BASELINE ARCHAEOLOGICAL ASSESSMENT

1-11 Oxford Street, Paddington, NSW





Jaki Baloh, Ivana Vetta and Prue Newton

Archaeological Management & Consulting Group

for

CE Boston Hotels Pty Ltd

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Martin Carney Director (mobile 0411 727 395)



Archaeological Management & Consulting Group

AEGIS HERITAGE Pty Ltd ACN 121 655 020

 Ph
 (02) 9568 6093

 Fax
 (02) 9568 6093

 Mob
 0411 727 395

 E-mail
 amac@archaeological.com.au

Cover Image

1892 Plan of Proposed improvements to Oxford Street

Paddington Brewery Fire Brigade: Evening News, 2 Marsh 1895, p. 7.

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EXECUTIVE SUMMARY

Documentary Research

- From 1811, 'Block L' of the site was part of Sydney Common and in 1850 was associated with a Watch House and Toll Bar
- Busby's Bore was excavated beneath the study site c.1827-1837
- Over an acre of Sydney Common was promised to Captain Richard Brooks in 1832 and the grant was made to his daughter Maria Zouch in 1840
- The Brooks Estate was subdivided and sold 1840s-1850s.
- George Brereton acquired Allotment 7 in 1841. He and his family resided there until c.1877 and in 1843 sunk a well on their land.
- Joseph Marshall acquired land in 1853. He resided on Lot 5 and established the Paddington Brewery on Lot 6. Marshall slowly acquired the neighbouring allotments to grow the Paddington Brewery. In the late 19th century, the brewery supported its own Paddington Brewery Fire Brigade.
- By 1910, the brewery land was sold to Olympia Limited and demolition of the extensive brewery complex began. The Olympia Theatre currently occupies the site.

Physical Evidence

- The former Olympia Theatre building is a three-storey structure with isolated basement level disturbances to the ground surface.

Proposed Development

- The Olympia Theatre will be retained but adapted. One full new basement level is proposed across approximately 90% of the site footprint and the second basement across approximately 80%.

Significance and Archaeological Potential

- Evidence of 1811 Sydney Common, the c.1850 Watch House and Toll Bar are potentially State significant, though there is a low chance of encountering them (Section 3.3).
- Intact 19th century occupation remains are considered locally significant and they have high archaeological potential (Section 3.3).
- The 1827-1837 Busby's Bore and its associated remains are considered State significant and have high archaeological potential. <u>Busby's Bore crosses beneath the study site from southeast to</u> <u>northwest. It has high potential and is on the State Heritage Register</u> <u>with a 3m curtilage from external surfaces. Based on several expert</u> <u>opinions, desktop estimates are presented in this document for its</u> <u>location, but its real location and depth is not known.</u> (Section 3.3 and 5.2)

Statement of Archaeological Heritage Impact

The two new proposed basement levels would comprehensively impact potential 19th century occupation relics of both local and state significance. This assessment includes the June 2019 reduction of Basement 02 footprint. Unavoidable impacts to relics can be mitigated with a Section 140

Excavation Permit from the Heritage Division with an endorsed Archaeological Research Design and Methodology.

- The expert opinions of geotechnicians, engineers and archaeologists have compiled a best-case 'desktop scenario' for the location of Busby's Bore and it's SHR curtilage relative to the proposed development. This baseline assessment suggests that potential impacts to Busby's Bore or encroachment on its curtilage could be minimised or avoided.
- Physical confirmation of the location of Busby's Bore should be incorporated into the proposed development program to ensure it is not impacted.

Recommendations

The study site retains high potential for documented and undocumented 19th century occupation relics of both local and potential State significance. Relics are protected by the Heritage Act 1977. The proposed two new basement levels at the site would comprehensively impact the 19th century occupation relics, however, these impacts could be mitigated with an appropriate Research Design and Archaeological Excavation Methodology endorsed by the Heritage Division under a Section 140 permit.

The study site also retains high potential for Busby's Bore and its SHR curtilage. The current basement design avoids Busby's Bore based on the various historic estimates of its location. With the appropriate expert input, updated modern data for the real location and depth of Busby's Bore could be obtained. That updated location data would be incorporated into an archaeological methodology and any potential impacts could be minimised or avoided. Physical confirmation of the location and integrity of Busby's Bore should be incorporated into the proposed development program to ensure it is not impacted. Whilst all efforts will be to avoid Busby's Bore, it should be noted that if the development does need to encroach on its SHR curtilage, a Section 57 Exemption Notification or a Section 60 Permit from the Heritage Division may be required.

GLOSSARY

Term	Definition
AMAC	Archaeological Management and Consulting Group
Archaeological feature	Archaeological material which is not considered a relic in terms of the NSW Heritage Act 1977. For example- postholes, artefact scatters, cesspits or rubbish pits
DCP	Development Control Plan
DP	Deposited Plan
Former relic	A deposit, artefact, object or material evidence whereby the integrity of the relic is viewed to have been destroyed or disturbed to the point where it is no longer considered to hold any significance as a relic in terms of the NSW Heritage Act 1977.
Heritage Division	Formerly known as the Heritage Branch
LEP	Local Environment Plan
LGA	Local Government Area
LTO	Land Titles Office
NPW Act	National Parks and Wildlife Act 1974
OEH	NSW Office of Environment and Heritage (formerly known as the DECCW)
Relic	Defined by the NSW Heritage Act (see Section 1.5.3) as: "any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance"
S57	Refers to definition of Section 57 in the NSW Heritage Act 1977
S60	Refers to definition of Section 60 in the NSW Heritage Act 1977
S139	Refers to definition of Section 139 in the NSW Heritage Act 1977
S140	Refers to definition of Section 140 in the NSW Heritage Act 1977
SHI	State Heritage Inventory
SHR	State Heritage Register
Work	Archaeological material related to road and rail infrastructure which is not considered a relic in terms of the NSW Heritage Act 1977, however may retain an archaeological significance independent of the statutory definitions. The interpretation of a 'work' has been defined in consultation with the Heritage Division



Figure 1.1Site location showing the study site outlined in red.
Six Maps Viewer (accessed 7 September 2018)



Figure 1.2Aerial photograph showing the study site outlined in red
Six Maps Viewer (accessed 7 September 2018)



Figure 1.3 Part of a map of Paddington Urban conservation area. City of Sydney LEP. https://www.legislation.nsw.gov.au/#/view/EPI/2012/628/sch5

1.0 INTRODUCTION

1.1 BACKGROUND

CE Boston Hotels Pty Ltd has commissioned the Archaeological Management and Consulting Group to prepare a Baseline Archaeological Assessment. The report conforms to Heritage Office Guidelines for Archaeological Assessment.¹

1.2 STUDY AREA

The study site is that piece of land described as Lot 1 and 2 Land Titles Office Deposited Plan 130269; and Lot A DP377984. The site address is known as 1-11 Oxford Street, Paddington, in the Parish of St Phillip, County of Cumberland.

1.3 SCOPE

This report does not consider the potential Aboriginal archaeology of the study site. However, any Aboriginal sites and objects are protected by the National Parks and Wildlife Act (see Section 1.5.2).

The heritage value of the structures currently standing on the study site is not assessed as part of this report.

The discovery of unknown and unassessed remains will require additional assessment.

1.4 AUTHOR IDENTIFICATION

This report was written and researched by Jaki Baloh, Prue Newton and Ivana Vetta with by Martin Carney. The collections used were the City of Sydney Archives, State Records of New South Wales, NSW Land and Property Information, State Library of New South Wales and the National Library of Australia Trove online collection.

1.5 STATUTORY CONTROLS AND HERITAGE STUDIES

1.5.1 NSW Heritage Act 1977 (as amended)

The NSW Heritage Act 1977 affords automatic statutory protection to relics that form archaeological deposits or part thereof. The Act defines relics as:

Relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales,
 - not being Aboriginal settlement, and
- (b) is of State or local heritage significance

Sections 139 to 145 of the Act prevent the excavation or disturbance of land for the purpose of discovering, exposing or moving a relic, except by a qualified archaeologist to whom an excavation permit has been issued by the Heritage Council of NSW.

¹ Heritage Office and Department of Urban Affairs and Planning (1996).

1.5.2 National Parks and Wildlife Act (1974)

The *National Parks and Wildlife Act 1974* (as amended) affords protection to all Aboriginal objects and is governed by the NSW Office of Environment and Heritage. These objects are defined as:

any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.²

It is an offence to destroy Aboriginal objects or places without the consent of the Director-General.³ Section 86 discusses 'Harming or desecration of Aboriginal objects and Aboriginal places':

- (1) A person must not harm or desecrate an object that the person knows is an Aboriginal object. Maximum penalty:
 - (a) in the case of an individual-2,500 penalty units or imprisonment for 1 year, or both, or (in circumstances of aggravation) 5,000 penalty units or imprisonment for 2 years, or both, or
 - (b) in the case of a corporation-10,000 penalty units.
- (2) A person must not harm an Aboriginal object. Maximum penalty:
 - (a) in the case of an individual-500 penalty units or (in circumstances of aggravation) 1,000 penalty units, or
 - (b) in the case of a corporation-2,000 penalty units.
- (3) For the purposes of this section, "circumstances of aggravation" are:
 - (a) that the offence was committed in the course of carrying out a commercial activity, or
 - (b) that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.

This subsection does not apply unless the circumstances of aggravation were identified in the court attendance notice or summons for the offence.

- (4) A person must not harm or desecrate an Aboriginal place.
- Maximum penalty:
 - (a) in the case of an individual-5,000 penalty units or imprisonment for 2 years, or both, or
 - (b) in the case of a corporation-10,000 penalty units.
- (5) The offences under subsections (2) and (4) are offences of strict liability and the defence of honest and reasonable mistake of fact applies.
- (6) Subsections (1) and (2) do not apply with respect to an Aboriginal object that is dealt with in accordance with section 85A.
- (7) A single prosecution for an offence under subsection (1) or (2) may relate to a single Aboriginal object or a group of Aboriginal objects.
- (8) If, in proceedings for an offence under subsection (1), the court is satisfied that, at the time the accused harmed the Aboriginal object concerned, the accused did not know that the object was an Aboriginal object, the court may find an offence proved under subsection (2).⁴

1.5.2.1 Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW

In October 2010 DECCW (now the Office of Environment and Heritage) introduced the "Due Diligence Code of Practice for the Protection of Aboriginal Objects in

² Part 1 Section 5, National Parks and Wildlife Act 1974.

³ Part 6 Section 90 (1) National Parks and Wildlife Act 1974.

⁴ Part 6 Section 86, National Parks and Wildlife Act 1974.

NSW".⁵ This code of conduct was released in response to changes in the NPW Act which now states "A person must not harm or desecrate an object that the person knows is an Aboriginal object" or that "A person must not harm or desecrate an Aboriginal place" (NPW Act, Amendment 2010). Individuals or organisations who are contemplating undertaking activities which could harm Aboriginal objects should consult this code or engage the services of an appropriately qualified archaeological consultant to carry out a Due Diligence study on any proposed development.

This code provides a process whereby a reasonable determination can be made as to whether or not Aboriginal objects will be harmed by an activity, whether further investigation is warranted, and whether the activity requires an Aboriginal Heritage Impact Permit (AHIP) application.

If through this or any other process which meets the standards of this code, such as the commission of an Environmental Impact Assessment, one has already taken reasonable steps to identify Aboriginal objects in an area subject to a proposed activity. Subsequently if it is already known that Aboriginal objects will be harmed, or are likely to be harmed by an activity, then an application should be made for an AHIP.

1.5.3 State Heritage Register and State Heritage Inventory

The NSW State Heritage Register and State Heritage Inventory are lists which contains places, items and areas of heritage value to New South Wales. These places are protected under the New South Wales Heritage Act 1977.

Busby's Bore crosses below the study site and is listed on the NSW State Heritage Register as Item 00568. It is described on the listing as "a unique engineering achievement which played a crucial role in the development of urban Sydney".

The study site is included on the Inventory as Sydney LEP Item 1 'Busby's Bore' and the study site falls within the Paddington Urban Conservation Area.

1.5.4 National Heritage List

The National Heritage List is a list which contains places, items and areas of outstanding heritage value to Australia. This can include places and areas overseas as well as items of Aboriginal significance and origin. These places are protected under the Australian Government's EPBC Act.

The study site is not listed on the National Heritage List.

1.5.5 Commonwealth Heritage List

The Commonwealth Heritage List can include natural, Indigenous and historic places of value to the nation. Items on this list are under Commonwealth ownership or control and as such are identified, protected and managed by the federal government.

The study site is not listed on the Commonwealth Heritage List.

⁵ Office of Environment and Heritage,

http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf

1.5.6 City of Sydney Local Environment Plan 2012

Part 5.10- Heritage Conservation, within the Local Environment Plan, states the following guidelines in relation to archaeological sites:

7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the <u>Heritage Act</u> <u>1977</u> applies):

(a) notify the Heritage Council of its intention to grant consent, and(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

Schedule 5 of this plan lists Items of Environmental Heritage with heritage items listed in Part 1, Heritage Conservation areas listed in Part 2 and Archaeological Sites listed in Part 3. The study site is listed as part of the Busby's Bore listing (Item 1). The study site also falls within the Paddington Urban conservation area (C50).

1.6 PREVIOUS HERITAGE STUDIES AND REPORTS

1.6.1 Heritage Impact Statement – Urbis Pty Ltd (July 2018)

A Heritage Impact Statement was prepared by Urbis Pty Ltd for 1-11 Oxford St, Paddington. It was prepared to assess the potential heritage impact on the study site, the broader conservation area, and heritage items in the vicinity i.e. Busby's Bore.

1.6.2 Geotech Desktop Study – Douglas Partners (April 2018)

A geotechnical study was prepared by Douglas Partners with the aim of identifying potential geotechnical issues related to the proposed development, providing preliminary design and construction advice and to comment on the need for further investigation.

1.7 ACKNOWLEDGMENTS

Thank you to Daniel Barber and Dean Chivas of CE Boston Hotels Pty Ltd and Ray Blinman of Douglas Partners for all their assistance.

2.0 SITE HISTORY

2.1 PADDINGTON AND SYDNEY COMMON

South Head Road (now Oxford Street) was constructed in 1803 as an entrance to the Pilot and Signal Station that was situated at South Head. No residential housing was in the area at this time as the landscape was swampy and not suitable for agriculture.⁶ Governor Macquarie gave 490 acres to the south of South Head Road for civic use as part of a larger area defined as Sydney Common in 1811. The 490 acres included South Dowling Street to Centennial Park and Moore Park.⁷

The area was out of the town centre and covered with stunted trees and a substantial amount of sandstone. In 1820, a Water Reserve was formed including the Lachlan Swamps. A tunnel reserve was also built between 1827 and 1837 for Busby's Bore in order to take water from Lachlan Swamps to Hyde Park.⁸ Paddington was on high ground and close to Busby's Bore which provided clean drinking water (see Section 2.2). This type of landscape was ideal for defence purposes and consequently a site was chosen on Paddington Hill in 1838 for a new military barracks. Fronting South Head Road, the barracks were surrounded by Crown Lands of the Sydney Common for 30 years. The Victoria Barracks was built between 1841 and 1848 and located between Oxford Street and Moore Park Road. This base brought with it a number of soldiers which prompted residential development, and stores and cottages in the area to supply the needs of the militia.⁹

There were larger grants for civic purposes within this part of Paddington and three individual grants. One of these grants were for two acres to L. W. Newcombe. A Mill was constructed in the area of Stewart Street on granted land to Charles Gordon in 1839. Gordons Mill became a well-known landmark in Paddington up until the 1870s.¹⁰ The growth of Paddington saw an increase in the establishment of minor industries including a wool washing company, lime and the first commercial salt water boiling station.

In the 1850s, the subdivision of Sydney Common commenced with around 15 to 40 allotments designated for sale. The blocks were gradually released for sale over a 25-year period. There was an increase in land purchases in 1867, 1871 and 1881-1882.¹¹ The larger grants for civic purposes included the establishment of the Roman Catholic Church, Wesleyan Church at Newcombe and Oxford Streets, St Mathias Samoan School on Oxford Street, Paddington State School and land for Reservoir on Oxford Street was also set aside.¹² The population of Paddington had grown rapidly and by 1851 the number of inhabitants were at 1,389 which further increased to 3,100 by 1859.¹³ This put Paddington as the third largest suburb in Sydney after Glebe and Balmain. In 1860 Paddington was declared a municipality and in 1866 the Paddington Town Hall was erected. Due to the increase in

⁶ AMAC Group (2004), p. 8.

⁷ Urbis (2018), p. 14-15.

⁸ Aird (1961), p. 5-6.

⁹ Urbis (2018), p. 14-15.

¹⁰ Urbis (2018), p. 14-15.

¹¹ Urbis (2018), p. 14-15.

¹² Urbis (2018), p. 14-15.

¹³ Urbis (2018), p. 14-15.

development and population the council focused on installing water and gas pipes and improving the streets and gutters.¹⁴

Paddington in 1861-1871 saw a population growth of 60% making it 4,250 inhabitants. Residential housing increased which saw more shops being established in Paddington. There were 52 shops in Paddington by 1870, 37 of them being situated on Oxford Street and picking up business from people travelling from the city to Bondi and Bellevue Hill.¹⁵

Development was thriving in Paddington until the 1890s when the pressures of the Depression took effect. All buildings following the Depression were of smaller scale. Moving into the 20th century the Depression was receding, and new transport was being established. Trams and buses allowed for people to live away from their work places and commute into Paddington. A turn over in land lords resulted in the middle-class owners and tenants moving away from Paddington. The area accompanied by Surry Hills gradually became a home to some of the poorer people of Sydney.¹⁶ By 1930 the properties were in a state of despair as they were not being well maintained due to the deteriorated financial climate.

