

DETAILED SUMMARY OF SUBMISSIONS

ECM NO	SUB #	SUBMISSION SUMMARY COMMENT	PLANNING COMMENT	RECOMMENDATION
4965118	1	Wonderful to attend the session and be informed about ACHMP. Tweed Shire Council is at the forefront and well done.	Support is noted.	No further action or recommendations.
4970408	2	Totally object to my land being identified in the ACHMP and implore you to remove the predictive layer from the Terranora Ridge.	Objection noted. See comment under Submission 13	No further action or recommendations.
4971684	3	Do not believe our and fits criteria 10,11 and 12 and that Aboriginal cultural heritage is not highly probable. This must be deleted from the mapping.	Objection noted. See comment under Submission 13	No further action or recommendations.
4971575	4	Object to my land being identified in the ACHMP and implore you to remove the predictive layer from the Terranora Ridge.	Objection noted. See comment under Submission 13	No further action or recommendations.
4970909	5	Object to my land being identified in the ACHMP. Several of the criteria do not apply to the Terranora Ridge. We are keen custodians of the land and feel the proposal is causing unnecessary angst for many in the area.	Objection noted. See comment under Submission 13	No further action or recommendations.
4972199	6	Totally object to my land being identified in the ACHMP and implore you to remove the predictive layer from the Terranora Ridge.	Objection noted. See comment under Submission 13	No further action or recommendations.
4992118	7	Strenuously object to the assumptions and recommendations in the draft ACHMP, specifically the predictive layer on our land as high probability of Aboriginal cultural heritage. Aboriginal cultural heritage is illogical and arbitrary. Criteria 10, 11 and 12 are unrealistic, indeterminable and unreasonable and cannot be seen by an unbiased and independent person as highly probable. Terranora Ridge must be deleted from the predictive mapping.	Objection noted. See comment under Submission 13	No further action or recommendations.
4986588	8	It takes long enough to get a home approval through Council without having another process with fees to go through. Don't ask for anything in return of paying our taxes but to be a happy Aussie family running our business and working together with our community to make this country the best to live in. We are all for respect of the Aboriginal community, but really? There are more important things that need to be worked on in the area, like crime. Have seen an increase in crime in the area. Unfortunately you have to have a specific background to be protected by the laws and get exclusive rights to everything. No wonder the system gets worse. We purchased this exclusive property to keep it for generations due to the size, peace and exclusiveness. Now we have a noisy flight path and now this. We oppose this.	Objection is noted. Planning legislative frameworks and the development approval process currently in place to ensure development suitably considers impacts of a wide range of factors, ACH is one of these factors. The draft ACHMP seeks to inform people of their legislative responsibilities and improve the understanding of ACH throughout the community. The draft ACHMP is unrelated to aircraft noise or flight paths.	No further action or recommendations.
4987436	9	The draft ACHMP concerns us. My parents in law farmed this land for over 50 years when they migrated from Scotland. The soil would have turned over numerous times during this time. The land would have turned over numerous times during developers processes and we have dug out a pool and made a large rock wall. At no time have my in-laws seen Aboriginal Artefacts. Concerned about the large cost associated with any future work, which is unnecessary and probably only a job creation tool for Aboriginals. A member of Friends of Terranora has outlined concerns with criteria 10, 11 and 12 and we are in agreement with this being unrealistic and unreasonable. Very concerned that land owners will be extremely restricted and won't be able to do anything with the land they paid good money for.	Concern is noted. Land can be heavily disturbed over many decades and still be subject to finds of Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting. The predictive mapped areas are provided as a "flag" to owners and developers to be aware of the possibility of ACH and legislative requirements for management of ACH. There is likely to be cost involved, as there is with all information required to inform the suitability of development. These costs will be commensurate with the scope of work required under the legislation. The ACH mapping layer and process is not applied to stop development. It is acknowledged that land has permitted uses. Instead the ACH process seeks to assess the risk of harm to ACH and to avoid or mitigate harm consistent with the current legislation. See comments on the mapping criteria at Submission 13 .	No further action or recommendations.
4992053	10	Been advised by a letter drop of the draft ACHMP and lodge an objection. We had no prior knowledge until we received this letter box drop. We are disappointed that TSC has not notified that land owners regarding this plan. Feel that TSC is not being transparent and a more informed consultation should have been undertaken. Locals are unhappy with the submission deadline. The land is ours and has always been farmed and is highly disturbed. We have demolished the original farm house and shed and build a new dwelling and pool. We have an approved subdivision over the plan and have put in sewer mains and services. Our neighbour has been there farming since the 1950s. Other neighbours have large houses and a tennis court. This is privately owned residential land and this process would be onerous, adding to the already lengthy and expensive process. Agree with the points in the flyer and object to the plan.	Concern is noted. Council's current <i>Community Engagement Strategy 2012</i> identifies the priority engagement actions for shire-wide and high impact matters as : Council's website <ul style="list-style-type: none"> • Tweed link and advertising • Media release • Publications and information material • Public exhibition and submission • Personal briefings and meeting on request. Council's official vehicle for notification and information is the Tweed Link. Direct mail notification is used on rare occasions. The exhibition details of this project included: The two month exhibition period which commenced in October 2017 running through to	No further action or recommendations.

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			<p>December 2017, was planned to avoid the criticism of exhibiting over the Christmas period.</p> <p>The mapping, the draft Management Plan and the fact sheets have been available on the Council's website through the exhibition period commencing 17 October 2017 and remain available on the website.</p> <p>Council held eleven community information sessions and two professional /industry information sessions across the shire through November/December 2017 at: Fingal Head, Tweed Heads, Uki, Burringbar, Murwillumbah, Tyalgum, Pottsville, Kingscliff, Minjungbal Museum, Piggabeen and Chillingham. Staff of both Council and the Tweed Byron Land Council were on hand at all of these sessions to explain the plan and answer questions and concerns.</p> <p>An additional information session was added at Banora Point on 7 February 2018 and submissions extended to Friday 16 February 2018, a total of 4 months.</p> <p>Notification of the exhibition of the draft ACHMP was published in the Tweed Link:</p> <ul style="list-style-type: none"> • 17 October 2017 advising of the public exhibition and information session dates and times • 31 October 2017 promoting the relevance of the plan to all development • 7 November 2017 promoting the relevance of the plan to all development and information session dates and times • 5 December 2017 advising of rescheduled Minjungbal Museum Information Sessions • 20 December 2017 media release notifying of an extension to the exhibition and submission period until Friday 19 January 2018, arising from residents' concerns; • 23 January 2018 promoting the additional information session at Banora Point and extending the submission period until 16 February, 2018. • 30 January 2018 promoting the additional information session at Banora Point and extending the submission period until 16 February, 2018. <p>The plan does not alter land ownership and is completely unrelated to Native Title legislation.</p> <p>Land ownership comes with both rights and responsibilities under the tenets of Common Law and Property Rights. Property rights may be subject to a range of statutory restrictions as they relate to development. This is further reinforced with the objects of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) Under the EPA&A Act it states in the Objects of the Act, in relation to Aboriginal cultural heritage: <i>"(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)."</i></p> <p>Council has a role and responsibility to administer and implement the Objects of the Act and the requirements of the National Parks and Wildlife Act (NPW Act) with respect of Aboriginal cultural heritage.</p> <p>Land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting. The predictive mapped areas are provided as a "flag" to owners and developers to be aware of the possibility of ACH and legislative requirements for management of ACH.</p>	
4989980	11	<p>Object to the timing of the release of the plan less than a month before Christmas. Only 12 days allowed for a submission. Need a public forum to provide more information so ALL Councillors and planners can answer questions.</p> <p>Not only do we have to pay a fee to Council but also a fee to the ACHMP, who are these "faceless people"?</p> <p>We need to know who is involved and what this means. We have a right to protect our land and homes. The Aboriginals aren't the only ones who call Terranora home.</p> <p>Request that TSC postpones this plan to allow the owner to be better informed.</p>	<p>Objection is noted.</p> <p>See related consultation comments at Submission 13.</p> <p>The people referred to as "faceless people" involved in the consultation included Council staff, Aboriginal community members, and Office of Environmental Heritage (OEH) staff who attended all of the above community information sessions seeking to inform the community.</p> <p>See comments on property rights and responsibilities at Submission 10.</p> <p>Aboriginal people may not be current land owners, however, their <i>connection to Country</i> and their cultural heritage spans many thousands of years and is a valid legislative consideration, being reinforced by the current <i>National Parks and Wildlife Act 1974</i> requirements to avoid harm to Aboriginal cultural heritage and the recently exhibited stand-alone <i>Aboriginal Cultural Heritage Bill 2018</i>.</p>	No further action or recommendations.

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4992145	12	<p>Became aware of the Plan through letterbox drop. No direct notification from TSC and natural justice has been denied.</p> <p>The Plan outlines the process for building approvals but does not outline for residents the opportunity of mitigating what could be a significant financial risk, delay to construction or cost to complete building approval or excavation.</p> <p>In the Azure estate, whilst elevated, all of the landscape, soil, rocks have been changed during the development. This is unreasonable to include the Azure Estate.</p> <p>It is unreasonable that I should be held to account for the actions of others in the past and bear the costs. The inclusion of the Azure Estate will devalue the resale of the property compared to other areas and we reserve our rights to recover this from Council.</p> <p>The Terranora Ridge does not meet Criteria 10, 11 or 12 and it must be deleted from the predictive mapping.</p> <p>Request Council reject this draft ACHMP.</p>	<p>Concern is noted.</p> <p>See related consultation and land ownership comments at Submission 10.</p> <p>See related comments on and ownership and valuation in Submission 13.</p> <p>See related comments on the mapping criteria at Submission 13.</p> <p>Following the actions of the plan should not result in delays or additional cost during constructions as the appropriate assessments and any required permits would be undertaken prior to the lodging of a DA. Further, undertaking the required assessments will minimise the risk of unexpected finds and resulting delays during the construction phase.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>The mapping, process and assessment requirements are generally consistent with the state government directions reinforced through the Office of Environment and Heritage (OEH) draft Aboriginal Cultural Heritage Bill 2018.</p> <p>Concerns regarding devaluation of property are common with all new planning procedures; however, the mapping is no different to mapping advising people of bushfire risk, acid sulphate soils or any other consideration requiring actions and assessment. It is also noted that the management plan recommends notification of <i>Aboriginal Place of Heritage Significance</i> (Known areas) on S10.7 Planning Certificates (former s149 certificates), however not predictive areas, where the actions are strongly recommended, not required as with the mapped <i>Aboriginal Place of Heritage Significance</i> areas.</p>	<p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p>
4992224	13	<p>Objects to the draft Plan and requests the removal of Terranora Ridgeline from the predictive mapping layer.</p> <p>Requests confirmation of independent assessment of the points raised in the submission. The Plan has gone too far and disadvantages land owners.</p> <p>Acknowledges the advice and discussions by and with the TSC and the TBLALC, however staff change over time and it cannot be assumed that this will always be amenable. Strongly require the predictive mapping layer to be removed from the Terranora area as this is incorrectly assessed as having the essential criteria.</p> <p>Concerns are:</p> <ol style="list-style-type: none"> 1 Confusion relating to excessive number of proposed changes to the LEPs and all SEPPs under it and the impact on land owners. The plan is confusing for land owners, they can't object as they are overwhelmed by the vague, insubstantial concepts and sheer volume, The plan is too broad brush and include Aboriginal cultural trends not yet thought of. 2 Transparency in decision making must not be the casualty in protecting Aboriginal cultural heritage. Custom lore must be ignored where it hinders transparency in decision making. Aborigines cannot agree on custom lore so it is unreasonable to adopt it as the benchmark. The problem arises when only those with a vested interest (Aboriginals and archaeologists) are permitted to make a cultural assessment. This is contrary to fair trading issues and principles of competition and can lead to excessive fees. What is to stop misleading information for self-gain? The Cultural Heritage Management Strategy identifies a vision to involve Aboriginals and the broader community in cultural management. Decisions must only be made by impartial professional people. 3 What legislation body keeps Aboriginal people accountable and where is the ability for redress through Council? 4 Remove intangible criteria. Only tangible should be included. Relying on memories is not factual. Considers most concepts are not cultural but religious. Plan is based on animistic religious belief which should not be criteria to be assessed for harm. The presence of spiritual beings and routes cannot be proven. There is no independent umpire (noting TSC is not independent). 5 Need for regular review of classification on mapping. Should have a fixed review period like the LEP with an emphasis on reducing control not increasing it. The review should have Councillors, strategic planning and limited TBLALC representation. 6 The plan potentially impact 40% of the Tweed shire including a vast network of public roads. Upgrades to roads will require assessment at vast cost and it is fair and reasonable that the roads should be excised from the plan. 	<p>Objection is noted.</p> <p>The draft Aboriginal Cultural Heritage Management Plan (ACHMP) is a shire wide strategy which applies beyond Terranora and has been supported with a suite of information and fact sheets On Council's website.</p> <p>Areas of Terranora are mapped (not designated - which has different meaning in planning legislation) as Predictive Aboriginal cultural heritage.</p> <p>The mapping, process and assessment requirements are generally consistent with the state government directions reinforced through the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and legislative.</p> <ol style="list-style-type: none"> 1 The ACHMP does not propose changes to the SEPPs as this is the role of the state government, rather it spells out inconsistencies arising from definitions and therefore concerns with implementation. Amendments to the LEP are likely required to clearly affect the Plan, subject to Council's resolution. The Plan is premised on the current Aboriginal cultural heritage (ACH) legislation and does not introduce unsubstantiated concepts. The Plan introduces a definition for <i>Intangible Aboriginal cultural heritage</i>. This is current best practice recognition of the scope of Aboriginal cultural heritage. The draft <i>Aboriginal Cultural Heritage Bill 2018</i>, currently on public exhibition by the Office of Environment and Heritage (OEH) acknowledges the importance of intangible ACH and introduces a definition to be implemented in the proposed stand-alone NSW legislation. 2 NSW legislation acknowledges and increasingly protects Aboriginal cultural and lore. This does not mean that development is stopped; it means that development needs to understand and assess potential impacts on ACH. Again this is being reinforced in the draft <i>Aboriginal Cultural Heritage Bill 2018</i>. In addition, NSW legislation acknowledges that Aboriginal people are the appropriate custodians of their cultural knowledge and information and should be consulted on the potential impacts to their ACH. Only archaeologists (currently) are able to undertake cultural assessments under the legislation, however, this must be in consultation with Aboriginal people. Consulting with Aboriginal people on the impacts to their cultural heritage is provided for transparently within the draft ACHMP. 3 The determination of any development application, regardless of an ACH input or assessment may be subject to a review of determination under Division 8.2 of the <i>Environmental Planning and Assessment Act, 1979</i>. 4 As noted in Point 1 above the definition and requirement to consider intangible ACH is proposed in the draft Aboriginal Cultural Heritage Bill 2018, currently on public exhibition by 	<p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p>

