

# **DUE DILIGENCE ABORIGINAL ARCHAEOLOGICAL ASSESSMENT**

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***Lot 1/DP 867617  
711 Hunter Street  
Newcastle West, NSW  
(Newcastle LGA)***



*Archaeological*

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*Archaeological* Management & Consulting Group

**for**

**St Hilliers Property  
Investments Pty Ltd**

**On behalf of  
Hunter Street JV Unit Trust**

**October 2022**

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**Cover Image**

3D Image of Study Area  
Plus Architecture (2022).

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## EXECUTIVE SUMMARY

### **Background**

Archaeological Management and Consulting Group (AMAC) was commissioned by St Hilliers Property Investments Pty Ltd in May 2022, to prepare a Due Diligence Aboriginal Archaeological Assessment for the proposed mixed-use development at Lot 1/DP 867617, of the following street address at 711 Hunter Street, Newcastle West, New South Wales 2302.

### **Aboriginal Consultation**

As this is a desktop study and no Aboriginal Heritage Impact Permit (AHIP) is being applied for, this report does not require consultation to be undertaken as per National Parks and Wildlife Act 1974: Part 6 *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

AMAC provided a copy of this report to the Awabakal Local Aboriginal Land Council (ALALC) for review and comment. This is the final version of this document.

### **Recommendations**

A background analysis of the environmental and archaeological context revealed that the study area has significant surface disturbances, however, due to the deep soil profile of the soil landscape and archaeological record of the area, it is still likely for *in-situ* or non-*in-situ* Aboriginal objects and/or deposits of conservation value to be present.

The Hunter region and Central Coast Aboriginal Cultural Landscape Map (Section 4.7) indicates the area to be of spiritual and ceremonial significance and as such, further investigation into the Aboriginal cultural heritage of the study area should take place which involves full community consultation with Registered Aboriginal Parties (RAPs).

Although the area has significant surface disturbances and subsequently may have low-moderate archaeological significance it may, however, hold high cultural significance with intrinsic value to the Aboriginal community.

The surrounding landscape features present do indicate that sub-surface Aboriginal objects and/or deposits are likely in undisturbed areas and are likely to be considered of low-moderate Aboriginal archaeological significance.

The proposed activity is not:

- located within a sand dune system, or
- located within 200m below or above a cliff face, or
- located on a ridge top, ridge line or headland, or
- within 20m of or in a cave, rock shelter, or a cave mouth.

The study area is:

- located within 200m of waters.

Based on the locale of water and major water tributaries such as the Hunter River, it is likely that Aboriginal movement and land use would be channelled to this location and therefore the site may hold information regarding cultural activities of the area.

In accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974 (DECCW, 2010)*, it is recommended that further archaeological and cultural assessment, as well as, test excavation in accordance with *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974 (DECCW, 2010)*, or under an Aboriginal Heritage Impact Permit (AHIP), is necessary, as the proposed development zone is located within 200m of waters.

In the context of the information provided about the proposed development, the following recommendations have been made to address the Aboriginal cultural heritage and archaeology of the site and are to be implemented upon **Council approval of the DA application** for which this document is a part of:

- The Awabakal Local Aboriginal Land Council has been given the opportunity to comment on the recommendations of this report. This is the final version of this document
- Further assessment is required in the form of a full Aboriginal Cultural Heritage Assessment, including full Aboriginal community consultation in accordance with *Part 6; National Parks and Wildlife Act, Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)*. AMAC have been commissioned to proceed with this and is currently being undertaken
- Subsequent to this report and in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010)*, a program of systematic, sub-surface archaeological test excavation in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)*, or under an Aboriginal Heritage Impact Permit (AHIP), should be undertaken to establish the nature and extent of any archaeological objects and/or deposits that are/may be present. AMAC have been commissioned to proceed with this and these will be undertaken once the DA has been approved and the buildings' tenants have vacated the premises
- If archaeological test excavation in accordance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010)* **reveals no Aboriginal archaeological objects or deposits**; then the proposed development as outlined in Figures 7.1–7.6, should be allowed to 'proceed with caution'
- If archaeological test excavation in accordance with *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)* **reveals Aboriginal archaeological objects or deposits**; once the nature and extent of the archaeological site has been established through test excavation, this data is to be analysed and synthesised into an Aboriginal Archaeological Technical Report
- After this and before any ground disturbance takes place all development staff, contractors, and workers should be briefed prior to works commencing on site, as to the status of the area and their responsibilities in ensuring preservation of the said area. They should also be informed of their responsibilities regarding any Indigenous archaeological deposits and/or objects that may be located during the following development.

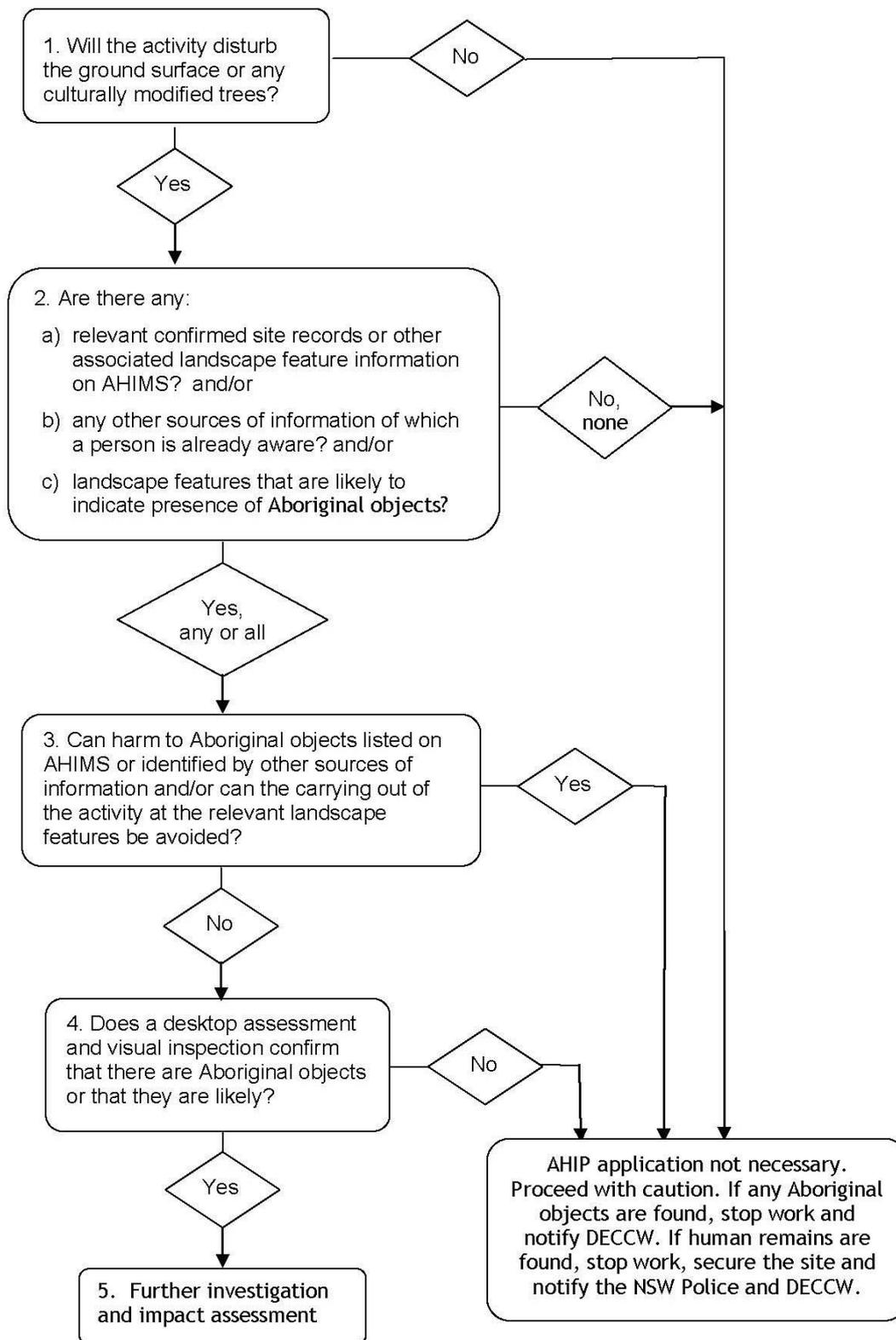
**Should any human remains be located during the development, then the following actions should take place:**

- All excavation in the immediate vicinity of any objects of deposits shall cease immediately

- The NSW police and Heritage NSW Enviroline be informed as soon as possible
- Once it has been established that the human remains are Aboriginal ancestral remains, Heritage NSW and the relevant Registered Aboriginal Parties will identify the appropriate course of action.

**Should any Aboriginal archaeological deposits or objects be located during the development, then the following actions should take place:**

- All excavation in the immediate area shall cease immediately and the area should be demarcated
- Heritage NSW, the Awabakal Local Aboriginal Land Council and a suitably qualified archaeologist should be notified so the significance of the said deposits or objects can be evaluated and presented in another report. The study area be recorded as an archaeological site, in accordance *with Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974* (DECCW, 2010)
- The archaeological features or objects shall subject to fulfilment of the relevant legislative requirements particularly Section 90 of the NPW Act 1974 (as amended).



**Generic Due Diligence Process.**  
DECCW, (2010).

## CONTACT DETAILS

The contact details for the following archaeologist, NSW Police, Heritage NSW, and the Local Aboriginal Land Council are as follows:

Organisation	Contact	Contact Details
NSW Environment Line		131 555
NSW Newcastle City Local Area Command		LAC Office: 30 Harriet Street Waratah NSW 2298 Ph: (02) 4926 6515 Fax: (02) 4926 6511
Archaeological Management & Consulting Group	Mr. Benjamin Streat or Mr. Martin Carney	122c-d Percival Road Stanmore NSW 2048 Ph:(02) 9568 6093 Fax:(02) 9568 6093 Mob: 0405 455 869 Mob: 0411 727 395 <a href="mailto:benjaminstreat@archaeological.com.au">benjaminstreat@archaeological.com.au</a>
Heritage NSW Department of Premier & Cabinet	Archaeologist – Head Office	Locked bag 5020 Parramatta NSW 2124 Ph: (02) 9873 8500 <a href="mailto:heritagemailbox@environmentl.nsw.gov.au">heritagemailbox@environmentl.nsw.gov.au</a>
Awabakal Local Aboriginal Land Council (ALALC)	Cultural Heritage Officer	PO Box 101 Islington NSW 2296 Ph: (02) 4965 4532 <a href="mailto:culture@awabakallalc.com.au">culture@awabakallalc.com.au</a>

## 1.0 INTRODUCTION

### 1.1 BACKGROUND

Archaeological Management and Consulting Group (AMAC) was commissioned by St Hilliers Property Investments Pty Ltd in May 2022, to prepare a Due Diligence Aboriginal Archaeological Assessment for the proposed mixed-use development at Lot 1/DP 867617, of the following street address at 711 Hunter Street, Newcastle West, New South Wales 2302.

### 1.2 STUDY AREA

The study site is that piece of land described as Lot 1 of the Land and Property Information, Deposited Plan 867617, forming the following street address 711 Hunter Street, Newcastle in the Parish of Newcastle, County of Northumberland (Figures 1.1-1.2).

Address	Lot	Deposited Plan
711 Hunter Street, Newcastle	1	867617

### 1.3 SCOPE

The aims of this assessment are to assess the Aboriginal archaeological potential of the study area and to measure the impact of the proposed development on any intact soil profiles with the potential to contain Aboriginal archaeological deposits and/or objects, to develop mitigative strategies under the appropriate legislation and to devise an appropriate strategy for the management of Aboriginal archaeological and cultural heritage values of the area.

### 1.4 ABORIGINAL CONSULTATION & PARTICIPATION SUMMARY

As this is a desktop study and no Aboriginal Heritage Impact Permit (AHIP) is being applied for, this report does not require consultation to be undertaken as per National Parks and Wildlife Act 1974: Part 6 *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

AMAC provided a copy of this report to the Awabakal Local Aboriginal Land Council (ALALC) for review and comment. This is the final version of this document.

### 1.5 AUTHOR IDENTIFICATION

The analysis of the archaeological background and the reporting were undertaken by Mr. Benjamin Streat (BA, Grad Dip Arch Her, Grad Dip App Sc), archaeologist and Director of Indigenous Heritage in association with senior archaeologist Mr. Steven J. Vasilakis (B. Arts. Hons.) and under the guidance of Mr. Martin Carney archaeologist and Managing Director of AMAC Group.

### 1.6 ACKNOWLEDGEMENTS

The author would like to thank the following for advice and/or input into this assessment:

- Mr. Luke McNamarra, St Hilliers Property Investments Pty Ltd
- Mr. Pete Townsend, Awabakal Local Aboriginal Land Council





Figure 1-2 Topographic map with site location.  
Study area indicated in purple fill and black arrow. Six Maps, LPI Online (accessed 7<sup>th</sup> July 2022).

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## 2.0 LEGISLATIVE CONTEXT AND STATUTORY CONTROLS

This section of the report provides a brief outline of the relevant legislation and statutory instruments that protect Aboriginal archaeological and cultural heritage sites within the state of New South Wales. Some of the legislation and statutory instruments operate at a federal or local level and as such are applicable to Aboriginal archaeological and cultural heritage sites in New South Wales. This material is not legal advice and is based purely on the author's understanding of the legislation and statutory instruments. This document seeks to meet the requirements of the legislation and statutory instruments set out within this section of the report.

### 2.1 COMMONWEALTH HERITAGE LEGISLATION AND LISTS

One piece of legislation and two statutory lists and one non-statutory list are maintained and were consulted as part of this report: the Environmental Protection and Biodiversity Conservation Act, the National Heritage List; the Commonwealth Heritage List and the Register of the National Estate.

#### 2.1.1 Environmental Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) offers provisions to protect matters of national environmental significance. This act establishes the National Heritage List and the Commonwealth Heritage List which can include natural, Indigenous and historic places of value to the nation. This Act helps ensure that the natural, Aboriginal and historic heritage values of places under Commonwealth ownership or control are identified, protected and managed (Australian Government 1999).

#### 2.1.2 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, items and areas overseas as well as items of Aboriginal significance and origin. These places are protected under the Australian Government's EPBC Act.

#### 2.1.3 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.

### 2.2 NEW SOUTH WALES STATE HERITAGE LEGISLATION AND LISTS

The state (NSW) based legislation that is of relevance to this assessment comes in the form of the acts which are outlined below.

#### 2.2.1 National Parks and Wildlife Act 1974

The NSW National Parks and Wildlife Act 1974 (as amended) defines Aboriginal objects and provides protection to any and all material remains which may be evidence of the Aboriginal occupation of lands continued within the state of New South Wales. The relevant sections of the Act are sections 84, 86, 87 and 90.

An Aboriginal object, formerly known as a relic is 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” (NSW Government, 1974).*

It is an offence to harm or desecrate an Aboriginal object or places under Part 6, Section 86 of the NPW Act:

Part 6, Division 1, Section 86: Harming or desecrating 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).*

### 2.2.2 Environmental Planning & Assessment Act 1979

The *Environmental Planning and Assessment Act 1979 (EP&A Act)* states that environmental impacts of proposed developments must be considered in land use planning procedures. Four parts of this act relate to Aboriginal cultural heritage.

- Part 3, divisions 3 and 4 refer to Regional Environmental Plans (REP) both Local Environmental Plans (LEP) and Development Control Plans (DCP), which are environmental planning instruments and call for the assessment of Aboriginal heritage among other requirements
- Part 4 determines what developments require consent and what developments do not require consent. Section 4.15 calls for the evaluation of  
*The likely impacts of that development, including environmental impacts on both the natural and built environments and the social and economic impacts in the locality (NSW Government 1979).*
- Part 5 of this Act requires that impacts on a locality which may have an impact on the aesthetic, anthropological, architectural, cultural, historic, scientific, recreational or scenic value are considered as part of the development application process (NSW Government, 1979).

