- ³ Jo McDonald Cultural Heritage Management 2006, *Sydney University Campus 2010 Test Excavations at the University of Sydney Central Site, Darlington Campus*, report prepared for Capital Insight Pty Ltd, p 6.
- ⁴ Attenbrow, VJ 1991, 'Port Jackson archaeological project: A study of the prehistory of the Port Jackson catchment, New South Wales. Stage 1—Site recording and site assessment', *Australian Aboriginal Studies (JAIATSIS)*, No. 2, pp 40-55.
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- ⁶ Kohen, JL, & Lampert, RJ 1998, 'Hunters and Fishers in the Sydney Region', in DJ Mulvaney and PJ White (eds), *Australians to 1788*. Australians: A historical Library, Fairfax, Syme and Weldon Associates, Broadway, Australia, p 345.
- ⁷ Attenbrow, V 2002, *Sydney's Aboriginal Past*, UNSW Press, Sydney, p 17.
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- ⁹ Phillip Gidley King 1793, quoted in Dominic Steele Consulting Archaeology 2006, *Aboriginal Archaeological Excavation Report, The KENS Site*, report prepared for Leighton Contractors Pty Limited, p 28.
- ¹⁰ Governor Arthur Phillip 1790, quoted in Dominic Steele Consulting Archaeology 2006, *Aboriginal Archaeological Excavation Report, The KENS Site*, report prepared for Leighton Contractors Pty Limited, p 28.
- ¹¹ Centennial Park, Moore Park, Queens Park State Heritage Register Listing, 2008.
- ¹² Attenbrow, VJ and D Steele 1995, 'Fishing in Port Jackson, New South Wales: More than met the eye', *Antiquity*, Vol 69, No. 262:47-60.
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- ¹⁴ GB Barton, *History of NSW From the Records*, Vol. 1, Charles Potter, Government Printer, 1889, p 119.
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- ¹⁶ Jo McDonald Cultural Heritage Management 2006, *Sydney University Campus 2010 Test Excavations at the University of Sydney Central Site, Darlington Campus*, report prepared for Capital Insight Pty Ltd, p 9.
- ¹⁷ Attenbrow, V 2002, *Sydney's Aboriginal Past*, UNSW Press, Sydney, p 21.
- ¹⁸ GB Barton, *History of NSW from the Records*, Vol. 1, Charles Potter, Government Printer 1889, p 130.
- ¹⁹ Excavation Report on Morts Bond Store, RJ Lambert, Appendix 1: Aboriginal Site 45-6-519.
- ²⁰ Fitzgerald, S & H Golder 1994, *Pymont and Ultimo: Under Siege*, Hale & Iremonger, Sydney, p 18.
- ²¹ *ibid.*, p 21.
- ²² Macleahose, J 1839, *Picture of Sydney and Strangers: Guide in NSW for 1839*, facsimile edition RAHS, Sydney, p 71.
- ²³ Macleahose, J, *New South Wales and Port Phillip General Post Office Directory for 1839*, facsimile edition RAHS, Sydney, 2000. It should be noted that the Macleahose Directory is alphabetical by name and does not include street numbers, so exact location of residents or occupants within the study area can not be determined by using this directory.
- ²⁴ Phillip Ward Rate and Assessment Books 1848–1863 City of Sydney Archives.
- ²⁵ Sands Sydney and Suburban Directory 1855–1858.
- ²⁶ City of Sydney Archives BA File 1957 1677/57.
- ²⁷ Adrian, C 1984, *Fighting Fire: A Century of Service 1884–1984*, George Allen & Unwin, Sydney, pp 80–81.
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- ²⁹ Dominic Steele Consulting Archaeology, 2006, *Aboriginal Archaeological Excavation Report, The KENS Site, Containing DEC Site # 45-6-2647 and Associated Areas of PAD*, report prepared for Leighton Contractors Pty Limited, p 33.
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- ³¹ DECC Site Card - AHIMS # 45-6-1853.
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- ³⁵ *ibid.*, p 4.
- ³⁶ *ibid.*, p 4.
- ³⁷ Dominic Steele Consulting Archaeology 2006, *Aboriginal Archaeological Excavation Report, The KENS Site, Containing DEC Site # 45-6-2647 and Associated Areas of PAD*, report prepared for Leighton Contractors Pty Limited, p 4.
- ³⁸ *ibid.*, p 6.
- ³⁹ *ibid.*, p 6.

