

**TWEED SHIRE COUNCIL
MEETING TASK SHEET**

Action Item - COUNCIL MEETING Thursday, 26 October 2017

Action is required for Item **58** as per the Council Resolution outlined below.

TITLE: [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017

**Cr P Allsop
Cr C Cherry**

RESOLVED that:

1. The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017 be received and noted; and
2. The Executive Management Team's recommendations be adopted as follows:
 - A1. Robert Appo (Tweed Shire Council) (a) Kings Forest

That:

1. Council sends a letter on behalf of the Aboriginal Advisory Committee to the Department of Planning regarding the review of Aboriginal Cultural Heritage Assessments undertaken for the State significant project at Kings Forest enquiring:
 - (a) what process was taken in relation to Aboriginal Cultural Heritage?
 - (b) what conditions apply re Aboriginal Cultural Heritage?
 - (c) is there an opportunity for Tweed local Aboriginal members to attend at the site, review and revisit the process?
 - (d) advice around the process of review and communication regarding any subsequent changes to conditions prior to modifications.
 - (e) that the Department advises the names of experts who have had input into the process and how they were selected.
2. A copy of the letter to the Department of Planning be forwarded to Everick.
- A3. 21 Winchelsea Way, Terranora - Robert Mazlin (Everick)

That the Aboriginal Advisory Committee has no specific objection to the final Cultural Heritage Assessment prepared by Everick dated August 2017 for 21 Winchelsea Way, Terranora subject to the amended conditions and advice from Tweed Byron Local Aboriginal Land Council that all items have been actioned as requested in its letter of 14 August 2017.

GB4. Local Government Aboriginal Network Conference

That the Aboriginal Advisory Committee nominates Victor Slockee to attend the NSW Local Government Aboriginal Network Conference in Albury from 13 to 15 September 2017.

The Motion was **Carried**

FOR VOTE - Unanimous

TITLE: [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017

SUBMITTED BY: Community and Cultural Services

mhm



People, places and moving around
Who we are and how we live

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 3 People, places and moving around
- 3.1 People
- 3.1.2 Community and Cultural Development - To provide community and cultural development services to foster and improve social and cultural well-being.

ROLE: **Leader**

SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That:

1. **The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017 be received and noted; and**
2. **The Executive Management Team's recommendations be adopted as follows:**
 - A1. **Robert Appo (Tweed Shire Council) (a) Kings Forest**

That:

1. **Council sends a letter on behalf of the Aboriginal Advisory Committee to the Department of Planning regarding the review of Aboriginal Cultural Heritage Assessments undertaken for the State significant project at Kings Forest enquiring:**
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 - (c) **is there an opportunity for Tweed local Aboriginal members to attend at the site, review and revisit the process?**
 - (d) **advice around the process of review and communication regarding any subsequent changes to conditions prior to modifications.**
 - (e) **that the Department advises the names of experts who have had input into the process and how they were selected.**

2. A copy of the letter to the Department of Planning be forwarded to Everick.

A3. 21 Winchelsea Way, Terranora - Robert Mazlin (Everick)

That the Aboriginal Advisory Committee has no specific objection to the final Cultural Heritage Assessment prepared by Everick dated August 2017 for 21 Winchelsea Way, Terranora subject to the amended conditions and advice from Tweed Byron Local Aboriginal Land Council that all items have been actioned as requested in its letter of 14 August 2017.

GB4. Local Government Aboriginal Network Conference

That the Aboriginal Advisory Committee nominates Victor Slockee to attend the NSW Local Government Aboriginal Network Conference in Albury from 13 to 15 September 2017.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 1 September 2017 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Aboriginal Museum & Cultural Centre

Time:

9.15am

Present:

Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group representative), Victor Slockee (Canowindra representative), Desrae Rotumah (Tweed Aboriginal Co-operative Society representative), Marvette Logan (Australian Unity Home Care Services-North Coast Aboriginal Branch representative); Mayor Katie Milne (Tweed Shire Council); Des Williams (Tweed Byron Local Aboriginal Land Council representative) (arrived at 9.43am), Leweena Williams (Tweed Aboriginal Corporation for Sport representative) (arrived at 10.06am)

Ex-officio:

Tracey Stinson, Robyn Grigg, Chantelle Howse, Robert Appo (Tweed Shire Council), Gabby Arthur (Tweed Shire Council) (Minutes).

