

Minutes of the Aboriginal Advisory Committee Meeting held Friday 7 November 2011

Venue:

Tweed Byron Local Aboriginal Land Council, Meeting Room

Time:

9.50am-2.05pm

Present:

Jackie McDonald (Tweed Wollumbin AECG), Glenda Nalder (AECG Alternate), Joyce Summers (Canowindra), Garth Lena (Minyunbul Community), Councillor Dot Holdom (Tweed Shire Council), Leeweena Williams (Tweed Aboriginal Corporation for Sport)

Ex-officio:

Anne McLean and Belinda Joseph (Minutes), (Tweed Shire Council)

Guest Observers:

David Hannah (Tweed Shire Council) (arrived: 10.18am, departed: 10.59 am); David Oxenham (TSC) (arrived: 12.22pm, departed: 2.05pm), Tim Robins (Everick) (arrived 9.15am, departed 12.51pm), Ian Fox (Converge) (arrived 9.00am, departed 2.05pm)

Apologies:

Desrae Rotumah

Chair: Joyce Summers

Moved: Jackie McDonald

Seconded: Garth Lena

RESOLVED that the Chair was declared vacant and nominations were called. Joyce Summers was nominated and was unanimously elected to Chair the meeting.

Minutes of Previous Meeting:

Moved: Jackie McDonald

Seconded: Councillor Dot Holdom

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 7 October 2011 be accepted as a true and accurate record of the proceedings of that meeting with the following amendment:

The spelling of Holdom was incorrect on page one.

Moved: Jackie McDonald

Seconded: Councillor Dot Holdom

01. "Between River and Sea" Historical Images of Kingscliff

Deferred

02. Memorandum of Understanding ("MOU")

Deferred

03. TBLALC request to seal bottom end of Letitia Road

Anne McLean advised the committee that Engineering staff advised in September that sealing of Letitia Rd was not included in the current year's work program. Anne further advised that to the best of her knowledge there had been no response from the TBLALC to the letter sent by Council and suggested the item be closed. General discussion ensued about sealing of the bottom end of Letitia Road.

Action: Anne McLean to ask David Oxenham what options other than bitumen are available to keep dust down, particularly in summer months.

04. Terms of Reference

Deferred

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Deferred

06 Aboriginal Community Member Representation to Museum Advisory Committee

Anne McLean advised that the position of Senior Museum Curator is being filled on a temporary basis and is likely to be recruited in the New Year. Senior Museum Curator to be invited when on board. Deferred.

07. Pacific Highway, Banora Point Upgrade

Jackie McDonald has been liaising with the RTA, they have requested further information explaining why 'Goodjinburra Connection' has been selected by the AAC. The extra information will add weight to the proposal when considered by the RTA.

Action: Jackie McDonald to prepare letter for RTA explaining significance of 'Goodjinburra Connection' name.

08 Pacific Highway, Banora Point Upgrade

Jackie McDonald confirmed the RTA has made all the changes that were requested by AAC (removal of spirit figure and addition of pelicans on ground). Final images to be reviewed by the Committee when available.

09 Telecommunications/Mobile Phone Towers

There was general discussion about the Telecommunications Act and the consultation process in terms of cultural heritage. The Committee heard that Telstra were considering NOT undertaking Cultural Heritage Assessment before proceeding with the construction of the tower at Limpinwood. Des Williams advised the Land Council can contact the State Land Council and ask for a cultural heritage assessment to be done.

David Hannah Tweed Shire Council arrived 10.18am

Outstanding matters deferred for guests

Agenda Items:

A1. Piggabeen Services Corridor & Care Agreement Application Kirkwood Road (David Hannah - Tweed Shire Council)

a) Piggabeen Services Corridor - Aboriginal Cultural Heritage Due Diligence Assessment

Two maps were tabled for the information of the Committee. David Hannah advised the Committee of an engineering project Council is commencing called the 'Piggabeen Services Corridor' that will involve the removal of trees and vegetation. David Hannah explained the project has arisen as water and sewerage pipes from Piggabeen to Cobaki Lakes require upgrading and it makes sense to do this now, in tandem with road works that will cover the pipes making work more difficult in the future. A narrow corridor of vegetation will need to be removed to install the pipes.

A due diligence assessment is to be carried out by Converge to assess cultural heritage. Ian Fox spoke to the Committee and advised that after initial assessment, it is unlikely there would be any cultural heritage located in the site. The area is tidal and regularly inundated and there was no evidence of any elevated sites for camping, and this would be reflected in the due diligence report.

The Committee expressed concern about the loss of vegetation. David explained that as the area is identified as SEPP 14 Wetland, compensatory planting will be required in a 2:1 ratio. This means that there must be a net gain of vegetation from the replanting of like species undertaken (preferably) in a nearby location.

