

SOLDIERS POINT ABORIGINAL PLACE PLAN OF MANAGEMENT



ACKNOWLEDGEMENT

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DISCLAIMER

This document is not a definitive work on the history and cultural connection of the Worimi Maaingal people to Soldiers Point. All attempts to validate the claims made relating to Aboriginal cultural values have been made.



DOCUMENT CONTROL

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DEFINITIONS

Aboriginal Heritage Impact Permit (AHIP) – an AHIP is the statutory instrument that the Office of Environment and Heritage (OEH) issues under section 90 of the National Parks and Wildlife Act 1974 (NP&W Act) to manage harm or potential harm to Aboriginal objects and places.

Aboriginal Heritage Information Management System (AHIMS) – AHIMS contains information and records about Aboriginal objects that have been reported to the Chief Executive of the Office of Environment and Heritage. It also contains information about Aboriginal Places which have been declared by the Minister to have special significance for Aboriginal culture.

Conservation works – works that assist in retaining the cultural significance of a place or object, and are undertaken to prevent further deterioration and potential loss of cultural significance. Examples include fencing, restoration, signage and adaptive reuse.

Cultural values – the cultural significance of landscapes, places, objects, customs and traditions (and their contexts) that communities have inherited from the past and wish to conserve for current and future generations. These values can relate to physical or ‘tangible’ sites, places and objects; and ‘intangible’ cultural practices associated with those landscapes, sites, places and objects, and include traditional, historical and contemporary associations of people with heritage places. Natural elements of the environment may also have cultural meanings and values.

‘Harm’ to an Aboriginal object or place is defined in the National Parks and Wildlife Act 1974 (NP&W Act) to include any act or omission that destroys, defaces or damages an Aboriginal object or place or causes or permits the object or place to be destroyed, defaced or damaged. Harm to an Aboriginal Place is an offence under the NP&W Act unless the harm was authorised by an Aboriginal Heritage Impact Permit (AHIP).

Gazettal – The New South Wales Government Gazette is the official channel for the circulation of Proclamations, Regulations, Government Notices, Private Legal Advertisements and other matters required to be published in the Government Gazette under the Statutes of New South Wales Government.

New South Wales (NSW) Office of Environment and Heritage (OEH) information agreement – a standardised legal agreement made to protect the privacy of information provided to OEH related to information or cultural knowledge obtained during heritage research.

Registered Aboriginal Parties – are defined in the New South Wales Office of Environment and Heritage “Community Consultation Guidelines” section 3.3.1. Paraphrased from this source Registered Aboriginal Parties are Aboriginal people who through lore and custom are the traditional owners or custodians of the subject land and who, in order to inform decision making seek to register their interest as an Aboriginal party.

Section 161 notices – section 161 of the National Parks and Wildlife Act 1974 enables information about Aboriginal places, objects and culture to be withheld – or kept confidential – in the public interest. A notice under section 161 allows the Director General to say that specified information relating to the cultural values of an Aboriginal Place should be withheld in the public interest.



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EXECUTIVE SUMMARY

The subject land is located at Port Stephens, approximately fifty (50) kilometres north of Newcastle on the mid-north coast of New South Wales. It includes five (5) individual lots (see Table 3 and Figure 3) with a combined size of approximately 5.9ha. The 2004 Plan of Management for this site will be revoked upon adoption of this Plan of Management.

The Soldiers Point area played an important role in the history of the Worimi Maaialgal people and other Aboriginal families, which settled on the southern harbour of Port Stephens. Local Aboriginal people continue to have a strong spiritual and emotional attachment to the area and for this reason Soldiers Point has been nominated as an Aboriginal Place by Les Ridgeway (deceased) former Chairperson, Worimi Traditional Aboriginal Owners and Elders Group. The declaration of Soldiers Point as an Aboriginal Place will enable the ongoing future use, development and maintenance of the area to be compatible with the cultural significance of the Place.

This document seeks to provide a clear and transparent management framework in line with the requirements under the Local Government Act 1993 and also the requirements of the NSW National Parks and Wildlife Act 1974 as an Aboriginal Place.

This Plan of Management draws on discussions and negotiations between Port Stephens Council, the community and key stakeholder groups including; the Worimi Local Aboriginal Land Council, the Worimi Traditional Elders Group Inc., Maaialgal custodians and knowledge holders, and the Office of Environment and Heritage. References to aboriginal sites, culture and values is based on verbal reports from these groups, other Aboriginal people and archaeologist / anthropologist reports.

Management will be a joint effort between Port Stephens Council and the NSW Office of Environment and Heritage (The Office of Environment and Heritage will act in consultation with Registered Aboriginal Parties to any Aboriginal Heritage Impact Permit for the site). Overall responsibility will remain the role of Port Stephens Council, but management direction will be as a team. This initiative alone is desirable for appropriate future management for Soldiers Point site.

The Worimi Maaialgal people of Soldiers Point established working relationships with other Aboriginal families and non-Aboriginal people. It is in this spirit of cooperation and partnership that this Plan of Management is made.

INTRODUCTION



What is a Plan of Management?

The *Local Government Act 1993* (the Act) requires a Plan of Management (PoM) to be prepared for all public land that is classified as 'community land' under the Act.

A PoM is an important tool, written by Port Stephens Council (Council) in consultation with the community. A PoM identifies issues affecting the subject land, and outlines how the land is intended to be used, improved, maintained and managed into the future. This document provides a transparent and co-ordinated approach to public land management.