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		<p>7 The plan may not be a direct Native Title claim but there is clearly an interest over many thousands of freehold properties. The plan creates another layer of complexity and will create a lower class of ownership where values will be affected by the plan. This asset blight is of serious concern.</p> <p>8 Increase the trigger for predictive mapping from 3 criteria to 4. 3 criteria is setting the bar to low and captures too many properties that are simply not significant.</p> <p>9 Remove the Terranora ridge for the predictive classification. We have done the mapping exercise ourselves (as outlined by Ian Fox) and are convinced there is not the 3 criteria required. Unaware of anyone coming forward to say they have found anything and the area should be excluded.</p> <p>10a Discussed criteria 10 elevated point of observation: It is claimed traditional Aborigines would have climbed trees to get bearings and view landforms. This is unlikely to be correct given the terrain which has a rounded top with no cliffs. Even if you could climb branchless trees all you would see is trees. Viewpoint would have been further west at Bungalora overlook.</p> <p>10b Discussed criteria 11 Suitability for open campsite: When a large tree falls over it makes a clearing but why would anyone chose to camp in a rainforest. Aboriginal people were highly superstitious and fearful of the overhanging forest. In the animistic religion there is no natural death. It was believed death was caused by evil spirits or sorcerer's spell. Tangible: there is no permanent surface water in the ridgetop and there are mosquitoes and leeches making camping here unlikely. A short walk off the ridge will take you to 'spiritually suitable' and physically pleasant camping in open country.</p> <p>10c Discussed criteria 12 nominated traditional preferred path: there may have been an east west path under the dense, dark rainforest canopy although it would have been easier to use the open transition zone near Duroby Creek and Bilambil Creeks. The ridge top is rarely steep sided so it cannot be assumed a path actually crossed this predictive area.</p> <p>11 Discussion on the definition of significant and why this does not apply to the predictive area.</p> <p>12 The plan will cause the cost of all construction jobs to increase as the TBLALC will be present at any excavations watching for bones or objects. If found then the excavation will be slower. No modelling of the additional costs has been done.</p> <p>13 Is the impact on Terranora and by the ACHMP similar to a fire risk assessment? The fire risk assessment requires easily quantifiable risk ratings plus safeguards to protect the owner's investment. It is a cost benefit on off exercise. ACHMP cause blight on the property value as the costs are unknown and ad infinitum, regardless of whether this is on a s149 certificate. The blight will increase in the future and has never ending potential.</p>	<p>the Office of Environment and Heritage (OEH) and represents current best practice. It is noted that cultural heritage including intangible ACH is not based on 'animistic' religious ideology as misrepresented within this submission; rather it is based on the cultural belief systems. The draft ACHMP seeks to identify and protect Aboriginal cultural heritage in accordance with legislative requirements. As such intangible ACH remains as an important consideration.</p> <p>5 The mapping will be subject to regular review as further assessments are undertaken. Appendix 8 of the draft ACHMP contains the mapping and monitoring procedure. The mapping as developed by TSC is effectively what will be required under the <i>draft Aboriginal Cultural Heritage Bill 2018</i> for all of NSW. It is noted that under this Bill it is the Aboriginal people who identified to prepare the mapping, given they are the cultural knowledge holders. It is however, noted that mapped areas are unlikely to be removed as the mapping is effectively a "flag" to assist people understand their legislative requirements. Carrying out development in an area of ACH significance does not remove that significance for Aboriginal people.</p> <p>6 The <i>Aboriginal Place of Heritage Significance</i> (known) area applies to 3.7% of Shire. The <i>Predictive</i> area applies to 25% of the Shire. The legislative requirements to avoid "harm" currently applies to all Council works and activities as they do to the wider community. Council has a role and responsibility to administer and implement the Objects of the Act and the requirements of the <i>National Parks and Wildlife Act (NPW Act)</i> with respect of Aboriginal cultural heritage. Significant training has been undertaken with Council staff in tandem with the wider community.</p> <p>7 The plan has NO relationship to Native Title and the requirements of this legislation, which differ significantly. Acknowledging and protecting ACH is governed by existing legislation and proposed to be replaced by new and stronger stand-alone legislation under the draft Aboriginal Cultural Heritage Bill 2018.</p> <p>8 The trigger for predictive mapping has been carefully considered to ensure that it walks a balance between too little consideration and too great a consideration. The predictive mapping is proving to be a very sound methodology with some 6 new sites identified within the predictive mapped areas and 50+ identified within the Clarrie Hall predictive area. The trigger of 3 criteria has been carefully considered and now used by the OEH.</p> <p>9 The mapping undertaken includes Aboriginal cultural knowledge. The mapped predictive areas provide a "flag" to people to be careful and suitably consider any potential impacts on ACH. Removing the mapping does not remove this risk it simply removes the public's awareness of the risk, thereby exposing them to non-compliance with the legislation.</p> <p>10a A thorough understanding of Aboriginal history, settlement pattern and land and environmental uses, geomorphology and a close working relationship built on trust with the Aboriginal community underpins the mapping. Aboriginal settlement of Tweed has been consistent over 10,000 to 40,000 years. The land has changed much over time, including the coastline location and the vegetation cover. The mapping as part of the draft ACHMP reflects the community and documented knowledge on elevated points of observation within the Tweed, which is not limited to "lookout" type viewpoints to lower areas, but also includes points of observation to significant cultural sites. Aboriginal people actively monitored their country and maintained observation places over extensive periods of time. It should be understood that traditional Aboriginal people viewed and managed the landscape in a different way and for a different purpose than non-Aboriginal residents and visitors today.</p> <p>10b Campsites were chosen for many reasons and were not limited to places where a tree fell over. Campsites were traditionally on higher ground, above the lower marshy areas prone to insects and above flood areas. Most campsite locations were in proximity to natural springs rather than rivers or creeks. Campsites varied depending on the seasonal and environmental or cultural management of the land appropriate for that season. The comments on how Aboriginal people view death, evil spirits and sorcerer's spells misrepresent and do not reflect the views of the broader Aboriginal community.</p> <p>10c Traditional preferred pathways were generally along ridgelines and between specific cultural places of significance. The Terranora ridgeline provides an elevated pathway through to the Numinbah, Limpinwood, Lamington and Border Ranges areas where there are areas of known Aboriginal cultural heritage. The mapping criteria recognise the Aboriginal people's preference to transit their country via elevated ridgelines and saddles.</p> <p>11 Significance lies with Aboriginal people as the custodians of their cultural heritage. Significance for Aboriginal people is not extinguished when development occurs. There is no "scale" of significance.</p>	

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			<p>12 The Plan will not cost construction jobs any more than currently. If ACH is found unexpected on a site currently work is required to cease until the ACH is assessed and appropriate permits sought. The draft ACHMP seeks to highlight this up front in the planning process and ensure, where required, the appropriate assessments are undertaken prior to the commencement of on ground works, thereby, removing the risk of delays.</p> <p>13 The cultural heritage is one factor to be considered as part of determining the suitability of proposed development, as are other factors such as bushfire, flooding, biodiversity and the like. The role of each of these assessments is to determine the suitability of the site for development and to manage or mitigate risk. Understanding Cultural heritage is not a "blight on land value", it is a required step in the development assessment process and required under the legislation.</p>	
4979183	14	<p>Wish to raise object to the proposed draft ACHMP.</p> <p>Firstly the timing of the plan at Christmas when people are on holidays. Secondly the incredibly short time to object – 12 days. Much more information is required for ratepayers and a public forum should be arranged so that ALL Councillors and planners can answer questions. Seems you not only have to get approval from Council but now also from the faceless people and at a fee.</p> <p>We need to know who and what is involved face to face. We have every right to protect our land, homes and investment. Aboriginals aren't the only ones who call Terranora home. Should be postponed to give ratepayers opportunity to be informed.</p>	<p>Objection is noted.</p> <p>See consultation comments at Submission 10.</p> <p>See comments on who was involved in Submission 11.</p> <p>See comments on and ownership and valuation in Submission 13.</p> <p>Aboriginal people may not be current land owners, however, their <i>connection to Country</i> and their cultural heritage spans many thousands of years and is a valid legislative consideration, being reinforced by the recently exhibited stand-alone <i>Aboriginal Cultural Heritage Bill 2018</i>.</p>	No further action or recommendations.
4992251	15	<p>Interim submission understanding the submission period is extended.</p> <p>It is apparent that the ridgetop at Terranora has views to the north to Stradbroke Islands and Morton Bay. Views to the south include the Tweed River and Cudgen. It is reasonable to assume these views would be of significant interest to anyone. If the southern slopes are important, why not the northern? This seems inconsistent with the criteria.</p> <p>The discussion is about determining an elevated point of observation./ There is no clear or reasonable way to determine this point or points. The views to the north may be more significant. A reasonable argument can be made about a point but not 8 sq kilometres. This seems unreasonable, vague and haphazard.</p> <p>My property was most likely rainforest and therefore not suitable for an open campsite. No water is available to my land. I have lived her for a long time and know that mosquitos are a formidable foe. If one was looking for a suitable campsite the ridgeline is not suitable for winter or summer and therefore may not be likely selection criteria.</p> <p>Preferred pathway: once again it is not known whether a preferred pathway was to the north or south of the ridge so why are the northern areas not included in the predictive. Seems unreasonable and arbitrary.</p>	<p>See consultation comments at Submission 10.</p> <p>See comments on the mapping criteria at Submission 13.</p>	No further action or recommendations.
4992267	16	<p>Firstly I support the recognition of Aboriginal people and the increased awareness that this draft plan presents. There is much valuable information and those that undertook the task should be commended,</p> <p>However, there is also subjective information and conclusions which lack substantiation. Resident of Terranora for past 60 years and have seen the changing nature of the land since the 1950s when the ridgetop was cleared for farming and dairy use. My and surrounding properties were cleared over 100 years ago for growing sugar cane and prior to that logged extensively. The land was cleared and levelled. As a child often explored through the remnant rainforest on the McAuleys Ridge side to the Tweed River at Stotts Island. Never were there artefacts found at that time. Also recall the gangs of indigenous pickers and discussions that laughed at the suggestions of artefacts being found in this area.</p> <p>The draft plan has been years in the making and on exhibition for 8 weeks. Was unaware of its existence until advised by a third party, though now aware of advertisements and 11 consultations, there appears to be a lack of communication in terms of the content and purpose. To be advised that it will impact property owners in terms of additional risk and cost is significant and believe the time for submissions and objections should be extended.</p> <p>The justification of predictive mapping on my land appears to lack integrity and consistency. Cannot see one criteria that applies to justify the listing. Property owners should have the ability to respond prior to the listing. For example there is no line of sight to Wollumbin (blocked by vegetation now) and in previous times this would have been dense rainforest, not suitable for an open campsite. A nearby property (not listed) slopes downward from</p>	<p>General support is noted as is the objection to mapping applying to their land.</p> <p>See comments on the mapping criteria at Submission 13.</p> <p>See consultation comments at Submission 10.</p> <p>Land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting, through requirements for management of ACH.</p> <p>The mapping is not a "listing" as in the meaning of a heritage item.</p> <p>See comment relating to land rights and responsibilities under Submission 10.</p> <p>See comments on and ownership and valuation in Submission 13.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>The mapping, process and assessment requirements are generally consistent with the state government directions reinforced through the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>The Plan has been developed to ensure that ACH is considered up front in the</p>	Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.

