



Historical Archaeological Assessment

**City Administration Centre
Maitland City Council
263-283 High Street
Maitland NSW**





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263-283 High Street
Maitland, NSW

Prepared for:
Maitland City Council

by
Eureka Heritage
with **Elizabeth (Liz) Roberts**

Project No 181001HH

Written by Sue Singleton

A handwritten signature in black ink, appearing to read "Sue Singleton", written over a light grey rectangular background.

Sue Singleton

Heritage Consultant & Archaeologist

March 2019

*Cover Illustration: Conceptual Graphic of High Street frontage of proposed
Maitland City Council Administration Centre*

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TERMINOLOGY & ABBREVIATIONS

Adaptation: means modifying a place to suit proposed compatible use.

Alienation: Land alienation is an act whereby one party transfers the property and possession of lands, tenements, or other things, to another.

AMP: Archaeological Management Plan.

Archaeological Assessment: a study carried out to make an assessment of the archaeological significance of a site in order to formulate appropriate management strategies.

Archaeological Monitoring: excavation works that are supervised by an archaeologist in order to identify any archaeological evidence exposed in the process. The archaeologist has the authority to direct and to suspend work should relics be discovered. In the instance that relics are discovered, further assessment and management may be required including an application for an excavation permit.

Archaeological Potential: the assessment of the archaeological resources to contribute meaningful information to historical knowledge.

Archaeological Resource: the archaeological features (or reasonably anticipated archaeological features) contained within a defined area.

Archaeological Significance: within the heritage assessment process, archaeological significance is the scientific (or research) value of a site to contribute meaningful information to that already known.

Archaeological Site: a place that contains one or more relics and/or works.

Artefact: an object or item that has been produced by human activity. Artefacts are typically contained within an occupation deposit.

Assessment of Potential Archaeological Resources: a measure of the likelihood of archaeological resources to exist within the precinct.

CMP: Conservation Management Plan.

Curtilage: a curtilage is a piece of land attached to a building that provides a sense of enclosure. Curtilage can be an elusive concept in consideration of changing contexts such as land subdivision, changes in ownership, demolition and/or redevelopment. Generally, a curtilage is that area of land surrounding an item, or area of archaeological significance, which is essential for retaining and interpreting this significance.

Compatible use: a use which respects the cultural significance of a place. Such a use involves no, or minimal, impact on cultural significance.

Conservation: means all the processes of looking after a place so as to retain its cultural setting and significance.

Development: the continued, evolutionary growth of a place or site to meet changing needs. This can refer to historical development and is not necessarily used in a negative sense.

Environmental Heritage: is defined by the NSW Heritage Act 1977 as 'those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance.'

Fabric: means the physical material of a place that is the product of human technology and activity. It can include components, fixtures, contents and objects.

Heritage Item: a building, work, place, relic, tree, object or archaeological site.

Heritage Management Document: a heritage conservation management plan, or a heritage impact statement, or any other document that provides guidelines for the ongoing management and conservation of a heritage item.

Heritage Significance: historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value assessed under the guidelines of the NSW Heritage Council.

ICOMOS: International Council on Monuments and Sites. Australia ICOMOS is a non-government, not-for-profit organisation of cultural heritage professionals formed as a national committee of ICOMOS in 1976. Australia ICOMOS' mission is to lead cultural heritage conservation in Australia by raising standards, encouraging debate and generating innovative ideas.

Maintenance: means the continuous protective care of the fabric and setting of a place and is to be distinguished from repair. Repair involves restoration or reconstruction.

OEH: Office of Environment and Heritage.

PMHS: Port Macquarie Historical Society.

Preservation: means maintaining the fabric of a place in its existing state and retarding deterioration.

Reconstruction: means returning a place to an earlier state and is distinguished from restoration by the introduction of new material into the fabric.

Relic: an archaeological deposit, resource or feature that has heritage significance at a local or State level.

Section 4 of the NSW Heritage Act 1977 defines a *relic* 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.*

Research Design: a set of questions which can be investigated by an archaeologist using archaeological evidence and a methodology for addressing them. The purpose of a research design is to ensure that archaeological investigations focus on genuine research needs. It is an essential tool to ensure that when archaeological resources are unavoidably disturbed or destroyed by excavation, the information they hold may be preserved in other formats for public access.

Research Themes: broad research areas which set guidelines for further investigation of an archaeological site. Themes should be relevant to the improved understanding of the history of the site, the wider locality, the State or Australia.

Restoration: means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.

Work: in the definition of environmental heritage contained in the Heritage Act 1977, a *work* is not defined, but dictionary definitions are adopted such that a *work* is taken to mean '*an engineering structure, such as a building, bridge, dock, etc.*' This definition would extend to cover abandoned road formation and *works* such as drains, bridges and culverts and structures that are considered road infrastructure.

1. Introduction

1.1. COMMISSION

Eureka Heritage (Eureka) has been engaged by Maitland City Council (MCC) who commissioned a heritage study and archaeological assessment as part of the planning process for the proposed redevelopment of land for Maitland City Council Administration Offices with improved parking areas (the study area). This report presents the findings of detailed study and assessment carried out according to the standard guidelines of the NSW Heritage Council.

This study makes an evaluation of the significance of the archaeological resource of the study area with the primary objectives to:

- manage the archaeological and associated heritage values of the study area;
- identify any impact upon any heritage values of the study area; and
- identify any archaeological research potential of the study area and to formulate an appropriate methodology to apply to any disturbance of anticipated archaeological resources.

1.2. PROJECT TEAM & PROJECT BRIEF

The project brief required an investigation and assessment of Aboriginal Cultural Heritage and Historical Heritage. These two stand-alone studies have been carried out separately and submitted as discrete reports, with input of the project team as follows:

- Elizabeth (Liz) Roberts, Historian, subconsultant to Eureka;
- Kath Beech, Anthropologist, subconsultant to Eureka; and
- Sue Singleton, Archaeologist and Heritage Consultant, project lead consultant of Eureka.

This study and assessment report focused upon the investigation of historical heritage and potential historical (non-Indigenous) archaeological resources of the study site. The study excludes items of built heritage that occur within the study site, namely; the State significant Maitland Town Hall and Supper Room, and the locally significant Town Hall Café. These items have been the subject of a discrete study, assessment and management strategies.

Acknowledgement of the detailed research and historical insight provided by Liz Roberts must be made. Her visual approach to understanding a complex site can be seen throughout the historical context section and in **Appendix 2** where the chronology of land ownership is illustrated in a series of maps.

1.3. OBJECTIVES AND METHODOLOGY

In summary, the objectives of this study were:

- to provide a detailed and contextual history of the study site;
- to identify potential heritage and/or historical archaeological resources;
- to provide an assessment of heritage/archaeological significance based on the established criteria of the NSW Heritage Council; and
- to comply with the criteria for studies, assessment, heritage management and reporting that are established by the OEH NSW Heritage Manual.

Study objectives were achieved using the following methodology:

- the investigation, through specialist primary and secondary sources, including land title searches;
- review of historical maps, plans and photographs;
- research of the known archaeological context of the study site through searches of relevant statutory and non-statutory databases;
- a general surface inspection of the study area, recorded by digital photography, to provide a present-day context to the study; and
- the preparation of this study and assessment report.

1.4. SITE LOCATION & PROJECT DESCRIPTION

Maitland City is located approximately 160km north of Sydney and 30 km north-west of the City of Newcastle. The proposed development site covers an area of consolidated parcels of land within a number of Deposited Plans and is bounded on the west by the existing Maitland City Council Administration Centre and the Maitland Town Hall. High Street forms the northern boundary, the eastern boundary is Devonshire Street, the southern boundary is Grant Street as shown in **Figure 1.1**.

For the purpose of this study, where the terms 'study site/area' or 'project site/area' have been used, it makes reference to the whole of the project site including the proposed building footprint and proposed carparking areas (refer dotted outline **Figure 1.2**). Where the term 'building footprint' has been used, it refers to the area of proposed construction for the building redevelopment excluding proposed carparking zones (refer solid outline **Figure 1.2**). This distinction is made in order to delineate the different zones and the different levels of disturbance required for construction.

The study area consists of thirteen allotments and incorporates a road reserve, Pryor's Lane (refer **Figure 1.2**). It comprises varying landscape units located adjacent to the existing Maitland City Council Administration Centre and includes the State Significant Maitland Town Hall (Maitland Town Hall and adjacent office building and supper room) and the historical Town Hall Café (former shop and residence). A large proportion of the study area is comprised of bitumen sealed car park and gravel car park, while others areas are open space or vacant land, having been cleared of former structures. The MCC Senior Citizens Centre is located on Grant Street and two of the lots within the project area retain a residential building. Detailed views of the study area, taken during site inspection, are provided in **Figure 1.3** to **Figure 1.8** with **Figure 1.9** providing a photographic reference plan showing orientation of views across study area. Site inspection concentrated upon the areas of vacant land within the study area, where the ground surface was visible.



FIGURE 1.1 - LOCATION PLAN
Source: Created in Google Earth

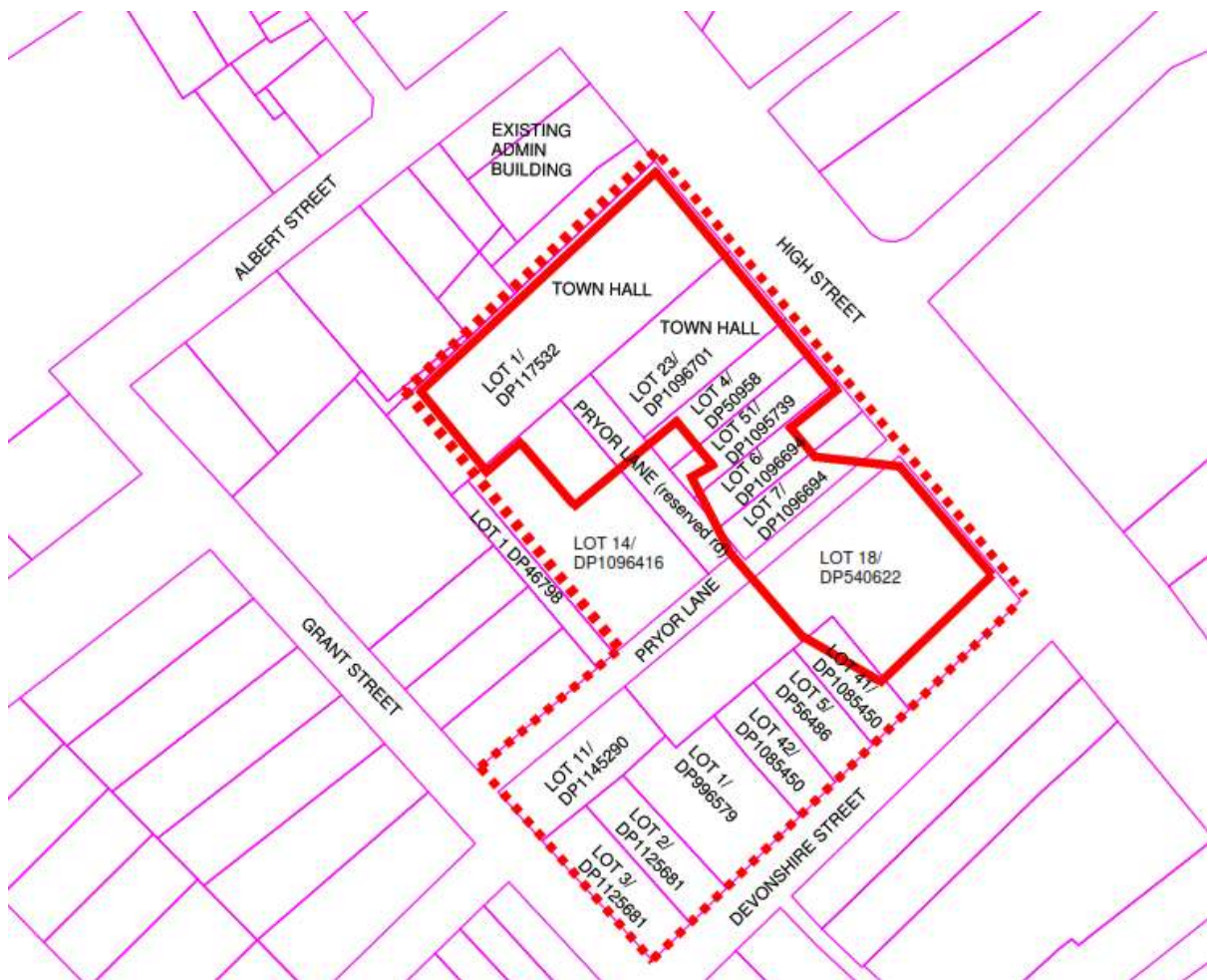


FIGURE 1.2 - STUDY AREA PLAN - SHOWING LOT AND DP BOUNDARIES.
THE BOLD RED LINE INDICATES THE FOOTPRINT OF PROPOSED DISTURBANCE FOR CONSTRUCTION.
Source: MCC

To further clarify the bounds of the study area, individual lots that have been investigated as part of this study, and their relative location within the proposed redevelopment footprint, please see **Table 1.1** below.

Table 1.1 – Summary of Lots within Study Site

Lot	Address	Detail	Included in current study	Within Building Footprint
Lot 1 DP117532	279 High Street	existing Town Hall	No – see SOHI	Yes
Lot 23 DP 1096701	277 High Street	existing Town Hall	No – see SOHI	Yes
Lot 4 DP 50958	275 High Street	vacant lot	Yes	Yes
Lot 51 DP1095739	273 High Street	Town Hall Café/former c1840 shop & residence	Vacant land at rear only Also see SOHI	Yes
Lot 6 DP1096694	271 High Street	Vacant lot	Yes	Yes
Lot 7 DP1096694	269 High Street	Vacant lot	Yes	Yes
Lot 18 DP540622	263 High Street	Vacant lot	Yes	Yes - partial
Lot 41 DP1085450	16 Devonshire Street	Vacant Lot	Yes	Yes
Lot 5 DP56486	18 Devonshire Street	Residential units former c1870 terraces	Yes	No
Lot42 DP1085450	20 Devonshire Street	Vacant Lot	Yes	No
Lot 1 DP996579	22 Devonshire Street	Vacant lot	Yes	No
Lot 2 DP1125681	Devonshire Street	Vacant lot	Yes	No
Lot 3 DP1125681	Devonshire Street	Vacant lot	Yes	No
Lot 11 DP1145290	3 Grant Street	Cottage	Yes	No
Lot 14 DP1096416	Pryor Lane	Former Pryor's Plasterworks – now carpark	Yes	Yes - partial
Pryor Lane	Pryor Lane	Road reserve	Yes	Partial



FIGURE 1.3 – LOOKING SOUTHERLY FROM HIGH STREET ACROSS CAR PARKING AREAS



FIGURE 1.4 – LOOKING WESTERLY ACROSS GRAVEL CAR PARK TO TOWN HALL



FIGURE 1.5 - LOOKING NORTHERLY ALONG DEVONSHIRE STREET FROM INTERSECTION OF GRANT STREET SHOWING OPEN SPACE AND MONUMENT TO GENERAL JULIUSZ EDWARD KLEEBERG, A POLISH COMMUNITY LEADER OF THE 20TH CENTURY.



FIGURE 1.6 - LOOKING SOUTHERLY FROM HIGH STREET TO GRANT STREET. TOWN HALL AT RIGHT OF VIEW.



FIGURE 1.7 – LOOKING SOUTHERLY ACROSS OPEN SPACE AT CORNER OF DEVONSHIRE AND GRANT STREETS.



FIGURE 1.8 – LOOKING WESTERLY ALONG GRANT STREET



FIGURE 1.9 – PHOTOGRAPHIC PLAN OF SITE INSPECTION
SHOWING LOCATION AND ORIENTATION OF VIEWS. HERITAGE BUILDINGS HIGHLIGHTED IN BLUE.

1.5. PROPOSED PROJECT WORKS

The proposed project comprises the redevelopment of the study area, incorporating some existing structures, for a purpose-built council administration centre. The proposed building has an estimated floor area of 4,900m², is three stories along the High Street frontage and four stories in height to the rear. There is no proposed sub-surface construction for a basement, and construction will predominantly cover the northern portion of the site with the primary frontage to High Street. An at grade car park is proposed for the southern portion of the site. Conceptual 3D images, showing a series of elevations of the proposed City Administration Centre have been provided in **Figure 1.10**.

At this stage of the planning process, and based on the current concept plans, it is reasonable to anticipate that there will be isolated areas of excavation for perimeter wall footings, lift pits and services trenching. Other excavation will be limited in extent where finished levels would require approximately one metre to 1.5 metres of excavation for construction of floor slabs. Modification of existing buildings would require disturbance of already disturbed ground and all other ground floors would be constructed through the use of suspended concrete slabs.

Incorporation of the heritage buildings has been carefully considered within the design which both highlights and contrasts the heritage components with the modern development. The use of brickwork in the new building complements the historical brickwork and provides a blending of the old and the new along the streetscape



**FIGURE 1.10 - ELEVATION VIEWS OF PROPOSED REDEVELOPMENT
SHOWING THE INCORPORATION OF EXISTING HERITAGE BUILDINGS**
Source: MCC and BVN.

Geotechnical investigations by Douglas Partners in October 2018 reveal that there is a variation in the depth and consistency of the filling subgrade across the site with evidence of material such as brick, concrete, ceramic, glass and fibro sheeting which is indicative of remnants of previous occupation, structural demolition and/or importation of demolition rubble as fill. For this reason, it has been recommended that civil design should minimise the amount of excavation required for construction, and thus no sub-surface basement level is proposed.

The proposed building footprint is shown in **Figure 1.2** above and thus disturbance by construction will be contained predominantly within the north-eastern precinct of the study area as shown in **Figure 1.11**. The balance of the study area will require demolition of residences in Devonshire and Grant Streets, and at grade construction for a carpark, requiring only minimal ground disturbance.



FIGURE 1.11 - FLOORPLAN OF PROPOSED ADMINISTRATION CENTRE AND CAR PARKING
Source: BVN Floor Plan LV01

1.6. STATUTORY FRAMEWORK

This section provides an overview of statutory heritage controls relevant to archaeological management of study site prior to and during project works.

1.6.1. NSW Heritage Act, 1977

Archaeological relics fall within the definition of *environmental heritage* which is protected under the *NSW Heritage Act 1977*. The act provides that environmental heritage may be places, buildings, works, relics, moveable objects, and precincts of State or local heritage significance. The Heritage Act further provides measures for the protection and management of the different types of environmental heritage, and this is dependent upon the type of item under investigation.

The entire Heritage Act serves to protect heritage but historical archaeological remains are additionally protected from being moved or excavated through the operation of the *relic's* provisions. These provisions protect unidentified relics which may form part of the environmental heritage in NSW, but which may not have been listed on statutory registers or databases.

Section 4(1) of the *NSW Heritage Act 1977* defines a relic as:

Any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and

(b) is of State or local heritage significance.

According to the Act no disturbance or excavation may proceed that may expose or discover relics except with an Excavation Permit and that an excavation permit is required, if a relic is:

- listed on the State Heritage Register, pursuant to s60 and s63 of the Act; and
- not listed on the State Heritage Register, pursuant to s140 and s141 of the Act.

In circumstances where there is little likelihood that relics exist or that such relics are unlikely to be of a significant nature, and/or that disturbance will result in a minor impact and/or where excavation involves removal of fill only, the Heritage Act makes provision for the granting of an exemption to the need for an excavation permit for State significant sites under s57(2) of the Heritage Act, or an exception to the need for an excavation permit for locally significant sites under s139(4).

The distinction between a work and a relic

In reference to the definition of environmental heritage contained in the Heritage Act, a **work** is not further defined by the Act, but dictionary definitions are adopted such that a work is taken to mean '*an engineering structure, such as a building, bridge, dock, etc*'. As such items such as railway lines, wharves, bridges, culverts and the like are by definition 'works' not relics.

Where a **work** will be impacted by a project, there is no requirement for statutory permit application under the NSW Heritage Act 1977, however the potential for the relic's provisions of the Heritage Act to be triggered during project works should be carefully considered. In the event that the exposure of relics is considered possible, appropriate management measures should be put in place. In addition, an item or element defined as a work and considered to attain a level of heritage significance, should still be the subject of appropriate heritage and/or archaeological management.

1.6.2. Maitland Local Environmental Plan 2011

Local environmental plans (LEPs) provide a framework for development control in their local area. Heritage schedules within an LEP provide for the identification and protection of heritage items. Objective 2 (c) of the Maitland LEP 2011 provides the particular aims of the LEP regarding heritage management as follows:

to properly plan and protect human-made resources of Maitland including buildings, structures and sites of recognised significance which are part of the heritage of Maitland.

Schedule 5 of the Maitland LEP 2011 lists items of Environmental Heritage afforded statutory protection. **Figure 1.12** below shows that the study area falls within the Central Maitland Heritage Conservation Area and **Table 1.2** show those Schedule 5 Heritage Items located within the study area, and those located in close proximity to the study area.

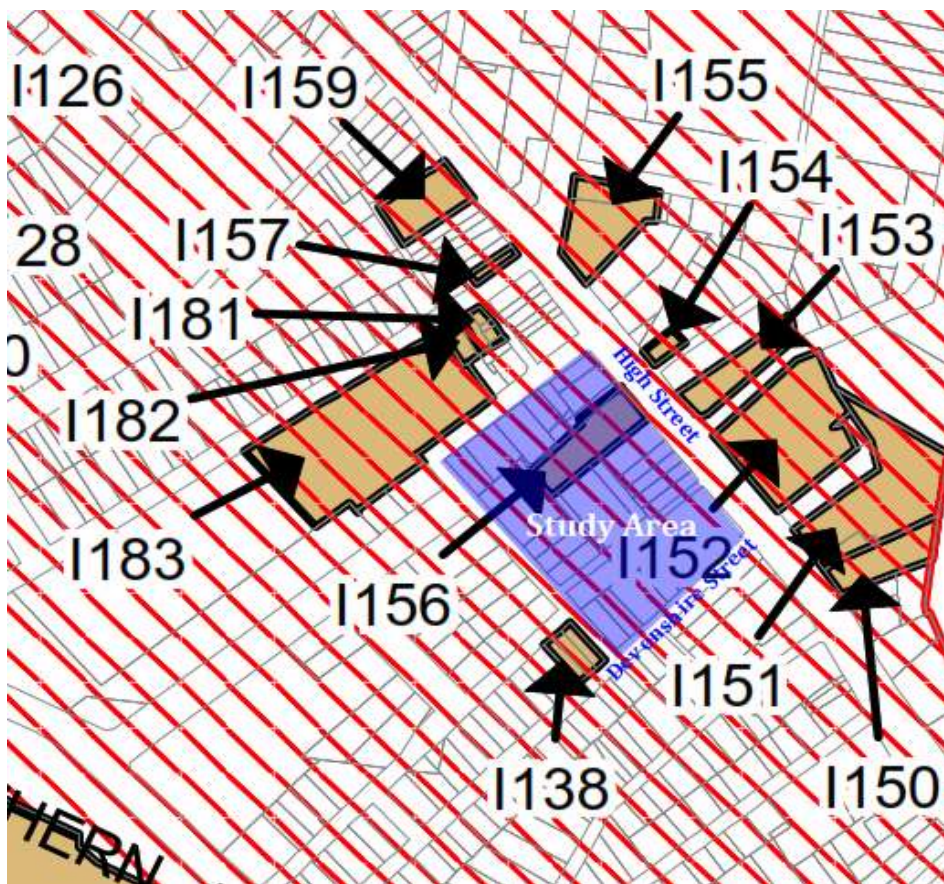


FIGURE 1.12 - MAITLAND LEP 2011 HERITAGE MAP SHEET HER_004B SHOWING STUDY SITE AND SURROUNDING HERITAGE ITEMS.

Source: Maitland LEP 2011

Table 1.2 – Schedule 5 Heritage Items - Maitland LEP 2011 (refer Figure 1.12)

Ref No	Item/Address	Heritage Significance	Relative to Project Area/Study Area
I138	Brick Terraces 26-30 Devonshire Street	Local	Outside project/study area
I150	Former CBC Bank 224 High Street	Local	Outside project/study area
I151	Former Cohens Warehouse facade 226 High Street	Local	Outside project/study area
I152	Technical college 230 High Street	Local	Outside project/study area
I153	Former Congregational Church 244 High Street	Local	Outside project/study area
I154	Former AJS Bank 248 High Street	Local	Outside project/study area
I155	Maitland Mercury 258 High Street	Local	Outside project/study area
I156	Maitland Town Hall and adjacent office building and supper room 279–287 High Street	State	Within project area but outside current study area.
I157	McLaughlin's Bakery 303 High Street	Local	Outside project/study area
I158	NAB Bank 315 High Street	Local	Outside project/study area
I181	Masonic Hall 5 Victoria Street	Local	Outside project/study area
I182	Terrace 7 Victoria Street	Local	Outside project/study area
I183	Convent Training College group 9 Victoria Street	Local	Outside project/study area

1.6.3. Maitland City Wide DCP 2011

Part E Special Precincts – Section E.3 Heritage Conservation Areas of the Maitland City Wide DCP 2011 sets out the collective significance of the Central Maitland Conservation Area and provides a framework for the assessment of development applications specific to the heritage context of each precinct.

The statement of significance for the Central Maitland Heritage Conservation Area contained in the DCP 2011 is as follows:

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.

1.7. REFERENCE DOCUMENTS, GUIDELINES & RELATED REPORTS

The primary reference documents and endorsed guidelines used in the preparation of this assessment report are listed below with additional references provided in the bibliography.

- *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance* (Burra Charter) 7th Edition, (partly revised), 2013.
- *Assessing Significance for Historical Archaeological Sites and 'Relics'*, endorsed by the NSW Heritage Council, 2009.
- *The NSW Heritage Manual*, published by the former Heritage Branch, Department of Planning (now Office of Environment, Heritage Division) 1996.
- *The Conservation Plan*, by J S Kerr, 2000.
- *Maitland Town Hall: Historical Study*, 1999.
- *Baseline Archaeological Assessment – 273 High Street, Maitland*, 2018.
- *The Rise of High Street*, by Historian John Turner, 1988.

2. Understanding the Study Area

2.1. INTRODUCTION

Cultural significance is a simple concept with the primary purpose to help identify and assess the attributes which make a place of value to us and to our society. An understanding of the place, and its' history, is therefore basic to any assessment process. Once the significance of a place is understood, informed management decisions can be made which will enable that significance to be retained, revealed or, at least, impaired as little as possible. A clear understanding of the nature and level of the significance of a place will not only suggest constraints on future action, it will also introduce flexibility by identifying areas which can be adapted or developed with greater freedom (Burra Charter, 2013).

The study site is comprised of a number of individual lots which has presented a challenge in the presentation of complex land ownership history which has included early land allocation, early land grants, development, redevelopment, demolition and the creation of the present-day context of largely open space, where once there was a high density of mixed commercial, industrial and residential buildings. **Table 2.1** below provides a quick reference to the individual lots under study within this assessment. The table also provides a reference to the report section below which presents detailed investigation results derived from land title searches and follow-up research of primary historical resources.

Table 2.1 – Summary of Lots within Study Area

Lot	Address	Description	Refer to Section
Lot 4 DP 50958	275 High Street	Vacant lot	Section 2.6.3
Lot 6 DP1096694	271 High Street	Vacant lot	Section 2.6.4
Lot 7 DP1096694	269 High Street	Vacant lot	Section 2.6.5
Lot 18 DP540622	263 High Street	Vacant lot (car park)	Section 2.6.6
Lot 41 DP1085450	16 Devonshire Street	Vacant lot	Section 2.6.7
Lot 5 DP56486	18 Devonshire Street	Residential units	Section 2.6.8
Lot 42 DP1085450	18 Devonshire Street	Vacant Lot	Section 2.6.9
Lot 1 DP996579	22 Devonshire Street	Vacant lot	Section 2.6.10
Lot 2 DP1125681	Devonshire Street	Vacant lot	Section 2.6.11
Lot 3 DP1125681	Devonshire Street	Vacant lot	Section 2.6.12
Lot 11 DP1145290	3 Grant Street	Cottage	Section 2.6.13
Lot 14 DP1096416	Rear Town Hall	Vacant Lot (car park)	Section 2.6.14
Pryor Lane	Road Reserve	Sealed Laneway	Section 2.6.15

2.2. OVERVIEW OF ABORIGINAL CULTURAL HERITAGE ASSESSMENT

Acknowledgment and respect are extended to the Aboriginal Custodians of the Maitland Region, and the land that is currently under study, the Wonnarua, Awabakal and Worrimi Peoples.

Historical Archaeology in New South Wales, and across Australia, is concerned with the enhancement of knowledge of settlement and occupation by British colonists from 1788, and through subsequent historical eras, that has contributed to the evolution of Australia as a nation. The discipline of Historical Archaeology acknowledges and respects the Traditional (Aboriginal) Custodians of the land, but this is the domain of

the separate discipline of Aboriginal Cultural Heritage. Historical Archaeology focuses upon the material evidence of non-Aboriginal activity; the remains of items left by people of the past, and that can provide information of lifestyle, technology, culture and social behaviour that are now largely lost to the general knowledge of current times.

A separate due diligence study has been carried out to address the investigation of Aboriginal Cultural Heritage for the study site. This study comprised a comprehensive literature review and archaeological analysis. The following paragraphs provide a summary overview of the conclusions of the study. Please refer to the full study report should additional information be sought to that provided below.

2.2.1. Statement of Aboriginal Cultural Heritage Significance

The aim of the statement of significance is to discuss and assess the known physical and documentary evidence of Aboriginal cultural heritage relevant to the study area, the surrounding lands, and the wider region, in order to provide a context for individual site assessment and the basis for recommendations for further heritage investigation, or otherwise.

The immense ground disturbance across the study area from European development and use since the 1820s, in addition to regular inundation and disturbance by flooding since well before European disturbance, is a major contributing factor in the assessment of the potential for Aboriginal cultural heritage to be impacted by the proposed project.

In the absence of any identified Aboriginal sites or objects at site survey, and in the absence of the identification of areas of potential archaeological deposits, in addition to no known or recognised social significance gained through rigorous desktop study and literature review, the study area is not considered significant for its Aboriginal cultural heritage values. Therefore, it is reasonable to conclude that the likelihood for impact upon items of significance to the Aboriginal community is negligible.

2.2.2. Overview of Predicted Aboriginal Archaeological Resources

The archaeological record of the study area, if any, would be expected to reflect low intensity or transient patterns of sporadic or seasonal use by small numbers of people for very short durations, and would likely comprise isolated finds or low-density artefact discards (background scatter), discarded accidentally or deliberately as excess to requirements. The finds might include discards of microblades, microblade cores or portions, microlith backing flakes, bondi point preforms, complete and broken microliths and other associated debitage (Kuskie, 2012:56). They would most likely be comprised of locally available and commonly found raw materials - silcrete, mudstone, chert, quartz, and quartzite.

However, the high degree of disturbance and development over the site has, in all likelihood, destroyed or removed any *in-situ* evidence. The cumulative impacts of extreme inundation through flooding, industrial activities, demolition, earthworks and urban development, also make it highly unlikely that soil profiles in the study area will retain any stratigraphic integrity. The poor surface visibility, levels of aggradation, and lack of exposed or eroding surfaces, further limits the potential for surface archaeological evidence to exist.

In conclusion, although the presence of subsurface archaeological material cannot be entirely discounted, investigation and analysis has shown that it is reasonable to conclude that it is highly unlikely for items or sites, of significance to Aboriginal Cultural Heritage, to occur within the study area. Notwithstanding the unlikely event that remnant material of former Aboriginal provenance is present, it is unlikely to be found in context or to retain any stratigraphic integrity, thus its interpretative value as evidence regarding the use of the site by Aboriginal people would be considered negligible.

2.2.3. Contact History

Written accounts of the contact between the local Aboriginal people and the earliest farmers of Wallis Plains appear to be few. This may be explained through an understanding of the historical context whereby those who lived in this era either didn't have the time, skills or the resources to make an enduring written record. It is also possible that any records that may have existed, either written or oral, have been suppressed or have not survived for collection into the resources of the present day.

The little information we can draw upon is that during the years that Newcastle operated as a penal station, Aboriginal “trackers” were used by the Government primarily to assist the guards to recapture absconding convicts. However, with the closure of the penal station, their role shifted to assisting European explorers and settlers entering the Hunter Valley. This was the period beginning with the discovery of an overland route from Windsor by Howe in 1819–1820 and culminating in the allocation of land grants along the Hunter River valleys to European immigrants (Dunn, 2016).

It stands to reason that Molly Morgan, Patrick Maloney and their fellow ex-convict farmers would have had frequent contact with the local Aboriginal people, and undoubtedly there would have been some conflict connected with the use of land and resources. However, at least one contemporary observer considered ‘to these emancipated settlers we are indebted for the obliging disposition of the aborigines in that part of the country’ (Dunn, 2016). A good working relationship between the Morgans and the original occupiers of the land is described in 1823 when Robert and Helenus Scott hired a horse from a Wallis Plains settler named Morgan who also sent an Aboriginal guide to facilitate the Scotts’ search for good land (Dunn, 2016). As Dunn notes ‘The best-known Morgan at Wallis Plains ... was Molly Morgan’, so he presumes it may have been her husband Joe using the name of Morgan, and acting as ‘a go-between for newly arrived colonists’ and Aboriginal guides (hunterlivinghistories.com).

2.3. WALLIS PLAINS - HISTORICAL CONTEXT

2.3.1. Introduction

The historical context of West Maitland, and the area defined as Central Maitland, has been presented in a plethora of heritage and archaeological studies and assessments, planning studies, interpretation strategies, and within many local historical publications of the highest merit. The following historical context has aimed to provide the information necessary to inform archaeological assessment of the study area without overwhelming those seeking to use this assessment in the planning process. Should additional historical enquiry arise, the following publications are highly recommended:

- Wendy Thorpe, *Maitland Heritage Survey Review: Thematic History*, (Maitland City Council, July 1994);
- John Turner, *The Rise of High Street, Maitland*, (Maitland City Council, 1988);
- Cynthia Hunter, *Central Maitland Riverside Precinct Hunter River Historical Study*, (Maitland City Council, 2002); and
- Cynthia Hunter, *Bound for Wallis Plains Maitland's Convict Settlers*, (Maitland City Heritage Group, 2012).
- Heritage 21, *Maitland Historical Study: Poverty and Prosperity*, 2017.

2.3.2. Wallis Plains – Discovery, Experimental Farming and Township

Lieutenant John Shortland discovered the entrance to the Hunter River in the year 1797 and within the next four years, the wider Hunter Valley had been reserved, in the interests of the public, for its coal and timber resources. This action effectively closed the district to free settlement until the 1820s when the need to open more land to free settlement was recognised by the Governor of the time, Governor Macquarie.

When most of Newcastle’s convicts had been removed to Port Macquarie, Governor Macquarie selected a few convicts and ex-convicts and permitted them to establish farms along Wallis Creek, the area then being known as Wallis Plains. The emancipated convicts were granted small plots of land and based upon their early farming success, free settlers were soon to follow taking up large holdings of land along the Hunter River and its branches. Along with this influx of landholders were trades people, artisans, labourers, small businesses, trade and industry. Collectively these people created the foundation of the Maitland township with government and administrative services soon to follow.

Based on the success of these early farming pursuits in Wallis Plains, the Government allowed more ex-convicts to take up land allocations. The conditions under which the farms were held were mentioned in an order published in March 1818 warning the farmers that: they were not to regard the land so given them their own property, *the right being exclusively vested in the Governor and that they were only allowed to cultivate and to reside on their Farms so granted during their good conduct and the pleasure of His Excellency the Governor* (www.jenwilletts.com).

In the early 1820's there were other trusted ex-convicts who were allocated parcels of land in Wallis Plains on which to farm including: George Mitchell, Mary Hunt (Molly Morgan), Richard Martin, Patrick Riley, John Allen, John Smith, Thomas Boardman, Patrick Maloney, John Cahill, William Eckford and William Jones (www.jenwilletts.com).

