

CULTURAL HERITAGE ASSESSMENT



FOR THE RISE DEVELOPMENT MP08-0234 BILAMBIL HEIGHTS, NSW



Table of contents

EXECUTIVE SUMMARY	4
1. INTRODUCTION.....	9
1.1 PROPERTY DESCRIPTION	10
1.2 DEVELOPMENT PROPOSAL	11
1.3 LEGISLATIVE BACKGROUND	11
2. ABORIGINAL CONSULTATION.....	15
2.1 ABORIGINAL COMMUNITY CONSULTATION	15
2.1.1 <i>Traditional Owner Knowledge</i>	15
2.1.2 <i>The Register of Stakeholders</i>	15
2.2.3 <i>Community Meeting</i>	16
2.2.4 <i>Ongoing Consultation</i>	17
3. ENVIRONMENT	17
4. CULTURAL CONTEXT: ABORIGINAL CULTURAL HERITAGE	18
4.1 TERRITORIES AND MOVEMENT	18
4.2 ECONOMY – MATERIAL CULTURE	20
5. DESKTOP REVIEW ABORIGINAL CULTURAL HERITAGE	21
5.1 ARCHAEOLOGICAL CONTEXT (PREHISTORY)	21
5.2 PREVIOUS ARCHAEOLOGICAL / CULTURAL HERITAGE ASSESSMENTS	23
5.2.1 <i>Estuarine waterways and dune fields</i>	23
5.2.2 <i>Coastal uplands: Terranora</i>	26
5.3 THE DECC ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM (AHIMS).....	27
5.4 ABORIGINAL COMMUNITY DATABASE (BUNDJALUNG MAPPING PROJECT)	29
5.5 THE HERITAGE REGISTERS - INDIGENOUS PLACES	29
5.6 HISTORIC AERIAL PHOTOGRAPHY ANALYSIS.....	29
5.7 PREDICTIVE MODEL FOR INDIGENOUS ARCHAEOLOGICAL SITES.....	32
6. DESKTOP REVIEW EUROPEAN CULTURAL HERITAGE	32
6.1 PREVIOUS ARCHAEOLOGICAL / CULTURAL HERITAGE ASSESSMENTS	32
6.2 HERITAGE REGISTERS.....	33
6.3 LOWER TWEED RIVER HISTORICAL SOCIETY (LTRHS).....	33
7. FIELD INSPECTION - ABORIGINAL AND EUROPEAN CULTURAL HERITAGE.....	34
7.1 PIPER (1996) SURVEY	34
7.2 2009 SURVEY	35
7.2.1 <i>Methods</i>	35
7.2.2 <i>Survey Coverage</i>	36
7.2.3 <i>Constraints to Site Detection</i>	37
8. RESULTS OF THE CULTURAL HERITAGE ASSESSMENT.....	38
8.1 INDIGENOUS CULTURAL HERITAGE	38
8.1.1 <i>Aboriginal Objects or Places</i>	38
8.1.2 <i>General Significance Assessment of the Subject Lands</i>	38
8.2 EUROPEAN CULTURAL HERITAGE	39
8.2.1 <i>Terranora Country Club Significance Assessment</i>	39
8.2.2 <i>Crop Terraces Significance Assessment</i>	41
9. RECOMMENDATIONS	42
9.1 INDIGENOUS CULTURAL HERITAGE	42
9.2 INDIGENOUS/NON INDIGENOUS CULTURAL HERITAGE	45
BIBLIOGRAPHY	46
APPENDIX A. CORRESPONDENCE FROM TWEED BYRON LOCAL ABORIGINAL LAND COUNCIL.....	50
APPENDIX B. CORRESPONDENCE FROM REGISTERED STAKEHOLDERS	51
APPENDIX C. PUBLIC NOTICE	53
APPENDIX D. MINUTES FROM COMMUNITY MEETING HELD ON 21 ST APRIL 2009.....	54
APPENDIX E. INDEX OF COMMUNITY CONSULTATION DOCUMENTS.....	56
APPENDIX F. HISTORIC AERIAL PHOTOGRAPHS.....	59



Figures

FIGURE 1 - GENERAL LOCALITY OF THE SUBJECT LANDS	9
FIGURE 2 - PROPOSED SUBJECT LANDS IDENTIFIED AS THE MP08-0234 AREA.....	10
FIGURE 3 - RENDERED MASTER PLAN FOR THE SUBJECT LANDS	14
FIGURE 4 - ABORIGINAL SITES IN THE VICINITY OF THE SUBJECT LANDS (NOTE: NO SITES WERE IDENTIFIED SOUTH OF THE SUBJECT LANDS WITHIN THE SEARCH AREA)	28
FIGURE 5 - 1962 AERIAL PHOTOGRAPH OF THE SUBJECT LANDS	30
FIGURE 6 - 1970 AERIAL PHOTOGRAPH OF THE SUBJECT LANDS	30
FIGURE 7 - FIELD AND TERRACE STRUCTURES FROM HISTORIC PHOTOGRAPHS OVERLAYED ONTO A MODERN AERIAL PHOTOGRAPH.....	31
FIGURE 8 - PIPER 1996 SURVEY COVERAGE (SHOWN CROSS-HATCHED)	35
FIGURE 9 - EVERICK 2009 SURVEY COVERAGE (SHOWN CROSS-HATCHED)	36
FIGURE 10 - TEEING OFF AREA ON GOLF COURSE	37
FIGURE 11 - FAIRWAY ON THE GOLF COURSE.....	37
FIGURE 12 - GREEN ON FORMER GOLF COURSE	37
FIGURE 13 - BOWLING GREENS	37
FIGURE 14 - UPPER SLOPES OF THE FORMER NORVILL PROPERTY	38
FIGURE 15 - EXTENSIVELY CLEARED UPPER SLOPES OF THE NORVILL LAND	38
FIGURE 16 - VIEW OF THE ENTRANCE TO THE FORMER TERRANORA LAKES COUNTRY CLUB	40
FIGURE 17 - VIEW WEST TO THE TERRANORA LAKES COUNTRY CLUB	40
FIGURE 18 - VIEW INSIDE THE TERRANORA LAKES COUNTRY CLUB SHOWING MAIN STAIRCASE AND EXTENSIVE VANDALISM	40
FIGURE 19 - TERRANORA LAKES COUNTRY CLUB RECEPTION AND MAIN STAIRCASE	40
FIGURE 20 - BOULDER WALL RETAINING GARDENING TERRACE	41
FIGURE 21 - VIEW ILLUSTRATING LEVEL DIFFERENCES BETWEEN TERRACES	41
FIGURE 22 – EXAMPLE OF A SUBSTANTIAL BOULDER RETAINING WALL	42
FIGURE 23 – MONITORING AREA (SHOWN IN YELLOW)	43
FIGURE 24 - 1987 AERIAL PHOTOGRAPH OF THE SUBJECT LANDS.....	59
FIGURE 25 - 1996 AERIAL PHOTOGRAPH OF THE SUBJECT LANDS.....	60



EXECUTIVE SUMMARY

The following report presents the results and outcomes of a cultural heritage assessment for Indigenous and non-Indigenous heritage items for the MP08-0234 development footprint of the proposed RISE Development ('Subject Lands') including the former Terranora Lakes Country Club in Bilambil Heights, Northern NSW. Everick understands that this report is to be submitted by Steve MacRae Development Services on behalf of Terranora Group Management Pty Ltd in support of a Concept Plan under Part 3A of the *Environmental Planning and Assessment Act 1979* (NSW).

As part of a desktop study, Everick undertook searches of the relevant Aboriginal and European heritage registers. A search of applicable European heritage registers identified no items of cultural heritage significance within the Subject Lands. A search conducted on 25 March 2009 of the Department of Environment and Climate Change ('DECC') Aboriginal Heritage Information Management System ('AHIMS') found 46 recorded sites for the broader search area. These are indicated in Figure 4. None were recorded within the Subject Lands. In our attempt to obtain as much information about the cultural significance of the Subject Land, the Tweed Byron LALC's internal database, the Bundjalung Mapping Programme ('BMP'), was reviewed. There were no sites or places of Indigenous cultural heritage recorded in the Subject Lands on this database. There are no Indigenous places within the Subject Lands listed in other heritage registers.

The Subject Lands are within the area administered for Aboriginal cultural heritage purposes by the Tweed Byron Local Aboriginal Land Council ('LALC'). A survey for Aboriginal cultural heritage was carried out by the Tweed Byron LALC Sites Officer, a representative of the Traditional Owners and the consultant on 19 March 2009. Parts of the Subject Lands, particularly those associated with the Terranora Lakes Country Club were highly disturbed. Field survey was impeded by low surface visibility. The Land Council's views on the conduct and outcomes of the assessment are attached as Appendix A of this report.

Results

- A system of small crop terraces dating from the mid- 20th century was identified on a ridge in the northern part of MP08-0234. This site was identified as significant to Aboriginal and South Sea Islander individuals who were employed to pick the crops. The terraces have high local significance with strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.
- No other items of Indigenous heritage were identified.



Recommendations: Indigenous Cultural Heritage

The following recommendations are based upon the results of the desktop review, field inspections and consultation with the Sites Officer of the Tweed Byron LALC and other Aboriginal Stakeholders. The recommendations are cautionary in nature and are preliminary as consultation with the Tweed Byron LALC and other Aboriginal parties are still ongoing.

General Recommendations

Recommendation 1: Post Clearing Survey

Some members of the Aboriginal Community have requested that as each precinct of the Subject Lands is developed, a member of the Aboriginal community be engaged to conduct a survey of that area after initial clearing works have been undertaken. Should any items of cultural heritage significance be identified, the processes outlined in Recommendations 2, 3 and 4 should be followed. Everick support this recommendation for the areas outside of the Monitoring Area and the disturbed areas of the Terranora Lakes Country Club Golf Course, Gun Club and Tennis Club land, and the terraced gardens on the northern ridge.

Recommendation 2: Monitoring Area

The Tweed Byron LALC has requested that, in those parts of the Monitoring Area or Part thereof identified in Figure A below, an Aboriginal monitor be present to monitor initial clearing and subsurface disturbance for cultural material. Should any items of cultural heritage significance be identified, the processes outlined in Recommendations 2, 3 and 4 should be followed. Everick supports this recommendation.

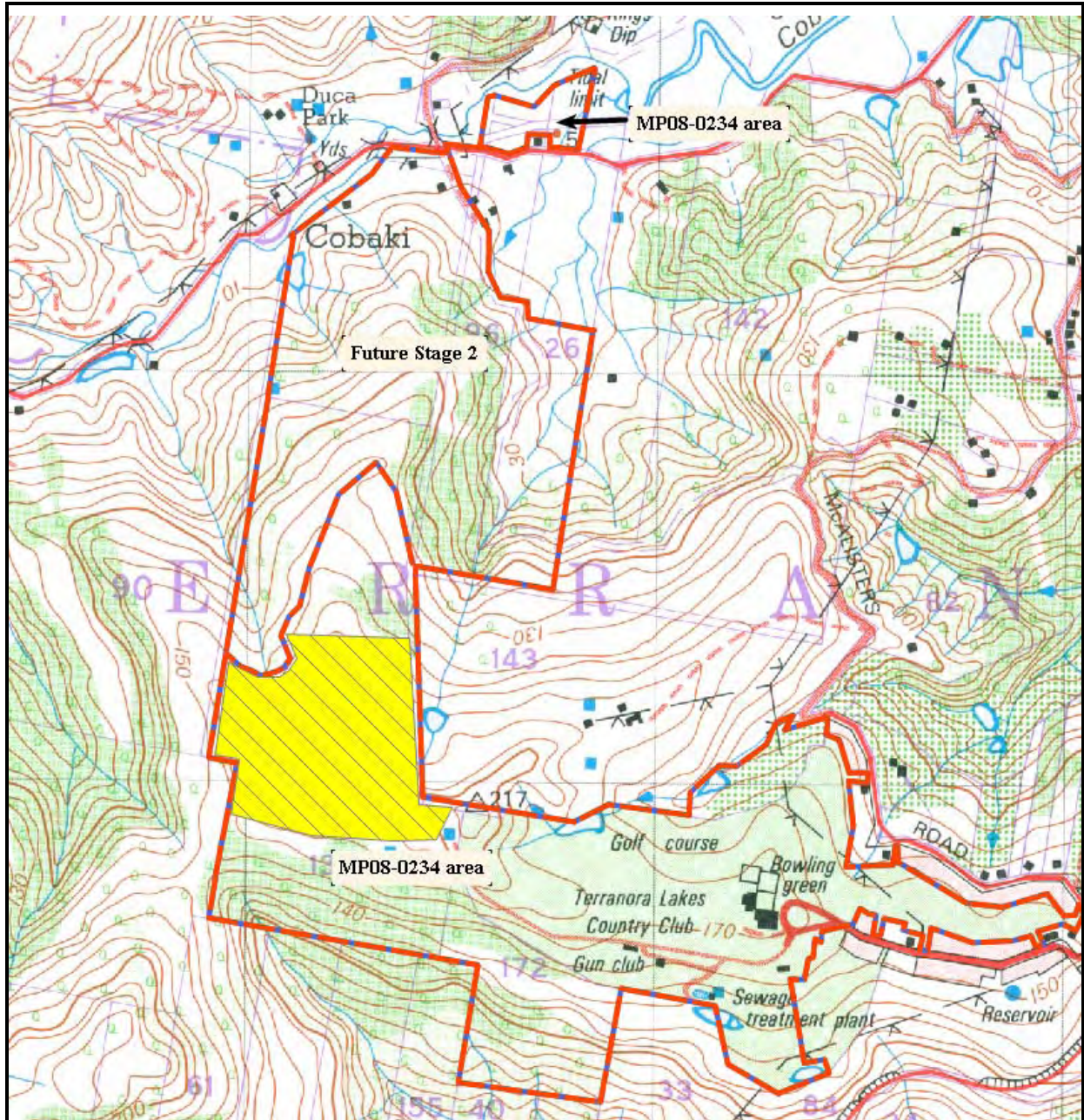


Figure A: Monitoring Area (shown in yellow)

Recommendation 3: Aboriginal Human Remains

It is recommended that if human remains are located at any stage during construction works within the Subject Lands, all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Tweed Byron LALC, and the DECC Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the Site for criminal activities, the Aboriginal community and the DECC should be consulted as to how the



remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal human remains, the proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

Recommendation 4: Aboriginal Cultural Material

It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of development activities, including Post Clearing Surveys, within the Subject Lands:

- (a) work in the surrounding area is to stop immediately;
- (b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- (c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- (d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the DECC guidelines: *"Interim Community Consultation Requirements for Applicants"* (2005).

Recommendation 5: Notifying the DECC

It is recommended that if Aboriginal cultural material is uncovered as a result of development activities within the Subject Lands, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the DECC. Any management outcomes for the site will be included in the information provided to the AHIMS.

Recommendation 6: Conservation Principles

It is recommended that all effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the Proponent and the Aboriginal Community.

Recommendation 7: Employment and Training

Members of the Aboriginal Community have requested that the Developer seek ways to ensure Aboriginal participation and consultation in the development through the identification of opportunities including employment, training and business opportunities both in the short term and in the long term. It is recommended that the proponent engage with the Aboriginal Community to establish appropriate



mechanisms (e.g. committee, reference group, participation plan) to ensure that meaningful dialogue is established and maintained.

