

## **MANAGEMENT AND DISPOSAL OF WASTE ON PRIVATE LANDS**

**Organisation:** Darkinjung Local Aboriginal Land Council  
**Name:** Mr Sean Gordon  
**Position:** Chief Executive Officer  
**Date Received:** 29/07/2013

Partially Confidential



## **COMMITTEE ON ENVIRONMENT AND REGULATION**

### **Submission: Inquiry into the Management and Disposal of Waste on Private Lands**

#### **Terms of Reference: f) any other matter**

Darkinjung LALC is the largest private land owner on the Central Coast and is a statutory body under the NSW Aboriginal Lands Right Act 1983 are managing the same difficulties as other government agencies and believe that our concerns and issues be recognise in the Inquiry into the Management and Disposal of Waste on Private Lands.

Local Aboriginal Lands Councils source of asset growth is to claim for Claimable Crown Land. When land is granted and titled a major concern for LALCs is the legal and financial inherited issues that come with the land.

#### **Issues:**

- Illegal dumping and access
- EPA levies and Local Government Agencies Tipping Fees
- Other Government Legislation such as:
  - Ausgrid
  - Railcorp
  - Transgrid

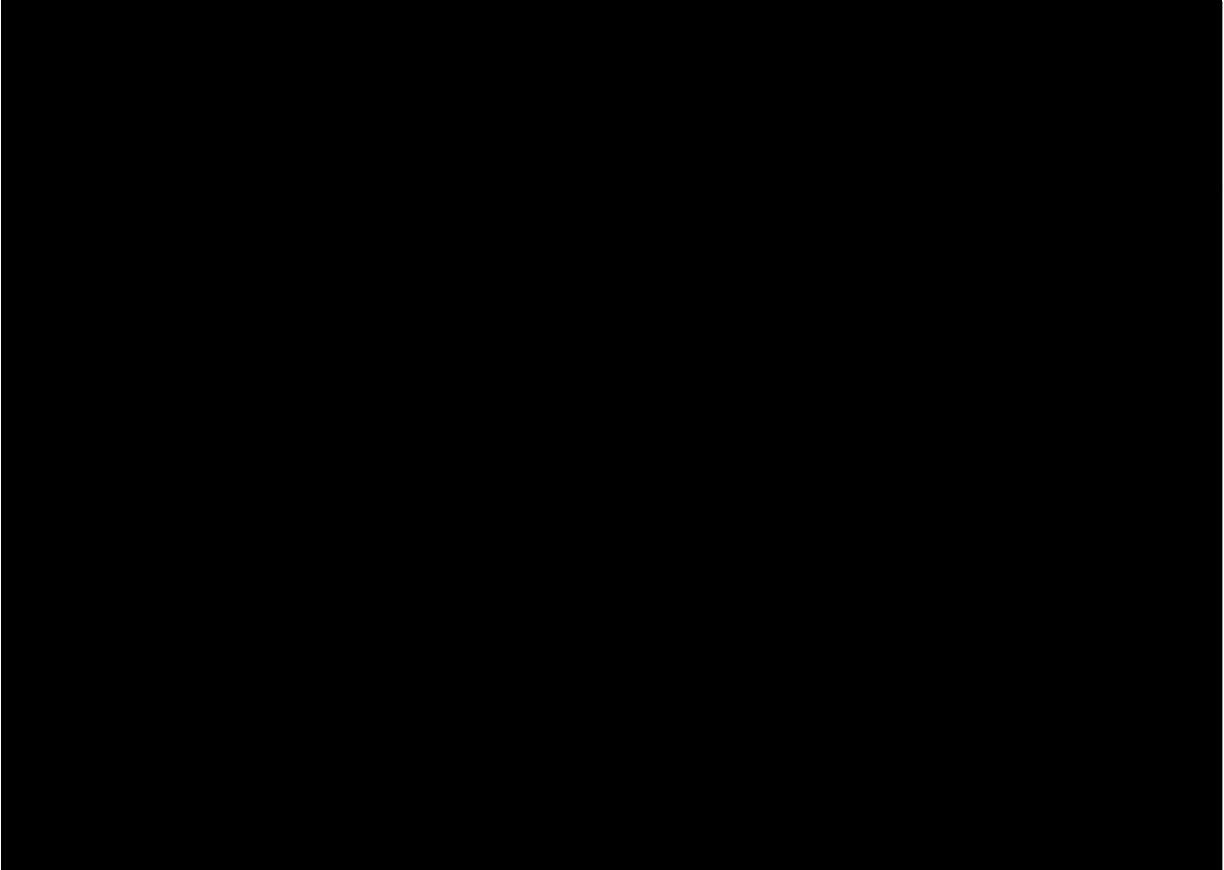
#### **Illegal dumping and access:**

Darkinjung LALC over the past 4 years has become a leader in Land Management for the protection and conservation of our lands by formalising partnerships with other government agencies to reduce the illegal dumping and access to our properties.

However the inherit illegal dumping is a major financial and legal liability for a LALC. We have estimated that the illegal dumping on our lands in the Wyong Shire Council region is \$3, 000,000.00. Land Councils once receiving title to the lands do not receive financial assistance to address inherit burdens to land.

Darkinjung LALC annually seeks funding from the NSW Environment Protection Authority to assist with the removal of illegal dumping and access burdens. The funding is a total maximum of \$50,000.

Access issues also stem from previous arrangements between Crown Lands and other government agencies [REDACTED].



***Recommendation 1:***

***Local Aboriginal Lands Councils be recognised with other government legislative bodies for land management practices for enforcement laws.***

**EPA Levies and LGA Tipping Fees:**

Fees for the waste removal of materials in the Wyong Shire Council are expensive and Darkinjung LALC has requested from both Wyong Shire Council and EPA for an fee exemption to assist with the safe disposal of materials, however we have been unsuccessful.

