

## **Appendix 1**

### **AHIMS Search**

DECCW #	Site Name	Site Type
22-1-0012	Sawtell	Midden
22-1-0013	Bonville Creek	Midden, Burial/s
22-1-0029	Boambee Creek, Sawtell Midden 1	Midden
22-1-0030	Boambee Creek, Sawtell Midden 2	Midden
22-1-0035	Sawtell	Midden
22-1-0036	Bonville Creek	Midden
22-1-0037	Bonville Creek	Midden
22-1-0043	Site 7	Open camp site
22-1-0044	Site 5	Open camp site
22-1-0045	Site 6	Open camp site
22-1-0046	Bonville Creek	Open camp site
22-1-0047	Bonville Station	Open camp site
22-1-0122	Sawtell	Isolated find
22-1-0126	Bonville Creek Artefact Scatter	Open camp site
22-1-0132	Dolmans Point Knapping Site	Artefact scatter (10)
22-1-0213	Bonville Ck Mouth Midden	Midden
22-1-0214	B/Bay - 1	Artefact (1)
22-1-0225	Sawtell Park Estate	Artefact scatter
22-1-0237	BPS02, Bonville PH Upgrade	PAD
22-1-0238	BPS03, Bonville PH Upgrade	PAD
22-1-0239	BPS04, Bonville PH Upgrade	PAD
22-1-0240	BPS05, Bonville PH Upgrade	PAD
22-1-0241	BPS06, Bonville PH Upgrade	PAD
22-1-0242	BPS07, Bonville PH Upgrade	PAD
22-1-0243	Sawtell Park Estate 1	Artefact (1)
22-1-0298	Sawtell Park Estate, Boambee East, NSW-CH-SE-DI Sewer Line	Artefact scatter (29)
22-1-0302	Bonville Borrow Pit 1	PAD
22-1-0303	Bonville Borrow Pit 2	PAD
22-1-0312	LR-1	Artefact scatter (7)
22-1-0313	LR-2	Artefact scatter (4)
22-1-0314	LR-3	Artefact (1)
22-1-0341	South Boambee PAD 1	PAD
22-1-0356	Sawtell Headland 1	Artefact scatter (9)
22-1-0357	Lyons Rd Bonville Site 1	PAD

## LOCATION NOT FOR PUBLIC DISPLAY

Location 22-1-0357 is a PAD designation. A centre point location was given prior to testing and is not the location of artefacts; it is merely a centre point.

Testing revealed that artefacts were found along the ridges across the Lot area.

LOCATION NOT FOR PUBLIC DISPLAY Map of locations of AHIMS items in the general area

## **Appendix 2 Consultation**

**1300 136 181**

**Public Notices**

### Coffs Coast Advocate & Park Beach Plaza XMAS HAM GIVEAWAY

Winners of Draw No. 1-4 are:

1. Mon 8 Dec 08 11 Erlinda Bonett - Coffs Harbour
2. Tues 9 Dec 08 12 Sam Kennedy - Coffs Harbour
3. Wed 10 Dec 08 13 Renee Brooks - Coffs Harbour
4. Thurs 11 Dec 08 14 Rae Harrison - Coffs Harbour
5. Fri 12 Dec 08 15 Wendy Moore - Coffs Harbour

Winners to collect prize voucher from Customer Service Desk at Park Beach Plaza. Please bring along ID as verification to collect winning Ham.



### Happy Days Preschool & LDCC Est. 1986

'Instilling a Love of Learning'

**207 Harbour Dr Coffs**  
Caring for children aged 2-3 & 4-6 in  
2 specially designed air-conditioned playrooms  
Spacious garden playground  
*Highest Accreditation*  
*Mature experienced qualified staff*  
**\*Limited Vacancies\***  
Call 6652 6620 to secure your position

### Notice of Intent Cultural Heritage

Cultural Heritage investigations are to be undertaken at;  
Lot 112 DP 1073791  
Lyons Road, Bonville, NSW,  
on behalf of Utilia Pty Ltd.  
Lot 112 DP1073791 is proposed for urban development.  
To register an interest forward your written submissions  
by 5th January 2009 to  
Bonhomme Craib & Associates  
P O Box 61, Mudgeeraba Qld 4213

**Season's Greetings**

The Coffs Coast Advocate, Weekend Edition,  
December 13-14, 2008. p. 58.

<b>Consultation List for Notification and registration of interests</b>			
<b>Organisation</b>	<b>Address</b>	<b>Date</b>	<b>Response</b>
Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	Sent letter 12/12/08	Registration of interest via email 24/12/08.
		Sent letter 7/1/09 requesting advice on CHLALC involvement in the assessment.	No response.
		Sent email 19/1/09 requesting availability for survey.	No response.
		Phoned 20/1/09 to arrange survey date and time.	Survey arranged with Chris Spencer.
Bagawa Birra Murri Aboriginal Corporation	Attn: Sue Hoskins 31 Soren Larsen Cres Boambee East NSW 2452	Sent letter 12/12/08	Registration of interest via email 7/1/09.
		Sent letter 7/1/09 requesting advice on BBMAC involvement in the assessment.	No response.
Bagawa Birra Murri Aboriginal Corporation - continued		Sent letter 7/1/09 requesting advice on BBMAC involvement in the assessment, insurances and current rates.	No response.
Gumbular-Julipi Elders Council	Attn: Chairperson - Sue Hoskins C\ CHLALC P O Box 6150 Coffs Harbour Plaza NSW 245	Sent letter 12/12/08	No response.
Gumbaynggirr Warrior Elders of the Nambucca River	14 Bellwood Road Nambucca Heads NSW 2448	Sent letter 12/12/08	No response.

Gumbaynggirr Native Title Group and Gumbaynggirr Nation	Attn: Gary Williams 14 Bellwood Road Nambucca Heads NSW 2448	Sent letter 12/12/08	No response.
Gumbaynggirr Elders	P O Box 400 Nambucca Heads NSW 2448	Sent letter 12/12/08	No response.
Mudjay Elders	11 Anderton Street Coffs Harbour NSW 2450	Sent letter 12/12/08	No response.
Kulai Pre School Aboriginal Corporation	P O Box 732 Coffs Harbour NSW 2450	Sent letter 12/12/08	No response.
Stuarts Island Local Aboriginal Land Council	Stuarts Island Tribal Elders Descendants 3 Ken Place Sawtell NSW 2452	Sent letter 12/12/08	No response.
Garby Elders Group	The Chairman C/- Yarrowarra Aboriginal Corporation P O Box 102 Corindi Beach NSW 2456	Sent letter 12/12/08	No response.
Office of the Registrar	Centennial Plaza, Tower B Level 13, 280 Elizabeth Street Surry Hills NSW 2010 Ph: 02 9219 0700 Fx: 02 9219 0770	Sent letter 12/12/08	No response.
Native Title Services	The Chief Executive Officer P O Box 2105 Strawberry Hills NSW 2012	Sent letter 12/12/08	No response.



Coffs Harbour City Council	P O Box 155 Coffs Harbour NSW 2450	Sent letter 12/12/08	No response.
Department of Environment, Conservation and Climate Change NSW - Coffs Harbour	Attn: Gary Davey Director - North East Locked Bag 914 Coffs Harbour NSW 2450 Ph: 02 6651 5946 Fx: 02 6651 6187	Sent letter 12/12/08	Responded in writing 24/12/08.

Department of Environment, Conservation and Climate Change NSW - Sydney	Executive Director Operations DECC P O Box A290 Sydney South NSW 1232	Sent letter 12/12/08	No response.
AHIMS Search Request Department of Environment, Conservation and Climate Change NSW	The Registrar P O Box 1967 Hurstville NSW 2220	Submitted request online 29/10/08	Responded 21/11/08
Advertisement in the Coffs Coast Advocate	Ad appeared in the Coffs Coast Advocate, Weekend Edition, December 13-14, 2008, p.58.	Placed 13/12/08	No response.

Consultation List for Preparation for the assessment (design)			
Organisation	Address	Date	Response
Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	Sent letter with copy of report and research design 26/2/09 - requested comment.	No response.
		Sent email 24/4/09	No response.