Recommendations: Indigenous/Non Indigenous Cultural Heritage

There are no recommendations relating to the former Terranora Lakes Country Club Golf Course, Gun Club, Bowls Club and Tennis Club land.

Recommendation 1: Terrace Recording Work – Norvill Farm Land

It is recommended that the terraces and associated infrastructure be mapped in detail by a surveyor under the supervision of a heritage professional. Remaining infrastructure should be documented in detail and a comprehensive photographic record be made. Aboriginal/South Sea Islander people should be interviewed with a view to obtaining a more detailed account of the importance of this work to those communities.

The recording should then be provided to the Aboriginal Liaison Committee of the Tweed Shire Council and the Lower Tweed River Historical Society, and annexed to this report in preparation for any subsequent development applications.

The entire system of walls is not of such cultural significance that they be retained. However, it is further recommended that those terraces within reserve land (parks, open space or conservation areas) be retained and incorporated into the planning of those areas.



1. INTRODUCTION

Everick Heritage Consultants ('Everick') has been engaged by Terranora Group Management Pty Ltd (the 'Proponent') to conduct a cultural heritage assessment for Indigenous and non-Indigenous (European) heritage items for the MP08-0234 footprint of the proposed RISE development, including the former Terranora Lakes Country Club, Bilambil Heights, Northern NSW. The assessment involved a literature review, heritage register searches, consultation with the Aboriginal Community and other local community members and field inspections. Aboriginal Community Consultation was undertaken in accordance with the Department of Environment and Climate Change's ('DECC') *Interim Community Consultation Requirements for Applicants* (2005).

The Rise Development site was assessed for cultural heritage by Piper in 1996 as part of the Tourist Resort Development application approved by Tweed Shire Council in 1998. No items of cultural heritage were identified in this assessment. Everick was engaged by the Proponent to ensure the project is undertaken in accordance with present legislative, administrative and professional standards. Accordingly, parts of the Piper (1996) assessment are referred to in this assessment. However, the level of site assessment and community consultation undertaken during the 2009 assessment are of sufficient scope to consider this as a stand alone cultural heritage assessment.



Figure 1 - General locality of the Subject Lands



1.1 Property Description

The Subject Lands for this assessment are located off Marana Street, which is connected to Scenic Drive on the western side of Bilambil Heights, plus off Cobaki Road at Cobaki, and are approximately 4 km from the intersection of Kennedy Drive and the Pacific Hwy (Figure 1). The now unused Terranora Lakes Country Club is located within the south-eastern portion of the Subject Lands. The Terranora Broadwater is approximately 1.5 km to the east.

The Subject Lands are situated within the Tweed Shire Local Government Area and are identified as the MP08-0234 area in Figure 2. The property descriptions are: Lot 32 & 33 DP 1085109; Lot 31 DP 850230; Lot 2 DP 867486; Lot 4 DP 822786; Lot 1 DP 1033810 Tweed Shire Council (closed road); Lot 1 DP 1033811 Tweed Shire Council (closed road); Lot 1 DP 595529; Lot 2 DP 867486; and Lot 2 DP 55026.

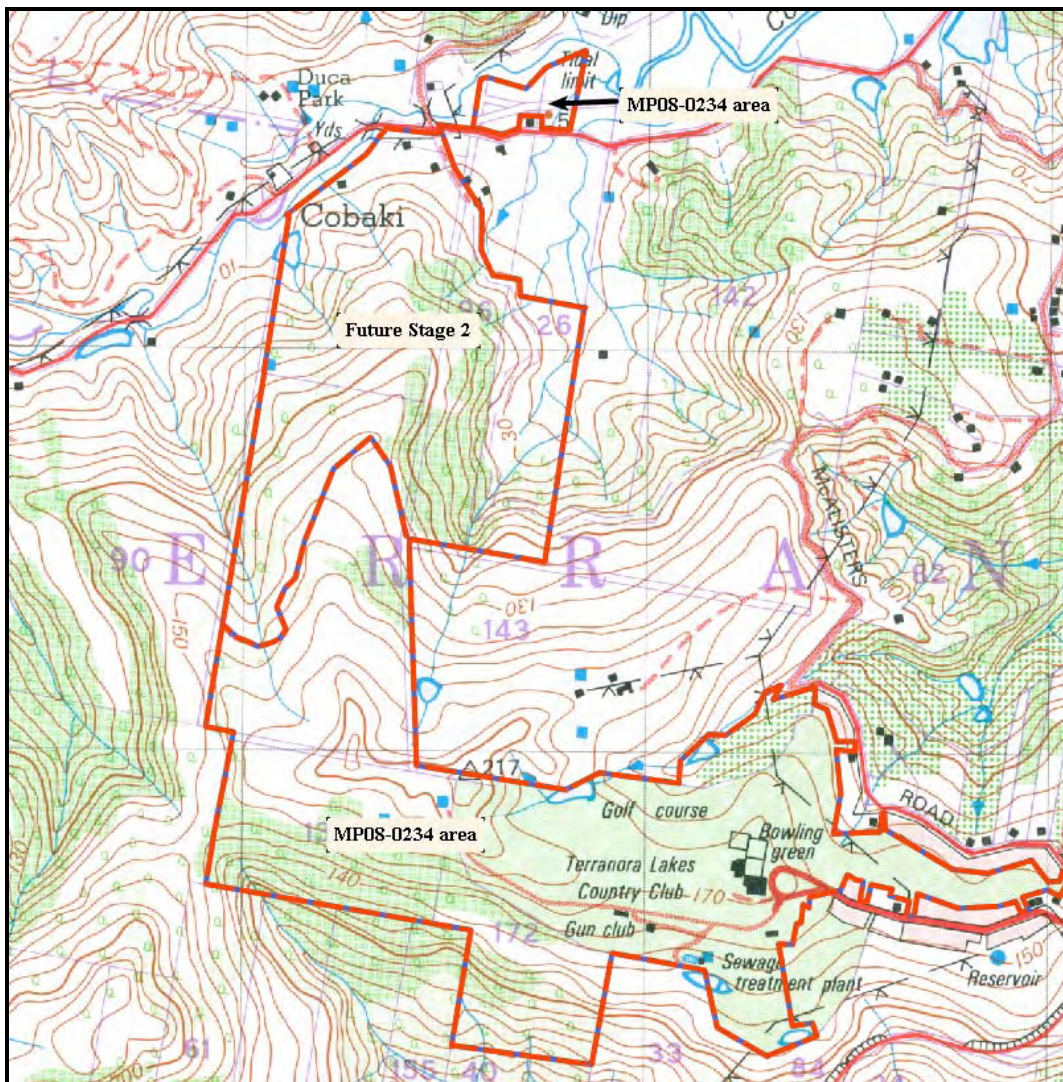


Figure 2 - Proposed Subject Lands identified as the MP08-0234 area



1.2 Development Proposal

Steve MacRae Development Services, on behalf of the Proponent, proposes to make application to the New South Wales Department of Planning for approval of a Concept Master Plan for the Subject Lands. The proposed Concept Master Plan is shown in Figure 3.

The RISE Development proposed for the Subject Lands will include the following construction works, which have the potential to disturb cultural heritage:

- Residential Housing Lots, Villas and Apartments.
- Retirement Living and Nursing Homes.
- Private School and Childcare Facilities.
- Town Centre with Specialist Retail and Commercial Space.
- Parks and Playing Fields.

1.3 Legislative Background

It is proposed that the Rise development will be undertaken in two stages, each to be initially administered under a different regulatory framework. The MP08-0234 area, the subject of this assessment, has been granted Part 3A Major Project status under the *Environmental Planning and Assessment Act 1979* (NSW). As such, the consenting authority for the Concept Plan is the New South Wales Department of Planning. This means that the provisions of the *National Parks and Wildlife Act 1974* (NSW) affecting dealings with Aboriginal cultural heritage will not apply at this stage of the planning process.

As part of their Director General's Requirements, the Department of Planning requires a heritage assessment be undertaken in accordance with the NSW Department of Environment and Climate Change's (DECC) *Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (2005). This assessment has been structured to conform to these standards.

1.3.1 The Heritage Act 1977 (NSW)

The Heritage Act is aimed at identifying and protecting significant items of European cultural heritage. The focus of the legislation is on identifying places of either local or state heritage significance, and protecting them by entry onto heritage registers. The act allows for interim heritage orders (Part 3), which allows the minister or the minister's delegates (which importantly may include a local government agent) to enter a property and provide emergency protection for places that have not yet been put on a heritage register but may be of local or state significance.



The Heritage Act also makes allowances for the protection of archaeological deposits and relics (Part 6).

An archaeological "relic" means any deposit, object or material evidence which:

- (a) relates to the settlement of the area, not being Aboriginal settlement, and
- (b) is 50 or more years old.

1.3.2 *The NSW Heritage Manual*

The NSW Heritage manual lists an 8 step process that is generally considered a best practise guide to assessing significant items. That is:

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

Contrary to common belief, a significant heritage item need not be particularly 'old' (the exception to the rule being the definition of an Archaeological Relic discussed above). Rather, the focus is on identifying just what aspects of a particular item may be significant, of which there may be many. The NSW Heritage Manual contains a set of assessment criteria that act as a guide to assessing significance. They are:

- **Criterion (a):** An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);
- **Criterion (b):** An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);
- **Criterion (c):** An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);



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

1.3.3 *The DECC Interim Community Consultation Requirements for Applicants (2005)*

The NSW Department of Environment and Climate Change (DECC) have issued the *Interim Community Consultation Requirements for Applicants (2005)* which acts as a guide for conducting the community consultation process. It requires public notice of the assessment, preparation of a proposed methodology, undertaking site meetings and excavations where required, the production of a draft report, which is distributed to the registered Aboriginal groups and the production of a final report. Although not strictly required, a thorough consultation process will treat the ICCR Guidelines as a minimum standard of community consultation. Generally, consultants must go to further effort to identify the significance of a given site to the Aboriginal community. This will likely include undertaking additional site inspections, fully resourcing the community by providing copies of past archaeological and environmental assessments in the region and contacting community members to ascertain their opinions of the site.

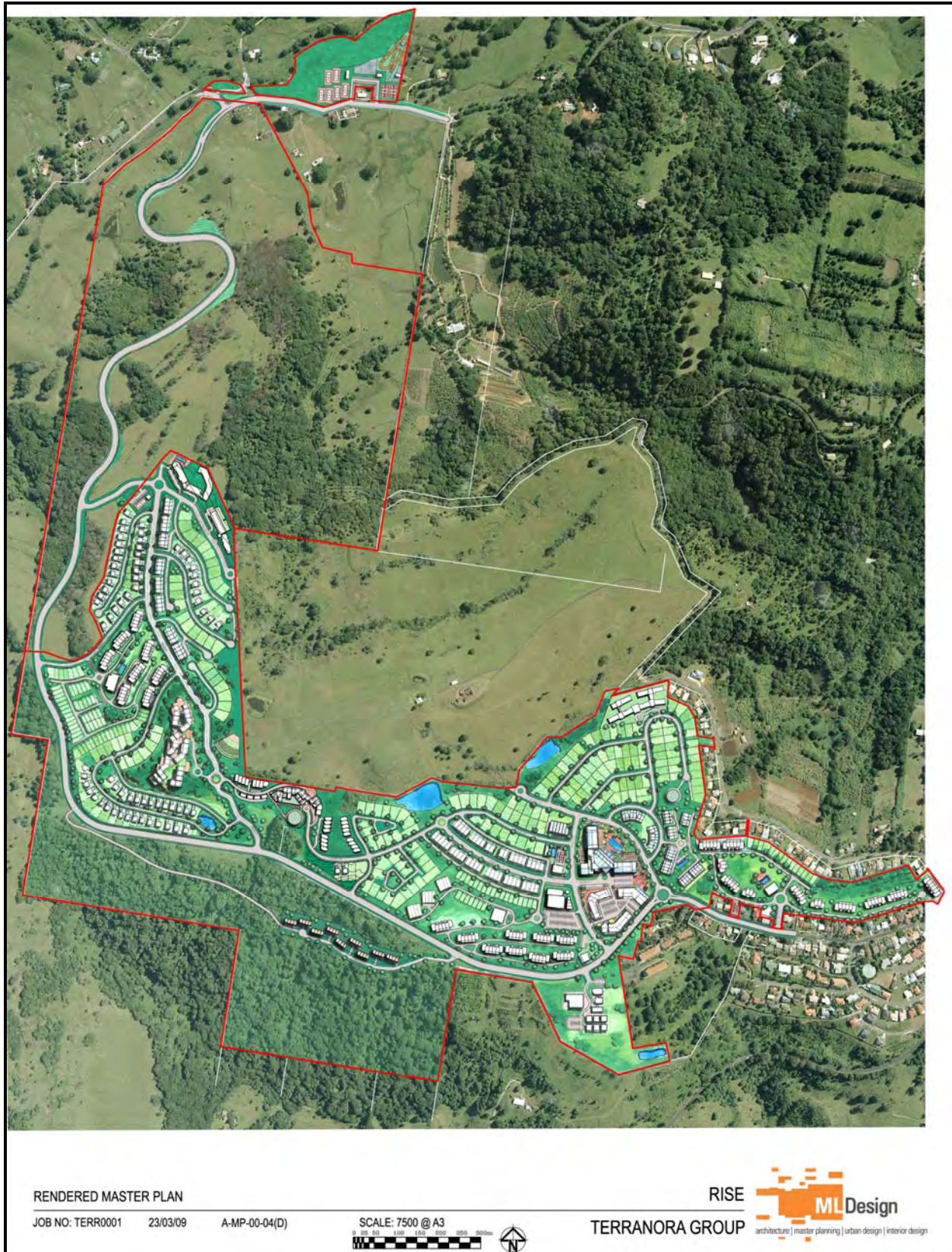


Figure 3 - Rendered Master Plan for the Subject Lands



2. ABORIGINAL CONSULTATION

2.1 Aboriginal Community Consultation

The *Interim Community Consultation Requirements for Applicants* (2005) requires public notice of the assessment, preparation of a proposed methodology, undertaking community meetings as required, the production of a draft report that is distributed to the registered Aboriginal groups and the production of a final report. The results of the initial community consultation undertaken for this project are detailed in this section.

2.1.1 *Traditional Owner Knowledge*

The Aboriginal community are the primary determinants of the significance of their cultural heritage. Members of the Aboriginal community have been consulted with regard to their concerns not only about known archaeological sites in the region, but also about cultural values such as areas with historic and spiritual significance, and other values relating to flora and fauna of the area. We recognise that there may be Traditional Owner knowledge that would have to be treated in a confidential manner. We have sought advice from Traditional Owners as to the appropriate protocols to be adopted in regard to such knowledge.

2.1.2 *The Register of Stakeholders*

Everick makes a commitment to the Aboriginal community to document the consultation process as fully as possible. We will include all written comments we receive from the Aboriginal community in our final report to the DECC. In doing so, we hope to make an informed and accurate assessment of the cultural heritage within the Subject Lands.

On the 19th, 20th and 21st of February 2009, public notices were placed in the Tweed Daily News inviting Aboriginal persons/organisations with cultural heritage interests in the Bilambil Heights area to advise Everick Heritage Consultants in writing (Appendix C).

All responses formed our Stakeholders' Register. The following register of interested Aboriginal stakeholders was compiled:

- (a) Tweed Byron Local Aboriginal Land Council;
- (b) Joyce Summers;



- (c) Jackie McDonald, on behalf of herself and her family;
- (d) Tracy Ritson; on behalf of herself and her family;
- (e) Desare Rotumah, on behalf of the Tweed Aboriginal Co-operative Housing Society;
- (f) Deidre Currie;
- (g) Carol Dawney; and
- (h) Lesley Mye, on behalf of the Tweed Shire Council Aboriginal Advisory Committee.

