



Australian Government



Coffs Harbour Bypass

Amendment Report

Volume 5. Appendices F & G





Appendix F

Supplementary property impacts

Appendix F – Supplementary property impacts

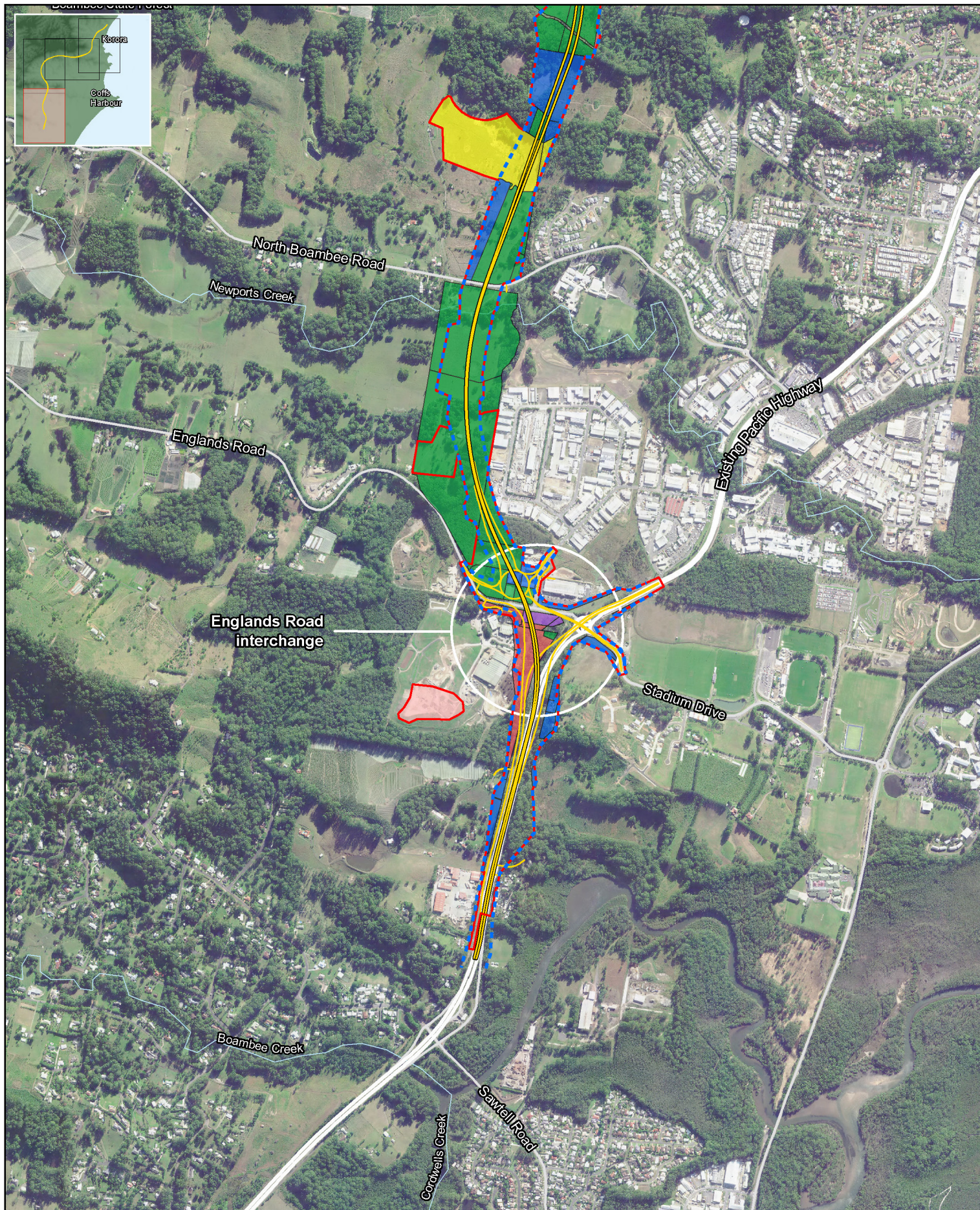
A list of properties that would be impacted by the proposed design and construction changes that have not been previously acquired by TfNSW is shown in **Table F-1**. The construction footprint would extend into properties that have been acquired by TfNSW. These impacts would be consistent with the impacts reported in the EIS and as such, have not been reported. The property IDs that this change relates to are 14, 16, 17, 18, 35, 36, 40, 46, 61, 80, and 101, which were previously acquired prior to the EIS. The construction footprint would also extend into property IDs 48 and 98, which have been acquired by TfNSW since the exhibition of the EIS. This includes the land required for the proposed new and revised ancillary sites 1C, 1J and 3D. As such, these properties are not listed in **Table F-1**. **Figure F-1** shows the property impacts and ownership within the construction footprint of the amended design.

Table F-1 Impacts to property as a result of proposed design and construction changes, where not owned by TfNSW

Property ID	Owner	Primary land use	Total lot area (ha)	Percentage directly impacted	Area directly impacted (ha)	Building impacted	Potential management options	Change from EIS (ha)	Purpose
4	CHCC	Commercial	71.73	4.07	2.92	None	Partial	-0.43	Englands Road interchange
				3.96	2.84	None	Lease	+2.84	Ancillary site 1A
5	Private	Extensive agriculture	11.73	6.62	0.78	Residential	Partial	+0.33	Englands Road interchange
7	Private	Extensive agriculture	2.03	12.93	0.26	None	Partial	-0.07	Englands Road interchange
7.5	Private	Extensive agriculture	3.48	12.83	0.45	None	Partial	+0.07	Englands Road interchange
9.5	Private	Commercial	2.55	20.99	0.54	None	Partial	+0.03	Englands Road interchange

Property ID	Owner	Primary land use	Total lot area (ha)	Percentage directly impacted	Area directly impacted (ha)	Building impacted	Potential management options	Change from EIS (ha)	Purpose
29	Private	Irrigated plants	21.34	46.33	9.89	Residential	Partial	+0.95	Coffs Creek flood mitigation
36.1	Private	Rural residential	1.87	1.60	0.03	None	Partial	-1.84	Coffs Creek flood mitigation
47.1	Private	Native vegetation	1.93	66.68	1.29	None	Partial	+0.53	Basin at Chainage 16100
50	Private	Irrigated plants	11.52	2.86	4.15	Residential	Lease	+0.33	Basin at Chainage 16650
79	Private	Extensive agriculture	25.01	18.19	4.55	Residential	Partial	-0.54	Korora Hill interchange
				55.26	8.73	None	Lease	+8.73	Ancillary Site 3A
83	Private	Commercial	23.35	2.43	0.57	None	Partial	+0.29	Korora Hill interchange
87	Private	Urban	3.2	17.94	0.57	Shed	Partial	+0.09	Korora Hill interchange
92	Private	Irrigated plants	19.07	17.04	3.25	Residential	Partial	+0.50	Basin at Chainage 21800
92.5	Private	Urban	4.71	8.72	0.41	None	Partial	-0.28	Korora Hill interchange
93	Private	Native vegetation	1	53.03	0.53	None	Partial	+0.44	Kororo Public School bus interchange

Property ID	Owner	Primary land use	Total lot area (ha)	Percentage directly impacted	Area directly impacted (ha)	Building impacted	Potential management options	Change from EIS (ha)	Purpose
100	Private	Rural residential	0.32	100	0.32	None	Total	+0.25	Pine Brush Creek and Williams Creek realignment
104	CHCC	Combination of rural residential and native vegetation	7.47	11.78	0.88	None	Partial	+0.37	Ancillary Site 3F

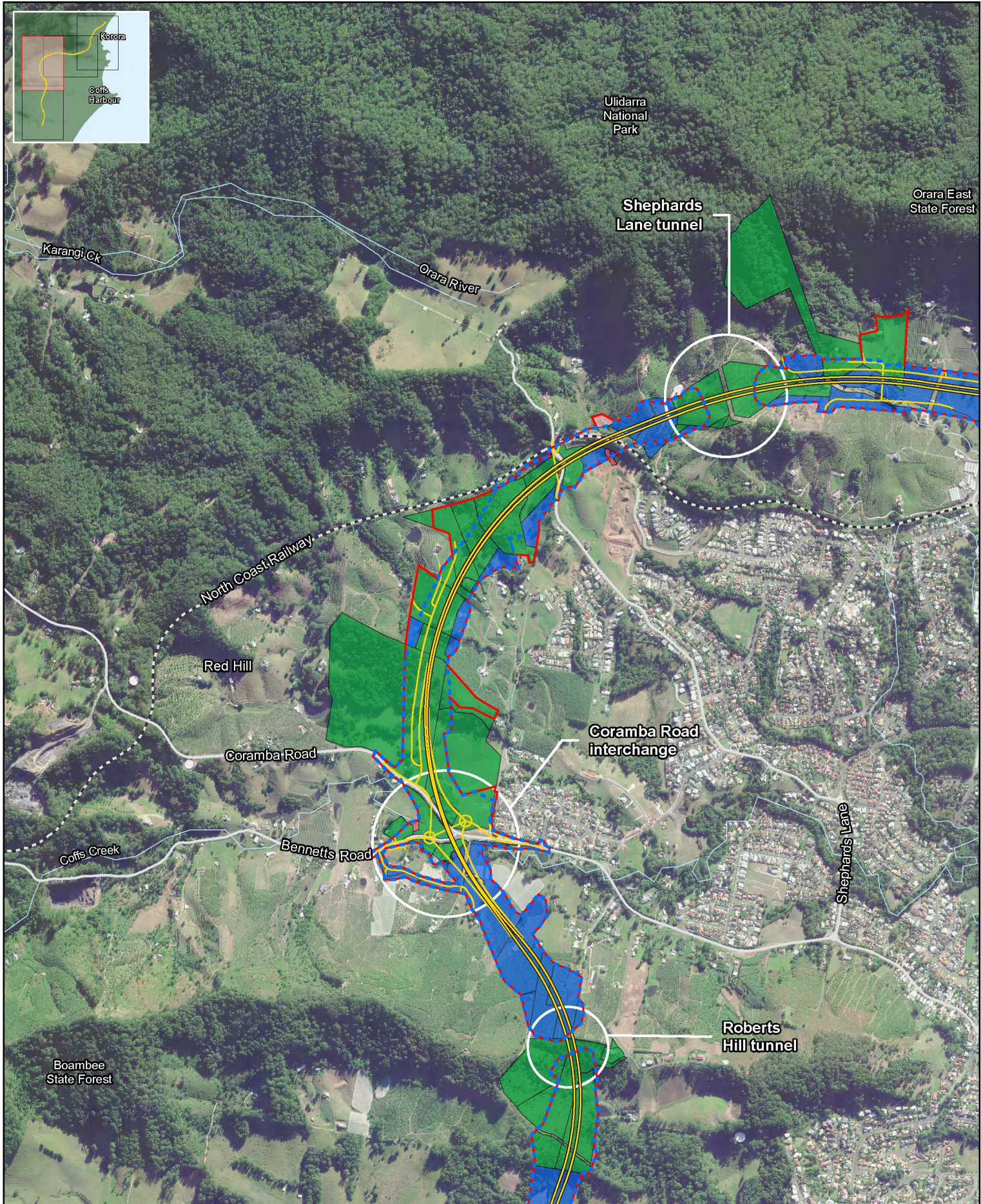


Legend	
--- North Coast Railway	Ownership
Construction footprint	Department of Education and Training
Revised indicative road corridor	Roads and Maritime
Alignment	Crown Land
	Coffs Harbour City Council
	Leased
	Private

Coffs Harbour Bypass
Property impacts and ownership
Figure F1-01

0 0.2 0.4 0.6 km
Scale @A4: 1:20,000
GDA 1994 MGA Zone 56



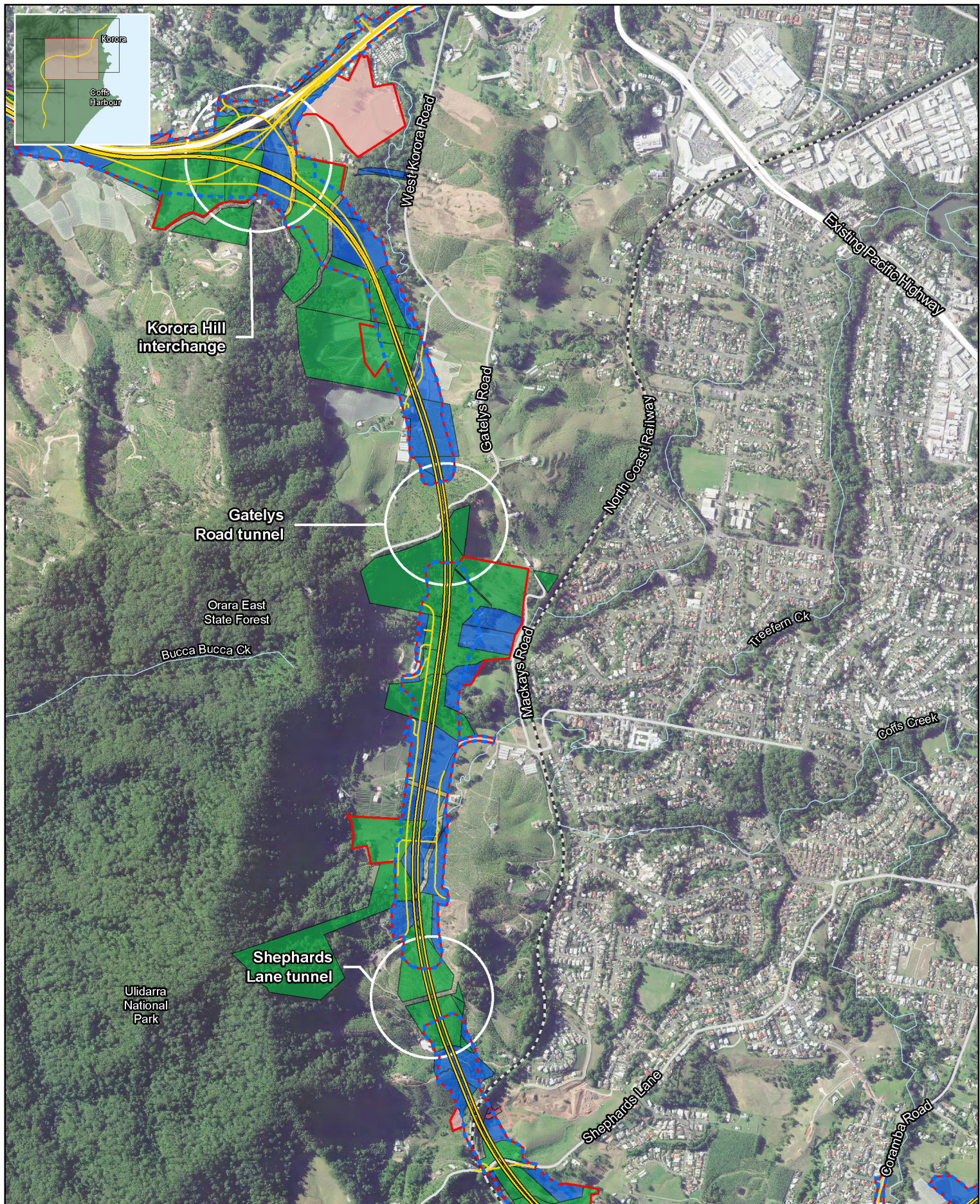


--- North Coast Railway	Ownership
Construction footprint	Department of Education and Training
Revised indicative road corridor	Roads and Maritime
Alignment	Crown Land
	Coffs Harbour City Council
	Leased
	Private

Coffs Harbour Bypass
Property impacts and ownership
Figure F1-02

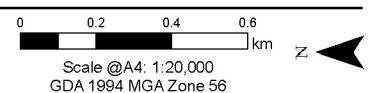
0 0.2 0.4 0.6 km
Scale @A4: 1:20,000
GDA 1994 MGA Zone 56





Legend	
--- North Coast Railway	Ownership
Construction footprint	Department of Education and Training
Revised indicative road corridor	Roads and Maritime
Alignment	Crown Land
	Coffs Harbour City Council
	Leased
	Private

Coffs Harbour Bypass
Property impacts and ownership
Figure F1-03





Legend	
--- North Coast Railway	Ownership
Construction footprint	Department of Education and Training
Revised indicative road corridor	Roads and Maritime
Alignment	Crown Land
	Coffs Harbour City Council
	Leased
	Private

Coffs Harbour Bypass
Property impacts and ownership
Figure F1-04

0 0.2 0.4 0.6 km
Scale @A4: 1:20,000
GDA 1994 MGA Zone 56





Appendix G

Updated Aboriginal cultural heritage
assessment report



PACIFIC HIGHWAY UPGRADE COFFS HARBOUR BYPASS

Aboriginal Cultural Heritage Assessment Report

Prepared for Arup Pty Ltd
on behalf of Transport for New South Wales

Coffs Harbour Local Government Area

May 2020

Ref. 1605

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Document Summary

Project Name	Pacific Highway Upgrade - Coffs Harbour Bypass: Aboriginal Cultural Heritage Assessment Report
Project Number	1605
Version	0.14
Client Name	Arup Pty Ltd on behalf of Transport for New South Wales
Recipient	Olivia Short
Issue Date	May 2020
Prepared by	Dr Matthew Kelleher; Cristany Milicich; Mark Rawson; Tristram Miller; Ben Anderson
Approved by	Dr Matthew Kelleher; Alison Nightingale

Executive Summary

Transport for New South Wales (TfNSW) is seeking approval for the Coffs Harbour Bypass (the project) located to the west of Coffs Harbour CBD in northern NSW. The approval is being sought under Division 5.2 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) as Critical State Significant Infrastructure (CSSI).

The project includes a 12 kilometre bypass of Coffs Harbour from south of Englands Road to Korora Hill in the north and a 2 kilometre upgrade of the existing highway between Korora Hill and Sapphire. The project would provide a four-lane divided highway that bypasses Coffs Harbour, passing through the North Boambee Valley, Roberts Hill ridge and then traversing the foothills of the Coffs Harbour basin to the west and north to Korora Hill. A concept design has been developed for the project, which forms the basis of this assessment.

An Aboriginal cultural heritage assessment report (CHAR) (Kelleher Nightingale 2019) was prepared in support of the EIS for the project. The purpose of the assessment was to address the Secretary's Environmental Assessment Requirements (SEARs) for the project for the purpose of seeking project approval under Division 5.2 of the EP&A Act. Following exhibition of the EIS, receipt of submissions and further consultation with community and stakeholders a number of design and construction amendments have been made to the project. This updated Aboriginal cultural heritage assessment report has been prepared in accordance with the SEARs to assess the potential impacts of the project, including the design and construction amendments.

The CHAR has been prepared in accordance with the SEARs, Stage 3 of the TfNSW's *Procedure for Aboriginal Cultural Heritage Consultation and Investigation* (PACHCI) and NSW Department of Planning, Industry and Environment (DPIE) requirements and guidelines relating to the assessment of Aboriginal heritage in NSW.

The study area has been subject to a series of archaeological investigations as part of the project. The investigations have included Aboriginal archaeological surveys and test excavations. The archaeological investigations identified 26 Aboriginal archaeological sites within the study area. The sites comprise:

- | | |
|--------------|--------------|
| • CHB AFT 1 | • CHB AFT 15 |
| • CHB AFT 2 | • CHB AFT 16 |
| • CHB AFT 3 | • CHB PAD 27 |
| • CHB AFT 4 | • CHB IF 1 |
| • CHB AFT 5 | • CHB IF 2 |
| • CHB AFT 6 | • CHB IF 3 |
| • CHB AFT 7 | • CHB IF 4 |
| • CHB AFT 8 | • CHB IF 5 |
| • CHB AFT 9 | • CHB IF 6 |
| • CHB AFT 10 | • CHB IF 7 |
| • CHB AFT 11 | • CHB6 IF 2 |
| • CHB AFT 13 | • CHSS-3 |
| • CHB AFT 14 | • Coffs Dump |

Consultation with Aboriginal stakeholders has been undertaken in accordance with the SEARs and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. The study area and surrounding region are known to have been important to and extensively used by past Aboriginal people. Aboriginal people's use of the region is well-documented in historic accounts and continues today among the contemporary Aboriginal community. Members of the contemporary Gumbaynggirr community continue to experience connection with the area through cultural and family associations. Waters Consultancy prepared a detailed cultural assessment report for the study area which has been incorporated into this CHAR. The detailed cultural assessment was undertaken in consultation with identified knowledge holders for the area.

Five specific sites of intangible cultural significance have been identified within and in the immediate vicinity of the study area. These sites include storylines, pathways and camping sites. Specific identified cultural sites include:

- Site A: Roberts Hill Pathway
- Site B: Gumgali Storyline and Pathway
- Site C: Sealy Point Pathways
- Site D: East Boambee Camp
- Site E: West Korora Living Place

A number of locations in the surrounding landscape were also identified as holding cultural significance, these included ancestral figures in the landscape, ceremonial grounds, birthing sites, ritual increase sites, women's and men's business sites, burial places, occupation sites, resource areas, and high points that provide lines of sight.

A significance assessment was undertaken for cultural sites identified in the Detailed Cultural Study (Waters Consultancy 2020) and found that Gumgali Storyline and Pathway displayed very high significance, Roberts Hill Pathway and Sealy Point Pathways displayed high significance, and East Boambee Camp and West Korora Living Place displayed medium significance. Four cultural sites are partially located within the proposed construction footprint and will be impacted to varying extents. West Korora Living Place is located immediately adjacent and will not be physically impacted.

TfNSW took the location of the cultural sites, recommendations of the cultural assessment report and feedback from knowledge holders and the registered Aboriginal stakeholders into consideration during the design process. Refinement of the design and adjustments to the construction footprint has avoided impact to one cultural site (Site E) and reduced the impact to two cultural sites (Sites A and C) to retain connection along important cultural pathways and reduce physical impact.

The inclusion of tunnels through Roberts Hill and Shephards Lane ridgelines support recommendations within the cultural assessment report that tunnels are preferred in order to minimise impact on the cultural landscape and avoid the severing of pathways within Roberts Hill Pathway (Site A) and Sealy Point Pathways (Site C). With the inclusion of a 190 metre long tunnel for Roberts Hill and a 360 metre long tunnel at Shephards Lane, the ridgelines associated with Site A and Site C respectively have been retained.

Other suitable mitigation measures identified by knowledge holders included revegetation and landscape management of affected areas with appropriate native species, development of a booklet (in a format appropriate for local publication) on the cultural values and historical records relating to the identified cultural landscape, and interpretive signage relevant to the cultural site values to be displayed in an appropriate area. All mitigation measures should be undertaken in consultation and partnership with RAPs and knowledge holders.

The knowledge holders all emphasized that the wider area within which the construction footprint sits holds cultural meanings, values and significance as part of the broader cultural landscape. The knowledge holders and the RAPs identified their concerns regarding the impact of works on the ecosystems of the project corridor and beyond. The waterways that cross or lie near the corridor, and the plants and animals that live in or around the corridor, all hold cultural value and meaning. It is noted that the RAPs and the knowledge holders also place cultural value on the material objects (artefacts) identified through the archaeological investigations for this project.

TfNSW took Aboriginal archaeological heritage into consideration during the design process. Early identification of Aboriginal heritage during the archaeological assessment process and consultation with registered Aboriginal stakeholder resulted in the avoidance of impact to one Aboriginal archaeological site with moderate significance (CHB AFT 12), one Aboriginal archaeological site with moderate-high significance (CHB6 AS01) and one area of PAD (PAD 22). In addition, two Aboriginal archaeological sites of moderate significance (CHB AFT 1 and CHB AFT 5) will be partially impacted.

Archaeological significance of the identified Aboriginal archaeological sites was defined by the information exhibited by each site. A mitigation program comprising archaeological salvage, undertaken prior to construction, would be required where portions of at least moderately significant Aboriginal archaeological sites would be impacted by the proposal. Mitigative salvage excavation would be required for seven sites: CHB AFT 1, CHB AFT 5, CHB AFT 8, CHB AFT 11, CHB AFT 13, CHB AFT 16 and CHB PAD 27. Aboriginal stakeholders have requested that additional cultural salvage take place at these sites as part of cultural mitigation activities subsequent to the archaeological program. Cultural salvage would be undertaken after the completion of the archaeological salvage program at these locations.

Surface artefact collection is recommended for the Aboriginal archaeological sites where surface artefacts were identified during previous assessments. Surface artefact collection is recommended for eight sites: CHB AFT 5, CHB AFT 9, CHB AFT 11, CHB AFT 16, CHB IF 7, CHB6 IF 2, CHSS-3 (AHIMS 22-1-0142) and Coffs Dump (AHIMS 22-1-0195).

The remaining archaeological sites displayed a combination of high disturbance levels and limited archaeological information. As a result, these sites exhibited low archaeological significance and no mitigation would be required on archaeological grounds. No surface artefacts exist for collection.

Project approval is required before impacting Aboriginal objects/sites identified within the study area.

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1 Introduction

1.1 Overview

Transport for New South Wales (TfNSW) is seeking approval for the Coffs Harbour Bypass (the project) located to the west of Coffs Harbour CBD in northern NSW. The approval is being sought under Division 5.2 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) as Critical State Significant Infrastructure (CSSI). A concept design has been developed for the project, which forms the basis of this assessment.

An Aboriginal cultural heritage assessment report (CHAR) (Kelleher Nightingale 2019) was prepared in support of the environmental impact statement (EIS) for the project. The purpose of the assessment was to address the Secretary's Environmental Assessment Requirements (SEARs) for the project for the purpose of seeking project approval under Division 5.2 of the EP&A Act.

Following exhibition of the EIS, receipt of submissions and further consultation with community and stakeholders a number of design and construction amendments have been made to the project. This updated Aboriginal cultural heritage assessment report has been prepared in accordance with the SEARs to assess the potential impacts of the project, including the design and construction amendments.

1.2 The project

The project includes a 12 kilometre bypass of Coffs Harbour from south of Englands Road to Korora Hill in the north and a 2 kilometre upgrade of the existing highway between Korora Hill and Sapphire. The project would provide a four-lane divided highway that bypasses Coffs Harbour, passing through the North Boambee Valley, Roberts Hill and then traversing the foothills of the Coffs Harbour basin to the west and north to Korora Hill.

The key features of the project include:

- Four-lane divided highway from south of Englands Road roundabout to the dual carriageway highway at Sapphire
- Bypass of the Coffs Harbour urban area from south of Englands Road intersection to Korora Hill
- Upgrade of the existing Pacific Highway between Korora Hill and the dual carriageway highway at Sapphire
- Grade-separated interchanges at Englands Road, Coramba Road and Korora Hill
- A one-way local access road along the western side of the project between the southern tie-in and Englands Road, connecting properties to the road network via Englands Road
- A new service road, located east of the project, connecting Solitary Islands Way with James Small Drive and the existing Pacific Highway near Bruxner Park Road
- Three tunnels through ridges at Roberts Hill (around 190 metres long), Shephards Lane (around 360 metres long), and Gatelys Road (around 450 metres long)
- Structures to pass over local roads and creeks as well as a bridge over the North Coast Railway
- A series of cuttings and embankments along the alignment
- Tie-ins and modifications to the local road network to enable local road connections across and around the alignment
- Pedestrian and cycling facilities, including a shared path along the service road tying into the existing shared path on Solitary Islands Way, and a new pedestrian bridge to replace the existing Luke Bowen footbridge with the name being retained
- Relocation of the Kororo Public School bus interchange
- Noise attenuation, including low noise pavement, noise barriers and at-property treatments as required
- Fauna crossing structures including glider poles, underpasses and fencing
- Ancillary work to facilitate construction and operation of the project, including:
 - Adjustment, relocation and/or protection of utilities and services
 - New or adjusted property accesses as required
 - Operational water quality measures and retention basins
 - Temporary construction facilities and work including compound and stockpile sites, concrete/asphalt batching plant, sedimentation basins and access roads (if required).

TfNSW has refined several aspects of the project as exhibited in the EIS. These changes have been developed in response to:

- Consultation with the community and landowners during the EIS public exhibition period (11 September 2019 to 27 October 2019)
- Submissions received during the EIS public exhibition period
- Continued development and refinement of the concept design and consultation with government agencies.

- Consultation with the community, landowners and stakeholder groups during the design changes display period (25 November 2019 to 13 December 2019).

The proposed design changes are:

- Englands Road interchange
- North Boambee Valley vertical alignment
- Coramba Road bus stop
- Coffs Creek flood mitigation
- Korora Hill interchange
- Kororo Public School bus interchange and Luke Bowen footbridge
- Pine Brush Creek and Williams Creek realignment

The study area for this CHAR encompasses both the construction and operational footprints allowing for space to construct the bypass and temporary ancillary facilities (Figure 1).

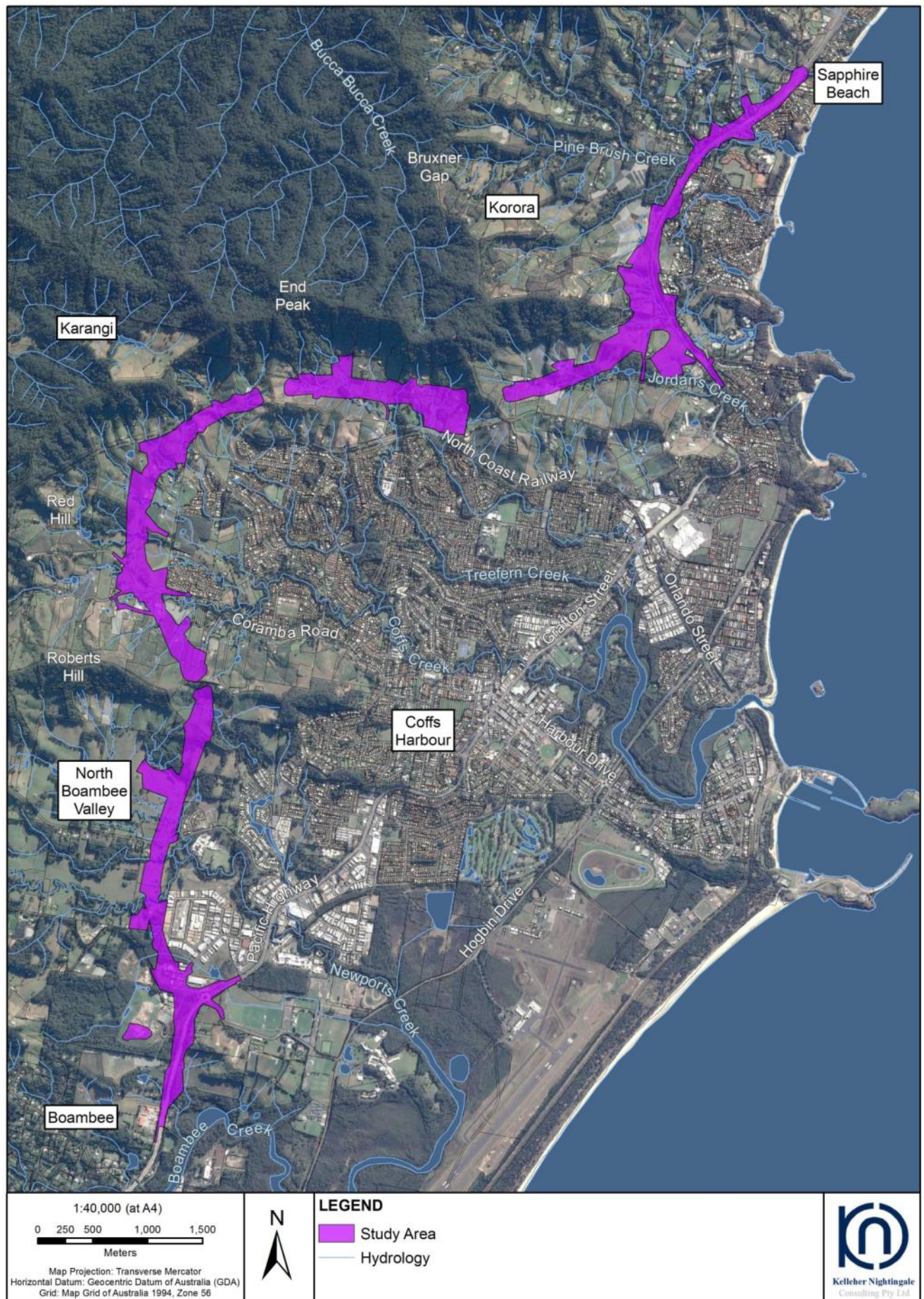


Figure 1. Study area

1.3 Purpose of this report

This CHAR has been prepared to address the SEARs for the project for the purpose of seeking project approval under Division 5.2 of the EP&A Act. Table 1 outlines the requirements relevant to this assessment and where they are addressed in the report.

Table 1. SEARs: Aboriginal Heritage

Requirement	Where addressed in this document
1. The Proponent must identify and assess any direct and/or indirect impacts (including cumulative impacts) to the heritage significance of:	
(a) Aboriginal places and objects, as defined under the <i>National Parks and Wildlife Act 1974</i> and in accordance with the principles and methods of assessment identified in the current guidelines;	Section 8
(b) Aboriginal places of heritage significance, as defined in the Standard Instrument – Principal Local Environmental Plan	Section 4 Section 8
3. Where archaeological investigations of Aboriginal objects are proposed these must be conducted by a suitably qualified archaeologist, in accordance with section 1.6 of the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i> (DECCW 2010).	Section 4
4. Where impacts to Aboriginal objects and/or places are proposed, consultation must be undertaken with Aboriginal people in accordance with the current guidelines.	Section 5

The purpose of this technical paper is to identify and assess the Aboriginal heritage impacts of the project. This CHAR addresses the Aboriginal heritage requirements identified in the project SEARs. The objectives of the CHAR combine Aboriginal community consultation with an archaeological investigation in accordance with:

- SEARs
- *Procedure for Aboriginal cultural heritage consultation and investigation*
- *Code of Practice for archaeological investigation of Aboriginal objects in NSW*
- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*
- *Aboriginal cultural heritage consultation requirements for proponents 2010*.

Aboriginal cultural heritage assessment for the project was designed to meet the SEARs. This included:

- Assessment of impacts to Aboriginal heritage (both cultural and archaeological significance)
- Consultation with Aboriginal communities, including Coffs Harbour and District Local Aboriginal Land Council (CHDLALC) and registered Aboriginal stakeholders (Registered Aboriginal Parties or RAPs) for the project, to assess impacts and develop mitigation measures
- Preparation of and community consultation on an archaeological assessment methodology. The methodology was distributed to registered Aboriginal stakeholders for review (allowing 28 day review period) and discussed at an Aboriginal Focus Group meeting
- Evaluation of landscape features and potential archaeological significance
- Detailed archaeological assessment of the project to fully identify spatial extent and impacts
- Identification of mitigation and management measures
- Distribution of draft CHAR to Aboriginal stakeholders and Aboriginal Focus Group meetings to discuss the CHAR results and agree on appropriate mitigation measures.

2 Landscape Context

2.1 Geology

The study area is located in the North Coast bioregion, one of the most diverse bioregions in NSW (National Parks and Wildlife Service (NPWS) 2003). At the time of the opening of the Tasman Sea by plate movements 80 to 100 million years ago during the break up of Gondwana, the coast of the Australian continent was uplifted and warped. As the ocean widened, the uplifted block subsided at the coast and river systems developed that eroded back toward the inland flexure along the warp. Rapid headward erosion of these streams formed the Great Escarpment and cut deep gorges back into the plateau areas of the adjacent New England Tablelands Bioregion. The Great Escarpment is very prominent in the North Coast bioregion. The present-day coastline below is a relatively recent development. During the cold periods of the Quaternary, the sea level was more than 100 m lower than at present and in the past 18,000 years it has risen to its present position, sweeping sand from the continental shelf before it. This sand has accumulated in the coastal barrier systems (NPWS 2003:172).

The underlying geology of the study area is a combination of very old Carboniferous sedimentary bedrock (c. 350-359 million years ago (mya) and overlying Quaternary sediments associated with more recent development of the coastal and alluvial plains below the Escarpment. Dipping beds of the older sedimentary rocks form prominent local landmarks along the north coast, including at Seal Rocks, Coffs Harbour and Cape Byron. The study area is located atop the Brooklana Beds (southern part) and Coramba Beds (northern part) of Carboniferous age (Figure 2). The Brooklana Beds comprise siliceous argillite, slate and rare siliceous greywacke, thinly bedded siliceous mudstone and siltstone with rare lithofeldspathic wacke and local occurrences of chert, jasper, magnetite-bearing chert and metabasalt (Leitch et al 1971, Gilligan et al 1992). The geological boundary with the adjoining Coramba Beds to the north occurs at the approximate midpoint of the study area near where Shephards Lane crosses the North Coast Railway and runs southeast to the coast below Coffs Creek. The Coramba Beds are of similar age and comprise greywacke, slate and siliceous argillite, with lithofeldspathic wacke, minor siltstone, siliceous siltstone, mudstone, metabasalt, chert and jasper with rare calcareous siltstone and felsic volcanics (Leitch et al 1971, Gilligan et al 1992). Both of these bedrock formations form part of the Coffs Harbour Association, a group of metasediments and contact metamorphosed metasediments including massive grey meta-claystone, foliated metasiltstone, fine-grained lithic sandstone, medium-grained lithic wacke; minor conglomerate quartz-magnetite rock and chert. Raw materials suitable for stone-tool making occur throughout the Coffs Harbour Association and would have been widely available in the region.

The unconsolidated sediments of more recent Quaternary Period coastal plain development have also been described for the study area (Hashimoto and Troedson 2008; Troedson and Hashimoto 2008). These more recent alluvial deposits are associated with development of the stream channels and floodplains draining the Escarpment to the west and the coastal systems to the east. In the south, the study area skirts the Holocene saline swamp and estuarine basin associated with the lower reaches of Boambee Creek (Qhes, Qhem, Qhap; part of the Estuarine Plain system) before passing through a series of Quaternary valley fills (Qav) and alluvial/colluvial fan deposits (Qavf) of fluvial sands, silts, gravel and clay associated with the North Boambee Valley and alluvial plain system surrounding Newports Creek. Older Pleistocene terraces (Qpat) and former floodplains (Qpa) are surrounded by these more recent Holocene floodplain deposits. North of Newports Creek, the study area swings around to the north and east around the margins of the Coffs Creek catchment. On the slopes below the escarpment, the study area clips the margins of Quaternary valley fills and alluvial/colluvial fan deposits as well as Pleistocene terraces and alluvial fill. Passing north east into the Korora Basin, the study area intersects more areas of Quaternary valley fill and passes immediately to the west of an older Tertiary to Pleistocene high-level terrace south of Pine Brush Creek (TQpat).

2.2 Soil landscapes

The complex underlying geology and topography influences the formation and characteristics of overlying soils. The study area passes through the four major soil landscapes of Ulong, Megan, Suicide and Coffs Creek, with smaller areas of Moonee, Newports Creek, and Disturbed Terrain (Figure 3). Ulong and Coffs Creek soil landscapes dominate the drainage valleys of Boambee Creek and Newports Creek south of the Roberts Hill ridgeline. Erosional Ulong soils are present on the undulating to rolling low hills in the Coast Range, typically as shallow, sloping footslopes beneath steeper mid-slopes descending from the escarpment. Local relief is up to 90 m with slopes 5 - 20%, occasionally to 33%, and elevation to 360 m. Soils are moderately deep to deep (>100 cm), well-drained structured Red Earths, Brown Earths, Red and Yellow Podzolic Soils, plus deep (>150 cm), well-drained Krasnozems in wetter areas. Soils are susceptible to water erosion and sheet/rill erosion and localised gully erosion occur where vegetation has been cleared.

The alluvial Coffs Creek soil landscape occurs on the level to gently undulating floodplains, inset floodplains and terraces on Quaternary alluvium in the lower catchments of the coastal streams draining the Gleniffer-Bonville Hills. Slopes are 0 - 5% with relatively low relief < 20m and elevation 2 - 25m. Soils comprise deep, moderately-poorly drained Alluvial Soils, Yellow Podzolic soils and Yellow Earths on floodplains; deep moderately poorly drained Red Podzolic Soils on drainage plains; moderately deep to deep, moderately well-drained Yellow Podzolic Soils and Yellow Earths on terraces; and deep, poorly drained Gleyed Podzolic Soils on drainage plains and floodplains (Milford 1999). Coffs Creek soils are part of active floodplains and are subject to cycles of flooding erosion/deposition.

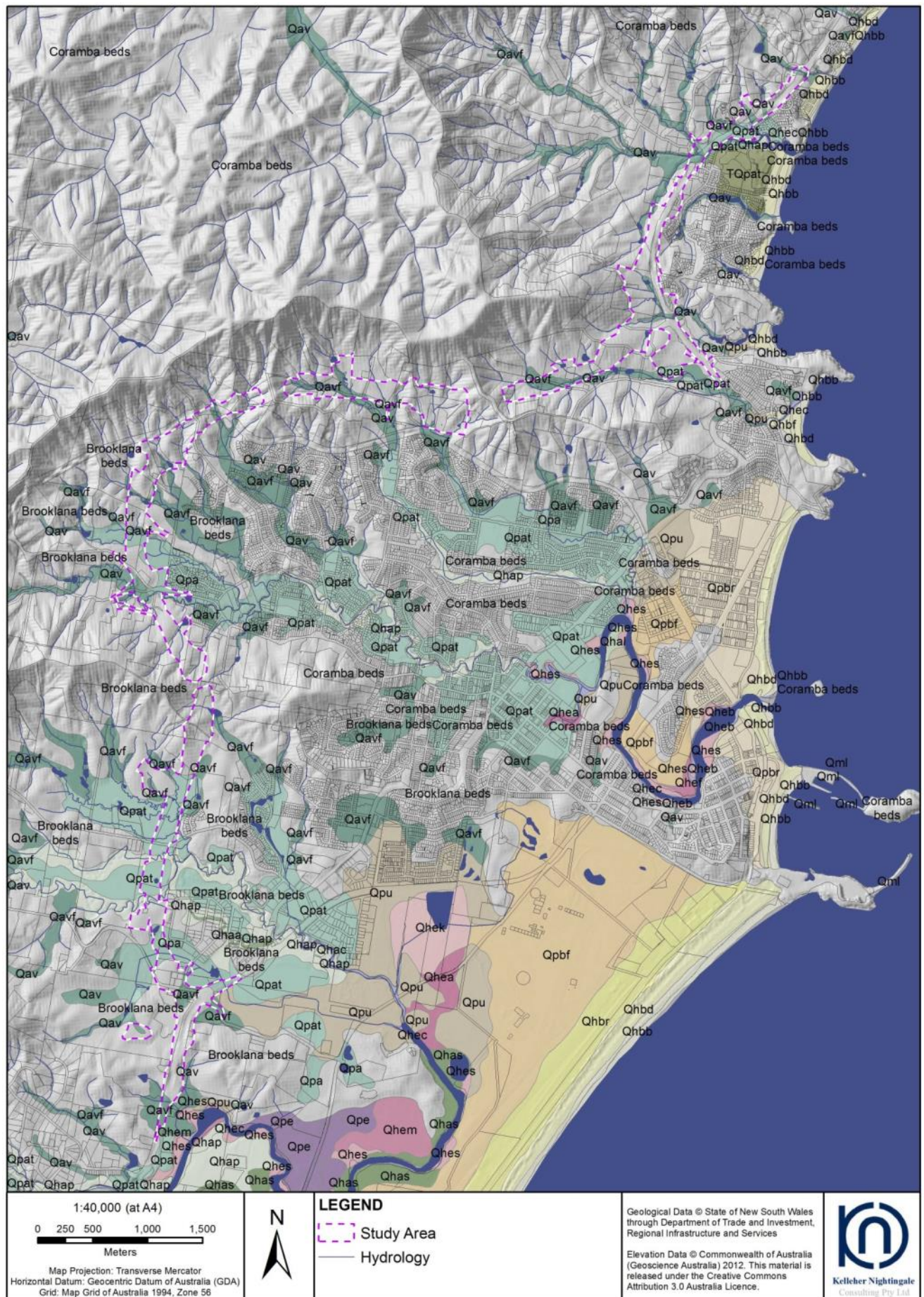


Figure 2. Geology of the study area

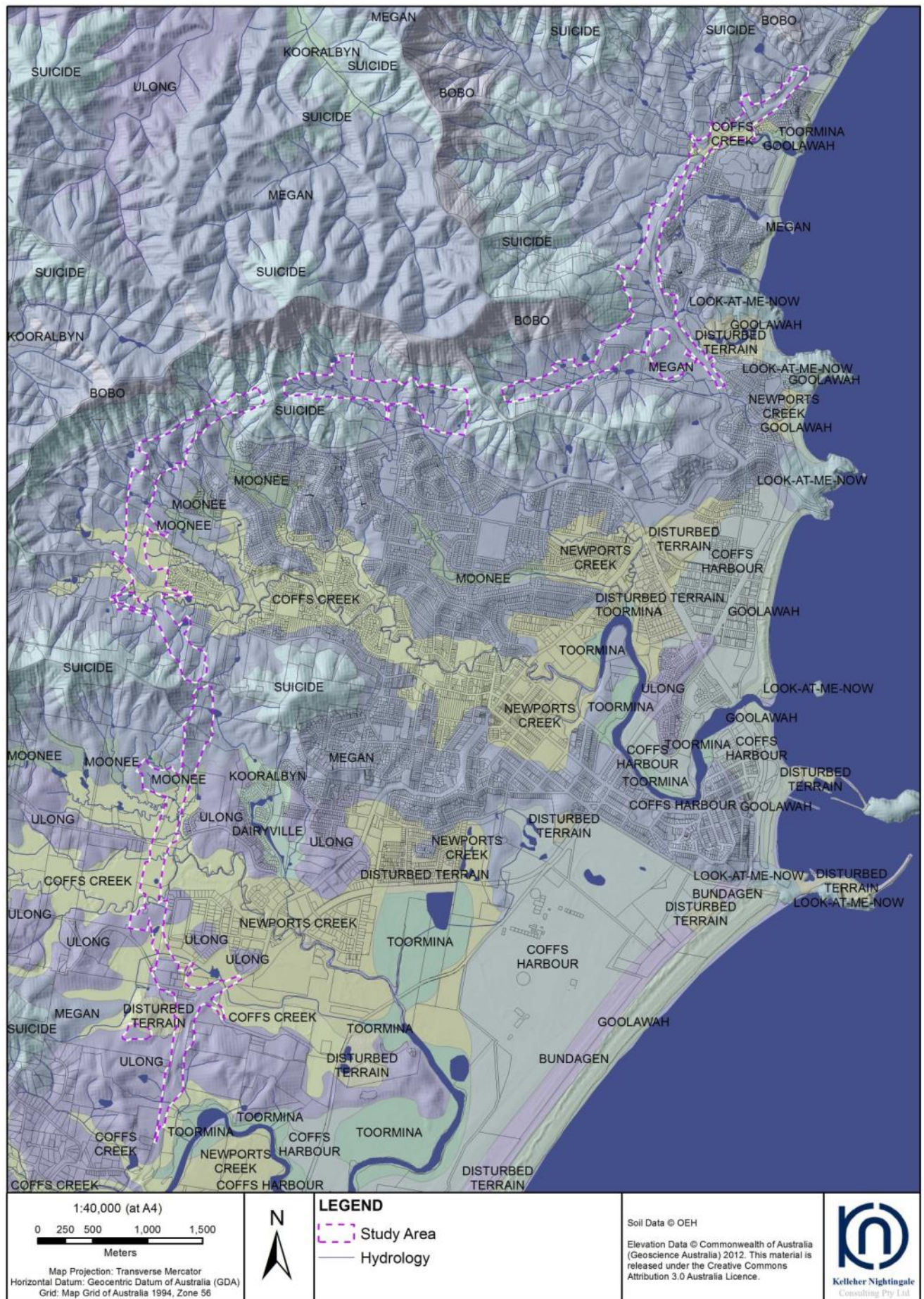


Figure 3. Soil landscapes of the study area

North of Roberts Hill, the study area traverses more elevated ground and skirts around the base of the escarpment. Soil landscapes in this area are dominated by Megan and Suicide soils, with small areas of alluvial Coffs Creek soils around the upper reaches of Coffs Creek. Megan soils are an erosional soil landscape and occur across the rolling hills in the Coast Range and northern Gleniffer-Bonville Hills, particularly as shallower, lower slopes beneath steep mid-slopes. Soils comprise moderately deep to deep (>100 cm), well-drained structured Red Earths, Brown Earths, Brown and Red Podzolic Soils, with moderately deep to deep (>100 cm) structured Yellow Earths and Yellow Podzolics in drier situations. Moderately deep to deep (>120 cm), well-drained Krasnozems occur in the moistest sites (Milford 1999). Megan soils display moderate to high erosion where vegetation has been cleared, resulting in exposure of hardsetting soil materials, and discontinuous gully erosion.

The Suicide soil landscape occurs on the steep hills and dissected valleys along the Coast Range below the escarpment. Local relief is 100 - 300 metre with slopes 33 - 56% and elevation up to 590 metre. Landforms comprise steep hills, often as sideslopes beneath rolling plateau tops with narrow crests (<100 metre), long slopes (>300 metre) and narrow vee-shaped valleys (<100 metre) (Milford 1999). Significant areas of this landscape to the north and west of Coffs Harbour have been cleared and replanted with bananas, resulting in localised severe land degradation, e.g., partial to complete erosion of topsoil or, in the most severe cases, complete removal of soil. Soils comprise well-drained, stony structured Yellow Earths on crests and upper slopes, with stony Lithosols and structured Red Earths on mid-slopes and footslopes.

Heading north off the ridge slopes into the Korora Basin, erosional Megan soils dominate the shallower slopes with areas of Coffs Creek alluvial along Pine Brush Creek. Soil landscapes within the study area have variable capacities to conserve archaeological deposit. Erosional processes may expose archaeological material, leaving it vulnerable to colluvial movement. Within the alluvial landforms, preservation of archaeological context is strongly linked to the nature of flooding – more gentle aggradation episodes are likely to conserve material, while higher-energy erosion may expose and disturb deposits. Land use practices also have an effect, especially on steeper slopes where vegetation clearance may accelerate erosion.

2.3 Hydrology and landforms

Landscape assessment for the project has been undertaken as part of the SSI application report (TfNSW 2016). The Coffs Harbour urban area is located mostly on the flat topography adjacent to the coast. The urban area is surrounded by coastal hinterland, with the forested mountains of the Great Dividing Range to the west. The project alignment begins in the Boambee Valley, sweeping to the western side of the Coffs Basin, finishing at the eastern end of the Korora basin. The project is located on the western side of the Coffs Harbour urban area, traversing mostly cleared farmland associated with grazing and plantations with some vegetated corridors. Topography and elevation are shown in Figure 4. Three distinct landscapes of the local area were identified and are summarised below:

1. The Great Dividing Range to the west of the Coffs Harbour basin which is primarily vegetated with north coast mixed hardwood. The forested mountains are comprised mainly of National Parks and State Forests.
Steep slopes, ridges and upland areas. The slopes and ridges of this terrain unit rise steeply from the coastal area with gradients ranging from 30 to 60 per cent. The upland areas rise to over 250m AHD and are often deeply incised by drainage lines that flow down the scarp face of the Great Dividing Range. Major ridge lines also project from the scarp face such as the obvious ridge to the south of Coramba that ends as Roberts Hill.
2. The hinterland adjacent to the mountains comprise of undulating hills primarily used for agriculture. The main agricultural uses include pasture, blueberry plantations and banana plantations.
Undulating footslopes. This unit comprises the mid to lower slopes between the alluvial areas and the steep slopes associated with the Great Dividing Range scarp face and the steep ridges that protrude from the range towards the coastline. The slope grades are generally between 10 and 30 per cent.
3. The urban and industrial areas of Coffs Harbour are located on relatively flat topography adjacent to the agricultural hinterland and coastline. Some of the urban development is located on coastal floodplains and from time to time subject to flood events.
Alluvial coastal plain. The majority of the alluvial landscape lies between 5 and 10m AHD, along and to the east of the existing highway. The alluvial floodplains are associated with the lower reaches of Newports and Coffs Creeks that traverse the project footprint. The floodplains quickly recede as the topography rises steeply to the west and the alluvium becomes restricted to the creek beds.

The project crosses four main creeks and catchments. South of the Roberts Hill ridgeline, these include Boambee Creek and Newports Creek, both of which drain from the escarpment to the west through the coastal plain to the Pacific Ocean. Numerous first and second order tributaries originate on the steeper hills and slopes to the west. North of Roberts Hill, the Coffs Basin is drained by Coffs Creek. As the project skirts the western edge of this basin, it primarily intersects lower order tributary creeklines draining the slopes north east of Red Hill. Treefern Creek is a larger tributary to the north and the study area passes through the Jordans Creek valley towards Korora, where it ends just north of Pine Brush Creek. Natural springs and pools also occur in the hills and fresh water would have been widely available.

2.4 Vegetation and landuse

The North Coast Bioregion is one of the most diverse in NSW, with a wide variety of vegetation communities recorded on the various complex geologies and soil landscapes of the region (NPWS 2003). A number of vegetation communities have been mapped in the vicinity of the project footprint and give some idea of what flora would have been present in the landscape prior to European land clearance (Coffs Harbour City Council 2012). The chief communities are 'Coast And Escarpment Blackbutt Dry Forest', and wet sclerophyll forests including 'Coast And Hinterland Riparian Flooded Gum -Bangalow Wet Forest', 'Foothills To Escarpment Brush Box - Tallowwood - Blackbutt Wet Forest' and 'Northern Escarpment Blackbutt - Apple Wet Ferny Forest'. Smaller areas of 'Coastal Paperbark - Sedgeland Dominated Forest' and 'Estuarine Mangrove Forest' occur on the lowlands and the upper reaches of Boambee Creek. Exotic agricultural plantings dominate the steeper slopes off the Roberts Hill ridgeline and below the escarpment to the north, including blueberry and banana plantations. Remnant patches of original native vegetation are also present on the steeper upper slopes below the escarpment. The higher terrain supports 'Escarpment and Lowland Bangalow - Carabeen - Black Booyong Palm Gully Rainforest'.

In general, wet sclerophyll forests would have been the most common landscape along the study area. White Mahogany (*Eucalyptus acmenioides*), Tallowwood (*E. microcorys*), Blackbutt (*E. pilularis*), Sydney Blue Gum (*E. saligna*), Brush Box (*Lophostemon confertus*), Turpentine (*Syncarpia glomulifera*) occur in various combinations in the canopy. On rich lowland soils Flooded Gum (*Eucalyptus grandis*) dominates, while on colluvial soils at mid elevations in the foothills White Gum (*E. dunnii*) is predominant. Shrub species and ground layer vegetation differ depending on elevation and topography. On the coastal plain, the mid layer is composed of a diverse array of species including Bangalow Palm (*Archontophoenix cunninghamiana*), Forest Oak (*Allocasuarina torulosa*), Scentless Rosewood (*Synoum glandulosum* subsp. *glandulosum*), Forest Maple (*Cryptocarya rigida*), Tree Heath (*Trochocarpa laurina*), Black Wattle (*Callicoma serratifolia*), Wilkiea (*Wilkiea huegeliana*) and Banana Bush (*Tabernaemontana pandacaqui*). There are several epiphytes and climbers including Small Supplejack (*Ripogonum fawcettianum*), Elkhorn (*Platynerium bifurcatum*) and Layer Vine (*Smilax australis*). The ground layer consists of Pastel Flower (*Pseuderanthemum variable*), Palm Lily (*Cordylina stricta*), Gristle Fern (*Blechnum cartilagineum*), Native Violet (*Viola banksii*) and Creeping Beard Grass (*Oplismenus imbecillis*).

On the foothills, there is a mid layer of predominantly Forest Oak (*Allocasuarina torulosa*) and Rose Myrtle (*Archirhodomyrtus beckleri*). The ground layer is moist with a mix of grasses and ferns. The main species are Soft Bracken (*Calochlaena dubia*), Spiny-headed Mat-rush (*Lomandra longifolia*), Blue Flax-lily (*Dianella caerulea*), Bracken Fern (*Pteridium esculentum*), Creeping Beard Grass (*Oplismenus imbecillis*) and Gristle Fern (*Blechnum cartilagineum*). In the gully heads of the escarpment, a diversity of small rainforest trees and shrubs are present such as Jackwood (*Cryptocarya glaucescens*), Scentless Rosewood (*Synoum glandulosum* subsp. *glandulosum*), Scrub Turpentine (*Rhodamnia rubescens*), Rose Myrtle (*Archirhodomyrtus beckleri*), Forest Maple (*Cryptocarya rigida*), and Murrogun (*Cryptocarya microneura*). Water Vine (*Cissus hypoglauca*) grows in dense smothering layers in canopy gaps. Tree Ferns (*Cyathea australis*) are often common. The sparse ground layer comprises Gristle Fern (*Blechnum cartilagineum*) and Pastel Flower (*Pseuderanthemum variable*).

Current land use along the study area is varied. There are industrial areas around Englands Road in the south, followed by environmental conservation and rural landscape areas in the North Boambee Valley. Residential and urban development has taken place across most of the coastal lowlands on either side of the Roberts Hill ridgeline, extending into the foothills surrounding the Coffs Basin. The steeper slopes and rolling hills below the escarpment to the north and west are primarily rural landscapes with numerous plantations and rural residential development. Within the Korora Basin, the study area passes through residential lands of various density. Other infrastructure includes the North Coast Railway, which crosses the study area near Shephards Lane, roads and various utilities.

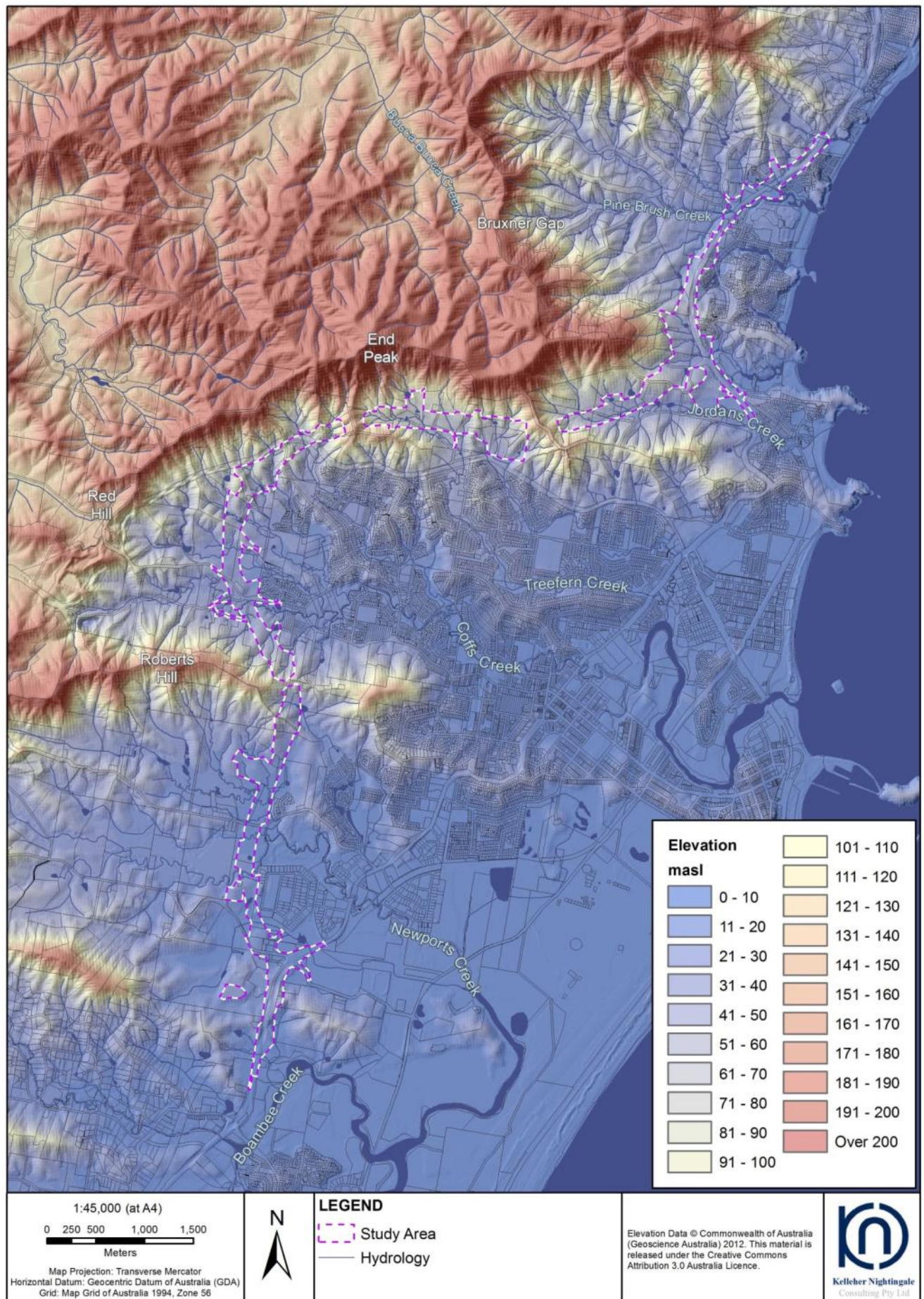


Figure 4. Topography and elevation

3 Ethnohistoric Context

Historic accounts of the Indigenous inhabitants of the region provide one avenue of insight into Aboriginal life at the time of initial European exploration and settlement. The study area lies within a landscape which was important to, and frequently used by, past Aboriginal peoples. Aboriginal people living in the North Coast region of NSW at the time of first European contact were distinguished by various language groups. The project footprint lies in the traditional lands of peoples of the Gumbaynggirr group. People appear to have been organised into economic units of small residential groups or ‘bands’ who had an association with certain areas of land and spoke the same dialect of language. Language group boundaries described by Tindale (1974) also place the study area near the centre of Gumbaynggirr lands, with Jiegera/Youngai and Badjalang to the north, Banbai to the west and Dainggati and Ngaku to the south.

Most European attempts at mapping the fluid and intangible boundaries of these language groups agree that the Gumbaynggirr occupied the lands around Coffs Harbour. Tindale described Gumbaynggirr territory as from the “lower course of Nymboida River and across the range toward Urunga, Coff (Korff) Harbour, and Bellingen; at South Grafton and Glenreagh; along the coast south from near One Tree Point; at Woolgoolga and Nambucca Heads” (Tindale 1974). Alternative spellings of names and words of Aboriginal origin are common in the ethnohistoric literature, a product of attempting to transcribe the language into English and the Latin alphabet. Despite differences in words used, customs and material culture, the Gumbaynggirr people would have interacted for ceremonies, intermarriage, dispute resolution, trade and access to certain resources with other language groups of the region. Some researchers consider Banbai a dialect of Gumbaynggirr, underscoring the close connection between neighbouring groups (Hoddinott 1967).

The high diversity and abundance of natural resources available to the Gumbaynggirr resulted in a high density of Aboriginal occupation in the North Coast bioregion, particularly around the northern rivers close to the coast. The marine environment coupled with the lush vegetation along the coast at the meeting of the tropical north and temperate south east provided the people with much of what they needed to subsist (NPWS 2003). Food, medicine and material culture were sourced from the surrounding environment. Gumbaynggirr people continue to use natural resources on the coastal plain, hinterland and escarpment for traditional purposes and the sharing of this traditional cultural knowledge down the generations remains important (Arrawarra Culture 2009; Perkins 1997).

