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# NEWCASTLE ART GALLERY COOKS HILL NEW SOUTH WALES

HISTORICAL ARCHAEOLOGICAL ASSESSMENT AND  
STATEMENT OF HERITAGE IMPACT

DRAFT REPORT

CITY OF NEWCASTLE

21 September 2021



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# EXECUTIVE SUMMARY

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Austral Archaeology (Austral) has been commissioned by The City of Newcastle (the proponent) to undertake a Historical Archaeological Assessment (HAA), incorporating a Statement of Heritage Impact (SoHI) for the proposed redevelopment of the Newcastle Art Gallery at 1 Laman Street, Cooks Hill, New South Wales (NSW).

The study area consists of lots 10-15, DP1122031; 1 DP 63100; Lot 1 DP 516670 and part of Lot 18 Section G DP 978941 and adjacent road corridors (Figure 1.1 to Figure 1.3). The study area is located within Newcastle Central Business District (CBD) and is within the City of Newcastle Local Government Area (LGA).

The extensions to the current Newcastle Art Gallery, referred to in this report as the 'study area', will have an effect upon the current the eastern car park bounded by Laman, Darby and South Queen Street, and an area behind the current Newcastle War Memorial Cultural Centre. The majority of the site is the current area of the Newcastle Art Gallery while enabling works are proposed with various road corridors included within the study area.

This report will form part of a Development Application [DA] being made by the proponent under Part 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act).

The purpose of this HAA is to assess the potential impact from the development on the significance of any archaeological values that may be present within or in the vicinity of the study area. The report will provide suitable management recommendations should impacts to archaeological values be anticipated.

## IDENTIFIED ARCHAEOLOGICAL VALUES

The Newcastle Archaeological Management Plan does not indicate that the study area is an area of archaeological potential or significance (Suters Architects 1997).

Investigations undertaken for this report demonstrates that the study area was extensively occupied from directly after the subdivision of the A.A Co.'s land in 1850 through to the 1970s. Darby's house stood on the north-eastern corner of his property, and over the years was used as a cordial factory, a hotel, a drapiers, and a condiment factory before being demolished to allow for the expansion of the art gallery in 1977. Other buildings are also known to have been present in the study area in the 1880s based on detailed plans of the site, including stables, 'field houses', and other such outbuildings. Where there is evidence of later 20<sup>th</sup> century cottages, which were demolished in the 1950s to make way for the cultural centre, it is likely that archaeological deposits relating to earlier buildings and occupational layers are still present within the site.

As such, parts of the study area have at least moderate archaeological potential to contain archaeological material which is assessed as being of local significance.

A search of the Aboriginal Heritage Information Management System Database regarding the property returned a result of no sites within at least 50m of the study area. Given the site's documented history of use and continuous development since European settlement, it is clear that this location qualifies as 'disturbed' land according to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010).

## PROPOSED WORKS

The project is primarily contained within the open space car park areas on the boundary of Darby Street and the south end of Queen Street and involves widespread disturbance including the excavation of a basement area within the south-east corner of the site and stormwater detention basin in the north-east corner. In addition, enabling works are to be undertaken in the surrounding pavement and road corridors which are to include excavation of services and mine grouting remediation works (Figure 8.1, Figure 8.2, and Figure 8.3). Features of the design include increased collection, storage and exhibition space, an education workshop, lecture theatre, gallery shop and café.

The proposed work includes alterations and additions to the existing Newcastle Art Gallery. The development application specifies the following works:

- Demolition of an existing structure on Darby Street, the cooling tower and some internal partitions
- Refurbishment of the existing gallery and associated facilities to link with the new gallery and exhibition space, new office reception, office and various storage areas
- Construction of a new eastern wing consisting of a café, amenities, gallery reception, education area gallery, courtyard and theatre at ground floor level and boardroom, gallery spaces and amenities at first floor level;
- Excavation of a stormwater detention basin in the north-eastern corner of the site;
- Construction of new car park spaces; and
- Excavation of services and undertaking of mine grouting as enabling works in areas outside of the footprint of the proposed building.

## STATEMENT OF SIGNIFICANCE

The site of the proposed extension and early works for the Newcastle Art Gallery has variable degrees of archaeological potential. There is greatest archaeological potential in areas outside of the footprint of the present art gallery, especially in areas which are now car parks, as historical methods of demolition would only remove free-standing structural elements and leave sub-surface footings and other deposits intact. As such, it is likely that while many occupational and yard deposits may have been adversely impacted, deeper features such as footings, wells and cesspits may have survived intact. If there are any archaeological deposits or features *in situ*, they will be of Local heritage significance.

## CONCLUSIONS

The Newcastle Archaeological Management Plan does not indicate that the study area is an area of archaeological potential or significance (Suters Architects 1997).

Investigations undertaken for this report demonstrates that the study area was extensively occupied from directly after the subdivision of the A.A Co.'s land in 1850 through to the 1970s. Darby's house stood on the north-eastern corner of his property, and over the years was used as a cordial factory, a hotel, a drapery, and a condiment factory before being demolished to allow for the expansion of the art gallery in 1977. Other buildings are also known to have been present in the study area in the 1880s based on detailed plans of the site, including stables, 'field houses', and other such outbuildings. Where there is evidence of later 20<sup>th</sup> century cottages, which were demolished in the 1950s to make way for the cultural centre, it is likely that archaeological deposits relating to earlier buildings and occupational layers are still present within the site.

As such, parts of the study area have at least moderate archaeological potential to contain archaeological material which is assessed as being of local significance.

A search of the Aboriginal Heritage Information Management System Database regarding the property returned a result of no sites within at least 50m of the study area. Given the site's documented history of use and continuous development since European settlement, it is clear that this location qualifies as 'disturbed' land according to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010).

## RECOMMENDATIONS

In order to mitigate against the harm documented in this assessment, it is recommended that:

- 1) Given that parts of the study area have been assessed as having moderate archaeological potential which may be impacted by the proposed works, an excavation permit is required under Section 140 of the NSW *Heritage Act 1977*.
- 2) An Archaeological Research Design, detailing any additional research required and the proposed methodology for undertaking archaeological investigations within the study area, is to be prepared and included as an addendum to this report when lodging the application for the Section 140 Excavation Permit. A suitably accredited archaeologist who is approved by Heritage NSW to oversee the excavation of sites of local significance will need to be nominated as Excavation Director.



- 3) To ensure that impacts to unknown heritage values are mitigated during construction, it is recommended that the contractor inductions include an unexpected finds protocol to ensure that archaeological relics not assessed or anticipated by this report are not impacted.
- 4) Should the proposed development be altered significantly from designs and specifications outlined in this report then a reassessment of heritage/archaeological impacts may be required. This includes any impacts not explicitly stated in Section 8.
- 5) A copy of this assessment should be lodged by the proponent in the local history section of the local library, and in the library maintained by the Heritage NSW.

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# 1. INTRODUCTION

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Austral Archaeology (Austral) has been commissioned by The City of Newcastle (the proponent) to undertake a Historical Archaeological Assessment (HAA), incorporating a Statement of Heritage Impact (SoHI) for the proposed redevelopment of the Newcastle Art Gallery, located at 1 Laman Street, Cooks Hill, New South Wales (NSW). This report will form part of a Development Application (DA) being made by the City of Newcastle under Part 4 of the *Environmental Planning and Assessment Act 1979* (EPA Act).

The study area consists of lots 7-17 and 29, DP1122031, Lot 1, DP63100, and Lot 1 DP516670 and adjacent road corridors. The study area is located within Newcastle CBD and the City of Newcastle Council Local Government Area (LGA).

The location of the study area is shown in Figure 1.1, Figure 1.2 and Figure 1.3.

## 1.1 METHODOLOGY

The methodology supporting this report involved a period of research to locate additional background material and to prepare a synthesis of the historical research to reflect better and understand the historical context of the study area.

The report is underpinned by the philosophy of the International Council on Monuments and Sites (ICOMOS) and the *Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance, 2013* (Burra Charter), the practices and guidelines of Heritage NSW and the requirements of the *Newcastle Local Environmental Plan 2012* (Newcastle LEP) and the *Newcastle Development Control Plan 2012* (Newcastle DCP).

## 1.2 ASSESSMENT OBJECTIVES

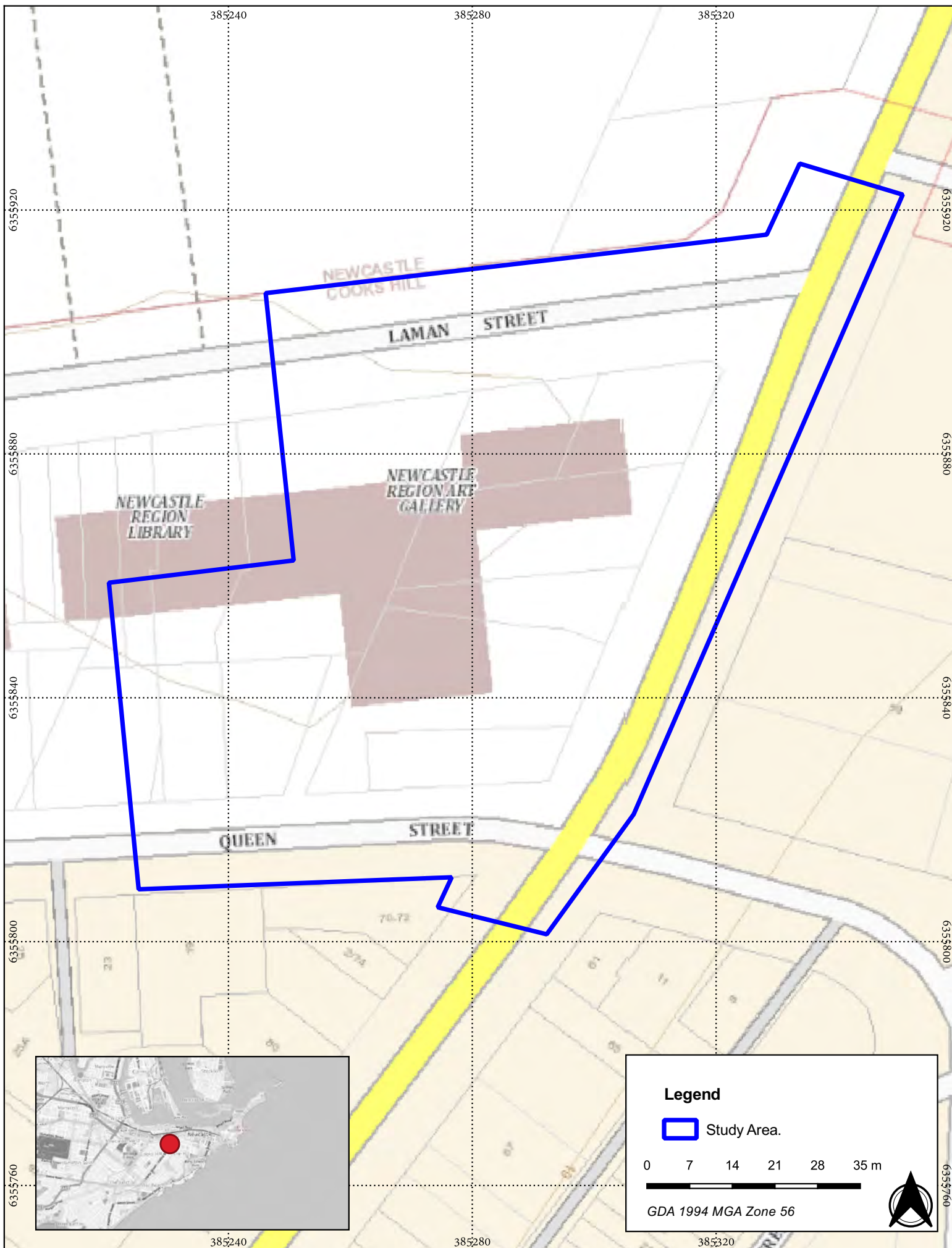
The purpose of this HAA is to assess the potential impact from the development on any potential archaeological resource that may be present within or in the vicinity of the study area. The report will provide suitable management recommendations should impacts to heritage values be anticipated.

The objectives of this report are to:

- Identify any potential historical archaeological values within or in the vicinity of the study area;
- Produce an archaeological predictive model and sensitivity map to guide any management decisions regarding the study area;
- Make a statement of significance regarding any historical heritage values that may be impacted by the proposed development;
- Assess the impact of the proposed works on any identified heritage values; and
- Make appropriate management and mitigation recommendations.

## 1.3 PROJECT TEAM AND ACKNOWLEDGEMENTS

The project team has been led by David Marcus (Director, Austral) who has managed the project and provided input into the assessment approach and management recommendations. The assessment was authored by Dominique Bezzina (Graduate Archaeologist, Austral) under the supervision of David Marcus. This report also incorporates sections originally written by Alan Hay in 2012 as part of an earlier HAA prepared for this project. Taylor Foster (Archaeologist, Austral) undertook the site inspection and authored Section 5 of this report. David Marcus (Director, Austral) reviewed the draft report for quality assurance and technical adequacy.