The following authorities were notified and have responded to the proposal to produce a cultural heritage assessment for the Subject Lands:

- New South Wales Native Title Services;
- Cultural Heritage Unit of the DECC; and
- The Tweed Shire Council.

2.2.3 *Community Meeting*

Stakeholders' meetings were arranged for 30th March 2009 and 7th April 2009. Unfortunately, they had to be postponed due to poor weather, which made inspection of the site too difficult. During conversations with the Registered Stakeholders, the importance of being able to physically inspect the site and discuss its significance was reiterated. It was therefore decided to reschedule the community meeting, which was held on 21st April 2009, to discuss the results of the survey and possible future management recommendations. In attendance at the meeting were Joyce Summers (Aboriginal Community), Jackie McDonald (Traditional Owner), Garth Lena (Traditional Owner), Cyril Scott (Tweed Byron LALC), Steve MacRae (SMDS – Development manager for the applicant), Richard Robins (Everick) and Tim Robins (Everick). Apologies were tendered by Desare Rotumah (Tweed Aboriginal Housing Co-op), Tracy Ritson (Traditional Owner), and Lesley Mye (Tweed Shire Council). During this meeting no additional sites of potential cultural sensitivity were identified. Traditional Owners supported all recommendations put forward by Everick. Minutes from the meeting are attached as Appendix D.

Everick advised the Registered Stakeholders on 6th April 2008 that we would be sending this report to them to review prior to the next scheduled meeting. This was to allow a better understanding of the archaeological and cultural heritage significance of the site prior to the meeting. It is also in the Proponents' interests to keep the consultation process moving forward.



2.2.4 Ongoing Consultation

Considerable efforts were made by Everick to gather the written opinion of the registered Aboriginal stakeholders. A confidential community consultation file documenting Everick's efforts has been provided to the Department of Planning and the DECC with this report. At the time of producing this report (29 May 2009), only the Tweed Byron LALC had provided written feedback. The Tweed Byron LALC support the recommendations in this report, noting that while no culturally significant objects or areas were identified during this assessment, there is still a moderate potential that cultural material may remain within subsurface soils on parts of the Subject Lands. While the Tweed Byron LALC supports the post clearing survey for parts of the Subject Lands, they have asked that a monitor be present for initial disturbance of areas in the central portion of the subject lands as identified in Figure 23. This request was made during the meeting by Sites Officer Cyril Scott and is reflected in their written response contained in Appendix A. This request has been incorporated into the recommendations in this report.

Everick makes a commitment to forward any additional written comments on this report to the Department of Planning if and when they are received. As a general comment on the community consultation process, other than a request to monitor initial earthworks in some parts of the Subject Lands, the Aboriginal stakeholders supported the methods and recommendations documented in this report. A positive meeting was held on 21 April 2009, whereby a strong relationship between the Proponents representative, Steve Macrae, and the Aboriginal stakeholders was established. The Aboriginal stakeholders will continue to be involved in the planning and implementation of this development.

3. ENVIRONMENT

The Subject Lands is situated on a ridge which forms the south-eastern side of the Cobaki Creek Valley. A maze of ridges radiate toward the coastal plain from the McPherson Range, which owes its formation to the Mount Warning Shield Volcano. Volcanic rock types on the upper slopes overlay shales and clays at the lower elevations that taper toward the narrow creek flats of Cobaki Creek. Elevations in the Subject Lands vary between 3 metres at the northern end to a high point of 216 metres above the southern boundary. In general terms, the northern portion of the block can be described as a stepped plateau with gentle/moderate eastern and western sides. Original vegetation included predominately wet sclerophyll and rainforest tree cover and eucalyptus forest to a lesser extent. The understorey would have consisted of palms, vines and ground creepers. Grass cover would have been absent. Basalt boulders would have covered all ground surfaces where krasnozems soils overlay clay based soils.

Everick was informed that the western parts of the Subject Lands was first selected in 1907 by the Norvill



family, its primary use as a timber block for the extraction of cedar and teak and other soft woods. A small remnant of regrowth forest has remained on the southern boundary although it appears to have been selectively logged. Following initial selection of valuable timber, the property was progressively cleared and turned to dairying once grass could be established and small crops once the ground cover of basalt stones could be moved to form crop and paddock boundaries. Dairying and small crop production ceased in 1967 but the property continued to be used in beef cattle production. The vegetation cover today consists of open grass paddocks through the centre ridgeline of the property with dense regrowth camphor laurel and wet sclerophyll species on the eastern and western slopes.

The eastern part of the subject lands were part of the Terranora Lakes Country Club that was established in the 1960s on former grazing land. This club prospered through the 1970s and 1980s and its facilities expanded to include a golf course, tennis club, bowling greens and a gun club.

4. CULTURAL CONTEXT: ABORIGINAL CULTURAL HERITAGE

4.1 Territories and Movement

The Aboriginal people of the coastal Tweed-Brunswick Rivers were associated with a wider linguistic group the Bunjalung, which was spoken with dialect differences between the Clarence and Logan Rivers extending possibly as far west as Tenterfield. Land belonged to clan groups whose boundaries had been established in mythology. (Godwin and Creamer 1984) Dialect groups composed of interlinked clan/family groups occupied distinct areas within the wider Bunjalung association (Crowley 1978). Curr provides some support for this model suggesting that dialects between the Albert River and Tweed River were closely related (Curr 1887:321). Tindale recognised a similar common language group extending between Byron Bay and Southport extending inland to Murwillumbah, which he called Minjanbal (Tindale 1940:191). Tindale's Minjanbal language group possibly contained two main land holding clans, the Kombemerri north of the Tweed River and the Coodjingburra south of the Tweed River. Joshua Bray, a postmaster and Protector of Aborigines, defines the Coodjingburra territory as, '... the part along the coast between the Tweed and Brunswick rivers, about ten miles back from the coast' (Bray 1901:9). The word for Brays 'tribe' is ku-ging corrupted to modern Cudgen. 'This was the place where the blacks get the red raddle or pigment to paint themselves with when going fighting or to corroboree' (Bray 1901:10). The Kombemerri land north of Tweed River, Bray describes as belonging to a 'tribe' called Moorung Moobar, '... who had all north of the Tweed to the McPhersons Range' (Bray 1901:9).

Population estimates for the Tweed Valley and coast have been based upon general reports to government authorities and on estimates from specific sightings. Commissioner of Crown Lands,



Simpson, estimated the population between Point Danger and Fraser Island at not less than 5000 (Simpson 1844:484-486). Bray, from near his residence at Kynnumboon observed 600 people camped on the Wollumbin Plain west of Murwillumbah in the 1860's (Bray 1901). A party of 200 men armed with spears had been observed by John Oxley's party on Fingal Head in 1823 (Uniacke 1825:40). Pierce suggested that this gathering of men would indicate a population of about 500 for the Tweed District and a population density between the Tweed and Brunswick Rivers and inland for some miles, '... of about three per square mile ...' (Pierce 1971:13).

Models to describe possible patterns of settlement and movement in the North Coast region vary considerably. One suggests that clan groups ranged between the seacoast and foothills of the coastal ranges on a seasonal basis (McBryde 1974). Early sources support this view to some extent as there are records describing the movement of inland groups of the Clarence to the coast during winter (McFarlane 1934; Dawson 1935:25). A second model suggests that movement of coastal people was not frequent, and that semi-sedentary groups moved north and south within the coastal plain rather than to the upper rivers (Coleman 1982). This model is based upon reports of numbers of small villages composed of dome-shaped weatherproof huts between the mid-NSW coast and Moreton Bay. Flinders described a small group of huts in the vicinity of Yamba in 1799, and Perry described two villages on the banks of the lower Clarence in 1839. Similar sightings were reported by Rous on the Richmond (McBryde 1974), Oxley near Chinderah on the Tweed (Piper 1976) and in Moreton Bay (Hall 1982). The 'solid' construction methods described for these huts seem to suggest occupation for a period of months at a base camp rather than a constant wide-ranging pattern of low-level land use. Godwin (1999:211-217) argues that neither of the above 'models' is supported by the archaeological record and that local conditions dictated exploitation strategies on the North Coast of NSW.

Bray records that, '... the Coodjimburra tribe inhabiting the coast, used to mix very much with the Ballina Richmond River Blacks' (Bray 1901:9). However it may have been a way of life that rapidly disappeared under the impacts of disease and restrictions on Aboriginal groups by 'authorities' on the movement of Aboriginal people. A review of sightings of Aboriginal coastal groups in Coleman's review of ethno historical sources led her to a conclusion that in the initial stages of European contact, observers of coastal groups describe, '...consistently high, semi sedentary local populations on the coast with a highly sophisticated organic material culture which vanished almost overnight with European contact' (Coleman 1982:7).

Bray also observed that for ceremonial occasions Tweed people would travel up to forty miles (Bray 1902:8). Here Bray was referring to a Bora ceremony west of Mount Warning. Movement within the Coodjimburra territory is most likely to have been in response to movement from the coastal plain to foothills during wet seasons on the Richmond/Tweed (Moehead undated). During the wet season on Moreton Bay, Backhouse observed, '...the Aborigines resort to elevated situations contiguous to those



parts of the coast abounding with oysters. In these situations their huts are said to be large enough to stand up in (Backhouse 1843:274). Jones 1896 (in Piper 1976:73) stated that the Tweed coastal group moved to the shoreline during the mullet season. It appears that in the normal course of food foraging, the boundaries of the local land holding groups were clearly defined and crossed under threat of death. 'For agreed purposes between adjoining groups it was possible to cross boundaries, such as the movement to the Bunya Mountains, every third year so ... Under a sort of "Truce of God" ... For the blacks went through each others territory unharmed' (Bundock 1898 in McBryde 1978:265).

4.2 Economy – Material Culture

The Aboriginal people of the coastal plain had access to a wide variety of resource rich, food and raw material producing zones. These include extensive belts of rainforest on basalt soils, tracts of 'Wallum swamp', open beaches, estuaries, dry sclerophyll forest on poorer inland soils and littoral rainforest on foredune terraces. Records of coastal diet emphasised the role of marine foods. Ainsworth (1922) suggests the principal diet in spring and summer was, '... fish and oysters and the varied produce of the chase'. Ainsworth also noted that in the Ballina area, pademelons, wallabies, bandicoots, iguana, flying foxes, yams and pandanus nuts were part of the diet (Ainsworth in Pierce 1978).

In the Tweed area a ships crew, who spent Christmas with Aborigines on Kirra Beach in 1875, described '... feasts consisting of roast scrub turkey, crabs, fish, oysters and pademelon' (Piper 1976:62). In the Tweed and north to Moreton Bay, the rhizome of the Bungwahl fern (*Blechnum indicum*) was the major component of the vegetable diet. Thomas Pamphlett, a shipwrecked convict, observed that, fern root was a daily part of the diet and carried in bundles when the tribe moved. 'Women and children spent the bulk of the day procuring fern roots and a part of which they gave the men in exchange for fish' (Uniacke 1825:99). The heavy stone cleavers used in the pounding of the bungwahl rhizome and the large lower stone on which the starch was extracted and ground have been identified on the Tweed by Jackson (1935) and Piper (1976). Use wear studies on bungwahl cleavers had been conducted by Kamminga (1982). Aborigines of the Tweed Coast not only had access to the estuaries and associated ecologies, but also to the rainforest clad ridgelines which border the rivers and creeks, within a short distance of the coastline.

The written records of European observers suggest a similarity in material culture among people of the Tweed to Moreton Bay. Spears for battle and fishing, fighting clubs, hunting clubs (pademelon sticks), hafted stone axes, a range of boomerangs, wooden shields and digging sticks were noted in early sources (Byrne 1946). The barbed or pronged spear is not noted in this area (Sullivan 1978); its place taken by a single pointed fire hardened weapon (Dawson 1923). There is no evidence of the fish hook nor spear



thrower, common in southern areas. Women produced a range of woven string or grass bags. Strong rope for nets and binding was made from the inner bark of the kurrajong, flame tree and hibiscus (Bundock 1898 in McBryde 1978, Byrne in Piper 1976). Another carrier, ' ... was made from the Bangalow Palm, about fifteen inches long and neatly pleated at both ends with a vine over the top ... ' (West undated). Hunting was communal at times assisted by long nets erected in gullies to form barriers, with game chased into them and killed. A range of stone knives, blades, scrapers, grinding and chopping tools were produced, in addition to the more commonly known stone axe. The physical evidence we have for the manufacture of these implements and utensils are discarded tools, debitage, tree scars and rare museum examples of wood and fibrous weapons, nets and utensils (See McBryde 1978). Stone materials are found in isolation and or at the sites of shell middens, scarred trees, stone quarries and open campsites. Evidence of ceremonial/spiritual life remains at Bora grounds, stone arrangements and natural mythological sites e.g. Mount Warning. These sites are considered by Aboriginal people and the N.S.W. DECC to have a scientific/archaeological significance together with sites which have a high social/cultural significance to the Aboriginal community, or a combination of both.

5. DESKTOP REVIEW ABORIGINAL CULTURAL HERITAGE

5.1 Archaeological Context (Prehistory)

Evidence for occupation of coastal northern NSW and southern Qld is dated to the late Pleistocene. At Wallen Wallen Creek on North Stradbroke Island, an occupation phase dated between 22,000 \pm 1,000 years before the present (BP) was documented. Analysis of faunal materials from the site suggests an economy initially based upon the hunting of terrestrial fauna changed to one based upon a reliance on marine fish and shellfish which may reflect changing local ecologies caused by gradual rises in sea levels during the late Pleistocene (Neal and Stock 1986). Coastal sites in northern NSW date to within the Holocene period. The earliest of these is a shell midden at the base of Sextons Hill on the lower Tweed River where an occupation phase was dated between 4,700 BP and 4,200 BP (Appleton 1993:34).

Faunal material showed a predominance of oyster, cockle and whelk by volume, in addition to remains of pademelon, kangaroo, bream, whiting, flathead and schnapper. The stone component exhibited few diagnostic traits; only four artefacts appeared to be of a deliberately manufactured shape (Appleton 1993:17-18). An earlier excavation of a shell midden 2.5 km upstream yielded a basal date of 605 \pm 90 BP. A column sample revealed compacted fish bone remains at the lower levels, with a greater content of shellfish in the upper levels. Bone points were also recovered. It was concluded that the diet, initially based upon fish and possibly terrestrial fauna, changed to one more reliant upon shellfish, which probably reflected the gradual siltation of the Tweed River to a mudflat ecology (Barz 1980), in that location at least.



Excavations at the Bushrangers Cave at the head of the Numinbah and Tweed Valleys (elevation c. 700 metres AHD) indicate people began to use the shelter about 6,500 – 10,000 years ago. The caves' occupants exploited rainforest food sources present today namely, pademelons, possums and pythons together with regular consumption of crayfish and bush turkey eggs (Hall 1986:94, 98; Ulm and Hall 1996).

