

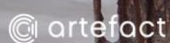
Coffs Harbour Precinct

DRAFT Aboriginal Cultural Heritage
Assessment Report (ACHAR)

Report to Property and Development,
NSW

May 2025

Coffs Harbour LGA



Artefact Heritage and Environment

ABN 73 144 973 526

Suite 56, Jones Bay Wharf

26-32 Pirrama Road

Pymont NSW 2009

Australia

+61 2 9518 8411

office@artefact.net.au



Document history and status

Revision	Date issued	Reviewed by	Approved by	Date approved	Review Type	Revision type
1	21 June 2024	Ryan Taddeucci	Josh Symons	8 July 2024	Internal	First draft
2	10 July 2024		Josh Symons	9 July 2024	Internal	
2	17 October 2024				2 nd draft	Comments from 2 nd client review
3	17 December 2024	Josh Symons	Josh Symons	17 December 2024	Internal updates Return to Site	Draft
4	20 January 2025	Sam Higgs	Sam Higgs	21 January 2025	Response to Heritage NSW	Draft
5	29 January 2025			28 January 2025	Update	Comments from client following Response to Heritage NSW
6						

Last saved: 19 May 2025

File name: 220536 Coffs Harbour Precinct DRAFT ACHAR

Project name: Coffs Harbour Precinct Aboriginal Cultural Heritage Assessment Report

Author: Jonathan Bennett, Dr. Bengi Selvi-Lamb, Gareth Holes, Michael Lever and Pedro Silva, Stephen Gapps

Project manager: Elizabeth Bonshek

Project number: 220536

Name of organisation: Artefact Heritage and Environment

Document version: Second Draft

© Artefact Heritage and Environment

This document is and shall remain the property of Artefact Heritage and Environment. This document may only be used for the purposes for which it was commissioned and in accordance with the Terms of the Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited

Disclaimer: Artefact Heritage and Environment has completed this document in accordance with the relevant federal, state and local legislation and current industry best practice. The company accepts no liability for any damages or loss incurred as a result of reliance placed upon the document content or for any purpose other than that for which it was intended.

DRAFT

EXECUTIVE SUMMARY

Property and Development NSW (PDNSW) is continuing to lead the revitalisation of the Coffs Harbour Jetty Foreshore Precinct (the Precinct) on behalf of the NSW Government. PDNSW has engaged Artefact Heritage and Environment Pty Ltd (Artefact) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support a State Assessed Planning Proposal for the works. The ACHAR supports a Planning Justification Report that outlines proposed amendments to the Coffs Harbour Local Environmental Plan (CHLEP) 2013 and will be submitted to the Department of Planning, Housing and Infrastructure (DPHI) as part of the State Assessed Planning Proposal.

This report includes the results of archaeological survey in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, hereafter *the Code of Practice* (DECCW 2010b). It is the purpose of this ACHAR to assess the Aboriginal heritage values of the study area, to provide guidance on potential future harm to Aboriginal objects or Aboriginal places as a result of the State Assessed Planning Proposal and Masterplan process and to carry out consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents* 2010 (Department of Environment, Climate Change and Water [DECCW] 2010a).

The report includes:

- assessment of the Aboriginal cultural heritage values of the study area and identification of any specific areas of cultural significance
- assessment of archaeological potential in the study area
- the results of an Aboriginal archaeological survey of the study area
- Aboriginal stakeholder consultation
- Preparation of a methodology for archaeological management including test excavation and salvage where required.

The following results and recommendations are based on consideration of the requirements of Aboriginal heritage guidelines including:

- *The Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) – known as The Code of Practice
- *Guide to investigating assessing and reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011) – known as ACHAR guidelines.
- *The Aboriginal cultural heritage consultation requirements for proponents* 2010 (DECCW 2010a) – known as Consultation Guidelines

Overview of findings

- Three areas of subsurface potential archaeological deposit (PAD), CHP-PAD01, CHP-PAD02, and CHP-PAD03 (AHIMS ID's Pending) exist within the study area. The scientific significance of the three PADs is unknown and cannot be determined until further investigation is undertaken
- When assessed against the areas subject to LEP changes under the Planning Proposal (illustrated in Figure 12), the three PADs: CHP-PAD01, CHP-PAD02 and CHP-PAD03

(AHIMS ID's pending) have potential to be harmed by future works associated with the Planning Proposal

- Six registered Aboriginal sites, including AHIMS ID's: 22-1-0340, 22-1-0140, 22-1-0579, 22-1-0018, 22-1-0028 and 22-1-0080 are located within the study area
- When assessed against the areas subject to LEP changes under the Planning Proposal there is nil potential for harm to Aboriginal objects. It should however be noted that there is potential for future works associated with the delivery of the Illustrative Masterplan (particularly infrastructure and public domain elements) to cause harm to registered Aboriginal sites, including, but not limited to: AHIMS IDs 22-1-0028 and 22-1-0340. A potential burial associated with AHIMS ID 22-1-0340 was also discussed as part of consultation with Coffs Harbour & District LALC site officers during survey. That location has the potential to be harmed by future proposed works
- Any such impacts will need to be appropriately assessed when approvals for these works are sought
- Feedback from [REDACTED] during the consultation process identified the study area as located within a highly significant area in terms of social/cultural, historical and aesthetic values.
- [REDACTED] stated that the area should be protected, rehabilitated where needed and be left open for public access: no private residential development should be undertaken in the area.
- It is understood that a Connecting with Country (CwC) Framework will be developed for the Precinct which will include additional consultation and input from Aboriginal stakeholders into the project. A CwC report is a requirement of the Design Guidelines, which include detailed provisions to guide future development within the Precinct.

Recommendations

Based on the results of this assessment and in accordance with Aboriginal heritage guidelines the following recommendations are made:

- The locations of AHIMS ID's: 22-1-0018, 22-1-0579, 22-1-0140, 22-1-0340, 22-1-0080 and 22-1-0028 and CHP-PAD01, CHP-PAD02 and CHP-PAD03 (AHIMS ID's pending) should be considered in future development application processes, with a mind to conservation outcomes
- CHP-PAD01, CHP-PAD02 and CHP-PAD03 should be registered on the AHIMS database.
- Further archaeological investigation is required within the study area prior to ground disturbing works taking place:
 - An archaeological technical report (ATR) must be prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) for all future stages of the project

- Archaeological test excavation under an AHIP will be required at locations such as (but not limited to): CHP-PAD01, CHP-PAD02, CHP-PAD03, AHIMS ID 22-1-0028, and any areas identified in future ATR and consultation processes as demonstrating potential for Aboriginal objects to occur beneath the ground surface. Alternative methodologies may be required to investigate deeper contexts not safely accessible by hand excavation
 - Non-invasive methods of investigating potential burials, such as ground penetrating radar (GPR), should be considered
- Comprehensive Aboriginal stakeholder consultation must be undertaken for future stages of the project, including consultation regarding potential burial locations and associated intangible values in accordance with the National Parks and Wildlife Regulation 2019 to inform any AHIP application and test excavation. Consultation is also being undertaken for a Connecting with Country Framework as a separate process.
- If changes are made to the proposal that may result in impacts to areas not assessed by this ACHAR, further assessment would be required
- The Design Guidelines will be a matter for consideration in any future development applications and include provisions that will ensure continued consideration, assessment, and management of Aboriginal cultural heritage as the Precinct develops over time
- Aboriginal objects must not be harmed without an AHIP issued by Heritage NSW authorising harm through carrying out specified activities
- The area's high significance in terms of social/cultural, historical and aesthetic values must be acknowledged and consultation with Aboriginal communities continue in any future projects.
- Given the opposition to residential development within the study area from the [REDACTED], documented during Aboriginal community consultation, further consultation should be undertaken with the wider Aboriginal community at development application stages.
- An Aboriginal Heritage Interpretation Strategy (HIS) undertaken in collaboration with Aboriginal communities would be required for any future projects.
- It is recommended that the Planning Report be updated to recommend that consultation with the RAP (Registered Aboriginal Party) groups continues throughout all stages of the project. This would help ensure that the RAP groups remain involved to maintain continuity and adherence to cultural heritage protocols. Future development application processes should reflect this recommendation, ensuring that Aboriginal representatives are engaged throughout, and other reports will be updated as necessary to document the ongoing consultation process
 - One RAP has already provided comment, Coffs Harbour and District Local Aboriginal Land Council and the [REDACTED] [REDACTED] have requested they be consulted on any future stages. Further, [REDACTED] requested that sites officers from relevant groups should be identified and engaged to work with the project team throughout the project.

GLOSSARY

Aboriginal cultural heritage: The material (objects) and intangible (mythological places, dreaming stories etc) traditions and practices associated with past and present-day Aboriginal communities.

Aboriginal object: Any deposit, object or material evidence (not being a handicraft made for sale), including Aboriginal remains, relating to the Aboriginal habitation of NSW.

Aboriginal place: Any place declared to be an Aboriginal place under s.94 of the *National Parks and Wildlife Act 1974*.

Aeolian: Aeolian processes refer to the wind's alteration of the landscape.

AHIMS: Acronym for 'Aboriginal heritage information management system'. AHIMS is a register that contains information about NSW Aboriginal heritage, and it is maintained by Heritage NSW.

Alluvium: A deposit left by the flow of water. It can include sediments of gravel, mud or sand.

Archaeological object: any object that was made, affected, used, or modified in some way by humans in the past and has been discarded.

Archaeology: The scientific study of human history, with focus on material remains and ethnographic evidence.

Area of archaeological sensitivity: A part of the landscape that contains demonstrated occurrences of cultural material. The precise level of sensitivity will depend on the density and significance of the material.

Artefact: An item of cultural material created by humans.

Artefact scatter: Where two or more stone artefacts are found within an area of potential archaeological deposit or a site.

Basalt: A common volcanic rock. It is fine grained (approximately 45-50 per cent silica) and rich in iron and magnesium.

Bedrock: A consolidated rock that is unbroken and un-weathered, located beneath soil or rock fragments.

Bioturbation: Disturbance in soil profiles caused by living organisms, such as ants and roots.

Chert: A fine grained rock composed of cryptocrystalline silica. It exhibits a range of textures and colours including red, green or black. Chert is easy to work and retains a sharp edge for an extensive period of time before resharpening is required. It has a low to medium fracture toughness.

Clay: A type of sediment with particles less than 4 microns in size and that is composed of clay minerals (Keary 2001, p. 49).

Conglomerate: Is a geological term used to describe clasts that are cemented in a fine-grained matrix. It is a sedimentary rock.

Core: A stone piece from which a flake has been removed by percussion (striking it) or by pressure. It is identified by the presence of flake scars showing the negative attributes of flakes, from where flakes have been removed.

Cortical platform: This term is used to describe a platform that has cortex present and may indicate that the core's surface (where the flake was struck) was previously un-worked.

Cortex: The outer weathered surface of stone; if smooth, it can indicate the source of stone was a pebble.

Crenation: Refers to a flaked artefact's vitrified surface appearance. This appearance is caused by heat exposure and materialises as relatively uniform patterns.

Crushed platform: This term is used to describe a flake that has a damaged platform and where the platform's attributes cannot be recorded as a result.

Cryptocrystalline: Very finely crystalline aggregate in which crystals are so small as to be indistinguishable except under powerful magnification.

Dibris: Small, unmodified flakes produced as part of the flaking process, but discarded unused.

Distal: Term of view used to describe the lower portion of a flake in respect to where the striking force terminates.

Distal flake: A broken flake with the presence of a termination and the absence of a platform or impact point.

Dorsal: The side of a flake that was originally part of the core's outer surface (often referred to as the 'dorsal surface').

Easting: This is a measurement used to determine location. The easting is the x-coordinate and relates to the vertical lines on a map, which divide east to west. It increases in size when moving further east.

Edge damage: Where the edge of a tool has been used, resulting in microscopic fractures along the surface.

Exposure: The level of ground exposure is based on whether the landform is eroding, aggrading or stable.

Fine grained siliceous material: A rock that has a high content of silica and that is fine grained in appearance without any further identifying characteristics.

Flake: A stone piece removed from a core by percussion (striking it) or by pressure. It is identified by the presence of a striking platform and bulb of percussion, not usually found on a naturally shattered stone.

Flake scar: Often called a 'negative flake scar', it is the remnant of a previous flake that was struck from the core. This appears on the dorsal surface of a flake.

Flaked fragment: This is a chipped stone artefact which cannot be classed as a flake, core or retouched flake, the reason being that the defining attributes are missing. This often happens when a core contains a number of incipient fracture planes. Artefacts that are heavily weathered or which have been shattered in a fire are also difficult to categorise.

Flaked platform: This term is used to describe a platform that has been worked previously; one or more flakes were removed prior.

Floodplain: The area covered by water during a major flood and/or the area of alluvium deposits laid down during past floods.

Fluvial: Pertaining to or produced from a river.

Focalised platform: A small platform that is intentionally prepared for percussion by overhang removal.

Footprint: The scale, extent or mark that a development makes on the land in relation to its surroundings.

Geometric microliths: Backed at one end, the other end or both, these tools are made on geometric shaped flakes, <80 mm maximum dimension.

Geomorphic: Relating to the structure, shape and development of landforms.

Holocene: The Holocene epoch forms part of the late Quaternary period and extends from about 11,000 years ago to the present day.

Humic: Soil that contains organic matter (from 'humus').

Igneous: After magma or lava cools and solidifies, it forms igneous rock. This can happen in volcanic and plutonic (under the surface of the earth) scenarios. An example of this is basalt.

In situ: A description of any cultural material that lies undisturbed in its original point of deposition.

Ironstone: A type of sedimentary rock that contains iron.

Knapping: The removal of flakes and flaked pieces from a stone core by the use of percussion.

Layer: In stratigraphy, it is used to describe a horizon (soil, rock, charcoal) that is distinct from its surrounds.

Manuport: An unmodified piece of stone transported to a site by humans.

Mechanical trench: This refers to a trench that is excavated for archaeological purposes with a mechanical excavator. Machine excavation allows for a greater sample size to be studied in PADs of low to moderate sensitivity. Due to the large amounts of soil produced from a mechanical excavator, the soil is sieved mechanically.

Medial: Term of view referring to the intermediate section or middle section of a broken flake.

Medial flake: Absence of proximal and distal margins, but with an identifiable ventral surface.

Mesozoic: Refers to a geological era that included three periods, two of which were the Jurassic and Cretaceous. The Mesozoic era spanned from approximately 245 to 65 million years ago.

Metamorphism: The process where an existing rock (which can be sedimentary or igneous) is transformed into another mineral through the application of temperature and pressure. An example of this is hornfels.

Midden: The term midden is a Danish word meaning a mound of kitchen refuse. In archaeological terms, a midden refers to an accumulation of shell deposited after people had collected and eaten shellfish. These could contain estuarine and freshwater shellfish species in addition to faunal remains, stone artefacts and charcoal from cooking fires. In northern NSW in many areas, burials have been recorded in direct association with midden deposits.

Mudstone: A sedimentary rock formed from mud/clay.

Muller: A large stone artefact which differs in construction depending on the environment. These were used as an aide for processing seeds and other low return plant material or ochre.

Multi-platform core: Is a core with more than one identifiable platform.

Munsell colour: This is a colour code chart used to standardise colour specifications.

Non-diagnostic: An amorphous piece of stone that is neither a flake, flaked fragment, core or retouched flake.

Northing: This is a measurement used to determine location. The northing is the y-coordinate and relates to the horizontal lines on a map, which divide north to south. It increases in size when moving further north.

Overhang removal: This occurs when a platform is prepared for striking; small flakes are struck before a flake is detached, leaving visible scars behind.

Potential Archaeological Deposit (PAD): A PAD is a location that is considered to have a potential for subsurface cultural material. This is determined from a visual inspection of the site, background research of the area and the landform's cultural importance.

pH: A measure of the acidity or alkalinity of the soil. Neutral is indicated by a pH of 7, with strongly acidic being 0 and strongly basic (alkaline) being 14. The 'pH' is said to stand for 'potential of hydrogen'.

Platform: On a flake, this is a core remnant from where the flake was struck off the core.

Platform width: This is a measurement taken across the width of a platform between the two lateral margins of a flake.

Platform thickness: This is a measurement taken from the ventral to dorsal surfaces of a flake (beginning at the point of impact/percussion).

Pleistocene: The Pleistocene is an epoch within the early Quaternary period, extending from about 1.6 million years ago to about 11,700 years ago. The end of the Pleistocene is marked by the last of the great ice ages.

Proximal: Term of view used to describe the upper portion of a flake in respect from where it was initially struck off a core.

Proximal flake: A broken flake with the presence of a platform, but the absence of a termination.

Pot-lidded: The damage caused by exposure to extreme heat, resulting in a circular depression on the surface of a stone artefact.

Quarry: In this report, 'quarry' can refer to a native source of stone that was mined by Aboriginal people in the past. Rock from these sites could be used to make artefacts.

Quartz: A mineral composed of silica with an irregular fracture pattern. The quartz used in artefact manufacture is generally semi-translucent, although it varies from milky white to glassy. Glassy quartz can be used for conchoidal flaking, but poorer quality material is more commonly used for block fracturing techniques. Quartz can be derived from water worn pebbles, crystalline or vein (terrestrial) sources.

Quartzite: A form of metamorphosed sandstone. It is often white or grey in colour but can occur in other shades due to mineral impurities.

Resource zone: An area of the landscape or part of the environment that provides a resource (be it food or material items such as a source of stone for making artefacts) for Aboriginal people. Swamps are good examples of rich resource zones.

Retouch: A flake, flaked piece or core with intentional secondary flaking along one or more edges.

Rhyolite: Fine-grained to glassy acid volcanic rock similar to granite and micro granite

Ridge straightening: This is a 'flake that has a clearly identifiable dorsal ridge and is characterised by alternating flake removals down its dorsal surface' (Holdaway and Stern 2004).

Sand: A material composed of small grains (0.625-2.0 mm) (Keary 2001, p. 233). Sand is formed from a variety of minerals and rocks, but commonly contains silica, such as quartz.

Sandstone: Is a sedimentary rock formed from sand-sized grains.

Scarred trees: Trees that feature Aboriginal derived scars are distinct due to the scar's oval or symmetrical shape and the occasional use of steel, or more rarely, stone axe marks on the scar's surface. Scarred trees are identified by the purposeful removal of bark for use in the manufacture of artefacts such as containers, shields and canoes. The bark was also used for the construction of shelters. Other types of scarring include toeholds cut in the trunks or branches of trees for climbing purposes and the removal of bark to indicate the presence of burials in the area.

Sediment: Is a mineral that has undergone erosion or weathering and that is then deposited via aeolian, glacial or fluvial means.

Sedimentary: Sedimentary rock is formed through the accumulation of sediment deposits that are then consolidated. An example of this is mudstone.

Shale: A sedimentary rock of well-defined layers comprised of small particles (less than 4 microns in size) (Keary 2001, p. 16) sourced from weathered or eroded materials.

Silt: A sediment with grains ranging from 4.0-62.5 microns in size (Keary 2001, p. 245). It can be found as a soil or in water.

Single platform core: Is a core with one identifiable platform.

Scraper: A stone tool, usually with steep retouch along its edges that was ethnographically used to make wooden implements or process foods and other resources.

Silcrete: Soil, clay or sand sediments that have silicified under basalt through groundwater percolation. It ranges in texture from very fine grained to coarse grained. At one extreme it is cryptocrystalline with very few clasts. It generally has characteristic yellow streaks of titanium oxide that occur within a grey and less commonly reddish background. Used for flaked stone artefacts.

