

**The following is a timeline of events** – utilising the documentation of the parties involved at that time which illustrates the appropriation of the Ngarakbal Ancestral Cultural Heritage, the Ngarakbal Githabul heritage records, and the subsequent banishment of the Ngarakbal and their descendant, by State Government authorities, including the NPWS and TBLALC **in relation to Billinudgel and the North Ocean Shores area – in regards the North Byron Parklands**

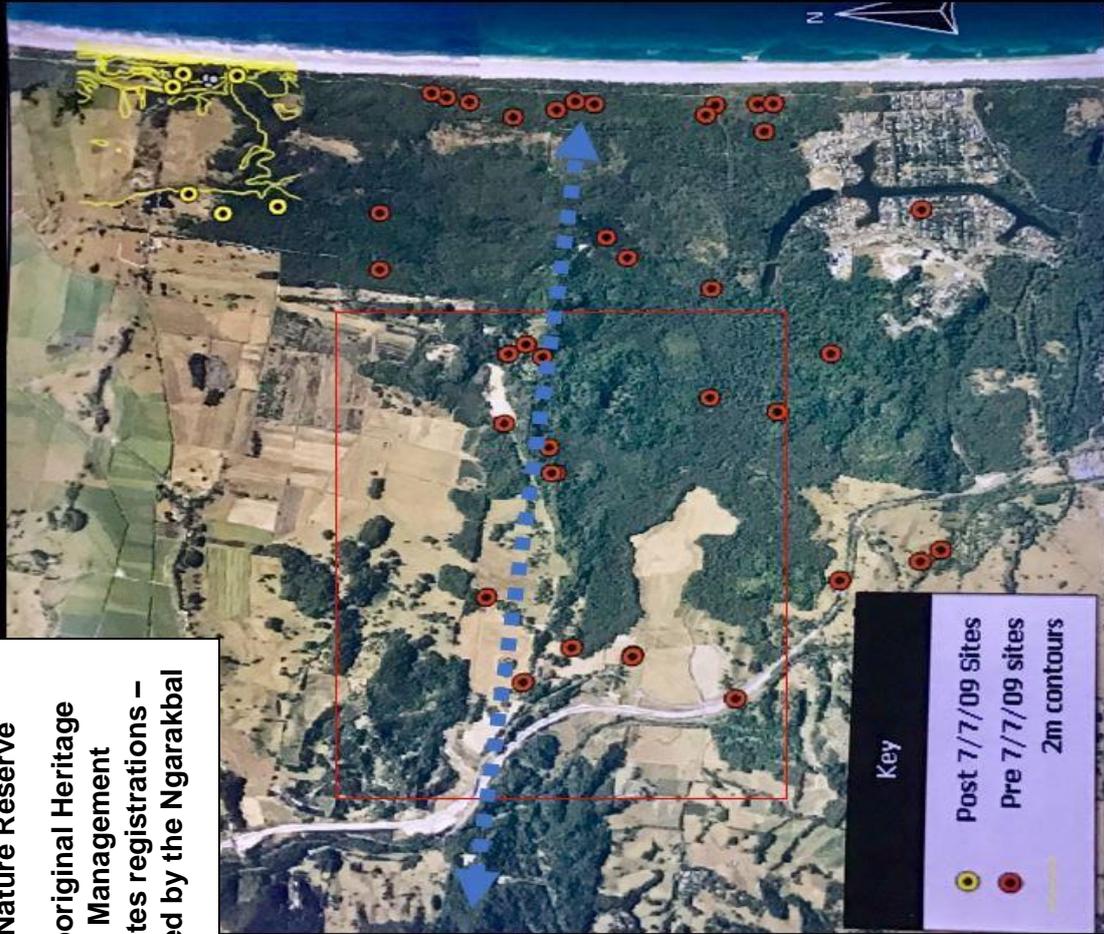
During the 1980's no Crown Land was protected from Urban and commercial development from Ballina to Tweed Heads. North Ocean Shores was the first to go under the Hammer of Real Estate Agents. There was 2000 acres or hectares put aside for Multiple Occupancy. However there was a deadline placed on the M.O. if the people who wanted to buy a block of land under the M.O. scheme, then that land would go to the M.O.'s. Seeing as the North Ocean Shores land that Chum Vidgen purchased ~~was~~ did not have enough M.O. to buy the land at the set price the Government stipulated an under the table deal went down between the late Robert Holmes. Acont and Allan Bond. Who was going to build a Resort. Lobbyists began campaigning against the Government they sought all avenues. One of their only chances was to have the land protected under the Aboriginal Heritage Protection Act of 1975. To enforce the Heritage act an Anthropologist employed by N.P.W.S. must do a survey on the land for Aboriginal sites of significance. N.P.W.S.

**By Lorraine Mafi Williams – page 1 of 2** – precursor to the protection and Registration of Aboriginal Cultural Heritage at North ocean Shores [N.O.S] – Billinudgel

must under law of and Acts of the N.P.W.S. approach the Traditional Aboriginal owners or Custodians of the Traditional land. Lorraine M.W. was approached by concerned lobbyists, who then went to Mrs Milli Boyd, a descendant of the Knarkbal Clan whose traditional land N.O.S. is. Mrs Milli Boyd found remnants of Bora Rings that had been destroyed by farming and putting up fences. The significant sites had already been destroyed. The allocated land for M.O. was then put up for sale. Chom Vidgin purchased 850, Stan Scanlon purchased a portion and a Brisbane man brought the rest. Chom Vidgin purchased the land for the sole purpose of a Sanctuary to restore the land back to its original involvement and to create a natural sanctuary for native animals. In 1968 the 850 acres was zoned as an involvement habatape by Byron Shire Council whilst when Chom Vidgin brought it, he submitted a Sanctuary D.A. to Council which was rejected. Chom Vidgin was forced into selling 325 acres of land back to the department of Urban and ~~and~~ rural land development under the protection of N.P.W.S.

