Cathedral Rest Park
73 King Street, Newcastle
NSW

Park Infrastructure and Landscaping works

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for
City of Newcastle

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Cover Image

Photograph showing completed development works in Cathedral Rest Park.
AMAC Group (2014, digital 1668)
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EXECUTIVE SUMMARY

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The study site forms the earliest formal cemetery site in Newcastle. The first burials within cemetery grounds are believed to date to between 1802 and 1804, although the land for Christ Church Cathedral and burial grounds were not granted until 1817. The first recorded burial dating to 1826. By 1881, the burial grounds had officially been closed for further interments. The cemetery languished until the 1960s conversion which uprooted the remaining headstones and wild vegetation and installed infrastructure to facilitate a public park.

Documentary research suggests that Mulimbah Cottage was constructed during the 1840s while the land was under the ownership of Simon Kemp. It was sold in 1926 to Frederick R. Croft before being purchased by the Anglican Diocese of Newcastle late 1940s. The cottage was demolished and removed shortly afterwards. Visual evidence suggests that the property was never significantly developed apart from its initial construction. Newcastle City Council acquired the property in 1987 and amalgamated the area into Cathedral Rest Park.

Archaeological Monitoring

Monitoring within the cemetery grounds (areas 4 and 5) revealed limited to no archaeological evidence. Excavation levels within the grounds reached approximately 40 centimetres below the current ground surface. No human remains or burials were uncovered during monitoring and only a small amount of artefacts were identified within the topsoil.

Unplanned excavation work and monitoring within the Mulimbah Cottage precinct (areas 1-3) revealed a number of structural features pertaining to the 19th century cottage construction. In situ sandstone footings [007]-[009] were uncovered in area 2 which was identified as the ground floor of the cottage, while footing [006] and [013] were found to form part of the east and west external walls of the cottage. Small sections of poorly preserved paving [003] and [014] were uncovered on the west side of footing [013] and may have formed a pathway to the original Wolfe Street entrance. Other small, isolated features were identified during monitoring, however cannot accurately be attributed to a particular structure or feature.

Significance

The study site was initially assessed as state significant for its potential to yield archaeological remains regarding the material expression of death in historical society and potential changes in burial practices over time. As a whole the site remains State significant for its historical, cultural and scientific importance, although this was not exhibited within the limits of the current archaeological work.

The study site continues to retain a high potential for local or State significant archaeological material in almost all other areas of Cathedral Rest Park which were not excavated during this phase of development.

Recommendations
Archaeological monitoring at Cathedral Rest Park exhibited no evidence of human remains, or any Aboriginal material or 'objects'. Furthermore, no occupation material was found during unplanned monitoring work at the Mulimbah Cottage site. It is recommended that this report be submitted to the Heritage Division as the final archaeological report for the site, along with any photographic records.
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1.0 INTRODUCTION

1.1 BACKGROUND

The City of Newcastle has commissioned the Archaeological Management and Consulting Group to prepare a Final Archaeological Report for Cathedral Park Cemetery. An Archaeological Assessment, along with supporting documentation for a S60 Excavation Permit was completed by AMAC Group for Newcastle City Council. Archaeological monitoring works were completed under permit 2012/S60/112. In adjunct to these works, archaeological monitoring was also conducted on part of the adjoining property formerly known as Mulimbah Cottage, which was originally planned as Phase II works. However as the approved works were brought forward by Newcastle City Council, archaeological supervision was extended to include this area on the basis that no impact to relics was inferred by the works. The results of the monitoring work within the Mulimbah Cottage precinct also form part of this final report. To that end, additional historical research was undertaken regarding this precinct.

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

1.2 STUDY AREA

The study site for this report is that piece of land described as Cathedral Park Lots 1 and 2 in Land Titles Office Deposited Plan 36886. Further included in the study site, although initially noted as future development, is the Mulimbah Cottage site, Lot 1 in Land Titles Office Deposited Plan 76185. The street address is 93 King Street, Newcastle, Parish of Newcastle, County of Northumberland.

1.3 SCOPE

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

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

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

1.4 AUTHOR IDENTIFICATION

This report was written by Kevin Hickson, Kelly Strickland and Martin Carney. Archaeological monitoring was under the direction of Director Martin Carney and Supervisor Kevin Hickson. Photographs were taken by Carney and Hickson. Further historical research regarding Mulimbah Cottage was conducted and written by Hickson. The final draft report was reviewed and approved by Sarah Cameron, Senior Heritage Strategist and Nick Rawlings, Project Management Coordinator, from The City of Newcastle.

¹ Heritage Office and Department of Urban Affairs and Planning (1996).
1.5 STATUTORY CONTROLS AND HERITAGE STUDIES

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

Relic means any deposit, artefact, object or material evidence that:
(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
(b) is of State or local heritage significance

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

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

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

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

(1) A person must not harm or desecrate an object that the person knows is an Aboriginal object. Maximum penalty:
(a) in the case of an individual-2,500 penalty units or imprisonment for 1 year, or both, or (in circumstances of aggravation) 5,000 penalty units or imprisonment for 2 years, or both, or
(b) in the case of a corporation-10,000 penalty units.
(2) A person must not harm an Aboriginal object. Maximum penalty:
(a) in the case of an individual-500 penalty units or (in circumstances of aggravation) 1,000 penalty units, or
(b) in the case of a corporation-2,000 penalty units.
(3) For the purposes of this section, “circumstances of aggravation” are:
(a) that the offence was committed in the course of carrying out a commercial activity, or
(b) that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.
This subsection does not apply unless the circumstances of aggravation were identified in the court attendance notice or summons for the offence.
(4) A person must not harm or desecrate an Aboriginal place. Maximum penalty:
(a) in the case of an individual-5,000 penalty units or imprisonment for 2 years, or both, or
(b) in the case of a corporation-10,000 penalty units.
(5) The offences under subsections (2) and (4) are offences of strict liability and the defence of honest and reasonable mistake of fact applies.

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

In October 2010 DECCW, now the Office of Environment and Heritage, introduced the “Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW”. This code should be used by individuals or organisations who are contemplating undertaking activities which may harm Aboriginal objects.

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

If through this or any other process that meets the standards of this code, such as an environmental impact assessment, reasonable steps have been already taken to identify Aboriginal objects in an area subject to a proposed activity and it is already known that Aboriginal objects will be harmed or are likely to be harmed by an activity, then an application should be made for an AHIP. Individuals or organisations who are contemplating undertaking activities which could harm Aboriginal objects should consult this code or engage the services of an appropriately qualified Archaeological consultant to carry out a due diligence study on any proposed development.

This code of conduct was released in response to changes in the NPW Act which now states “A person must not harm or desecrate an object that the person knows is an Aboriginal object” or that “A person must not harm or desecrate an Aboriginal place” (NPW Act, Amendment 2010).

1.5.3 **State Heritage Register and Inventory**

The NSW State Heritage Register and Inventory are lists which contains places, items and areas of heritage value to New South Wales. These places are protected under the New South Wales Heritage Act 1977. State significant items are listed with the register, locally significant items are listed with the inventory.

The study site is listed on the State Heritage Register as Item 01858: Christ Church Cathedral, Movable Collections, Cemetery and Park.

1.5.4 **National Heritage List**

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

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

1.5.5 National Trust Register

National Trust Register is a list of heritage items regulated by the National Trust of Australia.

The study site is not included on the register.

1.5.6 Commonwealth Heritage List

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

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

1.5.7 Newcastle Local Environment Plan 2012

Cathedral Park is part of the Newcastle Cathedral Park and Cemetery and is listed as an archaeological site, Item A6; the Mulimbah cottage site is included in the general conservation area of Newcastle. These are found in ‘Schedule 5: Environmental Heritage’ of the Newcastle LEP 2012 (Figure 1.3).

1.5.8 Coroners Act 2009

The Section 4 of the Act provides the following definition of human remains –

"Remains" of a deceased person means the body or the remains of the body (or any part of the body or remains of the body) of the person. (cf Coroners Act 1980, s 4).

Section 101 of the Act stipulates the conditions under which human remains may be disposed of and the consents required –

101) Order authorising disposal of human remains
(1) A coroner may, by order in writing, authorise the disposal of human remains.
(2) Without limiting subsection (1), the order may be made by a coroner who:
(a) is holding, has held or is intending to hold an inquest in respect of the death, or
(b) has dispensed with the holding of an inquest in respect of the death.
(3) If the remains are that of a stillborn child and a medical practitioner has not certified the cause of death of the child, the order may be made by a coroner who has been informed by a police officer of the stillbirth and who is, after consideration of any information in the possession of the coroner, satisfied as to the occurrence of the stillbirth.
Note: A post mortem investigation direction may be given by a coroner to an appropriate medical investigator under section 89 (2) for the conduct of an examination of human remains for the purpose of determining whether the remains are those of a stillborn child.
(4) If an order is made under subsection (1) authorising the disposal of human remains and it is established at an inquest that the remains were those of a stillborn child, the order is valid and is taken to have been made under subsection (3).
1.5.9 The Public Health Act

The Public Health Regulation 2012 as made under the Public Health Act 2010 controls the exhumation of human remains. It states that:

69) Exhumation without approval prohibited
(1) A person must not exhume the remains of a body unless the exhumation of those remains has been:
   (a) ordered by a coroner, or
   (b) approved by the Director-General.

70) Application to exhume remains
(1) An application for approval to exhume the remains of the body of a dead person may be made to the Director-General by:
   (a) an executor of the estate of the dead person, or
   (b) the nearest surviving relative of the dead person, or
   (c) if there is no such executor or relative available to make the application-a person who, in the opinion of the Director-General, is a proper person in all the circumstances to make the application.

71) Approval to exhume remains
(1) The Director-General may:
   (a) grant an approval to exhume the remains of a body, subject to any conditions specified in the approval.

72) Exhumation not to take place without an authorised officer present
(1) A person must not proceed with an exhumation unless an authorised officer or a member of staff of the Ministry of Health is present at the exhumation.
(2) A person must not proceed with an exhumation if the authorised officer or Ministry staff member who is present at the exhumation orders the exhumation to stop.

As such, approval must be sought from the Coroner’s Office prior to excavation of remains and overseen by the NSW Department of Health. If the application is successful, standard conditions apply to ensure compliance with recommendations. These relate to:

- The condition, identification and location of graves
- Exhumation, including dewatering, shoring and protection of surrounding graves
- Provision of personal protective equipment and other personnel issues
- Screening of graves
- Transport of remains
- Supervision (normally a liaison by a Department of Health or Environmental Health Officer with those exhuming the remains)

The Public Health Act also makes certain provisions regarding ashes collected from cremation:

Under clause 43 of the Public Health (Disposal of Bodies) Regulation, 2002 the cremation authority (according to the reasonable directions of the applicant or deceased) must either:
• give the ashes to the applicant or
• place the ashes in a burial ground or adjacent dedicated land or
• retain the ashes or
• where the applicant has not claimed the ashes within a reasonable time, the
  cremation authority, after giving 14 days notice to the applicant, may dispose
  of the ashes.

The NSW Department of Health website confirms that ashes are determined to be
human remains, however also advises that:

Because the body is cremated at such a high temperature all micro-organisms are
destroyed. Remaining ashes are inert. There is therefore, no public health risks
associated with handling ashes

Thus, in terms of this Act, any ashes scattered on the study site do not trigger action
under this act.

1.5.10 Conversion of Cemeteries Act 1974 - Sect 16

Part 3:16; Remains not to be disturbed
a) The council, the Commonwealth War Graves Commission or any person or
   body of persons shall take due care not to unearth or disturb the remains of any
   person who is buried in, or the ashes of any person which have been placed in
   or on, the conversion land.

b) If any remains or ashes referred to in subsection (1) are unearthed or
   disturbed, the council shall cause those remains or ashes to be reverently
   interred anywhere in the conversion land.

c) Nothing in this section prevents the removing of any remains or ashes
   pursuant to section 15 (3).

1.6 RELEVANT STUDIES AND PREVIOUS REPORTS

1.6.1 EJE Landscape (February 1991) Extension to Cathedral Park
   and Mulimbah Cottage Heritage Study: Final Report
   prepared for Newcastle City Council

The Mulimbah cottage was built in the early 1840s on allotments adjacent to the
cathedral cemetery, the property was purchased by the church in 1953. Newcastle
Council then obtained the property in 1987 to extend the open space at Cathedral
Park and commissioned EJE Landscape to determine the most suitable means of
redeveloping the park within that brief. This area was initially excluded from the
parameters of the study site however later phase development works in this area
was brought forward and subsequently included by the client as part of the study
site.

The site is described as one hectare on the north facing slop of Newcastle Hill.
Across the site there is a moderately steep 1:7 grade. The fall is relatively
consistent, with changes occurring only in areas of development such as the cottage
and terracing. There is approximately a 16 metre difference between the south west
corner and the north westerly corner. The demolition of the building may have
occurred in the mid to late 1950s and some regrading may have taken place during
this time to allow for vehicle access. Overall the site appears stable and well
drained. It is presently serviced by a mains water supply which was extended from
Cathedral Park. According to historical records, a well once existed in front of the
stable building close to the Wolfe Street entrance, although no evidence of it has been found.

Only the lower section of the north east corner of Mulimbah cottage remains visible and intact. This includes the blind windows and the steps up to the former front porch. Generally the wall is in fair condition despite damage caused by previous demolition works; the steps however are in a poor state of repair. Weed growth has contributed to the disintegration of the in situ relics. Exploratory digs were undertaken around the perimeter of the building that suggests all below ground material is still present. Of the grounds, the eastern section of the inter-terrace retaining wall and the central steps connecting the upper and lower front terraces remain. Further exploratory digs uncovered two pathways, one of which was composed of 25mm thick concrete and in poor condition, linking King Street steps with the central steps. The second was sandstone and joins the central steps to the main steps.

The report assessed the site as locally significant for its association with the Kemp-Parnell and Croft families and archaeologically significant for the remaining relics which demonstrate a rare example of Georgian architecture within Newcastle. The archaeological recommendations made include site inspection of the relics, review of the heritage study and development proposal, application for excavation permit and inspections of work to ensure compliance with Heritage Council guidelines.

1.6.2 Suters Architects (January 2000) Wolfe Street Sandstone Retaining Wall Conservation Works, Newcastle, NSW, for Newcastle City Council

This is a short report composed to assess and make recommendations regarding a part of a failing retaining wall on Wolfe Street. This is not part of the current study site but later incorporated into monitoring works as Newcastle City Council brought future development works forward.

1.6.3 Douglas Partners (August 2003) Report on Geotechnical Investigation of Cathedral Park Sandstone Wall, King Street, Newcastle, prepared for Suters Architects on behalf of Newcastle City Council

This report contains the results of geotechnical investigation of a section of sandstone wall along the northern boundary of Cathedral Park, King Street, Newcastle. The wall had deteriorated and the investigation was conducted to canvass restoration options for the wall.

1.6.4 Austral Archaeology Pty Ltd (September 2004a) Cathedral Rest Park, King Street, Newcastle: Conservation Policy and Archaeological Management Plan for Newcastle City Council

The policy presented in this report is based on the Skeletal Remains Guidelines issued by the NSW Heritage Office. Newcastle City Council commissioned Austral Archaeology Pty Ltd to prepare the management plan as a precursor to an archaeological assessment of the site. The objective of the conservation policy is to maintain and protect the cultural significance of the Cathedral Rest Park. To this end nine points have been stipulated. In summary, the rest park is assessed as State significance, it is to be treated with dignity and remain undisturbed and conserved. An interpretation of the park is essential, provided any disturbances be preceded by historical research and archaeological investigation under the appropriate permit to ensure the maximum amount of information is recorded. If
human remains are disturbed, they should be treated in a dignified manner during excavation or analysis and be reinterred at the site.

The archaeological management policy addresses excavation and management issues in the event that archaeological investigation is required. These include personnel, occupational health and safety, recording, access, security, public participation, management committee, publication protocols, media, interpretation, curated material and professional access to data.

1.6.5 Austral Archaeology Pty Ltd (September 2004b) Cathedral Rest Park, King Street, Newcastle: Archaeological Assessment and Research Design for Newcastle City Council

Austral Archaeology Pty Ltd was commissioned by Newcastle City Council to create an archaeological assessment for the Cathedral Rest Park, King Street, Newcastle. The purpose of the assessment was:

- To clearly document the history of occupation in the study area and the locations of all known historic heritage sites, items, areas, landscapes, etc. (including surface and underground items);
- To assess the potential of archaeological deposits in the strata to be excavated by the proposed works;
- To address the likely significance of any deposits; and
- To recommend an appropriate methodology for dealing with the archaeological potential while progressing with the proposed development.