Spit: Refers to an arbitrarily defined strata of soil removed during excavation (often 50 millimetres to 100 millimetres in depth).

Step termination: This occurs when a 'flake terminates abruptly in a right-angle break' (Holdaway and Stern 2004).

Stratification: The way in which soil forms in layers.

Stratigraphy: The study of soil stratification (layers) and deposition.

Subsurface testing: An archaeological method used to determine the cultural sensitivity of an area by excavating small (0.5 metre x 0.5 metre) pits and recording the stratigraphy, material remains (such as stone tools) and disturbance.

Survey: In archaeological terms, this refers to walking over a surface while studying the location of artefacts and landmarks. These are then recorded and photographed.

Termination: Refers to the shape of the distal end of a flake.

Tool: A stone flake that has undergone secondary flaking or retouch.

Use wear: A pattern of wear that is left on a stone artefact due to utilisation.

Ventral: The side of a flake that was originally attached to the core (often called the 'ventral surface'). Features such as the bulb of percussion are found on this surface of a flake.

Visibility: Refers to the degree to which the surface of the ground can be observed. This may be influenced by natural processes such as wind erosion or the character of the native vegetation, and by land use practices, such as ploughing or grading. It is generally expressed in terms of the percentage of the ground surface visible for an observer on foot.

CONTENTS

1.0	Introduction.....	1
1.1	Project background.....	1
1.2	PDNSW shared community vision.....	1
1.3	The Precinct.....	2
1.4	The Illustrative Masterplan	6
1.5	The planning proposal	9
1.6	Purpose and scope of the report	10
1.7	Statutory framework	10
1.8	Authorship.....	11
2.0	Aboriginal community participation.....	13
2.1	Aboriginal consultation	13
2.2	Identification of stakeholders and registration of interest.....	13
2.3	Distribution of assessment methodology and feedback.....	15
2.4	Distribution of progress update.....	16
2.5	Distribution of draft ACHAR and response.....	17
3.0	Ethnographic context.....	18
3.1	Gumbaynggirr Country	18
3.1.1	Arrawarra.....	19
3.1.2	Pathways of social and spiritual connection.....	19
3.1.3	Colonists and conflict.....	20
3.1.4	Twentieth century events.....	21
3.1.5	Today.....	23
4.0	Archaeological context	24
4.1	AHIMS search.....	24
4.2	AHIMS site details	25
4.3	Review of existing archaeological literature	30
4.4	Environmental background.....	33
4.5	Conclusion and summary	33
5.0	Summary of field investigations.....	35
6.0	Cultural values and cultural landscapes.....	40
6.1	Cultural values of the area shared by Garlambirla Guyuu-Girrwa Coffs Harbour Local Aboriginal Elders Corporation (GGG CHLAEC)	40
6.2	Garlambirla Guyuu-Girrwa Coffs Harbour Local Aboriginal Elders Corporation comments on protocols	41
6.3	Previous studies including cultural heritage values of the study area.....	42
6.4	Designing with Country values	45
	Values of Country.....	45

7.0	Significance assessment	47
7.1	Significance assessment criteria	47
7.2	Socio/cultural significance	48
7.3	Historic significance	49
7.4	Scientific significance	49
7.5	Aesthetic significance	50
7.6	Statement of significance	51
8.0	Preliminary impact assessment and next steps	52
8.1	Proposed works	52
8.1.1	Changes to land use zoning	54
8.1.2	Changes to height of buildings	56
8.1.3	Design Guidelines.....	57
8.2	Potential impacts to Aboriginal heritage	58
8.2.1	Positive aspects of the proposed changes	61
8.3	Ecological sustainable development principles	63
8.3.1	The integration principle	63
8.3.2	The precautionary principle	63
8.3.3	The principle of intergenerational equity	63
8.4	Cumulative impacts	63
9.0	Recommendations.....	64
9.1	Guiding principles for managing Aboriginal sites	64
9.2	Archaeological Technical Report.....	65
9.3	Test excavation	65
9.3.1	Alternative methodologies	66
9.3.2	Historical Archaeology	66
9.4	Aboriginal stakeholder consultation.....	66
9.5	Changes to the project area	66
9.6	Future impacts to the project area.....	66
10.0	Conclusion	67
11.0	References	70
12.0	Appendices	73
12.1	Statement from Garlambirla Guyuu-Girrwa Coffs Harbour Local Aboriginal Elders Corporation	73
12.2	Consultation Log.....	74
12.3	Consultation Correspondence	74

FIGURES

Figure 1: Vision for Coffs Harbour Jetty Foreshore.....	2
Figure 2: Coffs Harbour Jetty Foreshore Precinct study area.....	4
Figure 3: Existing state of the Precinct rail lands and gravelled areas (Source: PDNSW)	5
Figure 4: Illustrative Masterplan (Source: SJB 2025).....	7
Figure 5: Community-led place principles	8
Figure 6: Sub-precinct map (Source: SJB 2025).....	9
Figure 7: Corrected location of AHIMS ID 22-1-0518	28
Figure 8: Detail of AHIMS search, showing Aboriginal sites within study area, within a 1km buffer and others in the surrounding area	29
Figure 9: Study area survey map	37
Figure 10: CHP-PAD01, CHP-PAD02 and CHP-PAD03 site extents	38
Figure 11: Revised extent of AHIMS ID 22-1-0579 and AHIMS ID 22-1-0018	39
Figure 12: Areas subject to LEP changes	53
Figure 13: Existing zoning	55
Figure 14: Proposed zoning	55
Figure 15: Existing permitted uses	56
Figure 16: Proposed permitted uses	56
Figure 17: Existing height of buildings.....	57
Figure 18: Proposed height of buildings.....	57
Figure 19: Registered and identified sites within the area subject to LEP changes	62

TABLES

Table 1: Study area allotments.....	3
Table 2: Summary of authors and contributors	11
Table 3: Registered Aboriginal parties for the study area	14
Table 4: Summary of Aboriginal stakeholder comments on the Assessment Methodology	15
Table 5: Summary of RAP comments on the progress update	16
Table 6: Summary of RAP comments on draft ACHAR.	17
Table 7: Frequency of site features in AHIMS search results	25
Table 8: AHIMS site details within the search area.....	26
Table 9: Previous studies	30
Table 10: Cultural heritage values identified for the study area and surroundings	42
Table 11: Burra Charter Heritage significance criteria	47
Table 12: Significance assessment.....	50
Table 13: Impact assessment	58

1.0 INTRODUCTION

1.1 Project background

Property and Development NSW (PDNSW) is continuing to lead the revitalisation of the Coffs Harbour Jetty Foreshore Precinct (the Precinct) on behalf of the NSW Government. PDNSW has engaged Artefact Heritage to complete an Aboriginal Cultural Heritage Assessment Report (ACHAR) to support a planning proposal for the works. The ACHAR supports a Planning Justification Report that outlines proposed amendments to the Coffs Harbour Local Environmental Plan (CHLEP) 2013 and will be submitted to the Department of Planning, Housing and Infrastructure (DPHI) as part of a State Assessed Planning Proposal. This report includes the results of archaeological survey in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, hereafter the Code of Practice) (Department of Environment, Climate Change and Water [DECCW] 2010b).

It is the purpose of this ACHAR to assess the Aboriginal heritage values of the study area, to provide guidance on potential future harm to Aboriginal objects or Aboriginal places as a result of the State Assessed Planning Proposal and Masterplan process, and to carry out consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010a).

As Coffs Harbour continues to grow as a Regional City, the NSW Government and Coffs Harbour City Council have, through various strategic planning exercises, identified four key strategic priorities to reimagine its direction and respond to current and future challenges and opportunities:

- Deliver a regional economy (CHCC LSPS, 2020; CH Economic Development Strategy, 2017) that is diverse, sophisticated and able to retain businesses and skills
- Evolve the tourism offering (CHCC LSPS, 2020) with improved attractions, activities and accommodation
- Provide more housing (CHCC LSPS, 2020) in accessible locations, including affordable housing
- Provide better connections between places with more sustainable movement choices (CHRCAP, 2021; CHCC, 2020)

As a large, strategically located and wholly government owned site, the Precinct represents a significant opportunity to deliver on each of these key regional priorities. In this rezoning application, PDNSW seeks to celebrate the unique location, history and culture of the Jetty Foreshore to deliver outcomes for the benefit of the Coffs Harbour community. The revitalisation will be staged and funded, over time, to deliver the shared community vision.

1.2 PDNSW shared community vision

Coffs' family playground, a precinct of parks and places, that connects community with Country. The community is and always has been at the heart of creating a thriving regional economy and destination for Coffs Harbour. Shaped with the community, our vision is to ensure The Jetty Foreshore will become a world-class oceanfront precinct through the vision shown in Figure 1.

Figure 1: Vision for Coffs Harbour Jetty Foreshore



1.3 The Precinct

The study area Precinct (Figure 2), wholly owned by the NSW Government, is strategically significant to the State and to the Coffs Harbour region. The Precinct is located on the traditional lands of the Gumbaynggirr people, in saltwater freshwater Country. The study area (Figure 2) is located within the Parish of Coff and County of Fitzroy. The study area is in the Coffs Harbour Local Government Area (LGA) and within the boundaries of the Coffs Harbour & District Local Aboriginal Land Council (LALC). It encompasses approximately 62 hectares of foreshore land, 5km east of the Coffs Harbour CBD, located on the Coffs Harbour coast with direct access to the Pacific Ocean. Access is provided on Marina Drive in the north, and Camperdown Street in the south, with Jordan Esplanade bisecting the site north to south. A Precinct map showing existing conditions is provided at Figure 2

The west boundary is generally defined by the railway line and Coffs Harbour Railway Station. To the north the Precinct borders a culturally significant site known as “Happy Valley”, which has been returned as freehold land to the Coffs Harbour and District LALC. Gallows and Boambee Beaches are located to the south of the Precinct, where Littoral Rainforest occurs. Coffs Harbour itself, the Pacific Ocean, Muttonbird Island and South Coffs Island (Corambirra Point) form the eastern boundary.

The Precinct is a popular destination for both locals and tourists offering a variety of attractions and amenities. These include Jetty Beach and extensive parklands with biodiversity value, as well as items of heritage significance such as the Coffs Harbour Jetty and Ferguson’s Cottage, owned by the Coffs Harbour LALC. Further, the Coffs Harbour Fisherman’s Co-op, the Coffs Harbour Yacht Club, weekly Sunday markets, and community hub building (recently delivered by PDNSW) are located within the Precinct. Various public works including breakwater and boat ramp upgrades have been undertaken over recent years to support the marina function.

There are redeveloped and well-maintained parts in the area however, much can be done to enhance the Coffs Harbour Jetty Foreshore Precinct. A large portion of the Precinct is currently gravelled, and a large area of residual railway land is fenced off and inaccessible to the public, as shown in Figure 3.

While gravelled areas provide informal overflow parking, they do not reflect the potential of this foreshore.

The site comprises several parcels of land (allotments), that are described below in Table 1.

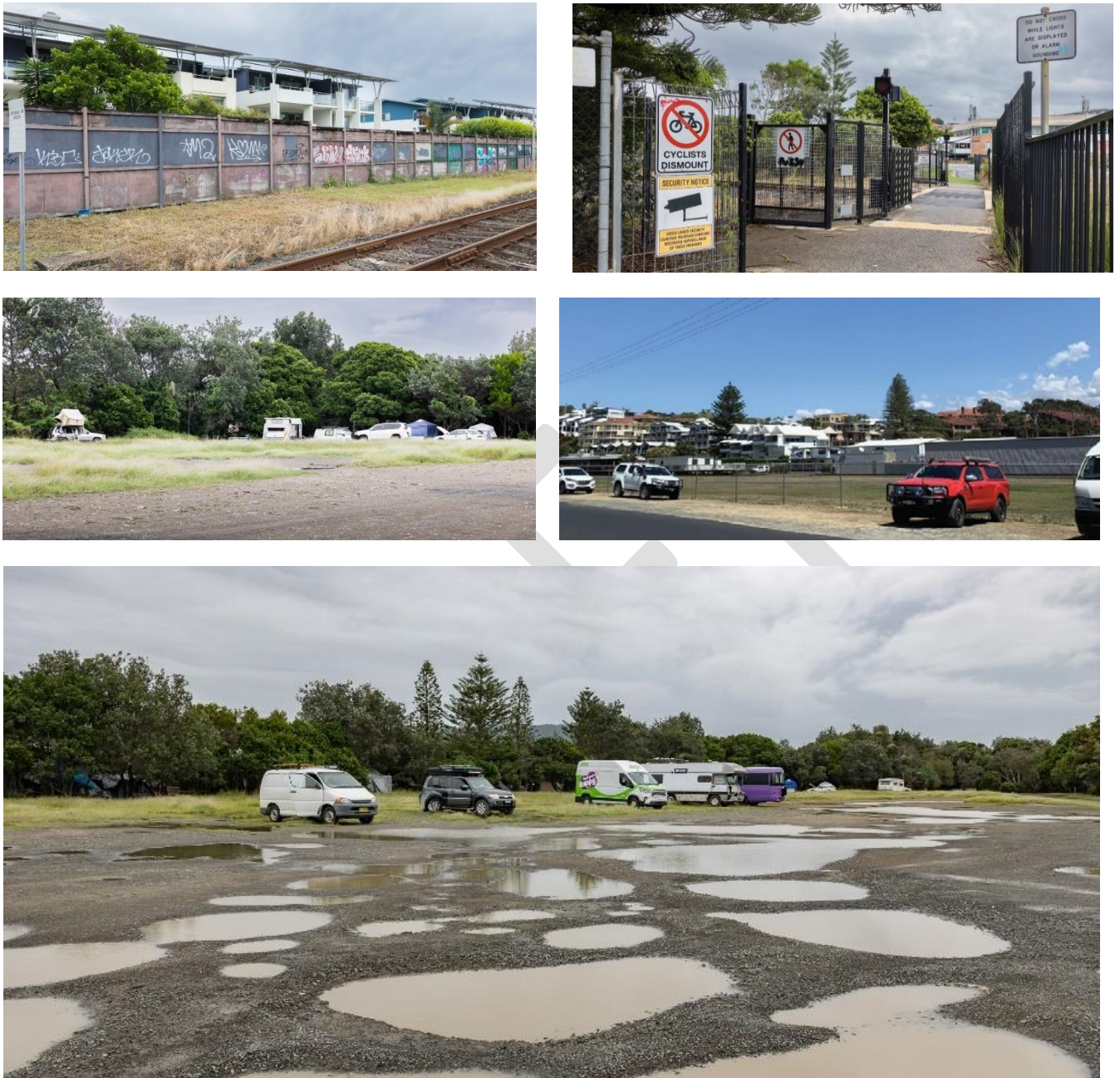
Table 1: Study area allotments

Lot No.	Plan	Lot No.	Plan
1	DP807876	3	DP1285051
11	DP1284099	4	DP1285051
11	DP843870	543	DP45472
10	DP1284099	545	DP45256
2	DP1097861	546	DP45226
2	DP630934	547	DP45226
12	DP1284099	Unregistered road reserve	
204	DP739570		
205	DP739570		
206	DP739570		
22	DP850150		

Figure 2: Coffs Harbour Jetty Foreshore Precinct study area



Figure 3: Existing state of the Precinct rail lands and gravelled areas (Source: PDNSW)



1.4 The Illustrative Masterplan

The planning proposal is supported by an Illustrative Masterplan (Figure 4) that presents a potential development outcome that could be realised at the Coffs Harbour Jetty Foreshore Precinct – it is not prescriptive nor is it determined. The Illustrative Masterplan builds on the shared vision created via extensive community and stakeholder consultation and provides further detail in relation to land use and development outcomes sought for the Precinct.

The Place Principles shown in Figure 5, agreed with the community, guided the formation of the Illustrative Masterplan.

The Illustrative Masterplan is broadly organised across six sub-precincts that will each have a distinct character and function. These are identified as:

1. Foreshore Parklands – with improved amenities, proposed new board walk and nature-based playground.
2. The Marina – An active marina revitalised to accommodate local marine based businesses that reflect their regional importance.
3. North Park – Functional open space with recreational courts and formalised parking.
4. Jetty Hub – A hub of residential and tourist accommodation supporting activation, tourism and regional attraction located adjacent to the current Jetty Walkway, with massing capped at 6 storeys stepping down in scale when closer to public areas.
5. Activity Hub and Village Green – An active village green that delivers increased public open space connected to the existing foreshore parklands and may include family-friendly food and beverage, community uses and club houses or facilities to support events. A local business activity zone connected to the rail station.
6. Corambirra Point – A new regional tourist destination on the site of the former Deep Sea Fishing Club site including publicly accessible cafes and restaurants, a function space, activity centre and tourist accommodation.

A precinct map showing the Illustrative Masterplan and the six distinct zones is provided at Figure 6.

