

NOTICE OF MEETING



ARAKWAL MEMORANDUM OF UNDERSTANDING ADVISORY COMMITTEE MEETING

An Arakwal Memorandum of Understanding Advisory Committee Meeting of Byron Shire Council will be held as follows:

Venue	Meeting Room 1, Council Administration Building, Station Street, Mullumbimby
Date	Thursday, 14 May 2015
Time	2.30pm

A handwritten signature in black ink, appearing to read 'Ken Gainger', is located below the meeting details table.

Ken Gainger
General Manager

CONFLICT OF INTERESTS

What is a “Conflict of Interests” - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness – a person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - a person has a pecuniary interest in a matter if the pecuniary interest is the interest of the person, or another person with whom the person is associated (see below).

Relatives, Partners - a person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter - however, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - a person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

RECORDING OF VOTING ON PLANNING MATTERS

Clause 375A of the Local Government Act 1993 – Recording of voting on planning matters

- (1) In this section, **planning decision** means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:
 - (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

BYRON SHIRE COUNCIL

ARAKWAL MEMORANDUM OF UNDERSTANDING ADVISORY COMMITTEE MEETING

BUSINESS OF MEETING

1. APOLOGIES

2. DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

3. ADOPTION OF MINUTES FROM PREVIOUS MEETINGS

- 3.1 Arakwal Memorandum of Understanding Advisory Committee Meeting held on 25 February 2015

4. BUSINESS ARISING FROM PREVIOUS MINUTES

5. STAFF REPORTS

Corporate and Community Services

- 5.1 South Byron Sewerage Treatment Plant Update4
5.2 Byron Bay Bypass Aboriginal Consultation Report May 2015.....6
5.3 Ti Tree Lake Aboriginal Place Project Report..... 17

6. OTHER BUSINESS

- 6.1 Rural Land Strategies

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 5.1 South Byron Sewerage Treatment Plant Update

Directorate: Corporate and Community Services

Report Author: Belle Arnold, Aboriginal Projects Officer

File No: I2015/351

Theme: Society and Culture

Community Services – Community Development

Summary:

This report provides an update on the decommissioning of the South Byron Sewerage Treatment Plant (Tallows Creek). This update is in response to the Arakwal MoU section 4.2.3 *Byron sewerage treatment plant at Tallow Creek*

RECOMMENDATION:

That the Arakwal MoU Advisory Committee note the progress on the demolishing of the South Byron Sewerage Treatment Plant.

Report

The Arakwal Memorandum of Understanding states:

5 4.2.3 Byron sewerage treatment plant at Tallow Creek

The decommissioning of the Byron sewerage treatment plant (Tallow Creek). The Arakwal are concerned about the potential redevelopment of this land. It is a very important site to Arakwal and the area includes burial sites as well as other areas of significance. Arakwal have requested to be involved in the planning process for any redevelopment at this site.

10 At the Ordinary meeting 5 February 2015, Council resolved (15-035) to proceed with the demolition and remediation of the South Byron Sewage Treatment Plant 'works infrastructure' only.

15 On 30 April 2015 Council considered a report to award a tender for structure demolition. Further update to the outcome of this will be provided at the Arakwal MoU meeting on 14 May 2015. Council are yet to resolve on the future use for the site and have requested consultancy work regarding possible tourism options for the site.

20 The NSW Department of Public Works has been engaged to project manage the decommissioning and decontamination of South Byron Sewerage Treatment Plant (STP) project on behalf of Council.

Stage 1 of this project involves removing all above and below ground infrastructure, and associated remediation activities within the fenced portion of the South Byron STP site.

25 Stage 2 will involve remediating the remainder of the site including a large general waste stockpile, night spoil area and the asbestos outlet pipe.

30 The staging of the Decommissioning Works was the subject of the report to Council on 5 February 2015 (I2014/88 - South Byron Sewage Treatment Plant Decommissioning).

Financial Implications

Nil from this report

35 Statutory and Policy Compliance Implications

Local Government Act 1993

Native Title Act 1993

National Parks and Wildlife Act 1974

40 Arakwal memorandum of Understanding 2013

Report No. 5.2 **Byron Bay Bypass Aboriginal Consultation Report May 2015**
Directorate: Corporate and Community Services
Report Author: Belle Arnold, Aboriginal Projects Officer
File No: I2015/361
5 **Theme:** Society and Culture
 Community Services – Community Development

Summary:

10 This report presents an overview of the Aboriginal Consultation undertaken for the Byron Bay Bypass Project 2015. This report further seeks to ensure consultation on the Byron Bay Bypass adheres to principles of the Arakwal Memorandum of Understanding.

RECOMMENDATION:

That the Arakwal MoU Advisory Committee:

1. **Note the Aboriginal Consultation Process involved in the Byron Bay Bypass project to date.**
2. **Provide any further comments to Council staff regarding the Byron Bay Bypass Project.**

Attachments:

- 20 1 Byron Bay Bypass report Aboriginal Consultation (2), E2015/26143 , page 9
 2 Aboriginal consultation record Byron Bay Bypass 2015, E2015/26142 , page 11
 3 Byron Bay Bypass Community Handout, E2015/17466 , page 14

Background

The Arakwal MoU signed in 2013, recognises the status of the Bundjalung of Byron Bay, Arakwal people, as traditional owners as established through the Native Act and processes. The Arakwal MoU states in section '2. Participation in Governance':

Council to involve representatives of the Bundjalung of Byron Bay Arakwal People in Council decision making process on matters concerning Arakwal Country, People and business.

Other sections include:

2.1 Participation in Governance: Guiding principles

2.1.1 Representation and Self Determination

2.1.2 Consultation

2.1.3 Responsiveness

2.1.4 Inclusion

This report presents an overview of the consultation processes with Bundjalung of Byron Bay, Arakwal people and other Aboriginal stakeholders for the Byron Bay Bypass Project.

Report

Council has received funding for the construction of a bypass of the Byron Bay Town Centre.

The *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010a) proscribe Aboriginal community consultation requirements in relation to applications for Aboriginal Heritage Impact Permits (AHIPs) made under the *National Parks and Wildlife Act 1974* (as amended). These requirements were implemented for the assessment for the Byron Bay Bypass project. Anthropologist Jackie Collins was engaged to manage the Aboriginal Community Consultation processes. A full record of the Aboriginal consultation process is presented in Attachment 1 and the outcomes of these processes are presented in Attachment 2.

The proposed route of the Byron Bay bypass would extend Butler Street south and connect with the Jonson and Browning Street intersection via a new rail crossing located to the north of Mitre 10. A map of the proposed Byron Bay Bypass is presented in Attachment 3.

The application to proceed with the Byron Bay Bypass Environmental Impact Statement (EIS) was lodged in December 2014 with the NSW Department of Planning and Environment for the Secretary's Environmental Assessment Requirements (SEARS).

The Advice from the NSW Department of Planning and Environment on the SEARs has detailed that the Environmental Impact Statement must assess the following potential impacts of the proposal:

1. Project justification
2. Route selection
3. Biodiversity
4. Land
5. Traffic
6. Transport
7. Non-Aboriginal
8. Aboriginal
9. Noise and vibration
10. Surface and ground water hydrology
11. Flooding

- 12. Soil and water quality
- 13. Air quality
- 14. Visual Amenity
- 15. Environmental Monitoring and Management

5

Further information is available in Attachment 3.

Financial Implications

10

Nil from this report

Statutory and Policy Compliance Implications

15

Local Government Act 1993
Native Title Act 1993
National Parks and Wildlife Act 1974
Arakwal memorandum of Understanding 2013

2 ABORIGINAL CONSULTATION

2.1 Compliance with the *Aboriginal Cultural Heritage Requirements for Proponents 2010*

The *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW 2010a) proscribe Aboriginal community consultation requirements in relation to applications for Aboriginal Heritage Impact Permits (AHIPs) made under the *National Parks and Wildlife Act 1974* (as amended). These requirements were implemented for this assessment. A full record of Aboriginal consultation is presented in Appendix C.

2.1.1 Stage 1 – Notification of project proposal and registration of interest

In accordance with Stage 1, Step 4.1.2 of the consultation requirements (DECCW 2010a:10), letters (with attached maps) were sent to the following organisations, requesting the names and contact details of any known Aboriginal parties who may have an interest in the study area, and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places that may occur (cf Appendix D):

- Office of Environment and Heritage (OEH)
- Tweed Byron LALC
- The registrar, *Aboriginal Land Rights Act 1983 (NSW)*
- National Native Title Tribunal
- Native Title Services Corporation Ltd (NTSCorp)
- Byron Shire Council
- Northern Rivers Catchment Management Authority (now North Coast Local Land Services)

Responses are reproduced in Appendix E and summarised in Table 1.

