



Project Number: HN000243-A



# ABORIGINAL DUE DILIGENCE ASSESSMENT REPORT – OCEAN DRIVE BONNY HILLS

FINAL 06 / 10 / 2021

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## Executive Summary

Heritage Now was engaged by King & Campbell on behalf of St Agnes Parish to conduct an Aboriginal Due Diligence Assessment for a proposed high school.

The Project Area is located on the northern corner of Bonny View Drive and Ocean Drive and includes lots 6 & 7 DP 594792 and lot 6 DP 594793. It is within the Port Macquarie-Hastings Local Government Area.

The archaeological survey was completed by Crystal Phillips, heritage consultant at Heritage Now and Jason Holten from Birpai Local Aboriginal Land Council on 19 April 2021. The survey identified an area of potential archaeological deposit (HN-BH-PAD01) on part of an elevated ridge in the Project Area. Archaeological test pitting under the *Code of Practice for the Investigation of Aboriginal Objects* should be undertaken of HN-BH-PAD001 to determine whether artefacts (Aboriginal objects) are present.

If Aboriginal objects are identified during the archaeological testing, then an Aboriginal Heritage Impact Permit (AHIP) application will be required. If no Aboriginal objects are identified during the archaeological testing, then an AHIP will not be needed and no further work will be required.

An AHIP can only be issued once the Development Application is approved and thus it is preferable for timing purposes of the project for the archaeological testing to occur prior to the issue of the Development Application (and ideally undertaken while the Development Application is being assessed).

The Proposal can proceed subject to the following recommendations:

### **Recommendation 1**

Test pitting of HN-BH-PAD01 is to be undertaken under the *Code of Practice for the Investigation of Aboriginal Objects in NSW* before any ground disturbance involved in the Proposal commences.

### **Recommendation 2**

If subsurface artefacts are identified at HN-BH-PAD01 then an application for an Aboriginal Heritage Impact Permit is to be submitted to Heritage NSW. This permit may include salvage excavations, depending on the results of the test excavation.

### **Recommendation 3**

All on-site personnel are to be made aware of their obligations under the *National Parks and Wildlife Act 1974*. This includes protection of Aboriginal sites and the reporting of any new Aboriginal, or suspected Aboriginal, heritage sites. This may be done through an on-site induction or other suitable format.

# Acronyms and Definitions

Acronym	Definition
AHIMS	Aboriginal Heritage Information Management System (register for Aboriginal sites in NSW)
AHIP	Aboriginal Heritage Impact Permit
ASL	Above Sea Level
cm	Centimetre/s
DECCW	Department of Environment, Climate Change and Water, NSW (became the Office of Environment and Heritage in 2011)
EP&A Act	Environmental Planning and Assessment Act 1979
DA	Development Application
DP	Deposited Plan
GDA	Geocentric Datum Australia
km	Kilometre/s
LALC	Local Aboriginal Land Council (Land Council under the Aboriginal Land Rights Act 1983)
LEP	Local Environmental Plan
LGA	Local Government Area
NSW	New South Wales
OEH	Office of Environment and Heritage, NSW (Now Heritage NSW)
PAD	Potential Archaeological Deposit



# Contents

1	Introduction .....	1
1.1	Project Area .....	1
1.2	Project Proposal .....	1
1.3	Methodology.....	1
1.4	Authorship and Acknowledgements.....	1
2	Legislative Context .....	3
2.1	National Parks and Wildlife Act 1974 .....	3
2.2	National Parks and Wildlife Regulations 2009 .....	3
2.3	Aboriginal Land Rights Act 1983 .....	3
2.4	Environmental Planning and Assessment Act 1979.....	4
2.5	Port Macquarie-Hastings Local Environmental Plan 2011.....	4
3	Environmental Context .....	5
3.1	Geology and Soils .....	5
3.2	Topography and Hydrology.....	5
3.3	Flora and Fauna.....	5
3.4	Land Use.....	5
3.5	Synthesis .....	6
4	Heritage Context .....	7
4.1	Aboriginal Occupation of the Port Macquarie-Hastings – Historic Records .....	7
4.2	Aboriginal Occupation of the Port Macquarie-Hastings – Archaeological Background .....	7
4.3	Aboriginal Heritage Information Management System (AHIMS) .....	8
4.4	Heritage Report Summaries.....	10
4.5	Synthesis .....	12
5	Archaeological Survey .....	13
5.1	Survey Results .....	13
5.2	Aboriginal Sites Identified and Significance .....	13
5.3	Aboriginal Consultation .....	14
5.4	Summary .....	14
6	Impact Assessment .....	15
6.1	Proposed Works.....	15
6.2	Impact Assessment .....	15
6.3	Mitigation.....	15
6.3.1	Mitigation of Impacts to HN-BH-PAD01.....	15

6.3.2	General mitigation strategies.....	15
6.4	Summary .....	15
7	Conclusions and Recommendations.....	17
8	References .....	18
9	Plates.....	19
	Attachment 1 AHIMS Search.....	A