By 1960s there was a rise in interest from developers to construct high rise development and demolish a large portion of Paddington. This prompted the establishment of the Paddington Society in 1964 whom looked to conserve and refurbish the suburb as a significant area for Australian heritage. They were successful in their endeavour, in 1979 Paddington was listed as the first conservation area by the National Trust (NSW).¹⁷

2.2 BUSBY'S BORE

The study site is located above the known location of Busby's Bore which was designed by John Busby and constructed between 1827 and 1837.¹⁸ John Busby was an Englishman who arrived in Sydney in February 1824. He was a mineral and water surveyor who was employed by the Government to design a two-kilometre tunnel or bore to transport water from the Lachlan Swamps to the west side of Centennial Park. Aird describes the location of the tunnel below:

Busby's tunned commenced at a point near the present Cleveland Street entrance to Centennial Park. It passed under the Agricultural Society's ground and the old Paddington Rifle Range, then under Park Road and the grounds of Victoria Barracks. It ran under Oxford Street near Flinders Street and ended in Hyde park near the Oxford Street entrance.¹⁹

The work on the tunnel was done by convicts and began at the south eastern corner of Hyde Park. The work was carried out 24 hours a day over three rotating eighthour shifts. There is explicit mention that the convicts were unskilled and unruly, to the point that Busby feared for his wellbeing and chose to manage the works above ground.²⁰ The digging of the tunnel was done by hand pick and occasionally explosives. The convicts were working waist deep in water most of the time which

¹⁴ AMAC Group (2010), p. 14.

¹⁵ Urbis (2018), p. 14-15.

¹⁶ AMAC Group (2010), p. 14.

¹⁷ Urbis (2018), p. 14-15.

¹⁸ Aird (1961), p. 5.

¹⁹ Aird (1961), p. 5

²⁰ NSW Office of Environment & Heritage, Busby's Bore, SHR00568.

were not ideal working conditions and could have added to heightened tension between Busby and the workers.²¹

Henry states that water was made available in 1830, prior to the completion of the tunnel.²²

As work proceeded, seepage springs were tapped, and from this source, the public, in quantities sufficient for all immediate requirements, by means of a pipe carried a short distance into Hyde Park on trestles to enable the filling of water carts. In 1830 before the tunnels completion seepage springs were tapped and the tunnel began to supply water to the public.

The bores average height was five feet and four feet wide. It contained twenty-eight vertical shafts and according to Henry cost £24,000.²³ It was able to hold 300 to 400 thousand gallons of water per day which was a large enough supply for the population of 20,000 in Sydney at the time.

Upon the completion of the tunnel a drought which lasted over a year caused the supply of water to become limited. According to the *Herald* of the 5th November 1838²⁴, a heavy tax was put on water, costing three pence per bucket. The poor people in Sydney struggled to meet these quotas. In 1844 reticulation pipes from the bore were laid to a number of places in the City. Around 70 houses became connected and fountains were built in various points of the town.²⁵

In 1854 a small pumping plant was built at the lower end of the swamps to increase the flow of the water. Dams were built to conserve the water and Busby's Bore was Sydney's main water source until 1858 when the Botany Swamps Water Supply Scheme commenced operation.²⁶ The bore was still in use and in 1872 the tunnel was cleared and repaired to improve the flow of water. This was effective as the water increased by nearly one million gallons per day in Woolloomooloo and the lower areas of the City.²⁷ In 1881 people complained that their water was contaminated, and investigations showed that there were traces of tar from the tram tracks works in lower Oxford Street. Remedial measures occurred, and two 12-inch cast iron pipes were laid within the tunnel.

In 1902 during a drought, a large amount of water was needed for the Botanic Gardens. The water was thought to still be polluted and it was decided that it would be to reckless to use, in case children were exposed. The water supply was thus only used for flushing out creeks and ponds in the gardens. In 1936, due to the subsidence under the tram lines in Oxford Street:²⁸

The portion of the Bore from the intersection of College, Liverpool and Oxford Streets to a point near Riley Street was filled in with sand blown in by compressed air and water jet.

Busby's Bore is still extant beneath Sydney though it is no longer in use.

²¹ NSW Office of Environment & Heritage, Busby's Bore.

²² Henry (1939), p. 45.

²³ Henry (1939), p. 46.

²⁴ Herald (5th November 1838).

²⁵ Henry (1939), p. 46.

²⁶ Aird (1961), p. 7.

²⁷ Aird (1961), p. 7.

²⁸ Aird (1961), p. 8.

2.2 BROOKS' ESTATE AND ORIGINAL GRANT

The study site is situated partly within land originally promised to Captain Richard Brooks in 1831 and partly within the what was formerly the Sydney Common.

The study site was part of land promised to Captain Richard Brooks by Governor Darling in 1831;²⁹ he was "authorised to take possession" of the land in December 1832. This land comprised of 1 acre 3 roods and 32¹/₄ perches on the South Head Road, bounded by the Sydney Commons, in the Parish of Alexandria and was given to Brooks in compensation for land acquired for roads from his estate in Surry Hills.³⁰ Brooks, born in 1765 in Devon, England, was a naval officer and first arrived in New South Wales as the captain of the convict ship Atlas.³¹ Brooks made several voyages to the colony, and was infamous for his poor treatment of convicts in his charge. In 1814, he returned to New South Wales as a free settler with his wife Christiana and their children moving into a house on the corner of Pitt and Hunter Streets, setting himself up as a merchant. Brooks received several large grants of land including 300 acres in the Illawarra as well as land in Lake George, Cockle Bay and Surry Hills. By 1823, his family relocated to Denham Court near Liverpool where he lived until his death in August 1833.³² Following the death of Captain Brooks, attempts were made to subdivide and sell his estate in 1838 described as "opposite West's Land and Cottages, on the South Head Road".³³ This subdivision consisted of 11 allotments (Figure 2.4) being sold as "Brook's Estate" however the sale appears to have failed. The advertisement of sale does not note any buildings on the property rather focusses on emphasising the ideal location of the allotments. A case in the Court of Claims dated to December 1839 confirms that the land was still in the possession of Brooks estate and states that the representatives of the estate "are to shew who is entitled to receive the Deed of Grant".34

On the 30th April 1840, this land was granted to the youngest daughter of Richard Brooks, Maria Zouch (1814-1892).³⁵ Maria was born in New South Wales in 1814 to Richard and Christiana Brooks.³⁶ Maria married Henry Zouch (1811-1883) in 1836 and had a recorded eight children.³⁷ Henry (referred to as Harvey) is later referred to on the Title and was a Canadian born soldier, pastoralist, gold commissioner and superintended of police.³⁸ Henry and Maria Zouch did not keep the property for long: this land was transferred to Joseph Newton for subdivision and sale.

2.3 SUBSEQUENT OWNERS AND OCCUPANTS

Joseph Newton was a storekeeper who subdivided the Brooks' Estate into fifteen allotments and sold them all in 1841 to various people. Overlays of a c.1840 survey plan (Figure 2.5) shows that parts of Allotments 5, 6, and 7 are within the current

²⁹ NSW Government Gazette, 25/12/1839, Issue 477, p. 1478.

³⁰ Town Grant Serial 60, p. 107.

³¹ Brooks, Richard (1765-1833), Australian Dictionary of Biography Online, accessed 5/10/18.

³² Town Grant Serial 60, p. 107.

³³ Sydney Monitor and Commercial Advertiser, 5 November 1838, p. 38.

³⁴ NSW Government Gazette, 25/12/1839, Issue 477, p. 1478.

³⁵ Primary Application No. 8862; NSW Births Deaths and Marriages 3470/1814; 1892/5589.

³⁶ NSW Births Deaths and Marriages 1814/3470.

^{37 337/1836}

³⁸ Australian Dictionary of Biography: Henry Zouch (1811-1883).

study site boundaries. Thus, only these allotments will be discussed in detail below.³⁹

2.3.1 Brooks' Estate Allotments 5 and 6

On the 6th April 1841 Joseph Newton sold Lots 5 and 6, which were on the study site, and Lots 11 and 13 to Edward Downer O'Reilly.⁴⁰ There is little information recorded about O'Reilly except that he married Mary A. Britt in 1845 and there was no evidence that suggested they had children.⁴¹ He died in 1858 but not before he had sold his properties.⁴² On the 1st July 1843, O'Reilly had a mortgage to William Roberts for the land which the following year O'Reilly and trustees sold to him on the 17th September 1844 (Table 2.2).⁴³

Once again there is little known about William Roberts except that he married Jane Longest in 1810 and they had potentially eight recorded children together.⁴⁴ He had a son by the name of Joseph in 1814 and is likely the John Joseph Roberts that is recorded in a Conveyance document dated to the 22nd Mary 1847 showing the said land being sold to him from William Roberts.⁴⁵ It is likely that William died in 1850 at the age of 67 according to the Birth Marriage and Death Registry.⁴⁶ If this is accepted the land was likely inherited by his son Joseph Roberts.

On the 13th May 1853 John Joseph Roberts sold the allotments to Joseph Marshall who established a brewery on the site (see Section 2.3.4).⁴⁷

2.3.2 Brooks' Estate - Allotment 7

Joseph Newton sold Allotment 7 containing part of the study site, along with Lots 1, 8, 12, and 15 to Gordon Sandeman on the 25th May 1841 (Table 2.3).⁴⁸ The land was sold only three month later, on 9th July 1841, by Sandeman to George Brereton.⁴⁹ Brereton was born in England in 1802 and was listed as a harness maker in September 1832 when he arrived in the colony free aboard the *Mountaineer*, with his wife Theresa Agnes and four children.⁵⁰ On arrival in the colony, Brereton was appointed as a Market Constable⁵¹ a position he held for three years before becoming a fruiterer.⁵² By the late 1830s, Brereton had established himself at No. 4 Market Building as well as a shop on George Street selling fruits

³⁹ The occupants of these allotments over time is not always clear as the study site falls outside of the digitised Rates Assessment Books for the City of Sydney. A search of the Sands Directory also found little information regarding the occupants of the site due in part to the odd alignment of the current site boundary with the historic subdivisions.

⁴⁰ Book V No. 482

⁴¹ 15/1845

⁴² 7083/1858

⁴³ Book 4 No. 445; Book 8 No. 113

⁴⁴ 782/1843

⁴⁵ 369/1814; Book 12 No. 777

⁴⁶ 1290/1850

⁴⁷ Book 26 No. 794

⁴⁸ Book V No. 896; Book 172 No. 111

⁴⁹ Book 172 No. 111

⁵⁰ NSW Assisted Immigrant Passenger Lists 1828-1869, NSW State Archives.

⁵¹ Sydney Gazette and New South Wales Advertiser, 27 December 1832, p. 1.

⁵² The Australian, 23 January 1835, p. 3.

such as bananas.⁵³ Shortly after purchasing these allotments, including Lot 7 and those facing South Head Road (now Oxford Street), Brereton constructs several buildings with four cottages advertised for rent on South Head Road "opposite Mr West's gate":⁵⁴ It is unclear if any of these buildings were within the study site as at this time, the lack of construction on Lots 5 and 6 meant that Lot 7 was visible from South Head Road. It is likely that Brereton established his own residence on the study site at this time as well. In 1843 an inquest was held into the death of a well-sinker, John Cooper, who died while digging a well at Brereton's Cottage⁵⁵ and it is known from Brereton's later Will, that his cottage on Lot 7 had a well.⁵⁶ Brereton died on the 26th January 1854 at the age of 52 after a "prolonged and lingering illness" dying at his residence on South Head Road.⁵⁷ In his Will of 1853, Brereton described himself as residing on the property and the other houses being let by a Mr McGuire, a Mr Baldry and a Mrs Skimmer.

The Lot 7 was inherited by his wife, Theresa Agnes Brereton, who continued to live at the residence until her death a decade later.⁵⁸ Following her death, the site was inherited by her children William Brereton and Theresa McCullough (nee Brereton). Theresa married Andrew McCullough in 1847⁵⁹ with whom she had five children George William (1847-1915), Emiline Ann (c.1851-1871), Mary Theresa (1853-)⁶⁰, Maria L. (1857-)⁶¹, John Andrew (1855-1857)⁶² and William I. (1859-).⁶³ The McCullough's continue to live at the residence with the death of their son John Andrew in 1857 describing their residence on South Head Road next to the tollbar which was at this time located at the intersection with Dowling Street (now South Dowling Street).⁶⁴ At the time of George Brereton's will only his daughter, Theresa and three of her children George William, Emiline Ann (also known as Amelia) and Mary Theresa are listed as the beneficiaries of the will which is very specific about the grandchildren being looked after by the estate with each grandchild given a house on the property to profit from however Emiline Ann died in 1871 before she was old enough to benefit from the property.65 At the time of the sale of the allotment in 1877, Mary Theresa had married John Kell (in 1874) and a death notice from 1875 for their first child Eleanor Beatrice, list their residence as No. 1 Dowling Street Paddington suggesting that they had taken up residence in one of Brereton's houses.

On the 21 August 1877 William Brereton, described as a saddler, along with Theresa McCullough, George William McCullough and Mary Kell (nee McCullough) sold the northerneast part of Allotment 7 to Joseph Marshall for £500 including the three houses inherited by the McCullough's (Figure 2.17). The southwest portion of the site was retained by William Brereton and contained Brereton's Cottage. William Brereton did not reside in the cottage, rather it was most likely let. Shortly before

⁵³ Sydney Monitor and Commercial Advertiser, 31 October 1838, p. 4.

⁵⁸ Sydney Morning Herald, 21 July 1864, p. 7.

- ⁶⁰ New South Wales, Births, Deaths and Marriages 3114/1853 V18533114 39A
- ⁶¹ New South Wales, Births, Deaths and Marriages 3480/1857

63 New South Wales, Births, Deaths and Marriages 3483/1859

⁵⁴ Sydney Morning Herald, 20 November 1843, p. 3.

⁵⁵ The Teetotaller and General Newspaper, 11 January 1843, p. 1.

⁵⁶ LPI Deed Book 172 No. 111

⁵⁷ LPI Deed Book 172 No. 111; New South Wales, Births, Deaths and Marriages 164/1854; Sydney Morning Herald, 27 January 1854, p. 3.

⁵⁹ New South Wales, Births, Deaths and Marriages 145/1847 V184714532C

⁶² Sydney Morning Herald, 27 January 1857, p. 1.

⁶⁴ Sydney Morning Herald, 27 January 1857, p. 8.

⁶⁵ LPI Deed Book 172 No. 111.

William Brereton's death in 1894, this part of the site was transferred to Marshall's Paddington Brewery Ltd (see Table 2.3); at the time Brereton was living on Riley Street in Surry Hills.⁶⁶

2.3.3 Sydney Common - Block L

The Sydney Common was established in 1811 for the common pasturage of the grazing animals of Sydney, this land may have been in its natural state at this time and not yet extensively cleared by Europeans (Figure 2.1). It was supplied with water from the southwest by Rushcutters Creek which commenced in the area of Albion and Bourke Street. The creek crossed South Head Road (now Oxford Street) and may have passed through the study site (Figure 2.6). South Head Road had a culvert or bridge over the creek by c.1844-1856 this was adjacent the study site (Figure 2.6).⁶⁷ Though Well's 1850 plan shows the creek crossing South Head Road into Taylor Street – away from the study site.

Well's 1850 plan is the first to indicate subdivision of Sydney Common. The northwest of the site is at this time a triangular piece of land known as 'Block L' (now corner of Oxford Street and South Dowling Street).⁶⁸ At this time, this allotment was the location of a 'watch house' and gardens which accompanied the toll-bar which was located on this part of South Head Road. Amendments to the Sydney Common Improvement Act in 1868 allowed for the sale of parts of the Sydney Common. ⁶⁹ In 1869, Joseph Marshall purchased Block L of Sydney Common from the City of Sydney and the land was incorporated into his brewery.⁷⁰

2.3.4 The Paddington Brewery

Joseph Marshall commenced the purchase of the study site in 1853 with Lots 5 and 6. Marshall and his sons would come to own the entire study area, they established the Paddington Brewery there in 1856 and their business grew to rival Sydney's Tooth and Co.'s Kent Brewery.

A book on "Colonial Gentry" published in 1891 describes Joseph Marshall as being born in Holly Hall, in Huddersfield, Yorkshire 1818. The book suggests that he went to college in England and studied medicine which he passed and went on to be a manufacturing druggist before immigrating to South Australia in 1840 then moving to Sydney.⁷¹ No evidence could be found of Joseph Marshall arriving in this year nor his time in South Australia. At the time of his death in 1880 his age is noted as 65 years of age⁷² placing his birth date around 1815. It is noted that a convict named "Joseph Marshall" arrived in the colony in 1836 having been sentenced for 7 years for stealing pigeons in 1835 at the age of 19 (giving a birth year of 1816).⁷³ Although his background is unclear, advertisements from 1853 advertise his business as a "chemist and druggist" operating from William Street in Woolloomooloo.⁷⁴ Marshall

⁷³ New South Wales, Convict Indents, 1788-1842, Annotated Printed Indentures, 1836, p.
37.

⁶⁶ LPI Deed Book 530 No 830; Sydney Morning Herald, 24 May 1894, p. 8.

⁶⁷ Government Gazette No. 35, 29 February 1856.

⁶⁸ LTO Vol 1190 Fol 11

⁶⁹ New South Wales Government Gazette, 1 May 1868, p. 1255.

⁷⁰ LPI Deed Book 112 No 38

⁷¹ Burke (1891), p. 137.

⁷² Sydney, Australia, Anglican Parish Registers, 1814-2011, Newtown St Stephen No 17183

⁷⁴ Sydney Morning Herald, 26 March 1853, p. 1.

married Esther Stockdale in 1843 and had four recorded children, Elizabeth, Joseph Jnr, Thomas and James.⁷⁵

It is likely that the family lived in William Street before purchasing the lots on South Head Road (now Oxford Street). After purchasing Allotments 5 and 6 of Brooks' Estate, Marshall constructed a timber cottage on Allotment 5, most likely in the mid-1850s as it is not shown on early plans. It is clear that by the end of the 1850s the family is living on the property with their residence described as on "South Head Road" at the death of their daughter Elizabeth in 1859.⁷⁶

In c.1856 Marshall established the Paddington Brewery on Lot 6 adjacent to Marshall's cottage.⁷⁷ *The Australian Brewers Journal* dated to 1906 provides a brief history of the Brewery and highlights that the brewery ranks high in quality in the State.⁷⁸ The Journal states that the Marshalls brewery company was established in 1836 however considering Marshall did not arrive in Australia until possibly 1840, then this is likely a typographic error and the date intended was in fact 1856. According to a Government Gazette, Marshall received his Brewers licence in 1860.⁷⁹ These licenses were only listed in the Gazettes from 1860 and his establishment began in c.1856 which would suggest that he was awarded a licence prior to this date.

