

63 Tringa St
West Tweed Heads 2485

Mr Troy Green
General Manager, Tweed Shire Council
P.O. Box 816
Murwillumbah 2485
TGreen@tweed.nsw.gov.au

Dear Troy,

Aquasplash proposal/Letter of Support
Jack Evans Boat Harbour Indigenous Placemaking Project (IPP)
Tweed Shire Council draft Reconciliation Action Plan (RAP)

At the last meeting of the Tweed Shire Council (TSC) Aboriginal Advisory Committee (AAC) on Friday 6 May 2016, I was nominated to write to you, to express our disappointment in a number of things that have a flow-on affect from Council's recent decision to write a letter of support for the Aquasplash proposal in Jack Evans Boat Harbour (JEBH) and Council's decision to offer tender opportunities for other activities in JEBH.

It is on the public record that the Tweed Aboriginal community provided significant input into Tweed Shire Council's application in 2002 to the NSW Ministry for the Arts to become the State's 5th City of the Arts. In fact, it was largely due to the Aboriginal Cultural content in the proposed program that Council was the successful applicant. Based on the quality and competitiveness of this innovative public place-making program, Council was awarded some \$300,000 of state funding for the 5th City of the Arts Program of arts and cultural activities during the period 2003-2005.

Extensive community consultation was undertaken by TSC, with many voluntary hours/days dedicated by the Tweed Aboriginal community to contribute to the City of the Arts *Indigenous Public Place-making Project (IPPP)*. Our people worked with project partners and TSC landscape architects to re-create Jack Evans Boat Harbour as the cultural heart of Tweed Heads in the new Town Centre Master Plan. Our community shared our cultural knowledge and produced an interesting and unique design for our cultural precinct (*Goorimahbah – place of stories*), the plan for which was accepted by the broader community, endorsed by Council, and implemented as a staged program, aspects of which still await completion.

Central to our concerns are the following issues:

- **the lack of consideration given to the contribution our community has made to the IPP and the impact the Aquasplash proposal will have on our Council endorsed plans for *Goorimahbah*.**
- **Council's bypassing of the role of the Aboriginal Advisory Committee (AAC) in the decision making process for all stages of the Aquasplash proposal.**
- **the complete omission of the AAC, as key stakeholders, in The General Manager's advice to the firm Aquasplash; Section B, iv. (a) *Evidence of consultation with residents of Seascape, Twin Towns, Centro Shopping Centre, Tweed Heads Residents Association, Tweed Heads Chamber of Commerce and Big Trev Water Sports.* Ref: Summary Report, Council meeting date 21 April 2016.**

- **the lack of consideration for the role of the AAC before offering other tender opportunities in JEBH.** Ref: The General Manager's advice to the firm Aquasplash. Section B. iii *Prior to advancing any support for individual proponents such as Aquasplash, Council will need to conduct a Tender process to provide an equitable opportunity for other proponents to use Jack Evans Boat Harbour.* Summary Report, Council meeting 21 April 2016.
- **Council's disregard for the NSW Crown Lands Review 2016 and Response to Crown Lands Legislation White Paper October 2015, presented to the AAC on 1 April 2016, a shocking coincidence.** The NSW Crown Lands Review 2016 states in their Key Points – Crown Lands on page 3. *'Recognise Aboriginal use of Crown land and the role of potential co-management'*.
- **Council's disregard for the Native Title Act and how the Aquasplash proposal may affect our Native Title rights and interests, since Native Title still exists and is not extinguished on the river bed of the Tweed River.**
- **the affect the Aquasplash activity may have on the Dept. of Primary Industry Aboriginal Fishing Strategy.**
- **the sincerity and genuineness of Council's draft Reconciliation Action Plan (RAP) calling into question the integrity of the draft RAP.**

The Aboriginal Advisory Committee act on our community's behalf and request that Council acknowledge our community's unique status and demonstrate its commitment to the draft RAP by ensuring that we are meaningfully engaged prior to key decisions being made.

We respectfully request that you attend the next Aboriginal Advisory Committee meeting to discuss ways of ensuring genuine engagement of our community through the AAC, so that this situation is not repeated and to plan a way of moving forward on the JEBH Indigenous Placemaking Project, to get it back on track, towards completion.

Yours sincerely,

Jackie McDonald on behalf of Tweed Wollumbin Local AECG.....26 May 2016

Joyce Summers on behalf of Canowindra Aged & Disabled Corporation

Desrae Rotumah on behalf of Tweed Aboriginal Co-Operative

Des Williams on behalf of Tweed Byron Local Aboriginal Land Council

Leweena Williams on behalf of the Tweed Aboriginal Corporation for Sport