



17th February 2020

The Planning Secretary
Department of Planning, Industry & Environment
320 Pitt Street
Sydney, NSW 2000

Attention: Megan Fu
Project: Nihon University Newcastle Campus - SSD 9787
Re: Conditions of Consent C17 and C18

Dear Megan,

Reference is made to SSD 9787 Conditions of Consent C17 and C18 in relation to the Archaeological Salvage - Historic Archaeology requirements for the development.

Please find attached the Archaeological Research Design and Excavation methodology prepared by AMAC Group in accordance with the Heritage Council of NSW Guidelines. Also attached is correspondence nominating Martin Carney and Kevin Hickson of AMAC Group as the alternate or co-excavation directors for the archaeological works addressing Condition of Consent C18. The Certifier has been provided copies of both documents

Should you require further information on the compliance report please feel free to contact either Katherine Daunt or Edward Clode at dwp Australia Pty.

Yours sincerely,

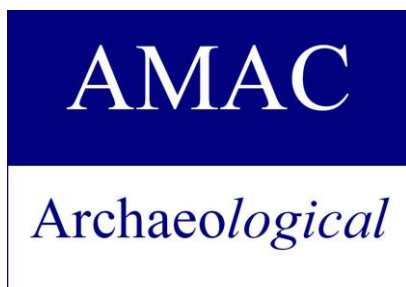
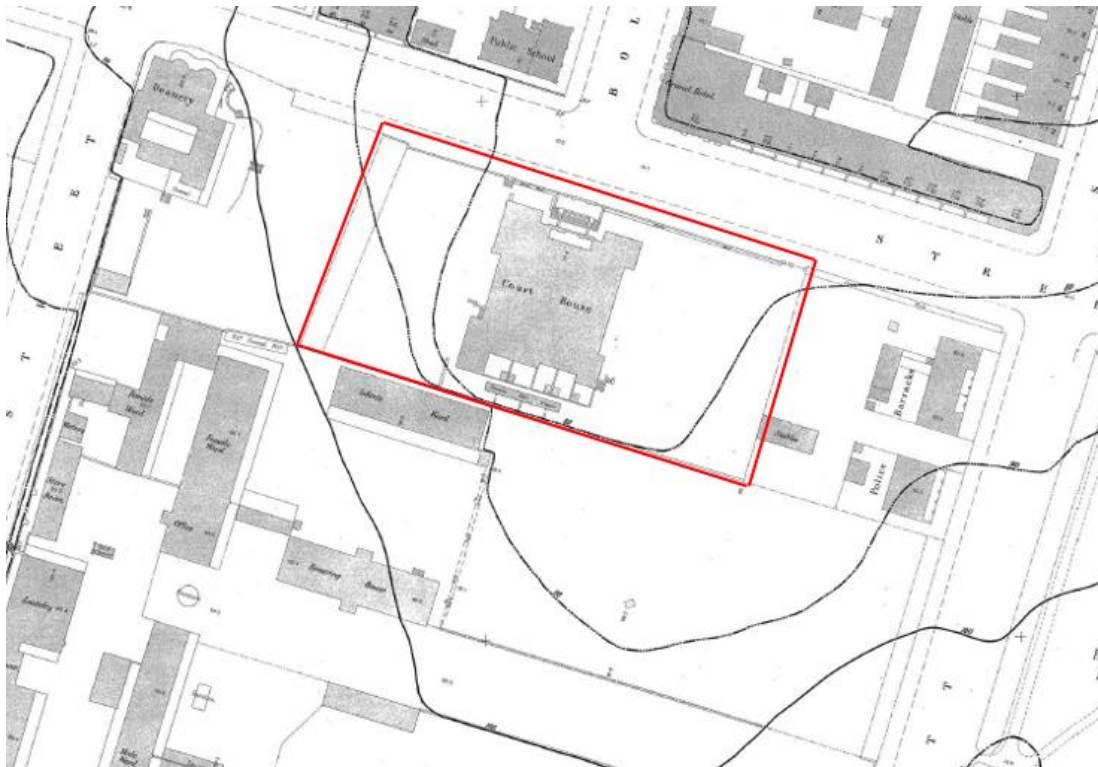


Edward Clode
Design Director
Registered Architect – NSW ARBN 4100
Email: edward.c@dwp.com
File: 17-0347_A-d01-20_let
Encl.: Newcastle Courthouse RDEM Final 200214
AMAC Excavation Director Credential

Copy: Jun Yokobori - Azusa Sekkei

REVISED ASSESSMENT RESEARCH DESIGN & EXCAVATION METHODOLOGY

Newcastle Court House,
9 Church Street
Newcastle



Emma Williams & Kelly Strickland

Archaeological Management & Consulting Group

For
Built on behalf of
Azusa Sekkei
and
Nihon University
February 2020

Disclaimer

The veracity of this report is not guaranteed unless it is a complete and original copy.

This report may be inaccurate, incomplete, not original, or modified, if it appears in monochrome form and the signature below is a copy.

*Martin Carney
Director
(mobile 0411 727 395)*



Archaeological Management & Consulting Group

AEGIS HERITAGE Pty Ltd ACN 121 655 020

Ph (02) 9568 6093
Fax (02) 9568 6093
Mob 0411 727 395
E-mail amac@archaeological.com.au

Cover Image

Hunter District Water Board, C919.442/34/009, Hunter Photobank.

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EXECUTIVE SUMMARY

Documentary Research

- The study site initially formed part of a larger portion of land reserved by the crown in the early 19th century as military barracks for the settlement of Newcastle.
- The site remained undeveloped until the construction of Newcastle's second court house in the early 1890s.
- In the mid-20th century the justice precinct was expanded to include three-storey buildings on both the east and west sides of the court house.

Archaeological Potential

- Low to moderate potential exists for remains of a c.1840s brick boundary wall.
- Moderate potential exists for intact evidence of a below-ground post-1861 culvert to survive to the east of the court house building.
- Low potential also exists for undocumented archaeological evidence relating to utilisation of the court house during the late 19th and 20th century as well as evidence of WWII air raid shelters in the southeast corner of the site.

Significance

- The archaeological record of study site is considered to be of potential local significance.
- Any archaeological remains providing new or additional information to the historical record of Newcastle's second court house is considered a valuable contribution in expanding the corpus of information relating to the development of provision of justice in the Newcastle district during the late 19th and 20th centuries.
- Intact evidence of the post-1861 brick-lined culvert will contribute valuable information to the historical record regarding late 19th century stormwater management systems in Newcastle.

Statement of Archaeological Heritage Impact

- It is recommended that a targeted archaeological monitoring program be in place for areas of archaeological potential to be impacted on by excavation works.
- Excavation within all archaeological monitoring work zones will be under the supervision and direction of a qualified archaeologist.
- Other areas of the site subject to excavation works but not part of an archaeological monitoring zone will be subject to an unexpected finds protocol.

Recommendations

- This report has been prepared in response to Condition C17 of SSD9787 development consent. It is recommended that this report be submitted to DPIE or its relevant heritage delegate (Heritage, DPC) in fulfillment of Condition C17.
- The Research Design (Section 6.0) and Archaeological Excavation Methodology (Section 7.0) will form the guiding documentation for the management of any historical archaeological excavation at the study site.
- Should any unexpected or unassessed relics be uncovered during excavation, works will cease while these are investigated. Liaison with DPIE or its relevant heritage delegate (Heritage, DPC) may be required for such finds.

GLOSSARY

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

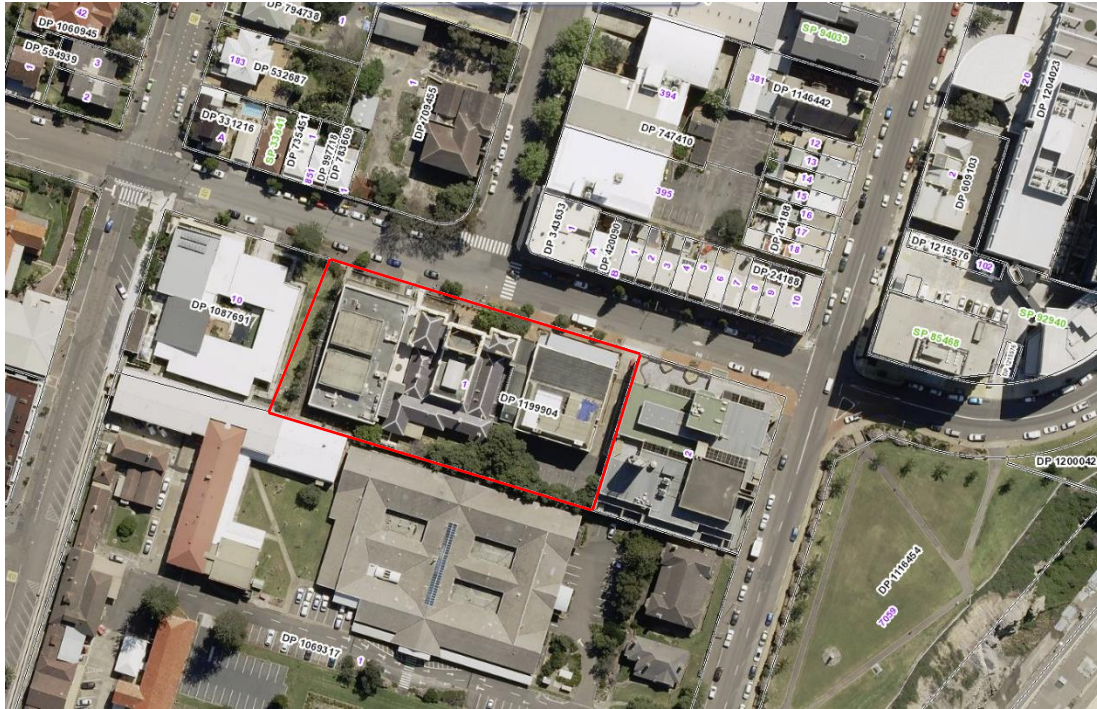


Figure 1.1 Aerial photograph showing the study site, study site outlined in red.

SIX Maps (accessed 3rd February 2020).

<https://maps.six.nsw.gov.au/>

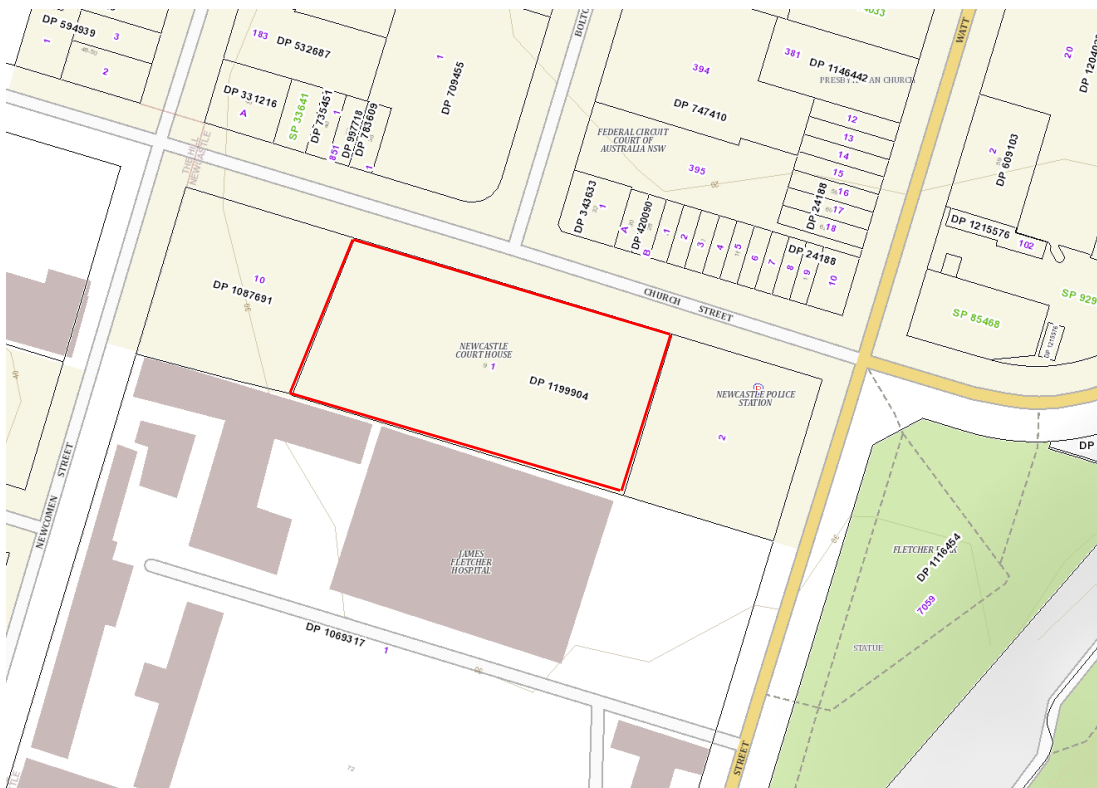
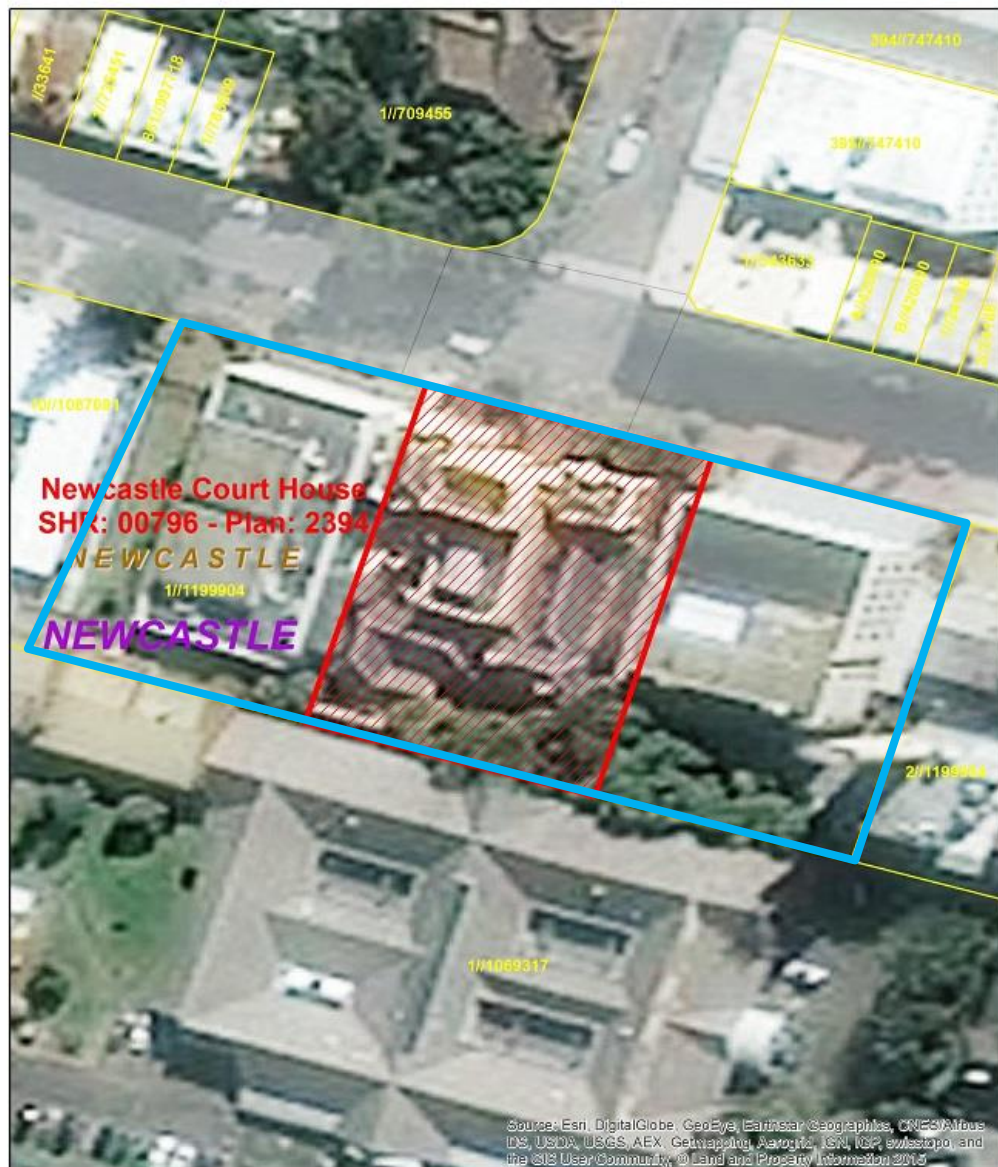


Figure 1.2 Site location, study site outlined in red.

Six Maps (accessed 3rd February 2020).

<https://maps.six.nsw.gov.au/>

Heritage Council of New South Wales



State Heritage Register - SHR 00796, Plan 2394

Newcastle Court House

Gazettal Date: 02 April 1999

0 10 20 30 40 Metres

Scale: 1:750

Datum/Projection: GCS GDA 1994



Legend

- SHR Curtilage
- Land Parcels
- Railways
- Roads
- LGAs
- Suburbs

Figure 1.3 State Heritage Register plan of SHR00796 – Newcastle court house (study site outlined in blue).

NSW State Heritage Register Database, accessed 3rd February 2020,
<https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=5045560#ad-image-4>

Heritage Council of New South Wales



State Heritage Register - SHR:01841 - Plan: 2376

Newcastle Government House and Domain

72 Watt Street, Newcastle

Gazettal Date: 22/03/2011

0 50 100 150 200 Meters

Scale: 1:3,000 @A4
Datum/Projection: GCS GDA 1994



Figure 1.4 State Heritage Register plan of SHR01841 – Newcastle Government House and Domain (study site outlined in blue).
NSW State Heritage Register Database, accessed 3rd February 2020,
<https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=5060998#ad-image-2>

1.0 INTRODUCTION

1.1 BACKGROUND

Built, on behalf of Azusa Sekkei and Nihon University have commissioned the Archaeological Management and Consulting Group to prepare a Research Design and Excavation Methodology for the former Newcastle Court House site, subject to redevelopment under State Significant Development approval SSD9787. This report also includes a revision of Section 5.0, Statement of Heritage Impact, in relation to the proposed development as it stands today.

This report has been prepared in response to Condition C17 of SSD9787 development consent.

The report conforms to Heritage Office Guidelines for Archaeological Assessment.¹

1.2 STUDY AREA

The study site is the piece of land described as Lot 1 in Deposited Plan 1199904. The Street address is known as 9 Church Street, Newcastle, in the Parish of Newcastle, County of Northumberland. The location of the proposed works is hereinafter referred to as the 'study site' (Figure 1.1 - Figure 1.4).