A shell midden on Chickiba Creek (Richmond River) was found to have accumulated between 1,750 BP and c. 100 BP (Bailey 1975:52). Shell samples from Angels Beach area are dated between 800 BP and 530 BP, with one sample at 900 - 1,000 BP (Rich 1994:195). Stone artefacts were assessed on technological grounds to date to within the past 2,000 years (Rich 1994:161). Bailey's basal date of 1,750 BP suggests that the modern resource-rich environment may not have been productive enough at an earlier time to support any more than small groups (Roy in Rich 1994). By contrast, the Tweed River estuarine site below Sextons Hill was in use some 3,000 years earlier than this (Appleton 1993).

Beach foreshore sites investigated to date have been associated with more recent phases of occupation than estuarine sites. Foredune sites typically take the form of narrow bands of pipi shells, or surface scatters of pipi and a few stone artefacts. Pipi horizons at South Ballina and Broadwater have been dated to 260 years BP and 200 years BP respectively (McBryde 1982:77).

A more substantial pipi midden (#04-6-61) investigated on the foreshore at Byron Bay had been used between approximately 1,000 and 400 years BP. The 80 cm deep midden deposit was overwhelmingly dominated by pipi shell, with minor inclusions of periwinkle, limpet, sand snail, oyster and cartrut. Bream was the most abundant vertebrate species. Although in lower quantities relative to bream, a broad range of fauna was represented in the midden, including other types of fish, tortoise, macropods, bandicoot, possums, rodents, birds and reptiles. The midden's stone assemblage was characterised by primary flaking debitage which reflected the poor knapping quality of the raw materials used. All of these materials are believed to have been collected from intertidal pebble beds adjacent to the site (Collins 1994).



5.2 Previous Archaeological / Cultural Heritage Assessments

Previous field assessments indicate that the main concentration of recorded Aboriginal sites is in the immediate vicinity of the waterways of the Tweed River estuary and the dune fields extending to the west, north and east of the Cobaki Broadwater, be it a small proportion of the original number. For the purpose of this desk top review of relevant literary sources the discussion is confined to assessments conducted from north of the Tweed River to the Queensland border.

These include Appleton (1993), Barz (1980), Collins (1999, 2005), Hall (1990a; 1990b), Lilley (1981), and Piper (1976, 1980; 1991; 1994; 1996, 2004). More recent studies include those of Bonhomme, Craib and Associates (2000) Eastern Yugambeh Limited (2005), Benton (2006), Navin-Officer (2007), Converge (2008) and Robins (2008). All of these studies, with the exception of the Collins (2005) and Piper (1996, 2004) assessments in the Bilambil Hills have concentrated on estuarine waterways, coastal dunes and the Tweed River floodplain. It is important to review the results of previous assessments and relevant literary sources, which may indicate potential areas for archaeological sites in the subject lands.

5.2.1 Estuarine waterways and dune fields

The Piper assessment (1980) located ten shell middens on the northern bank of the Tweed River. These ranged from low-density shell scatters to large raised mounds of shell and artefactual materials. One site (Terranora 19) known to contain skeletal material, was the subject of a salvage excavation by Barz (1980). The study also recorded four open sites containing stone artefactual material and six isolated instances of edge ground axes. Nine bungwahl cleavers, used in the preparation of fern rhizome, were among the recorded sites. The shell contents of each midden site were estuarine species, particularly oyster, cockle and whelk. All of the sites were located in a 3 km strip on the northern banks of the Tweed River extending above Barneys Point Bridge. The condition and content of these sites was further reviewed by Piper (1994) as part of an archaeological assessment of the upper Tweed River.

A study of the lower Tweed River below Barneys Point Bridge, including the Cobaki and Terranora Broadwater, was conducted by Piper (1991). Poor visibility due to dense vegetation bordering the waterways hampered the effectiveness of the survey. However, 14 estuarine shell middens were located. A suite of midden sites (Sites 6-13) on the eastern shore of Terranora Broadwater were considered to be of high archaeological and Aboriginal significance because there are few sites of concentrated deposits remaining. Five other middens (Sites 1, 2, 3, 5, and 14) were assessed as being of low to moderate archaeological significance. A shell midden on Ukerebagh Island (Site 14) was also considered to have high archaeological and Aboriginal significance. The Tweed River sites range between 4 km and 5 km to the north east. The Terranora Broadwater and Terranora Creek sites (AHIMS Sites #04-2-80 to #04-2- 85)



are located 3 km east and 4 km to the north east.

Cobaki Broadwater, which drains its waters from the Cobaki Creek Valley, had been the subject of studies prior to Piper's (1991) survey. Hall (1990a) and Lilley (1981) concluded that there appeared to be a surprising lack of sites on the northern and western shores of Cobaki Broadwater. Two shell middens (AHIMS Sites #04-1-0031; #04-2-0039) containing low-density estuarine shell and artefactual materials were recorded in the dunal area adjacent to Coolangatta Airport east of the wetland margins of the lake. Hall concluded that sand mining had obliterated evidence of Aboriginal occupation north and west of the lake. This would not explain the apparent absence of sites near the southern shores. It is more likely the densely vegetated wetland margins surrounding the lake were unfavourable campsites areas compared to the dry dunal areas east and north of Cobaki Broadwater. The Cobaki Broadwater sites (#04-1-0031, #04-2-0030, #04-2-0087) are located 4.5 km north of the Subject Lands.

The archaeological content and Aboriginal cultural heritage significance of the Coolangatta Airport lands, northern shores of Cobaki Broadwater and areas of Tweed Heads West have recently been reviewed by Collins (1999) Bonhomme, Craib and Associates (2000) Eastern Yugambeh Limited (2005) and Benton (2006).

Studies in the vicinity of Cobaki Broadwater have included Lilley (1981), Hall (1990a, 1990b) and Collins (1999). These studies were undertaken in relation to proposed residential development, planning proposals at Coolangatta Airport and road route options for the Pacific Highway. These studies inspected large parcels of land to the north of Cobaki Broadwater and its south western banks (Lilley 1981, Hall 1990b). An archaeological area on a higher dune plain was found to extend between the eastern margins of Cobaki Broadwater and the Coolangatta Airport. A midden (# 04-02-0039) described by Hall (1990b:11) contained dense concentrations of surface and sub-surface shell, mainly estuarine (oyster, cockle and whelk) with a small proportion of beach pipi. Stone artefactual material consisted of cores, flakes and flaked pieces on chert, quartz, silcrete and pebbles of volcanic origin. Bevel edged pounders used in the preparation of fern root were described as common. This site is considered to have high archaeological significance as well as a high cultural/social significance to Traditional Owner groups and individuals north and south of the NSW/Queensland state border.

A study by Collins (1999) reassessed the area in relation to a Route Selection Study for a proposed Pacific Highway deviation. In addition to the archaeological material recorded by Hall, three open campsites and an isolated artefact were recorded on the elevated dune plain between Cobaki Broadwater and the Coolangatta Airport lands. The sites were assessed as low-density scatters of stone artefacts, fragments of oyster shell and a nodule of ochre. Raw materials were chert, silcrete and sandstone (Collins 1999:34-35).



The archaeological content and Aboriginal cultural heritage significance of the Coolangatta Airport lands, northern shores of Cobaki Broadwater and areas of Tweed Heads West have recently been reviewed by Bonhomme, Craib and Associates (2000), Eastern Yugambah Limited (2005), and Ozark Environmental and Heritage Management Pty Ltd (2006a, 2006b, 2007). The most recent body of cultural heritage assessment and archaeological investigation has been by Ozark Pty Ltd. It centred on the route of the Tugun Bypass. A May 2006 report recommended that test excavations and possibly salvage excavations be conducted in two zones (7 & 10) of the proposed route and monitoring of vegetation clearance and ground disturbing works take place in five zones (5, 7, 10, 11, 13) of the proposed route (Ozark 2006a, 2006b, 2007).

An Archaeological Test Excavation at a site in Zone 7 produced an assemblage of 388 stone artefacts and 132 manuports or otherwise unidentifiable fragments from 28 excavation squares. These comprised 26 assemblage elements (or different categories of stone artefacts) and 12 varieties of raw material (Ozark 2006b:28). The site was considered to possess a number of unusual features: the richness of the assemblage was high; the site was intact and showed patterning that could indicate an intact cultural stratigraphy; the number of backed blades point to areas of the site likely used as knapping floors for backed artefacts (an extremely rare find in the region), the preponderance of large red, yellow and black ochre crayons with abundant signs of use suggest decorative activities were an important part of the use of the site (Ozark 2006b:52-53). A radiocarbon determination of a charcoal sample returned a relatively modern age for the site at 298 BP (or c. 1600AD) (Ozark 2006b:50).

A subsequent salvage excavation programme at pier construction impact points over the Zone 7 site produced 389 stone artefacts from 24 excavation squares comprising 12 classes of artefacts on nine types of raw materials. From the mean artefact density of the 1x1 m excavated squares it was estimated that 76,418 artefacts and ochre fragments were contained in the pier cluster areas (Ozark 2007:29,30). A radiocarbon determination of 7,258 BP was obtained from a charcoal sample. However the authors urged caution in accepting the date as one that necessarily related to Aboriginal occupation as there were no intact archaeological features from which a date could be obtained. Early dates (9,000 – 15,000 years ago) are referenced in the report as a possible context for the Tugun sites if the date can be accepted (Ozark 2007:37).

A Preliminary Aboriginal Cultural Heritage Assessment over the Cobaki Lakes Development immediately west of the Tugun Bypass recorded nineteen archaeological features. The proposed development includes slopes of the McPherson Range enclosing an embayment of coastal swamps and dune formations terminating at Cobaki Broadwater and Cobaki Creek (Robins 2008).

Two patterns of archaeological site distribution were identified. The first is a low density distribution of stone artefacts throughout the mid and lower slopes of the McPherson Range. Four isolated artefact sites



were found on the lower slopes and one on the upper slopes (Robins 2008). Although only small numbers of artefacts were recorded here, the type of material and pattern of distribution is similar to that identified by the survey in adjacent land on the Queensland side of the Border. The survey conducted on the crest of the McPherson Range in Queensland recorded nine isolated finds of flakes or flaked pieces. Twenty four test pits were excavated to a depth of 40 cm. Fourteen of these pits contained artefacts. Numbers of artefacts for each pit varied from 2 to 37 (Eastern Yugambah Limited 2005).

The second pattern of archaeological site distribution more reflects patterns found in the sand rises from Cobaki Lakes north to the Coolangatta Airport and west to the foothills of the McPherson Range. An extensive scatter of cultural material, including a diversity of artefact types on diverse raw material and estuarine shells, were found throughout this area. Due to development works much of this material has been disturbed. Nevertheless, the pattern identified indicated that the sand rise was a place that was used by Aboriginal people for a variety of tasks, including extracting the resources of Cobaki Lake, and the wetlands encompassed by the sand rise. A discontinuous artefact scatter with fifteen archaeological features extends on the outer margins of a sand rise enclosing a drained swamp. A particularly concentrated artefact scatter potentially containing sub-surface materials was recorded as AHIMS site (#04-01-0152) with the DECC (Robins 2008).

A salvage excavation of a small disturbed midden deposit 200m above the entrance to Cobaki Broadwater was found to be composed of estuarine shell species, mainly oyster, and one stone artefact. The report postulates the shell deposit represents a ‘...single ephemeral event – possibly a single meal for a small group of Aboriginal people...’ The archaeological significance of the site was assessed as low. The social/cultural significance of the site to the local Aboriginal community was assessed as culturally significant (Converge 2008:26).

5.2.2 Coastal uplands: Terranora

A far lesser concentration of recorded sites occurs in the upland areas of Terranora, Bilambil, Carool and Cobaki which form catchments adjacent to the coastal plain and the creek systems, which flow from them. Few studies have been conducted in these areas where the impact of land clearing is arguably greatest and the spread of urban development less concentrated. A study (Piper 1994) of an earth/rock quarry site above Duroby Creek could find no evidence of Aboriginal materials. The quarry location is 2.5 km south of the Subject Lands on a ridgeline terminating at the Duroby Creek flats.

An assessment (Piper 1996) for Aboriginal archaeological sites and relics included all of the lands under the present assessment not part of the former Terranora Lakes Country Club and not the land on the Cobaki Creek flats proposed in MP08-0234 footprint as sports facilities in the current proposal. The land



consisted of approximately 100 ha of ridge crest and slopes on red/brown krasnozems overlooking Cobaki Creek, formally the Norvill property. Surface visibility was poor due to heavy grass cover. The assessment produced a nil result and concluded that the land held no archaeological significance. The Tweed Byron LALC had no objections to the Development Application (Piper 1996:16 and Appendix A).

An archaeological assessment by Piper (2004) over 12.3 ha at McAllisters Road immediately north of the Subject Lands occupied by the former Terranora Lakes Country Club found no Aboriginal archaeological evidence in an area of moderate red/brown krasnozems soil slopes. The land is highly disturbed through clearing and cultivation over many years. The Tweed Byron LALC had no objections to the proposed rezoning of the land to Residential (Piper 2004:27 and Appendix A).

5.3 The DECC Aboriginal Heritage Information Management System (AHIMS)

A search of the DECC AHIMS register of the Subject Lands indicated that no registered or restricted mythological/spiritual sites had been recorded there. A broader search indicated 46 sites had been recorded in an area between the Subject Lands and the Queensland/NSW border. Eight sites had been recorded in a survey on the border (Eastern Yugambeh Limited 2005). These are indicated in Figure 4 together with registered sites in the broader area.

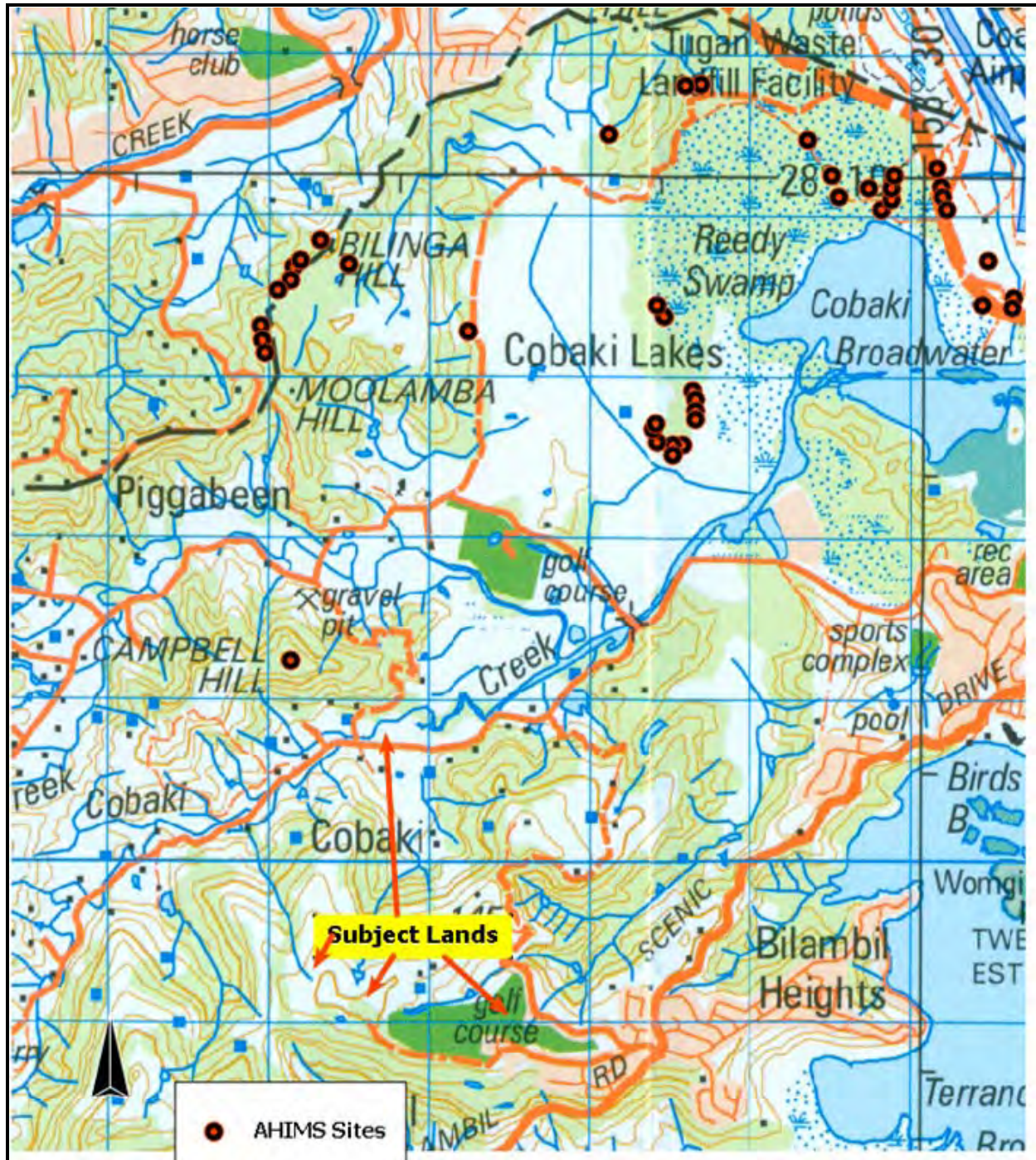


Figure 4 - Aboriginal Sites in the vicinity of the Subject Lands (note: no sites were identified south of the Subject Lands within the search area)



5.4 Aboriginal Community Database (Bundjalung Mapping Project)

The Tweed Byron LALC holds and administers records of Aboriginal sites in addition to those of the DECC AHIMS. This record was until recently known as the Bundjalung Mapping Project (BMP). Sites on the database may be recorded on the basis of oral histories, literature research and field assessment. The database has an oral record of a midden and ceremonial ground located on the crest of Campbell Hill immediately north of the Subject Lands (J McDonald Appendix B).