Figure 4: Illustrative Masterplan (Source: SJB)



Figure 5: Community-led place principles

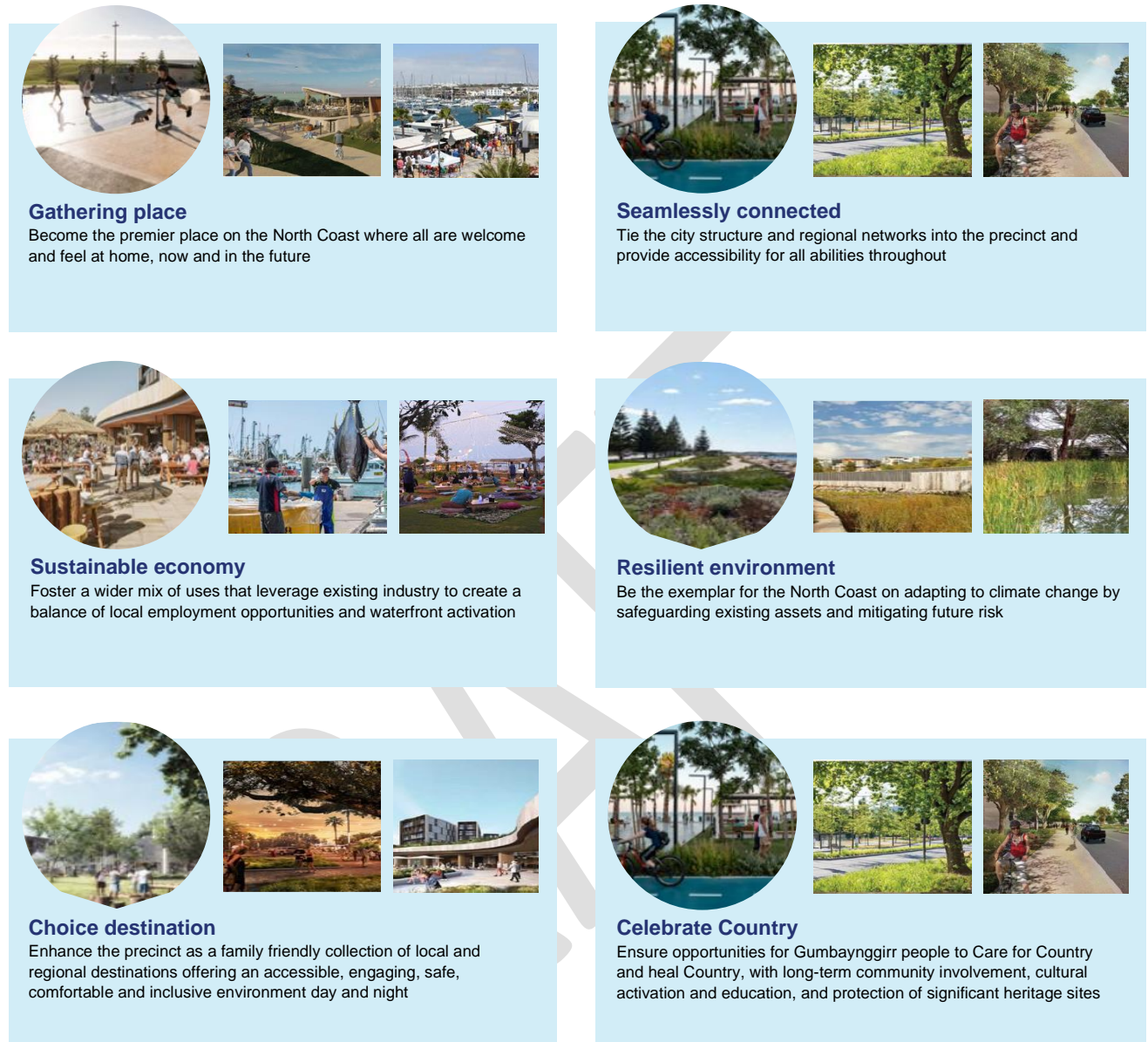
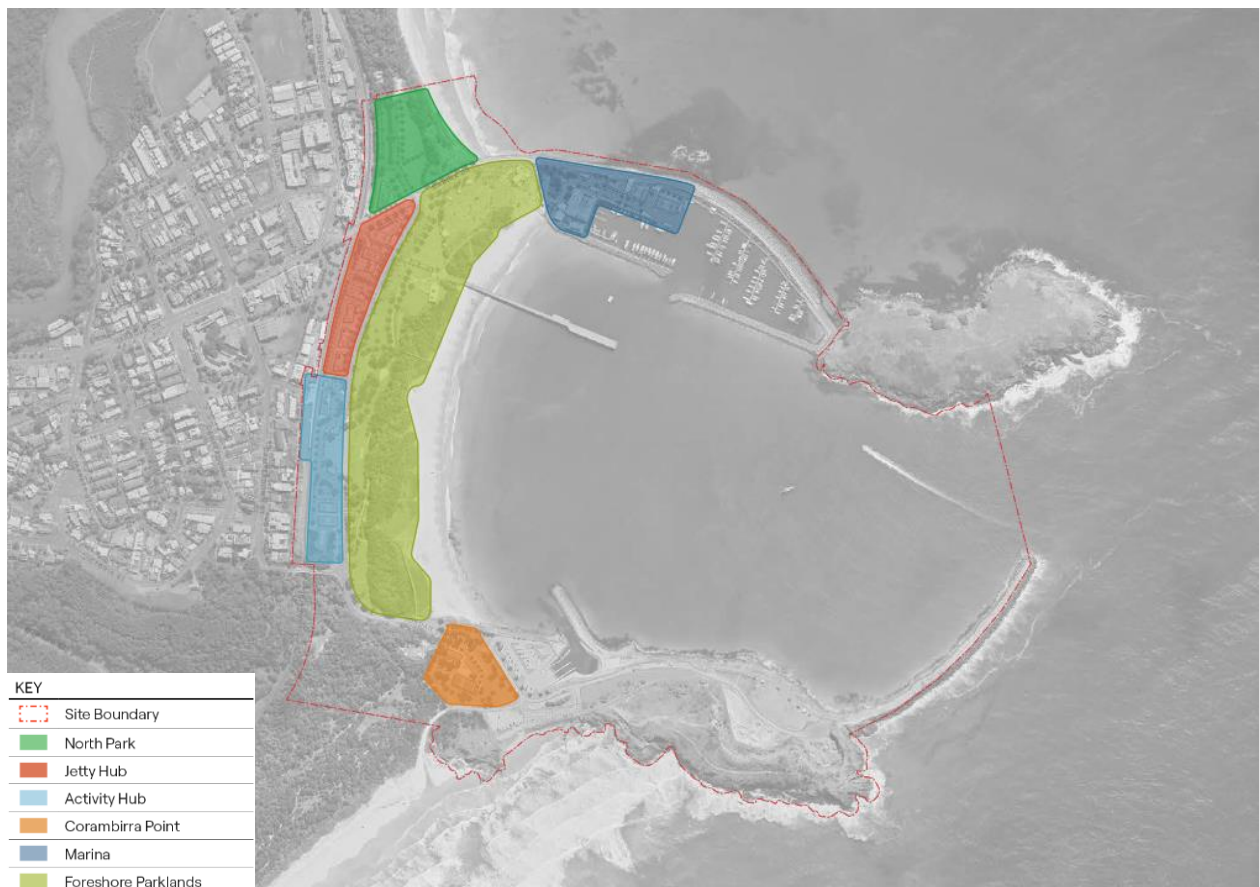


Figure 6: Sub-precinct map (Source: SJB)



1.5 The planning proposal

The master planning of large-scale precincts follows a highly consultative and stepped approach. The current step, which paves the way for the revitalisation of the Coffs Harbour Jetty Foreshore Precinct, is the application for a State Assessed Planning Proposal, which is a legislated process.

PDNSW is lodging a planning proposal with the Department of Planning, Housing and Infrastructure that seeks approval for:

- Changes to permissible land uses
- Changes to permissible maximum building heights
- Planning controls for future State Significant Development Applications including design guidelines and design excellence processes

1.6 Purpose and scope of the report

Artefact Heritage have been engaged to prepare an ACHAR to support a planning proposal for the works. The ACHAR supports a Planning Justification Report that outlines proposed amendments to the CHLEP 2013 and will be submitted to the DPHI as part of a State Assessed Planning Proposal (Planning Proposal). It is the purpose of this ACHAR to assess the Aboriginal heritage values of the study area, to provide guidance on potential future harm to Aboriginal objects or Aboriginal places as a result of the rezoning and Masterplan process and to carry out consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010a). This ACHAR has been prepared to assess the rezoning and Masterplan process and does not include an assessment for any ground disturbing activities. Future reporting and ACHARs will be required for all subsequent stages of the project, particularly for any proposed ground-disturbing works. This report includes:

- Assessment of the Aboriginal cultural heritage values of the study area and identification of any specific areas of cultural significance
- Assessment of archaeological potential in the study area
- Aboriginal stakeholder consultation

This ACHAR has been undertaken in accordance with the following guidelines:

- *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales 2010* (DECCW 2010b)
- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011)
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010a).

1.7 Statutory framework

The *National Parks and Wildlife Act 1974* (NPW Act), administered by Heritage NSW, provides statutory protection for all Aboriginal 'objects' (consisting of any material evidence of the Aboriginal occupation of NSW), and for 'Aboriginal Places' (areas of cultural significance to the Aboriginal community). The protection provided to Aboriginal objects applies irrespective of the level of their significance or issues of land tenure. However, areas are only gazetted as Aboriginal places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is of special significance to Aboriginal culture.

There are no gazetted Aboriginal places within the study area. All Aboriginal objects, whether recorded or not are protected under the NPW Act.

Section 86 of the NPW Act identifies that it is an offence to harm or desecrate an Aboriginal object and/or an Aboriginal place. Section 86 outlines penalty units applicable where it is identified that a person or corporation is in breach of Section 86.

A section 90 permit is the only Aboriginal Heritage Impact Permit (AHIP) available under the *National Parks and Wildlife Act 1974* and is granted by Heritage NSW. Various factors are considered by Heritage NSW in the AHIP application process, such as site significance, Aboriginal consultation requirements, Ecological Sustainable Development (ESD) principles, project justification and consideration of alternatives. This ACHAR is being prepared to support a Planning Justification

Report that outlines proposed amendments to the Coffs CHLEP 2013 and will be submitted to the DPHI as part of a rezoning application.

1.8 Authorship

This ACHAR has been prepared by Michael Lever (Heritage Consultant, Artefact Heritage), Pedro Silva (Heritage Consultant, Artefact Heritage), Dr. Stephen Gapps (Historian, Artefact Heritage), Jonathan Bennett (Heritage Consultant, Artefact Heritage) and Dr. Bengi Selvi-Lamb (Senior Heritage Consultant, Artefact Heritage), with review and management provided by Elizabeth Bonshek (Senior Heritage Consultant, Artefact Heritage). Technical review was provided by Ryan Taddeucci (Aboriginal Heritage Team Leader, Artefact Heritage) and Josh Symons (Technical Executive, Artefact Heritage). Mapping was provided by Mike Douglas (Geographic Information System Officer, Artefact Heritage).

A summary of the authors, contributors and their role are provided in Table 2 below.

Table 2: Summary of authors and contributors

Authors and Contributors	Qualifications	Experience	Tasks
Josh Symons (Technical Executive)	Bachelor of Arts (Hons), Prehistoric and Historical Archaeology	20+ years	<ul style="list-style-type: none"> Quality control Technical support
Ryan Taddeucci (Aboriginal Team Leader/Principal)	Bachelor of Arts (Honours - Archaeology) Master of Museum Studies Graduate Certificate (Maritime Archaeology)	11+ years	<ul style="list-style-type: none"> Project management Technical review
Mike Douglas (GIS Officer)	Bachelor of Arts North American Archaeology Master of Science Geology Master's Certificate in GIS Science	20+ years	<ul style="list-style-type: none"> Preparation of mapping GIS support
Dr Stephen Gapps (Historian)	Bachelor of Arts (Hons)., History Master of Applied History PhD History	20+ years	<ul style="list-style-type: none"> Background Histories
Dr. Bengi Selvi-Lamb (Senior Heritage Consultant)	Bachelor of Arts (Hons), Anthropology and Archaeology Master of Arts (Pre History) PhD Archaeology	10+ years	<ul style="list-style-type: none"> Report Author Survey

Authors and Contributors	Qualifications	Experience	Tasks
Jonathan Bennett (Heritage Consultant)	Bachelor of Archaeology, Major in Landscape Processes Certificate III Business Success Strategies for Team Leaders and Supervisors	+2 years	<ul style="list-style-type: none">• Report Author• Survey
Dr Elizabeth Bonshek (Senior Heritage Consultant)	PhD Anthropology	+20 years	<ul style="list-style-type: none">• Consultation process• Cultural Values and Significance Assessment

2.0 ABORIGINAL COMMUNITY PARTICIPATION

2.1 Aboriginal consultation

Aboriginal community consultation is being conducted in accordance with the Consultation Requirements (DECCW 2010a). A consultation log is being maintained which details all correspondence with the registered Aboriginal parties (RAPs) for the ACHAR (see Appendix).

2.2 Identification of stakeholders and registration of interest

The consultation for this ACHAR commenced on 20 March 2024. In accordance with step 4.1.2 of the Consultation Requirements, Artefact Heritage corresponded with the following organisations by email on the requesting the details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the local area:

- Coffs Harbour and District Local Aboriginal Land Council
- Coffs Harbour City Council
- North Coast Local Land Services
- Office of the Registrar, Aboriginal Land Rights Act 1983 (ORALRA)
- NTS Corp
- National Native Title Tribunal
- Heritage NSW

In addition to this, and in accordance with Step 4.1.3 of the Consultation Requirements, an advertisement was published in Coffs Coast News of the Area on Friday 22 March 2024 which invited the participation of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the local area. The closing date for response was advertised for 5 April 2024.

In accordance with Step 4.1.3 of the Consultation Requirements, on 18 April 2024 emails or letters were sent to all Aboriginal persons or organisations identified through advertisement or through responses from agencies contacted as part of Step 4.1.2, requesting response by 2 May 2024. In accordance with Step 4.2 the letters provided details about the location and nature of the proposal, as well as an invitation to register as an Aboriginal stakeholder.

As a result of the above process eight groups/individuals registered their interest. However, one organisation, [REDACTED], subsequently sent an email on 25 May 2024 to say that they no longer wished to participate as a RAP. The group had been sent a copy of the Assessment Methodology prior to withdrawing from the consultation process. Their name does not appear in the list of RAPs (Table 3) below.

In total, seven stakeholders formed the RAP group. All responses received during this process have been included in this report, in the Consultation Log (see Appendices) and copies of the correspondence with RAPs (see Appendices).

During the registration process [REDACTED] made an extensive submission. This submission is included in a presentation of the cultural values of the area in Section 6.1. The original text is included in the Appendix 12.1.

Table 3: Registered Aboriginal parties for the study area

Organisation/ Individual	Contact Name
[REDACTED]	
[REDACTED]	
[REDACTED]	[REDACTED]
[REDACTED]	
[REDACTED]	[REDACTED]
[REDACTED]	
[REDACTED]	
[REDACTED]	
[REDACTED]	

2.3 Distribution of assessment methodology and feedback

A copy of the proposed assessment methodology was sent to the RAPs by email on 8 May 2024, requesting comments at the close of 28 days (5 June 2024). One RAP, [REDACTED], responded. Their comments are summarized in Table 4 and presented in more detail in Section 6.0.

Table 4: Summary of Aboriginal stakeholder comments on the Assessment Methodology

Person / RAP group	Comment	Response
[REDACTED]	<p>[REDACTED] hold a strong connection to Country and their ancestors over deep time and this connection has survived and continues.</p> <p>In summary, the RAP group stated that they wanted:</p> <ul style="list-style-type: none"> • respectful engagement and recognition of local Aboriginal presence in the past, present and future • inclusion of the Coffs Harbour and District LALC in the site survey • safe keeping of any objects found and consultation with Coffs Harbour and District LALC about their retention • story lines connecting Gumbaynnggiir Country and Gumbaynnggiir Dreaming lie within the study area • acknowledge that Gumbaynnggiir people are sharing information with the proponent. • the Foreshore Jetty should be a public recreation space; • the group opposes private residential development in the Foreshore Jetty Precinct [the entire study area] and it should never be considered for any <u>residential</u> development. 	<p>Comments included in report and consultation log. Site visit undertaken with Aboriginal Sites Officer from Coffs Harbour and District LALC.</p>

2.4 Distribution of progress update

On the 3 December a progress update was emailed to all RAPs on the project. The update stated:

Following the recent local government elections, Artefact Heritage has been advised that the NSW Government looks forward to briefing the new City of Coffs Harbour Council on the planning proposal, and continuing our work on the Coffs Jetty precinct revitalisation and future uses. It remains the NSW Government's intention to deliver a balanced outcome in partnership with Council, the Aboriginal community, industry and the Coffs community.

This email is to advise that the draft ACHAR is expected to be circulated in early 2025.

Table 5: Summary of RAP comments on the progress update

Name	Comments	Response
	Provided copy of Coffs Harbour Aboriginal Cultural Heritage Management Plan 2024 produced by City of Coffs Harbour. Shared information provided in the report, as follows:	
	"There is one area of High Importance which appears to be missing, that being the Jetty Foreshores Area within the Harbour at Coffs.	Information provided, as it relates to the study area, has been included in the ACHAR including a statement from
	Meaning the Historic, Traditional and Spiritual Connections to this area within and surrounding the whole of Jetty Foreshores here in Gumbaynnggir Country Coffs Harbour.	
		which appears in Section 6.0, especially 6.1).
	It's like one big circle surrounding and within the Jetty Foreshores here in Coffs Harbour which is deeply entrenched in Gumbaynnggir Country History prior to colonisation and early settlers arriving here."	

2.5 Distribution of draft ACHAR and response

The draft ACHAR is being circulated to the RAPs for review at the same time that the report is placed on public exhibition. Once the RAPs have reviewed the draft and provided feedback, their feedback will be included and this draft report updated to the final ACHAR issued. Feedback will be presented in Table 6 and incorporated into the significance assessment, impact assessment and recommendations of the final report

Table 6: Summary of RAP comments on draft ACHAR.

Name	Comments	Response
Draft ACHAR currently in review by RAPs		

3.0 ETHNOGRAPHIC CONTEXT

3.1 Gumbaynggirr Country

Gumbaynggirr Country is diverse, extending from around the Nambucca River in the south to the Clarence River in the north, from the Pacific coast and into the mountains of the Great Dividing Range in the west. This Country has been estimated to be around 6,000 square kilometres. While the coast was an important focus and Gumbaynggirr are often known as ‘Saltwater’ people, many people from Grafton (Jadalmany), Coffs Harbour (Garlambirla), Nambucca (Nyambaga) and inland of these places identify as Gumbaynggirr. Some people say they are ‘saltwater/freshwater’ people, moving to the coast during winter and back into the valleys when the hot summers arrive (Yumpu 2022).

In 1898, the anthropologist R. H. Mathews described the ‘Koombanggarr’ (Gumbaynggirr) as ‘at one time both numerous and important’. Mathews outlined the following Country;

„from the south side of the Clarence river along the sea-coast about as far as Nambucca, ex-tending westerly almost to the main dividing-range. On the south they are bounded by the Thangatty [Dhangatti] tribe, occupying the Macleay river. The Anaywan [Anaiwan] tribe, scattered over the table-land of New South Wales, bound the Thangatty and Koombanggarr people on the west. (Mathews 1898)

As historian Jo Kijas has noted (Muurrbay Aboriginal Language and Culture Cooperative 2022) the traditional areas of Country in northern NSW are complex and have been debated in more recent years. But broadly speaking Gumbaynggirr territory extends ‘from Nambucca in the south to north of Red Rock, across to the Clarence River around Grafton, inland to Nymboida and up to Ebor on the Dorrigo Plateau’. As in many areas, this Country is generally constituted through language affiliation and ‘within this broad language grouping are a number of smaller groups with different dialects.’ As noted by Archaeologist Kate Waters, there are ‘sub language groups’ and ‘wider local groups’ connected to major rivers who shared ‘Dreaming tracks’ with groups to the north, west and south (Kelleher Nightingale Consulting 2020) (Kijas 2009, 15).

Gumbaynggirr people share the same language, though a slightly different dialect as the Baanbay people of the tablelands to the west. Three dialects of Gumbaynggirr have been identified; the north lowlands around Grafton, a southern dialect near the Nambucca River and a ‘Nymboidan dialect’ that apparently reached inland to around Guyra and Tingha. Yaegl (Yaygirr) to the north and Gumbaynggirr languages are different but share some features. While Yaegl and Dhanggati to the south had distinct languages, they had similar initiation ceremonies, family systems and marriage connections beyond their language groups. As Kijas notes, the Yaegl and Gumbaynggirr, along with their southern neighbours the Dhan-gadi and Birrpai, formed what anthropologist Barry Morris argued was a “cultural bloc”. This is because the kinship, marital and descent arrangements of these groups contrasted with other coastal groups such as their Bundjalung neighbours to the immediate north’. This ‘cultural bloc’ shared a matrilineal system which was distinct from other neighbouring coastal groups (Enright 1940, 322).

There are a number of recognised clan groups within the Gumbaynggirr Nation, including the Garby Elders, Garlambirla Guyuu Girrwa (Coffs Elders group), Gumbular Julipi Elders and Bagawa. The Garby Elders (Gaabi – swamp wallaby) ‘are a tribal group who recognise the lands and seas from Moonee northward along the coast past Wooli and inland to the east bank of the Orara River.’ Arrawarra Headland lies at the heart of the Garby Elders’ Country. Another ‘epicentre’ of Gumbaynggirr Country is around present-day Coffs Harbour – but it must be noted that such sites of significance are bound up in complex connections with Country that can be far beyond any immediate

place or site. As one informant to the Murawin report on Coffs Harbour noted, 'Think of Country like a body – it can't be broken up (Murawin 2022).