The proposed works would impact the King Street retaining wall of the Cathedral Park, built in 1869. The wall required restoration and drainage works. Restoration of damaged or missing sections of the wall was proposed as well as the poisoning of tree roots. The installation of a rubble drain and storm water pit behind was also proposed. The works were expected to affect an area of approximately 15m long, 5m wide and 1.5m deep.

The assessment considered historic occupation in the study area and determined that there is a moderate potential for historical archaeological deposits and human remains to survive in the proposed works area and that if in situ, their cultural significance would be high.

It recommended the application for an s140 excavation permit saw complete archaeological excavation achieved prior to any proposed works. That all works are conducted in accordance with the Conservation Policy and Archaeological Management Policy for the site and that excavation and works are subject to a stop work provision was also part of the recommendations.

1.6.6 Austral Archaeology Pty Ltd (November 2004c) Hannell Monument, Cathedral Park, Newcastle: Archaeological Monitoring of Restoration Works Final Report Prepared by Austral Archaeology Pty Ltd for Newcastle City Council

Archaeological monitoring was undertaken to record the in situ above ground Hannell Monument structure and the sub-surface deposits surrounding it.
1.6.7 Newcastle City Council (March 2007) DRAFT Cathedral Park
Newcastle Conservation and Interpretation Plan

The report is an initiative of Newcastle City Council and aims to identify directions for interpreting and conserving Cathedral Park. It begins by providing a brief historical context for the site and examining physical evidence. It also reviews current management and maintenance. The heritage significance of the site assessed according to the relevant heritage criteria for 2007. The report also sets out a conservation policy, interpretation plan and recommendation for future management, including the reinstatement of some headstones.

1.6.8 Austral Archaeology Pty Ltd (August 2011) Christ Church
Cathedral Rest Park, Newcastle: Archaeological Assessment
and Statement of Heritage Impact for Newcastle City Council

This report covers the historical archaeological assessment of the former Christ Church Burial Ground, Newcastle. The assessment was undertaken to define the history of the area prior to the formulation of a redevelopment plan for the parkland. The conservation and relocation of 10 gravestones to their original places was proposed as part of the redesign. The archaeological assessment considered the implications of removing the gravestones from their current location and returning them to the site of known graves. All grave numbers refer to the original 1966 plan, which gave each grave an individual number and recorded any inscription present.

The assessment identified the archaeological potential and cultural significance of the site as high. In order to mitigate the impact of the proposed development several recommendations were put forward. These included that the results of the assessment be taken into consideration of the development plan, that gravestones could be removed for conservation and repair and then replaced if an exemption application was approved by the NSW Heritage Council. Furthermore that an s60 permit would be required to authorise the construction of the boardwalk and other landscaping work and these works be preceded by archaeological investigation in areas of impact. That the client should provide time in the construction schedule for the archaeological program and contractors on site be provided with a Heritage Induction to inform them of areas of archaeological sensitivity.

1.6.9 Austral (August 2012) Christ Church Cathedral Rest Park,
Newcastle, Archaeological Test Excavation Results DRAFT
Report Prepared by Austral Archaeology Pty Ltd for
Newcastle City Council

As recommended by Austral (August 2011), ten memorial stones were to be conserved and returned to their original locations using the 1966 plan of the cemetery. Small, hand excavated test trenches reaching only 150mm deep examined the soil profile and potential impact of concrete collars to be installed to hold the grave markers in place.

1.6.10 Archaeological Management and Consulting Group Pty Ltd (September 2012) Geotechnical Bore Testing –
Archaeological Supervision, Exemption Notification –
s57(2) NSW Heritage Act, Newcastle Cathedral Cemetery
Grounds – SHR 01858, Church Street, Newcastle, NSW

An application for Exemption Notification s57(2) of the Heritage Act NSW (1977) was submitted following a GPR study that identified areas of no subsurface activity on the study site. Geotechnical bore testing was proposed for these areas as they were determined to have nil identifiable impact on potential archaeology.
1.6.11 GBG Australia Pty Ltd (October 2012) Geophysical Investigation to locate unmarked grave sites within Newcastle Cathedral Cemetery, Newcastle, for Newcastle City Council

GBG Australia Pty Ltd conducted geophysical investigations to locate unmarked graves within Cathedral Rest Park utilising Ground Penetrating Radar (GPR). A total number of “86 probable unmarked graves” and “27 possible unmarked graves” were identified during GBG’s investigations. Plans showing unmarked grave locations from GBG’s testing have been included in the original archaeological assessment by AMAC Group (November 2012).

1.6.12 SMEC Australia Pty Ltd (October 2012) DRAFT- Newcastle Cathedral Park Geotechnical Investigations, for Newcastle City Council

SMEC Australia Pty Ltd conducted geotechnical investigations at Cathedral Rest Park in September and October 2012. A total of 12 hand auger boreholes were drilled across various parts of the study site to the point of refusal at each borehole location. The boreholes revealed similar geotechnical characteristics across the site and subsequently presented evidence that excavation work will encounter fill materials overlaying residual soil.


AMAC Group compiled an Archaeological Assessment of Cathedral Rest Park forming the archaeological component of a S60 permit application by Newcastle City Council under the Heritage Act NSW (1977). This report discussed the results of GPR and geotechnical bore testing and incorporated the results of these studies into identifying impacts to the study site and the associated archaeological potential. Both studies revealed locations of burials which allowed for development plans to specifically avoid these areas during the planning process. Results and recommendations stated that “no impact is inferred or intended by the proposed works to in situ inhumations, grave markers or locations”. The excavation depth of the proposed works within Cathedral Rest Park was further deemed to be minimal.

1.7 ACKNOWLEDGMENTS

Thank you to Sarah Cameron, Senior Heritage Strategist and Nick Rawlings, Project Management Coordinator, from The City of Newcastle for their time in reviewing the final draft of the present report. Also thank you to James Clarence for his assistance during the earlier parts of the project.
2.0 SITE HISTORY

A full historical assessment and detailed description of the development of Cathedral Park Cemetery is contained within the original Archaeological Assessment by AMAC Group (November 2012). This chapter forms additional historical research regarding the occupation and development of Mulimbah Cottage, as a result of phase II works having been brought forward. The initial archaeological report does no assess the development of Mulimbah Cottage, therefore it has been researched and discussed below.

MULIMBAH COTTAGE

In 1819 Governor Macquarie proposed shifting the majority of Newcastle’s convicts to Port Macquarie, subsequently opening Newcastle and the Hunter Valley to free settlement. This proceeded under Governor Brisbane (1821-25) and Henry Dangar, appointed an assistant in the Survey Department in 1821, was sent north the following year to undertake the preparatory survey. Part of his task involved producing a plan for the town, which was adopted by the Government and still forms the layout of the CBD (Figure 2.1).6 His plan entailed a grid of streets containing 190 town allotments, of which allotment number 124 to 127 form the western part of Cathedral Park. These allotments were not obtained during the initial period of the Government offering leases, a policy which changed in 1831 to allow for sale of Crown land by auction.

Under the new system, Thomas Henry Baylis purchased Lot 125 and John Kingsmill purchased Lots 126 and 127 in 1834.7 A sheriff’s officer of Maitland, Kingsmill quickly sold both lots 126 and 127 to Peter Lawrentz Campbell, police magistrate of Maitland. It appears that Baylis must have sold Lot 125 to Campbell at around the same time as Kingsmill’s sale, as Campbell sold all three allotments to Simon Kemp on 29 August 1836 for £75. Lot 124, purchased by James Glennie in 1836, was sold to Anglican minister C.P.N. Wilton in 1843, although there is evidence to suggest that it came into Kemp’s possession before his death in 1867. On the 12th February 1926 the Sydney Morning Herald published a Government notice of an application under the Real Property Act (Case No.26185). It was made by members of the Parnell and Storey families relating to land measuring 2 roods 14¼ perches and located on the corner of King and Wolfe Streets. The grounds were summarised as follows:

“As to part of the land the applicants claim through Simon Kemp, who is alleged to have purchased from Pietre Lawrentz Campbell in 1846. The applicants by themselves and their predecessors claim to have been in continuous possession for the last 60 years. The applicants claim a title by possession as mortgagee against the Rev. Charles Pleydell Neale Wilton, mortgagor, by Indenture of 17 April 1843, reg. book 34 No.950”.8

Although not confirmed by title research, this description appears to be Lot 124 and suggests Kemp provided Wilton with a mortgage in 1843 and later gained possession. Assuming the claim was prepared in early 1926 and that the stated 60 years of possession was an exact figure, possession occurred in 1866, seven years

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8 The Sydney Morning Herald (12th February 1926).
after Wilton died. Presuming James Glennie as the correct vendor in 1843, the confusing part of the claim, particularly if prepared by a solicitor based on titles, is Lot 124 having been regarded as part of the land Kemp purchased from Campbell (Lots 125-127 according to Turner). However this discrepancy may be due to the Government Officer who composed the notice summary, as the listed date of 1846 may be a typographical error.

2.1.1 The Kemp Family

Simon Kemp arrived in the colony on the Elizabeth in 1827 as a carpenter employed by the Australian Agricultural Company (AACo). The 1828 Census records him as a “servant of the Company”, aged 37 years. Accompanied by wife Mary Ann and their children, Kemp was associated with the Company’s Port Stephens agricultural venture, subsequently living at Stroud from the mid-1830s. On a 5-year contract of £50 p.a. plus rations for himself and his family, Kemp applied for release in 1828 although not permitted to resign until February 1831. Directed to hand over his house and other Company property, the family moved to Newcastle where the AACo colliery manager, John Henderson, declined Kemp employment. In June 1831 he was granted a license for ‘The Newcastle Inn’, located on West Street, Newcastle, followed by a license in 1835 for the Commercial Hotel at the corner of Hunter and Watt Streets. After trying to sell the hotel in 1837 so as ‘to enter into other pursuits’, Kemp remained at the Commercial Hotel until June 1838 then subsequently leased it to other publicans. From approximately 1851 Joseph Croft was licensee and in 1856-57 he built the adjacent Newcastle Theatre. After both were destroyed by fire in 1859 the Bank of NSW purchased the property from Simon Kemp for £2000 in 1861.

Kemp appears to have laid the foundations of his fortune during the 1830s presumably from the hotels, although he also started to acquire land and undertake contracts. Known instances include supplying the AACo with cedar in 1837,

9 Maitland Mercury (16th June 1859).
11 The online indexes of the NSW Registry of Births, Deaths and Marriages (www.bdm.nsw.gov.au) showing birth records for Clarissa A. in 1828 and 1830, both with parents Simon and Mary A. Four additional children were William E. born in 1831 (d.1898), Francis in 1836 (d.1836), Fanny in 1837 (d.1837) and Frances S. in 1839. Presumably children born before the family emigrated, four lack birth records but are evidenced by death records and other data: Charles (d.1864), Mary Anne (eldest daughter, d.1889), Caroline (d.1898) and Emma (d.1909).
14 28 June 1831, License No.0014 (NRS 14401 [4/62]: Reel 5049), 29 June 1835, License No.0110 (NRS14401 [4/66]: Reel 5052). The Newcastle Inn existed by 1830, a sheriff’s sale being reported in the Sydney Gazette of 2 November that year. ‘West Street’ may be a misreading of Watt Street since just a name change is suggested by an advertisement placed by Kemp in the Sydney Monitor of 15 July 1835 with the heading ‘Commercial Hotel, late The Newcastle Inn’.
16 Northern Times (1st January 1859). Croft says he had been proprietor of the Commercial Hotel for 8 years; Northern Times (4th February 1857).
17 Northern Times (16th November 1859); Newcastle Chronicle (17th August 1861). The latter report identified the property as having recently been occupied by a hotel and theatre leased by Mr. J. Croft.
18 24 January 1837, Magistrates Bench Books, AONSW Reel 2722.
supplying wood for the fencing of William Charles Wentworth’s property in 1838\(^{19}\) and supplies for government boat building.\(^{20}\) The 1841 Census identified him as a settler in Watt Street, however references thereafter stating his occupation generally note builder. By 1843 Kemp was appointed to the first District Council\(^{21}\) and he remained a notable figure in local affairs, elected to the newly formed Municipal Council in 1860 and reaching the mayorality in 1866.

2.1.2 Construction of Mulimbah Cottage

As indicated by Turner, it is unlikely that any structures were constructed on Lots 124-127 during 1804 and 1823, with John Armstrong’s 1830 plan demonstrating the vacancy of the land.\(^{22}\) This was also the case for adjacent allotments 125-127, initially purchased in 1834 and changing ownership twice in two years suggests that the buyers were land speculators more interested in turning a quick profit rather than property improvement. Kemp paying £75 for three allotments in 1836 suggests none contained a substantial structure and it seems more probable that his construction of a residence was the first building on the land. Exactly when he did this is not known although it occurred within the period between 1836 and 1847. The end date is drawn from a painting made in 1847 by Darby (first name unknown) and entitled ‘Nobby’s Hunter Street View from Mr. Kemp’s Verandah’.\(^{23}\) An earlier end date may be supplied by a plan made in 1844 subject to what is shown on Lot 127 (Figure 2.2). The plan lacks clarity at detail level, although there appears to be some form of structure positioned on Lot 127. If it is in fact a building it would be in the wrong position to Kemp’s original structure, as Kemp’s house was centrally located on the three allotments (Figure 2.4).

Turner thought it likely that construction was preparatory to Kemp relocating from the Commercial Hotel in 1837 (presumably referring to when Kemp tried to sell). At the same time, limited documentary evidence exists concerning this relocation period, the 1841 Census noting him in Watt Street. It can be suggested that perhaps the Kemps were still living in Watt Street and Mulimbah Cottage was yet to be constructed. Implicit in this is that the house would date after the Census at the beginning of March 1841.\(^{24}\)

The main chronological indicator for Turner was another painting, an anonymous and undated watercolour entitled ‘Nobby’s Island from Mullimbiba Cottage, Newcastle’ (Figure 2.3). The reproduction of the painting within the EJE report (1991) appears to derive from a catalogue entry from the owner institution, the Newcastle Art Gallery. The description caption identified Simon Kemp as the builder of ‘Mullimbiba’ in c1830, which may account for the painting having been dated c1830.\(^{25}\) Turner proposed alternative dating based on aspects of the breakwater works; in showing the breakwater incomplete the painting was made prior to 1846 and while the cutting down of Nobby’s was in progress, having started about 1840.

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\(^{19}\) *Sydney Monitor* (11\(^{th}\) May 1838).

\(^{20}\) 20 Sept 1838, Magistrates Bench Books, AONSW Reel 2722.

\(^{21}\) *Maitland Mercury* (14\(^{th}\) October 1843).

\(^{22}\) EJE (1991), p. 75.


\(^{24}\) The Act (4 Victoria No.26) required the schedule to be completed on the 2 March or on the days immediately subsequent. See NSW State Records, Index to the 1841 Census, www.records.nsw.gov.au/state-archives/indexes-online/census-records/index-to-the-1841-census

\(^{25}\) Where reproduced on the Coal River Working Party website (http://coalriver.wordpress.com) the caption indicates a c1830 date. On another Coal River site showing an information brochure, the painting is dated c1830s.
there was no sign of breakwater construction from that side. The painting thus suggested Mulimbah Cottage was in use by about 1841. Turner concluded that the cottage seemed to have been built in the early 1840s.26

The early 1840s appears to be the perceived timeframe for construction of Mulimbah Cottage, more probable from the 1841 Census identifying Kemp as living in Watt Street rather than the speculative date of the painting. While the elevated aspect and the angle of view appear to fit, it is unclear if identifying ‘Mullumbimba’ with ‘Mulimbah’ is based on documentary evidence. The discussion of the two names within the EJE report offers no such evidence, simply identifying the variant spellings which exist within the documentary records; ‘Mullumbimba’ from the painting title being the earliest so far discovered, ‘Mulimbah’ on a Water Board map dating to the end of the 19th century and the Croft family using ‘Mullumbah’ in the 1942 telephone book.27 Furthermore, no evidence was offered as to suggesting the reason for a name change, the author simply noting that the house was “generally referred to as Mulimbah Cottage” by the late 19th century.28 This can be seen from an 1889 newspaper advertisement offering work as a servant at the Parnell’s residence. Mrs. Parnell (Kemp’s daughter) gave her address as “Mulimbah, 79 King Street”.29 From a search of Sydney, Maitland and Newcastle newspapers for the period between 1835-1900 for ‘Mulimbah’ and its associated variants, the 1889 article is the earliest reference found relating to the house having a name. During earlier periods, when giving an address Kemp appears to have primarily used Newcastle and sometimes King Street. Either as an address or located by an article, Edward Parnell’s residence was in King Street or at the corner of King and Wolfe Streets. In another advertisement by Mrs. Parnell in 1884, the description merely states King Street.30

Lack of newspaper articles mentioning a house name prior to 1889 does not mean that ‘Mulimbah’ as a name did not exist, perhaps rather due to no one previously using it as part of their address. Nor does it preclude Mulimbah having originated as ‘Mullumbimba’, although from a general perspective this action seems probable. Regarding the painting, it may also be noted that later research by Turner altered his breakwater chronology; a study in 1994 dated the commencement of the cutting down of Nobby’s to 1836 or soon after, noting that views from around this time show the island terraced.31 This was the result of the engineer, George Barney, choosing to speed construction by quarrying Nobby’s and building from both sides.32 However, for several years the work there appears to be quarrying since the commencement of breakwater construction was reported in March 1839.33 The two parts were joined in 1846.