We now utilise a facility outside of our boundaries as it is cost effective. We do recycle materials were appropriate.

As stated previously we have over \$3, 0000.00 of illegal dumping just in the Wyong Shire Council area, we have would have more in the Gosford City Council area.

If Local Aboriginal Lands Councils were able to receive exemptions for the safe disposal of materials they would be able to remove more illegal dumping from their land then waiting annually for government funding.

***Recommendation 2:***



***Local Aboriginal Lands Councils be recognised with other government legislative bodies for tipping fee exemptions from both EPA and LGA.***

#### **Other Government Legislations:**

Darkinjung LALC has established formal partnerships with both Gosford City Council and Wyong Shire Council signing Corporation of Principles.

Operational Darkinjung LALC has also established formal partnerships with other government agencies for access to our properties. A Heads of Agreement is agreed to by agencies requiring easement access. The HOA is a land management tool for the protection of our land and we do not require a financial commitment.

However there are major conflicts with current agencies legislation that enables agencies not to provide or assist in reducing illegal dumping or access such as not providing security measures of gates and fences for their easements.

#### **Ausgrid**

Darkinjung LALC boundaries are from the Hawkesbury River to North Wyong and have Ausgrid assets on them and these assets provide large access points on to our property which then allows for illegal access and dumping.

We have established a partnership with Ausgrid locally however our concerns are under their legislative Act under Section 54 – Powers of Entry we have been advised that they are not required to provide security or protection measures.

Most of the Ausgrid assets are 11KV easements that run through our properties to a main road that leave major open access points.

#### **Railcorp**

We also have the same issue with Railcorp whose legislation we have been advised provides them with access at any time.

We have established a formal partnership locally with Railcorp for access to the Rail corridor for State Emergencies and for access to easements (telecommunications tower). However gates and fencing has been at the cost of Darkinjung LALC.

We establish partnerships and agreements with Railcorp sub contractors for access (to the telecommunications tower) via our gate which is on a Railcorp easement, however they are issued with a Darkinjung LALC key for access as Railcorp will not issue them with theirs.

