

# EVERICK HERITAGE

## Gaudrons Road Subdivision Sapphire Beach

Aboriginal Cultural Heritage Assessment

Written for Stephen Sawtell

Everick Heritage Pty Ltd

February 2021



# APPENDIX 4 - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

## EVERICK HERITAGE

### Report Reference:

Hill, T. and M. Finlayson 2021. *Gaudrons Road Sapphire Beach Subdivision: Aboriginal Cultural Heritage Assessment: Sapphire Beach NSW*. Everick Heritage Pty Ltd unpublished report prepared for Stephen Sawtell.



EVERICK HERITAGE PTY LTD

ABN: 78 102 206 682

Head Office: Level 9, Matisse Tower

110 Mary Street Brisbane 4000

T: 07 3211 4478

E: [info@everick.com.au](mailto:info@everick.com.au)

[www.everick.com.au](http://www.everick.com.au)

Ver.	Author(s)	Sections Edited	Date	Authorised
4	T. Hill & M. Finlayson	All	04.11.20	T. Robins
5	T. Hill	All	06.11.20	T. Robins
6	M. Finlayson	All	24.02.21	T. Robins

© Everick Heritage Pty Ltd 2020

This document is and shall remain the property of Everick Heritage Pty Ltd. The document may only be used for the purposes for which it was commissioned. Everick grants authority to reproduce this document for academic purposes. Unauthorised reproduction of this document is prohibited.



### Executive Summary

The following is a report detailing the results of an Aboriginal Cultural Heritage Assessment ('ACHA') and for the planning proposal and future development application for three residential subdivisions at Gaudrons Road, Sapphire Beach NSW ('the Proposed Works'), being the following properties (the Project Area);

- 9 Gaudrons Road (Lot 11 DP1141269)
- 148 Gaudrons Road (Lot 7 DP 555490); and
- 189 Gaudrons Road (Lot 2 DP 5550362 (PN1505300)).

The assessment has been identified as a requirement for the planning proposal by Coffs Harbour City Council.

The methods used for this assessment are in compliance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010) ('CoPAI') and all relevant legislation as described in Section 2 of this Report. The following are the broad requirements for compliance with the CoPAI;

- a) consultation with the Coffs Harbour and District Local Aboriginal Land Council ('LALC');
- b) searches of applicable heritage registers;

19 Aboriginal Sites were identified by AHIMS in proximity to the Project Area

- c) review of ethnographic and historic resources relevant to the region;
- d) review previous archaeological work and the landscape context;
- e) summarise the local and regional character of Aboriginal land use and its material traces;
- f) formulate a predictive model;
- g) conduct an archaeological survey with representatives of the Coffs Harbour and District LALC to identify the potential for harm to Aboriginal objects and appropriate management response; and
- h) report on findings and recommended management strategies.

## Results

A site inspection of the Project Area was undertaken on Wednesday 4 November 2020 by the following:

- Uncle Ian Brown (Sites Officer, Coffs Harbour and District LALC)
- Tim Hill (Principal, Everick Heritage);
- Matt Finlayson (Archaeologist, Everick Heritage); and
- Alex Dent (Graduate Archaeologist, Everick Heritage).

The site inspection aimed to identify the potential for Proposed Works to impact on Aboriginal objects (Table 4). The survey aimed to identify the nature and extent of previous soil disturbance and locate intact soils with the potential to contain archaeological sites.

As a result of the desktop study, field inspection and consultation with Coffs Harbour and District LALC, the following can be concluded:

- a) One (1) Aboriginal object was identified on the western boundary of Lot 11 DP1141269 (9 Gaudrons Road). This object is a unifacial greywacke chopper and has been recorded as Gaudrons Road IF01 (#22-1-0602).
- b) No Aboriginal objects or sites of cultural significance, including archaeological sites, are known to occur within Lots 2 and 7.



- c) The extant topsoils with potential to contain Aboriginal objects have been substantially disturbed by historic clearing, banana plantations, cut and fill works and structures.
- d) Due to the steep slope of Lot 2 and Lot 7, it is unlikely that the Proposed Works in these two (2) lots will impact on Aboriginal objects.
- e) Having consideration for the predictive model and the results of the site inspection it is considered that the broad ridge crest within Lot 11 DP1141269 has the potential to contain Aboriginal objects, being a stone artefact scatter located throughout the topsoils along the ridge crest.

The assessment has concluded that subdivision works within 148 and 189 Gaudrons Road are unlikely to impact on Aboriginal objects and will not impact on any known places or sites of cultural significance to the Aboriginal community. As such additional consultation and archaeological investigation are not required for these two parcels of land. However, it is determined that works at 9 Gaudrons Road, particularly in relation to the ridge crest, have the potential to impact on Aboriginal objects. As such additional consultation and archaeological investigation are required. The following recommendations are provided to mitigate impacts to potential Aboriginal heritage values.

### Recommendation 1: Aboriginal Objects Find Procedure

It is recommended that if suspected Aboriginal material has been uncovered because of development activities within the Project Area:

- a) work in the surrounding area is to stop immediately;
- b) 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;
- c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- d) should the works be deemed to have harmed the Aboriginal objects Heritage NSW should be notified immediately via the EPA Enviro Hotline.

One (1)  
greywacke  
chopper was  
identified on Lot  
11

### Recommendation 2: Aboriginal Human Remains

Although it is unlikely that Aboriginal Human Remains will be located at any stage during earthworks within the Project Area, should this event arise it is recommended that all works must halt in the immediate area to prevent any further impacts to the remains. The site should be cordoned off and the remains themselves should be left untouched. The nearest Police Station (Bellingen), the Coffs Harbour and District LALC and the Heritage NSW Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and Heritage NSW should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal Human Remains, workers or contractors should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

### Recommendation 3: Further Archaeological Investigations (9 Gaudrons Road)

It is recommended that a test pitting program in accordance with the Code of Practice for Archaeological Investigations in New South Wales (DECCW 2010) be carried out at 9 Gaudrons Roads to further establish the potential of topsoils on the ridge crest and saddle to contain Aboriginal objects.

Subsequent additional archaeological investigation should include at least 12 1m<sup>2</sup> 'test-pits' spread across the ridge crest to determine the potential for the topsoil layer to contain Aboriginal objects.

## DEFINITIONS

The following definitions apply to the terms used in this report:

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

**Aboriginal Place** means any place declared to be an Aboriginal Place (under s. 84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal Objects.

**ACHAR** means Aboriginal Cultural Heritage Assessment Report

**ACHCRP Guidelines** means the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010).

**AHIMS** means Aboriginal Heritage Information Management System

**AHIP** means Aboriginal Heritage Impact Permit.

**CoPAI** means the Code of Practice for Archaeological Investigation in New South Wales (2010).

**Due Diligence Code** means the Due Diligence Code for the Protection of Aboriginal Objects in NSW (2010).

**Heritage NSW** means Heritage Council of New South Wales.

**LALC** means Local Aboriginal Land Council.

**LEP** means Local Environment Plan

**NPW Act** means the National Parks and Wildlife Act 1974 (NSW).

**NSW** means New South Wales.

**Project Area** means 9 Gaudrons Road (Lot 11 DP 1141269), 148 Gaudrons Road (Lot 7 DP 555490), 189 Gaudrons Road (Lot 2 DP 5550362), Sapphire Beach, NSW.

**Proponent** means Stephen Sawtell and all associated employees, contractors and subcontractors of the same.

**RAP** means Registered Aboriginal Party

**The Consultant** means qualified archaeological staff and/or contractors of Everick Heritage Pty Ltd.



## EVERICK HERITAGE

## Contents

<b>EXECUTIVE SUMMARY</b>	<b>2</b>
<b>RESULTS</b>	<b>3</b>
<b>DEFINITIONS</b>	<b>6</b>
<b>1. INTRODUCTION</b>	<b>12</b>
1.1. Scope of this Assessment	12
1.2. Assessment Methodology	12
1.3. Project Description	13
1.4. Report Authorship	13
<b>2. LEGISLATIVE AND PLANNING CONTEXT</b>	<b>18</b>
2.1. The National Parks and Wildlife Act 1974 (NSW)	18
2.2. Due Diligence Code	19
2.3. The ACHCRP Guidelines (2010) and Community Consultation.	19
2.4. The Coffs Harbour Local Environmental Plan 2013	20
<b>3. ABORIGINAL COMMUNITY CONSULTATION</b>	<b>23</b>
3.1. Community Knowledge	23
<b>4. DESKTOP ASSESSMENT: ABORIGINAL CULTURAL HERITAGE</b>	<b>24</b>
4.1. Environmental Context	24
4.1.1. Soil Landscapes	26
4.2. The Aboriginal Heritage Information Management System (AHIMS)	29
4.3. Other Heritage Registers	32
<b>5. SELECTED ARCHAEOLOGICAL SYNTHESIS AND PREDICTIONS</b>	<b>33</b>
5.1. Ethnohistory	33
5.2. Previous Archaeological Research	36
5.2.1. North Sapphire Beach (Davis 2004)	36
5.2.2. Coffs Harbour- Urunga Forestry Management Areas (Davies and Stewart Zerba 1995)	36
5.2.3. Coffs Harbour Bypass (Kelleher Nightingale 2020)	37
5.2.4. Lakes Estate (Bonhamme Craib and Associates 2011; Collins 2008).	37
5.2.5. Halls Road, Coffs Harbour (Hill et al 2015)	38
5.2.6. The Summit Aspect Coffs Harbour Development (Hill and Robins 2015)	38
5.2.7. Korora West Sapphire Residential Development (Hill et al. 2015)	39

## EVERICK HERITAGE

5.2.8. North Coffs Release Area (Hudson 2009)	39
5.2.9. Pacific Highway Sapphire to Woolgoolga (Collins 2007)	39
5.3. Aboriginal Site Predictive Model	40
<b>6. FIELD SURVEY: ABORIGINAL CULTURAL HERITAGE</b>	<b>41</b>
6.1. Constraints to Site Detection	41
6.2. Site inspection	41
<b>7. RESULTS OF ABORIGINAL CULTURAL HERITAGE ASSESSMENT</b>	<b>51</b>
7.1. Results of consultation and survey	51
<b>8. RECOMMENDATIONS</b>	<b>53</b>
<b>REFERENCES</b>	<b>55</b>
<b>APPENDIX A: CORRESPONDENCE WITH COFFS HARBOUR AND DISTRICT LALC</b>	<b>57</b>
<b>APPENDIX B: AHIMS EXTENSIVE SEARCH RESULTS</b>	<b>59</b>

## EVERICK HERITAGE

## Figures

Figure 1: Location of Proposed Works.	14
Figure 2: Proposed layout 9 Gaudrons Road.	15
Figure 3: Proposed subdivision layout 148 Gaudrons Road.	16
Figure 4: Proposed layout 189 Gaudrons Road.	17
Figure 5: Topography of the Project Area.	25
Figure 6: Project Area soil landscape mapping.	28
Figure 7: AHIMS search results (#545516).	31
Figure 8: Location of S2W-2 Artefact Scatter.	32
Figure 9: 'Aboriginals spearing fish on the Bellinger' (Hodgkinson 1845 source Bellingen Historical Society).	34
Figure 10: 'Yellow Rock Mission' (source gumbayngirr.weebly.com).	35
Figure 11: General conditions of Lot 11 ridgetop, facing south.	43
Figure 12: Soil stockpile within Lot 11 adjacent to greenhouse sheds, facing south.	44
Figure 13: Eastern boundary of Lot 11 banana farm, facing southwest.	44
Figure 14: GSV and conditions within the Lot 11 banana farm, facing west.	45
Figure 15: Gaudrons Road IF01 broken greywacke cobble.	45
Figure 16: Gaudrons Road IF01 location relative to banana farm and sheds, facing northeast.	46
Figure 17: View from Lot 7 towards the coastline, facing east.	46
Figure 18: General conditions of Lot 7 including terracing, facing south.	47
Figure 19: View northeast over Lot 7, former terracing and goat paddock visible.	47
Figure 20: Cut trees and soil disturbance in Lot 7, southwest corner of property facing south.	48
Figure 21: View east over Lot 2 from the driveway.	48
Figure 22: Former plantation track within Lot 7, general GSV and exposures visible, facing south.	49
Figure 23: Former plantation track going upslope west through Lot 2, general GSV observable, facing south.	50
Figure 24: Location of Gaudrons Road IF01.	52



## Tables

Table 1: Summary of Topography and Hydrology.	24
Table 2: Summary of soil landscape descriptions.	26
Table 3: AHIMS search results (Reference #545516)	29
Table 4: Survey coverage	42

## 1. INTRODUCTION

### 1.1. Scope of this Assessment

The following is a report detailing the results of an Aboriginal Cultural Heritage Assessment ('ACHA') and for the planning proposal and future development application for residential subdivisions at Gaudrons Road, Sapphire Beach NSW ('the Proposed Works'), being the following properties (the Project Area) (Figure 1);

- 9 Gaudrons Road (Lot 11 DP1141269)
- 148 Gaudrons Road (Lot 7 DP 555490); and
- 189 Gaudrons Road (Lot 2 DP 5550362 (PN1505300)).

