

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	Conference Room, Station Street, Mullumbimby
Date	Thursday, 1 November 2018
Time	9.30am

James Brickley
Acting Director Corporate and Community Services

*I2018/2023
Distributed 25/10/18*

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 13 September 2018

4. STAFF REPORTS

Corporate and Community Services

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STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES**Report No. 4.1 Byron Aboriginal Services Coalition - Bagwa Bugalma - Update****Directorate:** Corporate and Community Services**Report Author:** Belle Arnold, Community Project Officer**File No:** I2018/1910**Theme:** Corporate Management
Community Development**Summary:**

This report provides an update on the work of the Byron Shire Aboriginal Services Coalition – Bagwa Bugalma and presents the five year strategic plan to improve Aboriginal Service Delivery in the Byron Shire.

This report was listed on the Agenda for the meeting held on 13 September, but was not discussed.

RECOMMENDATION:**That the Arakwal Memorandum of Understanding Advisory Committee:**

- 1. Note the progress of the work of the Aboriginal Services Coalition.**
- 2. Provide feedback on the Bagwa Bugalma 5 Year Strategic plan (DRAFT) (E2018/72195).**

Attachments:

- 1 Bagwa Bugalma Byron Shire Aboriginal Community Organisation Five Year Strategic Plan 2018-2023(2) PDF, E2018/85940 , page 6 [↓](#) 
- 2 Bagwa Bugalma Promo Flyer 2018, E2018/72209 , page 19 [↓](#) 

Report

The Arakwal MoU states:

- 5 5.2.2 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.

10 The Aboriginal Services Coalition has continued to meet at the Mullumbimby Neighbourhood Centre on a fortnightly basis.

15 The Aboriginal Project Worker at the Mullumbimby and District Neighbourhood Centre has developed a regular Men's Group program. The group is part supported by a Tweed service funded by Prime Minister and Cabinet. The Men's group is a social and support group which is attracting regular attendance of between 5 and 25 men.

20 Bullina Aboriginal Health Service have confirmed that they are funded to deliver health services in Byron Shire. The Bullina Chief Executive Officer has sited that high rents have been a barrier in providing services in the Byron Shire. Bullina have commenced weekly outreach including a General Practitioner of Health and nurses through a mobile van clinic and consultation rooms Mondays 10am– 3pm at the Mullumbimby and District Neighbourhood Centre.

25 The Byron Shire Aboriginal Services Coalition has been requesting a name in local Bundjalung language for over 12 months. Dave Kapeen from Tweed Byron Community Transport has worked with Delta Kay and Uncle Roy Gordon to provide the name Bagwa Bugalma which means to heal and to do correctly. This name has been adopted for the work done by the Coalition.

30 The Bagwa Bugalma 5 Year Strategic plan (DRAFT) has been developed and is attached for the consideration of the Arakwal MoU Advisory Committee. Bagwa Bugalma seeks feedback from Arakwal on this document before finalising and releasing to the broader community (Attachment 1). In addition a promotional flyer was developed to inform the broader community of the objectives of this project. (Attachment 2).

35 On 24 July 2018 Bagwa Bugalma (Aboriginal Services Coalition) held a meeting about the dire need for culturally appropriate Service Delivery with funding providers including representatives from:

- 40
 - Department of Family Services
 - Department of Aboriginal Affairs Coffs Harbour and Sydney
 - Department of Premier and Cabinet, Department of Prime Minister and Cabinet (Indigenous Affairs)
 - Local Health District Health Executive

45 The outcome from this meeting was positive with all agencies committing to improving the delivery of services to the Byron Shire Aboriginal community. There will be a follow up meeting to confirm outcomes on 6 September and a verbal update can be provided at the 13 September Arakwal MoU Advisory Committee meeting.

50 **Financial Implications**

Nil from this report

Statutory and Policy Compliance Implications

55 Arakwal MoU 2013
 Local Government Act 1993



Bagwa Bugalma

Byron Shire Aboriginal Community Organisation Five Year Strategic Plan

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Acknowledgement to Country

Bagwa Bugalma is located at the Mullumbimby and District Neighbourhood Centre situated in Bundjalung country and offers community support and empowerment to communities in the ancestral homelands of the Arakwal, Widjabal and Minjinbul peoples.

Bagwa Bugalma offers deep respect to the traditional owners and extends this respect to other Aboriginal and Torres Strait Islander peoples living in the area.

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

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**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Background

Goal: The purpose of this strategic plan is to develop an autonomous Aboriginal community organisation, with a culturally appropriate management structure, delivering a diverse range of services and programs to the Aboriginal and Torres Strait Islander community in the Byron Shire and/or supporting organisations to deliver services to the Byron Shire to ensure an integrated service system to meet the unique needs of this community.

Objectives

To work in collaboration with Northern NSW Health and partners to contribute to meet the strategic goals of the 2023 Strategic Plan - Implementation Strategies 1 to 3:

1. Building trust through partnerships
2. Implementing what works and building the evidence
3. Ensuring integrated planning and service delivery

To encourage belonging and inclusiveness:

- To increase provision of integrated health and community services to the Aboriginal and Torres Strait Islander community in the Byron Shire
- Ensure culturally appropriate, authentic engagement and consultation with our community
- To have open access to existing funding provided by government and streamlined integrated services

To build a service system of accessible community services in the Byron Shire through developing partnerships with funded organisations, attracting new and additional funding to cover service gaps, and increasing engagement with the Aboriginal community.

