



75/77 ELGIN STREET, MAITLAND

Archaeological Due Diligence

FINAL

December 2022

75/77 ELGIN STREET, MAITLAND

Archaeological Due Diligence

FINAL

Prepared by
Umwelt (Australia) Pty Limited
on behalf of
EJE Heritage

Project Director: Tim Adams
Technical Director: Alison Fenwick
Report No. 22902
Date: December 2022



QMS Certification Services

This report was prepared using
Umwelt's ISO 9001 certified
Quality Management System.

Acknowledgement of Country

Umwelt would like to acknowledge the traditional custodians of the country on which we work and pay respect to their cultural heritage, beliefs, and continuing relationship with the land. We pay our respect to the Elders – past, present, and future.

Cover Image: Undated Photograph showing William C Caine Building – likely located on the corner of Elgin and Steam Streets (Maitland City Council)

Disclaimer

This document has been prepared for the sole use of the authorised recipient and this document may not be used, copied or reproduced in whole or part for any purpose other than that for which it was supplied by Umwelt (Australia) Pty Ltd (Umwelt). No other party should rely on this document without the prior written consent of Umwelt.

Umwelt undertakes no duty, nor accepts any responsibility, to any third party who may rely upon or use this document. Umwelt assumes no liability to a third party for any inaccuracies in or omissions to that information. Where this document indicates that information has been provided by third parties, Umwelt has made no independent verification of this information except as expressly stated.

©Umwelt (Australia) Pty Ltd

Document Status

Rev No.	Reviewer		Approved for Issue	
	Name	Date	Name	Date
Draft V1	Tim Adams	21/10/2022	Tim Adams	21/10/2022
Final V2	Tim Adams	7/12/2022	Tim Adams	7/12/2022

Table of Contents

1.0	Introduction	1
1.1	Project Background	1
2.0	Statutory Context	5
2.1	National Parks and Wildlife Act 1974 (NSW)	5
2.2	Heritage Act 1977 (NSW)	6
	2.2.1 Relics Provision of the Heritage Act 1977 (NSW)	6
2.3	Environmental Planning and Assessment Act 1979	6
	2.3.1 The Maitland LEP 2011	7
3.0	Aboriginal Heritage Information Management System	8
4.0	Historical Context	9
4.1	Ethnographic Context	9
4.2	Regional Historical Context	11
4.3	Elgin Street	13
	4.3.1 William C Caines	16
5.0	Site Evaluation	19
6.0	Aboriginal Archaeological Assessment	23
6.1	Previous Aboriginal Cultural Archaeological Investigations	23
6.2	Due Diligence Assessment	24
	6.2.1 Assessment of Aboriginal Archaeological Potential	24
6.3	Assessment of Aboriginal Archaeological Potential	26
7.0	Historical Archaeological Assessment	27
7.1	Heritage Listings	27
7.2	Previous Historical Heritage Archaeological Assessments	27
7.3	Historical Archaeological Potential	29
7.4	Summary of Historical Archaeological Potential	30
8.0	Conclusions	32
8.1	Aboriginal Archaeology	32
8.2	Historical Archaeology	32
9.0	Recommendations	33
10.0	References	34

Figures

Figure 1.1	Project Area	2
Figure 1.2	Proposed Works (Internal – Ground Level)	3
Figure 1.3	Elevation	4
Figure 4.1	1846 Map of East and West Maitland	13
Figure 4.2	1891 Town Plan, West Maitland	14
Figure 4.3	Details of the 1936 West Maitland Plan Sheet No. 20	17
Figure 5.1	Aerial Overview of 75/77 Elgin Street	20
Figure 7.1	Overlay Detail of 1936 West Maitland Plan Sheet No. 20	31

Photos

Photo 4.1	Flooded Elgin Street Circa 1955	15
Photo 4.2	1953 Aerial Image of Elgin Street and Surrounds	15
Photo 4.3	Undated Photograph Showing a ‘William C Caine’ Building	18

Tables

Table 5.1	Site Photographs	21
Table 7.1	Listed Heritage Items	27

Appendices

Appendix A	AHIMS Search
------------	--------------

1.0 Introduction

Umwelt (Australia) Pty Ltd (Umwelt) has been engaged by EJE Heritage to prepare an archaeological due diligence assessment for 75/77 Elgin Street, West Maitland, NSW (herein referred to as the 'Project area' (refer to **Figure 1.1** and **Section 5.0**). This archaeological assessment is required by Maitland City Council to support a Development Application (DA), prior to the proposed development of Speciality Disability Accommodation at the site.

This report addresses potential impacts associated with the proposed works on both Aboriginal and non-Aboriginal archaeology.

1.1 Project Background

As discussed, the proposed works will take place at 75/77 Elgin Street, West Maitland NSW, and will consist of the following components (refer to **Figure 1.2** and **Figure 1.3**):

- construction of a new three storey building within the currently vacant 77 Elgin Street lot
- internal modification to the existing building situated at 75 Elgin Street
 - removal of the current metal roller door and replacement with glass doors
- construction of a two-storey addition to the existing building at 75 Elgin Street, visible from behind the extant brick parapet
- construction of an eight-car capacity car park to the east of the two lots, including ground surface grading and/or concreting
- demolition of the existing auxiliary structures/sheds located in the back eastern portion of 75 Elgin Street
- necessary service installation
- general landscaping.

Ground disturbance works will be required during the construction and demolition phase of the proposed works.



Figure 1.1 Project Area

Project area shaded yellow.

Source: Nearmaps 2022.



Figure 1.3 Elevation

Source: Kennedy Associates Architects (2022).

2.0 Statutory Context

2.1 National Parks and Wildlife Act 1974 (NSW)

Heritage NSW is primarily responsible for regulating the management of Aboriginal cultural heritage in New South Wales under the NSW *National Parks and Wildlife Act 1974* (the NPW Act). The NPW Act is accompanied by the *National Parks and Wildlife Regulation 2019* (the Regulation), the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010a), the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010) and guides such as the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The NPW Act defines an Aboriginal object 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.

In accordance with Section 86(1) of the NPW Act, it is an offence to harm or desecrate a known Aboriginal object, whilst it is also an offence to harm an Aboriginal object under Section 86(2). Similarly, Section 86(4) states that a person must not harm or desecrate an Aboriginal place. Harm to an object or place is defined as any act or omission that:

- a. destroys, defaces, or damages an object or place; or
- b. in relation to an object – moves the object from the land on which it had been situated; or
- c. is specified by the regulations; or
- d. causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c).

but does not include any act or omission that:

- e. desecrates the object or place, or
- f. is trivial or negligible, or
- g. is excluded from this definition by the regulations.

Section 87(1) of the NPW Act specifies that it is a defence to prosecution under Section 86(1) and Section 86(2) if the harm or desecration of an Aboriginal object was authorised by an Aboriginal Heritage Impact Permit (AHIP) and the activities were carried out in accordance with that AHIP. Furthermore, Section 87(2, 4) establishes that it is a defence to prosecution under Section 86(2) (the strict liability offence) if due diligence was exercised to reasonably determine that the activity or omission would not result in harm to an Aboriginal object or if the activity or omission constituting the offence is a low impact act or omission (in accordance with Section 80B of the Regulation).

2.2 Heritage Act 1977 (NSW)

The *Heritage Act 1977* (NSW) (the Heritage Act) is administered by Heritage NSW. The purpose of the Heritage Act is to ensure cultural heritage in NSW is adequately identified and conserved. The Heritage Act is the primary item of state legislation affording protection to items of environmental heritage (natural and cultural) in NSW.

Under the Heritage Act 'items of environmental heritage' include places, buildings, works, relics, moveable objects, and precincts identified as significant based on historical, scientific, cultural, social, archaeological, architectural, natural, or aesthetic values. State significant items are listed on the NSW State Heritage Register (SHR) and are given automatic protection against any activities that may damage an item or place or affect its heritage and/or archaeological significance.

The Heritage Council of NSW, appointed by the Minister, is responsible for heritage in NSW, as constituted under the Heritage Act. The Council is a cross-section of heritage experts, with the Heritage NSW being the operational arm of the Council.

2.2.1 Relics Provision of the Heritage Act 1977 (NSW)

The Heritage Act affords automatic statutory protection to 'relics' which form part of archaeological deposits (except where these provisions are suspended by other prevailing legislation). The Heritage Act defines a 'relic' as any deposit, object, or material evidence that:

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

Sections 139 to 145 of the Heritage Act prevent the excavation of a 'relic' (on non-State Heritage Registered land), except in accordance with a gazetted exception or an excavation permit issued by the Heritage Council of NSW.

2.3 Environmental Planning and Assessment Act 1979

The NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) enables responsibility for heritage (both Aboriginal and non-Aboriginal) to be shared by state and local government agencies. The EP&A Act provides local government with the power to protect items and places of heritage significance in the local area through local environmental plans (LEPs) and development control plans.

The EP&A Act requires consideration be given to environmental impact – including heritage – as part of the land use planning process, and the provisions of the EP&A Act allow for the implementation of LEPs which provide the statutory framework for heritage conservation within a particular LGA.