In addition to the New South Wales DECC AHIMS registered sites, four artefact scatters and one possible resource tree had been recorded in the bushland between Cobaki Lakes and the Tugun Bypass (I. Fox pers. comm. April 2008).

5.5 The Heritage Registers - Indigenous Places

The following heritage databases have been reviewed to assess the potential for Indigenous heritage attributes within the Tweed LGA and Subject Lands.

- ***The National Heritage List*** (Australian Heritage Council)
- ***Commonwealth Heritage List*** (Australian Heritage Council)
- ***Register of the National Estate*** (Australian Heritage Council)
- ***The State Heritage Register*** (NSW Heritage Office)
- ***Tweed Local Environment Plan 2007*** (Updated March 2009)

There are no Indigenous places listed in other heritage registers within the Subject Lands.

5.6 Historic Aerial Photography Analysis

Analysis of historic aerial photographs of the Subject Lands was undertaken in order to develop a picture of past disturbance for the site. This information could then be used to aid in the predictive modelling of potential sites. Aerial photographs from 1962, 1970, 1987 and 1996 were all assessed in this context. The 1962 and 1970 photographs are shown below, as they best represent the nature and extent of past disturbance to the site. The 1987 and 1996 photographs are shown in Appendix E.

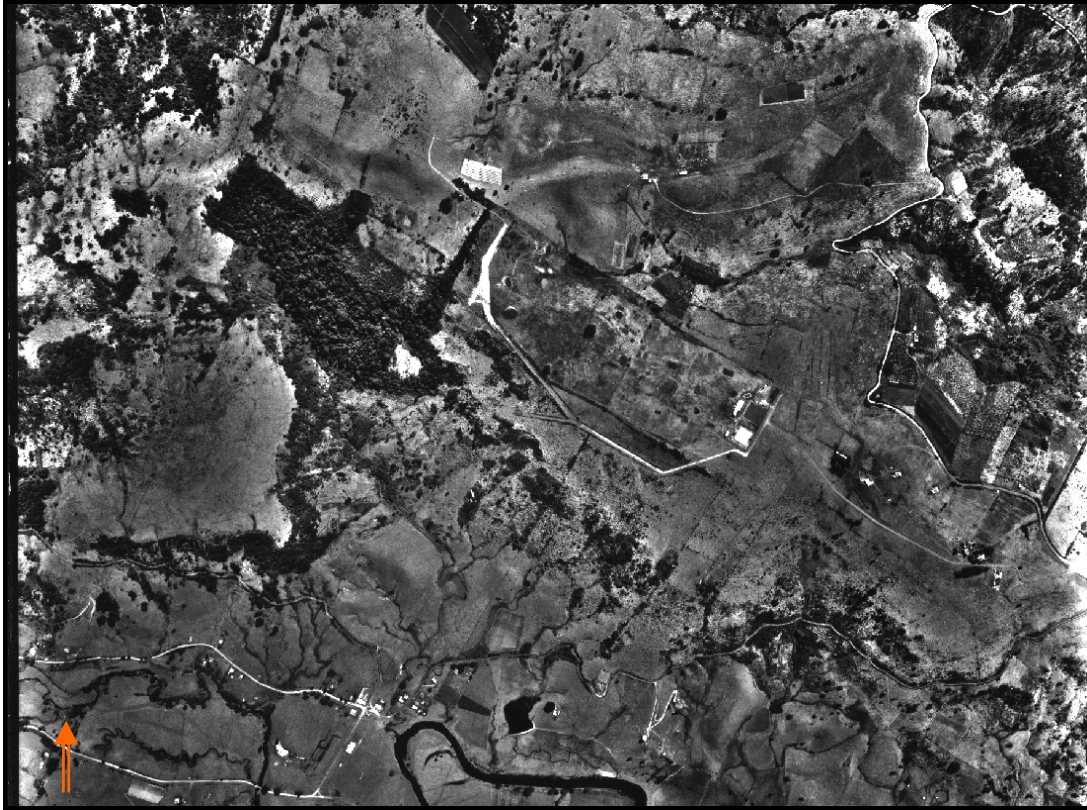


Figure 5 - 1962 Aerial photograph of the Subject Lands



Figure 6 - 1970 Aerial photograph of the Subject Lands



The aerial photographs show that the Subject Lands have a history of extensive disturbance from the actions of past land users. In terms of archaeological modelling, of particular relevance are:

- 1) The terraces that can be seen so clearly in the central and northern parts of the Rise Development area. Only the southern third (approximately) of these terraces are within the Subject Lands; and
- 2) The extensive disturbance caused by the construction of the Terranora lakes Country Club facilities.

The terrace structures have been overlayed on a modern aerial to demonstrate their coverage over the central portion of the Rise Development (Figure 7). Cultivation practices such as this almost certainly would have resulted in extensive surface and sub-surface disturbance to 'in situ' archaeological materials. Initial cutting and filling, followed by seasonal ploughing means that it is highly likely that cultural material located within this area would be of archaeological (scientific) significance. However, any materials are usually considered to be culturally significant to the local Aboriginal community.

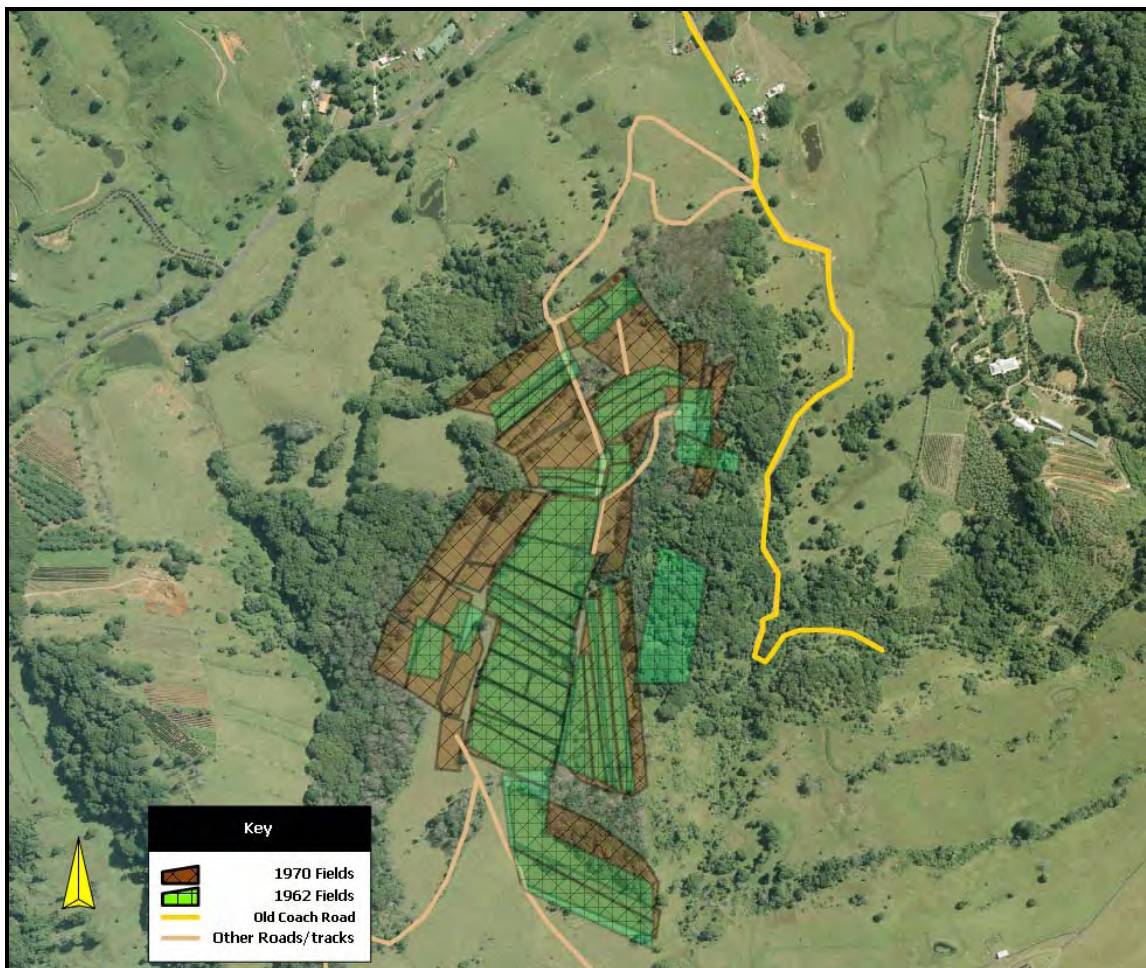


Figure 7 - Field and terrace structures from historic photographs overlayed onto a modern aerial photograph



5.7 Predictive Model for Indigenous Archaeological Sites

The survival of 'in ground' Aboriginal sites given previous land clearance and subsequent land use practices would be unlikely. With the exception of the small remnant forest at the southern boundary, it is fair to say that the ground surface for the remainder of the Subject Lands has been considerably altered making the possibility of locating 'in situ' Aboriginal sites unlikely. All rainforest trees suitable for the purposes of weapons, shield containers and coverings have been removed.

It is most likely that Aboriginal camp sites, if they had existed, would most likely be found on lower slopes adjacent to Cobaki Creek. Aboriginal occupants of the area would have had access to aquatic food resources principally fish, together with the terrestrial foods of the rainforest and to a lesser extent vegetable foods in the form of the congevo lilly, Moreton Bay Chestnut and seasonally available fruits and berries. Stone resources include basalt river pebbles commonly used in the production of edge ground stone axes and fine grained siliceous stone used to produce small or wood working tools. The use of rainforest/sclerophyll forest by Aboriginal groups is not a well researched one, the reason being that few sites have been located unless in rock shelters protected from land clearing. However, the use of rainforests for both food, medicinal resources, together with their technological materials, is referred to by Bundock (1898), Ainsworth (1922) and Byrne (1984). The Cobaki Creek Valley would have fallen within the range of Aboriginal groups exploiting the estuarine Cobaki Broadwater and coastal dunes to the east. Single artefacts and disturbed artefact scatters appear to be the only types of sites that would be found. However, some sites, including those comprising or containing shell have been recorded in ridge saddles of on the tops of hills (e.g. Converge 2008; J. McDonald pers.com.), including some close to the Subject Lands. Other forms of sites, such as stone arrangements, artefact scatters (camp sites), middens and quarries, are unlikely to be found due to the nature and degree of disturbance. Burials would be unlikely to be found due to the soils strong acidity (Moran1996) and rocky nature.

6. DESKTOP REVIEW EUROPEAN CULTURAL HERITAGE

6.1 Previous Archaeological / Cultural Heritage Assessments

Navin Officer Heritage Consultants Pty Ltd (2007)

An assessment of the Banora Point upgrade of the Pacific Highway was undertaken by Navin Officer Heritage Consultants in 2007 for the NSW Road and Traffic Authority. The upgrade comprised a 2.5 km length of road between the northern end of Barneys Point Bridge and the southern end of the Tweed Heads Bypass. These works are approximately 5.5 km to the east of the Subject Lands. The report was done in preparation for a proposed Pacific Highway new highway alignment with six lanes and associated



works. It details the results of their investigation of three archaeological features representing sites of Indigenous and non-Indigenous cultural heritage.

Of relevance to this report was the identification of two groups of crop terraces supported by dry stone walls. The two systems may represent different periods of construction, and different portions of the walls were probably constructed by different individuals. The latest phase of construction was in the mid-20th Century. The terraces were used for growing small crops. Aboriginal and South Sea Islander labour was used extensively for crop picking. Navin Officer (2007:82) suggest that the Banora Point Agricultural complex has a high significance within a local context.

6.2 Heritage Registers

The following heritage databases were reviewed to assess the potential for European heritage attributes within the Tweed LGA and the Subject Lands.

- ***The National Heritage List*** (Australian Heritage Council)
- ***Commonwealth Heritage List*** (Australian Heritage Council)
- ***Register of the National Estate*** (Australian Heritage Council)
- ***The State Heritage Register*** (NSW Heritage Office)
- ***Tweed Local Environment Plan*** 2007 (Updated March 2009)

No listed items of cultural heritage were identified within the Subject Lands. The Tweed Shire LEP listed no other dry stone walls or terraces in the region.

6.3 Lower Tweed River Historical Society (LTRHS)

The Lower Tweed River Historical Society has archived materials of the region's European heritage. The LTRHS possesses a file on the Terranora Lakes Country Club, the remains of which are located with the southern and Eastern portion of the Subject Lands. The following presents a summary of the Country Club:

- Prior to the 1950's these lands were cleared for dairying and banana plantations.
- **1959:** The Terranora Country Club Estate opened featuring a club house, tennis courts, bowling green and 9 hole golf course (Daily News 26.8.59).
- **1964:** A Certificate of Incorporation of a Public Company was granted to the Terranora Lakes



Country Club and a Liquor License was granted in 1965.

- **1969:** 142 acres was purchased, bowling greens were expanded and the golf course expanded to 18 holes.
- **1973:** A new club building opened in March 1973; a gun club was formed later prior to 1976.
- **1980-81:** Major extensions were undertaken forming the existing 'building' and external infrastructure.
- **1996:** The TLCC was closed: 'hard hit by random breath testing and problems in the time share industry' (Daily News 4.4.1996). The bowls club ended in the same year (Daily News 21.11.96).
- **2000:** The golf course continued in use until 2000, while the club building remained vacant.

