CULTURAL HERITAGE ASSESSMENT

KINGS FOREST RESIDENTIAL ESTATE
STAGE 1 PROJECT APPLICATION - MP08_0194
TWEED SHIRE, NSW

PREPARED FOR PROJECT 28 PTY LTD
Report Reference:

Acknowledgements:
Everick would like to thank the members of the Aboriginal community who have participated in the cultural heritage assessment process detailed in this report.

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EXECUTIVE SUMMARY

PLEASE NOTE: This report is to be read in conjunction with the Kings Forest Aboriginal Cultural Heritage Management Plan (September 2011) (‘CHMP’) written by Everick Heritage, and is not to be considered a stand-alone document.

Everick Heritage Consultants (‘Everick’) been engaged by Project 28 Pty Ltd (the ‘Developer’) to undertake a cultural heritage assessment for the Kings Forest Estate (the ‘Subject Lands’). The Kings Forest Stage 1 Project Application No. MP 08_0194 was lodged in November 2011. The Application and Environmental Assessment Report was advertised from December 2011 to January 2012 following which 302 public submissions and 10 agency submissions were received.

As a result of the submissions, amendments to the project have been made. The amended project contains the following key elements (NB: these elements will be revised and updated as the amended project is finalised).

- Subdivision to create new lots for future development;
  - Bulk earthworks across the site;
  - Road works comprising:
    - construction of the entrance road into the site and associated intersection works on Tweed Coast Road;
    - alignment and construction of the proposed Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western precincts; and
    - alignment and part construction of two proposed roads through SEPP 14 areas to access the southern precincts;

- Development of 2,036 m2 of floor space for rural supplies development and access arrangements within Precinct 1;

- Construction of subdivision and infrastructure works along the Kings Forest Parkway and within Precincts 1 and 5;

- The Plan of Development for Precinct 5.

This report was initially submitted to the then NSW Department of Planning (January 2010) in support of the Concept Plan for the Project. Extensive community consultation was undertaken in preparation of the January 2010 report.
This report has subsequently been updated in support of a Project Application for Kings Forest (MP08_0194). The findings and recommendations remain unaltered. Updates have been undertaken to the project description, legislative summaries and community consultation sections. Some expansion on the archaeological reporting has been undertaken to address current legislative reporting standards. The recommendations in this report have been structured to satisfy the Environmental Protection Agencies Assessment of Proposal comments (6 February 2012: Attachment 3(3)), being summarised as:

(a) Continue to consult with the Aboriginal Stakeholders and finalise an appropriate keeping place (see Section 4).
(b) Lodge Aboriginal Site Impact Recording Forms for Sites K1, K7, K8, K11, K12 and K13 (Completed).
(c) Ensure the CHMP meets current legislative requirements (Confirmed with DOP).

Over the last thirty years a number of archaeological surveys have been undertaken within the area of the proposed development (Nicholson and Cane 1989, Piper 1999, Piper 2004, Robins 2008a, Robins 2008b). This report synthesises that information, documents the discussions held with Registered Stakeholders, and presents management recommendations based on discussions held with the Developer and with the Registered Stakeholders. This report also evaluates each known site, discussing those sites that are to be left in situ (where it lies) and the results of the sites which underwent archaeological excavations.

A CHMP has been developed in tandem with the assessment process detailed in this report. The aim of that plan is to establish protocols and procedures to ensure the long-term management of cultural heritage within the development. It covers the protocols that the Developer intends to adopt with the Aboriginal community over issues such as monitoring, collection of artefacts, induction training on Aboriginal culture the identification of artefacts for construction staff. Also covered in the protocols are the use of Traditional Knowledge in signage and place names.

The recommendations in this report are underpinned by the fact that the areas to be developed have undergone previous significance ground disturbance. Parts of the Subject Lands have been sand mined. Most of the land under investigation has been cleared of original vegetation and planted with plantation trees, which have subsequently also been cleared. The result is that the ground surface in many cases has been disturbed to depths of up to two metres.

In regard to previously record Aboriginal Sites, there are 17 recorded sites within the Subject Lands. Two sites have been destroyed (one illegally and one legally), and two that were recorded as potentially culturally significant are no longer recognised by Registered Stakeholders today. Of the remaining 13, six are in areas that will not be disturbed by the proposed project. It is recommended that these 6 be left in situ (where they are) and appropriate measures implemented to ensure they are not disturbed.
Of each site type represented within the Subject Lands, it is recommended that the most archaeologically significant example (by surface analysis or predictive modelling) also be left in situ and have appropriate protective works carried out as required. All of the remaining sites have been heavily disturbed by logging, sand mining and/or clearing. These sites have been the subject of archaeological excavations and/or collection strategies with the assistance of the Registered Stakeholders. All artefacts from these sites will be handed over to the care and control of the Tweed Byron LALC.

The whereabouts of the single artefacts recorded as Sites K2, K9 and K10 are no longer known. For these Sites it is recommended that Signage be employed in accordance with Paragraph 13 of the CHMP. Site C1 was the subject of a Section 90 Consent to Salvage under the *National Parks and Wildlife Act 1974* (NSW) and has been excavated.

The following table provides a summary of our site management recommendations:
Site Management Recommendations (Summary in Table Format)

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Midden/Shell Scatter</th>
<th>Artefact Scatter</th>
<th>Isolated Artefact</th>
<th>Other</th>
<th>Archaeological Significance</th>
<th>Left <em>in situ</em> and Protecte d</th>
<th>Artefacts Collected and Preserve d</th>
<th>Interpretive signs</th>
<th>Excavated and/or Monitored</th>
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<tr>
<td>K 1</td>
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STATEMENT ON THE CULTURAL SIGNIFICANCE OF KINGS FOREST

The opinions of the Registered Stakeholders as to the significance of each archaeological site are provided in Section 5 of this report. However, Everick’s archaeologists have consistently been instructed during the course of this assessment that sites should not be viewed in isolation. They are part of a cultural landscape and any assessment should acknowledge this. The following statement is not a statement taken from one particular person or group. It is a collection of thoughts and concepts that have been explained to Everick from many different persons during community meetings and phone conversations related to this project. It does not purport to represent every Aboriginal person on the Tweed. In fact, it may be that some persons with cultural interests in this land disagree with much of what is written below. Never-the-less, this statement has been drafted in good faith to represent a view that has been consistently expressed by the Registered Stakeholders.

The development site should not be viewed in isolation from the surrounding lands. The land within in which the Kings Forest development is situated is part of a highly significant cultural landscape to the Aboriginal people of the Tweed.

Evidence of the significance of Kings Forest and Kingscliff to Aboriginal people can be found all around. There are sites all through the Kings Forest development site. These sites would have been part of a connected system of land use. Aboriginal people would move around the region to ensure the environmental resources were managed correctly. This is why there are so many small sites throughout the Development Area. There would no doubt be many more were it not for the impacts of European settlers. Different areas were particularly significant to different people. For example, it is said that an area around Cudgen Lake may have been used for women’s business. Other areas would have been used for men’s business.

The cultural material documented in this report should not be regarded simply as scientific specimens. They are a tangible connection to the ancestors of the Aboriginal people of the Tweed. They are a physical connection to the lifeway’s of their ancestors before their land was taken from them.

The significance of the Kings Forest region is not just to the ancestors of the Aboriginal people of the Tweed. It is highly significant to present generations as well. They still access the resources of Cudgen Lake today, as their people have done for thousands of years. In doing so, they continue to maintain their connections to country. Different areas were particularly significant to different people. For example, an area around Cudgen Lake may have been used for women’s business. Other areas would have been used for men’s business.
RECOMMENDATIONS

As management options for each site were discussed over the course of the consultation process, it became apparent that a number of general management options and processes would provide a foundation for the individual site management strategies. The recommendations contained below have been implemented through the development of a CHMP for the site. These recommendations have also been structured to satisfy the Environmental Protection Agencies (EPA) Recommended Conditions Of Approval (6 February 2012).

Keeping Place

In accordance with existing DOP approvals, all Aboriginal Objects originating from the Development Area must be kept in the care and control of the Tweed Byron LALC, until such time as an alternative Keeping Place can be arranged. Consultation with the Aboriginal Stakeholders has identified the Minjungbal Cultural Centre as a suitable keeping place. Care and Control permit applications have been lodged with the OEH to this effect.

Signage

The Aboriginal Stakeholders and the broader Aboriginal community of the Tweed Valley will be invited to participate in the design of open space/public park landscaping and interpretative cultural signage near known Aboriginal Sites and areas of cultural significance. This is viewed by the Aboriginal Stakeholders as an important part of maintaining connections to Country.

Cultural signage can act as an educative tool. It can assist in creating an overall ‘story’ of Aboriginal occupation within the Subject Lands. It can demonstrate aspects of Aboriginal culture such as language, tools, story, song, dance and the connection between Aboriginal people and their environment. It can also assist in maintaining the connection of the Registered Stakeholders to the land.

Culturally sympathetic landscaping can serve to enhance the cultural values of an area. This is an important part of retaining an appropriate Setting in which the Cultural Heritage within Kings Forest is to be located. From the perspective of the Developer, cultural signage and landscaping can play a dual role acknowledging past Aboriginal occupation of the area and establishing a sense of community for future residents of Kings Forest. In this way, cultural signage and landscaping is viewed as a mutually beneficial partnership between the Developer and the Aboriginal Stakeholders.

Conservation Areas

It is recommended that several areas containing a high density of cultural material be made conservation areas. Such areas are of high significance as they represent places where Aboriginal people lived and carried out a range of activities. They preserve a representative sample, at the local level at least, of the networks of past...
behaviour of Aboriginal people in the area. They can also be used as educational and archaeological research sites into the future.

The CHMP for the project established Exclusion Zones until such time as appropriate landscaping plans can be formulated. It is recommended that the following sites are made conservation areas: K3; K4; K5; K6; K14; BMP1 and KQ. Should P1 and P2 be identified as a result of monitoring activities, they too may be conserved should they prove significant to the Aboriginal community.

Common to each of these sites are the following recommendations on ensuring that they are adequately preserved:

1. prior to any construction taking place within the Subject Lands the sites should be fenced off so that they are not inadvertently damaged;
2. all sites should be marked on working plans of the proposed development; and
3. the final Cultural Heritage Management Plan should detail the process of protection works and ongoing management of each site.

Rationale Behind Collection of Artefacts and Monitoring

It was not considered appropriate in some cases to leave cultural material in situ. It is recommended that single artefacts and sites not of high significance which are in a prominent location or a location that has been heavily disturbed in the past and is to be disturbed during construction, should be collected and stored appropriately. The need for collection was highlighted by a stone axe being removed from the site, after its location within the Subject Lands had been recorded (K2).

Collection and Excavation Procedures

Areas identified as having a potential moderate to high archaeological sensitivity were designated for excavation. An excavation strategy was designed and undertaken in a controlled and systematic manner. The approach taken was based on the fact that most of the soils had a history of disturbance and that few undisturbed deposits were likely to remain. However, these investigations would identify areas that might retain such undisturbed deposits.

Due to the disturbance across the site, fine resolution stratigraphic control and dating were not seen as issues that could be addressed by these investigations. The main aim was to recover and record as many artefacts as possible. Given the highly disturbed nature of the sites that were excavated, two salvage methods were favoured: surface collection followed by mechanical excavations with a small excavator. Sites K1, K12 and K13 were the subject of surface collection only, as these sites were considered to be heavily disturbed with little likelihood of artefactual material still in-situ. Sites K7, K8 and K11, whilst heavily disturbed, contained the potential for sub-surface deposits.
Salvage excavations were undertaken using a series of trenches dug with an excavator with a 1.5m wide batter bucket. All excavated material was dry sieved through 8mm and 4mm sieves. A detailed field log was kept. Observations on each excavated unit were recorded and any features noted. Colour photographs were taken of trenches and exposed profiles. Sediment samples were taken from each pit for sediment characterisation and lithological examination.

Artefact Analysis

Lithic analysis was undertaken to provide a description of the 187 stone artefacts recovered from surface and sub-surface investigations at the six sites. An analysis of the stone artefact assemblage was undertaken in order to assess the scientific significance of the site in terms of its potential contribution to archaeological research. Consideration was given to the nature and quantity of stone artefact material, the diversity of the assemblage, the spatial distribution of the artefacts and the nature / impact of site formation processes. A basic analysis of lithic technological attributes (such as rock type, lithic types, and size distribution) was undertaken consistent with the aims of the investigation. This information was collated to produce a general understanding of the sites.

Report on Results of the Excavations

The results of our analysis will be compiled in the form of a comprehensive Excavation Report, which will be provided to the Registered Stakeholders and the applicable government departments. This report will also contain recommendations for further research or remedial action if applicable.

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 OEH 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 OEH 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 Developer should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.
Aboriginal Cultural Material

It is recommended that contractors engaged in the development, construction and rehabilitation of surrounding vegetation in Kings Forest be advised that under the terms of the N.S.W. National Parks and Wildlife Act (1974) it is an offence for any person to knowingly destroy, deface or damage or permit the destruction, defacement or damage to a relic or Aboriginal place without first obtaining the written consent of the Director General of the Department of Environment and Conservation.

Notifying the OEH

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 OEH. Any management outcomes for the site will be included in the information provided to the AHIMS.

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 Developer and the Aboriginal Community.
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DEFINITIONS

The following definitions apply to the terms used in this report:

**Aboriginal Object** means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

**Aboriginal Place** means any place declared to be an Aboriginal place (under s.84 of the NPW Act) by the Minister administering the NPW Act, by order published in the NSW Government Gazette, because the Minister is of the opinion that the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal Objects.

**ACHCR Guidelines** means the OEH Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010).

**Archaeological Code of Practice** means the OEH Code of Practice for Archaeological Conduct in New South Wales (2010).

**Due Diligence Code** means the OEH Due Diligence Code of Practice for the Protection of Aboriginal Objects in N.S. W. (2010).

**EPA Act** means the Environmental Planning and Assessment Act 1979 (NSW).

**NCREP 1988** means the North Coast Regional Environmental Plan 1988.

**NPW Act** means the National Parks and Wildlife Act 1974 (NSW).

**NPW Regulations** means the National Parks and Wildlife Regulations 2009 (NSW).

**OEH** means the New South Wales Office of Environment and Heritage.

**Pedestrian Survey** means an archaeological inspection for evidence of Cultural Heritage (Aboriginal or non-Indigenous), by walking the landscape which is the Subject Lands.

**Subject Lands** or **Subject Lands** means the land subject to assessment as identified in Figure 2.

**Proposed Works** means all activities associated with construction and landscaping within the Subject Lands (Figures 2), including activities undertaken by subsequent landholders.

**Proponent** means PROJECT 28 PTY LTD and all employees and contractors of the Proponent.

**The Project** means the proposed bulk earthworks and re-zoning of the lands as described under Subject Lands, as identified in Figure 2.
The Consultant means qualified archaeological staff and/or contractors of Everick Heritage Consultants Pty Ltd.