1.3 SCOPE

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

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

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

1.4 AUTHOR IDENTIFICATION

This report was written and researched by Emma Williams and Kelly Strickland. Site inspection was conducted by Martin Carney. The report was reviewed by Carney.

The history as presented in Section 2.0 forms a summary of development from the original history presented in the Baseline Archaeological Assessment by AMAC (November 2018). Refer to AMAC June 2018 for a complete site history.

The main collections used were the City of Sydney Archives, State Records of New South Wales, NSW Land and Property Information, State Library of New South Wales and the National Library of Australia Trove online collection.

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

1.5 STATUTORY CONTROLS AND HERITAGE STUDIES

1.5.1 NSW Heritage Act 1977 (as amended)

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

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

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

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

1.5.2 National Parks and Wildlife Act (1974)

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

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

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

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

This subsection does not apply unless the circumstances of aggravation were identified in the court attendance notice or summons for the offence.
- (4) A person must not harm or desecrate an Aboriginal place.
Maximum penalty:
 - (a) in the case of an individual-5,000 penalty units or imprisonment for 2 years, or both, or
 - (b) in the case of a corporation-10,000 penalty units.
- (5) The offences under subsections (2) and (4) are offences of strict liability and the defence of honest and reasonable mistake of fact applies.

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

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

- (6) Subsections (1) and (2) do not apply with respect to an Aboriginal object that is dealt with in accordance with section 85A.
- (7) A single prosecution for an offence under subsection (1) or (2) may relate to a single Aboriginal object or a group of Aboriginal objects.
- (8) If, in proceedings for an offence under subsection (1), the court is satisfied that, at the time the accused harmed the Aboriginal object concerned, the accused did not know that the object was an Aboriginal object, the court may find an offence proved under subsection (2).⁴

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

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

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

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

1.5.3 State Heritage Register and Inventory

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

The site is listed on the NSW State Heritage Register as item number 00796 ‘Newcastle Court House’ (full listing in Appendix 8.1 in AMAC, November 2018). This heritage curtilage is restricted to centre third of the study site, surrounding the c.1892 court house itself. It is described as a grand example of late 19th century civic architecture in the town.

The other two thirds of the site fall within State Heritage Register Item 01841 – ‘Newcastle Government House and Domain’ (full listing in Appendix 8.2 in AMAC, November 2018). This listing is associated with the site’s initial reservation as crown land, forming part of a wider area of government land holdings for military barracks and commissioner’s residence.

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

⁵ Office of Environment and Heritage,
<http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf>

1.5.4 National Heritage List

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

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

1.5.5 Commonwealth Heritage List

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

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

1.5.6 Newcastle Archaeological Management Plan (1997)

Suters Architects and Planners, in association with Lavelle, C and M.J. Doring Pty Ltd and Turner created an Archaeological Management Plan (hereafter AMP) for Newcastle City Council in 1997 regarding potential archaeological sites in Newcastle. The study site, 9 Church Street, is included in Item 0059 as the 'court house'. Its character of occupation is described as government and administration, having been located within the original convict settlement and the history of occupation of the site from early plans notes the site as a government enclosure and gardens in wider association with the commissioner's residence during the 1820s and 1830s. A perimeter wall on the Church Street boundary is noted as being associated with the development of the military barracks in the 1840s. The AMP inventory sheet notes the below ground resource as a 'disturbed/potential site'.

Item 1127, 'vertical shaft and tunnel', relates to a rounded brick-lined tunnel rediscovered in 1938 and surviving beneath the southern side of Church Street. This portion of the drain/ culvert tunnel appears to have been used for stormwater management and parts of the tunnel are known to have been repaired with concrete by the council in the late 20th century. The AMP inventory sheet states that 'the tunnel would survive deep underground' and all excavation works in this location are recommended to be archaeologically monitored.

1.5.7 Newcastle Local Environment Plan 2012

The Newcastle Local Environment Plan was prepared in 2012. Heritage Conservation is discussed in Part 5; Section 5.10 of this document. The following section highlights the archaeological considerations of a site in relation to developments:

7) Archaeological sites

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

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

Schedule 5 of this plan lists Items of Environmental Heritage with Heritage Items listed in Part 1, Heritage Conservation areas listed in Part 2 and Archaeological Sites listed in Part 3.

The site is listed as a heritage item I375, 'Courthouse', and item 1473, 'Newcastle Government House and Domains' in Part 1 of Schedule 5 of the Newcastle Local Environmental Plan 2012. The item is described as being of local significance. The site is also included in C6 "The Hill Heritage Conservation Area", which is listed in Part 2 of Schedule 5 (Figure 1.3).⁶

1.6 PREVIOUS HERITAGE STUDIES AND REPORTS

1.6.1 TKD Architects – Newcastle Courthouse, 9 Church Street, Newcastle. Conservation Management Plan (August 2015)

Tanner Kibble Denton Architects (TKD Architects) prepared a Conservation Management Plan (hereafter CMP) on behalf of Government Property NSW for the study site. Concerning the archaeological significance of the site the CMP notes:

The Courthouse site is amongst the most significant sites in the Newcastle city area, having been in continual occupation by key civic functions from the earliest days of the settlement.⁷

The CMP highlights the possibility for remains of a mid-19th century brick culvert to survive below ground in between the c.1892 court house and east administration building, forming a southern branch leading towards James Fletcher Hospital. Part of this brick lined culvert has been exposed on other portions of Church Street and appears to form a double ring brick-lined drainage tunnel (see Section 3.4 of this report for discussion). The CMP advised that though the culvert is yet to be listed on the Newcastle Local Environment Plan,

The sections below the Administration building have been replaced in concrete pipe, but intact sections may be present between the southern end of the current building and the hospital boundary. The culvert is not listed separately as a heritage item, but excavation of or near the culvert would be treated as an archaeological relic under the Heritage Act. The City of Newcastle intends to list the culvert and pipe as items of local heritage significance.⁸

Future uses at the Courthouse site are likely to require excavation for construction of new buildings and site infrastructure and landscaping. Such works have potential to impact remnant historical archaeological resources, including the convict brick culvert and drain, and should therefore be managed to avoid, minimise or mitigate impacts as much as possible. Where excavation or ground disturbance is unavoidable then it should be undertaken in such a way as to improve the understanding of the history and heritage of the site.⁹

There is potential for the proposed development to encroach on the mid-19th century culvert. Refer to Section 5.0 of this report for a discussion.

1.6.2 AMAC – Baseline Archaeological Assessment. Former Newcastle Court House, 9 Church Street, Newcastle NSW (November 2018)

AMAC prepared a Baseline Archaeological Assessment of the study site in November 2018 for Azusa Sekkei and Nihon University. This report provided an

⁶ Newcastle City Council 2012

⁷ TKD Architects (August 2015), p. 69.

⁸ TKD Architects (August 2015), p. 117.

⁹ TKD Architects (August 2015), p. 140.

assessment of the site's history, archaeological potential, significance and potential impacts to the historical archaeological record of the site based on the proposed development at the time. Recommendations of the report included:

- It is recommended that an Archaeological Research Design and Excavation Methodology be prepared during the detailed design phase (post DA) in order to develop mitigation measures to manage the archaeological resource at the site.
- The Research Design and Methodology will form part of an overall s60 permit application submitted to the Heritage Division, or documentation submitted to another relevant delegate as part of a State Significant Development.

The Baseline Archaeological Assessment (November 2018) was submitted as part of the State Significant development application. For site context, Section 3.0 and 4.0 of the initial assessment have been reproduced in the present document. This document has been prepared both in response to the recommendations of the initial Baseline Archaeological Assessment and Condition C17 of SSD9787 development consent.

1.7 ACKNOWLEDGMENTS

Sita Vasanthakumar, of Built for all her assistance during the reporting process.
Katherine Daunt, of DWP for all her assistance during the reporting process.

2.0 SUMMARY OF SITE DEVELOPMENT

The following forms a summary of historic development of the study site as well as a selection of historic maps, illustrations and photographs. For a complete history of the site, please consult the Baseline Archaeological Assessment by AMAC, November 2018.

Initial European Settlement c.1804 – 1890s

- The study site forms part of a larger portion of land reserved by the crown for government use during the initial European colonial settlement of Newcastle.
- Early 19th century plans show that the study site was a vacant piece of land, located east of a c.1819 convict-built parsonage and further northwest of the commissioner's residence which was located on the higher portions of the crest towards the sea cliffs (Figure 2.1).
- A plan dating between 1836-1841 shows that the though still under government ownership, the wider grounds had been 'reserved for military purposes' and several new buildings had been constructed to front the extension of Newcomen Street (Figure 2.2).
- The study site remained undeveloped at this point in time, though a 'new barrack wall' had been constructed along the Church Street boundary in order to enclose the military grounds (Figure 2.2 and Figure 2.3).¹⁰
- An underground brick culvert was constructed along Church Street during the mid-19th century in an effort to control some of the stormwater runoff from higher parts of the city.
- The inventory sheet for the drainage tunnel notes that the original c.1861 Watt and Church Streets shaft (not part of the study site) was rediscovered in 1938 and that "the tunnel ran westwards under Church Street or possibly under the Court, and ran eastwards to emerge as an adit in the cliff face".¹¹
- It is not known if the western branch of the tunnel that runs across the study site was constructed at the same time as the Church Street tunnel or later.

Newcastle Court House c.1890s – 2016

- By 1889 the original court house on the corner of Hunter and Bolton Streets, further north of the study site, was considered beyond repair and "a disgrace to the Government of the colony".¹²
- Plans for a new court house to be constructed on the study site were approved that same year.¹³
- The court house was designed by architect James Barnet and was given a budget of £15,000.¹⁴ The majority of building works had been completed by November 1891, though the court house was officially opened in March 1892.¹⁵

¹⁰ 'Newcastle Government House and Domain', NSW State Heritage Register, accessed 1st November 2018,

¹¹ 'Vertical Shaft and Tunnel', Newcastle Archaeological Management Plan (February 1997), Inventory sheet 1127.

¹² *Newcastle Morning Herald and Miners' Advocate* (1889, June 5), p. 4.

¹³ *Evening News* (1889, July 2), p. 5.

¹⁴ *The Daily Telegraph* (1890, January 31) p. 4.

¹⁵ *Newcastle Morning Herald and Miners' Advocate* (1891, November 2), p. 5; *Sydney Morning Herald* (1892, March 1), p. 8.

- The building is in the Victorian Italianate style and faces the T-intersection of Bolton Street. The design is symmetrical, with a large arched tower entrance to the central court room. This main entrance is flanked by two side single storey side wings. The building was constructed of rendered brick with a basement level containing cells to house people awaiting trial (Figure 2.4, Figure 2.5).¹⁶
- The court house building remained unchanged (Figure 2.6) until the 1940s when an extension was built to the east (Figure 2.8) as the original building was now too small.¹⁷
- A plan dated to the 1940s shows the administration building with WWII air raid shelters in the rear yard (Figure 2.7).
- Two trial courts were added to the west of the c.1892 building sometime after the offices were completed on the east. A photograph from 1966 is titled 'Newcastle court house renovations' so it is possible that the west extension was built at around this time (Figure 2.9).
- Repairs and seismic strengthening works occurred in 1991 following 'extensive damage' from the 1989 earthquake.¹⁸
- The c.1892 court house was in use until 2016 when a new court house was built in Newcastle's Civic Place, on Hunter Street.

¹⁶ Sydney Morning Herald (1 March 1892), p. 8.

¹⁷ Tanner Kibble Denton Architects CMP, 2015, p. 19.

¹⁸ "Main Works Begin to Repair Court Buildings", *Newcastle Herald* (1990, December 29).

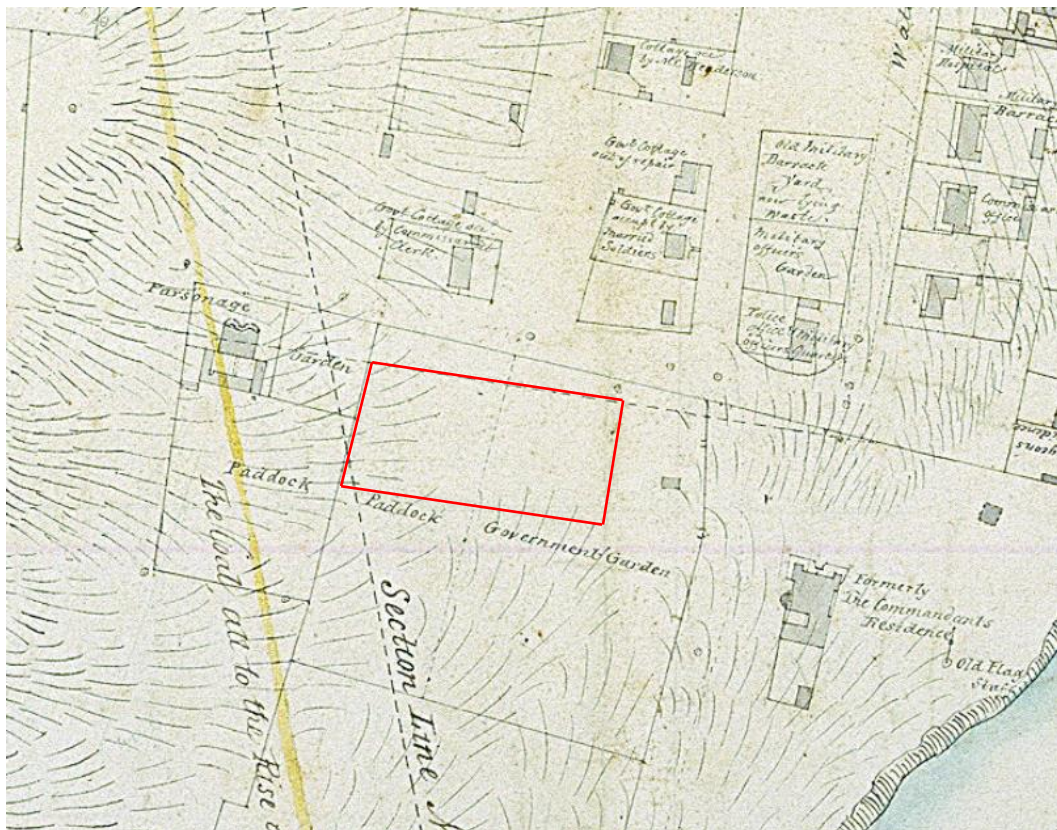


Figure 2.1 1830 Armstrong plan, study site outlined in red.
Alexander Turnbull Library, National Library of New Zealand.



Figure 2.2 1836-41 plan, study site outlined in red.
Note 'new barrack wall' written on plan. Newcastle Region Library
LHMB 333.3/16



Figure 2.3 An undated photograph showing the vacant study site at right (red arrow), fenced off from the hospital and parsonage grounds. Note that the c.1840s retaining wall along Church Street is still standing. Based on the presence of Kirkwood House extension and the absence of Newcastle court house, this photograph is believed to have been taken between 1886-1891. Private Collection.



Figure 2.4 1893 photograph of the Newcastle Court House. Hunter Photo Bank, ASGN0102-B4.

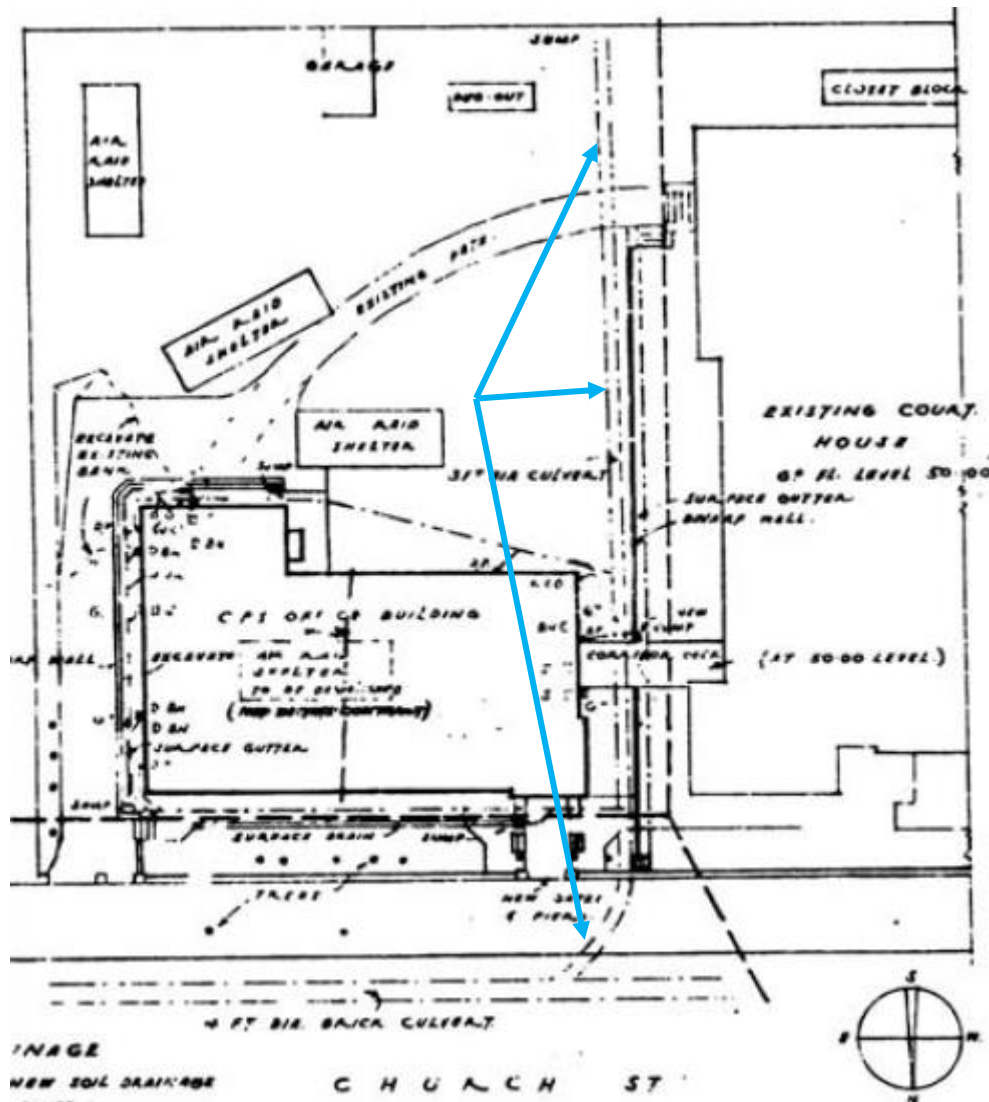


Figure 2.7 Copy of a post 1949 plan showing the completed east building as well as location of the post-1861 below ground brick-lined culvert (blue arrow).

