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Appendix D Previous Aboriginal community consultation

D.1 Previous Summary

The following provides details of the consultation process for the route options selection study for Woodburn to Ballina. This consultation process does not comply with the Interim Community Consultation Requirements for Applicants 200. This information comes directly from Collins (2005). A record of Aboriginal consultation/contact is provided in Table 2 Summary of consultation. Copies of AFG minutes follow in D.3 Previous Aboriginal Focus Group Minutes.

Aboriginal Involvement and Consultation

Local Aboriginal Land Councils

The study area lies within the territory administered by the Jali Local Aboriginal Land Council (LALC), although sections at the southern end (approximately one kilometre, of Options 1A, 1B and 1C south of Tuckombil Canal) and through Broadwater National Park (approximately 500 metres of Options 1A, 1B and 1C) are also shared by the Bogal and Ngulingah LALCs. This sharing arrangement has arisen due to high spiritual and archaeological significance of the Evans Head/Goanna Headland locality to Bundjalung people from a wide geographical area.

Native Title Claims

A search of the Register of Native Title Claims, the Register of Indigenous Land Use Agreements, the National Native Title Register and the Applications Summary was performed for the Ballina, Richmond Valley and Lismore Local Government Areas on 2 September 2004. Advice provided by the National Native Title Tribunal indicates that at the time of the search there was one Registered Native Title Claim (NC98-19) relevant to the study area. This claim has been submitted by Lawrence John (Lawrie) Wilson on behalf of the Bandjalang (Bundjalung) people, and covers the entire area south from Broadwater, including Rileys Hill and Woodburn. The claim does not relate to freehold lands or to lands lawfully owned and occupied.

Process of Involvement and Consultation

Prior to the selection of options, discussion regarding the upgrading proposal and the scope of the Aboriginal heritage assessment were held with Jali LALC representatives and local Bundjalung Elders and knowledge-holders. These people included Lawrie Wilson (Native Title claimant) and members of his immediate family (Simone Barker [nee Wilson] and Doug, Tony and Daniel Wilson), Lewis Cook, Lois Cook, Doug Anderson, Troy Anderson (former chairperson of Jali LALC), and Artie Ferguson (JALI LALC Sites Officer). With the assistance of a large scale air photo provided by Hyder Consulting, a variety of sites and places of known and potential Aboriginal cultural heritage significance were pinpointed by these informants, allowing major route constraints to be mapped and most avoided by the options considered in this report.

On identification of the options and areas targeted for the selective field survey (all within Jali LALC boundaries), it was arranged that Jali LALC Sites Officers Artie Ferguson and Rob Brown would provide survey assistance. The options and the extent and purpose of the survey were also discussed with Bogal and Ngulingah LALC coordinators (Cheryl Brooks and Dallas Donnelly respectively).

In an effort to assess the Aboriginal cultural and social values of the options, and to determine whether the integrity of any previously unidentified sites/places of particular significance or concern

would be threatened by highway construction along any of the designated links, further consultation was undertaken with Lawrie Wilson, Lewis Cook and Artie Ferguson on completion of the survey. Discussions were also held with Aboriginal archaeologist Ron Heron regarding his knowledge of site locations in the study area.

Outcome

Options 1A and 1B

Consultation with Lawrie Wilson conducted as part of the impact assessment for the Woodburn – Evans Head Sewerage Scheme proposal revealed that –

“the proposed Woodburn STP was not far from where it is said that two Aboriginal men had who had been skinning a kangaroo were mistakenly believed by stockmen to be skinning a cow, and were shot. Thus the site, somewhere to the south of the sports fields at Woodburn, is considered to be a massacre site” (Appleton 1997:4).

Lawrie Wilson also related these details to the consultant during the present assessment. The south-eastern part of the locality in which the massacre is said to have taken place would be affected by development of Options 1A and 1B Link AB. However, Mr Wilson believes that the bodies of the two victims would have been removed by their kin for proper burial, and that there will be no material evidence left on the massacre site itself. Although he considers the massacre site to have historical and emotional significance, Lawrie Wilson has advised that he does not have any fundamental objections to the Link AB alignment.

Options 2A, 2B and 2C

A group of three scarred trees recorded in the past by Jali LALC Sites Officers is located near Wardell Road close to Link KM on the common alignment of corridors 2A, 2B and 2C. Jail representatives have requested that these trees be spared disturbance in the event of this link being selected as part of the preferred route.

Option 2C

No specific concerns were expressed in relation to this option (but see discussion of the scarred trees above), providing a natural sacred site in the Richmond River near the confluence of Tuckean Broadwater around 250 metres upstream of the Link GK centreline would remain unaffected by bridge construction works.

Options 2C, 2D and 2F

An area approximately 250 metres east of the Link FG centreline on the northern spur of Cooks Hill, Broadwater, is important to members of the Cabbage Tree Island community. An early European farmer who lived here (Henry Cook) hid Bundjalung people from the Native Mounted Police on his property. Jack „Papa’ Cook, who “led his people to plant sugar cane and start a community at Cabbage Tree Island in the 1880s” (Medcalf 1989:12) worked for Henry Cook and adopted his name.

Options 2D and 2E

On Link HL near Wardell, Options 2D and 2E intercept the southern end of a bush camp that is still regularly used by the local Aboriginal community, particularly in times of flood. This camp is situated in Cypress pine woodland on an elevated sand peninsula above the wetlands of Bingal Creek. It is believed to have been similarly used in traditional times and is of considerable

Aboriginal social significance. There is also oral evidence to suggest that mortuary practices involving the disposition of bodies in trees and the later burial of the bones were carried out in the upper Bingal Creek area.

Option 2E

The area of primary concern with respect to this option is the coastal barrier traversed by Link FH north and east of Cooks Hill. This area was assessed by a number of informants to be highly significant and culturally sensitive. It was used for camping and ceremonies from prehistoric times through to the early 20th Century (eg Steele 1984:11) and is believed to contain campsites (as confirmed by the 1998 heron and Faulkner investigation), burials, and evidence of a massacre of Aboriginal people by the Native Mounted Police.

Other Links and Options

No specific Aboriginal anthropological concerns were expressed in relation to options and links not discussed individually above.

D.2 Previous Documentation

Table 1 Aboriginal Stakeholder consultation for Woodburn to Ballina

Date/Title	Attendees and content
2 September 2004	Search of the Register of Native Title Claims, the Register of Aboriginal Land Use Agreements, and the National Native Title register for relevant Traditional Owners to include in consultation.
11-15 November 2004 Discussions regarding the highway upgrading process	<p>Attendees:</p> <ul style="list-style-type: none"> ■ Jali LALC. ■ Bundjalung Elders and knowledge holders <p>Items Discussed:</p> <ul style="list-style-type: none"> ■ Highway upgrade process ■ Scope of Aboriginal heritage assessment ■ Locations of culturally significant sites and places that may be impacted by the proposed routes. <p>Outcomes:</p> <p>Most culturally significant sites and places avoided by the options selected for the route options assessment.</p>
May 2005 Draft Aboriginal heritage assessment – field survey	<p>Attendees:</p> <ul style="list-style-type: none"> ■ Jali LALC. ■ Bogal LALC. ■ Ngulingah LALC. <p>Bundjalung Elders and knowledge holders (Laurie Wilson & Family).</p>

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Date/Title	Attendees and content
<p>17 August 2005 AFG-preliminary meeting:</p>	<p>Attendees:</p> <ul style="list-style-type: none"> ■ Jali LALC. <p>Items Discussed:</p> <ul style="list-style-type: none"> ■ Outline purpose of focus group. ■ Outline of project objectives and current status of the project. ■ Discussion of draft focus group charter. <p>Outcomes:</p> <ul style="list-style-type: none"> ■ Identified various areas of cultural, spiritual, social and archaeological sensitivity. ■ Identified the LALC and Traditional Nation boundaries. <p>Identified the appropriate Aboriginal stakeholders.</p>
<p>6 September 2005 AFG 2</p>	<p>Attendees:</p> <ul style="list-style-type: none"> ■ Jali LALC. <p>Items Discussed:</p> <ul style="list-style-type: none"> ■ An invitation letter was sent to all possible interested stakeholders, for them to attend today's meeting. ■ Anticipated interest in the project by the local Aboriginal community was not generated and various stakeholders could not attend. ■ Ngulingah, Bogal, Bunjum and Jali LALC offices notified. <p>Outcomes</p> <ul style="list-style-type: none"> ■ Mary Lou Buck (RTA) concluded that greater Aboriginal stakeholder interest would be generated when a preferred route was selected. <p>Route 2D and 2E not preferred, a site is located along route option 2E.</p>
<p>13 September 2005 AFG 3</p>	<p>Attendees:</p> <ul style="list-style-type: none"> ■ Jali LALC. ■ Ngulingah LALC. ■ Bogal LALC. ■ Ngulingah LALC. ■ Bertha Kappeen (Ballina resident and Bundjalung Elder). <p>Items Discussed:</p> <ul style="list-style-type: none"> ■ Route options maps. ■ Aboriginal sites (burial and midden) were identified by the community as existing on Route Option 2E near Cooks Hill. <p>Outcomes</p> <p>Aboriginal community members stated that they would have to take the options map to their Elders for comment.</p>

