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Correction:

A previous Historic Cultural Heritage Assessment (April 2008) report by Everick indicated that a tree stump of potential historic heritage significance was located within the Cobaki Lakes development area. This was an error. There was no tree stump of potential heritage significance identified in Everick survey of the Subject Lands.



1. Introduction

Everick Heritage Consultants ('Everick') have been engaged by Leda Manorstead Pty Ltd ('the Developer') to conduct a Historic Cultural Heritage Assessment on their behalf for the Cobaki Lakes Residential Development ('the Development') in northern coastal New South Wales (Figures 1 and 2). This report represents the results of a desk based study and an on site assessment.

The result of this assessment is that no significant items of historic cultural heritage were identified within the Subject Lands.

2. Cobaki Lakes Development Plans

Everick Heritage Consultants ('Everick') understands that application is being made by Leda Manorstead Pty Ltd to the Director General, Department of Planning for consideration of a Concept Plan comprising residential development, town centre, schools and open space.

2.1 Property Description

The Cobaki Lakes Development contains 17 separate parcels of land with a total area of 593 hectares (Figure 1).

The Subject Lands are: Lot 228 on DP 755740; Lot 305 on DP 755740; Lot 1 on DP 570076; Lot 205 on DP 755740; Lot 206 on DP 755740; Lot 209 on DP 755740; Lot 199 on DP 755740; Lot 54 on DP 755740; Lot 55 on DP 755740; Lot 46 on DP 755740; Lot 200 on DP 755740; Lot 201 on DP 755740; Lot 202 on DP 755740; Lot 2 on DP 566529; Lot 1 on DP 562222; Lot 1 on DP 570077 and Lot 1 on DP 823679.



2.2 Location

The Subject Lands are located south of the Gold Coast within the Tweed Shire Council LGA in northern-eastern coastal New South Wales. It is approximately 3.5 km from the present coastline, and extends 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 2).

The mouth of the Tweed River lies 6.5 km southeast of the Subject Lands, and the Terranora Broadwater 3 km to the south. An extensive network of creeks, lakes and swamps linked to the Tweed River, lie directly to the south and southeast of the subject lands. Reedy Swamp and Cobaki Lake form the eastern boundary. The Macpherson Ranges, extending up to 100m in elevation in places, form a broad arc to the north and northwest.



Figure 1: Aerial View of the Subject Land



Figure 2: General Location of Subject Lands

2.3 Proposed Development

Under the Concept Plan for the Subject Lands it is proposed to construct a residential development that will house up to 5,000 residents. The development will contain a range of residential types, as well as a wide range of facilities including shops and offices, schools, retirement communities and car parks. Extensive areas will be dedicated to passive and active open space, environmental protection areas, and lakes.