## Tables

Table 1	AHIMS Site types .....	8
Table 2	Site Status.....	10

## Figures

Figure 1	Project Area.....	2
Figure 2	Project Area and AHIMS Sites .....	9
Figure 3	Area of PAD HN-BH-PAD01 identified during survey .....	14
Figure 4	Proposed impacts to HN-BH-PAD01 .....	16

## Plates

Plate 1	Thick grass cover, view to north .....	19
Plate 2	Exposure along driveway in southern property, view to north.....	19
Plate 3	Area of exposure at rear of southern property, view to north-east .....	20
Plate 4	Exposure along dirt bike track, view to south-east .....	20
Plate 5	View to the south from mid-slope with top of North Brother mountain in the distance .....	21
Plate 6	Ridge near the centre of the Project Area with PAD, view to north-east .....	21
Plate 7	View from bottom of slope to the south .....	22
Plate 8	Land sloping down towards Ocean Drive, view to east.....	22
Plate 9	Change in vegetation at ephemeral drainage line at the northern boundary, view to north-west.....	23
Plate 10	Several mounds in north-east part of Project Area that form part of a bike track, view to east.....	23

# 1 Introduction

Heritage Now has been engaged by King and Campbell to prepare a Due Diligence Assessment for a planning Proposal for the development of a school in Bonny Hills.

## 1.1 Project Area

The Project Area includes lots 6 & 7 DP 594792 and lot 6 DP 594793, Ocean Drive, Bonny Hills. Bonny Hills is located approximately 1.8 km south of Port Macquarie in the Port Macquarie-Hastings Local Government Area (LGA). It is located within the Bunyah Local Aboriginal Land Council (LALC) and the northern edge of the Project Area borders the Birpai LALC boundary (Figure 1).

## 1.2 Project Proposal

The Proposal is to develop a high school within the Project Area. This will involve some clearing of vegetation as well as cut and fill to prepare the Project Area. It will require the installation of below and above ground services including water and sewer, telecommunications and electricity. It will also require the formation of roads and access ways to the residential lots as well as the building of the school facilities. Some areas of grassland will be retained for recreation.

## 1.3 Methodology

This report has been written in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (DECCW 2010). In accordance with this code, the report includes a consideration of whether the activity will disturb the ground surface; a search of Aboriginal Heritage Information Management System (AHIMS) as well as other information; landscape analysis; a visual inspection; and assessment of potential impacts.

## 1.4 Authorship and Acknowledgements

This report was written by Crystal Phillips and Sarah Mané, Heritage Consultants at Heritage Now, with support from Trishia Palconit. Technical input and review have been provided by Tessa Boer-Mah, Principal Heritage Consultant at Heritage Now.







## 2 Legislative Context

This section provides an outline of the Acts, Regulations and guidelines under which this assessment has been undertaken. It is for information purposes only and should not be taken as legal advice.

### 2.1 National Parks and Wildlife Act 1974

This Act contains the provisions for protecting Aboriginal objects in NSW. Aboriginal objects are protected regardless of whether they are in their original context (location) or not, and it is an offence to harm an Aboriginal object regardless of whether you know it is an Aboriginal object or not. Protection under Section 86 of the Act is as follows:

- s86(1) A person must not harm or desecrate an object that the person knows is an Aboriginal object.
- s86(2) A person must not harm an Aboriginal object.
- s86(3) A person must not harm or desecrate an Aboriginal place.

Penalties for harming Aboriginal objects or places range from \$80,000–\$800,000 for individuals and \$330,000–\$1,650,000 for corporations and may also include imprisonment. Under Section 87, there are certain defences from prosecution. These include that harm was authorised under an Aboriginal Heritage Impact Permit (AHIP) and actions were in accordance with the AHIP; that due diligence was exercised in relation to Aboriginal object/s; and/or that the activity was classified as low impact.

Under Section 89A, an Aboriginal object must be reported to Heritage NSW within a reasonable timeframe unless they have previously been recorded and submitted to the Aboriginal Heritage Information Management System (AHIMS). Penalties for failure to report an Aboriginal object start from \$16,500 for individuals and \$33,000 for corporations.

### 2.2 National Parks and Wildlife Regulations 2009

This Regulation provides a framework for exercising due diligence and outlines codes of practice in respect to Aboriginal objects (Section 80A), as well as defences for carrying out certain low-impact activities (Section 80B). The Regulation also outlines requirements for Aboriginal consultation (Section 80C), particularly in relation to an Aboriginal Heritage Impact Permit. Under the Regulation, the following codes of practice are recognised, amongst others:

- Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010)
- NSW Minerals Industry Due Diligence Code of Practice for the Protection of Aboriginal Objects (NSW Minerals Council 2010)

### 2.3 Aboriginal Land Rights Act 1983

This Act provides land rights to Aboriginal people through the Local Aboriginal Land Councils. It details a process for claiming unused Crown Land in NSW and for enabling land use. It also allows for agreements to permit traditional hunting, fishing and gathering.

