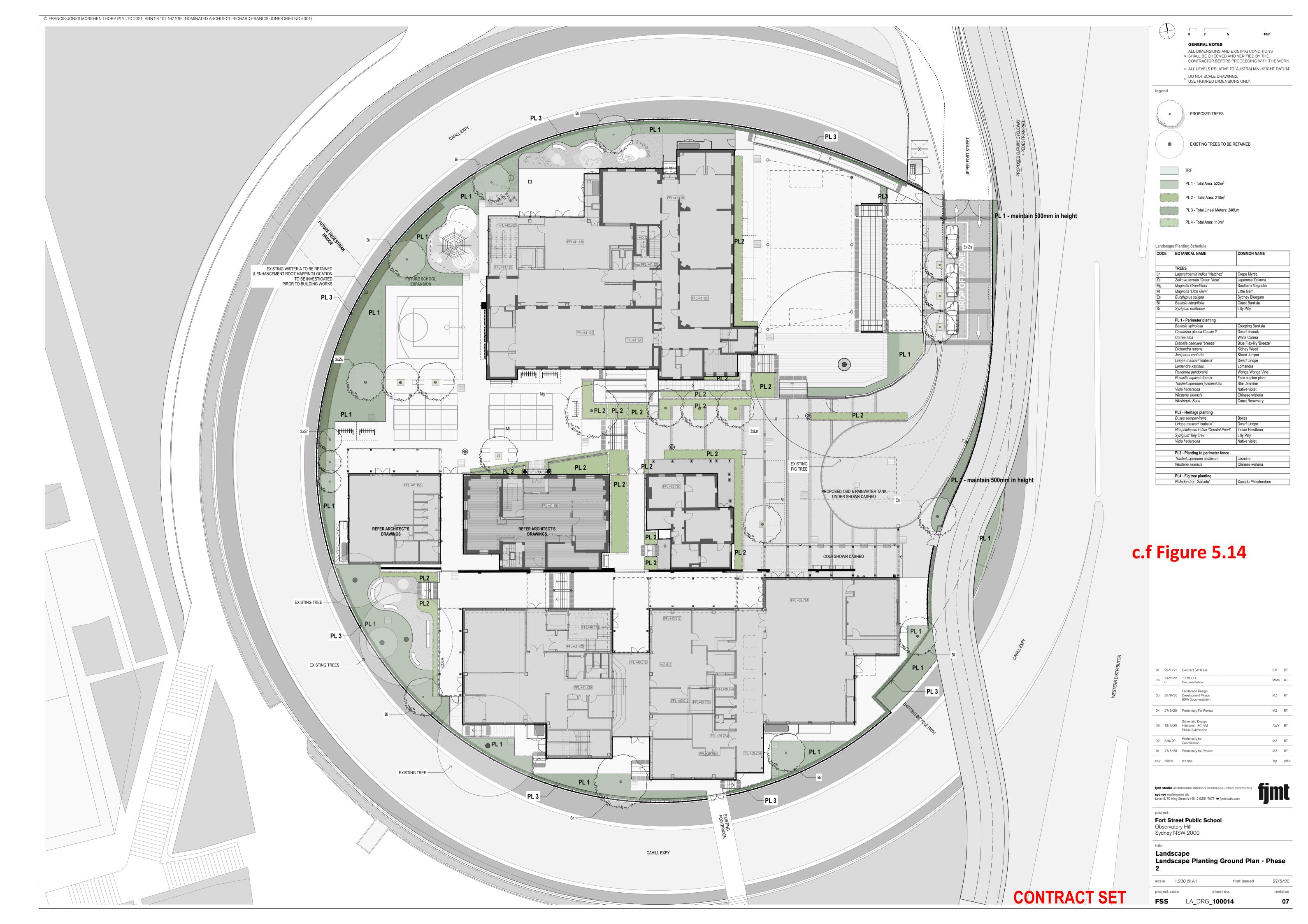
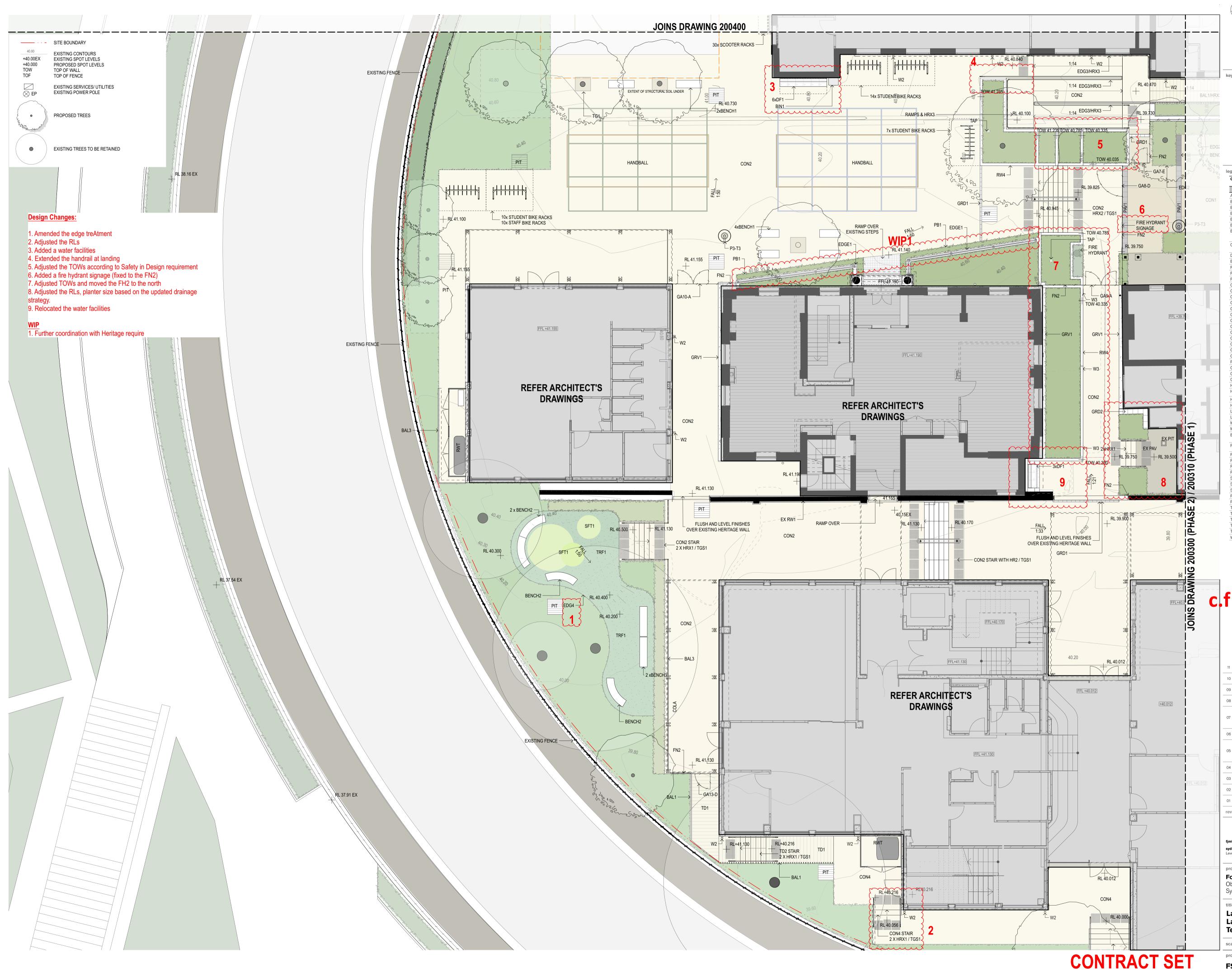