Reproduced here from the CMP.

Figure 16 in TKD Architects, August 2015, p. 20. Original source: Department of Finance & Services PC 386/29.



Figure 2.8 c.1957 photograph of the east office extension completed in 1949.
State Library of NSW, FL1367152.



Figure 2.9 1966 photograph titled 'Newcastle Courthouse renovations', showing the west extension.
State Library of NSW, FL2272650.

3.0 PHYSICAL EVIDENCE

3.1 SITE INSPECTION

The study site is currently occupied by the main court house building that was completed in c.1892 as well as the east and west buildings constructed in the 1940s and 1960s. The three buildings all front Church Street and are directly opposite Bolton Street.

The c.1892 court house contains a basement level and the 1960s west building contains a subterranean parking level. Because of the steep slope of the natural topography of the site, this subterranean level sits almost at street level on its east side (adjacent to c.1892 court house) and entirely below ground along its western boundary as Church street slopes up significantly to the west. The ground levels in this area of Newcastle have changed significantly since the 19th century as Church Street was cut down during road regrading.



Figure 3.1 1890s court house building as it appears today.
Google Maps (accessed 20 September 2018).



Figure 3.2 East extension built in the 1940s.
Google Maps (accessed 20 September 2018).



Figure 3.3 West extension built in the 1960s.
Note the upward slope of Church Street.
Google Maps (accessed 20 September 2018)

3.2 GEOLOGY AND SOILS

Newcastle proper is constructed on soil profiles determined as Killingworth and Hamilton.¹⁹ It appears that the study site is located within the Killingworth soil profile. However, it must be understood that localised anomalies occur, and that no full account of the effect of development on individual sites can be made in a generalised survey such as that conducted for *Soil Landscapes of the Newcastle 1:1000 000 Sheet*.

The properties of the Killingworth profile consist of the following:

- A1 Brownish black pedal loam (silty, sandy, or clayey depending on parent material).
- A2 Bleached, greyish yellow brown loam, (silt to clay loam).
- B Yellowish brown clay (silty to sandy, sometimes heavy). Siltstone or ironstone fragments may be inclusive.

These natural soils typically overlie interleaved layers of siltstone/tuff and sandstone. The parent material (stone) directly beneath the soil in any locality will specifically affect the composition of the overlying soils.²⁰

3.3 SUMMARY OF RESULTS - ABORIGINAL TEST EXCAVATION

AMAC Group completed a program of Aboriginal archaeological test excavation at the study site in January 2020. To fit in with development requirements, Aboriginal test excavation was completed prior to the demolition phase, therefore, due to accessibility options, the majority of pits were located in the southeast corner of the site and along the southern boundary.

A total of 10, 1m x 1m pits were opened by a machine excavator. A 50cm x 50cm test pit was manually commenced once a natural profile was identified. Preliminary interpretations regarding the natural soil profiles, the presence of historic fill layers and relative levels has been summarised in Table 3.1 below. Non-significant historic fills which were removed by machine to facilitate Aboriginal test excavation have also been summarised. Test pit 10 was abandoned due to exposure of brick footings from a structure, which appear to relate to the c.1896 amenities block (see Figure 3.4). A line of brick and timber was also identified at the edge of test pit 7, possibly forming another footing or outbuilding structure.

The full results of Aboriginal test excavation will be published in an Aboriginal Cultural Heritage Management Plan (ACHAMP) which is currently in production.²¹

¹⁹ Matthei (1995) 38, 132.

²⁰ Matthei (1995) 133.

²¹ Detailed results of the Aboriginal excavation program will be in the Aboriginal Archaeological Technical Report, which forms Appendix A of the upcoming ACHAMP.

Table 3.1 Summary of Aboriginal test excavation pits.

Pit Number	Location	Natural soil profile & level below current ground surface	Historic material or fill layers identified
1	Southeast corner of site	Unmodified A2 soil horizon exposed approximately 36-38cm below current ground surface	Road base below bitumen, sitting on top of modified A1 horizon with crushed brick rubble
2	Southeast corner of site	No intact soil horizon present, truncated to B2 subsoil horizon. Excavation ceased at approximately 50cm below current ground surface.	Road base below bitumen, sitting on top of thick layer of demolition debris.
3	Southeast corner of site	No intact soil horizon present, truncated to B2 subsoil horizon. Excavation ceased at approximately 51cm below current ground surface.	Road base on top of thick layer of demolition debris. Below this layer was a very compact brown clayey sand with patches of concrete.
4	Southeast corner of site	No intact soil horizon present, truncated to B2 subsoil horizon. Excavation ceased at approximately 40cm below current ground surface	Road base below bitumen, sitting on top of a grey-brown demolition rubble with dry press bricks, plastic, concrete and glass inclusions.
5	Southeast corner of site	Unmodified A1 soil horizon exposed at approximately 40cm below current ground surface.	Road base with shale inclusions below bitumen, sitting on top of a mixed fill with brick fragments.
6	Southeast corner of site	Disturbed A1 soil horizon exposed at approximately 48cm below current ground surface. Clean A2 soil horizon identified after removal of A1.	Road base below bitumen, sitting on top of thick layer of demolition debris with fragments of bricks, concrete and clay.
7	Southeast corner of site	Disturbed A1 soil horizon exposed at approximately 78cm below current ground surface. Clean A2 soil horizon identified after removal of A1.	Road base below bitumen, sitting on top of a thick layer of mixed rubble deposit with a line of wood and brick possibly forming a remnant footing.
8	Southern boundary, east side of culvert easement	Abandoned due to historic fill exceeding 50cm+ in depth. Could not be continued to be removed by machine due to compaction	Loose introduced topsoil in top of brown loamy layer with tree roots throughout. Below this was a layer of compacted mixed fill with crushed brick, charcoal and redeposited A1 soil. Reinforced steel for concrete also identified at this layer.
9	Southern boundary, west side of culvert easement and rear of court house	No natural soil profile identified. Cut for rubbish pit identified in half of pit which had truncated the pit to the B2 subsoil horizon.	Loose introduced topsoil on top of road base with shale inclusions. Below this was a mixed clay and rubble fill, rubbish pit and possible service cut truncated it on the west side.
10	Southern boundary, rear of court house	Abandoned after two attempts due to exposure of remnant brick wall footings.	Introduced topsoil above road base layer. Brick wall footing below road base layer. Position likely related to c.1896 amenities block.
11-14	Southwest corner	Abandoned due to no location possible to fit pits.	Not excavated.

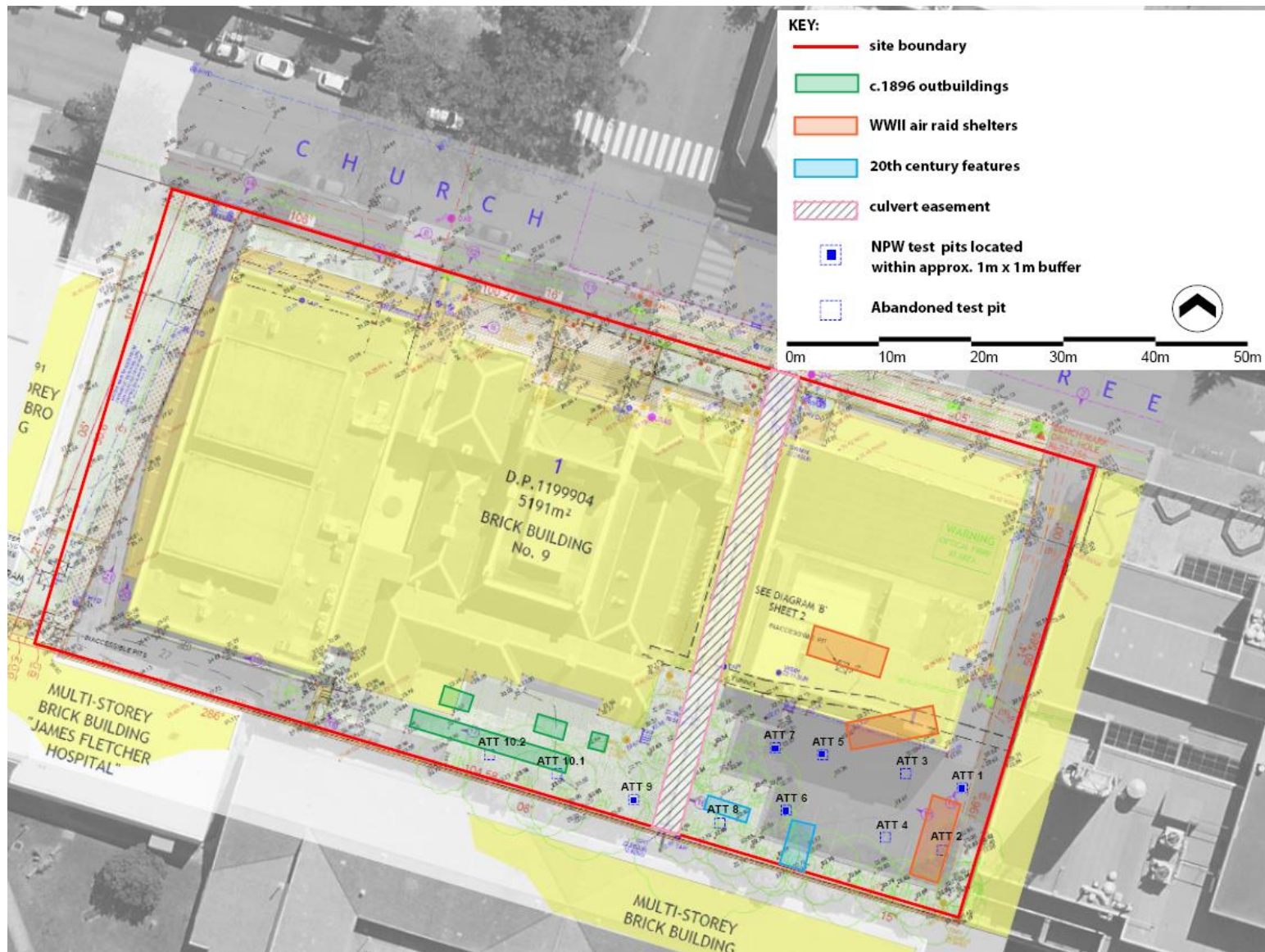


Figure 3.4 Approximate location of Aboriginal test pits in relation to known historic features.

Overlay by Pavincich, February 2020.

3.4 ARCHAEOLOGICAL POTENTIAL

3.3.1 Discussion of Archaeological Potential

Historic research, a comparison of plans and early illustrations of Newcastle indicate that the study site remained undeveloped until the construction of the c.1892 court house. Prior to this development phase the study site appears to have formed undeveloped paddocks, possibly used in association with the adjacent barracks or parsonage on the corner of Church and Newcomen Streets. A c.1840s brick boundary wall running along the northern boundary of the site dividing Church Street from the barracks grounds is seen in several plans and historic photographs (Figure 2.2 - Figure 2.3) and would have been demolished for the construction of the c.1892 court house. Though no evidence for any other structures have been identified, potential exists for undocumented remains associated with wider occupation of the barracks and 'Kirkwood' such as postholes for fence lines, artefact scatters, evidence of cultivation (hoe marks), as well as evidence of the c.1840s brick boundary wall. Remains relating to agricultural works can form shallow, ephemeral features and as a result, it is likely that any surviving features would have been disturbed by mid-20th century development of the east and west buildings.

The possibility exists that a below ground brick-lined culvert survives on the east side of the c.1892 court house and in between the mid-20th century administration building. The CMP notes that the portion of the culvert beneath the administration building is concrete lined, either fully replacing the brick-lined culvert in this location or modifying the post-1861 structure. The culvert forms a southern branch of the main line running east-west along Church Street, a portion of which was exposed during monitoring of road works by AMAC at the intersection of Church and Newcomen Streets (further west of the study site, see Figure 3.5).²² A circular brick drain consisting of two rings of bricks was exposed in the northern section of trenching works at the corner of Church and Newcomen Streets in February 2012.²³ Excavation had reached a level deeper than the safety limit to access the trench therefore it was not possible to enter the trench for recording. The drain is located approximately in the centre of Church Street and runs in an east-west direction, consistent with later maps showing the alignment of the post-1861 below ground drain/ culvert (Figure 3.6). Analysis of a couple of brick samples from the drain showed that it was made of sandstock bricks with rectangular frogs and bonded with lime mortar suggesting a mid to late 19th century construction date.²⁴

The depth of the portion of the below ground drain/ culvert within the study site curtilage has not been documented on any known maps or plans, though a recent survey does record the location of the culvert which suggests that it would potentially sit lower than the ground floor surface level of the basement tunnels (Figure 3.7). The location of the basement tunnel between the mid-20th century administration building and c.1892 court house also correlates to the portion of the culvert which form concrete pipes (Figure 3.6). Therefore, it is possible that the original post-1861 culvert may have been encountered during late 20th century extension works for the administration building and a portion of it was removed, lowered and replaced by the concrete pipe to allow for the basement tunnel construction and connected back to the original brick-lined portion at the rear of the building (Figure 3.7). The perceived line of the brick-lined culvert shown on a post 1949 construction plan (Figure 2.7) shows that the c.1892 court house does not

²² AMAC Group (March 2013).

²³ AMAC Group (March 2013), p. 32.

²⁴ AMAC Group (March 2013), p. 36.

overlap or intrude on the drainage line, suggesting building works may have intentionally avoided impacting the culvert, or that the post-1861 culvert could have been constructed during or after the construction date of the court house.

The construction date of the court house (c.1892) suggests that tongue-in-groove floorboards were likely used as flooring which significantly reduces potential for the accumulation of underfloor deposits as the floorboards are locked in rather than butted, leaving virtually no gaps in between boards. At least three air raid shelters are shown on the 1940s plan, all of which would now be situated either beneath the administration building extension or rear car park. Dependant on the depth and type of shelter constructed, evidence of these WWII structures may have been truncated or disturbed by the building extension.

Another consideration as to the survivability of remains is the cutting and levelling events which have happened to manage the steep topography of the area. Church Street is known to have been cut slightly and levelled and the ground floor of both mid-20th century buildings sit below the current street level thus indicating that much of the original ground surface and natural topsoil would have been truncated by these works. In combination with the c.1892 court house, the footprint of all three buildings encompass almost the entire study site.

3.3.2 Statement of Archaeological Potential

It can be suggested that low archaeological potential exists for undocumented archaeological material to survive associated with the wider occupation of the barracks and 'Kirkwood' during the 19th century. Low to moderate potential exists for remains of a c.1840s brick boundary wall. Low potential also exists for undocumented archaeological evidence relating to utilisation of the courthouse during the late 19th and 20th century as well as evidence for WWII air raid shelters. Moderate archaeological potential exists for intact portions of a post-1861 brick-lined culvert to survive along the north and southern boundaries of the study site, in particular at the rear of the mid-20th century administration building.



Figure 3.5 Circular brick drain exposed during roadworks in 2012, in the roadway at the southwest corner of the intersection of Church and Newcomen Streets.
AMAC, 2012, digital 0991.



Figure 3.6 Plan reproduced from the CMP, showing location of post-1861 culvert and perceived brick-lined (light blue) and concrete pipe portion (dark blue) beneath administration building.

Figure 76 in TKD Architects (August 2015), p. 70, reference source: The City of Newcastle (2013).

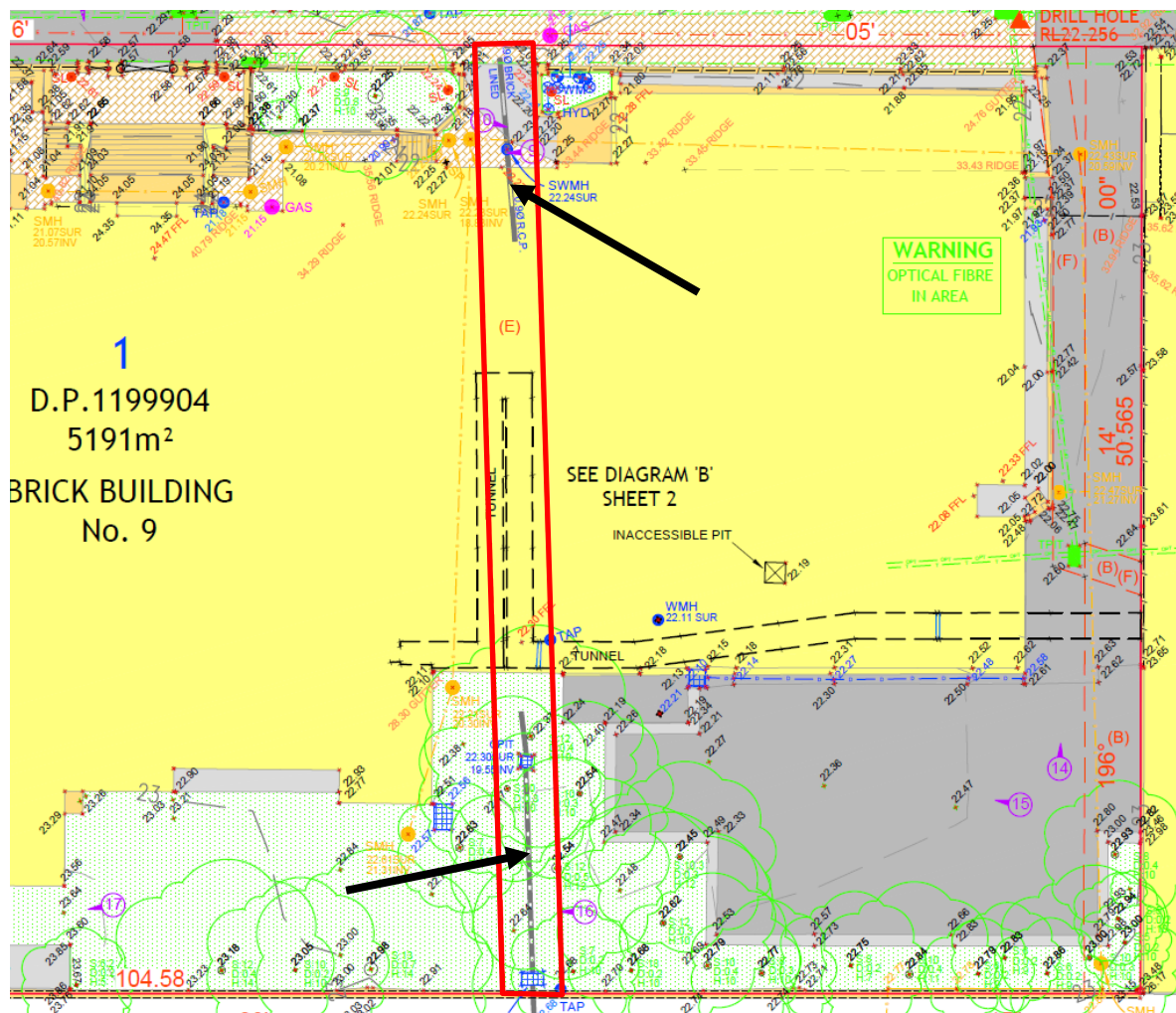


Figure 3.7 Part of the current survey showing the eastern half of the study site. Easement for the post-1861 culvert outlined in red. Potential brick lined culvert portions indicated by black arrows. ADW Johnsen, September 2018, drawing number 239815-DET-001-A.

