ARCHAEOLOGICAL REPORT
TORONTO HOTEL
S140 Application
FINAL
July 2018
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TORONTO HOTEL

S140 Application

FINAL

Prepared by
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on behalf of
Galadriel Lothlorien Pty Limited

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Date: July 2018

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Cover image: 1914 Donnelly’s Estate Auction notice. Lake Macquarie & District Historical Society

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<td>Name</td>
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1.0 Introduction

Umwelt Australia Pty Ltd (Umwelt) was engaged by Galadriel Lothlorien Pty Limited to undertake archaeological investigation of the proposed location of a new drive through bottle shop and associated underground on-site detention (OSD) tank in the carpark at the rear of the Toronto Hotel, NSW.

On behalf of Mr Jon Bortoli (Director, Galadriel Lothlorien Pty Ltd) and in accordance with Condition 17 of Section 140 application 2016/s140/33 this report documents the archaeological investigation and its results.

1.1 Toronto Hotel

The Toronto Hotel is located at 74 Victory Parade, Toronto NSW; in the Lake Macquarie City Council Local (LMCC) Government Area (refer to Figure 1.1 and Figure 1.2).

1.2 Project Archaeological Background

The Hotel is situated in the area of one of Lake Macquarie’s, and the regions, most important historical and contact period sites; the Ebenezer homestead and mission site of the Reverend Lancelot Threlkeld (dated from between 1829 to 1841). Later uses of the area also include an agricultural period (1841 – 1886) and the Toronto Hotel phases (1887 – the present).

A historical archaeological assessment and Aboriginal Cultural Heritage assessment have previously been prepared for the Toronto Hotel and resulted in an approved Excavation Permit (Section 140 application 2016/s140/33) and Aboriginal Heritage Impact Permit (AHIP number: C0001725). These assessments comprise:

- Toronto Hotel Historical Archaeological Assessment (Umwelt 2016)
- Aboriginal Cultural Heritage Assessment: Toronto Hotel, Victory Parade, Toronto, Lake Macquarie LGA (AHMS 2015a).

The S140 permit and AHIP are appended as Appendix 1.

1.3 Personnel

The archaeological investigation was undertaken between Tuesday 3 October 2017 and Friday 6 October 2017 by Umwelt staff members and members of the Registered Aboriginal Parties (RAPs) for the Project:

- Tim Adams (Umwelt – Primary Excavation Director)
- Franz Reidel (Umwelt Senior Archaeologist)
- Joshua Madden (Umwelt Senior Archaeologist)
- Karyn Virgin (Umwelt Senior Archaeologist)
- Peter Townsend (Awabakal Local Aboriginal Land Council)
- Peter Leven (Awabakal Descendants Traditional Owners Aboriginal Corporation)
• Kylie Howie (Awabakal Traditional Owners Aboriginal Corporation)
• Clive Suey (Lower Hunter Aboriginal Incorporated)
• John Wegener and Jackson Walker (Biraban Local Aboriginal Land Council)

1.4 **Author Identification**

This report has been prepared by Tim Adams with assistance from Franz Reidel and Joshua Madden (Senior Archaeologist, Umwelt).
2.0 Historical Context

2.1 Toronto

Toronto, situated along the western bank of Lake Macquarie, is located within the traditional lands of the Awabakal people of the Hunter Valley. Despite the lack of European settlement within the Hunter and Newcastle regions, it is likely that early timber getters were frequenting the region by the early 1800s. Lake Macquarie was initially called Reids Mistake after Captain Reid discovered the area when he mistook what is now Swansea Heads for the entrance to the Hunter River on his way to Newcastle from Sydney in 1800 for a shipment of coal. The area was known as Reid’s Mistake until it was renamed Lake Macquarie in honour of Governor Lachlan Macquarie in 1826 (Virtus Heritage 2016:16). The first grant of 1280 acres on the western side of Lake Macquarie in the Toronto area was made to Reverend Lancelot Edward Thelkeld in 1829. The grant enabled Threlkeld to re-establish the mission that he had first administered while working for the London Missionary Society at Belmont on the eastern side of the lake (the Bahtabah Aboriginal Mission Station) (Hartley 1998).

After Threlkeld’s Ebenezer mission in the Toronto area closed in 1841 the property was bought and sold a number of times before being purchased in 1886 by the Excelsior Land Investment and Building Company and Bank Limited (the Excelsior Company). It was at this time that The Excelsior Company subdivided the estate in order to establish a township and created a resort on the location of Threlkeld’s Ebenezer mission site (Hartley 1998).

By 1887 the Excelsior Company had subdivided the land and formed streets for the creation of the suburb of Toronto (Hartley 1998: 9), which was named after Toronto, Canada in honour of world-champion sculler Edward Hanlan whom was visiting the region at the time of the subdivision opening.

With the opening of the railway line in the area, the Excelsior Company planned to transform Toronto into a resort region. The township, although small and reliant on the new recreation industry now established in the resort style area, grew with the coming of the railway which allowed for easier access between the western shores of Lake Macquarie and Newcastle and Sydney. As the railway ceased at Fassifern to the north east the Excelsior Company established a tramway connection to Toronto in 1891 to allow for easier access to the resort area (Hartley 1998). With a steady rise in the local population, and the continued use as a resort town, a state run service line was established between Newcastle and Toronto in 1911 (SMH 8 February 2004).

Growth in the region again jumped in the 1920s with the Hunter Water Board supplying Toronto with reticulated water. Soon after, a number of services were able to open in Toronto including; a co-operative store, a baker, a butcher, news agency, the Toronto Cinema and tea rooms (SMH 8 February 2004; AHMS 2015b).

The Second World War saw a Royal Australian Air Force base established at Rathmines, south of Toronto on Lake Macquarie which resulted in a rise in population in the region. Post war, former service people and their families moved to settle in the region, including in Toronto, sustaining the temporary population rise from the Second World War. The later construction of the Wangi Power Station and the opening up of new coal mines generated employment and led to further population growth in the locality (Hartley 1998; AHMS 2015b).
2.2 Reverend Lancelot Edward Threlkeld

The first European to settle in the Lake Macquarie area was the Reverend Lancelot Edward Threlkeld (1788-1859) (refer to Plate 2.1). Born in 1788 to a brush maker and his wife, Threlkeld began his working life as a trade apprentice. At a young age he then became an actor with the Royal Circus and the Royalty Theatre. In 1808, at the age of 20, Threlkeld married his wife Martha Goss.

By 1815, after spending much time as an itinerant preacher and inspired by the vicar Gradock Glascott, Threlkeld was ordained by the London Missionary Society (Umwelt 2013). In 1816 Threlkeld and Martha sailed for the South Pacific. During the voyage Martha gave birth to their eldest son William three days prior to arriving at their stopover at Rio de Janeiro. However, Martha became gravely ill and sadly William passed away. After staying in Rio de Janeiro for twelve months Threlkeld was chastised by the London Missionary Society; who did not feel the death of their child was reason enough to linger there for so long (Reynolds 2015).

Continuing their journey to the South Pacific Threlkeld and Martha arrived in Sydney in May 1817 before departing and arriving in Mo’orea, Tahiti in November. After spending 7 years in Tahiti, Martha passed away leaving Threlkeld with five children. The family returned to Sydney in 1824 with plans to take a ship back to London. However, he married Sarah Arndell soon after arriving and settled in Newcastle in May 1825; basing himself at the site of the Government Farm on Newcastle Harbour (which later became the site of the Palais Royale Theatre on the eastern side of Cottage Creek) (Virtus Heritage 2016:17). The London Missionary Society charged him with setting up a mission at Belmont on the eastern side of Lake Macquarie.

The Reverend Lancelot Edward Threlkeld, along with his family and support staff, was the earliest settler in the Belmont area of Lake Macquarie (then known as Reids Mistake) with the establishment of the Bahtabah Aboriginal Mission Station in 1825 after Governor Brisbane granted 10,000 acres to the London Missionary Society.

In 1828, after tensions arose with the funds Threlkeld was spending on the mission, the London Missionary Society closed the Belmont mission and cast Threlkeld out.

During his time on the banks of Lake Macquarie Threlkeld befriended many of the Awabakal community and formed close relationships with them, including with Biraban (Reynolds 2015). Biraban, after spending much time in Sydney as a servant, became a significant local leader in the Lake Macquarie region and helped Threlkeld run the mission at Belmont and later at Ebenezer (the Toronto mission) (AHMS 2015b).
2.2.1 The Bahtabah Mission, 1825-1829

Threlkeld had originally chosen the site of present day Warners Bay to establish his mission however, by late 1825 Threlkeld’s mission was beginning to take shape at Bahtabah, or Belmont Bay. ...on a low rise overlooking a broad bay of the lake that is now known as Belmont Bay’ (Clouten 1967)

The mission residence, which was occupied by Threlkeld and his family, was completed by September 1826 and was described as having six rooms; four rooms measuring 14 feet by 16 feet under the roof with two rooms either side of the verandah measuring 10 feet by 12 feet. The house also likely had a detached kitchen nearby (Murray 2005).
By 1828 the residence housed Threlkeld’s family including his wife and six children along with eight free and convicts servants. The land grant was partially cleared and farmed by the housed servants and the local Awabakal who attended the mission. Threlkeld reported farm stock including 91 cattle, 142 sheep and a couple of horses, however crops appear not to have been successful due to the poor soils (Virtus Heritage 2016:17).

During his time ministering, Threlkeld developed a number of close relationships with members of the Awabakal community. It was at this time that Threlkeld began to comment on the Awabakal people and record the language (Australian Dictionary of Biography Website, Lancelot Threlkeld Webpage).

By 1929 the London Missionary Society withdrew its support of the Bahtabah Mission due to poor financial management by Threlkeld and the lack of converts and land was returned to the Crown (Lake Macquarie History Website, Belmont Webpage). Threlkeld was dismissed from the London Missionary Society however, remained at the Bahtabah residence until 1831; by which time the Ebenezer mission at Toronto was finally up and running.

2.2.2 The Ebenezer Mission, 1829-1841

Governor Sir Ralph Darling had granted 1280 acres on the western side of Lake Macquarie to Threlkeld on 18 August 1829, where he established the Ebenezer Mission.

Threlkeld is reported to have built a considerable residence in the approximate location of the current Toronto Hotel (Clouten 1967; Hartley 1998). The residence was a two storey, twelve roomed home approximately 80 feet by 28 feet with multiple outbuildings including a barn measuring 60 feet by 40 feet, a store house approximately 40 feet by 20 feet, a kitchen, three huts for male workers, a windmill, a dairy, a piggery, a milking shed and other conveniences. Threlkeld’s residence and associated buildings were finally completed in 1831 and Threlkeld, his wife and nine children moved from the residence at Bahtahbah to Ebenezer.

