



# COBAKI LAKES RESIDENTIAL DEVELOPMENT: REVISED CULTURAL HERITAGE PARKS REPORT

PREPARED FOR LEDA MANORSTEAD

EVERICK HERITAGE CONSULTANTS

MARCH 2016





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## EXECUTIVE SUMMARY

Everick Heritage Consultants ('Everick') have been engaged by Leda Manorstead Pty Ltd (the 'Proponent') to provide a short report for submission to the Department of Planning & Environment ('DPE') in support of the proposed revision of the Cultural Heritage Parks as detailed in the Cobaki Lake Residential Development Concept Plan (the 'Project'). The intent of this short report is to provide the DPE with a brief review of the Project history and provide the rationale for supporting a modification of the Concept Plan.

The Proponent intends to submit Section 75W Modification Application to the Department of Planning allowing for alteration of the number of Cultural Heritage Parks on the Sand Ridge within Precinct 7 of the Development Area ('the Project').

The revised Sand Ridge Cultural Heritage Park layout (Figure 4) allows for:

- a) an increase in the total area of protection from 7,471.65 m<sup>2</sup> to 8,073.92 m<sup>2</sup> – providing an additional 602.27 m<sup>2</sup> of coverage;
- b) increased area of protection of the known archaeological deposit which returned dates of approximately 30-40,000 years BP (CHP 8); and
- c) continued connection between the Cultural Heritage Parks through landscape design, including:
  - i. maintenance of direct line of sight between the parks; and
  - ii. creation of a pathway, connecting the two Cultural heritage Parks.

By maintaining the connectedness of the two Cultural Heritage Parks, the intent of including CHP 9 is also partially maintained. When balanced with the archaeological and cultural significance of CHP 8, it is Everick's opinion that the amended proposal will result in a preferable outcome.

The Aboriginal Stakeholders have been presented the amended Cultural Heritage Park layout and rationale, and no concerns have been raised. Following a series of three meetings held to discuss the topic, the Stakeholders have provided support for the landscaping concepts presented. At the time of publishing this report, detailed cultural interpretation (including signage and public artwork) is yet to be finalised.



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## DEFINITIONS

The following definitions apply to this report:

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

**Aboriginal Stakeholders** means those Aboriginal persons who have contacted the Consultant expressing an interest in being consulted over the Project.

**CHMP** means the Cultural Heritage Management Plan approved under the Concept Plan approval for the Project.

**Cultural Material** means any Aboriginal Objects.

**Developer** or **Proponent** means Leda Manorstead Pty Ltd and all employees and contractors working on the Project.

**DPE** means the New South Wales Department of Planning.

**EPA Act** means the Environmental Planning and Assessment Act 1979 (NSW).

**Project** means all activities associated with the proposed Cobaki Lakes Residential Development.

**TSC AAC** means the Tweed Shire Council Aboriginal Advisory Committee

**Tweed Byron LALC** or Tweed Byron LALC means the Tweed Byron Local Aboriginal Land Council.



## 1. INTRODUCTION

### 1.1 Scope of Assessment

Everick Heritage Consultants ('Everick') have been engaged by Leda Manorstead Pty Ltd (the 'Proponent') to provide a short report for submission to the Department of Planning & Environment ('DPE') in support of the proposed revision of the Cultural Heritage Parks as detailed in the Cobaki Lake Residential Development Concept Plan (the 'Project'). The intent of this short report is to provide the DPE with a brief review of the Project history and provide the rationale for supporting the revised modification of the Concept Plan.

### 1.2 Property Description and Development Proposal

The Cobaki Lakes Residential Development is located in the Tweed Shire Council Local Government Area ('LGA'), approximately 3.5 km from the present coastline. The boundaries of the Development Area extend from the Queensland border in the north to Piggabeen Road in the south, and from Cobaki Lake in the east to the McPherson Ranges in the west and northwest (Figure 1).

Everick understands that the Proponent intends to submit an application to amend the Concept Plan for the Project, which shall include an alteration of the number of Cultural Heritage Parks on the Sand Ridge within Precinct 8 of the Development Area.