**Figure 1.1 - Location of the study area**

21121- Newcastle Art Gallery - HAA SoHI





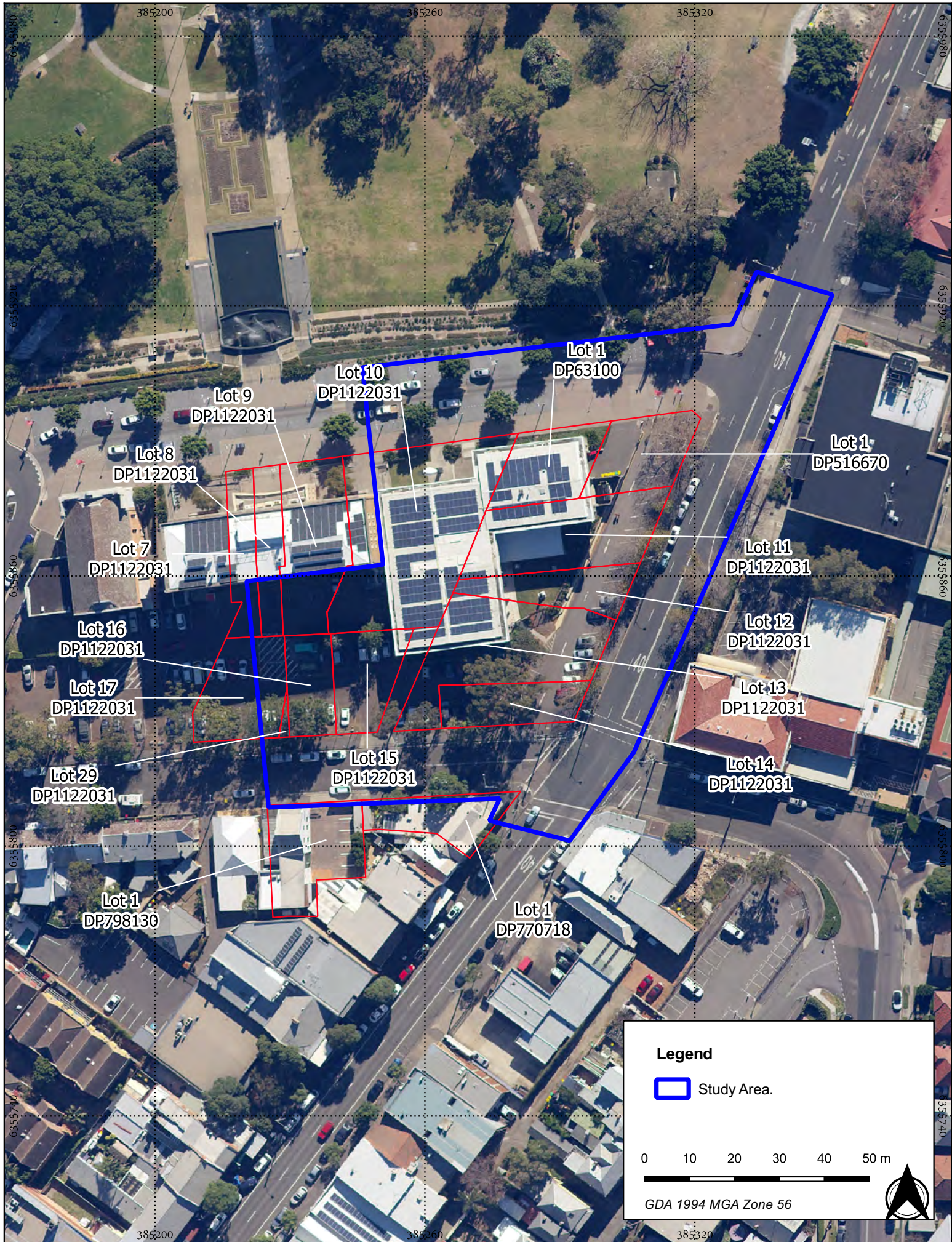


**Figure 2 - Detailed Aerial of the Study Area**

21121- Newcastle Art Gallery - HAA SoHI







**Figure 1.3 - Cadastral Boundaries within and surrounding the study area**

21121- Newcastle Art Gallery - HAA SoH





## 1.4 LIMITATIONS OF THE REPORT

This assessment includes an assessment of archaeological values to support the DA being made by the proponent. The report must be read in conjunction with the main DA as it refers to supporting documentation not included within this report.

The results, assessments and judgements contained in this report are constrained by the standard limitations of historical research and by the unpredictability inherent in archaeological zoning from the desktop. Whilst every effort has been made to gain insight to the historical values of the study area, Austral cannot be held accountable for errors or omissions arising from such constraining factors.

## 1.5 ABBREVIATIONS

The following are common abbreviations that are used within this report:

<b>A.A. Co.</b>	Australian Agricultural Company
<b>Burra Charter</b>	Burra Charter: Australia ICOMOS Charter for Places of Cultural Significance 2013
<b>CBD</b>	Central Business District
<b>CHL</b>	Commonwealth Heritage List
<b>DCP</b>	Development Control Plan
<b>EPA Act</b>	<i>Environmental Planning and Assessment Act 1979</i>
<b>EPBC Act</b>	<i>Environmental Protection and Biodiversity Act 1999</i>
<b>EPI</b>	Environmental Planning Instrument
<b>Heritage Act</b>	<i>NSW Heritage Act 1977</i>
<b>ICOMOS</b>	International Council on Monuments and Sites
<b>IHO</b>	Interim Heritage Order
<b>LEP</b>	Local Environmental Plan
<b>LGA</b>	Local Government Area
<b>Newcastle DCP</b>	<i>Newcastle Development Control Plan 2012</i>
<b>Newcastle LEP</b>	<i>Newcastle Local Environmental Plan 2012</i>
<b>NHL</b>	National Heritage List
<b>NPW Act</b>	<i>National Parks and Wildlife Act 1974</i>
<b>NWMCC</b>	Newcastle War Memorial Cultural Centre
<b>P.M.U Co.</b>	Pick-Me-Up Condiment Company
<b>RNE</b>	Register of the National Estate
<b>SHI</b>	State Heritage Inventory
<b>SHR</b>	State Heritage Register
<b>Study Area</b>	Newcastle Art Gallery at 1 Laman Street, Cooks Hill
<b>The Proponent</b>	The City of Newcastle



## 2. STATUTORY CONTEXT

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The following section summarises the relevant statutory context, including heritage listings, acts, and environmental planning instruments which are relevant to the study area and its cultural heritage.

### 2.1 ENVIRONMENTAL PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) established the Australian Heritage Council (formerly the Australian Heritage Commission) and provides for the protection of cultural heritage at a national level and items owned or managed by the Commonwealth. The EPBC Act has established two heritage registers:

- Commonwealth Heritage List (CHL): for significant items owned or managed by Commonwealth Government agencies;
- National Heritage List (NHL): for items assessed as being of national cultural significance.

A referral under the EPBC Act that is approved by the Australian Heritage Council is required for works to an item registered on either of these lists to ensure that the item's significance is not impacted upon.

**No part of the study area appears on either the CHL or the NHL.**

The Australian Heritage Council is also responsible for keeping the Register of the National Estate (RNE). In 2007 the RNE was frozen and no further sites were added to it. For Commonwealth properties, the RNE was superseded by the CHL and NHL lists. The RNE is now retained as an archive of information about more than 13,000 places throughout Australia.

**No part of the study area appears on the RNE.**

### 2.2 NSW HERITAGE ACT 1977

The Heritage Council is the approval authority under the *NSW Heritage Act 1977* (Heritage Act) for works to an item on the State Heritage Register (SHR). Section 57(1) of the Heritage Act identifies the need for Heritage Council approval if the work involves the following tasks:

- Demolishing the building or work;
- Damaging or despoiling the place, precinct or land, or any part of the place, precinct or land;
- Moving, damaging or destroying the relic or moveable object;
- Excavating any land for the purpose of exposing or moving the relic;
- Carrying out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct;
- Altering the building, work, relic or moveable object;
- Displaying any notice or advertisement on the place, building, work, relic, moveable object or land, or in the precinct; and
- Damaging or destroy any tree or other vegetation on or remove any tree or other vegetation from the place, precinct or land.

Demolition of an SHR item (in whole) is prohibited under the Heritage Act, unless the item constitutes a danger to its occupants or the public. A component of an SHR item may only be demolished if it does not contribute to the significance of the item.

Section 57(1) of the Heritage Act also applies to archaeological remains (such as relics) within an SHR site, and excavation can only proceed subject to approval of a Section 60 application by Heritage NSW.

**No part of the study area appears on the SHR.**

### **HERITAGE AND CONSERVATION REGISTER (SECTION 170 REGISTER)**

Under Section 170 of the Heritage Act, government instrumentalities must keep a Heritage and Conservation Register (a Section 170 Register) which contains items under the control or ownership of the agency, and which are, or could, be listed as heritage items (of State or local significance).

**No part of the study area appears on any Section 170 Heritage and Conservation registers.**

## **2.3 ENVIRONMENTAL PLANNING INSTRUMENTS**

An Environmental Planning Instrument (EPI) is made under the EPA Act. An EPI can be a Development Control Plan (DCP), Local Environmental Plan (LEP) or a State Environmental Planning Policy.

### **NEWCASTLE LOCAL ENVIRONMENTAL PLAN 2012**

The current LEP for the study area is the Newcastle LEP. Part 5.10 of the Newcastle LEP deals with heritage conservation, and subsections (2) and (3) determine whether development consent needs to be granted by the City of Newcastle Council before any activities occurring which may impact cultural heritage. Heritage items are listed under Schedule 5, Part 1 of the Newcastle LEP.

**Parts of the study area are within the curtilage of the listing for the 'Newcastle War Memorial Cultural Centre' [NWMCC](Item I87) on the Newcastle LEP. The study area is also within the curtilage of the 'Newcastle City Centre Heritage Conservation Area' (Item C4) and the adjacent Cooks Hill Heritage Conservation Area (Item C1), which are both listed on the Newcastle LEP.**

### **NEWCASTLE DEVELOPMENT CONTROL PLAN 2012**

The applicable DCP for the study area is the Newcastle DCP. The relevant parts of the Newcastle DCP for this assessment are primarily contained in Section 5.06, which manages potential to archaeology in regards to 'all development consisting of excavation or site disturbance'. Section 5.05 of the Newcastle DCP also requires all development in the vicinity of heritage items to enable archaeological sites to be conserved in accordance with relevant approvals.

**Consideration of the development in light of the Newcastle DCP is outlined in Section 8 of this HAA.**

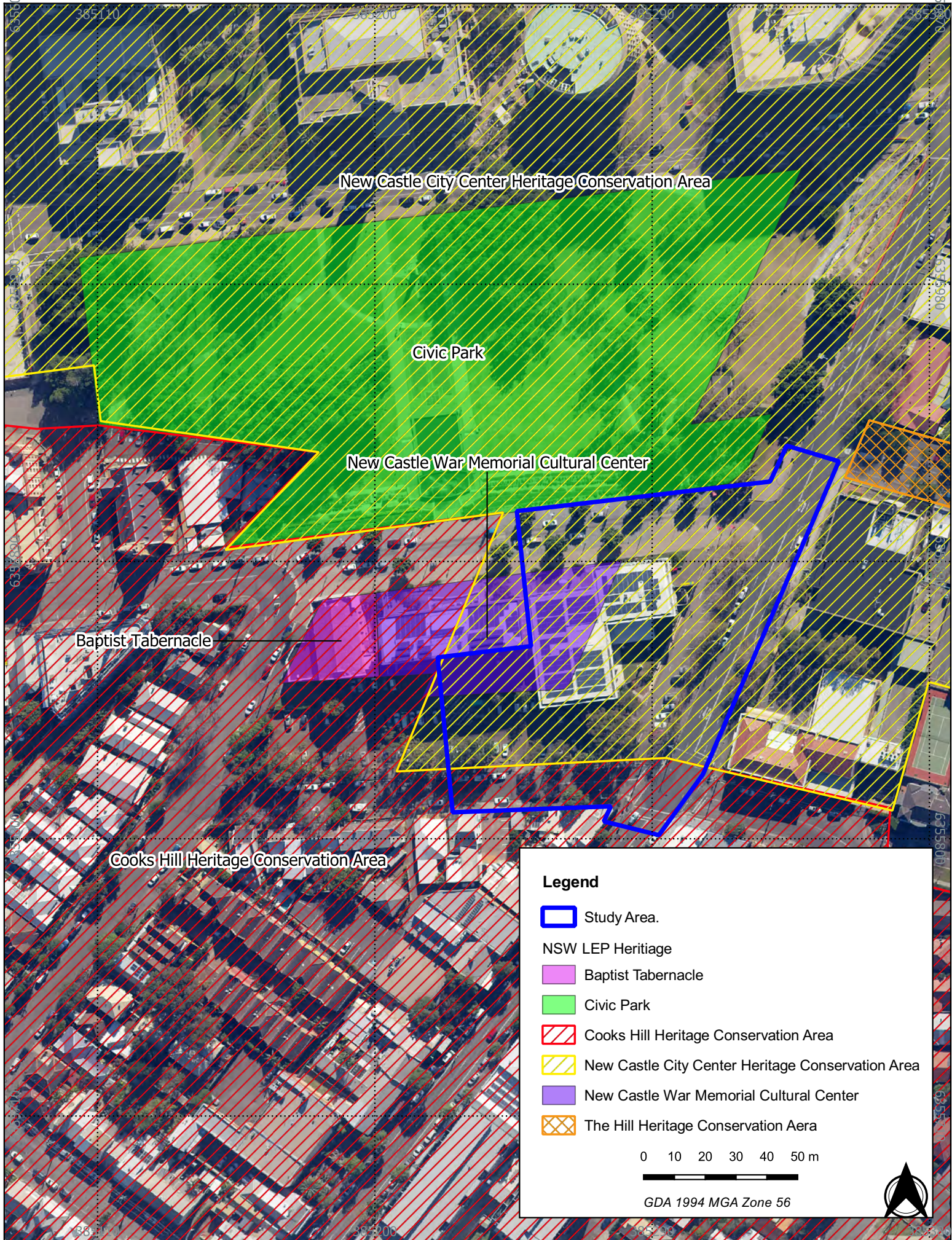
## **2.4 SUMMARY OF HERITAGE LISTINGS**

Table 2.1 lists the relevant statutory and non-statutory registers, listings and orders, and identifies those in which any part of the site is listed. The location of heritage items in relation to the study area are outlined in Figure 2.1.

