22 September 2017

Mat Morris
General Manager
North Byron Parklands
mat@northbyronparklands.com

Dear Mat,

RE: STATE SIGNIFICANT DEVELOPMENT PROPOSAL
PERMANENT CULTURAL EVENTS SITE, NORTH BYRON PARKLANDS, BYRON LGA (SSD 8169)
ABORIGINAL AND NON-ABORIGINAL CULTURAL HEITAGE ASSESSMENT

Introduction: Everick Heritage Consultants (‘Everick’) was engaged by North Byron Parklands (the ‘Proponent’) to undertake a review of the heritage impacts of the proposed State Significant Development (SSD) application by Parklands for the permanent approval of the North Byron Parklands cultural events site. This review has been undertaken in consideration of the Secretary’s Environmental Assessment Requirements (SEARs) for the proposed development, and the accompanying requirements provided by the Office of Environment and Heritage.

Background: Aboriginal and Historic heritage in the North Byron Parklands (NBP) has been informed by the following documents:

- Collins, J.P. 2010 Proposed Cultural Events Site, Tweed Valley Way and Jones Road, Yelgun, NSW far north coast. Cultural heritage assessment.
- Everick Heritage Consultants 2015 Permanent Cultural Event Site-North Byron Parklands Cultural Heritage Due Diligence Assessment-Peer Review, Audit and Gap Analysis.

Heritage assessments over parts of the NBP informing the above documents include:

- Piper 2002 An Archaeological Assessment Greenfields Mountain Pty Ltd, Yelgun North Ocean Shores North Coast NSW.
- Fox 2003 An Aboriginal Heritage Study of a Traditional Pathway, Linking Coastal and Upland Resources, Northern NSW.

Everick’s review, audit and gap analysis of Aboriginal consultation and implementation of recommendations from the Collins report, found the recommendations of the Collins report are appropriate from a best practice and legislative standard and these recommendations have been adhered to by the Proponent. The Everick 2015 report found that the Guidelines for Consultation under the DECCW Guidelines 2005 were largely consistent with the
Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010. As no Aboriginal Heritage Impact Permits are required for the current proposal wider consultation than the Aboriginal Stakeholders consulted is not required.

In reference to Recommendation 4 of the Collins report advocating an Aboriginal Cultural Centre, both representatives of the Aboriginal stakeholders consulted, demurred from support for the proposal. Mr Williams made the point that it was not the intention of Aboriginal stakeholders to have numerous cultural centres associated with all large scale developments. Both the Tweed Byron Local Aboriginal Land Council and the Bundjalung of Byron Bay have their main centres for cultural issues. In the case of the TBLALC Kirkwood Rd South Tweed Heads is that facility. Bundjalung of Byron Bay also have a Keeping Place for Aboriginal objects and Cultural Centre/s within the Byron Bay precinct.

Consultation with Aboriginal Stakeholders: The Primary Aboriginal organisations for the NBP are the Tweed Byron Aboriginal Land Council (‘TBLALC’) and the Bundjalung of Byron Bay (Arakwal Aboriginal Corporation ‘AAC’). Copies of State Significant Development-Environmental Assessment Requirements Cultural Events Site, North Byron Parklands (SSD 8169) and Permanent Cultural Event Site-North Byron Parklands Cultural Heritage Due Diligence Assessment-Peer Review, Audit and Gap Analysis were supplied by email to the AAC and TBLALC on 10 May 2017. Attention was drawn to Attachment A (Standard Requirements) and particularly Attachment B (Specific Requirements OEH-Part C). Copies of the Collins (2010) report would be made available on request, no copies were requested.

Site Inspection with Arakwal Aboriginal Corporation: AAC CEO Gavin Brown inspected the NBP site on May 11 2017, in company with Mat Morris (Manager NBP) and Everick Senior Archaeologist Adrian Piper.

The Site survey aimed to inspect the new development proposal. The key additions under the new development proposal with the potential to affect heritage-related matters are:

- to extend the southern park to the east across the Yelgun flats and to revegetate a buffer with the Billinudgel Nature Reserve; and
- construct a conference centre and accommodation on slopes in the north-west sector of the site.