The gate which was installed on the Railcorp easement was at Darkinjung LALC expense it also has a dual locking mechanism.



Maintenance costs are at Darkinjung LALC expense as we require the access point to be closed off.


***Recommendation 3:***

***Current Legislative requirements for access and for the maintenance by government agencies of their assets must be reviewed to include safety and protection measures of their easements (i.e. deterrence works – gates/fencing).***

We thank you for the opportunity to provide a submission on these important issues.

We have also attached an Overview of Darkinjung LALC's roles and functions with photos of some of our illegal dumping sites and a member's newsletter on Land Management issues effecting Darkinjung Lands.

Kind regards



Sean Gordon  
CEO  
Darkinjung LALC

## **Annexure 1**

### **Overview of Darkinjung Local Aboriginal Lands Council**

Darkinjung LALC came into existence in 1984, under the NSW Aboriginal Lands Rights Act 1983 (ALRA). It is located on the Central Coast of NSW. Its boundaries stretch from Catherine Hill Bay in the north, to the Hawkesbury River in the south, the Pacific Ocean to the east and Watagan Mountains to the west.

Darkinjung LALC is the largest landholder on the NSW Central Coast, currently holding approximately 6,000 hectares with a further 9,000 hectares under claim.

It is situated within two local government areas – Wyong Shire Council and Gosford City Council. According to the 2011 census statistics, the region has an estimated population of over 304,700 and an estimated Aboriginal population of over 9,000.

#### **Darkinjung LALC – Core Business**

- 1) Land Management
- 2) Care and Protection of Aboriginal sites, places and objects

#### **Understanding LALC's role**

The objects of a LALC are to improve, protect and foster the best interests of all Aboriginal persons within the LALC's area and other persons who are members of the LALC. LALCs' functions include the acquisition, use, management, control, disposal or other dealing in land vested in the LALC, the protection of the culture and heritage of Aboriginal persons in the area and to promote community awareness of the culture and Aboriginal heritage of Aboriginal persons in the LALC's area. Land vested in LALCs is not just for the benefit of the LALC's present members, but for future generations as well.

#### **Land Claims:**

Land claims are the primary source of asset growth for LALCs and the NSW Aboriginal community. LALCs can claim vacant Crown land that is not otherwise need (or likely to be needed) as residential lands or for an essential public purpose. Land that is the subject of a native title determination application (other than a non-claimant unopposed application – e.g. an application made by a LALC to determine whether native title exists over a parcel of claimable land), or for which an approved native title determination has been made, cannot be claimed.

As of August 2012 there have been over 36,000 claims lodged of which about 6,900 have been refused, over 2,300 have been granted, over 1,100 have been finalised and over 26,300 are incomplete. Some claims fall into more than one category, as they have been partially determined. The land claims granted have resulted in 127,000 hectares of land being titled to LALCs.

## **LALC's Obligations as a Land Owner:**

As a land owner there are legal and financial responsibilities that must be complied with under the NSW ALR Act.

### **Legal responsibilities are:**

- Compliance with the ALR Act.
- Annual payments for vacant rural properties (Livestock Health and Pest Control)
- Addressing Bush Fire Management notifications
- Addressing illegal dumping and illegal access liability issues.

### **Financial responsibilities are:**

- Financial reporting and compliance
- Management of properties/assets
- Deterrence works
- Clean-up of illegal dumping
- LHPA payments annually
- Liability lawsuits

### **Daily Operations:**

#### **Administration:**

- Maintain a List of Properties
- Target high traffic areas for illegal access and illegal dumping
- Budget internal funding for management
- Set priorities for Land Management
- Illegal access
- Illegal dumping
- Fire Trails

### **Monitoring of Properties:**

#### **Setting of priorities:**

- Illegal access, identify properties with access points for vehicles and motor bike access.
- Illegal dumping, identify current dumping sites and monitor for new dumping or increase at exiting sites.
- Fire Trails: if Fire Trails have already been established prior to claims being granted, assess the purpose for the establishment and discuss with the Rural Fire Service and with Crown Lands.

