

# AGENDA

**Guest Presentations –**

- 3:00pm          Warwick Keen – Artist – Civic Centre  
(Public Art/Aboriginal Concept)**
  
- 3:15pm          Judith Field, Community Partnerships Manager  
LendLease – Bridge Naming Calderwood Valley Update**

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## **Acknowledgement to Country**

Shellharbour City Council acknowledges the Traditional Owners and Custodians of the Land on which we are meeting and pays its respects to Elders past and present.

### **1. Apologies / Leave of Absence**

### **2. Confirmation of Minutes**

Aboriginal Advisory Committee Meeting 7 March 2017

### **3. Staff Reports**

#### **3.1 Coastal Zone Management Plan - Lake Illawarra (10867158)**

Shellharbour City Council received a presentation from Kristy Blackburn, Environmental Strategy Officer – Lake Illawarra at the last Aboriginal Advisory Committee (AAC) to expand on the Community Uses and Values Chapter of Lake Illawarra (Chapter) and to seek feedback from the AAC.

The Chapter was compiled as a precursor to the development of the Lake Illawarra Coastal Zone Management Plan (CZMP). The CZMP is a strategic document that outlines priority actions to be implemented over a 5-10 year period, to protect valued aspects and tackle key threats identified for the Lake. The Chapter outlines the uses, values, threats and risks associated with the Lake.

The AAC were provided a deadline of Tuesday 14 March 2017 to provide their comments back to Council's Aboriginal Community Liaison Officer (ACLO) on the Chapter, which would be incorporated into a response from Shellharbour City Council. Council received one response back from the AAC that was included as part of Council's response to the Chapter which was submitted to Kristy Blackburn on Monday 27 March 2017. Please see a copy attached.

Council have been advised the Community Uses, Threats and Opportunities Chapter will be included in the Draft Coastal Management Program document that will be made available for further public comment in August – September 2017.

It was also recommended at the last AAC meeting that a member of the AAC be an observer on the Lake Illawarra Estuary Management Committee (LIEMC) and Jodi Edwards was endorsed to represent Shellharbour City Council's AAC. LIEMC Terms of Reference are attached. Council's Acting Manager, Community and Cultural Life emailed Jodi to advise her of her role on the Committee.

Kristy Blackburn has drafted what the role is of observers at LIEMC meetings. They will be putting the notion of observers on the LIEMC agenda so that it can be discussed and agreed upon by members of the Committee. While Kristy does not envisage that the below protocols will change, they may do so based on the LIEMC discussion.

*Observers at Lake Illawarra Estuary Management Committee Meetings can contribute to discussions regarding matters outlined in the agenda in line with usual meeting practices (hand up, request The Chairs permission to speak, speak only if/when granted permission to do so, finish if The Chair directs you to).*

*Observers cannot participate in any vote of the Committee.*

*Observers are required to abide by the:*

- *The Wollongong City Council Code of Conduct Delegates of Council and Members of Council Committees (WCC Policy adopted 25 February 2013);*
- *The Shellharbour City Council Code of Conduct (SCC Corporate Policy adopted 26 February 2013).*
- *Instructions by the Chair during the meeting.*

*Observers may be asked to leave the meeting if they do not comply with these Codes of Conduct and/or the instructions of the Chair.*

*Observers will receive a copy of the Agenda and Business Papers prior to the meeting, they will not be offered reimbursement for expenses related to attending meetings.*

**Recommendation:**

The Coastal Zone Management Plan Lake Illawarra – Community Uses and Values Chapter Information Report be noted and accepted.

**Attachments**

1. Terms of Reference of the Lake Illawarra Estuary Management Committee
2. Lake Illawarra Estuary Memorandum of Understanding
3. Response to Coastal Zone Management Plan – Lake Illawarra (Community Uses, Values, Threats & Opportunities Chapter) (including response from AAC member)

**Responsible Manager:** Lauren Peters, Acting Manager, Community & Cultural Life

**Report Prepared by:** Veronica Bird, ACLO

**Date of Meeting:** 9 May 2017

# TERMS OF REFERENCE

## LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



### 1 INTRODUCTION

Lake Illawarra lies in the Local Government Areas of Wollongong City and Shellharbour City Councils. The Lake Illawarra Estuary Management Committee has been established to provide advice and support to Wollongong City and Shellharbour City Councils on the preparation and implementation of a strategic coastal zone management plan for Lake Illawarra. The Committee comprises people interested in the sustainable management of the health of Lake Illawarra.

### 2 AUTHORITY

The Lake Illawarra Estuary Management Committee will provide advice, feedback and support to Wollongong City and Shellharbour City Councils in developing, implementing and monitoring a coastal zone management plan and projects for Lake Illawarra, that are primarily focused on protecting estuary health.

The Committee does not have decision making authority, the power to bind the two Councils or the power to incur expenditure.

### 3 RESPONSIBILITIES AND FUNCTIONS

The responsibilities and functions of the Lake Illawarra Estuary Management Committee are to:

- assist Wollongong City and Shellharbour City Councils to develop a Coastal Zone Management Plan for Lake Illawarra in accordance with the NSW Government guidelines;
- develop a better understanding of estuary health and identify issues which need to be addressed;
- assist in developing suitable strategies to address estuary and coastal zone management issues;
- monitor and evaluate the implementation of the Coastal Zone Management Plan; and
- provide advice on planning proposals and major capital works proposed to take place in the Lake Illawarra catchment.

Routine operational and maintenance matters relating to Lake Illawarra will not be the business of the Lake Illawarra Estuary Management Committee. These matters are to be followed up using the Customer Service functions operating at Wollongong City and Shellharbour City Councils.

