

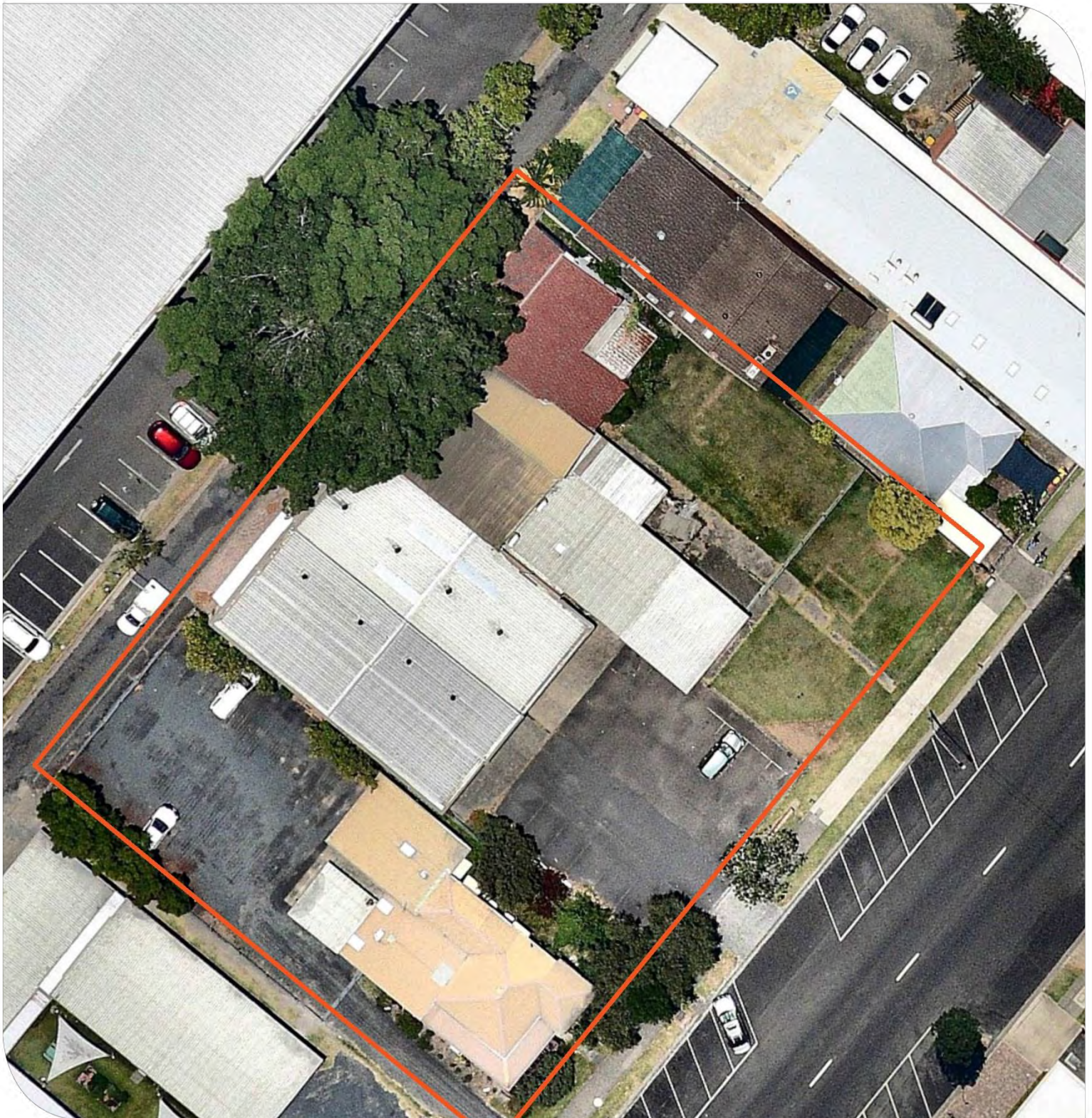
Aboriginal Cultural Heritage Assessment Report Coffs Harbour Cultural and Civic Space

Coffs Harbour City

Prepared for GeoLINK

The Proponent: Coffs Harbour City Council

Prepared by Niche Environment and Heritage | 29 July 2019



Document control

| Project number | Client | Project manager | LGA |
|----------------|----------------------------------------|--------------------|--------------------|
| 4832 | GeoLINK and Coffs Harbour City Council | Dr Morgan Disspain | Coffs Harbour City |

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Executive summary

Project outline

This report presents the findings of an Aboriginal Cultural Heritage Assessment (ACHA) of the proposed Coffs Harbour Cultural and Civic Space (here on referred to as 'the Project'). Niche Environment and Heritage (Niche) was commissioned by GeoLINK on behalf of the Coffs Harbour City Council to undertake this assessment.

Development Consent for the Project will be sought under Division 4.7 of Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) (State Significant Development). The Secretary's Environmental Assessment Requirements (SEARs) for the Environmental Impact Statement (EIS) for the SSD were issued for the Project on 10 May 2019.

One Aboriginal stakeholder, (Coffs Harbour and Districts Local Aboriginal Land Council (CHD LALC)) registered an interest in the Project's ACHA. Consultation with the CHD LALC has been ongoing through the development of this ACHA report.

Summary of findings

In the local area, the alluvial flat of the coastal back barrier floodplains and within 200 m of the estuarine resources of Coffs Creek is considered an archaeologically sensitive landscape. Coffs Creek is known to be an area where Aboriginal people camped up until the 1950s when they were removed from the area. Survey and geotechnical investigations were able to confirm high levels of disturbance across the entirety of the Subject Area and that there was little potential for these archaeologically sensitive deposits to survive within the Subject Area.

No Aboriginal objects are registered on AHIMS within the Subject Area and no Aboriginal objects or areas of archaeological sensitivity were identified.

Summary of potential impacts

The proposed activity will not impact on any known Aboriginal objects.

Conclusion and recommendations

This ACHA was carried out in accordance with the Code of Practice (DECCW, 2010b) and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH, 2011). It included consultation with RAPs in accordance with the Consultation Requirements (DECCW, 2010a) and their participation in the field survey. No Aboriginal objects were identified. No further investigation or impact assessment is required. Based on community consultation with the RAPs for the Project, and with the completion of this ACHA by Niche, the following recommendations have been made:

- All workers should be inducted into the Subject Area so they are made aware of their obligations under the *National Parks and Wildlife Act 1974* prior and during and after construction activities.
- The following Find Procedure should be put in place as a minimum response in the unlikely event of the identification of artefacts within the Subject Area:
 - work in the surrounding area is to stop immediately;
 - a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
 - in consultation with the RAPS for the project, an appropriately qualified archaeological consultant is to be engaged to identify the material; and

- should the material be confirmed as an Aboriginal object or archaeological site, a salvage program should be put in place.
- In the unlikely event that suspected human remains are encountered during construction, all work in the area that may cause further impact, must cease immediately and:
 - The location, including a 20 m curtilage, should be secured using barrier fencing to avoid further harm.
 - The NSW Police must be contacted immediately.
 - No further action is to be undertaken until the NSW Police provide written notification to the Department of Justice.
 - If the skeletal remains are identified as Aboriginal, The Department of Justice or their agent must contact:
 - the Biodiversity and Conservation Division ((BCD), of the Department of Planning, Industry and Environment (DPIE), previously known as the Office of Environment and Heritage (OEH)) Enviroline on 131 555; and
 - representatives of the RAPs.
 - No works are to continue until the BCD provides written notification to the proponent or their Agent.

Glossary and list of abbreviations

| Term or abbreviation | Definition |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aboriginal cultural heritage | The tangible (objects) and intangible (dreaming stories, legends and places) cultural practices and traditions associated with past and present day Aboriginal communities. |
| ACHA | Aboriginal Cultural Heritage Assessment |
| Aboriginal object(s) | The legal definition for material Aboriginal cultural heritage under the NSW <i>National Parks and Wildlife Act 1974</i> . |
| Aboriginal stakeholders | Members of a local Aboriginal land council, registered holders of Native Title, Aboriginal groups or other Aboriginal people who may have an interest in the Project. |
| AHIP | Aboriginal Heritage Impact Permit |
| Archaeology | The scientific study of material traces of human history, particularly the relics and cultural remains of past human activities |
| Archaeological deposit | A layer of soil material containing archaeological objects and/or human remains |
| Archaeological investigation | The process of assessing the archaeological potential of an impact area by a qualified archaeologist. |
| Archaeological site | An area that contains surface or sub-surface material evidence of past human activity in which material evidence (artefacts) of past activity is preserved |
| Artefact | An object made by human agency (e.g. stone artefacts). |
| Assemblage | A group of artefacts found in close association with one another Any group of items designated for analysis that exist in spatial and/or vertical context – without any assumptions of chronological or spatial relatedness |
| Avoidance | A management strategy which protects Aboriginal sites within an impact area by avoiding them totally in development. |
| BCD | Biodiversity and Conservation Division of the Department of Planning, Industry and Environment (DPIE), previously known as the Office of Environment and Heritage (OEH) |
| Code of Practice | <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> |
| Cumulative impacts | Combination of individual effects of the same kind due to multiple actions from various sources over time. |
| DA | Development Application |
| DECCW | The Department of Conservation, Climate Change and Water, now the Office of Environment and Heritage |
| Drainage | Natural or artificial means for the interception and removal of surface or subsurface water. |
| DPIE | Department of Planning, Industry and Environment |
| EP&A Act | <i>NSW Environmental Planning and Assessment Act 1979</i> |
| Flake | A piece of stone detached from a core, displaying a bulb of percussion and striking platform. |

| Term or abbreviation | Definition |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Harm | With regard to Aboriginal objects this has the same meaning as the NSW <i>National Parks and Wildlife Act 1974</i> . |
| ACHMP | Aboriginal Cultural Heritage Management Plan |
| Impact | Influence or effect exerted by a project or other activity on the natural, built and community environment. |
| Impact area | An area that requires archaeological investigation and management assessment. |
| In situ | Latin words meaning 'on the spot, undisturbed'. |
| Isolated artefact / find | A single artefact found in an isolated context. |
| Landscape character | The aggregate of built, natural and cultural aspects that make up an area and provide a sense of place. Includes all aspects of a tract of land – built, planted and natural topographical and ecological features. |
| Land unit | An area of common landform, and frequently with common geology, soils and vegetation types, occurring repeatedly at similar points in the landscape over a defined region. It is a constituent part of a land system. |
| Landform | Any one of the various features that make up the surface of the earth. |
| LEP | Local Environmental Plan |
| Management plans | Conservation plans which identify short and long term management strategies for all known sites recorded within a (usually approved) Subject Area. |
| Methodology | The procedures used to undertake an archaeological investigation. |
| Mitigation | To address the problem of conflict between land use and site conservation. |
| NPW Act | National Parks and Wildlife Act 1974 |
| NPW Regulation | National Parks and Wildlife Regulation 2009 |
| OEH | Office of Environment and Heritage |
| Open camp site | An archaeological site situated within an open space (e.g. archaeological material located on a creek bank, in a forest, on a hill, etc.). |
| PAD | Potential Archaeological Deposit. A location considered to have a potential for subsurface archaeological material. |
| RAP | Registered Aboriginal Party |
| REF | Review of Environmental Factors |
| Site recording | The systematic process of collecting archaeological data for an archaeological investigation. |
| Site | A place where past human activity is identifiable. |
| Survey coverage | A graphic and statistical representation of how much of an impact area was actually surveyed and therefore assessed. |

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1. Introduction

1.1 Proponent and project background

Coffs Harbour City Council (the Proponent) plans to create a Cultural and Civic Space (the Project) in line with the City Centre Master Plan 2031 vision and objectives. Development Consent for the Project will be sought under Division 4.7 of Part 4 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act).

A preliminary environmental assessment, including a preliminary Aboriginal Cultural Heritage Assessment (PACHA) was completed as part of the State Significant Development (SSD) application. The PACHA included desktop assessment, site inspection and consultation with the Coffs Harbour District (CHD) Local Aboriginal Land Council (LALC) and recommended further investigation in the form of a full ACHA (Niche 2019).

The SSD application was accepted and the Secretary's Environmental Assessment Requirements (SEARs) for the Environmental Impact Statement (EIS) for the SSD were issued for the Project on 10 May 2019. With respect to Aboriginal cultural heritage, the SEARS include:

- An assessment of Aboriginal cultural heritage values that exist across the site to be documented in an Aboriginal Cultural Heritage Assessment Report (ACHAR). The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to the Biodiversity and Conservation Division ((BCD), of the Department of Planning, Industry and Environment (DPIE), previously known as the Office of Environment and Heritage (OEH)). The ACHAR may also include the need for surface survey and test excavation.
- Consultation with Aboriginal people, including significance of cultural heritage values for Aboriginal people who have a cultural associated with the land.

Niche Environment and Heritage (Niche) was commissioned by GeoLINK on behalf of the Coffs Harbour City Council (the Proponent) to undertake the Aboriginal Cultural Heritage Assessment

1.2 Statutory controls

This Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared in accordance with the SEARs and the following legislation, regulation and guidelines.

- *EP&A Act 1979*
- *National Parks and Wildlife Act 1979*
- *National Parks and Wildlife Regulation 2009*
- *State Environmental Planning Policy (State and Regional Development) 2011;*
- *Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRs) (NSW Department of Environment, Climate Change and Water [DECCW] 2010a);*
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011)*
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b);*
- *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010c);*
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia International Council on Monuments and Sites [ICOMOS] 2013).*

1.3 Assessment requirements and structure of this report

The SEARs require that the EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR).

In order to meet the assessment requirements for the EIS, Table 1 outlines the locations within this ACHA that responds to each of the BCD's requirements as outlined in the Standard Environmental Assessment Requirements.

Table 1: Sections of the Aboriginal Cultural Heritage Assessment report that responds to the SEARS and BCD's Standard Environmental Assessment Requirements

| BCD's Standard Environmental Assessment Requirements | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| Requirement | Section of the report |
| A description of the development area and proposed Activity Area | Section 2 and Section 4 |
| A description of Aboriginal objects and declared Aboriginal places located within proposed Activity Area | Not required – no Aboriginal objects or places identified. |
| A description of the environment, including geology, soils, landforms, topography, waterways, vegetation, past land use and disturbance. | Section 4 |
| A description of Aboriginal land use in the Activity Area | Section 5 |
| An outline of the statutory and legislative context in which the assessment is occurring. | Section 1 |
| A description of how the requirements for consultation with Aboriginal people, as specified in clause 8OC of the National Parks and Wildlife Regulation 2009, have been met | Section 3, Appendix A and Appendix B |
| The views of those Aboriginal people regarding the likely impact of the proposed activity on their cultural heritage. If any submissions have been received as a part of the consultation requirements, then the report must include a copy of each submission and response. | Section 3, Section 9, Appendix A and Appendix B |
| The assessment methodology and sampling strategy for the ACHA. | Section 6 and Appendix A |
| An archaeological report in accordance with the <i>Code of Practice for Archaeological Investigations in NSW</i> that provides the results of subsurface assessment of any Potential Archaeological Deposits to establish its nature, extent and significance: with a sample of sites, surface and subsurface tracked spatially within the Activity Area and likely options. | Not required – no potential archaeological deposits identified |
| A description of the cultural heritage values, including the significance of the Aboriginal objects and any declared Aboriginal places, which exist across the whole Project Area that will be affected by the proposed activity (test excavation program), and the significance of these values for the Aboriginal people who have a cultural association with the land | Section 9 |
| Consultation with BCD regional branch managers | Appendix A |
| A description of the actual or likely harm posed to the Aboriginal objects or declared Aboriginal places from the proposed activity with reference to the cultural heritage values identified. | Section 11 |

| | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| A description of any practical measures that may be taken to protect and conserve those Aboriginal objects or declared Aboriginal places. | Section 11 and Section 12 |
| Completed Aboriginal Site Recording Forms and submitted to the Aboriginal Heritage Information Management System (AHIMS) Registrar, for each Aboriginal site that is recorded during archaeological investigations completed for these environmental assessment requirements | Not required – no sites recorded. |

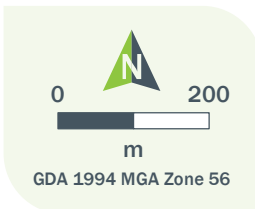
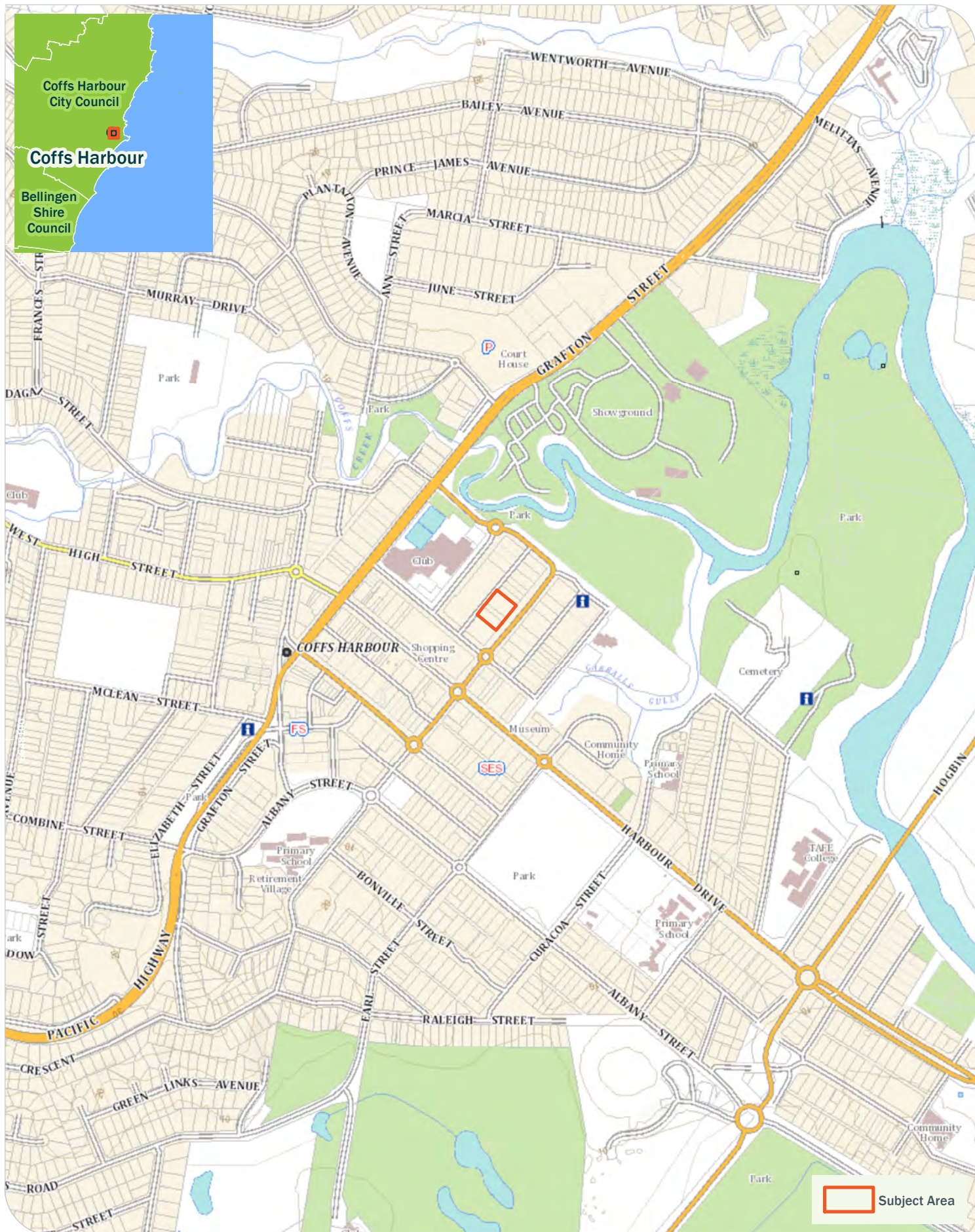
1.4 Investigators and contributors

This investigation was managed by Dr Morgan Disspain (BArch. Hons PhD 10 years' experience), Niche Senior Heritage Consultant. Aboriginal community consultation, research, field assessment and report writing were conducted by Dr Morgan Disspain. Layne Holloway (BA Hons) assisted with community consultation, and Wade Goldwyer assisted with report writing.

