

## 5.1 A GUIDE TO CULTURAL HERITAGE MANAGEMENT PLANS IN MONASH

(TP144:AJ:RO)

Ward : All

Responsible Director: Don Cameron

Reason for Council Consideration: Strategic Planning / Guidelines / Council Interest

### **RECOMMENDATION**

*That Council adopt the 'Guide to Cultural Heritage Management Plans in Monash', June 2008 document.*

### **BACKGROUND**

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

Part 4 of the Aboriginal Heritage Act 2006 introduces a requirement for an applicant to prepare a Cultural Heritage Management Plan which identifies and assesses the nature of any Aboriginal cultural heritage present on a site and makes recommendations to mitigate harm to that heritage.

A Cultural Heritage Management Plan is only required under very specific circumstances, including applications for development or use proposal which satisfy all of the following four tests: -

Test 1: Is the land within a 'Cultural Heritage Sensitivity Area?

Test 2: Has the land suffered significant ground disturbance?

Test 3: Is approval required under any Act or Regulation?  
(not just planning permit applications)

Test 4: Is the proposal defined as a 'High Impact Activity', which will result in significant ground disturbance?

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

### **HISTORY**

At its meeting on 26 November 2002, Council considered the Desktop Aboriginal Cultural Heritage Study.

That study found that the City of Monash was never subject to an archaeological survey prior to its urbanisation, and as such a range of site types that would have existed in these areas such as surface stone artefact scatters, in situ archaeological deposits along creek lines and ochre quarries are likely to no longer exist.

That is, the overall impact of European settlement has adversely impacted on any sites that may have existed.

Prior to this study, four archaeological investigations had been undertaken in the City of Monash. Only one of these surveys recorded an Aboriginal site within the study area, a scarred tree situated on the Dandenong Creek floodplain of the Bushy Park wetlands north of Drummie's Bridge Reserve in the north east of the study area. An inspection of the site assessed the tree to be of dubious cultural origin, and to have experienced significant natural deterioration.

A second scarred tree was recorded by Aboriginal Affairs Victoria, in 1998. This tree was originally located on Springvale Road near Fairhills Parade and was cut down and the mid section containing the scar was re-located adjacent to a water feature in Valley Reserve. This tree was also found to have experienced natural deterioration.

The desktop study recommended if either tree were to be disturbed, a Permit would be required from the Wurundjeri Tribe Land Compensation and Cultural Heritage Council Inc. (WTLCCHCI).

### ***GUIDELINES***

The document, a '*Guide to Cultural Heritage Management Plans in Monash, June 2008*', has been prepared in response to the introduction of the Aboriginal Heritage Act 2006 and Regulations.

[Attachment1]

The purpose of this document is to explain under what circumstances a Cultural Heritage Management Plan is required and to provide Guidelines for use by Council staff, applicants and the community.

The Guidelines are structured to enable determination of whether a proposal requires a Cultural Heritage Management Plan under the 'four test' assessment process.

Test 1:- Is the land within a 'Cultural Heritage Sensitivity Area? Aboriginal Affairs Victoria's (AAV's) have provided Council with a map which details the areas of 'Cultural Heritage Sensitivity' in Monash.

[Refer to Map 1 on Page 5 of Attachment 1]

Test 2:- Has the land suffered significant ground disturbance?  
If a site within a 'Cultural Heritage Sensitivity Area' has not experienced 'Significant Ground Disturbance', it may require a Cultural Heritage Management Plan.

An assessment has been undertaken by Council Officers of all land within the designated areas of Cultural Heritage Sensitivity to determine which sites have not experienced significant ground disturbance.

This involved: -

- Determining which sites appear to have been fully developed and therefore considered to be significantly disturbed based on recent aerial photography.
- Determining which sites appear to have been significantly disturbed by visual inspection.

It was found that all privately owned land in Monash defined within the area of Cultural Heritage Sensitivity appears to have been disturbed and hence is unlikely to require a Cultural Heritage Management Plan.

However, some publicly owned land appears to be undisturbed and therefore, it is likely a Cultural Heritage Management Plan would be required on these sites for any proposals as 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.

Notwithstanding, a property owner of land within an area of Cultural Heritage Sensitivity, including Council or other public authority, should make a detailed assessment of that land to confirm whether the site has suffered significant ground disturbance prior to the approval of any proposal defined by Tests 3 and 4.

Test 3:- Is approval required under any Act or Regulation?

A list of the relevant types of applications which trigger the requirement for the preparation of a Cultural Heritage Management Plan, has been provided in the Guidelines. This includes approval under any Act or Regulation.

[Refer to Page 7 of Attachment 1]

It is noted that this is not exclusively a town planning permit application requirement, and includes: -

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 4:- Is the proposal defined as a 'High Impact Activity', which will result in significant ground disturbance?

Test 4 lists the relevant high impact activities which trigger the requirement to prepare a Cultural Heritage Management Plan.

[Refer to Page 8 of Attachment 1]

The last page of the Guideline provides a 'quick check' flow chart which details the four simple tests required to be answered to determine whether a Cultural Heritage Management Plan is required.

[Refer to Page 11 of Attachment 1]

It is considered that the Guideline is consistent with the Desktop Aboriginal Cultural Heritage Study, 2002.

### ***CONCLUSION***

It is recommended that Council adopt the 'Guide to Heritage Management Plans in Monash, June 2008' document.