

## ITEM 9 ABORIGINAL PLACE NOMINATION - DJEERA (MT KEIRA) AND FIVE ISLANDS

NSW Heritage has advised that it is considering an Aboriginal Place nomination for Djeera (Mount Keira) and the Five Islands under the *National Parks and Wildlife Act 1974*. Most of the nomination area is land managed by the NSW National Parks and Wildlife Service. The nomination area also includes two reserves owned and managed by Council – the Mount Keira Summit Park and Gooyong Street Reserve, as well as some privately owned land. In its capacity as landowner, Council has received a letter requesting Council support the Aboriginal Place nomination.

It is recommended that Council forward a submission to Heritage NSW advising Council's support as a landowner and outlining some operational matters to be addressed in conjunction with the finalisation of the Aboriginal Place declaration.

### RECOMMENDATION

The General Manager prepare a submission to NSW Heritage to include -

- a Council's in principle support as the landowner of Mount Keira Summit Park and Gooyong Street Reserve for their inclusion in the Djeera (Mount Keira) and the Five Islands Aboriginal Place, as it will recognise the special cultural significance of both locations.
- b Council's request that the finalisation and adoption of a Management Plan for the Aboriginal Place accompany any Aboriginal Place declaration. The Management Plan should include functional approval arrangement to allow Council and other infrastructure providers to service the ongoing use of the area and to continue routine activities and emergency works.
- c Encouraging NSW Heritage to undertake broader community consultation to inform the finalisation of the Aboriginal Place nomination.

### REPORT AUTHORISATIONS

Report of: Chris Stewart, Manager City Strategy

Authorised by: Linda Davis, Director Planning + Environment - Future City + Neighbourhoods

### ATTACHMENTS

- 1 Heritage NSW Aboriginal Place Nomination Area Letter and Map
- 2 Location Map
- 3 Ownership Map
- 4 Zoning

### BACKGROUND

Djeera (Mount Keira) is a prominent scenic landmark which, at 464 metres above sea level, provides a unique visual backdrop to Wollongong (Attachment 2). It is part of the Illawarra Escarpment which forms an impressive line of steep slopes and cliffs bordering the Wollongong coastal plain and is a major topographic feature that contributes to the character and amenity of the city and surrounding region.

Djeera (Mount Keira) is important to, and actively used by, the traditional Aboriginal custodians of the Illawarra. The locality is linked to Aboriginal creation stories of the mountain and surrounding areas. Djeera (Mount Keira) is a special women's place and is often referred to a "Grandmother Mountain" by the local community. Djeera (Mount Keira) also features stories of European settlement and development of the region, its culture and lifestyle and community participation in development of the Mount Keira Summit Park.

The special significance of Djeera (Mount Keira) has long been acknowledged by Wollongong City Council, including through on-site artwork highlighting the mountains special place in local Dreamings, as well as through Council's Plan of Management for the Mount Keira Summit Park. This Plan of Management was developed with input from the local Aboriginal community and highlights and manages the special significance of the Mountain in its management approach.

People visit the Mount Keira Summit Park to enjoy the outstanding scenery and natural environment, to picnic, socialise, showcase the area to visitors and for outdoor activities such as bushwalking and rock climbing on cliffs bordering the Park. The summit is also a destination for road cycling and features in several regional recreational and sporting events.

According to the NSW Government's Aboriginal Places Policy, an Aboriginal Place declaration is a way of recognising and legally protecting Aboriginal cultural heritage. The Minister, under section 84 of the *National Parks and Wildlife Act 1974* (NPW Act), can declare any public or privately owned land in NSW as an Aboriginal Place if the area is deemed to have 'special significance' to Aboriginal culture. These declarations are a powerful conservation tool and advance the recognition, protection and understanding of Aboriginal cultural values.

The declaration of an Aboriginal Place does not affect land ownership and is not linked to Native Title or Land Claims legislation. However, an Aboriginal Place declaration does require that any future use or development within the Place boundary may require approval under Section 87-90 of the NPW Act. This can result in the need for an Aboriginal Heritage Impact Permit (AHIP) for any proposed activity or work that may impact on the defined values and significance of the place.