### 1.3 Report Authorship

This report was written by Everick Director Tim Robins and qualified archaeologist Jordan Flear. Technical review was provided by Dr Richard Robins.



**Figure 1: Plan of the Development Area.**





## 2. PROJECT BACKGROUND

### 2.1 Previous Assessments

The Cobaki Lakes Residential Development Area has been subject to numerous archaeological surveys, the first of which was conducted by Lilley (1981) who did not identify any sites or specific places of high heritage significance, though noted the poor ground visibility. Since 1981 there has been extensive clearing and earthworks in preparation for use of the land for agriculture and then as a residential development. A further survey and archaeological report was completed in 1990 by the University of Queensland Archaeological Services Unit (Hall 1990). The report documented land disturbance and reported no evidence of Aboriginal cultural heritage. In 2008/2009, Everick completed a further assessment of the Development Area which led to the completion of archaeological excavations and the development of a Cultural Heritage Management Plan ('CHMP').

### 2.2 Archaeological Excavations

Following recommendations of the Everick (2009) Cultural Heritage Assessment, three distinct geographical locations in the Cobaki Lakes Development Area, assessed as having moderate to high archaeological sensitivity, were designated for archaeological excavation. For the purposes of distinguishing the three locations in this report they have been called the Back Paddock, the Front Paddock and the Sand Ridge (Figure 2).

A total of 3,871 artefacts were recovered from the surface collections and subsequent sub-surface excavations at these sites. Additionally over 17 kg of cultural shell was recovered from the Sand Ridge, containing at least 10 species from coastal and estuarine environments. Carbon Dates obtained from shell indicate that an excavated midden indicate that the midden site is at least 600 years old. Ages obtained from the Sand Ridge indicate that the sands at the northern end of the ridge are between 30-40,000 years old. Excavations at the northeastern end of the toe of the dune found artefacts at the level from which the 30-40,000 year old date was obtained, raising the possibility that they are of a similar age. However, the conclusive association between artefacts and the ages has yet to be established. It is of note that the dating was returned after finalisation of the Concept Plan CHMP. If proven correct, the age of the site is significantly older than what was anticipated at the time of finalising the Concept Plan.



## 2.3 CHMP and Cultural Heritage Parks

The archaeological excavations confirmed the presence of subsurface Aboriginal Objects of high cultural significance to the Aboriginal community. As a result, the Proponent engaged Everick to develop a CHMP for the Development Area. The CHMP set out the principles and processes the Proponent would adopt for the identification, protection and management of Aboriginal Objects within the Development Area.

The terms of this CHMP were drafted to reflect the findings of Everick Heritage Consultants Pty Ltd in their Preliminary Aboriginal Cultural Heritage Assessment (2009) and their Summary Excavation Report (2009). As part of the CHMP, a number of areas were preserved as a representative sample of previous Aboriginal occupation. It has been agreed that these areas will be protected through the use of Cultural Heritage Parks whereby no construction works will impact the remaining cultural heritage/archaeological deposits without express approval of the Aboriginal Stakeholders.

## 2.4 Precinct 8: Sand Ridge Cultural Heritage Parks

For the purposes of this report, the Cultural Heritage Parks of interest are those located within Precinct 8, located on the Sand Ridge (Figure 2). The approved Concept Plan CHMP allows for a total of three (3) Cultural Heritage Parks across the Sand Ridge (CHP 8 – CHP 10) to provide as a an easily discernible and tangible representation of the Sand Ridge and the known archaeological deposit (Figure 2 - Figure 3 and Table 1). The reasoning for adopting three (3) evenly space Cultural Heritage Parks was to demonstrate their connectedness as a single camping place and provide a visual representation of the linear nature of the sand ridge. Due to the length of time it took to have the sand dating analysed, the decision for the location and size of the Cultural Heritage Parks was made prior to availability of the site dating results. Having since received these results, a revision to the Concept Plan CHMP is considered appropriate.