### 2.2.3 The Aboriginal Land Rights Act 1983

The NSW *Aboriginal Land Rights Act 1983 (ALR Act)*, administered by the NSW Department of Aboriginal Affairs, established the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs). The ALR Act requires these bodies to:

- take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law
- promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

These requirements recognise and acknowledge the statutory role and responsibilities of New South Wales Aboriginal Land Council and Local Aboriginal Land Councils. The ALR Act also establishes the Office of the Registrar whose functions include but are not limited to, maintaining the Register of Aboriginal Land Claims and the Register of Aboriginal Owners.

Under the ALR Act the Office of the Registrar is to give priority to the entry in the Register of the names of Aboriginal persons who have a cultural association with:

- lands listed in Schedule 14 to the NPW Act
- lands to which section 36A of the ALR Act applies (NSW Government, 1974 & DECCW 2010).

### 2.2.4 The Native Title Act 1993

The *Native Title Act 1993 (NTA)* provides the legislative framework to:

- recognise and protect native title
- establish ways in which future dealings affecting native title may proceed, and to set standards for those dealings, including providing certain procedural rights for registered native title claimants and native title holders in relation to acts which affect native title

- establish a mechanism for determining claims to native title
- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The National Native Title Tribunal has a number of functions under the NTA including maintaining the Register of Native Title Claims, the National Native Title Register and the Register of Indigenous Land Use Agreements and mediating native title claims (NSW Government, 1974 & DECCW 2010).

### **2.2.5 New South Wales Heritage Register and Inventory 1999**

The State Heritage Register is a list of places and objects of particular importance to the people of NSW. The register lists a diverse range of over 1,500 items, in both private and public ownership. Places can be nominated by any person to be considered to be listed on the Heritage register. To be placed an item must be significant for the whole of NSW. The State Heritage Inventory lists items that are listed in local council's local environmental plan (LEP) or in a regional environmental plan (REP) and are of local significance.

### **2.2.6 Register of Declared Aboriginal Places 1999**

The NPW Act protects areas of land that have recognised values of significance to Aboriginal people. These areas may or may not contain Aboriginal objects (i.e. any physical evidence of Aboriginal occupation or use). Places can be nominated by any person to be considered for Aboriginal Place gazettal. Once nominated, a recommendation can be made to Heritage NSW for consideration by the Minister. The Minister declares an area to be an 'Aboriginal place' if the Minister believes that the place is or was of special significance to Aboriginal culture. An area can have spiritual, natural resource usage, historical, social, educational or other type of significance.

Under section 86 of the NPW Act it is an offence to harm or desecrate a declared Aboriginal place. Harm includes destroying, defacing or damaging an Aboriginal place. The potential impacts of the development on an Aboriginal place must be assessed if the development will be in the vicinity of an Aboriginal place (DECCW 2010).

## **2.3 LOCAL PLANNING INSTRUMENTS**

### **2.3.1 Newcastle Local Environmental Plan 2012**

The Newcastle Local Environmental Plan was prepared by Newcastle City Council in 2012. Section 5.10 deals with Heritage Conservation. The plan states in Clause 1:

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Newcastle,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites, and
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

It is subsections c and d of this clause which are of relevance to this development.

The plan states in Clause 2, that consent is required when:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

- (i) a heritage item,
  - (ii) an Aboriginal object,
  - (iii) a building, work, relic or tree within a heritage conservation area.
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item.
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance.
- (e) erecting a building on land:
- (i) on which a heritage item is located or that is within a heritage conservation area, or;
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.
- (f) subdividing land:
- (i) on which a heritage item is located or that is within a heritage conservation area, or;
  - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

In addition to this Clause 8 states:

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration.

This report is fulfilling section 8 (a) of this clause.

### **2.3.2 Newcastle Development Control Plan 2012**

The Newcastle Development Control Plan was endorsed in 2012. Aboriginal Archaeology is discussed in Section 5.04 and Archaeological Management is discussed in section 5.06. The following section highlights heritage considerations in relation to developments:

1. Where a development will disturb the ground surface, provide documentation to satisfy the consent authority that the due diligence process has been followed. The documentation should include (but is not limited to) the following:
  - A statement indicating the results of the AHIMS database search and any other sources of information considered.
  - A statement indicating whether there are landscape features that indicate the presence of Aboriginal objects.
  - A statement indicating whether the proposed development is likely to harm Aboriginal objects.

- A statement indicating whether an Aboriginal Heritage Impact Permit (AHIP) is required.
- 2. Where required, prepare an Aboriginal cultural heritage assessment to assess the impact of the proposed development on Aboriginal cultural heritage consistent with the Office of Environment and Heritage *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*.
- 3. Where required, prepare an Aboriginal cultural heritage assessment report consistent with the Office of Environment and Heritage *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* that includes strategies to avoid or minimise harm to Aboriginal objects and places of cultural significance.
- 4. Where the investigation and assessment require the preparation of an Aboriginal cultural heritage assessment report, provide documentation to satisfy the consent authority that the relevant Aboriginal community and stakeholders have been involved in the decision-making process.

### **2.3.3 Newcastle Archaeological Management Plan**

Suters Architects and Planners, in association with S. Lavelle, C. & M.J. Doring Pty. Ltd. and J Turner, created an Archaeological Management Plan for Newcastle City Council in 1997, regarding potential archaeological sites in Newcastle. This plan does not refer to Aboriginal Archaeology.

## **2.4 DUE DILIGENCE CODE OF PRACTICE FOR THE PROTECTION OF ABORIGINAL OBJECTS IN NEW SOUTH WALES**

This assessment conforms to the parameters set out in the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974*, (DECCW 2010).

*The Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* states that if:

- a desktop assessment and visual inspection confirm that there are Aboriginal objects or that they are likely, then further archaeological investigation and impact assessment is necessary.

## **2.5 CODE OF PRACTICE FOR ARCHAEOLOGICAL INVESTIGATION OF ABORIGINAL OBJECTS IN NSW**

Any further work resulting from recommendations should be carried out conforming to the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974*, (DECCW 2010).

## **2.6 GUIDELINES**

This report has been carried out in consultation with the following documents which advocate best practice in New South Wales:

- Aboriginal Archaeological Survey, Guidelines for Archaeological Survey Reporting (NSW NPWS 1998)
- Aboriginal Cultural Heritage Standards and Guidelines Kit (NPWS 1998)
- Australia ICOMOS 'Burra' Charter for the conservation of culturally significant places (Australia ICOMOS 1999)

- Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010)
- Protecting Local Heritage Places: A Guide for Communities (Australian Heritage Commission 1999)
- Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011).



### 3.2 GEOLOGY AND SOILS

The Hamilton (hm) soil profile is located across much of the Lower Hunter Plain region, which includes Newcastle West, The Junction, Hamilton, and Broadmeadow. The geology of the study area is primarily comprised of Quaternary sands and clays with sediment depth up to 38m, of which 1-3m is sand with stiff estuarine clay lying underneath. Soils are typically deep (>15cm), with well drained, weak podzols with some deep (>100) well drained Brown Podzolic soils on fans. Associated soils include a Hamilton variant (hma) which is evident on the soil map and represents a recently incised channel, which was completed to widen and deepen the Hunter River Channel (Matthei 1995 p.38). Small areas of fill are expected due to industrial use of the area.

The following are typical soil profiles for the Hamilton (hm) soil landscape.

**Table 3.1 Description of dominant soil material**

Dominant Soil Material	Soil Horizon	Description
hm1	A1 Horizon	Brownish black speckled loamy sand with coarse loamy sand texture with single grained structure and a sandy fabric. Slightly acidic, with stones and charcoal absent. Roots are common near the surface and rare at depth.
hm2	A2 Horizon	Dull yellow orange to greyish yellow brown sand with coarse sandy texture with single grained structure and a sandy fabric. Slightly acidic with stones and charcoal absent. Roots are common near the surface and rare at depth.
hm3	B Horizon	Dark brown to dull yellow orange clayey sand with fine sandy clay - coarse sand texture with single grained structure and a sandy fabric. Slightly acidic, stones and charcoal are uncommon. Roots are absent.

**Table 3.2 Expected Hamilton soil profile depth based on landform**

Sandy Plain - Dune
<ul style="list-style-type: none"> <li>➤ 20 to 60cm of brownish black speckled loamy sand (<b>hm1</b>)</li> <li>➤ 15-30cm of loose, pale, coarse sand (<b>hm2</b>)</li> <li>➤ up to 60cm of brown-orange, soft, sandy pan (<b>hm3</b>)</li> <li>➤ the associated soil material, moderately pedal brown silty clay may underlie <b>hm3</b>, and occasionally 30 - &gt;200cm of the associated material, black earthy coarse loamy sand overlies <b>hm1</b></li> </ul> <p><i>N.B The total soil profile exceeds 150cm, is well drained and the boundaries between the soil horizons are generally clear.</i></p>
Alluvial Fan from adjacent Hardrock
<ul style="list-style-type: none"> <li>➤ up to 20cm of brown sandy clay loam overlies</li> <li>➤ &gt;80cm of brown silty clay</li> </ul> <p><i>N.B The total soil profile exceeds 100cm, is imperfectly drained and boundaries between the soil horizons are generally clear.</i></p>

### 3.3 WATERCOURSES

The study area lies in a resource rich zone in which reliable fresh water was present. Much of the study area is covered by very well drained soil profiles, however, reliable fresh water was available from Cottage Creek which is ca. 85metres to the east of the study area. In addition, the study area is ca. 280metres south of the Throsby Basin, ca. 1450metres southwest of the Hunter River, and ca. 2350metres west of the coastal fringes where enormous food resources were available.

### 3.4 VEGETATION

The vegetation found in the study area is no longer in a native state. This movement away from the natural vegetation is a result of previous land clearing for farming, residential and urban development.

Species that may have occupied the site include *Casuarina cunninghamiana* 'River Sheoak' along the banks of the Hunter River and Cottage Creek. *Casuarina glauca* 'Swamp Sheoak', *Eucalyptus robusta* 'Swamp Mahogany', *Melaleuca quinquenervia* 'Broad-Leaved Paperbark', *Eucalyptus grandis* 'Flooded Gum' and *Waterhousea floribunda* 'Weeping Lilly Pilly' may have also been present (Matthei 1995, p. 38).

All the natural vegetation has been cleared from the study area for urban development and industrial activities in Newcastle West (Matthei, 1995, p. 38).

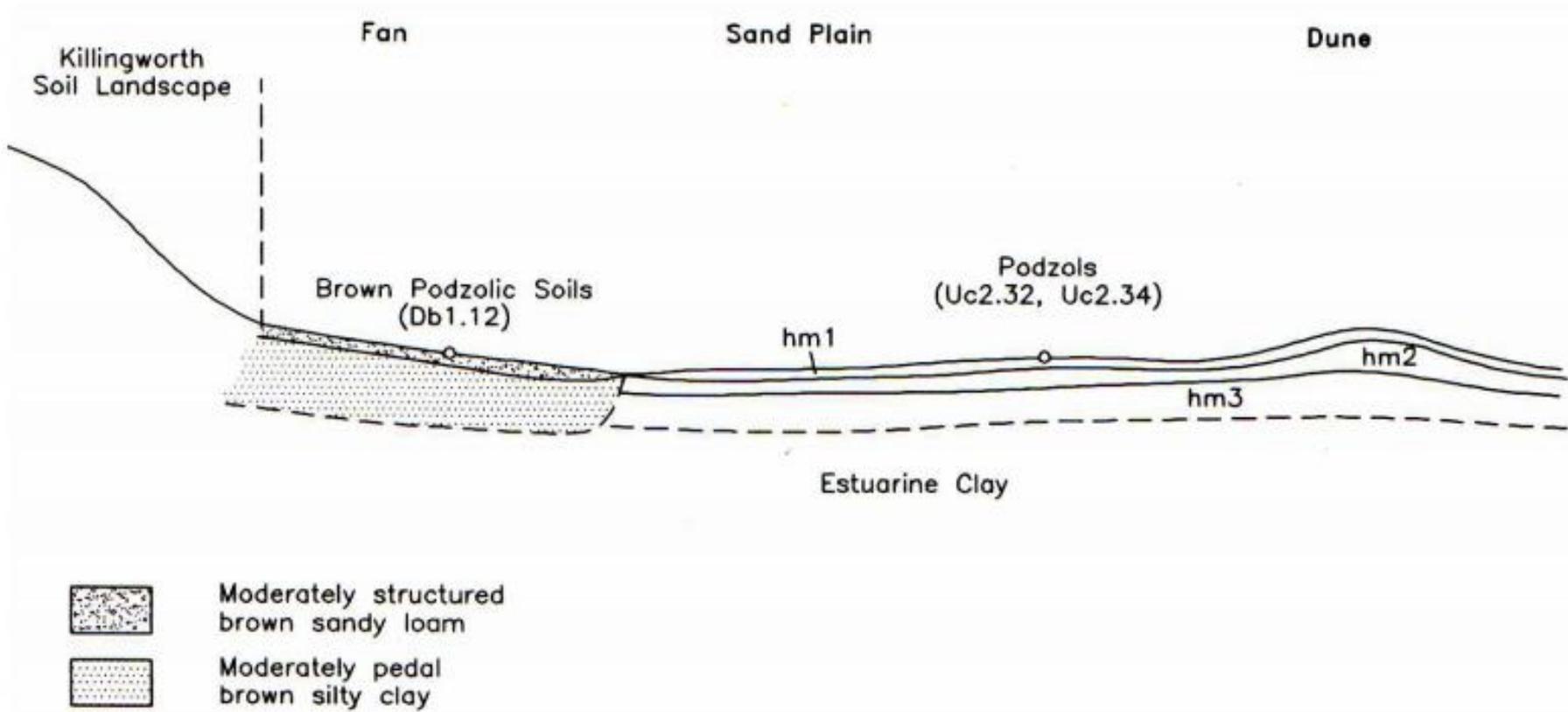


Figure 3-2 Cross Section of the Hamilton soil landscape illustrating relationships between landscape features and dominant soil materials. Soil Landscapes of the Newcastle 1:100 000 sheet report (Matthei, 1995).

