



**METROPOLITAN LOCAL  
ABORIGINAL LAND COUNCIL**

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29 August 2013

The Hon Brad Hazzard MP  
Minister for Planning  
Level 31, 1 Farrer Place  
SYDNEY NSW 2000

Michael Regan  
Mayor  
Warringah Council  
725 Pittwater Rd  
Dee Why NSW 2099

Dear Minister and Mayor

**Gai-Maraigal Aboriginal Owned Park  
Draft Oxford Falls Valley and Belrose North Strategic Review**

The Metropolitan Local Aboriginal Land Council (**MLALC**) thanks you for the opportunity to make a submission on the Draft Oxford Falls Valley and Belrose North Strategic Review. MLALC notes that the Strategic Review has failed to acknowledge that the vast majority of the land (nearly 1000 ha) is owned or claimed by MLALC. MLALC notes that at the date of lodging a land claim, MLALC has an inchoate property right in the lands claimed, and such land is granted as at the date claimed.

Therefore the impact of the planning review is much greater upon the members of the MLALC as landholders, each of whom is Aboriginal, than other landholders in the Warringah Shire. A planning outcome which fails to appropriately recognise the social and economic significance of rezoning almost all of the lands owned by MLALC within Warringah as E3 Environmental Management, has a disproportionate impact upon the Aboriginal people who constitute MLALC as compared to other non- Aboriginal land owners in Warringah.

Accordingly, it is important that the Strategic Review have regard to the objects of the Aboriginal Land Rights Act 1983 when considering the range of planning outcomes, and whether or not the outcome of the Review has had sufficient regard to the impacts of the proposed rezoning upon Aboriginal people. The current Review documentation is silent on this issue.

MLALC submits that the Draft Oxford Falls Valley and Belrose North Strategic Review has disappointingly failed to take the opportunity to progress the proposal of the Metropolitan Local Aboriginal Land Council (MLALC) to have nearly 1000 ha of the Strategic Review area declared as Sydney's first Aboriginal Owned park, Gai-mariagal (see enclosed Map).

We refer to our letter of 25 February 2013, and subsequent meetings with Council staff. MLALC confirms that the proposal is for an Aboriginal Owned Park pursuant to Part 4A of the National Parks and Wildlife Act 1974 (NSW). The Board of MLALC has determined, subject to member approval, that the most appropriate way to proceed is for the lands to be reserved and leased as an Aboriginal Owned Park under Part 4A of the National Parks and Wildlife Act: s 71C(3).

We are of the view that the lands are of both cultural and natural significance to Aboriginal people, and that such a park would be a very important addition to the local, national and international visitor experience within the Sydney Region. An Aboriginal Owned Park would provide a range of significant opportunities for our membership such as employment and cultural land management skills.

Council has queried whether the lands already granted can be accommodated within the Park. This issue has arisen previously in other Aboriginal owned parks reservations and can be dealt with pursuant to section 36A (4) of the Aboriginal Land Rights Act 1983 (NSW) and section 71BC of the National Parks & Wildlife Act 1974 (NSW). Alternatively as noted by Council other conservation arrangements can be entered into. This matter ultimately will be determined by the Minister on advice of NPWS.

Council has requested clarity regarding the offset area at Ralston Avenue, MLALC confirms that its preferred position is that these lands are incorporated into the Gai-Mariagal Aboriginal Owned National Park. There are a number of significant natural and cultural values on these lands, including endangered flora and fauna. It is the agreed position that these lands are most appropriately zoned E2.

The lots which do not form part of the proposal are:

- Subdivision Area (small portion of Lot 1 DP 1139826)
- Lot 2828 DP 1002480
- Lots 90 - 93, 176 - 178, and 944 -948 DP 752038
- Lot 10 DP 863387
- Lot 2876 DP 1052339

Finally MLALC note that the property known as Waratah Park, the location for filming Skippy, is scheduled to be handed back to MLALC in approximately 12 months' time. Rather than construct a new entry on the proposed Aboriginal Owned park area, MLALC is currently considering utilising this property as an Aboriginal Cultural Centre, and a hub for the proposed Aboriginal Owned Park, allowing for guides to take smaller groups of people into the park for a more intimate and appropriate cultural exchange. It will also allow MLALC to take visitors into adjacent parks such as Garigal and Ku-ring-gai Chase National Park for guided cultural walks.

MLALC has been liaising with Duffy's Forest Resident's Association, Wires, and Sydney Wildlife on a sustainable business plan for the site, including Aboriginal Science and Knowledge Centre, Native Wildlife Rescue and Rehabilitation Clinic and related café's and educational facilities. MLALC is

currently approaching project partners to invest in the maintenance and construction works, and to operate the venture jointly with MLALC.

A number of local conservation groups have written in support of the proposed Gai – Mariagal Aboriginal Owned Park, and MLALC seeks a firm commitment from Council and the Minister to progress the Aboriginal Owned Park proposal in a timely manner as a way of dealing with the disproportionate impact of the proposed LEP on the Aboriginal members of MLALC.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Ricky Lyons'.

Ricky Lyons

Chairperson

Enc.