**By Lorraine Mafi Williams – page 2 of 2 – protection and Registration of Aboriginal Cultural Heritage at North ocean Shores [N.O.S] ....the creation of the Billinudgel Nature Reserve – and appropriation and alteration of the NPWS site records from Ngarakbal to Bundjalung by the TBLALC**

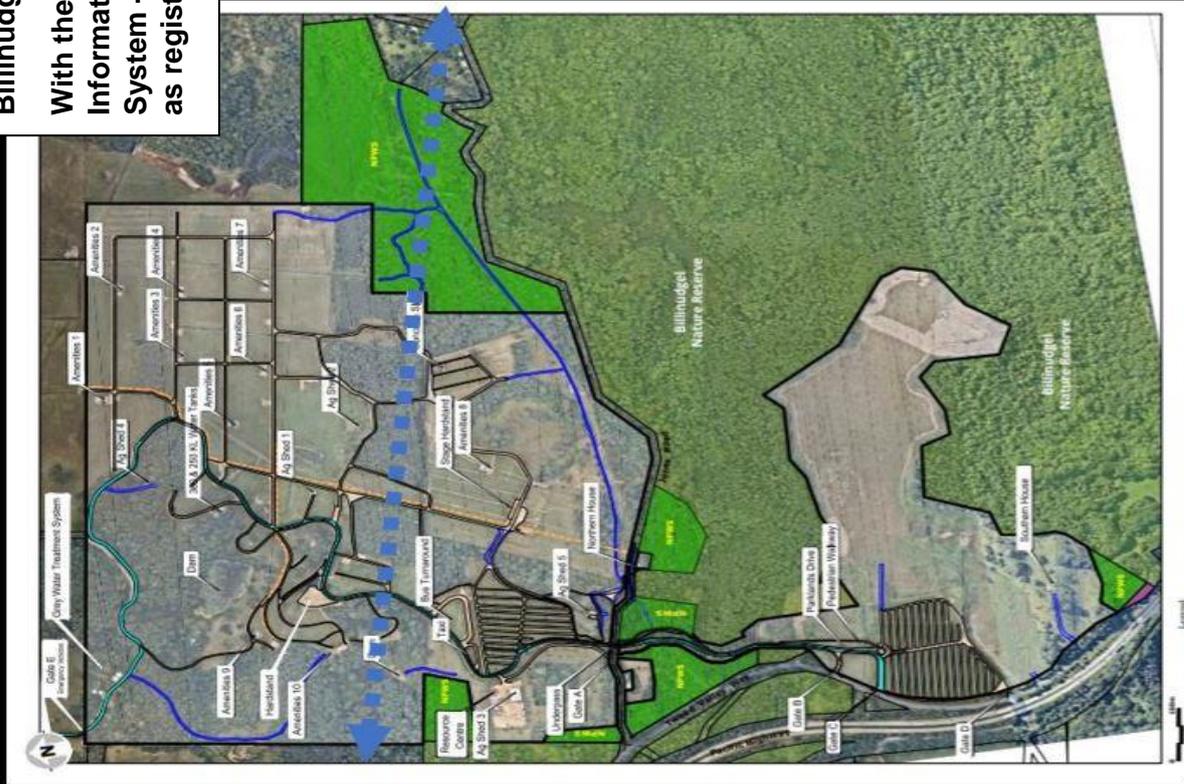
**North Byron Parklands and the Billinudgel Nature Reserve**  
**With the Aboriginal Heritage Information Management System – sites registrations – as registered by the Ngarakbal**



**Key**

- Post 7/7/09 Sites
- Pre 7/7/09 sites
- 2m contours

Office of Environment and Heritage  
**: AHIMS Site Locations**



Suffolk Park  
28th April 1995

The Echo  
Letters to the Editor

Sir:

It gives me great pleasure to announce to the public that the negotiations between Mrs. Marleen Boyd and Mr. Chum Vidgin have been successful in her Native Title Claim on the 850 acres at North Ocean Shores. Very positive results have come out of talks with Malcolm Emery, Land Planner of the Lands Dept. Grafton, Brian McLochan, N.P.W. Services, Mr. Ian Kingston, and Mr. Don Page. The Knarkbaul Cultural Sanctuary, as the land is known, will be used as an education centre to develop academic and cultural qualities that need fostering for all our prosperity. Let me assure you all that we will not victimize the land in any way but will restore the land to its original native beauty so that the visitors who come to the Sanctuary will have glimpses of ancient Australia.

The restoration, regeneration will be co-ordinated by our district's Elders under the guidance of the Custodian Marleen Boyd. The immediate steps we now have to take are to approach the "2B" Bob Carr and Bob Brown of our claims and intentions regarding the land. WE will be calling on Mr. Ian Coen as our Member of Parliament to lobby the government on our behalf to keep Mr. Carr "honest" as he stated in the "Northern Starr" April 27, 1995. We have sent a S.O.S. distress call to Ms. Pam Allan to lift the "I.P.O." of the land so we can continue on with our D.E.E.T land restoration program. We apologize for the delay in informing the public of our intentions as the negotiations between Mr. Vidgin and us Aboriginals is strictly confidential because we too had to plow through endless red tape with ownership and zoning, through clan land claims and negative interference by C.O.N.O.S. which has hampered us in our endeavor to come to profitable terms with Chum Vidgin as our sponsor and benefactor if Ian Cohen and the Greens start negotiations with Bob Carr to purchase the whole 850 acres for us Aboriginal people. It is much easier to claim Crown Land under the Native Title Act, as the Australian Constitution states "Native Australians retain the rights to practice their cultural spiritual beliefs" and to implement Paul Keating's policies of the 1993 World Indigenous Peoples' Year to give back Crown Land to the rightful owners. Mr. Chum Vidgin had given us his full support to insure the land would stay as it is during our 7 months of talks with him.

We will keep the public informed of our future developments so that there will be no more misunderstandings and unwanted outside interference by C.O.N.O.S.

Unknown to a lot of people, Mr. Chum Vidgin is the only white person to give back land to the traditional owners in our 200 year history of our struggle for land and justice. I ask you all to bare this in mind before anymore vindictive slander is generated in his direction. We fully support him in any stance he takes. We Aboriginals stand with him beside him, and behind him.

Marleen Boyd  
Elaine Turnbull and Lorraine Mafi-Williams  
Knarkbaul Cultural Sanctuary N.O.S.

**Lorraine Mafi Williams – page 1 of 1 – protection and Registration of Ngarakbal Cultural Heritage at North ocean Shores [N.O.S] ....precursor to the creation of the Billinudgel Nature Reserve – and subsequent appropriation and alteration of the NPWS site records from matristic Ngarakbal/Githabul to patriarchal Bundjalung**

## Greens slated over support for NOS order

Members of the Knarkbul clan, the traditional owners of land at North Ocean Shores owned by Mr Chum Vidgen, have slammed the Greens Party for supporting plans to turn the area over to the National Parks and Wildlife Service.

A spokesperson for the clan, Lorraine Mafi-Williams, said the Greens had misinformed the public and helped sway Environment Minister, Pam Allan, into placing an Interim Protection Order over the land.

Mrs Mafi-Williams said she and convenor of the Environment Independent Party, Bob Cummins, had been holding talks for months with Mr Vidgen when Ms Allan had "interfered".

"Mr Vidgen is the only white person we know of to offer prime land to the Aboriginals, not backblocks or degraded land," she said.