In January 1831 Threlkeld was confirmed as a missionary and provided with a £200 annual salary.

For over a decade Threlkeld ran the mission hoping to convert the local Aborigina community to Christianity and teaching animal husbandry and farming. By 1840 no Awabakal people visited or were living on the mission and it was clear that his mission was failing. With Governor Sir George Gipps terminating the Colony’s financial support Threlkeld had little choice but to close the Mission in 1841. However, Threlkeld’s ethnographic and language works were well established by this time and are still utilised today.

In 1840 Threlkeld began to mine coal reserves within the Ebenezer estate and became the first miner in the region to actively compete against the Australian Agricultural Company’s monopoly on the coal industry in the Hunter Valley and Newcastle region. The coal mined on his property was sent, by boat, to Newcastle for export.

2.3 Ebenezer Estate (1841 to 1886)

In 1841 Threlkeld moved his family to the eastern suburbs of Sydney and became the Minister of the South Head Congregational Church. Although Threlkeld left the Lake Macquarie region, he continued to mine coal on his Ebenezer estate while leasing the remainder of the property as an agricultural farm. In 1845 Threlkeld sold his estate to Ralph Mayer Robey. As the grant to Threlkeld had never actually been officially formalised, the land grant was issued to Robey in 1846 (Perumal Murphy Alessi 2012) (refer to Plates 2.2 and 2.3).
Plate 2.2  Plan Showing Sub-division of Robey’s 1846 Toronto Estate
© LPI DP2505
Robey, an alderman on the Sydney Municipal Council, owned a number of pastoral stations in NSW and Queensland (Edgar 1976) and never lived on the estate, instead leasing it to a series of agriculturalists. By 1858 the house and the estate was leased to Mr Richard Fennell and his family who cultivated the land and ran a dairy. The Fennell family leased the property from Robey to at least 1870 (AHMS 2006) with the house and wider estate continually leased to tenants until 1882.

By 1869 the estate was known as ‘Mount Mulberry’ and was advertised for lease and described as:

Lake Macquarie. – Farm of the late Mr. Threlkeld, now called Mount Mulberry.

1280 Acres, with 6 ½ acres at the Heads, or the entrance from the Ocean, to be LET, on a lease of 5, 7, 10, 14, or more years, suitable for horses, cattle, sheep, pigs, dairy cows, to have milk and butter, poultry, vegetables, and fruits for the Wallsend, Newcastle, and Sydney markets.
The house is out of repair, but beautifully and romantically situated on a mount; fine view at west of the mountains, and at the east of the Lake with fine sea breezes...

... the farm being on a peninsula, water around on each side, and the boundary easily marked out near the present dwelling. Fresh water wells can be obtained with facility at a depth of four feet (The Sydney Morning Herald, 13 January 1869, p. 10 – cited in AHMS 2015b).

After a series of sales the estate was purchased in May 1886 by the Excelsior Company. Table 2.1 below provides detail of the Certificate of Title for the estate between 1831 and 1887 (AHMS 2015b).

**Table 2.1 Certificate of Title for the Ebenezer Estate 1831 and 1887**

<table>
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<th>Transaction</th>
<th>Reference</th>
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<tr>
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<td>Lancelot E Threlkeld</td>
<td></td>
</tr>
<tr>
<td>28 Feb 1846</td>
<td>Grant. Ralph Myer Robey. Portion 2: 1280 acres.</td>
<td>5 No.192</td>
</tr>
<tr>
<td>14 March 1882</td>
<td>Conveyance. Robey Bros to GR Whiting</td>
<td>Bk 241 No.115</td>
</tr>
<tr>
<td>16 Aug 1883</td>
<td>Transfer. To Michael McMahon and Thomas Robertson, as tenants in common with George Robert Whiting</td>
<td>Vol.662 Fol.23</td>
</tr>
<tr>
<td>7 May 1886</td>
<td>Transfer. To George Robert Whiting</td>
<td>Vol.670 Fols.71</td>
</tr>
<tr>
<td>27 May 1886</td>
<td>Transfer. To the Excelsior Land Investment and Building Company and Bank Limited</td>
<td>Vol.670 Fols.71</td>
</tr>
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</table>
2.4 The Toronto Hotel 1887 to Present

By 1887 the Excelsior Company had subdivided the land and formed streets for the creation of the suburb of Toronto (Hartley 1998: 9).

With the plan to transform Toronto into a resort style area the Excelsior Company promoted the subdivision of the Estate as ‘The Sanatorium of Australia’ (refer to Plate 2.4). The Toronto Hotel was constructed by 1887 as the centrepiece of the tourist resort with access to walks, lake fishing and sailing. With the railway in the region still new and incomplete, visitors initially disembarked at Fassifern train station and travelled by boat from Fennell Bay to Toronto wharf; until the tramway connection was established by the Excelsior Company in 1891 (SMH 8 February 2004).

Prior to the construction of the Hotel the remains of the original Threlkeld residence and the surrounding orchards were still present across the site:

*Traces of the old homestead are still visible. ... The Toronto Hotel now stands on the site the mission house formerly occupied, and the adjacent mulberry trees are said to have been planted at the time of the foundation of the mission settlement (WFW, ‘On an Australian lake’, The Sydney Morning Herald, Saturday 6 November 1897; AHMS 2015)*

**Plate 2.4** Cover of 1887 Excelsior Company Promotional Booklet
© Reproduced from Hartley 1998
The Toronto Hotel is the oldest building in Toronto with the Hotel opening in December 1887. The Excelsior Company promoted the resort style hotel as:

...a pleasant and commodious brick building, containing about thirty bedrooms, besides parlours, bar, dining and billiard room (Lake Macquarie City Library).

The Toronto Hotel was built from bricks made from local clays with the main part of the structure identified as a two-storey building facing southeast toward the lake and the ferry wharf. The hotel included a two-storey verandah with two two-storey wings, separated by a courtyard on the north western (rear) side of the hotel. A single-storey wing extended from the northern end of the main building. The resort also included sculptured gardens and lawns, grottos, fish ponds and fountains, a tennis court and putting green (Perumal Murphy Alessi 2012: 7 & 10) (refer to Plates 2.5 to 2.8). The Hotel was also the location of the first post office in Toronto from approximately 1890 to approximately 1907; which was described in 1902 as a 'miserable little shanty' located on the verandah attached to the public bar (Hartley 1998: 14).

The Hotel License was held by the manager of the Excelsior Company until 1892 whereupon it was transferred a number of times to various individuals. The Hotel was sold to a syndicate called the Toronto Hotel and Tramway Company (The Syndicate) in 1899 and managed by Walter Donnelly (Perumal Murphy Alessi 2012: 10).

Plate 2.5  Toronto Hotel 1887
© Lake Macquarie City Library Collection / reproduced from Hartley 1997
Plate 2.6  An 1887 image of the Toronto Hotel and grounds.

Note this image is a stylised depiction
© Lake Macquarie City Library LAK 01575, reproduced from AHMS 2015b

Plate 2.7  The Toronto Hotel in 1891
© Ralph Snowball, Hunter Photo Bank, Reg No 001 004775
2.4.2 The Toronto Hotel 1899 – 1922

After purchasing the property in 1899 The Syndicate spent £500 on improvements to the property which included erecting a white picket fence around the resort, separating it from the tramway and the erection of a flagstaff. The improvements also included the installation of a merry-go-round, providing hot water throughout the hotel and electric lighting in the pavilion and billiard room and the baths along the lake foreshore. The Syndicate also constructed a series of walkways and flowerbeds in the grounds and allowed for the provision of water for the gardens and Hotel to be pumped from the dam (Hartley 1998: 16) (refer to Plates 2.9 to 2.12).

Donnelly, the manager of the Hotel for The Syndicate, purchased the freehold of the Hotel and grounds in 1905. With the advance of the railway line to Toronto, Donnelly sold portions of the Hotel grounds in 1911, to allow construction of the new railway platform (City Plan Heritage 2006: 9). In 1917 he sold sub-divided lots along the lake foreshore and part of the pleasure grounds previously used by the public as a picnic area (Hartley 1998: 19). Sub-division plans at this time show the Toronto Hotel as having a dancing hall and two pavilions to the southwest of the main building in addition to ‘renowned pleasure grounds and gardens’ (Plates 2.13 to 2.15).

In 1922 Donnelly sold the hotel and grounds to Tooheys Ltd.
Plate 2.9 Male Patrons outside the Hotel – undated

Note the landscaped gardens

© Ralph Snowball, Hunter Photo Bank, Reg. No. 001 001904

Plate 2.10 Lake Macquarie and the dam from the grounds of the Hotel in 1915

© Hunter Photobank Reg No. 102 000220
Plate 2.11 Hotel dam taken from near the Boulevarde
© Lake Macquarie City Library Collection / reproduced from Hartley 1997

Plate 2.12 Toronto Hotel from the dam
© Hunter Photobank Reg No. 101 01904
Plate 2.13 1914 Donnelly’s Estate Auction notice
© Lake Macquarie & District Historical Society
Plate 2.14 1914 Donnelly’s Estate Auction notice

Note the garden to the rear and the dancing hall and two pavilions to the southwest of the Hotel
© Lake Macquarie & District Historical Society

Plate 2.15 1914 Donnelly’s Estate Auction notice

Note the mention of ‘renowned pleasure grounds and gardens’
© Lake Macquarie & District Historical Society
2.4.3 The Tooheys Ltd Toronto Hotel 1922 – 1973

Upon purchasing the Toronto Hotel from Donnelly, The Tooheys Ltd spent £8,000 on renovations and improvement works (Hartley 1998). The works undertaken at this time included; the demolition of the single storey section of the Hotel and its replacement with a two-storey extension and construction of a two-storey frontage (Perumal Murphy Alessi 2012: 13). New constructions included an ice-making plant with a freezing chamber, eight lock-up garages, a putting green, and two tennis courts with a club house (Hartley 1998: 21) (refer to Plates 2.16 to 2.21). Images from this period suggest that landscaping in the front garden involved significant excavation (AHMS 2015b).

By the 1950s aerial photographs show the original hotel building as the main focus of the complex with the two wings and the original 1920s additions to the north eastern facade, three detached buildings to the rear of the hotel and what is likely to be two garages (AHMS 2015b). To the north of the Hotel aerial photographs show a playing field and associated building. At this time a 25 metre pool and concrete outdoor dining area was also constructed directly in front of the main entrance to the hotel, this would likely have involved a considerable amount of landscape fill to raise the slope to form a level surface.

By 1961 aerial photographs indicate a second stand-alone building at the rear of the Hotel, with the stand alone building on the western boundary and the courtyard at the rear demolished/removed.

