

NOTICE OF MEETING



EXTRAORDINARY ARAKWAL MEMORANDUM OF UNDERSTANDING ADVISORY COMMITTEE MEETING

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

Venue	Conference Room, Station Street, Mullumbimby
Date	Tuesday, 21 November 2017
Time	4.00pm

A handwritten signature in black ink, appearing to read 'Mark Arnold', is located in the lower left area of the page.

Mark Arnold
Acting 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
EXTRAORDINARY 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
22 September 2017

4. STAFF REPORTS

Corporate and Community Services

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 4.1 Draft BSC Residential Strategy - Aboriginal Cultural Heritage Concerns

Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2017/1749
Theme: Society and Culture
Community Development

Summary:

This report seeks advice from the Arakwal Memorandum of Understanding Committee regarding Aboriginal Cultural Heritage considerations for the Draft Residential Land Strategy.

RECOMMENDATION:

That the Arakwal Memorandum of Understanding Advisory Committee provide advice on the Draft Residential Land Use Strategy with particular consideration to the Saddle Road Precinct.

Attachments:

- 1 Draft Residential Land Use Strategy - Areas of Interest - Saddle Road Precinct, E2017/105172 , page 7 [↓](#)
- 2 Confidential - Meeting Strategic Planning Staff and Arakwal Corporation 6/11/17, E2017/103019

Background

The Arakwal Memorandum of Understanding states:

- 5 2.2.2 Consultation processes for development applications and other matters in regards to public lands:
- 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.
 - 10 • Development of frameworks for ongoing consultation processes.

Report

15 A Residential Strategy is being prepared for Byron Shire. The strategy considers land that may be suitable for new urban residential development. The Saddle Ridge locality has been identified as a potential area for affordable housing. Land owners in this area have highlighted with the Sustainable Development staff that this locality has important Aboriginal cultural sites and linkages.

20 To ensure that this matter is appropriately considered in the Strategy, Council staff have requested advice from formal Aboriginal stakeholders in the Byron Shire regarding any cultural significance to this area and whether the area should be precluded from consideration for residential development, or be considered for residential development with further detailed investigation or discussion.

25 Timeline of the Aboriginal Consultation of the development of the Draft Residential Strategy

- 28 September 2016 Emails were sent to Arakwal, Tweed Byron LALC, Jali LALC, Ngulingah LALC and NTS Corp notifying of the Exhibition of Preliminary Draft Residential Strategy (29/9-11/11/16) – email notification sent to all staff. Letters sent out to Aboriginal Stakeholders (NTSCORP Limited is the Native Title Service Provider for Aboriginal Traditional Owners in New South Wales and the Australian Capital Territory)
- March – July 2017: planning staff undertake more detailed land suitability mapping (to be followed by site inspections and other stakeholder engagement before finalising strategy)
- 35 • 22/6/17 Res 17-260 identifying Saddle Road precinct for possible ‘affordable housing’ opportunities and stakeholder engagement
- 31/8/17 meeting to brief Saddle Road landowners on resolution 17-260 and to discuss key planning issues affecting this precinct (with ‘cultural heritage’ values being identified as a significant issue to investigated)
- 40 • 1/09/17 planning staff contact Aboriginal Projects Officer regarding Saddle Road locality
- 9/09/17 Aboriginal Projects Officer notifies all Aboriginal Stakeholder groups of this project and seeks feedback around how they would like to proceed.
- 6/11/17 Strategic Planning staff met with Arakwal Corporation representatives to discuss Saddle Road Minutes of this meeting are attached (Attachment 2)

45 On 29 September the Arakwal Corporation provided the following written feedback regarding this project:

50 *Bundjalung of Byron Bay Aboriginal Corporation (Arakwal) (BOBBAC) request that Byron Shire Council (BSC) engage a qualified Archaeologist to undertake an archaeological assessment of the proposed released parcels of land if it hasn't already done so.*

We would also request that Arakwal Senior and Junior Cultural Field Officers are employed to do cultural site monitoring on this area before it is dedicated to land release.

BOBBAC would also like to confirm that any projects of this nature go through the Arakwal MoU Management Committee for discussions and comment with the required time frames of being able to respond accordingly from these meetings.

5

On 13 November the Arakwal Corporation requested that this matter be discussed that the Extraordinary Meeting of the Arakwal Memorandum of Understanding Advisory Committee on 21 November 2017. Strategic Planning staff have been invited to attend to assist with the clarification on the further planning processes on this significant area.

10

Financial Implications

Nil from this report

15

Statutory and Policy Compliance Implications

Arakwal MoU 2013

Native Title Act 1993

National Parks and Wildlife Act 1974

20

Local Government Act 1993

DRAFT Byron Residential Strategy - Areas of Interest - The Saddle Road precinct



Disclaimer: While all reasonable care has been taken to ensure the information contained on this map is up to date and accurate, no warranty is given that the information contained on this map is free from error or omission. Any reliance placed on such information shall be at the sole risk of the user. Please verify the accuracy of the information prior to using it. Note: The information shown on this map is a copyright of the Byron Shire Council and the NSW Department of Lands.

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Report No. 4.2 **Butler Street proposed Crown Land Acquisition**
Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2017/1750
5 **Theme:** Society and Culture
 Community Development

Summary:

10 Arakwal Corporation requests an update by Council staff regarding the proposed use of the Crown Land that Council seeks to acquire at Butler Street, Byron Bay.

RECOMMENDATION:

That the Arakwal Memorandum of Understanding Advisory Committee note the consultation with the Arakwal Corporation and the Arakwal Memorandum of Understanding Committee on the compulsory acquisition of the crown land at Butler Street, Byron Bay.

