



**NSW NATIONAL PARKS & WILDLIFE SERVICE**

# **Wollumbin Aboriginal Place Management Plan**

**Tweed Caldera**







# Acknowledgement

We wish to acknowledge the Traditional Custodians who are the custodians of the lands within which Wollumbin is located and pay respect to Elders, past, present, and future.

This management plan is compiled with respect to Aboriginal cultural heritage and connection to Country and the importance of caring for Country.



# Statements of special significance

## Elder statement

### **Uncle John Roberts:**

The Mountain was, and still is, a place of the highest significance to the Bundjalung people before white settlement and it should be protected under traditional law and custom by the tribes of the Bundjalung people and associated Aboriginal nations.

## Wollumbin Consultative Group statement

Wollumbin is considered to be of the highest significance to the Aboriginal nations, particularly the Bundjalung nation in northern NSW, as a sacred ceremonial and cultural complex that is linked to traditional law and custom. This complex is interconnected to a broader cultural and spiritual landscape that includes Creation, Dreaming stories and men's initiation rites, of deep antiquity. Connections of Aboriginal nations to Country which continue to live on.

The rich oral traditions relating to Wollumbin reflect the complexity of Aboriginal culture and traditions. Bundjalung beliefs illustrate the spiritual values embodied and evoked in Wollumbin and its connections to a broader cultural landscape. These connections are important to the spiritual identity of the Bundjalung nation, many other nations and families connected to Wollumbin Mountain, predominantly men and also women. Women's places in its surrounds are interconnected to the mountain. The relationship between men's and women's business is based on a reciprocal relationship in supporting each other's cultural responsibilities to the surrounding cultural landscapes and sacred connections to the Mountain.

The spiritual values are also inextricably linked to the natural and aesthetic values of the cultural landscape, which are recognised as having national and international significance and are listed on the UNESCO World Heritage List as part of the Gondwana Rainforests of Australia.

We have a responsibility for caring for Country, our environment, plants, animals, water, earth, and sky. This management plan has been developed as part of our cultural obligation and responsibility. As the oldest living culture in the world, we are sharing our cultural knowledge and entrusting this knowledge with the broader community so that our values, tradition, and law are respected, understood and acknowledged.

### **Wollumbin Consultative Group, 2021**

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# Glossary

Term	Description
Aboriginal object	A term used in the NPW Act legislation, meaning: ‘... any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains’ (s.5 NPW Act).
Aboriginal party	An individual or party who registers for Aboriginal consultation as part of the consultation and notification process following <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> (NSW DECCW 2010a). Also known as Registered Aboriginal party (RAP).
AECG	Aboriginal Education Consultative Group Inc.
AHIP	An Aboriginal Heritage Impact Permit, which is a document provided by Department of Planning and Environment which consents to certain activities which constitute ‘harm’ to Aboriginal objects or Aboriginal Places under Part of the NPW Act. A proponent must prepare an application for an AHIP and other relevant documentation (including an ACHA) to obtain an AHIP from the Department of Planning and Environment.
Declared Aboriginal Place	A term used in the <i>National Parks and Wildlife Act 1974</i> (the Act) meaning any place declared by the Minister under s.84 of the Act to be an Aboriginal Place by order published in the NSW Government Gazette; because the Minister is of the opinion the place is or was of special significance with respect to Aboriginal culture. It may or may not contain Aboriginal objects. The Wollumbin AP is shown on Figure 1.
Desecration	A term used in s.86(4) of the Act to describe an offence and penalty units for individuals and corporations who harm or desecrate an Aboriginal Place.
Harm	A term used in the Act meaning ‘... any act or omission that destroys, defaces, damages an object or place or, in relation to an object – moves the object from the land on which it had been situated’ (s.5 Act).
Project area	Area proposed to be impacted as part of a specified activity or development proposal. These activities include indirect impact.
Place	An area of cultural value to Aboriginal people in the area (whether or not it is an Aboriginal Place declared under s.84 of the Act).
Proponent	A person proposing an activity that may harm Aboriginal objects or declared Aboriginal Places and who may apply for an AHIP under the Act.



Term	Description
Section 161 notice	Section 161 of the Act 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.
Wollumbin Aboriginal stakeholders	Aboriginal people from the Bundjalung and associated Aboriginal nations with cultural connection to Wollumbin who are represented by the Wollumbin Consultative Group.
Wollumbin Consultative Group (WCG)	A formal group who represents Aboriginal peoples' interests in managing Wollumbin Mountain's cultural values with the NSW National Parks and Wildlife Service (NPWS). The WCG has operated since June 2001 with representation guided by tribal Elders. The WCG Consultation Guidelines provides for representatives from the Tweed Byron Local Aboriginal Land Council; the Bundjalung Council of Elders; adjacent native title claimants, the Githabul Peoples, Widjabul People and Byron Bay Bundjalung People; family groups with knowledge and links to Wollumbin; the Tweed Shire Aboriginal Advisory Committee; Heritage NSW and North Coast Branch, NPWS.
Wollumbin Mountain (the Mountain)	Terms used in this document to refer to the whole of the mountain's topographical features recognised to have significant Aboriginal values by the Wollumbin Aboriginal stakeholders.
Wollumbin parks	The broader cultural landscape around Wollumbin and within the Gondwana Rainforests of Australia World and National Heritage listing. The Aboriginal Place Management Plan (APMP) only refers to Wollumbin AP boundary.





# Executive summary

This plan has been developed in consultation with Aboriginal stakeholders through the Wollumbin Consultative Group (WCG) and NSW National Parks and Wildlife Service (NPWS). Further consultation was also undertaken with the broader Aboriginal community and Registered Aboriginal Parties.

The purpose of this management plan is to:

- ensure the cultural values of Wollumbin Aboriginal Place (Wollumbin AP) are recognised in regulatory and planning processes
- promote the long-term protection of the cultural values of Wollumbin AP
- enable the Wollumbin Aboriginal stakeholders to manage, through the WCG, the cultural values of Wollumbin AP, a place that holds special significance for them
- enable the WCG to discuss issues and reach agreements with NPWS about site protection
- improve regulatory and management outcomes for the Wollumbin Aboriginal stakeholders with regards to Wollumbin AP
- clarify management roles and better allocation of resources, leading to more effective management and conservation outcomes
- support more effective risk management through considering hazards in advance
- identify opportunities for this management plan to be used to apply for funding opportunities for projects or tasks from private and government sources
- provide opportunities for the community to engage in conservation, and site protection and management, including through intergenerational transfer of culture and economic opportunities where appropriate.

The management plan identifies and describes the tangible and intangible values of Wollumbin AP through consultation with Aboriginal stakeholders including social/cultural values, spiritual values, historic values, scientific/archaeological values and aesthetic values, which are inextricably linked. Wollumbin is considered to be a highly sacred site and is part of a broader cultural landscape where all elements are considered important to the whole.

The management plan also identifies the management goals of the WCG including their aspiration for closure of Wollumbin summit and the summit track.

Hazards (for example, cultural safety) are identified within this document and management strategies are developed to mitigate risks and harm to the cultural values of Wollumbin AP, this includes setting out management roles and responsibilities as well as the allocation of resources.



Rainforest beetle

The following general statement of management and management goals were identified through consultation with WCG and NSW NPWS and include:

1. The WCG have a cultural obligation and responsibility to uphold their cultural law and protect the cultural values of Wollumbin AP, as well as the broader community through respecting cultural safety. This is their first priority for management of Wollumbin AP.
2. NPWS have a legislative responsibility to protect the cultural values of Wollumbin AP.
3. The management of the cultural values of Wollumbin AP is integral to cultural safety, public safety and environmental protection.
4. Wollumbin AP exists in a significant cultural landscape, which also has spiritual, historic, scientific and aesthetic values, and includes the sites and places connected to Wollumbin AP. The preparation of this management plan provides an opportunity to open discussions with surrounding landholders regarding these values.
  - a. The WCG, NPWS and Heritage NSW should develop a strategy for engagement of surrounding landholders for awareness and access opportunities, if required.
  - b. The WCG will determine the level of information, which is provided to landholders, but may consider identifying indicative locations of known sites and places, where culturally appropriate, to assist landholders in protecting/avoiding these places and allowing access to the broader Aboriginal community for cultural activities.
5. The WCG will determine the level of information about Wollumbin AP that is made available.
  - a. Culturally sensitive stories and cultural knowledge will not be shared with the public through interpretive signage, community education/awareness activities or in this management plan.
  - b. Information gathered by Heritage NSW and Virtus Heritage will be respected and protected. Any public version of this management plan will not include restricted information.
  - c. Any signage that is installed at Wollumbin AP will be developed in consultation with WCG.
  - d. Any media release or other publication about the Wollumbin AP will be developed in consultation with the WCG.
  - e. Alternative visitor experiences and opportunities in Wollumbin NP will be developed in consultation with the WCG.
6. Access to Wollumbin AP must be restricted and managed.
  - a. The WCG are culturally responsible for the cultural health and cultural safety of Wollumbin AP and anyone accessing Wollumbin Mountain. WCG must be consulted regarding all access restrictions and permissions.
  - b. Public access is not culturally appropriate or culturally safe, Wollumbin AP should not be a recreational space for the public to visit or use for tourism (including use of the image of Wollumbin



Unfurling fern

AP for advertising purposes) or any other purpose. Closure of the Wollumbin AP is sought immediately by the WCG's Wollumbin Aboriginal stakeholders.

- c. Access to Wollumbin AP for management purposes must be based on cultural guidance from WCG.
  - d. Access to Wollumbin AP for scientific purposes must be based on cultural guidance from the WCG and be done on a case-by-case basis.
  - e. Access to Wollumbin AP for cultural practices must be guided by the WCG's internal consultation processes.
7. An AHIP should be sought for ground-disturbing works associated with maintenance and management activities within the Wollumbin AP.
    - a. All existing infrastructure should be removed with the minimal amount of impact.
    - b. The WCG should be involved in the removal of infrastructure and other field-based management strategies, including weed control, erosion control etc.
  8. The natural values of Wollumbin AP and the locality, including views and vistas from Wollumbin AP, are intricately connected to the cultural values of Wollumbin AP therefore:
    - a. management options for natural resources, views and vistas should be explored, including a strategy for engaging with local and state governments regarding development, planning, and mining interests in the cultural landscape around the AP
    - b. the natural features of Wollumbin AP must be managed and maintained including protection of water resources, geological resources, flora and fauna.
  9. The WCG and NPWS Agreed Consultation Guidelines will continue to be implemented with the Wollumbin Aboriginal stakeholders and NPWS and a future Memorandum of Understanding will be developed in consultation with the WCG and may extend to other Aboriginal community groups and stakeholders, as determined by the WCG.
  10. The WCG recommend further cultural assessment toward a declaration and re-gazettal of all the Wollumbin National Park as an Aboriginal Place due to the multitude of Aboriginal sites and the high cultural significance of all of the area within the reserve.
  11. This management plan should be an effective and useful document, therefore:
    - a. management protocols need to be simple and practical
    - b. the management plan should be a working document to which additions can be made
    - c. any additions must enhance the protection for Wollumbin AP, not detract from it
    - d. the WCG and NPWS will facilitate the implementation of the management plan and consider future issues.





# 1 Wollumbin – about the plan

Virtus Heritage were engaged by NSW National Parks and Wildlife Service (NPWS) to prepare a management plan for Wollumbin Aboriginal Place (Wollumbin AP), which forms part of the ancient Wollumbin shield volcano in far northern NSW, located in the Traditional Lands of the Bundjalung and Githabul nations.

The Aboriginal stakeholders for Wollumbin AP are listed in Table 2 (and hereafter referred to as the Wollumbin Aboriginal stakeholders). Wollumbin AP is located within Wollumbin National Park and is managed by NPWS in accordance with the *National Parks and Wildlife Act 1974* (refer to Section 2.1 and Figure 2).

This plan has been developed in consultation with:

- the Wollumbin Consultative Group (WCG)
- NSW National Parks and Wildlife Service (NPWS).

In 2000, the WCG was formed as a mechanism for NPWS to engage with Aboriginal custodians who can speak on the cultural values of the Mountain. In 2001, the Bundjalung Council of Tribal Elders nominated proxies to represent them in the WCG who have remained largely constant members over the past 20 years. In 2007, the Group established agreed operating guidelines which articulate the constitution and composition of the WCG as follows:

- a representative from the Tweed Byron Local Aboriginal Land Council
- a representative from the Bundjalung Council of Elders
- representatives from adjacent native title claimants including Gold Coast Native Title Group, The Githabul Peoples, Widjabul Aboriginal People and Byron Bay Bundjalung People
- representatives from family groups with knowledge and links to Wollumbin
- a representative from the Tweed Shire Aboriginal Advisory Committee
- a representative from Cultural Heritage Division of DECC (now Heritage NSW)
- representatives from Northern Rivers Region, NPWS (now North Coast Branch, NPWS, DPE).

In July 2019, these guidelines were reviewed by the group to include a process for Aboriginal community members to request inclusion on the group.

Further consultation with the broader Aboriginal community and Registered Aboriginal Parties was undertaken as is outlined in Section 2.2.

This plan has been developed to meet the requirements of the *Declared Aboriginal Places Guidelines for Developing Management Plans* (OEH 2017), and the *Aboriginal Places Policy* (OEH 2011).



Golden curtain crust

The purpose of this management plan is to:

- ensure the cultural values of Wollumbin AP are recognised in regulatory and planning processes
- promote the long-term protection of the cultural values of Wollumbin AP
- enable the Wollumbin Aboriginal stakeholders to manage, through the WCG, the cultural values of Wollumbin AP, a place that holds special significance for them
- enable the WCG to discuss issues and reach agreements with NPWS about site protection
- improve regulatory and management outcomes for the Wollumbin Aboriginal stakeholders with regards to Wollumbin AP
- clarify management roles and better allocation of resources, leading to more effective management and conservation outcomes
- support more effective risk management through considering hazards in advance
- identify opportunities for this management plan to be used to apply for funding opportunities for projects or tasks from private and government sources
- provide opportunities for the community to engage in conservation, and site protection and management, including through intergenerational transfer of culture and economic opportunities where appropriate.

The management plan will achieve these aims by:

- identifying the cultural values of Wollumbin AP with the Wollumbin Aboriginal stakeholders
- identifying the management goals of the Wollumbin Aboriginal stakeholders, including their aspiration for the closure of Wollumbin summit
- identifying hazards (for example, cultural safety) and developing management strategies; to mitigate risks and harm to the cultural values of Wollumbin AP
- setting out management roles and responsibilities, and allocation of resources
- identifying funding opportunities for management activities from government and/or private sources.





Wompoo fruit-dove

## 1.1 Vision for Wollumbin AP

Wollumbin AP is a sacred place of great spiritual significance to the Bundjalung and Githabul nations with cultural connections to many Aboriginal communities around the country. The sacred connection of Wollumbin AP to Traditional Custodians is unbroken and of deep antiquity. Traditional Custodians and Aboriginal communities associated with Wollumbin AP continue to care and manage Country and their sacred, spiritual sites and places. Wollumbin Mountain was declared an Aboriginal Place above 600 m to the summit by the NSW Government in 2014 to protect these values; and to formally recognise these connections and the significance of this cultural landscape and Mountain as a place of special significance to Aboriginal people.

Since November 2000, NPWS has consulted with the Aboriginal community through the Wollumbin Consultative Group (WCG) regarding cultural matters and management of reserves in the area. The WCG operates within an agreed consultation guideline with Wollumbin Aboriginal stakeholders from Elders tribunals, Tweed Byron Local Aboriginal Land Council, ancestral families and knowledge holders, local Council, Heritage NSW and NPWS.

Over the past 20 years the WCG with NPWS has facilitated the development of significant reports and activities to protect the cultural values of Wollumbin AP. These have included a cultural heritage study, genealogical/historical study, gazettal of Wollumbin National Park and State Conservation Area, declaration of the Wollumbin AP above 600 m on the Mountain and visitor use research reports.

NPWS manages Aboriginal Places according to the National Parks and Wildlife Act and Regulations, policy and guidelines which encourage development of specific Aboriginal Place Management Plans as outlined in (former) Office of Environment and Heritage's *Aboriginal Places Policy* (OEH 2011) and *Aboriginal Places Guidelines for Developing Management Plans* (OEH 2017). These policies and guidelines encourage NPWS to develop an Aboriginal Place Management Plan within 12 months of declaration. This has not occurred to date due to the COVID-19 pandemic and natural disasters, including flooding and bushfires.

In November 2018, WCG members re-stated a long-held Aboriginal community belief that closure of public access to the foot of the Mountain and sacred summit is required, to adhere to their responsibilities under cultural law and for cultural safety; and to respect the cultural and spiritual values of Wollumbin AP. Preparing a management plan for the Wollumbin AP is part of this broader strategy for management of the area's cultural values. It is also the WCG's responsibility to develop a management plan that follows cultural law and cultural safety, to protect not only their families but the broader community.



Leaf litter moss

## 1.2 Requirements for an Aboriginal Cultural Heritage Management Plan

The *Aboriginal Places Policy* (2011a: Sections 5.1 to 5.8) notes that a formal management plan should be developed for declared Aboriginal Places. It is preferable that the formal management plan is prepared prior to gazettal of the Aboriginal Place unless this would unnecessarily delay the assessment process.

The *Aboriginal Places Policy* (OEH 2011: Section 5.4) and the *Declared Aboriginal Places Guidelines for Developing Management Plans* (OEH 2017) indicate that management plans should include the following elements:

- a statement of cultural values of the Aboriginal Place, including whether it is a men's or women's site
- threats to the place, an assessment of risk of harm to the cultural values of the place and ways in which significant threats will be treated
- other uses of the area, i.e., recreational, economic, etc.
- appropriate fire regimes
- activities that may require Aboriginal Heritage Impact Permits issued under Part 6 of the *National Parks and Wildlife Act 1974*
- activities that are considered to be consistent with the cultural values for which the place has been declared, i.e., activities that would generally not require an AHIP issued under Part 6 of the NPW Act
- maps to indicate where activities can take place or cannot take place so there is clear understanding about land use
- the treatment of culturally sensitive information in accordance with a section 161 notice
- ongoing management actions, who is responsible for doing them, and what consultation arrangements are needed
- a process for periodic monitoring and recording of Aboriginal Place site conditions
- funding and resources.

This section identifies the relevant stakeholders and affected parties who will be involved in managing the Aboriginal Place and outlines relevant legislation for managing the Aboriginal Place.



Giant barred frog

## 1.3 Management plan structure

The structure of the management plan is as follows to meet the requirements of *Declared Aboriginal Places Guidelines for Developing Management Plans* (OEH 2017) and is presented in Table 1 below.

**Table 1.** Management plan structure

Section	Contents
Section 2	<ul style="list-style-type: none"> <li>defines the relevant stakeholders and affected parties and their roles/responsibilities</li> <li>identifies land tenure of the place and other uses of the area</li> <li>outlines the relevant legislation and policy frameworks, including joint management frameworks for Aboriginal stakeholder and NPWS consideration</li> </ul>
Section 3	<ul style="list-style-type: none"> <li>identifies the values of the Aboriginal Place and defines gender restrictions</li> </ul>
Section 4	<ul style="list-style-type: none"> <li>presents the general statement of management developed by the Wollumbin Aboriginal stakeholders</li> <li>identifies the Wollumbin Aboriginal stakeholders' management goals</li> <li>identifies the types of activities that may harm the Aboriginal Place and the associated cultural values and whether an AHIP is required for these activities</li> <li>identifies what values, objects and areas must be conserved</li> <li>identifies works and ongoing management activities that are required (including appropriate fire regimes), responsibilities and timeframes for implementation</li> <li>describes how site condition reporting will be managed</li> <li>defines how culturally sensitive information will be treated</li> <li>provides maps to indicate where activities can take place or cannot take place</li> <li>provides a list of contacts that may be useful in the process of managing the Aboriginal Place</li> </ul>
Appendix A	<ul style="list-style-type: none"> <li>provides letters of support</li> </ul>
Appendix B	<ul style="list-style-type: none"> <li>provides a baseline site condition report (note restricted in the public version)</li> </ul>
Appendix C	<ul style="list-style-type: none"> <li>provides a site condition recording form for ongoing site condition reporting</li> </ul>
Appendix D	<ul style="list-style-type: none"> <li>provides stop work protocols and site recording checklist</li> </ul>
Appendix E	<ul style="list-style-type: none"> <li>provides the AHIMS search results and other heritage listings (note AHIMS records are restricted in the public version)</li> </ul>
Appendix F	<ul style="list-style-type: none"> <li>includes plates from the baseline site condition report (note restricted in the public version)</li> </ul>



Turquoise butterfly

## 1.4 Cultural safety and knowing

As requested by the WCG, information regarding cultural practices in Section 3 of this management plan is culturally sensitive and confidential. This information should not be published in any public version of this document.

A management protocol for treatment of culturally sensitive information is presented in Section 4.5.

## 1.5 Project team and acknowledgements

This management plan was prepared in consultation and collaboration with the Wollumbin Consultative Group, and NPWS. The plan was prepared by Virtus Heritage.

The men's restricted appendix was prepared by male representatives of Virtus Heritage and NSW NPWS.

Consultation sessions were undertaken by members of the WCG and NSW NPWS, and Virtus Heritage, and were separated by gender when required.

