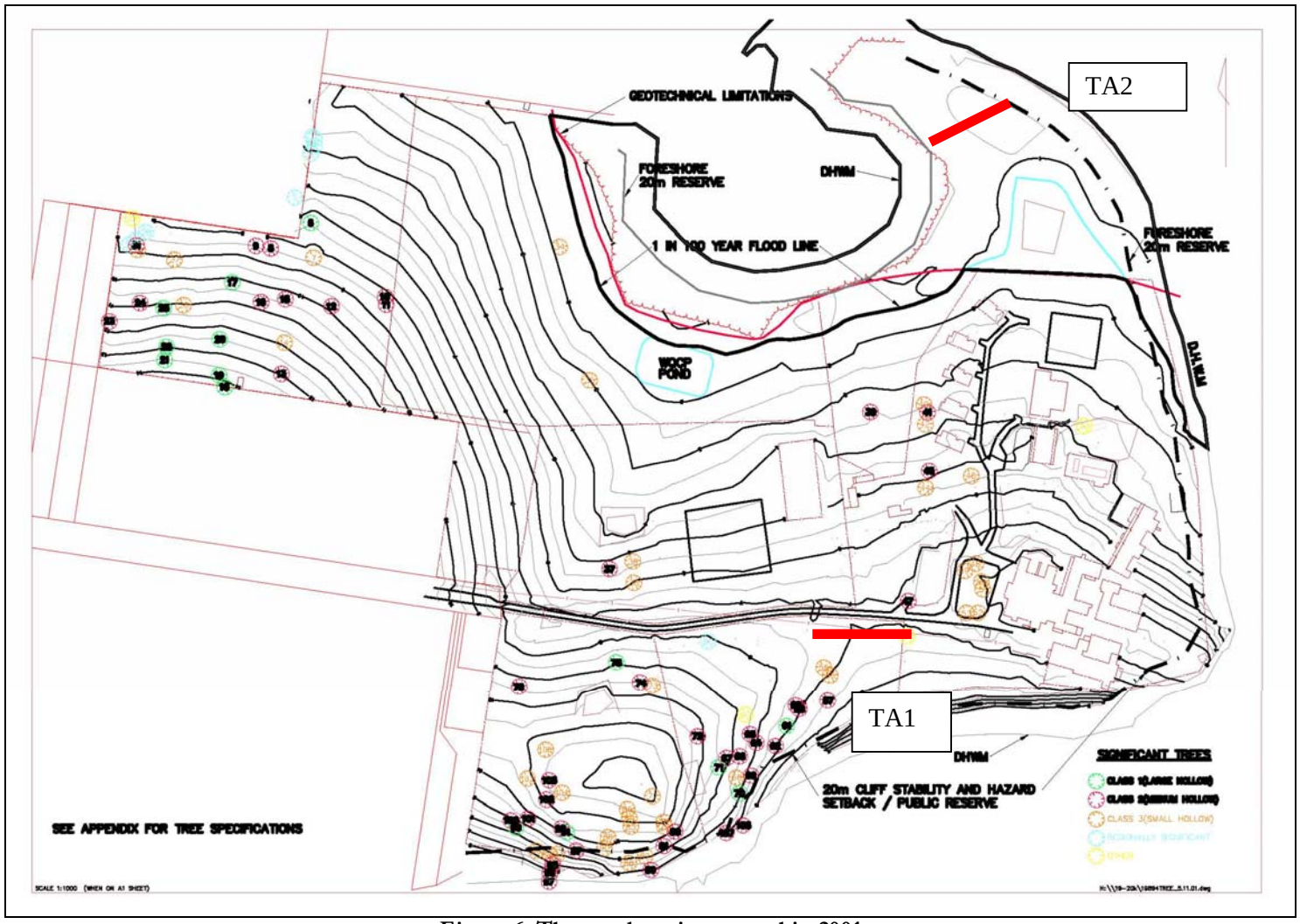

Figure 6 The two locations tested in 2001

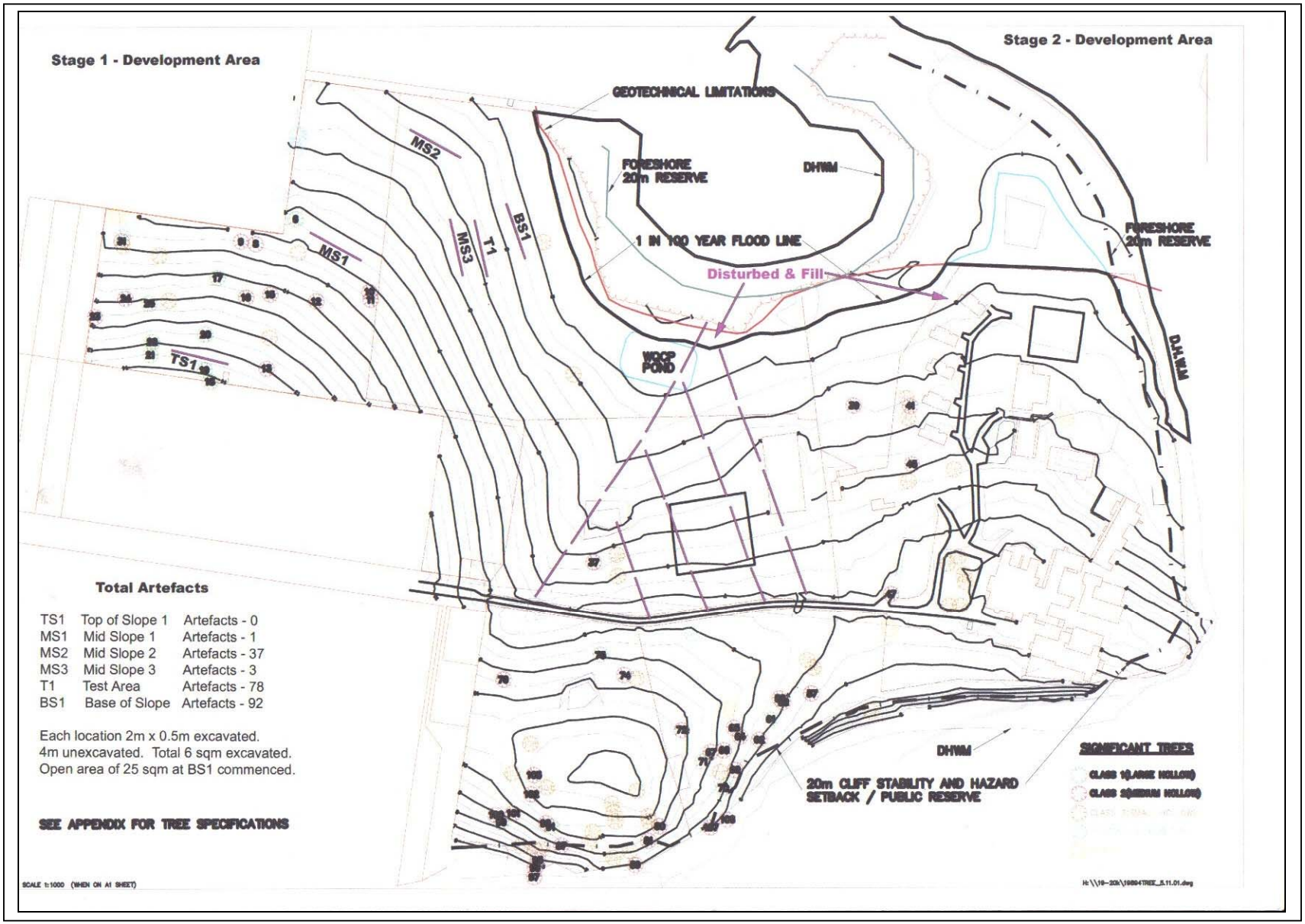

Figure 7 Locations of the salvage excavations in stages 1-4 housing development

3.3 Recorded Sites and Development Discussion

The following sites have been recorded in the **foreshore acquisition area** to the south and east of the **Trinity Point Marina and Mixed Use Development** area:

3.3.1 Trinity Point Marina Foreshore Acquisition Area

SJOG 1 – lenses of Anadara trapezia in low sand beach deposits. Lenses occur within deposits of natural shell bed / storm event deposits as characterised by poorly sorted shell deposits and gravel.
SJOG 4 – a lens of Anadara trapezia on the top of the headland, exposed by recent cliff front erosion. The lens is up to 50mm thick single species deposit. No artefacts were observed.
SJOG 6 – midden deposit, single species, Anadara trapezia, well sorted, located in profile at one metre to about one and a half metres above the rock platform. The midden is at least 7 metres long (determined by lack of visibility at the northern end). The midden is up to 200mm thick.
SJOG7 – grinding grooves located 26 metres south of SJOG 6, are three pairs of grinding grooves. One pair is horizontal to the waterline, one vertical, and one at 45 degrees. The grooves are up to 18 cm long to a maximum of 3 cm wide, therefore are quite narrow grinding grooves perhaps indicating sharpening of a point rather than an axe head.

3.3.2 Trinity Point Marina

The following sites have been recorded in the **Trinity Point Marina** area;
SJOG 2 – a single surface artefact and sub-surface deposits identified by TA2 test probes under AHIP SZ3509 (2001). These deposits in the sandy foreshore deposits contained natural and anthropogenic deposits of artefacts in low densities (av. 2.3 per sq m). This site is confined to the Wyong soil landscape.

3.3.3 Trinity Point Mixed Use Development

The following potential sites have been identified in the **Trinity Point Mixed Use Development area;**
