

## **APPENDIX 1**

# **Aboriginal Community Participation in the Preparation of the Lake Macquarie Aboriginal Heritage Strategy**

---

## Appendix 1

# Summary of Aboriginal community participation in the preparation of the Lake Macquarie Aboriginal Cultural Heritage Strategy

Preparation of the Lake Macquarie Aboriginal Cultural Heritage Management Strategy commenced in 2001. Council and the consultants have worked closely with representatives of the Aboriginal community throughout the preparation of the strategy.

The project was completed in four stages:

- Stage 1 (1a): Information compilation and assessment, preliminary identification of Aboriginal cultural landscapes (desk top review). Prepared 2001 to 2002.
- Stage 2 (1b): Additional field work to confirm the presence and condition of selected site types in broad cultural landscapes across the City. Prepared 2003 to 2004.
- Stage 3 (2a): Aboriginal Heritage Management Discussion Paper. Prepared 2004 to 2005.
- Stage 4 (2b): Draft Lake Macquarie Aboriginal Cultural Heritage Management Strategy. Prepared 2005 to 2009.

The Lake Macquarie Aboriginal Cultural Heritage Strategy was initiated to show how LMCC would deliver the commitments made in its Statement of Intent to the Aboriginal community. The Statement of Intent was signed by Council and the Local Aboriginal Land Councils in 2001.

Aboriginal community participation in each stage is described below.

### 1.0 Stage 1: Information Compilation and Assessment

- LMCC established a Lake Macquarie Aboriginal Community Liaison Committee prior to commencing this project. The Liaison Committee had an opportunity to comment on the original brief for the project. The Committee includes representatives of Awabakal LALC, Koombahtoo LALC and Bahtabah LALC, and also Darkinjung LALC which has a boundary along the southern shore of the lake, but outside the LMCC area.
- LMCC established a Project Steering Committee for Stage 1, with the following membership (**Table 1**).

**Table 1 - Steering Committee Members**

Ron Gordon	Awabakal LALC
Michael Green	Bahtabah LALC
Robbie Briggs	Koompahtoo LALC
Leanne Thompson-Gordon	LMCC Aboriginal community worker
Henly Cox	LMCC Heritage Planner
Mark Nolan/Ian Shillington	LMCC Urban Designer/Strategic Planner
Councillor Mercia Buck	
Margrit Koettig	NPWS Central Directorate CHU archaeologist
Warren Mayers	NPWS Northern Directorate Aboriginal Liaison Officer
Tanya Koeneman	NPWS Central Directorate CHU Aboriginal Liaison Officer
Pam Dean-Jones (throughout project), Sibella Herbert (Stage 1a only), Katie Sachs (Stage 1b)	Umwelt

The Project Steering Committee met every month throughout Stage 1 (after access to site data had been agreed – see below).

- Lake Macquarie City Council (LMCC) could not commence this stage of the work until it had written agreement from each of the three Local Aboriginal Land Councils (LALCs) in the City to gain access to the DECCW (then NPWS) Aboriginal sites data base (now known as AHIMS). Council's Heritage Officer (Henly Cox) consulted and negotiated with the Awabakal, Bahtabah and Koompahtoo LALCs for six months in order to gain their consent to access to the DECCW site data for the whole of the local government area.
- Ongoing consultation with the three LALCs through their Coordinators (who were also members of the Project Steering Committee), at LALC offices. Land Council coordinators invited others to participate in these discussions. Discussion concentrated on information about places of importance to the local Aboriginal community and how that information would be used (mapped and reported) in the project. In part, the concept of mapping areas of cultural sensitivity (later to be used to derive cultural landscapes), rather than only mapping individual Aboriginal sites (i.e. the point locations in the AHIMS) arose from this consultation process.
- Consultation with Land Councils about criteria for selection and choice of areas to be included in the field survey component of the project (Stage 2-1b).
- It was agreed with the Land Councils that the report of Stage 1a would not be a public document, because it contains maps showing the extent of archaeological survey and the locations of all (then) known sites in the Lake Macquarie City area.

## **2.0 Stage 2 (1b): Archaeological Survey**

Meetings with the Project Steering Committee and the Land Councils continued throughout Stage 2 (1b). These meetings were held at LMCC and at the offices of the Land Councils. They covered topics such as:

- planning for the field survey;
- results of the field survey;
- keeping the Stage 2 results out of public circulation;
- organising the field days;
- reporting on the field days;
- what the surveys tell us about the archaeology of the Lake Macquarie area, which areas have greater sensitivity;
- issues and possible options for managing sites in different landscape contexts – particularly lake foreshore sites; and
- concerns about existing management, such as training gaps for council outdoor staff and Landcare teams.

In addition to the steering Committee meetings, Council’s heritage planner continued to report quarterly to the Lake Macquarie Aboriginal Community Consultative Committee about progress towards the Strategy.

Eleven targeted field surveys were conducted in different parts of the city, including the Watagan and Sugarloaf Ranges, Lake foreshore, along the mid to lower reaches of main creeks (e.g. Cockle Creek) and coastal headlands. Particular attention was given to grinding groove sites, which are widespread in the City.

Representatives of each LALC participated in the surveys within the boundaries of their Land Council. Up to three representatives of each Land Council participated in approximately five days of field survey. Harry Brandy was Councils Aboriginal Community worker at this time. Harry also participated in some surveys and in the field days (see below).

**Table 2** shows who participated on behalf of the Land Councils.

**Table 2 - Survey Participants**

<b>Land Council</b>	<b>Representatives</b>
Bahtabah	Noel Date, Clifford Green, Michael Green
Awabakal	Ken McBride, Kevin Gordon, Ron Gordon
Koompahtoo	Ken McBride, Michael Smith

When the detailed surveys were complete, each Land Council hosted a field day for members of any of the three Land Councils to attend, showcasing the sites that had been recorded (or rerecorded), and discussing their significance, their condition, ongoing threats to conservation and potential management options.

Three field days were held. The first covered areas around the eastern lake shoreline and the coast (hosted by Bahtabah LALC). The second covered parts of the western lake shoreline and parts of the Sugarloaf Range (hosted by Koompahtoo LALC). The third, hosted by Awabakal LALC, revisited Mount Sugarloaf, a stone arrangement site and other places in the western part of the Awabakal LALC area.

The field days involved elders, community members and families applying for recognition as traditional Aboriginal owners. Each field day included a picnic lunch (at Green Point and at

---

Mount Sugarloaf) and informal discussion about site condition, site management and historical attachment of different local Aboriginal families to different parts of the lake landscape. Approximately twenty people attended each field day.

Individual briefings and discussions with Land Councils were held at this time. **An example of the briefing information for the Awabakal LALC follows.**

---

# Awabakal Local Aboriginal Land Council

## LAKE MACQUARIE ABORIGINAL HERITAGE STUDY

### BACKGROUND, PROGRESS AND DIRECTION

---

#### BACKGROUND

- Council strategic planning initiatives – Lifestyle 2020 and LEP 2004.
- Statement of Commitment.
- Acknowledgement of poor information and awareness of Aboriginal cultural values amongst planners and decision makers, and therefore ongoing significant risks to Aboriginal culture as the city develops.
- Council responsibilities and opportunities for improved management of Aboriginal cultural heritage values in the Lake Macquarie area.

The Study commenced in 2001. It is a four staged project, reflecting funding opportunities. Stages 1A and 1B have been completed. Stage 2A has recently commenced and Stage 2B will be completed by mid 2005.

There is a project steering committee comprising co-ordinators of Awabakal, Koombahtoo and Bahtabah Local Aboriginal Land Councils, Harry Brandy (Council), Councillors (Mercia Buck), Council's heritage officer, Council planners and NPWS (now DEC). Darkinjung LALC also attends sometimes.

#### OBJECTIVES OF THE STUDY

- Council respecting the values and culture of Aboriginal people.
- An up to date database of known site records, with appropriate controls on access to this information.
- Improved understanding of significance.
- Planning tools – referral and assessment processes.
- Improved communication about planning issues.
- New awareness and guidance materials for the community.
- Council demonstrating leadership to the wider community.

---

## **STAGE 1A**

- Review of existing site records – DEC Register and reports.
- Update site cards.
- Review historical information such as Threlkeld.
- Koe Inba committee records and discussion with people who were involved (e.g. Ken McBride).
- Prepare data base.
- Map localities with cultural sensitivity – story and site associations.
- Preliminary occupation and significance models.