The assessment has been identified as a requirement for the planning proposal by Coffs Harbour City Council.

### 1.2. Assessment Methodology

The methods used for this assessment are in compliance with the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010) ('CoPAI') and all relevant legislation as described in Section 2 of this Report. The following are the broad requirements for compliance with the CoPAI;

- a) consultation with the Coffs Harbour and District Local Aboriginal Land Council ('LALC');
- b) searches of applicable heritage registers;
- c) review of ethnographic and historic resources relevant to the region;
- d) review previous archaeological work and the landscape context;
- e) summarise the local and regional character of Aboriginal land use and its material traces;
- f) formulate a predictive model;
- g) conduct an archaeological survey with representatives of the Coffs Harbour and District LALC to identify the potential for harm to Aboriginal objects and appropriate management response; and
- h) report on findings and recommended management strategies.

### 1.3. Project Description

The ACHA has been commissioned by the following landowners to support a planning proposal and future development application (the 'Proponent');

- 9 Gaudrons Road (Chris and Chris Bowen)
- 148 Gaudrons Road (Kerrie Hunter); and
- 189 Gaudrons Road (Grenville Duce).

The planning proposal will provide for the following lots and building envelopes;

- 9 Gaudrons Road (8 Lots, 6 building envelopes)
- 148 Gaudrons Road (2 Lots); and
- 189 Gaudrons Road (4 Lots, 3 building envelopes).

The Proposed Works likely involve the following ground activities which have the potential to harm Aboriginal objects;

- Construction of roads and driveways;
- Construction of building pads for residential houses and ancillary buildings including pools;
- Construction of onsite waste management systems; and
- Landscaping and gardens.

### 1.4. Report Authorship

The ACHA was prepared by Principal Consultant (Northern NSW) Tim Hill, Archaeologist Matt Finlayson, and Graduate Archaeologist Alex Dent. The Aboriginal community consultation was conducted by Tim Hill.



# EVERICK HERITAGE

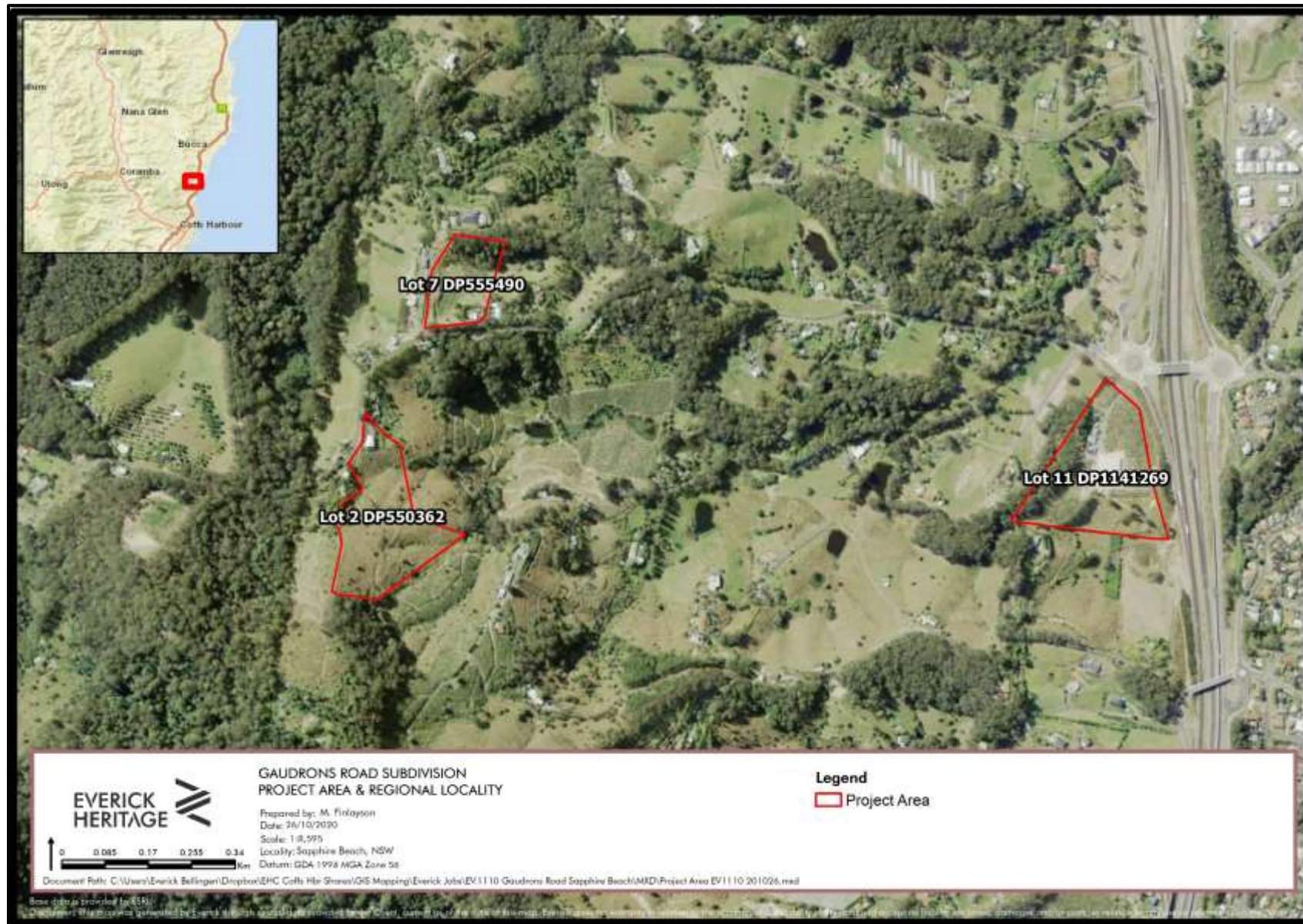


Figure 1: Location of Proposed Works.



# EVERICK HERITAGE

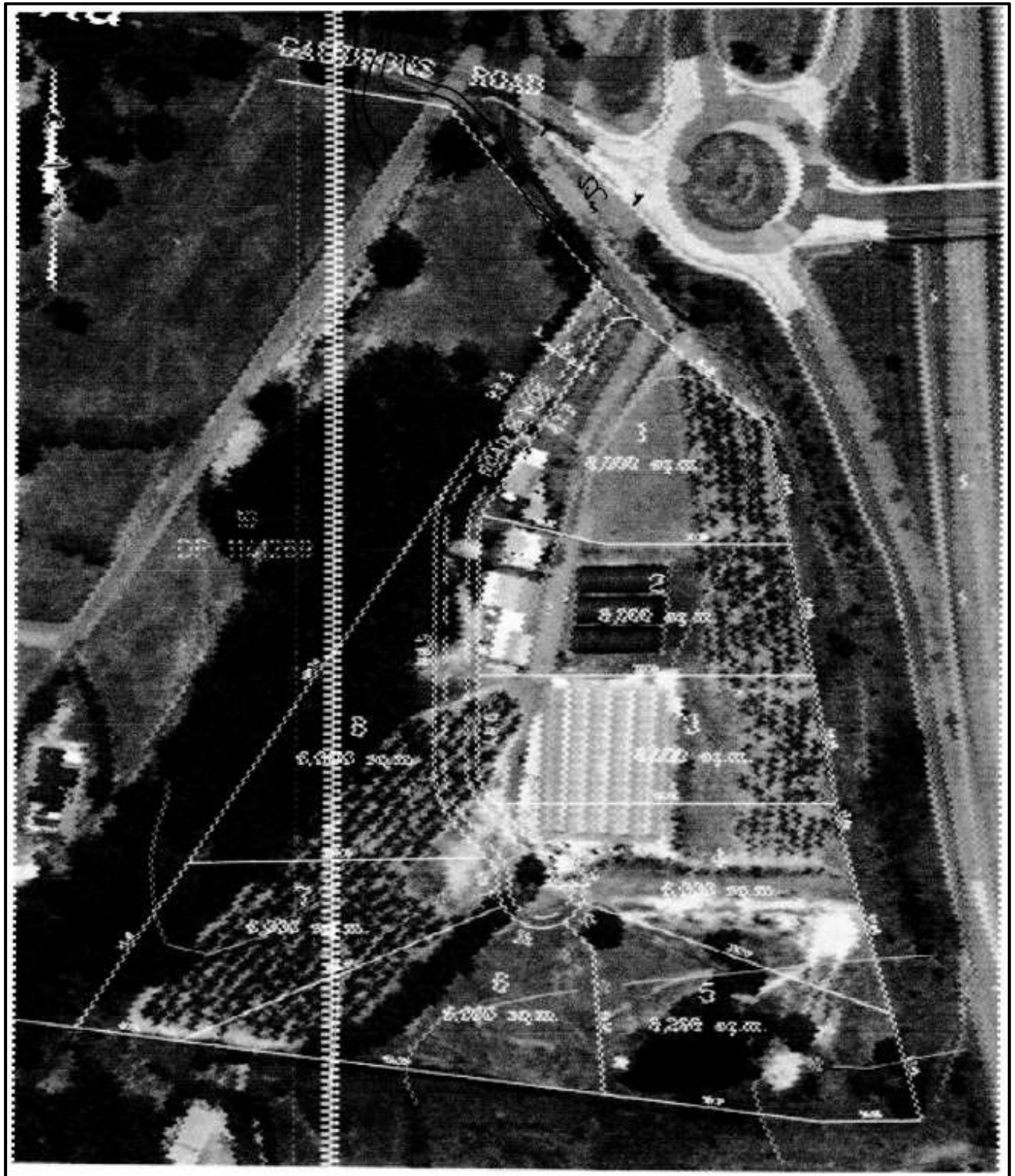


Figure 2: Proposed layout 9 Gaudrons Road.

EVERICK HERITAGE



Figure 3: Proposed subdivision layout 148 Gaudrons Road.



# EVERICK HERITAGE

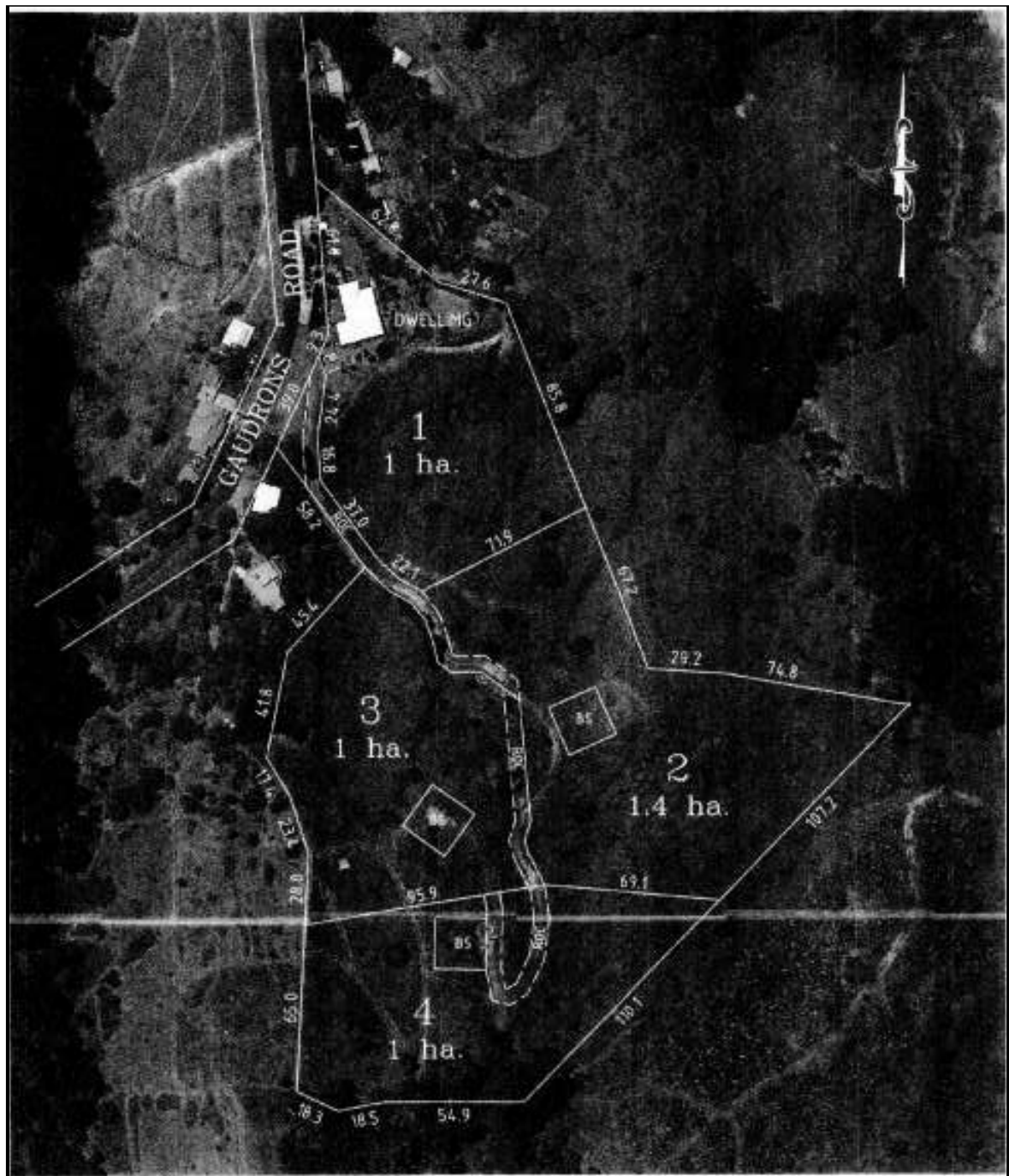


Figure 4: Proposed layout 189 Gaudrons Road.