Under the NSW Government's Aboriginal Places Policy, the development of a Management Plan to guide future maintenance and management of an Aboriginal Place should be prepared, in consultation with all affected landowners, local Aboriginal community and Heritage NSW prior to the gazettal of a proposed Aboriginal Place. A Management Plan provides a mechanism for enabling ongoing uses and works that are required to manage an Aboriginal Place.

## PROPOSAL

NSW Heritage has advised that it is considering an Aboriginal Place nomination for Djeera (Mount Keira) and the Five Islands (Attachment 1) under the NPW Act.

The Five Islands are managed by the NSW National Parks and Wildlife Service (NPWS) with the land zoned C1 National Parks and Nature Reserves under the Wollongong Local Environmental Plan (LEP) 2009. Access to the islands is restricted by the NPWS.

The nomination area at Djeera (Mt Keira) has a mix of ownership and planning controls (Attachments 3 and 4).

- The Mount Keira Summit Park is owned by Council, has an area of 9.4ha and is managed as an annex to the Wollongong Botanic Garden -
  - The northern part contains lookouts, car park, kiosk, toilets, picnic areas and a telecommunications tower. This area is zoned SP3 Tourist under the Wollongong LEP and is largely classified as Community land and categorised as General Community use. The telecommunications tower area is classified as Operational land.
  - The southern part is largely bushland with some walking tracks and the Five Islands lookout. This area is zoned C2 Environmental Conservation, classified as Community land and categorised as an Area of Cultural Significance.
  - In 2019 Council adopted the Mount Keira Summit Park Plan of Management (PoM), under the *Local Government Act 1993*, to guide Council activities in the park. Adoption of the PoM followed extensive community engagement including considerable Aboriginal community engagement to understand the special significance of the place.
  - Djeera (Mount Keira) is part of the Illawarra Escarpment Landscape Heritage Conservation Area under the Wollongong LEP 2009.
- The land below the Mount Keira Summit Park is part of the Illawarra Escarpment State Conservation Area (SCA) and is managed by the NPWS and is zoned C1 National Parks and Nature Reserves. This includes the Scout and Girl Guide camps, Byarong Park and the Illawarra Rhododendron and Rainforest Gardens.
- Surrounding the Illawarra Escarpment State Conservation Area is privately owned land, including land owned by South 32 (and subsidiaries).

- The Gooyong Street Reserve is located on the northwest side of Gooyong Street, north of Gipps Road. The reserve is 0.978ha, zoned C2 Environmental Conservation, classified as Community land and categorised as Natural Area - Bushland, and is subject to the Council Community Land Plan of Management (2022).

Heritage NSW has indicated that it is consulting with affected owners in relation to the proposed Aboriginal Place but is not proposing to consult with the broader community through a public exhibition process.

The nomination area excludes the road corridors of Mount Keira Road, Harry Graham Drive, Clive Bissell Drive, several paper roads and the Mount Keira Rural Fire Service fire station.

Under the NPW Act, an Aboriginal Place has the same requirements as an Aboriginal site. Activities that could harm the values of the Aboriginal Place would require an AHIP before they can occur. The adoption of an Aboriginal Place Management Plan, which lists routine activities, can avoid the need to prepare AHIPs.

Council officers are concerned that if a Management Plan is not in place when the Aboriginal Place is declared, it could delay and add cost to routine maintenance activities and emergency works within the area, whilst an AHIP is obtained. While it may not be the intent of Heritage NSW, Council has experienced the consequences of not having a Management Plan for other locations, which has added cost to the community and delays to projects and maintenance.

Council undertakes a number of activities on its lands in the nomination area, including -

- Road and footpath maintenance (including drainage and embankment stabilisation).
- Bushland rehabilitation.
- Building maintenance (the Summit Park kiosk, toilets).
- Mount Keira power and water supply.
- Asset Protection Zone maintenance.

A Management Plan that provides for the ongoing maintenance and management of the proposed area, including the protection of the Aboriginal cultural values should be developed in conjunction with any Aboriginal Place declaration to ensure that the ongoing maintenance and upkeep of the area is not unnecessarily complicated by the legislative implications of a declaration.