The ACHA was reviewed internally by Clare Anderson (BA Hon, 10 years' experience), Niche Senior Heritage Consultant.

Table 2: Investigators and contributors to this assessment

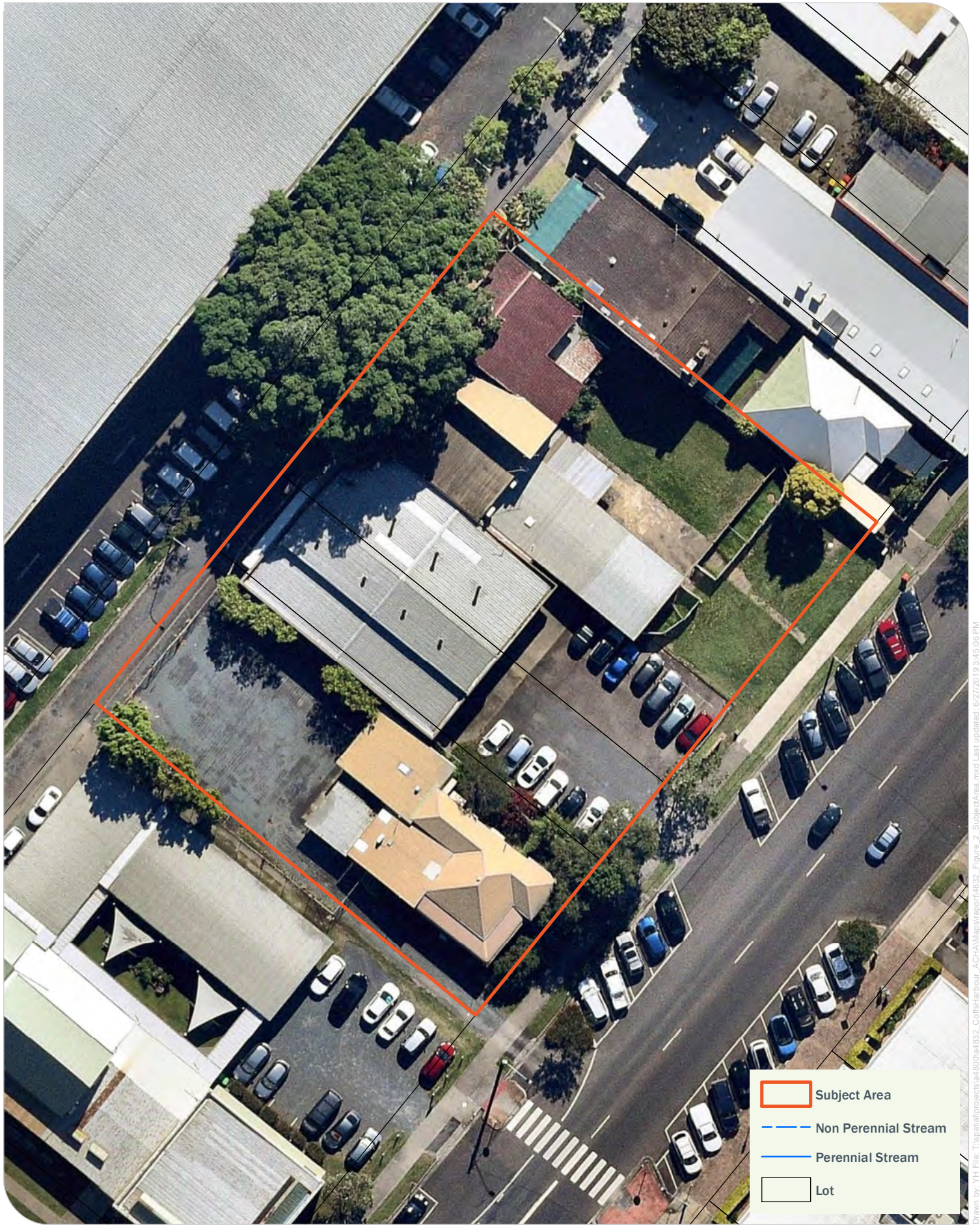
| Name | Representing | Role |
|---------------------|----------------------------------|----------------------------------------------------|
| Clare Anderson | Niche | Peer review |
| Dr Morgan Disspain | Niche | Project lead |
| Uncle Mark Flanders | Coffs Harbour and Districts LALC | Cultural advice, survey participant, report review |
| Wade Goldwyer | Niche | Report writing |
| Layne Holloway | Niche | Consultation |
| AJ Perkins | Coffs Harbour and Districts LALC | Cultural advice, LALC representative |
| Simon Waterworth | GeoLINK | Project management |



Niche PM: Morgan Disspain
Niche Proj. #: 4832
Client: GeoLINK

Location Map of Subject Area with regional context
Coffs Harbour Cultural and Civic Space ACHA

Figure 1



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2. Description of the area

2.1 Project location

The proposed Coffs Harbour Cultural and Civic Space is situated at 23–31 Gordon Street, Coffs Harbour, NSW (Lot 20/6/DP758258, Lot B//DP346105, and Lot 123//DP749233). It is situated within the Coffs Harbour region of NSW, in the Parish of Tomaree, in the County of Fitzroy, and in the Coffs Harbour City Council Local Government Area (Figure 1). The Subject Area is approximately 0.32 hectares (Figure 2).

2.2 Description of the development proposal

2.2.1 Proposed activities

The Coffs Harbour City Council (CHCC) has recently endorsed the Cultural and Civic Space Project's Concept Business Case to progress the project into Schematic Design phase and preparation of Approval Documentation.

The Cultural and Civic Space project includes a Regional Gallery, Central Library, Regional Museum, multipurpose meeting rooms, co-working space, shop, cafe, function space, (including use as Council Chambers), customer service area, Council staff office accommodation and subterranean car parking (Plate 1).

The project maximises the utilisation of 23–31 Gordon Street site and enables development of 2 Castle Street and Duke Street (Rigby House) in line with the City Centre Master Plan (including residential/mixed use). The project supports the City Centre Master Plan 2031 vision and objectives.

Activities at the Subject Area will include demolition, levelling the site, excavation of the subterranean carpark, installation of subsurface infrastructure, construction of the Cultural and Civic Space, and landscaping.

2.2.2 Project phasing

The Project is proposed to commence as soon as practicable after all the necessary approvals have been obtained and any prerequisite conditions fulfilled.



Plate 1: Concept design for Coffs Harbour Cultural and Civic Space

3. The Aboriginal community consultation process

In administering its statutory functions under Part 6 of the *NSW National Parks and Wildlife Act 1974*, the BCD requires that proponents consult with Aboriginal people about the Aboriginal cultural heritage values (cultural significance) of Aboriginal objects and/or places within any given development area; in accordance with Clause 80C of the NPW Regulation and the ACHCRs (DECCW 2010a). Although state significant development that is authorised by a development consent granted under Division 4.7 of Part 4 of the *EP&A Act* is exempt from requiring an Aboriginal Heritage Impact Permit (AHIP) under section 90 of the *NSW National Parks and Wildlife Act 1974* and accordingly, from compliance with the consultation process in Clause 80C of the NPW Regulation, consultation with the Aboriginal community for this ACHA has nonetheless been undertaken in compliance with the requirements of these legislative instruments, the SEARs and the following guidelines:

- *ACHCRs (DECCW 2010a);*
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011);*
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (Australia ICOMOS 2013);*
- *Engage Early (Commonwealth Government 2016); and*
- *NSW National Parks and Wildlife Regulation, 2009 (NPW Regulation).*

The BCD maintains that the objective of consultation with Aboriginal communities about the cultural heritage values of Aboriginal objects and places is to ensure that Aboriginal people have the opportunity to improve ACHA outcomes by:

- providing relevant information about the cultural significance and values of Aboriginal objects and/or places;
- influencing the design of the method used to assess cultural and scientific significance of Aboriginal objects and/or places;
- actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal objects and/or places within the proposed Subject Area; and
- commenting on draft assessment reports before they are submitted by the proponent to the BCD.

To assist proponents through the required consultation process, the DECCW (2010a) has prepared a guidance document, namely the ACHCRs. Consultation in the form outlined in the ACHCRs is a formal requirement where a proponent is aware that their development activity has the potential to harm Aboriginal objects and/or places. The BCD also recommends that these requirements be used when the certainty of harm is not yet established but a proponent has, through some formal development mechanism, been required to undertake a cultural heritage assessment to establish the potential harm their proposal may have on Aboriginal objects and places.

Consultation for this Project has been undertaken in accordance with the ACHCRs as these meet the fundamental tenants of the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2005), whilst also meeting current industry standards for community consultation.

The ACHCRs outline a four stage consultation process that includes detailed step by step guidance as to the aim of each stage, how it is to proceed and what actions are necessary for it to be successfully completed. The four stages are:

- Stage 1 – Notification of Project proposal and registration of interest.
- Stage 2 – Presentation of information about the proposed Project.
- Stage 3 – Gathering information about the cultural significance.
- Stage 4 – Review of draft cultural heritage assessment report.

The document also outlines the roles and responsibilities of the BCD, Aboriginal parties including Local and State Aboriginal Land Councils, and proponents throughout the consultation process. To meet the requirements of consultation it is expected that proponents will (DECCW 2010a):

- Bring the RAPs or their nominated representatives together and be responsible for ensuring appropriate administration and management of the consultation process.
- Consider the cultural perspectives, views, knowledge and advice of the RAPs involved in the consultation process in assessing cultural significance and developing any heritage management outcomes for Aboriginal objects and/or places.
- Provide evidence to the BCD of consultation by including information relevant to the cultural perspectives, views, knowledge and advice provided by the RAPs.
- Accurately record and clearly articulate all consultation findings in the final cultural heritage assessment report.
- Provide copies of the cultural heritage assessment report to the RAPs who have been consulted.

The consultation process undertaken for this Project to seek active involvement from relevant Aboriginal people followed the current NSW framework, namely, the ACHCRs and Clause 80C of the NPW Regulation. Section 1.3 of the ACHCRs describes the guiding principles of the document. The principles have been derived directly from the Australian Heritage Commission's *Ask First: A guide to respecting Indigenous heritage places and values* (Australian Heritage Commission 2002). Both documents share the aim of creating a system where free prior informed advice can be sought from the Aboriginal community.

The following sections outline the process and results of the consultation conducted during the preparation of this ACHA to ascertain and manage the Aboriginal cultural heritage values of the Subject Area.

A consultation log detailing all Aboriginal community consultation undertaken for the Project is provided in Appendix A.

3.1 Preliminary consultation

3.1.1 Cultural heritage survey

Early consultation for the project was initiated as part of the PACHA.

An Aboriginal cultural heritage survey was conducted on the 20 March 2019 during the PACHA by Dr Morgan Disspain, Niche senior heritage consultant, Simon Waterworth, GeoLINK director/town planner, and Uncle Mark Flanders, CHD LALC field officer.

Advice received from Uncle Mark Flanders was incorporated into the PACHA and assessment methodology.

3.2 Stage 1 – Notification of project proposal and registration of interest

This stage of the consultation process is used to identify, notify and register any Aboriginal people or groups who may have a cultural interest in and/or possess cultural knowledge relevant to determining the cultural significance of Aboriginal objects or places within the Subject Area.

3.2.1 Notification of agencies

In accordance with Section 4.1.2 of the ACHCRs, Project notifications were sent on 23 March 2019 to the agencies listed in Table 3. Responses received are summarised in Table 3.

As a result of the responses received, a total of 14 individuals and organisations were identified as potential knowledge holders for the Subject Area. A full record of all correspondence received from and sent to the Aboriginal community and the abovementioned organisations is contained in Appendix A, while copies of all relevant correspondence are provided in Appendix B.

While no response from the NNTT was received, online searches advised that there is no Native Title Claim covering the Subject Area. No Indigenous Land Use Agreements exist within the Subject Area.

The Office of the Registrar, *Aboriginal Land Rights Act 1983* advised that there were no Aboriginal owners pursuant to Division 3 of the *NSW Aboriginal Land Rights Act 1983*.

Table 3: List of contacted agencies

| Name of Organisation | Date of notification sent | Date of response received |
|----------------------------------------------------------|---------------------------|---------------------------|
| Coffs Harbour Local Aboriginal Land Council (LALC) | 23 March 2019 | 29 April 2019 |
| Coffs Harbour City Council | 23 March 2019 | None received |
| North Coast Local Land Services | 23 March 2019 | None received |
| NSW Office of Environment and Heritage, Sydney | 23 March 2019 | 10 April 2019 |
| National Native Title Tribunal | 23 March 2019 | None received |
| NTS Corp Limited | 23 March 2019 | None received |
| Office of the Registrar, Aboriginal Land Rights Act 1983 | 23 March 2019 | 3 April 2019 |

3.2.2 Advertisement

An advertisement inviting the registration of Aboriginal persons or groups who hold cultural knowledge relevant to, or who have a right or interest in, determining the cultural heritage significance of Aboriginal object(s) and/or place(s) in the Subject Area was published in the Coffs Coast Advocate on the 11 April 2019 with a closing date of 5pm 25 April 2019 (14 days) in accordance with Section 4.1.3 of the guidelines. A copy of the advertisement is included in Appendix B.

3.2.3 Notification of potential stakeholders

In accordance with Sections 4.1 and 4.2 of the consultation requirements outlined in the ACHCRs, all 14 individuals and organisations identified through the above correspondence were contacted in writing on 29 March 2019, and were invited to register an interest in the Project.

A copy of the notification letter that was sent to the above organisations and individuals is included in Appendix B.

3.2.4 Registered Aboriginal Parties

As a result of the above consultation one organisation (Coffs Harbour and Districts LALC) registered as a RAP to the Project during the registration period (end 26 April 2019).

3.2.5 Section 4.1.6 notification of BCD and LALC

A copy of the list of RAPs, along with a copy of the written notifications and advertisements, were provided to the Coffs Harbour Regional BCD 29 April 2019, in accordance with Section 4.1.6 of the ACHCRs.

3.3 Stage 2 - Presentation of project information

Information regarding the Project and a copy of the Proposed Methodology (Appendix B) for review and comment, was provided to the RAPs on 1 May 2019, in accordance with the ACHCRs (DECCW 2010a). A copy is provided in Appendix B

3.4 Stage 3 - Gathering information about the cultural significance of the Subject Area

3.4.1 Assessment methodology

Information regarding the Project and a copy of the Proposed Methodology (Appendix B) for review and comment, was provided to the RAPs on 1 May 2019, in accordance with the ACHCRs (DECCW 2010a). A minimum of 28 days was allowed for RAPs to provide input in regards to the following aspects:

- the nature of the Proposed Methodology;
- any Aboriginal objects or places of cultural value within the Subject Area, or issues of cultural significance;
- any restrictions or protocols considered necessary in relation to any information of sensitivity that may be provided; and
- any other factors considered to be relevant to the ACHA to be adopted into the information gathering process and assessment methodology.

The period for commenting on the Proposed Methodology closed on 28 May 2019 (28 days).

A copy of the cover letter and methodology is included in Appendix B.

3.4.2 Responses to comments received on the assessment methodology

The RAPs provided feedback on the project information and assessment methodology. Their comments and/or review are outlined in Table 4, and copies of all submissions made are included in Appendix B.

Table 4: Details of RAP feedback on the project information and assessment methodology

| Registered Aboriginal Party | Comment made | Response from Niche |
|-----------------------------|------------------------------------------------------------------------|---------------------|
| Coffs Harbour LALC | Agree with the proposed methodology and there are no further comments. | None required |

3.4.3 Additional project information

Following the issue of the Proposed Methodology, a Geotechnical report was finalised (Regional Geotech Solutions 2019). This report detailed the results of four boreholes across the Subject Area, three of which indicated that the subsurface profile comprised of fill overlying hard alluvial silty clay. Only one profile contained any topsoil. This indicates that the majority of the Subject Area is disturbed and unlikely to contain any Aboriginal objects. This information was presented to the RAPs on 29 May 2018, who agreed that the survival of Aboriginal objects was unlikely in the accessible areas of the Subject Area.

Additionally, geotechnical investigations and a detailed inspection were conducted beneath 23 Gordon Street on the 25th June 2019. This area was originally not able to be assessed because of access issues. The inspection determined that the area beneath the building, which was constructed c. 1930 and built on stumps, is highly disturbed.

Disturbances included:

- Significant water logging over at least 50% of the area. This is indicative of the removal of permeable topsoil, as the water sits directly on the clay 'B horizon' and cannot drain. The water was quite deep, around 20 cm in some places.
- Restumping of the building has caused significant disturbance with at least 0.75 m² of cement extending more than 300 mm deep around each footing. Stumps are placed approximately 1.5 – 2 m apart across the entire area.
- Subsurface facilities including sewerage pipes have been installed.
- The sediment appears to have been moved around a lot, with fill material mounded up around the edges of the building.

As such, it appears that the original ground surface is no longer present and the likelihood of Aboriginal objects being present is low. This information was presented to the RAPs on the 26 June 2019.

3.5 Stage 4 – Review of draft Aboriginal cultural heritage assessment report

3.5.1 Registered Aboriginal Party review

A draft of this report was provided to the RAPs for their review and comment on 27 June 2019 in accordance with the Consultation Requirements (DECCW, 2010a). A statutory timeframe of a minimum of 28 days for responses was provided to all RAPs, with a request for comments to be provided by 5pm 25 July 2019.

As of this time, 29 July 2019, the following responses have been received from the RAPs. Table 5 details the comments made, as well as Niche's response, and copies of all submissions made are included in Appendix B.

Table 5: Details of RAP feedback on the draft ACHA report

| Registered Aboriginal Party | Comment made | Response from Niche |
|----------------------------------|---------------------------------------------------------------------------------------------------------|----------------------|
| Coffs Harbour and Districts LALC | I've reviewed the Draft ACHA and agree with the document and feel there are no further comments to add. | Thank you very much. |

3.5.2 Public exhibition

A copy of the final ACHA report will be made available by the Coffs Harbour City Council to all RAPs during the public exhibition period for the Coffs Harbour Cultural and Civic Space EIS. During this exhibition period all RAPs will have the opportunity to review and provide additional comment on the final ACHA report as well as any other part of the EIS (e.g. including the ecological and water assessments).

4. Landscape context

4.1 Overview

Understanding the past and present environmental contexts of an area is requisite in any Aboriginal archaeological and cultural heritage investigation (DECCW 2010a). The nature and distribution of Aboriginal archaeological sites are closely related to the environmental context. This section provides a broad overview of the environmental setting of the Subject Area, before describing each of the soil landscapes that are contained within it. Soil landscapes, when considered with the levels of past land use and modification, are a useful tool in identifying environmental proxies for the likely preservation and burial of Aboriginal objects in a landscape and resources that may have been available to Aboriginal people in the past; such as the presence of rock outcrops to provide surfaces for art or to sharpen and prepare implements, stone for the manufacture of stone tools and plant species

4.2 Topography and landforms

The Subject Area is located within in the Coffs Harbour CBD approximately 200 m south of the Coffs Creek, and approximately 2.2 km west of the coast. The surrounding landscape is characterised by low, level to gently undulating coastal back barrier floodplains. Slopes range from 0 - 2%; local relief is <5 m; elevation <10 m. Within the Subject Area the entire landform consists of a level floodplain (Plate 2).



Plate 2: Landform 1. Flood plain.

4.3 Geology and soils

The Subject Area is contained within the Newports Creek soil landscape (Figure 3) which generally consists of deep, poorly drained Yellow Podzolic soils and humic clays. Holocene clayey and silty alluvium (generally <1 m total thickness) overlie Pleistocene mottled grey estuarine clays, which were deposited in all major coastal inlets in the Coffs Harbour area. This landscape usually occurs immediately inland of and grades into Pleistocene sandplains and/or Pleistocene estuarine swamps and flats (Milford 1999).

4.4 Hydrology

No hydrological systems occur within the Subject Area. The nearest water source is the Coffs Creek, which is located approximately 200 m to the north of the Subject Area. It is an estuarine waterway that is surrounded by estuarine wetlands, urban and open space areas. The upstream limit of the estuary is located at Scarba St Bridge along the main tributary. All other tributaries are located near the Pacific

Highway. The lateral limits of the estuary water body are defined by saltmarsh, mangroves and subtropical coastal floodplain which are regularly or infrequently inundated. The estuary water body is approximately 0.5 square kilometres, and its catchment covers 25 square kilometres. The water changes from brackish to fresh further upstream.