The original site visit for the Baseline Site Condition Report was undertaken by Virtus Heritage, escorted by a representative of the WCG with NSW NPWS. Mapping was undertaken by Virtus Heritage.

We would like to acknowledge the assistance of the representatives of the WCG and NSW NPWS.



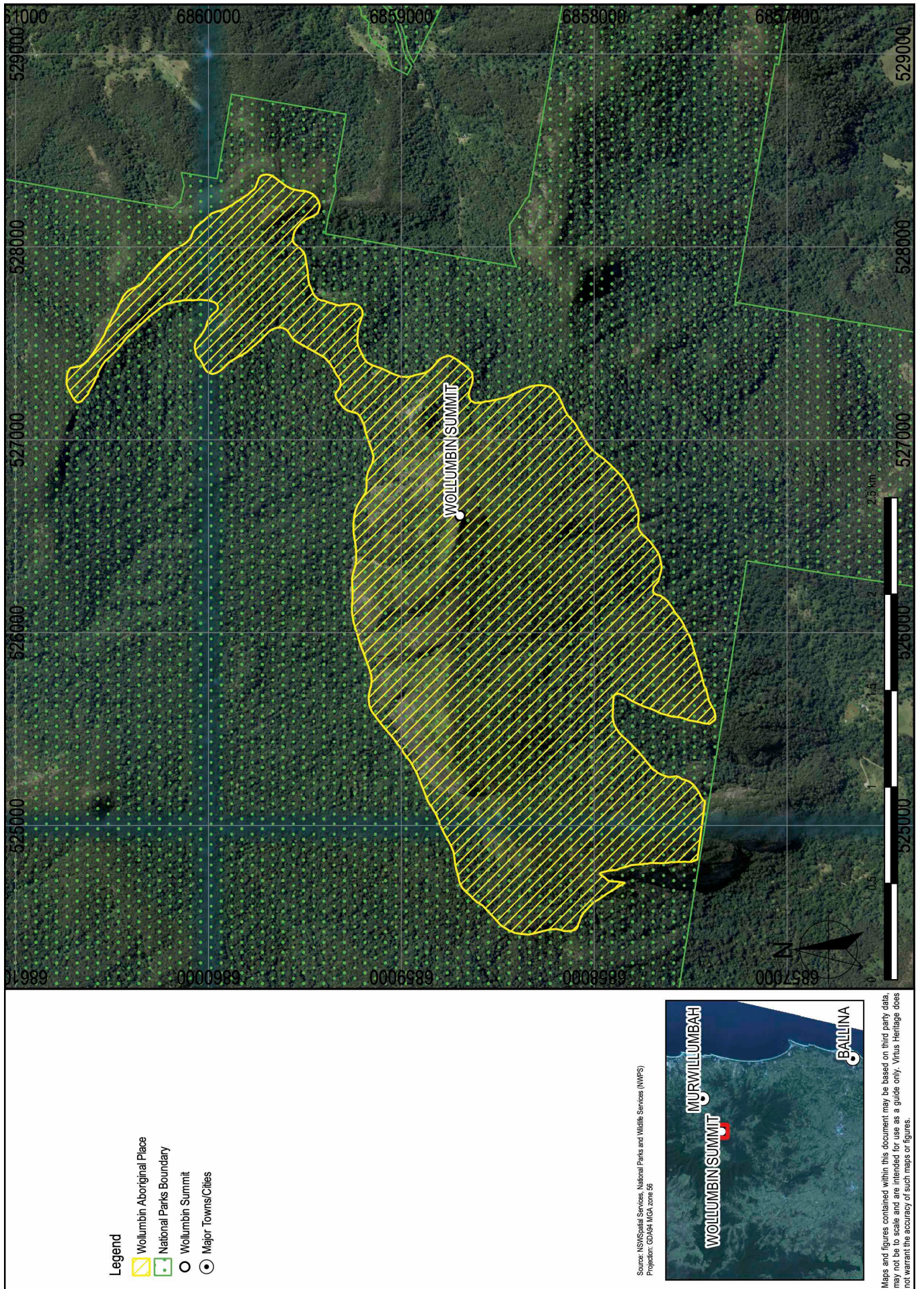
Grey-headed flying-fox

## 1.6 Limitations and use of the management plan

The cultural knowledge and values assessed in the Aboriginal Place Management Plan (APMP) are limited by access, as well as those Aboriginal people represented in the WCG and/or who participated in the project. Consultation for the project with Aboriginal stakeholders was determined by the WCG's Aboriginal stakeholder representatives present at the workshops and who participated in the workshops for the management plan. Cultural mapping and values within this management plan are not definitive and do not map every known Aboriginal site/object/place/value within the Wollumbin AP. The development of this document was guided by the WCG on what is culturally appropriate and safe to publicly discuss.

Searches for Aboriginal heritage within the Wollumbin AP for AHIMS, SHR, AHD, SHI and LEP are only valid from 12 months of the date of the search if being used for due diligence or assessment purposes. These searches require annual updating as part of the review of this document and to comply with the *National Parks and Wildlife Act 1974*, 2010 amendments.

Additionally, it should be noted that as part of the reform process for the NPW Act (which has provided specific protection for Aboriginal objects and declared Aboriginal Places) the NSW Government has proposed a new system for managing and conserving Aboriginal cultural heritage, which will be supported by a new legal framework that respects and conserves Aboriginal cultural heritage in New South Wales. In February 2018, the NSW Government released the draft *Aboriginal Cultural Heritage Bill 2018* for public comment. While the feedback showed there is much support for the reforms, some submissions, including from Aboriginal communities, raised issues that would benefit from further development. To that end, the NSW Office of Environment and Heritage (now Department of Planning and Environment) and Aboriginal Affairs intend to carry out additional targeted consultations to gain feedback to refine the draft Bill. The NSW Government will consider the draft Bill following those consultations. When the reforms process is complete and legislative changes made, this management plan will require a review and update to take these changes into account.



**Figure 1.** Wollumbin Aboriginal Place locality map

## 2 Speaking and responsibilities for Country

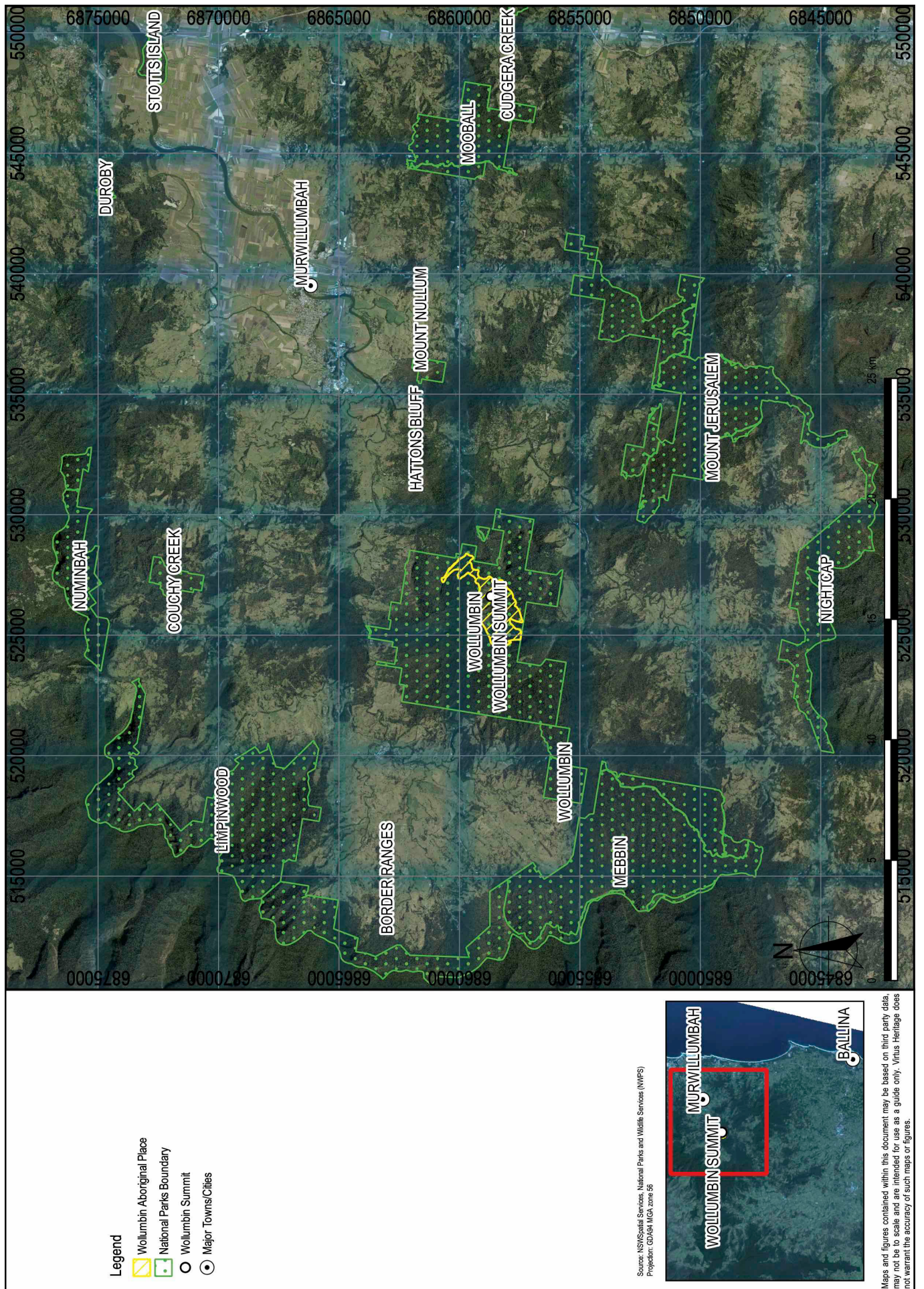
### 2.1 Wollumbin Aboriginal Place key stakeholders

Prior to the development of this management plan, the stakeholders and affected parties involved in the management of the Aboriginal Place were identified in consultation with NPWS, the Aboriginal community and Heritage NSW. The relevant stakeholders and affected parties who will be involved in managing Wollumbin AP and their roles, responsibilities and interests are listed in Table 2 below. All listed contacts were involved in the development of this management plan.

**Table 2.** Wollumbin Aboriginal Place stakeholders and affected parties

Organisation/ individual name	Role/responsibility	Interests
Wollumbin Consultative Group	Wollumbin Aboriginal stakeholders	Protect the cultural values of Wollumbin AP. Cultural responsibility to ensure safety for broader community as well as their families and to maintain cultural law.
Tweed Byron LALC (also part of the WCG)	Wollumbin Aboriginal stakeholder	Land Council's responsibilities as per the ALR Act 1983 are to take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law; and to promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area. Wollumbin AP is within the TBLALC boundary. The TBLALC have a membership of hundreds of Aboriginal families as well as Traditional Custodians within its membership from the Bundjalung nation and with historical connection to the region.
NSW National Parks and Wildlife Service	Land manager	Joint management of Wollumbin AP and Wollumbin National Park in accordance with the National Parks and Wildlife Act and Regulations and the <i>Parks and Reserves of the Tweed Caldera Plan of Management (2004, amended 2010, 2019)</i> and in line with the management goals of Wollumbin Aboriginal stakeholders and protection of cultural and natural values.
Heritage NSW	Regulatory body	Regulatory protection of the cultural values of Wollumbin AP through provision of assistance and advice in preparation of the Aboriginal Place Management Plan.

\*Please note that these are key contacts and there are numerous representatives in some cases or in the case of LALCs and corporations many hundreds of members represented within the organisation/corporation.



**Figure 1.** Wollumbin Aboriginal Place and existing land tenure



## 2.2 Consultation for this management plan

Consultation for this project was undertaken through workshops, emails, phone calls and meetings with individuals, including men and women from the Wollumbin Consultative Group (WCG) and Tweed Byron LALC, as well as NSW NPWS. With the permission of the WCG, specifically Uncle John Roberts, the document was also sent for comment to the male representatives of the following Aboriginal organisations with known cultural association to Wollumbin; and to male representatives on the current Heritage NSW list of Registered Aboriginal Parties (RAPS).

### **Native Title organisations:**

- Ngullingah Jugun (Our Country) Aboriginal Corporation (prescribed Body Corporate for the Western Bundjalung Indigenous Land Use Agreement)
- Yaegl Traditional Owner Aboriginal Corporation (prescribed Body Corporate for the Yaegl Native Title area)
- Bandjalang Aboriginal Corporation (prescribed Body Corporate for the Bandjalang Native Title area)

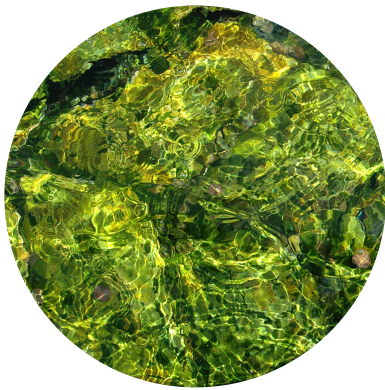
### **Heritage NSW Registered Aboriginal Parties:**

- Consultation was conducted with 10 individuals and organisation RAPS currently listed with Heritage NSW RAPS for the Tweed and Murwillimbah localities.

During workshops men and women were consulted separately, in case gender restricted topics were raised.

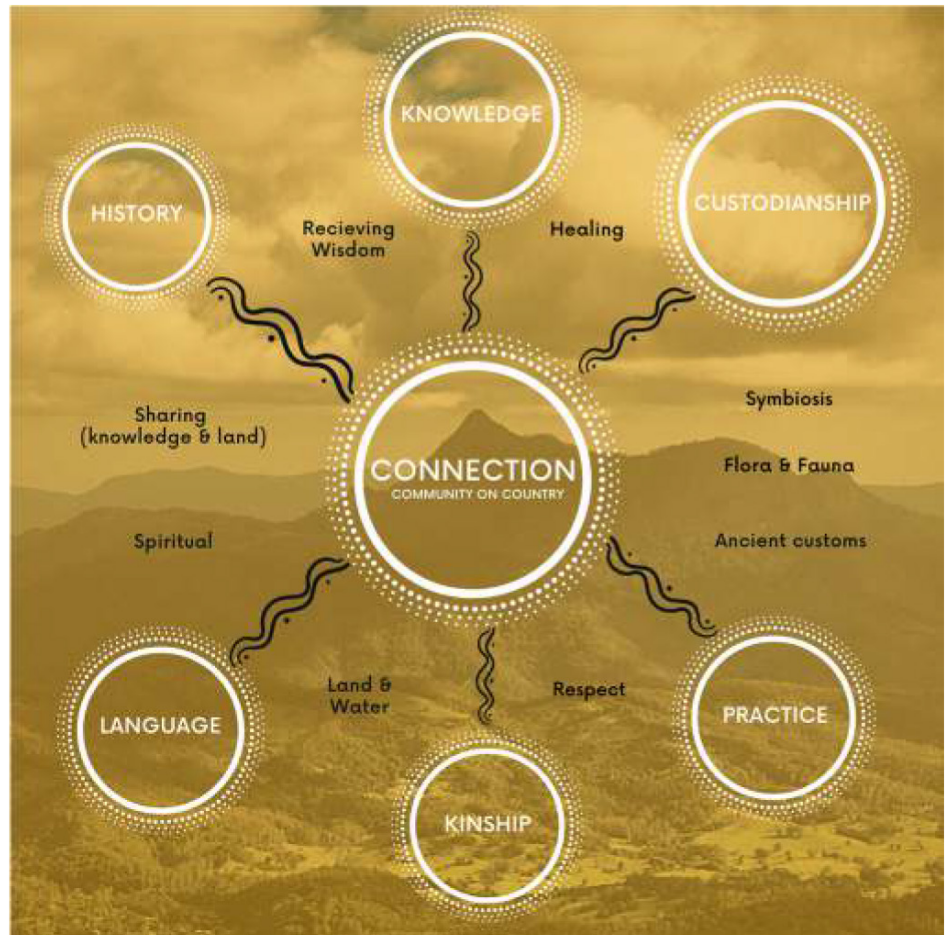
The organisations and individuals listed above were provided copies of the draft versions of this document and given the opportunity to provide feedback and comments. Documentation as a log of all consultation including comments from community to NSW NPWS was undertaken and is confidential as part of this management plan. Letters of support from relevant organisations and individuals are attached in Appendix A.

The aim of consultation was in identifying, managing, and protecting the cultural values of Wollumbin AP and consulting and engaging Aboriginal stakeholders in the collation, finalisation, and delivery of a management plan for Wollumbin AP that is culturally appropriate for sharing with the wider community. Western paradigms of knowledge and education often focus on linear structural paradigms based on progression or hierarchies.



Rock pool

Aboriginal knowledge and understandings are focused on connections and the interrelationships between cultural values, practices, and landscapes. The following figure (Figure 3) attempts to depict the ways in which knowledge is shared within community, consultants, and the wider community for this project, and focuses on connection and relationships between values, practice, and knowledge.



**Figure 3.** Diagram for understanding consultation on cultural values for project



Olive whistler

## 2.3 Legislative context

The *National Parks and Wildlife Act 1974* (NPW Act), the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Heritage Act 1977* (Heritage Act) are the relevant statutory controls protecting Aboriginal heritage within New South Wales. These acts and other relevant State and Commonwealth legislation are discussed below.

### 2.3.1 State legislation

#### **National Parks and Wildlife Act 1974**

Under the provisions of the NPW Act, all Aboriginal objects are protected regardless of their significance or land tenure. Aboriginal objects are defined as ‘any deposit, object, or material evidence (not being a handicraft made for sale) relating to Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains’.

Aboriginal objects are therefore limited to physical evidence and may also be referred to as ‘Aboriginal sites’, ‘relics’ or ‘cultural material’. Aboriginal objects can include pre-contact features such as scarred trees, middens, and artefact scatters, as well as physical evidence of post-contact use of the area such as Aboriginal built fencing or stockyards and missions.

The NPW Act also protects Aboriginal Places, which are defined as ‘a place that is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects. Part 6, Division 1 (85) of the NPW Act states that The Minister may, by order published in the Gazette, declare any place specified or described in the order, being a place that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture, to be an Aboriginal Place for the purposes of this Act. Anyone can propose an area to be declared an Aboriginal Place under the NPW Act. To propose an area for assessment for declaration as an Aboriginal Place a proposal form must be submitted to Heritage NSW and include a description of special cultural significance and any threats the place may be under. Heritage NSW will consult with relevant parties, including landowners and the relevant Aboriginal stakeholder and undertake an assessment before providing a recommendation to the Minister. This processes generally takes 12 months but may be expedited where a place is under imminent threat. An Aboriginal Place is declared by the Minister and a notice is then published in the Government Gazette of NSW with a Statement of Special Significance and other information relating to the site. Wollumbin AP was declared in the Government Gazette of NSW on 8 August 2014. There is no directive in the NPW Act that a management plan is required for Aboriginal Places, however it is the policy of Heritage NSW that a formal management plan should be developed for declared Aboriginal Places (*Aboriginal Places Policy 2011a*: Sections 5.1 to 5.8, refer to Section 1.2 of this document). According to the Aboriginal Places Policy the landowner/land manager or occupier, Heritage NSW and the Aboriginal community are responsible for developing an agreed management plan together (OEH 2011a:3). A management plan should



Rainforest canopy

define the values of the Aboriginal Place, list the types of activities that risk harm to the Aboriginal Place, identify what values, objects and areas must be conserved and identify what management activities are required.

The NPW Act protects Aboriginal objects and Aboriginal Places in New South Wales. Under the NPW Act, including the 2010 amendments, it is an offence under Section 86 to harm or desecrate Aboriginal objects and Aboriginal Places:

Section 86(1) and (2) states a person must not harm or desecrate an Aboriginal object:

- which the person knows is an Aboriginal object (a 'knowing offence')
- whether or not a person knows it is an Aboriginal object (a 'strict liability offence').

On 1 October 2010, the maximum penalty for a knowing offence is \$550,000 for an individual or a 2-year gaol term or both; and \$1.1 million for a corporation. The maximum penalty for a strict liability offence is \$110,000 for an individual or \$220,000 for a corporation (DECCW 2010b). A person or organisation who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an Aboriginal Heritage Impact Permit (AHIP) (DECCW 2010b). The Due Diligence Code of Practice (DECCW 2010b) sets out a procedure which, when followed, will satisfy the due diligence requirement. If a person or company can demonstrate that they exercised due diligence and determined that it was unlikely that Aboriginal objects would be harmed, then they have a defence to prosecution under the strict liability offence under Section 86(2) of the NPW Act (DECCW 2010b). The due diligence defence is not available for activities which harm Aboriginal Places.

Section 86(4) states a person must not harm or desecrate an Aboriginal Place.

On 1 October 2010, the maximum penalty for harming or desecrating an Aboriginal Place is \$550,000 for an individual or a 2-year gaol term or both; and \$1.1 million for a corporation. Section 87(1) provides a defence to a prosecution under Section 86(4) if a person harms or desecrates an Aboriginal Place while complying with AHIP conditions which authorise the desecration.