5.0 Assessment of Archaeological Potential—Aboriginal and Non-Aboriginal Archaeology

5.1 Potential Aboriginal Archaeological Heritage

5.1.1 Field Survey—Aims and Methodology

The field survey informed the archaeological assessment of the study area. That is, it sought to identify, locate and evaluate the nature of visible Aboriginal archaeological cultural heritage (including objects or places) within the study area, and to identify areas of archaeological potential (Potential Archaeological Deposits, or PADs). The field survey was preceded by a review of known sites recorded on the AHIMS, as well as preliminary background research and a literature review. Importantly, this established the archaeological context of the study area and facilitated the development of a predictive model for it.

5.1.2 Predictive Model

The most effective survey methodology can be informed by the development of a predictive model which provides guidance as to the type and possible location of sites likely to be encountered across the study area during the field survey. A predictive model was developed prior to commencement of the field survey.

A review of recorded sites in the vicinity of the study area identified the following trends in the archaeology of the local area:

- artefact sites and PADs are the most common site types in the vicinity;
- shell middens also occur occasionally in the wider vicinity but are restricted to locations in closer proximity to the harbour littoral zone;
- artefact concentrations and PADs tend to be identified in areas where original topsoil remains intact; and
- isolated artefacts also occasionally occur in disturbed secondary contexts.

These trends informed the development of a predictive model based on the likely archaeological site types that may be encountered within the study area (Section 4.5.3). This predictive model was developed to inform the field survey strategy. The predictive model determined that:

- artefact sites (either artefact scatters or isolated artefacts) are most likely to be encountered within the study area;
- artefact scatters would only be encountered if there were areas where original topsoil survived intact;
- isolated artefacts may occur in disturbed contexts;
- shell middens would be very unlikely to be found within the study area given its distance from Blackwattle Creek and Bay; and
- other site types (for instance scarred trees, rock engravings, grinding grooves) have been ruled out because there are no suitable trees or sandstone outcrops within the study area.

5.1.3 Field Survey Results

The study area was surveyed by Laura Farquharson of GML and Allen Madden of the Metropolitan Local Aboriginal Land Council (MLALC) on Wednesday 12 November, 2008.

Initial site inspection revealed the study area to have been a highly modified built environment. Significant portions of the study area are built upon, with a number of large high-rise buildings spread across the property. Other portions of the study area are covered by internal access roads, paving and footpaths, and were not surveyed. Thus field survey was limited to remaining exposed ground surfaces, including a large grassed open space in the centre of the study area (Figures 5.1 and 5.2), as well as small areas of landscaped edging adjacent to this. Remaining portions of the study area were not surveyed due to the lack of exposed ground surfaces in these areas.

The predictive model for the study area indicated that possible site types (artefacts and PADs) would only be expected in areas where original topsoil remained intact or, in the case of isolated artefacts, as singular occurrences in disturbed contexts. Thus field survey particularly focused on the identification of areas where intact topsoil may survive, but also included an inspection of all exposed ground surfaces for the presence of isolated artefacts.

Soil surface visibility in the surveyed area was extremely low (0–5%), with thick grass cover significantly limiting soil surface visibility (Figure 5.2). Landscaped garden beds were covered with imported wood chips and soil surface visibility here was zero (Figure 5.1). Inspection of this central area established it to have been significantly modified with major disturbance to upper soil layers. The central grassed area previously housed a preschool and since its removal the area has been levelled and paving and landscaping installed (Figure 5.3). This area is also undercut by a number of basement access roads and cuttings along the edges of the large buildings (Figures 5.4–5.6), indicating major past impacts to original topsoil. Construction of the UTS tower basement carpark, in particular, involved the excavation of a large cutting into the underlying sandstone bedrock, which resulted in the removal of all overlying original soil deposits in these areas (Figures 5.7 and 5.8). Field survey therefore determined that because of past land use practices and disturbances no original topsoil survives within the surveyed area.

No Aboriginal objects or places were identified during the field survey.