4.0 ASSESSMENT OF SIGNIFICANCE

4.1 METHODOLOGY

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

Archaeological heritage significance can also be viewed in light of the framework set out by Bickford and Sullivan in 1984.²⁵ Bickford and Sullivan, taking into consideration the “archaeological, scientific or research significance” of a site posed three questions in order to identify significance:

1. Can the site contribute knowledge which no other resource can?
2. Can the site contribute knowledge which no other site can?
3. Is this knowledge relevant to general questions about human history or other substantive problems relating to Australian history, or does it contribute to other major research questions?²⁶

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

The criteria and the definitions provided by ‘Assessing Significance for Historical Archaeological Sites and ‘Relics’ have been adhered to in assessing the cultural significance of the potential archaeological site at 9 Church Street, Newcastle. An assessment of significance, under each of the criteria, is made possible by an analysis of the broad body of archaeological sites previously excavated both locally and elsewhere, in conjunction with the historical overview of the study site in particular.

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

Table 4.1 Criteria for Assessing Heritage in NSW

Criterion	Description	Significance
Criterion A	An item is important in the course, or pattern, of NSW's or the local area's cultural or natural history	State significant or locally significant
Criterion B	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion C	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area	State significant or locally significant

²⁵ Bickford and Sullivan (1984)

²⁶ Bickford and Sullivan (1984), p.23-4

Criterion D	An item has strong or special association with a particular community or cultural group in NSW or a local area for social, cultural or spiritual reasons	State significant or locally significant
Criterion E	An item has potential to yield information that will contribute to an understanding of NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion F	An item possesses uncommon, rare or endangered aspects of NSW's or a local area's cultural or natural history	State significant or locally significant
Criterion G	An item is important in demonstrating the principal characteristics of a class of NSW's or a local area's <ul style="list-style-type: none"> - cultural or natural places; or - cultural or natural environments 	State significant or locally significant

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

4.2 IDENTIFICATION OF SIGNIFICANCE

Archaeological Research Potential (NSW Heritage Criterion E)

The study site holds low potential to retain undocumented archaeological remains associated with agricultural activities during the development of 19th century Newcastle. Though no evidence has been found to indicate development of the study site until the construction of the c.1892 court house, two substantial buildings stood nearby, the barracks and a Catholic parsonage (later known as 'Kirkwood House'). A c.1840s brick retaining wall, constructed as the northern boundary for the barrack and known from historic photographs and plans may survive along the Church Street frontage of the study site. Though forming infrastructure constructed during the early settlement phase of Newcastle, the wall itself holds limited research potential as it will not provide information directly associated with occupation or operation of the barracks, rather confirm its survival and the veracity of the plans it is shown on.

The study site may contain undocumented remains of agricultural activities associated with these nearby buildings, though the type of undocumented material (see Section 3.4) is likely to hold limited research potential in terms of contributing new information to the existing historical record of Newcastle. Intact archaeological remains relating to 19th century agricultural activities on the study site or structural evidence of the c.1840s boundary wall are considered of potential local significance according to this criterion.

Though the c.1892 court house building itself forms a rare example of an intact, well preserved public building, its State significance is vested in the building itself rather than any archaeological remains relating to occupation and use of the court house. Furthermore, the construction date of the court house leaves little potential for underfloor deposits as tongue-in-groove timber flooring was likely used. It is more likely that undocumented features such as artefact scatters may exist in the surrounding grounds which is unlikely to contribute significant or new information to the historic record of Newcastle's second court house. Archaeological remains

demonstrating use of the court house during the late 19th and 20th century is considered of potential local significance according to this criterion.

The site holds moderate potential to retain intact portions of a below ground, post-1861 brick-lined culvert located east of the c.1892 court house. Though evidence of this culvert has been discovered in past excavations along Church and Newcomen Streets, any interpretable data regarding the stratigraphic profile associated with the southern branch of the brick-lined culvert which runs through the site will be a valuable contribution in potentially refining construction dates for this feature. The relic also has potential to contribute additional information regarding engineering techniques and water management in Newcastle during the second half of the 19th century.

Archaeological remains associated with occupation and use of the two mid-20th century buildings are not considered of local or State significance according to this criterion. Intact evidence relating to the 1940s air raid shelters is considered of potential local significance in providing information regarding methods and construction techniques used for WWII air raid shelters.

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

The study site is not considered to be widely recognised though can be considered of local significance to the Newcastle community. It can be said that the local Newcastle community holds an interest and cultural value in the c.1892 court house building for its symbolism as an intact, historic 19th century public building (Criterion A and D). At the same time, this significance is vested in the standing structure itself as well as written and oral histories and this significance will not be borne out in the potential archaeological record of the site.

A level of significance can be attributed to Government Architects, James Barnet and Walter Liberty Vernon (Criterion B), though again this significance is attributed to the standing c.1892 court house. The study site does hold links to the NSW Historic Themes of Law and Order and Towns, Suburbs and Villages for its development of civic infrastructure in Newcastle. These links are not expected to be borne out in the potential archaeological record.

Aesthetic or technical significance (NSW Heritage Criterion C)

The study site is not considered of archaeological significance according to this criterion.

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

The study site holds low potential to retain undocumented archaeological remains associated with agricultural activities during the 19th century settlement and development of Newcastle (Criterion A and G). Forming part of a larger undeveloped paddock, evidence of any early to mid-19th century agricultural activities be linked to use of the wider area by the adjoining barracks or nearby parsonage. Potential undocumented archaeological remains demonstrating agricultural use of the site may include evidence of cultivation (hoe marks), artefact scatters, agricultural drains or culverts and post holes for fence lines. Potential also exists for evidence of a c.1840s brick boundary wall associated with the military barracks. Intact archaeological remains relating to the brick boundary wall or

undocumented remains demonstrating wider occupation and early use of the site prior to its development into Newcastle's second court house is considered of potential local significance (Criterion A and G).

The site also holds moderate potential to retain intact portions of an underground post-1861 brick-lined culvert associated with stormwater management in Newcastle during the second half of the 19th century. Any intact evidence of this structure is considered a valuable contribution in demonstrating the construction methods and engineering techniques utilised for large scale underground water management services in 19th century Newcastle (Criterion G).

The extant c.1892 court house forms the first known occupation phase of the study site. The establishment of the second court house is an example of a late 19th century public building program by the government to improve and expand civic infrastructure in Newcastle in response to the growth and needs of the local community (Criterion A). The study site further demonstrates its use as a place of law enforcement and justice in Newcastle for a period of more than 100 years (Criterion G), though this significance is unlikely to be represented in the potential archaeological record which is anticipated to be restricted to undocumented remains such as artefact scatters, evidence of earlier landscaping to the surrounding grounds (garden beds, surfaces) or evidence of earlier services. Intact archaeological remains providing information relating to the occupation and use of Newcastle Court House can be considered of potential local significance (Criterion A and G).

The potential archaeological record of the study site is not expected to contain evidence which would be considered of State or local significance according to Criterion C or F.

Archaeological remains associated with occupation and use of the two mid-20th century buildings are not considered of local or State significance according to these criteria. Intact evidence relating to the 1940s air raid shelters is considered of potential local significance in providing information regarding methods and techniques of public defence systems in New South Wales during WWII (Criterion A).

4.3 STATEMENT OF CULTURAL SIGNIFICANCE

The study site forms part of a larger area of crown land, the majority of which still remains under the ownership of the government. Initially forming paddocks in close vicinity to the military barracks, the study site was later developed into Newcastle's second court house, forming another structure in the expanding development of Newcastle's civic law and justice system.

The archaeological record of study site is considered to be of potential local significance according to the above criterion. Apart from a c.1840s brick boundary wall for the barracks, which may still survive insitu, the c.1892 court house forms the earliest known development phase of the study site. Prior to this occupation phase, the study site may retain early to mid-19th century undocumented archaeological remains demonstrating wider use of the site by adjacent occupants which included a military barracks, later converted into a hospital asylum and Catholic parsonage ('Kirkwood House'). Any evidence indicating a link between either of these nearby occupants and the study site is considered a valuable contribution to the historical development of Newcastle in providing information to the early land use of the study site. Any intact evidence of the post-1861 brick-lined culvert will contribute valuable

information to the historical record regarding late 19th century stormwater management systems in Newcastle.

Though not anticipated, any archaeological remains providing new or additional information to the historical record of Newcastle's second court house is considered a valuable contribution in expanding the corpus of information relating to the development of provision of justice in the Newcastle district during the late 19th and 20th centuries. Evidence of air raid shelters would be demonstrative of the preparation of the government to protect government workers and individuals from potential airstrikes.

5.0 STATEMENT OF ARCHAEOLOGICAL HERITAGE IMPACT

5.1 PROPOSED DEVELOPMENT

The proposed development seeks to convert the current Newcastle Court house complex into an offshore campus for the Nihon University of Japan. The redevelopment program will include a combination of demolition, construction and conservation work.

The 1940s and 1960s buildings either side of the court house are presently being demolished. Two new buildings will be constructed in their place, with a larger footprint than the previous (Figure 5.1). The building to be constructed on the east side of the c.1892 court house will form residential accommodation and the building to the west will be educational. All three buildings will be connected on the first and second floors. Rooms within the c.1892 court house building will also be repurposed for educational use. The spaces will be both public and educational. Some of the original prisoner cells on Level one will be retained for historic reference.

Subsurface impacts for construction of the new buildings are as follows -

New Residential building (east side):

- Following demolition and removal of raft foundations, bulk excavation is to occur to the east side of the site, to a depth of up to one metre below current ground surface in certain areas.
- Piling program to construct foundation base of building (Figure 5.2) after completion of bulk excavation.
- Dependant on location, diameter for piles will range between 600mm and 750mm and be drilled into bedrock.
- Piles (600mm diameter) will also be drilled for lift shafts and stairwells (Figure 5.2).
- Foundation slab for ground floor level to be constructed on top of piles.
- Trenching for service installation and connections.
- Building will comprise of four levels.

New Educational building (west side):

- Following demolition, bulk excavation is to occur on the west side of the site, to a depth less than one metre below current ground surface.
- Piling program to construct foundation base of building (Figure 5.3) after completion of bulk excavation.
- Dependant on location, diameter for piles will range between 450mm and 750mm and be drilled into bedrock.
- Piles (600mm diameter) will also be drilled for lift shafts and stairwells (Figure 5.3).
- Foundation slab for ground floor level to be constructed on top of piles.
- Trenching for service installation and connections.
- A soldier pile wall will be drilled and constructed in the southwest corner of the site.
- Foundation slab for ground floor level to be constructed on top of piles.
- Trenching for service installation and connections.
- Building will comprise of four levels.

Subsurface impacts for stormwater services and drainage control (Figure 5.4) include the following –

- A new stormwater line (900mm diameter) will require excavation within an existing north-south easement containing the brick culvert to more than three metres in depth for installation of the new line and pits.
- The new line which will contain the 900mm diameter pipe will be excavated to a depth of 3.3 metres below the current ground surface.
- Excavation for new stormwater pits will range between 3.2 – 3.5 metres below the current ground surface.
- Two drainage lines will be installed along the north and east perimeter of the new residential building.

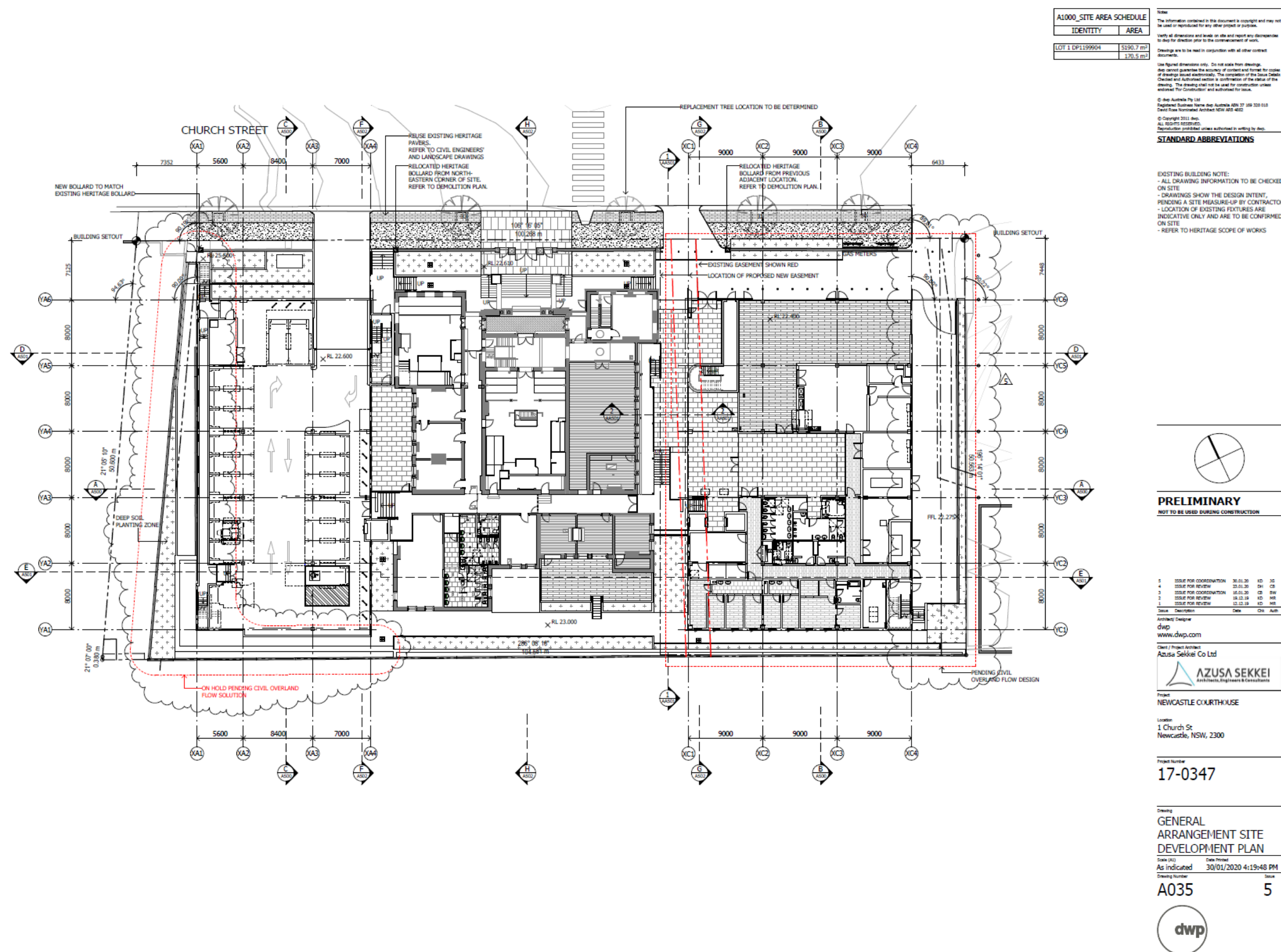


Figure 5.1 Proposed development – General arrangement plan.
 DWP, January 2020, Drawing number A035, issue 5.

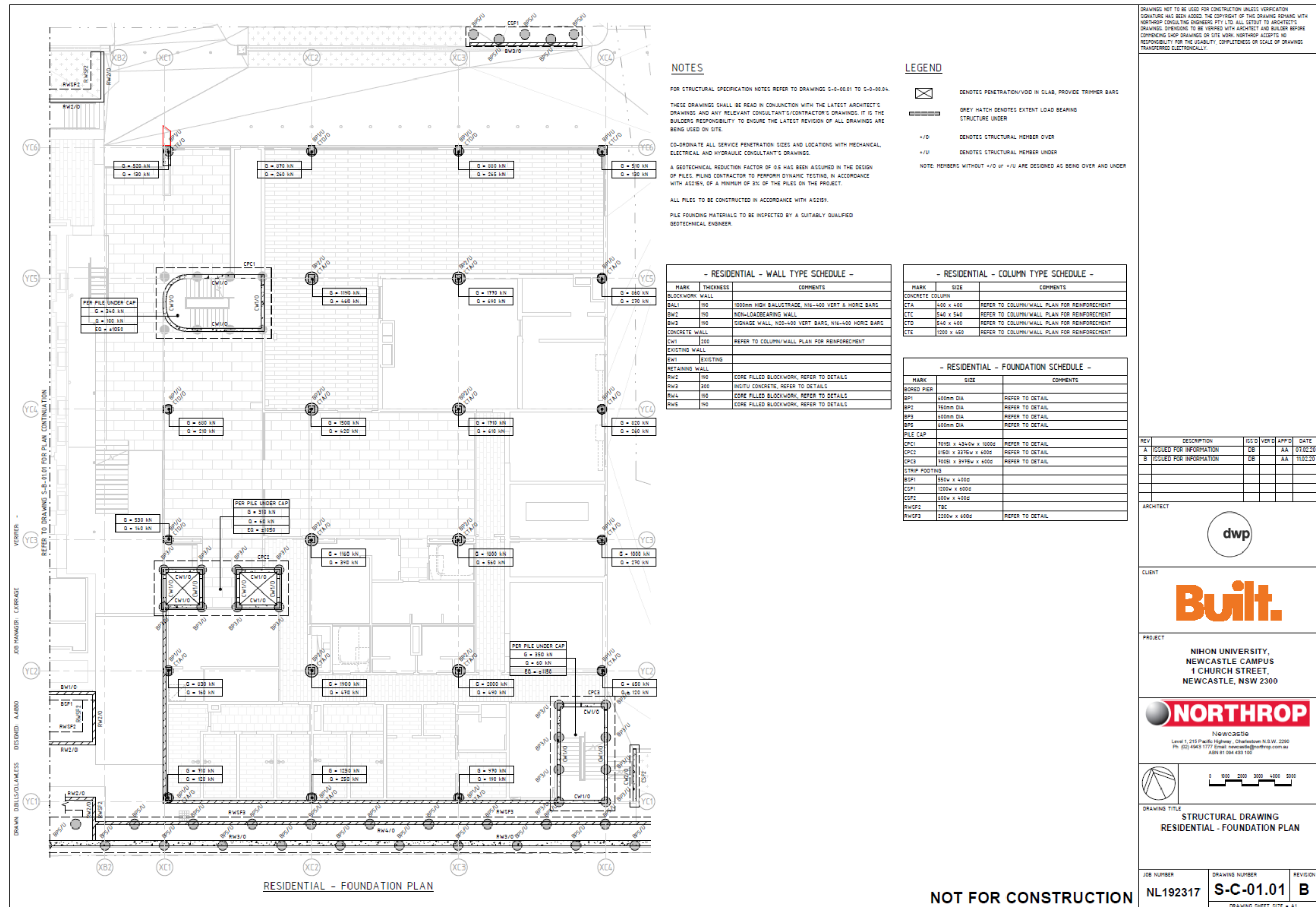


Figure 5.2 Residential Building – east side of site, showing piling foundation plan.
Northrop, February 2020, Drawing number S-C-01.01, revision B.