**Table 2.1 Summary of heritage register listings for the subject study area**

Register/Listing	Inclusion	Statutory implications
NHL	No	No
CHL	No	No
RNE	No	No
SHR	No	No
Newcastle LEP	Yes	Yes
Newcastle DCP	Yes	Yes







## 3. HISTORICAL CONTEXT

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The following historical background is designed to contextualise a site-specific history which will aid in the understanding of the heritage values of the study area. This work will provide a useful and concise summary of the history of the study area.

### 3.1 HISTORY OF THE NEWCASTLE AREA

#### 3.1.1 *PRE-CONTACT ETHNOHISTORY*

The area that became Newcastle City is part of Awabakal Country, along with much of the coast around Newcastle (Brayshaw 1987, p.40). Prior to European colonisation, the verdant land at the mouth of the Hunter River supported a wide variety of flora and fauna that fitted within the economic, social and spiritual systems of the Awabakal People. The abundance of these resources in such a ready manner meant that the area was quickly targeted for colonisation by the arriving Europeans (Brayshaw 1987, p. 9).

Historical accounts indicate that the site around Newcastle was used for resource gathering, social, domestic and ritual activities (Brayshaw 1987, p.52). Early visitors to Newcastle reported large numbers of Awabakal people living around the area, although they were wary of contact with Europeans and kept their distance (Brayshaw 1987, p.52). With the increasing incursions of Europeans into their lands, a mounting toll was being taken on the Awabakal who could no longer avoid the waves of colonisation descending on the mouth of the Hunter River.

#### 3.1.2 *EARLY POST-CONTACT HISTORY*

Like elsewhere in NSW, the initial relationships between the Awabakal and the settlers varied greatly. The opportunities for the trade of material items were quickly utilised by the Awabakal and Newcastle became a centre of the exchange of goods. The Awabakal also assisted the Colonial authorities by employing their formidable tracking skills to locate escaped convicts and bushrangers. However, cooperative relationships often masked the trend of violent dispossession that was occurring around the Newcastle area; for instance, timber getting parties and small farmers often clashed with Awabakal people on the frontiers of the colony. The dispossession of the Awabakal accelerated towards the end of the 19<sup>th</sup> century when private enterprise drove colonial expansion further afield (The University of Newcastle 2002).

Alongside the toll taken on the Awabakal population by confrontation, there was also a severe impact on numbers through introduced European diseases. These factors combined to mean that there was little purchase within the City of Newcastle for the Awabakal to pursue their goals and traditions and the size of the Awabakal population around the mouth of the Hunter River dwindled (The University of Newcastle 2002). This trend was reversed during the 20<sup>th</sup> century with many traditional owners and Aboriginal people from other parts of the country moving back into the city of Newcastle (Howard-Wagner 2009, p.5).

#### 3.1.3 *DEVELOPMENT OF THE NEWCASTLE AREA*

The discovery of coal around the mouth of the Hunter River in 1797 marked the initial direction of European involvement in the Newcastle area (AHMS 2004, p.11). Along with timber, salt and lime, coal formed the main export of the small penal colony that was established at the mouth of the Hunter River from 1804 to 1822 (AHMS 2004, pp. 11-12). In the first half of the 1820s, Newcastle was opened to free settlement and came to be considered as an arena for commercial and industrial expansion (AMAC 2009, p.13).

With the opening up of Newcastle, a town grid was laid out by the government surveyor, which altered the existing townscape and paved the way for the arrival of free settlers (AMAC 2009, p.13). The large venture of the Australian Agricultural Company (A.A. Co.) was granted 200 acres to the east of the already inhabited areas of Newcastle and this slowed significant urban expansion (AMAC 2009, p.14).

The A.A. Co's efforts were focused on coal mining around this area (AMAC 2009, p.14). The impediment to urban expansion was removed in the 1850s when the A.A. Co. was able to subdivide and sell its land adjoining the existing settlement of Newcastle (AMAC 2009, p.13). This land sale led to an increase in the number of residential and commercial areas around the current city centre (AMAC 2009, p.14). The study area was to form part of this eventual subdivision and sale and it is with this event that it begins to assume a material character.

The City of Newcastle gradually assumed a commercial rather than an industrial character towards the end of the 19<sup>th</sup> century, with mining enterprises being pushed further towards the periphery (AMAC 2009, p.14). However, the opening of the BHP steelworks early in the 20<sup>th</sup> century meant that Newcastle still retained some of its industrial character despite its increasing focus on commerce and culture (AMAC 2009, p.14).

## 3.2 THE NEWCASTLE CIVIC HISTORICAL BACKGROUND

The following section seeks to document the known development history of the site.

### 3.2.1 THE AUSTRALIAN AGRICULTURAL COMPANY'S ORIGINAL GRANT

The current Newcastle Art Gallery is situated in the suburb of Cooks Hill. Originally part of the A.A. Co.'s 2000-acre grant, Cooks Hill has a close association with the early years of this historic organisation. The A.A. Co., which was one of the largest landowners in Australia, did not subdivide any of its land holdings for several decades. This constrained development of Cooks Hill until the 1860s (Figure 3.1).

When land sales did occur, development was particularly rapid along Lake Macquarie Road (now Darby Street) and also eventually Blane Street (now Hunter Street), which became extensions of the city's main streets. The houses in Cooks Hill were not of the same high quality as those in other suburbs such as The Hill, nevertheless hotels and retailing flourished, along with the population. The streetscape and character of the area was heavily influenced by the policies of the A.A. Co. (State Heritage Inventory 2008, p.1).

Prior to the A.A. Co.'s land grant, the land around the study area remained undeveloped by European colonists. The initial objective of the A.A. Co. was to produce wool in NSW but it was also given the responsibility of sourcing coal for the East India Company steamships as part of a move to privatisation by the British Government (Umwelt Environmental Consultants 2016, p.20). After finding it difficult to acquire land around Sydney, the A.A. Co. pursued land around Newcastle that had previously been assessed as a possible coal bearing area. Fortuitously, land they were given contained large amounts of coal (AMAC 2009, p.13). This land was situated immediately to the west of the government town of Newcastle that had been laid out earlier in the decade (Hunter 2002, p. 7). The A.A. Co. was given a monopoly on coal mining in the Newcastle area for a period of 30 years following the commencement of their land grant. Their structures, which spread throughout this area, represent the first phases of European settlement around the Civic Centre (Hunter 2002, p.7).

Within the bounds of this grant, the A.A. Co. built the first railway in Australia, which led from their coal mine to Newcastle Harbour, and undertook foundry activities, such as the reconditioning and maintenance of steam engines, on a scale not seen before in this country (AHMS 2004, p.13; AMAC 2009, p.13). Alongside technological advancements, the A.A. Co. brought social and economic benefits to Newcastle that were to shape the future of the town, and the landscape upon which it rested, for decades.

The effect of the A.A. Co.'s land grant around Newcastle both increased the population of the town and obversely, limited the physical growth of the city itself (AHMS 2004, p.14). The year 1847 saw the A.A. Co. exchange its coal mining monopoly in Newcastle for the right to sell its property in this area and in 1850 the company began to draw up plans for subdivision (GML Heritage 2006, p.8, Hunter 2002, p.10).

After the surveying for subdivision was completed, the Company adopted a policy of periodic releases of land for auction followed by negotiation for sale if not sold at auction. This maximised the A.A. Co.'s land assets (Suters Architects 1996, p.30). By the early 20<sup>th</sup> century, the Company was selling its remaining residential plots of land in the Newcastle and Hamilton area.

The suburbs of Cooks Hill and Hamilton were the result of subdivision of 2 of the A.A. Co.'s coalmines. Pre-subdivision of the land for sale, the first houses in Cooks Hill were a row of collier's huts located near present day Brooks Street. The official land sales in Cooks Hill began in 1854, when many lots were sold in Darby Street, with the final property release in Cooks Hill commencing in 1912 (Suters Architects 1996, p.30) [Figure 3.2].

On either sides of Darby Street, land sales were predominantly to miners and other A.A Co. employees, however, along Blane Street (later Hunter Street West) the lots were sold and bought at higher prices (approximately inflated by 50%) by business and tradesmen including butchers, shoemakers and publicans. This formula of land sales proved to be lucrative for the A.A Co. and acceptable to Novocastrians, and therefore became the regular pattern for land sales in surrounding areas. Darby Street, particularly, was also favoured by hoteliers (State Heritage Inventory 2008, p.21).

Initially, the government encouraged religious groups to occupy land by granting sites for churches in the original township, however, those arriving after the government's grant to the A.A Co. were required to negotiate their sites from the proprietor. In 1856, the AA Co. donated the site and funding for the construction of St John's Church and school in Darby Street, however the kindness shown in the 1850's was not subsequently repeated and other churches seeking sites were instead offered reduced prices and not free land (Suters Architects 1997, p.59).

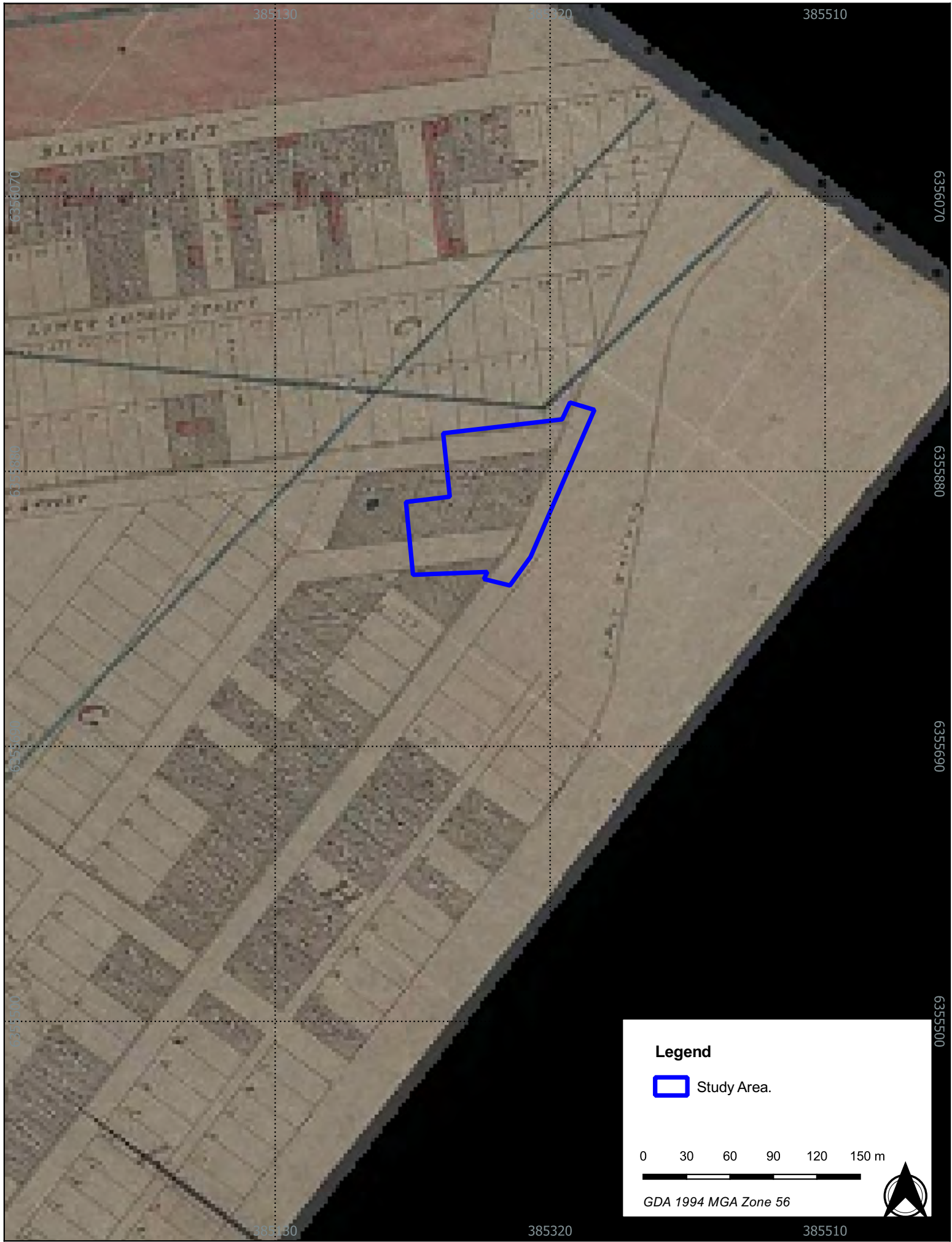
By the end of the 19<sup>th</sup> century, Cooks Hill had developed the character of a worker's village, with a few areas of public buildings such as schools and churches, basic shops, and local pubs to service its populace. Consequently, the area's current architecture and townscape were based upon modest dwellings on small blocks of land. A prime example of this is the Darby Street Commercial Precinct buildings, which are unassuming in scale, almost entirely one or 2-storeys high, with 2-storey structures being the most common (Suters Architects 1997, p.6).

The subdivision of the AA Co.'s grant after 1853 led to its use for a variety of industrial, commercial and residential developments. Significantly, there are a considerable number of surviving buildings (generally post-1860's) that are related to the emergence of the area as a regional capital. Newcastle remains, to this day, a substantially intact 19<sup>th</sup> century city, with significant and well-preserved examples of Victorian and Edwardian industrial and commercial buildings. This area of preserved buildings expresses the changes to the city and its community since the city's development.

The long history of occupation at Cooks Hill and the greater region of Newcastle reflect the foundation of the third oldest urban centre in NSW. This long duration of occupation is also reflected in the living community with links to pioneering settlers and families (Suters Architects 1997, p.47). For this reason, the Newcastle Civic Centre is anticipated to contain archaeology from a wide variety of earlier and more diverse land uses.

It is important to note that while most buildings in the Cooks Hill Conservation Area are usually not of adequate heritage significance to be individually listed, together they demonstrate a consistency of scale, style or other features, which collectively is worthy of protection (City of Newcastle 2012a).