4.5 Climate and ecology

The entire Subject Area and its immediate surround have been cleared of native vegetation. Within the Newports Creek soil landscape, vegetation generally consists of extensively cleared closed-forest (swamp sclerophyll forest). Dominant tree species are swamp mahogany (*Eucalyptus robusta*), broad-leaved paperbark (*Melaleuca quinquenervia*), along with swamp oak (*Casuarina glauca*) and red bloodwood (*Corymbia gummifera*). The understorey contains herbs and shrubs that tolerate conditions of impeded drainage and permanently high water tables, such as sedges.

Coffs Harbour has a humid subtropical climate, with marked seasonality of rainfall. The city is relatively sunny, receiving 122.1 clear days annually. Summers are warm, wet and humid. Winters are mild, pleasant and drier. Coffs Harbour has an average maximum of 30 degrees Celsius in January and a minimum of 5.3 degrees Celsius in July (accessed 04 March 2019 at: <http://weather.mla.com.au/climate-history/nsw/coffs-harbour>).

4.6 Land use and disturbance

The Subject Area contains evidence of significant past land use disturbances which likely reduce the potential for any archaeological evidence to survive within the area. High levels of disturbance such as clearing of native vegetation, levelling of the ground surface, constructions of bitumen car parks, construction of buildings, installation of sub-surface facilities, and landscaping of gardens have had a significant impact on the original soil profile and environment of the Subject Area.

Historical aerial photos can provide further information about previous land use and impact on the ground surface (Figure 4). The historical aerial images of the Subject Area a testament to the significant disturbance experienced, with numerous periods of construction and demolition of buildings and services evident. The image from 1954 shows that four buildings were already built at this time. At the rear of the southern-most lot is a garden with a few small trees; no other vegetation is present. The 1984 image shows numerous buildings across the Subject Area; however, the rear of the southern-most lot remains free of structures and still contains small trees. By 2019, the buildings in the middle of the Subject Area have been demolished and replaced with a large building at the north-western end of the block and an asphalt car park at the south-eastern end. The buildings at the south-eastern end of the northern-most block have also been removed and this area is currently grassed.

The overall landscape context of the Subject Area provides a picture of a landscape that has been subject to significant levels of disturbance caused by clearing of native vegetation, landscaping, installation of underground services, the construction and demolition of buildings, and the levelling of the Subject Area using fill material. This was confirmed during the geotechnical assessment (Regional Geotech Solutions 2019), which identified that the majority of the subsurface of the Subject Area was comprised of fill material overlying hard silty clay with no topsoil. This was also confirmed during the additional investigations beneath 23 Gordon Street, which determined that the area beneath the building, which was built on stumps, is highly disturbed. Disturbances included:

- Significant water logging (approx. 20 cm deep max.) over at least 50% of the area indicative of the removal of permeable topsoil, with the water sitting directly on the impermeable clay 'B horizon'.

- Restumping of the building has caused significant disturbance with at least 0.75 m² of cement extending more than 300 mm deep around each footing. Stumps are placed approximately 1.5 –2 m apart across the entire area.
- Subsurface facilities including sewerage pipes and telecommunications services have been installed.
- Mounds of fill material around the internal edges of the area beneath the building.
- Asbestos fragments and discarded needles present on ground surface.



Plate 3: Water logging and sewerage pipes beneath 23 Gordon Street.



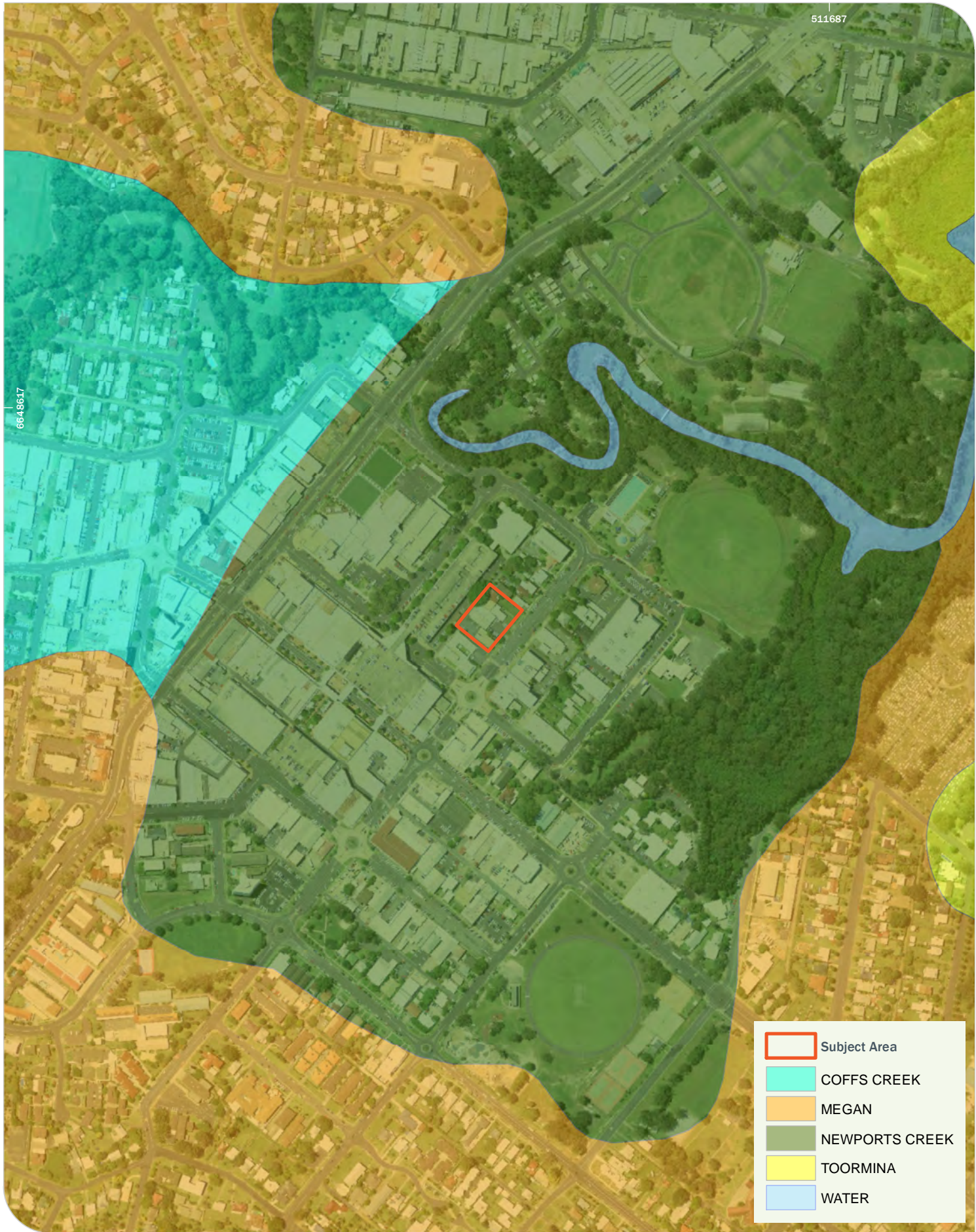
Plate 4: Mounds of fill material and disturbance from footings beneath 23 Gordon Street.



Plate 5: Beneath 23 Gordon Street showing mounded fill around edges and lower ground surface with water logging in centre of area.



Plate 6: Extensive water beneath 23 Gordon Street.



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Soils, topography and hydrology
Coffs Harbour Cultural and Civic Space ACHA

Niche PM: Morgan Disspain
Niche Proj. #: 4832
Client: GeoLINK

Figure 3

public/NSW_imagery:



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5. Aboriginal archaeological context

5.1 Ethnography and history

The Subject Area is located within the Gumbaynggirr Nation/Language Area which is broadly known to include the lands north of Nambucca Heads, south of the Clarence River and west up to the Great Dividing Range (Thomas 2013:1).

A unique aspect of the Coffs Harbour area is the close proximity of the Great Dividing Range to the coastline and the absence of a major river system. No other 'district' on the North Coast has such a narrow coastal zone, or such a short distance between the very different environments of coast and elevated/cold forests, as well as many small creek and estuary systems which run directly into the Pacific Ocean, including the Coffs Creek. There is great potential for pathways and routes between the coast and escarpment/hinterland; however, these are not necessarily represented archaeologically through the discard of Aboriginal objects or noted in early ethno-historical accounts.

The first recorded visual contact between Aboriginal people and Europeans along the north-east coast of NSW occurred in 1770 during the voyage of Captain Cook. Settlement of the land by Europeans within the region began around the 1820s. Conflict between early European settlers and Aboriginal people appears to have been commonplace, with serious confrontation occurring between the Aborigines and the cedar cutters. There are historical records of massacres at a number of locations (Nambucca River, Yarrahapinni) and it is likely that other massacres occurred but went unrecorded.

Between 1883 and 1908, 16 Aboriginal reserves were established in the Macleay and Bellinger River valleys. In the early 20th-century, many of the reserves were sold off into private ownership, and Aboriginal people were moved around to different locations, such as missions. Some Gumbaynggirr people still occupy former missions, such as at Bowraville, and Bellwood. Over this time of great social volatility, many traditional practices, such as initiation ceremonies, began to die out with the last one in the Nambucca region being held in the 1920s or 1930s.

Due to the absence of a large river system, the Coffs Harbour district was settled by Europeans later than areas of the Clarence River to the north or Bellinger/Kalang and Nambucca Rivers to the south. As such, any observations from the relatively late settlement of the area may be biased, as Gumbaynggirr people generally would have had some 25 years of contact with European settlers by the time detailed records of Aboriginal life in the area were produced.

Historic camps in the Coffs Harbour area tended to be on public land and nearby to small townships where there was access to water either naturally occurring or at a public tap. One of the main camping areas identified by Goulding (2001:64-65) is at Coffs Creek/Fitzroy Oval, directly across the creek from the Subject Area; others were located at Corindi Lake, inland from Arrawarra, Nana Glen (junction of Orara River and Bucca Bucca Creek), Happy Valley in Coffs Harbour, Wongala Estate, and Yellow Rock. The historical experience of Aboriginal people has been one of exclusion up until the 1960's (i.e. Calley 1956:201).

The NSW National Parks and Wildlife Service initiated three important surveys in the area which include a major survey and ethnographic study of sacred/ceremonial sites and places on the Mid North Coast, a management study for Aboriginal Historic Sites in the North Coast region, and a Cultural Heritage Pilot Proposal of the NPWS Coffs Coast Area. The ethnographic survey recorded Dreamtime stories and the location of ceremonial and mythological sites significant to both the Gumbaynggirr and Dungatti people. The information provided by the Aboriginal community during the consultation was summarised by SKM

(2010) and provides information on the cultural heritage landscape values of the Subject Area. Some of the summarised cultural heritage values of the landscape identified through consultation are identified in Table 5.

Much of the connection and relation to the land for the Gumbaynggirr people relates to their understanding of food sources and resource gathering places within the landscape. Consequently, there is significance associated with rivers and creek and coastal areas throughout the region (SKM 2010).

Table 6: Aboriginal cultural heritage landscape values relevant to the Subject Area (taken from SKM 2010).

| Value | Description and cultural significance |
|---------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Resource gathering locations and techniques | The Gumbaynggirr people still fish and collect wild food throughout the region. Knowledge of the techniques and prime resource gathering locations is passed on through generations. Many important cultural sites are associated with 'increasing' of a particular key resource, such as yam or kangaroo. |
| Water courses, water holes or springs | Permanent water bodies are culturally significant as a central location for gathering of people, resource collection and camping. |
| Indigenous plants and animals | Indigenous plants and animals are significant to the Gumbaynggirr people. During the consultation process, animals and plants were often mentioned in the context of resource collection and spiritual importance. |

5.2 Camping on Coffs Creek

When European settlement intensified throughout the 19th and early 20th centuries in NSW, Aboriginal people were displaced from their traditional country. Many took up residence in fringe camps that grew at the edges of country towns. Some camps were located on Crown Land that had previously been the location of traditional Aboriginal camping grounds. The following information about the Coffs Creek camps was sourced from NSW OEH (2011).

The entirety of Coffs Creek was used as a camp during the mid-twentieth century, and became one of the main Aboriginal camps in Coffs Harbour. Aboriginal people from the Gumbaynggirr community remember living in fringe camps along Coffs Creek in the 1940s and 1950s. People preferred living in these camps to living in government-controlled reserves and stations, or in State housing.

During the 1940s, many young Aboriginal men came to Coffs Harbour looking for work on the banana plantations where labour was plentiful. They were later joined by their families, and built 'humpies' (shelters made out of waste timber, sugar bags and old tin sheds) along the banks of the creek.

The camps were near bush tucker and culturally significant sites, while the creek and surrounding forests provided fish and game. The area was also used for recreation, and continued to be so well into the 1980s.

The main camps were at Fitzroy Oval, across the creek from the Subject Area, where the cricket ground and swimming pool are today (Plate 7). Aboriginal groups also camped at the showground, on the opposite side of the creek past the cemetery, around the botanical gardens, and across the industrial area (Hill 2003, Becker n.d).

The Aborigines Welfare Board (which had replaced the Aborigines Protection Board in 1939) considered the camps to be problematic and unsightly, and the European community saw them as 'dumps of misery' (Becker n.d). However, the Aboriginal families living in the camps saw them quite differently. The camps provided a strong sense of identity and freedom, providing Aboriginal people with a link to the past that continues to shape their lives in the present.

'... The river was just there. We'd just walk down the back and go fishing and get some oysters, and we'd walk down every Sunday and fish and bring it back and a bucket of pipis home, make it [into] a big soup. We'd go to the dump and bring all the food back, potatoes and onions and pumpkin all growing out there ... I used to go up where Centrelink is now, there was a lane and it was all houses there then. And I remember I had a friend there I went to school with, I can't think of her name ... her mother used to let me milk the cow, and I used to milk the cow and take a can of milk home, and mum used to take the milk and she'd make cream out of it for me.' Aunty Maureen Buchanan, interview 21 February 2005, Coffs Harbour (NSW OEH 2011) (Plate 8)



Plate 7: Coffs Creek fringe camp (Source: Coffs Harbour City Council).



Plate 8: Aunty Maureen Buchanan (left) and Adelaide Carberry (right) at Coffs Creek Camp (Source NSW OEH 2011).

5.3 Heritage register searches

5.3.1 AHIMS Register

An extensive Aboriginal Heritage Information Management System (AHIMS) search was conducted on 28 February 2019 (AHIMS Client ID: 402863) centred on the Subject Area (Figure 5, Table 7 and Appendix C). Background research and a cultural heritage and archaeological survey were also completed over the Subject Area, the results of which are presented in more detail below.

Two previously recorded Aboriginal sites were located outside the Subject Area within a 1 km distance, Aboriginal site types included an Aboriginal Ceremony and Dreaming site and an isolated artefact. An additional site, being a habitation structure (AHIMS ID#22-1-0295), was also returned through the AHIMS search; however, its status was listed as "Not a Site". The AHIMS sites are summarised in Table 7.

Table 7: Previously recorded AHIMS sites within 1 km of the Subject Area

| AHIMS No. | Site name | Easting | Northing | Site Features |
|-----------|-------------------------------------------------|---------|----------|----------------------------------|
| 22-1-0039 | Coffs Harbour Contemporary Aboriginal Camp Site | 511520 | 6648300 | Aboriginal Ceremony and Dreaming |

| AHIMS No. | Site name | Easting | Northing | Site Features |
|-----------|--------------|---------|----------|-----------------------------------|
| 22-1-0160 | Brodie Drive | 512170 | 6648150 | Isolated Artefact |
| 22-1-0295 | Btshelter | 511939 | 6648212 | Habitation structure (Not a site) |

It must be noted that care should be taken when using the AHIMS database to reach conclusions about site prevalence or distribution. The distribution of registered sites does not reflect patterns of occupation, but rather is often indicative of survey coverage and conditions.

5.3.2 Other heritage registers

Searches of the following databases were undertaken by Niche on 4 March 2019:

- Australian Heritage Database – provides a list of items on the World Heritage List.
- National Heritage List (NHL) - provides protection to places of cultural significance to the nation of Australia.
- Commonwealth Heritage List (CHL) - comprises natural, Aboriginal and historic heritage places owned and controlled by the Commonwealth.
- State Heritage Register (SHR) - items that have been assessed as being of State Significance to New South Wales and includes Aboriginal Places.
- State Heritage Inventory (SHI) - contains items that are listed on Local Environmental Plans and/or on a State Government Agency's s.170 registers.

The following documents were also considered:

- Coffs Harbour Local Environmental Plan (LEP) 2013
- Coffs Harbour Development Control Plan (DCP) 2015

The Coffs Harbour DCP outlines detailed local provisions for all land within the Coffs Harbour LGA. These guidelines are in addition to the provisions of the Coffs Harbour LEP. The DCP contains controls for any developments that may impact on a heritage item.

There are no specific heritage controls within the Coffs Harbour DCP 2015 that apply to the project.

No listed heritage items are located within the Subject Area (Table 8); however, a number of heritage items are located nearby. Further consideration of these historic heritage items is provided in a separate Historical Heritage Assessment (Niche 2019).

Table 8: Heritage registers search results

| Heritage Registers | Heritage Items in the Subject Area | Nearby Heritage Items |
|----------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| World Heritage List | None | None |
| National Heritage List | None | None |
| Commonwealth Heritage List | None | None |
| State Heritage Register | None | None |
| State Heritage Inventory | None | None |
| Local Environmental Plan | None | Former police station and court house (Item ID I15) Coffs Harbour State High School (Item ID I17) Residence – 20 Korff Street (Item ID I21) |

| Heritage Registers | Heritage Items in the Subject Area | Nearby Heritage Items |
|--------------------------|------------------------------------|-----------------------------------------------------------------------------------|
| | | Coffs Harbour Cemetery (Item ID I24) Coffs Harbour Public School (Item ID I25) |
| Development Control Plan | None | DCP Controls apply to the above heritage items. |



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5.4 Previous heritage assessments within or relevant to the Subject Area

5.4.1 Overview

Archaeological studies provide material evidence of Aboriginal use of the landscape at times both before and after written history, and complements the oral histories and cultural knowledge held by the Aboriginal community. The following heritage assessments or Aboriginal Heritage Impact Permits have occurred nearby to the Subject Area:

Table 9: Previous heritage assessments within proximity to the Subject Area

| Author | Title | Relevance to Subject Area |
|-----------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Hill, T. 2003 | Proposed Performance Venue, Coffs Harbour Showground: Aboriginal Heritage Impact Assessment | Predictive model for the Subject Area. Contributed information about eth levels of historic disturbance in the area Showground located on opposite side of Coffs Creek to the Subject Area. |
| Davies and Stewart-Zerba 1995 | An Archaeological Assessment of State Forests of New South Wales' Coffs Harbour – Urunga Management Areas | Predictive model for Subject Area based on landform. |
| Sinclair Knight Mertz 2010 | Upgrading the Pacific Highway Warrell Creek to Urunga Environmental Assessment | Predictive model for Subject Area based on landform. |
| Navin and Officer 1998 | Pacific Highway Bonville Deviation Environmental Impact Statement Aboriginal Archaeological Component | Contributes to the predictive model for the Subject Area. |
| Collins 2007 | Pacific Highway Upgrade Sapphire to Woolgoolga Working Paper Aboriginal Heritage Assessment. | Contributes to the predictive model for the Subject Area. |
| Everick Heritage Consultants 2016 | Aboriginal Cultural Heritage Assessment of the Woolgoolga Modular Housing Estate | Contributes to the predictive model for the Subject Area. |

5.4.2 Coffs Harbour Showground

An Aboriginal Heritage Impact Assessment of a proposed entertainment centre at the Coffs Harbour showground was carried out by Hill (2003). The showground is located across the Coffs Creek to the northeast of the Subject Area. The assessment found that the area was likely a traditional camping area, being located on an alluvial peninsula of the Coffs Creek where it afforded good access to a range of resources and culturally significant areas. Consultation with the CHD LALC revealed that the study area was immediately adjacent to the Coffs Harbour Contemporary Aboriginal Camp Site (AHIMS ID 22-1-0039), and that the entirety of the Coffs Creek was used during the mid-20th century as a camping and wild resource use area. Participants in the survey can remember growing up in the camps along Coffs Creek, or hearing stories from their parents or ancestors. The assessment found that more recent use of the area by Aboriginal people tends to focus on the creek itself and relates to fishing and recreation. No Aboriginal objects were identified during the field survey, and it was determined that the area had been disturbed through vegetation clearing; the potential for the showground to contain Aboriginal objects in a subsurface

context was determined to be low based on the geomorphology of the floodplain and the historic disturbance.

