

Aboriginal Cultural Heritage Management Plan

Known Aboriginal Cultural Heritage Development Application Requirements



This document summarises the information that is required to be submitted with development applications to satisfy the requirements of Coffs Harbour Development Control Plan 2015 (Chapter F2.1) and the Coffs Harbour Aboriginal Cultural Heritage Management Plan (Section 3.3).

Check that the site is mapped as KNOWN Aboriginal Cultural Heritage and has matching attributes in P&R

The following is required to be submitted with development applications where the land is mapped as containing **Known Aboriginal Cultural Heritage** on the [Coffs Harbour Aboriginal Cultural Heritage Map](#) in accordance with Section 3.3.1 of the Coffs Harbour Aboriginal Cultural Heritage Management Plan.

Details of:

- Basic Search of the [Aboriginal Heritage Information Management System](#)
- Extensive Search of the [Aboriginal Heritage Information Management System](#)
- Search of the:
 - [Australian Heritage Database](#),
 - [State Heritage Inventory](#) (this now includes the State Heritage Register),
 - [Schedule 5 of Coffs Harbour Local Environmental Plan](#)
- Consultation and written advice from Coffs Harbour and District Local Aboriginal Land Council
- Copy of Aboriginal Cultural Heritage Assessment Report

Known Aboriginal Cultural Heritage means land mapped as 'known' on the Coffs Harbour Aboriginal Cultural Heritage Map.

Note: Known Aboriginal Cultural Heritage is considered to be an "Aboriginal place of heritage significance" pursuant to Clause 5.10 of Coffs Harbour LEP 2013.

Note:

Aboriginal Cultural Heritage Assessment Reports are to be undertaken by an Archaeologist or Aboriginal cultural heritage expert as outlined in Section 3.3 of the Coffs Harbour Aboriginal Cultural Heritage Management Plan.

To see exemptions that may apply refer to Appendix 1 (see next page).

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Appendix 1 - Exemptions *under Cl 5.10(3) of Coffs Harbour LEP 2013*

[Clause 5.10\(3\) of Coffs Harbour LEP 2013](#) makes provision for works of a minor nature or maintenance without development consent, subject to the written authorisation of the City prior to commencement of works. The City must be satisfied that:

- the proposed development is of a minor nature or is for maintenance purposes;
- the proposed development will not adversely affect the (cultural) heritage significance of the object, place or site; and
- the development will not cause disturbance to human remains, relics, Aboriginal objects, or to an Aboriginal place of heritage significance.

Low risk assessment (exemption) recommendations

If the Risk Matrix Table identifies the development as a “low risk”, Clause 5.10(3) of Coffs Harbour Local Environmental Plan 2013 may be relevant and thus an exemption may apply. Any conditions included within the formal written authorisation from the City under Clause 5.10(3) must be complied with and proponents are advised to proceed using the precautionary principle. There is no requirement for an Aboriginal cultural heritage assessment to be undertaken for the proposal, however, proponents are advised to exercise due diligence under the National Parks and Wildlife Act 1974 to avoid “harm” and to provide this documentation to the City when seeking an exemption. Works of a minor nature or maintenance likely to be considered by the City includes strata subdivision of existing development and/or the use of existing development that does not involve any ground disturbance.

Medium / High risk assessment (exemption) recommendations

If the Risk Matrix Table identifies the development as a “medium/high risk”, an exemption pursuant to Clause 5.10(3) of Coffs Harbour LEP 2013 is unlikely to be supported by the City. Applicants are advised to refer to Fact Sheet 2 to ascertain the planning requirements.

Note:

Where a comprehensive Aboriginal Cultural Heritage Assessment has previously been prepared in consultation with the Aboriginal community and which relates to the site, it can be used to inform future development proposals under the following circumstances:

- 1. the works proposed are within the scope of works previously assessed and;**
- 2. the assessment being relied upon remains consistent with current legislative requirements.**

Should any future Aboriginal cultural heritage assessment be likely to be relied upon at a later stage, it is essential that it is fit for purpose and includes sufficient assessment and recommendations that can be relied upon at a later stage (e.g. assessment for future housing including inground pools on new residential allotments should be considered in the cultural heritage assessment for a subdivision proposal).