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Abbreviations

Arakwal	Bundjalung of Byron Bay Arakwal People ATSI- Aboriginal and Torres Strait Islander
TBCT	Tweed Byron Community Transport
BSASC	Byron Shire Aboriginal Services Coalition Strategies BSC-Byron Shire Council
FACS	Department of Family and Services
NCAH	North Coast Area Health
PHN	Primary Health Network
TBLALC	Tweed Byron Local Area Land Council
MDNC	Mullumbimby and District Neighbourhood Centre

Key Strategies

1. Building trust through partnerships
2. Implementing what works and building the evidence
3. Ensuring integrated planning and service delivery

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Year	Goals	Actions
Year 1 2018	Employ a designated Aboriginal Project Worker to facilitate the delivery of the Bagwa Bugalma Five Year Strategic Plan and ensure, with the support of the steering group, the ongoing sustainability of the organisation.	
	Identify organisations currently funded to deliver services to the ATSI community in Byron Shire. Identify locations where those organisations are delivering in the Byron Shire.	Work with organisations and funded services to deliver Indigenous services and programs in Byron Shire based at the MDNC.
	Increased participation in existing program to accessible at the MDNC. Increased participation in existing funded and unfunded programs through improved accessibility at MDNC. Increase recognition in the community of the work of the coalition and promotion of services and programs.	Increased community engagement and participation in community projects and conversations. Engage ATSI community to participate in existing programs at the MDNC: <ul style="list-style-type: none"> • Men's groups • Women's group • Activities to build trust, access, and information about accessible services including NAIDOC, Close the Gap and other community activities • Develop an identifiable 'brand' for the Coalition in consultation with the community: <ul style="list-style-type: none"> ◦ The emerging service/organisation name ◦ Logo ◦ Signage/mural for the cottage ◦ Promotional material
	Secure sustainable funding	<ul style="list-style-type: none"> • Identify funding streams • Make contact with key funders to identify something missing here • Contact Department of

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Year	Goals	Actions
		Aboriginal Affairs - Coffs Harbour (State) <ul style="list-style-type: none"> • Research OCHRE funding (State) • Department of Family and Community Services • Contact Department of Indigenous Affairs – Lismore (Federal)
	BSASC to meet regularly to implement strategic plan	<ul style="list-style-type: none"> • Review KPIs quarterly
	Establish Byron Shire Aboriginal Transport Steering Committee	<ul style="list-style-type: none"> • Four meetings identifying specific areas of need for various target groups. • Identify priorities and provide feedback to government. • Work regionally to identify regional priorities and funding strategies.
	Secured and sustainable position for Aboriginal Project Coordinator and Services Engagement Officer based at MDNC.	<ul style="list-style-type: none"> • Advocate project to government funding agencies. • Continue to gather data and evidence to support the need of the community.

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Year	Goals	Actions
Year 2 2019	Increased services delivered to ATSI community at MDNC managed by the Aboriginal Coalition/Management Committee	<ul style="list-style-type: none"> • Apply for funding for three projects from identified priority areas – health and community outcomes. • Engage and support community to participate in services at the MDNC more broadly in the Byron Shire. • Promote new programs at community events and through information referral system.
	Improved community access to funded programs and services	Work with FAGS to deliver community development program.
	Continued improvements of transparent outcomes	<ul style="list-style-type: none"> • Develop and apply for funding for projects delivering ATSI transport outcomes. • Continue to facilitate the Byron Shire Aboriginal Transport Steering Committee and develop key strategies to address transport issues for the Byron Shire. • Work regionally on broader transport outcomes for the region.
	Improve employment opportunities and outcomes for ATSI community	<ul style="list-style-type: none"> • Work with Job Network agencies to improve employment programs available to ATSI community members.
	Improve ATSI housing in the Byron Shire	<ul style="list-style-type: none"> • Work with housing providers to clarify and streamline ATSI housing in the Byron Shire.
	Improved access to the 'Close the Gap' federal funding scheme	<ul style="list-style-type: none"> • Engage with PHN to promote program to service providers and in the wider community.

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Year	Goals	Actions
	Secured and sustainable position for Aboriginal Project Coordinator and Services Engagement Officer based at MDNC	<ul style="list-style-type: none"> Advocate project to government funding agencies.
	Increased service presence and provision in the Byron Shire	<ul style="list-style-type: none"> Promote available space at the MDNC. Engage with service providers staff and management committees on the unserved need in Byron Shire.
	Strengthen community networks through cultural activities	<ul style="list-style-type: none"> Hold NAIDOC Week community celebration at MDNC.
	Increased advocacy and awareness of Bagwa Bugalma's objectives for wider community	<ul style="list-style-type: none"> Promote the project to State and Federal representative politicians.

BYRON SHIRE COUNCIL

STAFF REPORTS - CORPORATE AND COMMUNITY SERVICES

4.1 - ATTACHMENT 1

Bagwa Bugalma Five Year Strategic Plan 2018-2023

Year	Goals	Actions
Year 3 2020	Autonomous Aboriginal service centre established at MDNC, with access to wrap around services and support	<ul style="list-style-type: none">• Procure a demountable or identify and access existing Council building.
	Regular ATSI services provided at the MDNC	<ul style="list-style-type: none">• Coordinate with ATSI community to deliver autonomous ATSI programs in the Byron Shire from MDNC.• Providers to do outreach in Byron Shire and at MDNC.• Community volunteers to facilitate weekly program.• Develop Memorandums of Understanding with key state and federal funding agencies for ATSI service delivery in the Byron Shire.
	Establish regular culturally appropriate Mental Health programs at MDNC	
	Establish Aboriginal Interagency in the Byron Shire	
	Expand ATSI housing programs in the Byron Shire	
	Improved transport outcomes	<ul style="list-style-type: none">• Continue to support and deliver outcomes on the Byron Shire Aboriginal Transport Steering Committee.
	Hold NAIDOC Week Community celebration	
	Secured and sustainable position for Aboriginal Project Coordinator and Services Engagement Officer based at MDNC	<ul style="list-style-type: none">• Advocate project to government position funding agencies.
	Continue to work with PHN to improve access	

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Year	Goals	Actions
	and uptake of 'Close the Gap' programs through mainstream GPs	
	Review the management committee structure to increase community participation	<ul style="list-style-type: none"> • Access governance training for management committee.
	Work with Job Network agencies to enable culturally appropriate employment support is provided	

