



A Guide to Cultural Heritage Management Plans in Monash

Adopted:- June 2008

CULTURAL HERITAGE MANAGEMENT PLANS

如你想和蒙納殊市議會的人談，但在使用英語溝通上有困難，請致電 131 450 口筆譯服務處，你祇需付撥一次本地電話的費用。

If you wish to speak to someone at the City of Monash and you have difficulty speaking English, Please contact the telephone Interpreter Service on 131 450. The cost is the same as a local call.

Se volete parlare con qualcuno dal Comune di Monash e non parlate bene l'inglese telefonate al Servizio di traduzione e d'interpretariato, 131 450 per il costo di una chiamata locale.

Αν θέλετε να μιλήσετε με κάποιον στο Δήμο Monash και έχετε δυσκολία με τα Αγγλικά, τηλεφωνήστε παρακαλώ στην Τηλεφωνική Υπηρεσία Διερμηνέων στο 131 450, το κόστος είναι το ίδιο με τα τοπικά τηλεφωνήματα.

Nếu muốn nói chuyện với người nào ở Hội Đồng Monash nhưng gặp khó khăn trong việc nói tiếng Anh, xin quý vị vui lòng gọi điện thoại cho Sở Thông Ngôn và Phiên Dịch số 131450, chỉ trả chi phí của mỗi lần gọi điện thoại địa phương

모나시 시티 (City of Monash)에서 누군가와 말하고 싶지만 영어에 어려움이 있을 경우, 전화통역서비스 (Telephone Interpreter Service)에 131 450으로 전화하십시오. 비용은 시내 통화료와 동일합니다

Index

	Background	4
	What is a Cultural Heritage Management Plan?	4
	When is a Cultural Heritage Management Plan required?	4
TEST 1	Areas of Cultural Heritage Sensitivity within Monash that Trigger the requirement of a Cultural Heritage Management Plan	5
	<i>Map 1 – Sites of Cultural Heritage Sensitivity in Monash</i>	5
TEST 2	Has the site experienced ‘Significant Ground Disturbance’	6
TEST 3(a) & (b)	Applications that trigger a requirement for the preparation of a Cultural Heritage Management Plan.	7
TEST 4	‘High Impact Activities’ that trigger a requirement for the preparation of a Cultural Heritage Management Plan.	8
	Process for the preparation, consideration and approval of a Cultural Heritage Management Plan.	9
	Who is responsible for enforcing a Cultural Heritage Management Plan?	9
	Unanswered Questions - Who should I ask?	10
	<u>Quick Check:</u> Does a proposal require the preparation of a Cultural Heritage Management Plan?	11

Background

The Aboriginal Heritage Act 2006 and Regulations came into effect on 28 May 2007 and provide clear guidance about when, and how, Aboriginal cultural heritage management issues need to be considered.

Part 4 of the Aboriginal Heritage Act 2006 introduces the requirement for an applicant to prepare a Cultural Heritage Management Plan.

What is a Cultural Heritage Management Plan?

A Cultural Heritage Management Plan is a written report which identifies and assesses the nature of any Aboriginal cultural heritage present on a site and makes recommendations to mitigate harm to that heritage.

When Is a Cultural Heritage Management Plan required?

A Cultural Heritage Management Plan is required for development which: -

- Is on land within a 'Cultural Heritage Sensitivity Area' (**see Test 1**).
- Is on land that has not suffered significant ground disturbance (**see Test 2**).
- Requires approval under ANY Act or Regulation (**see Test 3a**).
- Is defined as a 'High Impact Activity' which will result in significant ground disturbance (**see Test 4**).

