



## ***Topic 2. Advancing Aboriginal Knowledge, Culture and Tradition***

The Longreach Regional Council is committed to supporting the recognition, protection and promotion of Aboriginal and Torres Strait Islander knowledge, culture and tradition.

The ultimate purpose of land use planning and development assessment in Queensland is to achieve ecological sustainability. The Planning Act 2016, under which local government planning schemes are made and amended, identifies that advancing that purpose now expressly includes valuing, protecting and promoting Aboriginal and Torres Strait Islander knowledge, culture and tradition. The planning scheme was originally prepared and adopted prior to the role that land use planning and planning policy can have in this regard, being explicitly recognised and accepted.

This Major Amendment No. 2 represents an opportunity to make amendments to the planning scheme to improve the way it recognises, protects and promotes the knowledge, culture and traditions of Aboriginal people with a connection to the Longreach region – in particular the Iningai, Malintji and Kuunkari people as the traditional owners and custodians of the land and waters in the region.

### **Advancing Aboriginal Knowledge, Culture and Tradition in a Planning Scheme?**

There is no one or fixed way that a planning scheme can fulfil this objective – it will depend on the aspirations, trusting relationships and maturity of the community.

Some aspects of Aboriginal knowledge, culture and tradition may be best acknowledged at a strategic level in the planning scheme and other aspects may be able to be articulated in more detail and direct the preparation and assessment of development proposals. It is accepted that some information is sacred and sensitive to Aboriginal people and would not be appropriate for inclusion in a planning scheme.

Engagement and dialogue will be key to determining an appropriate way of advancing Aboriginal knowledge, culture and tradition in the planning scheme.

Relevant guidance resources:

- [Longreach Regional Council Corporate Plan 2017-2027](#) (Core Value 2 and Strategy 1.1.8)
- <https://planning.statedevelopment.qld.gov.au/planning-issues-and-interests/aboriginal-and-torres-strait-islander-interests>
- <https://culturalheritage.datsip.qld.gov.au/a/chris/public/home>

### **Options for Amending the Planning Scheme**

The planning scheme does not presently include any direct or express statements or outcomes recognising, protecting or promoting the role, contribution or history of Aboriginal people in the region. The only indirect protection afforded to Aboriginal cultural heritage in the planning scheme is via an outcome (3.4.3.1(4)) in the Strategic Framework relating to development not impacting areas or items of cultural heritage significance within the natural environment or rural landscape. There is no distinction or acknowledgement in this context between cultural heritage of Aboriginal or non-Aboriginal significance.

Even having regard to the process, timeframe and resource limitations of this Major Amendment No. 2 project, there is great scope for improving the extent to which the planning scheme recognises, protects and promotes Aboriginal knowledge, culture and tradition. Amendments could be made at this time, which represent the start of an iterative improvement approach.

Some options for amendment, including foreseen advantages and disadvantages, are outlined in the following table.

Planning Scheme Amendment – Option and description	Advantages	Disadvantages
<p><b>1. Amend Part 1 About the planning scheme</b>  <b>1.1 Introduction</b></p> <p><b>For instance, insert:</b></p> <p>(7) This planning scheme applies to land and waters of the Iningai, Malintji and Kuunkari peoples. The knowledge, culture and traditions of these First Australians and traditional custodians are to be valued, protected and promoted. The Elders past, present and future are to be acknowledged and respected.</p> <p>(8) The Planning Act 2016 and this planning scheme apply separately from and in addition to other legislative requirements. For example, the Aboriginal Cultural Heritage Act 2003 requires a person who carries out “an activity” to take all reasonable and practical measures to ensure the activity does not harm Aboriginal cultural heritage. This is referred to as the cultural heritage duty of care. Development (regardless of whether accepted or assessable under the Planning Act 2016 and this planning scheme) may constitute “an activity” for the purposes of the Aboriginal Cultural Heritage Act 2003.</p> <p>Editors note–A cultural heritage database and cultural heritage register have been established under the Aboriginal Cultural Heritage Act 2003. Details of Aboriginal parties and Aboriginal cultural heritage information may be obtained by searching the database and register, or by contacting the Queensland Government department administering the Act.</p>	<ul style="list-style-type: none"> <li>• Offers acknowledgement of the country</li> <li>• Improves community awareness of the cultural heritage duty of care which may also apply to development related activities (and attempts to do so in a manner which does not invite criticism for not similarly acknowledging an exhaustive list of other potentially related legislative requirements)</li> </ul>	<ul style="list-style-type: none"> <li>• Draws attention to a specific separate and additional potential legislative requirement among multiple others (eg. environmental duty of care, environmental authorities, forestry sales permits, vegetation clearing offences, mining approvals, transport infrastructure approvals, resource allocation authorities, etc).</li> </ul>
<p><b>2. Amend the Strategic Framework</b></p> <p><b>For instance:</b></p> <ul style="list-style-type: none"> <li>• in relation to liveability and housing, strategic willingness to support Living on Country in designated areas within the rural zone</li> <li>• in relation to economic growth, economic and educative aspirations (eg. development to support Aboriginal cultural tours and experiences, Indigenous Heritage Trail within TRMP area)</li> <li>• in relation to environment and heritage, cultural site identification/acknowledgement and protection of country</li> </ul> <p>Note: This may require restructuring or addition of new Elements or Themes in the Strategic Framework.</p>	<ul style="list-style-type: none"> <li>• Provides clarity and awareness of Council’s position.</li> <li>• Statements and outcomes in the Strategic Framework can be applied to the assessment of impact assessable development applications</li> </ul>	<ul style="list-style-type: none"> <li>• Does not prevent accepted or code assessable development which may conflict with or compromise statements or outcome in the Strategic Framework, unless also considered and addressed through the Categories of Development and Assessment tables and/or assessment benchmarks (ie. provisions/criteria in codes).</li> </ul>
<p><b>3. Amend or include new Strategic Framework mapping which spatially identifies matters of significance to</b></p>		