5.4.3 Coffs Harbour- Urunga Forestry Management Areas

The Coffs Harbour-Urunga Forestry Management study (Davies and Stewart-Zerba 1995) provides a comprehensive regional assessment of the archaeological values and potential of the Coffs Coast hinterland. While it is acknowledged that the sub-coastal zone, in which the Subject Area is located, is not included within the study, some of its findings have practical applications as the study was structured around 'land systems'. Overall, the sampling strategy employed by the study was biased towards the location of open campsites, stone artefact scatters, and isolated finds. The study found a strong correlation between archaeological sites, the degree of slope, and the sandiness of soils, and concluded that most archaeological sites occurred on the crests of spurs in areas that would have been dry sclerophyll or open forest. Regionally, most archaeological sites in the study area were associated with the dissected escarpment and ranges with relatively few sites found on near coastal low hills and rises. The study found that whilst 'site density' was greater in the escarpment area, the number of artefacts per site was much lower when compared to coastal and sub-coastal sites. This finding supports a model of greater mobility through the escarpment and a relative absence of permanent camps when compared with the resource rich marine and estuarine areas of the coastline.

5.4.4 Pacific Highway Upgrade: Warrell Creek to Urunga

Warrell Creek to Urunga Pacific Highway Upgrade (Sinclair Knight Mertz 2010) was a major infrastructure development which terminates to south of the Subject Area, at Urunga; however, it traverses a number of landforms similar in topography and vegetation to the Subject Area. The study included:

- Consultation with Aboriginal stakeholders through focus groups.
- Collation of environmental and cultural information.
- Anthropological survey.
- Archaeological survey.
- Archaeological test excavations.

This study proposed a model whereby raised areas within floodplains, such as terraces, were predicted as having high potential to contain Aboriginal sites. However, the model noted that low-lying areas have low archaeological potential owing to frequent flood events and damp soils (Sinclair Knight Mertz 2010:353). Alternate landscape features identified as having high likelihood for containing Aboriginal objects include low ridgelines and gentle spur lines with a gradient of less than 10°, with likelihood decreasing with an increase in distance from water.

The Warrell Creek to Urunga survey identified eight archaeological sites and mapped 34 Potential Archaeological deposits ('PADs'). The location of these sites typically supported the model for floodplains and creek banks as being resource gathering places. The Boggy Creek resource gathering site was recorded on the bank of Boggy Creek. One ground sandstone artefact was found during survey and an area of cabbage tree palms and cycads was located nearby. Test excavations across the associated PAD resulted in no subsurface artefacts being recovered.

Of note is that the archaeological testing program sampled 25 of a total 34 identified PADs, of which only five contained Aboriginal objects. All five PADs where artefacts were recorded were already known to contain Aboriginal sites (Sinclair Knight Mertz 2010:353-5).

5.4.5 Repton to Bayldon Pacific Highway Upgrade (Navin and Officer 1998)

An archaeological assessment for the duplication of the Pacific Highway between Repton and Lyons Road, Sawtell included numerous landscapes analogous with the Subject Area (Navin and Officer 1998). The study identified a single artefact on a spur line at Reedy Creek (BH1) which was described as a river pebble.

5.4.6 Sapphire to Woolgoolga Pacific Highway Upgrade

The upgrade of the Pacific Highway between Sapphire Beach and Woolgoolga (Collins 2007) resulted in the construction of a new highway bypass to the north of the Subject Area. The archaeological assessment for this major project identified a total of 7 archaeological sites and 8 PADs. This project relates to the current assessment in that it contributes to the predictive model for the region.

5.4.7 Woolgoolga Modular Housing Estate

An Aboriginal Cultural Heritage Assessment of the Woolgoolga modular housing estate located to the north of the Subject Area, in Woolgoolga, resulted in the identification of 2 artefacts on a small tributary to Woolgoolga Creek and a redeposited hammer stone in a pile of introduced fill (Everick Heritage Consultants 2016). The study concluded that the area was not utilised as a main campsite or stone tool production area. It proposed that the main campsites, and therefore areas of high archaeological potential, are located along the Woolgoolga Estuary closer to the coast, and on the surrounding ridge crests to the north of the housing estate. Consultation with CHDLALC indicated that the study area may have been a 'pathway' between Woolgoolga Creek Estuary and the Coast Range, including 'Marys Waterhole', or may have functioned as a peripheral area to the Woolgoolga fighting ground located to the east. This project relates to the current assessment in that it contributes to the predictive model for the region within the sub-coastal zone.

5.5 Synthesis and predictive model

The most comprehensive 'regional' model for the area is provided by Godwin (1990) in a major review of the earlier archaeological research of Isabelle McBryde. Godwin's model specifically investigates patterns of movement between the coastal, sub-coastal, and tableland (escarpment) areas. However, the applicability of this model to the Coffs Harbour area is problematic as the tablelands/escarpment intrude so far into the coastal zone. For the purposes of understanding the archaeological record, the Subject Area is considered to fall into the 'coastal' area.

Amongst coastal groups there was no movement from the coast back into the sub-coastal river valleys and foothills. These people were semi-sedentary and lived close to the coast the whole year round. Movement associated with the subsistence involved travelling only short distances away from the littoral. There were instances of long-distance travel associated with ceremonial gatherings. However, such movement was generally parallel to the coast (i.e. north-south along the coast rather than east-west from coast to hinterland) (Godwin 1990: 122,123).

A cultural heritage assessment of the Sapphire to Woolgoolga Highway upgrade (Collins 2007:27-8) proposed a model of archaeological sensitivity based on landform. This study identifies three broad land systems- being Coastal Alluvial Plains; Coastal Ramp and Escarpment Foothills. The Subject Area is considered to fall within the Coastal Alluvial Plain, of which the study (Collins 2007) proposes:

...those with highest archaeological sensitivity are well-drained swamp and estuary banks, and the level to low-gradient crests of low rises and spurs.

Elements of lowest archaeological sensitivity are valley flats, plains and open depressions. Irrespective of their landscape context, areas developed for residential uses or otherwise intensively disturbed (e.g. road and services easements) will also have low archaeological sensitivity (Collins 2007:27).

For the purposes of this model, the Subject Area is considered to be situated within an alluvial flat nearby an estuary bank on the grounds that the Coffs Creek is estuarine. However, owing to the development and disturbance that has occurred within the Subject Area, it can be attributed with low archaeological sensitivity.

Based on the review of previous archaeological and cultural heritage assessments in Coffs Harbour and the broader region it is reasonable to propose that specific environment contexts including undisturbed lowland ridges and spurs, estuarine creek banks, and coastal dunes are more likely to contain evidence of Aboriginal occupation. The Subject Area's proximity to the upper waters of the Coffs Creek indicate that there is the potential for Aboriginal objects to be located there; however, the disturbance evident across the Subject Area means that this potential is reduced to low.

The following predictive model was formulated specific to the Subject Area.

- Open lithic sites (artefact scatters and isolated artefacts) are the most likely site type to occur, however, the disturbance evident across the Subject Area reduces this potential to low. This site type is common within water-related landforms <200 m from natural watercourses. Site sizes and densities may vary, increasing proportionally to the distance from natural watercourses. Raw materials, should they exist, would most likely comprise chert, silcrete and quartz.
- The geological characteristics of the Subject Area are not consistent with those required for rock shelters. Low potential for bedrock exposure consequently reduces the potential for sites such as axe grinding grooves or quarries.
- Scarred trees exhibit scars caused by the removal of bark or wood. Scarred trees will not exist within the Subject Area as no trees of an age or size required to be utilised are situated there.
- Aboriginal burials are unlikely to occur within the Subject Area due to the level of disturbance across the Subject Area.
- No post-contact sites with shared significance by Aboriginal and European people are known to be located within the Subject Area. The proximity of the Coffs Creek Aboriginal camping area means that there is the potential for Aboriginal objects to be located within any undisturbed sediment within the Subject Area; however, the disturbance evident across the Subject Area reduces this potential to low.
- Middens are an accumulation of refuse material, predominantly shell, and may contain faunal bones, hearths, stone artefacts and burials. Considering the proximity of the Subject Area to the Coffs Creek estuarine waterway, there is the potential for this site type to occur in the Subject Area; however, the disturbance evident across the Subject Area reduces this potential to low.
- Aboriginal places are places of cultural significance to Aboriginal people. No Aboriginal places have been declared within the Subject Area (April 2019) or listed on AHIMS (<http://www.environment.nsw.gov.au/conservation/AboriginalPlacesNSW.htm>).

Artefact scatters, isolated artefacts and freshwater shell middens are the most likely Aboriginal archaeological sites to occur within the Subject Area. However, owing to the disturbance experienced over the Subject Area, the potential for these sites to occur is low.

6. Methodology

6.1 Assessment methodology

A proposed methodology for the Project ACHA was developed by Niche. A copy of the final methodology is available in Appendix B. The assessment methodology follows the:

- *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DEC 2005);
- ACHCRs (DECCW 2010a);
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b); and
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011).

The assessment method included background research, a sampling strategy that included Aboriginal cultural heritage survey, consultation and significance and impact assessments.

6.2 Sampling strategy

As detailed above, an Aboriginal cultural heritage survey was conducted on the 20 March 2019 during the Preliminary ACHA by Dr Morgan Disspain, Niche senior heritage consultant, Simon Waterworth, GeoLINK director/town planner, and Uncle Mark Flanders, CHD LALC field officer.

Following the community consultation process, no other Aboriginal individuals or corporations registered their interest in being involved in the Project, apart from the CHD LALC.

The survey sampled all landforms (alluvial flat within coastal back barrier floodplains) within the Subject Area that would potentially be impacted. All visible and accessible exposures were surveyed. During the Preliminary ACHA survey, inspection was restricted to the accessible areas of the Subject Area (Figure 6), which consisted of the grassed areas, the spaces between the buildings, and the car parks.

Following the initial survey, which could not inspect beneath 23 Gordon Street owing to access issues, a geotechnical assessment was conducted by GeoLINK. This was attended by Dr Morgan Disspain (Niche). The inspection determined that the area beneath the building had experienced significant ground surface disturbance as outlined in Section 4.6, and as such, the likelihood of Aboriginal objects remaining *in situ* there is low.

Owing to the fact that no other Aboriginal stakeholders registered interest in the project other than the CHD LALC—who were involved in the original survey, combined with the results of the Geotechnical report indicating the significant disturbance over the Subject Area, the results of the detailed investigations beneath 23 Gordon Street, and the small size of the Subject Area, it was determined that no further site inspections were required.

6.3 Survey methods

Survey was conducted in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b)

The survey was conducted in a single survey unit on foot in accordance with the sampling strategy above. Survey was coverage. Photographs of survey units and landforms were taken. Environmental conditions were recorded. Survey coverage, including visibility and ground exposure, were recorded and are presented in Section 7, with survey coverage mapped in Figure 6.

7. Survey results

7.1 Survey coverage

All visible and accessible exposures were surveyed. Approximately 32 sq m (1%) of the 3200 sq m of the Subject Area was effectively surveyed. This relatively low survey coverage number is attributed to the low ground surface visibility owing to the presence of buildings and carparks over the majority of the Subject Area (Plate 9 to Plate 16). However, the survey coverage achieved for the Subject Area presents an adequate sample of the landscape, given the size of the Subject Area and the extent of previous ground surface disturbance. A summary of survey coverage across the Subject Area is provided in Table 10 and Table 11 and depicted in Figure 6.

Table 10: Survey coverage across Subject Area

| Survey Unit | Landform | Survey Unit area (sq m) | Visibility % | Exposure % | Effective coverage area (sq m) | Effective coverage % |
|-------------|----------------|-------------------------|--------------|------------|--------------------------------|----------------------|
| 1 | Alluvial plain | 3200 | 10% | 10% | 32 | 1% |

Table 11: Landform summary

| Landform | Landform Area (sq m) | Area effectively surveyed (sq m) | % of landform effectively surveyed | Number of sites | Number of artefacts or features |
|----------------|----------------------|----------------------------------|------------------------------------|-----------------|---------------------------------|
| Alluvial plain | 3200 | 32 | 1% | 0 | 0 |



Plate 9: Front of the 23 Gordon Street from Gordon Street.



Plate 10: Space beneath 23 Gordon Street showing renewal of footings.



Plate 11: Car park behind 23 Gordon Street facing NNW



Plate 12: Lawn at front of northern-most building facing east



Plate 13: Northern building facing west from Gordon Street



Plate 14: Northern building facing NW



Plate 15: Project Area facing west from NE corner



Plate 16: Centre building facing NW from Gordon Street.

7.2 Survey results

No Aboriginal sites or objects were identified during the site survey. The initial survey identified that the ground surface beneath 23 Gordon Street, being built on stumps, had the potential to be relatively undisturbed compared with other parts of the Subject Area. This observation was supported by Uncle Mark Flanders, CHD LALC representative.

During the survey, the proximity of the Subject Area to the Coffs Creek and Historic Aboriginal camp at Fitzroy Oval was discussed and acknowledged as indicating a potential for the Subject Area to contain Aboriginal objects. Uncle Mark Flanders also mentioned that he recalls his Aunty renting a house within the northern end of the Subject Area when he was a child.

In order to investigate the identified potential area of sensitivity, access was gained under 23 Gordon Street in June 2019 and inspected by Dr Morgan Disspain (Niche) and Kale Hardie-Porter (GeoLINK). The investigations determined that the area beneath the building was highly disturbed, as described in Section 4.6, and the likelihood of Aboriginal objects being present there was low (Plate 3 through to Plate 6).



Drawn by: YH File: T:\spatial\projects\44800\44832_CoffsHarbour_ACHA\Maps\report\44832_Figure_6_Survey Coverage.mxd Last updated: 6/27/2019 4:10:13 PM

8. Analysis and discussion

No Aboriginal objects are registered on AHIMS within the Subject Area and no Aboriginal objects or areas of archaeological sensitivity were identified during the survey. The local area had some potential to retain relatively intact subsurface deposits associated with the alluvial flat of the coastal back barrier floodplains and within 200 m of the estuarine resources of Coffs Creek. Coffs Creek is known to be an area where Aboriginal people camped up until the 1950s when they were removed from the area (see Section 8.2). However, the Subject Area is likely to have low potential for containing Aboriginal objects, as it is evident that it has experienced significant disturbance across its entirety. Previous assessments within the region have determined that, irrespective of their landscape context, areas developed for residential uses or otherwise intensively disturbed (e.g. road and services easements) will have low archaeological sensitivity (Collins 2007:27).

9. Cultural heritage values and statements of significance

9.1 Assessment framework

The Burra Charter (Australia ICOMOS 2013) defines the basic principles and procedures to be observed in the conservation of important places. It provides the primary framework within which decisions about the management of heritage sites in Australia should be made.

The NSW Aboriginal cultural heritage regulatory framework supports the significance assessment of Aboriginal archaeological sites and provides guidelines for this ACHA within the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011). The *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) outlines two main themes in the overall Aboriginal cultural heritage significance assessment process, namely, the identification of the cultural/social significance of Aboriginal objects and/or places to Aboriginal people and the identification of the scientific (archaeological) significance to the scientific/research community. These themes encapsulate those aspects of the Burra Charter that are of particular relevance to Aboriginal objects and places.

9.1.1 Cultural significance

The Burra Charter defines cultural significance as being derived from the following values: aesthetic value, historic value, scientific value and social value. However, more precise categories may be developed as an understanding of a particular place or site increases.

Table 12: Values from which cultural significance is derived

| Value type | Description |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Aesthetic Value | Aesthetic value includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with the place and its use. |
| Historic Value | Historic value encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all of the terms set out in this section. A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives in situ, or where the setting are substantially intact, than where it has been changed or evidence does not survive. However, some events or association may be so important that the place retains significance regardless of subsequent treatment |
| Scientific Value | The scientific or research value of a place will depend upon the importance of the data involved, on its rarity, quality or representativeness (conservation value), and on the degree to which the place may contribute further substantial information. |
| Social Value | Social or cultural value refers to the spiritual, traditional, historical or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them. Places of social or cultural value have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods or events. Communities and individuals can experience a sense of loss should a place of social or cultural value be damaged or destroyed. |

9.1.2 Scientific significance

The Guidelines specify that information about scientific values will be gathered through archaeological investigation carried out according to the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b). The *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) itself does not specify criteria for assessment of Aboriginal objects, but rather suggests to “identify the archaeological values and assess their significance.” The assessment must be supportable and the assessment criteria must reflect best practice assessment processes as set out in the Burra Charter. The scientific values described in the Burra Charter were considered further by the then NSW National Parks and Wildlife Service in their *Aboriginal Cultural Heritage Standards and Guidelines Kit* (DEC 1997). In lieu of specific criteria, the advice from the *Aboriginal Cultural Heritage Standards and Guidelines Kit* (DEC 1997) is summarised and paraphrased below to provide guidance to the assessment of scientific values.

Table 13: Criteria for assessing scientific value

| Scientific value | Description |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Research potential | It is the potential to elucidate past behaviour which gives significance under this criterion rather than the potential to yield collections of artefacts. Matters considered under this criterion include the intactness of a site, the potential for the site to build a chronology and the connectedness of the site to other sites in the archaeological landscape. |
| Representativeness | As a criterion, representativeness is only meaningful in relation to a conservation objective. Presumably all sites are representative of those in their class or they would not be in that class. What is at issue is the extent to which a class of sites is conserved and whether the particular site being assessed should be conserved in order to ensure that we retain a representative sample of the archaeological record as a whole. The conservation objective which underwrites the ‘representativeness’ criteria is that such a sample should be conserved. |
| Rarity | This criterion cannot easily be separated from that of representativeness. If a site is ‘distinctive’ then by definition, it will be part of the variability which a representative sample would represent. The criteria might best be approached as one which exists within the criteria of representativeness, giving a particular weighting to certain classes of site. The main requirement for being able to assess rarity is to determine what is common and what is unusual in the archaeological record, but also the way that archaeology confers prestige on certain sites because of their ability to provide certain information. Items may be common, uncommon or rare. The criterion of rarity may be assessed at a range of levels including local, regional, state, national, and global. |
| Educational potential | This criterion relates to the ability of the cultural heritage item or place to inform and/or educate people about one or other aspects of the past. It incorporates notions of intactness, relevance, interpretative value and accessibility. Where archaeologists or others carrying out cultural heritage assessments are promoting/advocating the educational value of a cultural heritage item or place it is imperative that public input and support for this value is achieved and sought. Without public input and support the educative value of the items/places is likely to not ever be fully realised. |
| Aesthetics | In relation to heritage places, aesthetic significance is generally taken to mean the visual beauty of the place. Aesthetic value is not inherent in a place but arises in the sensory response people have to it. The guidelines provide no expectation for archaeologists to consider aesthetic values, it is often the case that the aesthetics including the physical setting of an archaeological site or a landscape contributes to its cultural heritage significance. Examples of archaeological sites that may have high aesthetic values include rock art sites or sites located in environments that evoke strong sensory responses. |

9.1.2.1 Grading scientific values

The following gradations, where a site or zone satisfies at least one criterion, have been applied to provide a measure of the values/significance for Aboriginal objects identified within the Subject Area, and to provide an overall assessment of the significance of each of the zones used that define the Subject Area.

Table 14: Criteria for grading significance

| Gradation | Description |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Low | The site or object contains only a single or limited number of features, and has no potential to meaningfully inform our understanding of the past beyond what it contributes through its current recording (i.e. no or low research potential). The site or object is a representative but unexceptional example of the most common class of sites or objects in the region. Many more similar examples can be confidently predicted to occur within the Subject Area, and in the region. |
| Moderate | The site or object derives value because it contains features, both archaeological and contextual, which through further investigation may contribute to our understanding of the local past. These features include, but are not limited to: the relationship with landscape features or other Aboriginal archaeological sites or areas of identified heritage importance; diagnostic archaeological or landscape features that inform a chronology; and a relatively large assemblage of stone artefacts. The presence of a diverse artefact and feature assemblage, and connectedness with landscape features and other notable sites provide relatively higher representative and rarity values than sites of low significance. |
| High | The site or object has value because it contains archaeological and/or contextual features which through further investigation may significantly contribute to our understanding of the past, both locally and on a regional scale. These features include, but are not limited to: Aboriginal ancestral remains; the site's relationship with landscape features or other Aboriginal archaeological sites or areas of identified heritage importance; diagnostic archaeological or landscape features that inform a chronology; and a very large assemblage of stone artefacts associated with other features such as oven remains or shell midden. Such sites will be relatively rare, and will be representative of a limited number of similar sites that make up this class; hence they derive high representative and rarity values. |

9.2 Significance assessment

The following tables provide an assessment of significance and summarises identified heritage values for the Subject Area. This significance assessment will be updated upon review of the draft ACHA by the Registered Aboriginal Party.