3.1.1 Arrawarra

Perhaps the most famous fishing method in Gumbaynggirr Country are the Arrawarra stone fish traps. Recently listed as a NSW State Heritage Register item, the traps and the nearby Arrawarra Headland are highly important to the Garby Elders, their families, and the wider local Aboriginal community today. The area is still a place for collecting shellfish and a place where traditions and knowledge are passed on. The fish traps belong to an area of great spiritual and social significance to the local Aboriginal community that is connected across broader Country. Arrawarra Headland is many things: a place of gathering, stories and rituals, including rainmaking. The area contains several sites of significance to the Aboriginal community: [REDACTED]. The fish traps at Arrawarra Headland are the only known surviving fish traps in NSW located in a coastal environment (OEH (n.d.)).

...the first high tide runs out, so all the bait smells go out to the fish and the fish come in for a feed (Thomas 2013).

3.1.2 Pathways of social and spiritual connection

Gumbaynggirr Country was looked after and sustained by such practices as regular burnings, but also through 'spiritual and social responsibilities'. Gumbaynggirr people have noted how every jagun or 'homeland' had 'sacred paths' as well as 'areas where the life passed on by the Dreaming heroes was remembered and renewed'. This was only done by those clan groups who were 'guumunbu' – that is, they belonged or were related to each place. While some places were accessible by most of the local group, other places were only accessible with certain groups of people often based on gender, initiation status or other knowledge-based criteria (Gumbaynggirr Language and Cultural Group 1992).

Pathways linked local Aboriginal groups up and down the North Coast and into the hinterland. Garby Elder from Yarrawarra, Michael McDougall, noted how along the coast people:

'...used to meet halfway, just have a yarn and that. How everything is going at that end of the world and down here... Yes, my father use to go up to Wooli... Minnie Waters, that's how far they go and then back down to Woolgoolga.'

According to Jo Kijas' study of the region, Roy Bowling, who grew up in Tucabia, was told of these Aboriginal routes by his father and grandfather. Bowling described how 'travel routes came from the south across [REDACTED], linking initiation routes for young men to [REDACTED] with other significant places like [REDACTED] and the [REDACTED]. Other routes went north to Maclean and west towards Grafton. As in many places around Australia, the first roads and tracks made by colonists followed the pathways already laid out and used by Aboriginal people (Kijas 2009: 15-16).

One pathway that continues to have importance to the local Aboriginal community around Coffs Harbour is [REDACTED]. This traditional pathway links the significant sites of Corambirra Point and Giidany Miirlarl (more commonly known as Muttonbird Island) at modern day Coffs Harbour with the hinterland (see Section 6.0). Giidany Miirlarl is the site of a 'Moon Story' and also the story of the Goanna Sisters. Today, many in the Gumbaynggirr community do not walk on this island. Nearby, Gidding Mirreh (Shiny Rock) is also connected to the Moon Story – Gidding Mirreh meaning 'the place where the big moon rises from the sea'. Across the harbour at Bunyun Miirlarl or the 'Red

Browed Finch Place', a women's site and birthing place are connected to the spring that once flowed on the [REDACTED], on the south side of modern day Coffs Harbour (Murawin 2022).

Coffs Harbour was a thriving, important place for millennia. It was the centre of an annual gathering during the mutton bird season. People from all across the Gumbaynggirr nation came and camped near [REDACTED] at what became [REDACTED], according to one recollection, up to [REDACTED] (Kelleher Nightingale Consulting 2020).

Despite massive disruption and dislocation during the last two hundred years, a number of stories have continued to be told about Gumbaynggirr Country. Another pathway runs from [REDACTED] [REDACTED]. The Gumgali storyline pathway is associated with the Gumgali or black goanna Dreaming storyline and links to other key sites within the region including [REDACTED]. From this pathway the [REDACTED] [REDACTED] (Kelleher Nightingale Consulting 2020).

Enright (Enright 1940, p. 88) published two accounts from an informant;

J.N., a member of the Kumbangerai tribe, told me that in that neighbourhood above referred to [REDACTED] is a ring of stones, and in it there is a grave. Later he explained that what he called a grave is a stone about six feet long laid in the earth. He knew nothing of its origin, but said he was told by his grandfather and father that Goolumbra was buried there.

'From J.N. I also heard the following: Long ago his people had a big camp up [REDACTED] and the moon had a lot of sores on him. He could not walk, and had to be carried. Only those with grass and tree totems carried him. They took him to Coffs Harbour, where they pitched camp and laid him down. He was apparently dying, but, decided to have a swim, in expectation of benefiting by it. He said to Grass Tree: "You will live for ever ", and ever since, if you burn grass it will come up as a tree. He died and was buried on [REDACTED]'.

3.1.3 Colonists and conflict

The physical environment that impeded and isolated settlement, the same environment that produced the abundant food sources that sustained Yaegl and Gumbaynggirr people, meant that violent conflict came later and more sporadically to this region than other eastern Australian regions.³⁸ Such conditions also allowed ceremonies and cultural continuity from before colonisation to last into the first three decades of the twentieth century. This was generally far longer than in other parts of settled Australia. Nevertheless, in a detailed assessment of the reports of the Commissioners of Crown Lands for the Clarence and Richmond regions, historian Heather Goodall argues that once settlement was established, the Clarence region experienced higher levels of violence than other pastoral districts. There was a widespread sense amongst the thinly spread population of settlers that they were constantly under threat, even though the numbers of deaths at Aboriginal hands were comparatively few. Larger stock losses from Aboriginal attack than in other pastoral districts were also recorded.³⁹ In 1856, Commissioner Bligh took over from Oliver Fry as Commissioner of Crown Lands. He had come from the isolated Gwydir region where the violence between Aboriginal people and settlers had been severe. However, he found the atmosphere of violence on the Clarence River disconcerting. He wrote early in 1857: 'The amount of outrage on the part of the Aborigines has far exceeded that which I have been accustomed to notice in Districts more remote than that of the Clarence River.'⁴⁰ As in other parts of the country, Aboriginal attacks on settlers and their cattle were avenged by attacks on entire groups of Aboriginal people. In the southern section of Yuraygir National

Park, there are possibly two main massacre sites: [REDACTED]. Oral histories also mention killings at [REDACTED]. Just beyond the southern borders of the park, one of the most infamous coastal massacres was at [REDACTED]. Thomas Bawden comments that after Aboriginal people had attempted to rob a hut at [REDACTED] in the early 1840s, a revenge party, led by Major Oakes, overtook them 'somewhere about Corindi' where they were 'severely punished for their deeds' (Bawden 1972, Cane 1988). Despite the devastating effects that violence and disease had on Aboriginal groups along the Clarence River, the number surviving was high compared with other places. During the first 50 years of colonisation, there was only a thinly spread population of settlers across the region. This initially allowed for dual occupation, where Yaegl and Gumbaynggirr people could stay in parts of their own country. Some worked for certain stations regarded as 'safe', while others avoided all settlements (Kijas 2009).

Despite the dramatic impacts of colonisation, even in the 1890s Gumbaynggirr people continued to practice culture where they could. The ethnographer R H Mathews described what he called a burbung, or initiation ceremony, with people coming from Kempsey, Armidale, Tabulam and the Nymboida River to attend (Mathews 1898).

3.1.4 Twentieth century events

3.1.4.1 1900s

Through the early 20th century, Gumbaynggirr people could often avoid the increasing surveillance and control of the Aborigines Protection Board by living on the fringes of settlement in camps such as [REDACTED]. These camps, often on crown land and on the edge of both bush and sea, also meant they could continue to access traditional foods and cultural sites as well. While the Board did intervene in some of the camps, and children were removed from [REDACTED], in general the families managed to avoid the direct control of the Board (English 2002, 16).

Kate Waters has listed places that have been identified as camps as at the present-day Coffs Harbour [REDACTED].

[REDACTED]. Waters notes that 'more permanent camps emerged in the mid twentieth century on the [REDACTED]' (Waters 2020, 32).

By the 1940s there was increasing pressure from the local council and the Aborigines Welfare Board to dismantle these camps. The lack of water and sewerage services were given as reasons, but little effort was actually made to provide these services. In the 1950s, the authorities began to demolish people's homes in the camps and forced them into approved housing areas such as the Wongala Estate on the highway north of Coffs Harbour. However when the [REDACTED] camp was demolished in the mid-1950s it was reported that 'to the chagrin of the Coffs Harbour City Council, another camp including 8 shacks sprang up on the [REDACTED]k.

3.1.4.2 1920s

In 1929 the anthropologist Alfred Radcliffe-Brown visited northern New South Wales to obtain information from local Aboriginal people on what he called 'localized ceremonies for the increase of natural species'. Radcliffe-Brown noted these ceremonies were regarded as occurring at 'sacred spots'. North of the Clarence River they were referred to as djurbil but Gumbaynggirr people called them 'mireror mirera'. Radcliffe-Brown (1929) recorded that:

... there is a very real sense in which each mirera belonged to a certain group (horde) and was, if not their exclusive possession, at any rate very definitely their property. Amongst the mirera about which I was told, there were two or three for

kangaroo, two for opossum, and others for emu, kangaroo rat, dingo, crab, codfish, perch, oyster, and a species of shell-fish. The only vegetable species for which I heard of an increase rite is a vine with edible fruit called girguru... I heard of a mirera where storms could be made but did not hear of one specifically connected with rain. Two unusual mirera are connected with two diseases: gunandi, a form of diarrhea, or perhaps colitis; and bilir, apparently dysentery. By performing rites at these spots, a man could send a visitation of the sickness upon an enemy.... The mirera for tiger-snake and that for the death adder seem chiefly to have been used for sending these snakes against enemies...'

3.1.4.3 1940s

Despite the incredibly destructive impact of colonisation, even in the 1940s Aboriginal people in the region were able to continue to practice aspects of traditional law and custom. In 1948 the linguist W.E. Smythe recorded elements of 'Gumbainggarr' language and noted that (Smythe 1949, p. 131);

'... some of the remnants of its clans still adhere to the old customs enough to hold periodic meetings for the initiation of the young men, and for corroborees. These meetings are of course kept a close secret from the Europeans, and disfigurements (tooth evulsion, cicatrization, etc.) are avoided. Nominally Christians, many of them have a hidden respect for the "old law," and for the old men whom they remember as the leaders of tribal life in their youth. Some of the older men can recall the days of their youth when the white men were not so numerous, and when tribal life and customs had not been destroyed. They speak with the greatest conviction and sincerity of the deeds of their old medicine men and elders, ascribing to them amazing powers of magic and endurance. The children, brought up in this atmosphere, assimilate enough of it to carry many of them through the days when they are being instructed in the Christian religion.'

3.1.4.4 1950s Ferguson's Cottage

'Ferguson's Cottage is critically important both because of its history and because descendants of the Ferguson family still live there. Granny Evelyn Ferguson and her husband Andrew Ferguson relocated there when Aboriginal people were moved off the missions. It was the old quarry office and they obtained permission to live there when the quarry closed. Granny Ferguson made the cottage a safe haven for children from all backgrounds throughout the 1960s and 70s. It was also a refuge for many Aboriginal people who were moved off the missions. It is an important place of connection and community. Many generations of Fergusons grew up there and still visit regularly. It is reported that Granny Ferguson refused to relinquish the site despite being offered significant sums of money for it. The cottage is now heritage protected in honour of Nanny Ferguson's immense legacy in the community. It is subject to a lease agreement between the CH&D LALC and the NSW Government and to a land claim by the CH&D LALC. The site is one of immense emotional and historical significance to the Aboriginal community and particularly to the families connected to this place' (Murawin 2022)

3.1.4.5 1980s Language revival

There have been drastic impacts of colonisation on the original way of life of Gumbaynggirr people, and much of the language lay dormant. However, through the determination of Elders and supporters the Gumbaynggirr language has entered a phase of rejuvenation. One group: Maggie Morris, Andrew Pacey, Jane Brown, Joyce Knox and Ivy Smith (who was fluent in the Nymboidan dialect) began reviving Gumbaynggirr in 1986. The Muurrbay Language Centre at Nambucca Heads is continuing the revival that they began. The Gumbaynggirr Language and Culture Group was formed by a group of Elders and Brother Steve Morelli, who began language research and community-based language learning. This developed into the Muurrbay Aboriginal Language and Culture Cooperative which still services Aboriginal languages between Broken Bay and Queensland (Muurrbay Aboriginal Language and Culture Cooperative 2022).

3.1.4.6 Happy Valley campsite and cabins

'Many members of the Aboriginal community either grew up in or had family that grew up in Happy Valley. More than 5.4 hectares of Crown land comprising Happy Valley were returned to the ownership of Coffs Harbour and District Local Aboriginal Land Council following successful Aboriginal land claims. Aboriginal people have lived there for many generations, and it is a site of unbroken and ongoing connection to Country in this intensely urbanised area. Pre-colonisation, Aboriginal people camped here for many thousands of years. Post-colonisation it was a campsite for Aboriginal people who had been displaced from their land. Many families were ultimately forced to relocate to public housing. In the early 1980s and 90s dwellings were constructed to house Aboriginal people still living in Happy Valley. Two cabins remain and Happy Valley continues to be home to both housed and unhoused Aboriginal residents. The construction of these cabins was intended to be a temporary solution to the falling down huts that were rapidly becoming uninhabitable.' (Murawin 2022)

3.1.5 Today

For the Gumbaynggirr people, Gumbaynggirr Country is rich with history and Sites of Significance. Their connection with Country extends back many millennia. Their culture is a living culture. It is a core aspiration of the community that Gumbaynggirr Country, heritage and culture be highly visible.

In 2020, consultant archaeologist Kate Waters found that Gumbaynggirr people she interviewed had continuous knowledge of many places of cultural significance across the region, including 'ancestral figures in the landscape, ceremonial grounds, birthing sites, women's and men's business sites, burial places, occupation sites, resource areas, and high points that provide lines of sight.' They also identified travel routes and 'increase sites' or places where specific rituals are undertaken to 'encourage the increase of a particular species or condition'. These sites such as the goanna, crayfish and red-browed finch had been identified by early 20th century anthropologists (see above) and continue to be of cultural significance for Gumbaynggirr people today (Kelleher Nightingale Consulting 2020).

4.0 ARCHAEOLOGICAL CONTEXT

4.1 AHIMS search

NOTE: The location of Aboriginal sites is considered culturally sensitive information. It is advised that this information, including the AHIMS data appearing on mapping below must be removed from this report if it is to enter the public domain.

An extensive search of the Aboriginal Heritage Information Management System (AHIMS) was undertaken on 17 January 2025 (Client Service ID: 966019) to determine the location of Aboriginal sites in relation to the current study area. The search included an area of approximately one kilometre (east-west) by one kilometre (north-south) surrounding the study area to inform the characterisation of the local archaeological context. The AHIMS search parameters were as follows:

GDA, Zone 56	510959.0 – 516906.0 m E 6645239.0 - 6649332.0 N
Buffer	0 metres (m)
Number of sites	27

The results of the search are summarised in Table 7. The distribution of recorded sites within the AHIMS extensive search area is shown in Figure 8.

There are six (6) AHIMS sites with their registered coordinates located within the study area. One of those 6 sites: AHIMS ID 22-1-0518 was found to have erroneous coordinates, with both the erroneous and corrected coordinates placing the site outside the study area. However, as the site card refers to the entirety of [REDACTED], that site is located within the study area. The corrected location of AHIMS ID 22-1-0518 is shown in Figure 7, and further information regarding AHIMS ID 22-1-0018 is included in Section 4.2.

The nature and location of the registered sites is a reflection of the past Aboriginal occupation from which they derive, but is also influenced by historical land-use, and the nature and extent of previous archaeological investigations. Certain site types, such as culturally modified trees, are particularly vulnerable to destruction through historical occupation, while others, such as stone artefacts, are more resilient. Other site types are tied to geological or geographic features: grinding grooves and art for example are tied to the presence of outcropping bedrock, whilst frequency and density of shell midden sites are more likely to be associated with proximity to watercourses containing shellfish. The distribution of registered sites is also influenced by the distribution of development because sites are often registered as part of the development process and areas of intense development are subject to greater scrutiny than areas subject to less development.

Aboriginal Ceremony and Dreaming sites are the most frequent site type in the search area with 29.63% of all site count. This predominance likely reflects a combination of several factors. Firstly, the local landscape is undoubtedly of great cultural significance to Aboriginal people. In addition, there are knowledge holders whose knowledge of the place remains, perhaps more in the region than in other parts of NSW. This may be due to Aboriginal communities not wanting their knowledge recorded on AHIMS. Lastly consideration might also be given to the success rate of consultation in the region reflecting the willingness of Aboriginal knowledge holders to share their knowledge of Country with researchers, consultants and regulators.

While Aboriginal Ceremony and Dreaming sites are the most frequent site type in the search area, they are not a site type that can be predicted for using the technical methods of an ACHAR, such as evaluation of soils, hydrology, landform preservation and survey.

Table 7: Frequency of site features in AHIMS search results

Site Features	Frequency	Percentage
Aboriginal Ceremony and Dreaming	8	29.63
Artefact	8	29.63
Shell, Artefact	4	14.81
Burial	2	7.41
Habitation Structure	1	3.70
Potential Archaeological Deposit	2	7.41
Shell	1	3.70
Stone Quarry, Artefact	1	3.70
Total	27	100%

4.2 AHIMS site details

This section provides details of the registered Aboriginal sites including the site card details where available from AHIMS (Table 8). There are a number of highly significant Aboriginal Ceremony and Dreaming sites present within the study area. To date, those Aboriginal Ceremony and Dreaming sites have not been subject to archaeological testing or intensive survey to identify potential associated Aboriginal objects. The presence in the study area of a preserved midden (AHIMS ID 22-1-0140) and a stone quarry (AHIMS ID 22-1-0340), and Aboriginal information that AHIMS ID 22-1-0340 is likely to contain burials and stone artefacts would support the proposition that this significant Aboriginal Ceremony and Dreaming location would once have formed a focus for a wider range of traditional activities including dietary and stone resource extraction, camping and inhumation of ancestral remains. The spatial distribution of such sites coheres with modelling derived from previous archaeological excavations, that potential subsurface sites are likely to be focussed within [REDACTED] of the Goolawah Soil Landscape. It can also be hypothesised in conjunction with Aboriginal knowledge provided in the site card for AHIMS ID 22-1-0340, that ancestral remains are likely to occur in [REDACTED].