## 2.4 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) provides triggers for undertaking environmental and heritage assessments as part of the wider land use planning framework. Part 4 details how authorities are to determine development applications, as well as identifying whether projects require an Environmental Impact Statement. Part 9 outlines the implementation and enforcement of the EP&A Act. As part of this, there are directions in Section 117 (2017 renumbering as Section 9.1–9.5), which include the following in respect to Aboriginal heritage:

2.3[4] A planning proposal must contain provisions that facilitate the conservation of:

- a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,
- b) Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and
- c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.

## 2.5 Port Macquarie-Hastings Local Environmental Plan 2011

The Port Macquarie-Hastings Local Environmental Plan (LEP) 2011 requires development consent to demolish, disturb, excavate or develop land on which an Aboriginal object is located or that is within an Aboriginal place of significance. Council must consider the effect of a proposal on an Aboriginal Place and any Aboriginal object located within an area of works. Council must inform the local Aboriginal community about the application where impacts to Aboriginal cultural heritage may occur. Protected heritage under the LEP is listed in Schedule 5.

There are no Aboriginal sites in the Project Area listed on the LEP.

## 3 Environmental Context

This section provides the environmental context for the assessment of past Aboriginal occupation in the Project Area.

### 3.1 Geology and Soils

The geology of the Project Area is derived from lower Devonian metamorphic sedimentary rocks including schist, phyllite, greywacke and slate. The Project Area also lies in the vicinity of a geological fault line and adjacent to younger Quaternary sediments and barrier dune systems. These are sand, silt, mud, and gravels deposited by local alluvial processes of the local river systems and the coastal migration of beach sands. Formations of chert and tuff can be found within the surrounding landscape (Brunker, Offenberger, and Cameron 1968).

### 3.2 Topography and Hydrology

The Project Area is situated at between 10 m and 20 m above sea level (ASL). A first order stream runs across the very tip of the north western corner of the property. The property lies about 400 m to the west of the convergence of two tributary streams of the Duchess Gully Creek, a small coastal creek that drains into the ocean at Rainbow Beach and that features an intermittently closed estuary.

### 3.3 Flora and Fauna

This section is intended to give a general overview of the flora and fauna that may have been used by Aboriginal people in the area in the past. The information has been supplied for understanding the past Aboriginal use of the landscape and is not intended for ecological assessment purposes.

Past Aboriginal people are likely to have encountered vegetation similar to the North Coast Wet Sclerophyll Forests in the Project Area. This vegetation class contains tall dense forests with straight-boled eucalypts 30–60 m tall and subdominant stratum of mesophyllous small trees or shrubs up to 15 m tall. The understorey comprises smaller shrubs and ground stratum of ferns, herbs, and vines. Canopy trees can include white mahogany, tallowwood, blackbutt, Sydney blue gum, brush box and turpentine. Shrubs include narrow-leaved palm lily, forest maple, black plum, blueberry ash, bolwarra, wild quince, hairy and smooth psychotria, muttonwood, scentless rosewood and veiny wilkiea. Scramblers and forbs include native yam, wonga wonga vine, sarsaparilla, settlers flax, common ground fern, rough treefern, prickly rasp fern and trim shield fern (OEH 2021).

Some of these species would have been used as raw materials for implements and weaving, and others as food and medicine. Few animal species are unique to this habitat, although many are commonly found in this environment due to its diverse abundance of resources for food, habitat, and shelter. Mammals include possums, gliders, potoroos and pademelons (OEH 2021). These faunae could have provided a source of food and a source of hides to make clothing.

### 3.4 Land Use

The Project Area consists of cleared rural residential land. Google Maps/Earth shows one dwelling with several associated structures in the south-east section of the Project Area. Two additional

structures are located further north. A number of driveways and tracks appear to be regularly used, primarily on the eastern side of the site.

### 3.5 Synthesis

The location of this Project Area between a fresh water source, an ephemeral coastal wetland and the forested slopes and rocky cliff faces of the Jolly Nose Hill escarpment, within close proximity to coastal, wetland, heath and swamp forest resources, make it a potential location for past Aboriginal occupation and/or resource use.



## 4 Heritage Context

This section outlines the Aboriginal heritage context of the Project Area. It includes a general outline of Aboriginal occupation in Australia and the region, an analysis of search results from the Aboriginal Heritage Information Management System (AHIMS), as well as relevant heritage studies.

### 4.1 Aboriginal Occupation of the Port Macquarie-Hastings – Historic Records

The traditional custodians of the Port-Macquarie Hastings region are the Birpai people. They have lived in the area for thousands of years.

Birpai people believe that the land was created during the Dreaming and was shaped by ancestral beings. These ancestral beings created the animals, plants, rivers, mountains and other features of the landscape. There are several known Dreaming sites in the region which hold cultural significance to the local Aboriginal people, including the Three Brothers Mountains, and Cairncross Mountain (Robinson and Hampton 2009; National Museum Australia 2020).

The crab is a major saltwater totem for the Birpai clans in the Bonny Hills area, where the Project Area is located (Robinson and Hampton 2009). Crabs were not eaten by these people, however they enjoyed other types of shellfish.

