

Advancing Aboriginal and Torres Strait Islander interests in land use planning

Guidance for local governments



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An electronic copy of this report is available on the Department of State Development, Manufacturing, Infrastructure and Planning's website at www.dsdmip.qld.gov.au.

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1.0 Introduction

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

The Queensland Government has prepared the *Advancing Aboriginal and Torres Strait Islander interests in land use planning - Guidance for local governments* to:

- explain the role of the planning framework in advancing these interests
- provide advice on approaches to and opportunities for engaging with Aboriginal and Torres Strait Islander communities, recognising that information about Aboriginal and Torres Strait Islander knowledge, culture and tradition may be sacred or sensitive
- provide information to assist local governments in identifying, understanding and advancing Aboriginal and Torres Strait Islander knowledge, culture and tradition when preparing or amending a planning scheme, including in determining how to appropriately articulate these values.

2.0 Setting the context

2.1 Legislative framework

Table 1 provides an overview of the role and scope of Queensland legislation and statutory instruments in respect of Aboriginal and Torres Strait Islander interests when making or amending a local planning scheme. For further information on the broader legislative framework for advancing Aboriginal and Torres Strait Islander interests, refer to the information sheet [Land use planning, Aboriginal and Torres Strait Islander cultural heritage and native title – An overview of their relationship in Queensland](#).

Table 1

Scope	Roles		
Interest	Valuing and recognising	Protecting and conserving	Promoting
Knowledge	●	●	● ●
Culture	● ● ●	● ● ●	● ●
Tradition	●	●	● ●

● Planning Act ● State Planning Policy ● the cultural heritage Acts

2.1.1 The Planning Act

The Queensland planning system plays a key role in advancing Aboriginal and Torres Strait Islander interests, as advancing the purpose of the [Planning Act 2016](#) includes **valuing, protecting and promoting** Aboriginal and Torres Strait Islander **knowledge, culture and tradition**.

The scope of the planning framework can both facilitate the conservation and protection of knowledge, culture and tradition and facilitate the economic aspirations of Aboriginal and Torres Strait Islander peoples.

2.1.2 The cultural heritage Acts

The primary purpose of the [Aboriginal Cultural Heritage Act 2003](#) and the [Torres Strait Islander Cultural Heritage Act 2003](#) (the cultural heritage Acts) is to provide effective **recognition, protection and conservation** of Aboriginal and Torres Strait Islander **cultural heritage** in Queensland. These Acts define Aboriginal and Torres Strait Islander cultural heritage to be a significant area or object, or evidence of archaeological or historic significance of occupation of an area.

2.1.2.1 Cultural heritage database and register

A cultural heritage database and cultural heritage register have been established under the cultural heritage Acts. These resources are managed by the [Department of Aboriginal and Torres Strait Islander Partnerships](#) (DATSIP).

The **cultural heritage database** contains information about, but is not a complete record of, Aboriginal and Torres Strait Islander cultural heritage sites and places in Queensland. The database is not publicly available; however, **a local government may request that DATSIP make the database information available to inform plan-making when preparing or amending a planning scheme**. DATSIP also makes this information available to land users if the information is necessary for them to satisfy their duty of care, for example when making a development application.

The **cultural heritage register** is publicly available and is a depository of information that **may be reviewed by local government in their consideration of the Aboriginal and Torres Strait Islander cultural heritage values of particular objects, when preparing or amending a planning scheme**.

The cultural heritage register contains:

- information contained in cultural heritage studies
- information about whether particular areas have been the subject of cultural heritage management plans
- other information such as contact details for Aboriginal and Torres Strait Islander parties.

2.1.2.2 Further cultural heritage information

While some communities have significant areas or objects recorded in the cultural heritage database and cultural heritage register, the database and register do not contain exhaustive information. As such, this guidance provides advice about how local government may gather and consider further information about cultural heritage that may be relevant in developing a planning scheme.

2.2 The Queensland planning framework

2.2.1 State planning instruments

State planning instruments are made by the Minister to make or give effect to the Queensland Government's interests in land-use planning and development. These instruments provide direction for local governments when considering the advancement of Aboriginal and Torres Strait Islander knowledge, culture, and tradition in their local planning schemes.