### 4 PRIORITIES

The immediate priority of the Lake Illawarra Estuary Management Committee is to oversee the completion of the Lake Illawarra Coastal Zone Management Plan in accordance with NSW Government guidelines. Upon completion, the Lake Illawarra Coastal Zone Management Plan shall be submitted to both Councils for adoption, and implementation in line with their business priorities.

### 5 COMPOSITION OF THE LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE

The Lake Illawarra Estuary Management Committee is proposed to be made up of:

- THREE (3) councillors from each of the two Councils. One of the three Wollongong councillors is to be a member of its Estuary and Coastal Zone Management Committee;
- TWO (2) community members from each LGA;
- ONE (1) Aboriginal community representative;
- TWO (2) independent scientific advisors;
- representatives from each of the following State Government agencies – Office of Environment and Heritage, Department of Lands (Crown Lands), Department of Primary Industries (Fisheries), and Department of Planning;
- one representative from the Roads and Maritime Services;
- one representative of the South East Local Land Services; and
- one representative from Sydney Water.

## TERMS OF REFERENCE

### LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



Hosting of the Committee will alternate between the two Councils annually, and the Chairperson will be appointed by the host Council from its councillor representatives.

Vacancies that occur on the Committee will be filled by nomination.

Staff from the two councils will attend meetings as observers, to provide information to the Committee or to fulfil an administrative function (eg taking minutes and/or distributing minutes within the two Councils and to Committee members). These individuals will act as ex-officio members. Administrative support for the Committee will be provided by the host Council staff.

Term of appointment for the Committee is to the election of new councils in 2016.

#### 6 APPOINTMENT OF MEMBERS

##### Councillors

Three councillors each are to be appointed by the Wollongong City and Shellharbour City Councils. One of the Wollongong councillors is to be a member of its Estuary and Coastal Zone Management Committee.

##### Community Members

The community member positions available for each LGA will be advertised by the respective Council at the start of the Committee's term. The applications will be assessed by the respective Council staff and recommendations made for appointment by their corresponding Council. The selection criteria for community members will be:

- Demonstrated interest in and knowledge of estuary management issues.
- Demonstrated ability to dedicate time to attend meetings and perform tasks related to committee business.
- Demonstrated ability to contribute positively and constructively within an agreed management framework.
- Demonstrated contact with a cross-section of the local community for the purpose of passing on information and receiving feedback.
- Resident/rate payer in the LGA for which they are applying.

##### Aboriginal Community Representative

The Aboriginal community representative will be appointed after consultation between the two Councils' Aboriginal Liaison Officers.

##### Independent Scientific Advisors

The Independent Scientific Advisor positions will be advertised by the Council hosting the Committee at the start of its term. The applications received will be assessed jointly by staff from the two Councils and a recommendation made for endorsement by both Councils. The selection criteria for the Independent Scientific Advisors will be:

- High-level experience in research or management of estuaries.
- Demonstrated ability to dedicate time to attend meetings and perform tasks related to committee business.
- Demonstrated ability to provide sound scientific advice and a high level of personal commitment while engaged in an honorary position.
- Independence from Council, government, developers or any other group with a vested interest in the management of estuaries.

##### State Agency Representatives

The host Council at the start of the Committee's term will invite the State Agencies listed to nominate a representative to the Committee.



## TERMS OF REFERENCE

### LAKE ILLAWARRA ESTUARY MANAGEMENT COMMITTEE



#### 7 OBLIGATIONS OF MEMBERS

Members of the Lake Illawarra Estuary Management Committee, in performing their duties, shall:

- Act honestly and in good faith;
- Participate in the work of the Committee;
- Perform their duties in a manner that ensures public trust in the integrity, objectivity, and impartiality of the Committee;
- Exercise the care, diligence and skill that would be expected of a reasonable person;
- Comply with the Committee's Terms of Reference; and
- Comply with the two Council's Code of Conduct.

#### 8 MEETINGS AND MINUTES

The Committee shall meet at least four times a year to progress the work involved in the Lake Illawarra Estuary Management Process.

A quorum will consist of half plus one of the Committee members, including at least one elected representative (councillor) from each Council.

Meetings will be chaired by the Council appointed chairperson. If the chairperson is absent from a meeting, the first business of every such meeting is to elect a chairperson from the members present to preside over such meeting.

The Lake Illawarra Estuary Management Committee has an advisory role to the two Councils and will make recommendations by consensus. In the absence of consensus, advice from the Lake Illawarra Estuary Management Committee may be presented with supporting and dissenting views of members.

Meeting agendas will be distributed at least one week prior to the meeting.

#### 9 REPORTS

The minutes of the Lake Illawarra Estuary Management Committee meetings will be provided to all Councillors and executive management of both Councils for information. Minutes will also be distributed to all Lake Illawarra Estuary Management Committee members.

Advice and recommendations of the Lake Illawarra Estuary Management Committee relating to specific Council projects will be reported to the two Councils as part of their project reporting process.

Any matters arising that require a separate decision of one or both Councils may be reported to the respective Council(s) by managerial staff at their discretion.

#### 10 EVALUATION AND REVIEW

A review of the Lake Illawarra Estuary Management Committee will be undertaken every 12 months to ensure the purpose, membership and operation of the Committee is effective and to make appropriate changes.

#### 11 COMMITTEE RESOURCING

Resources required to progress the work of the Committee will be considered and made available by one or both Councils, in line with their budgetary constraints and other business priorities. Where both Councils agree to contribute to a program or works, the proportion of funding will be negotiated at 2:1 Wollongong to Shellharbour. External grant funding may be sought to supplement council contributions.