## 2. LEGISLATIVE AND PLANNING CONTEXT

The primary State legislation concerning cultural heritage in NSW is the National Parks and Wildlife Act 1974 (NSW) (NPW Act) and Local Environment Plans (LEP) made under the Environmental Planning & Assessment Act 1979 (NSW). The Commonwealth also has a role in the protection of nationally significant cultural heritage through the Environmental Protection and Biodiversity Conservation Act 1999 (Cth), The Protection of Movable Cultural Heritage Act 1986 (Cth) and the Historic Shipwrecks Act 1976 (Cth).

For the purposes of this assessment the State and local legislation are most relevant. The consent authority will be the Coffs Harbour City Council. The information below lists the legislative and policy framework within which this assessment is set.

### 2.1. The National Parks and Wildlife Act 1974 (NSW)

The NPW Act is the primary legislation concerning the identification and protection of Aboriginal cultural heritage. It provides for the management of both Aboriginal Objects and Aboriginal Places. Under the NPW Act, an Aboriginal Object is any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area, regardless of whether the evidence of habitation occurred before or after non-Aboriginal settlement of the land. This means that every Aboriginal Object, regardless of its size or seeming isolation from other Objects, is protected under the Act.

An Aboriginal Place is an area of particular significance to Aboriginal people which has been declared an Aboriginal Place by the Minister. The drafting of this legislation reflects the traditional focus on Objects, rather than on areas of significance such as story places and ceremonial grounds. However, a gradual shift in cultural heritage management practices is occurring towards recognising the value of identifying the significance of areas to Indigenous peoples beyond their physical attributes. With the introduction of the National Parks and Wildlife Amendment Act 2010 (NSW) the former offence provisions under Section 86 of 'disturbing', 'moving', 'removing' or 'taking possession' of Aboriginal Objects or Places have been replaced by the new offence of 'harming or desecrating'. The definition of 'harm' is 'destroying, defacing or damaging an Object'. Importantly, in the context of the management recommendations in this assessment, harm to an Object that is 'trivial or negligible' will not constitute an offence.

The amendments also significantly strengthen the penalty provisions. The issue of intent to harm Aboriginal cultural heritage has been formally addressed by separating it from inadvertent harm. The penalty for individuals who inadvertently harm Aboriginal Objects has been set at up to \$55,000, while for corporations it is \$220,000. Also introduced is the concept of 'circumstances of aggravation' which allows for harsher penalties (up to \$110,000) for individuals who inadvertently harm Aboriginal heritage in the course of undertaking a commercial activity or have a record for committing similar offences. For those who knowingly harm Aboriginal cultural heritage, the penalty will rise substantially. The maximum

penalty will be set at \$275,000 or one year imprisonment for individuals, while for corporations it will rise to \$1,100,000.

Where a land user has or is likely to undertake activities that will harm Aboriginal Objects, the Director General of the Department of Planning, Infrastructure and Environment ('DPI&E') has a range of enforcement powers, including stop work orders, interim protection orders and remediation orders. The amended regulations also allow for a number of penalties in support of these provisions. The NPW Act also now includes a range of defense provisions for unintentionally harming Aboriginal Objects:

- a) Undertaking activities that are prescribed as 'Low Impact'.
- b) Acting in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (2010) (the 'Due Diligence Code').
- c) Using a consulting archaeologist who correctly applies the CoPAI.
- d) Acting in accordance with an AHIP.

The regulations allow for a range of low impact activities to be undertaken without the need to consult the DPI&E or a consulting archaeologist. Generally, those who undertake activities of this nature will not be committing an offence, even if they inadvertently harm Aboriginal Objects. For the purposes of this assessment it is not considered that the proposed management works are 'low impact activities'.

## 2.2. Due Diligence Code

The Due Diligence Code operates by posing a series of questions for land users before they commence development. These questions are based around assessing the potential for an area of land to contain Aboriginal Objects and previous ground disturbance. An activity will generally be unlikely to harm Aboriginal Objects where it:

- a) will cause no additional ground disturbance; or
- b) is in a developed area; or
- c) in a significantly disturbed area.

Where these criteria are not fulfilled, further assessment for Aboriginal cultural heritage will typically be required prior to commencing the activity.

## 2.3. The ACHCRP Guidelines (2010) and Community Consultation.

The ACHCRP Guidelines provide an acceptable framework for conducting Aboriginal community consultation in preparation for impacts to Aboriginal cultural heritage. Proponents are required to follow them where a Project is likely to impact on cultural heritage and where they require an Aboriginal Heritage



Impact Permit ('AHIP'). However, it has been standard practice to undertake consultation with Aboriginal sites officers from the Local Aboriginal Land Council ('LALC') to assist the proponent to understand their requirements for additional consultation which may include Elders Groups, native title applicant groups or other knowledge holders who might have a particular type of knowledge about an area.

The ACHCRP Guidelines typically take a minimum of 90 days to complete. However, in complicated Projects this period may need to be extended by several months. The Guidelines require public notice of the assessment, preparation of a proposed methodology, undertaking site meetings and excavations where required, the production of a draft report, which is distributed to the registered Aboriginal parties and the production of a final report.

Although not strictly required, a thorough consultation process will treat the ACHCRP Guidelines as a minimum standard of community consultation where impacts to Aboriginal objects cannot reasonably be avoided. Generally, consultants must go to further effort to identify the significance of a given site to the Aboriginal community. This will likely include undertaking additional site inspections if requested by Aboriginal stakeholders, fully resourcing the community by providing copies of past archaeological and environmental assessments in the region and meeting with community members to seek their opinions of the site.

### 2.4. The Coffs Harbour Local Environmental Plan 2013

LEPs are made under the Environmental Planning and Assessment Act 1979 (NSW) to guide planning decisions by local councils, such as development applications. In relation to heritage, the LEPs general objectives are to conserve the heritage of the respective Local Government Areas ('LGA') through the protection of the significance of heritage items, conservation areas, archaeological sites and Aboriginal objects and Aboriginal places of heritage significance.

Part 5 Section 5.10 of the Coffs Harbour LEP 2013 deals with heritage conservation within the area covered by the LEP. The objectives of this section are as follows:

- a) to conserve the environmental heritage of Coffs Harbour LGA;
- b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views;
- c) to conserve archaeological sites; and
- d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

Development consent is required for any of the following:

- a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
  - i. a heritage item;

# EVERICK HERITAGE

- ii. an Aboriginal object;
- iii. a building, work, relic or tree within a heritage conservation area;
- b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item;
- c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed;
- d) disturbing or excavating an Aboriginal place of heritage significance;
- e) erecting a building on land:
  - i. on which a heritage item is located or that is within a heritage conservation area; or
  - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance;
- f) subdividing land:
  - i. on which a heritage item is located or that is within a heritage conservation area; or
  - ii. on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

However, development consent under this clause is not required if:

- a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
  - i. is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area; and
  - ii. would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area; or
- b) the development is in a cemetery or burial ground and the proposed development:
  - i. is the creation of a new grave or monument, or excavation or disturbance of land for conserving or repairing monuments or grave markers; and
  - ii. would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance; or
- c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property; or
- d) the development is exempt development.

## **EVERICK HERITAGE**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

## APPENDIX 4 - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

# EVERICK HERITAGE

### 3. ABORIGINAL COMMUNITY CONSULTATION

The DPI&E have issued their consultation requirements (ACHCRP Guidelines), which act as a guide for conducting the community consultation process. It contains a number of minimum consultation standards, one of which requires the preparation of a methodology for conducting the Cultural Heritage Assessment. This methodology outlines the basic steps that need to be undertaken to determine the nature of the cultural heritage of the site, and the approaches required to manage that heritage.

#### 3.1. Community Knowledge

We will work with the Aboriginal community to identify and address their concerns; not only about known sites in the region, but also cultural values such as historic and spiritual significance, and other values relating to flora and fauna of the area. We recognise that there may be Traditional knowledge that would have to be treated in a confidential manner, and we would be seeking advice from Aboriginal Parties as to the appropriate protocols to be adopted, in regard to such knowledge.

Everick makes a commitment to the Aboriginal community to document the consultation process as fully as possible. We will include all written comments we receive from the Aboriginal community in our final report. This is regardless of whether they are critical of the process we have undertaken or our final recommendations. In doing so, we hope to make an informed and accurate assessment of the significance of any cultural heritage within the Project Area.

Email correspondence was provided to Nathan Brennan at Coffs Harbour and District LALC on 2 November 2020 which confirmed the site inspection on 4 November 2020 with Uncle Ian Brown (see Appendix A).

## 4. DESKTOP ASSESSMENT: ABORIGINAL CULTURAL HERITAGE

### 4.1. Environmental Context

The Gaudrons Road is located on the eastern side of the East Coast Range, which extends from the Korara Basin north to Corindi (see Figure 5). The following describes the topography and hydrology of the Project Area (Table 1)

**Table 1: Summary of Topography and Hydrology.**

Property	Topography	Hydrology
9 Gaudrons Road	A moderate to narrow ridge crest at approximately 30 m asl. Runs approximately north-south through the Project Area. This	The mapped creek is to the north-west of the Project Area and the drainage flow north into Sugarmill Creek and the Moonee Creek estuary.
148 Gaudrons Road	The slope is step to moderately steep with an easterly aspect. The main ridge crest comprises Gaudrons Road. A small spur crest is located in the north-western corner of the Project Area.	A mapped drainage line runs north-east into Sugarmill Creek and the Moonee Estuary. However, given the steepness of the slope this tributary does not hold water.
189 Gaudrons Road	The slope is step to moderately steep with a north- easterly aspect. The main ridge crest comprises Gaudrons Road. A small spur crest is located in the north-western corner of the Project Area.	Two mapped tributary of Sugarmill Creek runs eastward into the southern branch of Sugarmill Creek. However, given the steepness of the slope this tributary does not hold water.

