



TITLE: ABORIGINAL CULTURAL HERITAGE POLICY

REFERENCE NUMBER:	DOC/18/74244
RESPONSIBLE DEPARTMENT:	Planning and Development
APPLICABLE LEGISLATION:	<i>Development Act 1993</i> <i>Development Regulations 2008</i> <i>Aboriginal Heritage Act 1988</i> <i>Native Title Act 1993 (Commonwealth)</i> <i>Native Title (South Australia) Act 1994</i>
MOUNT BARKER DISTRICT 2035 STRATEGIC PLAN:	GL 1.3 Provide opportunities for the community to access and participate in the decision making process. GL 2.10 Ensure compliance with legislative requirements. GL4.4 Identify strategic and operational risks and manage accordingly.
RELATED POLICIES:	<ul style="list-style-type: none">• Nil
SUPPORTING PROCEDURES:	<ul style="list-style-type: none">• Aboriginal Cultural Heritage and Capital Works Procedure.• Aboriginal Cultural Heritage and Development Assessment Procedure.• Council's Culturally Significant Trees Assessment & Management Guidelines.
PREVIOUS REVIEW DATES:	17 March 2014
ENDORSED BY COUNCIL:	6 August 2018
MINUTE RESOLUTION NUMBER:	OM20180806.12
NEXT REVIEW DATE:	6 August 2021

1. PURPOSE

The primary policy objectives of this Policy are to direct:

- The Mount Barker District Council is committed to the protection of Aboriginal cultural heritage
- Risk management and awareness of Aboriginal Cultural Heritage in the planning of projects and development assessment.
- The development assessment process to incorporate procedures considering Aboriginal cultural heritage.
- The capital works process to incorporate procedures considering Aboriginal cultural heritage.
- Council's urban forest / tree guidelines in the management and protection of culturally modified trees.

2. SCOPE

This Policy is applicable to Council staff, Council contractors, developers and land owners.

3. DEFINITIONS

Contractors: Shall mean a company or person(s) engaged by Council to provide assets, goods, works or services.

Development: Shall mean development as defined by the *Development Act 1993* and *Development Regulations 2008*.

Employee: Shall mean any person engaged by Council under an employment contract.

Greenfield: Shall mean land that is undeveloped land in an Urban Footprint that has been identified as being potentially suitable for future urban development. It is generally found on the fringes of existing urban areas.

Urban Growth: shall mean land rezoned as part of the *Mount Barker Urban Growth MDPA, 2010*.

4. ROLES & RESPONSIBILITIES

Council: Approve and adopt policy and ensure adequate funding

Chief Executive Officer: Monitor application of policies

General Managers: Monitor application of policies

Capital Works Project Managers: Monitor and incorporate policy into project management procedures where appropriate

Manager Planning Policy and Strategy: Monitor and review policy in light of changes to the *Aboriginal Heritage Act 1988*, *Development Act 1993*, the *Development Regulations 2008* and the *Mount Barker (DC) Development Plan*.

Policy Planner: Monitor and review policy in light of changes to the *Aboriginal Heritage Act 1988*, *Development Act 1993*, the *Development Regulations 2008* and the *Mount Barker (DC) Development Plan*. Develop and implement internal procedures.

5. SPECIFIC POLICY INFORMATION

5.1 Council Policy

Aboriginal cultural heritage comprises physical and spiritual sites, places, objects, stories, oral histories, flora, fauna and documents relating to Aboriginal occupation prior to, and since European contact.

Aboriginal communities place spiritual and cultural value on certain locations because they are integral to dreaming stories or because they are linked to historic events and cultural traditions linked to the land, such as initiation or even warfare sites.

The Mount Barker District is home to the Peramangk peoples. Additionally it has locations, sites and areas of significance to the Ngarrindjeri such as Mt Barker Summit. Part of the western area of the district is also subject to a Native Title claim by the Kurna.

With regard to Aboriginal heritage, the Mount Barker District Council (Council) with its many roles and responsibilities, both statutory and operational, has the obligation to take “due diligence” in the context of protecting Aboriginal heritage. As such Council is required, as a minimum, to take all reasonable and practicable measures to determine whether actions will harm an Aboriginal object or place, and to ensure that Aboriginal heritage is conserved.

Policies for the management of Aboriginal Cultural Heritage have been developed to assist the Mount Barker District Council exercise due diligence when both undertaking or approving acts and activities that have the potential to either harm or destroy items and places of Aboriginal provenance or significance.

In order to effectively identify and manage Aboriginal cultural heritage, the Mount Barker District Council will seek to:

- Communicate effectively with Aboriginal community representatives.
- Ensure that, where there is potential of any impact on Aboriginal cultural heritage, Council’s communication and consultation strategies and policies consider and respond to the needs and attitudes of Aboriginal people.
- Ensure that proposed capital works address the potential for Aboriginal cultural heritage areas/sites as part of a risk management process.
- Ensure that capital works projects address Aboriginal cultural heritage requirements as part of the project management process.
- Ensure that the pre-lodgement planning process considers the potential for Aboriginal cultural heritage areas/sites and raise this issue with relevant stakeholders.

- Make available both staffing and financial resources to address Aboriginal cultural heritage responsibilities.
- Ensure that employees or contractors whose work may impact on Aboriginal cultural heritage are trained appropriately.
- Respect confidentiality relating to the location and details of aboriginal sites and cultural knowledge shared by Aboriginal communities.
- Refer inquiries from third parties on cultural heritage or sites to local Aboriginal community members/representatives and *Aboriginal Affairs and Reconciliation Division (AARD), Department of State Development*.
- Update and refine Council's Culturally Significant Trees Assessment & Management Guidelines to include procedures to identify, manage and protect culturally modified trees.
- Ensure that, where appropriate, and in accordance with statutory obligations under the *Development Act 1993*, measures will be taken by applicants to provide sufficient information to ensure that Aboriginal cultural heritage is conserved.

6. REVIEW

This Policy will be reviewed on a 3 yearly basis or earlier in the event of changes to legislation or related Policies and Procedures or if deemed necessary by the Policy Planner or Manager Planning Policy and Strategy.

7. ACCESS TO THE POLICY

The Policy is available for public inspection at the Customer Service Centre, at the Local Government Centre, 6 Dutton Road, Mount Barker, South Australia and on the Council's website www.mountbarker.sa.gov.au.

FURTHER INFORMATION

For further information on this Policy, please contact:

Title: Manager Strategic Projects & Planning Policy
 Address: PO Box 54, Mount Barker
 South Australia, SA, 5251
 Telephone: 83917200
 Email: Council@mountbarker.sa.gov.au