During the 1970s the Tooheys company proposed the demolition of the Hotel to make way for new structures however, after much public outcry, it was decided that major renovations be undertaken instead. The renovations included the demolition of the two storey wings, the stand alone buildings and garages to the rear of the hotel, the filling in of the swimming pool, extending the second floor verandah and multiple internal upgrades, demolition and renovation works. The works also included the construction of a bottle shop and 10 motel units along the rear of the hotel grounds adjacent to Victory Street; in the area of the former tennis courts (Reynolds 2015).

Plate 2.16 The Toronto Hotel in 1924 with additions

Note excavations shown in the foreground

© Lake Macquarie City Council, Historic Photos, Photo Ref No. 3671, reproduced from AHMS 2015b
Plate 2.17 Hotel Pleasure Grounds 1924

Photograph shows the Refreshment Booth and Dance Pavilion
© Lake Macquarie & District Historical Society

Plate 2.18 The Hotel Tennis Courts
© Lake Macquarie & District Historical Society
Plate 2.19 The Toronto Hotel dated approximately 1940

Note the level of landscape alterations

© George Kendall, Hunter Photo Bank, Reg No. 163 001390

Plate 2.20 Approximate 1960 dated aerial

© Lake Macquarie & District Historical Society
Plate 2.21 Detail of approximate 1960 dated aerial

Note tennis pavilion, tennis courts and ‘market gardens’ to rear of hotel

© Lake Macquarie & District Historical Society

Plate 2.22 Current aerial showing Toronto Hotel

© NSW Government Spatial Services
2.4.4 The Toronto Hotel 1973 to Present

Very little external construction, demolition and or upgrades have been undertaken at the Toronto Hotel since the 1970s. Bitumen car parking has replaced much of the rear of the hotel building. There is a grassed area in front of the Hotel, but the remainder of the area has been paved for car parking (refer to Plate 2.22).
3.0 Archaeological Investigation

3.1 Excavation Methodology

The methodology and approach of the archaeological investigation program broadly followed that outlined in the historical archaeological assessment prepared by Umwelt in 2016 and submitted to the Heritage Division as accompanying documentation for the excavation permit application (Section 140 application 2016/s140/33).

It is noted that as a result of the inter-connectedness of potential early contact archaeological remains the methodology of the archaeological program was developed to consider both potential Aboriginal and historical archaeological resources. Aboriginal cultural heritage artefacts/objects associated with the Ebenezer Mission (‘contact archaeology’) being protected under both the Heritage Act and the National Parks and Wildlife Act 1974. As such, the historical archaeological investigation excavation was undertaken in conjunction with the Aboriginal archaeological investigation (AHIP number: C0001725).

Photographs were taken by Franz Reidel, Joshua Madden and Tim Adams. Site plans are by Franz Reidel.

Appendices 2 and 3 provide the photographic catalogue and a DVD with all photographs. Appendix 4 provides the plan of the archaeological features exposed.

3.2 Archaeological Investigation

The archaeological investigation was undertaken between Tuesday 3 October 2017 and Friday 6 October 2017. The investigation comprised monitored machine excavation within the carpark area to the rear of the Toronto Hotel; the proposed location of a new drive through bottle shop and associated OSD tank (refer to Figure 3.1). The archaeological investigation program was undertaken by Umwelt archaeologists and members of the RAPs for the Project (refer to Section 1.3).

Monitored machine excavation comprised the removal of the carpark asphalt road surface (approximately 50 millimetres depth) and underlying highly compact road base (between 250 to 300 millimetres in depth) (refer to Plates 3.1 to 3.2). The compact road base was directly above mottled orange natural clay material; with no evident soil profile or ‘interface’ between the road base and natural clay. A small ‘sondage’ was excavated by machine 700 millimetres into the mottled orange clay to confirm it as natural material (refer to Plates 3.3 to 3.7).
Plate 3.1  View to northwest – removal of carpark surface
© Umwelt, 2017

Plate 3.2  View to northeast – removal of carpark surface
© Umwelt, 2017
Plate 3.3  View to northwest – removal of road base. Scale = 2 metres
© Umwelt, 2017

Plate 3.4  View to north – removal of road base onto natural clay.
© Umwelt, 2017
Plate 3.5  View to southeast – removal of road base onto natural clay
© Umwelt, 2017

Plate 3.6  View to northeast – removal of road base onto natural clay
© Umwelt, 2017
3.3 Cut Features

A number of cut features were evident in the orange mottled clay; which was both machine scraped and selectively hand cleaned to clarify the nature of these cut features. The features comprised linear alignments of post holes, rectilinear cuts and narrow parallel running lines. Although linear in nature and pattern, no clear building outlines could be distinguished (refer to Figure 3.2 and Appendix 4). Small areas of ‘test excavation’ were undertaken within the features to better understand their form and function. In general the features appear likely to relate to garden beds and associated intensive market garden type activities and fence lines.
3.3.1 Rectilinear Cuts

Two shallow rectilinear cut features aligned southeast to northeast filled with dark brown clayey loam were exposed:

- Northeast feature measured 4.7 metres by 1.2 metres by up to 130 millimetres deep
- Southwest feature measured 3.7 metres by 1.1 metres by up to 60 millimetres deep.

They are likely the very base of the same linear feature that was heavily truncated when the area was levelled prior to the construction of the carpark (refer to Plates 3.8 to 3.14).

Plate 3.8 Detail of plan showing linear features
© Umwelt, 2017
Plate 3.9  View to northwest following removal of road base
© Umwelt, 2017

Plate 3.10 View to southeast showing linear feature
Scale = 1 metre
© Umwelt, 2017
Plate 3.11 View to southwest showing linear feature

Scale = 1 metre
© Umwelt, 2017

Plate 3.12 View to northwest showing linear feature

Scale = 1 metre
© Umwelt, 2017
Plate 3.13 Post excavation detail of linear feature

Scale = 500 millimetres

© Umwelt, 2017

Plate 3.14 Post excavation detail of linear feature

Scale = 500 millimetres

© Umwelt, 2017
3.3.2 Narrow Parallel Cuts

A number of narrow linear cuts / narrow parallel running ‘lines’ filled with brown clayey loam were exposed. These ‘lines’ were up to 10.2 metres long by 50 millimetres wide by 70 millimetres deep. The ‘lines’ are generally aligned southeast to northeast and appear associated with the linear features discussed in Section 3.3.1 and postholes discussed in Section 3.3.3 (refer to Figure 3.2 and Plates 3.15 to 3.17).

Plate 3.15 View to southeast showing linear feature and associated parallel cut ‘lines’
Scale = 1 metre
© Umwelt, 2017

Plate 3.16 Detail of linear feature and associated parallel cut ‘lines’ and postholes
Scale = 500 millimetres
© Umwelt, 2017
3.3.3 Post Holes

Several types of postholes were able to be distinguished cut into the natural clay:

- Alignments of rectangular post holes associated with the linear features discussed in Sections 3.3.1 and 3.3.2. These generally measured between 500 to 650 millimetres in length by 250 to 300 millimetres wide by up to 100 millimetres deep. The fill of the postholes consisted of light brown clay material with less than 5% small (less than 10 millimetres diameter) rounded gravels. The post holes appear to form parallel alignments aligned southeast to northeast (refer to Figure 3.1 and Plates 3.18 to 3.20).

- An alignment of timber post holes filled with concrete and a roughly perpendicular alignment of timber post holes filled with light brown clay (refer to Plates 3.21 to 3.23). These relate to the posts of the tennis pavilion and tennis court fencing (refer to Section 3.5). The concrete filled post holes measure approximately 400 by 300 millimetres. The timber post holes measure approximately 400 by 250 millimetres.

- Assorted other postholes filled with dark brown clayey loam and small rounded (modern appearing) gravels.
Plate 3.18 Detail of linear feature and associated parallel cut ‘lines’ and postholes

Scale = 500 millimetres

© Umwelt, 2017

Plate 3.19 Detail of linear feature and associated parallel cut ‘lines’ and postholes

Scale = 500 millimetres

© Umwelt, 2017
Plate 3.20 Post excavation detail showing linear feature cutting associated posthole

Scale = 500 millimetres
© Umwelt, 2017

Plate 3.21 View to west showing alignment of concrete filled postholes

Scale = 1 metre
© Umwelt, 2017
Plate 3.22 View to northwest showing timber post holes

Scale = 500 millimetres

© Umwelt, 2017
### 3.4 Artefacts

No artefact deposits or individual artefacts (Aboriginal or non-Aboriginal) were exposed during the archaeological investigation.

### 3.5 Discussion

As discussed, a number of linear alignments of cut features (post holes, rectilinear cuts and narrow parallel running lines) were exposed during the archaeological excavation; cut into the natural clay. No clear building outlines could be distinguished.
The area has a long history of having been used as agricultural land and smaller scale market gardens and landscaped gardens. When Threlkeld left the Lake Macquarie region much of the Ebenezer Estate was utilised as agricultural land. In 1845 Threlkeld sold his estate to Ralph Mayer Robey. Robey leased it to a series of agriculturalists; including Richard Fennell in 1858 who is reported to have cultivated the land; with fruits and vegetables being mentioned in advertising for lease in 1869. The later landscaped ‘pleasure’ gardens and grounds of the Toronto Hotel are well documented (as discussed in Section 2.0 refer to Plate 3.24).

The majority of the cut features exposed during the archaeological investigation appear likely to relate to garden beds and associated intensive market garden type activities; including long linear alignments of postholes immediately adjacent to garden bed type features. A number of small ‘test’ excavations were undertaken within the features showing that the cut features were generally shallow (less than 150 millimetres). As such, it appears that the area has been substantially cut / levelled (resulting in the removal of any soil deposits through which the features have been cut) for the construction of the existing carpark; likely sometime in the 1970s.

While it is difficult to determine accurately the exact period the cut features relate to, they are considered likely to be associated with the late nineteenth and twentieth century Hotel period use of the area; when the more intensive small scale gardens and market gardens were present. The area of excavation is within an area indicated as gardens on 1914 and 1919 subdivision plans (refer to Plate 3.24). The cut features in general have the appearance of remnant evidence (the base) of fairly intensive allotment type cultivation/market gardening utilising linear rows of garden beds with associated posts and possible plough/till lines. As such, the archaeological evidence likely relates to the intensive gardening activities of the later period of use rather than the broader agricultural use of the area prior to the Hotel being constructed. 1960s aerial photography indicates such activities were still being undertaken in the area at that time (refer to Plate 3.25).

