

Aboriginal Cultural Heritage Checklist for Development Applications

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Council's Due Diligence Process – GTCC Aboriginal Cultural Heritage Checklist for Development Applications

Recent amendments to the National Parks & Wildlife Act 1974 introduced two new types of offences for harming Aboriginal objects:

1. Deliberately harming a known object.
2. Unintentionally harming an object.

Anyone who exercises Due Diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for unintentionally harming an Aboriginal object.

There are many benefits to having a Due Diligence process for assessing potential harm to Aboriginal objects. These include:

- Providing certainty for developers about appropriate measures they can take to avoid harm to Aboriginal objects.
- Encouraging a precautionary approach and communication with the Aboriginal community where required.
- More effective conservation of Aboriginal Cultural Heritage.
- Providing a defence against prosecution for unintentional harm of an Aboriginal object.

Greater Taree City Council (GTCC) has created an Aboriginal Cultural Heritage Checklist to be submitted with Development Applications as part of its Development Application Lodgement Package. This will demonstrate Due Diligence for the applicant when carrying out activities that may harm Aboriginal objects and for Council when approving activities that may harm Aboriginal objects. The form will be available for use on Council's website from 21 May 2012 at the following location: [Home>Development> Application Forms](#)

COMPLETED ABORIGINAL CULTURAL HERITAGE CHECKLISTS WILL BE REQUIRED TO BE SUBMITTED WITH DEVELOPMENT APPLICATIONS FROM JULY 1 2012.

The Checklist contains hyperlinks to supporting information and therefore will need to be filled out electronically. Once the Checklist is completed electronically, it will need to be printed and lodged at Council's Customer Service counter with the Development Application.

The GTCC Aboriginal Cultural Heritage Checklist is an adaptation of the Office of Environment and Heritage's (OEH) *Due Diligence Code of Practice (DDCP) for the Protection of Aboriginal Objects in NSW*. The DDCP is available on the OEH website at: <http://www.environment.nsw.gov.au/>

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