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		<p>McAuleys ridge wand would enable some sight. My land has been extensively cut and filled over decades and artefacts or bones would have been long removed.</p> <p>The Terranora Ridge should be removed from the mapping.</p> <p>Whilst I support the identification and listing of Aboriginal cultural heritage, I don't support it being imposed on my property, the additional costs, and the devaluation of my land. This appears to be a money grab and in contradiction to the beliefs and values of the Aboriginal people. If there is a genuine concern let those with authority, belief and valid credentials assess the land at no cost.</p>	<p>development process in order to meet legislative requirements.</p> <p>The representative Aboriginal Land Council is acknowledged under the <i>Land Rights Act 1983</i> as responsible for the promotion, awareness and management of Aboriginal Cultural Heritage (ACH). Aboriginal people are acknowledged as the appropriate custodians of their ACH under legislation and planning policy. As such they have the right to charge a suitable fee for their cultural knowledge.</p>	
4992306	17	<p>Object to the inclusion of my property in the predictive area of the draft ACHMP. All of Sunnycrest Drive should be excluded.</p> <p>Object to the criteria 10 as we are on a rounded hilltop which would have been covered with trees and not allowed for observation. Perhaps there were better view possibilities in Mahers lane where Lindsfarne school is or along Fraser Drive, but this is not mapped</p> <p>Object to criteria 11 as the ridge top would have been covered in thick rainforest not suitable for open camping like many areas near the Broadwater, river or coast.</p> <p>Object to criteria 12 as there is no way to know there was a path though our area ad to speculate seems unreasonable given the burden of this rezoning to landowners. Thinks the draft ACHMP puts a burden on landowners in Terranora when there seems to be no solid evidence of these criteria being factual.</p> <p>Request that the Terranora Ridge be removed from the predictive mapping.</p>	<p>Objection is noted.</p> <p>See comments on the mapping criteria at Submission 13.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>The mapping, process and assessment requirements are generally consistent with the state government directions reinforced through the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p>	Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.
4980180	18	<p>Received information on the draft ACHMP on 12 December 2017 with a closing date of 20 December. We only received this information from Friends of Terranora in a letterbox drop. Very concerned that we have had no formal notification.</p> <p>The draft Plan is biased against residents and restrictive of our ownership rights and we totally object until it is brought in a correctly legal form to the residents in a public meeting.</p> <p>Council should question the planning department how it has handled this matter and Council's responsibility of due diligence to residents.</p> <p>The timing of this just before Christmas is very questionable. Why the rush through with NO time for objections. There are no Council meetings until February and therefore no opportunity to make representation.</p> <p>The unspecified right of local Aboriginal committee to decide all issues and charge a fee for services is certainly a concern.</p> <p>If in the future we wish to modify our property this would force us to employ only Aboriginal supervision for a fee.</p> <p>We regard this as discrimination. These questions will be presented to Council at the February meeting.</p>	<p>Concern is noted.</p> <p>See consultation comments at Submission 10.</p> <p>See comment relating to land rights and responsibilities under Submission 10.</p> <p>The representative Aboriginal Land Council is acknowledged under the <i>Land Rights Act 1983</i> as responsible for the promotion, awareness and management of Aboriginal Cultural Heritage (ACH). Aboriginal people are acknowledged as the appropriate custodians of their ACH under legislation and planning policy. As such they have the right to charge a suitable fee for their cultural knowledge.</p> <p>The draft ACHMP makes no reference to employing Aboriginal people to undertaken work to a property. The plan requests the Aboriginal community be consulted up front for the landowner to understand any potential risk of harm to ACH.</p>	No further action or recommendations.
4981060	19	<p>Born and bred in the Tweed Shire and here for 40 years. I have much respect for the Aboriginal community and acknowledge that land we live on now and share together in peace and harmony. We wish to object to land in the Azure Estate being part of the plan. My husband tragically passed away and I am raising our 2 boys on my own with the help of my elderly step-father.</p> <p>We were neglected to be advised of the draft ACHMP listing and pending before Council before purchasing this house, which we belief should have been the Tweed Shire Council's responsibility and the TBLALC's to make us aware that this has been listed for exhibition. TSC is happy to issue the rates notice but not include anything about outstanding draft plans for the residents. This is totally unacceptable and deceiving.</p> <p>The house was built in roughly 2007 which include major excavation, underground sewerage, services, plumbing, landscaping pool, water tank etc all with no issue raised by the builders, archaeologists. No artefacts were found.</p> <p>To now have fees enforced to conduct assessments is unfair, hypocritical and unnecessary on the grounds of insufficient evidence. The whole of Australia was inhabited by Aboriginals thousands of years ago and there is no evidence to suggest the Terranora Ridge is any more common than anywhere else.</p> <p>The community has a lovely feel and the neighbours are welcoming. The neighbours have had much discussion about this plan and are more than happy to raise feedback at a formal</p>	<p>Concern is noted.</p> <p>See consultation comments at Submission 10.</p> <p>See comments on the mapping criteria at Submission 13.</p> <p>It is acknowledged that suitable assessments may not have been carried out or requested. This is the reason for the draft ACHMP. There has previously been poor understanding generally of the <i>National Parks and Wildlife Act (NPW Act)</i> requirements with respect of Aboriginal cultural heritage (ACH). It is also noted that understanding Aboriginal cultural heritage within the building industry is limited. Having previously undertaken development which did not find any ACH is not a true reflection of any ACH not being present. Historically extensive ACH has been damaged and destroyed through lack of understanding and/or knowledge.</p> <p>The draft ACHMP is prepared to assist people understand the legislative requirements and provide the framework for Council to meet its responsibilities for administration and implementation of the legislation.</p> <p>Land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting, through requirements for management of ACH.</p>	No further action or recommendations.

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		<p>meeting.</p> <p>Strongly object to any additional fees associated with excavating the ground and inspection on private property: extra fees to the TBLALC to be present; unnecessary DA requirements for TBLALC to carry out cultural assessment for a fee.</p> <p>Object to criteria 10 as the viewing point would likely by Bungalora.</p> <p>Object to criteria 11 as the traditional Aboriginals we highly superstitious and fearful of overnighing in the rainforest and there is no permanent water source available.</p> <p>Object to criteria 12 as there is not sufficient evidence to suggest the pathway was over the ridge as it would have been in an open transition zone near Terranora Lake, Durobby Creek and Bilambil Creek.</p> <p>It must be proven that the Terranora Ridge has all three criteria to be predictive. We strongly suggest consultation with the broader community before making any further decisions.</p>	<p>The representative Aboriginal Land Council is acknowledged under the <i>Land Rights Act 1983</i> as responsible for the promotion, awareness and management of Aboriginal Cultural Heritage (ACH). Aboriginal people are acknowledged as the appropriate custodians of their ACH under legislation and planning policy. As such they have the right to charge a suitable fee for their cultural knowledge.</p>	
4992321	20	<p>Strongly object to the draft ACHMP which will include our home in Sunnycrest Dr. Azure Estate was developed in the late 90s and was extensively excavated and has since been further excavated by building houses, pools and landscaping. At no time have there been any artefacts uncovered or evidence of cultural heritage found.</p> <p>The justification for including the Azure estate is flawed and the predictive mapping has been completed by a TBLALC archaeologist that states he was not familiar with the area. The 3 criteria he has nominated are hearsay. Why does it not include all of the Tweed?</p> <p>Tweed Shire Council is elected by the residents and rate payers not just a vested few. You have a duty of care to make decisions that are for the ongoing responsible sustainable development of the shire. Developers will think twice before investing. Why the secrecy?</p> <p>If this plan is adopted within the predictive areas this will give residents the grounds to argue for a reduction in the rateable value of their land. It will add considerable cost to all development applications and Council revenue will decrease dramatically.</p>	<p>Objection is noted.</p> <p>See comments on the mapping criteria at Submission 13.</p> <p>It is acknowledged that suitable assessments may not have been carried out or requested. This is the reason for the draft ACHMP.</p> <p>There has previously been poor understanding generally of the National Parks and Wildlife Act (NPW Act) requirements with respect of Aboriginal cultural heritage (ACH). It is also noted that understanding Aboriginal cultural heritage within the building industry is limited. Having previously undertaken development which did not find any ACH is not a true reflection of any ACH not being present. Historically extensive ACH has been damaged and destroyed through lack of understanding and/or knowledge.</p> <p>The draft ACHMP is prepared to assist people understand the legislative requirements and provide the framework for Council to meet its responsibilities for administration and implementation of the legislation.</p> <p>Land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting requirements for management of ACH.</p> <p>In addition to representing the interest of the residents, Tweed Shire Council also has a responsibility to administer and implement statutory legislation.</p> <p>The cultural heritage is one factor to be considered as part of determining the suitability of proposed development, as are other factors such as bushfire, flooding, biodiversity and the like. The role of each of these assessments is to determine the suitability of the site for development and to manage or mitigate risk.</p> <p>Concerns and perceptions regarding devaluation of property are common with all new planning procedures but are unsubstantiated; however, the mapping is no different to mapping advising people of bushfire risk, acid sulphate soils or any other consideration requiring actions and assessment. It is also noted that the management plan recommends notification of <i>Aboriginal Place of Heritage Significance</i> (Known areas) on S10.7 Planning Certificates (former s149 certificates), however not predictive areas, where the actions are strongly recommended, not required as with the mapped <i>Aboriginal Place of Heritage Significance</i> areas.</p>	No further action or recommendations.
4992348	21	<p>Submission by Gold Coast Airports, wholly owned by Queensland Airports Limited (QAL). GCAL is one of the fastest growing in Australia and they also have interests in freehold land surrounding the airport.</p> <p>GCAL acknowledges the importance of preserving significant Aboriginal cultural heritage and if impacts are unavoidable that they are managed appropriately. Acknowledges the body of work gone into the ACHMP and supports the intent to protect Aboriginal cultural heritage from harm or appropriate management if harm cannot be avoided.</p> <p>1 Mapping: GCAL have commissioned a number of detailed archaeological assessments over more than 20 years. In reviewing the mapping consider much of the mapping is inconsistent with the known heritage values of these areas. In particular there are a number of areas which have been impacted by sand mining and construction of infrastructure that are demonstrated to not contain physical heritage values. In consultation with the Aboriginal community, some of these areas have been demonstrated to contain no</p>	<p>Conditional understanding and support is noted.</p> <p>1 Mapping: It is acknowledged that the GCAL has commissioned a number of ACH assessments and continues to do so as further development is proposed, as appropriate and required under the legislation. Notwithstanding carrying out the assessments and the development does not remove the ACH significance, which remains.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>The mapped <i>Aboriginal Place of Heritage Significance</i> area is an acknowledgment of the 25 sites registered to AHIMS within 1km of the centre of the airport site. Similar to an AHIMS listing the mapping is proposed to be retained even after an AHIP is issued.</p>	<p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>An additional section is included within the ACHMP addressing greenfield developments, rezoning and subdivision where ACH assessments have been prepared. This is proposed to provide an acknowledgement and clearer path forward for the recognition of suitable ACH assessments (prepared at rezoning or subdivision stage) in the context of future development.</p>

