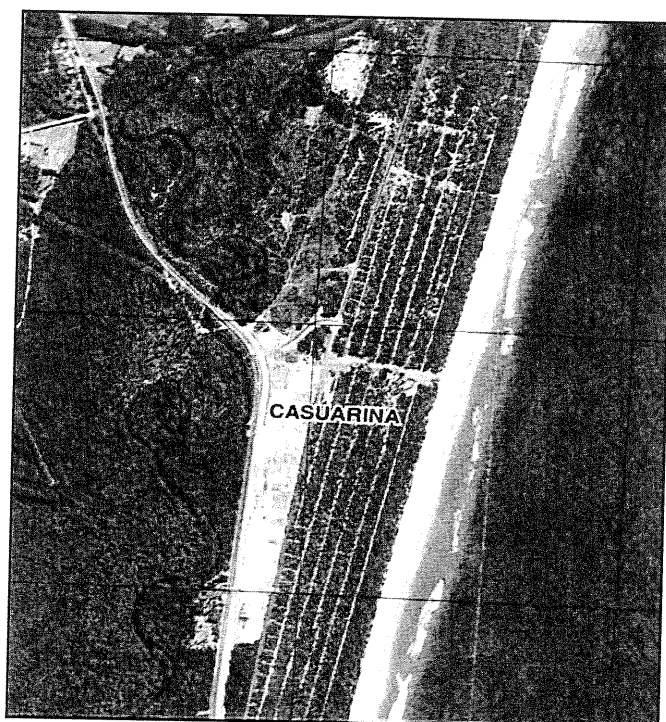




## ABORIGINAL & EUROPEAN CULTURAL HERITAGE ASSESSMENT



CASUARINA TOWN CENTRE  
KINGSCLIFF SOUTH, NSW

Mary Dallas and Dan Tuck

January 2009

Report to Kings Beach No. 2 Pty Ltd



## Table of Contents

<b>1.0 INTRODUCTION .....</b>	<b>6</b>
1.1 PROJECT SCOPE AND OBJECTIVES .....	6
1.1.1 <i>Aboriginal Community Consultation</i> .....	6
1.1.2 <i>Background Research</i> .....	7
1.1.3 <i>Field Survey</i> .....	7
1.1.4 <i>Report</i> .....	7
1.2 ABORIGINAL COMMUNITY CONSULTATION .....	8
1.3 AUTHORSHIP .....	8
1.4 SUMMARY OF RESULTS AND CONCLUSIONS .....	9
1.5 SUMMARY OF RECOMMENDATIONS .....	10
<b>2.0 ENVIRONMENT .....</b>	<b>12</b>
2.1 STUDY AREA .....	12
2.2 SUMMARY ENVIRONMENTAL HISTORY .....	15
<b>3.0 ABORIGINAL HISTORY .....</b>	<b>18</b>
3.1 PEOPLE .....	18
3.1.1 <i>Bundjalung</i> .....	18
3.1.2 <i>Nganduwal</i> .....	19
3.1.3 <i>Coodjimburra</i> .....	21
3.1.4 <i>Antiquity, Settlement &amp; Movement</i> .....	22
3.2 ECONOMY .....	25
3.2.1 <i>Coast</i> .....	25
3.2.2 <i>Hinterland</i> .....	28
3.3 MATERIAL CULTURE .....	31
3.4 CEREMONY & SACRED PLACES .....	31
3.4.1 <i>Bora</i> .....	33
3.4.2 <i>Djurbils</i> .....	34
3.4.3 <i>Mythological &amp; Sacred Sites</i> .....	35
3.5 CONTACT PERIOD .....	35
3.5.1 <i>Exploration</i> .....	35
3.5.2 <i>Tentative Settlement</i> .....	37
3.5.3 <i>Coexistence &amp; Conflict</i> .....	37
3.5.4 <i>Marginalisation and Decline</i> .....	38
3.5.5 <i>Fringe Dwellers</i> .....	41
3.5.6 <i>Survival &amp; Resurgence</i> .....	44
<b>4.0 EUROPEAN HERITAGE .....</b>	<b>45</b>
4.1 HISTORICAL CONTEXT .....	45



4.1.1	Exploration .....	45
4.1.2	Incursion.....	45
4.1.3	Early Industry .....	46
4.1.4	Bogangar Beach .....	46
4.1.5	Sand mining .....	53
4.1.6	Casuarina.....	62
4.2	LEGISLATION & LISTINGS .....	66
4.2.1	Legislation.....	66
4.2.2	Listings Review .....	66
<b>5.0</b>	<b>ABORIGINAL ARCHAEOLOGY .....</b>	<b>68</b>
5.1	REGIONAL CONTEXT .....	68
5.2	LOCAL CONTEXT .....	70
5.3	DECC AHIMS & BMP DATABASES .....	72
5.4	ABORIGINAL COMMUNITY INFORMATION.....	73
5.5	SITE PREDICTIVE MODELLING/ PAST LAND USE DATA.....	74
<b>6.0</b>	<b>CONCLUSIONS &amp; RECOMMENDATIONS.....</b>	<b>75</b>
6.1	SITE INSPECTION .....	75
6.2	SIGNIFICANCE ASSESSMENT .....	84
6.2.1	<i>Principles &amp; Evaluation Criteria</i> .....	84
6.2.2	<i>Assessment</i> .....	85
6.3	CONCLUSIONS.....	87
6.4	RECOMMENDATIONS.....	89
<b>7.0</b>	<b>REFERENCES .....</b>	<b>91</b>

## List of Figures

Figure 1: Northern Rivers Region (L) & map showing the location of Casuarina (R) .....	12
Figure 3: Casuarina Beach Town Centre site location plan .....	13
Figure 4: Satellite imagery of the study area (c.2006) (Google Earth 2008) .....	14



Figure 5: Map of the Tweed Shire .....	15
Figure 6: Maps showing Aboriginal Nations of the NSW North Coast (L) & Northern Bundjalung dialects (R) .....	19
Figure 7: Map of the Nganduwal Dialect Area & associated 'hordes' as envisaged by Keats.	20
Figure 8: Aboriginal hut or mia mia – Richmond River NSW (c.1890s) .....	23
Figure 9: Pippi gathering (Northern NSW).....	27
Figure 10: Oyster gathering - Northern NSW (c.1905).....	27
Figure 11: Bark stripping – Northern NSW (c.1905).....	29
Figure 12: Warrior with hair decorations, Grafton (l); Bundjalung group portrait, Richmond River (c. 1865).....	34
Figure 13: Aboriginal family (c.1890s).....	40
Figure 14: Aboriginal camp at Kynnumboon, North Arm (c.1885) .....	40
Figure 15: Billy Bleucher & George Skinner (c.1905).....	42
Figure 16: Part of a map of the Parish of Cudgen; County of Rous (1902) .....	47
Figure 17: Part of a map of the Parish of Cudgen; County of Rous (1907) .....	47
Figure 18: Part of a map of the Parish of Cudgen; County of Rous (n.d.) .....	48
Figure 19: Part of a map of the Parish of Cudgen; County of Rous (1913) .....	48
Figure 20: Part of a map of the Parish of Cudgen; County of Rous (1920) .....	49
Figure 21: Land title Plan (1921) .....	50
Figure 22: Part of a map of the Parish of Cudgen; County of Rous (1928) .....	51
Figure 23: Part of a map of the Parish of Cudgen; County of Rous (1942) .....	51
Figure 24: Aerial Photograph showing the study area (1947).....	52
Figure 25: Associated Minerals & TAMCO mining Plants, South Kingscliff (c.1945).....	55
Figure 26: Sand mining, Cudgen Creek (1964).....	55
Figure 27: Aerial photo of the study area (1972).....	57
Figure 28: Sand mining in the vicinity of the study area (c.1970s).....	58
Figure 29: Sand mining in the vicinity of the study area (c.1970s).....	58





Figure 30: Sand mining in the vicinity of the study area (c.1970s).....	59
Figure 31: Sand mining in the vicinity of the study area (c.1970s).....	59
Figure 32: Orthophoto of the study area (1977) .....	60
Figure 33: Aerial photo of the study area (1987) .....	61
Figure 34: Orthophoto of the Study Area (2000) .....	63
Figure 35: Casuarina Beach Development .....	63
Figure 36: Casuarina Beach Development .....	64
Figure 37: Casuarina Beach Development .....	64
Figure 38: Casuarina Beach Development .....	65
Figure 39: Casuarina Beach Development .....	65
Figure 40: Site Plan showing the two main survey areas .....	76
Figure 41: Area A (northwest corner) .....	78
Figure 42: Area A (informal carpark) .....	78
Figure 43: Areas A & B .....	79
Figure 44: Area A (carpark) .....	79
Figure 45: Area A.....	80
Figure 46: Area A.....	80
Figure 47: Area A (southwest end).....	81
Figure 48: Area A (western margin) .....	81
Figure 49: Area A - Loading Ramp.....	82
Figure 50: Area B (north end).....	82
Figure 51: Area B (south end) .....	83
Figure 52: Area B (eastern margin).....	83



## **1.0**

## **Introduction**

This report documents the findings of an Aboriginal and European heritage assessment of the proposed Casuarina Town Centre located on the far north coast of New South Wales (refer **figure 1**). The report has been prepared by Mary Dallas Consulting Archaeologists (MDCA) for Mallesons Stephen Jacques on behalf of the development proponents Kings Beach No.2 Pty Limited. The report augments the Environmental Assessment, in relation to the Concept Plan and Project Application for Stage 1 Works, of the Town Centre project under Part 3A [Major Project] of the *Environmental Planning & Assessment Act 1979*.

The proposed Casuarina Town Centre is located on land described as Lot 223 in DP1048494 and Lot 3 in DP 1042119 in the Parish of Cudgen, County of Rous. The subject land is approximately 20 hectares in size, is situated 5 kilometres south of Kingscliff, between the existing precincts (known as Central and Northern Precincts) of the Casuarina Township. The land is bound in the east by ocean foreshore reserve and in the west by the Tweed Coast Road.

### **1.1 Project Scope and Objectives**

The purpose of the current study is to identify any European and Aboriginal cultural heritage issues in relation to the subject land and provide appropriate management recommendations for any recorded or potential items of cultural heritage which may occur within the subject land.

The current study has included: a fully comprehensive Aboriginal archaeological survey; background research into the Aboriginal history of the area, known and predicted Aboriginal sites of the region and more local area; consultation with the Aboriginal community; a European historical archaeological survey and background research into local history and previous land use history. The specific aims are outlined below.

#### **1.1.1 Aboriginal Community Consultation**

- To undertake Aboriginal community consultation according to the DECC 2004 Interim Community Consultation Requirements for Applicants [requiring Part 6 approvals] and ensure that the consultation was of a nature that identified their interests and concerns in respect to the subject lands.
- To include the Aboriginal organisations in the field survey of the subject land.
- To invite any Aboriginal cultural or historical knowledge about the subject land from the Aboriginal organisations.



- 
- To incorporate into the assessment process the Aboriginal cultural views, concerns and recommendations provided by the Aboriginal organisations.

#### **1.1.2 Background Research**

- To undertake background research into the location, context and nature of previously recorded Aboriginal and European sites within the subject land and areas immediately surrounding the subject land, through Register and Inventory searches.
- From a targeted review of historical records and databases on Aboriginal and European occupation, previous archaeological and heritage assessments and known archaeology of the region, to identify the types of sites and archaeological evidence which may occur within the subject land and to assess the potential for such evidence to occur within the subject land relative to any future proposed uses or impacts.

#### **1.1.3 Field Survey**

- To undertake a fully comprehensive survey for Aboriginal and European heritage sites or relics on the subject land in conjunction with local Aboriginal community representatives.
- To identify and record any Aboriginal and European sites that may be present within the subject land and assess their significance and identify management or conservation requirements.
- To provide an assessment of the potential for undetected or buried sites to occur within the survey area relative to any future proposed uses and possible impacts and provide a management strategy for such areas of potential.

#### **1.1.4 Report**

- To prepare a report detailing the results of the field survey and assessment of heritage sensitivity that meets the requirements of the NPWS *Aboriginal Cultural Heritage Standards & Guidelines Kit*<sup>1</sup> (NPWS DRAFT 1997a) and in accordance with archaeological practice approved by the NSW Heritage Office.
- To formulate a specific set of management options and recommendations to direct future management of the subject land.



---

## 1.2 Aboriginal Community Consultation

The subject land falls within the administrative boundaries of the Tweed Byron Local Aboriginal Land Council (TBLALC) who have a statutory responsibility “to promote the protection of Aboriginal culture and the heritage of Aboriginal persons”<sup>2</sup> within their boundaries. The TBLALC was contacted at the commencement of the project and advised on the forthcoming field component of the study and invited to participate. In addition, and pursuant to the DECC guidelines on Aboriginal community consultation a Public Notice<sup>3</sup> calling for expressions of interest in the project was placed in a local newspaper and advice on particular groups who might have an interest in the project was sought of the DECC, Tweed Shire Council, NSW Department of Aboriginal Affairs and New South Wales Native Title Services.

Ms Jackie McDonald<sup>4</sup> responded to the Public Notice on behalf of herself, a Nganduwal descendant of the Tweed Valley, and Mrs Joyce Summers, a community Elder with historical links to the area between Kingscliff and Fingal. Both were contacted and invited to participate in the field survey of the subject land.

Discussions have been held with Ms McDonald, Mrs Joyce Summers and Mr Clarence Phillips<sup>5</sup>, and Mr Kyle Slabb Co-ordinator of the TBLALC following the survey during the preparation of this report, to discuss the results of the historical research, and the field survey and their knowledge of the area from a cultural perspective. A summary overview of the discussions and comments by the Aboriginal participants are provided in **Section 5.4**.

The field survey was conducted on the 18<sup>th</sup> June 2008. Mr Cyril Scott represented the TBLALC on the survey. Ms Jackie McDonald and her grandson also participated.

Each of the aboriginal community organisations have reviewed and contributed to a draft copy of this report provided to them in August 2008. Their formal reports on their interest in the area and on this report are contained in **Appendix 1**.

## 1.3 Authorship

This report has been prepared by Mary Dallas and Dan Tuck.

---

<sup>2</sup> Aboriginal Land Rights Act 1983, s52(1)(m).

<sup>3</sup> Tweed Daily News Classifieds – Public Notices 30th April 2008

<sup>4</sup> Also identified by the DECC as likely to have an interest.

<sup>5</sup> Mr Clarence was Co-ordinator of the TBLALC at the time of the field survey.



---

## 1.4 Summary of Results and Conclusions

No Aboriginal or European items are listed within statutory or non-statutory heritage lists, databases or schedules for the current study area. The study area has been assessed as having low European cultural heritage significance and low historical archaeological potential and sensitivity and as having no Aboriginal archaeological potential.

No sites or items of European cultural heritage significance or areas of historical archaeological potential were identified within the study area during the site inspection and Historical research indicates that it is unlikely that relics of European cultural heritage significance remain undetected within the study area. The majority of built features on the site date to the last eight years or so and include drainage features and access paths associated with the broader Casuarina Beach subdivision development that commenced in c.2000.

The subject land has been severely impacted by a sustained period of sand mining between the 1950's and 1970's. The sand mining is likely to have destroyed any evidence of Aboriginal occupation which may have been located here and the land is not considered likely to retain any extensive, intact or substantial Aboriginal cultural remains or archaeological potential. The nearest known surveys targeted an area adjoining the Northern Precinct of Casuarina, the proposed Seaside City, and an area immediately adjacent to the Central Precinct to the south of the proposed Town Centre. One of these studies included a surveyed transect along an east west trending road easement through the centre of the Town Centre site, the survey of a 40m wide corridor for the proposed realignment of the old Tweed Coast Road which previously ran through Casuarina to its current alignment, along the western boundary of Casuarina, and an area proposed for a 100 lot subdivision in the sand mined dunefields to the south of the Casuarina Central Precinct. No Aboriginal cultural heritage sites were identified within any of the sand mined areas, two undisturbed middens and two disturbed artefact scatters were identified along the banks of Cudgen Creek, to the west of Casuarina (see **Section 5.2**).

Aboriginal sites which might have been predicted to be located in the current study area prior to the mining include open camp sites, middens and possibly burial sites. The results of the previous adjacent surveys and the nature of the sand mining processes ie., bulk removal for processing to extract minerals (see **Section 4.1.5 and 4.1.6**) strongly suggest any sites which might have been located in the current study area will have been destroyed by these processes. Such sites in similar contexts<sup>6</sup> are known to have been destroyed or severely damaged by the mining operations. For example, Aboriginal men working on the mining sites were threatened with dismissal when they attempted to alert management about the finds. Given the Aboriginal cultural sensitivity relating to damage or destruction of human remains it

---

<sup>6</sup> Dallas 1988



is recommended that a suitable commemorative installation, such as an interpretative sign or art work be erected on site. The nature of the installation and details such as wording and placement should be undertaken in consultation with the Aboriginal community.

No Aboriginal sites or individual items of Aboriginal cultural history were identified on the land. Further assessment requiring s.87 or s.90 Aboriginal Heritage Impact Permits [AHIP] under Part 6 of the NSW National Parks & Wildlife Act 1974 [as amended] is not required. An archaeological monitor is not warranted or recommended given the nature and degree of past land disturbance [see Section 6.3].

## 1.5 Summary of Recommendations

The following recommendations are based upon the legal requirements and automatic statutory protection provided to items of Aboriginal heritage under the terms of the *National Parks and Wildlife Act of 1974 (as amended)*, where:

*it is an offence to knowingly damage, deface or destroy Aboriginal sites or relics without the prior consent of the Director General of the National Parks and Wildlife Service,*

**and; to European heritage relics under the *NSW Heritage Act 1977*, which defines a 'relic' as:**

*'any deposit, object or material evidence relating to the settlement of the area that comprises NSW, not being an aboriginal settlement, and which is 50 or more years old'*

in conjunction with;

the results of the historical research and archaeological investigation of the study site which are documented in this report;

and

The views and concerns expressed by the Aboriginal community representatives as outlined within the appended Aboriginal Cultural Heritage Statements.

It is recommended:

1. There are no European or Aboriginal heritage constraint to the development proposal.
2. Further archaeological survey is not warranted or required within the subject land.
3. In consultation with the Tweed Byron Local Aboriginal Land Council and the local Aboriginal community consideration should be given to the erection of a suitable commemorative installation which could mark or identify the Aboriginal occupation of this part of the Tweed Coast and the past disturbance to their heritage sites.



---

4. Consideration should be given to the interpretation, on site, of the sand mining history of the area and its shaping of the current coastal landscapes to establish an historical connection between the new suburb and its past setting.

5. A copy of this report should be forwarded to the CEO of the Tweed Byron LALC and the following community representatives at the contact addresses below.

Mr Kyle Slabb  
Tweed Byron Local Aboriginal Land Council  
PO Box 1401  
Kingscliff NSW 2487

Ms Jackie McDonald  
63 Tringa Street  
West Tweed Heads NSW 2321

Mrs Joyce Summers  
26 Brier Crescent  
Varsity Lakes QLD 4227

6. Two copies of this report should be forwarded to:

Northern Region Archaeologist,  
Northern Aboriginal Heritage Unit  
**Department of Environment and Climate Change**  
PO Box 914  
Coffs Harbour NSW 2450

7. One copy of this report should be forwarded to:

The Manager  
Aboriginal Heritage Information Management System  
**Department of Environment & Climate Change**  
P.O. Box 1967  
Hurstville NSW 2770



## 2.0

## Environment

The following section provides a brief description of the study area and a summary of its environmental history.

### 2.1 Study Area

The proposed Casuarina Town Centre site is located adjacent to Casuarina (Bogangar) Beach on the NSW far north coast. Specifically, the site is within the Tweed Shire and is described as Lot 223 on DP 1048494 and Lot 3 in DP1042119 in the Parish of Cudgen, Country of Rous.

The site comprises 19.9875 hectares of beachside land and is bordered to the north and south by recently developed coastal estate subdivisions (Casuarina North and Central Precincts); the west by the Tweed Coast Road; and the east by the coastal reserve (state-owned Lot 500) that incorporates the immediate foreshore lands. Refer **figures 2 - 4**.

The land was part of a former mining lease. Mineral sands were mined between the foredunes and the Tweed Coast Road. Cudgen Creek courses along the western side of the Tweed Coast Road and, in the vicinity of Casuarina, is enclosed within the Cudgen Creek Nature Reserve.

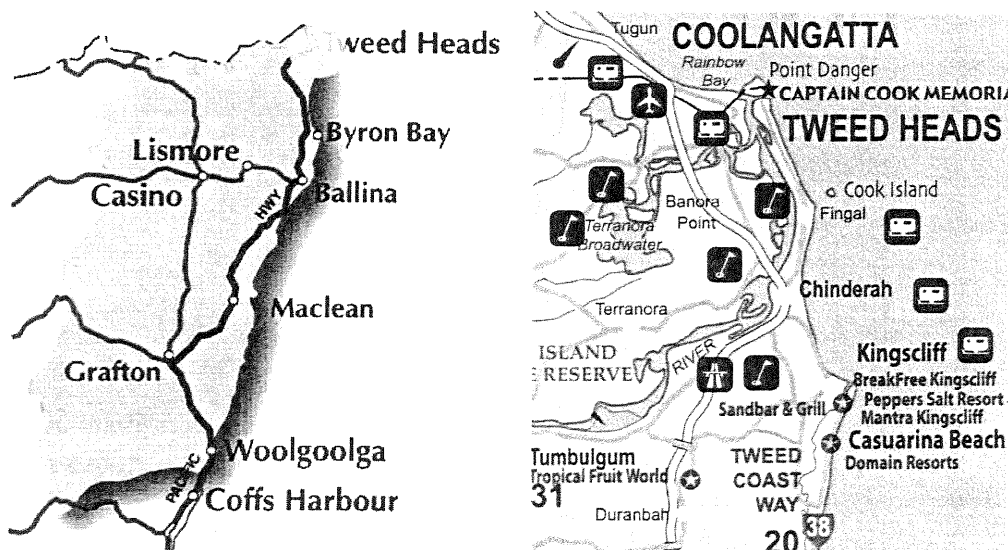


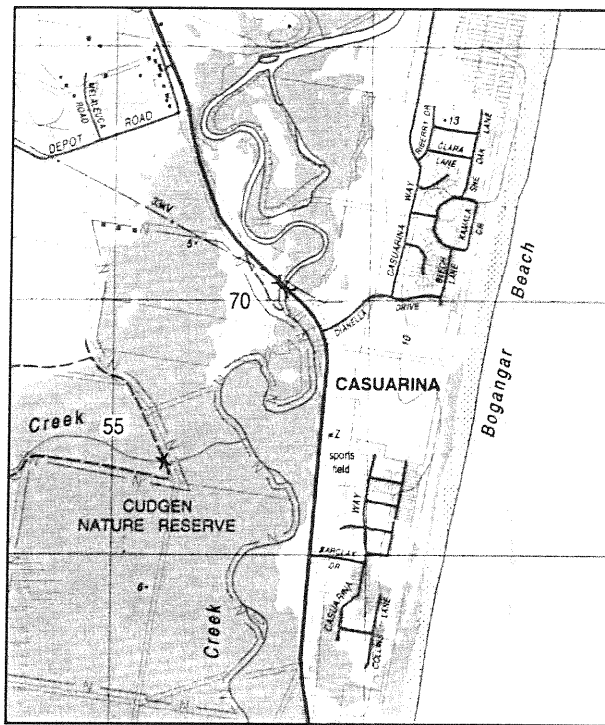
Figure 1: Northern Rivers Region (L) & map showing the location of Casuarina (R)

(UBD NSW Country Road Atlas 2007 P. 92; Tweed & Coolangatta Visitor Guide 2007 Perfect Tour Pty Ltd Map)





## Aboriginal and European Cultural Heritage Assessment Casuarina Town Centre, Kingscliff South, NSW

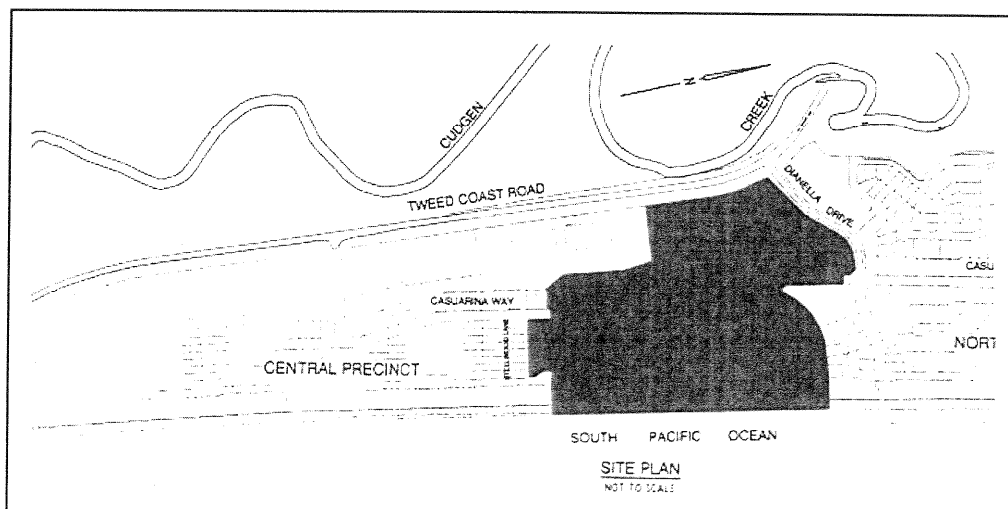


**Figure 2: Study Locality**

Topographic Map excerpt  
showing the study area (2002)

The study area is annotated  
'Casuarina'

(LPI NSW 1: 25 000 Topographic  
Map – Cudgen 9641-3N)



**Figure 3: Casuarina Beach Town Centre site location plan**  
(DA drawing - Cardno Pty Ltd)



Aboriginal and European Cultural Heritage Assessment  
Casuarina Town Centre, Kingscliff South, NSW



Figure 4: Satellite imagery of the study area (c.2006)

(Google Earth 2008)

## 2.2 Summary Environmental History

The Tweed Valley (and indeed much of the Tweed Shire) lies within the Mount Warning volcanic shield – a caldera resultant of volcanic activity that occurred approximately 20 to 24 million years ago. This volcanic activity and its associated land building rock flows established the regions underlying geology. Erosion modelled the landscape and lead to the establishment of rich volcanic soils, and the incision of the regions major waterways including the Tweed River (refer **figure 5**).<sup>7</sup>



Figure 5: Map of the Tweed Shire

Mount Warning or Wollumbin (shown to the southwest of Murwillumbah) is the volcanic heart of the Tweed Shire and the origin of its landscape characteristics. The location of the study area is shown in yellow

(Kijas 2007: 28)

<sup>7</sup> Boileau 2006; Keats 1988



---

The area has a relatively high rainfall and a warm subtropical climate – both of which lead to the development of extensive rainforested areas along the coastal margin. During the late Miocene and Pliocene epochs, a period of continental drying occurred and with it came the development of new vegetation communities such as sclerophyll forests, woodland and coastal heath.<sup>8</sup>

While the geological and vegetative history of the Tweed owes much to events in the very distant past, the shape and formation of the existing coastline is resultant of alternate glacial and interglacial periods of the Quaternary period with associated rises and falls in relative sea level lead the establishment and re-establishment of Eastern Australian coastline over the last 2 million years.<sup>9</sup> Refer **text box** on the following page. The Tweed River flows through a dual barrier system of marine sands. The older Pleistocene Inner Barrier is located between Chinderah and the Terranora and Cobaki Broadwaters. The coastal strip at Casuarina is formed on relatively recent or Holocene beach and dune sands.