DRAFT

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Year	Goals	Actions
Year 4 2021	Work across community service sector to increase delivery to 4 days a week at MDNC and across Byron Shire	
	Improve livability for ATSI community in Byron Shire	
	Build opportunities to increase leadership and participation	
	Mental Health to consult weekly at MDNC and across Byron Shire	
	Work with Job Network agencies and Centrelink	
	Work with NCAH to increase community based health programs in Byron Shire	
	Aboriginal Liaison Officer to work with Job Network agencies and Centrelink locally to support ATSI community, delivery cultural awareness training, support community and develop employment, education and training opportunities for ATSI community	

**Bagwa Bugalma Five Year Strategic Plan
2018-2023**

Year	Goals	Actions
Year 5 2022	Shop frontage in Mullumbimby with program centre based in MDNC precinct	
	Programs in: <ul style="list-style-type: none"> • Health • Housing • Transport • Employment • Education that are culturally appropriate and available in Byron Shire	
	Aboriginal Community Management Committee meeting regularly to steer organisation and support funding applications	

Byron Shire Aboriginal Services

- Increase presence of ATSI service delivery in Byron Shire,
- Increased use of available space at Mullumbimby Neighbourhood Centre (MDNC) across all target areas,
- Deliver wholistic/ intergrated project based at MDNC early intervention for early childhood – supporting whole of family/ community wellbeing,
- Secure sustainability of our work for the next 1 – 5 years.

Community owned Community controlled

We have developed our objectives through a series of meetings workshops and consultations.
We want to bring community together

WE DO NOT WANT:

- * to create divisions
- * Take funding away from existing ATSI programs or services
- *

* WE DO WANT to access mainstream funding and funding streams we are currently ineligible for such as OCHRE

Self DETERMINATION

BAGWA BUGALMA

BYRON SHIRE ABORIGINAL COMMUNITY ORGANISATION

The Byron Shire Aboriginal Services Coalition are working together to create an Aboriginal Service based and operating in the Byron Shire.

For our mob, by our mob! Bagwa Bugalma

We know that our communities need support and, especially to survive the second wave of dispossession in the Byron Shire community.



Priority

Services for delivery

- * Health
- * Housing
- * Employment
- * Community
- * Transport
- * Cultural Revitalisation
- * Education
- * Wholistic and Intergrated



Our Objectives:

Establishing an organization for our people in our community to deliver culturally appropriate services in the Byron Shire

- Community owned and managed
- Responsive to community needs
- Wholistic and intergrated – health, community, housing and employment
- Reference point for government agencies to consult or access community
- Community reference point

Culturally based projects and programs

Targeted, well informed for men, women, children and youth, looking after the well being of our whole community

- Intergrated with other services
- Cultural revitalisation as an engagement tool
- Building a strong sense of cultural identity
- Mens business / women's business

Focus point for our community, centre point to build strength

- A place to come together and build on common grounds
- Grow and develop opportunities for our mob
- Encourage live-ability for ATSI people to stay in the Byron Shire

Clear consultation with our mob

Community access point for government to consult with community

Organisation that is 100% representative of ATSI community priorities

Creating relationships and partnerships to strengthen outcomes for our community

Report No. 4.2 **Byron Shire Aboriginal Cultural Heritage Steering Committee**
Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2018/1911
5 **Theme:** Corporate Management
 Community Development

Summary:

10 This report provides information to the Arakwal MoU Advisory Committee on the formation of a multi stakeholder Byron Shire Aboriginal Cultural Heritage Steering Committee, which will assist Council to meet the legal obligations required in protecting Aboriginal Cultural Heritage in the Byron Shire.

15 This report was listed on the Agenda for the meeting held on 13 September, but was not discussed.

RECOMMENDATION:

20 That the Arakwal MoU Advisory Committee note the formation of the Byron Shire Aboriginal Cultural Heritage Steering Committee as a multi stakeholder consultative group which brings together Aboriginal Stakeholders under the Land Rights Act and the Native Title Act.

Report

The Byron Shire Aboriginal Cultural Heritage Study (Stage One) addressed three priority projects of the Arakwal Memorandum of Understanding (MoU). The Arakwal MoU states:

1.2.4 Ongoing Cultural Heritage Management and Land Management Rights

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

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

- 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.

In 2017 Council undertook an Aboriginal Cultural Heritage Study with representation from Arakwal, Tweed Byron Local Aboriginal Land Council and Jali Local Aboriginal Land Council.

A recommendation from the Byron Shire Aboriginal Cultural Heritage Study (Stage One) was for the formation of a Byron Shire Aboriginal Cultural Heritage Steering Committee. This committee would provide streamlined, resourced and well documented multi stakeholder consultation process for cultural heritage matters.

The Byron Shire Aboriginal Cultural Heritage Steering Committee will:

- provide guidance and expertise on projects that have overlapping Aboriginal stakeholder groups with different legislative obligations
- assist Council in the development of key policies, projects and strategic plans
- build upon Council's existing relationship with Aboriginal stakeholders
- seek to formalise relationships with a range of Aboriginal stakeholder groups.
- seek to further the Byron Shire Aboriginal Cultural Heritage Study through the development and implementation of a locally based action plan which responds to the rapidly changing legislative environment

The Aboriginal Cultural Heritage Steering Committee will invite membership as follows:

- Arakwal Representatives – x 3 (two paid board representatives)
- Tweed Byron Local Area Land Council members x 2 (one paid board representative)
- Jali Local Area Land Council members x 2 (one paid board representative)
- Ngulaingah Local Area Land Council members x 2 (one paid board representative)
- Local Arakwal Depot Aboriginal National Parks representatives x 2 (male and female representatives)
- Widjabal Claimants x 2 (two paid board representatives)

Council have now endorsed this committee and the requested resources to fund it. Council staff are in the process of developing a meeting schedule and membership invitation.