15 **Attachments:**

- 1 Letter to Arakwal regarding Butler Street Land Acquisition, E2017/105195, page 10 [↓](#)

Report

Council intends to compulsorily acquire various Crown Land lots located on Butler Street, Byron Bay. These lots are highlighted in the attached map (Attachment 1).

5 As part of the acquisition process, Council must deal with parties having an interest in the relevant Crown Land. The Arakwal Corporation is an interest holder in the land, by virtue of ILUA 2.

10 Council's dealings with the various interest holders will comprise part of its application to the Minister for Local Government for permission to compulsorily acquire the land. Council notes that it is yet to obtain the Minister's consent for the acquisition. Council cannot acquire land in the absence of that consent.

15 Assuming Council obtains the Minister's consent to acquire the land, the formal notification, acquisition and compensation processes under the *Land Acquisition (Just Terms Compensation) Act 1991* (NSW) and the *Native Title Act 1993* (Cth) will commence.

20 The Arakwal Corporation wrote to Council staff on 13 November seeking further information regarding the intended use for the proposed Butler Street land for acquisition.

Further information to be tabled at the meeting.

Financial Implications

25 Nil from this report

Statutory and Policy Compliance Implications

30 Arakwal MoU 2013
Native Title Act 1993
Local Government Act 1993
Land Acquisition (Just Terms Compensation) Act 1991



BSC File No: #E2017/91120

26 September 2017

The Committee
Arakwal Memorandum of Understanding Advisory Committee

Dear Committee members

Acquisition of Crown land – Butler Street, Byron Bay

Council wishes to compulsorily acquire various Crown Land lots located on Butler Street, Byron Bay. These lots are highlighted in the attached map.

As part of the acquisition process, Council must deal with parties having an interest in the relevant Crown Land. The Arakwal Corporation is an interest holder in the land, by virtue of ILUA 2.

Council's dealings with the various interest holders will comprise part of its application to the Minister for Local Government for permission to compulsorily acquire the land. Council notes that it is yet to obtain the Minister's consent for the acquisition. Council cannot acquire land in the absence of that consent.

Assuming Council obtains the Minister's consent to acquire the land, the formal notification, acquisition and compensation processes under the *Land Acquisition (Just Terms Compensation) Act 1991 (NSW)* and the *Native Title Act 1993 (Cth)* will commence.

In the meantime, in addition to Council writing directly to the Corporation about this matter, Council also writes to the Committee to notify it of Council's intention to acquire the land. If the acquisition proceeds, Council will further contact the Committee with updates.

For the moment, Council looks forward to the Committee acknowledging this letter.

Yours sincerely

Mark Arnold
Acting General Manager
Byron Shire Council



TRADITIONAL HOME OF
THE BUNDJALUNG PEOPLE

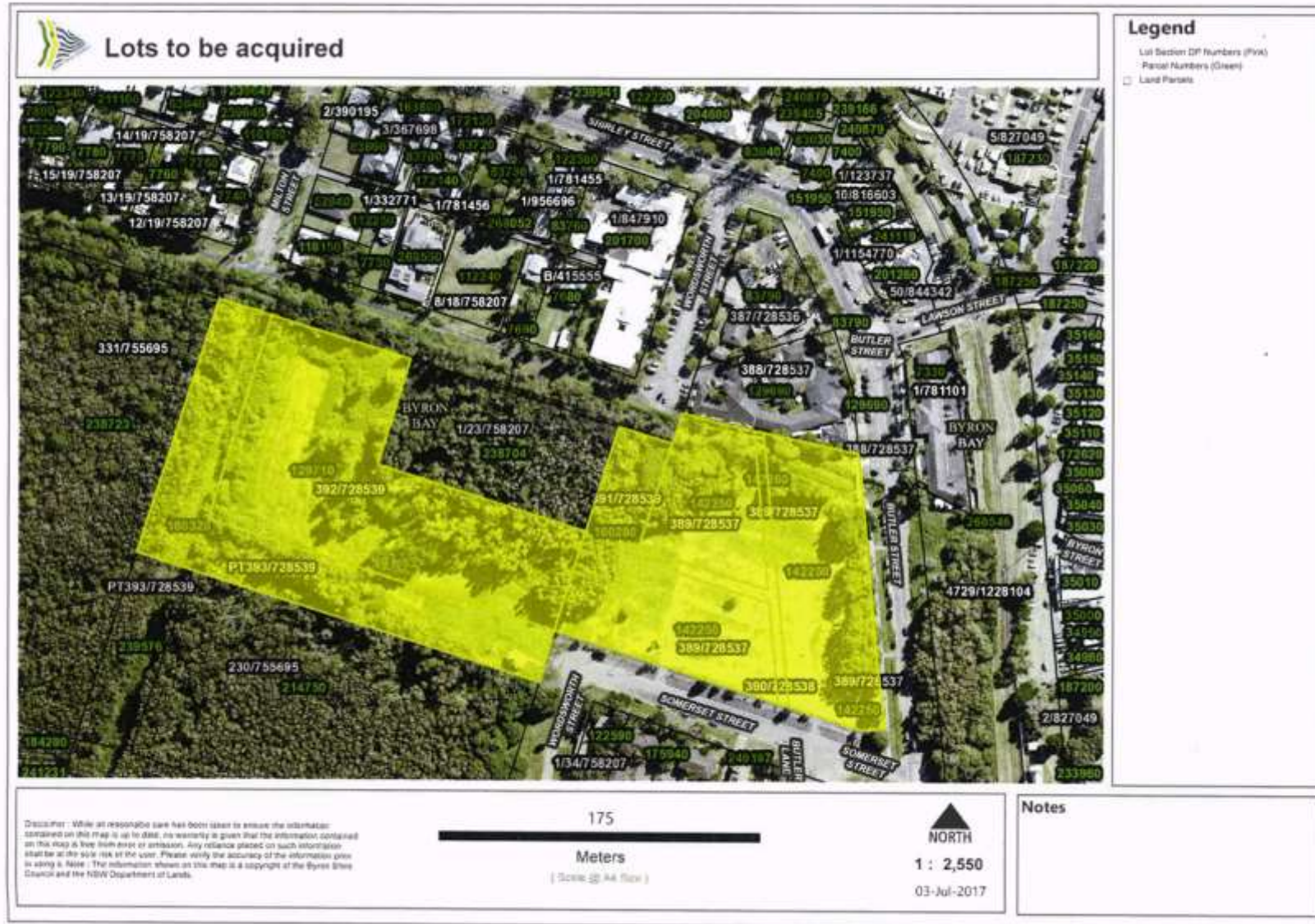
ALL COMMUNICATIONS TO BE
ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Street)
DX20007 Mullumbimby E: council@byron.nsw.gov.au
P: 02 6626 7000 F: 02 6684 3018
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BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.2 - ATTACHMENT 1