Harm includes activities that destroy, deface, or damage an Aboriginal object or Aboriginal Place, and in relation to an object, moving the object from the land on which it has been situated. Under Section 91 of the Act, Heritage NSW must be informed upon the identification of all Aboriginal objects. Failure to do this within reasonable time is an offence under the Act. Under Section 90 of the Act, it is an offence for a person to destroy, deface, damage, or desecrate an Aboriginal object or Aboriginal Place without the prior issue of an AHIP. AHIPs may only be obtained from Heritage NSW. Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to harm them. If harm to Aboriginal objects and places is anticipated an Aboriginal Heritage Impact Permit (AHIP) is required. The management activities



Spotted-tailed quoll

or works identified within an Aboriginal Place Management Plan may fall within the definition of harm and therefore require an AHIP before these activities or works can occur.

The Act also provides for stop work orders under Section 91A if an action is likely to significantly affect an Aboriginal object or Aboriginal Place. The order may require that an action is to cease or that no action is carried out in the vicinity of the Aboriginal object or Aboriginal Place for a period of up to 40 days. As Wollumbin is an Aboriginal Place, under the provisions of the NPW Act, an AHIP must be obtained from Heritage NSW prior to any activities considered harm under the NPW Act prior to any proposed works proceeding, with appropriate archaeological and cultural mitigation for any activities that may harm its values, including but not limited to Aboriginal objects.

Part 5 of the NPW Act states that a plan of management must be prepared for a national park on commencement day or as soon as practicable thereafter. The NPW Act outlines numerous matters that must be considered in the preparation of a management plan, including (but not limited to) relevant management principles; the protection and appreciation of objects, places and structures of cultural significance, and tracts of land; the protection of landscape values and scenic features; and the potential for the reserved land to be used by Aboriginal people for cultural purposes. Wollumbin National Park is included in the *Parks and Reserves of the Tweed Caldera Plan of Management (NPWS 2004, amended 2010, 2019)*.

Wollumbin AP lies within Wollumbin National Park and is managed in accordance with the *Parks and Reserves of the Tweed Caldera Plan of Management (2004, amended 2010, 2019)*. The plan of management amendments (2019) acknowledges declaration of an Aboriginal Place in Wollumbin National Park in 2014 and the incorporation of Mount Warning National Park in Wollumbin National Park in 2006. The plan of management (PoM) (2004) acknowledges the significant Aboriginal cultural values of the Tweed Caldera parks and reserves and includes actions to enable cooperative management with the Aboriginal community, Aboriginal cultural site protection and research and monitoring. The plan of management (2004) pre-dates the Wollumbin Aboriginal Place declaration and it is appropriate that the Aboriginal Place management plan provides detailed direction and advice for management of the Aboriginal Place. This management plan draws on information in the *Parks and Reserves of the Tweed Caldera Plan of Management* to determine the types of activities that may cause harm to cultural heritage. The *Parks and Reserves of the Tweed Caldera Plan of Management* would require amendment to ensure the Aboriginal Place is managed in accordance with this Aboriginal Place management plan into the future.



Rainforest fern and fungi

### **Environmental Planning and Assessment Act 1979**

The EP&A Act requires that consideration be given to environmental impacts as part of the land use planning process. In New South Wales, environmental impacts include cultural heritage impacts. Part 3 of the Act relates to planning instruments including those at local and regional levels, Part 4 of the Act controls development requiring development consent and Part 5 of the Act controls development that does not require development consent.

### **Heritage Act 1977**

The *Heritage Act 1977* (as amended in 2009) protects and aims to conserve the environmental heritage of New South Wales. Environmental heritage is broadly defined under Section 4 of the Heritage Act as consisting of ‘those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance’ (Heritage Branch, DoP 2009:4). Aboriginal Places or objects that are recognised as having high cultural value (potentially of local and state significance) can be listed on the State Heritage Register and protected under the provisions of the Heritage Act ([http://www.heritage.nsw.gov.au/06\\_subnav\\_01.htm](http://www.heritage.nsw.gov.au/06_subnav_01.htm)). Wollumbin AP is listed on the State Heritage Register as discussed in Section 3.2.3.

### **Aboriginal Land Rights Act 1983**

The *NSW Aboriginal Land Rights Act 1983* (ALR Act), administered by the Minister of the NSW Department of Aboriginal Affairs, establishes the NSW Aboriginal Land Council (NSWALC) and Local Aboriginal Land Councils (LALCs). The Act requires these bodies to:

- take action to protect the culture and heritage of Aboriginal persons in the Council’s area, subject to any other law
- promote awareness in the community of the culture and heritage of Aboriginal persons in the council’s area.

These requirements recognise and acknowledge the statutory role and responsibilities of NSWALC and LALCs. Wollumbin AP is located within the boundaries of the Tweed Byron LALC. The ALR Act also establishes the registrar whose functions include, but are not limited to, maintaining the Register of Aboriginal Land Claims and the Register of Aboriginal Owners.

## **2.3.2 Commonwealth legislation**

### **Native Title Legislation**

The *Native Title Act 1993* (NTA) provides the legislative framework to:

- recognise and protect native title
- establish ways in which future dealings affecting native title may proceed and to set standards for those dealings, including providing certain procedural rights for registered native title claimants and native title holders in relation to acts which affect native title
- establish a mechanism for determining claims to native title



Green catbird

- provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The *NSW Native Title Act 1994* was introduced to make sure the laws of New South Wales are consistent with the Commonwealth's NTA on future dealings. It validates past and intermediate acts that may have been invalidated because of the existence of native title.

Wollumbin AP is located within the Tweed River Bundjalung People Native Title claim NC2020/002. This claim was not accepted for registration, but is in the Federal Court, refer to Section 3.2.5.

### **Other Acts**

The Australian Government *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* may be relevant if any item of Aboriginal heritage significance to an Aboriginal community is under threat of injury or desecration and state-based processes are unable to protect it. The *Cth Environment Protection and Biodiversity Conservation Act 1999* is relevant to projects where there are heritage values of national significance present.

### **2.3.3 Relevant policies**

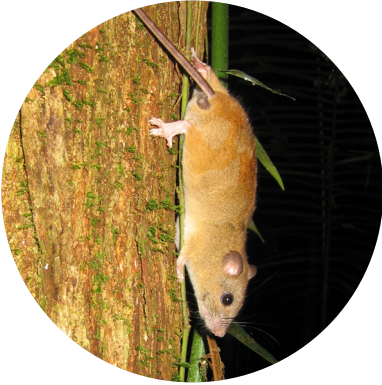
*Aboriginal Places Policy and Operational Policy – protecting Aboriginal cultural heritage* (OEH 2011)

The Aboriginal Places Policy provides guidance for the protection, management, and engagement of community with Aboriginal Places. NSW Government's declaration of Aboriginal Places recognises and legally protects Aboriginal cultural heritage of cultural value within New South Wales.

This policy gives guidance to help:

- determine appropriate protection for places
- assess and prioritise Aboriginal Place applications
- engage stakeholders and landowners/managers
- declare of Aboriginal Places
- manage declared Aboriginal Places.

These policies have been consulted to assist in structuring this management plan which recognises Aboriginal people as the primary determinants of their cultural heritage.



Fawn-footed melomys

## 2.4 Memorandum of understanding

A memorandum of understanding (MOU) is a voluntary agreement between 2 or more parties, in this case between The department and Aboriginal communities. An MOU can formalise the terms of a relationship or set an agreed way of operating between the parties but is not legally binding. A future action under this plan will be to develop an MOU for Wollumbin National Park.

### Negotiating an MOU

There are no legislative requirements that regulate the negotiation of an MOU, but it must be consistent with the requirements of the NPW Act for managing parks and reserves.

The Aboriginal community and the department can enter a negotiation process when agreed by both parties. Negotiations are between the department and the Aboriginal community. The department may negotiate an MOU with any group of Aboriginal people who have an interest in the management of a park or reserve.

MOU negotiations between the department and other parties should follow the principles and approaches outlined in the department's Aboriginal Community Engagement Framework and Cultural Heritage Community Consultation Policy (internal documents available to staff).

The WCG has agreed consultation guidelines that operate as an informal MOU. The WCG's consultation guidelines, although similar to an MOU, mean that the WCG are not part of the established NPWS Custodians network, which meets annually to discuss joint management with other Aboriginal Joint Management groups and therefore does not have access to these benefits.

Benefits of an MOU include addressing:

- Aboriginal community access to a park or reserve for cultural activities
- Aboriginal community participation in park management, including setting up an Aboriginal advisory group for the park to support greater participation of the Aboriginal community in park management.
- Aboriginal cultural heritage management and protection
- employment, education, and training opportunities for Aboriginal people.

An MOU does not:

- resolve native title issues
- grant Aboriginal ownership of land
- involve payment of rent or compensation to Aboriginal people.





### 3 Valuing Wollumbin Aboriginal Place – culture and connections to Country

Prior to the preparation of this management plan an Aboriginal Cultural Heritage Study for Wollumbin National Park was undertaken (Collaborative Solutions 2001) as well as the Wollumbin Cultural Values Project (Converge 2009), and the *Parks and Reserves of the Tweed Caldera Plan of Management (NPWS 2004, amended 2010, 2019)*. The following contextual information is summarised from these reports and from numerous others cited within.

#### 3.1 Ethnographic and historic context

Cultural knowledge and stories related to Wollumbin AP have been documented in many studies, local histories, and research for many decades, as well as passed down for millennia in the Aboriginal families of the Bundjalung and Githabul nations and more broadly across Australia (some of which are documented in Collaborative Solutions 2001, Gibbons 2006, Goulding and Waters 2005, Heron and Reed 1996, Keats 1988, Morrison and McIntyre-Tamwoy 2005, Nayutah and Finley 1988 and Converge 2009). Two key studies were undertaken for cultural heritage values of the broader Wollumbin cultural landscape, specifically by Collaborative Solutions (2001) which was a detailed ethnohistorical study and Converge (2009). These studies were undertaken to collate cultural information as an aid for ongoing management of Wollumbin National Park and Wollumbin State Conservation Area and contain gender and culturally restricted information. These studies drew on archival research and oral history interviews to document Aboriginal peoples' connections to Wollumbin AP. These reports provide more detailed cultural information relating to Wollumbin AP, much of which has cultural restrictions and therefore will not be reiterated here as the purpose of the APMP is not to redocument or reassess past studies. This ethnohistory provides only a brief summary of some of the more pertinent information and historical context for the assessing the values of Wollumbin AP to meet the Heritage NSW significance assessment criteria and the Burra Charter, presented in Section 3.4.

Archival research and oral history interviews undertaken as part of Collaborative Solutions (2001) and Converge (2009) demonstrated the enduring connection to Wollumbin AP, that many Aboriginal people from a number of different groups have had for millenia. The Wollumbin National Park and surrounding reserves continue to be managed in partnership with representatives of the local Aboriginal community, including many nations represented today within the WCG and NSW NPWS.

Cultural connections to Wollumbin AP are usually readily recognised by members of today's Aboriginal community who are descended from the Traditional Custodians of the Tweed Valley region. However, cultural connection to Wollumbin Mountain can also be recognised by Aboriginal people from further afield, in accordance with their particular knowledge, Dreaming and belief throughout the North Coast, NSW and Australia.



Rainforest fungi

At least 8 different Dreaming stories and cultural oral histories relate to Wollumbin AP that have been passed down for millennia within the oral traditions of Bundjalung and other Aboriginal nations. The stories and histories attest to the sacred nature of the Wollumbin cultural landscape and its visual dominance in the region and interconnection to many Aboriginal nations. Wollumbin is said to be the name of a spiritual warrior, fighting chief of the Mountains, whose human form can be seen from Eungella (a town located on the north eastern side of Wollumbin Mountain) as a silhouette outline of peaks and ridges stretching in the direction of Tyalgum. From the vantage point of Kelly's Road, near Eungella, Wollumbin Mountain can also be seen as a brush turkey (Wollum) (other names from different dialects also include Woggill, Kyogle and Wolgin) surrounded by its nest. The name Wollumbin (more correctly pronounced Wool-oom-bin), of which there are many references and variations of spelling, is generally applied to the whole Mountain and some of the adjacent surrounding topographic features, however, it is probable that this was not always the case because of the many different stories about Wollumbin Mountain and places associated with it. The summit of Wollumbin Mountain has a separate cultural name associated with the Bundjalung belief story of their origin, The Three Brothers. Use of the name is regarded as culturally confidential and may have only been known and used by traditional Aboriginal people who had attained a certain level of initiation. It is understood that speaking the summit's name must follow a certain cultural protocol, and that the name is also embodied in a cultural story for Wollumbin Mountain which links the place to other locations across the region. This demonstrates the complexity of Aboriginal belief and the fact that cultural knowledge was (and remains) multi-layered in Aboriginal society.

Wollumbin Mountain was observed by Captain James Cook on the 15 May 1770 during his survey of the east coast. This journey marked the beginning of the systematic invasion of Australia and all Aboriginal land by Europeans, leading to indescribable trauma and destruction. Violent clashes in the 1840s to 1850s between Aboriginal nations and cedar getters, and the defence of their lands by these nations resulted in massacres, killings, ambushes and poisonings and the movement of some Aboriginal people from the area (Collaborative Solutions 2001:16). An uneasy and imbalanced peace began after this period whereby Aboriginal people worked as labourers for the European invaders on pastoral stations, thereby allowing them to stay on their lands and continue their traditional economic, social, and ceremonial practices, with limitations, until the late 1800s when the Robertson Land Act saw a rapid increase in the number of Europeans settling the area, putting pressure on land access (Collaborative Solutions 2001:17). From the early 1900s, traditional cultural customs and ceremonies became difficult to practice due to these land access issues and also through punishment (Collaborative Solutions 2001:17). Despite these difficulties, Aboriginal nations of the region continued to maintain cultural practice and law and survived and resisted these colonial practices of oppression and attempts at cultural genocide.

Some Elders today are only one or 2 generations removed from their own Elders and ancestors who lived prior to and during the invasion of Country by Europeans in the 1800s. These people are keepers of



Noisy pitta

traditional knowledge, having learned from their Elders and maintain traditional language, cultural and ceremonial practices, as well as passing on this knowledge to younger generations (Collaborative Solutions 2009:17). Importantly the continuation of oral traditions of cultural knowledge is frequently recorded as taking place between grandparents to grandchildren. It has been noted that oral history sources are frequently superior to European historic records in the early contact period as ‘Europeans had only the most tangential understanding of culture’ and were later unlikely to have been informed openly about traditional practices (Collaborative Solutions 2001:18). The continuation of cultural management, cultural practice and the cultural responsibility of Aboriginal nations connected to Wollumbin AP who are committed to its protection and conservation is demonstrated today with the WCG, NSW National Parks and Wildlife Service Aboriginal staff, Aboriginal corporations and LALCs (not limited to these organisations).

### **3.2 Cultural places on Country – archaeological context**

This section is intended to give an overview of cultural sites and places within Wollumbin AP and the surrounding cultural landscape. This includes updated AHIMS, heritage register searches and a summary of the known archaeological context of Wollumbin AP. These results are only of relevant statutory heritage register searches and are listed below (refer to Appendix E for the results of all searches, however the AHIMS search results are restricted in the public version of this document), they are not an exhaustive or definitive list of cultural objects or sites as some information is restricted.

The identification of known Aboriginal sites and places within and surrounding Wollumbin AP is not exhaustive, but rather provides examples to demonstrate both a physical and spiritual connection (for example, story lines, stories, cultural tradition, and practices) between sites in the context of Aboriginal cultural values for Wollumbin AP. The significance of Wollumbin AP cannot be broken down into discrete elements but must be understood as a cultural landscape and ritual ceremonial ground in its entirety (Collaborative Solutions 2001:9). Some examples of important cultural sites associated with and part of Wollumbin cultural landscape include:

- Mount Uki: The cultural name of Mount Uki is Yagoi, the name of the bandicoot, and is from the Bundjalung language. There are also women’s sites that are confidential associated in the Uki locality connected to Wollumbin AP.
- Wollumbin Creek: Stories, storylines and historic records indicate that the small alluvial flat close to the junction of Wollumbin Creek with the Oxley River (Middle Arm) was the site of a traditional camp for Aboriginal people of the Murwillumbah area. It was known to be still occupied in the early 1900s.
- Brummies: There are at least two known cultural sites in the near vicinity to Brummies Mountain. The cultural significance of both these sites remains confidential.



Koala

- Hattons Bluff: Hattons Bluff was named after an original European land selector, Harry Hatton, but has strong cultural significance and connection to Nindiann, a traditional Aboriginal man who lived in the Blakebrook area around Lismore, prior to 1880.
- Korrumbyn Creek: Isolated artefact finds are recorded for the Korrumbyn Creek Day Picnic Area and also for the ridgeline adjacent to the current Summit Walking Track of the Wollumbin car park.
- Cedar Creek: Records of numerous finds of Aboriginal artefacts, such as stone axes, in Cedar Creek Valley suggest that the creek valley was regularly accessed for camping and resource gathering.
- Mount Nullum.

No archaeological sites within Wollumbin AP have been dated with scientific methods, however they are likely to be of great antiquity and other archaeological studies in the region demonstrate a long history of occupation in the region. The most secure dates for occupation in the region are derived from radiocarbon dates of excavated material from Bushrangers Cave at the headwaters of the Nerang River, approximately 40km northeast of Wollumbin AP. Charcoal associated with cultural deposits was radiocarbon dated to 6220±280 cal. BP (Calibrated years before present), and it is suggested that the site was first used 6,500-6,000 years ago (Hall 1986).

The oldest date from the Tweed River, so far is 7258 ± 58 BP, obtained on charcoal from excavations for the Tugun Bypass development, however this sample was not in association with cultural material and its association with Aboriginal occupation cannot be confirmed (OzArk, 2007:37). Thermoluminescence dating (TL) of sand layers with cultural materials in them at Cobaki show these are of Pleistocene age, approximately 32.6 Ka ± 3.4 Ka (thousand years). However, based on young radiocarbon ages obtained on shell from the same layers and the post-depositional movement of cultural material in sand, it was difficult to confirm the association of cultural material with these dates (Robins et al. 2015). Secure Pleistocene dates of around 25.6 Ka have been produced for a site at Wallen Creek, North Stradbroke Island, 90 km northeast of Wollumbin AP (Neale and Stock 1986).

There is a lack of securely dated sites in the Wollumbin AP locality, and further research would be required to tease out the timing of occupation. The absence of securely dated sites from Wollumbin is a reflection only of the limitations of dating methods and site disturbances rather than the actual timing of occupation. The dates we do have reflect only a minimum date for occupation. However, it is clear that people have occupied the area for at least the past 6,000 years and based on Pleistocene-aged sites found nearby on the east coast (Wallen Creek), it is very likely that people were living in the area during this time. Based on what we know of the antiquity of human occupation in Australia, it is clear that the Wollumbin cultural landscape has been occupied for many millenia and is sacred to many generations. This antiquity supports cultural knowledge of occupation of Wollumbin AP.



Murrays skink

### 3.2.1 Aboriginal Heritage Information Management Systems (AHIMS)

A search was conducted of the Heritage NSW Aboriginal Heritage Information Management System (AHIMS) on 29 March 2021 for any Aboriginal heritage sites recorded within an approximately 5 km radius of the boundaries of Wollumbin AP for the following coordinates: GDA Zone 56, Eastings: 520000 - 532000, Northings: 6852000 - 6864000, with a buffer of 50 m.

A total of 47 Aboriginal heritage sites and one Aboriginal Place – Wollumbin AP, were registered within the search area. The results of the search are summarised below in Table 3 and illustrated in Figure 4 (AHIMS search results are not provided in Appendix E of the public version of this document).

**Table 3.** Summary of AHIMS features

Site type	Frequency	Percentage
Aboriginal Ceremony and Dreaming	8	17.0
Aboriginal Ceremony and Dreaming and Burial	1	2.1
Aboriginal Ceremony and Dreaming and Waterhole	2	4.3
Artefact	9	19.1
Artefact and Potential Archaeological Deposit (PAD)	2	4.3
Earth Mound	1	2.1
Earth Mound and Artefact	1	2.1
Grinding Groove	2	4.3
Modified Tree	2	4.3
Modified Tree and Artefact	2	4.3
PAD	2	4.3
Stone Arrangement	2	4.3
Restricted	13	27.7
<b>Total</b>	<b>47</b>	<b>100</b>



Green tree snake

There are 13 restricted sites registered in the search area, two of these are located within the Aboriginal Place. The most common site type registered in the project area are artefact sites at 19% of AHIMS sites recorded, followed by Aboriginal Ceremony and Dreaming sites at 17% of all recorded sites. Artefact sites are also recorded with potential archeological deposits, an earth mound and with modified trees, Ceremony and Dreaming sites are recorded with waterholes and a burial.

Four registered sites are located within Wollumbin AP boundary, including the 2 restricted sites (AHIMS 04-1-0106 and AHIMS 04-1-0107), and 2 Ceremony and Dreaming sites (AHIMS 04-1-1007 and AHIMS 04-1-0210). An Aboriginal Dreaming and Ceremony site is recorded within 1 km of Wollumbin AP and 2 further Aboriginal Ceremony and Dreaming sites, a Stone Arrangement and Earth mound are recorded within 2 km of Wollumbin AP (refer to Figure 4).

### **3.2.2 Australian Heritage Database**

The Australian Heritage Database is a Commonwealth administered heritage database that includes entries from the National Heritage List (former Register of the National Estate) and World Heritage List. The values for items on the National Heritage List and World Heritage List differ. This database was searched on the 29 March 2021 for all heritage items within the Tweed Local Government Area.