Hunting of animals took place along the coastal plain and up into the hinterland and escarpment. A wide variety of game was available and hunted in a variety of ways, both by individuals and as part of concerted group efforts. Descriptions discussed by Ryan (1964:133) include “opossums, kangaroo and wallaby, rat kangaroo and bandicoot, porcupines and snakes, flying foxes [...]. The echidna was looked upon as a delicacy and was carefully cooked by being rolled in clay and baked in ashes, so that the quills came off with the clay after cooking. The Aboriginals ran down kangaroos single handed, following them for hours until they were exhausted and could be speared. At certain seasons they drove the kangaroos to some place where they had fastened nets to trees and added wings of brushwood in some narrow valley. The whole tribe took part in these drives, young men being posted along the drive to take up the running and force the terrified creatures into the nets, where they were soon despatched with spears and waddies”.

Tree-climbing was also undertaken in order to access arboreal game and birds as well as honey from native bees. Climbing was usually undertaken by young men, who would use a tough, flexible vine rope with looped ends, passed around the tree and held in the hands to allow them to ‘walk’ up the tree. For smooth-barked trees, a series of toe-holds were cut into the bark using a stone hatchet (Yeates 1990). Other hunting implements included throwing sticks, boomerangs and spears with varying points including barbed, tapered and even trident-like forms. Spear tips were made from stone or shell. Spears were made both from straight, young saplings and older hardwood that was cut out of larger trunks. Shafts were hardened over flames and polished and seasoned with animal fat (McFarlane 1935).

Coolamon (bark containers) were used for gathering food including fruits, berries, tubers and vegetables and for collecting and transporting water. The leaf sheaths of Bangalow palms were used as water and honey carriers by simply folding each sheath over itself and inserting a sharpened stick through the top of the two arms, so as to form a handle and provide rigidity (Yeates 1990). Bark was also used for shields and canoes. Large sheets of bark from mature swamp mahogany trees were used to make huts (Arrawarra Culture 2009). Kangaroo, koala and possum skins were treated and sewn into cloaks and blankets using fine bone needles and sinew from kangaroo tails as thread. Cloaks were important items as they offered an opportunity for artistic expression laden with social meaning and were practical for warmth and protection from the elements.

Plant resources were used for food, medicine and to make both practical and decorative objects. Nets, bags and snares were made from long strands of fibre obtained from bark of the wild hibiscus bushes which grow along the creeks. Babies were wrapped in soft tea-tree bark, slung in a woven bag and supported on the mother's back by a band passing round her forehead (Thomas 2013). Fishing nets were made from the inner bark of hibiscus and kurrajong trees, which was cleaned, split and spun into strong two-ply string. The string was then knotted or looped to start the net, adding more length to the string until the net was complete (Somerville et al 1999; Arrawarra Culture 2009). Running postman vine was used to weave traps to place in the creeks.

The swamps, wetlands and anabranch channels related to the river and creek systems running through the coastal plain were a rich source of various foods. Aquatic resources including fish, eels, crustaceans and shellfish were utilised, as well as waterbirds and native wetland plants. Birds were captured using nets, traps, and throwing sticks and were a source of both food and feathers. Around Moonee Creek north of the study area, the sandy soils and minkwood trees attracted large numbers of pigeons in the autumn months when the berries ripened. Hunters would lie in wait below the branches and spear or capture the birds when they came to feed (Thomas 2013:5). Wonga pigeons were often hunted in winter, when they would congregate to feed on the flowers of the broad-leaved paperbark (*Melaleuca quinquenervia*) (Arrawarra Culture 2009). Pigeons and other birds were also recorded as game in the areas around Boambee and Banville Creeks (Yeates 1990).

Fishing was a particularly important economic and community activity. Many different fishing methods were used by the Gumbaynggirr to catch fish and are still in use by the contemporary community. Men would fish off the rocks or beach using hooks fashioned from the shells of turban snails, abalone and other molluscs. These shellfish were harvested as a common food source, with the shells subsequently repurposed into tools, hooks and decorative items. Ryan (1964) describes the large mussels in coastal lagoons being particularly prized. Fishing lines were made from the strong inner bark fibres of cottonwood hibiscus (Arrawarra Culture 2009). Fishing was also undertaken from canoes and in community 'fish drives' along a creek chasing fish into a net. Stone fish traps have also been recorded at Arrawarra Headland, with historical descriptions of their use. The traps were baited with scraps of fresh shellfish, meat, or fish heads. Fish entered from an opening in the trap wall at high tide and when a number had swum inside, this opening was blocked off. As the tide ebbed, men would enter the traps with nets and spears to harvest the catch (Arrawarra Culture 2009; Thomas 2013; Yeates 1984). Night-fishing from canoes, armed with spears and torches, was also undertaken at the fish traps and elsewhere along the coast. Canoe fishing was also used to provide large quantities of fish for special occasions, such as gatherings or ceremonies, where several groups would come together for a period of time (Arrawarra Culture 2009).

The sharing of the abundant resources from their lands led to an epithet for the Gumbaynggirr as 'the sharing people' (Arrawarra Culture 2009). Sharing of resources was particularly important when several groups came together for corroborees or ceremonial purposes. Spiritual and ceremonial activity was and continues to be an integral and important part of everyday life. Ceremonies were used to commemorate births, celebrate initiation into adulthood, to honour deaths and burials, and to conduct Men's Business and Women's Business. Traditional Men's Business ceremonies have been attested for Arrawarra Headland, including rain-making and initiation rites. Pigmented ochre was used to paint the body and to perform healing and smoking ceremonies. Gatherings and feasts were also held for social reasons, providing opportunities to trade and share news and stories.

Given the widespread availability and diversity of resources, it has been suggested that Gumbaynggirr people and others on the North Coast lived a more settled lifestyle than other Aboriginal groups, although some seasonal movement to take advantage of specific resources was likely. A main or 'base' camp was therefore likely used as an origination point for numerous temporary, seasonal camps which were relocated frequently to allow the resting of favoured sites and to take advantage of different foodstuffs (Thomas 2013). Each camp would be used by individual family groups or several cooperating families (Henderson 1851 and Lane 1970, in Biosis 2017). McFarlane (1934) describes the larger base camps as being located in protected, well-resourced areas. Aboriginal people had a deep understanding of their landscape, the seasons and the availability of particular resources in the region. Long-term occupation geared towards exploitation of a particular resource (i.e. specialisation) has previously been documented across the North Coast region (NSW Department of Planning 1989).

The region remains important to local Aboriginal people, who have maintained their traditional ties to the area through the sharing of knowledge and lore down generations. Aboriginal culture and cultural heritage is dynamic and continues to evolve in contemporary times. While the ethnohistorical and historical record may be limited in some areas, there is no denying the strong contemporary cultural associations that Aboriginal people and groups hold for the landscape, and the traditional knowledge that has been safeguarded and maintained. It is the aim of the consultation process to illuminate the way in which Aboriginal people relate to the area today, based on their own traditional affiliations, identities and cultural histories. The consultation process to date has identified a number of people who hold a cultural interest in the study area, demonstrating the tangible link that members of the contemporary Aboriginal community retain to the land. Aboriginal cultural heritage values identified during the consultation process enrich our understanding of the area. Existing publications, research and community knowledge for the Coffs Harbour area demonstrates a rich and proudly held Aboriginal cultural landscape (e.g. Arrawarra Culture 2009).

4 Archaeological Context

The study area has been subject to a series of archaeological investigations as part of the project. The investigations have included Aboriginal archaeological surveys and test excavations. This section details the findings of these investigations.

4.1 2017 PACHCI Stage 2 assessment

An Aboriginal archaeological survey report (PACHCI Stage 2 survey report) was prepared for the project by Biosis Pty Ltd in 2017 (Biosis 2017). The assessment comprised an archaeological field survey of the PACHCI Stage 2 assessment area in addition to a comprehensive review of previous archaeological investigations and environmental context. The PACHCI Stage 2 assessment area encompassed an area of approximately 318 hectares that extended along the eastern edge of the escarpment from the Pacific Highway at Boambee in the south and to Korora to the north.

The desktop review included a search of the Aboriginal Heritage Information Management System (AHIMS) and other heritage registers and lists. The AHIMS search identified two previously recorded sites within the current study area: CHSS-3 (AHIMS 22-1-0142) and Coffs Dump (AHIMS 22-1-0195). No other registered Aboriginal archaeological sites or Aboriginal places were found to be recorded or declared in or in close proximity to the PACHCI Stage 2 assessment area.

The review of the environmental context undertaken during the PACHCI Stage 2 assessment determined that it was located within a landscape characterised by three landform groups, described as the escarpment, sub-coastal ramp and coastal plain. The PACHCI Stage 2 assessment area traversed low, level to gently undulating alluvial coastal floodplains with steeper slopes, ridges and valleys sloping down towards the coastal plains around the base of the escarpment behind the Coffs Basin. A total of six general landforms were identified as being present in the coastal plains and sub-coastal ramp: flats, gentle slopes, moderate slopes, steep slopes, ridges and creek banks (Biosis 2017:10).

The PACHCI Stage 2 assessment determined that the construction of roads, utilities and structures in addition to agriculture/horticulture, clearance of native vegetation, landscaping and natural process such as erosion were likely to have had a generally detrimental effect on archaeology. It was noted that the majority of the Coffs Creek catchment area was recognised as disturbed, which would affect its archaeological integrity (Biosis 2017:12). Land clearance and subsequent development was likely to have affected archaeological integrity, especially with respect to surface finds, however the likely survival of sites or areas of potential archaeology deposit (PAD) was considered to be higher in areas of deeper soils. The assessment noted that banana plantations and other agriculture had resulted in substantial localised soil disturbance. A large portion of the PACHCI Stage 2 assessment area was also found to be located in existing road corridors, access tracks, rural residential and agricultural areas resulting in large areas of disturbance (Biosis 2017:39).

The desktop review of previous archaeological investigations demonstrated that the region was utilised for a diverse range of activities by past Aboriginal people. Archaeological sites in the region were predominantly artefact scatters or isolated finds in open contexts, as the region's geology is not commonly conducive to the formation of rockshelters. Overall, archaeological investigations and historical sources were found to support a predominantly coastal habitation pattern, with less intensive use of the sub-coastal (foothills/hinterland) and escarpment landforms; however, the narrow coastal plain in the immediate Coffs area was considered likely to affect the validity of the general regional model.

A predictive model was developed for the PACHCI Stage 2 assessment, based on the following factors (Biosis 2017:26):

- Site distribution in relation to landscape descriptions within the project footprint
- Consideration of site type, raw material types and site densities likely to be present within the project footprint
- Findings of the ethnohistorical research on the potential for material traces to present within the project footprint
- Potential Aboriginal use of natural resources present or once present within the project footprint
- Consideration of the temporal and spatial relationships of sites within the project footprint and surrounding region

The location of previously recorded Aboriginal archaeological sites on AHIMS was examined and analysed against various landscape parameters, including local soil landscape, local underlying geology, distance to water, stream order of nearby watercourses, elevation and landform. Overall, the model considered the potential for open context artefact sites and areas of PAD within the PACHCI Stage 2 assessment to be high:

“Artefact scatters and isolated artefacts are the most common site type found in the Coffs Harbour region. Previous work has identified this site type in any of the local landforms: coastal plain, sub-coastal ramp and escarpment. On the coastal plain these site types are most likely to be present on elevated topography overlooking water sources. Within

the sub-coastal and escarpment landforms these site types are predicted to occur on flat spurs or ridges with lower densities than those on the coast. PADs have been previously recorded in the region across a wide range of landforms. Along the coastal plain, PADs are most likely to exist on elevated topography overlooking water sources. Further inland, they are predicted to occur on low gradient spurs or ridges, particularly close to water sources. PADs have the potential to be present in undisturbed to moderately disturbed landforms” (Biosis 2017:35).

The potential for shell middens, stone quarries and burial sites was considered to be moderate overall, strongly dependent on the occurrence of suitable geology and soil types, with middens considered to be more likely in coastal areas or as small, scattered deposits along the major watercourses. Scarred trees, grinding grooves, rock shelters, Aboriginal ceremony and dreaming sites and post-contact sites were considered unlikely to occur within the study area, given the scale of previous land clearance, unsuitable geology or the lack of recorded historical or contemporary identification of specific cultural values within the actual PACHCI Stage 2 assessment.

The Aboriginal archaeological survey for the PACHCI Stage 2 assessment was undertaken with representatives from the Coffs Harbour and District Local Aboriginal Land Council (CHDLALC). The PACHCI Stage 2 assessment area was divided into 39 survey units. The survey targeted areas which were assessed as having higher archaeological potential, namely crests and rises, as they were considered to possess the highest potential for artefact sites, particularly when located near creeklines. All landforms were sampled over the course of the survey. Overall, ground surface visibility was considered to be poor due to dense vegetation and grass cover. Wherever small areas of exposure were identified, these were closely inspected, however exposures were generally associated with ground disturbance from vehicle movement or farming activities, impacting the likelihood of intact subsurface archaeological objects in these areas (Biosis 2017:44). Despite the lack of surface visibility, it was still possible to assess the archaeological potential based on landform.

The Aboriginal archaeological survey identified two new Aboriginal archaeological sites (CHB6 IF2 and CHB6 AS01) and 20 areas of PAD (PADs 1 to 20). The two previously recorded AHIMS sites (CHSS-3 and Coffs Dump) were revisited and their locations confirmed, although no artefacts were observed at either location. The newly identified sites comprised one open artefact scatter (CHB6 AS01) and one isolated artefact (CHB6 IF2).

Site CHB6 AS01 was located across the crest and saddle of a prominent ridgeline in a banana cultivation area below the escarpment (Figure 6). Artefacts were identified in a series of exposures across access tracks and the adjacent plantation rows. Approximately 50-100 artefacts were identified, including a fragment of a basalt ground edge axe and a multidirectional silcrete core. Artefacts appeared to be eroding out of subsurface deposit and it was considered highly likely for further Aboriginal objects to be present at the site. A large area of PAD was recorded in association with the site (PAD 15).

Site CHB6 IF2 consisted of a hammerstone fragment that was located in a disturbed exposure associated with a dressage ring on a low crest/upper slope landform north of Bruxner Park Road (Figure 6). It was considered that the crest/upper slope landform had the potential to contain subsurface objects and PAD 18 was recorded in this adjoining area to the south. The hammerstone fragment had three negative scars on the proximal end and pecking on the dorsal end and on one side.

The 20 areas of PAD were recorded in varied landform context along the project alignment, but were most common on ridge/crest and upper slope landforms. The lower-lying parts of the landscape were considered to be unfavourable for past Aboriginal use as occupation sites or transit routes, and those PADs identified during the survey within drainage depression and alluvial flat landforms were located on elevated rises providing more stable ground. Overall, the results of the survey were considered to be consistent with the predictive model.

Significance assessment undertaken for the identified sites considered the newly identified sites (CHB6 AS01 and CHB6 IF2) to display moderate significance, based on landform, moderate site condition and association with areas of PAD. Previously recorded sites CHSS-3 and Coffs Dump were considered to display low significance, based on poor site condition and high levels of disturbance, as well as low potential for associated intact subsurface deposit. Impact assessment, based on the PACHCI Stage 2 assessment area, found that all of the identified sites and areas of PAD would be subject to direct impact from construction of the proposal. The PACHCI Stage 2 assessment recommended that the identified areas of PAD be subject to archaeological test excavation in order to determine the nature, extent and significance of any Aboriginal archaeology contained therein.

Beyond the identified Aboriginal sites and PADs, the remainder of the study area was considered to display low archaeological potential due to combinations of archaeologically unfavourable topography, geology, erosion, or the extent of land use disturbance limiting the potential for subsurface deposits. The PACHCI Stage 2 assessment recommended that if Aboriginal sites/PADs could not be avoided by the proposed works, PACHCI Stage 3 assessment would be required, including consultation with Aboriginal stakeholders and preparation of an Aboriginal cultural heritage assessment report (CHAR). Results from the proposed test program would be used to inform the CHAR and EIS.

As the project progressed, the project footprint was refined and three areas of PAD (PADs 11, 13 and 14) were excluded from the impact area.

4.2 2018 Test excavation program

Archaeological test excavation was carried out by KNC and field representatives of registered Aboriginal stakeholder groups in February/March 2018 as recommended by the PACHCI Stage 2 assessment and in accordance with the SEARs and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010a). The test excavation was undertaken at 16 of the 17 areas of PAD within the refined project footprint. PAD 1 was not part of the initial test excavation program due to access restrictions to private property and was part of the subsequent test excavation described below (Section 4.3).

The primary aim of the test program was to determine if intact archaeological deposits were extant at each area of PAD and to assess the nature and extent of these deposits. Test excavation focused on defining the boundary of any subsurface archaeological deposit in relation to artefact distribution and disturbance from land use practices or natural processes.

The test excavation program identified the presence of Aboriginal stone artefacts at 11 of the 16 areas of PAD tested. The 11 archaeological sites identified during the test excavation program consisted of two subsurface isolated artefacts (CHB IF 1-2), six subsurface archaeological deposits with mean artefact densities of less than ten artefacts per square metre (CHB AFT 2, CHB AFT 3, CHB AFT 4, CHB AFT 5, CHB AFT 6 and CHB AFT 7) and three subsurface archaeological deposits with mean artefact densities of over nine artefacts per square metre (CHB6 AS01, CHB AFT 1 and CHB AFT 8). The results of the test excavation program indicated that the presence of Aboriginal stone artefacts and overall artefact density was influenced by landform, topographic location and disturbance.

The three sites where the highest densities of Aboriginal stone artefacts were identified (CHB6 AS01, CHB AFT 1 and CHB AFT 8) were located within different landscapes. Site CHB6 AS01 was situated on a prominent ridge crest, oriented north-south running down from the escarpment above. The ridge crest formed a gentle slope that ascended from the junction of Treefern Creek and Coffs Creek in the south east to approximately 190 metres above sea level. The remaining ascent from the site to the top escarpment would involve climbing slopes with angles of inclination between 20 and 40 degrees. The deposit integrity varied across the test area at CHB6 AS01, with soils on the southern knoll found to be shallow, eroded and severely disturbed, while those on the saddle were disturbed and mixed/redeposited. The greatest soil depths and highest deposit integrity was found on the broad northern knoll where the majority of artefacts had been previously recorded.

A variety of modified artefacts and tools were recorded, including retouched flakes, adze flakes, scrapers, a broken hammerstone/anvil and a number of utilised artefacts. The presence of good quality cores retaining cortex and some heavily cortical artefacts also indicates both primary and secondary production of flaked artefacts on site. The test excavation program demonstrated that an intact and moderate to high density archaeological deposit was present at the site, despite cultivation disturbance from the banana plantation that now covers the ridge.

CHB AFT 1 was located across a low lying narrow spur/knoll overlooking a tributary to Newports Creek to the north and within the North Boambee Valley. The site was a low artefact density, limited artefact types and materials; however, the site exhibited low levels of disturbance and may have had a different function to CHB6 AS01.

CHB AFT 8 was situated on an east-west oriented ridgeline forming part of a series of connected spurs and crests that divide the Coffs Basin from the Korora Basin to the north. Test results indicated that soils across the crest have largely remained in place despite the mixing of the upper A horizon and cultivation disturbance. A variety of artefact types and raw materials were recovered, including good quality quartz. Artefact types included cores, core tools, flakes, retouched flakes and two modified cobbles with pecking, percussion notches and smooth, ground surfaces.

The areas of PAD where very low density or no archaeological deposits were present were located on either floodplains (PADs 3- 5) or slopes (CHB IF 1-2 and PADs 6 and 9). The very low density or absence of artefacts within these areas is likely the result of a combination of unfavourable location and high levels of disturbance from European land use practices and natural processes. The remaining sites were generally situated on crest landforms with the exception of CHB AFT 4 which was located in a gully at the base of the steep slopes descending from the escarpment and contained abundant gravels that appeared to represent a deposit that has accumulated from the surrounding elevated locations.

The more intact and stable deposits identified during the test program occurred on level spur crests and saddles, particularly in the more elevated foothills/hinterland below the escarpment. Despite evident disturbance (particularly from banana cultivation), some intact deposits exhibiting at least moderate archaeological information were found to remain, and had the potential to provide important information on Aboriginal landscape use of these elevated landforms.

Subsequent to the 2018 test excavation, the construction footprint was refined and site CHB6 AS01 was avoided.

4.3 2019 Assessment and test excavation program

Subsequent to the 2018 test excavation program, TfNSW refined the construction footprint and identified several additional locations that may be required as ancillary sites. Several areas of the refined footprint were located outside the previously assessed study area, and were therefore assessed for archaeological potential. The assessment included a desktop review of previous archaeological investigations, landscape context, the results of the 2018 test excavation program and an archaeological survey that was conducted by representatives from KNC and the registered Aboriginal stakeholders.

As a result of the assessment three new Aboriginal archaeological sites (CHB AFT 11, CHB AFT 12 and CHB IF 7) and 13 areas of potential archaeological deposit (PAD) were identified. Three additional areas of PAD (PADs 21, 23 and 26) were identified outside of the revised study area. The assessment also determined that three previously recorded areas of PAD (PADs 11, 13 and 14), located outside the revised study area, were heavily disturbed by modern landuse practices and did not have potential for archaeological deposits. Beyond the identified Aboriginal sites and PADs, the remainder of the previously unassessed area was considered to display low archaeological potential due to combinations of archaeologically unfavourable topography, geology, erosion, or the extent of land use disturbance limiting the potential for subsurface deposits.

An archaeological test excavation program was carried out by KNC and field representatives of registered Aboriginal stakeholder groups between March and May 2019. The test excavation was undertaken at the 12 areas of potential archaeological deposit and PAD 1 which had not been previously tested due to access restrictions. One additional area of PAD (PADs 22) was not tested as further design refinement removed the area from the construction footprint.

The test excavation program was undertaken in accordance with the SEARs and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010a). The primary aim of the test program was to determine if intact archaeological deposits were extant at each area of PAD and to assess the nature and extent of these deposits. Test excavation focused on defining the boundary of any subsurface archaeological deposit in relation to artefact distribution and disturbance from land use practices or natural processes.

The test excavation program identified the presence of subsurface Aboriginal stone artefacts at eight of the 13 tested areas and surface artefacts at one area of PAD (CHB AFT 9). The eight archaeological sites identified during the test excavation program consisted of four subsurface isolated artefacts (CHB IF 3-6), three subsurface archaeological deposits with mean artefact densities of less than ten artefacts per square metre (CHB AFT 10, CHB AFT 14 and CHB AFT 15) and one subsurface archaeological deposit with mean artefact densities of over nine artefacts per square metre (CHB AFT 13). In addition further subsurface artefacts were identified on the landform of CHB AFT 1 and demonstrated that the site continued to the east.

The results of the test excavation program provided additional evidence that the presence of Aboriginal stone artefacts and overall artefact density was influenced by landform, topographic location and disturbance. Site CHB AFT 13 had the highest densities of Aboriginal stone artefacts and exhibited generally good integrity with some localised disturbance. The types of artefacts at CHB AFT 13 were predominantly flakes, flake fragments and angular fragments. The artefact assemblage also included one asymmetrical backed artefact of agate and two multidirectional cores. The two multidirectional cores comprised one large core of agate and one core of fine grained siliceous material. The artefacts were predominantly made from fine grained siliceous material (FGS), with lesser quantities of medium grained siliceous material (MGS), tuff/indurated mudstone (Tuff/IM), quartz and agate.

The areas of PAD where no archaeological deposits were present were located on creek flat (Site 3C and Site 3E) or slope landforms (PAD 25 and Site 3G). The sites where very low density archaeological deposits were present (CHB IF 4, CHB IF 5 and CHB IF 6) were located on slope landforms. Site CHB IF 7 was located on a spur crest; however, the artefact was found within the disturbed context of a demolished structure.

The remaining sites consisted of low density deposits with variable levels of disturbance. The presence of low artefact densities in these areas may reflect transitory or low-intensity landscape use as people moved across Country. Lower-lying landforms and slopes within the coastal plain have also been more heavily affected by sustained European land use, erosion and colluvial mixing, flooding, and more landscape disturbance, potentially affecting the survivability of intact deposits.

4.4 2020 Additional survey and assessment

Further refinements to the construction footprint were made by TfNSW in late 2019, as a result of design and construction amendments following exhibition of the EIS. These were primarily small additions and expansions to the EIS construction footprint to accommodate new and/or revised ancillary and several design amendments.

It was identified that additional archaeological investigation was required to assess the identified areas that were previously outside the construction footprint, with the proposed archaeological investigation to involve additional field survey. The aim of the survey was to identify any new Aboriginal archaeological sites or areas of PAD in the additional areas. The field survey methodology was consistent with that previously used in the assessment of ancillary areas in 2019 and developed in consultation with the registered Aboriginal stakeholders.

The assessment included a desktop review of previous archaeological findings, assessment of landscape context for the additional areas, the results of the 2018 and 2019 archaeological investigations and an archaeological survey. Registered Aboriginal stakeholders were invited to attend the field survey however chose not to participate.

As a result of the 2020 archaeological survey, two previously unidentified Aboriginal archaeological sites (CHB AFT 16 and CHB PAD 27) were identified (refer Appendix G) Both of these sites were located outside of the areas previously assessed for Aboriginal heritage and comprised new recordings in the northern portion of the study area. Given the surface archaeological manifestations at these sites, their landform context, and the existing data regarding site type and distribution available from previous investigations for the project, the newly identified archaeological sites were determined to be consistent with previous findings within the study area. The sites will be further investigated as part of the proposed archaeological salvage program post-approval (refer Appendix E).

Beyond the identified Aboriginal sites, the remainder of the additional areas within the revised construction footprint were considered to display low archaeological potential due to combinations of archaeologically unfavourable topography, geology, erosion, or land use disturbance.

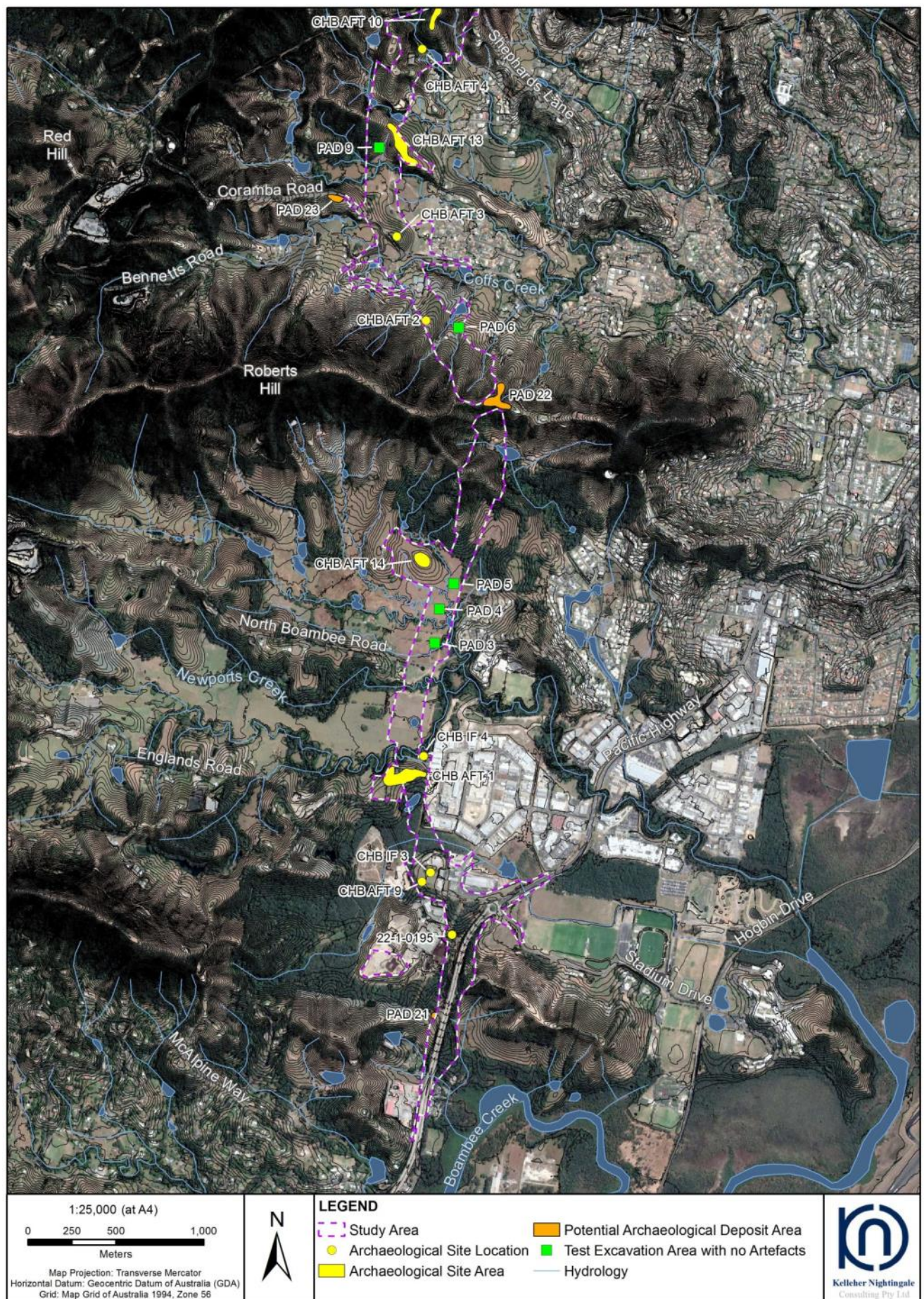


Figure 5. Archaeological sites and areas of PAD identified during archaeological investigations – southern section

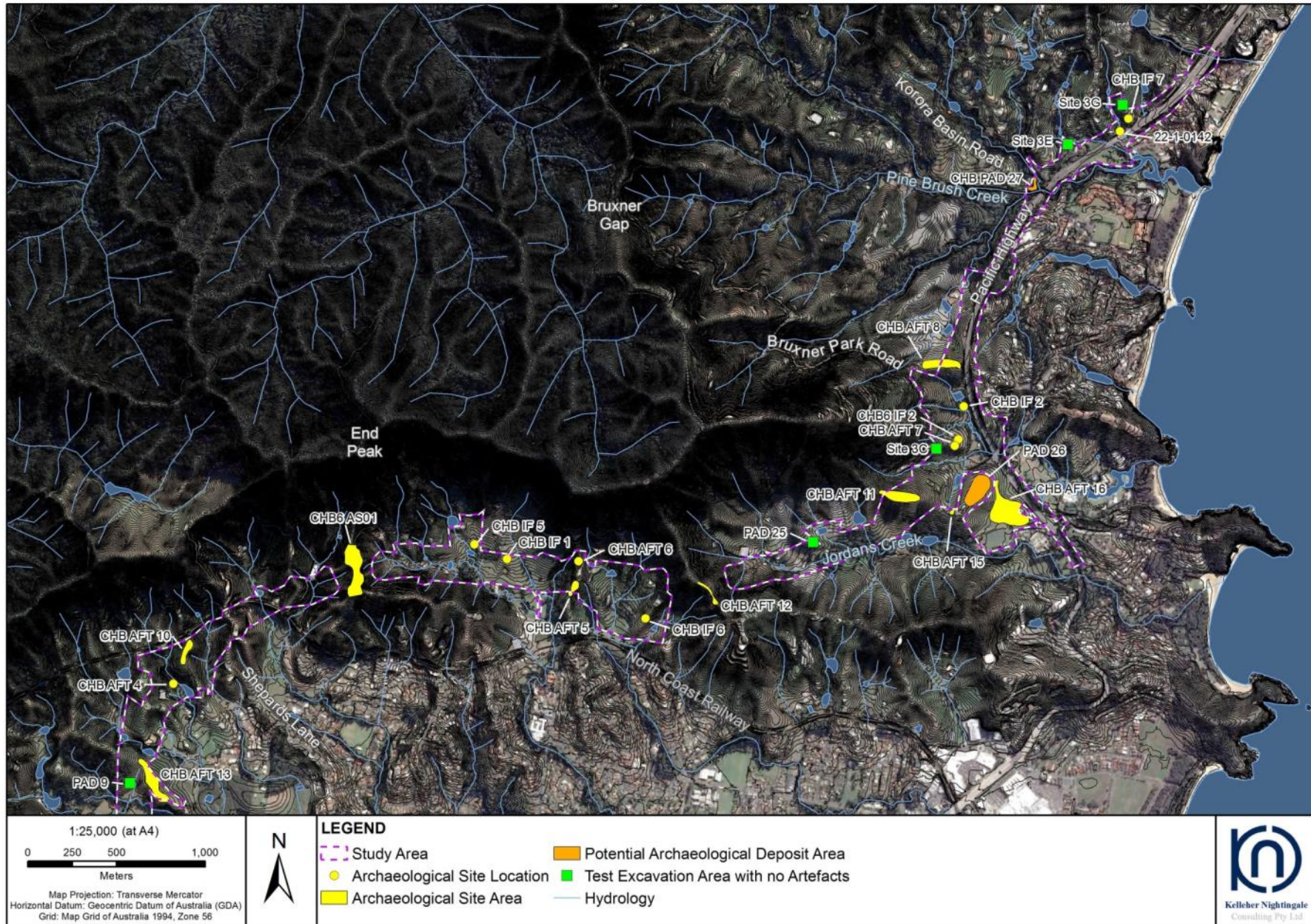


Figure 6. Archaeological sites and areas of PAD identified during archaeological investigations – northern section

5 Aboriginal Community Consultation

5.1 Aboriginal stakeholder consultation overview

TfNSW is committed to effective consultation with Aboriginal communities regarding TfNSW activities and their potential for impact on Aboriginal cultural heritage. The PACHCI was developed to provide a consistent means of effective consultation with Aboriginal communities regarding activities which may impact on Aboriginal cultural heritage and a consistent assessment process for TfNSW activities across NSW.

The aim of consultation is to integrate cultural and archaeological knowledge and ensure registered stakeholders have information to make decisions on Aboriginal cultural heritage. For the preparation of this CHAR, consultation with Aboriginal people has been undertaken in accordance with the project SEARs, the PACHCI, the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (OEH 2010b) and the requirements of Clause 80C of the *National Parks and Wildlife Regulation 2009*.

TfNSW advertised and contacted potential Aboriginal stakeholders identified from government agency notification responses. TfNSW invited Aboriginal people who hold knowledge relevant to determining the cultural heritage significance of Aboriginal objects and Aboriginal places in the area in which the proposed activity was to occur to register an interest in a process of community consultation. Investigations for the project have included consultation with nine Aboriginal community groups and individuals as listed in Table 2.

Table 2. Registered Aboriginal Parties (RAPs)

Organisation/Individual Name
Jagun Aged Care Elders
National Koori Site Management
Norman Archibald
Kullila Site Consultants
Wanggaan Gumbaynggirr Corporation
Gumbaynggirr People application (via NTSCorp)
Coffs Harbour and District Local Aboriginal Land Council (CHDLALC)
Garby Elders Aboriginal Corporation
Muurrbay Bundani Aboriginal Corporation

The formal consultation process has included:

- Advertising for registered stakeholders (Appendix A) in the *Koori Mail* (27/07/2016), *National Indigenous Times* (28/07/2016) and *Coffs Advocate* (27/07/2016)
- Government agency notification letters
- Notification of closing date for registration
- An Aboriginal Focus Group (AFG) (1) meeting held on 28 June 2017 to discuss archaeological assessment methodology and cultural assessment (refer Appendix B)
- Provision of proposed archaeological assessment methodology (28 day review period) outlining the methodology to prepare the CHAR and undertake the test excavation
- Follow-up AFG (2) meeting on 8 February 2018 to further discuss the test excavation methodology and additional matters relating to the incorporation of Aboriginal cultural knowledge in the assessment (refer Appendix B)
- Provision of draft CHAR (version 1 August 2018) for review (28 day review period provided)
- A third AFG (3) meeting was held on 13 September 2018 to discuss investigation results, draft CHAR (version 1) and detailed mitigation strategies (minutes Appendix B)

Following TfNSW design refinements related to ancillary areas:

- A fourth AFG (4) meeting on 11 February 2019 to provide a project update and discuss potential ancillary areas and Aboriginal stakeholder comments from the draft CHAR (version 1) related to the previous 2018 concept design
- Consultation undertaken during fieldwork for the second round of survey and test excavation (2019) to determine any additional Aboriginal archaeological or cultural areas
- A fifth AFG (5) meeting on 23 September 2019 (refer Appendix B) during exhibition of the EIS to discuss the findings of the 2019 investigations, updated draft CHAR, cultural salvage options, and ongoing assessment pathways

As part of ongoing consultation with the local Aboriginal community, the following has also been undertaken:

- Provision of updated draft CHAR (version February 2020) for review (28 day review period provided)
- AFG (6) held on 10 March 2020 to discuss 2020 investigation results, draft CHAR and detailed mitigation strategies including proposed cultural salvage
- Further AFG (7) / workshop held on 30 April 2020 to discuss cultural salvage methodology and management recommendations

5.2 PACHCI Stage 2: Survey and cultural assessment report

Aboriginal community consultation and involvement in the project was commenced as part of the PACHCI Stage 2 archaeological investigations undertaken by Biosis (2017). Background information gathering included a review of previous cultural heritage assessments and information available for the study area. A discussion of available landscape resources in the area was informed by previous work undertaken by Gumbaynggirr knowledge holders to record past and present food resources in the region (see Biosis 2017: section 3.1.4). Known sites of special cultural significance were also identified, including Roberts Hill and associated ridgelines. The landmark hill and ridgeline forms part of a travel corridor facilitating the movement of people between the Orara River valley, across the hinterland and down into the Coffs Basin and the coast.

The presence of archaeological sites on this landscape feature provides a tangible, physical link to this Aboriginal landscape use, including important objects such as ground edge axes/hatchets which have been reported during previous assessments in the area. Gumbaynggirr cultural knowledge is therefore a valuable resource for understanding and informing the context of the archaeology in the landscape.

The archaeological field survey was conducted in consultation with the CHDLALC. Site officers Luana Ferguson and Ian Brown attended the survey over eight days in June, August and September 2016. Subsequent to the field survey, CHDLALC provided a survey and cultural assessment report for TfNSW in accordance with the PACHCI. The comments were incorporated into the assessment and included in the PACHCI Stage 2 survey report.

The CHDLALC report identified Roberts Hill as a significant travelling route from the Orara Valley through to Coffs Harbour and then through Bruxner Park Road and Korora West. The study area also crosses the Gumgali Track, a landscape feature with mythological significance which tells the story of how Gumgali the black goanna moved down from the escarpment at Korora Lookout to the sea off MacCauleys Headland. The report noted that “the Gumgali track and its associated creation story is very significant for Gumbaynggirr people”.

Following the survey, CHDLALC identified that all sites and potential sites within the area displayed cultural significance, given their ability to add to existing cultural knowledge about Gumbaynggirr ancestors and their movements and activities through Gumbaynggirr Country. In particular, Senior Aboriginal Cultural Heritage Officer and Knowledge Holder Ian Brown identified newly recorded artefact scatters site CHB6 AS01 as displaying high cultural significance as it appeared to be in situ. CHDLALC acknowledged the high levels of previous disturbance across some parts of the study area but noted that Aboriginal cultural heritage features (including archaeological sites) remained present throughout the landscape. This includes mythological sites, which are bound to the cultural story of the landscape and persist even when physical features are disturbed or absent. The ongoing connection of the contemporary Gumbaynggirr community to the landscape was also emphasised, with it being noted that traditional bush foods and medicines were frequently used and activities such as hunting and fishing were undertaken. This knowledge and lore remain an important aspect of contemporary Aboriginal culture and identity.

5.3 Proposed CHAR methodology

Following completion of the PACHCI Stage 2, an assessment methodology for the PACHCI Stage 3 cultural heritage assessment report and proposed test excavation program was prepared. This was provided to RAPs for a 28 day review and comment period, with an additional extended review periods provided for later registrants. RAPs were also invited to attend an Aboriginal Focus Group meeting (AFG) to discuss the methodology and the cultural heritage assessment process. RAPs were also invited to apply for Site Officer positions to attend the test excavation program.

The AFG was held on 28 June 2017 and a number of RAPs attended including representatives from Garby Elders, Jagun Aged Care Elders and CHDLALC. Minutes are attached in full as Appendix C. Specific topics from the meeting included discussion of the existing archaeological context of the study area and previously recorded sites along the proposed alignment. A high level of knowledge existed among RAPs about previous studies in the area and the location of significant sites, including around the new residential area near Shepherds Lane. The connection of sites through the landscape was also identified as significant, regardless of the presence of artefacts.

Further discussion occurred about the requirement for testing to follow the *Code of Practice* in accordance with the SEARs and the use of 50cm x 50cm test squares. RAPs expressed concerns that small test pits of this size would not adequately capture site conditions. It was noted during subsequent correspondence that there was some flexibility here, i.e. test squares could be combined into larger units where required.

The long-term care and storage of artefacts recovered by the test program was also raised, and the possibility of a Care and Control permit or similar was discussed, to be determined following community review of the Stage 3 report and mitigation options.

RAPs were asked to nominate or identify cultural knowledge holders for the study area who could participate in the cultural heritage assessment, especially to provide information and advice on intangible aspects of the area's Aboriginal heritage. The protocol for the storage and dissemination of such information was also discussed. Logistics around the employment of site officers and the fieldwork was the following topic of discussion, with RAPs encouraged to submit site officer applications and any additional comments on the methodology. It was confirmed the Aboriginal community consultation for the project was in accordance with the PACHCI, project SEARs and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

A follow-up meeting was held on 08 February 2018 with a representative from DPIE in attendance to further discuss the test excavation methodology and additional matters relating to the incorporation of Aboriginal cultural knowledge in the assessment. Further discussion of the consultation process centred on the need to gather further information from the appropriate cultural knowledge holders, and the form this would take in the assessment, as in this regard the PACHCI Stage 2 report was a good starting point but more work would be required.

The DPIE representative clarified the requirements of the *Code of Practice* and that this would need to be followed for the test excavation. It was noted that certain types of sites such as mythological sites had intangible aspects that could not be captured by a test excavation and that further work on these was needed as part of the overall assessment. The importance of capturing cultural as well as scientific knowledge was acknowledged. This included other aspects such as local food resources/plants and environmental aspects of the area. The sensitivity of cultural knowledge and the need for confidentiality was also discussed, with the level of appropriate access to be decided as part of the final report. This type of information in the report can be kept confidential. After confirming that the excavation methodology would need to maintain some flexibility, attendees confirmed that they were comfortable with the test methodology.

5.4 Aboriginal cultural heritage values

The study area has cultural value for the local Aboriginal community. The identified cultural value is a feeling of attachment and responsibility for the land. These values become tangible when tied to identified Aboriginal objects found at archaeological sites. In this way, the Aboriginal objects can be seen as exhibiting both scientific information and cultural meaning, knowledge about the past tied with social values and belief systems. The presence of Aboriginal objects is not required for a site to hold value for the Aboriginal community. Aboriginal sites may have social, spiritual or landscape values which are not tangible. Some of the Aboriginal cultural heritage values expressed by stakeholders for the project footprint and wider region include:

- Ancestral association with the land, including connection and descentance from the original traditional owners
- Responsibility to look after the land, including the heritage sites, plants and animals, creeks, rivers, ocean and the land itself
- Artefact sites and landscape features
- Culturally modified trees
- Connectivity of sites and pathways throughout the landscape
- Creek lines, particularly larger landscape features and waterways
- Indigenous plants and animals
- General concern for burials, as their locations are not always known and they can be found anywhere.

Detailed values expressed by stakeholders about specific archaeological sites within the study area will be included in this section following review of the draft CHAR and finalisation of the detailed cultural assessment. The EIS for public display will not include any specific cultural information that the Aboriginal parties have stated is confidential or identify individuals contrary to their privacy requests.

5.5 CHAR review

Draft CHAR version 1 (based on the 2018 concept design) was issued in August 2018. An AFG (3) was held to discuss the results of the archaeological assessment, test program and detailed cultural assessment. Following the meeting a letter from Coffs Harbour and District Local Aboriginal Land Council, Jagun Aged Care Services and Garby Elders Aboriginal Corporations was issued to TfNSW outlining a range of concerns: the identification of PADs (with the position that additional PADs were present); images used in the cultural assessment; geotechnical testing; bullying and harassment; rates of pay; confidentiality of cultural information; preference for tunnels; cultural heritage inductions for construction workers and flexibility for site officers to attend cultural events.

To address the concerns raised, AFG (4) was held (11 February 2019) which provided an opportunity to also discuss the proposed design changes to include ancillary areas. Minutes of AFG (4) are in Appendix B. Following the meeting it was agreed that additional archaeological and cultural value investigation was required to assess the design refinement and ancillary areas. Part of this process involved a survey and test excavation program, which would aim to identify any new PADs/site related to the boundary changes caused by refinements/additions to the project area. It was agreed that the same methodology used during 2018 would apply for the 2019 program. It was also agreed that improved communications would address concerns regarding: geotechnical activities, disagreements, confidentiality, and the attendance of site officers at cultural events. The meeting noted the increased pay rates for site officers from July 2018.

An update to the draft CHAR (July 2019) incorporated the design refinements, ancillary areas, Aboriginal stakeholder comments, updated survey and a second round of archaeological test excavation. This version was provided to registered Aboriginal stakeholders for review and comment. A further AFG (5) was held on 23 September 2019 to discuss the findings of the updated assessment. Minutes are attached in Appendix B. Key subjects of the AFG included the registration of an additional stakeholder group, Muurrbay Bundani Aboriginal Corporation (refer Table 2), discussion of archaeological findings from the most recent field assessment, confirmation of key archaeological salvage areas and requirements, clarification of ongoing assessment requirements post-EIS and project approval, discussion of Aboriginal participation in the project workforce, and discussion of cultural salvage via grader scrapes for the community to collect artefacts.

Further updates to the draft CHAR were undertaken in early 2020. This was following review of submissions on the EIS and design changes which required additional construction areas outside of the then-project boundary. It was identified that additional archaeological investigation was required to assess the identified areas that were previously outside the project footprint, with the proposed archaeological investigation to involve additional field survey. RAPs were invited to participate in the field survey but did not attend. This version of the CHAR (v0.11) incorporated the findings of the additional assessment and was issued to RAPs for review and comment in March 2020.

This version of the CHAR also included additional recommendations relating to cultural salvage at certain archaeological sites, resulting from comments made at AFG 5 and correspondence received following review of the previous draft CHAR (see Appendix D). The RAPs identified during the consultation process that they considered cultural salvage at these locations by the Aboriginal community would strengthen the existing proposed archaeological mitigation measures. The cultural salvage process is independent of the existing recommended archaeological salvage program, and would take place after the completion of archaeological activities at the sites. Cultural salvage is considered most likely to recover cultural material at sites of at least moderate archaeological significance, at the same locations where salvage excavation is to be undertaken. A proposed cultural salvage methodology was developed and is attached as Appendix F. The cultural salvage methodology was reviewed by RAPs during the draft CHAR period.

TfNSW held a further AFG (6) during the review period to further discuss the findings of the overall assessment and the proposed cultural salvage methodology. AFG (6) was held on 10 March 2020, with minutes included in Appendix B. Key subjects/outcomes at AFG (6) included discussion of the location of certain geotechnical works along Spagnolos Road (it was clarified that these were not within the site area of CHB AFT 10), further discussion of the PACHCI and the overall consultation process, and potential review of the PACHCI. There was also general discussion of the timeline for the next six months of work on the project, and the timing and requirement for site works and site officers. It was confirmed that the application process for site officers had now closed.

Additional clarification and discussion was provided around the archaeological assessment process for the project, from its inception through to the current CHAR. The process for identifying PADs and sites, the involvement of RAPs at each stage of assessment, previous comments by RAPs and the findings of the additional surveys to date were included. The preparation of factsheets for RAPs and potential cultural awareness posters for the display office was also discussed. Following the AFG, TfNSW provided additional information to RAPs via email and post regarding the abovementioned geotechnical works and 2020 field survey. Hard copies of the CHAR and the PACHCI were also issued to all stakeholders as a result of a request made at the meeting, and the review period was extended by one week to accommodate further submissions.

One formal comment was received on the updated draft CHAR, comprising a combined submission from CHDLALC, Garby Elders Aboriginal Corporation, Jagun Aged and Community Care Ltd and Muurrbay Bundani Aboriginal Corporation. Comments on the CHAR were appended to the EIS submission made by this group of stakeholders. Specific comments relating to the CHAR were provided on:

- a) proposed collection of Aboriginal objects within the construction corridor (i.e. cultural salvage) and
- b) the ongoing management of Aboriginal heritage before and during construction.

Regarding cultural salvage, RAPs stressed the equal importance of all identified Aboriginal objects, noting that all were equally culturally significant regardless of assessed archaeological significance. In this light, cultural salvage was requested for all sites within the project corridor.

KNC and TfNSW appreciate that cultural significance of identified sites is determined by the Aboriginal community and support the recommendation for surface collection at all sites where surface artefacts are located. Surface collection or cultural salvage at other locations is problematic given the paucity of Aboriginal objects and absence of cultural material on the ground surface.

As previously discussed with RAPs and proposed in the draft CHAR, additional cultural salvage would be therefore be undertaken at all archaeologically salvaged sites, which have been assessed as displaying at least moderate archaeological significance. These sites offer the best opportunity for the recovery of cultural material.

RAPs strongly agreed with the recommendation for the development of an Aboriginal heritage Management Policy for the project. This included the development of an Aboriginal cultural heritage map to provide guidance for management of cultural heritage areas within or near the corridor during construction works. In particular, it was stressed that successful implementation of the policy would rely on the contractor having access to appropriate expertise. It was suggested that the use of Aboriginal cultural safety officers would be an effective solution to monitor potential unexpected finds, identify heritage and support the construction of the bypass within the areas identified in the Aboriginal cultural heritage map. This could include the development and delivery of Cultural Safety Inductions for contractors.

RAPs also provided additional comment on the expansion of a proposed ancillary area within Site B: Gumgali Storyline & Pathway, noting that “it has been consistent throughout survey work that archaeological deposits are consistently found within the cultural values and storylines”. It was therefore recommended that this area be subjected to additional survey. Field survey was undertaken in early 2020 prior to preparation of v0.11 of the draft CHAR, and confirmed that an Aboriginal site was located within this area (CHB AFT 16). The updated draft CHAR includes the recommendation for both archaeological salvage mitigation and additional cultural salvage at the site.

RAPs stated the need to contribute to the development of the salvage methodologies. The proposed salvage methodology was included with each CHAR review and discussed at all AFG meetings. The proposed CHAR archaeological salvage methodology represents best-practice and is inline with DPIE guidelines. Where possible RAP recommendations have been incorporated (e.g. inclusion of grader scrapes). The response also included recommendations on further negotiation between TfNSW and CHDLALC regarding an undetermined land claim near Englands Road.

The Biodiversity and Conservation Division (BCD) of the Energy, Environment and Science Group within DPIE also reviewed and provided comments on the draft CHAR. Their response is included in Appendix H. BCD supported the inclusion of cultural salvage and supported ongoing consultation and engagement between TfNSW and RAPs as the project progresses.

A further AFG(7)/workshop to discuss the salvage methodology including the scope of the cultural salvage was held online on 30 April 2020. Minutes are included in Appendix B. Following the meeting, a written response was prepared by a combined group of RAPs outlining their key concerns/question raised at the workshop. This is attached in Appendix D. RAPs provided further comment on the number of sites to be culturally salvaged, number of participants and the cultural salvage field methodology, as well as recommendations for the involvement of RAPs ongoing assessment and the development of a Cultural Heritage Management Plan.

RAPs reiterated their request that all sites within the impact corridor be subject to cultural salvage. KNC and TfNSW appreciate that cultural significance of identified sites is determined by the Aboriginal community and support the recommendation for surface collection at all sites where surface artefacts are located. A noted previously, surface collection or cultural salvage at other locations is problematic given the paucity of Aboriginal objects and absence of cultural material on the ground surface. TfNSW’s preferred approach is to give RAPs the opportunity to undertake cultural salvage at all archaeologically salvaged sites which have been assessed as displaying at least moderate archaeological significance and intactness as these sites offer the best opportunity for the recovery of cultural material. RAPs requested the opportunity for two representatives from each RAP to participate in the cultural salvage, to which TfNSW agreed, and the methodology in Appendix F has been updated accordingly.

RAPs requested that following the completion of archaeological excavation, the archaeological salvage results at each site be provided to RAPs to inform the cultural salvage of these locations. The cultural salvage methodology has been updated to include provision for RAPs to receive the results prior to cultural salvage taking place. It was also clarified that mechanical grader scrapes would be used to expose the ground surface and assist with cultural salvage, but no mechanical excavation or mechanical sieving would be undertaken. RAPs requested that tree clearings should be subjected to root ball inspections as part of cultural salvage, and the methodology has been updated to include provision for this activity. It was also clarified that artefacts recovered from cultural salvage would be in the care and custodianship of the Aboriginal community, for their own community benefit and to assist with cultural learning.

The timeframe for cultural salvage at each identified site was also extended following RAP requests, and the methodology has been updated accordingly to allow for not more than two days per nominated site, noting that some sites may contain more material than others.

This provides flexibility for the RAPs to adjust the location and duration of cultural salvage as long as no more than two days is spent at each site and as long as cultural salvage occurs within the site boundaries determined by the archaeologist.

RAPs stated that any future assessments pertaining to Aboriginal culture and heritage for the project should be done with the inclusion and knowledge of RAPs. Management procedures for the project, including a specific process for continued consultation with RAPs, are outlined in section 10.4 of the CHAR and will be used to determine the requirements for additional community consultation as the project moves forward.

5.6 Detailed cultural assessment

TfNSW recognises the importance of cultural knowledge and the acknowledgement and incorporation of this has been a key feature of Aboriginal community consultation to date. For this reason, Waters Consultancy was engaged to prepare a detailed cultural assessment of the study area (Waters Consultancy 2020). Identified cultural values resulting from this assessment form part of the overall cultural heritage assessment and relate to intangible heritage values of the study area. The full report is attached as Appendix C.

The study area for the detailed cultural assessment comprised the construction footprint (CHAR study area) with a 200 metre buffer on either side. The cultural values assessment has been undertaken in consultation with knowledge holders, as identified by the RAPs, regarding historical and cultural values within this study area. As a result of the cultural assessment process, five specific sites of intangible cultural significance have been identified. All are located partially within the study area. These sites include storylines, pathways and camping sites. A number of locations in the surrounding landscape were also identified as holding cultural significance, these included ancestral figures in the landscape, ceremonial grounds, birthing sites, ritual increase sites, women's and men's business sites, burial places, occupation sites, resource areas, and high points that provide lines of sight. A summary of the methodology and findings of the assessment is presented below (after Waters Consultancy 2020) with the full report attached as Appendix C.

5.6.1 Cultural assessment methodology

Consultation with Aboriginal knowledge holders is a key component to the assessment of Aboriginal cultural heritage values. As stated in the guidelines produced by the International Council on Monuments and Sites (ICOMOS) on the application of the Burra Charter to Indigenous heritage:

Indigenous people are the relevant knowledge-holders for places of Indigenous cultural significance. Their traditional knowledge and experience must be appropriately used and valued in the assessment of places. Advice may need to be sought on who are the relevant knowledge holders. (Australia ICOMOS 2013).

The assessment of Aboriginal cultural heritage values was undertaken collaboratively with the Aboriginal community and identified Aboriginal knowledge holders. This is consistent with the guidelines for the assessment of Aboriginal cultural heritage produced by DPIE.

On 28 June 2017 an AFG meeting was held and a verbal invitation was given for the nomination of cultural knowledge holders by 31 July 2017. On 5 December 2017 TfNSW sent a follow up letter to government agencies and parties nominated by government agencies as potential cultural knowledge holders. As a result of this process four individuals were nominated as cultural knowledge holders. In March 2018 Waters Consultancy were engaged to undertake an Aboriginal cultural values assessment. On 24 April 2018 TfNSW sent an email to all RAPs notifying them of the engagement of Waters Consultancy and of the proposed cultural assessment methodology.

Attempts were made by Waters Consultancy in late April and June 2018 to contact all registered individuals by telephone, email or letter. All RAPs were spoken with directly other than the Wanggaan Gumbaynggir Corporation and the Gumbaynggir People applicants. For these two groups only one individual, a member of both groups, could be contacted. No response was received from the other individuals, including the Chairperson and Secretary. As a result of these discussions a further three cultural knowledge holders were identified giving a total of seven identified individual knowledge holders. Detailed face-to-face interviews have been conducted with three of the knowledge holders and a telephone discussion and subsequent face to face meeting occurred with one knowledge holder and a telephone discussion only with one knowledge holder. One knowledge holder decided on further discussion that they had no cultural knowledge directly relevant to the project impact area and chose not to participate. One knowledge holder was overseas at the time of the assessment and was contacted by email but was not in a position to engage in further discussions, a copy of the draft report was provided to allow him an opportunity to comment. Further details regarding consultation are available in Appendix C.

The identified knowledge holders spoken with provided cultural and historical information on the broader cultural landscape of the region. This information has informed the assessment process in relation to the cultural heritage values and significance of the broader region. Consultation with the knowledge holders has identified five intangible cultural sites within the study area (discussed further below).

5.6.2 Cultural landscape of the Coffs Harbour area

The understanding and perception of the landscape expressed by the knowledge holders, and by the community more broadly, is as an area traversed by an interconnecting network of physical, social and spiritual meanings. The term 'associative cultural landscape' has come to be used within the international heritage profession to refer to such complex understandings of landscape. The World Heritage Convention of UNESCO defines an associative cultural landscape as one that has "powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent".

Mythological sites and beings are imprinted in the topography of the landscape and the energy or sentience of the mythological being is understood as remaining in the physical environment. In this sense the mythological beings, and their pathways, are seen as animating the landscape. This belief system is common to all totemic Australian geographies. This inscription of meaning onto the landscape applies not only to the actions of mythological beings but also to the actions of the ancestors and events in historical time. The inscription of meaning onto the landscape, a process captured in the term Dreaming, is not restricted to a distant and mythological past but is a continuous cultural process, "... a way of 'pre-understanding' that 'signs and topographises' the land, provided a culturally conditioned conceptual framework within which people are empowered to create new meanings" (Tamasari and Wallace 2006:215).

All of the knowledge holders identified the study area as being located within a culturally significant landscape. The documentary record and the knowledge holders identified a range of places of cultural significance within the broader area that the project sits within, demonstrating the cultural richness of the Coffs Harbour landscape and people. As one knowledge holder stated:

I was born at a time when culture was still very very strong... and it's still strong to us today, very powerful beliefs and see in our culture once we have that belief we can't break that, that's forever, which means there's a lot of spiritual thing we believe in still, all of that. We come through a very bad time as kids, a time where our cultural movements were sort of taken from us... but we still know a lot about what was back in time and even some of the Dreamtime things, we still retain that because we learnt that from our old people who are not with us today.

The places of cultural significance identified by the knowledge holders include ancestral figures in the landscape, ceremonial grounds, birthing sites, ritual increase sites, women's and men's business sites, burial places, occupation sites, resource areas, and high points that provide lines of sight. The pathways or songlines/storylines that traverse the region weave all these places and sites into an interconnected network. One knowledge holder alluded to this pattern of movement in explaining that the people of the region are linked to both the coast and the inland:

We're saltwater/freshwater people here, land/sea people. Obviously that seasonal movement, coming down to the ocean in the wintertime 'cause of the better conditions, too cold up in the valley and the mountains, travel back up in the summertime when it's cooler and to harvest the fresh water turtle, it's coming up just as spring's coming. And [we travelled] also for initiation ceremony up in the Orara Valley.

The songlines/storylines or pathways are understood by all of the knowledge holders as linking communities for reasons of ceremony, lore, harvest sharing, trade and marriage. A range of cultural values, significance and meaning is present in the Coffs Harbour landscape as known through both contemporary Aboriginal communities understandings and the documentary record.

5.6.3 Identified cultural sites

Consultation with the knowledge holders has identified five specific areas of cultural significance (Plates 88-92). All five intersect the CHAR study area. In addition, it is acknowledged that the archaeological record, that is the tangible material objects themselves, hold significant cultural value to Aboriginal people of the region and that this value has been expressed during consultations with the RAPs and the identified knowledge holders. The nature of cultural significance is such that it is an ongoing process that must allow for the attachment of cultural values and significance to emerging archaeological sites. As such it is acknowledged that the material objects uncovered as a result of archaeological investigation, and the locations from which they were retrieved, can and do hold significant cultural value to Aboriginal people of the region and that this has been specifically expressed in relation to the investigations that have occurred within the project footprint. In addition, plant and animal species, and wild resource use places, hold cultural value for their links to cultural activities, including resource gathering, to cultural stories that retain and transmit knowledge and for their spiritual and religious significance. The knowledge of country includes knowledge of landforms, waterways, plants, animals and the ways in which these all come together to form specific local ecosystems. This knowledge links the environment to spiritual, ethical and community values and is "... an integral part of people's life and knowledge systems." (English, 2002: 24).

A summary of the identified cultural sites and their assessed significance is presented below. Detailed cultural significance assessment for each site is available in Waters Consultancy 2020, Chapter 9 (Appendix C).

5.6.3.1 Site A: Roberts Hill Pathway

A culturally significant pathway running from Corambirra Point to the Orara Valley including Roberts Hill Ridge.

This pathway has High Significance to the local Aboriginal community as a key pathway connecting the coast with the Orara Valley and traversing the culturally significant Roberts Hill Ridge. This cultural significance is a result of the pathway's association with traditional patterns of movement and resource use, the Roberts Hill Ridge that is considered a cultural significant site, and with the intangible story lines that link the coast to the inland valleys. This pathway links to the culturally highly significant Corambirra Point and Giidany Miirlalr (Muttonbird Island area).