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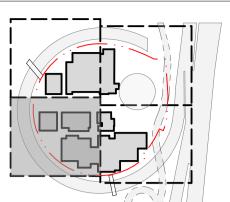


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GENERAL NOTES

- ALL DIMENSIONS AND EXISTING CONDITIONS • SHALL BE CHECKED AND VERIFIED BY THE
- CONTRACTOR BEFORE PROCEEDING WITH THE WORK. • ALL LEVELS RELATIVE TO 'AUSTRALIAN HEIGHT DATUM'.
- O NOT SCALE DRAWINGS. USE FIGURED DIMENSIONS ONLY.



CODE	ITEM
ASP	Asphalt
BAL1	Balustrade
BAL2	Balustrade
BAL3	Balustrade
BENCH1-5	Bench type 1-5
BIN1	Bins
BL1	Bollard
CON1 - 4	Concrete Pavement Type 1 - 5
DF1	Drinking Fountain
EDG1 -5	Edge type 1 -5
FN1	Ball court Fence
FN2	Palisade fence
FP1	
	Flag Pole GA1-D
GA1-D	
GA10-A	GA10-A
GA11-C	GA11-C
GA13-D	GA13-D
GA14-A	GA14-A
GA2-D	GA2-D
GA3-B	GA3-B
GA4-B	GA4-B
GA5-E	GA5-E
GA6-A	GA6-A
GA7-E	GA7-E
GA8-D	GA8-D
GA9-A	GA9-A
P	External GPO
GRD1	Grated Drain
GRD2	Dish Drain
GRV1	Gravel
HOOP	Basketball Ring
HRX1	External Single Handrail
HRX2	External Double Handrail
HRX3	External Single Handrail
LIN1	Line marking
LIN2	RMS Line marking
MPB1-5	Mass planting 1-5
MUL1	Mulch
EXPAV	Existing Paving to be retained
PAV1-4	Paving type 1 - 4
PIT1	Stormwater pit
PB1	Planter Heritage interface
RW1 - 5	Wall Type 1 -5
RWT	Rain water tanks
SFT1	Softfall
SN1 - 2	Stair Nosing Type 1 -2
SC1	Shade cloth
PC1	Pole protective cushion
POLE 1	Structural support posts
TD1	Timber Decking
TD2	Timber Stair treads
TG1	Tree Grate 1
TGSI 1 - 2	Tactile Indicators 1 -2
TRF1	Turf Type1
W/0 D1 D2 T2	Mat 1 Louis Marian

W2, P1, P3-T3, V1 Lightings

c.f Figure 5.15

11	22/1/21	Contract Set Issue	EM	RT
10	18/12/20	Draft for Tender Coordination	AWY	RT
09	21/10/2 0	100% DD Documentation	MMG	RT
08	7/10/20	Issue 100% DD Documentation - DRAFT	MZ	RT
07	28/9/20	Landscape Design Development Phase, 60% Documentation	MZ	RT
06	27/9/20	Preliminary For Review	MZ	RT
05	12/6/20	Schematic Design Initiatives - ECI VM Phase Submission	AWY	RT
04	5/6/20	Preliminary for Coordination	MZ	RT
03	27/5/20	Preliminary for Review	MZ	RT
02	18/12/19	Preliminary Schematic Design	СТК	RT
01	15/11/19	Preliminary Schematic Design	AWY	RT
rev	date	name	by	chk

fjmt studio architecture interiors lands **sydney melbourne uk** Level 5, 70 King Street **t** +61 2 9251 7077 **w** fjmtstudio.com



project

Fort Street Public School Observatory Hill Sydney NSW 2000

title Landscape Landscape Ground Floor Southern Terrace Zone

scale	1:100 @ A1	first issued	15/11/19
project	code	sheet no.	revision
FSS	LA_DR	G _200200	11



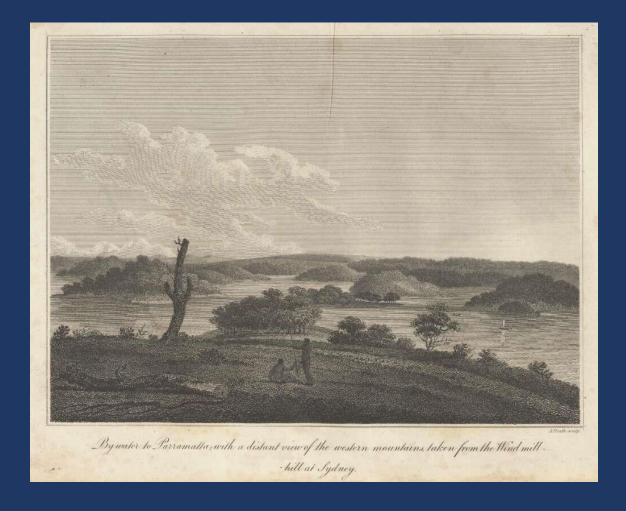
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Appendix D: Fort Street Public School-Aboriginal Cultural Heritage Assessment Report (2020)



Aboriginal Cultural Heritage Assessment Report

FORT STREET PUBLIC SCHOOL



JULY 2020 Prepared by Curio Projects FINAL REPORT

curioprojects.com.au | P (02) 8014 9800 | 5 Blackfriars Street, Chippendale NSW 2008 | ABN 79139184035 Curio *noun* cu-rio \kyur-ē-,ō\: any unusual article, object of art, etc., valued as a curiosity

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Document Information

Citation

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Local Government Area

City of Sydney Council

Cover Image

View of Parramatta River from Observatory Hill, c.1789 (Source: NLA. http://nla.gov.au/nla.obj-135681388)

ISSUE No.	ISSUE DATE	VERSION	NOTES/COMMENTS	AUTHOR	REVIEWED
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2	28/10/19	Final Draft	For SI NSW and RAP Review	Sam Cooling	Natalie Vinton
3	19/12/19	Final Draft	For SI NSW	Sam Cooling,	Natalie Vinton
				Jacky Dalton	
4	15/7/2020	Final Report	For SI NSW	Sam Cooling	Natalie Vinton

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

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Executive Summary

Curio Projects Pty Ltd was commissioned by Schools Infrastructure NSW (SINSW) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Fort Street Public School (FSPS) project, located at Upper Fort Street, Millers Point (the study area). The Fort Street Public School has reached both student and functional capacity in its current built form, and therefore, SINSW proposes expansion of the school.