26 A chronology included as Appendix B in EJE (1991), p. 63 provides a c1840 date.
27 The last notation is rather speculative given that the King Street entrance had ‘Mulimbah’ above the gates in 1936. Reproduced in EJE 1991 as Figure 6.2, the photograph showing this was sourced to the Newcastle Morning Herald but of unknown date; it appeared in the issue of 4 February 1936.
29 Newcastle Morning Herald & Miners’ Advocate (30th November 1889). The name also appears in similar advertisements placed during the early 1890s.
30 Newcastle Morning Herald & Miners’ Advocate (8th November 1884).
31 J.W. Turner, Macquarie Pier and Nobby’s Head Historical Report, Hunter History Consultants, June 1994, p51 (available at coalriver.files.wordpress.com/2010/02/turturner-macquariepi.pdf)
32 Sydney Herald (14th July 1836), signed as ‘Captain Royal Engineers’. Also Sydney Gazette 16 July. Turner referring to Barney as Colonel was a rank achieved later.
33 Australian (19th March 1839), iron gang had commenced operation at Nobby’s for forming the breakwater to join with the part made from the mainland; Sydney Herald (20th March 1839), gang of men employed on the island for breakwater construction.
Assuming depiction accuracy, whether the painting fits within the projected timeframe of 1836 to 1846 is a matter of conjecture. The extent of quarrying on Nobby’s would suggest a later rather than earlier date, although work may have been fairly rapid if done by blasting. The painting having shown no sign of breakwater construction on the Nobby’s side is similarly uncertain; it could signify a pre-1839 date however new work may have taken some time prior to becoming a visible feature. Speculation exists as to whether it was still not visible following March 1841; the earliest possible date for occupation of Mulimbah if the census at the beginning of that month denotes Kemp still living in Watt Street.

The construction and occupation date may in fact extend to as late as February 1843 for there appears to be some possibility that Kemp was still residing at Watt Street. Under the heading ‘Newcastle’, the Maitland Mercury of 25 February 1843 reported that as a result of heavy rains the sewer in George Street had burst, flooded the cellars of Mr. S. Kemp and destroyed a considerable quantity of property. This appears to be a reference to Watt Street. While use of its old name is an oddity in the context of other Mercury reports using Watt Street during the 1830s and early 1840s, it appears that the town had no other George Street in 1843 (and the 1844 plan shows no street with that name). Assuming it alludes to Watt Street, the question remains with the identity of the building which was flooded. The plural description of ‘cellars’ may suggest that the building was the Commercial Hotel, with Kemp identified on the basis of owning the property. However while ownership might have been common knowledge in Newcastle it seems more likely that for a wider readership the reporter would have named the establishment and/or referred to the publican, Mr. Wickes Norton. It could also perhaps be the residence in which Kemp was living at the time of the 1841 Census and still storing property within the cellars. In that instance Mulimbah cottage may have been under construction and Kemp subsequently moved there sometime after February 1843. If the 1844 plan shows the completed house presumably he was resident sometime that year. Without certain identification of the building, occupation of it by Kemp remains speculative. However if it were the case, the painting from Mullumbimba could not have been made in 1843 given the length of the breakwater part from Nobby’s in 1844 (Figure 2.2).

In the final analysis, even if ‘Mulimbah’ was ‘Mullumbimba’ the Census of March 1841 locating Kemp in Watt Street is a barrier to earlier dating. Without contrasting evidence to the Census, Watt Street must be taken as his place of residence. The house was possibly under construction and breakwater progress as shown in the painting would suggest occupation by the latter part of 1841 or 1842. Basing chronology on an 1843 newspaper reference which may or may not indicate Kemp’s presence in Watt Street is problematic, as is basing it on an undated painting which may or may not be accurate. Since a precise date cannot be determined it seems preferable to localise the construction of Mulimbah within a period between the March 1841 Census and 1847 based on the Darby painting or if the 1844 plan does show the house, between the Census and 1844. Figure 2.4 shows the house as planned in c1856 by G.E. Darby (the AACo surveyor), the rear structure being

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34 The Australian (8th August 1837) reported severe injury of two convicts employed on the breakwater blasting rock. Where they were working is not specified but even if it were within the Signal Hill quarry, blasting also occurring on Nobby’s seems a reasonable assumption.

35 Australian (24th August 1839): Barney (now a Major) reporting to the Legislative Council.

36 Maitland Mercury (7th January 1843), Wickes Norton noted as taking over the hotel from Mr. Groves. A later notice of insolvency names him Wicks Norton (Mercury 26th August 1843).
identified in the EJE report as stables.\textsuperscript{37} The Simon and Mary Ann Kemp resided at Mulimbah up until their deaths; Mary Ann on the 11\textsuperscript{th} July 1856 and Simon on the 5\textsuperscript{th} February 1867.

\subsection{The Parnell Family}

In 1849 Kemp’s second daughter Caroline married Edward Parnell, son of Thomas Parnell of Richmond.\textsuperscript{38} Edward’s background has not been traced. The historical section within the EJE report notes him as managing one of the family properties, ‘Weitalibah’, on the Liverpool Plains, however by 1854 he and Caroline were living at Carrington Park at Jerry’s Plains.\textsuperscript{39} Based on the name of the property, it seems that the Parnell’s recently purchased the property from R. Pringle, who gave that as his address until early 1853.\textsuperscript{40} In August 1854 Edward was sworn in as a magistrate (J.P.) and he appeared in an 1864 list of magistrates as ‘Edward Parnell, Carrington Park, Durham’.\textsuperscript{41} There are numerous reports in the \textit{Maitland Mercury} of Edward hearing cases at Singleton. The online birth indexes indicate six children: Emma (b1851), Caroline C. (b1855), Edward C. (b1857), Clarissa A. (b1858), Walter H. (b1860) and Edith B. (b1863). Another daughter for whom no birth record could be found was Elizabeth Frances. She was named as daughter and one of the Trustees and Executors of Edward’s Estate at the time of his death.\textsuperscript{42} The other children are identified as Emma, Edward Carrington, Clarissa, Walter Herbert and Blanche (Edith Blanche). Elizabeth was born in 1853 based on being 72 years of age at the time of her death in December 1925.\textsuperscript{43}

Soon following Simon Kemp’s death, the Parnell family left Jerry’s Plains for Newcastle and took residence in his house. An auction notice for various items in May 1867 noted that Edward was leaving the district, although it was not until October whereby he was described as formerly of Jerry’s Plains.\textsuperscript{44} In January 1868 he was a magistrate at Newcastle and in April elected as a warden of Christ Church, Newcastle.\textsuperscript{45} Later that year Parnell’s residence was located near the corner of King and Wolfe Streets and in early 1870 it was reported that a landslip had destroyed the front entrance gates.\textsuperscript{46} The landslip appears to have been caused by heavy rain and it was noted that Mr. Parnell would of course require the corporation (Council) to repair the damage.

Repair seems to have taken some time, the Improvement Committee reportedly meeting in King Street near Mr. Parnell’s property in January 1871 to consider his

\begin{itemize}
\item \textsuperscript{37} EJE (1991), p. 12.
\item \textsuperscript{38} \textit{Maitland Mercury} (3\textsuperscript{rd} February 1849). Online indexes, marriage, V1849485 34C/1849, District CH (Church of England - Hexham, Newcastle, Christ Church).
\item \textsuperscript{39} EJE (1991), p. 13; \textit{Maitland Mercury} (1\textsuperscript{st} April 1854).
\item \textsuperscript{40} \textit{Maitland Mercury} (19\textsuperscript{th} March 1853). Pringle was at Carrington Park before early 1846, advertising horses for sale in the \textit{Mercy} of 14 March.
\item \textsuperscript{41} \textit{Maitland Mercury} (26\textsuperscript{th} August 1854), \textit{Government Gazette} (30\textsuperscript{th} July 1864).
\item \textsuperscript{42} “Probate notice”, \textit{Sydney Morning Herald} (27\textsuperscript{th} February 1908).
\item \textsuperscript{43} Death record, NSW Births, Deaths and Marriages (17769/1925, Newcastle). Note that Caroline C. died as an infant (3016/1856 District Patrick Plains).
\item \textsuperscript{44} \textit{Maitland Mercury} (28\textsuperscript{th} May 1867; 20\textsuperscript{th} June 1867; 10\textsuperscript{th} August 1867; 24\textsuperscript{th} October 1867). The sale advertised in May including household furniture may indicate Caroline and children moved ahead of Edward, who was still hearing court cases at Singleton in July. His sister-in-law’s father possibly purchased the Jerry’s Plain property.
\item \textsuperscript{45} \textit{Newcastle Chronicle} (8\textsuperscript{th} January 1868), \textit{Maitland Mercury} (16\textsuperscript{th} April 1868).
\item \textsuperscript{46} \textit{Newcastle Chronicle} (7\textsuperscript{th} November 1868; 1\textsuperscript{st} March 1870).
\end{itemize}
application in reference to his property at the corner of King and Wolfe Streets. Its recommendation was that a stone retaining wall be built in front of the property, from the Cemetery wall to Wolfe Street, subsequently continuing along Wolfe Street for a length of 60ft. Also that a flight of steps be inserted into this wall where the entrance from King Street formerly existed, supported by walls on each side, and that a portion of the property facing Wolfe Street above the entrance be protected by a dog stone wall a length of 10ft. Although not certain, these works appear likely to be the subject of a successful tender in May 1871 by Messrs, Parkhill and Street (£150) for a sustaining wall at the corner of King and Wolfe Streets.

Along with describing the Wolfe Street wall as ‘not being a very substantial kind of work’, a report to Council in April 1878 by surveyor John Usher seems to imply the property had vehicle access higher up (perhaps where the stable was located). In describing the formation of Wolfe Street, Usher reported that the cutting as proposed by the Working Forman would have prevented entrance to Mr. Parnell’s property by cart at any point. The mayor had corrected this and Usher recommended excavation only to the edge of the footpath with a retaining wall built; to proceed further would block up Parnell’s present entrance and necessitate construction of steps inside the property and underpinning of his wall. Parnell later made a claim for £500 compensation for injury done to his properties. This was in regards to the way in which the portions of King and Wolfe Streets had been completed.

Figure 2.5 and Figure 2.6 show views of the residence in 1891 during the Parnell occupation. Subsequent to Caroline Parnell dying in April 1898 Edward and at least one of their unmarried daughters remained at Mulimbah cottage. Between Caroline’s death in 1898 and Edward’s death in December 1907, a Miss Parnell living at the corner of King and Wolfe Streets, was advertising for various servants. There appears to have been at least two Parnell sisters living at Mulimbah during the 1920s. Notice of a burglary in 1922 refers to the residence of Misses Parnell in King Street, and another in 1924 refers to an intruder on the premises of Misses Parnell at 93 King Street. Presumably at Mulimbah cottage, Elizabeth lived at the residence up until her death on the 5th December 1925. This may have been the catalyst for the surviving family members to sell, and draws back to the previously mentioned Real Property application which occurred in early 1926 (Section 2.1). The sale occurred prior to F.R. Croft’s first entry into the Electoral Roll at 93 King Street in 1928.

47 Newcastle Chronicle (31st January 1871).
48 Newcastle Chronicle (27th May 1871).
49 Newcastle Morning Herald & Miners’ Advocate (9th April 1878). Council adopting Usher’s report was reported in 11th April 1878.
50 Newcastle Morning Herald & Miners’ Advocate (19th May 1880). It was reported on the 15th June that the Committer of the Whole had recommended repudiation of the claim, then on the 21st September that Parnell had sought access to all related correspondence.
51 Evening News (15th April 1898). Later probate notices and death records show that all four daughters were spinsters.
52 Newcastle Morning Herald & Miners’ Advocate (20th November 1922; 22nd December 1924). Due to a change in street numbering in the early 20th century the street address is different to that given in 1889 but Mulimbah was still No.93 in 1928.
53 Probate notice, Sydney Morning Herald (26th February 1926). Clarissa’s obituary in Newcastle Morning Herald & Miners’ Advocate of the 3rd August 1928 indicates she had lived at Jerry’s Plains, arrived in Newcastle some 20 years ago and resided in Church Street. She later died at Emma and Blanche’s residence in Ashfield (Sydney) and they may have been there by the latter parts of 1926.
2.1.4 The Croft Family

In an article written about *Mulimbah* in early 1934, F.R. Croft was identified as the proprietor of the Northumberland Collieries.\(^{54}\) He had the Northumberland Colliery at Fassifern by 1901, with its head office located at 7 Watt Street.\(^{55}\) Although a link could not be established, the Northumberland Colliery may have emerged out of the Northumberland Land and Coal Company. In 1886, with a capital of £200,000 the company intended to buy the Kingscote property at Newcastle.\(^{56}\) Development begun in 1887 and the name of Croft's colliery appears in an advertisement of the same year advertising for a blacksmith to work for the "Northumberland Land and Coal Company, Northumberland Colliery, near Lake Macquarie Station". However the Land and Coal Company was a British enterprise; shareholder meetings were held in London and if Croft acquired the company or its colliery the circumstances could not be determined. It does appear that Croft was the owner of the Northumberland Colliery; he was referred to as the proprietor in 1907 and a donation of coal in 1919 derived from Mr. F. Croft's Northumberland Colliery.\(^{57}\)

It appears that by 1932 Croft owned another colliery, the Olstan Colliery having been identified within 1932 newspaper articles as one of Croft's.\(^{58}\)

The NSW Births, Deaths and Marriages index suggest that Croft was Frederick R. Croft, born to Joseph and Catherine Croft in 1874 and the Frederick Robert who died in 1959.\(^{59}\) Frederick R. married Emily E. Akerman in 1895 and fathered four children between 1896 and 1912.\(^{60}\) Contrary to Turner stating that Croft's wife died in 1947, Emily Elizabeth Croft passed away in 1945 and the family appear to have left Mulimbah soon after.\(^{61}\)

2.1.5 The Fate of Mulimbah

The EJE report notes that the Anglican Diocese of Newcastle purchased Mulimbah cottage in 1953 probably with the intention of erecting new offices although may have initially attempted to lease the property, however was unsuccessful due to its poor condition.\(^{62}\) With architectural advice the Diocese decided against restoration and arranged for sale of the house for demolition in August 1954.