There are indications that Mary Hunt (aka Molly Morgan) established the Angel Inn in 1827 on her land allocation located on the western bounds of the study area. A traveller reported in 1828 that "*Wallis Plains consists only of some straggling cottages, a store or two, and several public houses with accommodation*". Only three years later in 1831, Wallis Plains was "*a long street of straggling houses, with a public house every hundred yards*".

In 1831, the Government introduced a new land policy which changed the of land to one of sale under conveyance (Green, 1975). The premise for this was that those with means could purchase land and make improvements. With land now available for purchase, free settlers were soon to follow the ex-convict settlers, taking up large holdings of land along the Hunter River and its branches (Green, 1975). Along with this influx of landholders were trades people, artisans, labourers, small businesses, trade and industry. Collectively these people created the foundation of the Maitland township with government and administrative services soon to follow.

2.3.3. Wallis Plains in the Convict Era (1820s and 1830s)

Transportation of over 160 000 convicts to Australia during the period 1788-1868 provided a free labour force for both government and non-government projects. Prisoners involved in non-government projects were known as "assigned servants" and carried out a variety of work for their Masters. Thus, the economic basis of the earliest settlements consisted of a pool of unfree labour, provided by the transportation system (Connah, 2001).

Some convicts were retained in government labour gangs and the common perception of the convict era is depicted by the road gangs, often in chains. Many roads, bridges and buildings resulted from their efforts. These convicts were 'on the stores', indicating that their food, clothes and housing were provided by the Government. However, during the 1820s and 1830s a new policy to assign convicts to settlers or emancipists (former convicts) as assigned servants for pastoral or commercial enterprises was introduced.

This policy was designed to save the government money and grants of land were delivered subject to the grantee's promise to employ, victual, house and clothe one convict to each 100 acres, agreeable to government regulations, until the expiration or remission of the sentence of each convict (Wood, 1972). Some convicts found themselves relatively well looked after by caring masters or at the other extreme, they could find themselves grievously mistreated.

In general, assigned servants in rural New South Wales lived in relative freedom. However, aside from their assigned work in the house or in the field, convicts were required to look after themselves. Generally, the men lived in huts surrounding the main house and the female housemaids, kitchen hands and nursemaids usually lived in a room or annexe attached to the main house.

Correspondence to Governor Bigge in 1818 (in Green, 1975) reported that of the ten farms at Wallis Plains, there were only four houses with the rest merely *skillings* (possibly a form of skillion or 'lean to'). Some had cleared 20 to 30 acres with crops of wheat and maize. Green, 1975, suggests that the lack of houses might indicate lack of money, skill or time, or that the effort to produce food took priority. We know from Governor Bigge's correspondence that the Wallis Plains farmers were travelling to Newcastle with maize, butter, poultry and eggs which they exchanged for tea, sugar, tobacco and cotton goods (Green, 1975)

Other historical resources provide insight into typical convict quarters on early farming allotment, consisting usually of a hut, located a short distance from the main house and farm buildings. The huts were mostly built of split slabs set upright about six inches into the ground. Buildings could vary in size from 12 to 20 feet in length and 8 or 10 feet in width (Kent and Townsend, 1996). A post was erected at each corner of the hut upon which poles were laid fastened to support the roof rafters. Sheets of bark stripped from trees were used for roofing material. Fireplaces were often an extension at one end of the hut and also made of split slabs or where available of stone or brick. On occasion thick plaster was applied internally to a height of about two feet in order to fill the gaps between the slabs. Huts usually accommodated from two to eight men.

Furniture and utensils were crude and convicts were required to make do with the limited materials available to them. An iron pot and frying pan for cooking, an axe for chopping fire wood, a quart tin for boiling tea for each man. A mattress was made by sewing any available material into a sack and stuffing it with straw. Crude beds were made with sticks or boards – anything to raise the mattress off the floor. A sheet of bark or sometimes boards were used as a table and chairs or stools were made from blocks of wood. In his memoirs, Joseph Mason, an assigned convict in 1831-1837 compared such huts with cowsheds and pigsties:

Many cowsheds and pigsties that I have seen in England for regularity and solidity of building and in exterior appearance are palaces compared with these huts (Kent & Townsend eds, 1996).

The basic diet of convicts on rural estates was meat and damper. The weekly ration for each man was between five and six kilos of flour, and three kilos of beef or two kilos of pork. The flour was usually wheaten but maize was mixed with it when wheat was scarce in poor seasons. Convicts ground their weekly issue of wheat into flour using steel hand-mills, then baked it into dampers or 'cakes' in the ashes of the open fire in their hut (www.tocal.com.au).

Sunday was prescribed a rest day and convicts could not, by law, be required to work. However, Sunday was the only day that convicts had to provide for themselves. For this reason, they would often have a vegetable garden to supplement their allocated rations. They would need to grind wheat into flour for bread making and tend to washing. A depiction (a rather romantic version) of a convict hut and convicts tending their chores on a Sunday is provided in **Figure 2.1**.

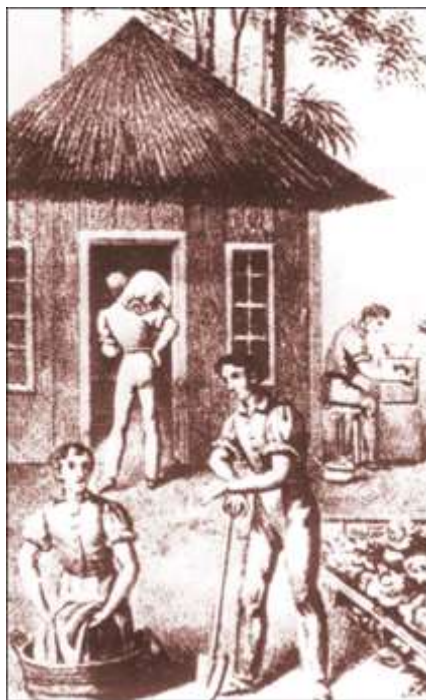


FIGURE 2.1 – A RATHER ROMANTICISED ILLUSTRATION OF A CONVICT HUT AND CONVICTS GOING ABOUT THEIR CHORES ON A SUNDAY.

Source: www.tocal.com

2.3.4. The Second Wave of Settlement

The second wave of settlement into the Hunter Valley occurred between 1820 and 1850, and was driven by government policies structured towards the agricultural development of the colony, with a secondary purpose to manage the employment and care of convicts by private settlers (Clive Lucas et al, 2013). Wallis Plains (West Maitland), along with Green Hills (Morpeth) was central to this wave of expansion by way of its geographical location, providing access from Sydney and Newcastle by boat along the Hunter River. Wallis Plains provided a place to gather supplies and information, including securing Aboriginal Guides, and a base from which to set out to into the lands of the Hunter Valley.

In 1819, John Thomas Bigge (1780-1843), judge and royal commissioner, was assigned by Henry Bathurst (Secretary of state for the colonies in the British parliament 1812-1827) to examine the effectiveness of transportation as a deterrent to felons. The royal commission authorized an investigation of 'all the laws regulations and usages of the settlements', notably those affecting civil administration, management of convicts, development of the courts, the Church, trade, revenue and natural resources. Bathurst suggested the criteria on which the inquiry should operate. Transportation should be made 'an object of real terror' and any weakening of this by 'ill-considered compassion for convicts' in the humanitarian policies of Governor Macquarie should be reported. The same policies that had allowed ex-convicts to take up land for farming in Wallis Plains.

2.3.5. The Alternative Town

On 1 June 1829 a Government notice in the Sydney Gazette announced that the Town of Maitland was to be laid at the head of navigation on Hunter's River (Wood, 1972 in Hartley, 1995). The government town had been planned and surveyed on high land on the eastern side of Wallis Creek with road connections to Morpeth and Newcastle. By 1829 substantial administrative buildings had been erected and the government town was proclaimed as Maitland in 1833.

When the alternative settlement (the people's settlement) on the western side of Wallis Creek became known as West Maitland in 1834, confusion arose. The boundaries were clarified and the names of East Maitland and West Maitland were officially adopted in 1835. The combined population of the two 'Maitlands' in 1836 was 1163. The three neighbouring villages of East Maitland, West Maitland and Morpeth became an important focus of the river trade with a regular river steamer service operating along between Maitland and Morpeth and, there was a regular shipping service for goods and passengers to Newcastle and Sydney.

Despite being regularly flooded, West Maitland was still the preferred town centre of the people. One reason for this was the less onerous process of accessing land in West Maitland compared to that of the government town of East Maitland. In 1833, the Colonial Secretary's Office advertised that allotments in the Township of Maitland (East Maitland) were for sale. However, the process of purchasing land in East Maitland was prolonged and required attending the government auction in Sydney. The process could take three months or more. In comparison, land could be purchased in West Maitland (also known then as Molly Morgan's) and a building of bark and slabs constructed all within a few days (Wood, 1972).

2.3.6. System of Land Alienation

The system for the alienation was underpinned by Government regulations from the 1820s which sought to avoid confusion and speculation by those who would be ready to "*avail themselves of every opportunity to purchase up all the richest vallies (sic) and the principal tracts of alluvial soil within a moderate distance of the Towns*" (Letters to the Land Board, 1826, in Green, 1975). One of the greatest challenges was keeping up with the survey of land which lagged behind the taking up of land by some years when compared to the rate of government grants and free settlement.

Governors of the day attempted to regulate the system of land alienation, but this was difficult and it was constantly changing, a reflection of changing Governors within a short period of time. By 1827 there were two systems of land alienation: the first was direct sale of land by the Government but this was suspended in 1827 due to delay with survey; the second was a system of grants without purchase with the "time

payment” system which meant no payments had to be made for seven years but that purchase needed to be completed within twenty years from grant.

Despite the land regulations, land and property changed ownership in the 1820s and 1830s without formal recognition from the Government. Without formal survey, many disputes arose over land ownership, particularly those who were speculating on rising land values.

2.3.7. Bullock Track to High Street

High Street began as a bullock track and became the principal road to the Upper Hunter Valley and beyond from the 1820s (Turner, 1988). As the farmers and graziers prospered they sent their produce back down the track by bullock dray through Maitland to be shipped from Morpeth and Newcastle. The business people of High Street thrived, particularly those in the retail and wholesale trades.

In 1843, there were over 100 businesses in West Maitland. Hotels, stores, bakers, butchers, hairdressers, cabinet makers, coopers, dealers, blacksmiths, tailors, shoemakers, carpenters, gunsmith, iron foundry, a boat builder and a sail maker (Turner, 1988).

The bullockies and their teams dominated High Street with dozens passing through on a single day (Turner, 1988) but eventually the bullock wagons gave way to steam trains when the Great Northern Railway Line reached West Maitland in 1859. Horse drawn coaches also carried passengers to towns throughout the district with 12 carriers licensed in High St in 1848, some able to carry up to 16 passengers.

The first gas company was formed in West Maitland in 1860 and the first street lighting was installed in High Street in 1878, as well as the installation of prefabricated iron shop fronts (see Figure 2.6), the businesses of High St had never seemed more prosperous (Thorpe, 1994). By 1867, there were more than 300 businesses in West Maitland of which 34 were hotels. The majority of businesses had their frontage along High Street with others in side streets formed off High Street (Turner, 1988).

In 1871, a Town and Country Journal newspaper reporter described High Street as “*the street of Maitland, long, winding, sufficiently, but not over wide and boasting some really good stores, shops and public buildings.....*”

The site of the Maitland Town Hall (adjacent to the study area) had been surveyed as part of Patrick Maloney’s grant of 53.5 acres. Maloney appears to have either sold or leased the land to George Stone about 1830 and it was Stone who erected The Maitland Inn (see **Figure 2.2**). By 1878 the hotel had become known as the Justice Hotel. In 1890 it was noted that until two or three years ago the site had been occupied by ‘that old landmark, the Justice Hotel’ (The State Government had purchased the land from Mr Robert Hyndes, intending to build a new Courthouse, however this proposal did not proceed.) One of the main concerns with the location was the threat of flooding. There was also local worry about having a court house in such a busy and noisy thoroughfare (State Records in Jack, 1999).

The State Government withdrew from the undertaking and constructed the present court house in 1897. West Maitland Municipal Council decided that the site was suitable for their own needs and sought the land as a gift from the government in order to erect a Centennial Town Hall. The gift of the land was granted with strict conditions. The former Maitland Inn and Justice Hotel had already been demolished by 1888 when the foundation stone for the Town Hall was laid on the site by Mayor Dr R J Pierce (Jack, 1999). Construction on the Town Hall did not begin until 1890 when the foundation stone was relocated to the front portico.



FIGURE 2.2 - A BRILLIANT VIEW OF THE HIGH STREET, WEST MAITLAND IN ABOUT 1870 WITH THE MAITLAND INN AT RIGHT OF VIEW - NOW THE SITE OF THE MAITLAND TOWN HALL.
Source: Photographer Elijah Hart - www.hunterlivinghistories.com

Spotlight on Elijah Hart

Elijah Hart's photographs are worthy of further mention. Hart was a photographer recognised for his skill in the trade. Photography was considered an art and the photographer an artist. Hart arrived in Australia in about 1852. In 1853, Hart had established a portrait gallery located at 481 George Street, Sydney. In March 1854 he was hailed by the *Herald* as the first professional photographer to employ the collodion (ambrotype) process locally. Soon afterwards, however, Hart announced that he was quitting his studio in Sydney order to make a professional tour into the interior for the benefit of his health which, he claimed, had been 'seriously impaired by close application to business' (possibly due to exposure or allergy to toxic chemicals used to process photographs).

He spent the years between 1854 and 1857 travelling between Newcastle and Sydney and in about 1857 he settled in West Maitland where he opened a Photographic Studio in premises next to the Mercury Office (located diagonally opposite, but in close proximity to the study area). The location of Hart's studio goes some way to explain the series of photographs along High Street during the 1870s flood (refer to **Figure 2.2**, **Figure 2.10** and **Figure 2.39**). Elijah would have had to simply step out his front doorway to the take the shot.

Hart regularly sent prints to Sydney for exhibition and was a frequent contributor to the *British Journal of Photography*. In 1873, Elijah advertised in the local newspaper that he had sold his interest in his photographic business to Mr A Curtis (proprietor of the American and Australian Gallery, Sydney). In the premises next door, Elijah had opened a new enterprise *Hart's New Toy and Fancy Repository*, a toys and fancy goods store (MM&HRGA, 20 December 1873).

2.3.8. Water: The River and The Wells

One reason that the settlement at Wallis' Plains was preferred to the government site of (East) Maitland may be attributed to the ready availability of water. Drawing water directly from the river was possible and, sadly, there were many reports of children drowning when collecting water, indicating that the river was deep (Hunter, 2004). Many wells were also dug, particularly when drought conditions lowered water supplies. Thus, during a dry period in the 1870s it was reported that 'plenty of water is obtainable from wells in West Maitland' and that the Maitland Mercury's office on High Street (in close proximity to the study area) was 'within a hundred yards of several wells'. At this time new wells were sunk as old ones became intermittent in their supply. Three deep wells that were found most reliable at this time were located at the 'Iceworks' in Burke St, one at the Millstream Brewery (both well beyond the study area) and that at the Mercury office itself (*Maitland Mercury*, 18 July 1878, p4). In addition to wells, underground tanks were commonly built, such as that under the Bank of NSW or a 17,000 gallon one beneath the Dominican Convent. These sources of water were useful during fires and were tapped by the volunteer fire brigade that was first organised in West Maitland in the 1850s. In the event of fire, bells at the police station and fire brigade could be rung and the available volunteers gathered; though the details of a fire in 1879 would indicate that there existed many problems with this system.

2.3.9. Historical Eras

Time period divisions relevant to the study area parallel those formulated for Central Maitland. However, the allocation of historical eras is always arbitrary at best. Those used here were developed by Dr Michael Williams (2014) and are arbitrarily designed to define phases or eras of growth/change, particularly with reference to changes in development and the type of individual occupation of a lot within the study area. Finer detail can be added to that of Williams for the historical eras of the study area. The development phases applicable to study area can be described in **Table 2.2** and are useful in analyzing the layered history of the study area.

Table 2.2 - Historical Eras (after Williams, 2014)

Years/Era	Description
1801 to 1835	Initial European incursion, exploration, land allocation, early experimental farming with ex-convicts and convicts, and the earliest commercial and industrial establishments that formed along the bullock track that eventually became High Street.
1835 to 1860	The rise of High Street and development of West Maitland into the main service centre for the agricultural districts of the Hunter Valley and beyond. Land changed hands often as buyers speculated on increasing land values. Many early buildings, single storey timber structures were established along the High Street frontage of the study area.
1860s to 1880s	A period of slow, steady growth when Newcastle usurped Maitland as the main regional centre. While many of the established businesses continued to operate, some older buildings, now 20 or 30 years old, were modified, consumed within larger premises or replaced. Infill development along the secondary streets and to the rear of established premises occurred.
1880s to 1914	A period of rapid population growth in West Maitland and movement into the Hunter Valley, infill development and some redevelopment across the study area where older buildings had likely reached the end of their life. This era saw the erection of prestige buildings such as the Town Hall.
1914 to 1960	A long period of relative stability with little change across the study area but a period of decline in the condition of some buildings now reaching decades in age and victim to many inundations from flood water.
1960 to 1976	A period of general decline in West Maitland, and particularly across the study area with the commercial hub moving a little further west along High Street to the present-day Mall. Council began to purchase lots within the study area as they became available with the intent of developing an administration precinct.
1976 to present	Is one of some growth but also decline in some precincts of Central Maitland. Council continued to purchase lots within the study area as they became available. Council demolished many of the buildings across the study area with the exception of the Town Hall Café, the terraces on Devonshire Street and the cottage at 3 Grant Street.

2.4. HISTORICAL CONTEXT OF THE STUDY AREA

The following sections are based on comprehensive research and detailed examination of land title searches carried out by historian Liz Roberts. Her visual mapping is presented in Appendix 2 for reference while reading the following historical context. Grateful acknowledgement is extended to Liz for her painstaking work and cross referencing of sources.

2.4.1. Historical Land Allocation

The allocation of land in Wallis Plains occurred prior to 1820 and with subsequent land grants, leases, subdivisions, sales and re-sales, development and redevelopment across the study area, it is not surprising that the investigation of land ownership history has proved convoluted and complex. Presented here is an overview of the land ownership history in order to set the historical context in which to consider the detailed development history for each lot, presented in the following sections.

In 1812 the district of Maitland was also known as *The Camp* and *Schank's Plains*. Lachlan Macquarie in his Journal kept on his visit in 1812, referred to the area as *The Burying Ground* (www.jenwillets.com). After this it was re-named *Wallis Plains* after Captain James Wallis, commandant at Newcastle. After Governor Macquarie's visit in 1818, the land was opened for settlement in a limited way. The first three men to settle in the district were ex-convicts John Eckford, John Smith, and William O'Donnell. The fourth person to receive a promise of land was Mary Morgan (also known as Mary Hunt), who became so well known as Molly Morgan that for a number of years the district was known as "Molly Morgan's Plains," and the track from the settlement to Singleton as "Molly Morgan's line of road"

There were few buildings in the district in 1820 when a great flood occurred. This first recorded flood at Wallis Plains would have come as a shock to those with experience of an English environment. It is hard to fathom what the Wallis Plains farmers must have thought when encountering flood after flood. In the 1840s, many years after the event, John Eckford was still able to describe the flood of 1820 when the only buildings then in existence were surrounded by densely wooded brush. Eckford described the hut of William O'Donnell's, nearly opposite the site of the later Waterloo Hotel, a hut belonging to Molly Morgan, situated nearly on the site of where Messrs Dickson and Co later built their stores and a hut built on the slope just at the rear of the later *Angel In* (all thought to be located beyond the study area). All three were nearly on the line of what would become High Street, West Maitland. The 1820 flood reached O'Donnell's wall to the shingles and was up to Molly Morgan's window sill.

The land comprising the study area formed a part of the second phase of land allocated by the Government to ex-convicts. Initially an area of only 20 acres, the land was allocated to ex-convict Patrick Maloney. Maloney must have been well behaved and industrious as the Government expanded the land allocation to a total of 53.5 acres. The boundary of Maloney's expanded land allocation is shown in **Figure 2.2** below in relation to the current study area and shows that the study area comprises only a small portion of Maloney's overall land allocation. To the west of Maloney is the land allocated to ex-convict Mary Hunt (more commonly known as Molly Morgan) and to the east is the land allocated to ex-convict William O'Donnell (refer **Figure 2.2**).

The 1840 West Maitland landscape (see detail in **Figure 2.2**) shows the cluster of development along both sides of this stretch of High Street. There would likely have been smaller outbuildings associated with the primary buildings that are not shown. As can be seen, at this time there was close access to the Hunter River along this precinct of High Street, and a wharf once existed circa 1827 where large ships were able to dock. The river has now changed course and this loop no longer exists although its former location is still easily identifiable in aerial photographs and in contour mapping. The number of commercial establishments clustered together show that this precinct of High Street was a busy place.

The reconstructed plan of West Maitland circa 1840 overlaid with the study area shows building footprints that may have been located within the study area (see **Figure 2.3**). The Maitland Inn is labelled on the plan and this is used as a reference point for locate Dieckman's Drapery, Dickson's Store and Stones' Horse Mill along with other unidentified footprints. However, this overlay should be considered a best estimate given the unknown accuracy of historical maps of this era and the inadvertent inaccuracies with reconstruction. The scale of the buildings has been based on the footprint of the Maitland Inn but regardless of the level of accuracy, this exercise provides some indication of the potential for, and the nature of, archaeological resources that may be present. See **Section 2.6.2** for further historical detail of this early development.

Spotlight On Patrick Maloney

Patrick Maloney was born about 1773 in Ireland. He was transported to New South Wales by the ship *Hercules*, serving a life sentence. The crime committed in Ireland is currently not known but in 1813 he was charged with the theft of Government cattle in Sydney and sentenced to death. Governor Macquarie must have amended the death penalty as Maloney was sent to Newcastle. Macquarie must have seen potential in Maloney as in 1818 Maloney was permitted to take up land in Wallis Plains, part of a scheme of experimental farming by ex-convicts.

In 1823, Patrick Maloney's farm, which was located between William O'Donnell's and Mary Hunt's, was 20 acres in extent, all cleared. He had built a log and thatched hut, other huts, a pigsty and a peach orchard that Surveyor Henry Dangar valued at £15 10s. Maloney was permitted to build on higher ground because his farm was particularly prone to flooding but he does not appear to have done so. When Dangar surveyed these early farms, he enlarged Maloney's to 53.5 acres and Governor Brisbane sanctioned him to hold a seven-year lease of the farm on the condition that certain improvements were made, and no part could be sold for five years. Maloney appears to have met these conditions and Governor Darling authorised the lease to become a grant in 1830 (Hunter, 2012).

We know from the Census of 1828 that ex-convict Maloney was allocated convict labour: Francis Callaghan, age 25, Labourer; Thomas Holmes age 34, Painter; Michael Morley age 20, Labourer; James Welsh, age 38, Stockman; William Williams age 25, no occupation given, Henry Keely, age 31, Labourer. It would be interesting to learn whether Maloney treated those assigned to him kindly or otherwise, but unfortunately it is rare that such records were ever made, let alone survive.

The early 1820s brought new settlers and mariner-traders with passage boats that unloaded past the Wallis Creek branch of the river. Riverside stores were opened here and competition for business led to building better wharves, warehousing and sheds. The Rose Inn was established to provide refreshment and accommodation for increasing numbers of travellers. Several industries, such as blacksmithing, tanning and flour milling, were soon operational. During the 1820s and 1830s these businesses were bought and sold without a proper title to the land that they were built on and so ownership of Maloney's 53.5 acres or parts thereof was subject to legal claims from time to time, for example when in 1834 Lewis Samuel successfully claimed the title for land that had already passed from Maloney to Benjamin Cox, P J Cohen, J T Hughes and Saul Lyon. In the following years many people claimed title for all or part of the convict farms in the vicinity of the Wallis Creek junction (Hunter, 2012).

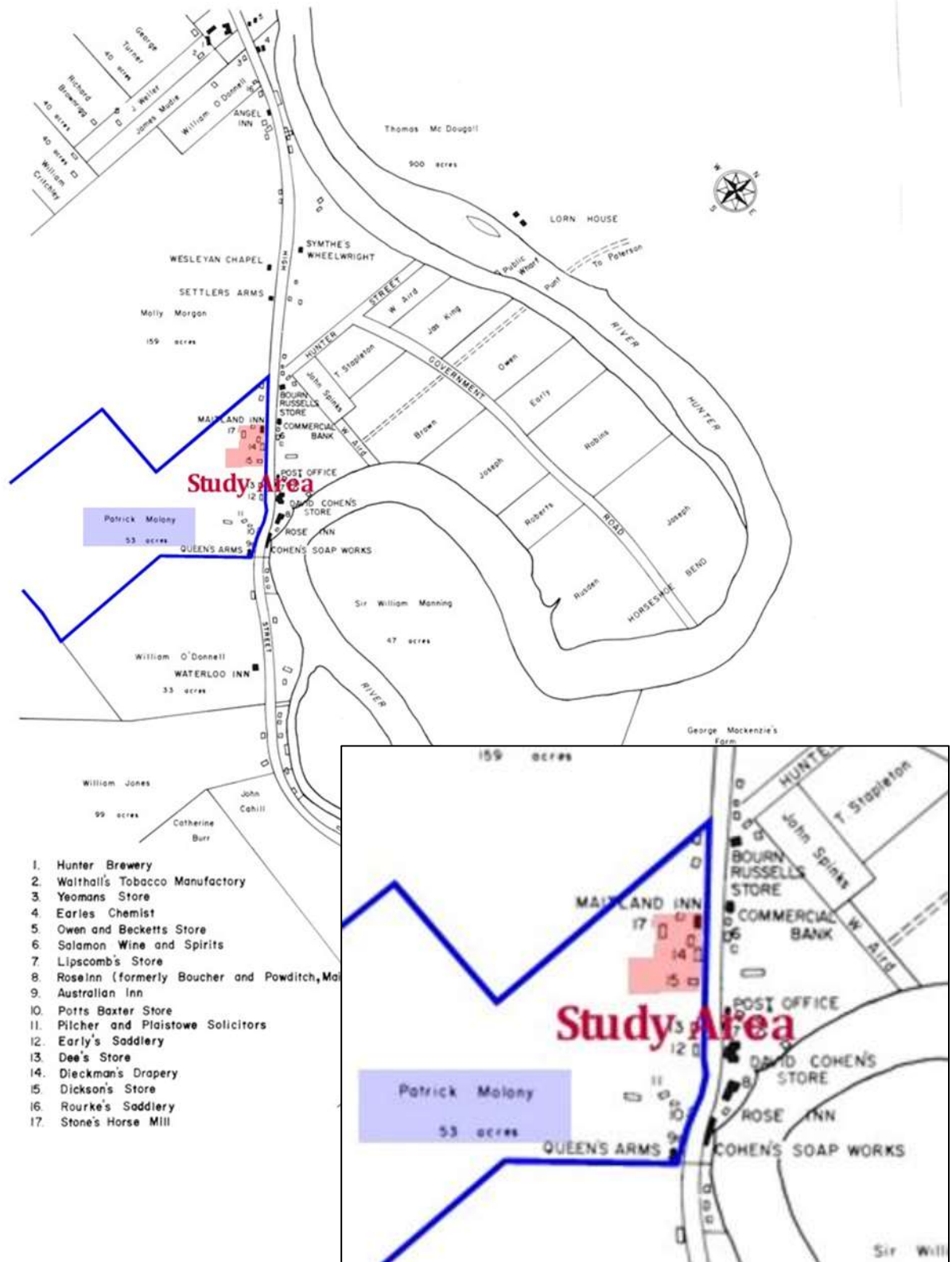


FIGURE 2.3 - WEST MATILAND CIRCA 1840 SHOWING EARLY COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS ALONG WITH THE FOOTPRINTS OF OTHER UNIDENTIFIED BUILDINGS. THIS RECONSTRUCTED MAP SHOWS THE BOUNDARIES OF THE FIRST LAND ALLOCATION TO EX-CONVICTS WITH MALONEY'S EXPANDED ALLOCATION, SHOWN IN BLUE OUTLINE, AGAINST THE CURRENT STUDY AREA, OVERLAYED IN RED.

Source: Turner, 1988.

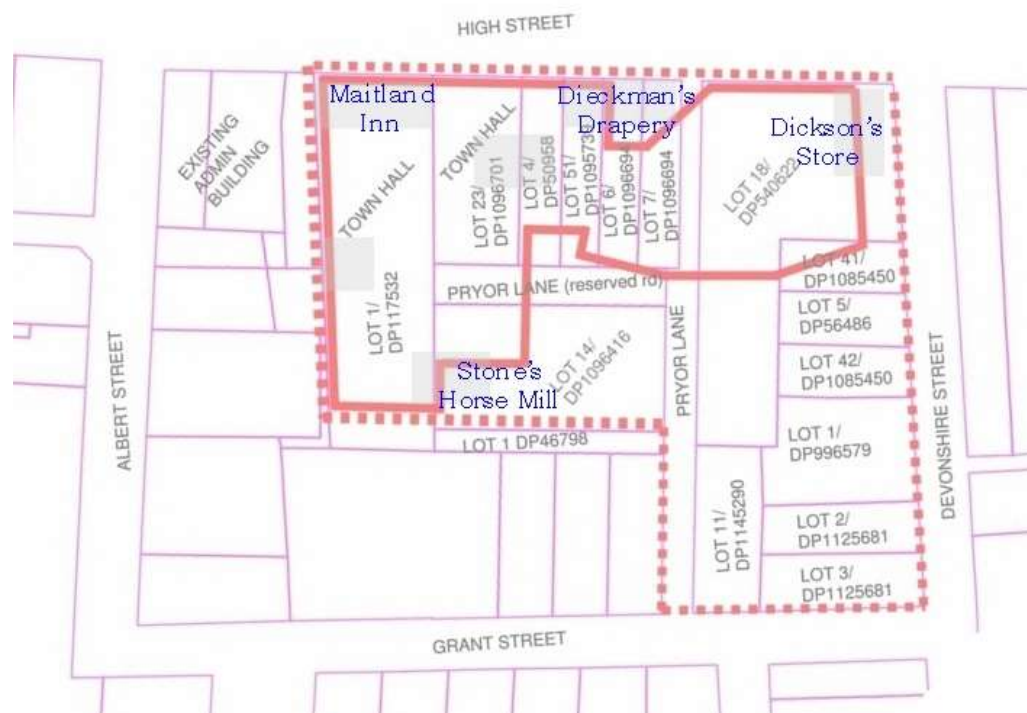


FIGURE 2.4 - OVERLAY OF 1840S STRUCTURES ACROSS THE STUDY AREA.
PLEASE NOTE THAT THERE IS NO CERTAINTY ON THE SCALE AND ACCURACY OF BUILDING FOOTPRINTS AND A BEST ESTIMATE IS PROVIDED FOR USE IN ANALYSIS.

In 1830 part of Maloney's allocated land with direct frontage to High Street was promised, or possibly leased, to George Stone who built the Maitland Inn on the land now occupied by the Town Hall (refer **Figure 2.2**, **Figure 2.3** and **Figure 2.4**). In 1833, and before the land was officially surveyed, George Stone sold a strip of land on the eastern boundary of his land to George Evans, a publican of Sydney, as shown in **Figure 2.5**.

Wallis Plains was officially surveyed August 1837 when the government surveyors created Portions 182 and 183, as shown in **Figure 2.4**. Portion 182 was subdivided into seven lots facing High Street with Lot 1 Portion 182 containing the Maitland Inn. This lot passed into the possession of George Stone who sold it on to Samuel Lyons in 1839 as shown in **Figure 2.5**.

The Government Gazette of 13 June 1838 reports that the 53.5 acres originally granted to Patrick Maloney was sold to Benjamin Cox who sold to Phillip Joseph Cohen who sold to J.T. Hughes who sold to Samuel Lyons who sold to Lewis Samuel who, after formal survey, and amidst much debate over who really had title to the land, lodged a Claim for Deed

Portion 183, which wrapped around portion 182, on three sides, was purchased by Lewis Samuel of Pitt Street Sydney. Samuel held Portion 183 until 1841 when he sold to George Fletcher and Edward Sparke who again subdivided the land and sold it on. The progression of land ownership overlaid across the study area circa 1840 is graphically presented in **Figure 2.6**.