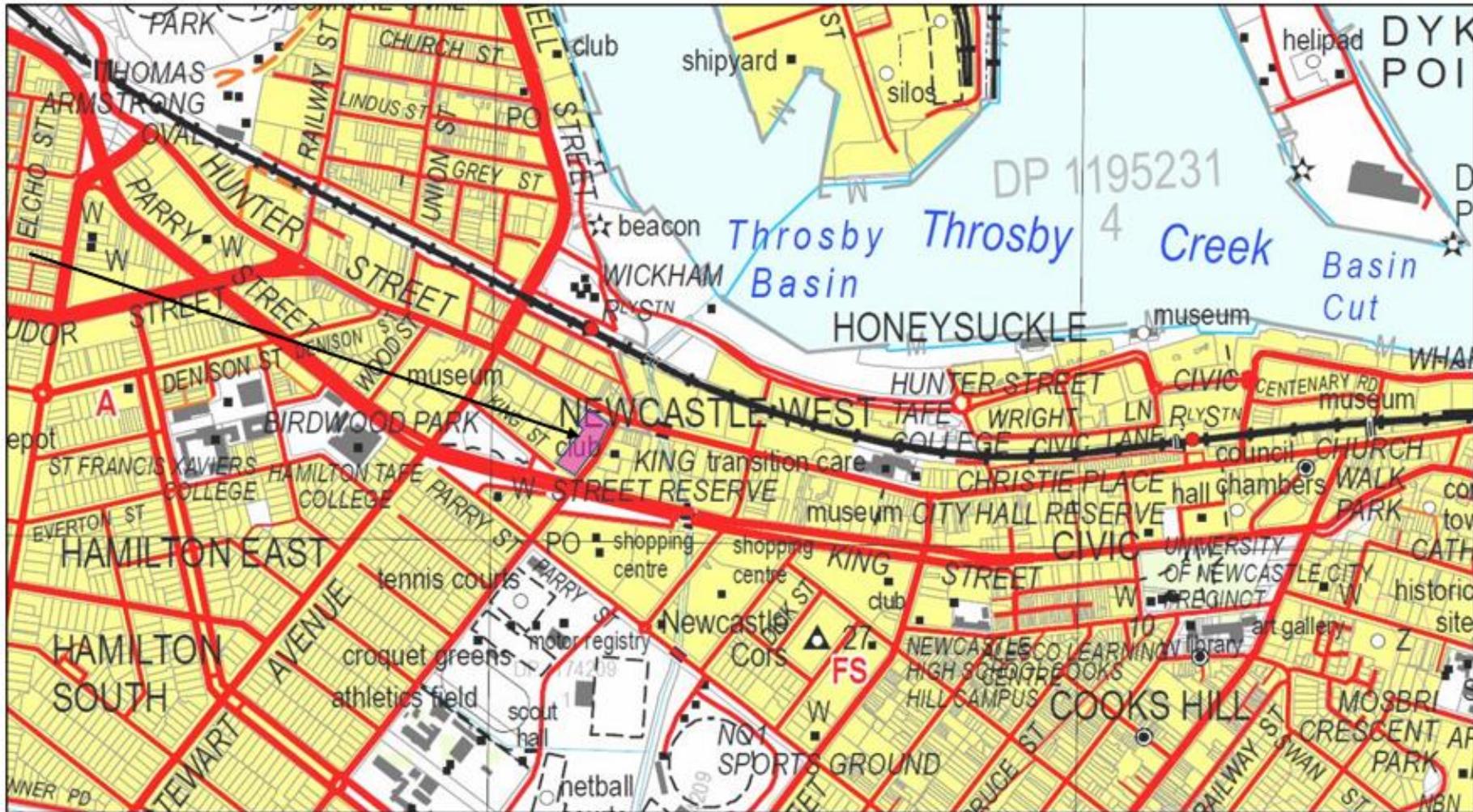


Figure 3-3 Topography Map indicating watercourses in blue.  
Study area indicated in purple with black arrow. Six Maps, LPI Online (accessed 7<sup>th</sup> July 2022).

## 4.0 BACKGROUND INFORMATION

Pre-field work research consisted of an analysis and synthesis of the background data to determine the nature of the potential archaeological and cultural heritage resource in the region.

Background research entailed a detailed review of sources of information on the history, oral history, ethno-history and archaeological background of the study area and surrounds and will include but not be limited to material from:

- Heritage NSW archaeological assessment and excavation reports and cultural heritage assessments
- Heritage NSW Library
- State Library of NSW including the Mitchell Library
- Local libraries and historical associations
- National Library of Australia.

A search of the Heritage NSW AHIMS was undertaken, and the results examined. The site card for each site within 1000m in all directions from the centre of the study area was inspected (where available) and an assessment made of the likelihood of any of the sites being impacted by the proposed development.

The Heritage NSW library of archaeological reports (Hurstville) was searched, and all relevant reports were examined. Searches were undertaken on the relevant databases outlined in *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010)*:

Further to this the following sources were examined:

- The National Heritage List
- The Commonwealth Heritage List
- The NSW State Heritage Inventory
- The National Native Title Register
- The Register of Declared Aboriginal Places
- Prevailing local and regional environmental plans
- Environmental background material for the study area.

### 4.1 ARCHAEOLOGICAL CONTEXT

It is generally accepted that Aboriginal occupation of Australia dates back at least 40,000 years (Attenbrow 2002, p.20-21; Kohen et al. 1983) and to as long as 60,000 years (Mulvaney and Kamminga 1999). The result of this extensive and continued occupation has left a vast amount of accumulated depositional evidence, and the Lower Hunter region is no exception. Archaeological evidence of occupation of the region by Aboriginal people dates from the Pleistocene period. Evidence for the earliest occupation includes C14 dates from Moffats Swamp of 14,750 BP, north of Newcastle (AMBS 1993) and 10 000–13000 BP, at Glennies Creek (Dallas 2003, p.17). The majority of reliably dated archaeological sites within the region are less than 5,000 years old which places them in the mid to late Holocene period. A combination of reasons has been suggested for this collection of relatively recent dates. There is an argument that an increase in population or

'intensification' of resource use across much of the continent took place around this time leading to a great deal more evidence being deposited compared to the sparser pre-occupation period. It is also the case that many archaeological sites along the past coastline may have been submerged as the seas rose to approximately their current level around 6,000 years ago. This would have had the effect of covering evidence of previous coastal occupation.

Different landscape units not only influence the preservation of sites but can determine where certain site types will be located. On the coastal fringe of the most common Aboriginal archaeological site type are Open Artefact Scatters or Open Campsites which are locations where two or more pieces of stone show evidence of human modification. These sites can sometimes be very large, up to thousands of artefacts and include other habitation remains such as animal bone, shell or fireplaces known as *hearths*, (Attenbrow 2002, p.75-76). Evidence of open scatters can be located in areas where erosion has taken place or embedded in stratified sediments visible only if erosion or excavation has occurred. Open scatters are most likely to occur near water sources and are generally found on ridges, saddles, spurs, and headlands (Brayshaw 1985; AMBS 1993, p.3).

#### 4.2 AWABAKAL NATION

Early European recordings noted the names of particular Aboriginal individuals and groups but were not always clear about which named groups represented a language rather than some other social grouping (Hardy and Streat, 2008). There was one language group observed in the Newcastle area at the time of European contact, this was the Awabakal language group.

The Awabakal tribe had been identified as belonging to the Hunter River district based on the geographical range of their territory. This includes areas around Newcastle, Lake Macquarie, Fern Bay in the north and Tuggerah Lakes to the south (Austin et al, 1995). Their nearest neighbours were the Worimi to the north who were centred on Port Stephens, however, it is believed the Hunter River, as a major geographic feature, was the demarcation line between the territories of these two language groups. To the south of the Awabakal were the Kuringgai, whilst the Wonaruah and the Darkinjung occupied areas to the northeast and southeast of the Awabakal, and the Kamilaroi occupied land to the northwest. This view is concurred with by the Australian Institute of Aboriginal and Torres Strait Islander Studies, (Australian Institute of Aboriginal and Torres Strait Islander Studies 2000). Physical displays of identity were represented in Local cicatrisation marks and mutilation through ritualistic practices (Gunson, 1974).

Reverend Lancelot Thelkeld is acknowledged for his contributions to the ethnographical works within the Hunter region of which he specifically focused on the Awabakal people. Having lived in close contact over a long period of time he was able to communicate through the use of the Awabakal language and in turn provide insight into the nature and practices of the Awabakal people. Thelkeld was witness to a number of rituals and recounts the ceremonial initiations as a necessary performance in order to acquire spiritual knowledge (Keary, 2009). The locations of such rituals were often conducted in places of spiritual significance which were associated and/or linked with dreaming ancestors.

Brayshaw (1995) also discusses Awabakal ceremonial activities and practices as being reflective of their relationship to the land and link with the dreaming. The dreaming is that which refers to ancestral beings who wandered the land giving it form and feature and as a result, places of ritualistic practices are often associated with specific landforms such as Nobbys Island and Sugarloaf Mountain.

A wide variety of other activities comprised the lifestyle of the Aboriginal groups across the region. The Awabakal are a coastal nation and undertook fishing practices and trading based on their location, along the coastal fringe which was a particularly rich resource zone and was utilised for resources such as fish, shellfish, small mammals and on occasion, whales. These behaviours leave traces which can be retrieved by archaeological study of material remains.

Different landscape units not only influence the preservation of sites but can determine where certain site types will be located. Across the whole of the Newcastle area the most common Aboriginal archaeological site type of occupation evidence in open artefact scatters, (DECCW, 2010). These are often found in elevated areas above swamps or creeks and often contain diagnostic tool types. Many hundreds of artefact sites have been recorded within the Hunter Valley despite the fact that much of the area has already been developed to such an extent that any archaeological evidence that may have once been present has been destroyed.

The influx of European settlers had a substantial impact on the land use patterns of the Awabakal and severely altered the movement between the coast and the interior that is thought to have existed at the time. As Newcastle became a port for free settlers, local land was purchased at a rapid rate resulting in some hunting and fishing grounds being inaccessible. Colonisation led to the marginalisation of local Indigenous groups to which traditional practices were also affected as a result of European integration, however, the spiritual connections the Awabakal have to their country still transpires in the surrounding landforms.

### 4.3 ABORIGINAL LAND USE AND RESOURCES

The study area lies in a resource rich zone in which reliable fresh water was present. Much of the study area is covered by very well drained soil profiles, however, reliable fresh water was available from Cottage Creek which is ca. 85metres to the east of the study area. In addition, the study area is ca. 280metres south of the Throsby Basin, ca. 1450metres southwest of the Hunter River, and ca. 2350metres west of the coastal fringes where enormous food resources were available. As such this area has been identified as being of *high archaeological potential*.

Sites containing fresh water and sedentary food sources, coupled with the presence of other resources which may have been exploited or available on a seasonal basis, would suggest that Aboriginal land use of the study area was regular and repeated, with this reflected in the archaeological record (Goodwin 1999).

Newcastle's coastline and the Hunter River provided a rich dietary intake for the local inhabitants in which estuarine and marine resources could be exploited. Coastal populations depended heavily on marine resources such as fish and shellfish but were not limited to such diets as cabbage palms and bracken fern roots were also included (Dyall 1971). During some of the early explorations of the area there are accounts regarding the density of shell middens found along the Hunter River

*"These are four feet deep, without either sand or earth."* (cited, Dallas 2004).

Farming practices were also utilised in the form of land clearing. This was conducted through the burning of grasslands in order to encourage new growth which attracted local game. It is likely that these activities would result in repeated occupation as do ritualistic activities which take place within specific sacred places.

The procurement of specific resources for ritualistic or domestic purposes would rely on the accessibility and availability of these resources. There are readily mapped resources within the region that may have been exploited by Aboriginal occupants and more were present before the land was cleared and settled.

The Lower Hunter River was found to be the dividing boundary between the Worimi people who occupied the northern side of the river and the Awabakal who occupied the southern side (AHMS 2001). Repeated occupation by both groups indicates the area to have been a resource rich zone, one where natural landforms provide a common landmark.

The traditional life of the Aboriginal population of the Newcastle area was seen to remain despite European settlement and the impact of European culture. This is reflected in the historical documentation of the area and illustrations by Joseph Lycett in which the cultural activities of local Indigenous people are depicted. One of the key ethno-historic sources was Reverend Lancelot Threlkeld. Threlkeld, took an interest in the language and culture of the Awabakal people. He established a missionary at Belmont and later at Toronto, where many local Indigenous stayed. He wrote about the various encounters he had with the local Indigenous including the stories which they spoke of some of which referred to ceremonial events and sacred places (Umwelt 2014).

Through to the later 1830s, there are accounts of ongoing interactions between Aboriginal and non-Aboriginal people in the Newcastle settlement, as the employment of Aboriginal people in Newcastle grew. Jobs such as fishing, carriers, and servants were undertaken by local Indigenous in return for European items such as, blankets and corn (Turner 1997). Influenza and diseases spread through the population however, it was not seen to have affected the Hunter region as much as, the Sydney based Indigenous populations. However, inevitably the continued expansion of the settlement and the selling off of land when free settlement was introduced, led to the marginalization of Aboriginal people.

#### **4.4 PREVIOUS ARCHAEOLOGICAL STUDIES NEAR THE STUDY AREA**

As part of the research process of this report the library of archaeological assessments, test excavation and open area salvage excavation reports which is located at the offices of DECCW at Hurstville was consulted. Presented below are summaries of indigenous archaeological survey assessments, test excavations and salvage excavations in the vicinity of the study area, which have all been carried out. This list is by no means exhaustive and is merely a representative sample of archaeological activity within the vicinity of the study area.

##### **Brairstow & Turner (1987) – Test Excavations – Bond & Scott Sts, Newcastle.**

Bairstow and Turner carried out an archaeological excavation at Bond & Scott Streets in Newcastle East in 1987, but the finds were neither retained nor analysed. During a subsequent test excavation in 1989, a number of additional flaked stone artefacts were located close to Bond Street and were located in what was thought to be buried intact original soil profiles.

##### **Lavelle & Mider (1993) – Archaeological Monitoring – Bond St, Newcastle.**

Lavelle & Mider undertook archaeological monitoring of excavation works in 1993, at Bond Street in Newcastle East and located 6 stone tools. These included a chert point and a sandstone grinding stone and were also located in what was thought to be buried intact original soil profiles.

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**Higginbotham & Assoc. (1998) – Test Excavations – Bond St, Newcastle.**

Higginbotham and Associates carried out test excavations at the same site in 1998, which revealed a considerable quantity of 'stone rubble' that was initially considered to constitute railway ballast associated with the later historic period of site use. Australian Museum Business Services (AMBS) later identified this material as being largely Aboriginal in origin, as flaked stone tools were present amongst un-worked cobbles and boulders. It remains a point of conjecture, as to whether this material was located within buried intact original soil profiles or was representative of re-deposited material from the historical European period.

**Godden McKay Logan (1997) – Test Excavations – 738 Hunter St, Newcastle.**

Godden McKay Logan (GML) conducted archaeological excavations at 738 Hunter Street, Newcastle in 1997, which located 3 flaked stone artefacts. The 3 flaked stone artefacts were all relatively small and were reduced from silcrete and chert. These artefacts were located within buried intact original soil profiles.

**Archaeological Heritage Management Solutions (2001) – Test Excavations – Palais Royale Hunter St, Newcastle.**

Archaeological Heritage Management Solutions (AHMS) conducted an assessment in conjunction with a European archaeological survey on a portion of land located on the northern side of Hunter Street, between the existing 'Palais Royale' Cottage Creek and the Great North Railway, Newcastle in 2001. No Indigenous archaeological resources were located during the course of this survey. However, due to the possibility of intact topsoil deposits and the undertaking of a European test excavation programme members of the Awabakal Local Aboriginal Land Council requested to be present in case Indigenous artefacts were recovered during the test excavation process.

The subsequent program of test excavation as was the case with GML's excavation, yielded buried intact original soil profiles, which contained significant Aboriginal archaeological deposits comprising shell midden materials and large numbers of flaked stone artefacts. The assemblage consisted of approximately 5,734 pieces of stone. While the assemblage has not yet been completely catalogued it is expected that upwards of 4,000 flaked stone artefacts will be evident. The assemblage also contained a total of some 2,939 whole or fragmentary shells, and approximately 326 pieces of animal bone. The stone artefacts consisted of tuff, silcrete, quartz, rhyolite, and flint.

**Archaeological Heritage Management Solutions (2004) – Test Excavations – 710 Hunter St, Newcastle.**

In 2004, AHMS conducted an archaeological excavation at 710 Hunter Street, Newcastle, which yielded 513 stone artefacts, predominately tuff pieces which exhibited attributes of abrasion. Only small areas of intact original soil profiles could be found as it was mainly disturbed, and re-deposited fills encountered.