## **STAGE 1B**

- Field testing to clarify or improve records from 11 selected areas.
- Surveys based around five major landscapes – lake shore, major creek catchments (eg. Cockle Creek and Burkes Creek), minor creek catchments (such as Kilaben Creek), mountainous areas (Sugarloaf Range), and coastal areas (beaches, dunes and headlands).
- Locate previously recorded sites – current condition of middens, open artefact scatters and grinding grooves. Understand ‘site boundaries’ in their landscape context e.g. multiple midden exposures along a shoreline.
- Confirm previous site identifications, investigate physical evidence links to historical information.
- Understand diversity of occupation evidence – age of occupation and associations between sites.
- Improve survey coverage.
- Understand and evaluate risks to site based values – which site types are most affected?
- Review resource associations of different landscapes – plants, fish, shellfish etc.
- Surveys conducted with site officers from each of the three LALCs.

## **OUTCOMES TO DATE**

1. Areas where cultural values are likely to be retained (relatively intact and with their natural context) in the landscape:
  - Mount Sugarloaf and the Sugarloaf Range (especially creeks and rock shelters).
  - Small catchments on the western side of Lake Macquarie.
  - Parts of the Crokers Creek/Jewells catchment.

- 
- Middle reaches (freshwater) of major creeks, such as:
    - Stony Creek, Palmers Creek, Lords Creek;
    - Dora Creek, Jigadee Creek, Stockton Creek;
    - Wyee Creek, Pourmalong Creek; and
    - Burkes Creek, Cockle Creek, Slatey Creek.
  - All relatively undisturbed sections of the Lake Macquarie shoreline.
2. Current and future threats to significant or sensitive areas:
- At least one quarter of known sites have been totally destroyed, many others are heavily impacted – either the archaeological evidence (objects) or their landscape context.
  - High impact on coastal sites, lakeshore sites.
  - Impacts in catchment areas – tracks (access and erosion), recreational usage, rubbish dumping, fire, extension of urban development.
  - Creek bank and lake shore erosion and structural control measures.
  - Lack of awareness amongst community conservation groups – works to manage other environmental issues can further impact on sites (middens and artefact scatters).
  - New development assessment process – lack of clarity for smaller scale development – referrals, consultation, offsets etc.
3. Actions to consider in Stage 2A:
- Enhance Aboriginal community participation in strategic land use planning and development assessment processes.
  - Wide ranging community awareness and education programs – cultural heritage values of the Lake Macquarie area, what makes some places so important, what has already been lost, responsibilities of Council and community.
  - Enhanced Aboriginal community participation in Landcare.
  - Further documentation of Aboriginal cultural ecological resources in the landscape – perhaps tied to the Awabakal language revitalization program? Gaps in how the planning system understands and responds to traditional values, practices and knowledge.
  - Strong measures within Council to ensure that all sections doing works on the land understand their responsibilities to protect Aboriginal sites and are aware of the cultural values of places – communication with Aboriginal community representatives.
  - Strategic discussions with mining companies about long term conservation management opportunities – both in terms of land and assistance/support for management – will involve also Council and State Agencies.



- 
- Improve communication between Land Councils, LMCC and DEC – in relation to Integrated Development Approvals and other referrals.

#### 4. LEP2004 and DCP1:

- Preliminary identification of culturally significant areas for development assessment purposes – referrals to Land Councils and/or DEC for survey and assessment.
- DCP1 picks up rezonings, Greenfield sites and any development within 100 metres of the Lake shore, plus other sensitive areas.
- Consideration of Section 149 certificates.

### **STAGE 2A**

Aim is to bring more traditional community knowledge into the project, leading to refined concepts of sensitivity, conservation value and threats – these are important for developing better planning tools.

- Discussion and field days with Awabakal, Koombahtoo and Bahtabah LALCs.
- Each Land Council and traditional owners 'hosting' a field day to which other groups are invited – visits to places that are sensitive, highly valued, or under threat.

Koombahtoo – 13 May – Sugarloaf, Keepa Keepa and Sunshine shoreline;  
Bahtabah – 19 May – Green Pont shoreline, Swansea Heads; and  
Awabakal – 26 May.

- Briefing to Lake Macquarie Councillors.
- Investigations of creek stratigraphy – landscape integrity in the middle reaches of major creeks.

### **STAGE 2B**

- Combine all the study information into a single report.
- Develop management options and evaluate against Aboriginal community and Council objectives.
- Review and refine policy and statutory planning instruments.
- Consistent approaches across the lower Hunter.
- Workshops with land managers – Aboriginal community, agency, council and community – strategic responses and management options – what will change?
- Exhibition of the study, consultation materials for the broader community.

### **Notes from Field Days**

Notes from the field day on 13 May 2004 (hosted by Koombahtoo LALC) follow, as an example of activities on these field days. These notes were made by an Umwelt staff

---

member who attended the field day, drawing on the advice provided by Aboriginal community participants.

## **Notes from Aboriginal Community Field Day, 13 May 2004**

### **Stop 1 – Mount Sugarloaf Lookout**

- The panoramic view across the landscape here is thought to have been important for educational purposes. It is thought that the elders came with the younger people to show them important areas and where the different clans occupy etc. The view across the landscape enabled them to see where smoke signals were coming from, and was also a good site in which to send off smoke signals.
- It is likely that Aborigines migrated to this area in the warmer, summer months. The canopy cover gave them shelter from the heat and there were numerous animals such as Wallabies and Goannas around at this time of the year (these animals became scarcer in the cooler months).
- There are reported to be numerous sites of significance across the Sugarloaf ranges. This includes men's, women's and family sites. Young men would have been initiated here, as it was a very good learning area.
- There is reported to be a natural spring in this area, although has not been located yet. Rob Sampson is looking for this during his surveys for State Forests.

### **Stop 2 – Creekline with Axe Grinding Grooves (below Sugarloaf)**

- Resources available in this area may have included Wallabies, Goanna, snakes, Lilly Pilly (*Backhousia myrtifolia*), native seeds (*Acacia* spp., Grasses, *Lomandra* etc.), Settlers Flax and *Lomandra* for weaving, Tea Tree (*Leptospermum polygalifolium*) and Eucalypt spp. for medicinal oils and tea, Paperbark for cooking meet in fire, Burrawang (seeds roasted or ground), Ground Orchids (underground bulbs eaten), Bracken Fern (rhizome eaten), *Dianella caerulea* (fruits eaten), Grass Tree (flower stalk used to carry fire?) and *Banksia* spp. (nectar).
- The creekbed is bedrock, and as such is an ideal site for axe grinding grooves. There are reported to be over 400 axe grinding grooves along this creekline. The grooves are located in the flow of water, as the friction helps to increase the friction between the bedrock surface and the rock being ground. The narrower grooves (none seen in this location) are from sharpening spears.

### **Stop 3 – Keepa Keepa**

- This area is described as the "Eagle Eye" of the landscape, this is because of the panoramic view of the areas surrounding Lake Macquarie that can be seen from this lookout. It is reported that the elders that come up to Keepa Keepa have a special feeling about the place. The more time they spend here the more they are finding out about the place and how the area was used by Aborigines prior to European settlement.
- There are numerous Bush Foods, medicinal plants and useful plants in this area. Rob Sampson from State Forests has helped to survey the area and map out a bushfood trail to use for educational purposes for visitors to Keepa Keepa. Some of the Bushfoods seen in this area include Apple Berry (*Billardiera scandens*), Burrawang, Settler's Flax

---

(*Gymnostachys anceps*), numerous *Acacia* spp., Bracken Fern, Kurrajong, Mat Rush (*Lomandra longifolia*), *Dianella caerulea* and Native Grape (*Cayratia clematidea*).

- We were shown a cave that was used by Aborigines in the past. This cave has a good view across the landscape. There is a burial site at the base of the slope below the cave. It is said that there was a battle carried out at this location.