Sub-surface and fragmented deposits associated with **SJOG4 and SJOG 6** where the midden deposits may extend over twenty metres inland out of the foreshore reserve and into the development area. Historic excavations (see Photograph 8) found one small lens of Anadara trapezia 20cm in diameter at a set back of about thirty metres west from SJOG4. The deposit was not a continuum from SJOG4 with sterile deposit evident for about five metres east of the small lens. The excavations at TA1 have shown Anadara trapezia fragments throughout the southern part of Trinity Point whilst no shell is evident on the north west of the housing development area.
Sub-surface deposits associated with **SJOG3 (**TA1). These deposits have been shown to have variable characteristics horizontally. The subsurface deposits are likely to contain silcrete and tuff artefacts and fragmented Anadara trapezia. The deposits in this precinct will have been truncated by the built environment associated with St John of God School.

3.3.4 Approved Trinity Point Housing Development

The following sites have been located in the **Trinity Point Housing development** and have been subject to AHIP's (SZ 3509, s.90 #1947 & s.90 #2845):
SJOG 3 – the sub surface deposits identified at TA1. The area of this site has been expanded to cover the entire housing development area, and apart from those deposits contained within the foreshore reserves has been subject to Heritage Impact Permits with salvage. These salvage excavations have greatly refined the spatial variations within the site across the housing development area. In-situ portions of the site have been shown to extend into the 20m foreshore reserve.

3.3.5 Discussion Site Significance

The excavations within the Trinity Point development area has shown consistent results with what would be expected on the shores of Lake Macquarie. The open area excavations have shown artefact scatters in sub-surface deposits that are similar in character to the only other open area excavation in this context, those at Vales Point / Mannering Park to the south. The shell deposits on Bluff Point and at TA1 are single species deposits of Anadara trapezia which is also consistent with middens recorded around the lake.

There is high potential for similar sites to be located in undeveloped areas around the lake including Bird Cage Point (1km south-west), Wyee Bay and Wyee Point (2km south-west) and Chain Valley Bay (4km south – east). Similar sites could be expected in conservation areas occupied by the Department of Sport and Recreation, Point Wolstonecraft (3km east) and Myuna Bay on Whiteheads Lagoon (7 km north).