The FSPS study area has a long history of intensive use and development since 1788, first as 'Flagstaff/Windmill Hill' from 1795, adjacent to Fort Phillip (located at what is now the Sydney Observatory to the north of the Fort St PS study area); followed by establishment of the first Military Hospital (1815-1848); at which time the hospital buildings were repurposed for the Fort Street Public School, adapting and changing and developing over time until the present day.

The objectives of the Aboriginal heritage assessment for the Fort Street Public School expansion project, were to:

- identify Aboriginal community members who can speak for the Country within which the project is located;
- involve the Aboriginal community in the cultural heritage assessment process, including consultation to determine their opinions with respect to the project and its potential 'harm' to their cultural heritage;
- understand the number, extent, type, condition, integrity and archaeological potential of any
 potential Aboriginal heritage sites and places that may be located within the study area;
- determine whether the potential Aboriginal sites and places are a component of a wider Aboriginal cultural landscape;
- understand how any potential physical Aboriginal sites relate to Aboriginal tradition within the wider area;
- prepare a cultural and scientific values assessment for all identified aspects of Aboriginal cultural heritage associated with the study area;
- determine how the proposed project may impact any identified Aboriginal cultural heritage;
- determine where impacts are unavailable and develop a series of impact mitigation strategies that benefit Aboriginal cultural heritage and the proponent (in close consultation and discussion with the local Aboriginal community); and
- provide clear recommendations for the conservation for Aboriginal heritage and archaeological values and mitigation of any potential impacts to these values.

Aboriginal Archaeological Potential

The assessment of Aboriginal archaeological potential within the FSPS study area has been based on a combination of environmental assessment, including original landform, possible levels of disturbance across the site, and original resource zones that would have been favourable to, or sustained local Aboriginal populations of the area prior to European settlement, in combination with known previous archaeological research in the vicinity of the subject site, or on comparable sites in Sydney.

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Consideration of these above factors determines the likelihood for Aboriginal archaeology, artefacts or physical objects to remain at the subject site in a subsurface capacity.

The following predictions are made with regards to Aboriginal archaeological potential within the study area:

- In order for Aboriginal archaeological deposits to be present in situ within the study area, they
 would require the retention of natural soil profiles in the area that would be extant from 1788and require these natural soils to be intact- subject to limited amounts of natural erosion.
- Artefact and midden sites are the most common site type in the region, and are the most likely site types to be present within the study area, should the site conditions allow the preservation of such a site (i.e. where historical land disturbance activities have not already removed all natural soil profiles)
- There may also be potential for isolated Aboriginal artefacts (stone artefacts and shells) to be present in a disturbed context.
- The study area has no potential for site types such as scarred trees, rockshelters and grinding grooves, as the natural features required for these types of sites are not present.
- It is highly likely that the study area landscape was occupied and used in some way by Aboriginal people prior to 1788- especially in consideration of the commanding presence and advantageous views from (what is now referred to as) Observatory Hill.
- The Gymea soil landscape has a high propensity for sheet erosion following vegetation clearance, and this would have impacted the ability for the soils within the study area to retain an Aboriginal archaeological deposit.
- The study area has been subject to very high levels of historical ground disturbance and use since 1788 relating to the use of the site as a Military Hospital, Sydney Observatory activities/Bureau of Meteorology, and Fort Street Public School, that would likely have impacted and/or removed the majority of natural soil profiles.

Overall, the FSPS study area is considered to have low potential for intact Aboriginal archaeological deposits to be present.

Statement of Aboriginal Heritage Significance

Social, cultural and spiritual values of a site can only be identified through consultation with Aboriginal people. However, it is likely that should an Aboriginal archaeological deposit be present within the study area, it would be viewed to be of high social and cultural significance by the Aboriginal community, providing a direct and tangible link to past Aboriginal life and activity in Sydney's centre.

While little historical evidence is available regarding Aboriginal historical use of the study area and surrounds, as the highest point in Sydney Cove, Observatory Hill would likely have been a popular and/or important lookout for the local Aboriginal population. Therefore, Aboriginal archaeological deposits, if found to be located within the study area, may be of historical value.

Should an Aboriginal archaeological deposit be found to be present within the FSPS study area, this may have moderate scientific significance for its ability to provide evidence for and insight into

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Aboriginal occupation and use of the Millers Point/Observatory Hill locality prior to 1788, representative of the FSPS study area as part of the wider Aboriginal cultural landscape of the Sydney Harbour Foreshore.

The FSPS study area may have aesthetic value to the local Aboriginal community in the context of the wider Sydney Aboriginal landscape it exists in, however this would need to be confirmed with the community during their review of this ACHAR.

Should Aboriginal archaeological deposits be found to be present within the FSPS study area, they may potentially have aesthetic significance for technological form of the artefacts, or as potentially considered useful for education and interpretative purposes.

Impact Assessment

No registered Aboriginal sites are located within the study area. While there is a low potential for intact Aboriginal archaeological deposits to remain within the FSPS study area, should such deposits be found to be present within remnant natural soil profiles, these may have potential for moderate to high social, historical and scientific significance. Therefore, it is appropriate to develop strategies to mitigate this potential impact. Potential below ground impacts (as per the SSDA Design) appear to be focused in the southeast of the study area, including:

- Bulk excavation works (south of the site and west of the existing main school building);
- Installation of new hydraulic, civil and electrical services- including a new stormwater detention tank (dependent on nature, depth and location of trenching required for installation of new services);
- Localised excavation for new school fences and gate; and
- Landscaping works (unlikely to impact under SSDA Plan- again dependent on nature, depth and location of any excavation works required for landscaping).

As proposed development activities include bulk excavation in areas of the study area with the potential to contain intact natural soil profiles, it has been appropriate to develop management and mitigation strategies to further clarify the actual potential for impact to potential Aboriginal archaeological deposits (if present within the study area).

Recommendations

- While archaeological potential is low, should an Aboriginal archaeological deposit be present within the FSPS study area, this may have moderate to high significance, and therefore management strategies have been developed to mitigate any potential impacts.
- The impact assessment and management mitigation strategies as developed through this ACHAR have been prepared with reference to the SSDA Plan for the FSPS expansion only. Should the detailed Schematic Design process find the required below-ground impacts to differ substantially from those assessed in this ACHAR, it would be appropriate to revise the Impact Assessment and Management Strategies according to the revised impacts.
 - The recommendations of this ACHAR should be included within any Construction Management Plan prepared for site works.