		Sent fax 7/5/09	No response.
		Phoned to arrange an appointment to see Chris Spencer 11/5/09	Appointment arranged for 14 May 2009 at 2pm at the CHLALC office, Coffs Harbour.
		Meeting 14/5/09	Attended meeting.
Bagawa Birra Murri Aboriginal Corporation	Attn: Sue Hoskins 31 Soren Larsen Cres Boambee East NSW 2452	Sent letter with copy of report and research design 26/2/09 - requested comment.	No response.

Consultation List for Test Excavation			
Organisation	Address	Action	Response
Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	Email to enquire as to the availability of a team to work on the proposed test excavations at Lot 112.	Responded 22/9/09. Team available from the 26 <sup>th</sup> October 2009.
Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	Sent letter (28/9/09) registered mail to notify that the development was a Major Project under Part 3A of the EP&A Act and that the s87 was not required. A copy of the revised report and research design were sent and comment invited.	No response.
Bagawa Birra Murri Aboriginal Corporation	Attn: Sue Hoskins 31 Soren Larsen Cres Boambee East NSW 2452	Sent letter (28/9/09) registered mail to notify that the development was a Major Project under Part 3A of the EP&A Act and that the s87 was not required. A copy of the revised report and research design were sent and comment invited.	No response.

Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	Email 29/9/09 to confirm that test excavations will commence on Lot 112 Lyons Road on the 26 <sup>th</sup> October 2009.	No response required.
Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	14/10/09 Final map of transect placement on Lot 112 sent to CHLALC.	No response required.
Coffs Harbour and District Local Aboriginal Land Council	Sites Officers for CHLALC on site at Lot 112.	26/10/09 - met with CHLALC reps on site. Decision made to postpone the work due to rain and the wet condition of the site. Chris Spencer notified in writing of postponement.	Discussion on site.
Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	Email 29/10/09 to confirm that test excavations begin on Lot 112 at 8.30am, 2 <sup>nd</sup> Nov 2009.	No response required.
Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	Test Excavations commence on Lot 112 on the 2 <sup>nd</sup> Nov 2009.	Three officers from CHLALC were initially provided. Workers varied over the duration of the work.
Coffs Harbour and District Local Aboriginal Land Council	Chris Spencer for CHLALC on site at Lot 112.	Discussions on site with Chris Spencer.	No response required.
Coffs Harbour and District Local Aboriginal Land Council	Sites Officers for CHLALC on site at Lot 112.	20 <sup>th</sup> Nov 2009 - end of test excavations. Debriefing conducted by BCA for all workers on site. Notes taken and signed	No response required.

		off by CHLALC officers.	
Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	23/11/09 - copy of debriefing notes mailed to CHLALC. (See following page)	No response required.
<b>Draft report</b>			
Coffs Harbour and District Local Aboriginal Land Council	Attn: Chris Spencer P O Box 6150 Coffs Harbour Plaza NSW 2450 Ph: 02 6652 8740 Fx: 02 6652 8923	25/2/10	Copy of this report sent.
Bagawa Birra Murri Aboriginal Corporation	Attn: Sue Hoskins 31 Soren Larsen Cres Boambee East NSW 2452	25/2/10	Copy of this report made available. No response
NSW DOP		24/3/10	Letter providing status of cultural heritage assessment and notification that draft report has been prepared for stakeholders.
Finalization of report		7 May 2010	Stakeholders advised report complete. CHLALC provided with a copy. CHLALC provided a sign off letter 12/5/10 requiring clarification of Recommendation 1. Letter clarifying the recommendation sent 13.5.10 No further issues raised.

BCA

Bonhomme Craib & Associates  
Cultural Heritage Consultants  
PO Box 61  
Mudgeeraba Qld 4213

***Lot 112 DP1073791 Lyons Road,  
Bonville, NSW.***

---

***Research design in support of an  
environmental assessment for a Part 3A  
Major Project development application.***

*September 2009*

Revised TB 28/9/09

**SENT** CHLALC 29/9/09  
RP# 510330519016

**SENT** Bagawa 29/9/09  
RP# 510330520012

BCA

Bonhomme Craib & Associates  
Cultural Heritage Consultants  
PO Box 61  
Mudgeeraba Qld 4213

***Lot 112 DP1073791 Lyons Road,  
Bonville, NSW - Proposed Land  
Subdivision***

---

***Cultural Heritage Survey***

*In support of an Environmental Assessment for a Part  
3A Major Project development.*

*February 2009  
Revised September 2009*

*Prepared on behalf of*

*Utilia Pty Ltd  
PO Box 399  
Toormina NSW 2452*

Revised TB 28/9/09

**SENT**

CHLALC 29/9/09  
RP# 510330519016

**SENT**

Bagawa 29/9/09  
RP# 510330520012

**Registered Post** AUSTRALIA POST

**Delivery Confirmation – Advice Receipt**

Registered Post No. 510330520012 Sender's Reference Bagawa Birra  
Lot 112 revised survey report  
& research design

Receipt is acknowledged of the Registered Post item, the number of which appears above.

Sign Here  Signature of Addressee\* or Agent Susan Hoskins

\* Registered Post articles sent **Person to Person** must be signed by the addressee only.

Signature of Delivery Officer [Signature] Date delivered 2/10/09



**Registered Post – Customer Receipt**  
Please complete, tear off and retain. Enquiries: please call 13 18.

Item addressed to:  
CHLALC Attn: Chris Spencer  
P O Box 6150  
Coffs Harbour Plaza 2 4 5 0




I have read the information on the reverse side of this receipt.

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31 SOREN LARSEN CRES  
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Bonhomme Craib & Associates



Drag Report

Copy to GS.

Copy to CHLALC

Notification to Bagawana.

**SENDER TO KEEP**  
**SQ5368164**

A U S T R A L I A P O S T

Mudgeeraba 4213

GEN EXPP SATC 3KG x 1	11.30 *
SATCL PCL POST 3KG x 1	9.90 *
REG POST x 1	2.80 *
<b>TOTAL</b>	<b>\$24.00</b>

Payment Tendered Details :  
Cash 50.00

Payout Details :  
Change 26.00-

\* LPO supplied, price includes GST.  
GST on LPO Taxable Supply : 2.18

ABN:20 874 089 766 TAX INVOICE

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against loss or damage is required.  
04/03/10 00/40321 off/d 441842 09:33

POSTBILLPAY -  
ASK WHICH BILLS YOU CAN PAY HERE.

Geoff Slater copy of Bagawa Rd

**Optional Services:**  
(Sender to ☒ selected services)

☐ Delivery Confirmation  
☐ Person to Person  
☐ Extra Cover (Over \$100 up to \$5000)

*Additional fee is payable for each service.*

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Item addressed to:  
Bagawa Birra Kuari  
31 Saven hansen ocs  
Bombee East

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Sender's  
Signature T B

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501674421

12-05-10 14:04 : Coffe Harbour

0266 525923

# 2 / 2



## Coffs Harbour & District Local Aboriginal Land Council

Cnr Pacific Highway & Arthur Street, Coffs Harbour 2450  
PO Box 6150, Coffs Harbour Plaza NSW 2450

Phone: (02) 6652 8740

Fax: (02) 6652 5923

Attention: Ms Theresa Bonhomme

Bonhomme Craib and Associates  
PO Box 61  
Mudgeeraba QLD 4213

**Re: Final Aboriginal Cultural Heritage Report – Lyons Road**

Dear Ms Bonhomme,

Thank you for providing me with a copy of the final Cultural Heritage Report resulting from the completion of our test excavations for the site at Lyons Road.

I have reviewed the report and would like to request further clarification and/or amendment to recommendation 1.

Recommendation 1 reads; Remove the ridge topsoil and relocate to the reserve area of the proposed development.

After consultation with staff performing the assessment and testing activities it is assumed that the "ridge topsoil" includes all ridge topsoil for all ridges on the property. Does this include the outer perimeter roadways on these ridgelines?

Can you please clarify the "ridge topsoil" aspect?

In summary the report reflect the views and recommendations expressed by the Coffs Harbour and District Local Aboriginal Land Council and we therefore accordingly endorse the report.