2.2.1.1 State Planning Policy (SPP)

The **State Planning Policy** (SPP) includes state interests that local government are to integrate and give effect to in their planning scheme. The cultural heritage state interest includes a state interest policy relating to Aboriginal and Torres Strait Islander interests:

Matters of Aboriginal cultural heritage and Torres Strait Islander cultural heritage are appropriately conserved and considered to support the requirements of the **Aboriginal Cultural Heritage Act 2003** and the **Torres Strait Islander Cultural Heritage Act 2003**.

Consultation with Aboriginal and Torres Strait Islander groups in the local area, early in the plan-making process is fundamental to the integration of this state interest policy.

In addition, the Tourism state interest promotes sustainable tourism development that may include opportunities associated with Aboriginal and Torres Strait Islander knowledge, culture and tradition.

For information about integrating and balancing state interests refer to the SPP and associated guidance (refer to Resources section).

2.2.1.2 Regional plans

Regional plans can regionally contextualise matters of state interest within the regional plan area. Local governments may need to further consider, or give effect to, these matters through their local planning schemes. As such, regional plans may discuss or identify matters of cultural heritage and Aboriginal and Torres Strait Island peoples' connection to land and sea within the regional plan area.

For example, the **South East Queensland Regional Plan** (*ShapingSEQ*) includes strategies to address Aboriginal and Torres Strait Islander people's cultural knowledge and economic needs in land use planning, as a result of input from the SEQ Traditional Owner Group in the planning process. This includes a map of Indigenous landscape values (shown below). *ShapingSEQ* also requires that future planning advances and reflects Aboriginal and Torres Strait Islander peoples' knowledge and connection to the land and seascapes, particularly for locations where Aboriginal and Torres Strait Islander landscape values have been recognised.

3.0 Engagement approaches

3.1 Who to engage

Limited information may be readily available to local government about Aboriginal and Torres Strait Islander interests. For example, sensitive information about sacred and spiritual practices and sites may not be shared or may only be held by certain people in the community. Engagement with key stakeholders will start to help local government to understand who may have information and what can or cannot be shared.

It is important the correct groups are engaged throughout the plan making process to gather this information, especially those who are authorised to speak for a place. This should include men and women because they may be responsible for different heritage places and values.

The following searches can be of assistance in determining appropriate contacts:

- **National Native Title Tribunal website**. This will identify any registered native title claimants or registered native title bodies corporate
- **DATSIP website**. This will identify any Aboriginal or Torres Strait Islander parties as defined in the cultural heritage Acts
- Native Title Services groups, or local land councils
- other established networks and groups in the local government area.

Working in partnership with organisations or areas of local government that work with, or represent, Aboriginal and Torres Strait Islander peoples is recommended. This can help to ensure their needs and interests are appropriately identified and captured as part of this process.

It is important to attend the regular meetings of these groups, where possible, as well as inviting representatives to be part of your process. It is also useful to obtain guidance from Elders. Aboriginal and Torres Strait Islander leaders can encourage people to be part of an engagement process and this may also bring some credibility to the process for the community.

It is recommended that the relationships established are at a stakeholder level, for example with the relevant native title bodies corporate or land council, or other established group, as well as at a personal level. This is to preserve the continuity in the relationship with the relevant group when individuals move on.

3.2 How to engage

Consultation and engagement with Aboriginal and Torres Strait Islander individuals and communities to identify, understand and recognise Aboriginal and Torres Strait Islander knowledge, culture and tradition in a local planning scheme is not a once off activity.

Rather, it is a long-term commitment to ongoing engagement with this stakeholder group to ensure economic, social and environmental interests are balanced across the local government area. Building a relationship with stakeholders and improving knowledge and understanding about how planning can promote and protect those interests will take time and commitment.

Engagement may need to be 'separate' from the process of making or amending a planning scheme. For example, conduct regular 'talk to a planner sessions', to foster the building of capacity and exchange of information – a two-way conversation. It is recognised that ongoing conversations such as this may be difficult for smaller local governments to support due to resource limitations.

