

3. Bega Valley Aboriginal Cultural Heritage Study

To advise Council of the status of the Bega Valley Aboriginal Cultural Heritage Study and to recommend that the process be completed.

Group Manager, Planning and Environment

BACKGROUND

Council in conjunction with the Department of Environment and Climate Change (DECC) and the three Local Area Land Councils formed a Steering Committee and commenced this study several years ago. Stage 1 of the process identified, through historical records, places associated with Aboriginal history.

10 Stage 2 involved extensive consultation with local Aboriginal people. This was undertaken by the National Parks and Wildlife Service now known as the Parks and Wildlife Group of DECC.

The objective of Stage 3 was to prepare sensitivity mapping based on the places of significance identified in Stages 1 and 2 and finalise a report to enable the Study to be completed as part of Stage 4. Whilst places have been identified, permission has not been given by the Aboriginal Land Councils to allow the report to be used. Consequently the Steering Committee has not endorsed the Stage 3 report due to lack of an agreed approach regarding the distribution, ownership, use and storage of information.

20 The finalisation of the Study is unable to proceed until such time as Stage 3 is completed.

ISSUES

Economic

There is currently \$47,000 available for the project. This includes contributions from Council, Southern Rivers Catchment Management Authority and Parks & Wildlife Group. The money is held in a BVSC account and Council's contribution to the project is \$25,000.

PRESENT POSITION

30 Stage 4 of the project is unable to commence until such time as all the tasks in Stage 3 are completed. The best approach would be to engage a consultant to work with the Steering Committee and the Aboriginal people that were interviewed to develop sensitivity maps for the Shire.

Recommendations could also be provided regarding recognition, protection and management of places identified in previous stages.

40 Identification of items is not only necessary for inclusion in the Comprehensive Local Environmental Plan (CLEP), but also for developing an improved protocol for referral of development applications to the relevant Land Councils as part of the consultation process. Currently the Land Councils are notified of the receipt of development applications in accordance with Clause 6 of the Memorandum of Understanding dated November 2008 which states:

“As part of the reconciliation journey, the Land Councils, the NT Holders and the Shire commit themselves;

6.3 Reviewing and maintaining mechanisms and processes which guarantee the appropriate consultation takes place in relation to significant development applications and Council’s civil works ensure that Aboriginal culture and heritage are taken into account as part of the assessment / planning phase.”

50 In the absence of an adopted Study or sensitivity mapping, determining what is a “significant development application” is extremely difficult with staff taking a conservative approach. This has resulted in a number of applications being referred to the relevant Land Council, which may not otherwise have been. This has contributed to delays in the assessment process and unnecessary work for the Land Councils. It also adds to the costs for applicants.

As an interim measure development applications with minimum impact potential are not being referred to the Land Councils.

CONCLUSION

A great deal of work on this project has already been undertaken. Given this, it is considered that the Steering Committee should be reformed and the project completed as quickly as possible.

60 Completion will allow the CLEP to incorporate provisions relating to Aboriginal Cultural Heritage. This cannot be done until the study is completed. Completion of the study will also allow a protocol to be established to determine which development applications need to be referred to the Local Land Councils, allowing them to concentrate on those developments affecting items identified in the Cultural Heritage Study.

RECOMMENDATION

1. That Council complete the Aboriginal Cultural Heritage Study as soon as possible.
2. That Council note minor changes have been made to the current referral process in that development applications with minimum impact potential are not being referred to the Local Land Councils.
- 70 3. That the protocol/referral process be further refined following completion of the Study.