



**REVITALISING  
NEWCASTLE**

# Newcastle Light Rail Associated Road Upgrades

Technical Paper 4 – Due diligence Aboriginal heritage assessment

November 2016





#### IMPORTANT NOTE

Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this report, its attachments or appendices may be reproduced by any process without the written consent of RPS Australia East Pty Ltd. All enquiries should be directed to RPS Australia East Pty Ltd.

We have prepared this report for the sole purposes of TfNSW C/O- GHD (“Client”) for the specific purpose of only for which it is supplied (“Purpose”). This report is strictly limited to the purpose and the facts and matters stated in it and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter.

In preparing this report we have made certain assumptions. We have assumed that all information and documents provided to us by the Client or as a result of a specific request or enquiry were complete, accurate and up-to-date. Where we have obtained information from a government register or database, we have assumed that the information is accurate. Where an assumption has been made, we have not made any independent investigations with respect to the matters the subject of that assumption. We are not aware of any reason why any of the assumptions are incorrect.

This report is presented without the assumption of a duty of care to any other person (other than the Client) (“Third Party”). The report may not contain sufficient information for the purposes of a Third Party or for other uses. Without the prior written consent of RPS Australia East Pty Ltd:

- (a) this report may not be relied on by a Third Party; and
- (b) RPS Australia East Pty Ltd will not be liable to a Third Party for any loss, damage, liability or claim arising out of or incidental to a Third Party publishing, using or relying on the facts, content, opinions or subject matter contained in this report.

If a Third Party uses or relies on the facts, content, opinions or subject matter contained in this report with or without the consent of RPS Australia East Pty Ltd, RPS Australia East Pty Ltd disclaims all risk and the Third Party assumes all risk and releases and indemnifies and agrees to keep indemnified RPS Australia East Pty Ltd from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

In this note, a reference to loss and damage includes past and prospective economic loss, loss of profits, damage to property, injury to any person (including death) costs and expenses incurred in taking measures to prevent, mitigate or rectify any harm, loss of opportunity, legal costs, compensation, interest and any other direct, indirect, consequential or financial or other loss.

#### Document Status

Version	Purpose of Document	Orig	Review	Review Date	Approval	Date Issued
Draft	Draft to Client	B. Slack	T. Boer-Mah	23.09.2016	T. Boer-Mah	23.09.2016
Draft	Draft to Client	B. Slack	T. Boer-Mah	29.09.2016	T. Boer-Mah	29.09.2016
Draft	Draft to Client	B. Slack	T. Boer-Mah	30.09.2016	T. Boer-Mah	30.09.2016
Draft	Draft to Client	G. Wright	T. Boer-Mah	13.10.2016	T. Boer-Mah	13.10.2016
Final	Final	G. Wright	T. Boer-Mah	10.11.2016	T. Boer-Mah	10.11.2016

---

## Executive Summary

RPS has been engaged by GHD Pty Ltd on behalf of Transport for NSW (TfNSW) to prepare an Aboriginal heritage assessment for the proposed road works (proposal) associated with the Newcastle Light Rail project in the Newcastle local government area (LGA).

This assessment has been undertaken in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects* (DECCW 2010), which requires reasonable and practicable steps be taken to identify whether or not Aboriginal objects are, or are likely to be, present in an area; determine whether or not their activities are likely to harm Aboriginal objects (if present); and determine if an Aboriginal Heritage Impact Permit is required (DECCW 2010:2).

The proposal includes a number of road improvements associated with the Newcastle Light Rail project and includes pavement widening and extension, line marking and the placement of a number of new medians.

There were four AHIMS sites within 30 m of the proposed works. An impact assessment was carried out in accordance with expected disturbance levels. No impact to sites for these works was identified.

The following recommendations are made in relation to the proposed project activity:

### **Recommendation 1**

All relevant project staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, via a heritage induction prior to commencement of work on site.

### **Recommendation 2**

If unrecorded Aboriginal objects are identified in the proposal site during works, then all works in the immediate area must cease and the area should be cordoned off. The OEH must be notified by ringing the Enviroline on 131 555 so that the site can be adequately assessed and managed.

### **Recommendation 3**

In the unlikely event that skeletal remains are identified, works must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or are possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline on 131 555. An OEH officer will determine if the remains are Aboriginal or not and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

### **Recommendation 4**

If, during the course of development works, suspected historic cultural heritage material is uncovered, works must cease in that area immediately. OEH must be notified by ringing the Enviroline on 131 555 and works only recommence when an approved management strategy has been developed.

## Terms, Definitions, and Abbreviations

Abbreviation/ Term	Meaning
Aboriginal Object	“any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains” (DECCW 2010:18).
Aboriginal Place	“a place declared under s.84 of the NPW Act that, in the opinion of the Minister, is or was of special significance to Aboriginal culture” (DECCW 2010:18). Aboriginal places have been gazetted by the Minister.
Aboriginal Culturally Modified Tree	“means a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by persons of non-Aboriginal extraction, has been scarred, carved or modified by an Aboriginal person by: (a) the deliberate removal, by traditional methods, of bark or wood from the tree, or (b) the deliberate modification, by traditional methods, of the wood of the tree” NPW Regulation 80B (3). Culturally Modified trees are sometimes referred to as scarred trees.
Activity	A project, development, or work (this term is used in its ordinary meaning and is not restricted to an activity as defined by Part 5 of the EP&A Act 1979).
AHIMS	Aboriginal Heritage Information Management System.
AHIP	Aboriginal Heritage Impact Permit.
cal. years BP	Calibrated years before present, indicates a radiocarbon date has been calibrated using the dendrochronology curves, making the date more accurate than an uncalibrated date.
DECCW	Department of Environment, Climate Change and Water (is now the Office of Environment and Heritage – OEH).
Disturbed Land	“Land is disturbed if it has been the subject of a human activity that has changed the land’s surface, being changes that remain clear and observable.” (DECCW 2010:18).
Due Diligence	“taking reasonable and practical steps to determine whether a person’s actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm” (DECCW 2010:18)
EP&A Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i> .
GDA	Geodetic Datum Australia.
Harm	“destroy, deface, damage an object, move an object from the land on which it is situated, cause or permit an object to be harmed” (DECCW 2010:18).
LGA	Local Government Area.
NPWS	National Parks and Wildlife Service.
NPW Act	<i>National Parks and Wildlife Act 1974 (NSW)</i> .
NPW Regulation	<i>National Parks and Wildlife Regulation 2009 (NSW)</i> .
OEH	Office of Environment and Heritage (formerly DECCW).
PAD	Potential Archaeological Deposit.

# Contents

<b>EXECUTIVE SUMMARY</b> .....	<b>III</b>
<b>TERMS, DEFINITIONS, AND ABBREVIATIONS</b> .....	<b>IV</b>
<b>1.0 INTRODUCTION</b> .....	<b>1</b>
<b>1.1 Background</b> .....	<b>1</b>
<b>1.2 The proposal</b> .....	<b>1</b>
1.2.1 Hannell Street and Stewart Avenue.....	2
1.2.2 Steel Street/ Hunter Street intersection.....	2
1.2.3 Darby Street/King Street intersection.....	3
1.2.4 Construction of the proposal.....	3
<b>1.3 Methodology for desktop assessment</b> .....	<b>4</b>
<b>1.4 Authorship</b> .....	<b>4</b>
<b>2.0 LEGISLATIVE CONTEXT</b> .....	<b>7</b>
<b>2.1 National Parks &amp; Wildlife Act 1974</b> .....	<b>7</b>
2.1.1 Notification of Aboriginal objects.....	7
<b>2.2 National Parks and Wildlife Regulation 2009</b> .....	<b>8</b>
<b>2.3 Due diligence and codes of practice</b> .....	<b>8</b>
<b>2.4 Aboriginal community consultation</b> .....	<b>9</b>
<b>3.0 ENVIRONMENTAL CONTEXT</b> .....	<b>11</b>
<b>3.1 Geology and soils</b> .....	<b>11</b>
<b>3.2 Topography and hydrology</b> .....	<b>11</b>
<b>3.3 Flora and fauna</b> .....	<b>11</b>
<b>3.4 Land use and previous geotechnical investigations</b> .....	<b>12</b>
<b>3.5 Synthesis of environmental context</b> .....	<b>13</b>
<b>4.0 ABORIGINAL HERITAGE CONTEXT</b> .....	<b>15</b>
<b>4.1 Aboriginal heritage information management system</b> .....	<b>15</b>
<b>4.2 Literature review</b> .....	<b>18</b>
4.2.1 Umwelt (2002) Draft Newcastle Coastline Management Study.....	18
4.2.2 Dallas, M (2004) Aboriginal Archaeological Test Excavation Report, Boardwalk Site, Honeysuckle Drive, Newcastle NSW.....	18
4.2.3 AHMS (2001a, 2001b) Accor Ibis Hotel Site 700 Hunter Street Newcastle (AHIMS #38-4-0544).....	18
4.2.4 AMBS Consulting (2005) Aboriginal Heritage Study: Newcastle Local Government Area.....	19
4.2.5 Dominic Steele Consulting Archaeology (2005) 738 Hunter Street, Newcastle Bellevue Hotel Site, Application for a s87 Permit.....	19
4.2.6 AHMS (2011) Palais Royale Site 684 Hunter Street Newcastle (AHIMS #38-4-0831).....	19
4.2.7 Wickham Transport Interchange, Newcastle: Aboriginal Heritage Summary Report. (Artefact Heritage 2014) (AHIMS 38-4-1716).....	20
<b>4.3 Summary of Aboriginal heritage context</b> .....	<b>20</b>

---

**5.0 VISUAL INSPECTION .....21**

    5.1.1 Stewart Avenue .....21

    5.1.2 Honeysuckle Drive .....21

    5.1.3 Hunter Street/ Steel Street intersection .....21

**5.2 Summary of visual inspection .....21**

**6.0 IMPACT ASSESSMENT .....22**

**6.1 Hannell Street/ Stewart Avenue .....22**

        6.1.1 Intersection of Hannell Street and Bishopsgate Street .....22

        6.1.2 Honeysuckle Drive .....22

**6.2 Hunter Street/ Steel Street intersection .....22**

**6.3 Summary .....23**

**7.0 CONCLUSION AND RECOMMENDATIONS .....25**

**8.0 REFERENCES .....27**

**9.0 PLATES .....29**

---

### Tables

Table 1 Geotechnical Testing undertaken for Newcastle Light Rail.....12  
Table 2 Summary of AHIMS sites within the Searched Coordinates .....15  
Table 3 Summary of AHIMS in close proximity to the Proposal Site .....16

## Figures

Figure 1 Activity Area.....5  
Figure 2 Proposal Site and AHIMS.....17

## Plates

Plate 1 AHIMS #38-4-1795 between Bishopsgate and Hannell streets, facing north .....29  
Plate 2 Steel Street facing north-east. ....29  
Plate 3 View to west of the highly built up and modified urban fabric of intersection of Hunter and Steel Street. ....30

## Appendices

Appendix 1 Legislative requirements  
Appendix 2 AHIMS

## 1.0 Introduction

RPS has been engaged by GHD Pty Ltd on behalf of Transport for NSW (TfNSW) to prepare an Aboriginal heritage assessment for road works associated with the Newcastle Light Rail project. This assessment has been carried out in accordance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (2010) (“Due Diligence Code”). This report outlines the relevant environmental and archaeological context, landforms, landscape features, disturbances, legislative context, and the nature of the proposal and considers that information in formulating the potential for impact and necessary recommendations.