Action: That the Due Diligence Assessment record the details of the site and values in the context of the broader cultural landscape.

b) Care Agreement Application for Kirkwood Road Project

David Hannah advised as part of the removal and storage of the Scar Tree, a form needs to be completed by the organisation stating where the artefact will be held, and he asked the Aboriginal Advisory Committee would it be able to assist him in completing this form. Some Committee members were concerned that placing the display outdoors will expose it to vandalism. Others noted the story of the tree must accompany the display. There was further general discussion about the materials the display is made from, its size and location. Details can be finalised later but the form must be completed now to start the process.

Action: Des Williams to take the form and arrange for its completion by the Trading Company.

Action: David Hannah to email Leeweena Williams with his contact details and a blank form.

A2. Everick (Tim Robins)

a) Tweed River Regional Museum at Flagstaff Hill

Tim Robins advised Everick has been engaged to undertake a Due Diligence Assessment of Flagstaff Hill in relation to the proposed museum on the site, however Council have since asked Everick to put a hold on their consultation.

There was general discussion about the cultural significance of the proposed site, Council's consultation process, the impact of Native Title and alternative sites for the museum. The Committee noted there is a dreaming story associated with the site that is known to the Bundjalung people generally making it an important site locally and in the region.

Jackie McDonald left at 11.28am

Anne McLean advised the Committee to defer this item and re-open it later in order to speak with David Oxenham regarding this issue.

Des Williams acknowledged the benefits of having a map which showed sites of significance that will allow Council to plan around the sites in the future.

Action: Councillor Dot Holdom to request a meeting with David Oxenham.

Action: Flagstaff Hill Museum to be placed on the Agenda for the next meeting.

b) Royal Terranora Resort at Marana Street, Bilambil Heights

Documents tabled. Tim Robins stated that Everick has been asked to conduct a Due Diligence Assessment at the site. Tim noted the northern end of the site had been impacted by earthworks and the southern end of the site has been cleared repeatedly. Regardless of this, Jackie asked that an archaeological assessment of the site is undertaken. Tim asked the Committee to contact him if there is further information to contribute in terms of knowledge of the site.

c) Fingal Head Holiday Park/Cemetery

Tim Robins advised the Committee the project is on hold while Council works through serious sea level rise issues. He also advised if the project recommences then the consultation will still proceed.

Tim distributed some discs with aerial photos of the site. Glenda Nalder advised the sand mining company Sibelco was currently digitising and archiving their old photos and may be a useful source of historical documentation. Trove and Australian Inland Mission were also mentioned as possible sources of historical information.

Tim noted that Everick believe only a very small component of the caravan park has been sand mined so they are treating the site as culturally significant. Ian Fox noted there are 101 registered burials for the site and that there is no way they would all fit in the surveyed area. Tim said community feedback was that many burials were not registered but thought to be in that location.

d) Hundred Hills development at Murwillumbah

Documents tabled. Tim Robins advised that Everick has been on site for the new development 'Hundred Hills at Murwillumbah' with a representative from the TBLALC (Kyle Slabb). Tim noted a significant amount of cut and fill is required with the development. Tim asked if the Committee could resolve its position on whether a full cultural heritage assessment would be required.

Moved: Des Williams

Seconded: Garth Lena

RESOLVED that a full Cultural Heritage Assessment is undertaken for the Hundred Hills development at Murwillumbah.

e) Chinderah Service Centre

Tim Robins updated the Committee that Everick have been asked to confer with Converge Heritage in relation to the location of the ceremonial site and other archaeology identified in the area. Tim asked the Committee to advise if there are any additional comments Everick could include in their report. It was also confirmed Jackie McDonald has been in contact regarding this matter.

f) Tringa Street subdivision at Tweed Heads

Documents tabled. Tim Robins acknowledged Everick has been engaged as a result of an application for variation. Everick expected that the Tringa Street subdivision site would be a culturally significant site and was confident that physical artefacts would be found. However, the area is very swampy and not likely to have been used by Aboriginal people.

Figure 11 of the report (pg 24) shows a section of higher ground where some earth has been cut from the site but it shows no visible evidence of a campsite. Des Williams acknowledged the low lying area was more likely to be a food collection area, with presence of middens likely on higher ground. Tim Robins advised that Everick had included a statement in the executive summary on the cultural significance of the surrounding area and invited the Committee to comment.

Councillor Holdom noted Figure 1 of the report is wrong as it includes Council operational land.

g) River Heights Tourist Park at Kirkwood Road - Tweed Heads South

Documents tabled. Tim Robins advised that Everick thinks there will be good archaeological information found at this location due the basalt rocks, soils and location. General discussion and clarification of site.

Joyce Summers confirmed she has been told there is something significant at this location, and that Desrae Rotumah has knowledge of a different formation of the basalt rocks.