Marshall had also purchased land on the Lake Macquarie foreshore now known as Mirrabooka and Brightwaters. He opened a Fishery and Curing Factory in 1864. Three years later Marshall had expanded and got into the sugar production industry which after being planted, supplied to his Brewery.⁸⁰ With the expansion of his business, in 1869, Marshall purchased Block L of the Sydney Common (corner piece of land bound by Dowling, Oxford and Marshall Street)⁸¹ and in 1877 also purchased the northern part of Lot 7. By the 1870s Marshall Brewery was well known for its bottled and draught ale and draught porter, to the point of the business receiving multiple medals and awards in the 1870s and 1880s.⁸² Marshall died in 1880 and his residence is listed as "Fairlight, Elizabeth Bay" suggesting that the family had relocated their residence from Paddington, possibly sometime in the 1860s or 1870s.⁸³ Upon his death, the Paddington Brewery was left to two of his sons while the other son had established himself as a solicitor in Sydney.⁸⁴ By 1886 the Marshall sons had utilised the former undeveloped Block L and constructed a Volunteer Fire Brigade station which will be discussed in Section 2.4.5.⁸⁵

According to the *Australian Brewers Journal*, dated to 1906, James and John (also known as Joseph Jnr) Marshall formed Paddington Brewery into a company with

⁷⁵ NSW Births Deaths and Marriages, Marriage 3744/1843; Elizabeth death 1833/1859; Joseph 242/1845; Thomas 2087/1848; James J 904/1850; James J 421/1852.

⁷⁶ Sydney Morning Herald, 3 January 1859, p. 1.

⁷⁷ Sydney Morning Herald, 7 August 1888, p. 10.

⁷⁸ Australia Brewers Journal 20/11/1906, p. 67.

⁷⁹ Government Gazette, 7 February 1860 Vol 1A.

⁸⁰ Lake Macquarie City Library < https://history.lakemac.com.au/page-local-

history.aspx?pid=1085&vid=20&tmpt=narrative&narid=3757>

⁸¹ Urbis (2018), p. 16; Primary Application No. 8861.

⁸² Receipt of a Prize Medal, Australian Town and Country Journal, 1 January 1876, p. 12; Digby (1888).

⁸³ The Sydney Daily Telegraph, 20 May 1880, p. 2.

⁸⁴ Digby (1888).

⁸⁵ Evening News 7 January 1891, p. 2.

Sydney Cooperative Brewing Co Limited in 1888.⁸⁶ Since that date the establishment was designed to allow a working space for all areas of the department. The Journal explicitly states:

The malt, brewing and bottling departments are properly fitted up for modern production. The offices fronting Oxford-street are nicely fitted up, with private and board rooms upstairs.⁸⁷

In 1894 an Act was passed to authorise Paddington Council to close Marshall Street and give the said land to Marshalls Co-Op Breweries Ltd as a negotiation for the Council acquiring part of the Oxford property in order to widen and improve the roads.⁸⁸ In 1893, the Sands Directory stopped recording the occupants of Paddington Brewery Fire Brigades which may mean that the building may have been removed and relocated to make way for road works to widen Oxford Street (Figure 2.22).⁸⁹

By 1898, the Paddington Brewery had grown to the scale of a small empire. Its premises were hidden behind brick walls two-storeys high and all that could be seen from the street were imposing ornate facades and array of rooflines for a series of industrial brewery buildings.⁹⁰

In 1910, Marshalls Co-Op Breweries Ltd sold the Oxford property which now consisted of one rood, thirty-six and three-quarter perches to Olympia Limited.⁹¹ The company relocated to Leichhardt⁹² in 1911 but soon after was bought out by rival Tooth and Co. Ltd. and the brewery was liquidated by 1913.⁹³ Up until its closure, the Paddington Brewery was a renowned and successful company.⁹⁴

2.3.5 20th Century - Olympia Theatre

In 1910, John Kirkpatrick who was an architect proposed plans to Paddington Council on behalf of Olympia Limited for a new theatre and Olympia buildings on the corner of Oxford and Dowling Streets. After the plans were approved, the land being the study site was purchased off Marshalls Co-Op Breweries Ltd. Demolition works of the brewery began early in 1911 and the building contract was given to John Earnshaw early July.⁹⁵ Construction of the theatre was rapid and according to the *Sydney Morning Herald* the building was completed and officially opened in December 1911.⁹⁶

 ⁸⁶ Australia Brewers Journal 20/11/1906, p. 67; Sydney Morning Herald, 7 August 1888, p.
 10.

⁸⁷ Australia Brewers Journal 20/11/1906, p. 67.

⁸⁸ Oxford-Street Improvement Act, New South Wales Government Gazette, 28 May 1894, No. 326.

⁸⁹ Sands Directory 1893.

⁹⁰ Australian Town and Country Journal 1 October 1898 p.29

⁹¹ Vol 1254 Fol 65

⁹² The Evening News, 11 April 1911, p. 6.

⁹³ The Daily Telegraph 30 August 1913, p.30

Deutsher, K. M. (2012) *The Breweries of Australia: A History*, Second Edition Lothian, Melbourne, 62

⁹⁴ Australia Brewers Journal 20/11/1906, p. 67.

⁹⁵ Urbis (2018), p. 22.

⁹⁶ Olympia Theatre, West's New Picture Hall, Sydney Morning Herald, 27 December 1911,

р. 7.

Renovations and extensions works were done in May 1919 which forced the theatre to stop operating for a brief period. The branding of the theatre now called West's Olympia was controlled by the Union Theatres chain by 1921.⁹⁷ A mortgage document dated to the 30th December 1924 and later reissued in 1929 was given from Olympia Limited to the trustees of the Public Library of New South Wales for part of the land.⁹⁸ The owner of the property still being Olympia Limited combined all their landholdings under one Certificate of Title in 1925.⁹⁹ In 1929 a lease was granted from Olympia Limited to Wests Limited who were part of the Union Theatres cinema chain, for the portion of land specified on the 1925 Title.¹⁰⁰

The Depression brought on financial strains and Union Theatres went into liquidation in 1931 and all the assets were purchased by Greater Union Theatres.¹⁰¹ Renovations and refurbishment work occurred in late 1930s and early 1950s before the theatre reopened in 1954. The theatre was closed in 1960 and the study site was sold to The Greek Orthodox Community of New South Wales in 1966.¹⁰²

⁹⁷ Urbis (2018), p. 22 ⁹⁸ Vol 3713 Fol 241

⁹⁹ Vol 3713 Fol 241

¹⁰⁰ Vol 3713 Fol 241

¹⁰¹ Urbis (2018), p. 25.

¹⁰² Urbis (2018), p. 25.

Table 2.1	Land Titles – Original Grant	
Date	Title Information	Reference
1 Dec 1832	Lease and Release Richard Brooks 1 acre 3 roods 32 1/4 perches	Town Grant Serial 60 Pg 107
30 April 1840	Grant Maria Zouch (nee Brooks) 1 acre 3 roods 32 1/4 perches	Town Grant Serial 60 Pg 107
25-26 Nov 1840	Conveyance by Lease and Release From: Harvey (Henry) Zouch and wife (Maria) To: Joseph Newton	Book 11 No 688
1840	Subdivision by Joseph Newton of Brooks' Estate	
Table 2.2 Date	Land Titles – Allotment 5 and 6 of Brooks' Estate	e Reference
6-7 April 1841	Conveyance by Lease and Release From: Joseph Newton To: Edward Downer O'Reilly Lot 5 and 6 (as well as 11 and 13)	Book V No. 482
1 July 1843	Mortgage Mortgagee: Edward Downer O'Reilly Mortgager: William Roberts	Book 4 No. 445
17 Sept 1844	Conveyance From: John Holdsworth and Elias Carpenter (1 st part), Edward Downer O'Reilly (2 nd)	Book 8 No 113
	To: William Roberts	
22 May 1847	Conveyance From: William Roberts	Book 12 No 777
13 May 1853	To: John 'Joseph' Roberts Conveyance From: John 'Joseph' Roberts To: Joseph Marshall	Book 26 No 794
Table 2.3	Land Titles - Allotment 7 of Brooks' Estate	
Date	Title Information	Reference
25 May	Conveyance	Book V No 896

Date	Title Information	Reference
Date		Reference
25 May	Conveyance	Book V No 896
1841	From: Joseph Newton	
		Book 172 No
	To: Gordon Sandeman	111
	Lot 7 (along with Lots 1, 8, 12, and 15)	
9 July	Conveyance Lease and Release	Book 3 No
1841	From: Gordon Sanderman	399

To: Goorge Braratan	
Will of George Brereton Trustees: William Brereton (sadler), Richard Seymore, Theresa McCullough (daughter), George William McCullough (grandson), John Kell, and Mary Kell (granddaughter)	Book 172 No 111
Conveyance From: William Brereton (sadler), Richard Seymore, Theresa McCullough (daughter), George William McCullough (grandson), John Kell, and Mary Kell To: Joseph Marshall £500 Northerneast part of Lot 7	Book 172 No 111
Conveyance From: William Brereton, Surry Hills Esquire and Joseph Brereton, Surry Hills Mill Vendor and James Moore, Bootmaker – Trustees of the will of George Brereton To: Marshall's Paddington Brewery Ltd, Oxford Street Sydney 13 ³ / ₄ Perches (Southwest part of Lot 7)	Book 530 No 830
Land Titles - Plack L. Sydney Commons	
	Reference
Conveyance From: The Mayor, Alderman and Citizens of the City of Sydney To: Joseph Marshall- Block L £455	Book 112 No 38
Land Titles - Marshall's Paddington Brewery	
Title Information	Reference
Certificate of Title Marshall's Paddington Brewery Limited	Vol 1109 Fol 11
Certificate of Title Marshalls Paddington Brewery Limited	Vol 1254 Fol 65
Conveyance From: Marshall's Paddington Brewery Ltd and Herbert Woodley Gilles, liquidator	Book 935 No 655
	Trustees: William Brereton (sadler), Richard Seymore, Theresa McCullough (daughter), George William McCullough (grandson), John Kell, and Mary Kell (granddaughter) Conveyance From: William Brereton (sadler), Richard Seymore, Theresa McCullough (daughter), George William McCullough (grandson), John Kell, and Mary Kell To: Joseph Marshall £500 Northerneast part of Lot 7 Conveyance From: William Brereton, Surry Hills Esquire and Joseph Brereton, Surry Hills Esquire and Joseph Brereton, Surry Hills Mill Vendor and James Moore, Bootmaker – Trustees of the will of George Brereton To: Marshall's Paddington Brewery Ltd, Oxford Street Sydney 13 ¾ Perches (Southwest part of Lot 7) Land Titles - Block L Sydney Commons Title Information Conveyance From: The Mayor, Alderman and Citizens of the City of Sydney To: Joseph Marshall- Block L £455 Land Titles - Marshall's Paddington Brewery Limited Certificate of Title Marshall's Paddington Brewery Limited Conveyance From: Marshall's Paddington Brewery Limited Conveyance From: Title Information

To: Marshall's Cooperative Breweries Ltd
13 ¾ Perches (Southern part of Lot 7)Book 935 No
65518 Nov
1910Conveyance
From: Marshall's Co-operative Breweries
LimitedBook 935 No
655To: Kelso King, Sydney, Esquire, Henry Ernest
Odell Gee, Sydney, Cinematograph Picture ShowBook 935 No
655

	Manager, Olympia Limited , Cinematograph Picture Show Proprietors 13 ³ / ₄ Perches (Southern part of Lot 7) – along with several other allotments not on the study site	
18 Nov 1910	Conveyance From: Marshalls Co-Op Breweries Ltd To: Olympia Limited	Vol 1254 Fol 65

2.4 DEVELOPMENT

2.4.1 Busby's Bore

Busby's Bore Generally

Excavated between 1827 and 1837, Busby's Bore is a tunnel through bedrock that connects Hyde Park with Centennial Park. Scattered along its course, the horizontal tunnel has a collection of 25 vertical shafts and intervening shafts that once connected it with ground level, but many are now sealed beneath roads and manholes. Busby's Bore crosses beneath the study site and Shaft No. 5 is located approximately 4m from the study site's northwest corner in South Dowling Street. Shaft No. 6 is located nearby the site to the southeast at Napier Street.

The State Heritage Register has a detailed physical description for the bore in general:

"The tunnel is constructed through sandstone and varies in size from 4 to 10 feet in height and from 2 to 3 foot 6 inches width. It is lined in some sections with dressed stone slabs to carry water from Lachlan Swamps, Centennial Park at west side, Lang and Cook Roads, beneath the Sydney showground, Victoria Barracks and Oxford Street to the corner of Liverpool and Oxford Streets, Hyde Park - a distance of about 2 miles (Brady 1975)".¹⁰³

And an account of Sydney's water supply from 1961 also recalls physical descriptions of the bore:

"When it was cleared the tunnel was found to vary in size from a 3-ft. by 3-ft. passage in some places to large caverns 10-ft. and 11-ft. high. The line was very irregular and although its measured length was 2 miles 8 chains, the surface distance was only 1 mile 72 chains. Six blind or exploratory drives, all in a general south-westerly direction, were found between Moore Park Road and the tunnel mouth. They ranged in length from 48 links (the fourth drive) to 8 chains (the first). Drive No. 4 had a branch drive for 26 links in a northerly direction".¹⁰⁴

The SHR listing and the 1961 account roughly correspond in their physical description of the tunnel dimensions: 3ft by 3ft to 11ft high (1961) or 2-3ft 6in wide to 4-10ft high. This converts to 0.6m to 1.10m wide (min-max) and 0.9m to 3m high.

It seems the bore can be summarised thus: it does not follow a straight course, it does not maintain the same depth below ground, its internal height and width are not constant, and its built form varies from a hollow in the sandstone bedrock to masonry-lined tunnels. With that in mind, the account below attempts to characterise the physical aspects of Busby's Bore where it coincides with the study site.

Busby's Bore between Shaft No. 5 and Shaft No. 6

In 1854, the City Commissioners ordered a survey of 'the water tunnel known as Busby's Bore.'¹⁰⁵ Though the survey was made in 1855, the report was printed in

¹⁰³ SHR Listing 1564.

¹⁰⁴ Aird (1961), p. 5-7.

¹⁰⁵ Warner, J. (1868), *Report of a Survey of the water tunnel known as 'Busby's Bore,'* S. T. Leigh & Co., Hunter Street, Sydney. Accessed via National Library of Australia JAFp Biblio F14865

October 1868. The Superintendent of Water Works, John Warner, made a physical examination of Busby's Bore and created a survey of its route as well as a diagram showing its below ground depths along with the locations of shafts. Warner also reported its internal conditions like structural integrity, obstructions, safety, quality of air and water, water flow and silt. Though Warner was not able to safely access all parts of the bore, he does make observations relevant to the study site:

"From Shaft No. 3 I proceeded to Shaft No. 5 (Toll-bar, South Head Road.) I was careful in feeling my way, but found to my surprise that the bottom was, to say, level as a footpath. I could not gauge the silt which lay on the floor with accuracy, but I may say generally, that all along it covered my ankles".¹⁰⁶

"I arrived at the Toll-bar Shaft. This shaft is 5ft. 6in. diameter, lined with masonry from top to bottom. A fine stream of water pours down this shaft. The built walls at each side of the Tunnel immediately under it narrow the passage to two feet. As I had already nearly made this point from the Court House Shaft upward, it was needless to proceed further".¹⁰⁷

Conclusions

- The dimensions, depth and alignment of Busby's Bore are inconstant and thus highly site specific.
- The best estimate for the study site is from physical observations made between Shaft No. 5 and Shaft No. 6.
- The vertical Shaft No. 5 is approximately 5ft 6in in diameter and lined with masonry, but its built walls either side of connect with the horizontal bore tunnel which at this point is only 2ft in diameter.
- For an analysis of the depth of the Bore beneath the study site, refer to Section 5.0.

2.4.2 Brooks' Estate

During the early part of the 19th century this part of the study site was within Sydney Common and possibly used as pasture by the local residents. By the 1830s, part of the site was granted to Brooks, however it appears to have been largely vacant during this period. Advertisements for a failed subdivision in 1838¹⁰⁸ as well as the real subdivision of 1841¹⁰⁹ did not describe any buildings on this part of the site. rather preferred to disclose the convenience of the location of this land being near the newly constructed military barracks and courthouse. Early plans of the area also indicate that this part of the study site was undeveloped (Figure 2.1-Figure 2.8). As discussed above, the study site in general suffers from under-documentation and in some cases imprecise documentation. In particular, during the 1840s-1850s period when it is clear that site is no longer Sydney Common, and people are moving into the area. Mid-late 19th century resources like Well's 1850 plan are mostly schematic whilst the 1855 City Detail Sheets, 1855-1865 Trigonometrical Survey and the 1880 Dove's Plan do not cover the study site. It is not until the 1885-1895 Metropolitan Detail Series that a serious and accurate survey is made for the study site and even this was traced to provide the basis for the 1888 plan (Figure 2.19-Figure 2.21).

¹⁰⁶ Warner, J. (1868), p. 4.

¹⁰⁷ Warner, J. (1868), p. 6.

¹⁰⁸ Sydney Monitor and Commercial Advertiser, 5 November 1838, p. 38.

¹⁰⁹ Free Press and Commercial Journal, 16 January 1841, p. 4.