\(^{54}\) *Newcastle Morning Herald & Miners' Advocate* (3rd March 1934).
\(^{55}\) *Newcastle Morning Herald & Miners' Advocate* (4th January 1901).
\(^{56}\) *Newcastle Morning Herald & Miners' Advocate* (2nd December 1886). The Kingscote property may be one or both of the mining permits on the Lake Macquarie coalfields granted to W.A. Kingscote in 1883: one of 25 acres and one of 69 acres (*NMH* 24th December 1883).
\(^{57}\) *Newcastle Morning Herald & Miners' Advocate* (5th January 1907; 2nd April 1919).
\(^{58}\) *Newcastle Morning Herald & Miners' Advocate* (17th September 1927; 21st January 1932). Turner (EJE 1991:13) said Croft was best known for his ownership of the Northumberland and Olstan Collieries.
\(^{59}\) Birth 16069/1874, father Joseph, and mother Catherine, District Newcastle; Death 28821/1959, father Joseph, mother Katherine, District Sydney.
\(^{60}\) Marriage: 4039/1895, District Wickham. With parents Frederick R. and Emily E., birth records show Stanley A., Dulcie L. and Gladys M. registered in District Wickham, then Cedric R. at Waratah (1912). In 1938 Mrs. Croft of Mulimbah flew to New Guinea to visit son Cedric (*Newcastle Morning Herald* 11th May 1938), who was lost while crewing a Sunderland in the Bay of Biscay in 1943 (*NMH* 12th May 1944, official RAAF listing as 'missing, now presumed dead'). Identified in his funeral notice as son of F.R. Croft, manager of the Northumberland Colliery, Stanley died the next year (*NMH* 24th May 1944). Brothers F.O. and K. Croft mentioned as mourners presumably were born after 1913 (end of online birth indexes).
Complications arise regarding the year of the sale, with some newspaper reports advertising Mulimbah’s sale in 1951. The *Newcastle Morning Herald & Miners’ Advocate* of the 17th August 1951 published an auction notice offering the house as a large brick dwelling for sale for demolition and removal. It was reported on the 27th August of the same year that the highest bid had been £85; the sale was for the demolition, as the land had been sold it was conditional to remove all building & outhouses. Even if the house was passed in at the auction this report states that the property had been sold and unless erroneous, it is unclear how the two data sets are to be reconciled.

The 1951 auction notice advertised 8 large rooms, basement, outhouses and a galvanized iron roof. An article about the house published on the 25th August 1951 proclaimed construction of the house was by Simon Kemp in 1830 and although mentioning occupation by the Parnell family, there was no mention of the later occupation by the Croft family. The Aboriginal name was said to be a slight variation of the tribal name given by the Newcastle and Hunter River S.S Co. to the last Clyde-built steamer brought to Australia, the ‘Mulabinbah’. The 12ft wide verandah was reached by 40 steps, the last part up to the house consisting of 16 steps 6ft wide and set on ornamental piers. The allotment’s boundary with the cemetery was fenced and the Kemp mausoleum was “just a few feet from the house”, this being the resting place of Simon and Mary Ann.

Various redevelopment proposals were made over the years but none eventuated and like the cemetery, the Mulimbah property was neglected. Its condition some twenty years after purchase was recorded in a photograph taken in 1972 (Figure 2.12). Newcastle City Council acquired the property in 1987 and incorporated it into Cathedral Rest Park, which had been established within the cemetery area between 1967 and 1972. The EJE study includes photographs of the property and remains of Mulimbah cottage in 1991 after they were more clearly exposed by removal of a large portion of vegetation. Identifiable remains included the eastern part of the front wall with blind windows below the verandah, the steps leading up to the verandah, the eastern part of the concrete retaining wall creating the lower and upper terraces in front of the house and the inter-terrace steps. The wall section of the house was damaged however remains in fair condition, both sets of steps were in poor condition and the retaining wall mostly in good condition although starting to lean forward.

Exploratory excavation revealed the remains of two paths; one of concrete between the King Street entrance and the inter-terrace steps, and the second of sandstone between the inter-terrace steps and the house steps. In relation to site profile the EJE report noted a moderately steep grade of 1:7 across the site. At least two re-grading phases after demolition appear to have occurred, the most recent having taken place in association with works on the perimeter retaining wall in 1989. At this time the western part of the front inter-terrace retaining wall was removed. It was assumed that the re-grading work related to improving site safety and allowing vehicular access from the top corner of the site. Whether further re-grading phases were undertaken between 1991 and 2012 is not known.

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65 EJE (1991), P. 32.
2.2 DEVELOPMENT OF MULIMBAH

Over the course of the 19th century the original dwelling changed form and later plans show the establishment of other structures. Both utilising the *Newcastle and Suburbs* 1897 plan as a base and the property boundaries for alignment, Figure 2.7 and Figure 2.8 form overlays of later plans. The 1997 Plan shows a house plan reproducing the basic data of a hand-drawn plan included in Appendix C of the EJE report. No reference source or date could be identified for the hand-drawn plan, although it can be suggested that it appears likely to be by a member of the Croft family based on evidence provided by members of the family. The hand-drawn plan suffices as a record of the internal organisation of the upper floor, although some room functions may have changed over time. Allegedly under the western half of the original house the lower floor area functioned as servant quarters, containing two bedrooms and a kitchen/dining area.

In discussion of the original construction within the EJE report, the author assumes the original house would have been a simple Georgian-style building with four rooms upstairs and two downstairs, with perhaps a detached kitchen behind. It is not known if the verandah was original, however at some stage it was upgraded with Victorian elements including cast iron columns and panels. Although the overlay (Figure 2.7) shows the house in slightly different positions, it does indicate that the verandah existed by 1853. Roofing for the cottage is believed to have been slate tiles or timber shingles with corrugated iron during the Croft period; it is apparent in the 1891 photographs that the roof was already iron during the later Parnell period.

The lounge or dining room may have originally formed another bedroom, as it is possible that five of Kemp’s children were living at the property in 1845: Frances S. (6 years old), William (14 years), Caroline (prior to her marriage in 1849) and Mary Anne and Emma who died spinsterly. The EJE report also stated that several sources note that Kemp added the back section shortly after moving in, although those reports were not identified. The caption to the 1853 plan noted that the house had not yet been extended, with Darby’s 1856 Plan also showing no evidence of an extension. The first visual evidence for the extension dates to a plan by Mahlstedt and Gee in January 1886. Based on these plans, the extension was built either by Kemp during 1856 and 1867 or by the Parnell family between 1867 and 1885. Which family had the need for more space remains conjectural. By 1858 all of Kemp’s children were adults (youngest 19 years old) however with Mary Anne and Emma both unmarried, Kemp may have enlarged the house to accommodate an adult family. Alternatively, Edward and Caroline Parnell moved into Mulimbah with six children in 1867, therefore it is probable that the Parnell family required more space, particularly if Caroline’s unmarried sisters continued living on the property.

The structure located immediately behind the house in 1897 was identified as a cellar/pantry set into the slope and converted by the Crofts to a laundry. Absence of this structure on 1850s plans and its presence on an 1886 plan suggests that perhaps the cellar addition was constructed congruently with the house extension. However, plans do not necessarily include all outhouses and none of these indicate the location of the privy, which may be the small building to the east of the

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66 Newcastle and Suburbs (1897), accessed through Newcastle Region Library.
68 EJE (1991), Figure 5.4- image not reproduced in current report.
cellar/pantry in 1897. A notable feature of the overlays are the different depictions of the rear structure adjacent to Wolfe Street.

The southern part of the L-shaped building known from the 1853 plan shows an approximate correlation with the details of the 1897 plan, whereas Darby’s plan indicates a rectangular structure set back off the street to the north. The 1886 plan shows no building within that location, however as previously mentioned outbuildings are often not identified on plans. The 1886 plan does show at least the main outbuildings on surrounding nearby properties. With this in mind, there stands the possibility that the three-room stable building attributed to ‘the time of the Kemp-Pamells’ as post-1886 may have been the third structure to occur within this area. Identified as containing a sulky room, laundry and fuel store, it was used by the Crofts mainly for storage since they could not access it for parking their car. Whether several buildings existed within that area could only be established with archaeological excavation, and furthermore whether those early buildings might in fact be detached kitchens is also questionable. It is possible that the downstairs kitchen was original however a detached kitchen was common due to fear of fire breakouts.

The yard was designed through terracing and as with the house, the Croft family appears to have made minimal changes to the pre-existing layout. The layout utilised during the Croft’s occupation period is known from 1891 photographs taken when the Parnell family occupied the house, however data is lacking as to the precise establishment date of this layout and whether it was created during or after the occupation by the Kemp family. Showing a schematic plan of the layout, Figure 2.10 derives from a plan made for the EJE report and based primarily on information from the Croft family. Plantings and rock gardens are shown only where they define paths. From this plan it can be noted that there were four main areas distinguished by retaining walls.

Retained by a wall located behind the stables and across the whole width of the property, the rear slope rose to a timber slab boundary fence which extended along all boundaries, containing a rear gate into the cemetery at the southern end and another near the house. The latter gate may relate to the location of Simon and Mary Kemp’s graves, which reportedly were “just a few feet from the house”. The second wall retained the cutting for the stables building, continued eastward behind the house and beyond the cellar then northwards along the eastern side of the allotment. The idea of the second retaining wall forming the walls for the cellar appears unlikely as a photograph supplied by the Croft family and published within the EJE report shows it to be a rough and possibly dry stone wall. This photograph and another showing the clothesline situated in the yard retained by this wall indicates that it had a smaller gradient. With neither shown on the 1897 plan (Figure 2.7), the higher retaining wall and the lower wall, located east of the cellar, appear to have been built during the period between 1897 and 1927.

The spaces between the retaining walls and the main house were paths, which on the eastern side ran to steps alongside a rock garden which likely doubled as a retaining function. The path along the south ran to a narrow Wolfe Street entrance with one section branching off south to the stable ladies and well and another north.

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70 EJE (1991), Sheet 6.1.
72 EJE (1991), Figure 6.8.
73 EJE (1991), Figure 6.9.
towards the house. From the Croft photographs the paths in this area comprised of brick paving and either rendered paving or concrete. One photograph, Figure 6.7 in the EJE report, shows a path near the stables which appears to be older brick paving overlain with concrete or thick cement. It also shows the ground encompassing minimal slope which suggests that perhaps cutting into the hill for the construction of the stables encompassed a larger area, or that the excavated soil from construction was laid northwards as levelling fill.

The yard area at the front of the house had a relatively minor gradient, its main construction features being a sandstone path connected to a large staircase leading up to the verandah. It was retained by a concrete wall with a set of splayed steps leading down to the lower terrace and concrete paths, the east one running to steps which provided access to and from King Street. The landslip which destroyed the King Street entrance in 1870 possibly caused the creation of this significantly lower level area of the property. Along with building retaining walls along King and Wolfe Streets, the Council committee recommended that a flight of steps be set in the wall where the old entrance had been located. If these were the works for which a tender was made in May 1871, construction would have started soon following and this new King Street entrance still forms the current entrance.

The nature of entrances and the manner of marking boundaries, if any, during occupation of the property by the Kemp family are not known. However the topography along the streets presumably would have been continuous from the property since the cutting of King and Wolfe Streets occurred during the Parnell period. The construction of the inter-terrace concrete wall was likely constructed during the early 20th century, as neither the 1891 photograph (Figure 2.6) nor the 1897 plan (Figure 2.7) show the wall. Such dating would be consistent with reduction in the cost of cement and its wider availability until the first decades of the 20th century. Although the contour line along the front of the property on the 1897 plan is problematic by running across the top of the King Street steps, the steps are shown on its southern side. These may have been incorporated, replaced or rebuilt when the concrete wall was constructed.
Figure 2.1  Excerpts of Henry Dangar’s town plan, published 1828 (north to bottom). National Library of Australia (Reference MAP NK 646).
Figure 2.2 1844 plan of Newcastle, showing the original cemetery, a structure on the site of Mulimbah cottage, and the breakwater construction off Nobby’s Island.
National Library of Australia (Map reference NLA F72 1844)
Figure 2.3  ‘Nobby’s Island from Mullumbimba Cottage, Newcastle’, undated photograph.
Newcastle Art Gallery, National Library of Australia.

Figure 2.4  Excerpts of c1856 Survey of Newcastle by G.E. Darby, showing Mulimbah cottage and possible stables.
Newcastle Regional Library (1856)
Figure 2.5  Front view of Mulimbah Cottage with members of the Parnell Family in 1891. Taken by Ralph Snowball. Ralph Snowball, Newcastle Cultural Collections (Reference number 001 003213).

Figure 2.6  Photograph of Mulimbah cottage and the Parnell family, dated to approximately 1891. Ralph Snowball collection, Newcastle Cultural Collections (Reference number 001 001073)
Figure 2.7 Excerpt of *Newcastle and Suburbs* 1897 overlaid with structures shown on *Plan of the City of Newcastle* 1853. Overlay by Hickson (2014).
Figure 2.8  Excerpt of Newcastle and Suburbs 1897 overlaid with structures shown on Survey of Newcastle c1856
Overlay by Hickson (2014).
Figure 2.9  Plan of Mulimbah, remodelled after a plan made within the EJE report (1991). Plan drawn by Hickson (2014). Original plan drawn in EJE (1991), Appendix C.
Figure 2.10  Plan showing the organization of the Mulimbah cottage yard area, remodelled from a plan within the EJE report (1991). Plan remodelled by Hickson (2014). Eckford Johnson Partners Pty Ltd, Architects, Extension to Cathedral Park & Mulimbah Cottage Heritage Study, Sheet 6.1
Figure 2.11  Photograph taken in 1951, showing the overgrown condition of the Mulimbah cottage property and surrounding cemetery.
Author Unknown. Newcastle Cultural Collections (Reference number 104 001688)

Figure 2.12  Photograph dated to 1972, showing the overgrown and neglected cemetery grounds and Mulimbah cottage site, to which some of the retaining walls are still visible.
3.0 PHYSICAL EVIDENCE

BACKGROUND

Monitoring works were undertaken in several parts between September and October 2013, commencing on the Mulimbah Cottage property at the corner of King and Wolfe Streets and later progressing to the cemetery area. The areas of excavation have been ordered according to the ascending date of monitoring works (Table 3.1).

Table 3.1 Areas designation for recording the redevelopment works.

<table>
<thead>
<tr>
<th>Area</th>
<th>Location</th>
<th>Works</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area 1</td>
<td>Mulimbah Cottage, frontage along King Street</td>
<td>Earthworks</td>
<td>18.9.2013</td>
</tr>
<tr>
<td>Area 2</td>
<td>Mulimbah Cottage, structure area</td>
<td>Earthworks for footpath</td>
<td>19.9.2013</td>
</tr>
<tr>
<td>Area 3</td>
<td>Mulimbah Cottage, west area near Wolfe Street entrance</td>
<td>Earthworks for steps and footpath</td>
<td>19.9.2013</td>
</tr>
<tr>
<td>Area 4</td>
<td>Cemetery, north side of the Hannell Monument</td>
<td>Earthworks for platforms</td>
<td>18.9.2013</td>
</tr>
<tr>
<td>Area 5</td>
<td>Cemetery, slope north of Area 4</td>
<td>Earthworks for footpaths and platforms</td>
<td>30.9.2013</td>
</tr>
</tbody>
</table>

3.2 METHODOLOGY

Monitoring of the works was undertaken in accordance with the methodology set out in the s60 Permit Application for the cemetery redevelopment.\(^\text{74}\) Within the cemetery area the monitoring archaeologist inspected the soils underlying or associated with removed park infrastructure. They overviewed subsurface excavation and inspected resultant spoil heaps. Superficial works proposed at the adjoining property inferred no impact to relics, however as a precaution the same works methodology was applied to the Mulimbah Cottage property. Remains of the exposed cottage (by removal of overgrowth, turf and topsoil) within that area were cleaned for recording however no testing or archaeological excavation were undertaken.

Records included a field diary, digital photography and measured diagrams for the production of schematic plans of structural features revealed. Structural contexts associated with Mulimbah Cottage were numbered for recording purposes and reference to plans. Artefacts recovered were tagged with source data, cleaned off site, catalogued and photographed (see Appendix 9.4).

3.3 RECORDING AND EXCAVATION

*Mulimbah Cottage: Areas 1-3*

The Mulimbah Cottage precinct initially formed later Phase 2 development works for Cathedral Rest Park, however a change in plans by Newcastle City Council brought works forward. As a result all excavation areas were archaeologically monitored in

\(^74\) AMAC Group (2012), p. 77.
association with Cathedral cemetery on the premise that works were in correlation with the approved plans and no impacts were to be made to archaeological remains.

The Mulimbah Cottage property forms the northwest part of Cathedral Park, with frontage to King and Wolfe Streets and sandstone retaining walls along both streets. It has unimpeded access from the cemetery, an open entrance on Wolfe Street and a stepped entrance on King Street. With the exception of a flat area near the King Street entrance, the land forms a grassed slope with vegetation primarily surrounding the Wolfe Street entrance and along the eastern and southern perimeters. Figure 3.2 and Figure 3.3 show parts of the property prior to works commencing. Visible structural remains include a concrete retaining wall (Figure 3.2, centre left) and part of the cottage located within a patch of vegetation close to the retaining wall (also at left in Figure 3.3). Figure 3.4 shows the structural remains following removal of the surrounding vegetation; two walls of squared sandstone blocks with pecking and a brick lintel over the top section and in between the two vertical lines of sandstone. All three contained cement render and the remains are identifiable as the eastern end of the front wall below the verandah.