CONCEPT PLAN

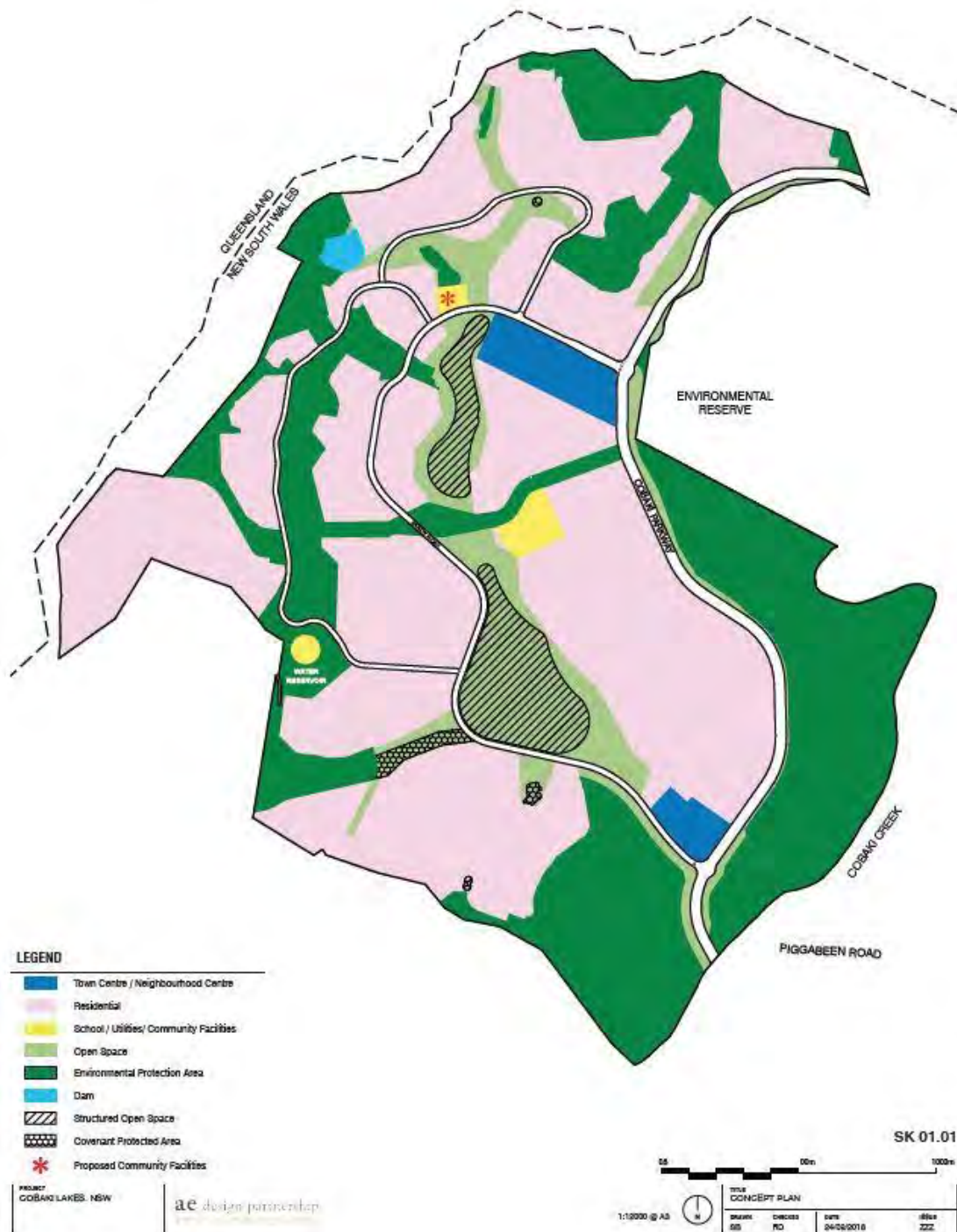


Figure 3: Development Concept, Cobaki Lakes



In September 2018 a modification of the Cobaki Concept Plan Approval was proposed by the Developer which allowed for the following changes:

- Precinct 5
 - Reduced town centre to the southern side of sandy lane; and
 - Increase in height (up to 8 storeys – height must not exceed height of adjoining ridgeline/knoll)
- Precinct 15 & 17
 - Increase in height (up to 10 storeys – height must not exceed height of adjoining ridgeline/knoll)

A revised Development Concept Plan is provided above in Figure 3. It must be noted that there will not be any additional Historic Cultural Heritage impacts associated with the proposal

2.4 Planning Context

2.4.1 Prior Development

Development consents have been approved and construction has commenced for three residential subdivisions, associated works and infrastructure. These consents, listed in Table 1, were approved between 1995 and 2000.