There are 4 listings on the AHD which are located within Wollumbin AP, including:

- Gondwana Rainforests of Australia World Heritage List declared property
- Gondwana Rainforests of Australia National Heritage List listed place
- Mount Warning National Park, Water Works Rd, Register of the National Estate registration (non-statutory archive)
- Mount Warning Shield Volcano Remnants Register of the National Estate indicative place (non-statutory archive).

The Wollumbin area is of National and World Heritage significance as recognised by the inclusion of much of the area in the Gondwana Rainforests of Australia World Heritage Property. It comprises the central component of the World Heritage area and represents natural heritage of international significance as ancient rainforest communities, high biodiversity, and unique geological landforms. It is the rainforests of the listing area that are central to its listing as part of the Gondwana Rainforests of Australia as it contains a large refuge of ancient rainforest communities, plants, and animals with evolutionary links to Gondwana. The World Heritage and National Heritage listings currently do not include the cultural values of the Gondwana rainforests, however, there has been strong community support for the inclusion of Wollumbin's cultural values.

Wollumbin National Park (still called Mount Warning National Park on the register) is listed on the Register of the National Estate for its scientific, aesthetic, and natural values associated with the Tweed Volcano caldera including the landscape, flora, and views both to and from Wollumbin. This listing also notes the educational, tourism and recreational uses



White-eared monarch

of the national park. These public uses of the Wollumbin AP are not consistent with the Aboriginal cultural heritage values currently, however educational values and alternative tourism opportunities are consistent with the values of the Wollumbin AP, if culturally appropriate.

Wollumbin (still incorrectly called Mount Warning on the register) Shield Volcano Remnants is listed as an indicative place on the Register of the National Estate (comprising 63,820 ha around Wollumbin) for its scientific values associated with the geomorphology and topography of Wollumbin and the surrounding caldera landscape. The listing indicates that remnant shield volcano has international scientific significance and notes that it is 'frequently visited' by students, geologists, and the general public. Public access to the Wollumbin AP is not consistent with the Aboriginal cultural heritage values currently, however educational values and alternative tourism opportunities are consistent with the values of the Wollumbin AP, if culturally appropriate.

### **3.2.3 NSW State Heritage Register and NSW State Heritage Inventory**

The State Heritage Register is a heritage database administered by the NSW Heritage Division. This database includes heritage listings for State significant heritage items. This database was searched on the 29 March 2021 for all Aboriginal and historical heritage items within the Tweed Local Government Area (LGA).

There is one State Heritage Register listing located within the Wollumbin AP, High Conservation Old Growth Forest, which encompasses 43 national parks and nature reserves across 15 LGAs (as at the time of listing), including Wollumbin (still called Mt Warning on the register) National Park. The High Conservation Old Growth Forest areas are listed for their state significant scientific values as the best examples of remnant mature eucalypt forests which show 'few signs of human disturbance.'

The State Heritage Inventory is a heritage database administered by the NSW Heritage Division of the Department of Premier and Cabinet. This database includes heritage listings from local and regional planning instruments and heritage studies and state significant heritage items. This database was searched on the 29 March 2021 for all Aboriginal and historical heritage items within the Tweed LGA.

There are 2 State Heritage Inventory items located within the Wollumbin AP, including Wollumbin National Park, listed for its locally significant natural values on the Tweed LEP and the Wollumbin AP itself.

### **3.2.4 Tweed Local Environmental Plan (2014)**

The *Tweed Local Environmental Plan* (LEP) (2014) is a planning instrument administered by Tweed Shire Local Government Area, which contains provisions and listings of items of environmental heritage including heritage, conservation areas and archaeological sites within Schedule 5. The LEP was searched on 29 March 2021.

Item 101 on the Tweed LEP Schedule 5 Part 1 Heritage Items List is the State Significant High Conservation Old Growth Forest, this item is listed



Ravine orchid

as Wollumbin National Park on the State Heritage Inventory (refer to Section 3.1.3).

### 3.2.5 National Native Title Tribunal

A search was undertaken of the National Native Title Register maintained by the National Native Title Tribunal (NNTT) on 10 May 2021 of the Tweed Shire Council Local Government Area to identify if native title exist over Wollumbin AP. The search identified no Native Title Determinations or Determined Outcomes or Indigenous Land Use Agreements over the identified area. A search of Native Title Applications, Registration Decisions and Determinations through the NNTT was also undertaken on 10 May 2021. A native title claim by the Tweed River Bundjalung People (NNTT No. NC2020/002) was not accepted for registration on 16 September 2020, but is a native title application in the Federal Court as of 10 May 2021.

The following Aboriginal groups and organisations adjoin to the Wollumbin AP and include native title holders and native title claimants:

- Githabul (adjoining Native Title holders)
- Bundjalung of Byron Bay, Arakwal (adjoining native title holders)
- Widjabul and the Gold Coast Native Title Group (adjoining native title claimants)
- Nganduwal
- Ngarakwal
- Tweed Byron Local Aboriginal Land Council
- Tweed Shire Aboriginal Advisory Committee
- Bundjalung Council of Elders.

## 3.3 Wollumbin's environment and landscape – plants, animals and resources

*The Parks and Reserves of the Tweed Caldera Plan of Management (NPWS 2004, amended 2010, 2019)* describes the environmental context of the Wollumbin AP.

Wollumbin AP is part of the Gondwana Rainforest of Australia World Heritage Area (WHA), a cultural landscape with registered, recognised World and National Heritage significance and protection. Wollumbin's world heritage listing is based on the geological history, biologically rich rainforests, and evolutionary significance of Country. It supports plant and animal species and groups that have evolved in isolation since the breakup of the Gondwana supercontinent and are listed as threatened species under State and Federal conservation legislation. These natural values are intricately connected to cultural and spiritual values further assessed in the APMP.

Wollumbin AP is part of a larger landscape dominated by remnants of a shield volcano that was active about 20 million years ago. Wollumbin





Masked owl

Mountain represents the central core of this volcano that is made from layers of harder molten rock. The Tweed Caldera is one of the largest erosion calderas in the world and is considered one of the finest examples of this type of geological feature anywhere. Certain types of stone, minerals and crystals found in Wollumbin are of significance to the Wollumbin Aboriginal stakeholders and are considered to have cultural, spiritual, and aesthetic values.

Wollumbin AP is part of one of the most bio-diverse regions of Australia. This rich biodiversity is largely the function of the vegetation which itself is extremely diverse due to being situated in a region of overlap between sub-tropical and temperate climates. Vegetation types found in the Wollumbin AP and surrounds include wet sclerophyll, dry sclerophyll, subtropical rainforest, warm temperate rainforest, dry rainforest and viney scrub. It also contains small areas of sub-montane heath around the summit of Wollumbin.

One of the Bundjalung words for rainforest is 'gaben' and/or 'gabal.' Subtropical rainforest is the most abundant type of rainforest in the Wollumbin AP. It is commonly found within the lower elevation areas and watercourses around the base of Wollumbin Mountain. This type of rainforest is of particular significance due to its high species diversity and rarity, having been largely cleared during early settlement. Its characteristics are a dense multi-layered canopy that is comprised of tall trees to 40 m height, large plank buttresses, strangler figs, thick woody vines, large epiphytes and large leaved ferns and herbs. Subtropical rainforest requires rich fertile volcanic alluvial soils with an average rainfall above 1,300 mm per year and typically occurs within sheltered valleys below 900 m elevation in the Wollumbin National Park.

Warm temperate rainforest occurs under similar conditions to subtropical rainforest and often adjoins it, however, on less fertile soils. It is distinguished from subtropical rainforest by a simpler structure and composition. Generally, there are only 2 tree layers with a tendency to have a dominant single species such as Coachwood. Viney scrub is a type of rainforest lacking in species abundance and is part of rainforest succession from past disturbance such as storm damage, tree fall and logging. They form impenetrable thickets of dense scrub interlaced with vines. Small pockets of dry rainforest occur throughout the Wollumbin AP on steep south facing slopes. Both wet and dry sclerophyll forest are well represented in all of the Wollumbin parks at mid to lower elevations on nutritionally poorer soils.

Being within the most biologically diverse area in New South Wales, the Wollumbin AP is part of a biodiversity hotspot that contains 159 species of flora listed as rare, threatened or of concern. Many of these plant species are protected under State and Commonwealth threatened species legislation. This includes plants found in subtropical rainforest of Wollumbin NP such as the ravine orchid (*Sarcochilus fitzgeraldii*), bush sophora (*Sophora fraseri*), southern ochrosia (*Ochrosia moorei*), green-leaved rose walnut (*Endiandra muelleri* subsp. *bracteata*), Crystal Creek walnut (*Endiandra floydii*) and the giant spear lily (*Doryanthes palmeri*). Around the sensitive summit area of Wollumbin Mountain, threatened species such as McPherson Range pomaderris (*Pomaderris notata*) and Wollumbin zieria (*Zieria adenodonta*) occur.



Pale-headed snake

Wollumbin National Park contains important remnants of vegetation that was once widespread in the region but has been cleared or severely modified since European settlement. Conservation of these areas is not enough, and active management is required to address the impact of weeds, wildfire, and human disturbance. In particular, rare vegetation communities including threatened species of plants require active management. This includes sub-montane heath around the summit of Wollumbin Mountain that is being impacted by the footprint of the lookout platforms, off-track trampling, littering, weed invasion and the threat of wildfire.

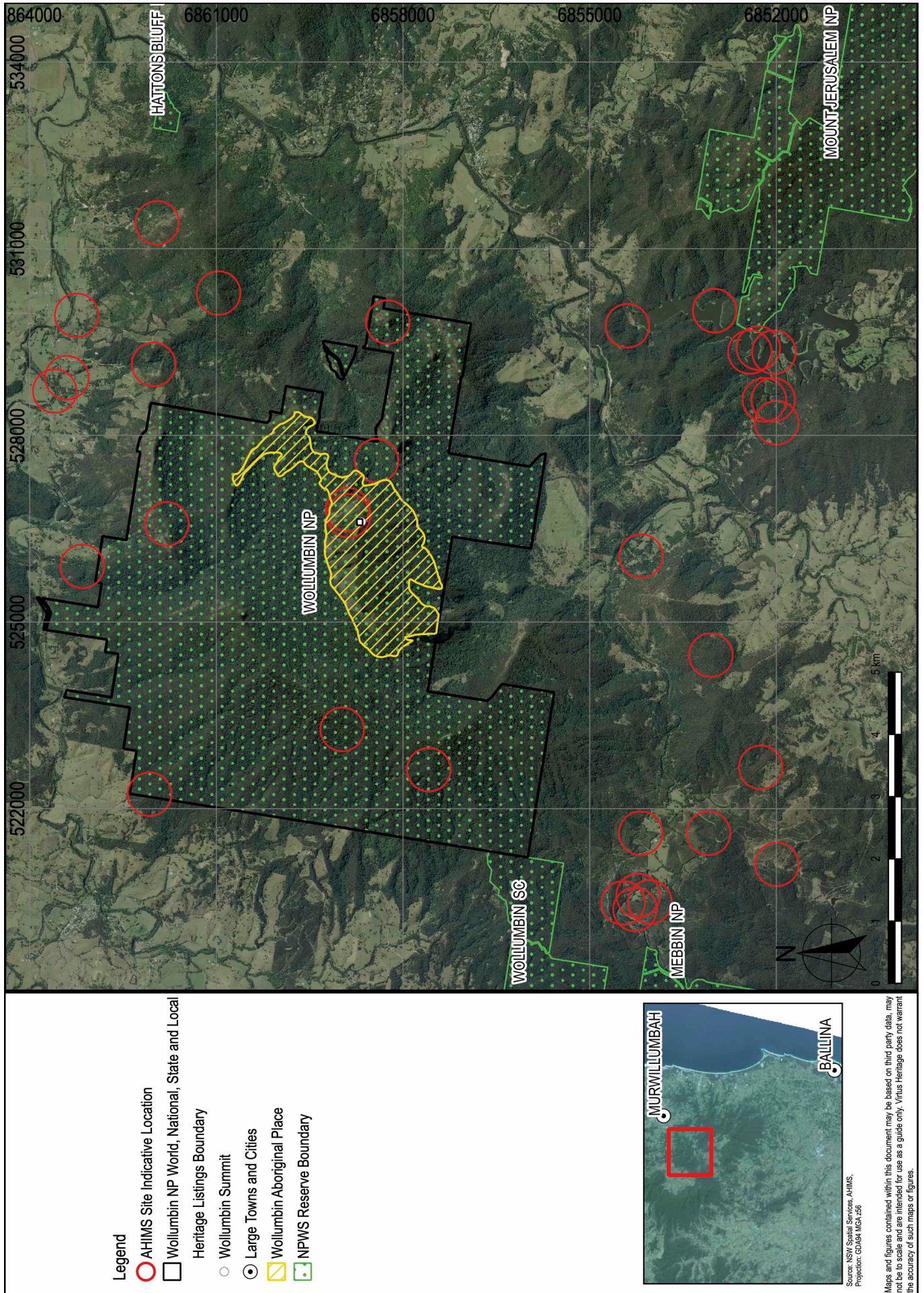
Wollumbin AP contains important wildlife habitats once widespread in the Tweed Valley that have been impacted since European settlement. They provide important refuges for native animals to persist in an otherwise modified landscape due to rural clearing and residential development.

Wollumbin AP is a particularly important habitat for birds, including fruit-eating and rainforest dependant birds such as the wompoo fruit-dove (*Ptilinopus magnificus*), rose-crowned fruit-dove (*Ptilinopus regina*), Albert's lyrebird (*Menura alberti*), rufous scrub-bird (*Atrichornis rufescens*), green catbird (*Ailuroedus crassirostris*), noisy pitta (*Pitta veriscolor*), rifle bird (*Ptiloris paradiseus*), and the white-eared monarch (*Monarcha leucotis*). Fruit and nectar eating bats such as the grey-headed flying-fox (*Pteropus poliocephalus*), black flying-fox (*Pteropus alecto*) and the common blossom-bat (*Syconycteris australis*) also play a key role in pollination of many native plants.

Other threatened species of bird found throughout the rainforest and sclerophyll forests of the Wollumbin AP, and national park include black-breasted button-quail (*Turnix melanogaster*), red goshawk (*Erythrotriorchis radiatus*), bush-hen (*Amaurornis olivaceus*), powerful owl (*Ninox strenua*), masked owl (*Tyto novaehollandiae*), swift parrot (*Lathamus discolor*), glossy black-cockatoo (*Calyptorhynchus lathamii*), marbled frogmouth (*Podargus ocellatus*) and olive whistler (*Pachycephala olivacea*).

Wollumbin AP and national park is also important habitat for many threatened species of ground dwelling and arboreal mammals including fawn-footed melomys (*Melomys cervinipes*), koala (*Phascolarctos cinereus*), red-legged pademelon (*Thylogale stigmatica*), parma wallaby (*Macropus parma*), yellow-bellied glider (*Petaurus australis*), brush-tailed phascogale (*Phascogale tapoatafa*) and tiger quoll (*Dasyurus maculatus*). It also supports threatened reptile species, such as Stephens banded snake (*Hoplocephalus stephensii*), in addition to threatened species of frog such as the pouched frog (*Assa darlingtoni*) and the giant barred frog (*Mixophyes iteratus*).

The high biodiversity and mixed habitats of Wollumbin AP and national park would have provided a rich environment abundant in animal prey species and useful plant species for the subsistence of the Bundjalung peoples. The continued protection of the remnants of this unique landscape allows Bundjalung peoples to maintain traditional cultural practices and teach and promote these practices to emerging generations. The protection and conservation of the flora and fauna of Wollumbin AP is a cultural responsibility of the Bundjalung peoples.



**Figure 4.** Wollumbin Aboriginal Place and other known heritage sites



River rapids

### 3.4 Intangible and tangible heritage values

The key cultural heritage values associated with Wollumbin AP include intangible and tangible heritage values. These values are embedded in the cultural knowledge, stories, storylines, traditions, observances, customs, history, beliefs, memories, and continued practices associated with Wollumbin AP, many of which are confidential (refer to Collaborative Solutions 2001 and Converge 2009 for unrestricted cultural information and NSW NPWS have restricted oral histories from Elders. Elders have additional oral histories within their families that are sacred and restricted). The Aboriginal Place Declaration for Wollumbin AP states that ‘the value for which the Aboriginal Place is significant to Aboriginal culture includes, but is not limited to, it being considered an extremely important part of the Aboriginal cultural landscape’. Some important cultural places have no archaeological sites/Aboriginal objects (no scientific value) but have deep cultural and spiritual value (such as creation story places and Dreaming sites) and are important places within intangible heritage values.

**Intangible heritage values** relate to the stories, storylines, knowledge, cultural practices and cultural obligations and responsibilities and connections evoked by Wollumbin AP; the views and vistas to and from Wollumbin AP and connected cultural features (refer to Figure 5); and the aesthetic and sensory aspects of the place including smells and sounds. These intangible heritage values are all interconnected and are also connected to tangible heritage values discussed later. This is because, as already noted, the significance of Wollumbin AP cannot be broken down into discrete elements but must be understood as a landscape and ritual ceremonial ground in its entirety (Collaborative Solutions 2001:9). The key intangible heritage values of the Wollumbin AP, include:

Cultural, social, and spiritual knowledge, meanings and stories associated with Wollumbin AP. To Aboriginal people, the land is part of their being and their lifestyle holding not only physical significance but also spiritual importance (Keats 1988). As noted by Nayutah & Finlay, (1988), spirituality and beliefs are:

strongly influenced by their environment. Their environment represented and reflected their ... tribal laws and sacred sites. These cultural sites and places held significance to the Bundjalung people as they were physical representations of their beliefs, their Dreamtime, their ancestors, and themselves.

There are at least 8 stories relating to Wollumbin AP and its cultural meaning. Each story is equally valid; with no one story taking precedence:

the different stories are connected to the various Aboriginal communities that can see the mountain from their particular locality. In other words, the mountain was (and remains) so culturally significant that Aboriginal people of the region included beliefs and recognition of the mountain in their day-to-day activities (OEH 2014:5).



Rainforest canopy

Views and vistas to and from Wollumbin AP, the highest point (and first place to receive sunlight on the Australian mainland at certain times of the year) in the centre of the surrounding 40 km wide caldera, (which is the largest caldera in the southern hemisphere, and one of the best-preserved examples in the world) are central to the intangible values of Wollumbin AP. The views to Wollumbin AP have always been important, as the most significant landmark in the landscape, a place that watches and protects, a place to communicate with ancestors, a place that provides a sense of peace and homecoming to those connected to it, as well as a place to guide Aboriginal people home. The power of Wollumbin Mountain is intricately tied to the visual dominance and its visibility in the landscape.

Views and vistas from Wollumbin AP are illustrated in Figure 5 using a viewshed analysis which shows the visible locations from across the region where Wollumbin AP is visible from. This figure demonstrates the connection of Wollumbin to cultural places across the region. The vistas and the views are interconnected to cultural and spiritual values, including cultural ceremonies, stories, storylines, and practices as well as cultural places that evoke these traditions.

The vistas and the views connect to significant cultural landscape features and places, for example Joongurra Ngarian Dehn (formerly known as Cook Island). Wollumbin is a significant physical, cultural, and spiritual landscape feature and is interconnected to a broader cultural, spiritual, and physical landscape across New South Wales.

Aesthetic and sensory features of Wollumbin AP are also critical intangible values. These features of Wollumbin AP include its beautiful and unique World heritage listed remnant rainforest; its diverse and endangered plant and animal species; its stunning geological features, summits, ridges, plateaus, cliffs, gemstones and rock formations; its water courses, springs, waterholes and waterfalls; its cloud catcher status with its microclimate and sometimes incredible weather events such as storms and lightning strikes; and the smells and sounds of the rainforest and Mountain. These unique aesthetic values are all integral to the broader natural, cultural, and spiritual values of Wollumbin AP.

**Tangible heritage values** relate to the places, objects, sites, material culture that can be touched, quantified, and physically recorded. For Wollumbin AP, tangible heritage includes the natural values of the native flora and fauna, geology and waterways, and the archaeological values of associated Aboriginal sites (some identified on AHIMS – **noting there are many more not recorded due to cultural restrictions of knowledge and cultural safety protocols and also some not known to Aboriginal stakeholders as they are not currently accessible or visible due to lack of access and dense vegetation**) which are connected in the broader cultural landscape. The natural tangible values of Wollumbin AP have been recognised as having National and World heritage significance and are listed on the UNESCO World Heritage List and National Heritage List as part of the Gondwana Rainforests of Australia listing.

Tangible archaeological values within the Aboriginal Place include 4 heritage sites which have been recorded on AHIMS, 2 Ceremonial and



Pine needle raindrop

Dreaming sites (AHIMS 04-1-1007 and AHIMS 04-1-0210), and two sites with restricted knowledge (AHIMS 04-1-0106 and AHIMS 04-1-0107). These are however unlikely to be the only archaeological values within the Aboriginal Place and many will remain unrecorded due to restrictions on cultural knowledge and also due to the biases of the archaeological record (poor ground surface visibility and access in densely vegetated areas or buried colluvial landforms or steep landforms where sites cannot be accessed or are not visible and therefore cannot be recorded).