In addition, there are a number postholes (including concrete filled with a timber post) clearly relating to the twentieth century use of the Hotel; specifically the tennis court area pavilion (concrete filled postholes) and fencing (timber post holes) which reduced the garden area of the Hotel when constructed following its purchase by Tooheys in 1922 (refer to Plates 3.25 to 3.26).
Plate 3.24 1914 Donnelly’s Estate Auction notice

Note garden to the rear of the Hotel

© Lake Macquarie & District Historical Society

Plate 3.25 Detail of approximate 1960 dated aerial

Note tennis pavilion building, tennis courts with fencing and ‘market gardens’ to rear of Hotel – within area of archaeological investigation

© Lake Macquarie & District Historical Society
Plate 3.26 The Hotel tennis courts and pavilion

Note the pavilion posts and fencing around the tennis courts – within area of archaeological investigation

© Lake Macquarie & District Historical Society
4.0 Response to Research Design

The archaeological investigation program conducted at the Toronto Hotel was carried out with consideration of the Research Design contained within the Toronto Hotel Historical Archaeological Assessment (Umwelt 2016).

A number of general questions in relation to the nature and extent of the archaeological resource were posed in the 2016 research design to provide a basic archaeological context for the archaeological investigation, in addition to specific questions to address the research potential of the Project area. The specific questions are discussed below with consideration of the general questions. The 2016 research design questions are included in italics.

Are the various phases of the Toronto Hotel archaeologically discernible?

Various later phases of the Toronto Hotel use of the area are archaeologically discernible. These comprise:

- Late nineteenth and twentieth century intensive small scale gardens and market gardens located to the rear of the Hotel
- Post 1922 constructed tennis pavilion, courts and fencing
- Post 1970s cut/levelling and fill (compact road base) for carpark and motel construction.

Is there evidence of early mission and later agricultural uses, and are these phases of use distinguishable from each other?

No evidence was exposed of the Ebenezer mission or large scale nineteenth century agricultural use.

Is there evidence of past Aboriginal occupation within the study area and if so, can pre-contact and contact period evidence be determined?

No evidence of past Aboriginal occupation or use was identified. The area appears to have been substantially cut/levelled and filled post 1970 for the carpark and motel construction.

Are the identified archaeological relics and features consistent with the known historic and aerial photographic data?

The archaeological evidence is consistent with the known historic imagery, data and aerial photographs in terms of late nineteenth/twentieth century gardens, 1920s constructed tennis courts and post 1970 construction of carpark and motel.

Does the archaeological evidence complement and/or contradict the historical records for the study area?

As discussed, while the exposed archaeological evidence is consistent with historical records it is not considered to necessarily add to or enhance known information.
The archaeological investigation did indicate that the area to the rear of the Toronto Hotel has been substantially truncated and disturbed from at least the late nineteenth century through to present day as a result of:

- Extensive gardens and market gardens
- Post 1922 constructed tennis pavilion, courts and fencing
- Post 1970s cut/levelling and fill for carpark and motel construction.

These activities are likely to have impacted/removed any earlier archaeological evidence that may have been present.

**What is the extent of the surviving archaeological evidence?**

As discussed in **Section 3.5**, the surviving archaeological evidence comprises evidence of shallow (the very base of) features cut into the natural clay. These features are in general considered to be evidence of:

- allotment type cultivation/market gardening utilising linear rows of garden beds with associated posts and possible plough/till lines.
- the tennis court area pavilion (concrete filled postholes) and fencing (timber post holes).

*If present, what can the earlier mission archaeological resources (including Aboriginal cultural heritage artefacts) tell us about cultural exchange, change in manufacture and raw material use and land utilisation and practices during the contact period?*

No earlier mission period archaeological resources were exposed or identified.

*If present, are the mission archaeological remains comparable to Threlkeld’s earlier mission site on the eastern side of Lake Macquarie (investigations of the are Belmont mission are currently underway (Virtus)) and other contact mission sites in NSW and across Australia?*

No archaeological evidence of the Ebenezer mission was exposed or identified.

*Does the sieving in accordance with the Aboriginal Heritage Impact Permit (AHIP) (AHIP number: C0001725) methodology and the sample sieving of historic excavation material provide variable data?*

Not relevant as no sieving was undertaken. The stratigraphy of the site comprised car park surface and road base directly above natural clay with other fill material or soil deposits present.

*Does the sample sieving across the proposed works areas, reveal any further information not gleaned from areas where sample sieving was not undertaken?*

As discussed above no sieving was undertaken as part of the archaeological investigation.

*What are the implications for the historical archaeological potential of the remainder of the study area not proposed to be disturbed as part of the proposed alterations assessed in this report?*

It is considered unlikely that much of the immediate area of the Toronto Hotel remains undisturbed; especially the car park area to the rear of the hotel. The entire car park area appears to have been substantially truncated and levelled prior to the establishment of the current car park.
Any future proposed resurfacing of the car park area following construction of the bottle shop is unlikely to involve below ground impacts deeper than the compact road base present across the car park area. As a result of the nature and depth of the car park road base material and the truncated nature of the natural profile of the site, any future works associated with the resurfacing of the Toronto Hotel carpark area are not considered to require any archaeological monitoring or investigation.

In addition, it is understood that the depths of the proposed bottle shop footings, concrete slab and associated car park resurfacing are unlikely to impact the natural clay exposed beneath the compact car park road base material. As such the cut features exposed during the archaeological monitoring in the proposed bottle shop area and any similar features extending outside the proposed new bottle shop area will remain in situ and undisturbed.
5.0 Conclusion from Archaeological Program

5.1 Reassessment of Site’s Significance

The area on which the Toronto Hotel is located is understood to have been the location of Reverend Lancelot Threlkeld’s Ebenezer Mission and residence.

Mission and ‘contact’ sites are rare and this period of occupation across the Hunter Region is poorly documented. Any archaeological evidence relating to early phases of Threlkeld occupation and the mission (with original buildings utilised until The Excelsior Company purchased the estate and historical references suggesting the main residence of Threlkeld was still standing in 1886) would likely be considered to be of state significance.

Any artefacts that reflect the changes in material use and technological alterations of the Awabakal people (such as utilising European materials to make traditional tools) would be identified as being of State significance. Artefacts relating to early contact are rare and although the potential for such artefacts is generally considered to be low (due to later disturbances) any recovered material would have high research, cultural and technical potential and significance.

However, while the area on which the Toronto Hotel is located is understood to have been the location of Reverend Lancelot Threlkeld’s Ebenezer Mission the potential archaeological resource exposed during the archaeological investigations in the Toronto Hotel carpark did not identify any such evidence. The evidence identified during the archaeological investigations was limited to:

- Shallow / ephemeral evidence of the small scale agricultural / market garden / garden use of the area which was being undertaken both prior to and after the Toronto Hotel’s construction in 1887.
- Evidence of the tennis court area pavilion and fencing which reduced the garden area of the Hotel grounds when constructed in the 1920s.

As such the significance of the archaeological evidence identified during the archaeological investigation can only be considered to be of local significance, at best. Any further archaeological evidence that may be present across the Toronto Hotel car park area is likely to be of similar local (or no) significance.

5.2 Community Understanding

With the exception of how later development and use is likely to have substantially changed the surface of the area in terms of truncation, as a result of episodes of cut / levelling for the car park and motel area, the archaeological investigation unfortunately has not contributed to the community’s understanding of the Ebenezer Mission Site and other nineteenth century Aboriginal mission sites.

5.3 Future Management

As discussed in Section 4.0, the immediate area of the Toronto Hotel, particularly the car park area to the rear of the Hotel, has been substantially truncated and disturbed prior to the establishment of the current car park.
Any future proposed resurfacing of the car park area following construction of the bottle shop is unlikely to involve below ground impacts deeper than the compact road base present across the car park area. As a result any future works associated with the resurfacing of the Toronto Hotel carpark area are not considered to require any archaeological monitoring or investigation.

In addition, it is understood that the depths of the proposed bottle shop footings, concrete slab and associated car park resurfacing are unlikely to impact the natural clay exposed beneath the compact car park road base material. As such the cut features exposed during the archaeological monitoring in the proposed bottle shop area and any similar features extending outside the proposed new bottle shop area will remain in situ and undisturbed.
6.0 Public Dissemination

6.1 Public Information Brochure

Appendix 5 provides a copy of a public information brochure relating to the archaeological investigation and the construction of the bottle shop that is available at both the Toronto Hotel and the Lake Macquarie & District Historical Society.

6.2 Lake Macquarie District Historical Society

Members of the Lake Macquarie & District Historical Society visited each day of the archaeological investigation.

Further consultation and historical research was also undertaken with members of the Lake Macquarie & District Historical Society following the completion of the onsite archaeological works and during the preparation of this report.

6.3 Office of Environment and Heritage

Members of OEH’s Regional Operations Hunter Central Coast Region North Branch visited during the archaeological investigation (4 October 2017).

6.4 Hunter Living Histories

The results of the archaeological investigation were presented to and discussed with the University of Newcastle Hunter (Living) Histories Initiative at one of their monthly meetings (June 4 2018).

6.5 Archaeological Excavation Report

Copies of this archaeological report will be held at (and be publicly available from) both the LMCC library local studies section and the Lake Macquarie & District Historical Society.
7.0 References


Archaeological & Heritage Management Solutions Pty Ltd (AHMS), 2015a. Aboriginal Cultural Heritage Assessment: Toronto Hotel, Victory Parade, Toronto, Lake Macquarie LGA. Prepared for Galadriel Lothlorien Pty Ltd.

Archaeological & Heritage Management Solutions Pty Ltd (AHMS), 2015b. Toronto Hotel, 74 Victory Parade, Toronto, NSW Historical Archaeological Assessment. Prepared for Galadriel Lothlorien Pty Ltd.


Lake Macquarie Local Environmental Plan. 2014.


Umwelt. 2016. Toronto Hotel Historical Archaeological Assessment: Section 140 Application. Prepared for Galadriel Lothlorien Pty Limited


Mr John Bortoli  
Director, Galadriel Lothlorien Pty Ltd  
G.01/38-52 Waterloo Street  
SURRY HILLS NSW 2010  
E: torontohotel@bigpond.com

Dear Mr Bortoli

Re: Excavation Permit – S140 for application for archaeological monitoring at the Toronto Hotel 74 Victory Parade Toronto NSW, Lake Macquarie City Council Local Government Area.

Reference is made to your application under Section 140 of the Heritage Act 1977 (the Act), to undertake archaeological work at the above property (Application number 2016/s140/33).

Under delegated authority approval is given for the S140 application for an archaeological excavation permit. Please note this permit is subject to the conditions attached. Acceptance of these statutory conditions by the Applicant and Excavation Director is a requirement of this permit. It should be noted that as the Applicant, this Approval (and the fulfilment of all subsequent conditions) rests with you and not the Land which is the subject of the works.

You are reminded that it is a condition of this permit that the Applicant is responsible for the safe keeping of artefacts recovered from this site. You are required to nominate a repository for archaeologically excavated material, as well as referencing the final location in the excavation report as per section 146(b) of the Act. This is to enable a record to be kept of the location of all archaeologically excavated material.