Tweed LALC means the Tweed Byron Local Aboriginal Land Council.
1. INTRODUCTION

1.1 Purpose of the Archaeological Investigation

Everick Heritage Consultants (‘Everick’) has been engaged by Project 28 Pty Ltd (the ‘Developer’) to undertake a cultural heritage assessment for the Kings Forest Estate (the ‘Subject Lands’) (Figure 1). This report undertakes a site-by-site analysis, detailing the opinions of Registered Stakeholders, the archaeological significance of the sites and recommendations as to how each site should be managed.

PLEASE NOTE: This report is to be read in conjunction with the Cultural Heritage Management Plan (CHMP) written by Everick (2011). This report is not to be considered a stand-alone document.

Over the last thirty years a number of archaeological surveys have been undertaken within the area of the proposed development. This report synthesises that information, documents the discussions held with Registered Stakeholders, and presents management recommendations based on discussions held with the Developer and with Registered Stakeholders. This report evaluates each known site to establish those sites that are to be left in situ (where it lies), what sites are to be collected, and what sites require further investigation. In doing so, we hope to provide the ‘big picture’ of what known Aboriginal cultural heritage exists within the Kings Forest site and how the development will impact on it.

This report supersedes Everick’s Kings Forest Cultural Heritage Assessment (Aug 2008) submitted to the Aboriginal Stakeholders and the New South Wales Department of Planning (‘DOP’). It provides the scientific basis for the management recommendations contained in this report. It also details the community consultation process and provides a summary of the salvage excavation results undertaken in August and September of 2009.

1.2 Defining the Subject Lands

Kings Forest is located on the far north coast of NSW in the Tweed Shire local government area (LGA) approximately 20 kilometres south of the Queensland/NSW border, about 5 kilometres north of the village of Bogangar and approximately 4 kilometres south of Kingscliff (see Figure 1).
The Subject Lands means the land subject to assessment, as shown in Figure 2. These are currently:

- Lot 76, 272, 323 and 326 of DP 755701
- Lot 6 DP 875446
- Lot 2 DP 819015
- Lot 1 DP 706497
- Lot 40 DP 7482
- Lot 38A DP 137213
- Lot 38B DP 139737
- Lot 1 DP 129737
- Lot 1 DP 781633
- Lot 7 DP 875447
- Lot 37A DP 13727

1.3 Report Authorship

The initial survey was conducted by Cyril Scott (Tweed Byron LALC) and Adrian Piper. The excavation and surface collection was undertaken by Dr Richard Robins, Tim Robins and Helene Tomkins.

This report was written by Adrian Piper, Richard Robins and Tim Robins, with Helene Tomkins and Caroline Ingram assisting.
Figure 1: General Location of the Subject Lands (Google 2009)
2. LEGISLATIVE AND PLANNING CONTEXT

As is typical of projects of this size, the planning and approval process has run over many years. This has necessitated the production of numerous drafts of Everick’s Cultural Heritage Assessment and management plan, as is discussed in Section 1.2. These draft reports have been added to and altered as development plans have become clearer and concerns from the Registered Stakeholders have been raised.

Everick Heritage has previously provided a Cultural Heritage Management Plan (Concept Plan) (January 2010) which seeks to implement the recommendations in this report. A full archaeological excavation report has also been written, site cards have been created and submitted to OEH as required, and Site Impact Recording Cards have also been submitted as legally required. A summary of the results of the excavations have been included in this report.

The following legislation provides the context for cultural heritage in NSW: the National Parks and Wildlife Act 1974 (NSW), the Environmental Planning and Assessment Act 1979 (NSW) and local council Environmental Plans and Development Control Plans. The Commonwealth also has a role in the protection of nationally significant cultural heritage through the Environmental Protection and Biodiversity Conservation Act 1999 (Cth).

This development has been designated a Part 3A Project under the Environmental Planning and Assessment Act 1979 (NSW). It is classed as a state significant site, operating under the State Environmental Planning Policy (Major Projects) 2005. A Concept Plan has been submitted and approved by the NSW Department of Planning under Part 3A. Consistent with the Concept Plan, the present Major Project Application is being prepared for the bulk earthworks over the entire site and subdivision of Stage 5 (see Section 3 for further detail). The Consent Authority remains the NSW Department of Planning and Industry. The Office of Environment and Heritage will likely be a referral agency. For the purposes of this assessment it is therefore the State and local legislation that is most relevant.
2.1 The National Parks and Wildlife Act 1974 (NSW) and the National Parks and Wildlife Regulations 2009 (NSW)

As part of the Concept Plan approval for the Project, the NSW Department of Planning (now DPI) approved Everick’s 2011 CHMP. The management practices in this CHMP preclude the need for seeking Aboriginal Heritage Impact Permits from the OEH in limited circumstances, most notably for disturbed Aboriginal sites of less than 5 artefacts per m². In this instance, collection, recording and safe keeping are provided for, under the control of local Aboriginal knowledge holders. For significant Aboriginal site, including sites containing Aboriginal artefacts of greater than 5 per m², consultation with the OEH will still be required. Approval for any impact mitigation works may then rest with either the DPI or the OEH, depending on the planning stage and the nature of the impact.

For any project activities undertaken outside of the Part 3A process, The National Parks and Wildlife Act 1974 (NSW) (NPW Act) is the primary legislation concerning the identification and protection of Aboriginal cultural heritage. It provides for the management of both Aboriginal Objects and Aboriginal Places. Under the NPW Act, an Aboriginal Object is any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area, regardless of whether the evidence of habitation occurred before or after non-Aboriginal settlement of the land. This means that every Aboriginal Object – regardless of its size or seeming isolation from other Objects – is protected under the Act.

An Aboriginal Place is an area of particular significance to Aboriginal people which has been declared an Aboriginal Place by the Minister. The drafting of this legislation reflects the traditional focus on Objects, rather than on areas of significance such as story places and ceremonial grounds. However, a gradual shift in cultural heritage management practices is occurring towards recognising the value of identifying the significance of areas to Indigenous peoples beyond their physical attributes. With the introduction of the National Parks and Wildlife Amendment Act 2010 (NSW) the former offence provisions under Section 86 of ‘disturbing’, ‘moving’, ‘removing’ or ‘taking possession’ of Aboriginal Objects or Places have been replaced by the new offence of ‘harm ing or desecrating’. The definition of ‘harm’ is ‘destroying, defacing or damaging an Object’. Importantly in the context of the management recommendations in this assessment, harm to an Object that is ‘trivial or negligible’ will not constitute an offence.

The 2010 amendments significantly strengthen the penalty provisions. The issue of intent to harm Aboriginal cultural heritage has been formally addressed by separating it from inadvertent harm. The penalty for individuals who inadvertently harm Aboriginal Objects has been set at up to $55,000, while for corporations it is $220,000. Also introduced is the concept of ‘circumstances of aggravation’ which allows for harsher penalties (up to $110,000) for individuals who inadvertently harm Aboriginal heritage in the course of undertaking a
commercial activity or have a record for committing similar offences. For those who knowingly harm Aboriginal cultural heritage, the penalty will rise substantially. The maximum penalty will be set at $275,000 or one year imprisonment for individuals, while for corporations it will rise to $1,100,000.

Where a land user has or is likely to undertake activities that will harm Aboriginal Objects, the Director General (OEH) has a range of enforcement powers, including stop work orders, interim protection orders and remediation orders. The amended regulations also allow for a number of penalties in support of these provisions. The NPWA also now includes a range of defense provisions for unintentionally harming Aboriginal Objects, including:

- Undertaking activities that are prescribed as ‘Low Impact’.
- Acting in accordance with the new Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales (2010) (‘Due Diligence Code’);
- Using a consulting archaeologist who correctly applies the OEH Code of Practice for Archaeological Conduct in New South Wales (2010) (‘Archaeological Code of Practice’) (see Appendix B); and
- Acting in accordance with an Aboriginal Heritage Impact Permit (AHIP).

2.1.1 ‘Low Impact Activities’

Regulations introduced in 2010 allow for a range of low impact activities to be undertaken without the need to consult the OEH or a consulting archaeologist. Generally, those who undertake activities of this nature will not be committing an offence, even if they inadvertently harm Aboriginal Objects. These activities include:

(a) Maintenance – For example on existing roads and tracks, or on existing utilities such as underground power cables and sewage lines.
(b) Farming and Land Management – for land previously disturbed, activities such as cropping, grazing, bores, fencing, erosions control etc. *
(c) Removal of dead or dying vegetation - only if there is minimal ground disturbance.
(d) Environmental rehabilitation – weed removal, bush regeneration.
(e) Development in accordance with a Development Certificate issued under the EPA Act 1979 (provided the land is previously disturbed). *
(f) Downhole logging, sampling and coring using hand held equipment.
(g) Geochemical surveying, seismic surveying, costeaming or drilling. *

* This defense is only available where the land has been disturbed by previous activity. Disturbance is defined as a clear and observable change to the land’s surface, including but not limited to land disturbed by the following: soil ploughing; urban development; rural infrastructure (such as dams and fences); roads, trails and walking tracks; pipelines, transmission lines; and storm water drainage and other similar infrastructure.
A detailed hierarchy of land use activities is provided for in the CHMP for the Project. It is not anticipated that the regulations prescribing low impact activities would apply at the Project Application stage.

2.2 Due Diligence Code of Practice for the Protection of Aboriginal Objects

The Due Diligence Code has been applied to this assessment, and is addressed in Section 10 of this assessment. It operates by posing a series of questions for land users before they commence development. These questions are based around assessing previous ground disturbance. An activity will generally be unlikely to harm Aboriginal Objects where it:

(a) will cause no additional ground disturbance; or
(b) is in a developed area; or
(c) is in a significantly disturbed area.

Where these criteria are not fulfilled, further assessment for Aboriginal cultural heritage will typically be required prior to commencing the activity. The Due Diligence Code will not apply at the Project Application Stage.

2.2 The ACHCR (2010)

The OEH has recently published the Aboriginal Cultural Heritage Consultation Requirements for Proponents (2010) (ACHCR). These requirements replaced the former Interim Community Consultation Requirements for Applicants (2004) (ICCR) as of 12 April 2010. The ACHCR provide an acceptable framework for conducting Aboriginal community consultation in preparation for Aboriginal Heritage Impact Permits. Proponents are also required to follow the ACHCR where undertaking a project that is likely to impact on cultural heritage and/or where required by the consent authority.

Aboriginal community consultation was commenced in 2008, consistent with the earlier DEC policy Interim Community Consultation Requirements for Applicants (2005). Extensive consultation has since been undertaken, and this consultation meets and exceeds the requirements of the ACHCR. This includes taking out public notices in local newspapers, the maintenance of a list of Registered Stakeholders, the production of proposed assessment methodology, numerous site and off site community meetings and the production of draft assessment reports and management plans.
2.3 The Tweed Shire Local Environmental Plan (LEP) 2000

The Tweed Shire LEP 2000 provides statutory protection for items already listed as being of heritage significance (Schedule 2), including Aboriginal Objects that fall under the National Parks and Wildlife Act 1974 (NSW). For listed items, relics and heritage conservation areas, the following action can only be carried out with the consent of the Tweed Shire Council:

(a) demolishing, defacing, damaging or moving a heritage item or a building, work, relic, tree or place within a heritage conservation area, or
(b) altering a heritage item or a building, work or relic within a heritage conservation area by making structural changes to its exterior, or
(c) altering a heritage item or a building, work or relic within a heritage conservation area by making non-structural changes to the detail, fabric, finish or appearance of its exterior, except changes resulting from any maintenance necessary for its ongoing protective care, which does not adversely affect its heritage significance, or
(d) moving a relic, or excavating land for the purpose of discovering, exposing or moving a relic, or
(e) erecting a building on, or subdividing, land on which a heritage item is located or which is within a heritage conservation area.

In addition, Council may not grant development consent without considering whether the lands contain potential Aboriginal archaeological deposits (Section 44).

When considering the management recommendations for each site, it is important to consider the type of developments that are allowed in each Zone under the Tweed Shire Local Environment Plan (LEP). For example, it is important to recognise that just because a site is within an Environmental Protection Zone, it does not mean that it will not be damaged by development activities. Sites within such Zones still require careful management if they are to be preserved in situ to ensure they are protected. However, if properly managed, Environmental Protection Zones do afford the flexibility to ensure that sites are protected and that access to the Aboriginal community and the broader community is achieved. A summary of possible activities within the different Zonings under the Tweed Shire LEP is provided below:
<table>
<thead>
<tr>
<th>Zone</th>
<th>Summary List of Possible Activities</th>
<th>Zone</th>
<th>Summary List of Possible Activities</th>
</tr>
</thead>
</table>
| Zone 7 (a)   | • beach maintenance  
• bed and breakfast  
• bushfire hazard reduction that is not exempt development  
• environmental facilities  
• home businesses  
• noxious weed control that is not exempt development  
• real estate signs  
• agriculture  
• earthworks  
• emergency service facilities  
• public utility undertakings  
• roads  
• urban stormwater water quality management facilities  
• utility installations (other than gas holders or generating works)  
• works for drainage and landfill | Zone 7 (l)   | • bed and breakfast  
• bushfire hazard reduction that is not exempt development  
• business identification signs  
• dwelling houses if on an allotment of at least 40 hectares  
• earthworks  
• environmental facilities  
• home businesses  
• noxious weed control that is not exempt development  
• camping grounds  
• emergency service facilities  
• forestry  
• public utility undertakings  
• roads  
• urban stormwater water quality management facilities and drainage works  
• utility installations (other than gas holders or generating works) |
| Environmental Protection (Wetlands and Littoral Rainforests) (Tweed LEP: 37) | Zone 2 (c)   | • bed and breakfast  
• dwelling houses if each is on an allotment of at least 450m²  
• Most buildings, works, places or land uses not included in Item 1, 3 or 4  
• agriculture  
• extractive industries  
• helipads  
• liquid fuel depots  
• recreation establishments  
• recreation vehicle areas  
• roadside stalls  
• road transport terminals  
• rural workers’ dwellings  
• utility installations being gas holders or generating works | Zone 5 (a)   | • to identify land which is developed or is proposed to be developed, generally by public  
• bodies for community facilities, services, roads, railways, utilities and similar things  
• roads  
• railways  
• public utility undertakings and utility installations |
| (Tweed LEP: 37) | Zone 5 (a)   | • to identify land which is developed or is proposed to be developed, generally by public  
• bodies for community facilities, services, roads, railways, utilities and similar things  
• roads  
• railways  
• public utility undertakings and utility installations | (Tweed LEP: 37) | Zone 2 (c)   | • bed and breakfast  
• dwelling houses if each is on an allotment of at least 450m²  
• Most buildings, works, places or land uses not included in Item 1, 3 or 4  
• agriculture  
• extractive industries  
• helipads  
• liquid fuel depots  
• recreation establishments  
• recreation vehicle areas  
• roadside stalls  
• road transport terminals  
• rural workers’ dwellings  
• utility installations being gas holders or generating works |
| Zone 2 (c) Urban Expansion (Tweed LEP: 37) | Zone 5 (a)   | • to identify land which is developed or is proposed to be developed, generally by public  
• bodies for community facilities, services, roads, railways, utilities and similar things  
• roads  
• railways  
• public utility undertakings and utility installations | (Tweed LEP: 37) | Zone 2 (c) Urban Expansion (Tweed LEP: 37) | • bed and breakfast  
• dwelling houses if each is on an allotment of at least 450m²  
• Most buildings, works, places or land uses not included in Item 1, 3 or 4  
• agriculture  
• extractive industries  
• helipads  
• liquid fuel depots  
• recreation establishments  
• recreation vehicle areas  
• roadside stalls  
• road transport terminals  
• rural workers’ dwellings  
• utility installations being gas holders or generating works |
2.4 ICOMOS Burra Charter and OEH Archaeological Standards

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

Under the Burra Charter, Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations. The central principle of the Burra Charter is that assessment of the significance of any potential heritage items must come before any management decisions are made (Article 6).