"We have a magnificent environmental plan and suitable strategy to develop a small cultural and tourist

resort with Mr Vidgen and now that has been suspended by ill-informed interference."

Mr Cummins said Mr Vidgen wanted the land to be restored to its "original condition of 200 years ago" and this satisfied all interests.

He said Ms Allan's action of placing an IPO over the entire 850 ha owned by Mr Vidgen as "appallingly naive" and one which could expose taxpayers to costly litigation.

Mrs Mafi-Williams said Mr Vidgen had done everything humanly possible to comply with Government and Byron Council regulations.

She and Mr Cummins have called on new Greens MLC, Ian Cohen and Democrat MLC to withdraw their support for North Ocean Shores to be turned over to the National Parks and Wildlife Service and to "step out of Koori politics".

They have organised a protest outside Mr Cohen's Broken Head multiple occupancy tomorrow.

Ocean Shores community groups are gearing up for the Ocean Shores Family Festival on Saturday, May 13 at the Ocean Village Shopping Centre.

The day will feature market stalls, art sale, talent quest and the inaugural fun run to the lookout.

Musical items and commu-

## Family festival at Ocean Shores

nity displays will be featured during the day.

### OCEAN SHORES FAMILY FESTIVAL & MARKETS

## SATURDAY MAY 13

Rajah Road Shopping Village  
From 8 am - 3 pm

#### LOADS OF ON-SITE ENTERTAINMENT

- Sausage sizzle starts at 8 am
- Amateur talent quest
- Art exhibition at the Baptist Church
- Family Fun Run

ring 803373 for entry forms

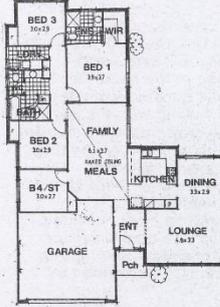
## UNBEATABLE VALUE \$79,950 Byron Bay

Melaleuca 185 m<sup>2</sup> 20 squares four bedrooms

#### FEATURES

- Brick veneer & tile roof
- Central kitchen servicing meals Dining, Family & Lounge
- Four bedrooms
- Three way bathroom
- Ensuite
- Separate toilet
- Raked ceiling
- Built-in robes
- Double garage
- Foil insulation
- Fixed price contract

For affordable homes come and see David Perry Office and Display Home  
Lot 64 Lorien Way Kingscliff  
OPEN 10-5 7 DAYS



## This Week's Shop Special

# 20% OFF ALL SUMMER WETSUITS

INCLUDING

SPRING SUITS & SHORT JOHN'S  
RIPCURL; BILLABONG; QUICKSILVER; ALEEDA  
★ MADDOG T-SHIRTS & BOARD SHORTS \$25 EACH  
★ MADDOG KIDS T-SHIRTS  
1 for \$19.95 - 2 for \$30.00

- JONSON ST BYRON BAY 856395
- BYRON INDUSTRIAL ESTATE 856022
- RIVER ST BALLINA 86 6094

THE BYRON NEWS • MAY 3 • 1995

**1995 MAY .....Lorraine Mafi Williams –precursor of the apparent appropriation and alteration of the NPWS site records from Ngarakbal to Bundjalung facilitated by the Greens party – commencement of the manipulation of geospatial records – Administrative Fraud ?**

Billinudgel Nature Reserve is located on the far north coast of New South Wales and has an area of 713 hectares. It forms one of several coastal nature reserves which protect important remnants of coastal habitat in an otherwise highly modified environment. A core area of the Reserve was dedicated in 1996 with additional lands to the north and south dedicated in 1997. The Reserve includes the beach to the mean low water mark (refer to figure 1). The Reserve was dedicated as part of the Government's New Parks initiative.

### **3.2.4 Culturally significant sites and places**

Prior to European settlement, the Bundjalung people occupied the north-east corner of NSW (Calley 1964; Navin 1990). Within the Bundjalung nation there were a number of tribes. The Minjungbal tribe is recorded as occupying the area between Byron Bay and Southport, extending inland to Murwillumbah. The Coodjingburra clan is believed to have occupied the coast between the Tweed and Brunswick River (Navin 1990; NPWS 1997a).

#### **? - Ngarakbal - Yoocum Yoocum**

Settlement patterns of the Bundjalung Nation have also been debated by several authors. Aboriginal population densities are generally accepted as being higher on the coast than the hinterland. This is attributed to the variety of resources the coastal strip offered. The use of the Reserve area by Aboriginal people is likely to have been high given the variety of terrain types, vegetation and the ease of access the ridges provided to the coastal floodplains. A large number of middens occur in the Reserve on the ridge spurs and sand barriers indicating a local abundance of food. These sites together with other types of sites across both Holocene and Pleistocene deposits attest to a long period of Aboriginal occupation in the Reserve (Navin 1990).

A limited number of archaeological surveys have been conducted in the Reserve and the general area since the late 1970's. A survey by Navin (1990) has provided the greatest level of information.

There are 16 recorded Aboriginal sites in the Reserve, excluding the recent detailing of a mythological site (Conservation of North Ocean Shores (CONOS). pers. comm.). These sites include a scar tree, bora ring, stone artefact scatters and isolated finds which indicate camp sites, hunting and gathering activities and travel routes (Navin 1990).

The NPWS detailed the presence of the ceremonial double bora ring and associated shell midden complex in the northern part of the Reserve in 1977.

The bora ground is considered regionally important as it is relatively well preserved and remains in a natural context compared to other bora grounds located in urbanised or rural environments. The site is important to local Aboriginal people and there is a claimed custodial relationship by a living Aboriginal person (Navin 1990; NPWS 1996).

Navin (1990) described the "old dune" in the Reserve as being archaeologically sensitive, it appears to have been used as a base camp providing a point from which

Billinudgel Nature Reserve: Plan of Management

**1996 - 97 – Billinudgel Nature Reserve Dedicated – and the appropriation by a patriarchal administrative body - Bundjalung Nation - of ancestral Ngarakbal Githabul matristic lore, commences.**

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Parks-reserves-and-protected-areas/Parks-plans-of-management/billinudgel-nature-reserve-plan-of-management-000090.pdf>