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- Following approval of the SSDA, the proposed archaeological investigation (Management Strategy One), including monitoring, and archaeological test excavation (if required based on the results of the monitoring) should be undertaken, to be coordinated with the project development works.
- With regards to Aboriginal intangible heritage values (social and cultural), the FSPS expansion
 project has the opportunity for a positive impact to be achieved via interpretation initiatives
 such as the Indigenous Rooftop Garden, to celebrate and communicate the significance of the
 site and landscape to the Gadigal (Darug) people through education.
- Continuing consultation with the project RAPs should be undertaken through subsequent development stages of the project.
- The Unexpected Aboriginal Finds Protocol (presented in Section 6.4 of this ACHAR) should be implemented during all ground disturbing works within the FSPS study area (to be included within the Construction Management Plan).
- The Metropolitan LALC should be consulted with reference to any proposed heritage interpretation initiatives and programs proposed for implementation at the site, in order to seek input into the plan with regards to Aboriginal cultural heritage significance.
- A copy of this ACHAR should be provided to all project RAPs for their review and comment, with all RAP feedback to be incorporated into the final ACHAR.

1. Introduction

1.1. The Purpose of this Report

Curio Projects Pty Ltd was commissioned by Schools Infrastructure NSW (SINSW) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Fort Street Public School (FSPS) project, located at Upper Fort Street, Millers Point (the study area).

The Fort Street Public School has reached both student and functional capacity in its current built form, and therefore, SINSW proposes expansion of the school.

This report has been prepared with reference to the following key project documents, provided by Johnstaff Projects:

- FJMT Studio, Fort Street Public School- SSDA 10340 Architectural Design Statement Rev 01, 22 October 2019
- FJMT Studio, Fort Street Public School- Final Draft Landscape SSDA, 18 October 2019
- Douglas Partners 2019, Report on Preliminary Geotechnical Assessment, Fort Street Public School Redevelopment, Upper Fort Street, Millers Point, prepared for Johnstaff Projects (August 2019)

This ACHAR has also been prepared with reference to the final set of architectural drawings for SSDA submission prepared by FJMT Architects, with particular reference to the following:

- DA-1101 Overall Location Plan Existing (FJMT, SSDA01, 18.10.19)
- DA 1201 Site- Site Plan Existing (FJMT, SSDA01, 18.10.19)
- DA 1211 Site Site Plan Proposed (FJMT, SSDA01, 18.10.19)
- DA-2001 General Arrangement Plans, Proposed Plan Lower Ground 1 (FJMT, SSDA01, 18.10.19)
- DA-2101 Demolition Plans- Demolition Plan- Ground (FJMT, SSDA01, 18.10.19)
- DA-2105 Demolition Plans- Services Excavation On Demolition Plans (FJMT, SSDA01, 18.10.19)
- DA-4001 4000 1:200 Sections- Section 1 (FJMT, SSDA01, 18.10.19)
- DA-4002 4000 1:200 Sections- Section 2 (FJMT, SSDA01, 18.10.19)
- DA-4003 4000 1:200 Sections- Section 3 (FJMT, SSDA01, 18.10.19)
- DA-8101 Landscape Landscape Sections (FJMT, SSDA01, 18.10.19)

This report supports a State Significant Development (SSD) Development Application (DA) for the FSPS Expansion project, which is to be submitted to the Minister for Planning pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). The relevant project SEARs are summarised in Table 1.1

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SEARS—DESCRIPTION	REPORT REFERENCE
11. Aboriginal Heritage	
Identify and describe the Aboriginal cultural heritage values that exist across the site and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation.	This report.
Identify and address the Aboriginal cultural heritage values in accordance with the Guide to investigating, assessing and reporting on Aboriginal	This Report
Cultural Heritage in NSW (OEH, 2011) and Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW (OEH, 2010).	Section 4
Undertake consultation with Aboriginal people and document in accordance with Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW). The significance of cultural heritage values of Aboriginal people who have a cultural association with the land are to be documented in the ACHAR.	Section 2
Identify, assess and document all impacts on the Aboriginal cultural heritage values in the ACHAR.	Section 5
The EIS and the supporting ACHAR must demonstrate attempts to avoid any impact upon cultural heritage values and identify any conservation outcomes.	Section 5.4.1
Where impacts are unavoidable, the ACHAR and EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to OEH.	Section 6

This ACHAR documents the process of investigation, consultation and assessment with regards to Aboriginal cultural heritage and Aboriginal archaeology, as undertaken for the FSPS Expansion project and study area, specific to the proposed development works. This includes background research and assessment of evidence and information about material traces of Aboriginal land use in the study area and surrounds, significance assessment of potential Aboriginal sites, places, landscapes and/or other values, as well as an impact assessment and management recommendations to assist SINSW with their future responsibilities for Aboriginal cultural heritage within the study area.

This report has been prepared following the requirements for reporting as established in DECCW *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (24 September 2010) (Code of Practice), and OEH 2011a *Guide to Investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (Guide to Investigating).

1.2. Site Identification

The Fort Street Public School site (the study area) is located on Observatory Hill, at Upper Fort Street, Millers Point, and is generally defined by the circular cut of the Cahill Expressway on ramp (Figure 1.1). The study area is located to the south of the Sydney Observatory, between the Bradfield Highway in the east, and residential development along Kent Street to the west (Figure 1.2).

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The Fort Street School (FSPS) site currently consists of four main buildings (Figure 1.3): The Fort Street School; The Messengers Cottage; The Bureau of Meteorology building (MET Building), and the Environmental Educational Centre (EEC) building. Of these four structures, only the EEC building is not heritage listed.



Figure 1.1: General FSPS Study area Location. (Source: Curio 2019)

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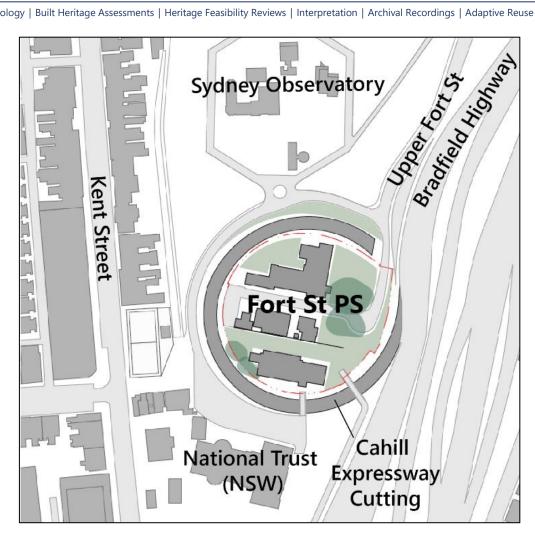


Figure 1.2: FSPS Study Area indicating surrounding features

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Figure 1.3: FSPS Site Plan (Source: TKD 2016, Fig. 36)

1.3. Relevant Statutory Controls

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

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

1.3.1. Environmental Planning and Assessment Act 1979

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

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

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

1.3.2. NSW National Parks and Wildlife Act 1974

The NSW National Parks and Wildlife Act 1974 (NPW Act), administered by the (former) NSW Office of Environment and Heritage (OEH- now known as the Biodiversity & Conservation Division (BCD) of the Department of Planning, Industry and Environment (DPIE)), is the primary legislation that provides statutory protection for all 'Aboriginal objects' (Part 6, Section 90) and 'Aboriginal places' (Part 6, Section 84) within NSW.