The development of the area allows for the conservation in-situ of artefact deposits in the foreshore reserve in Stages 1-4 of the housing development. The midden deposits on the headland within the Marina development will be conserved within the 20 foreshore set back that is to be managed by Lake Macquarie City Council.

Mitigation measures that have been discussed with the Aboriginal community include;

1. The conservation in- situ of midden and probable artefact deposits in the 20 metre foreshore reserve and within some open space in the development area.
2. The excavation of an additional fifty square metres of open area in two by twenty five metre areas based upon an overlay of the marina and tourist precinct buildings accounting for areas previously disturbed by the built environment.
3. The final analysis of the excavation results (150 sq metres plus test probes) of the entire Trinity Point development area to provide a landscape analysis of the site.
4. The presentation of information regarding the Aboriginal history of the site on information boards along the boardwalk area.

The high cultural value placed on Trinity Point is emphasized because there has been so little sub-surface testing carried out on the Lake Macquarie foreshore landscape. Only two sub-surface investigations have been carried out –Trinity Point & Vales Point. At Vales Point (due south of the study area) artefact densities of 208 per square metre were found. Such densities are associated with plentiful resource zones. An absence of shell was noted – as occurred in Trinity Point stages 1-4 and high densities found on spurline crests and foreshores. This pattern of distribution is mirrored at Trinity Point.

Unfortunately, no other excavations have been carried out on Lake Macquarie. It can only be assumed that further sites with these characteristics will be found, but until such times as work is carried out this remains an assumption.

4.0 PROJECT AIMS

The aim of this report is to address the Director General, Department of Planning requirements for the assessment of the Trinity Point Marina and Mixed Use Development and Tourist Precinct concept plan under Part 3A of the NSW Environmental Planning and Assessment Act 1979. The Director Generals requirements are listed in **section 11** as follows:
11.1 Address the draft *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation (DEC, July 2005)*.
11.2 Identify whether the site has significance in relation to Aboriginal cultural heritage and identify appropriate measures to preserve any significance. This is to be undertaken by an appropriately qualified person in consultation with the local Aboriginal community.
11.3 Identify any items of European heritage significance and provide measure for conservation of such items.
11.4 Address impacts on World Heritage areas, places listed on the National Heritage List and protected under the EPBC Act.

In order to address these requirements consultation with the Aboriginal community as outlined in the DECC guidelines has been undertaken. The consultation and assessment of the site has been undertaken by Angela Besant (BA Hons) archaeologist of Insite Heritage Pty Ltd. The assessment of the cultural heritage impact of the proposal is based on work conducted on the entire Trinity Point development area over the period of 1999 - 2008.

The Trinity Point area is of high cultural significance to the Aboriginal community. The complexity of site types recorded across the whole of the point in combination give the area high cultural significance as a cultural landscape. The proposal will impact an element of those values and are considered by the community to have the potential to impacts on other elements by increased visitation and boat traffic. Those concerns are addressed in section 7.1.

It is known that the marina will impact on a known Aboriginal subsurface materials (see section 2.3). It is proposed to mitigate against these impacts by salvage excavation within the development area. The excavation work undertaken over the Trinity Point housing and the Trinity Point Marina and Mixed Use Development areas has demonstrated tangible evidence of Aboriginal occupation. An additional 50 square metre of open excavation in the tourist /marina development area will add to the information gained from the 100 square metre of open excavation in progress in the Trinity Point housing development adding valuable information to the archaeological record of the Lake Macquarie area.

Issues of visitation and increased boat traffic impacts on foreshore areas are addressed in Section 7.1. Visitation will be controlled by boardwalks designed to control access to the foreshore. Boat traffic is controlled with speed limits not currently in place thus reducing wave wash. The foreshore area will ultimately be managed by Lake Macquarie City Council.

4.1 Community Consultation

The community consultation has been undertaken in accordance with the DECC guidelines 2005. The consultation log can be seen in Appendix E. The project was advertised in the Newcastle Herald on the 2nd October 2007.
Appendix A contains the first round of responses to the draft and Appendix B the second round of responses after a second site visit.
Groups who registered interest include:
Awabakal Traditional Owners Aboriginal Corporation (ATOAC)
Awabakal Descendents Traditional Owners Aboriginal Corporation (ADTOAC)
Bahtahbah LALC
Koompahtoo LALC
Wonn1 Consulting

Bahtahbah LALC boundaries include the offshore part of the development, whilst Koompahtoo LALC boundaries encompass the land component.

In accordance with the information provided by DECC a notification of the project was sent to Mu Roo Ma Incorporated however no response was received.

A meeting was held with Mr Jason Fields of NSW Land Council on the 21st May 2008 to discuss concerns raised by Koompahtoo LALC. The meeting was attended by Angela Besant (Insite Heritage) and Bryan Garland (JPG).

The traditional owner groups ATOAC and ADTOAC (represented by Kerrie Brauer and Shane Frost respectively) are non native title registered parties in claim no. NSD729 of 2007. This process involves mediation between Johnson Property Group whom have applied for a determination regarding native title over the Kendall Grange property. This claim has been resolved in a meeting on the 30th of January 2008.

A site meeting was held with all registered parties on the 6th November, 2007. At this meeting the Traditional Owner groups and Land Councils expressed dissatisfaction with the attendance of Wonn 1 whom identify as a Wonnarua person. The representative Arthur Fletcher, was asked to leave the site, provided with an information pack and invited to provide comment.

A meeting was then held at Koompahtoo LALC with the Awabakal Traditional Owner Corporations (6.11.08). Information from that meeting was passed on to Bahtahbah LALC by Ms Towney of Koompahtoo LALC.

A draft report has been circulated amongst the community representatives (11th November 2007) and responses have been received from the TO's and Wonn1.

Several informal meetings have been held with Koompahtoo LALC, Lois Towney and Robert Sampson (Koompahtoo) and Michael Green (Bahtahbah LALC).