The study area is within the Maitland LGA, and therefore requires consideration of the Maitland LEP 2011.

2.3.1 The Maitland LEP 2011

Part 5 Clause 5.10 of the Maitland LEP 2011 provides the statutory framework for heritage conservation within the Maitland LGA. The objectives of Clause 5.10 are as follows:

- to conserve the environmental heritage of Maitland
- to conserve heritage significance of heritage items and heritage conservation areas
- to conserve archaeological site, and
- to conserve Aboriginal objects and Aboriginal places of heritage significance.

Part (5) of Clause 5.10 determines when a heritage assessment is required. Part (5) states:

The consent authority may, before granting consent to any development:

- a. on land on which a heritage item is located, or
- b. on land that is within a heritage conservation area, or
- c. on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

The Maitland City Wide Development Control Plan (DCP) 2011 provides guidelines that support the LEP and Heritage Conservation Areas, including specific objectives in relation to Aboriginal Heritage (Section EC.2 of Part C of the DCP 2011), and non-Aboriginal archaeology (Section 2.7 of Part B of the DCP 2011).

2.3.1.1 Central Maitland Heritage Conservation Area

The proposed works are located within the Central Maitland Heritage Conservation Area (HCA), Maitland LEP item ID C2:

Central Maitland has historic significance of exceptional value recording an early settlement of the Hunter Valley which grew to be the major centre in the region – larger than Newcastle. It also became one of the largest settlements in NSW during the middle of the nineteenth century. Its historic role is reflected in the excellent examples of Commercial, Civic and Ecclesiastical buildings and in the rarer and more modest surviving examples of early housing.

The Heritage Conservation Area's aesthetic significance is derived from the intactness of its streetscapes, its landmark buildings and strong edge definition of river and flood plain. Regent Street contains an exceptional collection of mansions and large residences of the late Victorian and Federation periods.

The area is of social significance for its continuing roles as a regional centre for administration, cultural activities and several religious denominations.

3.0 Aboriginal Heritage Information Management System

The Aboriginal Heritage Information Management System (AHIMS) database, administered by Heritage NSW, contains information regarding the location and nature of Aboriginal archaeological sites within New South Wales. It also contains information about Aboriginal places, which have been declared by the Minister to have special significance with respect to Aboriginal culture. Previously recorded Aboriginal objects and declared Aboriginal places are known as 'Aboriginal sites'.

A search of the AHIMS database was undertaken on 17 October 2022 (ie; the 'AHIMS search') and identified no Aboriginal sites within the Project area, or immediate vicinity. The AHIMS search area encompassed the location of the Project area, using the following coordinates: Lat, Long from -32.7445, 151.5392 to Lat, Long -32.7264, 151.5701.

The results of the AHIMS search are provided in full in **Appendix A**.

4.0 Historical Context

4.1 Ethnographic Context

Historic records, such as official records, personal observations recorded in diaries or publications and paintings, can provide rare information on the Aboriginal lifestyles of a region at the time of European contact. It is noted, however, when reviewing ethnohistoric accounts there are numerous limitations to the use of the information including but not limited to the following:

- Ethnohistoric accounts date from a period when introduced diseases had already had a huge impact upon Aboriginal society (refer to Butlin 1982).
- The majority of records report on Aboriginal society from the perspective of non-Aboriginal men who would not have had access to all aspects of Aboriginal society and who viewed Aboriginal people from an entirely non-Aboriginal perspective.
- Colonial observers generally tended to record unusual rather than everyday events.
- Colonial observers generally tended to record religious and social life rather than economic activity.
- Colonial observers generally tended to record men's behaviour rather than that of women and children.

As such, ethnohistoric records are neither unbiased nor complete, and they cannot provide a clear understanding of Aboriginal lifestyles at the time of contact. These limitations must be considered with reference to all of the information presented below.

With reference to Tindale's (1974) mapping of Aboriginal traditional lands, the Project area is located within Wonnarua Country, near the boundary with Awabakal Country. There is currently no registered Native Title claim over the area. This report speaks about Aboriginal people more generally rather than referencing cultural practices by tribal grouping.

Matrilineal societies in south-eastern Australia were an essential element of Aboriginal social and cultural organisation and expressed distinct and strict ritual responsibilities for the maintenance of the natural world. Exogamy was a common practice where women married into an opposite clan group. This meant that neighbouring clans were often interrelated through marriage and often shared cultural histories and responsibilities.

The traditional lives of Aboriginal people in the region were structured around a schedule of these social interactions loosely designed to take advantage of seasonal availability of resources; meaning that people moved often, but not at random. Before the arrival of the Europeans the Wonnarua were described as a large grouping of individual family units and bands which came together for religious and ceremonial functions (Davidson and Lovell-Jones, 1993:3). Gatherings were likely to have been the coming together of kinship groups for shared social and ceremonial life. On occasion gatherings would also have included the gathering of adjacent clan groups on a basis of mutual benefit and agreement, and between tribes separated from each other by geographic distance (Wheeler 1910).

People were reported to have travelled freely within the broad area of responsibility of their own clan group. Social and cultural responsibilities and obligations meant that people (often young men) sometimes travelled great distances beyond their own territories to journey song lines (songs of Country), attend ceremonies, trade and develop social networks. This potentially linked people across extensive areas with records demonstrating that social ties extended from the coast to the western plains of NSW (Brayshaw 1986: 38–41). These gatherings also provided trading opportunities for a wide range of goods, from ceremonial songs and dances to stone axes, spears, possum skins and native tobacco (Mulvaney 1986). Some groups specialised in producing high quality trade goods. Events like this were scheduled when and where seasonal resources were plentiful or at least where it was possible to use available resources more intensively.

There is little ethnographic evidence about where Aboriginal people camped however, there is mention of the importance of fresh water. The provision of vantage points was also of importance in camp location in case of enemy attack (Fawcett 1898:152 in Brayshaw 1986:42). From camp sites, people would travel each day to gather plant foods and to hunt or to visit areas that provided required resources (for example stone, ochre, bark and resin). The daily foraging area was generally within a day's walk of camp.

Brayshaw (1986:59) notes that of all raw materials available, bark appears to have been the most widely used and the most adaptable. The use of bark for huts, or 'gunyers' (gunyahs), is well documented (Caswell 1841).

Early historic reports describe the Hunter Valley as having extensive grasslands and floodplains with few trees (Breton 1834, Cunningham 1827, Howe 1819). These grasslands are thought to be the result of Aboriginal 'fire stick' farming techniques, which involved burning the countryside as a land management technique and a hunting strategy (Davidson and Lovell-Jones, 1993:5). This activity left a mosaic of vegetation communities and the development of grasslands resulting in increased biodiversity. Burning also facilitated travel by clearing the ground surface of undergrowth and timber and fresh growth which attracted prey animals (Gammage 2011). The use of 'fire stick farming' or 'burning' was utilised all throughout Australia and the Wonnarua were no exception, using fire to control the landscape and feeding ground of various terrestrial animals (Fawcett 1898 and Cunningham 1827).

Hunting was frequently a group exercise and targeted many terrestrial species including various species of kangaroo and wallaby, emus, echidna, goanna, bandicoot, snakes, flying foxes and possums (Dawson 1830, Fitzpatrick 1914, and Brayshaw 1986). There is little evidence on the place of birds in the Aboriginal diet, although there are references to mutton bird hunting on Nobbys Island and ducks, geese, swans and pigeons (Threlkeld in Gunson 1974:55). Weirs, or fish traps, were observed by early colonists, such as one observed by Grant (1803:154–155 in Brayshaw 1986:42) along the lower Hunter in 1801. Threlkeld also witnessed and described a form of fishing which included the construction of timber and brush weirs and the herding of fish into the shallows (in Gunson 1974:190).

Initiation ceremonies were an important part of Aboriginal society across the country and were symbols of various social pathways through the society with initiation practices in the Hunter Valley described as the construction of one or two cleared circles, often 350 metres apart (Brayshaw 1986:83). Carved trees surrounded the circles and in some cases, figures of raised earthen mounds were created. Threlkeld (in Gunson 1974:63–66) described that red ochre, sourced from a volcano 'up the River Hunter' was used on important ceremonial occasions, as well as for other purposes.

Several forms of burial were recorded in the Hunter Valley. The internment within earthen burials were the most commonly recorded type by early European observers although the position of the body varied and could be extended or flexed, face down or up, or on its side (Brayshaw 1986:86).

Europeans arrived in the Hunter Valley with the discovery of coal at Newcastle in 1797. By 1801 the Valley was reserved by the Crown as both a new convict settlement (a permanent penal settlement was established in the Newcastle area in 1804) and for its resources in coal and timber (Davidson and Lovell-Jones, 1993:8). This effectively restricted free settlement of the area however, by 1819 the demand for grazing and settlement land increased beyond the early settlement boundaries. In 1821 Henry Dangar was commissioned to undertake a survey of the Hunter area to assess its suitability for settlement and farming and by 1925 '*...both sides of the Hunter River and associated brooks had been claimed*' (Davidson and Lovell-Jones, 1993:8). The rapid settlement in the area severely negatively impacted the lives of Aboriginal people and in a very short time the Aboriginal population was substantially affected by a combination of starvation, introduced diseases and massacres.