Each Aboriginal community is different, and a single style of engagement strategy may not be suitable for all areas. The style of engagement commonly used to meet statutory obligations under the **Planning Act 2016** will generally not be culturally suitable.

As a starting point, it is recommended that local governments contact DATSIP, their local Native Title Services groups, or local land councils for assistance with how to engage Aboriginal and Torres Strait Islander individuals and communities. For example, using already established groups and building upon established relationships and learnings as part of the engagement process. The consultation approach taken may need to reflect the role and responsibilities of the group or organisation being consulted, such as Traditional owners and custodians who have a responsibility in making decisions that affect native title, or historical residents. For example:

- Cultural heritage bodies under the cultural heritage Acts are responsible for identifying Aboriginal and Torres Strait Islander parties for an area. These parties may be a native title party for the area, or if there is not a

native title party for the area, an Aboriginal or Torres Strait Islander person with particular knowledge about traditions, observances, customs or beliefs associated with the area.

- Native title holders are the trustee of the native title that has been subject to a determination (the *Native Title Act 1993*). Prescribed body corporates (PBC's) may consult with other persons or bodies on behalf of the common law holders who hold those rights and interests.

Local governments may also wish to consider cultural capability training and awareness to gain a better understanding on how to engage.

The **Community Engagement Toolkit for Planning** contains broader guidance to help local governments engage with their communities about planning, including with Aboriginal and Torres Strait Islander communities.

Check your understanding

- Do you understand cultural, social and political contexts?
- Do you know how to identify local groups and individuals?
- Test your engagement approach.
- Do you know how to communicate effectively – language, allow for stories, diagrams.
- Have you planned for a flexible timeframe?
- Are you aware of culturally appropriate behaviour – protocols for men and women, order in which people can speak, listening?

4.0 Opportunities for advancing Aboriginal and Torres Strait Islander interests

The approaches identified below are not mandatory or exhaustive. A local government will need to investigate and determine an appropriate and responsive approach, relevant to their local communities' circumstances.

4.1 Understand the context

A key step in being able to further the purpose of the ***Planning Act 2016***, being *valuing, protecting and promoting Aboriginal and Torres Strait Islander knowledge, culture and tradition*, and to ensure cultural heritage is appropriately conserved, is to first understand what these interests are.

DATSIP, Native Title Services groups, and local land councils hold information that can assist local government understand who the traditional owner groups are in relevant local government areas, key community members within these groups, and work already underway that may align with, or could benefit from land use planning input.

4.2 Understand the content

To determine whether Aboriginal and Torres Strait Islander knowledge, culture and tradition are advanced in the planning scheme in the most appropriate manner, one of the initial steps should include compiling an understanding about existing content.

The following list identifies a number of initial questions a local government may work through to determine whether the existing context and policy in the planning scheme is appropriate or requires further refinement or amendment.

- Are any matters of value already identified in the planning scheme?
- What information applicable to the local government area is already included in the DATSIP cultural heritage register and has this been considered already?
- Are there areas of native title determinations or claims in the local government area and how has the planning scheme acknowledged or reflected these?
- Have the relevant Aboriginal and Torres Strait Islander parties been identified and has any engagement occurred with interested parties in the past?

4.3 Understand interests

As detailed, engagement with Aboriginal and Torres Strait Islander groups in the local area early in the plan making process is fundamental to advancing knowledge, culture and tradition into the planning framework, where it is relevant to land use planning.

The engagement should allow for native title parties, traditional owner groups, and Aboriginal and Torres Strait Islander community groups an opportunity to discuss their land use aspirations with local governments to inform the planning scheme's development.

This engagement should attempt to identify the issues the community is facing. For example, what they would like to see for their land, what opportunities they would like to realise, where are their areas of importance facing pressures? Consider the ability to link opportunities sought by Aboriginal and Torres Strait Islander community's with delivering outcomes on the ground.