Table 1. Aboriginal Cultural Heritage Requirements for Proponents 2010. Summary of Stage 1 responses

Contact	Response
Office of Environment and Heritage NSW	Contact potential knowledge-holders: Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and Tweed Byron Local Aboriginal Land Council.
Tweed Byron Local Aboriginal Land Council	No response received.
The registrar, <i>Aboriginal Land Rights Act 1983 NSW</i>	Project area does not appear to have Registered Aboriginal Owners pursuant to Division 3 of the Act.
National Native Title Tribunal	Project lies within area of accepted Native Title Claim application NC2001/008, lodged by the Byron Bay Bundjalung People.
Native Title Services Corporation	Requested contact names/details could not be supplied due to privacy guidelines. Letter will be forwarded on to any individuals, groups or organisations known to NTSCorp that assert traditional interests within or hold cultural knowledge about the project area.
Byron Shire Council	No response received.
Northern Rivers Catchment Management Authority (now North Coast Land Services)	As a result of revised charter, culture and heritage now managed by the OEH. Advised to contact OEH.

As a result of a list of potential knowledge-holders supplied by the OEH and in view of accepted Native Title Claim NC01/8, letters inviting registration of interest (as per Stage 1, Step 4.1.3 of the consultation requirements), including all required project information, were mailed to:

- The Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
- Tweed Byron LALC

Copies of these letters are reproduced in Appendix F.

Proposed Byron Bay Bypass- Aboriginal cultural heritage assessment

On the 11th of March 2015, a newspaper notice was published in the *Byron Shire Echo*, inviting interested Aboriginal parties with cultural knowledge of the project area to contact the consultant to formally register their interest in the assessment (Appendix F).

An email response was received from Gavin Brown, General Manager of the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal), registering an interest on behalf of this organisation (Appendix G). No other expressions of interest were lodged. As required, the names and contact details of the registered Aboriginal party, along with copies of the Stage 1, Step 4.1.3 notification letters and newspaper notice, were forwarded to the OEH and Tweed Byron LALC.

2.1.2 Stage 2 – Presentation of information about the proposed project

Upon registration of interest, a letter providing details of the bypass proposal (including map) and the purpose, scope and draft methodology of this cultural heritage assessment was mailed to Gavin Brown, General Manager of the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) requesting review and advice regarding any required amendments (Appendix H). The letter was followed-up by a phone discussion with Gavin Brown re: the impact assessment process.

Information with respect to the bypass proposal was supplied by GHD and will be referred to during the course of the field survey planned for the 28th of April 2015 and subsequent consultation with Arakwal knowledge-holders.

2.1.3 Stage 3 – Gathering information about cultural significance

The draft methodology for this assessment was provided in writing (Appendix H), discussed with and supported by Gavin Brown, General Manager of the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) (Appendix I).

In addition to a field survey to be undertaken with the assistance of Arakwal sites officer Brian Kelly on the 28th of April 2015, consultation will be undertaken with Arakwal knowledge-holders to determine:

- whether any sites/places or resources of special attachment or cultural heritage value occur within the project area;
- the level of socio-cultural significance attributed to any identified sites/places;
- whether the divulged cultural information is suitable for general public access. If not, what aspects of this information should be withheld, and/or not shared with other Aboriginal parties, administrative authorities/others; and
- management strategies to be implemented in relation to the proposed activities.

2.1.4 Stage 4 – Review of draft cultural heritage assessment report

Once done, a copy of the draft Aboriginal cultural assessment report will be provided to the Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) for review and comment prior to its finalisation.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

5.2 - ATTACHMENT 2

Proposed Byron Bay Bypass ACHA- Aboriginal consultation log			
Date	Stakeholder/other contact	Contact person	Summary of consultation
24/02/15	Office of Environment and Heritage	Rosalie Neve, Aboriginal Heritage Planning Officer	Email requesting OEH list of Aboriginal parties who may have an interest in the Byron Bay town area for consultation purposes.
25/02/15	National Native Title Tribunal		Request for search of tribunal registers (on application form downloaded from website: nswenquiries@nntt.gov.au) mailed.
3/03/15	Office of the Registrar, Aboriginal Land Rights Act 1983		Letters mailed with a brief overview of the proposal, including a location map and the name and contact details of the proponent, requesting that each organisation notify the consultant of any Aboriginal parties who may have an interest in the proposal and hold knowledge relevant to determining cultural significance. Advice requested by mail or email by 20/03/15.
	NTSCORP Limited		
	Byron Shire Council	The General Manager	
	Tweed Byron Local Aboriginal Land Council	CEO	
	Northern Rivers Catchment Management Authority (CMA)		
	Office of Environment and Heritage	Dimitri Young, Senior Team Leader, Planning, North East Region	Email letter received with list of known Aboriginal parties that OEH considers likely to have an interest in the proposal. Hard copy received by post 6/03/15.
	Tweed Byron Local Aboriginal Land Council	Leweena Williams, CEO	Phone call advising consultant's engagement for project ACHA and confirming address for mail.
4/03/15	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Norman Graham	Phone call advising consultant's engagement for project ACHA and confirming contact person and address for mail.
	Office of Environment and Heritage	Rosalie Neve, Aboriginal Heritage Planning Officer	Email advising contact details of Arakwal and Tweed Byron Local Aboriginal Land Council for update of current OEH list.
6/03/15	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Gavin Brown, General Manager	Letters mailed to both organisations on OEH list with a brief overview of the proposal, maps and additional information as per the Stage 1 ACH consultation requirements for proponents 2010. Stakeholder registration required in writing by 25/03/15.
	Tweed Byron Local Aboriginal Land Council	Leweena Williams, CEO	
	North Coast Local Land Services (former Northern Rivers CMA)	Bruce Brown, General Manager	Email response to letter dated 3/03/15 advising that under new charter, culture and heritage is now managed by the Office of Environment and Heritage.
11/03/15	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Gavin Brown, General Manager	Email response to letter dated 6/03/15, advising registration of interest, and that Gavin Brown is the initial contact person.

NTSCORP Limited

George Tonna, Land and
Notifications Officer

Mail response to letter dated 3/03/15, advising will forward correspondence on to any individuals, groups or organisations that NTSCORP is aware
assert traditional interests within, or hold cultural knowledge about the relevant area. Registrations of interest to be sent directly by 20/03/15.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

5.2 - ATTACHMENT 2

	Office of the Registrar, Aboriginal Land Rights Act 1983	Sally Porter, Administration Officer	Mail response to letter dated 3/03/15, advising that the project area "does not appear to have Registered Aboriginal Owners pursuant to Division 3 of the Aboriginal Land Rights Act 1983 (NSW)". Suggested contact the Tweed Byron LALC.
	Byron Shire Echo		Newspaper advertisement inviting registration of relevant Aboriginal knowledge-holders. Responses required by 27/03/15.
18/03/15	National Native Title Tribunal	Sylvia Jagtman, Senior Case Management Assistant	Email response to search request lodged 25/02/15. Search identified one registered Native Title claim in Byron Shire, lodged by the Byron Bay Bundjalung People.
	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Gavin Brown, General Manager	Letter mailed acknowledging registration of interest, overview of the bypass proposal and draft assessment methodology for clearance or amendment/feedback before proceeding.
30/03/15	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Gavin Brown, General Manager	Phone call advising Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) is the only registered Aboriginal party. Reminding formal OK of methodology required before proceeding further. Gavin advised no identified problem, will respond by email.
	Office of Environment and Heritage	Dimitri Young, Senior Team Leader, Planning, North East Region	Letters mailed advising name and contact details of the registered Aboriginal party (Bundjalung of Byron Bay Aboriginal Corporation [Arakwal]), including copies of notification letters and newspaper advertisement.
	Tweed Byron Local Aboriginal Land Council	Leweena Williams, CEO	
31/03/15	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Gavin Brown, General Manager	Email response agreeing to draft assessment methodology dated 18/03/15. No amendments necessary.
8/04/15	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Gavin Brown, General Manager	Email requesting arrangement with sites officer Brian Kelly for survey in week commencing 26/04/15 plus time to talk to individual Arakwal Elders/people regarding cultural heritage values of the proposed corridor.
9/04/15	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Gavin Brown, General Manager	Email advising sites officer Brian Kelly available for field survey on 28/04/15. Confirmed OK by return email.



Byron Bay Bypass Butler Street

Community handout

19 March 2015

The application to proceed with the Byron Bay Bypass was lodged in December 2014 with the NSW Department of Planning and Environment for the Secretary's Environmental Assessment Requirements (SEARs).