The locations subject to new development have been previously inspected for cultural heritage by Bonhomme and Craib (2001), Piper (2002), Fox (2003) and Collins (2010). No cultural heritage was found in these locations.

The facility was inspected by vehicle. The main features of the inspection were the southern carpark, the area of the artefact scatter site AHIMS 4-2-114 and 4-2-115 and measures to quarantine the site, the Spine Road and
measures to secure the site of test excavations beneath the Spine Road (Collins 2010: pp 25-30). The northern precinct included the northern carpark, amphitheatre and camping grounds.

Mr Morris explained methods used to prevent access by patrons to areas of Aboriginal values, Aboriginal sites, areas of fauna and floristic significance. These measures are detailed in Parklands Induction Register Parklands: Statement of Commitment A9 and Consent Condition E26 for implementation prior to construction activities.

**Conclusions:** Mr Brown was of the view that the proposed additions under the new proposal were minimal and not of sufficient impact to warrant an additional cultural heritage assessment. He was also of the view that the recommendations of the Collins (2010) report had been implemented. The new proposal was unlikely to have any impact upon Aboriginal cultural heritage. Mr Brown was also of the view that no Aboriginal Heritage Impact Permits were required consultation with Aboriginal stakeholders need not extend beyond the AAC and the TBLALC.

**Site Inspection with Inspection Tweed Byron Local Aboriginal Land Council:** Board Chairman of TBLALC and Tweed Shire Aboriginal Advisory Committee Des Williams, inspected the NBP site by vehicle on 18 May 2017, in company with Adrian Piper of Everick Heritage Consultants.

The inspection by Mr Williams and Adrian Piper covered the same features as the previous 8 May 2017 inspection. The proposed additions of the new proposal were explained. Mr Williams was familiar with the site as he had participated in the Collins (2010) field inspection and test pitting.

Discussion with Mr Morris covered the same matters as the May 10th discussions.

**Conclusions:** Des Williams was of the view that the proposed additions under the new proposal were minimal and not of sufficient impact to warrant an additional cultural heritage assessment. He was also of a similar view that the recommendations of the Collins (2010) report had been implemented. The new proposal was unlikely to have any impact upon Aboriginal cultural heritage. Mr Williams was also of the view that consultation with Aboriginal stakeholders need not extend beyond the TBLALC and the AAC.

**Assessment Conclusion:** It is the opinion of Everick Heritage Consultants that the proposal (SSD 8169) is unlikely to impact upon Aboriginal or non-Aboriginal cultural heritage and that the measures for protection of Aboriginal sites and values as proposed in the Collins 2010 have been implemented. Aboriginal consultation undertaken by Collins 2010 was considered by Everick Heritage (2015) to be adequate to meet requirements under the 2015 legislation. The Aboriginal consultation undertaken in relation to the new proposal is also considered to meet best practice and current legislative requirements, given the minimal potential for impact on
Aboriginal heritage. It is unlikely that an additional cultural heritage assessment or consultation will add to further knowledge of the Aboriginal cultural heritage values of the NBP.

Yours faithfully,

Tim Robins
Director / Senior Archaeologist
Everick Heritage Consultants
26 October 2015

Mat Morris
General Manager
North Byron Parklands
PO Box 517
Bangalow NSW 2479

Dear Mat,

RE: PERMANENT CULTURAL EVENT SITE – NORTH BYRON PARKLANDS
CULTURAL HERITAGE DUE DILIGENCE ASSESSMENT
PEER REVIEW, AUDIT AND GAP ANALYSIS

We write to provide an updated due diligence assessment peer review and gap analysis with respect to the permanent use of the North Byron Parklands for cultural events. Please find enclosed:

a) North Byron Parklands Cultural Heritage Peer Review
b) Attachment A: Plans and Photos of the Lands Subject to this Assessment;
c) Attachment B: Updated AHIMS and other Heritage Register / Database Searches; and
d) Attachment C: North Byron Parklands Internal Documentation for Management Strategies.