A Cultural Heritage Management Plan is required for the use of land which: -

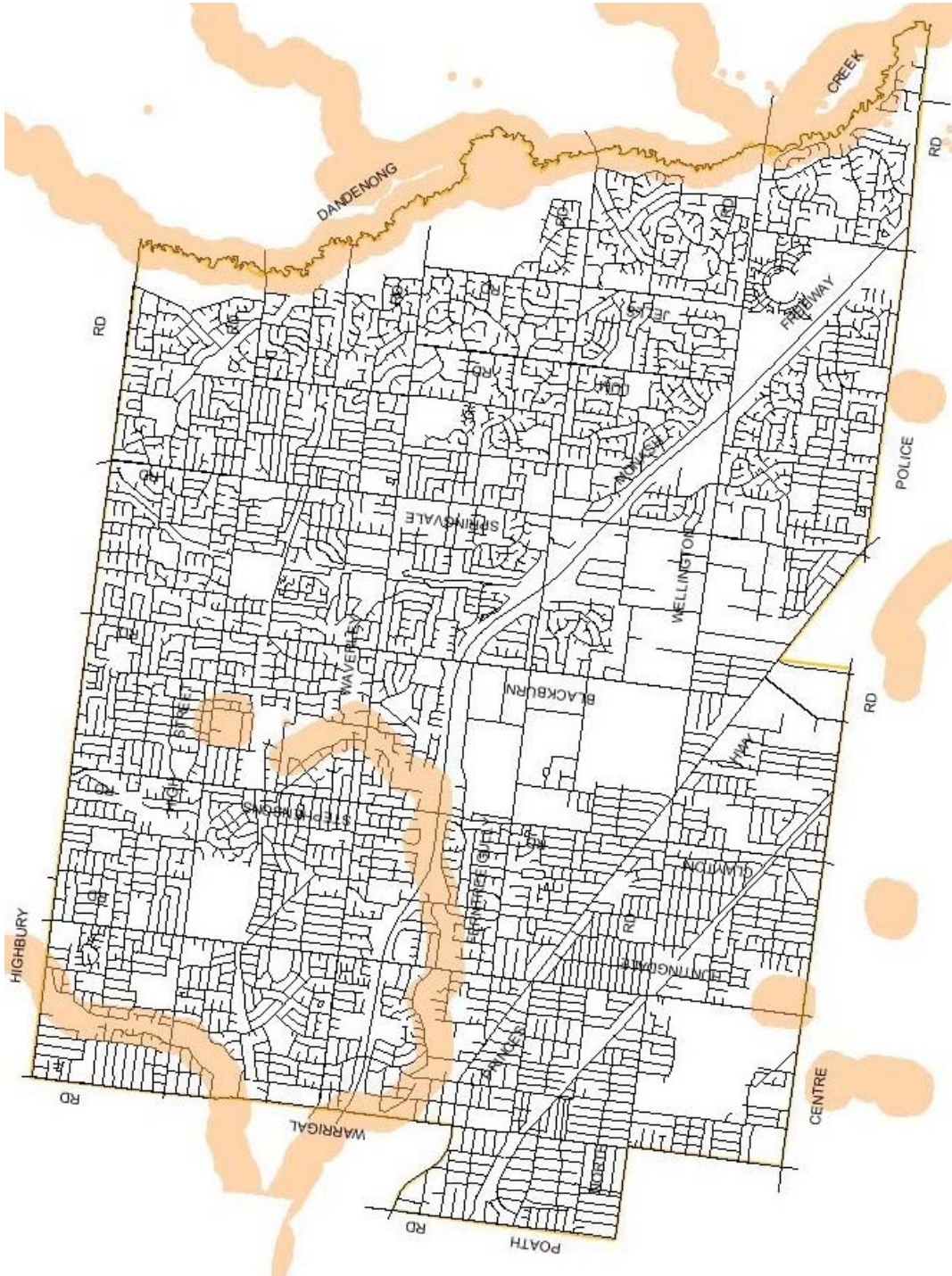
- Is on land within a 'Cultural Heritage Sensitivity Area' (**see Test 1**).
- Is on land that has not suffered significant ground disturbance (**see Test 2**).
- Requires planning permit approval for a change of use (**see Test 3b**).
- Is defined as a 'High Impact Activity' (**see Test 4**).

