



Appendix N

# Cultural Heritage Assessment

Cultural Heritage Assessment for the Proposed Eviron Road Quarry and  
Landfill Site - Tweed Shire.

**09117C/2009**



Converge Heritage + Community undertook this cultural heritage assessment and prepared this report.

Contact details are:

Phil Habgood

Converge Heritage + Community Pty. Ltd.

ABN: 71 366 535 889

Po Box 333, The Gap, Queensland, 4061

Tel: (07) 3366 8488

Fax: (07) 3366 0255

Email: [phabgood@convergehc.com.au](mailto:phabgood@convergehc.com.au)

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## Executive Summary

This technical report details the results of a cultural heritage assessment of the Indigenous and non-Indigenous cultural heritage aspects of a site comprising four lots of approximately 158 hectares and a proposed haul road (link road) from the existing Stott's Creek Landfill Facility to the proposed Eviron Road Quarry and Landfill site as part of the Eviron Road Quarry and Landfill Proposal, Tweed Shire. Specifically, the requirements for the cultural heritage assessment and for this technical report were that:

- The presence of Aboriginal and Historic (non-Aboriginal) objects and sites should be identified and mapped;
- The significance of the area to Aboriginal people should be determined;
- That a search of the relevant registers and databases be undertaken;
- The local Aboriginal community should be consulted;
- An impact assessment of the development on any identified sites should be undertaken;
- Mitigation and/or amelioration measures will be identified;
- That procedures for unexpected finds should be prepared.

The scope did not include the drafting of a chapter for the Environmental Assessment (EA) associated with the Eviron Road Quarry and Landfill Proposal.

No areas or objects of Indigenous Cultural heritage significance were identified within the project area. This may have been contributed to by the low GI and poor GSV levels that predominated over the majority of the project area and the recent ground disturbance of ridgelines, locations where there would have been a higher possibility of identifying Indigenous Cultural heritage. Neither were any non-Indigenous areas or objects of Cultural heritage significance identified within the project area, most probably due to activities from the recent historic past including grazing, dairying and other more general farming activity, until more recent quarrying. There were five springboard trees (see section 3.2.5) identified during the field survey, which have historic interest, as they may be illustrative of the past activities of loggers and timber getters.

These survey results and the register searches indicate that there is only a low probability that further, undetected cultural heritage material may remain in the study area, either within areas of low visibility or as subsurface remains. The following recommendations were made to assist in protecting and managing the cultural heritage values of the project area.

### Recommendation 1 - On-going consultation with the local Aboriginal community

On-going consultation between TSC and the local Aboriginal community is recommended, to ensure cultural considerations are incorporated into future development activities at the site. Consultation about activities that involve disturbance or modification of the land surface in the project area will be important in order to allow appropriate mitigation programs to be implemented. This on-going consultation should result in the formulation of a Management Plan (MP) for the site.

It is further recommended that TSC negotiate a Council-wide Memorandum of Understanding (MoU) with the local Aboriginal community for the management and conservation of cultural heritage. The MoU should include acknowledgement by TSC that cultural heritage assessments should take place before any land surface disturbance, including predevelopment vehicle access and placement of fill, for those areas identified as potentially containing cultural heritage.

### Recommendation 2 - Program of site monitoring

A program of site monitoring by representatives of the Aboriginal Party during activities causing ground disturbance should be developed as a management option for recognised areas with a higher potential for the presence of unidentified cultural heritage. Within the project area this would be the ridgelines bounding the site and especially the north-south running ridgelines in the southeast quadrant of the project area.

### Recommendation 3 - Procedures for unexpected finds

Much of the project area had poor GSV which limited the possible identification of cultural objects and raises the possibility that further, undetected cultural heritage still exists within the study area. Procedures should therefore be developed through consultation and agreement with the local Aboriginal community for unexpected finds. These procedures could be incorporated into the MoU recommended above. An agreed "Procedures for Unexpected Finds" would limit the need for monitoring of ground disturbance activities by Traditional Owner representatives as they (the procedures) provide an effective way of minimising project impacts on unrecorded Aboriginal cultural heritage. An example of "Procedures for Unexpected Finds" is provided in Attachment C for TSC and local Aboriginal community consideration and negotiation.



#### Recommendation 4 - Cultural heritage inductions

Due to the potential for cultural heritage to remain within the project area, it is recommended that work crews be specifically instructed of their obligations to look for cultural heritage material, including attendance at a cultural heritage awareness induction along with the distribution of educational leaflets at Workplace Health and Safety meetings. Inductions and provision of leaflets is best co-ordinated through the local Aboriginal community and should inform the workers what archaeological material may look like, and give them clear instructions on procedures for inadvertent discoveries.

#### Recommendation 5 - Springboard trees

Whilst no areas or objects of non-Indigenous Cultural heritage significance were identified during the field survey, there were five sites (springboard trees) of historic interest that may be illustrative of the past activities of loggers and timber getters. Wherever possible these springboard trees should be retained *in situ*. Where leaving the springboard trees *in situ* on site is not a practicable option, and specifically for EQ5, which has already been cut down, TSC should consider relocation to an appropriate location, a park for example, where they can be preserved and displayed along with appropriate interpretation.



## 1.0 Introduction

Converge Heritage + Community (Converge) was commissioned by the Tweed Shire Council (TSC) to undertake an assessment of the Indigenous and non-Indigenous cultural heritage aspects of the Eviron Road Quarry and Landfill Proposal at Eviron, in the Tweed Shire (the project area – Figure 1).



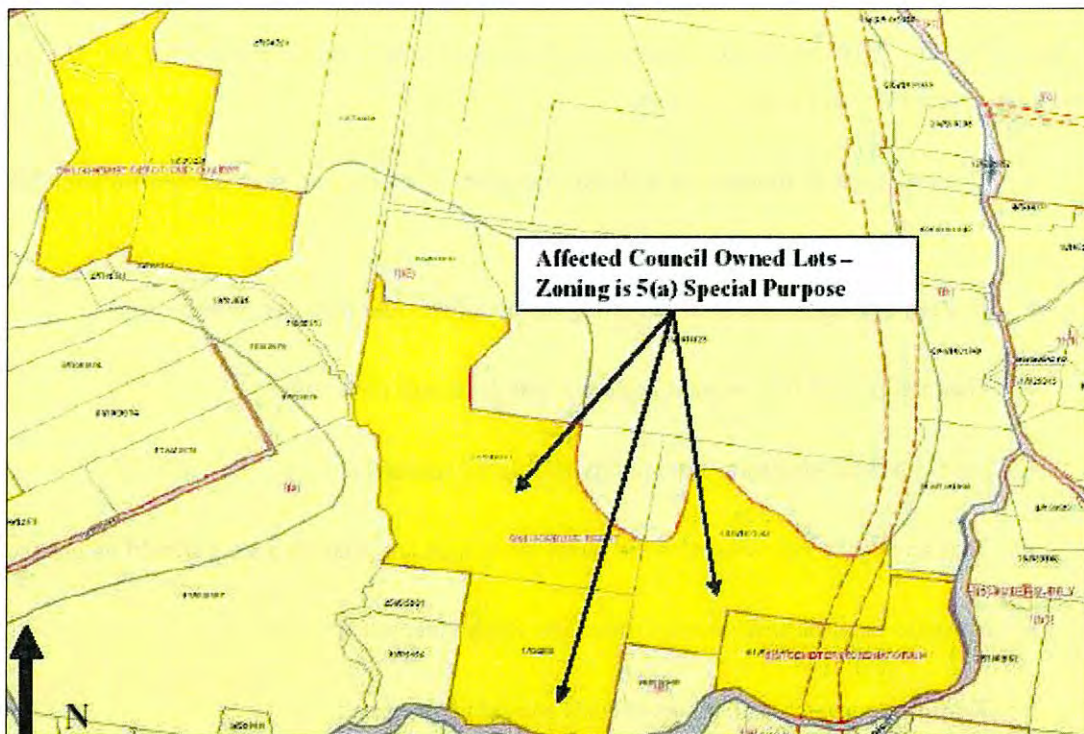
Figure 1: The Eviron Road Quarry and Landfill Proposal project area (map courtesy of TSC).

