

NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN REVIEW

NEWCASTLE, NSW.

Volume 1. Site Survey, Significance, Conservation & Management.



Lighthouse, Brown and Tyrrell Streets, The Hill, Newcastle (Edward Higginbotham).

EDWARD HIGGINBOTHAM & ASSOCIATES PTY LTD.

Archaeology • History • & Heritage

A.B.N. 79 072 316 968



NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN REVIEW

NEWCASTLE, NSW.

Volume 1. Site Survey, Significance, Conservation & Management.

Edward Higginbotham
MA (Cambridge), PhD (Sydney), MAACAI.
EDWARD HIGGINBOTHAM & ASSOCIATES PTY LTD
13 O'Connor Street
HABERFIELD, NSW 2045.
PO Box 97
HABERFIELD, NSW 2045.
Phone. (02) 9716-5154
drted@higginbotham.net.au
www.higginbotham.com.au

With
Dr. Terry Kass, B. A. (Hons), M. A. (Hons), Dip. Ed.
Ms. Catherine Colville.

For
Newcastle City Council.

Draft	April 2012
Second Draft	July 2012
Final	April 2013

CONTENTS.

ACKNOWLEDGMENTS	VI
EXECUTIVE SUMMARY	VII
USER GUIDE - DETERMINING THE STATUTORY REQUIREMENTS FOR ARCHAEOLOGICAL SITES IN NEWCASTLE	IX
Method 01	ix
Method 02	ix
Basic Procedures and Recommendations	x
STATEMENT OF BENEFITS	XV
1 REPORT LAYOUT	17
2 INTRODUCTION	19
2.1 Background	19
2.2 Brief	19
2.3 Location of site	19
2.4 Heritage Listings	20
2.5 Study methodology and limitations	20
2.6 Author identification	21
3 HISTORICAL OVERVIEW - SUMMARY	23
4 ASSESSING THE ARCHAEOLOGICAL RESOURCE	25
4.1 The principal sources	25
4.2 What is an archaeological management plan?	27
5 SITE SURVEY	29
5.1 Introduction	29
5.2 State Heritage Inventory (SHI) Database	29
5.3 Block-by-block listings	30
5.4 Item Names	30
5.5 Statement of Significance	30
5.6 Modern Cadastre	31
5.7 Historical Cadastre	31
5.8 Newcastle AMP 1997 Inventory Numbers	31
5.9 Historical sequence of development	32
5.10 Physical Condition and Archaeological Potential	32
5.11 Standing Buildings and Ruins	33
5.12 Heritage and Archaeology	34
5.13 References	34
5.14 Historical Drainage	34
5.15 The possible distribution of convict huts and associated relics	34
5.16 Concordance of SHI Inventory Numbers with Historical Plan Overlay Numbers	35
5.17 Historical Map References	42
5.18 Figures	46
6 CULTURAL SIGNIFICANCE	49
6.1 Current assessment criteria	49
6.2 Technical / research significance and scientific	

(archaeological) significance.....	52
6.3 The heritage significance of the Study Area.....	52
6.3.1 Penal Settlement, 1801-1821 (State).....	53
6.3.2 Town Development, 1820s-1853 (State).....	56
6.3.3 The Australian Agricultural Company, 1830 onwards (State).....	59
6.3.4 Railway and Port Infrastructure (State).....	61
6.3.5 Harbour Defences (State).....	63
6.3.6 Urban Development, 1853 onwards (Local).....	65
7 RESEARCH FRAMEWORK.....	69
7.1 Natural Environment.....	73
7.2 Environmental Modification & Disturbance.....	73
7.3 Aboriginal Occupation/Contact.....	74
7.4 Penal Settlements.....	74
7.5 Defence and Military Establishments.....	75
7.6 The development of port infrastructure in New South Wales.....	76
7.7 The development of rail infrastructure in New South Wales.....	76
7.8 The development of roads and bridges in New South Wales.....	77
7.9 The development of tramway infrastructure in New South Wales.....	77
7.10 Town development in New South Wales up to the early 1850s.....	77
7.11 The development of prisons in New South Wales.....	77
7.12 Public Utilities and Services - Water Supply.....	78
7.13 Public Utilities and Services - Gas Supply.....	78
7.14 The Australian Agricultural Company.....	78
7.15 Urbanisation and the 19th Century City.....	79
7.16 The development of hospitals and health infrastructure in New South Wales.....	80
7.17 Maintenance of Law and Order.....	80
7.18 Industry and Manufacturing.....	80
7.19 Coal Mining in New South Wales, 1801 onwards.....	81
7.20 Cultural Life.....	81
7.21 Theatres, Entertainment and Public Recreation.....	81
7.22 Religion and Burial Customs.....	81
7.23 Education - Schools, Colleges and Universities.....	82
7.24 Social and Economic Status, Gender and Ethnicity.....	82
7.25 Archaeological Management Issues.....	82
8 LEGISLATIVE FRAMEWORK.....	85
8.1 Introduction.....	85
8.2 <i>Environment Protection and Biodiversity Conservation Act 1999</i>	85
8.3 <i>NSW Heritage Act 1977</i>	86
8.4 Undertaking works on relics.....	87
8.5 Heritage and Conservation Register, and Penalties.....	88
8.6 Standard exemptions and exceptions under the <i>NSW Heritage Act 1977</i>	88
8.7 <i>NSW National Parks and Wildlife Act 1974</i>	89
8.8 <i>NSW National Parks and Wildlife Amendment Act, 2010</i>	89
8.9 <i>NSW Environmental Planning and Assessment Act, 1979</i> ,	

and <i>Environmental Planning and Assessment Regulation</i> , 2000.....	90
8.10 Part 3A Major Projects (repealed).....	90
8.11 Part 4 Development Assessment.....	90
8.12 State Environmental Planning Policies.....	91
8.13 State Environmental Planning Policy (Infrastructure) 2007	91
8.14 Newcastle Local Environmental Plan 2012	92
8.15 Newcastle Development Control Plan (DCP) 2012, and DCP Heritage Technical Manual 2012.....	92
8.16 The Register of the National Estate.	93
9 CONSERVATION AND MANAGEMENT.	95
9.1 Introduction.	95
9.2 Relevance of the 1997 Newcastle Archaeological Management Strategy ..	95
9.3 Determining appropriate conservation and management procedures.	95
9.3.1 Method 01.	96
9.3.2 Method 02.	96
9.4 Basic Procedures and Recommendations.....	97
9.5 Activities that are exempt from excavation permit applications.	97
9.6 Recommendation for common or recurring works.	98
9.7 Flow charts for conservation and management procedures.....	112
9.8 Recommendations relating to local significant sites.....	117
9.9 Recommendation relating to Part 4 Development (EP&A Act).....	117
9.10 Standard conditions of consent for archaeology under Part 4 Development (EP&A Act).....	117
9.11 Recommendations for updates to related plans and policies	118
9.12 Recommendations for extensions to the study area	118
9.13 Review of the Archaeological Management Plan	118
9.14 Recommendations for heritage listing	119
9.15 Supplementary guidelines and policies.	119
9.15.1 Interpretation and Display	119
9.15.2 Conservation in situ	120
APPENDIX 1. STATE HERITAGE REGISTER LISTINGS FOR NEWCASTLE LGA.....	122
APPENDIX 2. LIST OF HERITAGE AND ARCHAEOLOGICAL REPORTS FOR NEWCASTLE.....	124
APPENDIX 3. EXTRACTS FROM THE NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN 1997.....	132
APPENDIX 4. BRIEF FOR NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN REVIEW.	140

ACKNOWLEDGMENTS.

The author would like to thank

Client: Ms. Jill Gaynor, Ms. Sarah Cameron, Mr. Darren Green, Mr. Denis Davidson, Mr. Dave Wagstaff, Newcastle City Council.

Ausgrid. Mr. Richard Dunnicliff.

NSW Heritage Branch. Dr. Siobhan Lavelle.

Local Studies Librarian Ms. Sandra Wood and Ms. Susan Ryan.

The project was jointly funded by Newcastle City Council, the NSW Heritage Branch and AusGrid.

EXECUTIVE SUMMARY.

This report was commissioned by Ms. Jill Gaynor, Newcastle City Council, on 7 February 2012.

The project is jointly funded by Newcastle City Council, the NSW Heritage Branch and AusGrid.

See Volume 1, Appendix 4 for the Brief for the Newcastle Archaeological Management Plan Review.¹

The Brief identifies the four main tasks of the Newcastle Archaeological Management Plan Review, namely:

1. Review and update of the Newcastle Archaeological Management Plan 1997, including heritage planning and procedural framework, management strategy and inventory.
2. Identify and assess the surviving condition and significance of sites not included within the previous study, particularly the roads, streets, parks and reserves (public domain).
3. Provide MapInfo datasets for all archaeological sites within the study area of Inner Newcastle in sufficient detail to enable infrastructure and development planning.
4. Provide the inventory of archaeological sites in SHI format, with statements of significance, and make recommendations concerning heritage listing.

In addition, Newcastle City Council and Ausgrid have indicated the need to streamline the management and conservation of archaeological sites within the public domain, to enable the timely provision, maintenance and upgrading of roads, drainage/stormwater and other services and utilities.

The Study Area for the Newcastle Archaeological Management Plan Review comprises part of Newcastle, Newcastle East, Newcastle West, The Hill, Bar Beach, Cooks Hill, Wickham, Hamilton and Hamilton East (Figure 1.1).

In Volume 3, the study provides a broad historical background, arranged into six historical themes, namely:

- Penal Settlement, 1801-1821
- The Town Plan, 1822-1826.
- Town Development, 1823-1853.
- The Australian Agricultural Company, 1830 to 1853
- Railway and Port Infrastructure
- Urban Development 1853 onwards.

¹ Appendix 1. Brief for the Newcastle Archaeological Management Plan Review.

In Volume 1, Chapter 7, the Newcastle Archaeological Management Plan Review Volume provides a detailed discussion of archaeological research themes and the contribution of made by excavation reports up to 2012.

Volume 2 includes the Inventory of Sites, arranged on a block-by-block basis. It also provides statements of significance based on the above historical themes and details the archaeological research themes to which each site is likely to contribute.

A detailed series of historical maps of plan is provided in Volume 2, Appendix 2 and enables the historical sequence of development of each site to be clearly illustrated.

The Newcastle Archaeological Management Plan Review Volume 1, Chapter 9 provides a comprehensive discussion of the management and conservation of archaeological sites in Newcastle.

USER GUIDE - DETERMINING THE STATUTORY REQUIREMENTS FOR ARCHAEOLOGICAL SITES IN NEWCASTLE.

There are two primary methods to access the appropriate conservation and management procedures for each archaeological site.

Method 01.

A development site should be located on the following map in order to establish the appropriate conservation and management procedures directly, namely:

Map 4. Management of Archaeological Sites.

The map identifies four sets of procedures, as follows:

1. See Flow Chart 01 for State significant sites.
2. See Flow Chart 02 for Local significant sites.
3. See Flow Chart 03 for Council works.
4. See Flow Chart 04 for Ausgrid and other Utility works.

If the development site is identified in any of the above four categories on Map 4, the simple set of recommendations described in the following sections should be followed. The procedures described below are also summarised in Flow Charts 01 to 04.

Method 02.

A development site should be located on the following maps, namely:

- Map 1. Inventory of Archaeological Sites.
- Map 2. Significance of Archaeological Sites.
- Map 3. Archaeological Potential (Surviving Condition).

On Map 3, sites are divided into the following categories:

1. Standing Buildings or Parts of Buildings.
2. Little Disturbance.
3. Partly Disturbed.
4. Mostly Disturbed or Destroyed.

Sites identified as “Mostly Disturbed or Destroyed” do not require any further archaeological assessment or procedure as part of the planning process. Further, no archaeological assessment or procedure needs to be taken if an item is not listed as an archaeological site within the study area.

If the development site is identified in any of the above four categories on Map 4, the simple set of recommendations described in the following sections should be

followed. The procedures described below are also summarised in Flow Charts 01 to 04.

Basic Procedures and Recommendations.

For each archaeological site identified in this Archaeological Management Plan, there is a simple set of recommendations to be followed in order to assess development applications, including those for demolition.

Demolition of existing buildings may affect or disturb above and below ground archaeological sites, particularly if footings are removed in the demolition process. For this reason, archaeological assessment reports should be completed before the consideration of a DA for demolition or other purpose, in order to ensure that the archaeological sites are adequately protected.

It is recommended that:

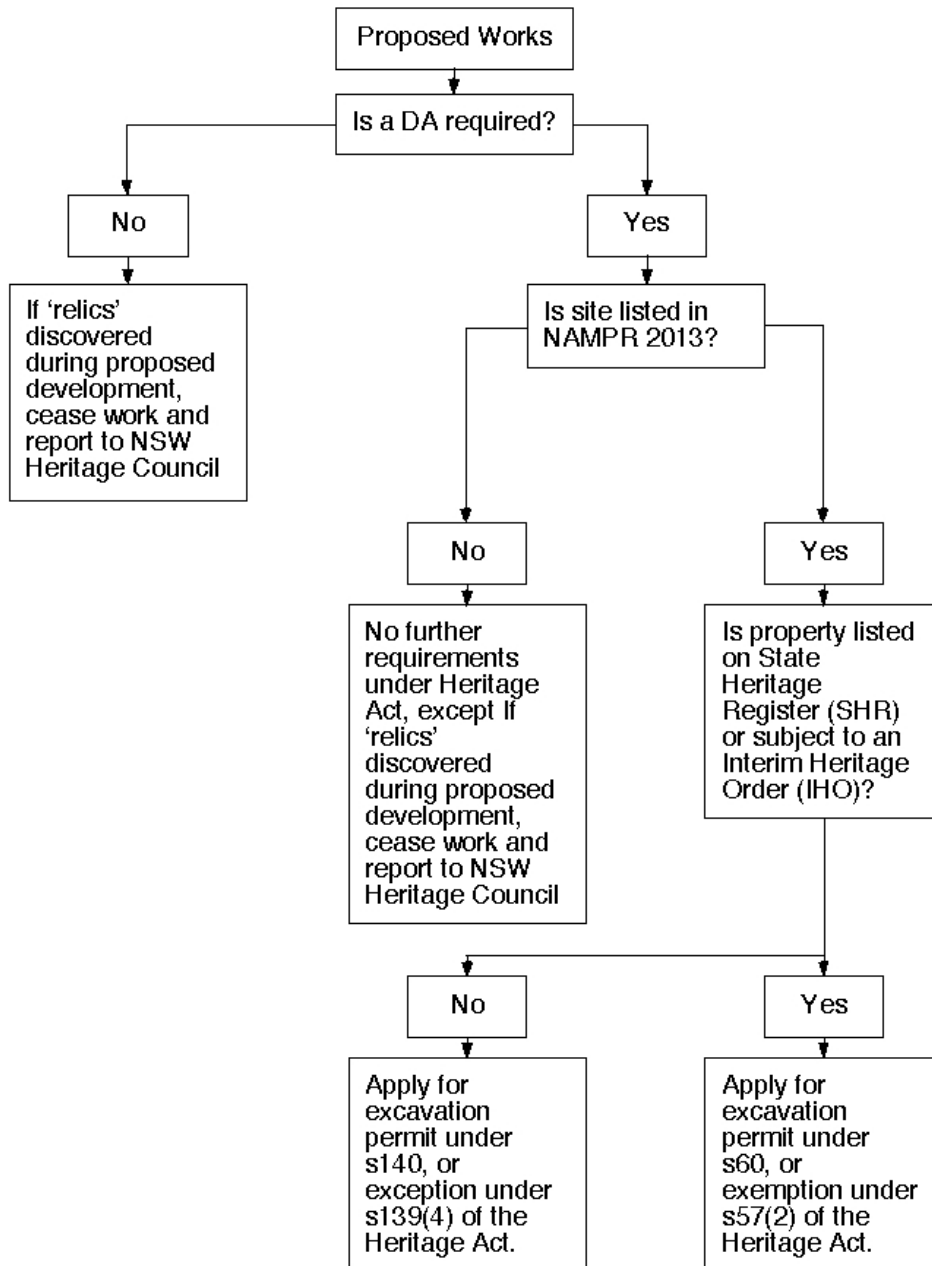
1. An archaeological assessment report should be completed prior to consideration of a development application, including demolition of existing buildings or structures.
2. The archaeological assessment report should make recommendations for conservation in situ, archaeological investigation, as well as interpretation and display.
3. An excavation permit or permit exemption/exception under the *NSW Heritage Act* should be obtained prior to disturbance of any of these sites.

Flow charts for conservation and management procedures.

Flow chart diagrams have been prepared to assist Council, Ausgrid and the community in simplifying the assessment process relating to archaeology. It is recommended that:

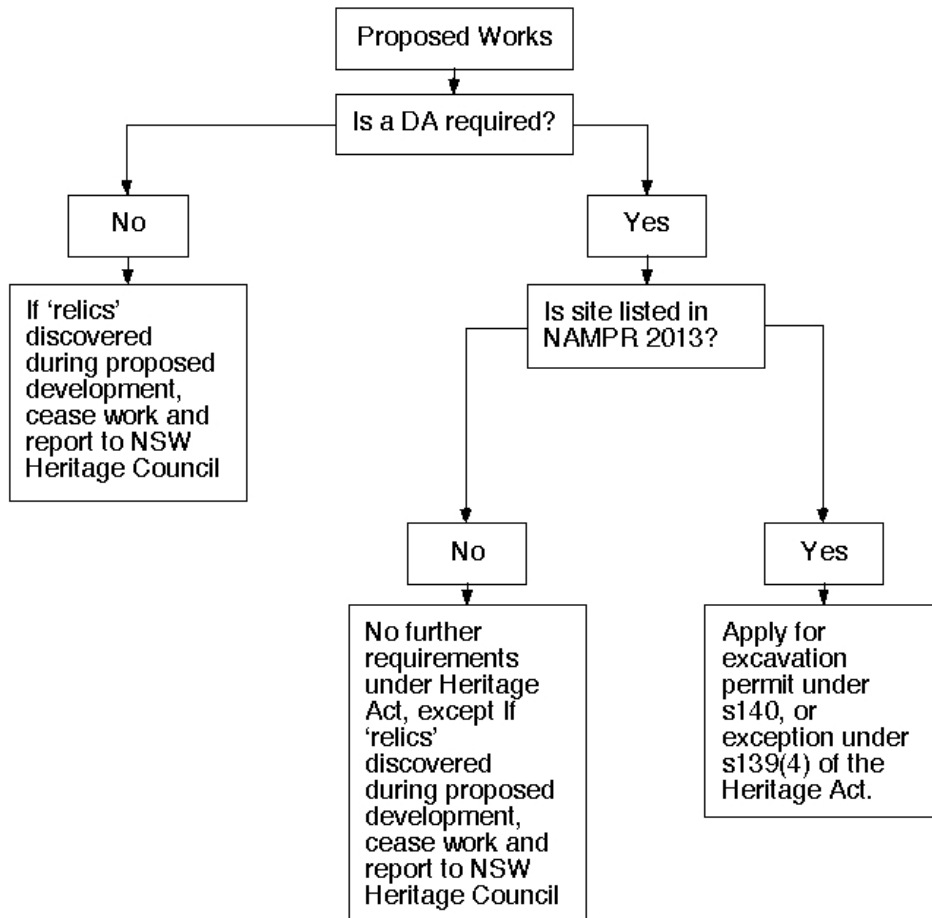
1. The flow charts should be made available to the public for ease of access to information about the assessment process.
2. The flow chart diagrams should be revised upon the adoption of the forthcoming new planning and development legislation.

Flow Chart 01.
State Significant Sites on Lot and DP, listed in NAMPR 2013.



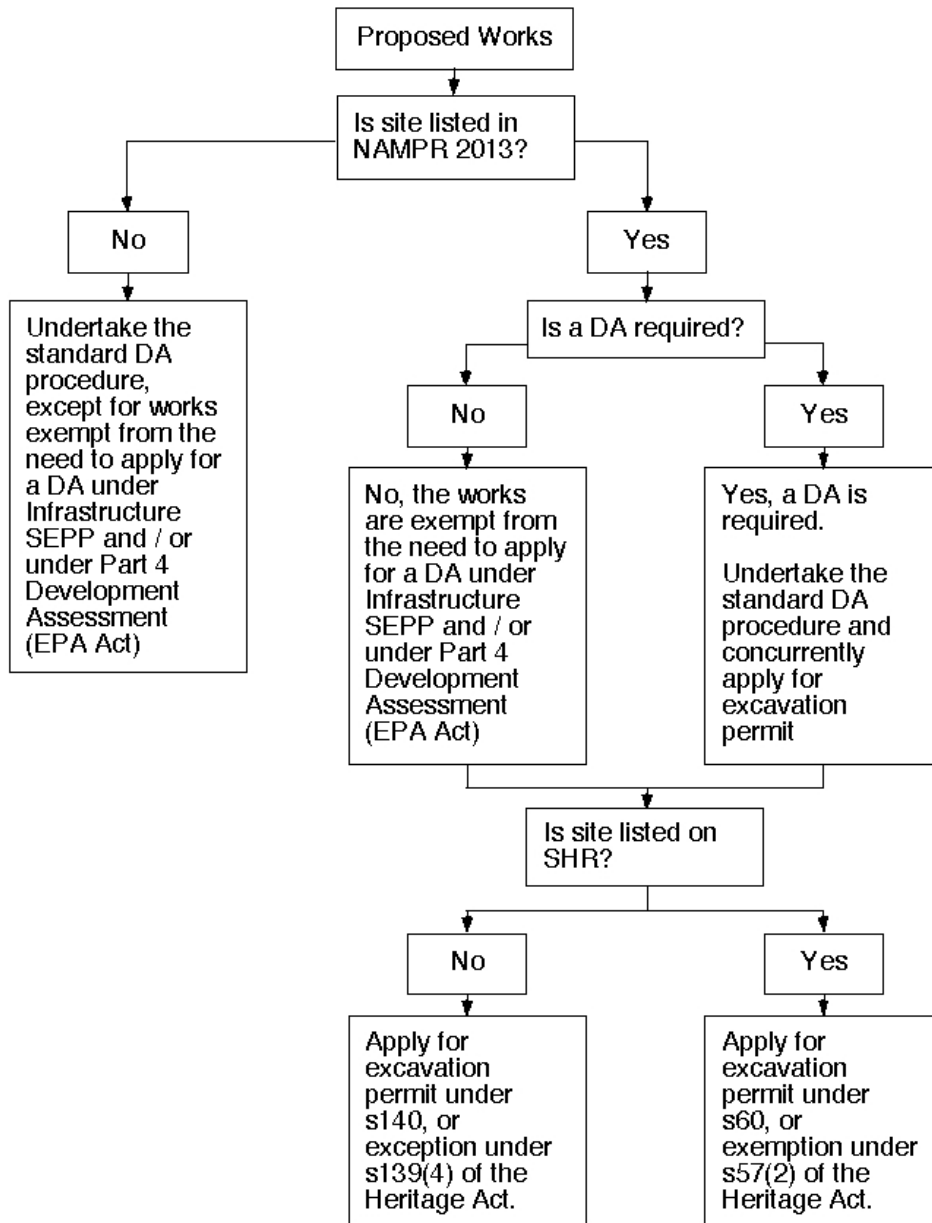
Edward Higginbotham & Associates Pty Ltd
Catherine Colville and Edward Higginbotham, 2013.

Flow Chart 02.
Local Significant Sites on Lot and DP, listed in NAMPR 2013.



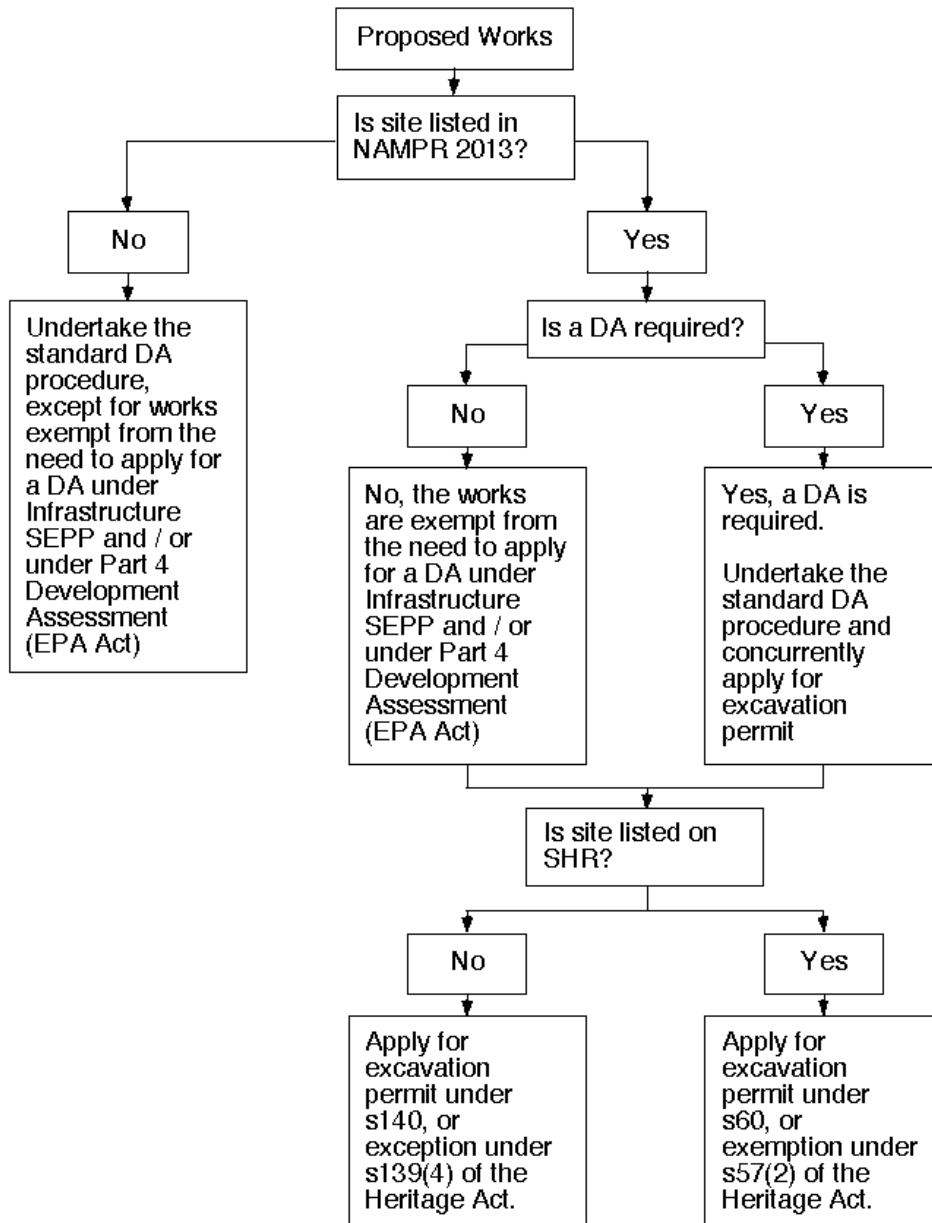
Edward Higginbotham & Associates Pty Ltd
Catherine Colville and Edward Higginbotham, 2013.

Flow Chart 03.
Development Process for Council Works.



Edward Higginbotham & Associates Pty Ltd
Catherine Colville and Edward Higginbotham, 2013.

Flow Chart 04.
Development Process for Ausgrid and Other Utility Works.



Edward Higginbotham & Associates Pty Ltd
Catherine Colville and Edward Higginbotham, 2013.

For further details, see Volume 1, Chapter 9. Conservation and Management.

STATEMENT OF BENEFITS.

The Newcastle Archaeological Management Plan 1997 provided the basis for the conservation and management of archaeological sites in the centre of Newcastle. This study has now served its purpose successfully for 15 years.

More recently the number of archaeological sites subject to development has risen, particularly in the Honeysuckle Precinct, the main CBD and the principle streets in the study area.

This has highlighted a gap in the overall coverage of the 1997 Newcastle Archaeological Management Plan, particularly the roads, streets, parks and reserves (public domain) in the study area.

The review of the Newcastle Archaeological Management Plan 1997 was therefore commissioned in 2012 by Newcastle City Council, with additional funding from the NSW Heritage Branch and AusGrid.

The Newcastle Archaeological Management Plan Review 2013 provides the following benefits:

1. A review and update of the Newcastle Archaeological Management Plan 1997, including heritage planning and procedural framework, management strategy and inventory.
2. A historical outline of the study area, arranged in accordance with main historical themes, providing a context for all the archaeological sites in the Inventory.
3. A detailed discussion of the research framework for archaeological sites in Newcastle and the contribution made by archaeological reports up to 2012.
4. The identification and assessment of the archaeological potential (surviving condition) and significance of sites not included within the previous study, particularly the roads, streets, parks and reserves (public domain), together with a reassessment of the previous inventory items.
5. The preparation of a new Inventory of Sites, arranged on a block-by-block basis (see below).
6. A series of maps and MapInfo datasets for all archaeological sites within the study area of Inner Newcastle, providing outline information for each site, including historical sequence of development, archaeological potential (surviving condition) and significance.

The Inventory of Sites is rearranged on a block-by-block basis and brings several advantages and benefits. First and foremost, the inventory allows both historical and modern cadastre to be compared in a graphic format. The layout of the Inventory clearly shows the historical sequence of development on each site. Mapping also provides a clear indication of the archaeological potential (surviving condition) and

significance of each site. This and additional information is also either available in the MapInfo datasets or in the SHI Inventory.

The Newcastle Archaeological Management Plan Review 2013 streamlines the management and conservation of archaeological sites within the study area, including the public domain.

1 REPORT LAYOUT.

The Newcastle Archaeological Management Plan Review 2013 is presented in the following format.

Volume	Chapter	Heading
Volume 1	1	Report Layout
	2	Introduction
	3	Historical Overview - Summary.
	4	Assessing the Archaeological Resource.
	5	Site Survey.
	6	Cultural Significance.
	7	Research Framework.
	8	Legislative Framework
	9	Conservation and Management
	Appendix 1	State Heritage Register listings for Newcastle LGA.
	Appendix 2	List of Heritage and Archaeological Reports for Newcastle.
	Appendix 3	Extracts from the Newcastle Archaeological Management Plan 1997.
	Appendix 4	Brief for Newcastle Archaeological Management Plan Review.
Volume 2	1	Report Layout
	2	Introduction (copy of Volume 1, Chapter 2)
	3	Site Survey (copy of Volume 1, Chapter 5).
	4	Inventory of Archaeological Sites.
	Appendix 1	Concordance of Newcastle Archaeological Management Plan 1997 Inventory Numbers with SHI Inventory
	Appendix 2	Historical plan overlays.
Volume 3	1	Report Layout
	2	Introduction (copy of Volume 1, Chapter 2)
	3	Historical Overview - Summary (copy of Volume 1, Chapter 3).
	4	Penal Settlement, 1801-1821.
	5	The Town Plan, 1822-1826.
	6	Town Development 1823-1853.
	7	The Australian Agricultural Company, 1830 to 1853.
	8	Railway and Port Infrastructure.
	9	Urban Development 1853 onwards.
	Appendix 1	Public works in the Town of Newcastle from 1828 to 1857.
	Appendix 2	Mines Mills & Manufactories Newcastle 1831-1841.
	Appendix 3	Newcastle CBD. Road and Street Alignments. Parks and Reserves.

2 INTRODUCTION.

2.1 Background.

This report was commissioned by Ms. Jill Gaynor, Newcastle City Council, on 7 February 2012.

The project was jointly funded by Newcastle City Council, the NSW Heritage Branch and AusGrid.

2.2 Brief.

See Volume 1, Appendix 3 for the Brief for the Newcastle Archaeological Management Plan Review.²

The Brief identifies the four main tasks of the Newcastle Archaeological Management Plan Review, namely:

1. Review and update of the Newcastle Archaeological Management Plan 1997, including heritage planning and procedural framework, management strategy and inventory.
2. Identify and assess the surviving condition and significance of sites not included within the previous study, particularly the roads, streets, parks and reserves (public domain).
3. Provide MapInfo datasets for all archaeological sites within the study area of Inner Newcastle in sufficient detail to enable infrastructure and development planning.
4. Provide the inventory of archaeological sites in SHI format, with statements of significance, and make recommendations concerning heritage listing.

In addition, Newcastle City Council and Ausgrid have indicated the need to streamline the management and conservation of archaeological sites within the public domain, to enable the timely provision, maintenance and upgrading of roads, drainage/stormwater and other services and utilities.

2.3 Location of site.

The Study Area for the Newcastle Archaeological Management Plan Review comprises part of Newcastle, Newcastle East, Newcastle West, The Hill, Bar Beach, Cooks Hill, Wickham, Hamilton and Hamilton East (Figure 2.1).

² Appendix 1. Brief for the Newcastle Archaeological Management Plan Review.

2.4 Heritage Listings.

Heritage listings (under current heritage legislation) for the Study Area include:

1. State Heritage Register.³
2. State Heritage Inventory.⁴
3. Newcastle LEP 2011.⁵
4. Newcastle Archaeological Management Plan 1997.⁶

2.5 Study methodology and limitations.

This report is prepared in accordance with the Guidelines for the Preparation of Archaeological Management Plans, 2009.⁷

While every effort has been made to identify archaeological sites, it is possible that some sites have been overlooked or missed. The users of this archaeological management plan should satisfy themselves that sufficient research has been undertaken to locate, identify and assess the significance of each site within the study area. The inadvertent discovery of relics should be reported to the Heritage Council in accordance with Section 146 of the *NSW Heritage Act*.

This study does not include the assessment of historical paving, kerb and guttering and walling within the street (for example, Brown Street, between Tyrrell and Church Streets; Church Street at Perkins Street; both Wolfe and Newcomen Streets, between Church and King Streets; King Street between Wolfe and Newcomen Streets; Wolfe Street, between King and Hunter Streets). These items should be listed as heritage items.

This study does not include the assessment of tramlines within the street, nor the majority of drains and culverts. There are considered to be 'works', not 'relics' under the *Heritage Act, 1977*, as amended.

³ See Appendix 2. State Heritage Register listings for Newcastle LGA.

⁴ See Appendix 3. State Heritage Inventory listings for Newcastle LGA.

⁵ Newcastle LEP 2011. The report may be downloaded from the Newcastle City Council Website at:

http://www.newcastle.nsw.gov.au/building_and_planning/draft_newcastle_lep_2011/council_report_21_june_2011

⁶ Suters Architects (in association with Siobhan Lavelle, C. & M. J. Doring Pty Ltd and Dr. John Turner). Newcastle Archaeological Management Plan. Newcastle City Council, (Volumes 1-3) 1997.

The report may be downloaded from the Newcastle City Council Website at:

http://www.newcastle.nsw.gov.au/about_newcastle/history_and_heritage/heritage_publications

⁷ NSW Heritage Branch, Department of Planning. Guidelines for the Preparation of Archaeological Management Plans, 2009.

While every effort has been made to correctly identify historical cadastre from a number of historical sources, the user of this archaeological management plan should independently verify the names of lessees or grantees.

At a meeting with Ms. Sarah Cameron and Dr. Siobhan Lavelle, on Wednesday, 13 March 2013, Ms. Sarah Cameron requested that the Inventory should be provided in MS Word format and not entered into the SHI database. Dr. Edward Higginbotham acceded to this request.

2.6 Author identification.

This report was prepared by Dr. Edward Higginbotham in association with Dr. Terry Kass and Ms. Catherine Colville.

Mr. Peter Laybutt and Ms. Katie Allchurch, Whelans Insites, prepared the MapInfo plans and datasets from documentation provided by Dr. Edward Higginbotham and Newcastle City Council.

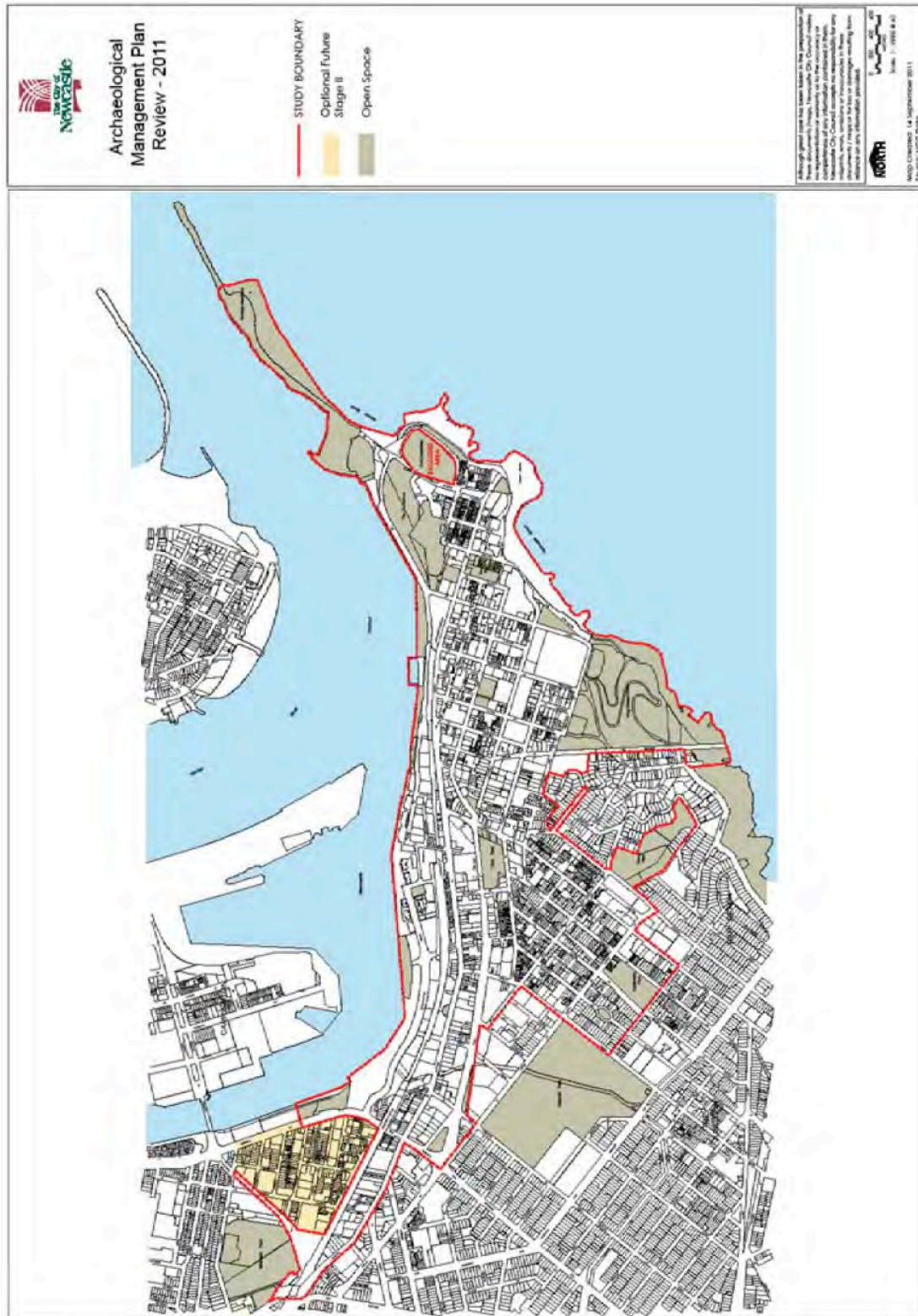


Figure 2.1. Plan of the Study Area for the Review of the Newcastle Archaeological Management Plan, 1997.
Source. Newcastle City Council.