Report No. 4.3 **Aboriginal Cultural Heritage Study**
Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2017/1751
5 **Theme:** Society and Culture
 Community Development

Summary:

10 This report outlines the next step in the finalisation of Stage One of the Byron Shire Aboriginal Cultural Heritage Study.

RECOMMENDATION:

15 That the Arakwal Memorandum of Understanding Advisory Committee note the finalisation of Stage One of the Byron Shire Aboriginal Cultural Heritage Study.

Background

This project addresses three priority projects of the Arakwal MoU.

5 The Arakwal MoU states:

1.2.4 Ongoing Cultural Heritage Management and Land Management Rights

10 The development and implementation of a process to ensure ongoing recognition/consultation with Arakwal once Native Title Claims are granted and resolved that ensure ongoing Cultural Heritage Management and Land Management Rights.

1.2.3 Access to monitor important Aboriginal sites on private land

15 The development of a process that allows the Arakwal some level of access to monitor important sites on private land. Arakwal have identified some legislative changes which make it an offence to knowingly damage or destroy Aboriginal sites.

2.2.2 Consultation processes for development applications and other matters in regards to public lands

- 20 • 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.

National Parks and Wildlife Service (NPWS) representatives Sue Walker and Norman Graham met with Council's Director Corporate and Community Services, and Manager Community

25 Development to discuss the Draft Byron Shire Aboriginal Cultural Heritage Study (Stage 1) prepared by Everick Consultants. NPWS submitted comprehensive feedback to Council on the document and have requested ongoing participation in the Byron Shire Aboriginal Cultural Heritage Study project.

30 Council staff provided feedback from NPWS and Council to Everick Consulting and a further draft of the Study was provided to the Byron Shire Aboriginal Cultural Heritage Study Steering Committee and NPWS for consideration. It is acknowledged that the scope of the Draft Byron Shire Aboriginal Cultural Heritage Study (Stage 1) was limited by budget constraints and that further stages of the Byron Shire Aboriginal Cultural Heritage Study project will be undertaken in order to develop a robust Byron Shire Aboriginal Cultural Heritage study, and agreed Aboriginal Cultural Heritage management system. A recommendation from the Draft Byron Shire Aboriginal Cultural Heritage Study (Stage 1) is the formation of an Aboriginal Cultural Heritage Study Committee, which will guide the development and implementation of further stages of the study project.

40 Council staff attended the Arakwal Corporation Board meeting on 23 September 2017 to discuss the document, answer questions and receive feedback.

Report

45 This report outlines the next step in the finalisation of Stage One of the Byron Shire Aboriginal Cultural Heritage Study.

50 Council staff met with Byron Shire Aboriginal Cultural Heritage Steering Committee's Aboriginal Steering Committee on 19 October to discuss the finalisation of Stage One of the Cultural Heritage Study. This meeting was attended by the CEO of Tweed Byron Local Aboriginal Land Council and Jali Local Aboriginal Land Council. Both stakeholders advised Council they would be providing feedback in writing. This feedback was not received at the time this report was written.

Council have received feedback from NPWS/ EOH and Arakwal and have integrated this feedback. All maps, coordinates and references that identify locations of sites will be removed from the report and made into confidential attachments in order to protect the information.

- 5 Council intends to acquit the project with the Office of Environment and Heritage. Council will report the recommendations to Council to formalise internal processes to protect Aboriginal Cultural Heritage in the Byron Shire.

- 10 Council staff understand the confidential nature of Aboriginal Cultural Heritage information and have taken steps to protect this information by creating a confidential folder in its records management system. Only three staff within the organisation have authority to access the confidential folder and the files cannot be printed.

Financial Implications

- 15 Council intends to finalise the Byron Shire Aboriginal Cultural Heritage Study (Stage One) as outlined and send an acquittal report to Office of Environment and Heritage. Grant funding of \$25,000 is outstanding and incumbent on the acquittal of the project.

20 Statutory and Policy Compliance Implications

- Arakwal MoU 2013
Native Title Act 1993
Local Government Act 1993
25 National Parks and Wildlife Act 1993

Report No. 4.4 **Arakwal employment and procurement opportunities**
Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2017/1752
5 **Theme:** Society and Culture
 Community Development

Summary:

10 This report outlines the proposed development of an Indigenous Employment Strategy for Byron Shire Council.

RECOMMENDATION:

That the Arakwal Memorandum of Understanding Advisory Committee discuss key objectives for the development of an Indigenous Employment Strategy to assist with the development and implementation of this strategy.