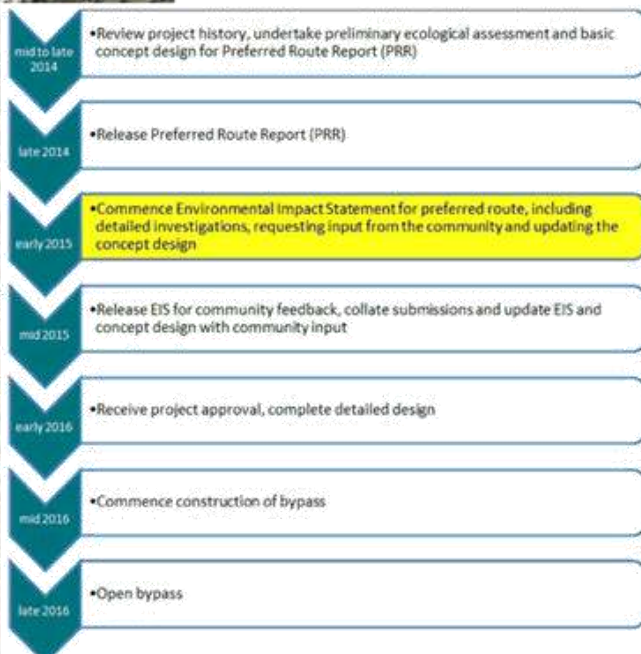
In response, the department has provided guidance on the environmental assessment and community engagement activities required for the Environmental Impact Statement (EIS) for the project which are listed on the back page.

Following the Easter holidays at the end of April, one-on-one meetings will be available for landowners, tenants and business owners to talk further with Council staff and the EIS consultants.

When completed, the Draft EIS and all supporting documents will be placed on public exhibition for four weeks for community submissions.

In the meantime, did you know that you can receive project updates via Council's website?

Subscribe today at
<http://www.byron.nsw.gov.au/projects/byron-bay-bypass>

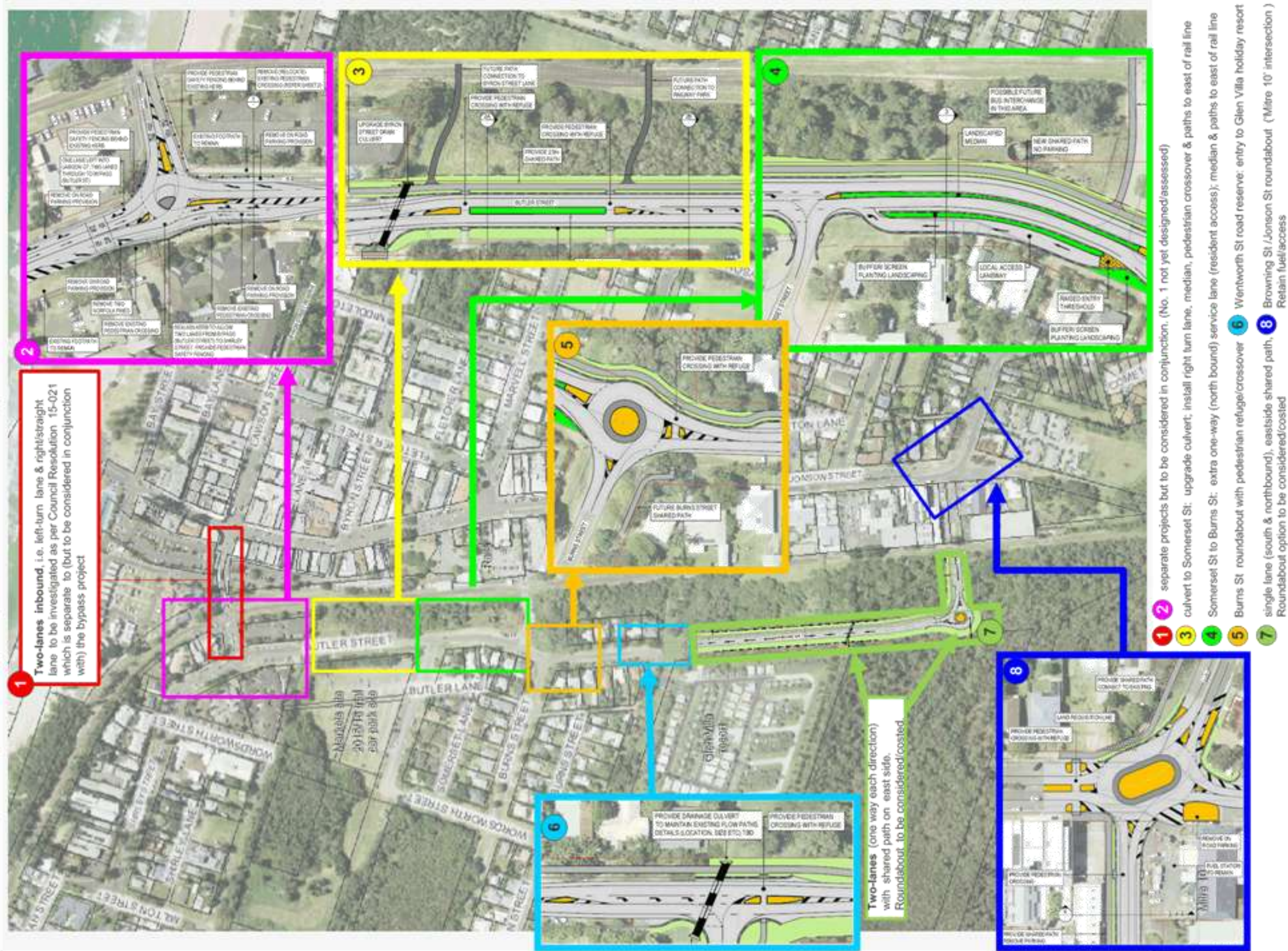


Byron Shire Council

70-90 Station St, Mullumbimby NSW 2482

Phone: 02 6626 7000

Byron Bay town centre bypass
March 2015, conceptual only, subject to consultation/approvals





Byron Bay Butler Street Bypass

Advice from the NSW Department of Planning and Environment on the SEARs has detailed that the Environmental Impact Statement must assess the following potential impacts of the proposal:

Project justification – including need for project and project history, including consistency with the Far North Coast Regional Strategy and other relevant strategic planning documents;

Route selection – analysis of benefits and impacts of investigated routes, and feasibility of alternative routes, including land within the existing rail corridor;

Biodiversity – direct and indirect impacts on terrestrial, riparian and aquatic flora and fauna and habitat, and groundwater dependent ecosystems, within and surrounding the proposed development footprint, taking into account threatened species, ecological communities and critical habitat listed under the Threatened Species Conservation Act 1995 and Fisheries Management Act 1994, including consideration of activities requiring approval or concurrence under the Fisheries Management Act 1994. The EIS must specifically outline how Principle 10 of the NSW Wetlands Policy is addressed. Offset requirements must be considered as part of the assessment;

Land use – detail the impact on and from surrounding current and future land uses, including issues relating to adjoining areas and an analysis of site suitability with respect to potential land use conflicts. Specific consideration should be given to impacts of the widened and more formal verge on residential and business premises along and in close proximity to the proposed route, and construction and operational impacts on market activities in the Butler Street reserve;

Traffic – include a Traffic Impact Assessment (TIA) prepared by an appropriately qualified person and in accordance with Austroads guidelines. The TIA must identify the impacts of the proposal on the safety and efficiency of the road network during construction and operation with consideration to be given over an appropriate planning horizon. Details of the proposed connection to MR545 must be provided. Any works on MR545 must be designed in accordance with Austroads guidelines;

Transport – assessment of the proposed crossing of the Casino to Murwillumbah railway line in accordance with the Construction of New Level Crossings Policy and Protocol for New Level Crossings/Change in Use of a Level Crossing, assessment of direct and indirect impacts of the proposal on public transport, consideration of walking and cycling infrastructure connecting to and across the bypass, and assessment of impacts on the future implementation of a 'rail trail' within and/or adjacent to the railway corridor;

Non-Aboriginal heritage – including direct and indirect impacts, including vibration, on local and State heritage items (including but not limited to the Byron Bay Railway Station group) and on archaeological relics. The EIS must include a description of strategies to mitigate impacts, and an evaluation of the effectiveness of those strategies. All heritage assessment must be carried out by a suitably qualified and experience heritage consultant, and archaeological excavation, if required, must be carried out by a person who meets the Heritage Council of NSW Criteria for the Assessment of Excavation Directors;

Aboriginal heritage – a description of the actual potential harm posed to Aboriginal objects or declared Aboriginal places with reference to identified cultural heritage values, of measures to avoid, mitigate or manage actual or likely harm, and of how the consultation with Aboriginal stakeholders has been conducted with regard to relevant legislation and guidelines;