### **Deterrence works:**

#### **The installation of:**

- Gates
- Bollards and ferry wire cabling
- Concrete blocks
- Hazard Reduction Burns
- Mitigation Works
- Usage of vegetation e.g. fallen trees, logs etc.



### Current Land Management Overview of Works Conducted to date:

Darkinjung LALC has focused on maintaining and monitoring properties located in the Wyong Shire Council area that reflects the Lake Macquarie and Wyong Bush Fire Risk Management Plan.

Darkinjung LALC is obligated under the Risk Management Plan to address the land management issues noted on the plan within a 3 year period. (12 months for extreme or high risk).

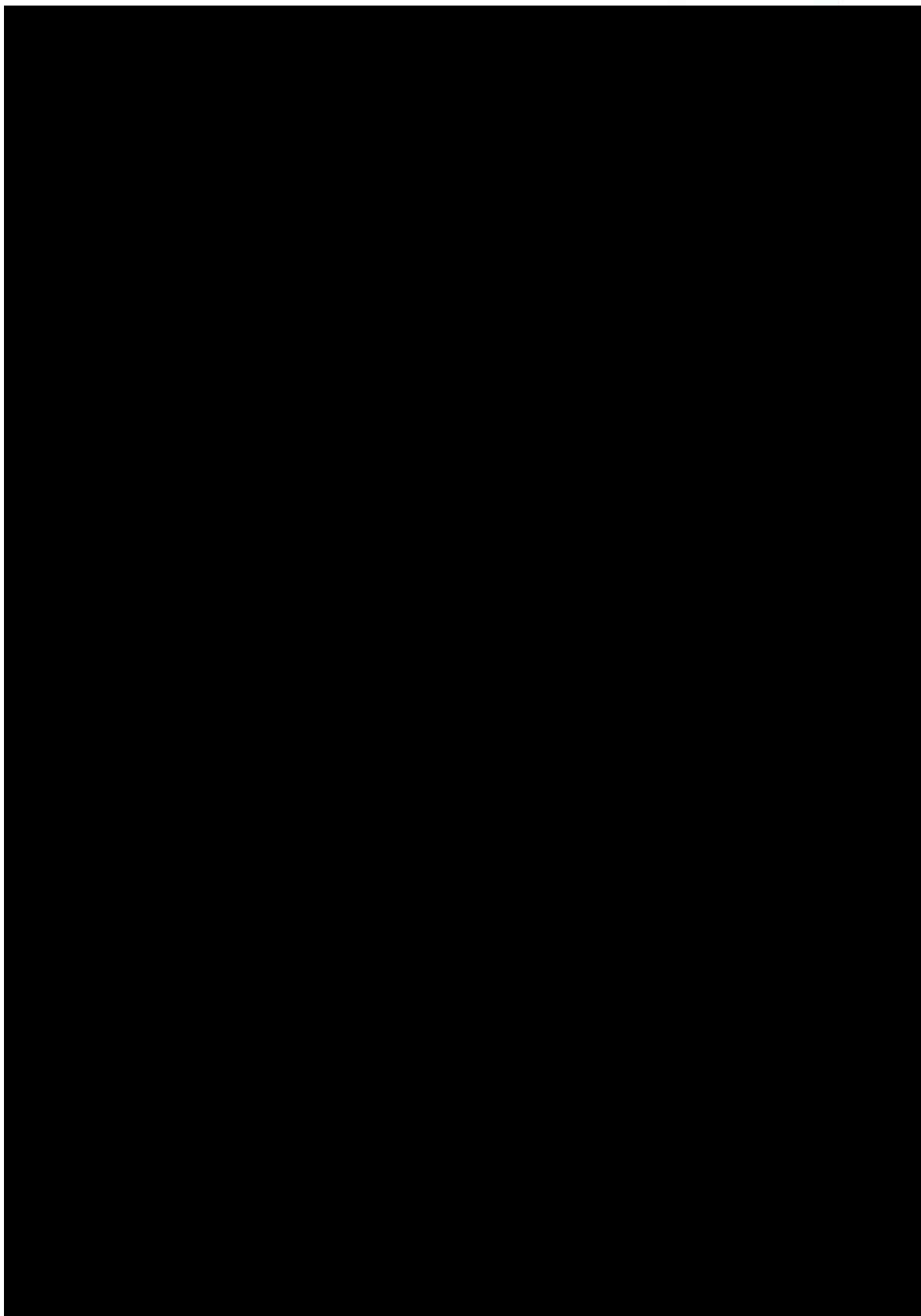
Eighteen (18) of Darkinjung LALC properties were listed in the Risk Management Plan. With 6 properties listed as Extreme and High Risk.