The Responsible Authority which determines these applications must check whether a Cultural Heritage Management Plan is required prior to determination of any of these applications. If a Plan is required, approval cannot be granted for any application until a copy of an approved Plan is received. Approval cannot be granted for an activity that is inconsistent with the Plan.

TEST 1

Areas of ‘Cultural Heritage Sensitivity’ within Monash that trigger the requirement of a Cultural Heritage Management Plan.

A Cultural Heritage Management Plan may be required on land which is defined as an area of ‘Cultural Heritage Sensitivity’ on the map below.



MAP 1:- Source: VAHIS, Aboriginal Affairs Victoria (DVS)

Detail maps are available for inspection at the City of Monash, Town Planning Section at 293 Springvale road, Glen Waverley during normal office hours.

**TEST
2**
Has the site experienced ‘Significant Ground Disturbance’?

If a site has **not** experienced ‘Significant Ground Disturbance’, it may require a Cultural Heritage Management Plan.

Significant ground disturbance is defined by the Regulations as the disturbance of: -

- “topsoil or surface rock layer of the ground; or
- waterways by machinery in the course of grading, excavating, digging or dredging, but not ploughing (other than deep ripping).”

Any application being made in areas of cultural heritage sensitivity will require further investigation by the applicant to confirm whether the site has suffered significant ground disturbance, to the satisfaction of the Responsible Authority.

Privately Owned Land

Preliminary examination of all privately owned land in Monash defined within the area of Cultural Heritage Sensitivity indicates that these sites appear to have been disturbed and hence are unlikely to require a Cultural Heritage Management Plan.

Confirmation can be provided by Council on written request following further examination, if required.

Public Land

Preliminary examination also found that some publicly owned land appears to be undisturbed and therefore, a Cultural Heritage Management Plan would be required on these sites for proposals defined by Tests 3 and 4.

These sites include: -

- Parts of Valley Reserve, Mount Waverley.
- Parts of Fairway Reserve, Mount Waverley
- Parts of Shepherds Bush, Glen Waverley

It is recognized that drains, pathways, roads and other infrastructure have disturbed parts of these sites. Careful consideration should be given to remaining areas for proposals defined by Tests 3 and 4.

NOTE:- The preliminary examination undertaken was not an exhaustive assessment of each site. Sites other than those listed above may also, not have been significantly disturbed.

An applicant entertaining a proposal defined by Tests 3 and 4 on these sites must ensure compliance with the Aboriginal Heritage Act 2006 and associated Regulations by determining whether the land has been disturbed where any new works are proposed, to the satisfaction of the Responsible Authority.

Applications that trigger a requirement for the preparation of a Cultural Heritage Management Plan.

TEST 3(a)

Development

An application under ANY Act or Regulation to develop land for all or part of a **'High Impact Activity'** (defined in Test 4). This includes, but is not limited to the following application types: -

- Planning Permit applications.
- Amendment to Planning Permit applications if the amendment constitutes a change to the development of the land for all or part of that activity.
- Building permit applications (both Council and Private Building Surveyors)
- Any Engineering applications required under any Act or Regulation.
- Any Recreation applications required under any Act or Regulation.
- Applications required under any Act or Regulation where Council is not the Responsible Authority.

TEST 3(b)

Use

The following applications to use land for a **'High Impact Activity'** (defined in Test 4): -

- Planning Permit applications.
- An application for Amendment to a Planning Permit if the amendment constitutes a change to the use.

Other

An 'earth resource authorisation' (separately defined in section 50 of the Aboriginal Heritage Act 2006) or an amendment to an earth resource authorization.

**TEST
4**
‘High Impact Activities’ that trigger the requirement for the preparation of a Cultural Heritage Management Plan.