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Predictive Aboriginal Cultural Heritage Development Application Requirements



This document summarises the information that is required to be submitted with development applications to satisfy the requirements of Coffs Harbour Development Control Plan 2015 (Chapter F2.1) and the Coffs Harbour Aboriginal Cultural Heritage Management Plan (Section 3.3).

Check that the site is mapped as PREDICTIVE Aboriginal Cultural Heritage and has matching attributes in P&R

The following is required to be submitted with development applications where the land is mapped as containing **Predictive Aboriginal Cultural Heritage** on the [Coffs Harbour Aboriginal Cultural Heritage Map](#) in accordance with Section 3.3.1 of the Coffs Harbour Aboriginal Cultural Heritage Management Plan.

Details of:

- Basic Search of the Aboriginal Heritage Information Management System,
- Search of the:
 - Australian Heritage Database,
 - State Heritage Inventory (this now includes the State Heritage Register),
 - Schedule 5 of Coffs Harbour Local Environmental Plan

Predictive Aboriginal Cultural Heritage means land mapped as 'predictive' on the Coffs Harbour Aboriginal Cultural Heritage Map.

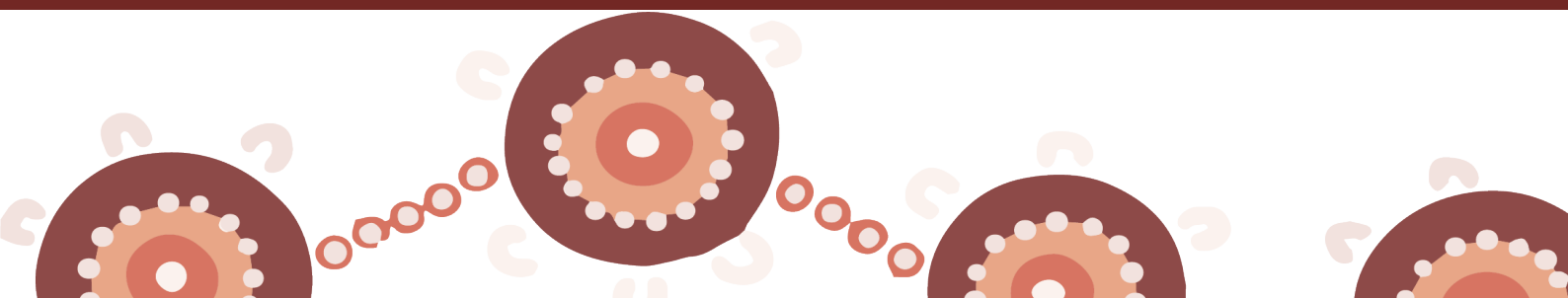
Note:

If a site has been identified in any of the searches then the following should also be submitted with the DA:

- **Consultation and written advice from Coffs Harbour and District Local Aboriginal Land Council**
- **Copy of Aboriginal Cultural Heritage Assessment Report**

Please check that the applicant has determined the risk correctly to ensure that the correct information is provided in the DA - refer to Risk Matrix for Predictive Aboriginal Cultural Heritage (see next page).

If the required information is not provided with the DA, as the applicant has indicated that exemptions apply - please check Appendix 1 to ensure that they have interpreted the exemptions correctly.



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Predictive Aboriginal Cultural Heritage: Using the Risk Matrix Table to Determine Risk Level



The Risk Matrix Table below (Figure 8 within the Management Plan) outlines typical risk disturbance categories and should be used to determine the level of risk associated with activities or works undertaken on land that is mapped as containing predictive Aboriginal Cultural Heritage.