In response to concerns raised by Koompahtoo LALC, Bahtahbah LALC, and the Awabakal Traditional Owner groups, that more time on site was required, an additional site visit was held on the 13th May 2008. The site was attended by the Awabakal Traditional Owner Groups (represented by Shane Frost, Kerrie Brauer and Dene Hawkins), and Koompahtoo LALC (Ashlee Hudson). The letters received subsequent to this site visit can be seen in Appendix B.

In accordance with the general consultation requirements for the Director-Generals requirements a meeting was held with Mr. Jason Field of NSW Land Council. Mr. Field was briefed on the development plan and the archaeological work conducted to date. The concerns raised by the KLALC were discussed and indications made that the process could move forward with continued consultation with the LALC's.

Additional site meetings, inspections and opportunities to explore the site have been provided. These have occurred on the 13th May 2008 and the 27th August 2008. Full details of consultation can be seen in Appendix E.

4.2 Impact of Development

The proposed marina will impact on site #45-7-0228 particularly on sub-surface deposits. There is however, potential to conserve in-situ representative samples of the deposits along the foreshore areas.

Off shore the marina impacts will be lessened by the use of pilings to support the pontoon structures thus lessening the need for excavation. No dredging is proposed in the building or maintenance of the marina.

The tourist development will impact on the sub-surface deposits associated with AHIMS # 45-7-0244. These deposits have been diminished in area and continuity by the built environment associated with the St John of God special school and previous site occupants.

The proposed Marina and Tourist precinct use of multiple storied buildings does decrease the actual footprint of disturbance, relative to the more expansive urban development, potentially allowing for greater levels of preservation of in-situ deposits within open space areas.

4.3 Site Inspection

As the subject area has been surveyed (2000) and subject to sub-surface testing (2001) a full traditional surface survey was not undertaken. Rather two site visits were conducted - the first limited due to rain and the second involved extensive checking of the foreshore areas. Approximately two thirds of the site has been previously developed with buildings and infrastructure. Where the buildings have been removed the area has been capped thus virtually natural surface visibility was available. The site has dense pasture cover.

At the first site meeting an additional area of midden was located on the headland. Erosion and undercutting of the headland created a collapse of soil and rock face revealing in-situ shell deposits. The shallow lens of shell comprises Anadara trapezia the area of which cannot be defined due to insufficient surface visibility. The midden is located within the foreshore reserve near a sundial that is being conserved for its historic value. The midden has been recorded and a site card lodged with the Aboriginal Heritage Management System (SJOG 4). The site is probably an exposure of the sub surface deposits of 45-7-0244.

A potential scarred tree was also identified and a site card lodged for it also (SJOG5), however this tree is located within the housing development and its management addressed separately.

On the second site visit (13.5.08) an additional midden was located in section to the immediate north of Bluff Point. The midden is located about 1 metre above the usual high tide mark and had been previously hidden behind kikuyu (SJOG 6). Three pairs of small grinding grooves were also located 26 metres south of the midden – these grooves would be under water at high tide (SJOG 7). Another set of grinding grooves in the tidal zone has been located in the south western foreshore reserve and these have also been recorded and site cards lodged (Trinity Point GG2). The fact that the grinding grooves are within the tidal zone has hindered the opportunity to locate them on any given field inspection. An isolated find (TPIF1) within the foreshore acquisition area were located along with the grooves above by Ashley Hudson of KLALC.