Noise and vibration – assess the likely impacts during construction and operation in accordance with relevant road noise and vibration guidelines,

and the effectiveness of any necessary measures to manage and mitigate construction and operational noise and vibration;

Surface and groundwater hydrology – impacts on creeks, waterways and wetlands, including potential impacts on groundwater levels, salinity, potential contamination of groundwater, bank erosion, siltation, and downstream water quality. The assessment must include a concept stormwater plan including surface water drainage patterns;

Flooding – flood impacts, including impacts on and/or changes to flood behaviour, flood immunity levels of the proposed road, and contingency measures in the event of operational impacts due to flooding;

Soil and water quality – detail the potential occurrence of contaminated and/or acid sulfate soils and likely impacts from the disturbance of those soils, including impacts on water quality. This must include an assessment of contamination and/or acid sulfate soil risks resulting from the proposal;

Air quality – detail construction air quality impacts to nearby receivers;

Visual Amenity – include an assessment of changes to visual amenity, with reference to surface components and vegetation removal and include proposed mitigation measures, including proposed landscaping and other visual screening; and

Environmental Monitoring and Management – the EIS must describe in detail what measures would be implemented to manage, mitigate or offset the potential impacts of the proposal (as identified above) during construction and operation as relevant, and where required, describe how the environmental performance of the proposal would be monitored and managed over time. Where possible, reasonable and feasible mitigation measures should be developed in consultation with surrounding affected landowners and relevant public authorities.

Two lanes inbound

On 5 February 2015, Council considered a report regarding the proposal for providing two-lanes inbound on Shirley Street, commencing from Kendall Street through to the Lawson Street/Jonson Street roundabout. Following consideration of the report (File no. I2015/10) and community input, Council reduced the scope of the project by resolving as follows:

15-021 Resolved that:

1. Council provide a continuous second in bound lane commencing 50 metres north of the Shirley/Butler Street roundabout in Byron Bay through to the Lawson/Jonson Street roundabout;
2. The purpose is to improve operation and movement at and between the aforementioned roundabouts and is to maintain the existing lane configuration west of the Jonson/Lawson Street intersection which includes a dedicated left-turn lane and a combined through and right lane; and
3. the \$206,000 within s94 reserved for Byron Bay traffic management be made available for this project including the completion of detailed design and cost estimates, obtainment of approvals and construction.
4. this resolution be reported to the next Local Traffic Committee meeting for their advice and comment. Where staff consider such advice and comment to be significant in regards to safety, the matter be returned to Council for further consideration.
5. where practical and appropriate this project be designed and delivered with consideration of the Byron Bay town centre bypass.

Part 1 has always been subject to the NSW Transport funded Byron Bay bypass project, while Part 2 is outside the project scope. However in accordance with Part 5, both will be considered in conjunction. As of yet, no design work, nor traffic or impact assessment, has commenced in regard to Resolution 15-021.

Byron Shire Council

70-90 Station St, Mullumbimby NSW 2482

Phone: 02 6626 7000

Report No. 5.3 Ti Tree Lake Aboriginal Place Project Report

Directorate: Corporate and Community Services

Report Author: Belle Arnold, Aboriginal Projects Officer

File No: I2015/372

5 **Theme:** Society and Culture
Community Services – Community Development

Summary:

10

This report notifies the Arakwal memorandum of Understanding Committee (MoU) of discussion between the Byron Shire Council and the National Parks and Wildlife Services (NPWS) regarding the development of a Ti Tree (Taylor's) Lake Aboriginal Place Plan of Management Project.

15

Ti Tree (Taylor's) Lake Aboriginal Place encompasses the lake as well as a buffer of surrounding land owned by the Jali Aboriginal Land Council, the National Parks and Wildlife Service and Byron Shire Council.

RECOMMENDATION:

That the Arakwal Memorandum of Understanding Committee (MoU):

1. **Note the report on the Ti Tree (Taylor's) Lake Aboriginal Place Plan of Management.**
2. **Endorse the Council's participation in the Ti Tree (Taylor's) Lake Aboriginal Place Plan of Management project.**

20

Attachments:

- 1 Ti Tree Lake Aboriginal Place Preliminary Draft Management Plan, E2015/26736 , page 20

Report

The Arakwal MoU states:

5 1.2.2 Ti Tree Lake (Taylors Lake)

10 *This area is one of the most significant sites to the Arakwal people. It is their objective to have this area protected as an Aboriginal site. Arakwal would like to protect this area from all forms of tourism and development. Arakwal have requested that, as a matter of priority, any developments regarding zoning, consultation with other community groups, proposed developments, tourism operators and Council, consider the cultural significance of this area. Further, that Council provide transparent information to Arakwal on any matters relating to the Ti Tree Lake areas, especially in regard to proposed developments on or around the area.*

15 Ti Tree Lake is south of Byron Bay. Oral histories explain that both the present Ti Tree Lake and another lake to the north once formed one large lake. Today, a sand barrier has formed between them where sand mining occurred.

20 The buffer around the lake is home to wetlands, littoral rainforest and other coastal lands and habitats. Land to the north of Ti Tree (Taylor's) Lake was also declared an Aboriginal Area in June 2010 (NPWS). Ti Tree (Taylor's) Lake Aboriginal Place encompasses the lake, as well as a buffer of surrounding land owned by the Jali Aboriginal Land Council, the National Parks and Wildlife Service and Byron Shire Council.

25 In March 2015 National Parks and Wildlife Service's (NPWS) Area Manager, Sue Walker contacted Byron Shire Council regarding a Plan of Management for the Ti Tree(Taylors) Lake Aboriginal Place. On 27 April Council staff met with Dianne Mackey from NPWS and Delta Kay (NPWS/ Bundjalung of Byron Bay, Arakwal People) to discuss a potential partnership approach in the creation and implementation of a Plan of Management for the Aboriginal Place, including the buffer lands around the lake. The Jali Aboriginal Land Council have also been approached as an important partner in the process. At this meeting a draft Preliminary Draft Management Plan was presented for discussion (Attachment 1).

30 Byron Shire Council have a long history of working with the Arakwal to protect the Ti Tree Lake in acknowledgement of its significance to the Arakwal people and wider Bundjalung Nation. Within the boundaries of the Aboriginal Place, Council owns Lot 50 DP 838451 and is trustee of Crown Land Lot 7004 DP 1065640, which is part of Crown Reserve Trust 97066. Taylors Lake Road, a public road for which Council appears to be the Roads Authority (and which Council has physically closed), occurs within the Aboriginal Place.

40 Under section 86(4) of the [National Parks and Wildlife Act \(1974\)](#), it is an offence to harm or desecrate a declared Aboriginal Place. Many thousands of other Aboriginal heritage sites also receive protection under this Act. Harm includes destroying, defacing or damaging an Aboriginal place. If development will take place in the vicinity of an Aboriginal Place, the potential impacts of the development on an Aboriginal Place must be assessed.

45 Council's participation in a comprehensive and strategic Plan of Management to protect the cultural and natural values of the lake fits within the scope and intention of the Arakwal Memorandum of Understanding (MoU).

50 Plan of Management documents for Council land must be considered by the appropriate Directors at Council. The purpose of this report is to advise the Arakwal MoU Committee of the project and seek endorsement of Council's participation in the process.

Financial Implications

Nil from this report

5 Statutory and Policy Compliance Implications

Native Title Act 1993
Local Government Act 1993
Land Rights Act 1984
Arakwal MoU 2013

10

5

TI TREE (TAYLOR'S) LAKE ABORIGINAL PLACE

PRELIMINARY DRAFT MANAGEMENT PLAN



10

NSW National Parks and Wildlife Service
Office of Environment & Heritage
April 2015

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

5.3 - ATTACHMENT 1

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This document is for discussion and comment only. The proposals are under consideration and are open for discussion. Provisions in the draft management plan may not be the same as those in this preliminary draft plan.

Front cover image: Ti Tree Lake Aboriginal Place. (Photo: OEH/D. Mackey)

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Acknowledgments

5 The NPWS acknowledges that this Aboriginal Place is in the country of the Bundjalung Nation and is located within the areas of the Bundjalung of Byron Bay (Arakwal) People and the Jali Local Aboriginal Land Council, and it has special significance to women of the Bundjalung Nation.

10 This preliminary draft plan of management was prepared by staff of the Northern Rivers Region of the NSW National Parks and Wildlife Service (NPWS), part of the Office of Environment and Heritage.