15 **Attachments:**

- 1 Lismore RAP 2017/18, E2017/105371, page 17 [↓](#)
- 2 Indigenous Employment Strategy - Preliminary Discussion, E2017/105378, page 37 [↓](#)

Background

The Arakwal Memorandum of Understanding states

5 **3.2.1 Indigenous Employment Strategies**

Council to develop and implement an Indigenous Employment Strategy. Council are a key employment provider in the local community and the strategic employment of indigenous staff has huge benefits to the local community.

10 In 2013, Lismore City Council developed and adopted their first Reconciliation Action Plan (RAP). Their second RAP, launched in 2017, builds on the three foundation principles defined within the first RAP – relationships, respect and opportunities – with key deliverables over the next two years in the three focus areas (Attachment 1).

15 **Focus area 3:** Employment and procurement (opportunities). Actions include continuing the Aboriginal Employment Strategy in order to achieve a workforce that is 6% Aboriginal and Torres Strait Islander, and work with local Aboriginal and Torres Strait Islander businesses to increase the supply of goods and services.

https://www.lismore.nsw.gov.au/cp_themes/default/page.asp?p=DOC-WKF-86-71-42

20

Report

Lismore City Council's Reconciliation Action Plan refers to the development of an Aboriginal Employment Strategy. This strategy was not located on their website.

25

To inform the process for Byron Shire Council to establish an employment strategy a number of questions have been developed to assist People and Culture to develop a framework for a strategy (Attachment 2).

30 **Financial Implications**

Nil from this report

Statutory and Policy Compliance Implications

35

Arakwal Memorandum of Understanding 2013
Local Government Act 1993







Our vision for reconciliation

Our vision for reconciliation is that our community walks together towards a shared future, acknowledging through actions and words the histories, cultures and contributions of Aboriginal and Torres Strait Islander community members.



A message from our Mayor

We recognise the Bundjalung peoples as the first Australians of this region and we acknowledge that we live and work on their traditional lands.

The various clans that lived in the Lismore area over many thousands of years knew and respected this land and the physical and spiritual sustenance it provided.

Despite the ravages of colonisation, dispossession of land and injustices such as the forced removal of children, that connection to country and culture remains strong and enduring. However, we see the manifestation of past and present injustices transparent in unacceptable gaps in health, education, employment and life expectancy.

Lismore City Council is determined to play a role in improving employment opportunities and in helping to Close the Gap.

Through the Reconciliation Action Plan (RAP), adopted in 2013, we have already made some big steps to address these issues, boosting our Aboriginal and Torres Strait Islander employment rates, establishing an Aboriginal Advisory Group and providing cultural

awareness training that has had a profound effect on many staff. This and much more has already been achieved – but we still have work to do.

In our new RAP we continue our efforts to increase Aboriginal employment, with a goal to have a workforce that is 6% Aboriginal and Torres Strait Islander. We will continue our commitment to the Aboriginal Advisory Group and to hosting community events where culture and understanding can be shared. We will also continue cultural awareness training and, importantly, reach out to other local governments and organisations to encourage others to adopt a RAP.

Our RAP turns symbolism into action and we are dedicated to the three themes within the plan as a framework for change – Relationships, Respect and Opportunities.

I look forward to seeing the positive outcomes of this new RAP creating change in our local community and, in doing so, make our country a better place for all Australians.

Isaac Smith
Mayor



A message from our General Manager

When we adopted our Reconciliation Action Plan (RAP) in May 2013, I was immensely proud that we were the first local government to develop a RAP in the Northern Rivers.

We were showing leadership and we wanted to make a real difference in the lives of our Aboriginal and Torres Strait Islander community members.

At the launch, I made the commitment that this would not be a plan that would sit on the shelf. This would be a plan that would honour the words in its title – in particular Reconciliation and Action.

I am pleased that we have honoured that commitment.

We were overwhelmed with the response to our trainee program and it was a difficult task selecting just nine trainees from over 120 interested people. Three of those trainees are now permanent employees, which is a fantastic outcome.

This year we will take on six Elsa Dixon school-based trainees.

Our Cultural Awareness Training has been piloted and will be rolled out across the organisation in 2017/18.

I would like to acknowledge and thank our dedicated staff who have risen to the challenge and wholeheartedly supported the actions in our RAP.

While we have made a promising start, there is much more to do.

This new RAP will delve deeper, it will consolidate our efforts to date and make us stretch a bit further to reach our goals.

I look forward to seeing the results of our actions.

Gary Murphy
General Manager



Our business

The Lismore Local Government Area is a mixed urban and rural community in the heart of the Northern Rivers. The city is situated on the Wilsons River and covers an area of 1,290 square kilometres.

Lismore City Council delivers local government services to around 45,000 residents. Those services include:

- Local roads and bridges, sewerage and drains, and parks and gardens
- Waste management and recycling
- Management of recreation and cultural facilities such as the Goonellabah Sports & Aquatic Centre, Lismore City Hall, Richmond Tweed Regional Library and various sporting fields
- Strategic planning and development
- Community engagement and partnering
- Development and monitoring of compliance activities
- Development and implementation of environmental strategies

- Facilitation of economic development initiatives
- Organisation and delivery of important community events, i.e. Citizenship Ceremonies, NAIDOC Family Day, Youth Week, Seniors' Week and Australia Day

Lismore City Council is made up of 11 Councillors. In accordance with the *Local Government Act*, Councillors participate in Council decision-making and strategic planning.

Council decisions and plans are implemented by Council's administrative body, which employs 485 staff. There are about 300 staff from the Infrastructure Services directorate, who work from various depots across the Local Government Area. The remaining 185 staff are from the Sustainable Development

and General Manager's directorates and are largely based in the corporate office in Goonellabah.

