

**Arakwal Memorandum of Understanding Implementation Plan
2015-16**

*Byron Shire Council and
Bundjalung of Byron Bay Aboriginal Corporation (Arakwal)
Memorandum of Understanding*



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Item No.	MoU No.	Priority Action	Strategic Actions	Status
1	4.2.4	Implement cultural awareness induction for all staff and Councillors through Arakwal's website, with specifically tailored training packages for relevant staff to include Native Title and other relevant land management issues (4.2.4 in the MoU).	i. Continue to monitor cultural awareness training	Complete/ Ongoing
			ii. Deliver cultural awareness training to Council staff outside the head office.	Incomplete/ Carry Over
2	3.2.1	Develop and Implement an Employment Strategy	i. Refer to the Reconciliation Action Plan	Incomplete / Carry Over
3	1.2.2	Ti Tree Lake (Taylors Lake) 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	Work with Arakwal, NPWS and Jali Land Council to create and implement a POM for Ti Tree Aboriginal Place Area Council staff to continue the legal processes to protect the Ti Tree Lake from proposed development.	PoM Adopted by Council Projects Commenced Successfully stopped development application for housing development at the Broken Head Quarry

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		regard to proposed developments on or around the area.		
4	2.2.2	<p>Consultation processes for development applications and other matters in regards to public lands</p> <ul style="list-style-type: none"> • Development of clear processes in regard to consultation and engagement with Arakwal on development applications and other planning mechanisms in lands within the Byron Shire. • Development of frameworks for ongoing consultation processes. 	<p>4-332 Resolved that in relation to Report 4.1 'Consultation and engagement for Development Applications' and other matters in regards to public land Council, Council adopt:</p> <p><u>Committee Recommendation AMoU 4.1.1</u></p> <ol style="list-style-type: none"> 1 <i>The existing consultation processes for development applications and other matters in regards to public lands be noted.</i> 2. <i>That the proposals contained in this report be considered and that a framework for consultation with the Bundjalung of Byron Bay, Arakwal people and other Aboriginal stakeholders be developed and that Council in the development of the framework:</i> <ol style="list-style-type: none"> a) <i>Identify potential external funding sources for a Shire Wide Aboriginal Heritage Survey</i> b) <i>Include reference to internal Council map titled "Aboriginal heritage conservation areas from draft Shire-wide LEP 2008" prior to notifying Bundjalung of Byron Bay, Arakwal of development applications</i> 	<p>Successful funding application from Office of Environment and Heritage for Byron Shire Council to undertake Stage 1 of a shire wide Aboriginal Cultural Heritage Study.</p> <p>Aboriginal Cultural Heritage Study commenced 08/02/2017</p> <p>Continue to work with SEE directorate to streamline consultation processes within Council's development application process</p> <p>Commenced process to formalize Council's working relationship with Tweed Byron Local Aboriginal Land Council.</p>

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			<p>c) <i>Amend Council's document Guide to lodging a Development to include advice to the proponent on their due diligence responsibilities under the National Parks and Wildlife Act 1974 (NPW Act)</i></p> <p>d) <i>Develop an Aboriginal cultural heritage checklist which could be included with all DA information kits for proponents</i></p> <p>e) <i>Establish a formal agreement with the LALCs to guide ongoing engagement and consultation processes in regards to DAs, Aboriginal heritage protection and management</i></p> <p>f) <i>Formalise the process of engagement as a policy or procedure document, or integrate the process into Council's internal Integrated Planning Documents</i></p> <p>g) <i>Encourage Council staff to continue to refer discussion and consultation on the development and amendment of Council policies to the Arakwal MoU Advisory Committee</i></p> <p>3. <i>That Council, when reviewing existing Plans of Management (PoM) or developing new PoMs, undertake consultation with Aboriginal Stakeholders to identify areas within the plan that may be recognised by</i></p>	

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			<p><i>Council as an area of cultural significance under section 36H of the Local Government Act 1993.</i></p> <p>14-333 Resolved that in relation to Report 4.2 'Aboriginal Sites Identification Pamphlet', Council adopt:</p> <p><u>Committee Recommendation AMoU 4.2.1</u></p> <p><i>That consideration of the pamphlet be deferred pending further input from Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) and Council staff.</i></p>	
5	3.2.2	Arakwal Cultural Centre Council to continue to support the development of the Arakwal Cultural Centre and assist with applications for funding. This project has been carried forward from the 1998 Heads of Agreement.	Work with Arakwal to identify sources of funding for the Arakwal Cultural Centre. Support Arakwal in the creation of funding submissions.	Carry Over
2	4.2.2	Protecting Wetlands	Form a working party to develop an action plan to address ongoing storm water issues on Clarkes Beach with priority to protecting the Aboriginal midden (a registered and protected)	Commenced/ Carry Over
7	4.2.3	Byron sewerage treatment plant at Tallow Creek The decommissioning of the Byron sewerage treatment plant (Tallow Creek).	Now referred to as South Byron Sewerage Treatment Plant. Decommissioning	Ongoing

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		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.	Future Development	
8	5.2.3	Sandhills Estate Arakwal to continue support for the residual land in the Sandhills Estate intended for transfer during negotiations of Indigenous Land Use Agreement 2. This land to be developed in consultation with Arakwal for civic and community uses.	Write to Department of Lands.	Council has both written to Crown Lands and held discussions on the transfer of the residual Land. The discussions held have referred both to the Land Claim lodged by NSW Land Council over the Sandhills Estate and the potential transfer of Crown Lands to Local Councils proposed under the Crown Lands White Paper - Ongoing – Carry over
9	5.2.5	Aboriginal Health Council and Arakwal to work in partnership to develop local networks and work with regional networks to advocate for Aboriginal health service provision in Byron Shire. This may include an outreach service at existing community and neighbourhood centres, health promotion services and brokerage services.	Aboriginal Interagency to meet quarterly. Identify lead agencies and apply for funding/ support funding applications. Work with representatives from different levels of government to advocate for increased funding, improved service delivery.	Aboriginal Services Coalition Formed. Carry over

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10	5.2.2	<p>Aboriginal social, economic and community development projects Arakwal and Council to work in partnership on Aboriginal social, economic and community development projects that have positive outcomes for the wider community.</p> <p>Arakwal have identified that community safety and social issues in Byron Bay are having direct and broader impacts on their families and communities, notably drug and alcohol use, law enforcement, housing, employment, education and health.</p>	<ul style="list-style-type: none"> i. Arts ii. Workshops – employment and grant development iii. Interagency iv. To be considered in the development of Council’s Reconciliation Action Plan. v. Schools to deliver a cultural program. 	<p>Aboriginal Services Coalition Formed.</p> <p>Cultural Restoration projects through grant funding :</p> <p>I Will Blow the Fire 2015</p> <p>Seasonal Styles 2015/6</p> <p>Signing Up Country 2016</p> <p>Ongoing</p>