**Mary Dallas Consulting (2004) – Test Excavations – Boardwalk Site Honeysuckle Dr, Newcastle.**

Mary Dallas Consulting conducted a test excavation programme in conjunction with a European archaeological excavation at the 'Boardwalk Site' on Honeysuckle Drive, east of the 'square about', within the bounds of the Civic Railway workshops, Newcastle in 2004. This excavation yielded the partial and disturbed remains of a coastal campsite with a thin scatter of shells some 113 stone artefacts as well animal bone. The stone artefacts consisted of tuff, silcrete, quartz, rhyolite, and flint. No further archaeological work was

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recommended based on the highly disturbed nature of the area due to two centuries of European activity.

**Umwelt (2005) – Test Excavations – 9 Watt St, Newcastle.**

Umwelt conducted a subsurface historical test excavation programme at 9 Watt Street, Newcastle, which yielded disturbed soil profiles that contained five Aboriginal flaked stone artefacts. These were identified as coming from disturbed contexts and no evidence was located to suggest they had been manufactured on site. The artefacts, it was concluded, were imported onto the site as a result of the importation of levelling fill (Umwelt, 2005).

**Archaeological Heritage Management Solutions (2005) – Test Excavations – 700 Hunter St, Newcastle.**

In 2005, AHMS conducted a subsurface excavation programme at 700 Hunter Street, Newcastle which yielded buried intact and disturbed soil profiles which contained significant Aboriginal archaeological deposits comprising shell midden materials and large numbers of flaked stone artefacts. The assemblage consisted of more than 4000 stone artefacts and included human skeletal remains as a result of the study areas association with a former cemetery. Some of the skeletal remains were identified as Aboriginal, however, they were not in a pre-European burial context that were associated with the cemetery. The stone artefacts consisted of tuff, silcrete, quartz, rhyolite and flint, (AHMS 2005).

**Insite Heritage (2005) – Test Excavations – 200-212 Hunter St, Newcastle.**

Insite Heritage undertook historical archaeological excavations at 200–212 Hunter Street, Newcastle, in 2006. Aboriginal artefacts were identified during these excavations. However, they were all identified as coming from disturbed contexts and no evidence was located to suggest they had been manufactured on site. It was concluded that these artefacts were imported onto the site as a result of the importation of levelling fill (Insite, 2005).

**Archaeological Management & Consulting (2014) – Test Excavations – 409 Hunter St, Newcastle.**

AMAC conducted a subsurface test excavation programme at 409 Hunter Street, Newcastle, in 2014, which yielded both buried intact and disturbed soil profiles and contained significant Aboriginal archaeological deposits comprising large numbers of flaked stone artefacts. The assemblage consisted of more than 500 stone artefacts. The stone artefacts consisted of tuff, silcrete and quartz (AMAC 2015).

**Archaeological Management & Consulting (2014) – Test Excavations – 11-15 Watt St, Newcastle.**

AMAC conducted a subsurface historical test excavation programme at 11–15 Watt Street, Newcastle, in 2014, which yielded disturbed soil profiles which contained one Aboriginal flaked stone artefact. This was identified as coming from a disturbed context and no evidence was found to suggest that it had been manufactured on site. The artefact, it was concluded, was imported onto the site as a result of the importation of levelling fill (AMAC 2014).

**Archaeological Management & Consulting (2014) – Salvage Excavations – 409 Hunter St, Newcastle.**

AMAC conducted a subsurface salvage excavation as part of an Aboriginal Cultural Heritage Management Plan at 409 Hunter Street, Newcastle, in 2014, which yielded both

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buried intact and disturbed soil profiles and contained significant Aboriginal archaeological deposits comprising large numbers of flaked stone artefacts. The assemblage consisted of more than 6500 stone artefacts. The stone artefacts consisted of tuff, silcrete and quartz, (AMAC, in press).

**Archaeological Management & Consulting (2018) – Test and Salvage Excavations – 42 Honeysuckle Drive, Newcastle.**

Test excavations took place at 42 Honeysuckle Drive, Newcastle. The site was situated within a reclaimed area along Hunter River however intact soils were located beneath. An introduced fill of a mixed brown/grey silty sand was found to contain both European and Aboriginal artefacts as well as shell and building material throughout. A total of 158 Aboriginal artefacts were located within this mixed fill.

A natural A2 deposit was also identified towards the southern end of the study area at the flat/ lower slope of the man-made hill. 36 Aboriginal artefacts were located within the natural A2. The natural was located at a consistent depth of 55cm below the mixed fill. A total of 194 Aboriginal objects were excavated across both areas.

The density and nature of the archaeological deposit triggered further investigation in the form of salvage excavation. This was undertaken and resulted in an additional 40 artefacts.

The practical ramifications of the results of the afore mentioned archaeological assessments and excavations, indicates that there is a potential for Aboriginal archaeological objects to be present within disturbed and undisturbed parts of the study area, particularly if intact soil profiles are present.

#### 4.5 AHIMS SEARCH RESULTS

The Archaeological Heritage and Information Management System Database (AHIMS) is located at the Heritage NSW Offices at Hurstville in New South Wales. This database comprises information about all the previously recorded Aboriginal archaeological sites registered with Heritage NSW. Further to the site card information that is present about each recorded site, the assessments and excavation reports that are associated with the location of many of these sites are present in the library of reports.

The location of these sites must be viewed as purely indicative as errors in the recording of the locations of sites often occurs due to the disparate nature of the recording process, the varying level of experience of those locating the sites and the errors that can occur when transferring data. If possible, sites that appear to be located near a study area should be relocated.

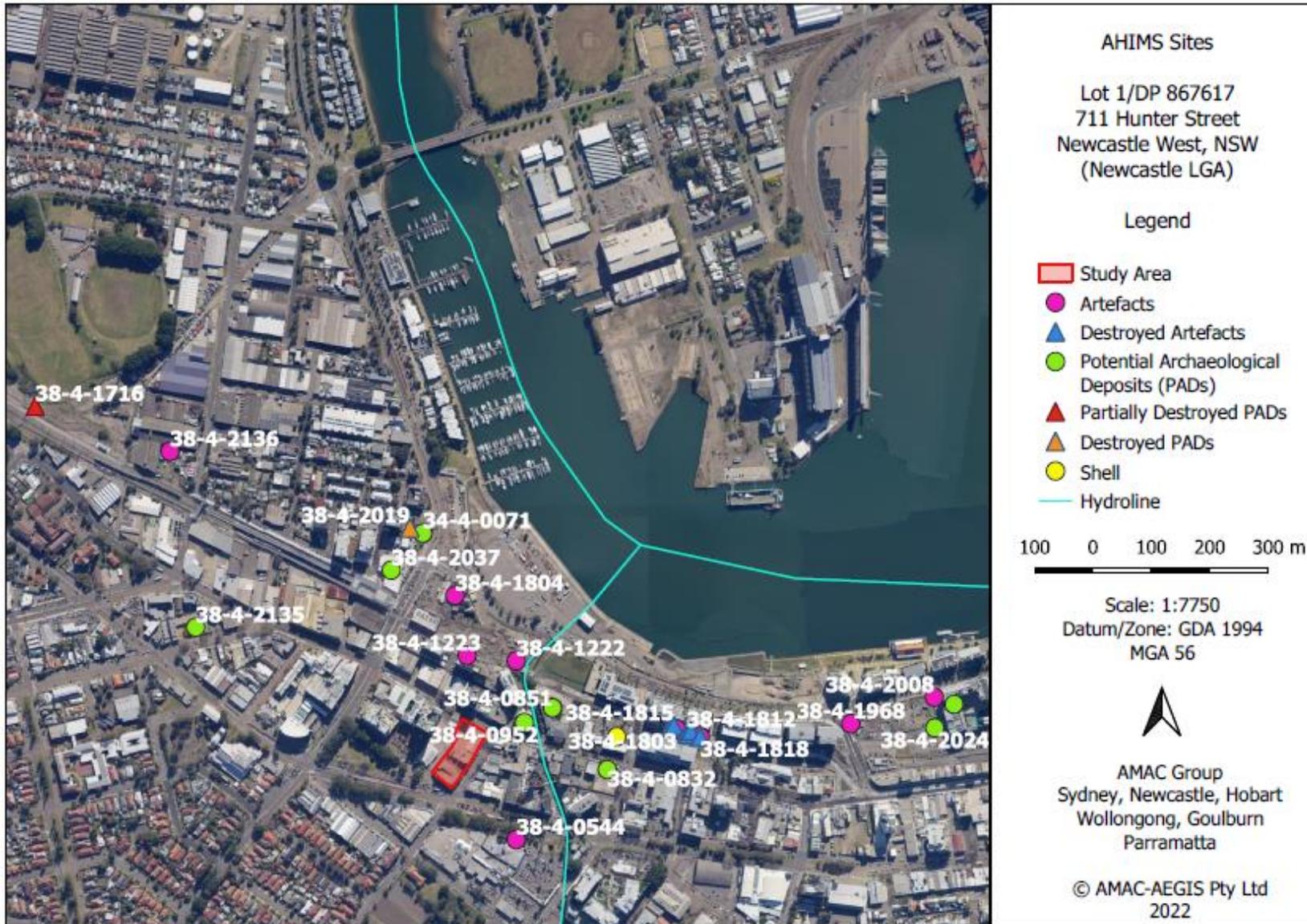
An AHIMS extensive 1km search was conducted on the 9<sup>th</sup> of June 2022 (ID-690249). This search resulted in 29 registered sites within 1000 m of the study area. The following table is comprised of the results listed from the extensive search.

**Table 4.1 AHIMS Search Results**

Site ID	Site name	Site status	Site features
38-4-0559	The Broadwalk - Newcastle 1	Valid	PAD
38-4-0544	700 Hunter Street	Valid	Artefact
38-4-0772	710 Hunter Street Newcastle PAD	Valid	Shell, PAD
38-4-0831	Palais Royale	Valid	PAD, Artefact, Shell
38-4-0832	Empire Hotel PAD	Valid	PAD
38-4-0952	Bellevue Hotel PAD	Valid	PAD
38-4-0851	710 Hunter St Newcastle, PAD	Valid	PAD
38-4-1222	Cottage Creek OSI	Valid	Artefact
38-4-1223	Wickham UFCCALE OS1	Valid	Artefact
38-4-2135	Denison Street PAD	Valid	PAD
34-4-0071	RPS Hannell St Pad 1	Valid	PAD
38-4-1812	Isolated Find 6 - Rail	Destroyed	Artefact
38-4-1813	Isolated Find 7 - Rail	Destroyed	Artefact
38-4-1814	Isolated Find 8 -Rail	Destroyed	Artefact
38-4-1815	Isolated Find 5 - Rail	Destroyed	Artefact
38-4-1816	Isolated Find 4 -Rail	Destroyed	Artefact
38-4-1817	Artefact Scatter 1 –Rail	Destroyed	Artefact
38-4-1818	Isolated Find 9 - Rail	Destroyed	Artefact
38-4-1803	Isolated Find 3-Rail	Valid	Artefact
38-4-1795	38 Hannell St. Newcastle (PAD) Artefact Scatter	Valid	PAD
38-4-1804	Isolated Find 1-Rail	Valid	Artefact
38-4-1805	Isolated Find 2-Rail	Valid	Artefact
38-4-2008	Artifact scatter	Valid	Artefact
38-4-1968	UoN1A-1	Valid	Artefact
38-4-2024	UoN PAD1	Valid	PAD

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Site ID	Site name	Site status	Site features
38-4-2019	Wickham PAD 1	Valid	PAD: 1
38-4-2136	Railway Lane	Valid	Artefact
38-4-1716	Wickham Transport Interchange PAD	Partially Destroyed	PAD

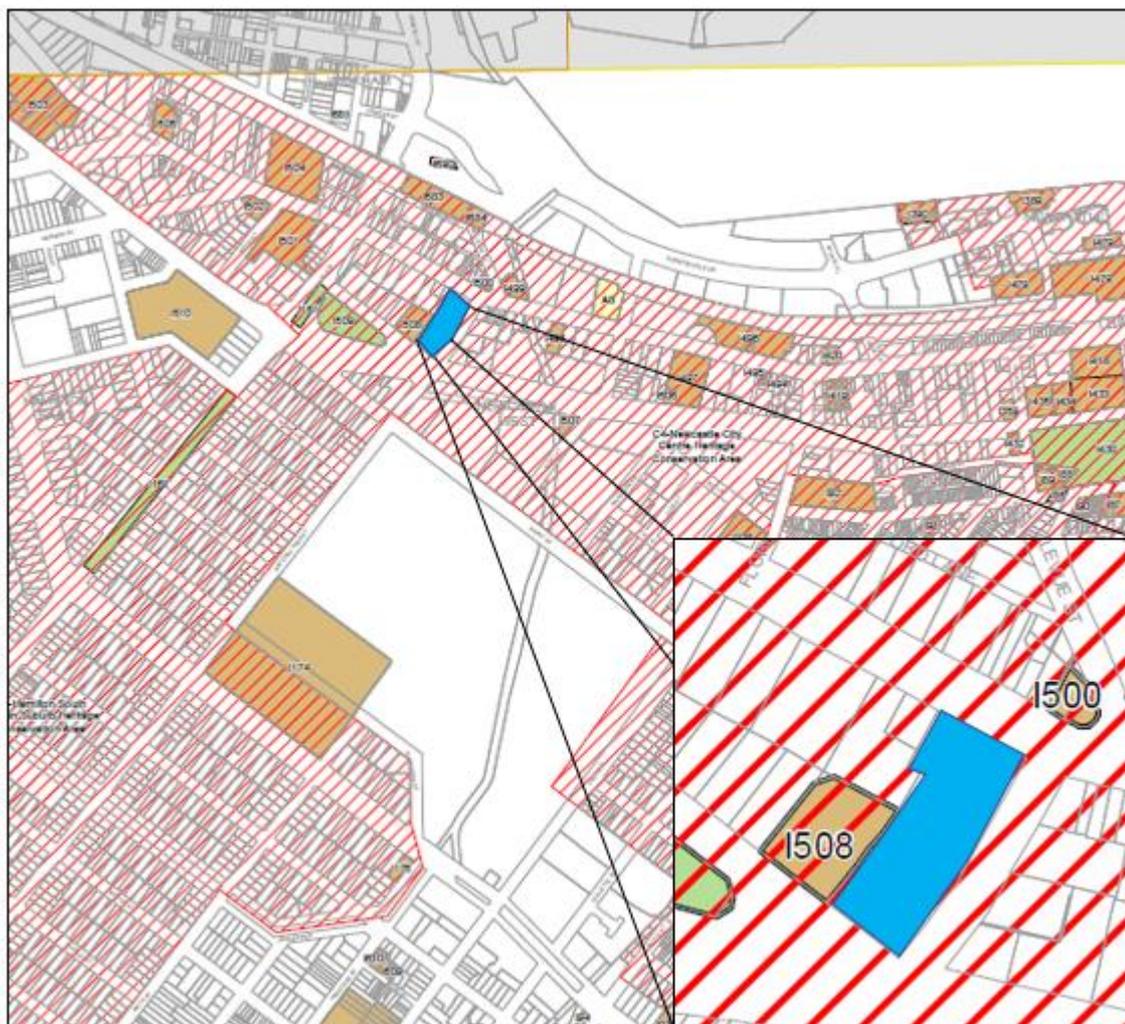


**Figure 4-1**  
**AHIMS**  
**Search**  
**Results.**  
 AMAC (2022).  
 Six Maps, LPI  
 Online  
 (accessed  
 11/07/2022).

