

Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 April 2011

Venue:

Minjungbal Museum Meeting Room, Cnr Kirkwood Road and Duffy Street, Tweed Heads South

Time:

9.25am

Present:

Aunty Joyce Summers (Canowindra Aged and Disability Cooperative); Jackie McDonald (Tweed Wollumbin AECG); Garth Lena (Minyungbul Community); Cr Dot Holdom (Tweed Shire Council); Desrae Rotumah (Tweed Aboriginal Cooperative).

Ex-officio:

Anne McLean and Jenni Clarke (Minutes), (Tweed Shire Council)

Guest Observers:

Tim Mackney (TSC) (arrived 9.15am), Richard Adams (TSC) and Phil Fogarty (LPMA) (arrived 10.40am), Belinda Smith (arrived 1.25pm), Jason Young (TSC) (arrived 2.05pm)

Apologies:

David Oxenham (Tweed Shire Council); Glenda Nalder

Chair:

Moved: Jackie McDonald

Seconded: Joyce Summers

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

Desrae opened the meeting with a welcome to all present and paid respect to Elders past and present.

Minutes of Previous Meeting:

Moved: Cr Dot Holdom

Seconded: Joyce Summers

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 4 March 2011 be accepted as a true and accurate record of the proceedings of that meeting.

Referring to page 5 of the Minutes of the previous meeting Cr Dot Holdom asked if a plaque or sign could be erected at the site of the scar tree referring to its cultural story and heritage and the significance of the site.

Business Arising:

Agenda Items:

1. Outstanding Matters Report

Items 1 and 2 deferred until commencement of Councils Aboriginal Officer.

3. TBLALC request to seal bottom end of Letitia Road

TBALAC were to send a letter to Council from Extraordinary Land Council meeting. Anne McLean to follow-up.

Items 4 and 5 deferred until commencement of Councils Aboriginal Officer.

6. Aboriginal Community Member Representation to Museum Advisory Committee For further discussion.

7. Pacific Highway, Banora Point Upgrade

Not discussed

8. Pacific Highway, Banora Point Upgrade

Nominations for the naming of Laura Street Bridge and naming of viaduct are to be considered at the next Banora Point AFG meeting. The Committee will be updated at the next meeting.

9. Re-burial of Shellfish remains – Piggabeen Road Bypass Not discussed

10. Aboriginal Statement

Cr Dot Holdom advised that a Notice of Motion was previously put to Council whereby Council resolved while under Administration that an Aboriginal Statement is to be read at each Council Meeting. Cr Holdom will email the Statement to Committee Members.

Moved: Jackie McDonald

Seconded: Garth Lena

RESOLVED that Council amend the Policy Statement and adhere to the resolution of Council regarding the reading of the Aboriginal Statement at the beginning of each Council Meeting.

11. Pacific Highway, Banora Point Upgrade

At the Banora Point AFG meeting on 13 April 2011 Jackie McDonald, Garth Lena and Joyce Summers will present the proposed artwork design to the to the RTA. Cr Holdom suggested a plaque be put in the area recognising contribution by the Aboriginal Community. The Committee will be updated at the next meeting.

12. Cabarita Streetscape Project - Artwork and Themes (Rock 1)

Item deferred until presentation by Belinda Smith at 1.30pm.

13. Cabarita Streetscape Project - Artwork and Themes (Rock 3)

Item deferred until presentation by Belinda Smith at 1.30pm.

14. Crown Land Projects on the Tweed

Item deferred until presentation by Phil Fogarty at 11am.

15. Access to Tweed Byron Local Aboriginal Land Council land for potoroo study

Anne McLean to contact TBLALC to see if this item has been followed up.

Tim Mackney arrived at 9.15am

Outstanding Matters were suspended for guests.

Guests

1. Spillway Upgrade at Clarrie Hall Dam (Tim Mackney (Tweed Shire Council), George Samios (Senior Dam Engineer - NSW Dams & Civil); Margaret Balandin (Senior Environmental Scientist - NSW Dams & Civil); Bob Clarke (Hydraulic Design Engineer - NSW Dams & Civil))

Tim Mackney revisited the background to the project based on his presentation during last month's meeting:

- The dam was constructed in 1983 based on the requirements valid at that time
- Since then changes in BOM weather data and an increased population downstream of the dam mean that the NSW Dam Safety Committee requires Council to increase the capacity of the spillway so that a larger design flood can be passed without damaging the dam
- Construction is expected to occur in 2013.