FAX - 066-858-754 1. of 1  
 REPLY  
 ATTENTION BOB. CARR. 26-3-1996.  
 MR Bob. CARR. PREMIER - N.S.W.  
 Dear Mr Premier,  
 We are comming to you with a matter of great concern regarding Aboriginal Heritage on N.P.W.S. State Forrest. We are 3 Woman who have a KNARKBAUL heratage claim on Tribal traditional land on the Far North Coast of N.S.W. in the Border Range area of N.P.W.S. The Border Range N.P.W.S. Director, Mr Guy Hollaway negotiated successfully with a local white group, C. @. N. O. S. Conserve North Ocean Shores, and Bob, Brown, Pam Allan, Richard Jones M.L.C. Democrat, Ian Cohen M.L.C. Green Party, to block an Aborigine D.E.E.T project of land care and clearing in the Cultural manner with our Elders. This program was & is to come into line with our Eco-Tourism, Hospitality business. We intend using the land for bush tours, with story teller Elders, learn knowledge of bush tucker, Herbs ectra. We are not satisfied with Guy Hollaway's handling of Aborigine sites of significance, our Heritage ~~etc~~, without consulting with us Custodians, instead he is consulting with white residence over our heads we will not tolerate this patranising behaviour of Pam Allans placing an I. P. O. on our KNARKBAUL land that has been placed with Mabo Native claim. We request a meeting with you regarding Billinudgel Nature Reserve which is in Knarkbaul ~~territorial~~ and lands. Our avail-able dates are 4/5 yours Sincerely  
 Lorraine Mafi Williams

**1996 MAY .....Lorraine Mafi Williams – lobby to Bob Carr – Minister for NSW regards the newly created Billinudgel Nature Reserve NPWS site records from Ngarakbal to Bundjalung being endorsed by the Greens Party – apparent commencement of the manipulation of geospatial records – Administrative Fraud to block federal determination of Native Title ?**

NS 8/7/94

# Kooris back MP on Ocean Shores land

By RICHARD CONRAD

The significance to Aborigines of two bora rings has led Byron councillor Jimmy Budd to back the call by Democrat MLC Richard Jones for the State Government to purchase land at North Ocean Shores.

This renewed pressure is the latest act in a long-running controversy over the future of a large area of undeveloped land in the north-east corner of the Byron Council area.

The land Cr Budd and Mr Jones want the Government to buy includes the site of a proposed tourism-financed nature park promoted by conservationist Dr John Wamsley as an 'Earth sanctuary'.

The former Bond Corporation land is owned by Brisbane-based developer Chum Vidgen who has extensive business interests in Ocean Shores.

Cr Budd, chairman of the Aboriginal and Torres Strait Islander Commission's North Eastern Indigenous Regional Council, said the North Ocean Shores land included two of the largest bora rings in New South Wales.

Cr Budd said he has written to Aboriginal Affairs Minister Jim Longley calling for the forced purchase of the land under the NSW Coastal Land Acquisition Program.

A meeting will be sought with Premier John Fahey to pursue the matter further, Cr Budd said yesterday.

Mr Vidgen said he had no knowledge of calls being made for the State to buy his land.

"I am stunned that this is being presented as an option by a member of the Byron Council. I knew nothing of it,"



Cr BUDD: Seeking meeting with Premier Fahey.

"The bora rings are not on our land. They are on the property just north of us. Of the midden sites in this area there is only one of any consequence on our land."

Mr Vidgen said that before buying the land from the Overseas Trust Bank of Hong Kong (the mortgagee after Bond was declared bankrupt), the bank had offered the land to Byron Council, the State Government and the National Parks and Wildlife Service.

"In every instance the bank was told: 'We would love to, but we have no money'. That property is now in my company's registered ownership."

Mr Jones said the significance of the North Ocean Shores land to Aborigines had moved him to take up this issue with the State Government.

However Mr Jones feared the likely purchase of Tweed Heads coastal land (the site of a controversial 10-storey development proposal) would not leave enough money in the Coastal Land Acquisition Fund for the North Ocean Shores purchase.

lion increase in funding for the National Parks and Wildlife Service's land acquisition fund so sensitive land at North Ocean Shores and Bonville, Coffs Harbour, can be saved," Mr Jones said.

Far North Coast Regional Aboriginal Land Council chairman John Roberts said: "North Ocean Shores is the only place where bora rings for women and men are so close together.

"These rings are where children of the Minyanjbal clan of the Bundjalung tribe are taught tribal law and the law of the land.

"The land should be bought by the Government not only for the sites — the bora rings, middens and all sorts of scattered artifacts — but because of the great significance of this land to the Minyanjbal clan and the Bundjalung tribe.

"The Government is obligated to the Aboriginal people to buy back this land."

Stan Scanlon spokesman for the Conservation of North Ocean Shores yesterday backed calls for the land to be acquired, saying a 1990 public inquiry by Commissioner William Simpson found that North Ocean Shores should be preserved in its entirety.

"The bora rings are not on Mr Vidgen's property, but there are 22 Aboriginal cultural heritage sites throughout North Ocean Shores," Mr Scanlon said.

"These include a scarred tree of Aboriginal significance which is on his property.

"Of these 22 sites 13 have been damaged or threatened since 1992. No one's protecting them."

The NPWS is also considering the area as a nature

**1997 – July 8th – Northern Star** – Tweed Byron Local Aboriginal Lands Council [who identify as Bundjalung Nation and are NOT representative of ancestral matrilineal Ngarakbal Githabul] send Jimmy Budd [who is also the chairman of the ATSI Commission North Eastern Indigenous Council ] to lobby for the purchase of lands and extension of the Billinudgel Nature Reserve, AS BUNDJALUNG ....apparently eliminating Ngarakbal and Githabul and their ancestral association with the area.

## 1998 – 2001 Byron Bay BUNDJALUNG Native Title – EXTINGUISHED

### Native Title Determination Details

[Back to search results >](#)

#### NCD2001/001 - Byron Bay (Byron Bay Bundjalung People)

Tribunal file no.	NCD2001/001
Federal Court file no(s)	NSD6088/1998
Short name	Byron Bay (Byron Bay Bundjalung People)
Case name	Kelly v NSW Aboriginal Land Council
Determination type	Claimant
State or Territory	New South Wales
Legal process	Consent
Determination outcome	Native title does not exist
Representative A/TSI body area(s)	New South Wales
Local government area(s)	Byron Shire Council
Determination date	23/10/2001
Date/s of effect	23/10/2001
Registered on National Native Title Register	Registered <a href="#">&gt; National Native Title Register details</a>

#### Application(s) affected by the determination

Short name	Date filed	Application type	Application status	NNTT file no	Federal Court file no
Byron Bay Bundjalung People #2 <a href="#">&gt; See Application details</a>	12/12/1997	Claimant	Determined	NC1997/036	NSD6088/1998

**Byron Bay Bundjalung Native Title** is a STATE government agreement that facilitates that Native Title DOES NOT EXIST – the rights and recognition of the oldest unbroken matrilineal lore on the land is EXTINGUISHED .....the Ngarakbal are NOT party to the claim and none of their ancestral lore is recognised as Ngarakbal but their ancestral culture and heritage are the fatalities of GENOCIDE by pen

[http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/details.aspx?NTDA\\_FileNo=NC1997/036](http://www.nntt.gov.au/searchRegApps/NativeTitleClaims/Pages/details.aspx?NTDA_FileNo=NC1997/036)

The first ILUA in 2001 was the very first of its kind and a landmark agreement in Australia. It won an international award acknowledging the agreement and the conservation and protection of country. The NSW Government and Arakwal People were awarded the prestigious Fred M. Packard award for distinguished achievements in wildlife preservation by the International Union for the Conservation of Nature (IUCN), at the 5th World Parks Congress held in South Africa in 2003.