## EVERICK HERITAGE

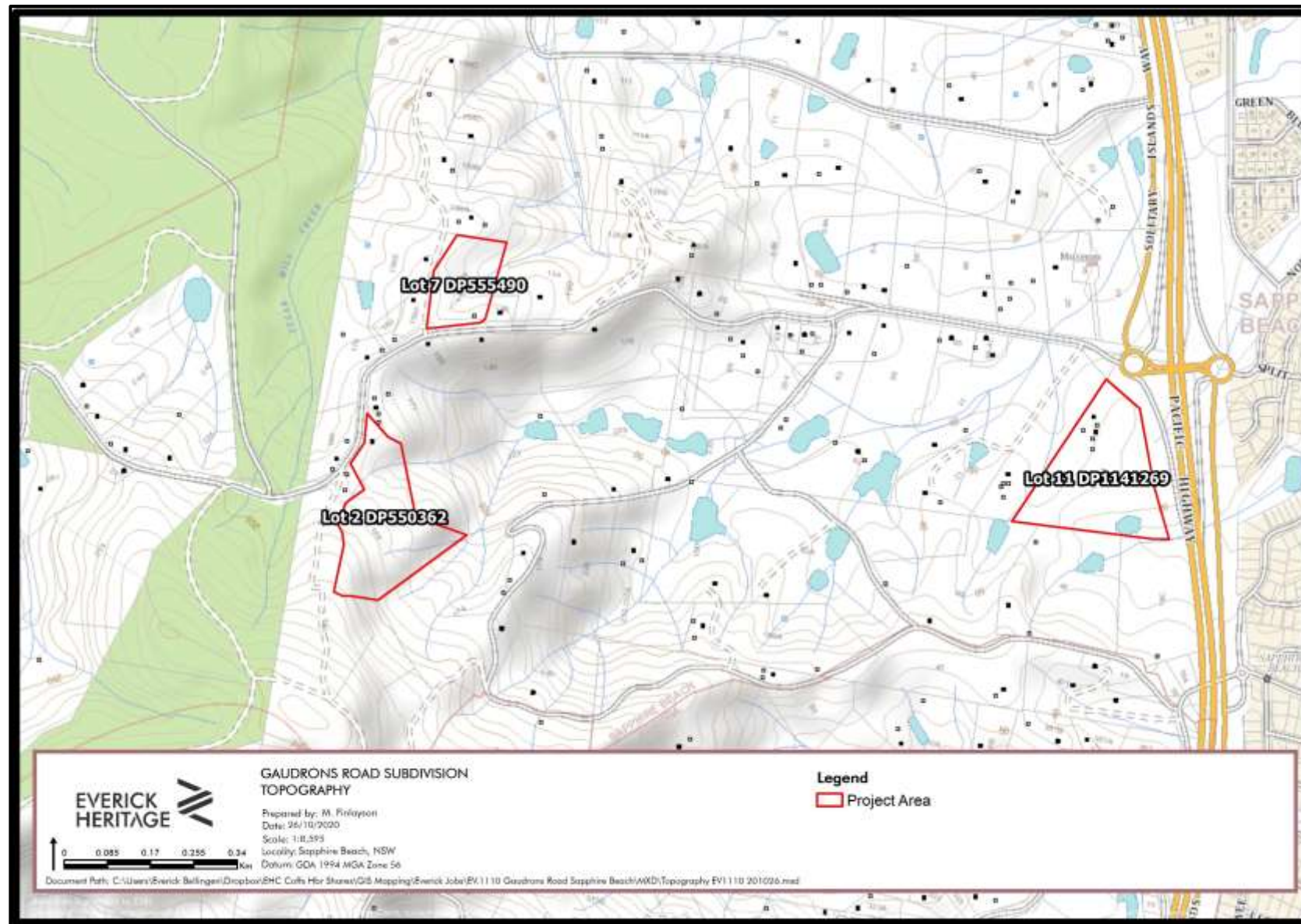


Figure 5: Topography of the Project Area.



## EVERICK HERITAGE

## 4.1.1. Soil Landscapes

The soil landscape descriptions for the Project Area include the following (see Table 2 for additional detail and Figure 6).

- 9 Gaudrons Road (Megan);
- 148 Gaudrons Road (Suicide); and
- 189 Gaudrons Road (Bobo).

**Table 2: Summary of soil landscape descriptions.**

Megan (Milford 1999:63)	Landscape— rolling low hills to hills on Late Carboniferous metasediments of the Coffs Harbour association in the Coast Range and Gleniffer-Bonville Hills. Local relief to 90 m, occasionally to 200 m; slopes typically 5 - 20%, occasionally to 33%; elevation to 317 m.	Tall open-forest (wet sclerophyll forest) dominated by tallowwood ( <i>Eucalyptus microcorys</i> ) and Sydney blue gum ( <i>E. saligna</i> ) [Forest Types 46 and 47] occurs extensively on crests and slopes. The drier exposed crests are occupied by tall open-forest dominated by narrow-leaved white mahogany ( <i>E. acmenoides</i> ), spotted gum ( <i>Corymbia maculata</i> ), grey ironbark ( <i>E. paniculata</i> ) and small-fruited grey gum ( <i>E. propinqua</i> ) [Forest Types 60 and 74].  Moderately sheltered valley floors are dominated by brush box ( <i>Lophostemon confertus</i> ) [Forest Type 53] with a dense rainforest understorey, whilst the most sheltered gullies harbour various types of depauperate rainforest...The boundary between tall open-forest and tall closed-forest on lower valley sides is often abrupt and pronounced. Rainforest becomes more prevalent towards the south.
Suicide (Milford 199:51-52)	Landscape— steep hills and dissected valleys on Late Carboniferous metasediments of the Coffs Harbour association along the Coast Range. Local	Partially cleared, tall closed-forest grading to tall, open-forest on more exposed crests and north-facing slopes. Tall closed-forest (subtropical rainforest) ... occupies the most favourable locations on

EVERICK HERITAGE

	relief 100 - 300 m; slopes 33 - 56%; elevation up to 590 m.	lower slopes... pes. Upslope, tall open-forest (wet sclerophyll forest) dominated by tallowwood (Eucalyptus microcorys) and Sydney blue gum (E. saligna) [Forest Type 47] is common, grading to tall open-forest (dry sclerophyll forest) dominated by blackbutt (E. pilularis) [Forest Type 37] on ridges and north-facing upper slopes
Bobo (Milord 1999:176)	Landscape— very steep to precipitous hills on late Carboniferous metasediments of the Coffs Harbour association in the Coast Range and Great Escarpment. Local relief to 260 m; slopes >50%; elevation up to 590 m.	Partially cleared, tall closed-forest grading to tall open-forest on more exposed crests and north-facing slopes. On steep to very steep valley sides, a tall open-forest (wet sclerophyll forest) exists dominated by narrow-leaved white mahogany... The drier north-west facing slopes are occupied by a tall open-forest... The most sheltered, moistest gullies harbour localised patches of tall closed-forest (subtropical rainforest) dominated by corkwood...

## EVERICK HERITAGE

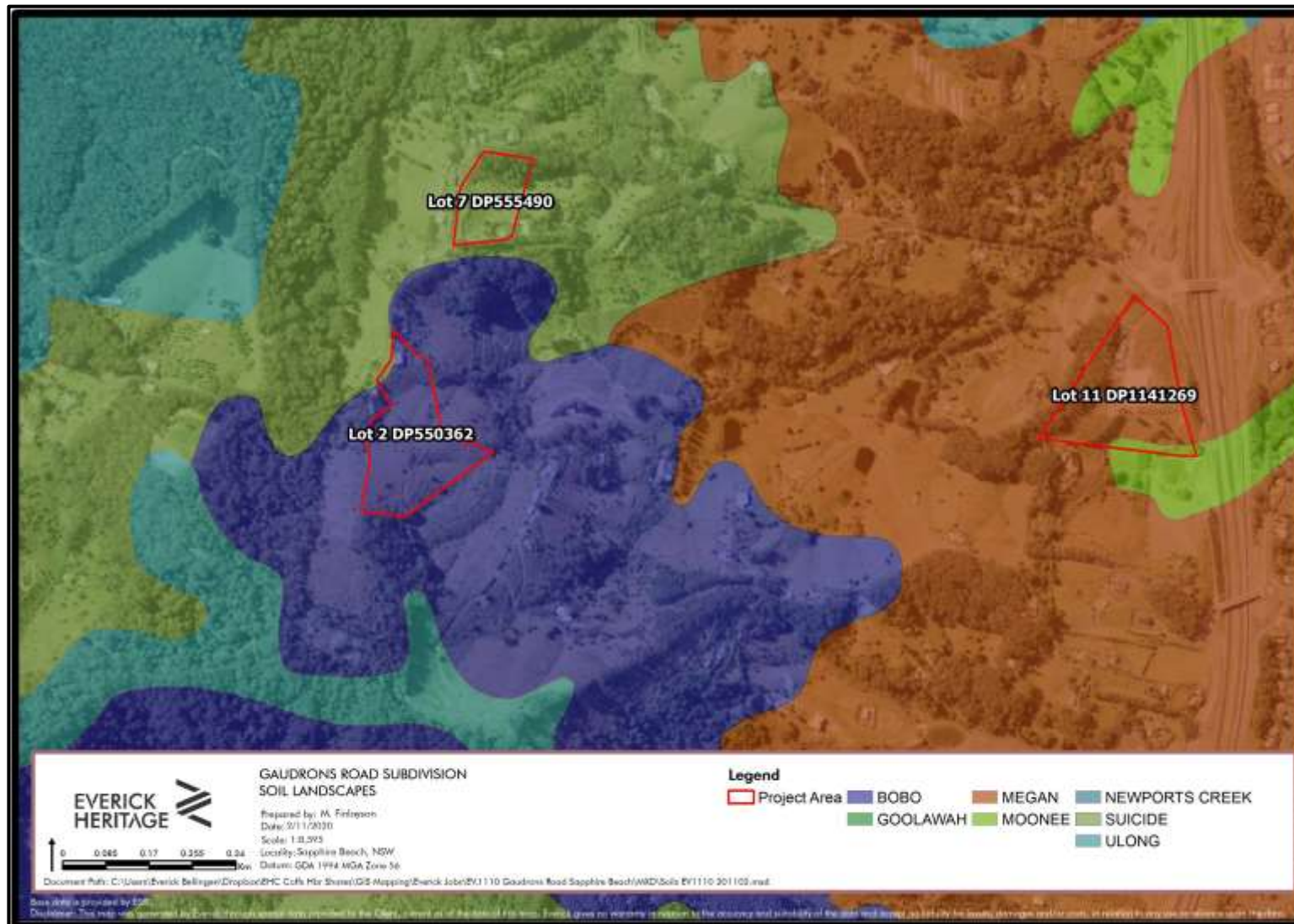


Figure 6: Project Area soil landscape mapping.

# APPENDIX 4 - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

## EVERICK HERITAGE

### 4.2. The Aboriginal Heritage Information Management System (AHIMS)

An 'Extensive' search was undertaken of the AHIMS database (Reference #545516) on 27 October 2020 (**Error! Reference source not found.** and Appendix B). The search area was defined as Lat, Long from -30.23981, 153.1219 - Lat, Long to -30.2153, 153.1595 with a buffer of 50 meters. 19 previously recorded Aboriginal sites were indicated within the search result. Numerous sites have been recorded in the AGD datum and converted at a later point in time to the GDA 1994 datum. As such the accuracy of the search may not reflect the actual location of each site. Of the results, the S2W-2 (#21-1-0212) site is located immediately north of 9 Gaudrons Road and is located within the Sapphire interchange roundabout (see Figure 7). The S2W-s site was described as "low-density scatter of four stone artefacts in a highly disturbed context at a property gate and along the edge of a banana plantation south of Gaudrons Road. The site is located on the low-gradient upper northern slope of a broad spur. No additional artefacts were found despite a thorough search of the exposed plantation area (then free of bananas)" (Collins 2007:37)

**Table 3: AHIMS search results (Reference #545516)**

Site ID	Site name	Easting	Northing	Site status	Site features
22-1-0143	CHSS-2	513800	6657190	Valid	Artefact : 3
22-1-0166	ISF 2 + PAD	514435	6656700	Valid	Artefact : 1, Potential Archaeological Deposit (PAD) : 1
22-1-0167	ISF 1	514800	6656250	Valid	Artefact : 1
22-1-0168	MSB2 + PAD	514450	6656450	Valid	Artefact : 6, Potential Archaeological Deposit (PAD) : 1
22-1-0169	MSB1 + PAD	514500	6656200	Valid	Artefact : 15, Potential Archaeological Deposit (PAD) : 1
22-1-0194	MSB4 Moonee Beach	514250	6656200	Valid	Potential Archaeological Deposit (PAD) : -
22-1-0192	Sapphire One	514145	6655639	Valid	Artefact : 4