In completing the brief for this assessment, Everick has reviewed the Collins (2010) assessment, conducted a site inspection and completed a gap analysis. Everick is of the opinion that the recommendations made in the Collins (2010) report are appropriate from both a best practice and legislative standard, and that these recommendations have been adhered to by the Proponent.

Should you have any questions regarding our assessment or require further detail, we ask that you contact us immediately.

Yours faithfully,

Tim Robins
Managing Director / Archaeologist
Everick Heritage Consultants Pty Ltd
1. INTRODUCTION

The following presents a review of cultural heritage management requirements for the Cultural Events Site (North Byron Parklands) at Tweed Valley Way, Yelgun (the Project Area). The planning proposal is being put forward by Billinudgel Property Pty Ltd. The Planning and Assessment Commission granted a five year trial period for the Project which expires on the 31 December 2017.

In preparation for the initial 5 year application, the Proponents obligations toward cultural heritage were addressed through a Cultural Heritage Assessment prepared by Jacqueline Collins (2010). The following provides a brief overview of the Collins (2010) assessment, including:

(a) **Section 2**: a summary of the results and recommendations of the Aboriginal Cultural Heritage Assessment;

(b) **Section 3**: a summary of the results and recommendations of the Historic Cultural Heritage Assessment;

(c) **Section 4**: a summary gap analysis identifying whether the 2010 assessment meets current cultural heritage legislative standards;

(d) **Section 5**: analysis against the Office of Environment and Heritage *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (2010); and

(e) **Section 6**: Ongoing Heritage Management Recommendations.

2. ABORIGINAL CULTURAL HERITAGE

Aboriginal Stakeholders for the project were identified by following the *Interim Aboriginal Community Consultation Requirements for Applicants* (DECCW 2004) and draft *Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation* (DECCW 2005). A review of the list of registered Aboriginal Stakeholders shows that, in Everick’s experience, Collins consulted with recognised knowledge holders for the region.

2.1 The Regional Cultural Landscape

The Aboriginal community consultation identified the broader Project Area as an area of “high and enduring socio-cultural significance”. Within the Project Area, Marshalls Ridges was identified as an area of particular significance.
Archaeological sites identified by Collins and Aboriginal stakeholders and those reviewed from previous assessments within or near to the project area, were found to consist of the Wooyung ceremonial site, artefact scatters, middens and scarred trees. The Project Area was assessed to be of high scientific/archaeological significance (Collins 2010:31).

Aboriginal stakeholders advised Collins that conservation of the Yelgun forests and their biodiversity is integral to maintaining contemporary socio-cultural values.

2.2 Cultural Values of the Project Area

The Aboriginal stakeholders advised that, to their knowledge, development of the proposed cultural events venue would not affect any unmodified sites or places of ceremonial, mythological or otherwise sacred/spiritual significance, attachment or concern, and that (owing to its high level of disturbance and apparent absence of cultural materials) the proposed spine road cut and overfill tunnel across Marshalls Ridges would not compromise the values attributed to the wider ridgeline (Collins 2010: 11). As a result of these discussions, it was resolved that archaeological test excavations should be undertaken on the proposed spine road corridor inland of the registered site #22-1-114/115 (Yelgun flat 1) artefact scatter. The recommended test excavations were completed on the 1 July 2010. The test excavations found a total of 24 stone artefacts. Test excavations on the spur crest and slopes, to be traversed by the proposed spine road west of the registered Yelgun flat 1 artefact scatter, revealed a low-density distribution of Aboriginal stone artefacts within highly disturbed topsoil.

To eliminate the risk of disturbance by construction activities and events participants, the thrust of management recommendations developed in discussions with stakeholders are impact avoidance and mitigation strategies designed to preserve existing and potential archaeological sites on the spurs of Marshalls Ridge and to retain existing forests and their inherent socio-cultural links. The Aboriginal stakeholders advised that development and use of the cultural events venue would not affect the significance values attributed to the wider cultural landscape or its archaeological sites (including Yelgun flat 1), providing the impact mitigation measures recommended in Section 9 were implemented (Collins 2010: 32).