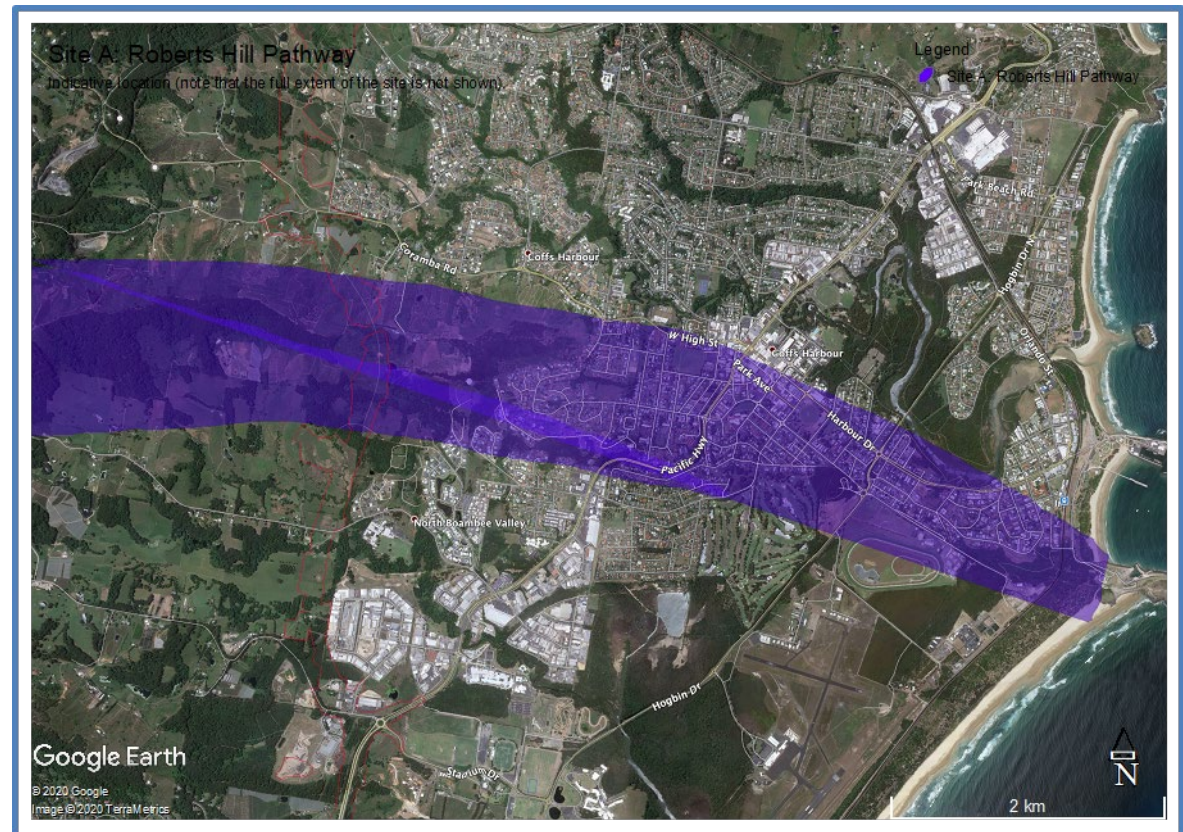


Plate 1. Site A: Roberts Hill Pathway cultural site (Waters Consultancy 2020: Figure 3)

5.6.3.2 Site B: Gumgali Storyline & Pathway

A culturally significant storyline and associated pathway running from Macauleys Headland to Sealy Point and through to Mount Coramba and the Orara Valley and Nana Glen.

The Gumgali storyline pathway is of Very High Significance to the local Aboriginal community. This cultural significance is a result of the pathway's association with the Gumgali or black goanna Dreaming storyline. The pathway links to other key sites within the region including Mount Coramba.

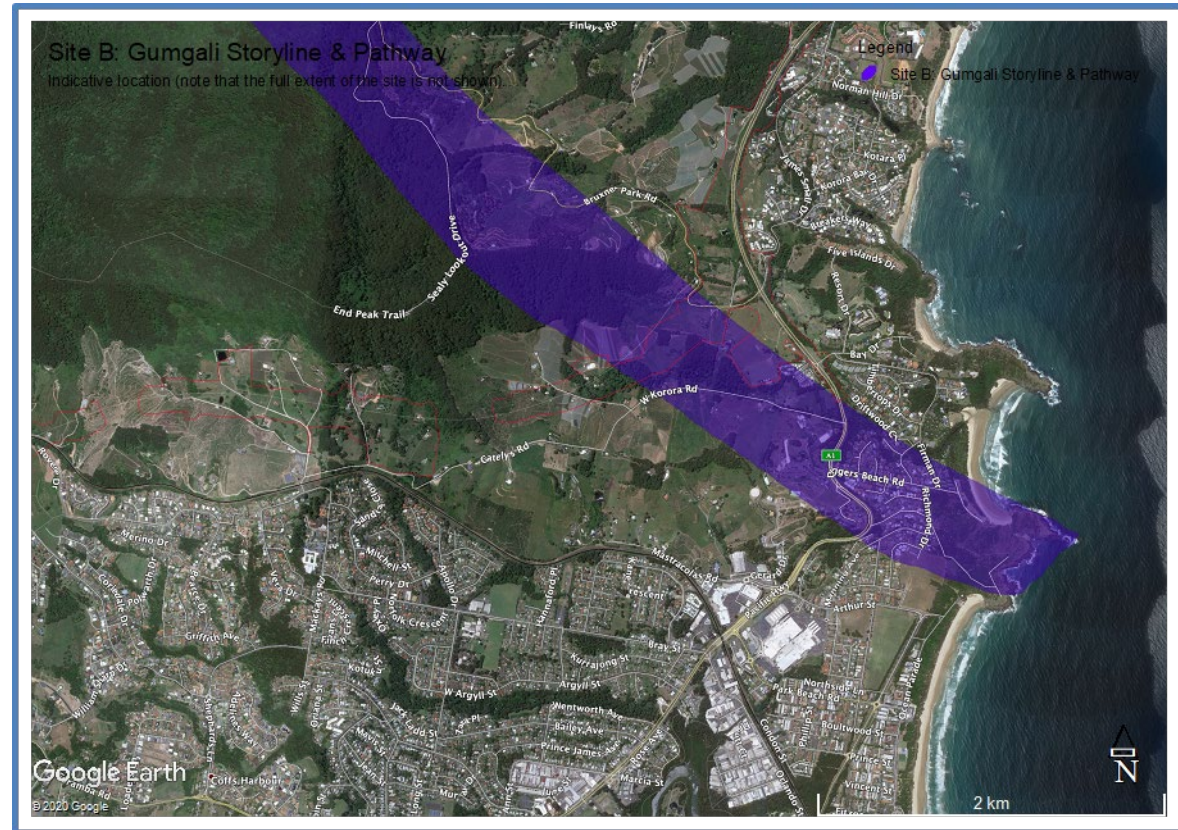


Plate 2. Site B: Gumgali Storyline & Pathway cultural site (Waters Consultancy 2020: Figure 4)

5.6.3.3 Site C: Sealy Point Pathways

A culturally significant pathway linked to the pathway following the Gumgali storyline (Site B); running along Sealy Point to the Orara Valley, Mount Browne, the Coffs Creek headwaters, and the Roberts Hill pathway (Site A).

The Sealy Point pathways are of High Significance to the local Aboriginal community. This cultural significance is a result of the pathway's association with traditional patterns of movement and resource use and with the intangible story lines that link the coast to the inland valleys.

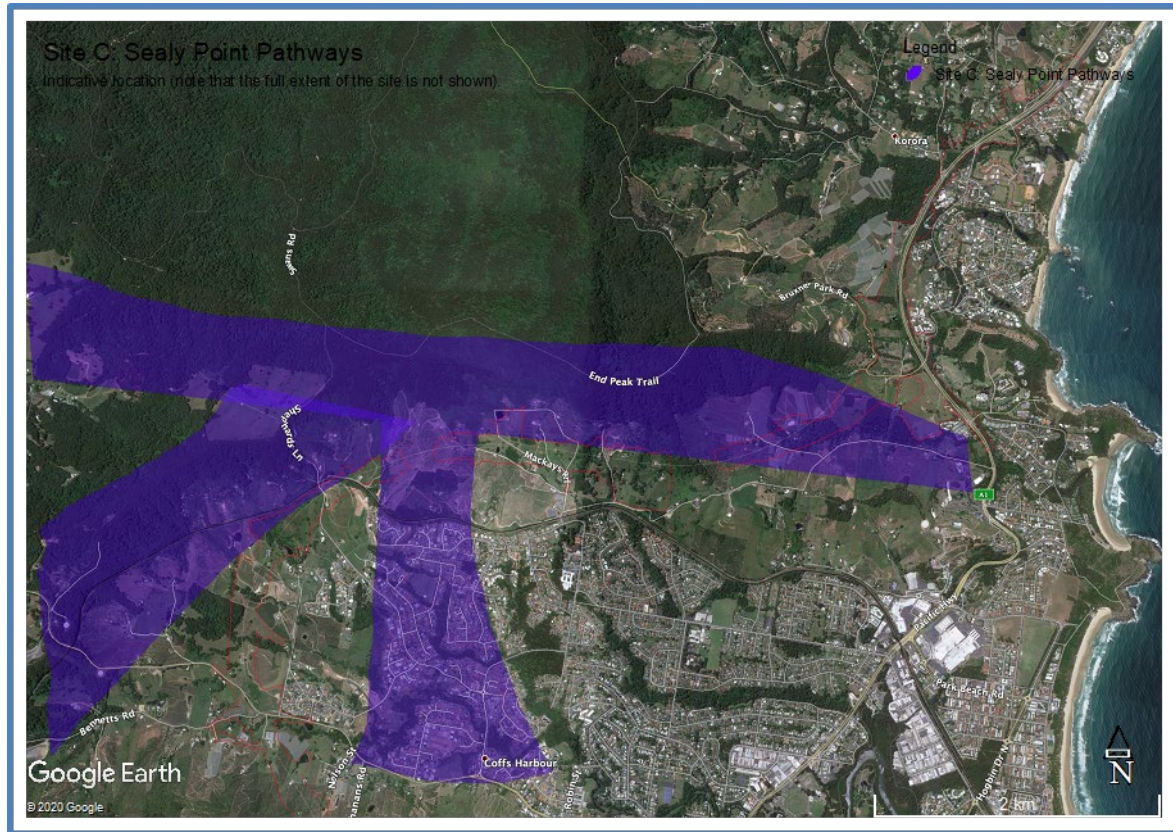


Plate 3. Site C: Sealy Point Pathway cultural site (Waters Consultancy 2020: Figure 5)

5.6.3.4 Site D: East Boambee Camp

A traditional and historical camp area associated with seasonal and ritual movement patterns within the wider region.

This site has Medium Significance for the Aboriginal community as a traditional and historical camp area that was associated with seasonal and ritual patterns of movements into the Coffs Harbour area that brought people together from the wider region for resource gathering and ceremonial business.

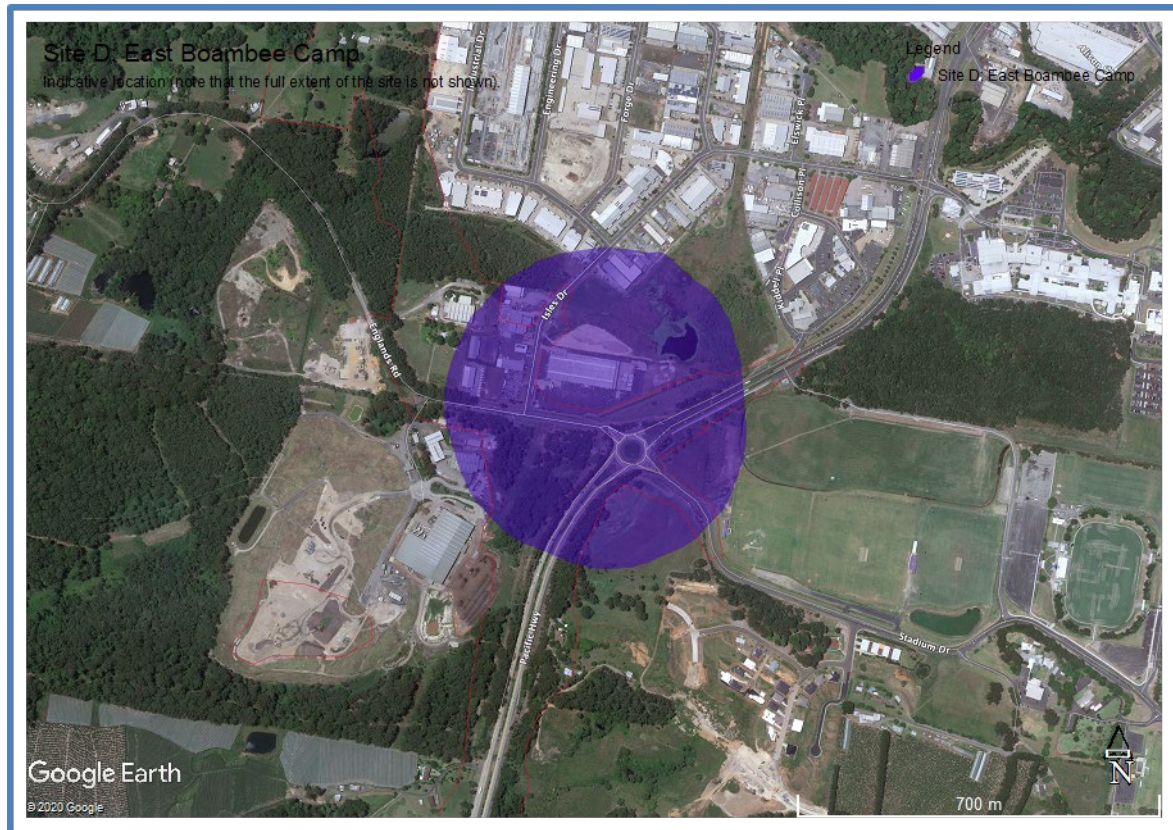


Plate 4. Site D: East Boambee Camp cultural site (Waters Consultancy 2020: Figure 6)

5.6.3.5 Site E: West Korora Living Place

A historical living place located on the West Korora Road in the 1940s.

This site has Medium Significance for the Aboriginal community as a historical living place used in the 1940s and understood to be located on an older traditional camp site area.

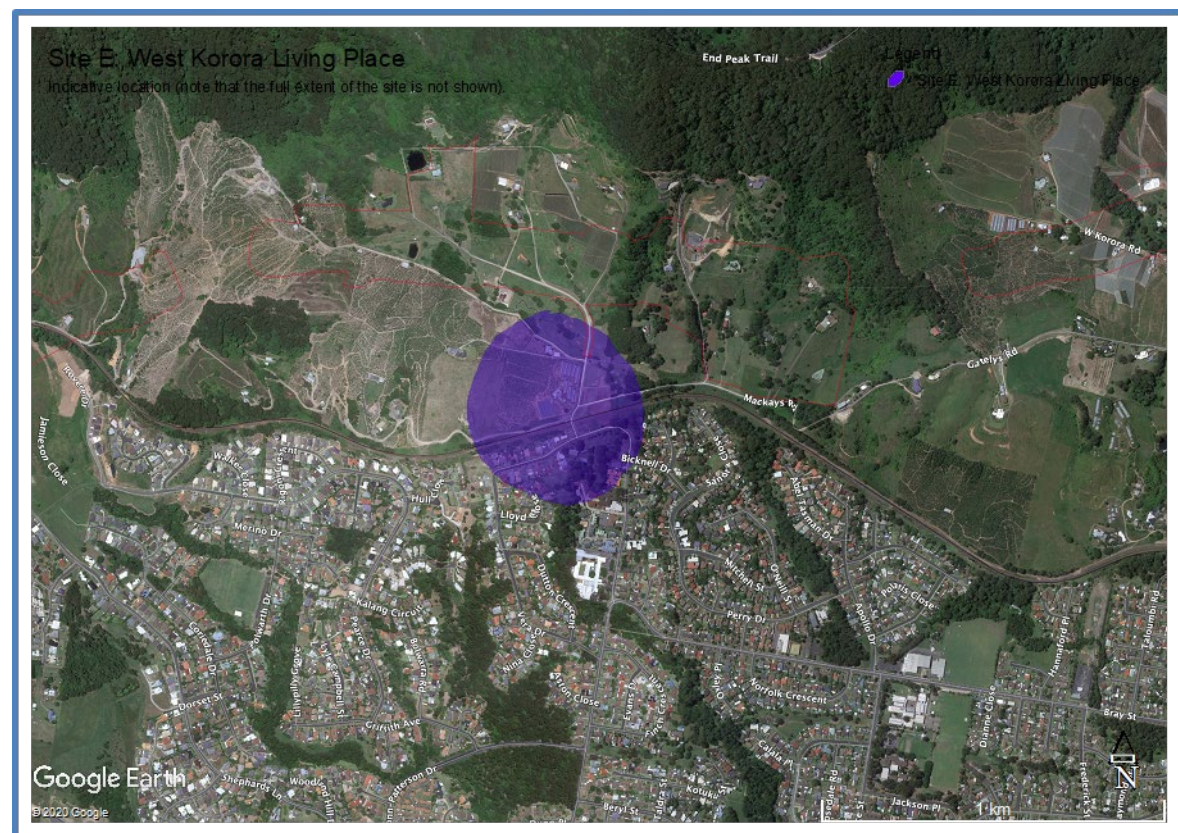


Plate 5. Site E: West Korora Living Place cultural site (Waters Consultancy 2020: Figure 7)

5.6.3.6 Summary

Four cultural sites (Sites A-D) are partially located within the proposed construction footprint and will be impacted to varying extents. Site E: West Korora Living Place will be avoided. Management and mitigation measures are discussed further in sections 10 and 11 of this report.

6 Summary and analysis of background information

Analysis of the background information presented in Sections 2, 3, 4 and 5 allows an assessment of the cultural heritage values within the study area to be made. Combining data from historical/ethnographic sources, Aboriginal community consultation, landscape evaluation and archaeological context provides an insight into how the landscape around the study area was used and what sort of events took place in the past.

The Coffs Harbour region remains important to local Gumbaynggirr Aboriginal people, who have maintained their traditional ties to the area through the sharing of knowledge and lore down generations. The consultation process to date has identified a number of people and organisations who have indicated their interest in the Coffs Harbour area, demonstrating the tangible link that members of the contemporary Aboriginal community retain to the land. Gumbaynggirr people continue to use and care for the natural resources available to them across Country and have an intimate understanding and respect for the landscape. It has been identified that all Aboriginal sites within the study area display cultural significance, and that the archaeological information exhibited by sites also has cultural value.

The local area contains a number of resources which would have been important to local Aboriginal groups. Varied environmental settings including creeks, alluvial plains and terraces, rolling foothills and elevated ridgelines were all accessible and useful for Aboriginal land use activities. A wide variety of plant and animal resources would have been available to Aboriginal people to collect and use as they moved around the various parts of the landscape. Raw materials suitable for stone tool-making would also have been readily available along the creek systems, having been transported in gravel and cobble form down from the eroding ranges. Outcropping bedrock on crests and slopes would also have provided ready access to a range of lithics from the complex underlying geologies of the region. Local people continue to use bush foods and natural remedies and a high level of knowledge exists about the natural landscape, which is inextricably connected to the cultural landscape. The presence of numerous native species and discussion of their uses was a feature of the test excavation program, and further recording of this knowledge may form part of interpretation options for the project or future archaeological work (e.g. salvage excavation and interpretation).

Archaeological sites identified by previous archaeological investigations demonstrate that the wider region was utilised for a diverse range of activities by past Aboriginal people. Archaeological sites in the region are predominantly artefact scatters or isolated artefacts in open contexts, as the geology of the coastal basin is not commonly conducive to the formation of rockshelters. Overall, an analysis of previous archaeological investigations and historical sources were found to support a predominantly coastal habitation pattern, with less intensive use of the sub-coastal (foothills/hinterland) and escarpment landforms, however the narrow coastal plain in the immediate Coffs area was considered likely to differ somewhat from the general regional model given the close proximity of these three landscape features.

The predictive model developed during the PACHCI Stage 2 assessment (Biosis 2017) considered that on the coastal plain, the highest archaeological potential for both sites and PADs was associated with elevated topography overlooking water sources. Within the sub-coastal/hinterland and escarpment landforms these site types were predicted to occur on flat or low-gradient spurs or ridges near water sources, with expected lower artefact densities than those on the coast. The chief factors affecting the preservation of archaeological deposit in the project footprint were erosion, colluvial movement, flooding and modern landscape disturbance. While Aboriginal objects may exist in any location within the landscape, stable areas of low disturbance retain the archaeological context that gives these objects meaning.

The topography of the region and the inclination of slope gradients across the Basin give some indication of likely movement corridors between the escarpment, foothills and coastal plain (Figure 7). The escarpment is characterised by increasingly steep slopes which would have made direct east to west movement challenging: this is likely to have resulted in the concentration of movement along the crests of larger ridgelines and within drainage lines where the slopes were gentler. Ridgelines and crests have consistently been identified as important travel routes that link the various areas of Country and facilitated people's movement through the landscape. Certain of these features also hold special cultural and mythological significance to Gumbaynggirr people.

The angle of inclination of slopes descending from the escarpment indicates that the drainage lines along Pine Brush Creek may have allowed movement through the Bruxner Gap and into the Bucca Bucca Creek system while the ridge crests and drainage lines between Roberts Hill and Red Hill also appear to have allowed for easy east to west movement. Between these two areas, the slopes of the escarpment are predominantly very steep and movement appears to have been funnelled along the crests of two prominent ridges (Figure 7). Sites CHB6 AS01 and CHB AFT 12 were located on these ridge crests and may be related to more frequent use of these landforms.

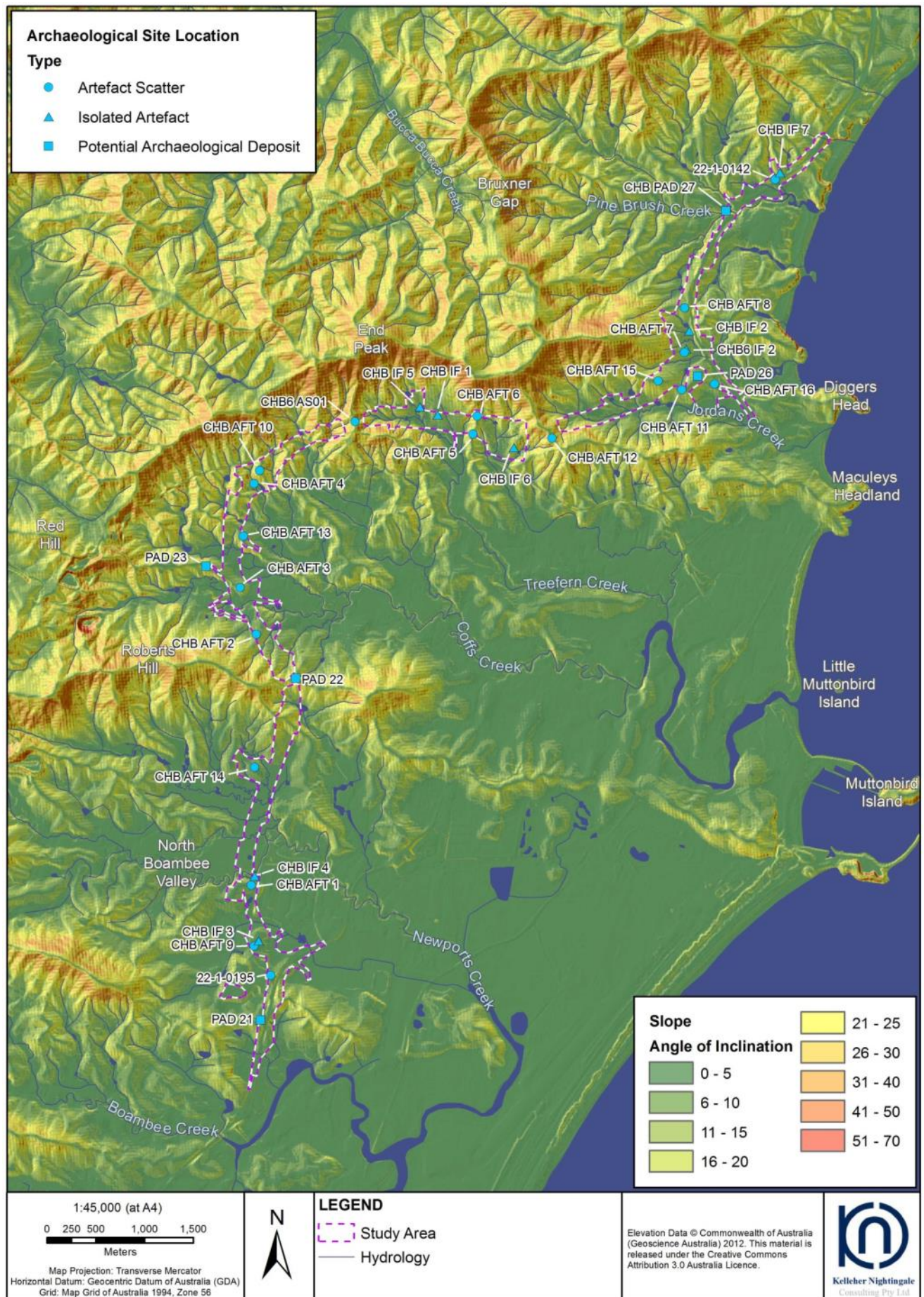


Figure 7. Slope and archaeological sites within the study area

Within the study area, ridgelines and crests were identified as displaying generally good archaeological potential, leading to their selections as PADs during landscape mapping carried out as part of the PACHCI Stage 2 investigation. Within the hinterland, many of these landscape features have suffered disturbance as a result of European land use including intensive agriculture; however, test excavation and Aboriginal community consultation have confirmed that artefacts and sites can still occur through the landscape. This includes intangible cultural heritage features as well as artefact sites.

As mentioned above, the general region model indicates a predominantly coastal habitation pattern, with less intensive use of the foothills/hinterland, however the narrow coastal plain around Coffs Harbour was considered likely to influence this pattern. Results from the test excavations tend to agree, with the most (archaeologically) significant deposits of the current program identified on prominent crests/saddles in the more marginal and elevated hinterland area, as opposed to the coastal plain. This accords with the identification of these elevated areas as significant cultural pathways through the landscape.

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

6.1 Summary of Aboriginal archaeological sites within the study area

The study area has been subject to a series of archaeological investigations as part of project. The investigations have included Aboriginal community consultation, review of background information, identification of previously recorded Aboriginal sites registered on the AHIMS database, predictive modelling, Aboriginal archaeological survey and test excavation (see Section 4).

In total, 26 Aboriginal archaeological sites have been identified within the study area (Table 3). Five Aboriginal cultural areas were identified during the detailed cultural assessment (see Section 5.6). The locations of the Aboriginal archaeological sites and the identified cultural areas are shown on Figures 8 and 9. The Aboriginal archaeological site summaries are given below.

Table 3. Identified Aboriginal archaeological sites within the study area

Site Name	Former PAD	AHIMS ID	Site features	Mean artefact density from test program
CHB AFT 1	PAD 2 and Site 1D	tbc	Subsurface deposit	4.36 artefacts/m ²
CHB AFT 2	PAD 7	tbc	Subsurface deposit	2.7 artefacts/m ²
CHB AFT 3	PAD 8	tbc	Subsurface deposit	1.6 artefacts/m ²
CHB AFT 4	PAD 10	tbc	Subsurface deposit	2 artefacts/m ²
CHB AFT 5	PAD 12	tbc	Surface artefacts and subsurface deposit	6 artefacts/m ²
CHB AFT 6	PAD 17	tbc	Subsurface deposit	5.3 artefacts/m ²
CHB AFT 7	PAD 18	tbc	Subsurface deposit	1.1 artefacts/m ²
CHB AFT 8	PAD 20	tbc	Subsurface deposit	16.7 artefacts/m ²
CHB AFT 9	Site 1C	tbc	Surface artefacts	N/A
CHB AFT 10	PAD 24	tbc	Subsurface deposit	1.75 artefacts/m ²
CHB AFT 11	PAD 28	tbc	Surface artefacts and subsurface deposit	N/A
CHB AFT 13	Site 2B	tbc	Subsurface deposit	10 artefacts/m ²
CHB AFT 14	Site 1G	tbc	Subsurface deposit	0.5 artefacts/m ²
CHB AFT 15	Site 3B	tbc	Surface artefacts and subsurface deposit	2 artefacts/m ²
CHB AFT 16	N/A	tbc	Surface artefacts	N/A
CHB PAD 27	N/A	tbc	Potential archaeological deposit	N/A
CHB IF 1	PAD 16	tbc	Isolated subsurface artefact	0.06 artefacts/m ²
CHB IF 2	PAD 19	tbc	Isolated subsurface artefact	0.4 artefacts/m ²
CHB IF 3	PAD 1	tbc	Isolated subsurface artefact	0.57 artefacts/m ²
CHB IF 4	Site 1D	tbc	Isolated subsurface artefact	2 artefacts/m ²
CHB IF 5	Site 2D	tbc	Isolated subsurface artefact	0.8 artefacts/m ²
CHB IF 6	Site 2E	tbc	Isolated subsurface artefact	0.33 artefacts/m ²
CHB IF 7	N/A	tbc	Isolated surface artefact	N/A
CHB6 IF 2	N/A	tbc	Isolated surface artefact	N/A
CHSS-3	N/A	22-1-0142	Isolated surface artefact	N/A
Coffs Dump	N/A	22-1-0195	Isolated surface artefact	N/A

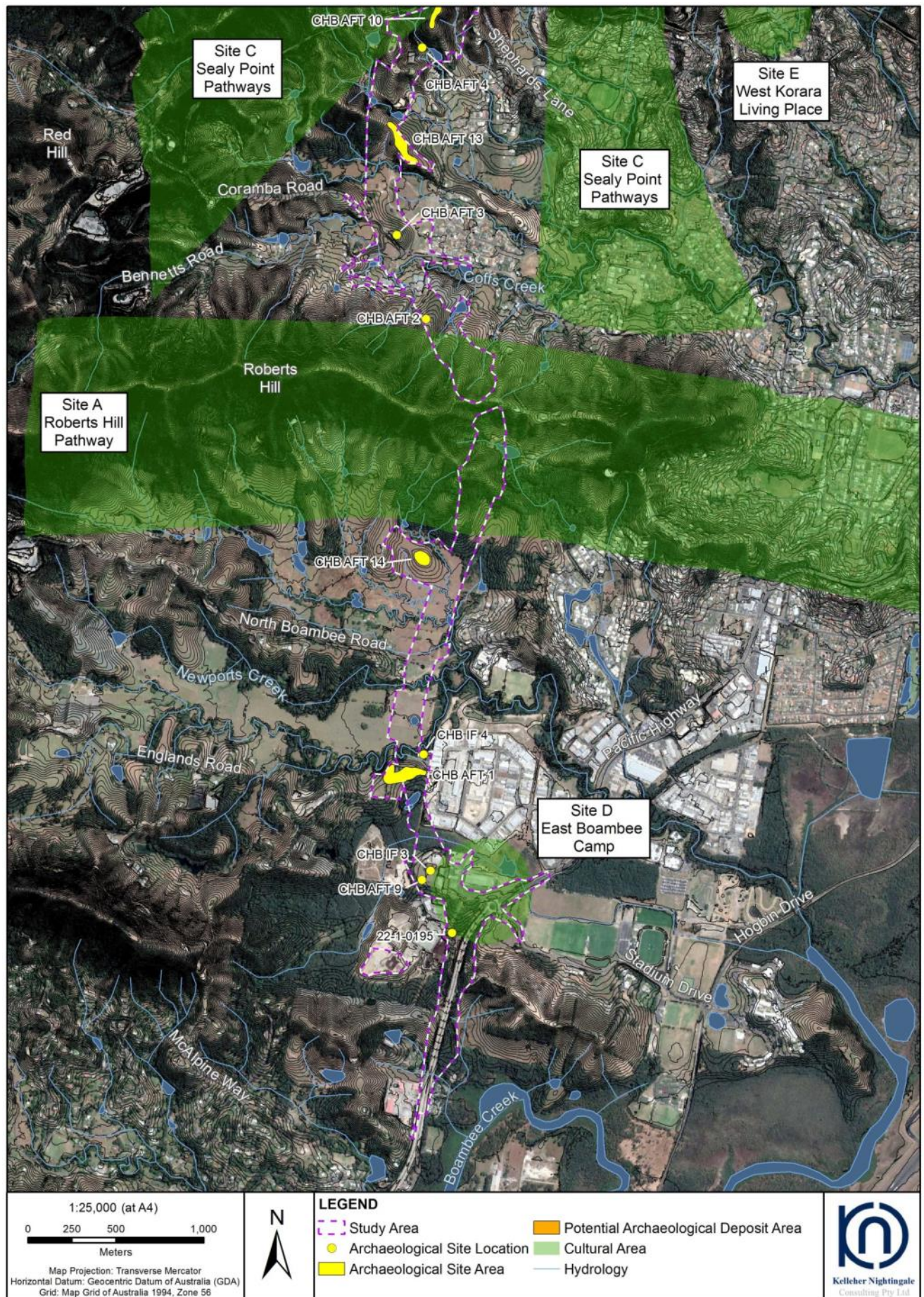


Figure 8. Archaeological sites and indicative cultural areas within the study area – southern section

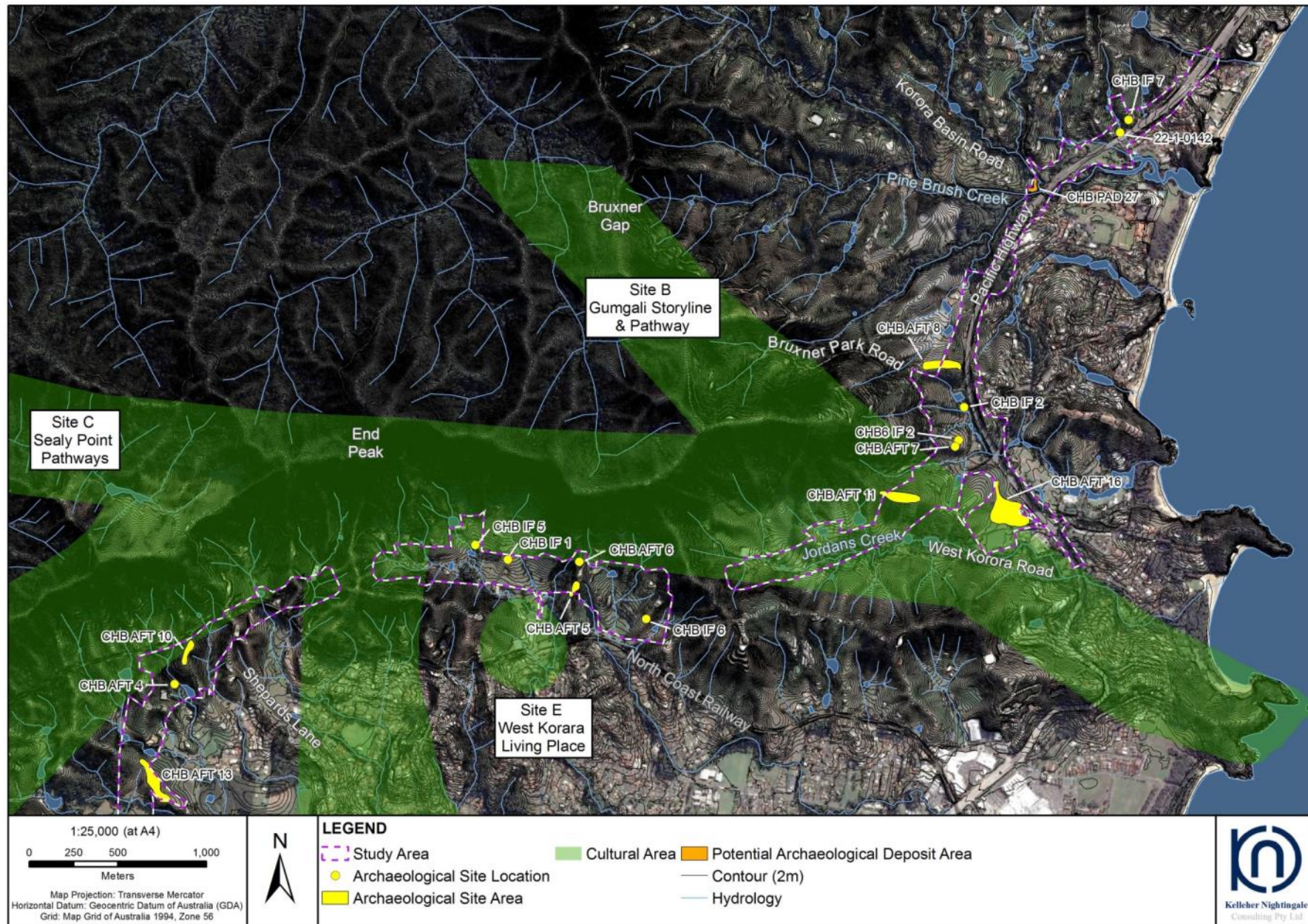


Figure 9. Archaeological sites and indicative cultural areas within the study area – northern section

6.2 Aboriginal archaeological sites within the study area

Site name: CHB AFT 1

AHIMS site ID: tbc

Site CHB AFT 1 is a subsurface archaeological deposit situated on the crest of a narrow spur/knoll overlooking a backwater swamp and floodplain adjacent to the southern bank of a tributary of Newports Creek. The site is located within Lot 22 DP610078, approximately 180 metres west of Industrial Drive and 290 metres north of Englands Road. The site was initially identified as an area of archaeological potential (PAD 2) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in February/March 2018. A total of eight artefacts were recovered from the three test squares excavated at the site. Despite some superficial disturbance soil profiles were generally intact and relatively deep (30-40 centimetres). An additional nine test squares were excavated at the site during the archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. A total of four artefacts were recovered from three of the test squares. The test excavation program demonstrated that an intact archaeological deposit was present at the site within the proposed impact area.

It is likely that archaeological deposit associated with the site extends further to the southwest along the spur crest. The site displayed good potential to inform further on Aboriginal landscape use of the North Boambee valley and margins of the coastal plain south of the Roberts Hill ridgeline.

Site name: CHB AFT 2

AHIMS site ID: tbc

Site CHB AFT 2 is a subsurface archaeological deposit situated on a small elevated north westerly inclined spur beside a minor drainage line. The spur descends from the Roberts Hill ridgeline to the south. The site is located within Lot 730 DP10066743, approximately 350 metres south of Coramba Road and 540 metres south west of the intersection of Coramba Road and Nelson Street. The site was initially identified as an area of archaeological potential (PAD 7) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representatives from the registered Aboriginal stakeholders in February/March 2018. A total of two artefacts were recovered from one of the three test squares excavated at the site. The test excavation found the majority of the area had been disturbed by cut/fill associated with a former road and modern rubbish was present throughout the upper levels of deposit. The test excavation program demonstrated that while subsurface deposit exists at the site, the low density of artefacts recovered and generally disturbed soil profile indicated a low potential for further archaeological information.

Site name: CHB AFT 3

AHIMS site ID: tbc

Site CHB AFT 3 is a subsurface archaeological deposit situated on the crest of a small knoll that formed the eastern extent of a ridge line that descended from the escarpment in the area of Red Hill. The knoll is approximately 140 metres north of Coffs Creek and overlooked the extensive Coffs Creek flood plain to the east. The site is located within Lot 111 DP816131, approximately 20 metres north of Coramba Road and 80 metres north west of the intersection of Coramba Road and Bennetts Road. The site was initially identified as an area of archaeological potential (PAD 8) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in February/March 2018. A total of two artefacts were recovered from two of the five test squares excavated at the site. The majority of the hillcrest was found to be severely disturbed due to construction of a house, sheds and driveway. Cultivation disturbance was evident in the north western part of the test area. The test excavation program demonstrated that while subsurface deposit exists at the site, the low density of artefacts recovered and disturbed soil profile indicated a low potential for further archaeological information.

Site name: CHB AFT 4

AHIMS site ID: tbc

Site CHB AFT 4 is a subsurface archaeological deposit situated on a narrow former floodplain and creek bank on the western side of an unnamed creek. The creek flowed from with headwaters on the southern slope of the escarpment south east into Coffs Creek approximately 1.5 kilometres from the site. The site is located within Lot 106 DP1150637, approximately 270 metres north west of the northern end of McEntyre Street and 540 metres south west of the Shepards Land rail crossing. The site was initially identified as an area of archaeological potential (PAD 10) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in February/March 2018. A total of two artefacts were recovered from two of the four test squares excavated at the site. The excavation revealed generally shallow (<30 centimetre deep) soil profiles with abundant

colluvial and alluvial gravels. Flooding from the adjacent creek as well as colluvial deposition from the steep hillslopes above had affected the site.

The remainder of the site area has been disturbed by bike tracks and dam construction. The test excavation program demonstrated that while subsurface deposit exists at the site, the low density of artefacts recovered and landscape context not conducive to the preservation of archaeological deposit have combined to limit the potential for further archaeological information.

Site name: CHB AFT 5

AHIMS site ID: tbc

Site CHB AFT 5 is a surface artefact scatter and subsurface archaeological deposit situated on a narrow saddle with a small area of level ground within a high ridge and overlooking Treefern Creek to the west and an unnamed tributary to the east. The ridge was formed from a series of knolls, saddles and benches that descended from the steep southern face of the escarpment, approximately 400 metres to the north, to an extensive floodplain at the confluence of Treefern Creek and Coffs Creek, approximately 2.8 kilometres to the south east. The site was located within Lot 7 DP804171 approximately 380 metres south west of the Mackays Road rail crossing. The site is initially identified as an area of archaeological potential (PAD 12) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in February/March 2018. A total of nine artefacts were recovered from the six test squares excavated at the site. The test excavation found that soil profiles were generally intact below superficial disturbance and were fully recorded down to weathering bedrock at one location. Some topsoil erosion was evident and was found to have exposed surface artefacts in the vicinity of the higher density test squares along the southern part of the saddle. Despite this, good depth of soil remained (25-45 centimetres) and the deposit likely extended south. The site displayed good potential to inform further on Aboriginal landscape use of the northern foothills and upper Treefern Creek catchment above the coastal plain.

Site name: CHB AFT 6

AHIMS site ID: tbc

Site CHB AFT 6 is a subsurface archaeological deposit situated on a small level bench that formed part of a high ridge that overlooked Treefern Creek to the west and an unnamed tributary to the east. The ridge was formed from a series of knolls, saddles and benches that descended from the steep southern face of the escarpment, approximately 360 metres to the north, to an extensive floodplain at the confluence of Treefern Creek and Coffs Creek, approximately 2.9 kilometres to the south east. The site was located within Lot 5 DP804171 approximately 480 metres south west of the Mackays Road rail crossing. The site was initially identified as an area of archaeological potential (PAD 17) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in February/March 2018. A total of eight artefacts were recovered from three of the six test squares excavated at the site. The deposit across the tested area at PAD 17 was found to be severely disturbed due to modern land use including cultivation and stripping of topsoils in part of the area, likely from a former access track. Other test squares displayed deeper mixed/redeposited homogenous loams with modern rubbish mixed in. The level bench may be a product of previous earthworks. Artefacts recovered from these deposits are considered unlikely to be in situ. The test excavation program demonstrated that while subsurface material exists at the site, the high levels of disturbance indicate a low potential for further archaeological information.

Site name: CHB AFT 7

AHIMS site ID: tbc

Site CHB AFT 7 is a subsurface archaeological deposit was situated on a spur and upper eastern slope that formed the eastern extent of a ridge that descended to the east from the escarpment in the vicinity of the Korora Lookout. The ground surface ranged from level to moderately sloping. The site is located within Lot 2 DP543614 and was approximate 220 metres north west of the intersection of the Pacific Highway and Bruxner Park Road. The site was initially identified as an area of archaeological potential (PAD 18) during the PACHCI Stage 2 survey. The PAD area incorporated a cleared paddock and a forested area to the south.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in February/March 2018. A total of two artefacts were recovered from two of the seven test squares excavated at the site. The deposit in the paddock was found to be variably disturbed from previous land use/cultivation with modern rubbish and disturbed soil profiles present in several squares. Soils within the forest area were affected by bioturbation and large tree roots as well as modern land use disturbance at the western end but were largely intact clay loams. The low artefact density suggests the area was not intensively used and has low potential to offer further archaeological information.

Site name: CHB AFT 8**AHIMS site ID:** tbc

Site CHB AFT 8 is a subsurface archaeological deposit situated on an east west oriented ridge that formed part of a series of connected spurs and crests dividing the Coffs Basin in the south from the Korora Basin to the north. CHB AFT 8 is located approximately 150 metres north of CHB IF 2 and is at a higher elevation than CHB IF 2 or CHB AFT 7 further to the south. The site is located on the western side of the Pacific Highway within Lots 36 and 37 DP127066, approximately 80 metres north east of Bruxner Park Road. The site was initially identified as an area of archaeological potential (PAD 20) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in February/March 2018. A total of 25 artefacts were recovered from six of the seven test squares excavated at the site. The test excavation found a variably disturbed deposit at the site.

Despite the presence of some superficial fill material and topsoil disturbance, intact natural soils were present and comprised sandy loams to clayey sands. Test results indicated that soils across the crest have largely remained in place despite the mixing of the upper A horizon and cultivation disturbance.

The highest artefact densities were recorded on the northern and eastern edges of the test area. These squares were positioned towards the edges of the ridge crest. The artefacts recovered from the site included cores, core tools, flakes, retouched flakes and two modified cobbles with pecking, percussion notches and smooth, ground surfaces. The overall quality of artefact raw material was high and a variety of raw materials were recovered, including good quality quartz. Four cores were identified in the assemblage, including a cobble core of silicified tuff/indurated mudstone.

The site exhibited generally good integrity with some localised disturbance and a diversity of artefact materials and types. The site was assessed as having moderate archaeological significance and would contribute to our understanding of Aboriginal landscape use on the gently elevated landforms below the escarpment at Korora Lookout. This area has been identified as culturally significant due to its association with the Gumgali track, which illustrates the creation story of Gumgali the black goanna. The archaeology at CHB AFT 8 offers an opportunity to further explore the physical, material record of landscape use at this location.

Site name: CHB AFT 9**AHIMS site ID:** tbc

Site CHB AFT 9 is a surface artefact scatter situated on the crest of a broad, north running ridgeline that overlooked a swampy, forested flat and unnamed east flowing creek to the north west. The site is located Lot 201 DP800141 approximately 30 metres north of Englands Road and 200 metres west of the intersection of Englands Road and Isles Drive. The site was initially identified as an area of archaeological potential (Site 1C).

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. A total of 11 test squares were excavated across the area of archaeological potential; however, no subsurface artefacts were recovered. Soil profiles were moderate to shallow in depth (10-33 centimetres). The soil profiles were disturbed and characterised by a homogenous deposit with introduced gravels, plastic and glass fragments as well as orange basal clay scattered throughout the profile. During the test excavation, two surface artefacts were identified within a surface exposure along the southern edge of a paddock. The test excavation program demonstrated that the site had been disturbed and have a low potential for further archaeological information.

Site name: CHB AFT 10**AHIMS site ID:** tbc

Site CHB AFT 10 is a subsurface archaeological deposit situated on the crest of a south running bench landform which formed part of a series of benches that descended from the escarpment to the coastal plain. The crest overlooked the upper reaches of several minor creeks which flowed into Coffs Creek approximately 1.5 kilometres to the south east. The area is located within Lot 2 DP800414 and is approximately 260 metres south west of the Shepards Lane rail crossing. The site was initially identified as an area of archaeological potential (PAD 24).

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. A total of seven artefacts were recovered from five of the 16 test squares excavated. The depth of the deposit was fairly shallow across the entire site with the majority of test squares reaching sterile clay at between 10 and 20 centimetres.

All of the test squares showed signs of disturbance including shallow deposits, patches and/or flecks of charcoal and mixing of the basal clay up onto the soil from cultivation. The test excavation program demonstrated that while subsurface deposit exists at the site, the low density of artefacts recovered and disturbed soil profile indicated a low potential for further archaeological information.

Site name: CHB AFT 11**AHIMS site ID:** tbc

Site CHB AFT 11 is a surface artefact scatter with an associated area of potential archaeological deposit situated on the crest of a south east running spur that descended from the base of the high escarpment ridgeline containing Korora Lookout. The spur overlooked Jordans Creek to the south and an unnamed east flowing creek to the north. The site is located within a road reserve, Lots 1 and 2 DP226560 and Lot 279 DP752834.

The site was surveyed by KNC and representative from the registered Aboriginal stakeholders in May 2019. The surface artefacts were identified in two locations. The first location was an eroded vehicle track the north eastern side of the crest where two flakes and a cobble core of fine grained siliceous (FGS) material were found. On the south eastern side of the crest, two flakes and a flake proximal fragment made from FGS were identified in an eroded vehicle track on the north western side of a house.

Beyond the eroded vehicle track, the site exhibited low visible disturbance and was assessed as have moderate potential for subsurface archaeological deposit. The site was assessed as having moderate archaeological significance and would contribute to our understanding of Aboriginal landscape use on the gently elevated landforms below the escarpment at Korora Lookout.

Site name: CHB AFT 13**AHIMS site ID:** tbc

Site CHB AFT 13 is a subsurface archaeological deposit that encompassed the crest of a knoll and a bench which formed the eastern end of a broad south east running ridgeline that divided two south east flowing tributaries of Coffs Creek. The knoll is approximately between 40 and 45 masl. The ridge descended from the steep slopes on the southern face of the escarpment to the Coffs Creek floodplain south west of the site. The site is located within Lot 113 DP816131 approximately 120 metres west of Roselands Drive and 340 metres north of Coramba Road. The site was initially identified as an area of archaeological potential (Site 2B).

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. A total of 54 artefacts were recovered from 17 of the 22 test squares excavated at the site. The highest artefact density was located within TS72 which contained eight artefacts. A low to medium density deposit of stone artefacts were found across the knoll and spur crest. The depth of the deposit was fairly consistent across the entire study area with most soils reaching sterile clay at between 17 and 23 centimetres.

The types of artefacts at site CHB AFT 13 were predominantly flakes, flake fragments and angular fragments. The artefact assemblage also included one asymmetrical backed artefact of agate and two multidirectional cores. The artefact was the left margin of a flake fragment that had been bifacial backed along the right lateral margin in addition to the proximal and distal ends.

The two multidirectional cores comprised one large core of agate and one core of fine grained siliceous material. The artefacts were predominantly made from fine grained siliceous material (FGS) (n=30), with lesser quantities of medium grained siliceous material (MGS), tuff/indurated mudstone (Tuff/IM), quartz and agate. The artefacts of FGS material varied in colour from pale grey green to dark grey and black. The majority of artefacts of FGS (n=16) also had thin light coloured lines running through the material.

The site exhibited generally good integrity with some localised disturbance and a diversity of artefact materials and types. The site was assessed as having moderate archaeological significance and would contribute to our understanding of Aboriginal landscape use on the gently elevated landforms below the escarpment.

Site name: CHB AFT 14**AHIMS site ID:** tbc

Site CHB AFT 14 is a subsurface archaeological deposit that encompassed the crest of a broad knoll and low saddle that ran south east from a higher south west running ridgeline. The area overlooked the junction of several unnamed tributaries of Newports Creek and floodplains to the south and east. Site CHB AFT 14 is located within Lot 1 DP883939 approximately 470 metres north of North Boambee Road and 450 metres north west of the intersection of North Boambee Road and Highlander Drive. The site was initially identified as an area of archaeological potential (Site 1G).

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. A total of three artefacts were recovered from three of the 24 test squares excavated at the site. The artefacts consisted of one multidirectional chert core, one quartz flake and one flake made from medium grained siliceous material.

The subsurface deposit varied from shallow to moderate in depth (10-34 centimetres). The soil profile was generally homogenous across the knoll and the western upper slope with only subtle changes in colour and texture. The saddle showed greater definition with clearer upper and lower soil units. All landforms showed signs of disturbance including orange basal clay mixed through some of the upper unit/s as well as patches of burning and/or charcoal flecks. The test excavation program demonstrated that while subsurface deposit exists at the site, the low density of artefacts recovered and generally disturbed soil profile indicated a low potential for further archaeological information.

Site name: CHB AFT 15**AHIMS site ID:** tbc

Site CHB AFT 15 is a subsurface archaeological deposit that encompassed the saddle and crest that divided two knolls. The saddle and adjacent knolls formed part of a prominent east running ridge that descended from the steep slopes of the escarpment and overlooked lower coastal hills to the north and the floodplain of Jordans Creek to the south. The site is located within Lot 279 DP752834 and is approximately 200 metres south of the Bruxner Park Road and 390 metres south west of the intersection of Bruxner Park Road and the Pacific Highway. The site was initially identified as an area of archaeological potential (Site 3B).

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. A total of two artefacts were recovered from the four test squares excavated at the site. The subsurface deposit was generally shallow in depth (17-20 centimetres) and contained moderate to high levels of disturbance. A core of medium grained siliceous material was also found during the test excavation on the south side of eroded vehicle track with introduced fill and slope wash. The test excavation program demonstrated that while subsurface deposit exists at the site, the low density of artefacts recovered and disturbed soil profile indicated a low potential for further archaeological information.

Site name: CHB AFT 16**AHIMS site ID:** tbc

CHB AFT 16 comprised a low density artefact scatter and associated area of potential for subsurface deposit located across a spur crest and adjoining slopes. The site is located within Lot 5 DP 820652 approximately 80 metres west of the Pacific Highway and 90 metres south of the intersection of the Pacific Highway and Bruxner Park Road. Landform comprises an east-west running spur crest and adjoining southern slopes down towards the creek. The spur descends from a terminal ridge crest to the west. One artefact was identified on the eroded edge of the track cutting across the spur crest. A single core of tuff was identified exhibiting multiple flake scars.

Site CHB AFT 16 was assessed as having moderate archaeological potential due to landform, generally low level of visible disturbance and a moderate likelihood for subsurface archaeological deposit. Further investigation would contribute to our understanding of Aboriginal landscape use on the elevated landforms between the escarpment and the coast below Korora Lookout.

Site name: CHB PAD 27**AHIMS site ID:** tbc

Site CHB PAD 27 is a potential archaeological deposit located across a creekside landform at the confluence of Pine Brush Creek and Williams Creek. The site is located within Lot 4 DP 236580 and Lot 3 DP 1143761, approximately 30 metres west of the Pacific Highway and adjacent to and partially within the property at 8 Old Coast Road, Korora.

Site CHB PAD 27 was assessed as having moderate archaeological potential due to landform, generally low level of visible disturbance and a moderate likelihood for subsurface archaeological deposit. Further investigation would contribute to our understanding of Aboriginal landscape use on elevated creekside landforms between the escarpment and the coast.

Site name: CHB IF 1**AHIMS site ID:** tbc

Site CHB IF 1 is an isolated subsurface artefact that is situated on a south facing slope which overlooked Treefern Creek to the south and a tributary creek to the east. The site is located within a road reserve and Lot 11 DP1018341, approximately 530 metres north of the Mackays Road rail crossing. The site was initially identified as an area of archaeological potential (PAD 16) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in February/March 2018. A single artefact was recovered from the 17 test squares excavated at the site. The artefact was found within a disturbed, relatively shallow deposit on the slight slope off a small knoll. Soils within the test squares to the east demonstrated a colluvial accumulation of sub-round pebbles and cobbles. Similar material was observed in the bed of the adjacent creek. The test excavation program demonstrated that while a subsurface deposit exists at the site, the low density of artefacts recovered and disturbed soil profile indicated a low potential for further archaeological information.

Site name: CHB IF 2**AHIMS site ID:** tbc

Site CHB IF 2 is an isolated subsurface artefact that is situated at the eastern edge of a gently inclined east-west oriented spur running down to a drainage depression. The site is located within Lot 349 DP752834, approximately 45 metres west of the Pacific Highway and 330 metres north west of the intersection of the Pacific Highway and Bruxner Park Road. The site was initially identified as an area of archaeological potential (PAD 19) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in February/March 2018. A single artefact was recovered from a test square place at the eastern edge of a gently inclined east-west oriented spur running down to a drainage depression. Soils were colluvial with occasionally large local rock fragments, and often disturbed by large tree roots. The low artefact density suggests the area was not intensively used and has low potential to offer further archaeological information.

Site name: CHB IF 3

AHIMS site ID: tbc

Site CHB IF 3 is an isolated subsurface artefact that is situated on the crest of a broad, north running ridgeline that overlooked a swampy, forested flat and unnamed east flowing creek to the north west. The artefact is located within Lots 201 and 202 DP800141 approximately 120 metres north of Englands Road and 210 metres north west of the intersection of Englands Road and Isles Drive. The site was initially identified as an area of archaeological potential (PAD 1) during the PACHCI Stage 2 survey.

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. One artefact was recovered from one of the 16 test squares excavated at the site. The artefact was a large flake (65-69 millimetres) of fine grained siliceous material.

All of the test squares showed signs of disturbance including introduced gravels, plastic fragments and concrete pieces mixed throughout the upper soil unit as well as orange basal clay scattered throughout the lower soil unit. The site was assessed as having low archaeological significance due to the low artefact density and high level of subsurface disturbance.

Site name: CHB IF 4

AHIMS site ID: tbc

Site CHB IF 4 is an isolated subsurface artefact that is situated on the flat landform floodplain adjacent to the southern bank of a tributary of Newports Creek a backwater swamp. The site is located within Lot 22 DP610078 approximately 100 metres west of Industrial Drive and 450 metres north of Englands Road. The site was initially identified as an area of archaeological potential (Site 1D).

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. One artefact was recovered from one of the two test squares excavated at the site. The artefact was a distal flake fragment which was made of quartz. The deposit within the test squares consisted of moderately deep homogenous silty clay loam. The low artefact density suggests the area was not intensively used and has low potential to offer further archaeological information.

Site name: CHB IF 5

AHIMS site ID: tbc

Site CHB IF 5 is an isolated subsurface artefact that is situated the gentle lower slope of a south east running spur and adjacent to an unnamed south east flowing tributary of Treefern Creek. The site is located within Lot 10 DP807125 and approximately 680 metres north west of the Mackay Road rail crossing. The site was initially identified as an area of archaeological potential (Site 2D).

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. One artefact was recovered from one of the five test squares excavated at the site. The artefact was an agate split flake fragment. The test excavation found that deposit had significantly disturbed by previous land use with test squares on the spur containing stripped deposits of basal clay and the test squares closer to the drainage line containing fill. The site was assessed as having low archaeological significance due to the low artefact density and high level of subsurface disturbance.

Site name: CHB IF 6

AHIMS site ID: tbc

Site CHB IF 6 is an isolated subsurface artefact that is situated on the mid slope of a south west running spur and is adjacent to two unnamed south west flowing creeks. The site is located within Lot 32 DP884461 and is approximately 100 metres north east of the Mackay Road. The site was initially identified as an area of archaeological potential (Site 2E).

An archaeological test excavation was undertaken at the site by KNC and representative from the registered Aboriginal stakeholders in April 2019. One artefact was recovered from one of the 12 test squares excavated at the site. The artefact was a flake of igneous material with smooth ground surface on the dorsal side.

The subsurface deposit at the site varied in depth from shallow to moderate (11-44 centimetres) and was mostly due to the position of the test squares on the slope relative to the amount of colluvial deposition or erosion. The majority of test squares showed evidence of ploughing including lumps of basal clay mixed up into the deposit and a number of squares had blue plastic bag fragments mixed through the soil that were remnant of banana cultivation. The site was assessed as having low archaeological significance due to the low artefact density and high level of subsurface disturbance.

Site name: CHB IF 7**AHIMS site ID:** tbc

Site CHB IF 7 is an isolated surface artefact that is situated on the crest of a south east running spur and overlooking a south east flowing unnamed creek. The site is located within Lot 1 DP799262 and approximately 170 metres north of the intersection of the Princes Highway and Opal Boulevard.

The artefact was identified in May 2019 within a disturbed context on western edge of a concrete driveway, six metres from western end of driveway and on the eastern side of a demolished house site. The artefact was a distal flake fragment of tuff/indurated mudstone. The site was assessed as having low archaeological significance due to the low artefact density and high level of disturbance.

Site name: CHB6 IF 2**AHIMS site ID:** tbc

Site CHB6 IF 2 is an isolated surface artefact that is situated on a spur slope that descended to the east from the base of the high escarpment ridgeline containing Korora Lookout. The site is located within Lot 2 DP543614 and is approximate 230 metres north west of the intersection of the Pacific Highway and Bruxner Park Road. This site was identified during the PACHCI Stage 2 field survey.

The artefact was a broken hammerstone which was identified in an area of disturbance and exposure associated with a dressage ring. Test excavation of the spur landform containing this site was undertaken at neighbouring CHB AFT 7 (PAD 18) 30 metres to the south. The test excavation at CHB AFT 7 exhibited moderate to severe modern land use disturbance. The low artefact density and high levels of disturbance indicate a low potential for further archaeological information.

Site name: CHSS-3**AHIMS site ID:** 22-1-0142

Site CHSS-3 is a greywacke flake which is found in a disturbed context. The artefact is identified at the base of a 3 metre high road cutting along the Pacific Highway, directly beside the road pavement. The site is located on the western side of the Pacific Highway, south of a private driveway opposite the intersection with Opal Boulevard, in the northern part of the study area. It was considered likely that the artefact was not in situ and had come from the ridge crest above and no further archaeological potential was identified at this location.

Site name: Coffs Dump**AHIMS site ID:** 22-1-0195

Site Coffs Dump comprised an isolated artefact located in a cleared industrial area immediately east of the Coffs Coast Resource Recovery Park on Englands Road, in the southern part of the study area. Landform context is a lower slope approximately 500 metres from the nearest water source, a second order tributary of Newports Creek. The artefact is located in a cleared area of 20 x 10 metres in the vicinity of proposed new buildings. Recommendations on the site card included an application for a Section 90 Consent to Destroy if the proposed works were to affect the site.

7 Cultural Heritage Values and Statement of Significance

7.1 Significance assessment criteria

One of the primary steps in the process of cultural heritage management is the assessment of significance. Not all sites are equally significant and not all are worthy of equal consideration and management (Sullivan and Bowdler 1984; Pearson and Sullivan 1995:7). The determination of significance can be a difficult process as the social and scientific context within which these decisions are made is subject to change (Sullivan and Bowdler 1984). This does not lessen the value of the heritage approach, but enriches both the process and the long term outcomes for future generations as the nature of what is conserved and why, also changes over time.

The assessment of significance is a key step in the process of impact assessment for a proposed activity as the significance or value of an object, site or place will be reflected in resultant recommendations for conservation, management or mitigation.

The *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010a) requires significance assessment according to criteria established in the *Australia ICOMOS Burra Charter* (Australia ICOMOS 2013). The *Burra Charter* and its accompanying guidelines are considered best practice standard for cultural heritage management, specifically conservation, in Australia.

Guidelines to the *Burra Charter* set out four criteria for the assessment of cultural significance:

- Aesthetic value - relates to the sense of the beauty of a place, object, site or item
- Historic value - relates to the association of a place, object, site or item with historical events, people, activities or periods
- Scientific value - scientific (or research) value relates to the importance of the data available for a place, object, site or item, based on its rarity, quality or representativeness, as well as on the degree to which the place (object, site or item) may contribute further substantial information
- Social value - relates to the qualities for which a place, object, site or item has become a focus of spiritual, political, national or other cultural sentiment to a group of people. In accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, the social or cultural value of a place (object, site or item) may be related to spiritual, traditional, historical or contemporary associations. "Social or cultural value can only be identified through consultation with Aboriginal people" (OEH 2011:8).

There are 26 Aboriginal archaeological sites with recorded Aboriginal cultural heritage value within the study area. Five cultural sites of intangible Aboriginal heritage value have been identified. The significance assessment for the identified sites has focussed on the social/cultural, historic, scientific and aesthetic significance of Aboriginal heritage values as identified in *The Burra Charter*.