Planning Scheme Amendment – Option and description	Advantages	Disadvantages
<p>Aboriginal people.</p> <p>For instance, spatially identify:</p> <ul style="list-style-type: none"> <li>• important sites or landscapes</li> <li>• recognised Native Title</li> <li>• traditional owner lands and waters</li> <li>• strategic areas for potential future Aboriginal economic development or Living on Country</li> </ul>		
<p>4. Include assessment benchmarks (ie. provisions/criteria in codes) to support the protection of places, features or items of Aboriginal cultural heritage significance.</p> <p>Where culturally appropriate and acceptable, this may be supported by a written description or an overlay map of places, features or items of Aboriginal cultural heritage significance.</p> <p>For instance:</p> <ul style="list-style-type: none"> <li>• Is it appropriate to identify and protect scar trees (including those identified during the study for the TRMP project)?</li> <li>• Is it appropriate to identify and protect posts at Yaraka?</li> </ul>	<ul style="list-style-type: none"> <li>• Describing or mapping places, features or items improves clarity and awareness regarding significance (for proponents and assessment managers)</li> </ul>	<ul style="list-style-type: none"> <li>• For sacred or risk management purposes, it may not be appropriate or acceptable to publicly identify places, features or items of Aboriginal cultural heritage significance. Alternate means of providing protection may need to be considered.</li> </ul>
<p>5. Include assessment benchmarks (ie. provisions/criteria in codes) to support known development aspirations of any registered Native Title body corporate or which support the promotion of Aboriginal knowledge, culture and tradition.</p> <p>For instance:</p> <p>Acknowledge in the outcomes of the Rural zone code the locational requirement and appropriateness of certain development which facilitates cultural tourism, traditional activities and Aboriginal cultural educational or agriculture ventures to occur in the rural zone.</p> <p>Note: Consideration could also be given to whether it may be appropriate to reduce the development application and/or assessment requirements to facilitate such known development aspirations.</p>		
<p>6. Reflect any relevant and appropriate ILUA outcomes in the planning scheme.</p>		
<p>7. Incorporate Aboriginal words and language in the planning scheme.</p>	<ul style="list-style-type: none"> <li>• Opportunity to recognise and promote public awareness of language.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensuring and validating accuracy and acceptability of words and language used within project time and</li> </ul>

Planning Scheme Amendment – Option and description	Advantages	Disadvantages
<p><b>8. Incorporate Aboriginal illustration of features of country or peoples’ relationship to it.</b></p> <p><b>For instance:</b> Illustration could be used to compliment the strategic mapping for information purposes and relate to significant landmarks or landscapes, experience of natural hazards (for instance flood or bushfire), environmental values, resources (for instance areas where medicinal plants exist and warrant protection).</p>	<ul style="list-style-type: none"> <li>• Potential opportunity for the Aboriginal community to express and share knowledge in own way/on own terms.</li> </ul>	<p>resources.</p> <ul style="list-style-type: none"> <li>• Time and resources required to prepare and have appropriately endorsed for inclusion.</li> <li>• May, depending on content, form and purpose, need to be included as informative or extrinsic material rather than a statutory part of the planning scheme at this time.</li> </ul>

### Have Your Say

There will be multiple opportunities to have your say during the process. The first of these will be in January 2022 when we release a public survey gathering feedback from our communities on all aspects of the current planning scheme. We will also be seeking to engage face to face with stakeholders on the unique issues covered in each amendment. We anticipate this process commencing in February 2022.

### How Can I Keep Updated?

For more information about the proposed planning scheme amendments, or to register for email updates please visit [longreach.qld.gov.au/townplan](http://longreach.qld.gov.au/townplan) or contact us directly:

Email: [assist@longreach.qld.gov.au](mailto:assist@longreach.qld.gov.au)

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