3 HISTORICAL OVERVIEW - SUMMARY.

For a detailed historical overview of the development of Newcastle, see Volume 3.

The historical development of Newcastle may be divided into a number of historical themes or periods, namely:

- Penal Settlement, 1801-1821
- The Town Plan, 1822-1826.
- Town Development, 1823-1853.
- The Australian Agricultural Company, 1830 to 1853
- Railway and Port Infrastructure
- Urban Development 1853 onwards.

The first four themes relate to various aspects of the Penal System, from the Penal Settlement itself, to a Town in which convict labour was still used for public works and coal mining. The inhabitants of the town also used convict labour under the provisions of private assignment from government, as witnessed by the 1841 Census.

The themes of Railway and Port Infrastructure and Urban Development from 1853 onwards relate to processes whereby Newcastle became one of the most important industrial cities on the eastern seaboard of Australia.

In addition to these historical themes or periods, the archaeological resources of Newcastle may be considered under a series of archaeological research themes (see Volume 1. Chapter 7).

4 ASSESSING THE ARCHAEOLOGICAL RESOURCE.

4.1 The principal sources.

The starting point for this study is the body of work, completed by those who have previously studied the history, archaeology and heritage of the Newcastle area.

Principal among these documents are the Newcastle Archaeological Management Plan 1997 and the Newcastle City Wide Heritage Study 1996-1997.⁸

For a more general historical geographical approach to the region, to assist in understanding the main causes for settlement and growth, two publications by Denis Jeans and Ian Jack are essential reading.⁹

A number of important books were written by Dr. John Turner. They include:

Turner, J W, Coal Mining in Newcastle, 1801-1900, Newcastle History Monographs, Newcastle 1982

Turner, J W, (ed), Newcastle as a Convict Settlement: The Evidence before J T Bigge in 1819-1821, Newcastle History Monographs, Newcastle, 1973

Turner, J W, Manufacturing in Newcastle, 1801-1900, Newcastle Public Library, Newcastle 1980

Turner, John, A Pictorial History of Newcastle, Kingsclear, Crows Nest, 1997

⁸ Suters Architects in association with Siobhan Lavelle, C & M J Doring and Dr. John Turner. Newcastle Archaeological Management Plan. Newcastle City Council, 1997. Suters Architects in association with Dr. John Turner, Meredith Walker, Gardner Browne, Damaris Bairstow and Geoffrey Britton. Newcastle City Wide Heritage Study. Newcastle City Council, 1996-1997.

Both these documents are available for download on the Newcastle City Council Website, as follows:

http://www.newcastle.nsw.gov.au/about_newcastle/history_and_heritage/heritage_publications

Scroll down to bottom of page for these reports.

⁹ Jeans, D. N. 1972. *An Historical Geography of New South Wales to 1901*. Reed Publications. Artarmon, Sydney.

Jack, R. I. & Jeans, D. N. 1996. *Regional Histories of New South Wales*. Heritage Office & Department of Urban Affairs and Planning.

The first three of these publications are available for purchase from the Local Studies Section of the Newcastle Regional Library, Cultural centre, Newcastle. The first two publications may also be downloaded from the Newcastle City Council Website.¹⁰

There is also a large number of heritage and archaeological reports on specific sites and precincts in Newcastle.¹¹ Some additional heritage and archaeological reports are available on the Newcastle City Council Website.¹²

Additional historical research has been completed for the Newcastle Archaeological Management Plan Review in order to respond to the priorities of the brief. The priorities of this study are to:

1. Review the Newcastle Archaeological Management Plan 1997.
2. Assess the potential for archaeological remains in streets, parks and reserves.

The categories of site that may be found in the streets include:

1. Remains relating to the Penal Settlement. Since its street layout was superseded by Dangar's plan for Newcastle between 1822 and 1826, remains of this Penal Settlement are likely to be found within street alignments, as well as parks, reserves and on modern (post 1822-1826) town allotments.
2. Remains relating to Coal Mining, dating from 1801 onwards.
3. Historical drainage systems.
4. Railways and tramways.

For this reason, thorough primary and secondary research has been completed for the Penal Settlement. Primary research of Crown Plans, Surveyors Sketch Books and other maps and plans has also been completed in order to provide relevant evidence for streets, parks and reserves, as well as other sites. Extensive research of pictures and photographs has also been completed to provide an overall context for the archaeology of Newcastle. A list of these sources is provided in the Bibliography.

¹⁰ Both these documents are available for download on the Newcastle City Council Website, as follows:

http://www.newcastle.nsw.gov.au/services/newcastle_library/local_studies/digital_collections?result_70258_result_page=1

There are a number of other historical publications that may be downloaded from this series of webpages.

¹¹ See Appendix 2 for a list of reports available to this study.

¹² These documents are available for download on the Newcastle City Council Website, as follows:

http://www.newcastle.nsw.gov.au/about_newcastle/history_and_heritage/heritage_publications

4.2 What is an archaeological management plan?

The essential purpose of an archaeological management plan is to identify archaeological sites, assess their archaeological potential (surviving condition), assess their significance and make recommendations for their conservation and management.

For a detailed description and guidelines for the preparation of archaeological management plan, the best introduction is provided by the NSW Heritage Branch, Department of Planning. Guidelines for the Preparation of Archaeological Management Plans, 2009.¹³

The user of this archaeological management plan is referred to these published guidelines for further information.

¹³ NSW Heritage Branch, Department of Planning. Guidelines for the Preparation of Archaeological Management Plans, 2009.

These guidelines may be downloaded from the Heritage branch website:
<http://www.environment.nsw.gov.au/resources/heritagebranch/heritage/AMPguideline.pdf>

5 SITE SURVEY.

5.1 Introduction.

The Inventory of Archaeological Sites includes the following historical and archaeological documentation.

1. SHI Inventory Number.
2. Item Name.
3. Statement of Significance.
4. Historical Cadastre.
5. Newcastle AMP 1997 Inventory Numbers.
6. Historical sequence of development.
7. Physical Condition and Archaeological Potential.
8. Heritage and Archaeology.
9. References.

The Inventory of Archaeological Sites was produced by desktop analysis and confirmed on the ground by site survey. Site survey of the study area was completed on 15 to 19 June 2012.

The purpose of site survey was to:

1. Confirm the identification of all inventory items.
2. Assess the archaeological potential (surviving condition) of the archaeological sites identified in the Inventory.
3. Add any additional sites to the Inventory that were recorded during site survey.

With the completion of site survey, the Inventory of Sites was completed and a series of maps produced, namely:

- Map 1. Inventory of Archaeological Sites.
- Map 2. Significance of Archaeological Sites.
- Map 3. Archaeological Potential (Surviving Condition).
- Map 4. Management of Archaeological Sites.

The Inventory was produced with the State Heritage Inventory programme. Mapping has been produced using MapInfo with associated datasets for each lot and DP number.

5.2 State Heritage Inventory (SHI) Database.

The archaeological sites identified by historical research and site survey have been grouped into a total of 92 inventory items within the State Heritage Inventory (SHI) Database, commencing at SHI 2176201. The total inventory of archaeological sites includes Inventory Numbers 2176201 to 2176292 (see Volume 2. Inventory).

5.3 Block-by-block listings.

The listing of archaeological sites on a block-by-block basis has a number of advantages. It allows:

1. Both historical and modern cadastre to be compared in a graphic format
2. The sequence of development on each site to be placed in the context of each block and the city as a whole.

There is also a need to access this same information for each lot and DP number. This is achieved by using MapInfo plans and datasets, where the archaeological resources, archaeological potential (surviving condition), significance and management recommendations can all be accessed on a lot-by-lot basis.

5.4 Item Names.

Because of the block-by-block historical and contextual analysis, the inventory item names are frequently the description of the streets or boundaries surrounding each block. In a small number of cases, railways and drains have been given individual inventory listings.

5.5 Statement of Significance.

Detailed statements of significance have been prepared for each of the major historical themes used in the Newcastle Archaeological Management Plan Review 2013. (see Volume 1, Chapter 6). For each inventory item a summary statement of significance is included, again under the heading of each individual historical theme, as follows:

1. Penal Settlement, 1801-1821 (State).
2. Town Development, 1820s-1853 (State).
3. The Australian Agricultural Company, 1830 onwards (State).
4. Railway and Port Infrastructure (State).
5. Harbour Defences (State).
6. Urban Development, 1853 onwards (Local).

In addition the summary statement of significance includes a series of archaeological research themes to which sites on each block may contribute (see Volume 1, Chapter 7).

In a few cases, the level of significance for the major historical theme may not be the same for the items in the individual inventory item. In the few instances where this occurs, an explanation is given in the individual SHI listing.

5.6 Modern Cadastre.

The cadastral information is already available to Newcastle City Council on its own databases and can be integrated with the inventory of the Newcastle Archaeological Management Plan Review through the MapInfo datasets produced as part of this study.

Modern cadastral boundaries are easily viewed in the mapping produced for the inventory.

5.7 Historical Cadastre.

Historical Cadastre has been collated for all inventory listings. It comprises both original town leases and later town grants, as well as portion numbers.

The names of all persons holding leases or orders for town allotments are reproduced in each SHI listing. They are also included in Volume 3. Chapter 6.1.1. Holders of Orders for Town Allotments.

The names of grantees were recorded and confirmed from a number of sources, including the Town Map, City of Newcastle, County Cumberland, 1860, SR Map 10188. Any changes in names of grantees can be checked and confirmed using Newcastle - Plan of City of Newcastle, County Northumberland, (N.20.652) 1860, SR Map 4406. A second source for cross checking the names of grantees was the Map of the City of Newcastle, 1915. Parish Map Preservation Project.

Nonetheless in some cases the allotment number or the name of the grantee was unclear on these maps.

5.8 Newcastle AMP 1997 Inventory Numbers.

Each new inventory item may include one or more inventory items from the Newcastle Archaeological Management Plan 1997. A list of each item included within the new listings is provided. The 1997 inventory numbers are derived from the plan, entitled 'Archaeological Management Plan 1996/1997, showing location of Indicative Archaeological Sites', prepared by Newcastle City Council in February 2008 (Figure 5.1). This plan may not show all the inventory items of the original Newcastle Archaeological Management Plan 1997.

See Volume 2, Appendix 1 for concordance of NAMP 1997 inventory numbers and SHI database numbers.

5.9 Historical sequence of development.

Each inventory item includes a description of the sequence of development on each block, ordered by historical theme, but also on a chronological basis by map dates.

The historical sequence of development draws upon the information used in the Newcastle Archaeological Management Plan 1997, as well as the research completed for the Newcastle Archaeological Management Plan Review 2013 and particularly the series of historical map overlays.

A list of the plans used in this survey is included below. Only a selection of maps and plans were used for this purpose. Several maps were not used, where they simply duplicated information already available on other maps

5.10 Physical Condition and Archaeological Potential

During site survey the level of disturbance was assessed for each site in accordance with modern cadastral boundaries. The following table describes the categories used:

Level of Disturbance	Description
Standing Building of ruin.	Standing Building or Ruin.
Little disturbance.	An archaeological site may be considered to have little disturbance when the only visible evidence of disturbance is: <ul style="list-style-type: none">• Domestic or other building with narrow footings and service trenches.• Small scale buildings.
Partly disturbed.	An archaeological site may be considered to be partly disturbed when the only visible evidence of disturbance is: <ul style="list-style-type: none">• A site or building terraced into a hill slope.• Large building with deep footings and service trenches.
Mostly disturbed or destroyed.	An archaeological site may be considered to be mostly disturbed when the visible evidence of disturbance includes: <ul style="list-style-type: none">• A site or building terraced into a hill slope by more than one storey in depth.• Basements or semi-basements.• Basement excavation in excess of one storey over most or all of the site.

Where sites are mostly disturbed or destroyed, it is understood that the likelihood of finding relics is minimal or non-existent.

5.11 Standing Buildings and Ruins.

During site survey only one site was identified as a ruin, namely the surviving wall of the former Parsonage, on the corner of Church and Newcomen Streets (Inventory Number 2176232).

Standing buildings with archaeological significance were identified during site survey, based on buildings shown on the Newcastle Detail Series of plans, dating to 1895-1896.¹⁴ Copies of these plans were used for recording purposes during site survey, each map having the modern cadastre superimposed.

A large number of buildings shown on the Newcastle Detail Series survive in the study area, particularly in those areas, which have not experienced extensive redevelopment in the twentieth century, for example, The Hill, Cooks Hill and Newcastle East.

In the Newcastle CBD and along Hunter and King Streets towards Newcastle West the level of redevelopment in the twentieth century has been much higher, so that fewer nineteenth century buildings survive.

Most of the surviving building stock belongs to the latter half of the nineteenth century (after 1853), with very few buildings surviving from an earlier date. The Parsonage, already mentioned, survives only as a ruin or palimpsest. Claremont, 40 Newcomen Street, is considered to be the earliest surviving house, dating from the 1840s (Inventory Number 2176224). However Toll Cottage (formerly Rose Cottage), 51 Bolton Street, is recorded as having been constructed between 1828 and 1830.¹⁵ This building is depicted as 'Govt Cottage out of repair' on Armstrong's map of 1830 (Inventory Number 2176206). Various buildings in the former Military Barracks, as well as the Church Street Drain are likely to date from the mid 1830s (Inventory Numbers 2176232 and 2176287).

A number of buildings and structures with archaeological significance postdate the 1895-1896 Detail Series of plans. These include:

1. Wickham Station and Signal Box.
2. Civic Station.
3. Signal Box east of Market Street Overhead Footbridge.
4. Navigational Beacon, 108B Church Street.¹⁶
5. Underground Reservoir, 51 Brown Street, constructed in 1918.
6. Former Tramway Powerhouse, 342 Hunter Street.

All of the above are existing heritage items, except for the navigational beacon.

¹⁴ Newcastle Detail Series, 1895-1896. Newcastle City Council.

¹⁵ State Heritage Inventory, researched on 3 July 2012.

¹⁶ The position of this navigational beacon is shown on the 1895-96 Detail plan, but has been penciled in at a later date. See Inventory Number 2176243.

5.12 Heritage and Archaeology.

Within the context of each block or listing, the relevant heritage or archaeological reports are briefly described and the specific sites to which they relate are identified. The reports are listed in the references section.

5.13 References.

A list of heritage and archaeological reports was included in Volume 1, Appendix 2. List of Heritage and Archaeological Reports for Newcastle.

In the Inventory of Sites, each heritage and archaeological report is listed in the references for the appropriate items.

5.14 Historical Drainage.

Evidence relating to historical drains was available from two sources:

1. Historical Maps and plans, and
2. Newcastle City Council databases.

Only those drains considered to be of greater significance have been included in the inventory, even though they would normally be described as works, rather than relics.

5.15 The possible distribution of convict huts and associated relics.

Two historical maps have been used to plot the possible distribution of convict huts, tents or campsites in the penal settlement (Figure 5.2). These are James Meehan's plan of 1818 and H Dangar's plan of 1822.¹⁷ Together with these plans, a number of historical pictures of Newcastle provide additional information on the layout of the town (see Volume 3, Chapter 4.7 for additional discussion).

Only one or two cross streets may have been present at an early date, one from the wharf through the Lumber Yard, the other in front of Government House (Elizabeth Street), approximately on the alignment of Church Street. With the building of the church in 1816, additional cross streets (Wellington and Wallis Streets) may have been constructed on the alignments of Hunter and King Streets. For this reason the

¹⁷ Newcastle - Plan of Newcastle, James Meehan, 7 August 1818, SR Map 83.
Draft of the Town of Newcastle, H Dangar, 10 Aug 1822, SR Map 80.

alignments of Wellington and Wallis Streets may have been the sites of earlier convict huts, tents or camps.

Relics associated with convict accommodation may have a wider distribution. They may not be confined to the convict huts, tents or camps themselves, but may also be found on the convict allotments or in the streets. This type of distribution of relics has already been observed on convict sites in Parramatta.¹⁸

The plan of the distribution of convict huts also shows the possible distribution of convict relics to the east of the Lumber Yard (Figure 5.2). It is noted on the 1818 plan that the Lumber Yard and Sawpits lie in this location.

The evidence for convict huts along the Hunter River foreshore, west of George Street (Watt Street) includes both the 1818 and the 1822 plans, but also the Armstrong plan of 1830, a surveyor's sketch of 1833 and a more accurate Crown plan of 1834.¹⁹ The 1833 sketch describes some of the buildings as 'Huts on Sufferance', indicating they were built unofficially on Crown land, not on town allotments. While a number of interpretations are possible, from a conservative viewpoint, these buildings cannot be ruled out as convict huts.

5.16 Concordance of SHI Inventory Numbers with Historical Plan Overlay Numbers.

The following SHI Inventory listings have been used in the study area. The table below provides a concordance of SHI Inventory numbers with historical plan overlays, Block 001 to Block 044.

See the Historical overlay Plan Series, in Volume 2, Appendix 2.

Inventory Number	Description	Historical Plan Overlays
2176201	Block bounded by Scott, Pacific, Hunter and Watt Streets.	Block 001
2176202	Block bounded by Hunter, Pacific, King and Watt Streets, including parts of adjacent streets (Hunter Street).	Block 001

¹⁸ Edward Higginbotham & Associates Pty Ltd. Report on the archaeological excavations, 134-140 Marsden Street and 45-47 Macquarie Street, Parramatta, NSW. Estate Constructions of Australia Pty Ltd. March 2007.

¹⁹ Armstrong, John, Plan of the Town of Newcastle in New South Wales, 1830, 817.95 gbbe/1830/Acc 3580. Alexander Turnbull Library, National Library of New Zealand.

Surveyors Books Vol. 2 Fol. 32. State Records, NSW.

Crown Plan. N13.844. Crown Plans – Land and Property Information.

Inventory Number	Description	Historical Plan Overlays
2176203	Block bounded by King, (Pacific), Church and Watt Streets and Shortland Esplanade, including parts of adjacent streets (King, Church and Watt Streets).	Block 002
2176204	Block bounded by Scott, Watt, Hunter and Bolton Streets, including parts of adjacent streets (Scott, Watt, Hunter and Bolton Streets).	Block 003
2176205	Block bounded by Hunter, Watt, King and Bolton Streets.	Block 003
2176206	Block bounded by King, Watt, Church and Bolton Streets.	Block 004
2176207	Block bounded by Scott, Bolton, Hunter and Newcomen Streets, including parts of adjacent streets (Newcomen and Hunter Streets).	Block 005
2176208	Block bounded by Hunter, Bolton, King and Newcomen Streets, including parts of adjacent streets (Bolton and King Streets).	Block 005
2176209	Block bounded by King, Bolton, Church and Newcomen Streets.	Block 006
2176210	Block bounded by Scott, Newcomen, Hunter and Market Streets, including parts of adjacent streets (Market Street).	Block 007
2176211	Block bounded by Scott, Market, Hunter and Wolfe Streets, including parts of adjacent streets (Scott and Wolfe Streets Street).	Block 007
2176212	Block bounded by Hunter, Newcomen, King, Morgan, Laing and Thorn Streets, including parts of adjacent streets (Hunter and Morgan Streets).	Block 007
2176213	Block bounded by Hunter, Thorn, Laing, Morgan, King and Wolfe Streets.	Block 007
2176214	Block bounded by Bond, Telford, Scott and Watt Streets, including parts of adjacent streets (Bond Street).	Block 008
2176215	Blocks bounded by Stevenson and Parnell Place, Scott and Telford Streets, including parts of adjacent streets (Stevenson Place and Alfred Street).	Block 009
2176216	Block bounded by Fort Drive, Shortland Esplanade, Scott Street and Parnell Place, including parts of adjacent streets (Scott Street and Parnell Place).	Block 010
2176217	Block bounded by Scott Street, Shortland Esplanade and Moroney Avenue.	Block 010

Inventory Number	Description	Historical Plan Overlays
2176218	Block bounded by Nobbys Road, Wharf Road, Shortland Esplanade and Fort Drive, including parts of adjacent streets (Nobbys Road, Wharf Road, Shortland Esplanade and Fort Drive) (excluding Fort Scratchley).	Block 011
2176219	Block bounded by Nobbys Road, including Nobbys Head and the Southern Breakwater.	Block 012
2176220	Block bounded by Scott Street, Moroney Avenue, Shortland Esplanade and Zaara Street, including parts of adjacent streets (Zaara Street and Shortland Esplanade).	Block 013
2176221	Block bounded by Scott and Zaara Streets, Shortland Esplanade and Telford Streets.	Block 014
2176222	Block bounded by Scott and Telford, Ocean and Pacific Streets, including parts of adjacent streets (Scott and Pacific Streets).	Block 014
2176223	Block bounded by Ocean Street, Shortland Esplanade, Church Street and former alignment of Pacific Street, including parts of adjacent streets (Ocean Street and Shortland Esplanade).	Block 014
2176224	Block bounded by King, Newcomen, Church and Wolfe Streets.	Block 015
2176225	Extent of Convict Huts within the Newcastle Penal Settlement. Streets including parts of Bond, Scott, Hunter, King, Church, Pacific, Watt, Bolton, Newcomen, Morgan, Market, Thorn and Keightley Streets.	Figures 1.2 and 2.1
2176226	Block bounded by Scott, Wolfe, Hunter and Perkins Streets, including parts of adjacent streets (Scott Street).	Block 016
2176227	Block bounded by Hunter, Wolfe, King and Perkins Streets	Block 016
2176228	Block bounded by Hunter, Perkins, King and Brown Streets.	Block 016
2176229	Block bounded by King, Wolfe, Church and Perkins Streets.	Block 016
2176230	Block bounded by King, Perkins, Church and Brown Streets.	Block 016
2176231	Block bounded by Church, Shortland Esplanade and Watt Street, including parts of adjacent streets (Church and Watt Streets).	Block 017

Inventory Number	Description	Historical Plan Overlays
2176232	Block bounded by Church, Watt, Ordnance and Newcomen Streets, including parts of adjacent streets (Scott and Newcomen Streets).	Block 017
2176233	Block bounded by Church, Newcomen, Tyrrell and Wolfe Streets.	Block 018
2176234	Block bounded by Tyrrell, Newcomen, Ordnance and Barker Streets.	Block 018
2176235	Block bounded by Tyrrell, Barker, Ordnance and Wolfe Streets.	Block 018
2176236	Block bounded by Church, Wolfe, Tyrrell, and Perkins Streets.	Block 019
2176237	Block bounded by Church, Perkins, Tyrrell and Brown Streets.	Block 019
2176238	Block bounded by Tyrrell, Wolfe, Pit and Brown Streets.	Block 019
2176239	Block bounded by Pit and Ordnance Streets and The Terrace (King Edward Park), together with adjacent coastline.	Block 020
2176240	Block bounded by Cliff Street, The Terrace and High Street, together with adjacent coastline, including parts of adjacent streets (High Street).	Block 020
2176241	Land bounded by Shortland Esplanade and the adjacent coastline, including parts of adjacent streets (Shortland Esplanade).	Block 021
2176242	Block bounded by Hunter, Brown, King and Crown Streets.	Block 022
2176243	Block bounded by King, Brown, Church and King Streets.	Block 022
2176244	Block bounded by Hunter, Crown, King and Darby Streets, including parts of adjacent streets (Crown and King Streets).	Block 022
2176245	Block bounded by Church, Brown, Tyrrell and Darby Streets, including parts of adjacent streets (Brown and Tyrrell Streets).	Block 023
2176246	Block bounded by Tyrrell and Brown Streets, The Terrace, Mosbri Crescent, Kitchener Parade, Swan, Queen and Darby Streets, including parts of adjacent streets (Swan Street).	Block 023
2176247	Block bounded by Hunter, Darby, King and Auckland Streets, including parts of adjacent streets (Hunter, Darby, King and Auckland Streets).	Block 024

Inventory Number	Description	Historical Plan Overlays
2176248	Australian Agricultural Company mine tramways and railways. Hunter, Crown, King, Darby, King, Laman, Swan and Brooks Streets, including parts of adjacent allotments.	Blocks 022, 023, 024 and 025.
2176249	Block bounded by King, Darby, Laman and Auckland Streets.	Block 024
2176250	Burwood mine railway. Hunter Street, former Burwood Street, Glovers Lane and Bruce Streets.	Blocks 024, 027 and
2176251	Block bounded by Laman, Darby, Queen and Dawson Streets.	Block 025
2176252	Block bounded by Queen, Swan, Railway, Bull and Darby Streets.	Block 025
2176253	Block bounded by Swan, Brooks, Bull and Railway Streets.	Block 025
2176254	Block bounded by Queen, Darby, Council and Dawson Streets, including parts of adjacent streets (Darby Street).	Block 025
2176255	Block bounded by Council, Darby, Bull and Dawson Streets, including parts of adjacent streets (Darby Street).	Block 025
2176256	Block bounded by Laman, Dawson, Council and Bruce Streets.	Block 025
2176257	Block bounded by Council, Dawson, Bull and Bruce Streets.	Block 026
2176258	Block bounded by Laman, Bruce, Bull and Corlette Streets.	Block 026
2176259	Block bounded by Laman, Corlette, Bull and Union Streets.	Block 026
2176260	Block bounded by Bull, Corlette, Parry and Union Streets.	Block 027
2176261	Block bounded by Bull, Bruce, Parry and Corlette Streets, including parts of adjacent streets (Bruce Street).	Block 027
2176262	Block bounded by Bull, Dawson, Parry and Bruce Streets, including parts of adjacent streets (Dawson Street).	Block 027
2176263	Block bounded by Bull, Darby, Parry and Dawson Streets, including parts of adjacent streets (Bull and Darby Streets).	Block 028
2176264	Block bounded by Bull, Railway, Parry and Darby Streets, including parts of adjacent streets (Railway and Parry Streets).	Block 028

Inventory Number	Description	Historical Plan Overlays
2176265	Block bounded by Bull, Brooks, Parry and Railway Streets, including parts of adjacent streets (Brooks and Parry Streets).	Block 028
2176266	Block bounded by Nesca Parade, Greenslope Street and Brooks Street.	Block 029
2176267	Block bounded by Parry, Darby, Tooke and Dawson Streets, including parts of adjacent streets (Dawson and Darby Streets).	Block 030
2176268	Block bounded by Parry, Dawson, Tooke and Bruce Streets.	Block 030
2176269	Block bounded by Parry, Bruce, Tooke and Corlette Streets, including park in Corlette Street and parts of adjacent streets (Parry and Corlette Streets).	Block 031
2176270	Block bounded by Parry, Corlette, Tooke and Corlette Streets, including parts of adjacent streets (Union Street).	Block 031
2176271	Block bounded by Hunter, Auckland, King and Union Streets, including parts of adjacent streets (King Street).	Block 032
2176272	Blocks bounded by King, Auckland, Laman and Union Streets, including parts of adjacent streets (King, Gibson and John Streets).	Block 032
2176273	Blocks bounded by Hunter, Union, Bull, King and Steel Streets, including parts of adjacent streets (King Street).	Block 033
2176274	Block bounded by Hunter, Steel, King and National Park Streets, including parts of adjacent streets (Steel and King Streets).	Block 034
2176275	Block bounded by Hunter, National Park and King Streets and Stewart Avenue, including parts of adjacent streets (Stewart Avenue).	Block 035
2176276	Blocks bounded by Beresford, Bellevue, Hunter and Cooper Streets, including parts of adjacent streets (Beresford and Cooper Streets).	Block 035
2176277	Blocks bounded by the Railway Line, Stewart Avenue, Hunter and Railway Streets, including parts of adjacent Railway.	Block 036
2176278	Blocks bounded by the Railway Street, Hunter Street, Maitland Road and Railway Line, including parts of adjacent Railway Line.	Block 037

Inventory Number	Description	Historical Plan Overlays
2176279	Railway Line, between Cottage Creek and Maitland Road bridge, including former branch line to Bullock Island (Carrington Dockyard).	Blocks 035 to 039.
2176280	Blocks bounded by Hannell Street, Stewart Avenue, the Hunter River, Cottage Creek and the Railway Line.	Block 039
2176281	Blocks bounded by the Hunter River, Worth, Hunter and Bellevue Streets, Railway Line and Cottage Creek, including parts of adjacent streets (Honeysuckle Drive, Hunter and Worth Streets).	Block 040
2176282	Blocks bounded by the Hunter River, Merewether, Worth and Hunter Streets, including parts of adjacent streets (Honeysuckle Drive, Merewether and Hunter Streets).	Block 041
2176283	Blocks bounded by the Hunter River, an extension of the alignment of Brown Street, then Hunter Street, including parts of adjacent streets (Wharf Road, Centenary Road and Argyle Street).	Block 042
2176284	Blocks bounded by the Hunter River, Scott Street, Hunter Street and an extension of the alignment of Brown Street, including parts of adjacent streets (Wharf Road, Scott and Hunter Streets).	Block 043
2176285	Blocks bounded by the Hunter River, Nobbys Road, Stevenson Place, Telford and Bond Streets, including parts of adjacent streets (Wharf Road).	Block 044
2176286	Former Tramlines, including parts of Scott Street, Shortland Esplanade, Telford Street, Hunter Street, Darby Street, Union Street, (Tudor Street), Bellevue Street, (crossing Honeysuckle Drive) and Hannell Street, including some adjacent land.	Blocks 001, 003, 005, 007, 008, 009, 010, 014, 015, 016, 022, 023, 024, 025, 026, 027, 028, 030, 031, 032, 033, 034, 035, 036, 037, 039, 040, 041, 042, 043.
2176287	Church Street Drain, part of Church and Watt Streets, including adjacent land.	Block 017
2176288	Darby Street Drain, part of Darby Street, Wharf Road and Centenary Road, including adjacent land.	Blocks 022, 023, 024, 025 and 042
2176289	Scott Street Drain, part of Scott Street and Wharf Road, including adjacent land.	Block 043
2176290	Block bounded by Hunter, Morgan, Laing and Thorn Streets.	Block 007

Inventory Number	Description	Historical Plan Overlays
2176291	Block bounded by Thorn, Laing, Morgan and King Streets.	Block 007
2176292	Drain from the Australian Agricultural Company's Dam at Nesca Park.	Blocks 027, 028, 029, 031.

5.17 Historical Map References.

The following historical maps have been used to identify the location of archaeological sites. Only a selection of maps and plans were used for this purpose. Several maps were not used, where they simply duplicated information already available on other maps

Abbreviated Reference	Reference
1818 - Convict	Volume 2. Figures 1.2 and 2.1. Edward Higginbotham & Associates Pty Ltd.
1818 - SR Map 83	Newcastle - Plan of Newcastle, James Meehan, 7 August 1818, SR Map 83
1822 - SR Map 80	Draft of the Town of Newcastle, H Dangar, 10 Aug 1822, SR Map 80
1826 - SR Map 4399	Newcastle - Sent from Colonial Secretary's Office with letter 44/413, (N.8.652) SR Map 4399
1830 - Armstrong	Armstrong, John, Plan of the Town of Newcastle in New South Wales, 1830, 817.95 gbbe/1830/Acc 3580. Alexander Turnbull Library, National Library of new Zealand.
1833 - SB 2. 32	Surveyors Books Vol. 2 Fol. 32. State Records, NSW.
1834 - N 13. 844	Crown Plan. N13.844. Crown Plans - Land and Property Information.
1839-40 N 71.844	N.71.844 Lots on east side of Newcastle, G B White, 1840. Crown Plans - Land and Property Information.
1839-40 N 8.1090.	N.8.1090, Parish Newcastle, Portions, 23, 24, 25, 26, 1839, G B White. Crown Plans - Land and Property Information.
1843 - SB 4. 110.	Surveyors Books Vol. 4 Fol. 110. State Records, NSW.
1843 - Breakwater, SR Plan 2426	Barney, George, Plan of the Breakwater of Newcastle, 5 August 1843, SR Plan 2426.
1844 - Town	'The Town of Newcastle and its harbour', 1844. National Library of Australia. http://nla.gov.au/nla.map-f72-e
1844 - SB 4. 183.	Surveyors Books Vol. 4 Fol. 183. State Records, NSW.

Abbreviated Reference	Reference
1845 - Barracks. SR 4692.	Ordnance Lands, (Newcastle), Sketch showing the land appropriated as the site for Military Barracks, Newcastle, (O.17.1208), G B White, Sep 1845, SR Map 4692
1846 - City	City of Newcastle, 1846. Newcastle Cultural Collections
1848 - Customs SB 5. 35.	Surveyors Books Vol. 5 Fol. 35. State Records, NSW.
1848 - City	Newcastle - Newcastle City boundaries - important public buildings, lighthouse, breakwater to Nobby Island windmill shown, (N.1316) H Charlton, 3 Oct 1848, SR Map 4596
1852 - SB 6. 12	Surveyors Books Vol. 6 Fol. 12. State Records, NSW.
1853 - Street Alignment	N.13.652 Street alignment of part of Newcastle, 1853. Crown Plans - Land and Property Information.
1850-7 - AAC	Newcastle, the AA Company subdivisions, 1850-1857. National Library of Australia. http://nla.gov.au/nla.map-f51-e
1853 - Darby	'Plan of Part of the Australian Agricultural Company's Estate, Newcastle', G. E. Darby, AA Company surveyor. 1853. State Library of NSW. Map Z/M3 811.251/1853/1
1854 - SB 7. 29.	Surveyors Books Vol. 7 Fol. 29. State Records, NSW.
1856 - Flagstaff Hill	Newcastle - Newcastle Flagstaff Hill, with details of buildings and Tramway, (N.3.1553) P F Adams, 2 Apr 1856, SR Map 4604
1857 - AAC Proposed Improvements.	'Plan of Proposed Improvements to the AA Company's Railway Approaches', 1857. State Records NSW SR Plan 1313.
1857 - N 19. 652.	Newcastle - Plan of the City of Newcastle, County of Northumberland, (N.19.652) Kirkby, Jul 1857, SR Map 4405
1857 - Rail SR Map 6236	Hunter River Railway Plan of Extension into Newcastle, April 1857, SR Map 6236
1858 - King Edward Park	N.98.844 King Edward Park survey. Crown Plans - Land and Property Information.
1860 - SR Map 10188	Town Map, City of Newcastle, County Cumberland, 1860, SR Map 10188
1860 - N 20. 652	Newcastle - Plan of City of Newcastle, County Northumberland, (N.20.652) 1860, SR Map 4406

Abbreviated Reference	Reference
1860 - Parsonage	C.866.730 Parsonage 1861. Crown Plans - Land and Property Information.
1864 - N 103. 844	N 103. 844. Crown Plans - Land and Property Information.
1866 - R 651. 1603	R 651. 1603. Crown Plans - Land and Property Information.
1866 - N 634. 1501	N 634. 1501. Crown Plans - Land and Property Information.
1866 - N 8A. 1090	N 8A.1090, Plan of Honeysuckle Point, 1867. Crown Plans - Land and Property Information.
1867 - SB 9. 174.	Surveyors Books Vol. 9 Fol. 174. State Records, NSW.
1873 - Merewether St N 1. 2137.	N.1.2137 Street alignment Merewether St, 1873. Crown Plans - Land and Property Information.
1874 - SR Plans 1415-1315	Keele, Thomas W, Plan of the Port of Newcastle, 1874, SR Plans 1314-1317
1880 - N 5.2137	N.5.2137, Alignment Plan of Streets in the Municipality of Newcastle, Nov 1880, Robert Handcock Crown Plans - Land and Property Information.
1881 - Port of Newcastle	Hydrographic Chart of Newcastle Harbour. 1881-1891. National Library of Australia. http://nla.gov.au/nla.map-rm2989-e .
1882 - Port of Newcastle	Plan of the Port of Newcastle, 1882. National Library of Australia. http://nla.gov.au/nla.map-rm1525-e
1883 - Port of Newcastle	Plan of the Port of Newcastle, 1882. National Library of Australia. http://nla.gov.au/nla.map-rm3261-e
1886 - M&G	Mahlstedt & Gee, Newcastle, New South Wales, [fire insurance plans], 3 maps, Mitchell Library. MT 4 811.253/1886/1
1887 - Port of Newcastle	Plan of the Port of Newcastle, 1882. National Library of Australia. http://nla.gov.au/nla.map-rm1588-e
1893 - Fort Scratchley	R.4627.1603 Road past Fort Scratchley, 1893. Crown Plans - Land and Property Information.
1893 - Jones, Fire Insurance	Jones, F Oliver, Structural fire insurance plans of part of the town and city of Newcastle, 1893, Mitchell Library. ZM4 811.251/1983/1
1893 - Reserves	Ms.538.3070, Public baths 1893. Crown Plans - Land and Property Information.
1895-6 - Detail	Newcastle Detail Series, 1895-1896. Newcastle City Council.
1898 - Parsonage	Ms.715.3070, Deanery [parsonage] 1898. Crown Plans - Land and Property Information.

Abbreviated Reference	Reference
1905 - Reserves	Ms.1133.3070 Ocean beach foreshore 1905. Crown Plans - Land and Property Information.
1915 - City	Map of the City of Newcastle, Details, 1915. Parish Map Preservation Project.
1944 - Aerials	Aerial Photographs 1944 Run 6 1501, 1502 and 1504 details. Newcastle City Council

5.18 Figures.



Figure 5.1 'Archaeological Management Plan 1996/1997, showing location of Indicative Archaeological Sites', prepared by Newcastle City Council in February 2008

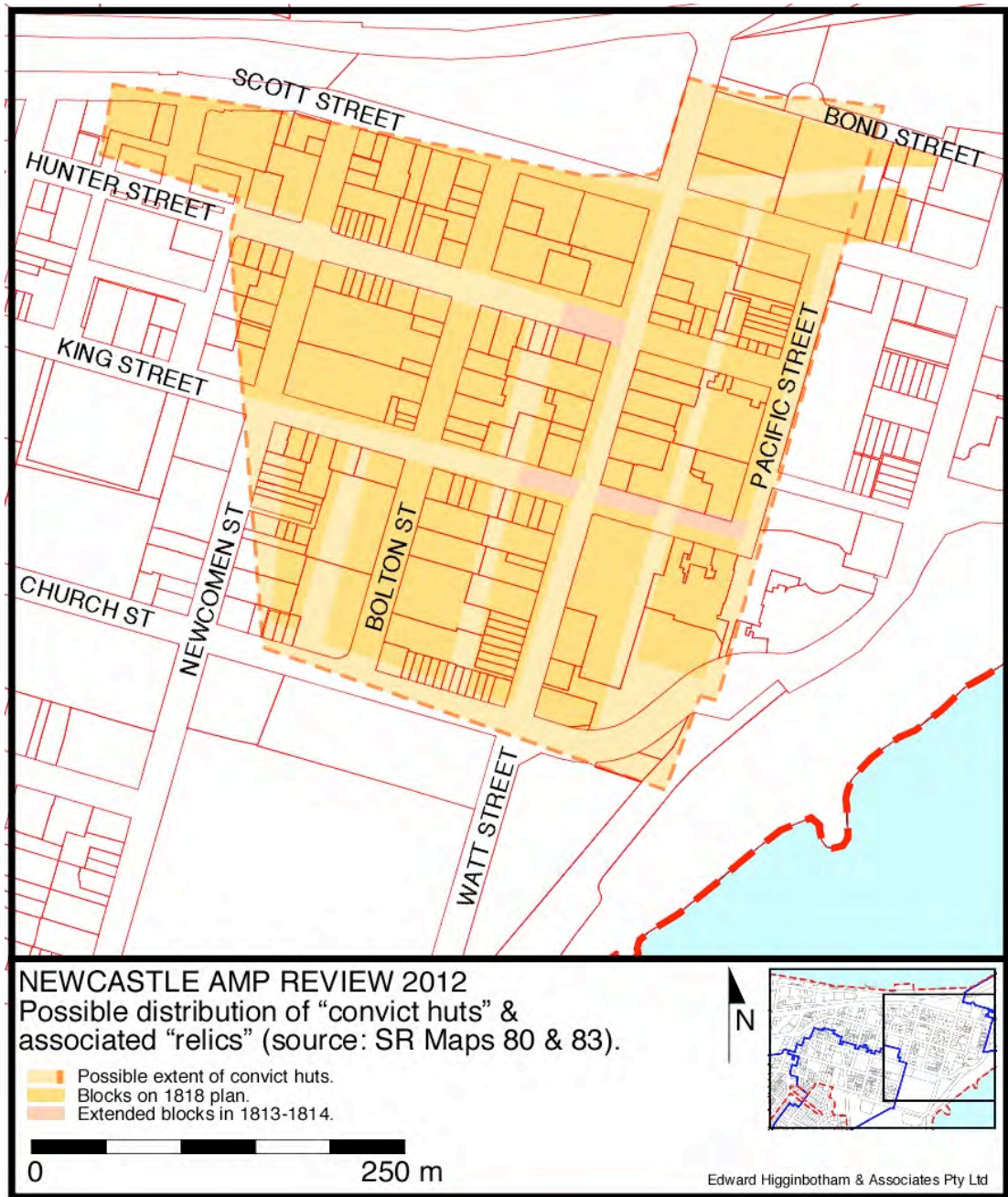


Figure 5.2. The possible distribution of convict huts and associated relics.
Source. Edward Higginbotham & Associates Pty Ltd.