The LTRHS also possess a file on the Norvill Property. Everick supplemented this information with the assistance of personal recollections of Mr Brad Norvill, owner of the property.

The property was acquired by Joseph and Elizabeth Norvill about 1909 from land formally in the name of John Quirk. The property appears to have been called 'Warnleigh' which later became the name of a Post Office on Cobaki Creek. The property was renamed 'Holmeview'. Dairying was the main activity with banana growing until 1925 when the industry was wiped out by 'bunchy top'.

A notable feature of the property today is the crop terraces on the higher ridge and slopes. The terraces are formed by banks of basalt stone formed into east west walls creating relatively level and protected cultivation areas.

Mr Norvill states that the walls were built in the nineteen fifties and early nineteen sixties by the Russel Brothers using machines. The crop terraces were used for growing beans, tomatoes, sweet potatoes, zucchini and bananas. Two 'Indians' worked the farm for Mr Norvill's father. 'Pickers' were local South Sea Islanders and Aboriginal families from South Tweed Heads and Chinderah who were 'picked up' and driven to the property when needed.

7. FIELD INSPECTION - ABORIGINAL AND EUROPEAN CULTURAL HERITAGE

7.1 Piper (1996) survey

A survey of parts of the Subject Lands was conducted by Piper in 1996, with the assistance of a Tweed Byron LALC Sites Officer. The survey coverage is shown in Figure 8 below. No items of Aboriginal cultural heritage were identified during this survey.

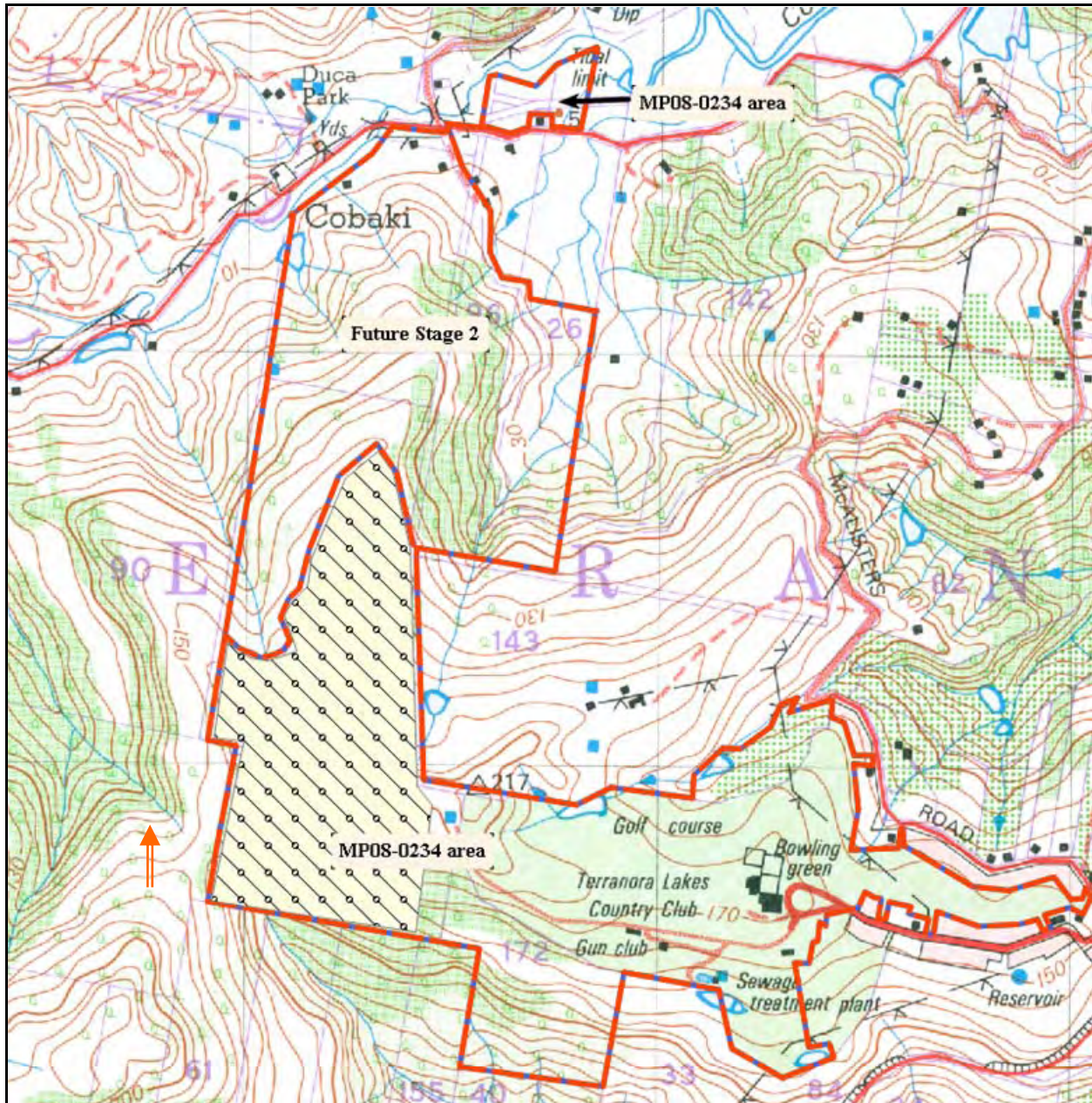


Figure 8 - Piper 1996 Survey Coverage (shown cross-hatched)

7.2 2009 Survey

7.2.1 Methods

The field inspection was conducted on foot by the consultant, Cyril Scott (Sites Officer of the Tweed Byron LALC) and Jackie McDonald (representative of the Traditional Owners) on 19 March 2009. The inspection was guided by the predictive modelling detailed above. Given the relatively low ground surface visibility, an opportunistic survey strategy was adopted, targeting all exposed soils. Photographs were taken as a record of general features and conditions, the degree of surface visibility and the content of any



sites found. Notes were made of the degree of surface visibility, the area of visibility, ground cover, land uses and any other relevant features. Overviews of surface conditions and site detection conditions are given in Sections 7.2.2 and 7.2.3. An indication of areas searched is given in Figure 9.

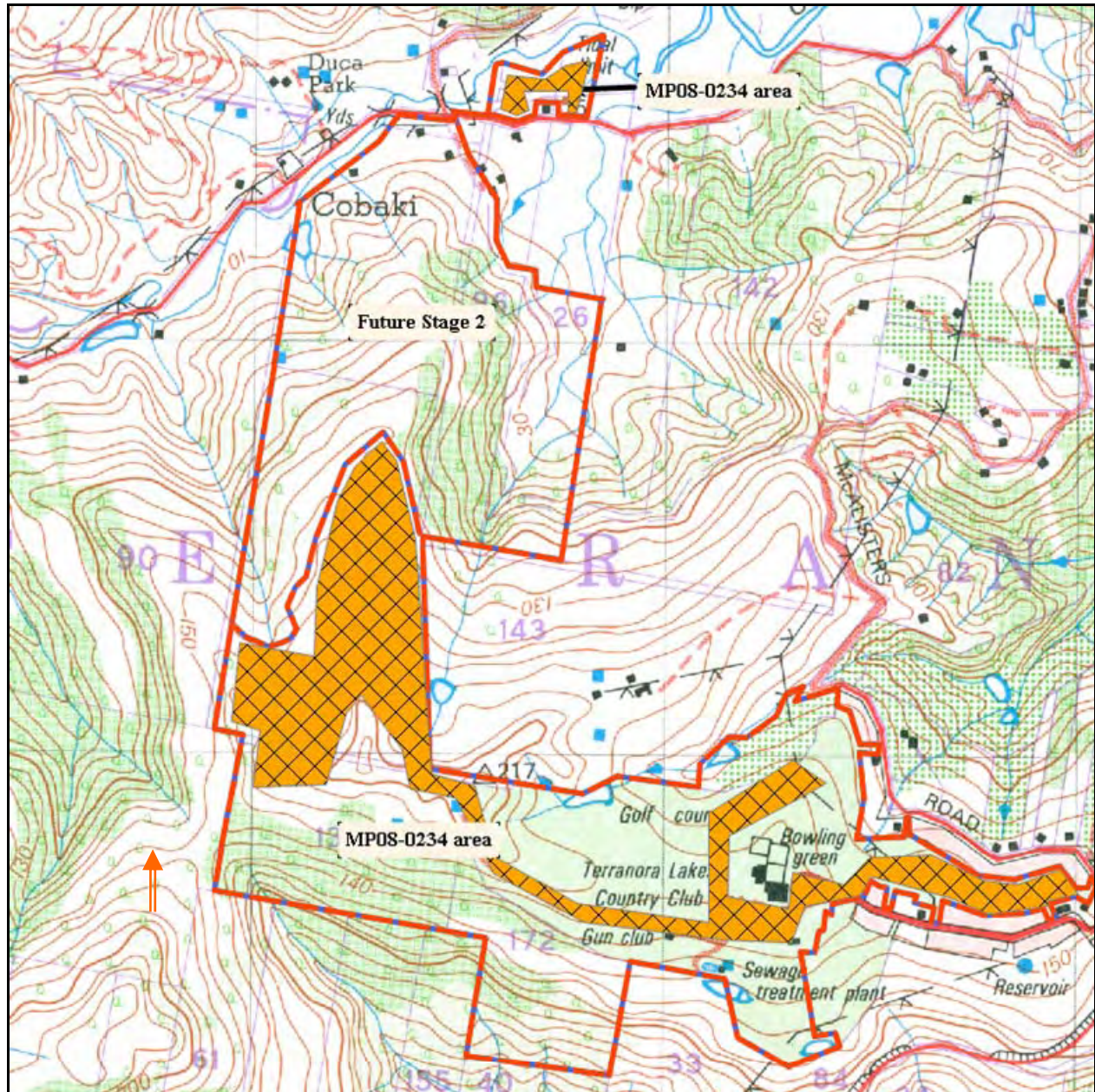


Figure 9 - Everick 2009 Survey Coverage (shown cross-hatched)

7.2.2 Survey Coverage

The survey coverage can be divided into two distinct areas. The first includes the grounds of the former Terranora Country Club. This is a highly disturbed landscape that extended along an east-west oriented ridge crest. This land had been extensively cleared and modified for the club facilities that included a



golf course (Figures 10-12), bowling greens (Figure 13) and a gun club. Survey coverage was approximately 50 % of this area.



Figure 10 - Teeing off area on golf course



Figure 12 - Green on former golf course



Figure 11 - Fairway on the golf course



Figure 13 - Bowling Greens

The second area surveyed was the former Norvill land to the west and south of the Terranora Country Club (Figures 14-16). This land was also on the upper slopes of a ridge but was more undulating with gentle to moderate slopes. The land had been extensively cleared and fenced. The mid-slopes of the north-south trending ridge had been extensively terraced. Approximately 80% of this area was surveyed.

7.2.3 Constraints to Site Detection

Site detection for both areas was highly constrained by dense vegetation cover. Surface exposure was limited to erosion areas, particularly in gullies, cattle pads, tracks and roads. In the clubhouse area extensive carparks obscured the ground. It is estimated that only between 1 and 5% of the ground surface was visible.

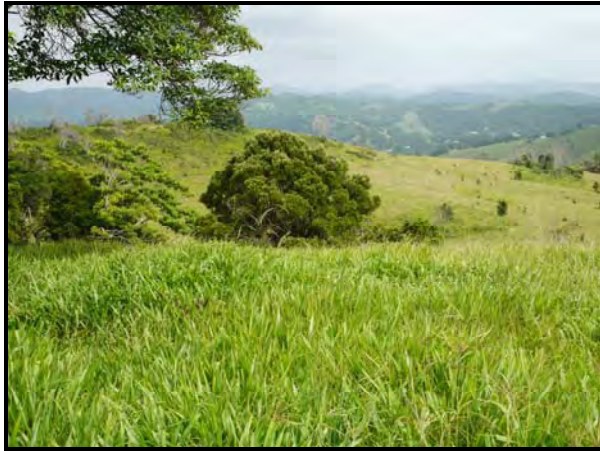


Figure 14 - Upper slopes of the former Norvill property



Figure 15 - Extensively cleared upper slopes of the Norvill land

8. RESULTS OF THE CULTURAL HERITAGE ASSESSMENT

8.1 Indigenous Cultural Heritage

8.1.1 Aboriginal Objects or Places

There were no Aboriginal Objects or Places identified within the Subject Lands.

8.1.2 General Significance Assessment of the Subject Lands

The Traditional Owners of the Subject Lands have a strong association with the Bilambil Heights/Cobaki Broadwater region. Accounts identify the top of Campbell's Hill, located immediately north-east of the Subject Lands as a ceremonial area. Traditional Owner Jackie McDonald provided Everick with several quotes from her Step-Grandfather Edward (Teddy) Telford, a man of South Sea-Island descent with strong connections to the local Aboriginal community (Appendix B). Of the top of Campbell's Hill, Mr Telford said:

"This is where the Aborigines used to dance. They came up from Bingham Point and brought their oysters, crabs etc...and had their Corroborees there."

Association with the Subject Land was maintained by some sections of the Aboriginal community through



working as 'pickers' on the Norvill property in the 1950's and 1960's. This connection was known to those community representatives that participated in this assessment.

During the community consultation, the cultural importance of identifying and preserving past evidence of Aboriginal occupation within the region was stressed. This importance extends well beyond the scientific value such sites would offer. Although much of the Subject Lands have been extensively disturbed by past clearing practices, any Aboriginal objects that may remain within the land would be regarded as culturally significant. The recommendations detailed in Section 9 below have been drafted with this potential significance in mind.

8.2 European Cultural Heritage

Two items of potential European cultural heritage were identified during the assessment, the former Terranora Lakes Country Club and some crop terraces on the Norvill farm. They have each been assessed against the criteria provided in the New South Wales Heritage Manual (Section 1.3.2).

8.2.1 Terranora Country Club Significance Assessment

The Terranora Country Club played an important role in many peoples social interactions in the region. The clubhouse itself was a building of considerable size and prominence, evidence of the amount of money that the community was investing into its facilities. Central to this was the gaming licence (primarily for poker machines) that was available to clubs in New South Wales that wasn't afforded clubs just across the border in Queensland. However, with the change in Queensland gambling laws in 1992, the club lost a considerable proportion of its revenue. It was unable to support such large infrastructure, and fell into disuse and disrepair.

In terms of cultural heritage, the Club is an example of the important role that such clubs played in the broader communities social interactions. It was one of a host of similar clubs near the Queensland – New South Wales border, some of which have since closed.

Assessed against the NSW heritage manual significance criteria, it can be seen that the Terranora Country Club potentially fulfils Criteria A: and item that is important in the course of the regions local history; and Criteria D: and item that has a strong association with the local community. However, it should be remembered that the Country Club had a relatively short life, and therefore would have impacted just a small proportion of the present community. Its significance to future generations would also be minimal, given its relatively brief operating time.



Unfortunately, the Terranora Country club has deteriorated rapidly since it was closed in 2000. Figures 16-19 demonstrate the level of vandalism that the club has sent through this time. Despite the best efforts of caretakers, they have proven unable to prevent such vandalism from occurring. Given this deterioration, it would be unreasonable to expect the proponent to be required to maintain the building.

It should be noted that the Lower Tweed River Historical Society has excellent records of the Terranora Country Club's historic influence. For this reason there are no recommendations in this report regarding the heritage of the club.