If you have any questions in relation to this letter please do not hesitate to contact the undersigned on the number listed above.

Yours truly,

Chris Spencer  
Chief Executive Officer

e-mail: [coffs.harbour.lalc@bigpond.com](mailto:coffs.harbour.lalc@bigpond.com)

## Response to CHLALC query (by email)

Page 1 of 1

**From:** Chris Spencer [chris@coffsharbouralc.com.au]  
**Sent:** Thursday, 13 May 2010 1:58 PM  
**To:** jcraib@ozemail.com.au  
**Subject:** RE: Lyons road Rec 1  
Hi Terry,

Thank you the response to my letter is exactly what we are looking for.

I have no problems with this recommendation.

Additionally, Geoff or his representative will need to give me ample notice for this activity as we are extremely busy at the moment.

Regards,

Chris Spencer  
Chief Executive Officer  
Coffs Harbour and District  
Local Aboriginal Land Council  
PO Box 6150  
Coffs Harbour NSW 2450  
Ph: 02 6652 8740  
Fax: 02 6652 5923  
Email: [chris@coffsharbouralc.com.au](mailto:chris@coffsharbouralc.com.au)

---

**From:** Bonhomme Craib & Associates [mailto:jcraib@ozemail.com.au]  
**Sent:** Thursday, 13 May 2010 10:25 AM  
**To:** 'Chris Spencer'  
**Subject:** Lyons road Rec 1

Chris

Thanks for your letter and query. I have checked and the recommendation can now be written as follows.

Recommendation 1. Remove the ridge topsoil on all ridges within the development area including the outer perimeter roadways located on the ridges. This work will take place prior to any other construction activity occurring on the site. The topsoil will be removed to a reserve area (determined by the CHLALC and the developer). No other activity will occur until this work is complete.

Geoff says he wants the work done at a time when there is no other activity occurring on site so the CHLALC has full control over the removal and all efforts will be dedicated to a satisfactory outcome. That way you don't have dozer operating somewhere else where the driver does not know what should be happening.

If this new working is OK send me an email and I will amend the report

Thanks Terry

file:///C:/Documents and Settings/Theresa Bonhomme/Desktop/RE Lyons road Rec 1.... 13/05/2010



BONHOMME CRAIB &  
ASSOCIATES  
HERITAGE CONSULTANTS  
ABN 82 054 359 287

**Coffs Harbour and District Local Aboriginal Land Council  
Attn: Chris Spencer  
P O Box 6150  
Coffs Harbour Plaza NSW 2450**

May 13, 2010

Dear Chris

**Re: Proposed development at Lot 112 DP1073791, Lyons Road,  
Bonville, NSW.**

Thank you for your letter of 12 May 2010 regarding the draft report. I refer to our email correspondence of 13/5/10 where the reworded recommendation was discussed. Based on those discussion and your agreement with the wording the recommendation will now read as follows

Recommendation 1. Remove the ridge topsoil on all ridges within the development area including the outer perimeter roadways located on the ridges. This work will take place prior to any other construction activity occurring on the site. The topsoil will be removed to a reserve area (determined by the CHLALC and the developer). No other activity will occur until this work is complete.

A copy of the final report will be sent to you for your records.

If you have any further questions or comments, please do not hesitate to call our office on 07 55302542 or email to [jcraib@ozemail.com.au](mailto:jcraib@ozemail.com.au).

Yours sincerely

Theresa Bonhomme

## **Appendix 3**

Copy of CHLALC application for a Care Agreement for Aboriginal objects originating from Lot 112 DP1073791, Lyons Road, Bonville, NSW.



Agreement Number:

**Application for a Care Agreement for Aboriginal objects**

**ORGANISATION ON WHOSE BEHALF THE APPLICATION IS MADE:**

COFFS HARBOUR DISTRICT & LOCAL ABORIGINAL  
LAND COUNCIL (CHLALC)

**ADDRESS:**

CNR PACIFIC H'WAY & ARTHUR STREET  
COFFS HARBOUR NSW 2450

TELEPHONE: (02) 66528740 FAX: #: (02) 66525923

NAME OF CONTACT PERSON: MR CHRIS SPENCER

POSITION IN ORGANISATION:

TELEPHONE: (02) 66528740 FAX: #: (02) 66525923

ARE OTHER ABORIGINAL ORGANISATIONS IN THE AREA AWARE OF THIS APPLICATION? YES/NO

WHAT ARE THE VIEWS OF THE OTHER ABORIGINAL ORGANISATIONS TO THE APPLICATION?

GUMBULAR JULIPI ELDERS ARE IN AGREEMENT.

NPWS will not issue a Care Agreement if there is  
Aboriginal community opposition to the agreement.

**DECLARATION**

I CHRIS SPENCER certify that to the best of my knowledge  
(please print name of applicant)  
the information supplied herewith is complete and correct.

SIGNATURE OF APPLICANT:

DATE: 14.5.2009



**PLACE OF ORIGIN OF ABORIGINAL OBJECTS:**

LOT 112 DP1073791  
LYONS ROAD, BONVILLE, NSW

**CURRENT LOCATION OF ABORIGINAL OBJECT(S):** (If different from place of origin)

AS ABOVE

**PERMIT NUMBER ALLOWING COLLECTION:** (If Aboriginal objects are already collected)

N/A

**DESCRIPTION OF ABORIGINAL OBJECT(S)** (Include NPWS site number(s)):

**WHO WILL HAVE PRIMARY RESPONSIBILITY FOR THE CARE OF THE ABORIGINAL OBJECT(S)?**

CHLALC

**ADDRESS WHERE THE ABORIGINAL OBJECT(S) WILL BE KEPT:**

CHLALC OFFICE  
CNR PACIFIC HWY & ARTHUR ST, COFFS HARBOUR

**HOW WILL THE ABORIGINAL OBJECT(S) BE STORED:** (eg: Locked Cabinet, Storage Shed, Keeping place etc)

LOCKED CABINET

**AGREEMENT TO KEEP A CATALOGUE:** YES/NO

(A catalogue describes what the Aboriginal object is, where the object came from and if an Aboriginal object is on loan, to whom and their contact details)



BONHOMME CRAIB & ASSOCIATES  
HERITAGE CONSULTANTS  
ABN 82 054 359 287

**Re: Lot 112 Lyons Road Bonville**

**RETURN OF ARTEFACTS**

This is to confirm the artefacts excavated in November 2009 for the test excavation of Lot 112 undertaken by Bonhomme Craib & Associates and the Coffs Harbour Local Aboriginal Land Council were returned to the Coffs Harbour Local Aboriginal Land Council.

Date of return 29/4/10

Received by Carol Towney CHLALC (print name)

BCA representative [Signature] (signature)

CHLALC representative [Signature] (signature)

P O Box 61  
Mudgeeraba Qld 4213  
Ph: 07 55302542  
jcraib@ozemail.com.au



## **Appendix 4**

### **Survey report**



Bonhomme Craib & Associates  
Cultural Heritage Consultants  
PO Box 61  
Mudgeeraba Qld 4213

***Lot 112 DP1073791 Lyons  
Road, Bonville, NSW -  
Proposed Land Subdivision***

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***Cultural Heritage Survey  
In support of an Environmental Assessment  
for a Part 3A Major Project development.***

*February 2009  
Revised September 2009*

*Prepared on behalf of*

*Utila Pty Ltd  
PO Box 399  
Toormina NSW 2452*

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## Executive Summary

Utila Pty Ltd, Coffs Harbour is undertaking planning for an urban development at Lot 112 DP 1073791, Lyons Road, North Bonville NSW. This project has been deemed a major project by the Department of Planning and is assessed under Part 3A of the *Environmental Planning and Assessment Act 1979*.

Bonhomme Craib & Associates (BCA) was contracted to prepare a cultural heritage study for the Indigenous and Non-Indigenous archaeological resources of the area. In accordance with the Director-General's Environmental Assessment Requirements (DGRs) the *Interim Community Consultation Requirements for Applicants* (Department of Environment Climate Change and Water 2004 [DECCW]) and the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DECCW 2005) were followed.