Figure 5.1 Looking northeast across the central grassed area and the woodchipped garden beds, demonstrating the limited ground surface visibility. (Source: GML)



Figure 5.2 Looking southeast across the central grassed area. (Source: GML)



Figure 5.3 Looking north across the open grassed area, showing the extent of ground surface modifications (including levelling) and associated footpaths and paved areas. (Source: GML)



Figure 5.4 View looking southwest showing road access beneath the central grassed area. (Source: GML)



Figure 5.5 Looking southwest across a portion of the central grassed area, showing the extent of cutting into the topsoil around existing buildings, and the level of landscaping and ground surface modification. (Source: GML)



Figure 5.6 Looking south down the basement access road, demonstrating the extent of cutting into soil deposits. (Source: GML)



Figure 5.7 Looking down from the central grassed area to the base of the UTS tower, showing the extent of cutting into the underlying bedrock. (Source: GML)



Figure 5.8 Looking into the cavity between the edge of the UTS tower (on the left) and the cutting in the surrounding bedrock (on the right). (Source: GML)

5.1.4 Assessment of Aboriginal Archaeological Potential

The study area is a highly modified built environment with a complex history of site disturbances including construction and landscaping works. Field survey identified significant levels of ground disturbance (including deep cutting into underlying sandstone bedrock) across the surveyed area, leading to the conclusion that little or no surviving topsoil remains within the surveyed area.

Portions of the study area were not surveyed because there was no ground surface visible (ie existing buildings and paved/surfaced areas such as roads and footpaths). However the extent of building disturbance across these areas indicates that surviving topsoil is also unlikely in these areas.

The archaeological potential of the study area to contain Aboriginal objects or places is therefore considered to be very low. Remaining intact topsoil deposits in the area are considered extremely unlikely; however, given the limitations of the field survey this cannot be entirely discounted. It is also possible that isolated Aboriginal objects may survive within the study area in disturbed contexts.

5.2 Potential Non-Aboriginal Archaeological Heritage

5.2.1 Potential Relics

The historical research indicates that at one time the following kinds of relics may have existed in the study area:

- Isolated structures and garden remains from the Ultimo House period.
- Wall footings, cellars, piers, post holes etc belonging to the structures on the Broadway frontage post-c1830 to the early twentieth century.
- Cesspits, refuse pits or cisterns belonging to the nineteenth-century structures that existed on the site (these would generally be located at the rear of such structures, some distance from the street frontages).
- The earliest alignment of Parramatta Road, which once traversed the study area. At the time, Parramatta Road (then 'Parramatta Street') was of rudimentary construction, being little more than a dirt track. Evidence of kerb stones, sealants (gravels and stones), and drainage may have existed but in other respects the road alignment would probably be difficult to discern.
- Laneways and alleys from the nineteenth century. These can be reflected in the archaeological record by road base, bitumen surfaces, kerb stones and gutters.

5.2.2 Site Formation Processes

The study area has been the subject of a number of activities with the potential to significantly disturb the potential historical archaeological resource including:

- Phases of demolition in the 1920s, 1950s and late 1960s—Demolition commonly involved removal of the above-ground structure only, with the result that deeper wall footings, cellars, cesspits etc often survived the demolition process. Therefore, demolition alone should not always be regarded as having disturbed or destroyed the potential archaeological resource. Nevertheless, it is likely to have disturbed or destroyed archaeological relics in many places across the study area.

- Construction of the Fairfax buildings, the UTS buildings and their basements—Construction of the substantial Fairfax and UTS buildings will have involved excavations for the foundations to a considerable depth, which is likely to have disturbed or destroyed archaeological relics within and adjacent to those footprints. This is confirmed by Figure 4.12 which demonstrates that the construction of the Institute of Technology (UTS) tower block in 1967 resulted in the complete clearance of the site in at least some places up to the Broadway frontage prior to deep excavation for the basements and tower foundations. The construction of the basements will have destroyed any archaeological relics within those areas (see the overlays in Figures 4.4–4.6). These observations were confirmed by the field survey undertaken for the Aboriginal archaeological assessment (Section 5.1 above).

5.2.3 Assessment of Non-Aboriginal Archaeological Potential

The study area was once:

- occupied by a large number of nineteenth-century, predominantly brick buildings fronting Broadway, with a small number of other structures (outdoor toilets, stables etc) to their rear; and
- partially traversed by the original alignment of Parramatta Street and a number of nineteenth-century laneways.