FIGURE 2.5 - PARISH MAP OF MAITLAND SHOWING BOUNDARY OF PORTIONS 182 AND 183
Source: HLRV

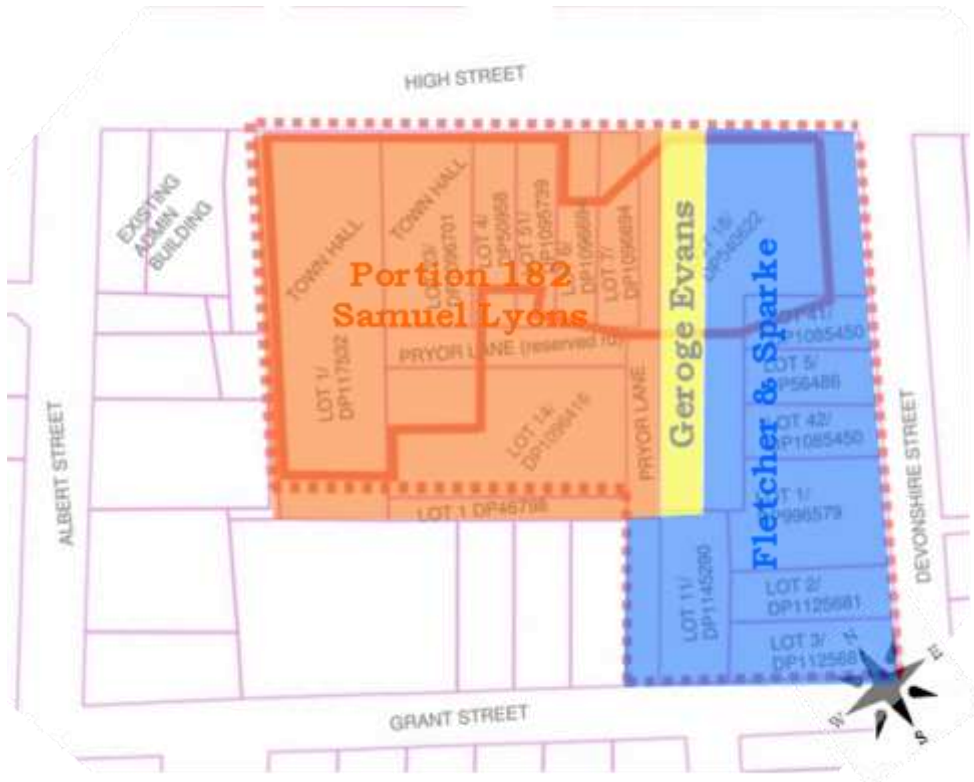
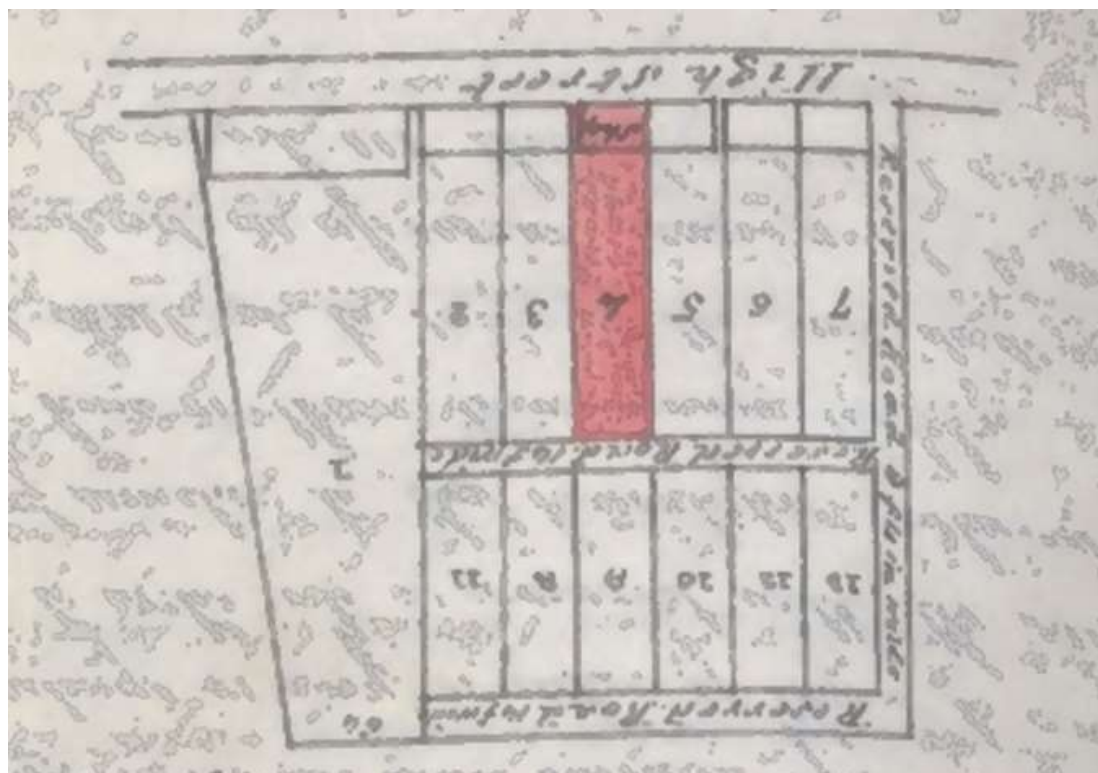


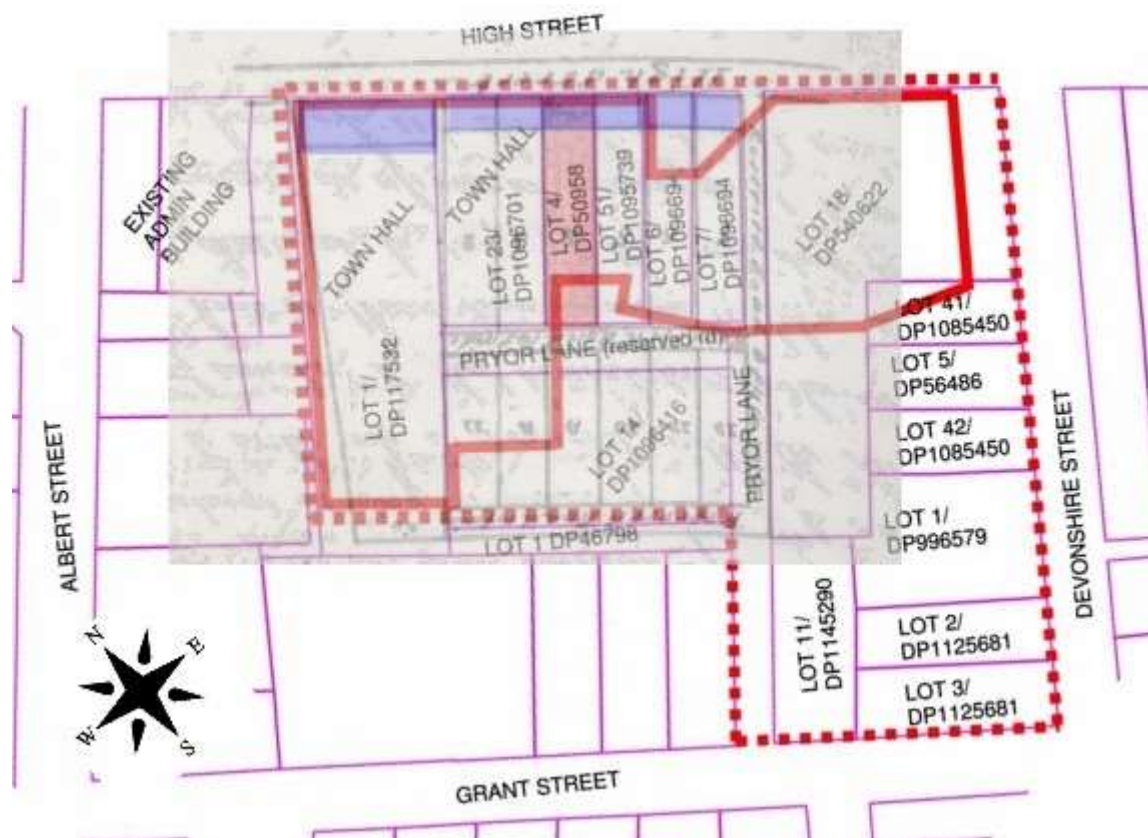
FIGURE 2.6 - LAND OWNERSHIP ACROSS THE STUDY AREA CIRCA 1850.
(SAMUEL LYONS MAY ALSO BE SAUL LYONS).

Portion 182 was subdivided into seven lots, with the Maitland Inn located on Lot 1. In 1851 when Samuel Lyons sold Lot 4 to Samuel Derrington *with all appurtenances*¹, the conveyance shows a plan of the lots in Portion 182 and shows the footprint of the Maitland Inn on Lot 1. The plan also appears to show a line of building footprints along the High Street frontage on each of Lot 2 to Lot 7, presumably all shopfronts with residence and/or other outbuildings not shown on the plan (see **Figure 2.7** and **Figure 2.8**). The mention of *appurtenances* in the conveyance is evidence that Lot 4 had been developed prior to 1851 and land title history supports this notion (refer to detailed lot history in following sections).



**FIGURE 2.7 - NO 945 BOOK 21 CONVEYANCE - LYONS TO DERRINGTON 1851
SHOWING SUBDIVIEDED LOTS AND ROAD RESERVES OF PORTION 182. LOT 1 SHOWS THE FOOTPRINT OF THE MAITLAND
INN AND LOTS 2 TO 7 SHOW A LINE OF BUIDLINGS ALONG HIGH STREET**
Source: No 945 Book 21 Conveyance

¹ Anything attached to a piece of land or building such that it becomes a part of that property, and is passed on to a new owner when the property is sold. It may be something tangible like a garage, septic system, water tank, or something abstract such as an easement or right of way (www.businessdictionary.com).



**FIGURE 2.8 - PLAN OF LOTS IN PORTION 182 IN 1851
OVERLAYED ACROSS STUDY AREA.
BUILDING FOOTPRINTS HIGHLIGHTED IN BLUE.**

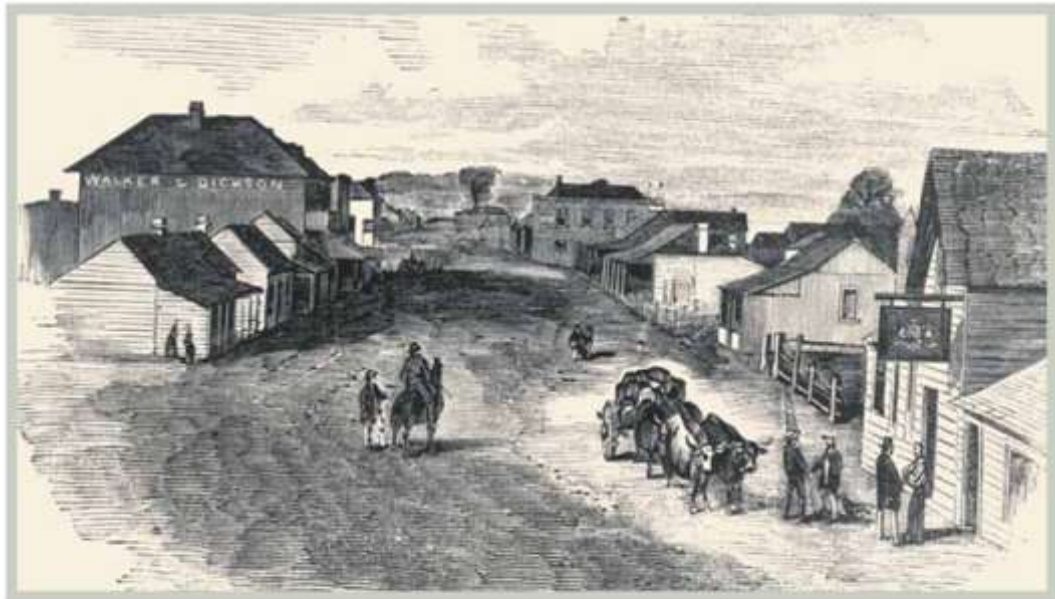
Source: No 945 Book 21 Conveyance

By 1851, it can also be seen that road reserves had been surveyed along the southern boundaries of Lot 2 to Lot 7, and another six lots were subdivided from Portion 182 to the south of the road reserve, or laneway, with another a laneway reserved to provide access to these lots.

High Street in the early 1850s had no fixed alignment and was encroached upon by private buildings. In the year 1854 the control of "Maitland Road" - including High Street, was placed under the jurisdiction of the Maitland Road Trust. It was usual for buildings that intruded upon a road reserve to be demolished.

A series of historical photographs dating from circa 1857 to circa 1965 along with survey plans of 1886 and 1936, provide an historical overview of the development and changes within the study area over the years spanning circa 1830 to circa 1965. When viewed chronologically, the progressive development and redevelopment across the study area can be readily observed (see **Figure 2.9** to **Figure 2.16** below). This chronological view demonstrates the disturbance across the study area, initially along High Street in the 1830s, and extending along Devonshire Street in the 1840s. The creation of a road reserve (now Pryors Lane) allowed infill development across the site to the rear of existing street front buildings.

The present-day views taken at site inspection (see **Section 2.5** below) present a complete contrast to this historical perspective, in the predominantly vacant land now used for car parking, where once there was a high density of buildings, activity and industry (shown in **Figure 2.16**).



Drawing of the eastern precinct of High Street. These commercial premises occupy allotments excised from the farms of William O'Donnell, Patrick Maloney and Mary Hunt

FIGURE 2.9 EASTERN END OF HIGH STREET COMMERCIAL DEVELOPMENT CIRCA 1850S. THIS ALTHOUGH NOT SPECIFIED BY ANY SOURCES, IT APPEARS THIS VIEW IS LOOKING WESTERLY BASED ON THE LOCATION OF WALKER AND DICKSON'S STORE, LOCATED BY HISTORICAL MAPPING ON THE CORNER OF HIGH AND DEVONSHIRE STREETS. THIS WOULD PLACE THE HUNTER RIVER BEYOND THE BUILDINGS A RIGHT OF VIEW.

Source: Hunter, 2012.



FIGURE 2.10 - HIGH STREET, WEST MAITLAND CIRCA 1870 FLOOD SHOWING HIGH STREET FRONTAGE OF STUDY AREA AT RIGHT OF VIEW. FOR CONTEXT, THE MAITLAND INN AT RIGHT OF VIEW IS NOW THE TOWN HALL SITE. THE TWO STOREY BUILDING IS THE TOWN HALL CAFÉ (FORMER SHOP/RESIDENCE) WHICH IS STILL STANDING TODAY.

Source: Photograph by Elijah Hart, held by MCC Picture Maitland



Stinson Copyright.

High Street, West Maitland.

**FIGURE 2.11 - LOOKING WESTERLY ALONG HIGH STREET CIRCA 1880S.
TOWN HALL VISIBLE AT CENTRE SURROUNDED BY COMMERCIAL PREMISES WITH
HIGH STREET FRONTAGE OF STUDY AREA AT LEFT OF VIEW.**

Source: MCC Picture Maitland



**FIGURE 2.12 - SURVEY OF WEST MAITLAND BY MALHSTEDT AND GEE 1886
OVERLAYED WITH STUDY AREA**

Source: MCC Library Maitland Maps Collection

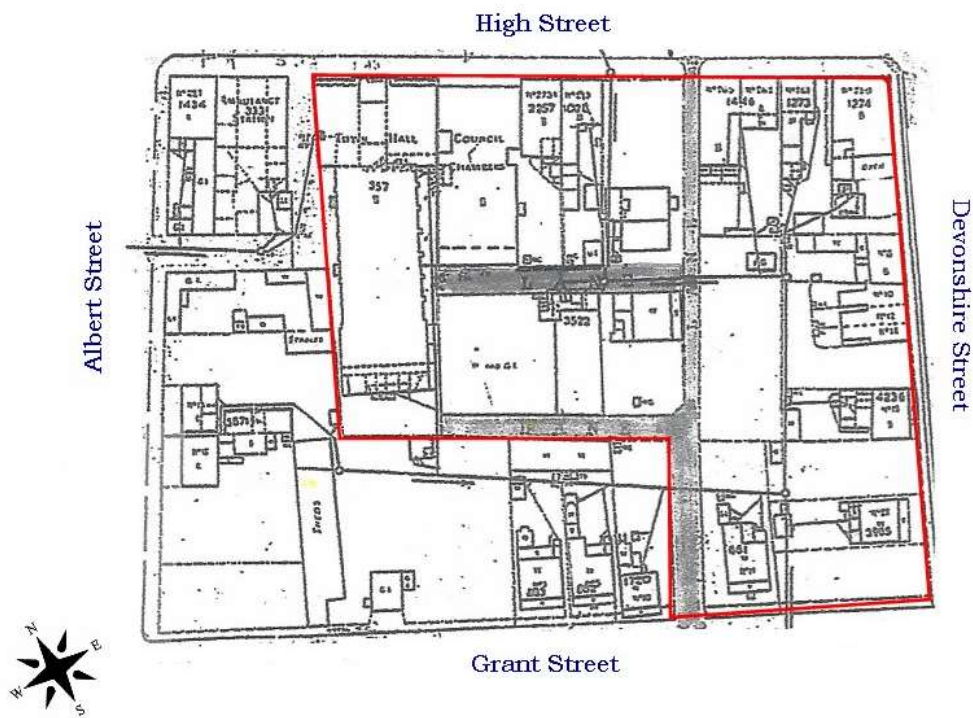


FIGURE 2.13 – 1936 WATER BOARD MAP OF WEST MAITLAND SHEET 10 SHOWING 1936 BUILDING FOOTPRINTS AND LANEWAYS WITH STUDY AREA (OUTLINED IN RED)

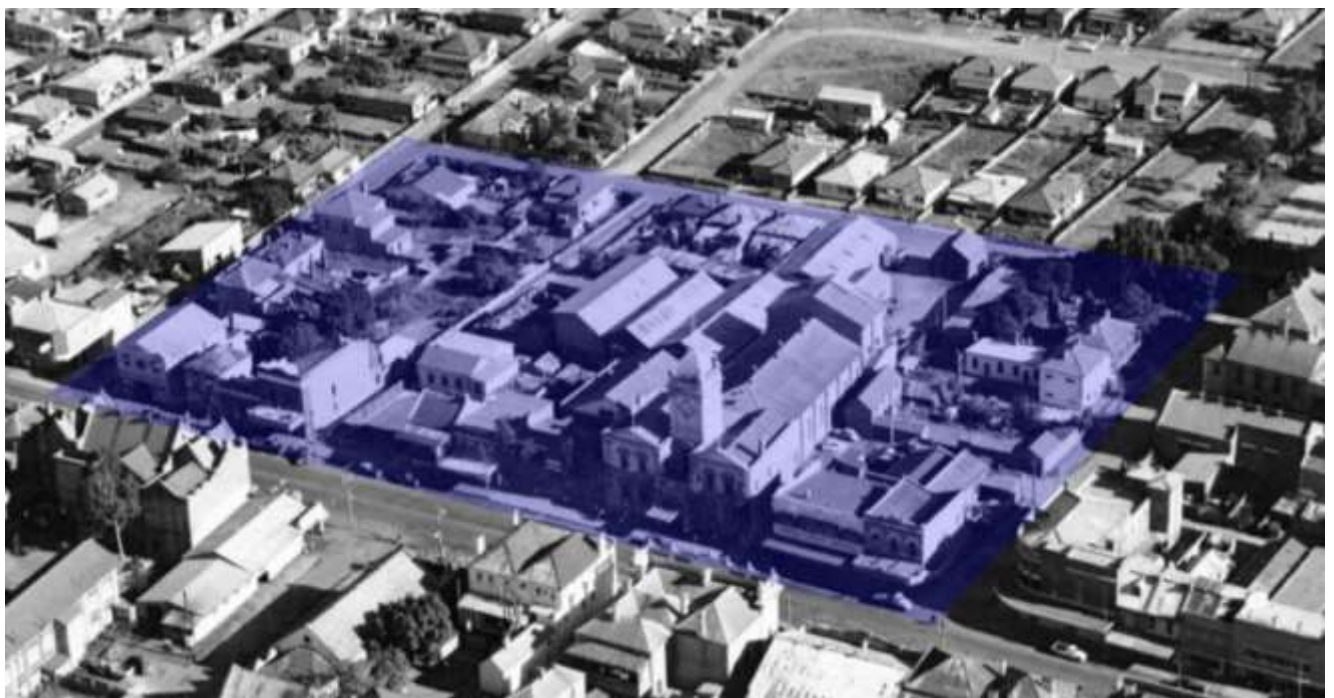


FIGURE 2.14 – AERIAL VIEW OF STUDY AREA, HIGHLIGHTED IN BLUE, CIRCA 1955 SHOWING THE EXTENT OF DEVELOPMENT ACROSS STUDY AREA
Source: MCC



FIGURE 2.15 – 1965 AERIAL VIEW OF STUDY AREA SHOWING EXTENT OF INFILL DEVELOPMENT ACROSS THE ENTIRE STUDY AREA.

Source: MCC



FIGURE 2.16 – BUILDING FOOTPRINTS OF 1936 HIGHLIGHTING THOSE THAT REMAIN IN 2019 AND DEMONSTRATING THE EXTENT OF BUILDING DEMOLITION ACROSS STUDY AREA SINCE 1936

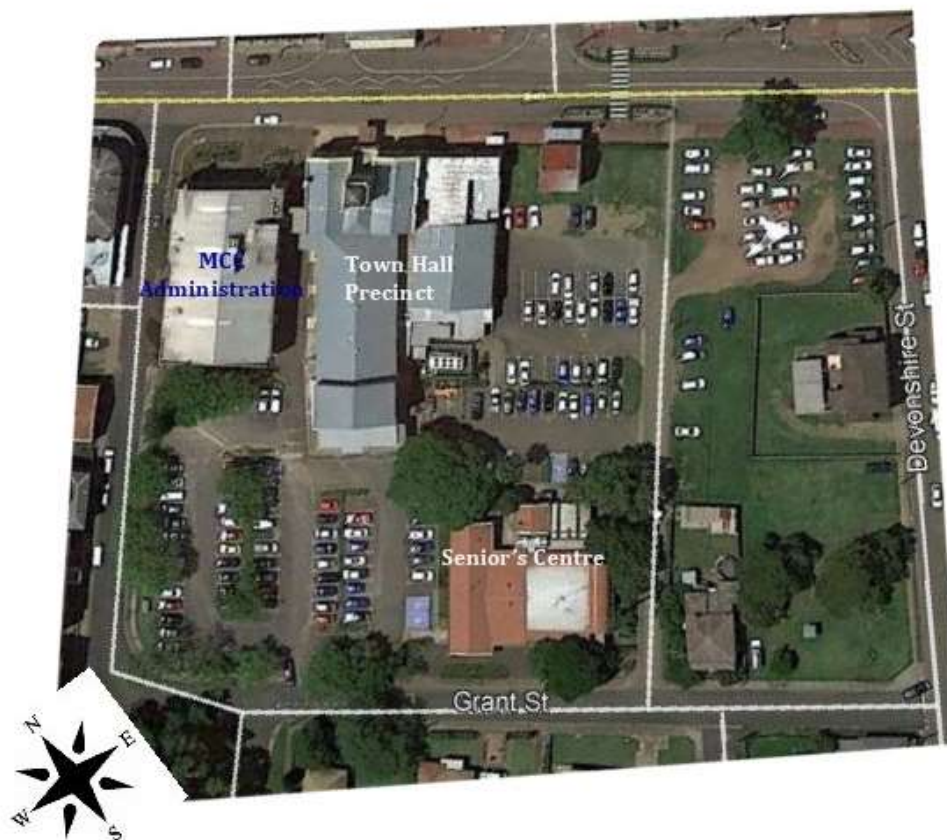


FIGURE 2.17 - AERIAL VIEW OF STUDY SITE DEMONSTRATING THE STARK CONTRAST BETWEEN THE HIGH DENSITY OF BUILDINGS, COMMERCE AND INDUSTRY WITHIN THE STUDY AREA IN 1936 AND TODAY.

During the later parts of the 20th Century MCC incrementally purchased lots on the land bound by High, Devonshire, Grant and Albert Streets in order to establish a Council owned civic precinct site. Lots 14 DP 1096416 (Pryor Plaster Works), 275 High St (the former butcher shop), 273 High Street (the Town Hall Café) and 271 High Street (the former church) were acquired by Council in the 1980s to be demolished. Council resolved to approve a development application for the demolition of these buildings however lobbying by a community group lead to Council rescinding the earlier decision to demolish the Town Hall Café Building. A meeting of the Heritage Advisory Committee on the 26 April 1990 was held following an inspection of the premises. The meeting concluded that the building was of potential heritage significance and may be the earliest remaining commercial building in High Street. Following the decision to retain the Town Hall Café building a building restoration program was established involving volunteer labour and small grants from Council various loan sources (Carr, 2018). The remainder of the structures were demolished.

2.5. ANALYSIS OF SITE INSPECTION

Site inspection concentrated upon the areas of vacant land within the study area, where the ground surface was visible, with a view to observing any surface traces or indicators of any potential sub-surface archaeological remnants. The heritage significance and heritage status of some of the built components within the project area, the Maitland Town Hall and Supper Rooms was well understood along with the presence of the former 1850s shopfront known as the *Town Hall Café*.

Other standing structures that occurred within the study area comprised a two storey brick building with frontage to Devonshire Street, currently owned by Council and utilised as residential units, and a single storey cottage fronting Grant Street and currently occupied by tenants. These two structures can be dated to post 1886 and pre 1936 from historical resources.

The remainder of the study site comprised open space, vacant land and Pryor's Lane. For the most part, the vacant land was being utilised for carparking with some areas paved with bitumen and others compacted gravel (see **Figure 2.18**). Upon close inspection of the gravel surface of the car park remnants of mortared brickwork were observed, an indicator of the presence of former structure/s (see **Figure 2.18**). The gravel also contained pieces of broken glass and ceramic that showed evidence of manufacture in an earlier era (See **Figure 2.19**).



**FIGURE 2.18 – CORNER OF HIGH AND DEVONSHIRE STREETS LOOKING NORTH
ACROSS VACANT CURRENTLY LAND UTILISED FOR CAR PARKING.**



FIGURE 2.19 – FORMED BRICKWORK AND SOME BRICK RUBBLE VISIBLE AT THE SURFACE ON LOT 18.



FIGURE 2.20 – CONCENTRATED AREA OF BROKEN GLASS AND CERAMICS VISIBLBE AT SURFACE PROVIDING SOME INDICATION OF HISTORICAL OCCUPATION.

Additional background knowledge of a confirmed archaeological site at the rear of 273 High Street (Town Hall Café) and knowledge of the structural and artefactual material observed/recorded there provided supporting evidence that the surface material observed at site inspection is likely to be the remnants of a historical era of occupation and is also indicative that the level of the historical ground surface is relatively unchanged to that of the present day surface levels.

A feature of historical interest is the commemorative plaque located on the corner of Grant and Devonshire Streets (see **Figure 2.20**). Kleeberg was a member of the Polish Community in Maitland, a former commander of the Polish forces who fought with the Allies in the Second World War. General Juliusz Kleeberg settled in Sydney in 1952 and was president of the Federal Council of Polish Associations in Australia for 15 years. In July 1970 General Kleeberg was killed in a road accident near Maitland at age 80.

Aside from surface remnants visible in the gravel surface of the car park, there were no other landscape features or indicators that were evidence of former structures or features, such as infilled cisterns or wells.



**FIGURE 2.21 – COMMEMORATIVE PLAQUE TO GENERAL J KLEEBERG
LOCATED ON THE CORNER OF GRANT AND DEVONSHIRE STREETS.**

2.6. DETAILED LOT HISTORIES

The sections below provide a more detailed development history of the individual lots within the study area. Land title searches were conducted in order to try to establish the earliest date and type of development that occurred on each lot. The early history of the consolidated land that formed Maloney's farm and subsequent subdivisions and changes in ownership are contained in the sections above. Traces of Maloney's era of experimental farming during the convict and immediate post-convict eras could potentially be present across the entire study area and beyond.

2.6.1. 1818-1830s - Study Area

The early development history for each lot within the study area is covered by the era of Patrick Maloney's farming allotment, which was converted to an official land grant of 53.5 acres, and which covers the entire study area and beyond. There are survey record books that mention and value the structures that Maloney built on his allotment including a log and thatched hut, other huts (presumably for convict labourers), a pigsty and a peach orchard. Unfortunately, there are no surviving plans that show the locations of the structures. In the latter years, Maloney was permitted to build on higher ground because his farm was particularly prone to flooding but historical analysis by Hunter in 2012 does not believe that he did so. This may indicate that Maloney built close to the bullock track that became High Street and it would make sense to be close to the Hunter River for water, and to the track that led into Newcastle (High Street). It would also make any structures at high risk of inundation during a flood. However, Maloney's land extended well beyond the study area (refer **Figure 2.3**) and there is no more definitive information to guide reasoned speculation on the location of these very early structures.

2.6.2. 1830s -1840s – Study Area

With reference to **Figure 2.3** and **Figure 2.4**, and the speculated location of building footprints overlaid upon the study area, a profile of the historical landscape of the 1840s can be reasonably speculated. It was during this period that Maloney sold a portion of his land to George Stone and when Stone built the Maitland Inn.

Little is known of George Stone from historical records. The 1828 Census records George Stone in Wallis Plains, and another George Stone in Road-Party 28. Our George is the first and the Census provides a little information. It appears that George was a blacksmith that have arrived in Australia in 1818 aboard the *Tottenham*. He was serving a seven-year sentence and is recorded as a Government Servant. In 1825, George would have earned his freedom and was obviously an enterprising character capable of purchasing land from Maloney and constructing the Maitland Inn only a few short years later in 1830.

- **J H Dieckman, Tailor & Draper**

John Henry Dieckman, Tailor and Draper, a native of Germany but living in London for many years, is known to have been established in Maitland Plains in June 1836. In July 1836, a newspaper advertisement taken by Dieckman advised his patrons that he had taken a more convenient house and shop belonging to Mr George Stone located next door to the Maitland Inn (SMH, 14/7/1836). Dieckman continued to advertise his business in newspaper advertisements and in 1843, Dieckman again relocated to premises he had purchased opposite the Scots Church in High Street (outside the study area).

In 1844, Dieckman appears to have been struggling financially with an advertisement for those with outstanding accounts to settle without delay or be put into the hands of a solicitor for recovery. In 1845, the Dieckman's were victim of a burglary during the night. While the perpetrators were apprehended and charged, it appears that Dieckman didn't recover and chose to retire with a public auction of his residence and all stock (MM, 11/4/1846).

- **J and D Dickson (Walker & Dickson)**

Messers James and David Dicksons Stores on High Street were placing advertisements in the Maitland Mercury as early as 1843 but were likely in business prior to this time, perhaps in a building elsewhere. Images of the store show that the building on the corner of High and Devonshire Street was a two-storey timber building (refer **Figure 2.9** and **Figure 2.37**). However, there is little other evidence to provide conclusive information on the early structural form of the store building, and there is much speculation which may be clarified through archaeological enquiry.

- **Stone's Horse Mill and Buildings**

The presence of Stone's Horse Mill was identified through overlay of historical maps and plans. It is thought to have been located across present day Lot 14 DP 1096416 (location of former Pryor's Plasterworks) and Lot 1 DP 117532 (Town Hall) refer to **Figure 2.4**. George Stone had purchased the land from Maloney in about 1830 and had already constructed the Maitland Inn. Stone must have seen an opportunity and established a horse driven flour mill.

Newspaper advertisements date the establishment of the mill to December 1832 when in August 1833 it was advertised for sale (Sydney Monitor 3/8/1833). It was described as nearly new (being only nine months in use). The mill was driven by six horses and the sale included a dwelling. The mill was capable of processing up to 30 bushels a day. One bushel of wheat produced 42 pounds of flour which could produce about 42 loaves of bread.

A six-horse mill would have required a substantial area to provide room for six horses abreast (three horses each yoked to a horizontal pole attached to and circling around a central shaft which drove the mill stone. Often horse powered mills were covered with a roof but not walled in. According to Jack, et al, 1983, the only known example of a horse-mill in Australia is on private property but is known to date to 1836.

By 1832, H C Sempill was in the process of establishing a steam flour mill in West Maitland, and this mill would have quickly made Stone's horse powered mill redundant. By 1850, there are no further newspaper references to Stone's Mill, and it is reasonable to conclude that had been abandoned by this time.

2.6.3. 271 High Street - Lot 4 DP 50958 - (formerly being Lot 4 Portion 182).

This lot is now vacant land located between the Town Hall Supper Room (see Figure 2.21) and the circa 1850 Town Hall Café (see Figure 2.21). The Town Hall Café building is readily identifiable in Hart's 1870 historical photograph (refer Figure 2.2) with the prominence of the building profile against the surrounding earlier single storey timber buildings, and it provides a good landmark reference point in the identification of surrounding buildings in the various historical views.



FIGURE 2.22 –FROM HIGH STREET LOOKING SOUTH ACROSS LOT 4 DP 50958 AT SITE INSPECTION

The vacant lot at 271 High Street was formerly Lot 4 of Portion 182, originally part of Patrick Maloney's pre 1830s land allocation and farm and, eventually, part of the 53.5 acres (22 hectares) granted to Maloney in 1830 by Governor Darling. The land was formally surveyed in 1837 and a conveyance plan in 1851 shows a building, most likely a commercial shopfront with residence, located along the High Street boundary in Lot 4 (refer Figure 2.8). The neighbouring lots also show buildings along the High Street frontage, including the Maitland Inn. It appears that Maloney had sold or leased land with frontage to High Street for commercial shopfronts well before the 1851 conveyance.

In 1870 Henry Thomas was operating a printing office in the adjacent shopfront (see Figure 2.23). In 1878, when Thomas decided to retire, his former apprentice T Dimmock purchased the business interest and continued to operate the printing office. Dimmock was still occupant at the premises and still operating as a printing office in 1905 when he moved to larger purpose-built premises. This site was purchased by Council in the early 20th Century and the current brick building was constructed as an annexe to the Town Hall and used for Council Offices.



FIGURE 2.23 – DETAIL OF HART'S 1870 PHOTOGRAPH SHOWING FORMER SHOPFRONT AND RESIDENCE ON LOT 4 JUST VISIBLE NESTLED BETWEEN THE PRINTING OFFICE OF HENRY THOMAS AND THE TOWN HALL CAFÉ BUILDING

Land title search shows that in 1845 C Randall was operating as a Hairdresser and Registry Office for Servants where both servants looking for work and those looking to employ a servant could register. In 1889, land title searches still show a shop and residence in ownership of Richard Cracknell. In 1894 Walter Cracknell, Miller, is in occupation. The lot changed hands twice more until it was purchased by Alfred Patrick Dilley, Builder, who purchased the lot in 1923 who may be responsible for construction of the two-storey brick shop front (see **Figure 2.24**). It appears that Patrick Dilley retained ownership by transmission until 1958 when sold to William Welbourne, Butcher and Lesley Greedy, Butcher both with half share to the title. Two subsequent sales in 1965 and again in 1975 which indicate continued operation as a butcher's shop until 1986 when Maitland City Council purchased the site and demolished the street front and rear out buildings across the site sometime in the 1980s (see **Figure 2.25**)



FIGURE 2.24 – FORMER BUTCHER'S SHOP CIRCA 1980



**FIGURE 2.25 - VIEW OF REAR EXTENSIONS AT 271 HIGH STREET
PRIOR TO DEMOLITION (AT LEFT).**

Source: Carr, 2018

2.6.4. 273 High Street - Lot 51 DP 1095739 (formerly lot 5 of Portion 182)

This lot contains the former shop and residence now known as the Town Hall Café which is located on the High Street frontage (see **Figure 2.26**). Concept plans of the redevelopment show that this building would be incorporated into the design without major modification and would serve as a historical marker within the modern redevelopment. Please refer to the discrete SOHI study carried out for the built component of this lot. This study includes an archaeological assessment of the vacant land to the rear of the building.



FIGURE 2.26 - LOOKING SOUTHERLY ACROSS HIGH STREET TO THE FORMER TOWN HALL CAFÉ BUILDING.

The history and archaeology of this site are well known through previous study and assessment. Reference should be made to:

- *Heritage Assessment - Town Hall Café, 273 High Street, Maitland* prepared by John Carr, May 2018; and
- *Archaeology & Heritage Management Report - Townhall Carpark Development: High Street, Maitland* prepared by Eureka Heritage in 2012.

The area to the rear of 273 High Street and adjacent lots were the subject of archaeological monitoring and recording during levelling works for carpark construction. Structural remnants and some moveable

artefacts were exposed less than 300mm below the surface and surveyed as shown in **Figure 2.27**, **Figure 2.28** and **Figure 2.29**.

Archaeological monitoring resulted in the identification and management of three structural features all comprising sub-surface footings:

- Feature A – modern brick footing dated to circa 1930-1940;
- Feature B – a complex of historical brick footings dated to circa 1860-1880; and
- Feature C – remnant of historical brick footing, possibly pre 1860.

An archival record of these resources records their nature, extent and possible historical associations. The modern footing was not considered to attain a level of heritage significance and was demolished as part of project works. The remaining resources were conserved in-situ (see **Figure 2.30**) prior to surfacing.

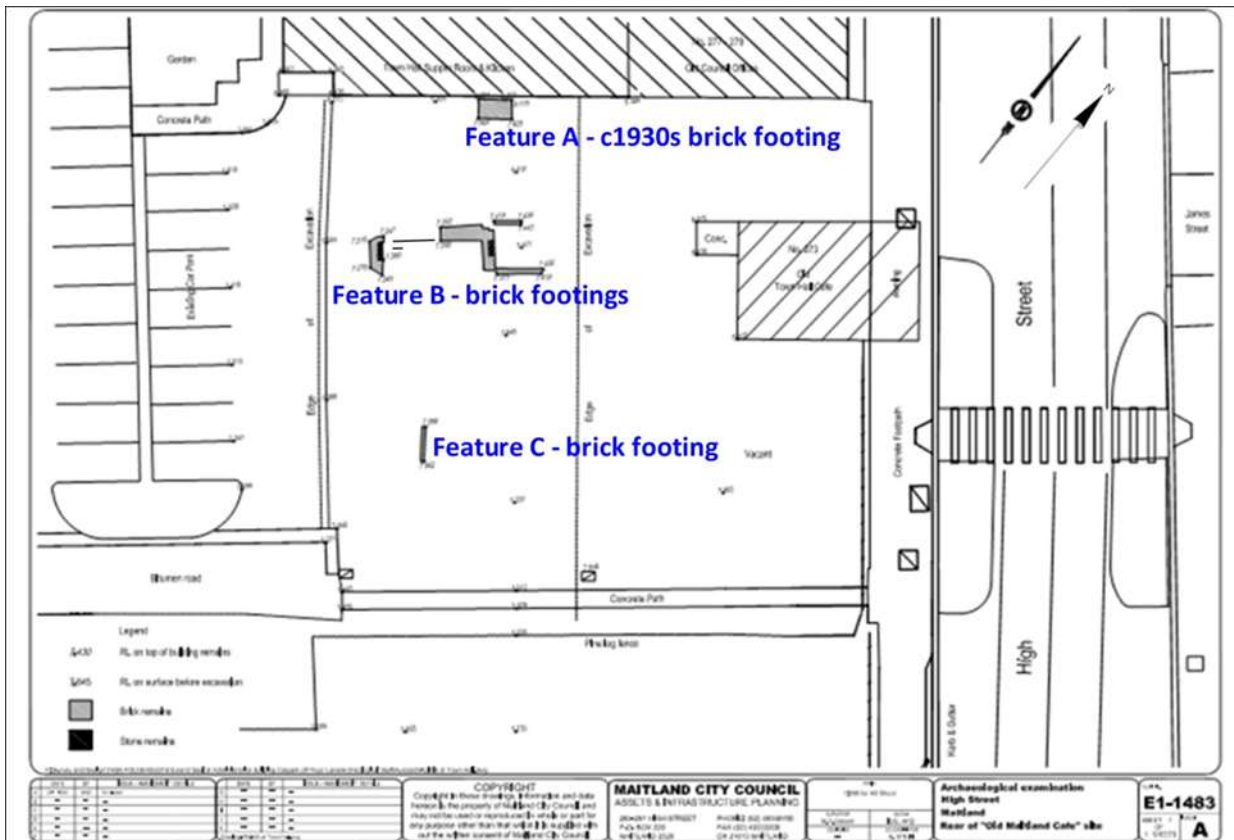


FIGURE 2.27 – SURVEY PLAN OF EXPOSED FEATURES DURING SITE WORKS IN 2012.