#### 12 REMUNERATION AND EXPENSES

There is no remuneration for members.

Reasonable expenses incurred by the Lake Illawarra Estuary Management Committee members in relation to their responsibilities as members of the Committee will be met by prior approval. These expenses should relate directly to tasks completed for the Lake Illawarra Estuary Management Committee business and will be reimbursed at the discretion of one or both Councils.

Attachment 2 - Lake Illawarra Estuary Memorandum of Understanding

LE11958

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# Lake Illawarra Estuary Management

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## Memorandum of Understanding

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Between

Wollongong City Council and Shellharbour City Council



## 1. INTRODUCTION

This Memorandum of Understanding (MOU) is entered into by Wollongong City Council, located at 41 Burelli Street, Wollongong, and Shellharbour City Council, located at Lamerton House, Lamerton Crescent, Shellharbour City Centre.

## 2. BACKGROUND

Lake Illawarra is a significant natural asset for the Illawarra region, and is highly valued by the community. The Lake and its immediate surrounding environment were managed by the Lake Illawarra Authority since 1988. In July 2014, the Authority was disbanded and its responsibilities transferred to Wollongong and Shellharbour Councils and a number of State Agencies. The activities of both Wollongong and Shellharbour Councils have an impact on the health and condition of Lake Illawarra, as its catchment lies across both LGAs. Therefore, protecting and improving the condition of the lake environment will benefit from the coordinated effort of the two councils. Both councils have agreed to collaborate to ensure the judicious management of the Lake and its surrounds into the future.

## 3. PURPOSE

The purpose of this MOU is to establish a framework for Wollongong and Shellharbour Councils to work in partnership to protect and improve the health of Lake Illawarra and its surrounds into the future.

By working in partnership, the two Councils seek to achieve the following intended outcomes:

- (a) The preparation of a strategic management plan (coastal management plan) for the lake that is consistent with natural resource management legislation, policies and guidelines.
- (b) Provide the opportunity to a wide range of stakeholders including councillors, community members, and relevant State and other agencies to advise and assist in the preparation of the strategic management plan.
- (c) Implement management actions identified in the strategic management plan within the budgetary, legal and policy constraints of each Council.
- (d) Pursue grant funding opportunities to support the implementation of management actions.
- (e) Monitor and report on the health of the Lake.
- (f) Create additional opportunities elsewhere for further collaboration between the Councils.

For the purposes of clarity, it is noted that existing assets and infrastructure in and around the Lake that have been either transferred to, or already owned by, the Councils, will be operated and managed by the Councils separately under their own asset management programs.

## 4. AGREED FRAMEWORK

1. Pursuant to resolutions from each Council, Terms of Reference for the Lake Illawarra Estuary Management Committee ("the Committee") have been adopted.
2. The Committee will meet in accordance with the adopted Terms of Reference, and have the responsibilities and functions identified in the Terms of Reference.



3. A Project Coordinator to liaise with the Estuary Management Committee, and relevant council officers from the two Councils to oversee the preparation of the strategic management plan for the Lake, and coordinate its implementation in areas where involvement of both Councils is required, will be employed by Wollongong City Council following consultation with Shellharbour City Council.
4. Shellharbour City Council will nominate a contact at their Council for the Project Coordinator to liaise with for the purpose of giving full effect to the responsibilities and functions of the Committee.
5. Recommendations, advice or other observations from the Committee will be referred to the Project Coordinator for referral to each Council.
6. Both Councils agree that nominated officers from each Council, together with the Project Coordinator, will meet every two months to discuss the proposed business of the Committee, the status of recommendations, advice or observations from the Committee, and compliance with the terms of this MOU.
7. For clarity, it is noted that each Council may also implement strategic management actions on their own in line with their Council's business priorities and budgetary constraints, consistent with the strategic management plan.

#### 5. GOVERNANCE STRUCTURE AND REPORTING

1. The Committee is an advisory committee and will not have delegation to make decisions. Recommendations from the Committee will be referred to the Project Coordinator, who will then refer those recommendations to each Council.
2. Where the Committee has recommended the adoption of the strategic management plan, it must be referred to each Council for endorsement. The Committee, consistent with its Terms of Reference, will then monitor and evaluate compliance with the plan.
3. Following the endorsement of the strategic management plan by each Council, each Council will proceed to prepare an Implementation Schedule, outlining the actions it will be implementing on its own or in partnership with the other Council and/or other agencies.
4. The Councils agree to revise annually the Implementation Schedule with input from the other Council, and the Committee, and make it available for the information of both Councils and their communities.
5. Councils' existing business reporting processes will be used for reporting on projects that are part of the Councils' business plans. In addition, the Project Coordinator will prepare an annual report of activities undertaken by both councils under this MOU, for the information of the Councils, and other interested parties.

#### 6. RESOURCING

1. Wollongong City Council will contribute two-thirds, and Shellharbour Council one-third of the required funding for activities of mutual benefit that are endorsed for implementation by both Councils.
2. A dedicated budget of \$250,000 annually (as between the Councils, as identified below) will be set aside to fund the preparation of the strategic management plan for the Lake, the appointment of the Project Coordinator, monitoring and evaluation activities, and the

implementation of activities that are of mutual benefit that can be accommodated within the dedicated budget. Wollongong Council will contribute \$165,000 and Shellharbour Council \$85,000 towards this budget.

3. Wollongong City Council will be responsible for the financial management of the dedicated budget which will be reported quarterly to the Committee.
4. Grant funding opportunities may be pursued by one or both councils, separately or in partnership, to supplement the dedicated or other budgets of council for Lake Illawarra activities.
5. Any requirement above the dedicated council contributions will be subject to the respective council's existing business planning processes.