#### 4.6 OTHER SEARCH RESULTS

Results for other statutory databases searched are given below:

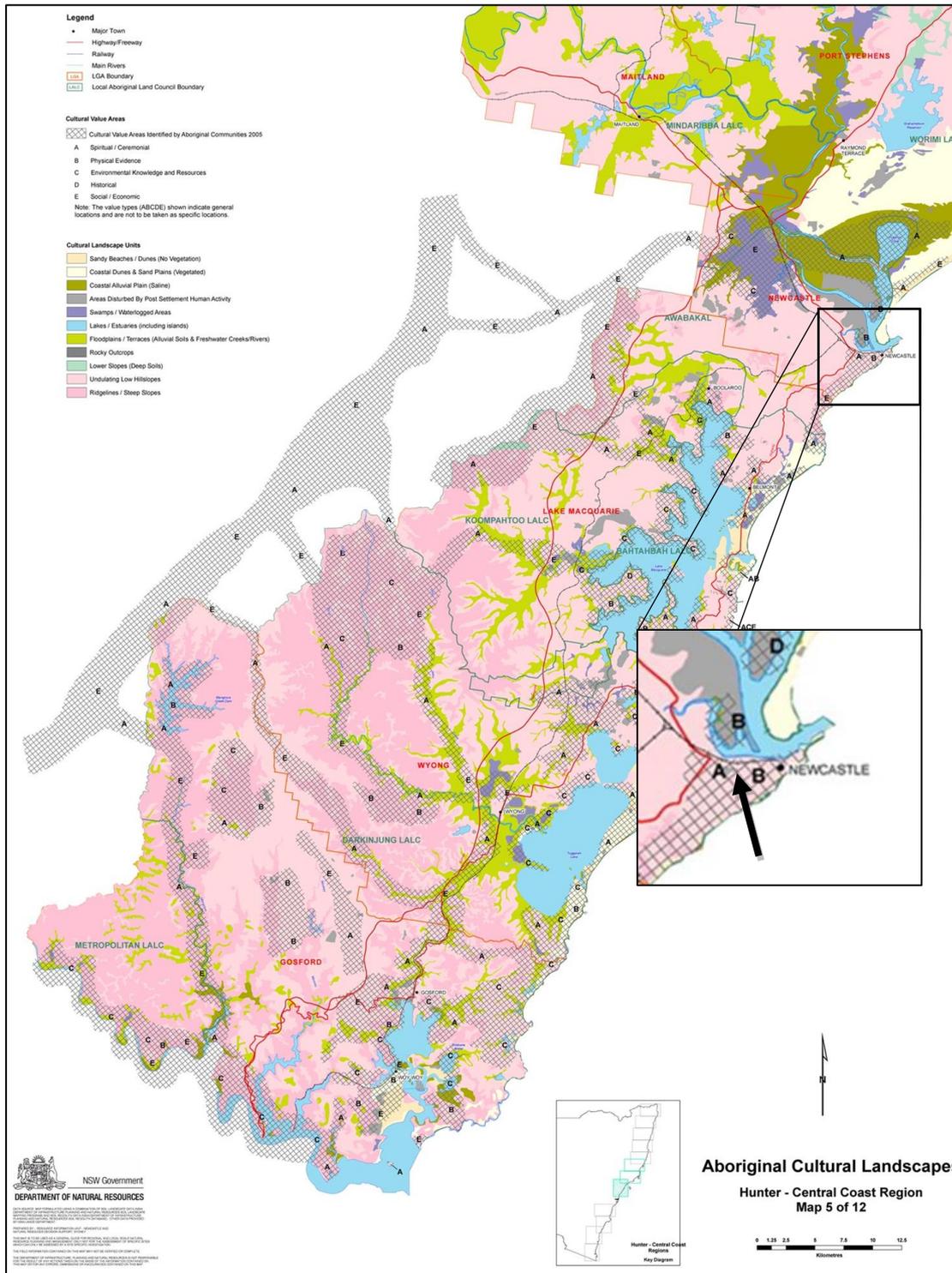
Heritage Listings/Register/Other	Result
National Heritage List	Not Listed
Commonwealth Heritage List	Not Listed
NSW State Heritage Register	Not Listed
Register of Declared Aboriginal Places	Not Listed
National Native Title Register	Not Listed
The Newcastle Local Environmental Plan	Yes Listed
Aboriginal Cultural Landscapes within the Hunter and Central Coast Region	Yes Listed – See Section 4.7



**Figure 4-2 The Newcastle Local Environmental Plan Heritage Items.**  
Study site outlined in blue located within Conservation area. (Heritage Map - Sheet HER\_004G, Newcastle LEP, 2012).

#### 4.7 ABORIGINAL CULTURAL LANDSCAPE MAP 2005

The study area has been identified within the Hunter and Central Coast Aboriginal Cultural Landscapes Map 5 (Figure 4.3) as holding cultural value. This map was developed in consultation with the local Aboriginal Communities in 2005. The study site is located in an area identified by Aboriginal communities as holding both spiritual/ceremonial value as well as physical evidence.



**Figure 4-3** Aboriginal Cultural Landscapes within the Hunter and Central Coast Region. Study area indicated by Black arrow. Department of Planning (2005).

#### 4.8 SUMMARY OF ARCHAEOLOGICAL PREDICTIVE MODEL FOR THE REGION

Predictive modelling is an adaptive process which relies on a framework formulated by a number of factors, including but not limited to the use of local land systems, the environmental context, archaeological work and any distinctive sets of constraints that would influence land use patterns. This is based on the concept that different landscape zones may offer different constraints, which is then reflected in the spatial distributions and forms of archaeological evidence within the region (Hall and Lomax 1996).

Early settlement models focused on seasonal mobility, with the exploitation of inland resources being sought once local ones become less abundant. These principles were adopted by Foley (1981) who developed a site distribution model for forager settlement patterns. This model identifies two distinctive types of hunter-gatherer settlements 'residential base camps' and 'activities areas.' Residential base camps are predominately found located in close proximity to a reliable source of permanent water and shelter. From this point the surrounding landscape is explored, and local resources gathered. This is reflected in the archaeological record, with high density artefact scatters being associated with camp bases, while low density and isolated artefacts are related to the travelling routes and activity areas (Foley 1981).

However more recently, investigation into understanding the impacts of various episodes of occupation on the archaeological record has been explored, of which single or repeated events are being identified. This is often a complex process to establish, specifically within predictive models as land use and disturbance can often result in post depositional processes and the superimposition of archaeological materials by repeated episodes of occupation.

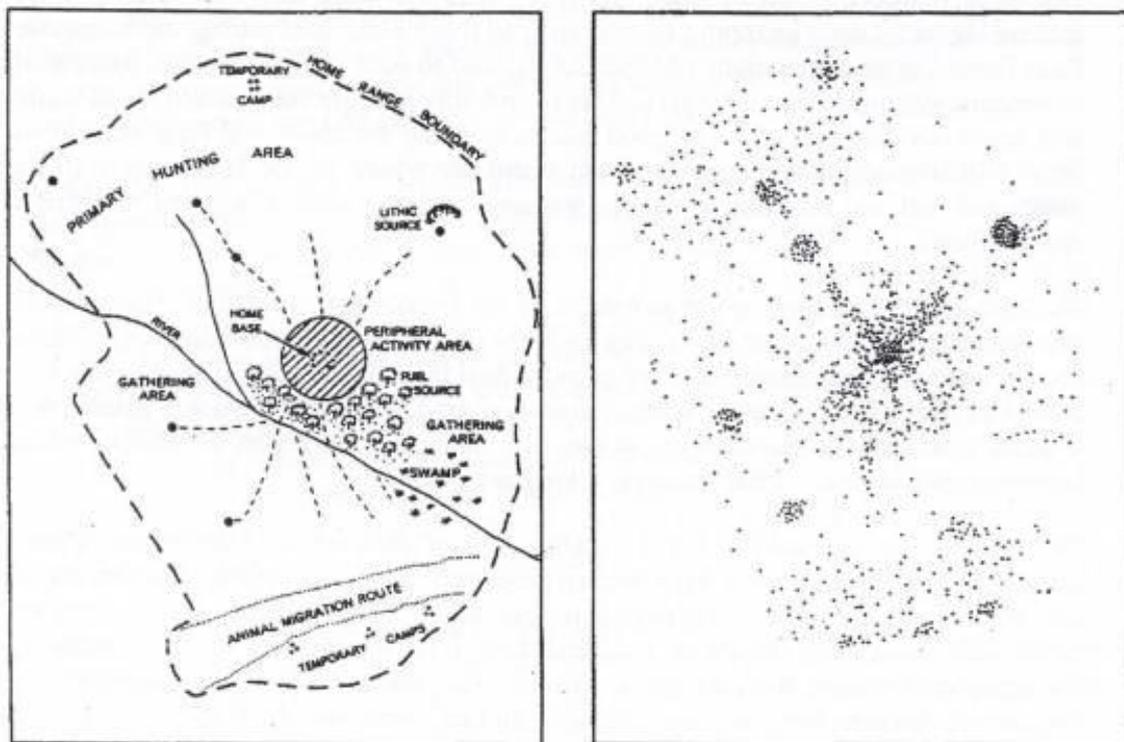


Figure 4-4 Examples of forager settlement patterns.  
Foley (1981).

The principals behind this model have been incorporated into other predictive models such as that of McBryde (1976). McBryde's model is centred on the utilisation of food resources as a contributor to settlement patterns, specifically with reference to the predictability and reliability of food resources for Aboriginal people within the immediate coastal fringe and/or hinterland zone, with migratory behaviour being a possibility. Resources such as certain species of animals, particularly; small marsupials and reptiles, plant resources and nesting seabirds may have been exploited or only available on a seasonal or intermittent basis. As such, archaeological sites which represent these activities whilst not being representative of permanent occupation may be representative of brief, possibly repeated occupation.

Jo McDonald and Peter Mitchell have since contributed to this debate, with reference to Aboriginal archaeological sites and proximity to water using their Stream order model (1993). This model utilises Strahler's hierarchy of tributaries and correlates with the concept of proximity to permanent water and site locations and their relationship with topographical units. They identify that artefact densities are greatest on terraces and lower slopes within 100m of water.

Intermittent streams, however, also have an impact on the archaeological record. It was discovered that artefacts were most likely within 50–100m of higher (4<sup>th</sup>) order streams, within 50m (2<sup>nd</sup>) order streams and that artefact distributions around (1<sup>st</sup>) order streams are not significantly affected by distance from the watercourse. Landscapes associated with higher order streams, (2<sup>nd</sup>) order streams were found to have higher artefact densities and more continuous distribution than lower order streams.

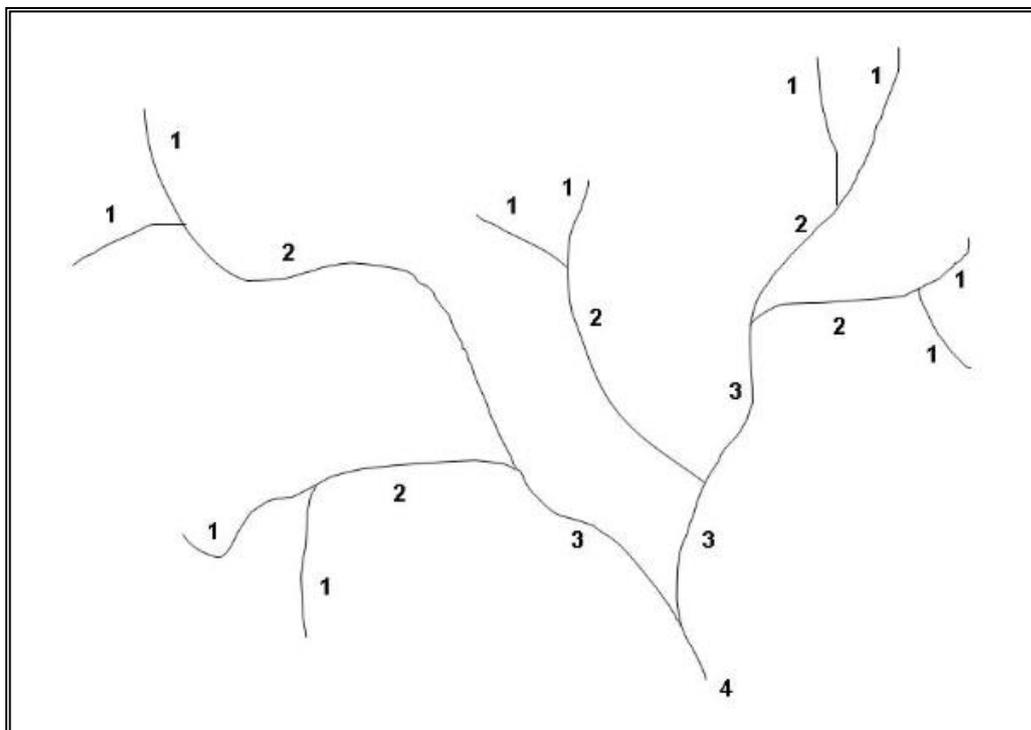


Figure 4-5 Strahler's hierarchy of tributaries.  
Strahler (1957).

This Hunter Region predictive model was developed by Kuskie and Kamminga (2000) through the use of data attained from previous archaeological work regarding site location and distribution. The following table is based on the archaeological expectations regarding the use of landscape units and resources and how this is likely to be reflected in the archaeological record.

**Table 4.2 Occupation patterns as reflected in the archaeological record.**

Occupation Pattern	Activity Location	Proximity to water	Proximity to food	Archaeological Record
Transitory Movement	All landscape zones, often on ridge, and spur crest, watercourses and valley flats	Not important	Not important	<ul style="list-style-type: none"> <li>Assemblages of low density and diversity</li> <li>Evidence of tool maintenance &amp; repair</li> <li>Evidence for stone knapping</li> </ul>
Hunting and/or gathering without camping	All landscape zones	Not Important	Near food resources	<ul style="list-style-type: none"> <li>Assemblages of low density and diversity</li> <li>Evidence of tool maintenance &amp; repair</li> <li>Evidence for stone knapping</li> <li>High frequency of used tools</li> </ul>
Camping by small groups	Frequently associated with permanent & temporary water sources	Nearby reliable source	Near food resources	<ul style="list-style-type: none"> <li>Assemblages of low to moderate density and diversity</li> <li>Evidence of tool maintenance &amp; repair</li> <li>Evidence for stone knapping</li> <li>Hearths</li> </ul>
Nuclear family base camp	Level or gently undulating ground	Nearby reliable source	Near food resources	<ul style="list-style-type: none"> <li>Assemblages of high density and diversity</li> <li>Evidence of tool maintenance &amp; repair and casual knapping</li> <li>Heat treatment pits, stone lined ovens</li> <li>Grindstones</li> </ul>
Community base camp	Level or gently undulating ground	Nearby reliable source	Near food resources	<ul style="list-style-type: none"> <li>Assemblages of high density and diversity</li> <li>Evidence of tool maintenance &amp; repair and casual knapping</li> <li>Heat treatment pits, stone lined ovens</li> <li>Grindstones &amp; ochre</li> <li>Large area &gt;100sqm with isolated campsites</li> </ul>

All models state that the primary requirement of all repeated, concentrated, or permanent occupation is reliable access to fresh water. Brief and possibly repeated occupation may be represented in areas that have unreliable access to ephemeral water sources, however these areas will not possess a high archaeological potential (Goodwin 1999)

The Aboriginal Cultural Heritage Data Audit (DOP, 2005) produced the following table as part of the NSW Comprehensive Coastal Assessment Toolkit (DOP, 2005) which made the following statements outlined in table 4.3 about the predictive location of Aboriginal sites in Coastal NSW. These statements support the conclusions drawn in the following predictive model established for the study area. The study makes one very important claim which is that Aboriginal Ceremonial or Dreaming Sites can only be identified by Aboriginal community knowledge.