6 CULTURAL SIGNIFICANCE.

6.1 Current assessment criteria.

In this chapter the cultural significance of the study is assessed using standard criteria on a thematic basis.

The State Heritage Register and the State Heritage Inventory were established under Part 3A of the Heritage Act (as amended in 1998) for listing of items of environmental heritage.²⁰ The State Heritage Register lists items, which are of state heritage significance, while the State Heritage Inventory includes items of local heritage significance.²¹ A number of items listed on the State Heritage Inventory are also of state heritage significance.

To be assessed for listing on the State Heritage Register (state significance) or State Heritage Inventory (local significance) an item will, in the opinion of the Heritage Council of NSW, meet one or more of the following criteria.²²

Criterion a. An item is important in the course, or pattern, of NSW's cultural or natural history or

An item is important in the course, or pattern, of the local area's cultural or natural history;

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none">• shows evidence of a significant human activity.• is associated with a significant activity or historical phase.• maintains or shows the continuity of a historical process or activity.	<ul style="list-style-type: none">• has incidental or unsubstantiated connections with historically important activities or processes.• provides evidence of activities or processes that are of dubious historical importance.• has been so altered that it can no longer provide evidence of a particular association.

²⁰ **environmental heritage** means those places, buildings, works, relics, moveable objects, and precincts, of state or local heritage significance (section 4, *Heritage Act, 1977*).

²¹ **state heritage significance**, in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific cultural, social, archaeological, architectural, natural or aesthetic value of the item (section 4A(1), *Heritage Act, 1977*).

²² Guidelines for the application of these criteria have now been prepared by the NSW Heritage Office. See inclusion and exclusion guidelines in: NSW Heritage Office. 2000. Assessing Heritage Significance. A NSW Heritage Manual Update.

See also:

Heritage Office and Department of Urban Affairs and Planning. 1996. Heritage Assessments. pp. 4-7.

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
An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area;

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none">• shows evidence of significant human occupation.• is associated with a significant event, person or group of persons.	<ul style="list-style-type: none">• has incidental or unsubstantiated connections with historically important people or events.• provides evidence of people or events that are of dubious historical importance.• has been so altered that it can no longer provide evidence of a particular association.

Criterion c. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW, or
An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area;

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none">• shows or is associated with creative or technical innovation or achievement.• is the inspiration for a creative or technical innovation or achievement.• is aesthetically distinctive.• has landmark qualities.• exemplifies a particular taste, style or technology.	<ul style="list-style-type: none">• is not a major work by an important designer or artist.• has lost its design or technical integrity.• its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded.• has only a loose association with a creative or technical achievement.

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
An item has strong or special association with a particular community or cultural group in the local area for social, cultural or spiritual reasons;

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none">• is important for its associations with an identifiable group.• is important to a community's sense of place.	<ul style="list-style-type: none">• is only important to the community for amenity reasons.• is retained only in preference to a proposed alternative.

Criterion e. An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history, or
An item has potential to yield information that will contribute to an understanding of the local area's cultural or natural history;

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> • has the potential to yield new or further substantial scientific and/or archaeological information. • is an important benchmark or reference of its type. • provides evidence of past human cultures that is unavailable elsewhere. 	<ul style="list-style-type: none"> • only contains information that is readily available from other resources or archaeological sites. • the knowledge gained would be irrelevant to research on science, human history or culture. • has little archaeological or research potential.

Criterion f. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history, or

An item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history;

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> • provides evidence of a defunct custom, way of life or process. • demonstrates a process, custom or other human activity that is in danger of being lost. • shows unusually accurate evidence of a significant human activity. • is the only example of its type. • demonstrates designs or techniques of exceptional interest. • shows rare evidence of a significant human activity important to a community. 	<ul style="list-style-type: none"> • is not rare. • is numerous but under threat.

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

An item is important in demonstrating the principal characteristics of a class of the local area's

cultural or natural places; or
cultural or natural environments.

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> • is a fine example of its type. • has the principal characteristics of an important class or group of items. • has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity. • is a significant variation to a class of items. • is a part of a group which collectively illustrates a representative type. • is outstanding because of its integrity or the esteem in which it is held. 	<ul style="list-style-type: none"> • is a poor example of its type. • does not include or has lost the range of characteristics of a type. • does not represent well the characteristics that make up a significant variation of a type.

An item is not to be excluded from the Register or Inventory on the ground that items with similar characteristics have already been listed on the Register or Inventory.

In criteria a to g, where an item is deemed to be of local significance, the words 'local area' should be substituted for 'NSW'.

6.2 Technical / research significance and scientific (archaeological) significance.

The term 'scientific (archaeological) significance' may be defined as the extent to which a site may contribute knowledge, not available from other sources, to current themes in historical archaeology and related disciplines.²³ 'Scientific (archaeological) significance' is included in Criterion E of the current criteria for assessment.

In the assessment of scientific (archaeological) significance, several factors or criteria have to be taken into account. Questions include:

- Does the site contribute knowledge not available from other sources? In this respect, the preservation of the site, the availability of comparative sites, and the extent of historical documentation should be considered.
- Does this knowledge contribute meaningfully to current research themes in historical archaeology and related disciplines? The level of this contribution may be assessed on the same basis as other aspects of cultural significance, for example, locality, region or state.

The determination of scientific (archaeological) significance is closely related to the development of current research themes in historical archaeology.

6.3 The heritage significance of the Study Area.

The following statements of significance are prepared in accordance with current guidelines. They will concentrate on scientific (archaeological) significance, although each aspect of heritage significance will be considered.

²³ This definition is based upon the following references; A. Bickford, & S. Sullivan, 'Assessing the research significance of historic sites', in S. Sullivan, & S. Bowdler, *Site survey and significance assessment in Australian archaeology*, Dept. of Prehistory, Research School of Pacific Studies, ANU, Canberra, 1984, pp. 19-26.; S. Sullivan, & S. Bowdler, *Site survey and significance assessment in Australian archaeology*, Dept. of Prehistory, Research School of Pacific Studies, ANU, Canberra, 1984, passim.

In order to provide a comprehensive statement of significance for each type of site, separate statements of significance will be provided for each archaeological theme, as follows:

1. Penal Settlement, 1801-1821 (State).
2. Town Development, 1820s-1853 (State).
3. The Australian Agricultural Company, 1830 onwards (State).
4. Railway and Port Infrastructure (State).
5. Harbour Defences (State).
6. Urban Development, 1853 onwards (Local).

6.3.1 Penal Settlement, 1801-1821 (State).

Criterion a. An item is important in the course, or pattern, of NSW's cultural or natural history

Newcastle was founded as a penal settlement for the extraction of coal in 1801 and briefly occupied until 1803. The convict settlement was re-established in 1804, with convict performing public works and labour, including coal mining, lime burning, timber getting and later brickmaking. The convict camp and later settlement centred on the main street (Watt Street), leading from the government wharf to the Commandant's house. Several of the institutions of the penal settlement were located on higher ground, including the Commandant's House, the Hospital, the Gaol, the Guard House and Flagstaff. Other public buildings were located within the settlement, including the Lumber Yard, the Commissariat Stores and the Military Barracks.

As a penal settlement Newcastle may be compared with the first settlements at Sydney, Parramatta and Norfolk Island, all of which were commenced in 1788. Newcastle shares many institutions and public buildings in common with these first settlements.

Newcastle (1801-1803, then 1804-1823) forms one of a group of penal establishments for secondary punishment, including Bathurst (1815 - 1832), Port Macquarie (1821-1830) in New South Wales, and Moreton Bay in Queensland. At Moreton Bay, the settlement commenced at Brisbane Town in 1824, while the agricultural establishment at Eagle Farm opened in 1829. It had a relatively short life and was closed in 1838. A progression can be seen from Newcastle and Bathurst to Port Macquarie and finally Moreton Bay, in order to maintain the isolation of the penal settlements from the expanding free population.

Elsewhere, Norfolk Island was re-opened in 1825 for secondary offenders, while a whole series of institutions were operated in Tasmania, including Macquarie Harbour (1821 - 1833), Maria Island (1825 - 1832), and Port Arthur (1830 - 1877).

Level of significance. - State.

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

A number of the governors of New South Wales made a significant contribution to the establishment and development of the Newcastle Penal Settlement, including Governor John Hunter, Lieutenant-Governor William Paterson and Philip Gidley King through to Lachlan Macquarie. So too the various commandants, including Surgeon Martin Mason, Lieutenant Charles Menzies, Charles Throsby, Ensign A. C. H. Villiers, William Lawson, Lieutenant John Purcell, Thomas Scottowe, Captain James Wallis and perhaps most well known, Major James Thomas Morisset.

One of the more remarkable features of the Newcastle Penal Settlement is the fact a number of artists either served as part of the Military Establishment or were convicted and sent to Newcastle to serve their time, though not necessarily at hard labour. The convicts included Richard Browne, Joseph Lycett and Walter Preston.²⁴ Military personnel, who have left artistic records include, Thomas Scottowe, commandant from 1811 to 1814, Captain James Wallis, commandant from 1816-1818, and Edward Charles Close, who served as acting engineer in 1820-1821.²⁵

Level of significance - State.

Criterion c. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW,

As with other penal settlements, Newcastle shows important design features in its layout. Many of the principal institutions were placed on higher ground to emphasise authority, correction, health and religion, a type of arrangement also apparent in Bathurst and in Port Macquarie. At both these latter institutions, it was Governor Macquarie and John Oxley who were responsible for the layout, though the earlier foundation of Newcastle suggests it was planned more simply as a military camp in its early days.

Many of the archaeological sites will also retain aesthetic qualities associated with traditional construction and historical design or layout of the buildings.

Level of significance - State.

Criterion d. An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons,

The social significance of the Newcastle Penal Settlement has not been researched. Special interest groups, like the National Trust of NSW, or the Coal River Working Party, recognise the importance of the archaeological sites associated with the place. The local community also sees the value in conserving these important

²⁴ John McPhee, ed. *Joseph Lycett, Convict Artist*. Historic Houses Trust. 2006, 19-22

²⁵ Some of his paintings are dated c.1818, though they may be more accurately dated to 1820-1821, when he served at Newcastle.

archaeological sites, like the Lumber Yard, not only to enhance awareness in the heritage of Newcastle, but also in terms of education and cultural tourism.

Level of significance - State.

Criterion e. An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history,

Only a small number of the archaeological sites relating to the Penal Settlement have been investigated, including the Convict Lumber Yard, the Parsonage and also the cottage at the Commandant's Farm.

The number of surviving above ground sites from the Penal Settlement are few, comprising the remnant of wall at the Parsonage, the Bogey Hole, and probably some of the fabric of the Southern Breakwater (Macquarie Pier). The remains at the Lumber Yard are wholly below ground structures.

The physical survival of archaeological remains of these buildings and structures will not only have the ability to demonstrate the way of life of the convicts, the civil servants and military personnel, but will also provide a much needed focus for historical education and cultural tourism in the city and its region.

Archaeological excavations in many of the other penal settlements have to a varying degree contributed to our understanding of convict transportation, the living and working conditions within these settlements and how the Penal Colony as a whole changed and developed over time. Newcastle has the potential to also make a significant contribution through archaeological investigation and the conservation and display of significant sites. The Lumber Yard provides an early example of interpretation and display.

Level of significance. - State.

Criterion f. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history,

The range of archaeological sites in New South Wales, available for the investigation of penal settlement, is limited to a few locations. Excepting the first settlements of Sydney and Parramatta, the sites of secondary punishment are limited to Newcastle, Bathurst, Wellington Valley and Port Macquarie. Newcastle is unique in New South Wales, being a penal settlement strongly associated with coal mining.

Level of significance - State.

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,*

The Newcastle Penal Settlement includes many features seen also at the other penal settlements, for example, the types of buildings, including the Government House, Commissariat Stores, the Lumber Yard; the layout of the settlement; the way it fits into the sequence of penal stations in New South Wales; the sites associated with convict labour.

Level of significance - State.

6.3.2 Town Development, 1820s-1853 (State).

Criterion a. An item is important in the course, or pattern, of NSW's cultural or natural history

Newcastle is one of only three cities in New South Wales that commenced as places of secondary punishment, the others being Bathurst and Port Macquarie. The changeover from military to civil administration in each of these settlements took place in a similar fashion, with the overlay of a new or extended street layout with blocks and town allotments, but also by the replacement of the commandant with a police magistrate.

Newcastle is also highly unusual in New South Wales for the method by which town allotments were leased, rather than initially sold to applicants. This followed the practice established for Sydney and Parramatta. It had the effect of limiting capital improvements within the early town, until freehold title was obtained. A substantial number of the allotments were also leased to large landholders upstream in the Hunter Valley, on the assumption that they would build soon take advantage of the sea breezes and bathing opportunities, once their farms were established.

Another feature of Newcastle was the ongoing presence of convicts, not only for public works, but also in private assignment. For oversight this necessitated the construction of the Military Barracks and also the continued use of a number of the penal government institutions. Public works included not only the Breakwater, but also the coalmines until the Australian Agricultural Company took over the latter role: the Company continued to use convict miners. Even in 1841 the convicts formed over 51% of the local population. At that time Newcastle was the fifth largest town in New South Wales, behind Sydney, Parramatta, Maitland West and Windsor.

With the rapid expansion of settlement in the Hunter Valley and beyond in the 1820s, both Morpeth and Maitland became major centres at the head of river navigation. Newcastle stagnated until a number of events provided new impetus, including the declaration of a free port in 1846, the breaking of the coal mining monopoly of the Australian Agricultural Company in 1847 and the opening of the Great Northern Railway in 1857.

Although it was hemmed in on its west side by the Australian Agricultural Company's grant, the population of Newcastle did not need to expand in this period. However industries that needed water frontage were driven to the north side of the Hunter River at Stockton, since access to deep water was highly restricted in Newcastle itself.

Level of significance. - State.

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

Both the Surveyor General John Oxley and Surveyor Henry Dangar had a primary role in the layout of the town of Newcastle. Several of the new street names reflected the great interest in steam power at the time and were named after well known engineers.

Significant persons are numerous and only a selection can be named here. They include the powerful group of entrepreneurs and merchants including James Reid, William Brooks, Robert Fisher, James Hannell, Job Hudson, William Rouse, Simon Kemp, Martin Richardson, C P N Wilton, Henry Usher, James Brown, J Austin and George Brooks who lobbied for a free port in 1843. The names of other significant persons may be found in the list of grantees of town allotments, for example, James Mitchell, A W Scott and William Croasdill. Some of these individuals appear in the *Australian Dictionary of Biography (ADB)*.

Level of significance - State.

Criterion c. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW,

Many of the archaeological sites will retain aesthetic qualities associated with traditional construction and historical design or layout of the buildings.

Level of significance - Local.

Criterion d. An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons,

The social significance of the early development of Newcastle has not been researched. Special interest groups, like the National Trust of NSW, or the Coal River Working Party, recognise the importance of the archaeological sites associated with the place. The local community sees the value in conserving these important archaeological sites, for example, both Toll Cottage and Claremont, not only to enhance awareness in the heritage of Newcastle, but also in terms of education and cultural tourism.

Level of significance - Local

Criterion e. An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history,

As with the Penal Settlement, there are only a small number of buildings surviving from the period of early town development. These include Toll Cottage and Claremont.

Many other sites of early buildings may survive below ground. The physical survival of archaeological remains of these buildings and structures will not only have the ability to demonstrate the living and working conditions of the town population, but also the convicts that were still so significant a part of the population. These sites will also provide a strong focus for historical education and cultural tourism in the city and its region.

Level of significance. - State.

Criterion f. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history,

Newcastle is one of only three cities in New South Wales that commenced as places of secondary punishment, the others being Bathurst and Port Macquarie. Newcastle is also highly unusual in New South Wales for the method by which town allotments were leased, rather than initially sold to applicants.

Another unusual feature of Newcastle was the ongoing presence of convicts, not only for public works, but also in private assignment. Even in 1841 the convicts formed over 51% of the local population. At that time Newcastle was the fifth largest town in New South Wales, behind Sydney, Parramatta, Maitland West and Windsor.

Level of significance - State.

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,*

In many respects the development of Newcastle mirrored that of other major towns in New South Wales. It had a similar grid layout, similar public institutions, as well as parallels in the development of housing and industry, even though dominated by the Australian Agricultural Company. Newcastle stagnated in the 1830s and 1840s due to the rapid development of the Hunter Valley and towns like Maitland and Morpeth, but a similar range of economic and geographical factors influenced other towns on the central and northern coast, like Port Macquarie after the withdrawal of the government institutions associated with penal settlement.

Level of significance - State.

6.3.3 The Australian Agricultural Company, 1830 onwards (State).

Criterion a. An item is important in the course, or pattern, of NSW's cultural or natural history

The Australian Agricultural Company was established in 1824. Although best known for its agricultural and grazing interests, a major component of its business was the mining of coal at Newcastle, taking over the major role of the penal settlement. It was granted 2,000 acres immediately west of the town of Newcastle.

The A Pit was sunk in 1831 and was connected to the harbour and shipping by an inclined plane, the first railway in Australia. The AA Company used two steam engines (1839 and 1841) at the mine, the first to be used for mining in Australia as well as casting some metal components, which may have been the first time this work was done in Australia.

A series of pits were sunk, B Pit in 1841, C Pit in 1843; the Borehole was exploited from D and E Pits by 1849; F Pit was sunk in 1855, additional pits at Hamilton in 1861 and 1873. The company was also for a short time involved in salt production. Most of the workforce was convict labour, but with the end of transportation in 1840, skilled miners were brought out from the UK.

The company dominated industry and the development of the town of Newcastle. Industries that needed water frontage were driven to the north side of the Hunter River at Stockton, since access to deep water was highly restricted in Newcastle itself. However the company lost its monopoly in coal mining in 1847 and with the discovery of the Borehole Seam in 1848, many other companies were encouraged to enter the industry. The dominant role of the company was further eroded in 1850, when by act of parliament, the Burwood Mine was enabled to put a railway through company land to the government staithes.

The company built a new bridge across Hunter Street in 1862, replacing the old inclined plane. The Sea Pit was opened in 1888. Its closure in 1920 marked the end of the inner city coal mines and allowed the dismantling of the railway, the demolition of the Hunter Street Bridge and the realignment of King Street.

From 1853 onwards, the subdivision of the company grant allowed for the westward expansion of the City, with major centres of development along Hunter and Darby Streets.

For nearly one hundred years the Australian Agricultural Company played a dominant role in the development of Newcastle. The company continues its agricultural business and is still listed on the Australian Stock Exchange as the AAC.

Level of significance. - State.

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

The various superintendents of the Australian Agricultural Company and its other management have played a major role in the development of Newcastle.

Level of significance - State.

Criterion c. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW,

The archaeological sites associated with the Australian Agricultural Company may retain evidence of mining and other technology that was advanced for its time. The company was also responsible for a number of firsts in Australia, including its mine tramway and incline, the use of steam engines in mining and for the manufacture of iron components used in mining machinery.

Level of significance - State.

Criterion d. An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons,

The social significance of the Australian Agricultural Company has not been researched. Special interest groups, like the National Trust of NSW, or the Coal River Working Party, recognise the importance of the archaeological sites associated with the company. The local community sees the value in conserving these important archaeological sites, like the Company Offices, or the railway embankment, not only to enhance awareness in the heritage of Newcastle, but also in terms of education and cultural tourism.

Level of significance - State

Criterion e. An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history,

As with the Penal Settlement and the early development of Newcastle, there are only a small number of buildings and other structures relating to the Australian Agricultural Company that survive within the study area. They include the Company's Offices, the Signalman's Cottage and remnants of the railway embankment and alignments along King Street and Brooks Street.

Many other sites of the collieries and other infrastructure may survive below ground, though most of the pits, excepting A Pit lie outside the study area. The physical survival of archaeological remains of these buildings and structures will have the ability to demonstrate the living and working conditions of the miners, both convict and free. These sites will also provide a strong focus for historical education and cultural tourism in the city and its region.

Level of significance. - State.

Criterion f. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history,

Newcastle is unique in New South Wales for its role in coal mining from 1801 onwards, until the breaking of the monopoly of the Australian Agricultural Company in 1847.

The Australian Agricultural Company was also unusual for its use of technology that was advanced at the time, including rail inclines, steam engines and engineering works.

The company was also solely responsible for the extraction of coal in the inner city, after the end of the penal settlement.

The location of the company grant of 2,000 acres, together with the local geography, constrained the development of Newcastle. This is clearly seen in the building of railway and port infrastructure, the Burwood Mine Railway, but also in forcing other early industries to locate at Stockton if they required deep water frontage.

Another unusual feature of the Australian Agricultural Company was its continued employment of convict labour until the end of transportation in 1840.

Level of significance - State.

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,*

The Australian Agricultural Company is unique or unusual in many respects, but its preferred use of advanced technology for mining set the pattern for the later development of collieries in the Hunter Valley.

Level of significance - State.

6.3.4 Railway and Port Infrastructure (State).

Criterion a. An item is important in the course, or pattern, of NSW's cultural or natural history

The Hunter River Railway (Great Northern Railway) was opened in 1857, less than two years after the opening of the Sydney to Parramatta Railway. The line was extended from Honeysuckle Point into Newcastle itself in 1858.

The railway played was pivotal in enabling Newcastle to replace Maitland and Morpeth as the principal port for the Hunter River. Like the Eveleigh Railway

Workshops in Sydney, Newcastle developed its own workshops at Honeysuckle Point. They played a major role in manufacture and repair of railway stock until closed in 1978.

The rapid development of the coal industry after the breaking of the Australian Agricultural Company monopoly was facilitated by improved rail access to the port and new port facilities. Captain E O Moriarty, Engineer-in-Chief of the Harbours and Rivers Branch, was largely responsible for the scheme for extensive port improvements at Bullock Island (now Carrington) between 1862 and 1878. Land was also reclaimed at Kings Wharf and both rail and port facilities were modernised.

Port improvements also include the Customs House, navigation beacons, pilot station, lighthouse, life boat service, bond stores and other infrastructure.

Level of significance. - State.

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

The improvement of port infrastructure from 1862 to 1878 was largely the responsibility of Captain E O Moriarty, Engineer-in-Chief of the Harbours and Rivers Branch.

Level of significance - State.

Criterion c. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW,

The improvement of port infrastructure included highly advanced hydraulic technology for powering of cranes, as well as other modern technologies.

Level of significance - State.

Criterion d. An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons,

The social significance of the railway and port facilities at Newcastle have not been researched. Special interest groups, like the National Trust of NSW, or the Coal River Working Party, recognise the importance of the archaeological sites associated with the railway and port. The local community also sees the value in conserving these important sites, including the Lee Wharf buildings and the Honeysuckle Workshops, not only to enhance awareness in the heritage of Newcastle, but also in terms of education and cultural tourism.

Level of significance - State

Criterion e. An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history,

There are a number of surviving sites associated with rail and port infrastructure, including the Honeysuckle Railway Workshops, the Lee Wharf buildings, the railway stations and the navigational beacon on Tyrrell Street

The physical survival of these buildings, together with their archaeological remains, have the ability to demonstrate the important development of Newcastle as a port and railway terminus. These sites will also provide a strong focus for historical education and cultural tourism in the city and its region.

Level of significance. - State.

Criterion f. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history,

The Great Northern Railway was developed as an railway network independent from Sydney until the lines were connected across the Hawkesbury River in 1889.

Outside Sydney, the port facilities at Newcastle were the most extensive and highly developed of any other port in New South Wales.

Level of significance - State.

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,*

The development of rail and port infrastructure in Sydney and Newcastle have many parallels.

Level of significance - State.

6.3.5 Harbour Defences (State).

Criterion a. An item is important in the course, or pattern, of NSW's cultural or natural history

Note. Fort Scratchley is excluded from the study area.

With the closure of the Military Barracks in the 1850s, a detachment of NSW Artillery was stationed at Newcastle from 1855. Four eighty-pounder guns were erected in 1878, but were moved to Fort Scratchley when it was completed in 1882.

Fort Scratchley formed the hub of harbour defences, constructed initially against a Russian threat.

Shepherds Hill was constructed as a coast battery in the 1890s. Fort Wallace at Stockton, completed just before 1914, became the key fortification prior to World War II. There were radar units on Ash Island.

The fortification of Newcastle forms part of the history of harbour defences in New South Wales, centred on Port Jackson (Sydney), but also including Botany Bay and Wollongong.

Newcastle harbour and city was attacked by Japanese submarine on 7-8 June 1942. The guns at Fort Scratchley fired a number of rounds in defence. Newcastle was one of a number of cities in Australia attacked by the Japanese in the Second World War, including both Sydney and Darwin.

Level of significance. - State.

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

The construction of Fort Scratchley is particularly associated with Major-General Sir William Jervois and Lieutenant Colonel Peter Scratchley.

Level of significance - State.

Criterion c. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW,

The fortifications in Newcastle demonstrate the development of armaments technology and military fort construction up to the Second World War.

Level of significance - State.

Criterion d. An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons,

The social significance of the harbour fortifications at Newcastle have not been researched, but the armed forces continue to have an active interest in these sites. Special interest groups, like the National Trust of NSW, or the Coal River Working Party, recognise the importance of these defences. The local community also sees the value in conserving these important sites, including Fort Scratchley and the Shepherd Hill fortifications, not only to enhance awareness in the heritage of Newcastle, but also in terms of education and cultural tourism.

Level of significance - State

Criterion e. An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history,

The fortification of Newcastle, together with their archaeological remains, have the ability to demonstrate the development of defences for Newcastle as a port and major city. These sites will also provide a strong focus for historical education and cultural tourism in the city and its region.

Level of significance. - State.

Criterion f. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history,

The harbour at Newcastle was one of a small number of ports attacked by the Japanese in World War II. A number of important guns survive at Fort Scratchley, namely the two 6 inch Mark VII guns, which saw action against the Japanese.

Level of significance - State.

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,*

The harbour defences at Newcastle are part of a series of defences along the east coast of New South Wales, including Sydney, Botany Bay and Wollongong. Comparisons may be made between these sites and also those overseas in places like Auckland, New Zealand (Devonport).

Level of significance - State.

6.3.6 Urban Development, 1853 onwards (Local).

Criterion a. An item is important in the course, or pattern, of NSW's cultural or natural history

During the later nineteenth and twentieth century, Newcastle and Wollongong were the largest and most industrialised coastal cities outside Sydney.

With the subdivision of the Australian Agricultural Company land in 1853, the city of Newcastle could spread to the westward, principally along Hunter and Darby Streets. By the end of the nineteenth century the city had developed and buildings had infilled most of the city blocks. To serve the population, a wide range of houses were built, including also schools and churches, as well as pubs and hotels. To serve the needs of the port, coal mining and other industry, a number of factories, foundries and engineering workshops were established, including Rodger's Foundry, Gibson's Foundry, Arnott's Biscuits, a Soap Works and Refrigeration Works.

The Municipality of Newcastle was established in 1859 under the provisions of the Municipalities Act, 1858. The municipality became the Borough of Newcastle in 1867, under the provisions of the Municipalities Act, 1867, and continued in this form until 1938. Newcastle was proclaimed a city in 1885.

The rapid development of the city in the nineteenth century replaced most of the earlier buildings. Similarly in the twentieth century, redevelopment was concentrated in the City and along Hunter and King Streets to the west. Suburbs, including Newcastle East, The Hill and Cooks Hill were largely bypassed by this later development, leaving several attractive nineteenth century housing precincts.

Newcastle is only one of a few cities in New South Wales to be served by trams in the late nineteenth and early twentieth centuries. Gasworks were constructed in 1866, electrical supply commenced in 1881 from a municipal power plant in Tyrrell Street, while the Zaara Street power station supplied Newcastle from 1915 to 1976.

Water was piped from the Walka Water Works in 1887, with a number of service reservoirs in Newcastle itself, one near the Obelisk, another in Tyrrell Street. The first sewerage pumping station (SPS) was built at the Hunter and Brown Street intersection in 1910.

Level of significance. - Local. Some sites may be of state significance, particularly the underground reservoirs on Tyrrell Street.

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

The individuals and groups that played a prominent role in the development of Newcastle have not been researched. There is a wide range of people that played significant roles.

Level of significance - Local.

Criterion c. An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW,

The surviving built fabric of Newcastle, dating from 1853 onwards, will exhibit a range of aesthetic qualities, both in design and technical expertise. This subject is largely beyond the scope of the Newcastle Archaeological Management Plan Review.

More relevant from the archaeological viewpoint is the technical expertise evident in the underground reservoirs at Tyrrell Street.

Level of significance - Local. Some sites may be of state significance, particularly the underground reservoirs on Tyrrell Street.

Criterion d. An item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons,

The social significance of the later nineteenth and twentieth century development of Newcastle have not been researched. Special interest groups, like the National Trust of NSW, or the Coal River Working Party, recognise the importance of the surviving built fabric and associated archaeological sites. The local community also sees the value in conserving these important precincts, through the recognition of a number of conservation areas, not only to enhance awareness in the heritage of Newcastle, but also in terms of education and cultural tourism.

Level of significance - Local.

Criterion e. An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history,

The study of the surviving fabric of late nineteenth and twentieth century Newcastle and the associated archaeological sites are likely to contribute to our understanding of the communities, their living and working conditions. After the 1870s to 1890s municipal rubbish disposal and other factors removed most artifact assemblages from their original contexts, reducing substantially the contribution of archaeology to domestic sites from this period onwards.

Level of significance. - Local.

Criterion f. An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history,

The surviving fabric of late nineteenth and twentieth century Newcastle reveals the extensive nature of development in the harbour city that can only be compared with the other major cities of New South Wales. For example, the blocks of two-storey terraced houses, in both weatherboard and brick may only be compared with the inner city suburbs of Sydney, including Paddington, Surry Hills, Glebe and Balmain. Just as in Sydney, the archaeological resources associated with these developments will be as rich and as varied.

Level of significance - Local.

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,*

The surviving fabric of late nineteenth and twentieth century Newcastle reveals a pattern of development where housing and schools are found together with pubs, hotels and local industry. This type of development is typical of the nineteenth century development of cities and major towns in New South Wales.

Level of significance - Local.

7 .RESEARCH FRAMEWORK.

The Newcastle Archaeological Management Plan Review 2013 has used the historical themes as a primary means of establishing significance for the archaeological sites in this study. Nonetheless the contribution that each archaeological site can make is determined by their relevance and application to archaeological research themes.

Dr. Siobhan Lavelle provided an overview of research design in historical archaeology in the Newcastle Archaeological Management Plan 1997.²⁶Part of the chapter on Research Design is reproduced below:

'The inventory database for the Newcastle Archaeological Management Plan has included a field, which indicates the 'historic themes' which are considered relevant to each inventoried item. This provides an overview of the archaeological resource at one level, and the purpose of the 'research themes' is not to simply reiterate these. Rather, it is possible to set the following subject areas or 'research themes' for the archaeology of Newcastle, with the aim of having future investigations collecting data relevant to these areas whenever it is available. It should be noted, however, that the specificity of any suggested research design will increase as knowledge of the data becomes more precise. Much more detailed research questions can be suggested when site-specific information is available, such as that which results from the completion of individual archaeological site assessments. As such the following should be seen only as a guide to items to be considered, while the importance and level of detail for each will differ depending on the site in question.

It must also be recognised that research areas should not be rigidly imposed or administered, as even the most comprehensive list of research themes will need to be re-examined for their applicability to individual sites once a greater amount of historic information has been obtained. This is also the case with the range of potential theoretical models and the various levels of investigation, which have been outlined. And site-specific research designs still need to be adaptable, as the nature of archaeological sites often means that their preservation, form and content cannot be accurately determined until excavation commences.

The bold type headings indicate the overall research area, the plain text indicates the type of related topics and/or evidence around which site-

²⁶ Suters Architects in association with Siobhan Lavelle, C & M J Doring and Dr. John Turner. Newcastle Archaeological Management Plan. Newcastle City Council, 1997. Volume 1. p. 54-60.

specific research questions might be framed. It should be noted that the research areas are not mutually exclusive but are overlapping and complementary. For example; the topic of mining may be relevant to Environmental Modification & Disturbance, Penal Settlement, Australian Agricultural Company, and Industry and Manufacturing; and wharves may be relevant to Environmental Modification & Disturbance, Military & Maritime, Urbanisation & the 19th Century City, and Industry & Manufacturing.

a) Natural Environment

Landform/topography and Vegetation / Habitat. Location of original 'natural' ground levels;

Topography; Landscape features; Water table / Catchment, creek lines & drainage; Harbour and Estuary, Beaches and Shorelines; Plants / Pollens (native species); native food species and resources; other resource locations (timber, building materials, coal); Fossils; Geology.

b) Environmental Modification & Disturbance

Land Reclamation and Fill; Harbour / Port / Wharf Construction & Reconstruction; Fill levels and extent of altered ground; Other landscape changes (eg. movement of frontal sand dunes over East Newcastle); Water Supplies (public wells / private wells / cisterns / reticulated supply); Vegetation - disturbance / loss and introductions (plant pollens); Quarrying.

c) Aboriginal Occupation/Contact

Location / Extent; Pre-contact environment; Resources; Material Culture; Continuity & Change. Acculturation.

d) Penal Settlement

Physical / spatial layout (including Street pattern); Sites / Buildings; Construction / technology; Occupants / Lifeways; Early industries.

e) Military & Maritime

Precincts / Areas; Roles & Functions; wharves; defence installations.

f) Government Town

Continuity and change; Physical / Spatial layout (including Street pattern and subdivision, town allotments); Sites / Buildings (including building materials & technology); Occupants / Lifeways (including residential / domestic sites); Land Uses; Public Utilities and Services.

g) Australian Agricultural Company

Influence on settlement pattern & development; mines & railways (sites)

h) Urbanisation and the 19th Century City

Development of the CBD and specialised land uses; Land value; Population (increase / demographics); Occupations and residents of the CBD; Town Services / Urban Amenity; Health / Welfare; Transport; Civic administration; nature of development / expansion of the city (increased structural / spatial / functional complexity); social repercussions; consumerism & access to imported goods.

i) Industry and Manufacturing

Industry locations & industrial production; Labour relations / class struggle (working class neighbourhoods); Economic organisation & control of production vs. social differentiation; labour requirements and the composition of families. Major industries and sites (eg those related to Mining, Steel making, Transport, Commerce and other important industrial / historic activities for Newcastle.

j) Cultural Life

Religious / Educational; Social / Entertainment.

k) Gender and Ethnicity

Roles / Status (Social & Economic) including occupations. Historic, Social, Spatial & Physical environment. Locations and or concentration of specific groups. Lifestyle.

l) Archaeological Management Issues

Site preservation; Integration and comparison of results. Assessment of management plan predictions both overall and in relation to specific (inventoried / scheduled) sites. Feedback into the process of future management.

The development of research themes is an ongoing endeavour in historical archaeology. A review of research themes in historical archaeological reporting in general was undertaken in 2010.²⁷ But the purpose of this chapter is not only to review those themes that have been addressed in archaeological reporting in Newcastle, but also to develop an understanding of the research potential of Newcastle to contribute to a set of themes. In other words the role of the Newcastle Archaeological Management Plan Review 2013 is also to suggest particular areas in Newcastle that have not yet been investigated, but which may make a substantial contribution to research themes.

The review of the Newcastle Archaeological Management Plan 1997 therefore provides, not only an opportunity to assess the contribution of archaeological investigations in Newcastle up to 2012, but also to put forward an approach where

²⁷ Ilka Schacht, 'Towards a thematic research framework for historical archaeology', in *Australasian Historical Archaeology*, Volume 28. 2010: 61-76.

research themes can guide future directions in the historical archaeology of Newcastle. This may be an ambitious goal, but it is hoped that the following discussion will at least point towards archaeological sites that may make an important contribution, so that opportunities for their investigation should not be missed.

The review of the inventory of archaeological sites has enabled the research themes of the previous study to be adopted, adapted and extended in the manner summarised in the following table.

Research Themes. NAMP 1997	Extended Research Themes. NAMPR 2013.
a) Natural Environment	Natural Environment
b) Environmental Modification & Disturbance	Environmental Modification & Disturbance
c) Aboriginal Occupation/Contact	Aboriginal Occupation/Contact
d) Penal Settlement	Penal Settlements
e) Military & Maritime	Defence and Military Establishments.
	The development of port infrastructure in New South Wales.
	The development of rail infrastructure in New South Wales.
	The development of roads and bridges in New South Wales
	The development of tramway infrastructure in New South Wales.
f) Government Town	Town development in New South Wales up to the early 1850s.
	The development of prisons in New South Wales.
	Public Utilities and Services - Water Supply.
	Public Utilities and Services - Gas Supply.
g) Australian Agricultural Company	The Australian Agricultural Company
h) Urbanisation and the 19th Century City	Urbanisation and the 19th Century City
	The development of hospitals and health infrastructure in New South Wales.
	Maintenance of Law and Order.
i) Industry and Manufacturing	Industry and Manufacturing
	Coal Mining in New South Wales, 1801 onwards.
j) Cultural Life	Cultural Life
	Theatres, Entertainment and Public Recreation.
	Religion and Burial Customs.
	Education - Schools, Colleges and Universities.
k) Gender and Ethnicity	Social and Economic Status, Gender and Ethnicity.
l) Archaeological Management Issues	Archaeological Management Issues

Each of the research themes used in the Newcastle Archaeological Management Plan Review 2013 will be briefly reviewed below.