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

Importantly, those to whom the item is significant should be involved in the decision making process. In this respect, Everick has adopted an inclusive policy of adding interested Aboriginal persons to the stakeholders’ register and involving them in the decision making process, even after the formal registration process had ceased.

The OEH’s Standards for Archaeological Practice in Aboriginal Cultural Heritage Management (1997) also provides important guidance on the management principles that should be adopted. The recommendations contained in this report adopt the fundamental principles that:

- In all conservation or impact-mitigation works the object is not to preserve physical remains as an end in itself but rather to ensure that the remains are managed in a way that is congruent with the nature of people’s attachment to them. It may, for instance, be critical for an Aboriginal community or group that their access to a site be ensured in order to retain its significance.
- Best practice in area and site assessment involves identifying previous as well as current impacts on Aboriginal sites.
- Aboriginal culture is living and unique and the right of Aboriginal people to protect, preserve and promote their culture should be recognised.
- Aboriginal persons should have the opportunity to participate in assessment and salvage work carried out on the site.
Collectively, groups of sites (‘Suites’) can tell a story that cannot be revealed by the study of just one of the Suite’s component sites. It is important to preserve such Suites wherever possible.

In order to conserve a representative sample of the networks of past behaviour reflected in the sites, recorded in a Subject Lands, it may be necessary to set aside a series of conservation zones in the Subject Lands.

When assessing options for the management of each site, the above guiding principles were used as an objective basis for formulating management recommendations. The outcome is a balance between conserving significant sites by leaving them in situ and, where threatened, preserving as much artefactual material as possible by collection, storage and display. The assessment process was also informed by the fact that extensive ground disturbance in the form of drainage, vegetation clearance, plantation establishment and clearance and sand mining has been carried out on these lands. They are heavily disturbed, limiting the scope of the conclusions that can be drawn about them.

3. DESCRIPTION OF DEVELOPMENT PROPOSAL

The Kings Forest Stage 1 Project Application No. MP 08_0194 was lodged in November 2011. The Application and Environmental Assessment Report was advertised from December 2011 to January 2012 following which 302 public submissions and 10 agency submissions were received.

As a result of the submissions, amendments to the project have been made. The amended project contains the following key elements (NB: these elements will be revised and updated as the amended project is finalised).

- Subdivision to create new lots for future development;
  - Bulk earthworks across the site;
  - Road works comprising:
    - construction of the entrance road into the site and associated intersection works on Tweed Coast Road;
    - alignment and construction of the proposed Kings Forest Parkway from Tweed Coast Road via Precincts 4 and 5 through to the western precincts; and
    - alignment and part construction of two proposed roads through SEPP 14 areas to access the southern precincts;
- Development of 2,036 m² of floor space for rural supplies development and access arrangements within Precinct 1;
- Construction of subdivision and infrastructure works along the Kings Forest Parkway and within Precincts 1 and 5; and
- The Plan of Development for Precinct 5.

Application was made by Project 28 Pty Ltd ('The Proponent') to the Director General - Department of Planning for consideration of a Concept Plan for the Kings Forest Estate. It comprises the creation of a residential community (including subdivision) including:

- Twenty three (23) residential precincts with a mix of housing types including detached houses, terraces and attached dwellings on corner allotments, comprising 4,500 dwellings (a new population of over 10,000 residents) covering approximately 270 hectares of net developable land;
- A mixed use Town Centre and Neighbourhood Centre with building heights of 2-3 storeys with a combined land area of 14.4 hectares;
- Community and education facilities including 2 public primary schools and a community facility over 14.5 hectares of land;
- A business park covering 7 hectares of land;
- A golf course covering 57 hectares of land that also acts as a buffer between the environmental protection areas and the residential development;
- Active and passive open space areas;
- Environmental protection areas covering 338.5 hectares of land;
- Access network of roads, public transport routes and pedestrian/cycle paths;
- Landscaping and vegetation management;
- Water management areas and lakes; and
- Utility services infrastructure.

The current approved zonings within Kings Forest are indicated in Figure 2. The bulk of the property is zoned for residential purposes (2(c) Residential (urban expansion)). All of the 2(c) zone can be expected to be developed, with all existing structures being removed (Figure 2). Under the gazetted planning regime, more than one third of the site – approximately 374 hectares - will be zoned for environmental protection (Figure 2). This zone has strict Aboriginal monitoring procedures for development within those areas.

Of the area zoned 2(c), a large part of this zone was previously a pine plantation and parts of it have been mined for mineral sands. The whole property for the past 100 years has been used for cattle grazing including substantial pasture improvement, as well as cultivation, clearing, logging, drainage, fencing over the majority of the property, particularly the 2(c) zone.
Figure 2 - Kings Forest Approved Zoning Map
Figure 3: Scope of Works (Bulk Earthworks Plan)
Figure 4: Precinct 5 Subdivision Plan
4. ABORIGINAL COMMUNITY CONSULTATION

In accordance with the Department of Environment, Climate Change and Water’s (‘DECCW’) consultation guidelines, a register of Aboriginal participants for further consultation has been compiled. After initial discussions, registered Aboriginal participants were provided with a proposed assessment methodology.

Prior to undertaking an on-site meeting with the Aboriginal community, two off-site meetings were held at the Banora Point Community Centre in Tweed Heads (5 February 2008 and 10 March 2008). The participants were given an introduction to the planned development. Relevant aerial photographs, zonings and Plans were provided along with information on past archaeological assessments.

4.1 Aboriginal Community Consultation

Everick has maintained a record of all community consultation in the form of copies of correspondence, meeting minutes and file notes on conversations. A copy of this file has been provided to the DOP and the OEH to assist them in ascertaining the opinions of the Aboriginal community. The index to this consultation file is provided in Appendix A of this report.

4.1.1 Tweed Byron LALC

For the purposes of Aboriginal cultural heritage management the Tweed Byron Local Aboriginal Land Council (the ‘Tweed Byron LALC’) is the primary point of contact and participant in field inspections for cultural heritage sites and advice as to the cultural heritage values/significance of a particular location. The Tweed Byron LALC nominates its representatives to assist in field inspections and provides its written views on the conduct and outcomes of the assessment. The Tweed Byron LALC nominated Cyril Scott as the appropriate person to conduct field inspections. Field inspections were conducted on 2nd, 7th and 8th of August 2007. The field inspections covered areas that had not been inspected in 1999 due to pine cultivation and/or dense vegetation.

The Tweed Byron LALC also provides access to the cultural heritage database derived from the Bundjalung Mapping Project (the ‘BMP’). The database contains sites listed under the OEH Aboriginal Heritage Information Management System as well as information derived from anecdotal sources and confirmed by field inspection by Tweed Byron LALC and Traditional Owner personnel.
4.1.2 Notification of the Aboriginal Community and Initial Consultation

Consultation with the Aboriginal community was initiated in accordance with the DECCW draft *Interim Community Consultation Requirements for Applicants* (2005) (the ‘ICCR Guidelines’).

Advertisements

On the 26th, 27th and 28th of July 2007 advertisements were placed in the Daily News newspaper inviting Aboriginal persons/organizations with cultural heritage interests in the Kings Forest Estate to advise Everick Heritage Consultants in writing. Interested persons were notified that they would be given adequate time and opportunity to respond to the advertisement. From these responses a Stakeholders Register has been compiled.

Responses were received from the following:

- Thomas Hayes - The Gittabal
- Debbie Munday/ Stella Wheildon - Ngarakwal Nganduwal Aboriginal Moiety
- Jackie McDonald and on behalf of Jason McDonald, Jamie McDonald, Adam Mazzarella, Peter Buxton and Paul Buxton
- Lesley Mye
- Deidre Currie

The following authorities were also notified of the proposal to produce a CHMP for Kings Forest:

- Tweed Byron Local Aboriginal Land Council
- New South Wales Native Title Services
- Cultural Heritage Unit of DECCW
- The Tweed Shire Council

In response, the Ngarakwal Nganduwal Aboriginal Moiety registered as interested stakeholders by email dated 8 August 2007. Jackie McDonald wrote to Everick in an email dated 15 August 2007, registering her interest, and those of Jason McDonald, Jamie McDonald and Adam Mazzarella.

Expressions of interest were subsequently received from Tweed Byron LALC, Leslie Mye on behalf of herself and the Tweed Shire Council and Deidre Currie. These respondents were all notified in writing that they had been included on a register and would be consulted further (the ‘Registered Stakeholders’).
Everick adopted an inclusive approach to this assessment, whereby any Aboriginal person who expressed an interest in being consulted over this project was added to the Stakeholders Register. They were subsequently provided applicable project information, invited to community meetings and asked to provide information on the cultural significance of the Subject Lands and the adequacy of the Everick draft heritage assessments.

Draft Methodology

In accordance with the ICCR Guidelines, Everick formulated a draft methodology for producing the Cultural Heritage Management Plan and Assessment, which was sent to respondents by post on 11 October 2007. The methodology took into account the consultation process, past land history, Traditional Owner knowledge, past archaeological studies into the land and the known site record, and the nature of the proposed development. The methodology was provided to all of the registered participants, along with the DECCW and the Tweed Shire Council.

The DECCW provided response in a letter dated 8 January 2008 stating that the methodology was ‘sound and allows ample scope for the development of an appropriate CHMP from the process’ (Appendix A). Ms McDonald responded to the methodology by letter dated 22 January 2008, requesting that Everick consult with the Bundjalung Mapping Project to determine if any sites in the Subject Lands were in its database.

A response was received from the Ngarakwal Nganduwal Aboriginal Moiety which contained a cover letter expressing their concerns that cultural heritage in the site was protected where possible. An accompanying 60 page report was provided detailing the connection of the Moiety to the land and other general historical cultural heritage issues. Everick has requested of Ms Wheildon that she select the information relevant to this Development Area so that it could be included in future reports.

Meetings

A preliminary information meeting was held on 4 January 2008 at the Banora Point Community Hall between 10.00 am and 12.00pm. The meeting was designed to give registered participants information on the nature of the development, previous archaeological studies on the site and seek any comment about how to best undertake on-site meetings. The meeting was attended by Stella Wheildon, Debbie Munday and Harry Boyd (Ngarakwal Nganduwal Aboriginal Moiety), Jackie McDonald (Nganduwal/Mingunbal descendents), Joyce Summers (Elder), Russel Logan and Clarence Phillips (Tweed Byron LALC), Guy Holloway from LandPartners, Richard Robins and Tim Robins of Everick and Adrian Piper.
During the meeting, Mr Holloway discussed the planning context of the development and explained where the Developers were in the planning process. An outline of the findings of previous archaeological assessments was given by Everick. Concerns were raised by the Tweed Byron LALC and the Aboriginal Stakeholders as to who was entitled to ‘speak for country.’ It was resolved that on site meetings should only be held once this issue was settled. Ms Stella Wheeldon suggested that the most appropriate means of resolving this dispute was to employ an anthropologist. The Tweed Byron LALC believed it could be resolved without the need for an extensive anthropological study. Mr Logan on behalf of the Tweed Byron LALC offered to chair a community meeting to advise as to who were the rightful respondents. The meeting participants were unwilling to share cultural information during this meeting until the rights of each participant to speak for country was resolved. This issue is ongoing and is unlikely to be settled during the lifetime of the Development. A further meeting was arranged for 10 March 2008.

4.1.3 Site Inspection

As part of an ongoing community consultation process, an on-site meeting was arranged for 3 April 2008. All Registered Stakeholders were invited to attend. Of these people, the attendees on the day were:

- Mr Cyril Scott (Representing the Tweed Byron Local Aboriginal Land Council)
- Mr Harry Boyd (Representing the Ngarakwal [Nganduwal] Aboriginal Moiety)
- Mr Kelvin Williams (Ngarakwal [Nganduwal] Aboriginal Moiety)
- Mr Peter Cavanagh (Ngarakwal [Nganduwal] Aboriginal Moiety)
- Mrs Jackie McDonald
- Mr Jason McDonald
- Mr Levi McDonald
- Mr Reg van Rij (Representing the Developer)
- Mr Adrian Piper
- Dr Richard Robins (Everick Heritage Consultants)
- Mr Tim Robins (Everick Heritage Consultants)

The attendees met at 9.00 am outside the Subject Lands and proceeded by 4WD to the Site Office, where an introductory session was held and the development application process to date was explained to the Aboriginal participants by Mr Reg van Rij, Regional Manager (Residential) of Leda Developments. Participants were provided with a small booklet containing a map of the Subject Lands and the details of previous archaeological surveys for each known site. A tour of the Subject Lands was then conducted by 4WD, stopping at all sites identified in previous archaeological studies and any new sites as requested by the participants (Figures 2 & 3).
4.1.4 Ongoing Consultation & November 2008 ACHA

A site meeting was held on 25 July 2008 with representatives of the Ngarakwal Nganduwal Aboriginal Moiety to introduce them to the development and discuss the significance of the land to the Githabul people. The Githabul spokesperson Mr Doug Williams discussed the significance of the region to the Githabul people who conducted trade, some ceremony and warfare in the region. Mr Williams explained that while this was not their 'country,' they still had cultural connections to the coastal region.

A draft copy of the Kings Forest Aboriginal Cultural Heritage Assessment (November 2008) (‘Kings Forest ACHA’) was sent to the Registered Stakeholders on 11 November 2008. Forty additional copies were provided to participants at a community meeting on 8 November 2008 in both printed and electronic form. It was requested that any comments be provide to Everick by 1 December 2008. Although it has been requested on numerous occasions, Everick has received no written comments from the registered stakeholders regarding this assessment.

Prior to submitting the Kings Forest ACHA (November 2008) for public display, Everick attempted to contact the registered participants to ascertain their opinions on the report. Conversations were had with Stella Wheeldon representing the Ngarakwal Nganduwal Aboriginal Moiety, Traditional Owner Jackie McDonald, Thomas Hayes representing Barbara Oliver of the Githabul and Kyle Slabb, Traditional Owner and CEO of the Tweed Byron Local Aboriginal Land Council. All of those contacted supported the recommendations in the report.

Several commented on the lack of information in the report on the cultural significance of the Kings Forest land to the Aboriginal community. Everick agrees that publishing more information on the cultural significance of the land is
essential to a detailed cultural heritage assessment. However, this information must come from the Aboriginal community, and to date very little information has been given to Everick that details the significance of the region.

4.1.5 Excavations

An excavation strategy was included in the Kings Forest ACHA distributed to the Registered Stakeholders in November 2008. It was proposed that excavations and/or surface collection would target only highly disturbed sites that were not in Environmental Protection Zones. A meeting was held at the Banora Point Community Centre on 22 July 2009 to discuss a proposed excavation strategy. The meeting was scheduled for 6pm to allow those with work commitments to attend, and all Registered Stakeholders were invited. Jackie McDonald, Cyril Scott, and Leweena Williams (CEO Tweed Byron LALC) attended the meeting. Support for the excavation methods was expressed by all attendees, while no concerns about the assessment process thus far were raised during this meeting.

