

Our Ref: EV.77

12 January 2010

Mr Reg van Rij
Leda Developments
PO Box 1914 Paradise Centre
SURFERS PARADISE QLD 4217

Dear Reg,

**RE: KINGSFOREST CULTURAL HERITAGE ASSESSMENT
DIRECTOR GENERAL'S REQUIREMENTS – KEEPING PLACE**

We refer to the Director General's Environmental Assessment Requirements (DGRs) for the Kings Forest Project Application 1.

We **enclose**:

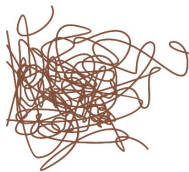
- (a) Attachment A: A copy of the keeping place survey provided to registered stakeholders.
- (b) Attachment B: The monitoring plan for the project.

DGRs 8.1 and 8.2: Demonstrate that further consultation with the local Aboriginal stakeholders has taken place to determine an appropriate Keeping Place for Aboriginal objects and provide details of the Keeping Place.

In accordance with the DGRs 8.1 and 8.2, Everick has held further discussions with the registered Aboriginal stakeholders regarding a Keeping Place. Everick has raised the issue of a Keeping Place at a community meeting on 4 November 2010 and a meeting with the Tweed Byron LALC on 16 November 2010. To date, no firm consensus has been reached. There are four options that have been advocated by the registered stakeholders:

- (a) Artefacts held by the Tweed Byron Land Council.
- (b) Artefacts held by the Minjungbal Cultural Centre.
- (c) Artefacts housed in a local school on Kings Forest.
- (d) Artefacts buried within Kings Forest environmental protection areas.

In order to facilitate further input from the local Aboriginal community, Everick sent correspondence to all registered stakeholders on 21 December 2010. This correspondence included a Keeping Place Survey, with a stamped, return-addressed envelope. To date, no responses have been received. It is our opinion that the lack of response is a reflection of the sensitivity of the issue, rather than any disinterest by the Aboriginal stakeholders. We are committed to finding other means by which we can address this issue in the future.



At present, care and control rests with the Tweed Byron Land Council under authority of the Department of Planning (Everick Preliminary Assessment dated June 2008). It is our understanding that artefacts from King Forest will remain with the Land Council until such time as an alternative agreement from all registered stakeholders can be reached.

Everick will continue to consult over the most appropriate arrangement for a Keeping Place. It is our hope that agreement will be forthcoming as development plans progress.

DGR 8.3: *Demonstrate that the recommendations of the Cultural Heritage Management Plan are to be implemented, including the requirement for specific management strategies for each of the identified cultural heritage sites.*

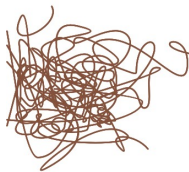
As you will be aware, in consultation with the local Aboriginal stakeholders, Everick has prepared a Cultural Heritage Management Plan (CHMP) for King Forest (January 2010). The CHMP provides for the management of Aboriginal cultural heritage for the present Project Application. The information provided below presents a summary. Please refer to the CHMP for further detail.

Everick Archaeologists Adrian Piper and Tim Robins undertook an inspection at Kings Forest on 11 November 2010. Sites inspected were AHIMS Registered Aboriginal Sites known as K3, K4, K5 and K6. The purpose of the inspection was to ensure the terms of the CHMP were being met and to advise on ongoing compliance.

Fencing (CHMP Sections 12.3 – 12.5): There are four remaining (known) Aboriginal sites within Kings Forest: K3, K4, K5 and K6. Each of these sites will be protected. In accordance with the CHMP, each will be managed as follows:

- (a) an exclusion zone of at least 20m will be designated around each of the known sites;
- (b) for sites K3, K4, and K5, the perimeter of the exclusion zone will be fenced (for Site K6 see below);
- (c) fencing will be of post and wire construction, with 800+ mm high fences being suitable; and
- (d) There is to be no entry into the Exclusion Zone until such times as appropriate landscaping works are to commence. Activities permitted within the exclusion zone include:
 - a. Where pine trees must be removed and native vegetation replanted, removal is to be undertaken by felling the trees by chainsaw and leaving to rot. The trees must not be pulled, snigged or pushed;
 - b. general maintenance to manage erosion or noxious weeds; and
 - c. surveying and site inspection activities.

In relation to Site K6, a fire trail comprising introduced road base runs through the middle of the site. The track runs through an environmental protection zone and sees little use. Continued use of the track is unlikely to cause additional harm to Aboriginal objects. Further, diverting the track through surrounding



undisturbed areas may disturb as yet undiscovered Aboriginal objects. It is therefore recommended that the track continue to be used as a fire trail /access to the south eastern boundary of Kings Forest. A fence should be erected along the edges of the existing track. Details of this strategy have been provided to Stuart Worthington of the NSW Department of Planning.