### 1.1 Background

The NSW Government is revitalising the Newcastle city centre. The revitalisation will reinforce the city’s role as a 21st century regional centre, unlock the potential of the city centre as a place that can meet the needs of the current and future community, and boost economic activity across the Hunter Region.

The Newcastle Urban Transformation and Transport Program (NUTTP) has been established to deliver the NSW Government’s commitment to revitalise the city. The program aims to bring people back to the city centre by strengthening connections between the city and the waterfront, creating employment opportunities, providing more public space and amenity, and delivering better transport. The NUTTP comprises:

- (1) Urban redevelopment/renewal projects led by UrbanGrowth NSW; and
- (2) The transport program led by Transport for NSW.

### 1.2 The proposal

The proposal is for road improvements at three locations:

- Hannell Street and Stewart Avenue including the Hunter Street/ Stewart Avenue intersection, King Street/ Stewart Avenue intersection, Hannell Street/ Throsby Street intersection and Honeysuckle Drive;
- Steel Street/ Hunter Street intersection; and
- Darby Street/ King Street intersection.

The proposal includes:

- Selected areas of widening the road within the existing road corridor;
- Reducing the extent of centre road medians;
- Realigning existing traffic lanes;
- Adjusting kerb lines;
- Road resurfacing;
- Changes to footpaths and cycle lanes;
- Changes to line marking and signage; and
- New pedestrian and cycle facilities.

### 1.2.1 Hannell Street and Stewart Avenue

#### Stewart Avenue/ King Street intersection

The following intersection upgrade is proposed with associated line mark realignment:

- Extend existing right turn lane on Stewart Avenue into King Street by about 35 metres;
- Extend right turn lane on Parry Street into Stewart by about 100 metres;
- Right turn into Wood Street from Parry Street to be removed;
- Right turn lane extension on King Street into Stewart Avenue by about 30 metres;
- Right turn lane extension on King Street into National Park Street by about 45 metres; and
- Trees in median on King Street to be removed.

#### Stewart Avenue/ Hunter Street intersection

The following intersection upgrade is proposed with associated line mark realignment:

- Additional left turn lane into Hunter Street (westbound) about 50 metres;
- Left turn lane into little King Street (eastbound) about 40 metres;
- Extend existing right turn lane on Hunter Street into Stewart (northbound) by about 60 metres;
- Footpath widened on western side to 4.5 metres north of Hunter Street along Stewart Avenue; and
- Eight parking bays on north east corner of intersection removed.

#### Stewart Avenue/ Honeysuckle Drive

The following intersection upgrade is proposed with associated line mark realignment:

- Additional right turn lane into Honeysuckle Drive (about 80 metres);
- Footpath widened on western side to 4.5 metres north of Hunter Street along Stewart Avenue;
- New designated left turn bay into Bishopsgate Street (about 45 metres);
- New designated slip lane into Honeysuckle Drive (about 145 metres); and
- Left turn lane on Honeysuckle Drive into Stewart Avenue to be extended about 105 metres.
- New access for proposed depot to be provided off Honeysuckle Drive.

#### Hannell Street/Throsby Street

The following intersection upgrade is proposed with associated line mark realignment:

- Extend existing right turn lane on Hannell Street into Throsby Street by about 55 metres;
- Designated left turn lane on Throsby Street into Hannell Street (about 42 metres) with five parking bays to be removed to accommodate left turn lane; and
- Six parking bays on westbound traffic along Throsby Street to be removed.

### 1.2.2 Steel Street/ Hunter Street intersection

The following intersection upgrade is proposed with associated line mark realignment:

- New designated right turn lane on Hunter Street into Steel Street (about 55 metres);

- New through and left turn lane on Hunter Street into Steel Street with four parking bays removed;
- New concrete median on Steel Street north of Hunter Street;
- Existing right turn lane on Hunter Street into Steel Street to be extended about 60 metres;
- Ten parking bays to be removed on eastbound direction to accommodate new eastbound lane and proposed bus stop relocation;
- New designated right turn lane on Hunter Street into Steel Street (about 65 metres);
- Ten parking bays to be removed along the westbound approach to the intersection;
- Westbound bus stop be removed;
- Designated right turn bay created on Steel Street into Hunter Street; and
- Through and left turn lane created with about four parking bays removed.

### **1.2.3 Darby Street/King Street intersection**

The following intersection upgrade is proposed with associated line mark realignment:

- New designated left turn slip lane on Darby Street into King Street (about 55 metres)
- Three parking bays on King Street (westbound) to be removed to accommodate slip lane;
- Existing right turn bay on Darby Street into King Street to be extended by about 25 metres. Existing parking in southbound direction on Darby Street to be removed to accommodate extension;
- Existing left turn on Darby Street into Hunter Street to be extended by 15 metres with two parking bays to be removed to accommodate extension; and
- Existing left turn through lane to be extended 15 metres with six parking bays to be removed.

### **1.2.4 Construction of the proposal**

The proposal includes the following activities:

- Mobilisation and site establishment including construction boundary hoardings and traffic barriers;
- Property survey and utilities adjustment including the adjustment of property boundaries (where required) and relocation of services;
- Vegetation clearing and trimming including the removal of vegetation where required, topsoil stripping and stockpiling and structure removal where required;
- Earthworks, formation of road alignment including excavation of soil and rock, rock breaking, loading, haulage, compaction of fill areas and grading;
- Installation of drainage infrastructure including excavation of trenches and pits, delivery and placement of precast pipes and pits, trench filling, and compacting;
- Paving including concrete sawing, delivery of raw materials and placement of surface material;
- Re-surfacing works including milling the asphalt to expose the underlying concrete and laying new asphalt;
- Site restoration/removal including removal of all plant, signage and left over materials;
- Installation of signage and other road furniture; and
- Line marking.

---

The proposal would involve the following minor earthworks:

- Minor excavations for the installation of the new median along Stewart Avenue, between Parry Street/ King Street and the northern edge of the existing rail corridor; and
- Minor excavation for relocation and/or provision of new signals and any utility relocations.

### **1.3 Methodology for desktop assessment**

In accordance with the Due Diligence Code (DECCW 2010), this report has considered relevant legislation (Appendix 1), environmental context, and historical information. A search of the NSW Aboriginal Heritage Information Management System (AHIMS) database (Appendix 2) was undertaken and a review of relevant archaeological reports.

The report has identified registered AHIMS sites. Information from the AHIMS site card documents and reports has been used to consider the risk to previously registered or potential Aboriginal sites and objects by the proposed works.

### **1.4 Authorship**

This report was prepared by RPS Cultural Heritage Consultant Jo Nelson and reviewed by Newcastle Cultural Heritage Manager, Tessa Boer-Mah. Consistency review was provided by Lisa King of GHD.



**IMPORTANT NOTE**

- This plan was prepared for the sole purpose of the client for the specific purpose of producing a photographic overlaid plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client ("Third Party")) and may not be relied on by Third Parties.
- RPS Australia East Pty Ltd is liable (in negligence or otherwise) for any direct or indirect damage, liability or claim arising out of or incidental to:
  - a Third Party publishing, using or relying on the plan;
  - RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
  - any inaccuracies or other faults with information or data supplied from a Third Party;
  - RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
  - the Client or Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
  - judgment of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
  - the accuracy, reliability, availability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.
- Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.
- The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

TITLE : **FIGURE 1: THE PROPOSAL**

LOCATION :  
**NEWCASTLE**

DATUM:GDA 1994  
PROJECTION: GDA 1994 MGA Zone 56

DATE : **30/09/2016**  
PURPOSE: **HERITAGE**

VERSION (PLAN BY): AA3 (tessa.boer-mah)

PATH: J:\JOBS\124K\124007 Newcastle\10 - Drafting\Arcgis Map Documents\24-25 Roads\124007 Figure 1 NLR Proposal AA3 20160930.mxd

CLIENT: **GHD**  
JOB REF: **PR124007**

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)  
241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303  
T: 02 4940 4200 F: 02 4961 6794 www.rpsgroup.com.au

creative people  
making a difference

RPS

**Figure 1 Activity Area**

## 2.0 Legislative context

The following section provides an overview of the relevant legislative framework relating to the protection and management of historic heritage in NSW. This overview is provided for information rather than as legal advice.

Although there are a number of Acts protecting and managing cultural heritage in NSW (see Appendix 1), the primary ones that apply to this report are:

- *National Parks & Wildlife Act 1974*; and
- *National Parks & Wildlife Regulation 2009*.

In brief, the *National Parks & Wildlife Act 1974* protects Aboriginal heritage (places, sites and objects) within NSW, while the *National Parks and Wildlife Regulation 2009* provides a framework for undertaking activities and exercising due diligence.

A separate series of legislation applies for the protection of European heritage objects. A separate report has been prepared to address the potential impact of the project on these items.

### 2.1 *National Parks & Wildlife Act 1974*

The *National Parks & Wildlife Act 1974* (NPW Act) protects Aboriginal heritage (places, sites and objects) within NSW. Protection of Aboriginal heritage is outlined in s86 of the Act, as follows:

- "A person must not harm or desecrate an object that the person knows is an Aboriginal object" s86(1);
- "A person must not harm an Aboriginal object" s86(2); and
- "A person must not harm or desecrate an Aboriginal place" s86(4).