Lismore's Aboriginal & Torres Strait Islander population is 2% higher than the NSW average of 2.5% and Lismore's suburb of Goonellabah has an Aboriginal and Torres Strait Islander population of 6.3%. Lismore City Council is committed to equitable representation of Aboriginal and Torres Strait Islander peoples within its workforce. Aboriginal and Torres Strait Islander people represent 6% of the working age population in the Lismore Local Government Area. Therefore, Lismore City Council has made a commitment to ensure that 6% of its workforce is Aboriginal and Torres Strait Islander. This equates to about 29 positions. Council currently employs 19 Aboriginal and Torres Strait Islander staff.





Our RAP

Why we developed a RAP

The Lismore Local Government Area was first called home by the Widjabal/Wyabal people. They have lived in this region for more than 50,000 years and are part of the Bundjalung Nation.

In 2011, the Australian Bureau of Statistics estimated that there were 1,950 Aboriginal and/or Torres Strait Islander people in Lismore. It is with pride that Lismore acknowledges this and the Widjabal/Wyabal people's continuing connection to country.

Lismore City Council's 10-year plan developed in 2013, *Imagine Lismore*, showed us that recognition for Aboriginal and Torres Strait Islander people was one of the highest priorities for people living in the region.

In 2013, Lismore City Council developed its first Reconciliation Action Plan (RAP). This was called a 'Reflect' RAP and included a series of actions and initiatives to advance both Aboriginal and Torres Strait Islander equality and social sustainability within the Lismore Local Government Area.

Our RAP journey to date

Notably, since 2013, Lismore City Council has:

- Delivered two 'RAP in the Region' workshops to encourage organisations in the Local Government Area to develop their own RAPs. About 23 participants attended the last workshop and seven organisations have made a commitment to pursue their own RAPs.
- Established an Aboriginal Advisory Group to provide advice to Council on local government matters affecting Aboriginal and Torres Strait Islander people.
- Formed a strong relationship with its Aboriginal Advisory Group.
- Established a RAP Working Group to oversee the implementation and progress reporting of the RAP.
- Hosted two internal National Reconciliation Week celebrations annually for the Infrastructure Services and Sustainable Development directorates. Members of the Aboriginal Advisory Group were invited to these events. The celebrations help to raise awareness of our RAP and its initiatives among staff.
- Hosted three NAIDOC Family Days, celebrating Aboriginal and Torres Strait Islander cultures. They attracted an average of 2,500 people and featured more than 50 local providers offering services to Aboriginal people. They also included activities for young and old as well as food and live music by local Aboriginal and Torres Strait Islander students and performers.
- Observed Acknowledgement of Country protocols at public events.
- Developed a three-year Aboriginal Employment Strategy (2015-2017). The strategy aimed to ensure 6% of Council's workforce is represented by Aboriginal and Torres Strait Islander people. This equates to 29 positions. The strategy set targets for one scholarship, two internships, 18 traineeships and/or apprenticeships and 12 full-time permanent positions for Aboriginal and Torres Strait Islander people.
- Increased its Aboriginal and Torres Strait Islander staff numbers from 10 to 19.
- Developed a three-year Cultural Awareness and Competency Strategy (2015-2017). The strategy required Council to develop and deliver a cross-cultural training program for Councillors, executive leaders, supervisors and staff. Training components included a film, online resources, face-to-face cultural immersions and participation at Aboriginal and Torres Strait Islander events.
- Developed a Cultural Awareness and Competency Training Program.

Since the RAP was launched in 2013, there have been clear successes as well as challenges, creating opportunities for Council to learn and develop. In particular, a review of Council's Aboriginal Employment Strategy showed that there were still gaps in workforce cultural awareness and that organisation-wide training is critical to increase success in future Aboriginal employment programs.





The new Lismore City Council RAP 2017-2018 has been developed as an 'Innovate' RAP to build on reconciliation initiatives and lessons learned to date and to encourage other organisations and businesses in the region to develop their own RAP.

Similar to previous years, a Councillor and the General Manager of Lismore City Council will continue to champion the RAP with the support of the RAP Working Group. The RAP Working Group, with representation from across the organisation, will oversee the implementation of the RAP. Members of the RAP Working Group are:

- Mayor
- One Councillor Champion
- General Manager
- Executive Director – Infrastructure Services
- Executive Director – Sustainable Development
- Integrated Planning Manager
- Partnering and Community Engagement Coordinator
- People Services Coordinator
- Team Leader (Roads)
- Customer Service Officer

Both the Team Leader (Roads) and the Customer Service Officer are local Aboriginal people who are also Council staff.

In addition to the RAP Working Group, Council will be supported by the Aboriginal Advisory Group.

The Aboriginal Advisory Group currently has eight community members but can have representation of up to 15 community members.

The group meets quarterly and on an as-needs basis to provide advice to Lismore City Council on local government matters affecting the local Aboriginal and Torres Strait Islander community.

The group provided strategic input into the development of this RAP and will receive updates on the progress of the RAP as well as provide strategic advice to support RAP implementation.

The Integrated Planning Manager is secretariat of the RAP Working Group and the Aboriginal Advisory Group, and acts as a conduit between the two.

Relationships

Lismore City Council is committed to improving relationships with Lismore's traditional custodians, the Widjabal/Wyabal people, and other Aboriginal and Torres Strait Islander peoples. Council seeks to address local government matters affecting local Aboriginal and Torres Strait Islander residents through Council's Aboriginal Advisory Group and relevant Aboriginal stakeholder groups. Council makes a further commitment to encourage other organisations in the region to advance reconciliation.