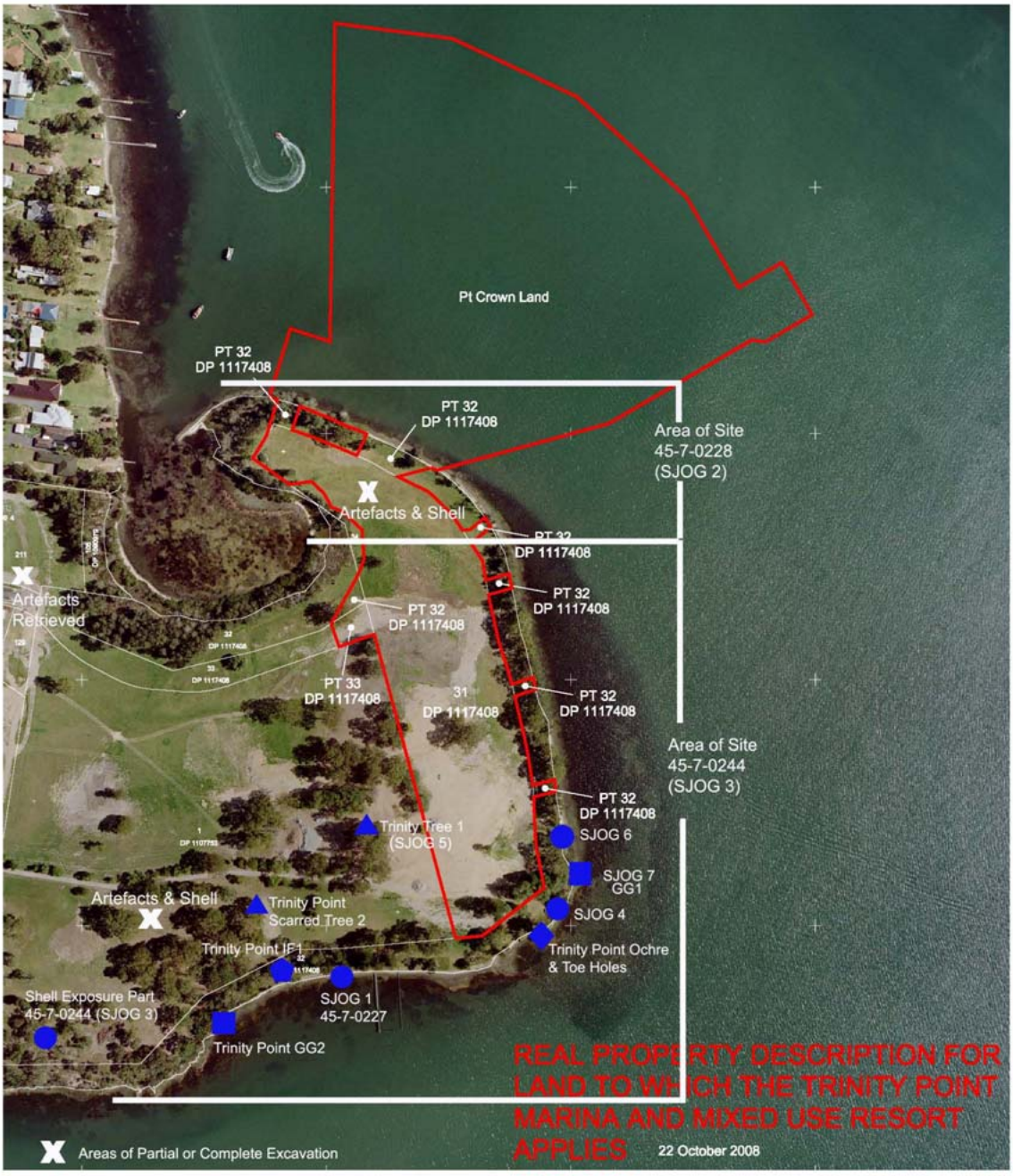

Figure 8 The location of specific features and recordings over the Trinity Point Area

4.4 Issues Raised during Consultation

4.4.1 Bahtahbah LALC

Mr Green (CEO) Bahtahbah LALC has raised the following concerns:

1. The scale of the development.
2. The potential impacts of the Marina on the Lake bed and marine life.
3. The potential for the construction of the Marina to impact on any artefacts on the Lake bed.

The scale of the development is addressed by the planning aspects of the environmental assessment. The impacts on the Lake bed and marine life is also outside the scope of this report.

The impact on any artefacts on the lake bed is somewhat problematic to determine due to lake of visibility. However it can be said that the construction of Marina does not involve any excavation or dredging so it is the piling of the supports that is the main impact on the lake bed. To determine the potential for sites dating to more than 5,000 years before present, i.e. prior to the stabilisation of current sea levels, a review of known data was undertaken. The slope below the water line is approximately 36 degrees, steeper than the up too ten degree slope that is associated with open camp sites.
The slope then lessens to a < ten degrees and this relatively level floor would comprise silt deposits accumulated over the infill period of 10,000 years. It is highly unlikely that any sampling strategy would intercept artefacts. The geotechnical cores taken of the Lake bed found "the lake bed sediments comprised a mixture of sand, silt and clay in varying proportions. The over-water bores (Bores 201 to 203) encountered soft lake sediment which ranged in thickness from about 1.7 m to 3.0 m. The underlying soils generally comprised clay, gravelly clay and clayey sand, which was in turn underlain by bedrock at depths which ranged from 5.8 m to 7.9 m below the lake bed" (Douglas Partners, 2008 p 10). These lake bed sediments are likely to have accumulated as a result of slope wash as the water level rose and then stabilised in the Lake. The potential to identify artefacts within the sediments would be negligible.

4.4.2 Koompahtoo LALC

Ms Towney of Koompahtoo LALC (A/CEO) has raised the following issues.

1. The scale of the development is too large.
2. The potential for impact upon the sites within the foreshore reserve to be impacted by wash associated with boat movements.
3. The impact upon potential deposits within the development area.

Within the foreshore reserve there are the following sites with a discussion of the likely impacts of wash and increased visitation.

SJOG 1 – lenses of Anadara trapezia in low sand beach deposits. Lenses occur within deposits of natural shell bed / storm event deposits as characterised by poorly sorted shell deposits and gravel.
This site is located on the southern shore below the housing development area. The site is at less than one metre elevation and would be impacted by wash during storm events.

SJOG 4 – a lens of Anadara trapezia on the top of the headland, exposed by recent cliff front erosion. The lens is up to 50mm thick single species deposit. No artefacts were observed.
This site is located on the eastern headland and will not be impacted by boat wash. The site may be impacted by increased visitation however the exposure is right on an unstable cliff margin and it is anticipated that public access would be discouraged for safety reasons.

SJOG 6 – midden deposit, single species, Anadara trapezia, well sorted, located in profile at one metre above the rock platform. Located 26 metres south are three pairs of grinding grooves.

The grooves are within the tidal zone and may be subject to wash in addition to natural tidal processes. The midden lens is located above any potential wash zone. The maximum wave height from boats is considered to be 30 cm (D. Messiter, Worley Parsons, pers com). A 120 metre exclusion zone will also be put in place to protect the sea grass beds on the north east of the headland. Within the marina area there is a zero wash zone.

It is proposed to mitigate the impact upon potential deposits within the development area by some conservation in-situ in open areas, salvage of a representative sample and the provision of public information along the boardwalk areas pertaining specifically to the archaeological interpretation of the entire Trinity Point area. The boardwalk will contain visitor movement to the development area.

4.4.3 Awabakal Traditional Owners Aboriginal Corporation and the Awabakal Descendants Traditional Owners Aboriginal Corporation.

Ms Kerrie Brauer (ATOAC) and Mr Shane Frost (ADTOAC) have provided comments on behalf of their groups. The concerns mirror those of the land councils and in addition;

1. The potential for impact upon the sites by increased visitation associated with the development area.
2. The scale of the development.
3. Impacts on sites within the development area.

These issues are discussed in section 7.1. The management of the foreshore reserve will ultimately be the hands of Council however it is possible to reinstate the grass cover over the section of the midden SJOG 4 & 6, although this will ultimately come under the control of Council.

The ATOAC report post the May 2008 site inspection can be seen in Appendix B.

Photo 4 The grooves associated with SJOG6 that lie below the high tide mark.