Penalties apply for harming an Aboriginal object or place. The penalty for knowingly harming an Aboriginal object (s86[1]) and/or an Aboriginal place (s86[4]) is up to \$550,000 and/or imprisonment for two years for an individual and up to \$1.1 million for a corporation. The penalty for a strict liability offence (s86[2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

"Harm" under the NPW Act is defined as any act that destroys, defaces or damages the object; moves the object from the land on which it was situated; or causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate that 1) harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) (and the permit was properly followed) or 2) that the proponent exercised due diligence in respect to Aboriginal heritage. The '**due diligence**' defence (s87(2)), states that if a person or company has exercised due diligence to ascertain that no Aboriginal object was likely to be harmed as a result of the activities proposed for the Project Area (subject area of the proposed activity), then liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed.

#### 2.1.1 Notification of Aboriginal objects

Under section 89A of the NPW Act, Aboriginal objects (and sites) must be reported to the Director-General (now Chief Executive) of OEHL within a reasonable time (unless it has previously been recorded and submitted to AHIMS). Penalties of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

## 2.2 National Parks and Wildlife Regulation 2009

The *National Parks and Wildlife Regulation 2009* ("NPW Regulation") provides a framework for undertaking activities and exercising due diligence in respect to Aboriginal heritage. The NPW Regulation 2009 outlines the recognised due diligence codes of practice which are relevant to this report, as well as procedures for AHIP applications and Aboriginal Cultural Heritage Consultation Requirements (ACHCRs), amongst other regulatory processes.

## 2.3 Due diligence and codes of practice

The aims of due diligence assessments are to:

- Assist in avoiding unintended harm to Aboriginal objects;
- Provide certainty to land managers and developers about appropriate measures to take;
- Encourage a precautionary approach;
- Provide a defence against prosecution if the process is followed; and
- Enable more effective conservation outcomes for Aboriginal cultural heritage.

A benefit of the due diligence assessment is that it provides a simplified process for investigating the Aboriginal archaeological context of an area to determine if an AHIP is required.

Under s80A of the NPW Regulation 2009, a number of due diligence codes are recognised.

This report has been written to meet the Due Diligence Code (DECCW 2010). This publication sets out a minimum benchmark for acceptable due diligence investigations to be followed. The purpose of the code is set out reasonable and practical steps in order to:

- (1) Identify whether or not Aboriginal objects (and places) are, or are likely to be, present in an area;
- (2) Determine whether or not their activities are likely to harm Aboriginal objects (if present); and
- (3) Determine whether an AHIP application is required (DECCW 2010:2).

Investigations under the code include the following:

- A search of the AHIMS database to identify if there are previously recorded Aboriginal objects or places in the activity area;
- Identification of landscape features including land within 200 m of water, dune systems, ridge tops, headlands, land immediately above or below cliff faces, and/or rockshelters/caves;
- Desktop assessment, including a review of previous archaeological and heritage studies and any other relevant material;
- Visual inspection of the project area to identify if there are Aboriginal objects present; and
- Assessment as to whether an AHIP is required.

This report complies with the requirements of the code listed above. Other requirements under the code are outlined below.

**Aboriginal consultation** is not required for an investigation under the Due Diligence Code (DECCW 2010:3). However, if the due diligence investigation shows that the activities proposed for the area are likely to harm objects or potential objects within the landscape, then an AHIP will be required with full consultation.

**A record** of the due diligence procedure followed must be kept to ensure it can be used as a defence from prosecution (DECCW 2010:15).

Following a due diligence assessment (where an AHIP application was not required), an activity must proceed with caution. If any Aboriginal objects are identified during the activity, then works should cease in that area and OEH notified (DECCW 2010:13). The due diligence defence does not authorise continuing harm.

## **2.4 Aboriginal community consultation**

Aboriginal community consultation is not a formal requirement of the due diligence process (DECCW 2010:3). The proponent is not obliged to undertake Aboriginal community consultation.

Aboriginal community consultation was not undertaken for this due diligence assessment.

## 3.0 Environmental context

The purpose of reviewing the relevant environmental information is to assist in identifying whether Aboriginal objects or places are present, or likely to be present, within the activity area. The environmental context forms part of the desktop assessment required under the Due Diligence Code (DECCW 2010:12-13).

### 3.1 Geology and soils

Aboriginal people often made stone tools using siliceous, metamorphic or igneous rocks and therefore understanding the local geology can provide important information regarding resources in a project area. The nature of stone exploitation by Aboriginal people depended on the characteristics of the source, for example whether it outcropped on the surface (a primary source) or whether it occurred as gravels (a secondary source) (Doelman et al. 2008).

The Newcastle foreshore is underlain by sandstone, siltstone, claystone, coal, and tuff associated with the Nobbys Headland formation. Broadly, the Newcastle foreshore falls within the Hamilton Soil Landscape, variation A: Developed Terrain. Topsoils in this landscape are typically brownish black specked loamy sand (hm1) which is 20 to 60 centimetres thick. This is underlain by 15 to 30 centimetres of loose, pale coarse sand (hm2) followed by brown-orange soft sandy pan (hm3) and may further be underlain by pedal brown silty clay (Matthei 1995:38-40). Although this is the typical soil formation, variations may occur due to previous Aeolian or alluvial events. Additional detail and information on geology and soils from recent geotechnical investigations is provided in the land use summary (Section 3.4).

### 3.2 Topography and hydrology

The development of Newcastle as a major port has led to the reclamation of land and reworking of the shape of the Hunter River foreshore. While the original shoreline was characterised by mud flats and sand spits (AHMS 2011), the foreshore and environs, from its junction with Throsby Creek to Nobbys Headland, has undergone major modifications since European settlement.

Two watercourses, which cross the activity area, are tributaries of the Hunter River. They are Cottage Creek, east of Wickham Station, and an unnamed watercourse between Brown Street and Crown Street. These watercourses are associated with the adjacent coastline to the east and in combination, would have formed an abundant resource area for past Aboriginal occupation.

Cottage Creek would have been a reliable source of potable water for local Aboriginal people in the past. Section 4.3 of this report uses archaeological evidence to show that Aboriginal occupation was more highly concentrated around this water source. On the basis of this patterning, it is likely that Aboriginal occupation would have occurred in high concentrations near Cottage Creek and the harbour shoreline.

It is also likely that Aboriginal occupation would have occurred near the Brown Street and Crown Street watercourse, however this has not been tested archaeologically.

### 3.3 Flora and fauna

This section provides an indication of the types of flora and fauna resources which were likely to have been available to Aboriginal people in the past. It is based on broad scale vegetation mapping for NSW (Keith 2006).

Past Aboriginal people were likely to have encountered Hunter-Macleay Dry Sclerophyll Forests in the vicinity of the activity area, as well as coastal vegetation. Dry sclerophyll forests have open canopies with trees up to 30 m tall, and common tree species include spotted gums, iron barks, grey gums, boxes, and turpentines (Keith 2006:124-125). The understorey of this vegetation community includes shrubs, herbs, ferns, and grasses, thus providing habitat for smaller mammal species. The shrubby understorey includes silver-stemmed wattle and forest oak, presenting as tall shrubs or small trees and smaller shrubs such as coffee bush, peach heath, large mock-olive and narrow-leaved Geebung (Keith 2006:124-125).

This vegetation community, along with the coastal vegetation, would have provided habitat for a variety of animals and also potential food and raw material sources for Aboriginal people. Coastal resources were likely to have included fish and oysters, while typical animals likely to have been hunted in the vicinity included kangaroos, wallabies, sugar gliders, possums, echidnas, a variety of lizards and snakes, birds, as well as rats and mice. The bones of such animals have been recovered from excavations of Aboriginal sites, suggesting that they were sources of food (Attenbrow 2010:70-76). The hides, bones and teeth of some of the larger mammals may have been used for Aboriginal clothing, ornamentation, or other implements.

### 3.4 Land use and previous geotechnical investigations

The proposal site has previously been used as a rail and road corridor, and footpath, and contains related structures and infrastructure. The results from the geotechnical assessment conducted for the Newcastle Light Rail show that the previously disturbed ground extends to 0.7 - 0.8 m below the road pavements (RCA Australia 2015:7). A selection of geotechnical testing locations which relate to road pavements has been summarised in Table 1. The selection of sites was based on proximity to areas of archaeological interest or where there were changes in subsurface soils which assisted with the archaeological assessment. The RCA Australia report (2015) should be referred to directly if geotechnical results are required for other purposes.

**Table 1 Geotechnical Testing undertaken for Newcastle Light Rail**

Location	Test Pit / Bore hole #	Results
Civic Theatre	BH18	Borehole through road pavement near Civic Theatre. Concrete to 0.32 m, then fill comprised mainly of sand (0.32 - 0.7 m). Sand from 0.7 - 7.2 m, followed by clay and sand from 7.2 - 8.95 m.
Wolfe Street	BH13	Borehole through road pavement near Wolfe Street. Pavement (asphaltic concrete) to 0.35 m, then fill, gravel and sand from 0.35 - 0.8 m, followed by sand from 0.8 - 3.9 m, followed by clayey sandy silt 3.9 - 5 m. Sandstone encountered from 5 m onwards.

The results of the geotechnical testing show that while there were high levels of disturbance in the upper layers, natural sand layers may be present from 0.7 m below ground level. Depending on the historic sand dune movement, archaeological material may be present in the natural sand layers below built up areas and this has been identified in several archaeological excavations (AHMS 2011; AHMS 2001; Artefact Heritage 2015; Dallas 2004; Dominic Steele Consulting Archaeology 2005). Fill layers also have the potential to contain historic archaeological material.

---

### 3.5 Synthesis of environmental context

The natural resources and location of the activity area suggest that the area would have been suitable for Aboriginal occupation. Aboriginal campsites were likely to have been concentrated adjacent to creek lines in the activity area in the vicinity of local watercourses. Fresh water resources may have been available in the vicinity of Cottage Creek, Brown Street, and Crown Street. Analysis of land use and prior disturbances from European occupation - based on available geotechnical results - show that the upper layers were moderately to highly disturbed to approximately 0.7 - 0.8 m below road pavements. Beneath this, there were layers of natural sands which had the potential to contain in-situ Aboriginal objects.

## 4.0 Aboriginal heritage context

This section outlines the Aboriginal heritage context and provides information that will be drawn upon in the impact assessment section of this report, as well as forming part of the desktop assessment required under the Due Diligence Code (DECCW 2010:12-13). The purpose of reviewing the relevant Aboriginal heritage information is to assist in identifying whether Aboriginal objects or places are present or likely to be present within the activity area.