## CONSULTATION AND COMMUNICATION

Heritage NSW has advised Council of the proposed Aboriginal Place nomination and requested Council's input as an affected landowner, as the draft proposal will include the Mount Keira Summit Park and the Gooyong Street Reserve.

Council officers have held preliminary discussions in relation to the proposed declaration and the future management of the Aboriginal Place should it be declared, including highlighting a range of current use and management considerations. These relate to the need to allow for the ongoing maintenance and use of existing infrastructure and to ensure that the legislative implications of an Aboriginal Place declaration will not prevent the ongoing functional management of Council's operations within the area.

Heritage NSW have advised Council that a proposed Aboriginal Place does not require a formal public exhibition process under the legislative procedures relating to a declaration.

## PLANNING AND POLICY IMPACT

This report contributes to the delivery of Our Wollongong 2032 Goals 1 and 4. It specifically delivers on the following –

Community Strategic Plan 2032		Delivery Program 2022-2026
Strategy		Service
1.7	Develop and implement programs and projects that achieve proactive heritage management, education and promotion.	Land Use Planning
4.4	Build awareness and understanding of Local Aboriginal and Torres Strait Islander culture, heritage and histories	Land Use Planning

## CONCLUSION

NSW Heritage has advised that it is considering an Aboriginal Place nomination for Djeera (Mount Keira) and the Five Islands under the *National Parks and Wildlife Act 1974*.

It is recommended that Council advise NSW Heritage that as a landowner, Council supports the nomination in principle. Council should further request that a Management Plan be adopted in conjunction with any Aboriginal Place declaration to ensure operations and maintenance of assets on Council's land are not compromised.



## Department of Planning and Environment

Our ref: DOC23/836925

Mr Greg Doyle  
General Manager  
Wollongong City Council  
[council@wollongong.nsw.gov.au](mailto:council@wollongong.nsw.gov.au)

### Djeera (Mt Keira) and the Five Islands Aboriginal Place nomination

Dear Mr Doyle,

I write to you regarding a proposal received by Heritage NSW, Department of Planning and Environment for Djeera (Mt Keira) and the Five Islands to be declared an Aboriginal place under section 84 of the *National Parks and Wildlife Act 1974*.

Djeera (Mt Keira) and the Five Islands is a complex cultural landscape. It is of special significance to Illawarra Aboriginal communities as part of a larger network of Dreaming and learning pathways and as a continuing shared place for intergenerational teaching, resource gathering and wellbeing.

As you are aware, the proposal has been under investigation since 2018 with extensive consultation. A preliminary assessment in 2018 resolved that the proposal should be progressed to the full assessment stage.

I note that as part of our consultation with Wollongong City Council, that you requested that a Management Plan be developed alongside the assessment report. The Plan has now been drafted and is undergoing review by stakeholders, including Council staff. It is not intended that the Plan be exhibited for public submissions.

Presentation of the full assessment and finalised Management Plan is planned for presentation to the Aboriginal Cultural Heritage Advisory Committee (ACHAC) in December 2023.