By the 1885-1888 plans the mid-19th century allotments have several buildings: Marshall's Brewery, a cottage with a large front garden and small back yard, a covered passage, two narrow terraces with yards and a timber shed. These will be detailed below.

2.4.3 Allotments 5 and 6

Early plans of Lots 5 and 6 suggest that no development had occurred within this part of the site during the ownership of Edward D O'Reilly and William Roberts. Several plans from the 1850s suggest the land was vacant however buildings were being constructed on the neighbouring properties on Lot 7 to the south and Lots 4, 3, 2 and 1 to the east. It is likely that no development occurred on these allotments until they were purchased by Marshall in 1853 (see Section 2.4.6).

2.4.4 Allotment 7

Allotment 7 was purchased by George Brereton in 1841 and it is suggested that he was the first person to build on the site. Unfortunately, there is a dearth of detailed plans of the site from this period and therefore it is difficult to discern precisely when Brereton began construction, however an advertisement from 1843 suggests he owned four cottages on South Head Road.¹¹⁰ While it is unclear whether these were on the study site or in fact on Allotment 1 which he purchased at the same time in 1841, it is clear from plans dated to the 1850s that a building had been constructed on the allotment and it is most likely that these were on allotment 7 (Figure 2.9-Figure 2.13). In 1843, a newspaper article describes the death of a "well-sinker" while sinking a well at "Brereton's cottage" which had collapsed suffocating the man.¹¹¹

By 1853, when Brereton was preparing his Will, several buildings are described on Lot 7. These include a brick cottage on the south of the allotment, which he resided in and is described as having a "garden at the rear and a right of passage from a certain well of water" which was in common use along with the other dwellings; this building was left to his son William Brereton.¹¹² The other three houses were left in trust to his living grandchildren, this included a brick cottage (to George McCullough) and two timber cottages (to Emeline Ann McCullough and Mary (nee McCullough) Kell). Although these houses are not shown on the plan which accompanies the title document describing the will from 1877, the boundaries of the division of this allotment respecting the dwellings is shown (Figure 2.17). Based on this image, the two timber dwellings are interpreted as being on the allotments marked "red" and "yellow" while the brick cottages are located on the "blue" and on William Brereton's land, the latter also containing the well accessed by the "reserved way". The location of the well is unknown however given the shape of the reserved way, it was most likely at the rear of the cottage. It should be noted that this is approximately above the location of Busby's Bore and it is possible that the well drew water from this established water source.

Although no detailed historic plans exist from the 1850s early-1880s of these allotments, plans from 1885 and 1888 appear to show at least three of these buildings (Figure 2.19; Figure 2.21). The two timber cottages were located at the back of the allotment, outside of the study site, marked in yellow on the plan from 1888. The brick cottage, presumable that shown on the southwest boundary of the site appears to be that of George Brereton, still standing until at least 1893 (Figure

¹¹⁰ Sydney Morning Herald, 20 November 1843, p. 3.

¹¹¹ The Teetotaller and General Newspaper, 11 January 1843, p. 1.

¹¹² LPI Deed Book 172 No 111.

2.23); note that the well is not shown on any of these plans and potentially was no longer in use. This building is marked as two-storey in height with a brick verandah, yard and a timber shed with a brick privy at the rear (not on the study site). No plans exist detailing the other brick cottage on the site. It appears that following Marshall's purchase of the northeast portion of the allotment in 1877 this building was demolished. It is likely that this building was similar to Brereton's cottage and that the two buildings were terraces sharing a party wall, this wall is shown on the plan from the 1877 sale (Figure 2.17). Brereton's cottage as well as the timber cottages at the rear appear to have been retained by Marshall.

2.4.5 Sydney Common - Block L

Sydney Common 1811 – 1869

The 1850 plan also shows a small, square structure at the northwest corner of the study site. The structure is accompanied by a label which is mostly indistinguishable at the available resolution but most likely reads 'Watchhouse.' Block L is later described, in 1911, as a 'triangular block of land' occupied by 'a watch house and garden.'¹¹³

The 1854 schematic of Sydney city has a Toll Bar in South Head Road adjacent the study site (Figure 2.11).

The study site in general, and Block L in particular, suffers from underdocumentation in the surveys and plans for the city of Sydney throughout the 19th century. Typically, reliable sources for Sydney include the 1855 City Detail Sheets, the 1855-1865 Trigonometrical Survey, the 1880 Dove's Plan and the 1885-1895 Metropolitan Detail Series. Unfortunately, Block L is just outside their scope (Figure 2.12-Figure 2.15) poorly recorded or omitted (Figure 2.18-Figure 2.19 & Figure 2.4). What little detail there is from these plans shows its outline, the road reserve and a location for a tunnel shaft for Busby's Bore. Busby's Bore and the shaft will be discussed separately below in Section 2.4.3.

Thus, for the late 18th and early 19th centuries, Block L was an undeveloped area which became Sydney Common. By the mid-19th century, Block L was an island of Sydney Common land isolated from the remainder of the common by a reserved road and Richard Brooke's estate (later Maria Zouch's grant) (Figure 2.5). It remained in the ownership of the City of Sydney until Joseph Marshall bought it in 1869. Records suggest that the watch house, toll bar, gardens, the bridge over the creek and its proximity to Busby's Bore were its major characteristics in that period.

In 1886 in the location of Block L the Marshalls sons established and funded a Volunteer Fire Brigade which was known as the Paddington Brewery Fire Brigade by 1891.¹¹⁴ The fire brigade ceased operation in 1895 and its development will be discussed in detail in Section 2.4.6.2

¹¹³ Old Paddington, *Evening News* Tues 11 April 1911, p. 6.

¹¹⁴ NSW State Archives and Records, Fire Brigades Board, Agency 616.

2.4.6 The Paddington Brewery

2.4.6.1 Marshall's Cottage c.mid-1850s - 1911

As set out by Section 2.3.4, Joseph Marshall purchased Lots 5 and 6 of the study site in 1853. Marshall built a Cottage, also known as Belmont Villa, on Lot 5. No conclusive evidence has yet been found for the construction date of the Cottage, though an estimate of the mid-1850s has arisen as the early 1850s plans do not indicate buildings on his land. Historical research suggests Marshall's Paddington Brewery was constructed in c.1856.¹¹⁵ Historical plans from the 1880s show the Brewery was built right up to the Lot 6 east boundary and would have abutted the west wall of his Cottage on Lot 5 (Figure 2.19 and Figure 2.21). As a 1911 photograph shows that the west wall of the Cottage has two windows, it is likely that the Cottage predated the Brewery as the windows were built before its westerly view was obscured (Figure 2.28). This narrows a construction date for the Cottage to the mid-1850s but pre-dating 1856.

As this area of Paddington falls outside the boundaries of Cook Ward for the Sydney Rates Assessment books, the description of Marshall's Cottage is derived from late 1880s plans. Together, the 1885 and 1888 plans show the Cottage as timber and two storeys with a front verandah and large front yard with a long staircase to Oxford Street. The cottage has small timber and iron outbuildings on the southeast boundary and a small yard to the rear. The large front yard and long staircase likely accommodated a short but steep rise in the natural landscape and this corresponds with the 1911 photograph. The 1911 photo also shows that the second storey was an attic level rather than a full height room (Figure 2.28).

It is estimated that no major structural changes occurred to the Cottage during its lifetime, that it largely retained its original mid-1850s form and function and that the 1885, 1888 and 1911 sources show that few changes occur on the property in the last thirty years that it stood. The Cottage was demolished in 1911 after Marshall's land was sold in 1910. The new owners constructed the Olympia Theatre in its place.

2.4.6.2 Paddington Brewery 1856 - 1911

Background

Marshall established the Paddington Brewery on Lot 6 in 1856, by 1857 he advertised for the sale of 'a superior description of Colonial Ale' and by 1898 the Paddington Brewery had grown into a vast industrial compound (Figure 2.24-Figure 2.25).¹¹⁶ The form and physicality of the Paddington Brewery during its first thirty years is obscure. What is understood, is that the Brewery operated in this neighbourhood block for 54 years and during that time adapted and expanded into the small amount of space available and, over time, became a complex of buildings that serviced many aspects of the brewery business. This account attempts to trace the buildings that could be attributed to the brewery's development history and extract a chronology based on the available documentary evidence.

¹¹⁵ Sydney Morning Herald, 7 August 1888, p. 10.

¹¹⁶ Sydney Morning Herald 18 March 1857, p. 6.

Paddington Brewery Building

Sketches of Sydney landmarks, from 1874-1875, depict the Paddington Brewery as a collection of three structures – two large buildings and a smoke stack (Figure 2.16). But, the earliest conclusive evidence for the physical extent of the Brewery comes from the 1885 and 1888 surveys. By this stage, the Paddington Brewery occupied Lot 6 entirely and fronted Oxford Street and Marshall Street. By 1892 it may have been surrounded by a brick wall on the Oxford Street front. The main building was four storeys, constructed of brick possibly with stone foundations and connected with a southeast rear wing on Lot 5 behind Marshall's Cottage. It was common for breweries to have basement levels for cold storage, as such the Paddington Brewery may have had three storeys above ground and one below. Photographs and sketches from the late 1890s or 1900s suggest two main storeys, an attic and either a full basement or half basement level (Figure 2.24-Figure 2.25).

The study site's northern boundary bears little relationship to the former Oxford Street façade of the Paddington Brewery. Historical newspapers show a series negotiations between Paddington Council and the Brewery in the early 1890s. Two separate events appear to have altered Oxford St, its pathway and the Paddington Brewery building between 1892 and 1910. The 1894 Oxford Street Improvement Act reclaimed parts of the Oxford Street pathway that the Paddington Brewery and Marshall's tenements had encroached upon (Figure 2.22). This work was likely achieved by December 1894 as and advertisement notes that 'the firm have recently added to their premises and plant and the handsome edifice in Oxford Street is a glowing tribute to the success of Australian enterprise.'¹¹⁷ This edifice is likely that shown in the 1898 photo (Figure 2.24). The 1898 façade would have required significant remodelling from the 1888 façade. In compensation, Marshall Street was closed and given to the Paddington Brewery.¹¹⁸

Paddington Brewery Complex

There are many buildings that make up the 'Paddington Brewery Complex' though only a handful are within the current study site boundary. Histories and sketches of the brewery recall 'a vast complex of buildings, including the brewery, granary, cellars, malthouse and stables' though surveys, plans, maps and land title research to date has contributed very little to a precise understanding of the layout of the brewery - especially in the period 1893 to 1911 when the brewery was at its largest in scale, encircled by a high wall, and had become an industrial compound (Figure 2.24-Figure 2.25).¹¹⁹ In addition to the imprecise understanding of the brewery's layout, there is also historical evidence for adaptation and reuse within the complex as the functions of buildings changed over time.

Within the study site boundary, in addition to the original Paddington Brewery building, there are at least three additional brewery structures in the late 19th century documentary record: a c.1877-1888 five-storey building, a c.1877-1888 smoke-stack and a small c.1893 building in the south. The possible function and form of these buildings should be understood in context with the technology and range of activities within the brewery complex. For instance, a boiler and engine were in use by at

¹¹⁷ Evening News 24 December 1894, p.5

¹¹⁸ Book 112 No 38

Sydney Morning Herald 20 August 1886, p. 4.

¹¹⁹ Deutsher, K. M. (2012) 62

least c.1872¹²⁰ and boilers are usually housed in their own buildings known as a boiler or engine house and would have included features like a fly wheel pit.

The documentary records suggest a broad chronology for the brewery outbuildings. The 1888 bird's eye view of Sydney illustrated the Paddington Brewery, a tall smoke stack and a second large building. The latter is understood to be shown within Lot 7 on the 1888 plan as the long brick or stone building five-storeys tall. Marshall acquires that part of Lot 7 in 1877 so the construction period for the five-storey extension and smoke stack dates to c.1877-1888. The 1911 photograph shows both the smoke stack and the five-storey building. Though, only four storeys are evident above ground, so it is possible that the fifth storey was a basement. Though, the basement may not have been original. A news article from 1889 describes the excavation of a cellar 'in a building attached to Marshall's Brewery' when a wall collapsed and killed one man.¹²¹ This article may refer to the c.1877-1888 five-storey building.

By the 1890s, plans of the brewery include a small curved feature at the southern corner of the c.1877-1888 Brewery Building, that feature is interpreted to be an above ground flue for the smokestack. In the 1893 land titles sketch, the flue connected the five-storey structure to a smaller building on Lot 7 (Figure 2.22-Figure 2.23). The flue is also in approximately the same position as the base of the smokestack from the 1911 photograph (Figure 2.28).

The 1898 photograph of the Brewery shows the land of Block L only obliquely. Even with the narrow vantage offered by that photo it is clear that no major structures are within Marshall Street or Block L at this time. However, an undated sketch of the Brewery appears to show a large scale expansion over that land with a two-storey brick building fronting South Dowling Street and a continuation of the high brick wall at the corner with Oxford Street (Figure 2.25).

One feature of the site survived the 19th century largely unchanged – the right of way on the northeast boundary of Lot 7. From c.1841-1843, that land was reserved as a right of passage that lead to a well of water (See Section 2.4.4). Marshall acquired the land in 1877 and, by 1885, the right of way was still in use and was formalised with a brick archway c.1880s that separated Marshall's 1856 Paddington Brewery and the five-storey c.1877-1888 Brewery Building. The right of way existed into the 1890s and ensured Marshall could access the parts of Lot 7 that he had acquired. The right of way likely existed until the land was sold to Olympia Limited in 1910.

A New Brewery Building?

As the brewery operated in the same location for over 50 years, it is likely that, as it expanded, buildings were adapted or retrofitted as required. Remarks from an 1895 article suggest as much: 'offices and boardroom being the old brewery premises.^{122'} Perhaps the 'old brewery premises' was the original Paddington Brewery building on Lot 6 at the corner of Oxford Street and Marshall Street and the c.1877-1888 five-storey Brewery Building on Lot 7, discussed above, replaced it as the industrial centre of the complex. In fact, by 1894 Marshall acquired the remainder of Lot 7 and such a transition may have been necessary at that time, as the 1894 Oxford Street Improvement Act required the realignment of Oxford Street and likely caused

¹²⁰ Sydney Morning Herald 14 August 1872, p. 2.

¹²¹ Evening News 26 October 1889, p. 7.

¹²² *Truth* 24 March 1895, p. 3.
significant remodelling of the Paddington Brewery façade. This may have rendered it no longer suitable to host the industrial aspects of the business but could be reused as offices.

Block L

Marshall purchased Block L from the City of Sydney in 1869,¹²³ but his activities on that site after 1869 are inconsistently recorded and it is unclear how much of a role Block L played in the growing 'brewery complex' over the latter half of the 19th century. It is notable that in the 1885 and 1888 plans and the 1888 illustration, Block L is shown undeveloped or unused even though Marshall acquired it in 1869. Crown plans created during this period, 1870, 1871, 1881, do not show any buildings on Block L but the land is in Marshall's possession (Figure 2.17-Figure 2.18).

A retrospective account of the locale, from 1911, has it that Marshall built "outbuildings, offices, staff-rooms and bottling department of the brewery."¹²⁴ However, no other corroborating evidence of brewery related buildings on Block L has been discovered. It may be that he kept it as open yard space for deliveries or it had more ephemeral structures on it that did not warrant recording or smaller buildings such as a cooper's shed or stables.

Marshall could have used the land informally, inconsistently or using ephemeral buildings and such land use patterns may not have been captured by the historical plans and surveys.

Paddington Brewery Fire Brigade 1886 – 1895

What is known for certain about Block L is that, by 1886, it hosted the Paddington Brewery Fire Brigade (Figure 2.22). The station is well-accounted for in newspaper records but is absent from other contemporary sources such as the 1888 plan and 1888 bird's eye illustration. In newspaper articles, the station was described thus:

"The station, which is a very pretty little building, is built of wood and iron, with an ornamental front. In front are two large doors, and above the ornamented carved front a large lamp projects, upon which is written in red letters on a white ground Fire Station. Immediately above the front of the building is the bell-tower, in which hung a large bell... Inside the station on the right-hand side is a manual engine... on the left-hand side there is one of Shand, Mason and Co.'s best steam engines... Suspended from the beams...spare hose, fire buckets, hand-pumps, brancher, bars, axes, chains, ropes... The back portion of the buildings is partitioned off into watch and sleeping rooms, and will accommodate six men... The ground upon which the building is erected has been given by Messers. J. and J. J. Marshall, of the Paddington brewery and the cost of putting up the station has also been defrayed by that firm.'¹²⁵

By 1891 the brigade was known in newspapers as the 'Paddington Brewery Fire Brigade.' In 1893 the Sands Directory stop recording the occupants of the Brigade which could mean that it was demolished in preparation for road works to widen the footway and roadway of Oxford Street.¹²⁶ The fire brigade's annual dinner was held in 1891 'at the brigade station, Dowling Street, Paddington' and 60 people were in

¹²³ LTO Book 112 No 38.

¹²⁴ Old Paddington, *Evening News* Tues 11 April 1911, p. 6.

¹²⁵ Sydney Morning Herald 20 August 1886, p. 4.

¹²⁶ Sands Directory 1893.

attendance; the brigade held another annual dinner in 1895.¹²⁷ The dinner in 1895 contradicts the Sands directory however it is possible that the dinner was not held in the fire brigade building as in previous years. The fire brigade building was likely demolished by c.1894-1895. As discussed above, it is unclear if the brewery utilised Block L and the land of the former fire brigade after c.1895.

Relocation to Leichhardt

By 1894, the Brewery had acquired all the parcels of land that now make up the study site. At this time the brewery was under pressure to maintain their business despite the need to remodel their major premises and adapt to the changing alignment of Oxford Street. Ultimately, the business relocated to Leichhardt and the study site was sold in 1910 to Olympia Limited for the construction of the Olympia Theatre.

