

**TWEED SHIRE COUNCIL
MEETING TASK SHEET**

Action Item - COUNCIL MEETING Thursday, 18 May 2017

TITLE: [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017

**Cr K Milne
Cr C Cherry**

RESOLVED that the Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017 be received and noted.

The Motion was **Carried**

***FOR VOTE - Unanimous
ABSENT. DID NOT VOTE - Cr J Owen***

TITLE: [SUB-AAC] Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017

SUBMITTED BY: Community and Cultural Services



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
 - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
 - 2.1.1 Work closely with government and community organisations to improve services to children and families, youth, elderly, Indigenous people, disadvantaged and minority groups and to build stronger and more cohesive communities
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SUMMARY OF REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017 are reproduced in the body of this report for the information of Councillors.

RECOMMENDATION:

That the Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017 be received and noted.

REPORT:

The Minutes of the Aboriginal Advisory Committee Meeting held Friday 10 March 2017 are reproduced as follows for the information of Councillors.

Venue:

Minjungbal Aboriginal Museum and Cultural Centre

Time:

9.53am

Present:

Aunty Joyce Summers (Canowindra Tweed Byron Aged and Disabled Aboriginal Corporation); Jackie McDonald (Tweed Wollumbin Aboriginal Education Consultative Group); Desrae Rotumah (Tweed Aboriginal Co-operative Society); Marvette Logan (Australian Unity Home Care Services-North Coast Aboriginal Branch); Mayor Katie Milne; Tracey Stinson, Robyn Grigg, Chantelle Howse, Robert Appo, Gabby Arthur (Minutes) (Tweed Shire Council).

Apologies:

Des Williams (Tweed Byron Local Aboriginal Land Council); Leweena Williams (Tweed Aboriginal Corporation for Sport);

Guests (in order of arrival):

Neil Baldwin (Tweed Shire Council) (arrived at 9.30am); Ian Fox (Ian Fox and Associates) (arrived at 10.47am); Robyn Eisermann (Tweed Shire Council) (arrived at 10.47am); Sally Cooper (Tweed Shire Council) (arrived at 11am)

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

Chair: Desrae Rotumah

Moved: Jackie McDonald

Seconded: Aunty Joyce Summers

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

Chantelle Howse was introduced and welcomed to the Aboriginal Advisory Committee (AAC) meeting.

Marvette Logan was welcomed back to the AAC meeting on behalf of Australian Unity Home Care Services-North Coast Aboriginal Branch.

Minutes of Previous Meeting:

Moved: Desrae Rotumah

Seconded: Jackie McDonald

RESOLVED that the Minutes of the Aboriginal Advisory Committee meeting held Friday 23 September 2016 be accepted as a true and accurate record of the proceedings of that meeting.

Business Arising:

BA1. Business Arising from meeting held on 23 September 2016

(A2) Public Art projects at Wommin Bay Road underpass, Chinderah/Kingscliff and the roundabout in Alma Street, Murwillumbah

Jackie McDonald requested that a copy of the brief for the Public Art projects at Wommin Bay Road underpass, Chinderah/Kingscliff and the roundabout in Alma Street, Murwillumbah be provided to the next meeting.

Action: CDO-Aboriginal to provide a copy of the brief for the Public Art projects at Wommin Bay Road underpass, Chinderah/Kingscliff and the roundabout in Alma Street, Murwillumbah to the AAC at the next meeting.

BA2. Business Arising from meeting held on 23 September 2016

(A3) Avondale Park West (Lot 1327 DP 1005077) (AHIMS Ref # 04-2-0005)

There is still time for the AAC to provide comments to the Avondale Park West Plan of Management. Jackie sought advice from the AAC as to whether it will make a collective submission to the Plan of Management. Jackie advised that the draft Plan of Management wasn't tabled at the AAC meeting on 23 September and requested that a copy be provided to the AAC. Robert advised Sally Cooper is attending for a later Agenda Item and will provide clarification on the progress of the Plan of Management.