Source: Eureka, 2012.



**FIGURE 2.28 - REMNANT BRICKWORK LOCATED AT THE REAR OF 273 HIGH STREET
THOUGHT TO BE ASSOCIATED WITH G J WEBBER, TINSMITH**
Source: Eureka, 2012.



**FIGURE 2.29 - SANDSTONE DOOR TREAD WITH REBATES FOR UPRIGHT TIMBERS
AT REAR OF 273 HIGH STREET.**
Source: Eureka, 2012.



FIGURE 2.30 - BRICK FOOTINGS OF FEATURE C PREPARED FOR CONSERVATION PRIOR TO SITE FILLING AND LEVELING MARKED FOR READY IDENTIFICATION IN THE EVENT OF FUTURE EXCAVATION.

Source: Eureka, 2012.

After historical enquiry and analysis an assessment of significance was carried out which concluded that:

The archaeological resources conserved at the project site are assessed as significant for their historical values associated with the pioneering era of free settlement in the 1820s which involved the spread of settlement beyond the bounds of the penal colony of Newcastle. The resources at the site are further associated with the establishment of the commercial and administrative centre of West Maitland that occurred from the 1820s to the 1840s, and subsequently during the recognised period of rapid growth and development in the 1860s-1880s.

However, significance was reduced slightly in consideration of the limited extent of in-situ structural remnants, the lack of associated artefactual material and the level of historical knowledge already available. Although not entirely discounted, it was considered unlikely that further archaeological enquiry would contribute additional information to that already known.

The conclusions of the excavation report were:

*Based on the historical nature of the development along High Street, West Maitland, it is likely that any further development involving excavation work in this area would be subject a statutory excavation permit. Based on the present understanding of the site and the known disturbance across the site, it is likely that an exception to the need for an excavation permit would be appropriate as an alternative to a full excavation permit. However, it is recommended that any proposed redevelopment at the project site, including adjacent lots, should be subject to a Heritage Impact Statement (HIS). The HIS should reference this report, and planning should consider any impact to the conserved archaeological resources. The full excavation report is included as **Appendix 1**.*

2.6.5. Lot 6 and Lot 7 of DP 1096694 (Formerly Lot 6 and Lot 7 of Portion 182)

Formerly Lot 6 and Lot 7 of Portion 182, originally part of Patrick Maloney's pre 1830s land allocation and farm and, eventually, part of the 53.5 acres (22 hectares) granted to Maloney in 1830 by Governor Darling. Lot 6 and Lot 7 are now vacant land as seen in **Figure 2.31**.



**FIGURE 2.31 -VIEW OF LOT 6 AND LOT 7 DP 1096694 AT SITE INSPECTION
LOOKING SOUTH FROM HIGH STREET SHOWING**

This is the site of a pair of shops shown as small single-story building on the 1851 conveyance plan (refer **Figure 2.7** and see **Figure 2.32**). George Randall owned both Lot 6 and Lot 7 in 1870 and land title searches show they were leased as shop and residence to various lessees until the late 1880s. The 1886 survey plan shows that rear extensions were added to the street front buildings sometime before the survey of 1886 (refer **Figure 2.12**).

These shops appear to have been demolished before 1936 and replaced by a timber building constructed on piers as shown in photographs of 1980 (see **Figure 2.33**).



FIGURE 2.32 - DETAIL OF 1870 PHOTOGRAPH BY HART SHOWING BUILDINGS ON LOT 6 AND LOT 7



FIGURE 2.33 - VIEW AT REAR OF 273 HIGH STREET SHOWING REAR OF NEIGHBOURING BUILDINGS CIRCA 1980

The property was purchased by the Baptist church sometime before 1961 (Charlton, 1961) and remodelled with a brick façade (see **Figure 2.34**). The site was purchased by MCC in the early 1980s and the Church was demolished with the site left vacant (see **Figure 2.35**).



FIGURE 2.34 - THE 1970S BRICK FAÇADE OF THE BAPTIST CHURCH AGAINST THE PRESENT-DAY SETTING



FIGURE 2.35 – HIGH STREET CIRCA 1980 DURING DEMOLITION OF THE BAPTIST CHURCH HIGHLIGHTED IN BLUE AT LEFT OF VIEW.

2.6.6. Lot 18 DP 540622 – Corner High and Devonshire Streets (formerly part Portion 183)

In the 1840s, there is speculation that Lot 18 was the approximate site of Dickson's Store (refer **Figure 2.2**). Shown in historical images as a two-storey timber structure (see **Figure 2.36**). This building is also depicted in the *Town and Country Journal* of 1871 in a sketch reconstruction of 1850 which clearly shows a Walker & Dickson sign (refer **Figure 2.9**)



FIGURE 2.36 – DETAIL OF HARTS 1870 PHOTOGRAPH – LOT 18 DP 540622 SHOWING A TWO STOREY BUILDING, POSSIBLY DICKSON'S STORE ON THE CORNER OF HIGH AND DEVONSHIRE STREETS.

From rate books, maps and photographs it appears there were two, two-storey shops facing High Street that were occupied from about 1870 but more likely earlier. The map of 1886 shows the footprint of the two-story terraced shop and it appears that the shops were still standing in 1936 with some additions

constructed to the rear. The balance of the lot was purchased by James Brackenreg as trustee for Marion Brackenreg in August 1851 and sold to John Swan 31 December 1878. In 1878 James Laybutt, storekeeper, takes the lease but is declared insolvent in 1884.

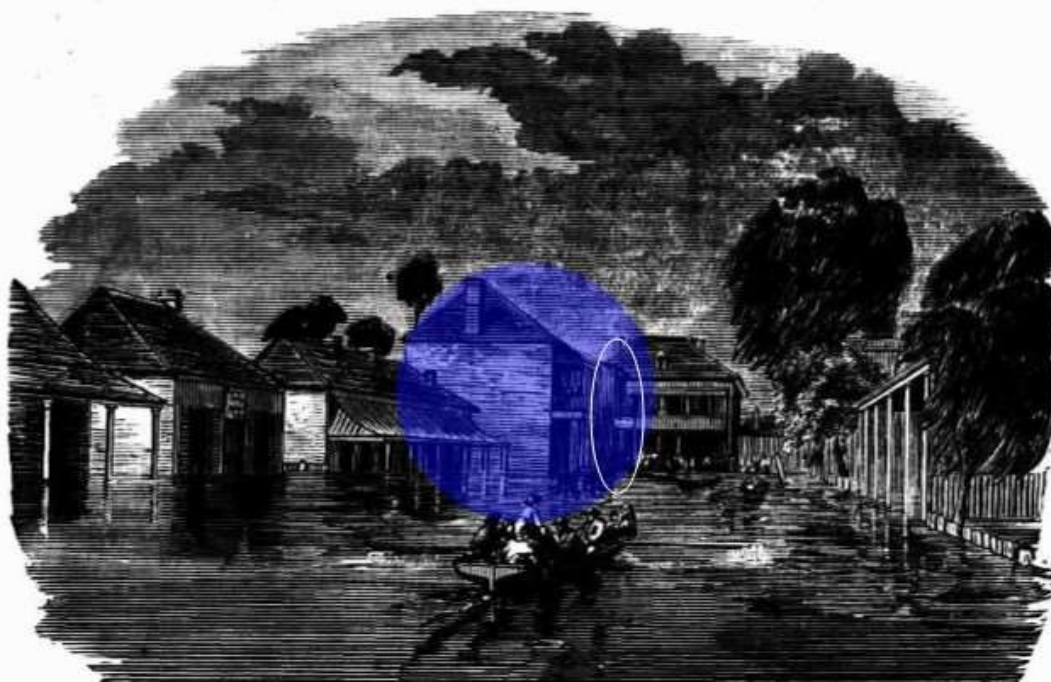
The building on the corner block, possibly Dickson's circa 1843 store, appears to have been demolished and replaced with a new building sometime between 1886 and 1936. The 1950s aerial photographs show a large two-storey building that corresponds with the footprint shown in the 1936 map. It would appear this building was also demolished when BP Australia purchased the site and constructed a service station in August 1968. Council purchased this site in 1989 and presumably demolished the standing structures shortly thereafter.

2.6.7. Lot 41 DP 1085450 Devonshire Street

In 1853, George Trayhurn advertised for sale a building on Lot 4 Portion 183: a weather boarded and slab house, lath and Plastered, two stories high, containing three rooms on the first floor, and two up-stairs, with balcony in front. It appears as though Trayhurn was unable to sell as George Clifford appears to have leased the premise as he is issued a publican's licence for the Royal Arch Inn at this address in 1859. However, a dispute caused the licence to be transferred back to Trayhurn (MM 9/12/1859). The licence then passed to W H Richardson in 1863, then to John Harding (MM).

It is likely the Royal Arch Inn is a replacement building following demolition of the weather boarded house described above, or the same building with additions/modifications or a new building entirely is not yet known.

In May 1863 a newspaper advertisement was placed for the lease of the *old and established Inn Royal Arch Devonshire Street containing 14 rooms and stabling* in the Maitland Mercury. Publican George Trayhurn was leaving the district. In August 1863, Tooth and Company took action in the Supreme Court against Trayhurn who must have owed them money. The Royal Arch Inn was to be sold with all appurtenances described as: *The house contains fifteen rooms, with bar fixtures, a large cellar; well of good water on premises; brick oven; the house built with stone and brick, slated roof, about seven years erected, and substantially built by defendant.* Henry John Adams purchased the site but did not seek a publican's licence.



**FIGURE 2.37 – ENGRAVING DEPICTING 1864 FLOODS IN DEVONSHIRE STREET
SHOWING EARLY BUILDINGS AND HEIGHT OF FLOOD WATERS,
AND PERHAPS SHOWING THE ROYAL ARCH INN IN BLUE HIGHLIGHT. THE WHITE CIRCLE MAY BE DICKSON'S STORE.
NOTE THE WORKERS COTTAGES ALSO IN DEVONSHIRE STREET.**

Source: Illustrated Sydney News Saturday 16 July 1864 page 4.

The operation of the Royal Arch Inn was only short-lived as the Maitland Mercury reported on 3 April 1866 that Council was to rent Mr Adam's premises the former Royal Arch in Devonshire Street (see **Figure 2.37**). While the Royal Arch Inn is referenced in Hunter & Boydell (2004), the location has been unknown prior to this study. The inventory sheets prepared by Hunter & Boydell (2004) confirm some information contained in newspaper articles such as the presence of a cellar:

WH Richardson applied to renew his licence in 1863 as well as the bagatelle licence. Senior Sergeant Gordon gave evidence that a few evenings past he had asked Richardson to show him the way to the billiard room, and a delay of 5 minutes took place before he obtained admission. There was a light in the room and Richardson gave three kicks at the door. The sergeant went down the stairs and seeing another door leading to the billiard room he entered it. The light was then out and the room was empty, but in a room leading from it there was a large number of persons hiding – chiefly, he believed, boys from 12 to 15 years of age. Richardson's agent claimed the youngest was 19 years old. The bagatelle licence was refused however (MM 4/7/1863). This incident appears to have caused Richardson to leave the hotel altogether. A fortnight later John Harding applied for a transfer of licence and also a bagatelle licence. The transfer was agreed to, but the bagatelle licence was refused. The magistrates gave as their reasons the very unfavourable situation of the house and its many modes of egress and ingress. They had no complain about John Harding but 'they had to protect the morals of the rising generation' (MM 23/7/1863).



FIGURE 2.38 – A BRILLIANT VIEW ALONG DEVONSHIRE STREET DURING THE 1870S FLOOD SHOWING THE MUNICIPAL COUNCIL CHAMBERS (THE FORMER ROYAL ARCH INN) AT RIGHT OF VIEW.

Source: Photographer Elijah Hart (www.livinghistories.com.au)

In 1881, the property was purchased by Charles John Brackenreg, Veterinary Surgeon, and occupied as a private residence. In 1888, the property was again sold and a series of owners bought and sold the property until 2005 when the site was purchased by Maitland City Council.

2.6.8. Lot 5 DP56486 Nos 10 to 14 Devonshire Street; now known as 18 Devonshire Street

Constructed between 1888 and 1889, most likely by the then owner, John Cruikshank, the building on this lot was constructed as three two-storey terrace houses each 12 feet wide, with a single story skillion at the rear. Each dwelling had two chimneys, six in total, there were two chimneys (one shared) in the rear skillion.

Although now highly modified, this building is still standing and displays some remnant features of the era of construction in door and window locations and brickwork lintels over former doorways and windows as shown in **Figure 2.39**. The rear of the building appears to have been highly modified and a car port constructed (see **Figure 2.40**). There is no indication of former structures and it is likely that there has been minimal disturbance across this area.



FIGURE 2.39 - TERRACES CONSTRUCTED CIRCA 1880S LOCATED ON LOT 5



FIGURE 2.40 - REAR OF TERRACES 18 DEVONSHIRE STREET

2.6.9. Lot 42 DP 1085450 or Lot 6 of Portion 183

This lot was sold to Samuel Lewis in 1837 as part of Portion 183. Ownership changed nine times in the years between 1837 and 2005 when Maitland City Council purchased the land. Research does not show any development on this lot. However, it is possible that there was a cottage on this site in 1870 (refer **Figure 2.37**)

2.6.10. 22 Devonshire Street Lot 1 DP 996579 formerly Lot 7 and Lot 8 of Portion 183

Purchased by Samuel Lewis in 1837, then part of Portion 183, this land remained undeveloped until 1870 when James Fullford built a house and this may one of those shown in Hart's photograph of 1870 (refer **Figure 2.38**). In 1945, the two lots were consolidated into one Lot. MCC purchased the consolidated lots in 1994.

This building appears to have been a free-standing and large house but at some stage possibly about 1890, it was converted into two flats. When Shirley Mary King applied for a building and development application to renovate and repair the building in 1976, it consisted of two flats.

2.6.11. Lot 2 & Lot 3 DP 1125681 formerly Lot 9 and Lot 10 of Original Subdivision

Lot 2 and Lot 3 were originally Lot 9 and Lot 10 of the subdivision of Portion 183 which took place at survey in 1837 while in the ownership of Samuel Lewis. Both lots were purchased by George Fletcher and Edward Sparke in 1840. The Lots passed through the ownership of John Burton in 1846, and James Frederick Capper in 1883. No development of the sites is known to have occurred although an image of Devonshire Street circa 1870 (refer **Figure 2.37** and **3**) does show a row of single storey cottages typical in form to that of 19th Century worker's cottages built in the Georgian style.

In 1897 Lot 2 was purchased by Joseph Robertson who sold in 1947 to William and Hilda Wright. Lot 2 appears to have remained undeveloped until sometime between 1886 and 1936 when a building footprint appears on the 1936 Water Board Plan. It appears from the plan to be a simple single-story cottage. The Newcastle Sun in 1942 reported the construction of a garage by builder E W Homan at 22 Devonshire Street.

Photographs show that the 1955 flood reached into the roof cavity of this house (see **Figure 3.5**) and by 1957 it had been demolished as it was a vacant land when sold to Maitland City Council in 1957 (Valuation No 1905). It is possible that the flood waters cause the building and/or the internal linings to disintegrate² where the older buildings of timber, fibro and brick buildings would eventually dry out.

Maitland City Council also purchased Lot 3 in 1957 but sold both Lot 2 and Lot 3 to the Polish Association of NSW in 1965, perhaps intending to build on the site. However, it appears that both lots remained vacant until 1976 when again purchased by Council.

Ownership of these lots by the Polish Association explains the location of the commemorative plaque on Lot 3 to General Juliusz Kleeberg (refer **Figure 2.21**). To re-iterate, Kleeberg was a member of the Polish Community in Maitland, a former commander of the Polish forces who fought with the Allies in the Second World War. Kleeberg arrived in Sydney in 1952 and was president of the Federal Council of Polish Associations in Australia for 15 years. In July 1970 General Kleeberg was killed in a road accident near Maitland at age 80.

2.6.12. Lot 11 DP 1145290 - 3 Grant Street

The land title search on the early history of this lot is unclear until 1883. It is not known when the house was built on this lot but can be speculated sometime after 1886 and before 1917. The property was in the ownership of John Irwin, builder in 1906, and he may be responsible for construction of the cottage. The

² The materials most affected by flood waters were *Canite* and plaster board. Those houses built in the early 20th Century were more likely to be adversely affected by flood water due to the use of these building materials.

cottage is described as a small weather board house, with a gun barrel hall, four rooms under the main roof and rear skillion rooms, with sheds across the rear of the back garden.

From at least 1917 to the 1936 this was a rental property. Rented by Mrs JB Pryor in 1917 when her husband private JB Pryor a Lewis Gunner was killed in action in France. He was 27 and had served his apprenticeship with Pryor and Pender, plasterers. His parents also lived in Grant Street. (MM 17 Nov 1917) By 1936 the house was occupied by a Mrs Lang who described herself as a first-class Char woman looking for work, (MM, 13 Nov 1936). Maitland City Council purchased the property in 2009.

2.6.13. Lot 14 DP 1096416 – Formerly Pryor’s Plaster Works

Extrapolating dates provided in newspaper articles and advertisements, Pryor’s Plasterworks was established on Lot 14 DP 1096416 of the study area in about 1918, although had been as operating Pryor and Pender elsewhere in West Maitland from about 1890. The site is shown as vacant in 1886 but it is quite possible that the shed was already in existence, and being utilised by surrounding owners and tenants, before the Pryor’s purchased the land.

Spotlight on Pryor’s Plasterworks

An article in the Maitland Mercury on 26 June 1939 provides a contemporary description of the Pryor’s Plasterworks, then known as *B Pryor and Son Plasterers and Fibrous Plaster Manufacturers*. The newspaper reported that the company was established many years ago.

Mr Pryor was a plasterer, and formed a business partnership with Mr Arch Pender, and they were known as Pryor and Pender. Twenty-one years ago, Mr. Ben Pryor's son entered the business, and it became *Pryor, Pender and Pryor*, and, at the instigation of Mr. Ken Pryor, the manufacture of fibrous plaster was undertaken. For this purpose, a small shed at the rear of the Town Hall was used, to which, during the 21 years of activity, six extensions have been made.

The 1939 newspaper article advertised that *Mr Ben Pryor worked as a plasterer's improver on the Bishop of Maitland's residence more than 51 years ago, and was recently called upon to work on the same home as a contractor. He also worked on the old 'Mercury' building many years ago, and did contracting for all plastering on the new modern offices. The firm contracts for all types of plastering, and has executed most of the big jobs in Maitland* (MM, 26/6/1939).

A large staff is employed, thus contributing in no small way to the provision of employment in West Maitland. They are manufacturers of fibrous plaster boards, ceiling ornamentations, and all classes of ornamental work to conform with architects' detailed plans, and builders and contractors are supplied with quality fibrous plaster.

Such an industry is a great acquisition to Maitland, because it is able to supply its products at cheaper rates than would otherwise be possible. In addition, the skilled craftsmanship of this firm's employees gives a guarantee of a perfect job in any type of plaster work.

Originally a small shed at the rear of the Town Hall, by 1939 six extensions had been made to accommodate the expanding operations. On 27 November 1926, an advertisement appeared in the Maitland Mercury for B Pryor who was seeking a price for ‘sinking and bricking a well’. In 1929, Mr B Pryor wrote to the Council requesting that Council contribute half the cost of building a five, or six, foot paling fence between his property and the Town Hall (MM, 20/9/1929).

In 1949, the Pryors aided in the flood recovery by the installation of two teasing machines to make fibre for filling for single canvas covered mattresses. The mattresses were for distribution to those flood victims who made application for assistance (NMH, 5 July 1949). By 25 July, the Newcastle Morning Herald reported that 600 mattresses had been made, all by volunteers, and supervised by Ken Pryor.

In 1971 Ken Pryor contributed to the conservation of the Jocko (also known as the Black Boy) Statue, a circa 1880 bronze statue of historical significance, a replica of which currently stands on the footpath at 461

High Street. After theft, damage and vandalism, in 1971 Ken Pryor contacted Council to offer his free service to make a mould and a fibreglass replica of the statue (Eureka, 2017), see **Figure 2.43**.



FIGURE 2.41 – PRYOR'S PLASTERWORKS 1983 PRIOR TO DEMOLITION, LOOKING NORTH TOWARDS HIGH STREET. THIS PHOTOGRAPH PROVIDES A VIEW OF THE REAR OF BUILDINGS ALONG HIGH STREET

Source: Picture Maitland www.flickr.com



FIGURE 2.42 – PRYOR'S PLASTERWORKS IN 1983 PRIOR TO DEMOLITION LOOKING NORTH-EAST FROM GRANT STREET

Source: Picture Maitland www.flickr.com



FIGURE 2.43 - PRYORS PLASTERWORKS 1971
KEN PRYOR TAKING A MOULD OF THE ORIGINAL CAST IRON STATUE OF JOCKO
Source: Jack Paten

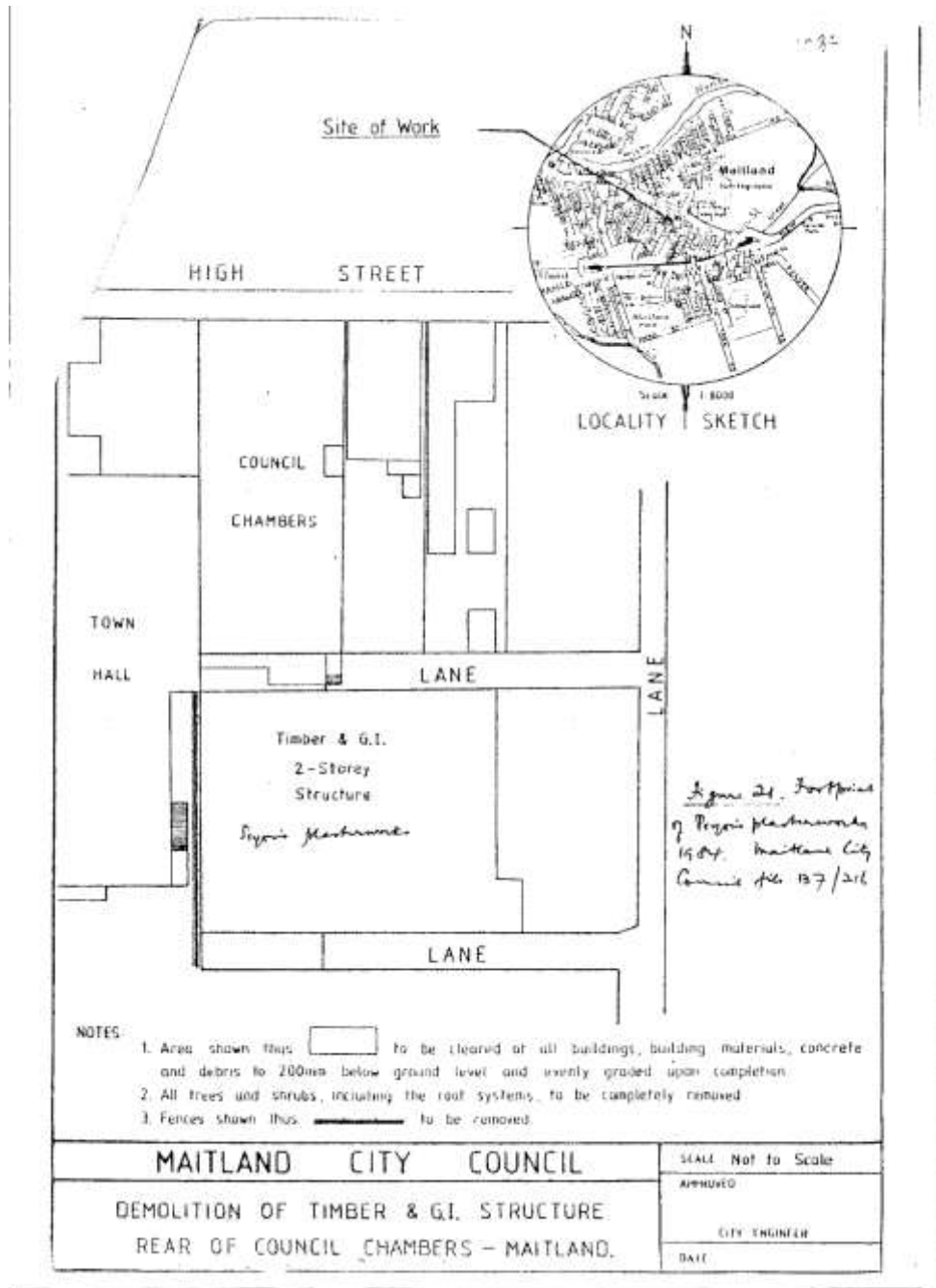


FIGURE 2.44 - DEMOLITION PLAN FOR PRYORS PLASTERWORKS C1983 SHOWING THE FOOTPRINT OF THE TWO STOREY STRUCTURE CAPTURED IN FIGURE 2.6 AND FIGURE 2.42.



**FIGURE 2.45 – ELEVATED VIEW IN 1983 FROM TOWN HALL CLOCK TOWER, LOOKING SOUTH-EAST
PRIOR TO THE CONSTRUCTION OF THE SENIOR CITIZEN’S CENTRE. PRYORS PLASTERWORKS JUST VISIBLE AT LEFT**
Source: Picture Maitland www.flickr.com

2.7. SYNTHESIS OF CONTEXTS

A number of features on the history of the study area are worth noting from the outset. The first is that of continual re-use and adaptation where very few sites or buildings were used for their initial purposes continuously. Another feature is that some themes run through many time periods, in particular the continual effects of, and constant threat of floods. Finally, the area under study is a relatively small area within the overall Central Maitland Precinct that, nonetheless, contains a diverse concentration of historical commercial and residential development and redevelopment.

The surrounding heritage items listed in the Maitland LEP 2011 (refer **Section 1.6.2**) indicate the former diversity of industry and commerce along this stretch of High Street. Elements and features such as wells and cisterns, known in association with these items provide an indicator to the nature and type of former structures that may be present within the study area.

The most prominent use of the study area was during the 1830s to the 1930s, beginning with the earliest commercial establishments and their associated residences. From an archaeological perspective, this combined development and occupation provides an opportunity to explore the history of both commerce and domestic life.

The earliest remnants of development circa 1830 – 1850 may be lost entirely to redevelopment and disturbance, or consumed within redevelopment, across the entire study area. This factor creates a layer of complexity in identifying and interpreting any remnant archaeological resources and their era of origin.

A factor that may have contributed to the survival of sub-surface structural elements and associated artefacts may lie with the development across the study area over the one hundred years between 1830 and 1930 and a slow shift in the focus of commerce further west along High Street surrounding the location of the second Maitland Post Office at 381 High Street, constructed in 1881.

This has resulted in 20th Century and 21st Century demolition of former 19th Century structures within the study area but where following demolition, lots have been left vacant. The lack of redevelopment and absence of disturbance post demolition has thus created a potential for archaeological deposits to survived or to have been covered and protected by a layer of demolition rubble.

The construction of the Maitland flood levy, following the devastation of the 1955 flood, has also reduced the effects of disturbance of the study area through inundation contributing to the potential for archaeological deposits to have remained relatively undisturbed into the 21st Century.

3. Archaeological Assessment

3.1. AIMS OF ARCHAEOLOGICAL ASSESSMENT

The main aim of an archaeological significance assessment is to identify whether an archaeological resource, deposit, site or feature is of significant heritage value. The assessment should result in a succinct statement of archaeological significance that summarises the values of the place, site, resource, deposit or feature.

For archaeological sites that have been assessed as containing 'relics', understanding the significant values is critical, because these sites are a non-renewable resource. Like other environmental resources, they must be managed for both the present and the future. The identified values (the heritage significance) of the site, or 'relics,' will help determine the most appropriate management options.

Archaeological significance assessment is carried out within the broader framework of heritage significance assessment. The NSW heritage assessment process is guided by criteria endorsed by the Heritage Council of NSW. This assessment process forms an integral part of the conservation and management of Environmental Heritage across NSW.

An assessment of archaeological significance is undertaken to explain why a particular site or item is important, and to enable appropriate management to be determined. Considerations in the assessment process include whether a site, or the fabric contained within a site, contributes knowledge in addition to that already known and/or well established, or has the potential to do so.

The main aim of an archaeological significance assessment is to identify whether an archaeological resource is of value through as assessment of the potential for significant archaeological resources to occur, or whether or not, it is reasonable to conclude otherwise. It is useful to examine the evidence for potential archaeological resources by anticipating the nature and extent of any such resources based on the established historical context of the site.

3.2. POTENTIAL ARCHAEOLOGICAL RESOURCES

A potential archaeological resource is defined as the material evidence that is anticipated to exist below the ground surface. This can include evidence such as building foundations, buried occupation deposits, features and artefacts. In some circumstances, archaeological potential is also contained within above ground structures that are intact or ruined, or landform features such as building platforms or drainage lines.

Potential archaeological resources are identified through the synthesis of the archaeological, historical and physical contexts of a study area with consideration given to recent development, occupation and/or use of the site.

Archaeological sites are generally more difficult to assess than above ground heritage items because any such assessment will be reliant upon predicted, rather than known attributes. The fact that relics and other components of an archaeological site are below-ground and therefore not visible may pose a challenge to accurate assessment. In addition to the available historical information and any evidence gathered during site inspection, archaeological potential and its significance is often also based on experience of similar sites.

A scale to clarify the potential for archaeological resources to occur within each lot has been developed as follows:

- Nil** – there is no reasonable likelihood to expect archaeological resources at this site. This is usually the result of a site which, by its nature, would not create archaeological deposits, or where knowledge of the extent of site disturbance has already removed the potential for archaeological resources. It does not mean, however, that the site does not attract a level of heritage significance through association with identified historical and/or social values.
- Unlikely** – the potential for artefacts to remain in the sub surface cannot be entirely discounted. However, it is reasonable to conclude that either the formation of archaeological resources is unlikely, or that any possible resources have now been lost to prior disturbance, or consumed beneath other development.
- Possible** – when historical knowledge is balanced against known disturbance at the site, the potential for archaeological resources is possible given the current understanding of the history and occupational use of the site.
- Likely** - based on an understanding of the history, development and occupational use of the site, in addition to indicators observed at site inspection and an absence of known disturbances, the presence of archaeological resources is considered likely.
- Confirmed** – based on information obtained at site inspection, or known through previous archaeological investigation, the presence of archaeological resources has been confirmed and a measure of conservation has been carried out.

3.3. ARCHAEOLOGICAL ZONING

In order to define zones for particular management strategies, the study area has been zoned into areas of archaeological potential graduated from *high* through *moderate* to *low*. These zones are defined as follows:

A zone of ***high potential*** is determined as an area likely to contain direct evidence of the history of development and/or structural and occupational use of the study area. Such zones are therefore defined around the apparent location of elements known or determined to have occupied the study area, represented in its archaeological and historical context and in historical mapping and plans.

A zone of ***moderate potential*** is determined about locations peripheral to a zone of high potential, as probably containing ephemeral artefactual material relating to the use and occupation of the study area. These zones are therefore defined by occupational evidence identified in the study area, represented in its archaeological and historical context and/or in historical mapping and plans.

A zone of ***low potential*** is determined as an area apparently having little or no demonstrated or determinable capacity to contribute to a better understanding of the history of the development or structural and occupational use of the study area. In a study area containing zone(s) of higher potential, this zone will comprise the remainder of the study area outside the zones of *high* and *moderate potential*.

Limitations: This exercise effectively produces a predictive model for potential subsurface material. However, it must be stressed that this plan is theoretical and is based on a preliminary understanding and interpretation of available information. The zones of archaeological potential are presented in **Figure 3.1**. Additional analysis of the archaeological zones is provided **Table 3.1** with reference to factors that contribute to the potential for archaeological resources to be present on a site outlined in Section 3.4 below, and with consideration to the levels of disturbance across the study area.



FIGURE 3.1 – OVERLAY OF PROPOSED ARCHAEOLOGICAL MANAGEMENT ZONES

The zone highlighted in orange is the SHR boundary of the Town Hall and Supper Room, and this area is the subject of a discrete SOHI. The purple denotes a zone of high archaeological potential and is intended to overlay the footprint of the early commercial and residential developments circa 1840-1890. The area of high overlaid in Lot 14 DP1096416 is intended to cover the circa 1832 Stone’s Horse Mill and dwelling. The zone of low archaeological potential in green is the area peripheral to the SHR and zone of high potential. The zone of low potential is intended to overlay the zones of latter development and occupation unlikely to contain archaeological resources of significance.

Specific management strategies for each zone are further developed and presented in a Research Design and Work Method Statement which comprises the next stage of planning should the proposal proceed to development approval and construction, and where a statutory permit application is required. Archaeological management could be reasonably anticipated to require archaeological monitoring, recording, salvage and interpretation in the zones of high archaeological potential as a minimum.

3.4. FORMATION OF ARCHAEOLOGICAL RESOURCES

The following sections analyse the factors that can affect the potential for the deposition, survival and/or disturbance and destruction of archaeological resources within the study area.

Flooding

Since records began, serious flood years on the Hunter have been 1820, 1830-31-32, 1870, 1893, 1949-50-51 and 1955. The highest recorded flood in the 19th Century occurred in 1893 but this was usurped by the 50 feet rise in 1955. In 1955 two thousand homes were flooded in Maitland, with one hundred buildings swept away, and eleven people drowned. The inhabitants were stunned in the belief that low-lying Central Maitland was “finished” and would not rise again. The Mayor of Maitland in 1961 (Alderman Skilton) expressed the belief that the people want High Street to be retained as their business centre. This is

apparently the type of forgetfulness that has followed previous floods and obviously the shopkeepers find the risk of future floods worth taking (Charlton, 1961).

The implications of flooding on the historical archaeological record must also be considered and certainly adds some complexity when analysing the potential for archaeological resources to have survived and/or to have remained in their depositional context to the present day. The figures below provide visual evidence of the extreme level of disturbance across the study site from flooding over many historical eras prior to the construction of the levee bank following the catastrophic 1955 flood.



FIGURE 3.2 - FLOODS IN DEVONSHIRE STREET, MAITLAND, REMOVING FAMILIES FROM THEIR FLOODED HOUSES. THE 1864 FLOOD WAS DESCRIBED AS A "PERFECT SEA OF WATER" THAT "FORCED ITS WAY LANDWARD FROM THE RIVER".
Illustrated Sydney News Saturday 16 July 1864 page 4.



FIGURE 3.3 -1955 FLOOD AT MERCURY CORNER OVERLAYED WITH RECENT PHOTOGRAPH. PRESENT COUNCIL ADMINISTRATION BUILDING VISIBLE CENTRE RIGHT.
Source: Flickr



**FIGURE 3.4 - 1955 FLOOD IN HIGH STREET, LOOKING SOUTH-EASTERLY,
WITH TOWN HALL VISIBLE AT UPPER LEFT OF VIEW**

Source: MCC Library



FIGURE 3.5 - 1955 FLOOD SHOWING THE STUDY AREA ENTIRELY INUNDATED WITH FLOOD WATER

Inundation and deposition from flooding events erodes the soil profile, dislodging, remixing and redistributing movable artefacts, destroying surface features, and depositing upstream sediment loads over the site. Thus, any *in situ* archaeological material often becomes obscured, pushed deep down into the soil profile or buried underneath layers of deposited silt, which prevents their detection during surface surveys.

Demolition and Redevelopment

Where redevelopment has occurred, or where structures have deteriorated beyond reasonable use, it is often the case that demolition to ground level has occurred. Where sites have been redeveloped, older footings and archaeological deposits remain below. Where no redevelopment has occurred and a site remains vacant, occupational relics may survive below the surface without any obvious surface evidence. Previous structures and site use are often unknown to the present-day community and/or planning authorities. At the risk of stating the obvious, adjacent or surrounding historical structures may indicate the potential for other historical structure to have existed.