Guests (in order of arrival):

Scott Hetherington and Kim Stephan (Tweed Shire Council) (arrived at 10am); Robert Mazlin (Everick) (arrived at 10.50am); Denise Galle and Judith Evans (Tweed Shire Council) (arrived at 10.57am).

Apologies:

Nil.

Chair: Desrae Rotumah

Moved: Victor Slockee

Seconded: Jackie McDonald

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

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

Minutes of Previous Meeting:

Moved: Victor Slockee

Seconded: Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 4 August 2017 be accepted as a true and accurate record of the proceedings of that meeting with the following amendments:

Page 3 Item A3 Jack Julius Park - Action Item: TBLALC to provide a copy of the certified Githabu Native Title documentation to Council.

Page 5 Item A5(c) Kings Forest Precinct 5 - Jackie noted that during an inspection carried out by the registered stakeholders with Adrian Piper for the broader Kings Forest development site artefacts were no longer visible on the surface of the sand ridge area.

Page 7 Item A5(a) 23 Tweed Coast Road, Hastings Point - Everick's opinion is that the shell material identified at the surface of the development site has been brought into the site perhaps with other fill material and that some of the shell material would have been shifted around from adjoining areas.

Page 7 Item A5(a) 23 Tweed Coast Road, Hastings Point - Jackie advised that she identified an artefact adjacent to the houses along Tweed Coast Road, Hastings Point.

Business Arising:

BA1. Business Arising from meeting held on 4 August 2017

A3. Jack Julius Park

Robert advised that Council has sent the letter to the Caveator seeking the withdrawal of the Caveat. Robert advised that he will follow up with Council's Legal Services Officer regarding whether a response has been received and will provide an update to the next meeting.

Action: CDO-Aboriginal to liaise with Legal Services Officer regarding whether a response has been received from the Caveator regarding withdrawal of the Caveat over Jack Julius Park and to report back to the next AAC meeting.

BA2. Business Arising from meeting held on 4 August 2017

LA1. Complying Development Issues

Jackie requested an update on the Action Item: *That the AAC to investigate the Due Diligence requirements through the TBLALC and make a recommendation to be discussed at the next AAC meeting regarding sending a letter to State Government Planning (Code SEPP Team) bringing to their attention that currently the Code doesn't take into account that Complying Development Applications for demolition do not take into account the 88B restriction impediments such as Due Diligence Reports and Native Title Claim restrictions.*

Des Williams arrived at 9.43am

Item deferred until Lewena Williams arrived at the meeting.

Agenda Items:

A1. Robert Appo (Tweed Shire Council)

(a) Kings Forest

Robert tabled the updated plan received from Everick regarding Kings Forest and noted that a key/legend has now been added to the plan.

Robert advised that following the discussions regarding Kings Forest at the last AAC meeting, he received an email from Team Leader-Development Assessment regarding some of the issues, which he read out to the AAC.

The AAC noted that the Department of Planning engaged its own Aboriginal heritage specialists to carry out an independent assessment of the work carried out by Everick in 2010. The AAC advised that this information should have been referred back to the registered Aboriginal stakeholders. Robert advised that the report outlining the Conditions is available on the Department of Planning's website. Robert was requested to send the link to the Department of Planning's website to the AAC.

Action: CDO-Aboriginal to email link to Conditions and documentation on Department of Planning website to AAC. Hard copy of documentation to also be sent to Jackie McDonald.

Robert reminded the AAC that the registered Aboriginal stakeholders of the original Aboriginal Cultural Heritage Assessment also needed to be consulted.