The earliest recorded contact between non-Aboriginal people and Birpai people dates to 1819, when General Surveyor John Oxley surveyed the region. He noted from Mount Seaview that there were multiple smoke plumes arising in the distance through the valley from local camps (Moyes 1986, 83). Lieutenant King, who accompanied Oxley, recorded that the people lived in dome roofed huts that could hold eight to ten people (Moyes 1986, 82–83).

Local Aboriginal people were greatly impacted by the penal settlement of Port Macquarie. There is documentation of conflicts that occurred between convicts, settlers and Aboriginal people as colonialists moved up the rivers to fell timber, clear land for plantations, and destroy midden sites to make lime.

The photography of Port Macquarie resident Thomas Dick is an important historic record of Birpai culture. From 1910 to 1923 Dick worked with Birpai people to photograph scenes of what life was like before colonisation, including stone tool, shield, and canoe manufacture (National Museum Australia 2020).

### 4.2 Aboriginal Occupation of the Port Macquarie-Hastings – Archaeological Background

Aboriginal people have lived in Australia for at least 60,000 years. There are a variety of site types in Camden Haven and the wider Port Macquarie-Hastings region that provide evidence of the occupation of Aboriginal people in the area.

Along the coastline there are stone fish traps, including at Point Plomer. This site is approximately 6,000 years old, which is consistent with the stabilisation of sea levels (Campbell 1978).

### **Stones, Tools and Weapons**

Stone artefacts tend to survive better in the archaeological record than organic materials. Tools were made from a variety of siliceous stone, including quartzite, mudstone, chert, tuff and greywacke. Stone may be ground to create tools such as hatchets, or flaked to create backed artefacts, retouched flakes, scrapers and adzes.

Fishhooks were also an important part of Aboriginal people's tool kits in south-eastern Australia. The hooks were shaped from such shells as turban or oyster (Attenbrow, Fullagar, and Szpak 1998, 129–30). Fishhooks have been found on the surface of and within midden deposits dating to 900 years ago (Attenbrow, Fullagar, and Szpak 1998, 135).

Although organic materials do not survive well in the archaeological record, evidence for the manufacture of shields may be found in the distinctive scars left behind on trees. The most common tree used to make shields by the Birpai is the grey mangrove, on account of the wood's strength and hardness (Dick 1915, 282). Other trees used include the fig and the stinging tree.

### **Middens**

Middens are found throughout the region. They provide evidence for the types of food consumed by the Birpai people. Middens are often located near waterways, including the Hastings and Camden Haven River and its tributaries, as well as lakes, and the beach foreshores.

### **Grinding Grooves**

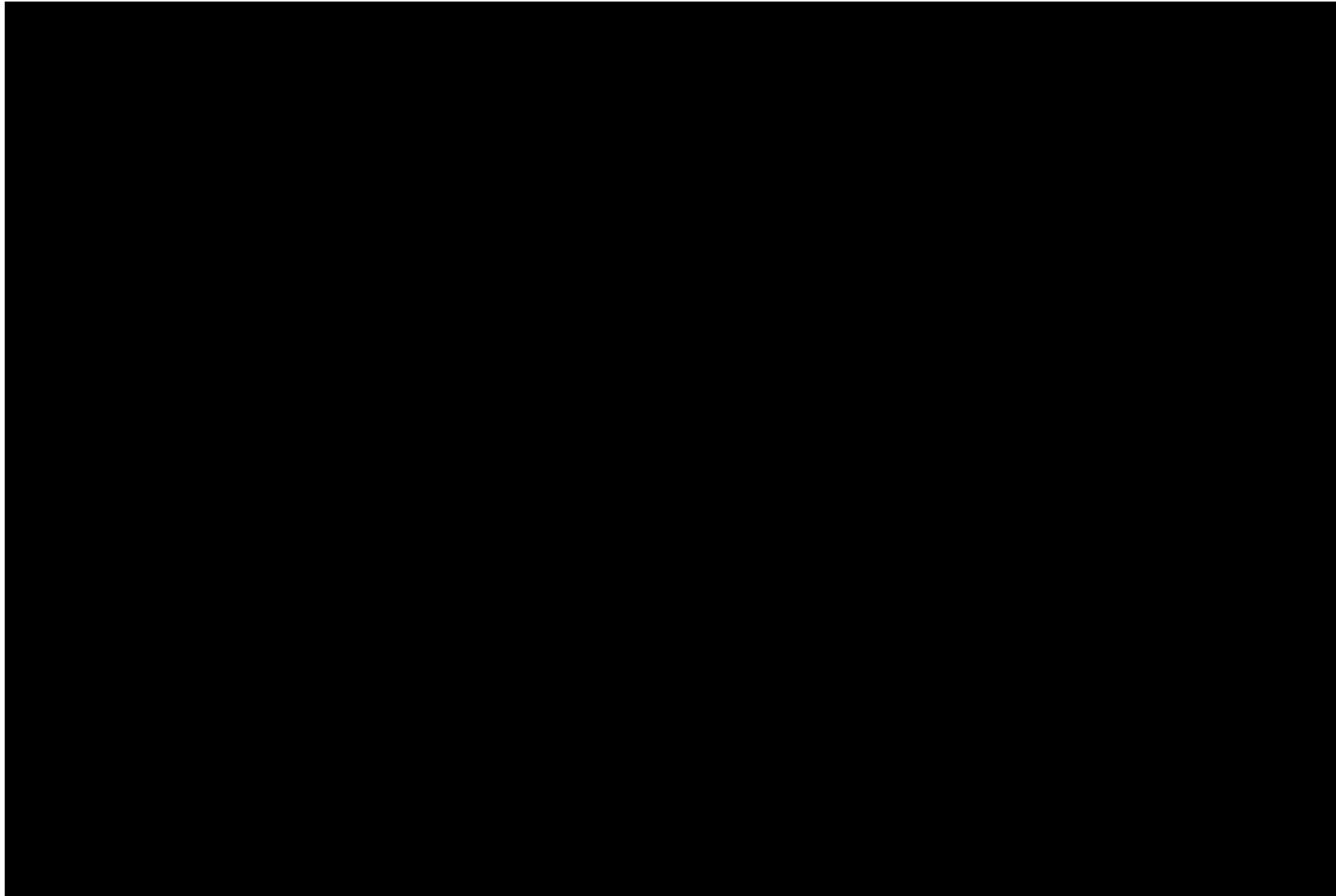
Grinding grooves were important for stone tool maintenance and food preparation. They are commonly found in sandstone sheets associated with creeks and waterholes. Water was needed to facilitate the sharpening of stone tools on the sandstone. There are photos from Thomas Dick's collection showing Birpai people using sandstone to sharpen tools.