This Committee does not replace the Arakwal MoU Advisory Committee and Council will continue to work closely with the Arakwal Corporation as the primary native title group in the Byron Shire. The Byron Shire Aboriginal Cultural Heritage Steering Committee also seeks to meet Council's obligation to consult with Land Councils in the Byron Shire.

5

Financial Implications

Nil from this report

10 **Statutory and Policy Compliance Implications**

Native Title Act 1993

Land Rights Act 1984

National Parks and Wildlife Act 1974

15

Local Government Act 1993

Report No. 4.3 **Arakwal Memorandum of Understanding Review**
Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2018/1974
5 **Theme:** Corporate Management
 Community Development

Summary:

10 The Arakwal Memorandum of Understanding (MoU) was formally adopted in 2013. The MoU follows from the 1998 Heads of Agreement between Byron Shire Council and the Arakwal People. The timeframe for the MoU was five years and is now due for review.

15 Twenty of the twenty-three specific projects identified were actioned to varied stages of completion. Details are provided in Attachment1.

RECOMMENDATION:

That the Arakwal Memorandum of Understanding Advisory Committee consider the Draft Review of the Memorandum of Understanding 2018 (E2018/0084558) and make amendments where required.

Attachments:

1 Arakwal MoU review 2018 DRAFT PDF, E2018/85946 , page 27 [↓](#) 

Report

The Arakwal Memorandum of Understanding (MoU) was formally adopted in 2013. The MOU follows from the 1998 Heads of Agreement between Byron Shire Council and the Arakwal People.

The MoU recognises the status of the Bundjalung of Byron Bay Arakwal people as traditional owners as established through the Native Title Act and processes. The purpose of this agreement is to establish a clear process and timetable for the delivery of priority projects identified in this MoU.

The discussions during the development of the Arakwal MoU considered Council's business, Bundjalung of Byron Bay Arakwal People business, and how we do business together. Through this process we aim to identify the best way for the two organisations to work together for mutual benefit, and the benefit of the wider community.

The intention of this MoU is to ensure a successful strategic partnership between Byron Shire Council and the Bundjalung of Byron Bay Arakwal People.

Council formed the Arakwal MoU Advisory Committee to identify and implement the priority projects for each 12 month period.

The timeframe for the MoU was five years and is now due for review. All specific projects identified were actioned to varied stages of completion. Details are outlined in Attachment 1.

Increased Consultation Requirements

Consultation requirements have increased rapidly during the timeframe that Council have been delivering the MoU. An overview of work areas that now interface with Arakwal include:

Corporate and Community Services	Infrastructure Services	Sustainable Environment and Economies	General Manager's Division
Convene Multi Stakeholder Committee	Open Spaces Planning and management	Enforcement/ Signage	Political Dignitary visits
Cultural Heritage Study	Water Infrastructure projects	Masterplans BBT CMP/ Bangalow, Mullumbimby	Employment
Manage Relationships	Bridge projects	Economic Development	Community Engagement
Cultural Restoration Work	Road projects	Tourism	Media
Native Title	Signage	Environment and Sustainability – e.g. Feral Pests, Flora and Fauna	
Community Development	Major Infrastructure projects	Land Use Planning	
Service Provision	Cemeteries	DAs	
Leases and Licences	Recreation Grounds	Cultural Heritage Planning	
Legal Team – Sites Protection	Beach Access	Rezoning	
Events		CZMP	
Cultural Appropriation			

Corporate and Community Services	Infrastructure Services	Sustainable Environment and Economies	General Manager's Division
Community Strategic Plan			
Procurement			

Financial Implications

Nil from this report

5

Statutory and Policy Compliance Implications

Arakwal MoU 2013

Native Title Act 1993

10 Local Government Act 1993

Byron Shire Council and Bundjalung of Byron Bay Arakwal Corporation **Memorandum of Understanding** ***DRAFT* Review 2018**



Traditional home of
the Bundjalung people



INTRODUCTION

The Arakwal Memorandum of Understanding (MoU) was formally adopted in 2013. The MOU follows from the 1998 Heads of Agreement between Byron Shire Council and the Arakwal People.

The MOU recognises the status of the Bundjalung of Byron Bay Arakwal people as traditional owners as established through the Native Title Act and processes. The purpose of this agreement is to establish a clear process and timetable for the delivery of priority projects identified in this MOU.

The discussions during the development of the Arakwal MOU considered Council's business, Bundjalung of Byron Bay Arakwal People business, and how we do business together. Through this process we aim to identify the best way for the two organisations to work together for mutual benefit and the benefit of the wider community.

The intention of this MOU is to ensure a successful strategic partnership between the Byron Shire Council and the Bundjalung of Byron Bay Arakwal People.

Council formed the Arakwal MoU Advisory Committee to identify and implement the priority projects for each 12 month period.

The time frame for the MoU was five years and is now due for review.

1. Culture and Heritage

Council will work in partnership with the Bundjalung of Byron Bay Arakwal People to ensure preservation of cultural practices, traditional sites, significant places and expressions of cultural identity.