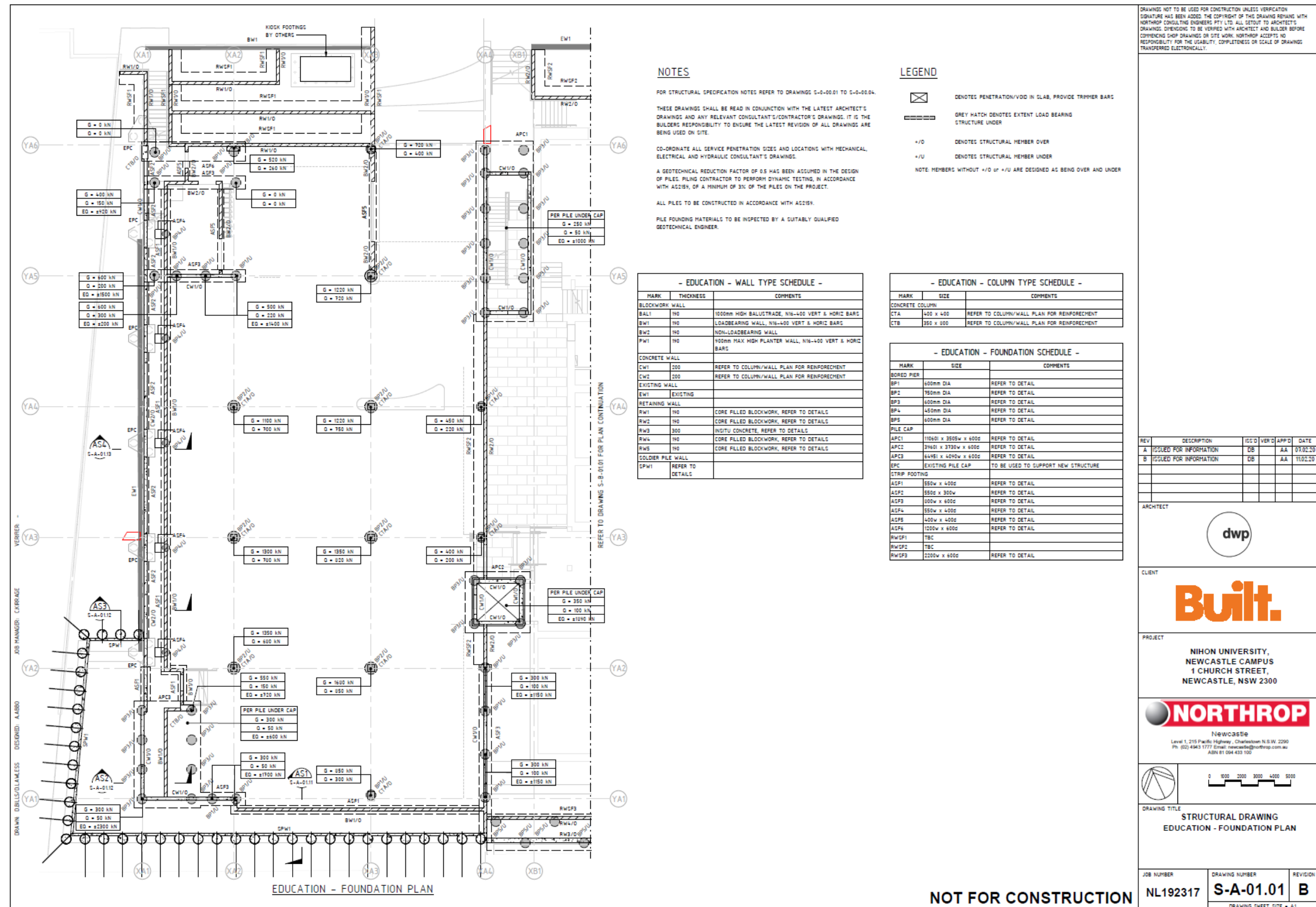


Figure 5.3 Education Building – west side, showing piling foundation plan.
Northrop, February 2020, Drawing number S-A-01.01, revision B.

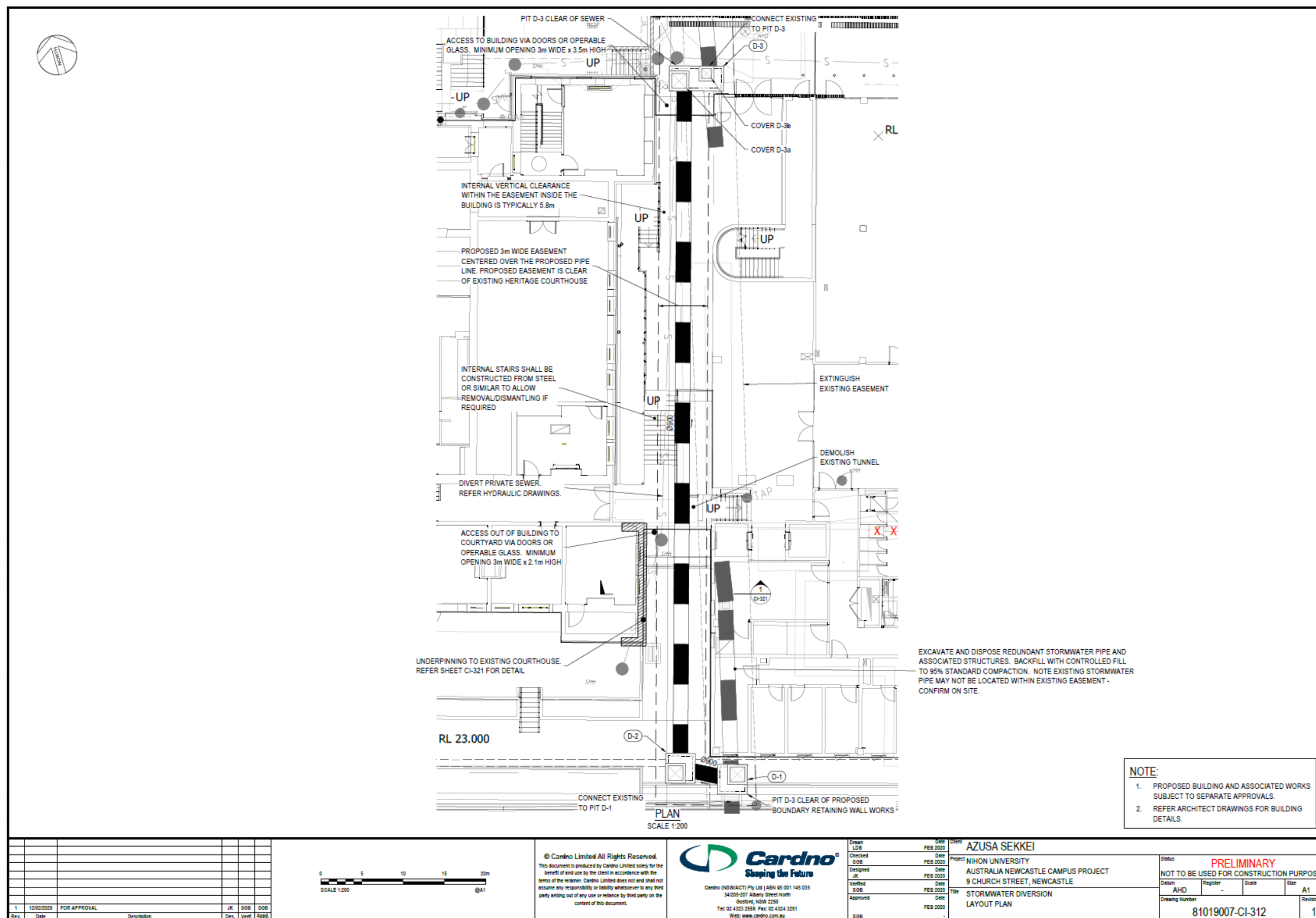


Figure 5.4 Stormwater diversion plan.
Cardno, February 2020, Drawing number 81019007-CI-312, revision 1.

5.2 STATEMENT OF ARCHAEOLOGICAL HERITAGE IMPACT

Based on the proposed development described above (Section 5.1) and impact overlays (Figure 5.5 - Figure 5.6), several impacts proposed to the east side of the site will disturb any surviving archaeological remains. The removal/grubbing out of raft foundations during demolition phase of the current east building, in conjunction with the bulk excavation works program to prepare the site for foundation piling will expose, impact on and likely remove archaeological material associated with the late 19th century amenities building, early-mid 20th century outbuildings and WWII air raid shelters (Figure 5.6).

Subject to the building setback from street boundary and the northern extent of excavation, bulk excavation may also expose and impact on the c.1840s brick boundary wall (Figure 5.6). Dependant on the absolute location of the new stormwater line, portions of the post 1861 brick culvert will likely be impacted on and partly truncated by excavation works within the existing easement.

Apart from the c.1840s wall along the northern boundary, no known relics have been identified on the west side of the site (Figure 5.5 - Figure 5.6), thus bulk excavation works for the new education building is expected to have nil heritage impact on the archaeological record of the site.

To mitigate the heritage impact to known relics of potential local significance, it is recommended that a targeted archaeological monitoring program be developed in relation to areas of archaeological potential to be impacted on by excavation works. Initial excavation within all archaeological monitoring work zones will be under the supervision and direction of a qualified archaeologist and operate under the guidance of the Research Design (see Section 6.0) and Excavation Methodology (see Section 7.0). Other areas of the site subject to excavation works but not part of an archaeological monitoring zone will be subject to an unexpected finds protocol.



Figure 5.5 Overlay showing current aerial of study site and known features per several historic plans .

Overlay by Strickland, February 2020. Strickland using NSW LPI Six maps Viewer; Department of Finance & Services PC 386/29; Hunter District Water Board, C919.442/34/009.

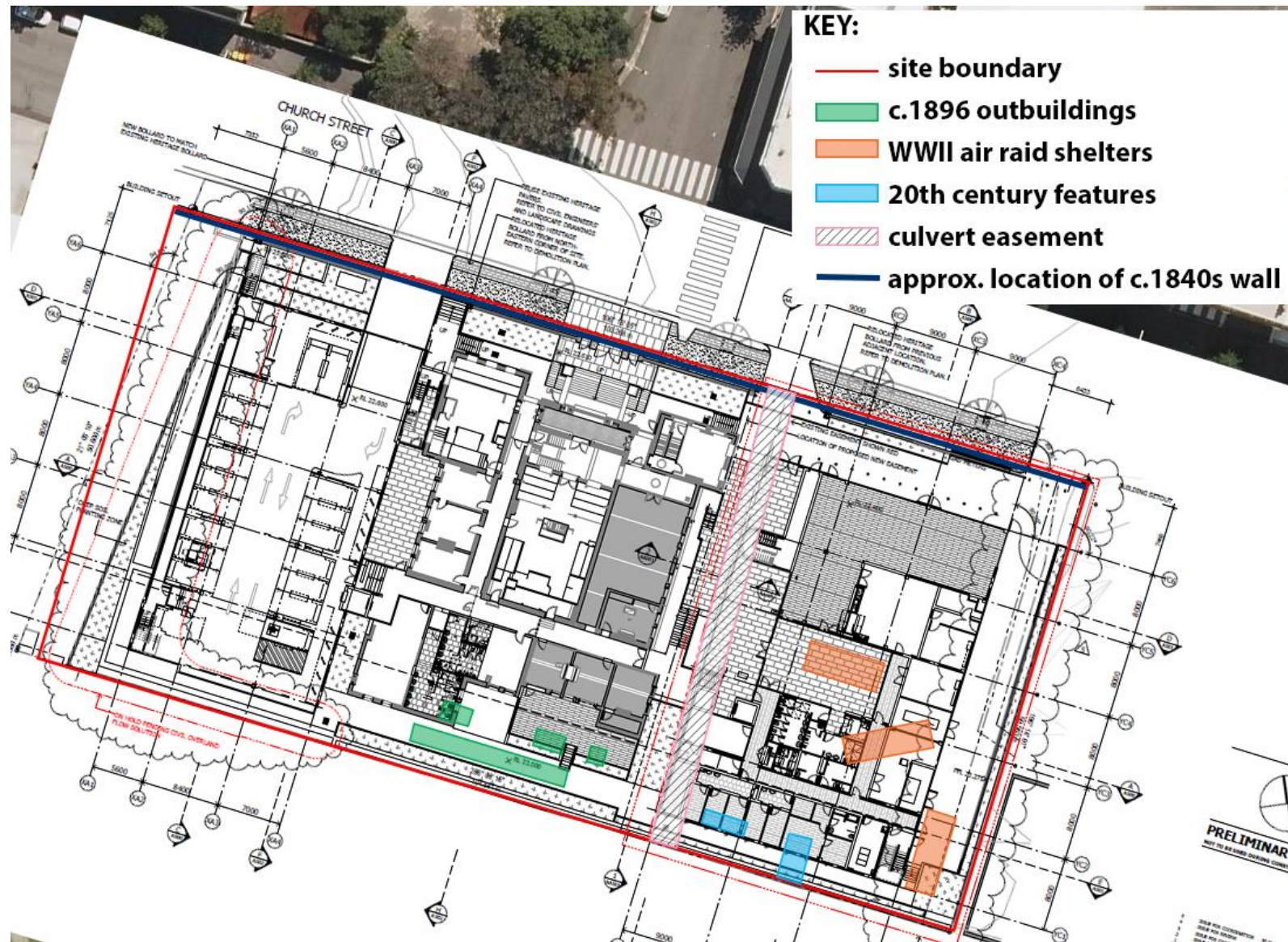


Figure 5.6 Impact overlay showing general ground floor arrangement plan in relation to the perceived location of relics.

Overlay by Strickland, February 2020. Strickland using DWP, January 2020, drawing no. A035, revision 5; NSW LPI Six maps Viewer; Department of Finance & Services PC 386/29; Hunter District Water Board, C919.442/34/009.

6.0 RESEARCH DESIGN

6.1 INTRODUCTION

The work proposed for the study site consists of the possible exposure of archaeological relics of local significance. The following research design is therefore limited to questions that may be answered by this work.

The post 1861 brick culvert running north-south through the study site is presently situated within a 3m wide easement located just east of the court house structure. A large portion of this easement will be excavated for a new stormwater line which will likely expose any remaining original portions of the circular culvert. Any data obtained regarding the culvert will be cross analysed with excavation data obtained in 2012 from the earlier east-west running culvert on Church Street.²⁷

Historic research shows that the known relics anticipated to survive at the study site do not explicitly link to activities of the court house, rather forming subsidiary outbuildings and structures facilitating the site's general long-term occupation (for example, public amenities and storage sheds). The potential exposure of a c.1840s brick boundary wall for the barracks further demonstrates that until the construction of the court house in the early 1890s, the study site formed the undeveloped outskirts of government owned land. The type of archaeological remains expected to be exposed by the development works are not anticipated to provide direct evidence of daily operations of the court house, therefore questions related to specific court house activities or occupants have been omitted from the research design and more broader questions, such as the concept that the site holds potential for undocumented evidence relating to the court house phase have been included.

Any evidence relating to the presence of WWII air raid shelters on the site will form a valuable addition to the growing corpus of historical information of Newcastle's military role in WWII. The government undertook many measures during World War II to protect government infrastructure from potential air strikes. It is likely that several air-raid shelters were constructed in the vacant southeast corner of the site in the case that such an attack could protect occupants of both the court house and police station next door. Should evidence of these structures survive, the results of excavation may produce comparative data such as construction methods, layout and dimensions which can be used in cross analysis of other excavated (or extant) air raid shelters across New South Wales.

The following research design has been developed based on the Heritage Council of NSW's Historical Themes in order to guide the methodology for the proposed archaeological excavation of the site. The research design has been set out in accordance to these themes (Table 6.1). Should the relics found on the site allow further questions to be answered; the research design will be extended.

²⁷ AMAC Group (March 2013).

Table 6.1 Historical Themes concerning the study site

Australian Theme	NSW Theme	Study Site
Tracing the natural evolution of Australia	Environment – naturally evolved	Pre-European settlement environment
Building settlements, towns and cities	Utilities	Late 19 th century court house amenities
Governing	Defence	Air raid shelter
Governing	Law and order	1890s court house

6.2 RESEARCH DESIGN QUESTIONS

Tracing the natural evolution of Australia: Environment – naturally evolved

Prior to European occupation, the city of Newcastle formed coastal plains, with several water courses running through what is now the city centre. Indigenous habitation in Newcastle is known from archaeology to have begun thousands of years ago. The group historically associated with land use and ownership is the Awabakal people.

- Recent Aboriginal test excavation identified the natural soil profile at varying depths, the majority of which was identifiable approximately 40cm below the current ground surface. Can any additional information be added regarding the natural topography following archaeological monitoring of the site?
- Is there any evidence for the natural flora and fauna of the site prior to European occupation?

Building settlements, towns and cities - Utilities

Prior to direct occupation and development of the study site into Newcastle's second court house, infrastructure including the underground east-west brick culvert along Church Street and north-south culvert running through the site were constructed to improve water management in Newcastle. Amenities blocks with underground service connections were constructed at the rear of the site to service the court house.