### Aboriginal Community Consultation

Aboriginal community stakeholders were identified through correspondence and advertisement of the study in the local area newspaper. The Coffs Harbour Local Aboriginal Land Council (CHLALC) and the Bagawa Birra Murri Aboriginal Corporation responded as stakeholders. BCA contacted the Bagawa Birra group regarding business details for further involvement in the cultural heritage assessment but to date, no further correspondence has been received. The CHLALC was involved in the initial survey assessment of Lot 112 and will be involved in the testing. No other stakeholder asserted any further concerns.

### Preliminary Assessment

A ground survey was conducted on the 23<sup>rd</sup> January 2009 with two representatives of the Coffs Harbour Local Aboriginal Land Council and a BCA archaeologist. The survey involved a surface inspection of the area with examination of all exposed areas with high visibility. The ridge top in the west portion of the site had been disturbed by topsoil removal. Artefacts were found in the spoil heap of the disturbed area and at the location of a soil test pit.

A survey to locate archaeological sites in Lot 2, Lyons Road, immediately to the north of Lot 112 was undertaken in 2004 by the CHLALC. Subsequent testing along the ridge line and the foot slopes above the water course revealed a low density scatter of stone artefacts was present along the water course. Other investigations in similar environments in the Boambee Valley have shown that sites do occur adjacent to watercourses on low foot slopes and on ridge crests. Based on the isolated artefact finds on Lot 112 and the results of the studies in similar locations in the vicinity, the following landforms were considered to be Potential Archaeological Deposits (PAD):

- the lower slopes above the watercourse which drains to a wetland area to the north east; and
- the ridge crest in the west, south and east of the Lot.

A series of transects were walked along the ridge crests and the watercourse margins with the CHLALC representatives. These transects were identified by

the CHLALC as the extent of the landforms which required sub surface testing to adequately assess the Aboriginal cultural heritage significance of the area prior to any development occurring.

### **Non-Indigenous Cultural Heritage**

No historical sites were present in the area.

### **Recommendations:**

1: Archaeological test excavation of the PAD areas identified by the CHLALC during survey is recommended to adequately assess the Aboriginal cultural heritage significance of the Lot. This should be conducted in consultation with the registered stakeholders.

2: All contractors should be made aware that under Part 6 Section 90 of the NPWS Act 1974 a person who knowingly destroys, defaces or damages or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place without first obtaining the written consent of the Director-General, is guilty of an offence against the NPWS Act 1974.

## 1.0 Introduction

Utila Pty Ltd, Coffs Harbour is undertaking planning for an urban development at Lot 112 DP 1073791, Lyons Road, North Bonville NSW (Figure 1). This project has been deemed a major project by the Department of Planning and is assessed under Part 3A of the *Environmental Planning and Assessment Act 1979*. It is proposed that the residential subdivision will consist of approximately 196 low density lots, 55 medium density dwelling sites for seniors living housing, roads, public open space areas and a public reserve. The proposed development will impact the majority of the Lot with the exception of that part of the Lot that is subject to the 1:100 year flood event and is currently zoned 7(e) Environmental Protection.

Bonhomme Craib & Associates (BCA) was contracted to prepare a cultural heritage study for the Indigenous and Non-Indigenous archaeological resources of the area. In accordance with the Director-General's Environmental Assessment Requirements (DGRs) the *Interim Community Consultation Requirements for Applicants* (Department of Environment Climate Change and Water 2004 [DECCW]) and the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (DECCW 2005) were followed.

### 1.1 The Scope of Work

The cultural heritage assessment involved the following tasks:

- Preliminary assessment including review of relevant documentation and survey of the study area;
- Aboriginal community consultation;
- An assessment of the Aboriginal cultural heritage values associated with the area;
- An assessment of the impact of the proposed development on the Aboriginal cultural heritage values associated with the area;
- Recommendations for addressing any impacts; and
- A written report on the findings of the study.

### 1.2 Consultation

In 2004 the Coffs Harbour Local Aboriginal Land Council (CHLALC) undertook a survey of Lot 2 Lyons Road, immediately north of Lot 112. Bonhomme Craib & Associates also undertook a survey of Lot 2, but at that time, included Lot 112. Subsequently Lot 112 was excluded from the study because the development of that area was not imminent. This advice was relayed to the CHLALC during on going consultation for the proposed development of Lot 2. A report for the development of Lot 2 was submitted to the stakeholders and the DECCW and subsequently test excavation was carried out on Lot 2 under a Section 87 permit.

#### Current consultation

In December 2008 BCA was advised that Lot 112 was to be developed. BCA advised Utila Pty Ltd that the work undertaken in 2004 would not meet the

current Interim Community Consultation requirements. Utila Pty Ltd agreed to restart the process of consultation and assessment.



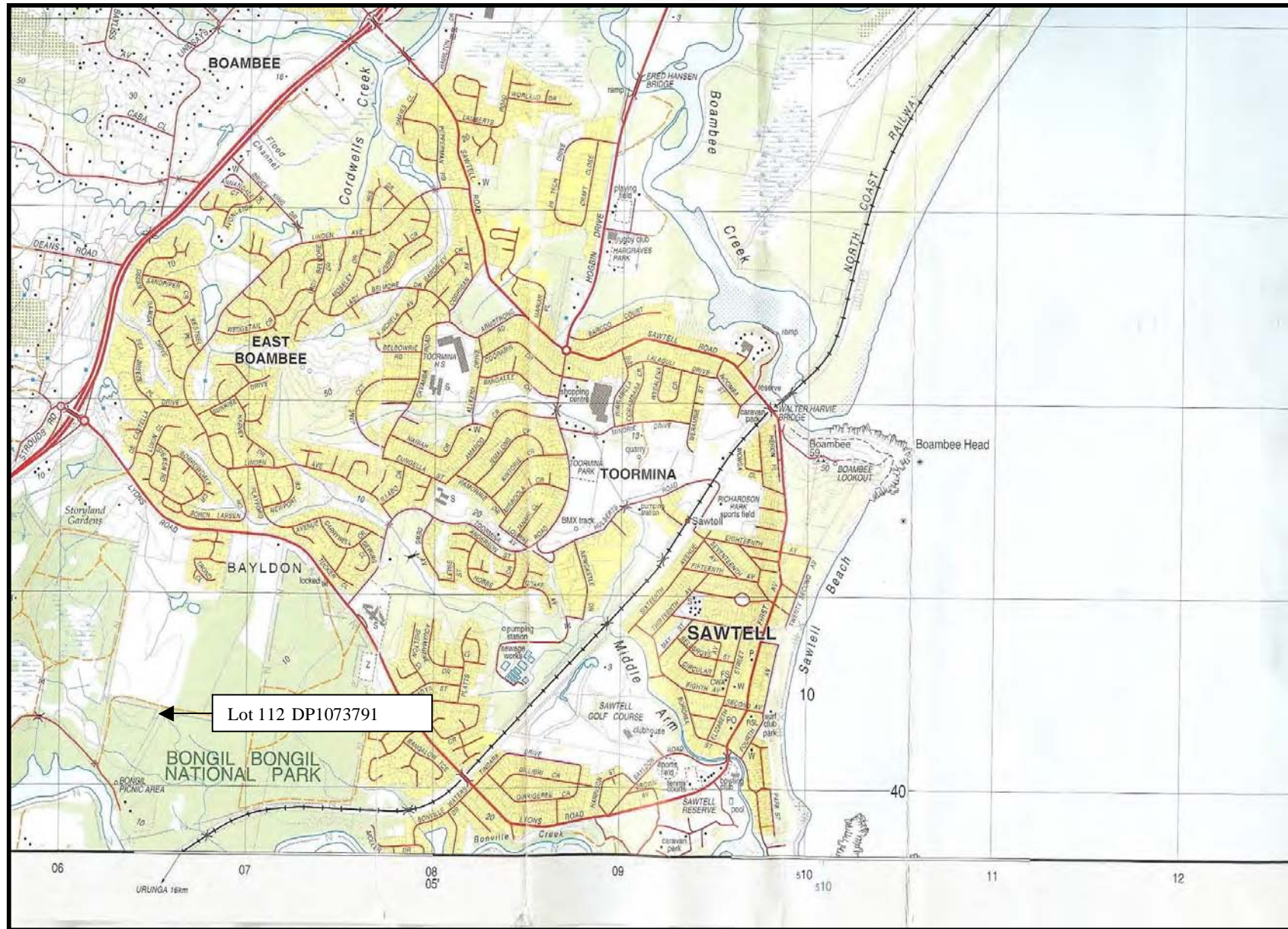


Figure 1: 1:25 000 Coffs Harbour 9537-3N topographic map showing location of study area.