*Cemetery Precinct: Areas 4-5*

Excavation works in the cemetery occurred in two areas. Works in Area 4 included trenching to create the foundation for two platforms and a connecting footpath. Shallower excavation was required for Area 5, intended for the construction of a new footpath tiered down the slope to connect with an existing footpath at the King Street entrance.

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75 It may be noted that the two elements are from different periods; the sandstone wall bonded with shell lime mortar apparently original and the lintel of a later brick type bonded with cement. The lintel looks to have been pre-fabricated then inserted.
Figure 3.1  Current aerial photograph showing the study site and location of archaeological monitoring areas.

NSW Land and Property Information, Six Maps (accessed 23rd April 2014).
Figure 3.2  View of the northeast portion of Mulimbah Cottage property. Facing south east.

Figure 3.3  Eastern part of the Mulimbah Cottage property, facing south east.
Figure 3.4  Remains of Mulimbah Cottage, after removal of vegetation. Facing south west.
AMAC Group (2013, digital 6968).
3.3.1 Area 1

The northeast corner of the cottage property along King Street was identified as Area 1. Planned excavation works included the removal of a concrete retaining wall (visible in Figure 3.2), levelling the higher section of the area in front of the wall and shaping the area behind into a slope. Figure 3.5 is a schematic plan of Area 1 following excavation.

Creation of the slope behind the area which contained the concrete foundation wall had been located, providing a well-defined soil profile (Figure 3.6 and Figure 3.7). The profile consists of four primary deposits; a thin sandy loam under grass at the surface, grey sand generally containing a downwards fade (darker to lighter), clay with patches of grey sandy soil, and a dark brown/grey sandy loam at the base. The last soil layer also contained fragments of clay, sandstone and sandstock brick. Eastwards the dark brown/grey sandy loam layer disappeared, however the grey sand over clay continued along a remnant sandstone retaining wall situated behind the bush rock wall currently in place (Figure 3.7). The remnant sandstone wall likely replaced sections of an older wall as it collapsed, with gravel laid in the lower part of the cavity and the upper sections filled with grey sandy soil.

Machining in Area 1 involved levelling the area immediately in front of the concrete retaining wall (Figure 3.3). The exposed soil was grey/brown sandy loam containing structural debris and some fragments of orange plastic safety fence webbing (which was not in use on site for the current development works). One small structural feature, labelled context [002], was exposed within the soil surface at 13.56 metres west of the King Street steps and 25 centimetres south of that structure’s alignment (see Figure 3.5 for location).

Structure [002] was constructed with sandstock bricks bonded with shell lime mortar, the exposed surface measuring 37 centimetres wide and 56 centimetres long (Figure 3.8). No frogs or brickmakers names were visible and surface mortar indicated the removal of higher course(s). The eastern face appeared to have been cement rendered. With its length having a more northwesterly angle this feature was not orientated to the extant cottage remains, which are parallel to King Street. The feature was left in place without further investigation and survives as found.

Artefacts found in Area 1 were grouped as unstratified context [001], some found fallen in the eastern corner near the King Street steps and others recovered from the machine spoil. The latter included a number of ferrous metal items. Finds from the steps area included two fragments of ceramic drainpipe, another visible in section (Figure 3.9 and Figure 3.10). The in situ drain pipe may represent a service set into the clay layer, perhaps a stormwater pipe, however it could also form debris imported with the fill. Two bones identified as a pig phalange and sheep radius fragment were also found within the fill horizon of this area.
Figure 3.5  Schematic plan of Area 1 (Mulimbah Cottage property).
Plan by Hickson (2014).

Figure 3.6  Mulimbah Cottage property, soil profile after the removal of a concrete retaining wall and slope creation. Facing south.
AMAC Group (2013, digital 6975).
Figure 3.7  Mulimbah Cottage property, soil profile located near the King Street entrance steps. Photograph taken after the removal of a concrete retaining wall and slope creation. Facing east.
AMAC Group (2013, digital 6973).

Figure 3.8  Remains of brick structure [002]. Facing north east.
AMAC Group (digital 6995).
Figure 3.9  Mulimbah Cottage property, containing ceramic pipe fragments from a fill horizon near the King Street entrance steps. AMAC Group (2013, digital 6982).

Figure 3.10  Mulimbah Cottage property, showing ceramic pipe fragments from a fill horizon near the King Street entrance. Facing south east. AMAC Group (2013, digital 6987).
3.3.2 Area 2

Situated south of surviving cottage remains, Area 2 was cleared of excess vegetation and excavated for footpath construction (trench width 2.25 metres). As excavation depths were lower than initially detailed and dug prior to consultation, works revealed fragments of sandstone foundations laid in trenches. Figure 3.11 shows the schematic plan of the remains with two reference points; the northeast corner of the surface remains and the south edge of the intended footpath. Following a works plan (LD_CD_05 Materials Plan Stage 2) this alignment was indicated on site by a string line. The line’s level was RL 22.650 metres (AHD) and although machining produced some variability, the end level of the Area 2 trench was approximately RL 22.25 metres. With the remnant footing surfaces approximately between RL 22.30-22.40 metres, their uppermost portions required removal but the remaining parts survive below the footpath.

Four linear features associated with sandstone were numbered [006] to [009] in westward order (Figure 3.12). Contexts [006] – [008] are identified as remnant cottage foundations however [009] is not wholly identifiable.

Feature [006] forms a foundation trench indicated by alignment with the apparent southward return at the eastern end of the surviving cottage remains (Figure 3.13). Its total width was unclear due to two concrete blocks on the eastern side however the trench was at least 19 inches wide (48 centimetres). No stonework was visible at any depth lower than the surviving remains which suggests robbing backfilled with demolition debris (Figure 3.14). The same idea is probable concerning an apparent return westward and at the north end of [006]. Footing [007], encompassing a maximum width of 19 inches and extending over the full width of the Area 2 works trench, also encompassed sandstone rubble blocks (Figure 3.15). The trench footing [008] measured approximately 18 inches. This trench also extended over the works trench, although the northern section had been robbed leaving only the southern part containing rubble blocks bonded with shell lime mortar (Figure 3.16). Feature [009] measuring approximately 19 inches in width also contained rubble blocks however did not extend across the full width of the works trench, nor show any return (Figure 3.17). This raised questions as to whether feature [009] formed a footing. However being a trench positioned parallel to [006] – [008], of consistent width and at the same stratigraphic level for the most part infers that the feature would have formed a footing in association to [006] – [008].

Within the works trench the southern profile at footing [006] provided the most informative stratigraphic sequence. As shown in Figure 3.18, the current surfacing of loam fill [019] sealed structural debris in footing trench [006], which was cut into a clean grey/brown sandy soil [016]. Appearing to be the natural horizon, this soil also was cut westwards by feature [015] and parallel to [006]. The nature of this feature is uncertain; the northern portion suggested another robbed out footing, while the southern portion contained clay fill perhaps forming part of a service. However the latter fill, westward in section, could be another instance of clay fill [018] (see below). No intermediate deposit below fill [019] was evident on the soil surface [016] or across [006] and [015].

Westward along the south section the basal soil [016] was variously sealed, although nowhere did any deposits identifiable as or suggestive of underfloor accumulation occur. In certain places thin patches of structural debris [017] overlay soil [016]. Structural debris [017] primarily consisted of a mortar/render crush with some small orange brick fragments. Thickness was typically 1-6 centimetres, with a maximum of 10cm. Seemingly the equivalent of the demolition fill in trench [006], debris [017] was predominantly sealed by surface soil [019] but in several places by
an intermediate clay fill [018] (Figure 3.19 and Figure 3.20). This may be the same clay identified in feature [015].

Deeper excavation at the eastern area of the works trench cut through the perceived natural soil [016] but as depth was reduced westwards its surface showed remnant structural debris. Most likely remnant [017] although possibly construction debris, the remnants were most visible in the area containing feature [009] (Figure 3.17 and Figure 3.20). In section above feature [009] a ceramic drainpipe sat within surface soil [019]. Whether a drain was laid during that filling event (no cut was apparent), or just a fragment within the fill is not known.

Figure 3.21 shows the two large blocks of concrete removed from along the east side of footing [006]. As this work was completed without monitoring by an archaeologist, the in ground relationship between the blocks and the foundation trench could not be determined. The notable feature of both blocks is the inclusion of sandstock brick fragments within the mix.

The perceived natural soil [016] presented no artefacts in section or in the trench base; the sole item recovered from the footing’s horizon was a Victorian shilling dated to 1877 and from the demolition debris in [006]. No artefacts were observed during machining of the footpath trench but several were later identified within the spoil heap and recovered as context [010]. These included two bones identified as a sheep tibia or shin bone fragment and a sheep femur or thigh bone fragment (see Appendix 9.4).
Figure 3.11  Schematic plan of Area 2 showing remains of Mulimbah Cottage.
Plan by Hickson (2014).
Figure 3.12 Mulimbah Cottage, view east across Area 2 with footing trench [009] in foreground. Facing north east.
AMAC Group (2013, digital 1552).

Figure 3.13 Mulimbah Cottage, red line showing alignment of the eastern end of surface remains with trench [006]. Facing south.
AMAC Group (2013, digital 1555).
Figure 3.14  Mulimbah Cottage, footing trench [006]. Facing south.  

Figure 3.15  Mulimbah Cottage, footing trench [007], also showing location relative to the exposed remains (covered). Facing north.  
AMAC Group (2013, digital 1546).
Figure 3.16  Mulimbah Cottage, footing trench [008]. Facing south. AMAC Group (2013, digital 1575).

Figure 3.17  Mulimbah Cottage, feature [009]. Facing south. AMAC Group (2013, digital 1550).
Figure 3.18  Mulimbah Cottage, footpath trench, south section between footing trench [006] at left and cut feature [015] at right. Facing south. AMAC Group (2013, digital 1559).

Figure 3.19  Mulimbah Cottage, footpath trench, southern section at the eastern side of footing trench [007], showing clay [018] over structural debris [017] over soil [016]. Facing south west. AMAC Group (2013, digital 1571).
Figure 3.20  Mulimbah Cottage, footpath trench, west part of south section to footing trench [009], showing current surface soil [019] over structural debris [017] over soil [016]. Facing south west.
AMAC Group (2013, digital 1576).

Figure 3.21  Mulimbah Cottage property, showing concrete blocks from past park infrastructure removed from the eastern side of footing trench [006]. Facing east.
AMAC Group (2013, digital 1556).
3.3.3 Area 3

This designation was given to the area of works located west of the general cottage location. Initial removal of turf and surface soil for the works revealed paving which appeared to indicate yard space, although at this early stage there was no basis for delineating Area 2 as the structural footprint and Area 3 as the external yard. The starting point of Area 3 was arbitrarily set at the edge of trench [009], extending to the Wolfe Street entrance. Figure 3.22 is a schematic plan of feature locations relative to the Wolfe Street entrance, which is visible at centre right in Figure 3.23.

Initial removal of turf from the area of works revealed a large patch of paving [003], primarily consisting of sandstock bricks and some sandstone. Certain brick fragments also contained remnant cement surfacing. Two construction methods were evident; one being sandstock and sandstone fragments cemented to form a surface and the other bricks laid without bonding (Figure 3.24). Initial machining also partially revealed a line of sandstock bricks [004] with no bonding (Figure 3.25). The sandstock bricks [004] was located slightly west of where Area 2 feature [009] was located and by sight appeared to be perpendicular to the Wolfe Street alignment.

With Area 3 sloping both westwards and northwards work required a combination of filling and excavation. This involved deep excavation into seemingly natural clay at the Wolfe Street entrance, filling over the section behind with spoil for increased height, and extension of the new surface level (created by excavations in Area 2) within the eastern portion of Area 3. Except for its higher part along the southern area requiring removal, paving [003] and any further unexposed surfacing through this area were buried. All three areas of excavation revealed additional features, which are here described in eastward order.

At the Wolfe Street entrance was an L-shaped trench [011] with the longer arm running along the footpath edge, measuring 60 x 169 centimetres and the southern part 78 x 90 centimetres (Figure 3.26). The longer arm contained some sandstone rubble and looks to have been robbed out, however the southern part of trench [011] had in situ blocks. The trench aligned with the retaining wall along the street and appeared to represent a demolished section of wall with a pillar end. End levels for the current works did not require destruction of feature [011].

Another patch of brick paving [014] was revealed in a section where part of paving [003] had been removed (Figure 3.27). Made with un-bonded flat sandstock bricks, this feature appeared to be a path of bricks laid flat bordered by a line of bricks set on their sides. Albeit with a flaring shape, the basic alignment looked to be directed to the southern side of feature [011] at the entrance. The soil paving [014] was set into what appears to be the same soil (likely natural) cut by the footings in Area 2. End levels for the current works in this location also did not require destruction of feature [014].

Sandstone footing [013] was revealed approximately 3 metres east of paving [014], its maximum width measuring 46 centimetres (18 inches) and visible length 1.6 metres (Figure 3.28). An eastward return located at the southern end was partially exposed. End levels for the current works required removal of a portion of the sandstone blocks, however at least one additional course underlying the two removed remained in situ (Figure 3.29). The substantial nature of this footing and the eastward return suggests that the structural features form the southwest corner of the cottage, representing its exterior wall foundations. Concrete surfacing [012], located in close proximity at the southeast further appears to form part of an exterior feature (see Figure 3.30). The current angle of its northern side may be accidental although it gave the concrete surfacing [012] an alignment with the narrower...
entrance indicated by trench [011]. Sitting on what appeared to be a thin layer of natural soil on clay, the excavated portion underlay a thin deposit of demolition debris below the current surfacing soil, as occurred eastward in the area of footing [008] and feature [009]. End levels for current works in this area did not require destruction of this feature.

Figure 3.31 and Figure 3.32 show views of the completed constructions within the Mulimbah Cottage vicinity of the park.
Figure 3.22  Schematic Plan of Area 3 (Mulimbah Cottage).
Plan by Hickson (2014)
Figure 3.23 Mulimbah Cottage property, commencement of Area 3 works. Facing south west.
AMAC Group (2013, digital 6997)

Figure 3.24 Mulimbah Cottage property, initial reveal of part of paving [003]. Facing east.
AMAC Group (2013, digital 6999)
Figure 3.25  Mulimbah Cottage property, brick alignment [004]. Facing west.
AMAC Group (2013, digital 7004)

Figure 3.26  Mulimbah Cottage property, basal remains of retaining wall [011] at the Wolfe Street entrance. Facing north.
AMAC Group (2013, digital 1560)
Figure 3.27 Mulimbah Cottage property, paving [014]. Facing south east.
AMAC Group (2013, digital 1581)

Figure 3.28 Mulimbah Cottage property, showing part of a sandstone footing [013] with partial exposure of a return eastward. Facing east.
AMAC Group (2013, digital 1577)
Figure 3.29  Mulimbah Cottage property, sandstone blocks from footing [013]. Facing north.
AMAC Group (2013, digital 1583)

Figure 3.30  Mulimbah Cottage property, showing a partial section of concrete surfacing [012]. Facing east.
AMAC Group (2013, digital 1565)
Figure 3.31  Mulimbah Cottage property, steps and footpath leading from Wolfe Street entrance (Area 3).
AMAC Group (2013, digital 7644)

Figure 3.32  Remains of Mulimbah Cottage retained within the park landscape (northern area of Area 2).
AMAC Group (2013, digital 7653)
3.3.4 Area 4: Cemetery precinct

Prior to redevelopment works, the area adjacent to the northern side of the Hannell monument was a grassed slope flanked by trees (Figure 3.33). Trenching for the structures reached approximately 300mm below the current ground surface, although up to 400mm in certain areas due to the slope (Figure 3.34 - Figure 3.36). The soil profile was consistent in all locations which encompassed a surface layer of soft brown sandy loam [020] approximately 250-300mm thick, over mixed light to mid grey sands with occasional patches of white sand [021]. Figure 3.37 shows a section profile from the northeast part of the trench for the second platform downslope. In most places the grey sands were only exposed at the base of trench. While surface soil [020] contained rare fragments of brick and sandstone rubble (no dressing evident), sands [021] appeared to be sterile.