4.4 Planning scheme approaches

The following approaches are focussed on advancing Aboriginal and Torres Strait Islander interests in land use planning. Extracts from existing planning schemes are provided to illustrate the types of approaches that may be taken.

For further information about scheme drafting refer to the Queensland Government's *Guidance for drafting a local planning scheme* and *Guidance for applying the regulated requirements to local planning schemes*.

4.4.1 Recognition of Aboriginal and Torres Strait Islander interests and involvement in the planning process

The planning scheme can recognise the Aboriginal and Torres Strait Islander groups who have a relationship with country within the planning scheme area and can explain how the planning scheme relates to other matters such as Native Title and Indigenous Land Use Agreements (ILUA). The planning scheme may also outline the consultation to be undertaken with these Aboriginal and Torres Strait Islander groups during the development assessment process and help explain how these comments may influence decision-making. These statements and provisions could be contained in the strategic framework, local government administrative matters or planning scheme policy components of the planning scheme.

The planning scheme recognises that the relationship the Gunggandji and Mandingalbay Yidinji peoples and the Yarrabah community have with the land and sea of their Country: a relationship based on resources that are important to culture, identity and economic development. Resources are not owned by individuals and are used by the whole community. Consequently, as part of the development process under the planning scheme, development will be assessed in the context of valuing, protecting and promoting Aboriginal knowledge, culture and traditions. The planning scheme acknowledges the need for applicants and Council to consult the custodians of the land and the local people.

Recognition of cultural values will be built into any decision making of Council. It is essential that any person or organisation proposing to develop in Yarrabah communicate with the custodians of the land and the local community. Consultation with the prescribed bodies corporate that represent the Gunggandji and Mandingalbay Yidinji peoples, Gunggandji Registered Native Title Body Corporate (RNTBC) and Gunggandji Mandingalbay Yidinji Peoples RNTBC is a requirement for development within their respective trustee areas.

Yarrabah Aboriginal Shire Council Planning Scheme

It is important to note that the planning scheme does not regulate Native Title. Nothing in this planning scheme is intended to diminish or extinguish Native Title, nor does the planning scheme affect or alter any ILUA in place for Yarrabah.

Yarrabah Aboriginal Shire Council Planning Scheme

Comments from the community may not mean that the Council will refuse an application, but it will help Council to make an informed decision about what is important to the people of Cherbourg.

Members of the community may look at the following information when having a say on a development application: culturally, historically and spiritually important places that are not listed in Planning Scheme; and feedback from elders and traditional owners

Cherbourg Aboriginal Shire Planning Scheme

4.4.2 Identification of values

It is important to understand and acknowledge that some interests of Aboriginal and Torres Strait Islander communities cannot be mapped or identified for cultural reasons.

In many instances, only the indicative location of matters of knowledge, culture and traditional values may be appropriate to articulate. In this case indicative mapping and notations in the strategic framework may be appropriate (for example in a similar manner to the mapping contained within *ShapingSEQ*). The location and significance of features (such as bora rings, rock engravings or drawings, middens and burial grounds) may be recognised in a planning scheme, whether or not explicitly. For example, features could be named and mapped in a register and overlay, or alternatively, sites may be allocated to a zone or overlay that protects these features, without referencing them individually.

Places, areas, land, landscapes, sites, buildings, works or artefacts that have heritage significance to the people of Cherbourg, including places that provide a connection to the past, or to past or current cultural and traditional practices, are conserved and appropriately protected from development for current and future generations. In

locations where some form of development is appropriate, new development is respectful and compatible with, the site's heritage values.

Editor's notes:

The term 'heritage' is used in this planning scheme to refer to a place, area, land, landscape, site, building, work or artefact that has value to the people of Cherbourg for cultural, historical, traditional or spiritual reasons. These locations may provide a connection to the past, or to past or current cultural and traditional practices.

Due to reasons of confidentiality, information and specific details relating to locations that have heritage value are not recorded in this planning scheme. However, places of historical importance (which may or may not also be locations of heritage value) are identified on Strategic Plan Map SFM-004 (places of historical importance).

Where known, locations of heritage significance are included within a zone that reflects an appropriate level of development.