#### **Stop 4 – Sunshine**

- The clans may have migrated to the foreshore from the Mountains in cooler months when resources in the Mountains were becoming scarce. There was abundant seafood on the coast to keep Aborigines sustained.
- Numerous middens were located along the foreshore at Sunshine, as well as some stone artefacts. These middens have already been disturbed as there are walking tracks that run through the middens.
- Dawn emphasized that it is not only the middens that are important to the Aborigines, it is the whole landscape. Their people utilised numerous resources within the landscape and as such there is no one significant spot. The middens are just the pieces of a puzzle, helping them to link up where the Aborigines undertook different practices. For example the axe grinding grooves at Sugarloaf indicates that tools were made in the mountains and ceremonies carried out there, while the middens on the coast demonstrate areas where they would have fed and played. It is important to document all records of Aboriginal occupation so that we can put the pieces together to interpret how they used the landscape and their habits prior to European occupation.
- When asked for suggestions on how to manage sites such as the middens at Sunshine, it was suggested that some areas should have access excluded in order to protect their culture. Development is encroaching on the entire foreshore, so important sites with middens etc such as those at Sunshine are becoming scarce.

#### **General**

- Rob Sampson spoke briefly about the use of fire by Aborigines. As they moved on from a campsite, they would burn the area so that when they come back next season there would be lush new regrowth and an abundance of fauna that have come to take advantage of the new growth. This was a way of ensuring resources where abundant at the various sites that they traveled between.

### **3.0 Stage 3: Discussion Paper**

The Discussion Paper was completed in March 2005. It was intended to introduce Council's proposed management of Aboriginal cultural heritage to other state agencies and adjoining local councils.

In the lead up to the circulation of the Discussion Paper, the Project Steering Committee continued to meet, to discuss:

- Aboriginal community objectives – what they wish to achieve with the Strategy;
- confirm existing issues;

- 
- scope out possible management options;
  - details of how the options could be implemented;
  - concerns about the wording and signatories to the Statement of Intent;
  - resources available within the Aboriginal community to respond to planning referrals;
  - how planning referrals for cultural heritage issues were being handled at other Councils (such as Hornsby, Ku-ring-gai and Shell Harbour) and what could be learnt from their experience; and
  - what would happen during the remainder of the project, including council briefings and agency briefings on the Discussion Paper, the preparation of the draft Strategy, an extended exhibition of the draft Strategy and a seminar with Council.

The Discussion Paper included all the main Aboriginal cultural heritage management themes for the City and suggested how Council would proceed to improve the sustainability of its management and to deliver the Statement of Intent to Aboriginal people.

During this period, the two families applying for recognition as Traditional Aboriginal Owners established separate organisations (corporations). Both families had previously been involved in the project as members of a Land Council. The Project Steering Committee was expanded to allow these new groups to be represented. All three LALCs continued to be represented on the Project Steering Committee, most often by their Co-ordinator, but sometimes (or also) by Site officers or other LALC members.

Prior to the distribution of the Discussion Paper to the State agencies, a presentation was made at each LALC and to the Lake Macquarie Aboriginal Community Consultative Committee. Feedback – verbal or in writing, was invited. No written feedback was received. Aboriginal community members were invited to attend the workshops held at Council (in the Council chambers) for State agencies.

Representatives of the three LALCs and the consultant met with DECC(W) and the Hunter Central Rivers Catchment Management Authority in late 2004 to discuss the concept of Sensitive Aboriginal Cultural Landscapes (developed in Stage 1b and 2a of the Lake Macquarie project) and how the concept could assist with strategic regional land use planning and land management projects. They also provided advice to DECC in relation to the cultural heritage aspects of its Comprehensive Coastal Assessment program.

Representatives of the three LALCs joined Council and the consultant to jointly make a presentation at the November 2004 Coastal Conference, held at Lake Macquarie. Representatives of other local Aboriginal community groups also attended. The presentation focused on how Cultural Landscapes had been defined in the City, the concept of Sensitive Aboriginal Cultural Landscapes as a planning tool and how it would be used in strategic planning and development assessment planning in the Lake Macquarie City Council area. **A copy of the conference paper is attached.**

## 4.0 Stage 4: Draft Strategy

After the Agency workshops on the Discussion Paper, the Project Steering Committee met to discuss the feedback and to work through some of the details of planning issues.

---

## DECC(W) Interim Aboriginal community consultation guidelines

DECC(W) released its Interim Aboriginal Community Consultation Guidelines in 2005. These relate particularly to proposals which impact on known Aboriginal sites. Whilst the Lake Macquarie Aboriginal Cultural Heritage Strategy is not an application in relation to specific archaeological sites, it is establishing how Council will advise applicants and how it will work with the local Aboriginal community to better manage the City's Aboriginal cultural heritage values. For this reason, Council adopted an inclusive Aboriginal community consultation approach, providing opportunities for all local Aboriginal community groups (as identified by DECC(W)) to provide input on the developing strategy.

Meetings during 2005 included:

- May 2005: Rolf Fenner (then Council's Principal Strategic Planner) briefed the Community Consultative Committee on the Aboriginal Heritage Strategy. All Aboriginal members of the Project Steering are also members of the Community Consultative Committee.
- June, July, August, 2005 – monthly meetings of the Project Steering Committee, to discuss details of the proposals for each main section of the Strategy. These meetings followed a collaborative process, to make sure that issues and concerns from the Steering Committee were fully followed through and that everyone was kept abreast of the content of sections of the document. **An example of a follow up letter (to Koombahtoo LALC is this instance), prior to the presentation to the Consultative Committee in August 2005, is attached below.**
- August 2005 – Briefing to Community Consultative Committee on the draft Strategy (**Agenda and copy of presentation are attached**). Note that other items on the agenda are also issues addressed in the Strategy. Consultative Committee Members were invited to forward comments to Council in writing. No comments were received.

---

## **Example of letter to Land Councils thanking them for participation up to 2005**

13 July 2005

Lois Towney  
Koompahtoo Local Aboriginal Land Council  
6/7 Pemell Street  
TORONTO NSW 2283

Dear Lois

### **Re: Comments on the Working Draft of the Lake Macquarie Aboriginal Heritage Strategy**

Thank you for your contributions to the preparation of the Aboriginal Heritage Strategy at meetings over the last few weeks. We now have a preliminary working draft of the text of the document (copy enclosed).

At the end of yesterday's meeting, we agreed on some timeframes to progress the project towards finalisation. We are aiming to have a full draft of the Strategy ready to present to the Consultative Committee at its meeting on 10 August. The intent would be that the agenda on that day will include:

- discussion of the wording of the Statement of Commitment;
- how Council will show respect for traditional Aboriginal owners and culture, both within the Council Chambers and as a display in the foyer; and
- an overview of the planning, data management and referral recommendations in the draft Strategy.

We are awaiting confirmation that we can fit all of these items on the agenda. In the mean time, there is still quite a lot of work to do on the draft, to get it ready for review. It was agreed that Umwelt would continue to work on the incomplete sections of the draft over the next ten days or so. All members of the working group have a copy of the current preliminary draft. Could you please review the document so far and get back to me with any major concerns, no later than 26 July. Could you please not circulate this draft widely as it is only a working version for the consideration of working group members.

That will give Umwelt a few days to make edits and then send a full draft to Rolf at Council for a further review prior to finalising a draft for circulation to the Consultative Committee.

After the presentation to the Consultative Committee, all members will be requested to provide any feedback within 10 days, so that an exhibition draft can be finalised. Rolf will prepare a report to Council outlining the content and exhibition process for the full draft of the Strategy. This must be approved before exhibition commences.

At this stage, we anticipate that the draft strategy will be exhibited for at least four weeks from mid September. We will prepare a poster and/or brochure to accompany the exhibition. Two general community meetings are also planned, to provide information to the public about the Strategy and contribute to raising awareness of Aboriginal cultural values in the City.

---

At the conclusion of the exhibition, Umwelt will review all submissions that are received. We will then convene another meeting of the working groups to go through the submissions and determine any changes that should be made to the report. Once these edits have been made, the entire strategy will be presented to Councillors.

Hopefully, we can get the Strategy adopted by the end of 2005.

As you can see, we still have a long way to go, although excellent progress has been made because of the extent of discussion over the last few weeks. If you have any comments at this stage, please let me know as soon as possible.

Thank you for your continuing assistance with the project.