Social Values

This area of assessment concerns the value/s of a place, feature or site to a particular community group, in this case the local Aboriginal community. Aspects of social significance are relevant to sites, objects and landscapes that are important or have become important to the local Aboriginal community. This importance involves both traditional links with specific areas as well as an overall concern by Aboriginal people for sites generally and their continued protection. Aboriginal cultural significance may include social, spiritual, historic and archaeological values. It has been identified during the consultation process that the local area has cultural heritage value (social value) to local Aboriginal people and the wider Gumbaynggirr community.

TfNSW recognises the importance of cultural knowledge and the acknowledgement and incorporation of this has been a key feature of Aboriginal community consultation to date. For this reason, TfNSW commissioned a detailed cultural assessment of the study area. The assessment resulted in the identification of five cultural sites located in or within the study area. Cultural heritage significance assessment for the identified sites (after Waters Consultancy 2019) resulted in the identification of the following levels of significance:

Site A: Roberts Hill Pathway	High
Site B: Gungali Storyline and Pathway	Very High
Site C: Sealy Point Pathways	High
Site D: East Boambee Camp	Medium
Site E: West Korora Living Place	Medium

Historic Values

Historical research did not identify any information regarding specific historical significance of identified Aboriginal archaeological sites within the study area. No specific historical significance for the sites within the study area has been provided by the registered Aboriginal stakeholders to date. No specific historical significance for the sites within the study area was provided by the registered Aboriginal stakeholders during the review of the draft CHAR. Archaeologically, the study area does not contain these values in relation to Aboriginal heritage.

Scientific Values

For archaeologists, scientific significance refers to the potential of a site to contribute to current research questions. Alternately, a site may be an in situ repository of demonstrably important information, for example rare artefacts of unusually high antiquity.

Scientific significance is assessed using criteria to evaluate the contents of a site, state of preservation, integrity of deposits, representativeness of the site type, rarity/uniqueness and potential to answer research questions on past human behaviour. DPIE's recommended criteria for assessing archaeological significance include:

- Archaeological Research Potential - significance may be based on the potential of a site or landscape to explain past human behaviour and can incorporate the intactness, stratigraphic integrity or state of preservation of a site, the association of the site to other sites in the region (connectivity), or a datable chronology.
- Representativeness - all sites are representative of those in their class (site type/subtype) however the issue here relates to whether particular sites should be conserved to ensure a representative sample of the archaeological record is retained. Representativeness is based on an understanding of the regional archaeological context in terms of site variability in and around the project footprint, the resources already conserved and the relationship of sites across the landscape.
- Rarity – which defines how distinctive a site may be, based on an understanding of what is unique in the archaeological record and consideration of key archaeological research questions (i.e. some sites are considered more important due to their ability to provide certain information). It may be assessed at local, regional, state and national levels.

High significance is usually attributed to sites which are so rare or unique that the loss of the site would affect our ability to understand an aspect of past Aboriginal use/occupation of an area. In some cases a site may be considered highly significant because it is now rare due to destruction of the archaeological record through development. Moderate (medium) significance is attributed to sites which provide information on an established research question. Sites with moderate significance are those that offer the potential to yield information that will contribute to the growing holistic understanding of the Aboriginal cultural landscape of the study area. Archaeological investigation of moderately significant sites will contribute knowledge regarding site type interrelationships, cultural use of landscape features and occupation patterns. Low significance is attributed to sites which cannot contribute new information about past Aboriginal use/occupation of an area. This may be due to site disturbance or the nature of the site's contents.

Scientific values have been assessed for the identified Aboriginal archaeological sites in the study area. These values have been developed based on the significance criteria outlined above. Identified archaeological sites in the study area displayed from low to moderate-high scientific significance.

Aesthetic Values

Aesthetic values are often closely related to the social values of a site or broader cultural landscape. Aspects may include scenic sights, smells and sounds, architectural fabric and creative aspects of a place.

The study area displays some aesthetic value as part of the broader coastal landscape. Scenic views are present from a number of the identified sites and offer vistas across the Coffs Basin and coast. Aspect and elevation of some landforms may have influenced the type of activities carried out there by past Aboriginal people, either for their relationship to other important landscape features or for more practical considerations such as ease of transit along ridgelines or offering a good view across Country. Regarding Aboriginal sites identified within the study area, no specific associated aesthetic values have been identified by registered Aboriginal community groups to date. No aesthetic values were provided by the registered Aboriginal stakeholders during the review of the draft CHAR.

7.2 Statement of significance

The study area contains 26 identified Aboriginal archaeological sites. The significance of recorded Aboriginal archaeological sites within the study area ranges from low to moderate, with the majority having been assessed as being of low significance. This assessment is based on a consideration of the research potential, representativeness, intactness and rarity of the sites. Significance of sites within the study area is shown in Table 4.

Sites of low significance demonstrated few Aboriginal objects, low artefact densities and high levels of landscape disturbance. Recovered artefacts were typical of local assemblages in terms of raw material and artefact type and the sites did not demonstrate particular assemblage complexity or variety. At the majority of low significance sites, artefacts were found in only one or two locations across the tested areas, indicating that the objects represent a discontinuous ‘background scatter’ of objects across the landscape. In this regard these sites may be considered representative of their type, being subsurface deposits representing Aboriginal activities on the elevated landforms of the coastal plain and foothills, however more intact and better examples of this site type are present both within the study area and wider region. The sites are not rare. High levels of landscape disturbance were also evident. While a low number of Aboriginal objects are present at the sites, they lack the archaeological context that gives them meaning beyond the information exhibited by the objects themselves. Research potential is low as the sites are unlikely to be able to contribute further to our understanding of Aboriginal landscape use in the region.

Sites of moderate significance demonstrated a higher quantity and density of artefacts and less severe landscape disturbance. Archaeological integrity of moderate significance sites was higher than low significance sites, with generally intact soils retained between areas of localised disturbance. Given the nature of land use along the project corridor (agricultural, residential, plantation cultivation etc.) and the natural effects of erosion and colluvial movement, many of the tested sites were found to be disturbed. This increases the value of sites which have retained archaeological context and integrity. Assemblages from the moderate significance sites demonstrated higher levels of complexity of artefact types and included a number of tools. Evidence of a variety of activities was present, including primary, secondary and tertiary lithic reduction, tool manufacture and use. The sites are representative of a more intensive or repeated occupation and use of these areas. Taken together, these sites have moderate archaeological research potential as they represent the best examples of a suite of landforms across the coastal plain and foothills/hinterland, including prominent ridgelines and spurs on the margin of the Coffs Basin, lower elevation spur crests closer to the coast, and elevated landforms on the alluvial plain south of Roberts Hill. Further investigation of these sites has the potential to contribute to our knowledge of Aboriginal landscape use in the wider region.

There is significant variation in landscape context between the higher-significance sites: the sites are not spatially connected by landform, but they offer an opportunity to explore larger landscape connections through the North Boambee Valley, Coffs Basin and up into the Korora Basin. These connections offer insights into past cultural continuums depicting the movements and actions of past Aboriginal people, enabling an understanding of how past people spatially organised their culture and by extension insights into how they perceived the world around them. Integration of archaeological data with contemporary cultural knowledge is an opportunity to explore these connections. Recent research of such landscape continuums has found a strong association between contemporary use/perceptions of landscape and past Aboriginal landscapes as evidenced by the archaeology. The significance of the Coffs Harbour Bypass’ Aboriginal heritage has much to do with what it can tell us (via a continuum of knowledge over many thousands of years) about the manner in which people use a landscape, and how the archaeological data fits with established contemporary cultural knowledge (e.g. travel corridors, associations with mythological sites, use of natural resources).

Given the long, linear nature of the study area, this collection of sites has a greater scientific and socio-cultural assessment value than piecemeal assessments. In effect the *en masse* archaeological information represents a higher information value than each individual site – the group is more valuable than any individual part. In this regard the project’s collection of impacted archaeological sites are rare as an assessment group, because the group offers a statistically significant level of information about an area where a low level of large scale, connectable or representative information exists. Test data suggests a departure from the established regional model which indicates more intensive use of the coastal plain: the current program demonstrated higher artefact densities and assemblage complexity on the elevated margins of the basin. Information obtained through the proposed salvaging of artefacts at key locations along this continuum (road corridor) will greatly enhance our cultural and archaeological understanding of the area and allow for significant interpretation of past events and better management of Aboriginal heritage. Improved management would then allow for future conservation outcomes, where culturally and statistically significant archaeological sites can be identified *and their value empirically established* in advance of proposals, thus enabling more informed planning. The information exhibited and collected by salvaging the moderate significance Aboriginal archaeological sites will add substantially to the region’s knowledge-base for understanding, interpreting and conserving the region’s Aboriginal cultural heritage.

Table 4. Assessed significance of archaeological sites within the study area

Assessed Significance	Site	Justification
Moderate	CHB AFT 1 CHB AFT 5 CHB AFT 8 CHB AFT 11 CHB AFT 13 CHB AFT 16 CHB PAD 27	<ul style="list-style-type: none"> • These sites offer good research potential as they represent intact archaeological deposits within the study area • Further investigation would add to our understanding of Aboriginal activities in the various landscapes of the Coffs Basin and transitional areas at North Boambee Valley and the margin of the Korora Basin • In combination with other identified higher-significance sites, these sites express the Aboriginal cultural heritage of the study area • Any change or loss of these sites is likely to diminish the overall Aboriginal cultural heritage values of the study area and wider local area
Low	CHB AFT 2 CHB AFT 3 CHB AFT 4 CHB AFT 6 CHB AFT 7 CHB AFT 9 CHB AFT 10 CHB AFT 14 CHB AFT 15 CHB IF 1 CHB IF 2 CHB IF 3 CHB IF 4 CHB IF 5 CHB IF 6 CHB IF 7 CHB6 IF 2 CHSS-3 Coffs Dump	<ul style="list-style-type: none"> • These sites are highly disturbed and the surrounding area showed very little potential for further archaeology • Every Aboriginal site is important to the local Aboriginal community, however, there are more intact or better examples of this site type within the study area and wider local area • Any change or loss of these sites is unlikely to diminish the overall Aboriginal cultural heritage values of the study area and wider local area

8 Impact Assessment and Mitigation Strategies

8.1 Proposed activity

TfNSW is seeking approval to construct the Coffs Harbour Bypass. The project includes a 12 kilometre bypass of Coffs Harbour from south of Englands Road to Korora Hill in the north and a 2 kilometre upgrade of the existing highway between Korora Hill and Sapphire. The proposed works involve the following key elements:

- Four-lane divided highway from south of Englands Road roundabout to the dual carriageway highway at Sapphire
- Bypass of the Coffs Harbour urban area from south of Englands Road intersection to Korora Hill
- Upgrade of the existing Pacific Highway between Korora Hill and the dual carriageway highway at Sapphire
- Grade-separated interchanges at Englands Road, Coramba Road and Korora Hill
- A one-way local access road along the western side of the project between the southern tie-in and Englands Road, connecting properties to the road network via Englands Road
- A new service road, located east of the project, connecting Solitary Islands Way with James Small Drive and the existing Pacific Highway near Bruxner Park Road
- Three tunnels through ridges at Roberts Hill (around 190 metres long), Shephards Lane (around 360 metres long), and Gatelys Road (around 450 metres long)
- Structures to pass over local roads and creeks as well as a bridge over the North Coast Railway
- A series of cuttings and embankments along the alignment
- Tie-ins and modifications to the local road network to enable local road connections across and around the alignment
- Pedestrian and cycling facilities, including a shared path along the service road tying into the existing shared path on Solitary Islands Way, and a pedestrian bridge to replace the existing Luke Bowen footbridge
- Relocation of the Kororo Public School bus interchange
- Noise attenuation, including noise barriers and at-property treatments as required
- Fauna crossing structures including glider poles and underpasses
- Ancillary work to facilitate construction and operation of the project, including:
 - Adjustment, relocation and/or protection of utilities and services
 - New or adjusted property accesses as required
 - Operational water quality measures and retention basins
 - Temporary construction facilities and work including compound and stockpile sites, concrete/asphalt batching plant, sedimentation basins and access roads (if required).

The study area encompasses both the construction and operational footprints allowing for space to construct the Coffs Harbour Bypass, tie-ins into the existing Pacific Highway, local road alterations and temporary ancillary facilities. In total, 26 Aboriginal archaeological sites will be impacted by the proposed activities. All identified cultural areas will be partially impacted to some degree.

8.2 Cultural assessment: impact assessment and mitigation strategies

For the identified cultural places, mitigation strategies are based on the assessed impact and recommendations documented in the detailed cultural assessment report (Waters Consultancy 2020). Five specific sites of cultural significance have been identified within the general area of the proposal. It was noted that in relation to the pathway sites (Site A, Site B, Site C) the severing of the pathway, while minimal in physical area of impact, has substantive impact on the intangible cultural values and significance.

TfNSW took the location of the cultural sites, recommendations of the cultural assessment report and feedback from knowledge holders and the registered Aboriginal stakeholders into consideration during the design process. Refinement of the design and adjustments to the construction footprint has avoided impact to one cultural site (Site E) and reduced the impact to two cultural sites (Sites A and C) to retain connection along important cultural pathways and reduce physical impact (Figures 11 and 12).

The inclusion of tunnels through Roberts Hill and Shephards Lane ridgelines support recommendations within the cultural assessment report that tunnels are preferred in order to minimise impact on the cultural landscape and avoid the severing of pathways within Roberts Hill Pathway (Site A) and Sealy Point Pathways (Site C). With the inclusion of a 190 metre long tunnel for Roberts Hill and a 360 metre long tunnel at Shephards Lane, the ridgelines associated with Site A and Site C respectively have been retained.

In relation to Roberts Hill Pathway (Site A), Gungali Storyline and Pathway (Site B) and Sealy Point Pathways (Site C) recommendations have been made in relation to site rehabilitation and revegetation of the construction footprint with local Indigenous plant species occurring in consultation with the identified knowledge holders and RAPs.

In relation to Roberts Hill Pathway (Site A), Gungali Storyline and Pathway (Site B), Sealy Point Pathways (Site C) and East Boambee Camp (Site D) the production of a booklet and interpretative signage in consultation with the identified knowledge holders and RAPs has been recommended; these interpretative elements to be undertaken as one project referencing all five of the cultural sites.

In relation to West Korora Living Place (Site E), impact to the site has been avoided. As such, specific mitigation measures are not required. However, the site is associated with Sites A-D and discussion of it should be included in the booklet and interpretative signage recommended as mitigation for the impact on those sites.

Mitigation measures for the cultural sites are outlined in Table 5. The knowledge holders all emphasized that the wider area within which the construction footprint sits holds cultural meanings, values and significance as part of the broader cultural landscape. The knowledge holders and the RAPs also identified their concerns regarding the impact of works on the ecosystems, waterways, plant and animal species, of the project corridor and beyond.

Table 5. Proposed impact to Aboriginal cultural sites within and in the vicinity of the study area

Place Name	Assessed Cultural Significance	Type / Degree of Harm
Site A: Roberts Hill Pathway	High	Direct / Partial
Site B: Gungali Storyline and Pathway	Very High	Direct / Partial
Site C: Sealy Point Pathways	High	Direct / Partial
Site D: East Boambee Camp	Medium	Direct / Partial
Site E: West Korora Living Place	Medium	None / None

It is noted that the registered Aboriginal stakeholders and the knowledge holders also place cultural value on the material objects (artefacts) identified through the archaeological investigations for this project. Additional cultural salvage is proposed at a number of archaeological sites. Cultural salvage will be undertaken by registered Aboriginal stakeholders at sites of at least moderate archaeological significance, following the completion of the archaeological salvage program. Cultural salvage acts as additional mitigation for impact to cultural value at these sites and will be carried out in accordance with the methodology in Appendix F.

8.3 Archaeological assessment: impact assessment and mitigation strategies

All identified Aboriginal archaeological sites identified within the study area have been considered by TfNSW in relation to the development of the project. The first priority is to avoid harming Aboriginal cultural heritage where possible.

TfNSW took Aboriginal archaeological heritage into consideration during the design process. Early identification of Aboriginal heritage during the archaeological assessment process and consultation with registered Aboriginal stakeholders resulted in the avoidance of impact to one Aboriginal archaeological site with moderate significance (CHB AFT 12), one Aboriginal archaeological site with moderate-high significance (CHB6 AS01) and one area of PAD (PAD 22). In addition, two Aboriginal archaeological sites of moderate significance (CHB AFT 1 and CHB AFT 5) will be partially impacted. Refinements/design changes included:

- refinement of alignment following the archaeological assessment to reduce impact to two sites (CHB AFT 1 and CHB AFT 5)
- utilisation of tunnels at Roberts Hill, Shephards Lane and Gatelys Road ridges to avoid impact to PAD 22, CHB6 AS01 and CHB AFT 12 respectively

Detailed design for utility adjustments and fencing is yet to be completed. Should detailed design indicate impact to Aboriginal archaeological sites that have not been tested further consultation will be undertaken with Aboriginal stakeholders to determine what management actions are to be undertaken for these areas.

While conservation is the best approach when considering Aboriginal heritage, some level of impact to the identified archaeological sites is unfortunately unavoidable due to the construction requirements of the road upgrade.

The CHAR evaluated the potential harm of the project on Aboriginal archaeological heritage in terms of Ecologically Sustainable Development (ESD). The ESD assessment of Aboriginal heritage evaluated: long-term and short-term considerations, precautionary environmental impacts, maintenance and enhancement for future generations and cost/benefit of impacting on archaeological objects. In this regard, road designs utilised conservation principles by consolidating the design to closely align with previous development and adjacent highway upgrades (limiting fragmentation) and limiting the construction footprint as much as practical to reduce the cumulative harm to Aboriginal heritage. In addition, tunnels were utilised to avoid cumulative harm to Aboriginal heritage.

Where impact to Aboriginal archaeological sites of moderate or higher archaeological significance cannot be avoided, mitigation is required. The scientific value of archaeological sites is linked to the physical information the sites contain. The salvaged information will increase our understanding, strengthen our interpretations and improve ongoing and future management of Aboriginal heritage in the surrounding area. The spatial extent, presence of archaeological deposits and activities related to Aboriginal occupation at archaeological sites in the surrounding area are not yet fully understood due to limited archaeological investigations. The narrowness of the coastal plain in the Coffs Harbour region is likely to have influenced the area's conformity with the wider regional archaeological model; however, more data would be required to investigate this relationship.

In this light, the project offers an opportunity to advance the interpretation and management of Aboriginal heritage of the surrounding area by contributing to the baseline of information available to future heritage assessments. Aboriginal stakeholders have previously expressed that all archaeological sites hold cultural value and significance, regardless of disturbance or low artefact densities.

Consultation with Aboriginal stakeholders has determined that the loss of intrinsic Aboriginal cultural value of impacted sites cannot be offset; however, information recovered from mitigation activities is equally as valuable to the contemporary Aboriginal community as it is to archaeologists as it expresses the overall cultural story of the area.

Proposed mitigation measures include the collection of recorded surface artefacts and the salvage excavation of sites which display moderate significance. Suitable recommendations for the identified impacts to the sites have been developed based on environmental context and condition, background research and consultation with stakeholders.

Proposed mitigation measures also include a management procedure for the assessment of unexpected heritage items that would include any Aboriginal objects found within the study area outside the previously identified sites (See Section 10.1).

Proposed impacts to Aboriginal archaeological sites identified within the study area are detailed in Table 6 and shown in Figures 10-11.

Table 6. Proposed impact to Aboriginal archaeological sites within the study area

Site Name	Site Features	Assessed Significance/Potential	Type / Degree of Harm	Consequence of Harm
CHB AFT 1	Subsurface deposit	Moderate	Direct / Partial	Partial loss of value
CHB AFT 2	Subsurface deposit	Low	Direct/ Total	Total loss of value
CHB AFT 3	Subsurface deposit	Low	Direct/ Total	Total loss of value
CHB AFT 4	Subsurface deposit	Low	Direct/ Total	Total loss of value
CHB AFT 5	Surface artefacts and subsurface deposit	Moderate	Direct / Partial	Partial loss of value
CHB AFT 6	Subsurface deposit	Low	Direct/ Total	Total loss of value
CHB AFT 7	Subsurface deposit	Low	Direct/ Total	Total loss of value
CHB AFT 8	Subsurface deposit	Moderate	Direct / Total	Total loss of value
CHB AFT 9	Surface artefacts	Low	Direct/ Total	Total loss of value
CHB AFT 10	Subsurface deposit	Low	Direct/ Total	Total loss of value
CHB AFT 11	Surface artefacts and subsurface deposit	Moderate	Direct / Total	Total loss of value
CHB AFT 13	Subsurface deposit	Moderate	Direct / Total	Total loss of value
CHB AFT 14	Subsurface deposit	Low	Direct/ Total	Total loss of value
CHB AFT 15	Subsurface deposit	Low	Direct/ Total	Total loss of value
CHB AFT 16	Surface artefacts	Moderate	Direct/ Total	Total loss of value
CHB PAD 27	Potential archaeological deposit	Moderate	Direct/ Total	Total loss of value
CHB IF 1	Isolated subsurface artefact	Low	Direct/ Total	Total loss of value
CHB IF 2	Isolated subsurface artefact	Low	Direct/ Total	Total loss of value
CHB IF 3	Isolated subsurface artefact	Low	Direct/ Total	Total loss of value
CHB IF 4	Isolated subsurface artefact	Low	Direct/ Total	Total loss of value
CHB IF 5	Isolated subsurface artefact	Low	Direct/ Total	Total loss of value
CHB IF 6	Isolated subsurface artefact	Low	Direct/ Total	Total loss of value
CHB IF 7	Isolated surface artefact	Low	Direct/ Total	Total loss of value
CHB6 IF 2	Isolated surface artefact	Low	Direct/ Total	Total loss of value
CHSS-3	Isolated surface artefact	Low	Direct/ Total	Total loss of value
Coffs Dump	Isolated surface artefact	Low	Direct/ Total	Total loss of value

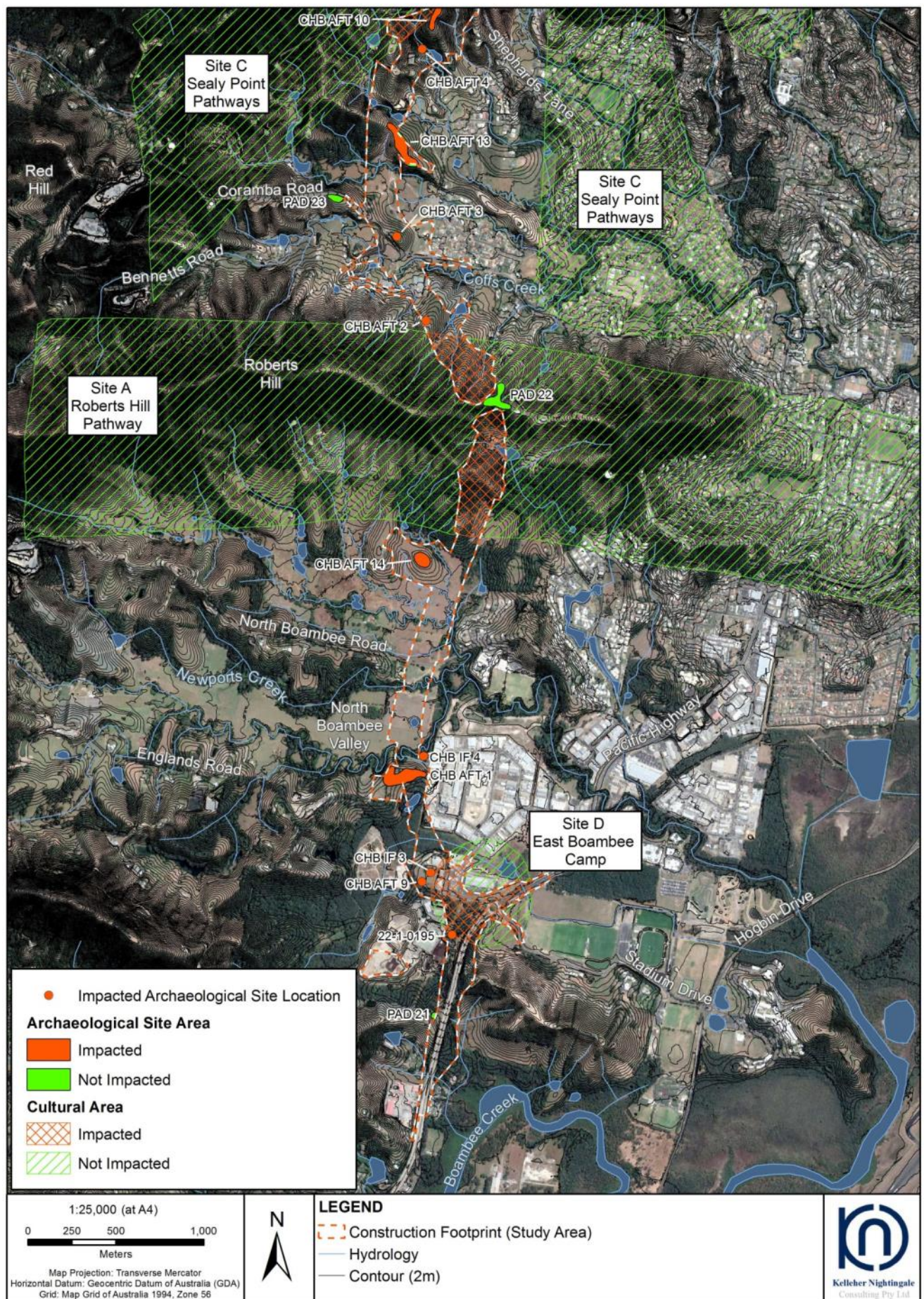


Figure 10. Proposed impact area and Aboriginal heritage – southern section

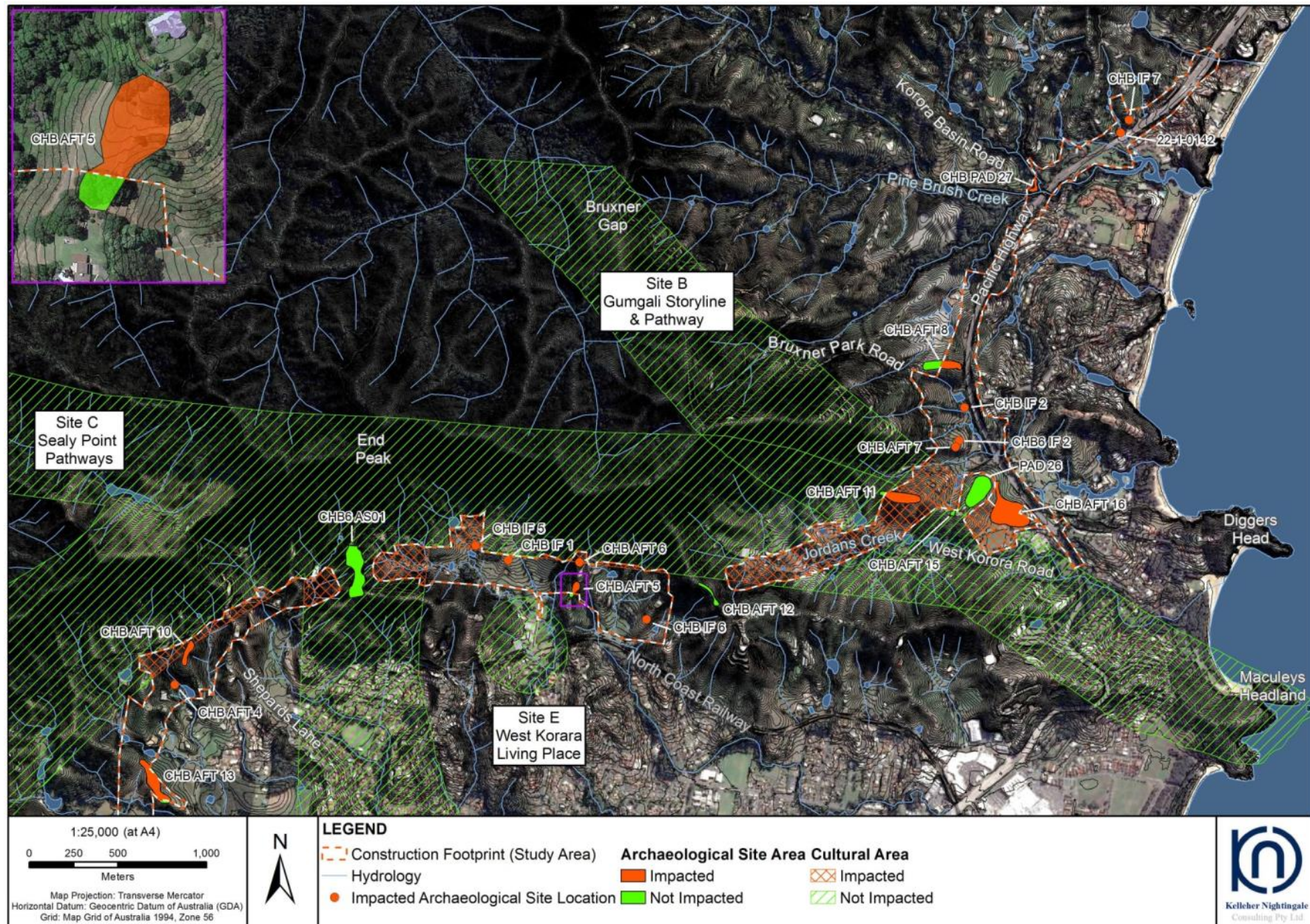


Figure 11. Proposed impact area and Aboriginal heritage – northern section

Table 7. Mitigation and management measures for Aboriginal cultural heritage

Site Name	Assessed Significance	Impact Assessment	Mitigation and Management
Site A: Roberts Hill Pathway	High	Direct / Partial	<p>Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process.</p> <p>The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Roberts Hill Pathway is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.</p> <p>The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.</p> <p>The detailed design process should aim to minimise the impact of the construction footprint on the cultural site(s). This process should occur in consultation with a cultural heritage professional and the identified knowledge holders.</p>
Site B: Gungali Storyline and Pathway	Very High	Direct / Partial	<p>Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process.</p> <p>The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Roberts Hill Pathway is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.</p> <p>The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.</p> <p>The detailed design process should aim to minimise the impact of the construction footprint on the cultural site(s). This process should occur in consultation with a cultural heritage professional and the identified knowledge holders.</p>
Site C: Sealy Point Pathways	High	Direct / Partial	<p>Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process.</p> <p>The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Roberts Hill Pathway is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.</p> <p>The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.</p>

Site Name	Assessed Significance	Impact Assessment	Mitigation and Management
			The detailed design process should aim to minimise the impact of the construction footprint on the cultural site(s). This process should occur in consultation with a cultural heritage professional and the identified knowledge holders.
Site D: East Boambee Camp	Medium	Direct / Partial	<p>Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process.</p> <p>The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Roberts Hill Pathway is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.</p> <p>The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.</p> <p>The detailed design process should aim to minimise the impact of the construction footprint on the cultural site(s). This process should occur in consultation with a cultural heritage professional and the identified knowledge holders.</p>
Site E: West Korora Living Place	Medium	None/ None	<p>The site will not be impacted by the proposed works and it is not considered that specific mitigation measures are required.</p> <p>However, the site is associated with Sites A-D and discussion of it should be included in the booklet and interpretative signage recommended as mitigation for the impact on those sites.</p>
CHB AFT 1	Moderate	Direct / Partial	<p>Archaeological salvage excavation of impacted portion of site.</p> <p>Cultural salvage of impacted portion of site following completion of archaeological salvage.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>
CHB AFT 2	Low	Direct / Total	<p>No archaeological mitigation required.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>
CHB AFT 3	Low	Direct / Total	<p>No archaeological mitigation required.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>
CHB AFT 4	Low	Direct / Total	<p>No archaeological mitigation required.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>
CHB AFT 5	Moderate	Direct / Partial	<p>Archaeological salvage excavation of impacted portion of site and collection of surface artefacts.</p> <p>Cultural salvage of impacted portion of site following completion of archaeological salvage.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>
CHB AFT 6	Low	Direct / Total	<p>No archaeological mitigation required.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>
CHB AFT 7	Low	Direct / Total	<p>No archaeological mitigation required.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>
CHB AFT 8	Moderate	Direct / Total	<p>Archaeological salvage excavation.</p> <p>Cultural salvage following completion of archaeological salvage.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>
CHB AFT 9	Low	Direct/ Total	<p>Collection of surface artefacts.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>
CHB AFT 10	Low	Direct/ Total	<p>No archaeological mitigation required.</p> <p>Relevant project approval required prior to commencement of works affecting the site.</p>

Site Name	Assessed Significance	Impact Assessment	Mitigation and Management
CHB AFT 11	Moderate	Direct / Total	Archaeological salvage excavation and collection of surface artefacts. Cultural salvage following completion of archaeological salvage. Relevant project approval required prior to commencement of works affecting the site.
CHB AFT 13	Moderate	Direct / Total	Archaeological salvage excavation. Cultural salvage following completion of archaeological salvage. Relevant project approval required prior to commencement of works affecting the site.
CHB AFT 14	Low	Direct/ Total	No archaeological mitigation required. Relevant project approval required prior to commencement of works affecting the site.
CHB AFT 15	Low	Direct/ Total	No archaeological mitigation required. Relevant project approval required prior to commencement of works affecting the site.
CHB AFT 16	Moderate	Direct/ Total	Archaeological salvage excavation and collection of surface artefacts. Cultural salvage following completion of archaeological salvage. Relevant project approval required prior to commencement of works affecting the site.
CHB PAD 27	Moderate	Direct/ Total	Archaeological salvage excavation. Cultural salvage following completion of archaeological salvage. Relevant project approval required prior to commencement of works affecting the site.
CHB IF 1	Low	Direct / Total	No archaeological mitigation required. Relevant project approval required prior to commencement of works affecting the site.
CHB IF 2	Low	Direct / Total	No archaeological mitigation required. Relevant project approval required prior to commencement of works affecting the site.
CHB IF 3	Low	Direct / Total	No archaeological mitigation required. Relevant project approval required prior to commencement of works affecting the site.
CHB IF 4	Low	Direct / Total	No archaeological mitigation required. Relevant project approval required prior to commencement of works affecting the site.
CHB IF 5	Low	Direct / Total	No archaeological mitigation required. Relevant project approval required prior to commencement of works affecting the site.
CHB IF 6	Low	Direct / Total	No archaeological mitigation required. Relevant project approval required prior to commencement of works affecting the site.
CHB IF 7	Low	Direct / Total	Collection of surface artefacts. Relevant project approval required prior to commencement of works affecting the site.
CHB6 IF 2	Low	Direct / Total	Collection of surface artefact. Relevant project approval required prior to commencement of works affecting the site.
Coffs Dump	Low	Direct / Total	Collection of surface artefact. Relevant project approval required prior to commencement of works affecting the site.
CHSS-3	Low	Direct / Total	Collection of surface artefact. Relevant project approval required prior to commencement of works affecting the site.

9 Management Outcomes

The following general management outcomes would be implemented in accordance with the mitigation strategy for the proposal as outlined in Section 8.

9.1 Mitigation for Aboriginal cultural sites/places

The detailed cultural assessment recommended a number of activities to mitigate the partial impact to the four identified Aboriginal cultural sites/places which occur within the study area (Table 8). While Site E: West Korora Living Place is avoided by the project, the site is associated with Sites A-D and discussion of it should be included in the booklet and interpretative signage recommended as mitigation for the impact on those sites.

Table 8. Aboriginal cultural heritage sites/places requiring mitigation

Mitigation activities for cultural sites	
Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process.	Site A: Roberts Hill Pathway Site B: Gumgali Storyline and Pathway Site C: Sealy Point Pathways Site D: East Boambee Camp
The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Roberts Hill Pathway is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.	Site A: Roberts Hill Pathway Site B: Gumgali Storyline and Pathway Site C: Sealy Point Pathways Site D: East Boambee Camp Site E: West Korora Living Place
The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.	Site A: Roberts Hill Pathway Site B: Gumgali Storyline and Pathway Site C: Sealy Point Pathways Site D: East Boambee Camp Site E: West Korora Living Place
The detailed design process should aim to minimise the impact of the construction footprint on the cultural site(s). This process should occur in consultation with a cultural heritage professional and the identified knowledge holders.	Site A: Roberts Hill Pathway Site B: Gumgali Storyline and Pathway Site C: Sealy Point Pathways Site D: East Boambee Camp

9.2 Mitigation through archaeological salvage excavation

The Aboriginal sites in Table 9 are of at least moderate Aboriginal heritage significance and would be impacted by the project. The sites will require archaeological salvage excavation to mitigate the impact. Salvage excavation can only occur after project approval is obtained.

Salvage excavation must be completed prior to any activities which may harm Aboriginal objects at these locations. Salvage excavation activities and scope would be undertaken in accordance with the methodology attached as Appendix E.

Table 9. Aboriginal archaeological sites requiring mitigation (archaeological salvage excavation)

Archaeological sites requiring mitigation (salvage excavation)	
Archaeological Site (requiring archaeological salvage)	CHB AFT 1
	CHB AFT 5
	CHB AFT 8
	CHB AFT 11
	CHB AFT 13
	CHB AFT 16
	CHB PAD 27

9.3 Mitigation through the collection of surface artefacts

The Aboriginal sites in Table 10 are of low to moderate significance and will be impacted by the project. The sites would require the collection of surface artefacts to mitigate the impact. Collection can only occur after project approval is obtained.

The collection must be completed prior to any activities which may harm Aboriginal objects at these site locations and would be conducted as part of the overall salvage program. The collection of surface artefacts would be undertaken in accordance with the methodology attached as Appendix E.

Table 10. Aboriginal archaeological sites requiring mitigation (collection)

Archaeological sites requiring mitigation (collection)	
Archaeological Sites (requiring the collection of surface artefact(s))	CHB AFT 5
	CHB AFT 9
	CHB AFT 11
	CHB AFT 16
	CHB IF 7
	CHB6 IF 2
	CHSS-3
	Coffs Dump

9.4 Mitigation through cultural salvage by registered Aboriginal stakeholders

The Aboriginal sites in Table 11 are of at least moderate Aboriginal heritage significance and would be impacted by the project. Aboriginal stakeholders have requested that additional cultural salvage take place at these sites as part of mitigation activities. Cultural salvage would be undertaken after the completion of the archaeological salvage program at these locations. Cultural salvage can only occur after project approval is obtained and the archaeological salvage is complete. Cultural salvage must be completed prior to any activities which may harm Aboriginal objects at these locations. Cultural salvage activities and scope would be undertaken in accordance with the methodology attached as Appendix F.

Table 11. Aboriginal archaeological sites requiring mitigation (cultural salvage)

Archaeological sites requiring mitigation (cultural salvage)	
Archaeological Site (requiring cultural salvage)	CHB AFT 1
	CHB AFT 5
	CHB AFT 8
	CHB AFT 11
	CHB AFT 13
	CHB AFT 16
	CHB PAD 27

9.5 No archaeological/cultural mitigation required

No archaeological or cultural mitigation is required for the sites in Table 12. Sites may only be impacted after project approval is obtained.

Table 12. Aboriginal archaeological sites with no further archaeological/cultural mitigation required

No further archaeological mitigation required	
Archaeological Sites (no archaeological mitigation)	CHB AFT 2
	CHB AFT 3
	CHB AFT 4
	CHB AFT 6
	CHB AFT 7
	CHB AFT 10
	CHB AFT 14
	CHB AFT 15
	CHB IF 1
	CHB IF 2
	CHB IF 3
	CHB IF 4
	CHB IF 5
	CHB IF 6

10 Management Procedures

10.1 Management Policy for Aboriginal cultural heritage

The policy for the management and conservation of Aboriginal heritage in relation to cultural heritage salvage activities and construction activities (or fencing, geotechnical investigations, minor clearing, establishing site compounds, adjustment to services/utilities etc.) is described below:

Responsibility for compliance with Management Policy

1. The Proponent must ensure all of its employees, contractors and subcontractors and agents are made aware of and comply with this management policy.
2. The Proponent must appoint a suitably qualified and experienced environmental manager who is responsible for overseeing the activities related to this management policy.
3. The Proponent must appoint a suitably qualified and experienced Archaeologist who is responsible for overseeing, for and on behalf of the Proponent, the archaeological activities relating to the project.

Construction constraints

4. Where archaeological salvage excavation or surface collection has been nominated for impacted sites, no construction activities (or fencing, geotechnical investigations, minor clearing, establishing site compounds, adjustment to services/utilities etc.) can occur on the lands to be investigated until the relevant archaeological excavation and cultural salvage at the nominated site have been completed.
5. Prior to the commencement of any work including early works activity (e.g. fencing, minor clearing, establishing site compounds etc.) a construction heritage site map identifying Aboriginal sites to be excavated and avoided (for all sites in proximity to the project boundary) must be prepared. The construction heritage site map should be prepared to the satisfaction of TfNSW.
6. All employees, contractors, subcontractors and agents must undertake a Project induction (including the distribution of a construction heritage site map) to ensure that they have an understanding and are aware of the Aboriginal heritage issues affecting the project.

Areas of Aboriginal archaeological sites and objects to be impacted

7. The areas of archaeological sites and objects identified as being impacted by construction activities are listed in Table 7 of this report. Impact must be in accordance with the Project Approval.

Human remains

8. This management policy does not authorise any damage of human remains.
9. If potential human remains are disturbed the Proponent must follow the procedures outlined in section 10.2 below.

Salvage activities

10. Archaeological salvage excavation where appropriate must be carried out in accordance with the methodology specified in Appendix E and the Project Approval.
11. Cultural salvage where appropriate must be carried out in accordance with the methodology specified in Appendix F and the Project Approval.

Involvement of Aboriginal groups and/or individuals

12. Opportunity will be provided to the registered Aboriginal stakeholders to be involved in the following activities:
 - a. assist with the collection of surface artefacts and archaeological salvage excavation in accordance with the methodology specified in Appendix E.
 - b. undertake cultural salvage at nominated sites in accordance with the methodology specified in Appendix F.

Conservation of archaeologically salvaged Aboriginal objects

13. Department of Planning, Industry and Environment (DPIE), as the approval authority, will be consulted
14. Aboriginal objects will be transferred in accordance with a Care Agreement or similar agreement to the Aboriginal community or reburied as required.
15. In the event the Aboriginal community is unable to accept the objects or reburial is not possible, the objects will be transferred to the Australian Museum in accordance with legislative requirements, *Australian Museum Archaeological Collection Deposition Policy v1.0 January 2012*
16. In the event that neither the Australian Museum nor the Aboriginal community are able to accept the archaeological objects and reburial is not possible, the archaeological company undertaking the salvage will seek a Care Agreement or similar agreement to curate the objects.

Reporting requirements

17. A written archaeological salvage excavation report must be provided to TfNSW within a reasonable time in accordance with the Project Approval following the completion of the archaeological program.

Notification and reporting about incidents that breach this management policy

18. Incident reporting requirements in accordance with the Project Approval is to include Aboriginal heritage.

Procedure for unexpected archaeological finds

19. TfNSW's *Unexpected Heritage Items: Heritage Procedure* will be used in the event of uncovering an unexpected archaeological find during TfNSW activities (TfNSW 2012).

10.2 Procedures for handling human remains

- **Note that Project Approvals do not include the destruction of Aboriginal remains**

This section outlines the procedure for handling human remains in accordance with the Skeletal Remains – Guidelines for the Management of Human Skeletal Remains under the *Heritage Act 1977* (NSW Heritage Office 1998) and the *Aboriginal Cultural Heritage Standards and Guidelines Kit* (NPWS 1997). In the event that construction activity reveals possible human skeletal material (remains), the following procedure is to be followed:

1. As soon as remains are exposed, all work is to halt at that location immediately and the Project environmental manager on site is to be immediately notified to allow assessment and management:
 - i. stop all activities
 - ii. secure the site.
 - iii. an appropriately qualified specialist is to undertake a preliminary determination that the bones may be human.
 - iv.
2. Contact police, the discovery of human remains triggers a process which assumes that they are associated with a crime. The NSW Police retain carriage of the process until such time as the remains are confirmed to be Aboriginal or historic
3. DPIE, as the approval authority, will be notified when human remains are found
4. Once the police process is complete and if remains are not associated with a contemporary crime contact DPIE. DPIE will determine the process as appropriate:
 - i. if the remains are identified as Aboriginal, the site is to be secured and all Aboriginal stakeholders and relevant knowledge holders are to be notified in writing, or
 - ii. if the remains are identified as non-Aboriginal (historical) remains, the site is to be secured. DPIE will act in consultation with the Heritage Division as appropriate. The Heritage Division will be notified in writing according to DPIE instructions;
5. Once the police process is complete or if the remains are identified as not being human work can recommence once the appropriate clearances have been given.

10.3 Procedure for proposed changes to the Approved Project

TfNSW recognises that during the construction of the project design alterations or other changes to the Approved Project may be required.

A proposed change to the Approved Project (such as an alteration of the current design, the location of ancillary facilities etc.) within the project corridor may result in a:

- Reduced impact to Aboriginal cultural heritage, or an
- Increased impact to Aboriginal cultural heritage.

To ensure consistency with the Approved Project and this document any change in the overall impact on Aboriginal cultural heritage will need to be considered. The process to determine consistency is outlined in section 10.3.1 below.

Where a proposed change to the Approved Project occurs outside of the construction footprint considered for the EIS further heritage assessment will be required to determine if there would be an impact on Aboriginal cultural heritage and whether this represents a modification to the Approved Project (outlined below).

10.3.1 Changes in heritage impact

Where the Proponent seeks to make a change to the design and construction of the Approved Project which changes the assessed impact on Aboriginal cultural heritage the Proponent will need to prepare an assessment of the new impacts of this work in consultation with the appointed Archaeologist. The continued involvement of the Aboriginal stakeholders in this process is outlined in section 10.4.

- ♦ New impacts consistent with previously identified impacts

If a proposed change to the Approved Project is considered to have a neutral or lesser impact on Aboriginal cultural heritage than that identified in this document it would be considered a consistent impact.

If the proposed change is considered to be consistent with the Approved Project, TfNSW may approve the change with no requirements to seek further approval. However, in certain circumstances, further consultation with Aboriginal stakeholders may still be required (see section 10.4 below).

- ♦ New impacts inconsistent with previously identified impacts

If a proposed change to the Approved Project is considered to have an increased impact on Aboriginal cultural heritage than that identified in the EIS (or Amendment Report) it would be considered an inconsistent impact.

If the proposed change is considered inconsistent with the assessed impact on Aboriginal cultural heritage, as detailed in the Project Approval, TfNSW would require an amendment to the mitigation measures included in this report. If this proposed change is considered inconsistent with the Approved Project TfNSW would require a modification of the Approved Project. Further consultation with Aboriginal stakeholders will be undertaken (see 10.4 below).

10.4 Process for Continued Consultation with Aboriginal Stakeholders

The extent to which TfNSW will continue to consult with Aboriginal stakeholders is dependent upon the level of impact and whether the area was assessed as part of the EIS (or Amendment Report). The types of potential impacts are identified as reduced impacts, increased impacts or unknown impacts.

a) Neutral Impact

If as a result of alterations to the project design a previously identified impact to an Aboriginal heritage item is neutral then no further consultation is required.

b) Reduced Impact

If as a result of alterations to the project design an impact to an Aboriginal heritage item is proposed that results in a reduced impact on the overall heritage significance of the study area (i.e. the cumulative impact is reduced), then further consultation with Aboriginal stakeholders will be undertaken. This consultation may entail a phone call and phone log of comments received or the provision of a report for comment (10 working days).

c) Increased Impact

Where as a result of alterations to the project design an impact on Aboriginal heritage is considered to be greater than identified by the Approved Project further consultation will be undertaken. This consultation will either entail a phone call and phone log of comments received or the provision of a report for comment (10 working days).

d) Unknown impacts: Assessment process

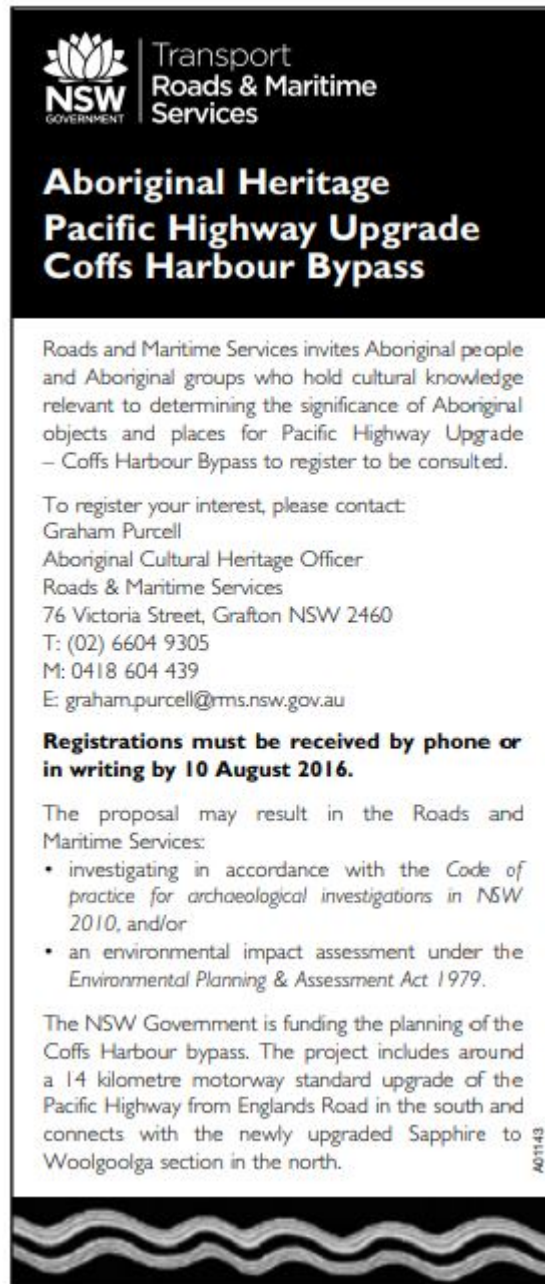
Where a proposed change is an area located outside of the study area assessed as part of the Approved Project the impact on Aboriginal cultural heritage is considered to be unknown. This area would require preliminary assessment to determine any impacts upon Aboriginal heritage. Aboriginal stakeholders and cultural knowledge holders will be invited to participate in any required surveys, in accordance with TfNSW requirements. Should no impacts be identified then no additional consultation with Aboriginal stakeholders is required. Should potential impacts be identified, additional consultation with Aboriginal stakeholders will be undertaken. This consultation will entail the provision of a report for stakeholder comment (10 working days) detailing the impacts and mitigation strategies proposed.

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Appendix A Advertisement for registration of interest



NSW GOVERNMENT | Transport
Roads & Maritime Services

Aboriginal Heritage Pacific Highway Upgrade Coffs Harbour Bypass

Roads and Maritime Services invites Aboriginal people and Aboriginal groups who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places for Pacific Highway Upgrade – Coffs Harbour Bypass to register to be consulted.

To register your interest, please contact:
Graham Purcell
Aboriginal Cultural Heritage Officer
Roads & Maritime Services
76 Victoria Street, Grafton NSW 2460
T: (02) 6604 9305
M: 0418 604 439
E: graham.purcell@rms.nsw.gov.au

Registrations must be received by phone or in writing by 10 August 2016.

The proposal may result in the Roads and Maritime Services:

- investigating in accordance with the *Code of practice for archaeological investigations in NSW 2010*, and/or
- an environmental impact assessment under the *Environmental Planning & Assessment Act 1979*.

The NSW Government is funding the planning of the Coffs Harbour bypass. The project includes around a 14 kilometre motorway standard upgrade of the Pacific Highway from Englands Road in the south and connects with the newly upgraded Sapphire to Woolgoolga section in the north.

AO1143

Appeared in: *Koori Mail* (27/07/2016), *National Indigenous Times* (28/07/2016) and *Coffs Advocate* (27/07/2016);

Appendix B AFG Meeting Minutes



Name of meeting: Aboriginal focus group meeting (AFG) for the Coffs Harbour Bypass Project.

Location of meeting: Novotel Coffs Harbour: Cnr Pacific Hwy and Bay Drive, Coffs Harbour NSW

Meeting facilitator: Matthew Kelleher

Date: 28 June 2017 9:30am – 1:30pm

Attendees:

Adam Cameron (Roads and Maritime)	Helen Lambert (Coffs Harbour and District Local Aboriginal Land Council)
Scott Lawrence (Roads and Maritime)	
Barry Williams (Roads and Maritime)	Greg Douglas (Coffs Harbour and District Local Aboriginal Land Council)
Rochelle Hicks (Roads and Maritime)	
Tiarne Marsden (Work experience, Roads and Maritime)	
Mark Cowan (Arup)	Tony Dootson (Garby Elders)
Nic Fleury (Arup)	Ian Brown (Coffs Harbour and District Local Aboriginal Land Council)
Fiona Riley (Arup)	
Matthew Kelleher (Kelleher Nightingale Consulting)	Josh Anderson (Coffs Harbour and District Local Aboriginal Land Council)
Frieda Archibald	
Frank Archibald	
Tony Perkins (Jagun Aged Care Elders)	

Apologies:

Subject: Archaeological methodology for the Coffs Harbour Bypass Project

MEETING MINUTES

	Discussion	Action / Response
1	Welcome to country Matthew Kelleher opened the meeting and introduced Tony Dootson to present a Welcome to Country.	
2	Introductions and apologies Matthew facilitated an around the room introduction session.	
3	Proposal Matthew invited Adam Cameron to provide an outline of the proposal. The project is an approximately 14km motorway standard road from Englands Road in the south, connecting with the upgraded Sapphire to Woolgoolga section in the north. The route passes through the North Boambee Valley, through the Roberts Hill ridgeline and then traverses the foothills of the Coffs Harbour basin west and north to Korora Hill. Key considerations for the project include the consideration of cutting or tunnel options at the major ridgelines at Roberts Hill, Shephards Lane and Gatelys Road. An Environmental Impact Statement (EIS) is being prepared by Arup in response to the Secretary's Environmental Assessment Requirements (SEARs). The aim is to have the EIS on display by the end of 2018, and to achieve Planning approval by early 2019. Construction start date is uncertain as funding has not been secured. The cost of the Project will be around \$1b. A question was asked whether the EIS would include assessment of social impacts, including employment and housing. Adam advised that the EIS would assess potential impacts on Aboriginal heritage, social elements (including impacts on land owners, social benefits and community severance), noise, traffic, biodiversity (including native flora and fauna), urban design and visual. Land acquisition for the project is bound by the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> , whereby the landowner receives market value for their property.	
4	Archaeological assessment Matthew Kelleher described the findings from the site walkover and the proposed assessment methodology for the next stage. A site walkover, involving archaeologists and the LALC, has been carried out on a corridor which is intentionally broader than the final footprint. This corridor has been selected to allow minor amendments to the alignment. Matthew advised that elevated areas are less likely to be affected by erosion and therefore ridgelines are more likely to contain artefacts. There are four sites within the corridor, two previously identified, and two identified during the site walkover. 20 potential archaeological deposits (PADs) have also been identified for further investigation. The previously identified sites are: <ul style="list-style-type: none"> • AHIMS 22-1-0142: Isolated greywacke flake located in a disturbed context. • AHIMS 22-1-0195: Isolated artefact located on a lower slope in a disturbed context. The two recently identified sites are: <ul style="list-style-type: none"> • CHB6 IF2: Broken hammer stone located on the surface of a crest in a disturbed area (within a dressage ring). 	1. Comments on the assessment methodology are to be provided to Barry Williams by 14 July 2017.

	Discussion	Action / Response
	<ul style="list-style-type: none"> CHB6 AS01: Artefact scatter of 50-100 artefacts, recorded within a banana plantation on a ridgeline. <p>Matthew Kelleher presented a "fly through" of the project corridor and identified the artefact sites and PADs within the corridor and their justification as PADs.</p> <p>Ian Brown advised that there were some major sites recorded near the new residential estate near Shephards Lane. Tony Perkins agreed.</p> <p>Matthew Kelleher explained that the next stage of investigation will be to undertake test excavations at the PADs. These will be standard Office of Environment and Heritage (OEH) test pits (50cm x 50cm).</p> <p>Ian Brown advised that the OEH test pits are insufficient to capture the site conditions. Matthew advised he has been discussing the existing methodology with OEH separate to this project, however the SEARs have specified the OEH methodology.</p> <p>Frank Archibald advised that the paths between sites are significant, even if artefacts are not identified. Concerns raised about the severance of pathways as a result of the project.</p> <p>Tony Dootson asked what would happen to objects found during salvage and whether they can be kept by site officers. Matthew advised that this is to be determined by Roads and Maritime and the RAPs and would be included in the PACHCI Stage 3 mitigation methodology.</p> <p>Any Comments on the assessment methodology are to be provided to Barry Williams by 14 July 2017.</p>	
5	<p>Cultural assessment</p> <p>Matthew Kelleher requested that any cultural knowledge holders identify themselves, or be nominated. These are people who can provide information about the intangible cultural values in the area.</p> <p>Helen Lambert advised that she could ask the community, although was unsure whether anyone would come forward. There was discussion that a community meeting (without Roads and Maritime) should be held to discuss the project and encourage knowledge holders to come forward.</p> <p>It was questioned whether there would be financial support to hold these meetings. Matthew advised that any meetings are considered consultation and are not paid by Roads and Maritime, however registered knowledge holders, who provide input into a cultural heritage assessment would be paid for their time.</p> <p>Ian Brown asked how the information gathered from knowledge holders would be stored. Matthew described the process, advising that meetings would be held to collect information. This information would be recorded and vetted by the person who provided the information first, before it is provided to Roads and Maritime. A confidential report could be prepared, and provided to the Department of Planning and Environment for assessment, but not provided for public display.</p> <p>Greg Douglas asked that the information be collated and returned to the people to be used as a knowledge resource. Matthew Kelleher recommended providing any requests such as this in writing to be considered as part of the assessment.</p>	<ol style="list-style-type: none"> 2. Cultural knowledge holder nominations are to be provided to Barry Williams by 31 July 2017. 3. A community meeting to be arranged, with date advised to Barry Williams by 5 July 2017.
6	<p>Site officers</p> <p>Barry Williams advised that the application forms for site officers had not been posted out, however copies were distributed in the meeting. Forms are to be completed and sent to Barry by 31 July 2017.</p> <p>Tony Dootson raised concerns with regards to the rates for site officers and advised that he had been discussing this with Roads and Maritime previously. Rochelle Hicks asked Tony to send any correspondence through so they can continue discussions.</p>	<ol style="list-style-type: none"> 4. Site officer application forms to be returned to Barry Williams by 31 July 2017. 5. Tony Dootson to provide previous correspondence regarding rates to

	Discussion	Action / Response
	<p>Matthew Kelleher advised that trainee site officers need to complete forms too. The project will continue for many years so even if someone is not immediately available, they should submit a form as no new applications will be accepted after 31 July 2017.</p> <p>Ian Brown asked if the geotechnical investigation works had been done. Roads and Maritime advised these were completed in January.</p> <p>Concerns were raised the LALC was not present on site during these works. It was advised that any geotechnical investigations were moved to be outside of PAD locations.</p> <p>Greg Douglas advised that the CH&D LALC employs site officers, and asked whether Roads and Maritime employs the site officers directly. Matthew Kelleher advised that Roads and Maritime will only employ individuals if they satisfy the requirements, including insurances etc. Any site officers from the LALC, would be engaged by Roads and Maritime through the LALC (not individually). Greg raised a concern that they would be covering site officers at a loss.</p> <p>Concern was raised that blasting during construction could have an impact on shelters outside of the corridors. Matthew Kelleher advised the geology in the area was unlikely to support shelters.</p> <p>Concerns were raised with regards to the spacing of test pits at PADs. Matthew Kelleher advised that adjusting the spacing interval could be considered if a submission was received on this during the comment period and it is consistent with the OEH methodology.</p>	<p>Rochelle Hicks.</p>

ACTION	RESPONSIBILITY	STATUS
1. Comments on the assessment methodology are to be provided to Barry Williams by 14 July 2017.	Registered Aboriginal Parties	Open until 14 July 2017
2. Cultural knowledge holder nominations are to be provided to Barry Williams by 31 July 2017.	Registered Aboriginal Parties	Open until 31 July 2017
3. A community meeting to be arranged, with date advised to Barry Williams by 5 July 2017.	Registered Aboriginal Parties	Open
4. Site officer application forms to be returned to Barry Williams by 31 July 2017.	Registered Aboriginal Parties	Open until 31 July 2017
5. Tony Dootson to provide previous correspondence regarding rates to Rochelle Hicks.	Tony Dootson	Open

To provide comments on the assessment methodology please write, email or phone by Friday 14 July 2017. To provide comments on the cultural values assessment, or to nominate as a cultural knowledge holder or site officer, please write, email or phone by Tuesday 31 July 2017.

Barry Williams
 Aboriginal Cultural Heritage Officer
 Roads and Maritime Services
 PO Box 576 Grafton NSW 2460
 Email: barry.williams@rms.nsw.gov.au
 Phone: (02) 6604 9317

MINUTES

Transport
Roads & Maritime
Services

Name of meeting: Coffs Harbour Bypass Aboriginal heritage consultation

Location of meeting: Level 7, 24 Moonee St, Coffs Harbour

Meeting facilitator: RMS

Date: 8 February 2018 **Time:** 9.00am – 11.00am

Attendees: Ian Brown, Coffs Harbour and District Local Aboriginal Land Council (IB)
Josh Anderson, Coffs Harbour and District Local Aboriginal Land Council (JA)
Simone Perkins, Jagun Elders (SP)
Tony Perkins, Jagun Elders (TP)
Tony Dootson, Garby Elders (TD)
Michelle Flanders, Coffs Harbour and District Local Aboriginal Land Council (MF)
Rosalie Neve, OEH (RN)
Matthew Kelleher, archaeologist (MK)
Barry Williams, Aboriginal cultural heritage officer RMS (BW)
David Fleming, project manager RMS (DF)
Scott Lawrence, environment manager RMS (SL)
Rowena Mitchell, environment officer RMS (RM)

1. Welcome to country and introductions

Consultation process

- SL provided an overview of consultation process so far, including discussions of methodology at Aboriginal Focus Group (AFG) meeting in June 2017 and 28-day period for providing comments on the methodology.
- TP and MF both said they did not provide comments on the methodology, but they agree with TD's comments and prefer to be able to provide comments at a face-to-face meeting.
- TP said that it was difficult to provide comments when he hasn't set foot in the corridor.
- MF said that Luana and Ian Brown from CHDLALC did the walk over of the site to inform the geotechnical works. No test pits have been dug to date.
- MK explained that the archaeological survey report is a starting point, no decisions have been made yet. There is a lot more work to be done with testing and talking to cultural knowledge holders.
- TP and IB said that they felt like the archaeologist had discounted their knowledge at the AFG meeting by saying that he is almost always right.
- MK said that this is not right there is still a lot more work to do, more information to gather from knowledge holders etc.
- RN asked whether we could get knowledge holders together before or during the next AFG meeting to give them the opportunity to discuss things amongst themselves.
- SL said yes we can do that. The next AFG would most likely be held after the test excavation work.