The use of the Newcastle foreshore by Aboriginal people has been demonstrated directly by archaeological evidence, but is also supported by historic records and oral history recordings. The most common type of archaeological evidence includes middens and stone artefacts. Middens are comprised mainly of shells discarded from meals, although they often also contain stone artefacts, animal bone, and shell implements. The presence of middens usually indicates repeated occupations of an area by Aboriginal people.

### 4.1 Aboriginal heritage information management system

A search was undertaken of the AHIMS on 22 April 2016, with the search coordinates for the activity area as GDA Zone 56, Eastings 381755 – 387755 and Northings 6352984 – 6358998, no buffer.

The search revealed there were 26 previously recorded Aboriginal sites within these coordinates (Figure 2). The summary contained within Table 2 reflects the variety of Aboriginal sites and objects associated with the landscape along the Newcastle foreshore. The coastal landforms and associated permanent and temporal water courses supported important food and plant resources for past Aboriginal people.

An updated AHIMS search was undertaken 9 November 2016. An additional ten sites were contained in this search, comprising 9 isolated finds and one artefact scatter. These artefact sites were identified during the course of ballast removal under AHIP # C0001906 and have since been collected under this approval (#38-4-1804 to #38-4-1805 and #38-4-1812 to #38-4-1818). As such, these additional sites are no longer extant. Appendix 2 contains both AHIMS searches (21 April and 9 November 2016).

**Table 2 Summary of AHIMS sites within the Searched Coordinates**

Sites	Frequency	Percent
Aboriginal Ceremony and Dreaming	3	11.54%
Artefact Scatter	1	3.85%
Artefact Scatter, PAD	1	3.85%
Artefact Site (Number Unspecified)	5	19.22%
Artefact Site (Number Unspecified), Shell	1	3.85%
Isolated Find	3	11.54%
Open Camp Site	2	7.69%
PAD	9	34.61%
Shell, PAD	1	3.85%
<b>Grand Total</b>	<b>26</b>	<b>100.00%</b>

Source: AHIMS 21/04/2016

Table 3 summarises the four registered Aboriginal sites within a 30 metre radius of the activity area. These sites are generally subsurface and obscured by the surrounding built environment, thus their extents have not been verified. While there are five registrations on AHIMS for these sites AHIMS #38-40851 and AHIMS #38-4-0772 are duplicate recordings of the same site. In addition, AHIMS coordinates for AHIMS #38-4-0831 are erroneous, as the site is located approximately 80 metres to the south-east on the corner of Steel Street

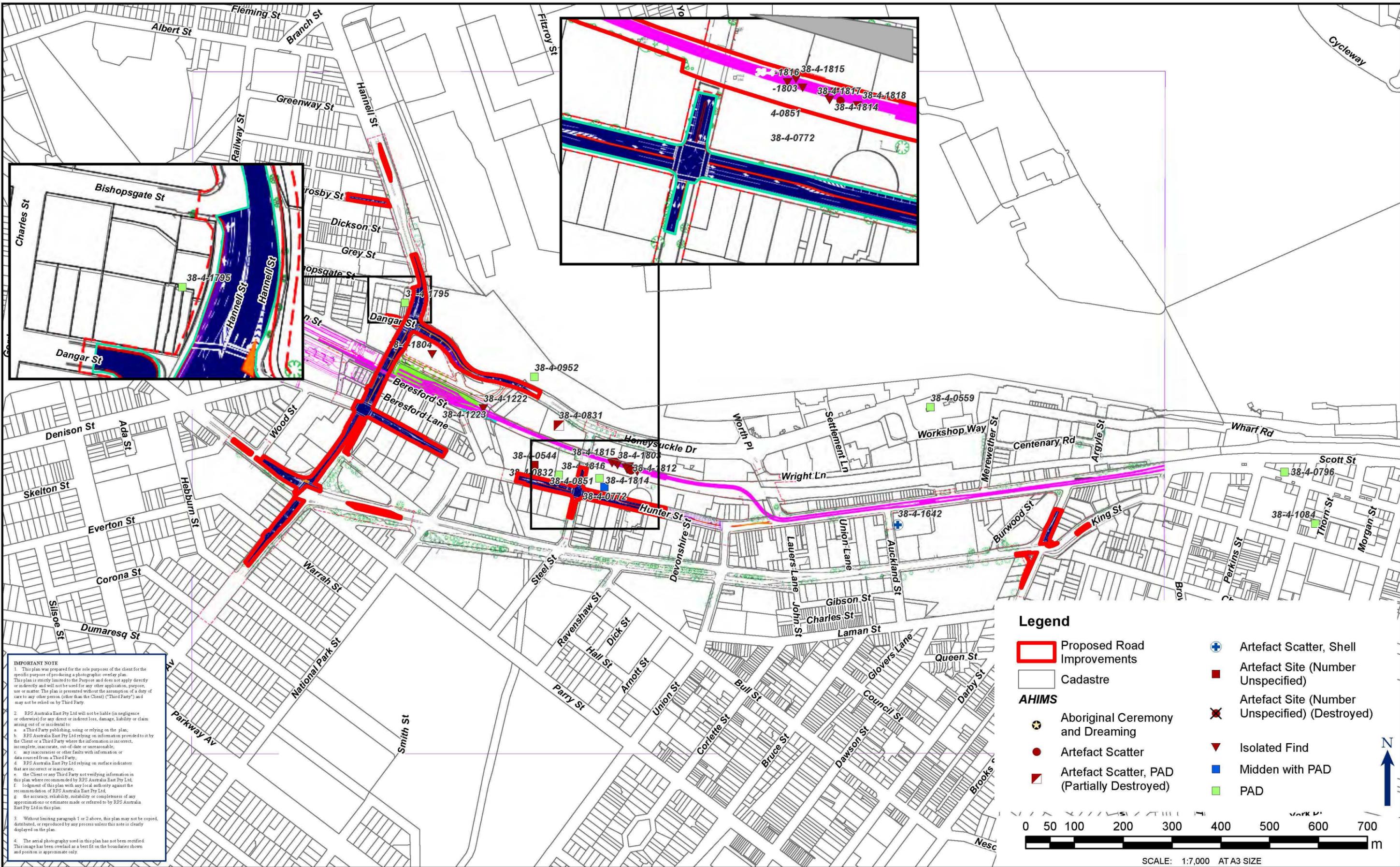
and Hunter Street, currently occupied by the KFC building. Likewise, AHIMS #38-4-0832 is associated with 643 Hunter Street and is located approximately 45 m south of the AHIMS search coordinates.

Three of the sites are potential Aboriginal deposits (PADs) associated with flaked stone and shell tools, as well as stone, shell, and animal bone fragments. The potential for subsurface archaeological material was considered to be moderate to high. The status of these sites was listed as valid on AHIMS. It should be noted that AHIMS #38-4-0544, AHIMS38-4-0831, and AHIM#38-4-0832 have been partially salvaged.

**Table 3 Summary of AHIMS in close proximity to the Proposal Site**

AHIMS ID	Street Location	Sites	Frequency
38-4-0544	700 Hunter Street, Newcastle West	Artefact Site (Number Unspecified)	1
38-4-0831	684 Hunter Street, Newcastle West	PADs	3
38-4-0832	643-651 Hunter Street, Newcastle West		
38-4-0851/38-4-0772	710 Hunter Street, Newcastle West		
		<b>Total</b>	<b>4</b>

Source: AHIMS 21/04/2016



**IMPORTANT NOTE**

- This plan was prepared for the sole purposes of the client for the specific purpose of producing a photographic overlay plan. This plan is strictly limited to the purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client ("Third Party")) and may not be relied on by Third Party.
- RFS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
  - a Third Party publishing, using or relying on the plan;
  - RFS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
  - any inaccuracies or other faults with information or data covered from a Third Party;
  - RFS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
- Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.
- The aerial photography used in this plan has not been rectified. This image has been overlaid as a best fit on the boundaries shown and position is approximate only.

TITLE : FIGURE 2: ABORIGINAL HERITAGE ITEMS AND PROPOSAL SITE

LOCATION :  
NEWCASTLE

DATUM:GDA 1994  
PROJECTION: GDA 1994 MGA Zone 56

DATE : 13/10/2016  
PURPOSE: HERITAGE

VERSION (PLAN BY): A A3 (james.hugo)

PATH: \\ntfip01\data\UOBS\124K124007 Newcastle\10 - Drafting\Arogis Map Documents\24-Roads\Report 24 Aboriginal DD\124007 Figure 2 NLR Aboriginal DD B A3 20161013.mxd

CLIENT: GHD  
JOB REF: PR124007

RPS AUSTRALIA EAST PTY LTD (ABN 44 140 292 762)  
241 DENISON STREET BROADMEADOW PO BOX 428 HAMILTON NSW 2303  
T: 02 4940 4200 F: 02 4961 6794 www.rpsgroup.com.au

creative people  
making a difference

RPS

**Figure 2 Proposal Site and AHIMS**

## 4.2 Literature review

A review of previous archaeological and heritage reports that are relevant to the proposal site has been undertaken to inform this due diligence assessment.

### 4.2.1 Umwelt (2002) Draft Newcastle Coastline Management Study

Umwelt was commissioned by Newcastle City Council to undertake a study of the Newcastle coastline to inform the Coastline Management Plan.

The study provided an overview of Aboriginal occupation of the Newcastle coastline using previous archaeological investigations and suggested that it was unlikely that any of the recorded sites along the Newcastle coastline were of any scientific significance or able to contribute to relevant archaeological questions. It was also noted that there were sections of the coastline that were important to the Aboriginal community for cultural and mythological reasons. Nobbys Headland was noted as being important in explaining the creation of the landscape and the people that inhabited it.

### 4.2.2 Dallas, M (2004) Aboriginal Archaeological Test Excavation Report, Boardwalk Site, Honeyuckle Drive, Newcastle NSW

Dallas was commissioned to prepare a report for Stronach Pty Ltd ahead of land redevelopment north of Hunter Street in the CBD of Newcastle. The study showed a concentration of archaeological materials along the coastline in close proximity to the Newcastle harbour foreshore. Subsurface archaeological test excavations were undertaken in April 2002 and revealed the presence of a partially disturbed Aboriginal coastal campsite, registered as AHIMS site #38-4-0599.