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Date/Title	Attendees and content
25 October 2005 AFG 4	<p>Attendees:</p> <ul style="list-style-type: none">■ Yabur Yulgun CD and EP Aboriginal Corporation.■ Jali LALC.■ Birrigan Gargle LALC.■ Ngulingah LALC.■ Bunjum Aboriginal Co-Operative Ltd.■ Burabi Aboriginal Corporation.■ NSW Aboriginal Land Council.■ Bertha Kapeen (Ballina Resident and Bundjalung Elder). <p>Items Discussed:</p> <ul style="list-style-type: none">■ Clarify purpose of the focus group.■ Progress update.■ Robert Vidler (Yabur Yulgun CD and EP Aboriginal Corporation) explained that Elder Lawrence Wilson has a Native Title Claim in the area and would have knowledge that may be valuable to the project.■ Feedback, issues and concerns. <p>Outcomes:</p> <ul style="list-style-type: none">■ Aboriginal stakeholders were concerned that the correct Traditional Owners had not been identified.■ Barry Jameson (Jali LALC) was opposed to options 2C and 2D as it passed through Jali owned land which they would not be prepared to sell. <p>Barry Jameson (Jali LALC) was concerned that there was potential for additional significant sites in the area which were not presently known.</p>

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Date/Title	Attendees and content
6 December 2005 AFG 5	<p>Attendees:</p> <ul style="list-style-type: none">■ Yabur Yulgun CD and EP Aboriginal Corporation.■ Jali LALC.■ Birrigan Gargle LALC.■ Ngulingah LALC.■ Bunjum Aboriginal Co-Operative Ltd.■ Burabi Aboriginal Corporation.■ Bertha Kapeen (Ballina Resident and Bundjalung Elder).■ NSW Aboriginal Land Council. <p>Items Discussed:</p> <ul style="list-style-type: none">■ Feedback on meeting with traditional owners.■ Progress update. <p>Outcomes:</p> <ul style="list-style-type: none">■ Harry Batt (Hyder Consulting) advised that the project team was unable to meet with Laurie Wilson; met with Laurie's sons, Doug and Laurie who expressed concerns with Option 1A.■ Lois Cook (Burabi Aboriginal Corporation) indicated that there was an important site on the left of the rest area in middle of the highway. The project team will ask Jacqui Collins to follow up with Lois regarding this information.■ Mark Hartwig (RTA) advised that prior to construction an area may be identified as a site of Aboriginal Cultural and Heritage interest, an archaeologist then identifies this site, which is known as a PAD (potential Aboriginal deposit) area. <p>The local community, traditional stakeholders, elders and Land Councils are then invited to express their interest in this site. That interest must be sent in writing within a 10 day process. A memorandum of understanding is then created for the community and the RTA.</p>

Date/Title	Attendees and content
<p>22 March 2006 AFG 6</p>	<p>Attendees:</p> <ul style="list-style-type: none"> ■ Jali LALC. ■ Birrigan Gargle LALC. ■ Ngulingah LALC. ■ Bunjum Aboriginal Co-Operative Ltd. ■ Burabi Aboriginal Corporation. ■ Bertha Kapeen (Ballina Resident and Bundjalung Elder). ■ NSW Aboriginal Land Council. <p>Items Discussed:</p> <ul style="list-style-type: none"> ■ Preferred route. ■ Proposed approach to Aboriginal cultural heritage investigations of the preferred route in 2006. <p>Outcomes:</p> <ul style="list-style-type: none"> ■ Jacqui Collins and Artie discussed their attendance during the recent geotechnical investigations in the vicinity of the quarry. The area has been considerably disturbed due to the sand quarry works. However, topsoil which had been stockpiled behind Cooks Hill contained lots of artefacts. Jacqui advised that there was a focus of camp sites on the edge of Eversons Creek, east of the preferred route, but again it is heavily disturbed. ■ There is a ceremonial ground located to the west of the preferred route which it is suggested be marked on the map. It has been highlighted in Jacqui's report. A question was raised as to what will happen to the scarred trees that are located on the preferred route. Harry advised that Jacqui would need to talk through the process with the community. One possibility is to move the scarred trees if they can't be avoided. ■ Mary-Lou advised that a Cultural Heritage Management Plan needs to be prepared to make provision for artefacts and cultural information. This would be included as part of the environmental assessment and may be required as part of the Director-General's Requirements. ■ Tim asked whether there will be onsite monitoring of the sites that are located on the Preferred Route. Harry responded that onsite monitoring would be considered when developing the Cultural Heritage Management Plan. This Plan would cover those sites that have been identified and therefore require monitoring. Mary-Lou advised that DECC guidelines with regard to site monitoring during construction had changed. Only identified PADs were required to be monitored. ■ Jacqui Collins advised that in the options assessment phase she had surveyed parts of the preferred route with Jali Sites Officers Artie Ferguson and Rob Brown. Most of the Aboriginal area of interest is Jali land, with Bogal and Ngulingah interests south of Tuckombil Canal and the area near Broadwater National Park shared with Jali. ■ Jacqui's proposed methodology for further Aboriginal heritage investigations in the environmental assessment phase includes: <ol style="list-style-type: none"> i) Surveying the rest of the preferred route to identify all visible archaeological sites and identify places where sites might occur but aren't visible due to vegetation, sediment cover, disturbance etc. ii) Revisiting previously recorded sites to plot them accurately in relation to the proposed impact zone and assess the potential for subsurface evidence. iii) Consulting Land Council/s, Elders and knowledge-holders to inform them of the survey results and assess the cultural significance of the recorded sites. Also to discuss the sites/areas requiring further investigation and how this investigation would be best carried out. iv) Applying for a permit from the Department of Environment and Conservation (section 87, National Parks and Wildlife Act 1974) to conduct subsurface investigations on known and potential further sites where this is warranted, using the methodology agreed with the Aboriginal community. v) Consulting Land Council/s, Elders and knowledge-holders again, to discuss the subsurface investigation results and ways that construction impacts to significant sites might be avoided, mitigated and managed. vi) Developing draft management recommendations based on this

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Upgrading the Pacific Highway Woodburn to Ballina route selection study

Record of Aboriginal contact/consultation conducted to date by J. Collins

Person consulted/contacted	Point of contact/consultation	Date
<i>Initial constraints mapping stage</i>		
Lawrence Wilson (Bandjalang Aboriginal Corp)	Wilson residence, Coraki	11/11/04
Doug Wilson	Wilson residence, Coraki	11/11/04
Tony Wilson	Wilson residence, Coraki	11/11/04
Daniel Wilson	Wilson residence, Coraki	11/11/04
Simone Barker	Wilson residence, Coraki	11/11/04
Artie Ferguson (former Jali Sites Officer)	Ferguson residence, Ballina	11/11/04
Lewis Cook	Cook residence, Old Bagotville Road	12/11/04
Lois Cook	Cook residence, Old Bagotville Road	12/11/04
Douglas Anderson (then N.Title applicant)	Jali LALC office, Cabbage Tree Island	12/11/04
Troy Anderson (then Jali LALC Chairperson)	Jali LALC office, Cabbage Tree Island	12/11/04
Doug Wilson	Telephone	15/11/04
<i>Route selection stage</i>		
Barry Jameson (Jali LALC Administrator)	Telephone	7/03/05
Ron Heron (local Aboriginal archaeologist)	Heron residence, Lismore	4/04/05
Dallas Donnelly (Ngulingah LALC Co-ord.)	Ngulingah LALC office, Lismore	4/04/05
Lewis Cook	Cook residence, Old Bagotville Road	4/04/05
Emma Walke	Telephone	4/04/05
Artie Ferguson (present Jali Sites Officer)	During the course of field survey	5,6,7/4/05
Rob Brown (present Jali Sites Officer)	During the course of field survey	5,6,7/4/05
Lawrence Wilson (Bandjalang Aboriginal Corp)	Wilson residence, Coraki	6/04/05
Simone Barker	Wilson residence, Coraki	6/04/05
Barry Jameson (Jali LALC Administrator)	Telephone	28/04/05
Cheryl Brooks (Bogal LALC Co-ordinator)	Telephone	2/05/05
Barry Jameson (Jali LALC Administrator)	Telephone	6/05/05
Aboriginal community meeting, Jali LALC, Harry Batt and Annette Ross from Hyder	Community Health Centre, Cabbage Tree Island	12/07/05
Lewis Cook, Lois Cook and Harry Batt and Annette Ross from Hyder	Cook residence, Old Bagotville Road	12/07/05
Artie Ferguson (present Jali Sites Officer)	During the course of field survey	13/07/05
Barry Jameson (Jali LALC Administrator)	Telephone	18/08/05
Artie Ferguson (present Jali Sites Officer)	During the course of field survey	30,31/8/05
		1/09/05

WOODBURN TO BALLINA – ABORIGINAL FOCUS GROUP NOTES OF PRELIMINARY MEETING – WEDNESDAY 17 AUGUST 2005

Harry Batt opened the meeting at 320pm and welcomed all attendees. Each attendee was then invited to introduce themselves to the group.

Apologies were received from Shane Higgins and Jackie Collins.

Item 1 Outline the purpose of the Focus Group

Harry Batt gave the group an overview of the particular Focus Groups that have been formed and their involvement with the project. The current Focus Groups represent the following issues and concerns – Flooding, Cane Industry, Ecology and Community and now a Focus Group that represents the Aboriginal Heritage issues and concerns.