Tim explained that Council is using the cultural heritage assessment that the Committee carried out in 2008 over a larger area for possible raising of the dam. The spillway work is expected to impact on a much smaller area, but Council is requesting feedback from the Committee to ensure this is the case.

NSW Dams & Civil presented various options for increasing the capacity of the spillway noting that:

- The project will not change the existing water level in the dam
- The designers have modified the options to reduce environmental disturbance and the need for clearing
- The new spillway will lie entirely within areas already significantly disturbed during the original dam construction (refer plans)
- Construction access will be determined by the Contractor, but can be limited based on the requirements of the REF (which will incorporate any cultural heritage issues). Council would like any additional feedback from the Committee in this regard.

Following discussion the Committee requested that:

- Council undertake research and advise what happened to the scar tree know to be on site prior to construction of the Clarrie Hall Dam
- Interpretive signage be erected in the picnic areas recognising the previously removed scar tree stating that now the Aboriginal Community work collaboratively with Council to ensure that items of heritage significance are no longer removed without consultation.

- Investigate aboriginal employment opportunities in the project
- There be a mandatory cultural heritage induction for all workers during the construction period.
- Council provide plans showing the existing and proposed spillway footprint.
- Council provide plans showing the areas identified as possible site installation areas.

Council will present how the Committee's requests have been incorporated in the REF – preferably at the July meeting. This date may need to be altered to accommodate other AAC commitments to either the June or August meetings.

Phil Fogarty and Richard Adams arrived 10.40am.

Tim is to provide an electronic copy of the site map which is to be forwarded to the Committee. Cr Holdom enquired if a bus trip to the potential site could be organised if need be. Tim suggested at this stage the existing report produced by the community would be utilised, but if need be it could be organised.

2. Fingal Head Holiday Park (Richard Adams (Executive Manager of Holiday Coast Trust) and Phil Fogarty (Crown Lands))

Richard Adams discussed a proposal to redevelop the Fingal Head Holiday Park within its existing footprint due to existing pipe infrastructure being at the end of its useful life requiring it to be replaced. He advised that the site sizes are too small and that the proposal includes reducing the number of sites and making them larger and to also install small holiday cabins.

The Committee advised that a Cultural Heritage Assessment is required due to the proximity of the cemetery noting there is the possibility of disturbing human remains during the redevelopment of the site.

Richard advised that expert consultants will be engaged to address the issue of human remains being disturbed and that they will attend the June Aboriginal Advisory Committee Meeting. The Cultural Heritage Assessment will be governed by DECCW Guidelines. Richard will provide site plans of the proposed works to the Committee.

Desrae Rotumah suggested that residents of the spit should be consulted with prior to works commencing and that monitors should be on site. It was noted by the committee that the existing site footprint encroaches onto land that was formerly a cemetery. The existing fenced area does not represent the actual boundary of the cemetery. Furthermore, the Committee suggested that road widening may also disturb human remains. Cr Holdom suggested that a meeting could be organised with Fingal Ratepayers Association for sharing of information about the site.

The Committee are pleased that discussions have been held prior to works being undertaken and see this as the first step of the process. It was suggested that the Consultants should research if there is written records available which can be used as part of the Cultural Heritage Assessment. Jackie noted that cultural information pertaining to the site will be identified by the various stakeholders as part of the DECCW process.

The Committee enquired as to what would happen if human remains are found and what solutions are available. Richard advised that consultative talks would be undertaken.

3. Cabarita Beach South Precinct, Tweed Coast Crown Reserve Management Plan and Land & Property Management Projects (Phil Fogarty Land & Property Management Authority)

Phil Fogarty discussed a proposal for a new holiday park at South Cabarita as a representative of Land & Property Management Authority and referred to story boards that were available on LPMA website during the exhibition period..

Phil firstly referred to the Crown Land zoned residential and noted that this section of the proposal has received less resistance from the community. As regards the Holiday Park, Phil noted that public submissions have not been supportive of the project but that the business community is generally supportive. The proposal will be presented to the Reserve Trust Committee of Council to determine whether to proceed with the project or not. If the project proceeds, Council will be managing the Holiday Park development and LPMA will manage the residential development. Richard advised that further investigation will be undertaken prior to lodging the Development Application including a Cultural Heritage Study.