### 1.1 Project Background

To meet quarry and landfill requirements into the future, TSC is proposing to establish new quarry and landfill facilities at Eviron Road, Eviron, within Council owned land zoned 5(a) Special Purpose (Garbage Depot) under the Tweed Local Environment Plan 2000 (TLEP). The concept plan application involves land filling at an existing quarry (known as Quirks Quarry) once quarry materials have been exhausted, then establishing two new quarry sites (known as West Valley and North Valley) followed consecutively by landfill. The project has evolved out of the need to establish a new primary regional putrescibles landfill site as the existing Stott's Creek Landfill will reach capacity in the next few years. The proposal will be split into stages. The first stage is the subject of a separate project application to be submitted concurrently with the concept plan. The Stage 1 project application includes a landfill at Quirks Quarry, quarrying at West Valley, and associated infrastructure including a linking road from the existing Stott's Creek Landfill. The site comprises approximately 158 hectares on Lot 1 DP 34555, Lot 26 DP 615931 and Lot 602 DP



1001049 (Figure 2) and a proposed haul road (link road) from the existing Stott's Creek Landfill Facility to the proposed Eviron Road Quarry and Landfill site (Figure 3).



**Figure 2:** Zoning and site boundaries (map courtesy of TSC).

**Figure 3:** Proposed haul road (link road) from the existing Stott's Creek Landfill Facility to the proposed Eviron Road Quarry and Landfill site (image courtesy of TSC).





To meet the requirements of the Director General, NSW Department of Planning and the Environmental Assessment (EA) for the Eviron Road Quarry and Landfill proposal, TSC require a cultural heritage assessment (Indigenous and non-Indigenous), a technical report and a subsequent chapter for the Environmental Assessment (EA). Specifically, the requirements for the cultural heritage assessment and report are that:

- The presence of Indigenous and non-Indigenous objects and sites should be identified and mapped;
- The significance of the area to Aboriginal people should be determined;
- That a search of the relevant registers and databases undertaken;
- That the local Aboriginal community should be consulted;
- That an impact assessment of the development on any identified sites should be undertaken;
- Mitigation and/or amelioration measures will be identified;
- That procedures for unexpected finds should be prepared.

It is understood the project area comprises approximately 158 hectares of Tweed Shire Council owned land and also includes a proposed haul road alignment connecting the proposed quarry and landfill site to Stott's Creek, an existing landfill to the north west of the site (outside study area).

## 1.2 Consultation

Consultation for this cultural heritage assessment has been in accordance with both the DECC January 2005 Protecting Aboriginal Objects and Places - Interim Guidelines for Community Consultation and the May 2009 Draft Community Consultation Requirements for Proponents. Within Tweed Shire there are three Aboriginal community groups who have previously expressed an interest in directly participating in cultural heritage assessment. Each of the three groups were notified and invited to register an interest for consultation and assessment of the project area. The notification, registration, information exchange, and review process was as follows:

- On 1 May 2009, a representative of Converge Heritage + Community, Ian Fox, met with the Tweed Shire Council Aboriginal Advisory Committee (AAC) and confirmed the groups interest and registration for the project area. Advice about the project proposal was provided and the AAC nominated a community member

and Traditional Owner descendant, Mark Cora, to participate in field assessment and liaise on the AAC's behalf. The AAC includes representatives of a number of Tweed Aboriginal community groups including the Tweed/Byron Local Aboriginal Land Council (TBLALC) and Minjungbal Museum and Resource Study Centre (MMRSC). Both these organisations have previously participated in cultural heritage assessment and nominated George Scott (TBLALC) and Garth Lena (MMRSC) to participate in field work and liaise on the respective group's behalf.

- In order to ensure that Aboriginal community members who are not members of representative groups would have the opportunity to register their interest in the project area a public notice was placed in the Tweed Daily News on 18 May, 2009. Three persons responded to the public notice but each was previously aware of the project through the meeting held with the AAC on 1 May, 2009. The registered respondents were; Jackie McDonald on behalf of her family; Lesley Mye on behalf of her family; and Aunty Joyce Summers on behalf of her family. Each respondent was contacted by telephone and provided information in relation to the project and assessment process. Each respondent nominated Mark Cora (previously nominated by the AAC) to represent their interests during field assessment.
- Participants in the field assessment (see section 3.2 Field Survey Outcomes) provided information exchange which is included in this report (see section 4.0 Site Evaluation and Impact Assessment). A copy of this Draft Cultural Heritage Assessment Report will be provided to each of the three community groups and individual respondents to public notification. Following a period of 21 days to review the draft and respond all comments will be collated for inclusion in the final report.
- Copies of the final report will be provided to registered Aboriginal parties (AAC, TBLALC, MMRSC, and three respondents to Public Notice) as well as DECC. Notification of acceptance of the Final Report by Aboriginal parties will be forwarded to DECC for consideration, however, at this stage it is not intended to make application for an Aboriginal Heritage Impact Permit (AHIP) (see section 3.3 Conclusion).



### 1.3 Scope of Study

Converge was commissioned by the TSC to undertake a cultural heritage assessment of the Indigenous and non-Indigenous cultural heritage aspects of a site comprising four lots of approximately 158 hectares and a proposed haul road (link road) from the existing Stott's Creek Landfill Facility to the proposed Eviron Road Quarry and Landfill site as part of the Eviron Road Quarry and Landfill Proposal. The requirements for the cultural heritage assessment and technical report are detailed in Section 1.1 Project Background. The scope did not include the drafting of a chapter for the Environmental Assessment (EA) associated with the Eviron Road Quarry and Landfill Proposal.

## 2.0 Contextual Research

### 2.1 Bio-geographical Context

The physical landscape is important in identifying the interface between humans and their environment, and this is particularly true of Aboriginal Australia where a close relationship has always existed between people and their surroundings. Environmental factors can also have considerable influence upon the distribution of people (and thus the archaeological remains of their sites) across the landscape. Hence consideration of vegetation, geomorphology and geology is important in establishing an interpretative framework for the archaeological record.

Similarly, estimation of the availability of potential food and fibre resources available to Aboriginal groups offers another valuable clue in evaluating the most likely ways they would have utilised areas. Extant vegetation, its structure and condition also provide indicators of the integrity of the ground surface. By looking at aspects like species structure, integrity of the bush land and presence/absence of certain plant and grass species susceptible to ploughing disturbance, it can be determined whether an environment has been modified and by what degree. This is important for developing an objective idea of what the environment and ecosystem could have been like before the impacts of European settlement.

#### 2.1.1 Vegetation

The site has undergone extensive clearing in the past as a result of timber getting, pastoralism and agriculture and more recently quarrying activities. The existing vegetation consists of mixed grasses, weeds, ferns, small stands of mango and other fruit trees, and regrowth vegetation. On the steeper slopes the regrowth vegetation is dominated by introduced noxious species such as Camphor Laurel (*Cinnamomum camphora*), with some Lantana (*Lantana camara*). The presence of these species confirms to a degree that extensive land clearing has occurred at the site at some time in the recent past. There are isolated remnant Eucalypt trees including Ironbark (*Eucalyptus crebra*), Tallowwood (*Eucalyptus microcorys*), Flooded Gum (*Eucalyptus grandis*), Sydney Blue Gum (*Eucalyptus saligna*), and some remnant dry forest species such as Hoop Pines (*Araucaria*



Figure 4: Regrowth vegetation



*cunninghamii*). Some of the lower lying areas between the ridgelines with higher soil moisture still contain swamp vegetation dominated by Broad-leaved Paperbark (*Melaleuca quinquenervia*). The site is also bounded in the north by sugar cane fields.