Table 1: Development Consents issued

TABLE 1 – DEVELOPMENT CONSENTS ISSUED			
DEVELOPMENT CONSENT NO.	DESCRIPTION	DATE OF CONSENT	COMMENT
92/315	Boyd Street Extension	5 January 1993	The development has been commenced and the Development Consent is preserved.
94/438	Bulk Earthworks	27 January 1995	The development has been commenced and the Development Consent is preserved.
S94/194	730 Lot Urban Subdivision – Parcels 1 to 5 + 13 Englobo Parcels (The Entrance, The Sand Ridge)	19 September 1995	The development has been commenced and the Development Consent is preserved.
96/271	Bridge over Cobaki Creek (Tweed Shire Council)	8 April 1997	It is understood from Council that the development has been commenced and therefore the consent remains in force.
S97/54	430 Lot Residential Subdivision – Parcel 7 to 10 (The Knoll, Piggabeen)	21 October 1997	It is understood that the development was commenced before 21 October 2002.
K99/1124	560 Lot Urban Subdivision (The Foothills, The Plateau, Valley East, Valley West, East Ridge)	21 July 2000	It is understood that the development was commenced prior to 21 July 2005.
1162/2001 DA	8 Management Lots and Bulk Earthworks (Town Centre)	8 October 2002	It is understood that the development was commenced prior to 8 October 2007.

In addition, twenty earthworks approvals have been issued (Figure 4), and extensive earthworks have commenced (Figure 2).