Table 8: AHIMS site details within the search area

AHIMS #	Type	Distance to study area	Site card detail
22-1-0080	Artefact		<p>AHIMS ID 22-1-0080 (Stone Tool Workshop) is registered at . The site is an area of ground exposure measuring . Many of the artefacts identified were in situ. The site has been subject to erosion due to 4WD traffic, and revegetation was recommended to prevent further erosion.</p> <p>Site types described on the site card include “increase sites, stone tool workshops, middens” artefact types observed include blades and micro-blades, horse hoof cores and various flakes, including quartz flakes. It is possible that the site was used to mine for quartz as quartz flakes and blades were observed in the site, on a headland that is known to contain quartz.</p>
22-1-0018	Aboriginal Ceremony and Dreaming		<p>Important site and healing place. Site card is very brief and lists this place as associated with: “Rock engravings, stone arrangements, campsite, rock paintings, axe grooves, other relics, carved tree, quarry”. While the previously registered centroid of AHIMS ID 22-1-0018 was located just outside the study area, the site card refers to the entirety of , therefore that site is located within the study area. The registered centroid of AHIMS ID 22-1-0018 was updated following archaeological survey and is mapped in Figure 8.</p>
22-1-0028	Shell, Artefact		<p>Very poorly preserved, in . AHIMS lists both shell & artefact, but site card stipulates no artefacts present.</p>
22-1-0140	Shell		<p>Site is a shallow midden on the .</p> <p>The surrounds were noted as of high Aboriginal cultural importance.</p>

AHIMS #	Type	Distance to study area	Site card detail
22-1-0340	Stone Quarry		Site card does not provide documentation of a stone quarry but does provide Aboriginal information that the site is likely to contain more stone artefacts, potentially burials, and is a location of Aboriginal Ceremony and Dreaming importance.
22-1-0579	Aboriginal Ceremony and Dreaming		The 22-1-0579 site card contains very little information, however, the site card for AHIMS ID 22-1-0017, recorded in 1975, contains the following information relevant to : along with Muttonbird Island it is one of the most important Aboriginal places in the area. Although having been subject to considerable disturbance through clearance and , it maintains high cultural significance.
22-1-0559	Aboriginal Ceremony and Dreaming		This 22-1-0559 site card contains very little information, however the site card for AHIMS 22-1-0017, recorded in 1975, contains the following information relevant to Muttonbird Island: The island is also known to Aboriginal people as Moon Island or as <i>Giidany Miirlarl</i> , is a powerful place, a healing place, and along with is one of the most important Aboriginal places in the area. Muttonbird / Moon Island is cited as a men's site, forbidden to women. It was recorded as having been subject to little disturbance other than tree clearance.

Redacted for
public display

Redacted for public
display

4.3 Review of existing archaeological literature

This section provides a summary and results of relevant archaeological investigations near the study area, particularly those conducted on similar landform and geological formations. Little to no recent development activity has been identified in the study area that would have triggered formal Aboriginal archaeological assessment. Mostly ceremonial sites, and shell middens were identified within the vicinity of the study area during the previous research (Table 9).

Table 9: Previous studies

Project	Summary
Proposed Upgrading [REDACTED]. Cultural Heritage Assessment (Collins 1997)	<ul style="list-style-type: none"> • Located [REDACTED]. • Ten Aboriginal archaeological sites, including two isolated stone artefacts, three artefact scatters, five shell middens, and one Aboriginal cultural site recorded during survey. Five of those sites were identified along the [REDACTED]. • Area had been significantly disturbed. • Eight archaeological surveys in the surrounds of the airport were synthesised, showing that the majority of sites were located in [REDACTED]. • Concluded that low lying level areas would be of low archaeological potential.
[REDACTED] Coffs Harbour, NSW mid-north coast. Archaeological test excavation / salvage Site #22-1-226 (Collins 2006).	<ul style="list-style-type: none"> • Located [REDACTED]. • Salvage excavation of PAD on a [REDACTED], associated with surface artefact scatter (AHIMS ID 22-1-226). • Soil profiles were inconsistent with soil landscapes of the [REDACTED] study area. • Predictive model suggested low-gradient ridge crests would be of elevated local archaeological potential. • Test excavation identified localised topsoil disturbance. Very low artefact numbers (n=25) of approximately 1.7 artefact per square metre identified through test excavation. • Site was interpreted as transient occupation.
Coffs Harbour Sewerage Strategy. Archaeological test excavations adjacent to site CHSS-10 (#22-1-0139) [REDACTED] (Collins 2008)	<ul style="list-style-type: none"> • [REDACTED] • Located near AHIMS ID 22-1-0139, a shell midden on the Coffs Harbour soil landscape, [REDACTED] of Pleistocene

Project	Summary
	<p>beach and dune sands of the Goolawah soil landscape.</p> <ul style="list-style-type: none">• The test excavation aimed to determine whether Pleistocene sands had been covered by Holocene sand, as AHIMS ID 22-1-0139 was located within younger Holocene sands.• Augers to depths between 70cm to 110cm did not identify significant quantities of shell, stone or other cultural materials.• Concluded that location was likely disturbed through works for adjacent track.• Potentially intact dune barrier sands were assessed as retaining higher archaeological potential, therefore it was recommended that they be protected from impacts.
Aboriginal Archaeological Assessment – Proposed Electricity Network Upgrade Works to the North of [REDACTED] Coffs Harbour (Umwelt 2011 and 2012)	<ul style="list-style-type: none">• [REDACTED]• Portions of Umwelt study area overlapped with Coffs Harbour soil landscape.• The proposed works area contained a [REDACTED] PAD (AHIMS ID 22-1-0398) which was located wholly within landforms adjacent to [REDACTED], identified as highly culturally significant, including Aboriginal Ceremony and Dreaming Sites (AHIMS ID 22-1-0309 and AHIMS ID 22-1-0310).• Impact of proposed works assessed as minimal. It was recommended that retrieved soils be sieved for archaeological remains.
Pacific Highway Upgrade Coffs Harbour Bypass. Aboriginal Cultural Heritage Assessment Report (Kelleher Nightingale Consulting 2020)	<ul style="list-style-type: none">• [REDACTED]• Assessment contained holistic evaluation of cultural, resource and archaeological potential as a part of a wider natural and cultural landscape.• Twenty-six Aboriginal sites were identified, including five sites of cultural significance that included pathways, storylines and camping sites.• Cultural sites identified in the surrounding landscape included ceremonial grounds, birthing sites, ritual increase sites, women's and men's business sites, burial sites, occupation sites, resource locations and high points with lines of sight.• RAPs noted that locations, pathways and storylines were frequently associated with archaeological deposits.• Consulted knowledge holders emphasised importance of ecosystems within and surrounding the proposal footprint.

Project	Summary
	<ul style="list-style-type: none">• Test excavation of 16 areas of PAD revealed low density deposits, with mean number of finds ranging between nine and 10 artefacts per square metre.

DRAFT

4.4 Environmental background

The climate of Coffs Harbour is humid sub-tropical. Due to minimal elevation differences and proximity to the ocean, coastal seasonal climatic variation is less pronounced than inland. The study area is located on five different soil landscapes including Disturbed Terrain (9537xx), Look-at-me-now (9537lo), Goolawah (9537go), Megan (9537me) and Coffs Harbour (9537cf).

The study area is comprised of several primary geological units which reflect the contrast between the more robust and longer-lived geology of the offshore islands, and the Pleistocene and Holocene geologies of the foreshore and immediate areas to the hinterland. Beach ridges, which were identified within the study area, are sensitive landforms, often associated with Aboriginal objects.

The estuarine segments of Coffs Creek pass at closest within 500m of the study area, however this portion of Coffs Creek is tidal and not likely at any time to have been a resource for drinking water. No discrete springs or waterbodies are mapped in the immediate surrounds of the study area.

The study area is in an extremely favourable climatic location that enjoys neither extremes of heat nor cold. Refuge from flooding was readily available in localised high grounds including vegetated foreshore dunes and higher locations such as Beacon Hill. Food resources evidently included marine species such as shellfish from sandy beaches and from the rocky foreshore outcrops, and fished species must be added to these. A particularly important dietary element was the presence of a Muttonbird nesting colony on Muttonbird Island. The local sandy soils and grassy groundcover would have constituted an attractive camping location, particularly given the likely shelter from wind and elements provided by the closed Banksia forest, and shelter from winds provided by dune slopes. A limitation to this apparently favourable image of the study area environment as a living space for Aboriginal people in the past, is the apparent absence of nearby fresh water resources, certainly those large enough to be currently mapped. The archaeological evidence is that Aboriginal people did utilise the study area, and anthropological evidence is that the study area is of considerable significance. It is likely that sources of local water were known of and utilised to facilitate such use of the study area.

4.5 Conclusion and summary

The limited evidence available from existing archaeological studies directly relevant to landforms within the study area, indicates the greatest archaeological potential is within undisturbed areas of barrier dune formation. In particular, the raised nature of the Goolawah soil landscape, which may be protected from floodwaters. Low lying and level lands such as at the [REDACTED] in the vicinity, have been assessed as of low archaeological potential, particularly given its flood prone nature and frequent impacts to it of prior infrastructure. No previous investigations have been identified that would indicate the likely archaeological potential of the soil landscape within the study area (see Section 4.4). Disturbed Terrain soils, particularly where they comprise wholly anthropogenic deposits are of nil-very low potential for in-situ Aboriginal archaeological remains.

A previous assessment by Collins (2008) was undertaken near AHIMS ID 22-1-0139, a shell midden located on the Coffs Harbour Soil Landscape, comprising [REDACTED] of Pleistocene [REDACTED] sands of the Goolawah Soil Landscape. That assessment found that potentially intact [REDACTED] retained higher archaeological potential and should be protected from impacts.

Dry, elevated locations, particularly on dune systems, along natural levees bordering water courses as well as on both the crests and foot slopes of bedrock-soil hills near swamp suggested low-gradient ridge crests would be of archaeological potential. Intact dune barrier sands retained higher

archaeological potential for Aboriginal sites, including ritual sites, women's and men's business sites, burial sites, and resource locations.

RAPs noted that locations, pathways and storylines were frequently associated with archaeological deposits.

5.0 SUMMARY OF FIELD INVESTIGATIONS

Archaeological survey of the study area was conducted on 17 May 2024 by Dr. Bengi Selvi-Lamb (Senior Heritage Consultant, Artefact), Jonathan Bennett (Heritage Consultant, Artefact), Ian Brown (Site Officer, Coffs Harbour & District LALC) and Lani Ferguson (Site Officer, Coffs Harbour & District LALC). Archaeological survey of the study area was carried out as a pedestrian sample survey. Due to variation in natural landform, and the nature of disturbance in association with historic and modern use of the Jetty Foreshore, the study area was divided into five survey units (Figure 9).

During survey, three areas of subsurface archaeological potential, CHP-PAD01, CHP-PAD02, and CHP-PAD03 (AHIMS ID's Pending) were identified within the study area (Figure 10). There were four registered sites, AHIMS ID 22-1-0340, AHIMS ID 22-1-0140, AHIMS ID 22-1-0579 and AHIMS ID 22-1-0018 ground truthed during survey. An additional two sites, AHIMS ID 22-1-0028 and AHIMS ID 22-1-0080 are located within the study area but could not be ground truthed during survey due to visibility.

Survey Unit 1 was located within the northwestern portion of the study area and comprised the developed area surrounding Marina Drive and a portion of North Wall Beach. Survey Unit 1 contained AHIMS ID 22-1-0028, an Aboriginal site registered as a midden, which could not be relocated during survey. The area surrounding the registered centroid of AHIMS ID 22-1-0028 was found to be a [REDACTED]. An area of PAD identified as CHP-PAD03 (AHIMS ID Pending) was identified within Survey Unit 1 during the archaeological survey. CHP-PAD03 is located on the [REDACTED] and contained limited surface disturbance other than a [REDACTED].

Survey Unit 2 was located within the northeastern portion of the study area and comprised the artificial breakwaters, embankments and levees, located west of Muttonbird Island. The landform within Survey Unit 2 was found to be constructed and heavily modified.

Survey Unit 3 was located within the central and western portions of the study area and comprised the area between Jetty Beach and the existing railway line. Access was provided by the client to the area between the western side of Jordan Esplanade and the existing railway line. That area was found to be significantly disturbed through past land use. Ballast inclusions were found dispersed throughout the entirety of that area. As the landform to the west of the railway line was sloped it appeared that the landform on the eastern side of the railway line had been levelled. Survey Unit 3 contained AHIMS ID 22-1-0340, an Aboriginal site, registered as a Stone Quarry. The site card did not provide documentation of a stone quarry but did provide information that the site was likely to contain stone artefacts, potentially burials, and was a location of Aboriginal Ceremony and Dreaming importance. During survey, two quartz artefacts were recorded in close proximity to the previously registered centroid of AHIMS ID 22-1-0340. Following archaeological survey, the site card for AHIMS ID 22-1-0340 was updated to reflect the revised centroid of that site (Figure 8). The location of a potential burial associated with AHIMS ID 22-1-0340 was discussed with Coffs Harbour & District LALC site officers during survey but could not be located. Two areas of PAD identified as CHP-PAD01 and CHP-PAD02 (AHIMS IDs Pending) were identified within Survey Unit 3 during archaeological survey. CHP-PAD01 extended into Survey units 4 and 5 and was identified based on the geology and landform of the beach foreshore. CHP-PAD01 is located within the Brooklana Beds, which predates the sand dunes, and has potential to contain pre-Holocene archaeological deposits.

Survey Unit 4 was located within the southwestern portion of the study area and comprised the coastal cliff south of the Jetty Beach House. Localised disturbance was observed within Survey Unit 4, which included a carpark, and four-wheel drive tracks leading to Boambee Beach. Survey Unit 4 contained two registered Aboriginal sites, including AHIMS ID 22-1-0080 and AHIMS ID 22-1-0140. In the area surrounding the registered centroid of AHIMS ID 22-1-0080, visibility was nil due to long

grass. Therefore, AHIMS ID 22-1-0080 could not be relocated during survey. While following the [REDACTED] towards the registered centroid of AHIMS ID 22-1-0140, [REDACTED]. The shell comprising the midden was weathered, fragmentary and included several species of shellfish. The landform context, and descriptions of shell included within the 1998 site card for AHIMS ID 22-1-0140 were consistent with the midden material observed during survey. Following archaeological survey, the site card for AHIMS ID 22-1-0140 was updated to reflect the revised centroid of that site (Figure 8).

Survey Unit 5 was located within the southern portion of the study area and comprised the southern headland, South Coffs Island, which is been connected to the mainland with extensive stone fill deposits artificially deposited during the 20th century. Survey Unit 5 contained two registered Aboriginal Ceremony and Dreaming sites, including AHIMS ID 22-1-0579 and AHIMS ID 22-1-0018. During survey, the registered coordinates of those AHIMS sites were discussed with Ian Brown (Site Officer, Coffs Harbour & District LALC). Ian advised that the whole of [REDACTED] was culturally significant, and that the site extent should comprise the entirety of the [REDACTED]. Localised disturbance was observed within Survey Unit 5, which included roads, carparks, quarrying and artificial structures.

The findings of the survey were consistent with the predictive modelling. During survey, three areas of subsurface archaeological potential, CHP-PAD01, CHP-PAD02, and CHP-PAD03 (AHIMS ID's Pending) were identified within the study area based on the sample survey and the predictive modelling.

Figure 9: Study area survey map

Redacted for
public display

Figure 10: CHP-PAD01, CHP-PAD02 and CHP-PAD03 site extents

Redacted for
public display

Figure 11: Revised extent of AHIMS ID 22-1-0579 and AHIMS ID 22-1-0018

Redacted for
public display

6.0 CULTURAL VALUES AND CULTURAL LANDSCAPES

For many indigenous peoples around the world, landscapes can also hold significant cultural values. The World Heritage Convention of United Nations Educational, Scientific and Cultural Organisation (UNESCO) defines a cultural landscape as one which has 'powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent' (UNESCO and Intergovernmental Committee for the Protection of the World 2015). The relationship between Aboriginal Australians and the land is conceived in spiritual terms rather than primarily in material terms (Andrews et al. 2006). Aboriginal cultural knowledge has been defined as:

Accumulated knowledge which encompasses spiritual relationships, relationships with the natural environment and the sustainable use of natural resources, and relationships between people, which are reflected in language, narratives, social organisation, values, beliefs and cultural laws and custom (Andrews et al. 2006).

Aboriginal cultural knowledge was traditionally bequeathed through oral traditions from generation to generation. Within all Aboriginal communities there was a time of dislocation and upheaval associated with the arrival of colonial settlers. This widespread disruption resulted in much of the detailed knowledge and understanding of many of the elements of the cultural landscape being lost from the Aboriginal community, nonetheless many Aboriginal people maintain a strong connection to the land of their ancestors and collectively possess a wealth of knowledge passed down through the generations. Aboriginal people refer to their relationship with the land as one of connection to Country and speak of their responsibility to care for Country.

6.1 Cultural values of the area shared by [REDACTED]

During the registration process (Section 2.2) [REDACTED] made an extensive submission. The original text is included in Appendix 12.1. The [REDACTED] stated their connection to the area as the descendants of the original inhabitants prior to colonisation. They described the Jetty Foreshores Area for which they are the Traditional Custodians and caretakers as holding

...special strong significant cultural connections and history for the local Aboriginal people living here within and surrounding the Coffs Coast Area.

In the same submission they shared their story lines, and the significance of the Jetty Foreshore Area as follows:

The land on which the Jetty Foreshore sits is called Gumbaynnggirr Country in our culture. It has Aboriginal historical, traditional and cultural connections between Mutton Bird (Moon Island - Aboriginal Men's Business) extending over to the South Island known locally as the Quarrie Site then coming back to the mainland linking to the headland where the previous Coffs Harbour Deep Sea Fishing Club Site is located. The latter is known to us as Corambirra Point (Aboriginal Women's Business) and next door is Ferguson's Cottage which then connects to [sic]

affectionally known as Dunn [Dung¹] Hill and then heading along the Jetty Foreshores to what's also affectionally known as Happy Valley.

Aboriginal families have lived and roamed in this Jetty Foreshores area for a very long time.

Aside from Aboriginal Men's and Women's Business areas there are Aboriginal Midden Sites, Aboriginal Artifacts and Aboriginal Meeting Places, called Yarning Circles in our culture. These can be identified within and surrounding the Jetty Foreshores Precinct.

If you envisage this picture: it's like the outer boundaries form the circumference of the whole Jetty Foreshores area. Basically, this huge circle holds another inside: the inner circle is the ocean which in our language is known as (gaagal). The water in the Harbour itself is the "Jewel in the Crown".

It all connects, the ocean water inside the harbour to the sand on the jetty beach to the land in the Jetty Foreshore. This area has special meaning for the Aboriginal people of Gumbaynnggirr Country and we are passionate about protecting and conserving this area. It should never be considered for private residential development - for that matter - no residential development of any kind.

It needs to stay as open space as public recreational space for all present and future generations.

For us it's always been a shared space for everyone to access and enjoy. For instance, the local Coffs and surrounding residents, weekly and weekend visitors, holiday visitors, international visitors - all are to enjoy this beautiful area. It needs to stay as open public recreational space and should be subsidized for public recreational development.

On behalf of our local [REDACTED] and the Aboriginal people of Gumbaynnggirr Country, including our Coffs Harbour and District Local Aboriginal Land Council, we agree together in unity and we strongly oppose any private/residential development within the Jetty Foreshore Precinct.

6.2 [REDACTED] [REDACTED] comments on protocols

The [REDACTED] also made specific comments in response to the Assessment Methodology (presented in summary in 2.3) in regard to cultural protocols:

- "Be mindful and respectful, engage and consult with the local traditional custodians and caretakers of that area."
- "Utilise a local Aboriginal Sites Officer through our Coffs Harbour and District Local Aboriginal lands Council. The area in question has been untouched for thousands of years, our Aboriginal ancestors (past) lived, roamed, and survived all through this area prior to

¹ Dung Hill used in SHR SHI listing for Fergussons Cottage (#1802).

colonisation, their decedents are still living within and around this area. Aboriginal objects/relics would have been covered over by mother nature. Identification of any Aboriginal objects should be protected, preserved and stored in a safe place for further consultation with the Coffs Harbour and District Local Aboriginal Lands Council.”

