

Aboriginal Advisory Committee

Meeting Date: Monday, 11 February, 2019
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4.00pm

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Agenda

1. **Apologies**
2. **A Minute Silence in Respect of Aboriginal Elders, Past and Present**
3. **Confirmation of Minutes**
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4. **Declarations of Interest**
5. **Presentations**
 - AA19.1 Indigenous Round of Basketball - Bomaderry - 6 July 2019 - Design of Local Indigenous Uniforms
6. **Reports**
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 - AA19.4 Cullunghutti - Update on the proposed Plan of Management & actions in relation to damage to the environment on the mountain 10
7. **General Business**

Membership

Ms Sue-Anne Cutmore - Chairperson
All Councillors
Mr Russ Pigg or nominee
Ms Janet Atkins
Ms Sylvia Timbery
Ms Patricia Lester
Mr Shane Brown
Ms Leonie Ebzery
Mr Noel Wellington
Mr Paul McLeod
Mr Charlie Ashby
Ms Janaya Hennessy
Mr Morgan Blakeney
Ms Valda Corrigan (NPWS)
Nowra LALC – Sharlene Cruickshank
Jerrinja LALC - Rebecca Woods
Ulladulla LALC – Paul Keith

Quorum – Five (5)

Purpose

To provide appropriate and considered advice to Council on all relevant issues affecting Aboriginal and Torres Strait Islander people within the Shoalhaven LGA, and to influence Council's support & intent in achieving their objectives for the current Statement of Commitment 2010 (SoC) and the Shoalhaven City Council Community Strategic Plan 2023 (SCCSP).

Role of the Committee

- To advise Shoalhaven City Council on necessary issues relating to Aboriginal communities in the LGA.
- Promote and increase knowledge & understanding of Aboriginal society, history & culture in the LGA.
- Facilitate access and accessibility to services and facilities for Aboriginal people.
- Advise on the development and implementation of the Shoalhaven City Council Community Strategic Plan.
- Develop strong collaborative partnerships between Aboriginal communities and Shoalhaven City Council.
- Maintain strong links between Council and Aboriginal communities throughout the Shoalhaven to accomplish the relationships and outcomes required for genuine reconciliation.
- Foster and safeguard a spirit of mutual trust and respect which allows the AAC and Shoalhaven City Council to work together in their commitment towards intelligent, well informed decision making processes that are sensitive to all Aboriginal issues.
- Recognise, support & uphold past and present local cultural heritage and its place in future Council directions.
- Remain a meaningful 'place' for the communication of messages and information from Aboriginal community voices that identify local needs for services, facilities and activities.
- Support and promote significant celebrations and events within the Shoalhaven Aboriginal and Torres Strait Islander community.

MINUTES OF THE ABORIGINAL ADVISORY COMMITTEE

Meeting Date: Monday, 26 November 2018
Location: Jervis Bay Rooms, City Administrative Centre, Bridge Road, Nowra
Time: 4.07pm

The following members were present:

Ms Sue-Anne Cutmore – Chairperson
Clr Patricia White
Clr Nina Digiglio – arrived 4.19pm
Mr Charlie Ashby
Mr Noel Wellington
Ms Patricia Lester
Nowra LALC - Sharlene Cruickshank
Mr Paul McLeod
Member Ulladulla LALC - Paul Keith

Others Present:

Gordon Clark – Acting Director Planning Environment and Development
Margaret Simoes – Community Development Officer
Geoff Young – Environmental Officer
Catherine Campbell – Senior Community Development Officer
Bronwyn Coulston – Manager Arts and Culture
Kylie Rayner – Community Development

Apologies / Leave of Absence

An apology was received from Clr Kitchener, Clr Levett, Janet Atkins, Valda Corrigan, Alfred Wellington (Jerringa LALC) and Leonie Ebzery.

A Minute silence in Respect of Aboriginal Elders, Past and Present

Confirmation of the Minutes

RESOLVED (Noel Wellington / Paul McLeod)

That the Minutes of the Aboriginal Advisory Committee held on Monday 13 August 2018 be confirmed.