Garbage Disposal

A consideration in the assessment of archaeological potential, particularly over a large precinct, is the era of development and occupation in relation to the introduction of organized garbage disposal. In the early days household garbage was generally discarded on site, in the absence of alternative options. In some instances, a garbage pit was constructed, or a local drainage line utilised.

Higginbotham, 2011, postulated that as a general rule, sites developed before the 1870s, prior to the era of organised garbage disposal, are more likely to retain an occupation deposit consisting of disposal items. These items may contribute information on the lifeways of the time through their ability to reflect food choices, the type of household utensils in use, and the nature of disposed items.

Higginbotham's 2011 timeline for garbage disposal is relevant to the assessment of archaeological potential for different eras in the history of West Maitland as follows:

- **Pre 1870s:** on site garbage disposal. Potential for meaningful contribution to historical knowledge through artefact assemblages in addition to structural remains. Archaeological evidence of this early era would attain a high level of significance - lifeways
- **1870s to 1900:** trend towards off site garbage disposal. Potential for meaningful contribution from artefact assemblages lessened by the introduction of garbage disposal systems. Structural remains still retain potential to contribute to historical understanding.
- **Post 1900:** off-site garbage disposal, potential for meaningful contribution from artefact assemblages from individual sites much reduced. Potential for isolated artefacts and structural evidence to make meaningful contribution cannot be entirely discounted unless supported by investigation.

3.5. SCALE FOR ASSESSMENT OF DISTURBANCE

Relevant to the assessment of potential for archaeological resources to occur is the level of disturbance that has taken place. A three-level scale has been developed for this purpose, defined as follows:

- **Low (Low)** - no disturbance, or relatively little disturbance, from development, redevelopment or demolition known or observed. It was therefore considered reasonable to anticipate that there is potential for archaeological resources from an earlier era to be retained on site. A site of low disturbance is considered to have high archaeological potential.
- **Moderate (Mod)** – some disturbance from development, redevelopment or demolition observed or known from documentary evidence. It was therefore considered reasonable to anticipate that some archaeological resources from an earlier era may remain on site. Such resources may have been disturbed or partially destroyed. A site of moderate disturbance is usually considered to have moderate archaeological potential.
- **High (High)** – considerable and significant disturbance from redevelopment or demolition observed or known through historical records and/or natural event such as inundation by flood waters. Based on the nature of disturbance, it is reasonable to consider it unlikely for archaeological resources from an earlier era to remain on site and/or in their original context.

Although other factors may indicate that archaeological resources cannot be entirely discounted, a site of high disturbance is considered to have little, if any, archaeological potential.

Please note that site specific situations can create exceptions or unique environmental factors that are atypical of the local area, or create circumstances that are not reasonably predictable and some sites may not slot easily into the above matrix.

Application to Study Area

Considerable and significant disturbance has occurred across the entire study area through constant flooding and the effects of inundation and subsequent clean up. Considerable and significant disturbance is also evident in the cycle of development and demolition that has occurred across the study area. Some lots within the study area may have been subject to higher or lower levels of disturbance through demolition of original structure and re-development of the site in the early 20th Century.

Based on the nature of disturbance over the past two centuries, it might be reasonable to consider that it is unlikely for archaeological resources from an earlier era to remain on site and/or in their original context. However, contemporary sites within Central Maitland are known to have retained some artefactual material associated with structural remnants. The survival of cellars is particularly relevant as they were often abandoned due to constant flooding, filled with sand and sealed over. Abandoned wells, often considered dangerous in more recent times were covered for safety and forgotten, some of which were filled but others are known to have been discovered intact and containing potable water.

The assessment of disturbance across the study site is generally considered **Moderate** whereby there has been disturbance caused by development, redevelopment and/or demolition observed or known from documentary evidence. It was therefore considered reasonable to anticipate that some archaeological resources from an earlier era may remain on site. Such resources may have been disturbed or partially destroyed, or consumed by redevelopment. A site of moderate disturbance is usually considered to have moderate archaeological potential. However, based on experience of archaeological resources known to be present within the study area, and other sites that occur in close proximity to the study area (the former circa 1840 Waterloo Inn; former 1865 shop and residence at 338 High Street) there is perhaps a slightly higher than moderate potential.

To further clarify precinct of lesser or greater disturbance, an assessment for each individual lot within the study area is provided in **Table 3.1** below.

3.6. OVERVIEW OF ANTICIPATED RELICS AND POTENTIAL FOR SIGNIFICANCE

Based on an understanding of the historical development and occupation of the site with reference to the level of disturbance that has occurred through development and redevelopment, flooding and demolition, it is reasonable to anticipate the nature and extent of relics that might occur within individual lots of the study area. For example, outbuildings such as privies and stables associated with public buildings and commercial premises such as Hotels, or wells and external kitchen buildings associated with residential occupation. In some instances, the presence of everyday artefacts such as bottles and household items may be reasonably expected. In particular, abandoned water wells, cellars or underground cisterns have the potential to provide a wealth of archaeological information in the structural fabric, and for the artefacts that may have been deposited during the life of a well or cellar, and disposal items deposited at the time of abandonment when filled and sealed.

Experience of Eureka on similar sites has demonstrated that there are often remnants of earlier life-ways on such sites, particularly remnants of outbuildings such as stables or detached kitchens. On occasion evidence is associated with the construction phase of development whereby items are discarded into foundation trenches or used in backfill. These items are usually comprised of bottles, brick fragments, metal fragments and ceramics. The survival of these resources relies upon a small scale of site disturbance and often occurs at sites where earlier structures have been demolished, foundations filled and a new structure constructed on the same footprint. The remnant structural evidence is also of archaeological value in the potential for identification of specific materials, and possibly a point of origin. In combination this type of information assists in the building of the historical scene and has the potential to add new and significant historical insights into the history of the site and the Maitland LGA.

These remnants would consist of items that survive sub-surface conditions and/or weather disturbance well. Such items might be of metal; such as horse shoes, nails, tools, pieces of unidentifiable discarded metal/equipment, elements of farm machinery such as plough feet or discs. None of which are particularly good at enhancing information already known through historical records. Often there are bottles, whole and in fragments that indicate the preferred beverage of the time, and often the point of origin through makers marks.

Subsurface structures such as wells and cellars often survive intact as they are filled and sealed at the time of abandonment, and often survive below more recently constructed buildings. Footings and foundations of earlier buildings, such as stables and detached kitchens, are often exposed upon excavation for redevelopment. In past eras, it was easier to leave demolition material on-site as foundation for the new structure, or as fill to raise the ground level, and this has facilitated the survival of many archaeological resources.

3.7. ANTICIPATED ARCHAEOLOGICAL RESOURCES

This section explores and discusses the potential for archaeological resources to exist within the subsurface of the study area and in association with the remnant standing structures.

Table 3.1 below provides a summary of the analysis of the archaeological potential of each lot within the study site against the assessment of disturbance from redevelopment, demolition and current use (see **Section 3.5**). The analysis also anticipates the likelihood of the survival of archaeological resources based on the scale presented in **Section 3.2**. The likelihood for the presence of relics is subjective at best and is based on the author's experience of similar sites within close proximity to the study area when balanced with the known historical context and an understanding of the level of prior disturbance at the site.

Table 3.1 – Analysis of Archaeological Potential

Lot #	Anticipated era/nature of Archaeological Relics	Assessment of Disturbance (see Section 3.5)	Likelihood of presence of relics, or otherwise (see Section 3.2)
Study Area	c1818 – 1840 remnants of Patrick Maloney's farm [dwellings, huts, artefacts]	Moderate-High	Unlikely due to construction materials of timber/bark and level of disturbance
Lot 4 DP 50958	Pre c1840 structure (shop); c1850 shop/residence; c1860-1880 additions/outbuildings [structural relics/artefacts]	Moderate	Possible
Lot 51 DP 1095739	Rear of Lot 51 only: c1880 additions/outbuildings [structural relics/artefacts]	Moderate	Possible
Lot 6 DP 1096694	Pre 1840 structure (shop); c1850 shop/residence; c1860-1880 additions/outbuildings [structural relics/artefacts]	Moderate	Possible
Lot 7 DP 1096694	Pre 1840 structure (shop); c1850 shop/residence; c1860-1880 additions/outbuildings [structural relics/artefacts]	Moderate	Possible
Lot 18 DP 540622	North-east corner: Pre 1850 Dickson's Store [structural relics/artefacts]	High due to redevelopment and demolition	Possible
Lot 41 DP 1085450	Royal Arch Inn c1860s [structural relics: cellar, well, stables/artefacts]	Moderate	Likely due to other known sites.

Table 3.1 – Analysis of Archaeological Potential (cont)

Lot #	Anticipated era/nature of Archaeological Relics	Assessment of Disturbance (see Section 3.5)	Likelihood of presence of relics, or otherwise (see Section 3.2)
Lot 5 DP 56486	c1880 terraces (standing structure) [structural relics of ?outbuildings/?well/artefacts]	Low	Likely
Lot 42 DP 1085450	Possible c1850 worker's cottage [artefacts]	Moderate	Unlikely
Lot 1 DP 996579	Possible c1850 worker's cottage [artefacts]	Moderate	Unlikely
Lot 2 DP 1125681	No known development [artefacts of earlier era]	Moderate	Unlikely
Lot 3 DP 1125681	No known development [artefacts of earlier era]	Moderate	Unlikely
Lot 11 DP 1145290	Early 20 th C cottage (standing structure) [artefacts of earlier era]	Low	Possible
Lot 14 DP 1096416	C1832 Stone's Horse Mill and dwelling [structural remnants/artefacts]	High	Possible

4. Archaeological Significance & Impact

4.1. HERITAGE ASSESSMENT CRITERIA

The NSW heritage assessment criterion encompasses the four values of the Australia ICOMOS (International Council on Monuments and Sites) Burra Charter and these four broad values are used to assess the heritage significance of an item. It is important for items to be assessed against these values to ensure consistency across the State. While all four values should be referred to during an assessment, in most cases items will be significant under only one or two values. The four values are:

- historic significance;
- aesthetic significance;
- scientific significance; and
- social significance.

In order to apply a standardised approach to the assessment of these four values relative to items and individual elements within or contributing to items, the NSW Heritage Office (2001:9) has defined a series of seven criteria that will be used by the Heritage Council of NSW as an assessment format within NSW. To be assessed as having heritage significance, an item must meet at least one of the criteria as summarised in **Table 4.1** below.

Table 4.1 – Summary - Heritage Assessment Criteria

Historical significance SHR criteria (a)	the importance of an item in the course or pattern of the cultural or natural history of NSW or a local area.
Historical association Significance SHR criteria (b)	the existence of a strong or special association between an item and the life or works of a person or group of persons important in NSW or a local area.
Aesthetic significance (SHR criteria (c)	the importance of an item in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or a local area.
Social significance SHR criteria (d)	the existence of a strong or special association between an item and the social, cultural or spiritual essence of a particular community or cultural group within NSW or a local area.
Technical/Research significance SHR criteria (e)	the potential of an item to provide information that will contribute to an understanding of the cultural or natural history of NSW or a local area.
Rarity SHR criteria (f)	the quality of an item to possess uncommon, rare or endangered aspects of the cultural or natural history of NSW or a local area.
Representativeness SHR criteria (g)	the demonstration by an item of the principal characteristics of a class of cultural or natural place, or cultural or natural environment, within NSW or a local area.

Another aspect of assessment of significance is the level of significance of an item. Level is assessable in two classifications pursuant to NSW Heritage Office (2001) depending upon the breadth of its identifiable cultural, community, historical or geographical context.

- **Local level** identifies the item as being significant within an identifiable local and/or regional cultural and/or community group and/or historical/geographical heritage context,
- **State level** identifies the item as being significant within an identifiable State-wide cultural and/or community group and/or historical/geographical heritage context.

4.2. ARCHAEOLOGICAL SIGNIFICANCE EXPLAINED

Whilst the ‘research potential’ of an archaeological site and its component ‘relics’ is clearly a key assessment criterion, a research only approach (Criterion E) may limit the consideration of an archaeological site’s other heritage values. This has not always been recognised in current professional archaeological practice, however, recent changes to the Heritage Act (Section 33(3) (a)) make it imperative that more than one criterion is considered when assessing the heritage significance of a site or relic.

Archaeological significance may be linked to other significance categories especially where sites were created as a result of a specific historic event or decision, or when sites have been the actual location of particular incidents, events or occupancies. Other relevant factors may be comparative values related to the intactness and rarity of individual items. The rarity of individual site types is an important factor and an appreciation of the relative rarity of a site should inform management decisions.

Archaeological sites may be more difficult to assess than above ground heritage items because at least the initial assessment of heritage values will be reliant on predicted rather than known attributes. The fact that highly significant ‘relics’ and other components of an archaeological site are below-ground and therefore invisible may pose a challenge to accurate assessment. The experience and knowledge of individual practitioners may be a key factor influencing the correctness of the predicted significance. This could include knowledge about how to research the history of the site through collation of information from documents, maps and plans; how to assess the degree of disturbance and whether the value of the site for research will have been impaired; how to evaluate the site in comparison with other similar sites (at local, State or National levels); how to regard the importance of particular site uses or particular technology associated with sites occupied for industrial purpose

4.3. ASSESSMENT OF ARCHAEOLOGICAL SIGNIFICANCE

Table 4.2 sets out the assessment of archaeological significance against the heritage assessment criteria of the NSW Heritage Council. This assessment has been applied to the study area as a whole with reference to the layered historical development across the site. The level of significance anticipated for archaeological relics that may be present on individual lots, and in associated with specific historical development is presented in **Table 4.3**.

Table 4.2 – Assessment of Archaeological Significance

Criterion	Application
<p>Historical significance SHR criteria (a) the importance of an item in the course or pattern of the cultural or natural history of NSW or a local area.</p>	<p>Historical significance is demonstrated by the association of the study area with the pattern of post-convict era historical expansion from Newcastle into the Hunter Valley, and the need for the colony to become self sufficient through farming enterprise. Historical significance is further demonstrated in the pattern of development of transport routes and the influences of the Hunter Rvier through flooding and changing course. May also be demonstrated through an association with the pattern of commerce, trade and industry in West Maitland and the implications of this to the rising prominence of West Maitland as a commerical and residential centre usurping Newcastle in the 19th Century.</p>
<p>Historical association Significance SHR criteria (b) the existence of a strong or special association between an item and the life or works of a person or group of persons important in NSW or a local area.</p>	<p>May be demonstrated to some degree through association of the site with Patrick Maloney, ex-convict and experimental farmer at Wallis Plains, associated with initiative of Governor Macquarie. Macquarie’s policy to support convicts as small farmers was controversial amongst his peers and only short lived due to the reformation of land policy in the late 1820s. There is also a demonstrated assocaiton with ex-convict George Stone who following emancipation in 1825 established the historically prominent Maitland Inn and other industrial enterprises (including a horse-powered flour mill), and for whom little historical information is readily available.</p>
<p>Aesthetic significance (SHR criteria (c) the importance of an item in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or a local area.</p>	<p>Not currently demonstrated but subject to review following any archaeological investigation.</p>
<p>Social significance SHR criteria (d) the existence of a strong or special association between an item and the social, cultural or spiritual essence of a particular community or cultural group within NSW or a local area.</p>	<p>May be demonstrated through association with the era of convict transportation and the spiritual essence of the convict and ex-convict community which formed the basis of the Wallis Plains population until land was opened to free settlement in about 1818. Contemporay social significance may be demonstrated in strong community interest in gaining a better understanding of the history of the local area through the archaeology of the study area, and the new information that this may provide on the history of West Maitland and specifically the Central Maitland Conservation Area.</p>
<p>Technical/Research significance SHR criteria (e) the potential of an item to provide information that will contribute to an understanding of the cultural or natural history of NSW or a local area.</p>	<p>Research significance is demonstrated within the identified zones of high archaeological potential (refer Figure 3.1) where anticipated archaeological resources are likley to be present. However, given the very early occupation and settlement across the study area, there is some potential for the discovery of unexpected relics that would contibute significantly to the existing historical and archaeological record of pre 1850s occupation and development. Of particular significance would be the disovery of relics and/or works associated with Stone’s Horse Mill dated to 1832 and for which there is only one known extant example located in NSW.</p>
<p>Rarity SHR criteria (f) the quality of an item to possess uncommon, rare or endangered aspects of the cultural or natural history of NSW or a local area.</p>	<p>Any archeological resources that can be conclusively associated with the convict era and experimental farming by ex-convicts in Wallis Plains would be considered rare at the local level and provide information not readily available elsewhere. Relics/works associated with the circa 1832 Stone’s Horse Mill would also be considered rare at both the local level and possibly state level.</p>
<p>Representativeness SHR criteria (g) the demonstration by an item of the principal characteristics of a class of cultural or natural place, or cultural or natural environment, within NSW or a local area.</p>	<p>Any archeological reources that can be conclusively associated with the immediate post convict era of settlement and the establishment of shops, commerce, industry and attached residential premises would be considered representative at the local level.</p>

Table 4.3 – Summary Assessment of Archaeological Significance by Lot

Lot #	Potential Archaeological Resources	Assessment of Archaeological Significance
Lot 4 DP 50958	Unknown pre 1840s building footprint Circa 1850 shop and residence.	Local
Lot 51 DP1095739	Dieckmans pre 1840 Circa 1850s shop and residence	Local
Lot 6 DP1096694	Dieckmans pre 1840 Circa 1850s shop and residence	Local
Lot 7 DP1096694	pre 1840 Dieckmans Store Circa 1850s shop and residence	Local
Lot 18 DP540622	North east corner pre 1840s Dickson's Store	Local
Lot 41 DP1085450	Former Royal Arch Inn circa 1857 to 1863 – cellar and well	Local
Lot 5 DP56486	Terraces circa 1880s	Local
Lot 42 DP1085450	Circa 1850s Worker's cottages	Local
Lot 1 DP996579	Circa 1850s Worker's cottages	Local
Lot 2 DP1125681	None reasonably anticipated	NA
Lot 3 DP1125681	None reasonably anticipated	NA
Lot 11 DP1145290	None reasonably anticipated	NA
Lot 14 DP1096416	Stone's Horse Mill pre 1840s Pryors Plasterworks c1918-1983 – brick well	Local (possibly State) Local at best
Pryor Lane	None	NA

4.3.1. Research Potential

While the potential for archaeological resources may exist in an area, it is the potential of these resources to contribute to historical and archaeological records that must be assessed in order to inform heritage management strategies. The main aim of an archaeological significance assessment is to identify whether an archaeological resource, deposit, site or feature is of cultural value – a relic. For archaeological sites that contain relics, understanding the significant values is critical as these sites are a non-renewable resource.

Archaeological significance may be linked to other significance categories especially where sites were created as a result of a specific historic event or decision, or when sites have been the actual location of particular incidents, events or occupancies.

Archaeological significance has long been accepted as linked directly to scientific research potential (Criterion E):

A site or resource is said to be scientifically significant when its further study may be expected to help answer questions. That is scientific significance is defined as research potential (Bickford and Sullivan, 1984 pp 23–24)

This is a concept that has been extended by Bickford and Sullivan and redefined by the following questions. In addition to the assessment criteria above, these questions can be used as a guide for assessing the research potential of an archaeological site within a structured framework:

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

The emphasis in these three questions is on the need for archaeological research to add to the knowledge of the past in an important way, rather than merely duplicating known information or information that might be more readily available from other sources such as documentary records or oral history.

These questions are applied to the study site as follows:

1 Can the site contribute knowledge that no other resource can?

Based on an understanding of other contemporary sites within the Maitland LGA and others across the Hunter Region, along with the historical resources available of particular historical eras, it is reasonable to consider that the site is capable of contributing knowledge that no other resource can.

Information gained from the archaeological investigation of the site may be able to contribute information specific to the structural form and commercial operation relevant to 19th Century commerce and lifeways in West Maitland. In particular, any archaeological evidence associated with the 1820s-1830s era of farming and association with ex-convict Patrick Maloney and/or traces of convict presence would contribute knowledge specific to Wallis Plains and West Maitland that is currently drawn only from general references and resources.

Information that may be contained in the archaeological resources of the site that is specific to the convict and immediate post-convict eras have the potential to contribute knowledge that no other currently known resource can in the Maitland LGA. This information would be invaluable for comparative studies with contemporary sites in Newcastle and Port Macquarie.

2 Can the site contribute knowledge that no other site can?

Given that there are only a handful of comparative and contemporary sites that are known to occur in Central Maitland, and that few archaeological excavations of comparative sites have been carried out within the Central Maitland Heritage Conservation Area, there is some potential for the site to contribute knowledge of the very earliest occupation and farming in Wallis Plains, evidence and information that no other site has yet provided.

3 Is this knowledge relevant to general questions about human history or other substantive questions relating to Australian history, or does it contribute to other major research questions?

There are no general research questions on human history or other substantive questions on Australian history that might be reasonably addressed through the nature or significance of archaeological potential of the study area.

4.4. ASSESSMENT OF ARCHEAOLOGICAL IMPACT

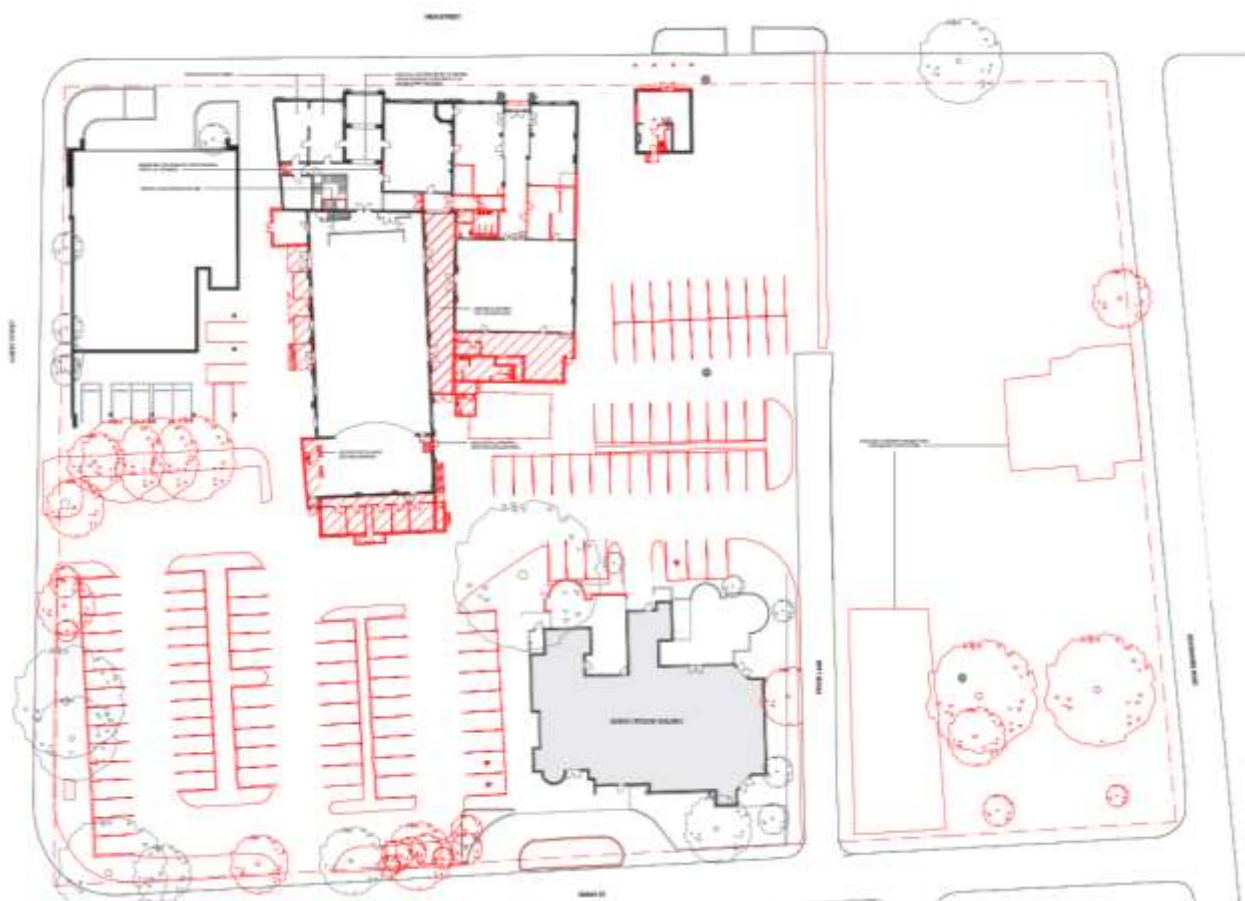
4.4.1. Project Works

This section provides an assessment of the anticipated impact to archeological resources of the study area expected as a result of the proposed works required for redevelopment.

In overview, the proposed redevelopment would involve/require:

- The demolition of two standing structures – the early 20th Century cottage at 3 Grant Street and circa 1880 terraces at 18 Devonshire Street (see **Figure 4.1**);
- The lifting of bitumen surfaces of existing car park for levelling and resurfacing;
- The construction of trenches for installation of services and lift pits, predominantly located in the north eastern quarter of the study area;
- The construction of trenches for footings;
- Disturbance across the site from machinery, other vehicles and personnel; and
- Disturbance for the establishment of site facilities and offices.

The new administration building includes a rear entry lobby, store rooms, plant rooms at the lower floor level facing the rear carpark. An effort has been made to minimise the size of this footprint. However, excavation of depths ranging from approximately 600mm to 1200mm below existing natural ground level will be required in some locations – see **Figure 4.2** for cross sections.



**FIGURE 4.1 – PROPOSED DEMOLITION PLAN
SHOWING ITEMS/FEATRURES FOR DEMOLITON IN RED**

Source: BVN



FIGURE 4.2 – CROSS SECTIONS OF PROPOSED REDEVELOPMENT SHOWING CONSTRUCTION LEVELS

Source: BVN

With reference to the footprint of historical occupation at the site, a series of overlays has been created during the preparation of the historical context in order to identify areas in which archaeological resources can be reasonably anticipated to occur, and those that might be at risk of impact from demolition and construction. Conversely this identifies areas where there is little or no likelihood for archaeological resources and this is reflected in the zoning plan (refer **Figure 3.1**).

4.4.2. Statement of Heritage/Archaeological Impact

A statement of heritage/archaeological impact is prepared to assist in the review and approval process when a project could impact upon a heritage item. The purpose of an impact statement is to explain how the heritage value of an item might be affected by the development. Impact may be positive when an item is to be conserved or enhanced, or impact may be detrimental if the site is to be disturbed or destroyed.

According to the guidelines of the NSW Heritage Manual, the following statements should be applied to a proposed project as part of a statement of impact:

1. The following aspects of the proposed project respect or enhance heritage significance for the following reasons.

- Archaeological management has been considered as part of the concept design, planning and development approval process, thus respecting the heritage significance of the site.

- The potential to enhance an understanding of the significance of the site and of the very early settlement history and commercial enterprise of West Maitland will result from an opportunity to archaeologically monitor construction works and to confirm the presence or otherwise of archaeological remnants at this location.
- Heritage significance will be further enhanced should it be possible to conserve relics in-situ or to include the information gained from archaeological analysis within an interpretation installation.
- The potential to include interpretation installation/s or features in the redevelopment would enhance heritage significance through the commemoration of the historical occupation of the site and the explanation of its historical importance in an ever changing and evolving commercial and administrative precinct of Maitland City.

2. *The following aspects of the proposal could detrimentally impact on heritage significance. The reasons are explained as well as the measures to be taken to minimise impacts.*

- Excavation for footings and trenching for installation of services may result in the need to remove some element of sub-surface material in zones of archaeological potential. However, impact would be minimised and managed through an archaeological monitoring brief, according to the issue of a statutory excavation permit that would allow the exposure, recording and salvage of archaeological resources.

3. *The following sympathetic solutions have been considered and, if discounted, reasons are supplied.*

- The concept plans have been designed with the objective of minimal disturbance to the sub-surface. For this reason, no underground car parking or substantial sub-surface construction is proposed, and therefore only minimal excavation (600mm to 1200mm) for service trenches and footings are required.

4.4.3. Summary Statement of Archaeological Impact

Based on the results of rigorous historical research and analysis, and careful consideration of issues pertinent to the preservation of heritage values in the Maitland LGA, it is considered that the proposed redevelopment for Maitland City Council's Administration Centre has the potential to result in the loss of some heritage values. These values are contained within the anticipated archaeological resources of former development and occupation dating from as early as the 1830s, through to the early 1900s. The loss of archaeological resources may be adequately mitigated with appropriate management including the potential for retention and preservation of any structural remnants/works below the redevelopment, and/or the salvage, recording and interpretation of any exposed/recovered relics.

5. Management Recommendations

5.1. ARCHAEOLOGICAL & HERITAGE MANAGEMENT

The NSW Heritage Act 1977 defines "environmental heritage" to mean those places, buildings, works, relics, moveable objects, and precincts, of historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value that are assessed as significant to the State or at the local level.

Ideally, significant heritage resources should remain undisturbed to be conserved *in-situ* within the framework of the Burra Charter. Such a course is frequently impossible or impractical and questions are posed by the conflicting aims of heritage on the one hand, and progress and development, including safety issues and environmental remediation, on the other. Relevant to the parallel issues of site conservation and the need for development, redevelopment and remediation, is NSW heritage legislation, the *NSW Heritage Act 1977*. The full Act can be accessed online at <http://www.austlii.edu.au>.

There has been a shift in heritage legislation away from simply the age of a site, and automatic inclusion as a heritage item in this regard, to the level of significance of a site and the need for management to result in the contribution and/or conservation of meaningful information to that already known, rather than the duplication or confirmation of that already known.

5.1.1. Heritage Management Framework

Archaeological management is carried out within the broader heritage management framework. There are some important principles to consider in regard to the management of archaeological resources or potential archaeological resources:

- The legislative obligations under NSW law to take appropriate action to manage heritage items.
- Heritage and archaeological significance as assessed through the established assessment criteria. If the value of an item is not clear, a precautionary approach should be adopted until a definitive assessment can be made. This may only be possible through archaeological excavation and analysis.
- Management of an item should be based on the significance of the item and practical realities for its conservation. Management does not preclude adaptive reuse or the installation of modern facilities. It does not preclude removal or demolition where there is no feasible alternative.
- In an archaeological assessment, where works will require excavation and where there is no immediate justification or requirement for a statutory permit application under the NSW Heritage Act 1977, the potential for the relic's provisions of the Heritage Act to be triggered as a result of proposed project works should be carefully considered prior to the commencement of works.
- Where a statutory excavation is not in place, the discovery of relics during project works must be notified and managed according to s146 the *NSW Heritage Act 1977*.
- Heritage values warrant consideration in the management of a study site through the need to reasonably balance the need to conserve significant heritage items, and redevelopment of land and buildings where retention and conservation of older buildings and/or relics is not reasonable or warranted.

5.2. RECOMMENDATIONS

The following recommendations are made with the requirements, principles and considerations presented above in mind, and with regard to the results of dedicated archaeological assessment. Recommendations are designed to provide archaeological management during construction works based on a consideration that open area archaeological excavation is not warranted when balanced with the anticipated disturbance required for construction.

Recommendation 1 –Development Approval

Based on the review of the established assessment of heritage significance and the Statement of Heritage/Archaeological Impact with reference to the proposed redevelopment for Maitland City Council Administration Centre, the management of archaeological works and relics should form part of development approval consent conditions. Provided adequate resources are allocated for archaeological management, there should be no heritage-based constraints to development approval.

Recommendation 2 – Due Diligence for Demolition of Standing Structures

All care and due diligence should be practiced in the demolition of any standing structures in order not to inadvertently destroy sub-surface remnants/resources of an earlier era. The demolition contractor should be briefed on the identified zones of heritage and archaeological significance across the study site, and the requirement for archaeological management. The archaeologist should be retained on-call during the demolition phase in the event that archaeological relics require management.

Consideration might be given to the recovery and relocation of the **General Kleeburg Memorial**. As a matter of respect, it may be pragmatic to make contact with the Federation of Polish Associations in NSW (polishfederation.nsw.com.au) or Polish House in Ashfield, who may wish to be consulted regarding the relocation of the monument.

Recommendation 3 – Photographic Archive

A photographic archive of the former terraces at 18 Devonshire Street and the cottage at 3 Grant Street is recommended prior to commencement of demolition. This should be carried out according to the guidelines of the Office of Environment and Heritage: *How to prepare archival records of heritage items* and *Photographic recording of heritage items using film or digital capture* for items of local significance.

Recommendation 4 – Statutory Approvals

A statutory approval under s140 the NSW Heritage Act 1977 for an excavation permit has been justified through investigation and the assessment of potential archaeological relics to meet the criteria for local significance. A Work Method Statement and Research Design should be prepared in support of an application for a s140 excavation permit to the Office of Environment and Heritage. The Work Method Statement should include a strategy for archaeological monitoring during construction works that recognises the need for archaeological management per Recommendation 5.

Recommendation 5 – Allowances for Archaeological Management

Time and resources should be allocated to archaeological management following endorsement of a s140 excavation permit by the OEH. Archaeological management should follow the recommended management strategies for specific zones of archaeological potential, as shown in the zoning plans of this assessment report (see **Section 3.3**). Although considered unlikely, allowance should also be made for management of unexpected relics. The Work Method Statement and Research Design should guide archaeological investigation and management.

Recommendation 6 – Interpretation Strategy

Given that there will be considerable pedestrian visitation to the building, consideration might be given to the design and implementation of interpretive installations which link the modern use of the site with its' history. The results of any archaeological investigation should form a component of interpretation whereby any salvaged artefacts are utilised to relate a story of the site's history.

Recommendation 7 – Relics Provisions & Unexpected Finds

Attention is directed to the *NSW Heritage Act 1977* and the provisions of the Act in relation to the exposure of relics. The Act requires that if:

- i) *a relic is suspected, or there are reasonable grounds to suspect a relic in ground, that is likely to be disturbed damaged or destroyed by excavation; and/or*
- ii) *any relic is discovered in the course of excavation that will be disturbed, damaged or destroyed by further excavation;*

those responsible for the discovery must notify nominated management personnel who will in turn notify the Heritage Council of New South Wales or its' delegate within the Office of Environment and Heritage, Heritage Division, and suspend work that might have the effect of disturbing, damaging or destroying such relic until the requirements of the NSW Heritage Council have been satisfied (ss139, 146).

In the event that unexpected archaeological resources are exposed that appear to be beyond the scope of a s140 excavation permit, investigation would cease and the project Archaeologist would inform a delegate of the NSW Office of Environment and Heritage, Heritage Division. Work would not continue until any additional requirements of the Heritage Division had been satisfied.

In order to manage unexpected finds, An *Unexpected Finds Procedure* should be developed in collaboration with a nominated Archaeologist. The procedure should set out the steps for site personnel to follow in the event that unexpected relics are exposed and allow for the on-call attendance of the Archaeologist. The discovery of unexpected relics may require additional study and revision to any existing excavation permit.

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Archaeological Assessments ...
Historical Archaeological Sites ...
Guidelines for Photographic Recording ...
Heritage Assessment Guidelines ...
Assessing Heritage Significance...
Heritage Curtilages...

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National Library of Australia, Trove Newspaper Archive, various archived newspapers including:

- Sydney Morning Herald (SMH);
- Maitland Mercury (MM);
- Maitland Mercury and Hunter River General Advertiser (MM&HRGA);
- Newcastle Morning Herald (NMH); and
- Sydney Gazette.



Appendix 1

*Archaeology & Heritage Management Report - Townhall Carpark Development:
High Street, Maitland, Eureka Heritage, 2012.*



Maitland City Council

**Archaeology & Heritage Management Report
Townhall Car Park Development
High Street, Maitland**

February 2012






**Archaeology & Heritage Management Report
Townhall Carpark Development
High Street, Maitland**

Prepared for:

Maitland City Council

Eureka Project No 110901
Report written by: 
Sue Singleton
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First Draft: February 2012
Final Report:

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Cover Photograph: View along High Street Maitland in 1868. The project site was located at the rear of the two storey building, known as the Old Town Hall Café, which is visible at centre.

EXECUTIVE SUMMARY

Maitland City Council (MCC) commissioned this report in order to provide a record of archaeological monitoring for site works carried out during the construction of car park on a vacant lot at the rear of 273 High Street Maitland.