## **4.3 Aboriginal Heritage Information Management System (AHIMS)**

The Aboriginal Heritage Information Management System was searched on the 8<sup>th</sup> of April 2021 from Latitude, Longitude -31.6049, 152.789 to Latitude, Longitude -31.5378, 152.8599. The search produced a result of 23 sites (Figure 2). The most common site type is surface artefact finds, comprising 65% of the total number of sites, with the rest being modified trees, middens, and a combination of middens, artefacts, and potential archaeological deposits (PAD) (Table 1).

*Table 1 AHIMS Site types*

Site Types	Count	Per cent
Artefact/s	15	65%
Modified Tree	3	13%
Midden	2	9%
Midden + Artefact/s	1	4%
Artefact Scatter	1	4%
Midden + PAD	1	4%
<b>Total</b>	<b>23</b>	<b>100%</b>



*Figure 2 Project Area and AHIMS Sites*

The majority of sites identified in the search are valid, meaning they have not been subject to an AHIP. The AHIMS search indicated that four sites have been partially salvaged. The status of sites identified in the search is summarised in Table 2.

*Table 2 Site Status*

Site Types	Partially Salvaged/ Destroyed	Valid
Artefact/s	4	11
Modified Tree		3
Midden		2
Midden + Artefact/s		1
Artefact Scatter		1
Midden + PAD		1
<b>Total</b>	<b>4</b>	<b>19</b>
<b>Percent</b>	<b>17%</b>	<b>83%</b>

No AHIMS sites were identified in, or in close proximity to, the Project Area, with the nearest site being more than 700 m east.

## 4.4 Heritage Report Summaries

Heritage reports relevant to the Project Area have been summarised in this section to provide an understanding of the previous assessments that have been undertaken and their implications for Aboriginal site patterning.

### **Collins (2003) Lake Cathie-Bonny Hills: Stage 1B Environmental Study**

Land between Ocean Drive and Rainbow Beach, approximately 2 km north-east of the Project Area, was subject to an Environmental Study as part of an investigation into potential urban release areas as population in Lake Cathie/Bonny Hills increases. The survey identified a scarred tree IB1 (AHIMS 30-6-0162). The scar is oval shaped and occurs on a brush box tree. Aboriginal representatives indicated that based on the species, it was likely created for a shield (Collins 2003, 24). The tree is located 120 m from a previously recorded midden at Middle Rock Point, and the sites are potentially related. It was assessed as having high cultural and archaeological significance (Collins 2003, 27–28). The tree is in an Environmental Coastal-Protection Zone and was not proposed for rezoning. It was recommended that the tree be conserved in its littoral rainforest setting.

Although no artefacts were observed on the banks of Duchess Creek, they were identified as potentially archaeologically sensitive based on previous work in the adjoining area that has identified artefacts near Duchess Creek (Collins 2003, 30). It was recommended that a 5 m buffer zone be applied to the creek bank and that ground disturbance be avoided in this area.

Apart from the tree and the bank of Duchess Creek, no other Aboriginal sites or potential archaeological deposits were identified. Provided the recommendations for the tree and creek were followed, it was advised that no further archaeological investigation would be required (Collins 2003, 30).