For additional information or any inquiries about the Ti Tree Lake Aboriginal Place or this preliminary draft management plan, contact the NPWS Byron Coast Area Office, Tallow Beach Road, Byron Bay, NSW 2481 or by telephone on (02) 66209300.

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5.3 - ATTACHMENT 1

CONTENTS

	1. Ti Tree (Taylor's) Lake Aboriginal Place - Introduction	1
	- Landowners and land managers	1
	- Land use zoning and surrounding land use	1
5	- Management planning	4
	- Protecting the Aboriginal Place	4
	- Ti Tree Lake Aboriginal Area	4
	- Protecting the wetlands	5
	2. Official notice declaring the Aboriginal Place	5
10	3. Stakeholders	5
	4. General statement of management	7
	5. Cultural values	7
	6. Aboriginal community management goals	8
	7. Activities that could harm the Aboriginal Place	9
15	8. General management protocols	13
	9. Risk management measures	13
	10. Cultural value management strategies	14
	11. Works and management activities	14
	12. Other matters for negotiation	19
20	13. Culturally sensitive information	19
	14. Funding resources	19
	15. Contacts	19
	GLOSSARY	20
	REFERENCES	21
25	MAPS	
	Map 1 Location	2
	Map 2 Landowners and Managers	3
	Map 3 State Wetland	6
	Map 4 Works proposed - tracks and signs	18
30	TABLES	
	Table 1 Activities in the Aboriginal Place	10
	Table 2 Proposed works and activities in the Aboriginal Place	15

1. Ti Tree (Taylor's) Lake Aboriginal Place

Introduction

Ti Tree (Taylor's) Lake Aboriginal Place was declared under the *National Parks and Wildlife Act 1974* (section 84) (NPW Act) in 2000 in recognition of its special significance to Aboriginal culture. The lake is also a registered mythological site on the NPWS Aboriginal Heritage Information Management System. The Jali Local Aboriginal Land Council and Bundjalung of Byron Bay Arakwal Elders campaigned for nearly two decades to get protection for the lake and its natural and cultural values.

The Aboriginal Place (AP) is approximately 70 hectares and is located 4km south of Byron Bay, on the far north coast of New South Wales, between Suffolk Park and Broken Head (see Map 1). The AP is centred on the Ti Tree Lake, also known locally as Taylors Lake, a highly significant Aboriginal women's site. The lake consists of a northern lobe (1.3 hectares) and a southern lobe (4 hectares) linked by a narrow channel that opens intermittently to the ocean.

Landowners and land managers

The AP (see Map 2) consists of:

- freehold land owned by Jali Local Aboriginal Land Council, including most of the lake
- freehold land owned by Byron Shire Council
- Crown land, some of which is managed by Byron Shire Council and some by Crown Lands
- part of the Cape Byron Marine Park which is managed by Fisheries NSW and is located on Crown land between low and high water mark, and
- the Ti Tree Lake Aboriginal Area which is managed by the National Parks and Wildlife Service (NPWS).

The eastern boundary of the AP includes a 635 metre long section of Broken Head Beach down to the mean low water mark. A small part of the lake at its southern end (approximately 1700 square meters) occurs on freehold land outside the AP.

Land use zoning and surrounding land use

Suffolk Park adjoins part of the north and east boundaries of the AP, a sand and gravel quarry occurs on land adjoining the western boundary, and tourism and residential development at Broken Head village adjoins the southern boundary. Broken Head Nature Reserve, managed by the NPWS adjoins the south-east boundary of the AP.

Most of the AP is zoned for environmental protection under Byron Shire's 1988 Local Environmental Plan (LEP), either as Wetlands, Coastal Habitat or Coastal Lands. However, most of Byron Shire Council's freehold land in the north of the Aboriginal Place is zoned for Investigation and a small area in the north west is zoned Residential under the 1988 LEP. A mainly cleared firebreak, south of houses in Suffolk Park, is zoned Rural Landscape under Byron Shire's 2014 LEP.

MAP 1



MAP 2



Legend

- Aboriginal Place
- NPWS Estate
- Lot
- Road

Aboriginal Place
Landowners and Managers

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0 0.045 0.09 0.135 0.18 km
Datum/Projection: GCS GDA 1994



Management planning

The Office of Environment and Heritage (OEH), of which NPWS is a part, encourages the preparation of a formal management plan by the landowners/ land managers or occupiers of APs with the agreement of the Aboriginal community. This plan has been prepared in accordance with OEH guidelines (OEH 2012).

Management plans aim to identify:

- a) the area's Aboriginal cultural heritage values
- b) the Aboriginal community's management goals,
- c) actions that need to be taken to protect its important cultural heritage values
- d) actions that may require an Aboriginal Heritage Impact Permit (AHIP) under the NPW Act
- e) funding and resources that may be available to implement the actions required.

Protecting the Aboriginal Place

It is an offence under the NPW Act (section 86[4]), to harm or desecrate an AP. Harm includes destroying, defacing or damaging an AP. If development will take place in the vicinity of an AP, the potential impacts of the development must be assessed.

An AHIP should be applied for if harm is proposed to an AP. An applicant for an AHIP can refer to a management plan for an AP, where a plan exists, when assessing impacts. A management plan identifies values and usually sets out what actions would or would not be considered harmful to values.

Where a management plan is in place this provides a clear record agreed by the Aboriginal community of:

- actions that will not harm the values of the place and that will not require an AHIP
- actions that would harm the values of the place and would need an AHIP, but may be acceptable in certain situation and with certain controls
- any harming actions for which OEH would generally refuse to issue an AHIP.

Ti Tree Lake Aboriginal Area

The Ti Tree Lake Aboriginal Area was reserved under the NPW Act in 2010 and is managed by the NPWS. It protects 10.5 hectares of land in the north of the AP (see Map 2). Aboriginal areas are reserved to protect and conserve areas associated with:

- a person, event or historical theme or
- containing a building, place, feature or landscape of natural or cultural significance to Aboriginal people or
- their importance in improving public understanding of Aboriginal culture and its development and transitions.

The land was formerly owned by Byron Shire Council and was transferred to NPWS in recognition of its Aboriginal cultural heritage significance and in accordance with

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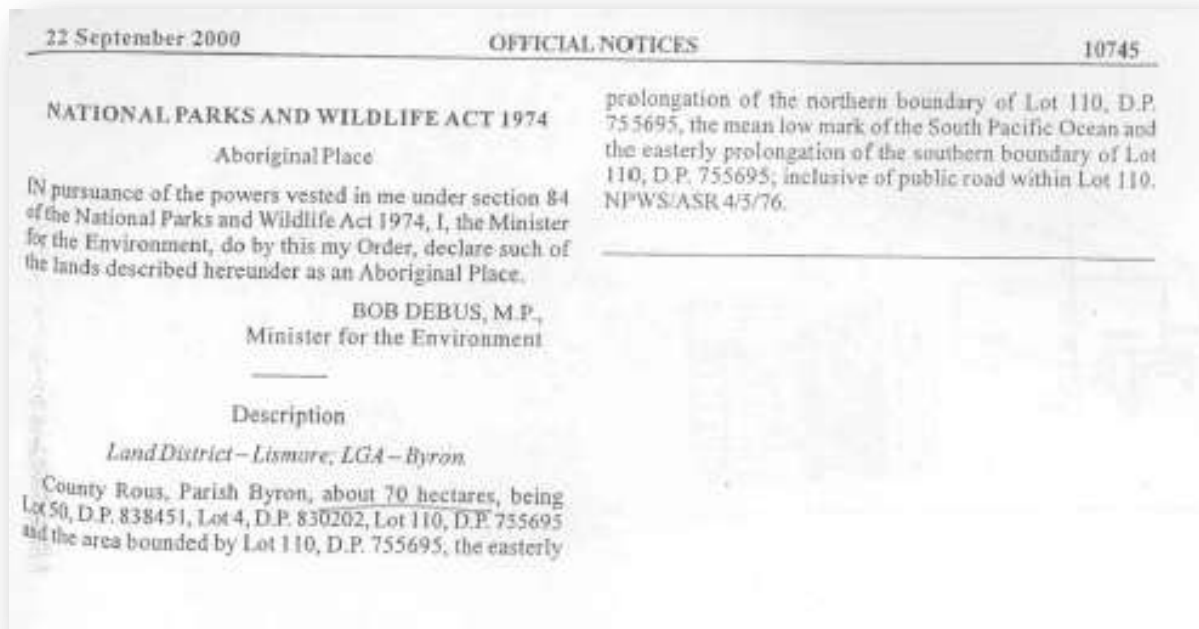
an Indigenous Land Use Agreement (ILUA) between the Bundjalung People of Byron Bay and the State Government. The ILUA was registered under the Commonwealth *Native Title Act* in 2008.