Archaeological excavations and/or surface collection were undertaken at sites K1 and K7 – K13. The excavations were conducted over a period of one week (10-14 August 2009), with three days allocated for Site K7 and one day each for Sites K8 and K11. A further day of collection at sites K1, K9, K10, K12 and K13 was undertaken on 5 October 2009. The excavations were led by archaeologists Dr Richard Robins and Adrian Piper, with assistance provided by Tim Robins, Helene Tomkins and India Green. Geomorphologist Dr Errol Stock attended Site K7 to provide an interpretation of the site. Cyril Scott and Trevor Smith (Tweed Byron Local Aboriginal Land Council), Harry Boyd (Ngarakwal), Jackie McDonald and Levi McDonald (representing local Aboriginal families) participated in the excavation program. Lithic analysis was carried out by Dr Richard Robins and Bernadette Allen. The preliminary (summary) excavation report was prepared by Dr Richard Robins, Bernadette Allen and Tim Robins. The methods and results of the excavations are summarised in the report, including the provision of all raw data as an appendix.

4.1.6 Cultural Heritage Management Plan

The excavations in Kings Forest afforded opportunities for Everick’s archaeologists to have informal discussions on the cultural significance of the Subject Lands with many of the Registered Stakeholders. A statement of cultural significance is provided in the Executive Summary of this report.

A community meeting was convened on 31 October 2009 at the Kings Forest site. The purpose of the meeting was to provide the Registered Stakeholders and other members of the Aboriginal community the opportunity to discuss the excavation results with Everick’s archaeologists. The meeting was held on a Saturday to allow as many community members to attend as possible. Harry Boyd (Ngarakwal) and Bo Lourey were the only community members to attend
the meeting. Apologies were tabled from Jackie McDonald and Auntie Joyce Summers. The proposed management strategies were discussed, and received the support of the attendees.

As a result of community consultation and archaeological excavations, Everick was able to put forward a draft Cultural Heritage Management Plan (‘CHMP’) for the Development to the Registered Stakeholders on 11 November 2009. Registered Stakeholders were asked to contact Everick should they have any concerns.

Tweed Shire Council Aboriginal Liaison Officer Lesley Mye raised one concern with the CHMP, as passed on to her by others, about the proposal to have the artefacts from Kings Forest housed in a local school. Her concern was supported by Desarae Rotumah, CEO of the Tweed Aboriginal Housing Co-op. It was proposed that a more suitable keeping place would be the Minjunbal Aboriginal Cultural Centre in Tweed Heads. This proposal was not supported by other registered Stakeholders at the time. As legal care and control of the artefacts was given to the Tweed Byron LALC by the DOP in the initial consent to excavate, it was decided not to seek an alternative keeping place. The draft CHMP was amended accordingly.

Written support for the CHMP was provided to Everick by the Tweed Byron LALC and Registered Stakeholder Kyle Slabb. No other written opinions were provided to Everick. In conversations with the Registered Stakeholders, the only concerns raised were in relation to the keeping place for the artefacts. Ngarakwal representative Bo Lourey expressed disappointment that the artefacts were not to remain ‘on country’. This sentiment is shared by many other stakeholders, however, as unanimous agreement as to the location of a keeping place could not be reached, there is little alternative but to house the artefacts with the Tweed Byron LALC. It is of note that many artefacts that were identified in the original Everick survey had been removed from their recorded locations. This raises serious concerns about the safety of artefacts left in open sites, and precludes the establishment of an unsecured keeping place within the Subject Lands.

All correspondence has been provided to the Department of Planning to assist their evaluation of this assessment and the Cultural Heritage Management Plan. The Plan was subsequently approved.

Everick has since provided regular project updates to the registered Aboriginal Stakeholders. Additional consultation was undertaken through the Tweed Shire Councils Aboriginal Advisory Committee (AAC), many regular attendees of which are also Registered Stakeholders (Jacqueline McDonald, Aunty Joyce Summers, Garth Lena, Tweed Byron LALC represented by Des Williams, Desare Rotumah). An updated consultation file has been submitted with this assessment report.
4.1.7 Keeping Place

Over the years, there has been some disagreement over the most appropriate keeping place for artefacts collected and salvaged from Kings Forest. It has been proposed by some registered Stakeholders that Aboriginal artefacts be handed to the care and control of the Minjungbal Cultural Centre. This proposal has received the support of Registered Stakeholders Desarea Rotumah (Tweed Aboriginal Co-op), the Tweed Byron LALC, Jacqueline McDonald, Aunty Joyce Summers and Garth Lena, as well as other members of the AAC. A Care and Control agreement has been submitted to the OEH, and is shown in Appendix A.

5. LANDSCAPE CONTEXT

5.1 Environment Locality

The Kings Forest Estate comprises approximately 880 ha, and is situated predominately on a system of Pleistocene sand rises commencing approximately 1.5 km from the coastal foreshore. The site is bounded by agricultural and rural uses to the north, west and south west, and by Cudgen Lake (Cudgen Nature Reserve) and Cudgen Creek to the south and east (see Figure 2).

5.2 Geology & Soils

5.2.1 Topography

The Subject Lands contain the major features of a Pleistocene dune plain encircled by coastal foothills to the west, and outer barrier dunes and ocean to the east. The broad features include the north banks of an estuarine lake, Cudgen Lake, to the south and Cudgen Creek to the east. The majority of the Subject Lands are sand masses of possibly Pleistocene origin, which in the main have been levelled for forestry, pastoral and agricultural purposes. The low parallel dune structure typical of inner barrier dunal systems is now difficult to detect. Designated as wetlands, areas of low land are located from the southern central boundary to the northern boundary of the property. The north-west corner of the property adjoins the Duranbah Hills which rise from 10 m (AHD) to 70 m (AHD) on slopes of c. 10° – 37°. An eastward extending spur of the Duranbah/Cudgen Hills (elev. 70 m AHD) extends onto the property in the vicinity of Cudgen Lake. The vast proportion of the property consists of elevations less than 10 metres.
5.2.2 Geology

Rock types in the study area are composed of materials emanating from the Lamington Volcanic basalt types or the older Neranleigh – Fernvale Group. The bedrock material in the study area appears to consist predominantly of Neranleigh – Fernvale types which include greywacke, slates, phyllites, quartzite and sandstones (New England 1:500,000 Geological Series). Black basalt outcrops of the Lamington Volcanic are evident in the north-west of the property. The lowlands of the study area are probably composed of reworked Pleistocene sands, alluvium, estuarine deposits and rock waste (Premiers Department 1945). A quarry site of Neranleigh – Fernvale outcrops, recorded in Morand (1996), is within the study area on the north-shore of Cudgen Lake. The same material is found as large stone flakes at the midden site 425 metres to the north (Site K6 of this assessment). Stone materials of feldspathic sandstones of the Neranleigh – Fernvale Beds have been found quarried by Aboriginal people from stone outcrops on coastal hills immediately west of Cudgera Creek at Hastings Point. The same materials form stratified flake bands at a workshop site on the eastern face of Hastings Point Headland. The materials at these sites have been used to produce large cores and chopping tools (Piper 1976:115-121).

5.2.3 Vegetation and Soils

The flora of the Tweed Valley and coastline is distinguished from the remainder of N.S.W. by the incidence of Indo-Malaysian forms. Twenty seven of the food plants nominated as Aboriginal plant foods in tropical Australia are present in the local catalogue of flora, compared to only seven for the remainder of N.S.W. (Golson 1971:209).

The present vegetation mosaic probably bears little resemblance to the original cover. It is probable that sub-tropical rainforest extended from the slopes of Duranbah and Cudgen onto the lowlands in the north-east of the property. Elevated sand masses that form the central, eastern and southern parts of the property, no doubt carried a mixture of swamp sclerophyll and dry sclerophyll forests, in addition to expanses of coastal heath. Swales between the parallel dune systems would have supported sedgelands, rushlands and possibly wallum swamp. The foreshores of Cudgen Lake and Cudgen Creek carry dense stands of Melaleuca forest with narrow screens of grey mangrove.

In terms of food potential and wood/fibre resources, it is probable that the area in its pre-European state afforded an array of economic resource possibilities. The rhizome of the bungwall fern (Blechnum indicum), an Aboriginal staple food plant in the Tweed and southern Queensland (Piper 1999:104-106), is still found in the lower elevations of the Subject Lands.

The Subject Lands contain a small area of ferrosals in the north-east. Where the low hills of Duranbah connect to the study area at three points in the west, meta-sediments composed of kandasols and dermasols are found. In the low
laying sedgelands and reedlands, organosols form the underlying substrate. The most extensive soil types are the podzols which constitute the bulk of the sand mass throughout the study area (Isbell and McDonald 1990:172).

5.3 History of Land Use

5.4.1 Cultural Background

The following are some of the features of Aboriginal society and economy that prevailed in the vicinity of the Subject Lands at and around the time of the European contact period. The review of literature sources relevant to the Tweed River provides insights into the environment and land use practices, material culture and ceremonial life. These in turn may provide the context for predictive statements relating to site type and location as well as a more general cultural heritage assessment.

5.4.2 Territories and Movement

The Aboriginal people of the coastal Tweed-Brunswick Rivers were associated with the wider Bundjalung linguistic group which was spoken with dialect differences between the Clarence and Logan Rivers, and extending possibly as far west as Tenterfield. Land belonged to clan groups whose boundaries had been established in mythology (Creamer 1984). Dialect groups composed of interlinked clan/family groups occupied distinct areas within the wider Bundjalung association (Crowley 1978). Curr provides some evidence for this model suggesting that dialects between the Tweed River and Albert Rivers were closely related (Curr 1887:321). Tindale recognised a similar common language group extending north-south between Byron Bay and Southport and west to Murwillumbah, which he called Minjanbal (Tindale 1940:191).

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 1990:10). Bray describes the land north of Tweed River as belonging to a ‘tribe’ called Moorung Moobar, ‘... who had all north of the Tweed to the McPhersons Range...’ (Bray 1901:9). Descendent members of the Nganduwal/Minjungbal clans are of the view that the area around the Terranora/Cobaki Broadwaters is in the range of the Tul-gi-gin people (Fox 2006:6-7).

Population estimates for the Tweed Valley and coast have been based upon general reports to government authorities and on estimates from specific sightings. In the mid-1800’s 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 (Uniake 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 River 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). The 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 1974:9), Oxley on the Tweed (Piper 1976) and in Moreton Bay (Hall 1982). The 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 N.S.W.

Bray records that, ‘... the Coodjingburra tribe inhabiting the coast, used to mix very much with the Ballina Richmond River Blacks...’ (Bray 1901:9). 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 Coodjingburra territory is most likely to have been in response to seasonal availability of foods (Piper 1976:74). A number of observers refer to movement from the coastal plain to foothills during wet seasons on the Richmond/Tweed (Moehead: n.d.; Hanna 1946). 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 other territories unharmed (Bundock 1898 in McBryde 1978:265).
5.4.3 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 included extensive belts of rainforest on basalt soils, tracts of ‘Wallum’ swamp, open beaches, estuaries, dry sclerophyll forest on poorer inland soils and littoral rainforests on fore dunes and exposed slopes. Records of coastal diet emphasise the role of marine foods. Ainsworth (1922:43) 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 1922:43-44). 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 root and a part of which they gave the men in exchange for fish…’ (Uniacke in Field (ed) 1825:99).

The heavy stone cleavers or bevel pounders 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 and south to the Brunswick River by Jackson (1935) and Piper (1976, 2002). Their distribution is now known to extend at least to the Brunswick River (Piper 2002: 49-50). Use-wear studies on bevel pounders have been conducted by Kamminga (1981:31) who has identified them as used for processing starchy plant material. Aborigines of the Tweed coast not only had access to the estuaries and associated ecologies, but also to the rainforest and sclerophyll clad ridgelines which border the rivers and creeks, within kilometres 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 1946:2). The multi-pronged fishing spear and the shellfish hook are absent from this region, fish were caught in nets or speared in the shallows (McBryde 1978:187). Spears were single pointed fire hardened weapons (Dawson 1935:22), of both a lighter and heavier variety (Byrne1946:3). The woomera and the throwing stick were not used in this region (Dawson ibid). The stone tool element in the material culture was small and unspecialized. The archaeological evidence suggests changes to a simpler stone tool technology took place only centuries before European settlement. The stone artefacts in use immediately prior to European settlement, ‘… show little typological sophistication and did not require highly skilled craftsmanship’ (McBryde 1978:198).
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 1946). 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: n.d.). Fishing nets in the Tweed River were made a couple of yards long with a stick at each end used individually or in combination of many of the same (Seymour in Piper 1976). Bundock (1898) and Ainsworth (1922) describe similar nets in use on the Richmond River for game drives in coastal and inland forests and cod fishing in summer.

The physical evidence that remains of the manufacture of implements and utensils are discarded artefacts,debitge, tree scars and rare museum examples of wood and fibrous weapons, nets and utensils (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 as Bora grounds, stone arrangements and natural mythological sites for example, Mount Warning. These sites are considered by the Aboriginal community and the DECCW 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.

6. DESKTOP REVIEW, HERITAGE REGISTERS AND THE EVERICK 2007 SURVEY

The desktop review is a review of the findings and outcomes of published and unpublished literature sources, schedules of sites and any procurable materials that enable the development of a concept of a cultural heritage landscape at and surrounding the specific location.

6.1 Previous Archaeological Assessments

Field inspections have been conducted over an extensive proportion of the Kings Forest Estate concentrating in particular on those areas zoned as residential and associated forms of development and infrastructure. The following review of the results of previous reports concerns the Kings Forest Estate only. The numbers in bold relate to the detailed site descriptions provided in Section 5 of this report.
**Gollan 1989** was an officer of the N.S.W. National Parks and Wildlife Service (NPWS), and recorded two sites in the southern area of Kings Forest a quarry (# 04-02-0037) (KQ) on the northern shores of Cudgen Lake and an open campsite or artefact scatter (#04-02-0036) (K4) on a sand ridge between the sand plain and the Cudgen Creek wetlands.

**Nicholson and Cane 1989** undertook a preliminary archaeological and anthropological assessment of the development area in relation to the proposed development of residential areas and tourist resorts (Nicholson and Cane 1989:1). Their report was termed ‘Preliminary’ as it was intended to assess the site potential of the landform units rather than a definitive statement as to the total archaeological resource within the study area. The study found the area was largely, densely, vegetated parallel dunes interspersed with extensive areas of wetland formed by the infilling of a former coastal lagoon (Nicholson/Cane 1989:3). Extensive drainage of wetlands and establishment of pine tree plantations had radically decreased the amount of area where *in situ* archaeological materials would be expected to be found.