An Aboriginal object is defined through the NPW Act as:

"any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains."¹

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

"...any act or omission that:

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

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

(c) is specified by the regulations, or

(d) causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c), (NPW Act 1974)

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

1.3.3. Native Title Act 1993

The *Native Title Act 1993* provides the legislative framework to recognise and protect native title, which recognizes the traditional rights and interests to land and waters of Aboriginal and Torres Strait

¹ NPW Act 1974, Part 1: 5

Islander people. Under the *Native Title Act*, native title claimants can make an application to the Federal Court to have their native title recognised by Australian law.

No native title claimants are registered to include the study area.

1.3.4. OEH Guidelines

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

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

1.4. Objectives of Aboriginal Heritage Assessment:

The objectives of the Aboriginal heritage assessment for the Fort Street Public School expansion project, were to:

- identify Aboriginal community members who can speak for the Country within which the project is located;
- involve the Aboriginal community in the cultural heritage assessment process, including consultation to determine their opinions with respect to the project and its potential 'harm' to their cultural heritage;
- understand the number, extent, type, condition, integrity and archaeological potential of any
 potential Aboriginal heritage sites and places that may be located within the study area;
- determine whether the potential Aboriginal sites and places are a component of a wider Aboriginal cultural landscape;
- understand how the any potential physical Aboriginal sites relate to Aboriginal tradition within the wider area;
- prepare a cultural and scientific values assessment for all identified aspects of Aboriginal cultural heritage associated with the study area;

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- determine how the proposed project may impact any identified Aboriginal cultural heritage;
- determine where impacts are unavailable and develop a series of impact mitigation strategies that benefit Aboriginal cultural heritage and the proponent (in close consultation and discussion with the local Aboriginal community); and
- provide clear recommendations for the conservation for Aboriginal heritage and archaeological values and mitigation of any potential impacts to these values.

1.5. Limitations and Constraints

This report has been prepared using the extensive historical data and documentation available for the FSPS study area and surrounds, including relevant Conservation Management Plans (CMP), and archaeological reports and assessments.

This report does not include assessment of non-Aboriginal heritage values or archaeology, nor any non-heritage related planning controls or requirements.

1.6. Investigators, Contributors and Acknowledgements

This report has been prepared by Sam Cooling, Senior Archaeologist of Curio Projects, with review by Natalie Vinton, Director of Curio Projects. Table 1.2 presents a complete list of the project team, including qualifications, affiliation and role in the project. Details of all project RAPs are presented in Section 2.

Curio Projects would also like to acknowledge the ongoing assistance throughout the project of Sheena Duggan, Senior Project Manager at Johnstaff Projects. Curio Projects would also like to thank all the project RAPs for their advice and input into this report, as detailed further in Section 2.

PERSON (QUALIFICATION)	AFFILIATION	ROLE
Sam Cooling, Senior Archaeologist	Curio Projects	Project Manager,
(BA, M Archaeological Science)		Author
Natalie Vinton, Director	Curio Projects	Report Reviewer
(BA (Hons) Archaeology and Palaeoanthropology)		
Andre Fleury, Archaeologist	Curio Projects	GIS, Mapping
(B. Hist, M Archaeological Science)		

Table 1.2: Investigators and Contributors

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2. Aboriginal Community Consultation

Aboriginal community consultation is required for assessment of Aboriginal cultural heritage and should be undertaken in the early stages of project planning in order to best guide the development process. This section documents the process of Aboriginal community consultation that has been undertaken for the Aboriginal cultural heritage assessment of the FSPS study area, both ongoing, and specific to the masterplanning and schematic design expansion project. Aboriginal community consultation in accordance with OEH statutory guidelines *Aboriginal cultural heritage consultation requirements for proponents 2010*, was initiated for the overall FSPS Expansion project in April 2019.

Aboriginal people are recognised as the determinants of their own heritage. Therefore, the ongoing process of Aboriginal community consultation for the project seeks to identify social and cultural values of the study area and its surrounds to the local Aboriginal community and will incorporate the assessment and acknowledgement of this significance into any future development stages and mitigation measures for the project.

The objectives of Aboriginal Community Consultation, as stated in the OEH Consultation guidelines is to:

'ensure that Aboriginal people have the opportunity to improve assessment outcomes by:

- Providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s)
- Influencing the design of the method to assess cultural and scientific significance of Aboriginal object(s) and/or place(s)
- Actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal object(s) and/or place(s) within the proposed project area
- Commenting on draft assessment reports before they are submitted by the proponent to the OEH.' (DECCW 2010a)

A complete log of all communications between Curio Projects and registered Aboriginal parties (RAPs) for the project, as well as all written responses (unless requested by RAPs to be not directly included) has been provided as Appendix A.

The Aboriginal Community Consultation process in accordance with OEH Guidelines consists of four main stages:

Stage 1—Notification of project proposal and registration of interest

Stage 2—Presentation of Information about the Proposal Project

Stage 3—Gathering Information about Cultural Significance

Stage 4—Review of Cultural Heritage Assessment Report

2.1. Stage 1—Notification of project proposal and registration of interest

The first step in undertaking the Aboriginal Cultural Heritage Assessment process for the study area, is the identification of the Aboriginal community members who can speak for Country in the area of the project (Stage 1).

On behalf of SINSW, Curio Projects initiated a new process of Aboriginal Community Consultation for the FSPS study area in accordance with OEH consultation guidelines in April 2019. Stage 1 notifications identified the nature and location of the FSPS Expansion project. In accordance with Stage 1.2 of the consultation guidelines, letters were sent to the relevant statutory bodies on 16 April 2019 (NSW Office of Environment and Heritage, Metropolitan Local Aboriginal Land Council, the Registrar Aboriginal Land Rights Act 1983, the National Native Title Tribunal, Native Title Services Corporation Limited, City of Sydney Council, and the Greater Sydney Local Land Services), requesting names of Aboriginal people who may have an interest in the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and places relevant to the FSPS study area.

A public notice advertising the FSPS Expansion project was also placed in the Daily Telegraph on 18.4.19 (consistent with Stage 1.3 of the Consultation Guidelines), advising of the project location and proposed development, and inviting registration from local Aboriginal people.