## 7. CONTACT INFORMATION

The following officers may be contacted for matters related to this MOU

Wollongong City Council:      Manager Environmental Strategy and Planning  
Shellharbour City Council:    Director, Corporate Policy

## 8. DISPUTE RESOLUTION

Any dispute relating to this MOU from one of the two participating councils shall be notified in writing to the other council. Where notified, the parties will seek to reach a mutually agreeable solution. If agreement cannot be reached, either party can terminate the MOU on a month's notice.

## 9. TERM OF AGREEMENT


This MOU may be modified by mutual consent of authorised officials, including General Managers from Wollongong City Council and Shellharbour City Council. This MOU shall become effective upon signature by the authorised officials from Wollongong City Council and Shellharbour City Council and will remain in effect until modified or terminated by any one of the partners by mutual consent.

## 10. NO LEGAL EFFECT

This MOU is not legally binding, and does not create any legally enforceable rights or responsibilities between Wollongong City Council and Shellharbour City Council.

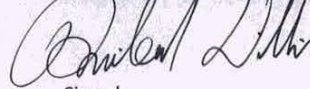
## 11. AUTHORISATION

On behalf of Wollongong City Council

  
Signed:  
David Farmer  
General Manager  
Wollongong City Council

Date: 22/5/15

On behalf of Shellharbour City Council

  
Signed:  
Michael Willis  
General Manager  
Shellharbour City Council

Date: 26/5/15



## Attachment 3 - Response to Coastal Zone Management Plan – Lake Illawarra (Community Uses, Values, Threats & Opportunities Chapter) (including response from AAC member)



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DX 26402 Shellharbour City Centre

27 March 2017

Kristy Blackburn  
Environmental Strategy Officer – Lake Illawarra  
Environmental Strategy & Planning  
Wollongong City Council

### **Coastal Zone Management Plan – Lake Illawarra (Community Uses, Values, Threats & Opportunities Chapter)**

Dear Kristy,

Thank you for the opportunity to respond to the Community Uses, Values, Threats and Opportunities Chapter of the Coastal Zone Management Plan – Lake Illawarra (Chapter).

Shellharbour City Council's Aboriginal Advisory Committee (AAC) met on Tuesday 7 March 2017 and were provided a copy of the Chapter for their review and comment.

Shellharbour City Council (SCC) was provided a deadline of Tuesday 21 March 2017 to provide their response to the Chapter which incorporated any responses from the AAC members. The SCC AAC recommended that a member of the AAC be included as a representative on the Lake Illawarra Estuary Management Committee and Jodi Edwards was nominated and endorsed.

Ms Edwards (who is a Traditional Owner) has also provided a response to the Chapter which is attached for your information.

It is also noted, on page 36 of the Chapter it states, *'it is understood that highly significant items were found during recent construction activities related to the Shellharbour Marina...'* Shellharbour City Council are not aware of any significant items that were found during the current construction of the Shellharbour Marina, in fact, an Aboriginal Heritage Impact Permit (AHIP) No. 2534 ensures the protection of significant Aboriginal sites within the development footprint of the Shellharbour Marina. This statement is misleading and should be removed from Section 3.2 Aboriginal Culture and Heritage of the Chapter. It also has no relevance to any Coastal Zone Management Plan proposed for Lake Illawarra.

It is further noted that on page 13, '2.4 – Consultation with the Aboriginal community' reference is made to the Aboriginal Culture Heritage Management Development Assessment Toolkit (Toolkit) where it states, *'...some raised a strong aversion to the Heritage Toolkit developed by Shellharbour Council'*. It is important to note here that the Toolkit was developed in collaboration with Wollongong City Council, Kiama Municipal Council and Shellharbour City Council (as lead Council), not Shellharbour City Council alone. Shellharbour City Council have now incorporated sections of the Toolkit within an Aboriginal Chapter of their Development Control Plan (DCP).

Legislative and policy compliance regarding any proposed works within Shellharbour's local government area that may be included within the Coastal Zone Management Plan relating to Lake Illawarra will be subject to regulatory controls that Council need to fulfil when dealing with Aboriginal heritage matters. The Council's DCP may be referenced during this process in conjunction with any provisions contained within the *National Parks and Wildlife Act 1974* (NSW). It should also be noted that some members of Shellharbour Council's AAC consider that the so-called '*strong aversion*' to the Toolkit by individuals in the Aboriginal community is based on community politics and there is no solid basis for any specific concerns raised.

#### **Aboriginal Culture & Heritage**

Aboriginal cultural heritage is not defined in law in NSW, but is described by the NSW Office of Environment and Heritage (OEH) as;

*'Aboriginal cultural heritage consists of places and items that are of significance to Aboriginal people because of their traditions, observances, lore, customs, beliefs and history. It provides evidence of the lives and existence of Aboriginal people before European settlement through to the present. Aboriginal cultural heritage is dynamic and may comprise physical (tangible) or non-physical (intangible) elements. It includes things made and used in traditional societies, such as stone tools, art sites and ceremonial or burial grounds. It also includes more contemporary and/or historical elements such as old mission buildings, massacre sites and cemeteries. Tangible heritage is situated in a broader cultural landscape and needs to be considered in that context and in a holistic manner.'*

*Aboriginal cultural heritage also relates to the connection and sense of belonging that people have with the landscape and each other. It recognises that Aboriginal people understand cultural heritage and cultural practices as being part of both the past and the present and that cultural heritage is kept alive and strong by being part of everyday life.*