Scott Hetherington and Kim Stephan arrived at 10.00am

Des requested that an explanation be sought from Department of Planning regarding the review of the cultural assessments undertaken as part of the approvals and why the local TBLALC were not engaged.

Leweena Williams arrived at 10.06am

This item was revisited on the arrival of Denise Galle to the meeting as reflected in the below discussion.

Robert advised Denise that he had read out to the AAC her email in relation to the review undertaken by Department of Planning. Denise advised that Department of Planning have Planning staff who understand the Aboriginal Cultural Heritage legislation rather than expert Aboriginal Cultural Heritage Officers. Denise advised that the majority of registered Aboriginal sites have been earmarked for zoning as Environmental Protection.

Moved: Victor Slookee

Seconded: Des Williams

RECOMMENDATION that:

1. Council sends a letter on behalf of the Aboriginal Advisory Committee to the Department of Planning regarding the review of Aboriginal Cultural Heritage Assessments undertaken for the State significant project at Kings Forest enquiring:
 - (a) what process was taken in relation to Aboriginal Cultural Heritage?
 - (b) what conditions apply re Aboriginal Cultural Heritage?
 - (c) is there an opportunity for Tweed local Aboriginal members to attend at the site, review and revisit the process?
 - (d) advice around the process of review and communication regarding any subsequent changes to conditions prior to modifications.
 - (e) that the Department advises the names of experts who have had input into the process and how they were selected.
2. A copy of the letter to the Department of Planning be forwarded to Everick.

The AAC requested that it be noted that this request is as a result of Everick coming to the AAC regarding the Kings Forest Waste Water Treatment Plant and the AAC does not wish to provide advice without wider knowledge of the entire site.

Action: Team Leader-Development Assessment requested to draft a letter to the Department of Planning in accordance with the AAC's recommendation and to email it to CDO-Aboriginal for on-forwarding to the AAC.

Agenda suspended for Agenda Item A2.

A2. Pottsville Wetlands - Scott Hetherington & Kim Stephan (Tweed Shire Council)
Scott and Kim were introduced to the AAC and provided some background in relation to the work carried out by the Biodiversity Team. The Biodiversity Team is seeking advice from the AAC regarding the possible renaming of the Pottsville Wetlands. Scott tabled an aerial map showing the area of the Pottsville Wetlands.

Robert advised the AAC that he has been speaking with Scott and Kim and suggested that they carry out some of their own research and make some suggestions regarding the possible naming of the wetland. The suggested names were discussed for suitability at that location and the AAC were invited to suggest alternate names. Mayor Milne suggested that the Aboriginal word for Osprey could be used as it is the only natural Osprey nesting place in the Tweed.

Des acknowledged that there are Aboriginal sites within the Pottsville Wetlands.

Action: CDO-Aboriginal to forward list of suggested names for Pottsville Wetlands to the AAC for consideration by the AAC organisations, and to be discussed at next AAC meeting together with any other suggestions from the AAC.

Scott Hetherington and Kim Stephan left the meeting at 10.30am

(d) Tweed River Estuary Coastal Management Plan

Robert advised that this item has been removed from the Agenda. The draft Tweed River Estuary Coastal Management Plan will be on public exhibition shortly and Tom had been hoping to provide an update on the Plan prior to it going on exhibition.

Action: CDO-Aboriginal to liaise with Tom Alletson regarding obtaining an update on the Tweed River Estuary Coastal Management Plan and to email to AAC together with a copy of the Plan. AAC members to distribute to Aboriginal organisations and community.

LA1. Review of the Memorandum of Understanding (MOU)

Robert advised that he recently prepared a Report to the Executive Management Team regarding review of the Memorandum of Understanding (MOU) with the AAC. Robert has undertaken a considerable amount of research in preparing the report. The initial MOU was drafted in around 2006 as a result of the development of the NSW Local Government toolkit which sets out how Councils should work with Aboriginal communities and included that a MOU or Statement of Commitment be established between Councils and Aboriginal communities. The actions in the original MOU are now embedded in the Reconciliation Action Plan (RAP) effectively meaning that the draft MOU has become redundant.