CARRIED

Declarations of Interest

Nil

PRESENTATIONS

AA18.29 Presentation - Robyn Russell - One Track for All

HPERM Ref:
D18/248629

Clr Digiglio arrived 4.19pm during the presentation

Robyn Russell (Bushcare Representative), provided a PowerPoint Presentation in relation to One Track for All.

The track and artefacts on the track have deteriorated and Robyn as a Bushcare Representative would like to see the track restored and the wood sculptures rectified to their original form.

The Committee held a discussion in relation to One Track for All.

RESOLVED (By consent)

That:

1. The Aboriginal Advisory Committee support the consultation process for Robyn Russell making contact with the Ulladulla LALC for the One Track for All.
2. At the conclusion of the consultation, Paul Keith (Ulladulla LALC) will report back to the Committee.

CARRIED

AA18.30 Presentation - Unexpected Aboriginal Heritage Finds

HPERM Ref:
D18/402550

Geoff Young – Environmental Officer provided a presentation in relation to Council's process when undertaking works and unexpected heritage finds. During the Presentation the Committee held discussions in relation to various parts of the process.

REPORTS

AA18.31 Nominate Representative for the Shoalhaven Arts Board

HPERM Ref:
D18/322620

The Committee held a discussion in relation to who they wished to nominate.

A suggestion was made that a collective of up to 3 representatives be nominated, 1 with voting rights.

Recommendation (Item to be determined under delegated authority)

That (insert name) be nominated as the representative on the Shoalhaven Arts Board.

RESOLVED (Nowra LALC - Sharlene Cruickshank / Patricia Lester)

That the Aboriginal Advisory Committee recommends to the Shoalhaven Arts Board that up to 3 Representatives (including Paul McLeod) (1 with voting rights) be nominated as the representative/s on the Shoalhaven Arts Board.

CARRIED

**AA18.32 Cook 2020 Anniversary - Shoalhaven Regional Gallery
Response - Advice sought**

**HPERM Ref:
D18/333164**

Bronwyn Coulston addressed the Committee and sought feedback on what the Committee felt should be the focus of the event and also what impact this event may have on the Community.

The Committee held a discussion in relation to the potential impact. It was suggested that the Committee have a think about what they would like the Shoalhaven Regional Gallery to include for this event and come back to the Committee in early 2019.

Recommendation

1. That the Aboriginal Advisory Committee are consulted and discuss this report at this meeting, and provide advice to Council on what is considered an appropriate response, if any, in relation to a potential exhibition at the Shoalhaven Regional Gallery.
2. *Insert advice from Aboriginal Advisory Committee*

RESOLVED (By consent)

That:

1. The Aboriginal Advisory Committee are consulted and discuss this report at this meeting, and provide advice to Council on what is considered an appropriate response, if any, in relation to a potential exhibition at the Shoalhaven Regional Gallery.
2. The Committee submit comments and thoughts on the focus and impact to the General Manager (Finance Corporate and Community Services) and a Report be submitted to the next meeting with a way forward for the Shoalhaven Regional Gallery.

CARRIED

**AA18.33 Expressions of Interest for Aboriginal Advisory
Committee Membership**

**HPERM Ref:
D18/344347**

The Committee held a discussion in relation to all applicants that submitted an expression of interest.

Recommendation

That the Aboriginal Advisory Committee

1. Endorse the appointment of Nicole Moore and Caryn Carpenter as members of the Shoalhaven Aboriginal Advisory Committee
2. Recommend their appointment as members of the Shoalhaven Aboriginal Advisory Committee to Council.

RECOMMENDATION (Paul McLeod / Patricia Lester)

That the Aboriginal Advisory Committee:

1. Endorse the appointment of Nicole Moore and Caryn Carpenter as members of the Shoalhaven Aboriginal Advisory Committee
2. Recommend their appointment as members of the Shoalhaven Aboriginal Advisory Committee to Council.

CARRIED

AA18.34 Invitation to nominate a representative for the Business and Employment Development Committee

**HPERM Ref:
D18/348092**

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee nominates [insert name] as its representative on the Business and Employment Development Committee.

