



Notice of Ballina Shire Council Aboriginal Community Committee Meeting

Notice is hereby given that an Aboriginal Community Committee Meeting of Ballina Shire Council will be held in the Ballina Shire Tuckeroo Room (Committee Room), 40 Cherry Street Ballina on **Thursday 6 February 2014 commencing at 5.00 pm.**

Business

1. Attendance and Apologies
2. Declarations of Interest
3. Confirmation of Minutes
4. Matters Arising from last Meeting
 - a) General Terms of Reference for the Committee
5. Deputations
6. General Business
 - a) Aboriginal Welcome Statement
 - b) Council Events and Ceremonies – Welcome to Country
 - c) Ballina Shire Aboriginal Reconciliation Plan
 - d) Management of Wardell Cemetery
 - e) Coastal Pathways Project
 - f) East Ballina Vegetation Management Plan
7. Business Without Notice
8. Council Documents on Exhibition
9. Next Meeting
10. Meeting Closure

Access to the meeting room is via the ramp off Cherry Street. The main access to the Council's Customer Service Centre is closed at this time.

Paul Hickey
General Manager

Attendance and Apologies

Declarations of Interest

Confirmation of Minutes

The Minutes of the Committee Meeting held on 7 November 2013 were distributed to members on 15 November 2013. A copy of the minutes is attached to the Agenda.

RECOMMENDATION

The Committee confirms the Minutes of the Ballina Shire Aboriginal Community Committee meeting held on 7 November 2013.

Matters Arising from Last Meeting

a) Terms of Reference of the Committee

The draft Terms of Reference for the Committee is attached to this Agenda. They have been changed to incorporate the suggestions made by members at the previous Committee meeting.

RECOMMENDATION

The Committee endorses the Terms of Reference, as presented to this meeting, for the purpose of the Committee's operations.

Deputations

Mr Ian Fox, a consultant representing Council's Civil Services Group, will be in attendance at the meeting to present an update on the Coastal Pathways Project.

General Business

a) Aboriginal Welcome Statement

As part of its operations, Council prepares many corporate documents for the benefit of residents and visitors, or for the purpose of legislative reporting and compliance. It is very important that, where appropriate, welcome or acknowledgement statements are included in these publications that acknowledge and confirm the Shire's Aboriginal heritage and associated cultural values.

Presenting these welcome or acknowledgement statements is one way that Council is able to continue to reaffirm, in both an historical and contemporary sense, the importance of Aboriginal people and culture in the Ballina Shire.

Given the above, the following draft welcome / acknowledgement statement has been prepared. The Committee is invited to review the content of the draft statement and indicate whether it considers the wording is both accurate and appropriate for inclusion in Council's corporate publications.

Welcome / Acknowledgement Statement

Council respectfully acknowledges the past and present Bundjalung Elders of the Ballina Shire area and pays its respects to their descendants as the traditional custodians of this land. Council also acknowledges that, as indigenous people, Bundjalung people hold a unique place in our shire.

Bundjalung custodianship of the Ballina Shire area dates back many thousands of generations. Together with all Australian Aboriginal and Torres Strait Islander cultures, the Bundjalung people are part of the oldest and continuing culture in the world.

The shire has important Bundjalung cultural heritage sites and areas that contribute to our unique history as a place. Heritage sites and areas remain important to the identity and culture of the shire's Aboriginal community today. Appreciating the importance of the historic and contemporary landscape to the shire's Bundjalung people enhances all our experience of the shire.

Bundjalung community members contribute to our shire in many ways. Elders nurture and educate their families, as well as serve roles as leaders within their community and at significant broader community events. Aboriginal people are also strongly represented in our creative industries sector and sport.

Bundjalung community members work across many occupations, including within the government sector, to improve services to the Aboriginal community. A number of Aboriginal initiated and managed Aboriginal community organisations also work towards improving employment, health and access to services for Aboriginal people.

Council is committed to working with the shire's Aboriginal community representatives, including young people, to enhance the knowledge and understanding of Bundjalung history, heritage and culture. This, in turn, enhances the status and well-being of Aboriginal people and builds the broader community's optimism for a strong and respectful future together.'

RECOMMENDATION

The Committee endorses the Welcome / Acknowledgment Statement as presented.

b) Council Events and Ceremonies – Welcome to Country

Council regularly conducts or coordinates a range of events, services or ceremonies within the shire. These activities are diverse in nature and may include civic receptions for dignitaries, citizenship ceremonies, launches of new projects or programs, community events and public meetings.

In planning and organising these activities Council is unclear about whether a Welcome to Country by a local Aboriginal person is appropriate. Where a Welcome to Country is proposed, it will also be most helpful if staff have access to an open and transparent process for extending invitations to those Aboriginal Elders, or others, who might provide the Welcome.

A third matter that might be considered is payment for the Welcome to Country service. That is, if remuneration for the service is seen as appropriate, should the payment be made to the individual/s involved or should it be directed to an organisation, where community is the beneficiary. Associated with this is Council's obligation to ensure that public funds are expended in an open and transparent way.

Having regard for the above, this report invites the Committee's views about establishing a process which seeks to respond to the following three key issues:

1. Clarify the circumstances in which a Welcome to Country (as distinct from an Acknowledgement of Country) for Council events and activities is seen as appropriate
2. Where a Welcome to Country is to be provided, to who is an invitation directed to perform the Welcome?
3. Is remuneration for the performance of a Welcome appropriate? If so, to whom should the payment for the service be directed?