The DECCW *Interim Community Consultation Requirements for Applicants* and the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* were followed for studies required under Part 3A of the EP&A Act. Stakeholders were identified through correspondence and advertisement of the study in the local area newspaper. The Coffs Harbour Aboriginal Land Council and the Bagawa Birra Murri Aboriginal Corporation responded as stakeholders.

A copy of this report and the proposed methodology for sub-surface testing has been sent to the stakeholders for comment.

An AHIMS search (18<sup>th</sup> September 2009) for Lot 112 DP 11073791 and the surrounding area indicated thirty-four (34) sites located in the wider area. The closest site to the study area is AHIMS site #22-1-0225 on Lot 2 immediately to the north of Lot 112.

A list of reports for the area was provided by the DECCW, Sydney.

### 1.3 Legislation

Cultural Heritage legislation exists at both the State and Federal level and provides the basis for cultural heritage management. In addition to this legislation, there are some bodies which are responsible for the protection and management of cultural heritage. These bodies however, have limited power as they do not operate under legislation. The relevant State and Federal legislation and cultural heritage management bodies are listed below.

The ***Aboriginal and Torres Strait Island Heritage Protection Amendment Act 1984*** seeks to preserve and protect places and objects of particular significance to Aboriginals. The purposes of this Act are the preservation and protection from injury or desecration of areas and objects in Australia and in Australian waters, being areas and objects that are of particular significance to Aboriginals in accordance with Aboriginal tradition.

The ***Environment Protection and Biodiversity Conservation Act 1999*** (EPBC Act) protects the environment, particularly matters of national environmental significance. The EPBC Act came into force on 17 July 2000. The Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) administers the EPBC Act. The objectives of the EPBC Act are to;

- Provide for the protection of the environment, especially matters of national environmental significance;
- Conserve Australian biodiversity;
- Provide a streamlined national environmental assessment and approvals process;
- Enhance the protection and management of important natural and cultural places; and
- Promote ecologically sustainable development through the conservation and ecologically sustainable use of natural resources.

The ***Environment and Heritage Legislation Act (No 1) 2003*** amends the EPBC Act to include national heritage as a new matter of national

environmental significance and establishes the National and Commonwealth Heritage Lists.

The National Heritage list records the natural, Indigenous and historic places with outstanding heritage value to our nation. Places on the National Heritage List are protected under the EPBC Act.

The Commonwealth Heritage List comprises natural, Indigenous and historic heritage places on Commonwealth lands and waters or under Australian Government control. It provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places - defined in the EPBC Act as matters of national environmental significance.

The ***Australian Heritage Council Act 2003*** established a new heritage advisory body - the Australian Heritage Council - who are required under section 21 to keep the Register of the National Estate.

The ***Australian Heritage Council (Consequential and Transitional Provisions) Act 2003***, which repeals the ***Australian Heritage Commission Act 1979***, amends various Acts as a consequence of this repeal and allows for the transition to the new heritage system.

The Commonwealth ***Native Title Act 1993*** recognises and protects native title and seeks to;

- Provide for the recognition and protection of native title; and
- Establish ways in which future dealing affecting native title may proceed and to set standards for those dealings; and
- Establish a mechanism for determining claims to native title; and
- Provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.

The ***National Parks and Wildlife Act 1974*** provides for the conservation of nature, the conservation of objects, places or features of cultural value within the landscape, the fostering of public appreciation, understanding and enjoyment of nature, cultural heritage and their conservation and provides management of land reserved under the NPWS Act 1974.

With regard to Aboriginal cultural heritage, the NPWS Act seeks to conserve places, objects and features of significance to Aboriginal people and places of historic, architectural or scientific significance.

- Section 86 and 87 state that it is an offence to collect or disturb objects or excavate, or in any way disturb land for the purpose of discovering objects without a permit authorised by the Director-General DEC.
- Section 90 of the NPWS Act 1974 stipulates that a person who knowingly destroys, defaces or damages or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place without first obtaining the written consent of the Director-General, is guilty of an offence against the NPWS Act 1974.
- Section 91 states that anyone who discovers an Aboriginal object is obliged to report the discovery to the Department of Environment Climate Change and Water (DECCW).

The ***Environmental Planning & Assessment Act 1979*** (EP&A Act) is an

Act to institute a system of environmental planning and assessment for the State of New South Wales. **Under the provisions of Part 3A of the EP&A Act, development applications deemed to be 'Major Projects' do not require Part 6 approvals from the DEC.**

Under the Part 3A provisions, the Minister for Planning is the consent authority and has ultimate responsibility for determining matters relating to Aboriginal heritage.

The DECCW released draft guidelines for Aboriginal cultural impact assessment of Part 3A Major Projects in July 2005. They form a guide for procedures to be included in Aboriginal heritage assessments that accompany Part 3A applications.

The draft guidelines state that:

*'all project applications must state whether or not the project is likely to have an impact on Aboriginal cultural heritage and must include information about how this assessment was made. This assessment must demonstrate that input by affected Aboriginal communities has been considered, when determining and assessing impacts, developing options, and finalising the application.'*

The draft DECCW guidelines outline the following steps that should be undertaken as part of the Aboriginal cultural heritage assessment process. These include:

- Undertaking a preliminary assessment to determine if the project is likely to have an impact on Aboriginal cultural heritage;
- Identifying the Aboriginal cultural heritage values associated with the area through consulting with Aboriginal people with cultural knowledge or responsibilities for country in which the proposed project occurs, written and oral research and field investigations;
- Understanding the significance of the identified Aboriginal cultural heritage values;
- Assessing the impact of the proposed development on Aboriginal objects and Aboriginal places;
- Describing and justifying the proposed outcomes and alternatives; and
- Documenting the Aboriginal cultural heritage impact assessment and the conclusion and recommendations to afford appropriate protection of Aboriginal cultural heritage.

The ***Heritage Act 1977*** is an Act to conserve the environmental heritage of the State. It seeks to protect the States natural and cultural heritage including archaeological remains. The Heritage Council of New South Wales operates under this legislation and if a site or place is of local or State heritage significance the Heritage Council may list it on the State Heritage Inventory.

The ***Burra Charter*** provides guidance for the conservation and management of places of cultural significance and defines the basic principles and procedures to be followed in the conservation of heritage places and has been adopted as the standard for best practices. The ***Burra Charter*** was adopted by the Australian ICOMOS (the Australian National Committee of ICOMOS) on 19

August 1979. Revisions were adopted on 23 February 1981, 23 April 1988 and 26 November 1999.

## 1.4 The study area

The site is located in Coffs Harbour Local Government Area (LGA) within the Bonville Valley Locality area. It is near the coastal town of Sawtell and is approximately 10 kilometres south of the Coffs Harbour city centre. The total area of the site is approximately 38.49 hectares. The landform of the site is lightly undulating with a drainage line north south.

Part of the site is subject to the 1:100 year flood event and it is proposed that the flood affected areas will be contained in Environmental Protection and Open Space areas with the proposed residential use of the site confined to the higher areas of the land.

The vegetation communities on site include a paperbark Swamp Forest along the eastern section, currently zoned 7(e) Environmental protection (occupying around one third of the site). The remainder of the site is open grassed area that is used for grazing.

### Occupation of the region

At the time of first European settlement the study area was occupied by Gumbaynggir speaking people whose traditional territory extended over a wide area from the Clarence River to at least as far south as the Nambucca River (Gumbaynggir Language and Culture group 1992). The groups shared resources, trading and ceremonial occasions and intermarried. They distinguished themselves from neighbours by their language (MacDonald and Collins 1999:37-38). As McDougall (1900:116) stated 'each tribe kept its own belt of country and separated into small camps and only collected together on special occasions'.