Protecting the wetlands

- 5 The lake and its surrounding swamp forests and sedgelands are mapped as wetlands under the State Coastal Wetlands Policy, known as State Environmental Planning Policy No. 14 (SEPP 14) – Coastal Wetlands (see Map 3). SEPP 14 aims to preserve and protect wetlands for their environmental and economic values at a State level by restricting certain development.

10 **2. Official notice declaring the Aboriginal Place**

The following notice declaring the Aboriginal Place appeared in the *Government Gazette* on 22 September 2000.



3. Stakeholders

- 15 The following organisations have interests in the AP:

Organisation	Role / Interest
Byron Shire Council	Landowner, Crown land trustee, owns sewer, water and drainage infrastructure.
Jali Local Aboriginal Land Council	Landowner
Crown Lands	Land manager
NPWS	Land manager
Marine Parks	Land manager
Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)	Native title claimants
Bundjalung Elders	Traditional knowledge holders
Telstra	Owner of telecommunications infrastructure
Neighbours of the Aboriginal place	Neighbouring property

MAP 3



4. General statement of management

The following statements outline the Aboriginal community's vision for management of the AP:

- 5 a) Encourage local Aboriginal communities to visit the place to continue cultural and spiritual practices, through informal or legal agreements with landowners/land holders/occupiers.
- b) Encourage action designed to ensure continuation of cultural practices, such as maintaining or improving water quality of the catchment and retaining and improving vegetation of high cultural value.
- 10 c) No action should be taken if it would have any adverse impact on the significance of the place.
- d) Minimise the risk of harming Aboriginal objects and sites and the Aboriginal place wherever possible.
- 15 e) Refer to this management plan for all day-to-day and longer term management decision-making and to implement works and undertake other activities
- f) Give Aboriginal cultural values priority in resolving any conflicts about management and change to the place.
- 20 g) Aboriginal sites and objects in the Aboriginal Place will be conserved, recorded and managed in accordance with their significance.
- h) Increase public awareness of the existence of the Aboriginal place and its high level of significance.
- i) Aboriginal knowledge gathered by OEH will be respected and protected.
- 25 j) OEH will support the Aboriginal communities to determine what information on the Aboriginal place will be made available, such as location, stories and significance, and whether signs are erected on the Aboriginal place.

5. Cultural values

30 In 2000, NPWS commissioned anthropologist Inge Riebe to prepare a report to assess the Aboriginal cultural significance of the lake and surrounding area to support the process of protecting the area by declaring it an Aboriginal place under the NPW Act.

35 The assessment involved interviews with Elders and other Aboriginal people with knowledge of the Place to document the area's history and cultural values, including its archaeological context, and the history of protection efforts. The report makes valuable recommendations for respectful management of this special women's area.

Due to the sensitive nature of the information in the report and the strong view of the Elders that the information not be made public, it is not repeated here. A summary of the cultural values of the Place that can be spoken of publicly are:

- 40 • the Aboriginal Place is a sacred place for Aboriginal women
- the Ti Tree Lake is sacred and is a registered mythological site on the OEH Aboriginal Heritage Information Management System (AHIMS)

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- traditional knowledge of the Aboriginal Place is sacred for Aboriginal women and is safeguarded. Traditional beliefs mean that the stories and secrets associated with Aboriginal Place cannot be talked about publicly.
- the Aboriginal Place is one of the few sacred women's sites in the state which remain intact and for which custodians and knowledge holders remain.
- local Aboriginal women continue to deliver traditional teachings about the Aboriginal Place to Aboriginal girls and women
- Aboriginal women continue to visit the place to maintain their connection with it and to pass on knowledge of its significance to others
- Elders have previously indicated strong concerns for maintaining catchment health to support their ongoing spiritual connections to Country

Due to the sacred significance of the lake and the surrounding 150-metre core area it is appropriate that this area has the greatest restrictions on use. However, the surrounding bushland within the Aboriginal Place is also integral to protecting the lake as it provides a buffer to adjoining land use and supports important cultural resources.

The Aboriginal Place occurs within a broader context of places of significance to the Aboriginal community. Other publicly known places include Cocked Hat Rocks (Three Sisters) Aboriginal Place, off Broken Head headland, in Broken Head Nature Reserve, Julian Rocks Nguthungulli Nature Reserve, a mythological site in Byron Bay and Walgun (Cape Byron) in Cape Byron State Conservation Area, east of Byron Bay.

6. Aboriginal community management goals

Management Goal	Timeframe
The lake and surrounding core area (lakeshore and 150 metre buffer), in particular, is used in accordance with Aboriginal cultural beliefs and traditions.	Short term
The lake is healthy and unpolluted.	Short term
Knowledge is passed down within the Aboriginal community in accordance with Aboriginal custom	Long term
The broader community understands and respects the significance of the lake and surrounding area.	Short term
Stakeholders (Council, NPWS, Crown lands, neighbours) understand and respect the significance of the lake and surrounding area.	Medium term
Cultural resources are healthy and sustainable.	Long term

7. Activities that could harm the Aboriginal Place

In the Assessment of Significance prepared by Inge Riebe (2000) the following statement is made about management of the AP, reflecting the wishes of the traditional owners and the parts of an earlier plan of management (Murphy 1993) of which they approved:

- a) Ensure as little disturbance to the lake as possible
- b) No swimming in the lake
- c) No access to the lake as far as possible (i.e. walkways)
- 5 d) No pollutants enter the lake. Sewerage, stormwater and rubbish from houses and runoff from the quarry are of particular concern.
- e) Any inappropriate human interference causes harm to the lake and can be harmful to those interfering. Custodial Elders need to have full control over any access to the Lake.
- 10 f) Men particularly should avoid the lake.

The following table details the type of activities that may occur in the AP including those that may harm the AP and its special cultural significance. Conditions are included, if appropriate, to reduce the harm caused by the activity. The inclusion or exclusion of certain activities in the AP is intended to reflect the wishes expressed by the traditional owners.

15

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Table 1 Activities in the Aboriginal Place

Activity	Is the activity consistent with cultural values?	Under what conditions could the activity be consistent, if any?
Commercial tourism and activities	No	None.
Education activities	Yes -conditionally	Educational activities provided by local custodian Elders.
Poor quality stormwater or groundwater entering the lake.	No	None.
Other pollutants entering the lake (sunscreens, insect repellent).	No	None.
Recreational or other use of the lake.	No	None.
Men coming within 150-metres of the lake (the core area)	No	None.
Buildings or structures	No	Small-scale, temporary structures for cultural purposes only.
Camping	No	None.
Riding bicycles	No	<ul style="list-style-type: none">• Restricted to Taylors Lake Road, the fire break south of houses in Suffolk Park (on Council land and NPWS).• No promotion of bike riding.• No official bikeway.
Use of motorised vehicles	No	<ul style="list-style-type: none">• Driving a mobility-impaired person within the AP for cultural purposes.• Use of official vehicles for fire-fighting purposes and on the fire break south of houses on Macgregor Street.
Bushwalking	No	<ul style="list-style-type: none">• Restricted to Ti Tree Lake Aboriginal Area, in accordance with an approved plan of management, Taylors Lake Road and Council land in the north west of the AP.• No promotion of bushwalking.• No walking tracks.

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Activities that could cause harm	Is the activity consistent with the cultural values?	Under what conditions could it be consistent if any?
Horse riding	No	<ul style="list-style-type: none"> Restricted to Taylors Lake Road and not promoted. No official bridle path.
Parties or dance parties	No	None.
Weddings	No	None.
Exercising domestic animals (dogs and cats) or allowing them to roam free.	No	None.
Use of drones	No	Only if in conjunction with works proposed in this management plan. Apply for permission on a case-by-case-basis from the landowner/manager.
Other recreational uses of the Aboriginal Place (e.g. events, photography, picnicking, etc)	No	Passive (low-key) activities in the Ti Tree Lake Aboriginal Area, in accordance with an approved management plan, on the beach or on Council land in the north west of the AP.
Developing new pathways	No	None.
Construction of new infrastructure	No	None.
Maintaining existing pathways	No	<ul style="list-style-type: none"> Low-key maintenance of the pathway providing access for cultural purposes to the western side of the lake from Taylors Lake Road. Maintenance of the fire trail south of the houses on Macgregor Street.
Maintenance of Taylors Lake Road (a designated fire trail)	No	<ul style="list-style-type: none"> No upgrading of road surface (sealing etc). Maintain as a gravel surface. Maintenance to the minimum standard required to provide access for fire fighting vehicles incorporating best practice erosion and sediment control and weed control.
Maintenance of utilities (water, sewer, telecommunications) under Taylors Lake Road.	No	<ul style="list-style-type: none"> Maintenance of utilities under the road must incorporate best practice erosion and sedimentation control and weed control. No upgrading of road surface (sealing, concreting etc). Maintain the road's gravel surface.
Cultural fire use	Yes - conditionally	<ul style="list-style-type: none"> Small fires for cultural purposes (e.g. cooking, warming, ash/charcoal).
Cultural activities	Yes - conditionally	<ul style="list-style-type: none"> Small groups only. Cultural activities to be conducted by local custodian women Elders.