Archaeological testing: As each of sites K3, K4, K5 and K6 are in soft sandy soils, it is anticipated that subsurface Aboriginal objects may be located near these areas. As a precautionary measure, each post-hole location should be excavated using a danner augur. The excavation should be undertaken by a qualified archaeologist with the assistance of a registered Aboriginal Stakeholder. All excavated material should be sieved using a 3mm mesh sieve. Recording should be in accordance with the Department of Environment, Climate Change and Water's *Code of Practice for Archaeological Investigation of Aboriginal objects in NSW* (2010). Results of the testing should be incorporated into the Excavation Report for the project, a summary of which should be distributed to the Aboriginal Stakeholders.

Temporary Signage: Temporary signage should be erected at regular intervals along the temporary fences surrounding sites K3, K4, K5 and K6 using wording to the following affect:

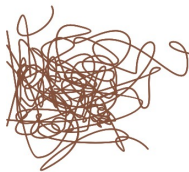
Warning: Authorised access only. Ground disturbance within this area may result in prosecution under the *National Parks and Wildlife Act 1974* (NSW). Penalties of up to \$1,100,000 and/or 2 years imprisonment may apply.

No mention of Aboriginal objects should be made.

Aboriginal Stakeholder Consultation: In accordance with Section 6 of the CHMP, the Aboriginal stakeholders have received, and will continue to receive, regular correspondence updating them on the progress of the development and the implementation of the CHMP. The last such correspondence was on 21 December 2010. No concerns have been raised regarding the management of Aboriginal cultural heritage within Kings Forest.

Landscape Design Meetings: In accordance with the CHMP (Section 13.4), each of Sites K3, K4, K5 and K6 will be landscaped in a culturally sympathetic manner, with the assistance of the registered Aboriginal stakeholders. How the sites are landscaped will be decided through holding Landscape Design Meetings. All Registered Aboriginal Stakeholders will be invited to attend a minimum of three (3) Design Meetings. Also in attendance will be qualified landscape and graphic designers, a representative of the Developer, and the Cultural Heritage Advisor.

The first Landscape Design Meeting is yet to be held, as the project plans are yet to reach the required detail. It is intended that the meetings will be staged through the life of the Development to ensure the Registered Aboriginal Stakeholders are consulted at appropriate times over the landscaping.



Should it be required prior to the Landscape Design Meetings, it is recommended that the pine trees within the Site K3 boundary are felled by chainsaw and left to decompose where they fall.

Inductions: In accordance with Section 8 of the CHMP, all Construction Staff engaged in undertaking initial subsurface disturbance will undergo a Cultural Heritage Induction prior to Construction commencing. The Induction will be run by the Tweed Byron LALC and, if required, the Cultural Heritage Advisor. The purpose of the inductions will be to:

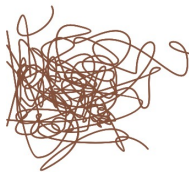
- (a) instruct Construction Staff on the basic principles of identifying Aboriginal Cultural Heritage;
- (b) instruct Construction Staff on areas which are considered potentially likely to contain Aboriginal Cultural Heritage;
- (c) familiarise all persons with the culture and traditions of the local Aboriginal community;
- (d) foster good relationships between the Registered Aboriginal Stakeholders and others; and
- (e) instill understanding of the requirements of the CHMP.

Monitoring: We refer to Section 7 of the CHMP. Monitoring by Aboriginal Stakeholders is required during initial Significant Ground Disturbance (primarily any initial clearing of vegetation) within the areas shown in Attachment B of this letter (CHMP Section 7: Figure 5). The purpose of the monitoring will be to identify any Aboriginal objects that are being impacted by the project, and instigate appropriate impact mitigation strategies.

In the event of discovery of an Aboriginal object, the Find Procedures in accordance with Section 11 of the CHMP will apply. Generally, isolated Finds will be recorded and removed for safe keeping. Higher density artefact concentrations will require works to stop in the immediate area, and the Aboriginal stakeholders and the Department of Planning will be consulted over how to best manage the Find. Works may only proceed in the immediate area of the Find at such time as the approval of the Department of Planning or the DECCW has been received.

Yours faithfully,

Dr Richard Robins
Archaeologist
Everick Heritage Consultants



ATTACHMENT A: KEEPING PLACE SURVEY

The following questionnaire asks about beliefs and opinions on an appropriate Keeping Place for Aboriginal objects from Kings Forest. There are no right or wrong answers. This is not a vote. Please tick the box to indicate your opinion:

Name: _____ Representing: _____

Option	Strongly Agree	Agree	Somewhat Agree	Neither agree nor disagree	Somewhat disagree	Disagree	Strongly Disagree
Housed at the Minjungbal Cultural Centre	☐	☐	☐	☐	☐	☐	☐
Buried on site at Kings Forest in a secure location	☐	☐	☐	☐	☐	☐	☐
Housed in a local school at Kings Forest, with secure, controlled access	☐	☐	☐	☐	☐	☐	☐
Housed with the Tweed Byron LALC	☐	☐	☐	☐	☐	☐	☐
Other: _____ _____ _____ _____	☐	☐	☐	☐	☐	☐	☐
Other: _____ _____ _____ _____	☐	☐	☐	☐	☐	☐	☐

Additional Comments:

Signed: _____ Date: _____

ATTACHMENT B: KINGS FOREST ABORIGINAL MONITORING PLAN