A suggestion by Mary Lou Buck was to provide access to project information at LALC offices. By displaying project information on cork boards located at these offices would be an ideal method for the local Aboriginal Community to view.

These boards would be located at Jali, Ngulingah, Bogal, Cabbage Tree and Bunjalung. These boards would also give notice of up coming meetings.

George Shearer suggested that the LALC boundaries should be represented on the study area map. When these boundaries have been represented it will enable the project team to draw in the various relevant stakeholders and knowledge holders that could have information relevant to their area.

Mary Lou advised that the LALC boundaries are defined, however, with Traditional Nations their boundaries can become undefined as they may follow rivers, mountains, etc.

Item 2 Outline of the project objectives and current position of the project

Harry gave an overview of the project and how the study area is broken into three sections and how many route options were in each of these sections. By using the route options display brochure, Harry outlined the various routes on a very general basis.

Harry explained that the project was at a stage where the project team is currently working through and considering all of the submissions that were received during the Route Options display period.

The aim is to have a preferred corridor by December 2005 and then a preferred “footprint” within the corridor by mid 2006.

The project team want to bring certainty to the communities as to where the road will go so that affected residents are not left in limbo and can be compensated accordingly. Once a preferred corridor option is decided, the route will be designed within that.

Tracey advised that for the Aboriginal Community it is not about financial gain, it is about protecting the heritage of the area.

George wanted clarification as to what stage is a thorough investigation done, he explained that Mary Lou will be under pressure to get the relevant stakeholders involved with the process, so that the final set of constraints with regard to the Aboriginal Heritage is constructed.

Item 3 Discussion of Draft Focus Group Charter

Harry explained the Focus Group Charter, why they exist and how they operate. It is a document that states what is required of each focus group member, that each focus group member will respect all other members, show a commitment to attend focus group meetings, and that they agree not to speak to media on behalf of the focus group, but rather as individuals who are not representing any particular group.

Harry explained certain sections of the Charter with the group and copies of the Charter were given to attendees.

Mary Lou asked Tracey to provide a calendar of the LALC meetings so that they do not coincide with the Aboriginal Focus Group, and that when a response is required it is done so in a timely manner.

Harry explained that the Focus Group notes are distributed after a meeting, and advised there will be approximately 6 meetings.

Mary Lou advised that the sites of Aboriginal Heritage are to be kept confidential so that they do not become public knowledge as this often results in the vandalism of these sites. Mary Lou asked that the next meeting date is set so that this can be advertised to the community so that we get a full list of possible Aboriginal Focus Group members that are representative of the whole study area.

George spoke about the fact we need provide information about the project equally to all stakeholders within the study area. That there is a need for a database, for land and knowledge holders within the study area so that we can provide project information equally

Mary Lou expressed that she was not happy with the current process, because up until this stage only the Jali community have been consulted/invited to consult. There are many other groups that need to be consulted in the study area, how will all these stakeholders be incorporated.

Harry explained that through the Route Options display period the community have asked that an alternative route be investigated, this is known as the 'Flood Free Route". This additional area would need to be considered as an area of concern and the relevant stakeholders be advised.

The LALC boundaries mapped onto the study area will assist Mary Lou speaking to all LALC's to obtain a complete list of possible Aboriginal Focus Group members.

Mary Lou pointed out that we cannot hand pick a Focus Group representative, the representative needs to be voted for by the community. Therefore, today's meeting is not a meeting of those people that represent the community; this meeting is a preliminary meeting to organise the process in gathering those people that want to represent the community.

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Action List

Item	Who responsible
Identify the LALC and Traditional Nation boundaries	Annette Ross
Identify the stakeholders and advise Toby and Annette who they are. Responsible for communicating with the stakeholders and inviting them to the next meeting	Mary Lou Buck
Information packs to be distributed to the LALC, 6 packs required. Information pack to include map of study area, Focus Group Charter, Community Update Brochure	Annette Ross
Purchase of free standing cork board (dimensions 1.5m x 1.2m) for all LALC offices in the study area	?
Organise meeting arrangements for the 6 th of September	Jo Sayer

The next meeting to be held on the 6th of September, 10am – 1pm at the Richmond Room in Ballina

The meeting closed at approximately 445pm.

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Project:	Woodburn to Ballina Pacific Highway Upgrade	Reference:	0561639
Meeting:	Aboriginal Focus Group – Expression of Interest meeting (AFG 2)	Date:	06 September 2005

Present: **Apology:** **Name:** **Group/ Organisation:**

✓		Mary Lou Buck	RTA	
✓		Arti Ferguson	Jali Local Aboriginal Land Council	
✓		Harry Batt	Hyder Consulting	
✓		Toby Heys	Roads and Traffic Authority	
✓		Carolyn Stone	PPM Consultants	
✓		Daniela Payne	GeoLINK	
✓		Jo Sayer	GeoLINK	
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WOODBURN TO BALLINA – ABORIGINAL FOCUS GROUP NOTES OF EXPRESSION OF INTEREST MEETING – TUESDAY 6 SEPTEMBER 2005

The meeting was a continuation of the Aboriginal Focus Group Preliminary Meeting held on the 17th of August.

An invitation letter was sent to all possible interested stakeholders, for them to attend today's meeting, unfortunately this invitation did not generate the anticipated interest from the local Aboriginal community, and various stakeholders who needed to be there were not. Mary Lou advised that she was worried about the lack of interest from the local Aboriginal community, and is unsure of why there has been a lack of interest.

Mary Lou did raise an item from the previous meeting that a notice board was not made available in the LALC office, which meant that project information was not available for display and to refer to. She stressed that it would also provide a facility for future meeting information to be advertised, and added that putting a board in the offices with the RTA and Aboriginal flag signage would be interpreted as a reconciliation attempt, and may gain further merit that way.

Mary Lou advised that it would be a great resource, as the LALC's deal with all issues facing the Aboriginal people within the local area. The notice board needs to be signposted with an RTA logo, which will draw people's attention to read about the highway project. She suggested that the notice board should have the RTA logo and the Aboriginal Flag and the phrase "Working Together" – saying that this had been used in the past and would be recognised once again, as an attempt at reconciliation to the Aboriginal people in the area.

It was identified that the following LALC offices needed to have such a notice board: Lismore (Ngulinggah) / Coraki (Bogal) / Ballina (Bunjum) / Cabbage Tree Island (Jali) It was agreed that Mary Lou and Jo are to visit the LALC offices and advise the purpose of the notice board. They will also check where the notice board would sit and what size notice board would be appropriate.

Toby asked whether the current Route Options only affected Jali land, and if this was so, was there a need to consult with other stakeholders other than those that represent Jali interests. Mary Lou pointed out that there is a parcel of land (white area on map) which is un-incorporated land, which means that this land is not represented, however, an MOU is in place for the state land councils to manage this area. The MOU stipulates that all three land councils within the local area would be involved in the management and decisions relating to this un-incorporated area, Mary Lou advised that she will contact the NSW Land Council and advise the details surrounding this issue. Mary Lou also advised that there is a need to include local Aboriginal elders as they are still in contact with the other groups which may not necessarily be represented by the land councils.

Carolyn asked the question how this un-incorporated land came about. Mary Lou and Artie advised that when LALC boundaries were set up, no agreement could be reached as to who would be responsible for this parcel of land, therefore, the MOU was put in place to include all possible land councils.

Mary Lou raised the point that both regional and state land councils should be involved in the process, or made aware of the project and any new developments that may arise.

Harry asked whether the letter that was written to stakeholders inviting them to the meeting, was the the best method to use to spread the word locally. He asked whether better results in terms of participation would be attained in a meeting face to face with these representatives. In relation to this, he asked whether

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the best people for such interaction would be Mary Lou or members of the project team. Mary Lou said she was happy to act on behalf of the project team, but suggested that Jo join her as support from someone local.

Further clarification was needed as to why there are disputes about land claims. Mary Lou advised that the disputes can be based on the claimants Aboriginality, claimants not being the knowledge holders, on what basis claimants are claiming the land, etc.

Carolyn asked whether the communities and Aboriginal stakeholders would be more interested once there is a preferred route chosen. Mary Lou and Artie agreed the answer was definitely a yes. At the moment affected stakeholders are not keen on Route Options 2D and 2E.

Harry asked what was the concern about the Route Option 2E?

Artie advised that Owen McGeary is also not keen on Route Option 2E as this Route Option goes through his quarry; however, part of the land that the quarry operates from is registered as an Aboriginal heritage site. Owen McGeary wants the Aboriginal community to stop the road going through his property so that his quarry business can continue, not so that Aboriginal heritage can be preserved. Historical information on the McGeary property has been recorded and is part of the heritage knowledge held by elders.

It was highlighted that there is a pedestrian access open between coast and river/land, and it was suggested that this pathway not be disturbed as it formed part of the cultural heritage for the Aboriginal people in the area.

The group had a general discussion over lunch about the study area.