The Aboriginal site was found to consist of a thin scatter of shells, animal bone, and Aboriginal flaked stone artefacts contained within a buried former land surface. The site was also found to have been considerably disturbed by ongoing historical activities over the last 150 years. It was considered that no further archaeological investigation was warranted and construction of the Boardwalk development subsequently commenced.

Observations over larger areas, exposed by historical archaeological excavations underway adjacent to the Aboriginal archaeological excavations, indicated that any former land surfaces in the area had been destroyed by historical activities over the previous two centuries, and no Aboriginal cultural remains were observed throughout the excavation of the area.

Further excavations in the northern central portions of the site revealed Aboriginal cultural remains in the form of shell, animal bone, stone artefacts, and small quantities of charcoal. Stone, shell, and bone were found in most excavated units, albeit in small quantities. A total of 9.5 kg of shell, 113 stone artefacts, and 343 pieces of animal bone were salvaged from the site. Several surface finds of stone artefacts were also retrieved. After salvage was complete, the site was found to have no further archaeological research potential, the investigation was terminated and initial construction works commenced. The report included an application for a Section 90 AHIP (Appendix 9.3) in order to update the Department of Environment and Conservation (NPWS) Aboriginal Sites Register (Dallas 2004).

### 4.2.3 AHMS (2001a, 2001b) Accor Ibis Hotel Site 700 Hunter Street Newcastle (AHIMS #38-4-0544)

This excavation was undertaken approximately 120 m east of Cottage Creek, immediately south of the proposal site, and included the investigation of AHIMS #38-4-0544, which was registered as a PAD. The excavation of this site revealed an Aboriginal shell midden with 2,939 whole and fragmentary shells, 326

pieces of animal bone, and 5,734 lithics, 4,000 of which were identified to be stone artefacts (AHMS 2001:12). Local shell species, cockle, and mud whelk were the dominant shell types contained in the midden material. Tuff was the dominant raw material for stone artefacts, although silcrete, chert, and quartz were also present. The preliminary survey had not identified any Aboriginal objects, but the area was considered to be archeologically sensitive due to its proximity to Cottage Creek (AHMS 2001b).

#### **4.2.4 AMBS Consulting (2005) Aboriginal Heritage Study: Newcastle Local Government Area**

Australian Museum Business Services (AMBS) was commissioned by Newcastle City Council in 2003 to conduct an Aboriginal Heritage Study for the Newcastle LGA. The aim of the study was to provide a greater understanding of the Aboriginal heritage of the Newcastle area and to develop a framework for the strategic conservation and management of Aboriginal cultural heritage.

Research targeted issues such as environmental resources and characteristics, land use history, patterning in archaeological site distribution and archaeological sensitivity. A number of previous archaeological studies were selected for detailed review and analysis. These were selected because each of the reports focused on a separate environmental zone within the Newcastle LGA and covered the archaeological research themes discussed in the Heritage Study. The studies represented key investigations in the history of archaeological research within the LGA and had contributed to the understanding of Aboriginal culture and heritage. Various Aboriginal objects and site types were identified as existing within the Newcastle LGA, including open camp sites, middens, grinding grooves, scarred or carved trees, ceremonial sites, and burials.

#### **4.2.5 Dominic Steele Consulting Archaeology (2005) 738 Hunter Street, Newcastle Bellevue Hotel Site, Application for a s87 Permit**

A Section 87 application was submitted to the Department of Environment, Climate Change and Water to investigate an area of potential Aboriginal heritage sensitivity in Newcastle West. The property at Newcastle West (Lot 8 DP1008628 and part of Lot 3 DP 828817) was proposed for redevelopment as a mixed residential, retail and commercial complex.

The archaeological and historical research was conducted for land along the Hunter River foreshore and immediate hinterland. The assessment concluded that land parcels in the vicinity of the site identified no previous Aboriginal archaeological sites or objects that would be affected by the property redevelopment. Aboriginal and historical-archaeological investigations were undertaken on nearby properties and revealed significant Aboriginal cultural heritage deposits had survived despite ongoing use, occupation, and development of that parcel of land since the 1840s.

The study area remained vacant from the early years of Newcastle settlement until the late 1870s, when the subdivision and subsequent development phase began. Therefore, the potential remains for finding evidence of past Aboriginal use and occupation in the study area prior to the 1870s developments.

#### **4.2.6 AHMS (2011) Palais Royale Site 684 Hunter Street Newcastle (AHIMS #38-4-0831)**

This excavation was undertaken approximately 180 m east of Cottage Creek and immediately south of the proposal site and included AHIMS #38-4-0831 (although as previously noted, the AHIMS coordinates of the site are erroneous as the site is approximately 80 m to the south-east of the listed coordinates). The Aboriginal archaeological salvage of this site entailed a 16 x 3 metre trench (48 m<sup>2</sup>) which was excavated to one to two m in 10 centimetre spits (arbitrary levels). The excavation recovered 5534 Aboriginal objects (AHMS 2011:10). Radiocarbon dating of excavated material indicated the site began to be occupied approximately 6700 years ago, and three occupation periods were identified: 6716 - 6502 years BP (before present), c3500 years BP and 2480 - 1933 years BP.

From 3500 years BP, the use of exotic stone raw materials including chert, chalcedony, and silcrete were noted and an Aboriginal hearth (fireplace) was dated to 2188 - 1933 calibrated years BP. The period of 2480 - 1933 years BP appeared to have been a focus for occupation, with artefacts becoming four times more numerous than previous periods. Nobby's tuff was used as a raw material for stone artefacts throughout the sequence. Backed blades were present throughout all layers of the site with a proliferation of this tool type in the upper layers. Campsite occupation, including the consumption of local shell species, appears to have only occurred at the site after around 1933 years BP (AHMS 2011).

#### **4.2.7 Wickham Transport Interchange, Newcastle: Aboriginal Heritage Summary Report. (Artefact Heritage 2014) (AHIMS 38-4-1716)**

Artefact Heritage was engaged by Transport for NSW to prepare an Archaeological Survey Report (ASR) for the proposed Wickham Transport Interchange (Artefact Heritage 2014). The report found that the study area had potential for archaeological deposits and that further archaeological investigation would be required where sub-surface impacts had the potential to impact buried Aboriginal archaeological deposits. The study area was registered as a PAD (AHIMS 38-4-1716).

Artefact Heritage also prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR). This ACHAR recommended a program of archaeological test excavation be undertaken to further investigate the archaeological potential of the study area. As a result of this, an AHIP (#C0000892) was issued on the 13 March 2015.

Salvage excavations were undertaken in two stages (Artefact Heritage 2015). Stage I was undertaken between 13 April and 30 April 2015 and identified approximately 391 artefacts. Stage II, undertaken between 11 June and 7 July 2015, was completed in an area adjacent to areas of high artefact concentration identified during Stage I. Approximately 3,912 artefacts were identified during Stage II salvages. It was concluded there was the potential for two main vertical concentrations, possibly representing two occupation layers, of artefacts to be present within the collected assemblage, and as a result the site had high significance and research value.

### **4.3 Summary of Aboriginal heritage context**

A review of the AHIMS data and previous archaeological work in the area suggests that the proposal site is situated in a location close to useful resources that may have been used by local Aboriginal communities. The most common site types in the locality are artefact sites, especially in close vicinity to reliable water sources. Previous studies within this area of Newcastle West suggest that much of the region was suitable for Aboriginal occupation, with assemblages and grinding grooves indicating social and cultural groups utilising resources across the area.

Analysis of landform patterning and archaeological evidence shows that Aboriginal occupation was more highly concentrated around Cottage Creek. Analysis of land use and prior disturbance from European occupation - based on available geotechnical results (Section 3.0) - show that the upper layers were moderately to highly disturbed to approximately 0.7 m - 0.8 m below road pavements. Beneath this there were layers of natural sands which had potential to contain in-situ Aboriginal objects.

## 5.0 Visual inspection

RPS carried out an inspection of the Newcastle Light Rail wider road network on 24 April and 20 June 2016. The inspection targeted areas with high ground surface visibility and within 30 metres of a significant Aboriginal object or PAD. The proposal site consisted of road and kerbing, with some grassed areas (Plate 1 and Plate 2).

### 5.1.1 Stewart Avenue

#### 5.1.1.1 Intersection of Hannell Street and Bishopsgate Street

AHIMS #38-4-1795 was a PAD with Artefact Scatter located at 38 Hannell Street, Newcastle West. The AHIMS search for this site revealed that a PAD had been recorded at coordinates Easting 384090 and Northing 6356541. Using these co-ordinates, the site was ground truthed during an Aboriginal heritage survey on 24 April 2015 and was identified as a PAD (RPS 2015a). This report identified the extent of AHIMS #38-4-1795 as approximately 60 m long and 20 m wide. The visual inspection identified that although proposed works were likely to extend into the grassed area (Plate 1), this area had been built up to form the road batter for Stewart Avenue/Hannell Street.

### 5.1.2 Honeysuckle Drive

AHIMS #38-4-0952 is a PAD located north of Honeysuckle Drive. No work is proposed within the boundary of the PAD. The inspection confirmed that the proposal site is paved with an estimated level of disturbance of 0.5 metres.

### 5.1.3 Hunter Street/ Steel Street intersection

There are a number of recorded artefact distributions and PADs within 30 metres of the Hunter and Street intersection AHIMS #38-4-0831, AHIMS #38-4-0832, AHIMS #38-4-0851 (duplicate recording AHIMS #38-4-0772) and AHIMS #38-4-0544. No work is proposed within the boundary of any recorded artefact distributions or PADs as discussed below.

#### 5.1.3.1 AHIMS #38-4-0831

This site known as the Palais Royale site was salvaged under an AHIP. The excavation recovered 5,534 Aboriginal objects (AHMS 2011:10) from Aboriginal occupation of the site that began approximately 6,700 years ago. Due to the sensitivity of the site, this area was inspected to identify surface conditions (Plate 2 and Plate 3). The visual inspection confirmed the built up nature of the area with kerbing and road surfaces.

## 5.2 Summary of visual inspection

The visual inspection of key areas confirmed that these areas had been subject to development for road batters, as well as kerbing and road pavements.

## 6.0 Impact assessment

The purpose of a due diligence assessment is to identify whether Aboriginal objects are present, or likely to be present, in the proposal site and to determine whether proposed activities are likely to harm Aboriginal objects (if present).