Jackie McDonald asked how the issue of Native Title is being addressed and if Native Title has been extinguished and if so how? She noted the community will continually ask for benefits to compensate for loss of land. Phil clarified that the Native Title Act allows for certain developments on land reserved for public recreation consistent with that use. He further advised there is no registered Native Title claim over the site but that granting of the lease creates implied ownership by Council.

The Native Title Act sets out how native issues can be solved:

1. Non-claimant application: invites interested persons to come forward
2. Acquisition: invites interested persons to apply as a formalised process

Jackie McDonald again noted the importance of benefits to the community and noted an ILUA could be negotiated even though Native Title is not granted.

Phil Fogarty floated Camp Wollumbin as an area of interest to the Committee. He advised that revenue from the Holiday Park could be streamed to the Camp Wollumbin Boy Scout Camp to provide cultural, spiritual and social outcomes. He suggested funds could be allocated to a consultant for ongoing discussions with the indigenous and non-indigenous community to consider economic proposals for activation of the Camp Wollumbin site. He advised that there are some planning issues regarding development of the site such as access and bushfire. Aunty Joyce Summers asked if is there a commitment to the Closing the Gap Strategies in place in LPMA and would there be support for ongoing strategies such as Aboriginal Employment. Phil noted the LPMA is committed to improved social outcomes for indigenous people.

The Committee advised that they appreciated the fact that the proposal was brought to the Committee for consultation and discussions are being held at the first stage of the

proposal and suggested that if more information on Camp Wollumbin is provided the Committee could take it back to their relevant bodies for discussion.

Jackie McDonald asked for an update on the proposal for the redevelopment of Kingscliff Foreshore Caravan Park. Richard Adams noted the first step which has just been completed was for sand stabilisation. Next, the proposal is to close the holiday park, relocate the southern boundary and redevelop the northern end of the park by modernising it. A community park will be developed on the southern end of the park.

Cr Holdom asked that future proposed developments be emailed to the Aboriginal Development Officer or Anne McLean for distribution to the Committee and that Phil attend future meetings for discussion on Crown Land proposals.

Jackie asked for an update on Flagstaff Hill and if Native Title had been extinguished. Phil advised that there was an analysis last year of development opportunities on Crown land in the Flagstaff Hill locality and that to his knowledge Native Title had been extinguished because of prior leases over the site. He agreed to return to a future meeting to share his understanding of how Native Title is extinguished. He noted that in regards to the museum site that Council has a licence for investigation.

Phil and Richard left the meeting at 12.15pm.

Anne McLean further discussed the proposal at Camp Wollumbin and noted that this is an opportunity for the community and that options for development and management of the site by the aboriginal community should be pursued.

Meeting closed at 12.30pm for lunch.

Meeting resumed at 12.45pm.

Guests

4. Indigenous Consultation: Cabarita Beach/Bogangar Community Plan (Dr. Kerri Foxwell-Norton)

Anne tabled the research information sheet provided by Dr. Kerri Foxwell-Norton who has been commissioned pro bono to undertake a community consultation to develop a Cabarita Beach/Bogangar Community Plan by Cabarita Beach/Bogangar Residents Association and read out a statement at the request of Kerrie which invites the Committee to participate in the development of the plan.

Kerrie has suggested that she could meet the Committee Members on a one on one basis but the Committee advised that they would prefer that Kerrie meet the Committee as a representative group. The Committee were advised that Kerrie is not available to attend meetings on Fridays.

Cr Holdom advised that the development of this plan is outside Council process and that to date Cabarita Beach/Bogangar Residents Association have not had discussions with Council.

The Committee determined that it would not be in their interest to discuss the proposal with the consultant on a one on one basis.

Resumption of Outstanding Matters Report

16. Indigenous Fishing Program Draft Report

The Committee advised that they will contact Hayley individually.

17. AHIP Application for Kirkwood Road Project

Jackie and Desrae will take the matter to their respective Committees at the next meeting held on Monday 4 April 2011.

Jackie McDonald advised that she does not support the application unless there are community benefits and commitment to Aboriginal employment.

Cr Holdom suggested artwork could be designed and video file developed by the community to explain why the Scar tree is significant.