Wollumbin AP is also part of the broader Wollumbin cultural landscape, and an additional 43 heritage sites are registered on AHIMS within the locality, of which 11 are restricted. Other sites within the Wollumbin cultural landscape (but outside Wollumbin AP) include Aboriginal Ceremony and Dreaming sites, artefact sites, a waterhole, burial, earth mounds, modified trees, stone arrangement, grinding groove site and potential archaeological deposits. Such varied and rare (as many of these are), site types provide tangible evidence of the significance of the Wollumbin AP and Wollumbin Mountain within it.

### 3.5 Assessing cultural heritage values

The Burra Charter provides guidance for the conservation and management of places of cultural significance (cultural heritage places) and is based on the knowledge and experience of Australian ICOMOS members. The Charter is the best heritage practice standard for Australia and the basis for all State and Territory heritage guidelines to significance assessments. It is a western way of understanding significance and value, which was developed within an international context of heritage conservation principles through UNESCO (United Nations body that works to protect and conserve heritage and culture) after the aftermath of World War II. The Charter has limitations for First Nations peoples' ways of valuing places, but it is recognised nationally as best practice and is the standard for State and Territory heritage legislature and statutory heritage listings.

Conservation is an integral part of the management of places of cultural significance and is an ongoing responsibility. The Charter sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers, and custodians. The Burra Charter provides a definition of cultural significance as 'aesthetic, historic, scientific, spiritual or social value for past, present or future generations' (ICOMOS Burra Charter 2013:2). Social value refers to cultural value. Cultural significance is defined in the Burra Charter as being 'embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects' (ICOMOS Burra Charter 2013:2).

Aboriginal cultural heritage sites are therefore assessed following these categories of significance developed under the Burra Charter:

- social/cultural value (this value is defined in the APMP within the context of the Wollumbin Aboriginal stakeholders, as Heritage NSW's charters set out Aboriginal people are the primary determinants of the significance of their cultural heritage. The social value of the



Rainforest trunk

Wollumbin AP to the broader community is not assessed with this APMP although we recognise it has social value as for recreational use)

- spiritual value
- historical value
- scientific/archaeological value (generally assessed by archaeologists/ heritage consultants)
- aesthetic value.

Table 4 provides an assessment of the values within Wollumbin AP according to the significance assessment criteria based on the Burra Charter, and describes key features with the Aboriginal Place where permitted. Keeping in mind that nearly all values are linked to one another and some values may be weighted differently (i.e., scientific/archaeological values) by Aboriginal people. Scientific/archaeological values are also assessed according to 6 criteria in this assessment process, rarity, representativeness, integrity, connectedness, complexity, and potential archaeological deposit following Heritage NSW's standards within New South Wales for archaeological assessments (DECCW 2010c).

### **3.6 Men and women's business – gender restrictions and cultural safety**

The whole of Wollumbin Mountain is a men's site and therefore gender restrictions apply to working on or visiting the Wollumbin Mountain. There are several women's sites associated with Wollumbin AP that are integral to its cultural value. There are gender restrictions that apply to visitation of men's and women's sites. No gender sensitive information is presented in this report. A management protocol for treatment of culturally sensitive information is presented in Section 4.5.

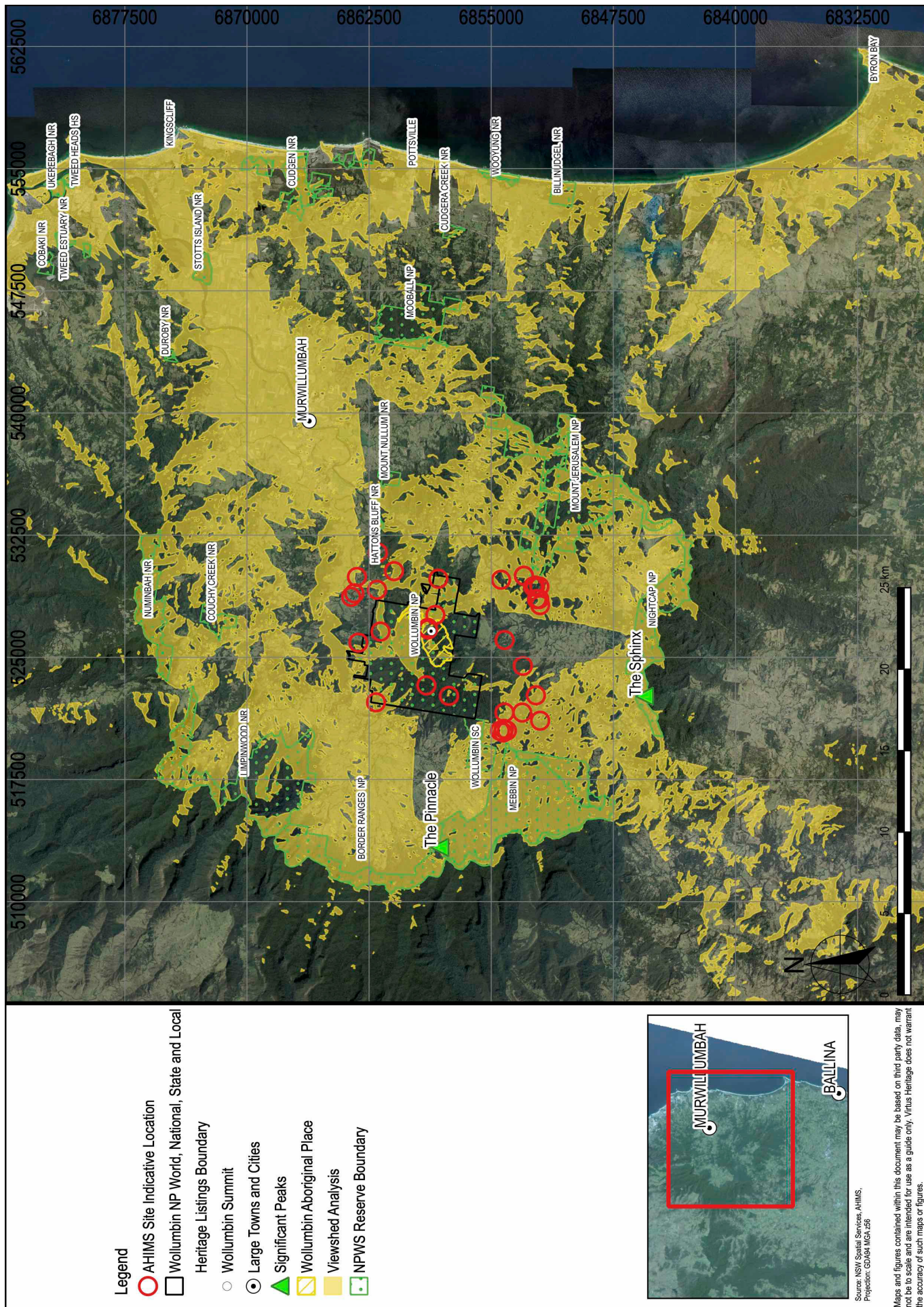


Figure 5. Viewshed analysis of Wollumbin



**Social or cultural value refers to ‘the associations that a place has for a particular community or cultural group and the social or cultural meanings that it holds for them’ (Australian ICOMOS 2013:4).**

Wollumbin AP is a place of traditional law and custom that has deep cultural meanings and values to the Wollumbin Aboriginal stakeholders and is also an important cultural site for the broader Aboriginal community. Wollumbin AP has oral traditions and cultural meanings that are of great antiquity and have been passed down through generations to date. Wollumbin AP is a place central to ancestral and familial connections. Central to cultural law for Wollumbin AP is respect for these ancestral and familial connections. The significance of Wollumbin AP to Wollumbin Aboriginal stakeholders is undisputed.

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Wollumbin AP is recognised for its national and international natural values and is listed on the UNESCO World Heritage List as part of the Gondwana Rainforests of Australia. The cultural heritage significance of Wollumbin AP is also inextricably interconnected to these values and needs to be recognised in this way.

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Wollumbin AP is a highly significant landmark on a national scale and is the centre of a complex and important cultural and ceremonial landscape, with numerous cultural sites and features, and linked to important sites elsewhere in the country. The sacred triangle of the Bundjalung, created by the peaks of Wollumbin, Njimbun Byorgin (the Sphinx) and Wooroombin (the Pinnacle), is a highly significant feature within the Wollumbin cultural landscape and has high cultural sensitivity. Associated with the sacred triangle are high level cultural sites which were used for initiation purposes, and also ritual sites representing the Bundjalung tribal groups enacting traditional law and custom.

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Wollumbin AP is part of at least 8 cultural stories, each of which is valid, and are associated with various Aboriginal groups connected to Wollumbin in different ways. Wollumbin AP is both a ceremonial place for cultural practices of restricted knowledge, and Dreaming site, associated with significant creation events and beings.

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There has been cultural continuity and connection to Wollumbin AP since time immemorial, and this continuity of culture has persevered, despite European invasion. The profoundly important and sacred nature of Wollumbin AP has never been lost to the Aboriginal nations of the region. The activity of Wollumbin Consultative Group (WCG) demonstrates that Aboriginal people have always remained connected to Wollumbin and retained their cultural responsibilities to Country, by practicing law for the protection of Wollumbin Mountain and cultural values.

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The cultural responsibilities to Wollumbin Mountain extend to ensuring that access to Wollumbin AP and other associated sites is limited to only those who are culturally sanctioned to be there for both the protection of the sites and the cultural safety of the people accessing them (not limited to the Aboriginal community but also to the broader community).

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Wollumbin AP is considered a men’s site, and the summit is a highly sacred and restricted place. However, there are also important and sacred women’s sites within Wollumbin NP and surrounds that are linked to Wollumbin Mountain and the broader cultural landscape. Both men and women understand the law relating to the access of Wollumbin AP and gendered sites, and they respect and support the gendered roles and responsibilities to Wollumbin AP.

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**Table 5.** Spiritual values for Wollumbin Aboriginal Place

**Spiritual value refers to the ‘the intangible values and meanings embodied in or evoked by a place which give it importance in the spiritual identity, or the traditional knowledge, art and practices of a cultural group. Spiritual value may also be reflected in the intensity of aesthetic and emotional responses or community associations and be expressed through cultural practices and related places’ (Australian ICOMOS 2013:4).**

Wollumbin AP is considered to be of the highest significance to the Aboriginal nations, particularly the Bundjalung nation in northern NSW, as a sacred ceremonial site and linked to creation and Dreaming stories and initiation rites. Wollumbin AP is said to be the name of a warrior – fighting chief of the Mountains. Another story also depicts Wollumbin Mountain as a wollum (brush turkey) surrounded by its nest. Furthermore, the summit of Wollumbin Mountain has a separate cultural name (restricted due to cultural sensitivities) associated with the Bundjalung belief story of their origin, The Three Brothers. The details of these stories are culturally restricted and linked to other places in the region.

The rich oral traditions relating to Wollumbin AP reflects the complexity of Aboriginal culture and traditions. Bundjalung beliefs illustrate the spiritual values embodied and evoked in Wollumbin AP and its connections to a broader cultural landscape is important to the spiritual identity of the Bundjalung nation (and many other nations) and other families connected to Wollumbin Mountain.

The spiritual values are inextricably linked also to the natural and aesthetic values of the place, which are recognised as having national and international significance and are listed on the UNESCO World Heritage List as part of the Gondwana Rainforests of Australia.

Sensory values, such as sounds and smells are also linked to spiritual value, relating to the health of Wollumbin AP, and as a signal of whether certain areas are safe to access. The spiritual connection to Wollumbin AP is also evoked by its visual appearance in the landscape, whereby seeing Wollumbin Mountain creates a sense of homecoming and safety. Wollumbin AP is a significant point of reference in the landscape and provides spiritual connection and guidance, even from a distance, and acts a focal point for communication with spiritual ancestors. The environment of Wollumbin AP, where ancestors may speak with Aboriginal people, and plants and animals have spiritual connections. The sanctity of Wollumbin AP may also manifest physically (for example, make people sick), for example if women access areas that are restricted to men, women are in physical danger and likewise for men. It may also manifest physically through ceremonial purposes with men, linked to identity and initiation.

Wollumbin AP is connected not just to sites and features within the immediate cultural landscape, but also to other significant sites in the country (however, the knowledge of these places is restricted). The sacredness of Wollumbin AP is understood by Aboriginal people within the northern NSW region and more broadly in Australia.

**Table 6.** Historic values for Wollumbin Aboriginal Place

**Historic value ‘refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community’, for example, post-contact places such as missions or reserves or massacre sites (OEH, 2011:9)**

The historic values of Wollumbin AP relate to the continued connection of the Aboriginal peoples of the Tweed Valley region to the place through the invasion and contact periods. Wollumbin Mountain was observed by Captain James Cook on the 15 May 1770, during his survey of the East Coast of Australia, which marked the beginning of the European invasion of Australia which inflicted substantial trauma and damage on the Aboriginal peoples and their land.

Despite the trauma caused by the invasion, Aboriginal peoples always had continued connection to Wollumbin AP which is demonstrated in the number of important traditional and historic Aboriginal campsites linked to the Wollumbin cultural landscape.

A campsite adjacent close to the junction of Wollumbin Creek with the Oxley River (Middle Arm) was the site of a traditional camp for Aboriginal people of the Murwillumbah area and was still occupied in the early 1900s. Other important traditional and historic campsites with links to Wollumbin AP, known through oral history include Oxley Cove, Greenbank, Lavender Creek, Brays property, Ukerebagh, Chinderah, Dodds Lane, and Tygalgah (where up to 600 people lived prior to invasion, when numbers were reduced to less than 200 people). Another traditional campsite is Hattons Bluff, although named after an early European settler, it has strong cultural significance and connection to Nindiann, a traditional Aboriginal man who lived in the Blakebrook area around Lismore, prior to 1880.

Wollumbin AP is associated with massacre sites that resulted from European invasion and incursions with cedar getters from the 1840s-50s. Additionally, outside Aboriginal peoples were able to move into the area, during the contact period. This has also led to outside Aboriginal groups developing additional connections to Wollumbin Mountain by historical connection (rather than ancestral claims as Traditional Custodians).

Even though land tenure changed after the invasion, which impeded access to Wollumbin AP, it has not disrupted the continued cultural connection and responsibility Aboriginal people have to Wollumbin AP. Historic campsites, particularly those that were used prior to invasion, are tangible evidence of this connection.

The activity of Wollumbin Consultative Group (WCG) and many other organisations with strong Aboriginal representation (NSW NPWS for example), including Aboriginal corporations for native title also demonstrates that Aboriginal people have always remained connected to Wollumbin AP and retained their cultural responsibilities to Country, by practicing law for the protection of Wollumbin Mountain and cultural values. When contemporary Aboriginal people visit the cultural sites of Wollumbin AP, they have a sense of cultural responsibility and connection.

Wollumbin Mountain was also the focus of early protests and petitions to protect the outstanding natural values of the place by conservationists.

**Table 7.** Scientific/archaeological values for Wollumbin Aboriginal Place

**Scientific/archaeological values are assessed according to 6 criteria in this assessment process, rarity, representativeness, integrity, connectedness, complexity, and potential archaeological deposit.**

The scientific values of Wollumbin AP are related to both the natural and cultural elements of the Aboriginal Place. The natural values of Wollumbin AP are well documented and are considered to have National and World Heritage significance, with the prominent inclusion of Wollumbin Mountain in the Gondwana Rainforests of Australia UNESCO World Heritage Listing, as noted

‘natural universal values as an outstanding example representing major stages of the earth’s evolutionary history; as an outstanding example representing significant ongoing geological processes and biological evolution; and containing important and significant habitats for the in situ conservation of biological diversity.’

These natural scientific values are also of cultural, spiritual, historic, and aesthetic value; however, the scientific value of cultural and archaeological sites is less well documented within the literature. Four sites within the Wollumbin AP are registered on the NSW Aboriginal Heritage Information Management System (AHIMS) (2 ceremonial and Dreaming sites and 2 restricted sites). However, the registration of sites on AHIMS is not an indication of the number of sites likely to be located within Wollumbin AP, and given its known cultural significance, and the presence of numerous known sites within the broader Wollumbin cultural landscape, it is likely this number is much higher.

Within the Wollumbin cultural landscape, 43 heritage sites are registered, of which 13 are restricted. Other sites include Aboriginal Ceremony and Dreaming sites, artefact sites, a waterhole, burial, earth mounds, modified trees, stone arrangement, grinding grooves and potential archaeological deposits. Such varied and rare (as many of these are) site types are representative of a large range of site uses and provide tangible evidence of the significance of the Wollumbin AP.

Ceremonial and Dreaming sites are in general underrepresented in the archaeological record and McIntyre-Tamwoy noted in an assessment of the Aboriginal Heritage Values of the Central Eastern Rainforest Reserves of Australia (CERRA) (now known as the Gondwana Rainforests of Australia World Heritage Area) that ceremonial sites make up over 22% of known sites within these areas (which was likely a conservative estimate), compared to only 3.5% elsewhere in New South Wales (2005). The rarity of these sites generally, and their concentration in Wollumbin AP is unparalleled in many other parts of Australia.

Previous studies have noted the high scientific research potential of Wollumbin cultural landscape and its connectedness to a broader cultural landscape of archaeological value.

The known cultural significance of Wollumbin AP, as a meeting place and centre for occupation and ceremonial practices, including initiation; as a point of reference for traditional travelling routes; as an important centre for resources including bush foods and medicine; and as a place with known connections to other sites across the country (through song lines) and links to the broader Aboriginal community, indicates that this place has high scientific value for complexity, integrity and research potential.

Wollumbin AP has deep antiquity and cultural stature within the northern NSW cultural landscape, with cultural dominance and power. The antiquity of the cultural connections to Wollumbin AP are also demonstrated through links to known sites across the cultural landscape (the knowledge of which is restricted) which have been in place for millennia. No dates have been obtained from archaeological deposits within Wollumbin, AP however, dates from the broader region indicates that the area was likely occupied at a minimum during the Pleistocene.

Therefore, Wollumbin AP is considered to have significance for all 6 criteria of rarity, representativeness, integrity, connectedness, complexity, and research potential (PAD).

**Table 8.** Aesthetic values for Wollumbin Aboriginal Place

**Aesthetic value refers to ‘the sensory, scenic, architectural and creative aspects of the place’ and is often linked with social values (OEH 2011:9). This value may refer to the visual nature of the landscape and ‘smells and sounds associated with the place and its use’ (OEH 2011:9).**

Wollumbin Mountain and its surrounding caldera have high aesthetic value and visual significance in the landscape due to the summit’s soaring elevation at the centre of the largest erosion caldera in the southern hemisphere, offering a visually arresting scene. Wollumbin AP is the first place on the continent to receive the dawn sunlight in winter months and is considered to be one of the best-preserved erosion calderas in the world, despite its great antiquity.

Wollumbin AP is recognised nationally and internationally for its natural and aesthetic values and is listed on the UNESCO World Heritage List as part of the Gondwana Rainforests of Australia.

As per the spiritual values of Wollumbin AP, the imposing visual presence of Wollumbin Mountain is used as a visual reference in the landscape, including for travel, as a guide from land and sea, and is also connected to special women’s sites, and other significant sites and features, through line of sight.

The dangerous and difficult access of the summit of Wollumbin Mountain, and extreme weather events (lightning, storms, rain, and wind) at the summit, contribute to the imposing and emotive atmosphere of Wollumbin AP. The unique and striking geology of Wollumbin AP also contributes to its aesthetic values and rock outcrops, stones, crystals, and important stone markers are linked to cultural and spiritual values.

The rainforest enhances the sensorial aspects of Wollumbin Mountain, creating its own microclimate, and supporting diverse, endangered, and threatened plant and animal species, which change with the ascent in elevation up the Mountain. The extensive views and vistas of the surrounding caldera and its associated vegetation, which creates a towering and protective circle of lush green mountains, is magnificent and evokes a sense of awe in the natural and cultural landscape of Wollumbin AP.

The sensorial aspects of Wollumbin Mountain include the sounds (e.g., water, animals, wind) and scents (e.g., vegetation, water), are linked and interconnected to the health of Wollumbin AP and are intricately linked to its spiritual values. The rainforest, its plants, and animals, contribute to the aesthetic values of Wollumbin AP, and the care of the rainforest and its species are a cultural responsibility of the Bundjalung, and other Aboriginal nations connected to Wollumbin AP. Water, including springs, waterholes, creeks, and waterfalls, are associated with women’s sites. Water is important to birthing, the health of the waterways is also a cultural responsibility of Aboriginal peoples to protect and conserve.

The features that contribute to its aesthetic value – plants, animals, geology, water, and views, are all symbiotic to Wollumbin AP, and are what allows people to know how things are connected. Protection and rehabilitation of those elements that have been damaged are a cultural responsibility. These aesthetic, visual and sensorial values of the landscape are deeply connected to the cultural and spiritual values of Wollumbin AP and the spiritual and cultural wellbeing of its people.



## 4 Managing Wollumbin Aboriginal Place – Cultural values on Country

This section presents the Aboriginal community's vision for the management of Wollumbin AP. The management strategy for Wollumbin AP was developed by the WCG and NPWS and is informed by the values they identified in Section 3.4. The WCG have identified their management goals, the activities that may cause harm to Wollumbin AP and developed general management protocols and risk mitigation measures. This has been used to identify the ongoing works and management activities required for Wollumbin AP.