The road improvements are limited to pavement extension, line marking and the placement of a number of new medians. These primarily involve surface line marking and limited subsurface disturbance for pavement extension and new medians, subsurface work will not extend below the existing road pavements.

Four Aboriginal sites were identified within 30 m of the proposed works, noting that the extent of such sites may be in excess of their registered AHIMS locations. An impact assessment for the proposed works has been undertaken for each of these AHIMS locations.

### 6.1 Hannell Street/ Stewart Avenue

#### 6.1.1 Intersection of Hannell Street and Bishopsgate Street

AHIMS #38-4-41795 is located immediately east of the proposal site at the intersection of Hannell Street and Bishopsgate Street. The proposal is a new designated left turn bay onto Bishopsgate Street. It would involve pavement extension requiring excavation to one metre in depth.

#### 6.1.2 Honeysuckle Drive

AHIMS #38-4-0952 is a PAD located north of the proposal on Honeysuckle Drive. No work is proposed within the boundary of the PAD. The construction of a new access way off Honeysuckle Drive would not affect AHIMS #38-4-0952.

### 6.2 Hunter Street/ Steel Street intersection

There are a number of recorded artefact distributions and PADs within 30 metres of work proposed at the Hunter Street/ Steel Street intersection including AHIMS #38-4-0831, AHIMS #38-4-0832, AHIMS #38-4-0851 (duplicate recording AHIMS #38-4-0772) and AHIMS #38-4-0544.

#### 6.2.1.1 [AHIMS #38-4-0831](#)

Archaeological excavations at AHIMS #38-4-0831 recovered 5,534 Aboriginal objects from below the foundations and historic layers associated with the Palais Royale (start levels for the Aboriginal excavation averaged 2.11 m AHD - AHMS 2011:38). The pavement level of Steel Street that runs alongside this site is 2.8 m AHD (RPS 2015b). The proposal is limited to line making on the road pavement adjacent to AHIMS #38-4-0831 and will not affect the PAD.

#### 6.2.1.2 [AHIMS #38-4-0832](#)

AHIMS #38-4-0832 is a PAD located at 643-651 Hunter Street, Newcastle West, approximately 20 m north of the proposed project activity that runs east-west along Hunter Street. The proposal is limited to line making on the road pavement adjacent to AHIMS #38-4-0832 and will not affect the PAD.

---

#### 6.2.1.3 [AHIMS #38-4-0851 \(duplicate recording AHIMS #38-4-0772\)](#)

AHIMS #38-4-0851 is a PAD located at 710 Hunter Street, Newcastle West, and is approximately 30 m from the proposed roadworks along Hunter Street. The extent of the PAD is unknown. Test pit excavations and subsequent salvage undertaken in 2001 revealed in excess of 5,734 flaked stone artefacts and shell and animal bone fragments at the site. The extent of the excavation was 10 m x 8 m. The proposal is limited to line making on the road pavement adjacent to AHIMS #38-4-0851 and will not affect the PAD.

#### 6.2.1.4 [AHIMS #38-4-0544](#)

AHIMS #38-4-0544 is registered as an Artefact Site (Number Unspecified) located at 700 Hunter Street, immediately east of Cottage Creek, Newcastle West. This site was partially excavated in 2001 ahead of redevelopment of the site. Assessments and subsequent excavations were triggered by the presence of the Roman Catholic Cemetery (Former) 1841-1881. The extent of the excavations was 10 m x 8 m and produced approximately 5,700 flaked stone artefacts. The proposal is limited to line making on the road pavement adjacent to AHIMS #38-4-0544 and will not affect the PAD.

### 6.3 Summary

The potential impact on all Aboriginal objects within 30 metres of the proposal was assessed. Due to the limited nature of the proposal, as well as the physical context of identified Aboriginal objects, the assessment identified no potential impacts.

## 7.0 Conclusion and Recommendations

The purpose of a due diligence assessment for Aboriginal Heritage is to demonstrate that reasonable and practicable measures were taken to prevent harm to an Aboriginal object or place in accordance with the Due Diligence Code.

The road improvements are limited to pavement widening and extension, line marking and the placement of a number of new medians. The work would involve disturbance to a depth of one metre for pavement widening and new medians.

There were four AHIMS sites within 30 m of the proposed works. An impact assessment was carried out in accordance with expected disturbance levels. No impact to sites for these works was identified.

The following recommendations are made in relation to the proposed activity:

### **Recommendation 1**

All relevant project staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*, via a heritage induction prior to commencement of work on site.

### **Recommendation 2**

If unrecorded Aboriginal objects are identified in the proposal site during works, then all works in the immediate area must cease and the area should be cordoned off. The OEH must be notified by ringing the Enviroline on 131 555 so that the site can be adequately assessed and managed.

### **Recommendation 3**

In the unlikely event that skeletal remains are identified, works must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or are possible Aboriginal remains. If the remains are thought to be Aboriginal, OEH must be contacted by ringing the Enviroline on 131 555. An OEH officer will determine if the remains are Aboriginal or not and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.

### **Recommendation 4**

If, during the course of development works, suspected historic cultural heritage material is uncovered, works must cease in that area immediately. OEH must be notified by ringing the Enviroline on 131 555 and works only recommence when an approved management strategy has been developed.

## 8.0 References

- AHMS. 2001. "ACCOR IBIS Hotel Site 700 Hunter Street Newcastle, NSW: Interim Report on Archaeological Test and Salvage Excavation at the Site." Report to ACCOR Asia Pacific.
- . 2011. "684 Hunter Street, Newcastle: Section 87/90 Aboriginal Heritage Impact Permit #1098622 Excavation Report for SBA Architects Pty Ltd." Yum! Restaurants Pty Ltd.
- AMBS. 2005. "Aboriginal Heritage Study: Newcastle Local Government Area." Newcastle.
- Attenbrow, V. 2010. *Sydney's Aboriginal Past: Investigating the archaeological and historical records*: UNSW Press.
- Dallas, Mary. 2004. "Aboriginal Archaeological Test Excavation Report Boardwalk Site Honeysuckle Drive Newcastle, NSW." Report to Stronach Pty Ltd.
- DECCW. 2010. "Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales." in *Part 6 National Parks and Wildlife Act 1974*, edited by Godwin S.: Department of Environment, Climate Change and Water.
- Doelman, T., R. Torrence, V. Popov, M Ionescu, N. Kluyev, I. Pantyukhina, P. White, and M. Clements. 2008. "Source selectivity: An assessment of Volcanic Glass Sources in the Southern Primorye Region, Far East Russia." *Geoarchaeology: An International Journal* 23:243-73.
- Dominic Steele Consulting Archaeology. 2005. "Aboriginal Archaeological Assessment, 738 Hunter Street, Newcastle West, Proposed Research Design and Excavation Methodology: Application for a s87 Preliminary Research Permit." Task Developments Pty Ltd.
- Keith, D. 2006. *Ocean Shores to Desert Dunes: The Native Vegetation of New South Wales and the ACT*. Sydney: Department of Environment and Conservation NSW.
- Matthei, L.E. 1995. *Soil Landscapes of Newcastle 1:100 000 Sheet*. Sydney: Department of Land and Water Conservation.
- RCA Australia. 2015. "Geotechnical and Contamination Investigation: Newcastle Light Rail Project." Report to Transport for NSW.
- RPS. 2015a. "Aboriginal Heritage Due Diligence Assessment, Hannell Street, Wickham."
- . 2015b. "Archival Recording Steel St, Newcastle." Report to GHD.
- Umwelt. 2002. "Newcastle Coastal Management Plan Draft." Newcastle: Newcastle City Council.

## 9.0 Plates



Plate 1 AHIMS #38-4-1795 between Bishopgate and Hannell streets, facing north



Plate 2 Steel Street facing north-east.



**Plate 3 View to west of the highly built up and modified urban fabric of intersection of Hunter and Steel Street.**

# Appendix I

## Legislative requirements

---

## Summary of statutory controls

The following overview of the legal framework is provided solely for information purposes for the client and should not be interpreted as legal advice. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview, and recommend that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

### COMMONWEALTH

#### Aboriginal & Torres Strait Islander Heritage Protection Act 1984 (ATSIHIP Act)

The purpose of this Act is to preserve and protect all heritage places of particular significance to Aboriginal and Torres Strait Islander people. This Act applies to all sites and objects across Australia and in Australian waters (s4).

It would appear that the intention of this Act is to provide national baseline protection for Aboriginal places and objects where State legislation is absent. It is not to exclude or limit State laws (s7(1)). Should State legislation cover a matter already covered in the Commonwealth legislation, and a person contravenes that matter, that person may be prosecuted under either Act, but not both (s7(3)).

The Act provides for the preservation and protection of all Aboriginal objects and places from injury and/or desecration. A place is construed to be injured or desecrated if it is not treated consistently with the manner of Aboriginal tradition or is or likely to be adversely affected (s3).

### STATE

It is incumbent on any land manager to adhere to state legislative requirements that protect Aboriginal Cultural heritage. The relevant legislation in NSW includes but is not limited to the summary below.

#### National Parks and Wildlife Act 1974 (NPW Act)

The NPW Act provides statutory protection for all Aboriginal heritage, places and objects (not being a handicraft made for sale), with penalties levied for breaches of the Act. This legislation is overseen by the Office of Environment and Heritage (OEH) and specifically the Chief Executive (formerly the Director-General) of OEH. Part 6 of this Act is the relevant part concerned with Aboriginal objects and places, with Section 86 and Section 90 being the most pertinent. In 2010, this Act was substantially amended, particularly with respect to Aboriginal cultural heritage requirements. Relevant sections include:

#### Section 86

This section now lists four major offences:

- (1) A person must not harm an object that the person knows is an Aboriginal object;
- (2) A person must not harm an Aboriginal object;
- (3) For the purposes of s86, "circumstances of aggravation" include:
  - (a) The offence being committed during the course of a commercial activity; or
  - (b) That the offence was the second or subsequent offence committed by the person;
- (4) A person must not harm or desecrate an Aboriginal place.

Offences under s86 (2) and (4) are now strict liability offences, i.e., knowledge that the object or place harmed was an Aboriginal object or place needs to be proven. Penalties for all offences under Part 6 of this Act have also been substantially increased, depending on the nature and severity of the offence.

### Section 87

This section now provides defences to the offences of s86. These defences chiefly consist of having an appropriate Aboriginal Heritage Impact Permit (AHIP), not contravening the conditions of the AHIP and demonstrating that due diligence was exercised prior to the alleged offence.