BA3. Business Arising from meeting held on 23 September 2016

(IC1) Letter from TSC re Naming of new road at Terranora 'Cooriki' Avenue

Robert confirmed he has liaised with Vanessa Gwynne to advise that the name 'Cooriki' is a Bundjalung word, however is not appropriate to use as the language is of another dialect.

Agenda Items:

A1. Committee Governance - Neil Baldwin (Tweed Shire Council)

Neil provided information in relation to changes to the Local Government Act and that the Mayor is now elected for two years and the Deputy Mayor for one year. The delegates for the AAC are Mayor Milne as the primary delegate and Cr Chris Cherry and Cr Reece Byrnes are the alternates.

In accordance with the new term of Council, the AAC's Terms of Reference will be reviewed and any changes will go to Council to be adopted.

Council resolved to appoint the organisations to the AAC rather than individual delegates. Neil advised that Council has sent the documents: 'Standards of Conduct for Council Officials' and 'Your Obligations as a council committee member' to the organisations. Neil tabled a copy of the Model Code of Conduct Policy and Administration of the Model Code of Conduct Procedure, which are to be kept in the AAC meeting folder.

Neil read through and discussed the 'Expected standards of behaviour' and 'What happens if the standards are not met' sections set out in the 'Standards of Conduct for Council Officials' document. Neil also read through and discussed the 'Your obligations as a council committee member'. The AAC does not have to use Council's Code of Meeting Practice and can set its own Code of Meeting Practice. Council works on the 'Principles for Local Government' which are set out at the beginning of the Council

meeting agenda. Robert advised that he would provide a copy of the 'Principles for Local Government' to the AAC at the next meeting.

Action: CDO-Aboriginal to provide a copy of the 'Principles for Local Government' to the AAC at the next meeting.

Neil advised that the Model Code of Conduct is applicable to Councillors, staff and committee members.

Neil advised that a letter has been prepared which he is requesting that committee members sign if they feel comfortable acknowledging they have received the correct documentation and are committing to abide by the rules. The letter was handed out to AAC members who advised they will need approval from their individual organisations prior to signing the documentation.

Action: AAC members to sign and return to Council the letter acknowledging they have received the 'Standards of Conduct for Council Officials' and 'Your Obligations as a council committee member' documentation and are committing to abide by the rules.

Neil advised that a list of the Committees of Council together with a copy of the Terms of Reference, membership, Agendas and Minutes are posted on Council's website.

Neil was thanked for coming along to the meeting.

Neil Baldwin left the meeting at 10.45am
Ilan Fox and Robyn Eisermann arrived at 10.47am

A3. Ian Fox (Ian Fox and Associates) and Robyn Eisermann (Tweed Shire Council)

(a) 27 Tweed Coast Road, Hastings Point

Ilan advised that he has been engaged by Graham Knuckey of Remnant Archaeology who is preparing a Cultural Heritage report for the owners of 27 Tweed Coast Road, Hastings Point. Ian advised that Council approved a Development Application (DA) to remove an existing structure and erect a new residence at the location which is in the vicinity of a registered AHIMS Aboriginal site. In the course of preliminary construction, it was noted that cultural material within the development area had been impacted. Council officers once aware of the impact advised the OEH compliance team which sent a delegation of officers to investigate the disturbance. The owners were advised to engage a cultural heritage consultant to undertake a cultural heritage investigation to ensure the protection of the cultural material within the development site.

Ilan advised that a site inspection was held last week with registered stakeholders attending along with the archaeologist Dr Graham Knuckey.

Ilan tabled documents which set out some historical European information.

- In 1890, the first survey shows the allotment before there was any home structures on the property.
- Only a bush track existed which goes within metres of 27 Tweed Coast Road.
- In 1905, Portion 284 was resurveyed and remapped to show the Coast Road which was proposed to be constructed and installed at that time.
- This road follows the same alignment as the current Tweed Coast Road.