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		<p>intangible values yet they are mapped as Aboriginal Place of Heritage Significance.</p> <p>Provided an example of a mapped area. Noted that the AHIMS database is to be updated with the results of the mapping project. Request that there are mapping inaccuracies and that the GCAL owned or leased lands on Lot 1 DP 582476, Lot 5 DP1186727, Lot 1 DP 1092051, Lot 103 DP 1127593, Lot 105 DP 1127593, Lot 10 DP 1084319, Lot 21 DP 518902 and Lot 664 DP755740 not be updated as known.</p> <p>2 Past Ground disturbance: GCAL is aware of the obligations to register sites to AHIMS and considers the detailed cultural heritage assessments are best placed to accurately register sites to AHIMS.</p> <p>Past ground disturbance: The Draft ACHMP puts too little emphasis on past ground disturbance on tangible and intangible heritage values. The impact of ground disturbance is acknowledged in the OEH Due Diligence Code of Practice of the Protection of Aboriginal Cultural Heritage in NSW (2010).</p> <p>Understanding ground disturbance is critical at assessing the potential for harm to ACH, Whilst intangible cultural heritage can survive ground disturbance, such values can also be reduced if not removed.</p> <p>The risk matrix table is too conservative in its application and likely to result in needless heritage assessments. An example of this would be demolition of dwelling as "significant disturbance", such an activity would have no reasonable potential to harm.</p> <p>3 Archaeological survey: Page 61 implies that archaeological surveys were undertaken yet to our knowledge no archaeological survey was undertaken on GCAL land. The wording of this should be amended.</p> <p>4 Process for updating the mapping based on new knowledge: owing to the scale of the mapping and t largely being desktop inaccuracies are likely to be present. The draft ACHMP should contain a documented mechanism for having the mapping reviewed and edited where it is shown to be inaccurate or out of date to ensure future lad uses do not trigger assessment when not required.</p> <p>5 Application for Commonwealth Airport Land: GCAL is a core regulated airport under the Commonwealth Airports Act 1996. Whilst the airport sits partly within the mapped area the draft ACHMP makes no reference to the legislative framework applicable to the Airport. It should expressly note that where Airports Act applies, TSC is not the consent authority nor is the application of the EPA Act.</p>	<p>The mapping, process and assessment requirements are generally consistent with the state government directions reinforced through the Office of Environment and Heritage (OEH) draft Aboriginal Cultural Heritage Bill 2018.</p> <p>Notwithstanding, previous assessments undertaken can and will inform any need and/or scope for further assessments, in consultation with the Aboriginal community, moving forward.</p> <p>It is also acknowledged that the land release and subdivision stage is the most appropriate stage to undertake a landscape based ACH assessment.</p> <p>TSC requires a transparent process which is consistent with the legislation and effective to implement. An ACH assessment is specific to a location and a type and scale of development. Future development may differ to that to which an assessment has been prepared for. For this reason the removal of mapped areas is not proposed to be removed.</p> <p>Notwithstanding, in areas where there has been previous ACH assessment undertaken and significant land reshaping the final ACH assessment may be able to make recommendations, in consultation with the Aboriginal community, in a mapped format, identifying lots assessed as requiring no further assessment where they meet the recommendation of the ACH assessment and fall within criteria established in the assessment, for example where fill may be of a stated depth.</p> <p>It is proposed to include an additional section within the ACHMP addressing greenfield developments, rezoning and subdivision where ACH assessments have been prepared. This is proposed to provide a clearer path forward for the recognition of suitable ACH assessments (prepared at rezoning or subdivision stage) in the context of future development.</p> <p>2 Assessments have been appropriate for the nature, scope and location of development. There remain areas of land which have not been assessed and/or have not been significantly modified or disturbed, where ACH may still be found.</p> <p>TSC acknowledges the commitment to the registration of sites to AHIMS and notes the NSW legislation reform under the draft Aboriginal Cultural Heritage Bill 2018 moves away from a point based registration to a landscape based mapping process, as undertaken by TSC as this is found to be a better reflection of the settlement within a landscape rather than identifying isolated finds.</p> <p>The Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i> also introduces a new definition for intangible cultural heritage and acknowledges intangible cultural heritage as of significance t Aboriginal people and to be protected.</p> <p>Recent evidence is highlighting that in some sensitive locations ground disturbance is not a sound indicator of the absence of ACH.</p> <p>The matrix has been developed in consultation with the Aboriginal community and the OEH as a guideline to understanding the level of potential impact within land of specific disturbance criteria. This is not a hard and fast rule rather is intended to be used by an owner or developer to assess the level of risk within a predictive area. It is noted that in a predictive area the requirement to consider ACH is strongly recommended rather than requires, as it is for Aboriginal Place of Heritage Significance (known). The matrix is a tool to assist landowners consider what level of risk is possible and therefore what level of consultation and assessment is recommended.</p> <p>It is noted that demolition of a dwelling falls under "minimal disturbance" in the matrix not "significant".</p> <p>3 Page 61 identifies the key <u>actions</u> used within the Plan, not the process used to develop the Plan. This section sets out the requirements for assessment, which may include archaeological survey, when within a mapped area.</p> <p>4 The process for updating the mapping is provide in Appendix 8 to the Plan. The methodology for the mapping is not limited to a desktop assessment and many of the sites, where assessable and permitted, have been ground truthed.</p> <p>It is increasingly becoming evident that land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting. Removing the mapped areas does not remove the significance nor the potential for harm.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the</p>	

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			<p>possibility of ACH and the legislative requirements for management of ACH.</p> <p>The mapping, process and assessment requirements are generally consistent with the state government directions reinforced through the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>5 The legislative requirements of the Airports Act as they apply to the GCAL land are acknowledged, however, the ACHMP does not conflict with the Airport Act 1996. It is also acknowledged that in TSC is not the consent authority for airport development. The Airport Act, being Federal has primacy, however, it does requires a masterplan and development to consider state and local government legislation as part of their assessment process for land use planning and assessment of environmentally significant or sensitive locations (including cultural). This is not seen as a conflict, rather it aids due diligence.</p>	
4992375	22	<p>It has been brought to my attention by a relative that there is an Aboriginal Cultural Heritage Management Plan. I object to the proposed plan, I am a land owner of two properties in the affected area. I had no idea that this plan was around, I did not receive a letter to either of my properties explaining in detail what was going on. A plan that has such a significant impact on land owners should have been outlined in a letter to each person affected by the changes. After consulting with my neighbours, they have not heard of it either and are not pleased or on board with this type of plan.</p> <p>Both of my properties have been farmed for many, many years, and any aboriginal artefacts would have been long destroyed by ploughing and regular farming practices. This management plan is very open to abuse, and further thought is needed before implementing the plan.</p> <p>To hold land owners responsible for the cost of having someone there during any excavation is absolutely unacceptable. The Shire should be responsible for all costs associated with a plan like this.</p> <p>This plan has been put together without thinking about the land holders that will be affected and is very unreasonable.</p>	<p>See consultation comments at submission 10.</p> <p>Land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting requirements for management of ACH.</p> <p>The draft ACHMP is prepared to assist people understand the legislative requirements and provide the framework for Council to meet its responsibilities for administration and implementation of the legislation.</p> <p>The cost of assessment is a responsibility of a land owner when choosing to undertake development as this assessment is specific to the development being undertaken.</p> <p>The representative Aboriginal Land Council is acknowledged under the <i>Land Rights Act 1983</i> as responsible for the promotion, awareness and management of Aboriginal Cultural Heritage (ACH). Aboriginal people are acknowledged as the appropriate custodians of their ACH under legislation and planning policy.</p> <p>The plan has been carefully crafted to identify and protect those areas of known ACH, to "flag" those areas of potential and assist property owners meet their legislative requirements. The requirements of the plan are a reflection of the current legislation and the proposed legislation under the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p>	No further action or recommendations.
4984774	23	<p>Received the Terranora letterbox flyer, which set out some facts and informed us that our land was affected by the draft Plan. The flyer let us know that if we wanted to object we had to do so before 20/12/17, with little time to familiarise myself with the relevant fact of such a complex matter. This was the first time I became aware of this issue and was surprised by this.</p> <p>If I or any of my neighbours were to put up a garage, all residents affected would be personally notified by the Council, in order to give them the opportunity to voice any objection. Yet here is a proposal, which potentially has a far greater impact on the life and financial situation of the people affected and no such notice was given. Most people don't know about the plan and this seems to indicate that whatever publicity the Council has given to this issue, it was not very effective.</p> <p>In view of the above. I believe it would be appropriate for Council to extend the deadline for comments/objections to the end of January 2018. This would give more time and alleviate the concerns about making submissions around Christmas.</p> <p>Due to lack of time, the submission only addresses a couple of issues.</p> <p>Submission states they unreservedly support the Aboriginal Heritage Legislation and the ACHMP and comments/objections relate to procedural matters only.</p> <p>These issues are as follow: The first one relates to the selection process, that determines what land the designation "Predictive Aboriginal Cultural Heritage Area" is arrived at. For the ACHMP to achieve credibility, the process of assigning such designation must be very rigorous, highly predictive and above reproach.</p> <p>The outline of the designated area seems to be very arbitrary and ill befitting the prevailing lifestyle of the indigenous people. The way some land is included and others excluded defies explanation. For example: The whole Azura estate is designated, except six properties on the Terranora Road either side of Sunnycrest Drive; Past Shamara Street at the very end of the designated area there is a small triangular projection containing one house which is within the designated area. The balance of the property and the adjoining house in close proximity behind it is excluded.</p>	<p>Concerns are noted.</p> <p>See consultation comments at Submission 10.</p> <p>The deadline for submissions was extended to Friday 16 February 2018, a total of 4 months.</p> <p>Support for the intent of the plan is noted.</p> <p>The mapping is not a designation, which has a different meaning within planning. Rather it is a landscape based mapping of two layers of known and predictive ACH.</p> <p>See comments on the mapping criteria at Submission 13.</p> <p>The determination of any development application, regardless of an ACH input or assessment may be subject to a review of determination under Division 8.2 of the Environmental Planning and Assessment Act, 1979.</p> <p>The representative Aboriginal Land Council is acknowledged under the <i>Land Rights Act 1983</i> as responsible for the promotion, awareness and management of Aboriginal Cultural Heritage (ACH). Aboriginal people are acknowledged as the appropriate custodians of their ACH under legislation and planning policy.</p> <p>As such the ACHMP requires consultation with the Aboriginal community as a first step. This is not an approval role, its purpose is to seek the Aboriginal community (knowledge holders) input into the type of ACH and the potential for harm.</p> <p>The mapping methodology and the management plan have been rigorously developed to meet the current legislative requirements and largely meets those of the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p>	No further action or recommendations.