**Table 4.3 Aboriginal Cultural Heritage Data Audit, Predictive Modelling for Coastal Aboriginal Sites, NSW.**

Site Type	Archaeological/ Predictive Modelling
Aboriginal Ceremony and Dreaming Sites	Can only be identified on the basis of Aboriginal community knowledge.
Aboriginal Resource and Gathering Sites	Can occur at any location where plant and animal target species are found at present or were available in the past.
Art Sites	All rock paintings or drawings and some rock engravings will occur within rock shelters/overhangs, most commonly within sandstone cliff lines and in granite boulder fields. Rock engravings may occur wherever there are suitable rock-surface exposures.
Artefacts	Will occur in all landscapes with varying densities. Artefacts of greatest scientific significance will occur in stratified open contexts (such as alluvial terraces, sand bodies) and rock shelter floors.
Burials	Most likely (but not always) to be buried in, or eroding from, sandy soils. Can occur within rock shelters/overhangs, most commonly within sandstone cliff lines and in granite boulder fields.
Ceremonial Ring Sites	Environmental factors may be of particular importance in site location including association with sources of water, ridges, unstructured soils and geological boundaries. Distance to adjacent ceremonial ring sites may influence site location.
Conflict Sites	Can only be identified on the basis of historical records and community knowledge.
Grinding Grooves	Most likely to occur on surface exposures of sandstone. Occasionally occur within sandstone rock shelters.
Modified Trees	Will only occur where target tree species survive and if these are of an age generally greater than 100 years old.
Non-Human Bone and Organic Material Sites	Will occur in any surface or buried context where preservation conditions allow. Most commonly survive in open shell midden sites and in rock shelter floor deposits.
Ochre Quarry Sites	Can occur at any location where suitable ochre sources are found, either as isolated nodules or as suitable sediments (clays).
Potential Archaeological Deposits	Can occur in all landscape types. PADs of greatest scientific significance will occur in stratified open contexts (such as alluvial terraces, sand bodies) and rock shelter floors.
Shell Middens	Will occur as extensive packed shell deposits to small shell scatters in all coastal zones along beaches, headlands and estuaries, both in open situations and in rock shelters. May occur along rivers and creeks where edible shellfish populations exist or existed in the past.
Stone Arrangements	Tend to be on high ground, often on the tops of ridges and peaks commanding views of the surrounding country. Often situated in relatively inaccessible places.
Stone Quarry Sites	Can occur at any location where suitable raw materials outcrop, including pebble beds/beaches.
Waterholes	May occur within any river or creek. Rare examples may occur in open exposures of rock.

#### 4.9 ARCHAEOLOGICAL PREDICTIVE MODEL FOR THE STUDY AREA

The following section gives an indication of the likelihood of certain site types being located within the study area. These indications are based on the research and results of assessments and excavations in the vicinity of the study area and wider Newcastle area.

Site Type	Research	Likelihood
Open Artefact Scatters	Higher order streams are located within the landscape units represented in the study area, chiefly Cottage Creek, however, they have long since been disturbed and buried. Excavations at locations in the immediate vicinity of the study are also suggestive of the presence of open artefact scatters within disturbed context.	Likely
Isolated Artefacts	Higher order streams are located within the landscape units represented in the study area, chiefly Cottage Creek, however, they have long since been disturbed and buried. Excavations at locations in the immediate vicinity of the study are also suggestive of the presence of isolated finds within disturbed context.	Likely
Grinding Grooves	Boulders of sandstone or outcrops do not occur in the landscape units represented in the study area.	Unlikely
Midden Deposits	Given the proximity of the study area to the disturbed and buried Cottage Creek and original Hunter River estuary foreshore, it is likely to be the site of food procurement, consumption, and refuse discard. It is presently unclear whether intact original soil profiles are present, however, if they are, associated archaeological material may occur within said deposits.	Likely
Stone Resource Sites	Rock outcrops are not present within the Hamilton (hm) soil landscape.	Unlikely
Scarred Trees	Trees of sufficient age are not present within the study area.	Unlikely
Sandstone Shelters	The soil landscapes of the study area do not contain sandstone overhangs.	Unlikely
Burials	While it is possible that undisturbed sand bodies may lie within the study area, these sites tend to occur within deep, sandy and/or soft soil contexts within sand dune formations, often in association with midden materials.  The Hamilton (hm) soil landscape is highly acidic which leads to the poor preservation of organic material such as bone. Burials have been infrequently recorded within the Newcastle area.	Unlikely
Ceremonial Sites	Consultation with relevant Aboriginal parties and individuals is not currently taking place, however it is possible that such information may become available in the future as a result of further consultation.	Possible that Ceremonial/Social sites will be present within the study area

#### 4.10 DISTURBANCE FACTORS

This section of the report provides an assessment of land use, the level of disturbance and the archaeological potential of the study area. The archaeological potential is based on the level of previous disturbance as well as the previously discussed predictive model for the region.

The *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974, (DECCW 2010)*; defines disturbed lands as given below.

*“Land is disturbed if it has been the subject of a human activity that has changed the land’s surface, these being changes that remain clear and observable. Examples include ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure and construction of earthworks)”*

This definition is based on the types of disturbance as classified in The Australian Soil and Land Survey Field Handbook (CSIRO 2010). The following is a scale formulated by CSIRO (2010) of the levels of disturbances and their classification.

Minor Disturbance		Moderate Disturbance		Major Disturbance	
0	No effective disturbance; natural	3	Extensive clearing (e.g., poisoning and ringbarking)	6	Cultivation: grain fed
1	No effective disturbance other than grazing by hoofed animals	4	Complete clearing: pasture native or improved, but never cultivated	7	Cultivation: irrigated, past or present
2	Limited clearing (e.g., selected logging)	5	Complete clearing: pasture native or improved, cultivated at some stage	8	Highly disturbed (quarrying, road works, mining, landfill, urban)

N.B The above scale is used in determining the level of disturbance of the study area and its impact on the potential archaeology which may be present.

It is important to note that the following assessments describe the *archaeological potential* of the study area. It is acknowledged if the study area has little or no archaeological potential the study area may still have cultural significance to the Aboriginal community.

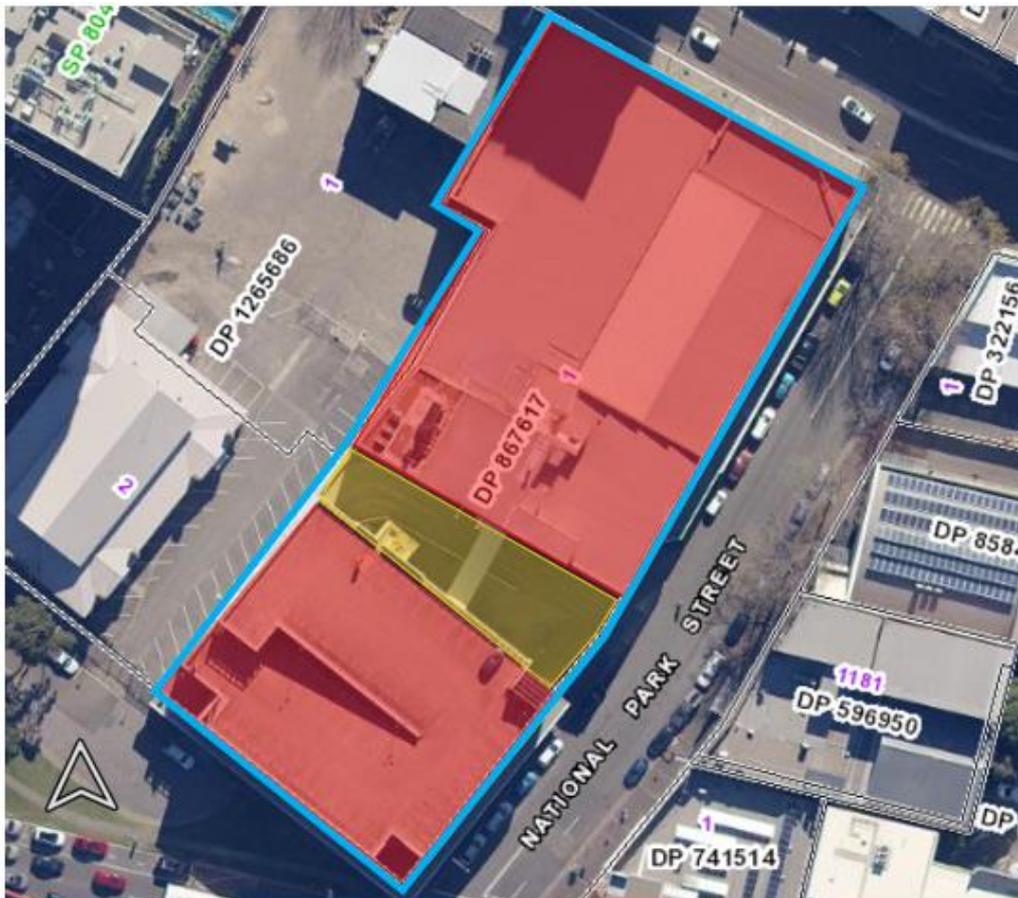
#### 4.10.1 Disturbance Summary

Background research indicates that past European land use has led to extensive clearing and widespread development of the area. In 1828, the site was part of the Australian Agricultural Company and from the 1850s was subdivided (see Figure 4.7). Currently the study site is occupied by two buildings and driveway entrance that covers the entire allotment. The southern building is three-storeys, two of which are utilised for off-street parking. The northern structure is the Marcus Clarke & Co building constructed in the early 20<sup>th</sup> century and extended across the Hunter and National Park St frontages and to the rear of the allotment in the 1920s (see Figure 4.9-4.14). It includes a suspended/cantilevered awning that overhangs the footpaths on both Hunter and National Park Streets. The site recently functioned as Spotlight and Bunnings stores but is currently vacant.

Due to the scale of the buildings, it is likely significant surface impacts have occurred during the progressive construction phases and associated service upgrades. As a result, deep impacts of a moderate-high scale, are likely in this area.

In light of this and in the context of the information provided about the land use of the site, its proximity to major tributaries and soil landscape, the following has been predicted:

**Moderate-High disturbance to sections of the landscape:** Sub-surface Aboriginal objects with potential conservation value have a low-moderate probability of being present within the study area. The soil landscape of the area, however, exhibits a deep profile indicating the potential for *intact soils* to be present.



**Figure 4-6 Disturbance Map.**  
Study area indicated in blue outline. Area of high disturbance in red and moderate disturbance in orange.



Figure 4-7 Part of a c.1850 AA Co plan of Newcastle. Study site approximately outlined in red. Australian National University Open Research Collection, plan reference A862.

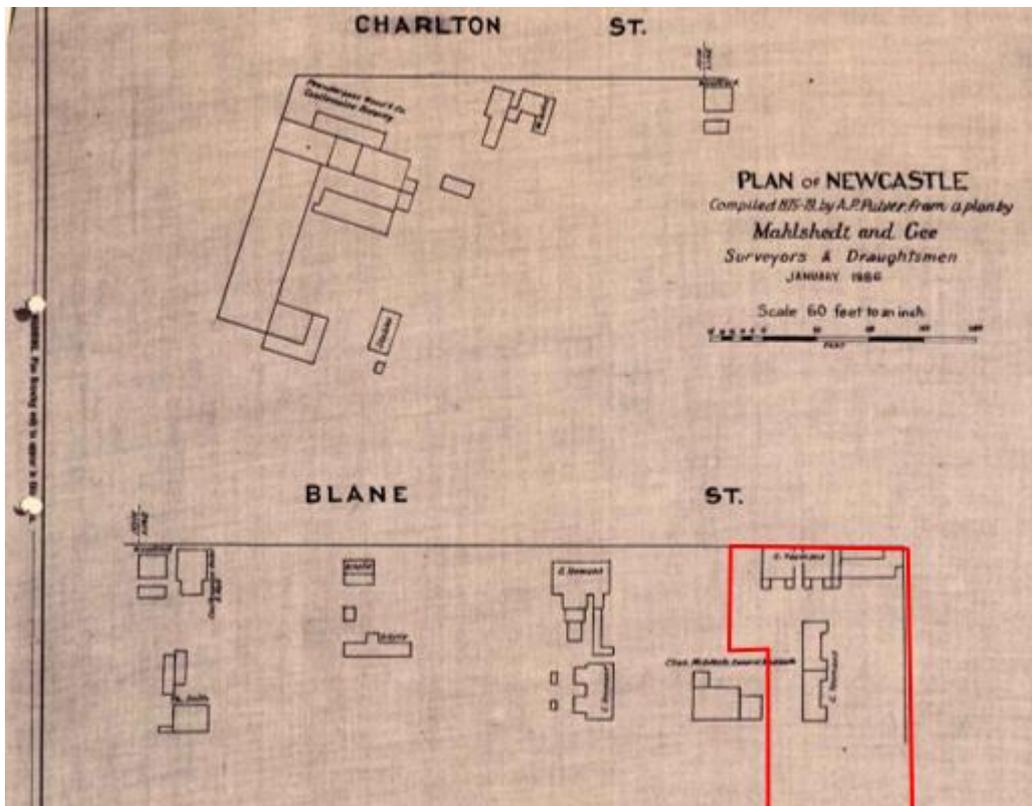


Figure 4-8 1886 Mahlshedt and Gee plan showing the north portion of the site. North portion of study site outlined in red. Mahlshedt and Gee, 1886, sheet 5.



**Figure 4-9** c.1900-1902 photograph of Marcus Clark & Co. on the corner of Hunter and National Park Streets.  
University of Newcastle Special Collections, reference ASGN0825-B37.



**Figure 4-10** c.1906 photograph of Marcus Clark & Co. on the corner of Hunter and National Park Streets.  
Australian National University Open Research, reference K0539.



Figure 4-11 c.1906 photograph of front half of the site showing Marcus Clark & Co Ltd showrooms from National Park Street.  
Australian National University Open Research, reference K0538.



Figure 4-12 c.1929 photograph showing Marcus Clark & Co. building extension and remodelling.  
Australian National University Open Research, reference K0542.



**Figure 4-13** c.1956 photograph showing Marcus Clark & Co from Hunter Street.  
Note scaffolding for Latec House in rear. State Library of NSW, reference IE  
No. IE1308663.



**Figure 4-14** c.1972 photograph of Walton's Ltd.  
University of Newcastle Special Collections, reference 04735\_150772.

## 5.0 SITE INSPECTION

No formal survey<sup>1</sup> took place as the site is currently paved over and occupied by two buildings with a sealed access driveway located between the two structures with no areas of exposure visible. Therefore, in accordance with Section 2.2 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, the approach and methodology chosen for the archaeological survey (in this instance, the absence of a survey) has instead utilised the information obtained from Requirements 1 to 4 of the Code. An archaeological survey was not expected to yield any information about the surface or subsurface deposits and therefore a survey sampling strategy was not developed.

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<sup>1</sup> For a survey outlining the historical development of the site see *AMAC (2022): Baseline Archaeological Assessment – 711 Hunter Street, Newcastle West NSW*.

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## 6.0 SIGNIFICANCE ASSESSMENT

The processes of assessing significance for items of cultural heritage value are set out in *The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance: the Burra Charter* (amended 1999) formulated in 1979 and based largely on the Venice Charter of International Heritage established in 1966. Archaeological sites may be significant according to four criteria, including scientific or archaeological significance, cultural significance to Aboriginal people, representative significance which is the degree to which a site is representative of archaeological and/or cultural type, and value as an educational resource. In New South Wales the nature of significance relates to the scientific, cultural, representative or educational criteria and sites are also assessed on whether they exhibit historic or cultural connections.