Under the Act, community land is required to be further categorised as general community use, park, sportsground, natural area, or area of cultural significance.

The OEH Aboriginal Place Policy recognises Plans of Management for community land prepared under the Local Government Act 1993 as appropriate formal management arrangements for Aboriginal Places.

Purpose of this Plan of Management

The Act requires all public land, which is Council-owned land, to be classified as either 'community' or 'operational' land. Land that has been classified as 'community' land is to be managed and used in accordance with a Council adopted PoM.

The 2004 PoM (prepared by Port Stephens Council and the NSW National Parks and Wildlife Service) for this site will be revoked upon adoption of this PoM.

Objectives of this Plan of Management

This PoM seeks to provide a clear and transparent management framework, which aligns with the Aboriginal cultural values of Soldiers Point as a gazetted Aboriginal Place under the NSW National Parks and Wildlife Act 1974.

The PoM will enable Soldiers Point to continue to develop as a place of:

- Protected cultural heritage;
- Recreational and tourism opportunities;
- Strengthened environmental sustainability and ecology; and
- Community and cultural activity.

A key objective for this PoM is to recognise the Aboriginal cultural values within the site and to outline the policies and strategies for their management and conservation.

Community Consultation for this Plan of Management

This PoM draws upon consultation between Council, the community and key stakeholder groups, including; the Maaingal custodians and knowledge holders, the Worimi Local Aboriginal Land Council, the Worimi Traditional Elders Group Inc. Soldiers Point Community Group, Soldiers Point Salamander Bay LandCare Group and the Office of Environment and Heritage (OEH).

Outcomes and community values, and in particular Aboriginal cultural values, emerging from these consultations have been considered in developing this PoM and will continue to inform the values, directions and strategies of future use and development of Soldiers Point. There will be ongoing opportunities for consultation with the key stakeholders and the wider community with the continued management of Soldiers Point.



Process of preparing this Plan of Management

1

Prepare Draft Plan of Management

- Review Soldiers Point Plan of Management 2004
- Review Soldiers Point Aboriginal Place Assessment Report August 2013 (Office of Environment and Heritage)
- Consultation with the Maaiangal custodians and knowledge holders, Worimi Local Aboriginal Land Council, the Worimi Traditional Elders Group Inc. and the Office of Environment and Heritage (OEH)
- Consultation with existing user groups and key stakeholders (refer to Appendix B for chronology of consultation in preparing the Draft PoM)

2

Council Resolution and Public Exhibition

- Council endorse the Draft PoM for public exhibition
- Notify key stakeholders and community groups
- Place notices in the local newspaper
- Place Draft PoM on display on the Council's website and libraries
- Place the draft PoM on 28-day public exhibition, with a further 31 days for written submissions (59 days total)
- Provide a community information session

3

Adopting the Plan

- Review and evaluate public submissions
- Amend the draft PoM and incorporate feedback from the public exhibition period
- Report to Council to consider adoption of the final PoM
- Prepare final PoM, including amendments Council may endorse

4

Implementation

- Start to implement the PoM



Plan of Management requirements under the *Local Government Act 1993*

The Act sets out certain requirements for what a Plan of Management for community land must contain. See Table 1 below:

TABLE 1 Contents of a Plan of Management as required under the <i>Local Government Act 1993</i>		
Requirements of the Local Government Act	Relevant Sections of the Act	The Section of this Plan that satisfies the Act
Categorisation of community land.	S36(4)	Section 3
Core objectives for management of the land.	S36 E-N	Section 3
A description of the use of the land and any such buildings or improvements as at the date of adoption of the Plan of Management.	S36(3A)(a)(ii)	Section 4
A description of the condition of the land, and of any buildings or other improvements on the land as at the date of adoption of the Plan of Management.	S36(3A)(a)(i)	Section 4
Performance Targets	S36(3)(b)	Section 4
A means for assessing achievements of objectives and performance targets.	S36(3)(c)	Section 4
The purposes for which the land, and any such buildings or improvements will be permitted to be used.	S36(3A)(b)(i)	Section 5
The purposes for which any further development of the land will be permitted, whether under lease or licence or otherwise.	S36(3A)(b)(ii)	Section 5
A description of the scale and intensity of any such permitted use or development.	S36(3A)(b)(iii)	Section 5
Authorisation of leases, licences or other estates over community land.	S45	Section 5



Guideline requirements for developing a management plan for declared Aboriginal Places

In addition to the requirements of the *Local Government Act 1993*, The NSW Office of Environment and Heritage has also published a set of guidelines for developing management plans for declared Aboriginal Places.

Within this document eleven (11) steps are outlined for completing a management plan, refer Table 2 below.

TABLE 2
How this Plan meets the Aboriginal Place Guideline Requirements

1.	Define the relevant stakeholders and affected parties.	Section 1.5
2.	Prepare a general statement of management.	Section 4
3.	Prepare a statement of cultural values of the Aboriginal Place.	Section 2.3
4.	Identify the Aboriginal community's management goals.	Section 4
5.	Identify the types of activities that may harm the Aboriginal Place and the associated cultural values.	Section 5 Table 9
6.	Identify what values, objects and areas that must be conserved.	Section 4.2
7.	Identify what works and ongoing management activities are required.	Section 4
8.	Identify other matters that may need to be negotiated between all identified groups.	Section 5 Table 9
9.	Define ways in which culturally sensitive information will be treated.	Section 4.2
10.	Explain if funding and resources are available for conservation projects through grants, ways in which the funds will be used.	Section 5.8
11.	List contacts.	Appendix A