9.2.1 Social value

The Subject Area is of low social significance to the Aboriginal community because no longer contains any landscapes or resources that aid in defining the communities' identity. Despite it being situated close to an historic Aboriginal campsite (AHIMS ID#22-1-0039), any previously attributed social value has been reduced/eliminated as a result of the disturbance and development at the Subject Area.

9.2.2 Aesthetic value

The Subject Area has low aesthetic values as it is a highly disturbed urban block of land, with no environmentally intact landscape features of Aboriginal sites or objects.

9.2.3 Historic value

The Subject Area is situated close to an historic Aboriginal campsite (AHIMS ID#22-1-0039), but the Subject Area itself no longer contains any identified historic values relating to Aboriginal heritage.

9.2.4 Scientific (archaeological) value

No Aboriginal objects or places were identified within the Subject Area. The Subject Area has been significantly disturbed, and as such has no scientific value.

9.2.5 Summary

No Aboriginal objects or places were identified during this assessment. Despite the Project Area's proximity to the Coffs Creek and historic Aboriginal camp site (AHIMS ID#22-1-0039), the level of disturbance experienced across the site has resulted in the reduction/removal of any cultural values that the Subject Area may once have possessed. As such, it is attributed low (or no) significance across all assessment categories.

10. Impact assessment

10.1 Overview of potential impacts

The Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011) requires that both direct and indirect harm to Aboriginal objects and Aboriginal places be considered. Generally, direct harm refers to occasions where an activity physically impacts a site or objects and therefore affects the heritage values possessed by the site or objects. Indirect harm is usually taken to mean harm stemming from secondary consequences of the activity, and may affect sites or objects as an indirect consequence of the activity. Examples of such indirect harm are increased visitors to a site, or increased erosion in an area as a result of an activity.

The potential impacts of the Project have been evaluated in consideration of comments received from the RAPs during the consultation process. These comments include those relating to the archaeological potential of landforms and the likelihood of occurrence and distribution of sites. All comments received from the RAPs are considered in Section 5.

10.2 Potential impacts from the proposed development

The Cultural and Civic Space project includes a Regional Gallery, Central Library, Regional Museum, multipurpose meeting rooms, co-working space, shop, cafe, function space, (including use as Council Chambers), customer service area, Council staff office accommodation and subterranean car parking.

Although this project is still in the planning phase, site earthworks will likely include general site preparation, stripping and foundation preparation, and excavation of the subterranean carpark. Whilst the precise layout and detailed design of the infrastructure components is not yet finalised, it is anticipated that disturbance would occur over the entire Subject Area. For the purposes of this ACHA it is therefore assumed that the development of the Project would be of a nature that would cause direct harm to any Aboriginal objects or areas of cultural value located within the Subject Area.

10.3 Potential for harm

The Subject Area has been highly disturbed and impact to Aboriginal objects is unlikely.

10.4 Likely impacted values

No cultural values or Aboriginal objects have been identified within the Subject Area.

10.5 Consideration of cumulative impacts

The proposed activity will result in a new community Cultural Space, providing space for the central library, regional gallery and museum, and centralised council facilities to bring life, vibrancy and economic benefits to Coffs Harbour. The cumulative impacts would result in positive in social benefits to Aboriginal people through providing a platform to showcase and promote Aboriginal art and culture.

Each building element has been designed to match the desired experiences to 'gather, create and discover' in this reimagined space to combine arts, community and culture. The preliminary schematic design includes shared open space and blurred boundaries between the public, cultural and library functions of the building. A public space on level three is open to the sky and has been specifically designed for small events, such as council meetings, smoking ceremonies and other community functions.

10.6 Project justification

The vision for developing a dedicated regional cultural facility in Coffs Harbour has been planned for at least thirty (30) years. In 2013 Council adopted the most recent City Centre Masterplan that outlined key

strategies and objectives including cultural facility development. The Cultural and Civic Space is an innovative project that will provide many benefits to the local community. Along with a new fresh and modern building, some of the broader benefits will include:

- Access to cultural opportunities and facilities that are not currently available.
- Cultural precinct and cultural tourism activation opportunity.
- Lifelong learning, educational opportunities and improved literacy.
- Social wellbeing and access to information and connection.
- Economic benefit to artists, creative industries, retail and service sector.
- Vibrant and active City Centre.

Given the low archaeological value of the Subject Area and high degree of existing disturbance, there is no justification for avoidance which would require the Proponent to redesign the proposed works.

11. Avoiding and minimising harm

11.1 Conservation Principles and Management Framework

The two founding principles behind the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011:12) are ecologically sustainable development and intergenerational equity. These principles hold that “the present generation should make every effort to ensure the health, diversity and productivity of the environment – which includes cultural heritage – is available for the benefit of future generations”.

The strong emphasis, as in the Burra Charter, is to quantify and understand the heritage values of a place, a site, or an object and exhaust avenues of avoiding harm to those values. If harm cannot be avoided then there must be consideration and implementation of strategies to minimise harm (OEH 2011:13).

It follows that the hierarchy for consideration in regards to management strategies available for surface stone artefacts and subsurface stone artefacts and areas of archaeological potential, fall into four general categories, in order of preference from a conservation perspective:

- avoidance and in-situ conservation;
- partial avoidance and partial in-situ conservation (includes partial harm);
- harm caused with mitigating circumstances such as collection or salvage; and
- unmitigated harm.

The four general categories (described above) have been considered in the following subsections with regard to both direct impacts (e.g. surface disturbance) and indirect impacts (e.g. monitoring activities).

11.2 Designing to avoid

No Aboriginal objects or places have been identified within the Subject Area, and the likelihood of *in situ* objects existing within the Subject Area is low owing to the disturbance evident. Therefore the potential for harm to Aboriginal objects is low to negligible and detailed design of giving consideration to Aboriginal heritage sites is not required at this stage.

11.3 Justifying harm

No Aboriginal objects or places were identified during the ACHA, and the likelihood of *in situ* objects existing within the Subject Area is low owing to the disturbance evident. Therefore the potential for harm to Aboriginal objects is low to negligible.

11.4 Mitigating harm

No Aboriginal objects or places were identified during the ACHA, and the likelihood of *in situ* objects existing within the Subject Area is low owing to the disturbance evident. Management and mitigation measures are warranted to ensure continued compliance with the NPW Act. Management and mitigation measures have been considered for this project and are presented in Table 15.

Table 15: Consideration of management and mitigation strategies

| Management Risk / Impacted Value | Strategies considered | Response |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Management Risk – Compliance and Unexpected Finds (excluding human remains) | Communication to employees, site visitors, contractors and landowners | <ul style="list-style-type: none"> All workers should be inducted into the Subject Area so they are made aware of their obligations under the <i>National Parks and Wildlife Act 1974</i> and any conditions of any future consent with respect to Aboriginal heritage prior and during and after construction activities. In the unlikely event of the identification of artefacts within the Subject Area, work in the surrounding area is to stop immediately. A temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site. In consultation with the RAPS for the project, an appropriately qualified archaeological consultant is to be engaged to identify the material. If the material is an Aboriginal object, the Proponent will notify: <ul style="list-style-type: none"> the BCD's Enviroline on 131 555; and representatives of the RAPS. Facilitate, in co-operation with the appropriate authorities and the RAPS: <ul style="list-style-type: none"> The recording and assessment of the finds Compliance with any legal requirements and BCD directions The development and implementation of appropriate management strategies based on an assessment of significance of the finds. Recommencement of ground disturbance works may only resume once legal requirements are fulfilled |
| Management Risk – Unexpected Finds – human remains | Stop work and follow procedure for discovery of suspected human remains | <ul style="list-style-type: none"> All workers should be inducted into the Subject Area so they are made aware of their obligations under the <i>National Parks and Wildlife Act 1974</i> and any conditions of consent prior and during and after construction activities In the unlikely event that suspected human remains are encountered during construction, all work in the area that may cause further impact, must cease immediately. The location, including a 20 m curtilage, should be secured using barrier fencing to avoid further harm. The NSW Police must be contacted immediately. No further action is to be undertaken until the NSW Police provide written notification to the Department of Justice. If the skeletal remains are identified as Aboriginal, The Department of Justice or their agent must contact: <ul style="list-style-type: none"> the BCD's Enviroline on 131 555; and representatives of the RAPS. |

| Management Risk / Impacted Value | Strategies considered | Response |
|----------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <ul style="list-style-type: none"> No works are to continue until the BCD provides written notification to the proponent or their Agent. An Aboriginal Heritage Impact Permit may be required to manage human remains. |

11.5 Consideration of ecological sustainable development

Section 5(vii) of the Environmental Planning and Assessment Act 1979 requires proponents to consider the key principles of Ecologically Sustainable Development (ESD) in the design of their projects. The principles of ESD are defined within the Protection of the Environment Administration Act 1991. This Act defines the precautionary principle and the principles of inter-generational equity, conservation of biological diversity and ecological integrity. The precautionary principle is defined as:

"If there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation".

Australia's National Strategy for Ecologically Sustainable Development (1992) defines ecologically sustainable development as: 'using, conserving and enhancing the communities' resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased.' Aboriginal heritage programs which seek to address indigenous concerns in relation to the land, heritage, economic and cultural development include the Commonwealth Indigenous Protected Areas Initiative, Land Acquisition and Maintenance, and Heritage Protection Programs; the Victorian Aboriginal Capital Projects and Aboriginal Cultural Heritage Programs; and the South Australian Aboriginal Tourism Strategy.' (Australian Government 1992: Chapter 22).

Ecologically Sustainable Development (ESD) needs to consider intergenerational equality; this is fundamental to identifying Aboriginal culture and identity into the future. Table 16 considers the key principles of ESD with respect to the results of the literature review, Aboriginal heritage survey results and significance assessment contained within this report.

Table 16: Consideration of ecologically sustainable development

| Principles of the EIA and ESD Guidelines | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A fundamental consideration for conservation of biological diversity and ecological integrity | The Subject Area has been demonstrated to be highly disturbed. No Aboriginal objects or Aboriginal heritage values have been identified (Section 4) |
| Careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment | The Proponent has undertaken an ACHA in consultation with the RAPs and determined that there are no sites present with the Subject Area. As such, the proposed activity would not result in damage to the cultural heritage environment (Section 2-10). Management and mitigation measures are warranted to ensure continued compliance with the NPW Act. Management and mitigation measures have been considered for this project and are presented in Table 15. |
| Consideration of intergenerational equity | ESD needs to consider intergenerational equality; this is fundamental to identifying Aboriginal culture and identity into the future. As no Aboriginal objects, places or archaeological sensitive landscape features were identified within the Subject Area, there will be no significant harm to the Aboriginal communities' connection to country or cultural development within the community. |
| Where risk of serious or irreversible harm and lack of scientific knowledge of the nature of environmental harm combine, the precautionary principle applies. | The ACHA involved a site survey, during which no Aboriginal objects or places were identified. Subsequent geotechnical inspections across the Subject Area, including beneath 23 Gordon Street, identified significant levels of disturbance caused by numerous factors. These inspections, combined with the Aboriginal community consultation and desktop |

| Principles of the EIA and ESD Guidelines | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Where there is risk of serious or irreversible harm, it is necessary to establish whether there is adequate scientific knowledge of the subject to evaluate the perceived threat.</p> | <p>research have contributed to a thorough assessment of the Aboriginal cultural heritage of the Subject Area.</p> <p>No harm has been identified.</p> |
| <p>An assessment of the risk-weighted consequences of various options</p> | <p>A consideration of harm and mitigation is provided above. No Aboriginal objects or places have been identified within the Subject Area, and the likelihood of in situ objects existing within the Subject Area is low owing to the disturbance evident. Therefore the potential for harm to Aboriginal objects is low and detailed design of giving consideration to Aboriginal heritage sites is not required. There is no justification for avoidance which would require Proponent to redesign the proposed works.</p> |

12. Conclusions and recommendations

This ACHA was carried out in accordance with the Code of Practice (DECCW, 2010b) and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH, 2011). It included consultation with RAPs in accordance with the Consultation Requirements (DECCW, 2010a) and their participation in the field survey. No Aboriginal objects or areas of archaeological sensitivity were identified that would require further investigation. Based on community consultation with the RAPs for the Project, and with the completion of this ACHA by Niche, the following recommendations have been made:

Table 17: Recommendations

| Recommendations | |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | All workers should be inducted into the Subject Area so they are made aware of their obligations under the <i>National Parks and Wildlife Act 1974</i> prior and during and after construction activities |
| 2. | <p>The following 'Find Procedure' should be put in place as a minimum response in the unlikely event of the identification of artefacts within the Subject Area:</p> <ul style="list-style-type: none"> work in the surrounding area is to stop immediately; a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site; in consultation with the RAPs for the project, an appropriately qualified archaeological consultant is to be engaged to identify the material; and If the material is an Aboriginal objects, the Proponent will notify: <ul style="list-style-type: none"> the BCD's Enviroline on 131 555; and representatives of the RAPs. Facilitate, in co-operation with the appropriate authorities and the RAPs: <ul style="list-style-type: none"> The recording and assessment of the finds Compliance with any legal requirements and BCD directions The development and implementation of appropriate management strategies based on an assessment of significance of the finds. Recommencement of ground disturbance works may only resume once legal requirements are fulfilled |
| 3. | <p>In the unlikely event that suspected human remains are encountered during construction, all work in the area that may cause further impact, must cease immediately and:</p> <ul style="list-style-type: none"> The location, including a 20 m curtilage, should be secured using barrier fencing to avoid further harm. The NSW Police must be contacted immediately. No further action is to be undertaken until the NSW Police provide written notification to the Department of Justice. If the skeletal remains are identified as Aboriginal, The Department of Justice or their agent must contact: <ul style="list-style-type: none"> the BCD's Enviroline on 131 555; and representatives of the RAPs. No works are to continue until the BCD provides written notification to the proponent or their Agent. |

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Appendix A Consultation Log

| Date | Type of consultation | Sent by | Organisation Sent to | Individual sent to | Nature of Consultation | Notes | Time |
|------------|----------------------|-----------------|-------------------------|--------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| 04/03/2019 | Email | Morgan Disspain | Coffs Harbour LALC | Coffs Harbour LALC | Preliminary ACHA Notification of site inspection | <p>Good afternoon,</p> <p>I am writing to inform you that Niche Environment and Heritage have been commissioned by GeoLINK to undertake a preliminary Aboriginal cultural heritage assessment of the proposed Coffs Harbour Cultural and Civic Space on Gordon Street.</p> <p>I would like to arrange a time to carry out a site inspection with a field officer from the Coffs Harbour and Districts LALC.</p> <p>Could you please tell me if anyone is available to meet me on site during the week beginning the 18th March? I am anticipating that the site inspection will take a maximum of an hour or two.</p> <p>Please do not hesitate to call me on 0488 774 566 if you would like to discuss this project further.</p> <p>Thank you very much.</p> <p>Kind regards, Morgan Disspain</p> | 13:30 |
| 29/03/2019 | Phone call | Morgan Disspain | NSW OEH | Rosalie Neve | Consultation with OEH | <p>Discussed the project with Rosalie Neve, provided a summary of works to date.</p> <p>Discussed the requirement to assess the entire Subject Area, including beneath 23 Gordon Street, as there is the potential for this area to contain undisturbed deposits.</p> <p>Discussed proximity of Subject Area to Coffs Creek. Advised of SSD status.</p> <p>Received direction regarding possible management measures should the entire Subject Area not be able to be assessed.</p> | |
| 29/3/2019 | Email | Layne Holloway | NNTT | NNTT | Stage one | Requesting Native Title information | |
| 29/03/2019 | Letter | Layne Holloway | Office of the registrar | To whom this may concern | Stage one agency notification | Requesting list of potential Aboriginal stakeholders. | |

| Date | Type of consultation | Sent by | Organisation Sent to | Individual sent to | Nature of Consultation | Notes | Time |
|------------|----------------------|-------------------------|--------------------------------|--------------------------|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 29/03/2019 | Letter | Layne Holloway | South East Local Land Services | To whom this may concern | Stage one agency notification | Requesting list of potential Aboriginal stakeholders. | |
| 29/03/2019 | Letter | Layne Holloway | Coffs Harbour City Council | To whom this may concern | Stage one agency notification | Requesting list of potential Aboriginal stakeholders. | |
| 29/03/2019 | Letter | Layne Holloway | NTS Corp | To whom this may concern | Stage one agency notification | Requesting list of potential Aboriginal stakeholders. | |
| 29/03/2019 | Letter | Layne Holloway | CHDLALC | To whom this may concern | Stage one agency notification | Requesting list of potential Aboriginal stakeholders. | |
| 29/03/2019 | Letter | Layne Holloway | OEH | Dimitri Young | Stage one agency notification | Requesting list of potential Aboriginal stakeholders. | |
| 03/04/2019 | Email | Office of the registrar | Niche | Morgan Disspain | Stage one agency response | Under Section 170 of the Aboriginal Land Rights Act 1983 the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are not currently any Registered Aboriginal Owners in the project area. | |
| 10/04/2019 | Email and Letter | OEH | Niche | Morgan Disspain | Stage one agency response | List of potential Aboriginal stakeholders provided. | |

| Date | Type of consultation | Sent by | Organisation Sent to | Individual sent to | Nature of Consultation | Notes | Time |
|------------|----------------------|----------------|----------------------|---------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 11/04/2019 | Email | Layne Holloway | Niche | All potential Aboriginal stakeholders on list supplied by OEH | Stage one RAP notification | <p>Good Afternoon,</p> <p>GeoLINK on behalf of Coffs Harbour City Council is undertaking an Aboriginal Cultural Heritage Assessment for the Schematic Design phase and preparation of Approval Documentation for the development of the Cultural and Civic Space, Coffs Harbour.</p> <p>Coffs Harbour City Council invites Aboriginal persons or groups who may hold cultural knowledge of, or who have the right or interest in, Aboriginal cultural heritage of the Subject Area to register an interest in a process of community consultation.</p> <p>Please find the attached notification letter. To register in the consultation process, please provide written confirmation of your registration to the address or email address below by 5pm on 26 April 2019:</p> <p>Dr Morgan Disspain Niche Environment and Heritage PO Box 2443 NORTH PARRAMATTA NSW 1750 Telephone: 0488 774 566 Email: mdisspain@niche-eh.com</p> | 3:44 PM |
| 26/04/2019 | Email | Layne Holloway | Niche | All potential Aboriginal stakeholders on list supplied by OEH | Stage one RAP notification | <p>This is a friendly reminder that registration of interest for the Cultural and Civic Space, Coffs Harbour will be closing today. GeoLINK on behalf of Coffs Harbour City Council is undertaking an Aboriginal Cultural Heritage Assessment for the Schematic Design phase and preparation of Approval Documentation for the development of the Cultural and Civic Space, Coffs Harbour. To register in the consultation process, please provide written confirmation of your registration returned to this email address by 5pm today.</p> <p>Please do not hesitate to call Dr Morgan Disspain (Senior Archaeologist) on 0488 774 566 if you would like to discuss this project further.</p> | 3.04 |