### **Collins (2006) Proposed development at Rainbow Beach, Bonny Hills NSW mid-north coast**

In 2006 Collins was engaged to reassess lands that had been previously surveyed in 1996, as the original proposal and impacts had changed. The surveyed area included land between Ocean Drive and Rainbow Beach immediately north-west of the Project Area. The 1996 survey identified eight artefact scatters and two isolated finds. These results demonstrate that Aboriginal people used the study area, and brought water-worn pebbles, probably collected from Rainbow Beach, to manufacture stone tools at campsites on the inner coastal barrier adjacent to backswamps (Collins 2006, 10). Materials used to create tools included siltstone, quartz, greywacke and chert beach pebbles. The area was resurveyed, including a small extension to the previous survey. One additional artefact scatter site was identified (Collins 2006, 22). There would be no impacts to sites 1 (AHIMS 30-6-0106), 2 (30-6-0107), 5 (30-6-0110), 8 (30-6-0113) or 9 (30-6-0114). Sites 3 (30-6-0118), 6 (30-6-0111), 7 (30-6-0112) and 10 would be impacted by the proposal. As all these impacted sites had potential for archaeological deposit, it was recommended that they be subject to archaeological test excavation. Site 4 (30-6-0109) was assessed as being of high archaeological significance as it was the largest scatter and had high potential for subsurface to be intact (Collins 2006, 30–31). Due to its high significance, it was argued that the site should be conserved, and the area fenced off during construction to avoid inadvertent impact. The newly recorded site was identified as culturally significant by the Bunyah LALC, as coastal sites of this nature in their area are rare within their boundaries (Collins 2006, 28). It was also recommended that the newly identified site be avoided.

### **Collins (2009) Proposed development at Rainbow Beach, Bonny Hills, NSW mid-north coast: Aboriginal cultural heritage assessment of proposed 'eco-tourist' site and previously unassessed southern portion of proposed development area**

An area of 65 hectares directly south of where Collins had previously surveyed in 1996, and 2006, between Ocean Drive and Rainbow Beach and directly west of the Project Area, was surveyed. The proposal included a residential subdivision, business/retail centre, an 'eco-tourist' site, two schools, playing fields, cycle/walkways, picnic areas, an open space/drainage/habitat corridor with constructed wetlands (Collins 2009, 1). The area included two previously recorded artefact scatters: 30-6-0032 and 30-6-0107. Site 30-6-0032 was assessed as low significance because it occurred in a re-deposited context when recorded. Site 30-6-0107 was also assessed to be of low significance due to its small size, past disturbances and lack of PAD (Collins 2009, 22). Collins concluded that the wider Rainbow Beach locality contains an unusually dense concentration of archaeological sites (artefact scatters, isolated artefacts, middens and a scarred tree), reflective of a traditional Aboriginal coastal land use system. The cultural/social and scientific/archaeological significance of the Rainbow Beach sites is thus seen to lie more in their grouping together, than in any special features exhibited by the individual sites themselves (Collins 2009, 23). Together, the Rainbow Beach sites form an inter-related complex, which is locally unique and significant.

Collins notes from test excavations of sites in the area that the background artefact distribution increases in density with proximity to Duchess Gully and the inner barrier sands, but is concealed by 20-30 cm of alluvium (Collins 2009, 24–25). Based on this knowledge it was recommended that Aboriginal stakeholders be present during clearing and removal of topsoil to collect potential subsurface artefacts from this background scatter. It was also recommended by the community that there be interpretative signage about Aboriginal use of the area in the proposed picnic area.

## 4.5 Synthesis

Past archaeological studies of the area indicate a complex of sites on the dunes and swamps west of Rainbow Beach, with sensitivity increasing with proximity to Duchess Creek. A range of site types have been found in this complex including artefact scatters, scarred trees, and middens. As the Project Area is over 1 km from the beach and has been mostly cleared of trees, artefact sites are predicted to be the most likely site type to occur in the Project Area. This could take the form of lower density artefact scatters that form part of the wider Rainbow Beach site complex.

## 5 Archaeological Survey

The Project Area was surveyed by Crystal Phillips of Heritage Now and Jason Holten of Birpai LALC<sup>1</sup> on 19 April 2021.

### 5.1 Survey Results

The Project Area contained a thick cover of grass across most of the area (Plate 1). There were some areas of exposure along driveways (Plate 2), at the rear of the southern house (Plate 3) and along a dirt bike track in the northern property (Plate 4). No artefacts were observed. Several older trees were noted in the south east corner, the north west corner and to the rear of the northern property. No modified trees were observed. There is a gentle rise to the west in the centre of the Project Area. This comes to a ridge that provided good views of North Brother Mountain and the surrounding landscape (Plate 5, Plate 6). The land slopes down on either side (Plate 7, Plate 8). The north west corner is low lying and likely forms part of an ephemeral drainage line during periods of heavy rainfall (Plate 9). The vegetation also changed in this lower lying area, reflecting the wetter soils. The eastern part of the northern property has been modified and disturbed from the creation of mounds and use as a dirt bike track.

### 5.2 Aboriginal Sites Identified and Significance

A PAD (HN-BH-PAD01) (Figure 3) was identified on the ridge near the centre of the western boundary of the Project Area. Although no artefacts were found during survey, this elevated land between creek lines was potentially an advantageous place to camp and was also less disturbed than other parts of the Project Area.