*Cultural heritage is not confined to sites; it also includes peoples' memories, storylines, ceremonies, language and 'ways of doing things' that continue to enrich local knowledge about the cultural landscape. It involves teaching and educating younger generations. It is also about learning and looking after cultural traditions and places, and passing on knowledge. It is enduring but also changing. It is ancient but also new.*

*Aboriginal cultural knowledge provides crucial links between the past and present and therefore represents an essential part of the identities of Aboriginal people and all Australians (OEH, 2015).'*

#### **Values**

The cultural significance of Lake Illawarra remains strong in Aboriginal culture. There is wide-spread understanding that the Wodi Wodi/Wadi Wadi people (a subdivision of the larger Dharawal group) are the Traditional occupants of the land of the Illawarra region. The coastal landscape at Lake Illawarra supported the established campsites of the Aboriginal people and provided a diverse and sustainable source of food and fresh water for some 20,000 years prior to European arrival to Australia.

Archaeological evidence indicates that the harmonious and balanced relationship between the Aboriginal people and the environment had existed for thousands of years prior to settlement. The longevity of the use of Lake Illawarra as a camping and meeting

place indicates its significance to the Aboriginal people of this region. Both documentary and oral evidence indicate that Lake Illawarra was, and is, considered to be an extremely important place by local Aboriginal people. Although the significance of this site to the Wodi Wodi/Wadi Wadi, Elouera people stretches for thousands of years into the past, its importance to the Aboriginal community continues today.

During the nineteenth century, Windang, on the northern side of the entrance of Lake Illawarra, was the location of the distribution of government rations for the Illawarra, and also the site of large corroborees after the event (Weston 1977:64). Towards the end of that century, the lake entrance appears also to have been the location of a relatively permanent Aboriginal encampment.

The southern part of the lake is located within the Shellharbour Local Government Area. The contemporary entrance to Lake Illawarra lies near the southern end of Windang Peninsula, where it cuts through the barrier in the lee of Windang Island. Opinions vary as to the number of entrances the lake may once have had. Former lake entrances have been identified along an alignment approximating the Peterborough Avenue south of the existing entrance, and further north through Korrongulla Swamp and at Kemblawarra (Wollongong City Council 1976:17). If the position of the entrance to the lake varied in the last 5000 years then these areas may be archaeologically important, as they would have been used extensively (large archaeological deposits are present on either side of the present lake entrance at Windang and Pur Pur Beach). (*Shellharbour City Council Area Aboriginal Heritage Study, Navin Officer Heritage Consultants*).

#### **Community Uses/Opportunities**

*OCHRE* is the NSW Government plan for Aboriginal Affairs. It stands for opportunity, choice, healing, responsibility, empowerment and is symbolic of Aboriginal communities deep connection with Country.

The aims of *OCHRE* include:

- Teach more Aboriginal language and culture to build people's pride and identity.
- Keep more Aboriginal students in school;
- Support more Aboriginal young people to get jobs that are fulfilling and sustainable;
- Grow local Aboriginal leaders' and communities' capacity to drive their own solutions;
- Focus on creating opportunities for economic empowerment;
- Make government and communities more accountable for the money they spend.

*OCHRE* establishes a framework for a wide range of Government agencies, including the Lake Estuary Management Committee, to work with Aboriginal communities and each other to improve the social, economic, cultural and emotional wellbeing of Aboriginal people not only in NSW but within the Shellharbour and Wollongong City Councils Local Government Areas.

*OCHRE*, through its aims and framework, provides opportunities to ensure that:

- Aboriginal people have opportunities to access lands and waters managed by local government in recognition of their culture and for supporting their connection with the land;

- Activities around Lake Illawarra are ecologically sustainable, culturally appropriate and consistent with the purposes and uses of the lands and waters managed by local governments;
- Aboriginal culture is maintained and strengthened;
- Assessment of cultural resource use activities considers the availability of resources, the long-term viability of species and populations, and their capacity to be used sustainably (for example, Aboriginal people may be permitted to take fish for Aboriginal community events under the *Fisheries Management Act 1994* (section 37 permits);
- Decisions about an Aboriginal person's entitlement to utilise cultural resources are made by Aboriginal people at a local or regional level;
- Aboriginal people are given sufficient guidance on approvals and other administrative procedures required for undertaking cultural resource use activities.

Opportunities should be provided within the Lake Illawarra Coastal Zone Management Plan for local Aboriginal people to access the Lake and waters for undertaking cultural resource use activities.

As stated earlier, Aboriginal people and the environment have existed for thousands of years prior to settlement and they understand the importance of sustaining natural processes and ensuring the future use also meets the needs of future generations. This may place some limits on some activities, particularly fishing, harvesting and hunting of threatened species.

Cultural resource can also include the undertaking of culturally appropriate activities, such as culture camps, educational activities and ceremonial activities.

Aboriginal people's access to land owned or managed by a local council and classified as community land can be specified in the Plan of Management for the land. Therefore, it is important the Lake Illawarra Coastal Zone Management Plan includes how access can be achieved.

Access to land enhances social benefits to the whole community by continuing important cultural traditions which, in turn, facilitates retention and transfer of cultural knowledge. The importance of cultural resource use to health and wellbeing was emphasised in the NSW Aboriginal Land Council's response to the discussion paper, *Cultural Fishing in NSW*, developed by Department of Primary Industries (DPI) Fisheries (NSW Aboriginal Land Council, 2009). SCC's AAC also believe that being in a position to make decisions about management of Lake Illawarra and its resources has also been found to be critically important for health and wellbeing, as it is empowering and builds the capacity of the Aboriginal community.