All names compiled from Stage 1.2 of the process were then written to via email and/registered post in May 2019, inviting registration in the process of community consultation for the FSPS project. Response was requested within 14 days of the date of the letter.

2.1.1. Registered Aboriginal Parties

As a result of Stages 1.2 and 1.3, nine Registered Aboriginal Parties (RAPs) were identified for the FSPS Expansion project (in alphabetical order):

- Barking Owl Aboriginal Corporation;
- Biamanga;
- Cullendulla
- Darug Land Observations;
- Darug Aboriginal Cultural Heritage Assessments;
- Didge Ngunawal Corporation;
- Goobah;
- Metropolitan LALC; and
- Murramarang

2.2. Stage 2 and Stage 3

Each project RAP was provided with written details of the proposed project and the proposed Aboriginal cultural heritage assessment methodology for the project (Stage 2 of the consultation guidelines). This letter was sent to all project RAPs in June 2019. Request was made for comment

and/or review within 28 days of provision of the methodology document. A copy of the methodology document is provided in Appendix A.

All project RAPs were invited to a site visit on 13 August 2019, providing an opportunity to visit the site, and to discuss the overall project and proposed methodology. This meeting was attended by Selina Timothy (Metro LALC), Sam Cooling (Curio Projects), Sheena Duggan (Johnstaff Projects), and James Rongen-Hall (MAAS).

While an opportunity was made for project RAPs to visit the project site, no archaeological survey was able to be undertaken, due to the nature of the study area as a highly developed and urbanised site, completely covered with existing structures, building, hardstand, landscaping, therefore presenting with no potential for surface artefacts nor landscape/landform features capable of informing Aboriginal archaeological assessment, to be visible.

2.3. Stage 4—Review of Cultural Heritage Assessment Report

A copy of the draft of this ACHAR was provided to all project RAPs on the 29 October 2019 for review and comment. Request was made for comments and submissions by Tuesday 26 November 2019, (28 days from date of provision of the ACHAR). All project RAPs who had not responded were then followed up on the 16 December 2019 by email and phone.

2.4. Submissions Received from the Aboriginal Community

Table 2.1 presents a summary of all RAP submissions received with regards to the FSPS Expansion project. Full details of all comments, feedback and copies of written submissions are included in Appendix A.

#	DATE	FORMAT	COMMENT
4	31/10/19	Email and verbal (phone)	The Barking Owl Aboriginal Corporation were satisfied with the project information and assessment methodology provided. All other respondents were also satisfied and had no further comments.

Table 2.1: Summary of Key RAP Submissions/Comments

2.5. Curio Response to Submissions.

Table 2.2 provides a summary of Curio responses to RAP submissions following the RAP review of the ACHAR. All written responses received were replied to, directly addressing any comments, acknowledging how they had been addressed within ACHAR if relevant, or explaining if otherwise. Copies of all written correspondence and responses is included within Appendix A.

Table 2.2: Summary of Curio	Responses to RAP submissions
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#	CURIO RESPONSE
4	All the feedback received indicated that the responding RAPs were satisfied and had no further input or comments that would require any changes to the ACHAR.

3. Summary and Analysis of Background Information

This section summarises the environmental and archaeological background and context for the study area, including previous work undertaken in the proximity. This summary serves to place the study area and proposed development into an appropriate regional context, as well as provide a current archaeological predictive model for the region. This will assist to determine the nature and significance of any potential Aboriginal archaeology that may be present, as well as assist in the development of appropriate management mechanisms. Through a desktop assessment, a general understanding of any potential archaeology at the site can be formed, and appropriate measures developed, prior to any non-reversible impact to the site and Aboriginal archaeology and cultural values.

3.1. Aboriginal Ethnohistory

The traditional owners of the Sydney Cove region are the Gadigal people of the Eora Nation. The traditional territory of the Gadigal stretches along the southern side of Sydney Harbour from South Head, west to approximately Darling Harbour, and south towards Botany Bay. The Sydney region has two main language groups: Darug–with two main dialects, one spoken along the coast, and another in the hinterland/Cumberland Plain region of western Sydney; and Tharawal–spoken to the south of Botany Bay (Attenbrow 2012). Within the Darug language group, people belonged to smaller family/territorial groups or clans, through which they were connected to, and occupied, different areas of land across Sydney, of which the Gadigal people are one.

While the Observatory Hill locality would most likely have been an original contact site between the new colonists and Sydney's first inhabitants, few accounts or evidence remain to provide further information about contact in this location. The local Aboriginal people living in the area of the Fort Street Public School would have pursued a mixed food economy in the region, utilising and relying upon the abundant natural resources of Sydney cove, including marine resources from the harbour and surrounding waters, hunting terrestrial mammals, as well as collecting and processing local plants (Figure 3.1).

At the time of arrival of the First Fleet and Captain Arthur Phillip in January 1788, it is estimated that at least 1500 Aboriginal people would have lived along the coastal region between Broken Bay and Botany Bay. The arrival of the First Fleet devastated the lives and activities of Aboriginal people of the Sydney Harbour area, restricting access to areas traditionally used for hunting and gathering, shelter and for ceremonial purposes, while introducing devastating diseases such as smallpox. It is estimated that almost half of Sydney's Aboriginal population died in the first smallpox epidemic recorded in the colony in 1789 (Hickson 2010). However, despite the widespread devastation of colonial arrival and establishment to the Aboriginal inhabitants of Sydney, the Gadigal endured and remain a continuing culture in Sydney today.

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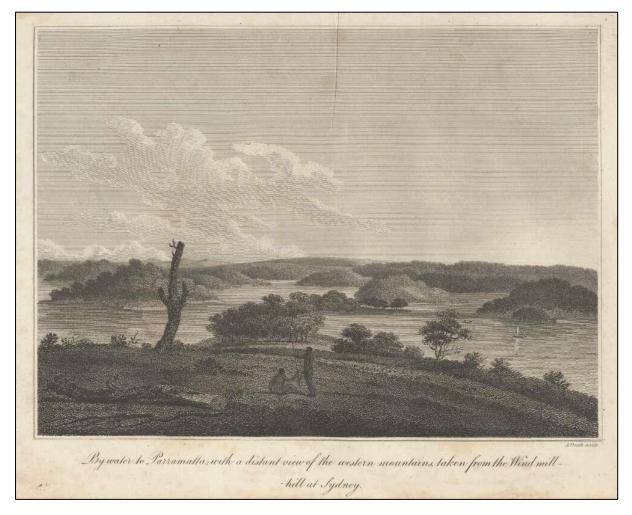


Figure 3.1: View of Parramatta River from Observatory Hill, c.1789 (Source: NLA. http://nla.gov.au/nla.obj-135681388)

3.2. Brief Historical Summary- Post Contact

The FSPS study area has a long history of intensive use and development since 1788, first as 'Flagstaff/Windmill Hill' from 1795, adjacent to Fort Phillip (located at what is now the Sydney Observatory to the north of the Fort St PS study area); followed by establishment of the first Military Hospital (1815-1848); at which time the hospital buildings were repurposed for the Fort Street Public School, adapting and changing and developing over time until the present day.