Robert Mazlin arrived at 10.50am

Robert advised that during the drafting of the RAP, he has also updated and strengthened the draft MOU to include four main themes which include cultural heritage, social inclusion/justice, significant events/celebrating culture, economic development.

Robert asked the AAC how it would like to proceed and whether it would prefer an MOU, a Statement of Commitment or an updated Aboriginal Statement Policy to include the updated core values as reflected in the current draft MOU.

Robyn explained that the RAP is an operational commitment but it doesn't necessarily trigger the resourcing to deliver, however the Statement of Commitment is a Council commitment. The RAP has a life of two years where a Policy would be reviewed and maintained.

The AAC requested that Council draft a Statement of Commitment Policy for discussion at the next meeting.

Desrae Rotumah left the meeting at 10.53am

Mayor Milne suggested the development of a separate Charter in the form of a Statement of Commitment, which is displayed to remind the Councillors and Council staff of their obligations.

Robyn Grigg left the meeting at 10.55am

Desrae Rotumah returned to the meeting at 10.55am

Denise Galle and Judith Evans arrived at 10.57am

Action: DCNR and CDO-Aboriginal to draft a Statement of Commitment Policy for discussion at the next AAC meeting prior to any decision by EMT.

Tracey Stinson left the meeting at 11.02am

A3. 21 Winchelsea Way, Terranora - Robert Mazlin (Everick)

Denise Galle introduced Judith Evans to the meeting and advised that Judith is the Council Planner working on the assessment for 21 Winchelsea Way, Terranora.

Robert Mazlin tabled the Cultural Heritage Assessment dated August 2017 and provided copies to the AAC. Robert Mazlin advised that there wasn't any significant Aboriginal Cultural Heritage located on the site.

Des confirmed that there are no Aboriginal sites on this property and that it was previously a banana growing area.

Denise confirmed that there is a rezoning planning proposal for the site next door and this may have caused some confusion regarding this proposal. Denise advised that there are standard conditions that can be included on the approval in the event any Aboriginal Cultural Heritage is located during the works.

Robert Mazlin advised that the recommendations in the final report have been amended to include the TBLALC's concerns raised after reviewing the draft report.

Leweena advised that TBLALC will review the final Aboriginal Cultural Heritage Assessment and forward advice back to AAC, Everick and Council to ensure TBLALC's concerns have been addressed.

Moved: Des Williams
 Seconded: Victor Slookee

RECOMMENDATION: That the Aboriginal Advisory Committee has no specific objection to the final Cultural Heritage Assessment prepared by Everick dated August 2017 for 21 Winchelsea Way, Terranora subject to the amended conditions and advice from Tweed Byron Local Aboriginal Land Council that all items have been actioned as requested in its letter of 14 August 2017.

Robert Mazlin requested confirmation that the Kings Forest plan has been provided to the AAC. Leweena requested that the registered Aboriginal sites be overlaid on the plan and that all of the colours be added to the key/legend.

Robert Mazlin left the meeting at 11.21am
 Denise Galle and Judith Evans left at 11.47am

(b) Distribution of Agendas and Minutes

Robert suggested that given the delays in postal delivery times for the Agendas and previous Minutes, it may be more efficient to distribute the Agendas and Minutes to the AAC electronically and provide hard copies at the meeting. The AAC agreed it would be preferable to receive the Agendas and Minutes via email. Jackie advised that she would still like a hard copy and Robert advised that he would be able to deliver a hard copy to Jackie.

(c) AAC mailing list privacy considerations

In an attempt to provide external consultants attending the AAC with an opportunity to forward documentation for the AAC to review prior to an upcoming meeting, Council is seeking advice from the AAC about any concerns of providing organisational contact details to these external organisations.