The report noted seven Aboriginal archaeological sites including the two recorded by Gollan. The additional sites were two artefact scatters composed of low density scatters of stone artefacts and fragments of ochre and a midden containing pipi shell and worked greywacke stone material possibly sourced from the nearby quarry reported by Gollan. The report also referred to a waterhole that the Aboriginal informants believed ‘... may have been used as an Aboriginal waterhole or may have been natural and have traditional or possibly mythological significance…’ Nearby ‘... approximately ten tabular blocks of stone used in the foundations of an old building…’ were observed which the Aboriginal informants ‘... were concerned that these may have been taken from an old bora ground…’ (Nicholson and Cane 1989:16).

The Nicholson/Cane report considered the Kings Forest area to have a low to moderate archaeological sensitivity. The estuarine environment adjacent to Cudgen Lake and Cudgen Creek together with sand ridges were considered to have a moderate potential. Raised ground, wetlands and undulating lowlands were considered to have a low potential (Nicholson and Cane 1989:16).

The Nicholson and Cane (1989:16) report concluded that the confirmed sites (i.e. Sites 1, 3, 4, 5) ‘... are relatively sparse and disturbed and have very little archaeological value...’ It was recommended that the material be collected and a ‘Consent to Destroy’ be applied for with the Director of the N.S.W. N.P.W.S . They also stated that ‘...the quarry site contains fractured rock and may not be an Aboriginal site...’ It was also recommended that in relation to the unconfirmed nature of the waterhole (Site 6) (P1) and the blocks of stone Site 7) (P2), that further consultation with Aboriginal community members take place. The report further recommended that to reduce the possibility of burials in raised sand areas, that monitoring by the Aboriginal community take place during any excavation works (Nicholson and Cane 1989:18). The report made the observation that in the light of the depletion of archaeological
resources in the region the sites take on greater significance to the Aboriginal community than may normally be the case. In other words, even though the sites are small and disturbed they are valued by the Aboriginal community because they are relatively rare (Nicholson and Cane 1989:14).

The condition and contents of the Site 1 (C1) were further reviewed by Piper (1998) in the context of the Old Bogangar Road Realignment. It was found that three artefacts remained visible, one piece of red ochre, one chalcedony flake and one flaked piece of chalcedony. The Tweed Byron Local Aboriginal Land Council recommended the removal of the material from the site to the care and control of the Land Council (Piper 1989: 24). Piper (1999) and the Tweed Byron LALC conducted an archaeological assessment in relation to land rezoning proposals for Kings Forest by Narui Gold Coast Pty Ltd. The assessment recorded three artefact scatters/open campsites, a midden and an isolated artefact. The assessment found that with the exception of the quarry site on the north shore of Cudgen Lake, all of the sites were found on raised sand areas also termed inner barrier dunes. The site distribution is concentrated on the perimeters of the study area, where in the main, intensive forestry has been least. However two artefact scatters on the perimeter of the study area have been revealed by sand quarrying and excavations for ponds and not forestry activity. Extensive areas of the central parts of Kings Forest remained under slash pine cultivation and dense heath growth, diminishing considerably the total area possible to inspect. While the majority of sites were highly disturbed low density artefact scatters of little archaeological significance, two midden/artefact scatters (Kings Forest 3: #04-02-0106 and Kings Forest 6: #04-02-0104) were considered to retain in situ sub-surface materials and therefore potentially, moderately to highly significant. The Tweed Byron LALC considered all sites as having a high level of cultural significance. The status of the waterhole and the ten tabular blocks of stone referred to in the Nicholson/Cane report had not been addressed. Piper (1999) recoded sites K1; K2; K3; C1; K5; and K6, all of which are discussed in detail in Section 5 of this report.

Piper (2004) undertook a reassessment of Aboriginal cultural heritage issues in relation to constraints mapping prepared for Leda Developments in conjunction with the Tweed Byron LALC. The assessment compared the extent and types of archaeological materials visible at the previously recorded sites and possible management options. It was found that the number of visible artefacts at each of the recorded artefact scatters had diminished or disappeared completely. The K3 midden site was found to be the northern part of a cultural/archaeological area extending on a sand ridge for at least 900 m on the eastern margins of the estate. The assessment recorded an additional artefact scatter in the central sand plain (#04-02-0146) adjacent to a waterway. Artefactual material consisted of approximately 100 micro flakes and a chert core.

The reassessment proposed that at least a low level of artefactual materials exists over all elevated sand based ground. It is unlikely archaeological sites will be found on the basalt slopes in the west of the property. A high potential exists for additional sites to be located in the eastern and southern sand mass that forms a natural boundary between...
Cudgen Creek Nature Reserve and the remainder of the property. A moderate to high potential exists for sites in the vicinity of watercourses and wetlands (Piper 2004:8, 9).

6.2 The OEH AHIMS Register of Recorded Aboriginal Sites

A search of the OEH AHIMS (8 February 2008) indicates nine archaeological sites within the Kings Forest area. These are listed below. The terms open campsite and artefact scatter refer to the same type of site, that is, a scatter of stone artefacts with a minimum quantity of shell.

The register of sites contains references to thirty recorded sites between Wooyung Beach (15.0 km to the south) and Kingscliff (4.0 km to the north). All recorded sites are located on the coastal plain between frontal beach dunes and coastal foothills to the west. The site types include bora/ceremonial (3) a stone arrangement (1), open camp sites (17). Middens (5), quarries (1) and isolated artefacts (3). The list of recorded sites is not free from omission or error. Previous reports may also be found to describe sites is a reflection of the accuracy of previous reports in very specific locations rather than a true reflection of the total archaeological resource in the region.

The Nicholson and Cane (1989: 16) study refers to an unverified report of a Bora/Ceremonial site. Informants were of the view that ten tabular blocks used in the foundation of now non existent building may have been taken from an old bora ground (Nicholson and Cane 1989: 16). This report remains unsubstantiated.

Table 2: AHIMS Register of Recorded Aboriginal Sites

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Site Name</th>
<th>Easting (AGD)</th>
<th>Northing (AGD)</th>
<th>Context / Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>04-02-0096</td>
<td>Cudgen.Old Bogangar Road</td>
<td></td>
<td></td>
<td>Artefact Scatter / Open Campsite</td>
</tr>
<tr>
<td>04-02-0103</td>
<td>Kings Forest 1 (KF1)</td>
<td></td>
<td></td>
<td>Artefact Scatter / Open Campsite</td>
</tr>
<tr>
<td>04-03-0103</td>
<td>Kings Forest 2 (KF2)</td>
<td></td>
<td></td>
<td>Artefact Scatter / Open Campsite</td>
</tr>
<tr>
<td>04-02-0106</td>
<td>Kings Forest 3 (KF3)</td>
<td></td>
<td></td>
<td>Midden</td>
</tr>
<tr>
<td>04-02-0105</td>
<td>Kings Forest 5 (KF5)</td>
<td></td>
<td></td>
<td>Artefact Scatter / Open Campsite</td>
</tr>
<tr>
<td>04-02-0104</td>
<td>Kings Forest 6 (KF6)</td>
<td></td>
<td></td>
<td>Midden</td>
</tr>
<tr>
<td>04-02-0036</td>
<td>Cudgen Creek 1 (KF4)</td>
<td></td>
<td></td>
<td>Artefact Scatter / Open Campsite</td>
</tr>
<tr>
<td>04-02-0037</td>
<td>Kings Quarry (KQ)</td>
<td></td>
<td></td>
<td>Quarry</td>
</tr>
<tr>
<td>04-02-0046</td>
<td>Kings Forest 7 (KF7)</td>
<td></td>
<td></td>
<td>Artefact Scatter / Open Campsite</td>
</tr>
</tbody>
</table>
Open campsites are recorded in the inner barrier sand dunes west of Cudgen Creek to the base of the Cudgen / Duranbah hills. The open sites consist of surface scatters of stone artefacts chiefly on chalcedony with scatters of pipi fragments. Open campsites (No. 4 – 2 -89 to 4 – 2- 92) were found on sand mined inner barrier dunes at the base of the Duranbah / Cudgen hills. These sites are located close to the western boundary of the study area. The contents were flaked and unflaked pieces on cherts and chalcedony. No shell refuse was noted with the stone artefactual materials. None of the materials was considered to be in situ (Piper 1994). One open campsite is registered for the Kings Forest Development area (No. 4 – 2 – 36). The site was recorded by Gollan (1989) and consisted of two flaked pieces, eight flakes, two retouched flakes, one manuport and one piece of red ochre.

The OEH AHIMS Site Register does not contain a record of open campsites K3 and K5 from the Nicholson and Cane 1989 report. Open campsite, Site K3, is described as a single retouched flake of chalcedony, a large number of fragments of unflaked volcanic rock (possibly manuports?) and fragments of a few pipi shells (Nicholson and Cane 1989:9). Site K5, the second unrecorded open campsite, was composed of a low-density scatter of nine artefacts: two flaked pieces, one retouched flake and six unretouched flakes. Approximately 67% of the artefacts at both sites were produced on chalcedony. Both of these sites have been recorded in the OEH AHIMS Site Register as a result of this survey.

Evidence of stone quarrying of bed rock materials is recorded on the northern shore of Cudgen Lake. The quarry site (No. 04 – 2 – 0037) recorded in 1989 is reported to contain large boulders of the Nerenleigh – Fernvale type which have evidence of fracture consistent with heavy impacts. No artefactual materials have been recorded from the site.

6.3 The Bundjalung Mapping Project (BMP) Database

The BMP was accessed on 12 February 2008 to assess whether it contains records in addition to information from previous reports, the OEH AHIMS or anecdotal reports of Aboriginal cultural heritage sites and/or other areas of significance. The BMP has no additional records for the Kings Forest Estate other than those referred to Sections 5.1 and 5.2. However, a site comprising chert flakes (BMP1) was located on the ridge immediately north of the Kings Quarry site (Mr Ian Fox, Manager of the BMP, pers. com.).

6.4 Everick 2007 Survey

Everick Heritage Consultants and Tweed Byron LALC conducted additional field inspections of areas that had formally been under pine plantation and areas not previously accessible, prior to the preparation of a Cultural Heritage
Management Plan for Aboriginal Heritage at Kings Forest. The field inspection was conducted on foot. Photographs were taken as a record of general features and conditions, to indicate 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. An indication of areas surveyed is given in Figure 4.

While the study area had been assessed previously, the exposed surface evidence of materials in sand locations can vary with the wind speed and direction, dryness of sand, animal diggings and human activities e.g. slashing, vehicle traffic. The emphasis of the 2007 survey was to locate surface evidence, particularly evidence of shell scatters or middens, stone artefacts scatters or individual artefacts, traces of bone (human and animal) and ash-stained earth that might represent fireplaces in areas that had previously been inaccessible to surface inspection, and to monitor previously recorded sites.

When artefacts were found their location was recorded with a GPS (using WGS 84 datum), photographed and generally described. Artefact types and quantities were recorded. General characteristics of the artefacts were noted including raw material type, and condition including the degree of weathering and heat cracking. The length, width and thickness of a number of artefacts were recorded.

Woodland areas with mature trees were inspected for evidence of scars formed by bark removal or holes cut into tree trunks.

The results of the Everick 2007 survey and the site records of all known archaeological sites are discussed in detail in Section 5 below. A map of all site locations is provided in Figure 5.
Figure 7: Areas of the Subject Lands investigated by all archaeological surveys.
6.5 Summary of site analysis and recommendations

There are 17 known sites within the Subject Lands. Two sites have been destroyed (one illegally and one legally) and two that were recorded as potentially culturally significant (Sites P1 and P2), but whose whereabouts cannot be located. Of the identified sites, it is recommended that six are left *in situ* and not disturbed. Of each site type represented within the Subject Lands, it is recommended that the most archaeologically significant example (by
surface analysis or predictive modelling) be left *in situ* and have appropriate protective works carried out as required. It is recommended that any sites not to be left *in situ* are further surveyed and the identified artefacts collected and preserved. We have provided a comprehensive strategy for each site that we propose for collection.

The whereabouts of the single artefacts recorded on Sites K2, K9 and K10 are no longer known. For these Sites it is recommended that Signage be employed in accordance with Paragraph 13 of the CHMP. Site C1 was the subject of a Section 90 Consent to Salvage under the *National Parks and Wildlife Act* 1974 (NSW) and is no longer located within the Development. The following table provides a summary of our site management recommendations:

Table 3: Summary of site management recommendations

<table>
<thead>
<tr>
<th>Site ID</th>
<th>Midden/ Shell Scatter</th>
<th>Artefact Scatter</th>
<th>Isolated Artefact</th>
<th>Other</th>
<th>Archaeological Significance</th>
<th>Left in situ and Protected</th>
<th>Artefacts Collected and Preserved</th>
<th>Interpretive signs</th>
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7. SITE DESCRIPTIONS

The following is a summary of the Aboriginal Cultural Heritage sites which underwent surface collection and/or full archaeological excavation during the 2009 investigation, reported in greater detail in Everick (2009). Please see report for greater detail, what follows here is a summary only of the each site and the results of the field investigation.

7.1 Sites which underwent Surface Collection in 2009

**Kings Forest 1 (K1)**

*Grid reference: (UTM?DATUM?) 551300:6870300 S 28.29052 E 153.52750 (Map: Cudgen 9641-3N 1:25 000).*

The site is located in an exposed inner barrier sand dune which skirts the base of the Duranbah hills (Figure 7).

The artefactual material was exposed on and around the base of two piles of sand approximately 1.5 m high. This is an area where preliminary works had been undertaken to establish a golf course. A number of depressions had been excavated and some alteration of an adjacent watercourse undertaken. The area surrounding the sand excavation is extensively cleared pine forest and heavily grassed grazing land. It is difficult to precisely determine where the material has originated from, that is, whether it has been drawn from metres beneath the water filled depressions or from the original dune surface. Surface visibility across the one sand pile site is >95% and for the other <15%. 50 micro-flakes, 2 flakes, 2 cores (heavily reduced) were recorded at this location during the initial inspection in 1999. Most artefacts recorded were manufactured from chalcedony or chert.

**Impact Assessment:** Under the current zoning for the Development this site is located in Zone 2(c) Residential (Urban Expansion), and is within an Agricultural Buffer Zone adjacent to an Ecological Buffer Zone. The land has been used for agricultural and logging purposes and exhibits significant ground disturbance. Trampling by livestock is commonplace and has been occurring for a period of c. 50 years. This has resulted in some displacement and damage to individual artefacts (particularly to their edges).

A total of 23 artefacts were recovered during surface collection (Table 3 and Figures 11 & 12). The artefacts were predominantly flakes and flaked pieces made from chalcedony. An extensive area around these two features was also inspected, but no additional artefacts were found.
Opinion of the Registered Stakeholders (Cultural Significance - K1): The Registered Stakeholders viewed this site and raised concerns that just because the site was within an Agricultural Buffer Zone, did not mean that it would be protected. Options for management were discussed including: preserving the site and undertaking re-vegetation works; burying the site to protect it; and excavating and collecting the artefacts. Given the highly disturbed nature of the site, the Registered Stakeholders and the Consultant decided to collect the artefacts.

Figure 9 - View north across Site K1 (approximate boundaries shown in red)

Figure 10: K1/SC#10-23
**Kings Forest 12 (K12)**


This site is located on open sand flat on the northern side of Depot Road (Figure 9). It comprises a low density (<1 artefact/sq m.) scatter of stone artefacts. The area is highly disturbed due to sand mining, road building and possibly pine cultivation. It is possible that artefacts recorded here were imported in fill, as the site is also associated with a wide range of imported gravels including road base.