## 2.1.2 Geomorphology and Geology

The study area is dominated by the Palaeozoic Neranleigh-Fernvale group comprising shales, siltstones and sandstones, and massive cobble conglomerates. The low lying portions of the site are underlain by deep Quaternary alluvium and estuarine sediments, with marine clays present. The site contains eroded drainage lines that flow to man-made agricultural drains which discharge from the site.

## 2.2 Aboriginal Cultural Background

Scientific assessment of cultural evidence from selected sites supports the fact that Aboriginal people were living in the Tweed from 10,000 years ago, and at least 20,000 years ago regionally (Neal & Stock, 1986). Aboriginal oral tradition tells a story of 'Three Brothers' who first came to this land in the 'Dreamtime' and formed the nucleus of tribes with whom today's Traditional Owner descendants identify (Vesper, undated). A common feature of their identity is language, acknowledged as the Bundjalung / Yugumbeh language chain. The language dialect for the Tweed is known as Ngandowal, a name referring to the people who say 'Ngando' for the word 'who' or 'somebody' (Livingstone, 1892).

There are more than 50 names used to describe the Tweed areas traditional Aboriginal people in the written record of the early European settlers (Fox, 2003). However, there is general acceptance for the presence of three main groups in the Tweed River Valley. These were the Cooginburra people for the Tweed Coastal area, the Tul-gi-gin people for the North Arm, and the Moorang-Moobar people for the Southern and Central Arms around Wollumbin (Mt Warning) (Harper, 1894; Keats, 1988). Population numbers of these three groups are known to have fallen dramatically, before and after the permanent European presence, mainly through the unchecked spread of European sourced illness and disease. Research suggests that prior to any European contact each of the three groups may have contained from 500 to 700 members distributed across their area of 'country' (Fox, in prep, 2009).

The project area would likely have been within the 'country' of the Cooginburra people as it is known that a favored winter camp for this group, at the time of European settlement, was on

the eastern bank of the Tweed River, approximately 4kms to the north-west (see section 2.5 Register Searches). The last 'traditional member' of the Cooginburra people (also known as the Bogangar tribe) was Biddy Richmond, whose obituary is recorded in the Tweed Daily, August 21, 1933.

## 2.3 Historical Background

This section presents a brief contextual history of the Tweed River Valley area and is largely summarised from the book, 'Regional Histories of New South Wales', prepared by the Heritage Office and Department of Urban Affairs and Planning (1996). It is not intended to be an exhaustive historical treatment of the project area.

Permanent European settlement of the Tweed began around 1844. These settlers were generally loggers and timber getters with Terranora emerging as the centre for cedar getters in the 1860s. The timber getters were joined by pastoralists around 1860 with a boom in the 1870s. Land was rapidly taken up by small farms with farmers experimenting with an array of crops including opium poppies, arrowroot, mulberry trees for silkworm and tobacco however eventually falling back on maize and sugar (Heritage Office and Department of Urban Affairs and Planning 1996:68). By 1880, the sugar industry had boomed with several mills in operation at Cudgen, Abbotsford and the CSR mill at Condong. Towns began to prosper in the region, the most popular being Murwillumbah which was gazetted as a town in 1879 (Heritage Office and Department of Urban Affairs and Planning 1996:68). By 1894, the railway had connected Lismore to Murwillumbah via Byron Bay and later connected to the State rail network through Casino to Grafton.

Land records data available from the Tweed Heads and District Historical Society identify the survey of a road along the ridgeline (Condong Range) at the southern boundary of the project area that connected Condong, on the Tweed River, to Duranbah in the east. The road was surveyed on 24 March, 1896, and shows the location of the CSR mill at Condong and farms serviced by the road along the route. The first recorded land owner for the area of the subject properties identified in Figure 2 was Arthur Loder, who selected a large portion (No. 247) in 1889 that included some of the area of the present Quirks Quarry and much of the lower floodplain, which was progressively cleared and drained to plant sugar cane. In 1899 Heindrick Appo is the first selector of 50 acres (No. 82) along the ridgeline and valley which contains the current access road, off Eviron Road, to Quirks Quarry. Subdivision of Lot 247 took place in



1908 and John Bird selected the balance of remaining Crown Land and a portion of No. 247 which became two titles of No. 260 and No. 261. Bird's property totaled 220 acres and along with Appo's 50 acres, effectively included all of the project area which is now the subject of the quarry and landfill proposal.

From an historical perspective maps of the Land Records Data provide annotations of original vegetation cover, prior to land clearance, and locations for existing structures and access tracks. In this case an access track is marked on maps which lead down the watershed ridgeline of Condong Range to the North West of the project area, in the direction of the current Stotts Island Landfill facility. Distribution of the original vegetation is mapped and marked as: *Brush in gullies and on lower slopes, box gum, bloodwood, blackbutt, ironbark and tallowwood on ridges, mahogany tea tree and oak in swamp.*

A gumming disease crisis infiltrated the sugar cane industry in the 1890s and dairy farming began to take over with the peak of the industry transpiring in the early 1940s. Commercial banana farming emerged from 1910 and it was at this time that Indians and Chinese also entered the industry. Despite the 'bunchy top' disease proving to be a small set back in the industry in the 1920s, the banana trade remained an important industry. Vegetables such as peas, beans and potatoes eventually replaced maize which is now primarily grown as a fodder crop (Heritage Office and Department of Urban Planning 1996:68). Sugar cane cultivation continues in the vicinity of the project area.



**Figure5:** Quirks Quarry and sugar cane cultivation.

Murwillumbah became the primary supportive town to all these industries, however it now displays little evidence of its history due to the great fire of 1907 having destroyed its main street. Tweed Heads has successfully turned to tourism with some of its most popular tourist destinations being Mount Warning, Springbrook and Lamington National Parks and the Border Ranges.

## 2.4 Previous Studies

Aside from traditional knowledge, that is knowledge passed down through the generations by word of mouth, there is some literature available concerning Aboriginal culture in the Tweed area (for example see Harper 1894; Curr 1887; Crowley 1978; Keats 1988; Neal and Stock 1986). The following section provides a brief outline of relevant archaeological and cultural heritage findings from research projects and previous consultancy works carried out in proximity to the present project area.

### 2.4.1 Academic Research

The Bundjalung Mapping Project (BMP) is a pilot project designed to assist Indigenous Australian communities to record, store and manage information about their cultural places and landscapes. The Project, based on the north coast of New South Wales, is the result of a unique partnership between Southern Cross University, Bundjalung people, the Northern Rivers Catchment Management Authority, and the Department of Environment & Climate Change (National Parks and Wildlife Service Division). A Memorandum of Understanding sets out guidelines and the conditions of information access and exchange.

An electronic database has been designed and successfully trialled with the Tweed Aboriginal community which stores community knowledge in a culturally appropriate way. The database is cross referenced to a documentary library or 'Keeping Place' containing in excess of 1250 separate entries collected from private resources and the public domain. Access to the database and library is controlled by the community and in the case of the current trial, by the Tweed/Byron Local Aboriginal Land Council. The TBLALC are participants in this Preliminary Archaeological Assessment and have provided approval for access to the BMP database and documentary records.

### 2.4.2 Consultancies

Recent work undertaken in the general area includes a Preliminary Archaeological Overview of the proposed Byrrill Creek Dam (Converge 2009a) located approximately three kilometres north west of Kunghur and 30 kilometres south west of the present project area. The study included consultation with the Aboriginal community, a preliminary field survey to assess impacts to Aboriginal cultural heritage values and a literature review. Four sites of Aboriginal cultural heritage significance were located during the survey. This, coupled with the numerous Aboriginal sites and areas previously recorded within the area, indicated that there was a reasonable possibility that further, undetected cultural heritage material and associated elements would remain within the



proposed dam area. Aboriginal sites within the proposed dam area included isolates, artefact scatters, scarred trees and grinding areas.