Check the written advice from Coffs Harbour and District Local Aboriginal Land Council

- Use the Risk Matrix Table below to check the applicant has determined their risk level correctly, i.e.:
 - the “existing site environment” from the 5 options shown in the table, and
 - the “disturbance level” from the 5 options shown in the table.
- If a Medium/High risk is identified, check that the DA includes a letter from the Land Council identifying if a cultural heritage assessment is required to be undertaken.
 - If yes, then refer to Fact Sheet 5 to check that the required information has been submitted with the DA.
 - If the Land Council does not require a cultural heritage assessment, refer to Fact Sheet 6 and check that the steps taken have been documented in the DA.
- If a Low risk is identified - check that the DA documents the steps taken to determine a low risk.

Risk Matrix Table - Predictive Aboriginal Cultural Heritage					
Existing site environment	Negligible disturbance	Minimal disturbance	Moderate disturbance	Significant disturbance	Major disturbance
Existing built environment i.e. existing urban and developed environments, towns, villages	Low	Low	Low	Medium/High	Medium/High
Significantly altered environment i.e. Agricultural, cultivated and cleared farmland	Low	Low	Medium/High	Medium/High	Medium/High
Moderately altered environments i.e. partially cleared land, revegetated landscapes	Low	Low	Medium/High	Medium/High	Medium/High
Minimally altered environments i.e. urban bushland, greenfield sites, regrowth areas	Low	Medium/High	Medium/High	Medium/High	Medium/High
Unaltered environments i.e. protected areas, environmental areas, pristine environments	Low	Medium/High	Medium/High	Medium/High	Medium/High
<p>Low risk assessment (exemption) recommendations</p> <p>Clause 5.10(3) of Coffs Harbour Local Environmental Plan 2013 may be relevant and thus an exemption may apply. Any conditions included within the formal written authorisation from the City under Clause 5.10(3) must be complied with and proponents are advised to proceed using the precautionary principle. There is no requirement for an Aboriginal cultural heritage assessment to be undertaken for the proposal, however, proponents are advised to exercise due diligence under the National Parks and Wildlife Act 1974 to avoid “harm” and to provide this documentation to the City when seeking an exemption. Works of a minor nature or maintenance likely to be considered by the City includes strata subdivision of existing development and/or the use of existing development that does not involve any ground disturbance.</p>					
<p>Medium / High risk assessment (exemption) recommendations</p> <p>An exemption pursuant to Clause 5.10(3) of Coffs Harbour LEP 2013 is unlikely to be supported by the City. Applicants are advised to refer to Section 3.3.6 and 3.3.7 of this Management Plan to ascertain the relevant planning requirements.</p>					

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Predictive Aboriginal Cultural Heritage: Using the Risk Matrix Table to Determine Risk Level

The table below (Table 4 within the Management Plan) provides indicative examples of typical development, activities or works. This is to be read in conjunction with the potential Aboriginal Cultural Heritage risk of disturbance categories within the Risk Matrix Table

The following examples of activities may help to determine an appropriate level of disturbance for use with the Risk Matrix Table.