Since European settlement the Hunter Valley landscape has undergone radical changes with establishment of pastoral holdings, small towns and villages. Blyton *et al.* (2004:9) argues that the European pattern of settlement and land use rapidly became the norm and 'replaced traditional Aboriginal communities' (Blyton *et al.*, 2004:9). Davidson and Lovell-Jones (1993:17) also argue that shortly after European settlement all that remained were isolated family groups of Aboriginal people existing 'on the fringes of towns and on properties trying as best they could to survive in a European modified environment'.

The material culture of Aboriginal people changed dramatically following contact, with the rapid influx of new technologies and materials. Threlkeld (in Gunson 1974:54, 67) provides two examples of new technologies being utilised by Aboriginal people within the Lake Macquarie area, noting that bottle glass replaced stone ('fragments of quartz') in Aboriginal weapons and that iron and glass were used for fishhooks. European settlement and encroachment on resources and traditional camping groups restricted Aboriginal occupation and dramatically affected Aboriginal communities, but it did not completely destroy connections to traditional camping grounds. There was a continuation of cultural connection and, in some cases, occupation of these places that date well into the twentieth century.

4.2 Regional Historical Context

Thematic studies of the history of the Maitland district have noted that it is likely that the Maitland area was 'discovered' well before any 'official settlement' of the area (Thorp 1994). The historical record shows that during the later 1790s, several convict escapees from established settlements in Sydney and Parramatta made their way north to the Hunter River and reported on the fine timber stands they observed in this area. Such reports, particularly regarding preferred species such as cedar, encouraged timber-getters to travel to the area prior to the first official survey in 1801.

This official survey was directed by Governor King and undertaken by Lieutenant-Colonel Paterson, with the intention of assessing the area's potential as a source of supplies and resources for the colony. A subsequent survey several months later confirmed the findings of the first survey party; that the area was suitable for agricultural settlement and timber-getting. In the following years several parties of explorers and surveyors would also investigate the area. In 1818 Captain James Wallis accompanied Governor Macquarie on an excursion to the Paterson and Hunter River with the intention of scouting lands which would be appropriate for the settlement of well behaved convicts and other free persons. This expedition also served to check on the progress of the few individuals who in 1812 had been permitted to establish small farms in the region, in proximity to the contemporary suburb of Woodville. Due their success, Governor Macquarie requested a second settlement to be established in the area, with early settlers including the Riley, Eckford and Boadman families (Heritas 2005). In 1822 Henry Dangar undertook a systematic survey of the area, including these settlement areas and individual land holdings (Heritas 2005, Thorp 1994).

Following the establishment of the permanent settlement in Newcastle in 1804, the area encompassing Maitland was also governed by the Commandant of the Newcastle settlement. The extensive use of convict labour in the area up until the 1820s led to the establishment of a permanent military settlement in Maitland, as well as the establishment of several major convict stockades in both East and West Maitland (Thorp 1994). A commandant's cottage, police barracks, horse paddocks and market garden were constructed and occupied the higher land above Wallis Creek between 1818 to 1820 (Heritas 2005).

The earliest settlers to the wider district were minor officials from Newcastle, who were each granted 34 acres of land in the area from Pitnacree to Maitland. These initial land grants were predominately used as orchards. From 1819 onwards, the area was 'thrown open' for settlement by Governor Macquarie, and by 1826 a mixture of both free and convict settlers had settled in the area. The official township of Maitland was surveyed in 1829 east of Wallis Creek, being described as good flood free land and was officially gazetted in 1833 (Eureka Heritage 2012). Following the confirmation of land boundaries, West Maitland and East Maitland were also established in 1835. Increased settlement of the region encouraged traders and businessman to establish themselves in Maitland, with the Union Inn opening for business by 1829 at the intersection of Melbourne Street and Newcastle Road. The Inn served as the first district circuit court in the same year and a post office in 1830 (Heritas 2005).

In 1821, Commissioner Bigge instigated a policy whereby land was granted to the wealthy in proportion to the amount of their capital on the condition that they employ one convict for every ten acres of land; this policy established in the area a pattern of land settlement characterised by large estates owned by military personnel and prominent citizens. As a result of this, many of the districts of Maitland are founded on or within subdivisions of these larger, established estates. From the 1880s onwards, these estates were progressively broken up into smaller subdivisions and lots, the size of which made them attractive for smaller-scale farmers and residential development of a higher density (Thorp 1994).

As the agricultural prosperity of the district increased, several smaller outlying towns came into being. Although agricultural prosperity brought the low lying lands into agricultural production prior to 1830, much of the Maitland township remained densely vegetated into the 1830's. Development of the Maitland township continued well into the 1840's, with numerous shops and businesses being constructed and operating along High Street (Umwelt 2002). By the mid-1860s the population of West Maitland had ballooned to approximately 5694 people with over 650 individual homes (Maitland City Council 2008), in comparison to the 2000 in the East. This resulted in the West taking lead as the commercial centre and the East as the seat of administration (Eureka Heritage 2012).

Due to the prevalence of tenant farming in the region, many of the original larger estates remained intact well into the 19th century. This system allowed the Maitland area to maintain growth during the economic recession of the 1840's and was a key indicator in the transition from convict-based labour to a free market (Thorp 1994).

4.3 Elgin Street

The Project area is situated within the original landholdings of Mary Hunt (also known as Molly Morgan) who prior to her death in 1835 sold a portion of her property to John Bourke (or Burke). Bourke died suddenly in 1839, and consequently his son Michael Bourke inherited the land. In 1850, Michael Bourke employed surveyor RW Goodall to prepare a subdivision of the land, which resulted in the formation of new roadways and lanes. An 1846 Map of East and West Maitland illustrates that a roadway existed roughly in the current position of Elgin Street, with minor variations in alignment (**Figure 4.1**). Burke divided his land into 121 small allotments, with the Project area constituting lots 117 and 118 (see **Figure 4.2**).

In 1855, 42 lot subdivisions in and off of Elgin Street were offered for public sale by the landowner Isaac Gorrick. The lots largely consisted of smaller portions, measuring 33 x 50 ft, and advertised as ideal for 'builders, mechanics, small capitalists and persons of moderate means'. These allotments were located immediately south of the Project area, however, this would suggest that Elgin Street was favoured by both families for residential development, and local businesses. These lots were further located in proximity to the former Elgin Street railway terminus, offering expediate transportation for local residents (Maitland City Council 2008).



Figure 4.1 1846 Map of East and West Maitland

The approximate location of the Project area is indicated in red.

Source: H. Wells (National Library of Australia).