It should be noted that an approval for an archaeological permit under the Act covers only those archaeological works described in the application. Any additional archaeological investigations will require a further approval. It should also be noted that an approval for an archaeological permit under the Act is additional to those which may be required from other local, State or Commonwealth Government authorities. Inquiries about any other approvals needed should, in the first instance, be directed to the local council, State and Commonwealth Government where appropriate.

You are also requested to provide the following information:

1) The estimated total cost of the archaeological investigations (both in the field and laboratory), including GST;
2) The estimated total cost of the development/redevelopment, including GST;
3) Whether this project creates new long term jobs (for example through providing a new service or facility);
4) If this project creates new long term jobs, how many? and
5) How many construction and professional workers will be engaged on this project during the life of the project?

This information will help the Heritage Council of NSW determine the economic role of heritage in development in NSW and should be submitted to the Director of the Heritage Division within one (1) month of the completion of the field excavation programme. This information should be updated at the end of the project and updated figures should be submitted with the Final Excavation Report to the Heritage Council for approval within one (1) year of the completion of the field excavation programme.
This permit, issued by the Heritage Council of NSW, does not give approval to harm Aboriginal objects. Aboriginal objects and Aboriginal places in NSW are protected under the National Parks and Wildlife Act 1974 (NPW Act). It is an offence to do any of the following without an exemption or defence (penalties apply):

- knowingly harm or desecrate an Aboriginal object (the 'knowing' offence)
- harm or desecrate an Aboriginal object or Aboriginal place (the 'strict liability' offence)

The NPW Act provides a number of exemptions and defences to these offences and also excludes certain acts and omissions from the definition of harm. For more information about the regulation of Aboriginal cultural heritage, go to the OEH website: http://www.environment.nsw.gov.au/licences/achregulation.htm

This permit is issued to the applicant on the condition that the nominated Excavation Director is present at the site supervising all archaeological fieldwork activity likely to expose significant relics. Permits are not transferable without the written consent of the Heritage Council of New South Wales. Your attention is drawn to the right of appeal against these conditions in accordance with section 142 of the Heritage Act 1977.

Inquiries on this matter may be directed to Rebecca Newell, Archaeologist on 9873 8517 or via email at Rebecca.Newell@environment.nsw.gov.au.

Yours sincerely

Katrina Stankowski
Acting Manager
Heritage Division
Office of Environment and Heritage
As Delegate of the Heritage Council of NSW

Enclosure: Approval Conditions for S140 Permit

CC: The Chief Executive Officer, Lake Macquarie City Council PO Box 1906, Hunter Regional Mail Centre NSW 2310
    Excavation Director Mr Tim Adams tadams@umwelt.com.au
Approved Archaeological Works

01. All works shall be in accordance with the approved research design and methodology outlined in 'Toronto Hotel: Historical Archaeological Assessment Section 140 Application', prepared by Umwelt Pty Ltd, dated November 2016 and 'Re S140 application Toronto Hotel, 74 Victory Parade Toronto' prepared by Umwelt Pty Ltd, dated 28 November 2016.

except as amended by the following conditions:

02. This permit covers removal of relics, of local heritage significance only. Relics of State heritage significance which relate to the pre 1886 occupation of this site, cannot be removed.

03. This archaeological approval is valid for five (5) years from the date of approval. Requests for extensions beyond this time must be made in writing prior to expiry of the permit.

Fieldwork

04. The Heritage Council of NSW or its delegate must be informed of the commencement and completion of the archaeological program at least 5 days prior to the commencement and within 5 days of the completion of work on site. The Heritage Council and staff of the Heritage Division, Office of Environment & Heritage authorised under section 148(1) of the Heritage Act, 1977, reserve the right to inspect the site and records at all times and to access any relics recovered from the site.

05. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in 'Toronto Hotel: Historical Archaeological Assessment Section 140 Application', prepared by Umwelt Pty Ltd, dated November 2016 and 'Re S140 application Toronto Hotel, 74 Victory Parade Toronto' prepared by Umwelt Pty Ltd, dated 28 November 2016, 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.

06. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area is to stop immediately and the Office of Environment & Heritage (Enviroline 131 555) is to be notified in accordance with Section 89A of the National Parks and Wildlife Act, 1974 (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.

07. The Heritage Council of NSW must approve any substantial deviations from the approved research design outlined in 'Toronto Hotel: Historical Archaeological Assessment Section 140 Application', prepared by Umwelt Pty Ltd, dated November 2016 and 'Re S140 application Toronto Hotel, 74 Victory Parade Toronto' prepared by Umwelt Pty Ltd, dated 28 November 2016, including extent and techniques of excavations, as an application for the variation or revocation of a permit under section 144 of the Heritage Act, 1977.

08. The Applicant must ensure that the approved Primary Excavation Director nominated in the section 140 application 2016/s140/33, Mr Tim Adams, is present at the site 100% of the time supervising all archaeological fieldwork activity likely to expose significant relics.

09. The Applicant must ensure that the approved Primary Excavation Director nominated in the section 140 application 2016/s140/33, Mr Tim Adams, 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 relevant Heritage Council guidelines.

10. The Applicant must ensure that the nominated Excavation Director briefs all personnel involved in the project about the requirements of the NSW Heritage Act, 1977 in relation to the proposed archaeological program. This briefing should be undertaken prior to the commencement of on-site excavation works.
11. The Applicant must ensure that the nominated Excavation Director and the excavation team is given adequate resources to allow full and detailed recording to be undertaken to the satisfaction of the Heritage Council.

12. The Applicant must ensure that the site under archaeological investigation is made secure and that the unexcavated artefacts, structures and features are not subject to deterioration, damage, destruction or theft during fieldwork.

13. The Applicant is responsible for the safe-keeping of all relics recovered from the site.

14. Throughout the archaeological excavation works and post-excavation analysis, the Applicant must ensure that:
   a/. Appropriate signage to explain the history of the site and the archaeological excavation works is placed at the site during the work;
   b/. Free public brochures on archaeological investigation are available on the site for the public to collect. These public brochures must be available from the first week of the archaeological works on the site.

Analysis and Reporting

15. The Applicant must ensure that the approved Primary Excavation Director, Mr Tim Adams, or an appropriate specialist, 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.

16. The Applicant must ensure that a summary of the results of the field work, up to 500 words in length, prepared by the approved Primary Excavation Director nominated in the section 140 form, Mr Tim Adams, is submitted to the Heritage Council of NSW for approval within one (1) month of completion of archaeological field work. This information is required in accordance with section 146(b) of the Heritage Act, 1977.

17. The Applicant must ensure that a final excavation report is written by the approved Primary Excavation Director nominated in the section 140 application 2016/s140/33, Mr Tim Adams, 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 in accordance with section 144 of the Heritage Act, 1977.

18. The Applicant must ensure that one (1) electronic copy of the final excavation report is submitted on CD to the Heritage Council of NSW together with two (2) printed copies of the final excavation report. These reports are required in accordance with section 146(b) of the Heritage Act, 1977. The Applicant must also ensure that further copies are lodged with the local library and/or another appropriate local repository in the area in which the site is located. It is also required that all digital resources (including reports, context and artefact data, scanned field notes, other datasets and documentation) should be lodged with a sustainable, online and open-access repository.

19. The Applicant must ensure that the information presented in a final excavation report includes the following:
   a/. An executive summary of the archaeological programme;
   b/. Due credit to the client paying for the excavation, on the title page;
   c/. An accurate site location and site plan (with scale and north arrow) and including geo-reference data;
   d/. Historical research, references, and bibliography;
   e/. Detailed information on the excavation including the aim, the context for the excavation, procedures, treatment of artefacts (cleaning, conserving, sorting, cataloguing, labelling, scale photographs and/or drawings, location of repository) and analysis of the information retrieved;
   f/. Nominated repository for the items;
   g/. Detailed response to research questions (at minimum those stated in the Heritage Council approved Research Design);
   h/. Conclusions from the archaeological programme. This information must include a reassessment of the site’s heritage significance; statement(s) on how archaeological investigations at this site have contributed to the community’s understanding of the Ebenezer Mission Site and other nineteenth century Aboriginal mission sites including the
former Bhataba Mission; recommendations for the future management of the site and how much of the site remains undisturbed;

iv. Details of how this information about this excavation has been publicly disseminated (for example, provide details about Public Open Days and include copies of press releases, public brochures and information signs produced to explain the archaeological significance of the site).

Compliance

20. Officers of the Office of Environment and Heritage, Heritage Division are to be permitted entry to the site at any time as a condition of this approval.

21. Officers of the Office of Environment and Heritage, Heritage Division may photograph, take samples or request records in relation to any aspects of the approved activity.
NOTICE OF THE ISSUE OF
ABORIGINAL HERITAGE IMPACT PERMIT C0001725

Issued pursuant to section 90C (4) of the National Parks and Wildlife Act 1974

BACKGROUND

A. Galadriel Lothlorien Pty Limited (the applicant) applied to the Office of Environment and Heritage (OEH) under section 90A of the National Parks and Wildlife Act 1974 (NPW Act) for an Aboriginal Heritage Impact Permit (AHIP). The AHIP application was in relation to archaeological test excavations (with limited salvage) within an area predicted to contain the archaeological remains of an Aboriginal Mission/early European contact site.

B. OEH received the application on 8 February 2016. Further information was received on 8 February 2016, 21 March 2016, 6 May 2016 and 19 April 2016.

C. Archaeological and Heritage Management Solutions (AHMS) Pty Ltd have been commissioned by Galadriel Lothlorien Pty Ltd to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR), and to undertake all necessary heritage assessments and approvals in advance of the partial re-development of 74 Victory Parade Toronto, NSW (the Toronto Hotel) herein referred to as the project area.

D. In 2013, AHMS undertook a historical archaeological assessment of the project area and identified an area of potential archaeological deposit (PAD), potentially associated with a former mission site from the early 19th Century. Archaeological subsurface testing is now required and considered essential to characterise the nature and extent of the Aboriginal cultural deposits that may be contained within the identified areas of PAD that will likely be impacted by re-development activities within the project area.

E. Requirement 14(4) of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010) details that any acts carried out in the course of sub-surface investigation will not be excluded from the definition of harm where they are carried out in “areas known or suspected to be Aboriginal missions or previous Aboriginal reserves or institutes.” An Aboriginal Heritage Impact Permit (AHIP) is therefore required to implement a program of archaeological sub-surface investigation within the project area. It is noted that a program of historical archaeological monitoring and recording has also been recommended by the OEH Heritage Branch and will be incorporated into the construction program.
ISSUE OF ABORIGINAL HERITAGE IMPACT PERMIT

1. OEH has considered the application and supporting information provided, and matters under section 90K of the NPW Act and has decided to issue an AHIP C0001725 subject to conditions.