Photo 5 SJOG 6 midden lens about 1 m above tidal zone

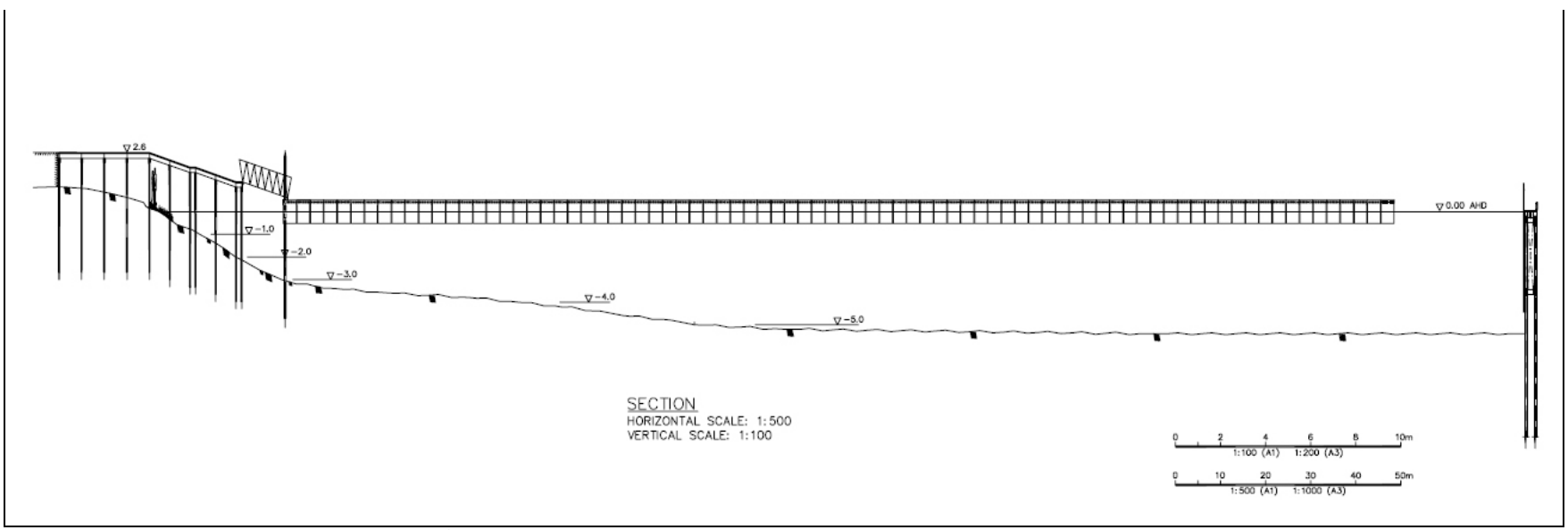

Figure 9 A cross section of the Lake bed below the Marina (courtesy of WorleyParsons).

4.5 Discussion

In archaeological terms the Trinity Point precinct has and will contribute to our understanding of Aboriginal occupation of this area of Lake Macquarie. The marina development has the potential to retain some in-situ subsurface deposits within the development boundaries. The Marina development will impact upon AHIMS #45-7-0228 (subsurface artefacts of low scientific significance) and the Tourist precinct on AHIMS # 45-7-0244 (subsurface artefacts and shell deposits truncated by development).

Midden SJOG4 and midden with grinding grooves SJOG6 area located on the headland within the public reserve and can be conserved in-situ. The midden 45-7-0227 is confined to the foreshore by a break of slope. This midden is located in foreshore reserve.

A potential scarred tree JPG5 was identified during a site visit. The tree is located within the Trinity Point Housing Development and will be considered as part of that development. The tree has two trunks that have grown together to form one – it is possible that this process has formed the scar. This will be determined by an arborist and if found to be not of natural original the tree is likely to be retained, for its heritage and flora and faunal values.

The Land Council and two Awabakal traditional owner groups have raised concerns about the potential for burials on the site particularly on the northern portion of the development in the areas of sandy deposits (Wyong soil landscape). Such sandy deposits were often used as burial areas. The sandy deposits have originated from the head land and been redeposited to create an alluvial spur (photographs 8 & 9). The soils are generally acidic so that long term preservation of burials may be somewhat problematic. The treatment of burials should any be found, will be addressed with the standard DECC protocols which will be clearly indicated in the Aboriginal Heritage Management Plan.

Consultation with the Aboriginal community is ongoing. The ACHMP will be written in close consultation with the principle stakeholder groups, namely the Land Councils and Traditional Owner Corporations. One Traditional Owner group (ATOAC) have suggested a one hundred meter set back from the foreshore however as the site is only about 140 metres wide this is unfeasible (Figure 8). Nonetheless, the development provides for substantial public access and foreshore setbacks.