**Table 1: Existing Precinct 7 Sand Ridge Cultural Heritage Parks Summary.**

<b>Park</b>	<b>Locality</b>	<b>Total Area (Approximate)</b>	<b>Archaeological Characteristics</b>	<b>Archaeological Significance</b>
Cultural Heritage Park 8	Northern Park, Precinct 7	1,976.00 m <sup>2</sup>	Artefacts in upper levels and at Depth. Potential 30-40,000 years old at depth.	High to Exceptional
Cultural Heritage Park 9	Central Park, Precinct 7	1,018.07 m <sup>2</sup>	Low density artefacts in upper levels. No artefacts at depth.	Moderate
Cultural Heritage Park 10	Southern Park, Precinct 7	4,477.58 m <sup>2</sup>	Midden and artefacts in upper levels. No artefacts at depth.	High
Total Area of Sand Ridge Conservation		7,471.65 m <sup>2</sup>		



Figure 2: Existing Sand Ridge Cultural Heritage Parks.

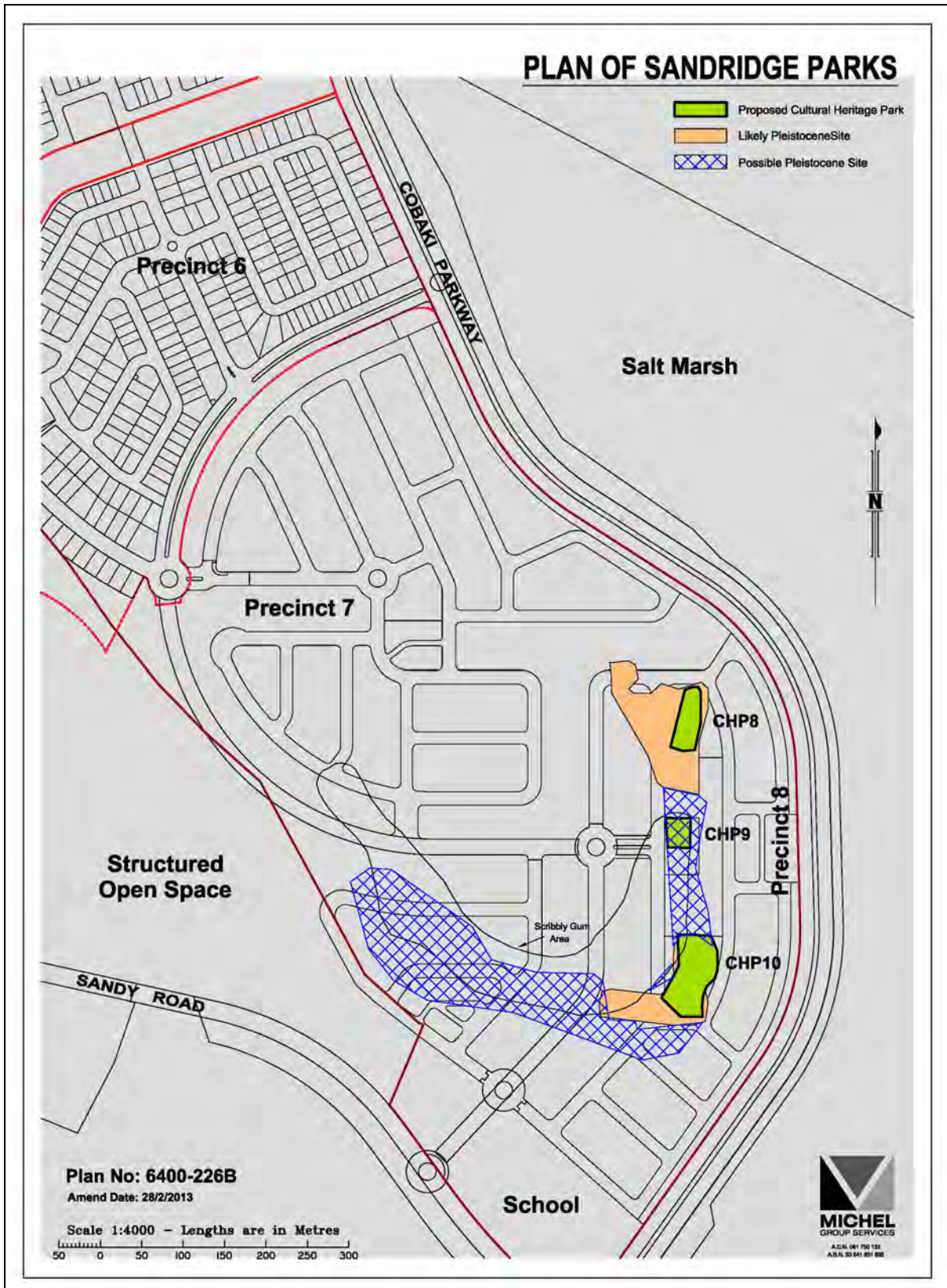
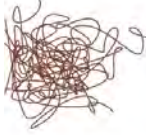