<http://arakwal.com.au/category/arakwal-corp/key-activities/living-and-working-back-on-country/>

A STATE Indigenous land Use Agreement – not a federal determination

**Tweed Byron Lands Council TBLALC, NSWNPWS & Byron Shire Council are party.**

# Julian Rocks 'too sacred for moorings'

FAR North Coast Aboriginal clans will seek to have Byron Bay's Julian Rocks designated a sacred site to stop moorings being set in the sea bed near the world-famous dive spot.

Spokeswoman for the Ngarakbul and Githabul clans, Stella Wheildon, yesterday likened Julian Rocks to the birthplace of creation and said it was as sacred to indigenous people as Bethlehem was to Christianity.

Already designated as a

site of significance by the NSW National Parks and Wildlife Service, Ms Wheildon said it warranted extra protection from development.

"It's the beginning of the Ngarakbul dreaming. The very beginning," she said.

"It's a religious place."

Every day boatloads of divers visit Julian Rocks to experience an abundance of marine life including turtles, sharks and hundreds of species of fish. It is a nature and

marine reserve and a critical habitat for the endangered grey nurse shark.

Dive operator Cape Byron Marine Charters wants to provide a safe anchorage close to Julian Rocks for its 80-tonne tourist catamaran.

The company has applied for a total of three moorings, two within 100 metres of Julian Rocks and the other further out in the bay.

Manager David Murray said several two-metre-long

stainless steel pins would be drilled into shale on the ocean floor.

"The moorings I'm proposing make less damage than the current seven moorings that are there," he said.

Mr Murray said he was surprised the sacred site claim was being raised more than a year after he'd first proposed the new moorings, which he said would provide safe harbour for larger vessels in storms.

DAILY NEWS, WEDNESDAY, OCTOBER 15, 2003, 9.

**Julian Rocks Byron Bay is under threat** – Marlene Boyd asks Stella Wheildon to register the significant site with NPWS using her grandmother, **Charlotte Williams [nee Brown's] Bootheram** ...the **Fairy Emu Dreaming** – the only known publishing of that Bootheram at that time is in **Roland Robinsons** – the nearest the white man gets – published in 1989

Stella does – and she registers Julian Rocks and the Ngarakbal Githabul **Nguthungulli Bootheram [The Fairy Emu Dreaming]** in accordance with the ancestral matrilineal lore – to protect the Aboriginal Cultural Heritage.



# National Parks and Wildlife Service

Box 1967, Hurstville NSW 2220. Tel: (02) 585 6444  
Standard Site Recording Form Revised 3-88

1:250,000 map sheet: BRUNSWICK HEADS 9640-4-N NPWS Code

AMG Grid reference 

6	1	4	0
---	---	---	---

 mE 

3	4	7	0
---	---	---	---

 mN  
Full reference - please include leading digits

Scale of map used for grid reference  25K, 50K (preferred)  100K  250K  
Please use largest scale available

1:25K, 50K, 100K map name: CMA - Brunswick Heads 9640-4-N

**HEAD OFFICE USE ONLY:**

NPWS Site no: \_\_\_\_\_

Site types \_\_\_\_\_

Accessioned by: \_\_\_\_\_ Date: \_\_\_\_\_

Data entered by: \_\_\_\_\_ Date: \_\_\_\_\_

Owner/Manager \_\_\_\_\_

Address \_\_\_\_\_

Site name: JULIAN ROCKS Locality/property name: JULIAN ROCKS NATURE RESERVE  
NPWS District: LISMORE Region: NORTHERN

**Reason for investigation**

AT REQUEST OF TRADITIONAL CUSTODIANS - NGARAKBAL / GITHABUL CLANS.

Portion no. \_\_\_\_\_

Parish \_\_\_\_\_

Photos taken? No

How many attached? \_\_\_\_\_

How to get to the site (refer to permanent features, give best approach to site eg. from above, below, along cliff)  
(Draw diagram on separate sheet)

Julian Rocks are located in the Julian Rocks Nature Reserve off Byron Bay - Nth East NSW most Easterly Point

Other sites in locality? YES Site Types include: Mythical / Ritual - Ceremonial  
Are sites in NPWS Register? Don't know Historic - Massacre - Reserves.

Have artefacts been removed from site? No When? \_\_\_\_\_  
By whom? \_\_\_\_\_ Deposited where? \_\_\_\_\_

Is site important to local Aborigines? YES. It is the begining of the East-West Songline across Aust.  
Give contact(s) name(s) + address(es): MR HARRY BOYD & HIS SISTER Mrs MARLENE BOYD  
4 Bellbird Place - Coonellabah NSW 2480 Ph: 02 66251359

Contacted for this recording? YES.  
(Attach additional information separately) if not, why not?

Verbal/written reference sources including full title of accompanying report: "FAIRY EMUS" dreaming. NPWS Report Catalogue #  
YES - Recorded by Roland Robinson in the 1940's - Related by Charlotte Williams who is HARRY & MARLENE'S Maternal Gran Mother & Milli Boyds Mother.

Checklist  
surface visibility  
damage/disturbance/  
threat to site

Condition of site: Excellent.  
At risk due to location in coveted tourist destination  
Most Eastern Point of Australia.

**Recommendations for management & protection (attach separate sheet if necessary)**

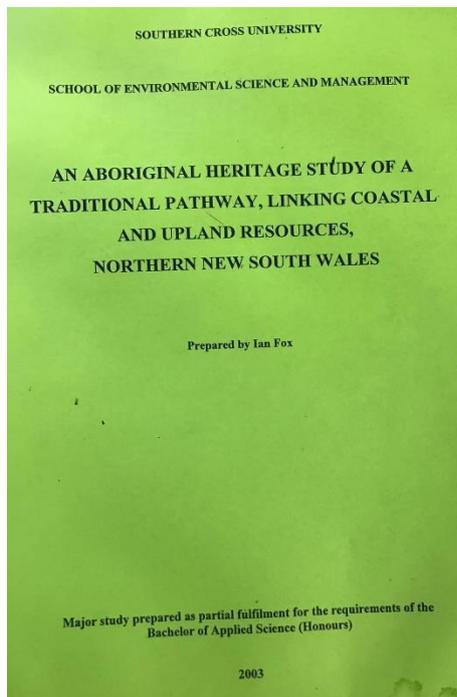
Further consultation with Custodians to ascertain relationship to other sites within the Ngarakbul Dreaming & links to the East West Songline across Australia.  
Correct Preservation & Management per Custodians wishes.