Yours faithfully

Pam Dean-Jones  
Associate

enc

## 1.0 Meeting Agenda

### 1.0 Lake Macquarie Aboriginal Consultative Committee Meeting

<b>Location:</b>	Committee Room	<b>Date:</b>	10 August 2005
<b>Chair:</b>		<b>Time:</b>	12.00 pm
<b>Invitees:</b>	All members of the Committee, State & Federal Members, Council staff		
<b>File No:</b>	F2004/10125		

## 2.0 Agenda Items

Agenda Item Ref	Agenda Item	Responsibility
1.	Apologies	
2.	Review Action Item Log from Previous Meeting 11-05-05	
4.	Aboriginal Heritage Study	
5.	Dual naming Green Point	
6.	Aboriginal Employment Strategy	
7.	General Business	
	1. Review Statement of Commitment	
	2. Threlkeld Project Presentation at 1.00 pm	
	3. Aboriginal Flag in Council Chambers	
	Next meeting – 9 November, 2005	

## 3.0 Action Item Log

Action Item Ref.	Action Item Description	Listed Date	Due Date	Completed/Status	Resp.
2.	Aboriginal Employment Strategy – suggestion to hire consultant in Human Resources	12/5/05	10/8/05		RO
3.	Welcome to Country before each Council meeting once plaque is up	12/5/05			ACC
4	Dual naming Green Point – design and wording to be ready by next meeting for wall and gate	9/2/05	10/8/05		
4.2	Aboriginal Heritage Study – bring strategies to next meeting	9/5/05	10/8/05		RF



# Lake Macquarie Aboriginal Heritage Management Strategy

August 2005

Lake Macquarie Aboriginal Heritage Management Strategy

## From Discussion Paper to Strategy

- Briefings and discussion with Council staff and State agencies, seeking feedback on concepts in Discussion Paper
- Detailed working sessions with Traditional Owners and Land Council representatives on draft text for Strategy
- Working towards full draft for exhibition
- Propose that Council will resolve to exhibit the draft Strategy for 6 weeks, in the final quarter of 2005
- Community information and meetings during exhibition period
- Report outcomes of exhibition to Consultative Committee, Steering Committee and Council

Umwelt  
Environmental Consultants

## Context of the Management Strategy

- Council's responsibilities – planning decisions, communication and on the ground activities
- Council's opportunities – regional strategic planning, contribute to interagency initiatives, provide example of respect for culture and quality processes
- Council's Statement of Commitment to the Aboriginal community of Lake Macquarie
- Importance of Principle of Intergenerational Equity and Precautionary Principle
- Aboriginal community – attachment to country and custodianship
- Sensitive Aboriginal Cultural Landscapes as a primary planning tool

## Five Key Main Management Themes

- Data management and communication
- Strategic planning and conservation
- Streamlined development assessment
- Managing public land
- Partnerships and community support

## Data Management and Communication

- Regional management of cultural heritage information
- Assistance to Aboriginal community – data systems
- Council holds site information only for public lands in its management
- Management of 149 certificate information
- Aboriginal flag, recognition of traditional owners at Council meetings, upgrade display at Council, signage on cultural walks, bush tucker gardens, etc
- Web site and other general community access to cultural heritage information – consultation process

## Sensitive Aboriginal Cultural Landscapes

- Key planning and development assessment tool – see also DIPNR, DEC and CMA
- Includes sites, places, lands with important traditional cultural resources, places associated with stories, cultural knowledge, contact period sites

## Strategic Planning

- Amend objectives of environmental protection zones to include protection of Aboriginal cultural heritage values
- Importance of middle reaches of major lake catchments
- Opportunities for conservation outcomes in "investigation" zones
- New Aboriginal Place nominations
- Formal listings in Commonwealth Heritage Lists
- Voluntary Conservation Agreement areas
- Offset management
- Consistent conservation approach across region

## Development Assessment

- Development affecting known sites – NPW Act 1974
- Development affecting Sensitive Aboriginal Cultural Landscapes
- Criteria to filter development assessment requirements – by zone
  - Proximity to known Aboriginal sites
  - Extent of previous disturbance
  - Extent of proposed development
- Minor development in disturbed terrain will not require an Aboriginal heritage assessment
- Consultation, referral and notification requirements to maximise effective opportunities for Aboriginal community inputs
- Resourcing assistance – potentially large workload

## Managing Public Land

- **Aboriginal involvement in Landcare**
- **Guidelines for Landcare groups**
- **Review management of Swansea Heads reserves**
- **Protocols for consultation – preparation and implementation of Plans of Management**
- **Cultural awareness training for Council field staff**
- **Planting guide – culturally important plants**
- **Involvement in signage and interpretation**

## Partnerships and Support

- **Review Statement of Commitment**
- **Reporting on achievements**
- **Flag and statement of recognition for Traditional Owners**
- **Skill development and job competitiveness – program developed in consultation with community**
- **Landcare involvement and training – custodianship**
- **Major events, displays, promoting the City's pride and respect for its cultural heritage**

# 1.0 Meeting Agenda



## Strategy Development Hiatus - 2006

There was a hiatus in work on the project during 2006, other than a few briefings with individual groups. The break in progress was due to the departure of Council's Principal Strategic Planner (Council was not able to appoint a replacement quickly) and to the temporary absence of the consultant due to family illness.

Council met with Koopahtoo LALC to discuss their concerns about development assessment referrals on 24 July 2006.

Council received correspondence from Koopahtoo LALC (September 2006) about the appropriate groups to be consulted about Aboriginal cultural heritage values in Lake Macquarie.

A meeting was held with the Hawken family in October 2006.

## Further Planning and Consultation, 2007-2009

In 2007, work towards finalisation of a draft of the Strategy, which would be practical for Council to implement and would be consistent with new planning requirements (e.g. State-wide LEP template and exempt and complying SEPP) recommenced.

There were multiple briefings and discussions with Council's strategic planners and development assessment planners about a clear and practical path forward. Senior Council staff were briefed about the Strategy content and implications.

Council also sought further advice from DECC (Aboriginal Heritage Unit at Coffs Harbour) and Department of Planning.

At the same time, Council continued to provide opportunities for the local Aboriginal community to comment on the updated draft Strategy. This included:

- Information and briefings offered and/or provided at the Lake Macquarie Aboriginal Community Consultative Committee.
- A meeting of the Project Steering Committee in early 2007, to review the document status and to discuss the way forward, so that new statutory requirements could be incorporated. Representatives at this meeting raised concerns about matters that had been agreed in late 2005. These concerns included whether the document could include a map showing Sensitive Aboriginal Cultural Landscapes; where the boundary of some landscapes (such as lake foreshore) should be located; whether any culturally valued places should be named in the strategy document; how the document should refer to the local Aboriginal community; the wording of the Statement of Commitment.
- Written and telephone requests for meetings with each LALC to discuss outstanding concerns with the draft Strategy.
- Written and telephone requests to each LALC to provide written comments on the draft Strategy and/or to agree to its exhibition.

No written response was received from any of the three LALCs. The LALCs did not take up Council's offer for face to face meetings about any outstanding issues. The LALCs chose

# 1.0 Meeting Agenda

---



not to attend some meetings of the Lake Macquarie Aboriginal community Consultative Committee when updates on the draft strategy were reported on.

Council met separately with other local Aboriginal community groups, in accordance with the DECCW Interim guidelines.

Following further liaison with the Land Council by Council's Aboriginal community liaison officer in July 2009, Council convened a meeting of the three LALCs on 10 August 2009 to discuss issues of concern and to report on changes to the draft document, made to satisfy new legislation and previous verbal comments from the Land Councils.

All Aboriginal community groups will have a further opportunity to comment on the draft strategy when it is exhibited.

Submissions made during the exhibition period will be summarised and discussed at a meeting of the Project Steering Committee (or other meeting arrangements made between Steering Committee members and Council), prior to final edits being made. The final document will then be put to Council for adoption.

# **VALUING ABORIGINAL CULTURAL HERITAGE IN STRATEGIC LAND USE PLANNING – LESSONS FROM THE LAKE MACQUARIE HERITAGE STUDY**

**Pam Dean-Jones, Umwelt Environmental Consultants  
Ian Shillington, Lake Macquarie City Council  
Awabakal, Koombahtoo and Bahtabah Local Aboriginal Land Councils**

## **ABSTRACT**

The Lake Macquarie Aboriginal Heritage Management Study is contributing to the implementation of key concepts in Council's Statement of Commitment to Aboriginal people by establishing a strategic land use planning framework that respects past and continuing Indigenous cultural practices and values.