Action List

Item	Who responsible
Purchase corkboards, meet with LALC's and install boards	Jo Sayer and Mary Lou Buck
Make telephonic contact with the various LALC to tell them of the notice boards and to make sure they are aware of the importance of attending focus group meetings so that their voice can be heard in relation to various route options. Remind them of the 13 th of September meeting to be held at the Broadwater Community Hall.	Mary Lou Buck and Artie Ferguson

The next meeting to be held on the 13th of September, 3 pm at the Broadwater Community Hall, Little Pit Street, Broadwater.

The meeting closed at approximately 12:30pm.

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Project:	Woodburn to Ballina Pacific Highway Upgrade	Reference:	0561726
Meeting:	Aboriginal Focus Group Meeting (AFG 3)	Date:	13 September 2005

Present:	Apology:	Name:	Group/ Organisation:
✓		Mary-Lou Buck	RTA
✓		Artie Ferguson	Jali Local Aboriginal Land Council
✓		Dallas Donnelly	Ngulingah Local Aboriginal Land Council
✓		Lorraine Williams	Bogal Local Aboriginal Land Council
✓		Tim Torrens	Bogal Local Aboriginal Land Council
✓		Bertha Kapeen	Ballina resident and Bundjalung Elder
	✓	Tracey King	Ngulingah Local Aboriginal Land Council
✓		Harry Batt	Hyder Consulting
✓		Graham Richardson	Hyder Consulting
✓		Toby Heys	Roads and Traffic Authority
✓		Shane Higgins	Roads and Traffic Authority
✓		Carolyn Stone	PPM Consultants
✓		Daniela Payne	GeoLINK
✓		Jo Sayer	GeoLINK
Recorded By:		Jo Sayer, GeoLINK	Total Pages: 4

WOODBURN TO BALLINA – ABORIGINAL FOCUS GROUP MEETING 1 – TUESDAY 13 SEPTEMBER 2005

Harry Batt opened the meeting at 3:20pm and welcomed all attendees. Each attendee was then invited to introduce themselves to the group.

Harry gave the group a brief introduction on the progress of the Pacific Highway Upgrade project and how the Route Options were determined. He also presented an overview of what progress had been made with the project to date. This included the Aboriginal issues that had been identified thus far.

Harry explained that these meetings would be a good opportunity for the attendees to confirm these issues and to identify any additional Aboriginal Heritage and Cultural issues within the study area. He said that the focus group, like the other three focus groups that exist for the Woodburn to Ballina section, would be a way of the RTA gaining a better understanding of the particular issues relating to the focus group's area of concern.

Harry outlined the consultation activities that have been ongoing with the project, including: Community Information Sessions, Community Updates, regular Focus Group meetings for key areas of interest (Flooding, Cane Industry, Ecology), the Community Information Centre at Woodburn, Project Hotline (toll free), website and public displays.

Harry then gave an overview of the sensitive environmental issues, including issues relating to vegetation and wildlife, geology, flooding and engineering conditions. He explained how computer modelling can help simulate real events, e.g. flooding. Harry outlined the three methods used in decision making with regard to route options being identified: the traditional method (a team of professional staff making judgements based on their joint knowledge.); the community method (the CLG group were given the opportunity to identify which routes they would select, based on their local knowledge); and the Quantm method (which is a cost driven computer based system of identifying routes based on constraints identified).

Harry explained that the public was then invited to put forward their submissions with regards the Route Options, for a period of approximately 6 weeks during the route option display period in June and July this year.

Through this process the team was able to identify some of the Aboriginal issues in the study area. It is understood that there are 4 Local Aboriginal Land Councils, 3 which were represented at this meeting; the 4th represents un-incorporated land,. (The NSW Land Council is responsible for the unincorporated land. Its representative, Daniel Teece-Johnson, was not able to be present at the meeting due to other commitments, but should continue to be included in all communications with the AFG.)

Harry advised that the project team has been active in finding out about Jali land and aware of the Native Title claims within the study area. Harry noted that when looking at a possible route, Native Title claims and the Aboriginal Land Rights Act of 1983 has been taken into consideration.

Harry advised that there has been an effort to engage the Aboriginal people and different land groups so that a deeper understanding can be gained of the area and how Aboriginal land could be affected by the route options.

Harry then presented maps which highlighted the areas of Aboriginal and Cultural significance that the project team were aware of at the time. He advised that an archaeologist had been working with the project team. Harry asked the members to make mention of any issues they wanted to raise. He mentioned that

Bertha had pointed out that the Aboriginal community has concerns about all wildlife generally, not only those species that are threatened.

Harry then discussed the way forward with the project. He outlined that ongoing Focus Group meetings will be necessary. The results of the Value Management Workshop (VMW) need to be considered, as well as the public submissions which will require ongoing investigations and community liaison. The Minister for Roads will decide on and announce the preferred route option by the end of 2005, and there will be a public display of the preferred route.

The group was then asked to refer to the Focus Group Charter document, and Harry gave an overview of the Charter and outlined what the responsibilities of members of the focus group, and the responsibilities of the representatives from Hyder and RTA.

The Focus Group provides a forum for discussion and for sharing of information about the project. It is important to identify issues relating to the project and the study area.

Harry highlighted what the aim of the focus group is – to facilitate two way communications between RTA/Hyder and the Aboriginal Community. As a member of the focus group it is important to advise the project team of any issues arising, Harry stressed that the project team treats these issues seriously.

Current stakeholders had been identified by Mary-Lou, Harry advised that any additional stakeholders could also be identified by the focus group members. It was noted that the focus groups thus far has been set up for members only but a guest speaker may be invited to make a presentation to the group if the information was regarded as relevant by the group.

Mary-Lou then raised the following issues:

1. Members of the Aboriginal Focus Group need to identify stakeholders that include Local Aboriginal Land Councils, Native Title Claim groups and traditional stakeholders and contact details so that an invitation can be extended to these individuals;
2. The meetings should not be restricted to members only; she would prefer the focus group meetings to be open to new members, but as new members they should identify themselves and who they represent;
3. Mary-Lou suggested to the group that the member nominates two proxies in the event that the member is unable to attend, as this ensures continuity and full representation at each meeting by each of the land councils.

Bertha reiterated that the focus group meetings need to be conducted in the Aboriginal way. She also asked whether members would be reimbursed for petrol, in payment for their attendance at the meetings. Mary-Lou advised that this is not RTA policy and if it was seen that petrol was reimbursed for one project, it would then set a precedent for all projects. She said, however, she would put it to the RTA to get a final answer on that.

Mary-Lou asked that RTA and Hyder set the agenda for the meetings; however, there must however be flexibility for the focus group members to add any additional items as required. It was also noted that the timeframes for the meetings may also need to be flexible, as they may clash with other meetings.

Dallas pointed out that he is the representative for the Ngulingah LALC and is unable to make decisions on behalf of the LALC. His role is to take that information back and discuss it with the LALC at their meetings, and then at the next focus group meeting may be able to give the group his feedback.

PUBLIC

Mary-Lou also advised that there is a need to nominate two representatives for the Aboriginal Community to attend the Community Liaison Group.

Carolyn asked the group if it was better to have a regular meeting plan or plan a meeting around a specific issue.

The group agreed that having a regular meeting plan would be more successful. And to have a meeting every 6 weeks would be a reasonable timeframe. It was proposed that it would be better for the stakeholders to meet on a regular basis with an agenda

Mary-Lou advised that it is important for the meeting and any issues raised to be documented, so that there was a paper trail which tracks information gathered during the process, so that it minimises any future disputes.

The project team agreed that if a more informal meeting process would work better, then that process would be adopted. Shane Higgins reiterated that the RTA is committed to whatever works best.

Dallas advised that there is a need to have a set group or a variety of representatives from each land council at each meeting. This will make it easier, as people will be more comfortable to attend if they have other representatives from their area.

Harry then asked the group how we move from here in terms of deciding when and where for next meeting.

Mary-Lou advised that we carry on as we have done. She is happy to send out the invitations for the next meeting and raise the issues. Mary-Lou advised that she was unsure what is required of this meeting.

Carolyn suggested that it may be a good opportunity to look at the aerial map that Hyder had brought to the meeting and discuss the route options today.

Mary-Lou advised that when the focus group forum gets up and running she will then take a back seat and let the group run the meetings.

The group was then directed to the route options map and Graham Richardson gave a brief overview of each route option. Graham explained the necessity to have higher bridge crossings on lower lying land, from 8.5 metres for options 2A, B and 15 metres 2C, D, E and 24 metres for 2F.

Artie pointed out burial and midden sites on Route Option 2E, near Cooks Hill. Berth confirmed these sites.

Carolyn asked the group if there was any option that they didn't like.

Dallas advised that the group should have a talk amongst themselves and advise the project team at the next meeting.

The group then sat separately for 10 – 15 minutes, and then advised that they will talk to their respective groups and obtain more information and present it at the next meeting. They took the aerial map with them, so that they could better inform the meetings they were going to hold about the various route options.

The next meeting will be Tuesday 25 October 2005, 11:00am, at the Broadwater Community Hall.

The meeting closed at approximately 4:45pm.