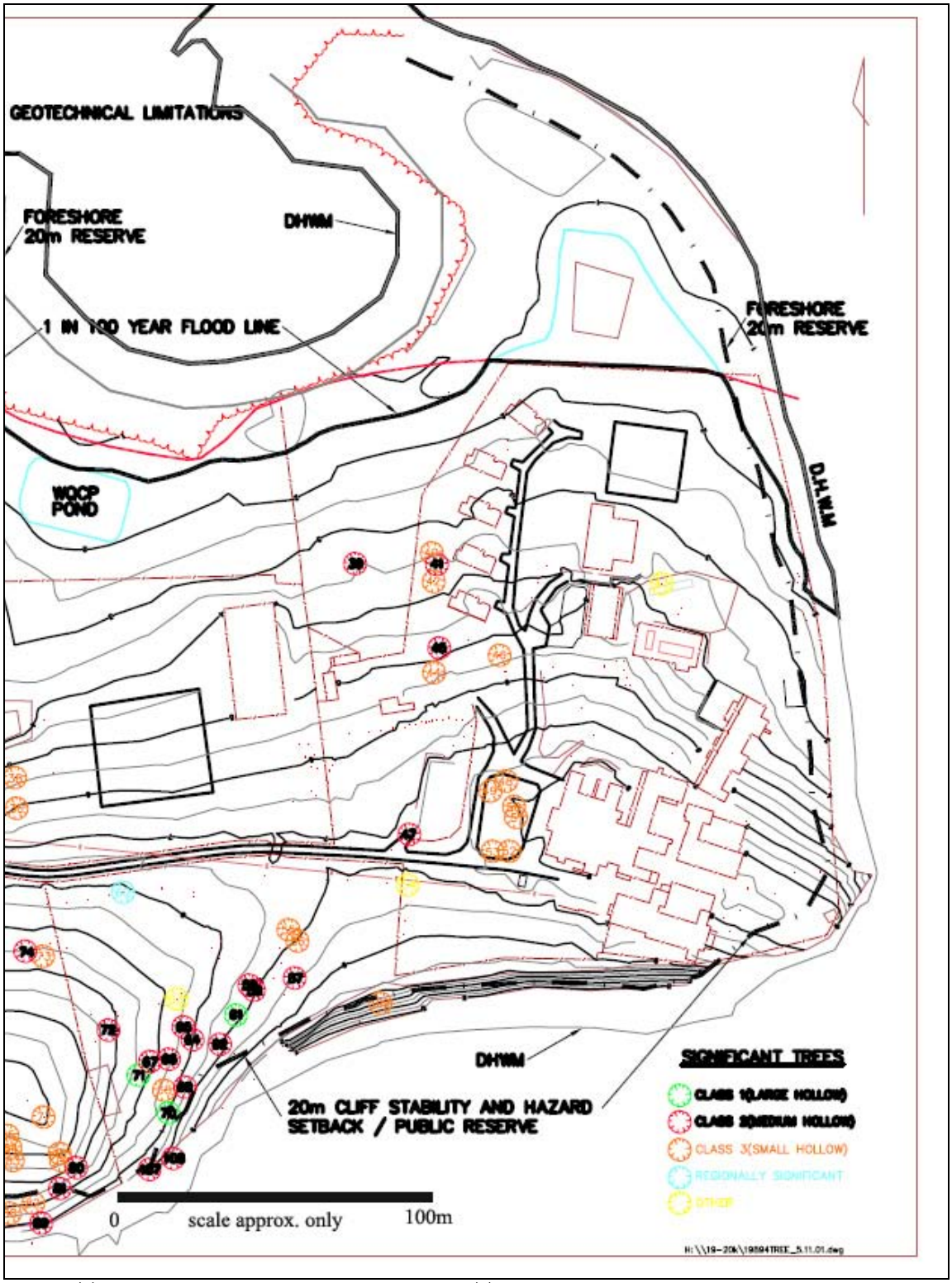

Figure 10 The layout of the demolished buildings - The current 20 metre setback contains the areas not previously impacted by development

Photo 6 The headland erosion that has exposed the shell deposits on top. Ochre deposits can be seen within the sandstone face of the bluff.

Photo 7 The possible scarred tree with two trunks merged into one SJOG5 – within the Trinity Point housing development.

5.0 RELEVANT LEGISLATION AND PLANNING POLICIES

5.1.1 The Environmental Planning and Assessment ACT (1979)

This project will be assessed under Part 3A of the Act by the Department of Planning and determined by the Minister for Planning. As the proposal has been approved as a project under Part 3(a) of the EPA Act the Minister has issued Director General Requirements for the concept plan assessment.

5.1.2 The National Parks and Wildlife Act 1974 and The Heritage Act NSW 1977

The *NPW Act* (section 90) provides statutory protection for all material evidence of Aboriginal occupation of NSW. Aboriginal places which are areas of cultural significance to the Aboriginal community, are also protected by the 1974 Act (section 84) that states:
The Minister may declare lands to be 'protected archaeological areas' to preserve Aboriginal places and relics; and it is an offence to disturb or destroy an Aboriginal place or relic without first obtaining written consent from the Director of National Parks and Wildlife Service NSW.
The *Heritage Act of NSW 1977* protects relics, archaeological sites and heritage places of NSW.

The *NPW Act 1974* and *Heritage Act 1977* do not apply to development that is the subject of Part 3A of the Act but nonetheless the objectives of this legislation have been met in this report.

5.1.3 State Environmental Planning Policy (No.71 – Coastal Protection)

The State Environmental Planning Policy (No.71-Coastal Protection) notes in Section 8 Matters for Consideration states that the matters for consideration are the following:
(l) Measures to protect the cultural places, values, customs, beliefs and traditional knowledge of Aboriginals.
(n) The conservation and preservation of items of heritage, archaeological or historic significance.

5.1.4 Environment Protection and Biodiversity Act

The EPBC Act is a Commonwealth legislation designed to provide protection in matters of national environmental significance. Conserve Australian biodiversity, enhance the protection and management of important natural and cultural places, control the international movement of plants and animals (wildlife), wildlife specimens and products made or derived from wildlife. Promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources

There are no sites listed on the World Heritage Register or the Register of the National Estate in the Lake Macquarie Council area.

5.1.5 Lake Macquarie Aboriginal Heritage Management Strategy DRAFT

The Lake Macquarie Aboriginal Heritage Management Strategy is a draft document that has yet to be endorsed by the Aboriginal community and has yet to be put on public display. The document may be subject to further amendment and the version referred to here is 1905/R03/V4.

The draft Lake Macquarie Heritage Study identifies zones of sensitivity in foreshore zones. Flat or gentle bluff slope (or spurline crest at Vales Point or TA1 at Trinity Point) is shown as having

low sensitivity[2]. Having said this in appendix 3 artefacts and shell scatters may be located on the crest of the bluff. Under the proposed planning instrument the foreshore sensitivity zone applicable to Trinity Point would be up to fifty metres. This would then trigger an archaeological investigation. Figure 5.2 (ibid.) shows Protection zone of sensitive landscapes as comprising the northern foreshore of Trinity Point housing development and excludes the eastern and southern foreshore margins, where numerous sites have been recorded.