### 6.1 ARCHAEOLOGICAL SIGNIFICANCE

#### 6.1.1 Educational Significance

The educational value of any given location will depend on the importance of any archaeological material located on its rarity, quality, and the contribution this material can have on any educational process (Australia ICOMOS, 1999 p. 11).

No educational significance can yet be assigned to the study area. However, intact natural soils may be present on the site and further investigation has been recommended.

#### 6.1.2 Scientific Significance

The scientific value of any given location will depend on the importance of the data that can be obtained from any archaeological material located on its rarity, quality, and on the degree to which this may contribute further substantial information to a scientific research process. (Australia ICOMOS, 1999 p.11).

No scientific significance can yet be assigned to the study area. However, intact natural soils may be present on the site and further investigation has been recommended.

#### 6.1.3 Representative Significance

The representative value of any given location will depend on rarity and quality of any archaeological material located and on the degree to which this representativeness may contribute further substantial information to an educational or scientific research process. (Australia ICOMOS, 1999 p.11).

No representative significance can yet be assigned to the study area. However, intact natural soils may be present on the site and further investigation has been recommended.

## 7.0 PROPOSED ACTIVITY

This section outlines the proposed activity including the staging and timeframes along with the potential harm of the proposed activity on Aboriginal objects and/ or declared Aboriginal places, assessing both the direct and indirect result of the activity on any cultural heritage values associated with the study area.

### 7.1 DESCRIPTION OF PROPOSED ACTIVITY AND IMPACTS

Urbis reports that the development has undergone an Architectural Design Competition where three competitors put forward their designs in accordance with the brief. The Plus Architecture scheme was recommended by the Jury as the winning scheme in the competitive design process (Urbis 2022).

The overall outcome of the proposal aims to develop a mixed-use precinct with high quality tower forms providing a positive relationship to the immediate surrounds and acknowledging the surrounding heritage context. The proposal intends to act as a landmark for Newcastle West with a curated mix of eclectic and creative retail, F & B and commercial opportunities activating the ground levels (Urbis 2022).

The client seeks to demolish the existing early 20<sup>th</sup> century brick building and construct in two stages a mixed-use precinct forming active ground and podium levels reaching five storeys of retail and commercial tenancies, with two tower forms for residential apartments reaching 26 storeys comprising of 25 apartments. Podium level car park for 300 cars incorporated within the podium levels, communal open space located on Level 6 and 17. Associated construction works will include services, hydraulic and fire infrastructure, service lifts and landscaping works (public domain improvements).

The proposed activity and impacts will include the following:

- Demolition Works
- Ground-Floor Commercial/Retails, Service Rooms, Storage Spaces
- Landscaped Open Spaces/Courtyard, Footpaths
- Apartments/Units, Car Spaces, Bike Storage Spaces
- Subsurface Lift Wells (ca. 2.5m deep), OSD Tank, Fire Pump, & Fire Storage Tanks (ca. 3m deep)
- Deep Soil Location for Feature Tree
- Bulk Earthworks, Piers (ca. 15–27m deep), Associated Flood and Stormwater Services, Utilities.

The proposed development will impact the entirety of the study area with deep excavations (approximately 4724m<sup>2</sup>) taking place for the foundation piers, lift shafts, OSD tanks, fire storage, and deep soil location for a feature tree. However, due to the deep soil profile of the study area, it is likely that intact soil profiles may exist in sections of the study area with a low-moderate potential for Aboriginal artefacts and/or deposits of archaeological and cultural significance to be present.

No formal areas of exclusion have been identified in the current plans.



Figure 7-1 Proposed Ground Plan.  
Plus Architecture (20/10/2022). PLA-SK-0400 20623.



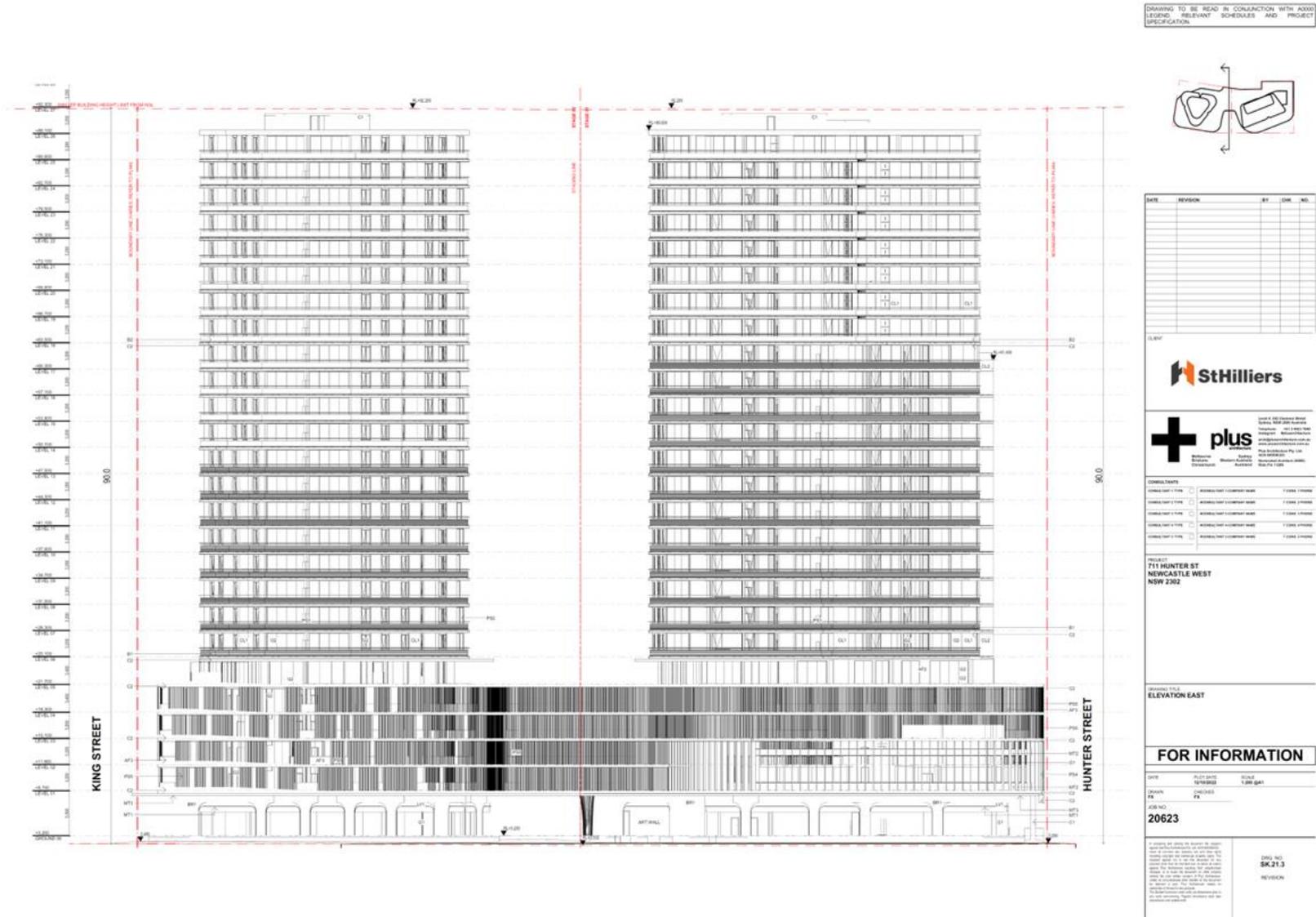


Figure 7-3 Proposed Elevation East.  
 Plus Architecture (12/10/2022). Dwg No. SK.21.3.

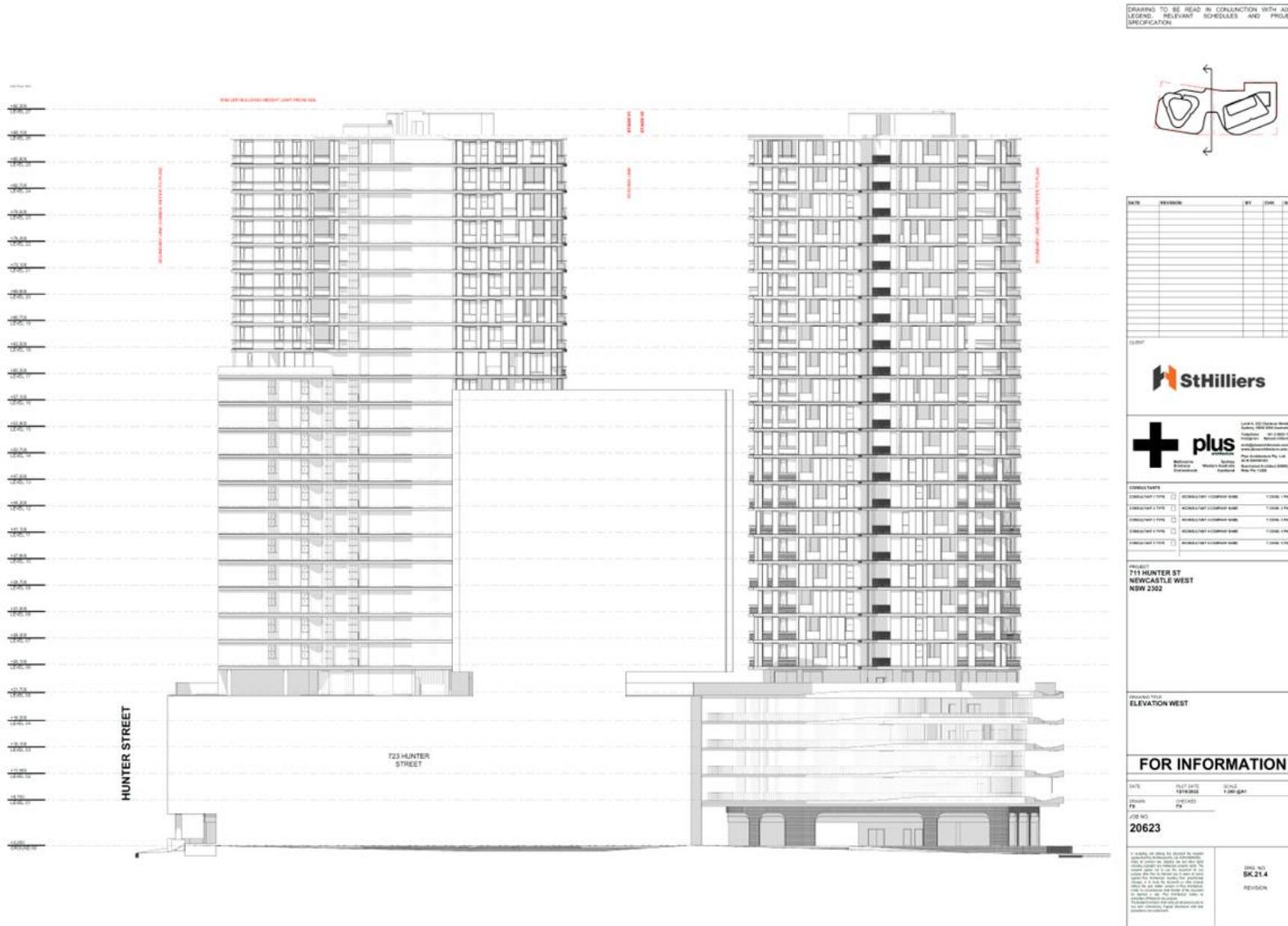


Figure 7-4 Proposed Elevation West.  
 Plus Architecture (12/10/2022). Dwg No. SK.21.4.





## 8.0 MANAGEMENT AND MITIGATION

The management recommendations presented in the following section of the report take into account the following:

- Legislation outlined in this report which protects Aboriginal cultural and archaeological objects and places in New South Wales
- Research and assessments carried out by the author/s of this report
- Results of previous archaeological assessments and excavations in the vicinity of the study area
- The impact of the proposed development on any Aboriginal archaeological material that may be present
- The requirements of the consent authority (Newcastle City Council).

### 8.1 RECOMMENDATIONS

A background analysis of the environmental and archaeological context revealed that the study area has high surface disturbances, however, due to the deep soil profile of the soil landscape and archaeological record of the area, it is still likely for *in-situ* or non- *in-situ* Aboriginal objects and/or deposits of conservation value to be present.

The Hunter region and Central Coast Aboriginal Cultural Landscape Map (Section 4.7) indicates the area to be of spiritual and ceremonial significance and as such, further investigation into the Aboriginal cultural heritage of the study area should take place which involves full community consultation with Registered Aboriginal Parties (RAPs).

Although the area has significant surface disturbances and subsequently may have low-moderate archaeological significance it may, however, hold high cultural significance with intrinsic value to the Aboriginal community.

The surrounding landscape features present do indicate that sub-surface Aboriginal objects and/or deposits are likely in undisturbed areas and are likely to be considered of low-moderate Aboriginal archaeological significance.

The proposed activity is not:

- located within a sand dune system, or
- located within 200m below or above a cliff face, or
- located on a ridge top, ridge line or headland, or
- within 20m of or in a cave, rock shelter, or a cave mouth.

The study area is:

- located within 200m of waters.

Based on the locale of water and major water tributaries such as the Hunter River, it is likely that Aboriginal movement and land use would be channelled to this location and therefore the site may hold information regarding cultural activities of the area.

In accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974 (DECCW, 2010)*, it is recommended that further archaeological and cultural assessment, as well as,

test excavation in accordance with *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974 (DECCW, 2010)*, or under an Aboriginal Heritage Impact Permit (AHIP), is necessary, as the proposed development zone is located within 200m of waters.

In the context of the information provided about the proposed development, the following recommendations have been made to address the Aboriginal cultural heritage and archaeology of the site and are to be implemented upon **Council approval of the DA application** for which this document is a part of:

- The Awabakal Local Aboriginal Land Council has been given the opportunity to comment on the recommendations of this report. This is the final version of this document
- Further assessment is required in the form of a full Aboriginal Cultural Heritage Assessment, including full Aboriginal community consultation in accordance with *Part 6; National Parks and Wildlife Act, Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010)*. AMAC have been commissioned to proceed with this and is currently being undertaken
- Subsequent to this report and in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010)*, a program of systematic, sub-surface archaeological test excavation in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)*, or under an Aboriginal Heritage Impact Permit (AHIP), should be undertaken to establish the nature and extent of any archaeological objects and/or deposits that are/may be present. AMAC have been commissioned to proceed with this and these will be undertaken once the DA has been approved and the buildings' tenants have vacated the premises
- If archaeological test excavation in accordance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010)* **reveals no Aboriginal archaeological objects or deposits**; then the proposed development as outlined in Figures 7.1–7.6, should be allowed to 'proceed with caution'
- If archaeological test excavation in accordance with *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010)* **reveals Aboriginal archaeological objects or deposits**; once the nature and extent of the archaeological site has been established through test excavation, this data is to be analysed and synthesised into an Aboriginal Archaeological Technical Report
- After this and before any ground disturbance takes place all development staff, contractors, and workers should be briefed prior to works commencing on site, as to the status of the area and their responsibilities in ensuring preservation of the said area. They should also be informed of their responsibilities regarding any Indigenous archaeological deposits and/or objects that may be located during the following development.

**Should any human remains be located during the development, then the following actions should take place:**

- All excavation in the immediate vicinity of any objects or deposits shall cease immediately
- The NSW police and Heritage NSW Enviroline be informed as soon as possible

- 
- Once it has been established that the human remains are Aboriginal ancestral remains, Heritage NSW and the relevant Registered Aboriginal Parties will identify the appropriate course of action.