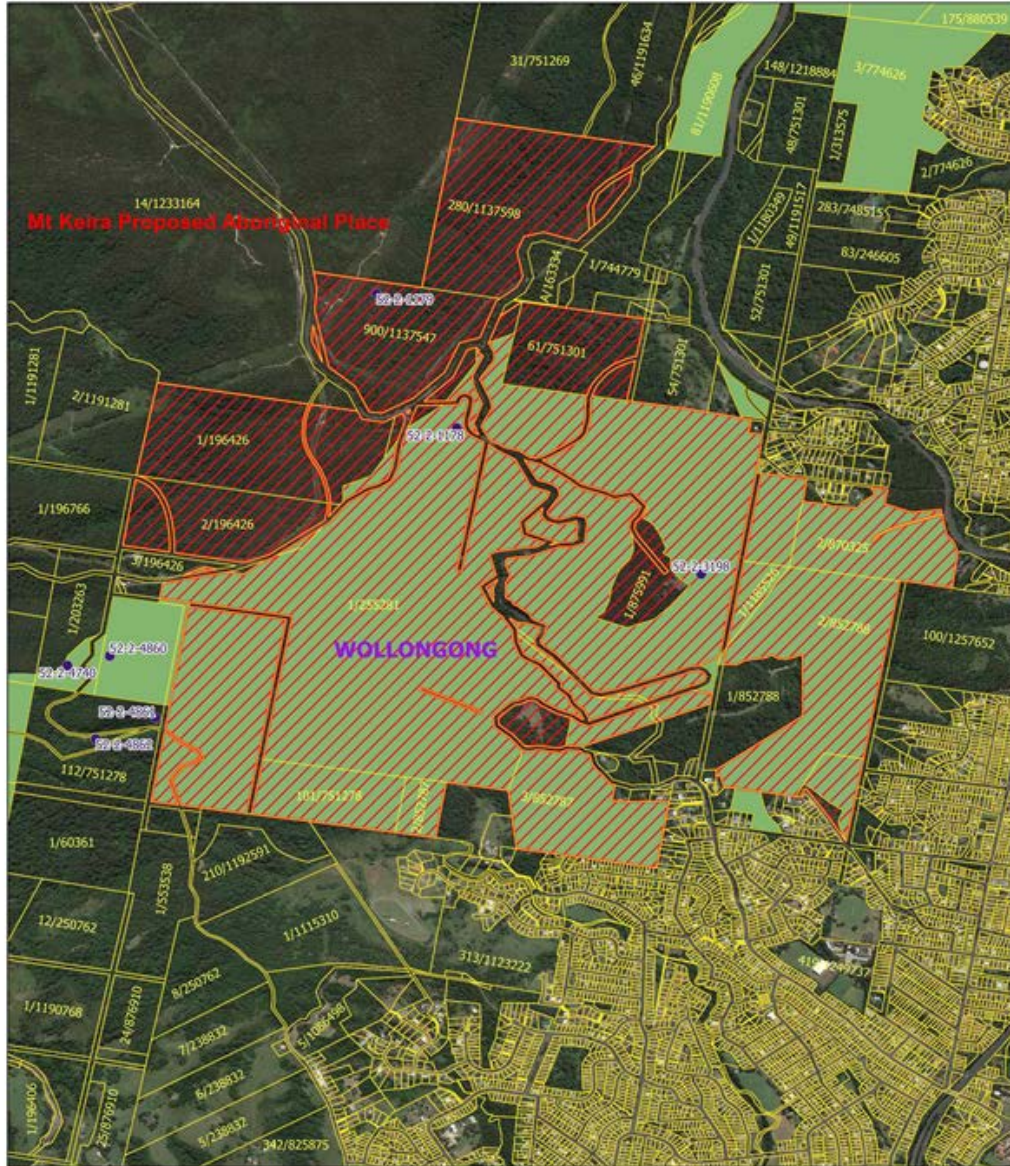
The boundary for the proposed Aboriginal place has been revised based on consultation to date and is proposed to apply to the land as shown on the attached maps.

At this stage we seek your support as a landowner for the proposed declaration of Djeera (Mt Keira) and the Five Islands as an Aboriginal Place. Written confirmation of your support by Friday 10 November would be most welcome.

If you have any questions in relation to the nomination, please do not hesitate to contact Judith Coombes on 02 9873 8522 or at [judith.coombes@environment.nsw.gov.au](mailto:judith.coombes@environment.nsw.gov.au)

Yours sincerely

Alexandra Boukouvalas  
Manager Heritage Programs North, Heritage NSW  
24/10/2023