Converge (2009b) also undertook an archaeological excavation of a small shell midden identified during the construction of a road deviation in West Tweed Heads (approximately 13 kilometres north-west of the current project area). Investigations also included further survey of the remainder of the deviation footprint. Excavations revealed that the shell midden was of a relatively small size with material ranging in size from complete shells to small fragments. The majority of shell was recovered from the top 10cms of the deposit. The shell material consisted of oyster with some remains of large and small varieties of whelks; all estuarine shell fish species. One stone artefact was recovered: a bifacial retouched silcrete flake. The survey revealed two previously unidentified sites, a stone artefact scatter and a shell scatter. These sites were however beyond the road corridor and would not have been impacted as a result of any remaining construction activity. A cultural significance story, based on consultation with the local Aboriginal community, was also composed to provide a strengthened emphasis for determining cultural significance and heritage assessment, which was more inclusive of the Aboriginal community's perspective.

Recent consultancy work in the general area also includes the Aboriginal Cultural Heritage Assessment and Management Plan (Mary Dallas Consulting Archaeologists 2009) for the proposed Nightcap Village rural settlement area, located approximately 28 kilometres south west of the current project area. The survey and assessment resulted in the location of five surface stone artefact scatters (identified as open campsites), two isolated stone artefacts and areas of relatively undisturbed deposits with the potential to contain sub-surface remains. Three of the open campsites had been previously recorded by McIntyre (AHIMS #04-I-0018) and Tweed Byron LALC (NV1 and NV2). Common stone artefact types included flakes, retouched flakes and cores of predominantly silcrete and quartzite. It was recommended that project impact should avoid two of the five campsite locations. Recommendations also included test excavations of three locations including one of the open campsites, one area where an isolated artefact was located in association with an area of Potential Aboriginal Deposit (PAD) and a subsequent PAD area.

Everick Heritage Consultants Pty Ltd (2007) undertook a cultural heritage assessment of a proposed sand quarry at South Ballina in north-eastern NSW (approximately 60 kilometres south of the current project area). There were no recorded sites on the DECC Aboriginal Heritage Information Management System (AHIMS) register and database within the vicinity of the subject lands and there was no evidence of Aboriginal sites or relics identified during the field survey of areas to be impacted by proposed quarry activities. The Jali Local Aboriginal Land Council also did

not identify any areas of cultural significance within the subject lands. The author states that the literature and site data indicated that it was unlikely that Aboriginal sites would be found in this environment and even if sites did exist, they are unlikely to be *in situ* due to the large proportion of disturbed surface sand.

Everick Heritage Consultants Pty Ltd (2008) undertook a cultural heritage assessment of the Kings Forest Estate, between Duranbah and the Tweed Coast and approximately 3km to the east of the project area. Kings Forest has been the subject of at least five archaeological surveys over the past 30 years, primarily because the area has been identified for potential urban development. Much of the area has been disturbed with land clearance, sand mining, agriculture, and establishment of timber plantations which have been subsequently cleared. A total of 17 recorded sites were assessed and resulted in a recommendation that six sites be left *in situ* within areas not subject to past disturbance or future development. Of the remainder, two sites had been destroyed, two potential sites were not recognised by Traditional Owner descendents, and due to significant disturbance seven sites were recommended for professional excavation and recovery of artefacts.

Mary Dallas Consulting Archaeologists (2008) undertook an Aboriginal and European cultural heritage assessment of the Casuarina Town Centre, Kingscliff South, on the Tweed Coast and approximately 6km east of the project area. No sites or items of European heritage significance or areas of historical archaeological potential were identified within the study area during the site inspection. No Aboriginal sites or individual items of Aboriginal cultural history were identified on the land subject to the proposed development. It was noted that the subject land was severely impacted by a sustained period of sand mining between the 1950's and 1970's and any evidence of cultural remains was likely to have been destroyed at that time. It was recommended that suitable signage be erected to recognise Aboriginal occupation of the land and further signage provide sand mining history of the area. Any further investigation for cultural evidence was considered unwarranted.

## 2.5 Register Searches

Desktop searches of the following register and databases were undertaken for the project area: Aboriginal Heritage Information Management System (AHIMS) Aboriginal sites register; the Bundjalung Mapping Project (BMP) Aboriginal sites database; the (former) Register of the National Estate; World Heritage List; National Heritage List; and the Commonwealth Heritage List.



There were no Aboriginal sites listed on the World Heritage List, National Heritage List, the Commonwealth Heritage List or the (former) Register of the National Estate within the project area.

There were no sites listed on the AHIMS Aboriginal sites register (provided as a printout list from DECC). However, there are five sites recorded on the BMP database on the Tweed River floodplain and within 4kms of the project area (see Table I). A further six sites are recorded to the east, beyond Duranbah Ridge, and approximately 3kms from the project area. (This area is known as Kings Forest and each site is the location for an isolated find, such as a stone axe). Note: At the request of the TBLALC grid references are not provided. Should further information be necessary, other than that provided, enquiries should be directed to the Sites Officer TBLALC.

Table I: BMP Sites

Site	Location	Type	Comment
Ev 1	Dinseys Rock	Bora Ring	Photograph and information provided by Dinsey family. Also stated an Aboriginal burial area is nearby to the rock (Mary Keeshan – granddaughter of George Dinsey).
Ev 2	“Camden Haven”	Open campsite	Property of Quirk family on eastern bank of Tweed River. Recorded as the winter campsite for Aboriginal people at the time of early European settlement.
Ev 3	“Camden Haven”	Burial area	Property of Quirk family on eastern bank of Tweed River. Aboriginal burial area in clump of trees along eastern property boundary. <u>Note:</u> May be the same location as stated by Mary Keeshan (Ev 1)
Ev 4	Leddys Creek	Midden	Shell midden beside creek bank to the south of Stotts Island (now cane field) information provided by Jenny Wein – exact location not provided.
Ev 5	Stotts Creek	Midden	Shell midden at the base of ridgeline adjacent to McLeods Creek.

## 3.0 Fieldwork

### 3.1 Methodology

Archaeologists use various forms of assessment to carry out cultural heritage surveys and these surveys occur in a series of clearly defined steps including sampling, surveying, site evaluation, recording, impact assessment, and management recommendations. This project is a cultural heritage assessment in relation to Indigenous and non-Indigenous cultural heritage sites and places within the project area. Briefly, the methodology applied to the cultural heritage assessment was as follows:

- The field survey was to assess the presence of, and/or the potential for Indigenous and non-Indigenous cultural heritage within the project area;
- The field survey was carried out on foot and, due to the entire project area not being surveyed, used a *probabilistic* sampling strategy (i.e. where decisions are made to survey without reference to any prior knowledge or predictive model of what heritage resources might exist in the landscape);
- Traditional Owner representatives participated in the field survey and consultation was in accordance with DECC Aboriginal Cultural Heritage Draft Community Consultation Requirements for Proponents, May 2009, provided under Part 6 of the *National Parks and Wildlife Act, 1974*. Traditional Owner representatives were encouraged to provide oral information about any culturally sensitive areas and voice any concerns they may have felt during the fieldwork;
- For the purposes of this report the following definitions apply:
  - ⇒ **Site** refers to *all* physical traces of Aboriginal occupation, including isolated artefacts, or traces of non-Indigenous cultural heritage.
  - ⇒ **Isolate** refers to a find-spot of a single artefact separated by more than 30 metres from other artefacts and/or associated archaeological features.
  - ⇒ **Artefact scatter** refers to a group of 2 or more artefacts located on the ground surface, with a distance of no greater than 30m between each and occurring within an arbitrary linear distance nominated by the archaeologist subject to factors such as artefact



type, environment, visibility, integrity and previously recorded site characteristics occurring within the larger project area.