7.1 Natural Environment

Every archaeological site will contribute to an understanding of the natural environment, if only to determine the nature of the natural subsoils. Opportunities do exist for exploring the natural environment and the changes brought about by Aboriginal and historical settlement through environmental sampling of various types, for example, pollen analysis. Sites with deep stratigraphy, or waterlogged sites like wells, cisterns, lagoons and dams provide ideal sites for environmental sampling. In particular there are sites in East Newcastle, previously known as the Sandhills, where sampling may be undertaken, for example the pond or dam near Stevenson Place and Parnell Place, shown on a map dated to 1839-1840 (1839-40 N 71.844) (SHI 2176215). Another example is the Water Reserve on the foreshore near Bolton and Newcomen Streets (SHI 2176207).

7.2 Environmental Modification & Disturbance.

The natural environment has been changed in many ways by urbanisation. Some major examples are described below.

The area of East Newcastle, previously known as the Sandhills, was subject to the onslaught of wind blown sand, once the natural vegetation had been cleared, probably from the early years of the Penal Settlement, 1804 onwards.

The sand dunes behind Newcastle Beach are shown on Armstrong's Map of 1830 (Volume 3, Figure 6.4). The removal of the vegetation over the dunes was progressive, until it became an area of wind blown sand by the mid 1830s (Volume 3, Figure 6.10). Various measures were attempted to control the movement of the sand. The street alignment map of 1853 shows a "High Bush fence" had been erected along the cliff top between the Hospital and the Gaol, but that this had been swamped by sand (Volume 3, Figure 6.28). This map also shows that sand was a problem as far west as the alignment of Pacific Street. Innovative measures to plant out indigenous shrubs and pigface were considered and possibly the erection of new barriers in 1853 (Volume 3, Figures 6.29 and 6.30). The effect of the sand can be seen on the road alignment to the north of Stevenson Place, which is marked as a "Buried Road" on the 1839 plan (Volume 3, Figure 6.15). This road was marked as a plank road on navigational charts up to the 1880s. The problem of wind blown sand delayed development in East Newcastle until the 1880s and 1890s.

Various archaeological sites have revealed the extent and depth of the wind blown sand, most notably the archaeological investigations of the Lumber Yard from 1989 onwards (SHI 2176214). Other sites that have encountered deep sand layers include investigations at the Royal Newcastle Hospital (SHI 2176223).

Caution should be exercised in the determination of what are the natural soils on sites affected by wind blown sand. Aboriginal sites and indeed early sites belonging to the Penal Settlement may be buried under what appears at first to be natural sand.

Another important case of environmental modification is the site of the former Military Barracks on Watt Street, Newcastle, completed in 1840 (SHI 2176232). The building of the barracks required substantial levelling of the site and has also had an effect on the neighbouring streets, including Watt, Newcomen and Church Streets. Church Street appears to have been raised up in front of the Courthouse, with the original landform possibly reflected in the service lane behind the three storey terraced houses at 8-32 Church Street (SHI 2176206).

Reclamation of the foreshore of the Hunter River is the other major example of environmental modification in Newcastle (SHI 2176280 - 2176285). While the archaeology of sites near the water frontage provide a major opportunity for investigating Newcastle's historical port and rail infrastructure, it should not be forgotten that the foreshore was also subject to a variety of uses prior to reclamation. Examples include the bathing house on a jetty on the foreshore on the alignment of Zaara Street (1853 - Street Alignment) (SHI 2176285). One of the most spectacular examples of the usage of the foreshore prior to reclamation was the discovery of the wreck on the steam tug 'Leo' beneath reclamation at Honeysuckle Drive, east of Worth Place (SHI 2176 282).

7.3 Aboriginal Occupation/Contact.

The investigation of several historical archaeological sites has revealed also the evidence for previous Aboriginal settlement along the Hunter River foreshore. Examples include the Newcastle Convict Lumber Yard (SHI 2176214), the Boardwalk site (SHI 2176282) and the recent investigations at 684 Hunter Street, Newcastle (SHI 2176280). Increasingly it is becoming clear that Aboriginal sites may be well preserved where historical remains are also intact.

7.4 Penal Settlements.

The mapping of the possible extent of convict huts in the Penal Settlement has enabled a more complete understanding of the archaeological resource (SHI 2176225, Figure 1). The settlement not only included the convict huts, but also the military and civil institutions for the control of the convicts and the places of convict labour.

The investigation of the Convict Lumber Yard from 1989 onwards provided an important yardstick for the investigation of the Penal Settlement (SHI 2176214). The cottage at the Commandant's Farm has also recently been subject to archaeological

investigation at 684 Hunter Street, Newcastle (SHI 2176280). Although there have been a number of archaeological investigations within the area known to have been occupied by convict huts, none has yet provided results that would improve our understanding of the conditions of living within the penal settlement as a convict, although some of the convict work places are well known, for example, Macquarie Pier or the Southern Breakwater (SHI 2176219), coal mining under the city (SHI 2176223, 2176232, 2176239, among others) and the Convict Lumber Yard (SHI 2176214). The recent excavation of Kirkwood House revealed that the parsonage for Christ Church still survived as the core of the building. Only a remnant of the structure has survived the demolition of Kirkwood House by the State government (SHI 2176232). The brick barrel drain on Church Street may reuse a drainage adit from one of the early convict coalmines (SHI 2176287).

Every opportunity should be grasped to excavate sites of convict occupation under controlled archaeological conditions. From the experience of Newcastle alone, archaeological monitoring programmes provide control over excavation insufficient to recover the remains of convict huts. It is recommended that the methodology usually adopted for opening up sites for area excavation, with the machine under archaeological supervision, would be a more appropriate response within the area of SHI 2176225 and adjacent inventory listings. Street works in this area should also be under much closer archaeological supervision and control to ensure the recovery of this highly significant evidence.

7.5 Defence and Military Establishments.

The NAMP 1997 research theme of Military & Maritime has been separated and extended into a number of themes leaving Defence and Military Establishments as a separate theme.

The Defence and Military Establishments theme now includes items like the Military Hospital and Military Barracks on the main street (Watt Street) of the Penal Settlement (SHI 2176203), the 1840s Military Barracks (SHI 2176232), but also items like the Orderly Room for the 4th Regiment Infantry, King Street shown on the 1886 and later plans (1886 - M&G; 1895-97 - Detail) (SHI 2176206). The Church Street Drain may also be associated with the Military Barracks (SHI 2176287).

Fort Scratchley has been excluded from the study area for the Newcastle Archaeological Management Plan Review 2013, but related sites include the fortifications on Shepherds Hill and the military positions on Obelisk Hill (SHI 2176239 and 2176240). There is also physical evidence for the securing of the 1881 submarine mine cable across the harbour at the Pilot's Station (SHI 2176285).

The fortifications at Shepherds Hill have been extensively conserved (SHI 2176239).

7.6 The development of port infrastructure in New South Wales.

The research theme of Port Infrastructure includes items like the government wharf on Watt Street, which served the Penal Settlement from 1804 onwards, Macquarie Pier, the pilots' cottages and flagstaff, the Water Police, as well as the extensive reclamation along the Hunter River foreshore for port facilities, particularly the scheme designed by E O Moriarty, Engineer-in-Chief of the Harbours and Rivers Branch, and constructed between 1862 and 1878. Lee Wharf was constructed in 1910 and extended west in the 1920s (SHI 2176215, 2176216, 2176218, 2176219, 2176222, 2176280 to 2176285).

Extensive conservation and archaeological works have been undertaken to conserve the two surviving Lee Wharf sheds and renew access to the waterfront in the Honeysuckle Precinct (SHI 2176281 and 2176282).

The theme also includes the Customs House on Bond Street and also the various bond stores in the city, including the Earp Gillam & Co and D Cohen & Co Bond Stores (SHI 2176214 and 2176285). Ireland's Bond Store was located further from the waterfront at 123 King Street (SHI 2176229).

A more unusual feature of this theme is the pair of lighthouses and lighthouse keeper's cottage on Tyrrell and Perkins Streets (SHI 2176237 and 2176245). The Obelisk on Obelisk Hill, built in 1850, also served as a navigational aid (SHI 2176239). More recent navigational light are located south of King Street (SHI 2176243).

7.7 The development of rail infrastructure in New South Wales.

The Great Northern Railway was the second passenger railway network in New South Wales, opened in 1857 and extended to the terminus at Newcastle in 1858. Railway offices and housing were also located on the block to the east of the station, east of Watt Street (SHI 2176214, 2176277 to 2176285).

Extensive heritage, archaeological and conservation works have been completed on the former Honeysuckle Railway Workshops and associated infrastructure (SHI 2176281 and 2176282)

The theme may also include the mine railways of the Australian Agricultural Company and the Burwood Mining Company, although these may also be considered under the theme of coal mining (see below) (SHI 2176248 and 2176250).

The Scott Street Drain may have been constructed to divert stormwater around the Newcastle Station facilities (SHI 2176289).

7.8 The development of roads and bridges in New South Wales

The research theme on roads and bridges has been included in the Newcastle Archaeological Management Plan Review 2013 to provide a context for the Hunter Street bridge over Cottage Creek (SHI 2176281).

7.9 The development of tramway infrastructure in New South Wales.

Although tramlines have been excluded from consideration in the Newcastle Archaeological Management Plan Review 2013, other aspects of tramway infrastructure have still been considered, including the Parnell Place Tram Depot and adjacent Engine House (SHI 2176216, 2176217), as well as the former steam tram engine shed and later substation for electric trams on the north side of Hunter Street (SHI 2176283).

7.10 Town development in New South Wales up to the early 1850s.

The theme of town development up to the 1850s covers all aspects of town development principally within the area of the town laid out by Dangar in the 1820s. Although this theme covers a wide range of topics, nonetheless the use of convicts for public labour and private assignment results in a society, which was in many ways different from town development in a free society. Although Transportation ceased in 1840, the Convict System was not finally dismantled until 1852 in Newcastle and elsewhere. The association of town development with the Convict System and its administration means that this research theme is of state significance (SHI 2176201 - 2176217, 2176220, 2176222 - 2176224, 2176226 - 2176232, 2176239, 2176285, 2176287, 2176290, 2176291).

Although there have been a number of archaeological investigations within the Dangar grid of streets, nonetheless few have provided insights into living and working conditions, sufficient to address the issue of relations between convict and free persons in the household or community. Nonetheless the recent excavation of Kirkwood House (the former Parsonage) has provided an opportunity to address a range of issues relating to town development up to the 1850s (SHI 2176232).

7.11 The development of prisons in New South Wales.

The theme of prisons in New South Wales would have been considered under a number of themes in the Newcastle Archaeological Management Plan 1997, but has been separated into a single theme in the Review.

The Gaol for the Penal Settlement was located at the eastern end of Scott Street. It was one of the first buildings built of brick in 1816 and was criticised for its poor state

of construction (SHI 2176217). The gaol at Newcastle can be compared with those in other penal settlements and towns.²⁸

7.12 Public Utilities and Services - Water Supply.

Examples of water supply at Newcastle commence with the public wells near the northern end of Newcomen Street (SHI 2176207, 2176208, 2176210). Alternative supplies of fresh water may have been obtained from another well on the foreshore north of Stevenson Place (SHI 2176285).

Reservoir No. 1, a semi-underground reservoir with valve house was built between 1881 and 1888 as the first in Newcastle (SHI 2176238). The underground circular water supply reservoir on Obelisk Hill (SHI 2176239) was built in 1885 to service higher areas of Newcastle, whereas the Brown Street Reservoir served other areas by gravity feed. Reservoir No. 2 on Tyrrell Street, another underground reservoir, was built in 1918, after the demolition of the public school (SHI 2176238). Reservoir No. 1 received water from the Walka Pumping Station at Maitland, while Reservoir No. 2 is associated with water supply from the Chichester Dam (NAMP 1997. Inventory No. 1158; Section 170 Register for Hunter Water).

A high level reservoir was located at the south end of High Street (SHI 2176240).

7.13 Public Utilities and Services - Gas Supply.

The Newcastle Gas and Coke Company constructed a gasworks on Parry Street in 1866. This is located outside the study area and the site has been thoroughly remediated in recent years.

A gasworks for the Railways Department was built in c.1883. It was located at the Newcastle Terminus and fronted onto Watt Street to the north of the station (SHI 2176284).

7.14 The Australian Agricultural Company.

The Australian Agricultural Company played a major role in the development of Newcastle and of the coal mining industry in New South Wales. The hub of company administration and activities was located on the deep water frontage of their 2,000 acre grant, between Brown and Merewether Streets, including coal staithes and company offices and workshops (SHI 2176283).

Mine tramways and railways fed coal from the various mines to these staithes (SHI 2176248). To the east of Brown Street the early coal mines were worked by convict

²⁸ James Semple Kerr, *Design For Convicts*. National Trust of Australia and the Australian Society for Historical Archaeology. Library of Australian History, Sydney. 1984.

labour under government control and possibly also by the Australian Agricultural Company before they were excluded from the town itself (SHI 2176203, 2176204, 2176212, 2176290). The A Pit of the company was opened up in 1831 with its tramway to the coal staithes (SHI 2176243), Mine adits in the sea cliffs south of High Street have been identified as possible later nineteenth century company mine workings (SHI 2176240).

While both the B and C Pits (1837 and 1841, respectively) are located outside the study area, mine infrastructure, including some of the miners cottages, or 'Colliers Village', paddocks, enclosures and dams were located south of Tyrrell Street (SHI 2176246)

With the loss of its monopoly in 1847, the Australian Agricultural Company was forced to allow the Burwood Coal Mining Company rail access to the coal staithes across Australian Agricultural Company land (SHI 2176250).

Other Australian Agricultural Company mine workings were located near to F Pit and the Sea Pit. They include an adit in Parry Street (SHI 2176264), mine buildings (SHI 2176265), the company dam in Nesca Park (SHI 2176266), drainage from the F Pit (SHI 2176267) and from the company dam in Nesca Park (2176292). The Darby Street Drain was another major drain for the mine dams or workings (SHI 2176288).

7.15 Urbanisation and the 19th Century City.

This broad ranging theme relates to most of the inventory listings for the Newcastle Archaeological Management Plan Review 2013.

The Review has however highlighted one aspect of this research theme, namely the distinction between areas of housing for the more wealthy citizens of the city, for example around the Cathedral (SHI 2176224), and housing for less well off working people and families, for example in Cooks Hill (SHI 2176258 to 2176260, 2176264, 2176268, 2176269, 2176270, 2176272) or West Newcastle (SHI 2176273 and 2176274).

Some of the best preserved blocks with housing for working people and their families are located within the area bounded by Laman, Bruce, Parry and Union Streets, together with the area on the north side of Laman Street. These blocks include the churches they attended, for example the United Methodist Free Church (SHI 2176258 to 2176260, 2176272).

The investigation of a range of these properties would be an important goal for historical archaeology.

7.16 The development of hospitals and health infrastructure in New South Wales.

The theme of hospitals and health infrastructure includes the Hospital and Surgeons house for the Penal Settlement (SHI 2176223) and the Benevolent Asylum Lying-in Hospital on Parry Street (SHI 2176268). A number of archaeological have been completed in the area of the Hospital, Pacific Street.

7.17 Maintenance of Law and Order.

This theme includes the site of the building used as the earliest courthouse for the Penal Settlement and early town on the corner of Watt and Church Streets (SHI 2176206). The purpose built courthouse for the early town was located on Hunter Street (SHI 2176204). The later Courthouse is located on Church Street (SHI 2176232).

Police Stations, Police Barracks or Watch Houses were located on Church Street and Darby Street (SHI 2176232, 2176263). The Water Police also occupied premises on Scott Street (SHI 2176222), but also had a boat shed (SHI 2176284).

7.18 Industry and Manufacturing.

Industry and manufacturing were extremely important factors in the development of Newcastle. Much of the major heavy industry is however outside the study area of the Newcastle Archaeological Management Plan Review 2013.

However within the study area, a broad range of industry is represented, commencing with convict labour within the Penal Settlement, including coal mining (see theme below), the construction of the Macquarie Pier (Southern Breakwater) (SHI 2176219) and the Lumber Yard as a place for skilled convict labour (SHI 2176214). Convict labour was also used to construct many of the buildings, resulting in some criticism of shoddy construction of Christ Church and the Gaol. The government flourmill stood near the later Obelisk (SHI 2176239). The Commandant's Farm was located near Cottage Creek (SHI 2176281). This site of the government cottage at this farm has been recently excavated.

Among these sites, the Lumber Yard was excavated from 1989 onwards (SHI 2176214) and is now interpreted within a landscaped park setting.

With the development of the town from the 1820s to 1850s, coal mining was developed by the Australian Agricultural Company (see theme above), while other larger industries had to seek water frontage outside the study area at Stockton, or further west on the south side of the Hunter River. An example is Henry Dangar's Newcastle Meat Preserving Works (SHI 2176281), part of which has been subject to recent excavation. A Salt Works was located in East Newcastle (SHI 2176216). The

Royal Engineer's Workshops were located near the Flagstaff (SHI 2176218) with quarrying nearby and at Nobbys Head (SHI 2176219).

During the latter part of the nineteenth century several industries grew up within the city blocks, for example blacksmith's shops (SHI 2176204, 2176213, 2176275), 'ship smiths' (SHI 2176210), a carpenter's shop (SHI 2176211), cordial factories (SHI 2176214), foundries (SHI 2176228, 2176272, 2176283), sawmills (SHI 2176247, 2176280), steam powered works (SHI 2176252), a tobacco factory (SHI 2176254), Arnott's Biscuits (SHI 2176260), a Chinese cabinet maker (SHI 2176271), a marble works (SHI 2176273, 2176274), a motor garage (SHI 2176274), a cooperage (SHI 2176276), a coach building works (SHI 2176277), a soap factory (SHI 2176280), shipyards (SHI 2176282), a stone crushing works (SHI 2176283), a windmill manufacturing works (SHI 2176283), an ice works (SHI 2176283), and a stone crushing works (SHI 2176284). The above listing does not include the various building trades.

7.19 Coal Mining in New South Wales, 1801 onwards.

The development of coal mining in Newcastle commenced in 1801, but was resumed in 1804 with the Penal Settlement of Newcastle. There are a number of convict period mine shafts and adits under the City, but also near Fort Scratchley and Nobbys Head (SHI 2176218 and 2176219). The remainder of this theme follows the development of the Australian Agricultural Company and is described under that theme.

7.20 Cultural Life.

The Newcastle Archaeological Management Plan 1997 theme has been expanded in this Review to include three themes, see below.

7.21 Theatres, Entertainment and Public Recreation.

This theme includes the Victoria Theatre on Perkins Street (SHI 2176228), the Soldiers Baths near Fort Scratchley (SHI 2176241), tennis courts on the site of the former A Pit (SHI 2176243) and a dancing hall on Darby Street (SHI 2176252), among others.

7.22 Religion and Burial Customs.

This theme includes not only churches and parsonages, but also burial grounds and cemeteries. The prime example is Christ Church (SHI 2176224). The earliest burials in Newcastle may be located in the vicinity of Thorn Street (SHI 2176213, 2176290 and 2176291). Other examples include the early Presbyterian Church and Manse on Church and Watt Streets (SHI 2176206), but there are many others.

The recent excavation of Kirkwood House revealed that the parsonage for Christ Church still survived as the core of the building. Only a remnant of the structure has survived the demolition of Kirkwood House by the State government (SHI 2176232).

The former Presbyterian and Roman Catholic Cemetery is located at 700 to 710 Hunter Street, Newcastle West has also been subject to archaeological investigation (SHI 2176281).

7.23 Education - Schools, Colleges and Universities.

Many of the early schools in Newcastle and elsewhere were founded by the various denominations of the Church (SHI 2176209, 2176224, 2176226, 2176233, 2176236, 2176237, 2176243, 2176267). A Public School was located on Tyrrell Street (SHI 2176238, 2176246), another on Laman Street (SHI 2176272).

Other examples include the School of Arts at Newcastle (SHI 2176211) and at Wickham (SHI 2176280), the Technical College and Trades Hall are shown at 590-608 Hunter Street (SHI 2176281).

The Honeysuckle Point area also began as a leasehold subdivision owned by the Church and called the 'Bishop's Settlement'. The land had originally been intended for a grammar school (SHI 2176282).

7.24 Social and Economic Status, Gender and Ethnicity.

This theme of Social and Economic Status, Gender and Ethnicity covers a wide range of archaeological sites in Newcastle. Mention has already been made of housing areas for workers and their families, in contrast to the houses of more wealthy citizens in the theme of Urbanisation and the 19th Century City, above.

Specific mention will be made here regarding the evidence for the Chinese in Newcastle, as an ethnic minority. In 1886 Hap War and Co was located on Watt Street, with a 'Chinese Den' at the rear (SHI 2176202). 'Chinese Quarters' were also located within the block on the opposite side of Watt Street in the 1890s (SHI 2176205). A Chinese cabinet making works was located at 489 Hunter Street (SHI 2176271).

7.25 Archaeological Management Issues.

The theme of Archaeological Management Issues was not addressed in the revised inventory itself, but is further considered in this section.

The above discussion of research themes has highlighted the effect of development-based archaeology on the archaeological resource. The result is that the contribution of archaeological investigations is restricted to a limited number of themes, whereas

others have not yet received the full attention of archaeologists. Are we at a stage in historical archaeology where we should be directing energy towards particular themes rather than others? Or are we satisfied to simply recover the significance of sites as they are developed? These are questions, which should be discussed by archaeologists in both professional and academic forums.

Other factors have restricted the contribution that can be made by archaeology. A brief analysis of the heritage and archaeological reports available to this study reveals the following general statistics:

Study Type	Number of reports.
Archival Recording and site survey	6
Archaeological assessment reports and heritage impact statements ²⁹	71
Conservation Management Plans and related documents	34
Excavation reports - General	9
Excavation reports - Test	5
Excavation reports - Monitoring	16
Permit applications	4
Research designs	9

The table clearly shows that the majority of heritage and archaeological reports are either archaeological assessment reports, heritage impact statements or conservation management plans and related documents. These provide an opportunity for detailed historical research into various themes, but do not necessarily further the contribution of archaeology.

Surprisingly there are relatively few reports on larger scale archaeological excavations, even though these provide the best opportunity for archaeology to contribute to our understanding of the themes addressed above. Some examples include the archaeological excavations of the Lumber Yard from 1989 (SHI 2176214) and the more recent excavations of Kirkwood House (SHI 2176232).

The results of test excavation and monitoring programmes have made a limited contribution, but it is clear that the methodology is not necessarily suitable for the recovery of the most ephemeral of traces of sites, like convict huts. The methodology used in archaeological monitoring programmes should be changed in order to enable the archaeologist to retain supervision, ensuring a more controlled environment to record significant archaeological remains.

²⁹ Archaeological assessment reports may also include research design and permit application.

As noted above, excavation methodology is a key factor in the contribution to research themes.³⁰ Greater emphasis should be given to those sites where area excavation is likely to enable a site to make a substantial contribution to research themes.

³⁰ Many publications are available on excavation techniques in archaeology. The author wrote a paper in the *Australian Journal of Historical Archaeology* (now *Australasian Historical Archaeology*) in 1985, though more up to date publications are available.

Edward Higginbotham. 'Excavation techniques in historical archaeology', *Australian Journal of Historical Archaeology*, 1985. vol. 3, 8-14.

8 LEGISLATIVE FRAMEWORK.

8.1 Introduction.

The *NSW Heritage Act 1977* (as amended) provides the key legislation for the Newcastle Archaeological Management Plan. A large number of sites of historical archaeological or industrial archaeological significance will include 'relics', as defined under this Act.

Places of historical archaeological or industrial archaeological significance may also include buildings, moveable objects or other items, not defined as 'relics'.³¹ However, these, too, may be protected at State level under the Heritage Act and/or at local level under the provisions of local government planning legislation.

Whilst not all sites will trigger the relics provisions of the Heritage Act, the role of the Newcastle Archaeological Management Plan is to provide means whereby all sites of significance can be conserved and managed. Further, the Archaeological Management Plan provides greater certainty for property owners, proponents and Council in regard to the identification, location and level of significance of archaeological assets. It also provides greater certainty in regard to the future and ongoing conservation and management of those assets in terms of heritage and design requirements.

This chapter provides an outline of the relevant legislation that protects both historical archaeological and archaeological sites in New South Wales, and in particular, at national, State and local levels. The legislation includes:

1. *Environment Protection and Biodiversity Conservation Act, 1999.*
2. *NSW Heritage Act 1977.*
3. *NSW National Parks and Wildlife Act 1974.*
4. *NSW National Parks and Wildlife Amendment Act 2010.*
5. *NSW Environmental Planning and Assessment Act 1979.*
6. *NSW Environmental Planning and Assessment Regulation, 2000.*
7. *State Environmental Planning Policy (Infrastructure) 2007.*
8. *Newcastle Local Environmental Plan 2012.*
9. *Newcastle Development Control Plan (DCP) 2012.*
10. *DCP Heritage Technical Manual 2012.*

8.2 Environment Protection and Biodiversity Conservation Act 1999.

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) is Commonwealth legislation that provides a legal framework for the protection and

³¹ See Chapter 3.2 for a more detailed description of archaeological sites.

management of nationally and internationally important flora, fauna, ecological communities and heritage places.

Four separate approved lists are maintained under the EPBC Act:

- The National Heritage List - includes natural, historic and Indigenous places of outstanding heritage value;
- The Commonwealth Heritage List - comprises natural, Indigenous and historic heritage places on Commonwealth lands and waters or under Australian Government control;
- Overseas Places of Historic Significance to Australia - this list provides for the symbolic recognition of sites of outstanding historic significance to Australia which are located outside of the Australian jurisdiction; and
- Australian Places on the World Heritage List - areas that have been included in the World Heritage List or declared by the Minister to be a World Heritage property.

Once a heritage place is listed under the EPBC Act, special requirements come into force to ensure that the values of the place will be protected and conserved for future generations. The EPBC Act provides for the preparation of management plans which set out the significant heritage aspects of the place and how the values of the site will be managed.

At present, the following sites are listed under this Act in the Newcastle Council Local Government Area:

- Nobby's Lighthouse, Nobbys Road, Newcastle East – Commonwealth Heritage List;
- Fort Wallace, Fullerton Road, Stockton – Commonwealth Heritage List.³²

8.3 NSW Heritage Act 1977

The *Heritage Act 1977* contains various legal measures to protect historical archaeological resources.

Where historical research has revealed the location of historical settlement, experience has shown that the discovery of relics is highly likely once the soil is disturbed. When relics are revealed the Heritage Council must be notified. This may involve delay until appropriate arrangements can be made to record the archaeological remains. As a result, developers and others are normally advised that excavation permits must be obtained prior to undertaking works, which involve excavation or the disturbance of historical sites. In this way most delays can be avoided.

³² Research of Department of Sustainability, Environment, Water, Population and Communities website, dated Thursday 22nd March 2012.
<http://www.environment.gov.au/epbc/index.html>

The definition of 'relics' under the NSW Heritage Act has recently been changed (Section 4). The new definition is:

'**relic** means any deposit, artefact, object or material evidence that:

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

8.4 Undertaking works on relics

If a site is the subject of an Interim Heritage Order or is listed on the State Heritage Register (Under Part 3 of the *Heritage Act 1977*), approval for carry out works under Section 60 of the *Heritage Act* is required prior to undertaking any development works.

If a site is not the subject of an Interim Heritage Order or is not listed on the State heritage Register, then an Excavation Permit is required under Section 139 Excavation Permit Required in Certain Circumstances of the *Heritage Act* before undertaking any development works.

Specifically, Section 139 of the *Heritage Act* provides that:

- 1) A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.
- 2) A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.

For the accidental discovery of relics during development works, Section 146 Notification of Discovery of Relics in the *Heritage Act* requires that the relics be reported to the Heritage Council of NSW:

A person who is aware or believes that he or she has discovered or located a relic (in any circumstances, and whether or not the person has been issued with an excavation permit) must:

a) within a reasonable time after he or she first becomes aware or believes that he or she has discovered or located that relic, notify the Heritage Council of the location of the relic, unless he or she believes on reasonable grounds that the Heritage Council is aware of the location of the relic, and

b) within the period required by the Heritage Council, furnish the Heritage Council with such information concerning the relic as the Heritage Council may reasonably require.

8.5 Heritage and Conservation Register, and Penalties

When a relic of heritage significance comes under the ownership or control of a public authority, the authority is required to record it in a Heritage and Conservation Register, in accordance with Section 170 Heritage and Conservation Register of the *Heritage Act*. The purpose of the provision is to alert the authority whenever works, which might affect the relic, are proposed.

There are heavy penalties for offences under the *Heritage Act*. Penalties may include fines, confiscation of equipment, even imprisonment.

8.6 Standard exemptions and exceptions under the NSW Heritage Act 1977.

Certain activities on sites listed on the NSW Heritage Register do not require permit application. These standard exemptions under Section 57 (2) of the *Heritage Act 1977* were published in 1999 by the NSW Heritage Office.

On other archaeological sites, whether or not listed on the NSW Heritage Inventory, there are various situations where an application can be made for a permit exception. Permit exceptions under Section 139 of the *Heritage Act* were published in 2002 by the NSW Heritage Office.³³ Permit exceptions may be made in the following circumstances:

1. Where an archaeological assessment has been prepared in accordance with Guidelines published by the Heritage Council of NSW which indicates that there is little likelihood of there being any relics in the land or that any relics in the land are unlikely to have State or local heritage significance.
2. Where the excavation or disturbance of land will have a minor impact on the archaeological resource.
3. Where the excavation or disturbance of land involves only the removal of fill which has been deposited on the land.

³³ For section 60 applications: NSW Heritage. Standard Exemptions for works requiring Heritage Council Approval. 1999.

For section 140 applications: regulations available from NSW Heritage Office.

These exemptions and exceptions have been recently updated and are available on the Heritage Branch web site.³⁴

8.7 NSW National Parks and Wildlife Act 1974.

The *National Parks and Wildlife Act 1974*, ensures the care, control and management of all national parks, historic sites, nature reserves, reserves, Aboriginal areas and state game reserves. This legislation protects Aboriginal places and objects throughout New South Wales.

The provisions of the *National Parks and Wildlife Act 1974*, have been recently updated by the *National Parks and Wildlife Amendment Act 2010* (refer to 2.6).

8.8 NSW National Parks and Wildlife Amendment Act, 2010.

The *National Parks and Wildlife Amendment Act 2010* (NPWA Act, 2010), was passed on 15 June 2010 and its provisions will come into force on 2 July 2010 and 1 October 2010 respectively.

The provisions of the *NPWA Act, 2010* include changes, namely:

1. Introduction of the new Aboriginal cultural heritage offences, penalties and permit system in Part 6 of the *National Parks and Wildlife Act 1974*.
2. Introduction of remediation directions in relation to harm to Aboriginal objects and places (s.91L), and
3. Provisions about the Aboriginal Heritage Information Management System.

The Office of Environment and Heritage has prepared fact sheets to explain these changes.

Aboriginal places and objects are not included in the scope of this Archaeological Management Plan. Persons intending to disturb known Aboriginal places or objects should ensure that they obtain the relevant permits under the *National Parks and Wildlife Amendment Act, 2010*.

Where Aboriginal objects are accidentally discovered, excavation or disturbance should cease and the Environmental Protection and Regulation Group of the Office of Environment and Heritage should be informed in accordance with section 91 of the *National Parks and Wildlife Act 1974*.

³⁴ . Refer to Permits and Applications Page on the NSW Heritage Branch website.
<http://www.environment.nsw.gov.au/Heritage/publications/permitapps.htm>

8.9 NSW Environmental Planning and Assessment Act, 1979, and Environmental Planning and Assessment Regulation, 2000.

Planning and development in New South Wales is carried out under the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, and the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)*. It should be noted that both Acts are currently under review.

It should be noted that at the time that this Archaeological Management Plan was prepared, the EP&A Act was under review. The Green Paper for the EP&A Act was exhibited in July 2012, and the White Paper will be released for public comment in early 2013. Major changes proposed in the Green Paper included new development assessment procedures and the introduction of new land use zones.

8.10 Part 3A Major Projects (repealed).

Where the proposed development was declared by the Minister of Planning and Infrastructure to be a major infrastructure development or project under Section 75B of the *EP&A Act*, the development was to be assessed under Part 3A of the *EP&A Act*. This Part of the EP&A Act was repealed in October 2011, however there are certain developments that can still be assessed under Part 3A. These include:

- Major projects approved prior to 1 October 2011 (e.g. for seeking modifications to the development consent)
- Major projects and Concept Plans which have received Director General's Environmental Assessment Requirements (DGR) before 1 October 2011
- Concept Plans where the DGR is less than two years old at 1 October 2011, and an Environmental Assessment has been lodged.

The full transition process for Part 3A major developments and concept plans is detailed in Part 1A of the *EP&A Regulation*.

While Developments assessed under Part 3A of the *EP&A Act* undergo a thorough assessment (Part 3A, Divisions 2 and 3), it does not require a Section 60 Approval (to undertake activities on a relic) or a Section 139 (excavation permits) of the *Heritage Act 1977*. Division 8 of the Heritage Act (Minister's power to cease work for relics not subject to interim heritage orders or State Heritage Register listing) also does not apply for Part 3A Major Development proposals.

8.11 Part 4 Development Assessment

Part 4 of the *EP&A Act* sets out the statutory requirements and procedures for assessing most other types of development in NSW. This includes State Significant Development (Division 5), integrated development (Division 6).

State Significant Development (SSD) is development, which is declared under State Environmental Planning Policies to be of state significance. A development may be deemed state significant if it is over a certain size, located in environmentally sensitive land or is located in precincts regarded as important by the State government. Excavation permits (under Section 60 or Section 139 of the Heritage Act) are not required for State Significant Development. The Honeysuckle site is currently identified as a SSD in the Newcastle LGA.

If the proposed development involves disturbing a relic that is of State heritage significance or where there is an interim heritage order, then it is deemed an integrated development.

Integrated development is where the proposed development involves disturbing relics of State heritage significance or relics subjected to an interim heritage order. For integrated development, approval is required from both Newcastle City Council and the Heritage Council (under Section 60 of the *Heritage Act 1977*).

8.12 State Environmental Planning Policies

State Environmental Planning Policies (SEPPs) contains statutory regulations for managing issues that are considered to be of state significance. The legislations under SEPPs take precedence over legislations under Local Environmental Plans (LEP). Below is a description of most relevant environmental planning policies for the scope of this plan.

8.13 State Environmental Planning Policy (Infrastructure) 2007

The *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) was created to facilitate the efficient delivery of public infrastructure (e.g. electricity generating works, electricity transmission and distribution, gas transmission and distribution, rail infrastructure facilities, sewerage systems, telecommunication networks and water supply systems). The SEPP contains planning provisions including:

- Location where the infrastructure facilities are permissible,
- The different types of infrastructure development, and the parts of the EP&A Act 1979 under which they may be assessed and approved (Part 4, or Part 5).
- Whether the infrastructure development is exempt or complying development.

The Infrastructure SEPP requires that consultation is taken with the council prior to commencing works (Clause 14).

8.14 Newcastle Local Environmental Plan 2012

The Local Environmental Plan is a statutory document that provides rules and regulations to control the use of private and public land through land use zoning. The Newcastle Local Environmental Plan 2012 (LEP 2012) is a citywide plan covering the entire Newcastle Local Government Area (LGA).

The conservation of archaeological sites that are located within the Newcastle City Centre is required under Clause 5.10 Heritage Conservation in Newcastle LEP 2012. Specifically, Clause 5.10(2)(c) requires development consent to be obtained for:

“disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed”.

Development consent is not required if the applicant has notified Newcastle City Council of the proposed works, and the Council has provided written agreement to the applicant before any work is carried out that it is satisfied that the proposed development:

“ (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
(ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area”.

For all other cases, Newcastle City Council must notify the Heritage Council of the intention to grant consent, and take into consideration any response from the Heritage Council within 28 days of the notice (Clause 5.10(7) of Newcastle LEP 2012).

Newcastle LEP 2012 has also identified an inventory of State and locally significant archaeological sites (Schedule 5 Part 3).

8.15 Newcastle Development Control Plan (DCP) 2012, and DCP Heritage Technical Manual 2012

The Newcastle Development Control Plan (DCP) 2012 provides detailed rules and regulations regarding development and land use. The Newcastle DCP 2012 has been prepared to ensure consistency with the new Newcastle LEP 2012. The DCP is predominantly a conversion of the Newcastle DCP 2005. The DCP provides

guidelines that support LEP, including the management and conservation of heritage and archaeological assets.

Specifically, Section 5.06 Archaeological Management refers to the need for predictive modelling as a strategic tool for archaeological identification, planning developments and interpretation, and using the Archaeological Management Plan as the primary resource for managing and conserving archaeology in Newcastle LGA.

The Newcastle DCP Heritage Technical Manual 2012 is designed to provide more detailed or supportive information to the Newcastle DCP 2012. Specifically, the Technical Manual contains character statements for precincts within the Cooks Hill Conservation Area, The Hill Conservation Area, and Newcastle East Conservation Area.

Both the Newcastle DCP 2012 and the Newcastle DCP Heritage Technical Manual 2012 are non-statutory documents, and should be read as guidelines.

8.16 The Register of the National Estate.

The Register of the National Estate, established under the *Australian Heritage Commission Act, 1975*, became a non statutory archive after February 2012.

Following amendments to the *Australian Heritage Council Act 2003*, the Register of the National Estate was frozen on 19 February 2007, meaning that no new places could be added or removed.

From February 2012 all references to the Register were removed from the *Environment Protection and Biodiversity Conservation Act, 1999* and the *Australian Heritage Commission Act, 1975*. The Register of the National Estate is now maintained on a non-statutory basis as a publicly available archive.³⁵

³⁵ For further information, see <http://www.environment.gov.au/heritage/laws/index.html>

9 CONSERVATION AND MANAGEMENT.

9.1 Introduction.

The purpose of this study is to undertake a review of the Newcastle Archaeological Management Plan 1997 (NAMP 1997).

As part of the review, this document updates the previous plan by undertaking an assessment of the archaeological resource within the public owned/managed areas that were not previously included. Further, the review updates the previous plan in regard to the heritage planning and legislation framework (see Volume 1. Chapter 8. Legislative Framework).

The intent of this chapter is to undertake a review and “gap analysis” of the management strategy within the NAMP 1997 and provide a further management strategy for the archaeological resource investigated as part of the review.

9.2 Relevance of the 1997 Newcastle Archaeological Management Strategy

The NAMP 1997 included a management strategy in Chapter 8 of that document.

The recommendations made in Chapter 8 of the NAMP 1997 remain relevant. It should be noted that the names of some government departments have changed since the time the document was written (for example, the NSW Heritage Office has since been amalgamated into the Office of Environment & Heritage (OEH) and is now known as the Heritage Branch, OEH). Aside from such departmental name changes, however, the content and recommendations made in terms of archaeological assessment procedures remains valid.

Accordingly, this chapter is limited to including a management strategy and assessment procedures relating to the new areas of research that were undertaken as part of this Study. It is therefore imperative that Chapter 8 (in particular, Attachments 8.1, 8.2 and 8.3 and Tables 8.1, 8.2 and 8.3 of the NAMP 1997) are referred to when reading and following the recommendations and procedures set out below (see Appendix 3).