Proposed Aboriginal Place:  
Djeera (Mt Keira) and Five Islands  
Mt Keira

0 250 500 m

Map scale: 1:15000 @ A4  
Datum/projection: GCS GDA 94  
Date: 24 October 2023



- AHIMS Sites
- Land Parcel
- ▨ Proposed Aboriginal Place
- SUBURB
- LGA



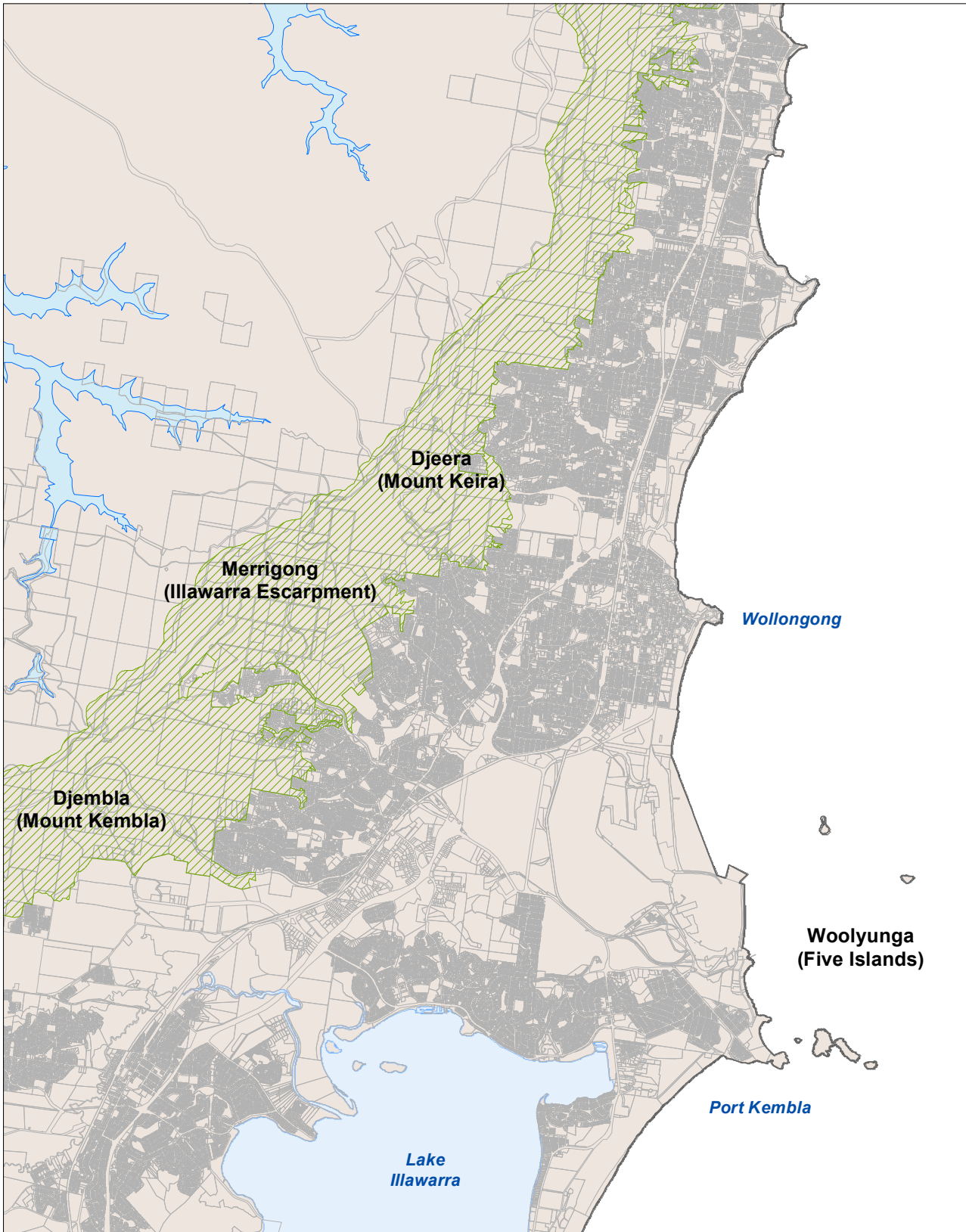
**Proposed Aboriginal Place:  
Djeera(Mt Keira) and Five Islands  
Five Islands section**