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5.3 - ATTACHMENT 1

Activities that could cause harm	Is the activity consistent with the cultural values of the Aboriginal Place?	Under what conditions could it be consistent if any?
Clearing	No	Low-key (minimal) clearing of disturbed areas for cultural purposes.
Mining, quarrying or mineral exploration	No	None.
Pump from the lake or waterways	No	None.
Fire	No	<ul style="list-style-type: none"> Only small-scale controlled burns to maintain cultural resources (i.e. culturally valuable plants and animals) if required.
Controlling weeds	Yes - conditionally	<ul style="list-style-type: none"> No weed control to occur on the dunes until a general pattern of avoidance of the lake is established. Any herbicides usage around the lake must be consistent with permits and labels and an approved weed control/bush regeneration plan. No herbicides to be used over the lake or its tributaries, even if permitted on labels etc. It is preferred that women undertake this activity.
Controlling pest animals	Yes - conditionally	<ul style="list-style-type: none"> No poisons to be used within a 150-metre buffer area around the lake Poison usage must be consistent with permits and labels and an approved pest control plan. It is preferred that women undertake this activity.
Managing vegetation to reduce bush fire risk to adjacent development	No	<ul style="list-style-type: none"> Management bush fire risk in accordance with the approved Far North Coast Bush Fire Risk Management Plan. Ensure the Aboriginal Place is recognised as an asset in the Far North Coast Bush Fire Risk Management Plan.
Signs	Yes – conditionally	<ul style="list-style-type: none"> Signs to educate people about significance of the place and appropriate behaviour. Signs to be unobtrusive and placed so as not to attract visitors to the AP.
Moving, relocating or collecting objects	No.	If an object is in danger of being destroyed or damaged.

8. General management protocols

The following general protocols form an agreed basis for landowners, land managers and the Bundjalung of Byron Bay Arakwal People to work together to manage the AP:

- 5 a) assess the health of the lake through a water sampling program
- b) an agreed approach to risk management
- c) meet twice a year to review the operation of the management plan and consider whether to recommend changes to OEH
- 10 d) works carried out in the Aboriginal place will be in accordance with this plan of management
- e) keep each other informed of works being undertaken in the AP by email or in writing (see Contacts section)
- f) commit to working together to address strategic management issues in the AP, for example, access or controlling pest plants.

15 9. Risk management measures

The following risk management measures are intended to prevent or mitigate potential harm to the AP:

- a) Before carrying out works undertake cultural and heritage assessments through the Aboriginal Heritage Impact Permit (AHIP) process, as required.
- 20 b) Establish an exclusion or buffer zone for activities that could harm the place.
- c) Consult and involve the local Aboriginal community, relevant Elders, individuals and Local Aboriginal Land Councils.
- d) Manage fire to prevent large fires.
- e) Educate people about the significance of the place and safe practices.
- 25 f) Erect signage to educate the people about the place's significance and appropriate behaviour.
- g) Close pathways from the beach to the lake and along the lakeshore or allow them to revegetate naturally..
- h) Close pathways, other than the pathway to the western side of the lake
- 30 i) Manage weeds and pest animals to prevent loss or damage to cultural resources.
- j) Ensure runoff from the quarry site and stormwater from all outlets into the AP is managed to prevent harm to the place.
- k) Investigate formally closing Taylors Lake Road (or at least that part of the road within the Aboriginal Place).
- 35 l) Exclude development from the Aboriginal place.
- m) Ensure adequate sediment and erosion control on Taylors Lake Road.
- n) Ensure all sewage is properly treated on surrounding lands and that the sewerage system on the Aboriginal place and on surrounding lands is properly maintained.
- 40 o) Routinely monitor or inspect the Aboriginal place to identify potential harm.

10. Cultural value management statements

The following statements outline an agreed approach to managing the cultural values of the AP:

- a) Stakeholders and landowners will handle culturally sensitive information with respect and according to the wishes of the Aboriginal community regarding the AP which is a sacred women's place.
- b) Landowners, land managers and will work to conserve the environmental and cultural values of the place.
- c) Continuing access for Aboriginal people to the AP will be encouraged to conserve its special significance.
- d) Continued access to traditional/contemporary resources which are important for cultural purposes or simply in their own right, will be permitted.
- e) Landowners and land managers will be encouraged to respect the connection of Aboriginal people to the place and the need for connection to Country to allow for the passing on of traditional knowledge.
- f) The ongoing role of the AP as a teaching site will be recognised and respected.
- g) Landowners and land managers will work to prevent large scale landscape changes to the AP, to conserve its spiritual and cultural values.

11. Works and activities

Works are required in the AP to protect cultural values and to manage risks. The following table lists proposed works, specifies how the works should be undertaken, identifies who is responsible and sets timeframes. Map 4 shows the location of works proposed to address tracks and signage.

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Table 2 Proposed works and activities in the Aboriginal Place

Type of work or activity	Specification	Timeframe	Responsible authority
Design and install signage	<ul style="list-style-type: none"> Signs are to educate the public about the significance of the place and appropriate behaviour. Signs are to be unobtrusive and positioned so as not to attract visitors to the Aboriginal Place. <p><u>Sign locations (see Map 4):</u></p> <ul style="list-style-type: none"> near the lake entrance on the edge of vegetation on the informal track running from the lake entrance south along the lakeshore on the southern path that leads to the southern lake at the intersection of Taylors Lake Road and the pathway to the western side of the lake, on Taylors Lake Road at the southern boundary of the Aboriginal Place on Taylors Lake Road where it intersects with the western boundary of the Aboriginal Place at the entrance to the fire break on the AP that starts at the southern end of Glasgow Street. 	Short term	Council Jali LALC
Managing vegetation to reduce bush fire risk	<ul style="list-style-type: none"> Manage bush fire risk in accordance with the approved Far North Coast Bush Fire Risk Management Plan. Manage bush fire risk in the Ti Tree Lake Aboriginal Area in accordance with the NPWS Fire Management Strategy. Ensure the Aboriginal Place is recognised as an asset in the Far North Coast Bush Fire Risk Management Plan. 	Short - medium term	Council NPWS Far North Coast Bush Fire Management Ctee
Pests animals	<ul style="list-style-type: none"> Develop pest animal control plan/s (possibly linked to survey). No poisons (baits) to be used within a 150-metre buffer area around the lake Poison usage must be consistent with permits and labels and an approved pest animal control plan. It is preferred that women undertake this activity. It is preferred that women undertake this activity. 	Medium term	Jali LALC Council NPWS

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Type of work or activity	Specification	Timeframe	Responsible authority
Pests plants	<ul style="list-style-type: none"> Develop bush regeneration plans. No weed control to occur on the dunes until a general pattern of avoidance of the lake is established. Any herbicides usage around the lake must be consistent with permits and labels and an approved weed control plan. No herbicides to be used over the lake or its tributaries, even if permitted on labels etc. No poisons to be used within a 150-metre buffer area around the lake Poison usage must be consistent with permits and labels and an approved pest animal control plan. It is preferred that women undertake this activity. It is preferred that women undertake this activity. 	<u>Plan</u> - short term <u>Works on dunes</u> – medium term <u>Works elsewhere</u> – short to medium term	Jali LALC Council NPWS
Close pathways (see Map 4)	<ul style="list-style-type: none"> Pathways from the beach to the lake and along the lakeshore will be closed or allowed to revegetate naturally. Investigate closure options. Close (bollard) the pathway that starts at the western end of the fire break behind the houses on Macgregor St and runs south into the Aboriginal Place to stop vehicles. Close (bollard) the pathway that starts at the firebreak south of Glasgow Street and runs west to Taylors Lake Road Close the pathway that runs to the western side of the lake at the intersection with Taylors Lake Road to stop motorbikes. Investigate closure options. Check for pathways from the beach to the northern lake – close. 	Short term	Council Jali LALC
Investigate closing Taylors Lake Road	<ul style="list-style-type: none"> Investigate the process and the implications for landowners/managers prior to taking any further action. 	Long term	Council NPWS Jali LALC
Maintenance and adequacy of Council's sewerage system	<ul style="list-style-type: none"> Obtain copy of maintenance program from Council Ensure maintenance program is adequate. Ensure no pollution of the AP. 	Short term	Council