- MF requested that future meetings be held on Thursdays as she works Thursdays and Fridays. MF asked why RMS doesn't pay for attendance at AFGs. The CHDLALC has to pay its officers to attend but RMS doesn't pay.
- TP said they have to do consultation with their knowledge holders, which is a lot of hours work, which should be paid.
- SL explained that general community consultation is not paid, but there is payment for cultural knowledge that is given in one-on-one interviews with cultural knowledge holders.
- MK mentioned that cultural knowledge holders need to be identified if they haven't been already, so that we know who to speak to.

Methodology

- IB and TD both said that 50cm x 50cm test pits aren't big enough and don't provide enough information.
- IB also asked if they could go past 3m².
- RN said she understands the issues with the OEH *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, but currently that is what we have to work with for initial investigations.
- MF said test pits don't recognise mythological sites such as Roberts Hill and Korora Hill. She also mentioned that these sites were not adequately covered in the archaeological survey report. TD said culture was more important than science. IB said a site is still there, even if it's been destroyed. MK said that if done correctly, culture and science can work together and end up coming to the same conclusions.
- RN thanked everyone for bearing with the communication issues and agreed that there is a need for cultural information.
- MF also said that food resources/plants also need to be considered.
- SL mentioned that we are still at preliminary stage of EIS, so we still need to work through mitigation measures, salvage options etc.
- IB asked whether there was going to be tunnels.
- DF said we still don't know – that is still to be decided.
- TD said the RAPs want the option to change the methodology on site.
- RN said they will have that option.
- TP asked whether they looked at the width of corridor. TD asked who decided the 20 PADs.
- MF said IB identified the PADs. More PADs could be identified on site.
- TD said he was comfortable with the PADs identified by IB.
- MF said she is worried about the dissection of the Gumgali Track which goes down to the coast and is part of a dreaming story. MF requested that RMS looks closely at the Korora Hill area for cultural information.
- TD said the RAPs want their cultural information to be confidential – it should not be shared with any other infrastructure projects or government agencies.
- MK said knowledge holders only need to talk generally about the location of something culturally significant – if the project is going to impact on that thing then they might want to provide more information.
- SL mentioned that cultural information is kept confidential – it does not go out to the public – only appears in EIS submitted to Department of Planning and Environment for approval.
- RN asked whether RAPs were now comfortable with testing methodology. TP and TD replied yes they are.
- SL asked whether everyone was OK with starting site investigations on Monday. All agreed.

Site investigations

- MF asked whether we should be inducting all site officers at the same time.
- MK explained that only low risk activities will be undertaken so site induction should only take 15 minutes so it can easily be done on the same day someone starts work.
- IB mentioned that RMS workers will need a cultural induction.
- SL agreed, but said construction is still a long way off as the project is not funded for construction yet.
- TD asked when RMS's Procedure for Aboriginal Cultural Heritage Consultation and Investigation (PACHCI) is going to be amended.
- BW replied that he had been informed that rates for site officers would be reviewed by the end of this financial year, however bigger changes to the PACHCI wouldn't happen until the new Aboriginal heritage reforms were passed.
- TP asked whether they could bring trainees to site.
- RM said that approval had been given to have 2 trainees on site under the supervision of more experienced site officers.
- BW said that we would like 4 senior site officers and 2 trainees on site each day and that there should be a representative from each of the three RAPs (in the room) on each day. The RAPs can choose the most appropriate people to do the work as long as they let him know.
- RAPs worked out a schedule and will notify Barry Williams as key contact for all site officer matters.
- BW mentioned that the process for timesheets will be worked out after the meeting.
- IB mentioned that they will need an area for applying disinfectant when working on banana properties.
- MK said this is being sorted out and they will try to group the banana property work together.
- MK and DF asked that site officers be flexible and patient during the site investigations as the majority of properties are not owned by RMS and may not always be able to provide access.

Action items:

- Site investigations to start Monday 12 February at 8am at the old Bunnings site.
- RAPs to provide Barry Williams with names of site officers.
- Barry Williams to work out process for timesheets.
- RMS to progress assessment of cultural knowledge.
- RMS to schedule next meeting on a Thursday after test excavations are completed, unless needed sooner.



Name of meeting: Aboriginal focus group meeting (AFG) for the Coffs Harbour Bypass Project.

Location of meeting: Cavanbah Centre, 191 Harbour Drive, Coffs Harbour NSW

Meeting facilitator: Matthew Kelleher

Date: 13 September 2018 12pm – 2pm

Attendees: Tony Perkins (Jagun Aged Care Elders)
Milly Webb (Jagun Aged Care Elders)
Anthony Dootson (Garby Elders)
Nathan Brennan (Coffs Harbour and District LALC)
Mark Flanders (Coffs Harbour and District LALC)
Adam Cameron (Roads and Maritime)
Scott Lawrence (Roads and Maritime)
Barry Williams (Roads and Maritime)
Rowena Mitchell (Roads and Maritime)
Peter Borrelli (Roads and Maritime)
Paul Ensby (Roads and Maritime)
Nic Fleury (Arup)
Matthew Kelleher (Kelleher Nightingale Consulting)
Kate Waters (Waters Consultancy)

Apologies: Rosalie Neve (OEH)

Subject: Aboriginal Cultural Heritage Assessment Report for the Coffs Harbour Bypass Project

	Discussion	Action / Response
1	Welcome to country Tony Dootson presented a Welcome to Country.	
2	Introductions and project update Adam Cameron provided a project update and an around the room introduction session was facilitated. Project update included: <ul style="list-style-type: none"> The Federal and State governments have committed funding to build the Coffs Harbour bypass Roads and Maritime is developing the environmental impact statement (EIS) for the project and has carried out a number of investigations for this. Preferred concept design display will be held soon The EIS is due to be on display at the end of 2018 Targeting opening the project in 2024. 	
3	Archaeological assessment 20 areas of Potential Archaeological Deposit (PAD) were identified during the assessment and field survey of the previous project area as part of PACHCI Stage 2 investigations. The PACHCI Stage 2 assessment recommended archaeological test excavations of the identified PADs. The current study area is smaller than the PACHCI Stage 2 area and incorporates 17 of the 20 identified PADs. Archaeological test excavations were carried out in early 2018, on 16 of	

	Discussion	Action / Response
	<p>the 17 identified PADs (one PAD was not tested due to access restrictions).</p> <p>Matthew Kelleher outlined the archaeological findings at each of the PADs as described in the Aboriginal Cultural Heritage Assessment Report (CHAR).</p> <p>The archaeological test excavation identified the presence of subsurface archaeological deposit at 11 sites:</p> <ul style="list-style-type: none"> • CHB AFT 1 (formerly PAD 2) • CHB AFT 2 (formerly PAD 7) • CHB AFT 3 (formerly PAD 8) • CHB AFT 4 (formerly PAD 10) • CHB AFT 5 (formerly PAD 12) • CHB6 AS01 (includes PAD 15) • CHB IF 1 (formerly PAD 16) • CHB AFT 6 (formerly PAD 17) • CHB AFT 7 (formerly PAD 18) • CHB IF 2 (formerly PAD 19) • CHB AFT 8 (formerly PAD 20) <p>At the remaining five PADs, test excavations were negative with no artefacts or archaeological deposit identified. These areas do not comprise PADs or Aboriginal archaeological sites. In total, 14 Aboriginal archaeological sites comprising Aboriginal objects and one remaining area of PAD are present within the study area boundary.</p> <p>Ancillary construction facilities will be assessed for Aboriginal heritage impacts prior to works proceeding in these areas.</p> <p>The results show that the cultural values (intangible) and archaeology match well.</p> <p>Cultural mapping has been previously prepared for the area which should be considered as part of the cultural values assessment.</p> <p>Concerns raised regarding cut and fill batters extending outside the assessed project boundary. The area assessed includes an allowance for cut and fill batters, ramps, fauna fencing and construction. If design changes resulted in a change to the project boundary this would require a new assessment before construction begins.</p> <p>There was a question raised about what alternatives there are to cuttings at Roberts Hill Ridge.</p> <p>There was a request for artefacts to be dated following salvage work.</p>	<p>1. Tony Dootson to provide Barry Williams with the cultural mapping for the area.</p>
4	<p>Cultural values assessment</p> <p>The cultural values assessment was carried out with Aboriginal knowledge holders, to identify and map cultural sites.</p> <p>All quotes and maps included in the report have been checked and agreed with knowledge holders. Information knowledge holders wanted kept confidential has not been included in the report.</p> <p>Within the project footprint five specific sites of cultural significance have been identified. All five cultural sites are partially located within the proposed construction footprint and will be impacted to varying extents. The sites and proposed mitigation measures are as follows:</p> <ul style="list-style-type: none"> • Site A: Roberts Hill Pathway – a key pathway connecting the coast with the Orara Valley associated with traditional patterns of movement and resource use between the coast and the valley <ul style="list-style-type: none"> ○ Consider potential for a bored tunnel rather than a cut and cover land bridge during detailed design 	

	Discussion	Action / Response
	<ul style="list-style-type: none"> Rehabilitation and revegetation of the impacted area should occur with local Indigenous plant species at completion of construction works. Site B: Gumgali Storyline and Pathway – a culturally significant storyline and associated pathway running from Macauleys Headland to Sealy Point and through to Mount Coramba and the Orara Valley and Nana Glen <ul style="list-style-type: none"> Detailed design should aim to minimise impact of the construction footprint on the cultural site Rehabilitation and revegetation of the impacted area should occur with local Indigenous plant species at completion of construction works. Site C: Sealy Point Pathways – culturally significant pathways linked to the previous pathway; runs along Sealy Point to the Orara Valley and down to Coffs Creek headwaters and Mimmi Gawgun (Mount Browne) and the Roberts Hill pathway <ul style="list-style-type: none"> Detailed design should aim to minimise the impact of the construction footprint on the cultural site Rehabilitation and revegetation of the impacted area should occur with local Indigenous plant species at completion of construction works. Site D: East Boambee Camp – a traditional and historical camp area associated with seasonal and ritual movement patterns within the wider region <ul style="list-style-type: none"> Detailed design should aim to minimise the impact of the construction footprint on the cultural site Site E: West Korora Living Place – a historical living place located on the West Korora Road in the 1940s. It is probable that it is was the location of a traditional campsite used by people travelling from the Glenreagh area. Detailed design should aim to minimise the impact of the construction footprint on the cultural site (impact only on a small area of this site and may be avoidable during construction). The knowledge holders all emphasised that as part of the broader cultural landscape the whole area holds cultural meanings, values and significance. <p>Overarching recommendations that apply to the first four sites include:</p> <ul style="list-style-type: none"> Interpretative signage relevant to these cultural sites to be displayed in an appropriate area, developed in consultation with the identified Aboriginal knowledge holders Booklet for distribution to the local libraries and educational institutions on the cultural values and historical records relating to the cultural landscape, developed in consultation with identified Aboriginal knowledge holders, with visual documentation of the cultural landscape to occur prior to any construction impacts. 	
5	<p>Discussion</p> <p>Regarding the interpretive signage the following comments were raised:</p> <ul style="list-style-type: none"> It was noted that there is unlikely to be room within the project corridor of interpretive signage as there are no rest areas proposed for the Coffs Harbour Bypass. Suggestion raised to consider Sealy lookout as a possible location for interpretive signage A question was raised around who pays for the upkeep of signage and any vandalism/damage. This would need to be progressed with owners of the land on which signage is installed. Ways to minimise vandalism risk would need to be considered in the development of 	<p>2. Comments on the CHAR are to be provided to Rowena Mitchell by 25 September 2018 (date extended to 2 October 2018 following meeting). Submissions will go on public record, unless advised they are confidential.</p>

	Discussion	Action / Response
	<p>interpretive signage.</p> <ul style="list-style-type: none"> • Suggestion raised to consider an app that provides information on the area and can be viewed while travelling along the highway • While it was suggested that incorporating art into the project could be considered, it was deemed not to be as important in this part of the land and the focus should be on passing on knowledge and using it as an educational tool. <p>Concerns raised regarding the short term nature of employment on these projects. It would be good to be able to offer internships to enable training.</p> <p>It was confirmed that the provision of cultural awareness training for construction contractors is included as a mitigation measure in the EIS.</p> <p>Concerns raised regarding the process in which the geotechnical investigations were carried out.</p> <p>Concerns raised regarding the option of a cut and fill land bridge solution at Roberts Hill ridge. A mined tunnel solution, where the ridgeline is kept intact is preferred. A recommendation was made by Chris Spencer (CEO of Coffs Harbour and District LALC) about 15 years ago, stating the Aboriginal community did not support a cut and fill solution at Roberts Hill ridge</p> <p>For the next phase of works, site officers would make new agreements with RMS, so they would work under the new PACHCI rates of pay.</p> <p>For sites where salvage is required, this will occur before construction.</p>	

ACTION	RESPONSIBILITY	STATUS
1. Tony Dootson to provide Barry Williams with the cultural mapping for the area.	Tony Dootson	Open
2. Comments on the CHAR are to be provided to Rowena Mitchell by 25 September 2018 (date extended to 2 October following meeting). Submissions will go on public record, unless advised they are confidential.	Registered Aboriginal Parties	Open until 2 October 2018

To provide comments on the CHAR please write, email or phone by **2 October 2018**.

Rowena Mitchell
 Environment Officer
 Roads and Maritime Services
 PO Box 576 Grafton NSW 2460
 Email: Rowena.mitchell@rms.nsw.gov.au
 Mobile: 0459 073 478



Name of meeting: Aboriginal focus group meeting (AFG) for the Coffs Harbour Bypass Project.

Location of meeting: Coffs Ex Servicemans Club, 2-6 Vernon Street, Coffs Harbour NSW

Meeting facilitator: Matthew Kelleher

Date: 11 February 2019 12.30pm – 2.30pm

Attendees: Tony Perkins (Jagun Aged Care Elders)
 Mark Flanders ((Coffs Harbour and District LALC and Garby Elders)
 Ian Brown (Coffs Harbour and District LALC and Garby Elders)
 AJ Perkins (Coffs Harbour and District LALC)
 Rosalie Neve (OEH)
 Sally Durham (Roads and Maritime)
 Adam Cameron (Roads and Maritime)
 Scott Lawrence (Roads and Maritime)
 Barry Williams (Roads and Maritime)
 Crystal Donovan (Roads and Maritime)
 Rowena Mitchell (Roads and Maritime)
 Fiona Riley (Arup)
 Matthew Kelleher (Kelleher Nightingale Consulting)
 Kate Waters (Waters Consultancy)

Apologies: Anthony Dootson (Garby Elders)
 Nathan Brennan (Coffs Harbour and District LALC)

Subject: Aboriginal Cultural Heritage Assessment Report for the Coffs Harbour Bypass Project



MEETING MINUTES

	Discussion	Action / Response
1	Welcome to country Tony Perkins presented a Welcome to Country.	
2	Introductions and project update Adam Cameron provided a project update and an around the room introduction session was facilitated. Project update included: <ul style="list-style-type: none"> The preferred concept design was displayed last year, with lots of feedback received. Government acknowledged the feedback and requested Roads and Maritime review the design to investigate a design with a lower grade line, and review crossings of ridgelines. The project corridor is unchanged. Environmental Impact Statement will be released this year. State Government is establishing a Community Consultative Committee to provide a forum for discussion with Roads and Maritime, community members, stakeholder groups and local council. Applications closing soon. 	
3	Discussion of RAPs comments on the draft CHAR It was explained that the purpose of the meeting was to work through the concerns raised in the letter provided by the RAPs on 18 October 2018 in response to the CHAR. i. Site survey – identification of PADS PACHCI Stage 2 survey report was prepared for the project by Biosis Pty Ltd in 2017. The survey report was completed in accordance with the SEARs / OEH requirements, specifically the <i>Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales</i> . Survey of the corridor was undertaken with representatives from Coffs Harbour & District Local Aboriginal Land Council (CHDLALC) including Senior Cultural Sites Officer Ian Brown. Survey results identified 20 potential archaeological deposits (PADs) and two archaeological sites. The location of the identified PADs and sites were detailed in the PACHCI Stage 2 report. The PACHCI Stage 2 report was reviewed by CHDLALC and no concerns were raised. The Stage 2 report was also supported by a cultural heritage survey report prepared by the CHDLALC. The CHDLALC report did not raise any concerns about insufficient PADs being identified or consultation undertaken. The CHDLALC report and the PACHCI Stage 2 formed the basis of the PACHCI Stage 3 methodology and assessment. The PACHCI Stage 2 and Stage 3 methodology report was also presented/reviewed/discussed with the registered Aboriginal parties as part of AFG meetings including meetings (28 June 2017 and follow up meeting 8 February 2018) prior to commencing fieldwork. It is important to note that since the preparation of the PACHCI Stage 2 and Stage 3 Methodology Report, the design has been refined and some of the PADs are no longer within the corridor, and as a result they were not investigated. PAD 1 and the ancillary sites are still to be assessed. It was agreed that an updated figure showing the ancillary sites would be provided to the RAPs (attached to these minutes) who would be given	1. Updated figure appended to these notes. Comments

	Discussion	Action / Response
	<p>two weeks to indicate areas of concern where they recommend further investigation be undertaken</p> <p>Concerns were raised that the RAPs were not kept informed of potential design changes. It was recommended that an informal project update be provided for the RAPs when changes are formally approved, noting that design elements are constantly evolving.</p> <p>ii. Cultural assessment</p> <p>Concerns have been raised about images of the deceased being included in the Cultural Values Assessment Report. Permission had been sought to include these images though concerns have since been expressed. A statement is to be provided to the RAPs for approval, which would be included in the report to provide some context. RAPs to discuss and advise whether images can be included with the additional statement or are to be removed from report.</p> <p>iii. Geotechnical testing</p> <p>Concern was raised over the lack of communication provided during geotechnical investigations (GI). It was explained that proposed GI undergo a due diligence assessment process, and where investigations were proposed within PADs, these would be relocated to areas that do not have potential archaeological impacts.</p> <p>It was noted that the issue was the lack of communication of this process with the RAPs rather than the process itself.</p> <p>iv. Bullying and harassment</p> <p>The letter provided by the RAPs on 18 October 2018 detailed concerns over intimidation, bullying and disrespectful tactics employed during archaeological investigations. This was discussed further. Roads and Maritime commented that they had been advised about some issues on site at the time, but they believed the issues had been resolved. The Safe Work Method Statements include process saying that if this sort of behaviour is witnessed, it must be reported. Roads and Maritime emphasised that they take bullying very seriously and it is not tolerated. Any incidents that occur on site should be discussed with Barry Williams or Matthew Kelleher.</p> <p>v. Rates of pay and leave</p> <p>Rates of pay have been updated (July 2018), and will be reviewed every 1-2 years.</p> <p>It was discussed that there are occasions when all Aboriginal people need to gather and would be unable to work. It was agreed that these situations will need to be discussed on a case by case process to reach an agreement.</p> <p>Concerns were raised about the lack of training opportunities for the younger generation of Sites Officers. Training NSW has some options to be investigated.</p> <p>Travel rates were discussed, and it was explained that these are set by the Commonwealth Government and reviewed annually.</p> <p>Concerns were raised about groups registering as RAPs when they are not from the area. OEH Guidelines allow anyone to register. Applications are assessed through a Roads and Maritime process but will also be provided to OEH and the LALC. OEH or LALC can raise any issues they have with Roads and Maritime (Barry Williams in the first instance).</p>	<p>to be provided by Friday 1 March.</p> <p>2. Regular informal updates to be provided to RAPs on project updates.</p> <p>3. Kate Waters to provide example text to be included in report with regards to images of deceased people and explanation of reasons for inclusion. RAPs to review and provide advice.</p>
4	Discussions	

	Discussion	Action / Response
	<p>Concerns were raised with regards to confidentiality of information provided to the team. It was confirmed that the information in the Cultural Values Assessment Report (appended to the CHAR) has been approved by the cultural knowledge holders who provided the information to Kate Waters. Not everything she is told is included in the report, only the information that relates directly to the project and that she has been given permission to include by the cultural knowledge holder who shared the information.</p> <p>The Aboriginal Participation in Construction (APIC) Policy was discussed. The project has not decided on delivery method and is not yet going out to tender, however it is likely that the industry is starting to prepare for the construction of the project in terms of forming joint ventures and business planning. Roads and Maritime will provide the details of construction contractor tendering on the project when that information becomes available to enable LALCs to start to approach them about opportunities for partnering.</p> <p>Concern was raised that the importance of biodiversity has not been adequately captured in the CHAR / Cultural Assessment Report. More discussions to be had with knowledge holders to try to capture this information.</p> <p>It was recommended that a formal submission be provided to Roads and Maritime, which can either be done now, or in response to the EIS. This will ensure the information is captured and directed to the appropriate people. This submission can be directed to Adam Cameron (adam.cameron@rms.nsw.gov.au) or Scott Lawrence (scott.lawrence@rms.nsw.gov.au).</p> <p>There was a discussion about the need for the RAPs to be giving Aboriginal cultural heritage site inductions during construction. RMS confirmed that it would seek the RAPs help in developing the material for the inductions as well as presenting inductions. It was noted that it is Roads and Maritime preference from someone from the local Aboriginal community to give the inductions, however if no one was available from the RAPs / Local Aboriginal community to give an induction on a particular day then that induction may still go ahead to meet construction timeframes.</p> <p>There was discussion about the need for flexibility to allow site officers to attend funerals, cultural events such as NAIDOC week etc. It was pointed out that there are a lot of projects going on in the Coffs Harbour area and it can be difficult for RAPs to source enough site officers at times.</p>	<p>4. Kate Waters to discuss natural environment with knowledge holders and update Cultural Values Assessment Report.</p>

ACTION	RESPONSIBILITY	STATUS
1. Figure of ancillary sites to be provided with meeting notes. Advice is to be received back within 2 weeks.	Registered Aboriginal Parties	Open until 1 March 2019
2. Regular updates to be provided to the RAPs when project elements change	Roads and Maritime	Ongoing
3. Kate Waters to provide example text to be included in report with regards to images of deceased people. RAPS to review and provide advice.	Kate Waters	Open
4. Kate Waters to discuss natural environment with knowledge holders	Kate Waters	Open

To provide comments and advice please write, email or phone.

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MEETING MINUTES

Meeting title	Coffs Harbour Bypass Aboriginal Focus Group
Date and time	Monday 23 September 2019, 12pm - 2pm
Venue	Coffs Ex-Servicemens Club, 2-6 Vernon Street, Coffs Harbour
Chairperson	Scott Lawrence
Attendees	<p>Tony Perkins, Jagun Aged Care Elders Simone Perkins, Jagun Aged Care Elders Daniel Flanders, Coffs Harbour and District LALC Ian Brown, Garby Elders Josh Anderson, (Garby Elders) Matthew Dootson, Garby Elders Deborah Dootson, Garby Elders Nathan Brennan, Coffs Harbour and District LALC Brett Tibbett, Muurrbay Bundani Aboriginal Corporation Rosalie Neve, Department of Planning, Industry and Environment Matthew Kelleher, Kelleher Nightingale Consulting Lillian O'Mahony, Arup Peter Borrelli, Roads and Maritime Services Scott Lawrence, Roads and Maritime Services Garry Ferguson, Roads and Maritime Services Crystal Donovan, Roads and Maritime Services Rowena Mitchell, Roads and Maritime Services</p>
Subject	Aboriginal Cultural Heritage Assessment Report for the Coffs Harbour Bypass Project

Item no.	Discussion	Action/Response
1	<p>Welcome to Country Deborah Dootson presented a Welcome to Country</p>	
2	<p>Introductions and project update Scott Lawrence advised that Roads and Maritime had received an expression of interest from Muurrbay Bundani Aboriginal Corporation (MBAC), in becoming a registered Aboriginal party for the Coffs Harbour Bypass project. He advised that Roads and Maritime had no objections to the inclusion of MBAC and then asked around the room if there were any objections. There were no objections. Scott Lawrence facilitated an around-the-room introduction</p>	<p>1. Muurrbay Bundani Aboriginal Corporation has been included as a registered Aboriginal party of the Coffs Harbour Bypass project.</p> <p>2. RAPs to provide any comments on the CHAR to Roads and Maritime</p>

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	<p>session, followed by a project update on work undertaken on the project since the last meeting.</p> <ul style="list-style-type: none"> The project update included an overview of design refinements made since the concept design display in September 2018, including three tunnels, reduced grade lines and reduced project footprint. Request for any comments on the Cultural Heritage Assessment Report to be sent to Roads and Maritime by Sunday 27 October. 	by Sunday 27 October.
3	<p>Discussion of survey and test excavations completed in 2019</p> <p>Matthew Kelleher provided a brief recap on the field investigations done prior to the first draft of the Cultural Heritage Assessment Report and the field investigations done in 2019 after the first draft of the CHAR. The second draft of the CHAR shows all PAD areas outside the project, sites inside and outside the project and the five cultural areas.</p> <p>Ian Brown asked to see a figure showing previous boundary (2018 concept design) overlayed over the EIS boundary so he could see where there have been changes.</p> <p>Matthew Kelleher provided a summary of the findings and proposed mitigation measures at each area that underwent test excavations in March/April 2019, including PAD 1, PAD 24, PAD 25, Site 1D, Site 1G, site 2B, 2D, 2E, 3B, 3C, 3E and 3G. He explained that there is a summary figure and table at the back of the CHAR.</p> <p>Ian Brown asked if he could search the ground surface underneath the house at former PAD 1 once the house has been demolished, as this wasn't possible when the house was there.</p> <p>Tony Perkins said he thought 50 artefacts was a lot of artefacts to come out of a few small test pits at site 2B. He thought there should be more testing done to uncover more artefacts. He asked how wide the project footprint is, stating that 60 or 16 m² of total testing was not a lot of testing over a 14km long and 50-300m wide project footprint. He also asked how Biosis walked the whole alignment when Roads and Maritime didn't own all the property yet? Tony Perkins and Ian Brown both requested that Biosis not be engaged to work on the project again. Ian Brown said in the stage 2 report it was stated that the groundcover was so thick they couldn't access all areas they wanted to survey. He also pointed out that a couple of sites were not registered by Biosis.</p> <p>Matthew Kelleher stated that the sites had now been registered in AHIMS. He said all issues with the Biosis-led survey had now been addressed by doing additional survey of the alignment in March/April this year. He also pointed out that salvage of the moderate significance sites will be undertaken</p>	<p>3. Roads and Maritime to provide RAPs with a figure showing previous and current project footprint.</p> <p>4. Roads and Maritime to organise inspection of surface of demolished house site at former PAD 1 with Ian Brown.</p> <p>5. Roads and Maritime to include grader scrapes, also known as "cultural salvage", as a mitigation measure in the CHAR.</p>

	<p>and that a bigger area of the sites can be opened up for salvage than it can for test excavations meaning that more artefacts may be salvaged.</p> <p>Tony Perkins requested that RAPs be given the opportunity to retrieve as many artefacts as possible because it is important to them, especially in educating children. He requested that a grader scrape be done at each site where salvage is proposed so the community can collect any artefacts. The grader scrape would be done after the archaeological salvage and before construction commences.</p>	
4	<p>Post-EIS assessment</p> <p>Scott Lawrence highlighted that following project approval there are often design refinements or other changes to the project, including location of ancillary facilities that are required. The procedure for these changes is listed in the CHAR (sections 10.3 and 10.4). Where a proposed change to the project occurs outside the approved project footprint further assessment is required to determine if there are impacts on Aboriginal heritage. If potential impacts are identified consultation with RAPs would be required. He said minor works may not require any consultation.</p> <p>Ian Brown asked what is considered minor work?</p> <p>Matthew Kelleher replied that minor work would have no impact, or no change in impact, meaning consultation with the community would not be required.</p> <p>Tony Perkins asked whether there will be any work or infrastructure on top of the tunnels?</p> <p>Scott Lawrence said the ridgelines above the tunnels would remain as they are, but we may undertake revegetation work at one or more ridgelines and following detailed design there could be a need to locate utilities at the ridgelines.</p> <p>Ian Brown, site 11, impacts?</p> <p>Rowena Mitchell mentioned that where Aboriginal heritage sites and PADs have been identified on privately owned land that is not impacted by the project, Roads and Maritime is advising landowners of this and their responsibilities under the law.</p> <p>Brett Tibbett asked what is the process for advising landowners?</p> <p>Scott Lawrence said it is being done verbally during informal conversations with landowners and a record of these conversations is kept in a database called Consultation Manager.</p>	
5	<p>Next steps</p> <p>Scott Lawrence explained that the project team is looking for additional ancillary sites and that any additional ones will be</p>	

	<p>included in the Preferred Infrastructure Report. He also mentioned that Aboriginal Participation in Construction will be included in the tender documentation for the project.</p> <p>Garry Ferguson confirmed that 1.5% is the current target for Aboriginal participation in the project workforce. He also suggested that businesses wanting to participate in construction should register on "Supply Nation" and "ICC" as a first step.</p> <p>Brett Tibbett asked whether Roads and Maritime provides guidance on what workers will need to help them get employed?</p> <p>Garry Ferguson said they held workshops for the Woolgoolga to Ballina project which connected potential employees with the construction contractor, TAFE etc. Crystal Donovan said these were successful and they would likely do the same thing for Coffs Bypass.</p> <p>Simone Perkins mentioned that the labour hire hiring process for Woolgoolga to Ballina was unfair. There was discussion about this. Crystal Donovan agreed that Roads and Maritime would need to review the procurement process.</p> <p>Crystal Donovan reminded people to submit any comments on the CHAR to Roads and Maritime by 27 October 2019.</p>	
6	<p>Outcomes/actions</p> <ol style="list-style-type: none"> 1. Muurbay Bundani Aboriginal Corporation has been included as a registered Aboriginal party of the Coffs Harbour Bypass project. 2. RAPs to provide any comments on the CHAR to Roads and Maritime by Sunday 27 October. 3. Roads and Maritime to provide RAPs with a figure showing previous and current project footprint. 4. Roads and Maritime to organise inspection of surface of demolished house site at former PAD 1 with Ian Brown. 5. Roads and Maritime to include grader scrapes, also known as "cultural salvage", as a mitigation measure in the CHAR. 	



MEETING MINUTES

Meeting title	Coffs Harbour Bypass Aboriginal Focus Group
Date and time	Tuesday 10 March 2020, 12:30pm - 2:30pm
Venue	Coffs Ex-Servicemens Club, 2-6 Vernon Street, Coffs Harbour
Chairperson	Anny Druett
Attendees	Tony Perkins, Jagun Aged Care Elders Simone Perkins, Jagun Aged Care Elders Deborah Dootson, Garby Elders Nathan Brennan, Coffs Harbour and District LALC Brett Tibbett, Muurrbay Bundani Aboriginal Corporation Tony Dootson, Garby Elders Matthew Kelleher, Kelleher Nightingale Consulting Rochelle Hicks, Transport for NSW Scott Lawrence, Transport for NSW Garry Ferguson, Transport for NSW Crystal Donovan, Transport for NSW Lance Randall, Transport for NSW Stacey Williamson, Transport for NSW Damian Amamoo, Inception Strategies Anny Druett, Global Values Xchange Observers Belinda Ryan-Novicky, Transport for NSW Trevor Wilson, Community Member Lorraine Wilson, AbCare Cynthia Flanders/Kelly, AbCare
Subject	Aboriginal Cultural Heritage Assessment Report for the Coffs Harbour Bypass Project

Item no.	Discussion	Action/Response
1	Welcome to Country Tony Perkins presented a Welcome to Country	
2	Introductions and project update Scott Lawrence introduced Anny Druett as the AFG facilitator for the day. Anny provided a brief summary of her experience in the industry.	
3	Actions from previous meeting 23 September 2019 and /informal at Grafton 76 Victoria St – 12 February 2020	

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1

	<ul style="list-style-type: none"> • Tony and Simone Perkins have requested that all documents are sent as a hard copy as well as electronically, this includes copies of the CHAR. • Spagnollos road – Ian Brown had previously raised issues regarding recent disturbance and geotechnical works at Spagnollos road. Scott Lawrence mentioned that after discussion and confirmation with the contractor there had not been works carried out there since 2017. Rochelle Hicks suggested that a site visit be arranged to inspect the area by the 31 March 2020. • Potential erosion of significant Aboriginal site on Woolgoolga to Ballina project - ongoing conversations with the Woolgoolga to Ballina team have progressed and are being actioned outside of this AFG. • Inclusion of additional RAP site officers – applications for new site officers are not to be re-opened. Garry reminded all involved of the EOI registration process that took place. This included asking RAPs for applications and assessing applications. The process is closed and there are sufficient site officers for the project so therefore no more are needed. Brett Tibbett raised questions about the site officers and parties involved and if the PACHCI process had been followed. Tony Perkins asked what TfNSW uses to assess applications. Garry Ferguson answered PACHCI and the process within. Nathan Brennan requested copies of the PACHCI also be resent to everyone. • Matthew Kelleher said a full brief was provided prior to consultation with the RAPs before site inspections/works. RAPs requested that a 1-2 page brief, including maps of site survey works be provided to RAPs prior to site surveys. It was requested that this brief be provided to RAP groups undertaking site works with at least 7 to 10-day notice and a meeting to discuss the letter of engagement of the site works and for RAPs to provide feedback. RAPs have requested that the archaeologist and/or environment officer be available for this meeting in addition to the Aboriginal Engagement team. Garry Ferguson mentioned that contacting the RAPs in a short time frame has been an issue and that we have timeframes with all of our works, however, we need to be able to manage this for future works. There was a general discussion about having a timeline for the next 6-months of site work that is required (even though dates may change) to provide RAPs with opportunity to do some forward planning for RAPs. • TfNSW has to follow the PACHCI process. Tony Perkins would like to contact the responsible parties regarding raising concerns and reviewing the existing PACHCI. 	<p>Crystal Donovan to send out documents</p> <p>Rochelle to organise – attendees, Tony Dootson, Ian Brown, Simone Perkins, Dave Fleming, Rochelle Hicks, Garry Ferguson</p> <p>Crystal Donovan to resend</p> <p>Scott Lawrence and Rochelle Hicks to investigate contacts and provide details</p>
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	<p>Simone asked if there are possibilities to have meetings around eligibility on site. Rochelle Hicks stated that there is immense pressure to get the project underway and the review of the PACHCI will not meet project timeframes. However, the project team can help facilitate discussions between the TfNSW authors of the PACHCI and the RAPs so that feedback can be provided.</p> <ul style="list-style-type: none"> The Aboriginal Participation Plan has commenced with consultation today Tuesday 10 March 2020. 	
4.	<p>New Business:</p> <p>Tony Dootson/Tony Perkins asked questions about how previous PADs have been identified. SL provided background to previous investigations which are outlined in the CHAR. Key points:</p> <ul style="list-style-type: none"> The 2016 survey undertaken by Biosis was part of the Stage 2 PACHCI assessment which identified 23 PAD sites. Sites were determined based on site inspections, modelling (taking into account local soil landscapes, local underlying geology, landform, distance to water etc). Coffs Harbour & District LALC site officers were involved in the Stage 2 process and reports was prepared by the LALC, supporting the findings of the Biosis Stage 2 Assessment. The key recommendation of the Biosis report was to proceed to Stage 3 of the PACHCI process, which involved advertising for RAPs and proceeding with a test excavation program. Advertising for RAPs occurred in July 2016. In 2017 Kelleher Nightingale Consulting was engaged by TfNSW to undertake the test excavation program, in accordance with the Code of Practice for Archaeological Investigations of Aboriginal Objects (OEH 2010). As part of this process the methodology was provided to RAPS for comment. RAPS raised concerns that there could be additional PAD sites not identified in the Biosis Report. This was addressed through additional site/surveys undertaken in March/April 2019 following input from RAPs. An additional 16 PAD sites were identified and test excavations carried out. The findings of these surveys were included in an updated ACHAR that was provided to RAPS for comment over a 6 week period from 11 September 2019. <p>Tony Perkins advised the project team that he believes a grinding stone was found some years ago on a property near a Mackays Road property. The grinding stone is kept in the Coffs Harbour Regional Museum. Tony will provide details of the property in question to the project team asap.</p>	<p>Tony Perkins to provide details of property (Lot and DP) where the grinding stone may have come from</p>
5.	<p>Updates/Next steps</p> <ul style="list-style-type: none"> TfNSW is engaging with stakeholders to create factsheets which will be sent out by the end of March 2020. TfNSW is looking into cultural posters to be developed for the display office to provide awareness. Rochelle Hicks provided an update on the design 	

	<p>refinement changes. The changes can be viewed by the community at the project display office.</p> <ul style="list-style-type: none"> The updated CHAR has been sent to RAPs for comment. Comments should be provided by 8 April. Tony Perkins raised that Mackays property may contain additional potential significant artefacts. Tony Perkins to provide lot and DP details to the CHB Team to look into. <p>Meeting Closed 2:40pm</p>	<p>RAPs to provide any comments on the updated CHAR to TfNSW by 8 April 2020.</p>
6	<p>Outcomes/actions</p> <ol style="list-style-type: none"> 1. Hard copy of documents to be sent out with follow up email, including PACHCI and fact sheets by end of March 2020. 2. Spagnoles road disturbance – visit by 31 March 2020 3. TfNSW to facilitate with RAPs a conversation on PACHCI policy contact. 4. Lot and DP details of Mackays property for possible artefacts found. 5. RAPs to provide any comments on the updated CHAR to project team by 8 April 2020. 	<p>Crystal Donovan</p> <p>Rochelle Hicks</p> <p>Garry Ferguson</p> <p>Tony Perkins</p> <p>RAPs</p>



Transport
for NSW

MEMO

Coffs Harbour Bypass – Aboriginal cultural heritage

Date	30 April 2020
Time	2.00pm
Location	Microsoft Teams
Attendees	Tony Perkins, Jagun Elders Nathan Brennan, CH&DLALC Tony Dootson, Garby Elders Brett Tibbett, MBAC Lianne Tibbett, MBAC Rosalie Neve, DPIE Matthew Kelleher, KNC Rochelle Hicks, TfNSW Scott Lawrence, TfNSW Garry Ferguson, TfNSW Crystal Donovan, TfNSW Rowena Mitchell, TfNSW
Item 1	<p>Issue: RAPs requested more opportunity for consultation on the salvage methodologies (Appendix E and F of the CHAR) and the management measures (Section 10 of the CHAR).</p> <p>Comments included:</p> <ul style="list-style-type: none"> Disappointment in the consultation undertaken so far. Concerns that there is not enough time allocated to cultural salvage per site. Desire to undertake cultural salvage at all identified sites, rather than only moderate significance sites. <p>Response: RAPs requested to provide any additional specific comments on the salvage methodologies and/or the management measures by Friday 8 May.</p>
Item 2	<p>Issue: RAPs again requested a site visit to site CHB AFT 10 near Spagnolos Road to confirm that there has been no impact from geotechnical activities on the site. RAPs believe a site visit could be undertaken with appropriate social distancing.</p> <p>Response: TfNSW to check TfNSW COVID-19 guidelines to see whether a site visit could be undertaken with appropriate social distancing and respond to RAPs by Friday 8 May.</p>
Item 3	<p>Issue: RAPs reiterated their ongoing concern that RAPs have not had enough input into the identification of PADs and that the findings of the Biosis report (2017) are flawed.</p> <p>Response: Refer to response in AFG meeting minutes from 10 March 2020. In summary, RAPs have previously raised concerns that there could be additional PAD sites not identified in the Biosis Report. This was addressed through additional</p>

	site/surveys undertaken in March/April 2019 following input from RAPs. An additional 16 PAD sites were identified and test excavations carried out. The findings of these surveys were included in an updated ACHAR. TfNSW has complied with the Secretary's Environmental Assessment Requirements for the project and the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010</i> .
Item 5	<p>Issue: RAPs stated that potholing work for utilities cannot be undertaken unless a Gumbaynggirr person is present on site.</p> <p>Response: TfNSW has undertaken an assessment in accordance with TfNSW's <i>Procedure for Aboriginal Cultural Heritage Consultation and Investigation</i> (PACHCI) and NSW Department of Planning, Industry and Environment (DPIE) <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i>. Potholing activities will avoid impacts on identified Aboriginal heritage items. There is no requirement to have a local Aboriginal person on site to monitor work. As a safeguard, TfNSW will implement the best practice <i>Unexpected Heritage Items Heritage Procedure</i> (TfNSW 2015).</p>
Item 4	<p>Issue: RAPs requested a reply to their submission on the CHAR.</p> <p>Response: A formal response will be included in the Submissions report, which will be submitted to DPIE soon and available for public viewing. TfNSW will also reply directly to the correspondence by Friday 8 May.</p>

Appendix C Detailed Aboriginal Cultural Study



WATERS
CONSULTANCY

COFFS HARBOUR BYPASS PROJECT

Aboriginal Cultural Values Assessment Report

Prepared for Arup Pty Ltd on behalf of Transport for New South Wales

May 2020 v.8



HISTORY • CULTURE • HERITAGE

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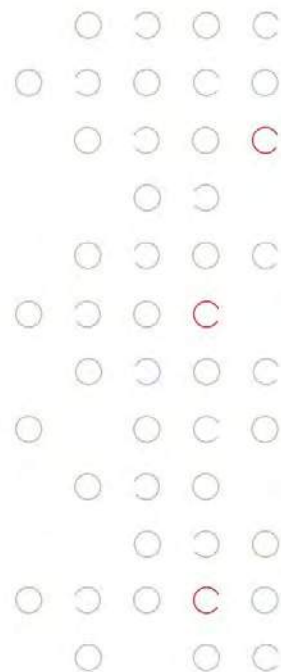


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NOTE ON PHOTOGRAPHS OF INDIVIDUALS

This report contains photographs from the 1870s and 1880s of a number of Aboriginal people who are now deceased. It has not been possible to obtain the permission of the descendants of these people for the inclusion of the photographs as it is not known if they have descendants or who they may be. The photographs are included here with great respect for these people as individuals who stand for the many Aboriginal men, women and children who lived through the violence and dispossession of this period and yet maintained their culture, families and community.

NOTE ON VERSION 8

A final version of this report (Version 6: June 2019) was issued following several rounds of consultation with the RAPs and knowledge holders as outlined in Section 3: Consultation Process. As a result of subsequent changes in the project design (referred to throughout as the Amendment Report design) an assessment was undertaken to identify any potential impacts outside the original surveyed area or any changes to impacts on the identified Cultural Sites. This assessment has found that there are no potential additional impacts outside the original surveyed area under the Amendment Report design. The Amendment Report design includes a small increase in the potential construction footprint within the already known impact zone in Cultural Site B; the mitigation recommendations remain as in the previous version. Cultural Site E was listed in Version 6 as having no impact under the EIS design. It is noted that in an earlier design version there had been impacts but they were removed in the EIS design process in response to the identification of Cultural Site E. The Amendment Report design shows an extension of the project area into Cultural Site E, however, there is no physical impact from this extension. The project boundary has been extended to include a portion of the privately-owned Mackays Road. The boundary change will not result in any physical changes, it is to capture the change in ownership to a public road. As such there is no change to the assessment and recommendations for Cultural Site E. All mapping of cultural sites in this report have been updated to show the Amendment Report design.

1 Introduction

1.1 Overview

Transport for New South Wales (TfNSW) is seeking approval for the Coffs Harbour Bypass (the project). The approval is being sought under Division 5.2 of the NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) as Critical State Significant Infrastructure (CSSI).

The project complements the Pacific Highway upgrade program which, when complete, will provide free flowing dual carriageway conditions for the Pacific Highway between Hexham and the Queensland border. The benefits of the project are stated to include:

- Improve road safety by removing through traffic (light and heavy vehicles) and some local traffic from the existing road network will reduce conflicts and improve safety for all road users;
- Improve travel time for through and local traffic, reducing through traffic travel times;
- Improve transport efficiency of the existing Pacific Highway through Coffs Harbour, relieving congestion on the wider Coffs Harbour road network and providing an alternative route for some local trips. This improved transport efficiency and the resulting improvements to accessibility and amenity to the Coffs Harbour CBD would likely result in wider economic benefits for the Coffs Harbour region;
- Improving freight efficiency for heavy vehicles by providing a high standard dual carriageway road to complement the National Land Transport Network, Future Transport Strategy 2056 and the recently upgraded Pacific Highway.

The Pacific Highway upgrade program also seeks to create public value and ensure safety of its workers and travelling public. A concept design has been developed for the project, which forms the basis of this assessment. This assessment supports the environmental impact statement (EIS) prepared for the project.

An Aboriginal cultural values assessment report (CVA) (Waters Consultancy 2019) was prepared in support of the EIS for the project. The purpose of the assessment was to address the Secretary's Environmental Assessment Requirements (SEARs) for the project for the purpose of seeking project approval under Division 5.2 of the EP&A Act.

Following exhibition of the EIS, receipt of submissions and further consultation with community and stakeholders a number of design and construction amendments have been made to the project (Amendment Report design).

This updated Aboriginal cultural values assessment report has been prepared in accordance with the SEARs to assess the potential impacts of the project, including the design and construction amendments.

1.2 The proposed project

The project includes a 12 km bypass of Coffs Harbour from south of Englands Road to Korora Hill in the north and a two kilometre upgrade of the existing highway between Korora Hill and Sapphire. The project would provide a four-lane divided highway that bypasses Coffs Harbour, passing through the North Boambee Valley, Roberts Hill ridge and then traversing the foothills of the Coffs Harbour basin to the west and north to Korora Hill.

The key features of the project include:

- Four-lane divided highway from south of Englands Road roundabout to the dual carriageway highway at Sapphire
- Bypass of the Coffs Harbour urban area from south of Englands Road intersection to Korora Hill
- Upgrade of the existing Pacific Highway between Korora Hill and the dual carriageway highway at Sapphire
- Grade-separated interchanges at Englands Road, Coramba Road and Korora Hill
- A one-way local access road along the western side of the project between the southern tie-in and Englands Road, connecting properties to the road network via Englands Road
- A new service road, located east of the project, connecting Solitary Islands Way with James Small Drive and the existing Pacific Highway near Bruxner Park Road
- Three short tunnels through ridges at Roberts Hill ridge (190 m long), Shephards Lane (360 m long), and Gatelys Road (450 m long)
- Structures to pass over local roads and creeks as well as a bridge over the North Coast Railway
- A series of cuttings and embankments along the alignment
- Tie-ins and modifications to the local road network to enable local road connections across and around the Pacific Highway

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- Pedestrian and cycling facilities, including a shared path along the service road tying into the existing shared path on Solitary Islands Way, and a pedestrian bridge to replace the existing Luke Bowen footbridge
- Relocation of the Kororo Public School bus interchange
- Noise attenuation, including noise barriers and at-property treatments as required
- Fauna crossing structures including glider poles and underpasses
- Ancillary work to facilitate construction and operation of the project, including:
 - Adjustment, relocation and/or protection of utilities and services
 - New or adjusted property accesses as required
 - Operational water quality measures and retention basins
 - Temporary construction facilities and work including compound and stockpile sites, concrete/asphalt batching plant, sedimentation basins and access roads (if required).

TfNSW has refined several aspects of the project as exhibited in the EIS. These changes have been developed in response to:

- Consultation with the community and landowners during the EIS public exhibition period (11 September 2019 to 27 October 2019)
- Submissions received during the EIS public exhibition period
- Continued development and refinement of the concept design and consultation with government agencies
- Consultation with the community, landowners and stakeholder groups during the design changes display period (25 November 2019 to 13 December 2019).

The proposed design changes are:

- Englands Road interchange
- North Boambee Valley vertical alignment
- Coramba Road bus stop
- Coffs Creek flood mitigation
- Korora Hill interchange

- Kororo Public School bus interchange and Luke Bowen footbridge
- Pine Brush Creek and Williams Creek realignment.

The proposed construction changes are:

- Additional blasting
- New and revised ancillary sites
- Revised traffic management
- Water quality basins/construction sediment basins.

The concept design presented in the EIS incorporating the proposed design changes is referred to as the amended design. This revised CVA will support an Amendment Report that summarises these changes and provides an updated impact assessment.

1.3 Aim of assessment

This report assesses the potential impact of the proposed Coffs Harbour Bypass on intangible Aboriginal cultural heritage values. This report should be read in association with the ACHAR that details the findings of the archaeological cultural heritage investigations.

1.4 Study area

The study area encompasses the construction footprint (shown on Figure 1 below) with a minimum buffer zone of 200 metres on each side.

1.5 Summary of results

Within the construction footprint five specific sites of intangible cultural significance were identified during the cultural values assessment process. These sites include storylines, pathways and camping sites. The information contained in the draft cultural values assessment report on the location and significance of the five identified sites, and the feedback from identified knowledge holders and RAPs, was taken into consideration by TfNSW in the design process. Cultural Site E was listed in a previous CVA (v.6) as having no impact under the then current EIS design. It is noted that in an earlier design version there had been impacts but they were removed in the EIS design process in response to the identification of Cultural Site E. The Amendment Report design shows an extension of the project area into Cultural Site E, however, there is no physical impact from this extension. The project boundary has been extended to include a portion of the privately-owned Mackays Road. The boundary change will not result in any physical changes, it is to capture the change in ownership to a public road. Adjustments and refinements to the construction footprint have reduced the impact to two of the cultural sites (Site A and C). The inclusion of tunnels through the Roberts Hill, Gatelys Road and Shepherds Lane ridgelines supports the recommendations within this report that tunnels are

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preferred to minimize impact and avoid severing of the cultural pathways at Site A and C by retention of the ridgelines.

A number of locations in the surrounding landscape were also identified as holding cultural significance, these included ancestral figures in the landscape, ceremonial grounds, birthing sites, ritual increase sites, women's and men's business sites, burial places, occupation sites, resource areas, and high points that provide lines of sight.



Figure 1: Coffs Harbour Bypass Study Area.¹

2 Methodology

This Aboriginal cultural values assessment has been undertaken through consultation with knowledge holdersⁱⁱ, as identified by the registered Aboriginal parties, regarding historical and cultural values within the study area. Archival research was undertaken in a range of national, state and local institutions to provide the historical and ethnographic context for the assessment. An analysis of the ethnographic literature and historical record was undertaken to provide a contextual understanding to allow for the interpretation and assessment of the cultural information.

Consultation with Aboriginal knowledge holders is a key component to the assessment of Aboriginal cultural heritage values. As stated in the guidelines produced by the International Council on Monuments and Sites (ICOMOS) on the application of the Burra Charter to Indigenous heritage,ⁱⁱⁱ

Indigenous people are the relevant knowledge-holders for places of Indigenous cultural significance. Their traditional knowledge and experience must be appropriately used and valued in the assessment of places. Advice may need to be sought on who are the relevant knowledge holders.^{iv}

The assessment of Aboriginal cultural heritage values was undertaken collaboratively with the Aboriginal community and identified Aboriginal knowledge holders as detailed in the following section. This is consistent with the guidelines for the assessment of Aboriginal cultural heritage produced by the Office of Environment & Heritage (OEH).^v

3 Consultation Process

On 28 June 2017 an Aboriginal Focus Group (AFG) meeting was held and a verbal invitation was given for the nomination of cultural knowledge holders by 31 July 2017 (Appendix A). On 5 December 2017 TfNSW sent a follow up letter to government agencies and parties nominated by government agencies as potential cultural knowledge holders (Appendix B). As a result of this process four individuals were nominated as cultural knowledge holders.^{vi} In March 2018 Waters Consultancy were engaged to undertake an Aboriginal cultural values assessment. On 24 April 2018 TfNSW sent an email to all registered Aboriginal parties (RAPS) (Appendix C) notifying them of the engagement of Waters Consultancy and of the proposed cultural assessment methodology.

Attempts were made by Waters Consultancy in late April and June 2018 to contact all registered individuals by telephone, email or letter. All RAPS were spoken with directly other than the Wanggaan Gumbaynggirr Corporation and the Gumbaynggirr People applicants. For these two groups only one individual, a member of both groups, could be contacted. No response was received from the other individuals, including the Chairperson and Secretary.^{vii} As a result of these discussions a further three cultural knowledge holders were identified giving a total of seven identified individual knowledge holders. Detailed face-to-face interviews have been conducted with three of the knowledge holders^{viii} and a telephone discussion and subsequent face to face meeting occurred with one knowledge holder^{ix} and a telephone discussion only with one knowledge holder.^x One knowledge holder decided on further discussion that they had no cultural knowledge directly relevant to the project impact area and chose not to participate. One knowledge holder was overseas at the time of

the assessment and was contacted by email but was not in a position to engage in further discussions, a copy of the draft report was provided to allow him an opportunity to comment. The identified knowledge holders spoken with provided cultural and historical information on the broader cultural landscape of the region. This information has informed the assessment process in relation to the cultural heritage values and significance of the broader region. Consultation with the knowledge holders originally identified five intangible cultural sites within the construction footprint; subsequent design refinements have resulted in one identified cultural site being avoided and in the impacts on two of the identified cultural sites being reduced. All five sites are discussed in Section 9.

A draft CVA was issued with the draft CHAR to all RAPs on 1 August 2018. Two concerns were raised in relation to the draft cultural assessment report in joint comments received from the Coffs Harbour Local Aboriginal Land Council, Jagun Aged Care Services and the Garby Elders Aboriginal Corporation on 18 October 2018 (see Appendix D). These concerns were that the cultural importance of biodiversity had not been adequately captured and that sensitivities around the inclusion of images of deceased people had not been adequately addressed. These two concerns were discussed further at the AFG on 11 February 2019 (see Appendix E). Further follow-up engagement occurred with knowledge holders and RAPs in February and April/May 2019 in relation to the comments on the draft report and in relation to ancillary areas (all of which sit within the buffer zone of the original survey area). Following this additional consultation with key knowledge holders and RAPs, additional text has been incorporated into the final report to address these concerns. Coffs Harbour Local Aboriginal Land Council provided a copy of a map of *Aboriginal cultural heritage landscapes (known and predictive)* (see Appendix F) in the Coffs Harbour area; it is understood that this map was developed jointly by OEH and the Coffs Harbour City Council. The willingness to share this map is appreciated, unfortunately as there is no accompanying report to assist in identifying the source of the information or the nature of the site(s) being mapped it has not been possible to incorporate the information. On the basis of discussions with the LALC and community members it appears that the main basis for the mapping has been tangible archaeological site(s) rather than the intangible cultural sites that this report is specifically concerned with.

Consideration of the amended design has resulted in the reissuing of the CVA (v.8). Attempts to contact the knowledge holders to inform them of the reissuing of the CVA were unsuccessful, however, it is noted there are no additional physical impacts outside the original surveyed area as a result of the amended design. The reissued CVA (v.8) will be provided to the RAPs and knowledge holders by TfNSW for review concurrently with the amended Aboriginal Cultural Heritage Assessment Report (Kelleher Nightingale Consulting 2020).

It is acknowledged that the archaeological record, that is tangible material objects themselves, hold significant cultural value to Aboriginal people of the region and that this value has been expressed during consultations with the RAPS and the identified knowledge holders. The nature of cultural significance is such that it is an ongoing process that must allow for the attachment of cultural values and significance to emerging archaeological sites. As such it is acknowledged that the material objects uncovered as a result of archaeological investigation, and the locations from which they were retrieved, can and do hold significant cultural value to Aboriginal people of the region and that this has been specifically expressed in relation to the investigations that have occurred within the construction footprint. It is noted, however, that this report is specifically concerned with the

identification of intangible cultural sites that are not identifiable through archaeological investigation.

4 Previous Historical and Cultural Assessment

No detailed Aboriginal cultural assessment has previously occurred in relation to the Coffs Harbour Bypass project.

5 What is Cultural Significance?

The concept of cultural significance encompasses all the cultural values and meanings that could potentially be associated with a place. The cultural and natural values of a place are generally indivisible in the context of Aboriginal cultural heritage. The cultural values and meanings in a place can be both tangible and intangible.

Cultural significance is embodied in the place: in its tangible or physical form, in the wider cultural landscape that it is located in, in the ways in which the place is used or interacted with, and in the associations, stories, and meanings of the place to the people and community it holds significance for,

Aboriginal cultural heritage consists of any places and objects of significance to Aboriginal people because of their traditions, observances, lore, customs, beliefs and history. It provides evidence of the lives and existence of Aboriginal people before European settlement through to the present... For Aboriginal people, cultural heritage and cultural practices are part of both the past and the present and that cultural heritage is kept alive and strong by being part of everyday life.^{xi}

The concept of cultural significance is used in Australian heritage practice and legislation to encompass all of the cultural values and meanings that might be recognised in a place. Cultural significance is often defined as the sum of the qualities or values that a place has with particular reference to the five values – aesthetic, historic, scientific, social and spiritual – that are listed in the *Burra Charter*.

The three key values in relation to Aboriginal cultural heritage assessments are the social, spiritual and historic. Social or cultural value refers to the associations that a place has for a particular community or cultural group and the resulting social or cultural meanings that it holds for them. It can encompass traditional, historical or contemporary associations. Spiritual value is often subsumed within the category of social or cultural value. It refers more specifically to the intangible values and meanings embodied or evoked by a place to a specific cultural group and that relate to that group's spiritual identity or traditional practices. Historic values refer to the associations of a place with an individual person, event, phase or activity that has historical importance to a specific community or cultural group.

Consultation with identified Aboriginal knowledge holders is a key component to the assessment of Aboriginal cultural heritage values. The assessment of Aboriginal cultural heritage values must be

undertaken collaboratively with the Aboriginal community and identified Aboriginal knowledge holders. This is consistent with the guidelines for the assessment of Aboriginal cultural heritage produced by OEH^{xii} and the practice notes produced by the ICOMOS on the application of the Burra Charter to Indigenous heritage.^{xiii}

6 The Cultural Landscape

The understanding and perception of the landscape expressed by the knowledge holders, and by the community more broadly, is as an area traversed by an interconnecting network of physical, social and spiritual meanings. The term 'associative cultural landscape' has come to be used within the international heritage profession to refer to such complex understandings of landscape. The World Heritage Convention of UNESCO defines an associative cultural landscape as one that has, "powerful religious, artistic or cultural associations of the natural element rather than material cultural evidence, which may be insignificant or even absent."^{xiv}

Mythological sites and beings are imprinted in the topography of the landscape and the energy or sentience of the mythological being is understood as remaining in the physical environment. In this sense the mythological beings, and their pathways, are seen as animating the landscape. This belief system is common to all totemic Australian geographies.^{xv}

This inscription of meaning onto the landscape applies not only to the actions of mythological beings but also to the actions of the ancestors and events in historical time.^{xvi} The inscription of meaning onto the landscape, a process captured in the term Dreaming, is not restricted to a distant and mythological past but is a continuous cultural process, "... a way of 'pre-understanding' that 'signs and topographises' the land, provided a culturally conditioned conceptual framework within which people are empowered to create new meanings."^{xvii}

The cultural understanding of individual sites situates them within a complex interlinked series of pathways and places created by the patterns of movement of mythological beings and Aboriginal people. Pathways link together nodes in the landscape that are related to resource-rich areas, mythological movement patterns, and places of ceremonial and spiritual importance. Pathways extend through the country of neighbouring groups, linking people and places together in a complex network of social and ceremonial links. Songlines or storylines refer to the pathways formed by mythological beings in their travel through the landscape and carry ritual and ceremonial meaning. Songlines/storylines are themselves pathways that join key sites along a Dreaming Track. Those pathways that are not themselves songlines/storylines are still associated with songlines/storylines; they may be designed specifically to avoid key sites on the associated songline/storyline that are not appropriate for open visitation. As such, pathways and songlines/storylines are strongly interlinked and can at times be one and the same and at other times are culturally and physically interconnected. In contemporary usage in New South Wales there can be slippage between the terms pathways and songlines/storylines as a result of the loss of specificity in the knowledge of these complex networks resulting from the devastating impacts of European colonization on Aboriginal people, communities and on the landscape itself. While specificity of knowledge in regard to distinguishing the precise locations of songlines/storylines from the associated pathways may not always be extant the knowledge of such songlines/storylines and pathways, the locations and communities that they link,

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and the broad sweep of them across the landscape is knowledge that is retained within Aboriginal communities across New South Wales.

7 Aboriginal People and the Coffs Harbour Area

The Coffs Harbour area sits within the country of the Gumbaynggirr people that stretches, broadly speaking, from the Clarence River in the north to the Nambucca River in the south and west to around Ebor.^{xviii} Within that wider area, “There are sub language groups and wider local groups that attach to the major rivers. They shared Dreaming tracks with groups to the north, west and south.”^{xix} All of the knowledge holders identified the project area as being located within a culturally significant landscape. The documentary record and the knowledge holders identified a range of places of cultural significance within the broader area that the project sits within, demonstrating the cultural richness of the Coffs Harbour landscape and people. As Uncle Tony Perkins stated,

I was born at a time when culture was still very very strong... and it's still strong to us today, very powerful beliefs and see in our culture once we have that belief we can't break that, that's forever, which means there's a lot of spiritual thing we believe in still, all of that. We come through a very bad time as kids, a time where our cultural movements were sort of taken from us... but we still know a lot about what was back in time and even some of the Dreamtime things, we still retain that because we learnt that from our old people who are not with us today.^{xx}

Aboriginal people in the region were able to continue to practice aspects of traditional law and custom well into the second half of the twentieth century despite the destructive impacts of European intrusion. In 1948 the linguist W.E. Smythe recorded Gumbainggar language with people in the area and noted that,

... 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. One man with whom this was being discussed gave his reasons for not believing in the latter religion approximately as follows: “Our God Birugan was thousands, or millions of years old before yours was ever thought of, and as for Jesus Christ, He did nothing that our ‘clever men’ couldn’t do, and anyway they killed Him in the end, so He couldn’t have been very strong after all.”^{xxi}

The places of cultural significance identified by the knowledge holders include 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. A number of increase sites were also identified by the knowledge holders as places of cultural significance. These are sites where specific rituals are undertaken by the appropriate people to encourage the increase of a particular species or condition.

The anthropologist Radcliffe-Brown visited northern New South Wales in 1929 to obtain information from local Aboriginal people on what he defined as, "*localized ceremonies for the increase of natural species*" and which he recognised as "*sacred spots*". The majority of the people he spoke with were from north of the Clarence River where such sites are referred to as *djurbil*. However, he also collected information from Gumbaynggir people who he stated call these sites *mirer* or *mirera*,

... 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... An unusual mirera in the Kumbaingeri country is one for ghosts (gumbur), near Coramba.^{xxii}

Radcliffe Brown states in a footnote, "*The word "ghost" was used by my informant, but a better translation would perhaps be "evil spirit" or "demon."*"^{xxiii} The knowledge holders spoke of the presence and cultural importance of increase sites including those located at a number of places linked together by the pathways mapped in this report (Cultural Sites A: Roberts Hill Pathway, Site B: Gumgali Storyline & Pathway, Site C: Sealy Point Pathways). A number of increase sites were referred to specifically by the knowledge holders including those for the goanna and crayfish and red-browed finch located at Macauleys Headland, Korora Bay and South Headland; these sites were previously recorded in the 1970s and '80s.^{xxiv}

The anthropological and historical literature shows that, "*From Coffs Harbour there are important pathways to the Orara and up that river towards Nymboida with indications also of travel from the Bellinger River to the Coffs area and west towards Ebor.*"^{xxv} The knowledge holders shared an understanding of the cultural landscape of the region as one traversed by a number of interconnecting pathways that linked people along the coast with each other and with the people of the inland, the river valleys, and mountains and tablelands to the west. The songlines/storylines or pathways are understood by all of the knowledge holders as linking communities for reasons of ceremony, lore, harvest sharing, trade and marriage.