Figure 3: 2010 Approved Sand Ridge Cultural Heritage Parks and Concept Plan.



### 3. CHMP CONCEPT PLAN AMENDMENT PROPOSAL

#### 3.1 Revised Precinct 8: Sand Ridge Cultural Heritage Parks

The Proponent intends to submit a revised Section 75W Modification Application to the Department of Planning to allow for alterations to the size and number of the Sand Ridge Cultural Heritage Parks within Precinct 7 as illustrated in Figure 4 and Table 2.

**Table 2: Revised Precinct 8 Sand Ridge Cultural Heritage Parks Summary.**

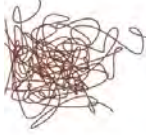
Park	Locality	Total Area (Approximate)
Cultural Heritage Park 8	Northern Park, Precinct 7	3,545.90 m <sup>2</sup>
Cultural Heritage Park 10	Southern Park, Precinct 7	4,528.02 m <sup>2</sup>
Total Area of Sand Ridge Conservation		8,073.92 m <sup>2</sup>

#### 3.2 Justification for Revision

The revised Sand Ridge Cultural Heritage Parks (Figure 4) allows for:

- a) an increase in the total area of protection from 7,471.65 m<sup>2</sup> to 8,073.92 m<sup>2</sup> – providing an additional 602.27 m<sup>2</sup> of coverage;
- b) increased area of protection of the known archaeological deposit which returned dates of approximately 30-40, 000 years BP (CHP 8); and
- c) continued connection between the Cultural Heritage Parks through landscape design, including:
  - i. maintenance of direct line of sight between the parks; and
  - ii. creation of a pathway, connecting the two Cultural heritage Parks

By maintaining the connectedness of the two Cultural Heritage Parks, the intent of including CHP 9 is also partially maintained. When balanced with the significance of CHP 8, it is Everick's opinion that the amended proposal will result in a preferable outcome.



**Figure 4: Revised Sand Ridge Cultural Heritage Parks.**



## 4. SUMMARY OF ABORIGINAL COMMUNITY CONSULTATION

The Aboriginal Stakeholders were first alerted to the potential changes to the Cultural Heritage Parks in correspondence on 17 October 2013. The correspondence invited all Registered Aboriginal Stakeholders to a meeting to discuss the cultural landscape design options on site, on 24 October 2013. The purpose of the meeting was to hold a high level discussion, aimed at informing the general layout of the parks and the bulk earthworks design. In attendance representing the Aboriginal Stakeholders were:

- a) Robert Appo (Tweed Byron LALC);
- b) Jackie McDonald;
- c) Harry Boyd; and
- d) Joyce Summers.