2. The AHIP is attached.

3. You should read the AHIP carefully and ensure you comply with its conditions. In particular please note the following conditions:
   - The AHIP authorises harm to objects identified through the archaeological sub-surface testing program only in areas approved for excavation by relevant Heritage Division excavation permits;
   - A suitably qualified and practicing archaeologist with experience in identifying, excavating and recording archaeological site types similar to that predicted must be on-site to oversee all excavation works at all times whilst they are occurring;
   - The names, contact details and qualifications of all suitably qualified archaeologists must be provided to OEH Hunter Central Coast Regional Operations Group at least 14 days prior to the commencement of excavation works;
   - Representatives from the registered Aboriginal parties (RAPs) must be on-site to oversee all excavation works at all times whilst they are occurring. The number of RAP representatives required should reflect the quantity of work to be undertaken on any given day. The names and contact details of all RAP representatives that will participate in the excavation program must be provided to OEH Regional Operations, Hunter Central Coast Region at least 14 days prior to the commencement of excavation works.

It is an offence under section 90J NPW Act to fail to comply with the conditions of the AHIP. The maximum penalty that a court may impose on a corporation for failing to comply with this AHIP is $1.1m. OEH can also issue penalty notices for this offence.

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations
(By Delegation)

Date: 17 May 2016

Notice No. C0001726
Application Ref No. A03028-2016
INFORMATION ABOUT THIS NOTICE

• Details provided in this notice will be available on OEH's Public Register in accordance with section 188F of the NPW Act.

Variation of this AHIP

• This AHIP may only be varied on application by the AHIP holder or by OEH to correct typographical errors or resolve inconsistencies between conditions of the AHIP. A permit can only be varied by subsequent variation notices.

Appeals against this decision

• You can appeal to the Land and Environment Court against this decision. The deadline for lodging the appeal is 21 days after you were given notice of this decision.
AHIP number: C0001725

(AHIMS Permit ID: 3939)

AHIP Issued To:
Galadriel Lothlorien Pty Ltd
74 Victory Parade
TORONTO NSW 2283

---

**OEH Office issuing this AHIP**

Office of Environment and Heritage
Regional Operations
Hunter Central Coast Region
Level 4, 26 Honeysuckle Drive Newcastle 2300
Locked Bag 1002 DANGAR NSW 2309
Telephone number: (02) 4927 3167
Fax number: (02) 4927 3192

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**Additional details for public register**

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<thead>
<tr>
<th></th>
<th>Name of development or project</th>
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<tbody>
<tr>
<td>a</td>
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<th>Description of harm authorised</th>
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<td>d</td>
<td>Test excavations in areas authorised for archaeological investigation by Heritage Division S140 permits</td>
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<th>AHIP commencement date and duration</th>
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<td>e</td>
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<tr>
<td></td>
<td>Duration: One (1) Year</td>
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</tbody>
</table>
AHIP TO HARM ABORIGINAL OBJECTS

A. Background

(i) On 8 February 2016, Galadriel Lothlorien Pty Ltd applied to the Chief Executive of the Office of Environment and Heritage (OEH) for an Aboriginal Heritage Impact Permit (AHIP) pursuant to s.90 of the National Parks and Wildlife Act 1974 (the Act).

(ii) OEH received additional information on 21 March 2016, 6 May 2016 and 19 April 2016.

(iii) Archaeological and Heritage Management Solutions Pty Ltd (AHMS) were commissioned by Galadriel Lothlorien Pty Ltd to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR), and to undertake all necessary heritage assessments and approvals in advance of a partial re-development at 74 Victory Parade Toronto, NSW (the Toronto Hotel) herein referred to as the project area.

(iv) The AHIP application was in relation to archaeological test excavations within an area predicted to contain the archaeological remains of an Aboriginal Mission/early European contact site.

(v) In 2013, AHMS identified an area of potential archaeological deposit (PAD), potentially associated with a former mission site from the early 19th Century. Archaeological subsurface testing is now required and considered essential to characterise the nature and extent of the Aboriginal cultural deposits that may be contained within the identified areas of PAD that will likely be impacted by redevelopment activities within the project area.

(vi) Requirement 14(4) of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010) details that any acts carried out in the course of sub-surface investigation will not be excluded from the definition of harm where they are carried out in "areas known or suspected to be Aboriginal missions or previous Aboriginal reserves or institutes." An Aboriginal Heritage Impact Permit (AHIP) is therefore required to implement a program of archaeological sub-surface investigation within the project area. It is noted that a program of historical archaeological monitoring and recording has also been recommended by the OEH Heritage Branch and will be incorporated into the construction program.

(vii) Heritage Division issued a S140 excavation permit (19 April 2016) for the project which significantly limits the initial historical archaeology investigations within the project area. Heritage Division's restricted permit requires a preliminary program of works (geotechnical testing only) to clarify the nature of the archaeological resource within the project area. Information gathered through the preliminary investigations are be utilised to better inform an amended archaeological assessment and research design to support any further S140 application for any future phases of works which will impact any identified relics. It is noted that any relics/artefacts identified to be association with the early mission period of occupation will be regarded to be of State significance and subject to considerable mitigation criteria.

(viii) Lake Macquarie City Council Development Application (DA) Notice of Determination for Lot 201 DP549239: Development Consent Number DA/1780/2012 specifies that all ground disturbing works within the project area must be undertaken in accordance with the provisions of relevant Heritage Division excavation permits.

(ix) OEH considered the application and supporting information provided, and matters under section 90K of the Act and decided to issue an AHIP for the areas approved by the Heritage Division subject to conditions.
B. AHIP issued subject to conditions

An AHIP is issued to harm Aboriginal objects identified in Schedules B and C, in accordance with the conditions of this AHIP.

This AHIP is issued pursuant to section 90 of the Act.

C. Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP.

Unless otherwise revoked in writing, this AHIP remains in force for:

(i) One year from the date of commencement, that is, until 17 May 2017;

D. Proposed Works

The proposed development consists of the following:

- Demolition of the existing bottle shop;
- Construction of an addition to the rear of the Hotel;
- Construction of a new bottle shop;
- Construction of a beer garden at the front of the Hotel, including landscaping, paving, and covered areas;
- Construction of a new garbage store and pump room;
- Rearrangements to areas of the existing carpark;
- Landscaping.

The extent of earthworks and proposed development in relation to the current site layout and earlier Hotel development is indicated in Figure 1 (Page 10 of this AHIP).

Given the project area’s potential to contain State significance archaeological deposits, it is noted that the proposed development in relation to the current site layout will be undertaken in stages as approved by relevant OEH Heritage Division permits.

Note: A Dictionary at the end of the AHIP defines terms used in this document. Further information about this AHIP is also set out after the Dictionary.

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations
(By Delegation)

DATED: 17 May 2016
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LAND TO WHICH THIS AHIP APPLIES

The land to which this AHIP applies is situated within part of Lot 201 DP549239, being 74 Victory Parade Toronto, NSW (the Toronto Hotel) located within the Lake Macquarie local government area. The extent of proposed earthworks on the land to which this AHIP applies is indicated in yellow in Figure 1 (page 10 of this AHIP). Note this is a copy of Figure 4 in the Toronto Hotel ACHAR (AHMS 2015).

CONDITIONS

The conditions of this AHIP specify the actions that are permitted and/or required in relation to areas and Aboriginal objects, which are detailed in the Schedules that follow.

Administrative Conditions

Responsibility for compliance with conditions of AHIP

1. The AHIP holder must ensure that all persons involved in actions or works covered by this AHIP (whether employees, contractors, sub-contractors, agents or invitees) are made aware of and comply with the conditions of this AHIP.

Project manager to oversee the actions relating to this AHIP

2. A suitably qualified and experienced individual must be appointed as a project manager who is responsible for overseeing, for and on behalf of the AHIP holder, all the actions relating to this AHIP.

3. The individual appointed as project manager must be the project manager nominated in the application form.

4. If an alternative to the nominated project manager is appointed, OEH must be notified of their contact details within 14 days of this appointment.

Actions must be in accordance with AHIP application

5. All actions on the land must be carried out in accordance with the application except as otherwise expressly provided by a condition of this AHIP.

Operational Conditions

Certain Aboriginal objects must not be harmed

6. All human remains in, on or under the land must not be harmed.

Test excavations

7. Test excavations may be carried out in, on or under each test excavation area described in Schedule B2.

8. Aboriginal objects that are recovered during the excavations may be analysed on-site and/or may be taken off-site for further analysis.

9. The excavations and analysis of Aboriginal objects must be carried out in accordance with the methodology specified in AHMS 2015 Aboriginal Cultural Heritage Assessment: Toronto
Hotel, Victoria Parade, Toronto, Lake Macquarie that was provided with the application, with the following modifications:

(a) A suitably qualified and practicing archaeologist with experience in identifying, excavating and recording archaeological deposits similar to that predicted must be on-site to oversee all excavation works at all times whilst they are occurring;

(b) The names, contact details and qualifications of all suitably qualified archaeologists must be provided to OEH Hunter Central Coast Regional Operations Group at least 14 days prior to the commencement of excavation works;

(c) Representatives from the registered Aboriginal parties (RAPs) should be provided the opportunity to oversee excavation works at all times whilst they are occurring within the areas authorised by this AHIP. The names and contact details of all RAP representatives that will participate in the excavation program must be provided to OEH Hunter Central Coast Regional Operations Group at least 14 days prior to the commencement of excavation works;

(d) Bulk excavations or the stripping of topsoil must only be undertaken in areas approved by the OEH Heritage Division;

(e) Bulk excavations or the stripping of topsoil shall not commence until such time as all conditions stipulated by the Heritage Division have been met;

(f) All stripped topsoil must be stockpiled for re-use and must remain on-site;

(g) All stripped topsoil must be sieved and all Aboriginal objects salvaged; and

(h) All identified Aboriginal archaeological features will be investigated and removed manually with high resolution stratigraphic control, and include both chronological and soil sampling, and appropriate recording.

10. The excavations must be completed in an area before any harm of Aboriginal objects described in Schedule C can commence in that same area.

Temporary storage of certain Aboriginal objects

11. Any Aboriginal objects that are removed from the land by actions authorised by this AHIP must be moved as soon as practicable to the temporary storage location in the table below, pending any agreement reached about the long term management of the Aboriginal objects.

12. The temporary storage location is as follows:

<table>
<thead>
<tr>
<th>Location name:</th>
<th>AHMS Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address:</td>
<td>2/729 Elizabeth Street Waterloo NSW 2017</td>
</tr>
<tr>
<td>Storage particulars:</td>
<td>Secure Artefact Storage Facility</td>
</tr>
</tbody>
</table>

13. Any Aboriginal objects stored at the temporary storage location must not be further harmed, except in accordance with the conditions of this AHIP.