- Culturally modified trees, commonly called **scarred** or **carved** trees, were assessed according to a detailed list of selection criteria developed by Converge that allow for some degree of scientific rigour to be applied to the identification process.
- Where relevant the archaeologist made reference to the principles of the Burra Charter (see Appendix B) as a basis for attributing levels of scientific significance to areas or objects noted during the survey. However with respect to Indigenous cultural heritage, the attribution of significance on the basis of cultural grounds was left entirely to the Traditional Owner representatives on the survey team;
- Areas of interest were photographed using a digital camera with 12.1 effective mega-pixels, and locations were recorded using a hand-held global positioning system (GPS) accurate to approximately 4 metres (WGS 84 geodetic format), and all field data was recorded in a field notebook. Upon completion of the report these photographs are stored on disk (CD) in the Converge office;
- There are a variety of issues that can, in a variety of ways, constrain cultural heritage survey and assessment. Two constraints, however, remain constant across all landscapes; ground surface visibility and ground surface integrity. **Ground Surface Integrity (GI)** and **Ground Surface Visibility (GSV)** were both recorded across the project area in order to provide insight into the levels to which the landscape had been modified, and how much of the ground surface could actually be seen during the survey. GI and GSV levels were both determined using a percentage range between 0-100% i.e. **Zero - 0%; Poor - 1-25%; Moderate- 26-50%; Fair - 51-75%; Good - 76-85%; Excellent 86-100%.**

### 3.2 Field Survey Outcomes

The field component of this cultural heritage assessment was conducted over three days on 18<sup>th</sup> - 19<sup>th</sup> March 2009 and 30 July 2009. The study area was traversed via the use of both established vehicle tracks and walking paths, as well as exploration of more vegetated areas (regrowth forest and grassed area). A particular focus of the survey was the ridgelines bounding the project area.





**Figure 6:** Survey routes and sites of Historic Interest (Image adapted from Google Earth Pro 2008).

### 3.2.1 GI and GSV within the Project Area

The majority of the project area demonstrated poor GI exhibiting clear evidence of being subject to long-term disturbance in historic times. The disturbance has consisted of a variety of activities including vegetation clearance, livestock grazing, agricultural cultivation, the creation and use of vehicular access tracks and more recently quarrying activities. This disturbance has led to a reduction in vegetation maturity and diversity and the introduction of exotic vegetation, especially lantana and camphor laurel trees.

Although GSV levels fluctuated between poor to good, the majority of the project area exhibited poor GSV generally caused by regrowth or heavy leaf litter and grass cover, with higher levels



primarily restricted to vehicular tracks (see Figures 4-9). The fact that the majority of the study area exhibited poor GSV raises the possibility that further, undetected cultural heritage may remain within the study area.

**Figure 7:** Low GI and GSV



### 3.2.2 Indigenous Cultural Heritage

Traditional Owner representatives participated in the field survey. In accordance with the agreement reached with the interested parties, the Aboriginal participants were as follows:

- George Scott represented the TBLALC;
- Garth Lena represented the Minjungbal Resource Museum and Study Centre;
- Lewis Williams attended as a volunteer on the first day of the survey and represented the AAC and Traditional Owner descendants on the second day of the survey;
- Mark Rotumah attended as a volunteer on the first day of the survey in company with Garth Lena;
- Mark Cora represented the AAC and Ngandowal Traditional Owner descendants on the first day of the survey;

The Traditional Owner representatives were accompanied by Converge Heritage + Community representatives Dr Phil Habgood, and Ian Fox. This survey was conducted to determine the degree to which the proposed project will impact any Aboriginal cultural heritage areas and objects. The results of this inspection are outlined in the following sections.



**Figures 8-9:** The Team undertaking the survey



### 3.2.3 Areas and objects of Aboriginal cultural heritage significance

No areas or objects of Aboriginal cultural heritage significance were identified during the field survey. This may be a result of the low GI and GSV evident throughout the project area. Another contributing factor could have been the recent ground disturbance caused by the re-grading of existing access tracks and firebreaks for geological drilling and other activities (Figures 10-11). These tracks followed ridgelines which were the areas most likely to have cultural material present.

The Traditional Owner representatives did indicate that the project area held cultural heritage significance for them as it would have been crossed by a traditional Aboriginal pathway that followed the ridgelines from the coast to more inland areas. Along the boundary of the project area the ridgelines are particularly well defined and represent a direct east-west route between the coast and the middle reaches of the Tweed River.



*Figures 10-11: Recent ground disturbance caused by the re-grading of tracks and firebreaks*

### 3.2.5 Areas and objects of non-Indigenous cultural heritage significance

No areas or objects of non-Indigenous cultural heritage significance were identified during the field survey. However, there were five sites of historic interest - all are springboard trees (see Figure 6). Springboard trees are tree stumps with springboard notches. Springboards were slabs of wood that were inserted into notches cut into the tree to allow the upper tree to be cut. The identified springboard trees may be illustrative of the past activities of loggers and timber getters. One of the examples (EQ5) is already cut down and had recently been damaged by heavy machinery (Figure 16). There were a number of examples of other logged trees that lacked the springboard cuts (Figure 17). The springboard trees could be relics as defined by the NSW *Heritage Act 1977* as they relate to the settlement of the area and may be 50 or more years old. However, they have not been assessed as having any local or State significance and so a section 139 permit under the Act is not required.





**Figures 12-16:** Clockwise from top left, Springboard Trees – EQ1 EQ2, EQ3, EQ4 and EQ5.



**Figure 17:** Logged tree.



### 3.3 Conclusion

No areas or objects of Indigenous cultural heritage significance were identified within the project area. This may have been contributed to by the low GI and poor GSV levels that predominated over the majority of the project area and the recent ground disturbance of ridgelines, locations where there would have been a higher possibility of identifying Indigenous cultural heritage. No non-Indigenous areas or objects of cultural heritage significance were identified within the project area, most probably due to historic activities on the project area that have been agriculturally-based until more recent quarrying. These survey results and the register searches indicate that there is only a low probability that further, undetected cultural heritage material may remain in the study area, either within areas of low visibility or as subsurface remains.



## 4.0 Site Evaluation and Impact Assessment

### 4.1 Aboriginal Cultural Significance

Archaeologists place a high priority on levels of existing site preservation as a means of determining scientific integrity and therefore, the value of the contextual data found within a site, or surrounding a particular object. Any loss of scientific integrity does not, however, reduce the cultural significance of a place and/or item. Equally, the presence of bush food species, trees of great age, or a particular bluff in a mountain range, for example, may provide indicators of cultural importance not borne out in the archaeological record. An assessment of cultural significance was attained through consultation with the relevant local Aboriginal community organisations that have traditional knowledge and interests in the area. There remains the potential for artefacts within areas of low visibility or as subsurface remains.

### 4.2 Archaeological (Scientific) Significance

To assess archaeological (scientific) significance, the requirements of the NSW *Heritage Act 1977* considered and the best practice guidelines of the Burra Charter (Marquis-Kyle and Walker 1999) were applied where relevant. The following table lists each of the sites identified during the course of the survey with reference to their attributed levels of scientific significance.