Cherbourg Aboriginal Shire Planning Scheme

Where the spatial identification of areas, sites or features of knowledge, culture or traditional value can be identified in a planning scheme, this:

- contributes to the integration of the SPP state interest to conserve and consider matters of Aboriginal cultural heritage and Torres Strait Islander cultural heritage
- may assist in applying planning scheme provisions (such as triggering the application of a category of development or assessment or code assessment benchmarks) with an aim of either protecting or promoting those values
- would support the ability of development proponents to satisfy their duty of care under the cultural heritage Acts.

4.4.3 Strategic vision

The strategic vision is a narrative that describes the aspirations of the community. As the processes of engagement and acknowledgement are a critical aspect of advancing Aboriginal and Torres Strait Islander interests, the local government may seek to articulate this priority.

The Yarrabah Aboriginal Shire Council wishes to acknowledge the traditional owners of the land within the shire boundaries – the Gunggandji and Mandingalbay Yidinji peoples.

Yarrabah Aboriginal Shire Council Planning Scheme

4.4.4 Strategic framework

The strategic framework/strategic outcomes of the planning scheme could include a section on Aboriginal and Torres Strait Islander knowledge, culture and tradition that:

- recognises there is/may be significant areas or objects and places with evidence of occupation. This may involve specific statements about the significance of a particular area
- identifies the local government's key policy direction for the local government area for how it intends to acknowledge Aboriginal and Torres Strait Islander interests and protect and promote Aboriginal and Torres Strait Islander knowledge, culture and tradition. These directions may include recognising the economic aspirations of Aboriginal and Torres Strait Islander peoples' as well as protection or conservation of heritage values
- expresses how the state interest policy to conserve and consider matters of Aboriginal cultural heritage and Torres Strait Islander cultural heritage is appropriately delivered in the planning scheme.

The unique cultural, spiritual and historic associations of the traditional owners of land and waters in the Redlands are acknowledged and valued. Development does not diminish places or values of cultural significance to the traditional owners.

Editor's note—The management and conservation of natural and cultural resources on North Stradbroke/Minjerribah Island is undertaken as a shared responsibility in accordance with the Indigenous Land Use Agreement (ILUA). The responsibilities of the Quandamooka people as traditional owners and the public responsibilities of Redland City Council co-exist through formal and informal agreements and aim to achieve

open communication, responsible decision-making and respectful governance. Applicants ought to undertake appropriate consultation with the relevant parties.

Redland City Plan

The Aboriginal cultural heritage values of the Wet Tropics bioregion are acknowledged, protected and enhanced. The Aboriginal Rainforest People of the Wet Tropics have lived continuously in the rainforest environment for at least 50,000 years and this is the only place in Australia where Aboriginal people have permanently inhabited a tropical rainforest environment.

Douglas Shire Planning Scheme

The strategic framework may also include mapping, where appropriate, to acknowledge areas of Aboriginal and Torres Strait Islander cultural heritage, knowledge and tradition, or Traditional Owner Group areas. The extract below from the Zanadth Kes planning scheme identifies sacred sites.



4.4.5 Zones

Relevant to the matters of Aboriginal and Torres Strait Islander cultural heritage, knowledge and tradition, the local government may seek to include lands within a zone to either:

- provide protection for a site/area (such as a Conservation or Environmental protection zone) where it is not appropriate to divulge details about the values of an area, site or object, or
- facilitate development and economic opportunity aspirations of Aboriginal and Torres Strait Islander peoples associated with their land or values. For instance, there may be an opportunity for some development to be sympathetic to matters of significance, such as Indigenous-based tourism. The zone for which would be dependent on the nature of the envisaged economic activity; where an activity of a rural nature, the rural zone could be suitable.

This intent will need to align with the zone purpose statements included in the Planning Regulation as regulated requirements and replicated in the *Guidance for applying the regulated requirements to local planning schemes*. The proposed categories of assessment and development for each zone will then need to be aligned to meet this intent.

Tourist uses that recognise and depend on the values of the cultural features... may be located in the rural zone where there is an established ongoing benefit to the community.