The coastal strip and hinterland has typically supported a range of vegetation communities ranging from coastal heath and dune vegetation communities, through low and wetland forest and heathland, to the more elevated woodlands and forests of the immediate hinterland. The latter (generally heavily impacted by European settlement activity including clearing and settlement) was formally part of an elongated strip of dense, littoral forest spanning northern NSW and southern Queensland referred to colloquially as 'the big scrub'. Much of the coastal strip has been sand mined and vegetation reflects attempts to re-create previous vegetation communities.

The vegetation at Casuarina is a result of regenerating coastal shrubland and post mining rehabilitation plantings. The regrowth occurs along 'mounded' rows and includes Coastal Casuarina (*Casuarina equisetifolia*), Coastal Banksia (*Banksia integrifolia*), Tea tree (*Leptospermum laevigatum*), and wattle (*Acaccia spp*) There are also pockets of bitou bush, lantana, tobacco, castor oil plant and other exotics.

---

<sup>8</sup> Miocene Epoch – 25 to 5 million years ago; Pliocene epoch – 5 to 2 million years ago

<sup>9</sup> Quaternary period – the last 2 million years

## The Coast

The Tweed's basic coastal formation was established approximately 60 000 years ago – a result of the accretion of sand by marine processes.<sup>10</sup> The existing Casuarina Beach however (and the immediate coastal dune system) is likely to be more recent – formed between 6000 and 8000 years ago. It was during this time, after an extended period of lower seas and temperatures that sea levels rose during the so-called 'Holocene marine transgression' and reached their current heights.<sup>11</sup> During the Holocene, new or reworked sands overprinted, replaced or in-filled the earlier beach deposits laid down in the Quaternary period. Generally, the coastline has now reached what is referred to as a mature stage of development and rather than accreting or adding sand is undergoing the process of coastal erosion.<sup>12</sup> The Casuarina Beach system may be seen as a Holocene Outer Barrier beach astride an older Pleistocene Inner Barrier dune system, and ultimately gives way via creeks, lowland and floodplain to an elevated volcanically derived hinterland.



**1:100 000 Soil Map Sheet showing the study area (1996)**

**ab** is the 'Angels Beach landscape' – Holocene barrier beaches and foredunes of deep siliceous and calcareous sands; **bo** is the 'Bogangar landscape' – very disturbed Holocene outer barrier dunes supporting disturbed open heathland. It is noted that the latter has been 'extensively disturbed' due to sand mining, which has resulted in mixing of the original soils (Morand 1996: 149-150).

<sup>10</sup> Roy 1973<sup>11</sup> Holocene period – the last 10 000 years.

<sup>12</sup> NSW NPWS 1998: 3



## 3.0

## Aboriginal History

The following section provides an Aboriginal contextual history of the broader study area. It addresses both Aboriginal pre and post-contact history. In general, reference is to Aboriginal culture and history within the broader Tweed coastal area - with particular reference to the study area and surrounds where information has been available<sup>13</sup>.

### 3.1 People

The Aboriginal people most associated with the northeastern corner of NSW are the Bundjalung – an expansive ‘nation’ of people sharing a common language base.<sup>14</sup>

#### 3.1.1 Bundjalung

Prior to European settlement, Bundjalung territory appears to have extended from around the Clarence River in the south (Yamba-Iluka, NSW), to the Logan River in the north (Beenleigh, Queensland), and west to the Great Dividing Range (Tenterfield, NSW).<sup>15</sup> Refer **figure 6**.

There is conflicting evidence about tribal names within the Bundjalung language speakers. Tribal areas probably roughly co-incided with dialect boundaries.

On the coast, between Evans Head and Tweed Heads, three dialectic groups have been identified with some dispute:

- **Nyungbal** (Evans Head to Broken Head)
- **Minyungbal** (Byron Bay – Brunswick River) Alternately Tindale<sup>16</sup> describes Minjanbal as the tribe from Byron Bay as far north as Southport.
- **Nganduwal** (Tweed River basin).<sup>17</sup>

---

<sup>13</sup> This includes some of the illustrations/photographs which may be taken as illustrative of the Tweed.

<sup>14</sup> Keats 1988: 13

<sup>15</sup> NSW DEC 2005

<sup>16</sup> Tindale 1940

<sup>17</sup> Keats 1988: 16; Crowley 1978; Boileau 2006: 22. Sharpe 1985: 101. Note that there are numerous alternate spellings frequently used for these language group subdivisions as well as varying interpretations and vowel applications.

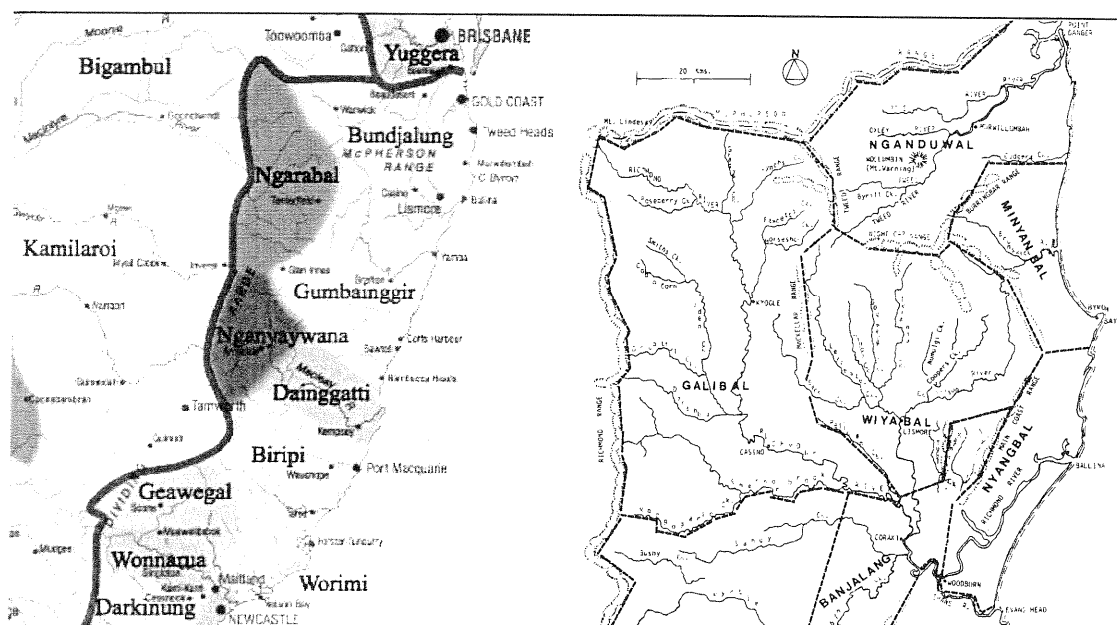


Figure 6: Maps showing Aboriginal Nations of the NSW North Coast (L) & Northern Bundjalung dialects (R)  
(Aboriginal Wall Map – AIATSIS 2000; Keats 1988: 18)

Aboriginal people believe that the abovementioned three Bundjalung language group divisions in particular were established in the dreamtime – their origin explained in the legend of the ‘three brothers’. This story was recorded by Reverend H Livingstone in the Byron Bay area in the early 1890s and details the arrival of black men (paigal) on the NSW North Coast from ‘across the sea’ and their subsequent division of the land and teaching of the law to the ‘ngando’ at Tweed Heads, the ‘minyung’ at Brunswick Heads, and the ‘ngung’ at Ballina.<sup>18</sup>

### 3.1.2 Nganduwal

Nganduwal boundaries, as with many Aboriginal language/group boundaries across Australia, are based on limited discontinuous historical data and remain speculative. It is likely that the Nganduwal dialect area centred on the Tweed River basin and was set within the following boundaries:

- Southern boundary – extending west from Hastings Point along Cudgen Creek and taking in the northern side of the Burringbar and Nightcap Ranges to Mount Burrell and then to Lofts Pinnacle

<sup>18</sup> Livingstone in Threlkeld 1892 cited in Boileau 2006: 23

- Western boundary – extending north from around Lofts Pinnacle along the eastern margins of the Tweed Range to Mount Widgee
- Northern Boundary – extending from Mount Widgee east/northeast along the McPherson Range to an area north of the Coraki Broadwater and then to Point Danger
- Eastern Boundary – the coastline between Point Danger in the north and Hastings Point in the south.<sup>19</sup>

Refer figure 7.

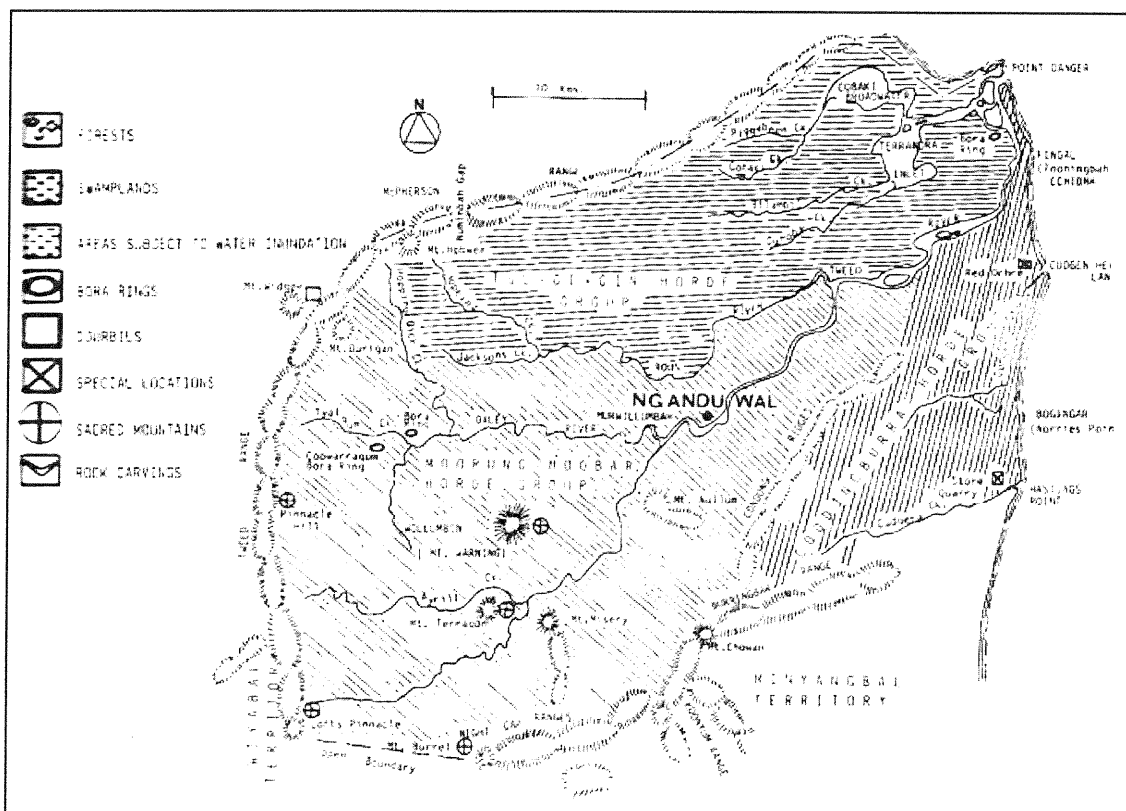


Figure 7: Map of the Nganduwal Dialect Area & associated 'hordes' as envisaged by Keats  
(Keats 1988: 21)

<sup>19</sup> Boundaries as envisaged by Keats 1998: 18 - 20





---

### Nganduwal Clans

For all practical purposes, people within the dialect areas outlined above were organised into a range of smaller sub-groups commonly referred to as clans, tribes or hordes. These extended family groups, often with totemic association, were the functional units within the broader language group structure and the organisations around which daily life revolved. Commonly they comprised consolidated 'bands' of/or distinct family groups.

The writing of early colonial observers and non-Aboriginal Tweed Valley pioneers has provided some information as to the arrangement of Nganduwal clan groups. These writings, and in particular the observations of prominent early settlers such as Murwillumbah Police magistrate Joshua Bray (who arrived on the Tweed in the 1860s) have lead later researchers to envisage Nganduwal clan organisation as follows:

- **Tul-gi-gin** – Area between the southern banks of the Rous-Tweed Rivers and the McPherson Range
- **Coodjingburra** – Coastal area from Tweed River to Hastings Point; west to Burringbar Ranges/Condong Ridges
- **Moorung Moobar** – Inland area from Condong Ridges to Tweed Range; from Tweed – Rous Rivers in the north to Night Cap Ranges in the south.<sup>20</sup>

#### 3.1.3 Coodjingburra

The study area is broadly within the coastal lands of the Coodjingburra. Bray described the association between these people and their land as follows:

*A tribe called the Coogingburra had the part along the coast between the Tweed and Brunswick Rivers (and) about ten miles back from the coast.*<sup>21</sup>

It is believed that this group was so named due to its association (proximity) with a red ochre source that was used in body painting for ceremonial purposes. That source is understood to have been an ochre quarry in the Cudgen Hills and in the local dialect Cudgen means red.<sup>22</sup> Bray remarked in 1900 that:

*... there is a hill at this place (Cudgen) where the blacks get the red raddle or pigment to paint themselves with when going fighting or going to corroboree.*<sup>23</sup>

---

<sup>20</sup> Keats 1988: 20

<sup>21</sup> Bray 1901: 9 cited in Boileau 2006: 25

<sup>22</sup> Boileau 2006: 23; Piper 1976; NSW NPWS 1998: 27

<sup>23</sup> Bray 1900



Practical relationships between the Coodjimburra and their neighbours are difficult to reconstruct in retrospect and the writings of post-contact European witnesses provide only glimpses into the complex social organisation and arrangement of the Aboriginal groups of regions such as the Tweed. Joshua Bray for instance was aware of the intricate laws governing Aboriginal movement even though he did not fully understand them. In his article 'Tribal districts and customs' published in the journal *Science* in 1901 he made note of the following:

*Though the blacks up this way (Murwillumbah) would not trespass on each other's country the coast blacks used to mix more. The Coodjimburra inhabiting the coast between the Tweed and Brunswick used to mix very much with the Ballina Richmond River Heads blacks.*

*When I came here first (c.1860s) I used to have to send (others) to Ballina, my own tribe (Moorung Moobar) would not go there. I used to pull down to Tweed Heads, go to the camp of the Coodjimburra blacks and send one of them to Ballina with my mail bag.*

*... it gave me a great deal of trouble this fastidiousness about trespassing in each other's grounds. When I was with them they did mind where they went, but they said they would be killed if caught by themselves trespassing.<sup>24</sup>*

### 3.1.4 Antiquity, Settlement & Movement

Archaeological evidence suggests that Aboriginal people were occupying parts of Australia by at least 45,000 years BP and possibly as early as 60,000 years ago.<sup>25</sup> On the Australian East Coast in the Northern NSW/Southern Queensland region, evidence of occupation appears to be considerably more recent. The oldest archaeological sites date to around 20,000 years (Wallen Wallen Creek, North Stradbroke Island) and many date to less than 10,000 years. The majority in fact are less than 2000 years old.<sup>26</sup> It is noted many earlier coastal sites were inundated (and therefore lost) during rising sea levels in the period 6000 to 8000 years ago.<sup>27</sup>

#### Antiquity

At present, the oldest radiometrically dated evidence of Aboriginal occupation on the Tweed dates to between 4000 and 5500 years and derives from sites at Bushrangers Creek and Banora Point respectively.<sup>28</sup>

---

<sup>24</sup> Bray 1901: 9; Steele 1987: 51

<sup>25</sup> Mulvaney & Kamminga 1999: 2; 281

<sup>26</sup> Neal & Stock 1986; Boileau 2006: 20

<sup>27</sup> 18 000 years sea level was between 100 and 150 metres below current level (NSW DOP 1989: 10)

<sup>28</sup> Boileau citing Appleton 1993

While definitive dates for human antiquity within the broader study area remain elusive, what is certain is that Aboriginal people have lived in, travelled around, and made use of the Tweed region for many thousands of years.

### Settlement

Aborigines of the Tweed region made use of both the coast and hinterland. Precise knowledge about the nature of this settlement is limited but archaeological and historical data suggests coastal locations, particularly in the vicinity of the mouths of the major creeks and rivers were amongst the most densely settled locations and were probably occupied semi-permanently. In 1844, the Commissioner of Crown Lands described coastal settlement prior to the arrival of Europeans as follows:

*The Aborigines of the sea coast are probably the most numerous, a distinct tribe occupying every island and inlet of the sea from the River Tweed to the Namabulla or Wide Bay River ... having more ample means of subsistence they are consequently less migratory in their habits.*<sup>29</sup>

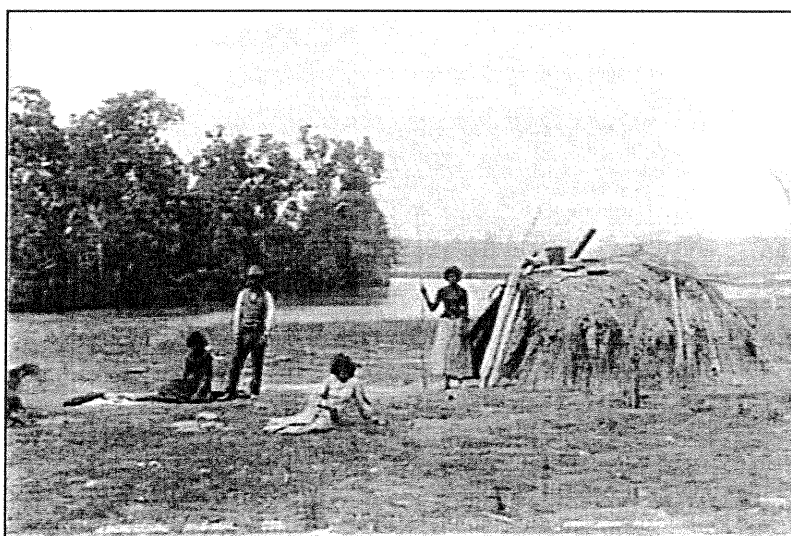


Figure 8: Aboriginal hut or mia mia – Richmond River NSW (c.1890s)

This domed shaped hut, covered with palm fronds, appears to have been a common type of dwelling on the Northern NSW Coast. In the Tweed area they were referred to as whurli-whirli.

(Charles Kerry – SLV Image Number: a13675)

Explorer John Oxley recorded a 'number of native huts' in the lower reaches of the Tweed River during reconnaissance in 1823.<sup>30</sup> While Oxley did not provide an account of the huts themselves, Quaker missionary James Backhouse described the structures 20 years later as

<sup>29</sup> Commissioner of Crown Lands to Colonial Secretary HRA 1(13): 484-486

<sup>30</sup> Oxley Port Jackson to Port Curtis (1 November 1823) ML journal entry cited in Boileau 2006: 31



---

'large enough to stand in'.<sup>31</sup> Further observations by a Sandy Logan detail the huts as 'round, dome shaped and well made'.<sup>32</sup> Refer **figure 8**.

Beyond the existence of discrete coastal settlements, patterns of broader settlement and movement are not well understood.

### **Movement**

Aboriginal communities and individual bands or family groups moved around the landscape in a complex pattern dictated by territorial boundaries, taboos, spirituality, ceremony, seasonality and resource availability. Not surprisingly numerous contrasting models of these movements based on combinations of archaeological data, ethnographic information and intuition have been presented.

The first major debate relates to whether coastal groups moved between the coast and inland regions much at all.

- McBryde (1974) has suggested that clan groups moved latitudinally between the coast and hinterland on a seasonal basis
- Coleman (1982) has argued that the movement of coastal clans was infrequent, and more likely to have occurred longitudinally (up and down the coast) rather than inland.

More recently, Godwin has argued that neither model is well supported by relevant data and that movement and exploitation strategies were dictated by local conditions.<sup>33</sup> Generally, most researchers advocate some kind of seasonal movement moderated by social/religious concerns – though there is debate in relation to the nature of seasonal movement as well:

- Sullivan (1978) suggests on the basis of ethnohistoric accounts that clan groups hugged the coast in the summer and moved to the upland regions in the winter
- Piper (1975) has argued the opposite suggesting that the archaeological evidence supports a pattern of coastal exploitation in winter with movement inland in summer.

Whatever the case, it is clear that the Aboriginal people of the Tweed made use of a variety of locations, landscapes and environments – arguably with a coastal bias.

---

<sup>31</sup> Backhouse 1843: 274

<sup>32</sup> Sandy Logan cited in Boileau 2006: 31

<sup>33</sup> Godwin 1990



---

## 3.2 Economy

The Tweed Coast with its mild climate, rich coastline, and vegetated hinterland provided a range of living environments and abundant exploitable resources for its Aboriginal custodians.

### 3.2.1 Coast

The sea and its associated rivers and creeks provided a range of aquatic and terrestrial resources. Chief among these were the finfish, shellfish and crustaceans of the sea and tidal waterways.

Archaeological, ethnographic and environmental evidence indicates that Aborigines along the coast had a varied diet with protein provided mainly by resources from the sea and ancillary waters. These are known to have included:

- Fish (including bream, whiting, snapper, cod, salmon, mullet, flathead and rays)
- Crustaceans (including prawns; sand, mud and blue swimmer crabs)
- Shellfish (oysters, pipis, cockles and other molluscs and bivalves)
- Miscellanea (including cunjevoi, green turtles and the fruit of the grey mangrove)<sup>34</sup>

A variety of techniques were used in fishing. Fish were typically speared, line caught, netted or poisoned. Fishing spears were generally lightweight and pronged and of reed or Xanthorrhoea construction.<sup>35</sup> Lines and nets were constructed of a variety of plant fibres including those from the Kurrajong or flame tree (*Brachychiton*). Nets were often used in shallow water contexts such as creeks and estuaries and have been described by Sandy Logan as:

*... made a couple of yards long with a stick at each end ... used individually or in combination with many of the same.*<sup>36</sup>

He further added:

*They would combine many of them to form one net fifty feet long then move down the bank trapping them in a selected spot.*<sup>37</sup>

---

<sup>34</sup> Boileau 2006: 28-29; NSW NPWS 1998: 22; Keats 1988

<sup>35</sup> Note that spears in the Tweed were typically simply sharpened and hardened at the end, unlike those used in locations such as the Sydney region which were often pronged and occasionally barbed (Sullivan 1978: 107)

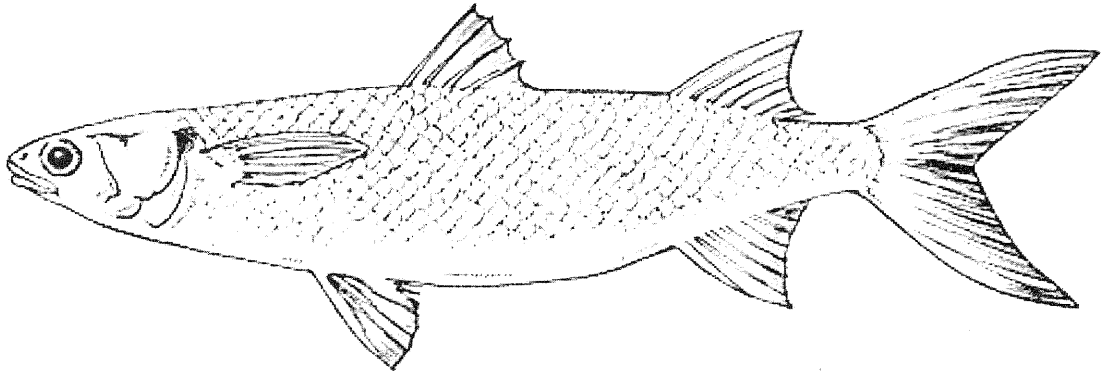
<sup>36</sup> Sandy Logan (c. 1870) cited in Boileau 2006: 29

<sup>37</sup> Sandy Logan (c. 1870) cited in Boileau 2006: 30

---

### Mullet fishing

One of the fish varieties long favoured by coastal Aborigines is the mullet – particularly the sea-run or 'bully' mullet that shoals seasonally in vast numbers along the coastal beaches and within the lower reaches of estuaries (*Mugil cephalus*).



On the Tweed, this nutrient rich (and decidedly oily) fish was traditionally caught during the mullet season (April to September). During this period, Aboriginal clan groups from as far away as the Richmond River to the south and Moreton Bay to the north would gather on the Tweed to catch mullet and for cultural exchange.<sup>38</sup>

Image: [www2.dpi.qld.gov.au/images/1854.gif](http://www2.dpi.qld.gov.au/images/1854.gif)

On the coast protein was also derived from shorebirds, reptiles and small mammals of the dune systems including birds (scrub turkeys, gulls, turns and migratory species such as the shearwater), reptiles (a variety of lizards and snakes) and small mammals (such as wallabies, pademelons and bandicoots).<sup>39</sup>

Refer figures 9 & 10.