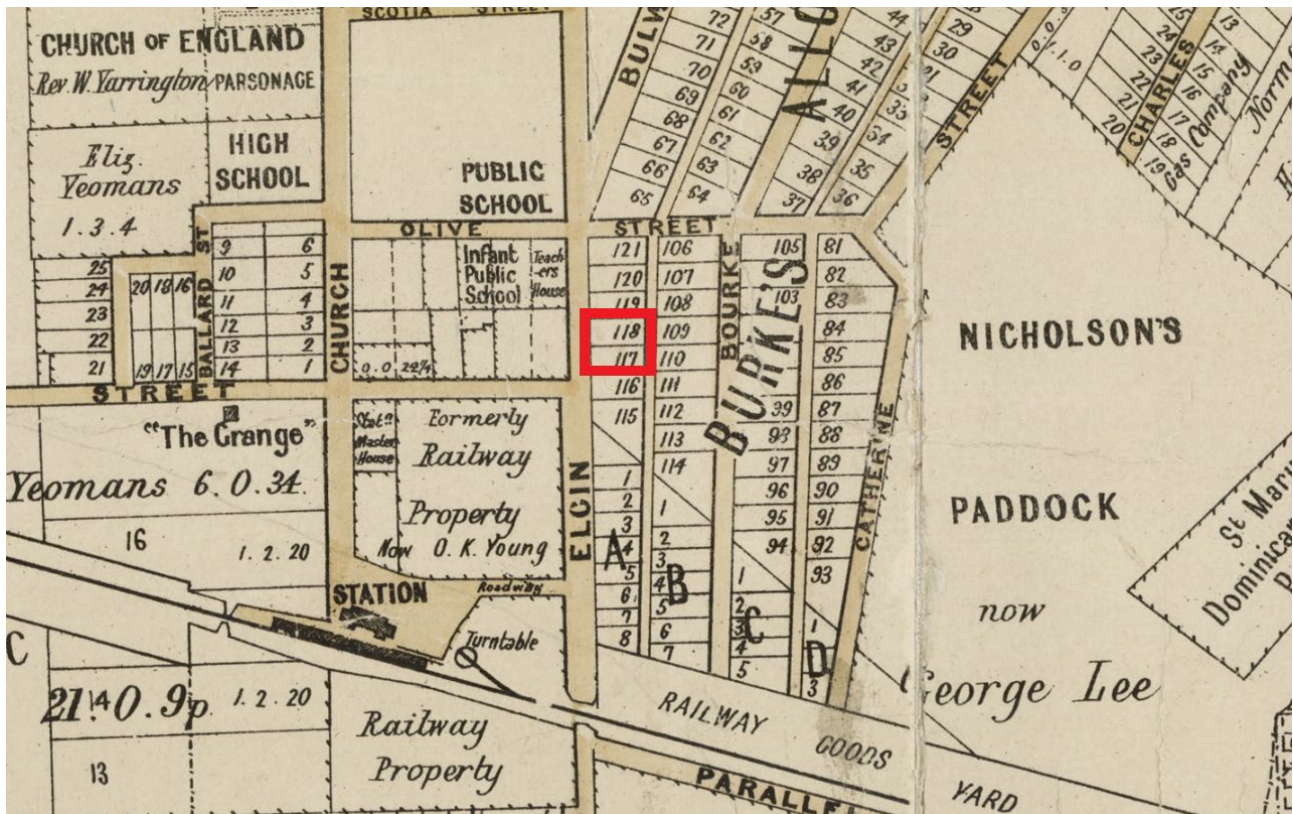


Figure 4.2 1891 Town Plan, West Maitland

Source: Fry Bros (State Library of NSW).

Due to its proximity to the Hunter River, in addition to the flood prone areas of Horseshoe Bend, Elgin Street has suffered extensive damages in relation to natural flooding events. **Photo 4.1** illustrates the depth of water along Elgin Street during the catastrophic 1955 flood, a depth of which would have likely impacted many of the structures present along the street at this period of time. Historical aerial images of the West Maitland area suggest that the Project area has remained largely consistent in regard to land use and development, with the William C Caines building being visible adjacent to a vacant lot (**Photo 4.2**). As shown on a 1936 plan of West Maitland, structures were present on the vacant block at that time.



Photo 4.1 **Flooded Elgin Street Circa 1955**

Source: School of Nursing and Midwifery Flood photographs (Living Histories 2022).



Photo 4.2 **1953 Aerial Image of Elgin Street and Surrounds**

Source: Historical Imagery Viewer NSW (2022).

The approximate location of the Project area is indicated in red.

Prior historical assessments of Elgin Street have identified multiple buildings as significant examples of early architecture and settlement in the West Maitland Area. The Department of Environment and Planning (1980) (DPE) outlines the vital role Elgin Street played in the rising development of West Maitland, inclusive of residential and commercial growth. Early structures of note included the Co-Operative Bakery (16–18 Elgin Street) constructed in 1878 by James Pritchard, a former shopfront (26 Elgin Street) demonstrative of an increasingly rare Victorian façade, a former hotel (43 Elgin Street), Honeysett’s flour mill (corner of Elgin and Bulwer Street) which represented Maitland’s first flour mill circa the early 1830’s, St Elmo house (87 Elgin Street), situated immediately south of the current Project area and Hough’s flour mill (95 Elgin Street), a 1860’s mill turned ice works and cordial factory. Although many of these buildings and/or sites are no longer present in the Maitland streetscape, they clearly demonstrate that Elgin Street was actively utilised by the West Maitland community during regional development of the township in the 19th to early 20th century, and contained many sites of historical interest.

4.3.1 William C Caines

The William C Caines firm operated at Elgin Street from 1921, specialising in produce merchandising and the manufacture of poultry and stock food. During the 1930’s the firm was recognised as possessing the most up to date milling equipment available and maintained a high reputation in New South Wales (The Maitland Daily Mercury 1935, p. 4). The founder, Mr William Charles Caines, established the firm in late 1921 and was actively engaged in its operations until his death in 1947 (Newcastle Morning Herald and Miners Advocate 1947, p. 3).

The 1936 West Maitland Plan shows that a rectangularly shaped building was present at 75 Elgin Street at this period, however, appears to be set back from the road. This may be representative of the extant brick building, which retains the ‘William C Caines’ signage. In addition, the 1936 plan shows buildings present at 83/85 Elgin Street, which corresponds with the contemporary placement of the now vacant 77 Elgin Street (**Figure 4.3**). These buildings were likely constructed in the late 19th century.

Prior to the establishment of the William C Caines firm, the building extant at 75 Elgin Street may have served as the premises of the Coastal Farmers Co-Operative Society from 1911 to 1921 (The Maitland Weekly Mercury 1922, p. 7).

As shown in **Photo 4.2** above, by the mid 1950’s 77 Elgin Street had been modified further and all visible structures had been demolished. By 2008 the building at 75 Elgin Street had been repurposed by D&L Car Upholstery, who occupied the premises until its sale in 2014. The property (inclusive of 77 Elgin Street) remained vacant until 2018–2019, and was then occupied by Sanctuary Place, an affordable housing business. During this time, 77 Elgin Street was utilised for materials storage and parking.

Photo 4.3 provides an image of a William C Caines in the West Maitland area.



Figure 4.3 Details of the 1936 West Maitland Plan Sheet No. 20

The approximate location of the Project area is outlined in red. Note the location of numerous structures across both lots, including W.C's and what are likely sheds/small warehouses to the east.

Source: Maitland City Council (2022).

WILLIAM C. CAINES,
FARM & DAIRY PRODUCE MERCHANT, WEST MAITLAND.
can supply all lines of Farm and Dairy Produce.

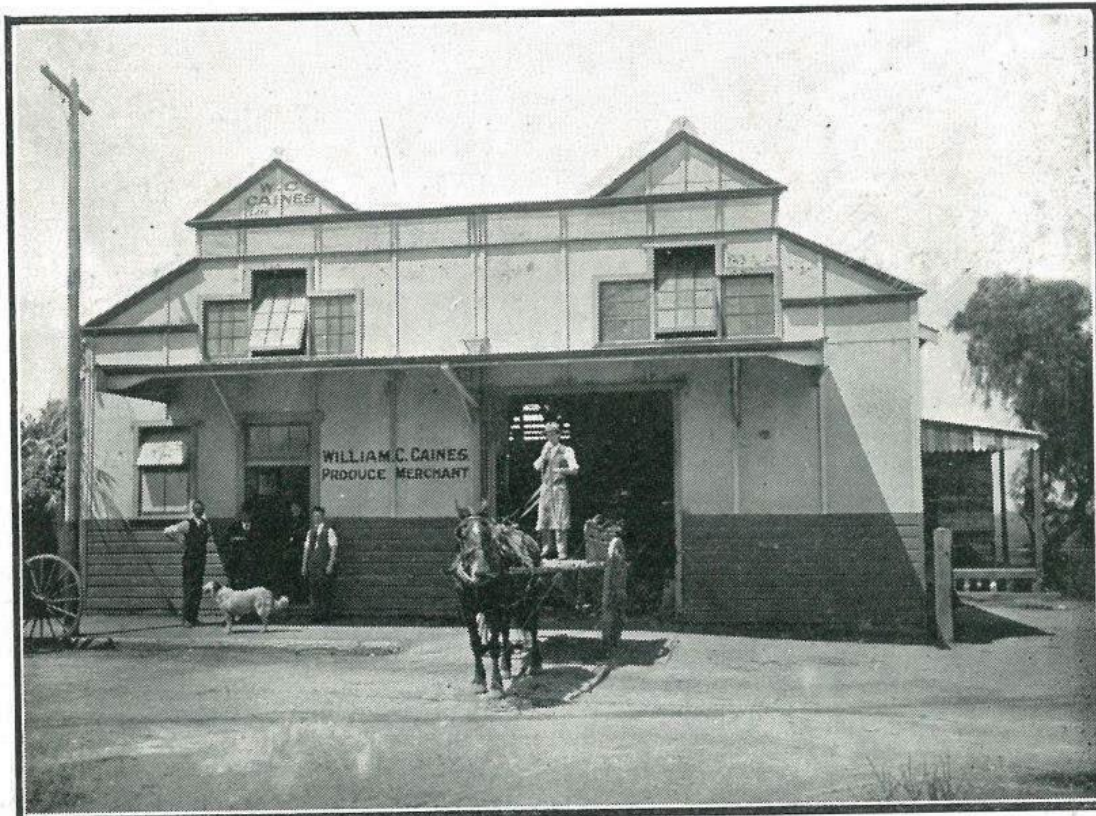


Photo 4.3 **Undated Photograph Showing a 'William C Caine' Building**

Source: Maitland City Council (2022).

Historical records would suggest that this building was located on the corner of Elgin and Steam Streets, prior to 1935.

5.0 Site Evaluation

Figure 5.1 provides a current aerial overview of the Project area, demarcated in red. **Table 5.1** provides a number of photographs of the Project area, taken during the site evaluation.