- “We strongly believe the activity area in question is where footsteps of our ancestors would have walked back and forth and the creation of Aboriginal story lines associated with this area all connects to Gumbaynnggiir Country, Gumbaynnggiir Dreaming.”
- Be respectful, show courtesy, acknowledge and recognise local Aboriginal past to present cultural history of this area. Information which is provided to the proponent is shared information.

6.3 Previous studies including cultural heritage values of the study area

In addition to the historical information on ethnography and colonial interaction provided in Section 3.0 the cultural values of the study area are presented in Table 10.

Table 10: Cultural heritage values identified for the study area and surroundings

Cultural heritage value	Description	Source
Roberts Hill Pathway	A culturally significant way leading from Orara Valley, over Roberts Hill Ridge, to Corambirra Point at the east extent of Corambirra Point. Roberts Hill has views to and from Muttonbird Island and Corambirra Point.	(Kelleher Nightingale Consulting 2020)
Gumgali Storyline & Pathway	Very significant item associated with Gumgali (black goanna) Dreaming. It commences in the south of the study area near Dung Hill and links other important sites including Mount Coramba	(Kelleher Nightingale Consulting 2020)
Sealy Point Pathways	This does not extend into the study area, but links with the Gumgali (black goanna) Dreaming and has views from Sealy Point Ridge to Muttonbird Island and Corambirra Point	(Kelleher Nightingale Consulting 2020)
Moon deity & men's totem	██████████ of the study area. One of most significant sites in Coffs Harbour Area. Previously the location of a subsurface bright semi-circular object, a moon deity and men's totem item reported as removed by a prospector in 1915	AHIMS site card 22-1-0017, (Murawin 2022)
██████████	Important site and healing place associated with rock engravings, stone arrangements, campsite, rock paintings, axe grooves, other relics, carved tree, quarry.	AHIMS site card 22-1-0017, 22-1-0018, 22-1-0579; (Djinjama 2023)
██████████ ██████████ ██████████	Documented as a powerful place, a healing place, and as one of the most important Aboriginal places in the area. The island is linked to the Moon Story and also to the story of the Goanna Sisters, who reside in caves on the Island. The island is cited as a men's site, forbidden to women. The site is considered sacred to the extent that the public is	AHIMS site card 22-1-0017, 22-1-0559; (Djinjama 2023)

Cultural heritage value	Description	Source
	requested not to walk on it, or at most, to adhere to the walking track.	
Gidding Mirreh – Shiny Rock	The location of this place is uncertain. Opinions give this as [REDACTED]. These locations are not the same as the Moon deity recorded [REDACTED]. Gidding Mirreh is recorded as the location of an optical illusion where the moon appeared to rise from the sea near the shore	(Murawin 2022) (Djinjama 2023)
Happy Valley	This location adjoins the study area some [REDACTED]. It is currently Crown land, scheduled for return to the LALC. It is a site of longstanding Aboriginal residence, prior to and after colonisation, and continuing. Many local residents have strong connection to and memories of the location.	(Murawin 2022) (Djinjama 2023)
Foreshore between Happy Valley and Dung Hill	This piece of land was likely used by Aboriginal people pre-colonisation in travelling between the campsite at happy Valley, and Dung Hill. Dung Hill is in the south west corner of the study area.	(Murawin 2022) (Djinjama 2023)
[REDACTED]	This is an area of natural bushland extending to [REDACTED]. It is associated with the eastern end of the Gumgali Storyline & Pathway	(Murawin 2022) (Djinjama 2023)
Ferguson's Cottage	The Ferguson family have deep historical and current connections with this cottage and the place is of immense emotional and historical significance to the Aboriginal community. This particularly arises from the actions of 'Nanny' Evelyn Ferguson, an Aboriginal woman who provided shelter for children and individuals through the 1960's and 70's, at a time when the closure of missions saw many Aboriginal people displaced and homeless.	(Murawin 2022) (Djinjama 2023)
Unnamed Sacred Site	The only AHIMS registered sites on [REDACTED] are the unnamed site 22-1-0579 and 22-1-0018. The latter, 22-1-0579 is located [REDACTED]. Information gathered by Murawin (2022) indicates that the unnamed site on [REDACTED] is, in fact, [REDACTED] and is of a most sacred nature and information about it should not be publicly shared. It is unclear whether this is the same site as 22-1-0579 or a potentially a second and unregistered site.	(Murawin 2022) (Djinjama 2023)
[REDACTED]	In addition to the cultural significance attained by proximity to a sacred site, the former [REDACTED] also holds considerable cultural significance to many members of the Aboriginal community who have a long association with the site.	(Murawin 2022)

Cultural heritage value	Description	Source
Bunyun Miirlarl - Red Browed Finch Place	<p>Dinjama (2024) locate Bunyun Miirlarl on [REDACTED]</p> <p>However, Murawin (2022) describe Bunyun Miirlarl as located on [REDACTED], stating further that it is a Women's Site, birthing place, and a sacred place of healing – all of which are connected to the [REDACTED] that once flowed there prior to [REDACTED]. The use of the site as a Women's Sacred Site is a living cultural practice for Gumbaynggirr women today. It is a Red Browed Finch "increase area" [breeding area]. [REDACTED]</p> <p>This Sacred Site is spiritually connected to the unnamed Sacred Site (AHIMS ID 22-1-0579) at [REDACTED]; Giidany Miirlarl (Mutton Bird Island) and to women's sites throughout the region. Songlines flow from it through Dung Hill and up into the mountains. There used to be burial caves in the area.</p> <p>Note: Murawin's reference to an island ([REDACTED]) differs from Djinjama location of the breeding area and does not accord with the described location as [REDACTED]</p>	(Murawin 2022) (Djinjama 2023)
Gularrgan Miirlarl / Lobster Place	Location not yet identified for current reporting (Murawin 2022) but likely aquatic or rocky shoreline. Described by Murawin as lobster "increase area". [breeding area]	(Murawin 2022) (Djinjama 2023)
Water	Gumbaynggirr are saltwater and freshwater people. The water of the study area is precious	(Djinjama 2023)
Mountains	Gumbaynggirr are embraced by the mountains, and there are sightlines to the mountains from the jetty and Muttonbird Island which are significant. Lights disrupt the sightlines and have detrimental impact on the migration of the Shearwaters	(Djinjama 2023)
Mirera / Sacred sites for increasing fertility	"Increase rites and increase sites" occur at sacred sites, known as Mirera by the Gumbaynggirr. These sites are located between the [REDACTED] [REDACTED] his area refers to the broader Gumbaynggirr area in which Coffs Harbour is located.	Information from [REDACTED] recorded in Creamer 1984 (AHIMS report 789).
Southern Headland	The natural feature itself is a site which has not been protected adequately. No detail provided, and specific place named, but likely refers to [REDACTED] (see above in Table 10).	Information from [REDACTED] recorded in Creamer 1984

Cultural heritage value	Description	Source
		(AHIMS report 789).

6.4 Designing with Country values

It is understood that a Connecting with Country (CwC) Framework is being developed for the Precinct which will include additional consultation and input from Aboriginal stakeholders.. A CwC report is a requirement of the Design Guidelines, which include detailed provisions to guide future development within the Precinct.

The Urban Design Framework, Coffs Harbour Jetty Foreshore State Assessed Planning Proposal produced by JB Architecture (NSW) Pty Ltd (2024) identifies the values of Country for the study area. These are reproduced in full below (from SJB 2024: 36):

Values of Country

The Values of Country are a series of ways in which we can honour, recognise and embed the Connecting to Country Framework within the Urban Design Framework.

These principles and values from Country have been developed via the Designing with Country process and is based upon substantive community engagement undertaken in relation to this project.

To ensure genuine inclusion of these principles and values, as well as recommendations, design and spatial directions, further actions with the community, and innovations have been detailed.

It includes some understandings of how to manifest these principles through a design and planning process. Also outlined are colours, materials and textures from Country.

Importantly are included measurements of success, and ways of addressing some of the key strategic policies and frameworks.

Honour Country

Responding to this principle means starting with Country— specifically Gumbaynggirr Country—and maintaining Country in every decision made. This principle relies on all who work on this project to restore the health and wellbeing of Country as core aspects of their roles and outcomes of their actions. Designs that respond to this principle will work with Country rather than against Country. They remember that humans are not the centre of everything and as such, the needs or wants of humans must be considered in context of the broader interconnected network.

Gumbaynggirr Wisdom

Working with this principle ensures that Gumbaynggirr people, knowledge, and culture are incorporated in design and planning outcomes. Responding to this principle respects the values Gumbaynggirr people hold, and considers ways to embed these into the project. Considerations for this principle incorporates care for Country and cultural practices as shared by the Gumbaynggirr people as part of the ongoing care of

this place as business as usual. Critically, this principle enables access to their homelands and special places for Gumbaynggirr people

Kin Connection

Responses to this principle require recognition of the broader cultural landscape, of the embrace of the mountains to the west and the ocean to the east. Designs that consider this principle will be inclusive, of all bodies and all kin—human, non-human and more-than-human. This principle considers how storytelling can continue in this special place over many generations into the future to ensure culture is sustained here. Responding to this principle ensures seasonal abundance is considered in the project outcomes.

7.0 SIGNIFICANCE ASSESSMENT

7.1 Significance assessment criteria

An assessment of the cultural heritage significance of an item or place is required in order to form the basis of its management. *The Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) provides guidelines for heritage assessment with reference to the *Burra Charter* (Australia ICOMOS 2013). The assessment is made in relation to four values or criteria (Table 11). In relation to each of the criteria, the significance of the subject area should be ranked as high, moderate, or low.

Cultural heritage consists of places or objects, that are of significance to Aboriginal people. Cultural heritage values are the attributes of these places or objects that allow the assessment of levels of cultural significance.

Assessing the cultural significance of a place or object means defining why a place or object is culturally important. It is only when these reasons are defined that measures can be taken to appropriately manage possible impacts on this significance. Assessing cultural significance involves two main steps, identifying the range of values present across the study area and assessing why they are important.

Social/cultural heritage significance should be addressed by the Aboriginal people who have a connection to, or interest in, the site. As part of the consultation process the Aboriginal stakeholders were asked to provide information on the cultural significance of the study area. Information on consultation with Aboriginal stakeholders for the project is provided in Section 3.1.

Table 11: Burra Charter Heritage significance criteria

Criterion	Description
Social	<p>The spiritual, traditional, historical or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them.</p> <p>Does the subject area have strong or special association with the Aboriginal community for social, cultural or spiritual reasons?</p>
Historic	<p>Historic value refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community.</p> <p>Is the subject area important to the cultural or natural history of the local area and/or region and/or state?</p>
Scientific	<p>This refers to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information. Information about scientific values will be gathered through any archaeological investigation carried out.</p> <p>Does the subject area have potential to yield information that will contribute to an understanding of the cultural or natural history of the local area and/or region and/or state?</p>

Criterion	Description
Aesthetic	<p>This refers to the sensory, scenic, architectural and creative aspects of the place. It is often linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use.</p> <p>Is the subject area important in demonstrating aesthetic characteristics in the local area and/or region and/or state?</p>

In addition to the four criteria, Heritage NSW (OEH 2011) requires consideration of the following:

- Research potential: does the evidence suggest any potential to contribute to an understanding of the area and/or region and/or state's natural and cultural history?
- Representativeness: how much variability (outside and/or inside the subject area) exists, what is already conserved, how much connectivity is there?
- Rarity: is the subject area important in demonstrating a distinctive way of life, custom, process, land use, function or design no longer practised? Is it in danger of being lost or of exceptional interest?
- Education potential: does the subject area contain teaching sites or sites that might have teaching potential?

It is important to note that heritage significance is a dynamic value.

7.2 Socio/cultural significance

Socio/cultural heritage values should be addressed by Aboriginal people who have a connection to, or interest in, the area.

_____ clearly stated their traditional and cultural connection to the area. Moon Island (Mutton Island) and _____ are respectively important men's and women's sites. They are linked to each other through the land and sea and the area is viewed culturally as an important circle containing the waters of the harbour which are described as the "Jewel in the Crown". The area holds midden sites, meeting places, and Aboriginal artefacts.

The area has special social and cultural meaning for the Aboriginal people of Gumbaynggirr Country who require the Foreshore Jetty Precinct area to be protected and conserved. They stated that the Foreshore Jetty Precinct should not be considered for residential development but remain accessible to the public.

The _____ statement applies to all the AHIMS sites that fall within the precinct area.

Any further comments from the RAPs which result from the circulation of this draft report will be included in the final report.

7.3 Historic significance

Historic values refer to the association of place with aspect of Aboriginal history. Historic values are not necessarily reflected in physical objects, but may be intangible and relate to memories, stories, or experiences.

_____ clearly state the area has historical significance. Their ancestors lived and walked the Country before colonial settlement. Since colonisation areas such as Dunn [Dung Hill] and Ferguson's Cottage, both within the study area, hold special significance in regard to engagement with the broader community. A pathway of connection within the study area is also provided between Ferguson's cottage and Happy Valley.

The _____ statement applies to all the AHIMS sites that fall within the precinct area.

Any further comments from the RAPs which result from the circulation of this draft report will be included in the final report.

7.4 Scientific significance

Scientific values refer to a site's potential to contribute to our current understanding and information. As a result of the survey, three PADs were identified within the study area. The scientific significance of the PADs is unknown until test excavation is undertaken. Four registered sites, AHIMS ID 22-1-0340, AHIMS ID 22-1-0140, AHIMS ID 22-1-0579 and AHIMS ID 22-1-0018 were visited during survey.

AHIMS ID 22-1-0028 could not be located during the survey and the site card does not contain sufficient information to assess significance and is therefore of unknown significance. AHIMS ID 22-1-0080 also could not be located during survey, however information contained in the site card is sufficient to assess the site as having high significance.

AHIMS ID 22-1-0340 is an artefact site with possible burials and importance of ceremony and dreaming. Therefore, this site has research potential under this criterion. While the significance of a place is not limited to the presence of artefacts, the physical connection through these artefacts, specifically those associated with the known site has created a tangible link to the existing connection to the land for Aboriginal people.

AHIMS ID 22-1-0140 and AHIMS ID 22-1-0028 are shell middens. These sites hold information on ceremonial practices, past environmental conditions as well as the diet of the past Aboriginal people, therefore, have research potential under this criterion.

AHIMS ID 22-1-0579 is an Aboriginal ceremony and dreaming site which has strong cultural connections with AHIMS ID 22-1-0018 and AHIMS ID 22-1-0559 which are immediately adjacent to the study area boundary. These sites have strong intangible values for oral traditions such as stories, dance and ceremonies to pass valuable information. Therefore, have research potential for passing the traditional knowledge under this criterion.

A summary of the archaeological significance of sites identified is presented in Table 12.

Table 12: Significance assessment

Site name (AHIMS ID)	Research potential	Representativeness	Rarity	Education potential	Overall significance assessment
Dunhill-Stone Quarrie (AHIMS ID 22-1-0340)	High	High	High	High	High
CHP-PAD01 (AHIMS ID Pending)	Unknown	Unknown	Unknown	Unknown	Unknown
CHP-PAD02 (AHIMS ID Pending)	Unknown	Unknown	Unknown	Unknown	Unknown
CHP-PAD03 (AHIMS ID Pending)	Unknown	Unknown	Unknown	Unknown	Unknown
CHSS-7(AHIMS ID 22-1-0140)	High	High	High	High	High
Coffs Jetty South East (AHIMS ID 22-1-0579)	High	High	High	High	High
South Coffs Island; Coffs Harbour (AHIMS ID 22-1-0018)	High	High	High	High	High
Coffs Harbour (AHIMS ID 22-1- 0028)	Unknown	Unknown	Unknown	Unknown	Unknown
Corambirra Stone Tool Workshop (AHIMS ID 22-1- 0080)	High	High	High	High	High

7.5 Aesthetic significance

Aesthetic values refer to the sensory, scenic, architectural, and creative aspects of the place. These values may be related to the landscape and are often closely associated with social/cultural values.

Country and their ancestors over deep time. This connection has survived and continues today. This connection remains strong and Gumbaynnggirr people's creative expression requires access to the landscape of the study area to maintain their cultural and spiritual connection to the land within the study area and beyond it.

The [REDACTED] statement applies to all the AHIMS sites that fall within the precinct area.

Any further comments from the RAPs which result from the circulation of this draft report will be included in the final report.

7.6 Statement of significance

On the basis of feedback from [REDACTED] the study area, and all the Aboriginal AHIMS sites located within it, are highly significant in terms of social/cultural, historical and aesthetic values. The area holds sacred pathways and dreamtime origins and through these the area is linked culturally and spiritually to the broader region. [REDACTED] stated that the area should be protected, rehabilitated where needed and be left open for public access: no private residential development should be undertaken in the area.

The scientific significance of the PADs remain unknown until further investigation is undertaken. There are six AHIMS sites located in the study. Five have been assessed as holding high overall significance, and one holds unknown significance.

Any further comments from the RAPs which result from the circulation of this draft report will be included in the final report.

8.0 PRELIMINARY IMPACT ASSESSMENT AND NEXT STEPS

8.1 Proposed works

The State Assessed Planning Proposal is supported by Planning Justification Report that outlines proposed amendments to the Coffs Harbour Local Environmental Plan (CHLEP) 2013 and will be submitted to the Department of Planning, Housing and Infrastructure (DPHI) as part of a State Assessed Planning Proposal (planning proposal).

As documented in the Planning Justification Report, PDNSW is lodging a Planning Proposal with the Department of Planning, Housing and Infrastructure that seeks approval for:

- Changes to permissible land uses
- Changes to permissible maximum building heights
- Planning controls for future State Significant Development Applications including design guidelines and design excellence processes

The Planning Proposal is supported by an Illustrative Masterplan (Figure 4) that presents a potential development outcome that could be realised at the Coffs Harbour Jetty Foreshore Precinct – it is not prescriptive nor is it determined. The Illustrative Masterplan builds on the shared vision created via extensive community and stakeholder consultation and provides further detail in relation to land use and development outcomes sought for the Precinct.

The Planning Proposal is also supported by Design Guidelines which include detailed provisions to Guide future development within the Precinct. The Design Guidelines include matters relating to built form, public domain, heritage, and views. See Section 8.1.3 for further discussion on the Design Guidelines.

A precinct map showing the total area subject to proposed LEP changes is provided in Figure 12, below.

Figure 12: Areas subject to LEP changes



8.1.1 Changes to land use zoning

It is envisaged a range of land uses will be supported within the Jetty Foreshore Precinct to support a vibrant precinct with a mix of commercial, retail, tourism, residential and tourist accommodation, recreation and community / cultural uses. The proposed land uses are also intended to allow and facilitate the continued operation of the working harbour.

For the southern headland former quarry site, a deliberate approach to zoning has been adopted in response to the unique characteristics of the site – both a significant Aboriginal place and a highly exposed coastal location. The SP1 Special Activities zone should be applied to special land uses or sites with special characteristics. Accordingly, the intention of this zoning would be to recognise the special and sensitive cultural and coastal status of the site, whilst providing for a narrow range of potential future cultural, community and recreation uses. The zone objectives for the SP1 zone within the Coffs Harbour LEP are as follows (emphasis added):

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.
- To encourage active living through the provision of healthy, walkable, green and safe built environments and streets, greener connections and walking and cycling infrastructure.
- To ensure that development reflects design excellence and is of a high visual quality in its presentation to the public realm.