2.3 Review and Audit of Management Recommendations

It is the purpose of this Letter of Advice to assist the Proponent in fulfilling its obligations to the preservation of cultural heritage as detailed in the Statement of Commitment, by complying with the management recommendations of the Collins (2010) report, the subsequent recommendations by the Office of Environment and Heritage in a Statement of Commitments and the Conditions for Approval recommended by the Department.
of Planning and Infrastructure (See Director-Generals Environmental Assessment Report (Recommendations Section 5.8 pp 68-69). Compliance was assessed by Everick Heritage in discussion with Mat Morris (General Manager of NBP) through a site inspection on 14 August 2015, a review of the Collins (2010) report and the DGR’s in conjunction with an audit of internal NBP records of actions taken to facilitate completion of compliance with the recommendations.

2.3.1 Collins (2010) Management Recommendations

The Collins (2010) Aboriginal Cultural Heritage Assessment provided the foundation for management of cultural heritage values within the Project Area, all of which were developed in consultation with the registered Aboriginal Stakeholders for the Project.

2.3.1.1 Recommendation 1: Protection / Conservation Activities at Yelgun flat 1

**Recommendation:** As a precautionary measure it was recommended that the Yelgun flat 1 site uncovered by archaeological excavations within the Project Area be covered by protective matting and fill to avoid future disturbance to the site as a result of event activities.

**Audit:** Everick’s field inspection conducted on 14 August 2015 confirmed that the area of test excavations on the western end of the spur containing the Aboriginal site Yelgun flat 1 has been covered with protective matting and the spine road constructed with over-ground fill as recommended. The road is not bitumen sealed. The remainder of the site is fenced and left to natural growth (See Attachment A: Figure 5 - Figure 6).

Effective management of vehicle traffic and event visitors in relation to human exclusion measures over the site, is contained within the Festival Security Management Plan (Splendour In The Grass, 2015 Festival Security Management Plan) (See Recommendation 2). Everick believes the document effectively addresses this recommendation for both now and the future.

2.3.1.2 Recommendation 2: Exclusion Zones

**Recommendation:** To ensure that no inadvertent or intentional disturbance occurs to either the known archaeological sites or the areas of forest with identified cultural heritage values, it was recommended that temporary exclusion zones be established during site use.

**Audit:** It is the stated in the Statement of Commitments that it is the intention of the Proponent to create zero interface between the identified cultural heritage areas and the site usage or event activity areas. Exclusion of events visitors and machinery from these areas is managed under Festival Security Management Plan (Splendour
In The Grass, 2015 Festival Security Management Plan). Human exclusion fenced areas (see Attachment A: Figure 4), of which there are 12 kilometres, are reinforced by security and directional signage. Security enforcement provides 300 staff, police and volunteers. Everick believes the document effectively addresses this recommendation for both now and the future.

2.3.1.3 Recommendation 3: Visual Interpretation / Signage

**Recommendation:** Collins (2010) recommended that any visual interpretation or signage should only be designed and employed to acknowledge the high cultural significance of either the known archaeological sites or the areas of forest with identified cultural heritage values in consultation with the agreement of all Aboriginal Stakeholders.

**Audit:** Everick’s field inspection conducted on 14 August 2015 confirmed that there is no signage referring to Aboriginal sites and values at this time. It is believed that such signage may have potential to draw unwanted attention that would be contrary to the exclusion zone management strategy (Recommendation 2). Everick concurs with this strategy until such time that it is the wish of Aboriginal stakeholders that such signage be erected.

2.3.1.4 Recommendation 4: Cultural Centre

**Recommendation:** Collins (2010) recommended that the planning for a proposed Cultural Centre should be conducted through consultation with all Aboriginal Stakeholders pursuant to meetings designed to facilitate the drafting of a Memorandum of Understanding on the development and operation of such.