This site has previously been heavily disturbed as it was formally sand mined prior to pine plantation.

**Impact Assessment**: Under the current zoning for the Development this site is located in Zone 2(c) Residential (Urban Expansion). Any artefactual material will almost certainly be destroyed and/or lost during the development process if it is not identified and collected beforehand.

A total of eight artefacts were recovered from surface collection at K12 (Table 15). The artefacts represent two technological classes and are made on predominantly chalcedony (Figure 59). It is not considered likely that the artefacts identified on the surface of Site K12 are indicative of significant subsurface deposits of artefacts. This conclusion is supported by the results of other test excavations undertaken within the Subject Lands, such as at Sites K8 and K11.

**Opinion of the Registered Stakeholders (Cultural Significance - K12)**: The Registered Stakeholders agreed that this was a highly disturbed site. They were of the opinion that artefacts found here should be collected and stored in an appropriate Keeping Place.
Figure 11: View north over site K12

Figure 12: K12/SC #1-8
**Kings Forest 13 (K13)**

*Grid reference:* 555375-6870975  *Map:* Cudgen 9641-3N 1:25 000.  *GPS:* 28 17 09 S.  153 33 54 E.

This site is situated on an eastern facing sand slope in the extreme north eastern corner of Kings Forest used as a horse paddock. An excavated drain passes east west through the sand slope. The site contained a low density scatter of chert flakes, one retouched flake (30 mm x 30 mm x 4 mm), and manuports.

**Impact Assessment:** The site area has previously been highly disturbed due to the excavation of the drain, hut construction and pine cultivation (Figures 60 & 61).

Under the current zoning for the Development this site is located in Zone 2(c) Residential (Urban Expansion). Any artefactual material will almost certainly be destroyed and/or lost during the development process if it is not identified and collected beforehand.

A total of 21 artefacts were recovered from surface collection at site K13 (Table 16). The artefacts are mostly flakes and flaked pieces made on chalcedony, milky quartz and silcrete (Figures 62 & 63). Two small multi-platform cores were recovered, one of which was made on glass.

**Opinion of the Registered Stakeholders (Cultural Significance - K13):** Those Aboriginal Stakeholders participating in the collection at Site K13 did not consider this site to be of high cultural significance. However, it should be noted that it has consistently been expressed during the consultation process that all artefacts have value and should be conserved where possible.
Figure 13 - View north over Site K13

Figure 14: K13/SC #11-21 (sample of artefacts)
7.2 Sites which underwent Surface Collection and Excavation in 2009

Kings Forest 7 (K7)


The site is located in the heart of the Subject Lands on a Pleistocene (older than 10,000 years) dune plain which is bordered to west and north by wetlands. The site consists of a blow-out sand dune with artefact scatters, predominately chert flakes. On inspection in 2007 approximately 100 artefacts were visible on the surface. Due to the nature of the landscape on which this site is located, the number of artefacts visible on the surface varies over time.

Post 1944 the land has been cleared of vegetation and has since been used extensively for dairy/grazing and pine tree plantation. The condition of trunks and roots in a small windrow of vegetation to the west and south of the excavation suggest some relatively recent clearing (within the last five years). However, the bulk of the initial clearing of native vegetation was probably done between 1962 and 1972 (Landpartners 2005). Based on dark sediment and nearby macerated vegetation debris the local drainage lines have been lightly cleared within the last several weeks. There is no evidence of recent machine clearing of vegetation within and close to the site.

**Impact Assessment:** The site has previously been impacted heavily by clearing and cattle grazing, and now has undergone archaeological excavations. It is bordered by a formed road to the south and east. The artefactual material evident on the ground surface has been highly disturbed. The site has been highly eroded due largely to the effects of wind coming from the south-east unobstructed across several hundred metres of open fields (Figure 29). The effect of this erosion means the present surface lies approximately one metre below the surface level prior to the land being cleared.

Under current zoning for the Development, this site is located in a zone identified as 2(c) Residential (Urban Expansion) adjacent to land Zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest). Everick has been informed that the site is intended to be used for a school and associated parks and amenities. Everick has been informed that it is likely that as part of the earthworks for constructing the school the surface level will need to be raised by the use of fill.

**Opinion of the Registered Stakeholders (Cultural Significance - K7):** During the discussions Jackie McDonald pointed out that as numerous artefacts were visible on the surface it was possible that many hundreds more were below the surface. She expressed a desire that these artefacts be preserved. Retaining access to the educative potential of the artefacts contained in this site was also stressed as important.
Discussions were had on the appropriateness of leaving the artefacts *in situ*. Given the location of the site in close proximity to the planned school, the Registered Stakeholders stated that there was a significant risk of children removing artefacts from the site. The preferred option for Stakeholders was to put in place interpretative signage and collect the artefacts. It was agreed that salvage excavations be undertaken on Site K7 prior to development commencing.

**Results of surface collection of artefacts, and archaeological excavations:**

**Surface Collection:** Prior to excavations, the site was inspected for artefacts. Compared with the quantity of artefacts noted during the 2008 survey, there were significantly fewer surface artefacts observed during 2009. It is considered likely that a number of artefacts have been illegally removed from this location. The artefacts had their positions recorded using a GPS as they were collected.

A total of nine (9) artefacts were recovered. A second surface collection was carried out in October. A further 8 artefacts were recovered. The artefacts are predominantly flakes or flaked pieces made on chalcedony.

**Excavations:** Nine trenches were excavated at K7 site, and 67 artefacts were recovered. The trenches were approximately 5 m long and were excavated to a depth of between 30 cm and 1 m. A plan of the trenches is provided below.

**Stone Artefact Analysis - Assemblage Size and Composition:** Eighty four (84) stone artefacts were recovered from K7 site. Seventeen (17) artefacts were collected from the surface of K7 site and sixty seven (67) artefacts were sub-surface finds in the nine trenches. The assemblage comprised six different technological classes of stone artefactual material and four raw material types. The raw data including artefact types, raw materials and dimensional attributes is provided in the excavation report (Everick 2009).
Figure 15 - View west over Site K7 (approximate boundaries shown)

Figure 16: K7 Trench Excavation Plan
Kings Forest 8 (K8)


This site is located on a sand slope in the north-west corner of ‘Cudgen Paddock’ 250 m west of the central track, where the track crosses a watercourse. It covers approximately 10,000 m2 on the left curve of the sand slope approximately 2 m above the watercourse. Surface visibility upon inspection was >90% due to recent clearing.

Opinion of the Registered Stakeholders (Cultural Significance – K8): The Registered Stakeholders affirmed that this site has cultural value, and it was important to manage the site so that cultural material was not lost or destroyed. Jackie McDonald stressed the importance of proper recording techniques if the artefactual material found in this site was to be collected. The Registered Stakeholders agreed that if material was to be impacted by development then it should be housed in the proposed Keeping Place. If it was not going to be impacted in any way it should remain in situ.

Impact Assessment: The site has been highly disturbed due to pine forest cultivation. Clearing has exacerbated natural erosion, particularly wind erosion throughout the site. Under the current zoning for the Development this site is located across land zoned as 2(c) Residential (Urban Expansion) and land Zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest). Artefacts located within areas designated for redevelopment will be likely be destroyed or damaged. Artefacts located within the Environmental Protection zone may still be damaged due to clearing of existing pine trees and revegetation works, although the risk is minimal. If earthworks are done to shore-up the banks of the watercourse then this risk will increase.

Results of surface collection of artefacts, and archaeological excavations: Prior to excavation, the site was recorded as a low density (<1 artefact/m2) artefact scatter. Some of the stone had been heat shattered. One ochre stone with a ground base was also recorded. Some manuports were observed within the site boundaries.

Surface Collection: Upon arrival at the site, a preliminary collection of surface artefacts was undertaken. Thirty (30) artefacts were recovered including 29 possible hearthstones and one flaked piece.

Excavations: Seven (7) trenches were excavated at K8 site, and 16 artefacts were recovered. The trenches averaged 4.75 m in length. All trench profiles exhibit an organic rich top layer of c. 20 cm beneath which is sand. A plan of the trenches is provided below.
Stone Artefact Analysis - Assemblage Size and Composition: A total of 16 artefacts were recovered from the seven trenches at the K8 site. These included flakes and heat-shattered stones. The raw data including artefact types, raw materials and dimensional attributes is provided in the excavation report (Everick 2009).

Figure 17 - View south over Site K8 showing wind erosion and clearing

Figure 18: K8/T6/SC
Figure 19: Site K8 Excavation Plan
Kings Forest 11 (K11)

Grid reference: 554175-6868500  Map: Cudgen 9641-3N 1:25 000. GPS: 28 18 30 S  153 33 09 E.

This site is located on a central Pleistocene dune plain, in a sand depression of approximately 75 m x 50 m (Figure 51). It lies adjacent to a waterhole to the northeast, a caravan to the east and rubble from an earlier European settlement. Access to the site at present is by an east-west track across the centre of the `Cudgen Paddock`.

Opinion of the Registered Stakeholders (Cultural Significance - K11): The Registered Stakeholders expressed the view that the material from the site should be documented and collected to be stored in an appropriate Keeping Place.

Impact Assessment: The site has been highly disturbed due to machine damage and ti tree cultivation. Artefacts exhibit transverse snapping in some instances.

Under the current zoning for the Development this site is located in Zone 2(c) Residential (Urban Expansion). Any artefactual material will almost certainly be destroyed and/or lost during the development process if it is not identified and collected beforehand.

Results of surface collection of artefacts, and archaeological excavations:

Surface Collection: At the time of initial recording, the site contained a low density (< 1 artefact/m²) scatter of stone artefacts, including flakes and micro-flakes. Upon arrival at the site, a preliminary collection of surface artefacts was undertaken and four (4) artefacts were recovered.

Excavations: A series of 4 trenches extending 1 m west from the baseline were then excavated following an east-west trajectory. The trenches averaged 4.35 m in length. A plan of the trenches is provided in Figure 20. No artefacts were recovered from any of the trenches.
Figure 20 - View South across Site K11 (approximate boundaries shown)

Figure 21: K11 surface collection artefacts
Figure 22: Site K11 Excavation Plan
7.2 Sites which remain in situ (in original location)

**Kings Forest 2 (K2)**

*Grid reference: 551600-686900  Map: Cudgen 9641-3N 1:25 000.*

This site consists of a single isolated artefact – a stone axe – which was located at the base of a low sand bank (c. 0.5 m) which forms the perimeter of a man made lagoon. The sand is likely of Pleistocene origin which has been levelled for forestry, pastoral and agricultural purposes. The axe was located in the edge of excavated material near the south western corner of the lagoon. No other artefactual material has been noted nearby during past surveys. The artefact was an edge ground stone axe on greywacke material exhibiting a slight notch in the cutting edge but was otherwise intact.

**Opinion of the Registered Stakeholders (Cultural Significance – K2):**

Since the recording of this site the stone axe has been removed. Although the axe was no longer located at the site, the Registered Stakeholders still inspected the site to discuss the likelihood of other cultural objects being located within the vicinity. It was agreed that it was unnecessary to implement specific management recommendations for the site as the likelihood of other cultural objects being nearby was no greater than for the rest of the general Project Area.

**Impact Assessment:** The artefact was almost certainly removed from the site by a person who had prior knowledge of its existence. This incident highlights the importance of implementing the collection and storage recommendations for artefacts found in areas deemed of high risk of being damaged or removed by the general public. Under the current zoning for the Development this site is located in Zone 2(c) Residential (Urban Expansion). Any artefactual material will almost certainly be destroyed and/or lost during the development process if it is not identified and collected beforehand.

**Results / Management conditions**

Although the surrounding area has been surveyed for other artefacts, no other cultural material has been found. This area is in a highly disturbed state and is no more likely to contain cultural material than other disturbed areas within the Project Area. It is recommended therefore that no additional management measures be undertaken.
Figure 23 - View of area surrounding the former location of Site K2

Figure 24 - Edge ground stone axe at Site K3
Kings Forest 3 (K3)


A shell and artefact scatter is located on the eastern edge of an inner barrier dune which defines the western edge of the Cudgen Creek wetland. The sand mass on which the site is located extends to the west. It has been extensively cleared for pine forest plantation and a power line easement. Pockets of natural vegetation remain. A vehicle track runs the length of the site.

The material at the site consists predominantly of a low density scatter of artefacts and highly fragmented pipi (Donax deltoids) shell with some oyster and whelk. The shell fragments are intermittently spread for a distance of approximately 100 metres while a low density scatter of artefacts can be found along the length of the track (c.500m). The surface visibility in the riding trail is 100% with thin grass cover either side reducing visibility to c. 80%.

Artefactual material at the site consists of stone artefacts, ochre, hammer-stones, pebbles and a large stone of an unspecified purpose or origin. The greatest concentration of these materials is immediately north and south of a non-perennial stream which cuts through the site from swamps to the west.

Artefacts recorded at the site in 1999 include:

Table 4: Artefact types located at K3

<table>
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<th>Artefact Type</th>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Edge stone axe</td>
<td>greywacke</td>
</tr>
<tr>
<td>Core Scraper (use-wear evident)</td>
<td>white chalcedony</td>
</tr>
<tr>
<td>Hammer-stone</td>
<td>greywacke</td>
</tr>
<tr>
<td>Cultural - Fragments</td>
<td>Ochre (red and yellow)</td>
</tr>
</tbody>
</table>
Figure 25 - Shell scatter at Site K3

Figure 26 - View south-west along Site K3 showing areas of clearing and disturbance
Opinion of the Registered Stakeholders (Cultural Significance - K3): The Registered Stakeholders affirmed that this was highly significant site and should be protected. They commented that the extensive number of artefacts and relative ease of access meant the site had great educative value.

The Registered Stakeholders acknowledged that the introduced species covering the site and nearby land would have to be removed, and that this would cause some ground disturbance and possible damage to some artefacts. Jackie McDonald pointed out to the group a native species known as the ‘midjum’ bush, which was an important food source to Aboriginal people in the region. She expressed a desire that when revegetation occurs that it include the planting of native species used by Aboriginal people for food and medicine to further enhance the educational and cultural value of the site.

Impact Assessment: A pine plantation has been planted over much of this site. Vegetation clearing/pine plantation impacts appear to have taken place over parts of the site. Currently, the most significant damage to the site is caused through the use of the vehicle/riding track. During a number of visitations to the site it has become obvious that a number of materials have been pushed below the surface due to these impacts.

This site is located within what is Zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest) and will generally be the subject of minimal future disturbance. However it is anticipated that this area will require some environmental revegetation work in order to remove introduced species and plant natives in their place. Included in this work will be the removal of a large number of pine trees. These will either be cut at ground level and snigged out or mulched on site. Minimal disturbance should occur as a result of these activities.

Results / Management conditions: Assessed against the criteria expressed in the DECCW Standards for Archaeological Practice in Aboriginal Cultural Heritage Management (’1997), this site is assessed as having High Research Potential, Representativeness is also assessed as High, and also significant Community Educational Potential.