[2] Umwelt **Draft** Sustainable Management of Aboriginal Cultural Heritage in the Lake Macquarie Aboriginal Heritage Management Strategy Aug 2008 report no. 1905/R03/V4 (Fig 3.1b)

6.0 SIGNIFICANCE ASSESSMENT

6.1 Indigenous Significance Assessment

The Trinity Point site has indigenous and non- indigenous values. The basic processes of assessing significance for items of heritage are outlined by The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance: The Burra Charter and its associated Guidelines. Sites may be significant according to several criteria, including scientific or archaeological significance, significance to Aboriginal people, aesthetic value, the degree to which a site is representative of archaeological and/or cultural type, and value as an educational resource. The nature of significance relates to historic, aesthetic, social, scientific, cultural or educational. Sites are also assessed on the degree to which they rare representative or characteristic, or whether they exhibit historic or cultural connections.

Scientific Significance

In order to determine scientific significance it is necessary to first place sites within a local and regional context. This process enables the assessment of any individual site in terms of merit against other sites of similar nature within similar contexts. Site significance is rated low, medium and high. The significance of individual sites is determined by factors such as representativeness, rarity, and the sites potential to add scientific data to what is known about past human occupation of the Australian continent. Conservation outcomes are determined by comparison of a site's qualities with known sites in the region that have been protected.

The indigenous sites on Trinity Point are of moderate scientific significance. The sites demonstrate the use of the area in a well defined landscape context. The integrity of some areas has been reduced by construction of buildings thus these areas are of low significance. The excavation of sites within the development area will greatly enhance our knowledge of occupation of the area and are relevant to the broader Lake Macquarie context as few excavations (2) have been carried out on the Lake Macquarie margins even thought the Lake is one of the largest salt water lakes in Australia.

Public Significance

The sites are assessed in terms of their educational value, to enhance community knowledge and appreciation of cultural heritage.

The sites on Trinity Point are of high public significance. They offer an opportunity to educate and elucidate Aboriginal occupation of the area and provide an opportunity for public interpretation. The potential for public education is enhanced by the foreshore boardwalk / education zone proposed in the development.

Cultural Significance

Generally, all sites are of significance to the Aboriginal people. It has been recognised however that with the widespread nature of site distribution, sites will eventually be impacted upon by development. It is however necessary to conserve where possible sites that are of high significance to the community.

The sites on Trinity Point are of high cultural significance to the Awabakal community as demonstrated by the testimonies in Appendix A. The significance of the area is enhanced by the complexity of site types and is considered a cultural landscape by the community.

7.0 HISTORIC ASSESSMENT AND ARCHAEOLOGICAL CONTEXT

The Trinity Point study area has been subject to several assessments since 2001. The site was known in earlier times as Kendall Grange and later St. John of God Special School. The property housed numerous structures erected 1934-2000. The initial heritage assessment report was prepared by EJE Town Planning in Nov 2001[3]. This report documented the historic context of the site, the physical descriptions, integrity and condition of the structures on the site and the level of significance. The relevant sections (i.e. the significance assessment) can be seen in Appendix H.

Lake Macquarie City Council then approved the demolition of the site with the retention of the sundial and the grotto. The heritage assessment also recommends the retention of the landscaping on the eastern peninsula including a large Norfolk pine, two fig trees and two palms. An archival photographic folio was prepared by EJE prior to the buildings demolition[4].

Council required archaeological heritage to be addressed in relation to the Bailey residence on Lot 38 DP 1076099 (previously DP 755242) as identified by EJE architects.
A Section 140 Permit was received from the NSW Heritage Office (2005/S140/005) in March 2006. Excavations were undertaken in August 2006. Full details of the historic excavations can be seen in the report by Insite Heritage 2007[5]. The results of the excavation can be seen in Appendix I.

7.1 Historical Summary

The site first appears in the historical record in 1875 as a grant of 40 acres to W.C. Browne of Sydney (Portion 38, Parish of Morisset, County of Northumberland). It was transferred to his wife, Jessie, in 1882 then sold in 1899 to C.H. Hillcoat, master mariner of Sydney. Research has revealed no evidence of development prior to ownership by Hillcoat's sister, Cecelia, in 1908-13. Her husband, J.A. Gorrick, was a solicitor who set up practices in Maitland (1871) and Newcastle (1882) and won the state seat of Wollombi in 1882. According to anecdotal evidence the Gorricks erected a timber residence overlooking Lake Macquarie and named it 'Kendal' or 'Kendal Grange'. In 1913 their son-in-law, A.E. (Bert) Bailey, purchased the property. Bailey was the star and co-director of the four On Our Selection films made 1932-40. The family resided at the property when not engaged in filmmaking and theatre productions.

After the death of his wife, Ivy, Bailey sold the property in 1934 to the Roman Catholic Church. Described at the time as a working rural property with weatherboard cottage and outbuildings, it was purchased for the Sisters of the Little Company of Mary to establish St Joseph's Convalescent Home for priests. By 1935 the site housed an administration block, bedroom block, chapel, boiler room, farmer's cottage, staff quarters, garages, farm sheds and a well. A cemetery established in 1940 closed with a ninth burial in 1964. In 1947 the Hospitallers of St. John of God took over and established a rehabilitation centre for mentally retarded boys. Structures erected during this phase included a training centre (1965), an education block (1979), group houses (1987), a chapel (early 1980s?) and a recreation/sports centre (1990-91). Due to financial difficulties the facility closed soon after, with the property operating through the 1990s as a centre for weddings, receptions, conventions and holidays. Historical research did not reveal when the original house was demolished.

[3] Kendall Grange (St John of God Site) Henry Street Morisset Park NSW 2264 Project no. 5029. Nov 2001
[4] EJE Heritage 2005 Photographic Record St John of God, Newcastle. NSW Copy held in Lake Macquarie Local Studies Library Speers Point.
[5] Archaeological investigation former St John of God Site Morisset Park. Insite Heritage Oct 2007