**Audit:** The construction of a Cultural Centre is not under the current terms of approval therefore there have been no consultative actions with Aboriginal stakeholders in regard to a Memorandum of Understanding in relation to cultural heritage planning issues that might arise. Everick understands that the actions recommended to the Proponent would take place under conditions of a separate Development Application (See Attachment A: Figure 9).

2.3.1.5 Recommendation 5: Find Procedures

**Recommendation:** A Cultural Heritage find procedure was recommended to be implemented for project related earthworks and for the anticipated future events to be held at the site. The Find Procedure details protocols that staff or contractors of NBP must follow in the event that suspected Aboriginal Heritage is located.

**Audit:** The recommended measures to be taken in the event of finding Aboriginal heritage are the accepted best practice actions which satisfy any statutory obligations under the *Code of Practice for Archaeological Investigation*
of Aboriginal Objects in New South Wales and the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW. As an administrative note, Everick advises that the DECCW is now the Office of Environment and Heritage.

2.3.2 OEH Management Recommendations

The OEH acknowledged the Proponent’s measures to protect Aboriginal cultural heritage values within the Project Area, however, it was noted that only limited management strategies were provided to ensure protection of Aboriginal cultural heritage in perpetuity. The following recommendations were made to assist the Proponent in fulfilling their obligations to cultural heritage.

2.3.2.1 Recommendation 6: Monitoring of Ground Disturbance

**Recommendation:** It was recommended that the local Aboriginal community be invited to participate in monitoring works during initial ground disturbance for the project related earthworks, and for management and maintenance activities (such as weed spraying, pest control, etc.) within the Project Area.

**Audit:** Everick has sighted correspondence from the Proponent inviting the TBLALC to attend earthworks on 2 November 2012 but declined to attend. These documents are included as Attachment C.

2.3.3 DOPI Management Recommendations

The Department of Planning and Infrastructure acknowledged the recommendations made by both the Collins (2010) and the OEH and provided a further recommendation as a condition of approval to ensure that the Proponent manages Aboriginal cultural heritage in accordance with all applicable recommendations.

2.3.3.1 Recommendation 7: Cultural Heritage Inductions

**Recommendation:** The DOPI recommended conditions of approval to ensuring compliance with all recommendations outlined in the CHA and Statement of Commitments being such that all personnel involved in any ground surface disturbance activities at the site were required to undertake a Cultural Heritage Induction training session before commencing construction activities.

**Audit:** The Proponent engaged Ainsworth Heritage to develop the Parklands Induction Register Parklands Statement of Commitment A9 and Consent Condition E26 for implementation prior to construction activities. The document contains information as to the cultural significance of the area, legislative framework, identification of Aboriginal sites and notification procedures. Procedures for Historic heritage are included in the document. A
The Tweed Byron LALC and Aboriginal stakeholders declined written invitations to attend the induction training. With respect to the lack of response from the Aboriginal Community, Everick considers the document and induction training effectively meets the Proponents commitment to best practice.

3. HISTORIC CULTURAL HERITAGE

3.1 Regional Landscape

Collins provided a comprehensive review (Section 5) of Historic Cultural Heritage relevant to the Project Area, comprising Commonwealth, State and Regional register searches, literature research, source material research at Brunswick Valley Historic Society and interviews with residents with original source knowledge.

A review of historic aerial imagery demonstrated significant past ground disturbance across the Project Area, but particularly in the area of Marshall’s Ridges. A dairy farm and milking shed were also located in aerial imagery as were a banana and sugar cane plantations. Collin’s (2010) conclusion was such that while the Project Area had not be substantially developed, non-indigenous land use practices centred on timber harvesting, dairying / pastoral and agricultural industries did not thrive until the latter half of the 19th century and were generally congruent with the timeline for events across the region.

3.2 Cultural Value identified within the Project Area

Thirteen (13) potential items of local historic heritage value were located during the original survey, associated with the local dairying and timber harvesting industries. Though contributing to the overall character of the NBP, none of the items were assessed to meet the threshold for registration on either state or local historic heritage registers. All items were retained and were not considered to be at risk of impacts from the proposed use of the site for cultural events.