---

<sup>38</sup> Nayutah & Finlay 1988a: 14; Boileau 2006: 30

<sup>39</sup> Boileau 2006: 28-29; NSW NPWS 1998: 22; Keats 1988; see also archaeological excavation reports



**Figure 9: Pipipi gathering  
(Northern NSW)**

(Image from the Port  
Macquarie district by  
Thomas Dick - SLNSW ML  
BCP 04762)



**Figure 10: Oyster  
gathering - Northern  
NSW (c.1905)**

(Image from the Port  
Macquarie district by  
Thomas Dick - SLNSW  
ML BCP 04718)



---

### 3.2.2 Hinterland

The hinterland lowlands and upland forests west of the coast, also utilised by the coastal groups, provided a complimentary range of littoral food reserves as well as a host of forest products. Mary Bundock of Wayangarie on the Upper Richmond noted that the Aboriginal diet of the hinterland included:

*... opossums, many varieties of kangaroo and wallaby, snakes, bandicoots, porcupine (echidna) and flying foxes (fruit bats), together with any birds they could get their hands on...*<sup>40</sup>

Of the above, the carpet snake and the honey of native bees in particular were considered delicacies of the forest canopy. It was the macropods (kangaroos, pademelons and wallabies) however that provided most of the dietary protein and their capture typically involved considerable skill and cooperation. In some instances, the animals were caught in nets such as those described above and used for fishing. In other instances, the animals were ambushed during drives involving large parties of hunters and their companion dingoes. One such hunt was described by Bundock as follows:

*They would take up a position whilst others with dogs started to drive them and as soon as they sighted a fleeing animal, hurl their heavy missile with such force the animal was halted. The dogs would then complete the kill.*<sup>41</sup>

The use of heavy missiles (short pieces of wood) and dogs rather than smoke and spears is attested to elsewhere on the North Coast and is speculated to be an adaptation to the heavily forested nature of much of the near coastal land which prohibited easy spear throwing.<sup>42</sup>

Foods, products, and the raw materials of indigenous medicine (**figure 11**) were also derived from plants. The following are select examples:

- Forest fruits berries and nuts were collected (including the nuts of the pandanas and the seed and heart of the burrawang palm)<sup>43</sup>
- Frond shields of the bangalow palm were used to make water carriers referred to as caalabas or pitchie-ban<sup>44</sup>
- Inner bark of the hibiscus and kurrajong were used to make twine/cord for construction of dilly bags, rope, nets and fishing line

---

<sup>40</sup> Bundock n.d.

<sup>41</sup> Davey, E. undated newspaper article 'Corroboree thrilling spectacle for white onlookers' cited in Boileau 2006: 30.

<sup>42</sup> Boileau 2006: 30

<sup>43</sup> Ainsworth n.d.; Sullivan 1978: 108

<sup>44</sup> Keats 1988: 35-36



- Eucalypt bark was harvested to make canoes, shields and coolamons (wooden platters used to carry and gather fruits and vegetables)
- Honey was collected from tree hives using climbing vine and bark 'mop'.<sup>45</sup>
- Bungwhal fern root (*Blechnum indicum*) and other rhizomes (as well as numerous varieties of yam) were dug out, ground and eaten.<sup>46</sup>

The importance of Bungwhal in the region is reflected in the relatively high number of grinding stones and mortars that have been recorded in the area between Moreton Bay and the Tweed River.<sup>47</sup>



Figure 11: Bark stripping – Northern NSW (c.1905)  
(Image from the Port Macquarie District by Thomas  
Dick from SLNSW ML BCP 04736)

Probably the most significant foodstuff of the upland forests was the Bunya nut – the harvest of which was both a practical and celebratory endeavour (refer **text box** on Bunya Feasts).

<sup>45</sup> Sullivan 1978: 108

<sup>46</sup> Pamphlett in Boileau 2006: 28; NSW NPWS 1998: 27

<sup>47</sup> Boileau 2006: 28

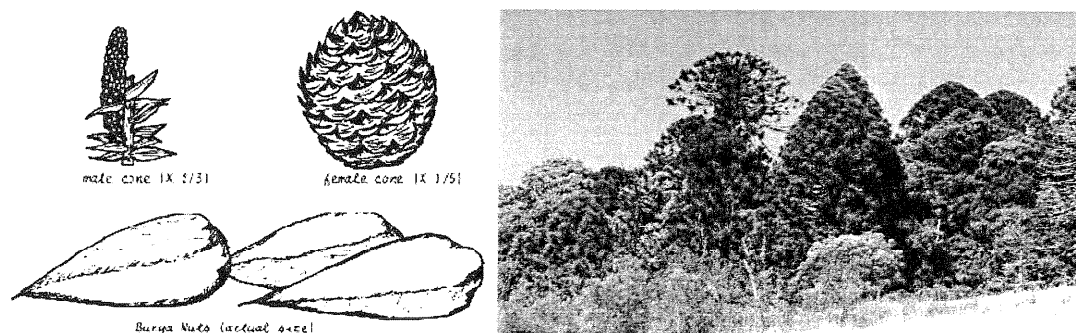


### Bunya Feasts

The Bunya Pine (*Araucaria bidwillii*) is a large tree with a dome-shaped crown that grows to a height of between 30 and 40 metres. Every three years (tri-annually) each individual tree sets between 300 and 500 cones, each containing between 50 and 100 super high carbohydrate nuts. The Bunya is an emergent rainforest species and grows in a limited number of forested mountain locations including the Blackall Range west of the Sunshine Coast. In the Bundjalung tongue, the pine was referred to as bon-yi and the Blackall Ranges were known as the Bon-yi Mountains.

During the Bunya season (December to March), Aboriginal groups from all over Southern Queensland and Northern NSW would travel along well-established pathways to gather in the Bon-yi Mountains and engage in feasting and associated festivities. Prior to the feasts, local Aborigines (Wakka Wakka) harvested the nuts on behalf of the guests and huge campsites were established to accommodate the incoming visitors.

These Bunya feasts were important economic and social gatherings that saw disparate groups of Aborigines remain in the same location for a number of months. This inevitably strengthened links between different groups. Of particular importance was the maintenance of small clan groups whose viability was improved through intermarriage with members of other larger clans.



The Bunya nut was harvested by the use of toe holds cut into the trunks of trees – with the trees then scaled using a climbing vine. The nuts themselves were eaten raw (when young), pounded into a paste and eaten as a kind of meal, or roasted. Colonial observers noted that the seeds had the texture of a potato, an offensive smell, and a resinous taste when roasted.

For additional information refer to Humphrys 1992: 9-30. Images: [www.sgapqld.org.au/images/bunya.gif](http://www.sgapqld.org.au/images/bunya.gif) & [flickr.com/photos/28442702@N00/163660803](https://www.flickr.com/photos/28442702@N00/163660803)



---

### 3.3 Material Culture

The material culture or accoutrements of the Tweed Aborigines appear to have been relatively consistent across the Tweed coast and into the hinterland and upland areas. Most hunting equipment, personal items and adornments were made of wood, plant fibres, animal skins (and parts) and to a lesser extent stone. The traditional material culture of the Tweed Aborigines included:

- Hunting and fighting weapons such as spears, shields, tomohawks, nulla nullas, boomerangs, waddys and pademelon sticks<sup>48</sup>
- Food procuring items such as digging sticks, coolamons, nets, fishing lines, water carriers, and dilly bags<sup>49</sup>
- Bark canoes and log rafts were used for transport on the rivers and creeks
- Ornamentation such as forehead bands made from dingo tails; necklaces made from lawyer vine strung with animal teeth, beans or shells; waist bands made with cane beads<sup>50</sup>
- Men's clothing included loincloths made of possum skin or fur
- Women's wear included strip skirts made from wallaby skin or bark fibre.<sup>51</sup>

Most of the objects used by Aboriginal people in the past were organic and have not survived or been preserved in the archaeological record. The exception is stone (and to a lesser extent artefacts and adornments of bone) which is well represented in archaeological deposits across Australia. Stone therefore universally dominates the archaeological record - though on places such as the Tweed there is little ethno-historical reference to the use of stone nor its prevalence within the Aboriginal tool kit. Refer **text box** on the following page.

### 3.4 Ceremony & Sacred Places

The NSW North Coast is home to numerous Aboriginal ceremonial places and has some of the highest concentrations of Aboriginal initiation grounds in Australia. The ceremonies associated with these locations, particularly the Bundjalung ceremonies of the Far North Coast, are amongst the best documented on Australia's East Coast.

---

<sup>48</sup> Keats 1988: 40-41

<sup>49</sup> Boileau 2006: 29

<sup>50</sup> Keats 1988: 43

<sup>51</sup> Keats 1988: 43



### Lithics

Stone appears to have been principally used for a range of small hand tools (choppers, blades, knives, and scapers); for handaxes and grinding devices; and for barbing some types of spear.



Stone types used for such implements within the Tweed region are known to include basaltic stone and greywacke (for 'chunky' tools); silcrete and fine grained siliceous materials (for fine cutting tools); and sandstone (for grindstones). Chert and chalcedony is also commonly found in archaeological sites.

By far the most commonly obtained and commonly used material in Tweed coastal contexts in the later stages of occupation, was quartz.

*Image c.1905 from Image from the Port Macquarie District by Thomas Dick - SLNSW ML BCP 047187*



---

### 3.4.1 Bora

In southeastern Australia the term Bora was the name given to both a male initiation ceremony and the site on which it was performed. Surveyor and avid ethnologist R. H. Mathews wrote that the Bora was:

*... an educational system for the initiation of youths into the privileges and obligations of manhood'.<sup>52</sup>*

Bora ceremonies differed from one Aboriginal nation to the next, but all involved ceremony associated with a creator figure (usually Baiame) and ritual practice (including law, dance, scarification and other body modification). Bora ground sites typically comprised two circles constructed of mounded earth joined by a smoothed pathway.<sup>53</sup>

Within broader Nganduwal territory (which incorporates the study area) there are understood to have been at least five Bora grounds in use at the time of first white settlement:

- **South Tweed Heads** (this site remains partly preserved within the grounds of the Minjungbal Museum and Resource Centre)
- **Tyalgum** at the head of the Tweed River (reputed to be a 'main' ring)
- **Coowarragum** (four to five kilometres south of Tyalgum)
- **Pumpenbil** (five to six kilometres southwest of Tyalgum).<sup>54</sup>
- **Pottsville** (two recordings exist on the AHIMS database for a Bora ring but they probably relate to a single site.

Joshua Bray of Murwillumbah described a ceremony held at Coowarragan (using the local term 'boorl') in the c.1870s as follows:

*This ceremony was visited by all of the tribes within about 40 miles (65 km) travelling a few miles a day to the spot where the Boorl was held. The complex was a two-ring earth complex, which may take three to four weeks to construct. When all is complete, a party of men ... the oldest single man from each tribe numbering from 50 to 150, called Chim-ming-o-re-gun, come marching up ... all fully armed and their heads coloured with feathers and dingo tails.*

*Toward morning, the initiates (Taboo) are introduced to the ring. At a signal the initiates are seized by a relation ... and passed down the tunnel (path) to a smaller ring. When they arrive, the Chim-ming-o-re-gun are standing round the ring with torches and firesticks, two of their number on stumps in the centre. At the first approach of day the initiates and the Chim-ming-o-re-gun leave the ring and*

---

<sup>52</sup> Mathews 1917: 423

<sup>53</sup> Keats 1988: 47

<sup>54</sup> Keats 1988: 44-49

*go away into the bush where they remain for six to eight weeks. During this time they are made to do all the work and they are constantly lectured as to what they must now do now they are men.<sup>55</sup>*

Refer figure 12.



Figure 12: Warrior with hair decorations, Grafton (l); Bundjalung group portrait, Richmond River (c. 1865)

The image at left shows an initiated man with feathers in his beard and hair typical of those used as decoration during Bora ceremonies. The image at right shows a group of Aborigines with ceremonial adornment.

(J. W. Lindt image presented in Nayutah & Finlay 1988: 46; Girard family – SLNSW ML PXB 133)

### 3.4.2 Djurbils

Other important ceremonies were related to so-called 'increase sites' – referred to in the Bundjalung language as Djurbils. These were locations (often a prominent landscape feature such as rock or water hole) where ceremonies were conducted to ensure or inspire plentiful resources.

In Nganduwal territory, the main increase site was Mount Widgee in the Tweed-McPherson Ranges. Here Aborigines conducted rituals aimed at procuring a plentiful and continuous supply of the dingo - the Aboriginal hunting dog that was also valued for its skin, teeth and tails.<sup>56</sup>

<sup>55</sup> Bray 1902: 8

<sup>56</sup> Keats 1988: 49-50



---

### 3.4.3 Mythological & Sacred Sites

Other important sites with mythological or other sacred significance with Nganduwal land include:

- Mount Warning (Wollumbin) – the most significant natural landscape feature of the region and the ‘spiritual domicile’ of a number of ancestral warriors<sup>57</sup>
- Stone arrangement at Brummies Lookout on the western slopes of Mount Warning<sup>58</sup>
- Rock art near Doon Doon<sup>59</sup>
- Fingal Head (Pooningbah) – dwelling place of the echidna spirit.<sup>60</sup>
- Stone arrangement at Terregon below the Pinnacle (known as the ‘Aboriginal Giantess’s Grave’)

The latter arrangement was recorded in the 1880s but had been largely destroyed by 1901 when a K. W. Marks published a picture of it. Marks’ depiction suggests the arrangement was elaborate and massive – constructed of a ring of around 30 grouped pairs of standing stones that were each 1 metre long with other internal and external stone formations.<sup>61</sup>

It is generally believed that the site represented the grave of a legendary white giantess (three metres tall) who lived in the area before white men arrived.<sup>62</sup>

## 3.5 Contact Period

The following section details the Aboriginal contact and post-contact period – the time during white explorers, incursionists and settlers imposed themselves on Aboriginal territory and changed the lives of local Aborigines forever.

### 3.5.1 Exploration

The first Europeans to observe the North East Coast of NSW were Captain James Cook and the crew of the *Endeavour* on their voyage of discovery. In May 1770, Cook ventured north along the East Coast from Botany Bay and in doing so charted and named Cape Byron,

---

<sup>57</sup> Keats 1988: 49; Nayutah & Finlay 1988b: 24-33

<sup>58</sup> Boileau 2006: 27

<sup>59</sup> Steele 1987: 55

<sup>60</sup> Boileau 2006: 37

<sup>61</sup> Boileau 2006: 27

<sup>62</sup> Mount Warning Aborigine Wollumbin Johnnie relayed this story to selector John Marks (Boileau 2006: 27)



Mount Warning and Point Danger.<sup>63</sup> After settlement in 1788, Lieutenant Phillip King advanced Cook's initial reconnaissance when in 1819 he attempted (but failed) to locate the major rivers that were predicted to drain Mount Warning.<sup>64</sup>

Surveyor John Oxley undertook the first detailed exploration of the region. In the early 1820s, Port Macquarie was failing as a convict settlement and Governor Brisbane sent Oxley further north to find a suitable place for a new convict settlement.<sup>65</sup> During the voyage, Oxley encountered inclement weather of the far North Coast and sheltered in the lee of Cook Island off Point Danger (October 1823). In doing so he discovered the mouth of the Tweed River and subsequently explored it with a small crew in a whaleboat to a distance of around 10 kilometres upstream. Accompanying the party was Sydney Aborigine Bowen who had been engaged as interpreter. The party encountered local Aborigines when going ashore for water and witnessed their houses but they could not communicate with them – their interpreter speaking an entirely different language to the locals.<sup>66</sup>

One of Oxley's companions, John Uniacke, made the following observations of the Tweed River Aborigines that the party encountered during their whaleboat mission:

*On the right bank of the river were standing one man and several women and children, all perfectly naked. They did not appear so timid as the Indians usually are. But remained quietly while we landed to search for fresh water. The river being still brackish.*

*The man was curiously scarified all over his body, the flesh being raised as thick as my finger all over his breasts. He talked loudly for some time, using much gesticulation, and frequently pointing to the other side of the river where we had observed a number of native huts...*

*We saw no weapons of any description among these people, with the exception of a stone hatchet hanging from the back of one of the women, which was of wretchedly crude formation...*

*In the meantime a number of natives, amounting to about 200, collected on the shore opposite the vessel (Fingal), and we could perceive with the glass that they all had spears. They continued quietly watching us till they saw the square sail hoisted and the vessel underway, when they set up a loud shout, and continued dancing and shouting while we were within hearing.<sup>67</sup>*

Oxley's Tweed exploration was brief as he took advantage of improving weather conditions and headed north, ultimately investigating Moreton Bay. It was less than a year later when Brisbane's notorious northern convict settlement was established at Redcliff Point (Moreton Bay) with a party of 14 soldiers and 30 convicts (14 September 1824).<sup>68</sup>

---

<sup>63</sup> John Oxley Fieldbook: Port Jackson to Port Curtis 1823 (SRNSW 2/8093); Beaglehole 1968: 317-318; Keats 1988

<sup>64</sup> Boileau 2006: 42

<sup>65</sup> Longhurst 1996: 6

<sup>66</sup> Keats 1988: 65

<sup>67</sup> John Uniacke in Field 1825: 39-41

<sup>68</sup> Boileau 2006: 43





---

### 3.5.2 Tentative Settlement

The Morton Bay penal settlement under the command of Lieutenant Henry Miller saw some of the hardest criminals set against some of the most hardest convict overseers. Not surprising, escape attempts occurred almost immediately and were ultimately common. Early escapees were noted to have reached Port Macquarie by 1825, with five absconders witnessed by Captain Henry Rous during his further explorations of the Tweed-Rous River system in 1827. By 1829, the situation was such that the Colonial administration established a military outstation/guard post at Point Danger in an attempt to halt the southern migration of escapees.

The guard post at Point Danger operated on and off for a number of years but was ultimately shut down and its detachment of troops removed due to ongoing hostilities with local Aborigines. The reason for these hostilities was summarised by John Oxley in a report to the Select Committee on Secondary Punishment in 1832:

*There has been a rupture with the natives and since that period they have been hostile...*

*The original cause of the dispute was owing to liberties having been taken with the Aboriginal women by the convicts. Pine and cedar gangs employed near the spot were attacked, which obliged them to leave that part of the country and make their ways back to the settlement (Moreton Bay).<sup>69</sup>*

The relationship between local Aborigines and escaped convicts was complex. In a number of instances convicts were harboured and indeed aided by Aborigines. It is known for instance that some convicts who had escaped from Moreton Bay where sheltered by Tweed Aborigines in the basalt caves at Fingal (also referred to as Caves Point).<sup>70</sup> These caves were ultimately destroyed in the opening decade of the 20<sup>th</sup> century by quarrying for the Tweed breakwalls.

### 3.5.3 Coexistence & Conflict

Despite some skirmishes with recalcitrant convict escapees, conflict and indeed contact between Tweed Aborigines and the new arrivals appears to have relatively limited during the opening decades of the 19<sup>th</sup> century.<sup>71</sup> This was largely due to its very limited (and predominantly incarcerated) white population and is likely to have ensured that local Aborigines were able to continue living a largely traditional way of life. This was to change however with the arrival in the Tweed Valley in the 1840's<sup>72</sup> of the cedar getters. By 1844 tentative settlement had commenced on the Tweed at Terranora where a small cedar camp

---

<sup>69</sup> cited in Keats 1988: 186

<sup>70</sup> Boileau 2006: 33

<sup>71</sup> Medcalf 1989: 12

<sup>72</sup> Keats 1988: 70-71



had been established.<sup>73</sup> The Cedar getters sought the help of local Aborigines to locate pathways through the landscape, to find the best stands of trees, and to cut bark for their shelters.<sup>74</sup> Some of the Aborigines received recompense for their assistance in the form of such products as tomohawks, tin utensils, tea, flour, sugar, rum and tobacco. Ultimately though, relations were unbalanced and the trinkets and foodstuffs provided by Europeans failed to adequately compensate the Aborigines for the felling of their forests, the appropriation of their women, and the disturbance to their social structure, sacred places and traditional customs. Generally, the arrival of the cedar getters caused considerable resentment on the part of the local Aboriginal community.<sup>75</sup>

Not surprisingly, local Aborigines came into conflict with the timber men who were in the process of transforming their land. In the year after their arrival on the Tweed, Hugh Feeney and John Collins were killed by Aborigines at Kirrin Kirrin Creek (now Murdering Creek) near Murwillumbah.<sup>76</sup> This attack, by the 'North Arm Blacks', was apparently in response to the mistreatment received by local Aborigines at the hands of Jack Macum – a cutter in Feeny and Collins logging team. The event ignited local hostilities and led to punitive attacks by other timber men. Events such as this established a cycle of violence that became familiar in new settlement areas across Australia during the 1840s.

The cedar getters and escaped Moreton Bay convicts who harboured on the coast, rivers and forests of the Tweed in the first half of the 19<sup>th</sup> century not only brought violence to the area – they also brought disease. Violence, disease and the foods and vices of the white invaders were the precursors to the rapid Aboriginal lifestyle and populations changes that were a feature of the second half of the 19<sup>th</sup> century.

### 3.5.4 Marginalisation and Decline

In many parts of coastal NSW, the initial tentative settlement of the cedar getters was followed up by squatters who established huge runs on the most favourable lands beyond the officially sanctioned settled districts. However the land on the Tweed Coast, between Ballina and the Tweed River was too densely covered with the rainforests of 'big scrub' to tempt the squattocracy in the first instance. In general, the large North Coast runs established between 1840 and 1870 were northeast of the Tweed River (Wallumbah Run); west of Nightcap Range and Wilsons Creek (Blakebrook Run) and in the vicinity of Lismore (Lismore Run).<sup>77</sup> The Tweed therefore remained very sparsely settled until the passing of the Robertson Land Act in 1861.

---

<sup>73</sup> John Pitt 'Tweed settlers rough & tough' *Tweed Sun* 3 July 2008 P.20

<sup>74</sup> Boileau 2006: 32

<sup>75</sup> Denning 1973: 45; Boileau 2006: 32

<sup>76</sup> Keats 1988: 75

<sup>77</sup> Keats 1988: 89.



The passing of the Robertson land Act (formally titled the Crown Lands Alienation Act) saw much of NSW open to sanctioned free selection and settlement. The settler population increased on the far north coast from the 1860s, clear felling of timber accelerated, and stations, farms and townships came to dot the best parts of the landscape.

As people moved into the area, local Aborigines helped them to pioneer their roads and tracks and worked for some of the more benevolent settlers such as the Bray and Boyd families. Joshua Bray for instance cleared a bridle track from Mount warning to casino for a North Coast Mail run with the aid of local Aborigines. Florence Bray (Joshua's daughter) further added that there were 'plenty of blacks to pull the boats and do all that kind of work' and noted that there was 'generally no less than one hundred blacks camped on the plain behind our house'.<sup>78</sup> Among those who frequented the Bray property were King Wollumbin Johnny (who wore an inscribed breast plate or gorget), Micky the Priest, Blow, Grasshopper, Harry, Abram, Polly and Suzy.<sup>79</sup> Also among their number was Old Cranky Jimmy – who had reputedly been one of the Aborigines who had murdered two cedar getters at Murdering Creek. He reportedly had a bullet in his head, shot by the murdered men's acquaintances who had sought retribution for the killings.

In addition to working for the new arrivals, the local Aborigines also established a barter system with them. William Marks for instance made note in his personal diary of the provision of 'goodies' (flour, sugar, tea and tobacco) in exchange for honey, fish and oysters.<sup>80</sup>

By the 1870s, Aborigines in the region were in cultural and social decline. Significant pockets of prime hunting lands had been cleared, drained and planted; diseases (such smallpox, dysentery and influenza) had greatly reduced population numbers; and Aboriginal people had become increasingly dependant on white men. One of the manifestations of this dependence was the annual distribution of blankets (stamped 'aborigines') on the Queen's birthday, which Joshua Bray as district magistrate oversaw at the Murwillumbah courthouse. Further evidence of cultural decline was the loss of the Boorl ceremony. It is generally believed that the last full-scale initiation ceremonies on the Tweed occurred in the 1870s with those performed thereafter much smaller events due to the inability of organisers to be able to gather the necessary number of people.<sup>81</sup>

---

<sup>78</sup> Bray 1997: 14

<sup>79</sup> Bray 1997: 14

<sup>80</sup> William Marks Diary 1870 - 1900 cited in Keats 1996: 53

<sup>81</sup> Piper 1976



Figure 13: Aboriginal family (c.1890s)

(FJ Davey Collection Lower Tweed Historical Society – presented in Keats 1996)



White settlement on the Tweed in the mid to late 19<sup>th</sup> century dislocated Aboriginal clan groups from their homelands. By the late 1800s, as Joanna Boileau remarked in her book *Caldera to the Sea*, the Bundjalung had effectively become 'itinerants in their own country'.<sup>82</sup>

Figure 14: Aboriginal camp at Kynnumboon, North Arm (c.1885)

(Image presented in Boileau 2006: 33)



<sup>82</sup> Boileau 2006: 33



---

### 3.5.5 Fringe Dwellers

During the second half of the 19<sup>th</sup> century, Aboriginal groups across NSW changed the way they lived. Dislocated and reduced in number, they established new social groups that drew together members of disparate remnant clans for mutual benefit and protection. Typically, these clan groups came to live periodically on the farms of benevolent landholders or established fringe or pocket camps on the margins of white settlement areas. On the Tweed, small fringe camps were established at Murwillumbah and at Tweed Heads.<sup>83</sup>

During the 1880s a camp was established at Wommin on the southern end of the Fingal Peninsula.<sup>84</sup> The camp was home to dispossessed Aborigines and some the children from the camp attended the Caves Point Public School that was opened at Fingal Head as a provisional school in 1895. This school was set up ostensibly to educate the children of the families working on the Tweed River infrastructure works – namely the dredging of the river mouth, the extraction of stone from quarries at Fingal, and the construction of the massive Tweed River breakwalls.<sup>85</sup>

By the turn of the century, the school had been shut down and the Aboriginal camp had moved to Letitia Spit – the finger of land extending north from the current village of Fingal to the mouth of the Tweed. The camp at Letitia was generally referred to as the ‘Blacks Camp’ but unlike most Aboriginal fringe settlements it was in fact a diverse community made up of Aborigines, Pacific Islanders, Singhalese, mixed-race people and destitute Anglo-Saxons.<sup>86</sup>

There were few white settlers in the Fingal area during the first half of the 20<sup>th</sup> century.<sup>87</sup> During this period, the Aborigines, Islanders and others who had joined them survived by working a vast array of jobs that included reef fishing, cane cutting, timber felling, fruit harvesting, public works (railways) and domestic duties.<sup>88</sup> Despite being technically ‘non-citizens, a number of men from the Fingal community and the broader Tweed shire also fought in WWI. Tweed soldiers included Jack Pollett and John Gerry (Aborigines); George and Mick Watego, Les Wogas and Peter Knowles (Islanders); and Arthur and Ted Williams (Singhalese).<sup>89</sup>

During the latter decades of the 19<sup>th</sup> century, over 60 000 people from the South Sea Islands and other locations in the Pacific were brought to Australia to work in the cane fields and plantations of

---

<sup>83</sup> Nayutah & Finlay 1988a: 55

<sup>84</sup> Boileau 2006: 33

<sup>85</sup> Boileau 2006: 34. The breakwalls were constructed between 1881 and 1904. Quarries utilised included one at Caves Point and another at Point Danger.