The construction of the Fairfax building and the UTS buildings and basements will have significantly disturbed or destroyed the potential archaeological resource within the footprint of each building. There is therefore generally low potential for in-situ non-Aboriginal archaeological relics to survive in these areas. Where archaeological relics do survive they are likely to have been disturbed and to survive in patches only.

The potential is somewhat higher on the western third of the site's Broadway frontage where structural evidence of the demolished nineteenth-century structures may survive. The archaeological potential of this area is moderate.

The potential for archaeological evidence of the original alignment of Parramatta Road ('Street') to survive is low.

6.0 Significance Assessment

6.1 Significance Assessment—Aboriginal Heritage

6.1.1 Introduction

An assessment of significance provides important information on which the Department of Environment and Climate Change (DECC) can base its decisions regarding the management and protection of Aboriginal heritage sites in New South Wales. The significance of Aboriginal cultural heritage is generally assessed under four criteria commonly applied in Aboriginal cultural heritage management. These criteria are based primarily on the standards outlined in the ICOMOS Burra Charter, which is considered to set best-practice standards for the management and conservation of places of cultural significance within Australia. Cultural significance, as defined under the Burra Charter, relates to the aesthetic, historic, scientific and social significance of a site or place and thus emphasises not only the place's scientific values but also its social values. This emphasis is similarly embodied in the principles of DECC, which places emphasis on consultation with Aboriginal stakeholders when assessing the cultural significance of Aboriginal objects and/or places. DECC recognises that:

- *Aboriginal heritage has both cultural and scientific/archaeological significance and that both should be the subject of assessment to inform its decision-making;*
- *Aboriginal people are the primary determinants of the significance of their heritage;*
- *Aboriginal community involvement needs to occur early in the assessment process to ensure that their values and concerns are taken duly into account, and so that their decision-making structures are able to function;*
- *Information arising out of consultation allows the consideration of Aboriginal community views about the significance and impact, as well as the merits of management or mitigation measures to be considered in an informed way.¹*

Based on these guidelines, significance is assessed under four criteria:

- **Cultural value**—The cultural significance of a place relates to its value and importance to Aboriginal people, and thus significance under this criterion can only be assessed in consultation with Aboriginal stakeholders.
- **Scientific/archaeological value**—This refers to the potential for a site or place to provide scientific or archaeological information, and includes a site's research potential. Assessment of significance under this criterion can consider the rarity of a particular site within the wider archaeological context.
- **Aesthetic value**—This relates to the sensory value of a site or place and is typically applied to art or mythological sites of impressive visual character or presence.
- **Educational value**—This criterion relates to the potential of a site to be used for educational or recreational purposes within the community.

6.1.2 Cultural Significance

Cultural significance relates to the value of a site or place to the local Aboriginal community, and thus can only be determined in consultation with representatives of that community. All evidence of Aboriginal cultural heritage tends to have some level of contemporary significance to Aboriginal people through its tangible link to past people, places, life ways and country. These values are often very complex and cannot be considered in the same way that an assessment of scientific or archaeological significance can.

In the current study, no Aboriginal objects or places were identified through field survey. Consultation with MLALC has been conducted throughout the course of this assessment. This consultation did not identify any Aboriginal community concerns regarding the proposed development of the study area, indicating low significance under this criterion (see Appendix A). However, it should be noted that community consultation was limited to MLALC, so cultural significance to other potential Aboriginal stakeholders has not been determined.

6.1.3 Scientific/Archaeological Significance

Scientific or archaeological significance is measured by consideration of a site's potential to provide scientific information that may answer research questions, as well as its rarity or representativeness. Significance assessment under this criterion can relate to identified archaeological sites as well as areas assessed to have potential for archaeological deposits.

No Aboriginal sites were identified within the study area, so significance under this criterion could only relate to the site's archaeological potential. The field survey identified the study area to have low archaeological potential, with surviving intact topsoil deposits considered extremely unlikely. Thus, the scientific or archaeological significance of the study area, in terms of its archaeological potential, is assessed to be low.

6.1.4 Aesthetic Value

As no Aboriginal sites or places were identified within the study area, assessment under this criterion is not applicable.

6.1.5 Educational Value

As no Aboriginal sites or places were identified within the study area, assessment under this criterion is not applicable.