With these high values of significance, this site was best managed by preserving the site in situ, a fence erected around the site, and signage put up to mark the location and explain the site and its significance.
Kings Forest 4 (K4)


The site is located at the eastern end of a large, disused sand quarry. This site is most likely an extension of the site identified as K3. The Nicholson and Cane (1989) report refers to 13 stone artefacts consisting of two flaked pieces, two retouched flakes, eight unretouched flakes and one piece of red ochre. The material was visible for 150 metres in a 4WD track with a concentration of four artefacts in one location. The Tweed Byron Local Aboriginal Land Council recommended the removal of the material from the site to the care and control of the Land Council (Piper 1999:24).

This survey by Everick (2008a) recorded one stone artefact at the site in a sand exposure at the head of the pit where the 4WD track rises and proceeds north. The artefact is a fractured grinding stone on greywacke material. Its dimensions are 10.0 cm x 10.0 cm x 3.5 cm. The implement appears slightly concave toward the centre with heavy pitting.

Figure 27 - View east along Site K4
Opinion of the Registered Stakeholders (Cultural Significance - K4): The Registered Stakeholders affirmed that the site should be protected and should also be monitored by the Registered Stakeholders during initial earthworks so that any previously unidentified material can be collected.

Impact Assessment: The site has previously been impacted heavily by having a road and sand quarry cut into it. The area adjacent to the road is heavily disturbed. Much of the artefactual material no longer remains on the site due to past earthworks, road use and erosion. The remaining artefacts were collected as a means of preservation and, it is assumed, are now in the possession of the Land Council.

Under current zoning for the Development, this site is located on the boundary between a zone identified as 2(c) Residential (Urban Expansion) and land Zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest). If residential works are undertaken it will likely result in the destruction of any remaining artefacts unless they are collected either prior to or during initial earthworks. However, the site may lie outside the scope of the development.

Results / Management conditions: Assessed against the criteria expressed in the DECCW Standards for Archaeological Practice in Aboriginal Cultural Heritage Management ('1997), this site is assessed in the following manner;

Research Potential: the research potential of the site lies largely in recording its environmental context and the analysis of artefacts.

Representativeness: When reviewing the results of other sites in the Project Area, it can be seen that a substantially similar site (K3) is located to the north and was likely part of Site K4.

Community Educational Potential: More significant and aesthetically appealing sites have been preserved nearby, however some educational value still remains.

This site was best managed by preserving the site in situ and erecting a fence around the site, the location of the site needs to be marked on all planning maps, and the site be included in the Cultural Heritage Management Plan for the development.
Kings Forest 5 (K5)

GPS: Southern End S 28.30554 E 153.55548; Northern End S 28.30444 E 153.55557

The site is located on an inner barrier sand ridge which carries a north-south vehicle track on the eastern boundary of the property. The 1989 survey observed a total of nine artefacts spread along four metres of the track. These included retouched and unretouched flakes and flaked pieces, 67% of which were manufactured on chalcedony. Pipi shell (Donax deltoides) fragments were also noted. The site was re-examined in 1999 and the visible artefactual component was very similar to that reported in 1989 (Piper 1999). Pipi shell and flaked pieces were not evident although retouched and unretouched flakes were. One retouched flake was exposed which was not evident in 1989:

<table>
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<th>Table 5: Previous artefacts recorded or observed at K5</th>
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<tr>
<td>Artefact Type</td>
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<tr>
<td>-----------------------------------------------------</td>
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<tr>
<td>9 x retouched and unretouched flakes</td>
</tr>
<tr>
<td>Possibly cultural shell fragments</td>
</tr>
<tr>
<td>Possibly cultural shell fragments</td>
</tr>
<tr>
<td>Retouched and un-retouched Flakes</td>
</tr>
<tr>
<td>Geometric (domed / circular shaped) scraper − possible use-wear visible</td>
</tr>
</tbody>
</table>

<table>
<thead>
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<th>Table 6: Artefact located during 2008 site inspection</th>
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</thead>
<tbody>
<tr>
<td>Artefact Type</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>Ochre piece</td>
</tr>
<tr>
<td>Lithic fragment (debris)</td>
</tr>
</tbody>
</table>
Opinion of the Registered Stakeholders (Cultural Significance - K5): The Registered Stakeholders viewed this site and were impressed by the number of artefacts clearly visible on the surface. Options for management were discussed including preserving the site and undertaking revegetation works, burying the site to protect it and excavating and collecting the artefacts.
It was generally concluded that the site was of high significance and should be preserved. The best option was agreed to be to have the site as part of the “rough” of the nearby golf course. Revegetation works could then be undertaken to ensure future erosion was minimised and the site was protected.

The Registered Stakeholders conducted a walk-over of the surrounding land and were satisfied that the site boundaries to the south and west were within what had already been identified in the 1989 survey and subsequent re-survey in 2007. They expressed a concern that it might extend further to the north along the edge of the ridge. However, numerous examinations of this area over a number of years have not identified a single artefact there.

**Impact Assessment:** The site is located along a low sand ridgeline that has been used in the past as a 4WD track on the eastern boundary between the Cudgen wetland and Cudgen Paddock. Some of the artefacts exhibit transverse snapping most likely caused by cars, motorbikes or livestock. It exhibits significant ground disturbance.

The site is also the subject of erosion. This is due mainly to its use as a 4WD track and the fact that it has no protective vegetation cover. It is likely that this erosion would be largely arrested with the planting of appropriate vegetation and relocation of the track.

Under the current zoning for the Development this site is located on the edge of Zone 7(a) Environment Protection (Wetlands and Littoral Rainforests). It is intended that a golf course will be constructed on the western edge of the site. Its construction will involve significant earthworks. Care should be taken to ensure that the golf course is designed so that earthworks will not impact the site. For example, this may be achieved by making the site part of the “rough” of the golf course.

**Results / Management conditions:** Assessed against the criteria expressed in the DECCW *Standards for Archaeological Practice in Aboriginal Cultural Heritage Management* (1997), the Site exhibits the following qualities:

- **Research Potential:** The site has the potential to provide chronological information. The close proximity to the Cudgen Creek wetlands offers some potential to identify natural resource use and other activities. For these reasons the site has some research potential.

- **Representativeness:** This site represents a potentially important cultural deposit, particularly of stone artefacts. To accurately determine its representativeness would require further investigation.

- **Community Educational Potential:** Under the present concept plan the site will have good access potential. To preserve the site it will need to be replanted to reduce the effects of erosion. Were this to happen then the educative potential...
for the site would be reduced but this is necessary to protect the artefacts from removal. Its association with Cudgen Creek wetlands also provides some educative potential. Interpretive signs could be used to enhance its educational potential.

K5 was best managed by preserving the site in situ and erecting a fence around the site, and by incorporating it into the management strategies for the Environmental Protection (Habitat) Zone or planned Golf Course as applicable. During Golf Course construction however, this site is must not be subject to earthworks, to be included in the fairways. Further recommendations and details can be read in the CHMP.

No collection or excavation is required provided the site will not undergo any further disturbance.

Kings Forest 6 (K6)


The site is located on narrow inner barrier sand dune at the base of the Duranbah hills. The sand ridge is bordered by a small area of wetland to the south-west and an area of former wetlands to the north-east. A fresh water stream cuts through the dune linking the two wetland areas.

This site is described in the Nicholson and Cane (1989) survey as Site 3. The site was described as consisting of a 20 cm thick (deep) band of pipi shell in a low sand bank cut through by a vehicle track. One retouched flake manufactured on chalcedony was noted together with a number of fragments of volcanic rock (Nicholson and Cane 1989:8).

A re-examination of this site in 1999 found that the 20 cm band of shell appears to have virtually collapsed leaving a small number of fractured pipi fragments. The site area is approximately 40 m north to south by 30 m east to west bisected by a roadway of c. 4.0 m wide. A number of large coarse grained greywacke stones are scattered across the surface and embedded in the surface (Figure 33). These stones are a mixture of non-artefactual and artefactual material. The non-artefactual material has been carried to this site, and therefore is considered a manuport.
Figure 31 - View south showing approximate boundaries of north western portion of Site K6

Figure 32 - View south showing approximate boundaries of south eastern portion of Site K6
Opinion of the Registered Stakeholders (Cultural Significance - K6): The Registered Stakeholders who viewed this site agreed that it is an important site and that a site specific management plan should be drawn up. They also felt that some further archaeological investigation, including dating, should be undertaken.

Impact Assessment: Apart from the road through it, the site is the subject of minimal disturbance due to relatively dense woodland surrounding it. Under the current zoning for the Development this site is located on the edge of Zone 7(l) Environment Protection (Habitat). This site should be protected within an Environmental Protection Zone and there is no anticipated future impact on the site from man-made sources.

Results / Management conditions: Assessed against the criteria expressed in the DECCW Standards for Archaeological Practice in Aboriginal Cultural Heritage Management (1997), the Site exhibits the following qualities:

Research Potential: The research potential is high, due in large part to the high number of artefacts and the site’s potential to contain undisturbed shell deposits. The site provides potential for dating, as well as analysis of past land use.
Representativeness: Within the region’s context this site represents a highly significant deposit of pipi shell (*Donax deltoides*) and is one of the few such middens still intact in the region.

Community Educational Potential: Under the present concept plan the site should have good access potential. This site’s uniqueness, components, and location give it excellent educational potential, particularly if further study of it is undertaken.

Everick understands that the land on which this site is located is to be part of an Environmental Reserve. However, the site has an existing formed track through it. Detailed recommendations are made in the CHMP, however can be summed up as follows;

Track Deviation – as a matter of urgency, it is recommended that the site is fenced off, marked on all working plans of the development and protected by having the existing track deviated around the site. Remediate works should also be undertaken on the site, carried out with the assistance of the Registered Stakeholders.

Site Preservation - It is recommended that the site be preserved *in situ*, incorporated it into the management strategies for the Environmental Protection (Habitat) zone, and fenced prior to any works taking place within 100 metres of the site. It is also recommended that K6 be marked on all planning maps, and is included in the Cultural Heritage Management Plan made by agreement between the Registered Stakeholders and the Developers.

*Kings Forest 9 (K9)*


This site was located on a level sand rise at the base of a basalt soil slope 10m north of a track that passes Kings Forest 8 (K8). It was identified in sand of likely Pleistocene origin which in the main has been levelled for forestry, pastoral and agricultural purposes.

The isolated artefact recorded at this site was a single silcrete flake (red), measuring 48 mm x 30 mm x10 mm, with a visible striking platform and a dorsal ridge.
 Opinion of the Registered Stakeholders (Cultural Significance - K9): 
The Registered Stakeholders suggested that artefacts threatened by development activities be collected and stored in an appropriate Keeping Place.

Impact Assessment: This area has previously been highly disturbed due to the cultivation of pine plantations. The site has since been cleared and is now covered by c. 70% surface coverage of young pine trees.

Under the current zoning for the Development this site is located across land zoned as 2(c) Residential (Urban Expansion) and land Zoned 7(a) Environmental Protection (Wetlands and Littoral Rainforest). Artefacts located within areas designated for redevelopment will likely be destroyed or damaged. Artefacts located within the Environmental Protection zone may still be damaged due to clearing of existing pine trees and regenerative works.

Results / Management conditions: 
A strategy of collecting the artefact at Site K9 was approved by the DOP. However, upon inspection of the site in August 2009 the artefact was unable to be identified. It appears most probably that the artefact has been removed by unknown person(s), as had occurred to some extent at Sites K2 and K7 through to K10. It was recommended that K9 be appropriately signed, in consultation with the Aboriginal Stakeholders as to what is appropriate, including content and significance of the artefactual materials at this site.

Kings Forest 10 (K10) 


This site is located on a sand slope of likely Pleistocene origin that falls east to a watercourse, approximately 150m south of a track between Kings Forest 8 and 9. This site contained a wedged-shape bevelled pounder on feldspathic sandstone (greywacke) (Figures 34 and 35).

Opinion of the Registered Stakeholders (Cultural Significance - K10): The Registered Stakeholders affirmed that the bevelled pounder was an important artefact.
**Impact Assessment:** This area has previously been highly disturbed due to the cultivation of pines. The surrounding sands have been levelled for ease of cultivation, resulting in the disturbance of the artefact. The site has since been cleared of adult pines and now has approximately 70% coverage of young (regrowth) pine trees.

Under current zoning for the Development, this site is located in land zoned as 2(c) Residential (Urban Expansion). If left *in situ* this artefact will be likely be destroyed, damaged or lost.

**Results / Management conditions:** A strategy of collecting the artefact at Site K10 was approved by the DOP. However, upon inspection of the site in August 2009 the artefact was unable to be identified. It appears most probably that the artefact has been removed by unknown person(s), as happened at Sites K2 and K7 through to K9.

It was recommended that K10 be appropriately signed, in consultation with the Aboriginal Stakeholders as to what is appropriate, including content and significance of the artefactual materials at this site.

*Figure 34 - Bevelled pounder*
Figure 35 - profile of edge of bevelled pounder
Through prior consultation with the Aboriginal community, in particular Mr Harry Boyd, Everick was alerted to the existence of a possible scarred tree located near Cudgen Lake (Figure 36). The tree is located on a small ridge line on the southern corner of the Kings Forest Site, close to the Kings Quarry site. Its elevation is approximately 40 meters above the level of the lake.

Close inspection of the tree has led the Everick to conclude that it is unlikely to have been non-cultural origin. The scarring of the trunk is irregular in shape and extends from the base of the tree for c.30 metres until it tapers to a point. It is c.1.5 metres wide at the base until it gradually narrows at the top. There has been a partial occlusion of the panel by the lateral growth of heartwood. There is evidence of fire damage throughout the base of the tree and into the trunk. There is no evidence of axe marks on the heartwood of the tree. There was no gum or sap seepage from the scar which would indicate recent scarring, therefore recent scarring can be ruled out.

Opinion of the Registered Stakeholders (Cultural Significance - K14): Mr Harry Boyd is of the opinion that this tree is a scarred tree and should be protected as it is culturally significant. The other Registered Stakeholders at the meeting did not offer an opinion.

Impact Assessment: It is the consultants opinion that it is unlikely that this tree is a scared tree. It exhibits several characteristics such as irregular scarring, the scar is open to the ground and a lack of any tool marks that would indicate that it is cultural.

Results / Management conditions: If this is proven to be a scarred tree, then this site would be significant in the context of the region. However, due to the inconclusiveness of its origins, the research and educative potential of the tree are limited. More definitive assessment would need to be conducted before an assessment as to these merits can be made.

Due to the tree’s location in an environmental protection zone, it is not under threat from the Proposed Development.
Figure 36 - Possible scarred tree
Cudgen Creek 1 (C1) (AHIMS # 04 – 2 – 36)

This site was subject to a ‘Consent to Salvage/ Destroy’ from the National Parks and Wildlife Service in c. 1999, during the construction of the present Tweed Coast Road (Figure 19). The artefact material has been collected and is now stored off site. It is therefore not subject to any further management recommendations.

Kings Quarry (No. 4–2–37) (KQ)

Recorded by Gollan 1989.