### Section 87A & 87B

These sections provide exemptions from the operation of s86. Section 87A covers authorities such as the Rural Fire Service, State Emergency Services and officers of the National Parks & Wildlife Service in the performance of their duties, while s87B covers Aboriginal people performing traditional activities.

### Section 89A

If a person knows of the location of an Aboriginal object or place that has not been previously registered and does not advise the Director-General (now Chief Executive) of the OEH of that object or place within a reasonable period of time, then that person is guilty of an offence under this Section of the Act.

### Section 90

This section authorises the Director-General (now Chief Executive) of the OEH to issue an AHIP.

### Section 90A-90R

These sections govern the requirements relating to applying for an AHIP. In addition to the amendments to the Act, OEH have issued three new policy documents clarifying their requirements with regard to Aboriginal archaeological investigations: *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* and *Code of Practice for Archaeological Investigations in NSW*. The Consultation Requirements formalise the consultation with Aboriginal community groups into four main stages: details regarding the parties required to be consulted; advertisements inviting Aboriginal community groups to participate in the consultation process; requirements regarding the provision of methodologies; and draft and final reports to the Aboriginal stakeholders, as well as timetables for the four stages. The Due Diligence Code of Practice sets out the minimum requirements for investigation, with particular regard as to whether an AHIP is required. The Code of Practice for Archaeological Investigation sets out the minimum requirements for archaeological investigation of Aboriginal sites.

### Aboriginal Heritage Impact Permits (AHIP)

OEH encourages consultation with relevant Aboriginal stakeholders for all Aboriginal Heritage Assessments. However, if an Aboriginal Heritage Impact Permit (AHIP) is required for an Aboriginal site, then specific OEH guidelines are triggered for Aboriginal consultation.

### Aboriginal Cultural Heritage Consultation Requirements for Proponents

In 2010, the Aboriginal Cultural Heritage Consultation Requirements for Proponents (ACHCRs) were issued by OEH (12 April 2010). These consultation requirements replace the previously issued Interim Community Consultation Requirements (ICCR) for Applicants (Dec 2004). These guidelines apply to all AHIP

---

applications prepared after 12 April 2010. For projects commenced prior to 12 April 2010, transitional arrangements were stipulated in a supporting document: Questions and Answers 2: Transitional Arrangements.

The ACHCRs 2010 include a four stage Aboriginal consultation process and stipulate specific timeframes for each state. Stage 1 requires that Aboriginal people who hold cultural information are identified, notified, and invited to register an expression of interest in the assessment. Stage 1 includes the identification of Aboriginal people who may have an interest in the project site and who hold information relevant to determining the cultural significance of Aboriginal objects or places. This identification process should draw on reasonable sources of information including the relevant OEH EPRG regional office; the relevant Local Aboriginal Land Council(s); the Registrar of Aboriginal Owners; the Aboriginal Land Rights Act (1983); the Native Title Tribunal; Native Title Services Corporation Limited; the relevant local council(s); and the relevant catchment management authority. The identification process should also include an advertisement placed in a local newspaper circulating in the general location of the proposal site. Aboriginal organisations and/or individuals identified should be notified of the project and invited to register an expression of interest (Eoi) for Aboriginal consultation. Once a list of Aboriginal stakeholders has been compiled from the Eois, they need to be consulted in accordance with ACHCRs Stages 2, 3 and 4.

#### Environmental Planning & Assessment Act 1979 (EP&A Act)

This Act regulates a system of environmental planning and assessment for New South Wales. Land use planning requires that environmental impacts are considered, including the impact on cultural heritage and specifically Aboriginal heritage. Within the EP&A Act, Parts 3, 4 and 5 relate to Aboriginal heritage.

Part 3 regulates the preparation of planning policies and plans. Part 4 governs the manner in which consent authorities determine development applications and outlines those that require an environmental impact statement. Part 5 regulates government agencies that act as determining authorities for activities conducted by that agency or by authority from the agency. The National Parks & Wildlife Service is a Part 5 authority under the EP&A Act.

In brief, the NPW Act provides protection for Aboriginal objects or places, while the EP&A Act ensures that Aboriginal cultural heritage is properly assessed in land use planning and development.

### **Heritage Act 1977**

This Act protects the natural and cultural history of NSW with emphasis on non-indigenous cultural heritage through protection provisions and the establishment of a Heritage Council. Although Aboriginal heritage sites and objects are primarily protected by the *National Parks & Wildlife Act 1974*, if an Aboriginal site, object or place is of great significance, it may be protected by a heritage order issued by the Minister subject to advice by the Heritage Council.

Other legislation of relevance to Aboriginal cultural heritage in NSW includes the *NSW Local Government Act 1993*. Local planning instruments also contain provisions relating to indigenous heritage and development conditions of consent.

## Appendix 2

### AHIMS

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-4-0454	Yirannaii;	AGD	56	386150	6355450	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	1333
	<b>Contact</b>									
	<b>Recorders</b>			Warren Bluff						
38-4-0455	Nobby's;	AGD	56	387500	6356950	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	1333
	<b>Contact</b>									
	<b>Recorders</b>			Warren Bluff						
38-4-1020	Coutts Sailors Home PAD1	AGD	56	386358	6355971	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b>			T Russell						
	<b>Recorders</b>			Extent Heritage Pty Ltd						2734
38-4-1222	Cottage Creek OSI	GDA	56	384250	6356324	Open site	Valid	Artefact : 1		
	<b>Contact</b>									
	<b>Recorders</b>			Streat Archaeological Services						
38-4-1223	Wickham UFCCALE OSI	GDA	56	384166	6356333	Open site	Valid	Artefact : 1		
	<b>Contact</b>									
	<b>Recorders</b>			Streat Archaeological Services						
38-4-0772	710 Hunter Street Newcastle PAD	AGD	56	384350	6356250	Open site	Valid	Shell : -, Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b>									
	<b>Recorders</b>			Jim Wheeler						1981
38-4-0796	200 Hunter Street PAD	AGD	56	385787	6356006	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b>			T Russell						
	<b>Recorders</b>			Mrs. Angela Besant						2045,2049
38-4-0831	Palais Royale	AGD	56	384300	6356100	Open site	Partially Destroyed	Potential Archaeological Deposit (PAD) :-, Artefact : 5534, Shell :-		102256
	<b>Contact</b>			T Russell						
	<b>Recorders</b>			University of Newcastle, Jim Wheeler						2127,2593,3098,3502
38-4-0832	Empire Hotel PAD	AGD	56	384300	6356000	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b>			T Russell						
	<b>Recorders</b>			Jim Wheeler						2128
38-4-0842	HWBB1	GDA	56	382350	6353418	Open site	Not a Site	Artefact : 1		
	<b>Contact</b>			S Scanlon						
	<b>Recorders</b>			Hunter Water Corporation, Ms. Penny McCardle						2264
38-4-0843	HWBB2	AGD	56	382323	6353062	Open site	Valid	Artefact : 2		
	<b>Contact</b>			S Scanlon						
	<b>Recorders</b>			Ms. Penny McCardle						2264

Report generated by AHIMS Web Service on 22/04/2016 for Jo Nelson for the following area at Datum :GDA, Zone : 56, Eastings : 381755 - 387755, Northings : 6352984 - 6358998 with a Buffer of 0 meters. Additional Info : for Report. Number of Aboriginal sites and Aboriginal objects found is 26

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

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-4-1084	Newcastle CBD PAD	AGD	56	385850	6355900	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b>	<b>Recorders</b>	Ms.Meaghan Russell					<b>Permits</b>	3008	
38-4-1716	Wickham Transport Interchange PAD	GDA	56	383426	6356757	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b>	<b>Recorders</b>	Artefact Heritage Services,Ms.Alyce Howard					<b>Permits</b>	3809	
38-4-1717	Hickson ST AS1	GDA	56	382842	6353208	Open site	Valid	Artefact :-		
	<b>Contact</b> Mr.Peter Townsend	<b>Recorders</b>	Mr.Peter Townsend					<b>Permits</b>		
38-4-0525	Catholic Education Site	AGD	56	385680	6355710	Open site	Valid	Artefact :-	Open Camp Site	100771
	<b>Contact</b>	<b>Recorders</b>	Margrit Koettig					<b>Permits</b>		
38-4-0048	Merewether;Dixon Park;	AGD	56	384627	6354301	Open site	Valid	Artefact :-	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Len Dyall					<b>Permits</b>		
38-4-0559	The Broadwalk- Newcastle 1	AGD	56	385000	6356250	Open site	Valid	Potential Archaeological Deposit (PAD) : 0		98887
	<b>Contact</b>	<b>Recorders</b>	Mary Dallas Consulting Archaeologists					<b>Permits</b>	1298,2043,2453	
38-4-0544	700 Hunter Street	AGD	56	384250	6356020	Open site	Valid	Artefact :-		
	<b>Contact</b>	<b>Recorders</b>	Dominic Steele Archaeological Consulting					<b>Permits</b>		
38-4-0952	Bellevue Hotel PAD	AGD	56	384250	6356200	Open site	Valid	Potential Archaeological Deposit (PAD) :-		99845,99874
	<b>Contact</b> Searle	<b>Recorders</b>	Mr.Dominic Steele					<b>Permits</b>	2382	
38-4-0851	710 Hunter St Newcastle, PAD	AGD	56	384350	6356250	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b> S Scanlon	<b>Recorders</b>	Jim Wheeler					<b>Permits</b>		
38-4-0957	NCL 931	AGD	56	386400	6356000	Open site	Valid	Artefact :-		
	<b>Contact</b> T Russell	<b>Recorders</b>	Noeleen Curran					<b>Permits</b>		
38-4-1205	Nobbys Head	GDA	56	386913	6356267	Open site	Valid	Aboriginal Ceremony and Dreaming :-		
	<b>Contact</b> Awabakal LALC	<b>Recorders</b>	Brad Welsh					<b>Permits</b>		
38-4-1632	TA1 Newcastle	GDA	56	386378	6356088	Open site	Destroyed	Artefact :-		
	<b>Contact</b>	<b>Recorders</b>	Umwelt (Australia) Pty Limited, Miss.Nicola Roche					<b>Permits</b>	3683	
38-4-1695	11-15 Watt St IF 1	AGD	56	386381	6356080	Open site	Valid	Artefact :-		
	<b>Contact</b>	<b>Recorders</b>	Mr.Benjamin Streat					<b>Permits</b>	3814	