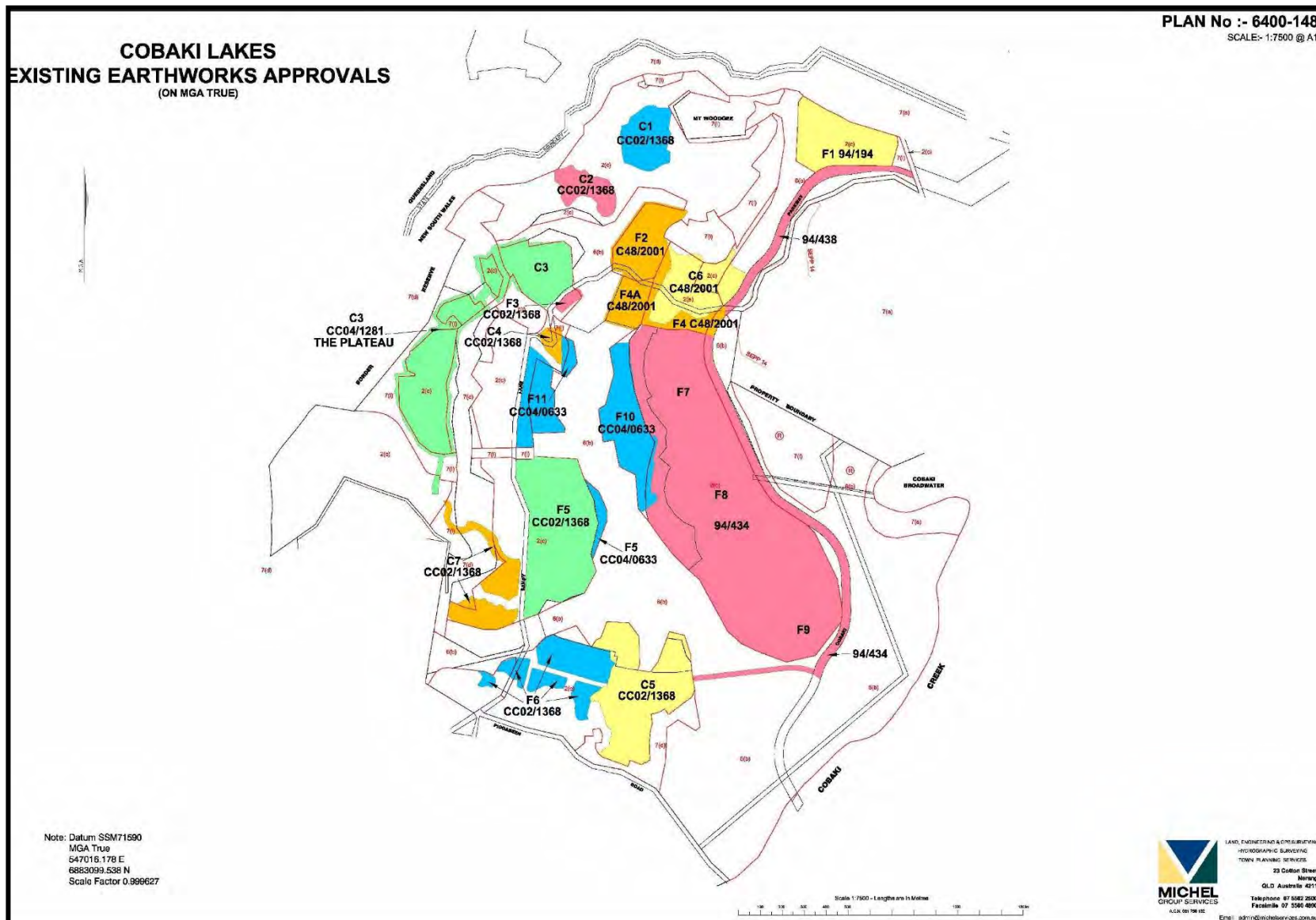


Figure 4: Earthworks approvals



2.4.2 *Environmental Planning and Assessment Act 1979 (NSW)*

The Cobaki Lakes development has been given the status of a Part 3A Major Project under the *Environmental Planning and Assessment Act 1979* (NSW) ('EPA Act'). The Developer is required to prepare a Concept Plan for the project, where the consenting authority is the New South Wales Department of Planning. The Concept Plan stage is intended to allow the Developer to outline the scope of the project, any development options, any proposal to conduct the development in stages, and any other matters as required by the Director General. The finely detailed description of the project is not required at this stage.

Approval of the Concept Plan may be granted on the proviso that certain conditions are fulfilled, given as a statement of commitments by the Developer. The recommendations in this report form the basis of the statement of commitments the Developer intends to make concerning cultural heritage. It is then up to the discretion of the Minister what further assessment is required. This process provides the opportunity for the implementation of a flexible strategy of cultural heritage management for the site. Incorporated into the methodology of this assessment are the best practise cultural heritage frameworks provided by the ICOMOS *Burra Charter* (1999) and the NSW Heritage Manual.

As a Part 3A project, the approval under Part 4 or an excavation permit under section 139, of the *Heritage Act 1977* (NSW) will not apply at this stage of the planning process (Section 75U of the EPA Act). However, the DECC remains a referral agency for the project, and has been consulted with throughout this assessment. It should also be noted that (excluding those parts of the central open space systems shown in Figure 3) the detailed design and construction works on the Subject Lands, including the residential precincts, town centre, and community/education facilities, are proposed to be the subject of future Development Applications for the consent of *Tweed Shire Council* under Part 4 of the EPA Act. Where not previously dealt with under the Part 3A consents, future cultural heritage issues will be subject to the provisions of the Tweed Shire LEP 2000 and the *Heritage Act 1977* (NSW) if required.



2.4.3 *The NSW Heritage Manual*

The NSW Heritage manual lists an eight step process that is generally considered a best practise guide to assessing significant historic heritage items. The process steps are:

1. Summarise what is known about the item.
2. Describe the previous and current uses of the item and the associations it may have to individuals or groups and its meaning for those people.
3. Assess the significance using the NSW heritage criteria.
4. Check if a sound analysis of the items heritage significance can be made.
5. Determine the items level of significance.
6. Prepare a succinct statement of heritage significance.
7. Get feedback.
8. Write up the information.

Contrary to common belief, a significant heritage item need not be particularly 'old' (the exception to the rule being the definition of an Archaeological Relic discussed above). Rather, the focus is on identifying just what aspects of a particular item may be significant, of which there may be several.

The NSW Heritage Manual contains a set of assessment criteria that act as a guide to assessing significance.

They are:

- **Criterion (a):** An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);



- **Criterion (b):** An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);
- **Criterion (c):** An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
- **Criterion (d):** An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;
- **Criterion (e):** An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);
- **Criterion (f):** An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);
- **Criterion (g):** An item is important in demonstrating the principal characteristics of a class of NSW's
 - cultural or natural places; or
 - cultural or natural environments.