Noting the above, the following amendments to the CHLEP 2013 'Land Zoning Map' are proposed:

- Exclude land in part of the North Park sub-precinct from the RE1 Public Recreation zone and include it in the MU1 Mixed Use zone.
- Exclude land in the Jetty Hub sub-precinct from the SP2 Infrastructure (Railway) and RE1 Public Recreation zones and include it in the MU1 Mixed Use zone.
- Exclude land in the Foreshore Parklands sub-precinct abutting the Jetty from the SP2 Infrastructure (Tourism, Marine, Wharf and Boating Facilities) zone and include it in the RE1 Public Recreation zone.
- Exclude land in the Activity Hub and Village Green sub-precinct from the SP2 Infrastructure (Railway) and RE1 Public Recreation zones and include it in the RE1 Public Recreation and MU1 Mixed Use zone.
- Exclude land in part of the Corambirra Point sub-precinct from the RE2 Private Recreation and RE1 Public Recreation zone and include it in the MU1 Mixed Use zone.
- Exclude the southern headland area outside of the Corambirra Point sub-precinct from the SP2 Infrastructure (Tourism, Marine, Wharf and Boating Facilities) zone and include it in the SP1 Special Uses (Culture, Community and Recreation) zone.

All other land use zones are proposed to be retained, including:

- The existing W4 Working Waterfront zone for the Marina sub-precinct.
- The existing RE1 zoning for the existing foreshore parkland.
- The existing SP2 Infrastructure (Railways) for the North Coast Rail Line and Coffs Harbour Train Station.
- The existing R2 Low Density Residential zone applying to the Coffs Harbour and Region Local Aboriginal Land Council lot.

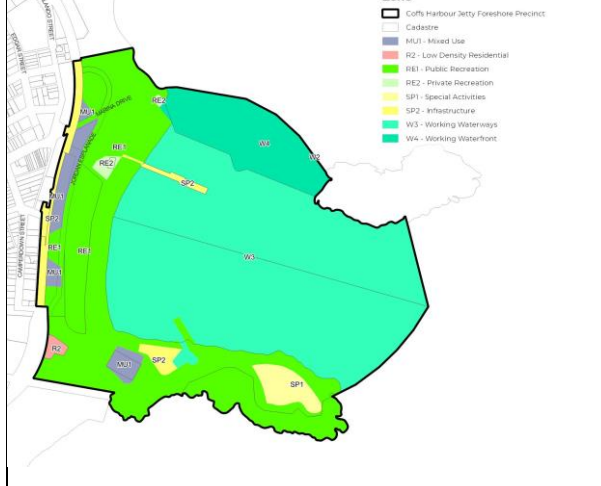
For the avoidance of doubt, no change is proposed to the existing C1 National Parks and Nature Reserve zoning for land on Muttonbird Island adjacent to the Precinct boundary.

A thumbnail comparison of existing and proposed zoning is shown below in Figure 13 and Figure 14.

Figure 13: Existing zoning



Figure 14: Proposed zoning



8.1.1.1 Additional permitted uses

In addition to the land use zoning described above, an additional permitted use is proposed to be introduced to Schedule 1 of the CHLEP and apply to the Marina (zoned W4 Working Waterfront) to provide additional flexibility for the operators working within the Marina and assist in facilitating future renewal. This additional permitted use '24' specifically enables office premises to be permitted with consent.

Separately, amendments are proposed to the additional permitted use that currently applies to the majority of Corambirra Point and the southern headland. Presently, the following is permitted in additional permitted use '4':

Development for the purposes of hotel or motel accommodation, serviced apartments, shops and wharf or boating facilities that support tourism, marine and wharf or boating activities is permitted with development consent.

This is proposed to be reduced to marine and wharf or boating activities only. To achieve the above, the following amendments to the CHLEP 2013 'Additional Permitted Uses Map' are proposed:

- Minor amendments to the boundary of the existing additional permitted use '4' along the inner western boundary to capture the entire headland area.
- Remove the permissibility of hotel or motel accommodation, serviced apartments and shops from the existing additional permitted use '4'.
- Inclusion of office premises as an additional permitted use for part of the Marina sub-precinct (within a new additional permitted use reference number, '24').

Additionally, amendments to Schedule 1 of the CHLEP 2013 are proposed to correspond with the proposed changes described above. A thumbnail comparison of existing and proposed zoning is shown below in Figure 15 and Figure 16.

Figure 15: Existing permitted uses

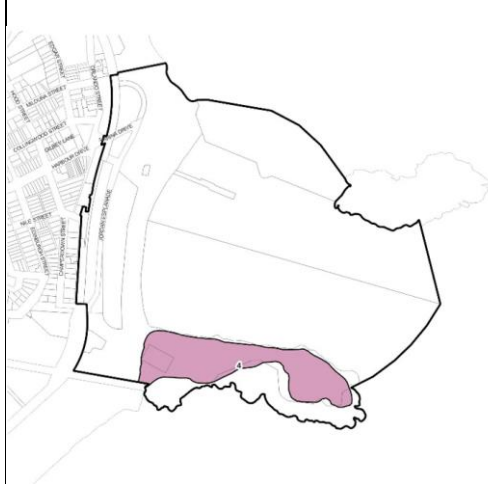


Figure 16: Proposed permitted uses



8.1.2 Changes to height of buildings

The maximum height limit for blocks intended for development within the Precinct range from 9m to 25m. The southern headland is currently subject to generous height limits that reflect past intention for redevelopment of the former quarry site. These are proposed to be removed, allowing a sensitive merit assessment for any potential future structures. The following amendments to the CHLEP 2013 'Height of Buildings Map' are proposed:

- Increase maximum building height in part of the North Park sub-precinct from 5.4m to 21.5m.
- Increase maximum building height in the Jetty Hub sub-precinct from 5.4m to part 25m, part 21.5m and part 18.5m.
- Increase maximum building height in part of the Activity Hub and Village Green sub-precinct from 5.4m to part 11m and part 8.5m.
- Increase maximum building height in part of the Marina sub-precinct from 11m to 15.5m.
- Increase maximum building height in the Corambirra Point sub-precinct from 8.5m to 15.5m.
- Remove permissive maximum building heights between 8.5m and 22m in the southern headland area outside of the Corambirra Point sub-precinct. In areas zoned RE1 Public Recreation, apply a maximum height of 5.4m consistent with the rest of the parkland.

All other height limits are proposed to be retained, including:

- The existing maximum building height of 5.4m applying to RE1 zoned land (foreshore parklands).
- The existing maximum building height of 8.5m applying to the community building and the Coffs Harbour and Region Local Aboriginal Land Council lots.

A thumbnail comparison of existing and proposed maximum heights is shown below in Figure 17 and Figure 18.

Figure 17. Existing height of buildings

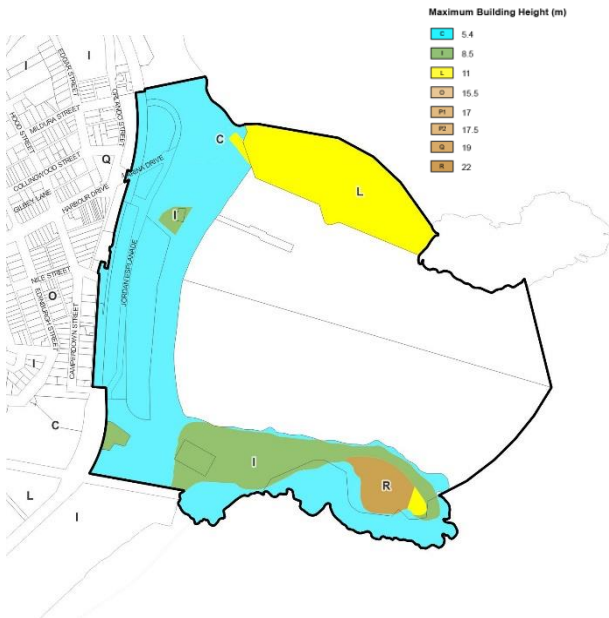
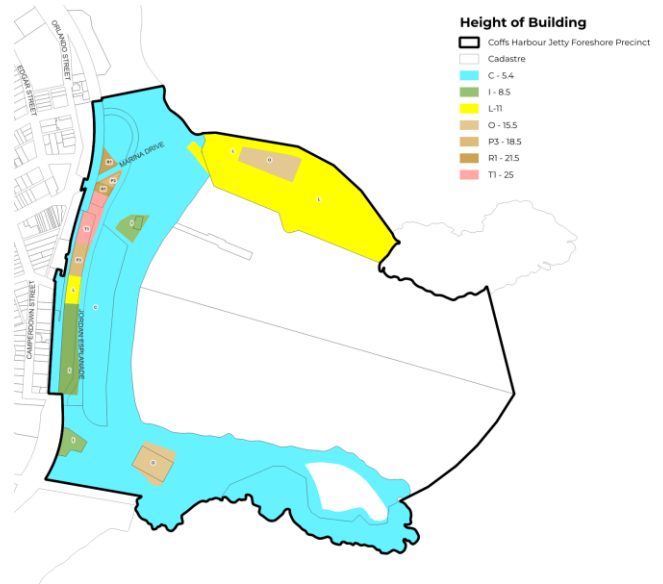


Figure 18. Proposed height of buildings



8.1.3 Design Guidelines

The Planning Proposal is supported by Design Guidelines which provide more detailed design guidance. The Design Guidelines include detailed provisions to be considered in future development application stages.

The Design Guidelines will be a matter for consideration in any future development applications and include provisions that will ensure continued consideration, assessment, and management of heritage as the Precinct develops over time.

Of note, the Design Guidelines include provisions relating to heritage which aim to:

- Ensure Corambirra Point development does not impact views to Ferguson's Cottage. This can be achieved by building along existing contour lines
- To ensure new development has regard to the views and vistas relating to the location, siting and design of heritage buildings and cultural landscapes.
- Ensure development retains, conserves and enhances significant historical relationships, cultural landscapes, building curtilages and settings, views and vistas.
- Require a Heritage Impact Statement should be prepared for all development in close proximity to heritage items in the precinct.
- Ensure development in the Corrambirra Point precinct respects Ferguson's Cottage with minimal disruption to accessibility and views and provides a minimum 15m landscape setback from Ferguson's Cottage.

8.2 Potential impacts to Aboriginal heritage

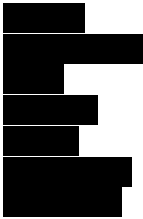

There are three areas of subsurface archaeological potential, CHP-PAD01, CHP-PAD02, and CHP-PAD03 (AHIMS ID's Pending) located within the study area. There were four registered sites, AHIMS ID 22-1-0340, AHIMS ID 22-1-0140, AHIMS ID 22-1-0579 and AHIMS ID 22-1-0018 visited during survey. There were an additional two sites, AHIMS ID 22-1-0028 and AHIMS ID 22-1-0080 that are located within the study area but could not be relocated during survey.

No ground disturbing works are currently proposed as part of the Planning Proposal; however physical works and ground disturbing works will occur at later stages of the Precinct development, during the development application stages. The potential impacts to Aboriginal heritage as part of this Planning Proposal have been assessed based on the areas to which LEP changes apply. In order to consider potential impacts that may occur as part of future development applications, this assessment also notes which proposed sub-precincts the Registered Aboriginal sites and PADs occur in.

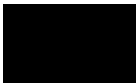

A summary of the impacts is provided in Table 13 and are mapped in Figure 19.

Table 13: Impact assessment

Site name (AHIMS ID)	Within Rezoning Boundary (Yes/No)	Within Areas subject to LEP changes (Yes/No)	Illustrative Masterplan sub-precinct	Illustrative Masterplan – potential future impact to Aboriginal sites	Approvals / Mitigation
<div style="background-color: black; width: 100px; height: 15px; margin-bottom: 5px;"></div> Stone Quarrie (AHIMS ID 22-1-0340)	No	No	Registered centroid located outside sub- precinct boundary Potential for burial extent to be located within <div style="background-color: black; width: 100px; height: 20px; margin-top: 5px;"></div>	Possible for potential burial to be impacted by new infrastructure)	Further consultation required prior to any impacts or development occurring. Further archaeological investigation. AHIP required to authorise test excavations.

Site name (AHIMS ID)	Within Rezoning Boundary (Yes/No)	Within Areas subject to LEP changes (Yes/No)	Illustrative Masterplan sub-precinct	Illustrative Masterplan – potential future impact to Aboriginal sites	Approvals / Mitigation
CHP- PAD01 (AHIMS ID Pending)	Yes	Yes		Yes (Development including new buildings, amenities and playground)	Should ground disturbing works be proposed within footprint of CHP-PAD01, further investigation through test excavation required. AHIP required to authorise test excavations. Given the likelihood of ground-disturbing works, it is recommended that protective fencing or exclusion zones be established before any construction activities commence. Additionally, real-time archaeological monitoring should be implemented during all excavation phases to mitigate potential harm.
CHP- PAD02 (AHIMS ID Pending)	Yes	Yes		Yes (Development including amenities and playground)	Should ground disturbing works be proposed within footprint of CHP-PAD02, further investigation through test excavation required. AHIP required to authorise test excavations. Given the likelihood of ground-disturbing works, it is recommended that protective fencing or exclusion zones be established before any construction activities commence. Additionally, real-time archaeological monitoring should be implemented during all excavation phases to mitigate potential harm.

Site name (AHIMS ID)	Within Rezoning Boundary (Yes/No)	Within Areas subject to LEP changes (Yes/No)	Illustrative Masterplan sub-precinct	Illustrative Masterplan – potential future impact to Aboriginal sites	Approvals / Mitigation
CHP- PAD03 (AHIMS ID Pending)	Yes	Yes		Yes (Development including recreational parks and carpark)	Should ground disturbing works be proposed within footprint of CHP-PAD03, further investigation through test excavation required. AHIP required to authorise test excavations. The built form adjacent to the PAD may alter the landscape, potentially impacting the site's cultural significance. Protective barriers or buffers should be considered.
CHSS-7 (AHIMS ID 22-1-0140)	No	No	Located outside sub- precinct boundary	No, the Illustrative Masterplan shows no direct impacts to the site.	Should impacts be proposed, further archaeological investigation required prior to any impacts
 (AHIMS ID 22-1-0579)	Yes	Yes	Located outside sub- precinct boundary	No potential for harm to Aboriginal objects. Further consultation required to establish potential harm to intangible values which could occur due to nearby developments or alterations to the landscape.	Should impacts be proposed, further archaeological investigation required prior to any impacts
 Coffs Harbour (AHIMS ID 22-1-0018)	Yes	Yes	Located outside sub- precinct boundary	No potential for harm to Aboriginal objects. Further consultation required to establish potential harm to intangible values which could occur due to nearby developments or alterations to the landscape.	Should impacts be proposed, further archaeological investigation required prior to any impacts

Site name (AHIMS ID)	Within Rezoning Boundary (Yes/No)	Within Areas subject to LEP changes (Yes/No)	Illustrative Masterplan sub-precinct	Illustrative Masterplan – potential future impact to Aboriginal sites	Approvals / Mitigation
Coffs Harbour (AHIMS ID 22-1-0028)	No	No – immediately adjacent		Yes (Development including amenities and playground)	Further archaeological investigation and consultation required prior to any impacts. Given the sites proximity to the proposed 6-storey development in the North Park sub-precinct, potential impacts should be carefully considered. Test excavation may be required to locate the item, and an AHIP would be necessary to authorise any test excavations.
 Stone Tool Workshop (AHIMS ID 22-1-0080)	No	No	Located outside sub- precinct boundary	No, the updated masterplan shows no direct impacts to the site.	Should impacts be proposed, further archaeological investigation required prior to any impacts

Future assessment of the study area, involving more detailed archaeological investigation and consultation with RAPs (Registered Aboriginal Parties), may identify other areas of archaeological potential and Aboriginal sites not identified within this ACHAR (Aboriginal Cultural Heritage Assessment Report). Given the likelihood of ground-disturbing works and the rezoning of key areas, comprehensive archaeological surveys should be conducted, especially in areas adjacent to proposed developments. This report has included the results of a sample archaeological survey to inform the State Assessed Planning Proposal and Master Plan process. However, further investigation will be required as development progresses to ensure that appropriate protection and mitigation measures are in place. These may include the establishment of buffer zones, landscape screening, protective fencing, and continuous archaeological monitoring during all ground-disturbing activities. To ensure culturally sensitive and effective management of both tangible and intangible heritage values, ongoing consultation with Aboriginal stakeholders will be critical throughout the project.

8.2.1 Positive aspects of the proposed changes

Consideration of Aboriginal cultural heritage is being undertaken through significant and intentional planning by PDNSW. Some positive examples of the proposed changes at Corambirra Point and the southern headland include:

- The existing SP2 Infrastructure (Tourism, Marine, Wharf and Boating Facilities) zone in the southern headland is proposed to be included in the SP1 Special Uses (Culture, Community and Recreation) zone.
- Removing permissive maximum building heights between 8.5m and 22m in the southern headland area outside of the Corambirra Point sub-precinct. In areas zoned RE1 Public Recreation, apply a maximum height of 5.4m consistent with the rest of the parkland.

Figure 19: Registered and identified sites within the area subject to LEP changes

Redacted for
public display

8.3 Ecological sustainable development principles

In accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (OEH 2011), the principles of ecologically sustainable development have been considered in preparation of this Aboriginal heritage assessment, including options to avoid impacts to Aboriginal cultural heritage, assessment of unavoidable impacts, identification of mitigation and management measures, and taking account of Aboriginal community views. The principles of ecologically sustainable development are detailed in the NSW *Protection of the Environment Administration Act 1991*. Principles of ecologically sustainable development relevant to the assessment of the project as it relates to Aboriginal cultural heritage are considered below.

8.3.1 The integration principle

Decision making processes should effectively integrate both long term and short term economic, environmental, social and equitable considerations (the 'integration principle'). The preparation of this ACHAR demonstrates regard for the integration principle by considering Aboriginal heritage values and impacts to these from the proposal during the planning phase. The nature of the proposal is in itself one that contributes to the long term economic and social needs of current and future residents of the area.

8.3.2 The precautionary principle

If there are threats of serious or irreversible environmental damage, lack of full scientific confidence should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle'). Ceremonial and dreaming sites are considered to be rare and highly significant to the Aboriginal people. Serious or irreversible environmental damage to Aboriginal heritage assessed to be high due to sensitive landforms and significance AHIMS sites within the study area. Necessary cautions should be undertaken during future archaeological investigations, and in consultation with RAPs.

8.3.3 The principle of intergenerational equity

The proposed Masterplan should adhere, as close as possible, to the principle of intergenerational equity by collating scientific and cultural information on former Aboriginal occupation of the study area through the previous investigations and this ACHAR and future investigations. The report included an assessment of the study area and a synthesis of the regional character of Aboriginal objects and sites for posterity and future generations. Further investigations will be required to inform the future stages. Opportunities to conserve the Aboriginal heritage values of the study area should be sought as this project progresses.

8.4 Cumulative impacts

A cumulative impact is an impact on Aboriginal cultural heritage resulting from the incremental impact of the action/s of a development when added to other past, present and reasonably foreseeable future actions. As the proposed works are currently limited to CHLEP amendments, no ground disturbing works are currently proposed. However, future potential impacts on the identified sites (AHIMS ID 22-1-0340, AHIMS ID 22-1-0140, AHIMS ID 22-1-0579, AHIMS ID 22-1-0018, AHIMS ID 22-1-0028 and AHIMS ID 22-1-0080) and PADs (CHP-PAD01, CHP-PAD02, and CHP-PAD03) would result in an irreversible cumulative impact as archaeological material is a non-renewable resource. Those future potential impacts subsequent to the Masterplan process are outlined in Table 13.