Focus area: Community engagement				
Action	Deliverable		Timeline	Responsibility
1. RAP Working Group actively monitors development of 'Innovate' RAP and implementation of actions, including tracking progress and reporting.	1.1	RAP Working Group oversees the development, endorsement and launch of Council's 'Innovate' RAP.	Nov 2016	Corporate Services Manager
	1.2	Ensure Aboriginal and Torres Strait Islander peoples continue to be represented on the RAP Working Group.	Dec 2018	
	1.3	Meet at least bi-monthly to monitor and report on RAP implementation.	Feb, Apr, Jun, Aug, Oct, Dec 2017/18	
2. Celebrate and participate in National Reconciliation Week by providing opportunities to build and maintain relationships between Aboriginal and Torres Strait Islander staff and other staff.	2.1	Organise at least two internal events for National Reconciliation Week (NRW) each year. Hosting responsibilities for this annual event to be circulated among various programs within Council directorates.	27 May - 3 June 2017/18	Corporate Services Manager
	2.2	Register NRW events via Reconciliation Australia's NRW website.		
	2.3	Support an external NRW event.		
	2.4	Through Council's interagency networks, promote regional collaborations to deliver NRW events.		
	2.5	Ensure our RAP Working Group participates in an external event to recognise and celebrate NRW.		
	2.6	Extend an invitation to Aboriginal and Torres Strait Islander peoples to share their reconciliation experiences or stories.		
	2.7	Download Reconciliation Australia's NRW resources and circulate to staff.		

Focus area: Community engagement				
Action	Deliverable		Timeline	Responsibility
3. Develop and maintain mutually beneficial relationships with Aboriginal and Torres Strait Islander peoples, communities and organisations to support positive outcomes.	3.1	Develop a Memorandum of Understanding with Ngulingah Local Aboriginal Land Council to develop guiding principles for future engagement.	Mar 2017	General Manager's Office
	3.2	Ensure Council's Aboriginal Advisory Group meets quarterly to provide community representation and advice to Council on local government matters affecting Aboriginal and Torres Strait Islander people.	Feb, May, Aug, Nov 2017/18	
	3.3	Host an annual meet and greet with the Mayor and Councillors for the Aboriginal Advisory Group.	Dec 2017/18	Mayor's Office
4. Raise internal and external awareness of our RAP to promote reconciliation across our business and sector.	4.1	Implement a plan to engage and inform staff of their responsibilities within the RAP.	Nov 2017	Integrated Planning Manager
	4.2	Review and implement Council's communications plan to raise awareness among staff and other Northern Rivers local governments about Council's RAP.	Dec 2017	Media Coordinator
5. Launch 'RAP in the region' to encourage other businesses and organisations in the region to develop their own RAP.	5.1	Plan and host a 'RAP in the Region' themed workshop, to guide local organisations to develop their own RAPs with Reconciliation Australia.	Dec 2017/18	Integrated Planning Manager

Respect

As an employer, Lismore City Council commits to a workforce that is representative of the Lismore community. To ensure the organisational environment is diverse and inclusive, Council makes a commitment to improve cultural awareness and competencies among its staff and Councillors. These efforts are focused on increasing staff understanding and respect for Aboriginal and Torres Strait Island peoples, cultures and aspirations.

Focus area: Cultural awareness and competency				
Action	Deliverable		Timeline	Responsibility
6. Engage staff in cultural learning opportunities to increase understanding and appreciation of Aboriginal and Torres Strait Islander cultures, histories and achievements.	6.1	Develop and implement a Cultural Competence Training Strategy that defines the cultural learning needs of Councillors and staff in all areas of our business and which considers various ways of learning.	Nov 2017	People & Workforce Development Manager
	6.2	Investigate opportunities to work with the Aboriginal Advisory Group to develop cultural awareness training.	Dec 2017	
	6.3	Collaborate with the Aboriginal Advisory Group to deliver cultural immersion opportunities as part of cultural awareness training.	Dec 2018	
	6.4	Create opportunities for all Council staff, including RAP Working Group members, RAP champions and other key leadership staff, to participate in cultural training.	Dec 2018	
	6.5	Promote Reconciliation Australia's Share Our Pride online tool to all staff.	Dec 2017/18	
	6.6	Celebrate and recognise other Aboriginal and Torres Strait Islander dates of significance.	Dec 2018	

Focus area: Cultural awareness and competency				
Action	Deliverable		Timeline	Responsibility
7. Engage staff in understanding the significance of Aboriginal and Torres Strait Islander cultural protocols, such as Welcome to Country and Acknowledgement of Country, to ensure there is a shared meaning.	7.1	Review, implement and communicate a cultural protocol document for Welcome to Country and Acknowledgement of Country.	Nov 2017	Integrated Planning Manager
	7.2	Develop a list of key contacts for organising a Welcome to Country.	Dec 2017	
	7.3	Invite a traditional custodian to provide a Welcome to Country at two significant annual events, i.e. Australia Day and the annual NAIDOC Family Day event.	Dec 2017/18	
	7.4	Include Acknowledgement of Country at the commencement of all Council meetings, external meetings and public events.	Dec 2017/18	
	7.5	Invite Widjabul/Wyabul traditional custodians to explain the significance of Welcome to Country and Acknowledgement of Country during cultural immersion experiences delivered as part of Council's Cultural Competence Training Strategy.	Dec 2017/18	
	7.6	Display an Acknowledgment of Country plaque in our office or on our office building.	Dec 2017/18	
	7.7	Continue to display Aboriginal and Torres Strait Islander flags in Council Chambers and hoist daily at Council's Corporate Centre.	Dec 2017/18	
8. Provide opportunities for Aboriginal and Torres Strait Islander staff to engage with their culture and communities by celebrating NAIDOC Week.	8.1	Ensure there are no barriers to Aboriginal and Torres Strait Islander staff participating in NAIDOC Week in accordance with the <i>Local Government Act</i> .	July 2017/18	People & Workforce Development Manager Events Manager
	8.2	Provide opportunities for Aboriginal and Torres Strait Islander staff to participate with their cultures and communities during the NAIDOC Family Day.		
	8.3	Provide opportunities for non-Aboriginal and Torres Strait Islander staff to participate and learn about Aboriginal and Torres Strait Islander cultures at the NAIDOC Family Day.		