Six key historical phases of development at the Fort Street Public School study area have been identified as follows:

Phase 1 (1788-1820)—Fort Phillip and Windmill Hill

Phase 2 (c.1820-1850)—Military Hospital and Quarrying

Phase 3 (c.1850-1890s)—Fort Street National School, Observatory and Messengers Cottage

Phase 4 (c.1890s-1918)—Fort Street Girls High School, Additions and Ongoing School Use

Phase 5 (c.1919-1950)—Bureau of Meteorology, New Fort St School and Cahill Expressway

Phase 6 (1950s – Present)—Continued School Use, National Trust and Occupation of surroundings buildings

3.3. Landscape Context

This section presents a summary of the landscape and environmental context of the Fort Street Public School study area, in order to provide locational context for the pre-1788 Aboriginal occupation and use of the region. The landscape context of the locality will then contribute to the development of an archaeological predictive model for the region, which will aim to predict patterns of human behaviour and where archaeological evidence for this may exist or be retained in the landscape.

3.3.1. Soils and Geology

The geology and soils of a locale can provide information for the prediction and modelling of the nature and positioning of potential Aboriginal sites, for example, soil types capable of supporting vegetation/flora resources of importance to Aboriginal people (and the corresponding faunal resources that would utilise the vegetation), may provide clues to indicate Aboriginal use and occupation across a landscape.

The study area is located on the Gymea soil landscape profile, underlain by Hawkesbury Sandstone (Medium to coarse grained quartz sandstone, very minor shale and laminate lenses) (Figure 3.2). The Gymea soil profile is considered to be an erosional landscape, characterised by undulating to rolling rises and low hills with broad convex crests, moderately inclined side slopes with wide benches, and localized rock outcrop. Soils are generally shallow to moderately deep (30-100cm) on crests and insides of benches, shallow (<20cm) on leading edges of benches, and moderately deep (<100cm) on drainage lines (Chapman & Murphy 1989).

Previous investigations (see Section 3.3.4 and 3.3.5 below) have identified the depth of sandstone bedrock across the site to range between 0.4m-3.5m below ground level across the FSPS study area.

3.3.1. Hydrology, Landscape and Landforms

The study area is located on Observatory Hill, the crest of a rocky ridge overlooking Sydney Harbour that geographically separates Sydney Cove to its east, and Darling Harbour to the west overlooking Sydney Harbour. The study area is also located at the western end of the former catchment area for the Tank Stream- a fresh water stream that started around the area of Hyde Park, draining north to the harbour at Sydney Cove around current Circular Quay- the location of which was a major deciding factor of the location of the Sydney colony at Sydney Cove in 1788.

The study area locality would have allowed easy access to both fresh and salt water (and all the resources afforded by both), as well as advantageous positioning at the highest point in Sydney Cove (over 40m above sea level), with access to the underlying to low rolling hills and sandstone cliffs along the Sydney Harbour foreshore within the Sydney Basin (Figure 3.2). As the highest point in Sydney Cove, Observatory Hill would likely have been a popular and/or important lookout for the local Aboriginal population (Sydney Barani 2013).

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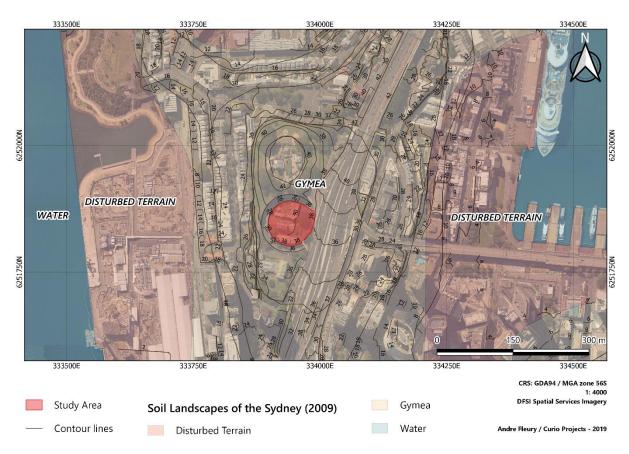


Figure 3.2: Soil Landscapes and Topography (Source: Curio 2019)

3.3.2. Vegetation

Prior to European settlement and subsequent land clearing, the vegetation of the study area and surrounds would have generally comprised of dry sclerophyll open woodland and forest across ridges and upper slopes. Common varieties would have included Red Bloodwood, Scribbly Gum, Brown Stringybark and Old Man Banksia. The understory would have consisted of a variety of native shrubs.

The fauna of Sydney at and prior to 1788 would have consisted of species such as kangaroo, wallaby, wombat, echidna, flying fox, emus, quolls, various native rats and mice, snakes and lizards. Marine faunal resources would have also been easily accessed from the study area.

3.3.3. Modern Land Use and Disturbance

Very early in the history of the NSW colony, the natural environment of the Millers Point and Observatory Hill area was subject to early alterations by colonists including extensive land clearing, establishment of quarries and early roadway infrastructure (Figure 3.3).

Ongoing intensive use of the study area and surrounds has continued successively from 1788 to the present day, which accordingly has presented high levels of disturbance to the natural environment including soils, vegetation and landscape. This will have impacted the ability for an Aboriginal archaeological resource to be retained within the study area. Historical activities that will have significantly impacted, disturbed and/or removed nature landscape features and soil profiles within the study area and surrounds include:

- Initial vegetation and land clearing (1788-1790s) (Figure 3.3);
- Construction of government windmills (1790s) Fort Phillip (1804) and later Sydney Observatory;
- Construction of the Military Hospital and associated buildings (1815-1849);
- Modification of Military Hospital for Fort Street School including additional buildings for school use (1849-1960s), construction of the Messengers Cottage (associated with the Observatory) (1862), and the Bureau of Meteorology Building (1922);
- Construction of the Cahill Expressway, including deep excavation and demolition of previous site buildings (1940s-50s) (Figure 3.5).



Figure 3.3: Illustration of early European alterations to the nature environment, c.1818. (L to R) Military Hospital, Third Government Windmill and Fort Phillip (Source: NLA.Pic-An4563834-S8).