1.1 Culture and Heritage: Guiding Principles

1.1.1 Cultural Protection and Revitalisation

1.1.2 Access to land

1.1.3 Sharing Information

1.1.4 Environmental Protection and Education

1.2 Culture and Heritage: Specific Project	Time Frame	Project Implementation Actions	Recommendations for further Actions
1.2.1 Arakwal Language Revitalisation Council to advocate for, and support the development of, an Arakwal language revitalisation program under the direction of the Arakwal.	2014 2015/2016 2016/17 2018	Council renamed the Byron Regional Sports centre with an Arakwal name – the Cavanbah Centre Singing Up Country Language Project developed with Arakwal and Tweed Byron Local Aboriginal Land Council (TBLALC) with a number of outcomes. Language resources developed led by Arakwal, the Bundjalung Language Nest and TBLALC steering committee including posters and colouring books. Arakwal and other Aboriginal artists from the local community employed to create work. Council supported the Bundjalung Language nest and attended public meetings towards having Bundjalung languages taught in Byron Shire Schools Council supported local young Bundjalung woman to be trained through the TAFE certification program to teach Bundjalung Language at OSPS	Dual naming of public spaces
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 regard to proposed developments on or around the area.	2015 2015 2018	Council rejected the Development application from the Owners of the Broken Head Quarry to develop 30 houses on the site. Council defended this action in the NSW Land and Environment Court based on the site being of significant cultural significance to the Bundjalung of Byron Bay Arakwal people. This MoU was the basis of this legal action. Council worked closely with Arakwal and other Aboriginal stakeholders to defend the decision to reject the proposed development and won in the land and Environment Court. NPWS requested that Council partner in the implementation of the Ti Tree Lake Plan of Management. Staff took this PoM to the MoU Committee for endorsement. Council committed to a number of the projects allocated in the PoM. Council sent a letter to NPWS committing to the project. Council staff met with NPWS to identify areas for signage and fencing. Closure of Taylors lake Road was also discussed. NPWS put this project on hold. Jali Land Council CEO requested keys to Council bollards around the Ti Tree Lake. Council refused access to these keys based upon this MoU. The matter was referred to Arakwal and NTS Corp.	Council continues to assist with the protection of this site and 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.
1.2.3 Access to monitor important Aboriginal sites on private land 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.	2015 – ongoing 2017	Council worked with the Arakwal MoU to develop a toolkit to assist property owners and developers to identify sites and objects and what steps to take to assist with the protection of Aboriginal sites. This was reviewed by Everick consultants and the Byron Shire Aboriginal Cultural Heritage Study Steering Group in 2017. Council worked with Byron Shire Aboriginal Cultural Heritage Study Steering Group to develop a statement in response to public interest in an important site on private land. This statement reaffirms Councils commitment to not comment and to support the traditional owners and Local Area Land Councils to lead in the management and protection of Aboriginal Cultural Heritage matters.	This publication will be referred to the Aboriginal multi stakeholder group – The Byron Shire Aboriginal Cultural Heritage Advisory Committee for final approval for release to community and placement of Councils website
1.2.4 Ongoing Cultural Heritage Management and Land Management Rights 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.	2018	Council formed a new multi stakeholder committee with Arakwal and LALCS to provide ongoing consultation on Aboriginal Cultural Heritage Management and land management. Council staff have developed internal processes regarding consultation with Arakwal and other Aboriginal Stakeholders in relation to land management. Council have developed a notification process in response to the use of Council managed Crown lands. Arakwal have a seat on the Byron Shire Council Heritage Committee.	This committee to continue to meet quarterly Appropriate tailored training to provided to key staff in the implementation of consultation processes, notification processes and sites identification and protection processes

1.2.5 Council support of important cultural events Council to support important Indigenous cultural events including NAIDOC Week, Reconciliation Week and Survival Day. This support is to include provision of events, funding and the waiving of Council related fees.	2013-2018	Council staff have continued to support cultural events and contributed to the expansion of these events.	Council to continue to support important Indigenous cultural events including NAIDOC Week, Reconciliation Week and Survival Day. This support is to include the provision of events, and increasing funding and the waiving of Council related fees.
1.2.6 Tourism Arakwal to be consulted with on the licensing/tendering for tourism operators and screening in relation to cultural heritage.	2015 2013-2018	Director of Corporate and Community Services worked with Arakwal on the licensing/tendering for tourism operators and screening in relation to cultural heritage. Council staff work closely with Arakwal in identifying tourism and events operators who are misusing and appropriating Aboriginal Culture or their own gain.	

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.

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**

2.2 Participation in Governance: Specific Projects	Timeframe	Project Implementation Actions	Recommendations for further Actions
2.2.1 Participation in Committees Council to ensure representation on Council Advisory Committees, Project Reference Groups and Steering Committees with dedicated Arakwal positions on relevant forums.	2013 - 2018	Arakwal have sitting fees to participate in the Arakwal MoU Advisory Committee and the Byron Shire Aboriginal Cultural Heritage Advisory Committee. Arakwal have seats on the Byron Shire Heritage Committee, Public Art Committee, Tourism Committee, Mullumbimby Hospital Public Reference Group	Council to provide sitting fees as per the Attorney General Award for Arakwal representatives on other committees to enable Arakwal participation.
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. • Development of frameworks for ongoing consultation processes.	2013 2015/16 2017 2018	All planning mechanisms and processes in Council were reviewed and recommendations on a new process were reported to Council. These were adopted and referred back to the Aboriginal Projects Officer for implementation. Funding was applied for through Office of Environment and Heritage to undertake a Aboriginal Cultural Heritage Study for Byron Shire Sites and objects identification resource created by Council with Arakwal MoU Committee Byron Shire Council Aboriginal Cultural Heritage Study – recommendations from the study form part of the consultation process Council resolved that all planning and land based projects be referred to Aboriginal stakeholders at the beginning of project planning for consultation Council created the Byron Shire Aboriginal Cultural Heritage Advisory Committee to consult on develop applications and projects affecting country	Develop clear notification process Work with staff to maximise participation on the Byron Shire Aboriginal Cultural Heritage Advisory Committee Ensure resources and timeframes are provided to relevant Arakwal and other Aboriginal stakeholders to provide Aboriginal Heritage Impact Statements in land based projects across Council Implement further stages of the Byron Shire Aboriginal Cultural Heritage Study.

3. Cultural and Economic Development

Council advocates and supports the opportunities for cultural and economic development for the Bundjalung of Byron Bay Arakwal People.