One of the earliest references to local inhabitants was made by Lt Flinders at Yamba in 1799 (Maclean District Historical Society 1980:12). Deputy Surveyor General Perry visited the Clarence River in the steamer King William in 1839 and reported 'a tribe of native blacks who were huddled in a sort of temporary village at the head of a deep estuary'. He noted carefully formed canoes moored in front of the village. The canoes were made of sheets of string bark gathered and tied at each end (Maclean District Historical Society 1980:24). The margins of the different vegetation complexes across Gumbaingirr country were known to be rich in animal and plant resources some of which were staples allowing large numbers of people to be supported for long periods of time. Base camps were established in areas protected from the elements by dense vegetation (McFarlane 1934-5). During the early contact years Aboriginal occupation was mostly on the coast and along the major river corridors.

The largest camps are said to have been situated at Bagawa near the confluence of Bucca Bucca Creek and the Orara River (Holder 1984: 20 in Collins 2002) but substantial coastal camps were also located at Moonee and Woolgoolga.

The area around Boambee and Bonville Creeks were rich in Traditional foods. Walter Harvie described the creeks as favourite camping grounds. In 1920 the construction of a track to the Bonville Reserve unearthed oyster and fish bones with human bone found at depth (Coffs Harbour Advertiser 25 September 1928 and 9 October 1928). Lambert Waddy (cited in the Boambee Public School Centenary Book 1902-2002) said that Aborigines who lived on a ridge just west of Sawtell Reserve overlooking the creek would drive kangaroos into the creek. The hinterland was important for hunting trips for wallaby and kangaroo.

Evidence suggests that groups travelling inland between Moonee Beach and Bucca Bucca Creek used the ridgelines now followed by Bucca Road. The association between low gradient ridgelines and Aboriginal transit routes is likely to have been typical wherever exposed ridgelines support a drier and more open form of forest cover.

Frequent movement along transit lines was well documented. People from Woolgoolga visited the upper Bellinger Valley and the Macleay and the Clarence River people gathered for a tribal conflict with others at Mylestom in the late 1900s (Braithwaite and Beard 1978:82).

Holder (1984) asserted that a seasonal land use pattern was adopted whereby autumn and winter were spent on the coast fishing and in summer the Orara Valley was used for hunting. Visits to the coast were made when the mullet were running in the late autumn. The main winter camps were established on low hills and rises e.g. the spur occupied by the Coffs Harbour Gun Club where artefacts were recorded (Site #22-1-138).

Early European settlement modified Aboriginal land use patterns. By 1885 a road had been built from Coffs Harbour to Grafton. The road went inland via Ebor.

Coffs Harbour was settled around 1870 - 1880 and by then, timber mills and banana and sugar cane plantations were established, local schools set up and gold mining was underway in the Orara Valley (Goulding 2001). John Bayldon came south from the Clarence by bullock dray in the early 1870s. After hauling cedar from Pine Creek to the Bellinger, he ran cattle in the region between Bonville and Boambee Creek in 1871.

## **Archaeological Studies in the general area**

A series of studies by McBryde (1974, 1978, and 1982) along the Clarence River showed that, at contact with Europeans, Aboriginal groups used estuarine resources extensively on a seasonal basis. The humid coastal zone, which is about 50 km wide, contained estuarine, coastal, riverine and land resources, which supported a high population density. The Clarence River estuary built up rapidly over the last 10,000 years and shell middens occur on the old coastline some 15 km inland as well as adjacent to the present coastline. The Stuarts Point site, which shows the exploitation of mud flat resources over time, has been dated to over 3000 years before present BP.

McBryde investigated a midden and axe factory (Site #22-1-19) located at the northern end of Moonee Beach. The Moonee Beach Midden (Site #22-1-51) was recorded in 1991 by NPWS staff and was located on Stingray Creek near the mouth of the estuary. A canoe tree (Site #22-1-53) was located in the Kumbaingeri Animal Park (Navin 1991). A detailed study was undertaken at the Moonee Beach Workshop Site (Site #22-1-83) (Hill & Murphy 2000). The proposed pipeline, which triggered the investigative work, was in a landscape which contained Aboriginal features, such as the stone artefact scatter open campsite (Site #22-1-83) and shells and food remains (midden Site #22-1-51). Middens have been found on the Bellinger estuary (Site #22-1-7) on the beach at Sawtell (Site #22-1-35) on Boambee creek (Site #22-1-29) and on Bonville Creek (Site #22-1-12) (Officer and Navin 1998).

Investigations were undertaken as part of the Coffs Harbour Regional Water Supply Pipeline study south west of Grafton in the hinterland. The following sites were found; an open campsite, story places, stone arrangements, carved trees on Sandy Creek and rock shelters with art. Isolated stone artefacts were also found. These studies indicate that while sites are common along the coastline the hinterland still retains evidence of comprehensive use of the hinterland resources.

Godwin (1982) undertook a survey near Boambee Creek. An area of 1.6 km<sup>2</sup> was considered. Much of the area was low lying. Godwin identified three sites and two isolated find locations. Two sites were near watercourses and one was located on a low hill overlooking a low-lying marshy area. All three sites consisted of a low-density scatter of stone artefacts.

One isolated flake was found on low lying ground which was periodically flooded and the second isolated find consisted of two flakes in a paddock located on the lower slope of a hill.

Brayshaw (1994) undertook a survey of the Pacific Highway from Lyons Rd to Englands Road as part of the proposed upgrade of the highway. Artefacts were found at Lyons Road near the present roundabout and an open site consisting of two isolated artefacts made on river pebbles was found on a spur overlook a gully draining to Cardwells Creek.

Of direct relevance to the current study are the test excavations undertaken in 2005 by BCA and the CHLALC under an s87 permit at Lot 2 DP1065589, Lyons Road North Bonville (BCA 2005). Lot 2 is immediately north of Lot 112. Thirty pits were excavated using a backhoe across two areas - a ridgeline and along the proposed sewer easement adjacent to the east west trending watercourse. A total of 29 artefacts were found and all occurred along the watercourse. No artefacts were found along the ridgeline but sub surface evidence indicated the ridge had been disturbed by previous construction of a track. The artefacts (Site #22-1-0225) represented a low-density scatter along a north-facing slope. The artefacts are most probably the result of short-term visits where a small range of tasks was performed.



Collins (2009) conducted archaeological test excavations on Lot 21 Hearn's Lake Road, Woolgoolga. Nineteen stone artefacts were recovered during the test excavations consisting of flakes, flake fragments, split pebbles and flaked pieces. All cultural materials identified in the excavation occurred in the topsoil. The artefacts represent a low density scatter along the ridgeline.

### **Indigenous sites in the general region**

**Middens:** These are coastal and estuarine sites that have accumulations of food refuse, primarily shell; occasionally stone artefacts are present. Middens have been found adjacent to Sawtell Beach and along Bonville and Boambee Creek.

**Scarred trees:** These are trees that have evidence of purposeful removal of bark. The bark was used for a variety of implements including canoes, shields, housing and bowls.

**Bora ground/ceremonial ground:** These are areas where initiation ceremonies and other social gatherings were held. A corroboree area is reported near the Coffs Harbour Gun Club.

**Pathways:** Although the forest and scrub of the coast and the hinterland was largely impenetrable to European settlers, the Aborigines had well defined centuries-old paths and tracks, which connected tribal areas. The ridgeline now occupied by Bucca Road is documented as a transit route between Moonee Beach and Bucca Bucca Creek.

**Artefact scatters:** These are open, surface scatters of stone artefacts. Stone is often the only material that survives and usually represents camps and/or specialised activity areas. At these sites, stone tools were manufactured and/or used to maintain other implements and utensils. A scatter of stone artefacts was found at the location of the present Lyons Road roundabout. A low-density scatter of stone artefacts (Site #22-1-0225) was found in Lot 2 immediately north of the current site.