Site recorded by: Stella Wheildon  
Address/institution: The Cottage  
#10 Hastings Rd  
Bogangate

Date: 13-10-2003

SITE POSITION & ENVIRONMENT		OFFICE USE ONLY: NPWS site no
1. Land form a. beach/hill slope/ridge top, etc:	b. site aspect:	c. slope:
d. mark on diagram provided or on your own sketch the position of the site	e. Describe briefly:	
		<p>Julian Rocks are located in the Julian Rocks Nature Reserve — In the Coral Sea East of Byron Bay.</p>
1. Local rock type:	g. Land use/effect:	
2. Distance from drinking water: N/A	Source:	N/A
3. Resource Zone associated with site (estuarine, riverine, forest etc)	COASTAL	
4. Vegetation:	N/A	
5. Edible plants noted:		
6. Faunal resources (include shellfish):		
7. Other exploitable resources (river pebbles, ochre, etc):		
<p>Site type:</p> <p><b>MYTHOLOGICAL CREATION SITE</b></p> <p>CHECKLIST TO HELP:  length, width, depth, height of site, shelter, deposit, structure, element eg. tree scar, grooves in rock.  DEPOSIT: colour, texture, estimated depth, stratigraphy, contents-shell, bone, stone, charcoal, density &amp; distribution of these, stone types, artefact types.  ART: area of surface decorated, motifs, colours, wet, dry pigment, technique of engraving, no. of figures, sites, patination  BURIALS: number &amp; condition of bone, position, age, sex, associated artefacts  TREES: number, alive, dead, likely age, scar shape, position, size, patterns, axe marks, regrowth  QUARRIES: rock type, debris, recognisable artefacts, percentage quarried  OTHER SITES EG. structures (fish traps, stone arrangements, bone rings, mts, mias), mythological sites, rock holes, engraved groove channels, contact sites (missions, massacres, cemeteries) as appropriate</p>	<p>DESCRIPTION OF SITE &amp; CONTENTS.</p> <p>Note state of preservation of site &amp; contents. Do NOT dig, disturb, damage site or contents</p> <p>Julian Rocks (not its traditional name) is in fact two rocks. The 1886 map included shows their names as Juan &amp; Julia. There is a crack that separates the rocks, located on the Sth East end. This cleft, or swim-through is frequented by Grey Nurse Sharks in winter months &amp; by Carpet Sharks throughout the year.</p> <p>Charlotte Williams — Milli Boyds Mother — related the FAIRY EMUS dreaming story to Roland Robinson in the late 1940's. It has been published in several volumes and the originals are held in the Estate of Roland Robinson @ ANU Canberra.</p> <p>This dreaming story is a Butheram — A creation story. It passes from Custodian to Custodian UNCHANGED THROUGHOUT TIME. [note sea levels inc] It tells the tale of the Songline from East to West across Australia. This is the beginning of the Song of the Eastern part of the land. It then across the Country each custodian holds the song of their land. Their sacred places. Together they tell of the Creator Beings journey across the land. Nguthungulli is our father (GOD, BIRAMI)</p> <p>The story starts @ Julian Rocks — the beginning of the Ngarakbal Dreaming and travels through Mt Warning — Wollumbin (STONE BASIN) on up through Woodenberg Nguthumbung (place of trees) &amp; then onto the head of the Condamine — this is where the story passes on to the next custodian — its showing clan boundary, but the Songline goes on, to the sea, on the West Australian Coastline.</p> <p>Nguthungulli is a divine being — and so are his creations.</p> <p>Julian Rocks (Not its traditional Name) is sacred to the Ngarakbal/Githabul Custodians and to all the other custodians along the line of the Creator.</p> <p>The Butheram never dies, the dreaming is ongoing. Just as its done throughout time.</p> <p>Attach sketches etc. eg. plan &amp; section of shelter, show relation site contents, indicate north, show scale.  Attach annotated photos (stereo where useful) showing scale, particularly for art sites.</p>	

**2003 – Fox Report – which is utilised by Everick Heritage Consultants as a source document for North Byron Parklands in 2017 cites the Fairy Emu Dreaming and names Granny Charlotte Brown as the informant.**



**Background:** Aboriginal and Historic heritage in the North Byron Parklands (NBP) has been informed by the following documents:

- Collins, J.P. 2010 *Proposed Cultural Events Site, Tweed Valley Way and Jones Road, Yelgun, NSW far north coast*. Cultural heritage assessment.
- Everick Heritage Consultants 2015 *Permanent Cultural Event Site-North Byron Parklands Cultural Heritage Due Diligence Assessment-Peer Review, Audit and Gap Analysis*.

Heritage assessments over parts of the NBP informing the above documents include:

- Bonhomme and Craib 2001 *An Archaeological Assessment of the Proposed Boundary Fence Along Portions of the Billinudgel Nature Reserve*.
- Piper 2002 *An Archaeological Assessment Greenfields Mountain Pty Ltd, Yelgun North Ocean Shores North Coast NSW*.
- Fox 2003 *An Aboriginal Heritage Study of a Traditional Pathway, Linking Coastal and Upland Resources, Northern NSW*.

Ian Fox BAppSc (Hons) - Thesis 2003

separate routes to the Tweed, before rejoining in the Byrrill Creek area below Mount Warning (Wollumbin) and continuing to the coast at Wooyung (H. Boyd, *pers. comm.*). Harry stated that this pathway was used not only by Bundjalung people, but by people of neighbouring tribes and people from as far away as the desert. Harry identified a name for the pathway and spoke of the existence of another name for Mount Warning, other than Wollumbin. While Harry has allowed the existence of these words to be mentioned here, protocol and confidentiality determine that these names not be spoken. Harry declined to give further information which could be included in this study, but did state that access to the mountain and certain surrounding sites and places was of great significance to all traditional people (H. Boyd, *pers. comm.*). Harry, did however, give permission to name a ceremonial dance, *The Emu Dance*, which was performed at the Wooyung Bora Ground. Harry's knowledge of this ceremony was passed to him through the oral history of his mother, Auntie Milli Boyd, and his grandmother, Granny Charlotte (H. Boyd, *pers. comm.*). Granny Charlotte is Charlotte Williams, whose 'Butherum' or Creation story *The Fairy Emus* is told in a book of Aboriginal narratives and poems collected by Roland Robinson, more than 50 years ago (Robinson, 1989). Harry's family, including his brothers and sisters, were unaware of the published stories of their grandparents (Charlotte and Eustan Williams) until Robinsons' (1989) book was located during research undertaken for this study. Reference to the 'Butherum' or Creation stories was acceptable to Harry because they are a version told for publication and do not compromise confidential cultural information (H. Boyd, *pers. comm.*). The possible

**2009 – The BUNDJALUNG have appropriated the Fairy Emu Dreaming/Bootheram** and the NSW government gazette Julian Rocks as the Nguthungulli Reserve WITHOUT consultation or inclusion of the Ngarakbal or Githabal descendants of Granny Charlotte Williams [nee Brown] who had recorded the Bootheram.