Ian Fox (Converge) and Tim Robins (Everick) compared notes on sites around the area. Tim Robins asked the Committee for a resolution he could take to the clients.

Moved: Garth Lena

Seconded: Glenda Nalder

RESOLVED that this is a location that requires further cultural heritage investigation because of known sites in close proximity and that results are reported back to the Aboriginal Advisory Committee.

h) Bundjalung Mapping Project (New Item)

Tim Robins expressed concern that the Bundjalung Mapping Project and other cultural heritage information was held by Ian Fox who is an employee of Converge. Everick feels deep concerns about any consultant holding this information, and asked what safeguards are in place, as Everick has seen cultural heritage information misused in other instances where "white people become the gate keepers of knowledge". Everick also holds concerns from a commercial context.

Ian Fox (Converge) advised the knowledge didn't sit with Converge, nor would it sit with Converge in the future. Ian Fox has consulted with the community and it is proposed that the information be maintained in trust for the benefit of the community. A trust fund is to be set up so any consultant (including Converge) would pay an access fee, with the funds being used for NAIDOC celebrations.

Des Williams acknowledged the enormous amount of work that Ian has personally given to the Bundjalung Mapping project, well and truly over that the parameters of the project itself. Des confirmed Ian has his full confidence as custodian of the data on behalf of the community and is satisfied with the trust account proposal that Ian referred to. Aunty Joyce acknowledged the Committee has complete faith in Ian's handling of cultural heritage and his ability to manage it with integrity. Glenda noted the Aboriginal community has the right to manage the data as it sees fit. Des acknowledged Tim's concerns but maintained that checks and balances are in place.

David Oxenham arrived at 12.22pm

Resumption of Outstanding Matters Report - Everick Items (Tim Robins)

O12 Fingal Head Holiday Park

Refer Agenda Item A2(c).

O16 Boyd's Bay Garden Centre, Tweed Heads and World and Riva Vue, Murwillumbah

Due Diligence Assessment Boyds Bay Garden Centre, Tweed Heads - a cultural statement has been included in the report. Item to be closed.

Due Diligence Assessment Riva Vue, Murwillumbah - to be left open at this time. Further information was requested, but no feedback has been received. Item to remain open.

O30 Scenic Drive Bilambil Heights and Chinderah Service Centre Due Diligence Report

Due Diligence Assessment Scenic Drive Bilambil Heights - the report is yet to be finalised and is open at the moment.

Due Diligence Assessment Chinderah Service Centre - refer Agenda Item A2(e)

Tim Robins (Everick) finished speaking at 12.27pm

Lunch

Tim Robins left at 12.51pm

Inwards Correspondence

IC1 Welcome to Country representative for 'Sweet Harvests' launch

Anne advised the Aboriginal Advisory Committee has been approached to give a Welcome to Country at the 'Sweet Harvests' launch. Aunty Joyce expressed interest in reviewing the DVD. Glenda suggested a copy of the DVD should be sent to Jackie McDonald for review.

Glenda asked if the Cultural Development Advisory Committee representatives will be invited to attend. David noted Judy can arrange.

Action: Anne McLean to liaise with Judy Kean to send Joyce Summers and Jackie McDonald a copy of the Sweet Harvests DVD.

Action: Invite Cultural Development Advisory Committee representative to attend the 'Sweet Harvests' DVD launch.

Moved: Glenda Nalder

Seconded: Cr Dot Holdom

RESOLVED that Jackie McDonald be invited to give Welcome to Country at the 'Sweet Harvests' launch.

IC2 Jack Evans Open Space - Application for tender

Anne McLean advised that the Aboriginal Advisory Committee has been asked by Stewart Brawley, Council's Recreation Services Manager, to look at a response to a tender put out by Council with regards to the activation of Jack Evans Boat Harbour. The applicant claims to have indigenous heritage and seeks to play music, tell stories and conduct workshops. General discussion around the requirements for tender.

David Oxenham advised the Committee to ask Stewart Brawley to the next meeting so the requirements of the tender can be made clear and the Committee has all the information to advise.

Action: Invite Stewart Brawley to attend the next Aboriginal Advisory Committee to discuss the Jack Evans Boat Harbour tender process.

IC3 Office of Environment and Heritage - Aboriginal Heritage Legislation in NSW - Public consultation on issues for reform

The Committee noted the forum planned for 29 November 2011. Ian advised the Committee it is his understanding that the NSW Government is now proposing this as standalone legislation not reform as originally thought. The Committee discussed the generally short period of consultation in relation to this important legislation. Jackie noted the State Land Council is advocating that consultation should be done in as many as 50 locations. Des to follow up.

Jackie McDonald noted that one of the items raised should be in relation to legislation that exempts Telecommunications companies from conducting Cultural Heritage Assessments.

IC4 Working for Barrels

General discussion of the material received and agreement there is insufficient information to make a decision.