PAD HN-BH-PAD01 has moderate scientific significance in its potential to provide information that will expand our knowledge on Aboriginal models of occupation as part of the Rainbow Beach site complex, and on a broader scale, occupation on the mid north coast.

The site has cultural significance as part of the wider landscape used by Aboriginal people in the Bonny Hills and Rainbow Beach areas. It is also significant in its relationship with North Brother Mountain, as the PAD location provides good views of this Dreaming site.

The PAD has moderate research potential to contribute to our understanding of the history and occupation of Aboriginal people on a local level. It is representative of other sites in the local area. Aboriginal sites in the area are not considered rare, based on previous assessment, however intact deposits are moderately rare on a local level, with surface artefacts and middens being more common in the area. If artefacts are present, then there is moderate educational potential. Considering the proposed development is for a school, the site has the potential to be an important resource in teaching students about the traditional owners of the land.

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<sup>1</sup> Holten was a member of Birpai LALC, but also a Birpai custodian whose traditional boundaries extended into the Project Area. Bunya LALC was contacted multiple times by phone but unable to be reached.



Figure 3 Area of PAD HN-BH-PAD01 identified during survey

## 5.3 Aboriginal Consultation

Jason Holten of Birpai LALC noted the potential for archaeological deposit in the area, particularly on the elevated land in the west. This area provided good views of the landscape for hunting and gathering, as well as of the sacred North Brother Mountain site.

Mr Holten commended recent developments in the area that have incorporated traditional language in naming of streets and buildings. He hoped that the school would consider including something similar to acknowledge Birpai people and culture, as well as incorporating Birpai knowledge in their curriculum.

## 5.4 Summary

A potential archaeological deposit was observed during survey on a ridge in the western part of the Project Area. It is assessed as being of moderate scientific and cultural significance at a local level.



## 6 Impact Assessment

This section assesses the potential impact of the proposed works in relation to Aboriginal heritage values in the Project Area.

### 6.1 Proposed Works

The proposed works are to construct a secondary school. This will include classrooms and administration buildings, the formation of roads, accessways and a carpark. Retaining walls are proposed along the western and northern boundaries of the school.

### 6.2 Impact Assessment

The proposed works will impact the area of PAD HN-BH-PAD01, as there are three two-storey buildings, part of a single storey building, and an access road, proposed in the area. The extent of the impact, based on the design supplied by King & Campbell, is shown in Figure 4.

### 6.3 Mitigation

The below strategies have been developed to mitigate harm and/or loss of Aboriginal cultural values as a result of the proposed works.

#### 6.3.1 Mitigation of Impacts to HN-BH-PAD01

Site HN-BH-PAD01 is at risk of impact from ground clearing works and construction of classrooms. It is recommended that HN-BH-PAD01 be subject to subsurface archaeological test excavation under the *Code of Practice for the Investigation of Aboriginal Objects* before ground disturbance works take place for the project. The test excavation will identify if there are artefacts present and whether further salvage is needed under an AHIP.

This test excavation can be undertaken while the Development Application (DA) is being assessed, if an AHIP is subsequently needed based on test excavation results, this can only be issued once DA approval has been gained.

#### 6.3.2 General mitigation strategies

Aboriginal site HN-BH-PAD01 is to be clearly marked on all relevant construction drawings, along with buffers and fencing, as relevant.

All on-site personnel are to be made aware of their obligations under the *National Parks and Wildlife Act 1974*, this includes protection of Aboriginal sites and the reporting of any new Aboriginal, or suspected Aboriginal, heritage sites. This may be done through an on-site induction or other suitable format.

### 6.4 Summary

Site HN-BH-PAD01 is at risk of impact by the proposed development. It is recommended that the site be subject to test pitting under the *Code of Practice for the Investigation of Aboriginal Objects* to determine whether artefacts are present.





### Legend

- █ Project Area
- █ HN-BH-PAD01

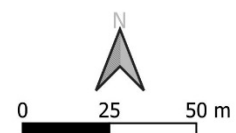


Figure 4 Proposed impacts to HN-BH-PAD01, overlaid onto King and Campbell plan.

## 7 Conclusions and Recommendations

The archaeological survey identified an area of potential archaeological deposit (HN-BH-PAD01) on part of an elevated ridge in the Project Area. Archaeological test pitting under the *Code of Practice for the Investigation of Aboriginal Objects* should be undertaken of HN-BH-PAD001 to determine whether artefacts (Aboriginal objects) are present.

If Aboriginal objects are identified during the archaeological testing, then an AHIP application will be required. If no Aboriginal objects are identified during the archaeological testing, then an AHIP will not be needed and no further work will be required.

An AHIP can only be issued once the Development Application is approved and thus it is preferable for timing purposes of the project for the archaeological testing to occur prior to the issue of the Development Application (and ideally undertaken while the Development Application is being assessed).