3.1 Cultural and Economic Development: Guiding Principles

3.1.1 Indigenous Employment Strategies

3.1.2 Housing

3.1.3 Public Art

3.1.4 Cultural Centre

3.1.5 Cultural Tourism

3.2 Cultural and Economic Development: Specific Projects	Timeframe	Project Implementation Actions	Recommendations for further Actions
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.	2013-2014	Meetings were held between Council staff including Council's Human Resource Manager and Arakwal CEO to identify opportunities to increase Aboriginal Employment at Council. The following opportunities were identified: -procurement strategy -specialist contracts -service contracts -workforce plan. 3% of Councils workforce identify as Aboriginal and Torres Strait Islander, the NSW Local Government benchmark is 2%	Council to commit to a target number of identified positions and traineeships and support strategies, Council managers to undergo Cultural Intelligence training to enable improved cultural safety in the workforce, Work with employment agencies to develop opportunities Key priority moving forward
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.	2015	The Bundjalung of Byron bay Aboriginal Corporation (Arakwal) conducted a scoping workshop on Monday 17th August 2015. The Corporation owns Lot 452 DP 48493 and were transferred of Lot 451 from NSW Government from the Minister. Council worked with the CEO of the Arakwal Corporation regarding zoning issues.	Council to continue support for this project. Councils role is to support Arakwal's lead in this project.
3.2.3 Public Art Opportunities Council to encourage the development of public art opportunities to allow opportunities for Arakwal people to have artistic and cultural expression. The July 2012 Public Art Policy Guidelines and Criteria state : "Art is an important expression for Indigenous people and provides an opportunity for them to reflect on their heritage as a way of ensuring Indigenous culture is continued. Indigenous public art provides professional art opportunities to powerfully express this continuation of culture and an opportunity for the Byron Shire community to acknowledge and celebrate its cultural heritage. Byron Shire Council acknowledges the traditional owners of Byron Shire, the Bundjalung of Byron Bay - Arakwal Bumberlin people. Council also acknowledges the people and the wider Bundjalung Nation and their connection to the land. Opportunities for artists from the Bundjalung of Byron Bay-Arakwal Bumberlin people will be fairly represented in displays of public art throughout the Shire. Council will work closely with the traditional owners	2015 2016 2017 2018	Council worked with Byron Community Centre and Arakwal to create a mural in the centre Arakwal artwork included in the signage created for the Whale Trail Council worked with Arakwal to create a murals around the Byron Visitors Information Centre Arakwal contracted to create public art work for the Railway Park upgrade	

<p>3.2.4 Arakwal Room at the Byron Bay Library The Byron Bay Library site, situated in the Sandhills Estate in Byron Bay, formed part of the Crown Reserves claimed under Native Title by the Bundjalung of Byron Bay Arakwal people. The support of the Arakwal elders enabled the Crown Land to be transferred to Council for the purposes of a library site. The library site and an additional 1.65 hectares of land (comprised in Lot 441 DP 800268) were intended to be transferred to Council through negotiations of Indigenous Land Use Agreement 2. Council is to continue to provide the Arakwal Room at the Byron Bay Library (as negotiated under Indigenous Land Use Agreement 2).</p>	<p>2014 2018</p>	<p>Byron Library opened. Council staff curated photographic exhibition for the Arakwal Room at the library. Arakwal have full and ongoing access to the 'Arakwal Room' at the Byron Library.</p>	

<p>4. Caring for Country</p> <p><i>Council recognises the significant commitment of the Bundjalung of Byron Bay Arakwal People in Caring for Country and maintains a partnership to consult and cooperate in achieving ecologically sustainable conservation.</i></p> <p>4.1 Caring for Country: Guiding Principles 4.1.1 Caring for Country: Understanding Arakwal Priorities 4.1.2 Environmental Protection 4.1.3 Planning and Development processes 4.1.4 Cultural Awareness and Training 4.1.5 Managing the Impacts of Tourism on Arakwal people, land and culture</p>			
4.2 Caring for Country: Specific Projects	Timeframe	Project Implementation Actions	Recommendations for further Actions
<p>4.2.1 Caring for Country</p> <p>The development of a working definition of Caring for Country for application over all divisions of Council. Council to use available policy frameworks and regulatory mechanisms to support Arakwal to protect and care for Country.</p>	<p>2013</p> <p>2014</p>	<p>A workshop was held with Councillors and management with Arakwal to develop the following statement:</p> <p>Byron Shire Council working with the Bundjalung of Byron Bay (Arakwal) People Byron Shire Council recognises the significant commitment by the Bundjalung of Byron Bay Arakwal People to Caring for Country. It acknowledges the integral role played by the traditional owners, past and present, in the maintenance of law and custom that sustains the environment and people of the Byron Shire. The Council is committed to facilitating the renewal of cultural practice on Country and promoting the role of traditional owners as custodians and knowledge holders for Country within the Byron Shire. Byron Shire Council recognises that Caring for Country includes: traditional owners being on (living on, visiting) Country; using Country in traditional ways; practicing culture on Country; nourishing and being nourished by Country; maintaining spiritual and ancestral connections; teaching how to care for and act respectful towards Country; keeping Country clean and healthy. Byron Shire Council is committed to maintaining an environment that is used and enjoyed in an ecologically sustainable way. It is committed to a partnership that supports the management of land use that is aligned with the Bundjalung of Byron Bay Arakwal Peoples' objectives in Caring for Country.</p> <p>A poster was designed containing the statement for printing and distribution.</p>	Complete
<p>4.2.2 Protecting Wetlands</p> <p>Arakwal have identified ongoing concerns regarding important environmental and cultural wetland sites and have requested that Council rectify existing drainage issues in Byron Bay.</p> <p>This matter is carried over from the original 1998 Aboriginal Heads of Agreement and involves objectives from point 3 of the Agreement, Aranga Development and Paterson Street water runoff into Cibum Margill swamp. The Corporation is also concerned that polluted water currently runs from the Cowper Street drainage system onto Main Beach. A solution that has been identified is the construction of a wetland, filtration system, or artificial wetland at the Cowper Street drainage system onto Main Beach. Council and Arakwal Corporation to work in partnership to obtain funding to implement solutions to these ongoing issues.</p>	<p>2014</p> <p>2016 - 2018</p> <p>2017 - 18</p> <p>2017-18</p>	<p>Council staff worked with Arakwal to develop a range of water education resources as part of World Wetlands Day and World Water Day</p> <p>Council redirected Council's storm water systems on Lawson Street away from Clarkes Beach midden. Council commenced recycling Byron Stormwater projects redirecting water from main beach in Byron Bay.</p> <p>Council commenced restoration work for the Belongil catchment area including water monitoring</p> <p>Council obtained funding and a license in the crown reserve to revegetate land in the Sandhills estate adjacent to the drain area at Cowper Street. Council have engaged Arakwal's bush regeneration team to undertake the work and have incorporated bush tucker planting into the area. Council developed the Sandhills Estate Environmental Protection and Improvement Project Plan. Council propose to rehabilitate the open stormwater channels that flow through the Sandhills Estate, as well as general native revegetation of the Sandhill Estate</p>	Continue to work with Arakwal to rehabilitate and protect wetlands and to provide education about the importance of wetlands in the broader community.
<p>4.2.3 Byron sewerage treatment plant at Tallow Creek</p> <p>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</p>	2018	<p>Council ran a tender process for the future use of this land.</p> <p>Arakwal were consulted in this process.</p>	