Pathways are of importance in understanding cultural landscapes as they function to link different communities to each other, to resource-rich areas and to places of ceremonial and spiritual importance. Pathways extend through the country of neighbouring groups, linking people and places together in a complex network of social and ceremonial links. Uncle Mark Flanders alluded to this pattern of movement in explaining that the people of the region are linked to both the coast and the inland,

We're saltwater/freshwater people here, land/sea people. Obviously that seasonal movement, coming down to the ocean in the wintertime 'cause of the better conditions, too cold up in the valley and the mountains, travel back up in the summertime when it's cooler and to harvest the fresh water turtle, its coming up just as spring's coming. And [we travelled] also for initiation ceremony up in the Orara Valley.^{xxvi}

An important aspect of movement was that between the coast and the hinterland as referred to in the above quote. The historical records show that people traditionally moved between these two zones in line with shifting resources. One example of this is the mullet runs that occurred on the coast in late autumn and early winter when the lilly-pilly trees were also fruiting.^{xxvii} As the knowledge holders have noted these movements were also linked to the timing of ceremonial activities.

Traditionally, prior to the impact of European intrusion, high level ceremonies brought people together from a wide area utilizing the cultural network pathways and storylines/songlines. These gatherings were dependent on the availability of sufficient resources to support large groups of people. In an 1898 article the ethnographer and surveyor R.H. Mathews provided a detailed description of what he termed the *Burbung*, a high-level initiation ceremony as carried out by the Gumbaynggirr people. The description does not detail all of the people who attended the ceremony, but it does refer to people attending from Kempsey, Armidale, Tabulam and the Nymboi[da] River. The last group being identified as 'local' indicating that Mathews understood them to be Gumbaynggirr.^{xxviii}

Mutton birds (*Puffinus tenuirostris*) are one of the key resources that supported large gatherings along the coastal strip,

People from the Gumbaynggirr Nation have gathered here [Coffs Harbour] every year for the traditional Mutton Bird Season. The clans camped at a place called Corambarra/Corambirra including the area now called Happy Valley and along both sides [of] the Bangalor [Coffs] Creek to where the showground is today.^{xxix}

Muttonbird Island and the associated South Headland (Corambirra) are both culturally significant sites located near the Coffs Harbour jetty.^{xxx}

The Coffs Harbour area sits within a region that was rich in natural resources with access to varied coastal and hinterland environments. Aboriginal people utilized a wide range of land-based resources, including animals such as wallabies, kangaroos, bandicoots, koalas, flying foxes, possums, a range of bird species including pigeons and mutton birds. Marine and freshwater resources were abundant with various species of fish, such as mullet, and shellfish including oysters, pipis, and mussels. A wide range of plant foods, such as lilly-pilly trees, roly-poly trees, native grapes and honey, were important food sources.

Other land-based resources that were utilized by Aboriginal people in the region included plants for bush medicine, rainforest timbers to make shields, clubs, spears and digging sticks, bark for canoes and shelters, and grass trees and cottonwood hibiscus for spear shafts and stone to make axes and

grinding stones. The bark fibre from wild hibiscus bushes was used to make fish nets and Bangalow palm leaves used as water and honey carriers.^{xxxix}

Fishing methods included fish and line with the line made from the inner bark of the cottonwood hibiscus and the hooks from mollusk shells. Spear fishing from canoes and fish nets across streams were also techniques that were used in the region.^{xxxix} In fresh water Bumbil Bumbil weed was used to poison fish to catch them. In a 1901 article A.C. McDougall described the use of Bumbil Bumbil weed for fishing amongst what he termed the 'Coombangree',

The practice of catching fish in fresh water by poisoning it, is met with among the Coombangree tribe. A weed called Bumbil Bumbil is collected and tied into small bundles. With a small bunch in each hand they dived under the water and rubbed them together. This was quickly repeated. The poison from the weed so affected the fish by making their eyes smart so much that they could hardly see, and they would shortly after float to the top of the water, where the aborigines (sic) would spear and catch them. The water is so objectionable to the palate, and injurious to the eyes that the aborigines (sic) when diving to carry on the operation have to keep their eyes and mouths shut, otherwise the poison from the weed would injure them. There is also a lather produced from a tree called "Cutiga" used for stupefying fish. The leaves of this tree are gathered and beaten together with a stick until soap has been formed; this is used in the water very much in the same way as the Bumbil Bumbil weed, and has a somewhat similar effect on the fish.^{xxxix}

The ongoing use of wild food and medicine resources in at least some locations along the coastline well into the second half of the twentieth century is demonstrated in the 2002 NPWS study undertaken with the Gumbaingirr people from Corindi Beach. The extent of such use and continuation into the present day is dependent on both the capacity to access wild resource places and the impact of development expansion and land clearing on the extent of such environments. Changing economic situations, the loss of earlier generations, increasing legal prohibitions on harvesting of wild resource have also had an impact. Nonetheless, wild resource use continues to the present day, particularly in relation to coastal resources of fish, shellfish and coastal plants.^{xxxix}

The first European recording of the Coffs area was by Captain Cook who sailed past in 1770 and named the Solitary Isles but did not land in the area.^{xxxv} The first recorded European intrusion into the Coffs area occurred around 1847 when Captain Korff utilized the southern headland to shelter his ship from a gale, it is probable that other ships had done so previously as there was considerable sea traffic along this coast.^{xxxvi} The area was originally referred to by Europeans as Korff's harbour.^{xxxvii}

European squatting settlement had surrounded the Coffs Harbour district by the 1840s, occurring to the south on the Macleay River by the late 1820s, to the west on the New England tablelands by the early 1830s, to the north on the Clarence River by the late 1830s, and coming as close as the Bellinger River in the early 1840s. In the 1860s European settlement came closer with movement into the Orara Valley and Woolgoolah. However, permanent European settlement in the Coffs Harbour area occurred relatively late as a result primarily of the geography of the area with its lack of an obvious harbor or navigable river and the steep terrain of the escarpment separating it from the tablelands to the west.^{xxxviii}

The first European intruders into the Coffs Harbour region were the cedar cutters. Cedar cutting began on the Hawkesbury in the late 1700s, it expanded up and down the coast in an uneven pattern. Cedar cutters were active on the Macleay River by 1827 and on the Clarence River by 1835, though they were not on the Nambucca River until 1839 and the Bellinger River until around 1842.^{xxxix} By the mid 1840s cedar cutters were well established in the wider region and by the mid 1860s there were cedar getters camps established in the Coffs Harbour area.^{xl} By the 1860s cedar was being cut out of the Bonville Creek, previously Bongil, and taken down to the Bellinger River.^{xli} Bonville Creek lies approximately 10 kilometres south of the Coffs Harbour centre.^{xlii}

Aboriginal people's knowledge of their country and the associated skills for moving through and utilizing the resources of the country allowed them not only to continue their traditional patterns of life – in so far as possible with the increasing impact of the European intrusion – but also provided access to the emerging European economy through working as guides and labourers with the cedar cutters. Cedar getters relied heavily on Aboriginal guides to locate timber stands and frequently on Aboriginal labour in extracting the timber. Conflict between the intruding European timber getters and Aboriginal people was common throughout the region as it was elsewhere.^{xliii}

Walter Harvie is believed to have been the first cedar cutter to establish himself in the Coffs Harbour area,

Harvie was led to the watershed of Coffs Creek by the Aborigines who told him there was plenty of cedar near the sea at that location. He took his bullock team and men northward along the beach, crossed Coffs Creek near its mouth and set up camp on the creek's north bank, near the present Showground site, opposite Fitzroy Oval.^{xliv}

Accounts variously date Harvie's settlement in Coffs Harbour to the mid 1860s or 1870.^{xlv} From the late 1870s other cedar cutters began to follow Harvie in using the Coffs Harbour to ship out their logs, this included those working in the Upper Orara area. Selection followed in the wake of the cedar cutters with selections being taken up at Coramba to the west and Woolgoolga to the north by the end of the 1870s.^{xlvi} Although local history generally records that the Coffs Harbour area was not settled by Europeans until the 1870s it is clear that there were already Europeans utilizing the area to varying degrees. In an 1869 newspaper article about a drowning at Coffs Harbour the area appears to be both occupied and traversed by Europeans as a matter of course,

We regret to learn that Mr. James Davidson, lately residing on the Lower Clarence... is believed to have met his death by drowning in crossing a small stream known as Korff's harbour. It is known that Mr. Davidson called at a hut some short distance from the place, accompanied by his dogs, which afterwards returned to the hut; and were subsequently found on the opposite bank by a party travelling that route and who the dogs then followed up to the hut, when some search was made, and tracks of a person having gone into the creek were plainly discernable, but no traces of his having gone out on the opposite bank, which fact, coupled with the dogs' remaining so long at the creek, would lend one to infer that poor Davidson had met his death by drowning, whilst attempting to cross the creek... Mr. Sub-Inspector Wright has dispatched a trooper to the spot, to search for the body.^{xlvii}



Image 1: 'Orara William', c.1874.^{xlvi}

This photograph was taken by J.W. Lindt on the north coast, an article at the time the image was printed stated that the man's name was Orara William and that he was "... attired in hunting costume, with his head adorned with the dingo's tail and the skin of a wallaby round his loins; he has also the various weapons used in the chase..."^{xlix}

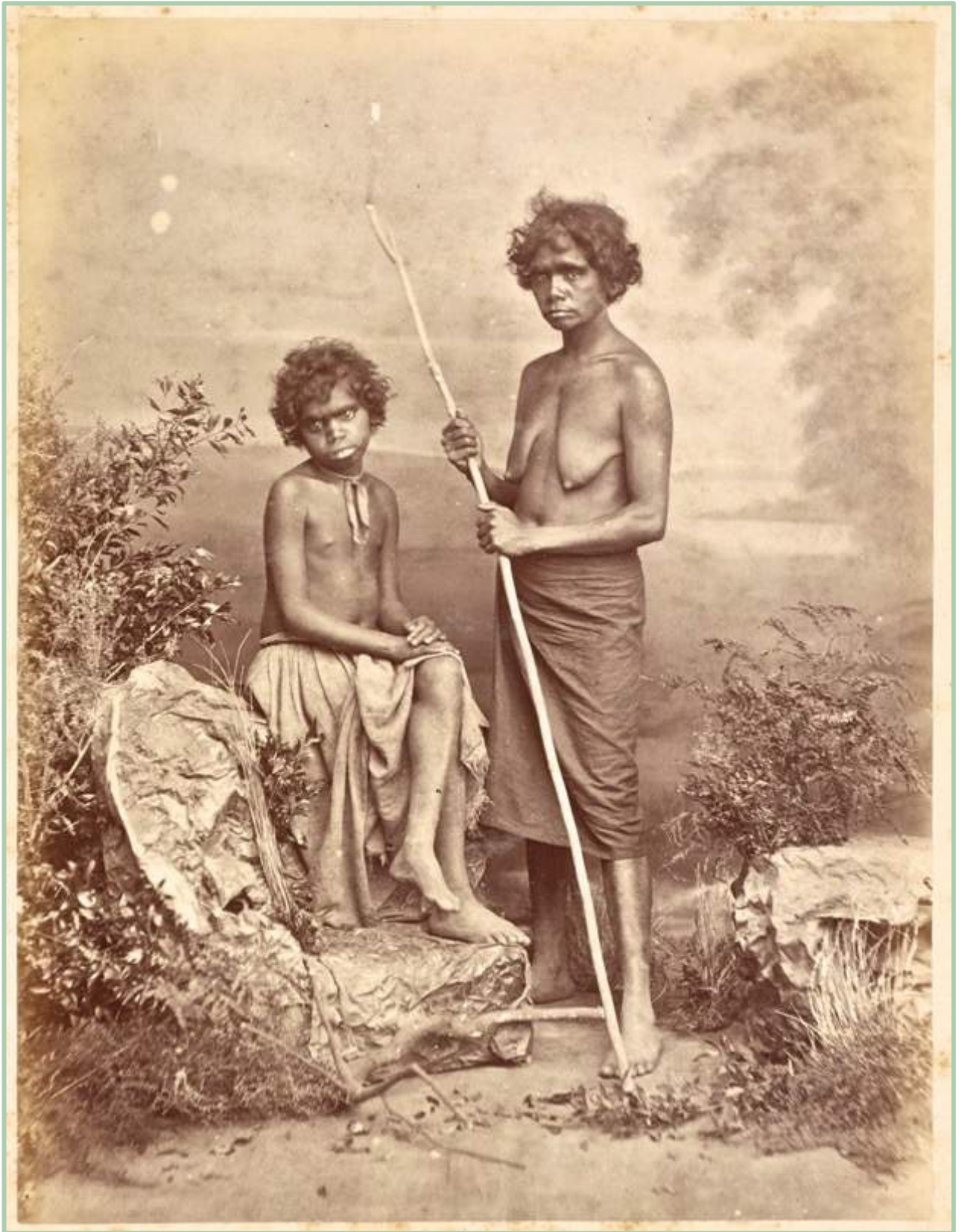


Image 2: Mother and daughter, Orara River, c.1874.ⁱ

This photograph was taken by J.W. Lindt on the north coast, an article at the time the image was printed described the photograph but did not name the two women, it identified them as mother and daughter and stated that they were from the Orara River.ⁱⁱ

Europeans were increasingly intruding directly on the Coffs Harbour area and the impact on the Aboriginal people of the region only intensified over the following decades. Small scale European settlement increased throughout the region following the passing of the 1861 Robertson's Land Acts. By 1863 there was a permanent European settlement at Bellinger to the south and settlers had begun to move into the Orara Valley to the west and north-west.^{lii} The first European settlers moved into the Coffs harbour area from the Clarence River and Bellinger River areas, travelling either along the Orara River or along the coastal tracks.^{liii} By the early 1870s cattle were running on land between Bongil and Boambee Creeks.^{liv} The late 1870s and early 1880s saw increasingly intensive European land use in the immediate Coffs Harbour area. Sugar cane had been planted at Korora in the 1870s and by 1881 the first bananas had been planted. These properties are recorded as having employed Aboriginal people.^{lv}

In June 1880 the newspapers reported that,

Four conditional purchases, consisting of 313 acres, were selected yesterday, 160 acres being (sic) at Coff's Harbour, situate nearly midway between the Bellinger and Clarence Rivers. This is the first selection at Coff's Harbour, and is likely to be followed immediately by others, as the locality is represented to have several advantages.^{lvi}

Only two years later this description of one of the farms in the Coffs Harbour area gives some idea of the level of clearing that was already occurring with all the associated impacts on the natural resources of the area that the Gumbayainggar people relied upon,

The farms in our newly settled districts on the coast are progressing satisfactorily; and, at Coff's Harbour, Mr Shepherd's looks about the best. On it stands a very snug cottage, with a good and healthy looking vegetable garden. Fully 60 acres of good agricultural land has been felled; and burnt off, the greater portion of which is entirely cleared.... There is, at present, a road already cut by a Government gang of axemen, led by Mr Battie, from Mr Sharp's farm at Nana Creek to the mouth of the Moonee. A bridge will have to be constructed over the Moonee, about five miles from Coff's Harbour; and side cuttings will have to be made for a short distance along the top of the range, on the eastern side... it is believed that work will be commenced in January next...^{lvii}

By March 1884 the newspapers were reporting that "... the first teams passed over the newly finished Pine Creek bridges, and there is now a good road for traffic the whole distance from South Grafton to Coff's Harbour."^{lviii} There were timber mills operating, schools established, gold mining occurring in the Orara Valley and farming settlements emerging at Coramba and Nana Glen. As occurred throughout Australia the intensification of land use was linked to the increasing pushing out of Aboriginal people from access to their country.^{lix}

The Aboriginal people of the region found various ways to adapt and cope with the massive disruption caused by the European intrusion. Many Aboriginal people engaged with the emerging European economy, working as guides, timber cutters, farm labourers and domestic workers. Others utilized the new farm crops as another available resource to replace those that were being reduced by the changing land use patterns. One such man was Paddy from the Orara River who we know of

as he was provided with a 'king plate' terming him the 'King of Boobarrego'. It is not known where Boobarrego is located exactly but it was on the Orara River.

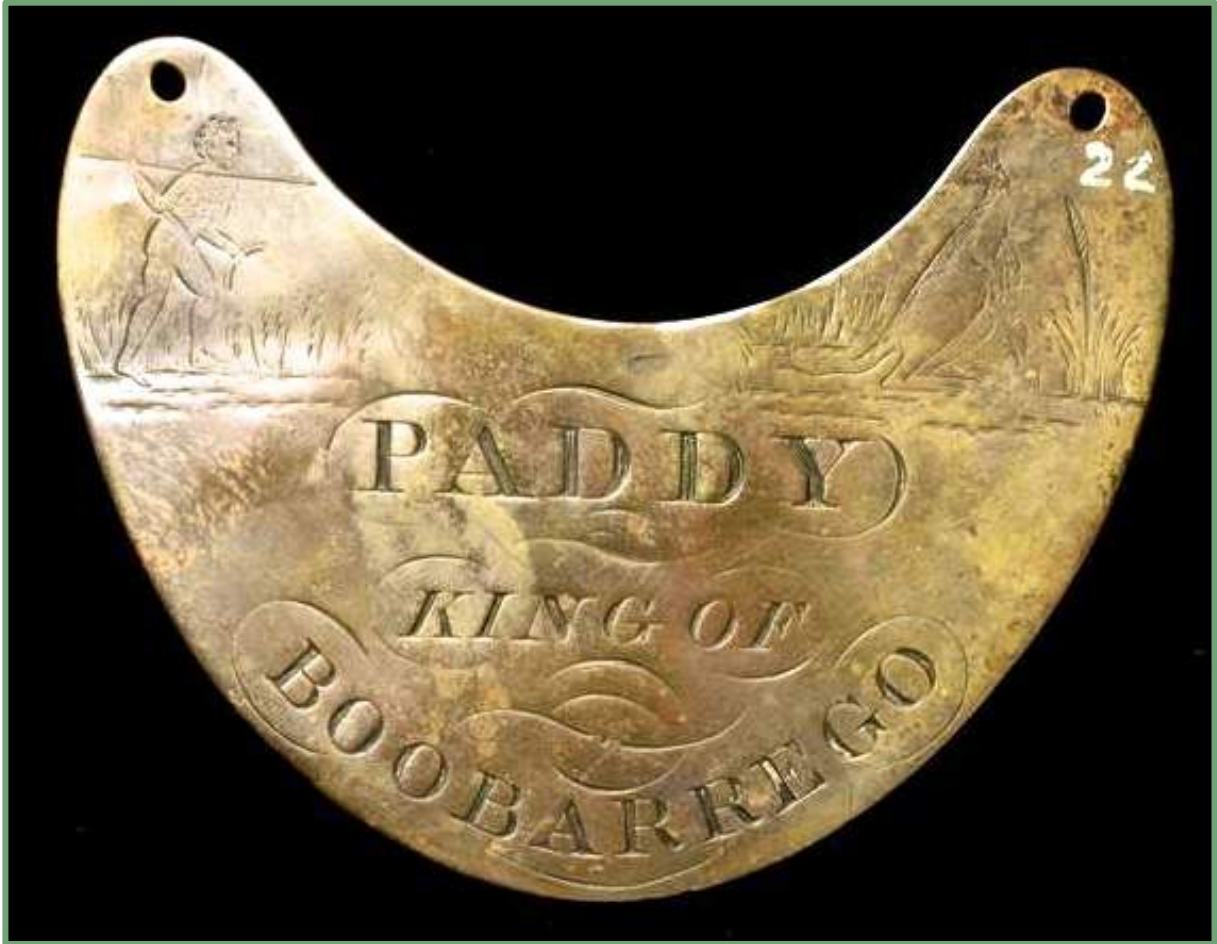


Image 3: 'Paddy, King of Boobarrego'^{1x}

While the identification of individuals as 'Kings' or 'Native Chiefs' was a European practice that did not reflect traditional Aboriginal social roles the descriptions of these individuals as part of a group of Aboriginal people linked to a particular tract of country reflects the continuing presence of Aboriginal people on their country. Jakelin Troy, in her history of 'king plates', stated of Paddy,

.... [he] provided himself and his community with produce from the resources made available, not always willingly, by local farmers. He was made king when the people of the Orara River district were still living a traditional lifestyle. Paddy may have been given his gorget by a settler who wanted to obtain some influence with the local people. The settler may have been the 'best friend' from whom Paddy regularly stole vegetables. Paddy's gorget is now held by the National Museum of Australia... a letter to its original collector, Edmund Milne, provides us with a little of the recipient's history. In 1911 R Duggan wrote to Milne from Ulgundalu [Ulgundahi] Island:

"Paddy was about 80 or 90 years old when he died he reigned over about 70 of his own people teaching them to take turnips and other vegetables from the Garden of their best friend when unseen. He was quite strong and active to the last died of a cold

ill a fortnight. His Dominion extended about 10 miles up and down the Orara River 7 miles south of Grafton... There are a few of his descendants still living and they are learning to know a better way, but still look back to the old times... This is as much as I can get from them they do not seem to know much The records has the plate will not part with it even to be photographed or in such good company. I am sorry but he gets quite angry if I suggest it now...^{1xi}

Nonetheless throughout the 1880s Aboriginal people in the area whilst engaging with the new emerging European economy also continued with their traditional practices. The most frequent records in the documentary sources refer to instances of fights or violence as these resulted either in the intervention of the European legal system or were simply of interest to the European observers.

Walter Harvie, the cedar cutter who first settled in the Coffs Harbour area, wrote an account in 1927 of a large-scale fight that occurred between Boambee and Bonville Creeks probably in the 1870s.¹ The numbers participating may have been exaggerated in his retelling, however, it is clear that it was a large-scale ritual gathering.

I was drawing cedar from Bongal scrubs to the Bellinger at the time, and employed two black boys. Their father was boss of the coast blacks from the Bellinger to a good distance north. We named him "Long Billy." The boys were about 16 and 18 years of age and very intelligent. They were very useful to me in minding the bullocks. Naturally they wanted to go and see the fight, and they asked me to go with them. I went – partly because I was as anxious as they were to see the fight, and partly because I wanted to keep in touch with the boys, in case they might be enticed away. They had been with me about two years and could speak English. Later they joined the Queensland black police.

The two boys I had were "Caperas," which meant that they were a stage between boys and men... They had an appointed chaperone, who was always with them. He was generally an old abo[riginal] who, in addition to his fighting implements carried a notched piece of thin wood with strings attached, which made a buzzing sound when whirled in the air. It was called a "rowrow," and when used in the right way would make a row all right. This was used by the man in charge to keep all stragglers away from where the caperas were. There were other caperas in the group besides my two boys.

The battle ground was on the bald ridges between Bongal and Boambi Creeks, and when we arrived there we met great numbers of blacks. The fighting men were naked, except for strong belts in which they carried their fighting implements. Their bodies were painted with fantastic stripes of different colors. They carried spears and heelman in their hands. The heelman was a piece of light wood about 16 or 18 inches long and about 14 inches wide, rounded on one side, and it had a grip hold for

¹ Harvie was identified as the "...only white witness...", if he was in fact the only European observer it seems probable that it actually occurred sometime prior to the 1880s which is when the newspaper article dates it to, the reference to cedar getting and to the Queensland native police both support the earlier date.

the hand on the flat side. This was their shield for warding off spears and blows from other weapons.

I was directed by the head men to stay with the boys, as I would be safe with them from any weapons flying about. The boys soon found a suitable spot from which we would have a good view, and all the time the old chap kept up a noise with his whirling machine to keep intruders away.

The fighting men were rushing about making an unearthly row on both sides, but after a time they got into two lines about 50 yards apart. Then a large number on either side fell back as reserves, some distance away. Two men who appeared to be distinguished warriors jumped out in front of the line on each side and made short speeches. When they finished they threw boomerangs, which was the signal for a general crash. There was a yell that could be heard a long distance away and boomerangs and throwing sticks filled the air like flocks of birds. After they had expended all these missiles they started with spears about 10ft. long, of which they had great numbers. It was wonderful to see how they could elude them, knocking them aside, catching them on the heelman, jumping straight up to let them pass underneath their feet, and even catching them in their hands and returning them like a flash. But each man kept his eyes glued on his opponent. Spears were picked up by the toes and returned, and it was wonderful how they could protect themselves behind the heelman.

After about half-an-hour's strenuous fighting the front line men had used up all their weapons. Then the front line fell back on both sides, removing all who had been put out of action. The reserve took their place in the line and the fighting went on as fierce as before.

When all the spears and boomerangs were used up the others joined in and they started with the copens, a very dangerous weapon about 2ft. long with a heavy knob at the end. The contestants then got scattered in pairs over about half-a-mile of clear ridge and there was very fierce hand to hand fighting. We had a good view from where we were and could hear their weapons clashing on the shields. There were desperate yells and we could see the men falling, but whether they were seriously wounded or not we could not tell.

About an hour from the time the battle started we could see that both sides had had enough. The southerners began to get away towards their camp in twos and threes, and shortly afterwards there was a general stampede and the battle was over, bar the shouting and rattle of weapons. When the noise had quietened down there was much talk between the leaders of the different tribes (there were a number of tribes engaged) and soon they came to an agreement and began to attend to the wounded, of whom there were many. Some were so seriously wounded that they never recovered. I was told that three were killed outright in the fight.

I made a rough count and calculated that about 500 men were engaged in the battle. They were the finest lot of men I've evr sn (sic) together – tall and muscular, and every

one an athlete of no mean caliber. The lubras were very plucky. They ran about among the fighting mn (sic) picking up wapons (sic) that had been used... there were dozens lying about the ground in various attitudes. A great many had to be carried off to the different camps. The carriers made rough stretchers of saplings to carry those who could not walk and the wounded were attended to by old abo[riginal]s and lubras, who seemed to be experts at fixing up spear wounds and broken heads.

I saw some who had to be helped off the battlefield taking part in the big corroboree that was held at night. There must have been over 1000 blacks congregated there, all in Nature's garb, except for short fringes worn around their hips by the lubras and pieces of the skin of some animal hanging from the belts of the men. They had no blankets – the Government dole had not reached this far. But they had plenty of rugs well tanned and sewn with a thread of their own make.

All the tribes took part in the corroboree. I remember that one part was a kangaroo hunt. A number of the blacks camped at Boambi for a long time, feeding and tending the men who were wounded in the fight.^{lxii}

By the 1880s with the establishment of a permanent European settlement at Coffs Harbour there is evidence of increasing intrusion of European law into conflicts that were occurring as part of the traditional Aboriginal legal process. One example of this appears in an 1882 newspaper account of a court case in Sydney in which two Aboriginal men, Nymboid Jack and King Charlie, were charged with murder for an event that occurred at Fernmount some 25 kilometres south-west of Coffs Harbour. Their defense lawyer argued that the killing was an instance of them following "the law best known to them",

Two aboriginals, named Nymboid Jack and King Charlie, were arraigned upon one indictment charging them that they, on the 3rd of August, 1881, at Bellinger, did willfully murder one Dickie, also an aboriginal... Dickie had paid attentions to the wife of Jack, one of the prisoners, and a good deal of bad feeling was thereby engendered, especially as Jack's gin appeared to favour Dickie's advances. About the time in question the two prisoners went to a place known as Merryman's Camp, at Fernmount, about six miles from Bellinger, apparently for the purpose of "having it out" with Dickie. They came upon Dickie sitting down, and they both struck him, one with a weapon known as the boomerang and the other with a stick, and thus took his life. For the defence, Mr. Smythe pointed out that the prisoners were differently circumstanced from white men. They had laws of their own, and the prisoners had apparently followed the law best known to them – punishing one of their own countrymen for doing what, amongst all men, was recognised as a great wrong. The jury, after a brief retirement, returned with a verdict of guilty, accompanied by a strong recommendation to mercy.^{lxiii}

As was required under the law both men were sentenced to death.^{lxiv} However, the gaol records show that both men's death sentences were subsequently commuted to 5 years on the road gangs.^{lxv}

No. *2573* Name *Nymboid Jackie* 98

Date when Portrait was taken, *6 Decr. 1882*
10508.81

Native place *Bellinger River*
Year of birth *1842*

Arrived in { Ship
Colony { Year

Trade or occupation { *Laborer*
previous to conviction { *Eng.*

Religion *Eng.*

Education, degree of *11* inches

Height *5* feet *11* inches

Weight { On committal *162*
in lbs. { On discharge

Colour of hair *Blk*

Colour of eyes *Brown*

Marks or special features:—

Where and when tried { *Sup Crim Ct.*
Offence *23 Feb 82*
Murder

Sentence *Death commuted*
to 5 years Roads.

Remarks:—




Image 4: Nymboid Jackie, c.1882. lxvi

No. *2572* Name *King Charlie* 97

Date when Portrait was taken, *6 December 1882*
10509.81

Native place *Bellinger River*
Neorahab
Year of birth *1832*

Arrived in { Ship
Colony { Year

Trade or occupation { *Laborer*
previous to conviction { *Re.*

Religion *Re.*

Education, degree of *11* inches

Height *5* feet *9 1/2* inches

Weight { On committal
in lbs. { On discharge

Colour of hair

Colour of eyes

Marks or special features:—

Where and when tried { *Sup Crim Ct.*
Offence *23 Feb 82*
Murder

Sentence *Death commuted*
to 5 years Roads

Remarks:—




Image 5: King Charlie, c.1882. lxvii

In 1888 a ritual fight occurred at Dundoo Creek near Sherwood Station, the general area being roughly 50 kilometres to the north west of Coffs Harbour. The ritual battle was between people from the Bellinger and Clarence Rivers. An Aboriginal man named Simon died at Coffs Harbour from wounds sustained during the fight and as a result of his death an inquest was held. The ritual battle occurred as a result of the involvement of the Bellinger River people in identifying Nymboida Jack and King Charlie to the authorities. Simon's brother Davey gave evidence at the inquest and stated that, "... the Nymboida blacks made a song about those who were put in gaol. Nymbodia Jack and Charlie were sentenced to five years on information given by the Bellinger blacks. The song said "No [word indecipherable] blanket, life in gaol." That [indecipherable word] the fight. The fight was fair according to blackfellow law."^{lxviii}

It was reported that Simon left Coffs Harbour, "... saying that he was going to fight at Kangaroo Creek [west of Dundoo Creek]... Other blacks were going with him from the Bellinger."^{lxix} When he returned some time later he said that, "... he had been speared in the left cheek. He also had a little hole in the left side of his chest. He could walk, but not very quickly. He stayed at the Blacks' camp and witness saw him every day."^{lxx} The witness referred to was an 18 year old European man John Thompson who was a groom at Campbell's Hotel and had known Simon for around five years; he reported that,

[Simon] could not eat. He died about nine days after he came back, and was buried on the hill about a mile from the hotel. One sheet of bark was put under him, and another over him, and he was rolled in a blanket. After he returned from the fight he appeared to get worse every day until he died. Food was taken to him from the hotel, but he could not eat it.^{lxxi}

At the inquest a number of Aboriginal men gave evidence including Charlie Brown and Barkaway Georgie, both identified as "Clarence blacks". Charlie Brown was the accused and the police officer who arrested him stated that when arrested Charlie had stated that "... it was blackfellow's law. In reply to Mr. Lee (juryman) the sergeant said he had heard of many blackfellows' fights, but never knew of the authorities trying to put a stop to them."^{lxxii}

Billy McDonald also gave evidence, he identified himself as belonging to the "Nymboida blacks". His evidence was summarized in the newspaper account,

The Bellinger blacks fought the Clarence blacks. He fought on the Clarence River side, but he did not know why he fought. They were making their fight song. This was the first fight he knew of between them. Billy Larrago came and told him there was to be a fight at Dundoo. They fought with spears, boomerangs, paddamelons, and other weapons. The witness, a powerful-looking young man about 20 years of age, almost fainted at this stage. He was caught before he fell and was given a chair. Continuing his evidence, he said Bellinger Blackfellows threw the first spear. It was a big fight. Simon was leading. Charlie Brown speared him in the nose, then Georgie speared him in the chest. Simon fell down. The fight was over for the night. They fought again next morning, but Simon was too bad to fight. He sat in the Bellinger camp. Georgie or Charlie Browne did not go near him next morning. Clarence blacks stopped one night and the Bellinger blacks two nights. Simoon pulled the spear out of his face

before Georgie threw the second one at him. Simon had a spear in his hand when hit in the cheek. It was proper blackfellows' law. They spoke blackfellow on the ground. Simon was very angry when he pulled the spear out of his chest. Clarence blacks then thought they won and began to sing. Charlie Brown was hit by a boomerang on the arm, thrown by old Tom. No more were hurt. They fought on sides – no one blackfellow fought another.^{lxxiii}

Further evidence was given by Dundoo Billy who was described as an elderly man who was born at Corindi and worked at Orara, *"I fight with them for Clarence blacks. Bellinger blacks make row, fight. He indicated that Georgie was about six feet away when he speared Simon in the side. Blackfellow then say fight no more."*^{lxxiv} Simon's brother Davey also gave evidence apparently identifying the event that led to the ritual fighting, *"... the Nymboida blacks made a song about those who were put in gaol. Nymbodia Jack and Charlie were sentenced to five years on information given by the Bellinger blacks. The song said "No [word indecipherable] blanket, life in goal." That [indecipherable word] the fight. The fight was fair according to blackfellow law."*^{lxxv}

Charlie Brown explained that,

We fight because of big song about us blacks. Bellinger blacks made the fight. We went to fight them. Bellinger blacks too much mob. Grafton blacks, Orara, Nymboida. Simon threw spear at me. I catch him along hielaman and then afterwards hit him in nose. Simon pull spear out and throw him on ground. Me from here to door (18 feet) when throw spear. Bellinger blacks all in a lump. Georgie go close up to Simon and spear in chest. Simon fall down when I spear him first; rise up, then Georgie spear him again.^{lxxvi}

The jury found both men guilty of manslaughter, though the newspaper reported that, *"After a half-hour's retirement the jury returned to ask the coroner could the accused be acquitted if it were the custom for blackfellows to fight. The Coroner: They are British subjects under British law."*^{lxxvii}

After the 1880s there are no longer any references to large scale gatherings occurring in the region, however, as noted previously, initiation ceremonies and corroborees were still occurring into the second half of the twentieth century but they were actively hidden from European eyes.^{lxxviii}

Aboriginal people lived and worked throughout the Coffs Harbour region in the twentieth century, as they continue to do today. The Coffs Harbour Aboriginal heritage study, referencing unpublished local historical records, stated that,

Historical records reveal that Aboriginal people have contributed their labour to the local economy since the earliest days of white settlement. As early as the 1860s, Aboriginal people were helping Walter Harvie with his cedar-getting activities at Boambee Creek and later at the future Coffs Harbour. In the 1880s, Aboriginal people were employed on the England property at Deep Creek, at Hermann Rieck's property at Kororo, Eugene Rudder's at Coramba, James Small's at Kororo and at the Skinner's at Moonee beach. Work included collecting fresh food, clearing tracks and felling cedar trees, planting crops and acting as lookouts.^{lxxix}

In the twentieth century Aboriginal people worked as labourers on banana and sugar cane farms, general farm labourers, in timber mills, on the goldfields, on the railways, and in domestic labour.^{lxxx}

There were a range of camps around the Coffs Harbour township where Aboriginal people lived in the nineteenth and twentieth centuries. Some of the places that have been identified as living places are where the Coffs Harbour Cemetery now is, the East Boambee and West Korora sites mapped in this report (Site D & Site E), the site of the Coffs Harbour Gun Club, the site of the current swimming pool, and the large camps located on the sand dunes between the mouth of Coffs Creek and the harbour. More permanent camps emerged in the mid twentieth century on the south bank of Coffs Creek near Gordon and Duke Streets, Fitzroy Oval, and at the southern end of the jetty near the railway line, *"The camps were near bush tucker and culturally significant sites, while the creek and surrounding forests provided fish and game."*^{lxxxi}

In the 1940s there was increasing pressure from the local council and the Aborigines Welfare Board to dismantle these camps with the lack of water and sewerage services being the reasons given though few attempts were made to provide such services.^{lxxxii} In the 1950s the authorities began to demolish people's homes in the camps and pushed them into approved housing areas such as the Wongala Estate on the highway north of town. When the Fitzroy Oval camp was demolished in the mid 1950s it is reported that, *"... to the chagrin of the Coffs Harbour City Council, another camp including 8 shacks sprang up on the Coffs Cemetery side of the creek."*^{lxxxiii} As a local history states,

The camps provided a strong sense of identity and freedom, providing Aboriginal people with a link to the past that continues to shape their lives in the present. The camps were gathering places that connected Aboriginal families to the wider cultural landscape in and outside the Coffs Harbour region.^{lxxxiv}

8 Overview of Findings and Recommendations

Within the specific study area consultation with the knowledge holders has identified five areas of cultural significance as set out in Table 1 below. A detailed discussion of the cultural significance of these sites is provided in the following section (**Detailed Cultural Significance Assessments**).

Table 1: Summary of Significance of Identified Cultural Sites

Site Name	Description	Cultural significance
Site A: Roberts Hill Pathway	A culturally significant pathway running from Corambirra Point to the Orara Valley including Roberts Hill Ridge.	This pathway has High Significance to the local Aboriginal community as a key pathway connecting the coast with the Orara Valley and traversing the culturally significant Roberts Hill Ridge. This cultural significance is a result of the pathway's association with traditional patterns of movement and resource use, the Roberts Hill Ridge that is considered a culturally significant site, and with the intangible story lines that link the coast to the inland valleys. This pathway links to the culturally highly significant Corambirra Point and Giidany Miirlalr (Muttonbird Island area).
Site B: Gumgali Pathway	A culturally significant storyline and associated pathway running from Macauleys Headland to Sealy Point and through to Mount Coramba and the Orara Valley and Nana Glen.	The Gumgali storyline pathway is of Very High Significance to the local Aboriginal community. This cultural significance is a result of the pathway's association with the Gumgali or black goanna Dreaming storyline. The pathway links to other key sites within the region including Mount Coramba.
Site C: Sealy Point Pathways	A culturally significant pathway linked to the pathway following the Gumgali storyline (Site B); running along Sealy Point to the Orara Valley, Mount Browne, the Coffs Creek headwaters, and the Robert Hills pathway (Site A).	The Sealy Point pathways are of High Significance to the local Aboriginal community. This cultural significance is a result of the pathway's association with traditional patterns of movement and resource use and with the intangible story lines that link the coast to the inland valleys.
Site D: East Boambee Camp	A traditional and historical camp area associated with seasonal and ritual movement	This site has Medium Significance for the Aboriginal community as a traditional and historical camp area that was associated with seasonal and ritual patterns of movements into the Coffs Harbour area that brought

	patterns within the wider region.	people together from the wider region for resource gathering and ceremonial business.
Site E: West Korora Living Place	A historical living place located on the West Korora Road in the 1940s.	This site has Medium Significance for the Aboriginal community as a historical living place used in the 1940s and understood to be located on an older traditional camp site area.

Specific site based actions and mitigation measures have been recommended in relation to four of the five identified cultural sites within the study area, these are set out in Table 2 on the following pages. The recommended actions and mitigation measures have been developed in consultation with the knowledge holders.

8.1 Overarching Recommendations

In addition to the site-specific recommendations set out in Table 3 it is recommended that an Aboriginal Heritage Management Plan (AHMP) should be prepared and implemented as part of the Construction Environmental Management Plan (CEMP). The AHMP should provide specific guidance on measures and controls to be undertaken to avoid and mitigate impacts on Aboriginal cultural heritage during construction. Measures and controls should include protection measures to be applied during construction, including but not limited to the recommendations in Table 3 below, contractor training in general Aboriginal cultural heritage awareness, and any on-going opportunities for Aboriginal community engagement.

In the event of the unexpected discovery of suspected archaeological Aboriginal human remains during the proposed works, in addition to the procedures outlined in the TfNSW *Unexpected Heritage Items Procedure 2015*, it is recommended that the AHMP require that TfNSW immediately notify the identified knowledge holders^{lxxxv} of the discovery. If the material is confirmed to be archaeological Aboriginal human remains it is recommended that consultation occur with the identified knowledge holders in relation to: the development of a Management Plan for proposed works in the relevant area; cultural ceremonies in relation to the human remains and the site of their occurrence; and, repatriation of the human remains.

Table 2: Overarching Recommendations

Recommendation	Comment
Development of an AHMP	The AHMP should provide specific measures and controls to avoid and mitigate impacts on Aboriginal cultural heritage during construction (see discussion above).
Unexpected Finds Procedure	The AHMP should provide for an addition to the <i>Unexpected Heritage Items Procedure 2015</i> to require the notification of the identified knowledge holders within 24 hours of any discovery of Aboriginal skeletal remains during the proposed works.

Table 3: Recommended Site Specific Actions and Mitigations

Site Name	Description	Cultural Heritage Significance	Impact? Yes/No	Action	Mitigation
Site A: Roberts Hill Pathway	A culturally significant pathway running from Corambirra Point to the Orara Valley including Roberts Hill Ridge.	High	Yes	In relation to Site A: Roberts Hill Pathway it was recommended in the draft of this CVA report that project consideration be given to the potential for a bored tunnel rather than a cut and cover land bridge. It was noted that boring is a strongly expressed preference by the key knowledge holders for this site on the basis that it would minimise the impact on the cultural landscape. Refinement of the design has led to the inclusion of a 190m long tunnel for Roberts Hill addressing this recommended action. Further detailed design should aim to minimise the impact of the construction footprint on the cultural site. It is recommended that this process occur in consultation with a cultural	<p>In relation to Site A: Roberts Hill Pathway it is recommended that mitigation occur as follows:</p> <ol style="list-style-type: none"> 1) Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process. 2) The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Roberts Hill Pathway is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.

Site Name	Description	Cultural Heritage Significance	Impact? Yes/No	Action	Mitigation
Site B: Gumgali Storyline & Pathway	A culturally significant storyline and associated pathway running from Macauleys Headland to Sealy Point and through to Mount Coramba and the Orara Valley and Nana Glen.	Very High	Yes	heritage professional and the identified knowledge holders.	3) The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.
				In relation to Site B: Gumgali Storyline & Pathway it is recommended that the detailed design should aim to minimise the impact of the construction footprint on the cultural site. It is recommended that this process occur in consultation with a cultural heritage professional and the identified knowledge holders.	<p>In relation to Site B: Gumgali Storyline & Pathway it is recommended that mitigation occur as follows:</p> <ol style="list-style-type: none"> 1) Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process. 2) The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Gumgali Storyline & Pathway is one

Site Name	Description	Cultural Heritage Significance	Impact? Yes/No	Action	Mitigation
					<p>element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.</p> <p>3) The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.</p>
Site C: Sealy Point Pathways	A culturally significant pathway linked to the pathway following the Gumgali storyline (Site B); running along Sealy Point to the Orara Valley, Mount Browne, the	High	Yes	In relation to Site C: Sealy Point Pathways it was recommended that the detailed design should aim to minimise the impact of the construction footprint on the cultural site. It was recommended that this process occur in consultation with a cultural heritage professional and the identified knowledge holders. Refinement of the	<p>In relation to Site C: Sealy Point Pathways it is recommended that mitigation occur as follows:</p> <p>1) Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and</p>

Site Name	Description	Cultural Heritage Significance	Impact? Yes/No	Action	Mitigation
	Coffs Creek headwaters, and the Roberts Hill pathway (Site A).			design subsequent to the draft of this CVA report has led to the inclusion of a 360m long tunnel at Shephards Land substantially reducing the impact on this site.	<p>potential engagement in the revegetation and landscaping process.</p> <p>2) The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Sealy Point Pathways are one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.</p> <p>3) The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.</p>
Site D: East Boambee Camp	A traditional and historical camp area associated with seasonal and	Medium	Yes	In relation to Site D: East Boambee Camp it is recommended that the detailed design should aim to minimise	In relation to Site D: East Boambee Camp it is recommended that mitigation occur as follows:

Site Name	Description	Cultural Heritage Significance	Impact? Yes/No	Action	Mitigation
	ritual movement patterns within the wider region.			the impact of the construction footprint on the cultural site. It is recommended that this process occur in consultation with a cultural heritage professional and the identified knowledge holders.	<ol style="list-style-type: none"> 1) Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process. 2) The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the East Boambee Camp is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs. 3) The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in

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Site Name	Description	Cultural Heritage Significance	Impact? Yes/No	Action	Mitigation
Site E: West Korora Living Place	A historical living place located on the West Korora Road in the 1940s. Probable location of earlier traditional camp site.	Medium	No	In relation to Site E: West Korora Living Place it was recommended in the initial CVA draft that detailed design should aim to minimise the impact of the construction footprint on the cultural site. Refinement of the design subsequently led to the avoidance of impact to this site.	consultation with the identified knowledge holders, RAPs and land owners/managers. Design refinement subsequent to the initial CVA draft resulted in all impacts being avoided. However, the site is associated with Sites A-D and discussion of it should be included in the booklet and interpretative signage recommended as mitigation for the impact on those sites. Note that the Amendment Report design shows a project boundary extension into Site E, however, this reflects a change in ownership of an existing privately owned road to a public road with no physical impacts.

9 Detailed Cultural Significance Assessments

This section provides a detailed discussion of the five sites identified within the specific study area as having Aboriginal cultural significance. All five sites of cultural significance are partially located within the proposed construction footprint. In relation to all impacts the recommendations that have been made are based on consultation with the identified knowledge holders and aim to assist in the recording, recognition and preservation of the cultural values and significance of the impacted landscape.



Image 6: Coffs Harbour, from the top of Giidany Miirlalr (Muttonbird Island).^{lxxxvi}

The knowledge holders and the RAPs also identified their concerns regarding the impact of works on the ecosystems of the project corridor and beyond. The waterways that cross or lie near the corridor, and the plants and animals that live in or around the corridor, all hold cultural value and meaning. Plant and animal species, and wild resource use places, hold cultural value for their links to cultural activities, including resource gathering, to cultural stories that retain and transmit knowledge and for their spiritual and religious significance. As Uncle Mark Flanders stated,

Tangible and intangible, the land, plants, animals, salt water and fresh water, are all understood together, in an integrated wholistic approach, by Aboriginal people. It brings everything into one – you can't talk about one thing without talking about all the others.^{lxxxvii}

The knowledge of country includes knowledge of landforms, waterways, plants, animals and the ways in which these all come together to form specific local ecosystems. This knowledge links the environment to spiritual, ethical and community values and is "... an integral part of people's life and knowledge systems."^{lxxxviii}

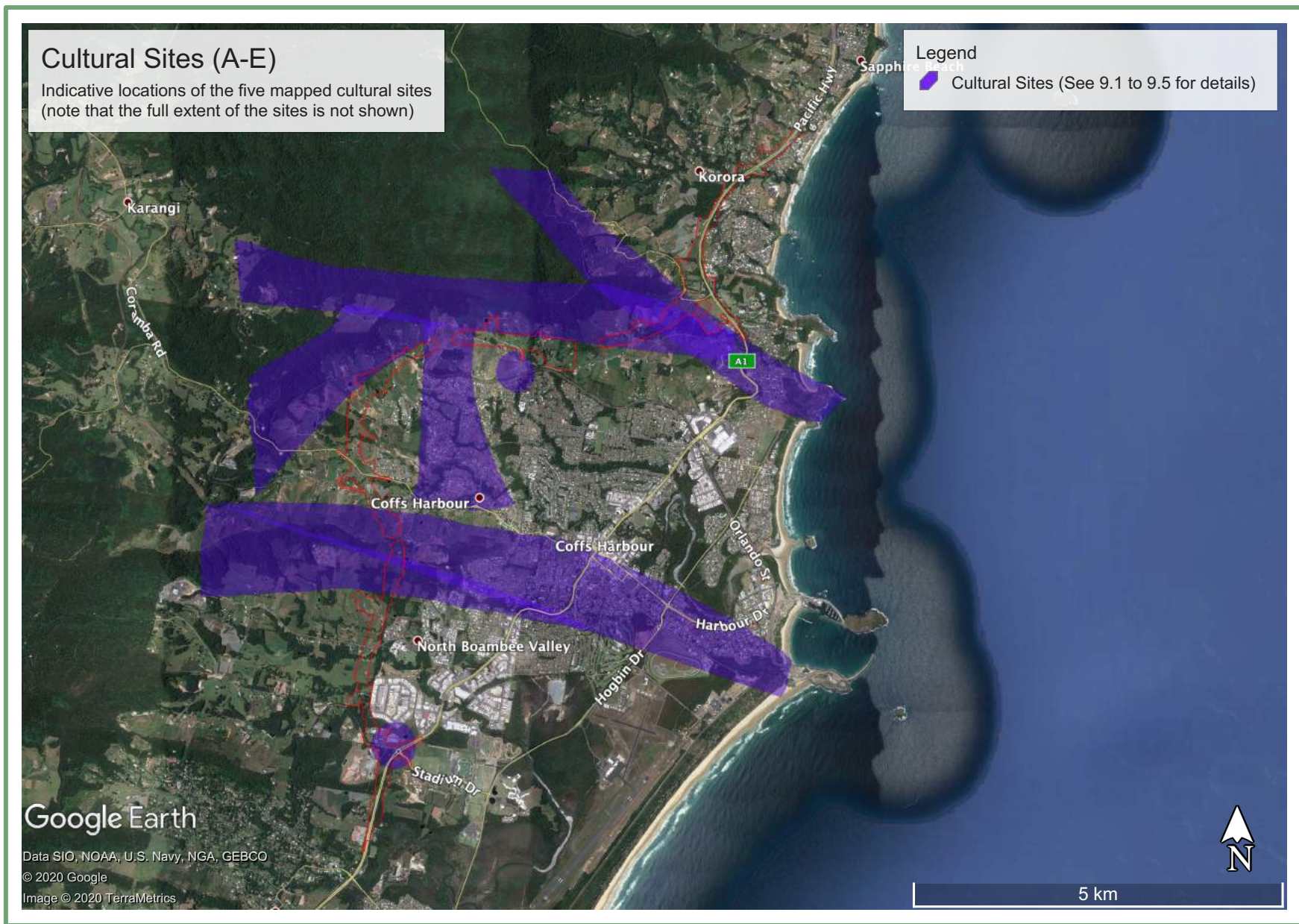


Figure 2: Cultural Sites A to E

9.1 Site A: Roberts Hill Pathway

Location: The shaded area on the image below delineates the indicative boundaries of the *Roberts Hill Pathway Cultural Site*. This pathway runs west from Corambirra Point along the Roberts Hill ridgeline.

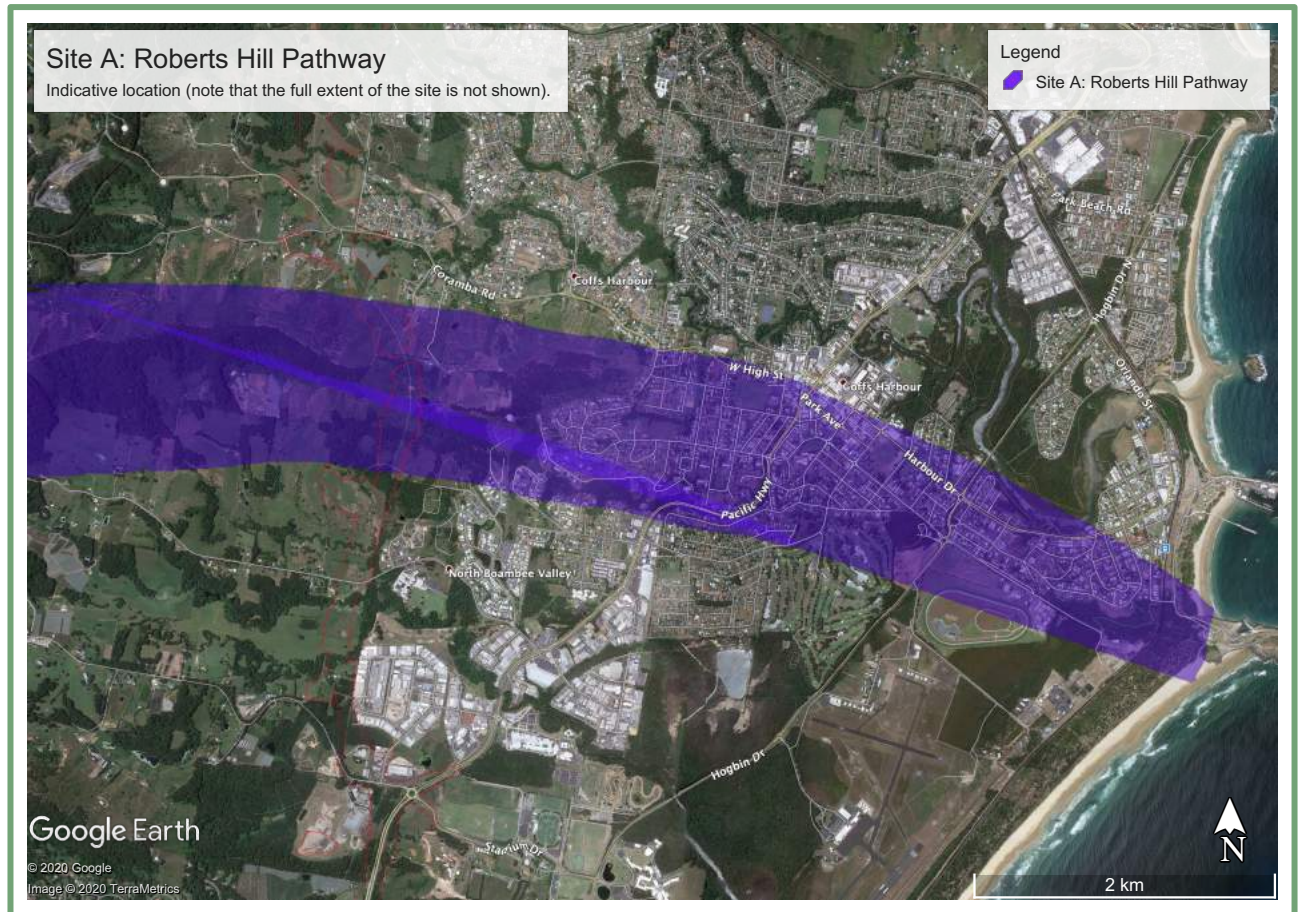


Figure 3: Site A: Roberts Hill Pathway Cultural Site.

Description: A culturally significant pathway running from Corambirra Point to the Orara Valley travelling along the Roberts Hill Ridge.

Significance: This pathway is of High Significance as a key pathway connecting the coast with the Orara Valley and traversing the culturally significant Roberts Hill Ridge. The pathway is associated with traditional patterns of movement and resource use between the coast and the valley. As Uncle Mark Flanders stated,

There is a pathway that runs from west of Coffs through Roberts Hill and takes you all the way to the fishing club at Corambirra Point. The ridgeline that goes from there leads out west to Roberts Hill and then into the Orara Valley. Orara means food, place of plenty. That pathway is a major connection point [between the coast and the valley]. Roberts Hill area is very crucial right down to the lowland there [on the north side]. It is a site, it may be a koala dreaming site.^{lxxxix}

The pathway is one of a number that were used by Aboriginal people in the wider region to move east into the culturally significant Corambirra Point and Giidany Miirlalr (Muttonbird Island) area, linked to initiation ceremonial networks and including an increase site, men's and women's business sites and traditional burials, and north west into the culturally significant ceremonial sites of the Orara Valley. Movement along this and associated pathways occurred for ceremonial purposes and was regulated by shifting resource availability between the coast and the inland. The Gungali Pathway (Site B) and the East Boambee Camp (Site D) are further examples of the pathways and camps that formed part of this regional resource and ceremonial network.



Image 7: Corambirra Point and Giidany Miirlalr (Muttonbird Island) seen from Sealy Point ridge^{xc}

The potential impact to Roberts Hill ridgeway of the construction of a land bridge was a source of considerable concern to many in the Aboriginal community as expressed by Uncle Mark Flanders,

You're cutting apart a cultural landscape, they want to just cut through and do a tunnel and create an artificial landscape.... They're going to destroy that original walking track.... We would prefer they bore... Cutting through is our real big concern, it cuts through the landscape, destroying that ancient walking path, the spiritual intangible meaning to it as well as possibly more artefacts that we'll never know of.^{xc}



Image 8: Roberts Hill Ridge, taken from the base of Giidany Miirlalr (Muttonbird Island).^{xcii}

Impact: Yes.

Recommended Actions: In relation to Site A: Roberts Hill Pathway it was recommended in the draft of this CVA report that project consideration be given to the potential for a bored tunnel rather than a cut and cover land bridge. It was noted that boring is a strongly expressed preference by the key knowledge holders for this site on the basis that it would minimise the impact on the cultural landscape. Refinement of the design has led to the inclusion of a 190m long tunnel for Roberts Hill addressing this recommended action. Further detailed design should aim to minimise the impact of the construction footprint on the cultural site. It is recommended that this process occur in consultation with a cultural heritage professional and the identified knowledge holders

Mitigation Recommendations: In relation to Site A: Roberts Hill Pathway it is recommended that mitigation occur as follows:

- 1) Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process.
- 2) The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Roberts Hill Pathway is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction

impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.

- 3) The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.

9.2 Site B: Gumgali Storyline & Pathway

Location: The shaded area on the image below delineates the indicative boundaries of the *Gumgali Storyline & Pathway Cultural Site*. This pathway runs west from Macauleys Headland to Sealy Point and through to Mount Coramba and the Orara Valley and Nana Glen.

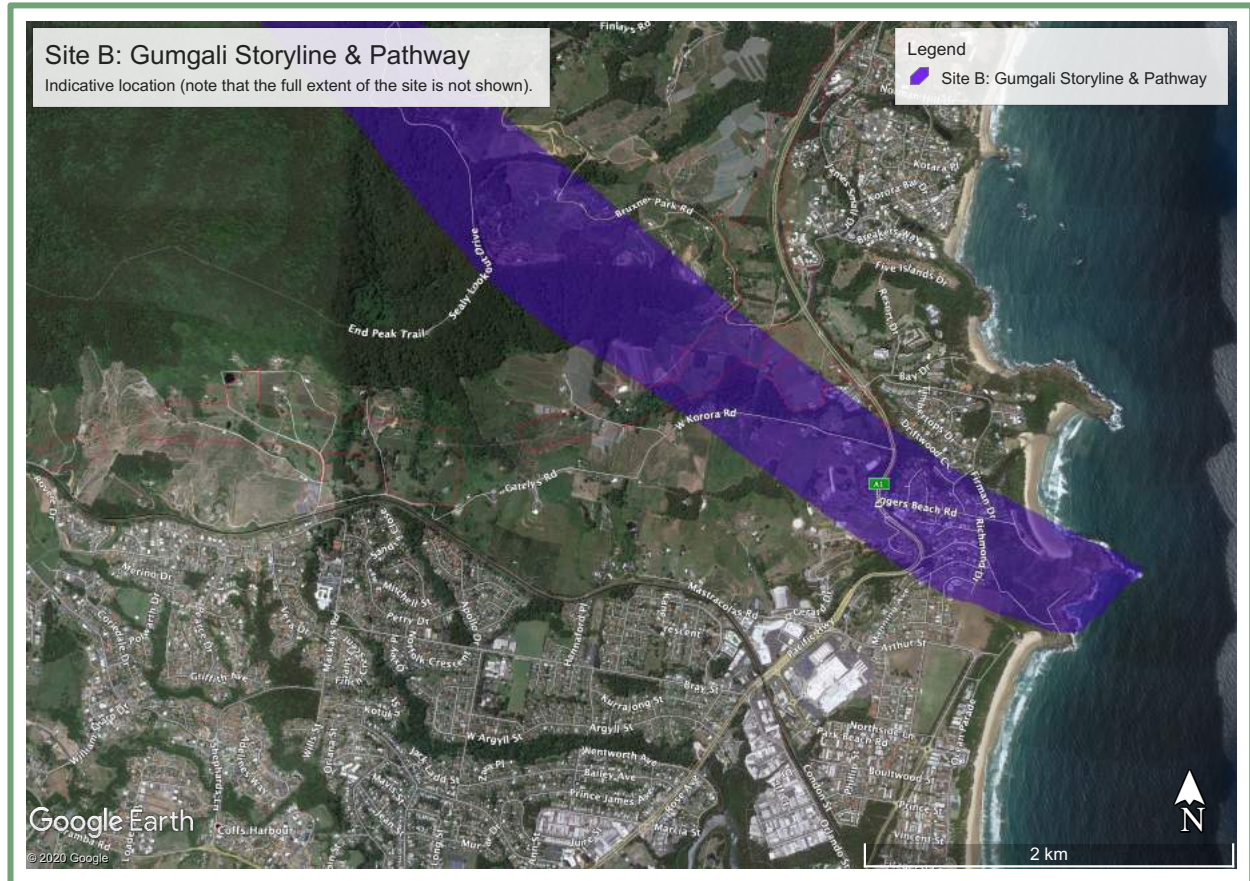


Figure 4: Site B: Gumgali Storyline & Pathway Cultural Site.

Description: A culturally significant storyline and associated pathway running from Macauleys Headland to Sealy Point and through to Mount Coramba and the Orara Valley and Nana Glen.

Significance: This storyline and pathway is of Very High Significance on the basis of its association with the Gumgali or black goanna Dreaming storyline. Uncle Mark Flanders gave a short account of the Gumgali storyline,

The Gumgali story, the black goanna dreaming site, it's a story about a dreamtime giant goanna they chased from north Queensland, they chased him all the way from north Queensland, he ran into the ocean and turned around and laughed at the hunters and turned to stone. The places where the Great Dividing Range comes down in spurs to the ocean are the routes that he ran down to the ocean. The Great Dividing Range is his backbone. xciii

He also referred to the pathway as linking to other sites including Mount Coramba to the north west,

[There is a pathway] just north of here, runs from Macauleys Headland on the ocean, runs right up to Sealy Point Lookout and then follows that ridgeline through to Mount Coramba, a dingo increase site, and then from there the path drops down into the Orara Valley and along the river.^{xciv}



Image 9: Macauleys Headland, from Sealy Point Lookout.^{xcv}

Uncle Tony Perkins also spoke of the Gumgali storyline and his movement down from Nana Glen to Macauley's Headland,

The lizard he's still laying over there in the water... he came from over Nana Glen then he made his way up the top at the Big Banana, behind the Big Banana right at the top, all that rock on the top that's where the big lizard was speared, and what happened they speared him because the fat from the goanna is what our people sort of looked for and all that rock that's there that's his fat and then he crawled his way down to the ocean and he's laying in the ocean there. On a good day you'll see the rock formation of the big lizard in the water.^{xcvi}

The Sealy Point Pathways (Site C) are directly linked to this pathway. Movement along this and associated pathways occurred for ceremonial purposes and was regulated by shifting resource availability between the coast and the inland. The Roberts Hill Pathway (Site A) and the East Boambee Camp (Site D) are further examples of the pathways and camps that formed part of this regional resource and ceremonial network.

One of the knowledge holders, Uncle Tony Perkins, identified a camp site associated with this pathway, it was located at the back of where the Big Banana now is and was still being used in the

1920s, “... *my grandmother, she lived there on the top, there was a camp there, I think that’s where my Dad was born.*”^{xcvii}

Impact: Yes.