9.3 Determining appropriate conservation and management procedures.

The appropriate conservation and management procedures are determined by archaeological potential, cultural significance, the nature of the work and whether it is located within a street, reserve or allotment (lot and DP).

There are two primary methods to access the appropriate conservation and management procedures for each archaeological site.

9.3.1 Method 01.

A development site should be located on the following map in order to establish the appropriate conservation and management procedures directly, namely:

Map 4. Management of Archaeological Sites.

The map identifies four sets of procedures, as follows:

5. See Flow Chart 01 for State significant sites.
6. See Flow Chart 02 for Local significant sites.
7. See Flow Chart 03 for Council works.
8. See Flow Chart 04 for Ausgrid and other Utility works.

If the development site is identified in any of the above four categories on Map 4, the simple set of recommendations described in the following sections should be followed. The procedures described below are also summarised in Flow Charts 01 to 04.

9.3.2 Method 02.

A development site should be located on the following maps, namely:

- Map 1. Inventory of Archaeological Sites.
- Map 2. Significance of Archaeological Sites.
- Map 3. Archaeological Potential (Surviving Condition).

On Map 3, sites are divided into the following categories:

5. Standing Buildings or Parts of Buildings.
6. Little Disturbance.
7. Partly Disturbed.
8. Mostly Disturbed or Destroyed.

Sites identified as “Mostly Disturbed or Destroyed” do not require any further archaeological assessment or procedure as part of the planning process. Further, no archaeological assessment or procedure needs to be taken if an item is not listed as an archaeological site within the study area.

If the development site is identified in any of the above four categories on Map 4, the simple set of recommendations described in the following sections should be followed. The procedures described below are also summarised in Flow Charts 01 to 04.

9.4 Basic Procedures and Recommendations.

For each archaeological site identified in this Archaeological Management Plan, there is a simple set of recommendations to be followed in order to assess development applications, including those for demolition.

Demolition of existing buildings may affect or disturb above and below ground archaeological sites, particularly if footings are removed in the demolition process. For this reason, archaeological assessment reports should be completed before the consideration of a DA for demolition or other purpose, in order to ensure that the archaeological sites are adequately protected.

It is recommended that:

4. An archaeological assessment report should be completed prior to consideration of a development application, including demolition of existing buildings or structures.
5. The archaeological assessment report should make recommendations for conservation in situ, archaeological investigation, as well as interpretation and display.
6. An excavation permit or permit exemption/exception under the *NSW Heritage Act* should be obtained prior to disturbance of any of these sites.

9.5 Activities that are exempt from excavation permit applications.

A review of common or recurring activities involving soil and surface disturbance was undertaken to clarify the assessment process for each activity, particularly works undertaken by Newcastle City Council, AusGrid or other public utilities. Exemptions to the standard development assessment procedure may be granted to certain activities depending on the level of disturbance (Table 9.1 Council Activities and Table 9.2 Ausgrid Activities).

A series of specified activities are exempt under the *State Environmental Planning Policy (Infrastructure) 2007* (the Infrastructure SEPP). This means that works may be carried out without consent from Council. Exemptions under the Infrastructure SEPP are only allowed where there is minimal disturbance to a local or state significant heritage item or area. It should be noted that for the installation of electrical kiosks and substations, despite the fact that the development can proceed without consent, Ausgrid (and any other future electricity providers) is still required by law to notify Newcastle City Council of the intention to carry out the work.³⁶ Ausgrid is also legally required to consider any response to the notice within 21 days after the notice is issued.

³⁶ Notification of electricity substation development is found in Clause 42 of the *State Environmental Planning Policy (Infrastructure) 2007*

Where the activity is not exempt or the activity has not been classified by the Infrastructure SEPP, standard Part 4 Development Approval process applies under the provisions of the Environmental Planning and Assessment Act 1979 (known as Part 4 EP&A Act from this point forward).

In addition to the requirements under the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP), if activities are carried out on sites (including items, buildings and relics) listed on the State Heritage Register (SHR) or subject to an Interim Heritage Order (IHO), the applicant must submit a Section 60 Application to the NSW Heritage Council under the provisions of the *NSW Heritage Act 1977*. The Tables identify activities that are exempt from the application. For these exempt activities, a S57(2) Exemption form is still required for submission and approval by the Heritage Council.

If activities are carried out on sites (including items, buildings and relics) not listed on the State Heritage Register (SHR) nor subject to an Interim Heritage Order (IHO), the applicant must submit a Section 140 Application to the NSW Heritage Council under the provisions of the *NSW Heritage Act 1977*. The Tables identify activities that are exempt from the application. For these exempt activities, a S139(4) Exception form is still required for submission and approval by the Heritage Council.

Exemptions to works usually requiring approval under the NSW Heritage Act 1977, see the Heritage Branch website.³⁷

9.6 Recommendation for common or recurring works.

In addition to the Tables below, in order to further streamline the approvals processes, it is recommended that:

1. The Heritage Council could consider delegating exemptions or exceptions for common or recurring works to Newcastle City Council, provided that the Council has access to archaeological advice and expertise when assessing these works, and that the assessment process is managed by a qualified archaeologist.
2. Where appropriate, the Heritage Council could consider providing delegation to Newcastle City Council to exempt or except other common or recurring works from the formal statutory approval process, provided that the Council has access to archaeological advice and expertise when assessing these works, and that the assessment process is managed by a qualified archaeologist.

³⁷ Refer to Permits and Applications Page on the NSW Heritage Branch website.
<http://www.environment.nsw.gov.au/Heritage/publications/permitapps.htm>

Table 9.1 Newcastle City Council Activities.

(a) Site includes item place, building, work, relic, tree, archaeological site and item

(b) Except where there is high historical significance.

The preliminary Note of State Environmental Planning Policy (Infrastructure) 2007 states that:

Note. Nothing in this Policy (except clause 9) affects any requirement under another Act to obtain an approval, licence or permit for or concurrence to any development of a kind specified in Part 3. Examples of Acts imposing such requirements include the Fisheries Management Act 1994, Forestry Act 1916, Heritage Act 1977, Mine Subsidence Compensation Act 1961, Mining Act 1992, National Parks and Wildlife Act 1974, Protection of the Environment Operations Act 1997, Roads Act 1993, Rural Fires Act 1997 and Water Management Act 2000.

Accordingly, the requirements of NSW Heritage Act 1977 for archaeological permits are NOT overridden by the Infrastructure SEPP. As such, a permit under the provisions of the NSW Heritage Act may still be required.

Council activities	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Roads and Footpaths						
Maintenance of footpaths –surface repairs	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	No application required	Exempt - CI97 (c)(iv)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council

Council activities	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Maintenance of footpaths –isolated full depth repairs	Not exempt	No application required	Not exempt	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)
Kerb and gutter repairs	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	No application required	Exempt - CI97 (c)(xii)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Asphalt wearing surface repairs	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	No application required	Exempt - CI97 (c)(iv)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Public road pavement repairs to full depth of road pavement, isolated locations	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	No application required	Not exempt	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council

Council activities	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Resurfacing of footpaths	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	No application required	Exempt - CI97 (c)(iv)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Replacement of existing public foot paving – e.g.. concrete, asphalt or pavers and associated underlying base course layer (sand, gravel, aggregate)	Not exempt	Not exempt	Exempt - CI97 (c)(iv)	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)
Replacement of existing road pavement (base course)	Not exempt	No application required	Not exempt	Does not specify	Does not specify	Heritage Council to allow this activity to be exempt under Section 57 (2) Heritage Act 1977, and to delegate exemption approval powers to Newcastle City Council

Council activities	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Replacement of road wearing surface (resurfacing)	Not exempt	No application required	Exempt - CI97 (c)(vi)	Does not specify	Does not specify	Heritage Council to allow this activity to be exempt under Section 57 (2) Heritage Act 1977, and to delegate exemption approval powers to Newcastle City Council
Replacement of existing kerb and gutter	Not exempt	No application required	Not exempt	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)
Relaying of existing sandstone kerb and gutter	Not exempt	No application required	Not exempt	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)
Replacement of existing street trees – same location	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	No application required	Does not specify	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council

Council activities	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Replacement of existing street furniture – street signs, regulatory signs, seats, shelters, parking meters, public domain lighting including poles	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	No application required	Exempt - CI97 (c)(xii) & (vii)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Installation of new street signage including name, suburb, parking, regulatory	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	No application required	Exempt - CI97 (c)(iii)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Installation of new street furniture, seats, bus shelters (slab on ground)	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	No application required	Exempt - CI97 (c)(vii)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council

Council activities	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Installation of new parking meters	Exempt - S.57(2) & S57(7) Heritage Act 1977 (subject to criteria being met)	No application required	Does not specify	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Stormwater Drainage						
Repairs to existing stormwater pits	Exempt - S.57(2) & S. 57(4) Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(a) & 2(c)	Exempt - CI112 (a) & (c)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Repairs to existing pipelines – including excavation over existing alignment	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(a) & 2(c)	Exempt - CI112 (a) & (c)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council

Council activities	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Repairs to existing brick and sandstone drains within the study area nominated as inventory items	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(a) & 2(c)	Exempt - CI112 (a) & (c)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Repairs to existing brick and sandstone drains within the study area not nominated as inventory items	Not exempt	Exempt – Schedule Exception 2(a) & 2(c)	Exempt - CI112 (a) & (c)	Does not specify	Does not specify	Heritage Council to allow this activity to be exempt under Section 57 (2) Heritage Act 1977, and to delegate exemption approval powers to Newcastle City Council
Replacement / reconstruction / rehabilitation of existing pits – eg. concrete, brick or sandstone	Not exempt	Not exempt	Not exempt	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)
Replacement of existing pipelines – on existing alignment	Not exempt	Not exempt	Not exempt	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)

Council activities	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Removal/abandon of existing clay pipes	Not exempt	Not exempt	Not exempt	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)
Relining/pipe bursting of existing pipes	Not exempt	Not exempt	Not exempt	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)
Rehabilitation of existing brick and sandstone drains within the study area not nominated as inventory items	Not exempt	Not exempt	Not exempt	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)

Table 9.2 Ausgrid Activities

(a) Site includes item place, building, work, relic, tree, archaeological site and item

(b) Except where there is high historical significance.

The preliminary *Note* of State Environmental Planning Policy (Infrastructure) 2007 states that:

Note. Nothing in this Policy (except clause 9) affects any requirement under another Act to obtain an approval, licence or permit for or concurrence to any development of a kind specified in Part 3. Examples of Acts imposing such requirements include the Fisheries Management Act 1994, Forestry Act 1916, Heritage Act 1977, Mine Subsidence Compensation Act 1961, Mining Act 1992, National Parks and Wildlife Act 1974, Protection of the Environment Operations Act 1997, Roads Act 1993, Rural Fires Act 1997 and Water Management Act 2000.

Accordingly, the requirements of NSW Heritage Act 1977 for archaeological permits are NOT overridden by the Infrastructure SEPP. As such, a permit under the provisions of the NSW Heritage Act may still be required.

Ausgrid works	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Pole inspections require digging up to 350 mm deep around base of existing pole.	Exempt - S.57(2) Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(b) (subject to criteria being met)	Exempt development - Cl43 (1)(j)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council

Ausgrid works	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Pole inspections require digging more than 350 mm deep around base of existing pole.	Exempt - S.57(2)Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(b) (subject to criteria being met)	Exempt development - CI43 (1)(j)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Potholing / geotechnical inspection	Exempt - S.57(2)Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(b) (subject to criteria being met)	Exempt development - CI43 (1)(j)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Condemned pole replacements - max 2.5m deep excavation adjacent to existing pole	Exempt - S.57(2)Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(b) (subject to criteria being met)	Exempt development - CI43 (1)(j)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Light pole replacements - connect to existing ragbolt/footing, where there is no excavation to existing pole	Exempt - S.57(2)Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(c) (subject to criteria being met)	Exempt development - CI43 (1)(j)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council

Ausgrid works	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Light pole replacements - connect to existing ragbolt/footing, where excavation is up to 1.2m deep adjacent to existing pole	Exempt - S.57(2)Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(c) (subject to criteria being met)	Exempt development - CI43 (1)(j)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Excavation to reach existing conduits (for pulling cables etc)	Exempt - S.57(2)Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(a) (subject to criteria being met)	Exempt development - CI43 (1)(a)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Installation of pillars - excavation of existing cables to install pillar.	Exempt - S.57(2)Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(a) (subject to criteria being met)	Exempt development - CI43 (1)(a) & CI43 (1)(d)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council
Trenching/jointing/underboring for new underground feeders- depth between 600 mm-1200 mm. Generally 600-900 wide.	Not exempt	Not exempt	Development Application - CI45 (1)(b) & CI45 (1)(d)	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)

Ausgrid works	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Installation of kiosks	Exempt - S.57(2)Heritage Act 1977 (subject to criteria being met)	Exempt – Schedule Exception 2(a) (subject to criteria being met)	Development permitted without consent - CI41 (d)	Does not specify	Does not specify	Heritage Council to delegate Exemption and Exception concurrence to Newcastle City Council. Note: Ausgrid is required by law to notify Council prior to works commencement (CI42 (2) Infrastructure SEPP).
Installation of new OH feeders	Exempt - S.57(2)Heritage Act 1977 (subject to criteria being met)	Not exempt	Exempt development - CI43 (1)(d)	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)

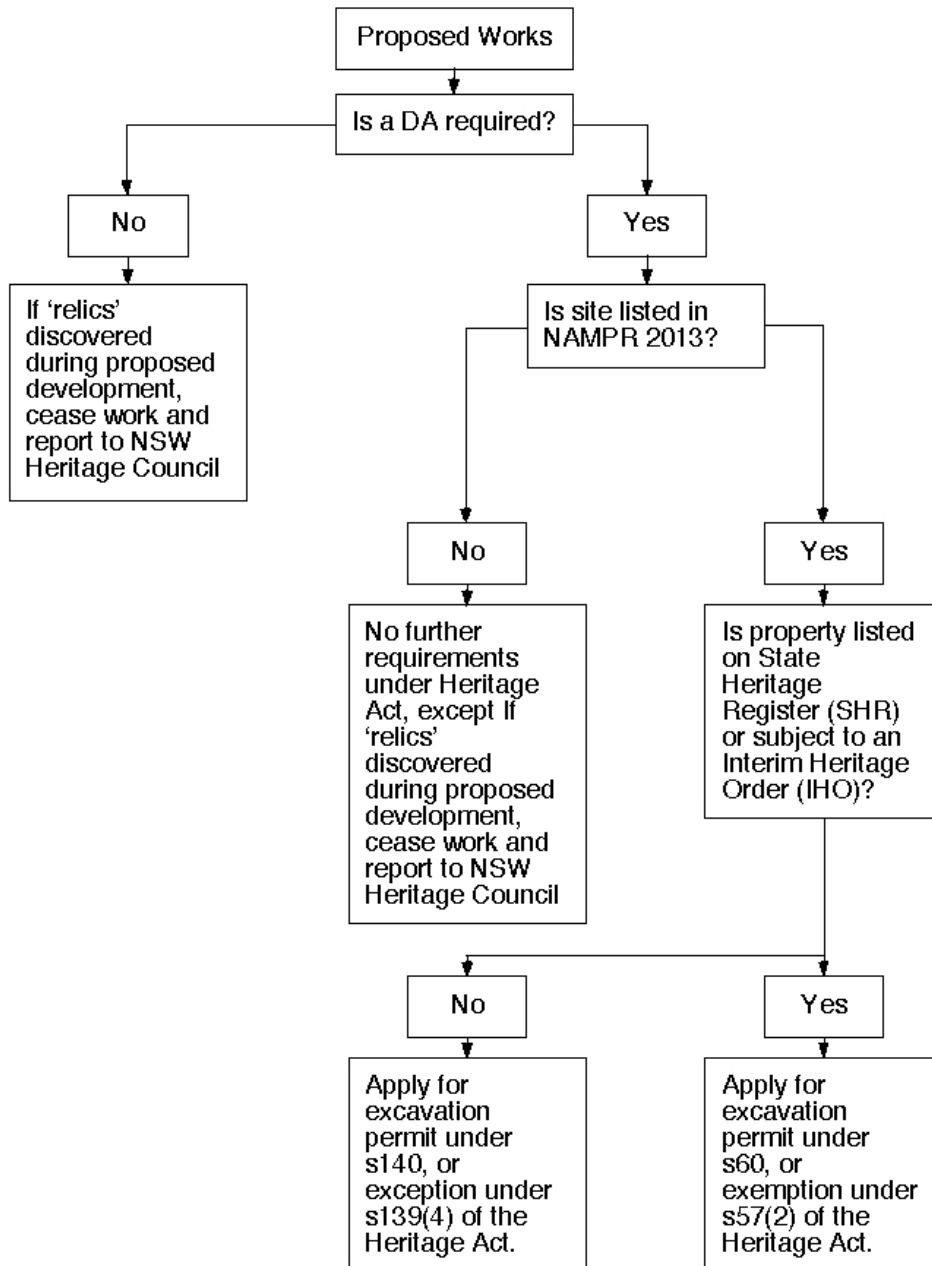
Ausgrid works	Sites (a) listed on the State Heritage Register & subject to Interim Heritage Order	Sites (a) of local heritage significance	Exempt under the Infrastructure SEPP (b)	Exempt under the Exempt & Complying Development Codes SEPP	Exempt under Newcastle LEP 2012	Recommendation
Installation of new street lighting (street lighting if the lighting minimises light spill and artificial sky glow in accordance with AS/NZS 1158:2007, Lighting for Roads and Public Spaces)	Not exempt	Not exempt	Exempt development - CI43 (1)(d)	Does not specify	Does not specify	Remain as Part 4 DA assessment (EP&A Act)

9.7 Flow charts for conservation and management procedures.

Flow chart diagrams have been prepared to assist Council, Ausgrid and the community in simplifying the assessment process relating to archaeology. It is recommended that:

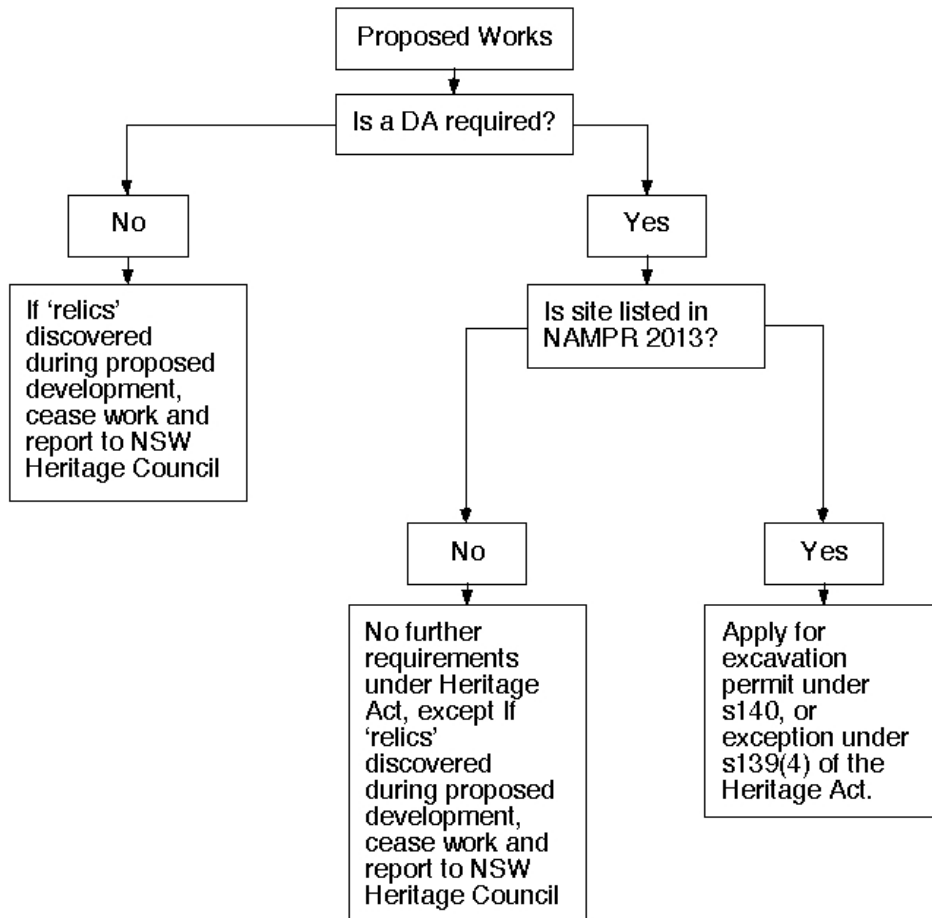
3. The flow charts should be made available to the public for ease of access to information about the assessment process.
4. The flow chart diagrams should be revised upon the adoption of the forthcoming new planning and development legislation.

Flow Chart 01.
State Significant Sites on Lot and DP, listed in NAMPR 2013.



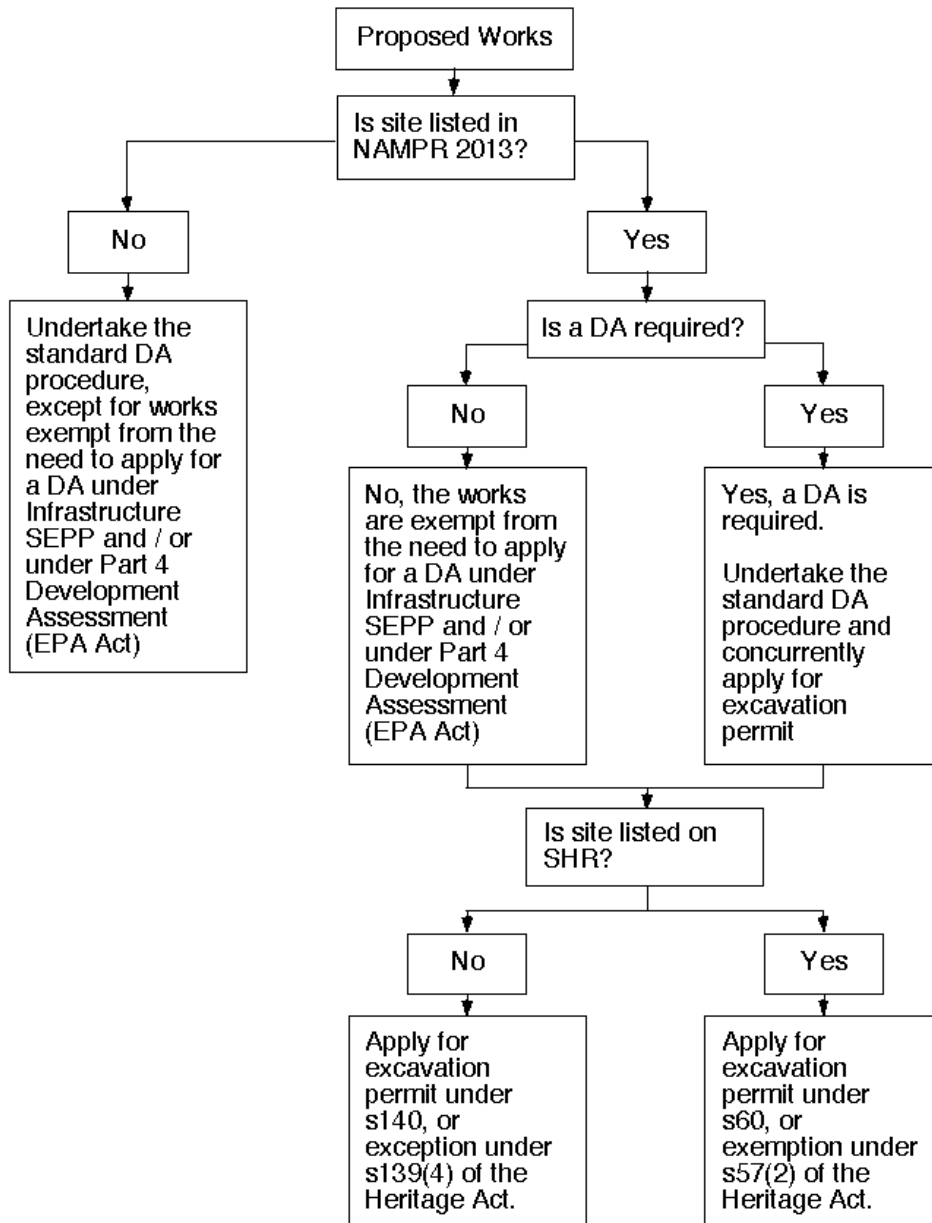
Edward Higginbotham & Associates Pty Ltd
Catherine Colville and Edward Higginbotham, 2013.

Flow Chart 02.
Local Significant Sites on Lot and DP, listed in NAMPR 2013.



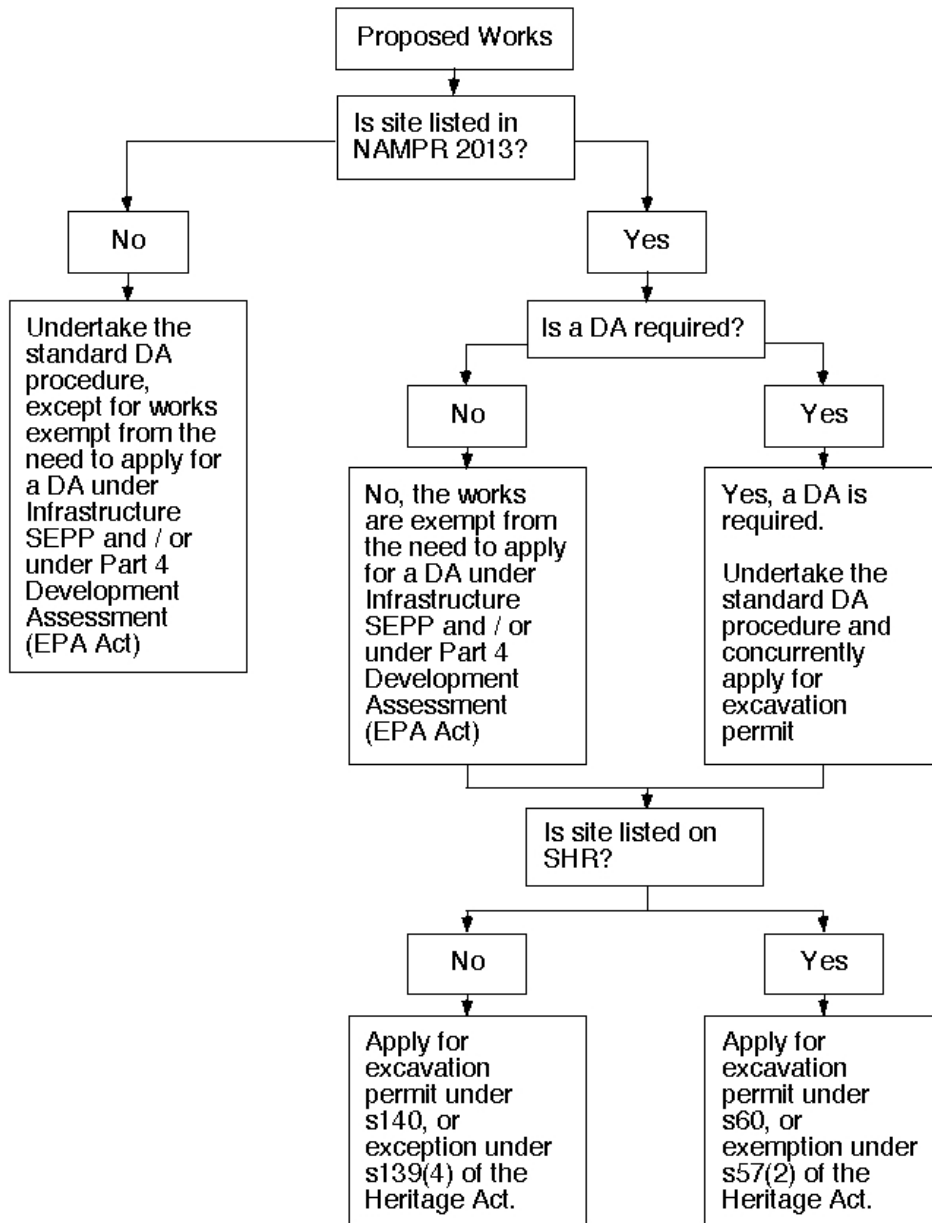
Edward Higginbotham & Associates Pty Ltd
Catherine Colville and Edward Higginbotham, 2013.

Flow Chart 03.
Development Process for Council Works.



Edward Higginbotham & Associates Pty Ltd
Catherine Colville and Edward Higginbotham, 2013.

Flow Chart 04.
Development Process for Ausgrid and Other Utility Works.



Edward Higginbotham & Associates Pty Ltd
Catherine Colville and Edward Higginbotham, 2013.

9.8 Recommendations relating to local significant sites.

Many of the local significant sites in the NAMPR 2013 are likely to be owned by private persons, rather than companies or other institutions. It is recommended that the following procedures should be adopted, in order to reduce the financial burden of compliance with the *NSW Heritage Act, 1977*, particularly on house owners.

It is recommended that:

1. The Heritage Council should consider delegating powers to approve exceptions under section 139(4) of the Heritage Act, 1977, as amended, to Newcastle City Council, provided that the Council has access to professional archaeological expertise and that the approval is made in accordance with that archaeological expertise.
2. The procedures for reporting 'relics' and the framework for managing local archaeological sites should be agreed between the NSW Heritage Council and Newcastle City Council.

9.9 Recommendation relating to Part 4 Development (EP&A Act).

Tables 9.1 and 9.2 indicate that certain activities come under the provisions of Part 4 Development (EP&A Act). These activities may have a significant impact on archaeological remains.

It is therefore recommended that:

1. The activities now considered under Part 4 Development (EP&A Act) should remain under this Act and should not be exempted.
2. The following standard conditions of consent should be included in any Part 4 Development Assessment approvals where there are archaeological potential.

9.10 Standard conditions of consent for archaeology under Part 4 Development (EP&A Act).

The following standard conditions of consent should be included in any Part 4 Development Assessment approvals where there are archaeological potential.

During construction

1. All works are to be carried out in accordance with the Newcastle Archaeological Management Plan Review 2013.
2. If relics are discovered during development, work is to cease immediately and contact made with Newcastle City Council and the Heritage Branch, Office of

Environment & Heritage. Works shall not recommence until the NSW Heritage Council has been notified and approval granted for recommencement.

9.11 Recommendations for updates to related plans and policies

It is recommended that the Newcastle Development Control Plan (DCP) 2012 include references to the Newcastle Archaeological Management Plan Review 2013 as a guideline resource for managing the archaeology and relics in the LGA.

9.12 Recommendations for extensions to the study area

The study area has excluded a number of significant archaeological sites. These include a number of sites adjacent to the study area, namely:

1. B Pit, Australian Agricultural Company.
2. Mining Village or 'Colliers Village.'
3. F Pit, Australian Agricultural Company
4. Sea Pit, Australian Agricultural Company.
5. The block bounded by The Terrace, Cliff, High and Bingle Streets.

The historical research completed for this study has also identified additional sites, namely:

1. The remainder of the Australian Agricultural Company mines, pits and mining settlements.
2. The industrial development on the shoreline at Stockton from the 1830s onwards (before reclamation changed this shoreline).
3. Other mines and mining villages, including Minmi, Wallsend, Lambton and Waratah.
4. The site of early potteries, near The Junction, which may have been used for brick and pottery production from 1816 onwards.

It is recommended that a review of the possible archaeological sites within the remainder of the Newcastle local government area should be completed, with a view to determining the benefits of extending the Archaeological Management Plan to include these and other sites.

9.13 Review of the Archaeological Management Plan

The Newcastle Archaeological Management Plan Review 2013 should be reviewed again after a period of ten years.

The document should also be reviewed when major changes to planning procedures and legislation occur as this would affect the activity approval process. It is likely that a new planning system for NSW will be introduced in late 2013.

9.14 Recommendations for heritage listing

It is recommended that all of the archaeological sites identified in the Newcastle Archaeological Management Plan Review 2013 should be listed in the Council's heritage inventory in order to provide optimum levels of protection and to provide a secure environment for management and conservation of the archaeological resources of the Newcastle area.

Significant new local archaeological sites identified in the Newcastle Archaeological Management Plan Review 2013 (see Map 2 Significance of Archaeological Sites) should be listed and mapped in the Newcastle Local Environmental Plan (LEP) 2012.

For any new archaeological sites of State significance that were revealed through this archaeological review, it is recommended that they should be nominated for State Heritage Listing. The listing process and relevant forms are available on the NSW Heritage Council website.

This study does not include the assessment of historical paving, kerb and guttering and walling within the street (for example, Brown Street, between Tyrrell and Church Streets; Church Street at Perkins Street; both Wolfe and Newcomen Streets, between Church and King Streets; King Street between Wolfe and Newcomen Streets; Wolfe Street, between King and Hunter Streets). It is recommended that the heritage significance of these items should also be assessed. Where relevant, these items should also be listed as separate heritage items.

9.15 Supplementary guidelines and policies.

9.15.1 Interpretation and Display

The ICOMOS Burra Charter states that 'the cultural significance of many places is not readily apparent, and should be explained by interpretation. Interpretation should enhance understanding and enjoyment, and be culturally appropriate.'³⁸

Opportunities for the interpretation and display of sites should be investigated both during and after the completion of archaeological investigation. Even though many of the remains may be removed through archaeological excavation there are various

³⁸ Australia ICOMOS Inc. *The Burra Charter. The Australia ICOMOS Charter for Places of Cultural Significance.* 1999. p. 8.

strategies whereby artefacts and archaeological remains may be conserved and put on display, thereby achieving a public outcome for the archaeological investigation.

9.15.2 Conservation in situ

The NSW Heritage Office states in *Archaeological Assessments* that conservation in situ may be appropriate under certain circumstances:

'An archaeological assessment may conclude that the most appropriate management action for the archaeological remains is conservation in situ. This may be because the archaeological features are of such significance or research value that they warrant retention or conservation in the place where they were found.

The procedures for determining appropriate conservation and management actions for such sites are the same as for any other item of environmental heritage.³⁹

The ICOMOS *Burra Charter*, the standard guidelines for heritage conservation, also recommends conservation in situ for heritage items:

- Article 9.1 The physical location of a place is part of its cultural significance. A building, work or other component of a place should remain in its historical location. Relocation is generally unacceptable unless this is the sole practical means of ensuring its survival.
- Article 28.1 Disturbance of significant fabric for study, or to obtain evidence, should be minimised. Study of a place by any disturbance of the fabric, including archaeological excavation, should only be undertaken to provide data essential for decisions on the conservation of the place, or to obtain important evidence about to be lost or made inaccessible.
- Article 28.2 Investigations of a place, which requires disturbance of the fabric, apart from that necessary to make decisions, may be appropriate provided that it is consistent with the policy for the place. Such investigations should be based on important research questions which have potential to substantially aid our knowledge, which cannot be answered in other ways and which minimise disturbance of the significant fabric.⁴⁰

³⁹ Heritage Office and Department of Urban Affairs and Planning. 1996. *Archaeological assessments*.

⁴⁰ Australia ICOMOS Inc. *The Burra Charter. The Australia ICOMOS Charter for Places of Cultural Significance*. 1999. p. 5, 9.

The ICOMOS Burra Charter seeks to minimise disturbance of fabric by archaeological investigation, revealing the assumption that the heritage item is to be conserved, rather than subject to redevelopment. The destruction of an archaeological site by redevelopment is therefore outside the scope of the Burra Charter guidelines.

Nonetheless the archaeological assessment guidelines make it clear that items of heritage significance, particularly State significance, may warrant conservation in situ.

APPENDIX 1. STATE HERITAGE REGISTER LISTINGS FOR NEWCASTLE LGA.

Searches completed on 22 March 2012.

Item Name	Address	Suburb)	LGA	Listed Under Heritage Act
131 Radar Station (former)		Ash Island	Newcastle	Yes
Anglican Cathedral Hall, Christ Church	52A Church Street	Newcastle	Newcastle	Yes
Bogey Hole, The	Shortland Esplanade	Newcastle	Newcastle	Yes
Bolton Street Car Park Facade & Side Wall	Bolton Street	Newcastle	Newcastle	Yes
Broadmeadow Railway Locomotive Depot	Main Northern railway	Broadmeadow	Newcastle	Yes
Buchanan Terraces & Footpath	10-30 Church Street	Newcastle	Newcastle	Yes
Castlemaine Brewery (former)	787 Hunter Street	Newcastle	Newcastle	Yes
Christ Church Cathedral, Moveable Collections, Cemetery and Park	52A Church Street	Newcastle	Newcastle	Yes
Church and Watt Street Terrace Group	Church Street	Newcastle	Newcastle	Yes
Civic Railway Workshops	Great Northern Railway	Newcastle	Newcastle	Yes
Coal River Precinct	Nobby's Road	Newcastle	Newcastle	Yes
Convict Lumber Yard or Stockade Site	98 Scott Street	Newcastle	Newcastle	Yes
Earp Gillam Bond Store Precinct	16 Telford Street	Newcastle East	Newcastle	Yes
Enterprise Park and Coutt's Sailors Home (former)	Bond Street	Newcastle	Newcastle	Yes
Fanny's Tavern	Argyle Street	Newcastle	Newcastle	Yes
Frederick Ash Building	359-361 Hunter Street	Newcastle	Newcastle	Yes
Glenrock early coalmining sites		Glenrock State Recreation Area	Lake Macquarie	Yes
Grand Hotel	32 Church Street	Newcastle	Newcastle	Yes
Great Northern Hotel	89 Scott Street	Newcastle	Newcastle	Yes
Hamilton Railway Station Group	Great Northern Railway	Hamilton	Newcastle	Yes
Macquarie House	8 Church Street	Newcastle	Newcastle	Yes
Manufacturers House	35-37 Watt Street	Newcastle	Newcastle	Yes
Miss Porter's House	434 King Street	Newcastle	Newcastle	Yes
Nesca House	300 King Street	Newcastle	Newcastle	Yes
Newcastle Annexe	Church Street	Newcastle	Newcastle	Yes
Newcastle Court House	9 Church Street	Newcastle	Newcastle	Yes
Newcastle Customs House	1 Bond Street	Newcastle	Newcastle	Yes
Newcastle Government House and Domain	72 Watt Street	Newcastle	Newcastle	Yes

Item Name	Address	Suburb)	LGA	Listed Under Heritage Act
Newcastle Post Office	96 Hunter Street	Newcastle	Newcastle	Yes
Newcastle Railway Station	Great Northern Railway	Newcastle	Newcastle	Yes
Newcastle Railway Station additional group	Great Northern Railway	Newcastle	Newcastle	Yes
Railway Goods Shed	76 Cowper Street	Wallsend	Newcastle	Yes
Ridge, The	21 Hillcrest Road	Newcastle	Newcastle	Yes
Royal Newcastle Hospital - The Club Building	Pacific Street	Newcastle	Newcastle	Yes
Shepherds Hill Defence Group Military Installations	41 The Terrace	Newcastle	Newcastle	Yes
St. John's Church, Hall & Grounds	1D Parry Street	Cooks Hill	Newcastle	Yes
Stationmaster's residence	92 Scott Street	Newcastle	Newcastle	Yes
T & G Mutual Life Assurance Building	45 Hunter Street	Newcastle	Newcastle	Yes
Thomas Family Grave	79 Callan Avenue	Maryland	Newcastle	Yes
Victoria Theatre (former)	8-10 Perkins Street	Newcastle	Newcastle	Yes
Watt Street terraces	50-62 Watt Street	Newcastle	Newcastle	Yes
Woodlands	51 Church Street	Newcastle	Newcastle	Yes

APPENDIX 2. LIST OF HERITAGE AND ARCHAEOLOGICAL REPORTS FOR NEWCASTLE.