3.3 Review and Audit of Management Recommendations

3.3.1 Recommendation 1: Items of Local Historical Interest Left In Situ

Recommendation: The Collins (2010) assessment recommended retention of the thirteen (13) items of local historical interest.
Audit: Everick’s field inspection conducted on 14 August 2015 confirmed that the items remain in situ and remain unimpeached through activities within the Project Area as a result of the established exclusion zones.

3.3.2 Recommendation 2: Non-Indigenous Historical Information in Cultural Centre

Recommendation: The Collins (2010) assessment recommended that educational information be provided for Non-Indigenous cultural heritage within the proposed Cultural Centre.

Audit: The construction of a Cultural Centre is not under the current terms of approval therefore there have been no consultative actions in regard to a Memorandum of Understanding in relation to cultural heritage planning issues that might arise. Everick understands that the actions recommended to the Proponent would take place under conditions of a separate Development Application.

3.3.3 Recommendation 3: Find Procedure

Recommendation: A Cultural Heritage find procedure was recommended to be implemented for project related earthworks and for the anticipated future events to be held at the site. The Find Procedure details protocols that staff or contractors of NBP must follow in the event that suspected Non-Indigenous Heritage is located.

Audit: The recommended measures to be taken in the event of finding Non-Indigenous Heritage are the accepted best practice actions which satisfy any statutory obligations under the New South Wales Heritage Act 1977.
4. SUMMARY GAP ANALYSIS

Having completed a review of the Collins (2010) Cultural Heritage Assessment, Everick can conclude that the assessment meets the requirements of the current legislative and best practice policy frameworks. Everick Heritage recommends that no further investigation into Aboriginal or Historic heritage is warranted other than for the purposes of continuing to facilitate the terms of the Cultural Heritage Assessment, Statement of Commitments and the Conditions of Approval for the Project.

Our gap analysis indicated that the Collins (2010) assessment was conducted under the now superseded *Interim Aboriginal Community Consultation Requirements for Applicants* (DECCW 2004) and draft *Guidelines for Aboriginal Cultural Heritage Assessment and Community Consultation* (DECCW 2005). This consultation process was reviewed and found to be largely consistent with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010). Additionally, as no Aboriginal Heritage Impact Permits were or are required for the site, it is Everick’s opinion that further technical consultation for the site is not required or warranted.

While not a strict requirement for the purposes of this advice, given the outcomes of the Gap analysis and the extent of cultural heritage works completed to date, Everick has provided an assessment of the Project proposal against the *Due Diligence Code* (2010) as an updated test of reasonableness.

5. DUE DILIGENCE ASSESSMENT

5.1 Step 1: Will the activity disturb the ground surface?

Everick considers the ground disturbance to be minimal. Under Part A, Terms of Approval the project infrastructure and works for Stage 1 are complete, Stage 2 partially completed. With exception of the construction of the Jones Road underpass there is minimal ground disturbance from construction works that could have an impact upon significant Aboriginal or historic sites. The majority of works involve the laying of imported fill to provide approved levels of safety for events visitors in the event of flooding. These activities are almost solely confined to the lowlands areas where significant Aboriginal sites are considered unlikely (See 4.3).

To ensure forested areas within the site Central Forest Blocks are adequately protected from trampling and edge effects, the OEH has recommended a condition of approval requiring temporary human exclusion fencing a minimum distance of 10m to the designated forest blocks and other native vegetation, to be provided prior to the commencement of any event. Under the *Splendour In The Grass, 2015 Festival Security Management Plan*, the recommendation has been complied with by the Proponent.
5.2  Step 2a: Search of AHIMS Database

The Everick Heritage review of OEH’s Aboriginal Heritage Information Management System (27-07-15) identified nine site locations within 500m of the Project Area. This is the same number identified by the Cultural Heritage Assessment. These sites comprise disturbed, generally low-density stone artefact occurrences found along the spine of Marshalls Ridges and its spurs. The most significant of the artefact scatters is Yelgun flat 1 located on the eastern end of a spur south of Marshalls Ridges. The site is located between the southern carpark and the Jones Road underpass. The Spine Road passes over the western extremity of the site.