**Figure 3.1 - 1850s plan showing the study area in relation to the original plan for subdivision of the A.A.C**

21121- Newcastle Art Gallery - HAA SoHI

Source: NSW LPI Aerial

Drawn by: ARH Date: 2021-09-27



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Figure 3.2 1875 depiction of Newcastle. To the right of the picture is Cooks Hill (source <http://www.flickr.com/photos/uon/6048381898/sizes/sq/in/photostream/>).

### 3.2.2 *DOMESTICITY, INDUSTRY AND COMMERCE*

From the middle of the 1850s to the 1870s the character of the Civic Centre tended towards a mixture of commercial, residential and industrial properties (Hunter 2002, p.11). This included a number of stately homes, the Black Diamond Hotel, some small shops, storehouses and a sawmill and foundry (Hunter 2002, pp.11-18). The land was taken up gradually by monied individuals (Hunter 2002, pp.11-18). The main focus of construction was along Hunter and King streets, with the back of the properties being left relatively open (Hunter 2002, p.19). This trend was emphasised without substantial difference in quality but a general increase in quantity throughout the late 19<sup>th</sup> century.

During the 1850s, coal mining began on the Burwood Estate to the south of Newcastle and with parliamentary intervention, the owners of the coal mine were able to build a railway line across parts of the A.A. Co.'s estate (Hunter 2002, p.10). This was the first tramway in the colony to which the public had access (Hunter 2002, p.10). The land around this line was resumed between 1889 and 1893 and Burwood Street was created (Hunter 2002, p.18).

The 1870s and 1880s saw a boom in construction around Newcastle spurred by the expansion of industry and the influence of rail (GML Heritage 2006, p.7). Within the Civic Precinct area this was reflected in the construction of numerous houses, commercial buildings and cultural items. The year 1890 saw the construction of both the Baptist Tabernacle and Presbyterian Church (Hunter 2002, p.22-24). Office buildings and restaurants had also started to appear in the area by the end of the 19<sup>th</sup> century (Hunter 2002, p.21).

### 3.2.3 *PHASE 2 – CULTURE, CIVIC CONSCIOUSNESS AND MUNICIPALITY*

The land within the Civic Centre was increasingly the site of office blocks and other commercial enterprises during the 1930s (Hunter 2002, p.37). In 1957, the Cultural Centre was completed, including an art gallery, conservatorium of music and a library, facing on to Civic Park (Hunter 2002, p.40). Under the direction of the Newcastle City Council, the Civic Centre has developed into a vibrant and central hub of a thriving community.

The Newcastle Art Gallery is situated on the southern side of the Civic Park in the suburb of Cooks Hill that is predominantly a residential area. As a suburb, it contains buildings that represent all of the architectural phases of Newcastle's history (State Heritage Inventory 2008, p.2). Cooks Hill is characterised by streetscapes containing houses and terraces dating from the 1860s through to the late 20<sup>th</sup> century. There are worker's cottages, 2 and 3-storey terrace houses, detached and attached houses and post-war infill. Owing to the small size of the allotments sold by the A.A Co. and the extended period in which they were developed, the streetscapes are very eclectic in character (State Heritage Inventory 2008, p.3).

### 3.3 THE NEWCASTLE ART GALLERY HISTORICAL BACKGROUND

#### 3.3.1 PHASE 0 - EARLY NEWCASTLE AND THE A.A COMPANY 1823 – 1849

Before the 1830s, the landscape of the current site and what was later known as ‘Cooks Hill’ was described as “...terra incognita...except to Aborigines or escaped convicts” by Newcastle local Mr John Bingle (*Australian Town and Country Journal*, 21 April, 1877, p.23). Henry Dangar surveyed the western boundary of Newcastle in 1823 and the 2,000 acre (810 hectare) land grant issued to the A.A Co., along with the right to mine coal without competition for 30 years, was issued in 1828 (Hunter 2002, p.7).

From 1828 onwards, construction associated with the A.A Co. is relatively well recorded in and around the study area. The A.A Co. opened mines in the suburb of Hamilton in the 1840s. A railway was constructed, with the track crossing close to the study area across Civic Park and Darby Street, to transport the coal from the mines to the harbour (Figure 3.1).

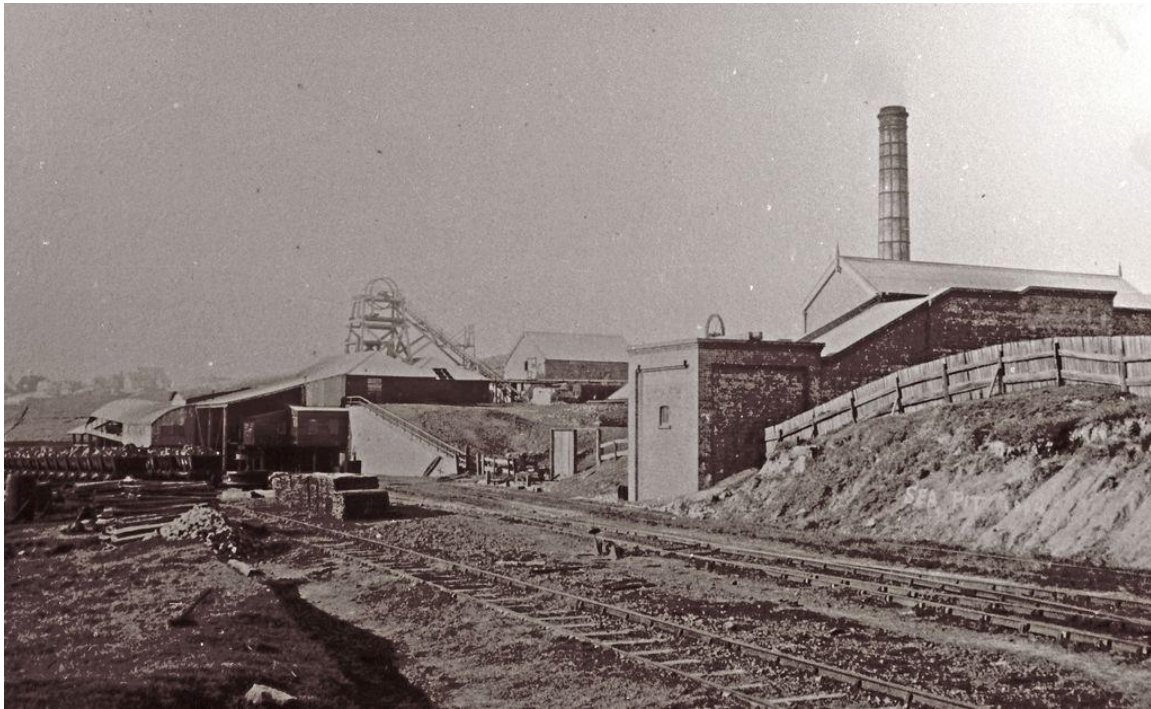
#### 3.3.2 PHASE 1 - EARLY SUBDIVISIONS AND ESTABLISHMENTS 1849 – 1877

Development of Cooks Hill was constrained until the 1860s. Despite this, there is historical evidence of industrial buildings and mining huts being constructed on the A.A Co. land prior to subdivision. Figure 3.3 depicts the land directly east of the study area and gives an accurate indication of the landscape, railway and possible residential structures in the vicinity of the study area before subdivision.

In preparation for land sales, planning for the subdivision of the A.A Co.’s land began in the late 1840s to early 1850s (GML Heritage 2006, p.8). The A.A Co.’s chief surveyor Charles Darby allocated himself the first plot of land on the north-facing block on the corner of Laman and Darby streets (Figure 3.4 and Figure 3.5).

Mr Darby lived in his 2-storey house for some time before it was purchased by AF Moore and utilised as a cordial factory (Hunter 2002, p.12). The property was renovated, including with the addition of a front hall and awning and was leased as the Volunteer Hotel in 1877 (Hunter 2002, p.12).





**Figure 3.3** Photograph showing the A.A. Co.'s Sea Pit located in Cooks Hill 1887. This picture shows the landscape and industrial infrastructure in Cooks Hill on land directly to the east of the study area (source <http://www.flickr.com/photos/uon/6>).

### 3.3.3 PHASE 2 - A CASE OF TREASURE FOUND - 1877

In 1877, the *Australian Town and Country Journal* reported that a builder by the name of Mr Peter Street, who had been commissioned to build the Volunteer Hotel on the corner of Laman and Darby streets, Cooks Hill, decided to sink a well between the small house that he was occupying at the southern end of the block and the back of the hotel at the northern end of the block. By great luck, just 18 inches (450 millimetres) below the surface, he happened upon a stash of coins.

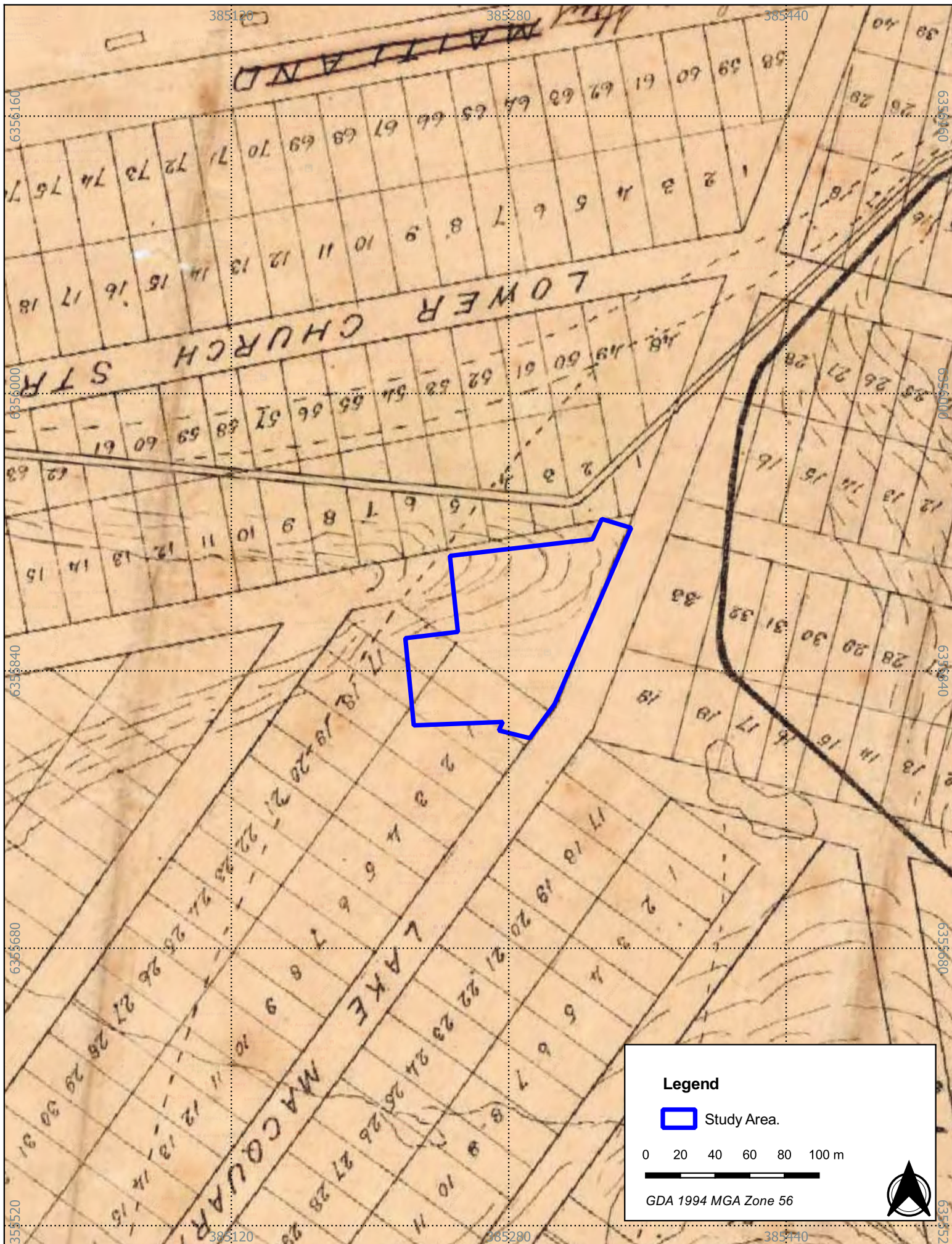
Approximately 400 to 500 copper coins and 60 to 70 silver coins were discovered. They had been wrapped up in some form of cloth, which was still distinguishable, and the smaller silver coins were found in a small chest carved in the shape of a shoe. Other finds included clay marbles and "...the brass ramrod receiver of an old-fashioned pistol" (*Australian Town and Country Journal*, 21 April, 1877, p.23). The coins varied between pennies from 1797 and half-pence and farthings from 1825 but also included Spanish dollars in original form and 11 that had been converted into "holey" dollars, the earliest of which dated to 1751. There were also 3 English shillings dated at 1817 and 1820, and some Indian coins found in the loot, and it was reported that there were also about a dozen silver pieces the size of a sixpence, but much thicker. These were identified as a rudimentary early currency of the colony.