The project has been continuing for three years, building improved Council awareness of the Aboriginal cultural values and assets of the city, improved communication with the local Aboriginal community and developing a sound basis for cultural heritage planning processes in the city. The project has revealed significant losses to archaeological components of Aboriginal heritage. Fragmented data and poor community awareness have contributed to a low level of conservation protection, inefficient cultural heritage assessment processes and ongoing degrading of fragile sites and places.

Following extensive stakeholder consultation across the broad Lake Macquarie community in early 2005, the new strategy is expected to recommend priority conservation options, revisions to development assessment and referral processes, new community information packages and more focused resourcing of Aboriginal community groups to facilitate cultural heritage input to planning decisions.

## **KEY WORDS**

Aboriginal cultural heritage, strategic planning, local government.

## **INTRODUCTION**

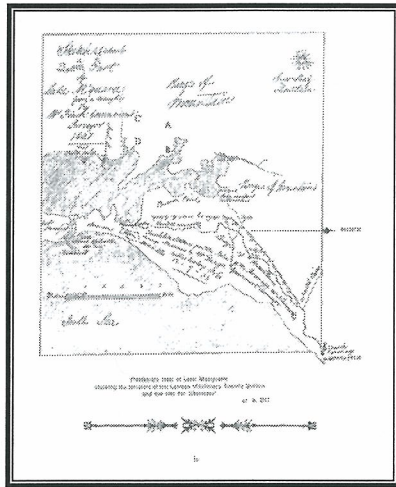
The NSW Coastal Policy 1997, Comprehensive Coastal Assessment Process and several publications by the former Healthy Rivers Commission, as well as the Central Coast Catchment Blueprint (2001), have highlighted the importance of fostering real opportunities for Aboriginal people to contribute to planning for sustainable management of the coastline. The Lake Macquarie Aboriginal Heritage Study is also focused on a collaborative process for bringing Aboriginal community perspectives into strategic planning in the coastal zone, creating a framework that encourages ongoing consideration of the Aboriginal values of the Lake Macquarie landscape. The Aboriginal cultural heritage management strategy that is being prepared will provide guidance and procedures for:

- Strategic land use planning (settlement strategy, zoning, conservation planning);
- Development assessment;
- Ongoing management of land for which Council has responsibility; and
- Community cultural awareness and understanding.

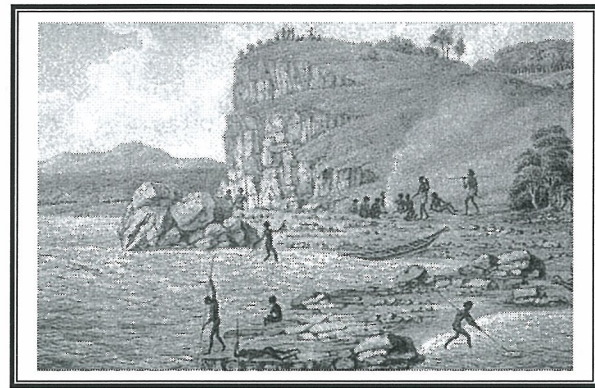
The traditional country of the Awabakal people includes the entire Lake Macquarie Local Government Area (LGA), encompassing open coastline, estuarine and hinterland environmental contexts. More than 500 Aboriginal sites are known from the LGA and there are also strong community historical and spiritual associations with major features in the landscape. It is fortunate that the Reverend Threlkeld, who established a Mission to Aborigines at Lake Macquarie in the 1820s, kept detailed records of the lives and activities of the people he met and the landscape in which they lived. Threlkeld also translated St Luke's Gospel into the Awabakal language as well as recording Awabakal dictionaries and grammar with assistance from Birabahn (Johnny Magill). This work has been an invaluable source



of traditional Awabakal words for the local Aboriginal community, facilitating reconnection with past traditions. **Plates 1** and **2** illustrate early historical views of Awabakal people at Lake Macquarie.



**Plate 1**



**Plate 2**

Lake Macquarie City Council has signed a Statement of Commitment with the three Local Aboriginal Land Councils in the city, which affirms the importance of Aboriginal cultural places and practices, as well as the role of Aboriginal people in sustainable management of the landscape. Lake Macquarie LGA is experiencing continued strong population growth, creating high potential risks to fragile archaeological aspects of Aboriginal heritage, as well as to the character of places having traditional cultural associations. General community awareness of the scope and value of the Aboriginal heritage of the city is low.

In 2000, Lake Macquarie City Council commenced work on a new Local Environmental Plan and integrated Development Control Plan for the city, beginning with the comprehensive strategic planning process and Strategy, Lifestyle 2020.

Under the heading “A well designed and liveable city”, the Lifestyle 2020 Strategy identified broad strategies for fostering cultural values in the city, including:

*Requiring places of heritage or cultural significance to be appropriately identified, protected, maintained and enhanced in co-operation with Indigenous groups, historical organisations, local communities and relevant government agencies.*

At that time, Council had limited awareness of the Aboriginal cultural values of the city or the extent of impact of existing development. The Lake Macquarie Aboriginal Heritage Study commenced in 2002, with six principal objectives:

- Provide Council (planners, land managers and Councillors) with a sound understanding of the extent and value of the Aboriginal cultural resources in the city, and of the extent of exiting impacts on these resources;
- Identify parts of the city which have significant cultural heritage conservation values
- Raise awareness of Indigenous cultural values in the city amongst key land user and management groups, including conservation groups such as Landcare, the development industry, occupiers of highly sensitive landscape units and recreational users of waterfront or bushland reserves;
- Establish a strategic planning framework that takes into account the archaeological and cultural conservation values attached to the land, leading to stringent zoning and development assessment requirements for sensitive areas;

- Establish a consistent framework for the management of Aboriginal heritage in Lake Macquarie and contiguous LGAs (Newcastle, Maitland, Cessnock, Wyong); and
- Ensure an effective, efficient and culturally appropriate referral process for certain new development and land management activities in the Lake Macquarie LGA, so that the Aboriginal community can comment on potential impacts on cultural values during development assessment and can advise or participate in conservation activities.

### **SCOPE OF THE PROJECT – ASPECTS OF ABORIGINAL CULTURAL HERITAGE**

For this project, Aboriginal cultural heritage has been interpreted to include the following:

- pre European archaeology (Aboriginal sites and places under National Parks and Wildlife Act);
- contact history – places and stories that demonstrate a shared heritage from the early colonial period;
- Awabakal language – an integral part of traditional understanding of the landscape. This project is not directly involved in the regeneration of the Awabakal language, but acknowledges the work being done in this regard by the Awabakal community;
- Awabakal traditional knowledge – about the landscape and spiritual interpretation, community practices and rules, as conveyed in stories about places and cultural traditions. This refers to the knowledge of elders and traditional owners;
- Cultural landscapes as a means of tying archaeology and traditional knowledge together with the physical landscape.

The more recent social history of the broader Aboriginal community in Lake Macquarie is not specifically part of this project, although it is acknowledged that the interests of Aboriginal people in the Lake Macquarie community are not restricted to those of traditional Awabakal people.

### **KEY FEATURES OF THE LAKE MACQUARIE CULTURAL LANDSCAPE**

The section notes some examples of Awabakal community identification with their Lake Macquarie country. The Awabakal language words have been drawn from the work of Threlkeld and Birabahn in the early nineteenth century. Other important or sensitive areas are identified because of the presence of abundant traditional resources or extensive archaeological evidence.

**Figure 1** shows the broad distribution of Aboriginal sites and archaeologically sensitive areas in the Lake Macquarie LGA. **Figure 2** highlights some key features that are identified in Awabakal language.

- Awaaba – traditional name for the lake until visited by Governor Macquarie in 1816-17.
- Mount Sugarloaf (Warrawelong) – the major landmark of Awabakal territory. Mount Sugarloaf can be seen from almost everywhere and there are many stories of spiritual values, initiations etc. There are also stories about connecting pathways – to Hexham Swamp, to Lake Macquarie, to the West Wallsend area and west to Wallis Creek. Connections from mountains to lake along the main tributary valleys such as Dora Creek and Cockle Creek also raise the potential significance of terrace deposits.
- Swansea Heads/ lake entrance - Yirri-ta-ba (holy place).
- Mul-lung-bu-la the name of two upright rocks on a bluff at the lake side (possibly at Coal Point). Two women, turned into rocks after being beaten to death.
- Ni-rit-ti-ba - Mutton bird island at the mouth of the lake.
- Pulbah Island – the name is the general Awabakal word for “island”, formerly known as Boroyirong.