- The AHIMs registration point for the midden is on the opposite side of the road of the development site.
- No records were found of the extent of the midden and through this investigation it appears that it possibly extends under the road and into adjoining properties.
- A 1944 aerial survey map has provided further detail to the alignment of the existing road.
- The midden is mapped in Council's Aboriginal Cultural Heritage Mapping.

Robyn Eisermann advised that the site is mapped in Council's Aboriginal Cultural Heritage Mapping as a known landscape but acknowledged the AHIMS site is on the opposite side of the development. At this time there is no legislative requirement that triggers consideration of the draft mapping, only the NPW Act considerations to not 'harm'. The triggers are only in place if the site is identified as a place of Aboriginal Heritage significance through the Local Environmental Plan. The management plan is trying to tie up these ends. Staff are generally informally checking the mapping with Robyn as the mapping isn't currently available to staff on Council's GIS system due to the restriction on the use of the data under the Memorandum of Understanding. If something is identified then staff are contacting TBLALC for advice. Broadly, there is a lack of understanding of harm because of misconceptions that where something (a house or whatever) is already on the site, that land is disturbed and there will be no further impact on Aboriginal heritage cultural items. The NPW Act legislation says you have to 'avoid doing something' rather than 'doing something'.

Robyn advised that Council has sent a letter to all property owners in the vicinity of 27 Tweed Coast Road, Hastings Point (the mapped 'known' area), advising them to seek further cultural heritage advice prior to undertaking any activities which may cause harm to the midden and advising them of their obligations under the legislation for this to occur regardless of what consents have been issued.

Ian advised that Graham Knuckey is preparing a draft Cultural Heritage Assessment report following the OEH consultation guidelines, which should be available early June 2017.

Ian was requested to attend future AAC meetings to provide updates on 27 Tweed Coast Road, Hastings Point.

(b) Shire Wide Cultural Heritage Mapping and draft Cultural Heritage Management Plan - Robyn Eisermann (Tweed Shire Council)

Robyn advised that the Cultural Heritage Management Plan is largely drafted. Part of the process is the developing of a matrix which will give the land a risk rating. Robyn is hoping to hold one or two half day workshops (as needed) with the Aboriginal community in April. Whether this will be open to all community will be guided by the AACs recommendations.

Jackie advised that the AAC has been providing Council with Aboriginal Cultural Heritage advice over many years and finds it frustrating that after all these years; Aboriginal Cultural Heritage is still being impacted. Jackie advised that the AAC brought this midden to the attention of Council 15 years ago and that the Aboriginal community has always known it is a very large midden. Jackie acknowledged that there is a failure in the legislation to put the onus back on landowners who are often unaware of Aboriginal Cultural Heritage themselves and asked how can we ensure a repeat of this does not happen again? Robyn advised this is what Council is trying to address through the

Cultural Heritage Mapping process and development of the Management Plan which seeks to draw all legislative requirements together into a framework and policy/procedure/guideline to ensure suitable consideration and protection of Aboriginal Cultural Heritage in the planning process. Even if not mapped, still need to be careful to do a Due Diligence. The LEP gives the ability to identify an *Aboriginal place of heritage significance, as defined* and thereby trigger appropriate legislation and assessment.

Robyn Grigg left the meeting at 11.13am

Jackie noted that the planning legislation is very complicated and would like to have a better understanding of how it is used and the implications to the Aboriginal community. Robyn offered to do a workshop with the AAC in relation to the planning legislation.

Ian advised that the definition of what is 'Aboriginal Cultural Heritage' changes in all the legislation which causes difficulty.

Robyn advised she has been communicating with OEH which is supportive of Council in the drafting and implementing of the Cultural Heritage Plan of Management. Robyn advised she has also been liaising with the Department of Planning but acknowledged it is yet to provide formal comment, though its mandate is to increase the level of 'complying' development.

Sally Cooper arrived at 11.00am

Robyn is seeking advice from the AAC to run a workshop for the Cultural Heritage Plan of Management in April 2017. Robyn enquired whether a full day or two half days are preferred as there is likely to be quite a lengthy discussion moving through the Plan of Management.