An analysis of the bullion was sought at the time of the discovery and the findings were as follows:



*After the foregoing particulars had been obtained, enlightenment on certain points was sought from Mr John Bingle, the chronicler of Newcastle, and whose experience reaches so far back as 1821. That gentleman expressed opinion that the coins had probably been hidden near fifty years ago in the days when Cook's Hill was terra incognita, except to Aborigines and escaped convicts. The presence of such a variety of silver coins he explained by the fact that in the early days of the colony British silver currency was so scarce that any description of silver coin, from the Spanish dollar downwards, was counted current, and had recognised colonial value. The pierced or "holey" dollars and the fifteen-penny pieces, Mr. Bingle showed to have had connection with one another. The whole dollar counted for five shillings, and it was the most useful coin in use at the time, but it was found impossible to keep a sufficient supply in the colony, and the Governor of the day devised the expedient of altering the dollars so that their currency should be peculiar to the colony. This was brought about by stamping out the centre of, and adding the impress New South Wales to, the original coin; and it then counted only three shillings and nine pence value; but the finish of a very ingenious idea was to strike fresh the pieces cut out, so that they represented fifteen pence, or one-fourth of a dollar-the pierced dollar and its complement of course reckoning five shillings, the value of the original coin (Australian Town and Country Journal, 21 April 1877, p.23).*





**Figure 3.4 Topographic plan showing the original proposed allotments on Laman and lower Church Street for sale or lease by the A.A. Company in 1855.**

21121- Newcastle Art Gallery - HAA SoHI

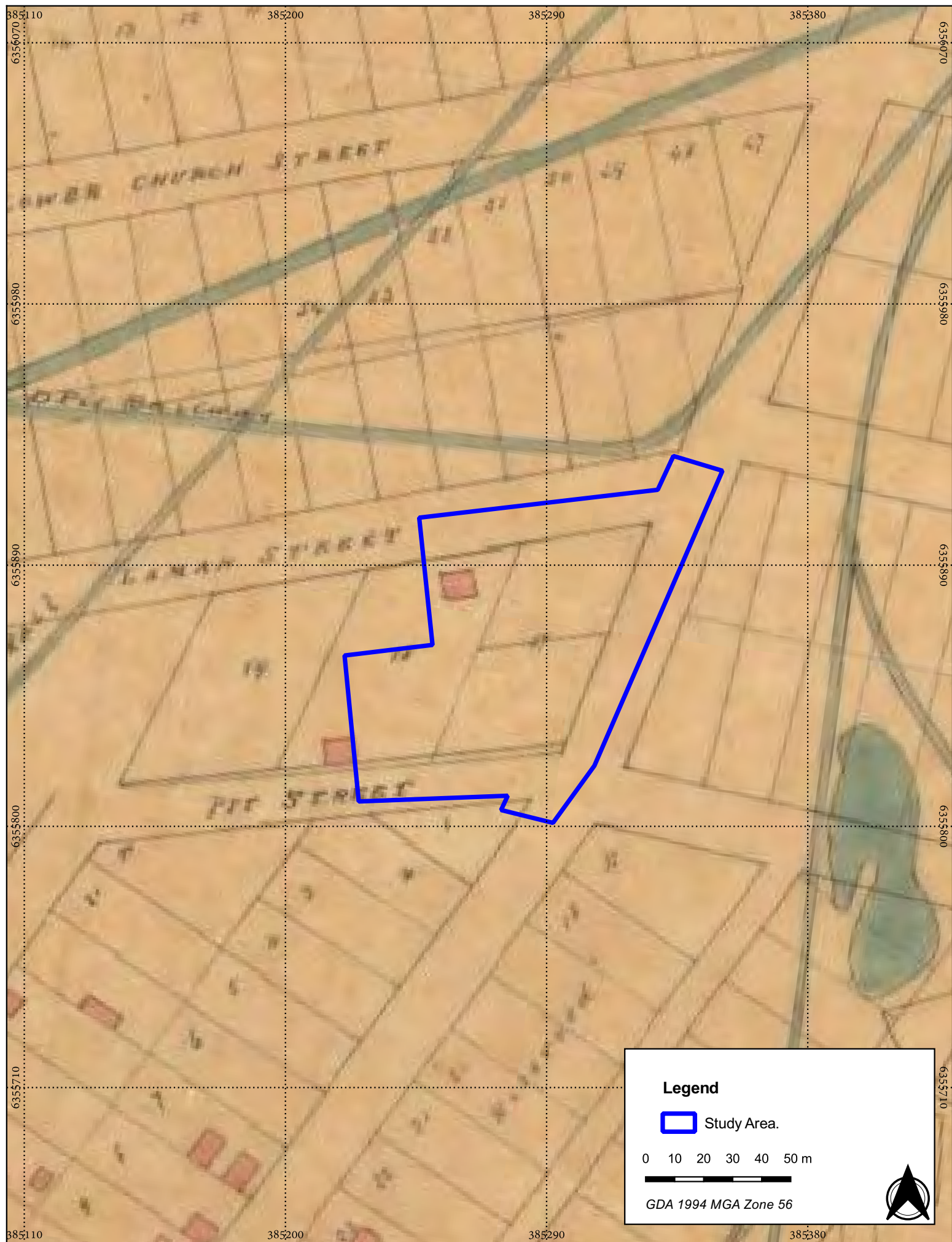
Source: [www.flickr.com/photos/uon/5906259701/lightbox/](http://www.flickr.com/photos/uon/5906259701/lightbox/)

Drawn by: ARH Date: 2021-09-28



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**Figure 3.5 1850 -1870 plan showing the current study area in relation to the early subdivisions.**

21121- Newcastle Art Gallery - HAA SoHI

Source: Newcastle State Library

Drawn by: ARH Date: 2021-09-29



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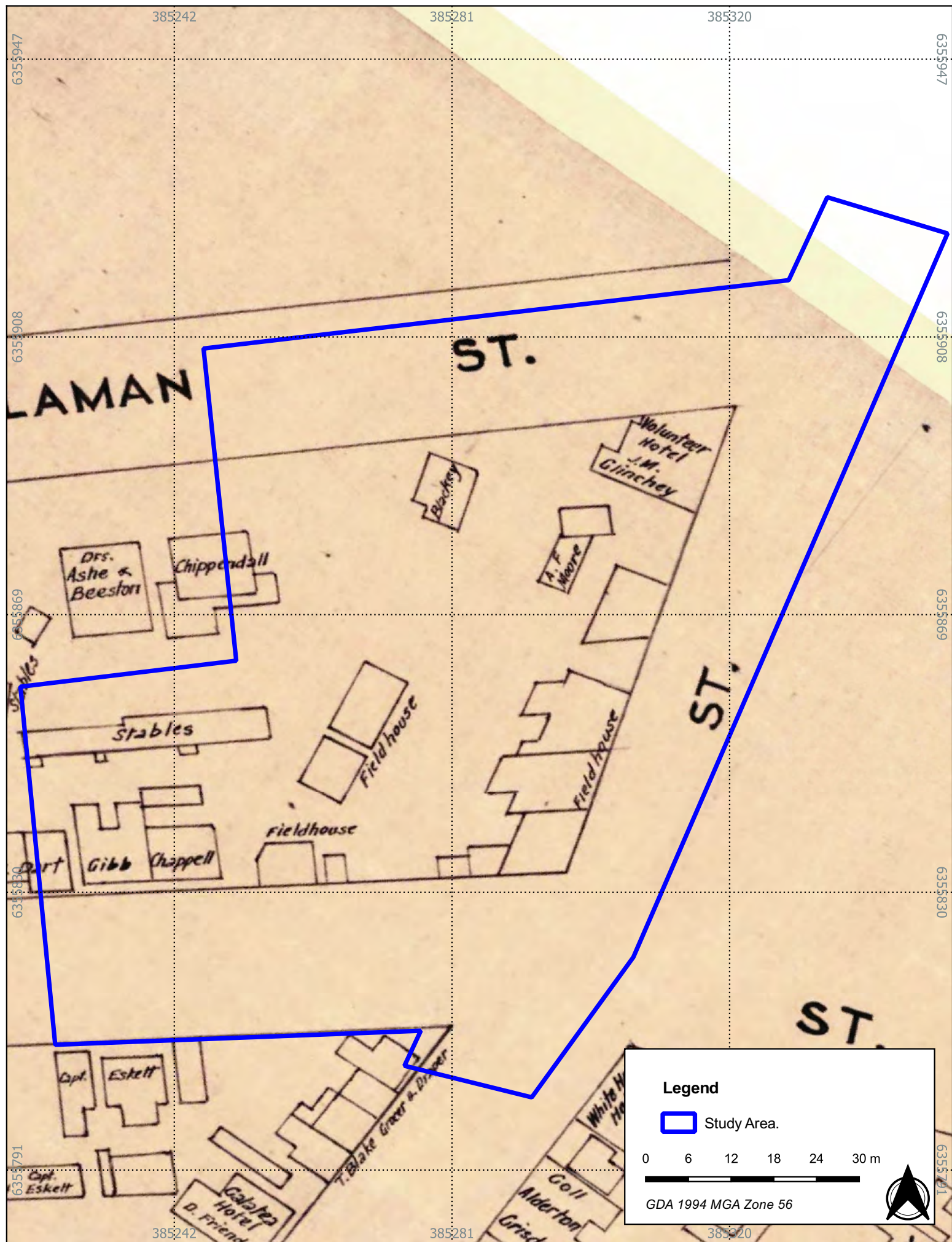


#### 3.3.4 PHASE 3 - 1 LAMAN STREET 1877 – 1940

After AF Moore sold the Volunteer Hotel, there are several people listed as proprietors, the first being JM Glinchy, as seen in Figure 3.6. At some point after this, the hotel was then run by Mr Henry Giles, who went into voluntary receivership in 1882, whereafter it was taken over by Mr PJ Thorley.

Thorley was interested in keeping racehorses and placed an advertisement in the *Maitland Mercury and Hunter River General Advertiser* in 1884 stating that he rented buggies and horses to the public from the property. Another advertisement in that paper in the same year mentions him training racehorses and keeping them on his property, which would have required some form of stable facilities. Figure 3.6 also shows a number of 'field houses' and 'stables' on the property. These could be related to Mr Darby's previous property, the cordial factory, storage for the hotel, or even the 'small home' lived in by Mr Peter Street. The hotel was owned by Thorley for over a decade and was sold in 1908 to a Mr Oliver O Hillier.

Hillier converted the Volunteer Hotel into a successful drapery store (Figure 3.8). However, around 1916 the store was bought by Pick-Me-Up Condiment Company (P.M.U Co.) and was either used as a small factory for the company or as offices. It was owned by P.M.U Co. right up until it was purchased for demolition in 1975 to make way for the Newcastle Art Gallery. Douglas Partners also mention historical evidence that Barnard Electro-Plating Company had facilities on the southern-end of the property bounded by Darby and Queen streets (City of Newcastle 2012b) .

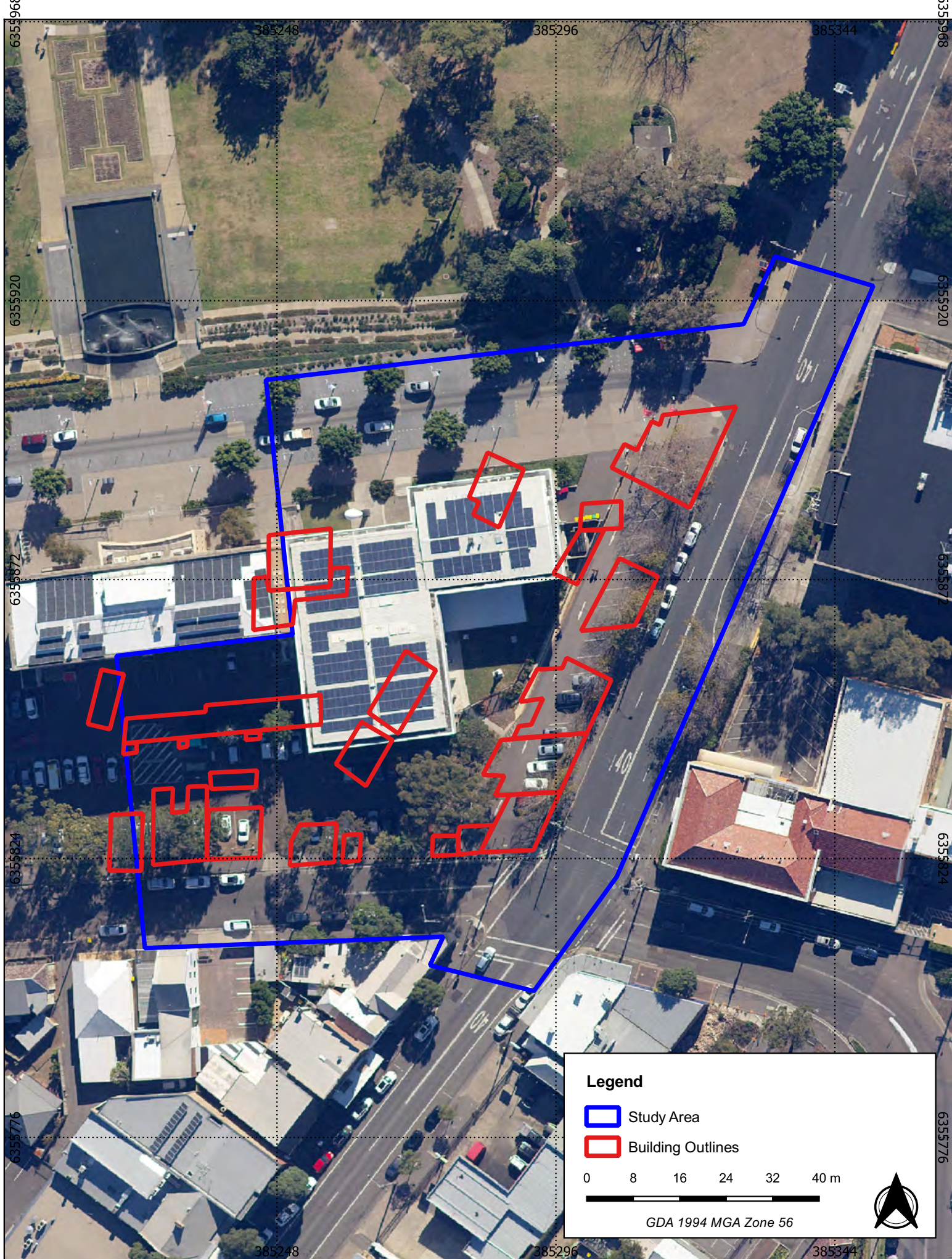


**Figure 3.4 1886 Detailed plan showing the Volunteer Hotel owned by J.M Glinchey.**

21121- Newcastle Art Gallery - HAA SoHI







**Figure 3.7 - Location of structures and buildings from 1886 plan in relation to the study area**

21121- Newcastle Art Gallery - HAA SoHI

Source: NSW LPI Aerial

Drawn by: ARH Date: 2021-09-29



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### 3.3.5 PHASE 4 - ACQUISITION, DEMOLITION AND CONSTRUCTION 1940 - PRESENT

In the allotment directly to the west of the Volunteer Hotel, historical images show 2 properties developing over time. The first was a freestanding house and the other was a 2-storey terrace (Figure 3.7). Records of the subdivision of Charles Darby's original property vary considerably; however, Figure 3.7 depicts the most consistent representation of the subdivision over time.