5.3  Step 2b: Is the activity in an area where landscape features indicate the presence of Aboriginal cultural heritage?

Yes. Previous archaeological and cultural heritage assessments (Collins 2010, Fox 2003, Navin/Officer 1990, Piper 2002) have identified a range of Aboriginal sites within and near to the NBP. Within the NBP, with the exception of isolated artefacts, all sites have been low density artefact scatters on Marshalls Ridges and spurs. These areas have been excluded from infrastructure construction and event activity. The construction of an underpass beneath Jones Road was considered by the Stakeholders not to detract from the wider cultural significance of the area as a whole.

An exception to the generally low density and possibly transitory nature of Aboriginal artefact scatters was the Yelgun 1 site on a low knoll overlooking the Yelgun flats which was assessed as being of potentially high scientific significance in addition to its Aboriginal cultural significance. Specific management recommendations were decided upon by stakeholders for the preservation of the site and its exclusion from construction activity and events visitation. Recommendations requiring test pitting over a 60 metre section of the route of the Spine Road were enacted and management measures aimed at avoiding/exclusion from the site during future events, put in place under the Splendour In The Grass, 2015 Festival Security Management Plan.

5.4  Step 2c: Is there evidence of past ground disturbance?

Collins has provided a comprehensive account (Sections 2 and 5) of European land uses of the NBP. Historic land uses have involved traditional logging practices of commercially valuable timbers as evidenced by the remaining stumps containing spring board scars (NBP 1-13). The complete clearing of the majority of slopes north and south of Marshalls Ridges and clearing and drainage works over the flats of tributaries of Yelgan, Billinudgel and Crabbes Creeks has been undertaken for purposes of dairy farming, sugar cane and beef grazing. These activities can be expected to have a highly destructive impact upon the areas where Aboriginal sites have been located, that is, the exposed rock and shallow podzolic soils of the Billinudgel soil landscape. The majority of the NBP areas are
former melaleuca wetlands considered by Collins (Section 4.5) and Aboriginal stakeholders to be low potential Aboriginal cultural areas. Everick concurs with this assessment.

5.5 Additional Steps

No additional works are required until such a time that an amended land use is proposed.

6. RECOMMENDATIONS

It is the opinion of Everick Heritage Consultants that the Proponent has met and satisfied all management recommendations detailed within the Cultural Heritage Assessment and those required by the OEH and DPI.

Everick would note that the Project Area is located within a region of high cultural significance. As such, it is recommended that should the Proponent consider future changes to the project disturbance footprint they continue to engage with Aboriginal stakeholders over appropriate heritage management practices.
DOCUMENTS CITED

Ainsworth Heritage

Collins, J.

North Byron Parklands.

ISEC
2011  Splendour In The Grass, 2015 Festival Security Management Plan North Byron Parklands Wooyung NSW.
ATTACHMENT A: PLANS OF THE PROJECT AREA

Figure 1: Regional Locality of the Project Area.
Figure 2: Project Area.
Figure 3: AHIMS and Soil Landscapes.
Figure 4: Human Exclusion Fencing Employed at Subject Site.

Figure 5: Spine Road and AHIMS Site Yelgun flat 1 on Crest and Knoll to the Right.
Figure 6: View East of Test Pit Area beneath Spine Road in Cross Section.

Figure 7: Jones Road Underpass View North.
Figure 8: View West of Southern Event Car Park.

Figure 9: Northern Event Areas – Proposed Cultural Centre Location in Lower Foreground.
## ATTACHMENT B: AHIMS AND OTHER HERITAGE SEARCHES

### AHIMS Web Services (AWS)

**Site List Report**

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Innovative Heritage Solutions
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ATTACHMENT C: NORTH BYRON PARKLANDS INTERNAL RECORDS

7 September 2010

Tweed Byron Local Aboriginal Land Council
PO Box 6687
Tweed Heads South NSW 2486

Dear Sir/Madam,

RE: NORTH BYRON PARKLANDS

On 26 April 2012 the NSW Planning and Assessment Commission approved a cultural arts and music events venue at North Byron Parklands (Parklands) located at Jones Road, Wooyong, NSW.