RESOLVED (By consent)

That the Aboriginal Advisory Committee nominates Paul Keith as its representative on the Business and Employment Development Committee.

CARRIED

GENERAL BUSINESS

AA18.35 Additional Item - Acknowledgement and Welcome to Country for Events

Patricia Lester advised there isn't enough notice being provided to members of the community when asked to perform an Acknowledgement and Welcome to Country for a Council event.

The Committee asked that when Council is planning an event that advance notice is provided for the Welcome to Country. It was suggested that it be the first task undertaken when planning an event.

Below are extracts from the Statement of Commitment / Acknowledgement to Country:

Acknowledgement to Country:

- The committee recommended that Council when planning events or involved in supporting events that the Aboriginal community protocol of Welcome To Country is a valued and highly respected protocol to be incorporated in Council business processes. As stated in Council's Statement of Commitment, 'Shoalhaven City Council commits itself to:
 - Ensuring local Aboriginal involvement in events and celebrations of significance which respect the dignity and protocols of the local Aboriginal communities.
 - The ongoing development of strategies to improve and increase the level of participation of local Aboriginal people in the local government decision making processes.
 - Undertake holistic community planning to address wellbeing, employment and social economic or cultural disadvantage experienced by local Aboriginal people in the Shoalhaven.
 - Ensuring all Council staff and Councillors are exposed to ongoing education, and cultural training and development programs to increase knowledge, understanding and respect of Aboriginal cultural heritage and the needs of the Aboriginal

communities within the Shoalhaven.

- Celebrate and support significant Aboriginal ceremonies and events (NAIDOC Week, Sorry Day, Reconciliation Week and Survival Day).
- Fly the Aboriginal flag in places such as the City Administrative Centre, Council Chambers, Reception room and in other prominent Council locations.

RESOLVED (By consent)

That in line with the Statement of Commitment, priority when planning Council events is to invite/organise the acknowledgement/welcome to Country.

CARRIED

AA18.36 Additional Item - Action Plan - Way Forward

Sue Cutmore advised that the Action Plan is in the final stages prior to adoption. Margaret Simoes has been working on the document and is seeking feedback from the Committee. The Action Plan will be sent out to the Committee for Comment and then the available members will meet on Monday 3 December 2018.

Following this meeting, a report will be submitted to the next Advisory Committee meeting in 2019 for the final adoption of the Action Plan.

AA18.37 Additional Item - Number of Meetings per year

Charlie Ashby raised a question in relation to the amount of meetings held per year and asked if the Committee can have extra meetings.

Staff advised that if the Committee wished to hold more meetings, this would come via a resolution and the Terms of Reference would need to be amended.

There being no further business, the meeting concluded, the time being 6.21pm.

Ms Sue-Anne Cutmore
CHAIRPERSON

AA19.2 Advice on terminology for Regional Art Gallery Exhibition

HPERM Ref: D19/39439

Group: Finance Corporate & Community Services Group
Section: Recreation Community & Culture

Purpose / Summary

To seek advice from the Aboriginal Advisory Committee on the correct terminology to use in the exhibition 'Shared Pathways: Reimagining the Wool Road', when referencing an historic event and historic peoples.

Recommendation (Item to be determined under delegated authority)

Submitted for consideration.

Options

1. The exhibition text remains as submitted by the Curator.
Implications: The gallery endorse the view that the Yuin people assisted white settlers to find the path that became the Wool Road in 1841.
2. The exhibition text is amended.
Implications: The indigenous artist declines to be part of the exhibition and the Curators potentially remove the exhibition from the Gallery.
3. The exhibition is postponed while further discussion and agreement is reached.
Implications: The investments of time and skills by the artists are not realised at this time and the Gallery curates a show from the existing collection to fill the gap.
4. With input of the Aboriginal Advisory Committee consensus is reached
Implications: The exhibition goes ahead as planned with the opening on 16 February 2019.

Background

The upcoming exhibition at Shoalhaven Regional Gallery, curated by Jenny Robertson, Sue McCauley and Michael Buckley, invites seven (7) artists to explore the history, development and idea of the Wool Road.