Opportunities

Council believes that long-lasting and sustainable social and economic change can be affected through employment and procurement opportunities for Aboriginal and Torres Strait Islander peoples. Therefore, Council makes a commitment to create real and genuine educational, employment, procurement, professional development and leadership opportunities for Aboriginal and Torres Strait Islander peoples.

Focus area: <i>Employment and procurement</i>			
Action	Deliverable	Timeline	Responsibility
9. Investigate opportunities to improve and increase Aboriginal and Torres Strait Islander employment outcomes within our workplace.	9.1 Achieve 6% Aboriginal and Torres Strait Islander representation within Council's workforce to match the Lismore Local Government Area's working age population that is Aboriginal and Torres Strait Islander.	Dec 2017	People & Workforce Development Manager
	9.2 Implement Council's 2015-2017 Aboriginal and Torres Strait Islander Employment Strategy.	Dec 2017	
	9.3 Review and update Council's Aboriginal and Torres Strait Islander Employment Strategy for 2018-2020.	Oct 2017	
	9.4 When updating the Employment Strategy, engage with existing Aboriginal and Torres Strait Islander staff, Council's Aboriginal Advisory Group and Aboriginal and Torres Strait Islander service providers to consult on employment strategies, including recruitment, employment, professional development and retention strategies.	Oct 2017	
	9.5 Collect information on our current Aboriginal and Torres Strait Islander staff to inform future employment opportunities.	Oct 2017	
	9.6 Implement Council's Aboriginal and Torres Strait Islander Employment Strategy for 2018-2020.	Dec 2017/18	
	9.7 Advertise all vacancies in regional Aboriginal and Torres Strait Islander interagency networks.	Dec 2017/18	
	9.8 Review HR and recruitment procedures and policies to ensure there are no barriers to Aboriginal and Torres Strait Islander staff and future applicants participating in our workplace	Dec 2017/18	
	9.9 Include in all job advertisements: 'Aboriginal and Torres Strait Islander people are encouraged to apply.'	Dec 2017/18	

Focus area: <i>Employment and procurement</i>				
Action	Deliverable		Timeline	Responsibility
10. Investigate opportunities to incorporate Aboriginal and Torres Strait Islander supplier diversity within our organisation.	10.1	Review procurement policies and procedures to identify barriers to Aboriginal and Torres Strait Islander businesses supplying our organisation with goods and services.	Jun 2017	Strategic Procurement Coordinator
	10.2	Consult with local Aboriginal and Torres Strait Islander economic development advisors to develop a list of Aboriginal and Torres Strait Islander businesses that can be used to procure goods and services.	Jun 2017	
	10.3	Develop and communicate to staff a list of Aboriginal and Torres Strait Islander businesses that can be used to procure goods and services.	Jun 2017	
	10.4	Develop one commercial relationship with an Aboriginal and/or Torres Strait Islander owned business.	Dec 2018	
	10.5	Facilitate relationships between Aboriginal and Torres Strait Islander service providers and other local businesses and service providers.	Jul 2017/18	
11. Develop professional development pathways for Aboriginal and Torres Strait Islander staff and community members.	11.1	Develop a cultural mentoring network for existing staff and managers.	Dec 2017/18	People & Workforce Development Manager
	11.2	Develop and implement Aboriginal and Torres Strait Islander employment pathways for traineeships or internships.	Dec 2017/18	
	11.3	Support Aboriginal and Torres Strait Islander leadership through succession planning to identify new community leaders to replace Aboriginal Advisory Group members.	Dec 2017/18	
	11.4	Support a scholarship for an Aboriginal and Torres Strait Islander student at Southern Cross University.	Dec 2017/18	Mayor's Office