Report generated by AHIMS Web Service on 22/04/2016 for Jo Nelson for the following area at Datum :GDA, Zone : 56, Eastings : 381755 - 387755, Northings : 6352984 - 6358998 with a Buffer of 0 meters. Additional Info : for Report. Number of Aboriginal sites and Aboriginal objects found is 26

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



# AHIMS Web Services (AWS)

## Extensive search - Site list report

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-4-1642	409 Hunter Street Newcastle Fill duplicate of 409 Hunter Street Newcastle Insitu	GDA	56	385099	6356088	Open site	Valid	Artefact : -, Shell : -		
	<u>Contact</u>	<u>Recorders</u>	Mr.Benjamin Streat					<u>Permits</u>	3920	
38-4-1795	38 Hannell St Newcastle PAD	GDA	56	384090	6356541	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
	<u>Contact</u>	<u>Recorders</u>	Extent Heritage Pty Ltd ,Doctor.Tessa Bryant							

Report generated by AHIMS Web Service on 22/04/2016 for Jo Nelson for the following area at Datum :GDA, Zone : 56, Eastings : 381755 - 387755, Northings : 6352984 - 6358998 with a Buffer of 0 meters. Additional Info : for Report. Number of Aboriginal sites and Aboriginal objects found is 26

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



SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-4-0454	Yirannaii;	AGD	56	386150	6355450	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	1333
	<b>Contact</b>								<b>Permits</b>	
38-4-0455	Nobby's;	AGD	56	387500	6356950	Open site	Valid	Aboriginal Ceremony and Dreaming : -	Natural Mythological (Ritual)	1333
	<b>Contact</b>								<b>Permits</b>	
38-4-1020	Coutts Sailors Home PAD1	AGD	56	386358	6355971	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b> T Russell								<b>Permits</b> 2734	
38-4-1222	Cottage Creek OSI	GDA	56	384250	6356324	Open site	Valid	Artefact : 1		
	<b>Contact</b>								<b>Permits</b> 3970,4025	
38-4-1223	Wickham UFCCALE OSI	GDA	56	384166	6356333	Open site	Valid	Artefact : 1		
	<b>Contact</b>								<b>Permits</b> 4025	
38-4-0772	710 Hunter Street Newcastle PAD	AGD	56	384350	6356250	Open site	Valid	Shell : -, Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b>								<b>Permits</b> 1981	
38-4-0796	200 Hunter Street PAD	AGD	56	385787	6356006	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b> T Russell								<b>Permits</b> 2045,2049	
38-4-0831	Palais Royale	AGD	56	384300	6356100	Open site	Partially Destroyed	Potential Archaeological Deposit (PAD) :-, Artefact : 5534, Shell :-		102256
	<b>Contact</b> T Russell								<b>Permits</b> 2127,2593,3098,3502	
38-4-0832	Empire Hotel PAD	AGD	56	384300	6356000	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b> T Russell								<b>Permits</b> 2128	
38-4-0842	HWBB1	GDA	56	382350	6353418	Open site	Not a Site	Artefact : 1		
	<b>Contact</b> S Scanlon								<b>Permits</b> 2264	
38-4-0843	HWBB2	AGD	56	382323	6353062	Open site	Valid	Artefact : 2		
	<b>Contact</b> S Scanlon								<b>Permits</b> 2264	

Report generated by AHIMS Web Service on 09/11/2016 for Tessa Boer-Mah for the following area at Datum :GDA, Zone : 56, Eastings : 381755 - 387755, Northings : 6352984 - 6358998 with a Buffer of 0 meters. Additional Info : assessment. Number of Aboriginal sites and Aboriginal objects found is 36

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

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-4-1084	Newcastle CBD PAD	AGD	56	385850	6355900	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b>	<b>Recorders</b>	Ms.Meaghan Russell					<b>Permits</b>	3008	
38-4-1716	Wickham Transport Interchange PAD	GDA	56	383426	6356757	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b>	<b>Recorders</b>	Artefact - Cultural Heritage Management ,Ms.Alyce Howard					<b>Permits</b>	3809,4025	
38-4-1717	Hickson ST AS1	GDA	56	382842	6353208	Open site	Valid	Artefact :-		
	<b>Contact</b> Mr.Peter Townsend	<b>Recorders</b>	Mr.Peter Townsend					<b>Permits</b>		
38-4-0525	Catholic Education Site	AGD	56	385680	6355710	Open site	Valid	Artefact :-	Open Camp Site	100771
	<b>Contact</b>	<b>Recorders</b>	Margrit Koettig					<b>Permits</b>		
38-4-0048	Merewether;Dixon Park;	AGD	56	384627	6354301	Open site	Valid	Artefact :-	Open Camp Site	
	<b>Contact</b>	<b>Recorders</b>	Len Dyall					<b>Permits</b>		
38-4-0559	The Broadwalk- Newcastle 1	AGD	56	385000	6356250	Open site	Valid	Potential Archaeological Deposit (PAD) : 0		98887
	<b>Contact</b>	<b>Recorders</b>	Mary Dallas Consulting Archaeologists					<b>Permits</b>	1298,2043,2453	
38-4-0544	700 Hunter Street	AGD	56	384250	6356020	Open site	Valid	Artefact :-		
	<b>Contact</b>	<b>Recorders</b>	Dominic Steele Archaeological Consulting					<b>Permits</b>		
38-4-0952	Bellevue Hotel PAD	AGD	56	384250	6356200	Open site	Valid	Potential Archaeological Deposit (PAD) :-		99845,99874
	<b>Contact</b> Searle	<b>Recorders</b>	Mr.Dominic Steele					<b>Permits</b>	2382	
38-4-0851	710 Hunter St Newcastle, PAD	AGD	56	384350	6356250	Open site	Valid	Potential Archaeological Deposit (PAD) :-		
	<b>Contact</b> S Scanlon	<b>Recorders</b>	Jim Wheeler					<b>Permits</b>		
38-4-0957	NCL 931	AGD	56	386400	6356000	Open site	Valid	Artefact :-		
	<b>Contact</b> T Russell	<b>Recorders</b>	Noeleen Curran					<b>Permits</b>		
38-4-1205	Restriction applied. Please contact ahims@environment.nsw.gov.au.					Open site	Valid			
	<b>Contact</b> Awabakal LALC	<b>Recorders</b>	Brad Welsh					<b>Permits</b>		
38-4-1632	TA1 Newcastle	GDA	56	386378	6356088	Open site	Destroyed	Artefact :-		
	<b>Contact</b>	<b>Recorders</b>	Umwelt (Australia) Pty Limited, Miss.Nicola Roche					<b>Permits</b>	3683	
38-4-1695	11-15 Watt St IF 1	AGD	56	386381	6356080	Open site	Valid	Artefact :-		
	<b>Contact</b>	<b>Recorders</b>	Mr.Benjamin Streat					<b>Permits</b>	3814,3966	

Report generated by AHIMS Web Service on 09/11/2016 for Tessa Boer-Mah for the following area at Datum :GDA, Zone : 56, Eastings : 381755 - 387755, Northings : 6352984 - 6358998 with a Buffer of 0 meters. Additional Info : assessment. Number of Aboriginal sites and Aboriginal objects found is 36

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



SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
38-4-1642	409 Hunter Street Newcastle Fill duplicate of 409 Hunter Street Newcastle Insitu <u>Contact</u>	GDA	56	385099	6356088	Open site	Valid	Artefact : -, Shell : -		
		<u>Recorders</u>	Mr.Benjamin Streat						<u>Permits</u>	3920
38-4-1812	Isolated Find 6 - Rail <u>Contact</u>	GDA	56	384542	6356203	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Ms.Cheng-Yen Loo						<u>Permits</u>	
38-4-1813	Isolated Find 7 - Rail <u>Contact</u>	GDA	56	384548	6356205	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Ms.Cheng-Yen Loo						<u>Permits</u>	
38-4-1814	Isolated Find 8 -Rail <u>Contact</u>	GDA	56	384544	6356199	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Ms.Cheng-Yen Loo						<u>Permits</u>	
38-4-1815	Isolated Find 5 - Rail <u>Contact</u>	GDA	56	384520	6356214	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Ms.Cheng-Yen Loo						<u>Permits</u>	
38-4-1816	Isolated Find 4 -Rail <u>Contact</u>	GDA	56	384514	6356211	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Ms.Cheng-Yen Loo						<u>Permits</u>	
38-4-1817	Artefact Scatter 1 -Rail <u>Contact</u>	GDA	56	384552	6356198	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Ms.Cheng-Yen Loo						<u>Permits</u>	
38-4-1818	Isolated Find 9 - Rail <u>Contact</u>	GDA	56	384565	6356195	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Ms.Cheng-Yen Loo						<u>Permits</u>	
38-4-1803	Isolated Find 3-Rail <u>Contact</u>	GDA	56	384525	6356208	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Ms.Cheng-Yen Loo						<u>Permits</u>	3970
38-4-1795	38 Hannell St Newcastle PAD <u>Contact</u>	GDA	56	384090	6356541	Open site	Valid	Potential Archaeological Deposit (PAD) : -		
		<u>Recorders</u>	Extent Heritage Pty Ltd ,Doctor.Tessa Bryant						<u>Permits</u>	
38-4-1804	Isolated Find 1-Rail <u>Contact</u>	GDA	56	384145	6356435	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Mr.Ben Slack						<u>Permits</u>	4025
38-4-1805	Isolated Find 2-Rail <u>Contact</u>	GDA	56	384525	6356208	Open site	Valid	Artefact : -		
		<u>Recorders</u>	RPS Australia East Pty Ltd -Hamilton,Mr.Ben Slack						<u>Permits</u>	3970

Report generated by AHIMS Web Service on 09/11/2016 for Tessa Boer-Mah for the following area at Datum :GDA, Zone : 56, Eastings : 381755 - 387755, Northings : 6352984 - 6358998 with a Buffer of 0 meters. Additional Info : assessment. Number of Aboriginal sites and Aboriginal objects found is 36

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



**GHD**

Level 3, GHD Tower, 24 Honeysuckle Drive, Newcastle, NSW 2300

T: 02 4979 9999 F: 02 4979 9988 E: [ntlmail@ghd.com](mailto:ntlmail@ghd.com)

© GHD 2016

This document is and shall remain the property of GHD. The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.