2.4.7 20th Century Development

In 1910 Olympia Limited purchased the study site from Marshall Co-Op Breweries Ltd. Following demolition works of all structures on the site, a theatre designed by John Kirkpatrick was constructed and opened in December 1911.¹²⁸

The depiction of the building was stated in *The Sun* on 27 December 1911 and was described as the following.¹²⁹

"The theatre proper has a frontage of 150ft. to Oxford-street and 100ft. to Dowlingstreet. The Immediate frontage to Oxford-street is occupied for a depth of 18ft. only by shops on the ground floor, as well as wide and expansive exits and entrances. The theatre hall covers an exact space of 70ft. by 148ft. One-third of this area is filled with a dress circle that has a seating capacity greater than any other theatre in the world, taking 630 odd seats, with extensive gangways and staircases of solid concrete."

In May 1919 the theatre ceased operation for a brief period to allow for renovations and extensions works. As discussed in Section 2.3.5 the name of the theatre changed to West's Olympia theatre after 1921 and it went into liquidation in 1931.¹³⁰ In the late 1930s Greater Union Theatres began maintenance and refurbishment works on the Wests Olympia Theatre.¹³¹ The theatre reopened in 1954 after more alterations and renovations were executed in the early 1950s. The theatre was closed in 1960 and sold to The Greek Orthodox Community of New South Wales in 1966.¹³²

¹²⁷ Evening News 7 January 1891, p. 2. Evening News 7 January 1895, p. 7.

 E^{128} Linking (2040) = 22

¹²⁸ Urbis (2018), p. 22

¹²⁹ *The Sun*, 27 December 1911, p. 8.

¹³⁰ Urbis (2018), p. 22

¹³¹ Urbis (2018), p. 25.

¹³² Urbis (2018), p. 25.



Figure 2.11811 Plan showing Sydney CommonApproximate location of study site indicated by red arrow.
National Library of Australia F868.



Figure 2.2Early Parish Map (undated). Note creek line north of study site.Red arrow indicates approximate site location. NSW Department of Lands, Parish Map Digitisation Project, 14066301



Figure 2.3 Sydney Common bordering several early grants in Surry Hills - interpretation of an 1814 plan. Inset shows approximate study site location outlined in red (based on overlays). National Library of Australia, Map F182.



Figure 2.4 c.1838 – failed subdivision of Brook's Estate, South Head Road NSW State Library, Call No Z/SP/P1



Figure 2.5 c.1840 Brooke's Estate, Paddington owned by Joseph Newton. Inset shows approximate study site location outlined in red (based on overlays). NSW State Library, Call No. M M2 811.18181/1840/1



Figure 2.6 Sydney Common bordering the Riley Estate subdivision, 1844. Red arrow indicates approximate study site location. Likely a culvert on the road for the creek to pass beneath and continue across the study site. This creek first pictured in Figure 2.2. Peter Lewis Bemi, State Library of NSW.



Figure 2.71844 plan of Riley Estate
Red arrow indicated approximate study site location. Historical Atlas of Sydney.



Figure 2.8 1845 Sheilds Plan

Red arrow indicates the approximate study site location. Historical Atlas of Sydney.



Figure 2.9 Plan of City of Sydney 1850.

Inset shows approximate study site location outlined in red (based on overlays). Block L has a 'watchhouse' (yellow) and Allotment 7 has a square building (white). William Henry Wells, Mitchell Library. 46



Figure 2.101854 Woolcott and Clarke's Map of the City of Sydney
The approximate study site location outlined in red (based on overlays).
State Library Call No. M2811.17/1854/1-1D



Figure 2.11 1854 Plan The approximate study site location circled in red. Block L now has a 'Toll Bar'. Historical Atlas of Sydney.



Figure 2.12City Detail Sheets, 1855 – this map series does not cover the study site it stops at South Dowling St
Red arrow indicates approximate site location.
Sheet 20, City Detail Sheets, Historical Atlas of Sydney, City of Sydney Archives



Figure 2.13Smith & Gardiner's Map of Sydney and Suburbs 1855The approximate study site location circled in red. Historical Atlas of Sydney.



Figure 2.141865 Block K1 PlanThe approximate study site location circled in red.



Figure 2.151865 Block K2 - Tunnel Shaft No. 5 for Busby's Bore east side of Dowling St
Approximate study site location indicated by the red arrow. Study site out of plan view.



Figure 2.16Paddington Brewery #126 in the 1875 View of SydneyIllustrated Sydney News and New South Wales Agriculturalist and Grazier 10 February 1875 p.21

Marshall's Brewery Brown Reserved Way E453 53-6 Marshall yhee Soll 53.0 59.0 33.6 allow -Blue å 52.0 60.3. Party Wall William Brereton French's Buildings - Scale of feel -50

Figure 2.17 1877 Land Title Plan OF Lot 7 of Brooks Estate. HLRV Book 172 No. 111.



Figure 2.18 Extract from plan of Paddington compiled by H S Chauncy, 1880 Approximate study site location circled in red. SLNSW Plan of the Municipality of Paddington M Z/M2 811.18115/1880/1



Figure 2.19 Extract from 1885 Metropolitan Detail Series The approximate study site location outlined in red (based on overlays). M Ser 4 811.17/1



Figure 2.201888 M.S Hill's drawing of a bird's eye view of the City of Sydney
Red arrow indicated Paddington Brewery
State Library Call No. M3 811.17s/1888/1



Figure 2.21 1888 Rygate and West

The approximate study site location outlined in red (based on overlays). Block L is not included in the plan. Historical Atlas of Sydney



Figure 2.221892 Plan of Proposed improvements to Oxford Street
The approximate study site location outlined in red (based on overlays).
Paddington Brewery Fire Brigade: Evening News, 2 Marsh 1895, p. 7.



Figure 2.231893 sketch of the study site from Certificate of Title Vol 1109 Fol 11
The approximate study site location outlined in red (based on overlays).
LTO Vol 1109 Fol 11.



Figure 2.24Marshall's Paddington Brewery, facing southwest from Oxford St
Australian Town and Country Journal 1 October 1898 p. 29

Archaeo*logical* Management & Consulting Group November 2018



Figure 2.25Marshall's Paddington Brewery, facing south from Oxford St
Ross, J. W. ()2013) The Hopetoun Hotel – A Colonial Survivor? 26



Figure 2.26 1903 Plan

Approximate study site location circled in red. No buildings were recorded on the plan. Historical Atlas of Sydney.



Figure 2.271905 Bird's eye view map of Sydney with study site outlined in red.
John Andrew and Co and Oceanic Steamship Company
State Library Call No. DSM/MC 811.175/1905/1



Figure 2.281911 photograph of the study site facing southwest from Oxford Street. Lot 5
Marshall's Cottage (left) and Lot 6 formerly Marshall's Brewery (right).
Old Paddington, Evening News Tuesday 11 April 1911 p. 6.





Approximate location of study site outlined in red. Historical Atlas of Sydney.



Figure 2.30City of Sydney – Building Surveyor's Detail Sheets, 1949-1972, Map 11Approximate location of study site outlined in red.



Figure 2.311949 Aerial Photograph of study site outlined in red.
Historical Atlas of Sydney.



Figure 2.32 Section of "The Tunnel" also known as Busby's Bore published in 1868 Mayor of Sydney (1868) NLA JAFp BIBLIO F14865



Figure 2.33Plan of "The Tunnel" also known as Busby's Bore published in 1868 (with borehole locations)Mayor of Sydney (1868)NLA JAFp BIBLIO F14865

Baseline Archaeological Assessment – 1-11 Oxford Street, Paddington NSW



Figure 2.34 State Heritage Register plan for Busby's Bore horizontal channel and vertical shaft – SHR 1564, PCO Plan Number 568 SHR 1564 Busby's Bore


Figure 2.35 Extract from diagram of Busby's Bore alignment and shaft locations Busby's Bore crosses the study site and Shaft No. 5 adjacent west boundary of study site in South Dowling Street Aird, W. V., (1961) The Water Supply, Sewerage and Drainage of Sydney p.6-7



Figure 2.36 Busby's Bore vertical shaft and horizontal channel (blue) below the study site (red) and vicinity

Busby's Bore crosses the study site between Shaft No. 5 and No. 6 and is approximately 35-40 feet below ground. Horizontal distances between bore shafts not to scale.

The SHR boundary for the bore is "three metres from all surfaces of the horizontal channel of the Bore itself and three metres from all surfaces of all the vertical shafts and offset shafts and structures associated with the Bore, as shown edged heavy black on the plan catalogued H.C. 1564 in the office of the Heritage Council of New South Wales." – SHR 1564 Aird, W. V., (1961) The Water Supply, Sewerage and Drainage of Sydney p.6-7



Figure 2.37 Busby's Bore – vertical shaft access (Hyde Park Barracks?) SHR 1564 Busby's Bore – B. Edgar.



Figure 2.38Example of excavation above Busby's Bore horizontal channel
SHR 1564 Busby's Bore – B. Edgar.



Figure 2.39 Example of Shaft No. 12 exposed during construction work. Powell, B.W.R (February 1993).



Figure 2.401969 "Well under roadway" (Shaft No. 5)
NSCA CRS 871/51(t) 4 of City Engineers Photographs II, 1967-1973
City of Sydney Archives.



Figure 2.41 1969 "Well under roadway" Sth. Dowling Street at SE cnr. Oxford Street (Shaft No. 5) 44'6" deep x 4'0" diameter well under roadway. NSCA CRS 871/51(t) 5 of City Engineers Photographs II, 1967-1973 City of Sydney Archives.



Figure 2.421969 "Well under roadway" (Shaft No. 5 interior)
44'6" deep x 4'0" diameter well under roadway.
NSCA CRS 871/51(t) 2 of City Engineers Photographs II, 1967-1973
City of Sydney Archives.



Figure 2.43 Shaft No. 5 exterior below the south east corner at the intersection of Oxford St and South Dowling St. Lavelle, S. (1992).

3.0 PHYSICAL EVIDENCE

3.1 SITE INSPECTION

Prue Newton of AMAC Group inspected the study site on the 25th September 2018. The building had no power resulting in little to no lighting to adequately inspect the interior of the theatre space. Thus, the site description from the Heritage Impact Statement by Urbis (July 2018) has been utilised for the interior area. The access to the basement level is through a night club called Good Bar on Oxford Street which was closed and not accessible at the time of inspection thus it was not investigated. Consequently, photographs provided are from the site inspection and Urbis (July 2018) Heritage Impact Statement.

The building is a three-storey former 'picture hall' building located on the corner of Oxford and South Dowling Streets, Paddington. The Federating Free Style building fronts 1-11 Oxford Street and South Dowling Street. The building is constructed of brick which are rendered and painted cream (Figure 3.1-Figure 3.4). On the upper floor there are regular rectangular sash windows and three bay half circle casement windows. The ground level contains highlight windows and shopfronts (Figure 3.4-Figure 3.5). The main entrance is on the corner of the site and has a raised staircase to a timber framed doorway within a semi-circular framed opening. The entrance has a suspended awning that wraps around the corner over the pedestrian footing (Figure 3.1-Figure 3.2).

The interior of the building was identified by Urbis (July 2018) as the following site description.¹³³ Refer to photographs (Figure 3.6-Figure 3.14).

The interior of the subject site comprises the former cinema, several retail stores at the ground floor, with office spaces on the levels above along the Oxford street façade and a former bar and restaurant along the South Dowling façade.

The cinema theatres and associated facilities take up the largest portion of the site. The cinema contains two theatres divided by a central foyer and entrance. The cinema theatres extend from the ground floor to the second floor as two large open spaces. Theatre two, to the east of the building slopes down towards the eastern façade of the building and ends in a stage at the centre of the eastern façade with storage facilities on either side. Theatre one (the larger of the two) slopes down towards the west and ends in a stage and similar storage facilities.

There are some areas of timber panelling in both theatres along the walls and around the projection booth at the rear of each theatre. Both theatres are accessible via stairs from the foyer to the first-floor level. The theatres are currently empty and are most representative of the renovations that occurred during the 1970s. The foyer likewise is representative of the 1970s renovations which included the installation of off form concrete walls, a waffle concrete ceiling and 'candy bar'. Access to the cinema is via the Oxford Street entrance which was also established in the 1970s.

The ground floor retail spaces were part of the original design of the building but have since been altered and do not reflect the original layout of the building. The three ground floor retail spaces along the Oxford Street elevation are separated by the entrance to the cinema, a staircase to the

¹³³ Urbis (July 2018), p. 8.

upper levels and a fire exit for the cinema. The spaces are in varying sizes and states and do not contain any substantial original fabric.

Located above the retail spaces on level one and two are various office spaces. It is understood that these spaces and the connecting corridors were adapted into offices during the 1970s renovations. The offices still contain the original window openings to Oxford Street; however, some have been boarded up.

The area along South Dowling Street elevation contained a bar and restaurant. The first and second floors are accessible via the original entranceway on the corner of Oxford and South Dowling Streets. It is considered the stair configuration is original however the detail, including hand rail and finishes are from the 1970s fit out period. The remaining area of the ground floor contains a former kitchen and an electrical substation. The first floor above contains storage rooms and bathrooms. This room is what may have been the first-floor foyer to the cinema configuration of the 1920-1970s before the insertion of twin cinemas in 1973. The windows behind the South Dowling Street elevation are in their original configuration. The second level connects to the spaces along the Oxford Street elevation via the original entry staircase.

A nightclub by the name of Good Bar is accessed via the north east corner of the building on the ground floor fronting Oxford Street. The club has two levels and is below Theatre two. A bar and lounge was on the ground level and a staircase via the entrance goes down to a basement level (Figure 3.15).

3.2 PROPOSED DEVELOPMENT

The proposed development seeks to alter and extend the current three storey Olympia Theatre building on the study site into a seven storey building with two basement levels. The client has provided AMAC Group with Planning Proposal drawings. The general construction methodology is to retain the buildings façades and the stair case located in the north west corner of the site. All internal walls and slabs will be removed and rebuilt tying back into the buildings existing façade.

There are three floors of the proposed development that require excavation impacts to the ground surface that may affect the site's archaeological resource: Ground Floor, Basement 01 and Basement 02,

Ground Floor has a proposed floor level of RL 47.455 which will occupy the entire site footprint.

Basement 01 has a proposed floor level of RL 43.505 over approximately 90% of the site footprint. Basement 01 will primarily be supported by the network of concrete piles established for Basement 02 beneath.

Basement 02 has a proposed floor level of RL 39.560 over approximately 80% of the site footprint – a reduction in scope implemented in June 2019 from original October 2018 plans. To achieve RL 39.560, a further allowance of 1m is understood for excavations to construct the Basement 02 floor. This brings the proposed excavation to RL 38.560. Four lift pits and one truck lift pit will also be needed in Basement 02, though the depth required for these may be accounted for in the 1m construction allowance. Basement 02 will be supported by a surrounding network of concrete piles into bedrock.



Figure 3.1 Exterior of the study site showing the main entrance on the corner of Oxford and South Dowling Streets. Facing south. AMAC Group Image 6640 (25/09/2018)



Figure 3.2 Exterior of the study site showing the frontage of South Dowling Street. Facing east. AMAC Group Image 6623 (25/09/2018)



Figure 3.3 South Dowling Street facade. Facing south east. AMAC Group Image 6621 (25/09/2018)



Figure 3.4Oxford Street facade. Facing south
AMAC Group Image 6623 (25/09/2018)



Figure 3.5South Dowling Street facade. Facing east
AMAC Group Image 6622 (25/09/2018)



Figure 3.6Cinema foyer on ground level.
Urbis (July 2018), Figure 14.



Figure 3.7Cinema foyer and bar on ground level.
Urbis (July 2018), Figure 15.



Figure 3.8Staircase from the ground floor foyer.
Urbis (July 2018), Figure 16.



Figure 3.9Entrance to Theatre One within the cinema.
Urbis (July 2018), Figure 17.



Figure 3.10Inside Theatre One facing the stage.
Urbis (July 2018), Figure 18.

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Figure 3.11Inside Theatre Two facing the stage.Urbis (July 2018), Figure 20.



Figure 3.12 Stairwell Urbis (July 2018), Figure 22.



Figure 3.13Former bar on Level Two.Urbis (July 2018), Figure 25.



Figure 3.14Second floor tenancy situated along Oxford Street.
Urbis (July 2018), Figure 25.



Figure 3.15Oxford Street facade. Facing west.
AMAC Group Image 6634 (25/09/2019)





ure 3.16 Existing Basement and Ground Floor Plan Additions by AMAC Group 25/09/2018 ES Engineering & Design, Drawing No. 13105-01 (21/08/2013)

> Archaeo*logical* Management & Consulting Group November 2018





Figure 3.17Existing First Floor Plan
ES Engineering & Design, Drawing No. 13105-02 (21/08/2013).

Archaeo*logical* Management & Consulting Group November 2018



Archaeo*logical* Management & Consulting Group November 2018



Figure 3.19Site PlanTonkin Zulaikha Greer Architects, 22/5/19





Tonkin Zulaikha Greer Architects, 22/5/19

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Figure 3.21 Basement 01 Plan

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Figure 3.22 Ground Floor Plan

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Figure 3.23

Cross Section Tonkin Zulaikha Greer Architects, 22/5/19



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Figure 3.24 Long Section

Tonkin Zulaikha Greer Architects, 22/5/19



Figure 3.25 Northern Elevation

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Figure 3.26 Western Elevation

Tonkin Zulaikha Greer Architects, 22/5/19

3.3 ARCHAEOLOGICAL POTENTIAL

3.3.1 Discussion

Topography

In general, the archaeological potential for 19th century remains greatly relies on the level of the natural landscape on the site and the amount of truncation or filling for site levelling that may have occurred for any historical development at the site. For example, the c.1850s construction or c.1911 demolition of Marshall's Brewery. A 1911 photo shows that Lot 5 had a short but steep slope up to the southwest (Figure 2.28). The construction of the current Olympia Theatre will also have changed the ground levels at the site. Impacts to the site from the Olympia Theatre are more predictable based on existing section and basement drawings. Data from the existing building foundations and an understanding of the changes to the historical slope at the site have been included in a predictive 'overlay' model for the archaeological potential for the site (Figure 3.27-Figure 3.30 and Figure 5.1-Figure 5.3). Overall, the natural soil profile from the 19th century across the study site is likely highly disturbed from both historical and modern development. There may only be isolated examples of intact 19th century soil profiles.

