

ITEM 1

DRAFT SANDON POINT ABORIGINAL PLACE JOINT MANAGEMENT AGREEMENT

In accordance with Council resolutions of 23 June 2014 and 23 February 2015, a Joint Management Agreement between Wollongong City Council and five Aboriginal community organisations has been negotiated. Through this agreement, Council will work in partnership with the Aboriginal community to protect the Sandon Point Aboriginal Place and to manage the Aboriginal cultural and heritage values within the Sandon Point and McCauley's Beach Plan of Management area. This report is seeking Council's endorsement of the agreement.

RECOMMENDATION

The Sandon Point Aboriginal Place Joint Management Agreement be endorsed.

ATTACHMENT

Sandon Point Aboriginal Place Joint Management Agreement

REPORT AUTHORISATIONS

Report of: Renee Campbell, Manager Environment Strategy and Planning
Authorised by: Andrew Carfield, Director Planning and Environment – Future, City and Neighbourhood

COMPLIANCE WITH OFFICE OF LOCAL GOVERNMENT GUIDELINES ON COUNCIL DECISION MAKING DURING MERGER PROPOSAL PERIODS

The recommendation in this report satisfies the requirements of the OLG Guidelines - *Council Decision Making During Merger Proposal Periods*.

BACKGROUND

Sandon Point and McCauley's Beach is an iconic coastal recreation area between Bulli and Thirroul that includes a declared Aboriginal Place. On 23 February 2015, Council adopted the Sandon Point and McCauley's Beach Plan of Management, which was the culmination of a community engagement process started in November 2011.

An outcome of the development and adoption of the Sandon Point and McCauley's Beach Plan of Management were resolutions to pursue a Joint Management Agreement to uphold the Values of the Sandon Point Aboriginal Place in partnership with the Aboriginal community.

On 23 June 2014 Council resolved:

"Letters be sent to the Illawarra Local Aboriginal Land Council (ILALC), Korewal Elouera Jerrungarah Tribal Elders Aboriginal Corporation (KEJ), Sandon Point Aboriginal Tent Embassy (SPATE), Wadi Wadi Commaditchi Aboriginal Corporation and Wodi Wodi

Elders Council advising that Council is interested in pursuing a Joint Management Agreement for the management of the Sandon Point Aboriginal Place and seeking their support and involvement.”

All five groups accepted Council's invitation. All five groups attended the first Joint Management Agreement Partners meeting on 26 November 2014 and began discussions with Council to shape the draft Sandon Point Joint Management Agreement. At that first meeting the Elders and representatives agreed that there was merit in meeting together to protect Sandon Point as it is sacred land to the Aboriginal community. It was acknowledged Elders should work together on a number of cultural and heritage issues and that this was a historic meeting.

On 23 February 2015, Council reiterated its commitment to pursuing joint management by resolving:

“The support of the Elders from the five Aboriginal community groups to participate in a Joint Management Agreement be noted and Council confirm its willingness to pursue and facilitate this process. A further report on the Joint Management Agreement be presented to Council for endorsement, when the protocols have been developed by the Elders.”

The protocols have been developed through a negotiation process that involved many discussions and five formal meetings, culminating in the Agreement's endorsement at the Joint Management Agreement Partners meeting held on 26 November 2015.

Values of the Sandon Point Aboriginal Place

In the pre-1788 era, the Sandon Point area was an important ceremonial site, burial site and meeting place for Aboriginal people. The southern point, known as the Sandon Point, is recognised as a traditional chief's meeting place. The wider area beyond Sandon Point is recognised as a more general meeting place where trade would be conducted between groups and stories would be shared. The abundant food resources of the area supported gatherings of Aboriginal groups.

In 1817, colonial settler occupation around Sandon Point began with the formation of an agricultural estate - the area was used for small-scale cultivation and grazing. By the late 1800s, the area was heavily cultivated and had several industrial operations. As land in the region was divided for settler use, Aboriginal people would often camp and fish to the north of Sandon Point.

Today, the importance of Sandon Point to local Aboriginal people is evident by the high levels of contestation towards recent development proposals made in an effort to protect the area. Sandon Point is an important Aboriginal landscape with culturally significant areas. The Sandon Point Aboriginal Place protects the material traces of history and enables local Aboriginal people to continue to connect to traditional culture and maintain traditional knowledge.

Evidence of past Aboriginal occupation of the Sandon Point area comprises shell middens and stone artefact scatters. A burial associated with a shell midden near McCauley's Beach, dated to over 6,000 years old, was uncovered after a series of

storms exposed remains in 1998. The ancestral remains have been reburied and are protected by the vegetation cover.

On 16 February 2007 the Minister for the Environment declared the area an Aboriginal Place under the *National Parks and Wildlife Act 1975*.

The declaration of Aboriginal Places offers Aboriginal people opportunities to reconnect with their ancestors, community and culture. Aboriginal heritage is inseparable from the natural environment - from individual plants and animals to ecosystems. The land and waterways are associated with dreaming stories and cultural learning that links Aboriginal people with who they are and where they belong (*source: NSW Office of Environment and Heritage website*).

PROPOSAL

Now and into the future, important decisions need to be made around protecting and maintaining the Values of the Sandon Point Aboriginal Place and managing Aboriginal cultural uses and developments that are supportive of those Place Values. Through the Plan of Management, Council acknowledges that the Aboriginal community is the best decision maker for Aboriginal Culture and Heritage and this is the spirit into which Council is entering into a Joint Management Agreement.