PUBLIC

Project:	Woodburn to Ballina Pacific Highway Upgrade	Reference:	0561098
Meeting:	Aboriginal Focus Group Meeting (AFG4)	Date:	25 October 2005

Present: **Apology:** **Name:** **Group / Organisation:**

✓		Robert Vidler	Yabur Yulgun CD and EP Aboriginal Corporation
✓		Barry Jameson	Jali Local Aboriginal Land Council
✓		Gavin Brown	Jali Local Aboriginal Land Council
✓		Artie Ferguson	Jali Local Aboriginal Land Council
✓		Daniel Teece-Johnson	NSW Aboriginal Land Council
✓		Lois Cook	Burabi Aboriginal Corporation
	✓	Lewis Cook	Burabi Aboriginal Corporation
✓		Stephen Laurie	Birrigan Gargle Local Aboriginal Land Council
	✓	Emma Walke	Bunjum Aboriginal Co-Operative Ltd
		Bertha Kapeen	Ballina resident and Bundjalung Elder
		Dallas Donnelly	Ngulinggah Local Aboriginal Land Council
✓		Tom Smith	Birrigan Gargle Local Aboriginal Land Council
✓		Elsie Smith	Birrigan Gargle Local Aboriginal Land Council
	✓	Christine Ferguson	Birrigan Gargle Local Aboriginal Land Council
	✓	Desmond Ferguson	Birrigan Gargle Local Aboriginal Land Council
✓		Tim Torrens	Bogal Local Aboriginal Land Council
✓		Lorraine Williams	Bogal Local Aboriginal Land Council
✓		Mary-Lou Buck	RTA
✓		Shane Higgins	RTA
✓		Toby Heys	RTA
✓		Harry Batt	Hyder Consulting
✓		Annette Ross	Hyder Consulting
✓		Jo Sayer	GeoLINK
Recorded By:		Jo Sayer, GeoLINK	Total Pages: 7

WOODBURN TO BALLINA – ABORIGINAL FOCUS GROUP MEETING – TUESDAY 25 OCTOBER 2005

Item 1 Welcome

Harry Batt opened the meeting at approximately 11:00am and welcomed all attendees. The project team was introduced and gave a brief description of their role within the project.

Mary-Lou outlined her role as the RTA Aboriginal Heritage and Cultural Consultant for the project. Her role is to ensure that a fair and equitable relationship exists between the Aboriginal community and the Roads and Traffic Authority (RTA). Mary-Lou is also responsible for facilitating Aboriginal Focus Groups and encouraging stakeholders to share heritage and cultural information and any issues.

Each attendee was then invited to introduce themselves to the group and advise which group they represent.

Apologies were received from Lewis Cook and Auntie Bertha.

Robert Vidler advised that he was concerned that certain traditional owners and appropriate stakeholders had not been consulted about the project, or were not represented at this meeting and possibly not aware of the information available.

Item 2 Clarify the purpose of the Focus Group

Harry gave the group a brief introduction on the progress of the Pacific Highway Upgrade project and how the Route Options were determined.

Harry outlined the consultation activities that have been ongoing with the project, including: Community Information Sessions, Community Updates, regular Focus Group meetings for key areas of interest (Aboriginal, Flooding, Cane Industry, Ecology), the Community Information Centre at Woodburn, the Project Hotline (toll free), the RTA website and public displays.

Harry advised that this informal forum is an opportunity for the group members to gather and take away information about the project and to discuss it with their local community and Aboriginal stakeholders. The members are expected to communicate, any significant issues that the project team needs to be aware of prior to or during the following meeting.

Harry reiterated to the group that this was their forum and no structure/process will be imposed.

Mary-Lou advised that at the previous Aboriginal Focus Group meeting, the attendees gathered around an aerial map and gained an understanding of the affected study area and the Route Options. This process also allowed the project team to be made aware of any areas with Aboriginal heritage and cultural significance. Mary-Lou invited the group to talk about any issues that may have been raised by their LALC. Harry Batt advised that the Project Team respected that Aboriginal Focus Group members may prefer to discuss issues in private.

Shane reiterated that the focus group discussions are totally flexible.

Robert asked which traditional owners had been contacted with regard to attending this focus group meeting.

Toby advised that the consultation process had been undertaken with Jali LALC, Lewis and Lois Cook, and a number of other representatives, knowledge-holders, and local Elders. The information gathered in these consultations is outlined in the Aboriginal Heritage Assessment report.

Robert advised that Elder Lawrence Wilson would be a key traditional owner to contact, however, due to ill health he would be unable to attend this type of meeting. An undertaking was given that members of the project team would meet with Lawrence and that Robert would make arrangements for a suitable meeting time.

Harry outlined the process of consultation with Aboriginal people within the study area. The consultation was able to define the LALC boundaries, as well as sites of heritage and cultural significance.

Item 3 Progress Update

Harry gave an update of the Route Selection phase and provided details of Hyder Consulting's role with the Woodburn to Ballina Pacific Highway Upgrade project. Hyder's role is to make a recommendation as to where the upgraded highway route should go. Hyder will prepare a basic concept design, but this is not necessary the final design. Harry indicated that the timeframe for construction could be anywhere from 5 to 25 years.

A flow chart was presented that outlined the process to date and is summarised as follows:

- Field investigations undertaken within study area;
- Identify Project Constraints, this included discussions with Local Aboriginal people;
- Identify preliminary route options, this includes preparing specialist studies. Public display for the route options, public submissions received in response to the display period;
- Prepare route selection, this report includes the recommendation of the preferred route;
- Review results and recommendations from preliminary report, and prepare concept design; and
- Approval for preferred option sought

Mary-Lou requested that a copy of the powerpoint presentation be provided to all members.

Harry advised that the final decision is made by the Minister of Roads as to the location of the upgraded highway. The preferred corridor would be 100m wide and will allow for the highway construction and also allow room for the final design to move within the corridor.

Robert asked whether the options as described in the meeting notes from the Aboriginal Focus Group meeting number 1, had been generated by computer modelling.

Harry advised that computer modelling generated the route options that were placed on display. Harry explained that in early 2005, a representation of the study area was entered in the computer modelling program, Quantm, along with the constraints of the study area. These constraints included sensitive areas such as heritage, ecology, soils, cost, etc. The Quantm program then generated different options based on the constraints. Along with Quantm a hands on approach involving engineers, urban designers and ecologists was used. The recommendations of all the specialists, along with the results from the Quantm program, enabled the selection of a number of route options.

Robert asked whether the chosen options reflected the most cost effective options.

Harry advised that 14 route options were initially created by Quantm, and were then narrowed down to a few options. The current route options do not necessarily reflect the cheapest.

PUBLIC

Elsie asked if a copy of the report that led to the route options decision could be obtained. A copy of the report was handed to each member of the group.

Robert asked that rather than disturbing sensitive land, wouldn't a decision to use degraded land have been a better option. This would mean pressure from the cane industry not to use their land.

Both Harry and Shane agreed that this is true and is currently the case with the route options that were placed on display. Shane advised the group that there needs to be a balance and compromise of all interests when constructing a highway.

It was pointed out that the ROD Report did not represent the sites of Aboriginal Heritage and Cultural significance. Harry advised that it was a matter of sensitivity as to how much Aboriginal heritage information should be published.

The group was then invited to look at the large aerial route options map. Harry also pointed out to the group maps outlining:

- Short listed options and ecological constraints, this represented a composite map of all things, the heath land, wildlife habitats and endangered ecological species
- Short listed options and Aboriginal Land Council Areas
- Short listed options and Aboriginal Heritage Sites, Harry advised that these included areas of known Aboriginal significance, for example, the massacre site near Cooks Hill.

Robert requested a copy of these maps; Lois Cook also expressed an interest in obtaining a copy. Harry invited the group to advise Jo Sayer of the maps they are interested in and copies would be provided to them.

Harry gave a brief overview of each route option and explained how the study area has been broken into the 3 sections. Harry pointed out that the preferred route would generally be a corridor 100m wide, which is more than what is needed for the highway, which typically would be somewhere between 50 – 80m. This corridor gives the project team the room to avoid sensitive areas with the final design.

Elsie Smith highlighted that it was important to remember Aboriginal ecological sensitive areas and also endangered species.

In addition to the issues Elsie raised, Harry Batt advised that the Jali LALC had indicated of the current route options, routes 2D and 2E would pose land owner issues. Harry also pointed out that there are a number of environmental issues along what could be viewed as the very direct route. Harry advised that the route option 2F is the most costly as viaducts would need to be built to mitigate flooding issues.

Tom Smith asked the project team if the decision to upgrade the highway was because of increasing numbers of traffic?

Harry advised that traffic is one issue, but also on this stretch of highway there had been 48 deaths per 100 million vehicle kilometres travelled, which is about 3 times the target set by the RTA. So safety is a huge factor; another factor is flooding.

Elsie advised that you would need to raise the road to avoid flood levels.

Harry agreed. Harry pointed out that the highway would need to avoid the townships, and demonstrated with the map how the options bypassed the townships within the study area.

Harry also advised that the current highway has geotechnical issues, and pointed out that there are cracks in the road. Shane Higgins also pointed out that there are issues with the Wardell Bridge as it is coming to the end of its life.

Lois Cook asked how wetland and wildlife habitats can be protected.

Harry explained that when a constraint arises, the process is to (1) avoid it, i.e. go around the issue and (2) to mitigate the issue. In the case of wildlife, under road tunnel or fencing to an overpass would be provided where appropriate.

The group was then invited to have lunch and continue discussions amongst themselves.