Recommended Actions: In relation to Site B: Gumgali Storyline & Pathway it is recommended that the detailed design should aim to minimise the impact of the construction footprint on the cultural site. It is recommended that this process occur in consultation with a cultural heritage professional and the identified knowledge holders.

Mitigation Recommendations: In relation to Site B: Gumgali Storyline & Pathway it is recommended that mitigation occur as follows:

- 1) Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process.
- 2) The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Gumgali Storyline & Pathway is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.
- 3) The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.

9.3 Site C: Sealy Point Pathways

Location: The shaded areas on the image below delineate the indicative boundaries of the *Sealy Point Pathways Cultural Site*. These pathways run along Sealy Point to the Orara Valley with branches leading to Mount Browne, the Coffs Creek headwaters, and the Roberts Hill pathway (Site A). They are linked to the Gumgali Storyline & Pathway (Site B).

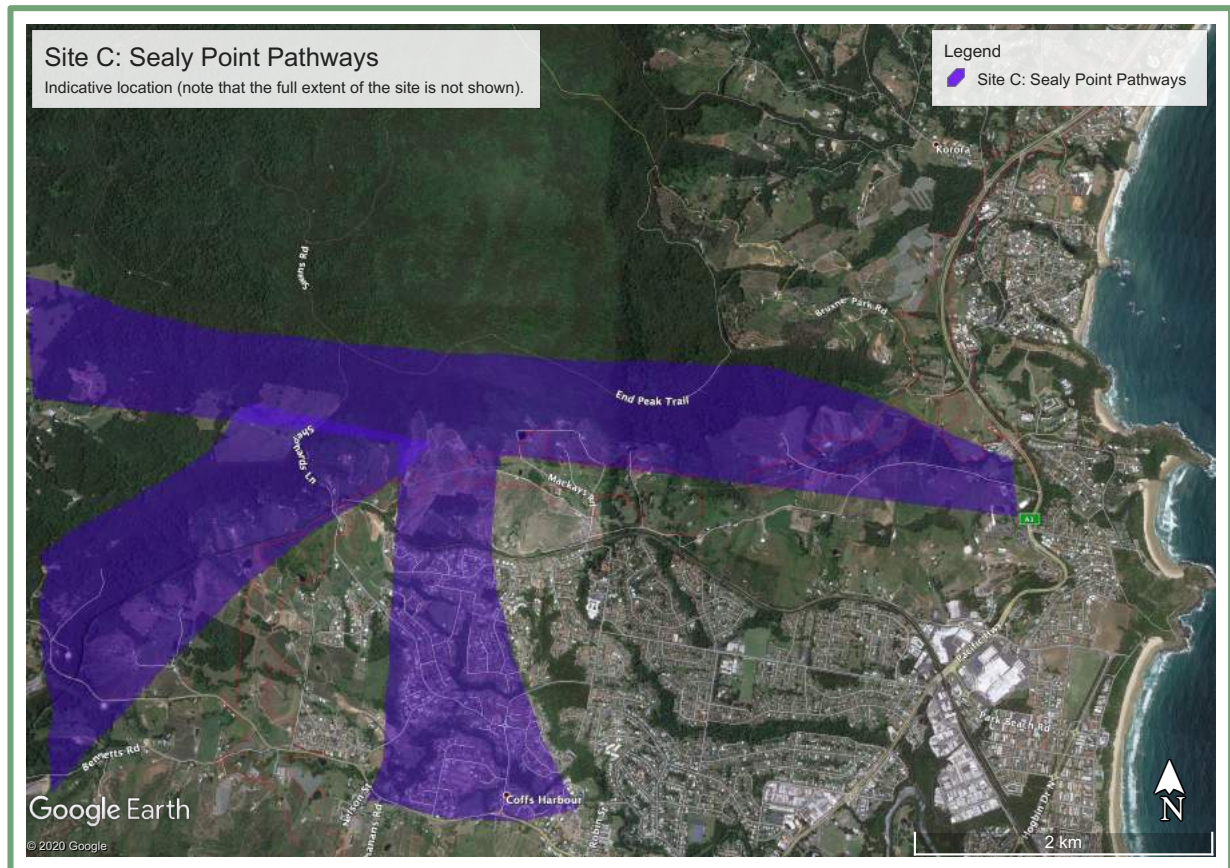


Figure 5: Site C: Sealy Point Pathway Cultural Site.

Description: Culturally significant pathways linked to the pathway following the Gumgali Storyline (Site B). The pathway runs along Sealy Point to the Orara Valley with the most eastern branch heading to the Coffs Creek headwaters and the western branch leading towards Mimmi Gawgun (Mount Browne) and to the Roberts Hill pathway (Site A).

Significance: The Sealy Point pathways are of High Significance to the local Aboriginal community. This cultural significance is a result of the pathways' association with traditional patterns of movement and resource use and with the intangible story lines that link the coast to the inland valleys, as described here by Uncle Mark Flanders,

From Sealy Point there's different pathways, one into the valley, up into Mount Coramba and then from there to all different places including Nana Glen, that's very significant too. There's another path down from the Sealey Point pathway and back to the Coffs Creek headwaters... We found some crystal up between Sealey's Point and coast, on the ridge... crystal is associated with ceremony, brings it to a higher significance.^{xcviii}

The continued use of these pathways and associated areas was spoken of by Uncle Ian Brown who spoke of how in the 1970s,

We used to travel there when we were kids to go up to the top of the mountains, behind Sealys Lookout, chasing freshwater crayfish and bush turkeys.^{xcix}

The Sealy Point Pathways (Site C) are directly linked to the Gumgali Storyline & Pathway (Site B) that led into the Orara Valley, the pathway also connected to the Orara Valley by heading west along the Sealy Point ridgeline. The Orara Valley was an important resource and ceremonial area for the Aboriginal people of this region. The knowledge holders spoke of the Coffs Creek headwaters, that one of the branch pathways extends to, as an important resource rich area. This pathway also had a branch that connected to the Roberts Hill Pathway (Site A) and extended further to connect up to pathways to Mimmi Gawgun (Mount Browne). Mimmi Gawgun refers to a key cultural ancestral figure who is embodied in Mount Browne as explained by Uncle Tony Perkins,

Our cultural mother, her home is Mount Browne, that's her home, behind Sealey's Point. Mimmi (mother) Gawgun is her name. Her waterhole is up here, just up here, on top of a mountain up here, straight behind where we are. It's a women's' birthing site... Look at Me Now Headland, that's where our cultural father, Ulidarra, is, that's his home, right on the top of that headland. You go from father to mother's peak and then back to the Islands. What they teach you early is that all our things are in a triangle shape, and that triangle is what creates energy, power...^c



Image 10: Roberts Hill Ridgeline, from Sealy Point Lookout.^{ci}

Movement along this and associated pathways occurred for cultural and ceremonial purposes and was regulated in part by shifting resource availability between the coast and the inland. The Roberts Hill Pathway (Site A) and the East Boambee Camp (Site D) are further examples of the pathways and camps that formed part of this regional resource and ceremonial network.

Impact: Yes.

Recommended Actions: In relation to Site C: Sealy Point Pathways it was recommended that the detailed design should aim to minimise the impact of the construction footprint on the cultural site. It was recommended that this process occur in consultation with a cultural heritage professional and the identified knowledge holders. Refinement of the design subsequent to the draft of this CVA report has led to the inclusion of a 360m long tunnel at Shephards Land substantially reducing the impact on this site.

Mitigation Recommendations: In relation to Site C: Sealy Point Pathways it is recommended that mitigation occur as follows:

- 1) Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process.
- 2) The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the Sealy Point Pathways are one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.
- 3) The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.

9.4 Site D: East Boambee Camp

Location: The shaded area on the image below delineates the indicative boundaries of the *East Boambee Camp Cultural Site*.

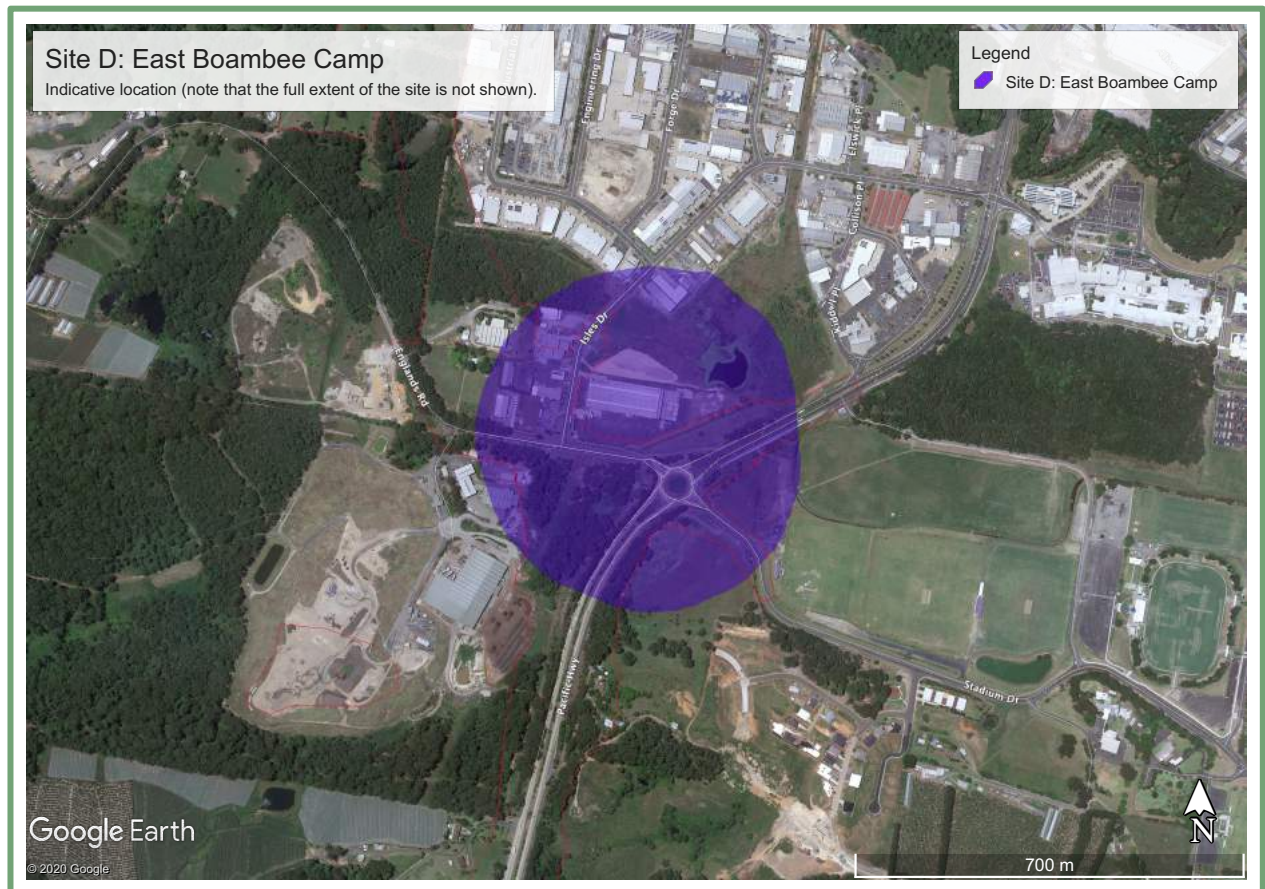


Figure 6: Site D: East Boambee Camp Cultural Site.

Description: This is a traditional and historical camp area associated with seasonal and ritual movement patterns within the wider region.

Significance: This site has Medium Significance for the Aboriginal community as a traditional and historical camp area that was associated with seasonal and ritual patterns of movements into the Coffs Harbour area that brought people together from the wider region for resource gathering and ceremonial business.

Uncle Tony Perkins spoke of how people travelled from north, west and south to Coffs Harbour for ceremonial and cultural business. The East Boambee Camp was one of the camps used during this movement that continued to be used into the twentieth century,

And one lot used to come across and camp, they had a camp there I suppose you call it East Boambee, where old Bunnings was, Englands Road, they used to camp in there, that was the ones coming from the south coming across. The other ones coming from this way [north] used to come over down onto Mackays Road and they used to camp in there at the end of it, near Naranga School. There was another camp across the railway

line from the Barringa Hospital, the Glenreagh lot camped there. That was the main pathways, coming this way... they were still doing that in the 1930s.

The main connecting sort of travel route came from Urunga they travelled across towards Bellingen, then they come over Boambee and then another pathway straight up behind what they called Dingo Creek at Orara and then they travelled that way through Glenreagh and all them places. That was a sort of connecting line they used to go from like Nymboida back down that pathway, that's the pathway they used to use from one lot to another, back and forth. Then the connection with Coffs Harbour is there was the Islands, Moon and Muttonbird Island, one was a men's place and the other one was a women's site. There was different groups, like at Orara there was one group there, another big mob at Glenreagh, another at Nymboida, another down here at Yellow Rock... but they used to travel that path and then come across to those two places here, to Muttonbird and Moon Island.^{cii}

The Glenreagh people's camp is understood to have been in the same general location as the historical camp identified as the West Korora Living Place (Site E).

Impact: Yes.

Recommended Actions: In relation to Site D: East Boambee Camp it is recommended that the detailed design should aim to minimise the impact of the construction footprint on the cultural site. It is recommended that this process occur in consultation with a cultural heritage professional and the identified knowledge holders.

Mitigation Recommendations: In relation to Site D: East Boambee Camp it is recommended that mitigation occur as follows:

- 1) Rehabilitation and revegetation of the construction footprint should occur with local Indigenous plant species as progressive restoration work to be undertaken progressively as soon as practically possible. The identification of the plant species should be undertaken in consultation with the identified knowledge holders and RAPs. Opportunities should be provided to local Aboriginal organisations for involvement and potential engagement in the revegetation and landscaping process.
- 2) The development of a booklet (in a format appropriate for local publication) by an appropriately qualified person on the cultural values and historical records relating to the cultural landscape of which the East Boambee Camp is one element. As part of this process the visual documentation of the cultural landscape should occur prior to any construction impacts. The report to be produced as a full colour booklet for distribution to local libraries and educational institutions. The final content of the booklet to be developed in consultation with the identified knowledge holders and RAPs.
- 3) The development of interpretative signage relevant to this cultural site to be displayed in an appropriate area. The content of the signage to be developed in consultation with the

identified knowledge holders and RAPs. Potential locations for the placement of the signage to be identified in consultation with the identified knowledge holders, RAPs and land owners/managers.

9.5 Site E: West Korora Living Place

Location: The shaded area on the image below delineates the indicative boundaries of the *West Korora Cultural Site*.

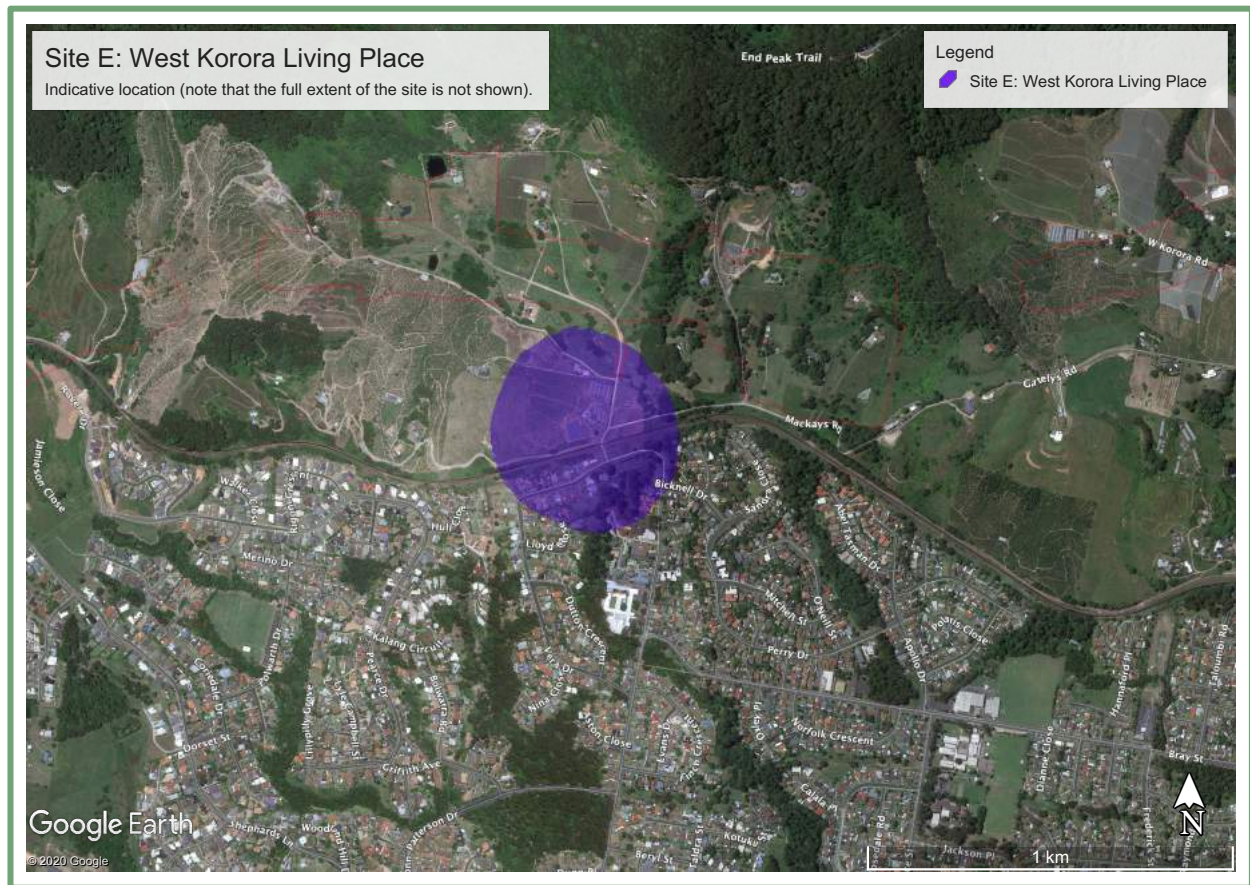


Figure 7: Site E: West Korora Living Place Cultural Site.

Description: A historical living place dating from in the 1940s. It is probable that it was previously the location of a traditional campsite used by people travelling from the Glenreagh area.

Significance: This site has Medium Significance for the Aboriginal community as a historical living place used in the 1940s and understood to be located on an older traditional campsite area.

There was another camp across the railway line from the Barringa Hospital, the Glenreagh lot camped there. That was the main pathways, coming this way... they were still doing that in the 1930s.^{ciii}

Aunty Daphne Flanders nee Wilson was born here in the mid 1940s; she recalls that there was a number of Aboriginal families, including the Craigs, Jarrets and Edwards, living there in a camp,

... I think it might have been an old camp cause there was older people living there from what my Mum told me... There was another camp down near the pool in town and one down at the jetty too.^{civ}

Impact: No.

Recommended Actions: In relation to Site E: West Korora Living Place it was recommended in the initial CVA draft that the detailed design should aim to minimise the impact of the construction footprint on the cultural site. Refinement of the design subsequently led to the avoidance of impact to this site. Note that the Amendment Report design shows a project boundary extension into Site E, however, this reflects a change in ownership of an existing privately-owned road to a public road with no physical impacts.

Mitigation Recommendations: The site is associated with Sites A-D and discussion of it should be included in the booklet and interpretative signage recommended as mitigation for the impact on those sites.

10 Statement of Impact

Five specific sites of cultural significance were identified within the study area during the cultural values assessment process. Four cultural sites (Sites A – D) have partial known impacts. As a result of refinements during the detailed design process one cultural site (Site E: West Korora Living Place) has no known impacts. Note that the Amendment Report design shows a project boundary extension into Site E, however, this reflects a change in ownership of an existing privately owned road to a public road with no physical impacts. In relation to cultural Site A (Roberts Hill Pathway) and Site C (Sealy Point Pathways) the recommendations within this report that tunnels are preferred to minimize impact and avoid severing of the cultural pathways has been supported through the detailed design process and the inclusion of tunnels through the Roberts Hill and Shepherds Lane ridgelines.

In relation to Roberts Hill Pathway (Site A), Gumgali Storyline & Pathway (Site B), and Sealy Point Pathways (Site C) recommendations have been made in relation to revegetation of the construction footprint with local Indigenous plant species in consultation with the identified knowledge holders and RAPs. In relation to Roberts Hill Pathway (Site A), Gumgali Storyline & Pathway (Site B), Sealy Point Pathways (Site C) and East Boambee Camp (Site D) the production of a booklet and interpretative signage in consultation with the identified knowledge holders and RAPs has been recommended; these interpretative elements to be undertaken as one project referencing all five of the cultural sites.

The Korora area generally, located at the northern end of the project corridor, has been identified by knowledge holders as an important camping and resource area that included traditional camps along Pine Brush Creek in the vicinity of the Kororo Nature Reserve. This Korora Bay area has a number of significant increase sites within it, these sit outside the current project corridor. As the specific location of the camps is not known it has not been possible to map them, however, the cultural values of the Korora area should be considered in the recommended booklet and interpretative signage.

The knowledge holders all emphasised that the wider area within which the study area sits holds cultural meanings, values and significance as part of the broader cultural landscape. The knowledge holders and the RAPs also identified their concerns regarding the impact of works on the ecosystems, waterways, plant and animal species, of the project corridor and beyond. It is noted that the RAPs and the knowledge holders also place cultural value on the material objects identified through the archaeological investigations for this project.

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Tony Perkins, interview with Kate Waters & Korey Moon, Coffs Harbour Bypass Project: TfNSW, June 2018.

Mark Flanders, interview with Kate Waters, Coffs Harbour Bypass Project: TfNSW, June 2018.

Ian Brown, telephone interview with Kate Waters, Coffs Harbour Bypass Project: TfNSW, August 2018.

Daphne Flanders nee Wilson, interview with Kate Waters & Korey Moon, Coffs Harbour Bypass Project: TfNSW, June 2018.

Images

Image 1: J.W. Lindt, 1875, Image a224004h, State Library of New South Wales.

Image 2: J.W. Lindt, 1875, image a224008h, State Library of New South Wales.

Image 3: 'Paddy, King of Boobarrego', Orara River, Edmund Milne Collection, National Museum of Australia.

Image 4: 'Nymboid Jackie', No.2573, Goal Photographs, State Records of New South Wales.

Image 5: 'King Charlie', No.2572, Goal Photographs, State Records of New South Wales.

HISTORY • CULTURE • HERITAGE

Images 6 & 7: Ella Moon, Waters Consultancy Pty Ltd, June 2018.

Images 8, 9 & 10: Korey Moon, Waters Consultancy Pty Ltd, June 2018.

12 Appendix A: AFG Minutes (28 June 2017 & 13 September 2018)

Name of meeting: Aboriginal focus group meeting (AFG) for the Coffs Harbour Bypass Project.

Location of meeting: Novotel Coffs Harbour: Cnr Pacific Hwy and Bay Drive, Coffs Harbour NSW

Meeting facilitator: Matthew Kelleher

Date: 28 June 2017 9:30am – 1:30pm

Attendees:

Adam Cameron (Roads and Maritime)	Helen Lambert (Coffs Harbour and District Local Aboriginal Land Council)
Scott Lawrence (Roads and Maritime)	
Barry Williams (Roads and Maritime)	
Rochelle Hicks (Roads and Maritime)	Greg Douglas (Coffs Harbour and District Local Aboriginal Land Council)
Tiarne Marsden (Work experience, Roads and Maritime)	
Mark Cowan (Arup)	Tony Dootson (Garby Elders)
Nic Fleury (Arup)	Ian Brown (Coffs Harbour and District Local Aboriginal Land Council)
Fiona Riley (Arup)	
Matthew Kelleher (Kelleher Nightingale Consulting)	Josh Anderson (Coffs Harbour and District Local Aboriginal Land Council)
Frieda Archibald	
Frank Archibald	
Tony Perkins (Jagun Aged Care Elders)	

Apologies:

Subject: Archaeological methodology for the Coffs Harbour Bypass Project

MEETING MINUTES

	Discussion	Action / Response
1	Welcome to country Matthew Kelleher opened the meeting and introduced Tony Dootson to present a Welcome to Country.	
2	Introductions and apologies Matthew facilitated an around the room introduction session.	
3	Proposal Matthew invited Adam Cameron to provide an outline of the proposal. The project is an approximately 14km motorway standard road from Englands Road in the south, connecting with the upgraded Sapphire to Woolgoolga section in the north. The route passes through the North Boambee Valley, through the Roberts Hill ridgeline and then traverses the foothills of the Coffs Harbour basin west and north to Korora Hill. Key considerations for the project include the consideration of cutting or tunnel options at the major ridgelines at Roberts Hill, Shephards Lane and Gatelays Road. An Environmental Impact Statement (EIS) is being prepared by Arup in response to the Secretary's Environmental Assessment Requirements (SEARs). The aim is to have the EIS on display by the end of 2018, and to achieve Planning approval by early 2019. Construction start date is uncertain as funding has not been secured. The cost of the Project will be around \$1b. A question was asked whether the EIS would include assessment of social impacts, including employment and housing. Adam advised that the EIS would assess potential impacts on Aboriginal heritage, social elements (including impacts on land owners, social benefits and community severance), noise, traffic, biodiversity (including native flora and fauna), urban design and visual. Land acquisition for the project is bound by the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> , whereby the landowner receives market value for their property.	
4	Archaeological assessment Matthew Kelleher described the findings from the site walkover and the proposed assessment methodology for the next stage. A site walkover, involving archaeologists and the LALC, has been carried out on a corridor which is intentionally broader than the final footprint. This corridor has been selected to allow minor amendments to the alignment. Matthew advised that elevated areas are less likely to be affected by erosion and therefore ridgelines are more likely to contain artefacts. There are four sites within the corridor, two previously identified, and two identified during the site walkover. 20 potential archaeological deposits (PADs) have also been identified for further investigation. The previously identified sites are: <ul style="list-style-type: none"> • AHIMS 22-1-0142: Isolated greywacke flake located in a disturbed context. • AHIMS 22-1-0195: Isolated artefact located on a lower slope in a disturbed context. The two recently identified sites are: <ul style="list-style-type: none"> • CHB6 IF2: Broken hammer stone located on the surface of a crest in a disturbed area (within a dressage ring). 	1. Comments on the assessment methodology are to be provided to Barry Williams by 14 July 2017.

	Discussion	Action / Response
	<ul style="list-style-type: none"> CHB6 AS01: Artefact scatter of 50-100 artefacts, recorded within a banana plantation on a ridgeline. <p>Matthew Kelleher presented a “fly through” of the project corridor and identified the artefact sites and PADs within the corridor and their justification as PADs.</p> <p>Ian Brown advised that there were some major sites recorded near the new residential estate near Shephards Lane. Tony Perkins agreed.</p> <p>Matthew Kelleher explained that the next stage of investigation will be to undertake test excavations at the PADs. These will be standard Office of Environment and Heritage (OEH) test pits (50cm x 50cm).</p> <p>Ian Brown advised that the OEH test pits are insufficient to capture the site conditions. Matthew advised he has been discussing the existing methodology with OEH separate to this project, however the SEARs have specified the OEH methodology.</p> <p>Frank Archibald advised that the paths between sites are significant, even if artefacts are not identified. Concerns raised about the severance of pathways as a result of the project.</p> <p>Tony Dootson asked what would happen to objects found during salvage and whether they can be kept by site officers. Matthew advised that this is to be determined by Roads and Maritime and the RAPs and would be included in the PACHCI Stage 3 mitigation methodology.</p> <p>Any Comments on the assessment methodology are to be provided to Barry Williams by 14 July 2017.</p>	
5	<p>Cultural assessment</p> <p>Matthew Kelleher requested that any cultural knowledge holders identify themselves, or be nominated. These are people who can provide information about the intangible cultural values in the area.</p> <p>Helen Lambert advised that she could ask the community, although was unsure whether anyone would come forward. There was discussion that a community meeting (without Roads and Maritime) should be held to discuss the project and encourage knowledge holders to come forward.</p> <p>It was questioned whether there would be financial support to hold these meetings. Matthew advised that any meetings are considered consultation and are not paid by Roads and Maritime, however registered knowledge holders, who provide input into a cultural heritage assessment would be paid for their time.</p> <p>Ian Brown asked how the information gathered from knowledge holders would be stored. Matthew described the process, advising that meetings would be held to collect information. This information would be recorded and vetted by the person who provided the information first, before it is provided to Roads and Maritime. A confidential report could be prepared, and provided to the Department of Planning and Environment for assessment, but not provided for public display.</p> <p>Greg Douglas asked that the information be collated and returned to the people to be used as a knowledge resource. Matthew Kelleher recommended providing any requests such as this in writing to be considered as part of the assessment.</p>	<ol style="list-style-type: none"> Cultural knowledge holder nominations are to be provided to Barry Williams by 31 July 2017. A community meeting to be arranged, with date advised to Barry Williams by 5 July 2017.
6	<p>Site officers</p> <p>Barry Williams advised that the application forms for site officers had not been posted out, however copies were distributed in the meeting. Forms are to be completed and sent to Barry by 31 July 2017.</p> <p>Tony Dootson raised concerns with regards to the rates for site officers and advised that he had been discussing this with Roads and Maritime previously. Rochelle Hicks asked Tony to send any correspondence through so they can continue discussions.</p>	<ol style="list-style-type: none"> Site officer application forms to be returned to Barry Williams by 31 July 2017. Tony Dootson to provide previous correspondence regarding rates to

	Discussion	Action / Response
	<p>Matthew Kelleher advised that trainee site officers need to complete forms too. The project will continue for many years so even if someone is not immediately available, they should submit a form as no new applications will be accepted after 31 July 2017.</p> <p>Ian Brown asked if the geotechnical investigation works had been done. Roads and Maritime advised these were completed in January. Concerns were raised the LALC was not present on site during these works. It was advised that any geotechnical investigations were moved to be outside of PAD locations.</p> <p>Greg Douglas advised that the CH&D LALC employs site officers, and asked whether Roads and Maritime employs the site officers directly. Matthew Kelleher advised that Roads and Maritime will only employ individuals if they satisfy the requirements, including insurances etc. Any site officers from the LALC, would be engaged by Roads and Maritime through the LALC (not individually). Greg raised a concern that they would be covering site officers at a loss.</p> <p>Concern was raised that blasting during construction could have an impact on shelters outside of the corridors. Matthew Kelleher advised the geology in the area was unlikely to support shelters.</p> <p>Concerns were raised with regards to the spacing of test pits at PADs. Matthew Kelleher advised that adjusting the spacing interval could be considered if a submission was received on this during the comment period and it is consistent with the OEH methodology.</p>	<p>Rochelle Hicks.</p>

Name of meeting: Aboriginal focus group meeting (AFG) for the Coffs Harbour Bypass Project.

Location of meeting: Cavanbah Centre, 191 Harbour Drive, Coffs Harbour NSW

Meeting facilitator: Matthew Kelleher

Date: 13 September 2018 12pm – 2pm

Attendees: Tony Perkins (Jagun Aged Care Elders)
Milly Webb (Jagun Aged Care Elders)
Anthony Dootson (Garby Elders)
Nathan Brennan (Coffs Harbour and District LALC)
Mark Flanders (Coffs Harbour and District LALC)
Adam Cameron (Roads and Maritime)
Scott Lawrence (Roads and Maritime)
Barry Williams (Roads and Maritime)
Rowena Mitchell (Roads and Maritime)
Peter Borrelli (Roads and Maritime)
Paul Ensby (Roads and Maritime)
Nic Fleury (Arup)
Matthew Kelleher (Kelleher Nightingale Consulting)
Kate Waters (Waters Consultancy)

Apologies: Rosalie Neve (OEH)

Subject: Aboriginal Cultural Heritage Assessment Report for the Coffs Harbour Bypass Project

	Discussion	Action / Response
1	Welcome to country Tony Dootson presented a Welcome to Country.	
2	Introductions and project update Adam Cameron provided a project update and an around the room introduction session was facilitated. Project update included: <ul style="list-style-type: none"> • The Federal and State governments have committed funding to build the Coffs Harbour bypass • Roads and Maritime is developing the environmental impact statement (EIS) for the project and has carried out a number of investigations for this. • Preferred concept design display will be held soon • The EIS is due to be on display at the end of 2018 • Targeting opening the project in 2024. 	
3	Archaeological assessment 20 areas of Potential Archaeological Deposit (PAD) were identified during the assessment and field survey of the previous project area as part of PACHCI Stage 2 investigations. The PACHCI Stage 2 assessment recommended archaeological test excavations of the identified PADs. The current study area is smaller than the PACHCI Stage 2 area and incorporates 17 of the 20 identified PADs. Archaeological test excavations were carried out in early 2018, on 16 of	

	Discussion	Action / Response
	<p>the 17 identified PADs (one PAD was not tested due to access restrictions).</p> <p>Matthew Kelleher outlined the archaeological findings at each of the PADs as described in the Aboriginal Cultural Heritage Assessment Report (CHAR).</p> <p>The archaeological test excavation identified the presence of subsurface archaeological deposit at 11 sites:</p> <ul style="list-style-type: none"> • CHB AFT 1 (formerly PAD 2) • CHB AFT 2 (formerly PAD 7) • CHB AFT 3 (formerly PAD 8) • CHB AFT 4 (formerly PAD 10) • CHB AFT 5 (formerly PAD 12) • CHB6 AS01 (includes PAD 15) • CHB IF 1 (formerly PAD 16) • CHB AFT 6 (formerly PAD 17) • CHB AFT 7 (formerly PAD 18) • CHB IF 2 (formerly PAD 19) • CHB AFT 8 (formerly PAD 20) <p>At the remaining five PADs, test excavations were negative with no artefacts or archaeological deposit identified. These areas do not comprise PADs or Aboriginal archaeological sites. In total, 14 Aboriginal archaeological sites comprising Aboriginal objects and one remaining area of PAD are present within the study area boundary.</p> <p>Ancillary construction facilities will be assessed for Aboriginal heritage impacts prior to works proceeding in these areas.</p> <p>The results show that the cultural values (intangible) and archaeology match well.</p> <p>Cultural mapping has been previously prepared for the area which should be considered as part of the cultural values assessment.</p> <p>Concerns raised regarding cut and fill batters extending outside the assessed project boundary. The area assessed includes an allowance for cut and fill batters, ramps, fauna fencing and construction. If design changes resulted in a change to the project boundary this would require a new assessment before construction begins.</p> <p>There was a question raised about what alternatives there are to cuttings at Roberts Hill Ridge.</p> <p>There was a request for artefacts to be dated following salvage work.</p>	<ol style="list-style-type: none"> 1. Tony Dootson to provide Barry Williams with the cultural mapping for the area.
4	<p>Cultural values assessment</p> <p>The cultural values assessment was carried out with Aboriginal knowledge holders, to identify and map cultural sites.</p> <p>All quotes and maps included in the report have been checked and agreed with knowledge holders. Information knowledge holders wanted kept confidential has not been included in the report.</p> <p>Within the project footprint five specific sites of cultural significance have been identified. All five cultural sites are partially located within the proposed construction footprint and will be impacted to varying extents. The sites and proposed mitigation measures are as follows:</p> <ul style="list-style-type: none"> • Site A: Roberts Hill Pathway – a key pathway connecting the coast with the Orara Valley associated with traditional patterns of movement and resource use between the coast and the valley <ul style="list-style-type: none"> ○ Consider potential for a bored tunnel rather than a cut and cover land bridge during detailed design 	

	Discussion	Action / Response
	<ul style="list-style-type: none"> ○ Rehabilitation and revegetation of the impacted area should occur with local Indigenous plant species at completion of construction works. • Site B: Gungali Storyline and Pathway – a culturally significant storyline and associated pathway running from Macauleys Headland to Sealy Point and through to Mount Coramba and the Orara Valley and Nana Glen <ul style="list-style-type: none"> ○ Detailed design should aim to minimise impact of the construction footprint on the cultural site ○ Rehabilitation and revegetation of the impacted area should occur with local Indigenous plant species at completion of construction works. • Site C: Sealy Point Pathways – culturally significant pathways linked to the previous pathway; runs along Sealy Point to the Orara Valley and down to Coffs Creek headwaters and Mimmi Gawgun (Mount Browne) and the Roberts Hill pathway <ul style="list-style-type: none"> ○ Detailed design should aim to minimise the impact of the construction footprint on the cultural site ○ Rehabilitation and revegetation of the impacted area should occur with local Indigenous plant species at completion of construction works. • Site D: East Boambee Camp – a traditional and historical camp area associated with seasonal and ritual movement patterns within the wider region <ul style="list-style-type: none"> ○ Detailed design should aim to minimise the impact of the construction footprint on the cultural site • Site E: West Korora Living Place – a historical living place located on the West Korora Road in the 1940s. It is probable that it is was the location of a traditional campsite used by people travelling from the Glenreagh area. • Detailed design should aim to minimise the impact of the construction footprint on the cultural site (impact only on a small area of this site and may be avoidable during construction). • The knowledge holders all emphasised that as part of the broader cultural landscape the whole area holds cultural meanings, values and significance. <p>Overarching recommendations that apply to the first four sites include:</p> <ul style="list-style-type: none"> • Interpretative signage relevant to these cultural sites to be displayed in an appropriate area, developed in consultation with the identified Aboriginal knowledge holders • Booklet for distribution to the local libraries and educational institutions on the cultural values and historical records relating to the cultural landscape, developed in consultation with identified Aboriginal knowledge holders, with visual documentation of the cultural landscape to occur prior to any construction impacts. 	
5	<p>Discussion</p> <p>Regarding the interpretive signage the following comments were raised:</p> <ul style="list-style-type: none"> • It was noted that there is unlikely to be room within the project corridor of interpretive signage as there are no rest areas proposed for the Coffs Harbour Bypass. Suggestion raised to consider Sealy lookout as a possible location for interpretive signage • A question was raised around who pays for the upkeep of signage and any vandalism/damage. This would need to be progressed with owners of the land on which signage is installed. Ways to minimise vandalism risk would need to be considered in the development of 	<p>2. Comments on the CHAR are to be provided to Rowena Mitchell by 25 September 2018 (date extended to 2 October 2018 following meeting). Submissions will go on public record, unless advised they are confidential.</p>

	Discussion	Action / Response
	<p>interpretive signage.</p> <ul style="list-style-type: none"> • Suggestion raised to consider an app that provides information on the area and can be viewed while travelling along the highway • While it was suggested that incorporating art into the project could be considered, it was deemed not to be as important in this part of the land and the focus should be on passing on knowledge and using it as an educational tool. <p>Concerns raised regarding the short term nature of employment on these projects. It would be good to be able to offer internships to enable training.</p> <p>It was confirmed that the provision of cultural awareness training for construction contractors is included as a mitigation measure in the EIS.</p> <p>Concerns raised regarding the process in which the geotechnical investigations were carried out.</p> <p>Concerns raised regarding the option of a cut and fill land bridge solution at Roberts Hill ridge. A mined tunnel solution, where the ridgeline is kept intact is preferred. A recommendation was made by Chris Spencer (CEO of Coffs Harbour and District LALC) about 15 years ago, stating the Aboriginal community did not support a cut and fill solution at Roberts Hill ridge</p> <p>For the next phase of works, site officers would make new agreements with RMS, so they would work under the new PACHCI rates of pay.</p> <p>For sites where salvage is required, this will occur before construction.</p>	

ACTION	RESPONSIBILITY	STATUS
1. Tony Dootson to provide Barry Williams with the cultural mapping for the area.	Tony Dootson	Open
2. Comments on the CHAR are to be provided to Rowena Mitchell by 25 September 2018 (date extended to 2 October following meeting). Submissions will go on public record, unless advised they are confidential.	Registered Aboriginal Parties	Open until 2 October 2018

To provide comments on the CHAR please write, email or phone by **2 October** 2018.

Rowena Mitchell
Environment Officer
Roads and Maritime Services
PO Box 576 Grafton NSW 2460
Email: Rowena.mitchell@rms.nsw.gov.au
Mobile: 0459 073 478

13 Appendix B: Letter

5 December, 2017

Garby Elders

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

You have been identified by the Office of Environment and Heritage as an Aboriginal person or organisation with the potential to hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the project area. Accordingly, Roads and Maritime Services (RMS) invites you to participate in community consultation for this project.


To register your interest to be consulted about this project, please contact the following: Barry Williams, Aboriginal Cultural Heritage Officer, ground floor, 76 Victoria Street, Grafton, or email barry.williams@rms.nsw.gov.au, or phone 0418 604 439 or 02 6604 9317. To be involved in the consultation process, responses must be received by 22 December 2017.

The RMS proposes to upgrade the Pacific Highway at Coffs Harbour. The Project is an approximately 14 kilometre motorway standard road from Englands Road in the south, connecting with the newly upgraded Sapphire to Woolgoolga section in the north. The route passes through the North Boambee Valley, through the Roberts Hill ridgeline and then traverses the foothills of the Coffs Harbour basin west and north to Korora Hill.

This notification is being undertaken in accordance with section 4.1.1 of the Office of Environment and Heritage's *Aboriginal cultural heritage consultation requirements for proponents (2010)*.

Community consultation may assist the RMS to (a) prepare an Aboriginal Heritage Impact Permit (AHIP) application for the project, or (b) undertake archaeological testing in accordance with OEH's *Code of practice for archaeological testing in NSW*, or (c) prepare an environmental assessment under Part 4.1 or 5.1 of the *Environmental Planning & Assessment Act 1979*.

Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Coffs Harbour and District Local Aboriginal Land Council

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

You have been identified by the Office of Environment and Heritage as an Aboriginal person or organisation with the potential to hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the project area. Accordingly, Roads and Maritime Services (RMS) invites you to participate in community consultation for this project.

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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Garlambirla Guuyu-girrwa Aboriginal Corporation

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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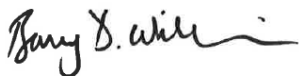
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The RMS proposes to upgrade the Pacific Highway at Coffs Harbour. The Project is an approximately 14 kilometre motorway standard road from Englands Road in the south, connecting with the newly upgraded Sapphire to Woolgoolga section in the north. The route passes through the North Boambee Valley, through the Roberts Hill ridgeline and then traverses the foothills of the Coffs Harbour basin west and north to Korora Hill.

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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Mudjay Elders

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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The RMS proposes to upgrade the Pacific Highway at Coffs Harbour. The Project is an approximately 14 kilometre motorway standard road from Englands Road in the south, connecting with the newly upgraded Sapphire to Woolgoolga section in the north. The route passes through the North Boambee Valley, through the Roberts Hill ridgeline and then traverses the foothills of the Coffs Harbour basin west and north to Korora Hill.

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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Bagawa Birra Murri Aboriginal Corporation

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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The RMS proposes to upgrade the Pacific Highway at Coffs Harbour. The Project is an approximately 14 kilometre motorway standard road from Englands Road in the south, connecting with the newly upgraded Sapphire to Woolgoolga section in the north. The route passes through the North Boambee Valley, through the Roberts Hill ridgeline and then traverses the foothills of the Coffs Harbour basin west and north to Korora Hill.

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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Gurehlgam Corporation Ltd T/A Yarrawarra

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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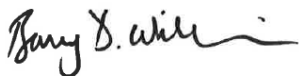
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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Mimi Mothers Aboriginal Corporation

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

You have been identified by the Office of Environment and Heritage as an Aboriginal person or organisation with the potential to hold cultural knowledge relevant to determining the significance of Aboriginal objects and places within the project area. Accordingly, Roads and Maritime Services (RMS) invites you to participate in community consultation for this project.

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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Muurrbay Aboriginal Language and Cultural Cooperative Ltd

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Gumbaynggirr Native Title Group

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Gumbaynggirr Elders

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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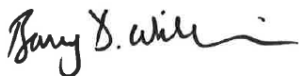
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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Ngurralla Aboriginal Corporation

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

DFTV Enterprises

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

5 December, 2017

Aaron Talbott and Natalene Mercy

Dear Sir/Madam

Aboriginal community consultation notification for proposed Coffs Harbour Bypass

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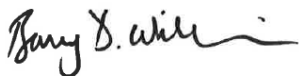
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Yours sincerely



Barry Williams
Aboriginal Cultural Heritage Officer
Northern Region

14 Appendix C: Notification to RAPs

From: CAMERON Adam

Sent: Tuesday, 24 April 2018 5:34 PM

To: simone@jagunagedcare.com.au; g.m.maher@hotmail.com; jtmanagement@live.com.au; patricia.walker@dpi.nsw.gov.au; frusso@ntscorp.com.au; Ceo@coffsharbourlalc.com.au; deb@ngurralla.com; culture@coffsharbourlalc.com.au

Cc: MITCHELL Rowena; WICKEN Sherry; FERGUSON Garry J

Subject: Coffs Harbour Bypass Aboriginal Cultural Values Study

Dear all,

During the process of consultation that has occurred with registered Aboriginal stakeholders regarding the Coffs Harbour Bypass project, a number of individuals have identified the potential for intangible cultural values within or near the project area. In response to these concerns Roads and Maritime Services has engaged Waters Consultancy Pty Ltd to undertake a detailed Aboriginal cultural values study of the proposed Coffs Harbour Bypass. Kate Waters is a historian who has many years' experience working on projects such as this one. This study aims to identify and document intangible Aboriginal cultural values within the Coffs Harbour Bypass footprint. The approach to be taken involves:

- The identification of cultural knowledge holders for the project area through consultation with the registered stakeholders and other parties;
- Consultation with the identified knowledge holders regarding the cultural values of the project area;
- Historical research in documentary and audiovisual holdings of relevance to the cultural heritage of the project area.

The study approach involves consultation with the identified Aboriginal cultural knowledge holders within a context of historical and ethnographic research into the cultural values of the project area and the wider region within which it is located. Consultation with cultural knowledge holders for the project area is the key element of the study. At the Aboriginal Focus Group meeting in June 2017, and again in December 2017, nominations for cultural knowledge holders were requested. All nominated cultural knowledge holders will be contacted directly and asked if they are willing to participate in the cultural values study. Kate Waters can be contacted by letter, email or phone at:

Kate Waters

Waters Consultancy Pty Ltd, 356 Darling Street, Balmain, NSW, 2041

Mob: 0417 438146 Email: kate@watersconsultancy.com.au

If you have any questions about the cultural values study process, please feel free to call Kate on 0417 438146.

We look forward to your participation in the detailed cultural assessment for this project.

Yours sincerely,

Adam Cameron

HISTORY • CULTURE • HERITAGE

Senior Project Manager
Coffs Harbour Bypass Project
0428 247 869

15 Appendix D: RAPS Comments on Draft Report

18th October 2018

NSW Roads and Maritime Services
Project Manager – Coffs Harbour By-pass
Grafton NSW 2460

Re: Proposed Coffs Harbour Bypass Draft Aboriginal Cultural Heritage Assessment Report

Project Manager,

As Registered Aboriginal Parties' we provide the following feedback on the Draft Aboriginal Cultural Heritage Assessment Report for the proposed Coffs Harbour Bypass project. See feedback as follows:

Position

- The Registered Aboriginal Parties' (RAPs) are of the position that the Draft Cultural Heritage Assessment Report as submitted does not satisfy our concerns to protect Aboriginal Cultural Heritage and is therefore rejected.
- Our position is based on numerous concerns, but our main concern is that as RAP's we were not appropriately consulted to the required standard to develop a draft report which we as RAP's are comfortable in supporting. The RAP's have determined the proposed corridor needs to be re-walked and additional Potential Archaeological Deposits (PAD) identified, appropriately recorded with a Global Positioning System, retested, resurveyed and resubmitted to the NSW Roads and Maritime Services.
- Our concerns include that the location and number of PAD's were pre-determined by the preferred RMS contracted Archaeologist without genuine consultation or engagement with RAP's. Given the knowledge held by the RAP's of the cultural landscape in which the proposed corridor passes through, the RAP's believe there are a significant number of unidentified PAD's in the proposed corridor that the archaeologist has failed to identify.
- The RAP's strongly disagree with the methodology in the report which was developed by the preferred RMS contracted Archaeologist. The RAP's believe it is our responsibility to determine the methodology which is appropriate to protect and preserve Aboriginal cultural heritage.
- The RAP's strongly object to land bridges and cuttings as these will impact on significant cultural storylines which are outlined in the draft report. The RAP's believe that tunnels will have less impact on the cultural values of the proposed corridor as tunnels will create less surface disturbance thereby reducing the impact on cultural heritage values.
- The draft report failed to include information on the cultural significance of the environment and cultural landscape to Gumbaynggirr people such as: Waterholes, creeks, plants/bush medicines/totemic plant and animal species living in and surrounding the proposed corridor.
- The RAP's do agree with the current draft report with regard to the strong preference for tunnels over land bridges and cuttings. The Registered Aboriginal parties strongly object to land bridges and cuttings. Land bridges and cuttings will severely impact and destroy culturally significant landscape and objects.

Insufficient consultation process

The process undertaken to formulate the draft report lacked genuine consultation with the knowledge holders, specific examples being:

- The PAD's identified were not correct and not identified in consultation with Gumbaynggirr Elders and knowledge holders (as discussed above) as all the PAD's were identified by the preferred RMS contracted Archaeologist, PAD's were found to be changed and moved.
- Pre-surveys and geo-testing were undertaken without the authorisation, consultation or knowledge of the RAP's. This has led to a major concerns, allegations and complaints that culturally significant objects were removed by a Geotech consultant without the permission of the RAP's and Gumbaynggirr knowledge holders. In addition, it is not clear if AHIP's were obtained to undertake Geotech surveys and testing, in any event RAP's were not consulted regarding any AHIP application for the Geotech work.
- No appropriate consultations were undertaken by the preferred RMS contracted Archaeologist with Gumbaynggirr elders and knowledge holders to determine the Cultural Significance of the Tangible and Intangible as a collective whole; yet a determination was still made by the preferred RMS contracted Archaeologist. We strongly feel that only the RAP's have the knowledge to determine what is and isn't a culturally significant object, place and landscape.
- We felt major concerns over intimidation, bullying and disrespectful tactics employed by the preferred RMS contracted Archaeologists, which led to tensions and breakdown of relationships between the agreed parties' which resulted in inadequate engagement regarding PAD locations and numbers resulting in fewer PAD identifications than could be expected for the size of the proposed corridor.
- The preferred RMS contracted Archaeologist did not agree with the RAP's on PAD's, methodologies that were implemented and used, and ignored extensive cultural knowledge and expertise of the Cultural Heritage Officers. It is our understanding and belief that the RAP's and cultural knowledge holders will lead the site work and the role of a RAP's preferred Archaeologists to be contracted by the RMS is to support the RAP's in this work.
- The time allocated to conduct the fieldwork and collate a report was not of an appropriate timeframe to undertake proper Due Diligence; no consultation was undertaken with the RAP's on what they believed to be a sufficient timeframe. The survey work was therefore rushed and inadequate.

Due diligence has not been met under the code of practice

Under the Due Diligence Code of Practice prescribed by the *National Parks and Wildlife Regulations 2009*, to be followed by members of a particular occupation or organisation and when followed legally satisfy due diligence requirements in taking reasonable and practicable steps to determine whether a person's actions will harm an Aboriginal object and if so what measures can be taken to avoid that harm. We do not feel Due diligence has been followed or met under the *National Parks and Wildlife Regulations 2009*.:-

- The number of PAD's for an 11km route of the proposed corridor is not adequate with the RAP's identifying additional PAD's that have not previously been accessible or not been allowed to survey even though identified by the RAP's Culture Heritage Officers on

site and were disrespectfully rejected by the preferred RMS contracted Archaeologist, and this was ignored throughout the consultation. Again, this comes back to the breakdown in relationship between the preferred RMS contracted Archaeologists and RAP's.

- A new survey needs to be conducted to include areas for ancillaries such as on and off ramps, parking, fauna fencing, drainage, administration areas, borrow pits and batching plants etc. It has come to our attention that houses outside of the proposed corridor have been acquired by the Roads and Maritime Services and that they have been demolished without consulting RAP's to inspect for Aboriginal cultural heritage in accordance with Due Diligence process and protocols. There is no evidence of due diligence undertaken in respect to the demolition of two houses at Red Hill, potentially these works may have required AHIP's. Again, no consultation was undertaken with RAP's. That is why area's outside and surrounding the proposed corridor also need to be identified.
- The methodology (test pitting) used to undertake surveys was not sufficient to satisfy what we believe is due diligence and believe the testing undertaken was not a true indication of the extent of all PAD's as transect excavations was not undertaken after 15 or more Aboriginal Cultural objects were found in a minor percentage of the unknown area to determine the extent of the PAD's, providing a more extensive code of practice would benefit the salvage methodology while limiting future adjustments, enabling the opportunity to provide more of an extensive search which we feel has not been provided.
 - A new survey to be conducted using surface scrapes (1m x 1m) and the 15 or more Aboriginal Cultural Objects discovered (additional 1m x 1m transects must adjoin previous 1m x 1m transect).
 - The use of a mechanical sieve to be leased by RMS.
 - The use of an excavator provided by RMS.

Proposal for the RMS

The RAP's propose to undertake additional Aboriginal culture and heritage surveys to meet due diligence and formulate an Aboriginal Cultural heritage survey that we feel is sufficient. We propose that this be led by RAP's with the assistance of a preferred nominated RAP's Archaeologist. The new survey will include:

- New PAD's added at our discretion and recorded using Global Positioning System (GPS)
- Identify and survey ancillary areas: on and off ramps, batch plans, borrow pits and administration areas etc.
- Engage a preferred archaeologist chosen by the RAP's to participate in test excavations using appropriate methodologies and technologies to meet due diligence (surface scraping (1m x 1m), mechanical sieve and excavator).
- Two representatives from each RAP be present (minimum of one senior officer from each RAP present).
- Consider the surrounding environmental impact that is significant to Aboriginal people (Waterholes, creeks, plants/bush medicines/totemic plant and animal species living in and surrounding the proposed corridor), continued monitoring of the environmental impacts by RAP's with support from EPA prior to and post construction.

- Identify key areas outside of the proposed corridor in which the proposed by-pass construction may affect and undertake testing and surveying. An example of where by-pass activities may have impacted on Aboriginal cultural and heritage outside the corridor is the demolition of two houses at Red Hill without any evidence of due diligence undertaken, AHIP's or consultation with the RAP's.

Our preferred archaeologist to assist with this report is

- Jacqueline Collins who can be contacted on 0427 599 137 or email jp_collins@bigpond.com
- RPS Group (contact person Alex Byrne 0438117685),
- EVERICK Heritage Consultants Pty Ltd – Tim Hill, Senior Archaeologist – 0422 309 822 or t.hill@everick.com.au.

Other issues

- The inappropriate and disrespectful use of images in the draft report of deceased Aboriginal people were used without consent from the relevant person(s) with cultural authority or descendant are deemed culturally inappropriate.
- The need to ensure that only recognised Gumbaynggirr Traditional Owners are the only RAP's to be engaged to work on the proposed project.

Issues for future works

- All onsite workers, contractors and suppliers to undertake the appropriate cultural and heritage training by RAP's as part of their site induction.
- Renegotiation of rates of pay and travel costs based on RAP's business needs of cost of operations.
- Flexibility and consideration for compassionate leave for culture and heritage officers for culturally significant (unexpected) event. Example: Funerals, reconciliation and NAIDOC week.

This document has been collated by the below signed Recognised Aboriginal Parties' who are strongly united in their concerns that are of cultural significance pertaining to the submitted draft Aboriginal cultural heritage report.

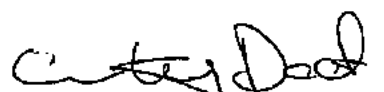
We look forward to implementing, conducting and submitting a report that is supported by the RAP's.



Nathan Brennan
CEO
Coffs Harbour & District LALC
0408 264 887



Simone Perkins
Programs Manager / Director
Jagun Aged Care Services
0417 049 962



Anthony Dootson
Senior Sites Officer
Garby Elders Aboriginal Corp
0405 708 865

16 Appendix E: AFG Minutes (11 February 2019)

Name of meeting:	Aboriginal focus group meeting (AFG) for the Coffs Harbour Bypass Project.	
Location of meeting:	Coffs Ex Servicemans Club, 2-6 Vernon Street, Coffs Harbour NSW	
Meeting facilitator:	Matthew Kelleher	
Date:	11 February 2019	12.30pm – 2.30pm
Attendees:	Tony Perkins (Jagun Aged Care Elders) Mark Flanders ((Coffs Harbour and District LALC and Garby Elders) Ian Brown (Coffs Harbour and District LALC and Garby Elders) AJ Perkins (Coffs Harbour and District LALC) Rosalie Neve (OEH) Sally Durham (Roads and Maritime) Adam Cameron (Roads and Maritime) Scott Lawrence (Roads and Maritime) Barry Williams (Roads and Maritime) Crystal Donovan (Roads and Maritime) Rowena Mitchell (Roads and Maritime) Fiona Riley (Arup) Matthew Kelleher (Kelleher Nightingale Consulting) Kate Waters (Waters Consultancy)	
Apologies:	Anthony Dootson (Garby Elders) Nathan Brennan (Coffs Harbour and District LALC)	
Subject:	Aboriginal Cultural Heritage Assessment Report for the Coffs Harbour Bypass Project	

	Discussion	Action / Response
	<p>two weeks to indicate areas of concern where they recommend further investigation be undertaken</p> <p>Concerns were raised that the RAPs were not kept informed of potential design changes. It was recommended that an informal project update be provided for the RAPs when changes are formally approved, noting that design elements are constantly evolving.</p> <p>ii. Cultural assessment</p> <p>Concerns have been raised about images of the deceased being included in the Cultural Values Assessment Report. Permission had been sought to include these images though concerns have since been expressed. A statement is to be provided to the RAPs for approval, which would be included in the report to provide some context. RAPs to discuss and advise whether images can be included with the additional statement or are to be removed from report.</p> <p>iii. Geotechnical testing</p> <p>Concern was raised over the lack of communication provided during geotechnical investigations (GI). It was explained that proposed GI undergo a due diligence assessment process, and where investigations were proposed within PADs, these would be relocated to areas that do not have potential archaeological impacts.</p> <p>It was noted that the issue was the lack of communication of this process with the RAPs rather than the process itself.</p> <p>iv. Bullying and harassment</p> <p>The letter provided by the RAPs on 18 October 2018 detailed concerns over intimidation, bullying and disrespectful tactics employed during archaeological investigations. This was discussed further. Roads and Maritime commented that they had been advised about some issues on site at the time, but they believed the issues had been resolved. The Safe Work Method Statements include process saying that if this sort of behaviour is witnessed, it must be reported. Roads and Maritime emphasised that they take bullying very seriously and it is not tolerated. Any incidents that occur on site should be discussed with Barry Williams or Matthew Kelleher.</p> <p>v. Rates of pay and leave</p> <p>Rates of pay have been updated (July 2018), and will be reviewed every 1-2 years.</p> <p>It was discussed that there are occasions when all Aboriginal people need to gather and would be unable to work. It was agreed that these situations will need to be discussed on a case by case process to reach an agreement.</p> <p>Concerns were raised about the lack of training opportunities for the younger generation of Sites Officers. Training NSW has some options to be investigated.</p> <p>Travel rates were discussed, and it was explained that these are set by the Commonwealth Government and reviewed annually.</p> <p>Concerns were raised about groups registering as RAPs when they are not from the area. OEH Guidelines allow anyone to register. Applications are assessed through a Roads and Maritime process but will also be provided to OEH and the LALC. OEH or LALC can raise any issues they have with Roads and Maritime (Barry Williams in the first instance).</p>	<p>to be provided by Friday 1 March.</p> <p>2. Regular informal updates to be provided to RAPs on project updates.</p> <p>3. Kate Waters to provide example text to be included in report with regards to images of deceased people and explanation of reasons for inclusion. RAPS to review and provide advice.</p>
4	Discussions	

	Discussion	Action / Response
	<p>Concerns were raised with regards to confidentiality of information provided to the team. It was confirmed that the information in the Cultural Values Assessment Report (appended to the CHAR) has been approved by the cultural knowledge holders who provided the information to Kate Waters. Not everything she is told is included in the report, only the information that relates directly to the project and that she has been given permission to include by the cultural knowledge holder who shared the information.</p> <p>The Aboriginal Participation in Construction (APIC) Policy was discussed. The project has not decided on delivery method and is not yet going out to tender, however it is likely that the industry is starting to prepare for the construction of the project in terms of forming joint ventures and business planning. Roads and Maritime will provide the details of construction contractor tendering on the project when that information becomes available to enable LALCs to start to approach them about opportunities for partnering.</p> <p>Concern was raised that the importance of biodiversity has not been adequately captured in the CHAR / Cultural Assessment Report. More discussions to be had with knowledge holders to try to capture this information.</p> <p>It was recommended that a formal submission be provided to Roads and Maritime, which can either be done now, or in response to the EIS. This will ensure the information is captured and directed to the appropriate people. This submission can be directed to Adam Cameron (adam.cameron@rms.nsw.gov.au) or Scott Lawrence (scott.lawrence@rms.nsw.gov.au).</p> <p>There was a discussion about the need for the RAPs to be giving Aboriginal cultural heritage site inductions during construction. RMS confirmed that it would seek the RAPs help in developing the material for the inductions as well as presenting inductions. It was noted that it is Roads and Maritime preference from someone from the local Aboriginal community to give the inductions, however if no one was available from the RAPs / Local Aboriginal community to give an induction on a particular day then that induction may still go ahead to meet construction timeframes.</p> <p>There was discussion about the need for flexibility to allow site officers to attend funerals, cultural events such as NAIDOC week etc. It was pointed out that there are a lot of projects going on in the Coffs Harbour area and it can be difficult for RAPs to source enough site officers at times.</p>	<p>4. Kate Waters to discuss natural environment with knowledge holders and update Cultural Values Assessment Report.</p>

ACTION	RESPONSIBILITY	STATUS
1. Figure of ancillary sites to be provided with meeting notes. Advice is to be received back within 2 weeks.	Registered Aboriginal Parties	Open until 1 March 2019
2. Regular updates to be provided to the RAPs when project elements change	Roads and Maritime	Ongoing
3. Kate Waters to provide example text to be included in report with regards to images of deceased people. RAPS to review and provide advice.	Kate Waters	Open
4. Kate Waters to discuss natural environment with knowledge holders	Kate Waters	Open
5. LALC to provide written submissions of concerns to Adam Cameron and Scott Lawrence	Registered Aboriginal Parties	Open

To provide comments and advice please write, email or phone.