3.3.5 Area 5: Cemetery precinct

Prior to redevelopment works Area 5 consisted of a grassed slope with trees and a concrete footpath and steps in the northern portion of the area (Figure 3.38), this being the upper end of a concrete footpath leading down to the King Street entrance. The surface soil was brown sandy loam [022] and removal of the footpath section revealed underlying light grey sand with infrequent fragments of sandstone and brick [023] (Figure 3.39). Machine work in the southern portion of Area 5 and its subsequent use as a temporary storage area for construction beddings resulted in churning of the current ground surface. Apart from this, the redevelopment of Area 5 into a tiered footpath with steps descending to connect with remaining footpaths had minor impact since the structures were built on imported substrate over existing surfaces. Figure 3.40 shows the southern portion of Area 5 during excavation works and Figure 3.41 shows the final level prior to the commencement of construction work.
Figure 3.33  Area 4 prior to works, facing towards the Hannell monument. Facing south.
AMAC Group (2013, digital 6959)

Figure 3.34  South Area 4, west foundation trench for platform adjacent to Hannell monument. Facing south.
AMAC Group (2013, digital 1609)
Figure 3.35  Southern section of Area 4, east foundation trench for platform adjacent to Hannell monument. Facing south.  
AMAC Group (2013, digital 1610)

Figure 3.36  Excavation for footpath connection of upper and lower platforms. Facing south west.  
AMAC Group (2013, digital 7106)
Figure 3.37  Foundation trench for lower platforms in Area 4; west section showing brown soil [020] over mixed grey sands [021]. Facing west.
AMAC Group (2013, digital 1627)

Figure 3.38  Northern section of Area 5 prior to works, showing footpath and steps removal. Facing north.
AMAC Group (2013, digital 6961)
Figure 3.39  North Area 5 after removal of footpath, sand deposit [023]. Facing north-west.
AMAC Group (2013, digital 7109)

Figure 3.40  Southern section of Area 5, temporarily utilised for storage of construction materials. Facing north-west.
AMAC Group (2013, digital 7131)
Figure 3.41  Southern section of Area 5, showing the final surface level prior to constructions. Facing north east.
AMAC Group (2013, digital 1619)

Figure 3.42  Viewing platform on the northern side of the Hannell monument.
AMAC Group (2013, digital 7660)
Figure 3.43  View from the Hannell monument over a descending series of platforms and footpaths.
AMAC Group (2013, digital 7662)

Figure 3.44  Descending series of platforms and footpaths.
AMAC Group (2013, digital 1668)
3.4 DISCUSSION

Cemetery: Area 4 and 5

Excavations for Area 4 were located towards the centre of the cemetery, in the northern portion fronting the Hannell monument. The total depth reached through excavations in this area was between 30 and 40 centimetres below the current ground surface. No artefacts were found within the excavated trench areas with the exception of a minute amount of brick and sandstone rubble identified within the soft brown sandy loam [020]. This loam most likely forms imported topsoil, presumably dating to the most recent clearance and levelling work of the park. The mixed grey sands, underlying the sandy loam [020] in all trench sections, was only partially revealed and is believed to form natural which has been churned or another introduced fill layer. Its position on an upslope also furthers the perception of the area having been raised and filled, possibly for the construction of the Hannell monument or to stabilise surrounding levels. Sterile grey sand may be present in certain trench sections, which suggests the absence of graves or burials in these immediate areas. No human bones or evidence for burials were identified within Area 4.

Area 5 experienced a similar development phase to that of Area 4. Located to the north of Area 4, excavation depths were extremely minimal and of a lesser impact than in Area 4 as it was situated on the downwards sloping section of the park. The brown sandy loam [022] emulates the same type of loam [020] identified in Area 4, also sitting on underlying grey sand. A small amount of sandstone and brick fragments were found within the grey sand which is on a lower stratigraphic layer to Area 4 however the current ground surface had been churned from recent use as a temporary storage area for construction materials. It is possible that the topsoil and sand layers have been mixed. A fragment of dressed sandstone possibly relating to a headstone, was found within the area, although its position in the stratigraphic profile is unknown due to the area’s use for storage. As in Area 4, no evidence for burials or direct use of the area for anything other than park space was identified.

Mulimbah Cottage: Area 1, 2 and 3

Area 1

Only one structural feature was located within Area 1 which comprised of a small brick feature [002]. Set at an angle to the cottage alignment, it is believed that the surface may have formed part of a set of steps leading towards King Street. When the excavated structural remains are overlaid onto the 1897 plan, the small brick feature aligns with the angular steps at the northern slope and lower terrace near King Street (Figure 3.45 and Figure 3.48). The feature appears to contain shell-lime mortar as bonding material and has further been cement rendered. Its position in the overlay (Figure 3.45) is suggestive to have formed one of the lower steps in the series and at the eastern edge. Furthermore, the feature’s material types appear plausible in having been constructed during the early 1870s, which is concurrent with landscaping which took place along the King Street entrance following a landslip in early 1870. The cement render may represent later modifications completed in the early 20th century for extension of the steps or lower terrace section.

Some ceramic pipe fragments, one of which was perceived to be in situ, were located near the current King Street steps (Figure 3.9 and Figure 3.10). The ‘in situ’ drain pipe appeared to be embedded within a clay layer and deeply sealed in sand.
however it was not entirely exposed. Whether the ceramic pipe fragments previously formed a stormwater drain is unknown, however it is unlikely that the fragments formed an open drain. A concrete retaining wall, located at the southern edge of Area 1 and adjacent to the King Street steps was removed. The removal of this wall revealed a soil profile which appeared to be undisturbed fill until the exposure of a basal layer at the base of the excavation depth which contained a number of building material fragments. Historical photographs of the cottage grounds, such as Snowball’s 1891 collection (Figure 2.5 and Figure 2.6), shows a natural slope of the front yard. This suggests that the site did not require significant infill phases, however the presence of a thin line of demolition fill at the bottom of the exposed stratigraphic layer indicates that some portion of excavation and reinterment of fill occurred in this corner of the site.

Area 2

Excavations in Area 2 revealed a set of sandstone footings pertaining to the foundations of Mulimbah Cottage. Based on the angle of the trench cut for Area 2 (NE-SW), the majority of footings exposed relate to internal walls of the cottage. Footing [006] and [013], which part of Area 3, were constructed from significantly larger sandstone blocks than those used to construct footings [007]-[009]. From this observation and their respective positions on the overlay (Figure 3.45), footing [006] and [013] form part of the external walls of Mulimbah Cottage. Internal footings [007]-[009] were constructed from smaller sandstone blocks and all followed a north-south direction. All footings appear to have been bonded with a shell-lime mortar, and all form part of the original cottage construction. An arbitrary width taken between the projected lengths of [006] and [013] measured 62 feet (18.9 metres), to which as 1886 plan records the width of the cottage as 61 feet. With this in consideration, along with the additional overlay, it can be assumed that the dimension of the house are accurate and that parts of the exterior foundations for each external wall survive in some part on the study site.

No subfloor deposits below demolition fill or within exposed sections were identified. As the cottage was constructed significantly earlier than the introduction of tongue-in-groove flooring, the absence of underfloor deposits may suggest that demolition and removal of the cottage extended to a considerable depth. The further absence of a large amount of demolition fill could also relate to the way in which the cottage was removed during the mid-20th century. The 1951 newspaper article describing the sale and removal of the cottage specifically states that all material would be required to be carried off site as there was no vehicular access. At the same time, machine work by the Council during its initial clearance and maintenance of the park may have also removed a portion of demolition fill.

Area 3

With the exception of footing [013], the majority of features found in Area 3 relate to the use of yard space. Concrete surfacing [012], located slightly southeast of footing [013], most likely formed the path running alongside the rear of the house. Two patches of paving [003] and [014], exposed to the west of footing [013], forms part of another path running north-south on the allotment. The paving consisted of a combination of brick and sandstone, with parts containing cement render. Based on observation of the construction materials utilised, paving [003] occurred after the construction of paving [014]. A photograph dating to the Croft period (1927-1947) shows a path containing a brick paving which has been covered by a cement surface which was breaking into fragments thus revealing the older original brick

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surface (Figure 3.49). It can be suggested that paving [003] and [014] most likely formed a small section of the path known from the photograph. It is not known whether the paving would have been constructed contemporaneously with the cottage, perhaps utilising excess materials. However the bricks appear to be sandstock which suggests an earlier date and the cement render surface on top was probably done to prevent the bricks from breaking or separating.

The L-shaped trench [011] exposed along the Wolfe Street entrance most likely forms part of the original side entrance to the property. The identification of a pillar end within the trench area cements its position as the edge of an entrance rather than a section of the retaining wall.

**Artefacts**

A small amount of artefacts were retrieved during monitoring work across all areas of the site. The majority of artefacts were identified in unstratified spoil and demolition fill layers within Area 1 and 2 of the Mulimbah Cottage precinct. A small amount of ceramic fragments, glass jars and bottle fragments, large metal fragments and a few animal bones were identified across the site. Refer to Appendix 9.5 for a letter identifying the animal bones uncovered on site. An 1877 shilling was recovered from the demolition debris in footing [006]. While the date of the coin is contemporaneous with the occupation of the cottage, it was found in demolition fill, however may signify the possibility that underfloor deposits were present and late removed during extensive demolition.

Specific to spoil [001] in Area 1 included lacework fragments, a recent glass screw-top jar and a fragment of worked stone (possibly limestone) with a gritty material which may be remnant modern glue. The metal lacework fragments which were found within the unstratified spoil [001] may have formed part of the decorative metalwork framing on the verandah of the cottage (Figure 2.5). Based on design, it is more probable that the fragments pertain to fencing surrounding a grave which has been part of a later imported fill, therefore result in its presence in a spoil within the Mulimbah Cottage precinct.

Specific to spoil [010] in Area 2 included base fragments of glass drink bottles (c1950s-1980s), also neck fragments of beer and wine bottles (c1850s-1890s). Two fragments of a stoneware water filter [005] contained a partial inscription of ‘…N’s/…PATENT’ and are believed to encompass a pre-1900 date. The first word may be ‘Cheavin’ for the Fulham Pottery and Cheavin Filter Company, which took over the Fulham Pottery in London in 1889. According to a Museum of London website, their production of stoneware was greatly reduced after 1918 and ceased in 1928. One of their filter inscriptions started with ‘G. Cheavin’s Improved Patent’.

**Summary**

The superficial scope of works set out proposed no impact to relics, however the impacts to the soil profile proved unworkable in the field. The deeper works exposed potential relics (paving/footings), and removed (without supervision) a course of masonry presumed to have belonged to the Mulimbah Cottage. No occupation material was evident. Any relics or potential exposed were recorded, and the ground plan of the cottage remains intact (less the course removed).

Aside from the unplanned disturbance of some upper courses of footings, the modified work program did not affect ‘relics’ at Mulimbah Cottage and the integrity and envelope of the existing building in 2012 is retained.
Figure 3.45  Structural features revealed by monitoring works (blue), in relation to an 1897 plan (red) overlaid onto a section of ‘Cathedral Park Stage 2 Layout and Levels’ plan.
Overlay by Hickson (2014).

Figure 3.46  Part of an 1897 plan showing the outline of Mulimbah Cottage, overlaid onto a section of ‘Cathedral Park Stage 2 Layout and Levels’ plan.
Overlay by Hickson (2014).
Figure 3.47  Structural features excavated in Areas 1, 2 and 3 overlaid onto a section of ‘Cathedral Park Stage 2 Layout and Levels’ plan. Overlay by Hickson (2014).

Figure 3.48  Section of an 1897 plan, showing the steps (blue arrow) leading down to the terraced front at King Street. National Library of Australia, Trove online collection (Map RM 1589)
Figure 3.49 A photograph taken during the ownership by the Croft family (c1927-1947), showing pathways located on the west side of Mulimbah Cottage. Note that the stable building is visible in the background. Photograph obtained from EJE (1991, Figure 6.7).
4.0 RESPONSE TO RESEARCH DESIGN

The following discussions are in response to the original research design (AMAC 2012) compiled to incorporate data from the documentary research as well as new evidence found during the final excavation phases.

Table 4.1 Historical Themes concerning the study site

<table>
<thead>
<tr>
<th></th>
<th>Australian Theme</th>
<th>NSW Theme</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tracing the natural evolution of Australia</td>
<td>Environment: naturally evolved</td>
</tr>
<tr>
<td>2</td>
<td>Peopling – Peopling the continent</td>
<td>Convict – Activities relating to incarceration, transport, reform, accommodation and working during the convict period in NSW (1788-1850) – does not include activities associated with the conviction of persons in NSW that are unrelated to the Imperial ‘convict system’: Use the theme of Law &amp; Order for such activities</td>
</tr>
<tr>
<td>3</td>
<td>Economy – Developing local, regional and national economies</td>
<td>Environment – cultural landscape – Activities associated with the interactions between humans, human societies and the shaping of their physical surroundings</td>
</tr>
<tr>
<td>3</td>
<td>Economy – Developing local, regional and national economies</td>
<td>Events – Activities and processes that mark the consequences of natural and cultural occurrences</td>
</tr>
<tr>
<td>4</td>
<td>Building settlements, towns and cities</td>
<td>Land tenure</td>
</tr>
<tr>
<td>8</td>
<td>Developing Australia’s cultural life</td>
<td>Religion - Activities associated with particular systems of faith and worship</td>
</tr>
<tr>
<td>9</td>
<td>Marking the phases of life</td>
<td>Birth and death – Activities associated with the initial stages of human life and the bearing of children, and with the final stages of human life and disposal of dead</td>
</tr>
</tbody>
</table>

General Questions:

- Does evidence exist to indicate the original flora and topography of the study site prior to European occupation of Newcastle?

No evidence exists to indicate the original flora of the study site prior to the European occupation of Newcastle. The northern slope of the site progressing towards King Street illustrates the steep topography of the area which is still present in many areas of the site, even though several phases of raising and levelling the site appear to have occurred.

- Has the original soil horizon survived in any location?

Of the exposed soil profiles on site, no evidence for the original soil horizon were identified. The site, predominantly in the area once containing Mulimbah Cottage, appears to have been subject to several fill phases, most likely in order to level the significant northern slope of the land for development.

- Is there any evidence of Aboriginal occupation or use of the site or of the area? Any such evidence is protected by the NPW Act.

No Aboriginal objects were found during monitoring and excavation of the development area.

- What archaeological evidence is there of the features that are known to have existed on the site?
The majority of all archaeological evidence uncovered on site pertains to the development and occupation of Mulimbah Cottage. The majority of structural features existed in the form of sandstone footings forming the internal walls of the cottage. Two footings, [006] and [013], appear to form small sections of footings for the east and west external walls of the cottage. A small portion of paving was uncovered on the western side of the cottage, which either relates to the yard area of Mulimbah Cottage or may be associated with the Wolfe Street entrance. All artefacts collected derived from spoil heaps or fills and appear to be a combination of both cemetery material and domestic artefacts associated with occupation of Mulimbah Cottage. In particular a number of corroded metal fence fragments were uncovered in spoil near the cottage precinct, however are more likely to belong to early original fencing which surrounded individual burials.

- What evidence is there of previously unknown features?

No evidence for previously unknown features were uncovered within either sections of the study site.

- How has development affected the earlier remains on the site?

Cathedral Rest Park as a whole has experienced minimal development phases. Excavation work within the cemetery precinct did not extend deep enough to ascertain as to whether development has affected any burials or graves within the cemetery site. However at the same time, assessment of the site has provided no evidence for structural development or building activities within the cemetery, apart from modern landscaping activities.

Concerning the area encompassing the Mulimbah Cottage precinct, monitoring work revealed evidence for only one main phase of development, that being for the construction of the cottage itself. Some form of levelling appears to have occurred for the construction of the cottage and no evidence for earlier unknown structures or features were found. Apart from the demolition and removal of the cottage during the 1950s, only excavation for the clearance and maintenance of the park has ensued. Exposed soil profiles following the removal of a retaining wall revealed that a later fill contained a small amount of demolition fill or structural debris. This is attributed to the transportation of levelling fills from other sources rather than another phase of development on the Mulimbah Cottage site.

- What evidence exists for the inferred taphonomic process?