- What remains of the original post 1861 brick culvert? Has it entirely been replaced by concrete? What evidence survives of its original construction phase?
- How does the shape, construction and layout of the post-1861 culvert compare to the earlier constructed east-west brick culvert running along Church Street? Are there any similarities or differences from the Church Street portion excavated by AMAC in 2012?²⁸
- Is there any other data regarding additional water management systems at the site?
- Is a more refined construction date for the post 1861 culvert possible?
- Does any evidence of the c.1896 amenities block survive? If so, how does this relate to what is seen on the c.1896 plan (Figure 2.5)? What can be said of its construction and layout?

²⁸ AMAC Group (March 2013).

- It appears that by the time the amenities block was constructed, underground sewer and water services had been installed across parts of Newcastle. Are there any cesspits to suggest otherwise?
- What remains of the two 20th century structures seen on a 1940s public works plan? How does this plan relate to the actual location of the structures?
- Can any more information be obtained regarding the function of these 20th century structures?

Governing – Defence

The study site has formed part of wider government grounds since European settlement. A brick barrack wall was constructed along the Church Street frontage in the 1840s, presumably knocked down for the construction of the c.1892 court house. Up to three WWII air raid shelters were constructed in the southeast corner of the site, the quantity believed to accommodate both the court house and neighbouring police station.

- Does any evidence of the c.1840s brick boundary wall for the barracks survive along the Church Street site frontage? If so, where is its location in relation to the court house? How has the process of development affected the wall foundations?
- Are there any unique design or construction features of the c.1840s boundary wall?
- Is there any evidence for any of the three air raid shelters marked on the 1940s public works plan (Figure 2.7)? If so, does the position of the structures match the location of any shown on plan? What evidence remains of this structure?
- Should more than one shelter survive, are they identical in size, materials and layout?
- Did these structures serve any other discernible functions?

Governing – Law and Order

The c.1892 court house and associated mid-20th century administration buildings represents the only known European occupation phase of the site. The site's judicial function continued up until its closure in 2016.

- Does any undocumented evidence (rubbish pits, artefact scatters) exist at the site and can be linked to occupation of the court house?
- Can any function or relationship be attributed between the early 20th century outbuildings/ rear structures and the court house?
- Is the long-term occupation of the site by the government judicial system represented within the archaeological remains?

7.0 ARCHAEOLOGICAL EXCAVATION METHODOLOGY

7.1 INTRODUCTION

7.1.1 Background to Excavation Methodology

The proposed development requires bulk excavation on both the east and west sides of the former court house building. This work will impact on several late 19th and 20th century outbuildings and structures related to occupation and use of the court house. The depths required will likely remove all surviving archaeological remains. Deep excavation for stormwater diversion works within the existing easement will likely expose and truncate portions of the post 1861 culvert. Dependant on excavation requirements along the northern site boundary, potential also exists to expose portions of an c.1840s brick boundary wall. All known relics identified within the assessment are considered of potential local significance (refer to Section 4.0).

To mitigate impact to the archaeological resource, it is proposed that a program of archaeological monitoring and excavation be undertaken in advance of any excavation works. This program will comprise of a targeted monitoring program whereby monitoring zones have been established on the basis of the location of known relics. Only relics within development impact areas will be removed to facilitate construction work, where possible, the rest will remain in situ. This site-specific methodology is detailed in Section 7.3.1 below. All archaeological excavation work will follow the AMAC Group general excavation methodology outlined in Appendix 10.1. All other parts of the site not located within a monitoring zone will be subject to an unexpected finds protocol as described in Section 7.3.2 below.

The site-specific methodology has been developed to best answer the research questions presented in Section 6.0 of this report. Any archaeological excavation will be carried out according to: current best practice;²⁹ the terms of the methodology set out here; and any other requirements outlined by the endorsed SSDA as issued by the Department of Planning, Industry and Environment, or its relevant delegate (Heritage, DPC).

In accordance with evidence provided by the documentary data and physical inspection of the site, the following programme and methodology are set out to maximise archaeological data retrieval with appropriate team and excavation methodology. Maximisation of data retrieval is critical in compliance with archaeological excavation permits.

7.1.2 Archaeological Impact Mitigation Policy

Unless endangered by elements not controllable (decay, subsidence etc.), it is generally considered that relics are safest if left unexcavated; if this is not possible then partial retention should be considered (excavating the remainder), and failing this they should be fully excavated and recorded. Any excavation work must be conducted to the highest standard under a permit issued by the Heritage Division.

²⁹ NSW Department of Planning and Heritage Council of NSW (2006) *Historical Archaeology Code of Practice*

If nil impact is not possible, then controlled full, partial and test excavation is vastly superior to the destruction of archaeological sites. Each of these methods preserves and causes the recording of the data inherent in the archaeological resource. Sites or relics that have ceased to exist or have substantially lost integrity provide little or no scope for mitigation.

The current two-phase archaeological works are considered necessary to formulate a mitigation strategy, conservation policy and interpretation planning for the proposed future development of the site that incorporates the most significant archaeological remains on the site with minimum impact.

7.1.3 Nominated Team

The excavation team will be made up of qualified archaeologists, utilised as required by finds. In addition, a qualified and experienced driver will be required to operate a mechanical excavator. The archaeological programme and methodology will be explained in detail to the team by the archaeological Excavation Director. This will include outlining the history of the site and the relics expected. A copy of the assessment, research design and excavation methodology as well as any conditions issued by Heritage, DPC, or its relevant delegate under State Significant Development approval will be made readily available on site for workers to consult.

In compliance with consent condition C18 of SSD9787, the following qualified archaeologists are nominated to direct and supervise all archaeological excavation at the study site. In addition, the Co-Excavation Directors will be responsible for liaising with DPIE, or its relevant delegate under State Significant Development consent approval regarding any archaeological matters prior, during or proceeding archaeological investigation of the site.

Table 7.1 Proposed Excavation Directors and supervisory team.

Co-Excavation Director (Primary)	Martin Carney
Co-Excavation Director	Kevin Hickson or Ivana Vetta
Supervisor/ Senior Archaeologist	Kelly Strickland
Archaeologist	Prue Newton

7.2 PREVIOUS ARCHAEOLOGICAL WORK AND SITE DISTURBANCE

A program of Aboriginal test excavation was completed at the study site in January 2020. Refer to Section 3.3 of this report for a description and summary of works.

7.3 SITE SPECIFIC METHODOLOGY

7.3.1 Targeted Archaeological Monitoring Program – East side

A comparison of proposed development impacts in relation to the location of known relics has resulted in a program of targeted monitoring being developed for the east side of the site. Figure 7.1 and Figure 7.2 shows the location of these monitoring zones.

It is understood that above ground demolition works are currently in progress. Following lifting of the slab, a series of raft foundations up to one metre in depth will

require excavation and removal/ grubbing out during the demolition phase. AMAC is to be contacted in advance of the planned raft foundation removal on the east side of the site. No excavation work can proceed within identified monitoring zones until a qualified archaeologist is on site to supervise excavation in these areas.

Machine excavation will occur at the discretion of the supervising archaeologist in these monitoring zones and a site briefing and excavation plan will be made each day between the site foreman and/or project manager and the supervising archaeologist. Archaeological monitoring will continue until the level of ground disturbance is understood by the archaeologist, the entire depth of the excavation required is reached, or to the point at which a sterile, natural soil horizon, or bedrock, is identified.

Any archaeological relics or features exposed during works will be fully recorded per the general excavation methodology detailed in Appendix 10.1. If exposed archaeological remains are required to be removed to facilitate development works, these remains must be recorded and signed off on by the supervising archaeologist prior to machine excavation continuing in this location. At the cessation of archaeological monitoring, the eastern side of the site will be signed off by the Excavation Director. Following sign off, the piling program can proceed on the east side.

All archaeological monitoring, excavation and recording will follow the AMAC Group general archaeological excavation methodology detailed in Appendix 10.1

7.3.2 Unexpected Finds – Call Out Protocol

Apart from the targeted monitoring area, no known relics have been identified across all other areas to be impacted on by the proposed development. Therefore, the scope of works proposed to the remaining portions of the study site is considered to have nil heritage impact to the potential archaeological record. Archaeological monitoring is considered unnecessary for these locations, instead an unexpected finds protocol will be in place for the duration of works to manage exposure of any unexpected archaeological material.

Prior to the commencement of excavation works, a qualified archaeologist will provide on-site contractors with an archaeological site briefing. This brief will provide contractors with the historical context of the site, the anticipated soil profile, the types of unexpected finds that may be encountered during excavation work and the stop works procedures to follow if any unexpected archaeological material is found. If archaeological material is encountered, such as wells, footings and cesspits, excavation will cease in this area while AMAC Group is contacted. AMAC Group will attend site to inspect the potential relic. If the material is assessed as being a relic, the Heritage Division will need to be contacted and approval sort prior to its removal. Archaeological material deemed of neither local or State significance will be fully recorded as per the general excavation and recording methodology presented in Appendix 10.1.

Following site briefing, archaeological input will operate on a call-out basis as described above.

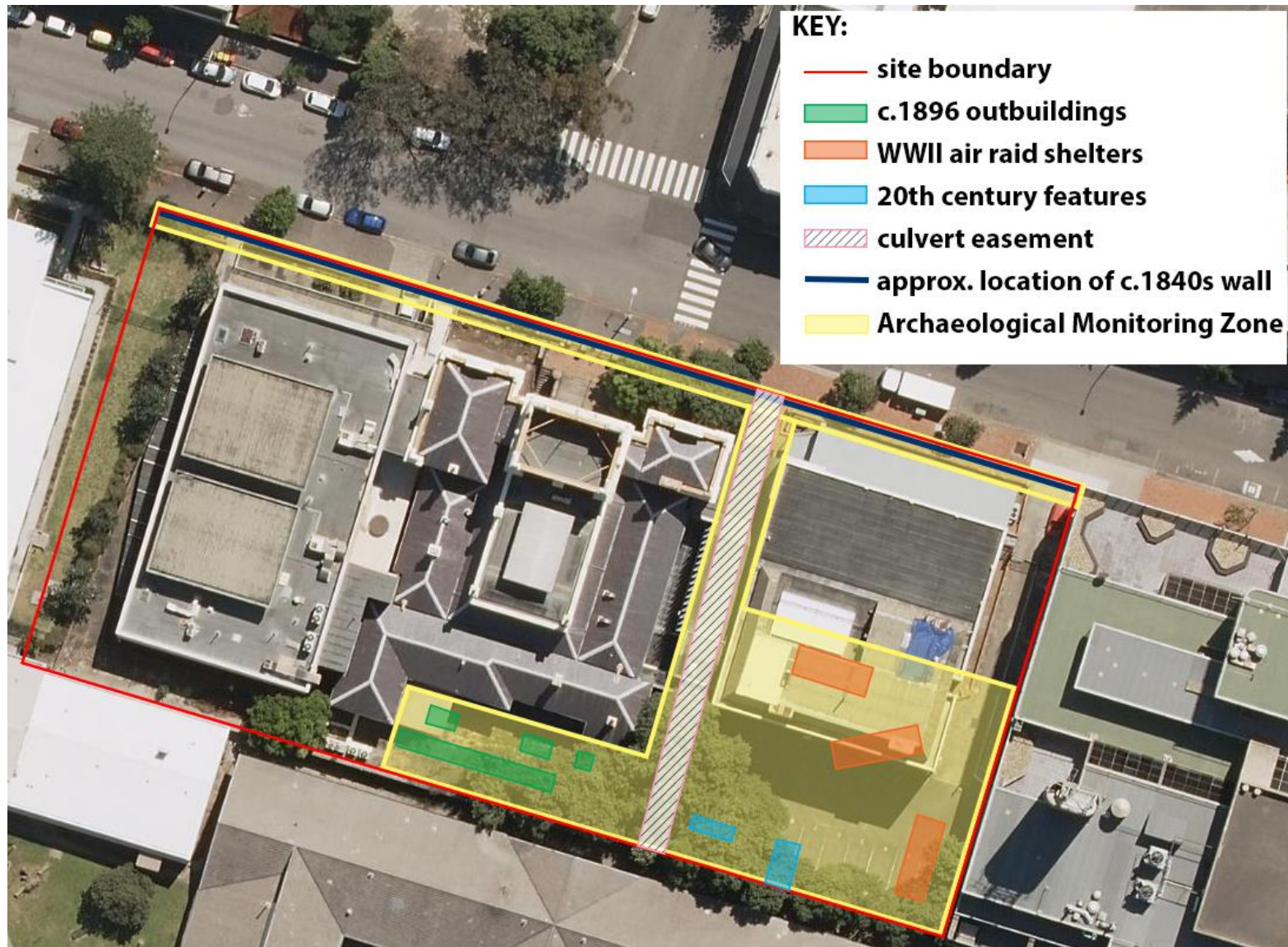


Figure 7.1 Plan showing Archaeological Monitoring Zones on current aerial photograph. Strickland, February 2020.

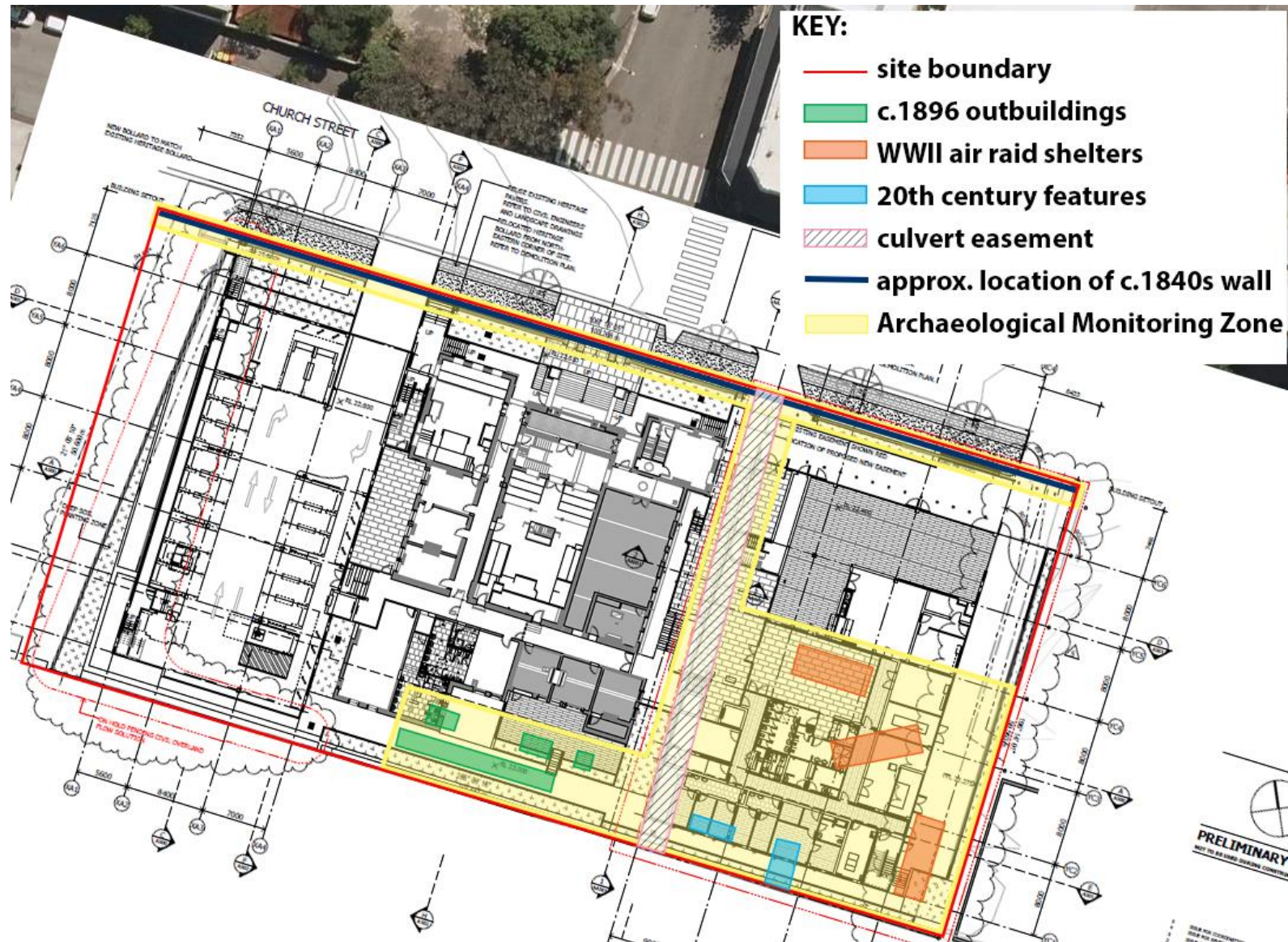


Figure 7.2 Plan showing Archaeological Monitoring Zones on general site arrangement plan. Strickland, February 2020.

8.0 RESULTS AND RECOMMENDATIONS

8.1 RESULTS

8.1.1 Documentary Research

The study site initially formed part of a larger portion of land reserved by the crown in the early 19th century as military barracks for the settlement of Newcastle. Historic plans and sketches show that the site formed undeveloped paddocks fenced off from Church Street as well as the main grounds of the barracks. The site remained undeveloped until the construction of Newcastle's second court house in the early 1890s. This new court house replaced the c.1841 degrading court house further north of the study site (on the corner of Hunter and Bolton Streets).

The 1890s court house continued to be used throughout the 20th century. In the mid-20th century the justice precinct was expanded to include three-storey buildings on both the east and west sides of the court house. In 2015 the 1890s court house was retired; a new court house having been constructed in Civic Place.

8.1.2 Physical Evidence

The study site presently contains a total of three buildings fronting Church Street; a three-storey c.1892 court house and two, mid-20th century buildings on either side. As part of a university redevelopment project, the proposed development seeks to demolish two, mid-20th century buildings situated either side of the c.1892 court house and construct two new buildings in their place. Minor refurbishments are proposed for the c.1892 court house. The upper levels of the two mid-20th century buildings are now in the process of being demolished.

Low archaeological potential exists for undocumented archaeological material to survive relating to agricultural use of the study site during the 19th century. Low to moderate potential exists for remains of a c.1840s brick boundary wall. Moderate potential exists for intact evidence of a below-ground post-1861 culvert to survive to the east of the court house building. Low potential also exists for undocumented archaeological evidence relating to utilisation of the court house during the late 19th and 20th century as well as evidence of WWII air raid shelters in the southeast corner of the site.