Social benefits arise from activities involving the community coming together for a specific reason (i.e. NAIDOC activity, Elder gatherings), including the gathering of resources. Social benefits arising from community gatherings include:

- Information about cultural practices and traditional ecological knowledge is often passed on to the next generation during resource collection, as are the creation stories and totemic knowledge;
- People are practicing skills and traditions that are important to cultural identity and social cohesion; and
- Resources are shared.



**Threats**

Cultural fishing and cultural resource use in legislation accommodates Aboriginal customary fishing practices to some extent but many people do not like having to get a permit to conduct what they consider to be a basic right. Concerns have been raised around the costs of licences and regulations associated with access and catch limits are restrictive.

Other concerns identified include the loss of tangible cultural heritage due to factors such as coastal development and rising sea levels.

SCC's AAC have also expressed concern that they do not have enough say in the development of Management Plans and strongly believe joint management between government and the local Aboriginal community could address the inclusion of more traditional forms of natural resource management.

Consultation with SCC's AAC must continue beyond the Community Uses, Values, Threats and Opportunities Chapter in the development of the Coastal Zone Management Plan.

**Conclusion**

Shellharbour City Council is a joint partner in the development of the CZMP and the AAC recommended Ms Jodi Edwards on the Lake Illawarra Estuary Management Committee (LIEMC) which will be considered by Council at their meeting on Tuesday 11 April 2017.

It is important that adequate consultation and representation have been applied to this process and Ms Edwards has been recommended as SCC's Aboriginal representative, which will provide the AAC with the opportunity to see how the information or ideas that have been provided have been used or adopted in the assessment and management process. It will also provide clearer feedback which will build confidence that the AAC's effort in providing input is valued and worthwhile

It is important to be able to identify the benefits of the CZMP – Lake Illawarra to Aboriginal people and to identify threats to those benefits. Reference has been made within our response to the Chapter from *'Shellharbour City Council's Aboriginal Heritage Study 2000'* and *'Feary, S (2015) Sea Countries of NSW: benefits and threats analysis of Aboriginal People's connection with the Marine Estate'* to inform this process.

Yours sincerely



Veronica Bird  
**Aboriginal Community Liaison Officer**

Lake Illawarra Management – Community Uses, Values, Threats and Opportunities Draft Document.

Changes and additions to the document –

Page 1 Change from colonisation to the word Intrusion

Page 8 Aboriginal change to capital A - this must always be spelt with a capital A

Page 9 Add to Table 2.5 Aboriginal Land and Sea Ranger Program – Tourism investment

Add to table 2.6 Uses by Professional Fisherman (netting and Crabbing)

2.4 Development of the toolkit was Shellharbour Wollongong and Kiama Councils amend to reflect this.

Amendments to the documents to include:

The opportunity for an Aboriginal Land and Sea Ranger Program \_ Funds Sourced by Federal Grants for caring for Country (has opportunity for increased Aboriginal Employment and Aboriginal people Tourism initiatives could assist funding to increase Employment).

Aboriginal Tourism venture conducting culture tours around the lake, telling of dreaming stories, opportunity to reclaim some of the cultural practices of star gazing and fishing tours etc.

Maintain Aboriginal Cultural Site, Hand out of Fishing licences, measure water quality and run from estuaries, sea life, sea grasses and other bio diverse quality systems, ecosystems, manage the weed control through traditional burning practices, Maintain the Islands within Lake Illawarra, monitor professional fishing of the lake and estuaries, monitor poaching and illegal dumping, and issue infringement notices by Aboriginal Land and Sea Rangers.

Pg 24 Add Aboriginal Land and Sea Ranger Tours.

Remove all references to Bass Point at this stage this report is about Lake Illawarra not Bass Point.

Include in the document spelling on both Wodi Wodi and Wadi Wadi as some traditional spell it both ways. Also inclusion should be noted of the Elouri peoples also accessing Lake Illawarra – Uncle Rueben is clear that his people were known as the Elouri people.

Regards Jodi Edwards

### **3.2 Shellharbour City Council - Aboriginal Cultural Protocol (10867157)**

At the last meeting of the Aboriginal Advisory Committee (AAC) held on Tuesday 7 March 2017, the AAC recommended that a review of the list of Elders that are currently being used to conduct Welcome to Country be undertaken by Council's Aboriginal Community Liaison Officer (ACLO).

The current Elders and community members who are engaged by Council to deliver the Welcome to Country are:

- Uncle Reuben Brown
- Uncle Gerald Brown
- Aunty Bev Armer
- Aunty Lindy Lawler
- Richard Davis (Co-Chairperson AAC)
- Jodi Edwards

We have, on occasions, used representatives from the Illawarra Local Aboriginal Land Council and the United Koori Elders Social Group.

The Welcome to Country is done at the following Shellharbour City Council (SCC) events:

- Citizenship ceremonies
- Australia Day event
- Carols by Candlelight event
- Reconciliation and NAIDOC event
- Close the Gap event; and
- Any other major event according to SCC's protocol and colour-coded guide

An Acknowledgement is currently done prior to all SCC and AAC meetings and any other event according to SCC's current protocol and colour-coded guide. Please see attached the current protocol.

In support of the above recommendation, Council's ACLO is in the process of preparing a draft Aboriginal Cultural Protocol to be reviewed by the AAC, which includes not only the Welcome to Country protocol but also a fee schedule and other relevant information which should be taken into consideration by Council when observing Aboriginal principles and protocols.

The current Welcome to Country protocol has been in place for 10 years and has been a useful tool over that time, however, due to the reliance on the ACLO, it has proven to be problematic. The establishment of a new protocol and checklist to assist Council staff is being developed to ensure that SCC continues to acknowledge and observe the local Aboriginal Peoples' strong and ongoing connection to their traditional lands, cultures, heritage and history and provides a more practical approach in the absence of Council's ACLO.