Risk of Disturbance	Typical Development
Negligible Disturbance	<p>Activities or works which are non-invasive or cause negligible disturbance to the ground surface and may include for example:</p> <ul style="list-style-type: none">• Installing a letterbox, clothesline, aerials, skylights or similar.• Garden beds and vegetable gardens which do not involve ground excavation.• Small scale landscaping, gardens or paving without the need for any excavation work, retaining walls, footing or other ground disturbance.• Internal renovations to a dwelling or building or second storey additions which do not involve extension of the site coverage or any excavation work or ground disturbance.• Change of use of premises which does not involve extension of the site coverage or any excavation work or ground disturbance.• Home industries which do not involve extension of the site coverage or any excavation work or ground disturbance.• Signage installed on a building.
Minimal Disturbance	<p>Development or works which may cause minimal disturbance to the land and may include:</p> <ul style="list-style-type: none">• Cultivating or grazing of land currently or previously (within 5 years) used for cultivating or grazing.• Maintenance, repair or replacement of existing landscape gardens, retaining walls, pathways, footings, garden sheds, pools etc.• Renovations to a dwelling or building which do not involve extension of the site coverage or any excavation work or ground disturbance, such as internal renovations.• Pet compounds, aviaries etc which do not involve ground disturbance or excavation.• Bushfire hazard reduction, flood mitigation works.• New residential fencing in existing residential areas.• Repairs to existing fencing in rural areas.• Demolition.
Moderate Disturbance	<p>Development or works which may cause moderate disturbance to the land and may include:</p> <ul style="list-style-type: none">• Farm buildings.• Agriculture.• Animal boarding or training activities.• New retaining walls, driveways.• New single dwellings or secondary dwellings, alterations or additions to dwellings in established urban areas which increase the site coverage and/or involve moderate excavation or ground disturbance.• New dual occupancy, multi dwelling housing, bed and breakfast or buildings in established residential areas which involve moderate excavation or ground disturbance.• New commercial or industrial forms of development within established urban areas which involve moderate excavation or ground disturbance.• Camping grounds.• New fencing in rural areas.• Filming activities which involve moderate excavation or ground disturbance and no clearing of vegetation.

Examples of Risk of Disturbance - Continued

Risk of Disturbance	Typical Development
Significant Disturbance	<p>Development or works which may cause significant disturbance to the land and may include:</p> <ul style="list-style-type: none">• Earthworks and major excavation or ground disturbance.• Clearing of native vegetation (excluding regrowth).• New swimming pools.• Underground water tanks.• Sewerage systems.• Development which includes excavation and/ or basements or below ground works within established urban areas.• Hospitals, educational establishments.• New single dwellings or secondary dwellings in rural areas.• New dual occupancy, multi dwelling housing or buildings in rural areas.• New bed and breakfast in rural areas.• Filming activities which involve major excavation or ground disturbance, involve clearing and construction or installation of structures.• Boat ramps, jetties, boat sheds involving earthworks and major excavation or ground disturbance.• Intensive agriculture.• Service stations.
Major Disturbance	<p>Development or works which may cause major disturbance to the land and may include:</p> <ul style="list-style-type: none">• Extractive industries.• Any impact on culturally modified trees and/or land disturbance or removal of native vegetation in a way that disturbs the land.• Port facilities, airports, service stations and the like.• Development which includes major excavation or ground disturbance, basements or below ground works within new or greenfield areas.• Any change to hydrological regimes.• Mining

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Unmapped Aboriginal Cultural Heritage Development Application Requirements



This document summarises the information that is required to be submitted with development applications to satisfy the requirements of Coffs Harbour Development Control Plan 2015 (Chapter F2.1) and the Coffs Harbour Aboriginal Cultural Heritage Management Plan (Section 3.3).

Check that the site is unmapped i.e. does not contain any known or productive Aboriginal Cultural Heritage, and has no such attributes in P&R

The following is required to be submitted with development applications where the land is unmapped and does not show any **Aboriginal Cultural Heritage** on the [Coffs Harbour Aboriginal Cultural Heritage Map](#) in accordance with Section 3.3.1 of the Coffs Harbour Aboriginal Cultural Heritage Management Plan.

Details of:

- Basic Search of the [Aboriginal Heritage Information Management System](#)
- Search of the:
 - [Australian Heritage Database](#)
 - [State Heritage Inventory](#) (*this now includes the State Heritage Register*)
 - [Schedule 5 of Coffs Harbour Local Environmental Plan](#)
- If a site is identified by any of the searches, then the process for Known Aboriginal Cultural Heritage is to be followed - refer to Fact Sheet 5: Known Aboriginal Cultural Heritage.
- If no registered sites are identified, documentation of all steps taken is to be included with DA documentation.