There was some controversy surrounding the acquisition of the land that currently houses the NWMCC and the Newcastle Art Gallery, as there was a housing and building material shortage in Newcastle after WWII. The acquisition of the land to build the cultural centre meant the displacement of a number of residents due to the proposed demolition of 2 detached cottages, a pair of semi-detached cottages, and a terrace of 3, 2-storey houses (see red arrows in Figure 3.7) [Suters Architects 1996]. Images of 3 of the properties can be seen in Figure 3.9 and Figure 3.10. Comparison of Figure 3.7 with Figure 3.9 and Figure 3.10 reveal that the rear of the cottage in Figure 3.10 and the associated buildings at the rear of the cottage lie within the current study area.

The majority of the land in the current study area was purchased in 1950 by the Newcastle City Council in preparation for the development of the Newcastle Art Gallery (see black arrows in Figure 3.7).

The NWMCC was opened in October 1957. The Newcastle City Art Gallery also opened in 1957 on the second floor of the War Memorial Cultural Centre, which is adjacent to the gallery's current home. At the time, the NWMCC also housed the city's Public Library, Art Gallery and Conservatorium of Music. Figure 3.11 shows the completed NWMCC building and the allotments that were later demolished to construct the Newcastle Art Gallery still with original structures in place.

It was not until 1975 that Charles Darby's house in its final incarnation as the 'P.M.U Premises' (Hunter 2002) was demolished to make way for the construction of the Newcastle Art Gallery (Figure 3.12). The gallery opened its doors in 1977.



**Figure 3.8** Oliver Hillier's drapery shop.

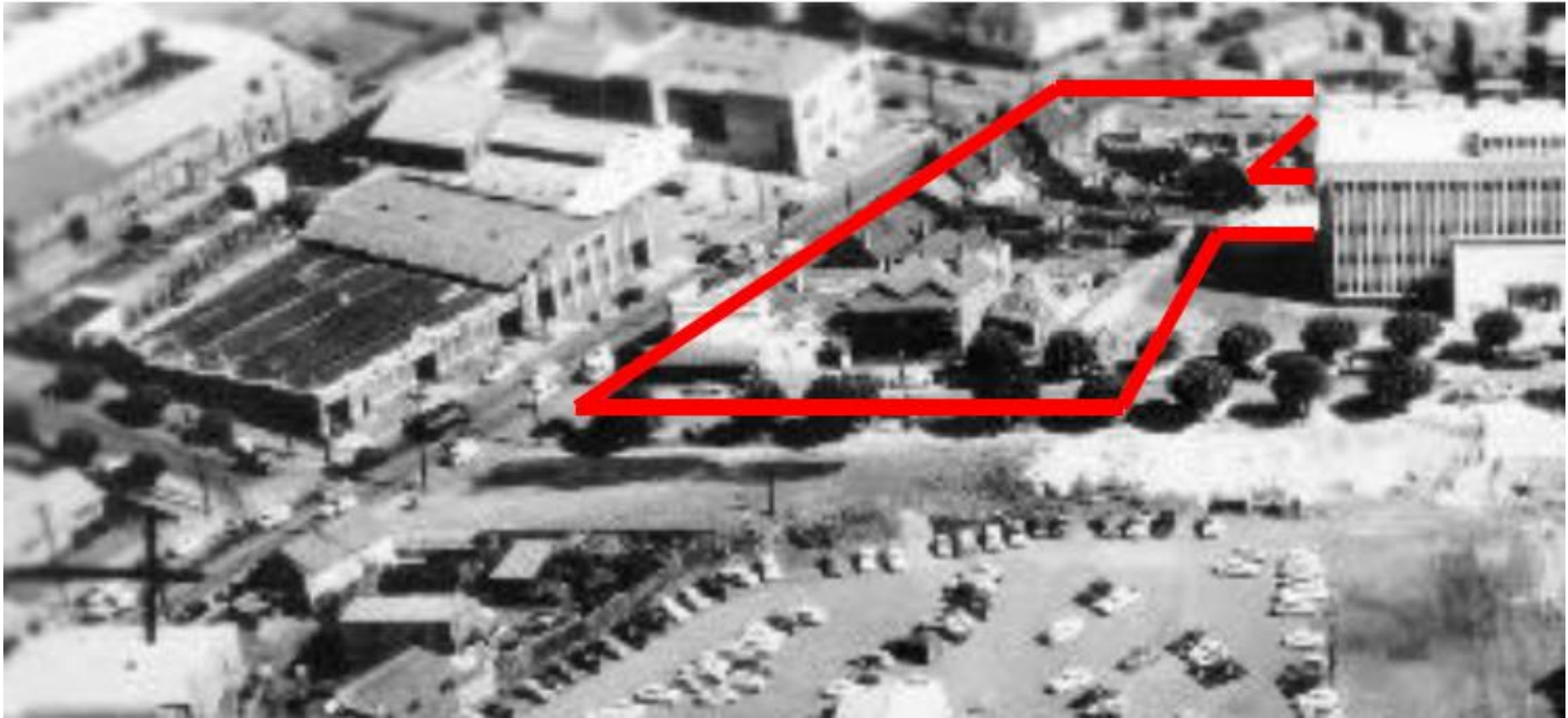


**Figure 3.9** 1949 photograph of 2 properties on Laman Street demolished to make way for the construction of the NWMCC (Source: *The Newcastle Morning Herald* 26/05/1949).



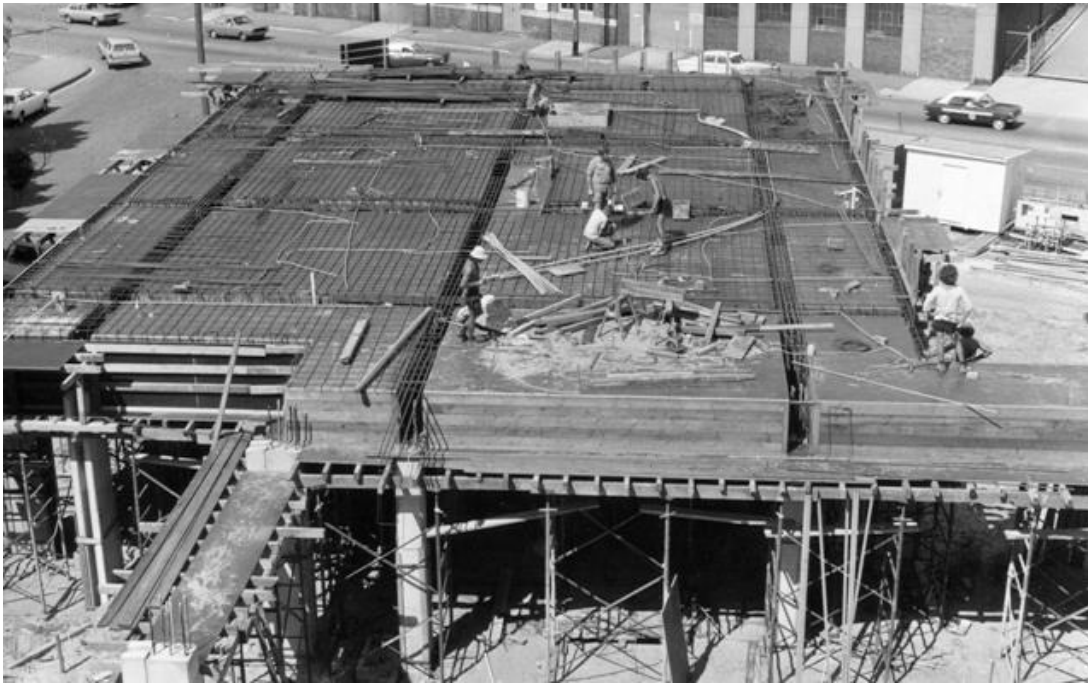


**Figure 3.10** 1949 photo of cottage that was demolished to make way for the construction of the NWMCC (source: *Newcastle Morning Herald* 26/05/1).



**Figure 3.11** Detail from an aerial photograph of the completed NWMCC before the construction of the Newcastle Art Gallery. c. 1960. Red outline delineates approximate location of current study area (source <http://collections.ncc.nsw.gov.au>).





**Figure 3.12** 1976 photograph of the construction of the Newcastle Art Gallery (source <http://collections.ncc.nsw.gov.au/keemu/pages/nrm/Display.php?irn=61962>).

### 3.4 CHRONOLOGY OF THE STUDY AREA

Based on the historical background presented, it is possible to summarise the chronology of the study area. This is presented in Table 3.1.

**Table 3.1 Summary of chronological events relating to the study area**

Phase	Summary	Date range
Phase 0	The A. A. Co is given a land grant of 2,000 acres (810 hectare) in 1823 and the right to mine coal in 1828 in the area now known as Cooks Hill. The company opens coal mines in Hamilton, and a railway is installed in connection across Civic Park and Darby Street to facilitate transportation of coal from the mine to the harbour.	1823-1849
Phase 1	A.A Co. begins the subdivision of the Cooks Hill area, with the first block of land being allocated to Charles Darby, the company's chief surveyor.	1849-1877
Phase 2	A stash of 400-500 copper coins dating between 1825-1875 is discovered by Mr Peter Street during who was commissioned to build the Volunteer Hotel on the corner of Laman and Darby Street. They were identified as early currency used by the colony.	1877
Phase 3	After changing hands multiple times during this phase, the Volunteer Hotel is converted into a drapery store by Mr Oliver O Hillier. In 1916, the store is bought by Pick-Me-Up Condiment Company and used either as a small factory or for offices. It was finally purchased for demolition in 1975 to make way for the Newcastle Art Gallery.	1877-1940
Phase 4	The NWMCC is opened in October of 1957 along with the Newcastle City Art Gallery, located on its second floor. The NWMCC also hosted the Public Library and Conservatorium at the time. In 1975, Charles Darby's house is demolished to make way for the current Newcastle Art Gallery	1940- Present

## 4. PREDICTIVE STATEMENTS

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An assessment of archaeological potential usually considers the historic sequence of occupation in comparison to the structures that are currently extant, as well as the impact that the more recent constructions and works would have had on the earlier occupation phases and, as such, the likely intactness of the archaeological resource. This, in turn, is tied in with the extent to which a site may contribute knowledge not available from other sources to current themes in historical archaeology and related disciplines.

Regarding the assessment of the study area, the archaeological potential depends upon the anticipated likelihood for the survival of buried structural fabric and cultural deposits as well as an estimation of archaeological integrity. Structural fabric refers to what is generally regarded as building or civil engineering remnants. Cultural deposits refer to archaeological deposits, i.e. deposited sediments containing artefacts *et cetera*.

Having analysed the historical evidence in the previous chapters, the following section presents a summary of the potential for a physical archaeological resource to be present in the study area, that is, its archaeological sensitivity/potential.

The following predictive model draws on the areas of known archaeological sensitivity. As a general rule of archaeology, sites first redeveloped in either the 19<sup>th</sup> or early 20<sup>th</sup> century can also retain evidence of occupation from previous periods. It is also widespread that such evidence can be recovered even when sites have been redeveloped or disturbed by modern construction activity.

The areas of archaeological sensitivity demarcated in Figure 6.1, and elaborated on above, are described below in the form of an archaeological predictive model.

Consistently, sites first redeveloped in either the nineteenth or early twentieth century also retain evidence from older periods. It is also very common that such evidence may be recovered when sites are redeveloped or disturbed by modern developments. Based on the detailed background history, the following predictive statements can be made:

- There is a moderate likelihood of structural materials being present within the majority of the study area that relate to a deposit earlier than the Newcastle Art Gallery
- A number of both substantial and ephemeral buildings were located directly in the study area from the 1850s to 1950s
- There is a moderate likelihood that 1850s to 1950s structures are preserved in a narrow strip that will be excavated along the north-eastern side of the study area where Charles Darby's property was located
- There is a moderate likelihood that 1850s to 1900s structures are preserved in the western half of the study area as seen in Figure 6.1.
- In the northern end of the study area any deposits bearing archaeological material prior to the construction of the Newcastle Art Gallery are likely to have been disturbed by the construction of the gallery but still may be present.
- In the southern end of the study area, deposits bearing archaeological material prior to the construction of the Newcastle Art Gallery are likely to have been significantly disturbed by the construction of later residences, but still may be present.
- There is a moderate likelihood that deeper features such as cesspits or wells may exist in the study area.



## 5. SITE INSPECTION

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The site inspection was conducted by Taylor Foster (Archaeologist, Austral) on 23 September 2021. The survey was undertaken on foot, with specific attention paid to the archaeological potential of the art gallery and landforms within the study area.

The inspection began within the southern end of the study area, along Queen Street and the art gallery parking lot (Figure 5.1). The study area is within a relatively flat landform and has been heavily modified. Queen Street is a bitumen road running east-west along the northern frontage of the study area (Figure 5.2). Buildings are situated to the east of the street, and the bitumen gallery parking lot and the gallery itself are directly north. Garden beds are located between the parking lot and the street and within the beds are broken pieces of red brick (Figure 5.3) and cement slabs are evident. The garden beds contain young trees and shrubbery.

Continuing east, Queen Street adjoins Darby Street (Figure 5.4). Commercial use buildings are situated along Darby Street directly east and south of the study area. The parking lot continues around the east side of the art gallery, west of Darby Street. Garden beds also line the footpath between the street and the gallery. Red brick was again identified within these garden areas, as well as the remnants of wooden posts (Figure 5.5) that appear to match those within the gallery parking lot in the south-east.