Figure 16 - View of the entrance to the former Terranora Lakes Country Club



Figure 18 - View inside the Terranora Lakes Country Club showing main staircase and extensive vandalism



Figure 17 - View west to the Terranora Lakes Country Club



Figure 19 - Terranora Lakes Country Club reception and main staircase



8.2.2 Crop Terraces Significance Assessment

The crop terraces within the Subject Lands possibly meet criteria for local cultural heritage significance as listed in the NSW Heritage Manual. Of these criteria, Criteria G is considered in more detail below.

Criteria G:

Criteria G state that an item may be significant if it has a strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons. Crop terraces were used throughout the Tweed hinterland to farm what was often very steep and difficult terrain. They comprised a complex of small terraced fields retained by boulder 'walls' (Figure 7). They were often associated with irrigation systems and farm structures (sheds and pens).

Mr Norvill (a former owner of the land) states that these walls were built in the nineteen fifties and early nineteen sixties by the Russel Brothers using machines. The crop terraces were used for growing beans, tomatoes, sweet potatoes, zucchini and bananas. Two 'Indians' worked the farm for Mr Norvill's father. 'Pickers' were local South Sea Islanders and Aboriginal families from South Tweed Heads and Chinderah who were 'picked up' and driven to the property when needed. Many Aboriginal/South Sea Islander families in the district may have associations with this land.

As farming practises have changed over time, and much of the region is increasingly used for residential purposes, many have since been removed. The increasing scarcity of what was an important part of the regions farming history means that the terraces on the Norvell farm have local significance.



Figure 20 - Boulder wall retaining gardening terrace



Figure 21 - View illustrating level differences between terraces



Figure 22: -View illustrating position of terraces on the ridge



Figure 22 – Example of a substantial boulder retaining wall

9. RECOMMENDATIONS

The following recommendations are based upon the results of the desktop review, field inspection, consultation with the Sites Officer of the Tweed Byron LALC and other Aboriginal Stakeholders. The written responses of the Aboriginal Community are included in Appendix A and B of this report.

9.1 Indigenous Cultural Heritage

Recommendation 1: Post Clearing Survey

Some members of the Aboriginal Community have requested that as each precinct of the Subject Lands is developed, a member of Aboriginal community be engaged to conduct a survey of that area after initial clearing works have been undertaken. Should any items of cultural heritage significance be identified, the processes outlined in Recommendations 2, 3 and 4 should be followed. Everick support this recommendation for the areas outside of the Monitoring Area and the disturbed areas of the Terranora Lakes Country Club Golf Course, Gun Club and Tennis Club land, and the terraced gardens on the northern ridge.

Recommendation 2: Monitoring Area

The Tweed Byron LALC has requested that, in those parts of the Monitoring Area or Part thereof identified in Figure A below, an Aboriginal monitor be present to monitor initial clearing and subsurface disturbance for cultural material. Should any items of cultural heritage significance be identified, the processes outlined in Recommendations 2, 3 and 4 should be followed. Everick supports this recommendation.

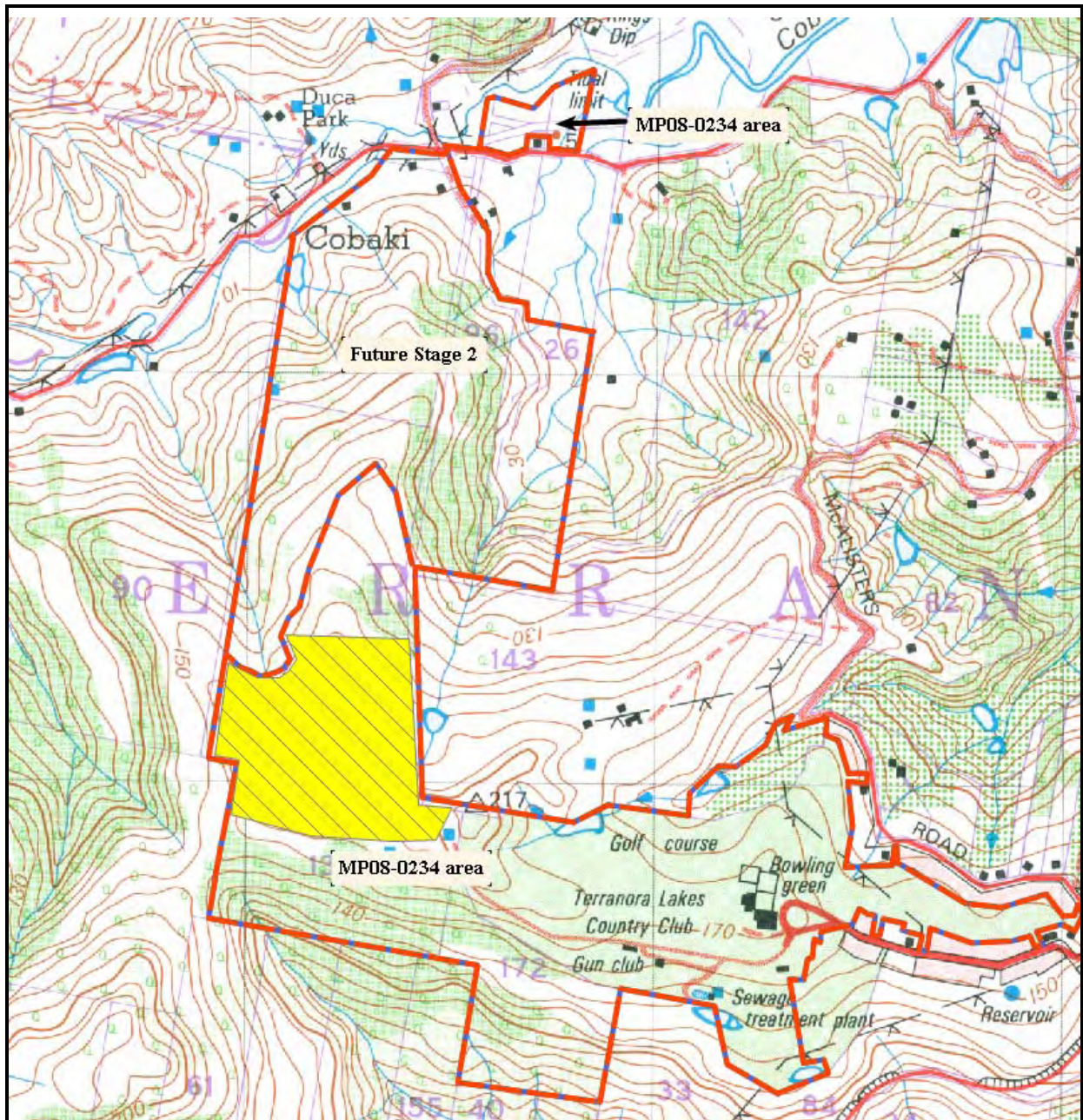


Figure 23 – Monitoring Area (shown in yellow)

Recommendation 3: Aboriginal Human Remains

It is recommended that if human remains are located at any stage during construction works within the Subject Lands, all works must halt in the immediate area to prevent any further impacts to the remains. The Site should be cordoned off and the remains themselves should be left untouched. The nearest police station, the Tweed Byron LALC, and the DECC Regional Office, Coffs Harbour are to be notified as soon as possible. If the remains are found to be of Aboriginal origin and the police do not wish to investigate the



Site for criminal activities, the Aboriginal community and the DECC should be consulted as to how the remains should be dealt with. Work may only resume after agreement is reached between all notified parties, provided it is in accordance with all parties' statutory obligations.

It is also recommended that in all dealings with Aboriginal human remains, the proponent should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

Recommendation 4: Aboriginal Cultural Material

It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of development activities, including Post Clearing Surveys, within the Subject Lands:

- (a) work in the surrounding area is to stop immediately;
- (b) a temporary fence is to be erected around the site, with a buffer zone of at least 10 metres around the known edge of the site;
- (c) an appropriately qualified archaeological consultant is to be engaged to identify the material; and
- (d) if the material is found to be of Aboriginal origin, the Aboriginal community is to be consulted in a manner as outlined in the DECC guidelines: *"Interim Community Consultation Requirements for Applicants"* (2005).

Recommendation 5: Notifying the DECC

It is recommended that if Aboriginal cultural material is uncovered as a result of development activities within the Subject Lands, they are to be registered as Sites in the Aboriginal Heritage Information Management System (AHIMS) managed by the DECC. Any management outcomes for the site will be included in the information provided to the AHIMS.

Recommendation 6: Conservation Principles

It is recommended that all effort must be taken to avoid any impacts on Aboriginal Cultural Heritage values at all stages during the development works. If impacts are unavoidable, mitigation measures should be negotiated between the proponent and the Aboriginal Community.

Recommendation 7: Employment and Training

Members of the Aboriginal Community have requested that the Developer seek ways to ensure Aboriginal participation and consultation in the development through the identification of opportunities including



employment, training and business opportunities both in the short term and in the long term. It is recommended that the proponent engage with the Aboriginal Community to establish appropriate mechanisms (e.g. committee, reference group, participation plan) to ensure that meaningful dialogue is established and maintained.

9.2 Indigenous/Non Indigenous Cultural Heritage

There are no recommendations relating to the former Terranora Lakes Country Club Golf Course, Gun Club, Bowls Club and Tennis Club land.

Recommendation 1: Terrace Recording Work – Norvill Farm Land

It is recommended that the terraces and associated infrastructure be mapped in detail by a surveyor under the supervision of a heritage professional. Remaining infrastructure should be documented in detail and a comprehensive photographic record be made. Aboriginal /South Sea Islander people should be interviewed with a view to obtaining a more detailed account of the importance of this work to those communities.

The recording should then be provided to the Aboriginal Liaison Committee of the Tweed Shire Council and the Lower Tweed River Historical Society, and annexed to this report in preparation for any subsequent development applications.

The entire system of walls is not of such cultural significance that they be retained. However, it is further recommended that those terraces within reserve land (parks, open space or conservation areas) be retained and incorporated into the planning of those areas.



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APPENDIX A. CORRESPONDENCE FROM TWEED BYRON LOCAL ABORIGINAL LAND COUNCIL



TWEED/BYRON LOCAL ABORIGINAL LAND COUNCIL

Tim Robins
47 Aurthur Terrace
Red Hill 4059 Qld

P.O. Box 1410
Kingscliff, NSW 2487
Telephone: (07) 55361763
Fax: (07) 55369832
E-mail: sites@tblalc.com

Attention: Tim

Subject: Bilambil Heights

Tweed Byron Local Aboriginal Land Council's sites representative Cyril Scott had accompanied **Adrian Piper** and **Tim Robins** for an Aboriginal heritage review of this area which is located at the above address.

The assessment aims to provide identification of Aboriginal sites and relics within the proposed property boundary, it also assess the significance of sites to the aboriginal people, and any impacts of these sites which might occur.

Nil

Based on the impact of its past and current land use, chances of finding Aboriginal sites or relics within the area is Medium and still a chance of undiscovered sites within these landforms.

The area is to be retained within the proposed sub-division so the **Tweed Byron lalc Recommend** that any subsurface work done on the immediate slopes and surrounding areas, a nominated person from the Tweed Byron lalc to monitor all works.

Any Questions please don't hesitate to contact us on the above number

Cyril Scott

Tweed/Byron local Aboriginal Land Council



APPENDIX B. CORRESPONDENCE FROM REGISTERED STAKEHOLDERS

Tim Robbins
Everick Heritage Consultants
Red Hill 4059 Q

63 Tringa St
West Tweed Heads 2485
7.4.09

Dear Tim, **Rise development @ Terranora Country Club Bilambil Heights
Aboriginal Cultural Heritage Assessment**

Further to my phonecall with you this morning, I wish to provide you with some direct quotes from my step-Grandfather's interview that I arranged with the Lower Tweed River Historical Society.

"My Mum and Dad later moved from Cobaki Road to the top of Campbell's Hill. My Dad, with the help of others built a home from timber, which they split from the Bean trees. Mum took us and showed us how high the Aborigines used to climb to get the honey out of the trees up the top of Campbell's Hill. These trees have all been bulldozed down now."

and

"Before my father bought the ground up the top of the hill where I was born, there was very little work and very little wages. I don't know who Dad worked for but they put a corduroy road from the road that goes around Campbell's Road, out to the river, and that's all laid with Oak trees and Tea trees. They put dirt over the top of it. The Islanders did not down this road themselves, but my father worked on it. That's where he got his asthma."

and

On top of Campbell's Hill there was an Aboriginal site. At the top of our farm there was a big circle and nothing ever, ever would grow. After I grew up a bit and my brother Mick used to plough it, he couldn't plough around it, so he used to keep on going straight through it. It was bare ground and there were oyster shells everywhere. This is where the Aborigines used to dance. They came up from Bingham Point and brought their oysters, crabs etc...and had their Corroborees there."

I told Adrian that I had no doubt that those terraces would have been built by Islanders (my opinion only) but this quote is interesting...

There were about 40 to 60 Islanders up on top of Bilambil Hill when I was a small boy, all from the same country and I was the only Kanaka boy so I was made 'King' of Bilambil Heights. Our mob at Bilambi was a clique of their own. I can remember some names, Bill Matang, Harry Shoe, Tommy Row and Willy Longreeka.

Interview with Edward (Teddy) Telford. 87 yrs, recorded 19 June 1999. Son of Sam Televoccu

As mentioned to you this morning, what I hope to achieve in my lifetime is that our generation properly records every available piece of information in order to leave our future generations an accurate and thorough account of the Aboriginal Cultural Heritage values within our Country.

Regards
Jackie McDonald...Great Great Granddaughter of Kitty Sandy, Bilin Bilin and Nellie Logan



From: Jackie McDonald [mailto:mctogo@austarnet.com.au]
Sent: Wednesday, June 03, 2009 11:16 AM
To: Tim Robins
Subject: The Rise Methodology from Jackie

Dear Tim, firstly please accept my apologies for the late response. I just don't seem to have enough hours in the day even though my day starts at 5am and, at times, even earlier!!

The only concerns I have about the Methodology for The Rise at Terranora are:

Page 5. Item 4. I think the newly proposed Draft Community Consultation Requirements for Proponents 2009 will now apply.

Page 5. Item 4.1 Traditional Owner Knowledge

The concern I have about *"We will include all written comments we receive from the Aboriginal community in our Final Report to the DECC."*

This approach, alone, relies upon whether the registered stakeholders will or have the time or are able to respond in the manner that is expected.

While I can see that on Page 6. 4.3. Community meetings...there will further opportunities to provide information and raise concerns, I think it needs to be articulated on page 5 also that there will be an opportunity at those meetings for our concerns to be collected and documented, then our concerns ratified at a later meeting, to see if the written comments collected, are a true reflection of our concerns. Does that make sense?

I say this because, as you know, written comments may not be forthcoming from all registered stakeholders but this is not an indication of support for the assessment/CHMP or even an indication of their lack of interest. Even in my case, I struggle to find the time sometimes.

I hope this makes sense. Thanks you for the opportunity to comment...Jackie McDonald



APPENDIX C. PUBLIC NOTICE

Aboriginal Cultural Heritage Study Registration of Interest in being Consulted

Everick Heritage Consultants Pty Ltd (ABN 78 102 206 682) is seeking to consult with interested Aboriginal persons over a 184ha parcel containing the old Terranora Country Club and Norvill farm land that sits between Cobaki Road and Marana St in Bilambil Heights, West Tweed.