Robert advised that Elder Lawrence Wilson currently has a Native Title Claim in the study area, and as Traditional owner would have information on the area that no one else will be aware of. Robert advised that he was confident that Elder Lawrence Wilson would be happy to work with the project team. Robert advised that Elder Lawrence Wilson would not have been aware of the meeting today.

Tom Smith asked what would happen to the existing road.

Harry advised that the existing highway would be used as a local access road.

Item 4 Feedback, Issues and Concerns

Robert repeated his earlier point that he felt that Traditional owners had not been correctly informed of the Focus Group, specifically Elder Lawrence Wilson. He advised that he will ensure that the information from today was distributed. Robert advised that his preference would be for the highway to go over degraded land, even if this meant the more costly option.

Mary-Lou will ensure a meeting will be organised with Elder Lawrence Wilson.

Elsie advised that she preferred the highway to go through cane land, therefore, her preference was for options 1A connecting to 2F and then to 3B. Elsie also asked what opportunities there would be for Aboriginals to get work on the project.

Shane advised that the RTA have an employment policy, and reminded the group that the current plan to the upgrade the highway does not have funding, but every endeavour would be made to employ local Aboriginals.

Mary-Lou said that there was a document available called "Employment in Participation in Construction" in accordance with Department of Commerce guidelines. Shane and Mary-Lou will look at the guidelines and provide feedback to AFG.

Mary-Lou said that she would provide a copy of the RTA Employment Policy. Mary Lou also advised that as a proactive step, the group should put a proposal together advising the RTA that they want Aboriginal employment and what skills are available.

Daniel Teece-Johnson asked what background information the RTA would require for the proposal.

Mary-Lou advised that the proposal should include what local communities would be involved, the type of employment required, what type of training required, for example, heavy vehicle licence. Mary-Lou also pointed out that in the life span of the project a variety of jobs would be required.

PUBLIC

Lois supported the need for training and employment.

Harry suggested that the group put a proposal together and have Mary-Lou review it and make any additional comments. Elsie asked Daniel to prepare this proposal.

Robert asked that if the group was aware of what skills were required, perhaps they could also proactively provide training in those particular areas.

Shane advised that the RTA would be unable to advise what type of specific work would be required as there is no current timeframe for the work. Shane advised that he would provide a copy of the Guidelines for the Construction Industry to Daniel and Robert.

Robert asked if local Aboriginal groups or corporations to be involved in the tender process and whether they would be able to tender for work required with the project, for example, fence building.

Shane responded that if a local group has the speciality skills required for the type of work to be undertaken, they need to be identified and included in the proposal.

Lois Cook asked what social impacts will be experienced by the communities with the construction of the highway – particularly access, traffic and safety of school children.

Harry advised that the current designs have been planned to bypass urban areas. The ROD Report also discusses the social impacts, for example, noise. Harry also pointed out that when the preferred route is announced social impacts will need to be discussed further. The public will have the opportunity to give their feedback via the submissions process. The ROD Report also discusses how impacts like flooding can be mitigated with the construction of the road. Harry reiterated that when the preferred route is announced there will be further focus on issues in more depth.

Harry then invited the group to give their feedback as to what routes they like or any information about where the routes are.

Barry Jameson stated that Jali LALC was opposed to options 2C and 2D as they pass through Jali land. Jali is not prepared to sell this land.

Barry advised that he was concerned that there was potential for additional significant items for Aboriginal people to be present which are presently not known.

Harry acknowledged that some had expressed a preference for other routes, for example, to follow the old train line from Bangalow to Casino.

Shane advised that the Summerland Way had been looked into but ultimately there is a need to build roads where there is a demand, and the coastal area has seen the most growth.

Elsie believes that there is a hidden agenda for the highway route and thinks the route will go through Cabbage Tree Island. Elsie then asked which option would be the preferred option.

Harry advised that the project team is fine-tuning their information and are moving towards to making a recommendation. The Minister for Roads is the ultimate decision maker.

Robert asked when the decision for the preferred route would be made. Shane advised that we are hoping to have a decision on the preferred route prior to Christmas this year.

PUBLIC

Harry reiterated that building a highway is a balance and compromise. He encouraged the group to continue the process of communicating with the project team by calling the project hotline, or visiting the website for information.

Robert requested a copy of the Aboriginal Heritage Assessment report.

Shane also encouraged the group to put forth comments or issues and to use GeoLINK as the local contact.

The next meeting will be:

6 December 2005

Venue to be advised, (request for an air conditioned venue)

Time 10:00am

Mary-Lou requested that information boards be made available for Yabur Yulgun CD and EP Aboriginal Corporation (Robert Vidler) and Birrigan Gargle LALC (Elsie Smith), and an Information Pack be provided to Daniel Teece-Johnson (NSW Aboriginal Land Council).

The group was also reminded to forward agenda items for discussion for the next meeting.

The meeting closed at 1:10pm.

PUBLIC

Project:	Woodburn to Ballina Pacific Highway Upgrade	Reference:	0561599
Meeting:	Aboriginal Focus Group Meeting 5	Date:	06 December 2005

Present:	Apology:	Name:	Group / Organisation:
		Robert Vidler	Yabur Yulgun CD and EP Aboriginal Corporation
✓		Barry Jameson	Jali Local Aboriginal Land Council
		Gavin Brown	Jali Local Aboriginal Land Council
		Artie Ferguson	Jali Local Aboriginal Land Council
		Daniel Teece-Johnson	NSW Aboriginal Land Council
✓		Lois Cook	Burabi Aboriginal Corporation
		Lewis Cook	Burabi Aboriginal Corporation
		Stephen Laurie	Birrigan Gargle Local Aboriginal Land Council
		Emma Walke	Bunjum Aboriginal Co-Operative Ltd
		Bertha Kapeen	Ballina resident and Bundjalung Elder
		Dallas Donnelly	Ngulinggah Local Aboriginal Land Council
		Tom Smith	Birrigan Gargle Local Aboriginal Land Council
		Elsie Smith	Birrigan Gargle Local Aboriginal Land Council
		Christine Ferguson	Birrigan Gargle Local Aboriginal Land Council
		Desmond Ferguson	Birrigan Gargle Local Aboriginal Land Council
✓		Annette Ross	Hyder Consulting
	✓	Mary-Lou Buck	RTA
✓		Mark Hartwig	RTA Western Region
		Tim Torrens	Bogal Local Aboriginal Land Council
		Lorraine Williams	Bogal Local Aboriginal Land Council
		Shane Higgins	RTA
✓		Toby Heys	RTA
✓		Harry Batt	Hyder Consulting
✓		Jo Sayer	GeoLINK
Recorded By:		Jo Sayer, GeoLINK	Total Pages: 6

WOODBURN TO BALLINA – ABORIGINAL FOCUS GROUP MEETING 5 – TUESDAY 06 DECEMBER 2005

Item 1 Welcome

The meeting was opened at 11:00am and Harry welcomed the group and thanked the members for their attendance. Harry advised the group that this meeting was the 5th meeting of the Aboriginal Focus Group. Harry introduced Mark Hartwig, RTA Aboriginal Programs Consultant, Western Region and advised that Mark would be representing the RTA's Mary-Lou Buck and George Shearer who were unable to attend the meeting.

A number of members were absent from the meeting. It was brought to the group's attention that some of these members may be attending a Native Title meeting which was being held in Yamba on the same day.

Mark advised that if members are unable to attend a meeting that they are to advise so that an alternative representative can be nominated to attend. Mark stressed that it was important for both a male and female representative be present at the meeting to offer support to the administrator for their Land Council.

Item 2 Feedback on meeting with traditional owners

Barry asked Harry if there had been a meeting with Elder Laurie Wilson as requested by Robert Vidler at the last meeting.

Harry advised that the project team was unable to meet with Laurie Wilson due to his health problems. However, a meeting had been arranged with Laurie's daughter Simone Barker for the 16 November 2005, but due to an unexpected appointment Simone was unavailable on the day.

Harry and Toby Heys met with Laurie's sons, Doug and Laurie and explained the reason for this meeting. Doug and Laurie were aware that the project team had had previous meetings with Laurie with regard to upgrading the highway. The project team outlined the route options for the Woodburn to Ballina Pacific Highway Upgrade.

Doug and Laurie expressed concern with the route options in section 1. They explained that they were aware of a massacre site located on route option 1A, but would need to discuss with the family to obtain a better definition of where this site could be located.

Harry advised that the Preferred Route was then announced and route option 1C was the preferred option in section 1. Therefore, the decision was not impacting on a potential heritage site; to date the project team have not received any further information.

Barry and Mark both agreed that it would be good for the project team to follow up with Laurie Wilson and his family with to see if they have any comments on the preferred route.

Item 3 Progress Update

Harry gave a power point overview of where the project is to date. Harry advised that a recommendation was provided to the RTA and Government, which then involved further testing and refining, once this was complete, the Preferred Route announcement was made by the Minister for Roads on Wednesday, 30 November 2005.

PUBLIC

Harry advised that the Preferred Route is now on public display at various locations, as outlined in the Community Update brochure which was given to the members present.

Harry advised that he had also brought along:

- 1 A 3 metre map indicating the Preferred Route
- 2 DVD animation of the Preferred Route, which is a helpful tool to describe the Preferred Route

Toby advised that the project team was aware that this area is Crown Land; however, the north side of the Canal was avoided, as it was subject to a Native Title Claim. Harry advised that there have been modifications to the route to avoid areas which are subject to Native Title Claims and also to avoid Jali land.