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		<p>Quoted a line from the letterbox drop that the TBLALC archaeologist also stated that when he determined the high probability of the presence of Aboriginal cultural heritage in our area, he was "not familiar with the area". If the above is true, the assessment process does not meet the criteria set out in Fact Sheets 4 and 5 and lacks credibility.</p> <p>The second and my main objection is that once designations made, there are no appeal process and in some circumstances, for spiritual reasons, I may not be even entitled to ask why.</p> <p>Through a keen interest in history and 81 years of lived experience thought me, that any system or process that does not have accountability and some sort of independent appeal process will not only result in unfair decisions but is an open invitation for unscrupulous people to abuse it. A classic example of this is the Hindmarsh Bridge controversy over the fabrication of Aboriginal Mythology.</p>		
5004919	24	<p>Submission made (#15).</p> <p>Seeking information on the decision to extend the consultation period.</p>	Advised by email of additional consultation 29.1.17.	No further action or recommendations.
4992368	25	As a resident affected by the ACHMP I wish to submit my objection to the draft.	Object noted, though no reasons provided.	No further action or recommendations.
4992373	26	<p>I am writing to express my dismay at the Draft Aboriginal Cultural Heritage Management Plan 2017 (Draft ACHMP). While we are affected we were not notified by the council regarding the proposed changes to planning approvals and land excavation. Significant DA submissions likely to impact nearby residents have been notified to the relevant parties in previous council shires, however I find I have been informed of this only through a private letter drop.</p> <p>I would think it unwise to purchase a property in an area of cultural or architectural significance due to the limitations it would pose to my ability to enjoy my property with full freedom, and I protest at an attempt to change the categorisation retrospectively.</p> <p>I would like to request that an independent assessment (if the assessor is from Tweed-Byron Local Aboriginal Land Council, one would assume they have local knowledge informing them of the cultural significance of the land, if as admitted they are "not familiar with the area", a fully independent archaeological review may be of more value) of the probability for the presence of Aboriginal cultural heritage is undertaken, with consideration of removing Terranora Ridge from the predictive area.</p>	<p>See relevant consultation comments at Submission 10.</p> <p>See relevant comments on the mapping criteria at Submission 13.</p> <p>The ACHMP does not stop development on land, it provides a "flag" to trigger the appropriate assessment required to meet the legislative requirements to avoid harm to ACH.</p> <p>The representative Aboriginal Land Council is acknowledged under the <i>Land Rights Act 1983</i> as responsible for the promotion, awareness and management of Aboriginal Cultural Heritage (ACH). Aboriginal people are acknowledged as the appropriate custodians of their ACH under legislation and planning policy.</p> <p>An ACH assessment can only be prepared by a suitably qualified archaeologist. The TBLALC's role is to provide cultural knowledge into the assessment process where this is required, and cultural advice to landowners prior to commencement of development.</p> <p>The mapping methodology and the management plan have been rigorously developed to meet the current legislative requirements and largely meets those of the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p>	Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.
4989977	27	<p>I wish to raise an objection to the Proposed aboriginal Cultural Heritage Management Plan. Firstly the timing of the release of this document, less than a month before Christmas at a time when most of the residents are in holiday mode. Secondly the incredibly short time allowed for objection to be lodged, in our case it was 12 days.</p> <p>Much, much more information on what this proposal entails is required and rate payers and residents need to be able to ask questions, preferably at a public forum which should be arranged so that all councillors and planners can answer questions from the residents involved.</p> <p>The reading of this document seems to be saying that we not only have to get council approval for improvements to our properties, which usually involves a fee. Now we also have to pay a fee to this ACHMP. Who are these faceless people??</p> <p>We need to know who and what is involved to the full degree and this means meeting with the proposers face to face.</p> <p>We have every right to protect our hard earned investments and our homes. The Aboriginals aren't the only ones who call Terranora home. Suggest that the TSC postpones this proposal and gives the owners/ratepayers an opportunity to become better informed.</p>	<p>See consultation comments at Submission 10.</p> <p>No fee is payable to the ACHMP. Council DA fees are set by legislation. There will be a fee to be paid to the TBLAC</p> <p>The representative Aboriginal Land Council is acknowledged under the <i>Land Rights Act 1983</i> as responsible for the promotion, awareness and management of Aboriginal Cultural Heritage (ACH). Aboriginal people are acknowledged as the appropriate custodians of their ACH under legislation and planning policy. As such they have the right to charge a suitable fee for their cultural knowledge, in the same manner, for example, as a bushfire expert provides bushfire advice.</p> <p>The people referred to as "faceless people" involved in the consultation included Council staff, Aboriginal community members, and Office of Environmental Heritage (OEH) staff who attended all of the above community information sessions seeking to inform the community.</p> <p>The plan has been carefully crafted to identify and protect those areas of known ACH, to "flag" those areas of potential and assist property owners meet their legislative requirements. The requirements of the plan are a reflection of the current legislation and the proposed legislation under the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>Aboriginal people may not be current land owners, however, their <i>connection to Country</i> and their cultural heritage spans many thousands of years and is a valid legislative consideration, being reinforced by the recently exhibited stand-alone <i>Aboriginal Cultural Heritage Bill 2018</i>.</p>	No further action or recommendations.

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5014952	28	<p>We acknowledge that the Draft Aboriginal Cultural Heritage Management Plan 2017 provides a policy framework which complements Tweed Local Environmental Plan 2014 provisions and the National Parks and Wildlife Act provisions relating to Aboriginal cultural heritage.</p> <p>However, given the complexities of the current statutory planning system and for the avoidance of doubt, Council is requested to include a provision in the Management plan clearly stating that it does not apply to ground disturbance on sites which have been the subject of earthworks at the subdivision stage.</p> <p>This provision would reflect the fact that cultural heritage issues are addressed at the subdivision Development Application stage and land disturbance occurs during subdivision earthworks.</p> <p>Therefore, it is unlikely that any further ground disturbance for the construction of dwelling houses, swimming pools and the like, would give rise to Aboriginal cultural heritage issues.</p>	<p>Given the general poor understanding of ACH it is acknowledged that suitable assessments may not have been carried out or requested for earlier subdivisions. There has previously been poor understanding generally of the <i>National Parks and Wildlife Act (NPW Act)</i> requirements with respect of Aboriginal cultural heritage (ACH). It is also noted that understanding Aboriginal cultural heritage within the building industry is limited. Having previously undertaken development which did not find any ACH is not a true reflection of any ACH not being present. Historically extensive ACH has been damaged and destroyed through lack of understanding and/or knowledge.</p> <p>Land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting requirements for management of ACH.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>The draft ACHMP is prepared to assist people understand the legislative requirements and provide the framework for Council to meet its responsibilities for administration and implementation of the legislation. Evidence of previous relevant ACH assessment may form part of a due diligence justification for not needing further assessment, in consultation with the Aboriginal community on the new scope of works.</p> <p>Notwithstanding, as we move forward and the consideration of ACH more holistically at the land release and subdivision stage should be more thorough. It is also acknowledged that the land release and subdivision stage is the most appropriate stage to undertake a landscape based ACH assessment.</p> <p>TSC requires a transparent process which is consistent with the legislation and effective to implement. An ACH assessment is specific to a location and a type and scale of development. Future development may differ to that to which an assessment has been prepared for. For this reason the removal of mapped areas is not proposed to be removed.</p> <p>Notwithstanding, in areas where there has been previous ACH assessment undertaken and significant land reshaping the final ACH assessment may be able to make recommendations, in consultation with the Aboriginal community, in a mapped format, identifying lots assessed as requiring no further assessment where they meet the recommendation of the ACH assessment and fall within criteria established in the assessment, for example where fill may be of a stated depth.</p> <p>It is proposed to include an additional section within the ACHMP addressing greenfield developments, rezoning and subdivision where ACH assessments have been prepared. This is proposed to provide a clearer path forward for the recognition of suitable ACH assessments (prepared at rezoning or subdivision stage) in the context of future development.</p>	<p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a "flag" to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>An additional section is included within the ACHMP addressing greenfield developments, rezoning and subdivision where ACH assessments have been prepared. This is proposed to provide an acknowledgement and clearer path forward for the recognition of suitable ACH assessments (prepared at rezoning or subdivision stage) in the context of future development.</p>
5014952	29	<p>On viewing the mapping associated with the management plan I am astounded to see that the lands owned by the Aboriginal Land Council along Fingal Road and at the very end of Letitia Spit has not be tagged as culturally significant. Other large areas of residential Fingal have been listed in this new plan limiting/restricting development on sites.</p> <p>There seems to be some sort of discrimination occurring with the aboriginal land council land here. It seems obvious that this land be significant to the indigenous people because of the very fact that they own it and that it directly adjoins the other land that is sighted as significant. A boundary of ownership by sharp lines on a map cannot exclude this massive portion of land from the same rules the rest of us have to abide by.</p> <p>Why is this aboriginal land council land not included in the new plan? It is inconsistent with what is going on in the plan which leads me to think there is a hidden agenda in this omission. Is there a double standard happening here? Is the land council keeping their options open for development while enforcing the plan on individual residents? I would hate to think that in the future the land council of the time could make a call and decide to build Bali huts or extensive accommodation as they desired. This would be viewed as very hypocritical and discriminatory to exclude this portion of land from a heritage plan. This land should not be just left to a land council of the day who could decide to sell it to Greg Norman. We don't need an artificial reef put in out the front disturbing the natural ocean.</p>	<p>Mapping of the TSC area has been undertaken consistent with the methodology outlined in Part B of the ACHMP, regardless of land ownership.</p> <p>The mapping undertaken has considered, amongst a wide range of criteria, the historical land features and activities, such as sand mining.</p> <p>The Fingal spit area was significantly sand mined in the mid 20thC and some of the area is reclaimed land along the river training wall. The ACHMP is based on mapping the known and predictive occurrence of ACH.</p> <p>Approximately 36% of the TBLALC owned land is mapped as either known or predictive though the mapping methodology, noting many of the TBLALC land holdings are also established areas.</p> <p>The requirements for an ACH assessment, where mapped, apply to the TBLALC as they do to any other property owner. In addition the management and potential development of Land Council land is strongly regulated under the <i>Land Rights Act, 1983</i>.</p>	<p>No further action or recommendations.</p>