Action: CDO-Aboriginal to work with AAC and advise Robyn Eisermann of suitable dates in April 2017 for the Cultural Heritage Plan of Management workshop.

Ian Fox and Robyn Eisermann left at 11.31am

A5. Sally Cooper (Tweed Shire Council)

(a) Terranora Broadwater Sewer Replacement

Sally advised Council is undertaking replacement and maintenance of sewer pipes at the base of Hillcrest Avenue, Tweed Heads South. The work is mostly above-ground but there is a section of 70 metres about 1.6m deep and 50cm wide that is underground and involves replacing existing pipes with larger pipes. Sally is seeking advice from the AAC as to whether there is any Aboriginal Cultural Heritage of significance in this area. Sally tabled a plan outlining the area where works will occur. Sally advised that the proposed works that will have least impact and minor ground disturbance would be opening up an existing trench, putting in a larger pipe and closing it up again seems to be the best way to avoid harm.

Robert advised Sally that he has knowledge of Council working in the 1980s to form a track that damaged the middens in that area and that Council records may be of assistance if she can locate them. Sally asked the AAC if they have any cultural information that may assist with the planning of the proposed works. Robert

recommended that it would be best to have a site inspection with the AAC members as there are numerous Aboriginal Cultural Heritage sites present within the work area.

Action: CDO-Aboriginal to liaise with Sally Cooper and AAC members to advise of suitable dates for site visit to Hillcrest Avenue.

(b) Works at Hillcrest Avenue, Tweed Heads South coming down the hill to James Street

Sally advised further works are proposed at the base of Hillcrest Avenue which is located nearby to the above works. This job will require resurface, kerb and gutter and stormwater outlet into a drain. Sally is seeking advice of whether the AAC are aware of any cultural heritage considerations for this area as well. Robert noted that the formed road was constructed many years ago and the site is heavily disturbed with drainage and road surfacing. Sally suggested that as AAC members will be on site already that both sites can be discussed during that site visit.

Action: CDO-Aboriginal to liaise with Sally Cooper and AAC members to advise of suitable dates for site visit to Hillcrest Avenue.

(c) Avondale Park West (Lot 1327 DP 1005077) (AHIMS Ref # 04-2-0005)

Sally advised that the draft Plan of Management to re-categorise the land for Avondale Park is still being developed. Sally has consulted with the Aboriginal community and the general community, and a public hearing will be held on 30 March. The draft Plan of Management was brought to the last AAC meeting. The Plan of Management acknowledges the cultural heritage in the vicinity of the park and to protect it against future development if the land is re-categorised at a later date. At a previous AAC meeting it was discussed that a layer of mulch will cover the midden material exposed by previous disturbance and planted with Lomandra to deter further impact.

Action: Gabby to obtain a copy of the draft Plan of Management for Avondale Park from Sally Cooper and to forward a hard copy to Jackie McDonald.

A2. Robert Appo (Tweed Shire Council)

(a) Terms of Reference

Robert advised that it is a requirement of Council to review and update the Terms of Reference for each Council committee after a change of Council. Robert advised he has been reviewing the Terms of Reference and has found that there are a couple of areas that are required to be changed:

- 'Bundjalung Home Care' has changed to 'Australian Unity Home Care Services-North Coast Aboriginal Branch'
- Bugalwena Aboriginal Health Service (Bugalwena) - Robert advised that in accordance with the Terms of Reference:
'Termination of Membership
9.1 Membership of the Committee will be terminated automatically after a member's absence from three consecutive meetings without apologies.'

Robert is seeking advice from the AAC on how to proceed and whether the Committee would like the CDO-Aboriginal to contact Bugalwena to encourage the organisation to attend further AAC meetings. If Bugalwena is unable to attend, then perhaps another organisation could be nominated under the revised Terms of Reference.