## APPENDIX 4 - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

# EVERICK HERITAGE

22-1-0193	Sapphire Two	514091	6654676	Valid	Artefact : 1
22-1-0198	Moonee Beach_03	514434	6657029	Valid	Aboriginal Resource and Gathering : -, Artefact : -
22-1-0212	S2W-2	514083	6655959	Destroyed	Artefact : 4
22-1-0296	Sugar Mill Creek 2 (SMC 2)	514526	6656631	Valid	Artefact : 20
22-1-0364	Korara 2 and PAD	513424	6654719	Valid	Artefact : 1, Potential Archaeological Deposit (PAD) : -
22-1-0374	S2W-15	514167	6657059	Valid	Artefact : 1
22-1-0391	S2W-20	514000	6654705	Valid	Artefact : -
22-1-0399	Sartor OS1	513905	6654924	Destroyed	Artefact : 1
22-1-0400	Sartor ISO 2	514004	6654746	Destroyed	Artefact : 1
22-1-0437	S2W-2 Redeposit	514221	6656185	Valid	Artefact : -
22-1-0525	Settles Road	511854	6656947	Valid	Artefact : -
22-1-0566	Old Coast Road	513888	6654946	Valid	Artefact : -



## EVERICK HERITAGE

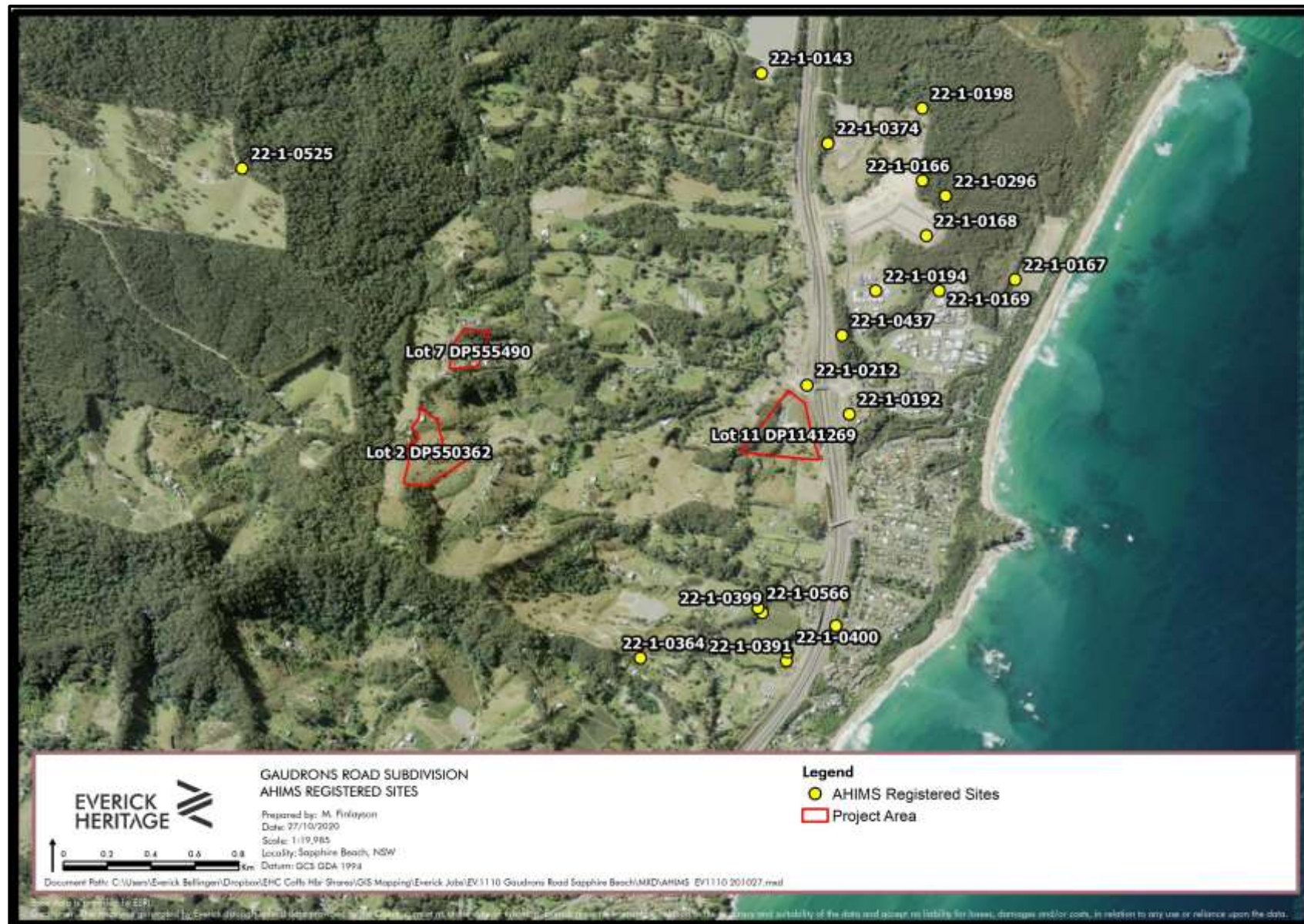


Figure 7: AHIMS search results (#545516).

## EVERICK HERITAGE

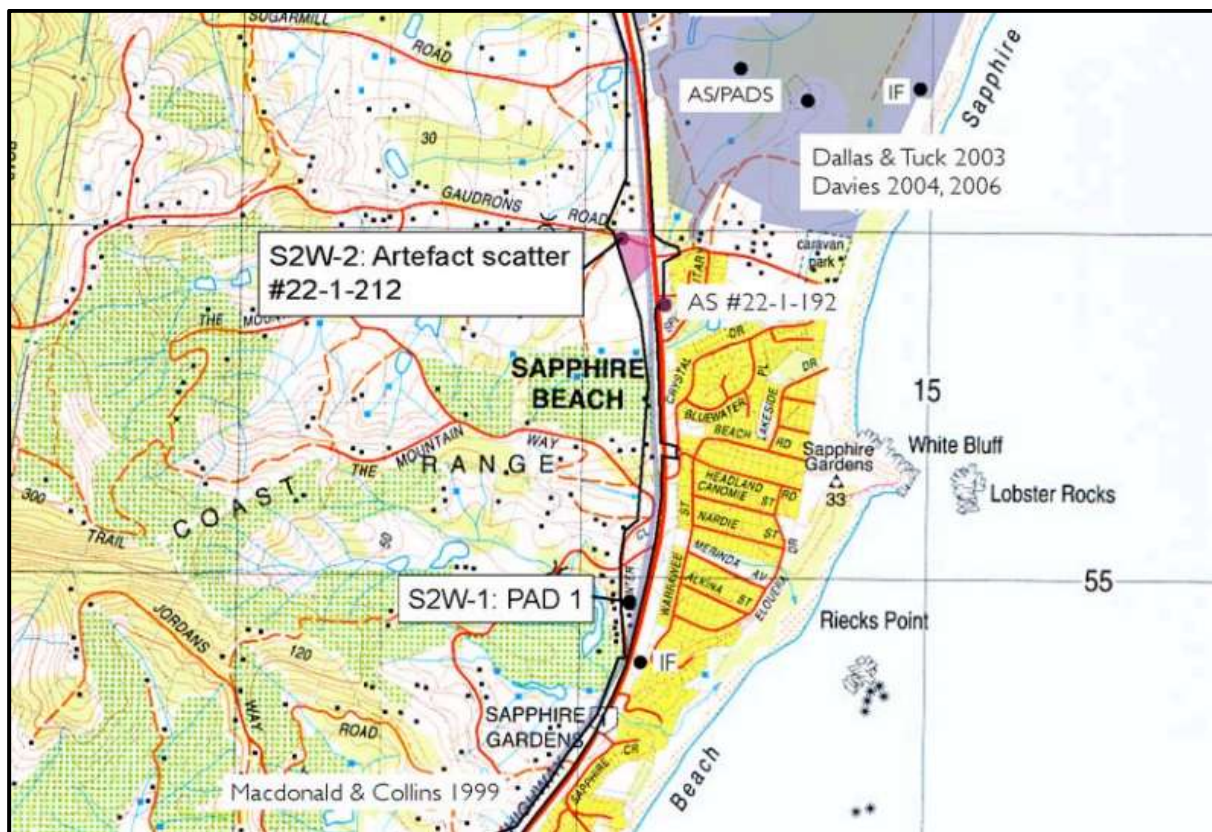


Figure 8: Location of S2W-2 Artefact Scatter.

### 4.3. Other Heritage Registers

The following heritage registers were accessed on 27 October 2020:

- **The National Heritage List (Australian Heritage Council):** Contains no Aboriginal heritage listings within or within close proximity to the Project Area.
- **Commonwealth Heritage List (Australian Heritage Council):** Contains no Aboriginal heritage listings within or within close proximity to the Project Area.
- **The State Heritage Register:**
  - a) contains no Aboriginal heritage listings in Section 1 (Items listed under the NSW Act as Aboriginal Places) within or within close proximity to the Project Area;
  - b) contains no Aboriginal heritage listings in Section 2 (Items listed under the NSW Heritage Act) within or within close proximity to the Project Area;
  - c) contains no Aboriginal heritage listings in Section 3 (Items listed by Local Government and State Agencies) within or within close proximity to the Project Area.
- **Coffs Harbour LEP (2013):** Contains no heritage listings in proximity to the Project Area.



## 5. SELECTED ARCHAEOLOGICAL SYNTHESIS AND PREDICTIONS

### 5.1. Ethnohistory

Coffs Harbour is located within the Gumbayngirr Language area, which is generally mapped south to the Nambucca River and west to the escarpment of the upper Kalang River (see Godwin 1990 for a regional overview of language areas). In general Aboriginal groups in the Gumbayngirr and adjoining areas formed relatively discrete 'clans' (earlier known as 'hordes') however in effect movement between of individuals between these groups was common (see Calley 1959 for a detailed analysis of the neighbouring Bandjalang social organisation). Given the problematic nature of population estimates- the latter and more 'general' observations of Mathews (1898) for the broader Northern NSW coastline are more relevant;

In the well watered coastal districts of New South Wales, where fish and game are abundant, their hunting grounds would be comparatively small" (Mathews 1898:66.)

Radcliffe Brown (in Lane 1970:V.8) concludes for the coastal areas that population densities would be in the order of 'one person to every three square miles'. Estimates of tribal groups in the order of 200 individuals are relatively common amongst ethnohistoric and anthropological literature (i.e. Lane 1970 for the Nambucca River district immediately south). An additional element to this discussion of population density is the differentiation of the coastal and the escarpment areas where it is generally accepted had lower and much more mobile Aboriginal populations. For the larger River systems (Nambucca, Clarence and Macleay) the concept of more intensive use of the coast as compared to the up-river and escarpment is generally accepted (i.e. McBryde 1974, Godwin 1990).

A high diversity of resources available to the Gumbaynggir peoples in the bioregion of the North Coast resulted in this high density of Aboriginal occupation of the coastal plain, particularly in the Northern Rivers. A rich marine environment in conjunction with a lush vegetated coastline at the interface of a temperate southern climate and a tropical north provided a rich environment for occupation (NPWS 2003).

