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Indigenous Planning Queensland: What is it... if anything at all?

In July 2017 the Queensland Planning Act (2016) commenced after more than 2 years of reform discussions. For the first time in planning law in Australia, the Planning Act (2016) includes a provision which requires consideration of Aboriginal and Torres Strait Islander people's knowledge, culture and tradition. Specifically, the Act requires all entities performing functions under the Act to demonstrate how it advances the purpose of the Act, by valuing, protecting and promoting Aboriginal and Torres Strait Islander people's knowledge, culture and tradition (s5(2)(d)).

The purpose of the Act is to facilitate ecologically sustainable development. However, despite great expectations for Indigenous planning in Queensland, the system continues to deliver development outcomes for the state (ie social housing on Deed of Grant in Trust), but fails to facilitate development for Aboriginal land owners on their communal Freehold estate. Exacerbating the inability to realise development on Aboriginal owned land is the array of state planning policies that have not only failed to value, protect and promote Aboriginal knowledge, culture and tradition but invariably prohibit development. This further reinforces a state controlled welfare economy in remote Aboriginal settlements and removes all opportunity for Aboriginal people to 'close the gap' on disparity by capitalizing on their own land asset base.

This presentation will draw from Cape York cases of local government planning schemes (Indigenous and mainstream), various land tenure descriptions and State Planning Provisions to demonstrate the impediments to facilitating development on Aboriginal owned lands. The presentation will conclude with an overview of what should be done (process and substantive data) to realise Aboriginal development aspirations. A range of further amendments that are required to associated legislation, and land administration and planning policy will be discussed to create a system that is capable of accommodating 'Indigenous Planning' and close gaps of disparity.