



City of Ipswich

**IPSWICH
CITY
COUNCIL**

AGENDA

of the

ENVIRONMENT AND SUSTAINABILITY COMMITTEE

**Held in the Council Chambers
2nd floor – Council Administration Building
45 Roderick Street
IPSWICH QLD 4305**

**On Thursday, 13 May 2021
At 10 minutes after the conclusion of the Economic and Industry Development
Committee**

MEMBERS OF THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE

Councillor Russell Milligan (**Chairperson**)
Councillor Andrew Fechner
(Deputy Chairperson)

Mayor Teresa Harding
Councillor Jacob Madsen
Councillor Kate Kunzelmann

ENVIRONMENT AND SUSTAINABILITY COMMITTEE AGENDA

*10 minutes after the conclusion of the Economic and Industry
Development Committee on **Thursday, 13 May 2021***
Council Chambers

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** Item includes confidential papers

ENVIRONMENT AND SUSTAINABILITY COMMITTEE NO. 4

13 MAY 2021

AGENDA

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

BUSINESS OUTSTANDING

CONFIRMATION OF MINUTES

1. **REPORT - ENVIRONMENT AND SUSTAINABILITY COMMITTEE NO. 2021(03) OF 15 APRIL 2021**

RECOMMENDATION

That the report of the Environment and Sustainability Committee No. 2021(03) of 15 April 2021 be received and noted.

OFFICERS' REPORTS

2. **TRADITIONAL LAND ACCESS POLICY - REVEIW**

This is a report concerning the revised Traditional Land Access Policy.

RECOMMENDATION

That Council endorse the revised version of the Traditional Land Access Policy (TLAP), as detailed in Attachment 1 to this report.

NOTICES OF MOTION

MATTERS ARISING

ENVIRONMENT AND SUSTAINABILITY COMMITTEE NO. 2021(03)

15 APRIL 2021

REPORT

COUNCILLORS' ATTENDANCE: Councillor Russell Milligan (Chairperson); Mayor Teresa Harding, Councillors Andrew Fechner (Deputy Chairperson), Jacob Madsen and Kate Kunzelmann

COUNCILLOR'S APOLOGIES: Nil

OFFICERS' ATTENDANCE: Acting Chief Executive Officer (Sonia Cooper), Acting General Manager Infrastructure and Environment (Sean Madigan), General Manager Planning and Regulatory Services (Peter Tabulo), General Manager Community, Cultural and Economic Development (Ben Pole), Acting General Manager Corporate Services (Jeff Keech), Manager Environment and Sustainability (Kaye Cavanagh), Communications, Engagement and Events Manager (Karyn Sutton), Executive Services Manager (Wade Wilson), Media and Communications Manager (Darrell Giles) and Theatre Technician (Ben Harth)

DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

Nil

BUSINESS OUTSTANDING

Nil

CONFIRMATION OF MINUTES

1. **REPORT - ENVIRONMENT AND SUSTAINABILITY COMMITTEE NO. 2021(02) OF 11 MARCH 2021**

This is the report of the Environment and Sustainability Committee No. 2021(02) of 11 March 2021.

RECOMMENDATION

Moved by Councillor Andrew Fechner:
Seconded by Mayor Teresa Harding:

That the report of the Environment and Sustainability Committee No. 2021(02) of 11 March 2021 be received and noted.

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Milligan	Nil
Fechner	
Harding	
Madsen	
Kunzelmann	

The motion was put and carried.

OFFICER'S REPORT

2. **LITTLE LIVERPOOL RANGE INITIATIVE UPDATE**

This report is regarding Council's continued support and partnership with the Turner Family Foundation and Queensland Trust for Nature for the Little Liverpool Range Initiative.

RECOMMENDATION

Moved by Councillor Andrew Fechner:
Seconded by Councillor Kate Kunzelmann:

- A. That Council extend the partnership with the Turner Family Foundation and Queensland Trust for Nature in the Little Liverpool Range Initiative for an additional 12 months.**
- B. That Council contribute a further \$14,800 in the 2021-2022 budget towards co-funding the continued employment of the Little Liverpool Range Initiative Project Officer.**

AFFIRMATIVE	NEGATIVE
Councillors:	Councillors:
Milligan	Nil
Fechner	
Harding	
Madsen	
Kunzelmann	

The motion was put and carried.

NOTICES OF MOTION

Nil

MATTERS ARISING

Nil

PROCEDURAL MOTIONS AND FORMAL MATTERS

The meeting commenced at 1.52 pm.

The meeting closed at 1.56 pm.

Doc ID No: A7206678

ITEM: 2
SUBJECT: TRADITIONAL LAND ACCESS POLICY - REVEIW
AUTHOR: NATIVE TITLE AND CULTURAL HERITAGE OFFICER
DATE: 20 APRIL 2021

EXECUTIVE SUMMARY

This is a report concerning the revised Traditional Land Access Policy.

RECOMMENDATION

That Council endorse the revised version of the Traditional Land Access Policy (TLAP), as detailed in Attachment 1 to this report.