Breweries and Industrial Sites

The cornerstone of the site's archaeological potential is the mid-19th century Paddington Brewery which grew organically over the late-19th century into a complex that sprawled over several allotments between the corner of Oxford Street and South Dowling Street as the Marshall family business grew. Breweries and industrial sites have their own particular material signature. As locations of business and manufacture, industrial sites have more capital available for labour to build up and modify the land and those sites are highly tailored to the particular industry being undertaken, in this case brewing beer. Industrial sites often have large, robust and function-specific structures and significant modification of the landscape to suit their needs. Breweries are also likely to have specialised in-ground services for access to water or discard of waste and may have basements cut into bedrock for cool-storage of either ingredients or product, machine footings for steam engines and boilers, or brick or stone lined subterranean features like water tanks or fly wheel pits.

The 1888 plan and 1911 photograph show large built forms were definitely a characteristic of this site as the c.1857 Paddington Brewery was four storeys and the c.1877 Brewery Building was five storeys and was associated with a smoke stack that was five or six storeys tall. As only 3 or at most 4 storeys of the c.1877 Brewery Building are evident in the 1911 photo it is likely the structure had a basement as its fifth level. Though unclear in the 1911 photo, the c.1856 Paddington Brewery may have had a full or half basement level. Structures this large are often founded on bedrock or have substantial footings that are left in situ after demolition as founding material for the next structure and basements are often backfilled for redevelopment. These sorts of features are not readily observed in the documentary record, but they have high archaeological potential.

Overlays

Overlays attempt to represent the potential archaeology for the site in a single coherent map that considers all the known historical changes that have occurred to

the site. These include historical construction and demolition events, changes to topography and modern disturbances.

For the current study site, the overlays include historical plans for former above ground buildings as well as the below ground alignment of Busby's Bore and its State Heritage Register curtilage (Figure 3.27). There are varying levels of potential across the site indicated by a colour key: yellow represents moderate to high potential; orange shows low to moderate and red shows nil to low.

Nil to Low Archaeological Potential

The nil-low potential, indicated by red, is characterised by the presence of current basement levels. Archaeology in this zone could occur in a range of conditions, remains could be entirely absent or so disturbed that they are uninterpretable or the base of construction cuts and post holes or base courses of foundations could survive. If any of the structures outlined below had subterranean elements such as their own basement levels, services, cess pits, water tanks or wells, these undocumented elements would have a higher potential of surviving and could contain intact deposits or backfill. Both the c.1856 Paddington Brewery and the c.1877 Brewery Building may have had a basement. The known potential historical remains that could be within this zone include:

- Lot 5: The northwest and southwest foundations, probably brick and timber, of c.1853 Marshall's Cottage, its rear yard and subfloor or yard deposits, rubbish pits and minor outbuildings. These are unlikely to exist on the site as this building was constructed on high ground which was completely cut away for the construction of the basement for the theatre building in 1911.
- Lot 6: The southeast foundations, brick or stone, of the four-storey c.1856 Paddington Brewery, possible basement, inground services, machine footings, brewery southeast wing and any occupation deposits or industrial discard.
- Lot 7: The southeast foundations, brick or stone, of the c.1877 archway and right of way road.
- Lot 7: The southwest foundations, brick or stone, of the five-storey c.1877 Brewery Building, probable basement, inground services, machine footings, occupation deposits or industrial discard.
- Lot 7: The foundations of an earlier c.1843 terrace, predating the 1877 brewery building.
- Lot 7: The southeast foundations, brick or stone, of the two-storey residential terrace built in 1843 (Brereton's Cottage) and a small area of its rear yard in the northwest.

Low to Moderate Archaeological Potential

The potential in this orange zone is characterised by an existing 'half-basement' level for the current theatre and the footings and services for a substation on the west boundary of the current building. As discussed above, archaeological remains could occur in a range of conditions from partly intact to illegible. Remains in this zone could include truncated or robbed footings without associated occupation deposits. Undocumented historical subterranean features like basements would still have higher potential and be in better condition. Both the c.1856 Paddington Brewery and the c.1877 Brewery Building may have had a basement. The expected potential archaeological remains that are within this zone include:

- Lot 6: The southwest and northwest foundations, brick or stone, of the fourstorey c.1856 Paddington Brewery, internal rooms, possible basement, inground services, machine footings, brewery southeast wing and any occupation deposits or industrial discard or fill in this area.
- Lot 7: The foundations, brick or stone, of the c.1877 archway and right of way road.
- Lot 7: The northern two-thirds of the five-storey c.1877 Brewery Building and probable basement, brick or stone foundations, inground services, machine footings, occupation deposits or industrial discard.
- Lot 7: The northeast corner or verandah foundations, brick or stone, of the two-storey c.1843 residential terrace (Brereton's Cottage).
- Block L: No known structures in the low-moderate area but has potential for gardens or yard deposits or rubbish pits relating to c.1850s Toll Bar or Watch House and 1856 Paddington Brewery and c.1886 Paddington Fire Brigade.
- Block L: A southeast border of pre-1894 Marshall Street

Moderate to High Archaeological Potential

The moderate to high archaeological potential zones are indicated on the overlay in vellow. These areas have likely escaped 20th century bulk excavation. Moderate to high potential occurs to varying degrees across all historical areas of the site: Block Lot 5, 6 and 7. Archaeology in these zones could occur in a range of conditions but it is more likely in high potential areas to find intact 19th century soil profiles with construction trenches and remnant walls associated with intact occupation deposits or former room or yard surfaces, deposits, garden beds and post holes. The industrial spaces could retain features like machine footings, fly wheel pits, water tanks, services and occupation or discard deposits. Open vard spaces could retain evidence of undocumented or ephemeral structures like lightweight iron sheds with post holes and tamped earth floors. Both the four-storey c.1856 Paddington Brewery and the five-storey c.1877 Brewery Building would have had substantial footings and perhaps basements that were backfilled to level the site. A c.1877 smoke stack would also have had deep footings. These features have high archaeological potential. Based on the historical plans, the archaeological remains that could be expected within this zone can be summarised:

- Lot 5: The northern corner foundations, probably timber on brick pier, of c.1853 Marshall's Cottage, verandah and front yard.
- Lot 6: The southeast and northwest foundations, brick or stone, of the fourstorey c.1856 Paddington Brewery, internal rooms, possible basement, inground services, machine footings or pits, occupation deposits or industrial discard.
- Lot 7: The foundations, brick or stone, of the c.1877 archway, right of way road and yard. The yard may have held undocumented lightweight industrial structures like sheds.
- Lot 7: The northern two-thirds of the two-storey c.1843 residential terrace (Brereton's Cottage) with subfloor deposits, brick or stone footings, internal rooms and services, its rear yard and a c.1893 outbuilding.
- Lot 7: c.1843 well precise location is unknown. Archaeological evidence is likely to consist of the structural form of the well along with abandonment fills and occupation deposits.
- Block L: Postholes, tamped earth floors or footings for a slab hut or lightweight building for the c.1850s Watch House and associated fence lines, hitching posts, artefact scatters, occupation or yard deposits or rubbish pits;

- Block L: Postholes, brick piers or footings or timber slab ghosts for the c.1886 Paddington Fire Brigade building. Also, floors and occupation or yard deposits and discard, services and machine footings or engine pits
- Block L: Postholes, brick or stone footings, floors and occupation or yard deposits and discard for the c.1869 phase of outbuildings of the brewery complex such as offices, bottling sheds, staff-rooms, Coopers sheds, stables, services
- Block L: former road surface, subgrade and drainage for Marshall Street

High Potential - Busby's Bore

Busby's Bore was built between 1827 and 1837 and was in use until 1936. Busby's Bore should be discussed as a separate concept as it is a piece of historical infrastructure that was bored several metres beneath and across the site rather than a historical building that once occupied the ground level of the site. Also, of note is that there are two major components to the bore: a horizontal channel for the flow of water and vertical shafts to access the channel. Both elements are relevant in this discussion as Shaft No. 5 is in close proximity to the study site.

The State Heritage Register listing for Busby's Bore and several other documentary sources include a diagram of the alignment and depth of its horizontal channel across Sydney and the locations of its vertical shafts (Figure 2.32-Figure 2.33 & Figure 2.35). However, physical evidence published in 1992 contradicts the location of Shaft No. 5 and this alters the previously understood route of the bore underneath the study site.¹³⁴ The updated location of Shaft No. 5 was combined with the known location of Shaft No. 6 to provide an updated 'desktop' alignment for Busby's Bore. Busby's Bore has a curtilage dictated by the State Heritage Register which is measured thus:

"A curtilage of three metres from all surfaces of the horizontal channel of the Bore itself and three metres from all surfaces of all the vertical shafts and offset shafts and structures associated with the Bore"¹³⁵

Busby's Bore is understood to be at least 1m wide.¹³⁶ The alignment of the 1m wide channel and a 3m heritage curtilage to either side is presented, at scale, in Overlay Figure 3.27.

Shaft No. 5 is located at the southeast corner of the intersection between South Dowling Street and Oxford Street.¹³⁷ The shaft could be as much as 4 feet or 1.2m in diameter though it is understood to be contained wholly within Oxford Street and South Dowling Street. With that understanding, the 3m curtilage from its outermost face would not be encroached by current site boundary and development area as the pavement is at least 3m wide itself. As such, the archaeological potential for vertical shaft for Shaft No. 5 is unlikely to be a concern for the proposed development.

The horizontal channel for the bore, however, is an archaeological concern for the site. As demonstrated by the overlays (Figure 3.27- Figure 3.30) the location of Busby's Bore runs south east towards Moore Park and through the diagonal centre

¹³⁴ Lavelle, S. (1992).
¹³⁵ SHR Listing: Busby's Bore.
¹³⁶ SHR Listing: Busby's Bore.
Aird (1961), p. 5.
¹³⁷ Lavelle, S. (1992).

of the study site. Busby's Bore is understood to be 11.1 metres below ground in the location of Shaft No. 5, the SHR curtilage adds 3 metres above that level which takes the heritage listed zone for Busby's Bore to approximately 8.1m below the study site. Busby's Bore has high archaeological potential. It has been encountered in many locations across Sydney in varying states of intactness (Figure 2.36-Figure 2.42Figure 2.32). There is also high potential for sedimentary deposits within the bore channel and possibly evidence of the convicts and workers who originally excavated the bore.

Unknown Potential

Historical sites occasionally have an element of 'unknown' potential that arises usually from undocumented buildings or unexpected potential in situations where buildings thought to have been demolished were instead adapted. The study site also has unknown archaeological potential in the sense that there is a gap in the documentary records for accurate historical surveys and plans in the mid-19th century for the study site. Historical remains from this period could include an earlier phase of buildings that predate the c.1877 industrial structures on Lot 7. Unexpected archaeological remains could include timber, iron, brick or stone buildings, outbuildings, and yard spaces with occupation deposits and rubbish pits or earlier 19th century soil profiles. Unexpected remains can occur in a range of conditions either intact or illegible.



Figure 3.27 Overlay of the archaeological potential of the study site, Busby Bore curtilage and an aerial. Vetta 2018


Figure 3.28 Overlay of the archaeological potential of the study site and 1884 survey. Vetta 2018



Figure 3.29 Overlay of the archaeological potential of the study site and 1888 survey. Vetta 2018



Figure 3.30 Overlay of the archaeological potential of the study site, Busby Bore curtilage and an 1892 plan. Vetta (2018)

4.0 ASSESSMENT OF SIGNIFICANCE

4.1 METHODOLOGY

The current standard for assessment of significance of heritage items in NSW is the publication 'Assessing Significance for Historical Archaeological Sites and 'Relics' produced by the Heritage Branch of the NSW Department of Planning (December 2009). This production is an update to the NSW Heritage Manual (1996), and the criteria detailed therein are a revised version of those of the Australia ICOMOS Burra Charter, formulated in 1979, which was based largely on the Venice Charter (for International Heritage) of 1966.

Archaeological heritage significance can also be viewed in light of the framework set out by Bickford and Sullivan in 1984.¹³⁸ Bickford and Sullivan, taking into consideration the "archaeological, scientific or research significance" of a site posed three questions in order to identify significance:

- 1. Can the site contribute knowledge which no other resource can?
- 2. Can the site contribute knowledge which no other site can?
- Is this knowledge relevant to general questions about human history or other substantive problems relating to Australian history, or does it contributes to other major research questions?¹³⁹

These questions have been broadly used to shape the response to the heritage significance criteria as described in Section 4.2 and 4.3.

The criteria and the definitions provided by 'Assessing Significance for Historical Archaeological Sites and 'Relics' have been adhered to in assessing the cultural significance of the potential archaeological site at 1-11 Oxford Street, Paddington. An assessment of significance, under each of the criteria, is made possible by an analysis of the broad body of archaeological sites previously excavated both locally and elsewhere, in conjunction with the historical overview of the study site in particular.

The Criteria used to assess Heritage Significance in NSW are the following:

Criterion	Description	Significance
Criterion A	An item is important in the course, or pattern, of NSW's or the local area's cultural or natural history	State significant or locally significant
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 or a local area's cultural or natural history	State significant or locally significant
Criterion C	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area	State significant or locally significant

Table 4.1 Criteria for Assessing Heritage in NSW

¹³⁸ Bickford and Sullivan (1984)

¹³⁹ Bickford and Sullivan (1984), p.23-4

Criterion D	An item has strong or special association with a particular community or cultural group in NSW or a local area for social, cultural or spiritual reasons	State significant or locally significant
Criterion E	An item has potential to yield information that will contribute to an understanding of NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion F	An item possesses uncommon, rare or endangered aspects of NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion G	An item is important in demonstrating the principal characteristics of a class of NSW's or a local area's - cultural or natural places; or - cultural or natural environments	State significant or locally significant

The following assessment deals only with sub-surface archaeological features and deposits. The built environment is not considered in this study.

4.2 IDENTIFICATION OF SIGNIFICANCE

Archaeological Research Potential (NSW Heritage Criterion E)

The study site has a multi-faceted history of British occupation and development. The site was once part of the 1811 Sydney Common, between 1827-1837 Busby's Bore was tunnelled beneath the site and Shaft No. 5 constructed a few metres from the northeast corner. By 1831 most of the site was promised to Richard Brooks' Estate, the estate was subdivided in 1841 and Lots 5, 6 and 7 were sold. By c.1848-1853, George Brereton had three buildings and a right of way leading to a well on Lot 7; By 1853-1857 Joseph Marshall built his Cottage and the Paddington Brewery on Lots 5 & 6. In 1877, Marshall acquired Lot 7 and several other adjacent allotments and expanded his brewery business amongst the neighbourhood lots. Block L stayed part of Sydney Common until 1869 when Marshall purchased it, after which it served his brewery business until 1886 when it became the Paddington Brewery Fire Brigade.

The site is highly likely to yield information important to historical, archaeological and research-based realms of inquiry. As detailed by Section 3, the site retains moderate to high potential for robust and legible 19th century archaeology despite localised instances of deep modern disturbances. The archaeological resource is expected to yield the mixed remains of several occupations over a long history of use. That archaeology would be considered a great contribution to an understanding of this area of Sydney, especially for the mid-late 19th century, as the area is not well documented in the widely available historical plans and surveys. As discussed, the 1855, 1855-1865 and 1880 plans for Sydney do not cover the study site hence the archaeology would assist our understanding of the site's historical development and suggest a pattern for sites that transitioned out of Sydney Common and into private ownership.

As a potentially robust resource, the extent, nature, integrity and degree of preservation of its deposits could be considered representative of the mid to late 19th century occupation of Sydney. Though, elements of the site's history are both representative and unusual, if not rare. Representative elements include the pattern

for Crown granted estates to be subdivided and sold, such as Richard Brooks', but it is unusual that the grant was derived from Sydney Common. It is also typical that 19th century that industrial sites, such as Marshall's Paddington Brewery, sprung up in residential neighbourhoods and slowly expand to fill all the available space. But it is unusual that once granted, land should retain a tension between public and privately-owned space - the study site was privately owned above ground yet had government water infrastructure tunnelled beneath for Busby's Bore, the presence of which still conditions the physicality of the site today.

As a result of the above intermingled 'representative' and 'rare' historical conditions, the archaeological resource is also a blend of the 'representative' and 'rare.' Similar sites in Sydney have been excavated and some physical results may be duplicated, such as for mid-late 19th century residences and breweries. Similar mid-19th century brewery sites include Wood's Castlemaine Hunter Brewery, Tooth's Brewery, Ballack Brewery, Maitland Brewery. But the study site has unique factors that condition that archaeology such as the presence of Sydney Common and Busby's Bore. For instance, the Bore has influenced the site's development above ground. Either the historical occupants could access its water or sunk their own wells in the certain knowledge that water was accessible. It seems no wonder then that the site hosted a brewery, a well and a fire brigade considering the reliance of those activities on a constant supply of water. The Fire Brigade itself is an uncommon archaeological site. And, though Busby's Bore is the site's key unique archaeological feature, it is still comparable to sites above the former Tank Stream.

The study site has multiple levels of significance according to this criterion:

- Evidence for the use of the 1811 Sydney Common, the c.1850 Watch House and Toll Bar is potentially State significant.
- The 1827-1837 Busby's Bore and its associated remains is considered State significant.
- Archaeological remains for the mid-late 19th century use of the site are considered locally significant.