Figure 3.4: 1820 Major Taylor's Panorama (Left Detail), view approx. north, (Military Hospital just out of frame, to the right). Convicts quarrying windmill hill visible in left of frame

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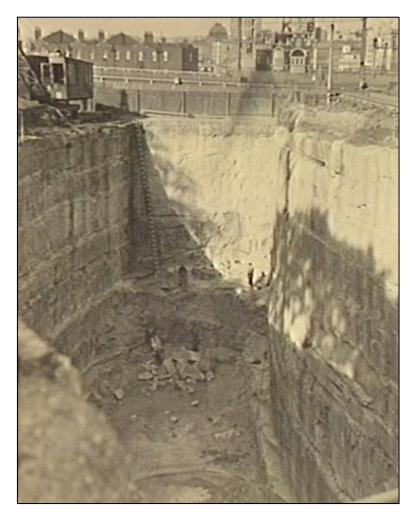


Figure 3.5: Deep Excavation for the Cahill Expressway, 1940 Geotechnical Investigations

JK Geotechnics 2017

3.3.4.

JK Geotechnics (JKG) undertook a geotechnical investigation in 2017 (JKG 2017) within the FSPS study area (undertaken prior to the time that any specific development had been proposed). The investigation comprised 13 boreholes (BH1 – 4 and BH6 - 14 and one test pit (TP5) with five of the boreholes (BH2, 3, 6, 8, and 14) cored to recover rock samples and the others augered through soil to refusal in rock. The test pit was excavated to expose the footings and founding strata of one corner of the MET building. While the majority of the boreholes encountered varying depths of historical fill material directly over sandstone bedrock, in some select areas, the investigation encountered evidence for potential natural soil profiles (i.e. see Boreholes 3 and 10 in Figure 3.6 below)

Borehole 3 was recorded as having 'clayey sand' from c.2.1m to c.2.8m below ground, directly overlying sandstone bedrock, while Borehole 10 is recorded with 'clayey sand' from c.0.5m to 1.4m, also directly over bedrock.

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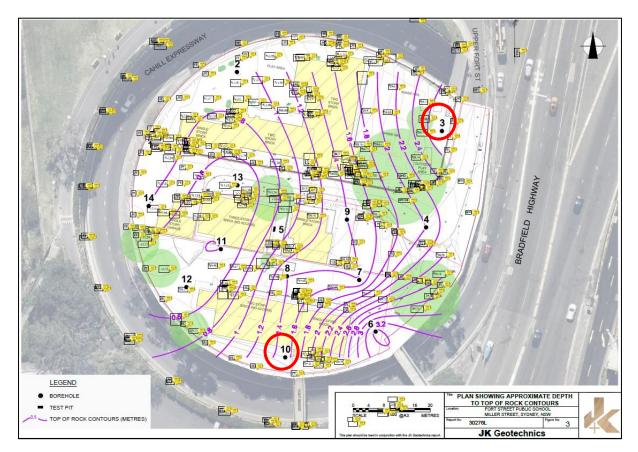


Figure 3.6: 2017 Geotechnical Results. Boreholes 3 and 10 (circled) presenting with a layer of 'clayey sand'. Approximate depth of sandstone bedrock indicated by purple contour lines

(Source: JK Geotechnics 2017 With Curio Annotations)

Douglas Partners 2019

A subsequent preliminary geotechnical assessment was undertaken within the study area by Douglas Partners (2019) in relation to the Fort Street Public School Expansion project. This consisted of the hand excavation of four test pits (numbers TP12 to TP15) under the existing floors of the main school building (Figure 3.7), in order to provide preliminary comment on geotechnical risks to guide the preliminary design for the redevelopment (assess the bearing conditions of the existing footings of the main FSPS building). This investigation was undertaken in conjunction with a program of historical archaeological test excavation (summarised in the following section).

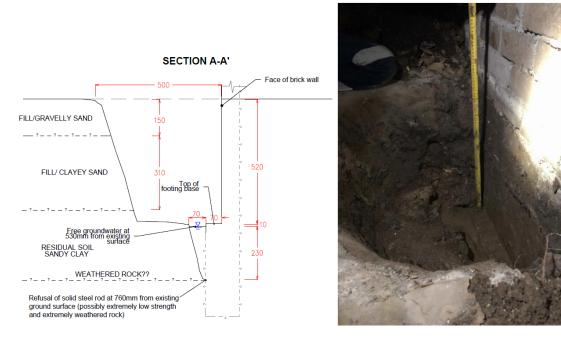
The 2019 investigation generally confirmed the results of that undertaken in 2017: that residual soils have likely been historically removed across most of the site- shown by locations presenting as historical fill directly over sandstone bedrock- with some small select areas potentially presenting with isolated pockets of residual clayey sand soils.

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Figure 3.7: 2019 Test Pits (Historical Archaeological trenches in pink, DP in red (Source: Douglas Partners 2019). Locations with potential natural soil profiles circled in red.

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Historical archaeological test excavation as undertaken at the study area in July 2019 (Curio Projects 2019), in order to provide information to feed into the expansion design. This investigation was undertaken in accordance with a Section 60 excavation permit issued by the NSW Heritage Division in May 2019.

Seven test excavation trenches were excavated within the FSPS study area- with an aim of investigating the nature of the historical archaeological resource present at the site. A further three pits were excavated by environmental scientists under archaeological supervision for a contamination investigation.

Of the test trenches, Trenches 1, 2, 3, 4, and 6 presented with historical archaeology/fill directly overlying sandstone bedrock. Trench 5 presented with a potential thin natural soil profile- partly disturbed- described as a 'mid brown sandy soil with extensive root disturbance'. Trench 7 was highly disturbed in the upper stratigraphy, with the deeper layers not able to be recorded properly due to WHS restrictions, however the trench extended to a maximum depth of 2.6m, with potentially buried natural soil profiles in its deeper stratigraphy underlying a layer of bitumen (Figure 3.10).

Of the three environmental test pits, two encountered potential remnant natural soil profiles (Pit 8-Figure 3.11, and Pit 9), of which only Pit 9 appeared to be relatively intact (Figure 3.12).

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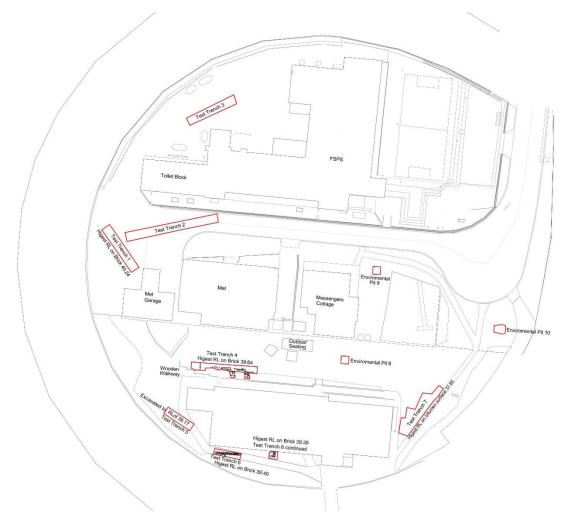


Figure 3.9: Historical Archaeological Test Excavation Trenches Plan (Source: Curio 2019, drawn by B. Owens)