6.1.6 Summary of Significance—Aboriginal Heritage

Table 7.3 below summarises the above conclusions.

Table 6.1 Summary significance assessment of Aboriginal cultural heritage within the study area.

Cultural significance to the contemporary Aboriginal community	Scientific/archaeological significance	Aesthetic value	Educational value
Low	Low	N/A	N/A

6.2 Significance Assessment—Historical Heritage

6.2.1 Assessment Criteria

Assessments of cultural significance endeavour to identify the heritage values that a place may embody.

The Heritage Council of New South Wales has adopted criteria to be applied in the assessment of heritage significance. An item (including an archaeological relic) will be of heritage significance if it meets one or more of the following criteria:

Criterion (a)—an item is important in the course, or pattern, of NSW's cultural or natural history;

Criterion (b)—an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history;

Criterion (c)—an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW;

Criterion (d)—an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons;

Criterion (e)—an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history;

Criterion (f)—an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history; and

Criterion (g)—an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments.

Assessing the heritage values of archaeological relics is made more difficult by the fact that the extent and nature of the archaeological features is often unknown. It becomes necessary for judgments to be formulated on the basis of expected or potential attributes. The element of judgment can be enhanced by research and archaeological test excavation, as has been carried out in the current study.

Where archaeological relics are found to embody significant heritage values, it is usually because they have satisfied Criterion (e) above (although relics may also satisfy other criteria).

6.2.2 Additional Criteria

While the above assessment criteria provide an overall framework for significance assessment, they are less specific with regard to archaeological sites and historical archaeological sites in particular. This is a matter that has been considered in an influential paper by Bickford and Sullivan, published in 1984.² Bickford and Sullivan draw attention to the dilemma faced by archaeologists and developers in connection with sites that are to be destroyed as a result of development and discuss effective means of assessing those sites' heritage value. Archaeological significance has long been accepted in the United States as linked directly to scientific research value:

A site or resource is said to be scientifically significant when its further study may be expected to help answer questions. That is scientific significance is defined as research potential.³

This is a concept that has been extended by Bickford and Sullivan in the Australian situation and redefined as the following three questions which can be used as a guide for assessing the significance of an archaeological site within a relative framework:

- Can the site contribute knowledge that no other resource can?
- Can the site contribute knowledge that no other site can?
- Is this knowledge relevant to general questions about human history or other substantive questions relating to Australian history, or does it contribute to other major research questions?

The evaluation of heritage significance below is based on the criteria provided by the NSW Heritage Council, augmented by the questions posed by Bickford and Sullivan.

6.2.3 Assessment of Significance—The Potential Non-Aboriginal Archaeological Resource

The potential non-Aboriginal archaeological resource in the study area would relate principally to nineteenth-century development from after the 1830s subdivision of the Ultimo Estate. At that time, the study area (especially the present Broadway frontage) was occupied by a mix of residential and commercial/industrial enterprises. Should any relics survive from this period and these activities, they would have the potential to make a contribution to research into the development of this part of Sydney. However, given the predicted levels of disturbance it is likely that the contribution would be a modest one. Relics dating to the earlier period of nineteenth-century occupation (c1830–1860) would generally have a higher value for this area of research, as relics belonging to the later period are generally well-represented elsewhere in the immediate area.

The potential for archaeological evidence of the original alignment of Parramatta Road to survive is low. Historical records indicate that the original road form was rudimentary—little more than a dirt track. However, it is possible that previously unrecorded kerbs, flagging and gutters might survive. If undisturbed elements of such a road were to survive in the study area, these might contribute to a study of the evolving road layouts of the city and road construction techniques. They would also reflect significant historical developments for the city and state. The significance of such relics would reside in their value as research tools and in their historic values and rarity (criteria (a) and (f) above). In exceptional circumstances the Heritage Council may require in-situ retention and conservation of relics (for example, where a well-preserved section of convict-built road is exposed). However, given the rudimentary form of the original road and the anticipated levels of disturbance, a requirement for in-situ retention would be unlikely.

In response to the three questions posed above, the following observations can be made:

Can the site contribute knowledge that no other resource can?