- Munibung – Ko-na-ko-ina-ba- a place where veins in the stone (ironstone?) provide a yellow substance, used for paint in warlike expeditions. This place was a large mountain on the north extremity of Lake Macquarie.
- Wau-wa-ran – a fresh water hole between the lake and the mountains, reported to be bottomless and inhabited by a monster fish (much larger than a shark). This monster frequents the nearby swamp and kills Aboriginal people. A related monster lives in the lake near Pulba (bo-ro-yi-rong). If stone are thrown off the cliff into the lake here, tea tree bark floats up, followed by the monster who will swallow alive any Aboriginal people nearby in their canoes.
- Fennell Bay – Kur-rur-kur-rau. A forest of petrified wood. Formerly one large piece of rock which fell from the heavens and killed a lot of Aboriginal people.
- West Wallsend – Pitoba – place of pipe clay (this pale clay was used for painting the body during mourning).
- Young Wallsend (Teralba?) – Tulkaba – place of soft tea tree.
- Grinding groove sites. Some 60 grinding groove sites are known from Lake Macquarie. Cooksey (c 1920) describes flaked stone artefacts from numerous sites along the Newcastle/Lake Macquarie coastline and also from along the Hunter Estuary. He comments that edge ground axes “are so widespread and well known that they are not considered here”. However, interestingly he also notes the presence of pieces of coarse sandstone with grooved surfaces in most of the sites he visited, interpreting them as portable grindstones, used for working in wood and stone tools. No such portable grindstones have been recorded in archaeological sites in the Lake Macquarie area over the last 30 years.
- The Lake shore – ringed by middens, but there are limited locations associated with freshwater springs/creeks to provide a more attractive long term camping place (eg at Nords Wharf/Camp Kanangra). Many of the “middens” are partly or entirely wave deposits, including gravel and fragmented shell.
- Threlkeld mission sites – Valentine, Belmont, Toronto and Coal Point.
- Black Neds Bay – home of Awabakal traditional owners in the mid nineteenth century.

### **Criteria for Determining the Cultural Sensitivity of Lake Macquarie Places**

Aboriginal people believe that the entire landscape and all archaeological evidence are important parts of culture. For planning purposes, however, it is necessary to define criteria that will help to separate places that have more significance. The project has adopted six criteria for making decisions about the cultural heritage sensitivity of the Lake Macquarie landscape:

- The area contains archaeological evidence that has good integrity (ie the sites are relatively intact), or illustrates well the types of Aboriginal community activities that have occurred in the past;
- Landscape features – shape, context, stratigraphy and stability – for instance whether a deposit could contain archaeological material of unusual antiquity;
- The importance of the archaeological evidence to Aboriginal people as evidence of cultural continuity;
- Landscape resources for Aboriginal people – does the area retain elements of the natural resource context that belongs with the archaeological evidence or with a community story;
- Places that are valued by the community because they are referred to in traditional stories, or are part of a traditional owners family country or are described in historical (contact period) or oral references;
- The loss context – at least 90 of the known sites have been destroyed (about 20% of the record). This increases the conservation value of remaining sites, particularly in heavily impacted areas such as the lake shore.

## MAJOR ISSUES

It is apparent that “archaeological” material, artefacts, middens, scarred trees and grinding stones were widespread in the Lake Macquarie area up until around 1930 and were items of scientific interest. Since then, a large part of the physical evidence of the traditional Aboriginal occupation of Lake Macquarie has been destroyed and cannot be restored. These development impacts have differentially affected places close to the lake shore and along the lower reaches of the major estuarine creeks, as well as much of the coastal dune system. In contrast, some parts of the lake catchment, which have remained in mining or forestry management are relatively unaffected by broad scale land clearing and construction.

Whilst both the forested hills and Watagan Ranges to the west of the Lake and the immediate coast and estuary terrain are integral parts of the country of traditional Awabakal people, the two zones cannot be considered to be representative of each other in terms of cultural heritage values. Conservation in the lake catchment area is not equivalent to conservation of foreshore or coastal landscapes. Management strategies need to deal with both types of context, delivering positive outcomes wherever possible.

Risks to Aboriginal heritage in Lake Macquarie include the following:

- Council activities
  - lack of awareness and knowledge amongst council planners, landscape managers and engineers
  - ongoing maintenance activities in council managed reserves – mowing, construction of community facilities. Many reserves are also heavily used, with pathways, parking etc.
  - lack of a clear conservation policy or strategy beyond individual development proposals.
- Development assessment processes
  - poor awareness of the scope of Aboriginal community interest
  - lack of clarity about referral processes (to DEC and Aboriginal community)
  - Inappropriate and impractical consent conditions and management plans
  - Ongoing intensive development and redevelopment of lake foreshore areas.
- Other activities or processes
  - lack of clear guidelines and information for the community
  - bush tracks – four wheel drive and trail bike activity
  - rubbish dumping
  - land clearing
  - lake shore and creek bank erosion, filling and realignment
  - some vegetation works by community conservation groups.

## POTENTIAL MANAGEMENT STRATEGIES

### Information – Improving Knowledge and Communication

*Objectives:*

- *to improve communication, awareness, understanding and respect*
- *to provide quality advice about resources and requirements*
- *to advance knowledge of Aboriginal cultural assets in the city*
- Data management, updating, access and quality;
- Aboriginal heritage co-ordination officer across Councils in the region to assist with maintaining data bases, access to information etc;
- Section 149 certificates for individual allotments;
- Aboriginal heritage guidelines for development applications – survey and referral requirements, basic information about why cultural heritage is important to the city;
- Council supported Aboriginal culture events;
- Community information brochures etc;

- Council support for Aboriginal exhibition space and learning areas (eg Keepa Keepa) and Aboriginal cultural projects (eg Awabakal language project, Aboriginal men's projects);
- Improve consultation and sharing of information with University and other higher learning institutions;
- Research partnerships;
- Tourist/visitor guides developed in collaboration with Awabakal community;
- Aboriginal interpretation and art work at key sites (both archaeological, Aboriginal places and contact sites);
- Shared process and information with Newcastle City Council and Cessnock City Council;
- Maintain and support Aboriginal Liaison Committee at Council.

### **Managing cultural heritage assets**

#### *Objectives:*

*To ensure sustainable conservation of Aboriginal cultural values (objects and places) across the city  
To improve the development application preparation and assessment process in respect to Aboriginal heritage*

- Conservation strategy for the city, developed in consultation with Aboriginal community, other Councils in Awabakal territory and with DEC, private landholders/developers and major state infrastructure agencies. This will set the framework for the development assessment process for parts of the city with varying cultural heritage sensitivity;
- A Conservation Offset guideline for new development in the city, also in consultation with the above groups and complementing DEC policy;
- Prioritised preparation/review of management plans for Council/Crown reserves to ensure that Aboriginal heritage issues are adequately addressed;
- Confirm and clarify responsibilities and accountabilities for LMCC, DEC and other statutory organisations;
- Aboriginal heritage guidelines for developers;
- Continue to implement cultural awareness training for Council officers;
- Aboriginal involvement in Council events;
- Community information- general and targeted for key groups with significant potential impacts associated with their activities;
- Revise and clarify clause 50 of LEP 2004 and DCP No.1 and link to Aboriginal heritage guidelines.

### **WHAT HAVE WE LEARNT?**

The project commenced in 2001, progressing slowly but systematically through the field work, technical information, data quality reviews, community participation and Council awareness/commitment aspects of the work. It is anticipated that the Lake Macquarie Aboriginal Heritage Strategy will be in place by mid 2005, after an extensive period of broader community and industry consultation in the first part of next year.

The project has provided opportunities to learn not only about the unique heritage of the city, but about suitable and successful planning processes for multiple Aboriginal and local government stakeholders. Some of the key lessons are noted below.

- DEC, Council and Aboriginal community representatives have very different perspectives on what constitutes strategic and sustainable management of Aboriginal cultural heritage. The project needs adequate time to build relationships between stakeholders and to resolve differences of approach, so that shared perceptions of success are achieved.