The original curatorial statement with regards to the concept and development of the exhibition notes that the show references the 'largely unknown story of how the Yuin people assisted the European Settlers to find the route from the high plains to the sea...'

Since publishing information about the exhibition in the South Coast Register as part of the Shoalhaven Regional Gallery's monthly article

(<https://www.southcoastregister.com.au/story/5875987/shoalhaven-arts-fresh-faces-at-gallery/>), we have received representation from some members of the community disputing the use of the phrase 'Yuin People' for this historic event.

Shoalhaven Regional Gallery approached the Curators of the exhibition with a request to amend the exhibition statement reference to read 'The traditional custodians of the South Coast area assisted the European settlers....' This recommended change has caused the indigenous artist within the show considerable worry and he has made representations to the Gallery that the original text was correct.

Community Engagement

Since the original representation was made to the gallery questioning the use of the phrase 'Yuin People', the Unit Manager – Arts and Culture has spoken with several representatives from different communities and has received conflicting advice. The curators of the exhibition have made representation to the Mayor and in subsequent discussions the artist involved in the show was invited to attend the Aboriginal Advisory Committee meeting on 11 February to discuss this issue, and to assist the Gallery in seeking a resolution on which terminology should be used.

Financial Implications

Should a consensus not be reached, there is a strong possibility that the exhibition will be postponed until such time that all parties can agree on the terminology used. The postponement of the exhibition will have some financial impact on the Gallery, with changes required to advertising and providing a refund to the exhibitors, but an alternate option for use of the gallery has been identified that does not require significant investment of additional funds.

Risk Implications

The terminology chosen for use by the gallery has significant risks associated with it. Galleries and Museums are trusted institutions by many, and the information presented within them is regularly considered more factual than news sources. Given this, it is important that when information is provided through exhibition text (rather than through individual artist comments) it is correct.

If the Gallery continues with the Curator's original text that states the 'Yuin People' led the colonists down the path, there is a risk that we bring the gallery into disrepute by endorsing a contested view, and that significant media attention and unrest is caused during the course of the exhibition.

If we change the phrase to 'Original Custodians', the indigenous artist will no longer be associated with the exhibition and it is anticipated the exhibition will be postponed by the Curators.

There is a high potential for media interest in this exhibition whichever outcome is chosen, and briefing notes / information will need to be provided to ensure all those who might be asked for comment are aware of the background and the reasons for the decisions that were made.

AA19.3 2019 Local Government Regional NAIDOC Awards

HPERM Ref: D19/16947

Group: Finance Corporate & Community Services Group
Section: Recreation Community & Culture

Purpose / Summary

To provide information regarding the 2019 Regional NAIDOC Awards and to seek a nomination from the Advisory Committee to participate as a member of the 2019 Regional NAIDOC Awards Committee.

Recommendation (Item to be determined under delegated authority)

That the Aboriginal Advisory Committee

1. Receive the information regarding the 2019 Local Government Regional NAIDOC Awards.
2. Nominate a representative of the Aboriginal Advisory Committee to become a member of the 2019 Regional NAIDOC Awards Committee.

Options

1. Receives the information regarding the 2019 Regional NAIDOC Awards and nominates a representative to the Regional NAIDOC Awards Committee.

Implications: The Aboriginal Advisory Committee is informed of and involved in organising activities that are associated with the 2019 Regional NAIDOC Awards, and has a member of the Aboriginal Advisory Committee represented on the 2019 Regional NAIDOC Awards Committee. This ensures that the views and opinions of the broader Aboriginal community in the Shoalhaven are considered and included in the event program.

2. That the Aboriginal Advisory Committee decline to adopt the report and do not nominate a member of the Committee to be represented on the Regional NAIDOC Awards Committee

Implications: The views and opinions of the broader Aboriginal community in the Shoalhaven would not be considered and included in the event program.

Background

The 9th Annual Local Government Regional NAIDOC Awards will be hosted by Shoalhaven City Council on Saturday 27 July 2019 in the Shoalhaven Entertainment Centre. The Awards aim to recognise and acknowledge the outstanding contributions that Aboriginal and non-Aboriginal people and organisations make to their communities. This year's theme is Voice, Treaty, Truth. Let's Work Together. **Voice. Treaty. Truth** were three key elements to the reforms set out in the Uluru Statement from the Heart. These reforms represent the unified position of First Nations Australians.