RELATED PARTIES

- Ipswich City Council
- Yuggera Ugarapul People Native Title Party (YUP)

ADVANCE IPSWICH THEME

Caring for the community

PURPOSE OF REPORT/BACKGROUND

Council continue to receive requests by persons who identify as Traditional Owner for access to locations that are of Cultural Significance to undertake cultural practices.

The TLAP was first endorsed in 2017 to enable the Traditional Owners of Ipswich access to certain land under Council's control or ownership, for the purpose of enabling the exercise of traditional land use activities in some pre-approved locations.

A review and update of the TLAP was required due to changes in associated legislation and policy including the recently endorsed Human Rights Procedure, the subsequent Human Rights Impact Assessment Checklist and the adoption of the Ipswich City Council Indigenous ACCORD 2020 – 2025.

LEGAL/POLICY BASIS

This report and its recommendations are consistent with the following legislative provisions:

- *Subordinate Local Law 7.1 (Local Government Controlled Areas and Roads)*
- *Native Title Act, 1993*

- *The Burra Charter: The Australia ICOMOS Charter of Places of Cultural Significance, 1999*
- *Signing of United Nations Declaration on the Rights of Indigenous Peoples (3 April 2009)*
- *International Covenant on Economic, Social and Cultural Rights (10 December 1975)*
- *Queensland Human Rights Act, 2019 – Ss 27 & 28*
- *Fire & Rescue Services Act, 1990*
- *Ipswich City Council ACCORD 2020 – 2025*

RISK MANAGEMENT IMPLICATIONS

The primary risk to council associated with not approving the recommendation and adopting the updated TLP concerns the potential for a real or perceived breach of the above cited legislation. Further, not having contemporary and relevant policy makes dealing with potential socially and legally contentious issues difficult and confusing and there is associated reputational risk and eroded trust with members of the community associated with losing currency in such an important field.

A secondary risk associated with not approving the recommendation is the potential for the occurrence of unregulated and/or unmonitored activities occurring on Council land (owned or managed).

FINANCIAL/RESOURCE IMPLICATIONS

There are no known financial and/or resource implications

COMMUNITY AND OTHER CONSULTATION

No community consultation was required for this report.

Relevant internal and external consultation was undertaken during the drafting of the original TLAP including within the Infrastructure and Environment Department and Community, Cultural and Economic Development Department.



CONCLUSION

Council continue to receive requests by persons who identify as Traditional Owner for access to locations that are of Cultural Significance to undertake cultural practices, as such the requirement for a relevant and active land access policy remains.

The existing TLAP requires updating in order to align with corresponding or influencing policy and legislation and to allow a mechanism for regulating and monitoring the requests for access to Council land (owned or managed) for the purpose of undertaking Cultural practices.

The recommended changes focus upon the removal to references to the ILUA and the referencing of a broader and more contemporary list of relevant legislation.

ATTACHMENTS AND CONFIDENTIAL BACKGROUND PAPERS

1.	Traditional Land Access Policy - Reviewed ↓ 
2.	Existing Traditional Land Access Policy Feb 2017 ↓ 

Tina Longford

NATIVE TITLE AND CULTURAL HERITAGE OFFICER

I concur with the recommendations contained in this report.

Phil A. Smith

NATURAL ENVIRONMENT AND LAND MANAGER

I concur with the recommendations contained in this report.

Kaye Cavanagh

MANAGER, ENVIRONMENT AND SUSTAINABILITY

I concur with the recommendations contained in this report.

Sean Madigan

ACTING GENERAL MANAGER - INFRASTRUCTURE AND ENVIRONMENT

“Together, we proudly enhance the quality of life for our community”



IPSWICH CITY COUNCIL
Traditional Land Access Strategic Policy

Version Control and Objective ID	Version No:	Objective ID:
Approved by Council on		
Date of Review		

1. Statement

Council has committed to uphold the aspirations of the *Ipswich City Council Indigenous Accord 2020 – 2025* by assisting the Traditional Owners to continue undertaking their cultural practices.

2. Purpose and Principles

The objective of this policy is to fulfil Councils commitment to the ACCORD by assisting the Traditional Owners continue undertaking their cultural practices through right of access to Reserves and Estates that are under Council’s control.

3. Strategic Plan Links

This policy supports the iFuture - Ipswich City Council’s Corporate Plan 2021 – 2026 theme ‘*Natural and Sustainable*’ outcomes and aligns with related goals, strategies and actions.

Associated documents include:

- *Ipswich City Council Indigenous Accord 2020 - 2025*
- *Indigenous Australian Social Justice Accord Policy*

4. Regulatory Authority

- *Local Law No.18 (Control of Nuisances)*
- *Fire & Rescue Services Act 1990*
- *ACCORD Theme 2 – Traditional Owners*
- *Native Title Act, 1993*
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 1999*
- *Signing of united Nations Declaration on the Rights of Indigenous Peoples (3 April 2009)*
- *International Covenant on Economic, Social and Cultural Rights (10 December 1975)*
- *Section 27 & 28 of the Queensland Human Rights Act, 2019*

IPSWICH CITY COUNCIL | Name of Policy

5. Scope

Council will allow access to certain land which is open space under the Local Government's ownership or control (including certain Freehold Land), for the purpose of enabling the exercise by the Yagara Language Group of some traditional land use activities.