8.1.3 Significance

The archaeological record of study site is considered to be of potential local significance. Apart from a c.1840s brick boundary wall for the barracks, which may still survive insitu, the c.1892 court house forms the earliest known development phase of the study site. Prior to this occupation phase, the study site may retain archaeological remains demonstrating early to mid-19th century agricultural activities or use of the site by adjacent occupants which included a military barracks, later converted into a hospital asylum and Catholic parsonage ('Kirkwood House'). Any evidence indicating a link between either of these nearby occupants and the study site is considered a valuable contribution to the historical development of Newcastle in providing information to the early land use of the study site. Any intact evidence of the post-1861 brick-lined culvert will contribute valuable information to the historical record regarding late 19th century stormwater management systems in Newcastle.

Any archaeological remains providing new or additional information to the historical record of Newcastle's second court house is considered a valuable contribution in expanding the corpus of information relating to the development of provision of justice in the Newcastle district during the late 19th and 20th centuries. Evidence of air raid shelters would be demonstrative of the preparation of the government to protect government workers and individuals from potential airstrikes.

8.2 STATEMENT OF ARCHAEOLOGICAL HERITAGE IMPACT

To mitigate the heritage impact to known relics of potential local significance, it is recommended that a targeted archaeological monitoring program be in place for areas of archaeological potential to be impacted on by excavation works. Initial excavation within all archaeological monitoring work zones will be under the supervision and direction of a qualified archaeologist and operate under the guidance of the Research Design (see Section 6.0) and Excavation Methodology (see Section 7.0). Other areas of the site subject to excavation works but not part of an archaeological monitoring zone will be subject to an unexpected finds protocol.

8.3 RECOMMENDATIONS

This report has been prepared in response to Condition C17 of SSD9787 development consent. It is recommended that this report be submitted to DPIE or its relevant heritage delegate (Heritage, DPC) in fulfillment of Condition C17.

The Research Design (Section 6.0) and Archaeological Excavation Methodology (Section 7.0) will form the guiding documentation for the management of any historical archaeological excavation at the study site. The onsite archaeological program has been specifically designed to monitor, excavate and record locally significant archaeological relics which will be disturbed or removed by the development, in advance of any bulk earthworks program.

Should any unexpected or unassessed relics be uncovered during excavation, works will cease while these are investigated. Further assessment and liaison with DPIE or its relevant heritage delegate (Heritage, DPC) may be required for such finds.

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10.0 APPENDICES

10.1 AMAC GROUP GENERAL ARCHAEOLOGICAL EXCAVATION METHODOLOGY

The following section comprises of the general excavation methodology designed and endorsed by AMAC Group and employed for every archaeological excavation. The methodology provides a detailed breakdown of the field processes utilised on site as well as describing post-excavation reporting and artefact processing methods. Site specific excavation methodologies provided within the main body of each report (Section 7.0 of this document) include particular excavation details or processes unique to individual sites and form supplementary programs to the general methodology presented below.

10.1.1 Pre-Excavation Site Briefing

At the outset of excavation works for the proposed development a suitably qualified archaeologist should be present to inspect the site and brief the excavation personnel regarding its potential archaeology and the excavation procedures set out in this methodology. This briefing will inform the excavation works team that the initial removal of the ground surface in all areas to be excavated will require inspection and relate how archaeological monitoring would proceed if required and as detailed in the site-specific methodology (Section 7.0).

10.1.2 Site Preparation – Existing Building Demolition and Ground Surface Inspection

It is proposed that building demolition be carried out to the level of the footings before archaeological work commences. Demolition must be carried out in such a way as to minimise impact on the foundations and underlying ground and minimise the impact on any surviving relics. The archaeologist should be consulted about the method of demolition. Once the demolition has reached the level of the footings an archaeologist should be present on site to establish protocols for archaeological supervision and attendance, or if required, guide the remainder of the work.

Ground surface inspection occurs when the development is ready to proceed with excavation in a particular area, it involves an archaeologist working in tandem with an experienced excavator operator using a flat or 'mud' bucket. All such excavation works that involve the archaeologist will follow the Archaeological Monitoring Methodology as set out in Section 12.5.3 below.

During ground surface inspection, the archaeologist will be able to inspect the upper layer of the soil profile as it is revealed and determine the presence or otherwise of archaeologically sensitive stratigraphy or undocumented archaeological features. If the ground in an area is determined to be highly disturbed or natural and undeveloped, excavation for the development may proceed without the presence of an archaeologist. From that point, archaeological monitoring of the excavation will only occur as needed, on a call out basis, in the event that archaeological material is encountered by the excavation works team.

10.1.3 Archaeological Monitoring Methodology

Archaeological Monitoring involves a suitably qualified archaeologist supervising and co-ordinating with an experienced mechanical excavator operator. Monitoring

proceeds by the archaeologist overseeing the work of a mechanical excavator who would remove modern soils and fills according to the direction of the archaeologist.

When engaged in excavation monitored by the archaeologist, the machine must have a flat edged or mud bucket, rather than a toothed bucket, in order to maintain a clean excavated surface. In general, any machinery used will move backwards, working from a slab surface, in order not to damage any exposed archaeological relics. The soil will be removed in layers, with no more than one context, such as topsoil, being removed at one time. This will allow any relics to be identified, recorded and preserved if necessary.

Archaeological monitoring will continue until one of the following points are encountered:

- The level of ground disturbance is understood by the archaeologist;
- Or the entire depth of the excavation required is reached;
- Or to the point at which a sterile, natural soil horizon, or bedrock, is identified.

An archaeologist must be on site to supervise all excavation with the possibility of revealing archaeological relics. The excavation will be carried out according to the direction of the archaeologist. Any archaeological excavation will be carried out according to current best practice and in terms of the methodology set out in Section 12.5.4 below and as required under relevant permit conditions.³⁰

10.1.4 Discovery of Relics and Archaeological Excavation

If archaeological relics (see Section 4.0) are detected during monitoring and excavation of fills from the site, excavation will cease while these are analysed and investigated. If the relics are found to be of State significance, or otherwise outside of the range of relics predicted in the assessment of the site, excavation will cease in this area while Heritage DPC is notified. Additional archaeological assessment or evaluation and further liaison/approval with Heritage, DPC, may be required to deal with such finds.

All other exposed relics will be recorded, and excavated by hand (or where possible, by machine) in reverse stratigraphic sequence, to the extent which they will be destroyed by the proposed development. All works will be carried out in compliance with the permit issued for such works by Heritage, DPC, on behalf of the Heritage Council of NSW.

Samples will be taken of any earlier topsoils, and of soils within features such as pits or a well, should they exist. Any occupation deposits and fills of features such as pits will be sieved, and all artefacts will be retained, with the exception of building materials, which will be sampled. If occupation deposits (for example, underfloor deposits, yard deposits) are encountered during excavation works, works will cease while the deposits are archaeologically excavated. An occupation deposit will be manually hand excavated using small tools such as a trowel. Dependent on the size and depth of the deposit, the area will be broken up and excavated in 50cm x 50cm squares, in 10cm spits, until the extent of the deposit is reached, or to the extent of impact. Any occupation deposit will be hand excavated and placed into buckets (divided by square numbers) and weighed prior to sieving. The deposit will be sieved through double nested sieves (10mm on top of 5mm) and all artefacts will be collected.

³⁰ NSW Department of Planning and Heritage Council of NSW (2006).

Should any archaeological relics be uncovered, but not removed, in the process of excavation, these will be recorded. They should be covered with a semi-permeable membrane, such as *bidum*, before construction. Should the proposed development require any plantings in the areas of retained archaeological remains, these should be further restricted to small plants and not include trees, as significant root growth may disturb the retained remains.

10.1.5 Archaeological Recording

Any archaeological relics found and excavated will be recorded in three ways. A written description of each feature and context will be made using printed context sheets. A Harris Matrix will be formulated in order to record the relationship of all contexts found if relevant to the situation. A scaled plan and/or a photogrammetric model (dependent on-site conditions) will be made of the site and of each feature found, and levels will be taken as part of this process. Recording of the site will be carried out according to Heritage, DPC guidelines and the AMAC excavation manual.³¹ The site and features will also be recorded photographically, according to current Heritage, DPC guidelines.

Artefacts from the excavation will be cleaned and catalogued, as well as placed in labelled bags according to their catalogue number. The artefacts, in boxes, will be returned to the property owner or applicant for safe keeping (as per the permit conditions). Conservation strategy and procedures (if required) in terms of the permit conditions should be carried out prior to initiation of long-term storage. Should a higher quantity of artefacts be collected from a site, this may entail the need for a long-term purpose suited and formalised storage facility.

10.1.6 Analysis and Final Reporting

The scope and extent of reporting is linked directly to the nature, extent and complexity of site finds, and a ratio of 1:1 for site time should be expected as a starting point to complete reporting in terms of Heritage, DPC guidelines (on behalf of the Heritage Council of NSW), the methodology proposed and any issued permit conditions. The timeframe will move up or down relative to the extent and complexity of material and any necessary conservation measures.

At the cessation of site works, the archaeologist will notify Heritage, DPC that works were completed according to the methodology and permit conditions. A final report on the archaeological work on the site will be prepared in compliance with the permit conditions provided by Heritage, DPC. The final archaeological report will include a trench, area or overall stratigraphic report detailing precisely what was found by area, phase and stratigraphic relationships and an analysis of the results of the work; a response to the research design, so far as the results allow, and a comparison with the results of similar sites in the local area where possible. The final report will also include a completed Harris Matrix, digitised records (context sheets, unit list, photographic register, and artefact catalogue), digitised plans, artefact analysis and artefact photography. Additional historical research may also be conducted in response to the finds of excavation.

All components of the final archaeological report will be submitted to Heritage, DPC, which will sign-off on the permit, should it be satisfied that the permit conditions have been met or acknowledge receipt of documentation. Heritage, DPC reserves the right to respond to the report.

³¹ NSW Heritage Office (1998) and (2001, revised 2006); AMAC (2006).

10.1.7 Interpretation and Public Dissemination

Interpretation is recommended and encouraged at all sites as a way to acknowledge the archaeological record and provide public information regarding historical development of the site. It is also considered to be a positive heritage outcome when archaeological material must be removed as part of development works. Interpretation options can range from signage detailing the history of the site, cabinets displaying a selection of artefacts, to larger scale options such as interpretative paving illustrating the footprint of a structure previously in that location. The level of interpretation required is individual to each site and can be dependent on finds, the amount of archaeological material removed, compliance with development application conditions, or conditions provided by Heritage, DPC.

10.2 STRUCTURAL DRAWINGS



Cardno (NSW/ACT) Pty Ltd | ABN 95 001 145 035
 34/205-207 Albany Street North
 Gosford, NSW 2250
 Tel: 02 4323 2558 Fax: 02 4324 3251
 Web: www.cardno.com.au

AZUSA SEKKEI

NIHON UNIVERSITY

AUSTRALIA NEWCASTLE
 CAMPUS PROJECT

9 CHURCH STREET, NEWCASTLE
 STORMWATER DIVERSION DRAWINGS
 COVER SHEET, DRAWING LIST
 & LOCALITY PLAN

INDICATIVE AREA
 OF WORKS



Imagery supplied by neamap, September 2019

LOCALITY PLAN
 SCALE 1:1500

DRAWING LIST - 300 Series

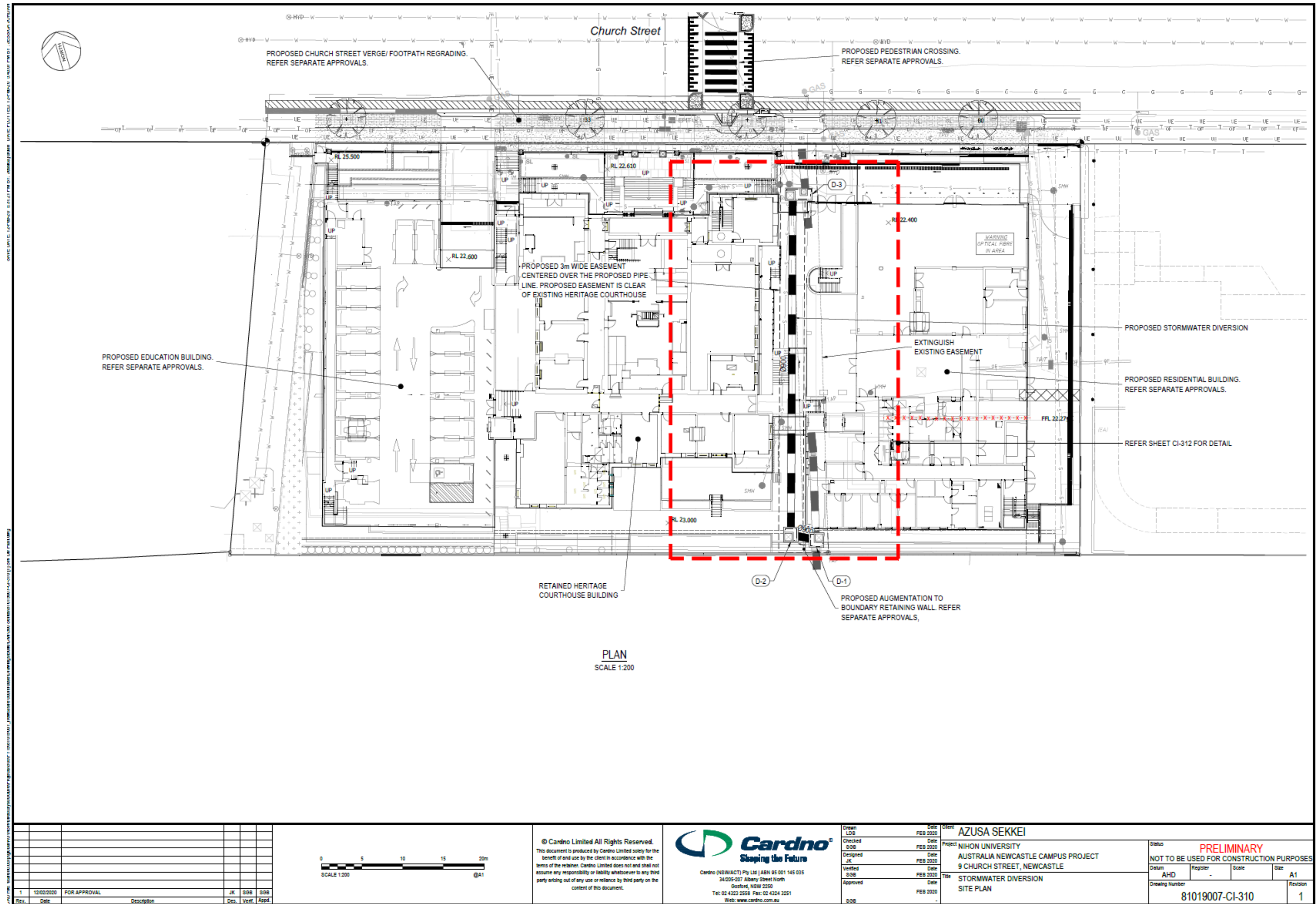
NUMBER	TITLE
81019007-CI-300	COVER SHEET, DRAWING LIST & LOCALITY PLAN
81019007-CI-305	CONSTRUCTION NOTES
81019007-CI-310	SITE PLAN
81019007-CI-312	LAYOUT PLAN
81019007-CI-315	STORMWATER LONGITUDINAL SECTION
81019007-CI-320	PIT DETAILS - SHEET 1
81019007-CI-321	PIT DETAILS - SHEET 2