The northern portion of the study area, along Laman street and directly north of the art gallery, is also heavily modified (Figure 5.6 and Figure 5.7). Within this area of the inspection, particular attention was paid to the gallery surrounds. Civic Park and the associated war memorial are located directly north of the study area (Figure 5.8). The Park is a popular location and offers views of the gallery, the city hall and associated tower and of the surrounding churches. The land within this northern portion of the study area has been heavily modified due to the construction of the art gallery and the park. While the park offers vantage point of surrounding historic items, such as the historic city hall, these will not be obscured by the modifications made to the art gallery, located to the south (Figure 5.9).

Due to the high levels of modification within the footprint of the art gallery, it has been assessed as having low archaeological potential. The remainder of the study area is relatively flat and only slightly raised above the level of the surrounding roads. As such, it is likely that all archaeological remains relating to occupational deposits except structural footings, postholes, wells, cesspits and other deep features are likely to have been heavily impacted. Nonetheless, the lack of subsequent development in much of the study area following the demolition of buildings means that parts of the study area contain at least moderate archaeological potential.



**Figure 5.1** North facing view of study area, taken from the south of Queen Street.



**Figure 5.2** North-east facing view of study area, taken from the south corner of Queen Street and Darby Street.





**Figure 5.3** Photograph of red brick, within east-west running garden bed north of Queen Street.



**Figure 5.4** South facing view of study area, taken from the corner of Darby Street and Laman Street.





**Figure 5.5** Photograph of wooden post, within the north-south running garden bed west of Darby Street.



**Figure 5.6** South-west facing view of study area, showing the front of the art gallery, taken from the corner of Darby Street and Laman Street.





**Figure 5.7** East facing view of study area, showing the front of the art gallery, taken from Laman Street.



**Figure 5.8** North facing view of Civic Park, towards the historic city hall, taken from the northern portion of the study area.





**Figure 5.9** South facing view of the study area, showing existing view of the art gallery from Civic Park.



## 6. HISTORICAL LAND USE MAPPING

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### 6.1 HISTORICAL LAND USE

In summary it can be seen that over the period from the 1850s to post 1940s, the study area has contained a number of structures. The historical research indicates that the north-eastern corner of the study area hosted a structure built directly after the subdivision of the A.A Co,'s land in 1850. This building was demolished for the construction of the Newcastle Art Gallery in the mid-1950s, however, sub-surface features such as cesspits, wells and cellars may still be extant.

The structures on the south and south eastern sections of the study area are less well documented in the historic record. There is evidence of multiple semi-permanent small structures such as field houses and stables documented on plans such as Figure 3.5 and Figure 3.6. A number of more permanent, residential structures located within the study area can be seen however, in Figure 3.11. The most recent structure to be recorded in the southern section of the study area is the Barnard Electro-Plating Company. The construction of the company buildings would have damaged, if not completely removed any previous historical material. Subsequently, it is likely that construction of the Newcastle Art Gallery in 1975 would have greatly disturbed, if not completely removed, any sub-surface features associated with the electro-plating company.

The houses in Figure 3.6 and Figure 3.7 are excellent historical evidence depicting what types of archaeological features would be likely to be found in the western section of the site. Whilst it is only a portion of the back of the cottage in Figure 3.10 that falls within the study area, the architecture represented in the three houses is indicative of the variety of possible sub-surface remains across the site. Figure 3.6 and Figure 3.7 also depict a structure existing within the current study area from the second half of the 19<sup>th</sup> century through till 1947.

### 6.2 ARCHAEOLOGICAL SENSITIVITY MAPPING

The results of Section 4 are depicted in an archaeological sensitivity map below (Figure 6.1). The figure shows the degree of predicted archaeological potential within the study area following site development and forms the basis for the conclusions and management recommendations outlined in Section 9. However, one key point to note is that potential is not equal to significance, and areas of even moderate or high archaeological potential may not actually contain archaeological material which is considered significant (see Section 7).





**Figure 6.1 - Summary of archaeological sensitivity**

21121- Newcastle Art Gallery - HAA SoHI

Source: NSW LPI Aerial

Drawn by: ARH Date: 2021-09-29



**AUSTRAL**  
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## 7. ASSESSMENT OF SIGNIFICANCE

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An assessment of cultural significance seeks to establish the importance that a place has to the community. The concept of cultural significance is intrinsically tied to the fabric of the place, its history, setting and its relationship to other items in its surrounds and the response it evokes from the community.

The assessment of cultural significance with respect to archaeological sites can present difficulties because the nature and extent of the "relics" are often indeterminate and value judgements therefore need to be made based on potential attributes. The element of judgement can be greatly reduced by historical or other research, as has been completed for the current study. Archaeological deposits and features provide important evidence of the history and settlement of New South Wales. These heritage items may include deposits containing material culture (artefacts) that can be analysed to yield information regarding early urban development that is unavailable from other sources. Archaeological investigations can reveal much about technology, industry, past economic and social conditions and people's lives.

Sites that contain these elements therefore have scientific value that may be of considerable significance when analysed in association with documentary evidence. It is through this potential to reveal information about the past use of a place that archaeological sites have heritage significance.

### 7.1 BASIS FOR ASSESSMENT

The Burra Charter of Australia ICOMOS was formulated in 1979 (revised 1999 and 2013) [Australia ICOMOS 2013], based largely on the Venice Charter (for International Heritage) of 1966. The Burra Charter is the standard adopted by most heritage practitioners in Australia. The Charter divides significance into four categories for the purpose of assessment. They are: Aesthetic, Historical, Scientific/Technical, and Social significance.

The Heritage Council of NSW has established a set of seven criteria to be used in assessing cultural heritage significance in NSW, and specific guidelines have been produced to assist archaeologists in assessing significance for subsurface deposits (Heritage Council of New South Wales 2009; NSW Heritage Office 2001). The Heritage Council's criteria incorporate those of the Burra Charter, but are expanded to include rarity, representative value, and associative value.

In order to determine the significance of a historical site, the Heritage Council have determined that the following seven criteria are to be considered (NSW Heritage Office 2001):

- **Criterion (a):** an item is important in the course, or pattern, of NSW's cultural or natural history (or the local area);
- **Criterion (b):** an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the local area);
- **Criterion (c):** an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
- **Criterion (d):** an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (or the local area);
- **Criterion (e):** an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the local area);
- **Criterion (f):** an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the local area); and
- **Criterion (g):** an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (or the local area).



These criteria were designed for use on known or built heritage items, where above ground heritage is both tangible and easily identified. Due to the nature of archaeology being that it is invisible until disturbed, the presence and attributes of archaeological material must be assumed based on the recorded levels of disturbance, known site history and the creation of predictive statements. Ultimately, the actual presence of archaeological material can only ever be framed in terms of the potential for it to be present. The following assessment therefore deals with the built and archaeological potential within the study area in a consolidated manner.

## 7.2 LEVELS OF SIGNIFICANCE

The Heritage Act allows for the protection of heritage items of State or local significance. The levels of significance can be defined as:

- Items of State significance are of special interest in a State context. They form an irreplaceable part of the environmental heritage of NSW and must have some connection of association to the State.
- Items of local significance are of special interest to the LGA. They important to the local community and often form an important part of the local identity. Collectively, such items reflect the cultural or natural history of the given area.

## 7.3 SIGNIFICANCE ASSESSMENT

The following section addresses the significance of the potential archaeological resource under the criteria adopted in the Heritage Council's significance guidelines for archaeological deposits (Heritage Council of New South Wales 2009, pp.11–13), using selected questions from the guidelines.

### ARCHAEOLOGICAL RESEARCH POTENTIAL (NSW HERITAGE CRITERION E)

- ***What is the ability of the archaeological evidence to provide information about a site that could not be derived from any other source and which contributes to the archaeological significance of that site?***

Archaeological remains relating to the various residences and businesses known to be present within the study area are likely to provide information that contributes to the significance of the site, relating to the internal layout of the buildings, their function, and potentially details relating to their occupants or patrons. While the location of the buildings are presumed from the various maps plans of the study area that exist, these images do not show associated features which are of equal interest to archaeologists such as wells, cesspits, and yard delineations. The study area therefore offers the opportunity to examine a wide range of building types within a limited area.

As such, the study area satisfies NSW Heritage Criterion (e) at a local level in this regard.

### ASSOCIATIONS WITH INDIVIDUALS, EVENTS OR GROUPS OF HISTORICAL IMPORTANCE (NSW HERITAGE CRITERIA A, B AND D)

- ***Do the archaeological remains have particular associations with individuals, groups and events which may transform mundane places or objects into significant items through the association with important historical occurrences?***

The study area is linked to Charles Darby, the chief surveyor of the A.A. Co. who used his position to allocate himself a prime plot of land in the original subdivision of Cooks Hill in the 1850s. Darby built a house on the corner of his property which stood until the 1970s, and his significance to the local area is reflected in the eponymous name of Darby Road, which forms the eastern part of the study area. However, despite Darby's house being intact for over 100 years, it underwent significant changes through its life, being used a cordial factory, a long-standing hotel, as a drapiers and ultimately as part of a condiment factory. As such, apart from any structural evidence relating to the house itself, it is unlikely that the wider archaeological remains will have any form of association with Darby.

The individuals who occupied the remainder of the site are largely unknown and not considered of historic significance. Therefore, it is unlikely that any archaeological remains present within the study area are associated with significant individuals, groups or events, and that the archaeological material likely to be encountered is mundane in nature.

As such, it is considered that any archaeological material likely to be present in the study area does not satisfy NSW Heritage Criteria (a), (b) and (d) at a local level.

#### **AESTHETIC OR TECHNICAL SIGNIFICANCE (NSW HERITAGE CRITERION C)**

- ***Will an archaeological excavation reveal highly intact and legible remains in the form of aesthetically attractive artefacts, aged and worn fabric and remnant structures, which may allow both professionals and the community to connect with the past through tangible physical evidence?***

There exists potential for study area to contain archaeological remains and artefacts which may be intact and could be considered aesthetically attractive. Both structural evidence and associated artefacts from its occupation would be of direct interest to professionals and could be used for public interpretation of the history of the site.

The ability for archaeological material to be of interest to the wider community is solely dependent on the level of preservation of the built elements which may survive. However, it is considered that any intact archaeological material is likely to demonstrate an easily understood, tangible connection to the past, providing a contextual view of the study area.

It is considered that the site would provide material which would be of interest to the local community as well as professionals, and therefore satisfies NSW Heritage Criteria (c) in this regard at the local level.

#### **ABILITY TO DEMONSTRATE THE PAST THROUGH ARCHAEOLOGICAL REMAINS (NSW HERITAGE CRITERIA A, C, F AND G)**

- ***Do the archaeological remains have an ability to demonstrate how a site was used, what processes occurred, how work was undertaken and the scale of an industrial practice or other historic occupation.***

The archaeological remains present within the study area are likely to provide large amounts of information on the function of the various buildings, including the specific functions of separate rooms. Understanding of these functions will require a detailed analysis of the artefactual remains but should help demonstrate the activities undertaken within the buildings. However, in the event that cesspits or rubbish pits are identified, this will improve the level of detail regarding how the site was used.

It is considered that the study area meets NSW Heritage Criteria (a), (c), (f) and (g) in this regard at a local level.

## **7.4 STATEMENT OF SIGNIFICANCE**

The site of the proposed extension and early works for the Newcastle Art Gallery has variable degrees of archaeological potential. There is greatest archaeological potential in areas outside of the footprint of the present art gallery, especially in areas which are now carparks, as historical methods of demolition would only remove free-standing structural elements and leave sub-surface footings and other deposits intact. As such, it is likely that while many occupational and yard deposits may have been adversely impacted, deeper features such as footings, wells and cesspits may have survived intact. If there are any archaeological deposits or features *in situ*, they will be of Local heritage significance.

As such, the archaeological resource within the study area is considered to meet the Heritage Significance Criteria (a), (c), (e), (f) and (g) at the local level.



## 8. STATEMENT OF HERITAGE IMPACT

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The purpose of this section is to present a comprehensive assessment of the impacts to the identified archaeological values associated with the study area from the proposed works.

### 8.1 PROPOSED WORKS

The project is primarily contained within the open space car park areas on the boundary of Darby Street and the south end of Queen Street and involves widespread disturbance including the excavation of a basement area within the south-east corner of the site and the excavation of a stormwater drain in the north-eastern corner. In addition, enabling works are to be undertaken in the surrounding pavement and road corridors which are to include excavation of services and mine grouting remediation works. (Figure 8.1, Figure 8.2, and Figure 8.3). Features of the design include increased collection, storage and exhibition space, an education workshop, lecture theatre, gallery shop and café.

The proposed work includes alterations and additions to the existing Newcastle Art Gallery. The development application specifies the following works:

- Demolition of an existing structure on Darby Street, the cooling tower and some internal partitions
- Refurbishment of the existing gallery and associated facilities to link with the new gallery and exhibition space, new office reception, office and various storage areas
- Excavation of a stormwater detention basin in the north-eastern corner of the site.
- Construction of a new eastern wing consisting of a café, amenities, gallery reception, education area gallery, courtyard and theatre at ground floor level and boardroom, gallery spaces and amenities at first floor level;
- Construction of new car park spaces; and
- Excavation of services and undertaking of mine grouting as enabling works in areas outside of the footprint of the proposed building.

### 8.2 ASSESSED IMPACTS

There will be some impact across the majority of the ground surface in the eastern half of the study area (Figure 8.1, Figure 8.2, and Figure 8.3). There will also be some localised disturbance from the insertion of footings in these areas that will not exceed a depth of 2 metres and the insertion of concrete piles to an approximate depth of 10 metres. In addition to this there will be grouting below the surface as a requirement of the Mines Subsidence Board and other enabling works including re-routing of existing services.