have requested to be involved in the planning process for any redevelopment at this site.			
<p>4.2.4 Cultural Awareness Training</p> <p>Cultural awareness induction for all staff and Councillors through Arakwal's website, with stage two training for relevant staff to include Native Title and other relevant land management issues and specifically developed training packages for relevant staff.</p>	<p>2013-14</p> <p>2016-17</p> <p>2018</p>	<p>Cultural awareness training package including Arakwal's website and council internal documents referring to other Aboriginal stakeholders developed</p> <p>Training packaged rolled out across the organisation and included in induction process</p> <p>Council developed Byron Shire Council and Indigenous Stakeholders – A guide to Statutory Relationships which outlines the legal obligations of staff under the Native Title Act and Land Rights Act and other relevant legislation. This guide will be presented to relevant staff as part of training regarding Native Title</p> <p>Stage two of the training developed for relevant staff approved by management and council to include to be delivered in 2019.</p> <p>Identified training needs through Stage 2 include</p> <p>Consultation : understanding the structure of stakeholders and timeframes required to consult with stakeholders.</p> <p>Planning:</p> <ul style="list-style-type: none"> • Predicative mapping regarding culturally sensitive areas and areas where there are increased likelihood of disturbing sites • Aboriginal Cultural Heritage Impact Statements and Surveys • Notification processes <p>Front line out door workers</p> <ul style="list-style-type: none"> • Sites and objects identification and reporting • OEH delivered • Empowers staff • Protects sites <p>Cultural Safety in the work place</p> <ul style="list-style-type: none"> • Employment support for Indigenous people • Workplace that is culturally safe for Aboriginal People • Baanam training for Managers to support and retain Indigenous Staff • Cultural Intelligence 	<p>Continue delivery of Stage Two training.</p>
<p>4.2.5 Tourism</p> <p>Council and Arakwal to work in partnership to monitor and manage the impact of tourism on Arakwal Country and cultural heritage.</p>	<p>2013-2018</p>	<p>Arakwal were allocated a seat on the Tourism Advisory Committee</p>	

5. Social Justice and Community Development

Council and Arakwal to work together to create and support a healthy, vibrant, strong and resilient Aboriginal and Torres Strait Islander community.

5.1 Social Justice and Community Development: Guiding Principles

5.1.1 Development of Social and Cultural Capital

5.1.2 Housing and homelessness

5.1.3 Closing the Gap, improving health of Indigenous Community

5.1.4 Eco/Cultural Tourism Opportunities for Arakwal People

5.2 Social Justice and Community Development: Specific Projects	Timeframe	Project Implementation Actions	Recommendations for further Actions
5.2.1 Housing at Ironbark Avenue Council to continue support for the development through to occupation of the Ironbark Avenue housing project. This project was progressed through the 1998 Heads of Agreement and continues to be a priority for the Arakwal.	2013-2016 2017 2017- 18 2018	Councils supported this project through the waivering of fees associated with development applications and expedited applications Houses occupied by Arakwal family members Council and Arakwal working to restrict access to the road reserve and remove illegal campers from the area. Arakwal propose bush tucker planting and large boulders to block access for parking and illegal campers to the road reserve adjacent to the houses. Council to resolve drainage issues at Ironbark Avenue	
5.2.2 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. 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.	2014-2018 2016-2018	Council begin a initiative to work with Aboriginal community members to start the Aboriginal Service Coalition – including Tweed Byron Local Area Land Council, Arakwal, Mullumbimby and District Neighbourhood Centre, Tweed Byron Community Transport and others. Coalition meet fortnightly to address the lack of services delivering housing, employment, education and health services in the Byron Shire. Coalition is working with funding agencies to service map who is supposed to be delivering services. Mullumbimby Neighbourhood Centre has offered free use of space for services to deliver from. Council staff report outcomes of the work of the Aboriginal Services Coalition to Arakwal MoU for feedback.	Continue
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.	2013-2018 2016-2018	Council staff liaise with the Department of Lands to acquire the residual land in Sand hills estate. Council are advised that NSW Aboriginal Land Council has registered a Land Claim over the area. Council in discussions with TBLALC's about the status of the claim. Council develop Byron Bay Town Master Plan which includes a plan of management for the area.	