Searches completed on 22 March 2012.

Archaeological Heritage Management Solutions. 700 Hunter Street Newcastle NSW historical archaeological & impact assessment of the West Newcastle Presbyterian & Roman Catholic cemetery site (c1844-1881). prepared for ACCOR (Asia-Pacific). 2001

Archaeological Heritage Management Solutions. Historical archaeological impact assessment of the former 1869 Wesleyan Methodist church site at Hamilton, NSW : a report prepared in support of an application to the NSW Heritage Council for an archaeological excavation permit under section 140 of the NSW Heritage Act. Prepared on behalf of the Greater Newcastle Building Society & Suters Architects. 2002

Archaeological Heritage Management Solutions. Historical archaeological & development impact assessment for 710 Hunter Street Newcastle NSW : Former Honeysuckle Presbyterian Cemetery (1841-1881). on behalf of Hunter Land Pty Ltd. 2004.

Archaeological Heritage Management Solutions. Historical archaeological & development impact assessment report for Empire Hotel site & adjacent allotments 643-651 Hunter Street, Newcastle West, NSW. Prepared for Rory F O'Brien. 2004

Archaeological Heritage Management Solutions. Historical archaeological & development impact assessment report for the Palais Royale site 684 Hunter Street Newcastle West, NSW. On behalf of Palais Royale Holdings Pty Ltd. 2004.

Archaeological Heritage Management Solutions. Ground adjoining the Great Northern Railway turntable, former Honeysuckle Point rail yard, Newcastle, N.S.W. : Exception notification s139(4) Heritage Act NSW 1977 & supporting documentation. for Honeysuckle Development Corporation. 2005

Archaeological Heritage Management Solutions. 88-90 Scott Street, Newcastle, NSW : historical archaeological assessment and research design. prepared for SNL Constructions . 2007.

Archaeological Management & Consulting Group. Archaeological research design :former Catholic Education Office, Newcastle, NSW. Prepared for the Diocese of Maitland-Newcastle. 2000.

Archaeological Management & Consulting Group. Legacy House, formerly Dangar Chambers 45 Bolton Street Newcastle N.S.W. Archaeological assessment, research design & excavation methodology. Prepared for Stephen Edwards Constructions Pty Ltd. 2003.

Archaeological Management & Consulting Group. portions of Dillin Goldingham Allotments, 73-77 King Street, Newcastle N.S.W. Archaeological assessment, research design and excavation methodology. Prepared for Noel Investments Pty Ltd 2003.

Archaeological Management & Consulting Group. Pepperina, formerly The Bowery, 37 Bolton Street, Newcastle N.S.W. archaeological assessment, research design and excavation methodology. Prepared for Sinole Pty Ltd and Stephen. 2004.

Archaeological Management & Consulting Group. 738 Hunter Street, former Bellevue Hotel, Newcastle archaeological assessment, research design, test excavation methodology and heritage impact statement. Prepared for Task Developments 2 Pty Ltd . 2005.

Cosmos Coroneos.. Monier sea wall Lee wharf, Honeysuckle precinct, Newcastle N.S.W. expanded archaeological assessment and heritage impact statement. Prepared for Archaeological Management & Consulting Group. 2005.

Archaeological Management & Consulting Group. Bellevue Hotel 738 Hunter Street Newcastle NSW : interim test excavation report, revised mitigation strategy, excavation methodology and heritage impact statement. Prepared for Task Developments 2 Pty Ltd. 2006.

Archaeological Management & Consulting Group. Lee wharf project stage 3 (Buildings A3-6) Honeysuckle Precinct Newcastle NSW : archaeological assessment, research design, excavation methodology and heritage impact statement. Prepared for Lee Wharf Developments. 2006.

Archaeological Management & Consulting Group. 666 Hunter St, Newcastle NSW including the former Honeysuckle railway station precinct : section 146 heritage Act 1977 notification of discovery of relics / for Hunter Development Corporation. 2005

Archaeological Management & Consulting Group. Demolition of Kirkwood House. James Fletcher hospital 15 Church St, Newcastle : archaeological assessment documentation supporting exception to s140 of the Heritage Act 1977. Prepared for NSW Dept of Commerce. 2008.

Archaeological Management & Consulting Group. Demolition of Kirkwood House James Fletcher hospital 15 Church St, Newcastle : archaeological test excavation interim report documentation supporting s140 of the Heritage Act 1977 application. Prepared for NSW Dept of Commerce. 2008.

Archaeological Management & Consulting Group. 11-15 Watt Street and 68 Hunter Street Newcastle NSW : permit application... archaeological assessment, research design, excavation methodology and heritage impact statement. Prepared for Aleksandar Design Group. 2009

Archaeological Management & Consulting Group. 97-107 Darby St Newcastle :archaeological assessment, research design, excavation methodology & heritage impact statement. Prepared for Crown Property Investments. 2009

Archaeological Management & Consulting Group. Lee wharf development stage III-B Newcastle (Worth Place Park and Lee Wharf shed. C) NSW : Permit variation. Archaeological assessment, research design, excavation methodology and heritage impact statement. Prepared for Lee Wharf Developments. 2009.

Archaeological Management & Consulting Group. Newcastle Mater Misericordiae Hospital : archival photographic register. (Calvary Mater Newcastle, former Mater Misericordiae Hospital) 2009.

Archaeological Management & Consulting Group. 111 Scott St and 1-3 Bolton St Newcastle, NSW : Archaeological assessment, research design, & heritage impact statement. for Pacific Lifestyle Resorts. 2010

Archaeological Management & Consulting Group. Archaeological monitoring & recording 131-147 King St Newcastle : Archaeological fieldwork report. Prepared for Newcastle City council. 2010.

Archaeological Management & Consulting Group. 111 Scott St and 1-3 Bolton St Newcastle, NSW : Archaeological assessment, research design, & heritage impact statement / for Pacific Lifestyle Resorts by Archaeological Management & Consulting Group. 2010

Architectural Projects Pty Ltd. Conservation management plan for Newcastle Former Coutts Sailor's Home. 2002.

Austral Archaeology Pty Ltd. Cathedral rest park King Street, Newcastle : Archaeological assessment and research design / Prepared for Newcastle City Council. 2004.

Austral Archaeology Pty Ltd. Cathedral rest park King Street, Newcastle : Conservation policy and archaeological management plan. Prepared for Newcastle City Council. 2004.

Austral Archaeology Pty Ltd. Proposed demolition of Frederick Ash Building, Newcastle. Historical archaeological assessment and statement of heritage impact. Newcastle City Council. 2011

Linda Babic. New Link between 74 and 78 Hunter Street. Statement of Heritage Impact. Newcastle Historic Reserve Trust. 2010.

Damaris Bairstow and John Turner. Newcastle lumber yard: historical archaeological report. prepared for the Heritage and Conservation Branch, Department of Environment and Planning. 1987.

Damaris Bairstow. Newcastle Lumber Yard : 1989 excavation. for Meredith Walker, the Heritage Council of New South Wales and Newcastle City Council. 1989.

Damaris Bairstow. Historical archaeology report : 53 Newcomen Street, Newcastle. for Baybarge Pty Limited. 1993.

- Damaris Bairstow. 2 McCormack Street, Newcastle : historical archaeology assessment. 1995.
- Damaris Bairstow. Historical archaeology report : 53-5 Newcomen Street, Newcastle. for EJE Architecture and Mr and Mrs James Colbert. 1989.
- Banksia Heritage + Archaeology Archaeological investigations at 197 Denison Street, Hamilton, Newcastle / for G and K Cousins. 2005.
- Bickford, Anne. Archaeological Assessment. Argyle Place Hotel development, Newcastle. Richard Owen Investments. 1997.
- Bill Jordan & Associates Pty Ltd. Repair of 19th Century Brick Culvert, Church Street, Newcastle. Newcastle City Council, 2008.
- Coassociates Pty Ltd. Newcastle courthouse cnr. Bolton and Church Streets Newcastle, NSW, 2300 : conservation plan. 1998.
- Cultural Resources Management.. Archaeological report : monitoring of excavation, CEO site, Newcastle. Prepared for Diocese of Maitland- Newcastle. 1999.
- Department of Commerce. Heritage Assessment and Statement of heritage Impact, Lucky Country Hotel. 2008
- Department of Commerce. Conservation management plan for the James Fletcher hospital site. Prepared for Hunter Health. 2005.
- C & M J Doring Pty Ltd for Honeysuckle Point heritage study 1856 to 1990 : an account of the history, operation and built environment of the Honeysuckle Point Railway Workshops and the Lee Wharves ...for State Rail Authority of New South Wales. 1991.
- C & M J Doring Pty Ltd. Honeysuckle project: Historical and industrial archaeology survey. 1991.
- C & M J Doring.. Craven Bros rope drive crane at the former Honeysuckle Point railway workshops Newcastle, N.S.W. : conservation report and schedule of works. for NSW Department of Public Works. 1995.
- Eckford Johnson Partners Pty Ltd. Extension to Cathedral Park and Mulimbah Cottage Heritage Study. Newcastle City Council. 1990.
- Ecotecture. Post Office Annex, 5 Bolton Street, Newcastle, NSW. Conservation Management Plan, 2000
- Edward Higginbotham & Associates Pty Ltd Report on the archaeological monitoring programme during landscaping of the convict lumber yard and stockade, Newcastle, N.S.W. Newcastle City Council. 1998.
- Edward Higginbotham & Associates Pty Ltd Report on the archaeological test excavation of the convict lumber yard and stockade, Newcastle, N.S.W. 1998.
- EJE Architecture. Statement of Heritage Impact. 24 Bolton Street, Development, Newcastle. 2000. (Appendix A. Reduced Architectural Plans and Appendix B. Archaeological Survey Report not included in report).
- EJE Group. Record of the State Dockyard, Newcastle, NSW. 1993.
- EJE Group.. Claremont, Newcomen Street, Newcastle. Conservation Plan. 1993 (?)
- EJE Architecture Newcastle Christ Church Cathedral: conservation plan. 1996.
- EJE Architecture. Newcastle railway station : conservation (management) plan. prepared for Civil & Civic Pty Ltd. 1996.
- EJE Town Planning. Newcastle Post Office Hunter Street : conservation management plan. 2002.
- EJE. heritage Assessment. Former Central EJE Town Planning. Methodist Mission, 141 King Street, Newcastle. 2002

EJE Heritage. Newcastle Port Corporation : review of section 170 heritage and conservation register. Prepared for Newcastle Port Corporation. 2005.

EJE Heritage. Pilot station 51-55 Wharf Road Newcastle : conservation management plan. 2006.

EJE Heritage. Newcastle Port Corporation : review of section 170 heritage and conservation register. Prepared for Newcastle Port Corporation. 2007.

EJE Heritage. Former Coutts sailors home 88 Scott Street Newcastle NSW 2300: conservation management plan. prepared for Westone Developments. 2008.

EJE Heritage. Statement of Heritage Impact. Proposed Development. 11, 13-15 Watt Street & 68 Hunter Street, Newcastle, NSW. 2008

EJE Heritage. SHI Listing - Coutts Sailors Home. 2008.

EJE Group. .CEO Site Heritage and archaeological assessment, corner Tyrell, Church, Wolfe and Perkins Streets, Newcastle. For Diocese of Maitland - Newcastle Financial Secretariat. 1998.

Enerserve. Statement of Environmental Effects. Newcastle CBD 33kV / 11kV Substation. Energy Australia. 2004.

Environmental Resources Management Australia Pty Ltd. Report on the archaeological monitoring of the Hannell Street, Wickham site for Roads and Traffic Authority Hunter Region. 2000.

ERM Australia. Background Historical Archaeological Assessment for the Royal Newcastle Hospital, Newcastle. Landcom. 2004

Peter Fenwick.. Honeysuckle Point locomotive turntable excavation report, Newcastle, New South Wales.

Peter Fenwick. Newcastle Christ Church Cathedral test bores : archaeological watching brief report. 1996.

Godden Mackay. Fort Scratchley, Newcastle: conservation plan. Prepared for the Commonwealth of Australia. August 1992.

Godden Mackay. Frederick Ash building: conservation plan and civic site archaeological assessment / prepared for Planning Workshop, Rankine and Hill and the Council of the City of Newcastle. 1994.

Godden Mackay. Newcastle Civic site archaeological research design report. prepared for Newcastle City Council, the Heritage Council of New South Wales. 1996.

Godden Mackay. Newcastle Civic Site. Heritage Impact Statement. Newcastle City Council. 1996

Godden Mackay. Newcastle Civic Centre site : archaeological report. 1997.

Godden Mackay. 20 McCormack Street, Newcastle : archaeological recording. prepared for Buildev Pty Ltd and the Heritage Council of NSW. 1998.

Godden Mackay Logan. Post Offices study : State heritage inventory forms for Newcastle Post Office, Hay Post Office, Pyrmont Post Office, Redfern Post Office. [Electronic resource] 2000.

Godden Mackay Logan. Boardwalk site, Newcastle : archaeological excavation report. prepared for Stronach Pty Ltd. 2003.

Godden Mackay Logan. Lee wharf park, Newcastle : heritage impact statement / prepared for Lee Wharf Developments. 2003.

Godden Mackay Logan. Lee Wharf, Newcastle interim archaeological report ; digital images / Electronic Resource. 2004.

Godden Mackay Logan. Wharf and Centenary Roads, Newcastle. Heritage Impact Statement. Kaross Pty Ltd. 2005. Part only.

Godden Mackay Logan. Wharf and Centenary Roads, Newcastle. Heritage Impact Statement. Kaross Pty Ltd. 2005. Part only.

Godden Mackay Logan. Lots 12 and 4/24 Lee Wharf, Newcastle : archaeological monitoring program. prepared for Lee Wharf Developments Pty Ltd. 2006.

Ann Hardy. Government House, Newcastle. Dissertation for Graduate Diploma, Curtin University of technology. 2005

Heritage Assessment and History. Review of potential items of state heritage significance. prepared for Newcastle City Council. 2008.

Heritas Architecture. Surf City, Newcastle NSW. Heritage Impact Statement.

HLA-Envirosciences Pty Limited. Research design for archaeological work at Croudace House, John Hunter Hospital, Newcastle. prepared for Suters Architects. 1998.

Hughes Trueman Ludlow and EJE Architecture. Claremont House, Newcastle. heritage properties restoration program. 1993.

Hughes Trueman Ludlow and EJE Architecture.. Claremont House, Newcastle - History and other documents. 1993.

Insite Heritage Pty Ltd. 200 - 212 Hunter Street Newcastle: test excavation report / prepared on behalf of Regence Pty Ltd and Legman Pty Ltd. 2004.

Insite Heritage Pty Ltd. 200 Hunter Street Newcastle : section 140 permit application. prepared for Wam Projects Pty Ltd. 2004

Insite Heritage Pty Ltd. Test excavation report 200 Hunter Street Newcastle : section 140 permit application. prepared for Regence Pty Ltd and Legman Pty Ltd. 2005.

Insite Heritage Pty Ltd. Archaeological assessment of the retaining walls 21 Brown Street Newcastle. prepared for Buzzacottwebber Pty Ltd. 2006.

Insite Heritage Pty Ltd. Archaeological investigations former Perway Store Honeysuckle precinct Newcastle NSW. prepared for Newcastle University Sport Pty Ltd by Insite Heritage. 2007.

Insite Heritage Pty Ltd. Archaeological investigations former Perway Store Honeysuckle precinct Newcastle NSW. prepared for Newcastle University Sport Pty Ltd. 2007.

Insite Heritage Pty Ltd. Heritage impact assessment Energy Australia substation upgrade & installation & associated feeder works : Brown and King streets Newcastle, NSW / report to Energy Australia. 2010.

Insite Heritage Pty Ltd. Heritage Impact Assessment. Energy Australia Substation Upgrade & Associated Feeder Works, Athcourt Lane and King Streets, Newcastle, NSW. Energy Australia. 2010.

Insite Heritage Pty Ltd. Heritage Impact Assessment. Energy Australia Substation Upgrade & Installation & Associated Feeder Works, Brown and King Streets, Newcastle, NSW. Energy Australia. 2010.

Insite Heritage Pty Ltd. Heritage Impact Assessment. Ausgrid Substation Upgrade & Associated Feeder Works, Hunter and Darby Streets, Newcastle, NSW. Ausgrid. 2011.

Insite Heritage Pty Ltd. Heritage Impact Assessment. Construction of New Kiosk Substation and Decommissioning of Existing Cottage Substation No. 1097. Light Street, Bar Beach.. Ausgrid. 2012.

Newcastle City Council Shepherds Hill, Newcastle. 1989.

Newcastle City Council Paymaster's cottage, Newcastle. heritage properties restoration program. 92 Scott Street, Newcastle. 1993.

Nexus Archaeology & Heritage. An investigation of the historical archaeology of the trench route - 11Kv feeder cable from the Newcastle City main substation, Tyrell Street, Newcastle. prepared for Enerserv. 2005.

Nexus Archaeology & Heritage. Non-indigenous archaeological assessment : stage 2 - 33kV feeder cable route, Newcastle CBD. For Enerserve Australia. 2005.

Nexus Archaeology & Heritage. Research design : Site of CENTRO-Polyclinic, Hunter Street, Newcastle, NSW. prepared for Abigroup contractors. 2005.

Nexus Archaeology & Heritage. Research design for excavation permit - 11kV feeder cable route, Newcastle CBD. prepared for Enerserv. 2005.

Nexus Archaeology & Heritage. Research design for excavation permit : stage 2 - 33kV feeder cable route, Newcastle CBD. For Enerserve Australia. 2005.

Nexus Archaeology & Heritage. An investigation of the historical archaeology of the trench route - 11kV feeder cable from the Newcastle City main substation, Tyrell Street, Newcastle. prepared for Enerserv. 2005.

Nexus Archaeology & Heritage. Archaeological monitoring of excavation - civil works, Hunter and Merewether Streets, Newcastle, NSW. prepared for Newcastle City Council. 2007

Nexus. Archaeological Monitoring report and Interpretation Display. Glebe Road TCS, The Junction. Exception to an Excavation Permit, issued 28 April 2008. RTA (Hunter Operations & Engineering Service). November 2009.

Nexus archaeology and Heritage. Historical Heritage Assessment. 33kV Feeder 770 - Merewether Sub transmission Station to CBD Zone Sub transmission Station. Energy Australia. 2010

Nexus archaeology and Heritage. Historical Heritage Assessment & Working Paper. Newcastle CBD Substation, Tyrell Street, Newcastle. Energy Australia. 2010

Dominic Steele. The Royal Newcastle Hospital hydrotherapy pool: archaeological monitoring report. 1998.

Suters Architects. Nobbys Head lighthouse, Newcastle, NSW : conservation analysis. 2nd Draft. 1999.

Suters Architects. Nobbys Head lighthouse, Newcastle, NSW : conservation management plan, facility maintenance plan. 2000.

Suters Architects. Fort Scratchley Nobbys Road, Newcastle NSW : Scoping study refurbishment and conservation works. October 2002.

Suters Architects Snell. Honeysuckle goodsyard civic workshops and Lee Wharf area : heritage & conservation study draft final report. prepared for NSW Government and Newcastle City Council. 1990.

Suters Architects Snell. Earp Gillam Bond Store, Newcastle East : restoration report. 1993.

Suters Architects Snell. Newcastle Hill Reservoir Project. 1994.

Suters Architects. Macquarie pier, Nobbys head and southern breakwater: conservation management plan / prepared for Newcastle Port Corporation. 2000.

Wendy Thorp. Archaeological assessment : Bishop's registry site, 43 Wolfe Street, Newcastle. prepared for EJE Town Planning. c.1998.

Wendy Thorp. Report of archaeological evidence : "The Metro", Scott and Watt Streets, Newcastle. 1994.

Dr. J. W. Turner. Esplanade Hotel site - Newcastle : historical study. 1994.

P A Rheinberger. Research design relating to the development of part of Lot 3224 DP 729951, 74-90 Hunter Street, Newcastle ; the Electric Telegraph Office. For Umwelt (Australia) Pty Ltd. 1998.

Umwelt (Australia) Pty Limited. Archaeological assessment and research design relating to the development of land on the northern alignment of Wharf Road, East of Merewether Street, Newcastle, NSW. 2000.

Unwelt (Australia) Pty Limited. Study and analysis of the historical archaeology of land at the rear of 735-739 Hunter Street, Newcastle, New South Wales. Prepared for J K & M A Waterhouse. 2002.

Unwelt (Australia) Pty Limited. Study and analysis of the historical archaeology of the harbour view apartments project, 133-135 Scott Street. Newcastle, New South Wales. prepared for Shaddock Smith & (Mrs) Alice Sinn March 2002

Unwelt (Australia) Pty Limited. Recording the historical archaeology of the service well, Bellevue Hotel, Newcastle. prepared for Enerserve. 2003.

Unwelt (Australia) Pty Limited. Research design : Sub-surface investigation of the historical archaeology of the Worth Place / Lee Wharf precinct, Newcastle, NSW. Prepared for the Caverstock Group. 2003.

Unwelt (Australia) Pty Limited. Research design sub-surface investigation of the historical archaeology of lots 21 and 22 Honeysuckle Drive, Newcastle, NSW. prepared for Hunter Development Corporation. 2003.

Unwelt (Australia) Pty Limited. Archaeological monitoring of remediation works at Lot 22 Honeysuckle Drive, Newcastle, NSW. prepared for Hunter Development Corporation. 2004.

Unwelt (Australia) Pty Limited. Assessment of significance and research design for the historical archaeology of Worth Place Park, Park residential and South park precincts, Honeysuckle Drive, Newcastle. prepared for Honeysuckle Development Corporation. 2004.

Unwelt (Australia) Pty Limited. Recording the historical archaeology of the Harbourview apartments, Scott Street, Newcastle. Prepared for S R Shafren Pty Ltd. 2004.

Unwelt (Australia) Pty Limited. Surf City site, Watt Street, Newcastle : Data supplementary to the historical archaeological assessment and research design. prepared for Chrysalis Holdings. 2004.

Unwelt (Australia) Pty Limited. Surf City site, Watt Street, Newcastle : historical archaeological assessment and research design. prepared for Chrysalis Holdings. 2004.

Unwelt (Australia) Pty Ltd. Heritage Study and Assessment of Proposed Tyrell Street Substation, Newcastle. Enerserve. 2004. in Enerserve. Statement of Environmental Effects. Newcastle CBD 33kV / 11kV Substation. Energy Australia. 2004.

Unwelt (Australia) Pty Limited. Report on monitoring bulk excavation : the archaeology of 22 Bolton Street, Newcastle. prepared for Bolton Developments Pty Ltd. 2006.

Walker, Meredith, et alia. The convict lumber yard, the stationmaster's residence, and the paymaster's office, Scott Street and Bond Street, Newcastle, NSW : a conservation policy. prepared for the Council of the City of Newcastle. c1990.

Georadar Research Pty Ltd. (Yelf. R) Newcastle lumberyard remote sensing and stabilisation report. 1993.

**APPENDIX 3. EXTRACTS FROM THE NEWCASTLE ARCHAEOLOGICAL
MANAGEMENT PLAN 1997.**

This Appendix includes Attachments 8.1, 8.2 and 8.3 and Tables 8.1, 8.2 and 8.3 of the NAMP 1997.

Attachment 8.1 Developer's Obligations

Property developer's operate under a variety of constraints, including economic and timing pressures, public perception, and the legalities of the planning framework. Archaeology is one part of this, and should be considered as part of the planning, design and construction process. The responsibilities of the property developer are set out in the Archaeological Code of Practice. This document should be referred to for further details, however its major points include:

1. *Determine archaeological sensitivity* of the site.
2. *Initiate early liaison* with State and/or Local Government authorities.
3. *Ensure adequate communication* between all parties including government and archaeologist.
4. *Understand the need for research design* and the development of an appropriate methodology for assessment and excavation.
5. *Undertake site evaluation and significance assessment* to determine the appropriate course of action for the future of the site.
6. *Recognise constraints* due to the often unknown nature of the resource, the commitment of the archaeologist in the first instance to the resource rather than the project, and the need for contingency arrangements.
7. *Recognise the role of the archaeological team on-site* and ensure they have appropriate status amongst members of the project work force.
8. *Encourage public relations* both through media coverage and participation by the community in site investigations.
9. *Complete post-excavation work* including preparation and publication of the report and the storage of artefacts recovered.
10. *Accept government authority arbitration in disputes* where there is disagreement between the developer and the archaeologist regarding the appropriate course of action.

The Heritage Act requires the granting of an excavation permit by the Department of Planning prior to any site works that may uncover or damage an archaeological resource, whether undertaken specifically for an archaeological excavation or during general construction works. This may include such minor works as digging service trenches for services which may nevertheless unearth relics, through to full scale excavation of the site to provide a basement or the like.

It is not however required that the developer of a site must fund archaeological research of the site generally, irrespective of how significant any resource may be. If a proposed development should affect only part of a site, only the part affected need be assessed for its archaeological potential. Similarly, the design of a proposed development may be set out so that it will avoid any part of a site with archaeological potential.

It should also be noted that the Heritage Act provides that any relics recovered remain the property of the site's owner. As public recognition and interest in our heritage grows, the display of such items represents considerable potential for the developer, both as a public representation of their concern for the community, and in giving a new development a unique character and an instant connection to its place in local history.

The process for preparing an archaeological assessment preceding a development application as set out in table 8.2. Note that the relics provisions always apply, irrespective of the findings of any archaeological assessment.

Attachment 8.2 Authorities' Obligations

The various service authorities that operate within the city undertake many works that may affect archaeological resources. It has been noted in this report that all streets have the potential to retain a resource, and these are typically the places that authorities lay their service lines, be they water, gas, telephone or electricity.

The obligations of authorities with regard to disturbance of archaeological resources are similar to developers', in that they must apply for an excavation permit where work may reveal an archaeological resource, and they must comply with the relics provisions of the Heritage Act. They also have similar opportunities in terms of public relations.

Council should liaise with the various authorities, including Council's own engineering/works department, to ensure they understand their responsibilities with regard to archaeological resources. It may be appropriate to maintain a watching brief over any new excavations in areas of archaeological sensitivity, requiring the granting of an excavation permit. Work within trenches previously excavated would not however require monitoring, unless they are to be widened or deepened. Where an archaeological resource is known to be present, the authority should liaise with the Department of Planning regarding any excavation.

Common trenching, that is where a variety of different services are laid within a single trench, is becoming more common, and this is an important way to minimise the disturbance of potential archaeological sites. The use of common trenching by the various authorities should be encouraged.

Attachment 8.3 Council's Obligations

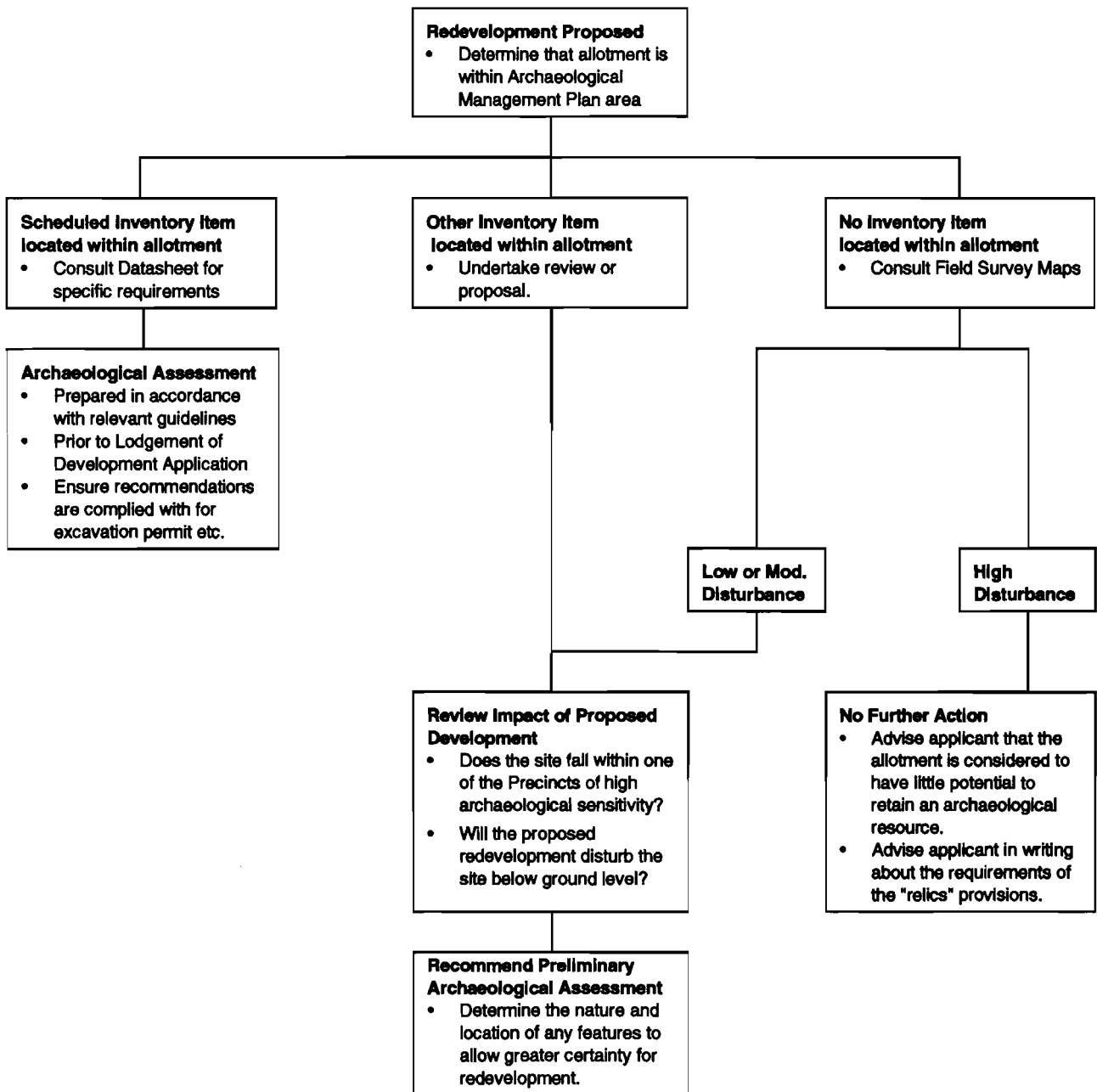
The Archaeological Code of Practice sets out the various responsibilities of a Council in the conservation of archaeological resources generally. This includes the need for preparation of Archaeological Management Plans such as this one, to include archaeological assessment within planning controls and instruments, and to provide appropriate information to the community. With regard to specific developments, the points noted may be summarised to include:

1. *Determine archaeological sensitivity* of the site.
2. *Develop early liaison* with the developer and advise them of the possible impact of the proposed development on an archaeological resource.
3. *Ensure adequate communication* especially clearly outlining the developer's legal obligations.
4. *Ensure site evaluation and significance assessment* is undertaken to determine the appropriate course of action for the future of the site, which may not necessarily include archaeological excavation.
5. *Recognise constraints* and the developers objectives, and ensure efficient processing of applications to minimise delays.
6. *Support the need for research design* to ensure investigations are undertaken within an appropriate methodology.
7. *Support the archaeological team on-site* through access to records and site assistance if required.
8. *Encourage public relations* including public recognition of the role of the developer and the archaeologist.
9. *Make decisions about the conservation of the site* with regard to the need for conservation of relics in situ and the impact on the proposed development.
10. *Assist with funding for the project* by measures such as rate relief.
11. *Dispute Resolution* between archaeologist and developer is primarily the role of the State government authority.
12. *Oversee completion of the post-investigation stage of the project* by recognising the importance of this part of the project and assisting with presentation where appropriate.

Council must seek to ensure that assessment of archaeological resources is included in the development process from the outset of any project, just as the impact of the proposal on any other community resource must be assessed. The appropriate point to raise such issues with developers is through the Development Assessment Panel where major new developments are discussed, or through the DA Guide which provides a more general set of guidelines to Development Applications.

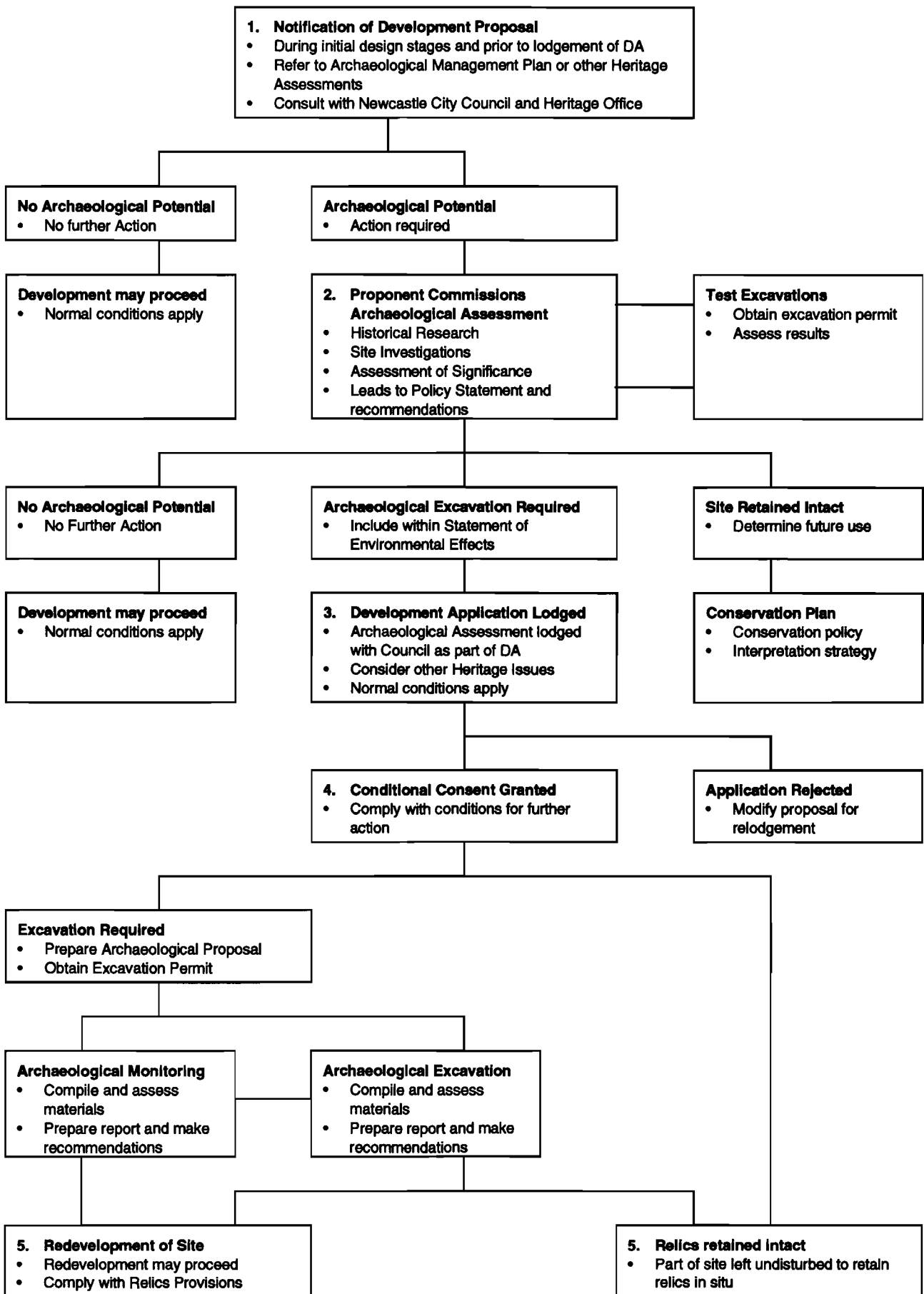
Council also has a similar obligation to the developer or service authority regarding any excavation within land it owns or administers, including streets and open spaces. Where an archaeological resource is known to be present, the council should liaise with the Department of Planning regarding any excavation.

Table 8.1 Procedure for Determining Action for an allotment within the Study Area



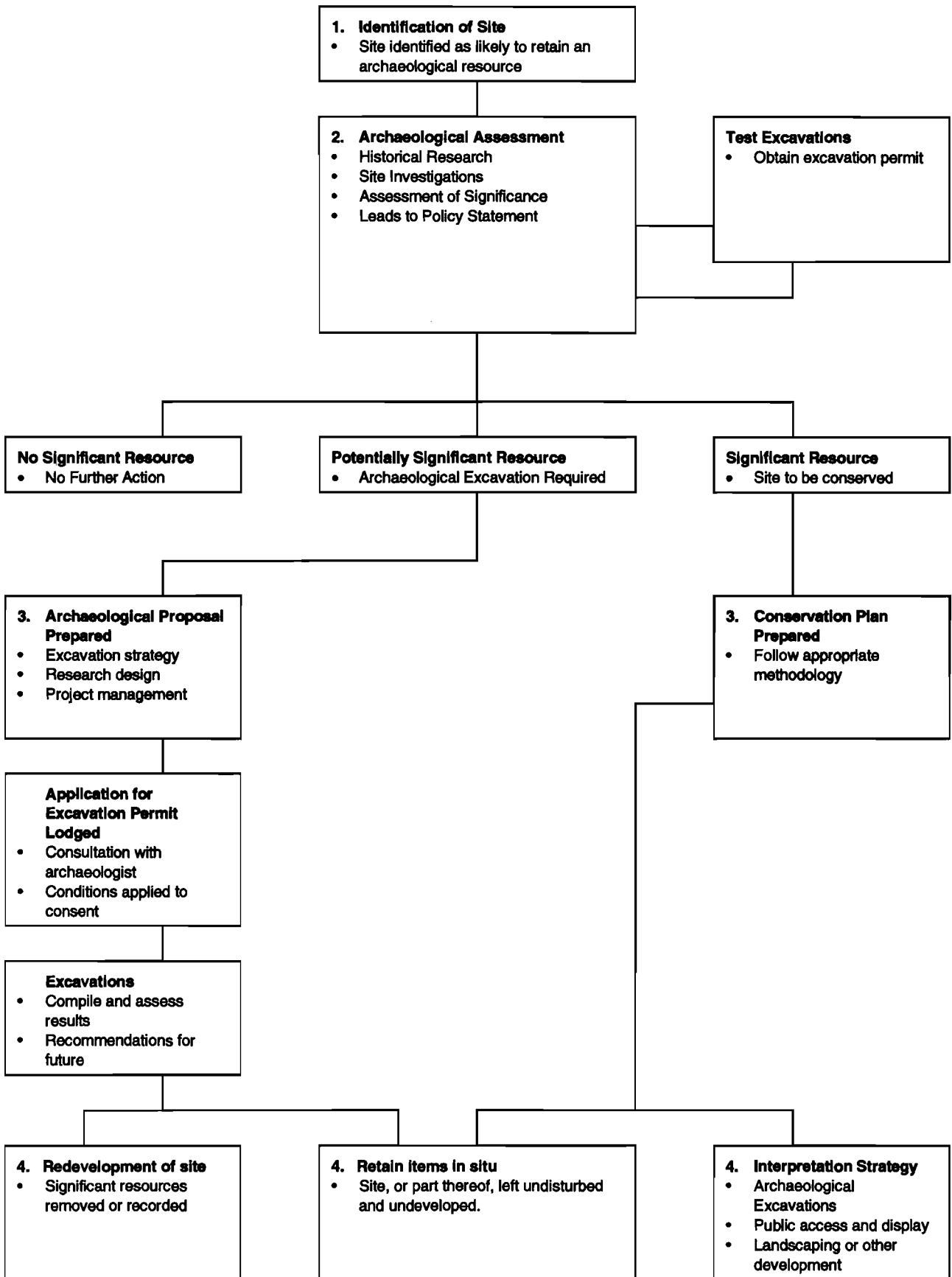
Note: This table summarises the Management Strategy detailed in Section 8 of this report. For full details, reference should be made to relevant sections of the Strategy.