- Land Council co-ordinators who attend project meetings do not necessarily represent or convey the views of the Land Council or Aboriginal community as a whole. Consultation processes need to recognise the views and values of the wider Aboriginal community, but particularly focusing on the knowledge of community elders and traditional owners.
- Short term conflicts between Council and the community (eg DAs) greatly influence progress on strategic planning until a trusting relationship has been established within the project.
- Continuity of Council staff commitment is valuable for maintaining project focus.
- Councillors need to be briefed to establish and maintain broader support for management approaches.
- There is considerable potential for synergy between adjoining Council strategic heritage planning projects.
- Existing records of site location and character are likely to be of poor quality and data checking is essential. Even so, the scale and accuracy of mapping of Aboriginal sites is not readily compatible with detailed local planning without additional field checking for specific projects. Much of the information in the DEC register is certainly not at a suitable level of accuracy to be directly compatible with Section 149 certificates.
- Council, in conjunction with DEC and the Land Councils, needs to give further consideration to the management of culturally sensitive Aboriginal heritage sites data.
- Some of the information that has been taken for granted about the nature of the archaeological resource (eg the extent of middens) needs review, to recognise lake shore and other landscape processes.
- Information is fragmented and has to be pieced together from multiple, sometimes obscure, sources (especially contact period), a very time consuming process.
- Lake Macquarie has an extraordinary number of grinding groove sites in sandstone creek beds. Despite this, very few edge ground implements are acknowledged in public collections, and no portable grinding stone are noted (despite historical references). This illustrates the extent to which the archaeological resources have been compromised by existing development.
- The lake shore has had great cultural sensitivity, but much of the evidence of the past has been damaged or destroyed (both by wave action and by development). A great challenge is how to reflect and respect the importance of this area, but provide a clear and fair assessment and access policy.
- Great care is necessary in handling culturally sensitive information, particularly in making decisions about access to photos, site locations and especially significant places.
- Even in a relatively compact local area, there are several different but related cultural heritage projects in progress, with limited co-ordination.
- There is a low level of awareness about both the nature of archaeological evidence and the statutory protection afforded Aboriginal sites, even amongst community groups with stated conservation objectives.
- Overall, the condition of the archaeological record in the Lake Macquarie LGA is poor. This is most obvious for lake shore and ocean shore middens, but also applies to other site types.
- Only a very small part of the archaeological record from Lake Macquarie is currently in secure conservation management – ie in public or private management in parcels of land large enough to protect sites.
- Recognition of the early contact period sites/places is limited, again hindering a respectful relationship between Aboriginal people, the broader community and decision makers.
- Consistent and sustainable management of Awabakal cultural heritage depends on a co-operative approach between Lake Macquarie CC, Newcastle CC and Cessnock CC as well as DEC and DIPNR.

## **REFERENCES**

Gunson N (ed), 1974. Australian Reminiscences and Papers of LE Threlkeld Missionary to the Aborigines 1824 – 1859, Volumes 1 and 2.

Threlkeld LE, 1834. An Australian Grammar.

Umwelt (Australia) Pty Limited, 2002. Lake Macquarie Aboriginal Heritage Study Stage 1A.

Umwelt (Australia) Pty Limited, 2003. Lake Macquarie Aboriginal Heritage Study Stage 1B.







## **APPENDIX 2**

# **Department of Local Government Strategic Planning Checklist for Engaging with Aboriginal Communities**

## APPENDIX 4

### STRATEGIC PLANNING CHECKLIST FOR ENGAGING WITH ABORIGINAL COMMUNITIES

In developing a strategic approach to engaging with Aboriginal communities, councils may choose to use the following planning checklist:

- What is known about the Aboriginal communities in the local area and what do we need to learn?
- What has been council's past experience in addressing the issues for Aboriginal constituents? What has and has not worked?
- Has council considered the impact on Aboriginal communities of all its policies and programs?
- Is there an understanding of what constitutes Aboriginal cultural heritage, and a shared understanding of how it should be protected and managed?
- Do all Aboriginal communities have adequate and equitable access to council services? Does this include discrete Aboriginal Villages? How do we know?
- Who are the local key Aboriginal leaders and other stakeholders who can advise council? Do "silent" communities have a voice?
- Is there a capacity for strategic resource partnerships with other councils in developing a common approach?
- What are the best methods of engaging Aboriginal communities in determining council priorities?
- What are the priority issues for Aboriginal communities?
- Of these issues, which are the important ones for council to address within the next planning cycle?
- What is the best method for council to use in partnership with Aboriginal communities to progress these issues within the constraints of the resources available?
- To progress these issues what do Aboriginal communities need in terms of information and resources to make an effective contribution?
- What is a realistic timeframe to develop a strategic approach? What time constraints do councils and Aboriginal communities have?
- What will be the decision-making process and how will Aboriginal communities participate?
- How will the decision-making be documented with achievable and measurable outcomes, in a meaningful way for Aboriginal people?
- How will the decisions made be distributed meaningfully to Aboriginal communities?
- How will Aboriginal communities participate in the evaluation of policies and decisions made that impact directly on their communities?

## **APPENDIX 3**

# **Aboriginal Community Structure and Contacts for Consultation**

# APPENDIX3 - ABORIGINAL COMMUNITY STRUCTURE AND CONTACTS FOR CONSULTATION

---

This appendix includes:

- Information about the roles and responsibilities of Local Aboriginal Land Councils established under the *NSW Aboriginal Land Rights Act*.
- Membership of the Lake Macquarie Aboriginal Consultative Forum and project working group (Steering Committee).
- Contact details for a range of Aboriginal community organisations in the City.
- A copy of the Statement of Commitment by Lake Macquarie City Council to the Aboriginal people of the City.

## 1.0 ABORIGINAL COMMUNITY CONTACTS IN LAKE MACQUARIE

Copies of Council's community contact booklet are available from Council.

## 2.0 MEMBERSHIP OF THE LAKE MACQUARIE ABORIGINAL CONSULTATIVE FORUM (CURRENTLY UNDER REVIEW)

### VOTING MEMBERS

#### **AWABAKAL LOCAL ABORIGINAL LAND COUNCIL**

Cheryl Kitchener  
4965 4532 Fax 4965 4531  
0402 000 801

PO Box 437, Hamilton, 2303  
(127 Maitland Road, Islington)  
Email: [awabaka@bigpond.net.au](mailto:awabaka@bigpond.net.au)

#### **BAHTABAH LOCAL ABORIGINAL LAND COUNCIL**

Michael Green  
4971 4800 Fax 4971 4671

PO Box 3018, Blacksmiths, 2281  
(44 Pacific Highway, Blacksmiths)  
Email: [bahtabah@nexon.com.au](mailto:bahtabah@nexon.com.au)

**KOOMPAHTOO LOCAL ABORIGINAL LAND COUNCIL (All cultural matters should be referred to the Awabakal LALC)**

#### **TRADITIONAL OWNER CORPORATIONS**

Members of these organizations are working through processes in relation to Aboriginal Owner status and other aspects of traditional attachment to country. They have knowledge and skills in Awabakal cultural matters.

**Awabakal Descendents Traditional Owners Aboriginal Corporation**

Shane Frost,

PO Box 83 West Wallsend NSW 2287

Phone 0428320671

Email: awabakal\_to@bigpond.com

**Awabakal Traditional Owners Aboriginal Corporation**

Kerrie Brauer, Phone 49156947

Email: info@awabakal.com.au

PO Box 253 Jesmond NSW 2299

**AWABAKAL PRE SCHOOL**

Emma Beckett

4956 9132 Fax 4954 9198

509 Main Road, Glendale, 2285

(M) 0408 289 191

**ITJI MARRU ABORIGINAL RESOURCE CENTRE (DEPT OF EDUCATION UNIT)**

Ms Selena Archibald

4970 5407 Fax 4970 5386

Morisset High School

Bridge Street, Morisset, 2264

**KEEPA KEEPA ELDERS**

Zelma Moran

Bob Sampson

**KIRINARI ABORIGINAL HOSTEL**

Neil Kinchela

4943 4362 Fax 4920 6890

15 Myall Road, Garden Suburb, 2289

Email: [kirinari@ahl.gov.au](mailto:kirinari@ahl.gov.au)