Long term management of certain Aboriginal objects

Notification and Reporting Conditions

Notification of commencement and completion of actions

15. Written notice must be provided to the OEH office at least 7 days prior to the commencement of actions authorised by this AHIP.

16. Written notice must be provided to the OEH office within 7 days of the completion of actions authorised by this AHIP.

Copy of this AHIP and notices to be provided to Registered Aboriginal Parties

17. A copy of this AHIP must be provided to each Registered Aboriginal Party, within 14 days of receipt of the AHIP from OEH.

18. Where this AHIP is varied or transferred, a copy of the AHIP variation or transfer notice must be provided to each Registered Aboriginal Party, within 14 days of receipt of the notice.

Human remains

19. If any human remains (other than any human remains described in Schedule B4) are discovered and/or harmed in, on or under the land, the AHIP holder must:
   (a) not further harm these remains
   (b) immediately cease all work at the particular location
   (c) secure the area so as to avoid further harm to the remains
   (d) notify the local police and OEH’s Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location, and
   (e) not recommence any work at the particular location unless authorised in writing by OEH.

Incidents which may breach the Act or AHIP

20. The AHIP holder must notify the OEH office in writing as soon as practicable after becoming aware of:
   (a) any contravention of s.86 of the Act not authorised by an AHIP, and/or
   (b) any contravention of the conditions of this AHIP.

Reports about incidents which may breach the Act or AHIP

21. Where OEH suspects that an incident has occurred which may have breached the Act or AHIP, OEH may request a written incident report, which includes the following:
   (a) the nature of the incident
   (b) the actual or likely impact of the incident on Aboriginal objects and/or Aboriginal places
   (c) the nature and location of these Aboriginal objects and/or Aboriginal places, referring to and providing maps and photos where appropriate
   (d) any conditions of an AHIP which may have been breached, and
   (e) the measures which have been taken or will be taken to prevent a recurrence of the incident.

22. The incident report must be provided to the OEH office within the timeframe specified in the request.
Provision of Aboriginal Site Impact Recording Form

23. An Aboriginal Site Impact Recording Form must be completed and submitted to the AHIMS Registrar, for each AHIMS site identified in Schedules B and C, within 4 months of the completion of the actions authorised by this AHIP.

Note:
(i) The Aboriginal Site Impact Recording Form can be found on the OEH website: www.environment.nsw.gov.au/licences/DECCAHISSiteRecordingForm.htm
(ii) Contact details for the AHIMS Registrar can be found on the OEH website: www.environment.nsw.gov.au/contact/AHIMSSiteRegistrar.htm

Report about harm to Aboriginal objects (Test Excavation Report)


25. The Test Excavation Report must be submitted to the OEH office within 6 months of the completion of the test excavations.

26. A copy of the Test Excavation Report, including a summary of the report in plain English, must be sent by registered post to each Registered Aboriginal Party within 14 days of the report being submitted to OEH.

General Conditions

Indemnity

27. The AHIP holder agrees to indemnify and keep indemnified, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from and against all actions, demands, claims, proceedings, losses, damages, costs (including legal costs), charges or expenses suffered or incurred by them resulting from:

(a) any damage or destruction to any real or personal property; and
(b) injury suffered or sustained (including death) by any persons arising out of or in connection with any actions undertaken pursuant to this AHIP.

Release

28. The AHIP holder agrees to release to the full extent permitted by law, the Crown in right of NSW, the Minister administering the Act, the Chief Executive of OEH, and their employees, agents and contractors, in the absence of any willful misconduct or negligence on their part, from all suits, actions, demands and claims of every kind resulting from:

(a) any damage or destruction to any real or personal property; and
(b) injury suffered or sustained (including death) by any persons arising from or in connection with any actions undertaken pursuant to this AHIP.

Written notice

29. Any requirement to provide written notice to the OEH office in this AHIP may be complied with by faxing the notice to the OEH office's fax number or by sending by registered post to the OEH office's address. The OEH office's contact details are specified at the front of this AHIP.
SCHEDULES

The following schedules identify the areas and Aboriginal objects that are subject to the conditions of this AHIP.

Schedule A: Aboriginal objects which must not be harmed

A1 Human remains
   All human remains in, on or under the land must not be harmed.

A2 Aboriginal objects that are identified on AHIMS
   Not Applicable

A3 No-harm areas
   Not Applicable

Schedule B: Aboriginal objects that may be harmed through the certain actions

B1 Movement only
   Not Applicable

B2 Test excavations
   Test excavations authorised by this AHIP may only be carried out within AHIMS site number 45-7-0360 in: (1) areas authorised for archaeological investigation by a relevant Heritage Division excavation permit; (2) in the areas indicated for proposed redevelopment illustrated in Figure 1 of this AHIP; and (3) only in accordance with the conditions of this AHIP.

<table>
<thead>
<tr>
<th>Portion of Site (whole or part)</th>
<th>AHIMS Site ID</th>
<th>Site Feature</th>
<th>Site Name</th>
<th>Information access restriction? (Y/N)</th>
<th>Easting</th>
<th>Northing</th>
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<tr>
<td>Part</td>
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<td>PAD</td>
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<td>63464501</td>
<td>GDA</td>
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</table>

B3 Community collection
   Not Applicable

B4 Other
   Not Applicable
Schedule C: Aboriginal objects which may be harmed through the proposed works

C1  Harm of Aboriginal objects identified on AHIMS

<table>
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<tr>
<th>Portion of Site (whole or part)</th>
<th>AHIMS Site ID</th>
<th>Site Feature</th>
<th>Site Name</th>
<th>Information access restriction? (Y/N)</th>
<th>Easting</th>
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<tbody>
<tr>
<td>Part</td>
<td>45-7-0360</td>
<td>PAD</td>
<td>Toronto Hotel</td>
<td>No</td>
<td>368819</td>
<td>63464501</td>
<td>GDA</td>
</tr>
</tbody>
</table>

C2  Areas where harm of Aboriginal objects is authorised

Not Applicable

Figure 1 Extent of proposed earthworks (marked in yellow)
(Note this is a copy of Figure 4 in the Toronto Hotel ACHAR (AHMS 2015)).
DICTIONARY

In this AHIP, unless the contrary is indicated the terms below have the following meanings:

**Aboriginal object** has the same meaning as in the Act.

**Act** means the National Parks and Wildlife Act 1974.

**AHIMS** means the Aboriginal Heritage Information Management System maintained by OEH, as defined in s.90Q of the Act.

**AHIP** means Aboriginal Heritage Impact Permit

**AHIP holder** means the entity or person listed on the cover page under the heading "AHIP issued to".

**Application** means the completed application form and all other documents in written or electronic form which accompanied the application when it was lodged or which were subsequently submitted in support of the application.

**Chief Executive** means Chief Executive of the Office of Environment and Heritage (NSW)

**Community collection** means the collection of Aboriginal objects by one or all Registered Aboriginal Parties or their representatives.

**Community collection area** means an area described as a community collection area in Schedule B3.

**Harm** has the same meaning as in the Act. In relation to Aboriginal objects, harm means the movement, damage, defacement and/or destruction of Aboriginal objects. In relation to an Aboriginal place, harm means the damage, defacement and/or destruction of the Aboriginal place.

**Land** means the land described under the heading "Land to which this AHIP applies".

**No-harm areas** means those areas described in Schedule A3.

**OEH** Office of Environment and Heritage (NSW).

**OEH office** means the office listed on the cover page of this AHIP.

**Proposed works** means the works described under the heading "D. Proposed Works" at the front of this AHIP.

**Public register** means the public register established under s.188F of the Act, that contains details of AHIPs issued by the Chief Executive of OEH, as described under the heading "Information about this AHIP".

**Registered Aboriginal Parties** means the Registered Aboriginal Parties listed in the application.

**Salvage excavation** means an archaeological excavation carried out in accordance with the methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of salvage excavation is to recover a sample of Aboriginal objects as an archival record of Aboriginal life from a site that will be destroyed.

**Salvage excavation area** means any area described as a salvage excavation area in Schedule
area  B2.
Test excavation  means an archaeological excavation carried out in accordance with methodology accompanying the application, as modified by the conditions of this AHIP. The purpose of test excavation is to collect a sample of Aboriginal objects, in order to establish the nature and extent of sub-surface Aboriginal objects and to assist in the assessment of management options for the site.
Test excavation area  means any area described as a test excavation area in Schedule B2
INFORMATION ABOUT THIS AHIP

Public Register
Under section 188F of the Act, the Chief Executive of OEH is required to keep a public register containing the details of each AHIP issued. The details of this AHIP that will be published on the public register are outlined on the front page of this AHIP.

The public register is available online at www.environment.nsw.gov.au

Appeals
Under section 90L of the Act, the AHIP holder may appeal to the Land and Environment Court if they are dissatisfied with any condition of this AHIP. The appeal must be lodged within 21 days of the date this AHIP was issued.

Penalties for breach of the Act or AHIP condition
Significant penalties can be imposed by the Land and Environment Court for harm to an Aboriginal object or Aboriginal Place other than as authorised by a condition of an AHIP, or for a breach of an AHIP condition. OEH can also issue penalty notices for a breach of the Act or AHIP condition.

Responsibility for obtaining all approvals and compliance with applicable laws
The AHIP holder is responsible for obtaining and complying with all approvals necessary to lawfully carry out the work referred to in this AHIP, including but not limited to development consents.

Other relevant provisions of the National Parks and Wildlife Act
Newly identified Aboriginal objects must be notified to the Chief Executive of OEH under s.89A of the Act using the form available online at www.environment.nsw.gov.au

Stop work orders, interim protection orders and remediation directions may be issued in certain circumstances to protect Aboriginal objects or places.

Obligation to report Aboriginal remains under Commonwealth laws
The AHIP holder may have additional obligations to report any discovery of Aboriginal remains under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984.

Exercise of investigation and compliance powers
Officers appointed or authorised under the Act may exercise certain powers and functions, including the power to enter land.

Duration of AHIP
This AHIP remains in force for the period specified in the AHIP.

Variation of AHIP
The AHIP holder may apply to the OEH office for a variation of any conditions of an AHIP, using the AHIP variation application form available online at www.environment.nsw.gov.au. Requests for significant variations must be accompanied by evidence of further consultation with Registered Aboriginal Parties and may include payment of fees.
The conditions of an AHIP may be varied at any time by the Chief Executive of OEH in order to correct a typographical error or to resolve an inconsistency between conditions. The AHIP holder may appeal a decision of the Chief Executive of OEH to vary the conditions of the AHIP.

Transfer of AHIP
The AHIP holder may apply to transfer this AHIP to another person by using the AHIP transfer application form available online at www.environment.nsw.gov.au.

Surrender of AHIP
The AHIP holder may apply to surrender this AHIP by using the AHIP surrender application form available online at www.environment.nsw.gov.au. The surrender must be approved by the Chief Executive of OEH and may be subject to conditions.