To date we have successfully address the 18 priorities, we started with deterrence works at most of the properties that are accessible. Partnerships were established with NSW Rural Fire Service, Wyong Shire Council, Crown Lands and other agencies to address the priorities.

WORKS CONDUCTED SINCE 2009	
Deterrence Works	Number
Hazard Reduction Burns	x 2
Strategic Fire Asset Zone Burn	x 1
Asset Protection Zones	x 3 (WSC) x 2 (GCC)
Registered Fire Trails	x 4 (WSC) x 2 (GCC)
Gates	x 8 (WSC) x 7 (GCC)
Fencing (mesh/Cabling/Bollards	x 7 (WSC)
Signs (Private/Illegal Dump)	x 30 (WSC) (GCC)
Cameras (Surveillance)	x 3
Private Security Patrolling	x 3 (WSC)
Police Surveillance	x 3 (WSC)
Tree Loping/Removal	x 3 (WSC) x 3 (GCC)
Funding (illegal dumping)	x 4 (WSC)
Funding (deterrence works)	x 2 (WSC)
DA Objections lodged	x 15 (WSC) x 21 (GCC)
Land Claims lodged	x 210 (2009) x 9 (2012)
Land Claims granted	x 5 (WSC)
Land Claims Titled	x 8 (WSC) x 10 (GCC)
Land Claim Appeals	x 2 (GCC)
Aboriginal Places Listed	x 3
Signed Heads of Agreements	x 5 Gov't Agencies

(WSC = Wyong Shire Council, GCC = Gosford City Council)

### Photos of Illegal Dumping Sites:



# Bandimayiya - August 2012

# THE MESSENGER

## A Message from the Chairperson



Dear Members,  
It has been an extremely busy start to the 2012 year and with the first six months coming to an end we have much to inform you on.

As you are aware, we have had a change in the board with Keith Hall stepping

down (thank you Keith for your valuable input) and Robyn Sutherland being elected to the vacant board position (congratulations Robyn). Let me take this opportunity to thank the board for their commitment to the organisation. Members should be proud to have such a dedicated team of leaders representing the interests of the membership.

This is a very exciting time for the Central Coast Aboriginal community. With Darkinjung having a clear focus on bringing the community together, we have continued our good work with our fellow Aboriginal organisations through the establishment of the Jawun Project which is a three year project that encourages Corporate secondees to work for a month at a time in our organisations to assist them in improving capacity and service delivery. The Aboriginal partners in the program are:

- Eleanor Duncan Aboriginal Medical Service
- Bungree Aboriginal Association Inc.
- Mingaletta Aboriginal Corporation
- Koori Connect
- Darkinjung
- Central Coast Aboriginal Men's Group
- Mirring Aboriginal Women's Group
- The Glen
- NAISDA

This year Darkinjung threw their support behind the Close the Gap round in partnership with Wyong Rugby League Club and Ourimbah Rugby League to promote

reconciliation and NAIDOC (go to [www.darkinjung.com.au](http://www.darkinjung.com.au) ).

