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Triggering Aboriginal Cultural Heritage Assessments in Property Development in SEQ: the need for a proactive, not a reactive process.

Currently, the state of Aboriginal Cultural Heritage (ACH) in South East Queensland (SEQ) is a mystery. In terms of development, SEQ is one of the largest growth areas in the whole of Australia.

However, whether ACH in SEQ is adequately protected, or not, has not really been on the land-use planning agenda. In advancing the purposes of the act, the Planning Act (QLD) 2016 includes a statement about ‘...valuing, protecting and promoting places of Aboriginal and Torres Strait Islander knowledge, culture and tradition’.

However, ACH is not mentioned again throughout the legislation. The Aboriginal Cultural Heritage Act (QLD) 2003 (ACH Act) has not been rolled into the Planning Act (QLD) 2016, resulting in ACH sites not being assessed as part of the development assessment process. The ACH Act is triggered when the ground is disturbed and not in the planning stages. This makes the ACH Act very reactive, not proactive, in its management.

The Cultural Heritage State Planning Policy 2017 discusses ways to appropriately integrate the policy by undertaking ‘...consultation with Aboriginal and Torres Strait Islander groups, early in the plan-making process’; ‘ensuring strategic framework recognises and conserves Aboriginal and Torres Strait Islander cultural heritage’; including a schedule or overlay map and ‘...planning scheme provisions aimed at avoiding adverse impacts on areas or objects with cultural heritage significance to Aboriginal and Torres Strait Islander groups’ (DILGP 2017:6).

However, currently no planning schemes in SEQ appropriately integrate the policy. This has all resulted in drastic negative ramifications for SEQ ACH sites, Traditional Owners’ rights of agency and inclusion in decision-making processes on their lands and intergenerational justice for future generations. Is there a way forward?