This site is an exposure of greywacke which extends from the peak of a ridge to large boulders at the northern shore of Cudgen Lake. An extensive amount of fractured material is evident on the shoreline. Whether this material is natural in origin or the result of Aboriginal quarrying or both, remains a question for further research. Several of the large boulders in the locality exhibit signs of fracturing through heavy impact. However, there is also evidence of natural splitting through temperature variations, possibly as a result of intense bush fire. Two artefacts have been located at the site. The Kings Quarry site seems a possible origin of the stone at Kings Forest 6. However the material does outcrop from many locations on the high ground immediately west of Kings Forest 6. Alternative sources of the stone found at Kings Quarry may also exist.
Opinion of the Registered Stakeholders (Cultural Significance - KQ): The Registered Stakeholders affirmed that this was an important site and should be protected.

Impact Assessment: This site has not been disturbed by nearby clearing or grazing practices. Some erosion from natural causes is evident. Under the current zoning for the Development this site is located within Zone 7(a) Environmental protection (Wetland and Littoral Rainforest). This site will not be impacted by the development or planned revegetation as in other 7(a) areas.

Results / Management conditions: Everick understands that this site it is located within what is an ecological protection zone along the boundary of Cudgen Lake.

Site Preservation: It is recommended that the site be preserved in situ by incorporating it into the management strategies for the Environmental Protection (Habitat) zone, and be fenced prior to any construction or revegetation works taking place within 100 metres of the site. The site must also be marked on all planning maps, and be included in the Cultural Heritage Management Plan made in consultation between the Registered Stakeholders and the Developers.

Signage: It was recommended that KQ be appropriately signed, in consultation with the Aboriginal Stakeholders as to what is appropriate, including content and significance of the artefactual materials at this site.

**Bundjalung Mapping Project 1 (BMP1)**

*Grid reference: 554175-6868500 Map: Cudgen 9641-3N 1:25 000. GPS: 28 18 30 S  153 33 09 E.*

This site is an artefact scatter that was recorded in the Bundjalung Mapping Project. The area was inspected during the community meeting. However, the site could not be located during the 2008 investigations and was therefore not subject to any discussions. This site is in an Environmental Protection area, and will not be impacted by development.
Areas of Interest 1 and 2 (P1 and P2)

Within proximity to K14 – Possible scarred Tree

A report by Nicholson and Cane (1989) referred to a waterhole that the Aboriginal informants believed ‘…may have been used as an Aboriginal waterhole or may have been natural and have traditional or possibly mythological significance…’ Nearby ‘…approximately ten tabular blocks of stone used in the foundations of an old building…’ were observed which the Aboriginal informants ‘…were concerned that these may have been taken from an old bora ground…’. These sites could not be re-identified during the survey. None of the Registered Stakeholders consulted had any knowledge relating to these sites. The site of the Bora ring has not been mentioned, and does not occur in any reports or databases.

These sites will be located within an Environmental Protection (Habitat) zone. They are also part of the Monitoring Area shown in the CHMP. Should any development be planned for this area, including the building of walking tracks or public amenities, the initial ground disturbance is to be monitored by representatives of the Registered Stakeholders.

8. DISCUSSION: PROJECT APPLICATION HERITAGE IMPACT

The Kings Forest Residential Estate is situated within an important cultural landscape to the Aboriginal people of the Tweed. The immediate region is known to contain important occupation sites, ceremonial sites and cultural resource areas.

Within the Subject Lands, there are two distinct types of historic (European) land uses. More than half of the Project Area has seen extensive, systematic ground disturbance through sand mining, logging, clearing and grazing activities. While isolated artefacts or sites can remain, the archaeological salvage excavations demonstrate that they will be highly disturbed and be of limited cultural or scientific value (for example see Site K7). What remains invariably tells little of the story of Aboriginal occupation in the region, in a scientific or cultural context.

By contrast, the remainder or the Subject Lands have for the most part seen very little disturbance. These areas have been earmarked for environmental protection. There could be expected to remain an extensive catalogue of Aboriginal sites in these areas, particularly subsurface, owing to the sandy substrates on which they are deposited. The Aboriginal Stakeholders have advised that these sites are of heightened cultural significance, owing to the destruction of so many sites in the region.
A strict monitoring procedure has been implemented under the CHMP for the Environmental Protection Zones. It is anticipated that this monitoring procedure, properly adhered to, will provide good opportunities for the Aboriginal people of the Tweed to engage with and actively participate in the management decisions concerning their heritage. The potential for site identification through monitoring of initial ground disturbance is considered to be excellent in most areas. This is owing to the nature of the sandy soils, which stick less to artefacts than soils with a higher clay content, and in many cases provides a consistent white background allowing for easier identification of the red, yellow and brown cherts commonly found in artefact assemblages in the region.

When the current Project Application works are compared to the culturally significant portions or the Subject Lands, it is apparent that the Project Application will have relatively little impact on areas of potential archaeological or cultural significance. It should be noted, however, that it is the general preference of the Aboriginal Stakeholders that any development on this scale should be avoided within their country.

It is of note that the areas of greatest cultural (intangible) significance to the Aboriginal Stakeholders are those in close proximity to Cudgen Lake. There is a relatively large Environmental Protections Zone between the residential areas of the development and the lake. Potential impacts to heritage will be monitored as further plans for the public amenities within the environmental protection zones are known. It is anticipated that the landscape design sessions contained in the CHMP for the Project will allow the Aboriginal Stakeholders to assess any impacts and participate in impact mitigation strategies if required.
Figure 38 - Kings Forest Sites overlaid onto the concept plan
9. General Management Recommendations & Procedures

As management options for each site were discussed over the course of the consultation process, it became apparent that a number of general management options and processes would provide a foundation for the individual site management strategies. The recommendations contained below have been implemented through the development of a CHMP for the site.

9.1 Keeping Place

In accordance with existing DOP approvals, all Aboriginal Objects originating from the Development Area must be kept in the care and control of the Tweed Byron LALC, until such time as an alternative Keeping Place can be arranged. Consultation with the Aboriginal Stakeholders has identified the Minjungbal Cultural Centre as a suitable keeping place. Care and Control permit applications have been lodged with the OEH to this affect.

9.2 Signage

The Aboriginal Stakeholders and the broader Aboriginal community of the Tweed Valley will be invited to participate in the design of open space/public park landscaping and interpretative cultural signage near known Aboriginal Sites and areas of cultural significance. This is viewed by the Aboriginal Stakeholders as an important part of maintaining connections to Country.

Cultural signage can act as an educative tool. It can assist in creating an overall ‘story’ of Aboriginal occupation within the Subject Lands. It can demonstrate aspects of Aboriginal culture such as language, tools, story, song, dance and the connection between Aboriginal people and their environment. It can also assist in maintaining the connection of the Registered Stakeholders to the land.

Culturally sympathetic landscaping can serve to enhance the cultural values of an area. This is an important part of retaining an appropriate Setting in which the Cultural Heritage within Kings Forest is to be located.

From the perspective of the Developer, cultural signage and landscaping can play a dual role acknowledging past Aboriginal occupation of the area and establishing a sense of community for future residents of Kings Forest. In this
way, cultural signage and landscaping is viewed as a mutually beneficial partnership between the Developer and the Aboriginal Stakeholders.

9.3 Conservation Areas

It is recommended that several areas containing a high density of cultural material be made conservation areas. Such areas are of high significance as they represent places where Aboriginal people lived and carried out a range of activities. They preserve a representative sample, at the local level at least, of the networks of past behaviour of Aboriginal people in the area. They can also be used as educational and archaeological research sites into the future.

The CHMP for the project established Exclusion Zones until such time as appropriate landscaping plans can be formulated. It is recommended that the following sites are made conservation areas: K3; K4; K5; K6; K14; BMP1 and KQ. Should P1 and P2 be identified as a result of monitoring activities, they too may be conserved should they prove significant to the Aboriginal community.

Common to each of these sites are the following recommendations on ensuring that they are adequately preserved:

1. prior to any construction taking place within the Subject Lands the sites should be fenced off so that they are not inadvertently damaged;
2. all sites should be marked on working plans of the proposed development; and
3. the final Cultural Heritage Management Plan should detail the process of protection works and ongoing management of each site.

9.4 Rationale Behind Collection of Artefacts and Monitoring

It was not considered appropriate in some cases to leave cultural material in situ. It is recommended that single artefacts and sites not of high significance which are in a prominent location or a location that has been heavily disturbed in the past and is to be disturbed during construction, should be collected and stored appropriately. The need for collection was highlighted by a stone axe being removed from the site, after its location within the Subject Lands had been recorded (K2).
9.5 Collection and Excavation Procedures

Areas identified as having a potential moderate to high archaeological sensitivity were designated for excavation. An excavation strategy was designed and undertaken in a controlled and systematic manner. The approach taken was based on the fact that most of the soils had a history of disturbance and that few undisturbed deposits were likely to remain. However, these investigations would identify areas that might retain such undisturbed deposits.

Due to the disturbance across the site, fine resolution stratigraphic control and dating were not seen as issues that could be addressed by these investigations. The main aim was to recover and record as many artefacts as possible. Given the highly disturbed nature of the sites that were excavated, two salvage methods were favoured: surface collection followed by mechanical excavations with a small excavator. Sites K1, K12 and K13 were the subject of surface collection only, as these sites were considered to be heavily disturbed with little likelihood of artefactual material still in-situ. Sites K7, K8 and K11, whilst heavily disturbed, contained the potential for sub-surface deposits.

Salvage excavations were undertaken using a series of trenches dug with an excavator with a 1.5m wide batter bucket. All excavated material was dry sieved through 8mm and 4mm sieves. A detailed field log was kept. Observations on each excavated unit were recorded and any features noted. Colour photographs were taken of trenches and exposed profiles. Sediment samples were taken from each pit for sediment characterisation and lithological examination.

9.6 Artefact Analysis

Lithic analysis was undertaken to provide a description of the 187 stone artefacts recovered from surface and sub-surface investigations at the six sites. An analysis of the stone artefact assemblage was undertaken in order to assess the scientific significance of the site in terms of its potential contribution to archaeological research. Consideration was given to the nature and quantity of stone artefact material, the diversity of the assemblage, the spatial distribution of the artefacts and the nature / impact of site formation processes. A basic analysis of lithic technological attributes (such as rock type, lithic types, and size distribution) was undertaken consistent with the aims of the investigation. This information was collated to produce a general understanding of the sites.
9.7 Report on Results of the Excavations

The results of our analysis will be compiled in the form of a comprehensive Excavation Report, which will be provided to the Registered Stakeholders and the applicable government departments. This report will also contain recommendations for further research or remedial action if applicable.

9.8 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 OEH 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 OEH 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 Developer should use respectful language, bearing in mind that they are the remains of Aboriginal people rather than scientific specimens.

9.9 Aboriginal Cultural Material

It is recommended that contractors engaged in the development, construction and rehabilitation of surrounding vegetation in Kings Forest be advised that under the terms of the N.S.W. National Parks and Wildlife Act (1974) it is an offence for any person to knowingly destroy, deface or damage or permit the destruction, defacement or damage to a relic or Aboriginal place without first obtaining the written consent of the Director General of the Department of Environment and Conservation.

It is recommended that if it is suspected that Aboriginal material has been uncovered as a result of Development activities 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;
(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 OEH guidelines: “Interim Community Consultation Requirements for Applicants” (2005); and
(e) an appropriate ‘keeping place’ is to be identified in accordance with the wishes of the Aboriginal community.

9.10 Notifying the OEH

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 OEH. Any management outcomes for the site will be included in the information provided to the AHIMS.

9.11 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 Developer and the Aboriginal Community.
BIBLIOGRAPHY


BACKHOUSE, J. 1843. A Narrative of a Visit to the Australian Colonies. Publisher London.


GODWIN, L 1999. Two steps forward, one back: some thoughts on the settlement models for the north coast of New South Wales' in Hall, J & McNiven, IJ (eds), Australian coastal archaeology, Research papers in archaeology and natural history, 31, ANH Publications. Department of Archaeology and Natural History RSPAS, Australian National University, Canberra, pp. 211-217.


HOWITT, A.W. 1904. The Native Tribes of South East Australia. London.


OXLEY, J. 1823. 'Port Jackson to Port Curtis October - November' 1823. Nov. 1st, M.L.


APPENDIX A: INDEX of COMMUNITY CONSULTATION FILE
## INDEX OF COMMUNITY CONSULTATION DOCUMENTS

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<td>127</td>
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<td>25/11/2009</td>
<td>File Note</td>
<td>Conversation with DR documenting comments re CHMP</td>
<td>Desire Rotunala, Tweed Aboriginal Co-op</td>
<td>128</td>
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<td>1/12/2009</td>
<td>File Note</td>
<td>Conversation with Bo Lowrey re objections comments on CHMP</td>
<td>Bo Lowrey on behalf of Harry Boyd</td>
<td>129</td>
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<td>3/12/2009</td>
<td>File Note</td>
<td>Conversation with Leemon Williams regarding comments on CHMP</td>
<td>Leemon Williams TBLALC</td>
<td>130</td>
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<td>3/12/2009</td>
<td>Letter</td>
<td>Letter regarding comments on CHMP</td>
<td>Kyle Shabb</td>
<td>131</td>
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<td>3/12/2009</td>
<td>Letter</td>
<td>Conversation with Bo Lowrey when he expressed his dissatisfaction with</td>
<td>Bo Lowrey on behalf of Harry Boyd</td>
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PART B

Report in relation to the Cultural Heritage Significance of the Ngangarray [Nyangwul] Aboriginal Moiety for the Kings Forest & Codgen Paddock Area
Prepared by Stella Wheldon for the Ngangarray Nganduwal Aboriginal Moiety 1 Jan 2008 January 2008 81

Project Information for Kings Forest Development prepared for TC's discussions 4/02/2008 155

Site Information for Kings Forest Development On-Site Meeting prepared for TC's 3/04/2008 160
APPENDIX B: CORRESPONDENCE APPROVING CHMP
Thursday, 3 December 2009

Dr Richard Robins  
Everick Heritage Consultants  
PO Box 146  
Red Hill Qld 4059

Dear Dr Robins,

Re: Cultural Heritage Management Plan, November 2009  
Kings Forest Residential Development, NSW

I have reviewed the above Cultural Heritage Management Plan provided by Everick. I generally support the management strategies contained in the above document. I also understand that there have been some minor issues come up about the keeping place of recovered cultural material, and would prefer them to be kept as close as possible to the site.

Yours faithfully

[Signature]

KYLE SLABB
TWEED BYRON LOCAL ABORIGINAL
LAND COUNCIL
P.O. Box 1410, Kingscliff, NSW 2487
21/25 Ourimbah Road, Tweed Heads NSW 2485
Telephone: (07) 55361 763 Fax: (07) 55369 832
admin@tlalc.com.au

Thursday, 3 December 2009

Thursday, 3 December 2009

Dr Richard Robins
Everick Heritage Consultants
PO Box 146
Red Hill Qld 4059

Dear Dr Robins,

Re: Cultural Heritage Management Plan, November 2009
Kings Forest Residential Development, NSW

Tweed Byron LALC has reviewed the above Cultural Heritage Management Plan provided by Everick.

Tweed Byron LALC supports the management strategies contained in the above document.

Yours sincerely

Lerwena Williams
Acting CEO

Cyril Scott
Sites Officer