<https://www.environment.nsw.gov.au/resources/planmanagement/draft/JulianRocks.pdf>

[http://byron.infocouncil.biz/Open/2016/03/AMUAC\\_01032016\\_AGN\\_564\\_AT.htm](http://byron.infocouncil.biz/Open/2016/03/AMUAC_01032016_AGN_564_AT.htm)

<https://www.northernstar.com.au/news/aboriginal-link-for-julian-rocks/418276/>

The rocky outcrop, 2.5km off Byron Bay's Main Beach, will be also known by its Aboriginal name Nguthungulli (pronounced Nuth-un-gully) if a draft plan of management for the area is adopted.

Arakwal Corporation spokeswoman Yvonne Stewart said Julian Rocks was a sacred Aboriginal landmark and its name should reflect that.

**"The Bundjalung people are trying to get dual naming into areas of special significance,"** she said. "It's a way we can be recognised."

Julian Rocks was not officially named until 1971. In 1883 it had been charted as Juan and Julia Islands, although it is unclear who Juan and Julia were.

**Nguthungulli means 'Father of the World'** and in the Aboriginal Dreamtime he was the creator of land, water, animals and plants. According to legend, Nguthungulli now rests in a cave at Julian Rocks.

If the plan of management is adopted by the NSW Department of Environment, the National Parks and Wildlife Service and the Arakwal people will apply to have the area formally renamed as the Julian Rocks Nguthungulli Nature Reserve.

The plan also seeks to create a joint management arrangement for the reserve between the NPWS and the Arakwal people.

The screenshot shows the NSW National Parks and Wildlife Service website. The header includes navigation links: Home, Safety, Access friendly, Education services, Volunteering, Passes and fees, Venues, Blog. Below the header is a search bar and a navigation menu with options: Visit a park, Things to do, Camping and accommodation and heritage, Conservation, About NPWS, Alerts, and a search field. The main content area is titled "Julian Rocks Nguthungulli Nature Reserve" and includes an "Overview" section with text: "Julian Rocks Nguthungulli Nature Reserve was created in March 1961. It covers an area of 0.4ha. For detailed park and fire management documents, visit the [QCR website](#)." Below the text is a map showing the location of the reserve. To the right of the map is a "Contact" section with information for the Byron Bay office (12 Storr Street, Contact hours: Monday to Friday, 8.30am to 4.30pm) and a "Links" section with a link to "Stay safe in NSW national parks".

September 2017 – the TBLALC and the Arakwal Aboriginal Corporation deny the existence of the Ngarakbal Githabul and of the need to consult descendants of Granny Charlotte Brown in regards the North Byron Parklands



**EVERICK**  
Heritage Consultants Pty Ltd

PO Box 146 RED HILL 4059  
47 Arthur Terrace RED HILL 4059  
t: 07 3368 2660  
info@everick.com.au  
www.everick.com.au  
ABN 78 102 206 682

Our Ref: EV.382

22 September 2017

Mat Morris  
General Manager  
North Byron Parklands  
[mat@northbyronparklands.com](mailto:mat@northbyronparklands.com)

Dear Mat,

**RE: STATE SIGNIFICANT DEVELOPMENT PROPOSAL  
PERMANENT CULTURAL EVENTS SITE, NORTH BYRON PARKLANDS, BYRON LGA (SSD 8169)  
ABORIGINAL AND NON-ABORIGINAL CULTURAL HEITAGE ASSESSMENT**

**Introduction:** Everick Heritage Consultants ('Everick') was engaged by North Byron Parklands (the 'Proponent') to undertake a review of the heritage impacts of the proposed State Significant Development (SSD) application by Parklands for the permanent approval of the North Byron Parklands cultural events site. This review has been undertaken in consideration of the Secretary's Environmental Assessment Requirements (SEARs) for the proposed development, and the accompanying requirements provided by the Office of Environment and Heritage..

**Background:** Aboriginal and Historic heritage in the North Byron Parklands (NBP) has been informed by the following documents:

- Collins, J.P. 2010 *Proposed Cultural Events Site, Tweed Valley Way and Jones Road, Yelgun, NSW* far north coast. Cultural heritage assessment.
- Everick Heritage Consultants 2015 *Permanent Cultural Event Site-North Byron Parklands Cultural Heritage Due Diligence Assessment-Peer Review, Audit and Gap Analysis.*

Heritage assessments over parts of the NBP informing the above documents include:

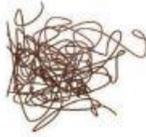
- Bonhomme and Craib 2001 *An Archaeological Assessment of the Proposed Boundary Fence Along Portions of the Billinudgel Nature Reserve.*
- Piper 2002 *An Archaeological Assessment Greenfields Mountain Pty Ltd, Yelgun North Ocean Shores North Coast NSW.*
- Fox 2003 *An Aboriginal Heritage Study of a Traditional Pathway, Linking Coastal and Upland Resources, Northern NSW.*

Heritage assessments over parts of the NBP informing the above documents include:

- Bonhomme and Craib 2001 *An Archaeological Assessment of the Proposed Boundary Fence Along Portions of the Billinudgel Nature Reserve.*
- Piper 2002 *An Archaeological Assessment Greenfields Mountain Pty Ltd, Yelgun North Ocean Shores North Coast NSW.*
- Fox 2003 *An Aboriginal Heritage Study of a Traditional Pathway, Linking Coastal and Upland Resources, Northern NSW.*

Everick's review, audit and gap analysis of Aboriginal consultation and implementation of recommendations from the Collins report, found the recommendations of the Collins report are appropriate from a best practice and legislative standard and these recommendations have been adhered to by the Proponent. The Everick 2015 report found that the Guidelines for Consultation under the DECCW Guidelines 2005 were largely consistent with the

### Innovative Heritage Solutions



#### **EVERICK** Heritage Consultants Pty Ltd

PO Box 146 RED HILL 4059  
47 Arthur Terrace RED HILL 4059  
t: 07 3368 2660  
info@everick.com.au  
www.everick.com.au  
ABN 78 102 206 682

*Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.* As no Aboriginal Heritage Impact Permits are required for the current proposal wider consultation than the Aboriginal Stakeholders consulted is not required.