5.2.4 Aboriginal Housing Council and Arakwal to work in partnership to develop local networks and work with regional networks to advocate for increased Aboriginal housing options within Byron Shire.	2015-18	Council begin a initiative to work with Aboriginal community members to start the Aboriginal Service Coalition – including Tweed Byron Local Area Land Council, Arakwal, Mullumbimby and District Neighbourhood Centre, Tweed Byron Community Transport and others. Housing identified as priority service needed for Aboriginal community. Housing forum scheduled for 2019	Continue
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.	2014 2015-2017 2015 2016- 2018	Council hosted North Coast Area Health's consultation for the development of the 5 Year Aboriginal Health Plan Council work with Community health services to host Close the Gap Day – Community Services Expos Council begin a initiative to work with Aboriginal community members to start the Aboriginal Service Coalition – including Tweed Byron Local Area Land Council, Arakwal, Mullumbimby and District Neighbourhood Centre, Tweed Byron Community Transport and others. Aboriginal Services Coalition work with Bullina, Bugulweana - Local Area Health District and Primary Health Network to create a program of outreach services based at the Mullumbimby and District Neighbourhood Centre.	Continue
5.2.6 Tourism Council to monitor the negative impacts of tourism on Arakwal people, lands and culture while identifying opportunities for Arakwal to benefit from tourism. The Arakwal have asked Council to consider how Arakwal can provide assistance to Council, for example, in dealing with Crown lands, in partnerships to obtain funding to undertake environmental, tourism, arts, community and social projects, the development of training etc. The Arakwal Memorandum of Understanding Advisory Committee see this process as an avenue for Byron Shire Council to establish itself as a leader in indigenous community development.		The Arakwal Corporation were involved in the initial consultation for the Byron Visitor Centre (BVC) refurbishment. This included how best to represent our aboriginal culture and heritage in Byron Shire. Arakwal assisted with the footpath mural and completed the design, painting and sealed the project. In addition, digital content was also provided for the website and digital screens within the centre. Arakwal also attended the media launch.	

Draft

Report No. 4.4 **Update on Arakwal Cemetery Project**
Directorate: Corporate and Community Services
Report Author: Belle Arnold, Community Project Officer
File No: I2018/1981
5 **Theme:** Corporate Management
 Community Development

Summary:

10 Council and Arakwal have identified this as a priority project to allow for elders to remain on country after they pass away. This is of cultural significance to Arakwal people. This report discusses recent meetings to advance and realise this project.

15 **RECOMMENDATION:**

1. That Council when the project approval, funding and policies are in place, prioritise the installation of the concrete bench for the first row of headstones, at the area identified for the Arakwal area of the Byron Bay Cemetery.
2. That the Arakwal Memorandum of Understanding Committee discuss and make recommendations regarding the financial implications of the project.
3. That staff work with Arakwal to create a policy document for the Arakwal area at the Byron Bay Cemetery to be presented to the Arakwal Board for endorsement then to Council for adoption.

Report

On 26 September 2018 Council's Aboriginal Projects Officer met with Open Space Technical Officer, to discuss the Arakwal Cemetery project.

Council identified the following matters requiring resolution to move the project forward:

1. Style / materials for headstone requirements need to be finalised,
2. Orientation for graves to be finalised eg - there had been some discussion for tombs to be in a semi circle, it may be that they need to be in rows to maximise capacity, once this decision is finalised and cultural implications are considered the first concrete bench can be laid for the first row of head stones
3. Cultural implications – such as direction to be faced
4. Clear policies and procedures for Council staff to follow in regards to who is able to be buried in the Arakwal section of the cemetery
5. Finalise issues around fees and charges – Arakwal have requested fees to be waived by Council

On 18 October a meeting was held at the Arakwal depot with Sharon Sloane, CEO of the Arakwal Corporation and Delta Kay, Arakwal woman who initiated the project with Council, to discuss the Arakwal Cemetery project and the above items. Council policies and application forms for the Byron Bay cemetery were distributed.

Style / materials for headstone requirements

Arakwal would like to have materials in the Arakwal Cemetery area as natural as possible, using natural stone for headstones and planting of native plants. Council's style guidelines were discussed and will be integrated in the development of a specific document for the Arakwal area in the cemetery.

Orientation for graves and Cultural Impactions

Arakwal confirmed that rows would be suitable to maximise the number of potential burials. It was identified that traditionally Arakwal burials face east to the rising sun. The installation of the bench for headstones and graves would need to ensure that graves will face east. It was suggested that representatives of Arakwal meet with Council on site prior to the concrete bench being poured to ensure this is correct.

Policies

Access to burial in the Arakwal area of the cemetery will be available to direct descendants of Arakwal people, as outlined in Schedule Three of the Bundjalung of Byron Bay Arakwal People. A policy document will be created by Council staff in conjunction with Arakwal Corporation staff and presented to the Arakwal Board for endorsement then to Council for adoption.

Fees and charges

Arakwal requested that fees related to burial plots be waived. It was discussed that the Ballina Shire Council provisions for Aboriginal burials at the Wardell Cemetery are that the fees are waived and that tombs are dug and burials are supervised by Aboriginal community and family.

To celebrate this project and the intent behind it there was a suggestion there be a low key opening of the project signified by a planting with Arakwal people and key Council representatives.

Financial Implications

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The fees and charges in Council's 'Application for Burial fees and charges 2018-19 Document

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- Fees: \$5084- New Burial - Dual Plot, Lawn Section - all plots - (includes Gravesite fee and Interment of body)

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- \$4,336 New Burial - Single Plot, Older/Denominational Sections - (includes Gravesite fee and Interment of body)

- \$1,387 - Reopening of all existing burial plots - (includes interment of body only)

- \$1,044 - Saturdays & Public Holidays - Additional Fee

- \$360 - Weekday - After 2.30pm - Additional Fee

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Arakwal have requested these fees be waived by Council.

Progression of this item as recommended will have financial implications for Council that would not be currently budgeted.

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Statutory and Policy Compliance Implications

Local Government Act 1993

Native Title Act 1993

Arakwal Memorandum of Understanding 2013

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