ECM NO	SUB #	SUBMISSION SUMMARY COMMENT	PLANNING COMMENT	RECOMMENDATON
5013776	30	<p>Fingal Head has just participated in a planning review with multiple council community meetings regarding height/density and more. Letters were sent to the home owners personally to make residents aware of the discussions and possible impact to their land. This Aboriginal Heritage Plan has not been personally brought to the notice of the home owners and most of us are unaware of its existence, which is very disrespectful to the home owners. We are clearly going to be impacted by this plan yet have no idea of how it will affect us personally.</p> <p>A local community meeting along the lines of the previous meetings for planning input should be held at the school for discussion, and information on how we are to be affected. Residents, including myself are highly concerned as to how this heritage plan affects property that we own and intend to build upon. The community has just had discussions regarding proposal for a new strict planning draft and now this heritage plan has gone behind our backs with an extended closing date of next Friday. We have only just found out about it thanks to a mail drop by a particular concerned private citizen.</p> <p>If this Aboriginal Heritage Plan is going to affect the land of private land owners, like me, then the owners should be entitled to input and personal awareness. If it was only affecting crown land/start government land then fine, let me read about it in the Tweed Link.</p> <p>I object to this heritage plan because I have had no warning, opportunity for informed input or discussion regarding the effect on my private property .</p>	<p>Objection is noted.</p> <p>See consultation comments at Submission 10, noting that a community information session was held in Fingal Head on 24 October 2017, one of 12 such sessions.</p>	No further action or recommendations.
5014003	31	<p>I wish to raise the following concerns regarding the Draft Aboriginal Cultural Heritage Management Plan 2017 (Draft ACHMP).</p> <p>I am a long term resident and homeowner at Fingal Head, NSW. I own a residential property directly affected by The Draft. As such I believe it would have been reasonable to have been contacted directly by The Council for my input on this Plan which will may have substantial direct ramifications on me. I was neither notified nor contacted by The Council. I was made aware of the Draft Aboriginal Cultural Heritage Management Plan 2017 for the first time by a concerned resident's letterbox drop.</p> <p>I acquired my property at Fingal Head over ten years ago and not subject to any cultural or heritage restrictions. The restrictions in the Draft Aboriginal Cultural Heritage Management Plan 2017 impose significant restrictions upon me as a property owner, for which there is no proposal for appropriate compensation. Such restrictions may significantly affect the value of my property.</p> <p>The area has been an exclusively residential area for many years during which it has undergone substantial residential development. As such it should not now have restrictions imposed upon it with respect to culture. It is not now reasonable to seek to impose these types of restrictions retrospectively on freehold property holders.</p> <p>It is noted that a significant portion of Fingal Spit is already allocated for Aboriginal purposes.</p> <p>And finally, I further note that it appears that there are some inconsistencies in assessing which land is of Aboriginal significance. The large tract of land owned by the Tweed Byron Aboriginal Land Council on Fingal road is not included as an Aboriginal Cultural Heritage site on any map in the draft plan, meaning that this land will not come under the same restrictive assessments as land held by legal owners, such as myself. I can see no plausible explanation for this.</p>	<p>Concerns are noted.</p> <p>See relevant consultation comments at Submission 10.</p> <p>The provisions of the <i>National Parks and Wildlife Act (NPW Act)</i> to avoid harm to ACH have been in place since 1974. Notwithstanding, there has previously been poor understanding generally of the NPW Act requirements with respect of Aboriginal cultural heritage (ACH). This is the reason for the draft ACHMP.</p> <p>The ACHMP reflects the current legislation and is generally consistent with the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>The plan does not seek to allocate land for Aboriginal purposes; it has been developed to address the legislative requirements to avoid harm to ACH.</p> <p>Similarly, the ACH mapping layer and process is not applied to stop development. It is acknowledged that land has permitted uses. Instead the ACH process seeks to assess the risk of harm to ACH and to avoid or mitigate harm consistent with the current legislation and provide the framework for Council to meet its responsibilities for administration and implementation of the legislation.</p> <p>See relevant comments on TBLALC land in Submission 29.</p>	No further action or recommendations.
5021859	32	<p>Enquiry regarding a specific property at Tyalgum and the potential for Aboriginal cultural heritage.</p>	Spoken directly to the submitter on this enquiry.	No further action or recommendations.
5024674	33	<p>Caldera Environment Centre gives it full support to the Draft Aboriginal Cultural Heritage Management Plan 2017.</p> <p>As an intrinsic part of the Tweed Environment Aboriginal Cultural heritage deserves to be preserved and respected.</p> <p>We commend Tweed Shire Council and our Aboriginal community for developing the Draft ACHMP that will help people understand, managed and protect cultural heritage sites and the landscape now and into the future.</p>	Support is noted.	No further action or recommendations.

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5026248	34	<p>Your staff must not be aware that you sent my complaints about Tweed Shire Councils Aboriginal Advisory Committee and the deliberate misuse of all funds by the committee, contractors, Tweed Byron Aboriginal Lands Council and the false Tweed Wollumbin AECG to the ICAC.</p> <p>The Draft ACHMP claims these frauds are Bundjalung, with the CBHS supporting information of 2003 stating that Bundjalung was a contemporary term, the committee, contractors to the committee, Lands Council and AECG have deliberately misused all funds since 2003, lied to Council, aborigines and aboriginal youth with their fake heritage, and deliberately destroyed aboriginal heritage and identity for their own gain.</p> <p>You cannot allow this to proceed to a vote before the council; if it does I will inform councillors that you have sent my complaints to ICAC and that it would be deliberate misuse of funds for the council to vote for the plan. Comments made about the role of Councillors and State members and potential pecuniary interest.</p> <p>The NSW Government and Turnbull Governments are attempting to hide these scandals. Have sent my complaints to ICAC and OEHL and Aboriginal Affairs Ministers while refusing a meeting with the Premier, the conspiracy to hide these scandals extends to the current premiers office.</p> <p>You have no option but to inform the ICAC of misconduct, withdraw this plan from vote before Council, dismiss the Aboriginal Advisory Committee and inform the department of local government.</p>	<p>Concerns are noted.</p> <p>The ACHMP has been prepared in consultation with the Tweed Aboriginal community and the Office of Environment and Heritage (OEHL) with a sound mapping methodology.</p> <p>The ACHMP reflects the current legislation and is generally consistent with the OEHL draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>Allegations raised within this submission are unsubstantiated in the context do not add to the consideration of the content of the ACHMP.</p>	No further action or recommendations.
5026415	35	<p>As an active developer in the region and major contributor to the local economy, LEDA (Holdings) has a strong track record for engaging with the local Aboriginal community and ensuring its heritage is adequately managed. Extensive assessment works have been undertaken for the two key development sites: Cobaki and Kings Forest. These works have provided a detail understanding of the Aboriginal cultural values within these properties.</p> <p>We have reviewed the ACHMP and have concerns regarding:</p> <p><u>1 Mapping accuracy</u> - Leda has commissioned independent archaeological studies for both sites resulting in mapping of known ACH values. Consider there is a considerable level of inaccuracy within the ACHMP. For example the lands immediately west of Cobaki Parkway are mapped as Aboriginal Place of Heritage Significance. However, this is former swamp which has been drained and has approximately 2 metres of fill. Archaeological research and community consultation has demonstrated that this area has no particular significance. The requirement to undertake further research is pointless and unreasonable. Large areas that are subject to more than 10 metres of cut, steep slope, drained swamp and sand mined are subject to the mapping. It is acknowledged that some of these areas may have once had value to Aboriginal people, however, the requirement for landowners wanting to build in these areas is unreasonable.</p> <p><u>2 Failure to accommodate past State approvals and heritage assessment works</u> – as a developer our goal is to provide customers with unencumbered land to build homes efficiently. The ACHMP fails to incorporate previous heritage assessment and management works. These projects have state approvals, which have included ACHMPs in consultation with the Aboriginal people. The plans have included provisions for protection of cultural heritage where appropriate. To then expect the land owner to comply with the Risk Matrix and undertake further assessment is unreasonable and has the potential to affect the value of the lots,</p> <p><u>3 Lack of process for updating the mapping</u> - consider the mapping is unreliable and will need substantial amendments. As it stands there is no mechanism for updating the mapping as further information is known. The ACHMP should contain a provision for landowners and Aboriginal community to submit further information for changes.</p> <p><u>4 Requirement for further consultation.</u> Given our concerns we request a meeting with TSC to resolve the issues prior to finalising the ACHMP.</p>	<p>Ongoing consideration of ACH as part of development is noted.</p> <p>1 Mapping: It is acknowledged that the landowner has commissioned a number of ACH assessments and continues to do so as further development is proposed, as appropriate and required under the legislation. Notwithstanding carrying out the assessments and the development does not remove the ACH significance, which remains.</p> <p>Most ACH assessments are undertaken for a project area rather than a landscape and for these reasons few ACH assessments would offer a completed picture of all land within a landscape, some of which may have been and will be disturbed and some of which may not. Equally an ACH is generally undertaken to address a specific scale and scope of works, which may also vary into the future. It is argued that no ACH assessment is capable of demonstrating there is categorically no ACH on a site and the legislative provisions to avoid harm still apply.</p> <p>As such, mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a “flag” to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>The mapped <i>Aboriginal Place of Heritage Significance</i> area is an acknowledgment of the multiple sites registered to AHIMS within 1km of the two primary development sites. Similar to an AHIMS listing where the listing remains after an AHIP is issued, the mapping is proposed to be retained.</p> <p>Two of the sites quoted in this submission are located on ancient paleo dunal systems. Increasingly these locations are being found to be rich in ACH and to a depth of even up to 2 metres, given the time periods involved. Current best practice is requiring additional caution and sensitivity around these ancient dunal systems, even where they may have in the past been disturbed and/or where there is no visible ACH on the surface.</p> <p>The mapping, process and assessment requirements are generally consistent with the state government directions reinforced through the Office of Environment and Heritage (OEHL) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>Notwithstanding, previous assessments undertaken can and will inform any need and/or scope for further assessments, in consultation with the Aboriginal community, moving forward.</p> <p>2 TSC is aware of State approvals. Notwithstanding, there are currently 5 sites registered to AHIMS with the Cobaki locality and 8 sites within the Kings Forest locality, both areas are known Aboriginal cultural heritage landscapes.</p> <p>See comments at Submission 28 regarding recognition of greenfield development, rezoning and /or subdivision ACH assessments.</p> <p>The provisions of the NPW Act to avoid harm to ACH remain regardless of any development consent. Whilst it is acknowledged that previous ACH assessment s have</p>	<p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a “flag” to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>An additional section is included within the ACHMP addressing greenfield developments, rezoning and subdivision where ACH assessments have been prepared. This is proposed to provide an acknowledgement and clearer path forward for the recognition of suitable ACH assessments (prepared at rezoning or subdivision stage) in the context of future development.</p>

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			<p>been undertaken, the ACHMP also acknowledges the known cultural landscapes of these areas and is provides the trigger for compliance with the NPW Act legislation.</p> <p>3 The process for updating the mapping is provide in Appendix 8 to the Plan. The methodology for the mapping is not limited to a desktop assessment and many of the sites, where assessable and permitted, have been ground truthed.</p> <p>It is increasingly becoming evident that land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting. Removing the mapped areas does not remove the significance nor the potential for harm.</p> <p>4 A follow up meeting on the concerns was held 21 May 2018. It was agreed Council staff would liaise with the TBLALC, OEH and DPE to develop a way of addressing this concern.</p>	
5025861	36	<p>Requests this addendum is considered with the original submission. We have a 'win/win for all solution' to the vexed issue of unfairness in only certain random property owners paying the Tweed Byron Local Aboriginal Land Council for any service provided under the above plan.</p> <p>The solution: A levy can be collected annually from all ratepayers at the time of payment of the Shire Rates. All TBLALC Service Charges should be paid by Tweed Council from the collected levy. Council should charge TBLALC the cost of Administration. The levy must be based pro rata per person or company etcetera, similarly to a poll tax on ratepayers & therefore be an equal sum for all individual owners. It follows that a person/company with an interest in more than one property should only pay it once.</p> <p>The need for this approach arises from the random impacts of the Draft Management Plan. Owners/Builders will be on a tight budget. Our aim is to ensure owners pay equally regardless of the varied risk on their land the TBLALC archaeologist has stated certain coastal areas have the greatest probability of finding artefacts; therefore spread the burden. As it stands, DA applicants will not pay a consistent sum. They may pay different \$ amounts for Aboriginal approval / onsite presence because of the random nature of finding anything; or depending on such things as slower excavation if artefact/charcoal/shell is found (the need to be more careful), additional time in the event of a dispute, certain individuals will resent payment 'for nothing' or will dispute time; excavation disruptions (eg from weather/no show or delay in on-site arrival by contractor or Aboriginal, waiting time etcetera). Without such a levy, builders' contracts will be loaded for inconvenience/time lost by them.</p> <p>In the case of bones being found, the plan must allow for full compensation for losses, including forcing the TBLALC to purchase the affected property at full market value plus compensation for monetary losses with interest.</p> <p>We again stress that the present process is not transparent. Aboriginals are not accountable nor need to explain or fully justify their decisions. The present Appeals Process has a predisposed bias and therefore must exclude Aboriginals.</p>	<p>The mapping methodology is a sound process, now being used in other LGAs by the OEH. It does not randomly map properties.</p> <p>Regarding the proposed levy, this would be unpalatable by the broader community. It is also an overreach as under the legislation it is the responsibility of the land owner / developer to undertake a level of assessment, appropriate to the location and scale of development, to demonstrate if harm can be avoided to ACH and to seek a permit is harm cannot be avoided.</p> <p>The cost of an ACH assessment will, by their nature, vary depending on the level of assessment required and the risk to ACH involved. The risk of disputes should also be minimised where the appropriate consultation and consideration be applied prior to the commencement of development. The plan does not seek routinely use site monitors as the assessment should identify the risk upfront.</p> <p>Similarly the builders should not be unduly impacted as the appropriate assessment and permits, where require, would be undertaken prior to the commencement of construction. This will be the responsibility of the land owner / developer, not the builder.</p> <p>In the event of human remains be found the process for responding to this is established in the current legislation. This process is not changing. The ACHMP simply educates the community about this process. The legislation does not provide for compensation.</p> <p>These views on excluding Aboriginal people from an appeals process are inappropriate and unsubstantiated and do not add to the consideration of the content of the ACHMP.</p>	No further action or recommendations.
5033327	37	<p>As I am sure your department is aware we have been directly impacted by the rollout of this policy which seems has been hasty and relevant departments are not fully across how this policy will affect DA's.</p> <p>I have absolutely no problem with recognising / valuing our cultural heritage however this recognition and management should not be completely at the expense of the property owner, who still does have development rights. It also has caused lengthy and stressful delays and that we still have no outcome for. It is clear the various departments are not clear of the process for the policy.</p> <p>We have been dealing with this issue since October 2016, we have ticked every box that has been required from us to date, however the goal posts keep changing, particularly between council and the land council and OEH. Communication and justification has been limited from both interested parties and little regard for timings and how this effected individual circumstances.</p> <p>This policy will have a huge impact for just those people wanting to do simple DA's – we are not all developers etc undertaking projects for commercial gain. What was meant to be a straight forward DA has turned into now an eighteen month delayed process still with not outcome and spend of around \$12,000 and now a full AHIP is required an additional \$20,000 for a full AHIP. This obviously is a difficult sum of money for normal mums and dads to find and directly impacts whether people can move forward with their project. The policy requires people to engage with multiple different consultants of the various disciplines, a costly and time consuming process. Will the same processes, requirements</p>	<p>Conditional recognition of ACH is noted as is the applicant's current situation with respect of undertaking an ACH assessment. The feedback on the experience of the owners is invaluable for ongoing improvements to the processes.</p> <p>See comment relating to land rights and responsibilities under Submission 10.</p> <p>It is noted that given the sensitive location and recent ACH finds at this location, the <i>NPW Act</i> would have required the level of assessment regardless of the draft ACHMP, as noted by the commencement of the proposed development prior to the exhibition of the draft ACHMP.</p> <p>At all times the advice provided has been: Can the proposal demonstrate harm can be avoided? If not then a full ACH assessment and permit is required under the NPW Act legislation.</p> <p>In this specific example, the property owner's consultant registered ACH finds on site to the AHIMS, thereby triggering the requirement for a full ACH assessment and a permit.</p> <p>Delays to the project have arisen due to the consultants not completing and required assessment in accordance with the OEH <i>Consultation Requirements for Proponents 2010</i> and the <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW 2011</i> Guidelines. It follows that should the assessment report have been completed in the format required when the site was registered the costs may not have been duplicated.</p>	No further action or recommendations.