**Burials/burial grounds:** These sites may contain a single individual or may be extensive burial grounds with evidence of complicated mortuary practices and which were used for long periods of time. Coastal burials in the local Gumbaingirr area have been found in middens.

**Rock shelters:** Shelters have been recorded and excavated in the hinterland and on the plateau and they can be the location of a number of activities, including occupation, art, burials and ceremonial activities. Seelands Rockshelter on the Clarence River is dated to about 6400 years (McBryde 1974).

**Mythological and Traditional sites:** These are places of traditional significance to Aboriginal people.

**Historical sites:** As European development began to encroach on the coast, local Aboriginal people were gradually restricted in the areas they could camp. An historical camp is located near the Coffs Harbour Gun Club west of Look-at-me-Now Headland.

### **Predictive Models**

The following general predictive model for the location of Aboriginal sites is based on the local landforms, disturbance or impact history and known Aboriginal sites in the



study area. The study area is located west of the open beach, in the hinterland between the major drainages of Boambee and Bonville Creek.

At this location, a variety of resources - riverine, wetland and forest margins - would be available. The most common Aboriginal sites likely to occur are stone artefacts. Scarred trees and resource areas may also be identified in areas where natural vegetation remnants occur. If the area was used by small, mobile groups the camps should be characterised by open scatters with low artefact densities. Evidence of use of the ridges as transit areas would be found as isolated artefacts and low-density artefact scatters.

Clearing, logging and slashing of regrowth has occurred repeatedly since settlement. The mature forests were cleared to create grazing land. Slashing has the potential to disturb the ground surface to a limited depth. Any artefacts found in sub surface areas that have been ploughed or slashed will be disturbed (that is their horizontal and vertical positions will be altered) and site integrity degraded. Artefacts will not however be removed or destroyed through ploughing and slashing. Typically artefacts are currently only likely to be visible in disturbed or exposed areas.

Isolated artefacts and low-density scatters may be present in the study area but will be difficult to detect in uncleared and currently grassed areas. Since it is likely that large camps were located at the coast and on the estuaries the scatters found on the slopes of the hinterland will be associated more with short-term specific activities such as resource gathering.

The general models developed for the hinterland of the north coast of New South Wales suggest that sites will be found on land bordering the creeks. Little archaeological material is expected in the low-lying flood prone areas of the study area. Similarly steep slopes were not considered ideal camping or general activity locations. The areas where sites have been found in other studies and might be expected to occur in the study area are the crest of the hills or the lower slopes above the wetland areas.

### **Non-Indigenous sites**

The NSW State Heritage Inventory and the Coffs Harbour City Council Local Environment Plan Schedule 5 - Heritage Items were searched for any historical items that may occur in or near the study area.

No items of historical cultural significance occur in the study area.

## **2.0 Survey**

A ground survey of Lot 112 was conducted on the 23rd January 2009 in consultation with two representatives from the Coffs Harbour & District Local Aboriginal Land Council (CHLALC). The survey involved a surface inspection of the area with examination of all exposed areas with high visibility such as the borrow pit, vehicle tracks, cattle tracks and other areas of mechanical or natural disturbance. At the time of the ground survey, visibility across the study area was generally poor (less than 10%) due to the thick grass cover. The section of ridge that had been disturbed by the borrow pit had 100% visibility. Weather conditions on the day were fine.

## 2.1 Methods

A hand-held Garmin 12 Global Positioning System (GPS) receiver was used to record Australian Map Grid (AMG) references in the field. All locations were recorded as Universal Transverse Mercator (UTM) references. These are also known as Australian Map Grid (AMG) references. A 'Transect Form' was used for each area and the grid references of each transect were recorded (Appendix 1). The form includes information on topography, vegetation and general surface visibility. The survey consisted of walking straight line transects.

The study area has a total area of 38.49 ha. The main west and central portion of the site are cleared of vegetation and are grassed for grazing. A Paperbark swamp occupies the eastern portion of the site and is currently fenced. The eastern area was waterlogged at the time of the survey. This area will not be developed.

### Visibility

The efficiency of any survey lies in the ability to detect cultural materials (e.g. stone artefacts, scarred trees). Figures 2, 3 and 4 show the visibility conditions found in the study area. A number of factors may affect the efficacy of field surveys. These factors include obtrusiveness, visibility and exposure.

Obtrusiveness - is related to the size, location and amount of ground cover near or across the site and affects the ease with which sites can be found. Visibility - differences in visibility are due mainly to the amount and type of ground cover. It is also dependent on the nature of the soil cover; for example cultural materials in open, recently ploughed land have a higher visibility than these same types of materials in grazing land covered in grass. Visibility is highly dependent on the conditions prevailing at the time of survey. Exposure - is similar to visibility but refers to the existing geomorphological and sedimentological conditions in the area at the time of survey. Cultural materials may often be covered by soil and sediment but in erosional landscapes are easier to find than in stable landscapes.

< Archaeological practice has indicated that total identification of every artefact/location/feature within a particular landscape is generally not possible. The reasons for this include visibility, disturbance levels, physical conditions, time and budget constraints. A

< Even with good visibility it cannot be assumed that all artefacts are actually discovered within a surveyor's observational range. Larger artefacts have a greater probability of being discovered than small ones, as do artefacts of brighter colour or those offering greater contrasts with respect to the background surface. Scarred trees and locations in dominant landform features (e.g. caves and rock shelters) are more likely to be found than small artefacts on the ground obscured by leaf litter. E

Visibility across the study area is generally poor (less than 10%).



**Figure 2: Area of recent soil removal on western ridge.  
View east across slope to SEPP wetlands along the eastern boundary.**



**Figure 3: View north along western fence line. Note low visibility and  
cattle track.**





**Figure 4: View west across watercourse to western fence and  
Bongil Bongil State Forest.**

## 2.2 Results

Topsoil removal has resulted in a disturbed area being created on the western central ridge. The Coffs Harbour City Council had approved the removal of the soil. The disturbed area perimeter was walked and GPS coordinates of the area of disturbance were recorded. The topsoil stockpiles on the east and west side of the disturbance area were inspected (Figure 2).

Two tracks accessing the topsoil dump traversed the slope from the northern boundary fence. These tracks were walked and inspected but no artefacts were visible. Transects were generally 250 - 350 m long (N-S) with an observation width of a maximum of 15 m. Most exposure occurred along narrow cattle tracks, which cross the area. The track on the western boundary of the gully had been built up by excavating the adjacent western foot slope. This resulted in a low trench being formed on the west side of the built up track.

Three flakes were found at the south end of the disturbed topsoil area. A split pebble chopper was found in a small (2m x 2m) area disturbed during previous soil testing activities on the south eastern ridge. The watercourse had zero visibility along the margin.

SEPP area

As a result of these findings, the ridgelines and the watercourse in undisturbed contexts were considered to contain subsurface artefacts. The Coffs Harbour Local Aboriginal Land Council representative indicated that a detailed subsurface test excavation would be required along the ridgelines and bordering the watercourse. The requirement for this is supported by previous finds in Lot 2.

Appendix 1 lists the recorded waypoints and provides details of the observations made during survey.

Figure 5 shows the extent of Lot 112. The SEPP area is in the east and the watercourse extends north from the central area. The remainder of the site consists of ridges and slopes. There is a steep gully in the southwest portion of the site.

Figure 6 shows the five transects along which it is proposed to conduct subsurface testing at intervals of 10m. This interval has been recommended due to the large area involved and the need to achieve an adequate sample of the area.

The discovery of artefacts on the ridge top indicates that these areas have potential for further artefacts to be present. The Coffs Harbour Local Land Council was concerned that these ridge areas should be investigated at the same time as the watercourse PAD.

## 2.3 Aboriginal cultural significance

The CHLALC have identified the study area as having Aboriginal cultural heritage values associated with the use of the area for Traditional resource procurement. They have indicated that a full understanding of the significance of the identified Aboriginal cultural heritage values can be adequately addressed through a program of archaeological testing along the ridge areas (PADs).