Table 2 Significance assessment

Site ID <sup>1</sup>	GPS Co-ordinates <sup>2</sup>		Description	Scientific Significance
	Easting	Northing		
EQ1	0549830	0549830	springboard tree	<b>Nil - Historic interest only</b>
EQ2	0549919	0549919	springboard tree	<b>Nil - Historic interest only</b>
EQ3	0549826	0549826	springboard tree	<b>Nil - Historic interest only</b>
EQ4	0549526	0549526	springboard tree	<b>Nil - Historic interest only</b>
EQ5	0549227	6868943	springboard tree	<b>Nil - Historic interest only</b> Recently damaged by heavy machinery

<sup>1</sup> EQ = Eviron Quarry

<sup>2</sup> Datum = WGS 84

### 4.3 Impact Assessment

It is important to note that the fragile nature of cultural heritage and its associated environment, especially in relation to any as yet unidentified cultural heritage that may exist in areas of low GSV and/or within subsurface deposits (e.g. stone artefacts), would be both easily and irrevocably impacted on by ground disturbance and/or quarrying activities that will occur within the study area. Where areas or objects of Indigenous and/or non-Indigenous cultural heritage are uncovered cultural heritage mitigation measures will need to be established. With respect to Indigenous cultural heritage this should be facilitated through the formulation of a Management Plan (MP) for the site with the local Aboriginal community.

### 4.4 Aboriginal Community Expectations and Issues

Field survey participants expressed surprise that no cultural evidence was located during the walkover. Both Garth Lena and George Scott felt that the ridgeline (Condong Range) provided an important through route for traditional Aboriginal people and therefore would likely provide campsite evidence. It was considered possible that artefacts may have been collected by early European settlers and it was noted that the ridgeline was first an access track and later a formed road as European land selection took place.

All field survey participants discussed the fact that the recent re-grading of existing access tracks and firebreaks for geotechnical surveys had further disturbed the land surface in those areas considered most likely to contain cultural evidence. A statement was made by Garth Lena that the cultural field survey should have been undertaken before the re-grading of the existing access tracks and firebreaks and the geotechnical survey. Participants requested that this be raised as an issue of concern and that, where possible, cultural heritage surveys should be undertaken before any construction activity or land surface disturbance.



## 5.0 Management and Recommendations

### 5.1 Cultural Heritage Management

When protecting cultural heritage values, a number of management options are available. These include:

#### 1. **Avoidance.**

This option is favoured by the Traditional Owners as it allows for their cultural heritage to remain on 'country'. Sites remaining on 'country' may require the development of site specific management protocols including the establishment of activity exclusion zones.

#### 2. **Mitigation**

In areas where impact cannot be avoided an appropriate mitigation program utilising recognised archaeological methods will need to be developed. Mitigation processes may vary according to site or feature types and may include but not be restricted to processes such as detailed site recording and mapping, manual and machine excavation and/or controlled collection of artefacts and features.

#### 3. **Monitoring**

A program of site monitoring by representatives of the Aboriginal Party during activities causing ground disturbance (i.e. earthworks) can be developed as a management option for recognised areas of medium to high potential for the presence of unidentified cultural heritage. Such a program should be developed at the planning stages of the project and be based on areas noted within the survey results as having such potential.

Ultimately, the most important factor within the successful management of the cultural heritage process remains ongoing consultation between the proponent and the local Aboriginal community. This consultation process should be formalised with the development of an agreement that creates a clear framework for both process and protocols. Formalising an agreement is also the best step toward the effective management of cultural resources that are currently 'invisible' (for example as a result of low GSV) but that may be exposed during future development.

## 5.2 Recommendations

### 5.2.1 On-going consultation with the local Aboriginal community

On-going consultation between TSC and the local Aboriginal community is recommended to ensure cultural considerations are incorporated into future development activities at the site. Consultation about activities that involve disturbance or modification of the land surface in the project area will be important in order to allow appropriate mitigation programs to be implemented. This on-going consultation should result in the formulation of a Management Plan (MP) for the site.

It is further recommended that TSC negotiate a Council-wide Memorandum of Understanding (MoU) with the local Aboriginal community for the management and conservation of cultural heritage. The MoU should include acknowledgement by TSC that cultural heritage assessments should take place before any land surface disturbance, including predevelopment vehicle access and placement of fill, for those areas identified as potentially containing cultural heritage.

### 5.2.2 Program of site monitoring

A program of site monitoring by representatives of the Aboriginal Party during activities causing ground disturbance should be developed as a management option for recognised areas with a higher potential for the presence of unidentified cultural heritage. Within the project area this would be the ridgelines bounding the site and especially the north-south running ridgelines in the southeast quadrant of the project area, also the location of EQ I-3 (Figure 18).



**Figure 18:** Areas with higher potential for the presence of unidentified cultural heritage (Image adapted from Google Earth Pro 2008).



### 5.2.3 Procedures for unexpected finds

Much of the project area had poor GSV which limited the possible identification of cultural objects and raises the possibility that further, undetected cultural heritage still exists within the study area. Procedures should therefore be developed through consultation and agreement with the local Aboriginal community for unexpected finds. These procedures could be incorporated into the MoU recommended above. An agreed "Procedures for Unexpected Finds" would limit the need for monitoring of ground disturbance activities by Traditional Owner representatives as they (the procedures) provide an effective way of minimising project impacts on unrecorded Aboriginal cultural heritage. An example of "Procedures for Unexpected Finds" is provided in Attachment C for TSC and local Aboriginal community consideration and negotiation.

### 5.2.4 Cultural heritage inductions

Due to the potential for archaeological sites to remain within the project area, it is recommended that work crews be specifically instructed of their obligations to look for cultural heritage material, including attendance at a cultural heritage awareness induction along with the distribution of educational leaflets at Workplace Health and Safety meetings. Inductions and provision of leaflets is best co-ordinated through the local Aboriginal community and should inform the workers what archaeological material may look like, and give them clear instructions on procedures for inadvertent discoveries.

### 5.2.5 Springboard Trees

Whilst no areas or objects of non-Indigenous cultural heritage significance were identified during the field survey, there were five sites (springboard trees) of historic interest that may be illustrative of the past activities of loggers and timber getters. Wherever possible these springboard trees should be retained *in situ*. Where leaving the springboard trees *in situ* on site is not a practicable option, and specifically for EQ5, which has already been cut down, TSC should consider relocation to an appropriate location, a park for example, where they can be preserved and displayed along with appropriate interpretation.

## 6.0 References

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## Appendix A – Relevant Legislation

In New South Wales, three pieces of legislation provide the primary context for Aboriginal heritage management: the *National Parks and Wildlife Act 1974* (NPW Act); the *Heritage Act 1977*; and the *Environmental Planning and Assessment Act 1979* (EP&A Act). Other relevant legislation includes the *Aboriginal Land Rights Act 1983*, the *Commonwealth Native Title Act 1993* and the *NSW Native Title Act 1994*.

### The National Parks and Wildlife Act 1974

The NPW Act is administered by the Department of Environment and Climate Change (DECC) and is the primary legislation for the protection of Aboriginal cultural heritage in New South Wales. One of the objectives of the NPW Act is:

*‘the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including but not limited to: (i) places, objects and features of significance to Aboriginal people ...’ (s.2A[1][b])*

Part 6 of the Act provides specific protection for Aboriginal objects and places by making it an offence if impacts are not authorised. If impacts on Aboriginal objects and places are anticipated, an Aboriginal Heritage Impact Permit (AHIP) should be obtained. AHIPs can be issued under S.87 and S.90 of the NPW Act.

An *Aboriginal object* is any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of New South Wales, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).

An *Aboriginal place* is a place declared so by the Minister administering the NPW Act because the place is, or was, of special significance to Aboriginal culture. It may or may not contain Aboriginal objects.

The NPW Act does not provide protection for spiritual areas or natural resource areas that have no physical evidence of Aboriginal occupation or use, unless they have been declared an Aboriginal place.