A unique feature of the Coffs Harbour area is the close proximity of the Great Dividing Range to the Coast. 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. The extent to which this affected land-use is not known. However, the absence of historic information about the Coffs Harbour hinterland indicates that this narrow intermediate zone was not intensively used or was secondary to

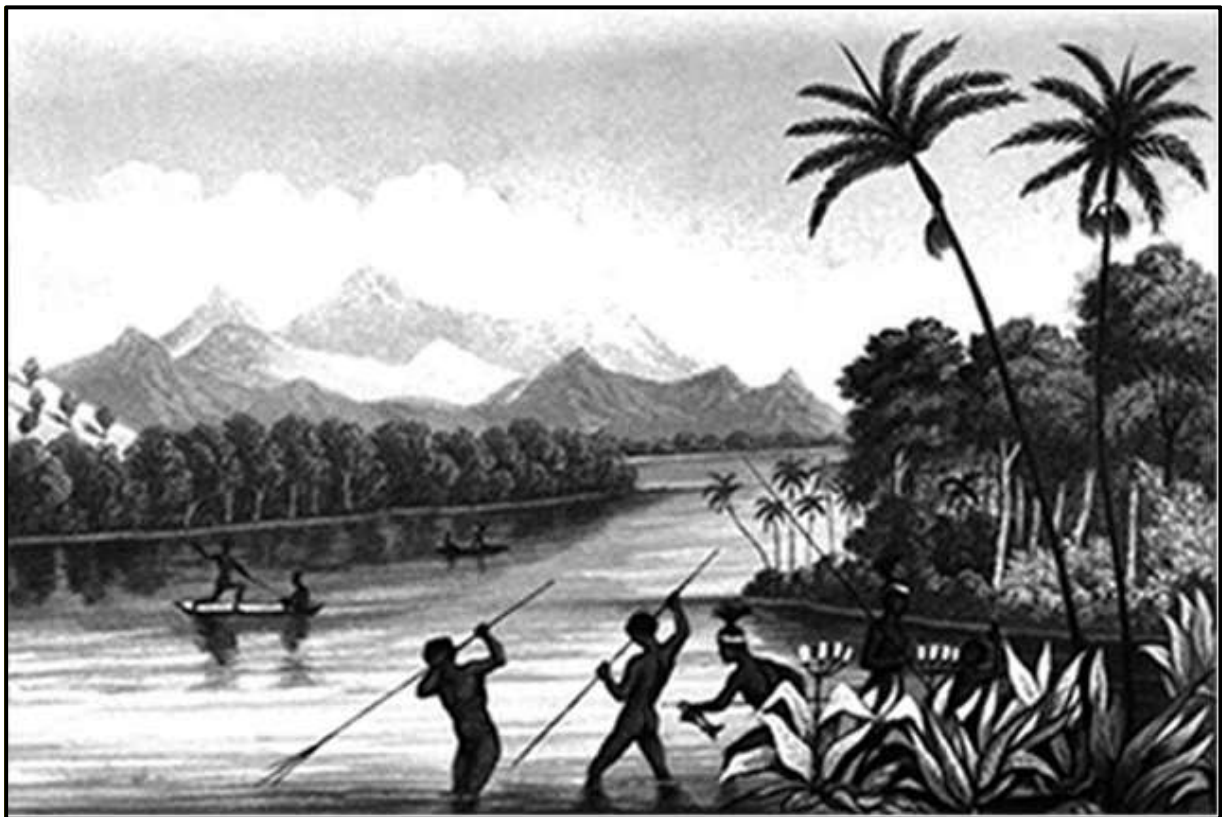
## APPENDIX 4 - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

# EVERICK HERITAGE

occupation of the coastal and estuarine areas. There is however great potential for pathways and routes between the coast and escarpment/hinterland.

There are no historical accounts of 'massacres' within the study area, although that is not to say they didn't happen along the coastal zone -such as the documented massacre at Red Rock (Goulding 2001:63). Unlike the larger properties and permanent building of European settlers, most Aboriginal living areas from the contact period tended to be very small shacks made from remnant and scavenged materials located usually on Crown Land. Historic living areas tended also to be seasonal, be it for seasonal bush resources such as fish runs or for seasonal work within the horticulture industry.

Historic fringe camps, such as those in vicinity to Coffs CBD, 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. The main camping areas identified by Goulding (2001:64,65) area Corindi Lake, Inland from Arrawarra, Nana Glen (junction of Orara River and Bucca Bucca Creek), Happy Valley in Coffs Harbour, Coffs Creek/Fitzroy Oval, Wongala Estate and Yellow Rock. Generally speaking the historical experiences of Aboriginal people has been one of exclusion up until the 1960's (Calley 1956:201). The nature of historic Aboriginal camps and economy within the historic period is such that it is unlikely these types of 'sites' will be present in the Project Area.



**Figure 9: 'Aboriginals spearing fish on the Bellinger' (Hodgkinson 1845 source Bellingen Historical Society).**

## EVERICK HERITAGE



Figure 10: 'Yellow Rock Mission' (source [gumbayngirr.weebly.com](http://gumbayngirr.weebly.com)).



## 5.2. Previous Archaeological Research

The majority of archaeological research in the Coffs Harbour region has focused on the coastal margins and are often reports commissioned in preparations for residential or tourist developments (Piper 1976; Smith 1998a, 1998b, 1999; Murphy 2000; Dallas 2008). Of the coastal hinterland studies, most have been surface surveys undertaken in preparation for infrastructure corridors and highway / bypass routes (Godwin 1982; Rich 1989; Davies 1991, 1993, 2004; Kuskie 1993a, 1993b; Mills 1997; Macdonald and Collins 1999; Connell Wagner 2004).

### 5.2.1. North Sapphire Beach (Davis 2004)

Davis (2004) completed an archaeological assessment for a proposed residential development at North Sapphire Beach to the north of the Project Area. Cultural material was found generally within the topsoil to a depth of approximately 200 mm. Significant disturbance of soil profiles were noted in all test excavations. Analysis of the lithic assemblages demonstrated one or two flaking episodes indicating that the surveyed sites represent 'work areas' rather than camp sites. The lack of shellfish and bone remains within the assemblage and the fact that the location was in close proximity to the beach is argued to identify the locations as transitory camps or places for specific tasks such as artefact manufacture.

### 5.2.2. Coffs Harbour- Urunga Forestry Management Areas (Davies and Stewart Zerba 1995)

The Coffs Harbour- Urunga Forestry Management study provides the most comprehensive regional assessment of the archaeological values and potential of the Coffs Coast hinterland. Whilst it is acknowledged that the sub-coastal zone which comprises the Project Area is not included within the Davies study, some of its findings have practical application as the study was structured around 'land systems' (Davies and Stewart Zerba 2005). Overall, the sampling strategy employed by the study was biased towards the location of open campsites, stone artefact scatters and isolated finds. However, 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 which 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. However, 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 resource rich marine and estuarine areas of the coastline.

### 5.2.3. Coffs Harbour Bypass (Kelleher Nightingale 2020)

The archaeological assessment for the Coffs Harbour Bypass provides the largest replicable study for the ACHA as it traverses a range of landforms which are similar to the Project Area. The following models are extracted from the ACHA report

Within the study area, ridgelines and crests were identified as displaying generally good archaeological potential,...Within the hinterland, many of these landscape features have suffered disturbance as a result of European land use including intensive agriculture; however, test excavation and Aboriginal community consultation have confirmed that artefacts and sites can still occur through the landscape. This includes intangible cultural heritage features as well as artefact sites.

The majority of the newly identified sites were dispersed, low-density subsurface deposits within a variably disturbed landscape. The presence of low artefact densities in these areas may reflect transitory or low-intensity landscape use as people moved across Country. Lower-lying landforms and slopes within the coastal plain have also been more heavily affected by sustained European land use, erosion and colluvial mixing, flooding, and more landscape disturbance, potentially affecting the survivability of intact deposits. Several of the PADs subject to testing were located on slopes which showed the effects of colluvial movement, negatively impacting the survivability of intact archaeological deposit. The more intact and stable deposits identified during the test program occurred on level spur crests and saddles, particularly in the more elevated foothills/hinterland below the escarpment. Despite evident disturbance (particularly from banana cultivation), some intact deposits exhibiting at least moderate archaeological information were found to remain, and have the potential to provide important information on Aboriginal landscape use of these elevated landforms.

### 5.2.4. Lakes Estate (Bonhamme Craib and Associates 2011; Collins 2008).

Collins (2008) completed archaeological investigations (excavations) on a series of ridge crests within the proposed Lakes Estate. This study confirmed the presence of open campsites/ stone artefact scatters (LE- 1 and LE- 2) within the topsoil layer of two ridge crests. The study (Collins 2008:3) concluded;

The test excavations revealed Aboriginal stone artefacts within the topsoil on both LE- PAD 1 and LE- PAD 2. With the exception of a discrete artefact cluster identified on the LE- PAD 2 spur saddle, the artefact distributions are of a low-density nature only, and are believed to have been discarded on an itinerant basis during transit along the descending spurs between the Roberts Hill ridge and alluvial valley flat ecosystems rich in rainforest and swamp resources.

The LE- PAD 1 and 2 artefacts have been substantially disturbed by historic/recent land-uses, including tree clearing, ploughing, and/or activities connected with banana cultivation. Such is the level of disturbance that it is uncertain whether any of the topsoil remains intact. Of the 33

test pits dug during the investigations, more than half provided unequivocal evidence for topsoil disturbance by way of plough fine marks at the topsoil/basal clay interface, mixed topsoil/basal clay sediments or the inclusion of modern materials (gravel, glass, concrete, bricks, plastic) in stratigraphic association with or below the artefacts.

A series of archaeological investigations have been undertaken for the 'Highland' Estate project (Bonhomme Craib and Associates 2011). This study identified a number of stone artefact scatters within the surrounding areas including site #22-1-0377. A total of 410 artefacts were recovered from 58.5 m<sup>2</sup> of test-pit excavations (total 39 test pits). This study of #22-1-0377 concluded;

The landform types investigated during the sub-surface testing were the ridge crest and upper slope. The stone artefacts were either coarse or fine-grained siliceous material referred to locally as 'greywacke'. Stone artefact types were limited and consisted of five (5) cores, one (1) tool(s), with the remainder being debitage (98%) consisting of complete flakes, broken flakes, flaked pieces. One complete flake had evidence of retouch and is considered a tool.

The density of artefacts across the south hill slope indicates that Aboriginal activity resulting in physical evidence (i.e. the presence of stone tools, hearths or other features or items) was low. The area may have been accessed regularly to procure resources but there is only a low-level physical expression of these activities. The artefact clusters suggest that while artefacts were found there are two locations with material that suggests intense knapping was occurring (Bonhomme Craib & Associates 2011:24).

### 5.2.5. Halls Road, Coffs Harbour (Hill et al 2015)

Everick (Hill et al 2015) completed an archaeological investigation for a proposed residential subdivision on Halls Road to the south-west of the Project Area which included a series of archaeological test excavations. This survey resulted in the location of an open campsite/artefact scatter in three (3) locations across a single ridge crest and confirms the consistent presence of artefacts on crests along the coastal strip.

### 5.2.6. The Summit Aspect Coffs Harbour Development (Hill and Robins 2015)

Everick Heritage provided a Cultural Heritage Assessment and Salvage Strategy for the subdivision and development of 29 dwellings on Lot 4 DP270533 to the immediate south of the Big Banana in Coffs Harbour. An artefact scatter and associated PAD were identified during surveys done previously by Navin and Officer (2007), noting the area to be highly disturbed. Salvage methods were utilised including surface collection and recording, mechanical sieving of spoil heaps, excavation of the topsoil layer using

## APPENDIX 4 - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

# EVERICK HERITAGE

machinery, and excavation of the topsoil transects. 11 stone artefacts were found during surveys of the ridgeline, including flakes, cores, hammerstones, and manuports.

### 5.2.7. Korora West Sapphire Residential Development (Hill et al. 2015)

Everick Heritage conducted a Cultural Heritage Assessment for a constraints study within the Korora West Sapphire Moonee release area, north of Coffs Harbour. On ground surveys, vehicle-based inspections and database searches found no gazetted Aboriginal Places or Listed Historic Items. The study identified 38 potential archaeological deposits based primarily on topography that identified several broad trends that relate to the distribution of archaeological sites, being;

- there was a high correlation between the known sites and ridge crests and spurs which were identified as PADs;
- larger PADs were grouped towards the north of the Project area as the slope and terrain became generally less steep to the north;
- there was a higher frequency of PADs to the east on the lower slopes and terminations of ridges;
- modern residential dwellings and roads were located mostly on PADs leaving a relatively low number undisturbed.
- the Korora basin and West Sapphire has been historically disturbed by intensive horticulture when compared to the Moonee hinterland.

### 5.2.8. North Coffs Release Area (Hudson 2009)

The North Coffs Harbour Release Area was subject to a similar archaeological assessment and is located immediately to the south of the current study (Hudson 2009). The study includes the area north of the North Coast Railway Line, east of the Pacific Highway and south of the proposed Coffs Harbour bypass. The effectiveness of the survey was significantly constrained due to vegetation growth, and no Aboriginal sites were recorded. Several trees with indicative marks from historic logging ('board notched stumps') were recorded as evidence of historic European occupation, however these were not identified as being significant.