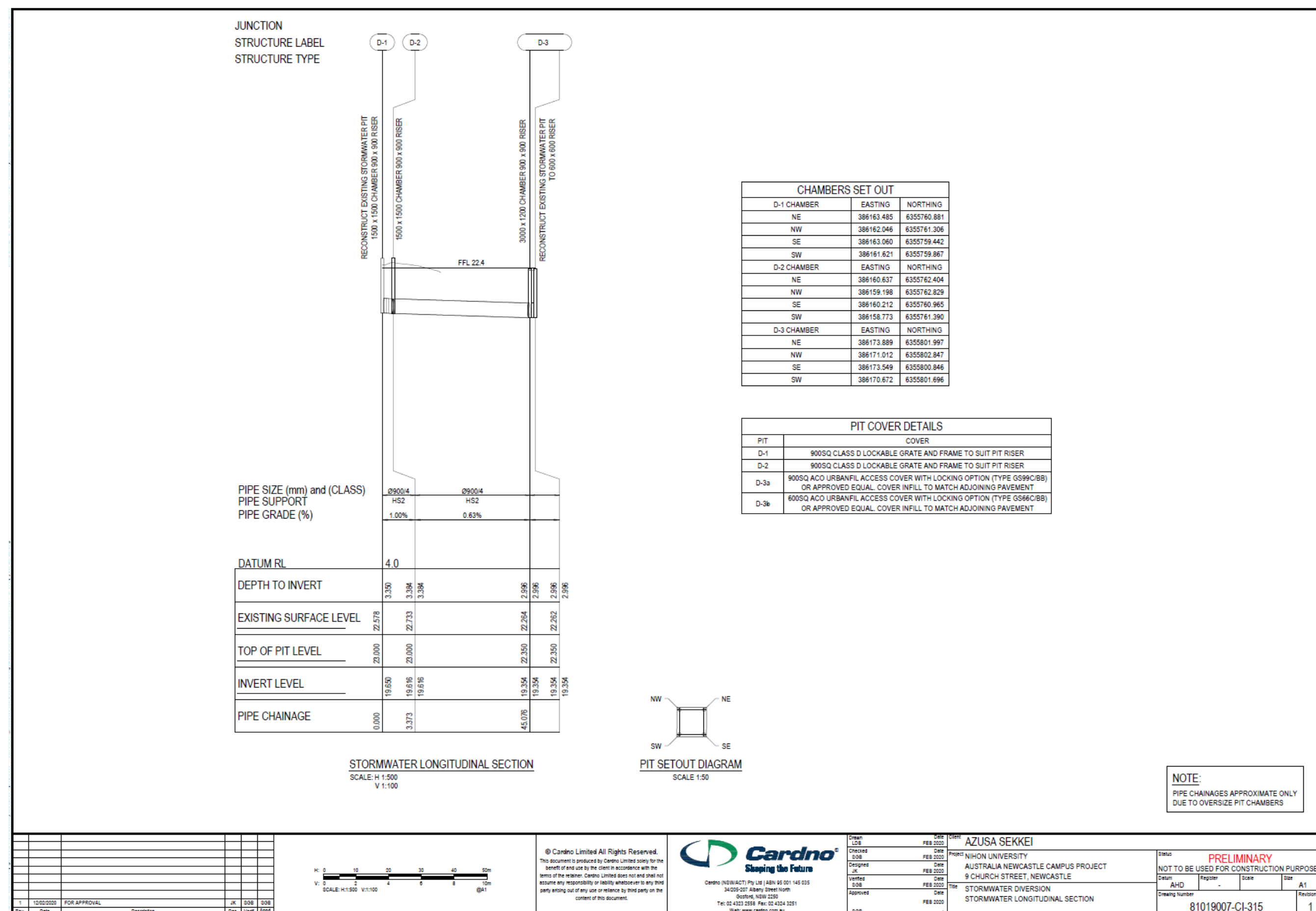
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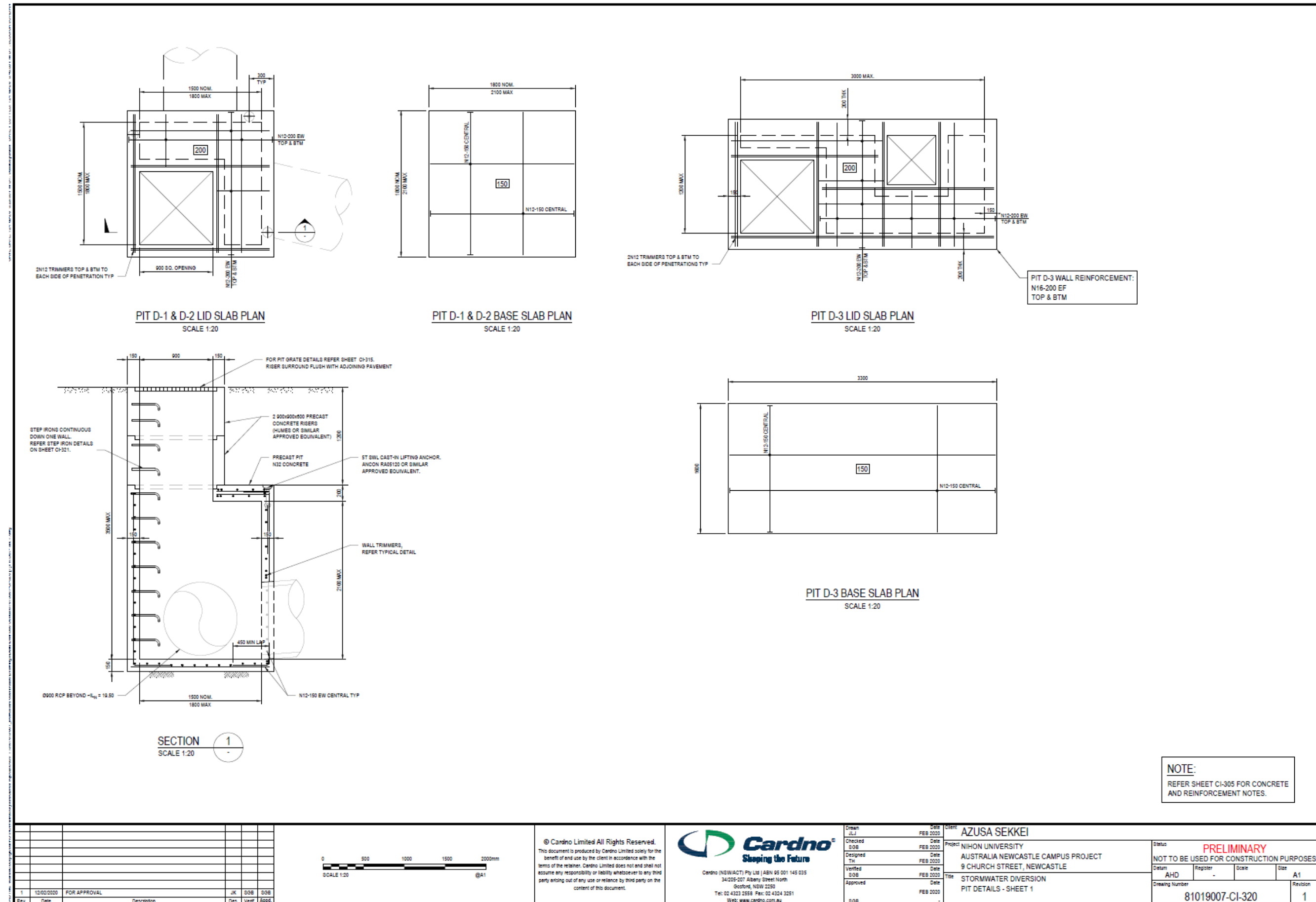
Rev.	Date	Description	Des.	Verif.	Appd.
1	12/02/2020	FOR APPROVAL	JK	SOB	SOB

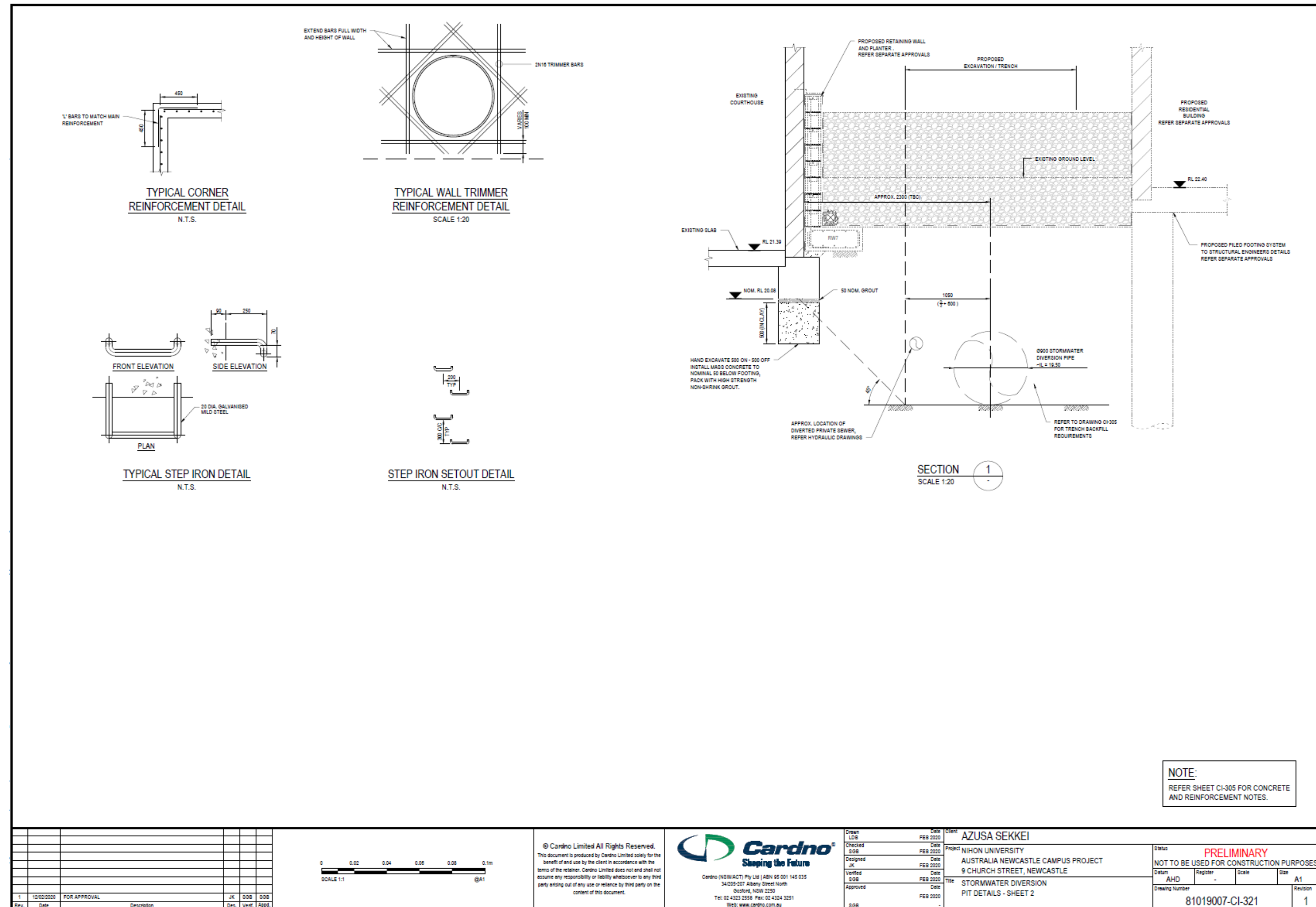
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Drawn	Checkd	Design	Verifd	Apprvd	Date	Status
SOB	SOB	JK	SOB	SOB	FEB 2020	PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION PURPOSES						
Drawing Number						81019007-CI-300
Revision						1









Rev	Date	Description	Des.	Ver.	Appd.
1	10/02/2020	FOR APPROVAL	JK	908	908

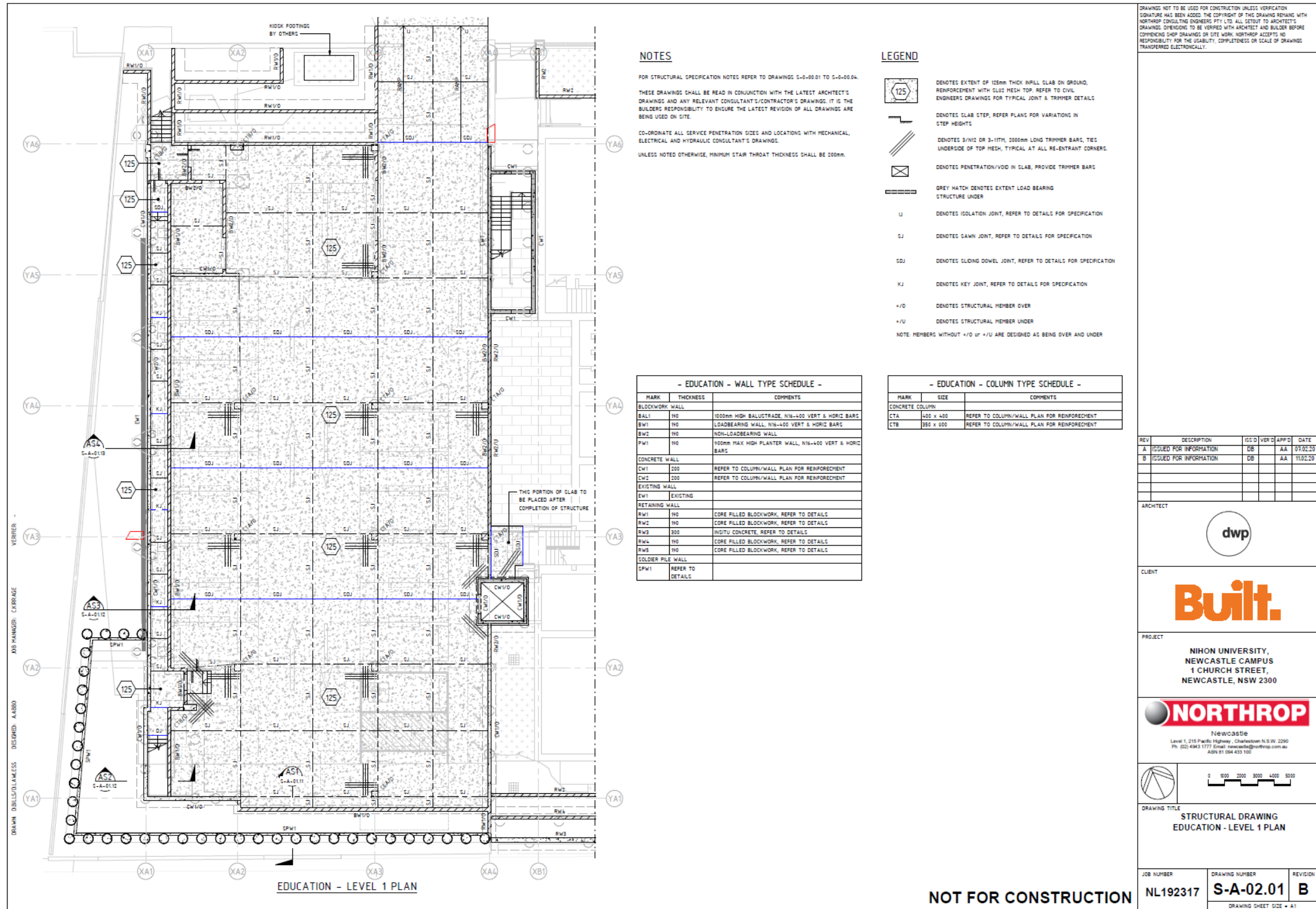


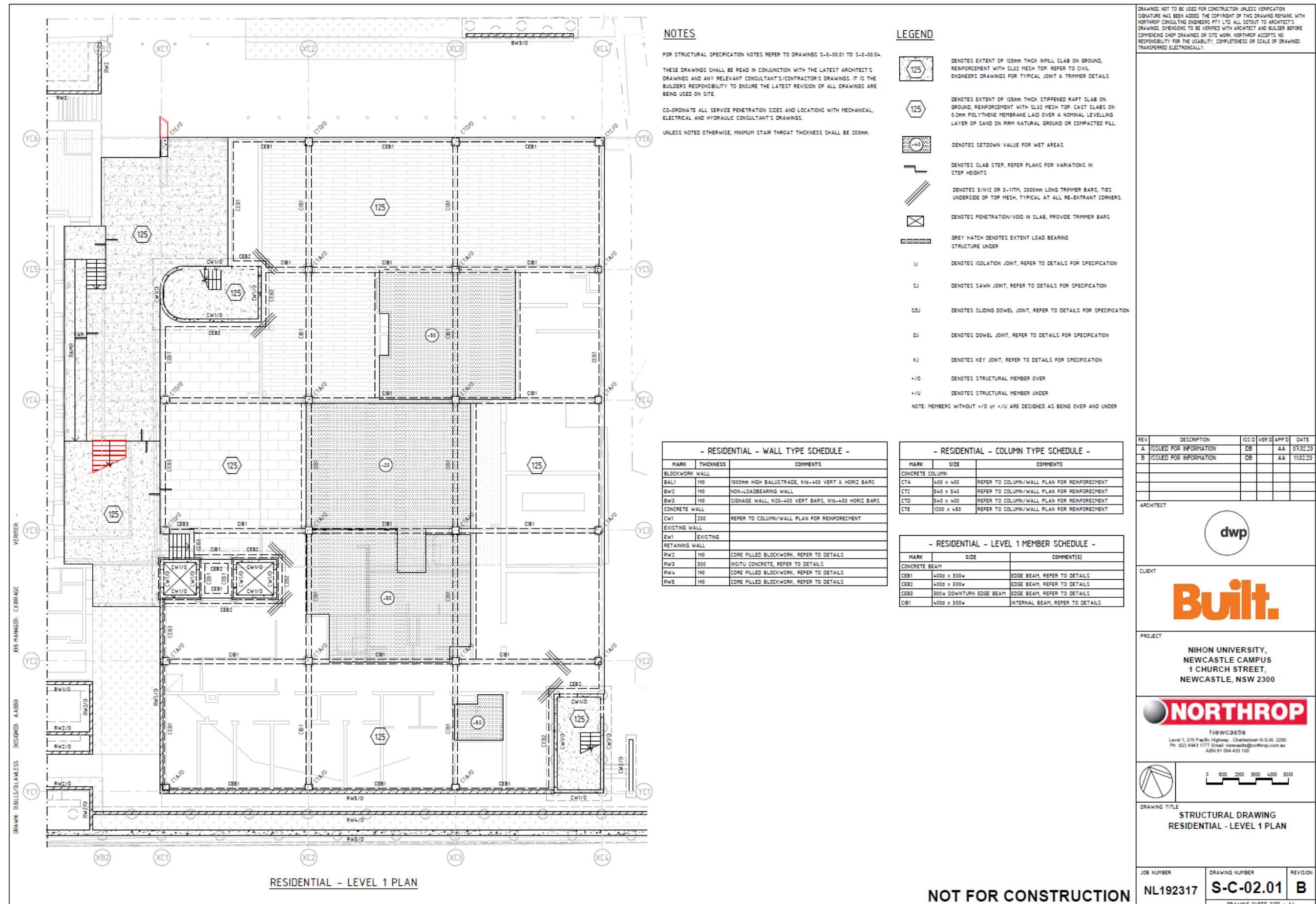
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Drawn	LOB	Date	FEB 2020	Client	AZUSA SEKKEI
Checked	908	Date	FEB 2020	Project	NIHON UNIVERSITY AUSTRALIA NEWCASTLE CAMPUS PROJECT 9 CHURCH STREET, NEWCASTLE
Designed	JK	Date	FEB 2020	Title	STORMWATER DIVERSION PIT DETAILS - SHEET 2
Verified	908	Date	FEB 2020		
Approved	908	Date	FEB 2020		

Status	PRELIMINARY			
NOT TO BE USED FOR CONSTRUCTION PURPOSES				
Drawn	Register	Scale	Size	A1
AHD	-			
Drawing Number				Revision
81019007-CI-321				1





122c Percival Road,
Stanmore, 2048.
13th February 2020

NSW Government,
Department of Planning,
Industry and Environment

**Re: Excavation Directors, Nihon University Campus
Condition C18 (SSD 9787)**

Dear Sir/ Madam,

Martin Carney and Kevin Hickson of AMAC Group accept nomination as alternate or co-excavation directors for the site at 9 Church Street, Newcastle, also known as the Nihon University development. Condition C18 of determined SSD 9787 requests:

The Archaeological program must be directed by a suitably qualified and experienced Archaeologist (Excavation Director). The nominated Excavation Director must be able to demonstrate their ability to undertake this work through a response to the Heritage Council's Excavation Director Criteria (July 2011) for salvage excavation for a site of local heritage significance.

In fulfillment of this condition, Built, on behalf of Nihon Daigaku Australia Newcastle Pty Ltd have nominated Martin Carney and Kevin Hickson as Excavation Directors. Both directors already have acceptance under the Heritage Council's Excavation Director Criteria (July 2011) for salvage excavation of a locally significant archaeological site.

Kind Regards



Martin Carney
Excavation Director



Kevin Hickson
Excavation Director

AMAC

Archaeological

**Archaeological
Management &
Consulting**

**AEGIS
HERITAGE P/L
T/A**

N.S.W.
Sydney - Inner West
122c-d Percival Rd
Stanmore 2048
(02) 95686093

Parramatta – Hills
Blue Mountains
8 Keene Street
Baulkham Hills 2153
(02) 96867115

Hunter – New England
Central Coast
21 Brown St
Wallsend NSW 2387
P.O. Box 449
Mayfield 2304
(02) 49297583

Victoria– Tasmania
Hobart- Melbourne
2/244 Macquarie Street
P.O. Box 505
Hobart 7001
(03) 6243-1144

EMAIL
amac@archaeological.com.au

WEB
www.archaeological.com.au

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