The following are defined as High Impact Activities: -

<ul style="list-style-type: none"> • aquaculture; • camping and caravan park; • car park; • cemetery; • child care centre; • corrective institution; • crematorium; • dwellings (3 or more) • education centre; • emergency services facility; • freeway service centre; • hospital; • industry; • intensive animal husbandry; • land used to generate electricity, including a wind energy facility 	<ul style="list-style-type: none"> • major sports and recreation facility; • minor sports and recreation facility; • motor racing track; • place of assembly; • pleasure boat facility; • research centre; • retail premises; • service station; • transport terminal; • utility installation, other than a telecommunications facility • veterinary centre; • warehouse;
---	---

OR The construction of any of the following specified items of infrastructure if they would result in significant ground disturbance: -

<ul style="list-style-type: none"> • airfield; • bicycle track; • helipad; • rail infrastructure; • road; 	<ul style="list-style-type: none"> • walking track in a park; • telecommunications line consisting of an underground cable or duct with a length exceeding 500 metres.
--	--

OR The subdivision of land under the following circumstances: -

<ul style="list-style-type: none"> • subdivision of land into three or more lots if the planning zone permits that at least three of the lots may be used for a dwelling or may be used for a dwelling subject to the grant of a permit, and the area of each of at least three of the lots is less than eight hectares; • subdivision of land into two or more lots in an industrial zone.

Other triggers include: -

- The Minister for Aboriginal Affairs may direct any applicant to prepare a Plan before commencing the activity.
- The proposal requires an Environmental Effects Statement.
- An applicant may volunteer to prepare a Plan.

Process for the preparation, consideration and approval of a Cultural Heritage Management Plan

Applicants must engage a 'Cultural Heritage Advisor' to assist in the preparation of a Cultural Heritage Management Plan. The Plan must be prepared in accordance with the prescribed standards of the Aboriginal Heritage Act 2006 and associated Regulations.

The Applicant is required to notify the local relevant Registered Aboriginal Party (RAP) or Parties for the Area prior to the commencement of the preparation of the plan. The RAP may assist in the preparation of the Plan.

The completed plan must be submitted to the Registered Aboriginal Party, who has 30 days to consider a plan and then may endorse or reject the Cultural Heritage Management Plan. Once a Cultural Heritage Management Plan has been approved by a Registered Aboriginal Party, it must then be lodged with the Secretary of the Department for Victorian Communities (DVC) to take affect.

Refusal to approve a Plan can be appealed to VCAT.

Following approval, the applicant submits the approved Cultural Heritage Management Plan to the City of Monash.

Council can then proceed with deciding whether to approve or refuse the application.

(Note: The statutory time limit for assessing a planning permit application does not commence until the approved Cultural Heritage Management Plan has been received).

Who is Responsible for Enforcing a Cultural Heritage Management Plan?

Inspectors appointed under the *Aboriginal Heritage Act 2006*, working with Aboriginal Affairs Victoria and relevant Registered Aboriginal Parties, will be responsible for ensuring that conditions and recommendations contained in approved Cultural Heritage Management Plans are adhered to.

Local government is responsible for ensuring that the activity authorised by a planning permit is consistent with the approved Cultural Heritage Management Plan.

Unanswered Questions? Who should I ask?

Should you have any general questions regarding this Guide or the Monash Planning Scheme, you should contact Council on:-

Phone: 9518 3555

or

Call into the relevant Council department to which your proposal relates to at Council's Municipal Offices: 293 Springvale Road, Glen Waverley.

For details of Registered Aboriginal Parties relevant to the area, or for clarification of the Act and Regulations which underlie the details of this guide, please contact:

-

**Department for Victorian Communities
Aboriginal Affairs Victoria
Level 9, 1 Spring Street
Melbourne VIC 3000
9208 3333**

For general queries on local Aboriginal Heritage and contact details for local interest groups, please contact: -

**Kulin Nation Cultural Heritage Organisation
Suite 1, 241 Thomas Street
Dandenong VIC 3175
9793 1735**

Quick Check: Does a proposal require the preparation of a Cultural Heritage Management Plan?