The Regional NAIDOC Awards play an important role in strengthening partnerships between Aboriginal and non-Aboriginal people, the four partner Council's (Shellharbour, Kiama, Shoalhaven and Wollongong) and other organisations and businesses throughout the region. They provide a prestigious platform for our region to celebrate the achievements of Aboriginal and non-Aboriginal people and as such as popular event, attracting media attention and significant corporate sponsorship.

The event is planned and managed by a Regional NAIDOC Awards Committee that is comprised of Aboriginal Liaison/Community Development Officers, Senior Officers from within each of the partner Councils and community representatives. An invitation is extended to members of the Shoalhaven Aboriginal Advisory Committee to nominate a representative for the 2019 Regional NAIDOC Committee.

The Regional NAIDOC Awards are made possible with the support of Councils (who provide an annual contribution of \$3,000), corporate leaders, government agencies, non-government organisations and individuals. The awards are hosted by a different Council each year and the host Council is tasked with raising financial sponsorship for the event. The Regional NAIDOC Committee also sources funds from a variety of State and Commonwealth agencies (Indigenous Advancement Strategy) to support the event. Income obtained as part of the 2018 event is summarised below.

2018 Regional NAIDOC Awards Budget

INCOME

Council contributions	\$10,727.00
Sponsorship	\$10,250.00
Grant Funding	\$ 4,000.00
2017 Surplus	\$ 9,883.00
Ticket Sales	\$ 6,718.00
Total	\$41,578.00

Total expenditure for the 2018 event was \$26,364 leaving a surplus of \$15,214. The surplus will be used to offset costs that are associated with the 2019 event. An evaluation of the 2018 event was undertaken by the Kiama Municipal Council who hosted the 2018 event. Information obtained from the evaluation will be used to help plan the 2019 event.

Community Engagement

Community members, Elders, agencies, corporate businesses, local and high profile Aboriginal entertainers invited to participate in the planning and presentation of the event. Council representatives invited as special guests to present awards from each partner Council.

Policy Implications

Community Strategic Plan Shoalhaven 2023

People – Strategies: 1.1.1 Support activities, events and festivals where communities in the Shoalhaven can gather and celebrate.

Financial Implications

Council's 2019/20 Operational budget will contain sufficient funds to facilitate the 2019 Regional NAIDOC Awards event. Council's direct contribution to the event will be \$3,000.

AA19.4 Cullunghutti - Update on the proposed Plan of Management & actions in relation to damage to the environment on the mountain

HPERM Ref: D18/446997

Group: Planning Environment & Development Group

Section: Environmental Services

Attachments: 1. Community Consultation – Coolangatta Mountain – Cullunghutti - Aboriginal Advisory Committee 28/10/15 - Assets & Works [↓](#)

Purpose / Summary

To update the committee about:

1. the proposed Plan of Management for Cullunghutti; and
2. The investigation in response to a report of rubbish dumping and damage to the environment and Aboriginal Cultural Heritage on Cullunghutti.

Recommendation (Item to be determined under delegated authority)

That the Committee support the budget bid of \$50,000 (2019-20) to prepare a Plan of Management for Cullunghutti in accordance with details outlined in the community consultation undertaken in 2015.

Options

1. As recommended

Implications: Council officers have submitted a budget bid for the preparation of a Plan of Management for consideration by Council as part of Council's 2019/20 budget. This budget allocation is required to provide the resources to prepare a Plan of Management for Cullunghutti. The aim of the Plan would be to provide clear guidance on how to manage the reserves and Aboriginal cultural heritage and meet the requirements of the NSW Crown Lands Act 2016.

2. The Committee not support the funding bid for the preparation of a Plan of Management and provide other option/s to address issues relating to the ongoing use and management of Cullunghutti.

Implications: Council will not have the resources to prepare a Plan of Management for Cullunghutti without allocation of dedicated funding and resources.