Associations with individuals, events or groups of historical importance (NSW Heritage Criteria A, B and D)

The study site is significant for its association with the designer of Busby's Bore, John Busby. Busby was an Englishman whom arrived in Sydney in 1824 and employed to design a bore to transport an adequate water supply for Sydney. The public work commenced between 1827 and 1837 and Busby's association with the bore signifies his aspirations for Sydney. Busby's Bore is a State significance item and its design and creation is known to be important to groups including Institute for Engineers, The National Trust and Local Historical Societies.¹⁴⁰

The study is also significant for its close association with Joseph Marshall who established the well-known Marshalls brewery on the study site by c.1856 and a Volunteer Fire Brigade in 1886. Marshall was well known in agricultural communities and received multiple awards which could be of interest to those communities. The site could demonstrate archaeological evidence from both his residential and business occupation as he lived on the site as well. The study site is potentially locally significant for this association.

¹⁴⁰ SHR Listing: Busby's Bore.

Other notable individuals include Captain Richard Brooks who was an earlier settler on the site in the early 19th century. No structures on his estate appear to be recorded, thus his connection is unlikely to be borne out in the archaeology of the site.

The current building is the original 1911 Olympia Theatre building. Renovation and extensions were done in 1919 and in the late 1930s. Groups that have interest in the early establishment of the theatre in Sydney could recognise the building as of historic significance to their community. Archaeological evidence in the form of underfloor and ceiling deposits could demonstrate the occupation from 1911 to the current day which could be potentially local significant.

The study site was part of Sydney Common and the early establishment of South Head Road (now Oxford Street). A street which is integral to the historical and current character of the Paddington area. As the study site was a foundational part of Oxford Street and has been continually occupied since the mid-19th century, it retains and ranges from low to high archaeological potential. Thus, the study site is considered potentially locally significant.

The study site has multiple levels of significance according to this criterion:

- Evidence for the use of the 1811 Sydney Common, the c.1850 Watch House and Toll Bar is potentially State significant.
- The 1827-1837 Busby's Bore and its associated remains is considered State significant.
- Archaeological remains for the mid-late 19th century use of the site are considered locally significant.

Aesthetic or technical significance (NSW Heritage Criterion C)

Busby's Bore

The following significance is according to the SHR Listing:

"Busby's Bore is a unique engineering achievement which played a crucial role in the development of urban Sydney.....The bore is associated with the important steps that changed Sydney from penal colony to colonial trading port.

The fabric of the bore and associated archaeological deposits possess research potential relating to substantive historical and scientific questions relating to 19th century work and technology and to changes in the environment.

The bore is representative of English rock mining techniques of the period and of rock mining in other parts of Australia. It is also representative of public works carried out by convict labour and 19th century engineering techniques."

Marshalls Brewery

The study site was a brewery in the 19th and early 20th centuries and has high archaeological potential for demonstrating early industrial and technical use of a site in Sydney. The study site contained large industrial buildings including: c.1856 Marshalls Brewery which was four storeys, the c.1877 Brewery

Building was five storeys and was associated with a smoke stack that was five or six storeys tall. These buildings are examples of function specific structures which modified the landscape to facilitate their needs. Breweries are unique in that they have their own specific material signature.

There is high potential for the Brewery buildings to contain a full or half basements. It is common for breweries to have basements cut into bedrock for cool storage of their product and ingredients, machine footings for steam engines and boilers, or brick or stone lined subterranean features like water tanks or fly wheel pits. They are also likely to have inground services for access to water or discard of waste.

Thus, Busby's Bore is considered to be of State significance and remains associated with Marshalls Brewery are considered to be of local significance according to this criterion.

Ability to demonstrate the past through archaeological remains (NSW Heritage Criteria A, C, F & G)

As discussed in response to Criterion E, the study site has a long and multi-faceted history of land use and the archaeology could represent a swathe of 19th century activity across the realms of agriculture, governing, transport, residential occupation, industrial use, town infrastructure and entertainment. The site's known historical uses include: 1811 Sydney Common, 1827-1837 Busby's Bore, a c.1850 Watch House and Toll Bar, Brereton's three c.1848-1853 houses and a well, Marshall's c.1853 Cottage and his c.1856-1911 Paddington Brewery complex, former Marshall Street and the c.1886 Paddington Brewery Fire Brigade, and of course the extant 1911 Olympia Theatre. The 19th century natural soil profile at the study site is unlikely to be intact due to mid-late 19th century and 20th century development. Prior to the 1911 Olympia Theatre, the site was likely once an example of early, continuous and concurrent industrial and residential use between the mid-19th to early 20th centuries. The archaeological potential at the site ranges from nil-low to moderate-high, at a minimum the site retains potential for isolated examples of wellpreserved and rare remains, a broad spread of disturbed but legible remains and isolated instances of nil-potential or illegible remains.

The study site has multiple levels of significance according to this criterion:

- Evidence for the use of the 1811 Sydney Common, the c.1850 Watch House and Toll Bar is potentially State significant.
- The 1827-1837 Busby's Bore and its associated remains is considered State significant.
- Archaeological remains for the mid-late 19th century use of the site are considered locally significant.

4.3 STATEMENT OF CULTURAL SIGNIFICANCE

Since the early 20th century, the study site has hosted the Olympia Theatre – a monolithic building presiding over the corner between South Dowling Street and Oxford Street. The theatre replaced a former monolith of Oxford Street and of Sydney's 19th century industrial scene – Marshall's Paddington Brewery. But even the sprawling former buildings of the 54-year brewery operation does not fully encapsulate the significance of the study site.

The Theatre and the Brewery were built on a jigsaw of former historical allotments and street alignments that were pieced together to create the current site boundaries. The various jigsaw pieces of land subdivisions have, over time, resulted in an unusual pattern of land use at the site which has in turn created a multi-faceted archaeological resource with both public and private influences and with significance at both a local and State level.

Since British occupation, the land of the study site has been associated with a public role in managing the growing colony: it was part of the 1811 Sydney Common pasturage, 1827-1837 Busby's Bore crossed beneath its surface to supply the early town with water, a c.1850 Watch House brought law and order to this outskirt of Sydney town and the Toll Bar controlled transport on the major South Head Road, now Oxford Street, from Sydney to Botany. In private hands, the land was the stage for Marshall's thriving Paddington Brewery from 1856-1911 as well as his residence from 1853 and the residence of George Brereton from 1848. With Busby's Bore below ground, the site also has a strong association with town infrastructure and the historical water supply of Sydney which is underlined by Brereton's well and the 1886-1893 Paddington Brewery Fire Brigade.

Due to its multi-faceted use over the 19th century, the site's archaeological resource has varying levels of significance. With reference to the criteria above, the site's significance can be described as such:

- Evidence for the use of the 1811 Sydney Common, the c.1850 Watch House and Toll Bar is potentially State significant.
- The 1827-1837 Busby's Bore and its associated remains is considered State significant.
- Archaeological remains for the mid-late 19th century use of the site is considered locally significant.

5.0 HERITAGE IMPACT STATEMENT

Heritage impact statements are intended to convey the impact to the archaeological or heritage resource of a site proposed by a particular development. As with a Statement of Heritage Impact (SoHI), this section synthesises the significance of the resource, what impact the proposed works will have on that significance and what measures could mitigate negative impacts and why more sympathetic solutions are not viable.¹⁴¹ Unlike a SoHI, this section focuses only on the archaeological significance of the study site.

5.1 BACKGROUND

The site's archaeological resource has two key components: the 19th century occupation at the historic ground level juncture of Oxford Street and South Dowling Street and the tunnel of Busby's Bore that crosses the deep subterranean space below the site.

The site retains both locally significant and potentially State significant relics:

- Substantive evidence for the use of the 1811 Sydney Common, the c.1850 Watch House and Toll Bar are potentially State significant.
- Substantive evidence for the mid-late 19th century site occupation is considered locally significant. For instance: Brereton's c.1840s brick terrace and well, Marshall's mid-1850s Cottage and c.1856-1911 Paddington Brewery complex, former Marshall Street, the c.1886 Paddington Brewery Fire Brigade, and the extant 1911 Olympia Theatre.
- Evidence of Busby's Bore is considered State significant.

The proposed development has two key elements that would impact both the local and State significant potential relics at the site: Basement 01 and Basement 02. Excavation for Basements 01 and 02 could extend up to 9m below current street level and cover approximately 80 to 90% of the site footprint.

5.2 19TH CENTURY OCCUPATION ARCHAEOLOGY

In terms of the potential archaeology for the 19th century street level occupation – the potential impacts seem simple. Proposed excavations reaching 8-9m below street level should totally remove all archaeological remains. However, the site has potential for Brereton's c.1840s well that may once have reached ground water at 15m¹⁴² and the former Paddington Brewery buildings may have had deep cellars, basements or services. Thus, the proposed excavation of 8-9m may actually leave intact the base courses of these deepest types of features.

5.3 BUSBY'S BORE ARCHAEOLOGY

Busby's Bore (1827-1837) is a subterranean tunnel that crosses beneath the study site. It has high archaeological potential, it is State significant and it has a 3m heritage curtilage from every external surface. However, there is no precise understanding of where or how deep the bore is. Discussion in Section 5.3.1 and

¹⁴¹ Heritage Office and Department of Urban Affairs & Planning (1996) NSW Heritage Manual: Statements of Heritage Impact.

¹⁴² Approximately RL 36 in Shaft No. 6 of Busby's Bore on Napier Street Douglas Partners (April 2018) 4

5.3.2 highlight the currently known variables for estimating the location of Busby's Bore in terms of its depth and alignment. <u>The discussion of potential heritage</u> impacts to Busby's Bore (Section 5.3.3) are based on estimates from desktop study and should not be used for construction.

5.3.1 Bore Alignment

Historic research indicates an alignment for Busby's Bore tunnel that crosses beneath the study site southeast to northwest (Figure 3.27-Figure 3.30). This alignment differs from the SHR listing (Figure 2.34) but was arrived at by using the known locations of Shaft No. 5 and Shaft No. 6 and connecting them by a straight line (See Section 3.3.1). Of course, Busby's Bore may not take a straight course and could diverge from the estimated route predicted by this study.

5.3.2 Bore Depth

There are several diagrams for the alignment and depth of Busby's Bore. Three vertical diagrams for the depth of the bore were tested for this desktop study. A survey from 1868, a reproduction in 1961 and a reproduction for the Busby's Bore State Heritage Register listing in 1988. The scales for the 1868 and 1988 diagrams were internally consistent though the 1961 vertical scale was inconsistent and was less reliable. Measuring from Shaft No. 5, which is only 4m distant from the study site, each diagram gave similar results:

Table 5.1	Depth of Busby's Bore Channel in 19 th Century Survey and 20 th Century
	Reproductions

Diagram	Depth (feet)	Depth (m)
1868	34.64	10.55
1961	34.77	10.60
1988 (SHR)	34.08	10.38

The depth of the bore below ground is expected to increase to the southeast as the tunnel stays level but the ground surface level rises between Shaft No. 5 at the study site and Shaft No. 6 at Napier Street (Figure 2.34).

The Heritage Act (1977) relies on the curtilage map provided by the 1988 SHR listing for the management of Busby's Bore as a State significant relic. As such, the SHR listing will be used to calculate estimated depths for the bore and its curtilage relative to the proposed development. The vertical scale in feet from the SHR diagram was converted into metric units and arrived at an <u>estimated</u> depth of 10.38m. Busby's Bore also has a 3m heritage curtilage "from all surfaces of the horizontal channel of the Bore itself and three metres from all surfaces of all the vertical shafts and offset shafts and structures associated with the Bore." With that in mind, the estimated curtilage for Busby's Bore begins at 7.38m below ground.

5.3.3 Estimated Heritage Impacts

The Planning Proposal seeks to avoid or minimise impacts to Busby's Bore and its heritage curtilage. As demonstrated above, the currently available data for the bore alignment and depth is unreliable. Thus, specific recommendations to avoid or minimise impacts require further study. In general, the bore could be impacted by the development in several ways such as subsidence due to heavy load, collapse or weakening due to vibration or destruction as a result of excavation. The best way forward to avoid impacts to Busby's Bore is to pursue, perhaps during the demolition and excavation phase of the development, further physical investigations of the

location and depth of the bore. The timing of the investigations could be critical to gaining the best available data, for instance, after demolition the ground surface could be more suitable for modern non-intrusive techniques such as Ground Penetrating Radar or non-destructive digging with high pressure hoses in targeted slot trenches. These options could be considered, with the appropriate expert input, in an Archaeological Research Design and Excavation Methodology with endorsement from the Heritage Division. However, this approach may affect the construction program. For example, a pause in the timeline may be required to investigate the bore or there may need to be flexibility in the design for the concrete foundations such as relocating piles, tie beams or footings away from the bore or changing pile diameters.

The project has already consulted with expert Engineers (BG&E) and Geotechnicians (Douglas Partners) as well as archaeologists (AMAC Group) to ensure the design of the building's lowest basement level is above the estimated 3m heritage curtilage of the Busby Bore. Thus the Planning Proposal drawings have accommodated estimates for Busby's Bore and its curtilage—the estimates are best





DATE	REV	NOTES	NOTES: Do not scale of drawings. Use figured	
02/11/18	Α	Issued for planning proposal	dmensions only. Report any discrepencies	
18/04/19	В	Amen ded planning proposal	to the architect. These designs, plans, specifications and the copyright therein are	L
22/05/19	С	Updated amended planning proposal	the property of Tonkin Zulaikha Green	
			Architects Pty Ltd, and must not be reproduced or copied wholly or in part	
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Figure 3.24 and in plan by Figure 3.20.

5.4 STATEMENT OF ARCHAEOLOGICAL HERITAGE IMPACT

Ground Level, Basement 01 and Basement 02 works would impact approximately 80-90% of the development area to an approximate depth of 9m including a reduction in scope of Basement 02 as of June 2019. This would likely impact and remove all archaeological remains of 19th century site occupation including relics of both local and potentially State significance. Though the base courses of deep features like historic wells or basements may not be impacted. Unavoidable impacts to relics should be managed with a Section 140 Excavation permit guided by an appropriate Research Design and Excavation Methodology endorsed by the Heritage Division.

Basement 02 excavation and construction are two key risk factors for impacts to Busby's Bore and its 3m State Heritage Register Curtilage. For the purposes of this baseline assessment and the current Planning Proposal drawings, updated as of June 2019, the potential impacts to Busby's Bore were estimated as either minimised or avoided – based on the best possible available desktop information. Of course, desktop estimates are not for construction. Physical confirmation of the depth of Busby's Bore should become a part of the proposed development program to ensure it is not impacted. If however, the development does unavoidably encroach on the 3m heritage curtilage zone for Busby's Bore, this should be managed with a Section 57 or Section 60 Permit and further liaison with the Heritage Division.



Figure 5.1 Overlay of the archaeological potential of the study site, Busby Bore curtilage and Proposed Basement 02 SK05. Vetta (2018).



Figure 5.2 Overlay of the archaeological potential of the study site, Busby Bore curtilage and Proposed Basement 01 SK06. Vetta (2018).



Figure 5.3 Overlay of the archaeological potential of the study site, Busby Bore curtilage and Proposed Ground Floor Plan SK07. Vetta (2018).

6.0 RESULTS AND RECOMMENDATIONS

6.1 RESULTS

6.1.1 Documentary Research

Busby's Bore was tunnelled underneath Sydney between 1827-1837 to connect Hyde Park with the water source from Lachlan Swamps - now Centennial Park. The bore travels beneath the study site below a depth of approximately 10.38 metres. The Bore was significant infrastructure for the Sydney colony as it formed the city's second major fresh water supply.

From 1811, the site was part of Sydney Common, an area of pasturage unsuitable for development and given to the City of Sydney for common use. In 1831, part of the Common was promised to Captain Richard Brooks by Governor Darling. By 1840, that land formed a Crown Grant to Maria Zouch, Brooks' daughter. However, Block L, which formed the northeast of the site, stayed part of Sydney Common until 1869. During that time it was associated with a c.1850 Toll Bar and Watch House.

George Brereton acquired Allotment 7 of Brooks Estate in 1841 and established himself and his family as residents in a cottage with a well of water on the study site and by 1853 several buildings are associated with him on Lot 7. In 1853, Joseph Marshall acquired Allotments 5 and 6. Marshall lived on Lot 5 in a mid-1850s cottage known as Belmont Villa and he established the Paddington Brewery on Lot 6 by 1856. Marshall acquired Block L from City of Sydney in 1869 and Allotment 7 from George Brereton in 1877. Marshall and his sons slowly expanded their successful Paddington Brewery business across Lot 5, 6, 7 and Block L between 1856-1910 until it became a large industrial compound. Between c.1886-1893 Marshall and his sons established, on Block L, the Paddington Brewery Fire Brigade.

In 1910 Olympia Limited purchased the property from Marshalls Co-Op Breweries Ltd. The brewery complex was dismantled and its materials sold by 1913. In its place, the Olympia Theatre was constructed and that building occupies the site today.

6.1.2 Physical Evidence

The study site contains the former Olympia Theatre building which is a three-storey structure with one full basement and one half basement level. The proposed development seeks to adapt the existing building into a structure that has two basement levels across approximately 90% of the site footprint.

Approximately 10m below the surface, the tunnel for Busby's Bore crosses the study site from southeast to northwest. Busby's Bore has high archaeological potential.

In addition to the Bore, the study site has three zones of archaeological potential: nil-low in the area of the full basement, low-moderate in the areas of the 'half basement' and substation, and moderate-high for the remainder of the study site.

Based on historical research, the site may retain isolated examples of an intact 19th century natural soil profile, a wide range of partly disturbed but legible remains from the mid to late-19th century and isolated examples of intact and highly interpretable mid to late-19th century remains. The range of moderate-high potential archaeology

6.1.3 Significance

Since the early 20th century, the study site has hosted the Olympia Theatre – a monolithic building presiding over the corner between South Dowling Street and Oxford Street. The theatre replaced a former monolith of Oxford Street and of Sydney's 19th century industrial scene – Marshall's Paddington Brewery. But even the sprawling former buildings of the 54-year brewery operation does not fully encapsulate the significance of the study site.

The Theatre and the Brewery were built on a jigsaw of former historical allotments and street alignments that were pieced together to create the current site boundaries. The various jigsaw pieces of land subdivisions have, over time, resulted in an unusual pattern of land use at the site which has in turn created a multi-faceted archaeological resource with both public and private influences and with significance at both a local and State level.