### 5.2.9. Pacific Highway Sapphire to Woolgoolga (Collins 2007)

The archaeological investigation of the Pacific Highway Sapphire to Woolgoolga upgrade was undertaken from Sapphire Beach to Arrawarra. The assessment identified low density artefacts scatters and concluded that historic ground disturbance was a significant factor affecting the presence and integrity of Aboriginal

sites within the alignment. The report made the following conclusion which is directly relevant to the study;

Apart from PADs identified at S2W-9 (potential traditional campsite), S2W-11 (potential traditional ceremonial and/or historic activity area) and S2W-13 (potential historic burial), the recorded archaeological sites and PADs occur on coastal ramp ridges/spurs. Of these, S2W-4 is believed to represent a seasonal base camp used into the European contact period. This site is of high cultural/social significance. The concept design has been revised to preserve this significance. On the basis of past subsurface investigation results, the remaining coastal ramp sites/PADs are probably associated with temporary camping and/or task-specific activities by small groups ranging from S2W-4 and other coastal base camps. These sites either have low, low-moderate or other potential cultural/social significance. (Collins 2007:54-55)

### 5.3. Aboriginal Site Predictive Model

The following model can be proposed for archaeological sites along the Coast Range and foothills of the Coffs Coast;

- Archaeological sites will likely include stone artefact scatters and open campsites located on ridge crests and spurs with an increased potential for archaeological sites on broad spurs or ridges with a northerly or easterly aspect.
- Aboriginal campsites which existed along elevated ridgelines will be functionally and culturally connected and are best considered 'discontinuous' archaeological sites that have become disconnected by European settlement and ground disturbance.
- While there is a residual potential for shell middens to occur within the Project Area, midden sites are typically associated within coastal headlands, swamps and beachfronts.
- The history of forest clearing and agriculture is such that site types including modified trees will have been removed from the Project Area.
- Burials are considered likely to occur within the banks of smaller creeks and tributaries, however are most common on the sandy soils and low-lying areas to the east of the Project Area and within the Korora basin to the south.



## 6. FIELD SURVEY: ABORIGINAL CULTURAL HERITAGE

### 6.1. Constraints to Site Detection

An assessment of the constraints to site detection is made to assist in formulating a view as to the effectiveness of the field inspection to find Aboriginal sites and cultural heritage materials. It also assists in the forming of a view of the likelihood of concealed sites, keeping in mind a site-specific knowledge of the disturbance impacts that European land uses and natural processes may have had on the 'survivability' of Aboriginal sites in a Project Area.

The constraints to site detection are almost always most influenced by post European settlement land uses and seldom by natural erosion processes. The area of surface exposure and the degree of surface visibility within exposed surfaces are usually the product of 'recent' land uses for example land clearing, ploughing, road construction, natural erosion and accelerated (manmade) erosion (McDonald et al. 1990:92). In this case the major 'manmade' constraints to Aboriginal site survivability and detection are historic clearing of open forest and rainforest vegetation, agricultural enterprise in the form of banana plantations, tilling of soils, cut and fill earthworks and construction of access tracks.

### 6.2. Site inspection

A site inspection of the Project Area was undertaken on Wednesday 04 November 2020 by the following:

- Uncle Ian Brown (Sites Officer, Coffs Harbour and District LALC)
- Tim Hill (Principal, Everick Heritage);
- Matt Finlayson (Archaeologist, Everick Heritage); and
- Alex Dent (Graduate Archaeologist, Everick Heritage).

The site inspection aimed to identify the potential for Proposed Works to impact on Aboriginal objects (Table 4). The survey aimed to identify the nature and extent of previous soil disturbance and locate intact soils with the potential to contain archaeological sites.

To achieve as thorough and effective an archaeological assessment as possible a systematic ground survey of all the Project Area was undertaken. Surface visibility was limited due to grass coverage, steep slopes and in the case of Lot 11, banana plantations. As such, exposures were targeted that might have the potential to contain visible Aboriginal objects. Exposures were generally within the vehicle access tracks or soil cuttings adjacent to such tracks, comprising disturbed soils. Exposures further from the tracks

## APPENDIX 4 - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

# EVERICK HERITAGE

generally revealed shale-based soils associated with open forests in Lot 11 and 7 and rainforest soils in Lot 2.

9 Gaudrons Road (Lot 11 DP 1141269) contains a currently operational banana farm, greenhouse sheds and ancillary buildings including additional machinery sheds and an occupational dwelling (Figure 11, Figure 12, Figure 13, Figure 14). The soil profile of Lot 11 is substantially disturbed due to the banana farm operations, cut and fill earthworks, construction of amenities and landscaping. The disturbed topsoil profile however is dark greyish-brown shale-based soils consistent with open forest. The ridge crest within Lot 11 is located in the northeast, comprising the broad flat grassy area adjacent to the driveway. The ridgetop is adjoined to saddle that is oriented north-east to southwest that tapers off at the southern boundary of the Lot 11 Project Area. One (1) Aboriginal stone tool was identified during survey of Lot 11 on the western boundary of the banana plantations, downslope from the saddle top and adjacent to a gully to the west. The object is a unifacial greywacke chopper, transversely broken with one (1) visible negative flake scar, identified as Gaudrons Road IF01 and registered in the AHIMS database as #22-1-0602 (Figure 15, Figure 16, Figure 24).

148 Gaudrons Road (Lot 7 DP 555490) is located on a steep north-east to east facing slope currently used as a farm property / goat paddock. The upper slopes are comprised of former agricultural terracing and access paths associated with a banana plantation. GSV was generally constrained to the upper slopes to the west where soils have been disturbed from cut-and fill earthworks associated with the terracing and driveway entrance to the adjoining property.

189 Gaudrons Road (Lot 2 DP 5550362) similarly comprises steep, east facing slopes on former agricultural banana plantation land. In addition to historic clearing and banana plantings, Lot 2 has been subject to dwelling construction, cut and fill earthworks and track culvert construction. Due to vegetation overgrowth and turfing, GSV was limited in Lot 2 to the areas of disturbed track and cut and fill areas in proximity to the house pad.

Having consideration for categories of predictive landforms as indicated under the Due Diligence Code of Practice ('CoPAI') in regards to Lot 2 and 7, it is determined to be unlikely that Lot 2 would contain Aboriginal objects on the ground surface or in the topsoil deposits.

**Table 4: Survey coverage**

Survey Unit	Landform	Survey Unit Area (m2)	Visibility (%)	Exposure (%)	Effective Coverage Area (m2)	Effective Coverage (%)
9 Gaudrons Road	Ridge Top & Saddle	10000	40	20	800	8
148 Gaudrons Road	Upper Slopes	2000	30	30	180	9

APPENDIX 4 - ABORIGINAL CULTURAL HERITAGE ASSESSMENT

EVERICK HERITAGE

Survey Unit	Landform	Survey Unit Area (m2)	Visibility (%)	Exposure (%)	Effective Coverage Area (m2)	Effective Coverage (%)
189 Gaudrons Road	Upper Slopes	1000	10	10	100	1



Figure 11: General conditions of Lot 11 ridgetop, facing south.



## EVERICK HERITAGE



Figure 12: Soil stockpile within Lot 11 adjacent to greenhouse sheds, facing south.



Figure 13: Eastern boundary of Lot 11 banana farm, facing southwest.



## EVERICK HERITAGE



Figure 14: GSV and conditions within the Lot 11 banana farm, facing west.



Figure 15: Gaudrons Road IF01 broken greywacke cobble.



## EVERICK HERITAGE



Figure 16: Gaudrons Road IF01 location relative to banana farm and sheds, facing northeast.



Figure 17: View from Lot 7 towards the coastline, facing east.



## EVERICK HERITAGE



Figure 18: General conditions of Lot 7 including terracing, facing south.



Figure 19: View northeast over Lot 7, former terracing and goat paddock visible.

## EVERICK HERITAGE



Figure 20: Cut trees and soil disturbance in Lot 7, southwest corner of property facing south.



Figure 21: View east over Lot 2 from the driveway.



## EVERICK HERITAGE



Figure 22: Former plantation track within Lot 7, general GSV and exposures visible, facing south.

## EVERICK HERITAGE



Figure 23: Former plantation track going upslope west through Lot 2, general GSV observable, facing south.

## 7. RESULTS OF ABORIGINAL CULTURAL HERITAGE ASSESSMENT

### 7.1. Results of consultation and survey

As a result of the desktop study, field inspection and consultation with Coffs Harbour and District LALC, the following can be concluded:

- a) One (1) Aboriginal object was identified on the western boundary of Lot 11 DP1141269 (9 Gaudrons Road). This object is a unifacial greywacke chopper and has been recorded as Gaudrons Road IF01 (#22-1-0602).
- b) No Aboriginal objects or sites of cultural significance, including archaeological sites, are known to occur within Lots 2 and 7.
- c) The extant topsoils with potential to contain Aboriginal objects have been substantially disturbed by historic clearing, banana plantations, cut and fill works and structures.
- d) Due to the steep slope of Lot 2 and Lot 7, it is unlikely that the Proposed Works in these two (2) lots will impact on Aboriginal objects.
- e) Having consideration for the predictive model and the results of the site inspection it is considered that the broad ridge crest within Lot 11 DP1141269 has the potential to contain Aboriginal objects, being a stone artefact scatter located throughout the topsoils along the ridge crest.

The assessment has concluded that subdivision works within 148 and 189 Gaudrons Road are unlikely to impact on Aboriginal objects and will not impact on any known places or sites of cultural significance to the Aboriginal community. As such additional consultation and archaeological investigation are not required for these two parcels of land. However, it is determined that works at 9 Gaudrons Road, particularly in relation to the ridge crest, have the potential to impact on Aboriginal objects. As such additional consultation and archaeological investigation are required. The following recommendations are provided to mitigate impacts to potential Aboriginal heritage values.



EVERICK HERITAGE

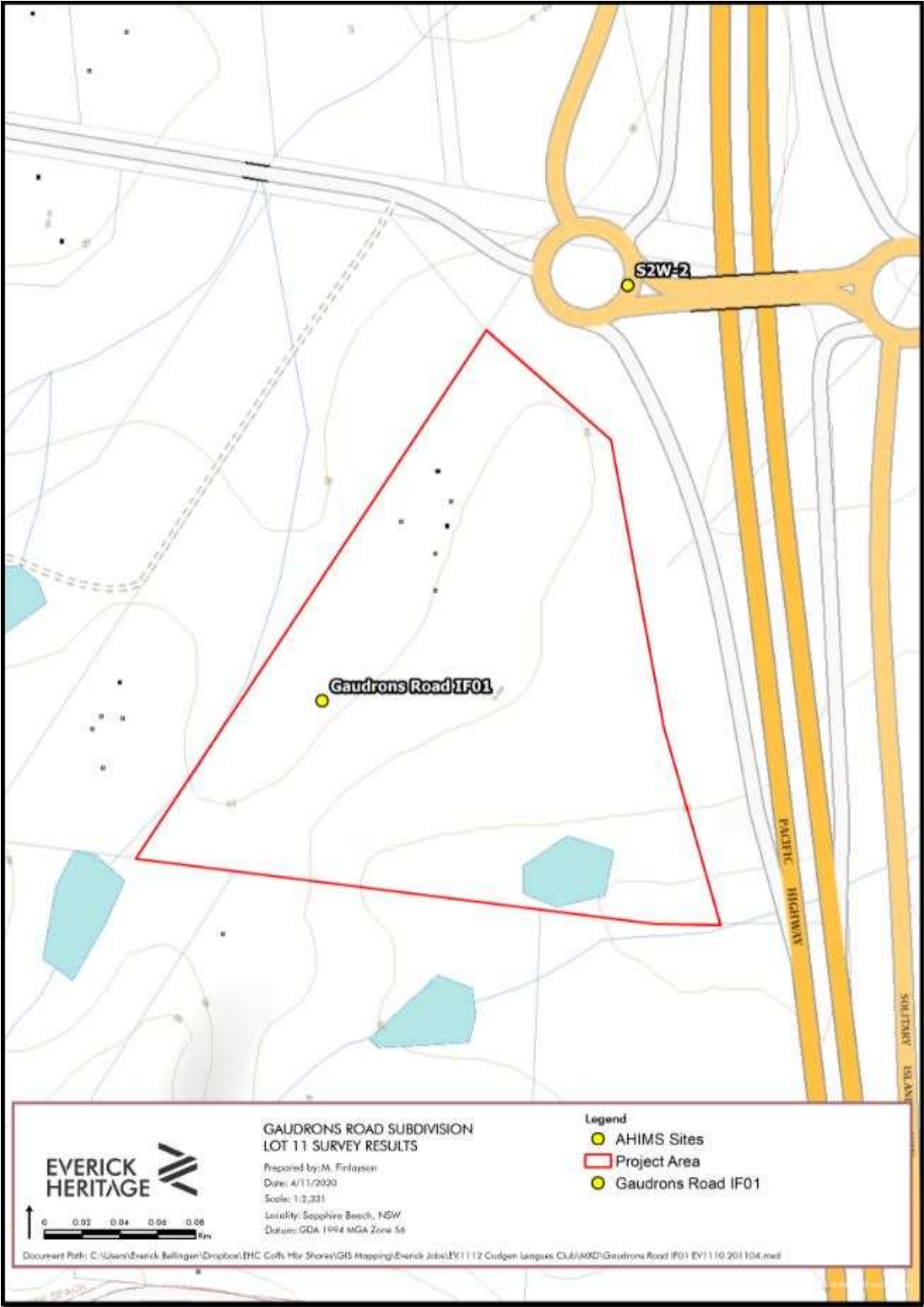


Figure 24: Location of Gaudrons Road IF01.