| Date | Type of consultation | Sent by | Organisation Sent to | Individual sent to | Nature of Consultation | Notes | Time |
|------------|----------------------|-----------------|----------------------------------|--------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 28/04/2019 | Email | Morgan Disspain | Niche | Coffs Harbour LALC | Stage one RAP notification | <p>Hi AJ</p> <p>The registration period for the Coffs Harbour Cultural and Civic Space ACHA ended last week. We had no groups register.</p> <p>Can you please confirm if Coffs Harbour and Districts LALC wants be registered for consultation during this project?</p> <p>Thank you very much, Morgan</p> | |
| 29/04/2019 | Email | AJ | Coffs Harbour and Districts LALC | Morgan Disspain | Stage one RAP response | <p>Hi Morgan,</p> <p>Yes the Coffs LALC would like to register, Sorry I had thought I had already registered our interest.</p> <p>Cheers</p> | |
| 29/01/1900 | Letter | Layne Holloway | OEH | Dimitri Young | Stage one Notice OEH | RAP notification letter | |
| 01/05/2019 | Email | Layne Holloway | Coffs Harbour LALC | AJ Perkins | Stage two Project information and methodology | Methodology and project information sent. | |
| 06/05/2019 | Email | AJ Perkins | Niche | Morgan Disspain | Stage two Project information and methodology response | <p>Hi Morgan,</p> <p>I have read the Preliminary ACHA and have no further comments to add</p> <p>Thank you</p> <p>(This email was in response to Project Methodology and PACHA sent to RAPs for review)</p> | |

| Date | Type of consultation | Sent by | Organisation Sent to | Individual sent to | Nature of Consultation | Notes | Time |
|------------|----------------------|-----------------|----------------------|--------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 29/05/2019 | Email and phone call | Morgan Disspain | Coffs Harbour LALC | AJ Perkins | Stage two Project update | <p>Dear AJ,</p> <p>Thank you for discussing the Coffs Harbour Cultural and Civic Space project with me last week.</p> <p>As a summary of our conversation:</p> <p>I have received the geotechnical report for the Project. This investigation confirmed that the accessible areas of the Subject Area are comprised of fill to approximately 40 – 50 cm, overlying hard clayey alluvial sediment with a very thin layer of topsoil in only one borehole. When considered in combination with the historic aerials, which show buildings over most of the Subject Area at various times in the past, some of which have now been demolished, the presence of Aboriginal objects is unlikely in these areas. Therefore, an onsite meeting is not required at this stage of the assessment, and test excavations are not required in the readily accessible areas.</p> <p>Your advice would be for the ACHA Report to recommend an onsite meeting once the building on stumps (the current GeoLINK offices) is removed to assess whether this part of the Subject Area also contains fill, or if it has the potential to contain Aboriginal Objects, as it is unable to be assessed at this stage.</p> <p>Can you please respond with any additional comments you have regarding this assessment.</p> <p>Kind regards, Morgan</p> | 12:30pm |
| 26/06/2019 | Email and phone call | Morgan Disspain | Coffs Harbour LALC | AJ Perkins | Stage two Project update | <p>Good morning AJ,</p> <p>I have just left a voicemail on your phone, but thought I would send you an email update about the ACHA for the Coffs Harbour Cultural and Civic Space.</p> <p>Yesterday, a geotechnical investigation was carried out beneath the building at 23 Gordon Street. This area was originally not able to be assessed because of</p> | 11:00 |

| Date | Type of consultation | Sent by | Organisation Sent to | Individual sent to | Nature of Consultation | Notes | Time |
|------------|----------------------|-----------------|----------------------|--------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 27/06/2019 | Email | Morgan Disspain | Coffs Harbour LALC | AJ Perkins | Stage four draft ACHA | <p>access issues. An engineer was able to crawl around beneath the building yesterday and carry out a detailed inspection and use a hand augur to investigate the levels of disturbance.</p> <p>As a result, it was determined that the area is highly disturbed.</p> <p>Disturbance included:</p> <ul style="list-style-type: none"> • Significant water logging over at least 50% of the area. This is indicative of the removal of permeable topsoil, as the water sits directly on the clay 'B horizon' and cannot drain. The water was quite deep, around 20 cm in some places. • Restumping of the building has caused significant disturbance with at least 0.75 m2 of cement extending more than 300 mm deep around each footing. Stumps are placed approximately 1.5 –2 m apart across the entire area. • Subsurface facilities including sewerage pipes have been installed. • The sediment appears to have been moved around a lot, with fill material mounded up around the edges of the building. <p>As such, it appears that the original ground surface is no longer present and the likelihood of Aboriginal objects being present is low. It is my recommendation therefore that no further investigations beneath the buildings, or anywhere else within the Project Area are required and works can proceed with caution.</p> <p>Can you please advise of your thoughts on this matter.</p> <p>Feel free to call me to discuss.</p> <p>Kind regards, Morgan</p> <p>Dear AJ,</p> <p>Re: Coffs Harbour Cultural and Civic Space – Draft Aboriginal Cultural Heritage Assessment report</p> <p>Thank you for your contributions to the Coffs Harbour Cultural and Civic Space project to date.</p> | |

| Date | Type of consultation | Sent by | Organisation Sent to | Individual sent to | Nature of Consultation | Notes | Time |
|------|----------------------|---------|----------------------|--------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| | | | | | | <p>As a Registered Aboriginal Party, we are writing to ask for your feedback on the Draft Aboriginal Cultural Heritage Assessment for the project in accordance with Stage 4 of the NSW Office of Environment and Heritage (OEH) Aboriginal Cultural Heritage consultation requirements for proponents 2010 guideline. Please provide any written comments or submissions on the draft reports within 28 days, or by 25 July 2019.</p> <p>In your review, please provide relevant information about:</p> <ul style="list-style-type: none"> • Management and mitigation options for Aboriginal object(s) or place(s) that you consider appropriate. • The cultural values of any identified Aboriginal objects or places within the project • Whether there are any additional Aboriginal objects of cultural value to Aboriginal people in the area of the proposed project. • Whether there are any additional places of cultural value to Aboriginal people in the area of the proposed project (whether they are Aboriginal places declared under s 84 of the National Parks and Wildlife Act 1974 or not). This will include places of social, spiritual and cultural value, historic places with cultural significance and potential places/areas of historic, social, spiritual and/or cultural significance. • Whether there are any intellectual property or information restrictions on the information you are providing and how that information should be managed. • Any additional information that you see as relevant. <p>Please send your feedback to: Niche Environment and Heritage c/o Dr Morgan Disspain PO Box 2443 North Parramatta NSW 1750 mdisspain@niche-eh.com</p> <p>Information obtained is used to understand the context and values of Aboriginal objects(s) and/or place(s) located within the project area and to develop management and mitigation measures for Aboriginal sites and objects. This report will be used to address the Secretary's Environmental Assessment</p> | |

| Date | Type of consultation | Sent by | Organisation Sent to | Individual sent to | Nature of Consultation | Notes | Time |
|------------|----------------------|-----------------|----------------------|--------------------|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 16/07.2019 | Email | Morgan Disspain | Coffs Harbour LALC | AJ Perkins | Stage four draft ACHA | <p>Requirements (SEARs) for the Environmental Impact Statement (EIS) for the SSD, which were issued for the Project.</p> <p>Yours sincerely,</p> <p>Dr Morgan Disspain Senior Heritage Consultant Niche Environment and Heritage</p> <p>Good morning AJ,</p> <p>I wanted to touch base with you about the Coffs Harbour Cultural and Civic Space ACHA.</p> <p>As I have not heard anything from you regarding the draft report for the project, I wanted remind you that the consultation period for providing feedback on the draft ACHA report ends on the 25th July 2019.</p> <p>Please feel free to call or email me regarding the project.</p> | |
| 29/07/2019 | Email | Morgan Disspain | Coffs Harbour LALC | AJ Perkins | Stage four draft ACHA | <p>Kind regards, Morgan Disspain</p> <p>Good morning AJ,</p> <p>The consultation period for the Coffs Harbour Cultural and Civic Space has now closed. However, I have not had a response from you regarding the draft ACHA report.</p> <p>Can you please respond by COB today as I will be finalising the report tomorrow.</p> <p>Thank you very much.</p> <p>Kind regards, Morgan</p> | |

| Date | Type of consultation | Sent by | Organisation Sent to | Individual sent to | Nature of Consultation | Notes | Time |
|------------|----------------------|--------------------|----------------------|--------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 29/07/2019 | Email | Coffs Harbour LALC | Morgan Disspain | Niche | Stage four draft ACHA | Hi Morgan, Sorry we've been having IT issues and have only just put in a temporary fix until we can get it resolved. I've reviewed the Draft ACHA and agree with the document and feel there are no further comments to add. If there is anything else I can help you with, could you please call me as emails are still and issue at this time. Thank you Good afternoon AJ. | |
| 29/07/2019 | Email | Morgan Disspain | Coffs Harbour LALC | AJ Perkins | Stage four draft ACHA | Thank you very much. Kind regards, Morgan | |

Appendix B Consultation Records

Appendix B Consultation records

| | | |
|-------------------|-------------------------------------------------------------------------------------------|------------|
| Appendix B | Consultation records | B-1 |
| B1 | Stage 1 – Notification of project proposal and registration of interest | B-2 |
| B1.1 | Notification of agencies | B-3 |
| B1.2 | Advertisement | B-4 |
| B1.3 | Notification of potential stakeholders | B-5 |
| B1.4 | Registrations | B-6 |
| B1.5 | Section 4.1.6 notification of OEH and LALC | B-7 |
| B2 | Stage 2 - Presentation of project information | B-8 |
| B3 | Stage 3 - Gathering information about the cultural significance of the Subject Area | B-9 |
| B3.1 | Assessment methodology | B-10 |
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| B4 | Stage 4 – Review of draft Aboriginal cultural heritage assessment report | B-13 |
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B1 Stage 1 – Notification of project proposal and registration of interest

B1.1 Notification of agencies

28 March 2019

Coffs Harbour and Districts Local Aboriginal Land Council

Wongala Estate
Arthur Street
Coffs Harbour NSW 2450

To whom it may concern,

Re:– Aboriginal Cultural Heritage Assessment for Coffs Harbour Cultural and Civic Space, Coffs Harbour, New South Wales

GeoLINK, on behalf Coffs Harbour City Council, is undertaking the preparation of approval documentation for the development of the Cultural and Civic Space, Coffs Harbour ('the Project'). The Subject Area includes 23–31 Gordon Street, Coffs Harbour (Lot 20/6/DP758258, Lot B//DP346105, and Lot 123//DP749233). Initial investigations into the Project identified that an Aboriginal Cultural Heritage Assessment is required to meet legislative requirements for the Project's potential State Significant Development status.

Niche have been commissioned by GeoLINK to prepare the Aboriginal Cultural Heritage Assessment, ensuring compliance with the following guidelines and legislative requirements for Aboriginal cultural heritage in NSW.

In accordance with the Office of Environment and Heritage *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, Niche is seeking to consult with any Aboriginal persons or groups who may hold cultural knowledge of, or who have a right or interest in Aboriginal objects, places and/or Aboriginal cultural heritage in the Subject Area. The purpose of the consultation process is to:

- Inform an Aboriginal Cultural Heritage Assessment.
- Determine the cultural significance of Aboriginal objects and/or places relevant to the Subject Area.
- Develop appropriate management recommendations for Aboriginal objects and/or places within the Subject Area.

Niche is requesting from you the names of Aboriginal persons or groups who may wish to be consulted regarding the project.

Niche will write to each Aboriginal person or group whose details are provided to notify them of the proposed project and invite them to register an interest in the community consultation process.

Could you please direct all correspondence to the contact details provided below by 11 April 2019.

Dr Morgan Disspain

Niche Environment and Heritage
PO Box 2443
North Parramatta NSW 1750
Tel: 0488 774 566

Email: mdisspain@niche-eh.com

The Proponent, GeoLINK, can be contacted via:

Mr Simon Waterworth
GeoLINK
23 Gordon Street
Coffs Harbour
NSW 2450

Or via email: simonw@geolink.net.au

Please note that Niche is required to forward the names of Aboriginal persons and groups who register an interest to the Office of Environment and Heritage, unless the person or group specifies they do not want their details released.

Yours sincerely,



Layne Holloway
Heritage Consultant
Niche Environment and Heritage

28 March 2019

Coffs Harbour City Council
Locked Bag 155
Coffs Harbour NSW 2450

To whom this may concern,

Re:– Aboriginal Cultural Heritage Assessment for Coffs Harbour Cultural and Civic Space, Coffs Harbour, New South Wales

GeoLINK, on behalf Coffs Harbour City Council, is undertaking the preparation of approval documentation for the development of the Cultural and Civic Space, Coffs Harbour ('the Project'). The Subject Area includes 23–31 Gordon Street, Coffs Harbour (Lot 20/6/DP758258, Lot B//DP346105, and Lot 123//DP749233). Initial investigations into the Project identified that an Aboriginal Cultural Heritage Assessment is required to meet legislative requirements for the Project's potential State Significant Development status.

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Coffs Harbour
NSW 2450

Or via email: simonw@geolink.net.au

Please note that Niche is required to forward the names of Aboriginal persons and groups who register an interest to the Office of Environment and Heritage and the Coffs Harbour and Districts Local Aboriginal Land Council, unless the person or group specifies they do not want their details released.

Yours sincerely,



Layne Holloway
Heritage Consultant
Niche Environment and Heritage

28 March 2019

North Coast Local Land Services

24-26 Mulgi Drive
South Grafton NSW 2460

To whom this may concern,

Re:– Aboriginal Cultural Heritage Assessment for Coffs Harbour Cultural and Civic Space, Coffs Harbour, New South Wales

GeoLINK, on behalf Coffs Harbour City Council, is undertaking the preparation of approval documentation for the development of the Cultural and Civic Space, Coffs Harbour ('the Project'). The Subject Area includes 23–31 Gordon Street, Coffs Harbour (Lot 20/6/DP758258, Lot B//DP346105, and Lot 123//DP749233). Initial investigations into the Project identified that an Aboriginal Cultural Heritage Assessment is required to meet legislative requirements for the Project's potential State Significant Development status.

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Coffs Harbour
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Please note that Niche is required to forward the names of Aboriginal persons and groups who register an interest to the Office of Environment and Heritage and the Coffs Harbour and Districts Local Aboriginal Land Council, unless the person or group specifies they do not want their details released.

Yours sincerely,



Layne Holloway
Heritage Consultant
Niche Environment and Heritage

28 March 2019

NTS Corp Limited

Mr George Tonna
PO Box 2105
Strawberry Hills NSW 2012

To Mr Tonna,

Re:– Aboriginal Cultural Heritage Assessment for Coffs Harbour Cultural and Civic Space, Coffs Harbour, New South Wales

GeoLINK, on behalf Coffs Harbour City Council, is undertaking the preparation of approval documentation for the development of the Cultural and Civic Space, Coffs Harbour ('the Project'). The Subject Area includes 23–31 Gordon Street, Coffs Harbour (Lot 20/6/DP758258, Lot B//DP346105, and Lot 123//DP749233). Initial investigations into the Project identified that an Aboriginal Cultural Heritage Assessment is required to meet legislative requirements for the Project's potential State Significant Development status.

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Yours sincerely,



Layne Holloway
Heritage Consultant
Niche Environment and Heritage

28 March 2019

The Registrar

Office of the Registrar, Aboriginal Land Rights Act 1983
PO Box 112
Glebe NSW 2037

To whom this may concern,

Re:— Aboriginal Cultural Heritage Assessment for Coffs Harbour Cultural and Civic Space, Coffs Harbour, New South Wales

GeoLINK, on behalf Coffs Harbour City Council, is undertaking the preparation of approval documentation for the development of the Cultural and Civic Space, Coffs Harbour ('the Project'). The Subject Area includes 23–31 Gordon Street, Coffs Harbour (Lot 20/6/DP758258, Lot B//DP346105, and Lot 123//DP749233). Initial investigations into the Project identified that an Aboriginal Cultural Heritage Assessment is required to meet legislative requirements for the Project's potential State Significant Development status.

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- Develop appropriate management recommendations for Aboriginal objects and/or places within the Subject Area.

Niche is requesting from you the names of Aboriginal persons or groups who may wish to be consulted regarding the project.

Niche will write to each Aboriginal person or group whose details are provided to notify them of the proposed project and invite them to register an interest in the community consultation process.

Could you please direct all correspondence to the contact details provided below by 11 April 2019.

Dr Morgan Disspain

Niche Environment and Heritage
PO Box 2443
North Parramatta NSW 1750
Tel: 0488 774 566

Email: mdisspain@niche-eh.com

The Proponent, GeoLINK, can be contacted via:

Mr Simon Waterworth
GeoLINK
23 Gordon Street
Coffs Harbour
NSW 2450

Or via email: simonw@geolink.net.au

Please note that Niche is required to forward the names of Aboriginal persons and groups who register an interest to the Office of Environment and Heritage and the Coffs Harbour and Districts Local Aboriginal Land Council, unless the person or group specifies they do not want their details released.

Yours sincerely,



Layne Holloway
Heritage Consultant
Niche Environment and Heritage

28 March 2019

Dimitri Young
Regional Operations Group –North East
Office of Environment and Heritage
PO Box 914
Coffs Harbour NSW 2450

To Mr Young,

Re: – Aboriginal Cultural Heritage Assessment for Coffs Harbour Cultural and Civic Space, Coffs Harbour, New South Wales

GeoLINK, on behalf Coffs Harbour City Council, is undertaking the preparation of approval documentation for the development of the Cultural and Civic Space, Coffs Harbour ('the Project'). The Subject Area includes 23–31 Gordon Street, Coffs Harbour (Lot 20/6/DP758258, Lot B//DP346105, and Lot 123//DP749233). Initial investigations into the Project identified that an Aboriginal Cultural Heritage Assessment is required to meet legislative requirements for the Project's potential State Significant Development status.

Niche have been commissioned by GeoLINK to prepare the Aboriginal Cultural Heritage Assessment, ensuring compliance with the following guidelines and legislative requirements for Aboriginal cultural heritage in NSW.

In accordance with the Office of Environment and Heritage *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, Niche is seeking to consult with any Aboriginal persons or groups who may hold cultural knowledge of, or who have a right or interest in Aboriginal objects, places and/or Aboriginal cultural heritage in the Subject Area. The purpose of the consultation process is to:

- Inform an Aboriginal Cultural Heritage Assessment.
- Determine the cultural significance of Aboriginal objects and/or places relevant to the Subject Area.
- Develop appropriate management recommendations for Aboriginal objects and/or places within the Subject Area.

Niche is requesting from you the names of Aboriginal persons or groups who may wish to be consulted regarding the project.

Niche will write to each Aboriginal person or group whose details are provided to notify them of the proposed project and invite them to register an interest in the community consultation process.

Could you please direct all correspondence to the contact details provided below by 11 April 2019.

Dr Morgan Disspain

Niche Environment and Heritage
PO Box 2443
North Parramatta NSW 1750
Tel: 0488 774 566

Email: mdisspain@niche-eh.com

The Proponent, GeoLINK, can be contacted via:

Mr Simon Waterworth
GeoLINK
23 Gordon Street
Coffs Harbour
NSW 2450

Or via email: simonw@geolink.net.au

Please note that Niche is required to forward the names of Aboriginal persons and groups who register an interest to the Office of Environment and Heritage and the Coffs Harbour and Districts Local Aboriginal Land Council, unless the person or group specifies they do not want their details released.