Suspension and revocation of AHIP
An AHIP may be suspended or revoked at any time at the discretion of the Chief Executive of OEH. Prior to suspending or revoking the AHIP, the AHIP holder will be given notice and an opportunity to make submissions. The AHIP holder will be notified in writing of the final decision. The AHIP holder may appeal a decision to revoke the AHIP.

Entry to land
An AHIP does not automatically entitle its holder to enter land for the purpose of conducting work related to the AHIP. The AHIP holder is responsible for obtaining permission to enter land from the owner and/or occupier of the land.

Disclosure of information pursuant to lawful requirement
This AHIP does not prevent the disclosure of any information or document in OEH's possession in accordance with any lawful requirement.

Making copies of reports
By providing a report, the AHIP holder acknowledges that OEH can use the information in that report to inform its regulatory functions, note details of that report in AHIMS and include a copy of the report in its library which may be available to members of the public.

OEH is able to make copies of any reports provided to OEH under this AHIP.
NOTICE OF VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT NO. C0001725

Issued pursuant to section 90D (5) National Parks and Wildlife Act 1974 (NPW Act)

BACKGROUND

A. GALADRIEL LOTHLORIEN PTY LTD (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. C0001725 (the AHIP) granted under section 90D of the NPW Act.

B. The AHIP authorises the carrying out of archaeological testing as part of the Toronto Hotel Redevelopment, located at 74 Victory Parade TORONTO NSW 2283.

C. The applicant is seeking an extension for an additional 2 years to complete all works.

D. OEH received the application on 16 May 2018.

E. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

OEH has decided to grant this variation. By this notice OEH varies AHIP No. C0001725 in the following manner:

Variation

C. Commencement and duration of AHIP (page 3 of 14)

(1) One year from the date of commencement, that is until, 17 May 2018.

is replaced by:

C. Commencement and duration of AHIP (page 3 of 14)

(1) Three years from the date of commencement, that is until, 17 May 2020.
**Variation of Aboriginal Heritage Impact Permit**

*National Parks and Wildlife Act 1974*

**Note:** You must provide a copy of this AHIP variation notice to each Registered Aboriginal Party referenced in AHIP number C0001725 within 14 days.

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**STEVEN COX**

Senior Team Leader - Planning

Hunter Central Coast Branch

**Regional Operations Division**

(By Delegation)

**Date:** 16 May 2018

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**INFORMATION ABOUT THIS VARIATION NOTICE**

- Details provided in this notice will be available on OEH’s Public Register in accordance with section 188F of the NPW Act.

- You should read this Variation Notice carefully and ensure that you continue to comply with all conditions of the original AHIP C0001725 issued on 17 May 2017, as amended by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

**When this notice begins to operate**

- The variations to the AHIP specified in this notice begin to operate immediately from the date of this Variation Notice, unless another date is specified in this notice.

**Variation of this notice**

- This Variation Notice may only be varied by subsequent notices issued by OEH.

**Appeals against this decision**

- You can appeal against this decision to the Land and Environment Court. The deadline for lodging the appeal is 21 days after the date that this notice was issued.
NOTICE OF VARIATION TO ABORIGINAL HERITAGE IMPACT PERMIT
NO. C0001725

Issued pursuant to section 90D(5) National Parks and Wildlife Act 1974 (NPW Act)

BACKGROUND

A. Galadriel Lothlorien Pty Ltd (the applicant) applied to the Office of Environment and Heritage (OEH) to vary Aboriginal Heritage Impact Permit No. C0001725 (the AHIP) granted under section 90D of the NPW Act. The AHIP authorises archaeological investigations which cannot be undertaken in accordance with the DECCW 2010 Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW. The AHIP area is detailed in Figure 1.

B. OEH issued Variation Notice C0002379 (22 December 2016) to accommodate the following: (1) additional areas of land; and (2) changes to the original temporary storage location.

C. The Applicant has applied for a further Variation (15 May 2017) to extend the existing AHIP timeframe to 17 May 2018.

D. OEH has considered the matters set out in section 90K of the NPW Act.

VARIATION OF ABORIGINAL HERITAGE IMPACT PERMIT

1. OEH has decided to grant this variation. By this notice OEH varies AHIP No. C0001725 in the following manner:

Variation 1

Section C: Commencement and duration of AHIP

This AHIP commences on the date it is signed unless otherwise provided by this AHIP. Unless otherwise revoked in writing, this AHIP remains in force for:

(i) One year from the date of commencement, that is, until 17 May 2017;

is replaced by:

This AHIP commences on the date it is signed unless otherwise provided by this AHIP. Unless otherwise revoked in writing, this AHIP remains in force for:

(i) Two years from the date of commencement, that is, until 17 May 2018;
2. You must provide a copy of this AHIP variation notice to each registered Aboriginal party referenced in AHIP number C0001725 within 14 days.

Figure 1: Authorised AHIP area
RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast
Regional Operations

Date decision made: 16 May 2017

INFORMATION ABOUT THIS VARIATION NOTICE

- Details provided in this notice will be available on OEH’s Public Register in accordance with section 188F of the NPW Act.

- You should read this Variation Notice carefully and ensure that you continue to comply with all conditions of the original AHIP C0001725 issued on 17 May 2016 as amended by this Variation Notice. The format of this Variation Notice requires that it must be read in conjunction with the original AHIP.

When this notice begins to operate

- The variations to the AHIP specified in this notice begin to operate immediately from the date of this Variation Notice, unless another date is specified in this notice.

Variation of this notice

- This Variation Notice may only be varied by subsequent notices issued by OEH.

Appeals against this decision

- You can appeal against this decision to the Land and Environment Court. The deadline for lodging the appeal is 21 days after the date that this notice was issued.
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APPENDIX 4

Plan of Archaeological Features
The Syndicate | 1899 - 1922

After purchasing the property in 1899 The Syndicate spent £500 on improvements to the property which included the installation of a merry-go-round, a hot water supply throughout the hotel and electric lighting in the pavilion and billiard room and baths along the lake foreshore. The Syndicate also constructed a series of walkways and flowerbeds in the grounds with water for the gardens and hotel to be pumped from the dam.

Walter Donnelly, originally the manager of the Hotel for The Syndicate, purchased the freehold of the Hotel and grounds in 1905. In 1911 and 1917 Donnelly sold portions of the Hotel grounds before selling the Hotel and the remaining grounds to The Tooheys Ltd in 1922.

The Tooheys Ltd Toronto Hotel | 1922 – 1973

The Tooheys Ltd spent £8,000 on renovations and improvement works. The works included several demolitions and additions including the construction of a two-storey frontage, a putting green and two tennis courts with a club house.

By the 1950s a 25 metre pool and concrete outdoor dining area had been constructed in front of the main entrance to the hotel. In the 1960s and 1970s a series of renovations and demolitions were undertaken including the removal of the rear courtyard and the infill of the pool.

The current upgrades are the first major external upgrades to the hotel since the 1970s, including the construction of a new bottle shop.

Archaeological investigations are currently being undertaken at the Toronto Hotel site in preparation for Hotel upgrades. The archaeological investigations are required by the Office of Environment and Heritage and the NSW Heritage Council prior to redevelopment and upgrade works to expose, record and salvage any pre-European, ‘contact period’ and later historic archaeological remains. The archaeological works are being undertaken by Umwelt (Australia) Pty Ltd on behalf of Jon Bortoli.

Further Information

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The Toronto Hotel in 1924
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The first Australian’s

Toronto, situated along the western bank of Lake Macquarie, forms part of a landscape that was used by the traditional Aboriginal owners, the Awabakal. The Awabakal lived in and used the Toronto and wider Lake Macquarie area for many thousands of years prior to European contact and continues to be highly valued by Aboriginal people today.
The Ebenezer Mission  1829-1841

The first European to settle in the Lake Macquarie area was the Reverend Lancelot Edward Threlkeld. Born in 1788 to a brush maker and his wife, Threlkeld began his working life as a trade apprentice and later turned actor for the Royal Circus and the Royalty Theatre. However, by 1815, after spending much time as an itinerant preacher, Threlkeld was ordained by the London Missionary Society.

After spending seven years as a preacher in Tahiti Threlkeld's wife, Martha Goss, passed away, leaving him with five children. The family took a boat to Sydney arriving in 1824, planning to take a ship back to London. However, Threlkeld was soon re-married to Sarah Arndell and was charged with setting up a mission at Belmont on the eastern side of Lake Macquarie. Threlkeld began his mission in 1825 thus began Threlkeld's interaction with the Awabakal. After disputes around funding Threlkeld was cast out from the society in 1828.

In 1829 Governor Sir Ralph Darling granted Threlkeld 1280 acres on the western side of Lake Macquarie in what is now Toronto. Threlkeld built a considerable residence in the location of the current Toronto Hotel. The residence, most likely of timber, was a two storey, twelve roomed home with multiple outbuildings including a barn, a store house, a kitchen, a number of huts, a windmill, a dairy, a piggery and a milking shed.

In January 1831 the Executive Council confirmed Threlkeld as a missionary from his Ebenezer residence and provided him a £200 a year salary. For over a decade Threlkeld ran the mission hoping to convert the local Awabakal peoples to Christianity while teaching animal husbandry and farming. By 1840 no Awabakal people visited or were living on the mission and it was clear that his mission was failing. By 1841 and after Governor Sir George Gipps terminated the Colony’s financial support, Threlkeld closed the Mission.

Although the Mission was short lived, Threlkeld's ethnographic and language works were well established and are still used today.

The Toronto Hotel

Excelsior Land Investment and Building Company and Bank Limited Threlkeld eventually sold the property in 1845 which was used for agricultural purposes until 1886 when the Excelsior Land Investment and Building Company and Bank Limited purchased the now dilapidated property.

By 1887 the Excelsior Company had subdivided the land and formed streets for the creation of the suburb of Toronto, which was named after Toronto, Canada. With the opening of the railway line in the region, the Excelsior Company planned to transform Toronto into a resort style area. The Toronto Hotel was constructed by 1887 as a tourist resort with access to walks, lake fishing and sailing. With the railway in the region still new and incomplete, visitors initially disembarked at Fassifern train station and travelled by boat from Fennell Bay to Toronto wharf. By 1891 the Excelsior Company established a tramway connection which was replaced by a state managed branch line in 1911.

The Toronto Hotel was built from bricks made from local clays with the main part of the structure identified as a two-storey building facing southeast. The resort also included sculptured gardens and lawns, grottos, fish ponds and fountains, a tennis court and a putting green.

The Toronto Hotel was also the location of the first post office in Toronto - from approximately 1890 to approximately 1907 – which was described in 1902 as a ‘miserable little shanty’ located on the verandah attached to the public bar.