### 4.1 General statement of management and management goals

The following general statements of management were developed by the WCG in consultation with NPWS and Virtus Heritage and the broader Aboriginal community.

1. The WCG has a cultural obligation and responsibility to uphold their cultural law and protect the cultural values of Wollumbin AP, as well as the broader community through respecting cultural safety. This is their first priority for management of Wollumbin AP.
2. NPWS have a legislative responsibility to protect the cultural values of Wollumbin AP.
3. The management of the cultural values of Wollumbin AP is integral to cultural safety, public safety, and environmental protection.
4. Wollumbin AP exists in a significant cultural landscape, which also has spiritual, historic, scientific, and aesthetic values, and includes the sites and places connected to Wollumbin AP. The preparation of this management plan provides an opportunity to open discussions with surrounding landholders regarding these values.
  - a. The WCG, NPWS and Heritage NSW should develop a strategy for engagement of surrounding landholders for awareness and access opportunities, if required.
  - b. The WCG will determine the level of information, which is provided to landholders, but may consider identifying indicative locations of known sites and places, where culturally appropriate, to assist landholders in protecting/avoiding these places and allowing access to the broader Aboriginal community for cultural activities.
5. The WCG will determine the level of information about Wollumbin AP that is made available.
  - a. Culturally sensitive stories and cultural knowledge will not be shared with the public through interpretive signage, community education/awareness activities or in this management plan.
  - b. Information gathered by Heritage NSW and Virtus Heritage will be respected and protected, any public version of this management plan will not include restricted information.
  - c. Any signage that is installed at Wollumbin AP will be developed in



Flame tree flowers

- consultation with the WCG.
  - d. Any media release or other publication about Wollumbin AP will be developed in consultation with the WCG.
  - e. Alternative visitor experiences and opportunities in Wollumbin NP will be developed in consultation with the WCG.
6. Access to Wollumbin AP must be restricted and managed.
- a. The WCG are culturally responsible for the cultural health and cultural safety of Wollumbin AP and anyone accessing Wollumbin Mountain. WCG must be consulted regarding all access restrictions and permissions.
  - b. Public access is not culturally appropriate or culturally safe, Wollumbin AP should not be a recreational space for the public to visit or use for tourism (including use of the image of Wollumbin AP for advertising purposes) or any other purpose, closure of the Wollumbin AP is sought immediately by the WCG's Wollumbin Aboriginal stakeholders.
  - c. Access to Wollumbin AP for management purposes must be based on cultural guidance from the WCG.
  - d. Access to Wollumbin AP for scientific purposes must be based on cultural guidance from the WCG and be done on a case-by-case basis.
  - e. Access to Wollumbin AP for cultural practices must be guided by the WCG's internal consultation processes.
7. An AHIP should be sought for ground disturbing works associated with maintenance and management activities within the Wollumbin AP.
- a. All existing infrastructure should be removed with the minimal amount of impact.
  - b. The WCG should be involved in the removal of infrastructure and other field-based management strategies, including weed control, erosion control, etc.
8. The natural values of Wollumbin AP and the locality, including views and vistas from Wollumbin AP, are intricately connected to the cultural values of Wollumbin AP therefore:
- a. management options for natural resources, views and vistas should be explored, including strategy for engaging with local and State governments regarding development, planning, and mining interests in the cultural landscape around the AP
  - b. the natural features of Wollumbin AP must be managed and maintained including protection of water resources, geological resources, flora, and fauna.
9. The WCG and NPWS Agreed Consultation Guidelines will continue to be implemented with the Wollumbin Aboriginal stakeholders and NPWS and a future MOU will be developed in consultation with the WCG and may extend to other Aboriginal community groups and



Tree fern

stakeholders, as determined by the WCG.

10. The WCG recommend further cultural assessment toward a declaration and re-gazettement of all the Wollumbin National Park as an Aboriginal Place due to the multitude of Aboriginal sites and the high cultural significance of all of the area within the Reserve.
11. This management plan should be an effective and useful document, therefore:
  - a. management protocols need to be simple and practical
  - b. the management plan should be a working document to which additions can be made
  - c. any additions must enhance the protection for Wollumbin AP, not detract from it
  - d. The WCG and NPWS will facilitate the implementation of the management plan and consider future issues.

Based on the statements of values and management developed by the WCG and broader Aboriginal community, the following management goals have been identified. The short-, medium- and long-term goals are listed in Table 9.



**Table 9.** Management goals and timeframes

Management Goals	Timeframes
Restrict public access to Wollumbin AP and close summit access track.	Immediate and urgent action
Continue to implement environmental conservation management activities (such as bush regeneration activities, weed and pest control, rubbish removal, wildfire prevention, erosion control, etc.)	Immediate and ongoing
WCG consider and manage the amount of cultural information that needs to be restricted about Wollumbin AP and provided to NSW NPWS. For example, is it permissible for the general information about the stories to be publicly accessible but not the details of the stories.	Immediate and ongoing
Engage with tourism operators, Local Government, and business owners to raise awareness of the cultural values of Wollumbin AP and to close access to the summit or to activities (including use of the image of Wollumbin AP for advertising purposes) which impact and harm cultural sites or do not respect cultural values, customs, and law.	Immediate and ongoing
Media release or other publication for public awareness campaign (such as videos of key Elders and Wollumbin Aboriginal stakeholders on NSW NPWS Wollumbin AP website) about the significance of Wollumbin AP and need to restrict public access.	After finalisation of this management plan
The WCG and NSW NPWS will facilitate implementation of this management plan subject to Heritage NSW endorsement and the plan of management.	After finalisation of this management plan
<p>Develop a signage strategy, including consideration of signage in Language, and all existing signage should be removed, and the existing sign at the base of Wollumbin Mountain discouraging people from climbing Wollumbin Mountain should be replaced with the following information:</p> <p>You enter this Mountain breaking the traditional law and customs of the Bundjalung people and the sacred and significant Mountain, under the Bundjalung traditional laws and customs given to the 14 Bundjalung tribes by men. The past Elders of all the tribes agreed to shut this Mountain, and you walk this track without the consent of the Bundjalung people.</p> <p>As spoken by the Traditional Owners as to uphold our traditional laws and customs with the wishes of past Elders.</p>	After finalisation of this management plan

short-

Management Goals	Timeframes
Develop an access permissions strategy/protocol, this could include but is not exclusive to NPWS staff/contractors' protocol for approved individuals to undertake on-the-ground management tasks.	After finalisation of this management plan
Cultural renewal activities should take place after closure of Wollumbin NP, by initiated and approved stakeholders to undertake important cultural duties, including the return of significant cultural material to Wollumbin Mountain.	After finalisation of this management plan and closure of Wollumbin AP to the general public.
Develop Strategy for Local and State Government bodies engagement regarding planning and development that potentially impact on the views and vistas around Wollumbin AP (this may include Tweed Shire Council updating management within the Tweed Shire Council's Aboriginal Cultural Heritage Management Plan).	After finalisation of this management plan
Prepare a detailed infrastructure removal strategy from the Wollumbin AP (this may include the necessity for an AHIP application).	(Late 2022 - subject to AHIP approval, including consultation required). The AHIP process can take up to six months.
Establish an MOU between the WCG and NPWS to strengthen the joint management of this highly significant area.	2022-onwards
Incorporate the outcomes of this APMP, for the AP, into the Parks and Reserves of the <i>Tweed Caldera Plan of Management (2004, amended 2010, 2019)</i> within corporate delegated responsibilities and within legislative constraints.	2022-onwards
Develop a strategy for alternative visitor experiences and opportunities.	2022-onwards
Consider funding opportunities for ongoing management works, cultural activities, and research.	2022-onwards



Powerful owl

#### **4.1.1 Plan of management review considerations**

Any future plan of management review will engage with the WCG and consider the following issues raised in consultation to date for this Aboriginal Place Management Plan.

- a) The future options of visitor access to the carpark at the base of Wollumbin Mountain which is located outside of the Aboriginal Place (not cultural access).
- b) Changes to the gazetted AP boundary to include the broader cultural and spiritual values across the Wollumbin National Park.
- c) An access permissions strategy/protocol should be developed by WCG to manage who can access Wollumbin NP outside of Wollumbin AP (for example, Koorumbyn day use area, Amaroo Walking Track, and the Lyrebird Walking Track) for cultural purposes and management activities.



Alberts Lyrebird

## 4.2 Activities that may harm or desecrate the cultural values of Wollumbin Aboriginal Place

Harm to an Aboriginal object or place is defined in the 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 and desecration to an Aboriginal Place is an offence under the Act unless the harm or desecration was authorised by an Aboriginal Heritage Impact Permit (AHIP).

There are exemptions to the strict liability offence of harming and desecrating an Aboriginal Place when the relevant activity:

- relates to Aboriginal people 'carrying out traditional cultural activities (except commercial activities)' (section 87B of the NPW Act)
- was required to conserve or protect an Aboriginal object or place and was carried out by a Heritage NSW officer or a department officer or a person under the direction of that officer (section 87Aa of the NPW Act)
- was required or permitted under a conservation agreement entered into under Division 12 of Part 4 of the NPW Act (section 87A of the NPW Act)
- was authorised by or under the *State Emergency and Rescue Management Act 1989* for an emergency within the meaning of that Act, and the act was reasonably necessary to avoid an actual or imminent threat to life or property (section 87Ac of the NPW Act)
- was any emergency firefighting act or bush fire hazard reduction work within the meaning of the *Rural Fires Act 1997* that is authorised or required to be carried out under that Act (section S87Ab of the NPW Act).

An MOU process could consider the exemptions above and clarify the scope of activities covered by the exemptions. The exemptions will be applied to proposed activities wherever possible.

This section outlines the types of activities that may harm or desecrate Wollumbin AP. Table 10 – 13 illustrates the values of the area, outlines the types of activities that may cause harm or desecrate, whether the activity is consistent with the cultural values of the site, and whether activities are either prohibited, meet the exemptions identified above, require an AHIP issued under Part 6 of the NPW Act or require advanced notice to the registered Aboriginal parties (following Heritage NSW's *Aboriginal cultural heritage consultation requirements for proponents*, 2010).



Rainforest epiphytes

## 4.2.1 Natural and spiritual values

**Table 10.** Activities that could harm or desecrate Wollumbin Aboriginal Place

### Activity: Public access

#### Type of harm or desecration

Public access to Wollumbin AP has resulted in vandalism and graffiti, dumping of rubbish and human excrement, increased erosion, disturbance of sites on Wollumbin Mountain including NPWS infrastructure placement, illegal installation of infrastructure and intangible harm from the presence of unsanctioned peoples and harm to these peoples due to the unsafe nature of Wollumbin AP. Traditional law and custom are being overridden and destroyed by access for tourism and the use of images of Wollumbin AP which encourages people to climb Wollumbin Mountain.

The spiritual values of Wollumbin AP are highly significant to the Wollumbin Aboriginal stakeholders. Public access to Wollumbin AP is not culturally appropriate due to its sacredness and the nature of the cultural activities for which Wollumbin AP was used. Access is also unsafe.

#### Is the activity consistent with the cultural values of the Aboriginal Place?

Public access is not consistent with the cultural values of Wollumbin AP. The WCG has a cultural responsibility to ensure that people are not put at risk by accessing areas in which they are not culturally sanctioned to be.

#### Under what conditions could it be consistent, if any?

There are no conditions under which public access could be consistent with the cultural values of Wollumbin AP. Wollumbin AP has become a popular place for recreation, domestic and international tourism. However, the key cultural and spiritual values of the place are critical to the significance of Wollumbin AP and cannot be respected or protected if the general public continue to have access to Wollumbin AP, particularly due to the restrictions of gender as this is a men's place.

#### Is an AHIP required?

Yes, depending on the nature and scope of works required to re-establish access to the summit.

### Activity: Education for the wider community regarding Wollumbin AP cultural values

#### Type of harm or desecration

General knowledge of the location of Wollumbin AP is widespread and has encouraged visitors (see public access above for types of harm). Unfortunately, this may also result in acts of purposeful vandalism by members of the public. The spiritual values of Wollumbin AP are highly significant to the Aboriginal community and general knowledge of the cultural activities and spiritual values of Wollumbin AP is not culturally appropriate due to the nature of the cultural activities for which Wollumbin AP was used. Images of Wollumbin AP should not be used inappropriately (i.e., for tourism or business promotion) as this is not consistent with the values of Wollumbin AP.



Leaf-tailed gecko

### **Is the activity consistent with the cultural values of the Aboriginal Place?**

Education for the wider community regarding the importance of Wollumbin AP without specific details of cultural activities is consistent with the cultural values of Wollumbin AP. It also provides an opportunity for practising cultural law and demonstrating cultural responsibility.

### **Under what conditions could it be consistent, if any?**

Education for the wider community may be considered if it follows the appropriate cultural protocols endorsed by the WCG. This may include:

- educational toolkits for local schools
- local community talks
- information flyers
- signage
- videos of Elders talking about the significance of Wollumbin AP on NSW NPWS website

The purpose of any public education should be to:

- inform the general public and particularly the local community who may already have some knowledge of Wollumbin AP
- promote respect for the cultural values of Wollumbin AP, and all Aboriginal Places of cultural importance
- not communicate restricted information such as specific values or cultural practices which are culturally sensitive
- discourage the public from visiting Wollumbin AP (particularly aimed at nearby schools).

### **Is an AHIP required?**

N/A



Black flying-fox

## 4.2.2 Natural values

**Table 11.** Activities that could harm or desecrate Wollumbin Aboriginal Place

### Activity: Weed control

#### Type of harm or desecration

Weed control in Wollumbin AP could cause harm through short term erosion damage, such as loss of sediment and potentially dislodgement of boulders before native species are established. Mechanical weed control would involve ground disturbing works. Chemical weed control could impact the native flora and fauna.

#### Is the activity consistent with the cultural values of the Aboriginal Place?

Weed control is consistent with caring for Country and conserving the natural values of Wollumbin AP.

#### Under what conditions could it be consistent, if any?

Weed control methods should be non-invasive to mitigate impacts to native species, such as:

- using chemical control which is safe for native flora and fauna
- staging weed removal to allow native species to grow and stabilise the ground surface.

Access to Wollumbin AP to conduct weed control must be done in accordance with cultural protocols endorsed by the WCG.

#### Is an AHIP required?

Unlikely, weed control is generally non-invasive.

### Activity: Regeneration works

#### Type of harm or desecration

Bush regeneration using hand removal and/or using a seeding method would not harm or desecrate the cultural values of Wollumbin AP.

#### Is the activity consistent with the cultural values of the Aboriginal Place?

Bush Regeneration works are consistent with caring for Country and conserving the natural values of Wollumbin AP.

#### Under what conditions could it be consistent, if any?

Bush regeneration using hand removal techniques and / or works using seeding methods should be considered in the first instance as they will not harm the cultural values of Wollumbin AP.

Access to Wollumbin AP to conduct bush regeneration works must be done in accordance with cultural protocols endorsed by the WCG.

#### Is an AHIP required?

No



Common blossom-bat

## Activity: Infrastructure placement

### Type of harm or desecration

Walking track maintenance, structure installation such as barrier fences or signage may require ground disturbing works.

Signage may encourage public access (see public access above for types of harm).

It was noted by Uncle John Roberts that a hard barrier should be erected to block access at the base of the summit track.

### Is the activity consistent with the cultural values of the Aboriginal Place?

Walking track maintenance, signage, and barrier fence installation for conservation of Wollumbin AP is consistent with the cultural values of Wollumbin AP.

### Under what conditions could it be consistent, if any?

Protective or management activities (e.g., conservation) require WCG endorsement.

A signage placement strategy and signage content should be developed in accordance with cultural protocols endorsed by the WCG.

Signage should:

- prohibit public access
- restrict culturally sensitive information.

Bollards and fencing should only be installed (or removed):

- to restrict public access
- for maintenance.

Access to Wollumbin AP to conduct infrastructure placement works must be done in accordance with cultural protocols endorsed by the WCG. Access to Wollumbin AP to conduct bush regeneration works must be done in accordance with cultural protocols endorsed by the WCG.

### Is an AHIP required?

Unlikely, infrastructure maintenance and signage are unlikely to be required within the AP.

## Activity: Infrastructure removal

### Type of harm or desecration

Removal of existing tourist infrastructure may require ground disturbing works.

### Is the activity consistent with the cultural values of the Aboriginal Place?

Removal of existing tourist infrastructure will assist with preventing harm and desecration and support protecting and respecting cultural values of Wollumbin AP.

### Under what conditions could it be consistent, if any?

Removal of existing tourist infrastructure requires WCG endorsement.

An AHIP may be required if works do not meet exemptions.

Access to Wollumbin AP to conduct infrastructure removal works must be done in accordance with cultural protocols endorsed by the WCG.





Lichen epiphytes

#### Is an AHIP required?

Unlikely, infrastructure removal from the AP is unlikely to include ground disturbance.

#### Activity: Fire

##### Type of harm or desecration

Fire, dependent on intensity, may cause damage to the remnant rainforest vegetation, fire may also damage fencing or signage installed to conserve Wollumbin AP.

#### Is the activity consistent with the cultural values of the Aboriginal Place?

Fire is both a natural process as well as a cultural practice used by Aboriginal people. Appropriate fire regimes and post- natural or arson fire management for conservation is consistent with the cultural values of Wollumbin AP.

#### Under what conditions could it be consistent, if any?

Appropriate cultural burning fire regimes are consistent with the values of Wollumbin AP.

Cultural burning should be implemented as informed by fuel load, appropriate regimes for the vegetation and/or weed management requirements.

Post natural or arson fire management protocols should be developed, such as a post-fire site inspection to determine the site condition and identify maintenance required to any damaged structures.

Fire emergency services, relevant landholders and other external fire service managers should be made aware of the location and significant elements of Wollumbin AP (see below, emergency management activity)

Access to Wollumbin AP to conduct fire management activities must be done in accordance with cultural protocols endorsed by the WCG.

#### Is an AHIP required?

No. Fire management is exempt under s.87A of the Act in relation to emergency response and hazard reduction activities.

#### Activity: Research

##### Type of harm or desecration

Scientific research may improve the knowledge of Wollumbin AP.

#### Is the activity consistent with the cultural values of the Aboriginal Place?

Scientific research is consistent with caring for Country and conserving the natural values of Wollumbin AP.

#### Under what conditions could it be consistent, if any?

Scientific research is consistent with the values of Wollumbin AP, **if determined culturally appropriate by Elders and the WCG.**

Access to Wollumbin AP to conduct research activities must be done in accordance with cultural protocols endorsed by the WCG.



Small-leaved tamarind

**Is an AHIP required?**

Yes, if ground disturbing works are proposed; or there are impacts on a known Aboriginal object e.g., archaeological excavation.

**Activity: Emergency management**

**Type of harm or desecration**

Fire emergency response may require ground disturbing works. Emergency services may require access for other emergency responses.

**Is the activity consistent with the cultural values of the Aboriginal Place?**

Emergency management, such as emergency responder access and firefighting activities are consistent with the cultural values of Wollumbin AP.

**Under what conditions could it be consistent, if any?**

Emergency response agencies should be made aware of location and significant elements of Wollumbin AP to respond appropriately without causing unnecessary damage to any of the significant elements of Wollumbin AP. Emergency response agencies should establish a formal notification process and training and information package (that informs them of cultural sensitivities) for contacting the WCG when emergency management activities are to be enacted. Notification should occur as soon as practicable to avoid unforeseen harm to Wollumbin AP. This would only be developed if endorsed by the WCG and culturally appropriate.

**Is an AHIP required?**

No. Emergency management is exempt under s.87A of the Act.

**4.2.3 Views and vistas, aesthetic values, connection to Country and cultural landscape**

**Table 12.** Activities that could harm or desecrate Wollumbin Aboriginal Place

**Activity: Development, infrastructure, and surrounding landscapes**

**Type of harm or desecration**

Development within the views and vistas of Wollumbin AP could affect inter-visibility to important cultural sites. Impacts could include things like building on spurs and ridges. Further suburban development within the views and vistas of Wollumbin AP will impact on the aesthetics, connection to Country and the cultural landscape which are integral to the cultural values of Wollumbin AP. Removal of infrastructure will occur once the summit is closed in the future.

**Is the activity consistent with the cultural values of the Aboriginal Place?**

Development activity without consideration of the cultural landscape around Wollumbin AP, including connected sites and places, views, and vistas to and from Wollumbin AP and natural resources of Wollumbin AP (such as water) and surrounding cultural landscape is not consistent with the cultural values of Wollumbin AP.



Rainforest fungi

**Under what conditions could it be consistent, if any?**

Impact assessments should be undertaken for developments within the identified significant views and vistas of Wollumbin AP.

**Is an AHIP required?**

No.

**Activity: Mining/water mining/gas exploration/fracking in Wollumbin AP**

**Type of harm or desecration**

There is only a very low risk of harm from mining and associated activities. Section 41(1) of the NPW Act states 'It is unlawful to prospect or mine for minerals in a national park or historic site, except as expressly authorised by an Act of Parliament'. Section 41(4) also states that 'The Minister may, subject to such terms and conditions as the Minister may determine from time to time, approve of prospecting for minerals being carried out on behalf of the Government in a national park or historic site by a person nominated by the Minister for Minerals and Energy' but this can only occur if agreed by both houses of parliament.