**YOULOE-TA INDIGENOUS DEVELOPMENT ASSOCIATION**

Harry Brandy

4956 8288 Fax 4943 6083

0412 296 524

PO Box 610, Cardiff, 2285

71 Prospect Road, Garden Suburb

Email: [contact@youlo-ta.com.au](mailto:contact@youlo-ta.com.au)

**YULAWIRRI NURAI INDIGENOUS ASSOCIATION**

Deborah Swan/Brian Freeman

4973 5560 Fax 4973 5421

PO Box 491, Morisset, 2264

(43 Dora Street, Morisset, 2264)

Email: [yulawirrinurai@optusnet.com.au](mailto:yulawirrinurai@optusnet.com.au)

**COMMUNITY REPRESENTATIVES**

(Members of Aboriginal community not affiliated with any Land Council or organisation)

Daniella Chedzey

South Lakes, (Windemere Point)

VACANT

East Lake area (Highfields to Cams Wharf)

VACANT

North Lake area (Cardiff Heights to West Wallsend)

VACANT

West Lake area (Booragul to Wyee)

**COUNCIL MEMBERS**

Cr. Daniel Wallace

Cr Hannah Gissane

Cr Wendy Harrison

(Under review)

## **NON VOTING MEMBERS**

### **RESPONSIBLE OFFICER**

LMCC  
Social & Community Planning Coordinator  
Box 1906, Hunter Region Mail Centre NSW, 2310

### **REPORTING OFFICER**

LMCC  
Aboriginal Community Worker  
Box 1906, Hunter Region Mail Centre NSW 2310

### **FEDERAL GOVERNMENT OBSERVERS**

Mrs Jill Hall MP  
Member for Shortland  
Mr Greg Combet MP  
Member for Charlton

### **STATE GOVERNMENT OBSERVERS**

Mr Robert Coombs MP  
Member for Swansea,  
  
Mr Greg Piper MP  
Member for Lake Macquarie  
  
Mr Matthew Morris MP  
Member for Charlestown  
  
Ms Sonia Hornery MP  
Member for Wallsend  
  
Mr David Harris MP  
Member for Wyong

A subgroup of the Council Consultative Committee has been directly involved in detailed discussions about all aspects of the Management Strategy throughout the project. This group included the following organisations and representatives:

### **Contact list for Aboriginal Heritage Study Consultative Forum**

#### **Awabakal Local Aboriginal Land Council**

Principal Contact during the project: Ron Gordon (retired June 2008);  
Cheryl Kitchener post 2008

#### **Bahtabah Local Aboriginal Land Council**

Principal contact during the project: Mick Green

#### **Koompahtoo Aboriginal Land Council**

(Cultural matters should be referred to Awabakal LALC)

#### **Awabakal Traditional Owners Aboriginal Corporation**

Principal contacts during the project: Dene Hawken, Nola Hawken, Kerrie Brauer

## **Awabakal Descendents Traditional Owners Aboriginal Corporation**

Principal contact during the project: Shane Frost

### **3.0 ROLES AND RESPONSIBILITIES OF LOCAL ABORIGINAL LAND COUNCILS**

The *Aboriginal Land Rights Act* came into effect in June 1983, establishing a three-tiered system of Land Councils to administer a range of service provisions for Aboriginal people. Land Councils have become an important administrative, economic, social and cultural structure in the Aboriginal community, although they are not the only organisations that work to foster the protection and appreciation Aboriginal cultural heritage values.

Parts of the *Aboriginal Land Rights Act* 1983 have been reviewed several times since 1983. Most recently, the Minister for Aboriginal Affairs announced a taskforce to evaluate the achievements of the Land Council system, to strengthen the administration of Local Aboriginal Land Councils and make decision making more transparent and accountable. Local Aboriginal Land Councils now have a competitively appointed CEO and a Board with an elected Chairperson.

Overall, the Land Council system in NSW represents about 33% of the adult Indigenous population of the state (NSWALC and ABS, in SGS Economics and Planning, with Tallegalla Consultants (2004)) (SGS 2004). However, in the Sydney/Newcastle region, only 19.9% of adult Indigenous people are members of the various LALCs. LMCC conducts consultation with Aboriginal community groups under the guidelines of the Local Government and Shires Association and Department of Environment, Climate Change and Water. These Guidelines and suggest that community consultation programs, to be inclusive, should extend beyond LALCs (although the LALCs are clearly an excellent starting point and will be aware of other interests).

Under the *Aboriginal Land Rights Act 1983*, each of the three LALCs, which represent Aboriginal people living in Lake Macquarie LGA has two very demanding objectives:

- to improve, protect and foster the best interests of Aboriginal persons within NSW; and
- to relieve poverty, sickness, suffering, distress, misfortune, destitution and helplessness of Aboriginal persons within NSW.

The *Aboriginal Land Rights Act 1983* provides for Land Councils to claim unused Crown Land, and since 1990, has allowed Land Councils to dispose of their land under certain circumstances. All three LALCs in the Lake Macquarie LGA own parcels of land acquired under the *Aboriginal Land Rights Act 1983*.

In addition to acquiring and managing land in the interests of Aboriginal people, providing housing and social support for Aboriginal people and providing sound governance and administration, all three tiers of the Land Council system have a legislated function:

*To promote the protection of Aboriginal culture and the heritage of Aboriginal persons in its area.*

LALCs undertake a range of activities/responsibilities that they consider to be important to the welfare of Aboriginal people (including aspects of heritage protection). LALCs often do not receive funding for these activities, which include:



- purchase of a substantial number of sacred and secret items for return to Traditional Owners;
- a repatriation and reburial program for ancestral remains (for instance, Bahtabah LALC has negotiated the return and reburial of Awabakal ancestors at Swansea Heads);
- providing local venues for meetings and activity programs;
- providing skills training and employment programs such as the Community Development Employment Projects (CDEP);
- owning and operating a diverse range of small and medium sized businesses, including ecotourism ventures and cultural consultancies;
- carrying out political and advocacy functions including participating in numerous high level government committees, down to local community projects and assisting individuals in dealing with agencies; and
- LALCs are often points of contact for officers from state justices and community support agencies.

The LALCs in the Lake Macquarie City area have trained Sites Officers who represent the members in archaeological survey projects, conducted as part of the requirements for development applications under the EP&A Act.

Land Councils in the Lake Macquarie LGA therefore can be seen to have a range of roles and responsibilities that stretch their resources and capacity to deliver fixed outcomes within short timeframes. The middle tier of the Land Council system, Regional Land Councils, has over time diminished in its function, with many roles being taken up by LALCs, despite a lack of resources.

Some responsibilities to their community may place LALCs at odds with Council planning decisions. LALCs may not have the resources to manage a complex and demanding flow of consultation referrals. Their administrative resources are already stressed by other responsibilities. Sometimes situations may arise where the Land Council is directly affected by a planning proposal because it is an adjacent land holder. These matters need to be addressed in terms of control and maintenance of data sets and referral processes for development applications.

Each of the three Local Aboriginal land Councils in the LMCC area has signed the Statement of Commitment made by LMCC to the Aboriginal people of the City of Lake Macquarie (copy attached and see also **Figure 1.1** of the main text of the Strategy).

## **4.0 OEH ABORIGINAL COMMUNITY CONSULTATION GUIDELINES**

The Office of Environment and Heritage (OEH) has released a comprehensive suite of guidelines and codes about current requirements for consultation and assessment processes in relation to Aboriginal heritage.

The consultation documents are available on the OEH website. Proponents should check the OEH website for the most up to date version of all documents.

- Aboriginal Cultural Heritage Consultation Requirements for Proponents (April 2010)
- Fact sheets:

Fact Sheet 1: What is Aboriginal cultural knowledge?

Fact Sheet 2 – What is an Aboriginal cultural landscape?

Fact Sheet 3 – Cultural knowledge and its protection

Fact sheet 4 – Local Aboriginal Land Councils

Fact Sheet 5 – Land use planning

Questions and answers – the process

These guidelines and fact sheets apply to all activities throughout NSW that have the potential to harm Aboriginal objects or places and that require an Aboriginal Heritage Impact permit (AHIP). The guidelines replace the interim community consultation requirements (2004), and are consistent with other OEH policies and procedures for determining impacts on Aboriginal cultural heritage.

Contact OEH to obtain further information about how these Guidelines should be implemented and to obtain contact information for Aboriginal community groups who will need to be consulted about specific projects.