Monitoring work within two areas of the cemetery precinct revealed no evidence for human remains or significant organic matter which would allow for discussion of the taphonomic process experienced by the study site. While a small amount of animal bone fragments were uncovered during monitoring work within the Mulimbah Cottage area, these were primarily found within the spoil heap from machining and its position within the stratigraphic layer cannot be attributed.

- How have those taphonomic processes impacted the archaeology?

Monitoring work within two areas of the cemetery precinct revealed no evidence for human remains or significant organic matter which would allow for discussion of the taphonomic process and its subsequent impacts to archaeology present on the study site.
• What is the date and nature of the filling episodes inferred by Geotechnical investigations in 2012?

Geotechnical investigations undertaken in 2012 identified three main fill episodes on the site which included topsoil, fill and residual soil. The topsoil was noted as occurring all over the site, while the fill episode was described as sandy clay or sand with some areas containing brick and stone fragments. This fill episode most likely represents the 19th century occupation phase of Mulimbah Cottage, as the area containing brick and stone fragments was noted as being within the cottage precinct. The episode identified as residual soil comprised predominantly silty clay or clayey sand. No inclusions are identified within this stratigraphic layer which likely signifies pre-European occupation or at least dated earlier than the construction of Mulimbah cottage. These filling episodes are consistent with soil profiles which were exposed during monitoring.

Early European occupation to 1820s

• Is there any archaeological evidence of activity on the site prior to its use as a church and cemetery?

No evidence was found to suggest the use of the site prior to its utilisation as a church and cemetery.

• Does archaeological evidence exist to identify the presence of burials prior to 1826 or any not already identified through documentary evidence?

No human remains or burials were encountered during excavation work.

Christ Church Cemetery Grounds: 1826-1884

• Is there any evidence to suggest how much of the original slope of the hill was affected by historic and natural processes?

Excavation work within the cemetery precinct did not extend deep enough to ascertain how much of the original slope of the hill was affected by historic and natural processes.

• At what levels are archaeologically sensitive materials found?

No archaeologically sensitive materials were found within the Christ Church cemetery grounds.

• It is known from documentary evidence that the cemetery was experiencing overcrowding and a lack of available space by the mid-19th century. Is there any evidence for the reuse of graves by the church?

No human remains or burials were encountered during monitoring work.

• If human remains are found, what information can be inferred from those remains regarding the inhabitants of Newcastle during this period?

No human remains or burials were encountered during monitoring work.

• Is there evidence for a range of burial options available for this period, or are the burials generic in nature?
No human remains or burials were encountered during monitoring work.

- Are disarticulated human remains present in the fill or soil layers?

No human remains or burials were encountered during monitoring work.

- Testing and inspection have revealed significant remnants of headstone and grave surrounds discarded on the site. Are these present across the study site?

A number of corroded metal fragments encompassing a filigree or lacework design were found within the spoil heap of Area 1, which was located within the Mulimbah Cottage precinct. Based on the patterns and design it is believed that the metal fragments belong to decorative fencing surrounding early graves rather than deriving from the cottage verandah. Its location at the base of the cottage area near King Street is likely a result of modern levelling work which has removed topsoil from different areas of the cemetery and placed it at the base of the cottage precinct to reduce the steep slope to King Street. No identifiable fragments of headstones were identified on the study site.

- How have later developments on the site affected the subsurface remains, can comment be offered on their condition?

As previously discussed, later developments made to the greater study site area including Mulimbah Cottage have been minimal. The only evidence for later developments involve works for landscaping and the site’s conversion to Cathedral Rest Park. Discussion cannot be made regarding how these landscaping developments have affected the existing burials, as excavation work within the cemetery area did not progress to a depth where the stratigraphic profile or the condition of any remains could be examined. Where exposed, features pertaining to Mulimbah Cottage appear to have be intact and well-preserved.

- What is the condition of the Mulimbah Cottage site and surrounds?

It can be suggested that a considerable amount of structural remains and building materials pertaining to Mulimbah Cottage were removed from the site when it was dissembled during the 1950s. The newspaper article describing the sale of the cottage only on the premise that all materials be removed may result in why no significant deposits or artefacts associated with the cottage were uncovered during monitoring.\(^77\) Of the features found, the majority of structural remains were intact and well-preserved. Some features associated with use of the yard space such as paths, footings for sheds or stables and cesspits, may have been removed through later landscaping excavation work.

- Does the Mulimbah Cottage allotment show any indication of inhumations or subsequent dispersal (via erosion etc.) of disarticulated human remains?

No human remains or burials were encountered during excavation work.

- Is there any evidence of other undocumented use of the cemetery for burials after By-law No. 3 of Section 153 of the Municipalities Act was passed on 27th of August 1881?

\(^77\) *Newcastle Morning Herald & Miners’ Advocate* (25\(^{th}\) August 1951), p. 5.
No human remains or burials were encountered during excavation work.
5.0 PERMIT COMPLIANCE

Archaeological monitoring work undertaken in 2013 was completed under permit 2012/S60/112. The following conditions form guidelines created by the Heritage Division to which all archaeological works on the site complied by.

Archaeology

2. All works shall be in accordance with the approved research design and methodology outlined in Research Design, Excavation Methodology and Heritage Impact Statement, Cathedral Rest Park 73 King Street, Newcastle dated November 2012 prepared by Archaeological Management and Consulting Group Pty Ltd, except as amended by the following conditions:

3. This archaeological approval does not cover the removal of any State significant relics or intact human remains. This approval covers the archaeological monitoring of works which may disturb or expose relics associated with Cathedral Park, only.

No State significant relics or any human remains were uncovered during archaeological monitoring.

4. The Heritage Council of NSW or its delegate must be informed in writing of the start of the archaeological investigation at least five (5) days prior to the commencement of, and within five (5) days of the completion of no-site archaeological work.

Personal communication between AMAC Group and the Heritage Division were made at the commencement and completion of archaeological monitoring.

5. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in Research Design, Excavation Methodology and Heritage Impact Statement- Cathedral Rest Park, 73 King Street, Newcastle dated November 2012 prepared by Archaeological Management and Consulting Group Pty Ltd are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

No substantial intact archaeological deposits or State significant relics were uncovered during monitoring work. A small portion of archaeological material pertaining to Mulimbah Cottage, which was not within the original archaeological assessment, was uncovered as a result of further excavation and clearance work by the excavation team on site. This excavation work was undertaken without consulting the monitoring archaeologist and as a result all features found associated with Mulimbah Cottage were recorded to the archaeological methods and standards outlined within the AMAC Group report and retained as per Heritage Division guidelines.

6. A new S60 application and Archaeological Research Design to the Heritage Council of NSW would be needed if intact human remains/burials were to be removed by the proposed works, prior to undertaking any further works on the site. The new application would determine the acceptability of the proposed development of the site on the archaeological resource. Adequate mitigation strategies, including the potential for in-situ retention, must be addressed and
discussed with the Heritage Council of NSW or its delegate in light of the findings from the archaeological fieldwork.

No human remains or burials were uncovered during monitoring work.

7. The Applicant must ensure that the nominated Excavation Director is present at the site to supervising all demolition activities;

The nominated Excavation Director, Martin Carney, was present during any demolition work on site and during further excavation work for the removal of fills within the cemetery.

8. The Applicant must ensure that the nominated Excavation Director is present at the site supervising all excavation activity likely to expose relics.

The Excavation Director was present at the site for all excavation work within the cemetery. No archaeologist was initially present for the removal of topsoil and fill in the area previously containing Mulimbah Cottage as the scope of works did not initially extend to the area and an archaeologist was not called to supervise these works. An archaeologist was on site to record and monitor the continuation of works in this area as soon as AMAC Group were made aware of the situation.

9. The Applicant must ensure that the nominated Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with the NSW Heritage Office guidelines, ‘How to Prepare Archival Records of Heritage Items' (1998) and ‘Guidelines for Photographic Recording of Heritage Items' (2006).

All recording procedures and practices, including on site recording, planning and photography, were completed in accordance with the current NSW Heritage Office guidelines and publications.

10. The Applicant is responsible for the safe-keeping of any relics recovered from the site. The Applicant must ensure that the nominated Excavation Director cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.

All artefacts collected from the site were cleaned, photographed, labelled and catalogued following the completion of monitoring work. A photograph of each artefacts can be seen in Appendix 9.4.

11. The Applicant must ensure that a final excavation report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW. Further copies of the report should be lodged with the local library and/or another local repository in the area in which the site is located.

This document forms the final excavation report. A copy of the report will be lodged with Newcastle Regional Library.

12. Should any Aboriginal ‘objects’ be uncovered by the work, excavation or disturbance of the area is to stop immediately. The Excavation Director must inform the Office of Environment and Heritage in accordance with Section 89A
of the National Parks and Wildlife Act 1974 (as amended). Works affecting Aboriginal ‘objects’ on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal ‘objects’ must be managed in accordance with the National Parks and Wildlife Act 1974;

No aboriginal ‘objects’ were uncovered during archaeological monitoring.

13. This approval does not cover archaeological works on the site of the demolished Mulimbah Cottage, Lot 1 DP 76185.

Archaeological monitoring within the area once containing Mulimbah Cottage were conducted as a result of an unknown deviation of the planned works for this area. The scope of works initially encompassed raising and levelling of the area containing Mulimbah Cottage through the introduction of fill to the northern sloping areas. This type of work would not affect any potential remains associated with the occupation and use of Mulimbah Cottage, rather further preserving them within the stratigraphic layers. However works in this area were altered to encompass clearing and levelling in the centre of the cottage site and commenced prior to communication with AMAC Group in terms of whether this specific work could proceed in accordance with the conditions and guidelines set out by the Heritage Division. As a result, the upper portion of a section of sandstone footings [006]-[009] in Area 2 were removed without the consent or knowledge of AMAC Group for the construction of a new footpath. Monitoring work revealed that the base layer of all footings were still retained in-situ to which the overall shape and layout of the footings remain unaffected and could be recorded and planned. A small portion of paving [003] within Area 3, located near the Wolfe Street entrance and considered to be of neither local nor State significance, was also removed for the construction of the new path. This paving was fully recorded prior to its removal, along with remnants of paving retained on either side which has preserved its overall shape and spatial relation to other known features of the cottage. At the same time, paving [003] cannot be wholly attributed to the cottage considering its close vicinity to the Wolfe Street entrance.
6.0 Revised Assessment of Significance

4.1 Methodology

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

Archaeological heritage significance can also be viewed in light of the framework set out by Bickford and Sullivan in 1984.\(^{78}\) Bickford and Sullivan, taking into consideration the “archaeological, scientific or research significance” of a site posed three questions in order to identify significance:

1. Can the site contribute knowledge which no other resource can?
2. Can the site contribute knowledge which no other site can?
3. Is this knowledge relevant to general questions about human history or other substantive problems relating to Australian history, or does it contribute to other major research questions?\(^{79}\)

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

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

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

Table 4.1 Criteria for Assessing Heritage in NSW

<table>
<thead>
<tr>
<th>Criterion</th>
<th>Description</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Criterion A</td>
<td>An item is important in the course, or pattern, of NSW’s or the local area’s cultural or natural history</td>
<td>State significant or locally significant</td>
</tr>
<tr>
<td>Criterion B</td>
<td>An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW’s or a local area’s cultural or natural history</td>
<td>State significant or locally significant</td>
</tr>
<tr>
<td>Criterion C</td>
<td>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW or the local area</td>
<td>State significant or locally significant</td>
</tr>
<tr>
<td>Criterion D</td>
<td>An item has strong or special association with a particular community or cultural</td>
<td>State significant or locally significant</td>
</tr>
</tbody>
</table>

\(^{78}\) Bickford and Sullivan (1984)

group in NSW or a local area for social, cultural or spiritual reasons |  
Criterion E | An item has potential to yield information that will contribute to an understanding of NSW’s or a local area’s cultural or natural history | State significant or locally significant  
Criterion F | An item possesses uncommon, rare or endangered aspects of NSW’s or a local area’s cultural or natural history | State significant or locally significant  
Criterion G | An item is important in demonstrating the principal characteristics of a class of NSW’s or a local area’s - cultural or natural places; or - cultural or natural environments | State significant or locally significant  

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

4.2 IDENTIFICATION OF SIGNIFICANCE

Archaeological Research Potential (NSW Heritage Criterion E)

The study site, Cathedral Rest Park, did not demonstrate archaeological significance according to this criteria. However unexpected monitoring within the Mulimbah Cottage precinct revealed archaeological evidence of local significance. A series of in situ sandstone footings pertaining to the original cottage were uncovered during excavation work. These footings provide information regarding construction materials, wall thickness and the internal layout of part of the ground floor of the cottage. The identification and recording of these footings allow data to be cross-examined with written historical documentation regarding the layout or construction of the residence. Although not formerly assessed by this document, the data collected is likely to enhance the already well-documented historical record of Mulimbah Cottage and can be considered to be of local significance.

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

The study site, Cathedral Rest Park, was initially assessed as State significant for its strong associations with various persons of historical importance to past and contemporary communities of Newcastle. While this significance is still vested within the current Newcastle community, no archaeological evidence providing information about specific individuals were uncovered within any of the monitored areas. As a result, the study site does not demonstrate archaeological significance according to this criterion.

Aesthetic or technical significance (NSW Heritage Criterion C)

The study site did not demonstrate archaeological significance according to this criterion.

Ability to demonstrate the past through archaeological remains (NSW Heritage Criteria A, C, F & G)
No archaeological remains pertaining to the use of Cathedral Cemetery were identified within the archaeological record. Apart from a few unstratified metal filigree fragments which may form part of decorative fencing for a grave, no human remains or burials were uncovered in the current development areas of Cathedral Rest Park.

Unplanned excavation work within the Mulimbah Cottage precinct revealed a number of in situ sandstone footings and a small portion of poorly preserved paving likely forming a pathway to Wolfe Street. The absence of in situ domestic artefact scatters or deposition eliminates the ability to identify or discuss the site’s continuity or long term use as a domestic residence throughout the 19th and 20th centuries. Although not formerly assess by this document, it can be suggested that the structural features of Mulimbah Cottage can be considered to be of local significance.

6.3 STATEMENT OF CULTURAL SIGNIFICANCE

The study site was initially assessed as state significant for its potential to yield archaeological remains regarding the material expression of death in historical society and potential changes in burial practices over time. As a whole the site remains State significant for its historical, cultural and scientific importance, although this was not exhibited within the limits of the current archaeological work.

No evidence for graves, burials or any human remains were identified within the excavated areas of Cathedral Rest Park. The absence of any structural remains within those excavated areas further infers the park’s sole use as a cemetery site.

The features uncovered within the Mulimbah Cottage precinct provide information regarding the internal layout of the ground floor of the residence and utilisation of yard space. The in situ sandstone footings forming part of the original layout of Mulimbah Cottage can be considered to be of local significance. The small amount of artefacts found represent a typical domestic artefact assemblage including animal bones from food consumption. However their position among machine spoil cannot permit assumption that all artefacts relate specifically to residential occupation of the cottage. Based on their position within the stratigraphic profile, the artefacts retained are considered to be of neither local nor State significance.

The study site continues to retain a high potential for local or State significant archaeological material in almost all other areas of Cathedral Rest Park which were not excavated during this phase of development.
7.0 RESULTS AND RECOMMENDATIONS

7.1 RESULTS

7.1.1 Documentary Research
The study site forms the earliest formal cemetery site in Newcastle. The first burials within cemetery grounds are believed to date to between 1802 and 1804, although the land for Christ Church Cathedral and burial grounds were not granted until 1817, with official documentation processed in 1859. The first recorded burial dates to 1826, however it is likely that interments were occurring on a regular basis since the beginning of the 19th century. By 1881, the burial grounds had officially been closed for further interments. The cemetery languished until the 1960s conversion which uprooted the remaining headstones and wild vegetation and installed infrastructure to facilitate a public park.

Documentary research suggests that Mulimbah Cottage was constructed during the 1840s while the land was under the ownership of Simon Kemp. Kemp, a publican and investor, lived with his wife Mary Ann and their children at Mulimbah Cottage until his death. One of Simon and Mary Ann’s daughters, Caroline, married Edward Parnell and moved into Mulimbah cottage following the deaths of her parents. The property remained occupied by members of the Parnell family until its sale by Caroline and Edward’s daughters in 1926 to Frederick R. Croft. The Croft family lived at Mulimbah until the late 1940s, whereby the property was purchased by the Anglican Diocese of Newcastle and the cottage was demolished and removed shortly afterwards. Visual evidence suggests that the property was never significantly developed apart from its initial construction. Newcastle City Council acquired the property in 1987 and amalgamated the area into Cathedral Rest Park.