The development of the area in which the study area is located has been well documented in recent years by historical research, including research used to inform archaeological excavations in Glebe, Ultimo and the former Carlton & United Brewery on Broadway. A large body of historical plans has been collated with the result that the nature and extent of residential and commercial/industrial development in the area is well-documented and understood. This data has been augmented with material from other sources including land titles registers, the Sands Directory, historic newspapers, rate books and journals. The potential archaeological resource would therefore be likely to augment alternative sources of information rather than contribute new, otherwise unobtainable data.

Can the site contribute knowledge that no other site can?

The Glebe, Ultimo and Broadway area has been the subject of a number of recent archaeological excavations including projects at the Quadrant site on Broadway (Dana Mider & Associates) and

the Mountain Street site (Godden Mackay Logan). These sites have yielded large quantities of data relating to the development of the area. It is unlikely that the potential archaeological resource of the study area would contribute significantly to this data set. However, if archaeological evidence of the original alignment of Parramatta Road were to survive, this would be a highly unusual archaeological find.

Is this knowledge relevant to general questions about human history or other substantive questions relating to Australian history, or does it contribute to other major research questions?

If undisturbed relics dating to the 1830–1890s occupation of the site were to survive, they may provide data relating to the following areas of research:

- The modification of the natural landform in the area to suit residential and commercial/industrial development, including the upstream impacts of land reclamation.
- The nature of early Sydney industrial activity, including the types of materials produced by local industrialists as opposed to those imported for local use.
- Relationships between the slum areas a short distance to the west of the study area (eg sites excavated at Mountain Street and Broadway, Ultimo) and industrial areas to the south (eg the former Carlton & United Brewery).

However, given predicted levels of disturbance it is likely that the contribution would be a modest one.

If evidence of the original Parramatta Road alignment were to survive, this would reflect a significant phase in the development of the colony, being symbolic of its westward expansion.

6.2.4 Summary Statement of Significance

If undisturbed historical archaeological relics were to survive in the study area dating to the post-1830s subdivisions, they would have research value but would embody few other heritage values. They would generally augment data obtainable from other sources and sites, and their value would relate principally to research questions relevant to the local area rather than to the state.

If relics relating to the original alignment of Parramatta Road were to survive, these would have research value and would be rare physical evidence of Sydney's historic development. The level of significance of any such relics would depend on their nature and extent. For example, a gravel deposit indicating a sealed dirt road would have lower values than a well-preserved stretch of flagged road surface. In any event, evidence of the original road alignment would be symbolic of an important phase in the colony's development, reflecting westward expansion and communication routes, of possible State significance.

In conclusion:

- Archaeological evidence of post-1830s development—Moderate significance at the local level.
- Evidence of the original Parramatta Road alignment—Possible State significance (depending on the physical integrity, nature and extent of the relics).

6.3 Endnotes

- ¹ Department of Environment and Conservation (NSW) 2005, Interim Community Consultation Requirements for Applicants.
- ² Bickford, A and S Sullivan 1984, 'Assessing the Research Significance of Historic Sites', in S Sullivan and S Bowdler (eds) *Site Surveys and Significance Assessment in Australian Archaeology* (proceedings of the 1981 Springwood Conference on Australian Prehistory), Department of Prehistory, Research School of Pacific Studies, The Australian National University, Canberra.
- ³ Bickford and Sullivan, *ibid*, pp 23–24.

7.0 Conclusions and Recommendations

7.1 Conclusions

7.1.1 General

- Historical research indicates that the study area has been significantly disturbed by demolition and building activities, with impacts on both the potential Aboriginal and non-Aboriginal archaeological resource.

7.1.2 Aboriginal Archaeology

- Field survey of exposed ground surfaces within the study area, in the company of a representative of the Metropolitan Local Aboriginal Land Council, identified no Aboriginal objects or places.
- The study area has very low potential for Aboriginal archaeological cultural material.
- The Metropolitan Local Aboriginal Land Council has indicated that it has no concerns with regards to the proposed future masterplanning and development of the UTS site.
- The study area has low significance for Aboriginal archaeology and (based on consultation with the Metropolitan Local Aboriginal Land Council) low significance for wider Aboriginal cultural heritage values.
- Future development of the study area would not require a permit to disturb or destroy Aboriginal archaeology under Part 6 of the *National Parks and Wildlife Act 1974* (NSW).