In reference to Recommendation 4 of the Collins report advocating an Aboriginal Cultural Centre, both representatives of the Aboriginal stakeholders consulted, demurred from support for the proposal. Mr Williams made the point that it was not the intention of Aboriginal stakeholders to have numerous cultural centres associated with all large scale developments. Both the Tweed Byron Local Aboriginal Land Council and the Bundjalung of Byron Bay have their main centres for cultural issues. In the case of the TBLALC Kirkwood Rd South Tweed Heads is that facility. Bundjalung of Byron Bay also have a Keeping Place for Aboriginal objects and Cultural Centre/s within the Byron Bay precinct.

**Consultation with Aboriginal Stakeholders:** The Primary Aboriginal organisations for the NBP are the Tweed Byron Aboriginal Land Council ('TBLALC') and the Bundjalung of Byron Bay (Arakwal Aboriginal Corporation 'AAC'). Copies of *State Significant Development-Environmental Assessment Requirements Cultural Events Site, North Byron Parklands (SSD 8169)* and *Permanent Cultural Event Site-North Byron Parklands Cultural Heritage Due Diligence Assessment-Peer Review, Audit and Gap Analysis* were supplied by email to the AAC and TBLALC on 10 May 2017. Attention was drawn to Attachment A (Standard Requirements) and particularly Attachment B (Specific Requirements OEH-Part C). Copies of the Collins (2010) report would be made available on request, no copies were requested.

**Site Inspection with Arakwal Aboriginal Corporation:** AAC CEO Gavin Brown inspected the NBP site on May 11 2017, in company with Mat Morris (Manager NBP) and Everick Senior Archaeologist Adrian Piper.

The Site survey aimed to inspect the new development proposal. The key additions under the new development proposal with the potential to affect heritage-related matters are:

- to extend the southern park to the east across the Yelgun flats and to revegetate a buffer with the Billinudgel Nature Reserve; and
- construct a conference centre and accommodation on slopes in the north-west sector of the site.

The locations subject to new development have been previously inspected for cultural heritage by Bonhomme and Craib (2001), Piper (2002), Fox (2003) and Collins (2010). No cultural heritage was found in these locations.

The facility was inspected by vehicle. The main features of the inspection were the southern carpark, the area of the artefact scatter site AHIMS 4-2-114 and 4-2-115 and measures to quarantine the site, the Spine Road and

### Innovative Heritage Solutions



**EVERICK**  
Heritage Consultants Pty Ltd

PO Box 146 RED HILL 4059  
47 Arthur Terrace RED HILL 4059  
t: 07 3368 2660  
info@everick.com.au  
www.everick.com.au  
ABN 78 102 206 682

measures to secure the site of test excavations beneath the Spine Road (Collins 2010: pp 25-30). The northern precinct included the northern carpark, amphitheatre and camping grounds.

Mr Morris explained methods used to prevent access by patrons to areas of Aboriginal values, Aboriginal sites, areas of fauna and floristic significance. These measures are detailed in *Parklands Induction Register Parklands: Statement of Commitment A9 and Consent Condition E26* for implementation prior to construction activities.

**Conclusions:** Mr Brown was of the view that the proposed additions under the new proposal were minimal and not of sufficient impact to warrant an additional cultural heritage assessment. He was also of the view that the recommendations of the Collins (2010) report had been implemented. The new proposal was unlikely to have any impact upon Aboriginal cultural heritage. Mr Brown was also of the view that as no Aboriginal Heritage Impact Permits were required consultation with Aboriginal stakeholders need not extend beyond the AAC and the TBLALC.

**Site Inspection with Inspection Tweed Byron Local Aboriginal Land Council:** Board Chairman of TBLALC and Tweed Shire Aboriginal Advisory Committee Des Williams, inspected the NBP site by vehicle on 18 May 2017, in company with Adrian Piper of Everick Heritage Consultants.

The inspection by Mr Williams and Adrian Piper covered the same features as the previous 8 May 2017 inspection. The proposed additions of the new proposal were explained. Mr Williams was familiar with the site as he had participated in the Collins (2010) field inspection and test pitting.

Discussion with Mr Morris covered the same matters as the May 10th discussions.

**Conclusions:** Des Williams was of the view that the proposed additions under the new proposal were minimal and not of sufficient impact to warrant an additional cultural heritage assessment. He was also of a similar view that the recommendations of the Collins (2010) report had been implemented. The new proposal was unlikely to have any impact upon Aboriginal cultural heritage. Mr Williams was also of the view that consultation with Aboriginal stakeholders need not extend beyond the TBLALC and the AAC.

**Note – neither Des Williams of the TBLALC or Gavin Brown of the Arakwal AC are relatives or members of the Ngarakbal Githabal tribes**

**Conclusions:** Des Williams was of the view that the proposed additions under the new proposal were minimal and not of sufficient impact to warrant an additional cultural heritage assessment. He was also of a similar view that the recommendations of the Collins (2010) report had been implemented. The new proposal was unlikely to have any impact upon Aboriginal cultural heritage. Mr Williams was also of the view that consultation with Aboriginal stakeholders need not extend beyond the TBLALC and the AAC.

**Assessment Conclusion:** It is the opinion of Everick Heritage Consultants that the proposal (SSD 8169) is unlikely to impact on upon Aboriginal or non-Aboriginal cultural heritage and that the measures for protection of Aboriginal sites and values as proposed in the Collins 2010 have been implemented. Aboriginal consultation undertaken by Collins 2010 was considered by Everick Heritage (2015) to be adequate to meet requirements under the 2015 legislation. The Aboriginal consultation undertaken in relation to the new proposal is also considered to meet best practice and current legislative requirements, given the minimal potential for impact on

#### Innovative Heritage Solutions



**EVERICK**  
Heritage Consultants Pty Ltd

PO Box 146 RED HILL 4059  
47 Arthur Terrace RED HILL 4059  
t: 07 3368 2660  
info@everick.com.au  
www.everick.com.au  
ABN 78 102 206 682

Aboriginal heritage. It is unlikely that an additional cultural heritage assessment or consultation will add to further knowledge of the Aboriginal cultural heritage values of the NBP.

Yours faithfully,

Tim Robins  
Director / Senior Archaeologist  
Everick Heritage Consultants

### Genocide of an unbroken matrilineal Cultural Lore lineage by Administration

The Ngarakbal Githabal do NOT identify as Bundjalung and the TBLALC and the Arakwal AC are NOT representative of the Ngarakbal Githabal people or their ancestral cultural heritage