Barry Williams
 Aboriginal Cultural Heritage Officer
 Roads and Maritime Services
 PO Box 576 Grafton NSW 2460
 Email: barry.williams@rms.nsw.gov.au
 Phone: (02) 6604 9317



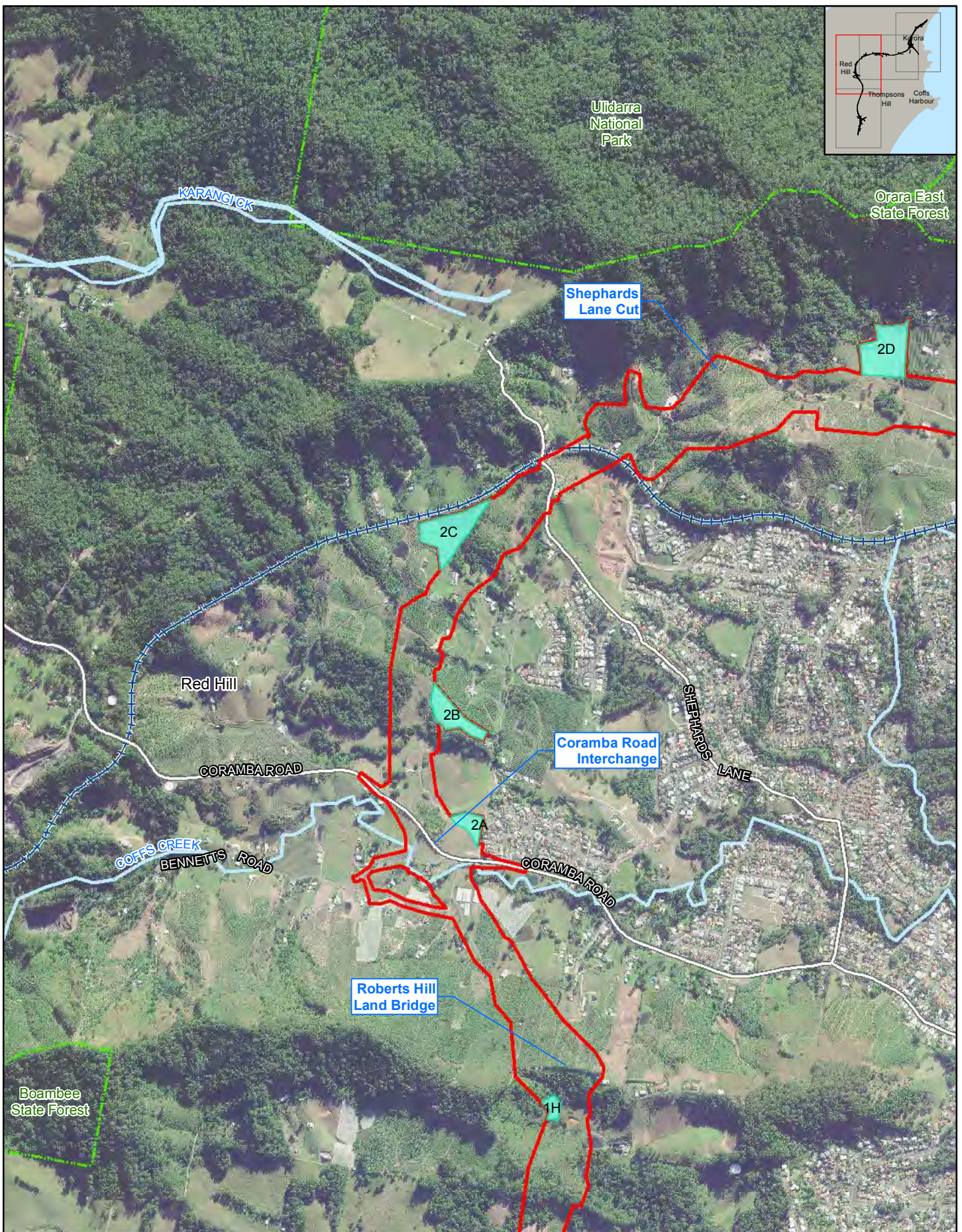
Legend

- Construction footprint
- North Coast Railway
- Ancillary sites
- River
- Park / State forest

Coffs Harbour Bypass
Ancillary sites - AFG
 Figure - 01

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 Metres
 Scale @A4: 1:20,000
 Grid: GDA 1994 MGA Zone 56





Legend

- Construction footprint
- ++ North Coast Railway
- Ancillary sites
- River
- Park / State forest

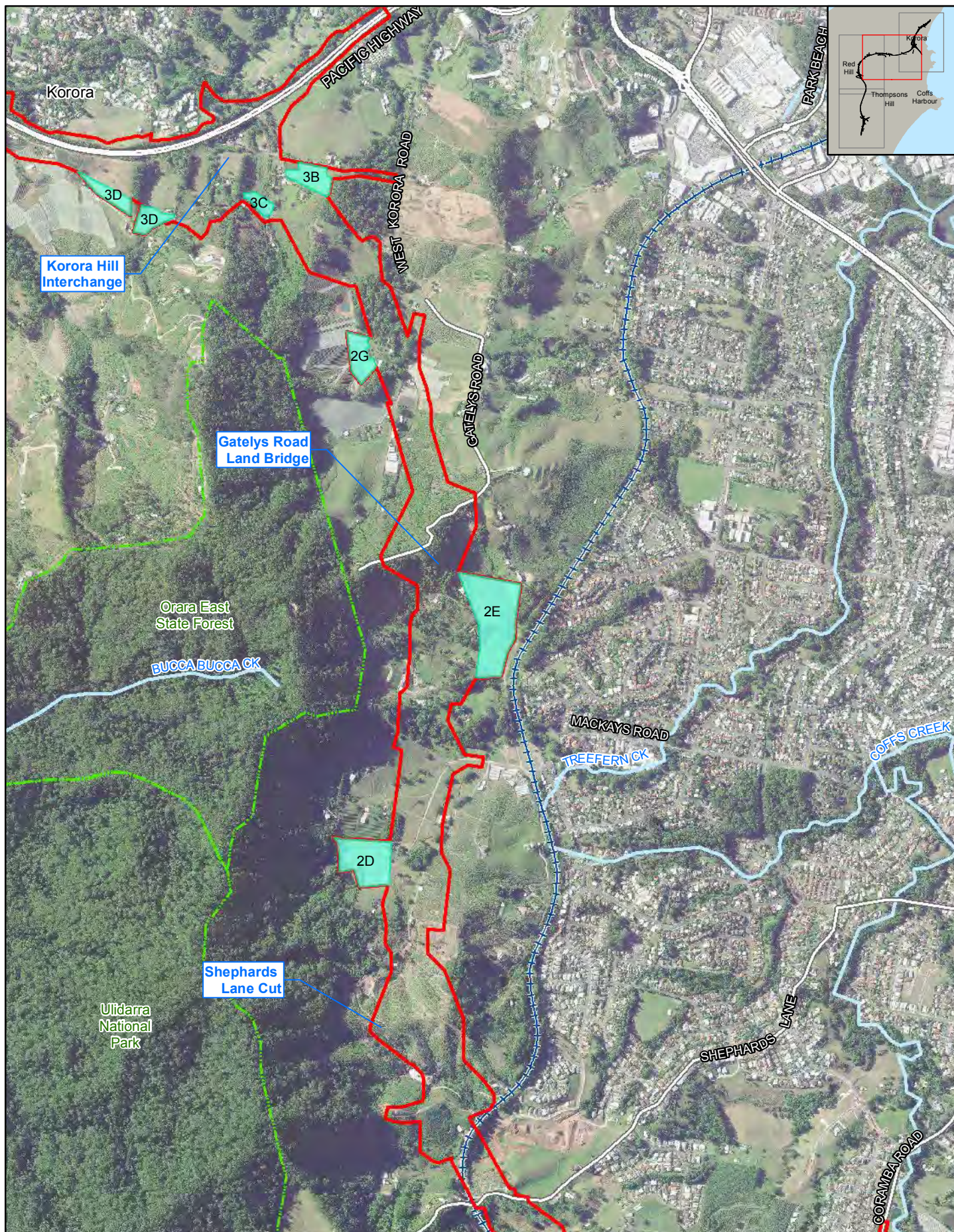
Coffs Harbour Bypass
Ancillary sites - AFG
 Figure - 02

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Metres

Scale @A4: 1:20,000

Grid: GDA 1994 MGA Zone 56



Legend

- Construction footprint
- Ancillary sites
- ++ North Coast Railway
- River
- Park / State forest





Legend

- Construction footprint
- Ancillary sites
- ++ North Coast Railway
- River
- Park / State forest

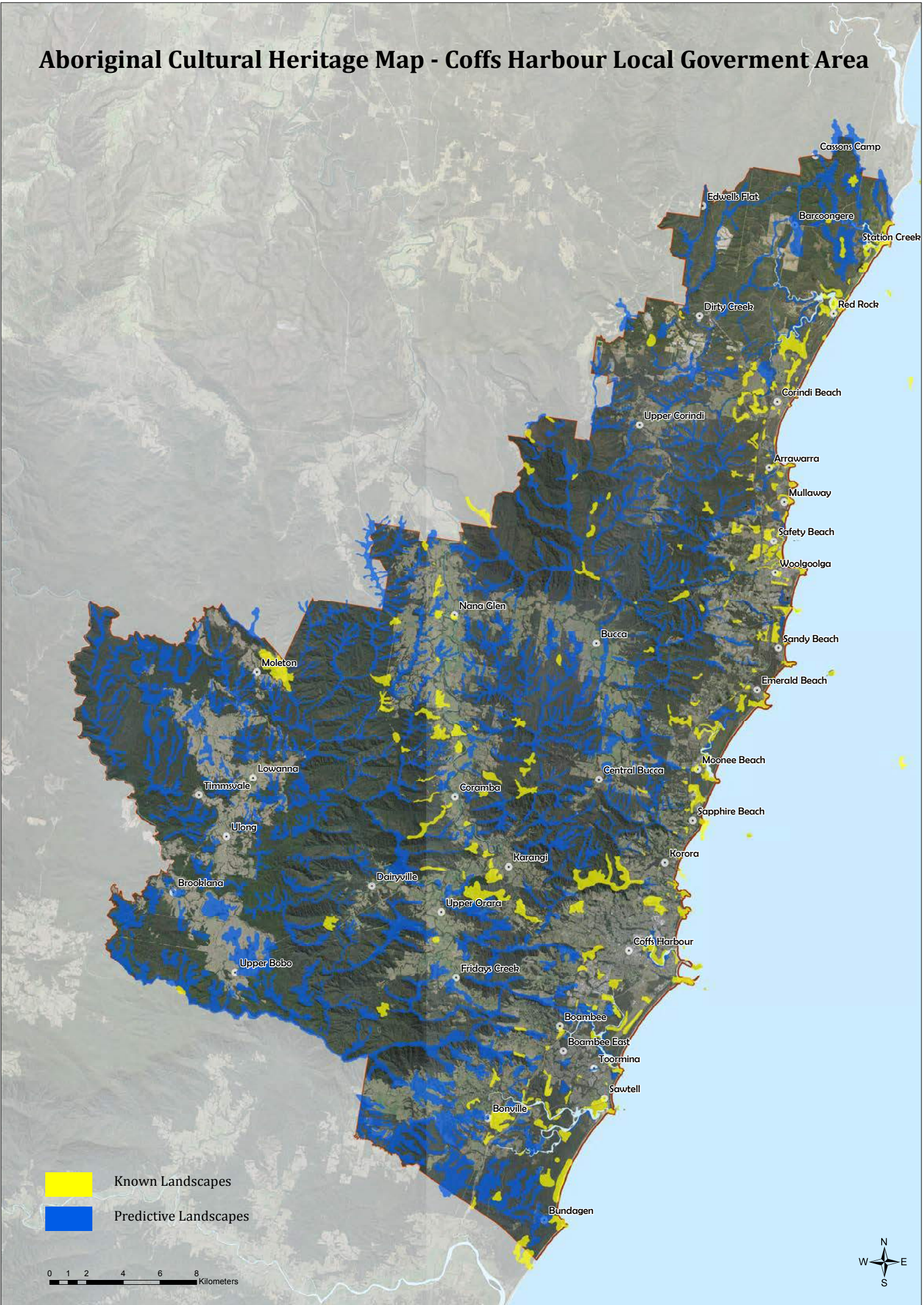
Coffs Harbour Bypass
Ancillary sites - AFG
 Figure - 04

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17 Appendix F: Aboriginal cultural heritage landscapes (known and predictive) map

Aboriginal Cultural Heritage Map - Coffs Harbour Local Government Area



18 Endnotes

ⁱ Construction Footprint (updated) provided by Arup and TfNSW, March 2020.

ⁱⁱ Daphne Flanders, Tony Perkins, Mark Flanders, Richard Pacey, Ian Brown. See Section 3 for further discussion.

ⁱⁱⁱ See *The Burra Charter* (The Australia ICOMOS Charter for Places of Cultural Significance, 2013), Australia International Council on Monuments and Sites.

^{iv} *Practice Note: The Burra Charter and Indigenous Cultural Heritage Management*, Version 1: November 2013, Australia International Council on Monuments and Sites.

^v See *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, 2011, Office of Environment and Heritage (NSW).

^{vi} Daphne Flanders, Tony Perkins, Mark Flanders, Ian Brown were nominated as cultural knowledge holders by RAPs. In addition, NTSCORP listed the native title applicants for the Gumbaynggir People (NSD6054/1998) determination area and the directors of the Wanggaan (Southern) Gumbaynggir Corporation (the associated proscribed body corporate). The Gumbaynggir People (NSD6054/1998) determination area is located in the Nambucca Heads area. In addition, NTSCORP provided Waters Consultancy with a list of eight additional individuals who they have listed as having potential interests in the area. One of these additional individuals, Tony Perkins, is a nominated knowledge holder. It is understood that none of the other individuals listed by NTSCORP, including the applicants and directors, have responded to TfNSW's requests for cultural knowledge holders.

^{vii} It is noted that telephone numbers and email addresses were not provided for the majority of the directors or applicants by NTSCORP and that over half the numbers that were provided were not in service.

^{viii} Daphne Flanders, Tony Perkins, Mark Flanders.

^{ix} Ian Brown.

^x Richard Pacey. The discussion with Richard Pacey was preliminary in nature and it has not been possible to organize a follow up discussion, however, no specific concerns were raised regarding the project impact area with specific sites discussed being located elsewhere in the region.

^{xi} See *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, 2011, Office of Environment and Heritage (NSW).

^{xii} See *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, 2011, Office of Environment and Heritage (NSW).

^{xiii} See *The Burra Charter* (The Australia ICOMOS Charter for Places of Cultural Significance, 2013) and *Practice Note: The Burra Charter and Indigenous Cultural Heritage Management*, Version 1: November 2013, Australia International Council on Monuments and Sites.

^{xiv} *World Heritage Convention*, UNESCO, 1996.

^{xv} For discussions of totemic geography see for example, T. Strehlow, 'Geography and the totemic landscape in central Australia: a functional study', *Australian Aboriginal Anthropology*, R. Berndt (ed.), University of Western Australia Press, 1970; Deborah Bird Rose, Totemism, Regions, and Co-management in Aboriginal Australia, Conference Paper at "Crossing Boundaries", British Columbia, Canada, 1998; Nancy Munn, 'Excluded Spaces: The Figure in the Australian Aboriginal Landscape', *Critical Inquiry*, Vol.22, No.3, Spring 1996, pp.446-465.

^{xvi} L. Godwin & J. Weiner, 'Footprints of the ancestors: The convergence of anthropological and archaeological perspectives in contemporary Aboriginal heritage studies', in B. David, B. Barker & I. McNiven (eds), *The Social Archaeology of Australian Indigenous Societies*, Canberra, Aboriginal Studies Press, 2006; Franca Tamasari and J. Wallace, 'Towards an Experiential Archaeology of Place: From Location to Situation Through the Body', in Bruno David, Bryce Barker & Ian J. McNiven (eds), *The Social Archaeology of Australian Indigenous Societies*, Canberra, Aboriginal Studies Press, 2006, p.208.

^{xvii} Tamasari & Wallace, op.cit., p.215.

^{xviii} Liz Thomas, *Aboriginal history of the Coffs Harbour region*, Special Collections Coffs Harbour City Library, n.d.; Goulding, *op.cit.*, pp.43-44; W.E. Smythe, 'Elementary Grammar of the Gumgainggar Language (North Coast, NSW)

(Continued)', *Oceania*, Vol.20, No.1, 1949, pp.29-65; R.H. Mathews, 'Initiation ceremonies of Australian tribes (Gumbaingeri)', *Proceedings of the American Philosophical Society*, Vol.37, 1898, pp.54-73; W.J. Enright, 'Notes on Kumbangerai: A North Coast (N.S.W.) Tribe', *Mankind*, October 1934, pp.239-240; Anthony English, *The Sea And The Rock Gives Us A Feed: Mapping and Managing Gumbaingirr Wild Resource Use Places*, NSW National Parks and Wildlife Service, 2002, p.15.

^{xix} Inge Riebe, 'Summary of anthropological material for Coffs Harbour Bypass Project', produced for Waters Consultancy, July 2018. See for example W.E. Smythe, 'Elementary Grammar of the Gumgainggar Language (North Coast, NSW) (Continued)', *Oceania*, Vol.20, No.1, 1949, pp.29-65; E. Palmer, 'Notes on Some Australian Tribes', *Journal of the Anthropological Institute of Great Britain and Ireland*, Vol.13, 1884, pp.276-347; A. W. Howitt, *The Native Tribes of South East Australia*, London, MacMillan & Co, 1904; R.H. Mathews, 'Initiation ceremonies of Australian tribes (Gumbaingeri)', *Proceedings of the American Philosophical Society*, Vol.37, 1898, pp.57-58; R.H. Mathews, 'Language and Sociology of the Kumbainggeri Tribe New South Wales', *Australian and New Zealand Association for the Advancement of Science*, Vol.12, 1909, p.485.

^{xx} Tony Perkins, Interview with Kate Waters & Korey Moon, Coffs Harbour Bypass Project: TfNSW, June 2018.

^{xxi} Smythe, *op.cit.*, 1948, p.131.

^{xxii} A.R. Radcliffe-Brown, 'Notes on Totemism in Eastern Australia', *Journal of the Royal Anthropological Institute of Great Britain and Ireland*, Vol.59, July-December 1929, pp.406-407.

^{xxiii} Radcliffe-Brown, *op.cit.*, f/n 1, p.407.

^{xxiv} *Coffs Harbour Coastal Planning Study: Working Paper 8 Aboriginal Relics & Sites of Significance*, NSW Department of Environment & Planning, Grafton, July 1981.

^{xxv} Riebe, *loc.cit.*

^{xxvi} Mark Flanders, Interview with Kate Waters, Coffs Harbour Bypass Project: TfNSW, June 2018.

^{xxvii} Thomas, *op.cit.*; Yeates, *op.cit.*, pp.10-11.

^{xxviii} Mathews, *op.cit.*, 1898, p.57.

^{xxix} *Welcome: Yarm-ug-ay (Here it is) In Bagawa Country of the Gumbyangirr Nation*, Bagawa Birra Murri Aboriginal Women's Council Inc., post 2007, p.6.

^{xxx} *Welcome: Yarm-ug-ay...*, *op.cit.*, pp.10, 13-14; Coffs Harbour Coastal Planning Study, *op.cit.*, 1981. Also referred to in all Knowledge Holder interviews as listed in the bibliography.

^{xxxi} Thomas, *op.cit.*; Yeates, *op.cit.*, pp.10-11.

^{xxxii} Thomas, *op.cit.*

^{xxxiii} A.C. McDougall, 'Manners, Customs, and Legends of the Combangree Tribe', *Science of Man and Journal of the Royal Anthropological Society of Australasia*, Vol.4, No.3, 22 April 1901, p.46.

^{xxxiv} English, *op.cit.*, pp.15-18.

^{xxxv} Neil Yeates, Coffs Harbour: Vol 1 Pre -1880 to 1945, Coffs Harbour City Council, 1990, p.1.

^{xxxvi} Yeates, *op.cit.*, p.1; Thomas, *op.cit.*

^{xxxvii} 'Supposed Case of Drowning', *Clarence and Richmond Examiner and New England Advertiser*, 10 August 1869, p.3.

^{xxxviii} Thomas, *op.cit.*

^{xxxix} Norma Townsend, 'A Strange, Wild Set? Cedar-Cutters on the Macleay, Nambucca and Bellinger Rivers, 1838 to 1848', *Labour History*, No.55, November 1988, pp.9-11.

^{xl} Thomas, *op.cit.*

^{xli} Yeates, *op.cit.*, p.3.

^{xlii} Yeates, *op.cit.*, p.3.

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- ^{xliii} Thomas, op.cit.
- ^{xliv} Yeates, op.cit., p.20.
- ^{xl} Yeates, op.cit., p.20.
- ^{xlvi} Yeates, op.cit., p.21.
- ^{xlvii} 'Supposed Case of Drowning', *Clarence and Richmond Examiner and New England Advertiser*, 10 August 1869, p.3.
- ^{xlviii} J.W. Lindt, 1875, Image a224004h, State Library of New South Wales.
- ^{xlix} 'Lindt Photographs', *Grafton Argus and Clarence River General Advertiser*, 16 November 1874, p.2.
- ^l J.W. Lindt, 1875, image a224008h, State Library of New South Wales.
- ^{li} 'Lindt Photographs', *Grafton Argus and Clarence River General Advertiser*, 16 November 1874, p.2.
- ^{lii} Megan Goulding, *Cultural places, contested spaces: A study of Aboriginal peoples' historical attachments to landscape*, Coffs Harbour Region Cultural Heritage Study, Cultural Heritage Division, National Parks & Wildlife Service (NSW), 2001, p.46.
- ^{liii} Yeates, op.cit., p.2.
- ^{liv} Yeates, op.cit., p.3.
- ^{lv} Goulding, op.cit., p.48.
- ^{lvi} 'Latest Colonial Telegrams: West Kempsey', *Clarence and Richmond Examiner and New England Advertiser*, 8 June 1880, p.3.
- ^{lvii} 'Coffs Harbour', *Clarence and Richmond Examiner and New England Advertiser*, 12 December 1882, p.4.
- ^{lviii} 'Roads', *Clarence and Richmond Examiner and New England Advertiser*, 25 March 1884, p.2.
- ^{lix} Goulding, op.cit., p.48.
- ^{lxi} 'Paddy, King of Boobarrego', Orara River, Edmund Milne Collection, National Museum of Australia.
- ^{lxii} Jakelin Troy, *King Plates: A History of Aboriginal Gorgets*, Aboriginal Studies Press, Canberra, 1993, p.18.
- ^{lxiii} 'Blacks' Tribal fight. A Unique Experience', *Coffs Harbour Advocate*, 14 April 1927, p.3.
- ^{lxiiii} 'Central Criminal Court. Thursday, February 23', *Sydney Daily Telegraph*, 24 February 1882, p.3.
- ^{lxv} 'Central Criminal Court. Thursday, February 23', *Sydney Daily Telegraph*, 24 February 1882, p.3.
- ^{lxvi} Nymboid Jackie, No.2573 ; King Charlie, No.2572 in Goal Photographs Series, State Records of New South Wales.
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- ^{lxix} 'Blackfellows' Law. Old-Time Inquest Following Tribal Fight', *Coffs Harbour Advocate*, 3 August 1928, p.2.
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- ^{lxxiv} *Ibid.*
- ^{lxxv} *Ibid.*
- ^{lxxvi} *Ibid.*
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^{lxxvii} *Ibid.*

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^{lxxix} Goulding, *op.cit.*, p.69.

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^{lxxxi} Thomas, *op.cit.*

^{lxxxii} Thomas, *op.cit.*

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^{lxxxiv} Thomas, *op.cit.*

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^{lxxxvi} Ella Moon, Waters Consultancy Pty Ltd, June 2018.

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^{lxxxviii} Anthony English, *The sea and the rock gives us a feed: Mapping and managing Gumbaingirr wild resource use places*, National Parks and Wildlife Service (NSW), August 2002, p.24. See also: Fred Cahir, Ian D. Clark, Philip A. Clarke, *Aboriginal Biocultural Knowledge in South-eastern Australia: Perspectives of early colonists*, CSIRO Publishing, 2018, Introduction; R.H. Mathews, 'Language and Sociology of the Kumbainggeri Tribe New South Wales', *Australian and New Zealand Association for the Advancement of Science*, Vol. 12, 1909, pp. 485-499; A.C. McDougall, 'Manners, Customs and Legends of the Coombangree Tribe', *Science of Man*, Vol. 4 (4), 1901, p.63.

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^{xc} Korey Moon, Waters Consultancy Pty Ltd, June 2018.

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^{xcii} Ella Moon, Waters Consultancy Pty Ltd, June 2018.

^{xciii} Mark Flanders, Interview with Kate Waters, Coffs Harbour Bypass Project: TfNSW, June 2018.

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^{xcix} Ian Brown, Interview with Kate Waters, Coffs Harbour Bypass Project: TfNSW, August 2018.

^c Tony Perkins, Interview with Kate Waters & Korey Moon, Coffs Harbour Bypass Project: TfNSW, June 2018.

^{ci} Korey Moon, Waters Consultancy Pty Ltd, June 2018.

^{cii} Tony Perkins, Interview with Kate Waters & Korey Moon, Coffs Harbour Bypass Project: TfNSW, June 2018.

^{ciii} Tony Perkins, Interview with Kate Waters & Korey Moon, Coffs Harbour Bypass Project: TfNSW, June 2018.

^{civ} Daphne Flanders nee Wilson, Interview with Kate Waters & Korey Moon, Coffs Harbour Bypass Project: TfNSW, June 2018.

Appendix D Aboriginal Stakeholder Comments

Coffs Harbour & District Local Aboriginal Land Council
Garby Elders Aboriginal Corporation
Jagun Aged and Community Care Ltd
Muurbay Bundani Aboriginal Corporation
c/- Nathan Brennan, CEO
Coffs Harbour & District Local Aboriginal Land Council
PO Box 6150
COFFS HARBOUR NSW 2450

Attention: Director – Transport Assessments
Planning and Assessment
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

PACIFIC HIGHWAY COFFS HARBOUR BYPASS
APPLICATION NUMBER SSL_7666
EIS SUBMISSION

All Registered Aboriginal Parties (RAPs), community members and Aboriginal cultural knowledge holders agree with the corridor alignment, tunnels and ancillary areas required for construction of the Pacific Highway Coffs Harbour Bypass, as proposed in the EIS.

While the RAPs are committed to work with the Transport NSW, construction contractors and all departments associated with Aboriginal cultural heritage management to facilitate completion of the Bypass, we have several outstanding concerns. Our primary concerns are outlined here and could be resolved by implementation of the recommendations made in this submission. We ask that these recommendations be considered for inclusion in the Minister's Conditions of Approval for the Pacific Highway Coffs Harbour Bypass.

Concern 1

The Aboriginal archaeological survey undertaken by Biosis Pty Ltd in 2017 was conducted with Coffs Harbour & District LALC sites officers only and did not involve other RAP representatives, or consultation with Gumbaynggirr knowledge holders to identify potential burial locations and/or culturally significant landscape features that would have influenced the placement of campsites. Given that consultation with knowledge holders did not occur until 2018, no account was taken of the location of significant cultural pathways, story lines, known camping areas or resource use places.

Potential archaeological deposits (PADs) later test excavated by Kelleher Nightingale Consulting Pty Ltd within the project construction corridor were thus selected by Biosis Pty Ltd without full and appropriate Aboriginal community input. RAPs were denied the opportunity to inspect the final revised corridor and were asked to comment on the draft Kelleher Nightingale Pty Ltd Aboriginal cultural heritage assessment report without the benefit of any clear, on-the-ground understanding of the project impact boundaries. The lack of any definitive understanding of the actual impact area has made it incredibly difficult for us to assess the full scope of cultural heritage impacts to be caused by the project.

We believe that the project corridor may well contain additional, previously unidentified PADs that would warrant archaeological testing and possible salvage ahead of construction commencement. As advised at AFG meetings on the 28th of June 2017 and the 8th of February 2018, we do not consider the small-scale test pits and limited proportion of PADs investigated under the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW' (DECCW 2010), as employed by Kelleher Nightingale Consulting Pty Ltd, to be sufficient to provide location-specific information suitable for determining the range of site contents, scientific or cultural values.

Recommendation 1

The approved project corridor should be inspected by experienced RAP representatives prior to construction commencement to record any previously unidentified PADs and determine the need for test excavation and site salvage if necessary. The test excavation methodology should be agreed by all RAPs and may include grader scrapes, mechanical excavator pits and use of a mechanical sieve to achieve more comprehensive samples than those allowed under the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW'.

Concern 2

The Salvage Excavation Methodology presented in Appendix E of the Kelleher Nightingale Pty Ltd Aboriginal cultural heritage assessment report (2019) advocates surface artefact collection and Phase 1 hand excavation of 1m² squares placed at 15m intervals across five of the tested sites/PADs that contained subsurface artefacts. Phase 2 salvage, via the hand excavation of contiguous squares, would be undertaken if 'information bearing deposits' are identified during Phase 1, up to a total excavated area of 75m² at each of the five designated salvage sites. No salvage would be undertaken on the remaining 14 sites found to contain subsurface artefacts, albeit at a low density only.

As custodians of our culture and to ensure that inter-generational equity is maintained to the highest possible extent in the face of Bypass construction, it is of utmost importance that all Aboriginal artefacts be salvaged from the impact zone and re-deposited in protected nearby places within the Transport NSW corridor, consistent with Requirement 26 of the 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW' (DECCW 2010). This would allow the artefacts to be accessed for research and Aboriginal community education purposes as future needs arise.

In view of our commitment to future Gumbaynggirr generations RAPs do not support the limited Aboriginal site salvage proposed in the EIS Aboriginal cultural heritage assessment report. We request the opportunity to salvage as many artefacts within the project impact area, including more comprehensive salvage at the five salvage sites selected by Kelleher Nightingale Pty Ltd, the 14 subsurface sites not proposed for salvage, and any other sites that may be detected by the implementation of Recommendation 1 above.

Recommendation 2

As far as possible, all Aboriginal artefacts within the proposed Bypass impact footprint should be salvaged prior to construction commencement, in consultation with and with the direct involvement of the RAPs. The salvage methodology should be agreed by all RAPs and may include grader scrapes, mechanical excavator pits and use of a mechanical sieve as deemed warranted to achieve a high level of artefact rescue ahead of site destruction. The rescue of remaining artefacts at the five salvage sites selected by Kelleher Nightingale Pty Ltd should follow the completion of Phase 1 and Phase 2 investigations as proposed in Appendix E of the Aboriginal cultural heritage assessment report (2019).

Concern 3

Ancestral Gumbaynggirr burials have been detected on sand-based and alluvial lands at Corindi, Station Creek, Boambee, Sawtell, Moonee and Nambucca Heads, with 21 burials recently identified on creek banks at Glenugie north of Coffs Harbour. The distribution of known burials suggests that burials may be present in the vicinity of waterways traversed by the Bypass. This possibility has been given scant attention in the Kelleher Nightingale Pty Ltd Aboriginal cultural heritage assessment report (2019), which simply outlines procedures to be followed in the event that human remains are uncovered during construction activities. However, the likelihood of burials being recognised by construction personnel (e.g. machinery operators) is clearly very low.

Any ancestral burials that may be intercepted by the project works will be of high Aboriginal community significance and would require the use of culturally sensitive salvage methods and repatriation agreed by the RAPs and knowledge holders. To offer the best (and probably only) chance of any burials being detected, it is necessary that close monitoring of vegetation clearing and topsoil stripping be undertaken on land of Transport NSW with the potential to contain these sites. The monitoring should be undertaken by local Aboriginal community members (especially RAP representatives) engaged either directly by Transport NSW or employed by the Construction Contractor for the duration of construction works in line with their Aboriginal Participation Plan.

Recommendation 3

Monitoring of vegetation clearing and topsoil stripping should be undertaken by experienced local Aboriginal community representatives to ensure that ancestral burials are not destroyed during the project works. Areas requiring this monitoring should be identified by the RAPs and knowledge holders, and the monitoring personnel agreed by the RAPs and knowledge holders. If any possible evidence of human remains is detected during the monitoring or at any other time, Management Procedure 10.2 of the Kelleher Nightingale Pty Ltd Aboriginal cultural heritage assessment report (2019:56) should be strictly adhered to.

Concern 4

We do not support Management Procedure 10.4 c) of the Kelleher Nightingale Pty Ltd Aboriginal cultural heritage assessment report (2019:57), which states that "Where as a result of alterations to the project design an impact on Aboriginal heritage is considered to be greater than identified by the Approved Project ... consultation may entail a phone call and phone log of comments received or the provision of a report for comment."

Nor do we support Management Procedure 10.4 d) of the Kelleher Nightingale Pty Ltd Aboriginal cultural heritage assessment report (2019:57), which states that "Where a proposed change is an area located outside of the study area assessed as part of the Approved Project ... This area would require preliminary assessment to determine any impacts upon Aboriginal heritage. Should no impacts be identified then no consultation with Aboriginal stakeholders is required. Should potential impacts be identified, consultation with Aboriginal stakeholders will be undertaken. This consultation will entail the provision of a report for stakeholder comment (10 working days) detailing the impacts and mitigation strategies proposed."

These recommended management procedures illustrate an overall failure to properly engage with RAPs or to appreciate and accept considerable Aboriginal community knowledge.

This was highlighted in our response to the draft Kelleher Nightingale Pty Ltd Aboriginal cultural heritage assessment report dated 18th of October 2018.

Recommendation 4

As per best practice, RAP representatives should be engaged to assist with all additional Aboriginal cultural heritage surveys/investigations, including inspections of areas to be affected by project design alterations and areas outside the approved corridor that may also be impacted. Knowledge holders should be consulted to determine cultural heritage values of these areas. All reports should be reviewed by the RAPs, and final reports should contain and address RAP correspondence and concerns.

Concern 5

To allay our outstanding concerns regarding Aboriginal site and landscape destruction and achieve a positive outcome for the local Aboriginal community, we ask that the Transport NSW and/or Construction Contractor employ RAP representatives for the duration of the project earthworks, and preferably for the entire project duration. In addition to day-to-day construction tasks, these representatives would assist with:

- The excavation, community collection and salvage of Aboriginal sites/artefacts.
- Delivery of the cultural awareness component of the project induction program, pre-start and tool box meetings.
- Monitoring of vegetation clearance and topsoil stripping within archaeologically sensitive areas, including areas with the potential to contain ancestral burials.
- The installation of animal boxes and other required fauna protection measures.
- The selection of suitable plant species and flora plantings as required.
- The production of educational booklets, as recommended in the EIS Aboriginal cultural values assessment report prepared by Waters Consultancy (2019).

Recommendation 5

The Transport NSW and/or the Construction Contractor should employ suitable RAP representatives for the duration of construction impact activities to ensure that as much of the cultural landscape as possible is preserved, and to offer work opportunities to compensate Aboriginal site destruction in the development-related context. The RAPs and knowledge holders wish to be kept fully informed of the timetable and progress of all works associated with the planning and construction of the Bypass.

In addition to the above concerns and recommendations, the RAPs and knowledge holders require input to the:

- Environmental Work Method Statement.
- Cultural Heritage Management Plan.
- Management and Mitigation Plan for unexpected discoveries.
- WHS and Cultural Safety/Policy Plan.

Signed and submitted by:

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Brett Tibbett

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Muurbay Bundani Aboriginal Corporation

Appendices A

Response Coffs Harbour Bypass Aboriginal Cultural Heritage Report (as of February 2020)

Comment – The collection of cultural items in the corridor

Under the NSW National Parks and Wildlife Act 1974, only the Aboriginal community can determine the significance of Aboriginal heritage within the bypass corridor. The role of the contracted archaeologist - Kelleher Nightingale is to provide a technical determination (and western interpretation) on the significance of Aboriginal heritage in the bypass corridor. This process itself is problematic, and culturally biased and institutionally racist.

To the Gumbaynggirr people, our heritage is priceless, and all the cultural items within the corridor are priceless and considered equally as important. No item is more important than the other. This is why collecting as many of our cultural items is our main priority as RAP's. It is of the highest importance for our young people to have a story, a connection and a belonging to their country. As Aboriginal people we have a responsibility to leave footprints for our young people to follow, and we do this through the continuation and preservation of our culture and items. The Coffs Harbour Bypass provides Transport NSW with the unique opportunity to demonstrate their commitment in working with Aboriginal communities to continue our cultural traditions.

Recommendation – The collection of cultural items within the corridor

The RAP's recommend all areas identified as Potential Archaeological Deposits (PAD's) within the bypass corridor be subject to cultural salvage. Within the ACHAR, Kelleher Nightingale identified 15 areas for archaeological salvage, and 7 for cultural salvage, which excludes a number of areas to be destroyed based on the perception of importance to western education and archaeological thinking. This view is problematic, an institutionally racist point of view that western culture can somehow put a value on our cultural objects. The RAP's recommend a cultural salvage be extended to all 26 PAD's within the corridor, as Gumbaynggirr people we place equal significance on all the cultural items within the bypass corridor.

Comment – The ongoing management of Aboriginal heritage before and during construction

The development of a Management Policy for Aboriginal cultural heritage is a key recommendation made by Kelleher Nightingale as part of the construction of the bypass. The RAP's agree with the development of such a policy. However, it is critical that the contractor has access to the appropriate expertise and knowledge holders available onsite to give advice and support the implementation of the Management Policy for Aboriginal cultural heritage. We recommend the use of Aboriginal cultural safety officers be included to support the implementation of the management policy. We give the following recommendations:

Recommendation 1 - The ongoing management of Aboriginal heritage before and during construction

The RAP's agree with the recommendation of Kelleher Nightingale that a cultural heritage map be developed for the corridor (and areas near the corridor). The map should be modelled off the Cultural Mapping undertaken by the Coffs Harbour City Council (which has been provided to the Transport NSW by RAP's). This should be completed through negotiation and good faith between the RAP's, Transport NSW and Kelleher Nightingale. The map will provide guidance for management of cultural heritage areas within or near the corridor during construction works. The map will identify areas that are likely to contain Aboriginal burials such as tributaries and headwaters. We believe that such a request is not unreasonable given the number of unexpected finds of Aboriginal burials during the construction of Woolgoolga to Ballina motorway, and other burials uncovered in recent years that are in the direct vicinity of waterways.

Recommendation 2 - The ongoing management of Aboriginal heritage before and during construction

That Aboriginal Cultural Safety Officers form part of the implementation process for the Aboriginal Cultural Heritage policy. The officers will monitor potential unexpected finds, identify heritage and support the construction of the bypass within the areas identified in the Aboriginal cultural heritage map. The Aboriginal Cultural Safety Officers can support

the management procedures for Aboriginal heritage as highlighted by Kelleher Nightingale, and support the contractor to:

1. Ensure all of its employees, contractors and subcontractors and agents are made aware of and comply with the Aboriginal heritage management policy
2. Work with the Environment manager to provide cultural expertise and knowledge to implement the Aboriginal heritage management policy
3. Support the contracted archaeologist with the management policy and provide cultural expertise and knowledge

Recommendation 3 - The ongoing management of Aboriginal heritage before and during construction

As part of the management policy, Aboriginal cultural safety officers should be included in the plan to deliver Cultural Safety Inductions with all contractors on site for the lifetime of the project. The outcomes Transport NSW can expect to see are a greater protection of Aboriginal objects, increased knowledge of the management policy amongst contractors and the mitigation harm to Aboriginal heritage during construction. This will also create opportunities for professional development, enhanced capacity and understanding of Aboriginal cultural values benefitting Transport NSW, the contractor, and individuals.

Comment – Salvage methodologies

The RAP's have not been afforded the opportunity to contribute to the development of the salvage methodologies within the ACHAR. RAP's would like the opportunity to contribute to the development of the methodology.

Recommendation – Salvage methodologies

That a workshop be held with Kelleher Nightingale, RAP's and Transport NSW staff to workshop a methodology in which all stakeholders have had the opportunity to contribute, particularly RAP's, as they are the owners of their cultural objects and should have input as to how they should be salvaged.

Comment – Expansion of the construction footprint on the Gumgali storyline

As per the Cultural Values report completed by Kate Waters. On page 5 the report notes an expanded construction footprint on Cultural Site B: The Gumgali Storyline which is rated in both the cultural values and ACHAR as having a "very high" significance. It is the understanding of the RAP's this footprint has been expanded for an ancillary area.

Recommendation – Expansion of the construction footprint on the Gumgali storyline

The RAP's recommend an Aboriginal cultural heritage survey to be undertaken of the newly included area within the Gumgali storyline. It has been consistent throughout survey work that archaeological deposits are consistently found within the cultural values and storylines that are included in the report by Kate Waters.

Additional note by the Coffs Harbour and District Local Aboriginal Land Council (CH&DLALC)

The CH&DLALC currently has an undetermined land claim within the bypass corridor on England's Road. As the land is undetermined it cannot be compulsorily acquired until a determination either by the NSW Minister of Lands, or a withdrawal of the claim by the CH&DLALC. As part of the negotiation process to acquire this land, the CH&DLALC will request Transport NSW consider the recommendations of RAP's to manage Aboriginal heritage as part of the negotiation points in the acquisition of this land.

Comments received following AFG(7)/workshop held on 30 April 2020
Response to cultural salvage methodology

Methodology – Cultural Salvage works – Coffs Harbour Bypass

Number of sites

The RAP's would like the opportunity to undertake cultural salvage at all PAD's identified in the Bypass corridor. All PAD's are of equal cultural significance and the RAP's would like the opportunity to collect as many cultural items as possible.

Number of participants

The RAP's would like the opportunity for two cultural safety officers from each RAP to participate in the cultural salvage. This will include a senior and junior cultural safety officer from each RAP. The contracted archaeologist is welcome to support the RAP's in this process, including logistical support and fulfilling administrative functions, recording of objects, GPS recording and other support to ensure compliance with the NPW Act notification of Aboriginal objects requirements.

Methodology

We understand that a scientifically focussed investigation is to be undertaken to determine the extent of each PAD subject to salvage. Once the extent of the PAD is determined, we request an opportunity to have the results of that scientific salvage excavation of each PAD provided to the RAPs to inform any subsequent cultural salvage in the area. The cultural salvage should be undertaken through grader scrapes of 50 millimetre increments until reaching hard base (clay base etc). All material removed from each PAD should mechanically sieved. Clearing of any trees in the PAD's should be subject to root ball inspections.

PAD areas excluded for environmental reasons, such as being within 10 metres waterways or tributaries should be included into a cultural mapping under the Aboriginal Heritage Management Plan for monitoring by cultural safety officers at a later time during construction works if they are to have ground disturbing works occurring.

Repatriation

Repatriation areas should be identified and mapped at the time of each PAD excavation, with repatriation undertaken as soon as the cultural salvage has been completed/ or before any construction works are undertaken. Should storage be required, this will be negotiated between Transport for NSW and the RAP's later – however this is the least preferred option of the RAP's.

Timeframes for cultural salvage of each PAD

Timeframes for the cultural salvage of each PAD should be determined by the results of the initial post project approval scientific salvage excavation. Until the depth and width of a PAD, and the number of likely artefacts present is known, hard and fast rules about what cultural salvage requirements may be necessary are impossible to make. This should be flexible and timeframes should be flexible given the cultural importance of these activities, and given this is a cultural salvage, timeframes should be mutually agreed to by the RAP's and the contracted Archaeologist. Timeframes for each site could be different depending on the results of the scientific salvage process.

Recommendations moving forward

Ongoing assessments

All assessments (desktop or otherwise) for the purpose of determining Aboriginal cultural heritage, either for the purpose of potholing and slurry basin works should include consultation with the RAP's. Any future assessments pertaining to Aboriginal culture and heritage should be done with the inclusion and knowledge of RAP's.

This will give Transport for NSW the most up to date information, and allow the opportunity for the inclusion of any new information that has been provided by the wider community in regards to Aboriginal cultural heritage within the corridor. This will assist in determining whether cultural safety officers should be present for such works into the future.

Recommendations Cultural Heritage Management Plan – for future discussion

- That RAP's be provided the opportunity to have input into the development of the Cultural Heritage Management Plan. This should include workshops with RAP's, Transport for NSW staff and the contractor
- Cultural safety training be delivered to all personnel working on construction sites, this should be delivered by the Senior Cultural Safety Officers selected by the registered parties.
- TNSW Cultural Heritage Officer in conjunction with RAP's to determine a sensitive area plan/cultural mapping (as recommended by Kelleher) that will inform staff/construction exclusion areas which can be monitored by Cultural Safety Officers, this includes potholing and slurry basin works.
- The construction of new tracks in the corridor should be subject to an inspection by the by Snr Cultural Safety Officers, TNSW Environmental officer, and contracted Archaeologist.
- Should skeletal remains be uncovered, notification should be sent to the Registered Aboriginal Party leaders and TNSW Snr Regional Environmental Officer, once Police have been notified and determined to be Aboriginal remains.
- The results of the proposed post approval scientifically focused salvage methodology be utilised by the RAPs to inform their cultural salvage location and duration.
- It would be unreasonable to suggest that no sites or objects will be harmed during construction, due to the highly sensitivity within the area. However, we believe that much of this can be averted through well informed frameworks/plans that have been developed in consultation with the RAP's.

Appendix E Archaeological Salvage Excavation Methodology

Research Aims

The main aims of the proposed salvage excavation program are:

- ♦ To salvage a representative sample of the identified archaeological sites prior to construction impact.
- ♦ To analyse the salvaged archaeological material to gain and conserve knowledge and understanding of the scientific and cultural information exhibited by the activities associated with a range of landforms on the fringes of the Coffs Basin.
- ♦ To use the excavation results to gain insight into the subsurface archaeology of the wider region and more specifically of adjacent areas not being impacted by the proposal. This would increase future educational opportunities and allow more informed management of Aboriginal heritage. In addition, the excavation results may be incorporated into interpretive options being considered for the project.

The further scientific aim of the salvage excavation program would be to determine the subsurface integrity, extent, spatial distribution and nature of the cultural deposit and the specific types of associated archaeological/cultural activities.

- ♦ Determining the integrity of the deposit involves assessing the degree of disturbance which is present.
- ♦ Determining the statistical extent of the sites and/or activity areas involves identifying the boundaries associated with the identified archaeological deposit.
- ♦ Assessing the spatial distribution involves identifying the presence/absence of archaeological material across the identified archaeological sites.
- ♦ The nature of the sites refers to the type of activities indicated by the artefactual material (e.g. primary production, tool maintenance, domestic knapping, hunting camps). The goal would be to retrieve entire assemblages from specific activities if such activities were present.
- ♦ Retrieved assemblages would be compared with the results from other relevant archaeological projects in order to assess significance.

Research Questions

The results of the proposed salvage excavation would increase our understanding of subsurface archaeology of the project area, specifically related to the large scale connectivity between sites situated on the fringes of the Coffs Basin. In particular, research would focus on the archaeologically-identifiable cultural activities that took place on the various and dissimilar landforms where salvage is proposed. There is significant variation in landscape context between the sites: the sites are not spatially connected by landform, but they offer an opportunity to explore larger landscape connections through the North Boambee Valley, Coffs Basin and up into the Korora Basin. These connections offer insights into past cultural continuums depicting the movements and actions of past Aboriginal people, enabling an understanding of how past people spatially organised their culture and by extension insights into how they perceived the world around them. Integration of archaeological data with contemporary cultural knowledge is an opportunity to explore these connections. Recent research of such landscape continuums has found a strong association between contemporary use/perceptions of landscape and past Aboriginal landscapes as evidenced by the archaeology.

In order to characterise the physical archaeological manifestations of this cultural landscape, research will aim to address questions about past activity events and survivability of the deposit. In addition, assessment techniques will address how natural processes and modern landuse practices impact on archaeological sites within the local area. This information is of critical importance for determining empirical scientific value.

Question 1: What cultural activities are archaeologically identifiable across the project area? What similarities/differences can be identified between landforms? (salvaged landforms include prominent ridgelines and spurs on the margin of the Coffs Basin, lower elevation spur crests closer to the coast, and elevated landforms on the alluvial plain south of Roberts Hill).

Question 2: What are the taphonomic features of each site? What does this indicate about site integrity and artefact survivability for sites on similar landforms within the region?

Question 3: Based on a statistically suitable sample - do variations in the lithic assemblage between sites represent cultural activities, taphonomy or combinations of cultural and environmental factors?

What can we expect?

It is anticipated that differences in stone tool assemblages may be related to different cultural activities (e.g. primary reduction vs maintenance flaking). The science of archaeology is paramount to any research question and it is important to stress that the goal for the salvage program for all excavated sites is straight forward: to retrieve a viable sample for comparative analysis using established techniques (see Field Methods below). In this regard interpretation would not precede data collection. The proposed archaeological program would systematically sample the relevant areas using standard techniques with the outcome being a viable, robust and comparable sample. Analysis of the sample would follow and interpretations would be made distinctly separate from the results.

Archaeological Salvage Areas

Salvage excavation would be undertaken on identified archaeological sites: CHB AFT1, CHB AFT 5, CHB AFT 8, CHB AFT 11, CHB AFT 13, CHB AFT 16 and CHB PAD 27. Salvage excavation of each site would focus on the extraction of collections of artefacts related to activity areas and geomorphic information.

FIELD METHODS

The goal of the field excavation program is to recover significant assemblages of artefacts.

Archaeological Salvage Program

In order to achieve the most robust and comparable result, KNC advocates an open area salvage excavation. The first phase in open area salvage is to establish the statistical boundaries of the previously identified archaeological deposit. In other words, recording the spread of activities across the site/landscape. This approach is designed to salvage the spatial properties of the site as shown in the lithic continuum.

Aboriginal Site Officers

It is recommended that Aboriginal site officers be engaged to assist with the archaeological salvage program. A team of Aboriginal site officers would consist of four site officers (or three site officers and one trainee). The number of teams required for the work will depend on a number of variables including property access, site logistics and timing. A rostering system may be used so that site work is distributed among more site officers.

Phase 1

A series of 1 m² squares are excavated on a transect grid at 15 metre intervals overlain on each site to mark the spread of lithics and related geomorphic activity. This will build on previous test excavation results.

GDA 94 coordinates would be recorded for each square to enable three dimensional modelling. Statistical salvage following this method is highly beneficial because it creates a robust inter-site sample, sufficiently random, critical for regional comparative analysis. No other method is as efficient or effective. It is anticipated that up to 25m² would be excavated at each site during Phase 1 (see Phase 2 below for recommended total square metres per site).

Individual excavation squares measuring 1 m² would be hand excavated in stratigraphic units (Unit A, Unit B, etc.). Squares would be excavated until the basal layer or culturally sterile deposit is reached. Test excavation of the sites indicates no archaeological stratigraphy within units. As such the A1 and A2 soil layers are culturally one layer (suffering from cyclical soil transfer resulting in a mixed cultural profile within the soil) and can be salvaged as one unit where possible. All excavated deposit would be sieved using nested 2.5 mm sieves (maximum sieve size). Where potential micro-debitage is recovered 1.0 millimetre micromesh sieves will be utilised.

The location of each excavated square would be identified on a surveyed plan of the site. Stratigraphic sections detailing the stratigraphy and features within the excavated deposit would be drawn and all squares would be photographed. Soil samples as well as thin section profiles (where feasible) would also be collected. The stratigraphy of all excavated areas would be fully documented and appropriate records archived.

Phase 2

Open area salvage of significant deposit follows the Phase 1 assessment. Additional contiguous 1 m² squares, constituting an open area, will be excavated around information bearing deposits along the excavation grid. Information bearing deposits are identified by triggers such as: significant quantities of artefacts, variations in raw material, unusual artefacts, chronological material and/or taphonomic indicators. In this context chronologic material is anything that can be used to date artefacts or deposit: charcoal or charcoal bearing deposit (e.g. hearth ash), sandy deposit, gravels (e.g. aluminium feldspar). Taphonomic indicators are generalised to include biospherical process such as bioturbation and geomorphic features such as soil lenses and soil laminates as indicators of post-depositional factors affecting site formation.

Phase 2 open area investigation would expand to encompass entire activity areas. The location of Phase 2 open area investigation would be based on Phase 1 results. It is anticipated that 25-50m² of Phase 2 open area salvage would be excavated within each site with recommended minimum totals for the salvage program as follows (combining Phase 1 and Phase 2):

- CHB AFT 1 – 75m²
- CHB AFT 5 – 40m²
- CHB AFT 8 – 40m²
- CHB AFT 11 – 40m²
- CHB AFT 13 – 75m²
- CHB AFT 16 – 50m²
- CHB PAD 27 – 15m²

Where possible, carbon samples will be collected and analysed for material relating to both the archaeology and geomorphology. Where appropriate cosmogenic and radiometric dating of soils and rock surfaces will be applied (Nishiizumi et al. 1986, 1993).

Surface Collection

Surface collection will be undertaken at sites: CHB AFT 5, CHB AFT 9, CHB AFT 11, CHB AFT 16, CHB IF 7, CHB6 IF 2, CHSS-3 and Coffs Dump. The collected objects will be recorded as part of the excavation report and included in the excavation assemblage for long term storage.

Analysis

Artefacts would be analysed on a comparable level with previous analyses of excavated assemblages. Information derived from this analysis; in particular the identification of specific artefact types and their distributions and associations; would be used to put together interpretations about how sites were used, where sites were located across the landscape, the age of sites and to assess cultural heritage values. By comparing different areas it would be possible to determine whether there were differences in the kinds of activities carried out and if different activities were related to different landforms.

A range of stone artefacts may be present across the salvage areas and the analysis would expand accordingly to account for artefact variability. All information would be recorded in database form (MS Excel). Various types of evidence would be used to determine the kinds of activities that were carried out. A short description of the proposed analysis is outlined below.

- ♦ Field analysis would record basic data, such as material type, number and any significant technological characteristics, such as backing or bipolar techniques; added to this would be any provenance data such as pit ID and spit number. The purpose of the field recording is twofold: 1) establish a basic recording of artefacts retrieved and 2) to allow on-going assessment of the excavation regime (e.g. whether higher stratigraphic resolution is required while digging).
- ♦ Detailed (laboratory) analysis would entail recording a larger number of characteristics for each individual artefact. These details would be recorded in matrices suitable for comparative analysis (e.g. multivariate and univariate) of the excavated assemblage on a local and regional basis.
- ♦ Lithic characteristics to be recorded cover a range of basic information but are not limited to these categories (see example below). For transparency, terms and category types would in large part be derived from Holdaway and Stern (2004).

Sample Categories		
Record Number	% Cortex	Flake Type
Square ID	Length	Termination Type
Spit Number	Width	Core Type
Count	Thickness	Number of Scars (Core)
Raw Material	Weight	Scar Type (Core)
Colour	Modification	Shape of Flake
Quality	Reduction Type	Platform Type

- ♦ A detailed explanation and glossary would be provided with the final excavation report.
- ♦ Minimum Number of Flake (MNF) calculations formulated by Hiscock (2000, 2002) would be undertaken where applicable (although past experience indicates MNF calculations would not be required for this excavation program).

The analysis of artefacts recovered during the excavation program would be undertaken in a transparent and replicable fashion so as to permit the comparison of the entire excavated assemblage with data from other areas. This would also allow for an interpretation of the project area's archaeological significance.

Appendix F Cultural Salvage Methodology

Registered Aboriginal stakeholders and knowledge holders place cultural value on the material objects (artefacts) that have been identified through the archaeological investigations for this project.

In keeping with Aboriginal stakeholders requests for cultural salvage; an opportunity for cultural salvage was included for all archaeological sites exhibiting at least moderate significance. The Aboriginal sites listed below are of at least moderate Aboriginal heritage significance and would be impacted by the project:

- CHB AFT 1
- CHB AFT 5
- CHB AFT 8
- CHB AFT 11
- CHB AFT 13
- CHB AFT 16
- CHB PAD 27

Cultural salvage will be undertaken by registered Aboriginal stakeholders and is independent of the archaeological salvage program. Cultural salvage is an opportunity for Aboriginal stakeholders to collect as many cultural items as possible to assist their community with cultural learning. Participation in the cultural salvage by Aboriginal stakeholders is not paid work. The project archaeologist would attend site during cultural salvage to be available to provide advice to RAPs. Cultural salvage would be undertaken immediately after the completion of the archaeological salvage program at these locations. Cultural salvage will only be undertaken within the construction footprint and will avoid environmentally sensitive areas, such as within 10 metres of waterways.

Cultural salvage activities would be undertaken at each of the nominated sites in accordance with the methodology outlined below.

1. Obtain Project Approval
2. Project archaeologist to confirm completion of archaeological salvage activities at each nominated site. Results of archaeological salvage to be provided to Aboriginal stakeholders.
3. Where required, clearing activities completed at the nominated archaeological sites. This includes vegetation clearing where appropriate.
4. Aboriginal stakeholders to be invited to attend site. Aboriginal stakeholders to be invited to inspect root balls from any trees cleared for cultural salvage.
5. Earthmoving/excavating equipment (e.g. grader) to be used to scrape the topsoil (approximate depth of 50mm with some flexibility allowed for site conditions) within the boundaries of the archaeological site to be impacted by construction. Soil may be placed in small windrows or piles.
6. Scraped soil is to be replaced upon completion of cultural salvage at end of each day.
7. Up to eight Aboriginal stakeholders to surface collect archaeological and cultural material within the site boundaries exposed by the scraping/clearing activities. No sieving will be undertaken.
8. Collected material will be retained by Aboriginal stakeholders and managed via a Care Agreement or similar, or reburial. The long-term management of culturally-salvaged material will be determined by the registered Aboriginal stakeholders.
9. Cultural salvage activities are to be limited to not more than two full days per nominated site.

The primary purpose for RAPs wishing to collect artefacts is for their own community benefit, to assist with cultural learning. As such, all material collected as part of the cultural salvage will be in the care and custodianship of the Aboriginal community. TfNSW will assist RAPs in obtaining a Care Agreement (if applicable). However, the RAPs or their nominated representative will be responsible for ownership and care of material obtained from the cultural salvage. Reburial of any Aboriginal objects in the Care of RAPs should follow relevant legislation and guidelines.

Appendix G 2020 Additional Survey Results

The survey identified two previously unidentified sites within the project footprint. The sites are described below and shown on Figure 12.

Site Name: CHB AFT 16
AHIMS ID: tbc
Landform: Spur and slope

CHB AFT 16 comprised a low density artefact scatter and associated area of potential for subsurface deposit located across a spur crest and adjoining slopes. The site was located within Lot 5 DP 820652 approximately 80 metres west of the Pacific Highway and 90 metres south of the intersection of the Pacific Highway and Bruxner Park Road.

The site was located in a cleared area to the north of the Banana Coast Caravan Park and a football field. The site overlooks Jordans Creek, approximately 200 metres to the south. Landform comprises an east-west running spur crest and adjoining southern slopes down towards the creek. The spur descends from a terminal ridge crest to the west, which is occupied by PAD 26 (outside of project boundary and impact area).



Plate 6. CHB AFT 16 spur crest and slope



Plate 7. CHB AFT 16 tuff core

Two vehicle tracks cross the site area, running south from Bruxner Park Road and south west from the Pacific Highway. Other localised disturbance included patches of sheet erosion and a small area of ground disturbance associated with former earthworks west of the junction of the two tracks.

One artefact was identified on the eroded edge of the track cutting across the spur crest. A single core of tuff was identified exhibiting multiple flake scars.

Table 13. CHB AFT 16 artefact details

Raw material	Artefact type	L (mm)	W (mm)	Th (mm)	Comments
Tuff	Core	15	11	10	Multiple flake scars

Site CHB AFT 16 was assessed as having moderate archaeological potential due to landform, generally low level of visible disturbance and a moderate likelihood for subsurface archaeological deposit. Further investigation would contribute to our understanding of Aboriginal landscape use on the elevated landforms between the escarpment and the coast below Korora Lookout.

Site Name: CHB PAD 27
AHIMS ID: tbc
Landform: Flat

Site CHB PAD 27 was a potential archaeological deposit located across a creekside landform at the confluence of Pine Brush Creek and Williams Creek. The site was located within Lot 4 DP 236580 and Lot 3 DP 1143761, approximately 30 metres west of the Pacific Highway and adjacent to and partially within the property at 8 Old Coast Road, Korora.

Landform was a gently inclined, elevated alluvial flat above the creek confluence, with Pine Brush Creek to the south and the tributary to the east. The site extent was based on landform, as the area behind the house was heavily vegetated adjacent to the creek. A portion of the site was located across a cleared grassy area within the house's back yard. Areas of higher disturbance associated with a water tank, house utilities, the existing road way were not included. Within the site area, disturbance appeared limited to some localised erosion. The section of Pine Brush Creek to the south of the site has been modified and channelised for drainage beneath bridges across Old Coast Road and the Pacific Highway.



Plate 8. CHB PAD 27 terraced deposit along Pine Brush Creek



Plate 9. CHB PAD 27 disturbed banks above Pine Brush Creek

Site CHB PAD 27 was assessed as having moderate archaeological potential due to landform, generally low level of visible disturbance and a moderate likelihood for subsurface archaeological deposit. Further investigation would contribute to our understanding of Aboriginal landscape use on elevated creekside landforms between the escarpment and the coast.



Figure 12. Sites identified during 2020 field survey

Appendix H DPIE (BCD ESG) Comments on draft CHAR



**Planning,
Industry &
Environment**

Our Ref: DOC20/225999 & DOC20/276836
Your Ref: SSI 7666

Environmental Manager Pacific Highway
Transport for NSW
21 Prince Street
Grafton NSW 2460

Attention: Ms Rowena Mitchell

Dear Mr Lawrence

RE: Coffs Harbour Bypass (SSI 7666) – Aboriginal Cultural Heritage Assessment

Thank you for your e-mail dated 9 March 2020 about the assessment of impacts for the Coffs Harbour Bypass Project (SSI 7666) seeking comments from the Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the Department of Planning, Industry and Environment. I appreciate the opportunity to provide input.

The BCD has reviewed the draft *Pacific Highway Upgrade Coffs Harbour Bypass Aboriginal Cultural Heritage Assessment Report* (ACHAR) prepared by Kelleher Nightingale Consulting Pty Ltd (March 2020), the *Coffs Harbour Bypass Project Aboriginal Cultural Values Assessment Report v.8* (ACVAR) prepared by Walters Consultancy (March 2020) and the draft minutes of the Coffs Harbour Bypass Aboriginal Focus Group (AFG) dated 10 March 2020 and we provide the following comments for consideration.

The ACHAR and ACVAR provide details of the 26 known Aboriginal sites and the five (5) intangible cultural areas identified within the project boundary that will be harmed by the proposal and the proposed management and mitigation for those sites.

We support the inclusion of a cultural salvage component within Section 8 'Impact Assessment and Mitigation Strategies', Section 9 'Management Outcomes' and Appendix F 'Cultural Salvage Methodology' of the ACHAR.

The BCD also supports the efforts of Transport for NSW to enable continued consultation and engagement with the Registered Aboriginal Parties to the project during these challenging times as demonstrated by the meeting minutes and follow up e-mail communications.

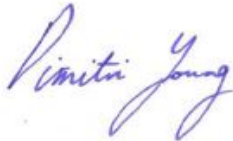
We encourage you to continue to be creative, responsive and respectful in your communication and consultation with the Registered Aboriginal Parties' as this Critical State Significant Infrastructure project progresses.

If you have any questions about this advice, please do not hesitate to contact Ms Rosalie Neve, Aboriginal Heritage Planning Officer, at rosalie.neve@environment.nsw.gov.au or 6659 8221.

Level 8, 24 Moonee Street, Coffs Harbour, NSW 2450 | Locked Bag 914, Coffs Harbour Ph (02) 6659 8200 | dpie.nsw.gov.au |

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Yours sincerely



14 April 2020

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

cc: Mr Michael Young – Planning and Assessment Group