- Legend
- Roads
 - Project Boundary
 - Property Boundaries

FIGURE 5.1
Project Area

Table 5.1 Site Photographs

Site Photographs	
 <p style="margin-top: 10px;">South-western view of the Project area, showing the façade of 75 Elgin Street</p>	 <p style="margin-top: 10px;">Eastern view of 75 Elgin Street, 'William C Caines Pty Ltd' clearly visible</p>
 <p style="margin-top: 10px;">Eastern view of 77 Elgin Street, highlighting the vacant lot</p>	 <p style="margin-top: 10px;">Eastern view of 77 Elgin Street, highlighting the vacant lot</p>
 <p style="margin-top: 10px;">Subsurface services visible south of the existing building at 75 Elgin Street</p>	 <p style="margin-top: 10px;">Eastern view of the back portion of 75/77 Elgin Street, highlighting external sheds and a concrete slab</p>

Site Photographs



Eastern view of the back portion of 77 Elgin Street, visible from Napoleon Lane



Eastern view of the back portion of 75 Elgin, highlighting external structure and visible from Napoleon Lane

6.0 Aboriginal Archaeological Assessment

As discussed in **Section 3.0**, a search of the Aboriginal Heritage Information Management System (AHIMS) identified no Aboriginal sites within or in proximity to the Project area.

6.1 Previous Aboriginal Cultural Archaeological Investigations

A number of archaeological investigations have been conducted in the Maitland City area, the vast majority of which have been undertaken in relation to infrastructure and urban development. Many of these investigations have incorporated both historical heritage as well as Aboriginal archaeological investigations, with the inter-relationship of the pre and post European settlement evidenced in the multi-layered archaeological deposits identified.

A selection of available Aboriginal cultural heritage investigations has been summarised and provided below.

Umwelt 2018 – Aboriginal Cultural Heritage Assessment Report, New Maitland Hospital, Metford, NSW

Umwelt were engaged to prepare an Aboriginal Cultural Heritage Assessment (ACHA) of the proposed new Maitland Hospital at Metford, NSW. This subject site is located approximately 5 km south-east of the current Project area, within the wider Maitland LGA. The assessment included an evaluation of the available environmental and historic information, inclusive of ethnographic reports, Aboriginal community consultation and an archaeological field survey.

The subject site was located primarily within the Beresfield soil landscape, with moderately deep (<120 cm) soils and observable topsoil. Similar to the current Project area, the subject site was situated in a generally well-resourced landscape, and was accessed as likely being utilised transiently by past Aboriginal people. Further, the subject site had been subject to vegetation clearance in addition to historic and contemporary disturbances related with long withstanding urban development.

During the course of the AHIMS search, a single Aboriginal site (#38-4-1684) was identified within the curtilage of the subject site. The site consisted of an artefact scatter, which could not be successfully identified during the assessments field survey.

Representatives of the Registered Aboriginal parties agreed that the historic and modern uses of the subject site, particularly quarrying activity, had severely impacted upon the potential for cultural material to be present. It was agreed that the previously identified artefact site was likely to have originally been found out of context, nevertheless it is still considered an important aspect of the Aboriginal culture of the area that has continued to the present day. Although identified as an area that would likely have been utilised by past Aboriginal peoples, it was confirmed that areas closer to the main freshwater courses and the swamps would have been preferable for resource exploitation and camping.

GML Heritage Consultants 2012 – Aboriginal Cultural Heritage Assessment Report: McKeachie’s Run, Aberglassyn, NSW

GML was engaged to prepare an ACHA for McKeachie’s Run following a program of topsoil stripping and in alignment with the conditions presented in AHIP #2961. The subject site is located approximately 5 km northeast of the current Project Area and is situated in proximity to the Hunter River. The subject site was assessed as having moderate to high archaeological potential, with the higher areas of potential being associated with elevated landforms.

A search of the AHIMS database revealed that two Aboriginal sites were situated within the subject site (#38-4-1057 and #38-4-1058), consisting stone artefacts (isolated or scattered). During the course of the soil stripping, an additional seven Aboriginal archaeological sites were identified within the curtilage of the subject site. All of the identified sites consisted of stone artefacts (isolated or scattered) in addition to potential archaeological deposits (PADs).

Similar to the current Project area, the subject site was situated in a generally well-resourced low to moderately sloped landscape, with ready access to major watercourses. Aboriginal sites in the immediate area were assessed as being commonly identified around the margins of swamps or creeks, or on flat ridge tops, with stone artefacts (silcrete or silicified tuff) and potential archaeological deposits representing the majority of sites. Where further analysis has been undertaken, artefactual material has been dated to approximately 5000 years (Holocene period), providing an indicative timeframe of occupation in the region.

6.2 Due Diligence Assessment

The National Parks and Wildlife Act Regulation 2019 (the Regulation) identifies that compliance with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* is taken to constitute due diligence in determining whether a proposed activity will harm an Aboriginal object. Section 87(2,4) of the National Parks and Wildlife Act 1974 establishes that it is a defence to prosecution under Section 86(2) (the strict liability offence) if due diligence was exercised to reasonably determine that the activity or omission would not result in harm to an Aboriginal object. The following section discusses Aboriginal cultural heritage in consideration of the due diligence code.

6.2.1 Assessment of Aboriginal Archaeological Potential

Section 8 of the due diligence code outlines the process to guide due diligence assessments, summarised below in relation to the proposed works.

1: Will the activity disturb the ground surface or any culturally modified trees?

Yes. As discussed in **Section 1.1**, the proposed works will ground disturbance during the demolition and construction phases of the proposed works. As illustrated in the preliminary schematics shown in **Figure 1.2** and **Figure 1.3**, the construction of the new building will involve grading the ground surface and isolated areas of excavation for footings and services.

As identified in **Section 4.1** to **Section 4.3**, Elgin Street and the wider West Maitland area has undergone significant modification in relation to the historic and contemporary development of the area. The site comprises an extant brick building, concrete slab and a vacant lot; consequently, there are no culturally modified trees present.

2: Are there any:

a) Relevant confirmed site records or other associated landscape feature information on AHIMS?

As discussed in **Section 3.0**, the AHIMS search did not identify any Aboriginal sites within the curtilage of the Project area nor in the immediate area. An assessment of available previous archaeological assessments in the area would suggest that stone artefact sites (isolated or scattered) are most commonly identified in minimally disturbed and natural elevated landforms located in proximity to reliable a reliable water source.

The previous investigations would suggest that Aboriginal archaeological deposits are unlikely to be identified in a surface context due to long withstanding disturbances, however may be encountered during sub surface excavation works in a disturbed context or within the natural soil profile where present. The context within which artefactual materials are identified is primarily based upon the extent to which the subject landform has been modified and disturbed over the course of the development of the West Maitland township, and the locality of the landform in relation to reliable fresh water. Although subject to prior disturbances, the Project area is situated approximately 350 m north-east of an unnamed minor tributary of Swamp Creek, 650 m north-east of Swamp Creek and 500 m south-west of the Hunter River. Historical mapping would also suggest that an area of swampland was located to the west of Elgin Street, prior to the town's expansion. This information would suggest that the Project area was situated in a well-resourced and appealing landscape.

b) Any other sources of information of which a person is already aware?

Based on the available information, it is considered that the most likely site type to occur in the Project area (if present) would be low density stone artefact scatters. Due to the modification and disturbance of the Project area, if Aboriginal sites and/or objects were to be identified, this would be in a disturbed sub-surface context.

c) Landscape features that are likely to indicate the presence of Aboriginal objects?

Aboriginal objects or sites are commonly associated with particular landscape features as a result of Aboriginal peoples' use of those features in their daily lives or for specific cultural activities. Such landscape features include:

1. Within 200 m of waters, or
2. Located within a sand dune system, or
3. Located on a ridge top, ridgeline or headland, or
4. Located within 200 m below or above a cliff face, or
5. Within 20 m of or in a cave, rock shelter, or a cave mouth, and
6. Is on land that is not disturbed.

Although the Project area is well situated in a landscape with access to fresh water, these water sources are located beyond 200 m. Although available, Aboriginal people would have been required to travel a short distance, as outlined above, in order to access fresh water. Further, the site would be described as being situated within a generally flat to gently sloped landform, which descends to Swamp Creek 650 m south-west. Such a landform is easily traversed, however is not immediately adjacent to fresh water and does not represent a likely camping location for Aboriginal people.

3: Desktop Assessment and Visual Inspection:

No Aboriginal objects or the potential for these objects to occur was observed within the Project area during the course of the visual inspection of the site. The due diligence code specifies:

'Land is disturbed if it has been the subject of a human activity that has changed the land's surface, being changes that remain clear and observable.'

The project area is situated within a disturbed landscape, having been subject to disturbances in relation to key phases of West Maitland's historical development. As stated in **Section 4.3**, the Project area is located within the central district of West Maitland and served a vital role in the township, with numerous businesses and factories being established. Historical information would suggest that 75/77 Elgin Street had been modified by the 1910s during the operations of a local Co-Operative business, and was expanded upon by the William C Caines firm into the 1930s. Although 77 Elgin Street is currently vacant and is comprised primarily of invasive vegetation, concrete and introduced gravels, it is likely that prior construction activities and general land use have disturbed the subsurface context of the area and impacted the underlying soil profile. Similarly, 75 Elgin Street retains its brick building, the construction of which has likely resulted in a varied degree of ground disturbance.