<sup>86</sup> Sullivan 1982: 64

<sup>87</sup> Boileau 2006: 34

<sup>88</sup> Cane 1989: 32; Johanson 2003: 47

<sup>89</sup> Itong 1994: 14

Queensland and Northern NSW. The Islanders were brought to the colony by contracted recruiters via a process referred to as 'blackbirding' which saw young Islander men enticed or unscrupulously removed from their home Islands. The men who came to Australia as indentured labour were colloquially referred to as Kanakas.

The labour trade drew to an end in around 1900 and in 1901 a law was enacted to deport the 10,000 Islanders resident in the country at that time. Between 1901 and 1908 (when the final deportation was completed) the majority of the Islander workers were returned home despite considerable protest from those who had established lives and relationships in this country and wished to stay.

While the official number of Islanders eventually allowed to remain in Australia under labour agreements was 1654, research indicates that the actual number was much higher, with around 2500 Pacific Islanders remaining. Almost 1000 people thus avoided the mass deportation set in train by this Act.<sup>90</sup>

Northern NSW became something of a refuge for those fleeing deportation.<sup>91</sup> Many of those who remained joined Aboriginal fringe camps and shanty towns. Within the Tweed, some settled near the sugar mill at Cudgen where they lived in tents and obtained work cane cutting. A significant proportion joined local disposed Aborigines at the 'Blacks Camp' at Fingal.

One of the well known Aboriginal men who lived and worked in the area at the turn of the century was Billy Bleucher - an initiated man who lived with Tweed pioneers the Skinner family (cordial manufacturers, mail men, and ferry service operators).<sup>92</sup> Billy worked for Henry and George Skinner for 'one pound a week' until he retired at which point he went to live with the Slabb family at the Fingal camp.<sup>93</sup> The Slabb family hut is shown in the image in the following text box. It is the building made of saplings and corrugated iron with a t-tree bark

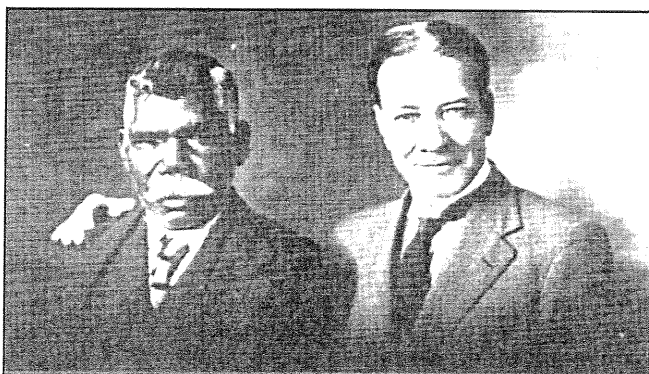


Figure 15: Billy Bleucher & George Skinner  
(c.1905)

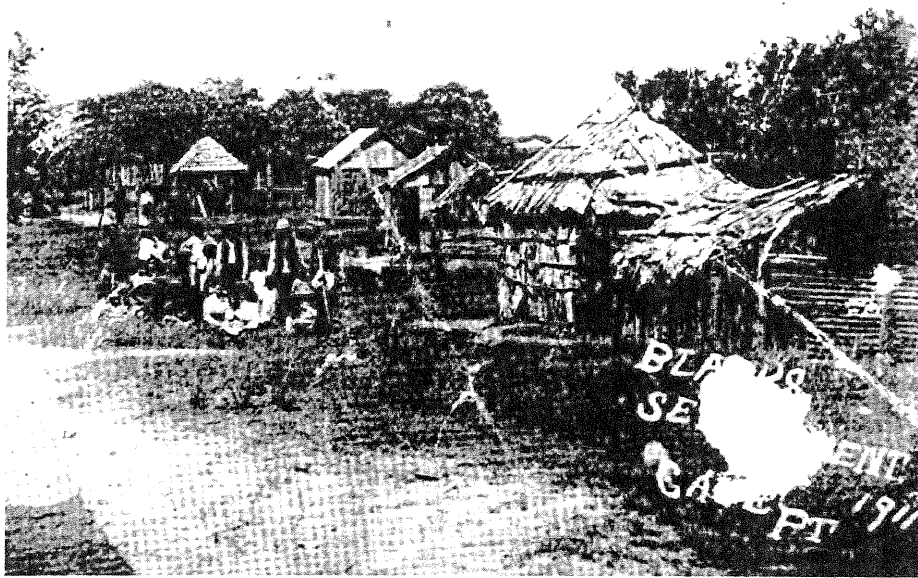
(Image presented in Sullivan 1982: 35)

<sup>90</sup> NAA 'Documenting a democracy – The Pacific Island Labourers Act 1901 (Cth). Refer <http://www.foundingdocs.gov.au/>

<sup>91</sup> Nayutah & Finlay 1988a: 61

<sup>92</sup> Sullivan 1982: 35; Denning 1973: 81

<sup>93</sup> Tweed in Harmony n.d. 48



*Image of Blacks settlement, Caves Point (c.1911) presented in Nayutah & Finlay 1988: 61*

The impact of the Islander settlers on the local Tweed Aboriginal community was considerable. The Islanders married into the Aboriginal community and their religious beliefs (the Christianity taught them by missionaries on their home Islands) became the religion of many of local Aborigines. This integration at the margins of white society created a unique mixed Aboriginal-Islander community that continues to this day.<sup>94</sup>

### **Ukerebagh**

Aboriginal reserves were established across much of NSW from the mid to late 19<sup>th</sup> century but they came late to the Tweed. The first reserve to be officially set aside for Aborigines was established on Ukerebagh Island – a low lying, mosquito infested spit of land on the Terranora Inlet west of Leticia.

The Government began moving Aborigines to the island in the 1920s under a segregationist policy. Approximately 20 families were relocated to the Island from elsewhere with a majority

<sup>94</sup> Keats 1996: 118



---

from Queensland. It is believed the Ukerebagh Aborigines had little to do with the established Aboriginal-Islander community at Fingal Head.<sup>95</sup> The reserve was revoked in the 1950s.

### **3.5.6 Survival & Resurgence**

Since the 1950s the Tweed Coast has seen something of a population explosion precipitated in the first instance by post-war population growth and migration.

The freedom rides and protest movements of the 1960s and 1970s heralded a new era in Aboriginal sovereignty and since the 1980s there has been something of resurgence in Aboriginal culture and growing respect among the broader community for 'Aboriginality' and Aboriginal culture. Significant figures in this nationwide movement have been two Tweed Aborigines in parliamentarian Neville Bonner (born on Ukerebagh) and Faith Bandler (born on a banana farm at Tumbulgum).<sup>96</sup> The Aborigines and Islanders of the Tweed have ultimately become part of the broader mixed Tweed population, which boasts nationalities from all over the world.<sup>97</sup>

Significant events since 1980 have included the passing of the NSW Aboriginal Land Rights Act (1983) that enabled the establishment of Local Aboriginal Land Councils (LALCs) and the acquisition of Land by these entities. The Tweed-Byron LALC was established under the act and like land councils elsewhere champion a number of Aboriginal causes including education, health care and heritage. Several native title claimant groups and other Aboriginal stakeholder groups do likewise.

---

<sup>95</sup> Boileau 2006: 35

<sup>96</sup> Boileau 2006: 37

<sup>97</sup> Kijas 2007





## 4.0

## European Heritage

The following section addresses European cultural heritage issues. It provides:

- Background to the history and development of the site
- Review of statutory and non-statutory heritage listings
- Results of the historical archaeological site inspection
- Assessment of the cultural heritage significance of the site
- Management recommendations

### 4.1 Historical Context

The Tweed district was once the sole domain of the *Bundjalung* people who utilised the resource rich coast and hinterland for thousands of years prior to the arrival of Europeans (refer to the previous section detailing Aboriginal history).<sup>98</sup>

#### 4.1.1 Exploration

The first explorers to pass by or tentatively investigate the Tweed region included Cook (1770); Oxley (1823); and Rous (1827). Early development appears to have been limited to a small military outpost established at Point Danger and utilised for a short time in the 1820s to prevent escapees from Moreton Bay convict settlement from escaping south. Surveyor Robert Dixon was the first to chart the area in the early 1840s.<sup>99</sup>

#### 4.1.2 Incursion

Timber getters appear to have been the first Europeans to make incursions into the Tweed region and were established on the Tweed and Brunswick Rivers by the mid 1840s. The region however remained largely unsettled throughout the mid 19<sup>th</sup> century due to the extensive hinterland rainforest (the 'big scrub') that prevented the establishment of squatting runs and allied settlement.<sup>100</sup> Generally, settlement at this time appears to have been limited to the temporary camps of cedar getters and the isolated farms of pioneer settlers such as Joshua Bray (Murwillumbah) and the Boyd families.<sup>101</sup>

---

<sup>98</sup> Hoff 2006

<sup>99</sup> Keats 1988

<sup>100</sup> Denning 1973: 5

<sup>101</sup> Keats 1988; Boileau 2006



---

#### 4.1.3 Early Industry

Much of the district remained unoccupied until the 1880s when fishing, agriculture and coastal grazing commenced in earnest and prospecting drew settlers to the area.<sup>102</sup> One of the early (non-timber related) coastal industries in the region was sugarcane and Robb and Company had established a plantation and mill at Cudgen (east of Kingscliff) by 1889.<sup>103</sup> Utilising predominantly Islander labour the plant operated for a number of years but was bought up and dismantled by sugar giant CSR in 1912. Other important industries at the turn of the century included dairying (especially after the clearance of the big scrub) and tropical fruit growing (particularly bananas).

Despite pockets of industry in the Tweed by start of the 20<sup>th</sup> century there is no evidence of specific use or development of the study area by this time. Reasons for this probably include its relative remoteness, lack of a natural land transport route and its unsuitability for cropping, dairying or grazing. Settlement and use of the coast at this time generally concentrated on the major headlands and river mouths rather than the beaches between. Keats has suggested that the beach between Ballina and the Tweed was however used as an informal travelling route from about the 1860s. This use is unlikely to have impacted the study area in any discernible way.<sup>104</sup>

#### 4.1.4 Bogangar Beach

The documentary history of the study area effectively commences at around the turn of the century, with the development history commencing some time after 1930.

A 1902 parish map indicates that at the turn of century the study area was part of a parcel of land (portion 302) that had been conferred to Gustav Kukulies on 12 March 1888 (refer **figure 17**). The Kukulies' land is shown set between a meandering creek (Cudgen Creek) and Bogangar Beach reserve (established in 1884). A road easement is shown on the western margin of the property – approximately what has since become the Coast Road. Interestingly, much of the area west of the creek is denoted Resumed Area No. 600 *Tweed & Richmond Rivers Gold Fields*. Prospecting for reef and alluvial gold occurred at a number of locations along the North Coast in the late 19<sup>th</sup> century and early 20<sup>th</sup> (i.e. Byron Bay and Pottsville).<sup>105</sup> However, no deposits of commercial significance were discovered or exploited in the Tweed region – predominantly due to its underlying volcanic geology, which is understood be relatively poor in the precious mineral.<sup>106</sup>

---

<sup>102</sup> NSW Department of Planning 1989

<sup>103</sup> NSW Department of Planning 1989: 15

<sup>104</sup> Keats 1988: 94

<sup>105</sup> Morley 1881: 51

<sup>106</sup> Boileau 2006: 139

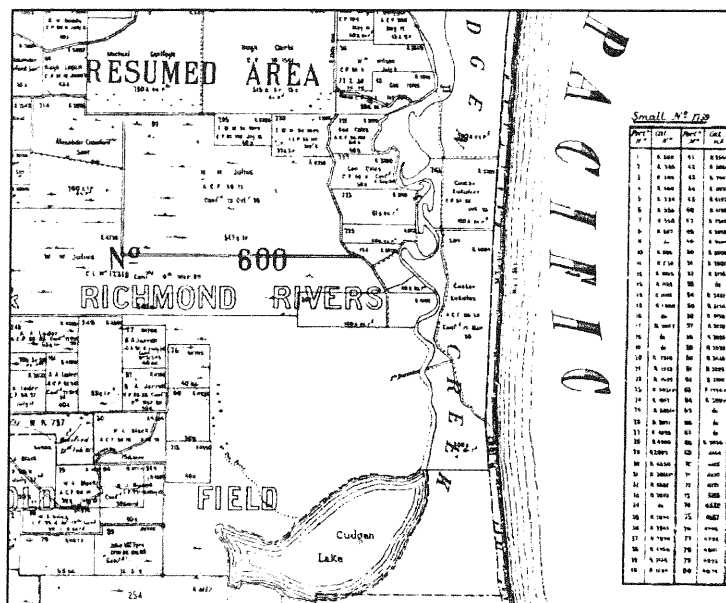


Figure 16: Part of a map of the Parish of Cudgen; County of Rous (1902)  
(SLNSW Parish Maps – Ph Rous; Co Cudgen Z1902)

The 1907 parish map shows the study area as ostensibly the same as it was in 1902. Changes in the arrangement of the local area appear to be limited to a deviation in the unmade roadway (presumably then only a sandy track) shown crossing Cudgen Creek and veering northwest at a point to the immediate northwest of the property boundary (**figure 18**).

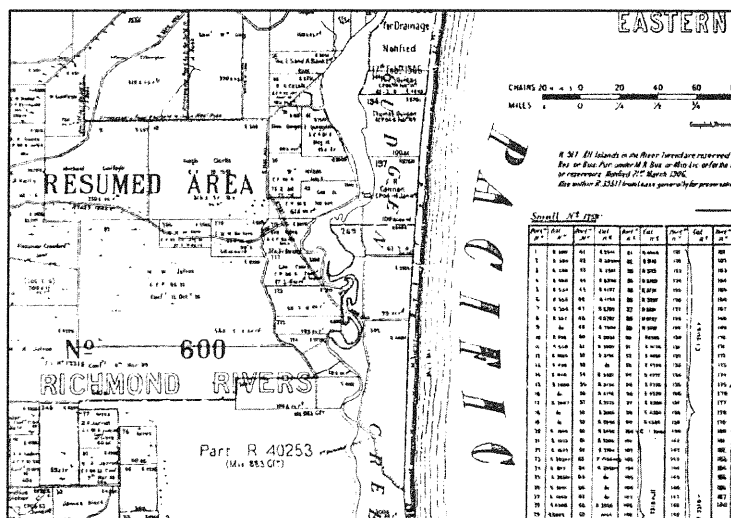


Figure 17: Part of a map of the Parish of Cudgen; County of Rous (1907)  
(SLNSW Parish Maps – Ph Rous; Co Cudgen Z1907)

An undated parish map (probably c.1910) indicates that Gustav is no longer in possession of the property, which may have been obtained by a William Wells. The 1913 and 1920 parish

maps appear to indicate that by the mid 1910s the property had been resumed (as Area No. 545). Refer figures 18 - 20.

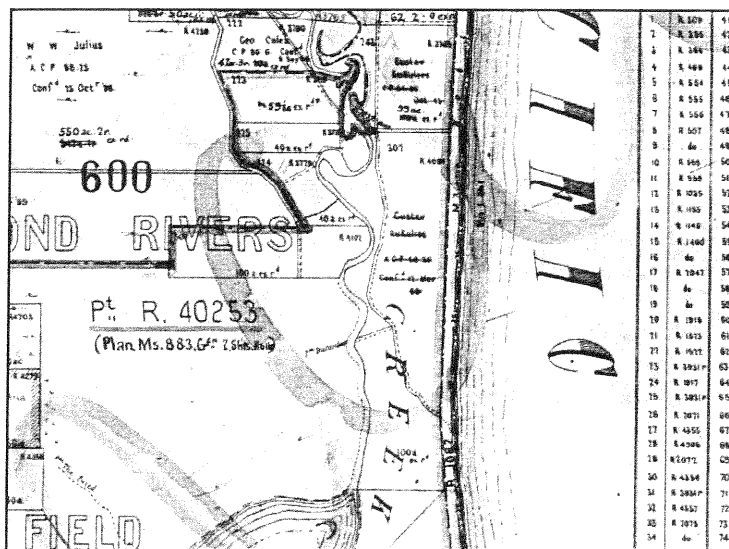


Figure 18: Part of a map of the Parish of Cudgen; County of Rous (n.d.)  
(NSW LPI Parish Map Preservation Project)

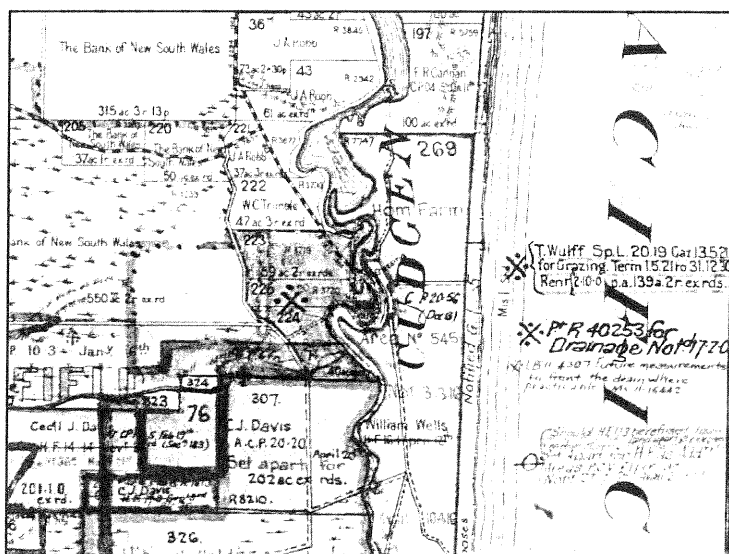


Figure 19: Part of a map of the Parish of Cudgen; County of Rous (1913)  
(NSW LPI Parish Map Preservation Project)



Figure 20: Part of a map of the Parish of Cudgen; County of Rous (1920)  
(NSW LPI Parish Map Preservation Project)

On 9 March 1921, John Ronald Brooke of Condong obtained the portion of land including the study area as a grant of land (portion 269) purchased by conditional sale.<sup>107</sup> The land appears to have remained in the possession of the Brooke family until the late 1940s when the land was transferred to Frederick Knight Budd (solicitor) and Claude William Beer (Chartered accountant) both of Murwillumbah (6 April 1949). See **figures 21 - 22**.

Neither Brooke (nor Budd and Beer) appear to have made any use of the site nor subjected it to any improvements or development – though the 1942 parish map indicates that at around that time an ‘on paper’ north/south road easement had been established through the property and those adjoining (**figure 23**).

The undeveloped nature of the land is shown on an aerial photograph of the site that dates to 1947 (**figure 24**). Aside from the bush tracks, the only evidence of any landclearing is at the extreme northeastern corner of the property at its border with portion 197 to the north. While the nature of this clearing is uncertain, its proximity to the beach within the primary dune system tends to suggest that it may be related to the commencement of sand mining activity on the central part of Bogangar Beach. The land was transferred to property speculators

<sup>107</sup> NSW LPI Register Book Vol. 3654 Fol. 158



Ocean Paradise Estate Pty Ltd on 1 December 1952 and it is likely that the site was thereafter leased to sand mining enterprises and subject to extensive mining.

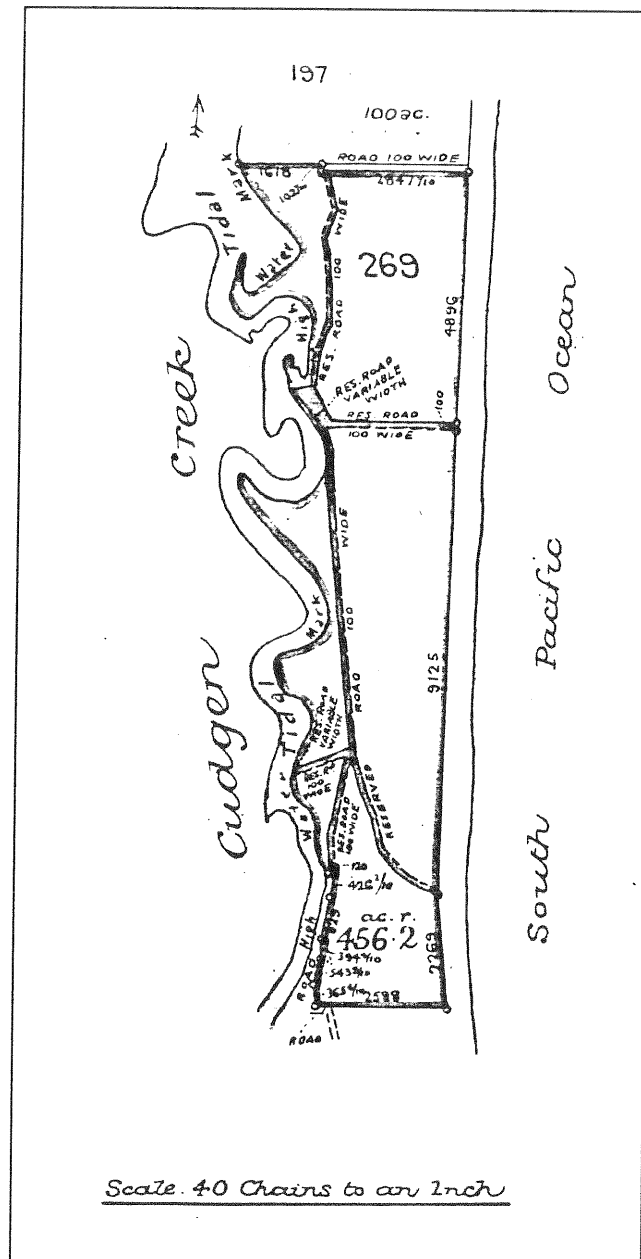


Figure 21: Land title Plan (1921)  
(NSW LPI Register Book Vol. 3654 Fol. 158)

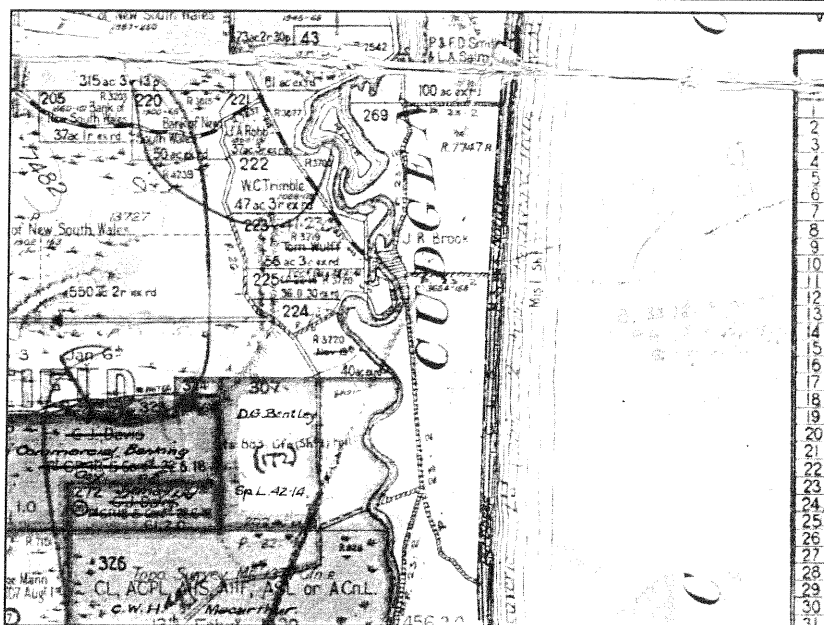


Figure 22: Part of a map of the Parish of Cudgen; County of Rous (1928) (NSW LPI Register Book Vol. 3654 Fol. 158; NSW LPI Parish Map Preservation Project)

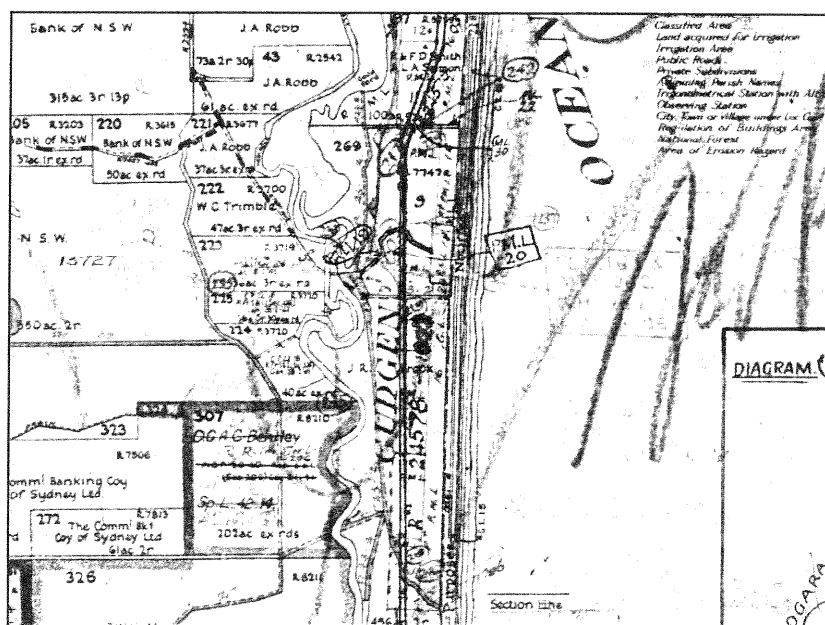


Figure 23: Part of a map of the Parish of Cudgen; County of Rous (1942) (NSW LPI Parish Map Preservation Project)