The NPW Act does not specifically protect against water mining, however such an activity would as a minimum require an appropriate level of environmental impact assessment (and approval). Any type of mining undertaken within Wollumbin AP would cause immense physical and spiritual harm.

**Is the activity consistent with the cultural values of the Aboriginal Place?**

Mining is not consistent with the cultural values of Wollumbin AP.

**Under what conditions could it be consistent, if any?**

There are no conditions under which mining could be consistent with the cultural values of Wollumbin AP.

**Is an AHIP required?**

Yes



Rainforest cassia

#### 4.2.4 All cultural values and significant elements

**Table 13.** Activities that could harm or desecrate Wollumbin Aboriginal Place

##### Activity: Implementing plans of management, management strategies and operational work programs

###### Type of harm or desecration

NPWS plans of management, strategies, operational work programs must align with the APMP. If the culturally appropriate directions in the APMP are not integrated into the existing NPWS plan of management, strategies and work programs, and culturally appropriate management protocols are not implemented, harm or desecration could occur to all cultural values and significant elements of Wollumbin AP. The WCG have a cultural responsibility and obligation to Wollumbin AP, if the APMP is not implemented effectively, cultural safety is at risk.

###### Is the activity consistent with the cultural values of the Aboriginal Place?

An effective plan of management is consistent with conservation of all cultural values of Wollumbin AP.

###### Under what conditions could it be consistent, if any?

The APMP must consider the following to be effective:

- management protocols need to be simple and practical
- the APMP must be a working document to which additions can be made to strengthen the protection of Wollumbin AP as required
- the APMP must go under review periodically
- a committee of stakeholders should be created to consider these future issues and ensure the implementation of the APMP.

###### Is an AHIP required?

N/A

##### Activity: Management funding

###### Type of harm or desecration

Lack of funding to implement management protocols for Wollumbin AP could result in harm or desecration to all cultural values and significant elements of Wollumbin AP.

###### Is the activity consistent with the cultural values of the Aboriginal Place?

Conservation of the cultural values of Wollumbin AP requires funding.

###### Under what conditions could it be consistent, if any?

In consultation with the WCG, NPWS should seek options for funding the management protocols in this document.

Funding opportunities, such as grants, should be explored.

These opportunities should be reviewed periodically as needed. This management plan should be used to assist in grant funding applications. This would only be developed if endorsed by the WCG and culturally appropriate.

###### Is an AHIP required?

N/A



Ranges rapids

### **Activity: Visitation by Wollumbin Aboriginal stakeholders for Cultural purposes**

#### **Type of harm or desecration**

Disrespect to cultural heritage significance and cultural and spiritual values by continued public access of the summit.

#### **Is the activity consistent with the cultural values of the Aboriginal Place?**

Yes. Visitation to Wollumbin AP by approved individuals is consistent with the cultural values of Wollumbin AP by providing the opportunity for Wollumbin Aboriginal stakeholders to continue cultural and spiritual practices associated specifically with Wollumbin AP that have been a part of their existence since time immemorial.

#### **Under what conditions could it be consistent, if any?**

An access permissions strategy/protocol should be developed by the WCG to manage who can access Wollumbin AP, for both cultural purposes, and management activities. This must be developed with WCG and only endorsed if culturally appropriate.

#### **Is an AHIP required?**

No. Most access to the AP for cultural purposes will be exempt under the Acts 87B. Exemption for traditional Aboriginal cultural activities

### **Activity: Alternative experiences and remediation activities**

#### **Type of harm or desecration**

Harm or desecration could occur if not culturally appropriate and consultation is not undertaken with the WCG.

#### **Is the activity consistent with the cultural values of the Aboriginal Place?**

This activity could be consistent with the cultural places of Wollumbin AP, if undertaken in consultation and with the endorsement of the WCG.

#### **Under what conditions could it be consistent, if any?**

There may be alternative experiences and opportunities for visitors in surrounding areas, where the views to Wollumbin Mountain are still present (similar to Uluru's *Field of Lights* experience) and Country can be experienced without accessing the summit. The closure of Wollumbin AP to the public may provide an opportunity to promote Aboriginal culture and cultural heritage in different ways that are culturally respectful. It will also provide an opportunity for reconciliation between the Aboriginal community and the broader community, as well as allow Wollumbin AP to heal naturally without continued impact from public access.

#### **Is an AHIP required?**

Unlikely, an AHIP would only be required if harm or desecration to Aboriginal objects or the values of Wollumbin AP are proposed and cannot be avoided; or do not meet exemptions of Act.



Parma wallaby

## 4.3 Ways to care for Country and respect cultural values at Wollumbin Aboriginal Place

The following management protocols, risk mitigation measures and ongoing works and management activities are based on the general statements of management, management goals and types of activities that may cause harm to Wollumbin AP identified in the previous section.

### 4.3.1 Values, objects, and areas that must be conserved

Table 14 below identifies the values, objects, and areas of Wollumbin AP that must be conserved and provides site specific management protocols and risk mitigation measures for these values, objects, and areas. Mapping of these management areas is provided in Figure 6.

**Table 14.** Site specific cultural value management strategies for Wollumbin Aboriginal Place

Cultural value, object, or area of Wollumbin Aboriginal Place	Cultural value management protocols and risk mitigation measures
AHIMS sites	<ul style="list-style-type: none"> <li>• AHIMS sites within Wollumbin AP require site monitoring in consultation with the WCG using the site condition reporting form appended/updated and photo point monitoring.</li> <li>• An AHIP is required if any harm is proposed to Aboriginal objects or values within Wollumbin AP, including ground disturbing works (refer to Tables 10 – 13 above for a list of activities that may require an AHIP).</li> <li>• Research (including oral history studies) if conducted should occur according to cultural protocols endorsed by the WCG and conducted in consultation with the WCG and their identified research partners.</li> </ul>
Natural values of native flora and fauna	<ul style="list-style-type: none"> <li>• The native flora and fauna are integral to the cultural values of Wollumbin AP and must be conserved and rehabilitated where necessary.</li> <li>• Maintenance and rehabilitation activities (such as weed control, bush regeneration) should consider non-invasive methods as the first option as ground disturbing works in Wollumbin AP will trigger an AHIP if there is potential to harm Aboriginal objects or the Aboriginal Place.</li> </ul>



Red dragonfly

**Cultural value, object, or area of Wollumbin Aboriginal Place**

**Cultural value management protocols and risk mitigation measures**

Wollumbin views and vistas and cultural landscape

- The aesthetic and visual values of the landscape and the natural resources of Wollumbin AP and the surrounding cultural landscape are deeply connected to the spiritual and cultural values and significance of Wollumbin AP and should be conserved where possible. Tweed Council and other adjoining Councils to the Wollumbin National Park should be consulted to ensure that views and vistas to and from Wollumbin AP are not compromised by inappropriate development (for example, high rise buildings) through Development Controls on Development Applications (similar to the protections afforded by Port Stephens Council to Birubi Point Aboriginal Place and currently being considered by Newcastle City Council for Rocky Knob Aboriginal Place and protections within the Tweed Shire Council Aboriginal Cultural Heritage Management Plan).
- Management options for conserving the important natural resources of the cultural landscape and views and vistas of Wollumbin AP, should be actively pursued.
- Access by the WCG and broader Aboriginal community for cultural or educational purposes to be determined in consultation with NSW NPWS.
- Removal of infrastructure and signage that supports visitation and public access of Wollumbin AP (if involving ground disturbing works that may cause harm to Aboriginal objects/ the AP, further consultation with the WCG and Heritage NSW under an AHIP may be required).
- Closure of the summit for public access to respect cultural values in consultation with the WCG.

Cultural knowledge, stories, and culturally sensitive information.

- Cultural knowledge and stories associated with Wollumbin AP are fundamental to the cultural values of the site, are considered culturally sensitive and therefore should be regulated in accordance with cultural protocols and law agreed to by the WCG.
- The WCG will determine the level of information about Wollumbin AP that is made available.
- Renewing and continuing transmission of cultural knowledge, stories, and cultural information to future generations in accordance with cultural protocols and law agreed to by the WCG.

### 4.3.2 Implementation plan for works and ongoing management activities

The following works and ongoing management activities have been identified for Wollumbin AP. An implementation plan for these activities, including description of works and activities, timeframes and roles and are set out in Table 15 below.

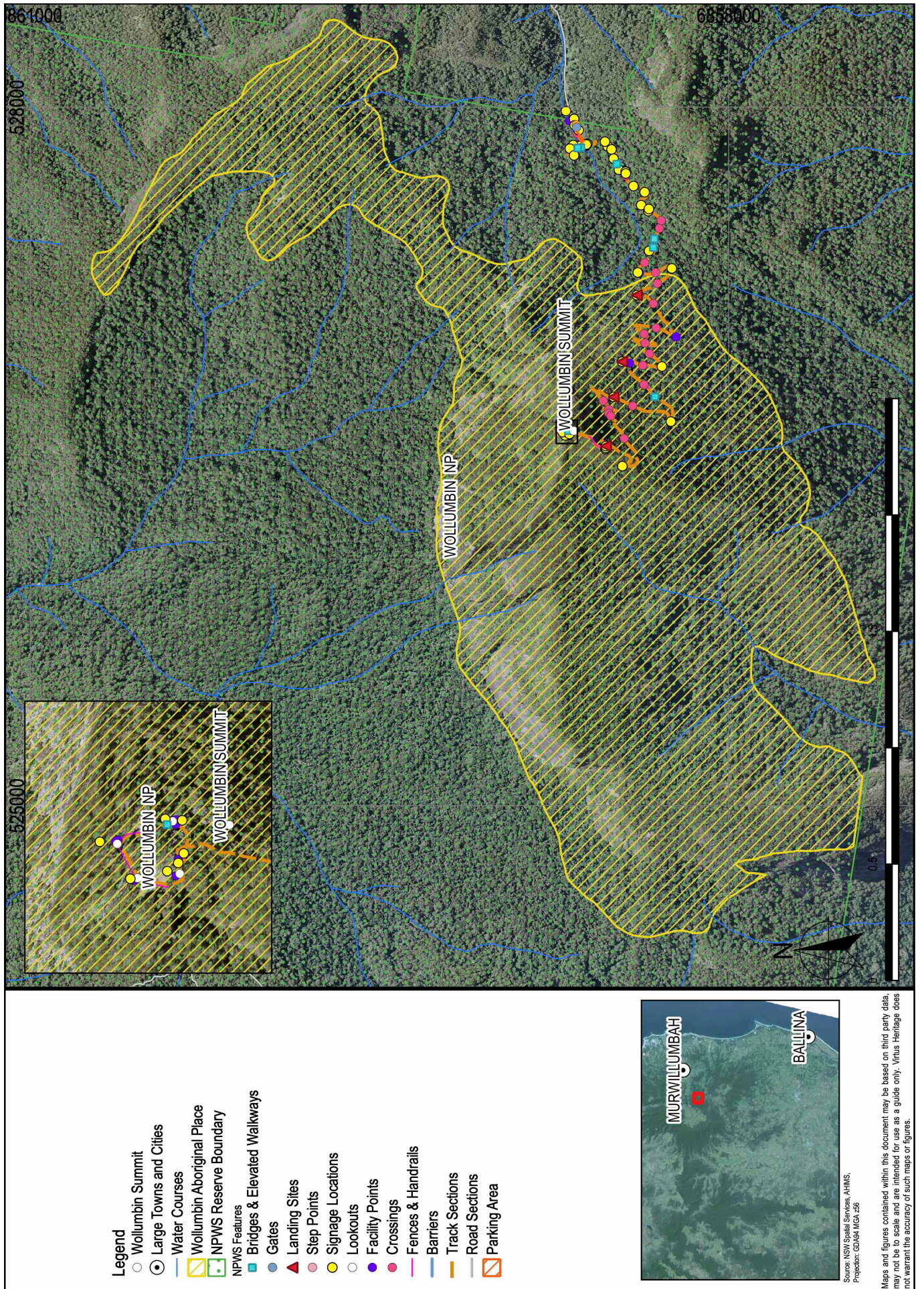
**Table 15.** Implementation Plan

<b>Works and ongoing management activities</b>	<b>Description</b>	<b>Timeframe</b>	<b>Implementation completed Y, N, Ongoing</b>	<b>Role/responsibility for implementation and/or funding</b>
<b>Management framework</b>				
WCG to implement this management plan	<p>WCG should meet:</p> <ul style="list-style-type: none"> <li>• every 3 months</li> <li>• if activities are proposed which may cause harm to the cultural values of the Aboriginal Place</li> <li>• if management decisions are required which are not subject to this plan</li> <li>• after flood, significant storm or fire events or natural disasters</li> </ul>	Within 3 months	Ongoing	WCG and NPWS
<b>Administrative controls</b>				
Apply for an AHIP for minor works	An AHIP may be required from Heritage NSW for maintenance works and structure installation (refer to Tables 10 – 13 for examples)	As required (An AHIP application process can take up to 6 months)	N	NPWS in consultation with WCG and Heritage NSW
Incorporate the outcomes of this APMP into the Parks and Reserves of the Tweed Caldera Plan of Management (2004, amended 2010, 2019)	Review the current Plan of Management to include the Wollumbin Aboriginal Place cultural values and ensure Wollumbin AP will be managed in accordance with this APMP	Within 24 months	N	NPWS



Works and ongoing management activities	Description	Timeframe	Implementation completed Y, N, Ongoing	Role/ responsibility for implementation and/or funding
<b>Community education and awareness</b>				
A joint WCG and NPWS strategy focused on sustainable communication, education, and information to celebrate cultural values and to reinforce the need for the closure of Wollumbin AP to public access	WCG to develop educational toolkits or presentations for local schools. Culturally appropriate Aboriginal people to present to local schools about the cultural values of Wollumbin AP	If WCG see as appropriate	Ongoing	If WCG see appropriate, could consider in consultation with Aboriginal Education Consultative Group (AECG) Connection to Country programs and other funding resources
Alternative tourism opportunities	Wollumbin AP is currently a tourism drawcard for the Tweed area, and there is an opportunity to provide alternative tourism opportunities which are culturally respectful in the area, that celebrates and informs the public of the significant cultural heritage of the area without including access to the summit or that desecrate cultural sites and cultural and spiritual values	If WCG see as appropriate	N	WCG and NPWS in consultation with tourism operators
<b>Access management</b>				
Implement a signage strategy	<p>A signage strategy should consider:</p> <ul style="list-style-type: none"> <li>• whether signage should be installed/whether additional signage needs to be installed with existing interpretation</li> <li>• signage content for: <ul style="list-style-type: none"> <li>◦ Interpretation signage</li> <li>◦ access restrictions signage</li> <li>◦ potential fines for harm to the Aboriginal Place signage</li> </ul> </li> </ul> <p>An AHIP may be required from Heritage NSW for signage installation (refer to Tables 10 – 13 for examples)</p>	2021 onwards	Ongoing	NPWS

<b>Works and ongoing management activities</b>	<b>Description</b>	<b>Timeframe</b>	<b>Implementation completed Y, N, Ongoing</b>	<b>Role/ responsibility for implementation and/or funding</b>
Cultural Access	Cultural access by the WCG for cultural renewal and activities should continue and continue after closure as culturally appropriate in consultation with NSW NPWS in relation to access safety/condition of path	Ongoing	Ongoing	NSW NPWS and WCG
Implement an access permissions protocol	An access permissions strategy/protocol should be developed by the WCG to manage who can safely access Wollumbin AP, considering cultural access within Wollumbin AP	Ongoing	No	WCG and NSW NPWS
Development an access permissions strategy/protocol within Wollumbin NP and outside of Wollumbin AP	These changes would be considered in the plan of management review processes	Ongoing	No	WCG and NSW NPWS
<b>Maintenance and rehabilitation</b>				
Rubbish removal	Rubbish present in Wollumbin AP area should be removed immediately  Ongoing rubbish removal should occur as required and informed by the site condition reporting results	Ongoing	Ongoing	NSW NPWS
Weed removal	Weeds to be managed according to existing NSW NPWS policies for Wollumbin AP and consider manual weeding or non-ground disturbing works such as spraying which have low potential to harm cultural values or require an AHIP	Ongoing	Ongoing	NSW NPWS
Erosion control	The WCG's preferred method for erosion control of the Wollumbin Summit Track is not to bring in topsoil or erosion barriers, but to close the track and allow Wollumbin Mountain to heal itself, by allowing vegetation to grow over the track and stabilise sediments	Ongoing	Ongoing	NSW NPWS



**Figure 6.** Aboriginal Place Management Map



Epiphytes

## 4.4 Review and monitoring processes

### 4.4.1 Management review and monitoring

Ongoing management review and monitoring processes are set out in this section with timeframes and roles and responsibilities for implementation (refer to Table 16).

**Table 16.** Management review and monitoring processes

Ongoing management, review/ monitoring processes	Management plan review	Site monitoring and site condition reporting
Description	The WCG should undertake a review of this working document annually for the first 5 years and then every 5 years after that, or as required	<p>Site condition reporting will be used to inform many of the management requirements for Wollumbin AP</p> <p>Site monitoring and condition reporting should be completed:</p> <ul style="list-style-type: none"> <li>• every 6 months</li> <li>• after fire, significant storm or flood events or natural disasters</li> <li>• by a maximum of five people</li> </ul> <p>Current site condition reporting and future requirements for site monitoring and condition reporting are provided (refer to Section 4.4.2 below and Appendix A)</p>
Timeframe	Ongoing	Ongoing (every 6 months)
Implementation completed Y, N, Ongoing	No	Ongoing
Role/responsibility for implementation and funding	WCG with NSW NPWS	WCG with NSW NPWS



Carpet python

#### **4.4.2 Site condition reporting**

A baseline site condition report was prepared on 19 May 2020 by members of Virtus Heritage, representatives of NSW NPWS and the WCG.

A map of site features and conditions recorded during the site inspection is included in the condition report (refer to Figure 7 and Table 17). The report is appended to this management plan (refer to Appendix A).

Site condition reporting should be undertaken every six months, or after flood or fire events or other potentially damaging events. A Site Condition Report Recording Form is provided in Appendix B for this purpose.

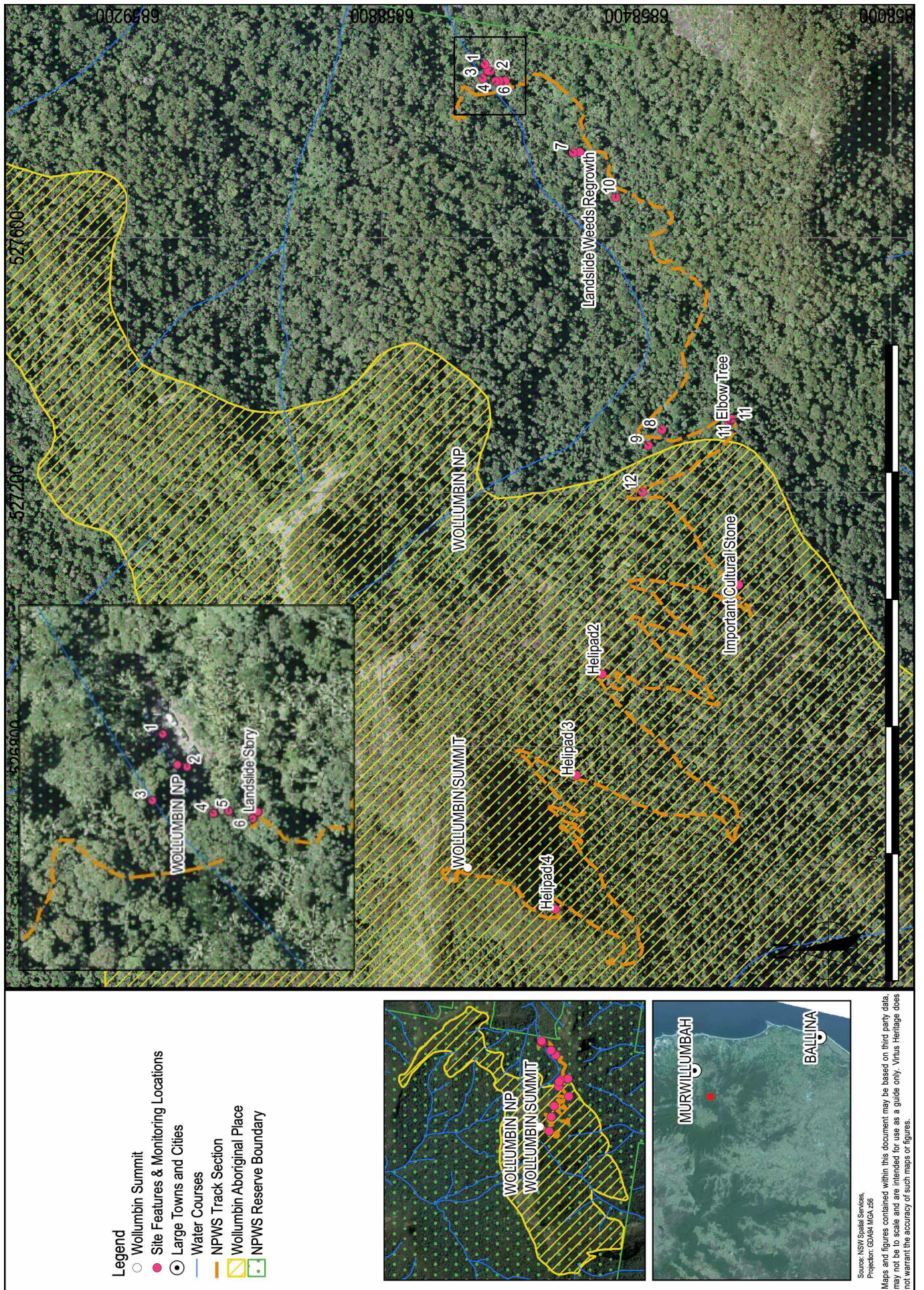
Site condition recording should include:

- Photographs:
  - from the monitoring points identified in Figure 7
  - of significant or new rubbish, vandalism
  - of the condition of the walking track, including debris on the track.
  - any other areas requiring maintenance.
- Condition of the elements as per the recording descriptors in Table 17 below.

