

16 July 2014

Our Ref: EV.78

Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

To whom it may concern,

RE: CULTURAL HERITAGE LETTER OF ADVICE
PROPOSED MODIFICATION APPLICATION – CENTRAL OPEN SPACE PROJECT APPROVAL
COBAKI LAKES RESIDENTIAL DEVELOPMENT, NSW 2486

We refer to:

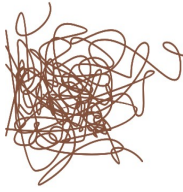
- a) the proposed Central Open Space Amendment Plan;
- b) the Everick *Cobaki Lakes Cultural Heritage Assessment* (April 2010); and
- c) the approved Everick *Cobaki Lakes Aboriginal Cultural Heritage Management Plan* (April 2010) (CHMP).

Everick has been engaged by Leda Manorstead Pty Ltd (the Proponent) to provide cultural heritage advice for the Cobaki Lakes Residential Development Project. This letter of advice specifically relates to the Modification Application to increase the area of the proposed central open space, introducing fill to the new areas (Subject Lands)(Attachment A). On the evidence consulted, we are of the opinion that should the Proponent continue to operate in accordance with the CHMP currently in place for Cobaki Lakes, the proposed works will not impact on Aboriginal cultural heritage.

PART A: PROJECT BACKGROUND

The Cobaki Lakes Development Area has been subject to numerous archaeological surveys, the first of which was conducted by Lilley (1981) who did not identify any sites or specific places of high heritage significance, though noted the poor ground visibility.

Since 1981 there has been extensive clearing and earthworks in preparation for use of the land for agriculture and then as a residential development. A further survey and archaeological report was completed in 1990 by the



University of Queensland Archaeological Services Unit (Hall 1990). The report documented land disturbance and reported no evidence of Aboriginal cultural heritage.

Following a survey conducted by Everick of the Development Area in 2008, two areas of potential archaeological and cultural sensitivity were identified and were protected from development works until such time as the Developer could negotiate appropriate mitigating strategies with the Aboriginal community, the Department of Planning, the NSW Office of Environment and Heritage ('OEH') and/or the Tweed Shire Council, as required.

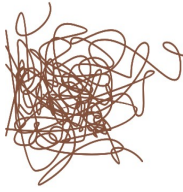
Archaeological excavation of these areas has since been completed and significant archaeological deposits were recovered. Recent efforts to date these deposits have tentatively confirmed that a small portion of the Cobaki Lakes Site is potentially one of the oldest occupation sites in Australia. As part of the CHMP the significant areas were preserved as a representative sample of previous Aboriginal occupation. It has been agreed that these areas will be protected through the use of Cultural Heritage Parks and Cultural Heritage Protection Areas whereby no construction works will impact the remaining cultural heritage/archaeological deposits.

Everick has facilitated ongoing community consultation for the Cobaki Lakes development through regular written consultation with the projects registered stakeholders. Additionally, the development is listed as a standing item on the agenda of the Tweed Shire Council Aboriginal Advisory Committee ('AAC').

PART B: SUMMARY OF HERITAGE ADVICE FOR THE CENTRALOPEN SPACE PROJECT APPROVAL

Landscape Context and Description: The Subject Lands are located predominately to the southwest of precinct 8, but under the proposed amendments shall include a small section of Precinct 8. The area of disturbance is not in close proximity to any Cultural Heritage Parks (Attachment A). The current environment of the Subject Lands can be described as a salt marsh, similar to those environments surrounding the Cobaki Lakes Development Area. The development of the Subject Lands will therefore require the import of fill prior to construction in the area. It is understood by the consultant that this fill will be sourced from Precincts 9 and 11.

Archaeological and Cultural Heritage Potential: Having regard to the Cultural Heritage constraints for the Development of the Subject Lands, Everick did not identify the Subject Lands as an area likely to contain significant archaeological deposits. Through extensive Aboriginal community consultation, Everick can also confirm that the Subject Lands are not identified by the Aboriginal Community as an area of high cultural heritage significance.



Obligations under the Cultural Heritage Management Plan (CHMP): Clause 11 of the Cobaki Lakes CHMP specifies that the Subject Lands, and all other areas excluding the Cultural Heritage Parks, will operate under a Find Procedure.

Should the development extend beyond the boundaries of the Subject Lands and within Heritage Protection Areas, Cultural Heritage Monitoring will be required as per Clause 7 of the CHMP. Construction encroaching on or within areas identified as Cultural Heritage Parks or Cultural Heritage Protection Areas must not deviate from those activities outlined in Clause 12 and Clause 13 without prior consultation and written agreement with the Aboriginal Community.

Having regard to the construction and earthworks associated with this Development, it is specified under Clause 8 that all personnel involved in subsurface ground disturbance be required to undertake the Cultural Heritage Induction administered by the Tweed Byron Local Aboriginal Land Council. Everick has undertaken two Cultural Heritage Inductions on the Cobaki Lakes site to date.

In regards to the future care of Aboriginal objects located during the course of works, an Aboriginal Keeping Place will be arranged by the Developer after consultation with registered Stakeholders and the Aboriginal Community as per Clause 15. At all times during the course of the Development of the Subject Lands, all parties should adhere to the communications protocols detailed in Clause 9 to ensure that open and direct communications continue to be implemented.

PART C: SUMMARY

Everick is of the opinion that significant Aboriginal cultural heritage is unlikely to be impacted by the proposed amendments to the Central Open Space Project Approval. Risks to heritage can be adequately managed through continued adherence to the CHMP for the Development.

Should you have further questions regarding the content of this document please don't hesitate to contact us.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Tim Robins', with a stylized flourish at the end.

Tim Robins
Director
Everick Heritage Consultants