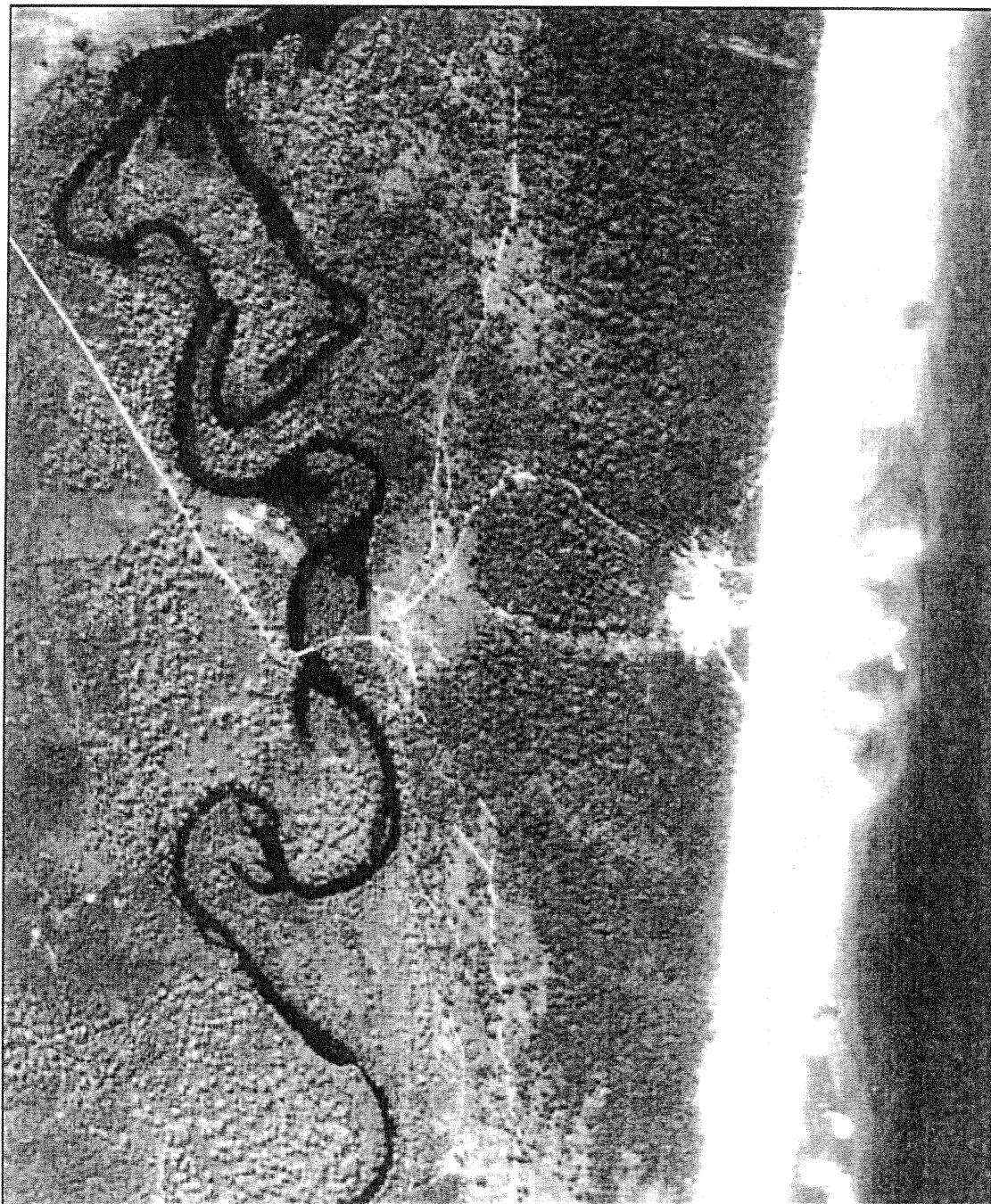


Figure 24: Aerial Photograph showing the study area (1947)  
(NSW LPI Map Sales Tweed Heads Run 2 - 27 May 1947)





---

#### 4.1.5 Sand mining

The mining of mineral sands to retrieve heavy minerals such as zircon ( $\text{ZrSiO}_4$ ), rutile ( $\text{TiO}_2$ ) and ilmenite ( $\text{FeTiO}_3$ ) was undertaken at numerous North Coast beach locations between the 1930s and late 1970s. The earliest operations were at Woolgoolga on the Mid North Coast and Byron Bay – both of which commenced in the early 1930s. The Tweed district between Fingal Head and Pottsville was mined from the late 1930s till the 1970s.<sup>108</sup> Several mining companies worked within the broader study area – the first being Porter and Derrick who transferred their Woolgoolga operations to Cudgen-Kingscliff in 1937.<sup>109</sup>

#### WWII

World War Two provided the impetus for growth in the mineral sand mining industry. Heavy industry associated with production for the war effort sucked up all the mineral sands that Australia could provide. Rutile in particular was highly valued as it was used in the production of flux for welding rods. Additional mining interests established in the Tweed during the war included the Titanium Alloy Metal Company (TAMCO) who were operating at Cudgen by 1940.<sup>110</sup>

Early war-period mining operations on this part of the coast typically relied on manpower with teams of men simply shovelling sands into hoppers that were pulled by small diesel locomotive engines along a network of temporary tramways to the processing plant.<sup>111</sup> In most instances, the sands were tabled (preliminary processing) at a nearby plant and then shipped to parent companies in the USA as mixed concentrates. By the end of the war, Australia was the world's largest supplier of rutile and zircon. Not surprisingly, this demand led to significant advances in extraction and processing technology and practical mining ultimately moved from a reliance on hand digging and horse and scoop excavation to large scale mechanical excavation utilising mobile plant.<sup>112</sup>

#### Post-war mining

After the war, mineral sand mining continued at a pace in line with post-war development and general global prosperity. It was also helped along by the Korean War, which again drew considerably on Australia's mineral sand resources. The area between Byron Bay and the Tweed River was heavily exploited as it had some of the richest sands in the world and at one point accounted for 90% of the world's mineral sand requirements.<sup>113</sup>

---

<sup>108</sup> Boileau 2006: 141

<sup>109</sup> Porter & Derrick were purchased by Associated Minerals in the 1950s.

<sup>110</sup> Morley 1981: 66

<sup>111</sup> Morley 1981

<sup>112</sup> Morley 1981

<sup>113</sup> Boileau 2006: 141



---

## The Operators and Methods

By the late 1950s/1960s there were at least five mining enterprises operating on the Tweed Coast:

- Associated Minerals<sup>114</sup>
- Cudgen RZ
- TAMCO
- Zircon Rutile<sup>115</sup>
- Mineral Deposits Ltd
- Tweed Rutile.<sup>116</sup>

During the 1950s and 1960s operations within the broader study area were intensive with heavy mining occurring across a complex web of narrow leaseholds along the ocean beaches and in 'back runs' behind the primary dune system.<sup>117</sup> Generally, in the first instance, bulldozers were used to remove the overburden (sands with no mineral content) and to mine the high-grade seams that presented as dark bands within the beach and dune stratigraphy. Most areas were retreated (dug out) twice and many were later re-mined with suction gravel pumps mounted on a pontoon set within a small pond. The pond itself was created by digging out below the water table.

The mined material was typically pre-concentrated on an adjoining battery. In many instances, leases were mined again by a floating plant which pre-concentrated materials on the same pontoon as that used for dredging.<sup>118</sup> Once a site had been exhausted, often after four or five successive mining attempts using increasingly improved technologies, sites were subject to rehabilitation and the leaseholds relinquished. See **figures 26 & 27**.

---

<sup>114</sup> AM purchased Porter and Derrick in the early 1950s. It was this company (along with Cudgen RZ) who dominated North Coast sand mining during its peak period 1963 to 1969.

<sup>115</sup> Rutile Zircon operated in the Bogangar-Hasting area in the 1950s and had a complete wet and dry plant there

<sup>116</sup> Harold Hines cited in Boileau 2006: 141

<sup>117</sup> Morley 1981: 92. Cudgen-Kingscliff area leases were notoriously narrow (20 metre wide in some instance) and were the source of regular conflicts over lease infringement

<sup>118</sup> Morley 1981: 92



Aboriginal and European Cultural Heritage Assessment  
Casuarina Town Centre, Kingscliff South, NSW



Figure 25:  
Associated Minerals  
& TAMCO mining  
Plants, South  
Kingscliff (c.1945)  
(Bob Anthony –  
presented in Boileau  
2006: 143)

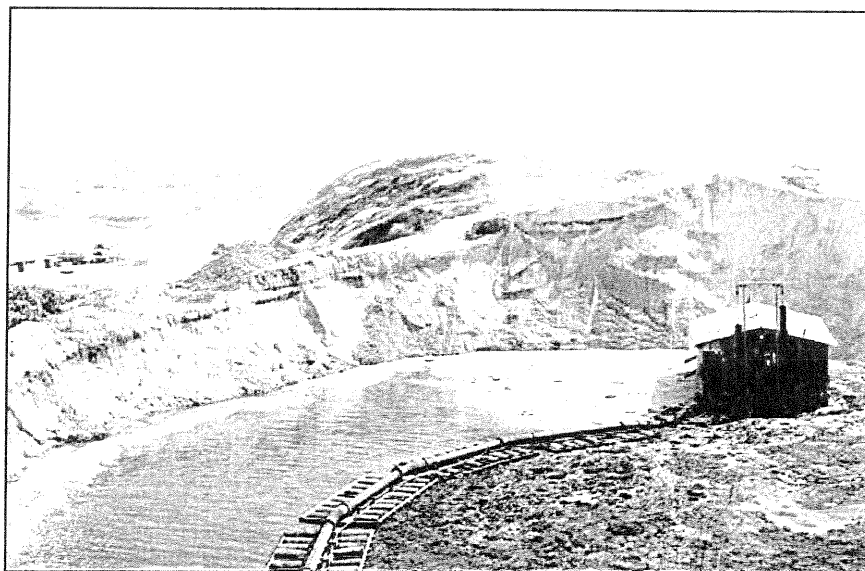


Figure 26: Sand  
mining, Cudgen  
Creek (1964)  
(nla.pic-  
vn3306643-  
v.jpeg)



It is estimated that during its peak period of operation the sand mining industry on the Tweed employed in excess of 1000 people including local Aborigines and Islanders and migrants from a host of nations including Europe and India. Employment in the industry remained high until the 1970s when the reserves of mineral sands on the Tweed were depleted to such an extent that operations began to wind up and other countries such as India and Africa stepped in to help meet world demands.

### **Mining on Bogangar Beach**

It is generally stated that the study area was extensively mined during the period 1940 to around 1980.<sup>119</sup> Analysis of aerial photography however can more accurately restrict the mining period to between 1947 and around 1977.

As shown previously, the 1947 aerial photo depicts very little development in the study area – with only a small clearing in the extreme northeast corner on the fore dune (refer back to **figure 24**). By 1972 however the entire beach appears to have been extensively mined both east and west of the c.1950s road through the centre of the property and appears to be undergoing re-mining. Almost the entire study area is denuded of vegetation (especially the area between the beach and the road) and a pontoon mounted suction dredge can be seen working in a large pond within the northeastern part of the study area. Near the pond is additional plant adjacent to the roadway (refer **figures 28 - 32**).

By 1977, air imagery shows that study area has been extensively mined (**figure 33**). The uniformity of the terrain and spots or minor discolouration across the mined area suggests that rehabilitation may have commenced at this time. All of the plant shown in the 1972 image has been removed from the site.

#### *Note:*

It is understood that beach sand once processed was generally returned to infill the site while concentrated waste minerals (minerals of little commercial value) were stockpiled and later buried. Concentrated waste mineral sands (dominated by black coloured ilmenite) are radioactive. Two ilmenite dumps have been unearthed during works on subdivision works in the vicinity – namely at Casuarina North precinct and the Salt development. Whether such dumps are located within the study area remains to be determined.<sup>120</sup>

---

<sup>119</sup> Project Outline & Preliminary Assessment: Proposed Development of Town Centre, Casuarina Beach, Kingscliff South 2006 (Section 2.0 – Engineering & Environmental Statement).

<sup>120</sup> Project Outline & Preliminary Assessment: Proposed Development of Town Centre, Casuarina Beach, Kingscliff South 2006 (Section 2.0 – Engineering & Environmental Statement: xi)

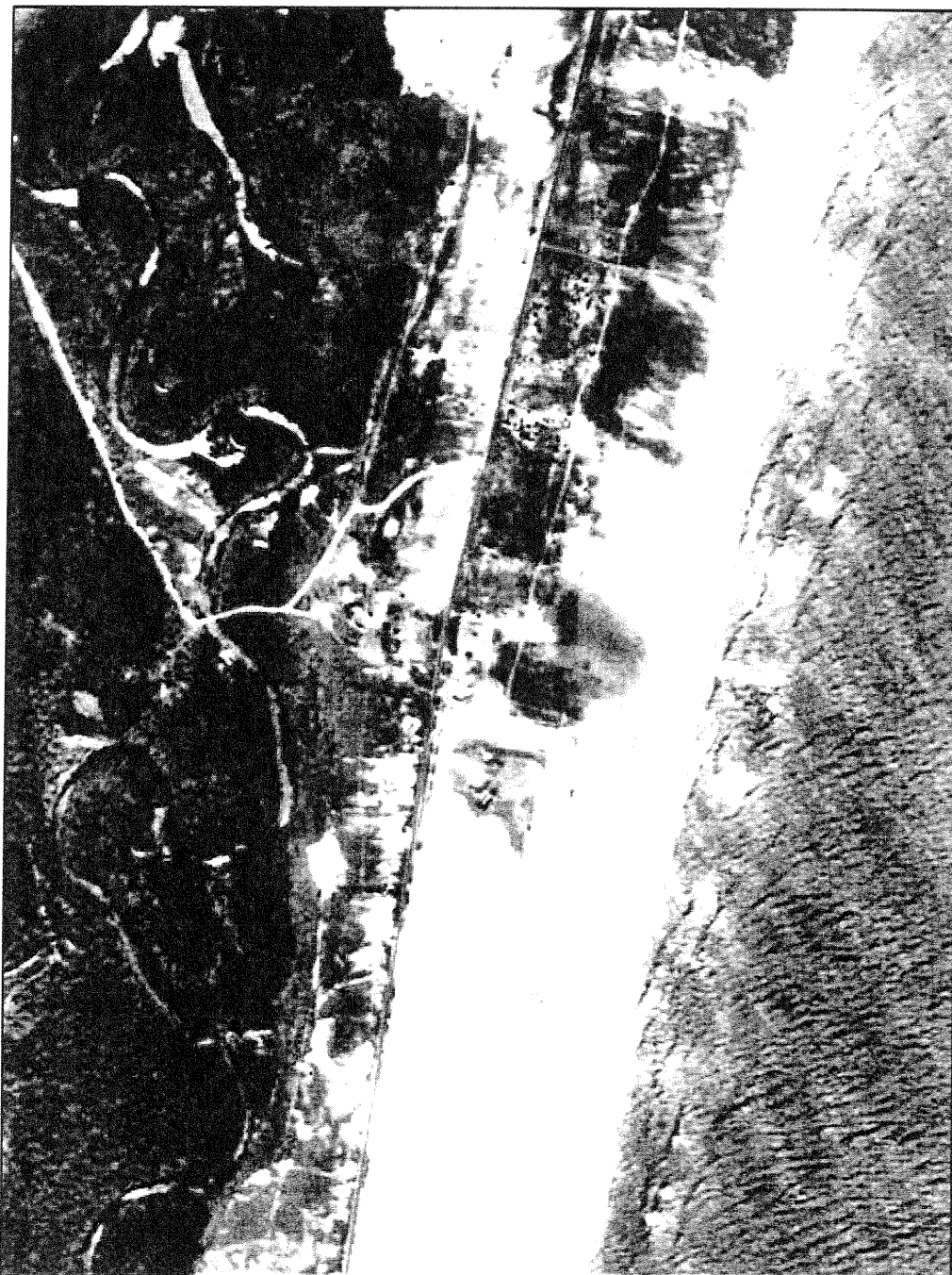


Figure 27: Aerial photo of the study area (1972)  
(NSW LPI Tweed Heads Run 3 13 October 1972)

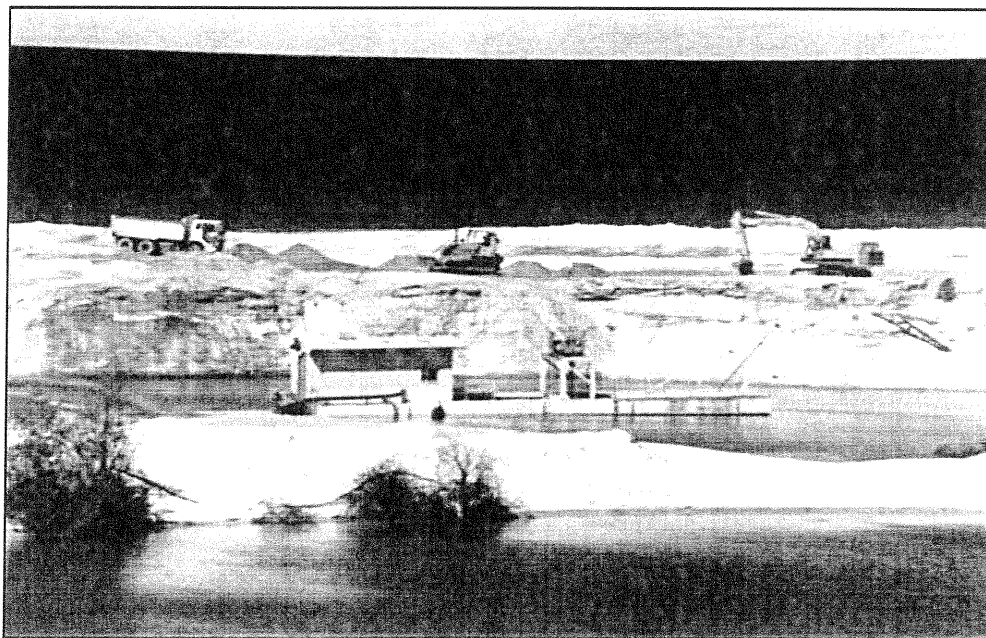


Figure 28: Sand mining in the vicinity of the study area (c.1970s)

(Still image captured from the DVD *Coastal Dreaming: The Casuarina Beach Story* Hatchling Productions c.2005)

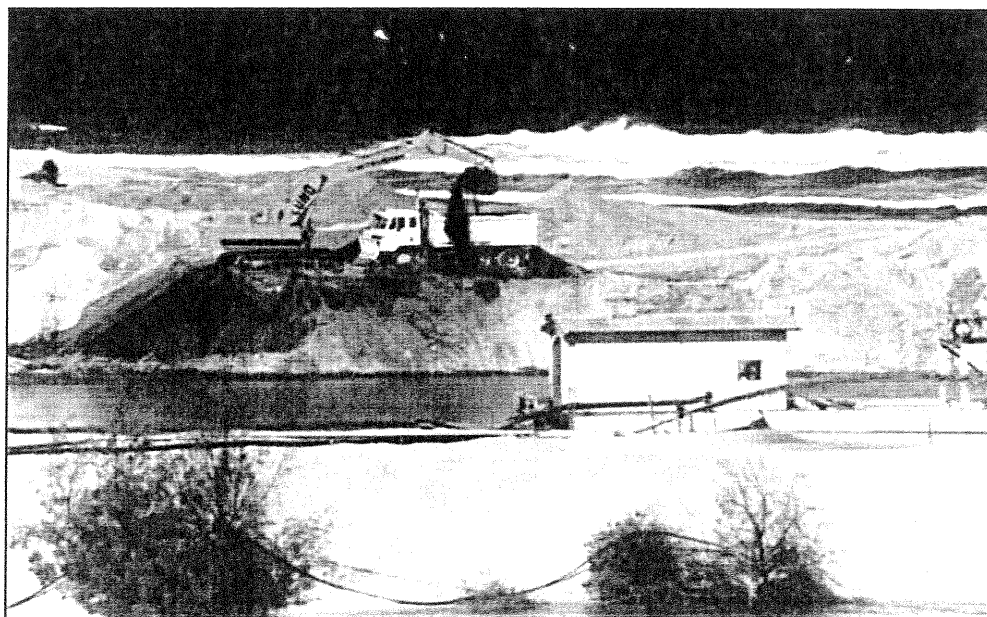


Figure 29: Sand mining in the vicinity of the study area (c.1970s)

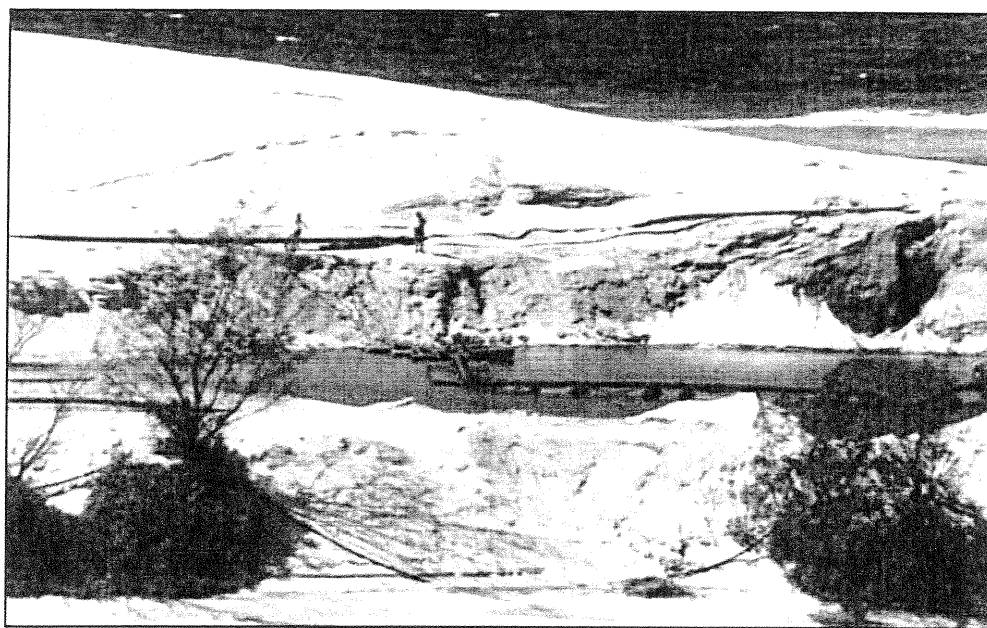
(Still image captured from the DVD *Coastal Dreaming: The Casuarina Beach Story* Hatchling Productions c.2005)





**Figure 30: Sand mining in the vicinity of the study area (c.1970s)**

(Still image captured from the DVD *Coastal Dreaming: The Casuarina Beach Story* Hatchling Productions c.2005)



**Figure 31: Sand mining in the vicinity of the study area (c.1970s)**

(Still image captured from the DVD *Coastal Dreaming: The Casuarina Beach Story* Hatchling Productions c.2005)



Figure 32: Orthophoto of the study area (1977)  
(NSW LPI Kingscliff x5467-7)



---

## Rehabilitation

The typical localised landscape changes wrought by sand mining at Bogangar Beach included broadening and lowering of the frontal dune; landward displacement of the frontal dune; and removal of indigenous dune vegetation. The re-vegetation of mined areas typically involved the use of fast growing species that were not necessarily indigenous to the area. Bitou bush (imported from South Africa) was widely promoted and utilised sand mining revegetation species. Its widespread use is rued today and it is generally considered a major weed species, despite its dune stabilizing properties.

An air photo from 1987 indicates that in the ten years between 1977 and 1987 much dune rehabilitation and restabilization had been carried out within the study area – particularly east of the roadway (figure 34). The west side of the roadway appears to be grass covered but has not in the main been replanted with tree species.

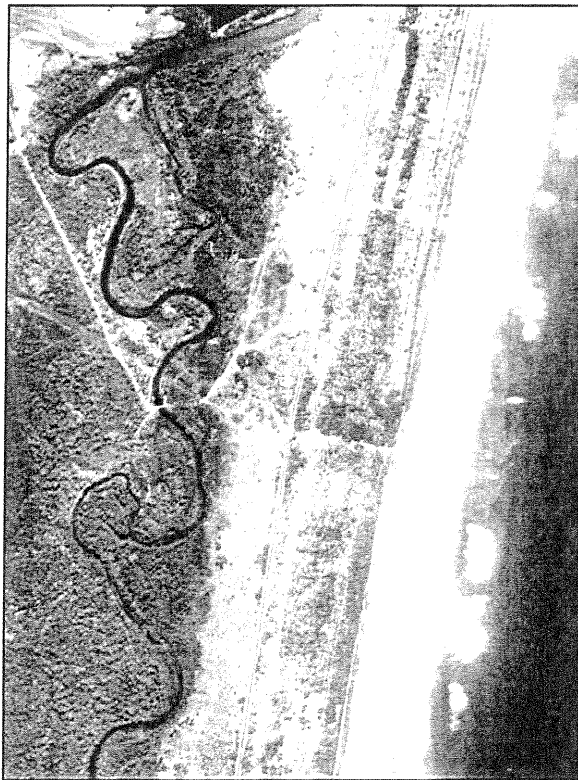


Figure 33: Aerial photo of the study area (1987)  
(NSW LPI Kingscliff x5467-7)



---

#### 4.1.6 Casuarina

In the late 1980s after sand mining had ceased and the rehabilitation of the site was well underway, the property was transferred to Lenon Developments Pty Ltd who are listed as the property's registered proprietors on 7 September 1988.<sup>121</sup>

Little appears to have happened on the site from this time until the late 1990s when Consolidated Properties entered into an arrangement with Don and Ian Barclay (who had interests in South Kingscliff) to undertake the Casuarina (then Kings Beach) subdivision and development project.

Works undertaken since 1999 in association with the development of the Casuarina Northern and Central Precincts have included:

- Additional dune regeneration (including the extensive replanting of banksia)
- Bulk earthworks, property subdivision, and provision of associated infrastructure (road, drainage and building blocks)
- Provision of boardwalks and a north-south culvert near the beachfront
- Installation of a pump station and rising main

In addition, the road through the area established in the 1950s was relocated to the west to its current position. The line of the new Tweed Coast Road approximating the line of pre-1950s road shown in the 1947 aerial photo and 1942 parish map.

At present there are something in the order of 600 residences in the subdivision areas to the north and south of the study area. The study area is partly vegetated (predominantly in the central portion) with the remainder grassed or cleared. The main developments within or bordering the site are:

- boardwalks and drainage gully on the eastern side parallel to the beach
- informal cleared carparking area at the northern end off Dianella Drive
- elevated plateau like mound in the northwestern part of the site
- large (deep) drainage gully running from the sports fields near the southwestern portion of the site to the northeast corner.