AAC advised that correspondence should be sent to the organisations email addresses as provided to Council. Canowindra Tweed Byron Aged & Disabled Aboriginal Corporation (Canowindra) and Tweed Wollumbin Aboriginal Education Consultative Group (TWAECG) requested that they be provided with both email and hard copies of any documents.

Action: CDO-Aboriginal to provide email addresses for AAC members to external consultants and to request hard copies also be forwarded to Canowindra Tweed Byron Aged & Disabled Aboriginal Corporation and Tweed Wollumbin Aboriginal Education Consultative Group.

Inwards Correspondence:
 Nil.

Outwards Correspondence:

OC1. Letter to Arts Northern Rivers dated 18 August 2017

Chantelle advised that the letter has been sent to Arts Northern Rivers requesting that any cultural matters regarding Tweed be referred to the AAC.

General Business:

GB1.20 Year Commemoration of AAC

Chantelle advised that research has indicated that the date commemorating 20 years since the formal formation of the AAC will be 2 April 2018. Council is preparing for the celebrations and is currently working on proposed activities which will highlight the AAC's achievements. Council is also seeking ideas from the AAC as to how it would like to celebrate.

Leweena advised that she has some historical Minutes and correspondence regarding the AAC dating back to early 1996.

The AAC advised it would like to see:

- preparation of a timeline.
- Notification of the commemoration to the relevant State government authorities.
- article in the Tweed Link.
- achievements acknowledged with large scale celebration/event with formalities which is open to everyone including children.
- Photographs.
- oral history.
- list of achievements including the cultural mapping project.

Action: CDO-Aboriginal to send email to AAC requesting their memories of the achievements and milestones of the AAC so that Council can carry out relevant research.

Action: Item to be added to Agenda for discussion at the next AAC meeting.

GB2. Tweed Regional Museum Workshop

Robert suggested that the Tweed Regional Museum Workshop which was discussed at the last meeting could be held immediately before the next AAC meeting on Friday 6 October commencing at 10.00am at the Tweed Regional Museum, Murwillumbah. The AAC agreed to the suggestion. The proposal is that the workshop will commence with a visit to the Museum, followed by the workshop in the Canvas and Kettle Meeting Room and the AAC meeting. The AAC advised that they will car pool to Murwillumbah.

GB3. Change of Date of Australia Day

Mayor Milne asked whether the AAC would like to discuss the issue regarding changing the date of Australia Day.

Robert advised that he has provided some advice to the Councillors through a Workshop acknowledging the AAC's previous discussions regarding Australia Day.

GB4. Local Government Aboriginal Network Conference

Robert advised that the NSW Local Government Aboriginal Network Conference is being held in Albury commencing on 13 September 2017 and sought nominations from the AAC. Victor was nominated to attend.

Moved: Jackie McDonald

Seconded: Des Williams

RECOMMENDATION that the Aboriginal Advisory Committee nominates Victor Slockee to attend the NSW Local Government Aboriginal Network Conference in Albury from 13 to 15 September 2017.

GB5.Midden in Tweed Coast Road, Hastings Point

Jackie advised that she is concerned about the impacts of cars parking in close proximity to the midden in Tweed Coast Road, Hastings Point.

Action: *CDO-Aboriginal to investigate requirements for Council to protect the site.*

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 6 October 2017.

The meeting closed at 12.57pm.

EXECUTIVE MANAGEMENT TEAM COMMENTS:

**A1. Robert Appo (Tweed Shire Council) (a) Kings Forest
Nil.**

**A3. 21 Winchelsea Way, Terranora - Robert Mazlin (Everick)
Nil.**

**GB4.Local Government Aboriginal Network Conference
Nil.**

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

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That:

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COUNCIL IMPLICATIONS:**a. Policy:**

Code of Meeting Practice.

Terms of Reference - Aboriginal Advisory Committee adopted 19 September 2013 (ECM 3146605).

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