9.0 RECOMMENDATIONS

9.1 Guiding principles for managing Aboriginal sites

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved.

Where unavoidable impacts occur then measures to mitigate and manage impacts are proposed. Mitigation measures primarily concern preserving the heritage values of sites beyond the physical existence of the site. The most common methods involve detailed recording of Aboriginal objects, archaeological test and salvage excavations, artefact analysis and, where appropriate, reburial of Aboriginal objects in a location determined by the RAPs.

Mitigation measures vary depending on the assessment of archaeological significance of a particular Aboriginal site and are based on its research potential, rarity, representatives and educational value. In general, the significance of a site would influence the choice of preferred conservation outcomes and appropriate mitigation measures, usually on the following basis:

- Low archaeological significance – conservation where possible. An AHIP would be required to impact the site before work can commence.
- Moderate archaeological significance – conservation where possible. If conservation was not practicable, further archaeological investigation would be required such as salvage excavations or surface collection in accordance with the AHIP.
- High archaeological significance – conservation as a priority. Where all other practical alternatives have been discounted mitigation measures such as comprehensive salvage excavations in accordance with the AHIP conditions would be required.

Sites of unknown scientific value should be conserved where possible. Where conservation is not practical further investigation under the Code of Practice will be required to confirm the presence of Aboriginal objects and gather enough information to assess significance. Test excavation is not a mitigation measure, it is an investigatory action required to gather enough information to inform the development of appropriate mitigation measures.

While detailed designs have yet to be prepared, several sites were not located within any of the six Masterplan sub-precincts. Based on sub-precinct mapping, sites that were located within areas containing no future proposed activities were assessed as having nil potential for harm to Aboriginal objects. Those sites are AHIMS ID's 22-1-0140, 22-1-0579, 22-1-0018 and 22-1-0080. Should ground disturbing works be proposed within those areas, further archaeological investigation would be required prior to any impacts.

The registered centroid of AHIMS ID 22-1-0340 is also located outside the six Masterplan sub-precincts. According to the sub-precinct mapping, as no future activities are proposed within that area, it was assessed that there was nil potential for harm to the artefacts associated with that site. Further detailed archaeological investigation and consultation should be undertaken regarding the potential burial (See Section 9.4).

The locations of AHIMS ID's: 22-1-0018, 22-1-0579, 22-1-0140, 22-1-0340, 22-1-0080 and 22-1-0028 and CHP-PAD01, CHP-PAD02 and CHP-PAD03 (AHIMS ID's pending) should be considered in the Masterplan process, with a mind to conservation outcomes. These conservation outcomes include prioritising the avoidance of site disturbance through in-situ preservation where possible, and

conducting archaeological investigations where avoidance is not feasible. Additionally, consultation with Aboriginal stakeholders should inform long-term protection measures such as Conservation Management Plans and public education initiatives to ensure these heritage sites are preserved and their cultural significance is acknowledged.

9.2 Archaeological Technical Report

An ATR has been prepared to assess the rezoning and Masterplan process. A separate ATR(s) must be prepared for all future stages of the project, particularly for any proposed ground-disturbing works. The ATR will determine consultation requirements, test excavation requirements, and any requirements for an ACHAR and AHIP application.

9.3 Test excavation

The ATR identified three areas of subsurface archaeological potential, CHP-PAD01, CHP-PAD02, and CHP-PAD03 (AHIMS ID's Pending) located within the study area. Future assessment of the study area, involving more detailed archaeological investigation and consultation with RAPs may identify other areas of archaeological potential and Aboriginal sites. While no ground disturbing works are currently proposed, the descriptions provided in the six Masterplan sub-precincts indicate that ground disturbing works will occur following rezoning of the study area. With reference to the PADs, potential ground disturbing activities in those areas include new buildings, amenities, playgrounds, recreational parks and a carpark. Should ground disturbing works be proposed within the footprint of those PADs, the three PADs and any other PAD or Aboriginal site identified during future consultation and archaeological investigation would require further investigation through test excavation following rezoning, and prior to any proposed redevelopment of the study area.

AHIMS ID 22-1-0028 was unable to be located during survey and was assessed as having unknown significance. Further archaeological investigation and consultation would be required prior to any impacts. Further investigation of AHIMS ID 22-1-0028 may include test excavation.

Testing excavation under the *Code of Practice* will not be possible due to the following:

- The study area contains potential to encounter contact archaeology
- Midden material has been documented within the study area.
- CHP-PAD01 (AHIMS ID Pending) was assessed as likely to contain Pleistocene deposits, which tend to be very deep and may require analysis and sample extraction.

In accordance with the *Code of Practice* (DECCW 2010b), an Aboriginal Heritage Impact Permit (AHIP) would be required to authorise test excavations, as sub-surface investigation of that nature is not excluded from the definition of harm.

Test excavations would be required to understand and assess the heritage significance of CHP-PAD01, CHP-PAD02, and CHP-PAD03 (AHIMS ID's Pending). Test excavation may also be required at AHIMS ID 22-1-0028, and any other PAD or Aboriginal site identified during future consultation and archaeological investigation that requires test excavation. Future investigation may also identify a need for test excavation at the other recorded sites within the study area.

A tailored test excavation methodology would be prepared in consultation with the RAPs. The test excavations would aim to identify evidence of land use of the study area by Aboriginal people. This process involves consultation with RAPs as prescribed in the NPW Regulation 2019 and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a; hereafter the Consultation Requirements).

9.3.1 Alternative methodologies

Non-invasive investigative techniques, such as ground penetrating radar (GPR) may be required in some areas to investigate burials.

Techniques such as push tubes using a sonic rig may be required to investigate potential archaeological contexts at depths greater than can safely be accessed by hand excavation.

9.3.2 Historical Archaeology

Any archaeological test excavation must take into consideration historical archaeological potential, methodologies to investigate historical archaeology (prepared separately), and the requirements of the *Heritage Act 1977* with regard to permits or exceptions required prior to commencement of excavation.

9.4 Aboriginal stakeholder consultation

During survey, the location of a potential burial associated with AHIMS ID 22-1-0340 was discussed with Coffs Harbour & District LALC site officers. While that burial could not be located during survey, its potential location overlapped with the [REDACTED] sub-precinct, and therefore has potential to be harmed. Therefore, further Aboriginal stakeholder consultation is required to accurately assess the potential burial prior to any proposed development.

Comprehensive Aboriginal stakeholder consultation is also required to inform the test excavation methodology. This process involves consultation with RAPs as prescribed in the NPW Regulation 2019 and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a; hereafter the Consultation Requirements). Aboriginal community consultation should be maintained throughout the project, in accordance with the Consultation Requirements.

9.5 Changes to the project area

Advice provided within this report is based upon the most recent information provided by the proponent at the time of writing. Any changes made to the project should be assessed by an archaeologist in consultation with the RAPs. Any changes that may impact on Aboriginal sites not assessed as part of the project may warrant further investigation and result in changes to the recommended management and mitigation measures.

9.6 Future impacts to the project area

The proposed works are currently limited to a Planning Proposal to amend the planning controls in the CHLEP, with an indicative masterplan prepared to inform future development and planning of the site. Therefore, any future proposed impacts would require completion of an ATR, potentially an ACHAR and consultation with RAPs as prescribed in the NPW Regulation 2019. Those documents would support any future permit applications.

10.0 CONCLUSION

The following results and recommendations are based on consideration of the requirements of Aboriginal heritage guidelines including:

- The Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW 2010b) – known as The Code of Practice
- Guide to investigating and assessing and reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2011) – known as ACHAR guidelines.
- The Aboriginal Cultural Heritage consultation requirements for proponents (DECCW 2010a) - known as Consultation Guidelines)

Summary of findings

This assessment has identified the following:

- Three areas of subsurface potential archaeological deposit (PAD), CHP-PAD01, CHP-PAD02, and CHP-PAD03 (AHIMS ID's Pending) exist within the study area. The scientific significance of the three PADs is unknown and cannot be determined until further investigation is undertaken
- When assessed against the areas subject to LEP changes under the Planning Proposal (illustrated in Figure 12), the three PADs: CHP-PAD01, CHP-PAD02 and CHP-PAD03 (AHIMS ID's pending) have potential to be harmed by future works associated with the Planning Proposal
- Six registered Aboriginal sites, including AHIMS ID's: 22-1-0340, 22-1-0140, 22-1-0579, 22-1-0018, 22-1-0028 and 22-1-0080 are located within the study area
- When assessed against the areas subject to LEP changes under the Planning Proposal there is nil potential for harm to Aboriginal objects. It should however be noted that there is potential for future works associated with the delivery of the Illustrative Masterplan (particularly infrastructure and public domain elements) to cause harm to registered Aboriginal sites, including, but not limited to: AHIMS IDs 22-1-0028 and 22-1-0340. A potential burial associated with AHIMS ID 22-1-0340 was also discussed as part of consultation with Coffs Harbour & District LALC site officers during survey. That location has the potential to be harmed by future proposed works
- Any such impacts will need to be appropriately assessed when approvals for these works are sought
- Feedback from [REDACTED] during the consultation process identified the study area as located within a highly significant area in terms of social/cultural, historical and aesthetic values.
- [REDACTED] stated that the area should be protected, rehabilitated where needed and be left open for public access: no private residential development should be undertaken in the area.

- It is understood that a Connecting with Country (CwC) Framework is being developed for the Precinct which includes additional consultation and input from Aboriginal stakeholders into the project. A CwC report is a requirement of the Design Guidelines, which include detailed provisions to guide future development within the Precinct.

Recommendations

It is recommended that:

- The locations of AHIMS ID's: 22-1-0018, 22-1-0579, 22-1-0140, 22-1-0340, 22-1-0080 and 22-1-0028 and CHP-PAD01, CHP-PAD02 and CHP-PAD03 (AHIMS ID's pending) should be considered in future development application processes, with a mind to conservation outcomes
- CHP-PAD01, CHP-PAD02 and CHP-PAD03 should be registered on the AHIMS database.
- Further archaeological investigation is required within the study area prior to ground disturbing works taking place:
 - An archaeological technical report (ATR) must be prepared in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b) for all future stages of the project
 - Archaeological test excavation under an AHIP will be required at locations such as (but not limited to): CHP-PAD01, CHP-PAD02, CHP-PAD03, AHIMS ID 22-1-0028, and any areas identified in future ATR and consultation processes as demonstrating potential for Aboriginal objects to occur beneath the ground surface. Alternative methodologies may be required to investigate deeper contexts not safely accessible by hand excavation
 - Non-invasive methods of investigating potential burials, such as ground penetrating radar (GPR), should be considered
- Comprehensive Aboriginal stakeholder consultation must be undertaken for future stages of the project, including consultation regarding potential burial locations and associated intangible values in accordance with the National Parks and Wildlife Regulation 2019 to inform any AHIP application and test excavation. Consultation is also being undertaken for the CwC Framework. If changes are made to the proposal that may result in impacts to areas not assessed by this ACHAR, further assessment would be required
- The Design Guidelines will be a matter for consideration in any future development applications and include provisions that will ensure continued consideration, assessment, and management of Aboriginal cultural heritage as the Precinct develops over time
- Aboriginal objects must not be harmed without an AHIP issued by Heritage NSW authorising harm through carrying out specified activities
- The area's high significance in terms of social/cultural, historical and aesthetic values must be acknowledged and consultation with Aboriginal communities continue in any future projects.

- Given the opposition to residential development within the study area from the [REDACTED], documented during Aboriginal community consultation, further consultation should be undertaken with the wider Aboriginal community at development application stages.
- An Aboriginal Heritage Interpretation Strategy (HIS) undertaken in collaboration with Aboriginal communities should be required for future stages.
- It is recommended that the Planning Report be updated to recommend that consultation with the RAP (Registered Aboriginal Party) groups continues throughout all stages of the project. This would help ensure that the RAP groups remain involved to maintain continuity and adherence to cultural heritage protocols. Future development application processes should reflect this recommendation, ensuring that Aboriginal representatives are engaged throughout, and other reports will be updated as necessary to document the ongoing consultation process
 - One RAP has already provided comment, Coffs Harbour and District Local Aboriginal Land Council and the [REDACTED] [REDACTED] have requested they be consulted on any future stages. Further, [REDACTED] requested that sites officers from relevant groups should be identified and engaged to work with the project team throughout the project.

11.0 REFERENCES

- Andrews, G., C. Daylight, and J. Hunt 2006 Aboriginal cultural heritage landscape mapping of coastal NSW.
- Australia ICOMOS 2013 *The Burra Charter: the Australia ICOMOS charter for places of cultural significance 1999, with associated guidelines*. Burwood, Vic., Australia ICOMOS.
- Bawden, T. 1972 *The Bawden Lectures: The first fifty years of settlement on the Clarence: June 1886, from the records in the Clarence Historical Society with index and notes by RC Law, 5th edition*. Clarence River Historical Society.
- Biosis 2019 Coffs Harbour Bypass – Non-Aboriginal Heritage Assessment. Report to Roads and Maritime Services.
- Cane, S. 1988 The Red Rock mob: Aboriginal relationships with the Red Rock–Corindi area, NSW, a report to the Grafton Lands Office. Unpublished Report.
- Carley, J., S. Wyllie, D. Lord, and R. Cox (n.d.). Coastal Processes in the Coffs Harbour Region. james.carley@unsw.edu.au, Water Research Laboratory, University of New South Wales.
- Collins, J. 2006 [REDACTED] Coffs Harbour, NSW mid-north coast. Archaeological test excavation / salvage Site #22-1-226. Report to Coffs Harbour City Council.
- Collins, J. 2008 Coffs Harbour Sewerage Strategy. Archaeological test excavations adjacent to site CHSS-10 (#22-1-0139) [REDACTED] Coffs Harbour. Report to Coffs Harbour City Council.
- Collins, J.P. 1997 Proposed Upgrading [REDACTED]. Cultural Heritage Assessment. Report to Gutteridge Haskins & Davey Pty Ltd.
- DECCW 2010a Aboriginal cultural heritage consultation requirements for proponents.
- DECCW 2010b The Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales.
- DECCW 2011 Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW.
- Djinjama 2023 Draft Coffs Harbour Jetty Foreshore Precinct Reading with Country Reading Country Recommendations
- English, A. 2002 The sea and the rock gives us feed: mapping and managing Gumbaingirr wild resource use places.
- Enright, W. 1940 Notes on the Aborigines of the North Coast of N.S.W. *Mankind* 2(9):321–324.

e-spade 2022 e-spade. NSW Government.

Gumbaynggir Language and Cultural Group 1992 Gumbaynggir Yuludarra (Gumbaynggir Dreaming)

Vol 1: The stories of [REDACTED], Gumbaynggir Language and Cultural Group,
Coffs Harbour.

Hashimoto, T.R. and A. Troedson 2008 Coffs Harbour 1:100 000 and 1:25 000, Coastal Quaternary
Geology Map Series. Geological Survey of New South Wales, Maitland.

Holdaway, S. and N. Stern, editors 2004 *A Record in Stone: The study of Australia's Flakes Stone*
Artefacts. Melbourne, Museum Victoria & Aboriginal Studies Press.

JB Architecture (NSW) Pty Ltd (2024) Urban Design Framework, Coffs Harbour Jetty Foreshore State
Assessed Planning Proposal

Keary, P. 2001 Dictionary of Geology. Second Edition.

Kelleher Nightingale Consulting 2020 Pacific Highway Upgrade Coffs Harbour Bypass. Aboriginal
Cultural Heritage Assessment Report. Report to Transport for New South Wales.

Kijas J., 2009. 'There were always people here: a history of Yuraygir National Park', Department of
Environment and Climate Change

Korsch, R. 2007 Some tectonic implications of sandstone petrofacies in the Coffs Harbour
Association, New England Orogen, New South Wales. *Journal of the Geological Society of*
Australia 28(4):261–269.

Mathews, R.H. 1898 Initiation ceremonies of Australian tribes (Gumbaingeri). *Proceedings of the*
American Philosophical Society 37:54–73.

Murawin 2022 Community Consultation and Outcomes Report Coffs Jetty Revitalisation Draft
Masterplan. NSW Department of Planning and Environment.

Murrumbidgee Aboriginal Language and Culture Cooperative 2022 Gumbaynggirr.

National Parks and Wildlife Service NSW 2003 The North Coast Bioregion. Chapter 14 in Bioregions
of New South Wales. National Parks and Wildlife Service.

National Parks and Wildlife Service NSW 2009 Muttonbird Island Nature Reserve Plan of
Management. National Parks and Wildlife Service NSW.

OEHS 2011 Guide to investigating and assessing and reporting on Aboriginal Cultural Heritage in New
South Wales.

OEH, DPC, CHCH and NRCMA 2012 Development of a Fine-scale Vegetation Map for the Coffs Harbour Local Government Area. Volume 2: Vegetation Community Profiles. Office of Environment and Heritage, Coffs Harbour City Council, Northern Rivers Catchment management Authority.

OEH State Heritage Inventory (n.d.) *Arrawarra Fish Traps*. Available at: <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1360002> (Accessed: 13 June 2024).

Radcliffe-Brown, A.R. 1929 'Notes on Totemism in Eastern Australia'. *Journal of the Royal Anthropological Institute of Great Britain and Ireland*, 59(July-December):406–407.

Ryan, S. 1988 *The land of Ulitarra: early records of the Aborigines of the Mid North Coast of NSW together with various vocabularies, etc.* Lismore, N.S.W., New South Wales Dept. of Education, North Coast Regional Office.

Smythe, W.E. 1949 Elementary grammar of the Gumbaingar language (North Coast, N.S.W.). *Oceania* 19(2):130–191.

Thomas, L. 2013 Indigenous History of the Coffs Harbour Region *Indigenous History of the Coffs Harbour Region in Thomas, L. (ed)., 2013. Aboriginal History of the Coffs Harbour Region*. Coffs Harbour City Library.

Umwelt 2011 Aboriginal Archaeological Assessment – Proposed Electricity Network Upgrade Works to the North of [REDACTED], Coffs Harbour. Report to Essential Energy. Report to Essential Energy.

Umwelt 2012 Aboriginal Cultural Heritage Assessment – Proposed Electricity Network Upgrade Works to the North of [REDACTED], Coffs Harbour. Report to Essential Energy.

UNESCO and C. and N.H. Intergovernmental Committee for the Protection of the World 2015 Operational guidelines for the implementation of the World Heritage Convention. Paris, France, World Heritage Centre.

Waters Consultancy. 2020. Coffs Harbour Bypass Project. Aboriginal Cultural Values Assessment Report. Prepared for Arup Pty Ltd on behalf of Transport for New South Wales.

Arup Pty Ltd on behalf of Transport for New South Wales

Yumpu 2022 Arrawarra Sharing Culture. www.arrawarraculture.com.au.

12.0 APPENDICES

12.1 Statement from [REDACTED] [REDACTED]

Redacted for
public
display

12.2 Consultation Log

Withheld from public domain.

12.3 Consultation Correspondence

Withheld from public domain.



artefact

Artefact Heritage and Environment

ABN 73 144 973 526

Suite 56, Jones Bay Wharf

26-32 Pirrama Road

Pymont NSW 2009 Australia

+61 2 9518 8411

office@artefact.net.au

www.artefact.net.au