As such, the Project area meets the definition of disturbed land and where this definition is not met, the potential for any unidentified Aboriginal archaeological material to be identified during the course of the proposed works has been assessed as low to nil.

6.3 Assessment of Aboriginal Archaeological Potential

Overall, the proposed works will not harm any registered or known Aboriginal objects or declared Aboriginal places, and it is very unlikely that the works will result in harm to unknown Aboriginal objects. Further archaeological investigation is not warranted, however may be required should substantial variations to the preliminary designs be undertaken.

Notwithstanding the above, unexpected finds protocols remain applicable, and in the unlikely event that unexpected Aboriginal archaeological objects are encountered during the course of works, recommendations in **Section 9.0** will apply.

7.0 Historical Archaeological Assessment

Historical archaeology in Australia generally relates to the study of the past using physical evidence in conjunction with historical sources. Historical archaeology is generally defined as comprising the period since European arrival in Australia in 1788.

An archaeological resource is the physical evidence of the past and may comprise sub-surface evidence including building foundations, occupation deposits, features, and artefacts. The historical archaeological potential of an area is the likelihood that there may be physical evidence relating to earlier phases of development and occupation beneath the current footprint of the site.

7.1 Heritage Listings

As stated in **Section 2.3.1.1**, the Project area is located within the Central Maitland Heritage Conservation Area.

A search of the Maitland LEP (2011), State Heritage Register and Commonwealth Heritage Register confirmed that the Project area is not a listed local, state, or national heritage item to the exclusion of the Central Maitland Heritage Conservation Area. A numerous historical heritage listed items are located within 100 m of the Project area however, as outlined in **Table 7.1**.

Table 7.1 Listed Heritage Items

Site Name	Site ID	Item Type	Listing	Distance to Project Area	Impacted by the Proposed Works?
Maitland Public School	I139	Built	Local	35 m north-west	No
Somerset	I143	Built	Local	35 m north	No
St Elmo	I144	Built	Local	<5 m south	No
House	I127	Built	Local	100 m north-east	No
Central Maitland Heritage Conservation Area	C2	Conservation Area	Local	Within	Yes

7.2 Previous Historical Heritage Archaeological Assessments

Umwelt 2022 – Preliminary Archaeological Assessment: All Saints College Multi-Purpose Centre

Umwelt was engaged by Maitland City Council to undertake a preliminary archaeological assessment of St Pauls Parish Hall, grounds and adjacent car park prior to the development of a multi-purpose centre at the location. The subject site was located within the Central Maitland Conservation Area, and is located approximately 600 m east of the current Project area.

The subject site was allocated by the 1840's and is representative of one of the earliest land allocations of Horseshoe Bend. The surrounding streetscape was occupied by private business and residential dwellings, with the adjacent landholdings having been subdivided by the late 1890's. Historical research would suggest that St Pauls Parish Hall was constructed between 1913 and 1914 following the demolition of early cottages and associated structures. However, due to the historic and contemporary flooding events, it was assessed that the potential of unidentified historic artefacts or relics to be identified during the proposed works would be low. In addition, archaeological evidence of the early cottages, or potential outbuildings, is unlikely to have remained intact following extensive disturbance in relation to their demolition, and the construction of the St Paul's Parish Hall and associative landscaping.

The hall was previously assessed as a contributory building within the Central Maitland Conservation Area, an assessment which was upheld during the preliminary assessment in question.

Edward Higginbotham & Associates 2008 – Historical and Archaeological Assessment for Proposed Redevelopment of Maitland Art Gallery, 230 High Street, Maitland NSW

An archaeological assessment was undertaken at the Maitland Art Gallery, in order to identify the presence of any historical archaeological sites within the buildings grounds. The building previously served as the Maitland Technical College and is currently a locally listed heritage item. The subject site is located approximately 680 east of the current Project area.

Historical research suggests that the subject site was partially allocated for private use in 1823, utilised primarily for agricultural and pastoral practices. Portion 176 was allocated in the 1890's for the construction of the Maitland Technical College, which finalised construction in 1909. As property demand grew and the Maitland township continued to grow, the subject site was subdivided and used for varied practices, although remained largely commercial in nature. A site survey of the subject site was undertaken and assessed that the site landform had undergone minimal modification, notwithstanding general disturbance related to building construction and service installation. However, as the historical record cannot provide absolute clarity in regards to development or construction on the site, it remains possible that structures or disturbance have taken place. The site has further been subject to vegetation clearance, as is commonly found in the region. As a result, it was assessed that there remains the potential for previously unidentified historical deposits to be encountered, should works be undertaken in areas which have experienced minimal subsurface disturbance.

Umwelt 2002 – Archaeological Monitoring of the Demolition and the Archival Recording of 338–340 High Street, Maitland, NSW

Umwelt was engaged by Maitland City Council to undertake monitoring works during the demolition of 338–340 High Street, a locally listed heritage item in the Maitland LEP 1993. An archival recording was prepared prior to demolition works. The subject site was located 500 m north-east of the current Project area, within the Central Maitland Conservation Area. The buildings were assessed as having minor local heritage significance for historical and social reasons based upon the age (c1860s), use, general form and remnant original fabric.

During the demolition process, it was found that many original features of the buildings remained intact underneath contemporary additions and modifications. Of note, the potentially original brickwork flooring was recorded and a hollow cavity was identified underlying the floors concrete slab, consisting of a sandstone lined cellar with intact fireplace. As a measure of conservation, the cellar was lined with geotextile fabric and filled with sterile sand. The identification of a previously unrecorded early cellar structure may suggest that similar historical features may be present in buildings of comparable ages. In addition, 32 artefacts were recovered from 338 High Street, and 51 artefacts were recovered from 340 High Street. The recovered artefacts varied in materiality and artefact type, from bottles, thimbles, a child's whistle, coins to documents and newspaper articles. Most artefacts comprised small items of a personal nature and their deposition can be largely attributed to accidental loss. The items could be dated from the earliest construction of the building.

7.3 Historical Archaeological Potential

As outlined in **Section 4.3** Elgin Street is located within one of the first allocated land grants within the West Maitland area, and was subject to subdivision by the mid to late 1800s. Although early mapping does not illustrate any notable structures at the location of the Project area, historic accounts suggest that the site was actively utilised by local businesses by the turn of the 20th century, with numerous businesses and locally significant dwellings (see **Table 7.1**) being established in proximity to the site.

The structures illustrated in **Figure 4.3**, situated within the Project area, would suggest that the allotments remain comparable, if not the same, as the current dimensions. This provided ample space for the construction of multiple buildings and ancillary structures, such as W.Cs. The presence of these structures may suggest that additional features, such as smaller sheds or gardens, may have been present along the eastern side of the Project area, towards Napoleon Lane. Comparable structures remain visible within 75 Elgin Street (see **Table 5.1**).

As illustrated in **Figure 7.1** (an overlay of the preliminary design plans and the 1936 West Maitland Plan), the former location of the street front buildings and auxiliary structures in 77 Elgin Street, and the extant building and former W.C in 75 Elgin Street, will be impacted by the proposed works. Water reticulation (and a subsequent sewerage system) generally occurred in the area after the completion of the Walka Water Works, located near Maitland, in 1887. As such, the W.C.'s formerly present within the Project area are unlikely to have deep deposits of accumulated artefacts commonly present in cesspits that pre-date the installation of a sewerage system.

The former presence of several structures across 77 Elgin Street indicate that subsurface remains associated with the structures shown on the 1936 plan may be present within the Project area, primarily in relation to former footings. Any such remains would likely relate to the use of the site during the course of the William C Caines firm operations and the use of the former structures on 77 Elgin Street (which were likely residential). Other than confirming the location and form of the structures as indicated on the 1936 plan any remains exposed during the Project would not be expected to be considered of archaeological significance. Noting also that the demolition of the former buildings may have removed and / or disturbed any potential below ground remains.