Belinda Smith arrived at 1.25pm

Cr Holdom asked if the Committee be forwarded details of staff who identify as Aboriginal in both designated Aboriginal positions and non-Aboriginal designated positions including gender, age group and position. Contract positions in Council are to be included in the analysis. Anne suggested that the way forward would be for staff to actively nominate specific positions for recruitment and training of Aboriginal people. Council could resolve to support this as one of many strategies in a Reconciliation Action Plan.

Item deferred to deal with item 5 on the Agenda.

Guests

5. Cabarita Streetscape Project - Art work and themes (Belinda Smith)

Belinda advised that some changes have been made to the artwork on the rocks: "*place of many pippies*" has been removed; the timeline has been replaced with "*Norris Headland is carved from rock that is 400 million years old*"; a hybrid of sentences for the last rock: "*You are standing in the land of the Goodjingburra clan of the Bundjalung people. The descendants of these people remain spiritually connected to this place - always*".

Belinda advised that the artwork concept design by Scott represents his connection with the land and culture and will be carved onto the reverse of the rock by a stonemason. The Committee heard the artwork represents both a shield and a surfboard coming together to represent past and present culture. Belinda noted the Land Council has given their approval to the changes.

Shell designs have already been chiselled into the polished rock by the stonemasons. Belinda advised that the artwork should be finished by Easter 2011.

Invitations to be sent to committee for the laying of the stones, letter to be sent to Belinda approving wording and design.

Moved: Joyce Summers

Seconded: Garth Lena

RESOLVED that the revised wording and artwork be accepted.

Belinda left at 2.00pm

6. AHIP Application for Kirkwood Road Project (Jason Young)

Jason provided update on the Kirkwood Road Project and advised that Council is committed to including wording in Tender documents for the project to promote indigenous employment in the project as discussed at last AAC meeting. Eligible contractors must have in place an Aboriginal employment management plan whereby they currently employ Aboriginal staff or that they have in the past engaged Aboriginal employees. The Tenders will be assessed on that basis and has the possibility of creating additional employment for local Aboriginal people but advised that Council cannot mandate that only local Aboriginal people are employed.

Jason advised that Council has made a commitment to the Scar Tree in Kirkwood Road and that it will be preserved and be presented to the Museum.

Cr Holdom asked could a record be put on the site of the historical significance of the scar tree. Jason advised that a plaque could be placed on the wall near where the tree was located. The Committee is to develop the wording and bring back to next meeting.

Jason advised that the AHIP permit is half way through the 60 day period and that Council have not heard back from National Parks.

Jason advised that the Executive Management Team has made a decision to undertake a formal application to the Anti Discrimination Board to designate certain positions as Indigenous only. In doing so Council is making a commitment to raise the level of Indigenous employment by between 2.5% and 3.5% or an additional 7-8 positions by offering Aboriginal traineeships and positions for skilled Aboriginal workers. Jason noted that the current number of people employed with Aboriginal descent is approximately 20-21.

Jason left the meeting at 2.30pm.

Outstanding Items

18. Kennedy Drive Cycleway

Moved: Joyce Summers

Seconded: Desrae Rotumah

RESOLVED that Garth Lena or Jackie McDonald be nominated as alternate community Site Officers in addition to TBLALC Site Officers.

19. Bird Roost at Tommy's Island, Terranora Broadwater

Jackie McDonald waiting for details of the map.

- 20. Spillway Upgrade at Clarrie Hall Dam**
Tim Mackney attended 1 April meeting.
- 21. Eviron Road Quarry**
Letters sent by respective Committee members.
- 22. Telstra telecommunications facility at Boxsell Road, Limpinwood**
Matter is still outstanding – awaiting advice from TBLALC.
- 23. Aboriginal Historical data Document**
Anne requested to forward document from Councils website to Jackie McDonald.
- 24. Tweed Coast Regional Crown Reserve Plan of Management**
Phil Fogarty and Richard Adams attended 1 April meeting.
- 25. Telecommunications/Mobile Phone Towers**
Representative of Telcos still to attend meeting.
- 26. Reconciliation Week**
Item not actioned.

Inwards Correspondence:

1. Tweed Heads Aboriginal Community Information & Assistance (ACIA)
Committee members provided with copies.

General Business:

NAIDOC is to be held on 3-10 July 2011. The NAIDOC week committee have been meeting for the last three weeks to discuss events. Desrae advised that Council will be receiving letters regarding scheduled events during NAIDOC week. Staff asked to advise if Arkinstall Park will be available for the event.

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 6 May 2011.

The meeting closed at 2.46pm.

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.