In addition, the 2012 NSW Aboriginal Rugby League Knockout is to be hosted by last year's winners Mindaribba Warriors and to be held at the Lakeside Sports Complex, Raymond Terrace. We hope we see you at this event and encourage you to show support for our local community.

Darkinjung, Bungree and Eleanor Duncan have also sponsored Aboriginal members of the Central Coast community in the NSW State Knockout Weight Loss Challenge. 25 people registered for the 18 week challenge to get healthy and the prizes offered are for financial support for communities to enter their teams in this year's 2012 Koori Knockout.

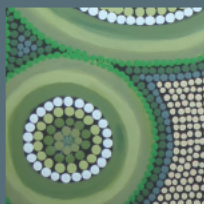
I would like to thank and acknowledge all of our sponsors for their support and contribution to the above events; Bendigo Bank, ADW Johnson, Bungree, Eleanor Duncan, Garaty Murnane, Wallarah 2 and Advanced Design.

I would like to congratulate our CEO Sean Gordon for his appointment to the Central Coast Regional Development Australia Board and appointment on the Aboriginal Land Rights Act Review Advisory.

A request was made at a recent meeting to make available copies of the Aboriginal Land Rights Act for members. The process to receive a copy is to make contact with Darkinjung Council and leave your details with our friendly staff who will then ensure you are sent a copy of the Act by mail.

I would also like to take this opportunity to thank all staff members of Darkinjung for their hard work.

**Jenny Hayes**  
Chairperson



Local Aboriginal Land Council

# DARKINJUNG



# Chief Executive Officer Report

Dear Members,

This edition of the Bandimayiya will focus on land related matters ranging from development to housing to land management and Cultural Heritage. With much work being done by Darkinjung during the past three years to identify all of its land holdings and assets and the opportunities for sustainable land management, we have strategically focused on securing our lands, sustainable land management strategies, access minimisation, property upgrades, illegal dumping prevention and economic development opportunities.

The focus of land management has been predominately driven by the need to secure, sustain and create opportunities through land ownership that will lead to long term benefits for members through employment, enterprise development, home ownership, affordable housing and cultural connection to land.

The ownership of nearly 6,000 hectares of land on the Central Coast makes Darkinjung the largest private land owner on the Central Coast.

With this ownership comes the need and responsibility to Manage, Invest and Protect Assets (MIPA) to ensure that they are maintained in a way that will create real community benefits for our members.

Following is an overview of key projects (approved by members) or proposed developments:

- Moala Parade has been demolished and the Development Application was approved by Wyong Shire Council. The new construction should happen within weeks and it is proposed that the building will be complete by the end of October 2012.
- Blue Haven: a 109 residential lot development is progressing, with the final plans for Stage 1 being completed and the construction certificate (CC) ready for submission to the members, NSWALC and Wyong Shire Council (WSC) for approval. Stage 1A consists of 14 residential lots requiring members approval (Land Dealing) before construction can commence.

Members will determine how many lots in Stage 1A will be retained by Darkinjung for home ownership or

affordable housing. This forms part of the approval requirements.

- Bushells Ridge is continuing to undertake the required assessments to move forward with the Part 3A application. The environmental assessments are nearing completion and the development footprint is gradually being identified.

As previously highlighted, RailCorp are seeking to relocate the Stabling Yard out of Gosford and have identified a site owned by Darkinjung at Bushells Ridge. Discussions are in the early stages with nothing concrete as yet and members will be informed as discussions progress. This project is based on RailCorp acquiring the site.

- Boral are in the process of re-submitting an extension to their exploration license in the Bushells Ridge area. We are currently assessing the application and the implications this may have on Darkinjung. Members will be kept informed of the progress of this application.
- Halekulani: Development Application has been finalised and submitted to WSC for approval. Regular updates and progress on the application will be provided to the board and members.