The NSW Geographical Names Board assigned the name Casuarina to the locality on 23 May 2003 and the name Casuarina Beach to the adjacent stretch of Bogangar Beach between on 4 April 2008. Refer **figures 35 – 40**.

---

<sup>121</sup> NSW LPI Register Book Vol. 3654 Fol. 158



Figure 34: Orthophoto of the Study Area (2000)  
(NSW LPI 1:25 000 orthophoto - Cudgen 9641-3N 2002)

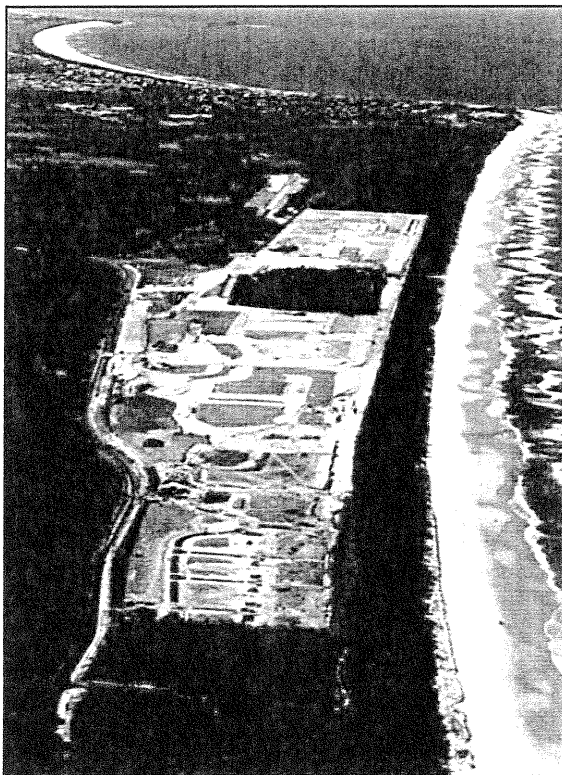
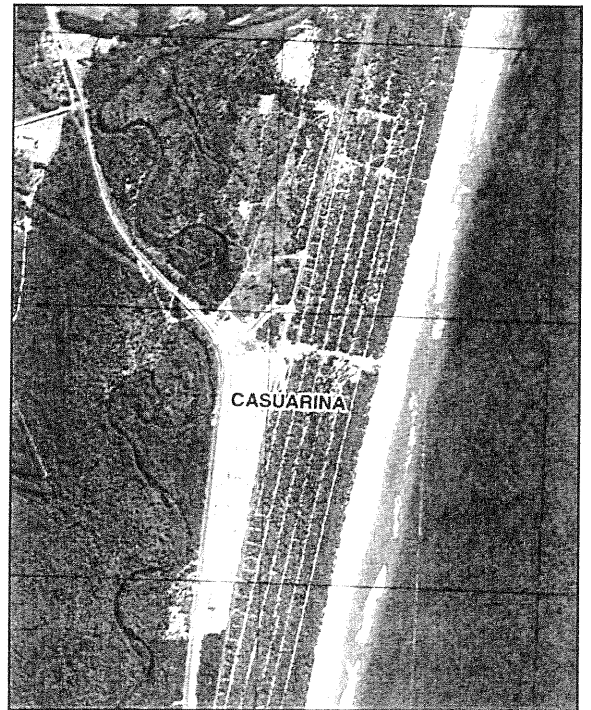
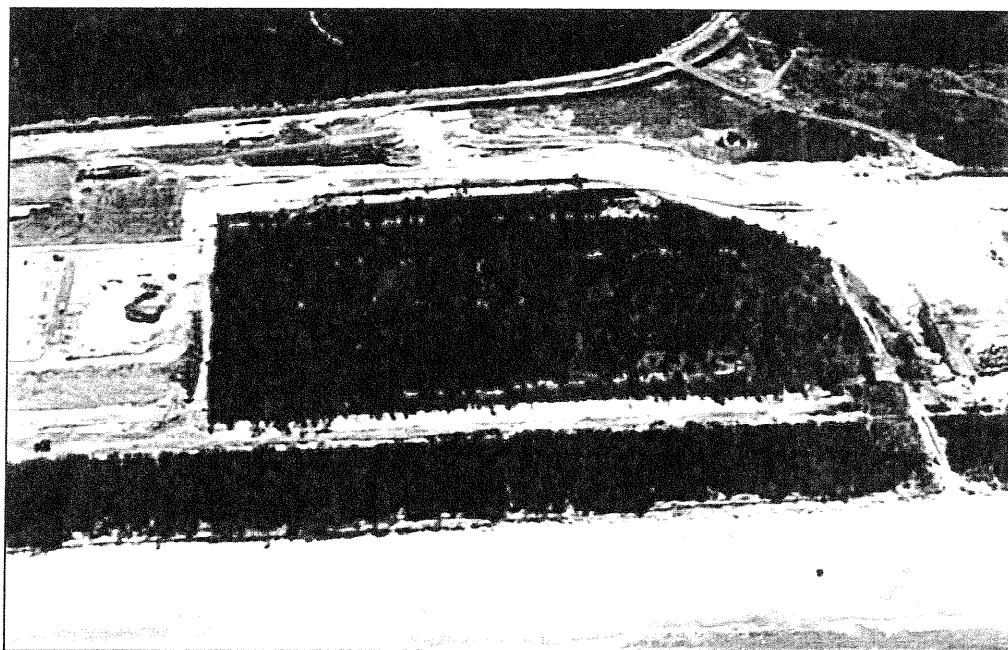
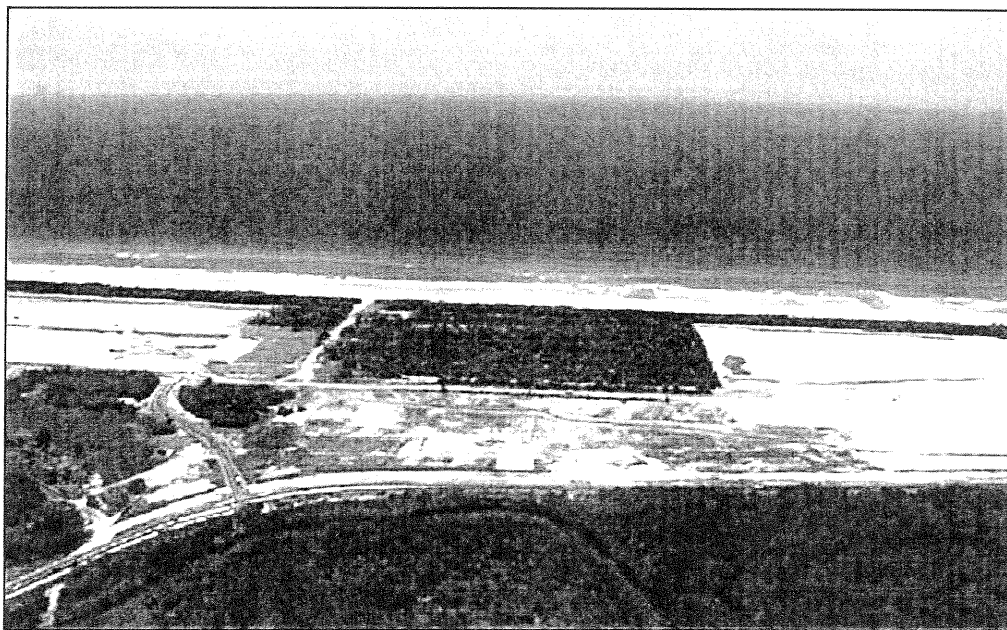


Figure 35: Casuarina Beach Development  
(Still image captured from the DVD *Coastal Dreaming: The Casuarina Beach Story* Hatchling Productions c.2005)



**Figure 36: Casuarina Beach Development**

(Still image captured from the DVD *Coastal Dreaming: The Casuarina Beach Story* Hatchling Productions c.2005)



**Figure 37: Casuarina Beach Development**

(Still image captured from the DVD *Coastal Dreaming: The Casuarina Beach Story* Hatchling Productions c.2005)



**Figure 38: Casuarina Beach Development**

(Still image captured from the DVD *Coastal Dreaming: The Casuarina Beach Story* Hatchling Productions c.2005)



**Figure 39: Casuarina Beach Development**

(Still image captured from the DVD *Coastal Dreaming: The Casuarina Beach Story* Hatchling Productions c.2005)



---

## 4.2 Legislation & Listings

### 4.2.1 Legislation

The NSW Heritage Act 1977 is the principle document governing the management of heritage items (relics and places containing relics) in NSW.

The Act defines a 'relic' as:

*any deposit, object or material evidence relating to the settlement of the area that comprises NSW, not being an aboriginal settlement, and which is 50 or more years old.*

As a result, heritage structures, ruins, and sub-surface archaeological features and deposits are afforded automatic statutory protection under the relic's provisions of the Act. For all practical heritage management purposes, a relic as defined above is generally qualified by the attribution of a degree of significance to that relic - not all relics under the act are of equal value.

Sections 139 to 145 of the Act prevent the excavation or disturbance of land for the purpose of discovering, exposing or moving a relic, except by a qualified archaeologist to whom an excavation permit (under section 140) has been issued by the Heritage Council of NSW.

### 4.2.2 Listings Review

A number of relevant statutory and non-statutory heritage registers and databases were reviewed to determine if items of historical significance were listed within the subject land.

#### State Heritage Register & Inventory

The State Heritage Register (SHR) is a list of heritage items that have been assessed and acknowledged as having state heritage significance. The NSW Heritage Office maintains the register, and any development proposal that is likely to impact on items on the register generally requires NSW Heritage Council approval (s.60).

The State Heritage Inventory (SHI) lists items of both state and local heritage significance. Generally the listing of items on the SHI results from their inclusion in local and regional planning instruments or heritage studies.

- Neither the study area nor any items within it are listed on the NSW Heritage Offices SHI or SHR.



---

### **Australian Heritage Database**

The Australian Heritage Database (AHD) is an initiative of the Commonwealth Government's Department of Environment and Water Resources. The database contains information about more than 20 000 natural, historic and Indigenous places and includes locations and items listed (or formerly listed) on the World Heritage List; the National Heritage List; the Commonwealth Heritage list; and the Register of the National Estate.

- Neither the study area nor any items within it are listed within the Australian heritage database.

### **North Coast REP 1988 (reprinted 2001)**

The North Coast REP 1988 is the main environmental planning instrument covering the North Coast region. Heritage is considered under part 3 (Conservation & Environment) and items of state and regional environmental significance are presented at schedules 2 and 3

- Neither the study area nor any items within it are listed within the relevant schedules of the North Coast REP.

### **Tweed LEP 2000**

The Tweed LEP is a local government planning instrument that addresses heritage issues at *Part 8 – Heritage provisions*. It lists specific heritage items within the LGA at *Schedule 2*.

- Neither the site nor any items within it are listed as heritage items within the Tweed LEP.

### **Tweed LEP 2000 (Amendment No.76 – Draft c.2005)**

This draft document aims to update Schedule 2 of Tweed Local Environmental Plan 2000 to include additional items of cultural heritage as identified in a recently prepared Community Based Heritage Study.

- Neither the site nor any items within it are listed as heritage items within the Tweed LEP draft amendment No. 76.

### Summary

There are no listed items of European cultural heritage significance within the study area.





## 5.0

## Aboriginal Archaeology

### 5.1 Regional Context

Evidence for Aboriginal occupation in the Tweed region of the northern NSW coast is dated to within the Holocene Period. There are very few sites dated to periods prior to the formation of the present coastline at around 6,000 years ago<sup>122</sup>.

In SE Queensland there is an occupation deposit/hearth at Wallen Wallen Creek on North Stradbroke Island dated to about 20,560 years ago. The occupation deposit was over 2.5m deep and stratified in a relict dune. Dated faunal evidence suggests a change in diet over time towards a marine focus in the late Pleistocene possibly reflecting rising sea levels. It is suggested the site was used as a small scale [transitory camp] throughout the Pleistocene with a markedly intensified occupation during the late Holocene<sup>123</sup>. Occupation deposit in the Bushrangers Cave<sup>124</sup> on the eastern edge of the Lamington Plateau near the NSW border was dated to around 9,000 years and similarly showed intensification of occupation during the last 2,500 years.

Holocene sites in the Tweed Valley have been dated at Terranora, Sextons Hill and most recently at Banora Point.

Navin Officer<sup>125</sup> retrieved two dates of 2,882 and 2579 years ago on oyster shell from a shell midden in an elevated aeolian sand body at Banora Point.

Barz<sup>126</sup> dated a shell midden deposit which included some human remains, at Terranora [AHIMS #4-2-0006] The midden (65x11x0.4m) was situated on basalt bedrocks extending into the River flood plain and showed a dietary shift from a reliance on fish (it was interpreted as a specialised 'fishing site') towards an increasing use of shellfish, possibly related to the gradual increase in mudflat and estuarine conditions at the mouth of the Tweed. The midden was dated to 600 years ago.

Appleton<sup>127</sup> investigated a shell midden [AHIMS #4-2-0071] at the base of Sextons Hill [Banora Point East] downstream of the above site. The site location allowed exploitation of the diverse resources nearby lagoon, rainforest and shore. Dietary evidence included cockle, whelk and oyster, bream whiting, snapper and flathead and pademelon and kangaroo. There were only 4 stone artefacts identified but the assemblage included two bone points and

---

<sup>122</sup> ie., the late Pleistocene and early Holocene.

<sup>123</sup> Neal & Stock 1986

<sup>124</sup> Ulm and Hall 1996:60

<sup>125</sup> Navin Officer 2008: 144-147

<sup>126</sup> Barz 1982

<sup>127</sup> Appleton 1993:17-18, 34 [see also Navin Officer 2008: 22, 26]





ochre. The occupation was dated to between 4,700 and 4,200 years ago at a time, Appleton argues, the site was on a relict shoreline verging sand flats. The midden was found to be partly disturbed by historic land use, that much of it was not in its original depositional context and the original extent could not be determined, nevertheless the site was recommended to be placed on the Tweed LEP 2000 Heritage Schedule.

There have been no dated sites along the coastal beaches at the Tweed. Further south, dated sites in this context tend to be more recent and dominated by the exploitation of pipi. Such sites are located at Palm Valley, Wategos Beach, Angels Beach, North Ballina, Little Fishery Creek and Chiciba Creek Ballina.

While most of the studies on Aboriginal prehistory in the Tweed Valley have been conducted for impact assessments in a development context and most detailed archaeological investigations have been done on single site basis, there are a number of broader contextual studies. These regional studies have variously attempted to explain change through time and/or settlement patterns over a diverse range of environments.

The regional prehistoric cultural sequence is based on a number of dated sites throughout the region investigated by Isabel McBryde<sup>128</sup> archaeologically and combined with ethnohistorical research. The material culture and ethnohistorical information for the Tweed and Richmond River Aboriginal people has been researched by Sullivan.<sup>129</sup> Piper's<sup>130</sup> 1975 unpublished B. Litt. thesis on the Tweed Valley covered prehistory, contact and post-contact history.

There have been a number of broad context studies undertaken by the NSW National parks & Wildlife Service [now DECC]. These include Starling's<sup>131</sup> systematic survey of the remaining midden sites on the NSW coast between Newcastle and the Tweed, Byrne's<sup>132</sup> synthesis of the archaeology of the north east NSW, and the DEC 2005 Aboriginal Cultural Heritage Data Audit<sup>133</sup>, prepared by Steve Brown.

The Bundjalung Nation Jugun-Yubay Committee, also known as Bunjalung Nation Aboriginal Cultural Heritage Natural Resource Management Committee, is undertaking a Bundjalung mapping project which includes site audits, locational information, ground truthing and site assessments. The Bundjalung Mapping project (BMP) is a joint venture between Southern Cross University School of Environmental Science and Management, the Bundjalung Nation Aboriginal Cultural Heritage and Natural Resource Management Committee, Northern Rivers Catchment Management Authority, and Department of Environment and Conservation

---

<sup>128</sup> McBryde 1974 1978

<sup>129</sup> Sullivan 1964, 1965 and 1978 (see also Section 3)

<sup>130</sup> Piper 1975

<sup>131</sup> Starling 1971

<sup>132</sup> Byrne 1983

<sup>133</sup> DEC 2005



(National Parks and Wildlife Division). The project aims to produce a highly secure, user-friendly computer-based record keeping system through which Aboriginal communities can record and own their cultural knowledge (see below). A key researcher is Ian Fox of Southern Cross University. Information recorded by the Aboriginal community includes archaeological and other cultural sites. Fox has advised Navin Officer<sup>134</sup> that over 140 sites have been recorded by the project, including shell middens, artefact scatter, isolated finds burials, bora/ceremonial grounds, a stone arrangement and stone quarries. Jackie McDonald advises that information relating to historical associations and important cultural places is also recorded. The degree of overlap between the DECC AHIMS and BMP is not known.

## 5.2 Local Context

The study area is located between Cudgen Creek and the Pacific Ocean between Kingscliff and Bogangar (Norries Point). A number of Aboriginal heritage studies have been undertaken in the areas between Chinderah, Kingscliff and south to Pottsville. These have been mainly development impact assessments and include development proposals at Fingal, extractive industry proposals between Cudgen and Chinderah and at the base of the Cudgen Duranbah hills, subdivisions at Kingscliff, within the Kings Forest development area, in and around Pottsville and road realignments along the old Tweed Coast Road.

There have been two previous Aboriginal archaeological surveys of lands adjacent to the Central and Southern Casuarina Precinct and one of a 40m wide corridor for the realignment of the old Tweed Coast Road to its current position west of the Casuarina development. One of these studies included a survey transect along an old road easement in the centre of the Town centre site [see below]. The latter straight line survey is the only known previous Aboriginal archaeological survey within the Town Centre site.

In 2001 Piper<sup>135</sup> surveyed land immediately to the north of the Northern Precinct of the Casuarina subdivision, an area known as Seaside City. His study covered both mined and unmined sand bodies between the ocean and Cudgen Creek. He identified a small cleared but unmined dune area on the eastern bank of Cudgen Creek which contained a pipi shell midden [AHIMS# 4-2-0111] 120m in length x 5m wide x up to 10cm thick. This site was 400m north of the pipi midden identified by Collins (see below) and is similarly undisturbed. He also located the remains of a destroyed camp site adjacent to the midden. The artefact scatter consisting of 3 flaked artefacts and a manuport were on a bulldozed sand bank. He interpreted the assemblage as possibly representing wooden tool maintenance and Bungwahl rhizome preparation. The midden was assessed as having high archaeological and cultural

---

<sup>134</sup> Navin Officer 2008:23

<sup>135</sup> Piper 2001



significance at a regional level. The redeposited artefact scatter was assessed as having no scientific potential but important to the TBLALC.

In 1996, Collins<sup>136</sup> surveyed a proposed 100 lot subdivision to the south of Casuarina and the route of the proposed realignment of the old Tweed Coast road. This route, the Tweed Coast Road's current alignment, included a 40m corridor for the new road and utilities such as water and sewer pipelines and service networks to be laid along the eastern side of the proposed road. Effectively Collins would have surveyed the western boundary of the greater Casuarina development, including the proposed Town Centre. She also surveyed an east-west trending road easement between the Cudgen Creek and the ocean through the middle of the Town Centre site. This road easement is shown on **figure 2** Topographic Map excerpt. Collins located two disturbed open camp sites [**AHIMS# 4-2-139 and -140**] and a low density pipi midden [**AHIMS# 4-2-138**] on the eastern bank of Cudgen Creek. The midden site was assessed as having medium archaeological significance and is the nearest known to the current study area. Collins study did not investigate European cultural heritage.

Significantly, Collins found, like Piper who investigated the sand mined areas at Seaside City, the sand mined area of the road easement through the Town Centre site and in the proposed 100 lot subdivision between the Tweed Coast road and the ocean to the south of Casuarina, contained no evidence of Aboriginal occupation surviving in the mined areas.

An Aboriginal heritage assessment of the Cudgen Lakes sand extraction proposal, between Chinderah and Cudgen and largely to the west of Kingscliff, 67ha. in total area was recently undertaken by Piper.<sup>137</sup> This study was a reappraisal of an earlier broad scale assessment reported to be over the same lands he covered in 2005, but includes land not previously surveyed. No additional survey was involved in this study. Desktop study identified two sites outside the proposed extraction area, one [**AHIMS# 4-2-109**] to the south west of the Cudgen township and the other, a midden [**AHIMS# 4-2-21**] in Chinderah. No sites were identified in the areas proposed for sand extraction.

Piper<sup>138</sup> surveyed proposed extensions to an existing quarry at Duranbah. He identified four artefact scatters [**AHIMS#4-2-0089 – 0092**] in the existing quarry area amongst dredge tailings. He assessed the sites as having low archaeological significance and recommended collection, with monitoring of the proposed mine extension. Studies south of Kingscliff, have included extensive survey and assessment of the Kings Forest Development area. He development proposal is for the rezoning of the land from rural residential to urban over a twenty year period. The area contains wetlands and sand ridges between Cudgen Creek and

---

<sup>136</sup> Collins 1996 see Figures 3 and 8; pers. comm. 25.8.08

<sup>137</sup> Heritage Surveys Archaeological Consultants 2008: 10-10 Figure 1

<sup>138</sup> Piper 1994



the Cudgen Hills. Nicholson and Cane<sup>139</sup> conducted a preliminary study identifying five sites and two previously recorded sites, a greywache stone quarry [AHIMS 2-3-0037] on the northern shore of Cudgen Lake and an open site [AHIMS #4-2-0036] previously known in the area. The additional sites identified were open camp sites in elevated situations adjacent to the creeks, Cudgen Lake or the wetlands. The sites comprise low density artefact scatters including hatchets and pieces of red ochre. The hatchets were made on basalt or greywache and the smaller pieces were made on chert, chalcedony with some quartzite and quartz. Piper also conducted survey in the Kings forest area in 1999. He identified three new open camp sites [AHIMS # 4-2-0103 -0105] and a midden [AHIMS # 4-2-0106] and an isolated artefact. Piper assessed the occupation sites as having archaeological significance on the basis of potential subsurface deposit and recommended additional archaeological assessments throughout the development staging.

Piper<sup>140</sup> surveyed a 1.7km x 30m realignment of the Old Bogangar Road over inner barrier sand dune and wet land, and identified an open camp site on the northern edge of the Kings Forest development area [AHIMS 4-2-98]. The site contained a piece of ochre and two flakes amongst a sparse scatter of shell and was recommended for collection.

### 5.3 DECC AHIMS & BMP Databases

There are over 300 recorded Aboriginal heritage sites in the Tweed LGA. These sites include ceremonial sites and mythological sites which were identified by the Aboriginal community and have no archaeological manifestations. The majority are shell midden sites and open camp sites distinguished by stone artefact scatters. No Aboriginal sites have been previously recorded in the study area. Nearest known sites are located along Cudgen Creek, Kings Forest and at Kingscliff. None of these sites are affected by the Town Centre proposal.

The current study sought the permission of the Tweed Byron LALC to determine whether sites of importance to the Aboriginal community had been identified for the study area at Casuarina within the Bundjalung Mapping Project (BMP). Kyle Slabb<sup>141</sup> of the TBLALC agreed to contact Ian Fox as the main Southern Cross University contact person, Dr David Lloyd was on leave. He made the contact on behalf of the authors. Mr Fox advised that the nearest known site was a midden site along Cudgen Creek and that there was nothing specific in terms of community significance values for the Casuarina Town Centre.

---

<sup>139</sup> Nicholson & Cane 1989

<sup>140</sup> Piper 1996

<sup>141</sup> Kyle Slabb pers. comm. 21.7.08



---

## 5.4 Aboriginal Community Information

The following information was provided to the authors prior to, during and following the field component of the study. This information is presented in summary form and should not be taken to be quotations or all that was discussed. The TBLALC, Mr Clarence Phillips, Mrs Joyce Summers and Jackie McDonald have been forwarded copies of a draft report completed in August 2008 and asked to provide formal statements on their interest in the study area and/or the heritage assessment. .

Ms Jackie McDonald<sup>142</sup> accompanied the archaeologists in the field and discussions were held prior to and following the field survey. Ms McDonald is a traditional descendant of the Nganduwal people of the Tweed Valley. She has extensive knowledge of midden and camp sites in the region as well as historical information on Aboriginal families in the area. In particular she knew of burials and midden sites in the Kingscliff area where her grandmother and mother had lived. She stated that her Pacific Islander relatives had told her that the area to the south of the Cudgen Bridge was a 'no go' area to the Islander people, it being an Aboriginal area. She knew of middens and camp sites along Cudgen Creek and in the Kings Forest development area. She was aware of stone artefacts being located in other sand mined areas and did not want to discount artefacts at depth in such areas.

She referred the authors to Ian Fox of BMP who she believed had information not contained in the DECC AHIMS database.

Joyce Summers<sup>143</sup> is a community Elder who has historical links to the area between Kingscliff and Fingal, having been born on Ukerebagh Island. She was advised on the project during a conference call with Jackie McDonald following their registration of interest following the Public Notice. She could not take part in the field survey but requested she be kept informed on the results and any recommendations that might ensue. She stated that she is not a traditional descendant, her family having come from Charleville. She knew about the destruction of Aboriginal sites and burial places at Fingal caused by the sand mining there. She had understood a post master at Fingal had put the name Dreamtime Beach to the Geographical Names Board, because bones had been found there during the sand mining. She believed the same situation would have occurred south of Kingscliff. She agreed that an interpretive sign commemorating the past Aboriginal use of the Casuarina area including the possibility that burial sites were destroyed during the sand mining would be of merit, but that others would be better placed to talk about this and that there would need to be an agreement on the wording sign.

---

<sup>142</sup> Jackie McDonald 18.6.08 and 16.7.08

<sup>143</sup> Joyce Summers pers. Comm. 17.7.08



---

She believed that Clarence Phillips and Jackie McDonald would be better placed to talk about Aboriginal heritage places south of Kingscliff.

Clarence Phillips was Co-ordinator of the TBLALC at the commencement of the project. He was contacted at the time of the public notification and further advised on the project. During and following the field survey he was contacted and advised on the results. He<sup>144</sup> agreed that the Casuarina area is heavily damaged by sand mining and couldn't see any heritage significance for the area. The places he knew to be important were Kings Forest and Cudgen Creek. He recalled the old cane cutter shacks in the area. He stated that a walking trail ran through the Kings Forest area, down to the Cabarita/Bogangar Beach and that Cudgen Creek had been an important food gathering area particularly for mud crab and mullet which was caught by 2-3 people netting them in the shallows.