Discussions about the proposed amendments to number and layout of Cultural Heritage Parks were held with a number of the Aboriginal Stakeholders through the Tweed Shire Councils Aboriginal Advisory Committee (AAC) on 13 November 2015. During the meeting Tim Robins of Everick explained the proposed amendments and the rationale for these amendments. No concerns with the proposal were raised by the AAC. However, as the landscape design had yet to be discussed in detail, nor was any formal comment provided by any of the Aboriginal Stakeholders. Aboriginal Stakeholders in attendance at this meeting were:

- a) Leweena Williams (Tweed Byron LALC);
- b) Des Williams (Tweed Byron LALC);
- c) Jackie McDonald; and
- d) Desrae Rotumah (Tweed Aboriginal Co-operative Society).

A subsequent cultural landscape design meeting was held on Friday, 27 November 2015, at Cobaki Lakes. All Registered Aboriginal Stakeholders were invited. In this meeting the Registered Stakeholders were formally introduced the option of having CHP 9 removed and CHP 8 increased in size. The Stakeholders inspected the proposed amended cultural heritage park boundaries, which had been pegged at the time of the inspection. They were presented with high level landscape design concepts prepared by Planit Consulting, which were used as the basis for a round table discussion. Tim Robins explained the rationale for removing CHP 9 and increasing the size of CHP8. No objections to the proposal were noted. In attendance were:

- a) Robert Appo (Tweed Shire Council Aboriginal Engagement Officer);
- b) Jackie McDonald;





- c) Des Williams;
- d) Desrae Rotumah;
- e) Leweena Williams; and
- f) Joyce Summers.

Meeting notes and plans from the 27 November 2015 meeting were mailed to all Registered Aboriginal Stakeholders for the Project. Stakeholders were asked to provide additional comments on the notes and plans should they wish. No responses were received.

Boyd Sargent from Planit Consulting presented amended landscape design plans for the two Cultural Heritage Parks to the Tweed Shire Councils Aboriginal Advisory Committee on 5 February 2016 (See Attachment A). The response was positive, with all persons present supporting the proposed landscape design. An amendment to the Concept Plan CHMP was discussed at this meeting, with no concerns with the amendment being raised. In attendance at the meeting were Registered Aboriginal Stakeholders:

- a) Jackie McDonald;
- b) Des Williams;
- c) Desrae Rotumah;
- d) Leweena Williams; and
- e) Joyce Summers.

Also in attendance was Rob Appo, Tweed Shire Council Aboriginal Engagement Officer.

A copy of this report was provided to all Registered Aboriginal Stakeholders on 26 February 2016. A request was made to provide urgent feedback on the proposal to remove CHP 9 and enlarge CHP 8. At the time of finalising this report, no written responses had been received. No concerns have been raised by any of the Aboriginal Stakeholders since formally being advised of the proposal on 27 November 2016. Verbal support had been provided by:

- a) Jackie McDonald;
- b) Desrae Rotumah (Tweed Aboriginal Co-operative); and
- c) Kathleen Lena.



## 5. CONCLUSIONS

The proposed revision to the Precinct 8 Sand Ridge Cultural Heritage Parks will conserve a greater area of high to exceptional cultural significance to the Aboriginal Community. A landscape concept and design plan is currently being developed to provide a an easily discernible and tangible representation of the Sand Ridge and the known archaeological deposit that also reflects the importance of the place to the Aboriginal Community in the wider cultural and physical landscape context .



## REFERENCES

Everick - Robins, R., A. Piper and T. Robins.

2009 Preliminary Aboriginal Cultural Heritage Assessment for the Proposed Community Residential Development, Cobaki Lakes Tweed Heads, NSW. Unpublished report for Leda Manorstead Pty Ltd.

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2010 Cultural Heritage Management Plan for the Cobaki Lakes Residential Development, Cobaki Lakes Tweed Heads, NSW. Prepared for Leda Manorstead Pty Ltd and the Registered Aboriginal Stakeholders.

Everick - R. Robins, T. Robins, E. Stock & H. Tomkins

2013 *Cobaki Lakes Residential Development Archaeological Excavation Report (September 2013)*. Everick Heritage Consultants, unpublished report prepared for Leda Manorstead.



## ATTACHMENT A: LANDSCAPE DESIGN CONEPTS