Woorabinda Aboriginal Shire Council Planning Scheme

Local governments may consider the content of any Indigenous Land Use Agreements (ILUAs) (where they are in place and relevant information is available) when allocating zoning. An ILUA may include the right to use land for a particular purpose. Where this purpose constitutes development under the **Planning Act 2016**, for example where the Aboriginal or Torres Strait Islander community wishes to pursue economic opportunities or development, consider if the zone allocation (and zone overall outcomes) can align with and accommodate that activity.

The concept of 'living on country' areas has been identified as one approach to acknowledging locations where there is an established connection to that country. Should a local government seek to identify 'living on country' areas, for example over land that has been transferred to traditional owners under the *Aboriginal Land Act 1991* or similar, this could be achieved via a precinct in a zone, or via an overlay or a local plan. If included as a precinct in a zone, the intent for the precinct is to align with the overarching zone purpose.

The **Guidance for applying the regulated requirements to local planning schemes** also contains the following drafting examples of overall zone outcomes for the conservation and environmental management zones that a local government may consider relevant.

Areas identified as having cultural values are protected from development.

Activities undertaken by recognised traditional owners in accordance with traditional owner custom and practice may be considered.

4.4.6 Overlays

An Aboriginal and Torres Strait Islander cultural heritage overlay could be used to identify those areas, sites and objects the Aboriginal and Torres Strait Islander community wish to protect from development impacts. An overlay to respect and incorporate relevant aspects of Aboriginal and Torres Strait Islander cultural interests and values should not duplicate requirements under the Aboriginal and Torres Strait Islander cultural heritage Acts.

Places of Aboriginal and Torres Strait Islander Cultural heritage significance are conserved and managed in a Culturally appropriate way. There are no adverse impacts on any place that has cultural heritage significance to Aboriginal or Torres Strait Islander people.

Editor's note – All proposed development on or adjacent to identified sites of indigenous cultural heritage significance is required to be carried out in accordance with the latest version of the Aboriginal Cultural Heritage Act 2003 duty of care provisions.

Townsville City Plan

Development does not impact on any culturally significant values that are identified by the indigenous people to whom the place is significant.

Rockhampton Region Planning Scheme

The overlay or local plan may apply a higher category of assessment to protect lands with cultural values from incompatible development. Conversely, an overlay or local plan could lower the category of development or assessment for identified economic activities in specific locations.

An overlay map may also be used to identify the relevant Traditional Owner Groups and the respective contacts to assist with engagement or duty of care under the cultural heritage Acts.

4.4.7 Codes and assessment benchmarks

The local government may include codes in their planning scheme containing requirements and/or assessment benchmarks applicable to advancing Aboriginal and Torres Strait Islander interests. It is likely that the two most common code types would be:

- a code to protect and conserve matters of cultural value
- a code to facilitate development and economic opportunities for Aboriginal and Torres Strait Islander people associated with their land or values.

However, it is likely that the local government may already include codes addressing some of these circumstances. Where they already exist, the local government will need to determine if they are sufficient or whether they require additional work. A local government may wish to include location-specific provisions in local plan codes, for example to provide for the protection of specific cultural values or facilitate identified economic opportunities.

The Return to Country Local Plan has been created to reflect the Eastern Kuku Yalanji aspirations to return to Country and derive economic benefits from their land and waters. The overall outcomes sought for the Return to Country Local Plan are to:

- (a) ensure further development opportunities for economic and social growth are facilitated within each of the Return to Country precincts
- (b) each Return to Country precinct is developed in consultation with local clan groups to identify specific development opportunities within each precinct.

Douglas Shire Planning Scheme

The purpose of the Eastern Kuku Yalanji Local Plan is to enable Eastern Kuku Yalanji Bama to live on their Bubu, so they can manage the environment, culture, ecology, infrastructure and resources.