**Should any Aboriginal archaeological deposits or objects be located during the development, then the following actions should take place:**

- All excavation in the immediate area shall cease immediately and the area should be demarcated
- Heritage NSW, the Awabakal Local Aboriginal Land Council and a suitably qualified archaeologist should be notified so the significance of the said deposits or objects can be evaluated and presented in another report. The study area be recorded as an archaeological site, in accordance *with Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales, Part 6 National Parks and Wildlife Act 1974* (DECCW, 2010)
- The archaeological features or objects shall subject to fulfilment of the relevant legislative requirements particularly Section 90 of the NPW Act 1974 (as amended).

## GLOSSARY

Term	Definition
Aboriginal/ Aborigine	These terms apply to indigenous Australians throughout time.
Aboriginal Object	A term now used (formerly 'relic') within the NSW <i>National Parks and Wildlife Act, 1974</i> to refer to "...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."
AHIP	Aboriginal Heritage Impact Permit, issued under Part 6 of the National Parks and Wildlife Act 1974, where harm to an Aboriginal object or Aboriginal place cannot be avoided.
Alluvial	Describes material deposited by, or in transit in flowing water.
AMAC	Archaeological Management and Consulting Group.
Artefact	Any object, usually portable, that has been made or shaped by human hand.
Assemblage	A collection of artefacts found in close proximity with one another often excavated together.
Axe grinding Grooves	Areas on a stone surface where other items such as stone tools, wood or bones have been sharpened.
Basalt	A dark coloured, basic volcanic rock.
Bioturbation	Reworking of sediments through the action of ground dwelling life forms. This can also include soil cracking and root activity.
Broken Flake	A flake fragment which displays only part of the diagnostic features of a complete flake.
BP	Before present (AD1950).
Burial	Sites containing the physical remains of deceased Aboriginal people.
Ceremonial Sites	Places or objects of ceremonial, religious or ritual significance to Aboriginal people.
DCP	Development Control Plan.
DoPE	Department of Planning and Environment
DP	Deposited Plan.
Erosion	Process where particles are detached from rock or soil and transported away principally via water, wind and ice.
Flake	A piece of stone, detached by striking a core with another stone.
Flaking/Knapping	The process of making stone tools by detaching flakes from a piece of stone.
Friable	Easily crumbled or cultivated.
Hard setting	Soil which is compact and hard. It appears to have a pedal structure when dried out.
Heritage Division	Formerly known as the Heritage Branch
Holocene	The period of time since the last retreat of the polar icecaps, commencing approximately 10,000–110,000
Intensification	Increased social and economic complexity.
Landscape Unit	An area of land where topography and soils have distinct characteristics, are recognisable, describable by concise statements and capable of being represented on a map.
Laminite	A thinly bedded, fine grained sedimentary rock.
LEP	Local Environment Plan.

Term	Definition
LGA	Local Government Area.
Lithics	A term used to describe stone and stone artefacts.
Loam	A medium textured soil of approximate composition of 10- 25% clay, 25-50% silt and 2% sand.
Loose	A soil which is not cohesive.
Matrix	Finer grained fraction, typically a cementing agent within soil or rock in which larger particles are embedded.
Midden	Aboriginal occupation site consisting chiefly of shells, which can also include bone, stone artefacts and other debris.
NPW Act	National Parks and Wildlife Act 1974
OEH	NSW Office of Environment and Heritage (formerly known as the DECCW)
Open Campsite	A surface accumulation of stone artefacts and/ or other artefacts exposed on the ground surface.
Potential Archaeological Deposit (PAD)	An area where no surface archaeological remains are visible but where it has been assessed that there is some potential for sub-surface archaeological remains to be present.
Ped	An individual, natural soil aggregate.
Pedal	Describes a soil in which some or all of the soil material occurs in the form of peds in a moist state.
Plastic	Describes soil material which is in a condition which allows it to undergo permanent deformation without appreciable volume change or elastic rebound and without rupture.
Pleistocene	The epoch of geological time starting 1.8 million years ago.
RAP	Registered Aboriginal Parties
Rock Painting	Encompassing drawing, paintings or stencils that have been placed on a rock surface usually within a rock shelter.
Rock Engraving	Pictures which have been carved, pecked or abraded into a rock surface, usually sandstone and predominantly open, flat surfaces.
Sandstone	A detrital sedimentary rock with predominantly sand sized particles.
Scarred/ Carved Tree	A tree from which bark has been deliberately removed.
Sclerophyll	Denoting the presence of hard stiff leaves, typically used to classify forest and indicative of drier conditions.
Sedimentation	Deposition of sediment typically by water.
Silcrete	A sedimentary rock comprising of quartz grains in a matrix of fine grained – amorphous silica.
Silt	Fine soil particles in size ranges of 0.02 – 0.002mm.
Slope	A landform element inclined from the horizontal at an angle measured in degrees or as a percentage.
SHI	State Heritage Inventory
SHR	State Heritage Register
Subsoil	Subsurface material comprising the B and C horizons of soils with distinct profiles.
Stone Resource Site	A geological feature in the landscape from which raw material for the manufacture of stone tools was obtained.
Texture	The coarseness or fineness of a soil as measured by the behaviour of a moist ball of soil when pressed between the thumb and forefinger.
Topsoil	A part of the soil profile, typically the A1 Horizon, containing material which is usually darker, more fertile and better structured than the underlying layers.

Term	Definition
Weathering	The physical and chemical disintegration, alteration and decomposition of rocks and minerals at or near the earth's surface by atmospheric and biological agents.

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## REFERENCES

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## APPENDICES

### APPENDIX ONE AHIMS RESULTS



**AHIMS Web Services (AWS)**  
**Search Result**

Your Ref/PO Number : 711 Hunter St.  
Client Service ID : 690249

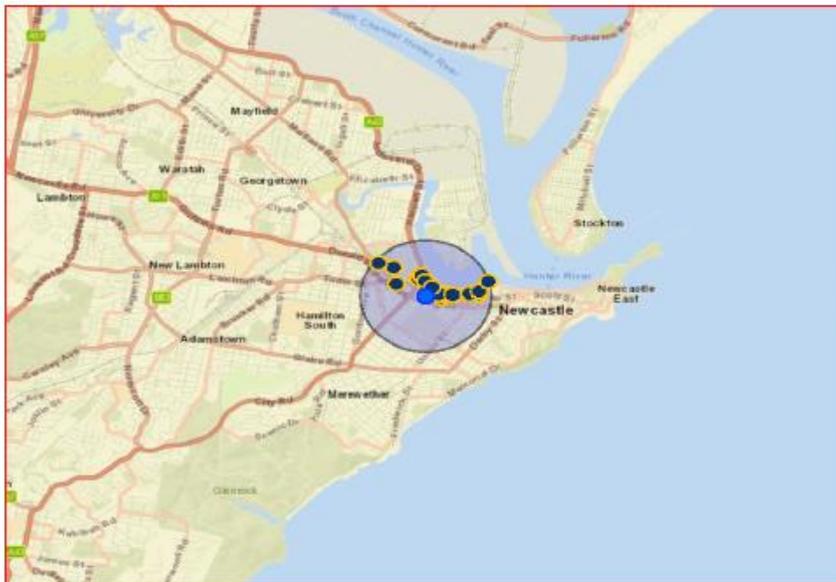
Benjamin Street  
122c Percival Road  
Stammore New South Wales 2048  
Attention: Benjamin Street  
Email: benjaminstreet@archaeological.com.au

Date: 09 June 2022

Dear Sir or Madam:

AHIMS Web Service search for the following area at Address : 711 HUNTER STREET NEWCASTLE WEST 2302 with a Buffer of 1000 meters, conducted by Benjamin Street on 09 June 2022.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<b>29</b>	<b>Aboriginal sites are recorded in or near the above location.</b>
<b>0</b>	<b>Aboriginal places have been declared in or near the above location. *</b>

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.



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

Your Ref/PO Number : 711 Hunter St.

Client Service ID : 690254

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
38-4-0772	710 Hunter Street Newcastle PAD	GDA	56	384312	6356244	Open site	Valid	Shell : -, Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>	1981	
38-4-0851	710 Hunter St Newcastle, PAD	GDA	56	384312	6356244	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u> S Scamlon							<u>Permits</u>		
38-4-2037	10 Dangar Street PAD	GDA	56	384036	6356478	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>		
38-4-0832	Empire Hotel PAD	GDA	56	384406	6356139	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u> T Russell							<u>Permits</u>	2128,4166	
38-4-1816	Isolated Find 4 -Rail	GDA	56	384514	6356211	Open site	Destroyed	Artefact : -		
	<u>Contact</u>							<u>Permits</u>		
38-4-1803	Isolated Find 3-Rail	GDA	56	384525	6356208	Open site	Valid	Artefact : -		
	<u>Contact</u>							<u>Permits</u>	3970	
38-4-2024	UoN PAD1	GDA	56	384967	6356210	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>	4512	
38-4-2019	Wickham PAD 1	GDA	56	384068	6356550	Open site	Destroyed	Potential Archaeological Deposit (PAD) : 1		
	<u>Contact</u>							<u>Permits</u>	4505,4589	
38-4-1815	Isolated Find 5 - Rail	GDA	56	384520	6356214	Open site	Destroyed	Artefact : -		
	<u>Contact</u>							<u>Permits</u>		
38-4-1812	Isolated Find 6 - Rail	GDA	56	384542	6356203	Open site	Destroyed	Artefact : -		
	<u>Contact</u>							<u>Permits</u>		
38-4-1817	Artefact Scatter 1 -Rail	GDA	56	384553	6356198	Open site	Destroyed	Artefact : -		
	<u>Contact</u>							<u>Permits</u>		
38-4-2136	Railway Lane	GDA	56	383657	6356680	Open site	Valid	Artefact : -		
	<u>Contact</u>							<u>Permits</u>		
38-4-1795	38 Hannell St Newcastle (PAD) Artefact Scatter	GDA	56	384090	6356541	Open site	Valid	Artefact : -		104417
	<u>Contact</u>							<u>Permits</u>	4122,4589	

Report generated by AHIMS Web Service on 09/06/2022 for Benjamin Street for the following area at Address : 711 HUNTER STREET NEWCASTLE WEST 2302 with a Buffer of 1000 meters.

Number of Aboriginal sites and Aboriginal objects found is 29

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

Page 1 of 3



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

Your Ref/PO Number : 711 Hunter St.  
Client Service ID : 690254

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
38-4-0831	Palais Royale	GDA	56	384422	6356195	Open site	Valid	Shell : -, Artefact : 5534, Potential Archaeological Deposit (PAD) : -		102256
	<u>Contact</u> T Russell							<u>Recorders</u> University of Newcastle,Jim Wheeler,Umwelt (Australia) Pty Limited - Individual u: <u>Permits</u> 2127,2593,3098,3502		
38-4-1805	Isolated Find 2-Rail	GDA	56	384525	6356208	Open site	Valid	Artefact : -		
	<u>Contact</u>							<u>Recorders</u> RPS Australia East Pty Ltd - Hamilton,Mr.Ben Slack <u>Permits</u> 3970		
34-4-0071	RPS Hannell St Pad 1	GDA	56	384090	6356541	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Recorders</u> Mr.Jeremy Hill <u>Permits</u>		
38-4-1223	Wickham UFCCALE OS1	GDA	56	384166	6356333	Open site	Valid	Artefact : 1		
	<u>Contact</u>							<u>Recorders</u> Street Archaeological Services <u>Permits</u> 4025,4548,4549		
38-4-1814	Isolated Find 8 -Rail	GDA	56	384545	6356199	Open site	Destroyed	Artefact : -		
	<u>Contact</u>							<u>Recorders</u> RPS Australia East Pty Ltd - Hamilton,Ms.Cheng-Yen Loo <u>Permits</u>		
38-4-1813	Isolated Find 7 - Rail	GDA	56	384549	6356205	Open site	Destroyed	Artefact : -		
	<u>Contact</u>							<u>Recorders</u> RPS Australia East Pty Ltd - Hamilton,Ms.Cheng-Yen Loo <u>Permits</u>		
38-4-1968	UoN1A-1	GDA	56	384823	6356217	Open site	Valid	Artefact : -		
	<u>Contact</u>							<u>Recorders</u> Guringal Tribal Link Aboriginal Corporation,Mrs.Tracey Howie <u>Permits</u> 4499,4512		
38-4-1804	Isolated Find 1-Rail	GDA	56	384145	6356435	Open site	Valid	Artefact : -		
	<u>Contact</u>							<u>Recorders</u> RPS Australia East Pty Ltd - Hamilton,Mr.Ben Slack <u>Permits</u> 4025		
38-4-0952	Bellevue Hotel PAD	GDA	56	384264	6356219	Open site	Valid	Potential Archaeological Deposit (PAD) : -		99845,99874
	<u>Contact</u> Searle							<u>Recorders</u> Umwelt (Australia) Pty Limited - Individual users,Mr.Dominic Steele,Mrs.Amanda C <u>Permits</u> 2382		
38-4-0544	700 Hunter Street	AGD	56	384250	6356020	Open site	Valid	Artefact : -		
	<u>Contact</u>							<u>Recorders</u> Dominic Steele Archaeological Consulting <u>Permits</u>		
38-4-1818	Isolated Find 9 - Rail	GDA	56	384565	6356195	Open site	Destroyed	Artefact : -		
	<u>Contact</u>							<u>Recorders</u> RPS Australia East Pty Ltd - Hamilton,Ms.Cheng-Yen Loo <u>Permits</u>		
38-4-2008	Artifact scatter	GDA	56	384966	6356262	Closed site	Valid	Artefact : -		
	<u>Contact</u>							<u>Recorders</u> Guringal Tribal Link Aboriginal Corporation,Guringal Tribal Link Aboriginal Corpor <u>Permits</u>		
38-4-0559	The Broadwalk- Newcastle 1	AGD	56	385000	6356250	Open site	Valid	Potential Archaeological Deposit (PAD) : 0		98887
	<u>Contact</u>							<u>Recorders</u> Mary Dallas Consulting Archaeologists (MDCA) <u>Permits</u> 1298,2043,2453		
38-4-1716	Wickham Transport Interchange PAD	GDA	56	383426	6356757	Open site	Partially Destroyed	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Recorders</u> Artefact - Cultural Heritage Management - Pyrmont,Artefact - Cultural Heritage Ma <u>Permits</u> 3809,4025,4220,4238,4589		

Report generated by AHIMS Web Service on 09/06/2022 for Benjamin Streat for the following area at Address : 711 HUNTER STREET NEWCASTLE WEST 2302 with a Buffer of 1000 meters.

Number of Aboriginal sites and Aboriginal objects found is 29

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

Your Ref/PO Number : 711 Hunter St.  
Client Service ID : 690254

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status **	SiteFeatures	SiteTypes	Reports
38-4-2135	Denison Street PAD	GDA	56	383701	6356381	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>							<u>Permits</u>	4921	
38-4-1222	Cottage Creek OSI	GDA	56	384250	6356324	Open site	Valid	Artefact : 1		
	<u>Contact</u>							<u>Permits</u>	3970,4025,4548,4549,4807	
	<u>Recorders</u>					AMAC Group P/L, Mr. Benjamin Streat				
	<u>Recorders</u>					Streat Archaeological Services				

**\*\* Site Status**  
**Valid** - The site has been recorded and accepted onto the system as valid  
**Destroyed** - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.  
**Partially Destroyed** - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground  
**Not a site** - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 09/06/2022 for Benjamin Streat for the following area at Address : 711 HUNTER STREET NEWCASTLE WEST 2302 with a Buffer of 1000 meters.  
 Number of Aboriginal sites and Aboriginal objects found is 29  
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