3. Alternative option.

Implications: Unknown.

Background

Plan of Management - Cullunghutti

The Aboriginal Advisory Committee adopted the following motion at its meeting on 28 October 2015.

- a) The Committee request the General Manager prepare a Plan of Management in relation to the Council owned land on Coolangatta Mountain in accordance with details outlined in the community consultation report (refer Attachment A). *A copy of the report is provided as an attachment (D15/314607).*
- b) The purpose of the plan of management is to protect the Aboriginal cultural heritage values and provide for recreational, public and educational access.
- c) Council facilitates the preparation of the Plan for the Council managed land and work in partnership with the Aboriginal community and other stakeholders.
- d) Council liaise with other agencies to facilitate the establishment of the Plan.
- e) Council consider a budget of \$100,000 and consider a budget for future actions.
- f) Council report back to the Aboriginal Advisory Committee.

A budget bid to prepare a site-specific Plan of Management for Cullunghutti was submitted for the 2016-17 financial year however it was unsuccessful. There were no bids submitted for the 2017-18 or 2018-19 financial years. Although the Report of 28 October 2015 gave a cost estimate of \$50,000 for the preparation of a Plan of Management, \$100,000 was the amount identified in the resolution. A budget of \$50,000 is considered an adequate amount to prepare a Plan of Management for a site such as this. A budget bid for \$50,000 has been submitted for the 2019-20 financial year for the preparation of a Plan of Management.

i. Investigation of rubbish and alleged damage to Aboriginal Cultural Heritage

ii. At the Aboriginal Advisory Committee meeting of 13 August 2018, a committee member raised concerns that it appeared that several rocks had been scarred from the “BigFoot Trucks” that use the mountain, and that significant amounts of rubbish had been left by visitors.

Council’s Natural Resources & Floodplain Unit Manager inspected the area around the summit in response to the report of rubbish and damage to Aboriginal Cultural Heritage. No rubbish was observed. Some potentially unauthorised works were observed on the adjoining private property. This has been referred to Council’s Compliance Unit for investigation.

As no litter or damage to Aboriginal Cultural Heritage was observed, Council contacted the complainant to seek more information.

Based on the information gathered, the matter was reported to the Environment Line of the NSW Office of Environment & Heritage

As at 18 January 2019, no results of either referral have been received.

Community Engagement

Community engagement was undertaken throughout 2015 as part of the proposed transfer of Council-owned lands on Cullunghutti to the National Parks and Wildlife Service. This is detailed in the attachment referred to in a) above (D15/314607).

The development of Plan of Management for the Council-owned land at Cullunghutti would require further public consultation in accordance with S36 of the *Local Government Act 1993* and S112 of the *Local Government (General) Regulation 2005*.

Financial Implications

The preparation of a draft Plan of Management for Cullunghutti relies on the success of the 2019/20 budget bid for \$50,000. If unsuccessful, staff will continue to seek opportunities to fund this project.

ABORIGINAL ADVISORY COMMITTEE

WEDNESDAY, 28 OCTOBER 2015

ASSETS AND WORKS

1. **Community Consultation – Coolangatta Mountain – Cullunghutti** **File 51467E**
-

SECTION MANAGER: Michael Harben

PURPOSE:

To consider the report and recommendation following community consultation undertaken with regards to the proposed transfer of Council owned lands on Coolangatta Mountain to the National Parks & Wildlife Service (Aboriginal Advisory Committee Minute of 3rd September 2015).

- # RECOMMENDED, in accordance with the Committee's delegated authority from Council, that the Committee request the General Manager prepare a site specific Plan of Management in relation to the Council owned land on Coolangatta Mountain in accordance with details outlined in the community consultation report (refer Attachment A).**

OPTIONS

1. Adopt recommendation as written.
2. Provide further direction to staff and propose an alternative.

DETAILS

At the Aboriginal Advisory Committee meeting held on 3rd September it was resolved, *inert alia*, that a special meeting of the Aboriginal Advisory Committee be convened to consider a report on the community consultation in relation to the proposed transfer of Council owned land to the National Parks and Wildlife Service as soon as the report is available.