Harry drew the group's attention to the Preferred Route DVD animation and advised that he would indicate at various points, where the route had been modified and the reasons for the modifications. Harry explained that the modifications were in response to information provided by local Aboriginal communities and residents within the study area.

Harry indicated the following points of interest along the Preferred Route:

- route option 1C was chosen as it avoided Crown Land which is subject to Native Title Claims
- flood plain bridge added after the Tuckombil Canal, there is flexibility where this bridge is placed, to allow floodwaters through
- bridge added over Woodburn - Evans Head Road which will reduce the impact of flooding, and impact to local farming
- the preferred route then connects to the existing highway, through the Broadwater National Park. The design is unable to offer any service roads through the National Park, however, strategies have been proposed for local traffic. This preferred route does not encroach on any National Park, Aboriginal Land or Native Title Claim Land.
- the preferred route then leaves the National Park and goes behind Cooks Hill to bypass the township of Broadwater
- the preferred route 2E creates a flood free access for Evans Head, which is a large community and would not be cut off in the event of flooding. There is also provision for potential on and off ramps

Harry advised that the project team is asking the community for feedback with regard to an interchange at the Broadwater - Evans Head Road. He then continued:

- behind Cooks Hill there are known sites of Aboriginal interest. Heritage items have been found due to the quarry operation
- the preferred route lies very close to the National Park in order to create the correct alignment to cross over the river
- the area before the crossing over the river is very soft soil, therefore, an embankment is required. The embankment is wider to allow flood waters through

Barry asked how high the new Wardell bridge would be from the water. Harry informed him that it would be 15 metres and advised that the project team is currently in discussions with Maritime Services.

Harry advised that the current bridge has a 23.4 metre clearance. There is the issue if a larger boat might need to pass, however, there has to be a balance with the community versus boats that might want to pass.

- the bridge crosses over the existing highway and allows separation from local and through traffic.
- the preferred route then carries on past Laws Hill and Jali Land. The project team are aware of important issues surrounding Laws Hill.

PUBLIC

Harry advised that the previous route options that were displayed had impacts on Jali Land. The preferred route now has an alignment that avoids Jali Land.

Lois asked if Old Bagotville Road would continue to be a dirt access road. Harry advised that the road would remain a dirt road, however, the bridge and immediate parts adjoining the bridge would be upgraded. Lois stated that Old Bagotville Road is prone to flooding.

Mark queried the rest area in the middle of the highway. Harry advised that in the design of the highway there is an obligation to provide rest areas at certain distances on a highway.

Lois indicated that there was an important site on the left of the rest area. The project team will ask Jacqui Collins to follow up with Lois with regard this information.

- Thurgates Lane service road was created to give local residents access and further discussions with the local community will be required. The representation of the service lane is indicated as one method that could be used

Both Lois and Barry asked if an over or under pass was planned for Lumleys Lane, as they indicated this could have future impact on proposed housing.

Harry advised that residents impacted within the 100 metre corridor in the Lumleys Lane area, are currently having discussions with the project team and that there is flexibility within the design to address some concerns. Harry advised that part of the process is to advise the residents of their legal rights in terms of acquisition.

Harry advised that the display period will end on 31 January 2006, and the next part of the process will be to conduct further geotechnical, environmental and engineering investigations. This information will then assist with refining the design.

Mark asked how locals will access the highway if their usual route is closed off. Lois also asked how residents from the Wardell area would access the highway.

Harry advised that Wardell Road is likely to cross over the highway, allowing access to Lumleys Lane. It has been discussed that there will be no interchange at Wardell Road as it is not an appropriate site. Potential interchanges have been designated at Broadwater, Coolgardie and Bruxner Highway.

Harry advised that there are two possible scenarios for access to Wardell:

- the addition of a two lane carriage way for local traffic to the west of the existing highway, or
- the upgrade of Pimlico Road for local traffic

Discussions are underway with Councils with regards to the potential interchanges at Coolgardie and Broadwater; however, the project team welcomes any feedback from the community. The project team understood that it was important to separate local and through traffic.

Harry advised that the west side of the current highway at Pimlico is the better option to build on. The preferred route ends where the Bruxner Highway begins. The project team is currently examining this area, for the best way to integrate the Bruxner Highway and Pacific Highway.

Harry advised that the concept design currently shows no landscaping, but it will be provided.

Lois asked what cultural or Aboriginal involvement will be available at the construction phase.

PUBLIC

Mark advised that the Government funds this process and a category of 1,2 or 3, is given based on the amount of use by the Aboriginal community. The RTA does not directly employ local workers; it is the construction company that has the tender for the project that employs them. However, the construction company is required by the RTA to include an employment plan as part of the tender process.

Lois then asked about the pre-construction process.

Mark advised that prior to construction an area may be identified as a site of Aboriginal Cultural and Heritage interest, an archaeologist then identifies this site, which is known as a PAD (potential Aboriginal deposit) area.

The local community, traditional stakeholders, elders and Land Councils are then invited to express their interest in this site. That interest must be sent in writing within a 10 day process. A memo of understanding is then created for the community and the RTA. An hourly rate is negotiated for the work to be done in conjunction with the archaeologist. The archaeologist creates a draft plan, and again the local community, traditional stakeholders, elders and Land Councils are invited to offer recommendations in writing, within 21 days. The plan is then finalised.

Mark advised that this process was in accordance of the DEC Guidelines. Mark also advised that through this process is it important for the community to be available to talk with the archaeologist, as there is only one opportunity for this to happen. Mark advised that when this process occurs the RTA would advertise in appropriate metropolitan/regional and local papers to ensure that the local community is aware and for those people that have moved away from the area.

Mark advised the different types of Aboriginal involvement through the Participation in Construction process could include:

- murals on bridges;
- rest areas, local Aboriginal heritage information, a road safety message;
- 'Welcome' sign for the area; or
- the naming of a bridge.

Mark advised that there is no separate budget created for this involvement during the construction phase, however, there is the opportunity to negotiate with the RTA via Mary- Lou Buck to perhaps obtain funds.

Harry then asked the group about future meetings and is another general meeting required with an open agenda, or rather a meeting to discuss specific important issues. He also asked if the Aboriginal Focus Group was necessary as Hyder Consulting had been consulting with Land Councils, elders and Aboriginal community members.

Mark considered that consulting with the Land Councils direct would be a better way to talk.

PUBLIC

Action Items

Action Item	Assigned to
Members to advise if unable to attend AFG meetings and to ensure both a male and female representative are present	AFG members/Hyder
Project team to follow up with Laurie Wilson and family with regard to the preferred route.	Hyder
Jacqui Collins to follow up with Lois Cook with regard to an important site to the left of the current designated rest area.	Hyder
Ring Aboriginal Focus Group members 1 day prior to meeting to confirm availability.	Hyder/RTA
Copies of government publications to be distributed - Building a Future Together and Aboriginal Participation in Construction, web site New South Wales Government Construction Agency Coordination Committee, www.cpssc.nsw.gov.au	RTA/Hyder
Notice boards and information pack to be couriered to Birrigan Gargle and Yabur Yulgun and information pack to be sent to NSW Aboriginal Land Council	Jo Sayer

Meeting closed at 12:40pm

The next Aboriginal Focus Group meeting is to be organised in early 2006.

PUBLIC

Project:	Woodburn to Ballina Pacific Highway Upgrade	Reference:	0561465
Meeting	Aboriginal Focus Group Meeting 6	Date:	22 March 2006

Present: **Apology:** **Name:** **Group / Organisation:**

		Robert Vidler	Yabur Yulgun CD and EP Aboriginal Corporation
✓		Barry Jameson	Jali Local Aboriginal Land Council
✓		Gavin Brown	Jali Local Aboriginal Land Council
✓		Artie Ferguson	Jali Local Aboriginal Land Council
		Daniel Teece-Johnson	NSW Aboriginal Land Council
		Lois Cook	Burabi Aboriginal Corporation
		Lewis Cook	Burabi Aboriginal Corporation
		Stephen Laurie	Birrigan Gargle Local Aboriginal Land Council
		Emma Walke	Bunjum Aboriginal Co-Operative Ltd
	✓	Bertha Kapeen	Ballina resident and Bundjalung Elder
		Dallas Donnelly	Ngulinggah Local Aboriginal Land Council
	✓	Tom Smith	Birrigan Gargle Local Aboriginal Land Council
	✓	Elsie Smith	Birrigan Gargle Local Aboriginal Land Council
	✓	Christine Ferguson	Birrigan Gargle Local Aboriginal Land Council
✓		Desmond Ferguson	Birrigan Gargle Local Aboriginal Land Council
✓		Tim Torrens	Bogal Local Aboriginal Land Council
		Lorraine Williams	Bogal Local Aboriginal Land Council
✓		Jacqui Collins	Adise Pty Ltd
✓		Toby Heys	RTA
✓		Mary-Lou Buck	RTA
✓		Harry Batt	Hyder Consulting
✓		Annette Ross	Hyder Consulting
✓		Jo Sayer	GeoLINK
Recorded By:		Jo Sayer, GeoLINK	Total Pages: 7

WOODBURN TO BALLINA – ABORIGINAL FOCUS GROUP MEETING 6 – WEDNESDAY 22 MARCH 2006

Item 1 Welcome

Meeting started at 11:00am. Harry welcomed and introduced the members of the Aboriginal Focus Group. Harry also introduced Jacqui Collins who is the consultant Archaeologist for the Woodburn to Ballina Highway Upgrade.