The purpose of the new Aboriginal Cultural Protocol is to provide guidance to SCC Councillors and Council Officers by outlining some important cultural protocols of the Aboriginal community which have become more customary over the years, for example smoking ceremonies. The protocol highlights key ceremonial protocols and touches on specific protocols and practices and is only a guide to engaging the local Aboriginal community. The protocol should not be viewed as a protocol that replaces Council's obligations to consult with the local Aboriginal community in relation to their Community Engagement Policy.

**Recommendations:**

1. The AAC receive and note the information report and presentation and provide any input into the draft Aboriginal Cultural Protocol.
2. Recommend a draft Aboriginal Cultural Protocol be presented at the next scheduled AAC meeting.

**Attachment**

Welcome to Country Protocol

**Responsible Manager:** Lauren Peters, Acting Manager, Community & Cultural Life

**Report Prepared by:** Veronica Bird, ACLO

**Date of Meeting:** 9 May 2017

Following this report will be a "Welcome to Country" presentation by Veronica Bird.

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**Attachment - Welcome to Country Protocol****SHELLHARBOUR CITY COUNCIL  
WELCOME/ACKNOWLEDGEMENT OF COUNTRY AND ELDERS – PROTOCOL*****'WELCOME TO COUNTRY'***

A 'Welcome to Country' is where a Traditional Owner or descendant of the local Aboriginal group/s welcomes people to their land at the beginning of a major event, ceremony or meeting. The Welcome to Country is an important mark of respect for Aboriginal people and history and recognises respect for the land and culture.

One of the roles of Shellharbour City Council's Aboriginal Community Liaison Officer (ACLO) is to recommend a Traditional Aboriginal Elder or descendant of the land to perform the Welcome to Country.

There is no specific wording for a Welcome to Country and how it is performed is dependent upon the individual undertaking this responsibility.

The Elder or representative of the Aboriginal community performing the Welcome to Country should always be seated alongside other dignitaries and speakers at the event.

***'ACKNOWLEDGEMENT OF COUNTRY'***

An Acknowledgement of Country is a way non-Aboriginal people and Aboriginal people not from Country can show respect for the Traditional Aboriginal people and culture and the ongoing relationship of Traditional Owners with the land. A Chair or Speaker begins the meeting by Acknowledging that the Event or Meeting is taking place in the Country of the Traditional Owners.

**TRADITIONAL WELCOME OR WELCOME TO COUNTRY**

A traditional welcome is a speech that is done usually by an Elder of the local Aboriginal Community of the area. It is mostly done at major events, and meetings. It welcomes people to visit and meet on the traditional area. The traditional owners of the area are people who have originally come from that area, and also are acknowledged by the community. They are people recognised by the community as a whole.

**ACKNOWLEDGING TRADITIONAL OWNERS**

This is something that is done in acknowledgement of the traditional Aboriginal owners of the area in which you are working. It is done when an Elder or appropriate member of the Aboriginal community is not available to give the Traditional Welcome, or when a smaller less formal gathering is taking place.

To assist Shellharbour City Council's ACLO the following wording and colour guide was used to determine when it was necessary to conduct a 'Welcome to Country' and when it was required to do an 'Acknowledgement'.

Wording for an Aboriginal person who is not a traditional owner of the land where the event is being held:

*"I am (name) an Aboriginal person from (tribe/clan) and I acknowledge the Traditional Owners of the land we are meeting on and pay my respects to Elders past and present and pay my respects to the local Aboriginal people and community."*

Wording for a non-Aboriginal person:

*"I would like to acknowledge the Traditional Owners of the land we are meeting on today and pay my respects to Elders past and present and pay my respects to the local Aboriginal people and community."*

The following colour coded guide was created to determine whether a 'Welcome' or 'Acknowledgement' is required at Council events.

**1.**

**RED** Local event - any activity that is held in Shellharbour City Council area, is open for the public, is organised by Council staff, and the Mayor, Councillors, Members of Parliament or other distinguished persons are invited to attend. Media coverage will be expected.

*Official 'Welcome' by a local Aboriginal Elder is required.*

*It is also appropriate for each speaker to make an acknowledgement of the traditional owners when speaking after a traditional welcome.*

**2.**

**ORANGE** Service delivery/community development activity - any activity that is organised by Council staff to promote service delivery/community development outcomes, is open to specific members of the public, and the Mayor and/or Councillors may be invited to attend. Media release probably required.

*A 'Welcome' by a local Aboriginal Elder can be used or an 'Acknowledgement' by another Aboriginal person can be invited.*

**3.**

**GREEN** Service Delivery/community development occasion - any activity that is organised by Council staff to promote service delivery/community development outcomes and is not open to the general public. Media release may be required.

*Only an 'Acknowledgement' is required. This can be done either by asking Council's Aboriginal Community Liaison Officer and if unavailable, the Council Officer organising the occasion can do an 'Acknowledgement'.*

**PURPLE** Regional activity - any event that is organised by a regional working party, is open to the public and may involve the attendance of Mayor, Councillors, Members of Parliament or other distinguished persons may be invited to attend but is not a Council owned event although Council staff may represent Council on the working party.

*Official 'Welcome' by a local Aboriginal Elder is required.*

*It is also appropriate for each speaker to make an acknowledgement of the traditional owners when speaking after a traditional welcome.*



**3.3 Membership Update - Aboriginal Advisory Committee (10867155)**

The purpose of this report is to seek whether the Aboriginal Advisory Committee would like to fill the casual vacancy created by the resignation of Agnes Donovan.