Everick Heritage Consultants will be conducting an Aboriginal Cultural Heritage Assessment of the site and are seeking the input of the Aboriginal community. The assessment will be conducted in preparation for a residential sub-division.

What do you need to do?

The Aboriginal community is invited to register their interest in writing with:

Everick Heritage Consultants
GPO Box 146
RED HILL QLD 4059
or t.robins@everick.com.au

When must registration be received?

Registration must be received by 6 March 2009.



APPENDIX D. MINUTES FROM COMMUNITY MEETING HELD ON 21ST APRIL 2009



Meeting Minutes

Project:	'Rise' Development – Bilambil Heights, NSW
Attendees:	Joyce Summers (Aboriginal Community), Jackie McDonald (Traditional Owner), Garth Lena (Traditional Owner), Cyril Scott (Tweed Byron LALC) Steve MacRae (SMDS – Development manager for the applicant), Richard Robins (Everick), Tim Robins (Everick).
Apologies:	Desrae Rotumah (Tweed Aboriginal Housing Co-op), Tracy Ritson (Traditional Owner) Lesley Mye (Tweed Shire Council).
Meeting date:	Wednesday 22 April 2009
Meeting time:	3:30 pm
Location:	Terranora Country Club, Bilambil Heights

Background:

A community meeting was convened inviting members of the Aboriginal community to discuss the potential impact of the Rise project on Indigenous cultural heritage. This meeting formed part of the consultation process required by the DECC in their *Interim Community Consultation Requirements for Applicants* (2005).

Minutes:

Steve MacRae provided the meeting with a detailed overview of the proposed Rise project, including:

- Land tenure history;
- Planning process;
- Part 3A MP08-0234 application land area relevant to this application;
- Potential development timeframe;
- Development plans;
- Key community benefits; and
- Community consultation already undertaken to date.

Jackie McDonald discussed the significance of the site to the Aboriginal community. This included:

- the former ceremonial ground on Campbell's Hill (immediately north of Rise);
- the Rise site was used as a traditional route from the ceremonial ground at Campbells Hill to Bingham Point in the south;
- ethnographic accounts of whelk being dug up in residential gardens on the southern side of Terranora Country Club (to be confirmed);
- the high significance of the Cobaki Valley to the Aboriginal community;
- the major source of employment terraces such as on the Norvill farm were to Aboriginal and Islander people; and
- the Terranora Country Club as a social meeting point and major source of employment.

The meeting participants were taken by 4WD to tour the site, stopping at vantage points along the way.

Richard Robins discussed the recommendations in the draft report, being:

- Post clearing survey of parts of the development that may potentially retain cultural heritage.
- Stop work immediately if Aboriginal material is identified.
- Survey and recording of the rock terraces in the future before work commences on site in this area, including taking an oral history, and providing the results to the Aboriginal community.



- Protection of the 'devils elbow' portion of the Old Coach Road.
- Developing a plan to involve the Aboriginal community in business and employment opportunities.

No objections to the proposed recommendations were made by any participants.

Garth Lena stated his support for the recommendations. While noting the high levels of past disturbance to the land, he affirmed the importance of doing all that was possible to salvage any items of cultural heritage remaining on the site that might be discovered in the initial stages of on site works.

Cyril Scott stated his support for the recommendation to conduct a post clearing survey. He noted that it would not be worthwhile undertaking this survey on the golf course land and in the middle of the Norvill Farm land terraces. However, he viewed it as worthwhile in other areas to have people observing the first scrapes to identify any potential sites.

It was agreed that Steve MacRae and / or the applicant would investigate appropriate ways to involve the Aboriginal community in the future detailed planning and building design stage of the development at Development Application stage per Precinct or part Precinct of the project, including potential opportunities to be involved in the planned arts precinct in conjunction with Tweed Council.



APPENDIX E. INDEX OF COMMUNITY CONSULTATION DOCUMENTS

INDEX OF COMMUNITY CONSULTATION DOCUMENTS

Date	Document	Matter	Traditional Owners	Page No.
19/02/2009	Advert	Advertisement in Tweed Daily News newspaper requesting interested persons contact us re our Aboriginal Cultural Heritage Assessment of RISE Development		1
19/02/2009	Letter	Notification of potential interested parties and TO's for region of Aboriginal Cultural Heritage Assessment of RISE Development	Kyle Slabb, TBLALC	3
19/02/2009	Letter	Notification of potential interested parties and TO's for region of Aboriginal Cultural Heritage Assessment of RISE Development	Jackie McDonald	4
19/02/2009	Letter	Notification of potential interested parties and TO's for region of Aboriginal Cultural Heritage Assessment of RISE Development	Lesley Mye	5
19/02/2009	Letter	Notification of potential interested parties and TO's for region of Aboriginal Cultural Heritage Assessment of RISE Development	DECC	6
19/02/2009	Letter	Notification of potential interested parties and TO's for region of Aboriginal Cultural Heritage Assessment of RISE Development	NSW Native Title Services	7
23/02/2009	Corresp In.	Email from J McDonald registering the interest of herself and J. Summers in the ACHA for RISE Development	Jackie McDonald	8
24/02/2009	Email	Notification of potential interested parties and TO's for region of Aboriginal Cultural Heritage Assessment of RISE Development	Glenda Nalder	9
24/02/2009	Email	Notification of potential interested parties and TO's for region of Aboriginal Cultural Heritage Assessment of RISE Development	Stella Wheildon, Ngarakwal Nganduwal Aboriginal Moiety	10
5/03/2009	File Note	Re: Conversation with Jackie McDonald about other interested parties - Tracy Ritson	Jackie McDonald	11
6/03/2009	Letter	Enclosing (1) Methodology for undertaking community consultation; and (2) Report of previous Archaeological Survey undertaken at site and requesting comment from holders of 'Traditional Knowledge' for the region	Kyle Slabb, TBLALC	12
6/03/2009	Letter	Enclosing (1) Methodology for undertaking community consultation; and (2) Report of previous Archaeological Survey undertaken at site and requesting comment from holders of 'Traditional Knowledge' for the region	Jackie McDonald	13
6/03/2009	Letter	Enclosing (1) Methodology for undertaking community consultation; and (2) Report of previous Archaeological Survey undertaken at site and requesting comment from holders of 'Traditional Knowledge' for the region	Joyce Summers	14
6/03/2009	Letter	Enclosing (1) Methodology for undertaking community consultation; and (2) Report of previous Archaeological Survey undertaken at site and requesting comment from holders of 'Traditional Knowledge' for the region	Tracy Ritson	15
17/03/2009	File Note	Re: Call to TO about undertaking site survey	Jackie McDonald	16
18/03/2009	File Note	Re: Call to TO about undertaking site survey	Cyril Scott, TBLALC	17
22/03/2009	Corresp. In	Email from Jackie McDonald confirming her availability and attendance at site survey	Jackie McDonald	18
23/03/2009	File Note	Re: Conversation with TO's about areas of potential archaeological sensitivity on site, particularly on top of ridge lines and high ground. Request that we recommend a post-clearance survey of these areas. Discussed when would be a good time to have community meeting.	Jackie McDonald	19
23/03/2009	File Note	Re: Conversation with TO's about areas of potential archaeological sensitivity on site, particularly on top of ridge lines and high ground. Request that we recommend a post-clearance survey of these areas. Discussed when would be a good time to have community meeting.	Cyril Scott, TBLALC	19
23/03/2009	File Note	Re: Conversation with TO about attendance at community meeting to be held 30/3/09	Jackie McDonald	20



INDEX OF COMMUNITY CONSULTATION DOCUMENTS

Date	Document	Matter	Traditional Owners	Page No.
23/03/2009	File Note	Re: Conversation with TO about attendance at community meeting to be held 30/3/09	Desare Rotumah, Tweed Aboriginal Co-op Housing Society	21
24/03/2009	Letter	Invitation to attend a Community Consultation Meeting to discuss the cultural heritage for RISE Development	Kyle Slabb, TBLALC	22
24/03/2009	Letter	Invitation to attend a Community Consultation Meeting to discuss the cultural heritage for RISE Development	Jackie McDonald	23
24/03/2009	Letter	Invitation to attend a Community Consultation Meeting to discuss the cultural heritage for RISE Development	Joyce Summers	24
24/03/2009	Letter	Invitation to attend a Community Consultation Meeting to discuss the cultural heritage for RISE Development	Tracy Ritson	25
24/03/2009	Letter	Invitation to attend a Community Consultation Meeting to discuss the cultural heritage for RISE Development	Lesley Mye	26
24/03/2009	Letter	Invitation to attend a Community Consultation Meeting to discuss the cultural heritage for RISE Development	DECC	27
24/03/2009	Letter	Invitation to attend a Community Consultation Meeting to discuss the cultural heritage for RISE Development	Desare Rotumah, Tweed Aboriginal Co-op Housing Society	28
24/03/2009	Letter	Invitation to attend a Community Consultation Meeting to discuss the cultural heritage for RISE Development	Carol Dawney	29
24/03/2009	Letter	Invitation to attend a Community Consultation Meeting to discuss the cultural heritage for RISE Development	Dierdre Currie	30
30/03/2009	File Note	Re: Call to Aboriginal community representatives to advise that meeting had to be postponed due to inclement weather. Now to be held on 7/4/09. During conversation Jackie McDonald advised that Mr. Des Sandy might also be interested and gave his phone number.	Jackie McDonald; Joyce Summers; Tracy Ritson; Tweed Byron LALC; Dierdre Currie; Desare Rotumah	31
1/04/2009	Email	Confirmation in writing of re-scheduled meeting	Tracy Ritson	32
1/04/2009	Email	Confirmation in writing of re-scheduled meeting	Desare Rotumah, Tweed Aboriginal Co-op Housing Society	34
1/04/2009	Letter	Confirmation in writing of re-scheduled meeting	Kyle Slabb, TBLALC	36
1/04/2009	Letter	Confirmation in writing of re-scheduled meeting	Carol Dawney	37
1/04/2009	Letter	Confirmation in writing of re-scheduled meeting	Dierdre Currie	38
1/04/2009	Letter	Confirmation in writing of re-scheduled meeting	DECC	39
1/04/2009	Letter	Confirmation in writing of re-scheduled meeting	Jackie McDonald	40
1/04/2009	Letter	Confirmation in writing of re-scheduled meeting	Joyce Summers	41
1/04/2009	Letter	Confirmation in writing of re-scheduled meeting	Lesley Mye	42
6/04/2009	Email	Informing TO that bad weather has once again meant that meeting is to be postponed, also advising that we would send out draft report of ACHA for their perusal before the meeting. Stressed that it is only draft and any or all of our recommendations can be changed.	Joyce Summers; Tracy Ritson; Jackie McDonald; Kyle Slabb TBLALC, Lesley Mye	43
7/04/2009	Corresp. In	Email from Jackie McDonald requesting that meeting start at an earlier time to suit Aunty Joyce Summers	Jackie McDonald	44
7/04/2009	Corresp. In	Email from Lesley Mye advising suitable dates for next community meeting	Lesley Mye	45
7/04/2009	Corresp. In	Letter from Jackie McDonald sharing "Traditional Knowledge" of the area included in the ACHA for RISE Development	Jackie McDonald	46
16/04/2009	Email	Informing TO of new date and time for meeting, and advising that if unable to attend then minutes from meeting will be forwarded so that TO has an opportunity to comment	Joyce Summers, Tracy Ritson, Jackie McDonald, Kyle Slabb TBLALC, Lesley Mye, Desare Rotumah	47



INDEX OF COMMUNITY CONSULTATION DOCUMENTS

Date	Document	Matter	Traditional Owners	Page No.
17/04/2009	Corresp. In	Email Lesley Mye confirming availability for next community meeting	Lesley Mye	48
17/04/2009	Letter	Enclosing Draft Aboriginal Cultural Heritage Assessment and requesting comment from holders of 'Traditional Knowledge' for the region	Kyle Slabb, TBLALC	49
17/04/2009	Letter	Enclosing Draft Aboriginal Cultural Heritage Assessment and requesting comment from holders of 'Traditional Knowledge' for the region	Jackie McDonald	50
17/04/2009	Letter	Enclosing Draft Aboriginal Cultural Heritage Assessment and requesting comment from holders of 'Traditional Knowledge' for the region	Lesley Mye	51
17/04/2009	Letter	Enclosing Draft Aboriginal Cultural Heritage Assessment and requesting comment from holders of 'Traditional Knowledge' for the region	Desare Rotumah, Tweed Aboriginal Co-op Housing Society	52
17/04/2009	Letter	Enclosing Draft Aboriginal Cultural Heritage Assessment and requesting comment from holders of 'Traditional Knowledge' for the region	Carol Dawney	53
17/04/2009	Letter	Enclosing Draft Aboriginal Cultural Heritage Assessment and requesting comment from holders of 'Traditional Knowledge' for the region	Dierdre Currie	54
17/04/2009	Letter	Enclosing Draft Aboriginal Cultural Heritage Assessment and requesting comment from holders of 'Traditional Knowledge' for the region	Joyce Summers	55
17/04/2009	Letter	Enclosing Draft Aboriginal Cultural Heritage Assessment and requesting comment from holders of 'Traditional Knowledge' for the region	Tracy Ritson	56
20/04/2009	Email	Request of Lesley Mye for copy of Piggabehn Road Assessment so we can review and reference in our report	Lesley Mye	57
21/04/2009	Corresp. In	Advice from Lesley Mye that she would table the RISE Development ACHA at the next Aboriginal Advisory Committee meeting on 1/5/09	Lesley Mye	58
22/04/2009	Minutes	Minutes from Community Consultation Meeting held on 21/4/09 discussing cultural heritage issues for RISE Development at Bilambil Heights. Attended by Joyce Summers (TO), Jackie McDonald (TO), Garth Lena (TO), Cyril Scott (TO/CEO Tweed Byron LALC Sites Officer, Richard Robins (Everick), Tim Robins (Everick), Steve McRae (SMDS - development manager for the applicant). Apologies from Lesley Mye (TO/Tweed Byron Council), Desare Rotumah (TO), Tracy Ritson (TO)		59
12/05/2009	File Note	Re: Call to Tweed Byron LALC to update on progress of assessment and request for written comments on ACHA.	Kyle Slabb, TBLALC	61
18/05/2009	Email	Request of TO's to provide us with feedback on ACHA.	Jackie McDonald, Joyce Summers, Lesley Mye, Desare Rotumah, Garth Lena	62
20/05/2009	File Note	Re: Call to Kyle Slabb reminding TBLALC that we require some feedback before we can submit the report.	Kyle Slabb, TBLALC	63
22/05/2009	Corresp. In	Email from Lesley Mye re providing comment on report	Lesley Mye	64
22/05/2009	Email	Reminder to key Stakeholders that we require some comment, be it positive or negative re the report	Jackie McDonald, Joyce Summers, Lesley Mye, Desare Rotumah, Garth Lena	66
25/05/2009	Corresp. In	Letter from Cyril Scott, TBLALC providing feedback on ACHA for RISE Development, Bilambil Heights and informing of TBLALC recommendations	Cyril Scott, TBLALC	68
3/06/2009	Corresp. In	Development, Bilambil Heights and response from Everick re same	Jackie McDonald	69



APPENDIX F. HISTORIC AERIAL PHOTOGRAPHS



Figure 24 - 1987 Aerial Photograph of the Subject Lands



Figure 25 - 1996 Aerial Photograph of the Subject Lands