To formalise the decision making process with the Aboriginal Community, a Joint Management Agreement has been developed (Attachment 1). The Joint Management Agreement is in the form of a Memorandum of Understanding.

The Joint Management Agreement will evolve over time as management issues related to upholding the Values of the Sandon Point Aboriginal Place are considered in future Joint Management Agreement meetings and decisions are made relating to Aboriginal culture and heritage. The Agreement will be reviewed on a regular basis (after 1 year and then after every 3 years) in accordance with provisions in the Agreement.

The purpose of the Joint Management Agreement (Attachment 1) is to create a framework that both the Aboriginal Community and Council can use to uphold the Values of the Sandon Point Aboriginal Place and implement the adopted Plan of Management for Sandon Point and McCauley's Beach. The Agreement will also assist in increasing the general community's awareness and understanding of the significance of the Sandon Point Aboriginal Place. During future meetings of Joint Management Agreement Partner Organisations decisions will be made about how the story of that significance is told on interpretive signs, art work or through community events when grant funds are obtained in future years.

The Agreement includes provisions for the Aboriginal Community Organisation Partners to seek the viewpoints of the wider Aboriginal community when it is culturally appropriate, and acknowledges that Council will undertake consultation with the Joint Management Agreement Partners and the wider general Aboriginal community in accordance with Office of Environment and Heritage legislation and policies when applying for an Aboriginal Heritage Impact Permit to implement the Plan of Management Access Plan and other coastal reserve management activities.

The Agreement acknowledges that Aboriginal community organisations will be making decisions about how to protect burials, middens and artefacts, and to practice traditional customs and ceremonies and maintain a contemporary connection to the land within the Plan of Management area by notifying and negotiating with Council in accordance with the Agreement and the adopted Plan of Management.

The Agreement acknowledges that Council has passed a number of resolutions in relation to matters affecting the Sandon Point and McCauley's Beach locality and that Council will adhere to its resolutions and applicable legislation when undertaking its role in joint management.

CONSULTATION AND COMMUNICATION

Consultation during the development of the Joint Management agreement has occurred by phone conversations and one-on-one meetings, and by five formal meetings listed in table 1:

Table 1 – Formal Joint Management Meetings

Meeting Date	Partner Organisations in Attendance
26 Nov 2014	Korewal Eloura Jerrungarah Tribal Elders Aboriginal Corporation (KEJ); Illawarra Local Aboriginal Land Council (ILALC); Sandon Point Aboriginal Tent Embassy (SPATE); Wadi Wadi Coomaditchi Aboriginal Corporation; Wodi Wodi Elders Council; Wollongong City Council (WCC)
13 Jan 2015	KEJ, ILALC, SPATE, Wodi Wodi Elders, WCC
15 May 2015	ILALC, SPATE, Wodi Wodi Elders, Wadi Wadi Coomaditchi Aboriginal Corporation, WCC
30 Oct 2015	ILALC, SPATE, Wadi Wadi Coomaditchi Aboriginal Corporation, WCC
26 Nov 2015	ILALC, SPATE, Wadi Wadi Coomaditchi Aboriginal Corporation, WCC

It is noted that while all five Aboriginal Partner Organisations have not been in attendance at all meetings all five organisations have been kept informed and have indicated a willingness to continue and to be involved with joint management.

PLANNING AND POLICY IMPACT

The Agreement is a Memorandum of Understanding. It is voluntary on all parties. Each partner organisation can exit the agreement by written notification or in Council's case, by resolution. However, all partner organisations have given extensive time and effort to negotiate this agreement and are committed to this new approach to better protect this area that is so significant to the Aboriginal community. Council has specifically resolved to seek a Joint Management Agreement and the five groups signed a commitment to pursue Joint Management in November 2014.

The Agreement provides an avenue for on-going communication about Sandon Point and McCauley's Beach between Council and the Aboriginal community partner

organisations that has not existed before. Communication is the key to effective protection of the area’s values now and into the future.

A collaborative approach to managing lands significant to the Aboriginal community is used in National Parks under specific legislation that provides a joint management pathway. This legislation does not relate to Council land, but has been used to provide guidance on this Joint Management Agreement.

This report contributes to the delivery of Wollongong 2022 goal – “We value and protect our natural environment”.

It specifically delivers on the following:

Community Strategic Plan	Delivery Program 2012-2017	Annual Plan 2015-16
Strategy	5 Year Action	Annual Deliverables
1.4.1 Programs and projects that achieve proactive heritage management, education and promotion are developed and implemented.	1.4.1.1 Work in partnership with others to promote a diverse range of heritage education and promotion programs.	Implement the outcomes of Sandon Point and McCauley Beach Plan of Management.

FINANCIAL IMPLICATIONS

Holding future Sandon Point Aboriginal Place Joint Management Agreement meetings can be accommodated within existing budgets. Measures to enhance or protect the Aboriginal significance of the land that require additional budget would be subject to seeking grant funds or inclusion in future annual budget by future reports to Council.

CONCLUSION

The endorsement of the Sandon Point Aboriginal Place Joint Management Agreement will be a significant achievement as it will formalise a relationship between Council and the five groups for the management of the Aboriginal Place and will ensure that Aboriginal heritage and cultural values are protected and guided by the Elders of our community. It is a significant body of work, taking a year to develop in equal partnership with Council and the Aboriginal community. Its successful development could be a blue print to follow for the management of other areas significant to the Aboriginal community within the Wollongong Local Government Area.