In addition to the developments we have also including in this newsletter an update on all land management matters relating to Aboriginal Cultural Heritage protection of sites, access prevention and illegal dumping minimisation on Darkinjung lands.

The staff have worked extensively to ensure that Aboriginal Cultural Heritage protection is at the forefront of our operations and that any proposed future development sites on the Central Coast are assessed and scrutinised prior to approvals been given. We have also developed tools, resources and strategies to better inform our cultural decision making and cultural knowledge of the Central Coast.



We are in the early stages of developing a cultural landscape map to assist in the planning process with Wyong and Gosford Councils. The land management operations of Darkinjung are extensive and cover a broad range of activities. At present the team are working on illegal dumping minimisation and access prevention. During the past twelve months we have been working with a company to develop an improved gate locking mechanism, improved camera monitoring system and improved bollard and cable fencing systems.

The importance of this work is to first and foremost reduce and monitor access and secondly, to obtain illegal dumping funds to clean up building materials wastes from our properties. This work is done in partnership with WSC, local Police, Rural Fire Service and other organisations requiring access.

The team responsible for the management of Darkinjung lands and Cultural Heritage sites are;

- Suzanne Naden - Operations Manager
- Sharon Hodgetts - Project Officer, Cultural Heritage
- Andrew Smeaton - Project Officer, Land and Assets
- Amy Parry - Project Officer Operations

We have developed an Asset Management System (computer program) that allows us to access all historical documents, reports and the Aboriginal Heritage Information Management System (AHIMS).

This information and knowledge better positions us to challenge both large and small scale developments that seek to impede or destroy Aboriginal cultural heritage sites. Furthermore it allows us to develop high level reports that strengthen our position, especially when Aboriginal cultural heritage protection is being challenged by developers through the Land and Environment Court (LEC). To date we have formerly objected to five developments (large and small) that have sought to destroy cultural sites of significance and have been successful on all occasions. In saying this, there will be times when we will need the backing of our members and community to challenge large scale developments such as the Calga Sand Quarry Southern Extension etc.

**Sean Gordon**  
Chief Executive Officer

## Land Management



In addition to the developments, we have also included in this newsletter an update on all land management matters relating to maintenance, monitoring, access prevention and illegal dumping minimisation on Darkinjung lands. All properties are regularly assessed for monitor and maintenance works.

Darkinjung has focused on maintaining and monitoring properties located in the Wyong Shire Council area that reflect the Lake Macquarie and Wyong Bush Fire Risk Management Plan.

Deterrence Works –  
fencing and concrete blocks

35 AUG 2011

Darkinjung  
Aboriginal Corporation



Darkinjung is obligated under the Risk Management Plan to address the land management issues noted on the plan within a 3 year period. (12 months for extreme or high risk).

Eighteen (18) Darkinjung properties were listed in the Risk Management Plan. With 6 properties listed as Extreme and High Risk.

To date we have successfully addressed the 18 priorities and we started with deterrence works at most of the properties that are accessible. Partnerships were established with Rural Fire Service, Wyong Shire Council, Crown Lands and other agencies to address the priorities.

The land management operations of Darkinjung are extensive and cover a broad range of activities. At present the team are working on illegal dumping minimisation and illegal access prevention. Much of the work is focused on access prevention which covers gates, fencing, monitoring and prevention. During the past twelve months we have been working with a company to develop an improved gate locking mechanism, improved camera monitoring system and improved bollard and cable fencing systems.

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#### Culture and Heritage Protection - Development Applications

The staff has worked extensively to ensure that Aboriginal cultural heritage protection is at the forefront of our operations and that any proposed future development sites on the Central Coast is assessed and scrutinised prior to any approvals been given. Further to this we have developed tools, resources and strategies to better inform our cultural decision making and cultural knowledge of the Central Coast.