Tracking progress and reporting

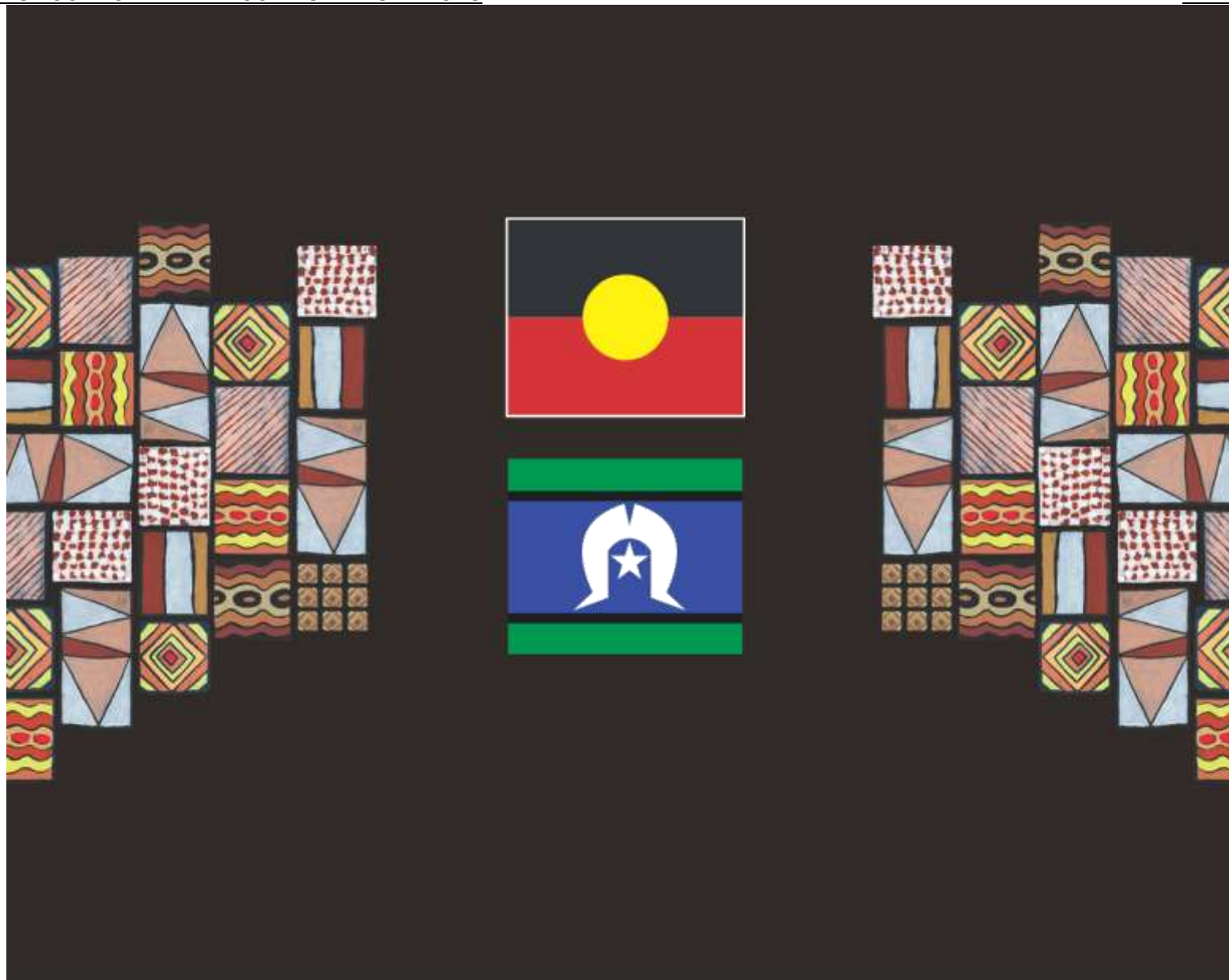
Focus area: Reporting on outcomes			
Action	Deliverable	Timeline	Responsibility
12. Increase staff awareness of state and federal policy developments with implications for local government and/or Aboriginal and Torres Strait Islander stakeholders.	12.1 Collaborate with NSW Office of Environment and Heritage, the Native Title Tribunal and NTSCORP Limited to deliver training to staff about native title claim implications for local government.	Sep 2017	Integrated Planning Manager
13. Report RAP achievements, challenges and lessons to Reconciliation Australia.	13.1 Complete and submit the RAP Impact Measurement Questionnaire to Reconciliation Australia annually.	30 Sept 2017/18	General Manager's Office and Integrated Planning Manager
	13.2 Integrate RAP reporting into Council's standard Integrated Planning & Reporting Framework processes.	Nov 2016	
14. Report RAP achievements, challenges and lessons internally and externally.	14.1 Report our RAP achievements, challenges and lessons through Council's Local Matters newsletter to residents.	Dec 2017/18	Media Coordinator
15. Review, refresh and update RAP.	15.1 Liaise with Reconciliation Australia to develop a new RAP based on lessons, challenges and achievements.	Jun 2018	General Manager's Office
	15.2 Send draft RAP to Reconciliation Australia for formal feedback and endorsement.	Jan 2019	

Contact us



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BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.4 - ATTACHMENT 2

Byron Shire Council – Arakwal Memorandum of Understanding Committee Preliminary Discussions – Indigenous Employment Strategy

3.2.1 Indigenous Employment Strategies

- 5 Council to develop and implement an Indigenous Employment Strategy. Council are a key employment provider in the local community and the strategic employment of indigenous staff has huge benefits to the local community.

<i>Objective</i>	<i>Discussion</i>	<i>Outcome</i>
Are there specific work areas to be targeted		
Are their identifiable training gaps for Council to address		
Priorities for traineeships to assist community		
What are the desirable outcomes for the Arakwal Corporation		
What can Council do to ensure a cultural safe work environment for Indigenous Staff		
What are the main commodities for Council to focus on in procurement		
<i>Other</i>		

Report No. 4.5 **Byron Shire Council process to report to Arakwal Board**
Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2017/1753
5 **Theme:** Society and Culture
 Community Development

Summary:

10 This report outlines how the Arakwal Memorandum of Understanding Advisory Committee and Council can best report to the Arakwal Corporation Board on impending planning, strategic and community development issues.

RECOMMENDATION:

15 That the Arakwal Memorandum of Understanding Advisory Committee provide input into the development of a reporting and documentation framework for projects.

Report

5 This report discusses how the Arakwal Memorandum of Understanding Advisory Committee and Council will best report to the Arakwal Corporation Board on impending planning, strategic and community development issues.

10 The objective of this discussion is to reduce duplication of meetings and correspondence, and streamline processes while maintaining a centralised record of all consultations for future reference.

Discussion is encouraged by committee members.

Financial Implications

15 Nil from this report

Statutory and Policy Compliance Implications

20 Native Title Act 1993
Land Rights Act 1974
National Parks and Wildlife Act 1974
Local Government Act 1993
Arakwal Memorandum of Understanding 2013