Pre-approved Locations

Saplings Pocket, Kholo Bridge Reserve, Flinders Goolman Conservation Estate, Grandchester Reserve, Cameron's Scrub Reserve, Woolshed Creek Reserve, White Rock – Spring Mountain Conservation Estate, Camira Bora Grounds & Redbank Rifle Range

Kupmurri (fire related activity):- approved for Flinders-Goolman Conservation Estate (*Harding's Paddock*) and Saplings Pocket only.

6. Roles and Responsibilities

<i>Role</i>	<i>Responsibility</i>
INTERNAL	
Infrastructure & Environment	
General Manager Infrastructure & Environment	Ensures Traditional Land Access Policy is implemented and done correctly
Manager Environment and Sustainability	Ensures the policy is reviewed and the monitoring and evaluation is completed
Native Title & Cultural Heritage Officer	Table Traditional Land Access Reports at Traditional Owner Reference Group Meetings. Provide annual reports to Manager Environment & Sustainability
Business Improvement Facilitator (IE Department)	Ensure reporting systems pertaining to Traditional Land Access are generated and active.
Corporate Services	
Manager Information, Communication and Technology	Ensure online booking system is functioning
EXTERNAL	
Traditional Owner Reference Group	Provide feedback on effectiveness of implementation of the Policy at Traditional Owner Reference Group

IPSWICH CITY COUNCIL | Name of Policy

	meetings Platform for any proposed updates and/or amendments
Ipswich City Council Indigenous Accord working group	Platform for any proposed updates and/or amendments

7. Monitoring and Evaluation

The following measures will determine the success and effectiveness of the policy:

- Data contained in the 'Traditional Owner Land Access Report' generated quarterly.
- Reduction in complaints received from Traditional Owners about access
- Feedback received at 'Traditional Owner Reference Group' meetings

8. Definitions


Cultural Practices

- i) Hunting/Food Resources- (witchetty grubs & vegetation)
- ii) Harvesting- (leaves, branches, bark, stone sources & ochre) for basket weaving, didgeridoo, coolamon, stone tools, painting practices and traditional dancing.
- iii) Men's business -(may require fire for Kupmurri)
- iv) Women's business -(may require fire for Kupmurri)
- v) Yarning circle – place to share knowledge, culture and stories
- vi) Education – passing on traditional knowledge and practices

Kupmurri – traditional underground oven/method of cooking

9. Policy Owner

The Native Title & Cultural Heritage Officer is responsible for authoring, maintaining and reviewing this policy.

	<p>Traditional Land Access Policy</p>	<p>Document No: A4050371</p>
<p>1.1 Objectives: The objective of this policy is to fulfil Councils contractual obligations under the ILUA by assisting the Traditional Owners continue undertaking their <i>cultural practices</i> through right of access to <i>Reserves</i> and <i>Estates</i> that are under Council’s control.</p>		
<p>1.2 Regulatory Authority:</p> <ul style="list-style-type: none"> • Local Law No.18 (<i>Control of Nuisances</i>) • Fire & Rescue Services Act 1990 • ILUA Section 55.6 (b) 		
<p>1.3 Policy Statement: Council has committed to uphold the aspirations of the ILUA by assisting the Traditional Owners to continue undertaking their <i>cultural practices</i>.</p>		
<p>1.4 Scope: Council will allow access to certain land which is open space under the Local Government’s ownership or control (including certain Freehold Land), for the purpose of enabling the exercise by the Jagera, Yuggera and Ugarapul People of some traditional land use activities.</p>		
<p>1.5 Definitions:</p> <p><i>Cultural Practices</i></p> <ol style="list-style-type: none"> i) Hunting/Food Resources- (witchetty grubs & vegetation) ii) Harvesting- (leaves, branches, bark, stone sources & ochre) for basket weaving, didgeridoo, coolamon, stone tools, painting practices and traditional dancing. iii) Men’s business -(may require fire for <i>Kupmurri</i>) iv) Women’s business -(may require fire for <i>Kupmurri</i>) v) Yarning circle – place to share knowledge, culture and stories vi) Education – passing on traditional knowledge and practices <p><i>Kupmurri</i> – traditional underground oven/method of cooking</p>		
<p>1.6 Pre-approved Locations</p> <p>Saplings Pocket, Kholo Bridge Reserve, Flinders Goolman Conservation Estate, Grandchester Reserve, Cameron’s Scrub Reserve, Woolshed Creek Reserve, White Rock – Spring Mountain Conservation Estate, Camira Bora Grounds & Redbank Rifle Range</p> <p>Kupmurri (fire related activity):- approved for Flinders-Goolman Conservation Estate (<i>Harding’s Paddock</i>) and Saplings Pocket only.</p>		
<p>1.7 Policy Author: ILUA Partnership Coordinator</p>		
<p>Date of Review: 26 July 2018 Date of Council Resolution: 28 February 2017 Committee Reference and Date: Policy and Administration Board No. 2017(01) of 14 February 2017 No. of Resolution: 7 Date to be Reviewed: 26 July 2020</p>		