7.1.2 Archaeological Monitoring
Monitoring within the cemetery grounds (areas 4 and 5) revealed limited to no archaeological evidence. The vast majority of excavation in the cemetery grounds only reached approximately 40 centimetres below the current ground surface. No human remains or burials were uncovered during monitoring and only a small amount of artefacts were identified within the topsoil.

Unplanned excavation work and monitoring within the Mulimbah Cottage precinct (areas 1-3) revealed a number of structural features pertaining to the 19th century cottage construction. In situ sandstone footings [007]-[009] were uncovered in area 2 which when planned illustrates the layout of a small section of the ground floor of the cottage. Footing [006] and [013] were considerably wider, forming part of the east and west external walls of the cottage. Small sections of poorly preserved paving [003] and [014] were uncovered on the west side of footing [013] and may have formed a pathway to the original Wolfe Street entrance. Other small, isolated brick and sandstone features were identified during monitoring, however cannot accurately be attributed to a particular structure or feature.

7.1.3 Significance
The study site was initially assessed as state significant for its potential to yield archaeological remains regarding the material expression of death in historical society and potential changes in burial practices over time. As a whole the site remains State significant for its historical, cultural and scientific importance, although this was not exhibited within the limits of the current archaeological work.
No evidence for graves, burials or any human remains were identified within the excavated areas of Cathedral Rest Park. The absence of any structural remains within those excavated areas further infers the park's sole use as a cemetery site.

The features uncovered within the Mulimbah Cottage precinct provide information regarding the internal layout of the ground floor of the residence and utilisation of yard space. The in situ sandstone footings forming part of the original layout of Mulimbah Cottage can be considered to be of local significance. The small amount of artefacts found represent a typical domestic artefact assemblage including animal bones from food consumption. However their position among machine spoil cannot permit assumption that all artefacts relate specifically to residential occupation of the cottage. Based on their position within the stratigraphic profile, the artefacts retained are considered to be of neither local nor State significance.

The study site continues to retain a high potential for local or State significant archaeological material in almost all other areas of Cathedral Rest Park which were not excavated during this phase of development.

7.2 RECOMMENDATIONS

Archaeological monitoring at Cathedral Rest Park exhibited no evidence of human remains, or any Aboriginal material or 'objects'. Furthermore, no occupation material was found during unplanned monitoring work at the Mulimbah Cottage site. It is recommended that this report be submitted to the Heritage Division as the final archaeological report for the site, along with any photographic records.

Future Works

Due to the nature of the site and its historical and archaeological significance, any future development work requiring excavation to any area of Cathedral Rest Park should be conducted under the supervision of a qualified archaeologist. Based on the type of development and planned works, a re-assessment of the site or a new permit application may be required prior to the commencement of works.

Any future works in the allotment once containing Mulimbah Cottage and requiring significant subsurface excavation should be subject to a full archaeological assessment prior to the commencement of works.

7.3 ARTEFACTS AND RECORDS STORAGE

A copy of the report will be given to the client, along with any archival photographs. The artefacts which were collected during monitoring work have been cleaned, photographed and catalogued and will be stored with the Newcastle City Council. All site records will be stored with AMAC Group.

7.4 PUBLIC INFORMATION

A copy of the report will be lodged with Newcastle Regional Library as a matter of public information.


8.0 BIBLIOGRAPHY


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*Sydney Monitor* (11th May 1838).

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The Public Health Act (2010).

*The Sydney Morning Herald* (27th February 1908; 12th February 1926; 26th February 1926).

9.0 APPENDICES

9.1 HERITAGE BRANCH EXCAVATION PERMIT

Mr John Johnston
Manager
Infrastructure Management Services
Newcastle City Council
PO Box 489
NEWCASTLE NSW 2300

Attention: James Clarence

Dear Mr Johnston

APPLICATION UNDER S60 OF THE NSW HERITAGE ACT, 1977

RE: CHRIST CHURCH CATHEDRAL, MOVEABLE COLLECTIONS & CEMETERY 52A CHURCH STREET, NEWCASTLE SHR NO. 01858

Proposal: Stage 2 & 3 of landscape improvements

S60 Application no: 2012/s60/112 received on 21/11/2012

Information received with the s60 application: Section 60 application form, Drawings noted below, Cathedral Park Statement of Heritage Impact

Additional information requested: Overlay showing areas of low archaeological potential 07/12/2012

Date additional information received: 10/12/2012 & 13/12/2012

As delegate of the NSW Heritage Council, I have considered the above application. Pursuant to Section 63 of the NSW Heritage Act, 1977, the Heritage Council hereby informs Mr John Johnson that approval is granted subject to the following conditions:

1. The approval should be in accordance with the following documents (except where amended by conditions below);

   a) Cathedral Park Newcastle Section 60 Application Statement of Heritage Impact including Cathedral Park Newcastle Statement of Research Design, Excavation Methodology and Heritage Impact prepared by Archaeological Management & Consulting Group Pty Ltd November 2012;
   b) Newcastle City Council's Cathedral Park Master Plan;
   c) Stage 2 Demolition Plan LD_DD_02 Revision E 26/10/2012 prepared by McGregor & Coxall;
   d) Stage 3 Demolition Plan LD_DD_03 Revision E 26/10/2012 prepared by McGregor & Coxall;

Helping the community conserve our heritage
e) Stage 2 & 3 Layout and Levels Plan LD_DD_04 Revision E 26/10/2012 prepared by McGregor Coxall;
f) Draft Design Development 06-07 Revision C prepared by McGregor & Coxall;
g) Stage 2 & 3 Planting Plan LD_CD_08 Revision D 26/10/2012 prepared by McGregor & Coxall;
h) Soil Preparation 1000/01-01, 02-02, 03-01, 04-01, 05-01 Revision prepared by McGregor & Coxall;
i) Wall type Precast Concrete wall 2000/02-01A & 01B Revision C & 02-02 Revision B, 02-03 Revision C prepared by McGregor & Coxall;
j) Edge Type Galvanised Steel 2000/03-01 prepared by McGregor & Coxall;
k) Edge Type Precast concrete edge with lawn infill 2000/04-01 & 04-02 & 04-03 Revision C prepared by McGregor & Coxall;
l) Pavement Type – Recycled brick 3000/01-01 & 01-02 & 01-03 Revision C prepared by McGregor & Coxall;
m) Stair Type – Precast Concrete 3000/05-01 Revision D & 05-02 & 05-03 Revision C prepared by McGregor & Coxall;
n) Sand Blast Names to Step Riser 4000/02-01 Revision C prepared by McGregor & Coxall;
o) Rail and Fences 5000/01-01A-B & 01-03 Revision C & 01-02 to 01-04 prepared by McGregor & Coxall;
p) Furniture, Precast Concrete Seat – 7000/01-01 & 01-02 Revision C & 02-01 prepared by McGregor & Coxall.

Archaeology

2) All works shall be in accordance with the approved research design and methodology outlined in Research Design, Excavation Methodology and Heritage Impact Statement Cathedral Rest Park 73 King Street, Newcastle dated November 2012 prepared by Archaeological Management & Consulting Group Pty Ltd, except as amended by the following conditions:

3) This archaeological approval does not cover the removal of any State significant relics or intact human remains. This approval covers the archaeological monitoring of works which may disturb or expose relics associated with Cathedral Park, only.

4) The Heritage Council of NSW or its Delegate must be informed in writing of the start of the archaeological investigation at least five (5) days prior to the commencement of, and within five (5) days of the completion of on-site archaeological work.

5) The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in Research Design, Excavation Methodology & Heritage Impact Statement Cathedral Rest Park 73 King Street, Newcastle dated November 2012 prepared by Archaeological Management & Consulting Group Pty Ltd are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

6) A new S60 application and Archaeological Research Design to the Heritage Council of NSW would be needed if intact human remains/burials were to be removed by the proposed works, prior to undertaking any further works on the site. The new application would determine the acceptability of the
proposed development of the site on the archaeological resource. Adequate mitigation strategies, including the potential for in-situ retention, must be addressed and discussed with the Heritage Council of NSW or its delegate in light of the findings from the archaeological fieldwork.

7) The Applicant must ensure that the nominated Excavation Director is present at the site to supervising all demolition activities;

8) The Applicant must ensure that the nominated Excavation Director is present at the site supervising all excavation activity likely to expose relics.

9) The Applicant must ensure that the nominated Excavation Director takes adequate steps to record in detail relics, structures and features discovered on the site during the archaeological works in accordance with current best practice. This work must be undertaken in accordance with the NSW Heritage Office guidelines, ‘How to Prepare Archival Records of Heritage Items’ (1998) and ‘Guidelines for Photographic Recording of Heritage Items’ (2006).

10) The Applicant is responsible for the safe-keeping of any relics recovered from the site. The Applicant must ensure that the nominated Excavation Director cleans, stabilises, labels, analyses, catalogues and stores any artefacts recovered from the site in a way that allows them to be retrieved according to both type and provenance.

11) The Applicant must ensure that a final excavation report is prepared by the nominated Excavation Director, to publication standard, within one (1) year of the completion of the field based archaeological activity unless an extension of time or other variation is approved by the Heritage Council of NSW. Further copies of the report should be lodged with the local library and/or another appropriate local repository in the area in which the site is located.

12) Should any Aboriginal ‘objects’ be uncovered by the work, excavation or disturbance of the area is to stop immediately. The Excavation Director must inform the Office of Environment and Heritage in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (as amended). Works affecting Aboriginal ‘objects’ on the site must not continue until the Office of Environment and Heritage has been informed. Aboriginal ‘objects’ must be managed in accordance with the National Parks and Wildlife Act, 1974;

13) This approval does not cover archaeological works on the site of the demolished Mulimbah Cottage, Lot 1 DP 76185;

Landscaping

14) Oleander trees are to be retain unless the tree occupies the site where a headstone is to be relocated or obscures harbour views;
Commencement

15) This approval shall be void if the activity to which it refers is not physically commenced within five years after the date of the approval or within the period consent specified in any relevant development consent granted under the Environmental Planning and Assessment Act 1979, whichever occurs first.

The above conditions have been imposed to ensure compatibility of the proposed work with the existing heritage qualities of the item and to ensure consistency with the Environmental Planning and Assessment Act, 1979.

Your attention is drawn to the right of appeal against these conditions.

It should be noted that an approval under the Heritage Act is additional to that which may be required from other Local Government and State Government Authorities. If you have any questions regarding the above matter please contact Tracy Appel at the Heritage Branch, Office of Environment and Heritage on (02) 9873 8559.

Yours sincerely

21/12/2012

Dr Siobhan Lavelle OAM
Acting Manager – Conservation Team
Heritage Branch
Regional Operations Group
Office of Environment & Heritage
Department of Premier and Cabinet

As Delegate of the NSW Heritage Council

Helping the community conserve our heritage
9.2 UNIT LIST

9.2.1 Context Catalogue: Mulimbah Cottage

<table>
<thead>
<tr>
<th>Context</th>
<th>Area</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>001</td>
<td>1</td>
<td>Unstratified, spoil from wall demolition and associated machining</td>
</tr>
<tr>
<td>002</td>
<td>1</td>
<td>Remnant brick structure</td>
</tr>
<tr>
<td>003</td>
<td>3</td>
<td>Remnant brick surfacing (path/paving)</td>
</tr>
<tr>
<td>004</td>
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9.2.2 Context Catalogue: Cemetery

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9.3 PHOTOGRAPHIC REGISTER

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<td>NE</td>
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<td>Cem</td>
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<td>Ditto, from north side of Hannell monument</td>
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Register 2

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<td>South section, footing [006] trench cut into humic soil</td>
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<td>Platform trench soil profile – brown sand over mixed grey sands</td>
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<td>Wolfe Street entrance, north and south pillars</td>
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<td>In situ sandstone structure upslope southeast of Mulimbah remains</td>
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<td>Ditto, showing location relative to Mulimbah remains</td>
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<td>Footpath in cemetery</td>
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### 9.4 ARTEFACT CATALOGUE

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<td>Two fragments of a stoneware water filter inscribed “…N’s/…PATENT”.</td>
<td>AMAC Group (2014, digital 8198)</td>
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<thead>
<tr>
<th>Description</th>
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<td>Sandstock brick fragment with a portion of shell-lime mortar as bonding.</td>
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<td>Sandstock brick fragment with a portion of shell-lime mortar as bonding.</td>
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<td>Coarse earthenware ceramic fragment.</td>
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<td>Area 2 – [010]</td>
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Area 2 – [010] DB0022
Olive green neck fragment of a glass beer bottle.
AMAC Group (2014, digital 8223)

Area 2 – [010] DB0023
Olive green glass fragment.
AMAC Group (2014, digital 8224)

Area 2 – [010] DB0024
Olive green neck fragment of a glass beer bottle. Possible mortar fragments attached to bottle neck.
AMAC Group (2014, digital 8225)
Area 1 – [001] DB0001
Pig phalange (toe) bone fragment.
AMAC Group (2014, digital 6984)

Area 1 – [001] DB0002
Sheep radius bone fragment.
AMAC Group (2014, digital 8184)

Area 2 – [010] DB0027
Sheep tibia or shin bone fragment.
AMAC Group (2014, digital 8231)

Area 2 – [010] DB0028
Sheep femur or thigh bone fragment.
AMAC Group (2014, digital 8237)

Area 4 – [020] DB0030
Medium animal bone fragment.
AMAC Group (2014, digital 8239)
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<td>Area 1 – [001] DB0004</td>
<td>Fragment of worked stone, possibly forming a section of a limestone tile. Gritty material present on both sides of the fragment, possibly modern synthetic glue.</td>
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AMAC Group (2014, digital 8187; 8188; 8189)

| Area 5 – Believed to have been present in [023] DB0031 | Fragment of worked sandstone, possibly originally forming a floor tile. |

AMAC Group (2014, digital 7112)
<table>
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<td>Corroded metal fragment. AMAC Group (2014, digital 8195)</td>
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<td>Corroded metal fragment. AMAC Group (2014, digital 9196)</td>
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<td>Corroded metal fragment, possibly belonging to a fence. AMAC Group (2014, digital 8197)</td>
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<td>Metal filigree or lacework design fragment.</td>
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<td>AMAC Group (2014, digital 8176)</td>
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<td>Area 1 – [001] DB0015</td>
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<td>Area 1 – [001] DB0016</td>
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Area 2 – [010]
DB0025
Corroded metal fragment.
AMAC Group (2014, digital 8169)

Area 2 – [010]
DB0026
Corroded metal fragment of a fencepost, showing detail of the finial.
AMAC Group (2014, digital 8171; 8172)

Area 2 – [006]
DB0029
Obverse and reverse of an 1877 shilling.
AMAC Group (2014, digital 8227; 8230)
9.5 BONE ANALYSIS LETTER

Dominic Steele Consulting Archaeology

21 Macgregor Street
Croydon, NSW, 2132

ABN: 65 599 306 735
(BN Hite & D Steele Trading as
Dominic Steele Consulting Archaeology)

10th April 2014

Mr Martin Carney
Aegis Heritage - AMAC Group
68 Woodstock Street
Mayfield NSW 2304

Re: Newcastle Cathedral Cemetery
Animal Bone Identification & Accompanying Notes

Dear Martin,

I would like to confirm the identification of the five images of animal bones recovered from the above site at Newcastle which you have recently provided for assessment to ensure they are not human. Six images for these five skeletal elements are attached and described below:

- Image 1: This is a distal (third) pig phalange. Its proximal end (epiphyses) is unfused, and its size also suggests that the animal had been killed before it reached full maturity.
- Image 2: This is a cracked and weathered immature cattle calcaneus. It looks relatively modern in archaeological terms.
- Image 3a and 3b: This is a sheep radius missing its distal end that has been broken after burial.
- Image 4 and 5: These are unremarkable sheep long bones which have modern breaks and no obvious butchery marks.

Kind regards,

Dom Steele.

21st April 2014
Image 1: Pig phalange (toe bone)

Image 2: Cow calcaneus (ankle bone)

Image 3a and 3b: Sheep radius (lower ‘fore-arm’)

Dominic Steele Consulting Archaeology
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Email: dsca@bigpond.net.au

Archaeological Management & Consulting Group
April 2014
Image 4 and 5: Sheep femur or thigh bone (above - image 4) and tibia or ‘shin’ bone (below - image 5)