## The Heritage Act 1977

The Heritage Act protects the State's natural and cultural heritage. Aboriginal places or objects that are recognised as having high cultural value are listed on the State Heritage Register. The State Heritage Register protects particular places and items that the Aboriginal community has formally recognized as being of high cultural value. The State Heritage Register provides an extra level of protection beyond that provided by the Department of Environment and Conservation's register (the AHIMS register and database) as it protects against any damage or destruction to these special places. The Aboriginal heritage of NSW is irreplaceable and as such there are heavy penalties for offences under the Heritage Act.

## The Environmental Planning and Assessment Act 1979

The EP&A Act is administered by Local Government and the NSW Department of Planning and provides planning controls and requirements for environmental assessment in the development approval process. It also establishes the framework for Aboriginal heritage values to be formally assessed in land-use planning and development consent processes.

## Aboriginal Land Rights Act 1983

The NSW *Aboriginal Land Rights Act 1983* establishes the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs). The Act requires these bodies to:

- (a) take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law; and
- (b) promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area.

DECC recognises and acknowledges the statutory role and responsibilities of NSWALC and LALCs.

## Native Title Legislation

The Commonwealth *Native Title Act 1993* and NSW *Native Title Act 1994* provide the legislative framework to:

- (a) recognise and protect native title;
- (b) establish ways in which future dealings affecting native title may proceed, and to set standards for those dealings;
- (c) establish a mechanism for determining claims to native title; and

(d) provide for, or permit, the validation of past acts invalidated because of the existence of native title.

DECC acknowledges that native title legislation provides native title holders and registered native title claimants with certain procedural rights in relation to Acts which affect native title.



## Appendix B – The Burra Charter

Although not codified in law, the Burra Charter (Marquis-Kyle and Walker 1999) is the foundational document upon which cultural heritage management practice is based, and this document continues to guide cultural heritage management in Australia. It was first adopted in 1979 by Australia ICOMOS (International Council on Monuments and Sites) and was initially designed for the conservation of and management of historical heritage. However, after the addition of further guidelines that defined cultural significance and conservation policy, use of the charter was extended to Indigenous studies.

The Burra Charter defines conservation as ‘the processes of looking after a place so as to retain its cultural significance’ (Article 1.4). A place is considered significant if it possesses aesthetic, historic, scientific or social value for past, present or future generations (Article 1.2). The definition given for each of these values is as follows (Articles 2.2 to 2.5).

**Aesthetic value** includes aspects of sensory perception for which criteria can and should be stated. Such criteria may include consideration of the form, scale, colour, texture and material of the fabric; the smells and sounds associated with the place and its use.

**Historic value** encompasses the history of aesthetics, science and society, and therefore to a large extent underlies all of the terms set out in this section. A place may have historic value because it has influenced, or has been influenced by, an historic figure, event, phase or activity. It may also have historic value as the site of an important event. For any given place the significance will be greater where evidence of the association or event survives *in situ*, or where the settings are substantially intact, than where it has been changed or evidence does not survive. However, some events or associations may be so important that the place retains significance regardless of subsequent treatment.

**Scientific (archaeological) research value** of a place will depend upon the importance of the data involved, on its rarity, quality or ‘representativeness’, and on the degree to which the place may contribute further substantial information.

**Social value** embraces the qualities for which a place has become a focus of spiritual, political, national or other cultural sentiment to a majority or minority group.

Article 2.6 of the Guidelines notes that other categories of cultural significance may become apparent during the course of assessment of particular sites, places or precincts. A range of cultural significance values may apply. Article 5 of the Burra Charter states that:

*Conservation of a place should identify and take into consideration all aspects of its cultural significance without unwarranted emphasis on any one aspect at the expense of others (Marquis-Kyle and Walker 1999).*



## Appendix C – Procedures for Unexpected F

### Draft Procedures for Unexpected Finds

- During project activities involving ground breaking activities outside nominated monitoring areas, TSC will encourage its employees or sub-consultants to be vigilant for cultural heritage. A Cultural Heritage Awareness Induction program would support this process.
- In the event that suspected cultural heritage is found, then the TSC Liaison Officer will inform the Tweed/Byron Local Aboriginal Land Council's (TBLALC) nominated Liaison Officer or other nominated representative of the Local Aboriginal community as soon as possible but no later than two business days following the discovery of suspected cultural heritage.
- TSC will ensure that a 30m buffer zone surrounding the outer extent of the find is flagged, and that all project activities cease within this buffer zone until such time as clearance to continue Project Activities is provided in writing by the TBLALC nominated Liaison Officer or other nominated representative of the Local Aboriginal community and/or their representative/s.
- The TBLALC nominated Liaison Officer or other nominated representative of the Local Aboriginal community and/or their representative/s will undertake an assessment of the suspected cultural heritage and a survey of the flagged buffer zone area to determine the presence and extent of any cultural heritage.
- If it is found that further management actions such as monitoring are required in order to mitigate the impact of project activities on cultural heritage then the TBLALC nominated Liaison Officer or other nominated representative of the Local Aboriginal community and/or their representative/s will produce a brief post assessment report that identifies the nature and location of the identified or potential cultural heritage and incorporates appropriate management options, including the location of any monitoring areas, for consideration by TSC.
- Unless otherwise negotiated between the Parties' Liaison Officers, relocation of the cultural heritage should be undertaken by the TBLALC nominated Liaison Officer or other nominated representative of the Local Aboriginal community and/or their representative/s within four business days of its discovery. Identified cultural heritage will be relocated to an agreed location within the project area not subject to ground breaking activities or, where

this is not practicable, to an area outside the project area agreed to by the Local Aboriginal community.

- After relocation of all cultural heritage, the TBLALC nominated Liaison Officer or other nominated representative of the Local Aboriginal community and/or their representative/s will provide TSC with a written statement that gives clearance to the flagged area. This written statement will be provided to TSC on the same business day that recovery of any cultural heritage occurs unless another business day is agreed to by both Parties. Once a written statement providing clearance for the flagged area is received then flagging will be removed and project activities may continue in that area.



## Appendix D – Consultation - Support Letters



8<sup>th</sup> July 2009

### Cultural Heritage Assessment for the Proposed Eviron Road Quarry and Landfill Site - Tweed Shire.

This letter is to confirm that with respect to the project above, I and/or my organisation have been consulted throughout the project, were invited to participate in the fieldwork component of the project and have been provided with the opportunity to comment on a draft of the Report.

Having reviewed the draft report I am in agreement with the outcomes of the study and the recommendations made in the report.

Signed

A handwritten signature in blue ink, appearing to read "M. Cora".

Phone 07 3365 0260 | Fax 07 3365 0265 | Web [www.converge.com.au](http://www.converge.com.au)  
2009 Wollumbi Drive, The Esplanade QLD | PO Box 3038, The Esplanade



8<sup>th</sup> July 2009

**Cultural Heritage Assessment for the Proposed Eviron Road Quarry and  
Landfill Site - Tweed Shire.**

This letter is to confirm that with respect to the project above, I and/or my organisation have been consulted throughout the project, were invited to participate in the fieldwork component of the project and have been provided with the opportunity to comment on a draft of the Report.

Having reviewed the draft report I am in agreement with the outcomes of the study and the recommendations made in the report.

Signed *David D. Wellham*

Phone 07 8356 8400 | Fax 07 8356 0950 | [www.convergeheritage.com](http://www.convergeheritage.com)  
2550 Wattlebridge Road, New Campbell 4150 | PO Box 500, New Campbell 4150





8<sup>th</sup> July 2009

**Cultural Heritage Assessment for the Proposed Eviron Road Quarry and  
Landfill Site - Tweed Shire.**

This letter is to confirm that with respect to the project above, I and/or my organisation have been consulted throughout the project, were invited to participate in the fieldwork component of the project and have been provided with the opportunity to comment on a draft of the Report.

Having reviewed the draft report I am in agreement with the outcomes of the study and the recommendations made in the report.