Action: Jackie to investigate the website and report back.

IC5 Welcome to Country - Early Childcare Development Conference

Anne McLean advised a request had been received to conduct a Welcome to Country at this conference. The committee considered the request and nominated Jackie McDonald (or Aunty Joyce as alternate) to conduct the welcome

Moved: Leweena Williams

Seconded: Garth Lena

RESOLVED that Jackie McDonald (or Aunty Joyce as alternate) give the Welcome to Country at the Early Childcare Development Conference.

General Business

GB1 Response from Committee Nominations for ToR

Anne advised that one only form to date has been submitted and suggested the Community Services Officer - Aboriginal Development could call on AAC members after starting to discuss membership and meet respective members.

GB2 Shire Entry Signage

Anne displayed a 'mock up' of the sign which will go up at Wooyung (entry from Byron Shire), at Border Park Raceway and at Tugun on the freeway. It was noted spelling of "Naganduwal" should be "Nganduwal".

Signs for other entry points will be smaller and have not been finalised yet.

GB3 Jack Evans Boat Harbour Signage

General discussion around clarification of decision to change the wording. The Committee confirmed that under the primary heading Goorimahbah - Place of Stories will appear Goorimah - 'a story'.

Action: Anne McLean to forward finalised sign wording to Georgina Wright.

GB4 Mayoral Attendance at Aboriginal Advisory Committee

Councillor Dot Holdom advised on the Mayor's behalf that he is interested in coming to an Aboriginal Advisory Committee meeting. It is likely the Mayor will attend the February meeting.

GB5 Fingal Headland signage

Des Williams said he believed there should be a plaque - potentially on the Fingal Headland - which shows that Cook Island used to be a harvest place, similar to the kind of signage that exists at Seagull Island in Northern Territory and for Muttonbird Island in Coffs Harbour. Aunty Joyce noted Cook Island used to be a turtle nesting place too. Des Williams advised that the Land Council can follow this up with National Parks.

Action: Council to follow up with Natural Resource Management and Recreation Services to see if they can assist with signage.

GB6 Cobakai and Terranora Broadwater Aboriginal Cultural Heritage Management Plan (Converge - Ian Fox)

Further to the document Ian Fox (Converge) tabled at the Aboriginal Advisory Committee 7 October, Ian advised he has forwarded copies to Tom Alletson at Tweed Shire Council and has also been in contact with Jackie McDonald. Ian advised he will print some additional copies and Des Williams advised he would contact Ian after he has read the document.

Ian reiterated that maps have been updated and the plan includes more cultural information. Recommendations have been updated. The document better reflects new knowledge that has been obtained since 2006 from the Tugun Bypass, Cobakai Lakes Development and other Tweed Shire Council studies

Resumption of Outstanding Matters Report**O20. Proposed Park Name Cudgera Creek Park - Hastings Point**

Further to the memo tabled by Stewart Brawley at the Aboriginal Advisory Committee meeting of 1 August, Anne McLean asked the Committee if they were happy with the name 'Cudgera Creek Park'. Ian Fox (Converge) advised he understood through reading historical accounts from early settlers that the area (including the headland) was referred to as 'Cudgera'.

Moved: Garth Lena

Seconded: Des Williams

RESOLVED: That the Aboriginal Advisory Committee accepts the name of Cudgera Creek Park as proposed.

032 Interpretive signage at Fingal Head

Kay Bolton (Fingal Head Coastcare) asked the Committee to confirm the wording of the proposed signage for Fingal Head. The Committee was reminded this was part of a grant funded project that Kay is coordinating. Anne McLean advised the signage needs to be finalised in order for Kay Bolton (Fingal Head Coastcare) to acquit the funding.

The Committee discussed the draft text provided by Kay, the spelling and intention of Fingal Head interpretive signage. Anne asked if the wording for Cook Island should be included on the sign Kay is proposing. The Committee confirmed the two signs are separate.

Joyce Summers suggested the aboriginal word for dreaming should be used in front of the European term. The following changes in bold text were agreed:

- Welcome to Booninybah/**Pooninybah**...
- The spirit of the Booniny, the giant echidna of the **Brotherum**/Dreaming is embodied in the **columnar**...
- The headland and surrounds are the location of several **Aboriginal** (and European)...
- Please respect this special place.

038 Community Services Officer - Aboriginal Development

As per previous discussions, Aunty Joyce will be transported to the location. Glenda Nalder asked if Aunty Joyce was assisting with the short listing process. Glenda noted that the merit selection process in NSW requires all on the interview panel to take part in the short listing process. David advised Aunty Joyce could short list candidates if that is the wish of the committee. Joyce Summers agreed to take part in the short listing process. Item closed.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 2 December 2011 at Minjunbal Museum.

The meeting closed at 2.05pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.