## 8. RECOMMENDATIONS

The assessment has concluded that subdivision works within 148 and 189 Gaudrons Road are unlikely to impact on Aboriginal objects and will not impact on any known places or sites of cultural significance to the Aboriginal community. As such additional consultation and archaeological investigation are not required for these two parcels of land. However, it is determined that works at 9 Gaudrons Road, particularly in relation to the ridge crest, have the potential to impact on Aboriginal objects. As such additional consultation and archaeological investigation are required. The following recommendations are provided to mitigate impacts to potential Aboriginal heritage values.

### Recommendation 1: Aboriginal Objects Find Procedure

It is recommended that if suspected Aboriginal material has been uncovered because of development activities within the Project Area:

- a) work in the surrounding area is to stop immediately;
- b) 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;
- c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- d) should the works be deemed to have harmed the Aboriginal objects Heritage NSW should be notified immediately via the EPA Enviro Hotline.

### Recommendation 2: Aboriginal Human Remains

Although it is unlikely that Aboriginal Human Remains will be located at any stage during earthworks within the Project Area, should this event arise it is recommended that all works must halt in the immediate area to prevent any further impacts to the remains. The site should be cordoned off and the remains themselves should be left untouched. The nearest Police Station (Bellingen), the Coffs Harbour and District LALC and the Heritage NSW Regional Office (Coffs Harbour) are all to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and Heritage NSW should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal Human Remains, workers or contractors should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

Recommendation 3: Further Archaeological Investigations (9 Gaudrons Road)

It is recommended that a test pitting program in accordance with the Code of Practice for Archaeological Investigations in New South Wales (DECCW 2010) be carried out at 9 Gaudrons Roads to further establish the potential of topsoils on the ridge crest and saddle to contain Aboriginal objects.

Subsequent additional archaeological investigation should include at least 12 1m<sup>2</sup> 'test-pits' spread across the ridge crest to determine the potential for the topsoil layer to contain Aboriginal objects.

## REFERENCES

Belshaw, J.

1978. 'Population Distribution and the pattern of seasonal movement in northern NSW', in McBryde, I (ed.) Records of times past: ethnohistorical essays on the culture and ecology of the New England tribes. Canberra: Australian Institute of Aboriginal Studies.

Bonhomme, Craib & Associates.

- 2001 Cultural Heritage Excavation for Stage 5 Lot 2 DP1082747 North Boambee Estates, Coffs Harbour, NSW. Unpublished report for Astoria Group Ltd.

Collins, J.P.

- 2007 Pacific Highway Upgrade- Sapphire to Woolgoolga. Aboriginal Heritage Assessment. Report to Connell Wagner Pty Ltd.

2008. Proposed Lakes Estate residential development North Boambee Valley, Coffs Harbour. Unpublished report for Douglas Gow & Associates, Albury.

Davies, S. & A. Stewart-Zerba.

1995. An Archaeological Assessment of State Forests of New South Wales' Coffs Harbour – Urunga Management Areas. A report to Gutteridge Haskins and Davey Pty. Ltd.

Davis S.J.

- 2004 Archaeological test excavations, North Sapphire Beach, Coffs Harbour, northern NSW. Report to S.J. Connelly Pty Ltd.

- 2006 Archaeological salvage. Lot 13 DP 882816 North Sapphire Beach, Coffs Harbour, northern NSW. Report to Sapphire Beach Properties Pty Ltd.

Godwin, L.

- 1990 Inside Information: settlement and alliance in the Late Holocene of northeastern NSW. PhD Thesis, University of New England.

Goulding, M.

2001 Cultural Places, Contested Space. A Study of Aboriginal peoples' historical attachments to landscape. Coffs Harbour Region Cultural Heritage Study. Unpublished report to Cultural Heritage Division, National Parks and Wildlife Service, Hurstville.

Hill, T., Wiig, F., Towers J and Robins, T.

2015 Korora West Sapphire Moonee large lot residential study: Heritage assessment. Everick Heritage Consultants Pty Ltd unpublished report prepared for Coffs Harbour City Council.

Hudson, S. R.

2009. Archaeological Assessment of North Coffs Release Area CHLEP 2000 (Amendment No. 32). Unpublished report for Coffs Harbour City Council.

Kelleher Nightingale Consulting Pty Ltd

2020 Pacific Highway Upgrade Coffs Harbour Bypass: Aboriginal Cultural Heritage Assessment Report. Prepared for Arup Pty Ltd on behalf of Transport for New South Wales.

Millford, H.B.

2001 Soil Landscapes of the Coffs Harbour 1:100 000 Sheet. Department of Land and Water Conservation, Sydney.

McDONALD, R.C., ISBELL, R.F., WALKER, J. and HOPKINS S,

1990. Australian Soil and Land Survey Field Handbook Second Edition, Inkata Press, Sydney.

Robins, T. & J. Towers

2014 Coffs Harbour Baseline Survey, Coffs Harbour Airport, NSW: Aboriginal Cultural Heritage Due Diligence Assessment (May 2014). Everick Heritage Consultants Pty Ltd unpublished report prepared for New South Wales Government, Land and Property Information Division.



## APPENDIX A: CORRESPONDENCE WITH COFFS HARBOUR AND DISTRICT LALC

**From:** Nathan Brennan <ceo@coffsharbourlalc.com.au>

**Sent:** Monday, 2 November 2020 8:14 AM

**To:** Tim Hill <t.hill@everick.net.au>; Matthew Smith <programs@coffsharbourlalc.com.au>

**Subject:** Re: Subdivision to 9 Gaudrons Road, Sapphire Beach, Lot 11 DP1141269 (PN 2240155);148 Gaudrons Road, Sapphire Beach, Lot 7 DP 555490 (PN 132690);189 Gaudrons Road, Sapphire Beach, Lot 2 DP 5550362 (PN 1505300).

Great.

Thanks Tim.

Sent from my iPhone

On 2 Nov 2020, at 7:32 am, Tim Hill <t.hill@everick.net.au> wrote:

Giinagay Nathan.

We have been engaged to undertake a ACHA inspection on three properties at Gaudrons Road. Please see attached the Council advise and Plans form the client. I know they aren't great, but we will make up some better ones to use in the field. The key block for cultural heritage will be the one near the highway/ Sapphire interchange...

I had a chat with Uncle Ian late last week- he says he is available on Wednesday morning, so we will proceed on that basis.

Please invoice Everick and provide the following to identify the job: EV1110 Gaudrons Road Sapphire beach.

Ta

# EVERICK HERITAGE

Tim Hill


BA (Hons)

Principal (Coffs Harbour)

Ph: (02) 6655 0225

Mob: 0422 309 822

## APPENDIX B: AHIMS EXTENSIVE SEARCH RESULTS

 <b>AHIMS Web Services (AWS)</b> Extensive search - Site list report										
							Your Ref/PO Number : EV1110 Client Service ID : 545516			
SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
22-1-0143	CHSS-2	AGD	56	513800	6657190	Open site	Valid	Artefact : 3		103091
<b>Contact</b>		<b>Recorders</b>		Ms.Jacqueline Collins		<b>Permits</b>				
22-1-0166	ISF 2 + PAD	AGD	56	514435	6656700	Open site	Valid	Artefact : 1, Potential Archaeological Deposit (PAD) : 1	1809,2014	99028,99032,100149,101089
<b>Contact</b>		<b>Recorders</b>		Mary Dallas Consulting Archaeologists (MDCA)		<b>Permits</b>				
22-1-0167	ISF 1	AGD	56	514800	6656250	Open site	Valid	Artefact : 1	2014	99032
<b>Contact</b>		<b>Recorders</b>		Mary Dallas Consulting Archaeologists (MDCA)		<b>Permits</b>				
22-1-0168	MSR2 + PAD	AGD	56	514450	6656450	Open site	Valid	Artefact : 6, Potential Archaeological Deposit (PAD) : 1	1009,2014	99028,99032,100149,101089
<b>Contact</b>		<b>Recorders</b>		Mary Dallas Consulting Archaeologists (MDCA)		<b>Permits</b>				
22-1-0169	MSB1 + PAD	AGD	56	514500	6656200	Open site	Valid	Artefact : 15, Potential Archaeological Deposit (PAD) : 1	1809,2014	99028,99032,100149,101089
<b>Contact</b>		<b>Recorders</b>		Mary Dallas Consulting Archaeologists (MDCA)		<b>Permits</b>				
22-1-0194	MSB4 Moonee Beach	AGD	56	514250	6656200	Open site	Valid	Potential Archaeological Deposit (PAD) : +	2014	99028,99032
<b>Contact</b>		<b>Recorders</b>		Coffs Harbour and District Local Aboriginal Land Council, Davies Heritage Consultants		<b>Permits</b>				
22-1-0192	Sapphire One	AGD	56	514145	6655639	Open site	Valid	Artefact : 4		
<b>Contact</b>		<b>Recorders</b>		Coffs Harbour and District Local Aboriginal Land Council		<b>Permits</b>				
22-1-0193	Sapphire Two	AGD	56	514091	6654676	Open site	Valid	Artefact : 1	1986	
<b>Contact</b>		<b>Recorders</b>		Coffs Harbour and District Local Aboriginal Land Council		<b>Permits</b>				
22-1-0198	Moonee Beach_03	AGD	56	514434	6657029	Open site	Valid	Aboriginal Resource and Gathering : +, Artefact : +		
<b>Contact</b>		<b>Recorders</b>		Miss.Nicky Owner		<b>Permits</b>				
22-1-0212	52W-2	GDA	56	514083	6655959	Open site	Destroyed	Artefact : 4		103091
<b>Contact</b>		<b>Recorders</b>		Ms.Jacqueline Collins, Ms.Jacqueline Collins		<b>Permits</b>				
22-1-0296	Sugar Mill Creek 2 (SMC 2)	AGD	56	514526	6656631	Open site	Valid	Artefact : 20		100424
<b>Contact</b>		<b>Recorders</b>		Umwelt (Australia) Pty Limited - Individual users		<b>Permits</b>				
22-1-0364	Korara 2 and PAD	GDA	56	513424	6654719	Open site	Valid	Artefact : 1, Potential Archaeological Deposit (PAD) : +		
<b>Contact</b>		<b>Recorders</b>		Davies Heritage Consultants Pty Ltd		<b>Permits</b>				
22-1-0374	52W-15	GDA	56	514167	6657059	Open site	Valid	Artefact : 1		103091
Report generated by AHIMS Web Service on 27/10/2020 for Matthew Finlayson for the following area at Lat, Long From : -30.2391, 153.1219 - Lat, Long To : -30.2153, 153.1595 with a Buffer of 50 meters. Additional Info : arch assessment. Number of Aboriginal sites and Aboriginal objects found is 19 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.										



Office of  
Environment  
& Heritage

## AHIMS Web Services (AWS)

### Extensive search - Site list report

Your Ref/PO Number : EV1110

Client Service ID : 545516

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
	<b>Contact</b>	<b>Recorders</b>								
22-1-0391	S2W-20	GDA	56	514000	6654705	Open site	Valid	Artefact : -		103091
	<b>Contact</b>	<b>Recorders</b>								
22-1-0399	Sartor OS1	GDA	56	513905	6654924	Open site	Destroyed	Artefact : 1		102485,102653
	<b>Contact</b>	<b>Recorders</b>								
22-1-0400	Sartor ISO 2	GDA	56	514004	6654746	Open site	Destroyed	Artefact : 1	3491,3492,3605	102485,102653
	<b>Contact</b>	<b>Recorders</b>								
22-1-0437	S2W-2 Redeposit	GDA	56	514221	6656185	Open site	Valid	Artefact : -		103091
	<b>Contact</b>	<b>Recorders</b>								
22-1-0525	Settles Road	GDA	56	511854	6656947	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>								
22-1-0566	Old Coast Road	GDA	56	513888	6654946	Open site	Valid	Artefact : -		
	<b>Contact</b>	<b>Recorders</b>								
		<b>Recorders</b>								

Report generated by AHIMS Web Service on 27/10/2020 for Matthew Finlayson for the following area at Lat, Long From : -30.2391, 153.1219 - Lat, Long To : -30.2153, 153.1595 with a Buffer of 50 meters. Additional Info : arch assessment. Number of Aboriginal sites and Aboriginal objects found is 19

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.