Signed

Phone 07 3366 0000 | Fax 07 3366 0009 | Web [www.converge.com.au](http://www.converge.com.au)  
22/4 Whitehaven Road, Warrego NSW 4130 | 193 Box 333, The Gap QLD 4061

8<sup>th</sup> July 2009

**Cultural Heritage Assessment for the Proposed Eviron Road Quarry and  
Landfill Site - Tweed Shire.**

This letter is to confirm that with respect to the project above, I and/or my organisation have been consulted throughout the project, were invited to participate in the fieldwork component of the project and have been provided with the opportunity to comment on a draft of the Report.

Having reviewed the draft report I am in agreement with the outcomes of the study and the recommendations made in the report.

Signed



Phone 07 26466 6486 | Fax 07 2646 6252 | Web [www.converge.com.au](http://www.converge.com.au)  
2800 Mainway Road, The Gap, QLD 4810 | PO Box 2836, The Gap, QLD 4810



**ABORIGINAL CULTURAL HERITAGE**

**~ Stotts Creek Eviron ~**

Members of the Aboriginal Community are invited to register their interest for a Cultural Heritage Study of the Eviron Rd Quarry and Landfill Proposal.

Please contact : Ian Fox of **CONVERGE HERITAGE & COMMUNITY** PO Box 87 Burringbar NSW 2483 or Tel. (02) 6677 0260 within 14 days of the date of this notice.

21 March 2011

David Hannah  
Senior Environmental Scientist  
Engineering and Operations  
Tweed Shire Council  
P.O. Box 816  
Murwillumbah NSW 2483

Dear David

**Additional Aboriginal Community Consultation for the Proposed Eviron Road  
Quarry and Landfill Site – Tweed Shire – 09117C**

I respond to your request for clarification of the extent of Aboriginal community consultation undertaken by Converge for the above identified project. A Cultural Heritage Assessment for the project was undertaken in accordance with the then DECC *Interim Guidelines for Community Consultation* and the then newly released *May 2009, Draft Community Consultation Requirement for Proponents*.

Consultation with the Aboriginal community commenced on 1 May 2009 at a Tweed Shire Council (TSC) Aboriginal Advisory Committee (AAC) meeting and was followed up with a Public Notice, registration of individuals and groups, and a field assessment over three days with nominated community representatives. I understand that a recent review of Converge's Assessment by DECCW has identified some issues and inadequacies with the Aboriginal community consultation process and additional evidence is required from the local Aboriginal community stakeholders regarding their views on the Aboriginal cultural heritage assessment process.

I note that the points for consideration raised by DECCW are effectively a retrospective application of the current guidelines *Aboriginal cultural heritage consultation requirements for Proponents, 2010*. Converge acknowledges that a more comprehensive record of consultation is required under the current guidelines, but these were not in place at the time of the original assessment. I sought clarification from DECCW and spoke by telephone with the officer responsible, Nick Pulver, on 18 February, 2011. He advised that further correspondence from the Aboriginal stakeholders would be necessary to satisfy concerns that the consultation undertaken included endorsement of the process and support for the Cultural Heritage Assessment's outcomes and recommendations.

Accordingly, I met with the TSC AAC on 4 March, 2011, to explain DECCW concerns and seek further input from the Aboriginal stakeholders. As you are aware formal minutes of the AAC meetings are taken by Council staff, but in essence, the AAC confirmed that appropriate consultation had taken place for the original assessment and committee members supported the original findings and recommendations. Stakeholders agreed to provide further documentary evidence of support and copies of their correspondence is attached. That is; a letter from the TBLALC, and e-mails from the Tweed Aboriginal Co-operative Society Limited, and registered individual Jackie McDonald (on behalf of herself



and Aunty Joyce Summers). Please note, however, that Garth Lena (representing the Minjungbal Museum) gave verbal endorsement at the meeting and Lesley Mye (registered individual) has declined to be further involved in TSC AAC consultation processes.

It is my understanding that submission of the attached correspondence from Aboriginal stakeholders would be sufficient evidence of community endorsement for the proposed project and the level of consultation undertaken. Further concerns raised by DECCW relating to preparation of a Cultural Heritage Management Plan (CHMP) are considered by Converge to be a matter for Council as this is a recommendation and action from the original Cultural Heritage Assessment.

Please don't hesitate to contact me if I can be of further assistance in relation to our assessment and project recommendations.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Ian Fox', written in a cursive style.

Ian Fox  
Project Manager  
Northern NSW.



## TWEED BYRON LOCAL ABORIGINAL LAND COUNCIL

P.O. Box 1410  
Kingscliff, NSW 2487  
Telephone: (07) 5536 1763  
Fax: (07) 5536 9832  
E-mail: [finance@tblalc.com.au](mailto:finance@tblalc.com.au)  
21/25 Ourimbah Road  
Tweed Heads NSW 2485

**ABN: 44 992 419 248**

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Dear Ian

### **RE: Eviron Road Quarry**

The Tweed Byron Local Aboriginal Land Council has been consulted throughout the course of the Aboriginal Heritage Assessment of the Eviron Road Quarry undertaken by your office. We have reviewed a copy of the report and the Tweed Byron local Aboriginal Land Council are satisfied with the outcome.

Ian Fox, Phil Habgood and myself with other community members inspected the property at the above address.

No artifacts were found on the walk over, visibility was in some areas were up 90%.

The property had been disturbed by Shire Council earth works.

Based on the impact of its past and current land use, chances of finding Aboriginal sites Or relics within this area are Medium to low.

### **Recommendation.**

**1. Tweed Byron LALC agrees with the recommendations that were put forward in your report on pages 28-30.**

2. Monitoring of all clearing and ongoing excavated works on the proposed site.

3. If Aboriginal cultural material is uncovered during or after the development then work must stop in this area and the lalc be contacted.

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

Thank you

A handwritten signature in blue ink, appearing to read 'C. Scott'.

Cyril Scott

Cultural Sites Officer

Tweed Byron Local Aboriginal Land Council



**Ian Fox**

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**From:** mctogo [mctogo@austarnet.com.au]  
**Sent:** Tuesday, 8 March 2011 4:09 PM  
**To:** ifox@archaeo.com.au  
**Cc:** 'Aunty Joyce Summers'  
**Subject:** Proposed Eviron Road Quarry and Landfill Project

Dear Ian,

I write in response to your request for further comments from the Aboriginal stakeholders in relation to the proposed Eviron Road Quarry and Landfill project site. Aunty Joyce Summers has also asked me to respond on her behalf.

I confirm that Mark Cora represented us during the survey. Thank you for providing us with a copy of the Aboriginal Cultural Heritage Assessment for the site. We have read the report and are satisfied that the document accurately reflects the Cultural Heritage values, the recommendations as requested by our community and the level of community consultation.

Yours sincerely

Jackie McDonald, also for and behalf of Aunty Joyce Summers

**Ian Fox**

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**From:** Tweed Aboriginal Co-operative [tweedco-op@shopsafe.com.au]  
**Sent:** Wednesday, 9 March 2011 6:10 AM  
**To:** Ian Fox  
**Subject:** Environ Quarry

***TWEED ABORIGINAL CO-OPERATIVE SOCIETY LIMITED***

P.O. BOX 6218 TWEED HEADS SOUTH. NSW 2486 PHONE /FAX NO: 0755242275  
Email: [tweedco-op@shopsafe.com.au](mailto:tweedco-op@shopsafe.com.au)

4th March 2011

Dear Ian

**Re: Environ Quarry Proposed Development Report**

This letter is to let you know that Tweed Aboriginal Co-operative Society Limited are fully satisfied with the consultation you did back in 2009 and support the recommendations of the final report

Garth Lena was our representative on site

Should you need anything further please do not hesitate to call or email

Yours faithfully  
Tweed aboriginal co-operative Society Limited

Per Desrae Rotumah