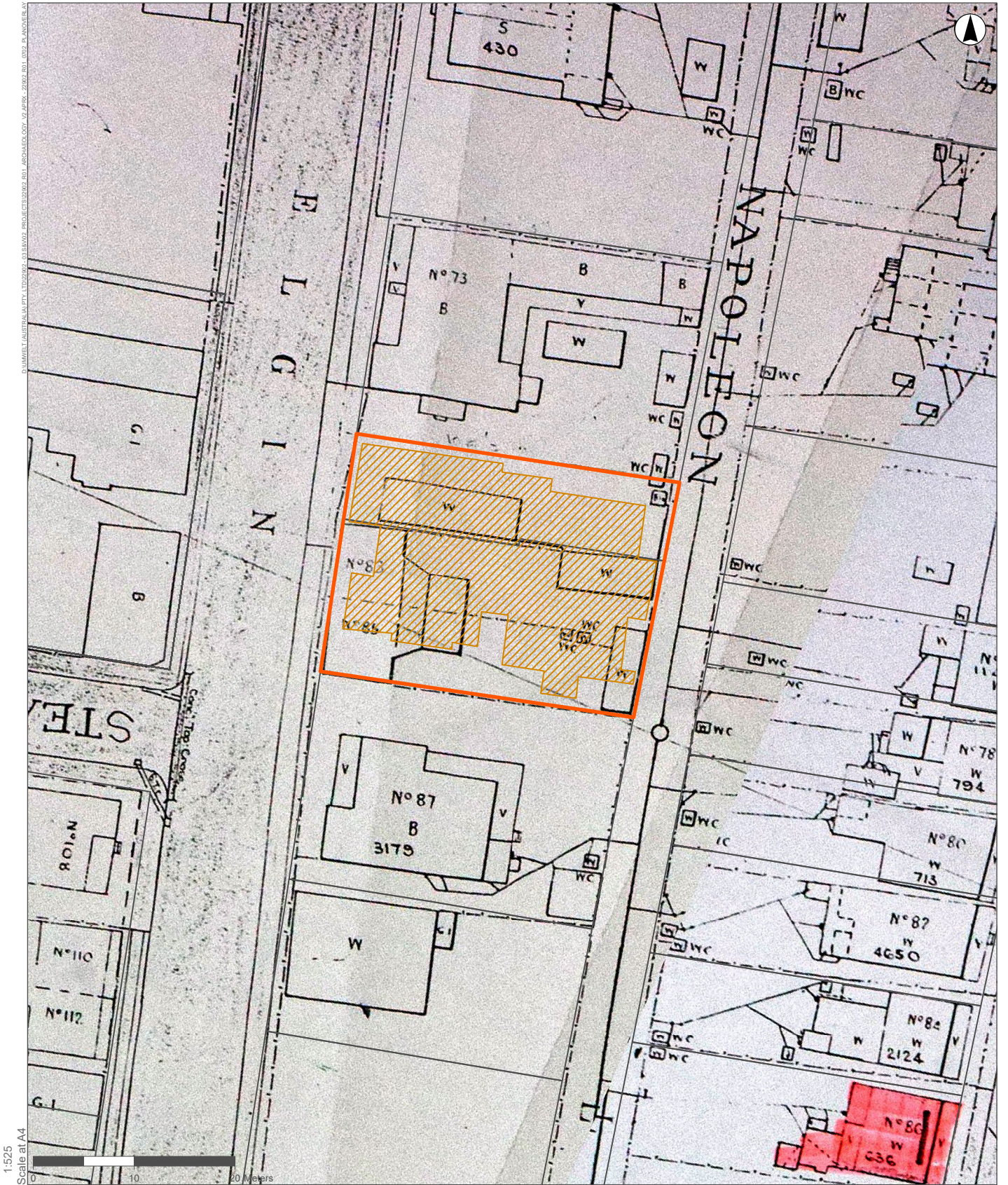
Archaeological evidence of outbuildings and other features (such as garden beds) is typically ephemeral and susceptible to disturbance.

There does not appear to have been any significant earlier improvements and use of the Project area.

7.4 Summary of Historical Archaeological Potential

Below ground Project impacts include grading the ground surface and isolated areas of excavation for footings and services. Such impacts are unlikely to expose any meaningful and understandable evidence of the structures formerly present in the Project area; other than confirming their presence and materiality.

The proposed Project works are considered unlikely to result in the exposure of, or any adverse impacts to, significant historical archaeological remains.



1:525
Scale at A4

GDA2020 MGA Zone 56

- Legend
- Project Boundary
 - Property Boundaries
 - Proposed Design Boundary

FIGURE 7.1
Plan Overlay

8.0 Conclusions

8.1 Aboriginal Archaeology

As outlined in **Section 6.2.1**, the proposed works will not harm any registered or known Aboriginal objects or declared Aboriginal places, and it is very unlikely that the works will result in harm to unknown Aboriginal objects.

The Project Area does not represent a suitable location for extended Aboriginal occupation and was likely utilised short term, opportunistically or transiently by Aboriginal people. Whilst there is potential that Aboriginal archaeological material may have been deposited in the Project Area during this time, contemporary development of the area has resulted in widespread ground disturbance and landscape modification, which have likely resulted in the disturbance, displacement and removal of any remnant artefactual material. It is considered that no further Aboriginal heritage investigations are required to determine if Aboriginal objects or Aboriginal Places would be harmed by the proposed works.

8.2 Historical Archaeology

The proposed Project works are considered unlikely to result in the exposure of, or adverse impacts to, significant historical archaeological remains.

9.0 Recommendations

Provided the below recommendations are adhered to, the proposed works within the Project area are unlikely to impact Aboriginal heritage values or significant historical archaeological remains, provided that the impacts and extent of the proposed works are consistent with those discussed in this report and outlined in the below recommendations. Once approved, works should proceed with caution.

These recommendations are made with reference to the requirements of the NPW Act, the NPW Regulation, and the Heritage Act. It is noted that the archaeological recommendations are provided from an archaeological perspective only.

- All persons working on site that are involved in ground disturbing works should be made aware of their obligations and requirements in relation to the relevant provisions of the National Parks and Wildlife Act 1974 and the Heritage Act 1977.
- In the unlikely event that previously unidentified Aboriginal objects or sites are identified whilst carrying out works within the Project Area, all activities in the immediate vicinity of the identified Aboriginal object should cease and a suitably qualified archaeologist should be contacted to confirm the validity of the object. Should the object be confirmed to be of Aboriginal cultural origin, the landholder/contractor must notify Heritage NSW and DPE to determine the appropriate course of action under future development consent.
- In the unlikely event that human remains are identified whilst carrying out works within the Project Area, all activities in the immediate vicinity of the remains should cease and the NSW Police Department, NSW Heritage and the registered Aboriginal parties should be contacted so that appropriate management strategies can be identified.
- In the event that any potential archaeological 'relics' are discovered during works all work in the area shall cease immediately and a qualified archaeologist will be consulted to determine an appropriate course of action prior to the recommencement of work in the area.

10.0 References

1922 'DISPUTED POSSESSION.', *The Maitland Weekly Mercury (NSW : 1894 - 1931)*, 23 September, p. 7. , viewed 18 Oct 2022, <http://nla.gov.au/nla.news-article136715334>

1935 'PROGRESSIVE', *The Maitland Daily Mercury (NSW : 1894 - 1939)*, 28 August, p. 4. , viewed 18 Oct 2022, <http://nla.gov.au/nla.news-article127099061>

1947 'MR. W. C. CAINES.', *Newcastle Morning Herald and Miners' Advocate (NSW : 1876 - 1954)*, 27 October, p. 3. , viewed 18 Oct 2022, <http://nla.gov.au/nla.news-article134225245>

Blyton, G., Heitmeyer, D.G. and Maynard, J., 2004. *Wannin Thanbarran: A history of aboriginal and European contact in Muswellbrook and the Upper Hunter Valley*. Muswellbrook Shire Aboriginal Reconciliation Committee.

Brayshaw, H. 1986. *Aborigines of the Hunter Valley. A Study of Colonial Records*. Scone and Upper Hunter Historical Society, Scone, NSW.

Breton, W.H., 1834. Excursions in New South Wales, Western Australia, and Van Diemen's Land, During the Years 1830, 1831, 1832, and 1833. R. Bentley.

Butlin, N.G., 1982. Close Encounters of the Worst Kind: Modelling Aboriginal Depopulation and Resource Competition 1788–1850. Australian National University, Research School of Social Sciences, Department of Economic History.

Cunningham, P.M., 1827. Two years in New South Wales: comprising sketches of the actual state of society in that colony; of its peculiar advantages to emigrants; of its topography, natural history, &c. &c (No. 31). Henry Colburn.

Eureka Heritage, 2012. Archaeology & Heritage Management Report, Townhall Car Park Development, High Street, Maitland. Report prepared for Maitland City Council.

Dawson, R. 1830. *The Present State of Australia; A Description of the Country, its Advantages and Prospects, With Reference to Emigration: and a Particular Account of the Manners, Customs and Condition of its Aboriginal Inhabitants*. Smith, Elder and Co., London.

Department of Environment and Planning (DPE), 1980. Hunter Region Heritage Study: Maitland Heritage Items in Order of Interim List.

Fawcett, J.W., 1898. Notes on the customs and dialect of the Wonnah-ruah tribe.

Gammage, B., 2011. Fire in 1788: The closest ally. *Australian Historical Studies*, 42(2), pp.277–288.

Godden Mackay Logan (GML), 2012. Aboriginal Cultural Heritage Assessment Report: McKeachie's Run. Report prepared for Stockland.

Gunson, N. 1974. Australian reminiscences & papers of L.E. Threlkeld. *Australian Aboriginal Studies*. 40. AIAS, Canberra.

Heritas Architecture, 2005. 36 Banks Street East Maitland, NSW: Conservation Management Plan. Report prepared for Gary Mathisen Architecture.