There will be broad but relatively shallow impact throughout all the eastern sections of the study area with the exception of the basement area and stormwater detention basin, which will be considerably deeper. This will affect areas of archaeological potential (Figure 6.1). The 'open space' areas marked on Figure 8.1, will also have ground surface impact, however, the disturbance to these areas is not considered to greatly affect sub-surface materials. There will also be considerable amounts of impact to localised areas throughout the site as a result of pile driving and grouting to stabilise the building and subsurface profile.

### 8.3 PREDICTED IMPACT ON THE POTENTIAL ARCHAEOLOGICAL RESOURCE

The following section provides an assessment of each element of the proposed works and whether the task has potential to impact on the identified archaeological resource.

#### PREDICTED IMPACTS WITH POTENTIAL TO HARM THE ARCHAEOLOGICAL RESOURCE

Excavation of the basement area, construction of the extension along the eastern edge of the study area and any enabling works in areas of archaeological potential are assessed as having the highest degree of archaeological impact.

## PREDICTED IMPACTS WITH LIMITED EFFECT ON THE ARCHAEOLOGICAL RESOURCE

Construction of the new car park areas are assessed as having a lesser degree of impact to archaeological material.

### 8.4 CONSIDERATION OF HERITAGE VALUES IN THE DESIGN PROCESS

The following questions are taken from the Heritage Division's guidelines to preparing statements of heritage impact (Heritage Office and Department of Urban Affairs & Planning 1996).

#### WHAT ASPECTS OF THE PROPOSAL RESPECT OR ENHANCE THE HERITAGE SIGNIFICANCE OF THE STUDY AREA?

There is a low to moderate likelihood of any archaeological deposits or features being present and if there is they will be of Local significance and low research potential. As such it is not possible for the proposed development to respect or enhance that significance. It is considered that an extension to the Art Gallery, an important cultural institution in Newcastle, will contribute to the local heritage significance of the Newcastle City Centre Heritage Conservation Area.

#### WHAT ASPECTS OF THE PROPOSAL COULD HAVE A DETRIMENTAL EFFECT ON THE HERITAGE SIGNIFICANCE OF THE STUDY AREA?

The study area is considered at best to have Local archaeological heritage significance and low research potential. If there are any archaeological deposits or features, they would be damaged or completely removed by the proposed development.

#### HAVE MORE SYMPATHETIC OPTIONS BEEN CONSIDERED AND DISCOUNTED?

Other options have not been considered as the site has only low research potential. As any archaeological deposits or features will be of Local significance and low research potential, investigation of other options was not required.

### NEWCASTLE DCP

Section 5.06 of the Newcastle DCP requires that developments consisting of excavation or site disturbance consider impacts to potential archaeological deposits. The Newcastle DCP outlines a series of controls that must be met by to ensure that archaeological sites are considered during the DA process. The development is assessed against these matters in Table 8.1.

**Table 8.1 Assessment against Wollongong DCP Chapter E11 Section 4 matters**

Control	Assessment
(A) Establish potential archaeological significance and location of archaeological sites or potential archaeological sites during the design process.	The study area is not listed as a heritage item on the <i>Newcastle Archaeological Management Plan</i> (Suters Architects 1997). The location of potential archaeological material is addressed in Figure 6.1, and the Significance of potential archaeological is addressed in Section 7 of this assessment.
(A2) Assess archaeological significance of the potential or known archaeological site during the design development process.	This assessment builds on the results of a prior assessment which was used to inform the design process (Austral Archaeology Pty Ltd 2012).
(B1 + C1) Adhere to the recommendations of any archaeological assessment or preliminary archaeological assessment.	The proponent will need to implement the management recommendations outlined in Section 9 of this assessment in order meet this requirement.
(B2) Manage archaeological sites in accordance with the requirements of the [Heritage Act].	Implementing the management recommendations outlined in Section 9 of this assessment will meet this requirement.



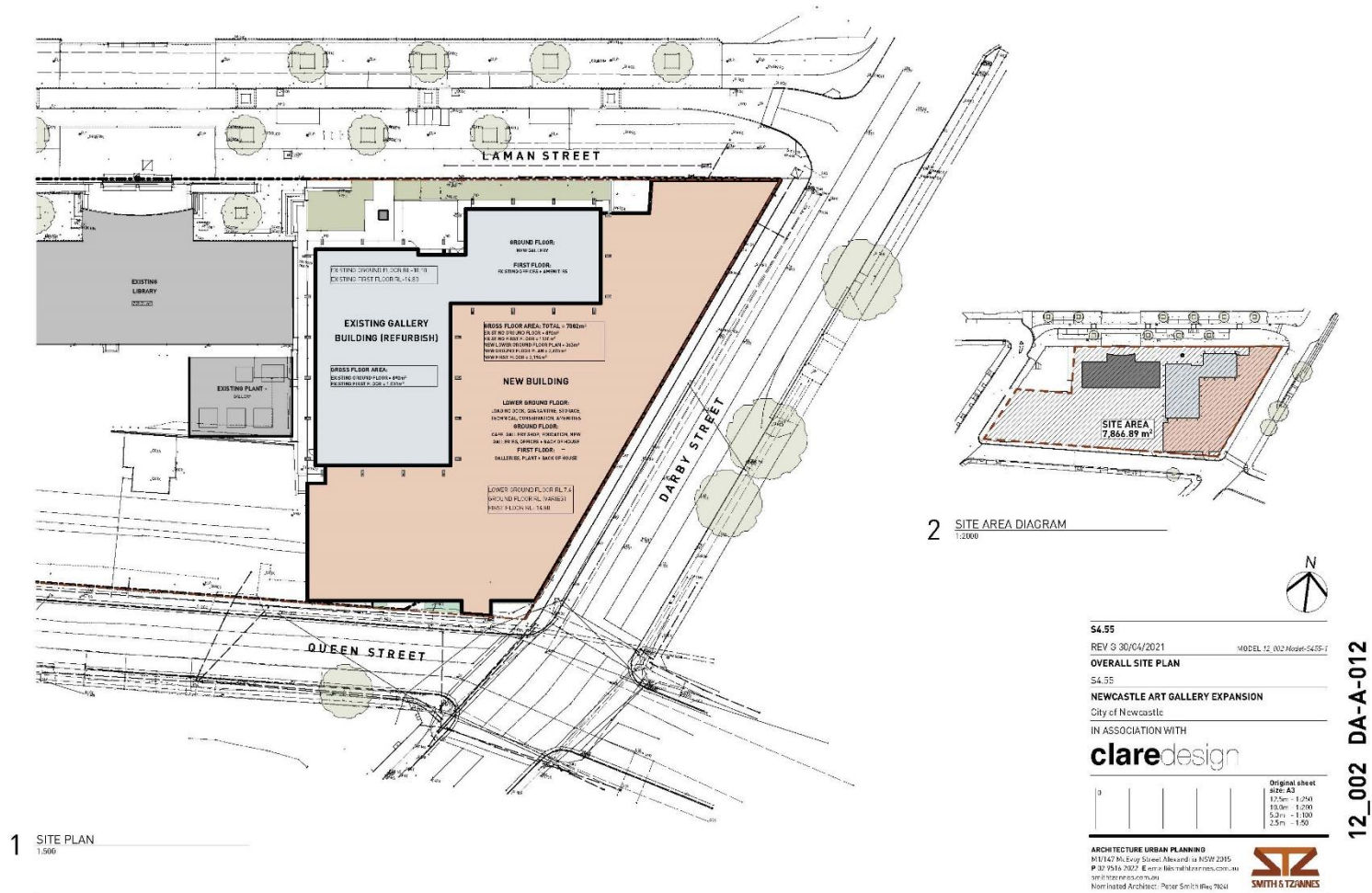
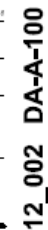


Figure 8.1 Site plan showing the location of the areas affected by new building proposed for development



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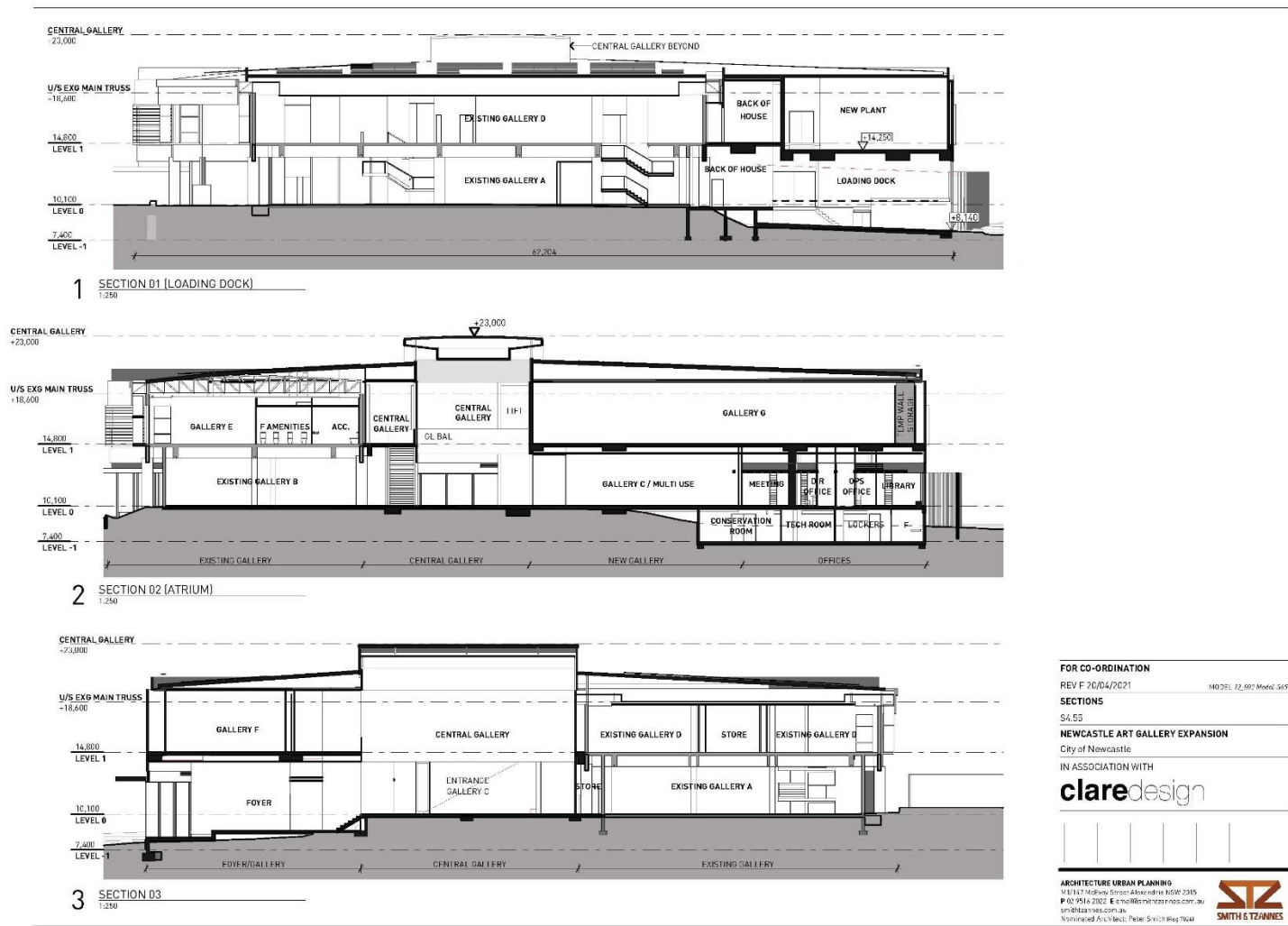


Figure 8.3 Cross section of basement plan of new building proposed for development

## 9. CONCLUSIONS AND RECOMMENDATIONS

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### 9.1 CONCLUSIONS

The Newcastle Archaeological Management Plan does not indicate that the study area is an area of archaeological potential or significance (Suters Architects 1997).

Investigations undertaken for this report demonstrates that the study area was extensively occupied from directly after the subdivision of the A.A Co.'s land in 1850 through to the 1970s. Darby's house stood on the north-eastern corner of his property, and over the years was used as a cordial factory, a hotel, a drapery, and a condiment factory before being demolished to allow for the expansion of the art gallery in 1977. Other buildings are also known to have been present in the study area in the 1880s based on detailed plans of the site, including stables, 'field houses', and other such outbuildings. Where there is evidence of later 20<sup>th</sup> century cottages, which were demolished in the 1950s to make way for the cultural centre, it is likely that archaeological deposits relating to earlier buildings and occupational layers are still present within the site.

As such, parts of the study area have at least moderate archaeological potential to contain archaeological material which is assessed as being of local significance.

A search of the Aboriginal Heritage Information Management System Database regarding the property returned a result of no sites within at least 50m of the study area. Given the site's documented history of use and continuous development since European settlement, it is clear that this location qualifies as 'disturbed' land according to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (DECCW 2010).

### 9.2 RECOMMENDATIONS

To mitigate the harm documented in this assessment, it is recommended that:

- 1) Given that parts of the study area have been assessed as having moderate archaeological potential which may be impacted by the proposed works, an excavation permit is required under Section 140 of the NSW *Heritage Act 1977*.
- 2) An Archaeological Research Design, detailing any additional research required and the proposed methodology for undertaking archaeological investigations within the study area, is to be prepared and included as an addendum to this report when lodging the application for the Section 140 Excavation Permit. A suitably accredited archaeologist who is approved by Heritage NSW to oversee the excavation of sites of local significance will need to be nominated as Excavation Director.
- 3) To ensure that impacts to unknown heritage values are mitigated during construction, it is recommended that the contractor inductions include an unexpected finds protocol to ensure that archaeological relics not assessed or anticipated by this report are not impacted.
- 4) Should the proposed development be altered significantly from designs and specifications outlined in this report then a reassessment of heritage/archaeological impacts may be required. This includes any impacts not explicitly stated in Section 8.
- 5) A copy of this assessment should be lodged by the proponent in the local history section of the local library, and in the library maintained by the Heritage NSW.



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