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		<p>be required for our neighbours should they wish to put up a fence, do some general landscaping, repairing water leaks etc?</p> <p>While I understand much of this response is related to an individual DA I hope it provides some context about a real life example of how this policy effects a resident. It has created a lot of stress both financial and emotional.</p>	<p>The preparation of an ACH assessment report in support of a Permit to Harm, by its nature, and under the current legislation provisions requires a qualified archaeologist and consultation with the registered parties at key stages.</p> <p>The draft ACHMP outlines what forms of development will require and assessment, and what the legislation allows without an assessment, such as gardening. However, the requirements to avoid harm prevail.</p>	
5033369	38	<p>I am writing to you with concerns about some aspects of the draft Aboriginal cultural heritage management plan. I have been operating a slope mower as a contractor for the past seven years, for Tweed Shire Council. In that time, I have slashed every road in the shire many times. I feel that if the need for such a drastic move is ever warranted, the removal of slope mowers would be a monumental mistake.</p> <p>In reference to ceasing all reach mowing operation east of the M1 motorway as mentioned in the plan, I believe it would be in the interests of conservation and preservation to use a reach mower rather than a conventional tow behind slasher. For example,</p> <ul style="list-style-type: none"> • A reach mower can selectively mow around objects of any concern. • A reach mower does not have to drive over any roadside land which minimises ground disturbance and erosion. • A reach mower can also mow embankments which have overgrown vegetation encroaching into the path of vehicles, without interfering with sensitive areas <p>I feel that there is a great deal of misinformation about the use of these mowers. They are far more selective than any other implement. I understand that there may be a need for some areas to be managed. But I also seriously doubt that after all these years of roadside vegetation management anything of significance on the road side would still be in place?</p> <p>To restrict roadside vegetation management is playing with fire. It is in place to ensure the safety of road users and also the wildlife that inhabit the areas around the roads. It is a necessity. I feel that this needs to be looked at much harder than it seems to have been. As it affects the whole community, not just a loud minority.</p>	<p>Feedback is noted.</p> <p>This submission relates to <i>Appendix 7 – Standard Working Mitigation Procedures – Internal</i> which guides Council maintenance and routine activities.</p> <p>The use of flail and other mowing methods has been discussed with relevant staff internally.</p> <p>The intent of the Procedure is to minimise the risk of harm through routine maintenance, such as mowing. In doing so the procedure</p> <p>It is acknowledged that there may be situations and locations where the flail mower may be a better solution to a tractor towed slasher, which is currently not prohibited in the draft procedure. In other situations a small ride on mower or even wiper snipper may be a better solution. A tractor towed slasher may cause similar damage to ACH where present on the surface.</p> <p>For these reasons it is proposed to amend the <i>Standard Working Mitigation Procedures – Internal</i> to state instead the objective to minimise the risk of potential harm through use of an appropriate mowing devise which in the location and circumstance will cause the least disturbance to the ground surface.</p>	<p>The <i>Standard Working Mitigation Procedures – Internal</i> has been amended to instead state the objective to minimise the risk of potential harm through use of an appropriate mowing devise which in the location and circumstance will cause the least disturbance to the ground surface.</p>
5019748	39	<p>Phone call and follow up email (with the subject flyer attached) concerned about the information being circulated in a Fingal Head letter box flyer as it appeared to be from Tweed Shire Council letter. Overall considered it was worded to cause trouble and concern for home owners.</p> <p>In favour of protecting Aboriginal cultural heritage and the work Council has done to recognise this.</p>	<p>Information noted.</p>	<p>No further action or recommendations.</p>

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5054800	40	<p>NSW Aboriginal Land Council (NSWALC) welcomes the opportunity to provide comment on the draft ACHMP.</p> <p>NSWALC is the peak body representing Aboriginal people in NSW and is the largest member based organisation in Australia. The NSWALC is an independent, self-funded, non-government organisation with the objective to “<i>improve, protect and foster the best interests of all Aboriginal persons within New South Wales</i>”.</p> <p>The NSWALC provides support to 120 local Aboriginal land councils (LALCs). The LALC have a legislative function to protect and promote Aboriginal culture and heritage as well as the management and development of lands.</p> <p>The LALC is the peak Aboriginal representative body for their boundary area.</p> <p>The consultative mode that Tweed Shire Council (TSC) and the Tweed Byron Local Aboriginal Land Council have used to develop the draft ACHMP offers a positive model that can be replicated across other local government areas in NSW.</p> <p>NSWALC supports TSC recognition of the importance of Aboriginal cultural and heritage, the need to protect ACH and Council’s role to proactively manage and protect ACH. Placing ACH at the front and centre of local government consultation, assessment and approval processes is a significant and positive feature of the draft plan.</p> <p>TSC’s adoption of improved definitions for ACH that better reflect the nature of Aboriginal culture and heritage is supported.</p> <p>The draft ACHMP recognises that ACH is a key element of the development and planning process and that Aboriginal people’s knowledge must be valued. NSWALC supports TSC’s approach to embedding the values and consultation with the Aboriginal community as it is essential that Aboriginal people are central to all matters and decisions relating to Aboriginal cultural heritage that Aboriginal people.</p> <p>The document and guidance that TSC has developed in partnership with the TBLALC and Aboriginal community provides clear, tailored and useful information for land holders regarding the importance of ACH and the necessary steps to ensure the protection of ACH. TSC’s approach to mapping using a precautionary principle for area that have not been mapped and promoting consultation with the Aboriginal community is constructive and practical.</p> <p>We encourage TSC to work in partnership with the TBLALC and the Aboriginal community to ensure the draft plan is properly resourced and implemented.</p>	<p>Support for the process and consultation is noted.</p> <p>TSC continues to work in collaboration with the TBLALC to support the ongoing implementation of the plan.</p>	No further action or recommendations.
5078584	41	<p>Thank you for the opportunity for OEH to comment on the TSC ACHMP.</p> <p>OEH has reviewed the draft plan and notes that the matters raised in previous consultation have been addressed in the latest version. We note several references to Due Diligence have been included within the document which addresses concerns raised by OEH over ambiguity regarding this process in previous versions. We also note several references and adjustments which clarify the overarching need to comply with the relevant legislation to ensure no inadvertent harm.</p> <p>Further note the clarification on the required consultation process and the role of the TBLALC as the first point of contact and the reference to the OEH “<i>Aboriginal Cultural Heritage Consultation Requirements for Proponents, 2010</i>” and to Clause 80C of the <i>National Parks and Wildlife Regulation 2000</i>.</p> <p>Overall the OEH considers the draft ACHMP a well structure and comprehensive document</p>	Support for the plan and management structure is noted.	No further action or recommendations.