The aspects of site condition that are key to conserving the significance of the site, their current condition and ongoing recording type and timeframe required are listed in Table 17 below. For the baseline site condition report refer to Appendix A.

**Table 17.** Site condition recording

Site condition aspect/element	Current condition	Ongoing recording required	Recording descriptors	Ongoing recording timeframe
Flora/fauna	<p>Native species comprises majority of the vegetation in Wollumbin AP. Species observed included the endangered <i>Zieria adenodonta</i> (Wollumbin zieria) and other endangered species.</p> <p>Wollumbin AP and surrounding national park is a rich habitat for native fauna. During the site inspection a carpet python and native birdlife was observed.</p> <p>Occasional weed species were observed such as lantana and cobblers' pegs.</p>	Yes	<ul style="list-style-type: none"> <li>• Frequency</li> <li>• Species types observed</li> <li>• Location</li> </ul>	Every 6 months (or after flood or fire event)
Signage	<p>Signage is generally in good condition, however, the information signage at the beginning of the track gives the impression that there is no issue for hikers to ascend Wollumbin Mountain. There is only one small sign that indicates that the Bundjalung nations do not wish the general public to climb Wollumbin Mountain. This issue is being addressed by new signage.</p>	Yes	<ul style="list-style-type: none"> <li>• Condition</li> <li>• Changes to signage</li> </ul>	Every 6 months (or after flood or fire event)
Views and vistas	<p>To the south east of Wollumbin AP lies a stone outcrop known as Njimbun Byorgin (the Sphinx) and to the south west of Wollumbin AP is another peak known as Wooroombin (the Pinnacle). In conjunction with Wollumbin Mountain these 3 points make a triangle within which the land is considered to be extremely sacred. These 2 important locations are visible from the peak of Wollumbin Mountain.</p> <p>The cultural landscape that surrounds Wollumbin AP is visible in all directions from Wollumbin peak and is also integral to the cultural value of Wollumbin AP.</p>	Yes	<ul style="list-style-type: none"> <li>• Visibility of development and significant landscape features</li> </ul>	Every 6 months (or after flood or fire event)
Rubbish, debris, and vandalism	<p>Remnants of a campfire were observed at the peak, however there was no other rubbish observed. Debris over the track included fallen trees, landslide debris and staghorns.</p>	Yes	<ul style="list-style-type: none"> <li>• Frequency</li> <li>• Location</li> </ul>	Every 6 months (or after flood or fire event)
Other infrastructure	<p>Infrastructure included helipads, viewing platforms, bench seats, timber and other construction, steps, boardwalks, and ramps within Wollumbin AP and carparking and other amenities at the base of the walking track. This infrastructure was all in good condition, however the management goal of the WCG is to close access to Wollumbin AP and remove the infrastructure.</p>	Yes	<ul style="list-style-type: none"> <li>• Maintenance required.</li> <li>• Location</li> </ul>	Yes



**Figure 7.** Wollumbin Aboriginal Place site features and monitoring locations

## 4.5 Culturally sensitive information

The cultural significance of Wollumbin AP has been well documented through the many archaeological, anthropological, and cultural heritage studies, autobiographies, and consultation for this APMP, which have been undertaken for the Wollumbin Caldera area and by Wollumbin Elders and Aboriginal stakeholders (e.g., refer to Collaborative Solutions 2001; Converge 2009 and McIntyre-Tamwoy 2005). Consultation and previous studies contain a wealth of cultural information, including stories and cultural practices pertaining to Wollumbin AP, some of which have gender restrictions, both male and female, however this information is not reiterated in this document. Due to the sacred nature of Wollumbin AP, and the cultural stories and practices related to the place, there are public access, and gendered restrictions, to the entire Wollumbin AP, including the base of the Mountain and carpark area.

The WCG will determine the level of information about Wollumbin AP that will be made available to the public and what information is to be withheld – or kept confidential – in the public interest under a section 161 notice. 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.

## 4.6 Relevant contacts

The following list of contacts, although not exhaustive, provides a list of organisations who may be required or provide assistance in the management of the Aboriginal Place (as well as the funding organisation listed above). The list of contacts was developed in consultation with the NSW NPWS, Aboriginal community and NSW Heritage and is provided in Table 18 below.

**Table 18.** Relevant contacts

Organisation/ individual name	Contact name/position	Role/responsibility/ when to contact
Wollumbin Consultative Group	Joint Management Officer North Coast Branch NSW National Parks and Wildlife Service E: npws.northcoastbranch@environment.nsw.gov.au	Aboriginal stakeholders for Wollumbin AP
Tweed Byron LALC	Chief Executive Officer ceo@tblalc.com	CEO of TBLALC
Heritage NSW	E: customer.strategies@environment.nsw.gov.au	NSW State Government regulatory body
NSW NPWS North Coast Branch	E: npws.tweedbyron@environment.nsw.gov.au	Land manager





# References

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- NSW Aboriginal Land Rights Act 1983.*
- Collaborative Solutions. 2001. *Aboriginal Cultural Heritage Study. Mount Warning (Wollumbin) National Park.* Unpublished report to NSW National Parks and Wildlife Service.
- Converge Heritage and Community (Converge). 2009. *Wollumbin Cultural Values Project: Historical Report.* Unpublished report to NSW Department of Environment, Climate Change and Water.
- DECCW. 2010a. *Aboriginal Cultural Heritage Consultation Requirements for proponents.*
- DECCW. 2010b. *Due Diligence Code of Practice for Protection of Aboriginal Objects in NSW.*
- DECCW. 2010c. *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.*
- Department of Planning and Environment Webpage about Aboriginal joint management of parks <<https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/aboriginal-joint-management>> Accessed 13 May 2020.
- NSW Environmental Planning and Assessment Act 1979.*
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- Gibbons, E. 2006. Interpretive information for the management of cultural sites and places for the Tweed Aboriginal Community. Unpublished Third Year Undergraduate Report. School of Environmental Science and Management, Southern Cross University. Lismore.
- Goulding M. and K. Waters 2005, *Ukerebagh Island, Aboriginal Place Nomination, a Background Report*, unpublished report prepared by Goulding Heritage Consultancy Pty Ltd for the National Parks and Wildlife Service
- Hall, J. 1986. Exploratory Excavation at Bushrangers Cave (Site La:A11), A 6000-Year-Old Campsite in Southeast Queensland: Preliminary Results. *Australian Archaeology*, 22:88-103.
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- Heron, R. and K. Reed. 1996. Murwillumbah Management Area EIS Supporting Document No.3 Aboriginal anthropology study Murwillumbah management area. Report prepared for the State Forests of New South Wales and the Traditional Aboriginal Owners.
- ICOMOS, 2013. *The Burra Charter: the Australia ICOMOS charter for places of cultural significance.* Australia ICOMOS Burwood, Vic.
- Keats, N.C. 1988. Wollumbin, the creation and early habitation of the Tweed, Brunswick and Richmond Rivers of NSW. Self-published.
- McIntyre-Tamwoy, S. 2005. *Indigenous Heritage Values of the Central Eastern Rainforest Reserves of Australia (CERRA) Region.* A report to the Department of Environment and Heritage.
- Morrison. J. nd. Make Wollumbin State Forest a National Park: A Submission to the government of New South Wales for the protection and reservation of a unique public asset. Unpublished report.

*Native Title Act, 1993.*

Nayutah, J. and G. Finlay. 1988. *Our Land Our Spirit Aboriginal Sites of the North Coast of NSW*. North Coast Institute for Aboriginal Community Education.

Neal, R., and E. Stock. 1986. Pleistocene occupation in the south-east Queensland Coastal Region. *Nature*, 323:618-621.

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Office of Environment and Heritage (OEH). 2017. *Declared Aboriginal Places Guidelines for Developing Management Plans*.

OzArk Environmental Heritage Management Pty Ltd (OzArk). 2007. Archaeological Salvage Excavation Zone 7, Tugun Bypass. Unpublished report to QLD Department of Main Roads.

Robins, R., Hall, J., and E. Stock .2015. Geoarchaeology and the archaeological record in the coastal Moreton Region, Queensland, Australia. *Quaternary International*  
<http://dx.doi.org/10.1016/j.quaint.2015.02.060>

Sharpe, M. 1998, *Dictionary of Yugambah including Neighbouring Dialects*, Pacific Linguistics, Australian National University, Canberra.

Steele, J.G. 1984, *Aboriginal Pathways: In southeast Queensland and the Richmond River*, University of Queensland, St. Lucia.

Tweed-Byron Local Environmental Plan 2014

Tweed-Byron LALC. 2013. Wollumbin Walking Track, Wollumbin National Park. A report prepared for Tweed-Byron LALC and NSW NPWS. (not summarised)

# Appendices

## Appendix A Letters of support

### Ngullingah Jugun letter of support

**NGULLINGAH** *Our Country*  
**JUGUN Aboriginal Corporation** RNTBC ICN 8672



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The Director,  
National Parks and Wildlife Service  
Via - Simon Hughes  
North Coast Branch  
136 Summerland Way  
Kyogle NSW 2474

#### **Letter of Support: Wollumbin Aboriginal Place Plan of Management**

The Directors of Ngullingah Jugun (Our Country) Aboriginal Corporation RNTB, on behalf of the common law owners of the Western Bundjalung Native Title Claim Area, wholly support the proposed Wollumbin Aboriginal Place Plan of Management, including the closure of the walking track to the Summit.

Wollumbin is a place of immense cultural and spiritual significance to Aboriginal people and requires due respect.

We acknowledge and agree with the Statement of Special Significance by Uncle John Roberts which publicly recognises the sentiments of Aboriginal knowledge holders, past and present concerning Wollumbin.

We also acknowledge the efforts of the Cultural Working Group, NPWS and Virtus Heritage in developing a Plan of Management which for the first time fully acknowledges the culturally sensitive nature of Wollumbin and proposes well-considered actions that will implement the wishes of our people.

Your sincerely

██████████

Chair, Ngullingah Jugun AC

27 May 2021

## Yaegl letter of support

5/28/2021

Virtus Heritage Mail - FW: Comments for Mount Warning: WOLLUMBIN ABORIGINAL PLACE

- Mount Warning (Wollumbin) is very sacred to Bundjalung people and also sacred to the Yaegl people as well.
- Mount Warning (Wollumbin) need to be protected by limiting people traffic and any other activities that might impact on the mountain
- Aboriginal cultural heritage management plans need full input from local Aboriginal organisations and groups who holds cultural knowledge
- In fully agreement with John Roberts statement

Regards

████████████████████

Yaegl Traditional Owners Aboriginal Corporation RNTBC

3 Stanley Maclean NSW 2463

Phone: (02) 66452930

Mobile 0401429418

Email: [ceo@yaegltocrntbc.org.au](mailto:ceo@yaegltocrntbc.org.au)

I acknowledge that I work and walk on Yaegl Lands, Waters and Sea and pay my respects to my Elders past, present and future.

Sent from [Mail](#) for Windows 10

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## **Appendix B Baseline site condition report**

**Restricted to men**

## Appendix C Site condition recording form

# Wollumbin Aboriginal Place






## Inspection checklist – site condition recording form

Name:				Date:	
Site condition:			Notes (Take photos from key reference point to enable comparison between inspections where necessary)		
Public access breaches	Yes	No	Number:		
Feral animal damage?	Yes	No			
Flora/fauna condition and are weeds present? (Record key species and % cover)	Yes	No			
Rubbish/debris present?	Yes	No			

<b>Erosion damage?</b>	<b>Yes</b>	<b>No</b>	
<b>Existing controls in good condition? (fences, signs, etc.)</b>	<b>Yes</b>	<b>No</b>	
<b>Change to views/ vistas?</b>	<b>Yes</b>	<b>No</b>	
<b>Revegetation condition</b>	<b>Good</b>		
	<b>Moderate</b>		
	<b>Poor</b>		
<b>Other observations and actions recommended? (Is Country healing? Are there cultural safety concerns/ management issues?)</b>			

## Appendix D Stop work protocols and site recording checklist






**Table D1.** Standard stop work procedure for Aboriginal objects or places

Standard stop work procedure for Aboriginal objects or places	
Actions	Detail of actions
 <b>Stop work</b>	<p>Immediately - All work should cease at the location and if necessary, an appropriately qualified Aboriginal Sites Officer or experienced archaeologist with expertise in Aboriginal cultural heritage is to be notified, if not already present at the location.</p> <p>The area is to be cordoned off to prevent access and to protect the object. Construction workers and operational personnel will comply with the instructions of the qualified Aboriginal Sites Officer from the Aboriginal stakeholders and/or experienced Aboriginal cultural heritage professional (archaeologist).</p> <p>Construction may be able to continue at an agreed distance away from the site where no harm can occur to identified or potential Aboriginal objects. Noting that no Aboriginal objects can be moved without an Aboriginal Heritage Impact Permit in place as this constitutes harm under the NPW Act and potential prosecution to any party including the Aboriginal Sites Officer.</p>
 <b>Contact and notify</b>	<p>Contact: notify Heritage NSW            T: 02 9873 8500            E: heritagemailbox@environment.nsw.gov.au</p> <p>The WCG can be contacted through the Joint Management Officer, North Coast Branch, NSW National Parks and Wildlife Service.            T: 02 8289 6319            E: npws.tweedbyron@environment.nsw.gov.au</p>
 <b>Assess</b>	<p>Heritage NSW will advise on a course of action based on the significance of the resource, which the department's officers will follow either:</p> <ul style="list-style-type: none"> <li>• protect and avoid or</li> <li>• record and protect or</li> <li>• investigate, excavate, record, and preserve.</li> </ul> <p>An Aboriginal cultural heritage assessment of the object and surrounding locality is to be undertaken.</p> <p>A written report of the archaeologist's findings and recommendations is to be provided to registered Aboriginal parties and the Heritage NSW for their consideration.</p>
 <b>Apply</b>	To Heritage NSW for an AHIP if necessary
 <b>Recommence</b>	<p>When Heritage NSW has approved a course of action in writing, works can recommence.</p> <p>No further works or development may be undertaken at the location until the required investigations have been completed and permits or approvals are obtained as required by the NPW Act and receipt of written authorisation by Heritage NSW. Upon further advice, construction may be able to continue at an agreed distance away from the site.</p>



**Please note in the case of the discovery of human remains or suspected human remains, the following actions must also be undertaken.**

**Table D2.** Standard stop work procedure for discovery of human remains or suspected human remains

Standard stop work procedure for discovery of human remains or suspected human remains	
Actions	Detail of actions
 <p><b>Stop work</b></p>	<p>Immediately stop work – The police must be notified, and all personnel and contractors on site should be advised that it is an offence under the Coroners Act to interfere with the material/remains.</p> <p>If necessary, an appropriately qualified Aboriginal Sites Officer or experienced archaeologist with expertise in Aboriginal cultural heritage is to be notified, if not already present at the location.</p> <p>The area is to be cordoned off to access and to protect the remains. Construction workers and operational personnel will comply with the instructions of the qualified Aboriginal sites officer from the Bundjalung stakeholders or archaeologist.</p>
 <p><b>Contact and notify</b></p>	<p>Contact: notify Heritage NSW            T: 02 9873 8500            E: heritagemailbox@environment.nsw.gov.au</p> <p>The WCG can be contacted through the Joint Management Officer, North Coast Branch, NSW National Parks and Wildlife Service.            T: 02 8289 6319            E: npws.tweedbyron@environment.nsw.gov.au</p>
 <p><b>Assess</b></p>	<p>Heritage NSW will advise on a course of action based on the significance of the resource, which the department's officers will follow either:</p> <ul style="list-style-type: none"> <li>• protect and avoid or</li> <li>• record and protect or</li> <li>• investigate, excavate, record, and preserve.</li> </ul>
 <p><b>Apply</b></p>	<p>To Heritage NSW for an AHIP if necessary</p>
 <p><b>Recommence</b></p>	<p>When Heritage NSW, NSW Police and Coroner (if required) has approved a course of action in writing, works can recommence.</p> <p>No further works or development may be undertaken until the required investigations have been completed by NSW Police, Coroner (if required) and Heritage NSW and permits or approvals obtained where required in accordance with the NPW Act. Upon further advice, construction may be able to continue at an agreed distance away from the site in consultation with Heritage NSW and Aboriginal stakeholders.</p>

**Registration of any new Aboriginal objects (including human remains if deemed an Aboriginal burial) is required under Section 91 of the NPW Act, 1974. The procedure for artefact recording is described below in Table D3**

**Table D3.** Recording procedure for Aboriginal objects

## Procedure for Aboriginal objects recording and site registration

If any new artefacts/objects (Aboriginal or historical associated with Aboriginal cultural use) are identified within the Aboriginal Place, this procedure should be followed to comply with AHIMS site recording procedures using an AHIMS site card (accessible see link and/or via the recording the digital recording app - <https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>):

- a) A photograph of the overview of the location of the artefacts is provided with a flag or object used as a marker
- b) A close-up photograph of the artefact (if a stone artefact front and back surface (ventral and dorsal) in its location with a scale [IFRAO scale or measured scale – if not on hand, coin, key, or pen])
- c) GPS recording of the artefact and site (Latitude and Longitude or grid system (MGA) grid coordinates - easting and northing taken)
- d) A description made including the following information:
  - o locational information (closest landmarks, distance from nearby road and how to get to location, where the artefacts are found)
  - o number of artefacts
  - o type of material artefacts are made of
  - o possible age of artefacts
  - o any information known by community and Elders about the artefacts
  - o if found in eroded area the approximate extent (length/width) of erosion scour or of the possible site.

Notify Contact: Notify Heritage NSW

T: 02 9873 8500

E: [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

The WCG can be notified through the Tweed Byron Area, North Coast Branch, NSW National Parks and Wildlife Service.

T: 02 6639 8300

E: [npws.tweedbyron@environment.nsw.gov.au](mailto:npws.tweedbyron@environment.nsw.gov.au)

(who will notify WCG members) if artefacts are found to undertake the recording for the find. The Aboriginal stakeholders should also note if there is any restricted cultural information on the artefacts/site and ensure this information is protected/restricted for access in consultation with stakeholders.

## Procedure for Aboriginal objects recording and site registration

e) The recording as outlined above (following steps a) to e) to comply with requirement Section 90 of the NPW Act must be sent to the Aboriginal Heritage Information Management Systems database to register on the sites database at:

T: 02 9585 6470

E: [ahims@environment.nsw.gov.au](mailto:ahims@environment.nsw.gov.au)

Knowledge that is culturally restricted on the AHIMS site card can be made as restricted and only permissible and accessible to the public once the Knowledge Holder of the site card provides permission.

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## **Appendix E All heritage listings and searches**

### **AHIMS search results restricted on public version**

## **Appendix F Plates from Baseline site condition report**

**Restricted to men**

Photos:

Front cover: Destination NSW	Page 20: Barbara Webster/DPE	Page 46: Barbara Webster/DPE
Reverse front: Damien Hofmeyer/DPE	Page 21: Brian McCauley/CC	Page 49: Duncan McCastkill
Page ii: Destination NSW	Page 22: Greg Schechter	Page 50: Bird Lai/CC
Page iii: Island Home/CC	Page 23: Barbara Webster/DPE	Page 51: Kate Anderson/CC
Page v: Dean Triezise	Page 24: Barbara Webster/DPE	Page 52: TeeJayBee/CC
Page viii & 1: Destination NSW	Page 25: David Cook/CC	Page 53: Paislie Hadley/CC
Page 2: Shane Ruming	Page 26: Richard Crook/CC	Page 54: Michael Pennay/CC
Page 3: Ann HS/CC	Page 27: Hank Bower	Page 55: Richard Droker/CC
Page 4-5: Damien Hofmeyer/DPE	Page 28: David Cook/CC	Page 56: Shane Ruming
Page 6: Arthur Chapman	Page 29: David Cook/CC	Page 57: Aurthur Chapman/CC
Page 7: Kevin/CC	Page 30: DPE	Page 58: Shane Ruming
Page 8: Victoria Retter/CC	Page 31: Paul Balfe/CC	Page 59: Aurthur Chapman/CC
Page 9: Jack Nesbitt	Page 32: Pete Richards	Page 60: Hans De Bisschop/CC
Page 10: Denis Bin/CC	Page 34: Island Home/CC	Page 61: Bill Bristow
Page 11: Shane Ruming	Page 35: Tatters	Page 66: Hazel Owen/CC
Page 16: Adobe Stock	Page 36: Adobe Stock	Page 67: Peter Nijenhuis/CC
Page 17: Nik Borrow/CC	Page 37: Julia Chapple	Page 71: Dean Trezise
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