RECOMMENDATION

For discussion.

c) Ballina Shire Aboriginal Reconciliation Plan

Arising from the Committee meeting held on 7 November last year was a suggestion that Council, in partnership with community, prepare an Aboriginal Reconciliation Plan.

In general terms, the concept would be that the plan would provide a framework and strategies for delivering improved social and cultural outcomes for the Shire's Aboriginal residents.

It was agreed that staff would conduct some basic research to review plans that other councils have prepared. Having these available would assist the Committee and Council to better understand the scope of the project and the resources that may be needed to undertake the work (including community engagement).

Aboriginal Reconciliation Plans sourced from a number of councils have now been obtained, and copies of these will be available at the meeting for discussion.

RECOMMENDATION

For discussion.

d) Management of Wardell Cemetery

Council has a number of documented procedures and processes in place in respect to the various cemeteries owned and operated by Council (i.e. East Ballina, Tintenbar, Rous and Wardell).

In respect to Wardell the process followed for Aboriginal burials is that the entire burial process is managed by the Aboriginal community with minimal input by Council staff. Council charges no fees for the burials and retains no records of the person being buried. The works are also undertaken by the Aboriginal community.

From a Council perspective there are some concerns in respect to the following matters:

- 1) At times Council is not advised there is a burial which means that there can be a lack of historical information in respect to the person who has been buried for future reference
- 2) Some burials have occurred outside the traditional area used

- 3) Concerns that work is being undertaken on Council owned land that may not be complying with State Government work safety practices and the burial plot may not be appropriately marked in accordance with relevant legislation.

Council acknowledges that this is a very sensitive cultural matter for the Aboriginal community and we do not wish to impose on what is currently happening however there may be opportunities to improve the current practices for the benefit of everyone.

It is therefore proposed that the Aboriginal Community Committee nominate two representatives to form a taskforce with representatives from Council's Open Spaces Section to meet and discuss how the existing processes could potentially be improved.

RECOMMENDATION

That the Committee nominate two representatives to work with Council's Open Spaces staff to review the current processes for managing Aboriginal burials at the Wardell Cemetery.

e) Coastal Pathways Project

Committee members will recall having previously received a briefing from Council's Engineering Works Manager, Paul Busmanis and consultant Ian Fox in relation to the coastal pathway projects.

The Committee has expressed a strong desire to monitor and have input to these projects. Accordingly, Mr Fox will again attend the Committee meeting to provide an update and to discuss matters with members. This is noted in the Deputations' Section of this Agenda.

f) Draft East Ballina Vegetation Management Plan

Council is in the process of reviewing the above plan and it is proposed to table the draft document at this meeting for discussion.

The draft plan is being prepared by the consultant Blackwood Ecological Services and it will update several of Council's coastal vegetation management plans into the one comprehensive plan to guide the future restoration and protection of the high conservation value vegetation communities located at East Ballina. Over a decade of intensive vegetation restoration works by dunecare and grant opportunities have improved the health of the native vegetation communities and minimised other threats from weeds and human access. The draft plan encompasses sections of the East Ballina Aboriginal Place and recommends methodologies to ensure continued protection and consultation as required with regards to Aboriginal Cultural Heritage.

The committee is welcome to provide feedback and comment towards the draft plan and that will form part of the consultation process. The attached map identifies the area to which the plan applies to and as mentioned the draft will be tabled at this meeting for discussion.

RECOMMENDATION

For discussion.

Business Without Notice

This item provides an opportunity for updates and / or questions to be tabled by the members.

Council Documents on Exhibition

The following is a list of recent documents that have been placed on exhibition in the period since the last meeting.

- Ballina Local Environmental Plan 2012
BSC Planning Proposal 13/003 - Tara Downs, Lennox Head
 - Appendix A - Aerial Photographs
 - Appendix B - Copy of Deposited Plan
 - Appendix C - Concept Subdivision Plan
 - Appendix D - Bushfire Assessment Report
 - Appendix E - Ecological Assessment
 - Appendix F - Contamination Assessment
 - Appendix G - Preliminary Stormwater Report
 - Appendix H - Proposed Zoning Plan
 - Appendix I - AHIMS Search
 - Appendix J - Site Photographs
- BSC Planning Proposal 13/010 - Proposed Amendments to Clarify Building Height Allowance Provisions

Council has prepared a planning proposal to clarify the building height allowance provisions in the Ballina Local Environmental Plan 2012. These provisions are contained in clause 4.3A and in the Building Height Allowance Map of the LEP.

The proposed amendments are intended to clarify the manner in which building height is determined on flood prone land and reinforce Council's intended building height policy under Ballina Local Environmental Plan 2012. The planning proposal addresses options for achieving the proposed outcomes

- BSC Planning Proposal 13/011 - Ballina Heights Estate Stage 7a, Cumbalum

Council has prepared a planning proposal to amend the Ballina Local Environmental Plan 2012 to rezone 30 lots comprising Stage 7a of the Ballina Heights Estate. These lots are described as Lots 330 – 359 DP 1189179 and are located off O'Rourke Street, Cullen Court and Walsh Place, Cumbalum.

The site is currently zoned part B2 Local Centre, part R2 Low Density Residential and part R3 Medium Density Residential under the terms of the Ballina Local Environmental Plan 2012 (LEP). The planning proposal seeks to amend the LEP to acknowledge the development consent for the subdivision of the land by the application of the R2 Low Density Residential zone to the majority of the site. The R3 Medium Density Residential zone is to be applied to two of the subject lots that were designated as dual occupancy lots in the development consent.

Next Meeting

The next meeting of the Committee is scheduled for Thursday 3 April, 2014

Meeting Closure