Archaeological monitoring resulted in the identification and management of three structural features all comprising sub-surface footings:

- Feature A – modern brick footing dated to circa 1930-1040;
- Feature B – a complex of historical brick footings dated to circa 1860-1880; and
- Feature C – remnant of historical brick footing, possibly pre 1860.

An archival record of these resources records their nature, extent and possible historical associations. The modern footing was not considered to attain a level of heritage significance and was demolished as part of project works. The remaining resources have been conserved in-situ.

After historical enquiry and analysis an assessment of significance was carried out and concluded that:

The archaeological resources conserved at the project site are assessed as significant for their historical values associated with the pioneering era of free settlement in the 1820s which involved the spread of settlement beyond the bounds of the penal colony of Newcastle. The resources at the site are further associated with the establishment of the commercial and administrative centre of West Maitland that occurred from the 1820s to the 1840s, and subsequently during the recognised period of rapid growth and development in the 1860s-1880s.

However, significance was reduced slightly in consideration of the limited extent of in-situ resources, the lack of associated artefactual material and the level of historical knowledge already available. Although not entirely discounted, it was considered unlikely that further archaeological enquiry would contribute additional information to that already known.

Based on the historical nature of the development along High Street, West Maitland, it is likely that any further development involving excavation work in this area would be subject a statutory excavation permit. Based on the present understanding of the site and the known disturbance across the site, it is likely that an exception to the need for an excavation permit would be appropriate as an alternative to a full excavation permit. However, it is recommended that any proposed re-development at the project site, including adjacent lots, should be subject to a Heritage Impact Statement (HIS). The HIS should reference this report, and planning should consider any impact to the conserved archaeological resources.

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APPENDICES

- 1 Photographic Archive
- 2 Site Survey Plan

1 INTRODUCTION

Maitland City Council (MCC) commissioned Sue Singleton of Eureka Heritage (Eureka) to prepare this report in order to provide a record of archaeological monitoring for site works carried out during the construction of car park on a vacant lot at the rear of 273 High Street Maitland.

1.1 PROJECT BACKGROUND

The monitoring brief was a precautionary approach implemented by MCC in order to manage the exposure of any unexpected relics. Despite a view that the exposure of relics would be unlikely, the site was located within the boundary of the Central Maitland Heritage Conservative Area, and is located adjacent to the heritage listed Maitland Town Hall.

On site inspection, the area had already been subject to a high level of surface disturbance through its use as an unofficial car parking area. The project sought to provide a level, surfaced area for re-surfacing for use as an official car parking area.

Liaison with the NSW Heritage Branch during the works clarified that the works were located in an area of previous development, which had been subject to demolition and sub-surface disturbance, and that artefacts contained in the area were likely out of context as a result this previous disturbance of the sub-soil. The project resulted in the exposure of some intact structural remains below a layer of demolition rubble. However, there was no need to disturb these remains and the NSW Heritage Branch confirmed that no statutory excavation permit was required for work to proceed provided:

- The structural remains were conserved in-situ; and
- A report was prepared as an archival record, including an assessment of significance and recommendations for future management.

1.2 SITELOCATION

The site was located in a vacant portion of land at the rear of 273 High Street, Maitland. A regional location and site location plan is provided in **Figure 1.1** and a site plan is provided in **Figure 1.2**. Additional site location information is provided in Table 1.1 and **Figure 1.3** and **Figure 1.4** provide views of the site at the commencement of works.

TABLE 1.1 - LOCATION DATA

Topographic Map Sheet	Maitland 92324S
Parish	Maitland
County	Northumberland
Local Government Area	Maitland City

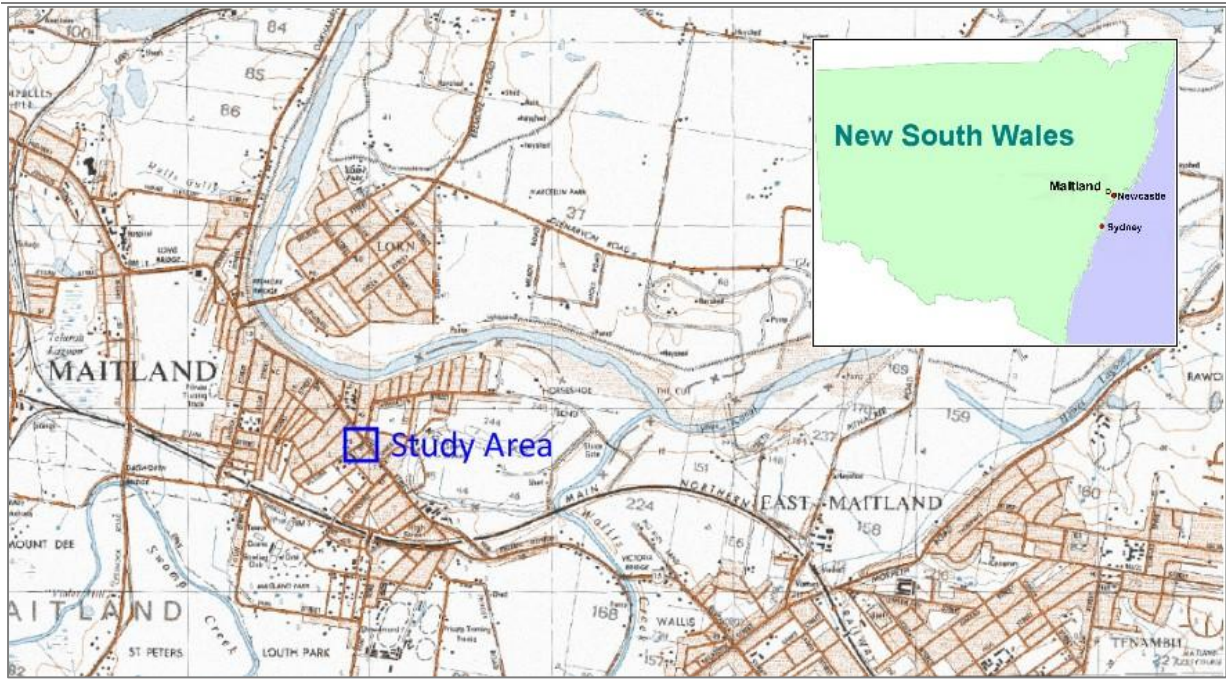


Figure 1.1

Regional and site location plan.

Source: LPI topographic map series
 Photograph by Sue Singleton.

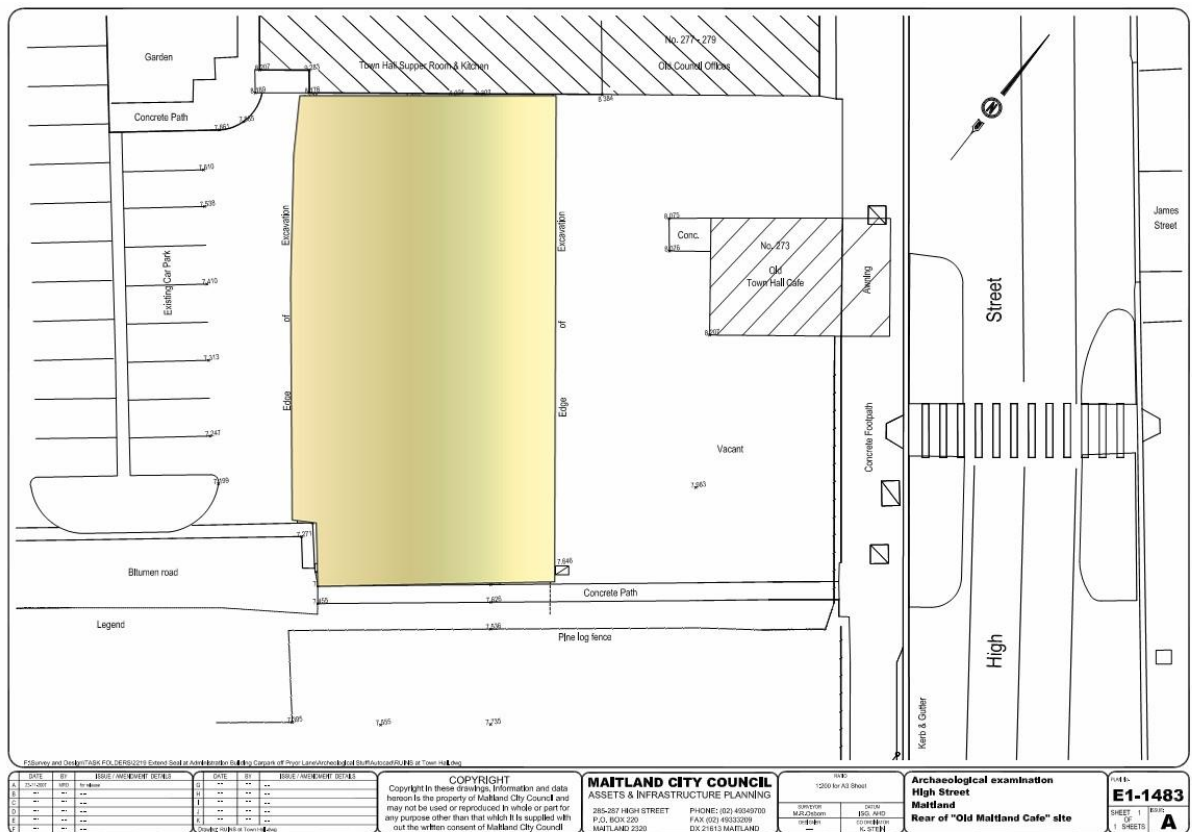


Figure 1.2

Site Plan – area for development is shaded.

Source: Maitland City Council.



Figure 1.3

View across the project site from the existing surfaced car park with rear of 273 High Street at right and the Maitland Town Hall at left. Looking north.

Photograph by Sue Singleton.



Figure 1.4

View across project site from footpath along High Street. The safety tape shows the extent of required excavation with the Town Hall Supper Room beyond. The Old Town Hall Café is at right. The Baptist Church was located in the grassed area in foreground. Looking west.

Photograph by Sue Singleton.

1.3 STATUTORY CONTROLS

This section provides an overview of statutory controls relevant to the project site.

MAITLAND LOCAL ENVIRONMENTAL PLAN 1993

Local environmental plans (LEPs) provide a framework for development control in their local area. Heritage schedules within an LEP provide for the identification and protection of heritage items. Objective 2 (h) of the Maitland LEP is as follows:

To conserve and enhance buildings, structures and sites of recognised significance which are part of the heritage of the City for future generations.

A search of the Maitland LEP showed that the project area was located within the Maitland Central Conservation Area. Although located in the vicinity of a number of nominated heritage items, the project site was not listed on the Maitland Heritage Schedule (see **Figure 1.5**). The Maitland Town Hall, located adjacent to the project site is listed on the State Heritage Register as an item of State significance.

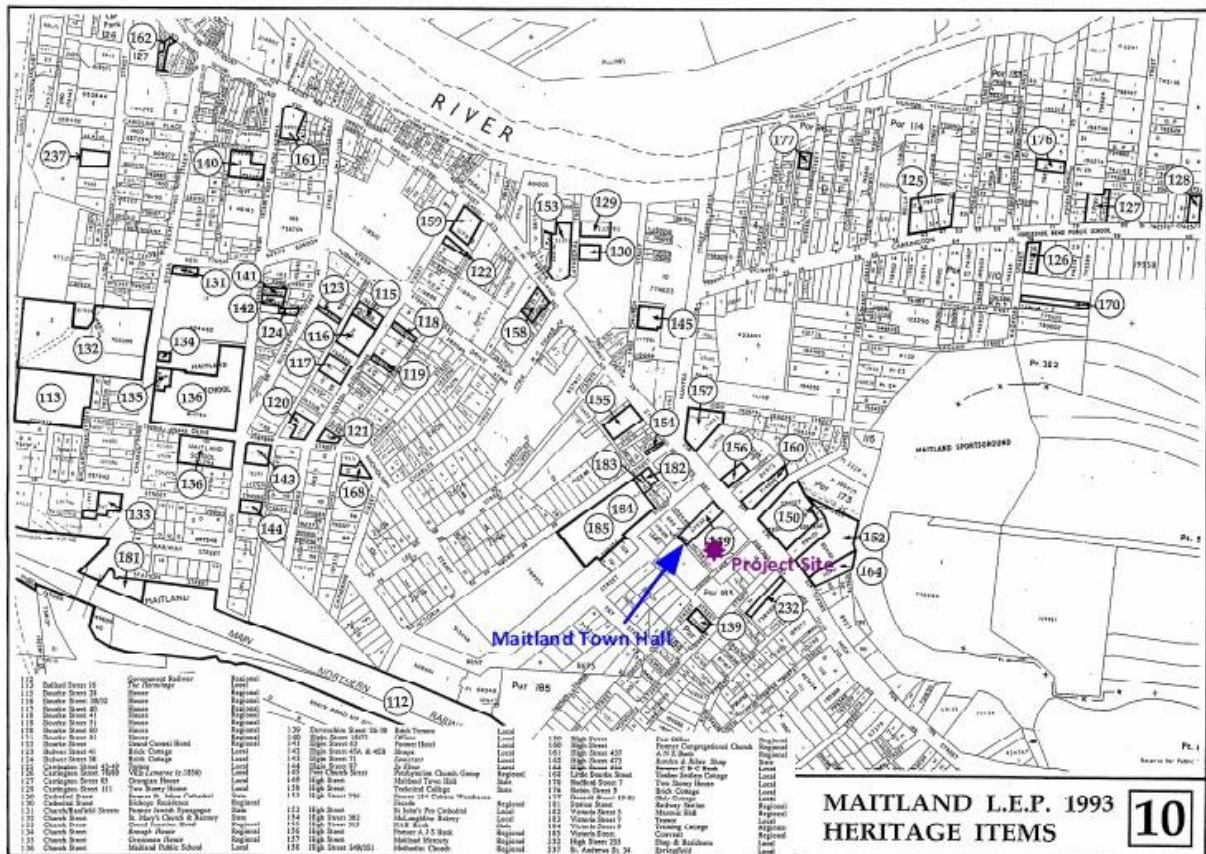


Figure 1.5 Plan of Statutory Heritage Items, Maitland LEP 1993.

NSW HERITAGE ACT, 1977

The NSW Heritage Act provides for the protection of historic (non-indigenous) heritage, and provides the process and criteria for listing of heritage deposits and/or relics that are of State significance on the State Heritage Register (SHR) and those that are of Local significance on the State Heritage Inventory (SHI). Archaeological sensitivity and the potential for heritage value may be indicated by historical research and/or site-based archaeological study. Where historical research and/or archaeological study indicates sensitivity, the discovery of relics is highly likely if the ground surface is disturbed. The Heritage Act defines a relic as:

Any deposit, object or material evidence –

- (a) which relates to the settlement of the area that comprises NSW, not being Aboriginal settlements; and
- (b) which is of State or local heritage significance.

The Act further provides statutory protection from disturbance/destruction of sites and relics. In particular, it provides that no disturbance or excavation may proceed that may expose or discover relics except with an Excavation Permit and that an excavation permit is required, if a relic is:

- listed on the State Heritage Register, pursuant to s60; and
- not listed on the State Heritage Register, pursuant to s140.

In circumstances where there is little likelihood that relics exist or are unlikely to have heritage value, and/or that disturbance will result in a minor impact and/or where excavation involves removal of fill only, the act makes provision for the granting of an exception to an excavation permit under s139 (4).

1.4 REPORT STRUCTURE

Section 2 provides an overview of the historical context of the site.

Section 3 details the archaeological management and methodology including a description of the archaeological resources and the methods of conservation employed, and views of the completed project.

Section 4 provides an assessment of significance of the archaeological resources and includes a statement of significance

Section 5 outlines the conclusions that can be drawn from the analysis of the archaeological resources and recommendations for any future development at the site.

Section 6 presents the references used in the preparation of this report.

1.5 STUDY PERSONNEL

Sue Singleton, Archaeologist, carried out the site monitoring and recording and also prepared this report at the request of Maitland City Council.

1.6 REPORT DISTRIBUTION

In accordance with the requirements for archival records three copies of this report have been provided to Maitland City Council for distribution as follows:

Office of Environment and Heritage, Heritage Branch;
Maitland City Council; and
Maitland City Library - Local History Section.

2 HISTORICAL OVERVIEW

2.1 THE DISCOVERY AND SETTLEMENT OF MAITLAND

Lieutenant John Shortland discovered the Hunter River in the year 1797 and only four years later the wider Hunter Valley was reserved, in the interests of the public, for its coal and timber resources. This action effectively closed the district to free settlement until the 1820s when the need to open the valley to free settlers was recognised by Governor Macquarie. Macquarie acknowledged the growing population of Newcastle and the “extensive rich and fertile land being found at no great distance” along the principal sources of the Hunter River (JRAHS, 1926:73). Macquarie recommended that it would be:

...judicious to establish settlers on the plains along the River Hunter where they would have the combined advantages of a fertile soil of comparatively easy cultivation, and the benefit of water conveyance for their produce to Newcastle and thence by sea to the principal mart of Sydney... [JRAHS, 1926; 74]

In the early years Macquarie selected a few convicts and ex-convicts and permitted them to establish farms along Wallis Creek, the area then being known as Wallis Plains. The selected emancipated convicts were granted small plots of land and based upon their success, free settlers were soon to follow and these settlers took up large holdings of land along the Hunter River and its branches. Along with this influx of landholders were trades people, artisans, labourers, small businesses, trade and industry. Collectively these people created the foundation of townships and the need for government and administrative services.

Development was fostered by a bridge over Wallis Creek in 1827 and a road from Windsor in 1831. A government town had been planned by 1829 and substantial administrative buildings were erected. The government town was proclaimed as Maitland in 1833. When the other settlement became known as West Maitland in 1834 confusion arose. As a result the boundaries were clarified and the names East Maitland and West Maitland were adopted in 1835. The combined population the following year was 1163. The three neighbouring villages became an important focus of the river trade with a regular river steamer service operating along the Lower Hunter to Newcastle. Caroline Chisholm founded one of her Female Emigrants' Homes at East Maitland in 1842. The Maitland Mercury was established in 1843, making it one of the oldest surviving Australian newspapers today.

Despite floods and a superior town plan West Maitland continued to outgrow the official settlement. Thus, in 1866, the West had 5694 people compared to about 2000 in the East. The former became the commercial centre and the latter the seat of administration. Coal mining, which commenced around West Maitland in the 1870s, became increasingly important to the local economy. At one time 10 000 men were employed in the Maitland coalfields.

West Maitland developed predominantly along the main road, High Street, and this resulted in a long strip of development about two kilometres in length (Jack, 1999), with short side streets and laneways extending to the north and south of High Street.

2.2 PROJECT SITE HISTORY

A plan of West Maitland circa 1840 shows the first phase of commercial development along High Street; a concentration of businesses along both sides of the street and located within the boundary of Patrick Molony's original lease area of 53 acres (Jack, 1999) as shown on **Figure 2.1**.

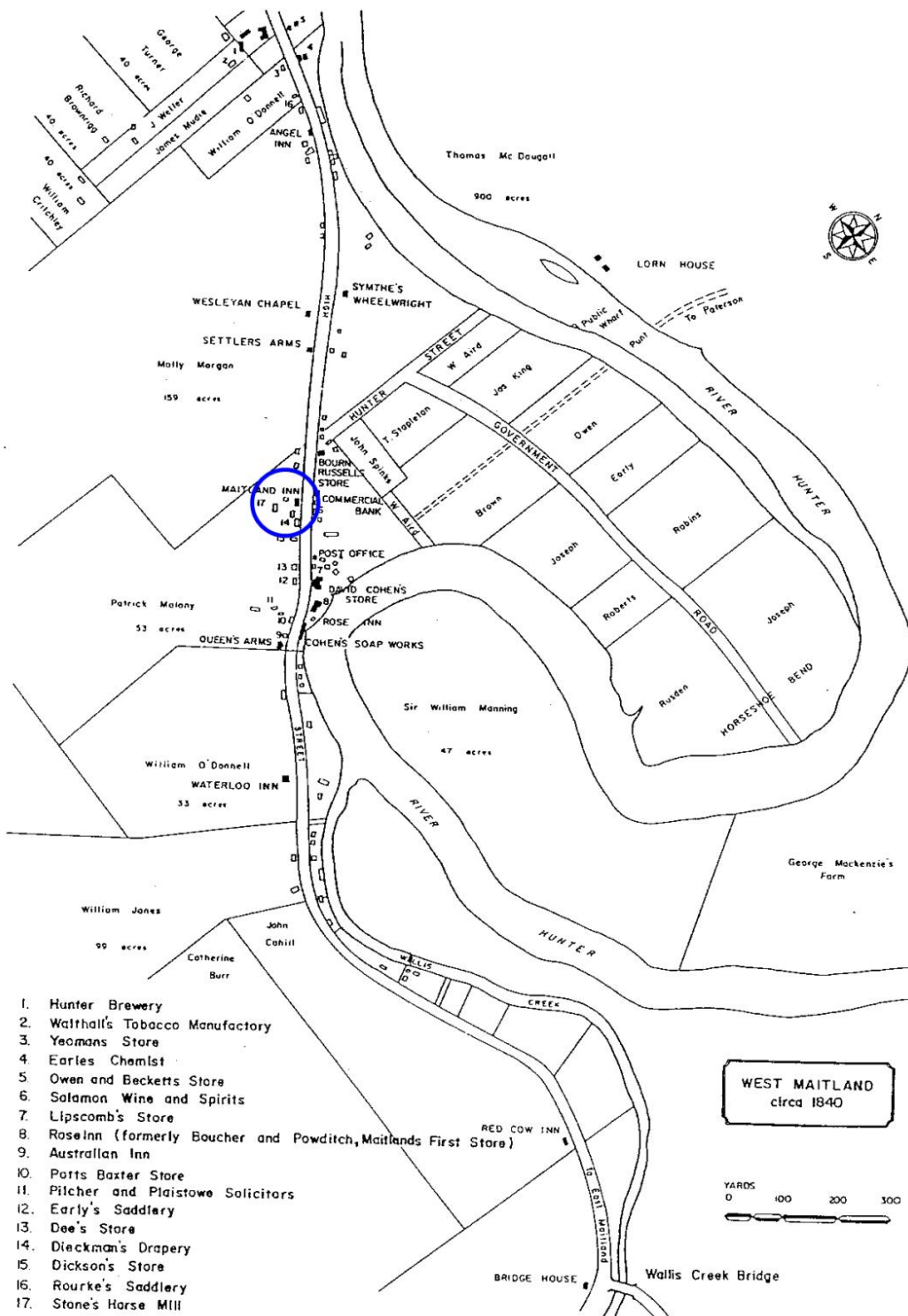


Figure 2.1
 Plan of West Maitland circa 1840 showing an best approximation of the location of the project site in blue circle.
 Source: Jack, 1999, after Turner 1988.

Of note on this plan is the location of the Maitland Inn which has been identified as the site of the present day Town Hall, which stands in very close proximity to the project site.

According to Jack, 1999, the Maitland Inn (also referred to as the Maitland Hotel) operated under various licensees from 1830 until 1875. When the licence expired in 1874 the Maitland Inn closed. The Justice Hotel, most likely in the same premises, opened in 1878 and operated to 1885. According to research of Jack 1999, this building had a recessed middle front portion with two shallow wings on to the street alignment

Other historical development in the immediate vicinity of the project site was recorded by Cecily Mitchell in 1973 and included the offices of the Maitland Mercury on the corner of High and Hunter Streets, established in 1843 and opposite the Maitland Mercury, in a very old building, was a bakery established in 1854. Next door was a chemist shop founded in 1843 and was still flourishing (in 1973). Mitchell, 1973.

Jack, 1999, using primary sources such as Council rate records, historical directories and early photographs reconstructed the historical environment surrounding the Town Hall in the late 1800s. Of relevance to the project site is the development to the east of the Town Hall. A shop front building facing High Street, visible next to the Justice Hotel housed two businesses. The premises immediately beside the Town Hall was a bakery/confectionery and the shop adjacent to the east was Dimmock’s printing shop. The plan of West Maitland by Mahlsted and Gee of 1886 supports Jacks, 1999, findings (see **Figure 2.2** and **Figure 2.3**).

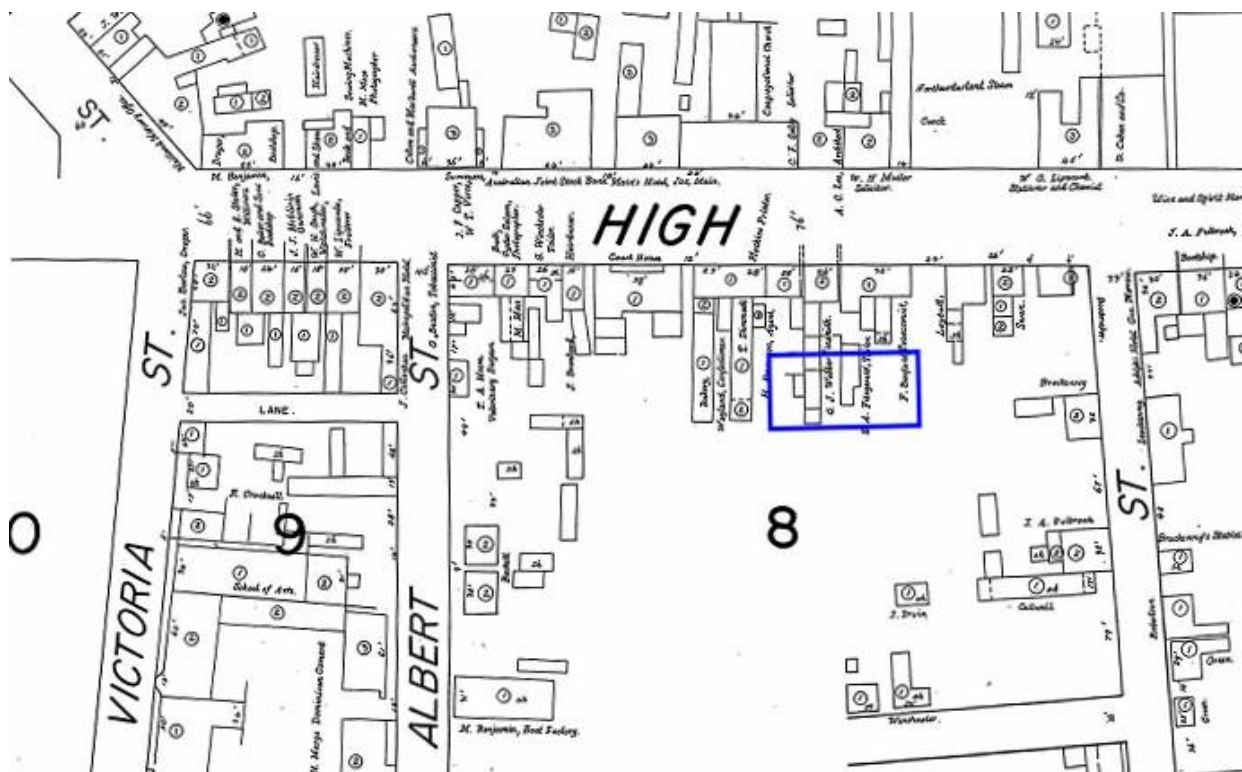


Figure 2.2
Detail of Mahlsted &Gee plan of 1886, showing development along High Street in relation to the Project Site which is marked in blue.
Source: Mahlstedt and Gee, 1886.

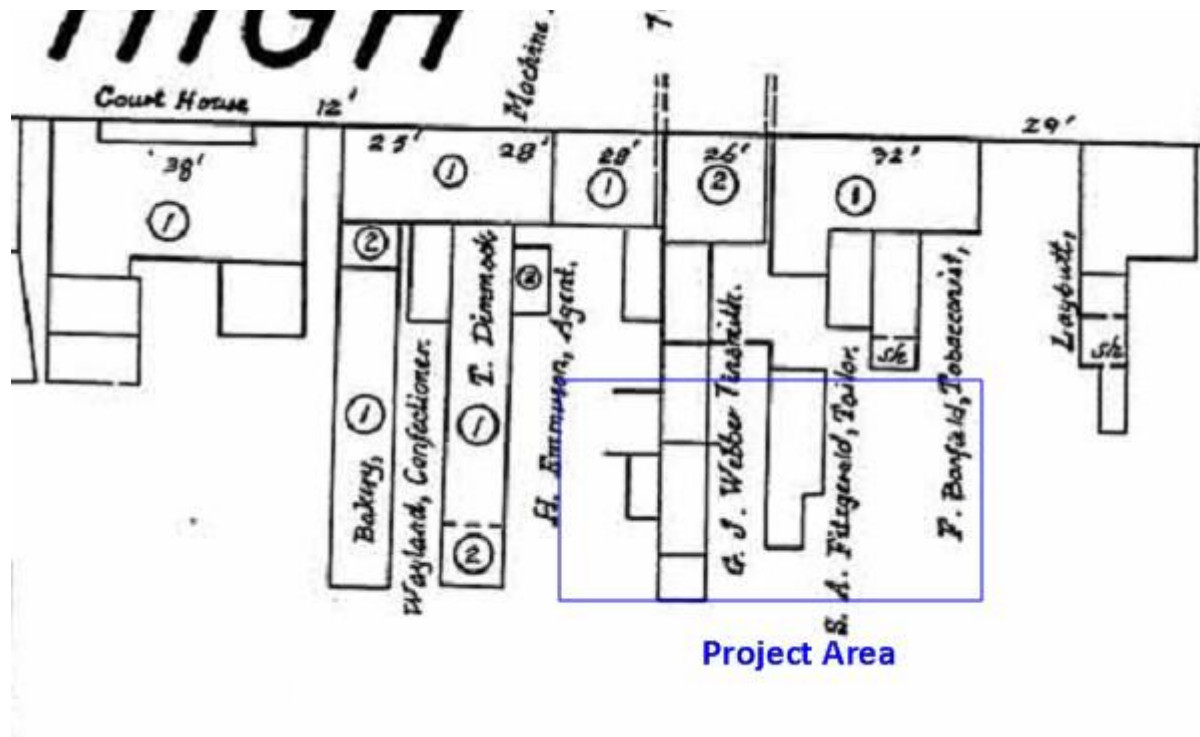


Figure 2.3

Mahlstedt and Gee plan of, 1886, showing best approximation of project site extending across the rear portion of 273 High Street and neighbouring properties to the east and west.

Source: Mahlstedt and Gee, 1886.

Further historical evidence of the occupation of the project site is found in a historical photograph held and by the National Library dated 1868 (**Figure 2.4**). The bakery and printing shop are identifiable to the east of the Justice Inn. Beyond this building to the east is a small street front building identified by Mahlstedt and Gee (1886) as H Emmerson, Agent (commission agent/auctioneer).

The photograph in **Figure 2.4** shows the next building to the east is a double storey shop frontage, clearly identifiable as the present day 'Old Town Hall Café' building, but in 1886 identified as the premises of G J Webber, Tinsmith. A single storey building beyond Webber's is identifiable on the Mahlstedt and Gee 1886 plan as S A Fitzgerald, Tailor.

This historic photograph highlights the contrast of the relatively new two storey building at 273, with those structures on either side which are single storey buildings of the earlier era of development dating between circa 1820 and circa 1840.



Figure 2.4

View High Street dated 1868 showing the distinctive building at 273 High Street at centre right. The building at the far right of photograph is identifiable as the Justice Hotel, the site of the present day Maitland Town Hall.

Source: National Library of Australia.

As the town of West Maitland grew and developed in the late 1800s, the need for a Town Hall was raised. The Maitland Town Hall was eventually constructed on the site of the former Justice Hotel in 1890 (Jack, 1999). Despite the growth and development of the area, the premises flanking the Town Hall on either side were for many years single storied businesses with residences behind (Jack, 1999). The existing Maitland Council annexe and supper hall were built in 1933-34 – which would have required the demolition of the earlier 19th Century shop/residence buildings which were likely falling into disrepair due to their advancing age.

Based on a comparison of the Hunter Water Board Plan of 1936 and a Maitland City Council plan of 1984, it appears that demolition of buildings in the general vicinity of the project occurred during the 1970s and 1980s. The Maitland City Council demolition plan (see **Figure 2.5**) specified the clearing of buildings, building material and debris to 200mm below ground level, including all vegetation, prior to grading. This provides the source of the demolition rubble and the reason for the disturbance across the site.

The existing car park was located on the site of the former Pryor's plasterworks which was constructed in the 1930s and demolished in 1984. It is possible that buildings at 271 and at rear of 273 were also demolished at this time.

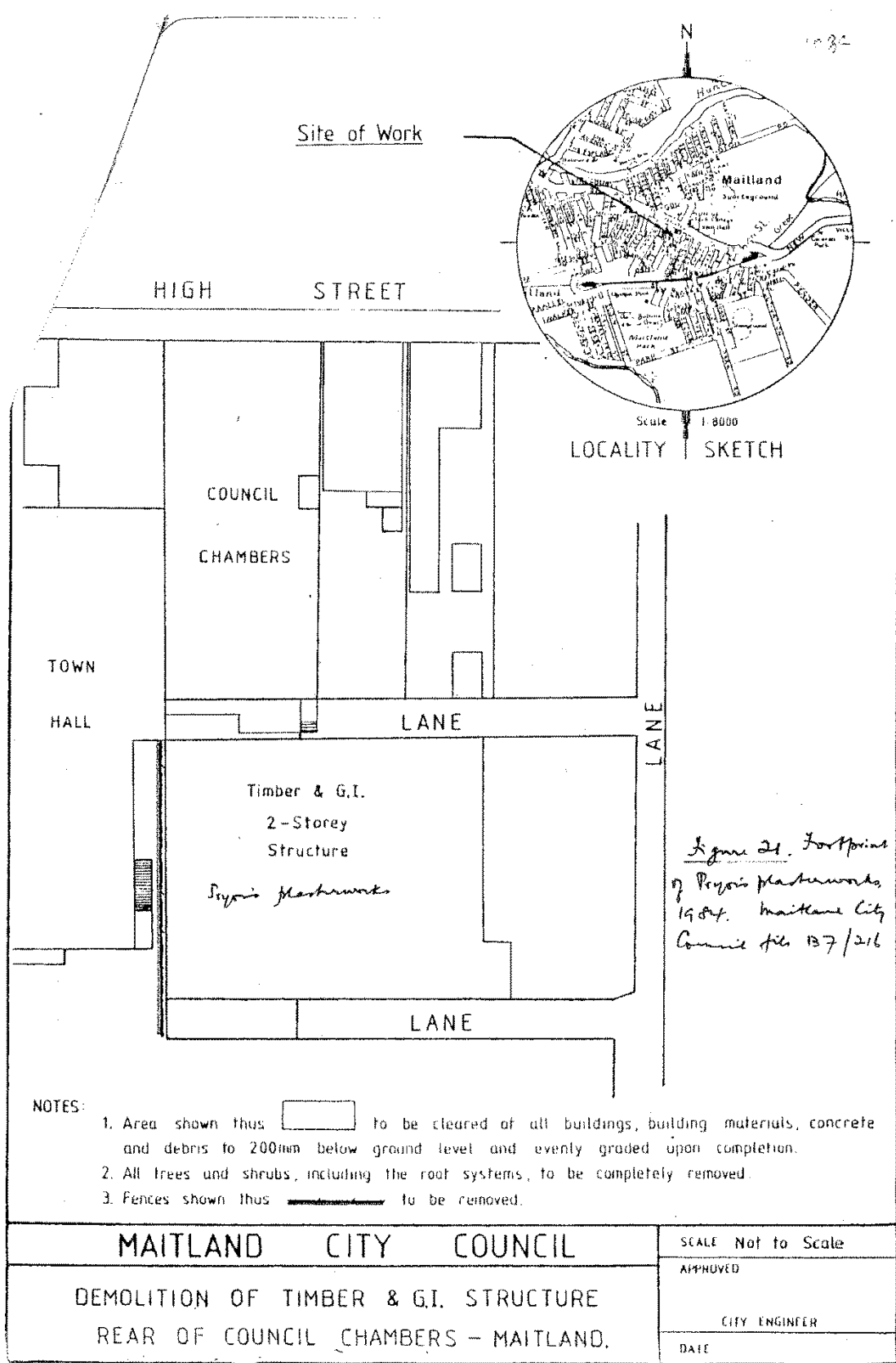


Figure 2.5
Maitland City Council demolition plan of 1984.
Source: Jack, 1999.