Higginbotham & Associates Pty Ltd, 2008. Historical and Archaeological Assessment for Proposed Redevelopment of Maitland Art Gallery, 230 High Street, Maitland NSW. Report prepared for Maitland City Council.

Maitland City Council, 2008. Maitland Architecture: 19 Decades of Residential Design: Hearth and Homes.

Mulvaney, D.J., 1986. 'A sense of making history': Australian aboriginal studies 1961-1986. *Australian Aboriginal Studies*, (2), pp.48–56.

Thorp, W., 1994, Maitland Heritage Survey Review: Thematic History for Maitland Council, prepared for Maitland Council in association with Brian McDonald & Associates.

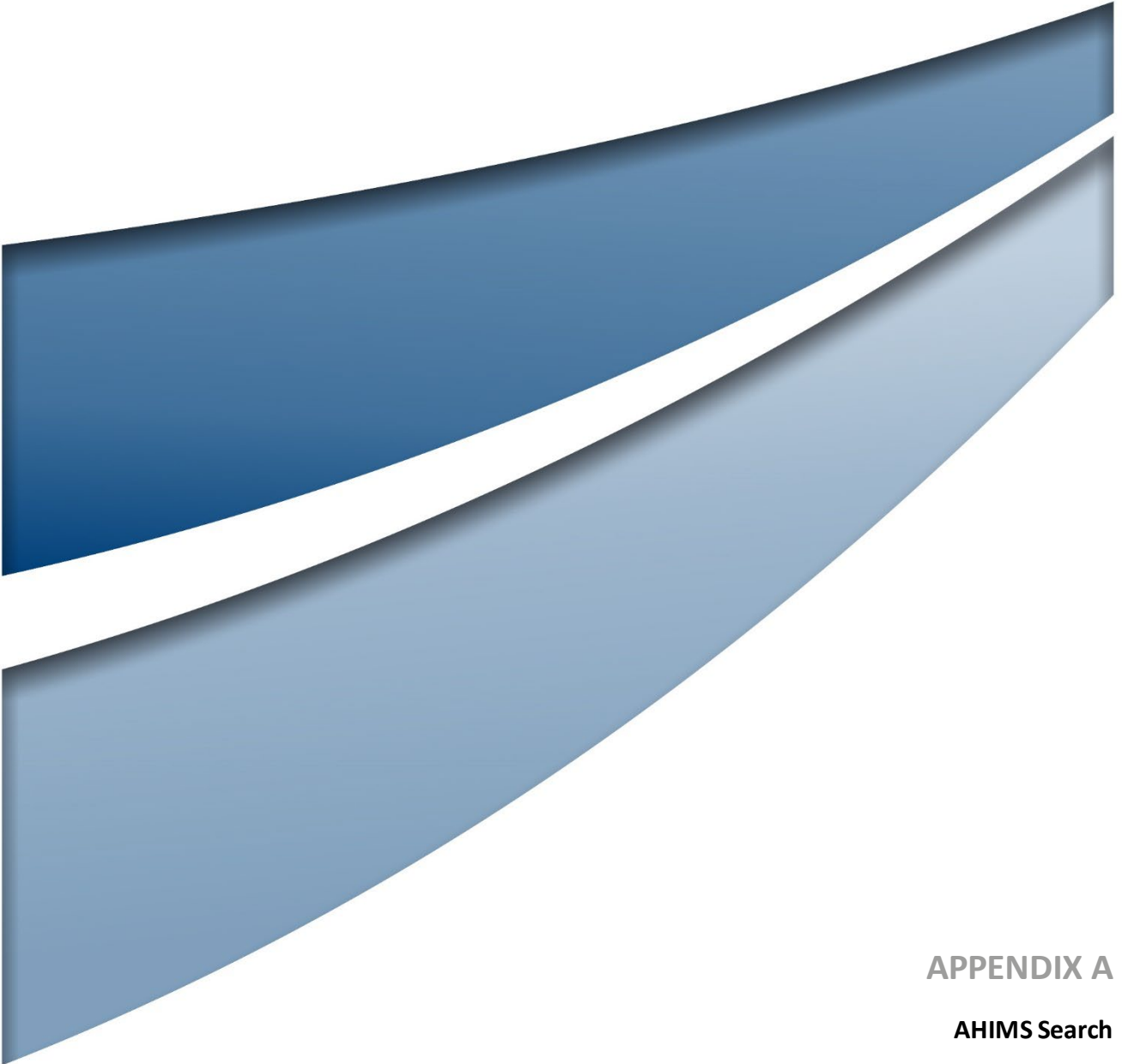
Tindale, N.B., 1974. Aboriginal tribes of Australia: their terrain, environmental controls, distribution, limits, and proper names. Australian National University Press.

Wheeler, G.C.W.C. and Wheeler, G.C., 1910. *The tribe, and intertribal relations in Australia*. J. Murray.

Umwelt, 2002. Archaeological Monitoring of the Demolition and Archival Recording of 338-340 High Street, Maitland, NSW. Report prepared for Maitland City Council.

Umwelt, 2018. Aboriginal Cultural Heritage Assessment Report, New Maitland Hospital, Metford NSW. Report prepared for Health Infrastructure NSW.

Umwelt, 2022. Preliminary Archaeological Assessment: All Saints College Multi-Purpose Centre. Report prepared for Catholic Diocese Maitland Newcastle.



APPENDIX A

AHIMS Search

Umwelt (Australia) Pty Limited - Individual users

Date: 17 October 2022

75 York Street
Teralba New South Wales 2284

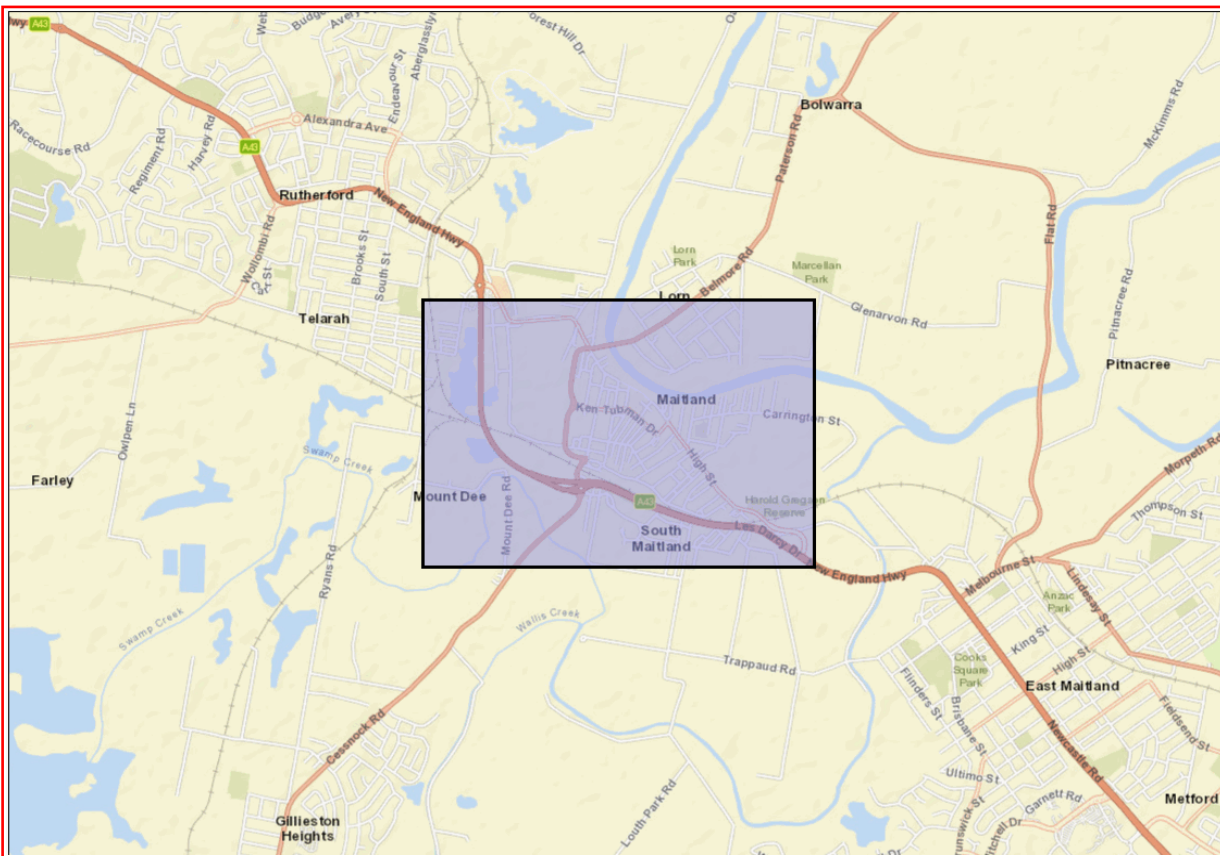
Attention: Alison Fenwick

Email: afenwick@umwelt.com.au

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -32.7445, 151.5392 - Lat, Long To : -32.7264, 151.5701, conducted by Alison Fenwick on 17 October 2022.

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



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

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

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

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

Important information about your AHIMS search

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