0 400 800 1,200 metres

Scale: 1:23,000@A4  
Datum/Projection: GCS GDA 1994  
Date: 19/09/2023

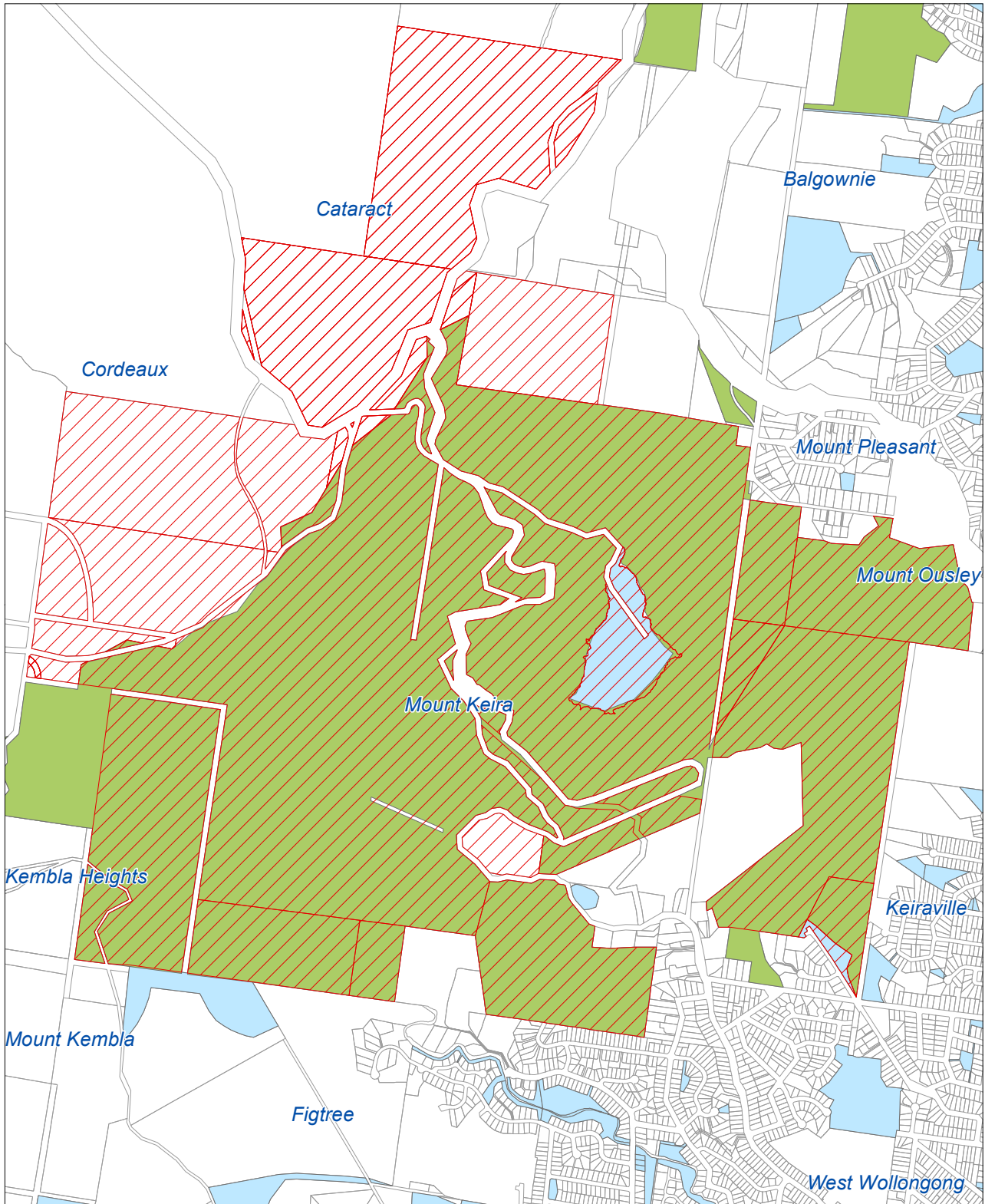


-  Proposed Aboriginal Place
-  LGAs
-  Suburbs
-  Land Parcels
-  Aboriginal Sites



	<b>Mt Keira Setting</b>		
	 Illawarra Escarpment	 Lake_Illawarra	
			<p>Drawn: J Lewis Date: Nov 2023</p> <p>GIS Ref: MtKeira_MtKembla_Location</p>





Draft Aboriginal Place
  National Parks and Wildlife Service
  Wollongong City Council



**Draft Djeera (Mount Keira)  
Aboriginal Place  
Land Ownership Map**

Drawn: J Lewis  
 Date: October 2023  
 GIS Ref: Map2\_LandOwnership  
 Date of Aerial Photography: 2023