The vacant land to the east of the Old Town Hall Café building was the site of the Baptist Church in the 1960s with demolition thought to have occurred in the late 1970s. A creative view of former church is provided by a local history and photography enthusiast (see **Figure 2.6**).



Figure 2.6

A creative view of the former Baptist Church adjacent to the Old Town Hall Café.
(Permission to publish pending)

3 ARCHAEOLOGICAL MANAGEMENT AND METHODOLOGY

All archaeological monitoring work was performed with reference to the accepted standards of heritage and archaeological best practice.

The objectives of development works were to:

- Excavate material across the surface of the project site to a depth not exceeding 300mm;
- Level the site for re-surfacing with a functional surface, such as bitumen;
- Install necessary drainage; and
- Keep disturbance to a minimum.

In conjunction with developments works, the objectives of archaeological monitoring were to:

- Monitor the process of excavation across the project site as a precautionary measure in the event of the exposure of archaeological relics;
- Direct excavation as necessary in order to identify the nature and extent of any archaeological relics exposed; and
- Appropriately manage the site in the event of the exposure of any archaeological relics.

3.1 OVERVIEW

Archaeological monitoring resulted in the identification and management of the three structural features as shown on **Figure 3.1** as follows:

- Feature A – modern brick footing;
- Feature B – a complex of historical brick footings; and
- Feature C – remnant of historical brick footing.

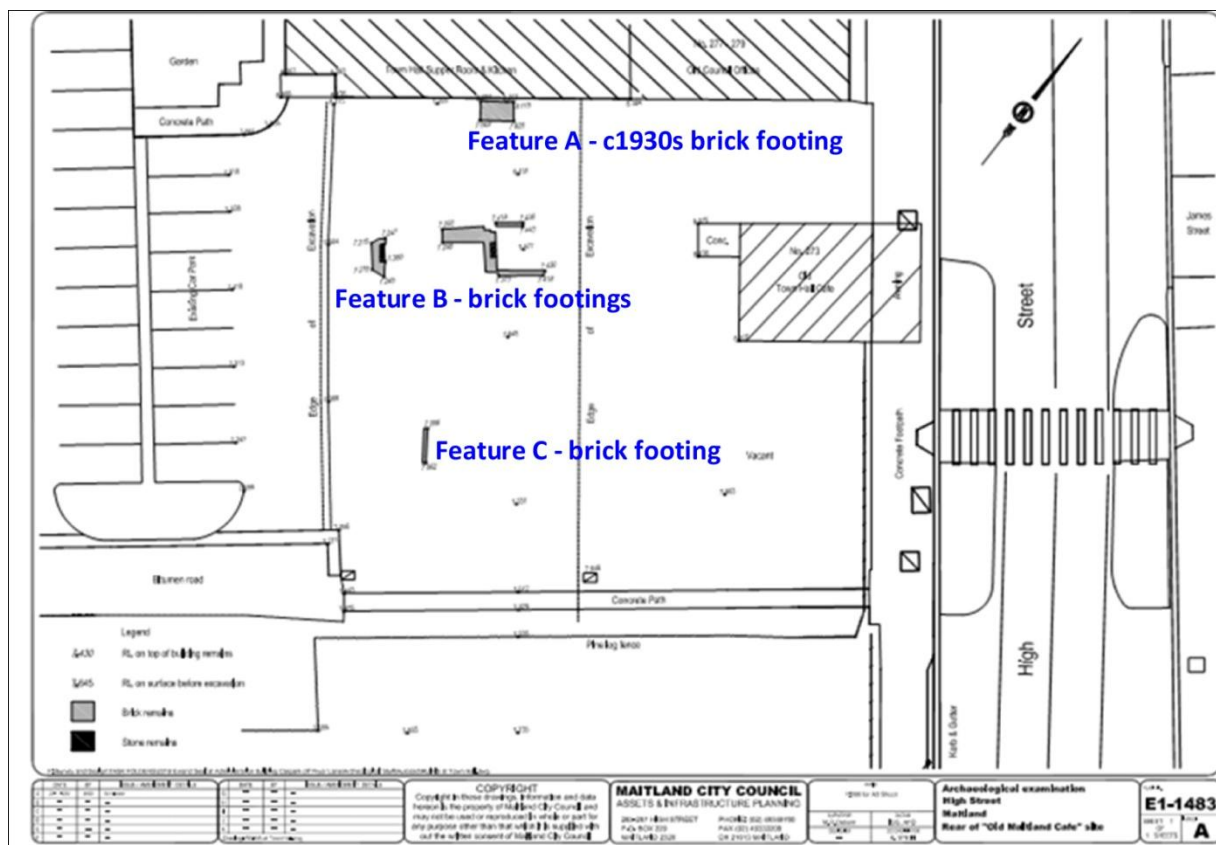


Figure 3.1
Site plan showing identified features.
Based on MCC Survey, 2007.

3.2 MONITORING RESULTS

Archaeological monitoring took place during the excavation and site levelling works which occurred from Tuesday 20 November 2007 to Thursday 22 November 2007.

Excavation was undertaken by an external contractor using a 20 tonne excavator with a mud bucket. In addition, a Council grader was used very effectively once the excavator had left the site. All mechanical and hand excavation was carried out by and/or under the direction of the Archaeologist.

Excavation began at the western extreme of the site. Shallow scraps using a mud bucket removed any surface vegetation and the top 100mm of soil. Adjacent to the 1934 Council Chambers building a substantial brick footing was exposed approximately 100mm below the surface. This feature is referenced as Feature A on **Figure 3.1**.

Excavation progressed across the site in shallow scraps to a depth not exceeding 300mm. Non-stratified demolition rubble occurred across the site consisting mostly of fragmented bricks with a dispersal of a small quantity of occupational artefacts throughout. Artefacts were not collected.

Two further areas containing intact brick footings were identified across the site at a depth of 300mm. These footings are referenced as Feature B, a complex of brick footings constructed of early sandstock bricks located at the rear of the Old Town Hall Café building at 273 High Street; and Feature C – an isolated remnant of circa 1850/1860 handmade bricks displaying a heart frogmark located at the rear of the vacant land at 271 High Street (see **Figure 3.1**).

3.2.1 FEATURE A – MODERN BRICK FOOTING

This feature was exposed in the initial stages of site works, covered by less than 100mm of top soil (see **Figure 3.2**). The extent of this footing was traced and the material cleaned for identification and preliminary interpretation. The bricks were large and well formed (80mm x 110mm x 230mm), and showed characteristics of machine manufacture consistent with brick manufacturing technology of the 1930s and 1940s. The footing measured 2250mm x 1400mm and was offset from the adjacent brick wall by 300mm (see **Figure 3.3**).

The brick wall alongside the footing showed the shadow of the former structure and chimney along with a dark discolouration of the surrounding brickwork indicating exposure to a heat/smoke source (see **Figure 3.4**). Based on the shadow on the wall, this structure would have been approximately 3500mm in height and 2400mm wide. The chimney appears to have been at least as tall as the roof of the Town Hall Supper Hall. White paint remained on the brickwork with the remnants of black lettering visible that was, unfortunately, illegible aside from the letters “J” and “P”.

The brickwork was assessed on site as dating to the Twentieth Century and of little heritage significance. Following confirmation with the Heritage Branch, the footing was recorded and demolished.



Figure 3.2

A record of the initial exposure of brickwork adjacent to the 1934 Town Hall supper hall.

Photograph by Sue Singleton.



Figure 3.3

A record of the cleaned brickwork showing five courses that remained intact
Below the surface.

Photograph by Sue Singleton.



Figure 3.4

The cleaned footing showing the shadow of the former structure against
the wall of the 1934 Town Hall supper hall. Note the dark discolouration
of the wall, likely caused through heat.

Photograph by Sue Singleton.

INTERPRETATION AND ANALYSIS

The analysis of historical plans indicated that this structure had been constructed by 1936 as the footprint appears on the Hunter Water Board Plan of 1936 (see **Figure 3.5**). Using the Old Town Hall Café footprint as a point of reference, the footprint of the structure corresponds exactly when overlaid on the project site plan. This construction date also corresponds to the identified date of manufacture of the bricks in the 1930s-1940s.

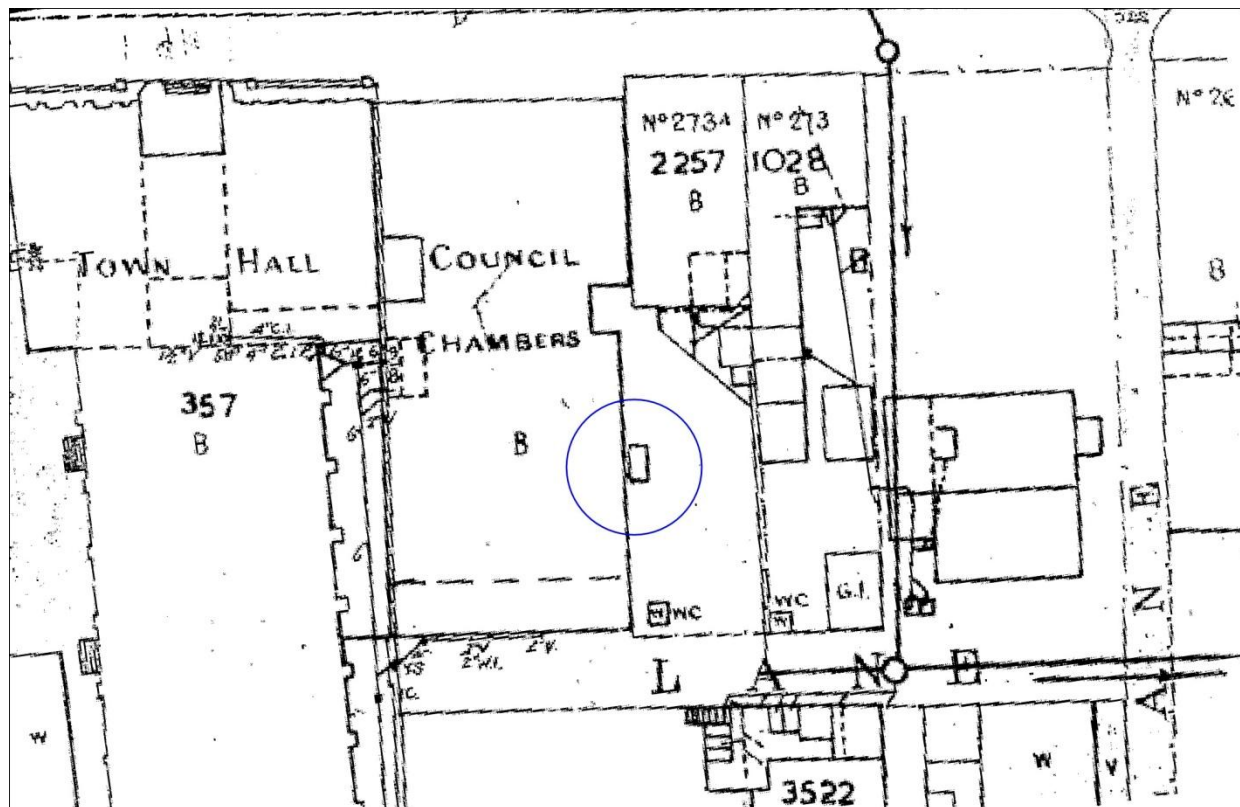


Figure 3.5

The footprint of a structure that corresponds to that of the brick footings shown on the Hunter Water Board Plan of 1936.

The fact that external vents have been incorporated into the wall of the adjacent Town Hall Supper building, and the paint that remained protected on the wall behind the structure indicated that it was built at a slightly later time than the Town Hall Supper Hall. It further indicated that the structure did not form part of the original 1934 construction plans and had been constructed independently of the government buildings. The 1936 plan shows the structure in isolation of other structures and the physical evidence supported that this structure was not contained within an enclosed building.

In consideration of the evidence, it is possible that this structure was an incinerator possibly constructed for the use of Council in order to dispose of waste either from the administrative office and/or the supper hall. It appears that this structure was demolished prior to 1984 as the footprint does not appear on the MCC demolition plan of 1984.

3.2.2 FEATURE B – COMPLEX OF HISTORICAL BRICK FOOTINGS

These footings were exposed at a depth of 300mm below an area of concentrated demolition rubble at the rear of 273 High Street (see **Figure 3.6**). The full extent of the intact footings were traced by hand excavation, and cleaned for archival recording (see **Figure 3.7**).



Figure 3.6

A record of the initial exposure of footings located at the rear of 273 High Street.

Photograph by Sue Singleton.



Figure 3.7

The full extent of the footings exposed after hand clearing and cleaning.

Looking south west across project site.

Photograph by Sue Singleton.

A plan of the brickwork is provided in **Figure 3.8**. The plan shows two areas of development which, when using the Old Town Hall Café building as a reference, correspond to those structures that appear on the 1886 Mahlstedt and Gee plan which record the premises as that of G J Webber, Tinsmith. Two doorways were identifiable by the sandstone tread within the brickwork and this was indicative of the former floor level of the buildings.

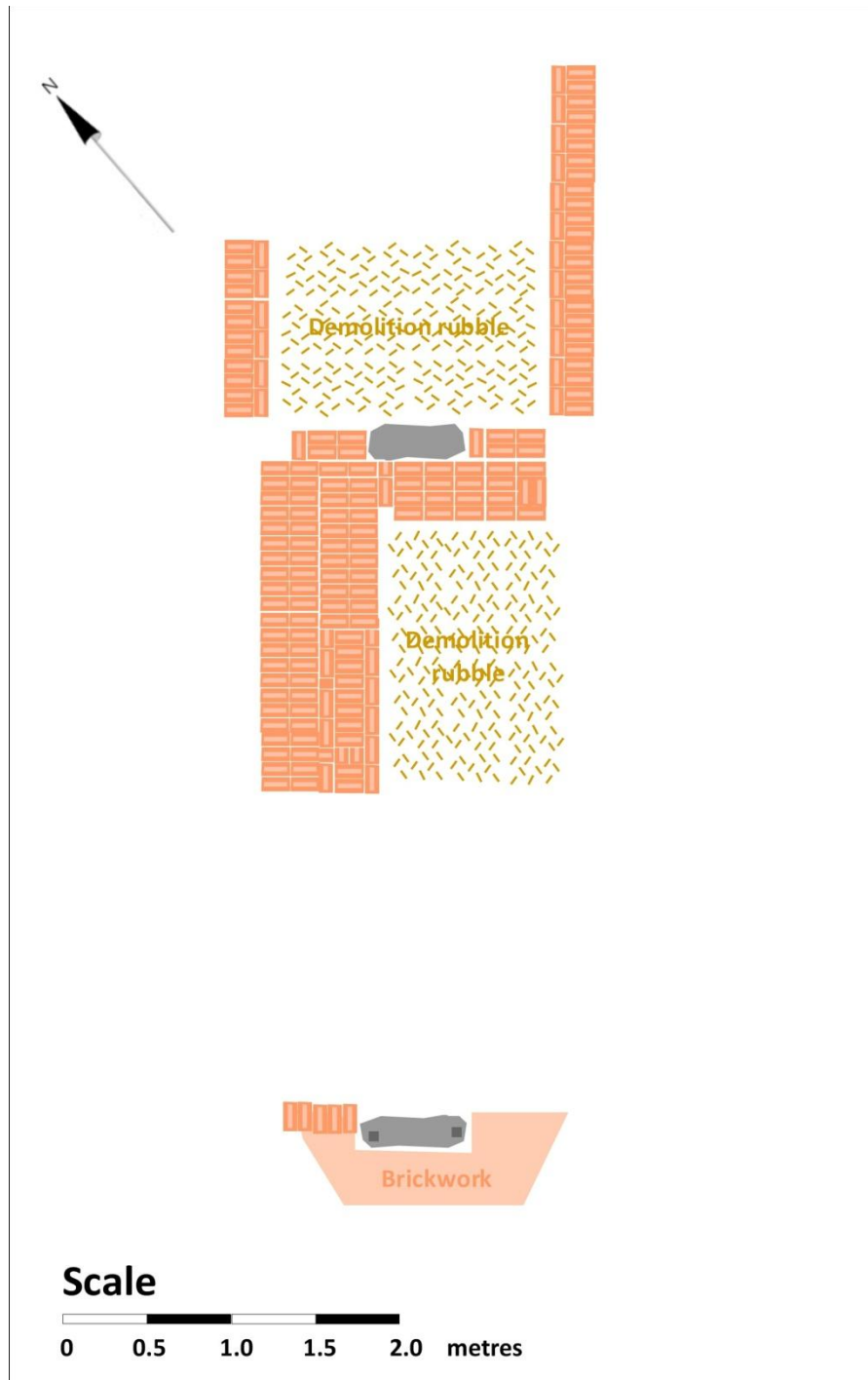


Figure 3.8

A plan of Feature B, brick footings within a matrix of demolition rubble.

The bricks were early sandstocks with a rectangular frogmark that was commonly used by local brickmakers in the late 19th Century, and due to this, the specific brickmaker could not be identified. However the characteristics and inconsistencies of the bricks, such as size and shape, and the salmon colouration, were indicative of handmade bricks typical of commercial brickmakers of the mid to late 19th Century in the Maitland area.

CONSERVATION MEASURES

A protective membrane was placed directly over the brickwork and then a layer of safety mesh placed on top to assist in the relocation of the footings in the event of any further excavation at the site (see **Figure 3.9**). A layer of clean sand was spread across the cover prior to the importation of clean fill for site leveling prior to surfacing for the car park.



Figure 3.9

Feature B prepared for conservation prior to site filling and leveling.
Photograph by Sue Singleton.

INTERPRETATION AND ANALYSIS

It is possible to conclude that these footings represent development that was attached to the rear of the circa 1860 shop front building at 273 High Street. The 1886 Mahlstedt and Gee Plan shows four distinct buildings extending from the shopfront (refer to **Figure 2.3**). The 1886 plan indicated that these buildings may have been constructed using party walls.

Commercial premises, constructed during a period of growth in West Maitland during the mid to late 19th Century, typically consisted of two storey buildings with the shopfront at street level and a residence above. Often kitchens were located in cellars below or in outbuildings that were separate from the main building. External bathrooms and laundry rooms were also typical.

It is reasonable to conclude that these footings date to the era of growth and development in West Maitland in 1860-1880s and were associated with the commercial premises located on the street frontage at 273 High Street.

3.2.3 FEATURE C – HISTORICAL BRICK FOOTING

This feature was identified at a depth of 300mm and located at the rear of the vacant lot adjacent to 273 High Street. The full extent of the intact footings were traced by hand excavation, and cleaned for archival recording (see **Figure 3.10**). The footing consisted of a short remnant section of a single course of brick work approximately 2200mm in length. The brickwork was laid in two leaf formation

and constructed of very early handmade bricks; all displaying a heart frogmark (see **Figure 3.11**). The heart frog was used widely among the early brickmakers of Maitland and so the identification of a specific brickmaker was not possible.

The bricks were saturated with water and very fragile and so disturbance was kept to the minimum necessary for archival recording. Any associated footings or features were not located and given the high disturbance evident in this area, it was reasonable to assume that no further structural evidence of this structure had survived.

A plan of the remnant footing is provided in **Figure 3.12**.



Figure 3.10

A view of Feature C looking north east across the project site towards High Street. The vacant ground beyond the excavated area was the location of an early 19th Century commercial premises and, in 1960/1970 the site of the Baptist Church (refer also to Figure 2.6).

Photograph by Sue Singleton.



Figure 3.11

A detailed view of Feature C, looking south-west.
 Photograph by Sue Singleton.

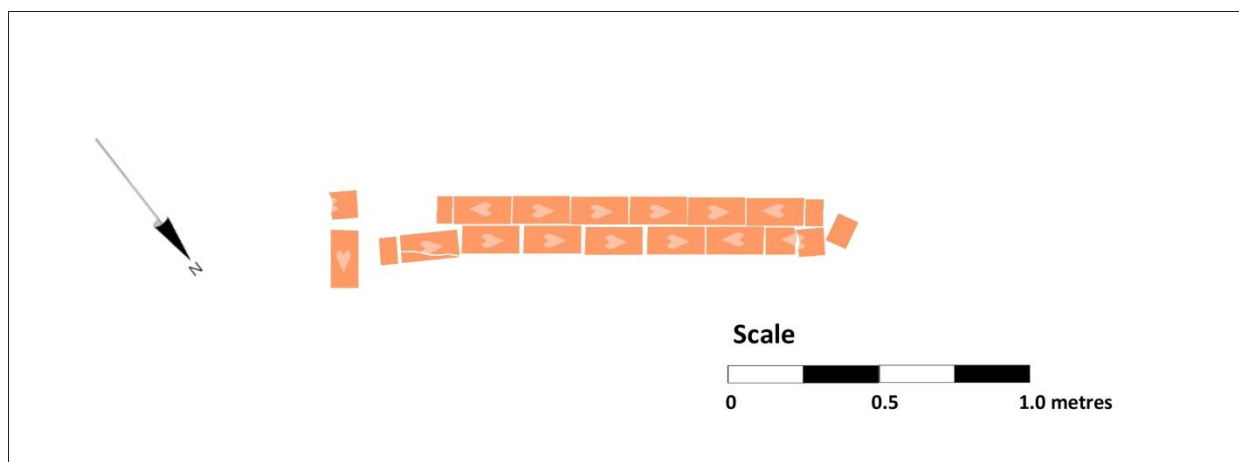


Figure 3.12

Feature C - Plan of brickwork.

CONSERVATION MEASURES

A protective membrane was placed directly over the brickwork and then a layer of safety mesh placed on top to assist in the relocation of the footings in the event of any further excavation at the site (see **Figure 3.13**). A layer of clean sand was spread across the cover prior to the importation of clean fill for site leveling prior to surfacing for the car park.



Figure 3.13

Brick footings of Feature C prepared for conservation prior to site filling and leveling. Looking south-west towards existing car park.

Photograph by Sue Singleton

INTERPRETATION AND ANALYSIS

This feature comprised the base course of a footing. In the absence of any other evidence, it has been difficult to conclusively interpret this resource. Historical plans from 1886 do not show a structure at this location and it is possible that this structural remnant pre-dates the development growth of the 1860-1880s. The 1840 plan of Maitland held by the National Library does show some structures in the general area associated with Maitland Inn (refer **Figure 2.1**) and it is possible that this footing is associated with this first phase of settlement and development in West Maitland.

3.3 ARCHIVAL RECORDING METHODOLOGY

Archaeological archival recording is a means by which the information contained in an archaeological resource can be preserved and communicated to the public. In some instances, archival recording is a management strategy to offset the loss of an in-situ resource.

According to accepted heritage guidelines, archival recording for items of local significance required:

- Archival photography in two formats, using black and white film, and slide film;
- Survey of structural components in plan and elevation as appropriate
- The analysis of the resource; and
- The preparation of an archive report for lodgement with appropriate repositories.

The photographic archive was created using the *Guidelines for Photographic Recording of Heritage Items*, revised and updated by Department of Planning in 2006. Photographs were taken in the required formats to accord with the guidelines and also included digital photography. Photographs

have been presented in permanent archive format printed on archival paper, as well photographs in digital format, and the preparation of cross-referenced photograph catalogues and reference plans.

The photograph catalogue sheets give a detailed description for each photograph and include the orientation of the photograph, that is, the direction in which the photographer was facing. The photographs are presented in archival storage sheets in a presentation folder with their relevant catalogue sheets and reference plans.

The purpose of the photographic reference plan is to illustrate on a base plan the location from which each photograph was taken. To explain the format used in this report, the camera represents the location of the photographer and the number within the circle indicates the allocated photograph number. The arrow shows the direction the lens of the camera was facing when the photograph was taken. The scale, used wherever possible, is divided into red and white intervals of 200 mm. The intent of the photographic catalogue sheets is to give a detailed description of each photograph and to include the orientation of the photograph, that is, the direction that the photographer was facing.

The compiled photographic archive is attached as **Appendix 1**.

3.4 STRUCTURAL SURVEY

MCC personnel carried out a site survey as part of the archival record and this plan is provided in **Figure 3.14** below and in large format in **Appendix 2**. The survey provides a plan of the site and relevant depths of archaeological remains for future reference. This plan has been used as the base for the reference plans in the photographic archive and should be referenced in the event that any future excavation is proposed at the site.

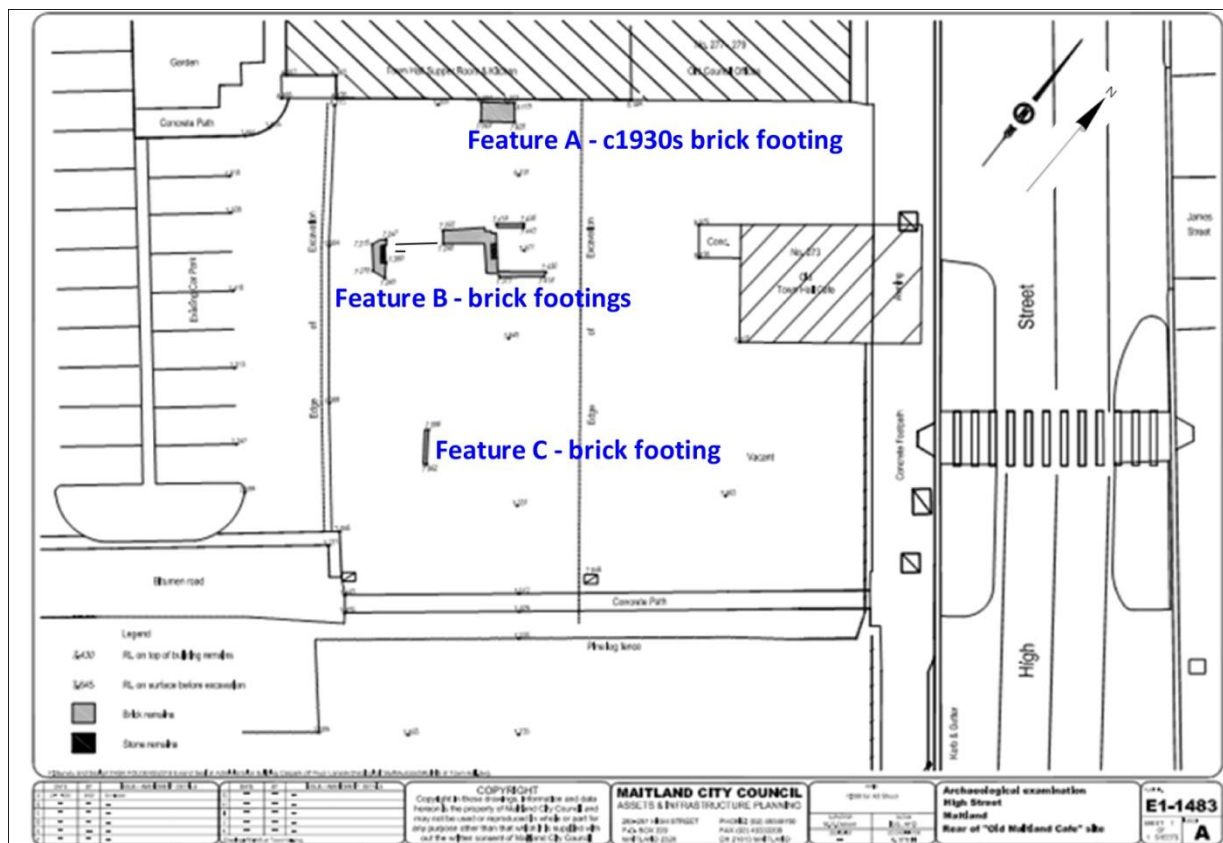


Figure 3.14 Site Plan showing location of archaeological features. Source: MCC, 2007.

3.5 PROJECT COMPLETION

This section provides views of the completed project.



Figure 3.15

A view across the project site after completion, from High Street looking west.
Photograph by Sue Singleton.



Figure 3.16

View across completed car park surface, looking north-west,
with Maitland Town Hall clock tower in background.
Photograph by Sue Singleton.

4 ASSESSMENT OF SIGNIFICANCE

4.1.1 INTRODUCTION

The assessment of the heritage values of a site depends upon the assessment of its significance within the local area and possibly the wider region, up to State level. Significance is also assessed with consideration of the potential a site may have to expand the existing level of archaeological and historical knowledge. An appreciation of these factors assists in the estimation of the impact that any disturbance, damage or destruction may have on such heritage values.

Fundamental to any consideration of the heritage values of a site is an appreciation of the NSW Heritage Act, 1977 (the Act) which defines heritage items to be:

Those buildings, works, relics or places of historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance for the state of New South Wales.

and defines a relic falling within that definition to be:

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.*

4.2 ASSESSMENT OF HERITAGE SIGNIFICANCE

An assessment of significance is undertaken to explain why a particular site or item is important for its heritage values, and to enable appropriate best practice heritage management to be formulated. Considerations during a heritage significance assessment include whether a site, or the fabric contained within a site, contributes new knowledge or has the potential to do so.

While the fabric of the archaeological record is the subject of the assessment of significance, the assessment itself is affected by the environmental and historical context of the site at the time of the assessment. In this light, significance can be seen as a variable quality. It follows that the evaluation of heritage significance is not a static value, but rather is evolutionary as a function of changing community perspectives and cultural values.

4.2.1 ASSESSMENT CRITERIA

The NSW heritage assessment criterion encompasses the four values in the Australia ICOMOS¹ Burra Charter and these four broad values are used to assess the heritage significance of an item. It is important for items to be assessed against these values to ensure consistency across the State. While all four values should be referred to during an assessment, in most cases items will be significant under only one or two values. The four values are:

¹ ICOMOS – International Council on Monuments and Sites

- historic significance;
- aesthetic significance;
- scientific significance; and
- social significance.

In order to apply a standardised approach to the assessment of these four values, the NSW Heritage Office (2001:9) has defined a series of seven criteria that are used by the Heritage Council of NSW as an assessment format within NSW. To be assessed as having heritage significance, an item must meet at least one of the criteria detailed below.

Historic significance is identified by:

Criterion (a) the importance of an item in the course or pattern of the cultural or natural history of NSW or a local area.

Criterion (b) the existence of a strong or special association between an item and the life or works of a person or group of persons important in NSW or a local area.

Aesthetic significance is identified by:

Criterion (c) the importance of an item in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or a local area.

Social significance is identified by:

Criterion (d) the existence of a strong or special association between an item and the social, cultural or spiritual essence of a particular community or cultural group within NSW or a local area.

Scientific significance is identified by:

Criterion (e) the potential of an item to provide information that will contribute to an understanding of the cultural or natural history of NSW or a local area.

4.2.1.1 DEGREE OF SIGNIFICANCE

In addition to the above criteria, in order to describe the degree of significance, an item may be assessed as being either 'Rare' or 'Representative' within its community/cultural/geographical level and this is distinguished by criterion (f) for rarity or (g) for representativeness.

Thus, degree of significance is identified by either:

Rarity

Criterion (f) the quality of an item to possess uncommon, rare or endangered aspects of the cultural or natural history of NSW or a local area; or

Representativeness

Criterion (g) the demonstration by an item of the principal characteristics of a class of cultural or natural place or cultural or natural environment within NSW or a local area.

4.2.1.2 LEVEL OF SIGNIFICANCE

Another aspect of assessment of significance is the level of significance of an item. Level is assessable in two ways according to NSW Heritage Office (2001), and is dependent upon the breadth of its identifiable cultural, community, historical or geographical context.

Local level identifies the item as being significant within an identifiable local and/or regional cultural and/or community group and/or historical/geographical heritage context;

State level identifies the item as being significant within an identifiable State-wide cultural and/or community group and/or historical/geographical heritage context;

National level identifies the item as being significant within an identifiable national cultural and/or community group and/or historical/geographical heritage context; and

International level identifies the item as having implications of significance for an identifiable cultural and/or community group both nationally and abroad and/or a world-wide historical/geographical heritage context.

4.2.2 APPLICATION OF STANDARD ASSESSMENT CRITERIA

This section provides a discussion and explanation of the significance of the structural remains exposed at the project site according to the seven criteria specified by the NSW Heritage Council as detailed above.

Criterion (a) – historic –the project site is located on a portion of land that is associated with the development of West Maitland during the pioneering era of settlement that occurred beyond the bounds of the penal settlement of Newcastle. It is further associated with the establishment of the commercial and administrative centre of West Maitland originating in the 1820s and subsequently during the recognised period of rapid growth and development in the 1860s-1880s.

Criterion (b) – historic – there is no demonstrated association with the historical development and occupation at the project site and the life or works of a [significant] person or [significant] group of persons important in NSW or the local area.

Criterion (c) – aesthetic – not demonstrated.

Criterion (d) – social – not demonstrated.

Criterion (e) - scientific – archaeological resources in the form of structural remains consisting of brick footings are known to occur at a depth of 300mm. However, the potential for additional resources to occur below this level and within adjacent areas not subject to excavation during this project cannot be reasonably discounted.

Criterion (f) – rarity is not applicable in the context of the Central Maitland Conservation Area and the Maitland area generally.

Criterion (g) - representativeness may be applicable within the context of the Central Maitland Conservation Area.

4.2.3 RELEVANT LEVEL OF SIGNIFICANCE

While the inclusion of the study site within the Central Maitland Conservation Area is acknowledged, based on the application of the formal assessment criteria, the significance of the archaeological resources exposed at the project site are assessed as significant at the local level for the potential that the resources have to support historical knowledge of the circa 1840-1880 occupation of the site.

4.3 CONDITION AND INTEGRITY

An assessment of the condition and integrity of a resource contributes to the overall assessment of significance. Condition considers the physical state of the fabric of the resource and its potential for survival. Integrity observes the degree to which the residual material evidence is an appropriate representation of the resource in its original form.

4.3.1 CONDITION

The condition of heritage resources and/or individual elements that have been identified above is assessed on a five-stage scale from intact through to archaeological site as defined below.

intact, where the material evidence allows a complete recording of the resource without archaeological hypothesis;

substantially intact, where the material evidence is incomplete but the recording of material evidence will be sufficient to allow an accurate archaeological reconstruction, with hypotheses based on the archaeological record only;

standing ruin, where the material evidence is incomplete and the recording of material evidence will be sufficient to define the footprint of the resource and some of its elevations and features but will be insufficient to allow an accurate archaeological reconstruction of the resource without hypotheses based on the archaeological record and on a range of outside sources

ruin, where the material evidence is incomplete and the recording of material evidence may be sufficient to define part, or the whole, of the footprint of the resource but will be insufficient to allow an archaeological reconstruction of the resource/its features, perhaps spatially and certainly vertically, without hypotheses based on the archaeological record and on a range of outside sources, and in circumstances where the validation of the reconstruction cannot be assured.

archaeological site, implying a mostly sub-surface residue, where the material evidence suggest the former presence of an archaeological resource that cannot be defined without sub-surface investigation.

4.3.2 INTEGRITY

In order to support an assessment of significance, an item's key attributes must retain a discernible degree of integrity. That is, a relic must retain material associated with the historical development that has remained largely unchanged and/or undisturbed over time. The integrity of archaeological resources and/or individual elements that have been identified during this study have been assessed on a five-stage scale from intact through to none as defined below.

Intact, where the resource has remained virtually unchanged its form and/or design and/or function can be totally discerned from the material evidence;

Minor Modification, where the resource has been modified or deteriorated cosmetically and/or in a manner that does not inhibit the discernment of its form and/or design and/or function by archaeological interpretation of the material evidence;

Material Modification, where the resource has been modified so that its form and/or design and/or function cannot be discerned only by archaeological interpretation and without reference to external sources;

Major Modification, where the resource has been so modified that attempted discernment of its form and/or design and/or function cannot be achieved by archaeological interpretation of the material evidence and requires a heavy reliance on external sources and in circumstances where discernment one or more elements may be equivocal;

None, where the integrity of the resource has been completely destroyed and the evidence for its form and/or design and/or function is totally external.

4.3.3 ASSESSMENT OF CONDITION AND INTEGRITY

The condition of the site was assessed as **wholly archaeological** with an entirely sub-surface residue. The resource has been defined only through sub-surface investigation.

Integrity of the resource has been assessed as suffering **Major Modification** where interpretation and analysis has relied upon external sources.