There was some discussion at the last AAC meeting held on Tuesday 7 March 2017 that Iriaka Ross submitted an application for the 2015-2017 and if this was the case, maybe Iriaka could fill the casual vacancy. However, due to the lateness of her application and the AAC filling all positions, the AAC requested that Council check their records to determine whether this was the case. According to the records maintained by Council's ACLO, Iriaka did not submit an application for the current AAC term 2015-2017.

The AAC has also not received an apology from Michael Willis in accordance with Rule 7 of the AAC's Terms of Reference. To ensure procedural fairness, Michael will be advised of his absence for three consecutive meetings and we will seek whether he would like to continue his AAC membership. The AAC will be advised of the outcome of this process at their meeting in July.

To ensure the AAC is able to maintain its quorum, Council recommends rather than advertising to fill the casual vacancy, which could be two positions, that we approach previous AAC members and ask them to submit an expression of interest for the current AAC vacancy.

The current term of AAC members expires in December 2017 so it is more prudent to fill the vacancies as suggested above rather than advertising.

**Recommendations:**

1. The AAC receive and note the Information Report on the AAC casual vacancy.
2. The AAC recommend we approach a couple of previous AAC members to submit an expression of interest for the AAC vacancy and the AAC make a decision on these expressions of interest at the next scheduled meeting of the AAC which will be held on Tuesday 18 July 2017.

**Responsible Manager:** Lauren Peters, Acting Manager, Community & Cultural Life

**Report Prepared by:** Veronica Bird, ACLO

**Date of Meeting:** 9 May 2017

## **4. General Business**

### **4.1 NAIDOC Week**

This is a standing item on the agenda. Any developments will be reported to the meeting.

### **4.2 Employment**

This is a standing item on the agenda. Any developments will be reported to the meeting.

#### **4.2.1 Aboriginal Employment Strategy Update (10867156)**

The purpose of this report is to advise the Aboriginal Advisory Committee (AAC) of the intention to seek funding for the employment of a temporary part-time Aboriginal Employment Coordinator to assist in working towards a number of the actions outlined in the Aboriginal Employment Strategy (AES) as well as re-establish the AES Steering Committee.

At the previous meeting, the AAC was provided with the AES review document. As outlined in the previous report, the review found that the AES had been successful in that Shellharbour City Council (SCC) values an inclusive and diverse workforce, particularly the knowledge, skills, histories, traditions and cultures of Aboriginal People. Council, however, did not provide the level of support to Aboriginal employees envisaged in the AES nor was there a review of recruitment processes or position descriptions to incorporate cultural/ethical competencies. These deficiencies stem from Council not appointing a part-time Aboriginal Employment Coordinator. Many of the actions outlined in the Strategy will only be achievable through seeking funding for a part-time Aboriginal Employment Coordinator to reach our desired targets and effectively implement the AES. SCC is seeking endorsement from the AAC to apply for external funding to support this position. If successful in securing funding for the Aboriginal Employment Coordinator's position, SCC will be in a better position to determine the necessity for ongoing employment based on outcomes of the AES.

The development of the current AES was conducted by an AES Steering Committee established by SCC and the AAC. This group had strong representation of Aboriginal and Torres Strait Islander People, appropriate government employment and training representatives and other specialist employment agencies. Re-establishing this Steering Committee is important in order to be able to act upon the recommendations provided within the review document.

**Recommendations:**

1. Endorse the ACLO applying for external funding for the employment of a part-time Aboriginal Employment Coordinator.
2. Nominate two AAC representatives to participate in re-establishing the AES Steering Committee and representatives from other specialist employment agencies.

**Responsible Manager:** Lauren Peters, Acting Manager, Community & Cultural Life

**Report Prepared by:** Sharon Randall, ACLO

**Date of Meeting:** 9 May 2017

### **4.3 Bass Point Interpretive Centre**

This is a standing item on the agenda. Any developments will be reported to the meeting.

#### **4.3.1 Bass Point Interpretive Centre - Update (10867154)**

The purpose of this information report is to provide an update to the Aboriginal Advisory Committee (AAC) on the status of the next stage of the Bass Point Aboriginal Interpretive Centre Business Case (Business Case).

The Bass Point Aboriginal Interpretive Centre Steering Committee (Steering Committee) met on Tuesday 18 April 2017 to review the Expression of Interest (EOI) for the Business Case. The Steering Committee endorsed the EOI for the Business Case and the Group Manager, Community Connections and the Director; City Outcomes will now review the EOI prior to being approved for Tender.

The Business Case will specifically focus on the preferred site, known as the midden site, at Bass Point and will provide a more definitive viability of the project in terms of costings relating to the operations of the Centre. The Business Case is also integral in securing future funding for the construction of the Centre.

However, to ensure success of securing funding, the costs associated with services to the proposed Aboriginal Interpretive Centre is subject to the completion of the Shell Cove Waterfront development because of the location of the preferred site. The success of the Aboriginal Interpretive Centre is also reliant on the Waterfront facilities that are being developed because this enhances Council's success of securing funding.

Council understands the AAC's importance and passion around completing the Centre but it is equally crucial to the Centre's future sustainability that we do not proceed with the Centre prematurely which will affect adversely on Council, the AAC and the local Aboriginal community.

**Recommendation:**

The AAC receive and note the Bass Point Aboriginal Interpretive Centre information report.

**Responsible Manager:** Lauren Peters, Acting Manager, Community & Cultural Life

**Report prepared by:** Veronica Bird, ACLO's

**Date of Meeting:** 9 May 2017

**5. Items for Information****6. Next Meeting**

18 July 2017