Yours sincerely,



Layne Holloway
Heritage Consultant
Niche Environment and Heritage

Request for Search of Tribunal Registers

*mandatory fields are marked with an asterisk

1. Your details*

| | |
|-----------------------|---------------------------------------|
| NAME: | Layne Holloway |
| POSITION: | Heritage Consultant |
| COMPANY/ORGANISATION: | Niche Environement and Heritage |
| POSTAL ADDRESS: | PO Box 2443 North Parramatta NSW 1750 |
| TELEPHONE: | 0488774501 |
| EMAIL: | lholloway@niche-eh.com |
| YOUR REFERENCE: | 4832 |
| DATE OF REQUEST: | 26/03/19 |

2. Reason for your request - please complete either Part A OR Part B*

Part A - Are you a party to a native title proceeding? ☐ Yes ☒ No

Please provide Federal Court/Tribunal file number/
or application name: _____

OR

Part B - Do you need to identify existing native title interests to comply with the *Native Title Act 1993* (Cth) or other State/Territory legislation? ☒ Yes ☐ No

Please provide brief details of these obligations here: _____
Aboriginal cultural heritage consultation
requirements Stage 1

3. Identify the area to be searched – please complete either Part A OR Part B*

Part A - Mining tenure

| | |
|------------------|-------|
| Tenement ref/s: | _____ |
| State/Territory: | _____ |

OR

Part B - Other tenure type

| | |
|------------------------------------------------------------------|---------------|
| <input type="checkbox"/> Crown Land, crown reserve | |
| <input type="checkbox"/> Agricultural/pastoral lease | |
| <input checked="" type="checkbox"/> Freehold (privately owned)** | |
| State/Territory: | NSW |
| Local Government Area: | Coffs Harbour |

4. Description (please provide as many details as possible)

| | | |
|-----------------------------------------------------------------------------|--------------------------------|-----------------------------------------------------------|
| Provide any additional details, including maps with landmarks clearly shown | Lot and plan details: | Lot 20/6/DP758258, Lot B//DP346105, and Lot 123//DP749233 |
| | Property name: | Coffs Harbour Cultural and Civic Centre |
| | Pastoral Lease number or name: | |
| | County: | Tomaree |
| | Parish: | Fitzroy |

Town:

Section:

Windang:

Northern Territory Portion:

5. Submit your request

| NNTT Office | Search jurisdiction | Email address | Fax |
|-------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| Perth | WA searches | waenquiries@nntt.gov.au | (08) 9425 1193 |
| Melbourne | VIC, TAS searches SA, NT searches | vicandtasenquiries@nntt.gov.au sa_and_ntenquiries@nntt.gov.au | (03) 9606 0680 (03) 9606 0680 |
| Sydney | NSW, ACT searches | nswenquiries@nntt.gov.au | (02) 9227 4030 |
| Brisbane | QLD searches | qldenquiries@nntt.gov.au | (07) 3307 5050 |

Or post to: National Native Title Tribunal, GPO Box 9973 (Perth 6848, Melbourne 3001, Sydney 2001, Brisbane 4001)

- There is no charge for conducting searches of the Tribunal's databases.
- Timeframe for providing results is generally 3-5 business days.
- Register and schedule extracts, plus map attachments will be provided with your results. Technical coordinates may be omitted.

Did you know?

Native Title Vision (NTV) is the National Native Title Tribunal's free online visualisation, mapping and query tool. All that is needed to use NTV is a computer connected to the internet, a current web browser and an NTV user account. NTV puts you in the driver's seat in exploring native title and brings together:

- a geospatial view of the Tribunal's registers and databases
- overlays of administrative regions, non-freehold land parcels and resources tenure.

To obtain a NTV user account visit the [Geospatial section](#) on our website.

**Native title & freehold tenure

Under the *Native Title Act 1993* (Cth), the valid grant of a freehold estate (other than certain types of Aboriginal and Torres Strait Islander land) on or before 23 December 1996 is known as a 'previous exclusive possession act'. This means that native title has been extinguished over the area.

The Tribunal is not the custodian of the data for freehold estates. To determine whether a particular parcel of land is freehold land, you may wish to seek such information from the relevant state/territory government custodian.

B1.2 Advertisement

Notices

Public Notices

Coffs Harbour Cultural and Civic Space – Aboriginal Cultural Heritage Assessment Registration of Interest

Niche Environment and Heritage is undertaking an Aboriginal Cultural Heritage and Archaeological Assessment on behalf of GeoLINK for the development of the Cultural and Civic Space, Coffs Harbour, located at 23–31 Gordon Street, Coffs Harbour (Lot 20/6/DP758258, Lot B/DP346105, and Lot 123/DP749233) (the ‘Subject Area’).

In accordance with Requirement 4.1.3 of the Office of Environment and Heritage’s *Aboriginal cultural heritage consultation requirements for proponents 2010*, Niche is seeking to consult with any Aboriginal persons or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places in the Subject Area, or who have a right or interest in Aboriginal cultural heritage of the Subject Area.

Please register your interest in writing to the contact details provided below by 5pm 26 April 2019.

Dr Morgan Disspain
Niche Environment and Heritage
PO Box 2443, North Parramatta NSW 1750
Email: mdisspain@niche-eh.com

The Proponent, Coffs Harbour City Council, can be contacted via:

Ken Welham
Coffs Harbour City Council
Strategic Projects Officer
Locked Bag 155, Coffs Harbour NSW 2450
P: (02) 6648 4000
Email: ken.welham@chcc.nsw.gov.au

Please be advised that Niche is required to forward the names of Aboriginal persons and groups who register an interest to the Office of Environment and Heritage and the Coffs Harbour and District Local Aboriginal Land Council; unless the person or group specifies they do not want their details released.



6978336aa

Takin’ a break

The team are turning on the out of office over Easter and Anzac Day, so make sure to check with us about your regular deadlines! Don’t worry, we’ll get back to work as normal from the **29th April**.

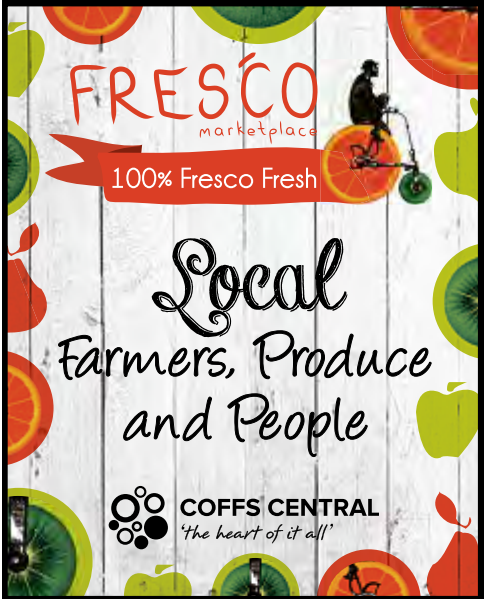
Contact 13 11 13 or classifieds@newsregionalmedia.com.au

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B1.3 Notification of potential stakeholders

Our Ref: DOC19/267640
Your Ref: Letter dated 28 March 2019

Niche Environment and Heritage
PO Box 2443,
North Parramatta NSW 1750

Attention: Dr Morgan Disspain

Dear Dr Disspain

Re: Aboriginal Cultural Heritage Assessment for Coffs Harbour Cultural and Civic Space, Coffs Harbour, New South Wales.

Thank you for your letter dated 28 March 2019 to the Office of Environment and Heritage (OEH) about Aboriginal cultural heritage consultation for an assessment for a proposed Cultural and Civic Space in Coffs Harbour, in the Coffs Harbour City Council local government area. I appreciate the opportunity to provide input.

Please find enclosed a list of known Aboriginal parties for the Coffs Harbour City Council local government area (Attachment A) that we consider likely to have an interest in the proposal. Note this is not an exhaustive list of all interested Aboriginal parties. Receipt of this list does not remove the requirement for a proponent/consultant to advertise the proposal in the local print media and contact other bodies and community groups seeking interested Aboriginal parties, in accordance with the OEH '*Aboriginal cultural heritage consultation requirements for proponents 2010*' (the CRs).

The OEH would also like to take this opportunity to remind the proponent and consultant to:

- Ensure the project documents the full consultation process in the Aboriginal Cultural Heritage Assessment Report and to include copies of all correspondence sent to or received from all relevant stakeholders (including Aboriginal stakeholders and the agencies listed in section 4.1.2 of the CRs). Omission of these records in the final report may cause delays in the assessment of the Aboriginal Heritage Impact Permit application or require parts of the consultation process to be repeated if the evidence provided to us does not demonstrate that the consultation process has been fair, equitable and transparent.
- Ensure we are provided with evidence that reasonable attempts have been made to contact the relevant parties associated with the CRs. If this is not provided then we will deem that the consultation process has not complied with the CRs. We consider evidence of reasonable efforts to contact relevant parties would include, but not be limited to, multiple forms of communication; faxes (with confirmation slips demonstrating successful transmission), an e-mail log, registered post details, copies of letters and a phone call log.

- Note that Appendix A of the CRs contains a map illustrating which Regional Office of the OEH should be contacted regarding the AHIP application based on the local government area in which the project is located. Full details of the consultation requirements and the relevant Fact Sheets can be located on our website at:
www.environment.nsw.gov.au/licences/consultation.htm.
- Forward to us any changes to the contact details of interested Aboriginal parties, or information regarding additional parties, so that we can update its records.
- Ensure that consultation is fair, equitable and transparent. If the Aboriginal parties express concern or are opposed to parts of or the entire project, we expect that evidence will be provided to demonstrate the efforts made to find common ground between the opponents and the proponent.

If you have any further questions about this issue, Ms Rosalie Neve, Aboriginal Heritage Planning Officer, Conservation and Regional Delivery, OEH, can be contacted on 6659 8221 or at rosalie.neve@environment.nsw.gov.au

Yours sincerely



DIMITRI YOUNG
Senior Team Leader Planning, North East
Conservation and Regional Delivery

Contact officer: ROSALIE NEVE
6659 8221

Enclosure: Attachment 1 – OEH Known Aboriginal Parties for the Coffs Harbour City Council LGA

**Attachment 1: OEH Known Aboriginal Parties for the Coffs Harbour City
Council Local Government Area**

1. Garby Elders
Anthony Dootson
11 Kelly Street,
Corindi Beach NSW 2465
0405 708 865
gaargulgoyas outlook.com
or
Deborah Dootson
21 Knox Street
WOOLGOOLGA NSW 2456
0499 684 400
deb ngurrala.com
2. Coffs Harbour and District Local Aboriginal Land Council
PO Box 6150
COFFS HARBOUR NSW 2450
(02) 6652 8740
ceo coffsharbouralc.com.au
3. Garlambirla Guuyu-girrwa Aboriginal Corporation
Chairperson
PO Box 6904
PARK BEACH NSW 2450
0408 254 152
aboriginalelders.coffsharbour hotmail.com
4. Mudjay Elders
Cultural Heritage Officer
11 Anderton Street
COFFS HARBOUR NSW 2450
5. Susan Hoskins
31 Soren Larson Cres.
BOAMBEE EAST NSW 2452
6. Gurehlgam Corporation Ltd T/A Yarrawarra
Kenn Payne
PO Box 1676
GRAFTON NSW 2460
(02) 6642 8677
manager@gurehlgam.com.au
manager@yarrawarra.com.au
7. Mimi Mothers Aboriginal Corporation
Marcia Hillery
90 High Street
BOWRAVILLE NSW 2449
(02) 6564 8855
(02) 6564 8844
manager miimi.org.au

8. Muurrbay Aboriginal Language and Cultural Co-operative Ltd
Gary Williams
14 Belwood Rd
Via NAMBUCCA HEADS NSW 2448
(02) 6569 4294
(02) 6569 4295
gary.williams muurrbay.org.au
9. Gumbaynggirr Native Title Group
Cultural Heritage Officer
14 Belwood Road
NAMBUCCA HEADS NSW 2448
10. Gumbaynggirr Elders
Cultural Heritage Officer
PO Box 400
NAMBUCCA HEADS NSW 2448
11. D F T V Enterprises
Derrick Vale Sr
5 Mountbatten Close
RUTHERFORD NSW 2320
0438 812 197
deckavale hotmail.com
12. Aaron Talbott & Natalene Mercy
Natalene Mercy
6 Bando street
GUNNEDAH NSW 2380
0457 617 117
atgomilaroi hotmail.com
13. Jagun Elders
Tony Perkins
PO Box 649
WOOLGOOLGA NSW 2456
0417 049 962
simone jagunagedcare.com.au
14. Norm Archibald
17 Flobern Ave
WAUCHOPE NSW 2446
jtmanagement live.com.au
15. Yanggaay
Danial Carriage
369 Old Coast
Korora NSW 2450
0402833073
yanggaay gmail.com

3 April 2019

By email: MDisspain@niche-eh.com

Dr Morgan Disspain
Niche Environment and Heritage
PO Box 2443
NORTH PARRAMATTA NSW 1750

Dear Dr Disspain,

Request - Search for Registered Aboriginal Owners

We refer to your letter dated 28 March 2019 regarding an Aboriginal Cultural Heritage Assessment for the proposed development at Lot 20 Section 6 DP 758258, Lot B DP 346105 and Lot 123 DP 749233, 23-31 Gordon Street, Coffs Harbour, NSW.

Under Section 170 of the *Aboriginal Land Rights Act 1983* the Office of the Registrar is required to maintain the Register of Aboriginal Owners (RAO). A search of the RAO has shown that there are not currently any Registered Aboriginal Owners in the project area.

We suggest you contact Coffs Harbour Local Aboriginal Land Council on 02 6652 8740 as they may be able to assist you in identifying Aboriginal stakeholders who wish to participate.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Eloane'.

Elizabeth Loane
Project Officer, Aboriginal Owners
Office of the Registrar, ALRA

B1.4 Registrations

11 April 2019

To whom it may concern,

Re: Coffs Harbour Cultural and Civic Space, Aboriginal Cultural Heritage Assessment

GeoLINK on behalf of Coffs Harbour City Council (the proponent) is undertaking an Aboriginal Cultural Heritage Assessment for the Schematic Design phase and preparation of Approval Documentation for the development of the Cultural and Civic Space, Coffs Harbour located at 23–31 Gordon Street and 2 Castle Street and Duke Street, Coffs Harbour (the 'Subject Area').

The proponent will need to seek commence an Aboriginal Cultural Heritage Assessment (ACHA) under the *Guide to investigating Aboriginal Cultural Heritage in NSW* (DECCW 2010). As part of the approval process, the proponent will be undertake an Aboriginal Cultural Heritage Assessment to identify cultural values and assess the potential impacts of the proposed activity.

In accordance with Section 4.1.3 of the Office of Environment and Heritage *Aboriginal cultural heritage consultation requirements for proponents 2010*, the proponent invites Aboriginal persons or groups who may hold cultural knowledge of, or who have the right or interest in, Aboriginal cultural heritage of the Subject Area to register an interest in a process of community consultation with the proponent regarding the proposed activity. The purpose of the Aboriginal community consultation will be to assist them with:

- Determining the cultural heritage significance of Aboriginal object(s) and/or place(s) in the Subject Area
- The preparation of an Aboriginal Cultural Heritage Assessment report
- The development of appropriate management recommendations for Aboriginal object(s) and/or place(s) within the Subject Area

To register in the consultation process, please provide written confirmation of your registration to the address or email address below by 5pm on 26 April 2019:

Dr Morgan Disspain
Niche Environment and Heritage
PO Box 2443
NORTH PARRAMATTA NSW 1750

Telephone: 0488 774 566
Email: mdisspain@niche-eh.com

The Proponent, Coffs Harbour City Council, can be contacted via:

Mr Ken Welham
Coffs Harbour City Council
Strategic Projects Officer
Locked Bag 155
Coffs Harbour NSW 2450
P: (02) 6648 4000
Email: ken.welham@chcc.nsw.gov.au

Inclusion in the consultation process does not automatically result in paid site assessment. The decision on who is engaged for delivering particular services is based on a range of considerations including skills, relevant experience, and providing necessary certificates of currency.

Please be advised that, as per the Office of Environment and Heritage *Aboriginal cultural heritage consultation requirements for proponents (2010)* the names of Aboriginal persons and groups who register an interest will be forwarded to the Coffs Harbour and District Local Aboriginal Land Council and the Office of Environment and Heritage, unless we are advised not to release particular details.

Yours sincerely,



Layne Holloway
Heritage Consultant
Niche Environment and Heritage

From: [Aj Perkins](#)
To: [Morgan Disspain](#)
Subject: RE: 4832 Coffs Harbour Cultural and Civic Space registration period ended
Date: Monday, 29 April 2019 1:29:16 PM

Hi Morgan,

Yes the Coffs LALC would like to register,
Sorry I had thought I had already registered our interest.

Cheers

From: Morgan Disspain [mailto:mdisspain@niche-eh.com]
Sent: Monday, 29 April 2019 1:04 PM
To: Aj Perkins <programs@coffsharbourlalc.com.au>
Cc: Layne Holloway <lholloway@niche-eh.com>
Subject: 4832 Coffs Harbour Cultural and Civic Space registration period ended

Hi AJ,

The registration period for the Coffs Harbour Cultural and Civic Space ACHA ended last week.
We had no groups register.

Can you please confirm if Coffs Harbour and Districts LALC wants be registered for consultation during this project?

Thank you very much,
Morgan

DR MORGAN DISSPAIN BArch. (Hons), PhD
Associate Member, Australian Association of Consulting Archaeologists Inc.
Senior Heritage Consultant
[Coffs Harbour NSW](#)

M 0488 774 566 **T** 02 9630 5658
A 25 Sherwood Drive Port Macquarie NSW 2444
P PO Box 1156 Port Macquarie NSW 2444
E mdisspain@niche-eh.com **W** niche-eh.com

EXCELLENCE IN YOUR ENVIRONMENT



B1.5 Section 4.1.6 notification of OEH and LALC

29 April 2019

Dimitri Young
Regional Operations Group –North East
Office of Environment and Heritage
PO Box 914
Coffs Harbour NSW 2450

Dear Mr Young,

Re: Aboriginal Cultural Heritage Assessment for Coffs Harbour Cultural and Civic Space, Coffs Harbour, New South Wales.

I am writing to inform the Office of Environment and Heritage, as per Section 4.1.6 of the *Aboriginal cultural heritage consultation requirements for proponents DECCW 2010* that the following Aboriginal groups have registered for the above mentioned project:

- Coffs Harbour and District LALC

Should you require any further information please feel free to call or email Dr Morgan Disspain on 0488 774 566 and mdisspain@niche-eh.com.

Yours sincerely,



Layne Holloway
Heritage Consultant
Niche Environment and Heritage

B2 Stage 2 - Presentation of project information

1 May 2019

To whom it may concern

Re: 4832—Proposed Cultural and Civic Space at 23–31 Gordon Street, Coffs Harbour, NSW – Project information and methodology for an Aboriginal Cultural Heritage Assessment under Section 4.2 and Section 4.3 of the Office of Environment and Heritage *Aboriginal cultural heritage consultation requirements for proponents (2010)*

Niche Environment and Heritage has been commissioned by GeoLINK on behalf of the Coffs Harbour City Council (CHCC) (the Proponent) to prepare an Aboriginal Cultural Heritage Assessment (ACHA) to inform an Environmental Impact Statement (EIS) for proposed Cultural and Civic Space in Coffs Harbour, NSW (hereafter referred to as the Subject Area).

The Proponent can be contacted via:

Mr Ken Welham
Coffs Harbour City Council
Strategic Projects Officer
Locked Bag 155
Coffs Harbour NSW 2450
P: (02) 6648 4000
Email: ken.welham@chcc.nsw.gov.au

In accordance with Section 4.2 and Section 4.3 of the Office of Environment and Heritage (OEH) *Aboriginal cultural heritage consultation requirements for proponents (2010)*, please find enclosed the project information and methodology for the proposed assessment.

If you have any comments, suggestions or queries regarding the methodology, or wish to supply any knowledge regarding the cultural significance of the Subject Area and its immediate surrounds, please contact Niche Environment and Heritage as soon as possible. The *Aboriginal cultural heritage consultation requirements for proponents 2010* allow a minimum of 28 days for comments to be provided on the methodology, so we would appreciate your input by COB 28 May 2019.

Please provide any cultural information you wish to share in a format you deem suitable and please don't hesitate to call and discuss any special requirements you may have regarding this information. Things you may wish to consider include:

- a) The nature of your cultural connection to the country on which the Subject Area is located. Please include any relevant cultural knowledge.
- b) Whether you know of Aboriginal objects of cultural value to Aboriginal people within or in close proximity to the area of the proposed project.
- c) Whether you know of any places of cultural value to Aboriginal people within or in close proximity to the area of the proposed project. This includes places of social, spiritual and cultural value,

historic places with cultural significance, and potential places/areas of historic, social, spiritual and/or cultural significance.

- d) If you have any contributions to how culturally appropriate information is gathered or the methodology for the assessment of cultural values.
- e) Cultural heritage management options for any objects, places or cultural values within the Subject Area.

The information provided during the consultation process will be used to assist GeoLINK (on behalf of Coffs Harbour City Council) with the ACHA and the submission of the Environmental Impact Statement (EIS).

If you would like further information, or have any questions regarding the proposed works and assessment methodology please do not hesitate to contact me.

Please provide any cultural information in a format you deem suitable, and don't hesitate to call and discuss any special requirements you may have regarding this. Please provide written information or comments on the methodology, or feel free to call me to provide comments, at the address below.

Please find the following details regarding the proposed ACHA for the proposed Cultural and Civic Space in Coffs Harbour, NSW.