The Proposal can proceed subject to the following recommendations:

### **Recommendation 1**

Test pitting of HN-BH-PAD01 is to be undertaken under the *Code of Practice for the Investigation of Aboriginal Objects in NSW* before any ground disturbance involved in the Proposal commences.

### **Recommendation 2**

If subsurface artefacts are identified at HN-BH-PAD01 then an application for an Aboriginal Heritage Impact Permit is to be submitted to Heritage NSW. This permit may include salvage excavations, depending on the results of the test excavation.

### **Recommendation 3**

All on-site personnel are to be made aware of their obligations under the *National Parks and Wildlife Act 1974*. This includes protection of Aboriginal sites and the reporting of any new Aboriginal, or suspected Aboriginal, heritage sites. This may be done through an on-site induction or other suitable format.

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## 9 Plates



*Plate 1 Thick grass cover, view to north*



*Plate 2 Exposure along driveway in southern property, view to north*





*Plate 3 Area of exposure at rear of southern property, view to north-east*



*Plate 4 Exposure along dirt bike track, view to south-east*





*Plate 5 View to the south from mid-slope with top of North Brother mountain in the distance*



*Plate 6 Ridge near the centre of the Project Area with PAD, view to north-east*





*Plate 7 View from bottom of slope to the south*



*Plate 8 Land sloping down towards Ocean Drive, view to east*





*Plate 9 Change in vegetation at ephemeral drainage line at the northern boundary, view to north-west*



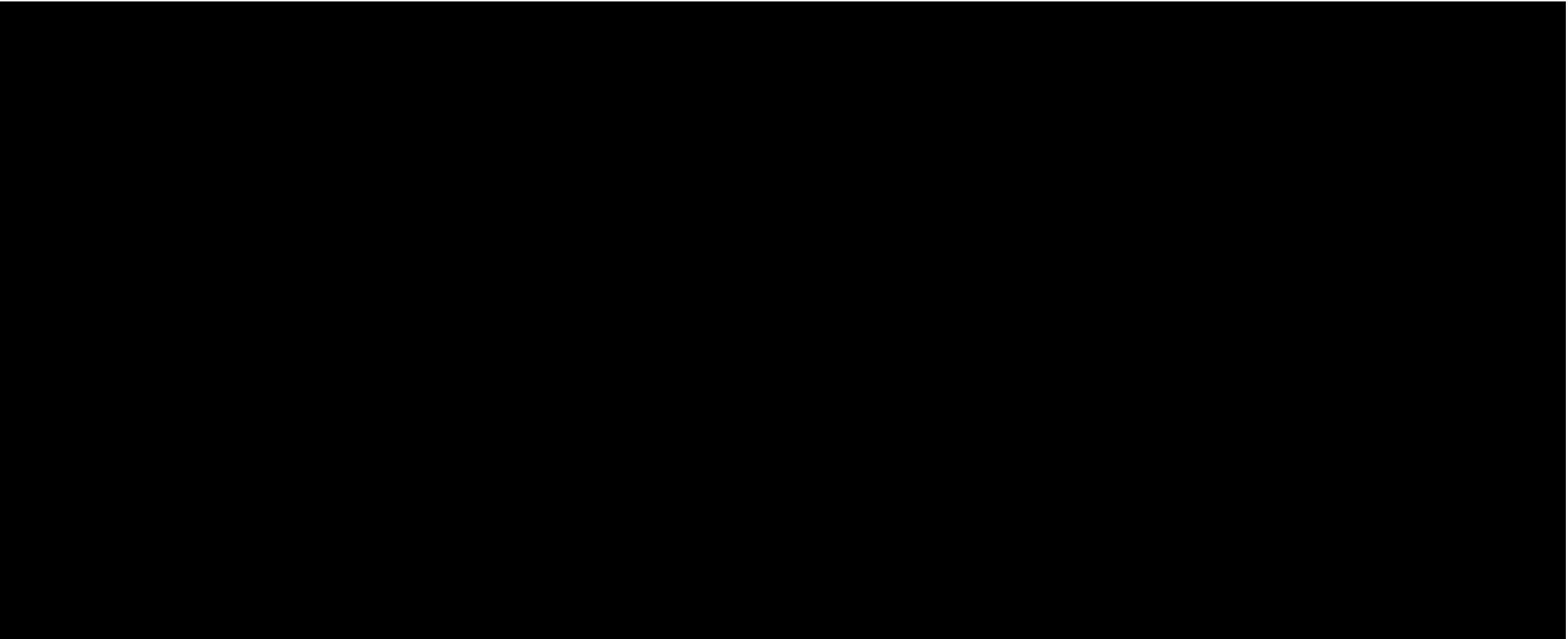
*Plate 10 Several mounds in north-east part of Project Area that form part of a bike track, view to east*

## Attachment 1 AHIMS Search

**Report generated by AHIMS Web Service on 08/04/2021 for Trishia Palconit for the following area at Lat, Long From : -31.6049, 152.789 - Lat, Long To : -31.5378, 152.8599 with a Buffer of 0 meters. Additional Info : Assessment. Number of Aboriginal sites and Aboriginal objects found is 23**

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.





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