He provided information about the BMP and advised that Southern Cross University had an agreement with the TBLALC to provide all the information to the LALC. He advised access to the BMP database should appropriately be sought through the new LALC Acting CEO, Mr Kyle Slabb.

Kyle Slabb became the TBLALC Acting CEO following the field component of this study. He was contacted<sup>145</sup> and briefed on the project and the TBLALC involvement to date.

## 5.5 Site Predictive Modelling/ Past Land Use data

The Aboriginal heritage resources of an area comprise both archaeological sites and cultural information and knowledge retained by members of the Aboriginal community. Some cultural activities leave little or no archaeological trace, but may be remembered as an activity that took place at a particular area or site. The heritage of an area is subject to impacts from post depositional natural and human processes and may or may not survive these impacts.

It is noted that the subject land has been extensively sand mined between the 1950's and the 1970's. This has had severe impacts on the original depositional context of any sites of Aboriginal occupation which might have existed there. Given the known data on site types and their distribution in the Tweed coastal areas, it could be expected that middens and open camp sites and burial sites are likely to have been located on or in sand bodies of the study area, but that they are highly unlikely to have survived the mining process (see Section 4.1.5 Figures 28-31). The negative results of the previous Aboriginal archaeological surveys by Collins and Piper in some of the sand mined areas to the north and south and west of the Casuarina area and Collins' survey transect through the middle of the Town Centre site, also supports this conclusion.

---

<sup>144</sup> Clarence Phillips pers. Comm., 17.7.08

<sup>145</sup> Kyle Slabb 17.7.08 and 21.7.08



---

## **6.0 Conclusions & Recommendations**

### **6.1 Site Inspection**

A site inspection was undertaken on 18<sup>th</sup> June 2008. This involved physical inspection of the site via a site walk over and recording of the subject land. The inspection was concerned with the identification of relics, areas of historical and Aboriginal archaeological potential, and significant culturally modified landscapes.

#### **Methodology**

Survey methodology generally accorded with archaeological practice approved by the NSW Heritage Office and in accordance with the NPWS *Aboriginal Cultural Heritage Standards & Guidelines Kit* (NPWS DRAFT 1997).

Aspects of the inspection the site included:

- Air photography, topographic maps and site plan provided by project engineers Cardno Pty Ltd were used to define the site, its extent and boundaries
- Inspection involved walking the perimeter of the site and within the site along walkways, drainage lines and informal tracks
- Notes regarding physical aspects of the site such as stratigraphy, disturbance, and landscape characteristics were recorded
- Photographs were taken using a high end digital camera with a one metre red and white scale bar where appropriate

#### **Survey Area**

The study area consists of an undulating and heavily modified dune landscape set between the new Tweed Coast Road and Casuarina (Bogangar) Beach, and two new residential subdivision areas established after 2000 (the Casuarina North and Central Precincts).

For all practical purposes there are two distinct areas (refer **Figure 40**) within the Town Centre site, which are discussed individually for convenience below. These are:

- **Area A** – An informal car park and generally cleared area in the northwest of the study within the angle of Dianella Drive and the Tweed Coast Road
- **Area B** – Heavily modified and vegetated area covering the majority of the site and separated from Area A by a deeply cut drainage easement and thoroughfare. This



area includes the landscaped foreshore area featuring walkways and open drainage lines providing beachfront connectivity between the two residential areas.

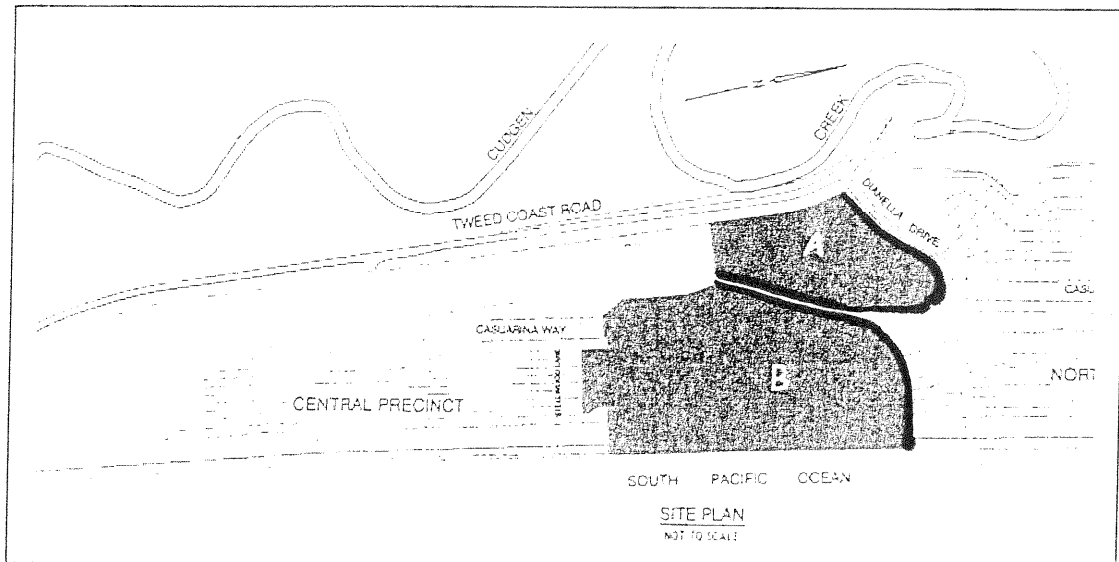


Figure 40: Site Plan showing the two main survey areas  
(Base plan by Cardno Pty Ltd)

### Observations

The site presents as a heavily modified and predominantly modern landscape comprising a partly rehabilitated dune system that has been overprinted with more recent earthworks associated with residential subdivision development since 2000. Refer figures 41 – 52.

#### Area A

Area A features an informal open car park off Dianella Drive; an elevated and formed up sandy terrace within the angle created by the Tweed Coast Road and Dianella Drive; and a patch of remnant post-mining vegetation/regrowth (c.1970s). The terrace itself, which is the dominating landscape feature, is modern and likely to be resultant of post-2000 site establishment earthworks associated with the broader Casuarina development.

The soil profile within the general area, as evidenced in areas of exposure (eroded areas; walls of open drainage channels) is predominantly homogenised re-deposited beach sand and imported fill comprising river gravels, road base and miscellaneous coarse aggregates.

The exterior margins of the study area grade into open roadside drains. The terrace is separated from Area B by a high walled deeply dug open drainage line/thoroughfare – which





runs in a southwest to northeast arc from the playing fields at the southwest corner of the site to the extreme northeastern site boundary. In places this gully-like channel is several metres deep and up to 25 metres wide. Again, this is a modern feature associated with the broader Casuarina development.

#### Area B

Area B is a large area of post-mining dune reformation that is covered with dune stabilizing regrowth vegetation. The regrowth features a combination of replanted natives (horsetail oak, coastal banksias &c), bitou bush and other unintentional weed species (some of which appear to have arisen from garden waste deposited on site from the adjacent estates). The dune formation itself dates to the late 1970s/1980s with the vegetation post-dating this.

The area is devoid of structures with the exception of a modern green shipping container at the northern end. A modern concrete cycle path (approximately 3 metres wide) skirts the western and northern margins of this area, set above the deep open drainage line.

Separating Area B from the frontal dune is a heavily landscaped corridor featuring walkways and an open drainage channel, all running parallel to the beach. The landscaping and associated plantings are modern and connect the residential areas to the north to those to the immediate south.

#### **Aboriginal Archaeological Survey Results**

No Aboriginal sites or items of Aboriginal occupation was identified by the survey. All ground surfaces relate to mining and post mining rehabilitation works. The mining process involved deep dredging by a floating plant, and removal of bulk sands to processing plants off site for the separation of minerals. It is highly unlikely any Aboriginal site which might have been resident in or on the pre-mined sand body between the ocean shore and the hind dunes will have survived the mining operations or will be buried in sand below the level of the dredging.

All stone and shell identified by the survey represents introduced post mining rehabilitation fill.

#### **Historical Survey Results**

The subject area is generally devoid of features of historical interest with the exception of what appears to be a loading ramp sited at the southern end of the informal carpark off Dianella Drive (Area A).

This feature is constructed of three vertical steel I-beams supporting lengths of cast iron drain pipe which have been set against them to create a solid wall. The feature is partly overgrown but appears to be about three metres high and eight to ten metres wide. The structure is oriented approximately east west and is infilled with sand on the northern side forming what appears to be the approach ramp.



In terms of location, the feature is close to the line of the old north-south road, which was established through the study area in the 1950s (GPS GDA94 56556003E; 6869855N). The actual line of this latter feature has been completely obscured/removed by earthworks associated with the greater Casuarina development site establishment works, which included removal of this road and the construction of the Tweed Coast Road to the east.

The feature is likely to date to around the 1970s and was probably used as a loading ramp for local sand mining activities.



Figure 41: Area A (northwest corner)  
(View WSW)

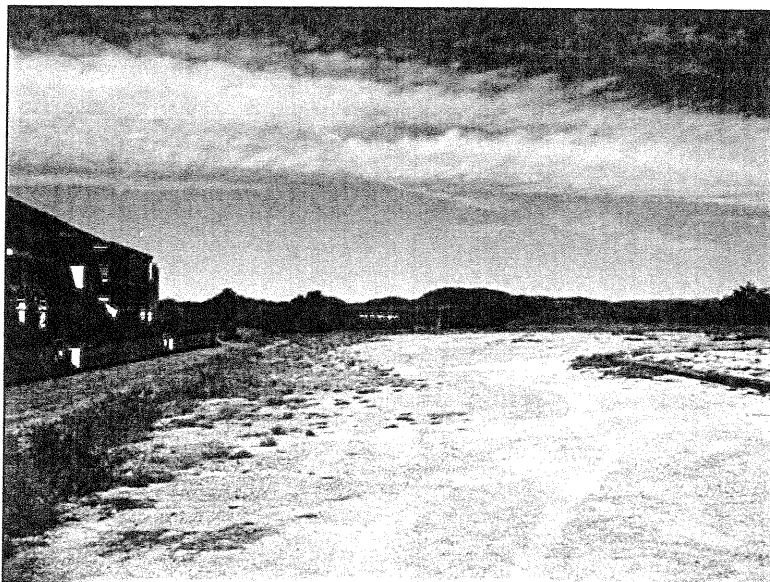


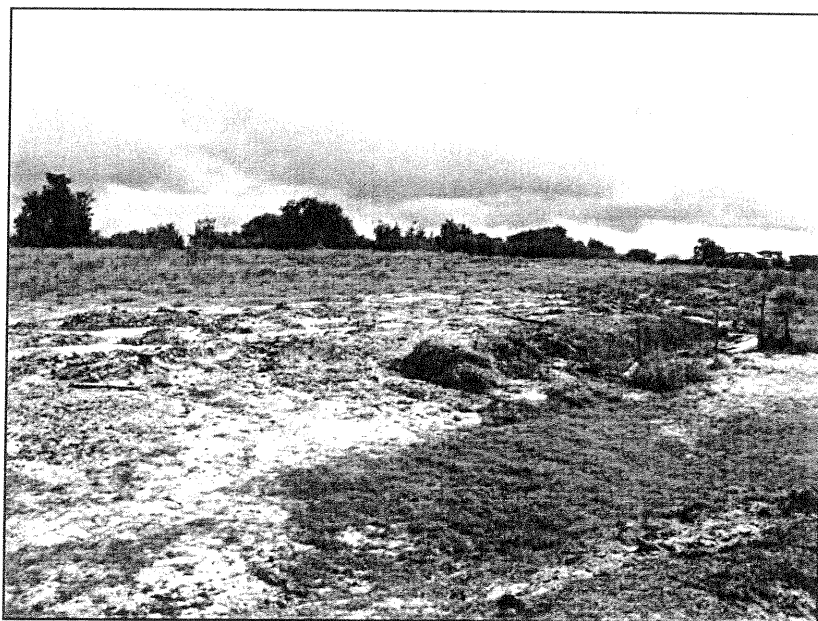
Figure 42: Area A (informal carpark)  
(View S)



**Figure 43: Areas A & B**

The grassed up sandy terrace in the foreground comprises the majority of Area A. It is separated from Area B (to the left of frame) by the large open drainage gully and footpath (visible in the middle distance)

(View SSE )



**Figure 44: Area A  
(carpark)**

This area, at the southern end of the informal carpark, shows the typical degree of disturbance at the site

(View NW)



**Figure 45: Area A**

Typical soil exposure demonstrating mixed re-deposited sands and introduced fill material (pebbles, road base &c)



**Figure 46: Area A**

Western margin of the main drainage gully wall  
(View NNE)



**Figure 47: Area A (southwest end)**

Modern landscaping adjacent to the sports field  
at the southwestern end of the site

(View ENE)



**Figure 48: Area A (western margin)**

Modern drainage features (concrete headwall;  
pipe; open rubble drain) adjacent to the Tweed  
Coast Road

(View S)





Figure 49: Area A -  
Loading Ramp

Ramp structure  
constructed of I-beam  
and cast iron pipes  
(post-c.1970)

(View NW)

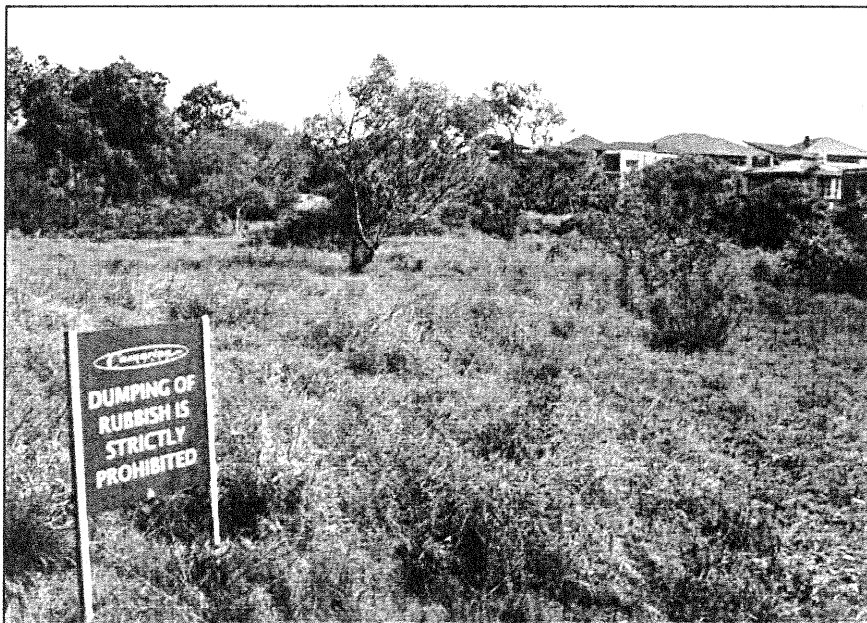


Figure 50: Area B  
(north end)

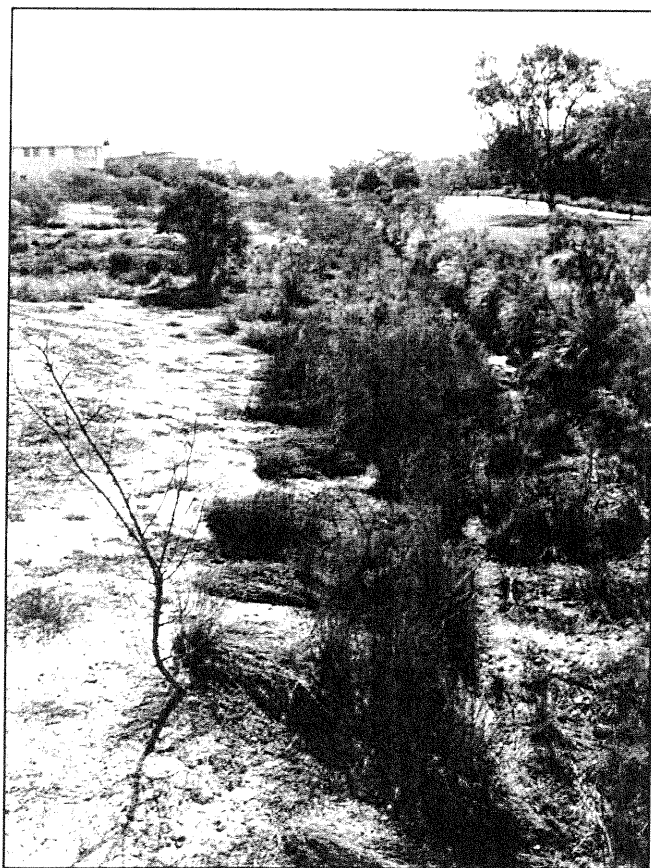
(View WNW)



**Figure 51: Area B (south end)**

Undulating, heavily vegetated, post-sand mining landscape

(View WNW)



**Figure 52: Area B (eastern margin)**

Replanted native grasses and shrubbery; low rock wall; drainage channel; & cycle way

(View N )



---

## 6.2 Significance Assessment

This section addresses the heritage significance of the study area. The first section outlines the principles and criteria under which a significance appraisal is made; the second provides an assessment under the established criteria and presents a summary statement of significance.

### 6.2.1 Principles & Evaluation Criteria

"Heritage significance" and "cultural significance" are terms used to describe an item's value or importance to our society. The Australian ICOMOS Burra Charter defines cultural significance as,

*Aesthetic, historic, scientific or social value for past, present or future generations*

This value may be contained in the fabric of the item, its setting and relationship to other items, the response that the item stimulates in those who value it now, or the meaning of that item to contemporary society.

Accurate assessment of the cultural significance of sites, places and items, is an essential component of the NSW heritage assessment and planning process. A clear determination of a site's significance allows informed planning decisions to be made, in addition to ensuring that heritage values are maintained, enhanced, or at least minimally affected by development.

Assessments of significance are made by applying standard evaluation criteria. These criteria can be used to assess both Aboriginal and European items and landscapes. These criteria are as follows:

- (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)
- (b) An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW' cultural or natural history (or the cultural or natural history of the local area)
- (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)
- (d) An item has strong or special associations with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons
- (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)





---

**(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)

**(g)** An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural and natural environments.

The above criteria were established under Part 3A of the NSW Heritage Act 1977 (as amended in 1998) for the listing of items of environmental heritage (defined as 'buildings, works, relics, moveable objects and precincts') which are of state heritage significance. These criteria are commonly used to assess all items of heritage significance whether state or local.

### **6.2.2 Assessment**

**(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)**

The study area reflects changes to the landscape (land clearing and landscape modification) wrought by common coastal enterprises in sand mining and more recent coastal development. The study area is not remarkable in this respect as such landscapes are replicated along much of the North Coast and are well represented in protected reserve areas (e.g. Yuraygir National Park).

*The study area is not considered significant under this criterion.*

**(b) An item has strong or special associations with the life or works of a person, or group of persons, of importance in NSW' cultural or natural history (or the cultural or natural history of the local area)**

The property has some association with local sand mining enterprises during the period 1940 to 1980 during which time it was exploited for mineral sands. However, there is no known special association with a particular operation or individual.

*The study area has low significance under this 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)**

*The study area has no significance under this criterion.*

**(d) An item has strong or special associations with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons**

Community interest in the study area is predominantly environmental (rather than historical) and reflects broader nationwide concerns about the potential impact of ongoing coastal development.



---

*The study area is not considered significant under this 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)**

The area has little potential to provide information that will significantly contribute to our greater understanding of the European cultural history and development of the study area. Significant relics or areas of historical archaeological potential have not been identified within the study area and the property features no extant landscapes, structures or other items of cultural heritage significance.

Most features within the study area (such as tracks, drains, gullies, fencelines and infrastructure) date to within the last eight years - with the exception of a loading ramp in the northeastern portion of the study area which may be up to 30 years old. Collectively, all these features have low archaeological and cultural heritage value.

*The study area is not considered significant under this 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)**

The study area with its landscape modified by sand mining post-mining coastal development is not uncommon or rare within the North Coast region – numerous examples of similar landscapes with a similar history exist within the stretch of coast between Coffs Harbour and Tweed Heads.

*The study area is not considered significant under this criterion.*

**(g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places; or cultural and natural environments.**

The study area is one of a number of former sand mining areas on the NSW North Coast. It is of a site type well represented on the north coast and demonstrated/protected within numerous state parks including the aforementioned Yuraygir National Park.

*The study area is not considered significant under this criterion.*

Summary Statement of Significance

The study area is one of a numerous North Coast properties that feature a landscape modified by past use – namely land clearing, sand mining, post-mining rehabilitation, and subsequent development. While this landscape reflects the history of use of the place, it is a landscape that is unremarkable, common to the area, and well represented locally and in other nearby contexts.



The post-mining landscape itself is the only manifestation of past use of the place. Any significant mining plant and infrastructure that was once located on the site has been long removed – as was the moveable nature of coastal sand mining operations. The common nature of the cultural modified landscape and the absence of tangible heritage items ensures that the site has low cultural heritage significance and sensitivity.

### 6.3 Conclusions

No Aboriginal or European items are listed within statutory or non-statutory heritage lists, databases or schedules for the current study area.

The history of the study area is dominated by sand mining that occurred across the entire study area (and adjacent areas) from the late 1940s to the late 1970s. There is no evidence of significant previous European use and the site appears to have been undeveloped/unimproved prior to the commencement of mining. No Aboriginal sites were identified on the land prior to the mining.

Mining has occurred on multiple occasions (as technologies improved) and has altered the physical landscape. Mining was historically a 'moveable' enterprise and there is no remaining plant or other significant mining infrastructure within the study area

Evidence of past use is the modified landscape itself and this is replicated at other locations in nearby areas. The landscape itself is unremarkable in heritage terms

No sites or items of European cultural heritage significance or areas of historical archaeological potential were identified within the study area during the site inspection and Historical research indicates that it is unlikely that relics of European cultural heritage significance remain undetected within the study area

The majority of built features on the site date to the last eight years or so and include drainage features and access paths associated with the broader Casuarina Beach subdivision development that commenced in c.2000.

No Aboriginal cultural material was identified on the site. Any occupation evidence as might have been located in the pre-mined sand dune complex would have been removed by the sand mining process. Such sites might have included open camp sites, middens and possibly burial sites, which in similar contexts along the Tweed coast are known to have been identified and taken out by the mining operations. The report of Ms Jackie McDonald [see **Appendix 1**] discusses many sites known to be located in the region and surrounding areas and also mentions the general impact of sandmining and the destruction of sites during this process. None of the other places she mentions can be linked to the Town Centre site, however she views this land as part of the 'overall cultural landscape'. She stresses that the



---

development area is part of an area subject to continuous use by Aboriginal people and is important because of the contemporary knowledge held about these places.

No Aboriginal sites or individual items of Aboriginal cultural history were identified on the land. Further assessment requiring s.87 or s.90 Aboriginal Heritage Impact Permits [AHIP] under Part 6 of the NSW National Parks & Wildlife Act 11974 [as amended] is not required. An archaeological monitor is not warranted given the nature and degree of past land disturbance.

The study area has been assessed as having low European cultural heritage significance and low historical archaeological potential and sensitivity and as having no Aboriginal archaeological potential. There are no Aboriginal or European cultural heritage constraints to the Casuarina Town Centre development proceeding as envisaged. The report of the Tweed Byron LALC supports these conclusions [see **Appendix 1**].

#### Interpretation Opportunities

While the cultural heritage significance of the site is low, consideration should be given to interpreting the sand mining history of the area within the proposed Town Centre. While sand mining was once a common North Coast enterprise and significant employer, its history is rarely presented in a public context.

The landscapes and vegetation regimes of many of the beaches of the NSW Far North Coast have been shaped by mining and it would be advantageous to share the mining history of the region with Casuarina residents and visitors. Onsite interpretation would also allow for the establishment of an historical connection between the new suburb and a bygone regional enterprise that has shaped its landscape and setting.

Similarly, the Aboriginal associations with the sand mining industry has not been presented in a public context. The impact of the mining on Aboriginal cultural heritage sites has been significant. Anecdotal evidence from elderly Aboriginal informants at Fingal<sup>146</sup> indicates Aboriginal people were employed on the mining sites and that these operations provided significant employment for the local community. The tragic removal of Aboriginal cultural heritage site including burial sites during the course of the operations was traumatic for the local community and depleted the region's heritage. The Interpretation and commemoration of such events will require ongoing consultation and the support of the TBLALC and community members.

---

<sup>146</sup> Dallas 1988



---

## 6.4 Recommendations

The following recommendations are based upon the legal requirements and automatic statutory protection provided to items of Aboriginal heritage under the terms of the *National Parks and Wildlife Act of 1974 (as amended)*, where:

*'it is an offence to knowingly damage, deface or destroy Aboriginal sites or relics without the prior consent of the Director General of the National Parks and Wildlife Service',*

and; to European heritage relics under the NSW Heritage Act 1977, which defines a 'relic' as:

*'any deposit, object or material evidence relating to the settlement of the area that comprises NSW, not being an aboriginal settlement, and which is 50 or more years old'*

in conjunction with;

the results of the historical research and archaeological investigation of the study site which are documented in this report;

and

The views and concerns expressed by the Aboriginal community representatives as outlined within the appended Aboriginal Cultural Heritage Statements.

It is recommended:

1. There are no European or Aboriginal heritage constraint to the development proposal.
2. Further archaeological survey is not warranted or required within the subject land.
3. In consultation with the Tweed Byron Local Aboriginal Land Council and the local Aboriginal community consideration should be given to the erection of a suitable commemorative installation which could mark or identify the Aboriginal occupation of this part of the Tweed Coast and the past disturbance to their heritage sites.
4. Consideration should be given to the interpretation, on site, of the sand mining history of the area and its shaping of the current coastal landscapes to establish an historical connection between the new suburb and its past setting.
5. A copy of this report should be forwarded to the Chairperson of the Tweed Byron LALC and the following community representatives at the contact addresses below.