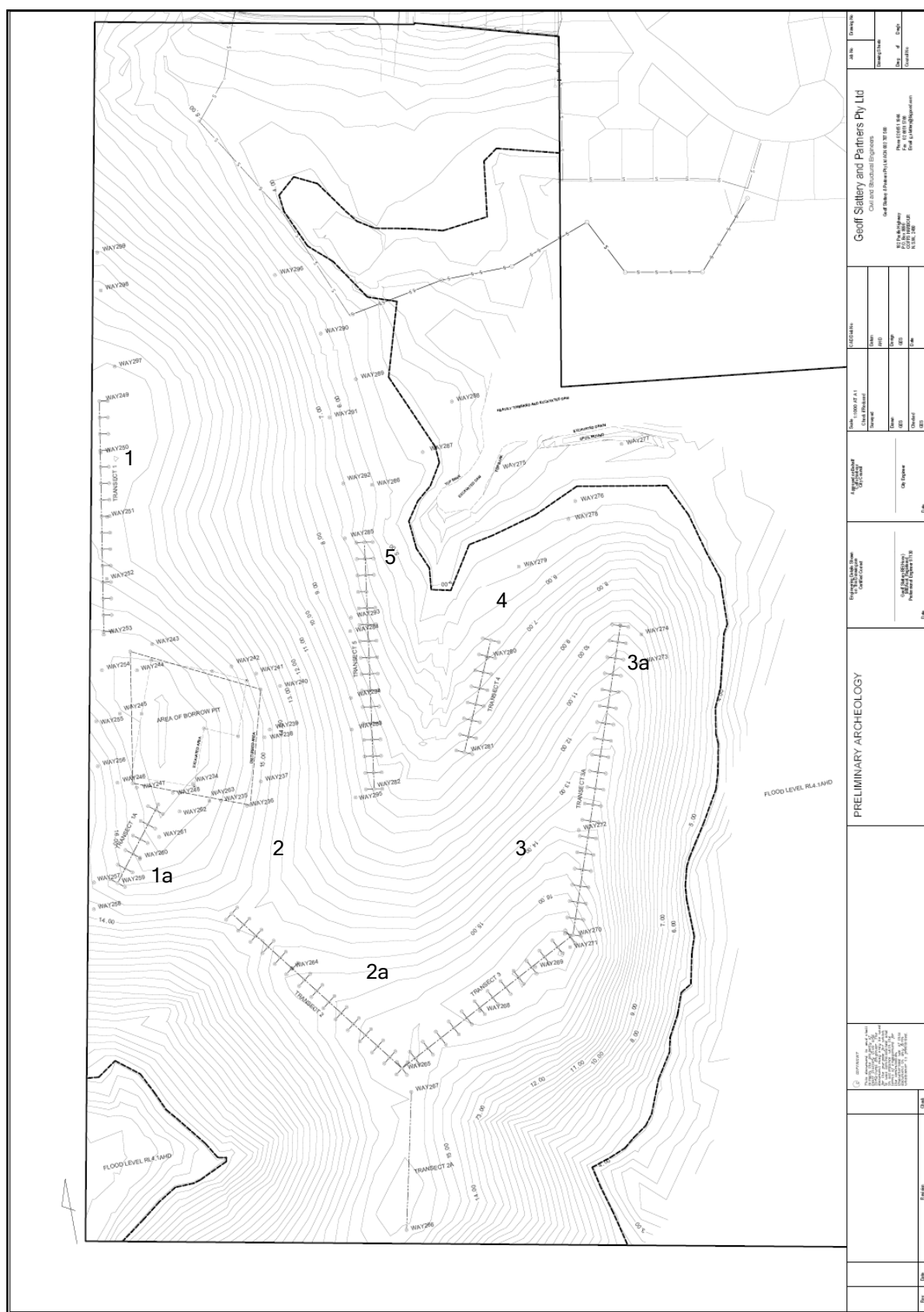


Figure 6: Proposed excavation transects.



### 3.0 Recommendations

The study area has been assessed by the CHLALC as having Aboriginal cultural heritage values. As the proposed development will impact the entire Lot the following recommendations are made to address the impact of the proposed development on Aboriginal objects and to afford appropriate protection of Aboriginal cultural heritage.

**Recommendation 1:** Archaeological test excavation of the PAD areas identified by the CHLALC during survey is recommended in consultation with the registered stakeholders.

**Recommendation 2:** All contractors should be made aware that under Part 6 Section 90 of the NPWS Act 1974 a person who knowingly destroys, defaces or damages or knowingly causes or permits the destruction or defacement of or damage to, an Aboriginal object or Aboriginal place without first obtaining the written consent of the Director-General, is guilty of an offence against the NPWS Act 1974.

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## **Appendix 1 Recorded waypoints and details of observations**

**Table 1 Lot 112 DP1073791 - 2009 survey recorded waypoints and details of observations.**

<b>Waypoint</b>	<b>Easting</b>	<b>Northing</b>	<b>Description</b>
234	506378	6640729	Two flakes edge of disturbed area
235	506393	6640716	Reference point along disturbed area
236	506408	6640710	South-East corner of spoil heap
237	506419	6640723	Flaked piece in spoil heap
238	506426	6640749	Reference point along disturbed area
239	506430	6640753	Mudstone flake found on side of spoil heap
240	506441	6640778	North-East corner of spoil heap
241	506428	6640788	Reference point along disturbed area
242	506414	6640795	Reference point along disturbed area
243	506369	6640817	North-West corner of spoil heap
244	506357	6640803	Reference point along disturbed area
245	506342	6640779	Reference point along disturbed area
246	506333	6640738	South-West end of spoil heap and disturbed area
247	506344	6640733	South edge of spoil heap
248	506365	6640726	South edge of spoil heap
249	506364	6640968	Start of transect #1 (300m)
250	506359	6640937	Reference point along transect #1
251	506356	6640898	Reference point along transect #1
252	506349	6640861	Reference point along transect #1
253	506341	6640828	Reference point along transect #1
254	506336	6640807	Reference point along transect #1
255	506327	6640777	Reference point along transect #1
256	506323	6640750	Reference point along transect #1
257	506308	6640681	End of transect #1
258	506305	6640665	Start of transect #2 (50m)
259	506322	6640678	Reference point along transect #2
260	506338	6640690	Reference point along transect #2
261	506352	6640701	Reference point along transect #2

262	506367	6640714	End of transect #2
263	506386	6640717	Start of transect #3 (200m)
264	506417	6640608	Approximate mid point of transect #3
265	506472	6640536	End of transect #3
266	506457	6640439	Start of transect #4
267	506475	6640521	Reference point along transect #4
268	506525	6640562	Reference point along transect #4
269	506563	6640582	Approximate 200m point on transect #4
270	506589	6640597	Reference point along transect #4
271	506586	6640590	River cobble, split - 2 photographs taken.
272	506604	6640659	Reference point along transect #4
273	506659	6640752	Approximate 400m point on transect #4
274	506663	6640769	End of transect #4
275	506595	6640884	Photos of creek taken from this location
276	506638	6640856	Reference point near start of transect #5
277	506672	6640885	Start of transect #5 (200m)
278	506632	6640846	Reference point along transect #5
279	506597	6640823	Reference point along transect #5
280	506568	6640772	Reference point along transect #5
281	506544	6640718	End of transect #5
282	506486	6640706	Start of transect #6
283	506479	6640744	Reference point along transect #6
284	506489	6640803	Reference point along transect #6
285	506496	6640859	Approximate 100m point on transect #6
286	506518	6640888	Edge of PAD
287	506552	6640902	Reference point along transect #6
288	506575	6640929	Reference point along transect #6
289	506520	6640953	End of transect #6
290	506504	6640984	Start of transect #7 (300m)
291	506500	6640933	Photo looking back over PAD area (transect #6) taken here
292	506501	6640892	Reference point along transect #7
293	506491	6640811	Reference point along transect #7
294	506482	6640763	Reference point along transect #7

295	506474	6640703	End of transect #7
296	506483	6641024	Start of transect #8 (100m) - follow on north from transect #1
297	506377	6640987	Reference point along transect #8
298	506377	6641034	Fence line
299	506379	6641057	End of transect #8 just past fence line