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		that contains all the information necessary to inform a revitalised inclusion of ACH values into the planning and development processes within the Tweed. We have no further recommendations or amendments.		
5066149	42	<p>Twin Towns have been made aware that an alleged Aboriginal Place of Heritage Significance has been mapped on Lot 2 DP 1040576 (Club Banora).</p> <p>When viewing the mapping we have significant concerns, as follows:</p> <p><u>1. Mapping accuracy</u> – In 2014 Twin Towns commissioned an independent archaeological study within the Club Banora Lands. This study considered a search of AHIMS and resulted in mapping of known ACH values. At this time there were no sites recorded on the property and the site was highly disturbed.</p> <p><u>2. Lack of information on site type and location</u>. In response to the discovery that an Aboriginal Place of Heritage Significance is mapped a further AHIMS search was undertaken and revealed an alleged isolated artefact recorded in 2016. All avenues for further information about this artefact were pursued with no result. We dispute the existence of the object and the accuracy of the mapping as it relates to this property. The ACHMP mapping proposes a buffer of approximately 75 metres around this location and considers this exclusion zone is excessive for an isolated object. The fact that a DA 75 metres away from an alleged isolated object could trigger ACH assessment requirements and consultation is unreasonable. The land within this site is a former swamp that has been highly modified and disturbed by past agricultural uses, earthworks and routine maintenance for the Club Banora Golf Course. The landscape is subject to constant cut and fill.</p> <p><u>3. Lack of process for updating the mapping –Requirement for further consultation</u>. Given our concerns we request a meeting with TSC to resolve the issues prior to finalising the ACHMP.</p>	<p>Concerns are noted.</p> <p>The site of Club Banora currently has 5 AHIMS registered sites within a 1km radius, indicating the known cultural heritage landscape.</p> <p>1 Mapping: It is acknowledged that the property owner has commissioned an ACH study in 2014. Notwithstanding carrying out the assessments and the development does not remove the ACH significance, which remains.</p> <p>An Assessment is generally undertaken specifically to a type and scale of development.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a “flag” to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>The mapped <i>Aboriginal Place of Heritage Significance</i> area is an acknowledgment of the 5 sites registered to AHIMS, all within 1km of the site, indicating the known cultural heritage landscape. Similar to an AHIMS listing where the listing remains after an AHIP is issued, the mapping is proposed to be retained.</p> <p>The mapping, process and assessment requirements are generally consistent with the state government directions reinforced through the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>Notwithstanding, in areas where there has been previous ACH assessment undertaken and significant land reshaping the final ACH assessment may be able to make recommendations, in consultation with the Aboriginal community, in a mapped format, identifying lots assessed as requiring no further assessment where they meet the recommendation of the ACH assessment and fall within criteria established in the assessment, for example where fill may be of a stated depth.</p> <p>See comments at Submission 28 regarding recognition of greenfield development, rezoning and /or subdivision ACH assessments.</p> <p>2 The mapping does not apply a “buffer” to any artefact. As outlined in Part B of the ACHMP the mapping uses a landscaped based approach which considers a range of matters including cultural knowledge, documented sources, the landscape environment and geophysical attributes. The <i>Aboriginal Place of Heritage Significance</i> mapping includes damaged and destroyed sites. This is to reflect the cultural significance of the location for Aboriginal people and to acknowledge current best practice that isolated objects are generally not to be considered in isolation, rather they form part of a cultural landscape of settlement and use.</p> <p>The ACHMP, consistent with the intent of the NSW legislation reform, is to move away from registration of isolated objects to recognition of cultural landscapes. This is reflected in the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>3 The process for updating the mapping is provide in Appendix 8 to the Plan. The methodology for the mapping is not limited to a desktop assessment and many of the sites, where assessable and permitted, have been ground truthed.</p> <p>It is increasingly becoming evident that land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting. Removing the mapped areas does not remove the significance nor the potential for harm.</p> <p>4 A follow up meeting on the concerns was held 21 May 2018. It was agreed Council staff would liaise with the TBLALC, OEH and DPE to develop a way of addressing this concern.</p>	<p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a “flag” to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>An additional section is included within the ACHMP addressing greenfield developments, rezoning and subdivision where ACH assessments have been prepared. This is proposed to provide an acknowledgement and clearer path forward for the recognition of suitable ACH assessments (prepared at rezoning or subdivision stage) in the context of future development.</p>
5072254	43	<p>The owners have been made aware that an alleged Aboriginal Place of Heritage Significance has been mapped on Lot 1 DP 595863, Lot 3 DP 819065, Lot 2 DP 819065 and Lot 1 DP 807182 at Winchelsea Way, Terranora.</p> <p>When viewing the mapping we have significant concerns, as follows:</p> <p><u>1. Mapping accuracy</u> – In 2016 the property owners commissioned an independent archaeological study for the site, with one site identified within the dam, a single artefact which has been removed prior to 1980. A 2006 assessment also noted the object and it’s AHIMS registration.</p>	<p>1 Mapping: It is acknowledged that the property owner has commissioned an ACH study in 2016. Notwithstanding carrying out the assessments and the development does not remove the ACH significance, which remains.</p> <p>An Assessment is generally undertaken specifically to a type and scale of development.</p> <p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a “flag” to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p>	<p>Mapped areas are not proposed to be removed as they have been developed through a sound methodology and provide a “flag” to owners and developers to be aware of the possibility of ACH and the legislative requirements for management of ACH.</p> <p>An additional section is included within the ACHMP addressing greenfield developments, rezoning and subdivision where ACH assessments have been prepared. This is proposed to provide an</p>

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		<p>Very few sites are recorded on the uplands of Terranora, Banora Point or Bilambil in contrast to the higher number of sites on lower slopes and estuarine waterways.</p> <p><u>2 Management discrepancy</u> – recommendations from the assessment were for sites monitors to be present for excavation works north, south and west of the dam to 20 metres. This strategy was formulated in consultation with the LALC and included in the development consent in 2004 and the subdivision plan. The ACHMP fails to incorporate the results of the previous assessments in an area which is highly disturbed.</p> <p><u>3 Lack of process for updating the mapping –Requirement for further consultation.</u> Given our concerns we request that the mapping remove the excessive exclusion zone around the AHIMS site and a meeting with TSC to resolve the issues prior to finalising the ACHMP.</p>	<p>The mapped <i>Aboriginal Place of Heritage Significance</i> area is an acknowledgment of the sites registered to AHIMS and the known cultural heritage landscape. Similar to an AHIMS listing where the listing remains after an AHIP is issued, the mapping is proposed to be retained.</p> <p>The mapping, process and assessment requirements are generally consistent with the state government directions reinforced through the Office of Environment and Heritage (OEH) draft <i>Aboriginal Cultural Heritage Bill 2018</i>.</p> <p>2 Management discrepancy: It is increasingly becoming evident that land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting. Removing the mapped areas does not remove the significance nor the potential for harm.</p> <p>Notwithstanding, in areas where there has been previous ACH assessment undertaken and significant land reshaping the final ACH assessment may be able to make recommendations, in consultation with the Aboriginal community, in a mapped format, identifying lots assessed as requiring no further assessment where they meet the recommendation of the ACH assessment and fall within criteria established in the assessment, for example where fill may be of a stated depth.</p> <p>3 The process for updating the mapping is provide in Appendix 8 to the Plan. The methodology for the mapping is not limited to a desktop assessment and many of the sites, where assessable and permitted, have been ground truthed.</p> <p>It is increasingly becoming evident that land can be heavily disturbed over many decades and still be subject to Aboriginal cultural heritage (ACH) as recent information, research and assessments are highlighting. Removing the mapped areas does not remove the significance nor the potential for harm.</p> <p>See comments on the mapping criteria at Submission 13.</p> <p>4 A follow up meeting on the concerns was held 21 May 2018. It was agreed Council staff would liaise with the TBLALC, OEH and DPE to develop a way of addressing this concern.</p>	<p>acknowledgement and clearer path forward for the recognition of suitable ACH assessments (prepared at rezoning or subdivision stage) in the context of future development.</p>
5102252	44	<p>Follow up email to submission 37 reiterating the submission and seeking a reply addressing the delays with the development application.</p>	<p>A formal reply was provided to this submission specific to the current development application.</p>	<p>No further action or recommendations.</p>
5155823	45	<p>Letter of support from the TBLALC, noting the following:</p> <p>TBLALC have made a long term commitment to and played a pivotal role in the completion of the draft ACHMP. The LALC has a number of critical roles in the implementation of the Plan and is firmly committed to the success of the Plan.</p> <p>The LALC is aware of the TSC commitment and thanks Council for their respect and awareness throughout the process. They believe cooperatively combining insights and knowledge and listening to each other has develop a Plan which sets a new benchmark for the management of ACH.</p> <p>The LALC wish to clarify the mapping layer has always existing within the Aboriginal community and throughout time “documented” through song and dance, bark painting, body art, cave and rock paintings and sand art. The “written” and digitised mapping is the modern western system of capturing and documenting what has always been in existence: the known areas, the predictive areas and the connectedness of the landscape.</p> <p>What these elements do is articulate the pre-existence of these ancient mapping layers in a way non-Aboriginal people can understand.</p> <p>The core ACH legislation is now 43 years old and whilst succinct and categorical has been under resourced, poorly informed and barely applied, becoming tokenistic and the opposite of its intent.</p> <p>There are many non-Aboriginal people who have earned tens of thousands of dollars researching, documenting and applying their ACH knowledge that they have acquired freely from authentic knowledge holders. These non-Aboriginal people have collated not created resources and cultural knowledge, some has been to the benefit of Aboriginal people, however, some has not. Therefore, it is not unethical or unreasonable for Aboriginal community/TBLALC to charge a fee for providing ACH servicers as the mapping and development of the Plan would not have been possible without the Aboriginal community's trust, knowledge or sanction from the beginning to present.</p> <p>Understanding and properly valuing, protecting and preserving ACH requires first and foremost knowledge and respect and it needs people 'on Country'. There are aspects of</p>	<p>Support for the ACHMP, the process, consultation and strategy for protecting ACH is noted and appreciated, as is the collaborative working relationship with the Aboriginal community and the TBLALC. Equally acknowledged is the TBLALC acceptance and willingness to work with Council to “fit into” the legislative processes.</p> <p>The views of the TBLALC highlight and express the value and critical role of the Aboriginal community and LALC in sharing their cultural knowledge to this project to ensure that the risk of harm to cultural heritage is minimised and to improve the understanding of cultural heritage through the wider community.</p>	<p>No further action or recommendations.</p>

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		<p>ACH that are intangible (ancient and spiritual customs, beliefs, stories, feelings and sensibilities) and other physical aspects. Only Aboriginal people are entrusted with that knowledge. In the absence of this knowledge any efforts to preserve ACH cannot succeed.</p> <p>This is the critical aspect to the TSC ACHMP that justifies the strong support of the TBLALC. The key features and resultant processes have the potential to set new benchmarks, including: The known and predictive mapping; relating the ACHMP to the legislation and highlighting where harm may occur; placing ACH at the forefront of the assessment and approval process; and placing consultation with the Aboriginal community upfront in the process.</p> <p>TBLALC is conscious of the demands and responsibilities flowing from the implementation of the process in terms of subtlety and workload. The TBLALC acknowledges there may be challenges through conflicting land use and cultural knowledge, however, see this also as a powerful positive to enhance understanding within the broader community.</p> <p>Over the 4 months to end March 2018 the cultural heritage unit has:</p> <ul style="list-style-type: none"> • Completed site visits and monitoring for 64 clients. Only 2 of these expressed any negativity at the commencement and following completion of the process 1 of these 2 was very appreciative of the service. • Site visits have been spread shire wide. • Clients have included individuals, corporates and public authorities. • A number of site visits have been sought voluntarily by land owners from areas known by TBLALC to be “powerful” locations, which has improved Aboriginal understanding of some important places. • The unit and Community have undertaken cultural awareness programs. • The Plan has provided the TBLALC to means of practical input into cultural heritage assessments. <p>The TBLALC recognises the numerous flow in benefits for the Aboriginal community, including increased and improved recording of cultural sites, skills development, communication, learning, teaching and knowledge sharing.</p> <p>The TBLALC strongly supports the ACHMP and Council’s efforts to develop the Plan.</p>		
5159077	46	<p>The Regional LALC provides support for the ACHMP. As an elected body representing 13 Local Aboriginal Land Councils we commend this initiative for prioritising engagement with Aboriginal people and LALCs in protecting ACH. LALCs are the peak organisation for their boundary area. The consultative approach the TSC has taken with TBLALC to develop the Plan offers a constructive model that can be replicated across the state.</p> <p>TSC’s recognition of the importance of Aboriginal culture and heritage and proactively managing ACH through upfront consultation with the LALC is supported. Placing consultation upfront is a significant feature of the draft Plan, as is the improved definitions of ACH to better reflect the nature of Aboriginal heritage. These are also supported.</p> <p>The draft Plan recognises that Aboriginal heritage is a key element of development and planning process and that Aboriginal people’s knowledge must be valued. Aboriginal people must be central to all matters and decision s relating to Aboriginal cultural heritage.</p> <p>Encourage TSC to continue to work in partnership with the TBLALC and Aboriginal community to ensure the Plan is properly resourced and implemented.</p>	Support from the Regional LALC body is noted.	No further action or recommendations.
5158955	47	<p>Fingal Head Community Association (FHCA), an incorporated community based organisation representing the residents, ratepayers and Associates is pleased to provide support for the draft ACHMP.</p> <p>Members of the FHCA attended the forum towards the end of 2017 where the Plan was explained and questions were answered. It was explained that the plan is based on current legislation.</p> <p>We have had the opportunity to review the submission by the TBLALC. FHCA sully supports the adoption of the ACHMP particularly as it will increase and improve recording of important heritage, skills development, enhanced platforms for communication, learning, teaching, knowledge sharing and the overall enhancement of cultural understanding. This will bring benefits to the Aboriginal and the broader community.</p>	Support for the Plan and processes is noted.	No further action or recommendations.

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	48	<p>Department is committed to working with Council to ensure the protection of areas of high Aboriginal cultural significance is achieved consistently across the hierarchy of environmental planning instruments. The relationship of planning definitions is being investigated. If the definitions are amended the approach in the plan may be altered, however the intended outcomes will remain unchanged.</p> <p>Department has some concern with the mapping sitting outside of the LEP. However, this detail may be determined during the planning proposal and will not impact on the intended outcomes of the Plan.</p>	Support for the Plan is noted, as are the concerns raised with definitions and the location of the mapping.	No further actions or recommendations at this time.