FINANCIAL IMPLICATIONS

The estimate of cost for the plan of management is \$50,000 which has not been allocated in any budget to date. This matter will be addressed as part of the procurement process if the recommendation is adopted by Council.

COMMUNITY ENGAGEMENT:

An extensive community consultation process was undertaken from May 2015 to July 2015. This involved public meetings, advertising in local and community newspapers, Council's Facebook and website, along with mail outs to postal addresses who were registered proprietors of properties around the mountain.

B. STEWART
DIRECTOR, ASSETS & WORKS

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ATTACHMENT A

PURPOSE

This report has been prepared following the community consultation regarding the proposed transfer of Council owned lands on Coolangatta Mountain to the National Parks & Wildlife Service.

RECOMMENDED that the Committee request the General Manager prepare a site specific plan of management in relation to the Council owned land on Coolangatta Mountain in accordance with the detail outlined in the following report.

DETAILS

At its meeting on 21 April 2015, Council resolved that the General Manager prepare a report on Cullunghutti which (a) outlines background information on the Council owned land and the aboriginal place at Cullunghutti (National Parks & Wildlife Service land declared an aboriginal place under the NP&WS legislation), (b) advises on a recommendation by the Aboriginal Advisory Committee that the Council owned land on Coolangatta Mountain (Cullunghutti) be transferred to the National Parks & Wildlife Service for management in cooperation with the aboriginal community and (c) informs Council in terms of the community consultation regarding the proposed transfer of land.

A Brief History

In 1822, Alexander Berry was given a land grant over 10,000 acres of what is now the Berry and Shoalhaven Heads districts to establish the first European settlement on the New South Wales south coast. The area subject of the grant came to be known as the Coolangatta Estate and included all of the land now referred to as Coolangatta Mountain or Cullunghutti.

The parcels of land which now make up the mountain precinct are described as follows:

National Parks & Wildlife Service

Lot 52 DP 1083628 and Lot 62 DP 1128646 were acquired by the Service 3 September 2008 and notified as a reserve named Cullunghutti Aboriginal Area by notice published in the Government Gazette 28 October 2011 pursuant to SS30 A (1) and 30 A (2) of the National Parks and Wildlife Act 1974:

1. *The Governor may, by notice published in the Gazette, reserve land as any of the following or as part of any of the following:*
 - a) *A national park;*

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- b) *A historic site;*
 - c) *A state conservation area;*
 - d) *A regional park;*
 - e) *A karst conservation reserve;*
 - f) *A nature reserve; and*
 - g) *An Aboriginal area.*
2. *The Governor may in a notice reserving land under this Division, or another notice published in the Gazette, assign a name to the reserved land or alter its name.*

Shoalhaven City Council

- Lot 5 DP 834853 – Public Reserve created on registration of a plan of subdivision 22 November 1993 by Berner, Hams and Hunt;
- Lot 7 DP 833168 – Public Reserve created on registration of a plan of subdivision 20 October 1993 by Nesspat Pty Ltd, Moshe and Julia Margaret Yerushalmy;
- Lot 26 DP 843541 – Public Reserve created on registration of a plan of subdivision 7 October 1994 by Nesspat Pty Ltd; and
- Lot 27 DP 843541 – Public Reserve created on registration of a plan of subdivision 7 October 1994 by Nesspat Pty Ltd.

The public reserves are classified community land under S31 (2A) of the Local Government Act 1993 and are categorised as “natural areas” in accordance with S36 (4) (a) of the Act except for Lot 27 which is categorised “General Community Use”. Generic plans of management apply to these reserves.

It is noted that water infrastructure is located on Lot 26 DP 843541 (Bryce's Reservoir and water pipes) and Lot 27 DP 843541 and Lot 7 DP 833168 (water pipes).

BACKGROUND

Coolangatta Mountain, or Cullunghutti, has been the subject of much discussion over an extended period of time including deputations to Council and the Aboriginal Advisory Committee. In general terms, the overwhelming sentiment has previously supported the recognition of Cullunghutti as spiritually significant to the aboriginal community.