2.4.4 ICOMOS Burra Charter

Australia ICOMOS (International Council on Monuments and Sites) - the peak body of professionals working in heritage conservation - has adopted the Burra Charter as a guide to acceptable standards with regard to the assessment and management of items of cultural heritage significance in Australia. The Burra Charter has no effect at New South Wales or Commonwealth Law. However, it is regarded amongst Australia's heritage professionals and administrators as a best practice guide to assessing and managing heritage places, and as such has been followed in this assessment.

Under the Burra Charter, *cultural significance* means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. The central principle of the Burra Charter is that assessment of the



significance of any potential heritage items must come before any management decisions are made (Article 6).

Article 6.1 is of particular relevance at this stage of the assessment process. Article 6.1 states:

The cultural significance of a place and other issues affecting its future are best understood by a sequence of collecting and analysing information before making decisions. Understanding cultural significance comes first, then development of policy and finally management of the place in accordance with the policy

Under the principles of the Burra Charter assessing a given place or objects significance requires, not just an assessment of the item itself, but the items setting (Article 8), location (Article 9) and an understanding of how it may be linked to any related items (Article 11). This should all be documented in a written statement on the items significance. Once the significance of an item has been established, the Burra Charter process provides for acceptable standards on the conservation, preservation, maintenance, change, restoration, reconstruction and/or alteration of an item based on this significance.

2.5 Report Authorship

The site survey was undertaken by qualified archaeologists Dr Richard Robins and Adrian Piper. The desktop study was undertaken by Dr Richard Robins. This report was written by Dr Richard Robins assisted by Tim Robins.

3. Desktop Review Historic Cultural Heritage

3.1 Heritage Registers

Searches of the following heritage registers were conducted on 15 April 2008:

- The National Heritage List (Australian Heritage Council).
- Commonwealth Heritage List (Australian Heritage Council).



- Register of the National Estate (Australian Heritage Council).
- The State Heritage Register (NSW Heritage Office).
- The State Heritage Inventory (NSW Heritage Office).
- Road Transport Authority s170 Heritage and Conservation Register.
- Heritage Schedule from the Tweed Council Local Environment Plan 2000.
- Register of the National Trust of Australia.

A search of the NSW Heritage Office State Heritage Register and State Heritage Inventory for the Tweed Local Government Area revealed 28 items. Under Section 1, listed are High Conservation Old Growth Forest and Murwillumbah Railway Station. Under Section 2, 26 items are listed, including buildings reserves, nests, refuges(wildlife) and grave stones. No items on these registers were found to exist within the Subject Lands.

A search of the Australian Heritage Council Heritage Database, which covers the National Heritage List, the Commonwealth Heritage List and the Register of the National Estate, found 16 results for the Tweed Heads Local Government Area. None of these were within the Subject Lands.

A search of the Road Transport Authority s170 Heritage and Conservation Register revealed no roads or bridges of heritage significance within the Subject Lands. A search of Schedule 2 of the Tweed Council Local Environment Plan 2000 found no listings for any heritage items in Cobaki Lakes.

Summary: No places or items of potential European cultural heritage value within the Subject Lands were recorded in the relevant heritage registers.

3.2 Tweed Historic Themes



In 2001 the Heritage Council of New South Wales produced a list of heritage themes of State and local significance that act as a guide to identifying potentially significant heritage items. Table 2 below provides a summary of the themes most likely to be demonstrated in the physical heritage of the Subject Lands.