7.1.3 Non-Aboriginal Archaeology

- The study area was once:
 - occupied by a large number of nineteenth-century, predominantly brick buildings fronting Broadway, with a small number of other structures (outdoor toilets, stables etc) to their rear; and
 - partially traversed by the original alignment of Parramatta Road and a number of nineteenth-century laneways.

However, the construction of the Fairfax building and the UTS buildings and basements will have significantly disturbed or destroyed the potential archaeological resource within building footprints.

- There is generally a low potential for in-situ non-Aboriginal archaeological relics to survive below the Fairfax building and UTS buildings. Where archaeological relics do survive they are likely to have been disturbed and to survive in patches only.
- The potential for historical archaeological relics is somewhat higher on the western third of the site's Broadway frontage where structural evidence of the demolished nineteenth-century structures may survive. The archaeological potential of this area is moderate.

- The potential for archaeological evidence of the original alignment of Parramatta Road to survive is low.
- Archaeological evidence of post-1830s development in the study area would be of moderate significance at a local level, although this would depend on the nature and extent of the remains.
- Although there is low potential for evidence of the Parramatta Road alignment to survive, if any did survive, that archaeological evidence may be of State significance (depending on the physical integrity, nature and extent of the relics). Partial and disturbed relics of the road (should any exist) would be less significant.
- In exceptional circumstances the Heritage Council may require in-situ retention and conservation of relics (for example, where a well-preserved section of convict-built road is exposed). However, given the rudimentary form of the original Parramatta Road and the anticipated levels of disturbance, a requirement for in-situ retention of any relics that might have survived would be unlikely.
- Future development of the western third of the Broadway frontage of the study area would normally require an excavation permit pursuant to Section 139 of the *Heritage Act 1977* (NSW) to manage any archaeological remains discovered during excavation works. To determine such an application the Heritage Council, or its delegate, would require an Archaeological Research Design to be prepared to supplement this assessment report. The ARD should outline a research framework, the scope of the archaeological investigation, proposed methods and personnel.
- In the event that the Minister were to determine that Section 139 of the Heritage Act did not apply to the development, the potential archaeological resource would have to be managed in accordance with an Archaeological Research Design prepared in accordance with Heritage Branch guidelines and approved by the Department of Planning prior to the commencement of any ground disturbance.

7.2 Recommendations

- A copy of this report should be forwarded to Mr Allen Madden at the Metropolitan Local Aboriginal Land Council. The Metropolitan Local Aboriginal Land Council should be kept informed of the general progress of the project, and the Department of Environment and Conservation *Interim Community Consultation Requirements for Applicants* should be adhered to at all times.
- A Heritage Impact Statement should be prepared for the study area as part of the Concept Application for Masterplan 2020. The Heritage Impact Statement should assess the potential impacts of the proposed development on the potential Aboriginal and non-Aboriginal archaeological resource, informed by the conclusions of this report.

8.0 Appendices

Appendix A

Response from the Metropolitan Local Aboriginal Land Council

Appendix A

Response from the Metropolitan Local Aboriginal Land Council



**METROPOLITAN LOCAL
ABORIGINAL LAND COUNCIL**

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17th November 2008

19 NOV 2008

Laura Farquharson
Heritage Consultant
Godden Mackay Logan
78 George Street
REDFERN NSW 2016

**Re: ABORIGINAL HERITAGE SURVEY AND ASSESSMENT FOR THE
UNIVERSITY OF TECHNOLOGY (UTS) SYDNEY, BROADWAY SYDNEY**

Dear Laura

The Metropolitan Local Aboriginal Land Council (MLALC) participated in the Aboriginal heritage survey and assessment of the above lands of the UTS Broadway on the 12th November 2008. We inspected each of the individual lands at the rear of the main UTS building and surrounding areas and noted no new Aboriginal cultural sites. We identified sandstone which formed part of the carpark of UTS, this was built in the early 1970's.

There was no Aboriginal engravings or relics where found in the surveyed area. The surveyed area previously contained a pre-school which has been demolished and removed.

MLALC have no objections to the further developments to UTS Broadway, if any Aboriginal cultural material is unearthed during any part of the development all work is to cease and MLAC and the NSW National Parks & Wildlife are too contacted.

If you require further information please do not hesitate in contacting me on 02 8394 9666.

Regards

Allen Madden
Acting CEO & Cultural Education Officer