Table 8.2 Procedures for Archaeological Assessments Preceding Development Application



Note: This table is intended as a guide to the procedures for archaeological assessments preceding a development application. It is based on a table presented by Tracey Ireland at the seminar on the Draft Guidelines for Archaeological Assessments organised by the NSW Department of Planning on 1 August 1994. Specific details may vary from project to project.

Table 8.3 Standard Procedures for Research Driven Urban Archaeology



Note: This table is intended as a guide to the process of Urban Archaeology. Specific details may vary from project to project. Reference should be made to the various guidelines issued by the Department of Planning.

APPENDIX 4. BRIEF FOR NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN REVIEW.

This appendix may be found on the electronic version of the Newcastle Archaeological Management Plan Review.



**REQUEST FOR TENDERS FOR CONTRACT N°:2012/220Q
NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN
REVIEW**

CONTENTS

SECTION	DOCUMENT	FOLIO LENGTH (Page)
Information to Tenders	Information to Tenders	3
Contract Conditions	Conditions of Tendering	4
	Terms of Engagement for Consultants	5
Special Condition of Contract	SC-2 Payment of Workers and Subcontractors	1
	SC-4 Dispute Resolution	1
Specification	Brief & Appendices	15
Schedules	Tenderer's Declaration	1
	Tender Price	1
	Price – Hourly Rates	1
	Financial Details	1
	Insurances	1
	Contract Program	1
	Management & Staff Resources	1
	Consultancy Team	1
	Methodology	1
	Referees	1
	Previous Experience	1
	Occupational Health & Safety	1

Cost of Documents: 1. Hard copies \$ 30.00 GST inclusive
2. Electronic copies on disc – no charge



INVITATION TO TENDERERS

NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN REVIEW

CONTRACT No. 2012/220Q

1. **PURPOSE:** Update the Newcastle Archaeological Management Plan 1997, including a revised heritage planning framework, management strategy, and an updated inventory of potential archaeological sites presented as GIS mapping datasets and in SHI database format, to comply with the requirements of the NSW Heritage Office.
2. **INVITATION:** Any person willing to fulfil the requirements of the proposed contract is invited to submit a tender to the Council by the deadline, **2.00 pm on TUESDAY 13 DECEMBER 2011** (at the Tender Box). Responsibility for lodgement of completed tender documents by the deadline lies solely with the Tenderer. Tender lodgement information is provided in the tender document. Council is not bound to accept the lowest tender or any tender submitted.
3. **INFORMATION:** All enquiries relating to the Tender must be directed to the nominated Project Officer, Sarah Cameron, via the online forum at www.tenderlink.com/newcastle. Alternatively, you can contact Sarah Cameron on telephone: (02) 4974 2785 or e-mail scameron@ncc.nsw.gov.au. Any verbal enquiries are to be confirmed in writing.
4. **PRE-TENDER MEETING:** A pre-tender meeting will not be held.
5. **TENDERERS TO NOTE:** In the preparation and submission of the tender and without limiting the Tenderer's obligations, the Tenderer shall:
 - submit a tender which includes all Schedules including the *Tenderer's Declaration Schedule* and any other declaration required completely filled in and signed, together with any other documents, information and details necessary to make the tender complete;
 - not submit a tender without a firm intention to proceed;
 - not engage in any form of collusive practice;
 - not directly or indirectly canvass support from an elected member or employee of Council at any time.
6. **LODGE MENT METHOD:** (*Refer to the detailed requirements of Clause 11 of the Conditions of Tendering*)

Complete tenders (i.e. containing all completed schedules, documents, information and details required) shall be considered **ONLY** if received by either:

Electronic (preferred):

Submissions must be lodged in the electronic Tender Box at www.tenderlink.com/newcastle by the time and date nominated. (Respondents will receive a Successful Submission Receipt upon completion.)

Hardcopy or facsimile tenders:

Formal (hardcopy) submissions lodged in the Tender Box, by the date and time nominated, must be enclosed in a sealed envelope or package and clearly endorsed:

NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN REVIEW

CONTRACT No. 2012/220Q

The Tender Box – Newcastle City Council

Ground Floor, City Administration Centre

282 King Street

NEWCASTLE NSW 2300

Alternatively, a facsimile tender transmission to **(02) 4974 2303**, where the complete tender must be received by the deadline. In addition, as a **formal confirmation**, the original tender must be posted before the deadline and received within **5** business days after the deadline. Proof verifying the time of posting must be provided. It must be consigned to the Tender Box. Any delay or loss of data resulting from electronic equipment malfunction or unavailability is at the risk of the Tenderer.

7. **“VALUE FOR MONEY” ASSESSMENT CRITERIA:** Council is not bound to accept the lowest tender or any tender submitted. Council, in its discretion, will accept the tender that it determines provides the most advantageous result. Tenders will be assessed on “conformity to the documentation” and “value for money” (the most cost effective offer determined by considering all price and non-price factors relevant to the proposed contract). The assessment criteria are:
- Relevant experience and availability of the consultants to complete the project, including any proposed sub-consultants.
 - Demonstrated understanding of the project, including the proposed methodology.
 - Value for money.

Tenderers must also complete the following Schedules:

Tenderer's Declaration	Complete Schedule	Insurances	Complete Schedule	Methodology	Complete Schedule
Tender Price	Complete Schedule	Contract Program	Complete Schedule	Referees	Complete Schedule
Price – Hourly Rates	Complete Schedule	Management & Staff Resources	Complete Schedule	Previous Experience	Complete Schedule
Financial	Complete Schedule	Consultancy Team	Complete Schedule	OH&S	Complete Schedule

8. **PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE:** Tenderers are advised that all (if any) personal information required to be provided with their tender submission is intended only for use by Council staff. The purpose being for the assessment of tenders (in accordance with the Local Government Tendering Regulations). The information will be stored at Council's Administration Centre in accordance with the requirements of the State Records Act 1998.
9. **CONDITIONS OF TENDER:** The Hunter Councils' Contracts Panel "*Conditions of Tendering*" govern this tender.
10. **PROJECT SCOPE AND BUDGET:** Tenderers to note that council may reduce the scope of works and or remove one or more of the proposed tasks as part of council's tender evaluation process in order to meet the project budget.

Council may shortlist tenderers and allow those tenders that have the same or similar characteristics with the opportunity of varying their tenders in a similar way, however, council is under no obligation to extend this opportunity to every tenderer.



Conditions of Tendering

(Edition 5; October 2008) ©

CONTENTS

- | | | | |
|-----|----------------------------|-----|--|
| 1. | INTERPRETATION | 12. | OPENING OF TENDERS |
| 2. | TENDERER STATUS | 13. | ASSESSMENT AND ACCEPTANCE |
| 3. | TENDERER TO INFORM ITSELF | 14. | NON CONFORMING TENDERS |
| 4. | OFFER | 15. | ALTERNATIVE PROPOSALS |
| 5. | CONDITIONS OF CONTRACT | 16. | PRE-TENDER MEETING |
| 6. | ACKNOWLEDGMENT BY TENDERER | 17. | ECOLOGICALLY SUSTAINABLE DEVELOPMENT |
| 7. | CONFIDENTIALITY | 18. | INDUCTION TRAINING |
| 8. | COLLUSIVE TENDERING | 19. | LOCAL GOVERNMENT (GENERAL) REGULATION 2005 |
| 9. | CANVASSING SUPPORT | | |
| 10. | LEVIES & TAXES | | |
| 11. | SUBMISSION PROCEDURE | | |

The Contracts Panel of the Hunter Region Organisation of Councils
in association with Gosford City Council

CONDITIONS OF TENDERING

RULES GOVERNING THE CONTENT AND SUBMISSION OF TENDERS

1. INTERPRETATION

In these "Conditions of Tendering" and elsewhere, except where the context requires otherwise:

"**Council**" means the Council of the Local Government area issuing this request for tender (the "*Principal*") and where the context permits, includes its authorised delegates;

"**Day**" means business day, that is not Saturday or Sunday or public holiday for the Principal's employees;

"**non-conforming tender**" means a tender not lodged on the Schedules, or not containing all the information and documents required by these Conditions of Tendering, or otherwise not complying with any provision of this entire tender document;

"**offer**" means a proposal to enter into a legally binding contract with Council (refer to Clause 4);

"**person**" includes an individual, a corporation or a body politic;

"**Schedules**" means all schedules in addition to the Tenderer's Declaration contained in this tender document that are required to be completed by the Tenderer;

"**Specifications**" means the specifications contained in this tender document and includes description of the scope, technical references, drawings or consultant's brief;

"**tender**" includes prices, bids, quotations and consultant proposals and means the lodgment of a tender containing all requested information and accompanying documentation;

"**tender document**" means all of the following:

The *Invitation to Tenders, Information to Tenderers* (or a covering letter), *Conditions of Tendering, General Conditions of Contract its Annexures, Special Conditions of Contract* and the *Specification and Drawings, Schedules* and any other specified documents.

In this Agreement, unless contrary intention appears, words importing a gender include any other gender and word in the singular includes the plural and vice versa.

2. TENDERER STATUS

It is Council's practice to contract only with persons having appropriate financial assets and insurances. A Tenderer may also be required to provide evidence of its legal status.

If the Tenderer is a Trust or a Trustee of a Trust, then a full copy of the trust deed must be submitted with the tender.

It is also Council's practice to deal with entities that have an Australian Business Number (ABN) and are registered for GST.

3. TENDERER TO INFORM ITSELF

The Tenderer shall bear all costs or expenses incurred by it in preparing and lodging a tender. In addition, no extras allowances, or additional or supplementary payments will be paid to the Tenderer as a result of neglect to have examined:

- (a) all parts of this tender document.
- (b) all information made available and/or all information obtainable by the making of reasonable enquiries.
- (c) the site and its surroundings including the location of all existing public utility services and the availability of services (where relevant to the project).
- (d) satisfied itself as to the correctness and sufficiency of its tender.

4. OFFER

The lodgment of a tender in accordance with these "Conditions of Tendering" will constitute an offer to enter into and be bound by a contract.

The offer will be irrevocable and will remain open for acceptance by Council until the earlier of:

- (a) receipt by the Tenderer of a written notice or Purchase Order from Council (as per Clause 13); or
- (b) 60 business days from the Closing Date.

5. GENERAL CONDITIONS OF CONTRACT

The general conditions of contract that will apply to the proposed contract are annex here to.

6. ACKNOWLEDGMENT BY TENDERER

The Tenderer acknowledges and agrees that:

- (a) no variations or extras will be permitted to its submitted tender other than those provided at the request of, or with the written consent of Council in circumstances allowed by law;
- (b) it does not rely upon any verbal agreement or other conduct whatsoever by or on behalf of Council amending these "Conditions of Tendering";
- (c) Council will not be liable for any cost whatsoever incurred in preparing and submitting the tender;
- (d) none of these "Conditions of Tendering" will be waived, discharged, varied, amended, modified or released except by written notification by Council;
- (e) the Tenderer shall be responsible for any interpretation, deduction and conclusion made from the information made available and accepts full responsibility for any such interpretation, deduction and conclusions.

7. CONFIDENTIALITY

Any information disclosed or obtained from either Council or the Tenderer about this tender must be kept strictly confidential except in the situations where disclosure is:

- (a) necessary in the process of assessing tenders, or where Council discloses all or part to any of its advisers and consultants or where Council publishes in its business papers, tender prices and other details of the tender as may be required and permitted by law.

- (b) under compulsion of law or it is already public knowledge, or
- (c) with the written consent of Council

8. COLLUSIVE TENDERING

Any participation in or condoning of a collusive activity by a Tenderer shall lead to the immediate disqualification of the Tenderer or of all Tenderers involved. Any Tenderer involved may be barred from tendering for any further contracts with Council. A collusive activity includes but is not limited to:

- (a) any agreement as to who should be the successful Tenderer;
- (b) any meeting of Tenderers to discuss their tenders prior to the submission to Council, unless Council is present at that meeting(s);
- (c) any exchange of information between Tenderers about their tenders;
- (d) any agreement for the payment of money or a reward or benefit for unsuccessful Tenderers by the successful Tenderer;
- (e) any agreement or collaboration of Tenderers to fix prices, rates of payment of industry association fees or conditions of contract;
- (f) the submission of a "cover tender", being a tender submitted as genuine but which has been deliberately priced in order not to win the contract.

9. CANVASSING SUPPORT

A Tenderer shall not directly or indirectly, discuss the tender with an elected member of Council, or canvass support from an employee of Council, at any time. Any Tenderer involved in such activity will result in their tender being rejected.

10. LEVIES & TAXES

A Tender shall:

- (a) where applicable, make allowance for the payment of payroll tax.
- (b) if the project is building and construction related, make no allowance for any long service levy payable to the Long Service Payments Corporation.
- (c) provide the tenderer's ABN and documented evidence of its registration for GST.

11. SUBMISSION PROCEDURE

11.1 Requirements

A tender must be in writing and be **COMPLETE**. It must contain the documents, information and details required including all *Schedules* and a *Tenderer's Declaration* filled out and properly signed. It must be lodged in the Tender Box, unless otherwise specified in the *Information to Tenderers*.

11.2 Tender Box Lodgement

The tender shall be either:

- (a) uploaded via the electronic Tender Box at www.tenderlink.com/newcastle ; or

- (b) posted to the address of the Council shown in the tender document so that it is received not later than the deadline for the closing of tenders; or
- (c) placed in the physical Tender Box located at the address of the Council shown in the tender document not later than the deadline.

The tender shall be parceled and all its parts placed and delivered in a sealed envelope **clearly displaying the Contract Number and the project title**.

Council will only consider a late tender (received after the deadline) where the Tenderer is able to verify that the tender document was posted or lodged at a Post Office or other recognised delivery agency in sufficient time to enable the document to have been received by Council before the deadline in the ordinary course of business.

11.3 Tender Box Lodgement by Facsimile Machine

A tender may be transmitted to Council by facsimile machine. A tender may also be transmitted by other electronic means (see clause 11.2(a)) but **only if** that means of transmission is specified in the *Information to Tenderers*.

To maintain confidentiality, an authorised Council employee will place the tender in a sealed envelope and deposit it in the Tender Box.

Council will only consider a tender transmitted to it by these means if the transmission was received before the deadline for the closing of the tenders and is **COMPLETE**. Any delay or loss of data resulting from electronic equipment malfunction or unavailability is at the risk of the Tenderer.

11.4 Formal Confirmations

Where, in addition to a tender transmitted by facsimile machine, the Tenderer is required to submit a formal tender document, then Council is not obliged to consider the tender unless:

- (a) confirmation is shown that the formal tender documents and all other requisite essential information were posted or lodged at a Post Office or other recognised delivery agency before the deadline; and
- (b) those are received within such time as nominated in the *Information to Tenderers* lodgement method.

The original tender document shall be parceled and all its parts posted or lodged together in a sealed envelope **clearly displaying the Contract Number and the project title**. It shall be directed to the address of the Council shown in tender document.

12. OPENING OF TENDERS

Council will not open tenders until immediately after the closing time.

Where the contract value is greater than \$150,000:

1. the electronic Tender Box will be opened(downloaded) by a designated Council Officer in the presence of at least two persons appointed by the General Manager of Council.
2. the physical Tender Box will be opened by a designated Council Officer in the presence of at

least two persons appointed by the General Manager of Council. Any member of the public may attend this opening of tenders.

3. as soon as practicable after the tenders have been opened, the designated Council Officer must:
 - (a) prepare a tender list specifying, in alphabetical order, the names of the tenderers; and
 - (b) immediately display the list in a place where it can be readily seen by members of the public.

13. ASSESSMENT AND ACCEPTANCE

Tenders will be assessed against the assessment criteria shown in the tender document.

Once submitted, a tender may only be varied to provide further information by way of explanation or clarification or to correct a mistake or anomaly. Such variations shall not substantially alter the original tender.

Council will advise the successful Tenderer in writing by posting a "Notice of Acceptance of Tender" letter and/or a Purchase Order. For projects more than \$150,000, unsuccessful Tenderers will be advised in writing that their tenders have not been accepted.

In the event of acceptance of the tender, the "Notice of Acceptance of Tender", the Purchase Order, the "General Conditions of Contract" including "Annexures" to those conditions any "Special Conditions of Contract" (or "Preliminaries") and the "Specification" (including any drawings) and other documents including those submitted by the Tenderer will, until execution of a contract, constitute the only agreement between Council and the successful Tenderer.

14. NON-CONFORMING TENDERS

The Tenderer **MUST** submit a conforming tender.

If the Tenderer:

- (a) fails to properly complete the *Tenderer's Declaration* and all *Schedules*; or
- (b) includes terms and conditions which are contrary to the stated terms and conditions;

then at the discretion of Council, the tender shall be deemed to be non-conforming and will not be considered.

15. ALTERNATIVE PROPOSALS

Alternative proposals may be submitted in addition to a conforming tender. The alternative proposal must:

- (a) clearly set out the benefits of the proposal and how it differs from the conforming tender; and
- (b) not constitute a substantial variation but satisfy the basic commercial and performance objectives, technical and legal requirements.

16. PRE-TENDER MEETING

If nominated in the tender advertisement, a pre-tender meeting will be held on the date, at the time and place nominated. The Project Officer will be available at that time to answer any Tenderer's queries regarding the proposed contract. The meeting will be minuted and the minutes forwarded to all Tenderers and shall become part of the tender document.

If the meeting is designated as mandatory, a tenderer's failure to attend the meeting will result in its tender not being considered.

17. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

As required under the Local Government Act 1993, Council is committed to Ecologically Sustainable Development (ESD) which aims at purchasing goods and services with the most beneficial environmental impact and through the use of contractors and suppliers who have a demonstrable commitment to ESD.

A tender may be rejected if a Tenderer is involved, or was at any time in the preceding 12 months involved in an activity in such a manner which is contrary to the principles of ESD and the potential cost of rejecting the tender is considered by Council to be acceptable having regard to the wider public interest in balancing value for money against promoting the principles of ESD.

In this clause:

"**Tenderer**" means any of the following:

- (a) the person submitting the tender;
- (b) the person which will perform the contract if the tender is accepted;
- (c) a 'parent', 'child' or 'sibling' entity (within the meaning of the Corporations Law) of the person submitting the tender;
- (d) a 'parent', 'child' or 'sibling' entity (within the meaning of the Corporations Law) of the person which will perform the contract if the tender is accepted.

"**involved**" means carrying out or causing (i.e. contracting) an activity to be carried out, to a degree which Council considers to be significant.

"**activity**" means any of the following - uranium mining, the nuclear industry (including nuclear energy, nuclear waste or the production of nuclear weapons, but excluding nuclear medicine), wood-chipping of Australian native forests or harvesting of rain forest timbers.

18. INDUCTION TRAINING

Where directed, the successful Tenderer and any person engaged by it or its sub-contractors will be required to undergo any of the following induction's prior to commencing any work on any Council sites:

- (a) environmental induction training.
- (b) OHS&R induction training – general (Council).
- (c) OHS&R induction training – construction work (general, work activity & site specific as required).

19. LOCAL GOVERNMENT (GENERAL) REGULATION 2005

For a tender with an estimated value of over \$150,000, tenderers are strongly advised to read Part 7 of the *Local Government (General) Regulation 2005* before preparing a tender. Copies can be obtained from Council Libraries or from the Internet site – www.austlii.edu.au/au/legis/nsw/consol_reg/lgr2005328/.



Terms of Engagement for Consultants

(Edition 5; October 2008) ©

CONTENTS

- | | |
|------------------------------------|---------------------------------|
| 1. INTERPRETATIONS | 13. DELAYS & EXTENSIONS OF TIME |
| 2. GOVERNING LAW | 14. PAYMENT |
| 3. STATUTORY & OTHER REQUIREMENTS | 15. TERMINATION |
| 4. PRINCIPAL'S OBLIGATIONS | 16. CONFIDENTIALITY & PRIVACY |
| 5. RELATIONSHIP WITH THE PRINCIPAL | 17. INTELLECTUAL PROPERTY |
| 6. DIRECTIONS AND VARIATIONS | 18. INDEMNITY |
| 7. DISCREPANCIES IN INFORMATION | 19. INSURANCE |
| 8. SUBCONTRACTING OR ASSIGNMENT | 20. SAFETY MANAGEMENT |
| 9. CONFLICT OF INTEREST | 21. DISPUTES |
| 10. STANDARD OF CARE | 22. WAIVER |
| 11. PERSONNEL | 23. SURVIVING OBLIGATIONS |
| 12. REPORTS & INFORMATION | |

The Contracts Panel of the Hunter Region Organisation of Councils
in association with Gosford City Council

HUNTER COUNCILS TERMS OF ENGAGEMENT FOR CONSULTANTS

1. INTERPRETATION

1.1 In these Terms of Engagement for Consultants (**Conditions**) unless the context otherwise requires:

"Agreement" (or **"Contract"**) means the written agreement between the Principal and the Service Provider, dated, together with the documents referred there to in;

"Contract Sum" (or **"Service Fee"**) means the lump sum in Australian Dollars set out or calculated in accordance with service rates or expenses stated in the Contract Schedule - *'Schedule – Tender Price'*;

"Contract Term" means the initial term of the Agreement and any period for which the operation of the Agreement is extended;

"Day" means business day, that is not Saturday or Sunday or public holiday for the Principal's employees;

"Information" means all information, including documents or data however held, stored or recorded, drawings, plans, specifications, calculations, reports, models, concepts, source codes, files, computerised data, or photographic recordings, audio or audio visual recordings;

"Intellectual Property" includes all proprietary rights in relation to Information including copyright and neighbouring rights and all proprietary rights in relation to inventions (including patents) registered and unregistered trademarks (including service marks), registered designs, confidential information (including trade secrets and know how) and circuit layouts, and all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields as defined in *Article 2* of the *Convention Establishing the World Intellectual Property Organisation of July 1967*.

"Moral Rights" means rights of integrity of authorship, rights of attribution of authorship, rights not to have authorship falsely attributed, and rights of a similar nature conferred by statute that exist, or may come to exist, in the Agreement.

"Principal" means the Council;

"Principal's Representative" means the person appointed by the Principal for the management of the Agreement;

"Service" means the obligations to be performed by the Service Provider in accordance with the Agreement and includes, but is not limited to, the provision of professional services, the supply of any materials related to these services and all other things required to be carried out by the Agreement;

"Service Provider" (or **"Consultant"**) means the person bound to carry out and complete the Service and includes his executors, administrators, successors and permitted assigns of that party;

1.2 In these Conditions and any Agreement, unless a contrary intention appears, a reference to:

- (a) a person includes an individual, a corporation, partnership, joint venture, governments, local government authorities and agencies;
- (b) a Special Condition of Contract, Schedule or Annexure is a reference to a Special Condition of Contract, Schedule or Annexure to the Contract and each of them forms part of the Agreement;

(c) a party to the Agreement includes the executors, administrators, successors and permitted assigns of that party.

1.3 In these Conditions clause headings are for convenience of reference only and have no effect in limiting or extending the language of the provisions to which they refer.

1.4 If a party to the Agreement consists of more than one person, those persons shall be bound jointly and severally.

1.5 Except as provided at law or elsewhere in the Agreement, none of the terms of the Agreement shall be varied, waived, discharged or released except with the prior written consent of the Principal.

2. GOVERNING LAW

The Agreement shall be subject to and construed in accordance with the laws, Acts and other prescribed rules applying in the State of New South Wales.

3. STATUTORY & OTHER REQUIREMENTS

The Service Provider must comply with the requirements of all legislation of the Parliament of New South Wales and the Parliament of the Commonwealth of Australia, all relevant Australian Standards and with the lawful requirements of public and other authorities in any way affecting or applicable to the performance of its obligations.

4. PRINCIPAL'S OBLIGATIONS

The Principal, through the Principal's Representative must give to the Service Provider timely directions, instructions, decisions and information including any approvals the Principal is required to obtain. These directions, instructions, decision and information must be confirmed in writing.

5. RELATIONSHIP WITH PRINCIPAL

The Service Provider must not act outside the scope of the authority conferred on it by this Agreement.

The Service Provider must take upon itself the whole risk of performing its obligations under the Agreement. The Service Provider must also comply with every and all reasonable and lawful direction of the Principal's Representative.

The Service Provider must use all reasonable efforts to inform itself of the requirements of the Principal and must regularly liaise with the Principal's Representative on progress and outcomes during the term of the Agreement.

The Service Provider, shall have the status of an independent contractor and is not an employee of the Principal. The Service Provider shall not be entitled to any benefits that might apply to an employee of the Principal and shall be responsible for any legal entitlements relating to worker's compensation, payroll tax and superannuation.

6. DIRECTIONS & VARIATIONS

Unless otherwise provided, any notice to be given may be given by hand, facsimile, e-mail, or by pre-paid post addressed to the Principal or Service Provider at its stated address.

The Principal may, by written notice, direct the Service Provider to vary the Service. Any variation in the fee payable to the Service Provider as a consequence of a direction issued under this Clause shall be agreed between the Principal and the Service Provider.

Unless otherwise agreed, the value of a variation shall be determined using the service rates and expenses which form the basis of the Contract Sum. If the Contract Sum is a lump sum, then reasonable rates and expenses shall apply.

7. DISCREPANCIES IN INFORMATION

The Service Provider must as soon as practicable give written notice to the Principal's Representative if information and particulars made available to it are inadequate or contain errors.

8. SUB-CONTRACTING OR ASSIGNMENT

The Service Provider must not without the prior written approval of the Principal's Representative subcontract or assign any performance of rights or obligations under the Agreement. In giving approval the Principal may impose such terms and conditions as deemed necessary.

9. CONFLICT OF INTEREST

The Service Provider warrants that it does not hold any office or possess any property, is not engaged in any business, trade or calling and does not have any obligations by virtue of any contract or any family relationship whereby, directly or indirectly, duties or interests are or might be created in conflict with or might appear to be created in conflict with its duties and interests under this Agreement.

The Service Provider must inform the Principal of any matter which may give rise to an actual or potential conflict of interest at any time during the term or the duration and any extension beyond the term of the Agreement and the Principal may regard a conflict of interest as a breach of a fundamental term of the Agreement and may elect to terminate the Agreement

10. STANDARD OF CARE

The Service Provider must perform all its obligations required by the Agreement in a diligent manner and to the standard of skill and care expected of a competent Service Provider.

The Principal reserves the right to qualify or not accept any conclusions or recommendations made by the Service Provider under this Agreement.

11. PERSONNEL

The Service Provider warrants that all personnel engaged by it are appropriately qualified, competent and experienced in the provision of the type of activities connected with the Agreement.

The Service Provider shall reasonably ensure that the personnel nominated in '*Schedule – Management & Staff Resources*' are engaged throughout the entire period of the Agreement.

The Principal may direct the Service Provider to immediately and permanently remove from any activity connected with the Agreement any person who in the opinion of the Principal's Representative is incompetent, negligent or otherwise unacceptable.

12. REPORTS & INFORMATION

The Service Provider must provide the Principal's Representative with written reports or information on any aspects of the Agreement when requested.

Any Information that is produced or reproduced in an electronic format, the consultant must deliver it to the Principal in a format approved by the Principal.

13. DELAYS & EXTENSION OF TIME

The Service Provider shall proceed with the work under the Agreement with due expedition and without delay. When it becomes evident to a party that anything, including an act or omission by another party, may delay carrying out the Service, that party shall notify the other party as soon as practical in writing with details of the possible delay and the cause.

If the Service Provider is or will be delayed in carrying out the Service by a cause beyond the reasonable control of the Service Provider, the time for carrying out the Service shall be extended by the extent of the delay.

The Principal may, at any time, by written notice to the Service Provider extend the time for carrying out the Service for any reason.

Nothing in this Clause shall:

- (a) oblige the Principal to pay extra costs for delay or disruption which have already been included in the value of a variation or any other payment under the Agreement; or
- (b) limit the Principal's liability for damages for breach of the Agreement.

14. PAYMENT

14.1 Costs, Fees and Expenses

The Contract Sum (or Service Fee) is inclusive of all expenses of the Service Provider, including fees, disbursements, provisional sums and taxes, all of which shall be paid by the Service Provider. Unless otherwise provided, no payment will be made for travelling in relation to the Service.

Fees and expenses shall not be subject to price variation (rise & fall) unless otherwise provided in the Agreement.

14.2 Claims for Payment

The Service Provider must provide the Principal's Representative with a payment claim in the form of a valid tax invoice or adjustment note, in respect of the Service performed and accepted.

If the Service Provider fails to provide an ABN on any tax invoice or adjustment note, the Principal may be required to withhold from the payment an amount of tax calculated in accordance with the relevant taxation act or regulation.

14.3 Time for Payment

The Principal shall pay to the Service Provider the invoiced amount within 25 Days of the receipt of a payment claim if the claim is certified by the Principal's Representative as being correct.

14.4 Disputed Claims

If the Principal's Representative disputes the payment claim amount, the amount the Principal's Representative believes is due for payment shall be paid by the Principal and the liability for payment of the balance of the amount shall be determined in accordance with the provisions of the Agreement.

14.5 Payments on Account

Any payment is not evidence of any value or an admission of liability or that the Service is satisfactory but is a payment on account only; nor shall it amount to a waiver of any right or action, which the Principal may have at any time against the Service Provider.

15. TERMINATION

15.1 Termination by the Principal – Default of the Service Provider

Without prejudice to any other rights, the Principal reserves the right to terminate the Agreement

- (a) if the Service Provider commits a substantial breach of the Agreement, including:
 - (i) failure to carry out the Agreement at all, or within the time specified, or at a reasonable quality.
 - (ii) failure to carry out a reasonable direction of the Principal's Representative
- (b) if the Service Provider becomes bankrupt or makes any arrangements with its creditors or being a Company which goes into liquidation or has a receiver or administrator appointed.

The Principal's Representative must in writing specify the breach and ask the Service Provider to give reasons why the Principal should not take further action. The Service Provider must respond within 5 Days of receiving the notice and if it fails to respond, the Principal's Representative may immediately refuse acceptance of the Service, decline to accept any further Service, take over the uncompleted Service, suspend payments due and have the Agreement completed by others; or immediately terminate the Agreement in writing by itself or through the Principal's Representative

Termination by the Principal will not release the Service Provider from liability in respect of any obligation relating to this Agreement. Any shortfall in costs whatsoever shall be a debt due from the Service Provider to the Principal.

15.2 Termination – Frustration, Convenience

The Agreement may be terminated at any time by mutual agreement or if, under the law governing the Agreement, the Agreement is frustrated. Furthermore the Principal may, for its convenience and without the need to give reasons, also terminate the Agreement at any time. In which ever case, the Principal must give a written notice to the Service Provider. The Service Provider must, on receipt of such notice, immediately cease all activities under the Agreement and take all appropriate action to mitigate any loss or prevent further costs being incurred. The Principal must pay the reasonable fees and expenses of the Service Provider for the extent of the Service performed based upon agreed service rates to the earlier of:

- (a) the date of cessation; or
- (b) the date that the Service Provider was required to cease work.

In no circumstances must the Contract Sum payable for the terminated Service include any loss of prospective profits or exceed the Contract Sum that would have been paid had the Agreement been completed.

15.3 Termination by the Service Provider

If the Principal fails to:

- (a) pay the Service Provider in accordance with this Agreement; or
- (b) issue instructions required.

The Service Provider must in writing specify the breach and ask the Principal to give reasons why the Service Provider should not take further action. The Principal must respond within 5 Days of receiving the notice and if it fails to respond the Service Provider may terminate the Agreement.

16. CONFIDENTIALITY & PRIVACY

The Service Provider its employees, agents, directors, partners, shareholders or consultants must not disclose to any third party, any Information including by way of media interviews or releases relating to the Principal or the affairs of others which may have come to its or their knowledge as a result of the Agreement.

The Service Provider shall not issue any Information, publication, document or article for publication concerning any aspect of the Agreement in any media without prior approval of the Principal, which approval shall not be unreasonably withheld. The Service Provider shall refer to the Principal any enquiries concerning any aspect of the Agreement from any media.

The Service Provider agrees to comply with the provisions of the Privacy & Personal Information Protection Act 1998, as if it were included in the definition of 'public sector agency' under that Act, the Privacy Code of Practice for Local Government and the Principal's Privacy Management Plan.

17. INTELLECTUAL PROPERTY

The Service Provider warrants that it is entitled to use any Intellectual Property which may be used by it in connection with this Agreement. The Service Provider indemnifies and must at all times keep the Principal indemnified against any action, claim, suit or demand, including a claim, suit or demand for or liability to pay compensation or damages and costs or expenses arising out of or in respect of any breach of any third party's Intellectual Property rights relating to the scope of activities under the Agreement.

The Service Provider grants to the Principal a non-exclusive licence to use the Service Provider's Intellectual Property rights in relation to the Service and must execute an agreement giving effect to this sub-clause if requested by the Principal's Representative.

The ownership of all Intellectual Property in all Information created under this Agreement shall vest with the Principal. The Service Provider must assign ownership of all Intellectual Property rights to the Principal and will ensure that its employees, subcontractors and agents execute all documents necessary to assign such rights to the Principal.

To the extent permitted by law, if the Service Provider is the owner of the Moral Rights in the Intellectual Property referred to in this clause, the Service Provider unconditionally and irrevocably:

- (a) Consents to any act or omission that would otherwise infringe its Moral Rights in that Intellectual Property, including any act or omission that may have taken place before this consent,
- (b) Waives all of its Moral Rights in that Intellectual Property,

for the benefit of the Principal, its licensees, successors in title and anyone authorised by any of them to do acts permitted under the terms of this Agreement.

18. INDEMNITY

The Service Provider indemnifies the Principal, its servants and agents from and against all actions, claims, losses, damages, penalties, demands or costs whatsoever which may be brought or made against it or them by any person in respect of or by reason of or arising out of the performance by the Service Provider of the Agreement including:

- (a) any negligence, wrongful act or omission of the Service Provider or of any other persons for whose acts or

omissions the Service Provider is liable; and/or

- (b) death or injury to any person or loss of or damage to any property; and/or
- (c) any breach of a third party's Intellectual Property Rights; and/or
- (d) any breach of the Agreement by the Service Provider; and/or
- (e) any action, claim or demand from liability brought against the Principal in connection with a breach by the Service Provider of the OH&S Act and associated legislation (so far as it is permissible at law).

The Service Provider's liability to indemnify the Principal is reduced proportionally to the extent that an action or omission of the Principal or employees or agents (other than the Service Provider) of the Principal may have contributed to the injury, damage or loss.

19. INSURANCE

Before commencing the Agreement, the Service Provider must effect and maintain the insurance policies nominated in the "*Schedule – Insurances*". The Service Provider must ensure that all sub-consultants are similarly insured. The Principal's Representative may at any time require proof that these insurances have been effected and are being maintained.

The Service Provider must keep current during the contract term, policies of insurances stated in the *Schedule – Insurances*.

- (a) public liability - in respect of any one occurrence, \$10,000,000 but unlimited in the aggregate;
- (b) Accident insurance - Complying with the *Workers Compensation Act 1987*. Alternatively, where the Service Provider has no employees, insurance for personal accident and illness providing:
 - (i) Weekly benefits of at least 75% of weekly income;
 - (ii) Death benefits of at least \$250,000;
 - (iii) Minimum benefit period of 24 months.
- (c) professional indemnity insurance - a limit for any one claim of \$10,000,000 unless otherwise stated by the Principal.

20. SAFETY MANAGEMENT

The Service Provider must comply with the current OH&S legislation and the Principal's Site safety requirements.

If the Service involves any Site work or the use of major equipment, then the Principal's Safety Management requirements shall apply.

21. DISPUTES

In the event of any dispute arising between the Principal and the Service Provider that can not be resolved by negotiation, the Principal shall nominate a formal dispute resolution process to be followed by the parties.

The Service Provider must continue to perform its obligations under the Agreement notwithstanding the existence of a dispute.

22. WAIVER

A waiver by either party in respect of any breach of a condition or provision of this Agreement shall not be deemed to be a waiver in respect of any continuing or subsequent breach of that provision, or breach of any other provision. The failure of either party to enforce at any time any of the provisions of this Agreement shall in no way be interpreted as a waiver of such provision.

23. SURVIVING OBLIGATIONS

The obligations of the Service Provider under the Clauses on *Confidentiality & Privacy, Intellectual Property, Indemnity and Insurance* shall be of a continuing nature and shall survive the termination or expiration of this Agreement.

SPECIAL CONDITION OF CONTRACT

SC 2 – WORKERS COMPENSATION, PAY-ROLL TAX & REMUNERATION

1. INTERPRETATION

In these Special Conditions of Contract unless the context otherwise requires:

“Written Statement” means a form prepared for the purpose of section 175B of the *Workers Compensation Act 1987*, Schedule 2 Part 5 section 18 of the *Pay-roll Tax Act 1971* and section 127 of the *Industrial Relations Act 1996*.

2. GENERAL

The Service Provider is to provide Written Statement(s) to the Principal for the purpose of relieving the Principal of liability for workers compensation premiums, pay-roll tax and remuneration payable by the Service Provider.

3. DECLARATIONS

When requested by the Principal, the Service Provider shall give the Principal's Representative a Written Statement in the form set out by the Principal.

A representative of the Service Provider who is in a position to know the facts and has the authority to attest to those facts on behalf of the Service Provider must declare in the Written Statement that:

- (a) The Service Provider has paid all worker's compensation insurance premiums payable in connection with this Agreement;
- (b) The Service Provider has paid all pay-roll tax due in respect of its employees for work done under this Agreement during the Contract Term;
- (c) All wages and allowances owing to any of its employees have been paid;
- (d) All amounts due to any party to which it has subcontracted any of its rights and obligations under this Agreement have been paid;

(e) All payments in respect of its plant and equipment have been made;

(f) It has received a Written Statement from each of its subcontractors (if any) in relation to this Agreement.

4. PAYMENT

No payment will become due to the Service Provider before the expiration of 7 Days from the date the Service Provider gives the Principal's Representative the Written Statement.

If the Service Provider fails to give the Principal a Written Statement, the Principal may withhold payment to the Service Provider until the Written Statement is provided.

If any moneys are shown as unpaid in the Written Statement, the Principal may withhold payment to the Service Provider of the moneys so shown.

5. PAYMENTS TO SUBCONTRACTOR OR SUPPLIER

At the request of the Service Provider and out of moneys due and payable to the Service Provider, the Principal may, on behalf of the Service Provider, make payments directly to a worker, subcontractor or supplier.