A recommendation by the Aboriginal Advisory Committee to transfer this land to the National Parks & Wildlife Service so that it could be managed as an aboriginal place came about as a direct result of the recognition of the importance of the area to the aboriginal community. It is acknowledged that this “community” is much more extensive than local and extends in fact from La Perouse to the Victorian border and inland to the Southern Highlands and Tablelands.

One of the first proposals put forward for consideration by Council involved a transfer of the Council owned lands to the aboriginal community. This could not be pursued

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because of the prohibition on dealing with community land imposed by S45 (1) of the Local Government Act:

“A council has no power to sell, exchange or otherwise dispose of community land.”

Council could however, transfer the land(s) to the National Parks and Wildlife Service under S45 (4) of the Local Government Act which establishes that a Council is not prevented “...from selling, exchanging or otherwise disposing of community land for the purpose of enabling that land to become, or be added to, a Crown reserve or to become, or be added to, land that is reserved or dedicated under the National Parks and Wildlife Act 1974”. In such a circumstance, the Minister responsible for administration of the National Parks & Wildlife Act is required to first accept the transfer and approve the creation of an appropriate reserve.

It was this latter course of action which has previously been put forward by the Aboriginal Advisory Committee subject to appropriate community consultation on the proposal.

COMMUNITY CONSULTATION

Community consultation was undertaken over a three (3) month period from May to July 2015.

A public meeting was held as part of the Shoalhaven Heads Forum and “drop in” sessions were also held at Berry and Shoalhaven heads. Information in the form of advertisements, mail outs and social media announcements were distributed via:

- Berry Town Crier (circulation to 2300 households);
- The Heads News (circulation to 2000 households);
- Public Notices were placed in the South Coast Register, the Nowra News and the Milton Ulladulla Times;
- Mail outs to the postal addresses of 283 residents who were the registered proprietors of properties around the mountain;
- Information was placed on the Council Facebook page (600 clicks with a potential reach of 2,749 newsfeeds); and
- Information on the proposal to transfer the Council owned land to the National Parks & Wildlife Service was put on the Council web page and posted out on request.

The community consultation process involved an explanation of the proposal with supporting information provided by aboriginal elders, Mr Greg Tedder representing the National Parks and Wildlife Service and Council officers including Director Mr Ben Stewart.

Interested persons were invited to make comments on the proposal and to lodge any submissions they wished to make to Council by 24 July 2015.

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Council received sixty three (63) submissions and four (4) late submissions and it is understood that at the time of writing this report, a further late submission by Jerrinja Land Council will be lodged in due course. In addition to the submissions, a number of representations have been made to Gareth Ward MP, Member for Kiama and to the Mayor and Councillors generally about the proposed transfer of land.

The submissions clearly oppose the transfer of the Council owned land because it is used for recreational activities, including horse riding, and should be retained in public ownership without the National Park constraints to guarantee access.

The Mt Coolangatta bush care group supported the transfer but at the same time expressed a wish to be given the opportunity to work cooperatively with the National Parks & Wildlife Service to try and control weed and pest infestations.

The occupation of part of the land for water infrastructure has to also be recognised and taken into account when and if a transfer of lands is to take place. However, it is not proposed to include these infrastructure assets at risk and therefore the lands on which they are located should be withdrawn from all future discussions.

PROPOSAL

It is understood that Cullunghutti is spiritually and culturally significant to the aboriginal community. At the same time, the public has expressed a clear wish to be allowed to continue to access land in the area which is owned by Council.

As previously mentioned, the Council owned land is classified as community land and is covered by a generic plan of management. There is now an opportunity to develop a site specific plan of management in relation to the community land involving all of the relevant stakeholders including, but not limited to, Council, the Berry–Shoalhaven Heads community, the aboriginal community and the National Parks & Wildlife Service. A plan of a management prepared in accordance with S36 of the Local Government Act will deliver a blueprint for the ongoing management of the community land it covers and will also provide opportunities to recognise culturally significant sites, customs and traditions so that the land generally will continue to be managed, used and enjoyed by everyone.

Aboriginal Advisory Committee 28 October 2015 - Item 1