Item 2 Review meeting notes from AFG 5

The group was invited to make any comments on the meeting notes from the previous Aboriginal Focus Group meeting.

Mary-Lou recapped the issue raised by Lois Cook that the location of a mythological site had appeared in public documents. Jacqui advised that the information about this site had come from Lewis Cook who had no objection about this information appearing in public documents. Jacqui pointed out the document did not divulge the actual location of this mythological site.

There were no comments on the previous notes and the notes were accepted.

Item 3 Preferred Route discussion

Harry gave the group a brief overview of the Preferred Route. Harry advised that the specific indigenous matters associated with this project that the project team is aware of are all represented on the map displayed at the meeting. Harry invited the group to advise, in relation to what is represented on the map, whether there were any other items or issues that had been overlooked.

Mary-Lou advised that it is important to not only focus on the archaeological information but also to focus on cultural aspects, such as massacre sites and mythological sites.

Harry commented that the project team understands fauna corridors are also of particular importance to Aboriginal people. Harry pointed out that the fauna corridors that have been mapped are based on information available from DEC. He added that it is also important for the group to highlight any other fauna movements not known to DEC and not shown on published maps but which have significance to the Aboriginal community.

Harry explained that the next step in the process is for the project team to consult with the community to obtain engineering information which will assist with the concept design. This design will take into account items of heritage significance and how they will be protected or mitigated.

Harry then proceeded to give a more detailed description of the Preferred Route:

Des made the suggestion that Land Councils and Elders have information that could be put on a plastic overlay of the preferred route map as a transparency with all known and recorded sites, etc. Mary-Lou agreed and advised that this transparency would document verbal knowledge. Jacqui's role is to talk to the Aboriginal community and be aware of the location of these sites.

Harry agreed and explained that the transparency idea is what the project team has done except that instead of using a sheet of plastic the layers of information are mapped electronically in computers using 0561465 Aboriginal Focus Group 6 meeting notes

software called GIS. The information that Des and Mary-Lou refer to including the information that Jacqui has collected is already mapped into the project team's computers and that is how the team was able to produce the map used for discussion in the meeting.

Jacqui and Artie discussed their attendance during the recent geotechnical investigations in the vicinity of the quarry. The area has been considerably disturbed due to the sand quarry works. However, topsoil which had been stockpiled behind Cooks Hill contained lots of artefacts. Jacqui advised that there was a focus of camp sites on the edge of Eversons Creek, east of the preferred route, but again it is heavily disturbed.

There is a ceremonial ground located to the west of the Preferred Route which it is suggested be marked on the map. It has been highlighted in Jacqui's report. A question was raised as to what will happen to the scarred trees that are located on the Preferred Route. Harry advised that Jacqui would need to talk through the process with the community. One possibility is to move the scarred trees if they can't be avoided.

Barry Jameson suggested that perhaps items of heritage and cultural significance, and information on myths and legends, etc that exist on the Preferred Route, could be collected and displayed in a cultural centre or exhibition space to help preserve them for the local Aboriginal community.

Mary-Lou advised that a Cultural Heritage Management Plan needs to be prepared to make provision for artefacts and cultural information. This would be included as part of the environmental assessment and may be required as part of the Director-General's Requirements.

Harry advised that there is a large portion of the Preferred Route that borders but does not encroach upon Jali land. Jali has indicated an interest in slightly modifying Route 2C. It would then impact on Jali land. Discussions are underway at the moment. Harry also advised that there is a need to consider any other aboriginal issues that could assist with more detailed analysis of the route.

In response to Harry's comments Barry advised that he and Gavin Brown had met with the RTA and Hyder on behalf of the Jali LALC. Barry advised that the Jali community recognises the pain that the local farmers and families (for example Montis, Laws, and Smalls) are feeling. They would like the community to realise they are prepared to "share the pain" by having their land affected by a modified Route 2C (but not 2D).

Barry went on to explain that there is a feeling by some that the RTA have contributed to a 'bad mouthing' of the Jali people by members of the wider community. Barry mentioned that it has been said that RTA has told farmers that the preferred route was chosen for Aboriginal reasons. Harry advised that this is definitely not the case –the RTA and Hyder have not been saying that the route was chosen for solely for Aboriginal reasons and that there are a lot of reasons for the choice of the route which are documented in the Preferred Route Report. Barry advised that he was reassured.

Tim asked whether there will be onsite monitoring of the sites that are located on the Preferred Route. Harry responded that onsite monitoring would be considered when developing the Cultural Heritage Management Plan. This Plan would cover those sites that have been identified and therefore require monitoring. Mary-Lou advised that DEC guidelines with regard to site monitoring during construction had changed. Only identified PADs (potential Aboriginal deposits) were required to be monitored.

There was a brief discussion between Mary-Lou and Tim regarding Aboriginal sites officers.

Harry asked the group if anyone had new ideas to offer.

Artie asked whether the portion of land between the route and the National Park behind Cooks Hill would be purchased. Artie felt the purchase of this land might help preserve artefacts if they are not affected by construction of the road. Harry advised that this would be considered under RTA property negotiations.

Harry advised that the project team is not aware of any items or identified sites in Section 3; this could be due to the fact that the land has been disturbed by roads, and farming.

Item 4 Proposed approach to Aboriginal cultural heritage investigations of the preferred route in 2006.

Jacqui Collins advised that in the Options Assessment phase she had surveyed parts of the preferred route with Jali Sites Officers Artie Ferguson and Rob Brown. Most of the Aboriginal area of interest is Jali land, with Bogul and Ngulinggah interests south of Tuckombil Canal and the area near Broadwater National Park shared with Jali.

Jacqui's proposed methodology for further Aboriginal heritage investigations in the Environmental Assessment Phase includes:

- Surveying the rest of the preferred route to identify all visible archaeological sites and identify places where sites might occur but aren't visible due to vegetation, sediment cover, disturbance etc.
- Revisiting previously recorded sites to plot them accurately in relation to the proposed impact zone and assess the potential for subsurface evidence.
- Consulting Land Council/s, Elders and knowledge-holders to inform them of the survey results and assess the cultural significance of the recorded sites. Also to discuss the sites/areas requiring further investigation and how this investigation would be best carried out.
- Applying for a permit from the Department of Environment and Conservation (section 87, *National Parks and Wildlife Act 1974*) to conduct subsurface investigations on known and potential further sites where this is warranted, using the methodology agreed with the Aboriginal community.
- Consulting Land Council/s, Elders and knowledge-holders again, to discuss the subsurface investigation results and ways that construction impacts to significant sites might be avoided, mitigated and managed.
- Developing draft management recommendations based on this consultation in conjunction with the results of the surface survey and subsurface investigation.
- Providing a draft report to the Aboriginal community for comment and advice prior to report finalisation. Also to seek advice as to what information should not be included in the final public report.

In summary, the Aboriginal assessment component of the project environmental assessment would follow a two-staged approach- initial surface survey followed up by subsurface investigation where necessary, with Aboriginal community consultation at all critical points to inform and guide the outcomes.

General Discussion

The group suggested that for the sites of cultural heritage significance like the massacre site at Cooks Hill, perhaps a memorial plaque could be placed near the site.

Mary-Lou advised the AFG members that this would be the last meeting of the AFG in this format. The next phase of the Aboriginal consultation is a more formal process where the RTA is to advertise an 'Expression of Interest' in accordance with DEC guidelines, for Aboriginal stakeholders to come forward that have an interest in the project. This would be advertised in local papers and letters would also be sent to known stakeholders. All details concerning the Expressions of Interest will be posted on all the noticeboards at the various Aboriginal offices. Stakeholders would then be registered as having an interest in the project and also having a connection to this country.

Other Issues

Mary Lou provided copies of the RTA's Aboriginal Employment Strategy, and advised that she would send Annette a copy of the Participation of Aboriginal people in Construction Guidelines to forward to the AFG members.

Harry made the suggestion that perhaps a summary of the process could be created and then provided to the LALC's to display on the noticeboards.

Annette asked that as the project team moves into the Concept Design stage they were keen to know how to best deal with burial sites in the vicinity of Cooks Hill. Jacqui advised that it is possible that burial sites could be located in any sandy areas along the preferred route. If burial sites are not found through remote sensing and probing the chance of finding them is very low as the burial bundle can be very small. Trying to locate burial sites at this stage of investigations is unlikely to be successful. Later, if the construction method allows for fill to be put on top of the ground this will lessen the chance of disturbance.

Mary-Lou advised that there would be the need to make the construction crew aware of the sensitive nature of the area and that the construction area in the vicinity of sensitive sites would be monitored.

Harry advised the group that the next phase of the project would include refining the design of the preferred route, the Environmental Assessment is to be completed, and then the design will be put on public display in 2007.

Meeting closed at 12:30pm

Action Items

Items	Assigned to
Copies of Participation of Aboriginal people in Construction guidelines to be sent to AFG members	Annette Ross
Expressions of Interest to be provided to display on all noticeboards.	RTA