Your organisation was contacted and consulted regarding this project in 2010, and in particular the then draft Aboriginal and European Heritage Assessment prepared by Jacqui Collins.

As part of Parklands statement of commitments, Approval Condition E15 and recommendation 5 of the above Heritage Assessment, Parklands will be preparing a Cultural Heritage Induction (CHI) for those contractors and employees engaged in project-related earthworks. As per the recommendations of the Aboriginal and European Heritage Assessment dated 10 September 2010 the CHI will include the following:

- Legal and moral obligations with respect to Aboriginal cultural heritage;
- The measures to be implemented in the event of any identified or suspected Aboriginal objects; and
- The types of and identification criteria for cultural heritage material that may be uncovered.

I am writing to you today to invite you to review, amend and/or confirm the content of the CHI prior to it being delivered to contractors and employees engaged in project-related earthworks. If you could indicate by way of email to the undersigned by 19 September 2012 your organisation’s intent to review the induction, I will send a copy of the draft CHI for your consideration.

Aboriginal stakeholder representatives are also invited to attend and participate in any CHIs as they see fit. You will be provided further details of the CHI sessions as and when they are organised.

Yours Faithfully

[Signature]

Mai Morris
General Manager
mail@northbyronparklands.com
5 October 2012

Tweed Byron Local Aboriginal Land Council
PO Box 9967
Tweed Heads South NSW 2486

Dear Mr Sir/Madam,

RE: NORTH BYRON PARKLANDS

Further to my correspondence dated 7 September 2012, I am pleased to provide our Draft Cultural Heritage Induction for your review and comment.

As you are aware the NSW Planning and Assessment Commission approved a cultural arts and music events venue at North Byron Parklands (Parklands) located at Jones Road, Wooying, NSW.

Your organisation was contacted and consulted regarding this project in 2010, and in particular, the then draft Aboriginal and European Heritage Assessment prepared by Jacqui Collins.

As part of Parklands statement of commitments, Approval Condition E15 and recommendation 5 of the above Heritage Assessment, Parklands has now prepared a Draft Cultural Heritage Induction (CHI) for those contractors and employees engaged in project-related earthworks.

I am writing to you today to invite you to review, amend and/or confirm the content of the CHI prior to it being delivered to contractors and employees engaged in project-related earthworks.

If you or your organisation would like to provide comments please submit them to the undersigned by 22 October 2012 (either by post or email).

Aboriginal stakeholder representatives are also invited to attend and participate in any CHIs as they see fit. If you could advise if you wish to attend the first CHI proposed for later October 2012, please let me know at your earliest convenience.

Please be advised that earthworks are scheduled to commence on 2nd November 2012 and I would like to extend an invitation for any of your Council’s interested members to be present during the excavation works phase of the project. Please do not hesitate to contact the undersigned on 02 6680 4049 to make a time to meet.

Thanking you in advance.

Yours Faithfully

Mat Morris
General Manager
mat@northbyronparklands.com
9 November 2012
Tweed Byron Local Aboriginal Land Council
PO Box 6967
Tweed Heads South NSW 2486

Dear Mr Sir/Madam,

RE: NORTH BYRON PARKLANDS

I refer to my letters of 7 September and 5 October 2012 to you advising of and inviting you to the first phase of the construction stage of the project. No response was received from these invitations.

I am pleased to advise that on the 29th of October 2012 Parklands ran their first Cultural Heritage Induction (CHI) session, which was undertaken by Ainsworth Heritage based at Ocean Shores. I have attached details of our CHI register for your records.

Works commenced on 2nd November 2012 and I would like to once again extend an invitation to inspect the site. I have an office located at 54 Jones Road, Wooyung and am available Monday to Friday. I can be reached on 02 6680 4049

Yours Faithfully

[Signature]

Mat Morris
General Manager
mat@northbyronparklands.com