Please direct all correspondence to me at the contact details provided below:

Coffs Harbour City Council
c/ Dr Morgan Disspain
Niche Environment and Heritage
PO Box 2443
North Parramatta NSW 1750
Telephone: 0488 774 566
Email: mdisspain@niche-eh.com

Yours sincerely,



Dr Morgan Disspain
Senior Archaeologist & Heritage Consultant
Niche Environment and Heritage

B3 Stage 3 - Gathering information about the cultural significance of the Subject Area

B3.1 Assessment methodology

1. Project Description

The Coffs Harbour City Council (CHCC) aims to develop a Cultural and Civic Space in the CBD of Coffs Harbour, NSW (hereafter referred to as the 'Subject Area'). The Subject Area is situated at 23–31 Gordon Street, Coffs Harbour, NSW (Lot 20/6/DP758258, Lot B/DP346105, and Lot 123/DP749233). It is situated within the Parish of Tomaree, in the County of Fitzroy, and in the Coffs Harbour City Council Local Government Area. The Subject Area is approximately 0.32 hectares.

The proposed works would involve demolition of all existing buildings and infrastructure across the Subject Area. Following this, the Cultural and Civic Space would be constructed. The facility will include Regional Gallery, Central Library, Regional Museum, multipurpose meeting rooms, co-working space, shop, cafe, function space, (including use as Council Chambers), customer service area, Council staff office accommodation and subterranean car parking. The project supports the *Coffs Harbour City Centre Masterplan 2031* vision and objectives.

2. Assessment to Date

The assessment to date has included background desktop research about the Subject Area and immediate surrounds, database searches for listed heritage places and previously recorded sites, and a preliminary site inspection, which was conducted on 11 October 2019. Detailed information about these assessments can be found in the Preliminary Aboriginal Cultural Heritage Assessment Report (PACHAR) for this project (Niche 2019a see attached).

The assessment included preliminary background research, a search of heritage registers and a site inspection with Dr Morgan Disspain, Niche senior heritage consultant, Simon Waterworth, GeoLINK director/town planner, and Uncle Mark Flanders, CHD LALC field officer.

During the survey, the proximity of the Subject Area to the Coffs Creek and Historic Aboriginal camp at Fitzroy Oval was discussed and acknowledged as indicating a potential for the Subject Area to contain Aboriginal Objects. Uncle Mark Flanders also mentioned that he recalls his Aunty renting a house at the northern end of the Subject Area when he was a child.

The survey identified that the ground surface beneath the older building on stumps has the potential to be relatively undisturbed compared with other part of the Subject Area. This observation was supported by Uncle Mark Flanders.

3. Assessment Methodology

GeoLINK, on behalf of CHCC, has engaged Niche Environment and Heritage (Niche) to prepare an Aboriginal Cultural Heritage Assessment report and to facilitate a process of community consultation in accordance with the:

- *Aboriginal cultural heritage consultation requirements for proponents 2010* (Department of Environment, Climate Change and Water [DECCW], 2010a) (hereafter referred to as 'the Consultation Requirements')
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010b) (hereafter referred to as 'the Code of Practice')
- *Guide to investigating, assessing and reporting Aboriginal cultural heritage in NSW* (Office of Environment and Heritage [OEH], 2011a)

- *Applying for an Aboriginal Heritage Impact Permit: Guide for applicants* (OEH, 2011b)
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS, 2013).

The aim of the community consultation is to facilitate a process where Registered Aboriginal Parties can:

- (a) contribute to culturally appropriate information gathering and the research methodology
- (b) provide information that will enable the cultural significance of Aboriginal objects and/or places on the proposed Subject Area to be determined
- (c) have input into the development of any cultural heritage management options
- (d) clarify roles, functions and responsibilities of the Registered Aboriginal Parties and Proponent

The Aboriginal Cultural Heritage Assessment Report will be used to inform an Environmental Impact Statement for the project. It is anticipated that the project will be assessed as a State Significant Development (SSD) under Part 4 of the Environmental Planning and Assessment Act 1979. A project update will be provided with any additional assessment requirements as part of the SSD application process.

3.1 Impact Assessment Process

The assessment will include the following key input points:

- Additional background research (ongoing throughout the project).
- The development of an assessment methodology to assess and determine the cultural significance of Aboriginal objects and/or places in the Subject Area (this document).
 - In accordance with the DECCW (2010) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* RAPs will be given 28 days to provide feedback on the draft assessment methodology.
- An onsite meeting with RAPS to discuss the cultural values of the Subject Area.
 - The proximity of the Coffs Harbour Contemporary Aboriginal Camp Site (AHIMS ID 22-1-0039) along the southern banks of the Coffs Creek indicates the potential for the Subject Area to contain Aboriginal Objects and cultural values of significance to the local Aboriginal community.
- Where required, an archaeological test excavation following the methodology outlined in Part 3 of the *Code of Practice of Archaeological Investigation in NSW* would be undertaken should areas of sensitivity be identified during the above tasks.
 - The purpose of the test excavation would be to determine the nature and significance of the cultural resource in the Subject Area so as to fully assess the impacts of the proposed activity.
- The provision of a draft Aboriginal Cultural Heritage Assessment report, summarising the information collected from the tasks above, for your review and comment.
 - In accordance with the DECCW (2010) *Aboriginal Cultural Heritage Consultation requirements for proponents 2010* RAPs will be given 28 days to provide feedback on the report.

In addition to the above key input points, we invite you to provide any additional information or call to discuss any cultural heritage management options throughout the assessment process.

The draft ACHA would then be finalised and submitted as part of the Environmental Impact Statement for the project. Please note that any comments received after the closing date for the review of the draft ACHA may not be able to be incorporated into the Final ACHA.

An additional phase of public exhibition would occur as part of the SSD project.

3.2 Sensitive cultural information - Management Protocol

During the consultation process, GeoLINK and Niche will provide the opportunity for RAPs to provide cultural information, including a statement of the value of identified sites and other matters. However, information will be accepted at any point during the project or prior to the finalisation of the ACHA report.

Please be aware that GeoLINK and Niche staff may seek cultural information and supporting evidence in regard to matters of cultural value.

In the event that a RAP has sensitive or restricted public access information, it is proposed that GeoLINK will manage this information (if provided by the Aboriginal community) in accordance with a sensitive cultural information management protocol. It is anticipated that the protocol will include making note of and managing the material in accordance with the following key limitations as advised by Aboriginal people at the time of the information being provided:

- Any restrictions on access and material.
- Any restrictions on communication of the material (confidentiality).
- Any restrictions on the location/storage of the material.
- Any cultural recommendations on handling the material.
- Any names and contact details of persons authorised within the relevant Aboriginal group to make decisions concerning the Aboriginal material and degree of authorisation.
- Any details of any consent given in accordance with customary law.
- Any access and use by the RAPs of the cultural information in the material.

3.3 Critical Timelines

Critical timelines for the ACHA are outlined in Table 1. Please note that some of these timeframes are estimates at this stage in the process and are provided to allow forward planning of personnel and resources.

Table 1: Critical timelines for the Coffs Harbour Civic Centre ACHA

| Key Inputs | T |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| Provision of the project information and assessment methodology to registered Aboriginal stakeholders for review. | 1 May 2019, |
| Close of consultation period for comments on methodology (28 days later) | 28 May 2019 |
| Onsite meeting | June 2019 |
| 7 days prior to excavation OEH notified of test excavation | July 2019 |
| Archaeological testing program | July 2019 |
| Submission of draft ACHA report | Within four weeks of completion of testing program. |
| Close of consultation period for comments on ACHA Report | 28 days after sending to RAPs |

In accordance to Section 3.4 of the consultation guidelines, the decision on who is engaged for delivering particular services is decided by the proponent and will be based on a range of considerations including skills, relevant experience, and providing necessary certificates of currency.

B3.2 Responses to project information and assessment methodology

From: [Aj Perkins](#)
To: [Morgan Disspain](#)
Subject: RE: Project information and methodology for Coffs Harbour Civic Centre - Aboriginal Cultural Heritage Assessment - Niche #4832
Date: Monday, 6 May 2019 10:05:15 AM

Hi Morgan,

I have read the Preliminary ACHA and have no further comments to add

Thank you

From: Morgan Disspain [mailto:mdisspain@niche-eh.com]
Sent: Thursday, 2 May 2019 9:56 AM
To: Aj Perkins <programs@coffsharbourlalc.com.au>
Cc: Admin <Admin@coffsharbourlalc.com.au>
Subject: RE: Project information and methodology for Coffs Harbour Civic Centre - Aboriginal Cultural Heritage Assessment - Niche #4832

Hi AJ,

Please refer to the Preliminary ACHA for any details required for background information to the project methodology that was sent to you on Monday.

Kind regards,
Morgan

DR MORGAN DISSPAIN BArch. (Hons), PhD
Associate Member, Australian Association of Consulting Archaeologists Inc.
Senior Heritage Consultant
[Coffs Harbour NSW](#)

M 0488 774 566 **T** 02 9630 5658
A 25 Sherwood Drive Port Macquarie NSW 2444
P PO Box 1156 Port Macquarie NSW 2444
E mdisspain@niche-eh.com **W** niche-eh.com

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From: Layne Holloway
Sent: Wednesday, 1 May 2019 12:07 PM
To: 'programs@coffsharbourlalc.com.au'
Cc: 'admin@coffsharbourlalc.com.au'; Morgan Disspain
Subject: Project information and methodology for Coffs Harbour Civic Centre - Aboriginal Cultural Heritage Assessment - Niche #4832

Good Afternoon,

Thank you for registering your interest for the Coffs Harbour Civic Centre Aboriginal Cultural Heritage Assessment. Please find the attached Project information and Methodology for your review and comment.

Please submit any questions or amendments to Dr Morgan Disspain at mdisspain@niche-eh.com.

| ShareFile Attachments | |
|---------------------------------------------------------------------------------------------------------------------------------------------------|------|
| Title | Size |
| 4832 Coffs Harbour Civic Space Methodology .pdf | 2 MB |
| <div>Download Attachments</div> <div>Layne Holloway uses ShareFile to share documents securely. Learn More.</div> | |

Kind Regards,

LAYNE HOLLOWAY Bsc
Heritage Consultant
Illawarra – South Coast

M 0488 77 4501 **T** 02 9630 5658
A Unit 2/19-21 Ralph Black Drive North Wollongong NSW
E lholloway@niche-eh.com **W** niche-eh.com

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B3.3 Cultural heritage survey

From: [Morgan Disspain](#)
To: ["programs@coffsharbourlalc.com.au"](mailto:programs@coffsharbourlalc.com.au)
Subject: Coffs Harbour Cultural and Civic Space site inspection (#4832)
Date: Thursday, 7 March 2019 9:46:23 AM
Attachments: [image001.png](#)
[image002.png](#)
[image004.png](#)
[image006.png](#)

Good morning AJ,

I am writing to inform you that Niche Environment and Heritage have been commissioned by GeoLINK to undertake a preliminary Aboriginal cultural heritage assessment of the proposed Coffs Harbour Cultural and Civic Space on Gordon Street in the CBD.

I would like to arrange a time to carry out a site inspection with a field officer from the Coffs Harbour and District LALC.

Could you please tell me if anyone is available to meet me on site during the week beginning the 18th March? I am anticipating that the site inspection will take a maximum of an hour or two.

Please do not hesitate to call me on 0488 774 566 if you would like to discuss this project further.

Thank you very much.

Kind regards,
Morgan Disspain

Dr Morgan Disspain
Senior Heritage Consultant
Coffs Harbour



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M 0488 774 566 **T** 02 9630 5658
A PO Box 2443 North Parramatta NSW 1750
E mdisspain@niche-eh.com **W** niche-eh.com

From: [Morgan Disspain](#)
To: ["Aj Perkins"](#)
Subject: Coffs Harbour Cultural and Civic Space ACHA 4832
Date: Wednesday, 29 May 2019 12:46:13 PM

Dear AJ,

Thank you for discussing the Coffs Harbour Cultural and Civic Space project with last week.

As a summary of our conversation:

I have received the geotechnical report for the Project. This investigation confirmed that the accessible areas of the Subject Area are comprised of fill to approximately 40 – 50 cm, overlying hard clayey alluvial sediment with a very thin layer of topsoil in only one borehole. When considered in combination with the historic aerials, which show buildings over most of the Subject Area at various times in the past, some of which have now been demolished, the presence of Aboriginal objects is unlikely in these areas.

Therefore, an onsite meeting is not required at this stage of the assessment, and test excavations are not required in the readily accessible areas.

Your advice would be for the ACHA Report to recommend an onsite meeting once the building on stumps (the current GeoLINK offices) is removed to assess whether this part of the Subject Area also contains fill, or if it has the potential to contain Aboriginal Objects, as it is unable to be assessed at this stage.

Can you please respond with any additional comments you have regarding this assessment.

Kind regards,

Morgan

DR MORGAN DISSPAIN BArch. (Hons), PhD
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[Coffs Harbour NSW](#)

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[EXCELLENCE IN YOUR ENVIRONMENT](#)



From: [Morgan Disspain](#)
To: ["Aj Perkins"](#)
Subject: 4832 Coffs Harbour Cultural and Civic Space update
Date: Wednesday, 26 June 2019 10:57:47 AM

Good morning AJ,

I have just left a voicemail on your phone, but thought I would send you an email update about the ACHA for the Coffs Harbour Cultural and Civic Space.

Yesterday, a geotechnical investigation was carried out beneath the building at 23 Gordon Street. This area was originally not able to be assessed because of access issues. An engineer was able to crawl around beneath the building yesterday and carry out a detailed inspection and use a hand augur to investigate the levels of disturbance.

As a result, it was determined that the area is highly disturbed.

Disturbance included:

- Significant water logging over at least 50% of the area. This is indicative of the removal of permeable topsoil, as the water sits directly on the clay 'B horizon' and cannot drain. The water was quite deep, around 20 cm in some places.
- Restumping of the building has caused significant disturbance with at least 0.75 m² of cement extending more than 300 mm deep around each footing. Stumps are placed approximately 1.5 –2 m apart across the entire area.
- Subsurface facilities including sewerage pipes have been installed.
- The sediment appears to have been moved around a lot, with fill material mounded up around the edges of the building.

As such, it appears that the original ground surface is no longer present and the likelihood of Aboriginal objects being present is low. It is my recommendation therefore that no further investigations beneath the buildings, or anywhere else within the Project Area are required and works can proceed with caution.

Can you please advise of your thoughts on this matter.

Feel free to call me to discuss.

Kind regards,
Morgan

DR MORGAN DISSPAIN BArch. (Hons), PhD
Associate Member, Australian Association of Consulting Archaeologists Inc.
Senior Heritage Consultant
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B4 Stage 4 – Review of draft Aboriginal cultural heritage assessment report

27 June 2019

AJ Perkins
Coffs Harbour Local Aboriginal Land Council
Wongala Estate
Arthur Street
Coffs Harbour NSW 2450

Dear AJ,

Re: Coffs Harbour Cultural and Civic Space – Draft Aboriginal Cultural Heritage Assessment report

Thank you for your contributions to the Coffs Harbour Cultural and Civic Space project to date.

As a Registered Aboriginal Party, we are writing to ask for your feedback on the Draft Aboriginal Cultural Heritage Assessment for the project in accordance with Stage 4 of the NSW Office of Environment and Heritage (OEH) *Aboriginal Cultural Heritage consultation requirements for proponents 2010* guideline.

Please provide any written comments or submissions on the draft reports within 28 days, or by 25 July 2019.

In your review, please provide relevant information about:

- Management and mitigation options for Aboriginal object(s) or place(s) that you consider appropriate.
- The cultural values of any identified Aboriginal objects or places within the project
- Whether there are any additional Aboriginal objects of cultural value to Aboriginal people in the area of the proposed project.
- Whether there are any additional places of cultural value to Aboriginal people in the area of the proposed project (whether they are Aboriginal places declared under s 84 of the National Parks and Wildlife Act 1974 or not). This will include places of social, spiritual and cultural value, historic places with cultural significance and potential places/areas of historic, social, spiritual and/or cultural significance.
- Whether there are any intellectual property or information restrictions on the information you are providing and how that information should be managed.
- Any additional information that you see as relevant.

Please send your feedback to:

Niche Environment and Heritage
c/o Dr Morgan Disspain
PO Box 2443
North Parramatta NSW 1750
mdisspain@niche-eh.com

Information obtained is used to understand the context and values of Aboriginal objects(s) and/or place(s) located within the project area and to develop management and mitigation measures for Aboriginal sites and objects. This report will be used to address the Secretary's Environmental Assessment Requirements (SEARs) for the Environmental Impact Statement (EIS) for the SSD, which were issued for the Project.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'MD', with a stylized flourish extending to the right.

Dr Morgan Disspain
Senior Heritage Consultant
Niche Environment and Heritage

B4.1 Responses to draft Aboriginal cultural heritage assessment report

From: [Morgan Disspain](#)
To: ["Aj Perkins"](#)
Subject: RE: 4832 Coffs Harbour Cultural and Civic Space ACHA
Date: Monday, 29 July 2019 1:11:09 PM

Good afternoon AJ.

Thank you very much.

Kind regards,
Morgan

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From: Aj Perkins [mailto:programs@coffsharbourlalc.com.au]
Sent: Monday, 29 July 2019 11:51 AM
To: Morgan Disspain <mdisspain@niche-eh.com>
Subject: Re: 4832 Coffs Harbour Cultural and Civic Space ACHA

Hi Morgan,

Sorry we've been having IT issues and have only just put in a temporary fix until we can get it resolved

iv'e reviewed the Draft ACHA and agree with the document and feel there are no further comments to add

if there is anything else i can help you with, could you please call me as emails are still and issue at this time

Thank you

On Mon, 29 Jul 2019 00:29:11 +0000, Morgan Disspain wrote:

| Good morning AJ,

The consultation period for the Coffs Harbour Cultural and Civic Space has now closed. However, I have not had a response from you regarding the draft ACHA report.

Can you please respond by COB today as I will be finalising the report tomorrow.

Thank you very much.

Kind regards,
Morgan

DR MORGAN DISSPAIN BArch. (Hons), PhD
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Appendix C AHIMS Extensive Report



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 4832

Client Service ID : 402863

| <u>SiteID</u> | <u>SiteName</u> | <u>Datum</u> | <u>Zone</u> | <u>Easting</u> | <u>Northing</u> | <u>Context</u> | <u>Site Status</u> | <u>SiteFeatures</u> | <u>SiteTypes</u> | <u>Reports</u> |
|---------------|-------------------------------------------------|------------------------|----------------|----------------|-----------------|----------------|--------------------|--------------------------------------|------------------|----------------|
| 22-1-0039 | Coffs Harbour Contemporary Aboriginal Camp Site | AGD | 56 | 511520 | 6648300 | Open site | Valid | Aboriginal Ceremony and Dreaming : - | | 1746,98702 |
| | <u>Contact</u> | <u>Recorders</u> | <u>Permits</u> | | | | | | | |
| 22-1-0160 | Brodie Drive | AGD | 56 | 512170 | 6648150 | Open site | Valid | Artefact : 1 | | |
| | <u>Contact</u> | <u>Recorders</u> | <u>Permits</u> | | | | | | | |
| 22-1-0295 | btshelter | GDA | 56 | 511939 | 6648212 | Open site | Not a Site | Habitation Structure : - | | |
| | <u>Contact</u> | <u>Recorders</u> | <u>Permits</u> | | | | | | | |
| | Searle | Mr.Emmanuel Fewquandie | | | | | | | | |

Report generated by AHIMS Web Service on 28/02/2019 for Morgan Disspain for the following area at Lot : B, DP:DP346105 with a Buffer of 1000 meters. Additional Info : Cultural heritage assessment. Number of Aboriginal sites and Aboriginal objects found is 3

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

Contact Us

Niche Environment and Heritage
02 9630 5658
info@niche-eh.com

NSW Head Office – Sydney
PO Box 2443 North Parramatta
NSW 1750 Australia

QLD Head Office – Brisbane
PO Box 540 Sandgate
QLD 4017 Australia

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Freshwater
Marine and coastal
Research and monitoring
Wildlife Schools and training

Heritage management

Aboriginal heritage
Historical heritage
Conservation management
Community consultation
Archaeological, built and landscape values

Environmental management and approvals

Impact assessments
Development and activity approvals
Rehabilitation
Stakeholder consultation and facilitation
Project management

Environmental offsetting

Offset strategy and assessment (NSW, QLD, Commonwealth)
Accredited BAM assessors (NSW)
Biodiversity Stewardship Site Agreements (NSW)
Offset site establishment and management
Offset brokerage
Advanced Offset establishment (QLD)