Table 2: NSW Heritage Council Historic Themes

Australian Theme	NSW Theme		Notes	Examples
Tracing the natural evolution of Australia.	Environment - naturally evolved	Local themes	There are 2 aspects to this theme: (1) Features occurring naturally in the physical environment which have significance independent of human intervention (2) Features occurring naturally in the physical environment which have shaped or influenced human life and cultures.	A geological formation, fossil site, ecological community, island, soil site, river flats, estuary, mountain range, reef, lake, woodland, seagrass bed, wetland, desert, alps, plain, valley, headland, evidence of flooding, earthquake, bushfire and other natural occurrences.
Peopling Australia	Aboriginal cultures and interactions with other cultures	Local themes	Activities associated with maintaining, developing, experiencing and remembering Aboriginal cultural identities and practises, with demonstrating distinctive ways of life; with interactions demonstrating race relations.	Place name, camp site, midden, fish trap, trade route, massacre site, missions and institutions, pastoral workers camp, timber mill settlement, town reserve, places relating to self determination, keeping place, places of segregation, places of indentured labour.
Peopling Australia	Migration	Local themes	Activities and processes associated with the resettling of people from one place to another (international, interstate, intrastate) and the impacts of such movements	Aboriginal mission, quarantine station, works based on migrant labour (eg plantation works on the Tweed), detention centre.
Developing local, regional and national economies	Agriculture	Local themes	Activities relating to the cultivation and rearing of plant and animal species, usually for commercial purposes, can include aquaculture	Hay barn, dairy, rural landscape, plantation, farmstead, shelterbelt, silage pit, fencing, plough markings, shed, irrigation ditch, Aboriginal seasonal picking camp.
Developing local, regional and national economies	Environment - cultural landscape	Local themes	Activities associated with the interactions between humans, human societies and the shaping of their physical surroundings	A landscape type, bushfire fighting equipment, soil conservation structures, nature reserve, land clearing tools, evidence of Aboriginal land management, place important in arguments for nature or cultural heritage conservation.



Developing local, regional and national economies	Forestry	Local themes	Activities associated with identifying and managing land covered in trees for commercial timber purposes.	Forested area, forestry equipment, saw mill, charcoal kiln, coppiced trees, forest regrowth, timber tracks, whim.
Developing local, regional and national economies	Pastoralism	Local themes	Activities associated with the breeding, raising, processing and distribution of livestock for human use	Pastoral station, shearing shed, slaughter yard, stud book, photos of prizewinning stock, homestead, pastoral landscape, common, fencing, grassland, well, water trough.
Australian Theme (cont.)	NSW Theme (cont.)		Notes (cont.)	Examples (cont.)
Marking the phases of life	Persons	Local themes	Activities of, and associations with, identifiable individuals, families and communal groups	A monument to an individual, a family home, private chapel, a birthplace, a place of residence, a ended site, statue, commemorative place name, place dedicated to memory of a person (e.g. hospital wing).

4. Site Survey for Historic Cultural Heritage

A site survey for European cultural heritage was conducted in December of 2007 by Everick Heritage Consultants.

Since European settlement, the Subject Lands have been cleared and used for agricultural purposes including cultivation and grazing of livestock. Currently, up to 400 head of cattle are grazed on the property and this has been the case since approximately the late 1980's. Other past uses of the land include the excavation of numerous drainage ditches, dam construction, ploughing and cropping and sand mining or quarrying. Since 1992, subsequent to re-zoning and development consents, major earthworks and land forming has been undertaken on the site.



Other than workers sheds, no buildings are located within the Subject Lands. The only significant man-made features are fences, drainage ditches and dams. None of these exhibit characteristics of cultural distinction that would warrant further investigation into their preservation.



Figure 5: View from the northern ridge looking south



Figure 6: View from the northern ridge looking east



Figure 7: View from the northern ridge looking southeast over the Sand Ridge



Figure 8: Undulating hills in the southwest, looking north

5. Conclusion

A search of the relevant cultural heritage databases and a site survey has revealed no items or places of potential historic cultural heritage significance.

In September 2018 a modification of the Cobaki Concept Plan Approval was proposed by the Developer which allowed for the following changes:

- Precinct 5
 - Reduced town centre to the southern side of sandy lane; and
 - Increase in height (up to 8 storeys – height must not exceed height of adjoining ridgeline/knoll)
- Precinct 15 & 17
 - Increase in height (up to 10 storeys – height must not exceed height of adjoining ridgeline/knoll)

It must be noted that there will not be any additional Historic Cultural Heritage impacts associated with the proposal