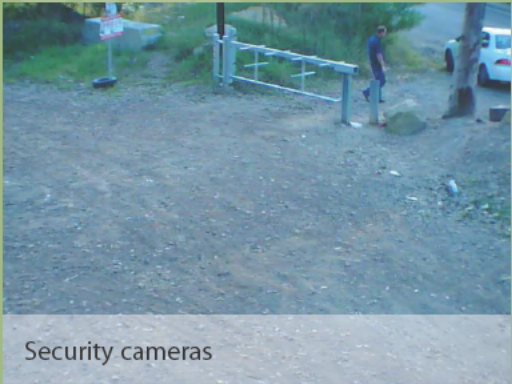


We are in the early stages of developing a cultural landscape map to assist in the planning process with both Wyong and Gosford Councils.

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# NAIDOC Week 2012



## ACE Family Day



The ACE Committee (Darkinjung, Bungree and Eleanor Duncan) host the NAIDOC event celebrations annually.

This years celebrations involved a Netball and Touch Football Tournament. The Grand Final was again conquered by the Bensoc All Stars 2, winning for the second year running and the runners up (but not by far) were the Wollotuketts. The Touch football winners were Koori Connect and again for a tight win over the Bungree Dolphins.

The ACE Family Day was a great day again this year with the rain holding off. it also consisted of rides including the Tea Cup, Fun House, Surfs Up, Crazy Maze and the Sizzler as well as Fairy Floss, Snow Cones, Shazza the Clown and Balloon Maker entertaining

crowds. A big congratulations to Kerri Cook who was the first prize winner in the raffle, Kerri won the TV donated by Crowne Plaza Terrigal.

Thankyou to all the volunteers and helpers who made the day such a great event, as well as our sponsors Bendigo Bank, Darkinjung, Bungree, Eleanor Duncan, ADW Johnson, Wallarah 2, Advanced Design, Tony Simpson, Steve Sydenham and Garaty Murnane.

## ACE Family Golf Day

The Family Golf Day was hosted at Wyong Golf Club and there were over 80 participants from the community which was a huge boost of numbers from last year. It seems this event is only going to get bigger and better every year. The day started drizzly and a little cold but that didn't stop participants eagerly ready for the tee off at 8am and the light rain during the day didn't put the group off either. Lunch was also provided from the Golf Club followed by the presentation.

There were prizes for Longest Drive and nearest to pins and major prizes for the winners from the day which were team Wesson's. The major prize winner of the Rip Curl Watch from the raffle was Jodie Green. Congratulations to all winners on the day.

## ACE Elders High Tea

The ACE Committee hosted a High Tea at Crowne Plaza Terrigal for the Elders of the community. The Elders were treated to a fantastic range of refreshments which included pastries, sandwiches and tea. The event was a hit with a great turn out and excellent weather overlooking the water of Terrigal beach.





# Masquerade Ball 2012

On the 23rd June 2012 the Ace Committee held a Masquerade Ball at Terrigal Crowne Plaza. The event drew in over 200 people from the broader community who had an amazing time and looked spectacular in their elegant dresses and smart suits, not to mention the creative masks worn by all. Prizes were awarded for Best Dressed, Best Mask and Lucky Door prizes. Once again the ACE Committee thanks all the sponsors for their contribution which allowed for affordable tickets. A great night was had by all and feedback was positive, with many community members looking forward to the next event. The ACE Committee looks forward to any ideas for possible 2013 events.





# CONGRATULATIONS



Darkinjung would like to congratulate  
Cara Lake and Jeffrey Amatto on the  
birth of their beautiful little girl  
— Kaesha Maree Amatto —

## DLALC Office Staff:

**Chief Executive Officer:**

Sean Gordon

**Operations Manager:**

Suzanne Naden

**Executive Assistant:**

Jodi Shannon

**Finance Officer:**

Rebecca Richardson

**Project Officer:**

Amy Parry

**Project Officer Land & Assets :**

Andrew Smeaton

**Project Officer Culture & Heritage:**

Sharon Hodgetts

**Receptionist:**

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