Action: *CDO-Aboriginal was requested to send a letter to Bugalwena seeking advice of whether it would like to remain as a member organisation of the AAC.*

Robert suggested that it may be time to consider amending the Terms of Reference to reflect that the majority of Agenda items coming to the AAC are planning related matters.

Action: *CDO-Aboriginal to review Terms of Reference, make suggestions for amendments and bring back to next meeting for the AAC to review and provide further comment.*

General Business:

GB1. AAC 20 year celebration

Tracey advised that Council wants to acknowledge and celebrate the AAC's 20 years as a committee of Council. Council's records indicate the first meeting was held in April 1998 however Jackie indicated an earlier meeting may have occurred and that she would go through her records to determine. To be discussed at next meeting.

Tracey Stinson left the meeting at 12.27pm

(b) Reconciliation Action Plan (RAP)

Robert advised that the RAP is with Reconciliation Australia for endorsement. The RAP Working Group met yesterday regarding actions of the RAP and lead staff and units for implementation.

The RAP Working Group would like a launch for the RAP around Reconciliation Week in May 2017. The Group been requested to come back with some ideas for the event including where it will be held.

The RAP Working Group is looking forward to the Councillor cultural awareness training possibly being held in conjunction with Reconciliation Week in May. It is hoped that the Directors, RAP Working Group members and the AAC will be able to attend the training. It is likely the Slabb brothers will be engaged to facilitate the cultural awareness training, which is expected to be for half a day and most likely held at Minjungbal Aboriginal Museum and Cultural Centre.

A4. Tim Robins (Everick Heritage Consultants)

Robert advised that Everick is unable to attend today's meeting but requested that the following documents be tabled on its behalf. Discussion in relation to Everick's lack of attendance and requirement for Council to provide the copies to the AAC.

- 57 Crabbes Creek Road, Crabbes Creek
- Cobaki Waste Water Treatment Plant
- 23 Tweed Coast Road, Hastings Point - House Plan
- 166 Chinderah Bay Road - Project Area Plan

GB3 Cultural Heritage Assessment for ILS (instrument landing system at Gold Coast Airport)

Jackie noted that the AAC approved the Cultural Heritage Assessment for the ILS under the impression that the ILS would have either nil or minor ground disturbance as the site

was to be covered with fill. Jackie advised that the amended plan to build the ILS and extend the runway seems to contradict this approach.

Action: CDO-Aboriginal to research previous AAC Minutes relating to the ILS.

GB2. Australia Day

Mayor Milne advised that she recently attended Australia Day celebrations and enquired whether the Aboriginal community would like to have its own celebration day, as Australia Day celebrations are funded by Council.

The AAC advised that NAIDOC Week is the time that Aboriginal people celebrate their culture.

Marvette advised that in accordance with its RAP, Australian Unity is giving staff the option to take the Australia Day public holiday during NAIDOC Week. Further information is available at:

- <http://australianunity.com.au/reconciliation>
- <http://www.australianunity.com.au/thoughtplus/more-thoughts/2016/november/our-reconciliation-action-plan>

Action: Marvette Logan to send CDO-Aboriginal links to Australian Unity reconciliation action plan.

GB4. Bundjalung Aboriginal Language Nest

Jackie provided an update on the Bundjalung Aboriginal Language Nest program.

GB5. Aboriginal Recognition

Mayor Milne asked the AAC whether the Aboriginal recognition needs to be updated to reflect the local language speaking people or the broader Bundjalung Nation. The AAC advised that in order to provide consistency, the preferred wording is that used on the entry signage to the Shire: 'Tweed Shire acknowledges the Nganduwal/Minjungbal people of the Bundjalung Nation.'

Next Meeting:

The next meeting of the Aboriginal Advisory Committee will be held on Friday 7 April 2017.

The meeting closed at 1.15pm

EXECUTIVE MANAGEMENT TEAM'S COMMENTS:

Nil.

EXECUTIVE MANAGEMENT TEAM'S RECOMMENDATIONS:

Nil.

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.