4.4 STATEMENT OF HERITAGE SIGNIFICANCE

The archaeological resources conserved at the project site are assessed as significant at the local level for their historical values through an association with the pioneering era of free settlement in the 1820s beyond the bounds of the penal colony of Newcastle. The archaeological resources at the site are further associated with the establishment of the commercial and administrative centre of West Maitland that occurred from the 1820s to the 1840s, and subsequently during the recognised period of rapid growth and development in the 1860s-1880s.

However, significance was reduced slightly in consideration of the limited extent of in-situ resources, the lack of associated artefactual material, and the level of historical knowledge already available. Although not entirely discounted, it was considered unlikely that further archaeological enquiry would contribute any additional information to that already known.

5 CONCLUSIONS AND RECOMMENDATIONS

The archaeological resources present at the project site can be associated with the pioneering era of settlement and development in West Maitland. The results of historical enquiry showed that the resources may represent two development eras.

The small remnant section of footing displaying heart frogmarks (Feature C) may possibly predate 1860 and represent a remnant of 1840s development during the time of the Maitland Inn. The absence of any identifiable structural features or associated artefactual material makes it difficult to conclusively date this feature, or identify its use. However, the absence of a footprint on the 1886 Mahlstedt and Gee Plan may indicate that this structure no longer existed by this time. Any development after 1886 would have used bricks made by mechanical means and not the small hand made bricks that were present. Given the two leaf coursework, it is likely this resource was a remnant of a small outbuilding of unknown provenance dating to sometime between 1820 and 1860.

The second complex of footings (Feature B) was constructed of a different style of brick to that of Feature C. These bricks were indicative of circa 1860-1880 technology and appeared to have been constructed in a more robust design by using four leaf coursework. These structures were mapped by Mahlstedt and Gee in 1886 and may therefore be dated to sometime between 1860 (when the two storey shop front was constructed) and 1880. It is likely that these footings represent the footprint of outbuildings associated with commercial and residential premises that still stands and 273 High Street. The buildings may have housed a kitchen or laundry, or external workshop (eg during Webbers time as a tinsmith).

Although not entirely discounted, it was considered unlikely that further archaeological enquiry would contribute any additional information to that already known. This conclusion is based on a consideration of the limited extent of in-situ resources and the level of historical knowledge already available.

5.1 RECOMMENDATIONS

Based on the historical nature of the development along High Street, West Maitland, it is likely that any further development involving excavation work in this area would be subject a statutory excavation permit. Based on the present understanding of the site and the known disturbance across the site, it is likely that an exception to the need for an excavation permit would be appropriate as an alternative to a full excavation permit. However, it is recommended that any proposed re-development at the project site, including adjacent lots, should be subject to a Heritage Impact Statement (HIS). The HIS should reference this report, and planning should consider any impact to the conserved archaeological resources.

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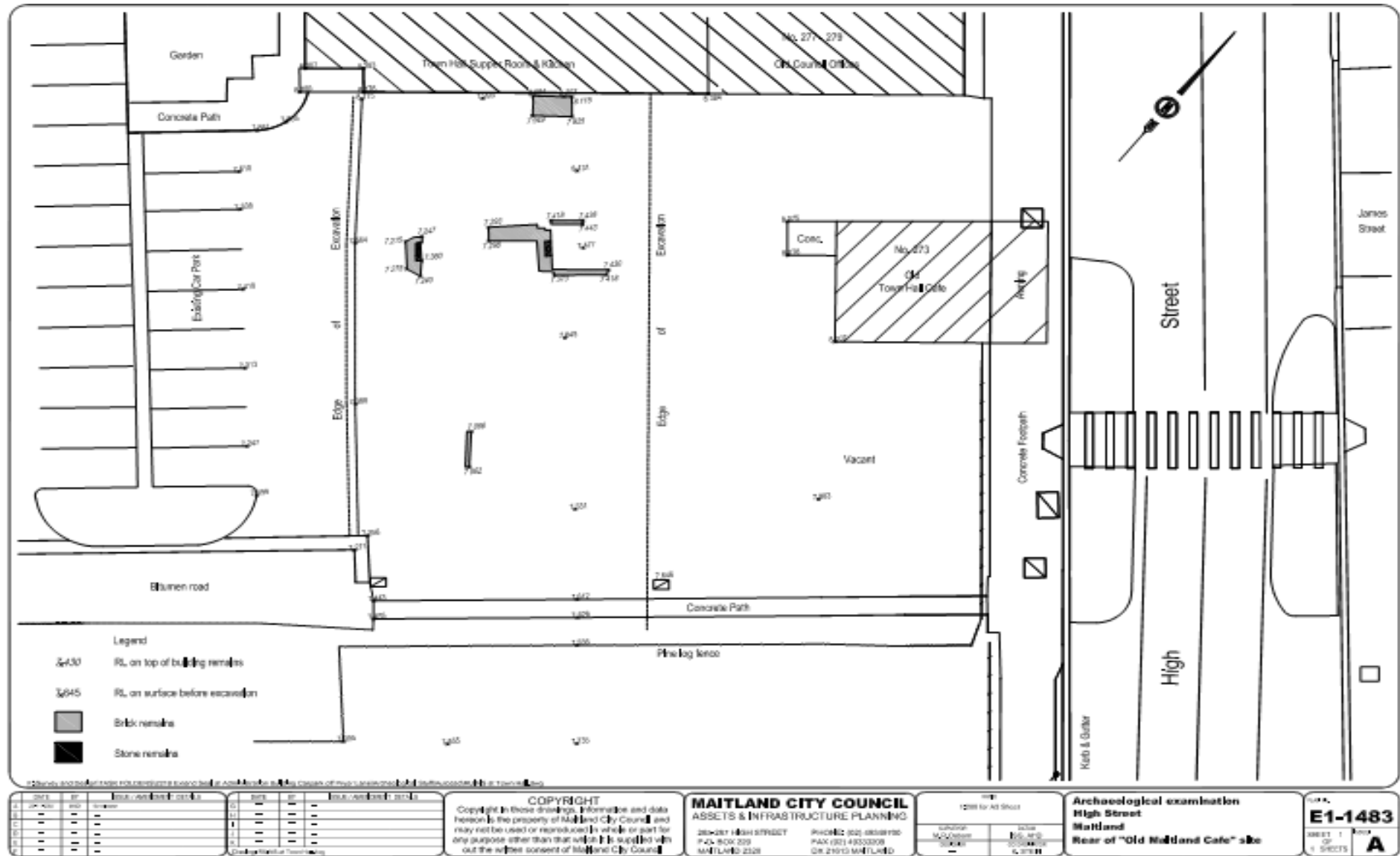
State Heritage Register and Inventory. <<http://www.heritage.nsw.gov.au>

Appendix 1

Photographic Archive

Appendix 2

Site Plan
Maitland City Council 2007





Archive_Px_13.JPG



Archive_Px_01.JPG



Archive_Px_02.JPG



Archive_Px_03.JPG



Archive_Px_04.JPG



Archive_Px_05.JPG



Archive_Px_06.JPG



Archive_Px_07.JPG



Archive_Px_08.JPG



Archive_Px_09.JPG



Archive_Px_10.JPG



Archive_Px_11.JPG



Archive_Px_12.JPG



Archive_Px_14.JPG

**Photographic Catalogue
Sheet**

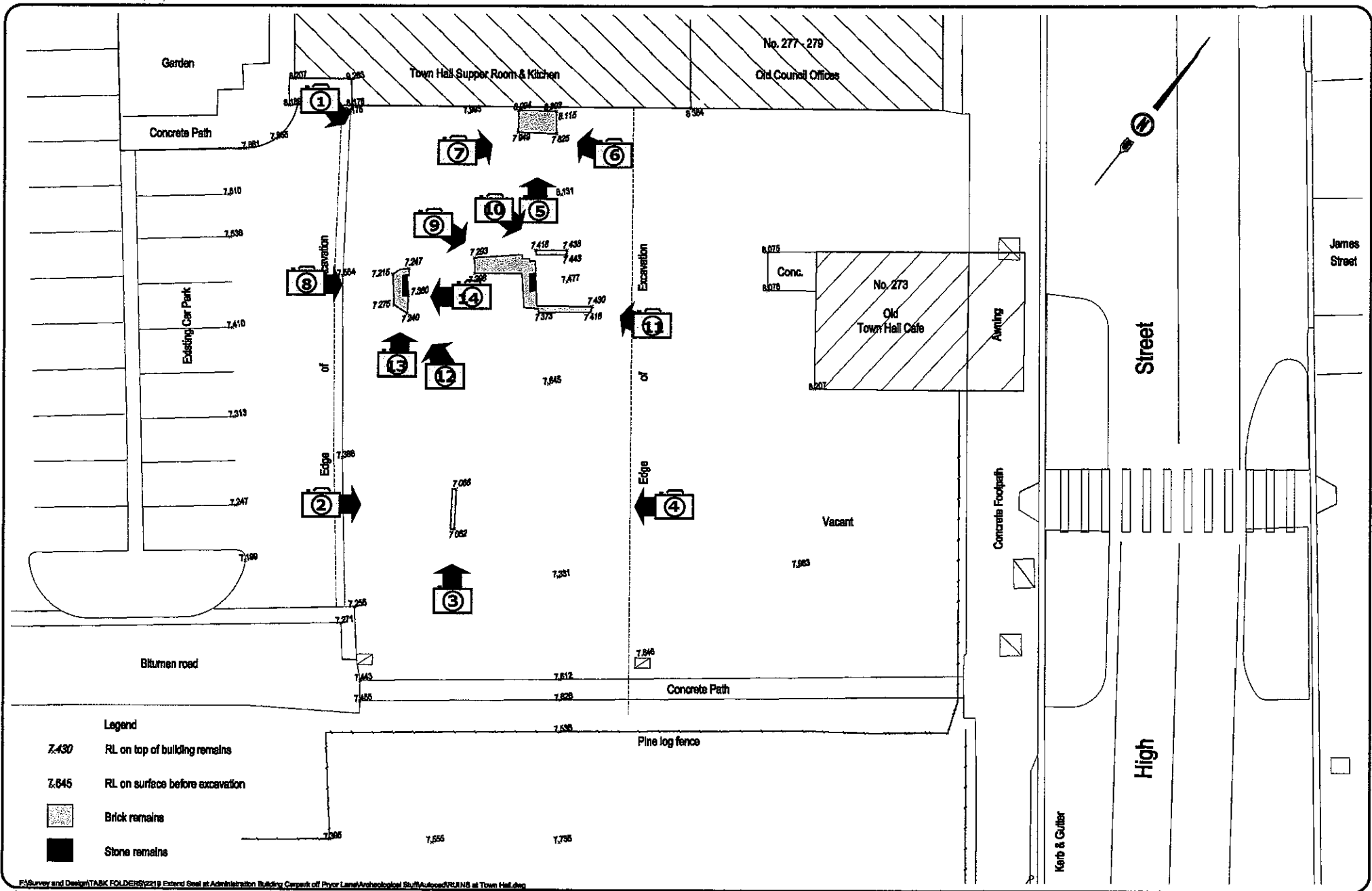
Photographer: S Singleton		Date: November 2007
Camera: Praktica	Lens: 28/80	Job No: 71102
Film: Chrome	Make: Fuji	Processing: CR-56
Speed: ISO 200		
Film No: Film 1	Scale: 200mm (unless otherwise specified)	

Slide No	Description			Px Plan #
	Subject and Detail	Digital Px	Orientation	
1	View across site at completion of excavation looking east. Brick footings can be seen at centre and sandstone block centre right.	✓	East	1
2	View across site showing location of section of double brick footing. looking south west.	✓	North east	1
3	Detail view of brick footing in Px2. Bricks are early hand made and exhibit heart frog.	✓	North west	1
4	View across site showing location of section of double brick footing.	✓	South west	1
5	South eastern wall of Town Hall building showing shadow of former building and chimney, and brick footing of former fireplace/oven (marked by ranging poles).	✓	North west	1
6	Detail view of brick footing shown in Px5. Bricks were machine made.	✓	West	1
7	Alternate view of brick footing shown in Px5 and Px6.	✓	North	1
8	General view of two lengths of footings of abutting (former) buildings. Flags mark extent of footings. Standing building at rear is the Old Town Hall café circa 1890.	✓	North east	1
9	Detail view of south west section of footings shown in Px8. Footings were four leaf, bricks were early machine made with rectangular frog.	✓	East	1
10	Detail view north east section of footings shown in Px8. Footings were three leaf and abutted four leaf footings shown in Px9. A possible fireplace base or doorstep was observed at centre along the south west wall.	✓	East	1
11	Alternate view of north east section of footings shown in Px10. Bricks appeared early hand made with no frog.	✓	West	1
12	Section of brick footings containing a sandstone block. The sandstone block contained square rebates at each end.	✓	North west	1

**Photographic Catalogue
Sheet**

Photographer: S Singleton		Date: November 2007
Camera: Praktica	Lens: 28/80	Job No: 71102
Film: Chrome	Make: Fuji	Processing: CR-56
Speed: ISO 200		
Film No: Film 1	Scale: 200mm (unless otherwise specified)	

Photo No/ Film No/ Neg No:	Description			Px Plan #
	Subject and Detail	Digital Px	Orientation	
13	Alternate view of footings and sandstone block shown in Px12. The bricks appeared to continue in a floor formation beyond the footings, as can be seen at left of sandstone block.	✓	North west	1
14	Detail view of sandstone block showing rebates, most likely for a timber door frame. Note continuation of bricks (possible floor) above sandstone, and meat hook and iron spike relics at right lying between bricks and sandstone.	✓	South west	1



- Legend**
- 7.430 RL on top of building remains
 - 7.645 RL on surface before excavation
 - Brick remains
 - Stone remains

F:\Survey and Design\TASK FOLDERS\221 p Extend Seal at Administration Building Carpark off Pycroft Lane\Archaeological Site\Autoplot\RAINS at Town Hall.dwg

DATE	BY	ISSUE / AMENDMENT DETAILS	DATE	BY	ISSUE / AMENDMENT DETAILS
A	20-11-2007	MND for release	D		
B			H		
C			I		
D			J		
E			K		
F					

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MND
 1:200 for AS Sheet
 SUPERVISOR
 M.R. Osborn
 DESIGNER
 DATUM
 ISG, AHD
 CO-ORDINATOR
 K. STEIN

Archaeological examination
High Street
Maitland
Rear of "Old Maitland Cafe" site

PLAN NO.
E1-1483
 SHEET 1
 OF
 1 SHEETS
 DRAWN BY
A



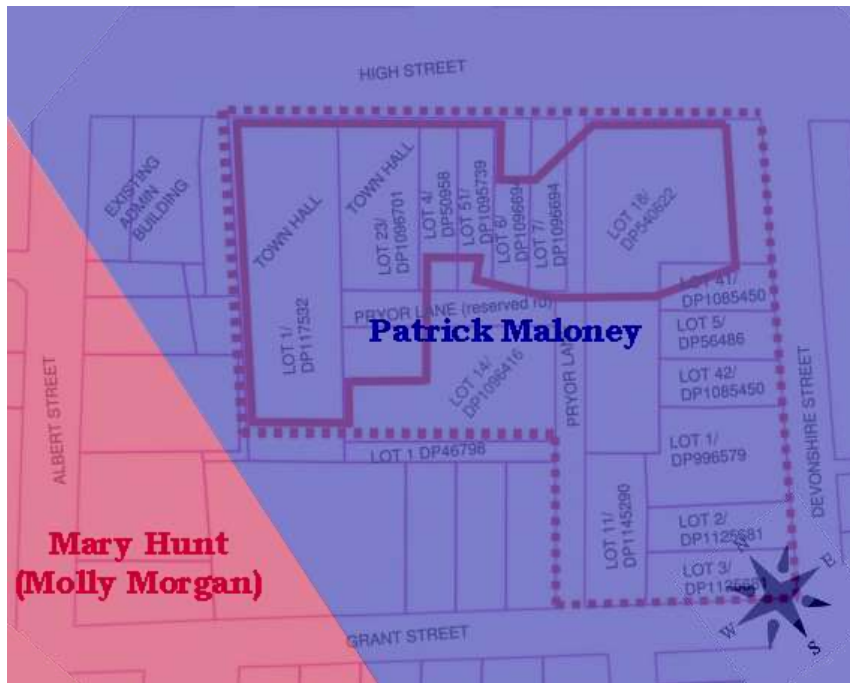


Appendix 2

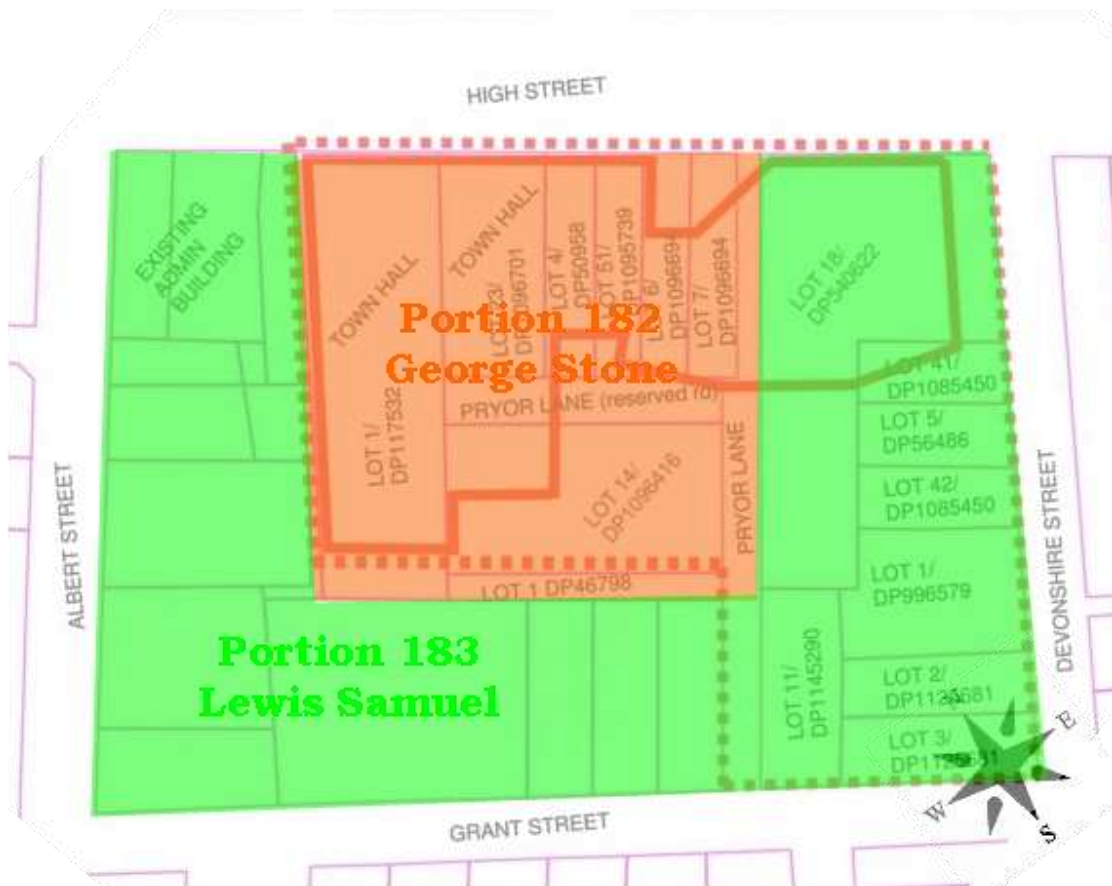
*Visual mapping of changes in land ownership and development
1820 to 2019
Researched and created by Liz Roberts*

Visual Mapping – Changes in Land Ownership 1820 – 2019

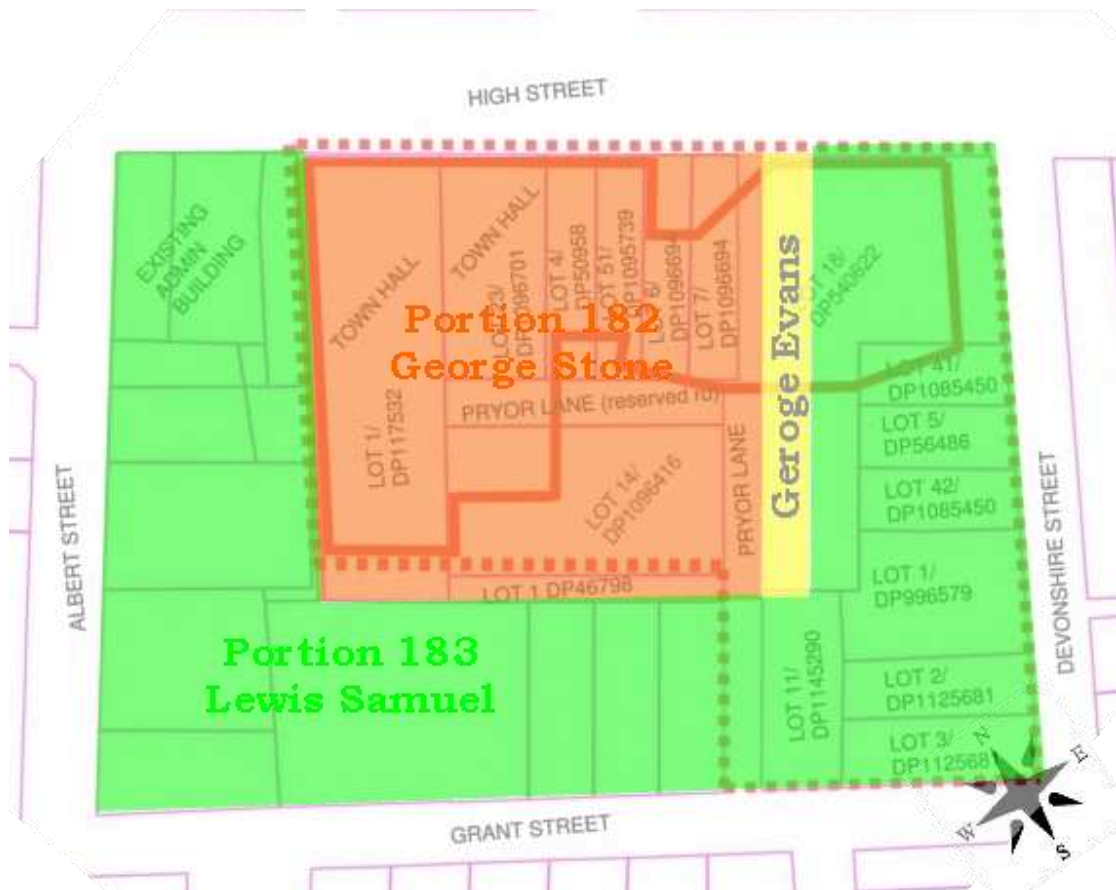
Prepared by Liz Roberts



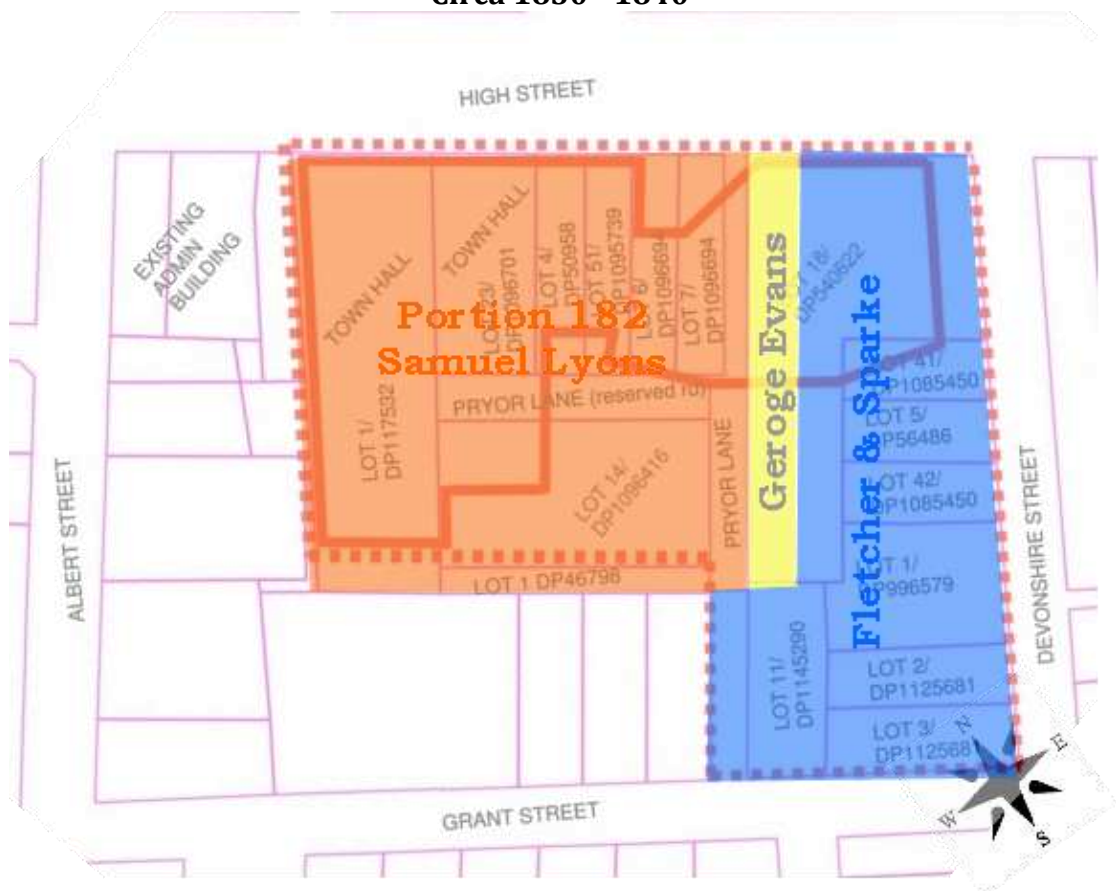
Circa 1820



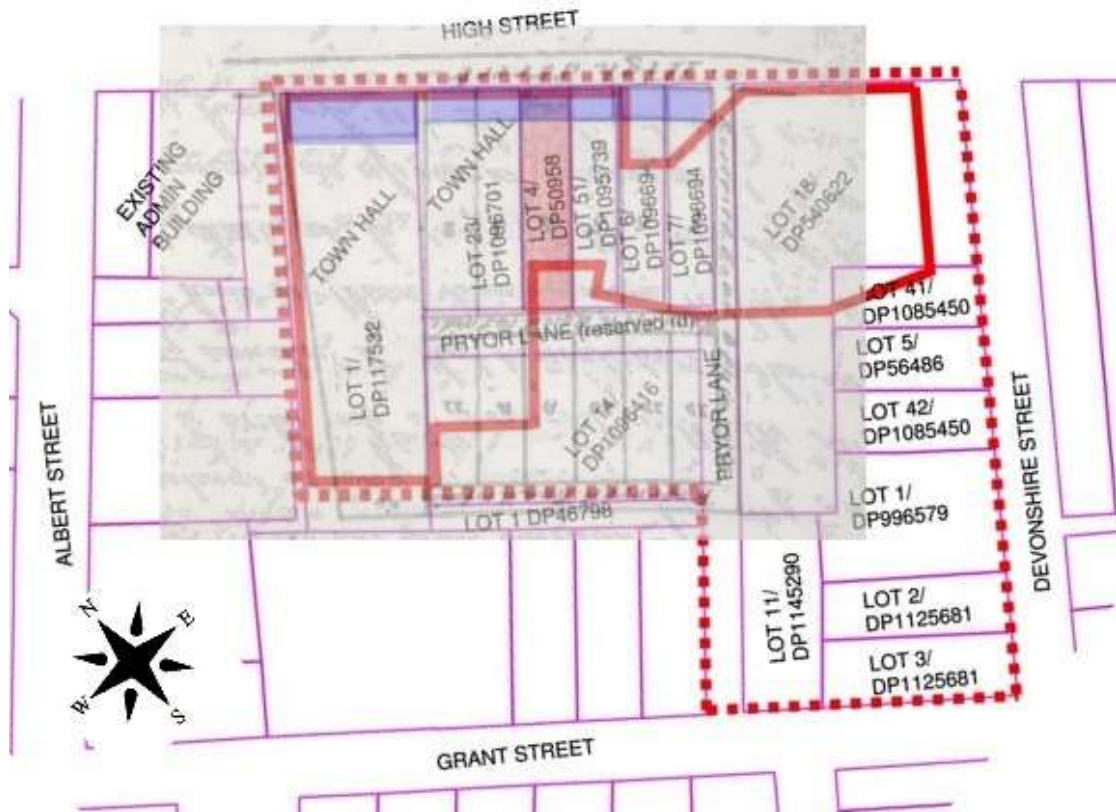
Circa 1830



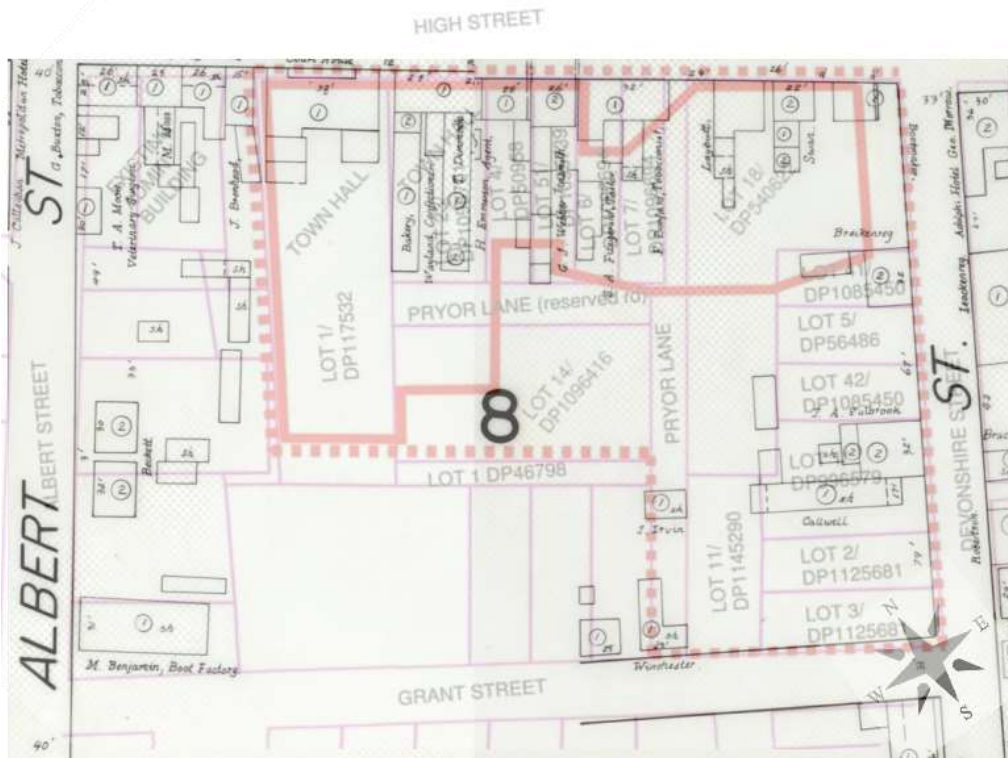
Circa 1830 - 1840



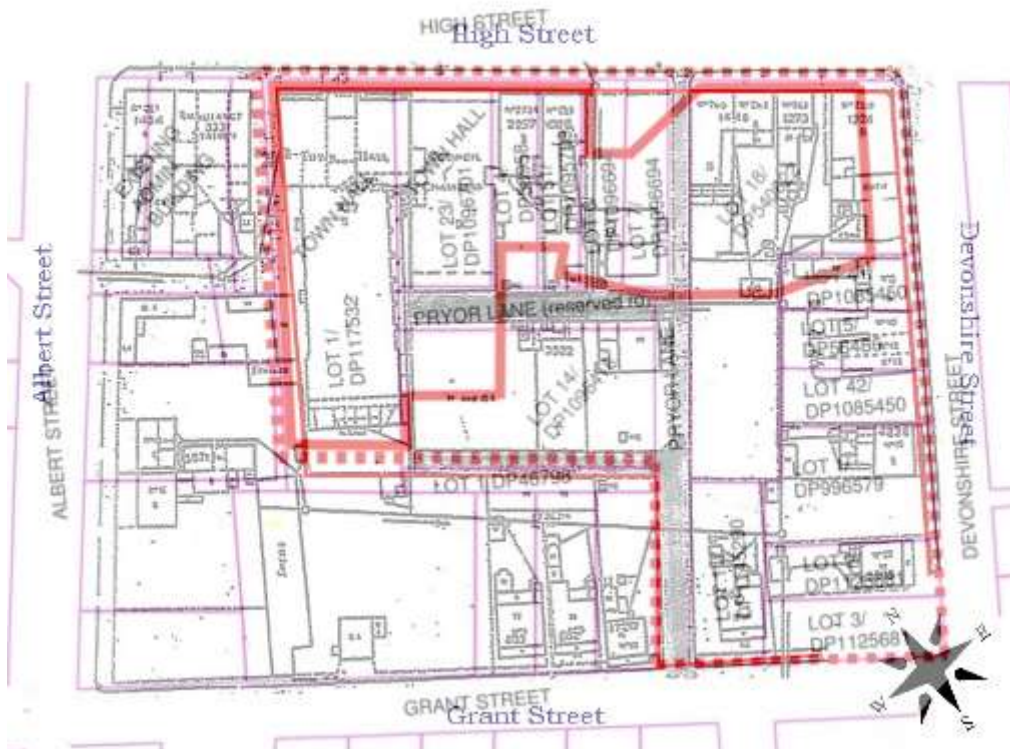
1840



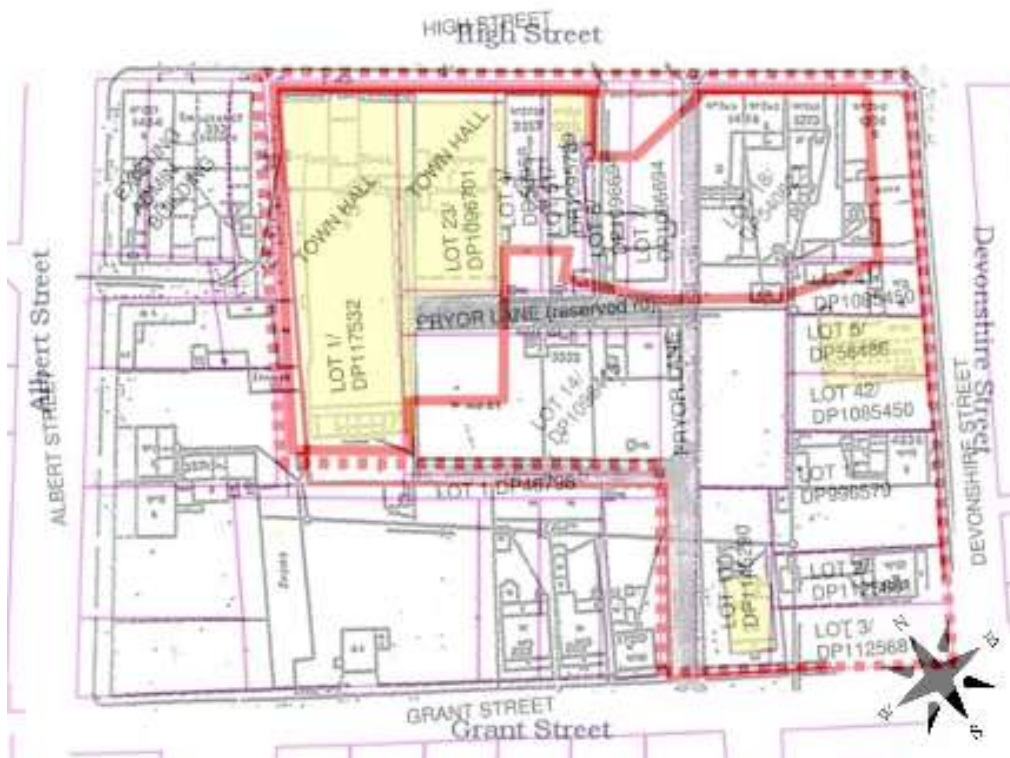
1851
 Overlay with Conveyance Book 21 Number 945



1886
 Overlay with Mahlstedt and Gee 1886



1936
 Overlay with 1936 Waterboard Map



2019
 Based on 1936 Waterboard Map