If a worker, subcontractor or supplier obtains a court order in respect of moneys payable to them in respect of their employment or materials supplied or work performed under the Agreement, and produces the court order and a statutory declaration that it remains unpaid, the Principal may pay the amount of the order and costs included in the order to the worker, subcontractor or supplier, and the amount paid shall be a debt due from the Service Provider to the Principal.

After the making of a winding up order in respect of the Service Provider, the Principal shall not make any payment to a worker, subcontractor or supplier without the concurrence of the liquidator.

Figure: Form of Written Statement

SUBCONTRACTOR'S STATEMENT REGARDING WORKERS COMPENSATION, PAY-ROLL TAX AND REMUNERATION (Note 1)

Workers Compensation s175B Workers Compensation Act 1987
 Pay-roll tax Part 5B s31G-31J Pay-roll Tax Act 1971
 Remuneration ss127, 127A Industrial Relations Act 1996

Sub Contractor: _____ ABN: _____
(Business name)

of _____
(Address of subcontractor)

has entered into a contract with _____ (Note 2)
(Business name of principal contractor)

ABN: _____ For work between: ____/____/____ and ____/____/____ (Note 3)
Date Date

and/or Payment Claim Details: _____ (Note 4)

Nature of contract work: _____ (Note 5)

DECLARATION

I, _____ a Director of / a person authorised by the subcontractor on whose behalf this declaration is made, hereby state that the abovementioned subcontractor:

is either

A sole trader or partnership without workers or subcontractors (Note 6).
 OR

Has and will maintain in force valid workers compensation insurance, policy _____ (Policy Number)
 held with _____ (Insurance Company), as indicated on the attached Certificate of Currency dated _____, in respect of work done in connection with the contract, during any period of the contract and has paid all workers compensation insurance premiums payable in connection with the contract (Note 7).

Is Is not also a principal contractor in connection with the work under contract (Note 8).

Has Has not been given a written statement by subcontractors in connection with the work.

Is Is not required to be registered as an employer under the *Pay-roll Tax Act 1971* (Pay-roll tax client No.)

Has paid all pay-roll tax due in respect of employees who performed the work for the principal contractor, as required at the date of this statement (Note 9).

Has paid all remuneration payable to relevant employees, for work done under the contract during the period outlined above (Note 10).

Signature _____ Full Name _____ (please print)

Position/Title _____ Dated _____

WARNING

- Any subcontractor, who knowingly provides a principal contractor with a written statement that is false, is guilty of an offence (Maximum penalty 100 units or \$11,000).
- Any written statement will not relieve the principal contractor of liability if, at the time the written statement was provided, the principal contractor believed the written statement to be false.
- The principal contractor must retain a copy of any written statement for a period of not less than five years (Pay-roll tax), six years (Remuneration) or seven years (Workers compensation).
- This statement must be accompanied by the relevant Certificate of Currency to comply with section 175B of the *Workers Compensation Act 1987*

SPECIAL CONDITION OF CONTRACT

SC 4 - DISPUTE RESOLUTION

Interpretations

For the purposes of construing this Special Condition of Contract under the Agreement, unless the context otherwise requires:

"*Expert*" means the independent person appointed by the parties to determine a dispute.

NOTE: Before either party may proceed to litigation it shall be a condition precedent that:

1. NOTIFICATIONS

If either party is dissatisfied with an act or omission of the other party in connection with the Agreement, including assessment of a claim, failure to agree, or an instruction, that party is to notify the Principal's Representative and the other party in writing of a dispute within 10 Days of the act or omission. The notifying party is to provide particulars, including the factual and legal basis of any claimed entitlement. If a party gives notice of a dispute but not within the time provided by this Clause, then it is not entitled to interest for the period before the party gave notice.

2. INITIAL MEETING

Within 5 Days of the giving of the notice, the Service Provider and Principal's Representative are to meet to attempt to resolve the dispute.

3. APPOINTMENT OF THE EXPERT

If the dispute is not resolved within 10 Days after the notice providing particulars of the dispute, the parties are to appoint an independent Expert. If the parties fail to agree upon an Expert, either may request the Chief Executive Officer of the Australian Commercial Disputes Centre Ltd Sydney to nominate an Expert. If there is no Chief Executive Officer or the Chief Executive Officer fails to make a nomination within a reasonable time, the Principal is to nominate an Expert.

The person nominating the Expert is not to nominate:

- (a) an employee of the Principal or Service Provider;
- (b) a person who has been connected with the Agreement; or
- (c) a person upon whose appointment the Principal and the Service Provider have previously failed to agree.

When the person to be the Expert has been agreed on or nominated, the Principal, on behalf of both parties is to appoint the expert in writing, with a copy to the Service Provider, setting out:

- (i) the dispute being referred to the Expert for a decision;
- (ii) the Expert's fees;
- (iii) the procedures detailed in this Clause; and
- (iv) any other matters which are relevant to the engagement.

4. SHARING COSTS

The Principal and the Service Provider are to share equally the Expert's fees and out-of-pocket expenses, including security deposit if required. Each party is to otherwise bear their own costs and share equally any other costs of the process.

5. WRITTEN SUBMISSIONS

Each party is to make written submissions to the Expert and provide a copy to the other party as follows:

- (a) Within 5 Days after the appointment of the Expert, the notifying party is to submit details of the claimed act or omission.

- (b) Within 10 Days after receiving a copy of that submission, the other party is to submit a written response. That response can include cross-claims.

6. EXPERT'S DETERMINATION

The Expert is to decide whether the claimed event, act or omission did occur and, if so:

- (a) when it occurred,
- (b) what term of the Agreement or other obligation in law, if any, requires the other party to pay the claimant money in respect of it, and
- (c) the merits in law of any defence or cross-claim raised by the other party.

The Expert then decides the amount, if any, which one party is legally bound to pay the other on account of the event, act or omission.

The Expert is also to decide any other questions required by the parties, as set out in the dispute referred to the Expert at Clause 5.

7. EXPERT'S CONSTRAINTS

In making the decision, the Expert acts as an expert and not as an arbitrator and is:

- (a) not liable for acts, omissions or negligence;
- (b) to make the decision on the basis of the written submissions from the parties and without formalities such as a hearing;
- (c) required within 30 Days of appointment to give the decision in writing, with brief reasons, to each party; and
- (d) bound by the rules of natural justice.

8. DECISION BINDING

Unless a party has a right to commence arbitration under this Special Condition:

- (a) The parties are to treat each determination of the Expert as final and binding and give effect to it.
- (b) If the Expert decides that one party owes the other party money, that party is to pay the money within 10 Days of the receiving the decision of the Expert.

9. ARBITRATION

If the Expert decides that one party is to pay the other an amount exceeding \$100,000 (calculating the amount without including interest on it), and within 10 Days of receiving the decision of the Expert, either party gives notice in writing to the other that the party is dissatisfied, the decision is of no effect and either party may then commence arbitration administered by the Australian Commercial Disputes Centre Ltd Sydney. The arbitration shall be conducted and held in accordance with and subject to the *Commercial Arbitration Act, 1984 (NSW)* and the Rules of the Institution of Arbitrators Australia for the conduct of commercial arbitration. The Arbitrator will be the person agreed to by the parties or, if they cannot agree, appointed by the Chief Executive Officer of the Centre.



BRIEF - PREPARATION OF CITY OF NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN REVIEW

Contract No. 2012/220Q

The City of Newcastle is seeking to engage a suitably qualified Service Provider to prepare a review of the Newcastle Archaeological Management Plan 1997. The project is jointly funded by the City of Newcastle, the NSW Office of Environment and Heritage, and Ausgrid.

1. PROJECT PURPOSE

The purpose of the project is as follows:

1. Update the Newcastle Archaeological Management Plan 1997, including an updated heritage planning and procedural framework, management strategy and inventory of potential archaeological sites.
2. Assess the archaeological potential and heritage significance of sites not included in the NAMP 1997 – streets, roads, parks and reserves (study area shown in Attachment 1).
3. Provide Mapinfo data sets of the location of potential archaeological features in inner Newcastle in sufficient detail to inform development and infrastructure planning.
4. Produce a list of potential archaeological sites and statements of significance in SHI format, and make recommendations concerning the possible heritage listing of potential sites.

The project purposes shall form part of the deliverables to be performed by the Service Provider.

2. BACKGROUND

The Newcastle Archaeological Management Plan was prepared in 1997 by Suters Architects in association with Siobhan Lavelle, C & M J Doring and Dr John Turner. The plan was adopted by Council in 1997 as the management strategy for archaeology in the

City of Newcastle. The Plan included land in inner Newcastle, but did not address archaeological resources in the public domain. The risk of disturbing relics within the public realm, such as in roads and footways, therefore remains high.

Under the Local Government Act 1993, Council has a statutory responsibility to deliver infrastructure and services to ratepayers. This includes the provision of roads, drainage, stormwater, and other infrastructure. Council also has a key role in land use planning and regulation.

Ausgrid (formerly Energy Australia) is obliged to provide customer supply and maintain the electricity network to a minimum level of service under the Electricity Supply Act 1995 and associated operating licence. This includes the provision of substations and high and low voltage power lines, both overhead and underground.

The delivery, on-going management and maintenance of services by Council and Ausgrid frequently involves excavation of land and disturbance to roads, streets and footways. In order that Council and Ausgrid can continue to provide services to the community in a timely and cost effective manner and comply with section 140 of the NSW Heritage Act, an updated comprehensive Archaeological Management Plan that covers roads and streets, is required.

3. PROJECT OBJECTIVES

The objective of this project is to minimise risk by identifying the suspected location of concealed archaeological features; and to outline a management framework to support activities and developments where suspected or potential archaeological features may be affected.

4. STUDY AREA

The study area generally aligns with the original 1997 study area – Newcastle City Centre, Newcastle East, Newcastle West, parts of Cooks Hill, Wickham and The Hill. A map of the study area is included below and in Attachment 1.

The study area is the oldest settled area of Newcastle, comprising most of the Newcastle City Centre. The City Centre itself is currently undergoing change under the City Centre Revitalisation Plan. The Department of Planning and Infrastructure has prepared an Urban Renewal SEPP for the City Centre and this is being implemented through various projects over the coming years.

5. PROJECT SCOPE

This section should be read in conjunction with the NSW Heritage Branch's *Model Consultant's Brief for the preparation of an AMP and Attachment 2: Summary table: AMP project scope, stages and processes*.

The project focuses on historical archaeological sites within the identified study area.

The following items must be supplied:

- Update to Newcastle Archaeological Management Plan 1997 including reviewing and updating the following sections:
 - Introduction
 - Historic Overview
 - Field Survey

- Inventory
 - Statement of Significance
 - Planning and heritage management framework
 - Research Design
 - Management Strategy
- Revised inventory of predicted archaeological material which must also cover roads, streets, parks, and reserves within the study area. The inventory sites are to be presented as a GIS map layer, including the identification of an appropriate curtilage. (see Spatial Specification requirements Section 10).
 - Recommendations for listing of potential archaeological sites in the Local Environmental Plan. This should assess the heritage significance of sites and is to be presented in State Heritage Inventory (SHI database) format. Levels of heritage significance (local or state) are required.
 - Procedures and protocols to enable Council, Ausgrid or other agency to comply with the NSW Heritage Act 1977, sufficient to inform all stages of project planning and delivery. The planning and heritage management framework is to provide guidance on the relevant legislation, including a process flow chart, approvals and planning pathways.

6. BACKGROUND MATERIALS

A list of reference documents will be provided to the consultant for the project. The list is reproduced in Attachment 3.

7. CONSULTANT TEAM

In this Brief a reference to the Service Provider has the meaning stated in clause 1 Interpretations of the Hunter Councils Terms of Engagement for Consultants.

The Service Provider shall use the persons nominated in the Schedule – Consultancy Team.

In the event that a nominated member of the consultant team becomes unavailable to participate in the project during the project period then the Service Provider shall provide a replacement team member with similar qualifications and experience at its expense and to the satisfaction of the Principal.

Where a member of the Consultant Team is a contractor (sub consultant) to the Service Provider then any such sub contracting shall not relieve the Service Provider from any liability or obligation under the contract, and, the Service Provider shall ensure that the sub contractor complies with the provisions of the contract to the extent necessary for the sub contractors' performance or obligations, including (but not limited to) conflicts of interest, intellectual property rights, insurances and indemnity.

8. TIMETABLE

The Service Provider and the Principal shall convene a project inception meeting at the Principal's premises within approximately two (2) weeks from the date of the commencement of the contract.

The project inception meeting shall include the Principal's representative and members of the Principal's Project Control Group and the key persons from the Service Provider's Consultancy Team.

The parties shall, amongst other things, agree on a detailed project timetable which includes prioritising project tasks / milestones and the dates or timelines for the tasks / milestones.

The agreed Project Timetable shall form part of the contract documents. The Project Timetable shall include the payment times and payment amounts.

9. COMMUNICATION

A project control group (PCG) has been established consisting of Council staff from Infrastructure Management Services, Geographic Information Services, Strategic Planning and Development and Building Services, and representatives from Ausgrid's infrastructure and environmental services team. The Principal will provide feedback from the PCG to the Service Provider as required.

The Service Provider shall allow for and attend a project inception meeting with Council staff within approximately two weeks of engagement. The meeting will be held at the Council's Administration Building in Newcastle. The Service Provider shall allow for a minimum of three additional meetings to be held at Council during the course of the project.

The Service Provider shall not be limited to attendance at PCG meetings or feedback from PCG meetings and shall regularly liaise with the Principal on the project tasks, matters arising from the project and the progress of the project and such consultation shall be deemed to be allowed for in the contract sum.

The Service Provider shall not be entitled to claim for attendance at further meetings or communication (including time and expenses) unless it has the prior written approval of the Principal's Representative.

10. SPATIAL SPECIFICATION

The Service Provider shall supply all developed & finalised datasets as:

GIS System:	Pitney Bowes MapInfo Professional V10.5 (file type .tab)
CAD:	Bentley Microstation V8i (file type .dgn)
Raster Images:	ECW, JPG, TIFF
DataBase:	MS SQL 2005, MS Excel 97-2003, CSV
Display:	PDF
Publishing:	Adobe InDesign CS5 (file type .indd)

Projection:	MGA Zone 56 (GDA94)
Elevation:	Australian Height Datum

Newcastle City Council to provide base datasets as:

GIS System:	Pitney Bowes MapInfo Professional V10.5 (file type .tab)
CAD:	Bentley Microstation V8i (file type .dgn)
Raster Images:	ECW, JPG, TIFF
DataBase:	MS SQL 2005, MS Excel 97-2003, CSV
Display:	PDF

Projection:	MGA Zone 56 (GDA94)
Elevation:	Australian Height Datum

Note: There will be a data translation fee associated with any request for data to be delivered or supplied in any other format than described above. A data translation quote

will be provided for any written enquiry, prior to any work proceeding on data supply or receipt.

11. CONSULTATION AND TRAINING

The Service Provider shall allow for attendance at the following three workshops in Newcastle to facilitate the AMP preparation.

The Principal shall arrange the meetings and venues with the stakeholders listed below:

1. Internal Stakeholder Workshop

- Manager Development and Building Services
- Manager Strategic Planning Services
- Manager Infrastructure Management Services
- Senior Strategist Public Domain
- Environment Officer, Ausgrid

2. External Stakeholder Workshop

- Hunter Development Corporation
- Newcastle City Centre committee (Business Advisory group)
- Ausgrid
- Hunter Water Corporation
- Newcastle Port Corporation
- Jemena
- Mine Subsidence Board
- National Trust of Australia (NSW) Hunter Regional Committee
- Newcastle and Hunter District Historical Society
- Australian Institute of Architects Hunter Chapter
- Engineers Australia Heritage Committee, Hunter Chapter
- Coal River Working Party
- Heritage Branch, OEH
- Department of Planning and Infrastructure

3. Final Workshop

- A final workshop and presentation of the plan to an internal stakeholder group.

It is not anticipated that the Service Provider shall provide training regarding the use or application of the plan. Should a need arise during the Public exhibition period a fee proposal shall be sought from the Service Provider to provide training.

12. TIMING AND SUBMISSION OF REPORTS

The project is to be completed in accordance with the following timetable unless otherwise agreed to under clause 8 of this Brief.

TASK	COMPLETION
Inception meeting	Approximately two (2) weeks from award of contract
Progress meeting and initial findings	Three (3) months from award of contract

Progress meeting	Four (4) months from award of contract
Progress meeting - submission of first draft	Five (5) months from award of contract
Submission of final draft Archaeological management plan	Four weeks after receiving one set of comments from the Principal on the draft report

The Service Provider shall provide to the Principal the following reports;

- o two hard copies of the Draft AMP Plan, and
- o one editable electronic copy of the Draft AMP Plan, and
- o three bound copies of the Final Plan, and
- o one unbound copy of the Final Plan, and
- o one editable electronic copy of the Final Plan.

The Final Plan will be reported to council and placed on public exhibition. In the event that further changes are required to the Final Plan the Principal may engage the Service Provider to amend the Final Plan. Any requested amendments are to be performed at the tendered hourly rates.

13. PAYMENTS

The Principal shall pay the Service Provider the Contract Sum in accordance with the terms of the contract.

The Contract Sum comprises the tasks stated in the Schedule – Tender Price and the amounts tendered for each task.

The Contract Sum shall be deemed to include all the Service Provider's costs, expenses and charges incurred by the Service Provider in its performance of the services and observance of its obligations under the Agreement.

The Contract Sum shall be payable by instalments and shall be paid in arrears based on the satisfactory completion of tasks outlined in the Project Timetable.

14. PRINCIPAL'S REPRESENTATIVE

The Principal's representatives for this Agreement is:

Sarah Cameron
Heritage Strategist
Strategic Planning Services
Telephone: 4974 2785
Email: scameron@ncc.nsw.gov.au

15. ATTACHMENTS:

1. Study area location plan
2. Summary table: AMP stages and processes
3. Background reference materials
4. Terms of Engagement for Consultancy
5. Historical Overview
6. Archaeological Assessment Guidelines 2006
7. Guidelines for the Preparation of Archaeological Management Plans

Attachment 1:

Study Area



Attachment 2:

Summary table: AMP project scope, stages and processes

Note: This summary table outlined the project scope, stages and processes for the preparation of a comprehensive AMP. Not all stages and tasks will be required for this review.

VOLUME 1

Introduction

Volume Identification
Background
Study Area Location
Study Aims
Project Constraints
Project Participants, Author Identification
Acknowledgements
AMP Use Guide
Statement of Benefits

Plan Structure & Format

Record of Project Process

Stage 1

Legislative Framework

Relevant Statutory & Planning Controls

Details

Undertaken to

Data Collection & Review

Borehole Data
Previous reports & studies
Existing Databases & Inventories

Develop an account of the study area resource

Study Area History

Primary sources
Secondary sources
Previous reports & studies

Develop an area history to assist identification of relevant research framework enquiries

Previous Study Area Archaeology

Previous reports & studies

Analyse physical condition, research potential, results & interpretation from previously investigated sites to inform the Research Agenda Framework

Stage 2		
Physical Assessment	Borehole Data Previous reports & studies Geomorphology Geology Soil	Analyse study area landform evolution to develop stratigraphic chronosequences, describe influence of topographic features on human activity & settlement patterns, & inform research questions
Character of the Resource	Synthesises physical assessment, historical research and previous studies	Develop a character profile of the study area and quantitative data about the surviving resource
Stage 3		
Research Framework	Heritage Study themes Previous archaeological work Historic Phases Land use & development	Guide archaeological investigations and produce maximum research benefit from the resource for the community
Cultural Significance Assessment	General Area Statement & Discussion Individual site assessments in each AMA database entry	Identify the cultural significance of the study area
Management Strategy	Recommended Investigation Actions Interpretation Strategy Maintenance of AMP Elements	Identify archaeological site requirements, methods to interpret & disseminate investigation results & upkeep and review processes
Policy Implementation Strategy	Statutory Requirements	Integrate archaeological management requirements into planning policy
Issues for Consideration	Further research required Obligations of owners/developers/local council/archaeologist	
Bibliography		
Report Terminology	Glossary	
Central Research Archive	Relevant generated documentation	Create extensive, publicly accessible centralised research source

Appendices

Project Brief
Accepted Proposal
List of Potential Sites
Relevant Brochures/LGA
Website text
Glossary of AMP
terminology

VOLUME 2

Stage 4 (optional, subject to available funding)

<i>GIS/Maps</i>	Study Area Boundary	Infrastructure & Below-Street Features
	Physical Condition of Archaeological Resource	Depth of Deposit across study area
	Bore Log Locations & Previous Excavations	Historic Maps & Aerial Photos
	Descriptive	Sites According to Historic Phases
	Geology/Geomorphology/Soils	Significance of Sites
	Landscape Development	Research Potential
	Properties With Basements & their depth	Indicative Arch Requirements
		Identified Heritage Items

VOLUME 3

CD-ROM GIS: relational AMA database and maps

Attachment 3:

Background reference materials

The following is a list of documents that will be provided to the consultant at the beginning of the contract.

- Newcastle Archaeological Management Plan 1997, Vols1-3
- Newcastle City Wide Heritage Study 1997, Vols 1-4
- Newcastle Development Control Plan 2011 (draft)
- Urban Design Guidelines for Inner Newcastle 1988
- Newcastle Waterfront Heritage Survey, C & MJ Doring, 1991 (revised 2010)
- Newcastle CBD 33kV/11kV Substation, Umwelt 2004
- Ausgrid (formerly Energy Australia) S170 Register.

It will be expected that these documents will be consulted in the preparation of the plan:

- The Burra Charter and Guidelines
- Historical Archaeological Sites: Investigation and Conservation Guidelines, Department of Planning, Sydney, 1993
- Archaeological Assessment Guidelines, 1996, Heritage Branch
- Assessing Heritage Significance, 2001, Heritage Council NSW
- Historical Archaeology Code of Practice, revised edition, 2007, NSW Heritage Branch
- Guidelines for the preparation of Archaeological Management Plans, 2009, Heritage Branch
- Assessing Significance for Historical Archaeological Sites and 'Relics', 2009, Heritage Council NSW

Attachment 4:**Terms of engagement for consultancy**

The general terms and conditions of contract shall be the Hunter Councils Terms of Engagement for Consultants (supplied separately as part of the tender document).

Attachment 5

Historical Overview - extract from *Newcastle Archaeological Management Plan 1997*

At Newcastle, where sea meets shore, the rich coal seams of the Hunter region displayed themselves in a range of cliffs, showcased to early European explorers. This spectacular display impressed the newcomers, and between 1791 and 1801 escaping convicts, pursuing naval officers, off-course fishermen and official explorers all commented on the mineral wealth of Newcastle. Not so obvious, but clearly evident to members of the first official exploring expedition in June 1801, were some of the other resources of the hinterland and the region's manufacturing potential. Thus Colonel William Paterson, the leader of the party reported to Governor King:

Government might derive many advantages by forming a small settlement at this place. In the first instance, the coals are a principle (sic) object, 2nd. Boiling Salt, which could be done with little labour, 3rd. Burning shells that are here in great abundance. Besides, salting of fish might be carried on with considerable benefit if some industrious fishermen could be found for that purpose, as the fish are plentiful and good. There is excellent pasture for cattle, but until where the rivers meet, is not fit for cultivation. What I term forest land is remarkable fine soil.

Impressed by Paterson's report, the Governor decided that a settlement should be formed immediately at the mouth of the Hunter River. The exploitation of coal and cedar began at once. The camp at the Coal River, as it was called, was closed six months later but re-established in 1804 when the names, Northumberland for the county, and Newcastle for its capital, were adopted. Over the next two decades, while coal, lime, timber and salt were inefficiently extracted from the region by gangs of convicts, the vast agricultural potential of the well-watered, fertile Hunter Valley was revealed.

Until the coming of the railways in 1850s exploitation of coal was hampered by inefficient land transport, but in the era of the steam locomotive the Newcastle coalfield became the powerhouse of the Australian colonies and there were encouraging developments in smelting and manufacturing. Despite these, there were signs of decline in the city by the turn of the century as its aging collieries began to close and its principle copper smelter ceased to operate. However the year 1915 marked the end of one era and the beginning of another as the First World War disrupted the export of coal and the opening of the BHP steelworks transformed Newcastle into Australia's industrial capital. This third stage of development was marred by the Great Depression, but it culminated in a remarkable flurry of industrial activity as the region diversified to meet the needs of a nation at war once more.

As the world adjusted to a life of peace, Novocastrians anticipated a return to dependence of heavy industry, hopefully free of depression and without so much reliance on industry. To avoid this, the city planned a great expansion of its industrial district but the Kooragang project did not live up to the expectations and since 1983 the steelworks and its subsidiaries have been replacing labour with advanced technology and Newcastle has been forced into other economic activities, particularly the service industries. Each of these periods left its distinctive mark on the heritage of the region.

General Policy for the Newcastle Archaeological Resource

The City of Newcastle adopted the General Policy for archaeological resources within the NAMP 1997. The policy is as follows:

1. It is recognised that the city's archaeological resource forms a finite and irreplaceable part of its heritage. Every effort should be made to ensure the historical foundations, cultural physical and archaeological evidence of the city will be preserved to provide a direct link and continuity with the past as an essential part of the environmental heritage of the wider community. Newcastle City Council will therefore seek to identify, record and protect the archaeological resources of the city whenever possible.
2. Archaeology should be a fundamental planning consideration for any development proposal, of equal importance to any issue identified under Section 90 of the EP&A Act 1979, and archaeological assessments should be undertaken prior to any redevelopment of archaeological sites or potential sites being granted planning approval.
3. The purpose of this plan is not to preclude redevelopment, but to identify areas where archaeological evidence is likely to occur, and so ensure that archaeological investigations are undertaken when, and only when, appropriate.
4. In the case of roads and other public spaces, the potential impact on the archaeological resource due to public infrastructure works by government authorities and private utilities is also recognised. Impacts may include disturbance of archaeological sites by ground works, as well as the updating or removal of a utilities' own earlier and potentially significant infrastructure.
5. The information obtained from any investigations is to be collated and made publicly available to allow greater understanding of the city's history, and assist in the accurate identification of other archaeological sites.
6. It is open to the owners or developers of potential archaeological sites to commission archaeological assessments to either confirm or disprove the site's archaeological potential at any time.
7. Archaeological sites assessed to be of considerable significance should be conserved in-situ wherever possible. Consideration should be given to on-site interpretation.
8. Promotion of the importance of the archaeological resource to property owners and developers as well as the broader community should be undertaken as appropriate given financial resources and opportunities.

Schedules

Tender

CONTENTS

(A reference in the Schedules to Service Provider means consultants, contractors and suppliers)

TENDERER'S DECLARATION

TENDER PRICE

PRICE – HOURLY RATES

FINANCIAL DETAILS

INSURANCES

CONTRACT PROGRAM

MANAGEMENT & STAFF RESOURCES

CONSULTANCY TEAM

METHDODLOGY

REFEREES

PREVIOUS EXPERIENCE

OCCUPATIONAL HEALTH & SAFETY

NOTE

To submit a conforming tender, the Tenderer must complete all the Schedules nominated above to constitute the TENDER FORM. If there is insufficient space for any response, please prepare an attachment to the relevant Schedule.

Failure to complete this section may result in rejection of the tender.

PRIVACY & PERSONAL INFORMATION PROTECTION NOTICE: Tenderers are advised that all (if any) personal information, required to be provided with their tender submission, is intended only for use by Council staff. The purpose being for the assessment of tenders (in accordance with the Local Government Tendering Regulations). The information will be stored at Council's Administration Centre in accordance with the requirements of the State Records Act 1998.

Schedule – Tenderer's Declaration

CONTRACT
No.: 2012/220Q

PROJECT: NEWCASTLE ARCHAEOLOGICAL MANAGEMENT PLAN
REVIEW

Tenderer (full trading name): _____

ACN: _____ ABN: _____

Contact Person: _____ Title: _____

Registered Office Address:

Principal Business Address:

Telephone: _____ Facsimile: _____

Email: _____

Legal Status (Refer Clause 2 of the Conditions of Tendering): _____

Note: If the Tenderer is a Trust or a Trustee of a Trust, then a full copy of the trust deed MUST be submitted with the tender.

The Tenderer named above, hereby offers to provide Goods, Works and/or Services in accordance with:

- (i) this Tender and its Schedules; and
- (ii) the Specification; and
- (iii) Council's Document titled "Information to Tenderers"; and
- (iv) the Special Conditions of Contract; and
- (v) the General Conditions of Contract.

The Tenderer also acknowledges that if it is the successful tenderer, the documents listed above shall form part of the contract and agrees to be bound by the contract conditions.

The Tenderer warrants and represents that:

- (a) it has fully acquainted itself with all of the documents referred to in the Tender and all matters relating there to
- (b) agrees to be bound by the *Conditions of Tendering*
- (c) all of the information provided in its tender is true and correct
- (d) it has made its own enquires and investigations and has obtained professional advice and all other relevant information so as to inform itself of all risks and contingencies which may affect its tendered price
- (e) it has allowed for all such risks and contingencies in its tender price.

CONFLICTS OF INTEREST

The Tenderer shall confirm whether there exists any interests, relationships (including those of family members and employees) or clients that may or do give rise to a conflict of interest: **Yes** **No**

If "Yes", as an attachment to this declaration, the Tenderer shall detail the area in which that conflict or potential conflict does or may arise and provide details of strategies for preventing conflicts of interest.

Signature of Authorised Officer of Tenderer who has delegated authority to enter into a contract:

(Print Name & Title):

Date of declaration:

Signature of witness:

(Print Name & Title):

Schedule – Hourly Rates



Tender Schedules
(Edition 5, October 2008)

The Schedule may be used for the purpose of progress claim assessment and as a basis for negotiations for variations under the contract.

The Service Provider shall be responsible for the completion of all contract activities and this Schedule shall not restrict completion. Line items against which no amounts are stated, whether quantities or rates are given or not, shall be regarded as covered by other line items in this Schedule.

This Schedule shall be read in conjunction with all other parts of the contract.

Note: All pricing shall remain fixed for the period of the contract, not subject to rise & fall and be inclusive of GST.

Tenderers must provide a detailed (itemised) costing stating both the project tasks and the time (hours) and amount (\$) to complete each task. The estimated hours shall not be binding on either party. The service provider shall be obliged to complete the project in accordance with the Brief and the estimated hours shall not restrict the service provider in its performance.

Tenders must allow for the attendance at the meetings and presentations to council, as per the Brief. All fees and charges must be stated.

DESCRIPTION	TIME	QTY	RATE \$	AMOUNT \$
TOTAL PRICE (inc. GST)				\$

(Attach extra page(s) if insufficient space)

Signature of Authorised Officer of Tenderer: _____

Schedule – Financial Details



Tender Schedules
(Edition 5, October 2008)

FULL TRADING NAME: _____

ACN: _____ **ABN:** _____

GST Registered *Yes* *No*

Contact Person: _____ **Title:** _____

Registered Office Address: _____ **Principal Business Address:** _____

Telephone: _____ **Facsimile:** _____ **Email:** _____

FINANCIAL INSTITUTION:
(full trading name) _____

Branch: _____

Address: _____

Contact Person: _____ **Title:** _____

Telephone: _____ **Fax:** _____

Bank Code (BSB): _____ **Account Number:** _____

Title of Account: _____

FINANCIAL CAPACITY REFERENCE

The Tenderer shall provide: *(where indicated)*

(A) A letter from its Banker's verifying that it has the financial capacity to provide an irrevocable Bank Guarantee for the security amount stated in the contract. *No*

* Note: Tenderers that are unregistered suppliers under GST legislation, i.e. not able to issue a valid tax invoice, shall have their tender pricing weighed by a 10% increase in the assessment of tender price relativity.

Signature of Authorised Officer of Tenderer: _____

Schedule - Insurances



Tender Schedules
(Edition 5, October 2008)

The following insurances will be required. The Tenderer shall state details of its current policies for these insurances.

INSURANCE OF EMPLOYEES

Workers Compensation or Personal Accident and Illness Insurance:

Insurance against any death of or injury to persons employed by the Service Provider as required by the Workers Compensation Act 1987.

ALTERNATIVELY: Where the Service Provider has no employees and in lieu of Workers Compensation Insurance, insurance for personal accident and illness under a policy that provides:

Weekly benefits of at least 75% of weekly income; Death and capital benefits of at least \$250,000; and

Minimum benefit period of 24 months.

Insurance Company:	Amount of coverage:	<u>As detailed above</u>	Insurance Required
	Policy Number:		Yes
		Expiry Date:	

PUBLIC LIABILITY INSURANCE

Insurance against the death or injury to any third party or parties or loss of or damage to any property including loss of use of property whether it is damaged or not whatsoever caused during the course of the contract. The policy shall contain a cross liability clause and a "principal's clause" and shall have a limit of indemnity of not less than the amount indicated for any one occurrence, but shall be unlimited in the aggregate.

Insurance Company:	Amount of coverage:	<u>\$10 million</u>	Insurance Required
	Policy Number:		Yes
		Expiry Date:	

PROFESSIONAL INDEMNITY INSURANCE

Professional Indemnity insurance for a limit for any one claim of not less than the amount indicated. The policy shall be maintained from the completion of the contract for the period indicated.

The policy shall include the following extensions:

Unlimited retroactive date; Automatic reinstatement clause; Libel and slander;

Consultants clause; and

Trade Practices Act (Commonwealth) and Equivalent Fair Trading Acts (State) Clause.

Insurance Company:	Amount of coverage:	<u>\$10 million (unless otherwise agreed)</u>	Insurance Required
	Policy Number:		Yes
		Expiry Date:	

Signature of Authorised Officer of Tenderer: _____

Schedule – Contract Program



Tender Schedules
(Edition 5, October 2008)

Tenderer is to submit a “Gantt Chart” comprising the following information (as indicated by a tick ✓), sequencing the activities required to perform the contract.

The Gantt Chart must have regard to the council's timetable (refer Item 12 of the Brief), and, indicate earliest available starting date, required notice of commencement or any other constraints on availability

Note: The parties shall review and agree on a detailed project timetable within 2 weeks of project commencement (refer Item 8 of the Brief).

PARAMETER	<i>Required</i>
1. Start and finishing dates	✓
2. Sequence of work for major activities	✓
3. Periods within which various stages or parts of the work are to be executed.	✓
4. Critical Paths of activities related to the work.	✓
5. Allowance for holidays.	✓
6. Restraints imposed by the contract documents.	✓
7. Significant milestones included separable portions, if any.	✓
8. Activity inter-relationships, including those activities to be undertaken by subcontractors and suppliers, both on and off site.	✓
9. External dependencies including provision of access, document approvals and work by others.	✓
10. The estimated value of work completed for each month.	✓
11. <i>(other)</i> :	

(Attach Program)

Signature of Authorised Officer of Tenderer: _____

Schedule – Management & Technical Staff Resources

Provide a management organisation chart plus indicate below personnel who will have prime responsibility and accountability for the performance of the contract:

- Note: 1. A résumé (CV) for each person nominated shall be attached.**
- 2. The successful Tenderer shall ensure that the personnel named in this schedule are engaged throughout the execution of the contract.**

NAME 1: _____ **Position:** _____

Reporting to: _____ **Years of relevant experience:** _____

Proposed Role in Tender Project: _____

NAME 2: _____ **Position:** _____

Reporting to: _____ **Years of relevant experience:** _____

Proposed Role in Tender Project: _____

NAME 3: _____ **Position:** _____

Reporting to: _____ **Years of relevant experience:** _____

Proposed Role in Tender Project: _____

(Attach extra page(s) if insufficient space together with the organisation chart and résumés.)

Schedule - Referees



Tender Schedules
(Edition 5, October 2008)

Provide at least three referees who can attest to the Tenderer's capabilities in undertaking the contract

Note: Council reserves the right to make its own independent enquires.

FIRST REFEREE:

Company name (if applicable)

Address:

Contact Person:

Telephone:

Facsimile:

SECOND REFEREE:

Company name (if applicable)

Address:

Contact Person:

Telephone:

Facsimile:

THIRD REFEREE:

Company name (if applicable)

Address:

Contact Person:

Telephone:

Facsimile:

FOURTH REFEREE:

Company name (if applicable)

Address:

Contact Person:

Telephone:

Facsimile:

(Tenderers to note: All statements obtained from the nominated referee shall remain confidential between the Council and the referee, unless required to be released by law.)

Signature of Authorised Officer of Tenderer: _____

Schedule – Previous Experience



Tender Schedules
(Edition 5, October 2008)

Prescribe the organisation's experience in projects of a similar nature to the contract completed in the last 3 years:

Note: Council reserves the right to make its own independent enquires.

PROJECT 1 *(name)* _____

Client: _____

Contact: _____ **Telephone:** _____

Contract Value: \$ _____ **Date commenced:** _____ **Date complete:** _____

Description of the project or task: _____

PROJECT 2 *(name)* _____

Client: _____

Contact: _____ **Telephone:** _____

Contract Value: \$ _____ **Date commenced:** _____ **Date complete:** _____

Description of the project or task: _____

PROJECT 3 *(name)* _____

Client: _____

Contact: _____ **Telephone:** _____

Contract Value: \$ _____ **Date commenced:** _____ **Date complete:** _____

Description of the project or task: _____

(Tenderers to note: All statements obtained from the nominated project client shall remain confidential between the Council and the client, unless required to be released by law.)

Signature of Authorised Officer of Tenderer: _____

Schedule – Occupational health & safety



Tender Schedules
(Edition 5, October 2008)

Tenderer is to demonstrate their commitment to OH&S and understanding and acceptance of the principles of OH&S.

Note: Further information may be required to be submitted as substantiation.

	SUBJECT	YES	NO
1.	Does the organisation have an OH&S Management Plan as part of its overall management system? (If yes, give details)		
2.	Is the OH&S Management Plan accredited by a NSW Government agency or an accredited third party? (If yes, give details)		
3.	Has the organisation prepared safe Work Method Statements (or Standard Operation Procedures) for all of its work activities with a significant risk? (If yes, give details)		
4.	Has your organisation an OH&S induction program for employees? (If yes, give details)		
	Is a record maintained of all training and induction programs undertaken?		
5.	Does your organisation assess the OH&S capabilities of your subcontractors? (If yes, give details)		
6.	Has WorkCover NSW issued the organisation with any Prohibition Notices, Improvement Notices or fines in the past 12 months? (If yes, give details)		
	Is there a system for recording and analysing OH&S performance statistics?		
7.	Does your organisation have a documented incident investigation procedure? (If yes, provide a copy of a standard incident report form)		
8.	Is the organisation able to provide documented evidence that within its organisation, there are people or resources nominated to:		
	• Define OH&S management policies and objectives, priorities and targets;		
	• Define the responsibilities of personnel for OH&S matters;		
	• Identify system verification requirements and allocating human, technical and financial resources adequate to meet those requirements;		
	• Ensure compliance with OH&S legislation and regulations;		
	• Keep abreast of changes in legislation and regulations;		
	• Acquire and disseminate OH&S management information;		
	• Plan and conduct training in OH&S management, including inducting new employees;		
	• Oversee the development and implementation of OH&S procedures;		
• Ensure compliance with safe work practices and procedures.			

(Attach details.)

Note: The Principal's Special Condition of Contract – "SC-3 Safety Management" shall apply to all on-site work under the contract.

Signature of Authorised Officer of Tenderer: _____