Since British occupation, the land of the study site has been associated with a public role in managing the growing colony: it was part of the 1811 Sydney Common pasturage, 1827-1837 Busby's Bore crossed beneath its surface to supply the early town with water, a c.1850 Watch House brought law and order to this outskirt of Sydney town and the Toll Bar controlled transport on the major South Head Road, now Oxford Street, from Sydney to Botany. In private hands, the land was the stage for Marshall's thriving Paddington Brewery from 1856-1911 as well as his residence from 1853 and the residence of George Brereton from 1848. With Busby's Bore below ground, the site also has a strong association with town infrastructure and the historical water supply of Sydney which is underlined by Brereton's well and the 1886-1893 Paddington Brewery Fire Brigade.

Due to its multi-faceted use over the 19th century, the site's archaeological resource has varying levels of significance:

- Evidence for the use of the 1811 Sydney Common, the c.1850 Watch House and Toll Bar is potentially State significant.
- The 1827-1837 Busby's Bore and its associated remains is considered State significant.
- Archaeological remains for the mid-late 19th century use of the site is considered locally significant.

6.2 **RECOMMENDATIONS**

The study site retains moderate-high potential for documented and undocumented locally significant remains from the mid-late 19th century residential and industrial use of the site. The site retains low potential for State significant remains associated with the early 19th century Sydney Common and mid-19th century Watch House and Toll Bar. The site retains high archaeological potential for State Heritage Register Item 00568 Busby's Bore.

The proposed redevelopment of the site includes extending the current building with two new basement levels. Such works are likely to impact a range of relics that are protected under the Heritage Act 1977 and have been assessed by this baseline as significant at a State and local level.

As a result, this Baseline Archaeological Assessment will need to be supplemented with a Research Design and Excavation Methodology to guide the works and form part of a Section 140 Excavation Permit Application with the Heritage Council. A Research Design and Excavation Methodology would outline an archaeological program to manage relics on site. This program would mitigate the potential heritage impacts posed by the development and result in a positive heritage outcome.

The proposal is in close vicinity to Busby's Bore and its State Heritage Register curtilage. The project has already sought expert advice from engineers, geo-technicians and archaeologists for desktop estimates of the Bore and curtilage locations. The Planning Proposal documents present an estimated scenario of those results. Ground-truthing the relationship between the Bore, its curtilage, the basements and piling design should be incorporated into the proposed development to confirm that the development does not impact it.

If required, any encroachments on Busby's Bore SHR curtilage may require either a Section 57 Exemption Notification or a Section 60 Permit Application with the Heritage Council.

6.3 STATEMENT OF ARCHAEOLOGICAL HERITAGE IMPACT

Ground Level, Basement 01 and Basement 02 works would impact approximately 80-90% of the development area to an approximate depth of 9m. This would likely impact and removal all archaeological remains of 19th century site occupation including relics of both local and potentially State significance. Though the base courses of deep features like historic wells or basements may not be impacted. Unavoidable impacts to relics should be managed with a Section 140 Excavation permit guided by an appropriate Research Design and Excavation Methodology endorsed by the Heritage Division.

Basement 02 excavation and construction are two key risk factors for impacts to Busby's Bore and its 3m State Heritage Register Curtilage (despite the June 2019 reduction in excavation scope). For the purposes of this baseline assessment and the current, as of June 2019, Planning Proposal drawings, the potential impacts to Busby's Bore were estimated as either minimised or avoided – based on the best possible available desktop information. Of course, desktop estimates are not for construction. Physical confirmation of the depth of Busby's Bore should become a part of the proposed development program to ensure it is not impacted. If, however, the development does unavoidably encroach on the 3m heritage curtilage zone for Busby's Bore, this should be managed with a Section 57 or Section 60 Permit and further liaison with the Heritage Division.

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- State Records of New South Wales, Key name Search, http://srwww.records.nsw.gov.au/indexsearch/keyname.aspx
- Urbis (2018), Heritage Impact Statement: 1-11 Oxford Street, Paddington NSW.

8.0 APPENDICES

8.1 STATE HERITAGE REGISTER ITEM 00568 BUSBY'S BORE

Busby's Bore Item details	
Name of item:	Busby's Bore
Other name/s:	Busbys Bore
Type of item:	Built
Group/Collection:	Utilities - Water
Category: Location:	Bore
Primary address:	Lat: -33.8873653261 Long: 151.2223348280 Centennial Park to College Street, Surry Hills, NSW
	2010
Parish:	Alexandria
County: Local govt. area:	Cumberland Sydney
Local Aboriginal Land	La Perouse
Council:	

Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
CROWN LAND				
LOT	1		DP	1068011
LOT	2		DP	1068011

LOT	1		DP	110645
LOT	1		DP	1111581
LOT	1		DP	130269
LOT	2		DP	130269
LOT	1		DP	174698
LOT	1		DP	174966
LOT	1		DP	205794
LOT	20		DP	230915
LOT	D		DP	33410
LOT	Е		DP	33410
LOT	J		DP	33411
LOT	6	1	DP	365
LOT	7	1	DP	365
LOT	А		DP	377984
LOT	А		DP	434226
LOT	В		DP	434226
LOT	С		DP	434226
LOT	А		DP	440596
LOT	В		DP	440596
LOT	С		DP	440596

LOT	1		DP	446553
LOT	2	3	DP	4599
VOL	6544		FOL	49
LOT	1		DP	51145
VOL	6020		FOL	55
VOL	6020		FOL	56
LOT	5		DP	59752
LOT	1		DP	59808
LOT	1		DP	603938
LOT	1		DP	604127
LOT	1		DP	61238
				623
LOT	2		DP	634807
LOT	1		DP	70537
LOT	1		DP	742261
LOT	5		DP	745804
LOT	1		DP	75105
LOT	1487		DP	752011
LOT	1528		DP	752011
LOT	1627		DP	752011

LOT	1786	DP	752011
LOT	1	DP	789476
LOT	1	DP	797239
LOT	1	DP	826022
LOT	101	DP	883120
LOT	102	DP	883120
LOT	А	DP	9258
LOT	В	DP	9258
LOT	B2	DP	9258
LOT	D	DP	9258
LOT	Е	DP	9258
LOT	А	DP	928904
LOT	В	DP	928904
LOT	С	DP	928904
LOT	D	DP	928904
LOT	F	DP	928904
LOT	1	DP	934462
LOT	1	DP	945258

Boundary:

All those pieces or parcels of land extending between Centennial Park and College Street, Sydney, along with a curtilage of three metres from all surfaces of the horizontal channel of the Bore itself and three metres from all surfaces of all the vertical shafts and offset shafts and structures associated with the Bore, as shown edged heavy black on the plan catalogued H.C. 1564 in the office of the Heritage Council of New South Wales.

Street Address	Subur	b/town	LGA	Р	arish	County	Туре
Centennial Park to College Street	Surry l	Hills	Sydney	A	lexandria	Cumberland	Primary Address
College Street	Sydne	У	Sydney	А	lexandria	Cumberland	Alternate Address
Centennial Park to College Street	Surry I	Hills	Sydney	А	lexandria	Cumberland	Duplicate Address
Owner/s							
Organisation Name	•		Category		Date Ow	nership Update	d
Sydney Water State G		lovernment		11 May 9	99		

All addresses

Statement of significance:

Busby's Bore is a unique engineering achievement which played a crucial role in the development of urban Sydney. As a product of convict labour and a major factor in the establishment of local administration in NSW (in the form of the Sydney Corporation) the bore is associated with the important steps that changed Sydney from penal colony to colonial trading port.

The fabric of the bore and associated archaeological deposits possess research potential relating to substantive historical and scientific questions relating to 19th century work and technology and to changes in the environment.

The intactness of the bore and the fact that it is still in use make it a

rare survivor from the first half of the 19th century within urban Sydney. (Godden Mackay 1996: 10)

Date significance updated: 10 Sep 97

Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH <u>copyright and disclaimer</u>.

Description

Designer/Maker:	John Busby
Builder/Maker:	Convicts
Construction years:	1827-1837
Physical description:	The tunnel is constructed through sandstone and varies in size from 4 to 10 feet in height and from 2 to 3 foot 6 inches width. It is lined in some sections with dressed stone slabs to carry water from Lachlan Swamps, Centennial Park at west side, Lang and Cook Roads, beneath the Sydney showground, Victoria Barracks and Oxford Street to the corner of Liverpool and Oxford Streets, Hyde Park - a distance of about 2 miles (Brady 1975)
Physical condition and/or Archaeological potential:	Archaeological Potential - Good
	Date condition updated: 30 Jul 97
Modifications and dates:	 1881 - Some pipes laid inside tunnel in Oxford Street to reduce tainting from coal tar laid on road surface. 1934 - Partly filled in when weight of tram traffic caused stone slabs under Oxford Street to collapse. (Brady 1975)

Further information:	The Permanent Conservation Order is only on the section from Centennial Park to College Street.			
Former use: History	Sydney Water Supply			
Historical notes:	The construction of Busby's Bore, a water supply tunnel extending from Centennial Park to Hyde Park, began in September 1827 and was completed 10 years later. The bore was designed to carry water from the Lachlan Swamp, now Centennial and Queen's Parks. It would supply the 'rising capital of Australia', as Sydney was described in the Report of a Committee of the Legislative Council appointed to enquire into the state of the tunnel and outstanding wage claims in 1837.			
	The water was gravity fed, the fall being 1 foot 9 inches (530mm) over the 2 miles (3.2km) from end to end, to feed out at Hyde Park at a height sufficient to allow the supply of the General Hospital in Macquarie Street. The tunnel had to be re-routed around the sites of the Sydney Football Stadium and Cricket Ground and through the Showground because of quicksand encountered in Moore Park.			
	John Busby had been employed as a mineral and water surveyor in England, Ireland and Scotland. He applied to the English Colonial Office for employment in NSW. Bathurst, then Secretary of State, appointed him as Mineral Surveyor and Civil Engineer with particular attention to 'the management of coal mines [and] in supplying the Town of Sydney with water'. Busby arrived in Sydney in 1824 aged 59. He was employed as engineer at the Newcastle Coal Mines and on the breakwater then under construction there. However, his major task was to undertake surveys with a view to obtaining a permanent and adequate water supply for Sydney.			
	During Busby's time at Newcastle, the Sydney domestic water still came from the virtually defunct and certainly highly polluted Tank Stream and a spring at Ultimo and another near Oxford Street. These were supplemented by wells both public and private. Many of these, especially those in the north of the town, were contaminated.			
	At the start of construction Busby engaged his son Alexander as his assistant, but the appointment was disallowed in London. William Busby then acted as assistant at his fathers expense. There were three free overseers but these were for the first year only.			

Apart from these, the whole of the work was performed by convicts. Between 50 and 140 were employed working 24 hours a day in three 8 hour shifts, a common practice in mining since it prevented and unnecessary build up of underground water. Busby claimed that not 1 in 10 of the men were trained stone miners, that the rest had to be trained on the job. He also complained of their 'vicious, drunked and idle habits' and alleged that they were often absent as they preferred to work illicitly on their own account in the town. False returns of work were made by their convict overseers. 'One third of the time lost [could] be ascribed to the workmen, and the villainy of the overseers' sent to the bore. Such was the character of the men employed, that their acquired constant vigilance, though such was their character that Busby was afraid ever to enter the underground workings.' This is not surprising given the working conditions. The prisoners were often up to their waists in water. Most of the work was by pick through rock. Gunpowder was used occasionally, but when this occurred the blast fouled the air in the tunnel and filled it with smoke.

Work started at the Hyde Park end and progressed along South Head Road, now Oxford Street, turning west of that road at Dowling Street, then across the west corner of Victoria Barracks to Moore Park Road. The route traversed several springs and low lying basins which drained into the bore. Thus by 1830, with the tunnel well short of the Lachlan Swamp, a pipe at Hyde Park began to supply pure, filtered water and the supply increased with the length of the bore. Offcuts from the tunnel also trapped sources of ground water.

In 1837 the tunnel reached a point near what is now the corner of Cook and Lang Roads. The only work outstanding was an open cut into the swamp itself and the construction of reservoirs or holding dams at each end. There is no evidence that these were ever built, though some sort of channel seems to have been cut at the south end of the tunnel. Major Barney, Commander of the Royal Engineers, was called to inspect the work. Although critical of the site of the tunnel Barney considered the structure to be of professional merit and fairly done.

Busby, the 72 years old, retired to his property, Kirkton, between Branxton and Singleton in the Hunter Valley where he died in 1857.

The creation of a municipal water supply in the form of Busby's Bore highlighted the need for an administration to control its use. Municipal instructions were discussed for the colony in the early 1830s but met with fears in the community that such institutions would impose a burden of taxes of levies. In 1842 the Sydney Corporation was formed. The Sydney Corporation endeavoured to squeeze as much revenue as possible from Busby's Bore and ignored public demands for planning towards the development of new and more suitable sources. In 1851 Sydney manufacturers expressed a total lack of confidence in the Sydney Corporation after its failure to fulfil its contracts with new industrial developments such as Tooth's Brewery and Sugar Company.

The length of time to complete the bore, that it relied on the simple mechanism of mechanical feed and that it and its successor, the Botany Bay Swamps Scheme, tied up land suitable for industrial development in water reserves had a significant impact on the shape and development of Sydney. The bore can also be seen as having a critical role in forcing the creation of municipal administration in the colony. (Godden Mackay 1996: 3-5)

Historic themes

Australian theme (abbrev)	New South Wales theme
2. Peopling-Peopling the continent	Convict-Activities relating to incarceration, transport, reform, accommoda working during the convict period in NSW (1788-1850) - does not include associated with the conviction of persons in NSW that are unrelated to the 'convict system': use the theme of Law & Order for such activities
4. Settlement- Building settlements, towns and cities	Utilities-Activities associated with the provision of services, especially or communal basis

Assessment of significance

SHR Criteria a) [Historical significance]	Busby's Bore, as a most important public work between 1827 and 1837 and Sydney's main water supply between 1837 and 1852, is a physical remnant of many of the major processes which have shaped modern Sydney.		
	Busby's Bore was an important factor leading to the establishment of the Sydney Corporation in 1842. It highlights the Colonial Government's lack of interest in managing the problems caused by Sydney's fast growing urban population.		
	The bore is associated with Busby and Commissioner Bigge and symbolises their aspirations for Sydney and themselves. (Godden Mackay 1996: 8)		

SHR Criteria d) [Social significance]	Contemporary Community Esteem - The community has demonstrated its esteem for this item through the making of a Permanent Conservation Order. It is known to be valued by groups such as the Institute for Engineers, The National Trust and Local Historical Societies. (Godden mackay 1996: 8)
SHR Criteria e) [Research potential]	The bore's fabric possesses research potential regarding its construction techniques, the technology and materials available in the colony at the time, convict working conditions, the history of its use through changes made to it over time and the success of government regulation of the water supply through evidence of illegal entries.
	The archaeological deposits surrounding the bore may also provide evidence of its use and construction. Archaeological deposits within the curtilage of the bore may possess research potential relating to; aboriginal occupation of the area, environmental changes since colonisaton including the introduction of new species, grazing, draining of swamps and development and the development of the Royal Agricultural Society's Showground. (Godden mackay 1996: 8-9)
SHR Criteria f) [Rarity]	The intactness of this early 19th century, convict built water supply makes it a rare survivor from this period within urban Sydney. As the main water supply to Sydney from 1837 to 1853 the bore is a unique item. Godden Mackay 1996:9)
SHR Criteria g) [Representativeness]	The bore is representative of English rock mining techniques of the period and of rock mining in other parts of Australia. It is also representative of public works carried out by convict labour and 19th century engineering techniques. (Godden Mackay 1996
Integrity/Intactness:	It is an intact example of its type. (Godden Mackay 1996: 9)
Assessment criteria:	Items are assessed against the State Heritage Register (SHR) Criteria to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Recommended management:

The site should be conserved with significant archaeological deposits left undisturbed, vibrations from construction works monitored, non intrusive building foundations used and overall assessment of Showground site made. (Godden Mackay 1996: 11-12)

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
21(1)(b)	Conservation Plan submitted for endorsement	Busby's Bore Sydney, CMP, prepared by Sydney Water for Sydney water, dated December 2004	CMP received for review and endorsement 25 May 2005 - currently under review.	
57(2)	Exemption to allow work	Heritage Act	Record converted from HIS events Order Under Section 57(2) to exempt the following activities from Section 57(1): (1) The maintenance of any building or item on the site where maintenance means the continuous protective care of existing material.	May 15 1987
57(2)	Exemption to allow work	Heritage Act	continious protective care Order Under Section 57(2) to exempt the following	May 6 1988

			activities from Section 57(1): (1) The maintenance of any building or item on the site where maintenance means the continuous protective care of existing material.	
21(1)(b)	Conservation Plan submitted for endorsement	Conservation Plan	Conservation Management Plan (policy section only) endorsed by Heritage Council 1 May 1996 for a period of five years, expires 1 May 2001.	May 1 1996
57(2)	Exemption to allow work	Standard Exemptions	SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977 Notice of Order Under Section 57 (2) of the Heritage Act 1977 I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order: 1. revoke the Schedule of	Sep 5 2008

Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and
2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.
FRANK SARTOR Minister for Planning Sydney, 11 July 2008
To view the schedule click on the Standard Exemptions for Works Requiring Heritage Council Approval link below.

Standard exemptions for works requiring Heritage Council approval Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		00568	02 Apr 99	27	1546
Heritage Act -		00568	06 May 88	82	2549

References, internet links & images

Туре	Author	Year	Title	Internet Links
Written	Godden Mackay	1996	Busby's Bore. Heritage Impact Statement.	
Written	Heritage Branch File		File No.: HC 33455	
Written	I.A.Brady	1975	Busby's Bore or the Tunnel	

Note: internet links may be to web pages, documents or images.







PLAN UNDER THE HERITAGE ACT. 1977

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