Cook Shire Council Planning Scheme

A code to protect cultural values may identify information to be included as a part of a development application. This could include information on the location of any known sites of Aboriginal, Torres Strait Islander, cultural or natural heritage. Provisions should be commensurate with the level of risk or potential damage to matters of cultural value. They may require that development not be undertaken on land with known Aboriginal and Torres Strait Islander cultural values such as physical objects (e.g. trees, artefacts, caves), built structures and areas of historical significance (e.g. massacre sites, birthing places).

Places, areas, land, landscapes, sites, buildings, works or artefacts that have heritage significance to the people of Cherbourg, including places that provide a connection to the past, or to past or current cultural and traditional practices, are conserved and appropriately protected from development for current and future generations. In locations where some form of development is appropriate, new development is respectful of the site's heritage values.

Development does not interfere with activities undertaken by traditional owners in accordance with traditional owner customs and practices or impact on the ability of local people to access watercourses and other culturally significant areas for traditional practices and recreational purposes.

Consultation with the traditional owners, the Wakka Wakka people, and the broader community will be important for development proposals that may have an impact on cultural heritage values.

Cherbourg Aboriginal Shire Planning Scheme

4.4.8 Planning scheme policies

A planning scheme policy may support the implementation of provisions of the planning scheme.

When an Aboriginal and Torres Strait Islander cultural heritage study is required to be prepared as part of a land user satisfying their duty of care under the cultural heritage Acts, the study needs to be prepared following the guidelines set out by DATSIP.

In addition to this, a planning scheme policy could be prepared by local government containing locally-specific information to help guide the preparation of an Aboriginal and Torres Strait Islander cultural heritage study by an applicant as part of a development proposal.

A planning scheme policy may be prepared by local government, using information from consultation and engagement with Aboriginal and Torres Strait Islander groups, to determine in what circumstances an applicant of an impact assessable development proposal should engage with the relevant Aboriginal and Torres Strait Islander parties and may also provide guidance on the engagement process to be undertaken, or how Aboriginal and Torres Strait Islander groups will be informed of development proposals.

Applicants are asked to refer all development applications to our Council's Land and Sea Office and the Abm Elgoring Ambung in accordance with Planning Scheme Policy 3 of our planning scheme. This process is important for giving our traditional owners a voice and helping us to protect sites of cultural and spiritual importance.

Our land office and Abm Elgoring Ambung may look at the following information when advising on a development application: culturally and spiritually important places that are not listed in Planning Scheme Policy 1; and protecting traditional interests as told by our traditional owners.

Kowanyama Aboriginal Shire Council Planning Scheme

5.0 Supporting information

Land use planning framework

State Planning Policy July 2017

<https://dsdmipprd.blob.core.windows.net/general/spp-july-2017.pdf>

DSDMIP Guidance for drafting a local planning scheme

<https://dsdmipprd.blob.core.windows.net/general/guidance-for-drafting-a-local-planning-scheme.pdf>

DSDMIP Guidance for applying the regulated requirements to local planning schemes

<https://dilgpprd.blob.core.windows.net/general/Guidance-Applyingtheregulatedrequirements.pdf>

Cultural planning

Contact the DATSIP Cultural Heritage Unit for assistance

Cultural.heritage@datsip.qld.gov.au

Native title

National Native Title Tribunal

<http://www.nntt.gov.au/Pages/Home-Page.aspx>

Queensland Government Site - ILUAs

<https://www.qld.gov.au/atsi/environment-land-use-native-title/indigenous-land-use-agreements>

Engagement guidance

Community engagement toolkit for planning, that also provides a concise explanation of several resources that may be of assistance

<https://dsdmipprd.blob.core.windows.net/general/community-engagement-toolkit.pdf>

Protocols for consultation and negotiation with Aboriginal people

<https://www.datsip.qld.gov.au/people-communities/protocols-consultation/protocols-consultation-negotiation-aboriginal-people>

Identifying the relevant parties who can speak for country about cultural heritage matters can be done through the DATSIP portal and the online portal user guide here respectively:

<https://culturalheritage.datsip.qld.gov.au/achris/public/home>

<https://www.datsip.qld.gov.au/resources/datsima/people-communities/cultural-heritage/cultural-heritage-portal-user-guide.pdf>



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