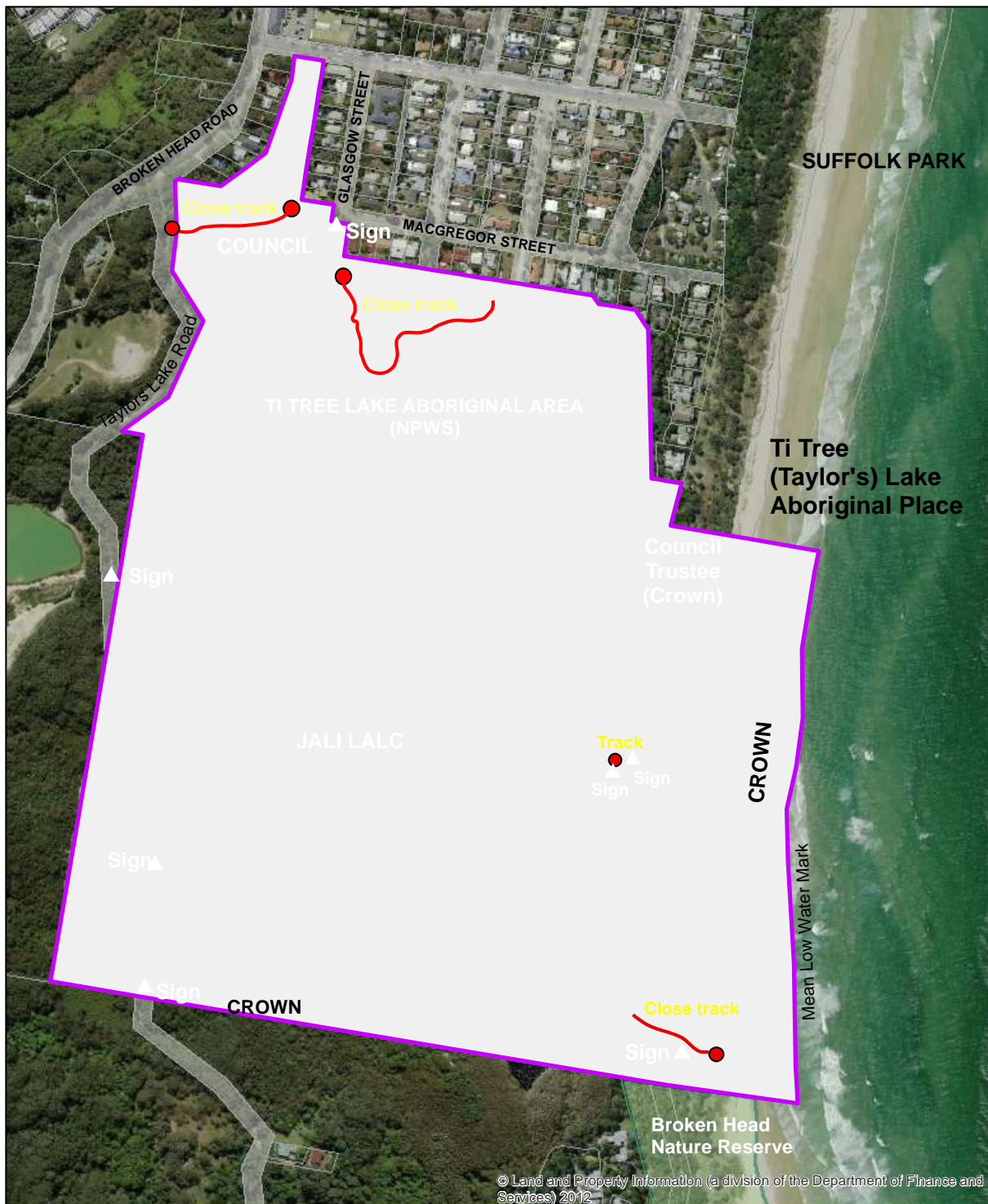
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5.3 - ATTACHMENT 1

Type of work or activity	Specification	Timeframe	Responsible authority
Ensure any septic systems on adjacent properties are operating safely and are not polluting the AP.	<ul style="list-style-type: none"> Obtain advice from Council 	Short to medium term	Council
Water quality of the lake – stormwater management	<ul style="list-style-type: none"> Identify the places where stormwater enters the AP Obtain advice about an effective stormwater sampling program, including the lake Test stormwater and obtain a report about its likely impacts on the health of the lake. Identify any remediation action required and implement. 	<u>Plan</u> – short term <u>Sample and remediate</u> – medium to long term	Council NPWS Jali LALC Proprietors of Broken Head Quarry
Soil erosion and sediment control (Taylors Lake Rd and pathway to western side of lake)	<ul style="list-style-type: none"> Determine what works are required (if any) to meet best practice erosion and sediment control standards for the road and pathway, taking into account the culturally sensitive environment. Prepare a report including works and priorities. 	Medium term	Council Jali LALC
Remove rubbish	<ul style="list-style-type: none"> Remove rubbish in the clearing on the western side of the lake. Remove rubbish from other areas of the AP as identified or reported. NPWS to remove rubbish from the Ti Tree lake Aboriginal Area as identified or reported. Council to remove rubbish from their property as identified or reported. 	Short term	Jali LALC NPWS Council
Survey plants and animals	<ul style="list-style-type: none"> Undertaken survey in accordance with OEH guidelines Target culturally important animals/plants and threatened animals. 	Medium - long term	Jali LALC Council NPWS

MAP 4

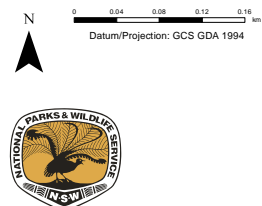


Legend

- Aboriginal Place
- NPWS Estate
- Road
- Lot

Ti Tree (Taylors) Lake AP Works Proposed Tracks & Signs

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12. Other matters for negotiation

- Signage design.
- Other matters to be added after further consultation.

13. Culturally sensitive information

- 5 Only publicly available cultural information is included in this plan. Cultural knowledge of the AP remains the property of the knowledge holders.

14. Funding and resources for works proposed in the plan

- To be completed following further consultation.

15. Contacts

- 10 Sue Walker
Area Manager, Byron Coast
National Parks & Wildlife Service
Tallow Beach Road, Byron Bay NSW 2481
npws.byroncoast@environment.nsw.gov.au
- 15 Phone: 0266209300

Jali Local Aboriginal Land Council

Byron Shire Council

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Crown Lands

Cape Byron Marine Park

GLOSSARY

	AHIP	Aboriginal Heritage Impact Permit
5	AHIMS	Aboriginal Heritage Information Management System
	AP	Aboriginal Place
	Bundjalung of Byron Bay Aboriginal Corporation (Arakwal):	
10		The Corporation is established under the <i>Aboriginal Councils and Association Act 1976</i> (Commonwealth), as a prescribed body to represent the Bundjalung People Byron Bay (Arakwal) as native titleholders and their rights, interests and benefits in trust.
15	Cultural activities:	Refers to activities such as, but not limited to, wild resource use, gatherings, ceremonies and other cultural practices and customs.
20	Country:	Refers to the 'landscape' of origin of a particular group/clan of Aboriginal people. This landscape is all encompassing, and the natural, cultural and historical features are inseparable.
	Endangered Ecological Community:	
		A community listed on Schedule 1 Part 3 of the <i>Threatened Species Conservation Act 1997</i> (NSW).
25	ILUA	Indigenous Land Use Agreement
	LEP	Local Environmental Plan
	OEH	Office of Environment & Heritage
	NPW Act	National Parks and Wildlife Act 1974
	NPWS	National Parks & Wildlife Service
30	SEPP 14	State Environmental Planning Policy No. 14 – Coastal Wetlands
35	Threatened species:	A species listed under the <i>Threatened Species Conservation Act 1997</i> (NSW) as either endangered, critically endangered or vulnerable.

REFERENCES

- 5 Murphy D 1993, *Investigation Report of Proposal for an Aboriginal Place at Taylors Lake*, via Suffolk Park NSW, report to the National Parks & Wildlife Service.
- OEH 2012, *Guidelines for developing management plans for declared Aboriginal Places*, Office of Environment & Heritage, Sydney South.
- 10 Riebe, I 2000, Assessment of Significance for Aboriginal Place Declaration, Ti Tree (Taylors) Lake, unpublished report to the National Parks & Wildlife Service.

APPENDIX 1

BACKGROUND RESOURCE PAPER

TI TREE (TAYLOR'S) LAKE ABORIGINAL PLACE



To be completed.....