Mr Kyle Slabb  
Tweed Byron Local Aboriginal Land Council  
PO Box 1401  
Kingscliff NSW 2487



---

Ms Jackie McDonald  
63 Tringa Street  
West Tweed Heads NSW 2321

Mrs Joyce Summers  
26 Brier Crescent  
Varsity Lakes QLD 4227

6. Two copies of this report should be forwarded to:

Northern Region Archaeologist,  
Northern Aboriginal Heritage Unit  
**Department of Environment and Climate Change**  
PO Box 914  
Coffs Harbour NSW 2450

7. One copy of this report should be forwarded to:

The Manager  
Aboriginal Heritage Information Management System  
**Department of Environment & Climate Change**  
P.O. Box 1967  
Hurstville NSW 2770



## 7.0

## References

- Ainsworth, J. n.d. *Ballina in the Early Days – Reminiscences of J. Ainsworth 1847 – 1922*. Richmond River Historical Society.
- Australian Heritage Commission. 1998. *Protecting Local Heritage Places: A Guide for Communities*. Australian Heritage Commission, Canberra.
- Appleton, J. 1993. *The Archaeological Investigations of a Shell Midden at Sexton Hill, south of Tweed Heads, North Coast NSW*. Report to Ian Hill & Associates.
- Aplin, G. 2002. *Heritage: Identification, Conservation & Management*. Oxford University Press, Melbourne.
- Backhouse, J. 1843. *A Narrative of a Voyage to the Australian Colonies ...* London.
- Barz, K. 1982 Terranora 19: an Estuarine Midden at Tweed Heads. In S. Bowdler (ed) *Coastal Archaeology in Eastern Australia*. ANU Canberra 11-15.
- Beaglehole, J. 1968. *The Voyage of the Endeavour 1768 – 1771*. Cambridge University Press, Cambridge.
- Bellshaw, J. 1978. 'Population distribution & the pattern of seasonal movement in northern NSW' in McBryde, I (ed.). *Records of Times Past: Ethnohistorical essays on the culture & ecology of the New England Tribes*. Australian Institute of Aboriginal Studies, Canberra. Pp: 65-81.
- BHP Minerals Pty Ltd. 1992. *Exploration Report EL 3703 - Kingscliff, Hastings Point area* (Final annual exploration report to November, 1991).
- Boileau, J. 2006. *Caldera to the Sea: A History of the Tweed Valley*. Tweed Shire Council, Tweed Heads.
- Bowdler, S. 1982. *Coastal Archaeology in Eastern Australia*. ANU Press, Canberra.
- Bray, F. 1997. *My Mother Told Me: Memories of a pioneer family*. Noella Elworthy (nee Bray), Cudgen.
- Bray, J. 1900. 'The Bool man making ceremony' in *Science of Man* 22 August 1900.
- Bray, J. 1901. 'Tribal districts and customs' in *Science of Man* February 1901.
- Bray, J. 1902. 'Aboriginal customs – Tweed River District Ceremony' in *Science of Man* 22 February 1902.
- Bundock, M. n.d. *Notes on the Richmond River Blacks*. Bundock family papers - SLNSW ML



- 
- Burke, H. & Smith, C. 2004. *The Archaeologist's Field Handbook*. Allen & Unwin, Sydney.
- Campbell, I. 1978. 'Settlers & Aborigines: The pattern of contact on the New England tableland 1832 – 1860' in McBryde, I (ed.). *Records of Times Past: Ethnohistorical essays on the culture & ecology of the New England Tribes*. Australian Institute of Aboriginal Studies, Canberra. Pp: 5-15.
- Cane, S. 1989. *Welcome to Fingal: Aboriginal Associations with Fingal Head*. Report to Ocean Blue Pty Ltd.
- Chestnut, W. 1975a. *Geology, Extractive Resources, Engineering Geology and Mining Factors influencing Town Planning in Tweed Shire*. Department of Mines, 1975. DSDC 29808 Murwillumbah.
- Chestnut, W. 1975b. *Reconnaissance Survey of the Tweed Shire*. SLNSW M4 813.11/1975/1.
- Combined Tweed Historical Societies. 2001. *Reflections: the Tweed Valley since Federation : 100 photographs then and now*. Combined Tweed Historical Societies.
- Coleman, J. 1982. 'A new look at the north coast: fish traps and villages' in Bowdler, S. *Coastal Archaeology in Eastern Australia*. ANU Press, Canberra. Pp1-10.
- Collins, J. P. 1996 Archaeological Survey at Kings Beach, Tweed Coast, Northern NSW. Report to Sinclair Knight Merz.
- Crowley, T. 1978. *The Middle Dialects of the Bandjalang*. Australia Institute of Aboriginal Studies (AIAS), Canberra.
- Dallas, M. 1988. Archaeological Survey & Preliminary Aboriginal Community Consultations on proposed Hotel Site at Fingal Head, NSW. Report to Ocean Blue Resorts Pty Ltd.
- Dallas, M. 2001 Site Inspection of an Aboriginal Shell Midden on the Brunswick River, Brunswick Heads, NSW. Report to Connell Wagner Pty Limited on behalf of the Roads and Traffic Authority
- Danks, M. 1993. *The Management of Bora grounds, Far North Coast, N.S.W. University of New England - Northern Rivers*. H 994.430049915 DANK Ballina.
- Davies, S. 1994. *An archaeological assessment of the proposed motorway between Billinudgel and Chinderah, New South Wales*. Report for Sinclair Knight R 388.1099443 DAVI Byron.
- Denning, H. 1990. *Historical Manuscript of the Tweed*. Tweed Shire Council. 994.43 DENN Kingscliff.
- Denning, H. c.1981. *The Sunkissed Playground: An historical manuscript of the Tweed, Mullumbimby and Byron Areas*. Tweed Newspaper Compant Pty Ltd, Tweed Heads.





- Department of Environment and Conservation (NSW) 2005 Comprehensive Coastal Assessment. Aboriginal Cultural heritage Data Audit. Report Prepared for the Coastal, Rural and Regional Strategy Division, DIPNR as part of the NSW Coastal Assessment.
- Douglas Partners Pty Limited 1996 Preliminary Geotechnical Investigation, Kings Beach Development Bogangar, Tweed Coast, Northern NSW.
- Field, B. 1825. *Geographical Memoirs of New South Wales*. Murrey, London.
- Godwin, L. 1990. *Inside Information: Settlement & Alliance in the Late Holocene of Northeastern NSW*. Unpublished PhD thesis, University of New England, Armidale.
- Godwin, L. & Creamer, H. 'Ethnography & Archaeology of the North Coast of NSW' in *Queensland Archaeological Research* 1:103-116.
- Goodall, H. 1996. *Invasion to Embassy: Land in Aboriginal Politics in NSW, 1770 – 1972*. Allen & Unwin Pty Ltd, St Leonards.
- Goulding, M. 2001. *Cultural Places, Contested Spaces: A History of Aboriginal Peoples Historical Attachment to Landscape*. Coffs Harbour Regional Cultural Heritage Study.
- Hatchling Productions. c.2005. *Coastal Dreaming: The Casuarina Beach Story*. DVD 307.762 COAS Byron.
- Heritage Survey Archaeological Consultants. 2008 Cudgen lakes Sand Extraction Project. Aboriginal Heritage Assessment. Report to R.W. Corkery & Co Pty Limited on behalf of Gales-Kingscliff Pty Limited.
- HO NSW. 2001. *Assessing Heritage Significance*. NSW Heritage Manual Update.
- HO NSW. 1996a. *Archaeological Assessments: Archaeological Assessment Guidelines*. Publication prepared by the Heritage Office (NSW), Department of Urban Affairs & Planning.
- HO NSW. 1996b. *Heritage Terms & Abbreviations*. Publication prepared by the Heritage Office (NSW), Department of Urban Affairs & Planning.
- Hoff, J. 2006. *Bundjalung Jugun: Bundjalung Country*. Richmond River Historical Society, Lismore.
- Humphreys, R. 1992. *Bonyi Bonyi: Life & legends of the Bunya Mountains*. Wyndhamd Observer, Nanango.
- Hurley, P. 1948. *Red Cedar: The Story of the North Coast*. Dymocks, Sydney. H 994.4 HURL
- ICOMOS (Australia). 1999. *The Burra Charter 1999: The ICOMOS Charter for Places of Cultural Significance*. ICOMOS Australia.



- 
- Itong, J. 1994. *History of the South Sea Islanders on the Tweed*. All Print, South Tweed.
- Johansen, R. 2003. *Tales of Our Times* (Volume 1- reprinted). Murwillumbah Print Spot and Ron Johansen.
- Johansen, R. 1988. *Tales of Our Times* (Volume 4). Murwillumbah Print Spot and Ron Johansen.
- Jordan, A. 1989. *Some Aboriginal & Islander Sites of Importance near Fingal Head*.
- Kijas, J. 2007. *The Other side of the World: International Migration to the Tweed 1940s to 1960s*. Tweed Shire Council, 2007.
- Keats, N. 1988. *Wollumbin: The creation & early habitation of the Tweed, Brunswick & Richmond Rivers of NSW*. Published by the author, Point Clare.
- Keats, W. 1999. *McGregor and Cooloon - First ships' pilot at the Tweed River, 1870-1896*. Lower Tweed River Historical Society Inc., Tweed Heads.
- Kinsman, M. 2007. *Joshua Bray: A Tweed Valley pioneer*. Bannerman Bros., Chatswood.
- Koettig, M. 1991. Preliminary assessment of the Aboriginal sites and Aboriginal concerns affecting the proposed rerouting of the mouth of the Tweed River. New South Wales Department of Public Works R 994.430049915 KOET Tweed Heads Historical.
- Livingstone, H. 1892 'A short grammar and vocabulary of the dialect spoken by the Minyung people on the north east coast of NSW' in Threlkeld, L. (ed.) *An Australian Language* Charles Potter (Government Printer), Sydney.
- Longhurst, R. 1996. *From Tallebudgera to the Tweed: An early history of the Southern Gold Coast*. Gold Coast City Council, Gold Coast.
- Lower Tweed River Historical Society, 1999. *C.S.R. Papers of the Tweed Valley 1870-1960 : held at the Noel Butlin Archive Centre, Canberra*. H 016.63361 CSRP Kingscliff.
- Lower Tweed River Historical Society (1988+). *The Log book: Journal of the Tweed Heads Historical Society*.
- Mathews, R 1917. 'Description of two bora grounds of the Kamilaroi tribe' in *Journal of the Royal Society of NSW* Vol. LI: 423-430.
- McBryde, I. 1974. *Aboriginal Prehistory of New England*. Sydney University Press.
- McBryde, I (ed.). 1978. *Records of Times Past: Ethnohistorical essays on the culture & ecology of the New England Tribes*. Australian Institute of Aboriginal Studies, Canberra.
- Medcalf, R. 1989. *Rivers of Blood: Massacres of the Northern Rivers Aborigines and their resistance to the white occupation 1838-1870*. Northern Star Publications.



- 
- Moran, C. c. 2004. *Talk Softly, Listen Well: Profile of a Bundjalung elder Charles Moran*. Southern Cross University Press. 362.7092 MORA.
- Morand, D. 1996. *Soil Landscapes of the Murwillumbah – Tweed Heads 1: 100 000 Sheet*. Soil Conservation Service, NSW.
- Morley, I. 1981. *Black Sands: A History of the Mineral Sand Mining Industry in Eastern Australia*. University of Queensland Press.
- Mulvaney, J. & Kamminga, J. 1999. *Prehistory of Australia*. Smithsonian Institution Press, Washinton.
- Navin Officer Heritage Consultants Pty Limited 2008 Banora Point Upgrade –Upgrading the Pacific Highway. Technical Paper 8 – Cultural Heritage and Cultural Values Assessment.
- Nayutah, J. & Finlay, G. 1988a. *Minjungbal: Aborigines and Islanders of the Tweed Valley*. North Coast Institute for Aboriginal Community Education, Lismore
- Naytutah, J. & Finlay, G. 1988b. *Our Land, Our Spirit: Aboriginal sites of North Coast NSW*. North Coast Institute for Aboriginal Community Education, Lismore.
- Neal, R. & Stock, E. 1986. 'Pleistocene occupation in the South-east Queensland coastal region' in *Nature* 323: 618-621.
- NSW Department of Environment & Conservation. 2005. *Comprehensive Coastal Assessment: Aboriginal Coastal Heritage Data Audit*. Report prepared by Steve Brown for the Coastal, Rural & Regional Strategy Division, DIPNR.
- NSW Department of Planning. 1993. *Historical Archaeological Sites: Investigation & Conservation Guidelines*. NSW Department of Planning in association with the heritage Council of NSW.
- NSW Department of Planning. 1989a. *Regional History of the North Coast: A Discussion paper on Recent Settlement*. Report based on a study by Terry Kass for the NSW Department of Planning, Northern Regional Office, Grafton.
- NSW Department of Planning. 1989b. *Aboriginal Heritage of the North Coast*. Report based on material prepared by Denis Byrne. NSW Department of Planning, Grafton.
- NSW Department of Public Works. 1999. *River Management Plan, Lower Tweed Estuary. Technical Report No. 5 – Archaeological Assessment*.
- NSW Department of Public Works. 1991. *Preliminary Assessment of the Aboriginal sites and Aboriginal concerns affecting the proposed rerouting of the mouth of the Tweed River*. Report prepared by Margarit Koettig.



- 
- NSW Department of Public Works. 1989. *Reviving the Tweed – Feasibility Study. Technical Report 3.4.1 – Aboriginal Sites.*
- NSW Department of Public Works. 1979. *Summary of Byron Bay – Hastings Point Erosion Study.*
- NSW Department of Public Works & Soil Conservation Service. 1987. *Beach Dunes: Their Use & Management.* NSW Government Printing Office, Sydney.
- NSW National Parks & Wildlife Service (NPWS). 2003. *North Coast Region: Cultural Heritage Management Strategy – 2002 to 2007.* Report prepared by NSW NPWS (Cultural Heritage Division) in association with the North Coast Region.
- NSW NPWS. 1998. *Cudgen Nature Reserve Plan of Management.*
- Pierce, R. 1978. 'The evidence of J. Ainsworth on the diet and economy of the ballina Horde' in McBryde, I (ed.). *Records of Times Past: Ethnohistorical essays on the culture & ecology of the New England Tribes.* Australian Institute of Aboriginal Studies, Canberra. Pp: 116 – 121.
- Piper, A. 1976. *Ocean Beach to Mountain Top: The Tweed Valley, New South Wales in Prehistory.*
- Piper, A. 1994 An Archaeological survey at Duranbah Sand Quarry Cudgen, North Coast NSW. Report for Jim Glazebrook and Associates, Murrwillumbah.
- Piper, A. 1999 An Archaeological Assessment at the Kings Forest Development, Kingscliff, North Coast, NSW. Unpublished report for Narui Gold Coast Pty Limited.
- Piper, A. 2001 An Archaeological Assessment 'Seaside' South Kingscliff, NSW Report for MGI c/o Bennett and Bennett.
- Piper, A. 2005 An Archaeological Assessment of the Cudgen Lakes Sand Extraction Proposal at West Kingscliff, NSW. Report to R.W. Corkery & Co Pty Limited on behalf of Gales-Kingscliff Pty Limited.
- Piper, A. and Robins, R. 2006 A Cultural Heritage Assessment at a Proposed Extractive Industry Lot 162 DP 755721, Lot 1& 2 DP 780199 Dunloe Park, Pottsville, NSW. Report for Planit Consulting Pty Limited.
- Pressey, R. & Griffith, S. 1992. 'Vegetation of the Coastal Lowlands of Tweed Shire, Northern NSW: Plant Communities, Species & Conservation' in *Proceedings of the Linnaean Society of NSW* 113(3): 203 – 243.
- Starling, J. 1971 Report on the Aboriginal Site survey of the SIM Committee Areas. Report to NSW NPWS



- 
- Rich, E. 1989. *Aboriginal History in North East NSW (Stage 1)*.
- Reed, A. 1991. *Fingal Community Social Impact Study*. New South Wales Department of Public Works.
- Reed, L. 1987. *The Keeping Place: An annotated bibliography and guide to the study of the Aborigines and Aboriginal culture in northeast New South Wales and southeast Queensland*. North Coast Institute for Aboriginal Community Education.
- Richmond-Tweed Regional Library & Richmond River Historical Society. 1983. *Place Names on the Tweed, Brunswick & Upper Richmond River Regions*. Richmond-Tweed Regional Library, Lismore.
- Roy, P. 1973. Coastal Geology of the Cudgen Area, North Coast of NSW in *Regional Geological Survey NSW* 17(1): 41-52.
- Roy, P. 1975. 'Coastal Geology of the Cudgen Area' in *Records of the Geological Survey of NSW* 17(1) Plan 6621.
- Ryan, J. 1963. 'Some Aboriginal place names in the Richmond-Tweed area' in *Oceania* 24(1)
- Ryan, J. 1964. *The Land of the Ulitarra*. Mid-North Coast Regional Office, Department of University Extension, University of New England, Grafton.
- Ryan, M. & Smith, R. 2001. *Time & Tide Again: A History of Byron Bay*. Northern Rivers Press, Lismore.
- Steele, J. 1984. *Aboriginal Pathways in Southeast Queensland and the Richmond River*. University of Queensland Press, St Lucia.
- Sullivan, R. (ed.). 1982. *The Changing Valley: A collection of photographs of the Tweed Valley from 1886 to 1982*. Twin Towns Printery, Teed Heads.
- Sullivan, S. 1964. *The Material Culture of the Aborigines of the Richmond and Tweed Rivers of Northern New South Wales at the Time of First White Settlement*. BA honours thesis, University of New England, Armidale.
- Sullivan, S. 1965. Certain Aspects of the Material Culture of the Aborigines of the Richmond and Tweed River Valleys in *Journal & Transactions of the Armidale District Historical Society* No.8
- Sullivan, S. 1978. 'Aboriginal diet & food gathering methods in the Richmond & Tweed River valleys as seen in early settler records' in McBryde, I (ed.). *Records of Times Past: Ethnohistorical essays on the culture & ecology of the New England Tribes*. Australian Institute of Aboriginal Studies, Canberra. Pp: 101-115.
- The Centenary Committee, 1992. *Duranbah Primary School Centenary 1892-1992*.



- 
- Tindale, N. B. 1940 Australian Aboriginal Tribes: A Field Survey. Transactions of the Royal Society of South Australia. No.64
- Turnock, T. 1989. *Turnock on Tweed: An insight into a family's association with history and growth of a very special part of Australia*. H 994.43 TURN Tweed.
- Tweed River Regional Art Gallery, 1998. *Memories of Murwillumbah & the Tweed*. Volume one.
- Tweed in Harmony. 1990. *Bridge to the Past (I)*.
- Whiting, J. 1947. *Landward Extent of Mineralized Sands on Cudgen and Tallow Beaches, Far North Coast*. Departmental Geological survey report, October 1947.
- Winter, P. 2001. *Lookback: Tales of Yesteryear*. The Lower Tweed River Historical Society Inc.
- Yeates, N. 1993a. *Coffs Harbour. Volume 1: Pre 1880 – 1945*. Banana Coast Printers.
- Yeates, N. 1993b. *Coffs Harbour. Volume 2: 1946 - 1964*. Banana Coast Printers.



## **Appendix 1 : Aboriginal community correspondence**



## TWEED BYRON LOCAL ABORIGINAL LAND COUNCIL

P.O. Box 1410  
Kingscliff, NSW 2487  
21/25 Ounimbah Road,  
Tweed Heads NSW 2485  
Telephone: (07) 55361 763  
Fax: (07) 55369 832  
[info@tblalc.com.au](mailto:info@tblalc.com.au)

Thursday, 15 January 2009

Mary Dallas  
Mary Dallas Consulting Archaeologists  
31 Waterview Street,  
Balmain NSW 2041

Dear Ms Dallas

### RE: CASUARINA TOWN CENTRE PROJECT - ABORIGINAL CULTURAL HERITAGE

The Tweed Byron Local Aboriginal Land Council has been consulted throughout the course of the Aboriginal Heritage Assessment of the Casuarina Town Centre undertaken by your office on behalf of Kings Beach No. 2 Pty Limited. Briefings and discussions have been held between Myself, Mary Dallas, Clarence Phillips and Mr Kyle Slabb.

We have reviewed a draft copy of the Aboriginal Heritage Assessment and assisted in the field survey. Report entitled "Aboriginal and European Cultural Heritage Assessment, Casuarina Town Centre, Kingscliff South, NSW" by Mary Dallas and Dan Tuck dated August 2008. We concur that there is no **Aboriginal Heritage constraints** to the development. We support the recommendations made in that report.

Yours Sincerely

Cyril Scott  
TBLALC Cultural Sites Officer





Mary Dallas Consulting Archaeologists  
31 Waterview St  
Balmain NSW 2041

63 Tringa St  
West Tweed Heads 2485

Dear Mary,     **Aboriginal Cultural Heritage Assessment**  
                  **Proposed Casuarina Town Centre, south of Kingscliff.**

Thank you for supplying a copy of the above assessment. I apologise for the delay in responding but with my work commitments and other development assessments to respond to, I am finding it very difficult to find enough time in the day, to be able to respond appropriately. Firstly, I have a particular interest in the project area as I have ancestral links to this land. I am also aware of other families who have similar ancestral links.

Some of the following information and recommendations were provided for a proposed development immediately north of the subject land. I submit additional information along with some of the same information because it is the overall cultural landscape that should be taken into account, rather than one development being assessed in isolation from the other.

#### **Bundjalung Mapping Project**

The Bundjalung Mapping(BMP) project is a community project and is a work in progress. A number of Aboriginal sites as we remember them from our childhood days, are still being entered onto the BMP data base. As we find the time to work our way around community members, memories are shared and information is collected and stored. Other recordings are held at the Lower Tweed River Historical Society and certain extracts are entered on the BMP. One such recording is the interview with my partner's Uncle, Les Togo who has since passed away. Uncle Les's parents were forced from their homelands to be used as indentured labour for the sugar cane industry. Known as Kanakas, the South Sea people inter-married with the local Aboriginal people and were very much aware of the significance of Aboriginal places and values.

This is a direct quote from Uncle Les's interview when he was recalling instructions from his parents when he was a child (approx. 85 years ago)....

*Quiggan's Creek, when you come across the Kingscliff bridge, you're going south, on the right hand side, that's an Aboriginal area, a lot of people don't know that. When we were kids out there, swimming, all the Cudgen kids, all the old South Sea people used to tell us: "You'd better not go along that area there" Someone would ask why, "That's Aboriginal ground".*

Additional information on the BMP identifies 25 Aboriginal sites within a 5 kilometre radius of the project area. Of particular interest is the discovery of a significant green chert hand axe, which was found at a depth greater than 2 metres in Pleistocene estuary sediment along with cunjevois and estuarine shells *in situ*. This discovery is approximately 3 kilometres to the west, near the base of Duranbah ridge line.

#### **Other documented Cultural information**

Another very important piece of information belonging to this cultural landscape is recorded in J G Steele's 'Aboriginal Pathways in Southeast Queensland and the Richmond River' 1984. The following reference appears to be in close proximity to the subject lands.



*"A few kilometres north of Norries Head there was a stone arrangement on sandy ground in the rainforest, the stones being arranged in a spiral pattern about three metres in diameter. The report of this stone arrangement came from a man who worked on a sand-mining dredge, who collected the stones before the dredge moved over the site".*

P 48. Footnote: R C Wittle, private communication 1980, quoting James Korsch

There appears to be a direct link between information provided by Uncle Les Togo and the information provided by R C Wittle quoting James Korsch. It supports contemporary knowledge of today's descendants.

#### **Aboriginal Heritage Information Management System**

I sadly recall the number of middens that used to be here when I was a child, that are not yet recorded on the BMP or AHIMS. It is obvious that sand mining is responsible for the removal of a lot of cultural material from the proposed development site. Even the mouth of the creek, as I knew it as a child, has been redirected.

#### **Community knowledge:**

I am aware of the impact sandmining has had on the Aboriginal landscape. My Father worked for Cudgen RZ(Rutile & Zircon) for 25 years. Those on sieve would regularly come across Aboriginal relics but they were never documented or stored.

Some local elderly farmers still have stone axes in their possession(although they may not admit it) which were found in the vicinity of the development site. I was recently in contact with a classmate from my primary school years who reminded me of the number of Aboriginal artifacts that were found on their family farm which was located immediately west of the project area.

I also spoke with her cousin who is the daughter of the sand dredge operator who located the stone arrangement at Tyagarah, south of the project area. She remembers that in order to protect the stone pillars before the dredge moved over the site, her Dad took them to his home at Kingscliff for safe keeping before he handed them over to community. The Tyagarah stone arrangement is not to be mistaken with another which was located in south Kingscliff, north of Norries Headland.

Other confidential knowledge is about the tribal interactions with our southern neighbors that occurred on this part of our land, along the coastal strip.

When I was a child of about 10, Aboriginal human remains of more than one person were uncovered on the hill at Kingscliff near the reservoir. My partner, Geoff Togo also remembers this. This is on the public record somewhere.

#### **Continuous Use of the Cultural Landscape**

Although things have changed the cultural landscape to a point, one thing that hasn't changed, is the families ongoing use of the same cultural landscape for many generations. The landscape has changed slightly, the use of specific tools has changed, our names have changed but our blood is the same and we are collecting and gathering the same things for sustenance and well being.

#### **Recommendations**

The subject lands must be acknowledged in the ACHA as part of the overall cultural landscape, even though it has been modified. The subject development area remains an area of cultural significance because of contemporary knowledge, it's interconnectedness to other nearby existing sites and it's continuous use by Traditional descendants today.



The ACHA must be ammended to more accurately reflect community knowledge, both past and present, about the project area

The ACHA should contain a section giving recognition to the local Aboriginal people's interest, which also states the issues raised by the Aboriginal parties

A further section should address how the issues raised by the Aboriginal parties will be incorporated into the development.

A further comment I would like to make is about the process of community engagement. I understand that consultants operate under a set of community consultation guidelines provided by the Dept. of Environment and Climate Change. Adverts are placed in the media and responses are received or even not received. Surveys are undertaken and Aboriginal Cultural Heritage Assessment reports are distributed to the registered parties for comment. Rather than wait for a written submissions, which can delay the project for a number of reasons, can I suggest that a face to face meeting also be held with key community people, so that comments/concerns be collected and documented. A draft account of the responses could be distributed for clarification, then the comments/concerns can be incorporated into the CHMP and how those concerns can be addressed

This is the preferred way in which to engage our community. I do not believe that a lack of response is an indication of lack of interest rather, I believe it is the lack of necessary skills in order to respond in writing in the way that is expected. I also believe that people will not register their interest for the same reasons, even though they would like to

Thank you for the opportunity to comment.  
Yours sincerely,

Jackie McDonald  
20.11.08