22.18 ABORIGINAL CULTURAL HERITAGE POLICY

Where the policy applies

This policy applies to all land within the municipality.

22.18-1 Policy basis

The City of Casey stands on the traditional lands of the Wurundjeri and Bunurong people, the latter being the main occupants of the land prior to the arrival of European settlers. Their tribal territory included all of the Mornington Peninsula and extended north from Western Port towards the Dandenong Ranges. The municipality also encompasses the geological formation known as the ‘Cranbourne Sands’, which once marked the western margin of the Carrum swamps. This dry, elevated ridge of sand dunes, located between two major swamplands, was a popular campsite location for local Aboriginal communities for hundreds of years, as evidenced by the high proportion of identified Aboriginal sites in this area.

Council made a firm commitment to promoting the enhancement and protection of its Aboriginal cultural heritage with the adoption of the Casey Heritage Strategy in November 2001. This commitment builds on State planning policy objectives for Aboriginal cultural heritage contained in Clause 15.03-2 and the complementary strategy in Clause 21.10 of the Municipal Strategic Statement, which seeks to conserve heritage buildings, places and trees (Aboriginal and European) identified as being significant at a national, State, regional and high local level. Further, Council now has obligations under the Aboriginal Heritage Act 2006 to conserve and protect places, sites and objects of Aboriginal cultural heritage value.

This policy sets out guidelines for when planning applications or requests to amend the planning scheme should have regard to the identification, protection and management of Aboriginal cultural heritage. It also seeks to ensure local Aboriginal communities are given opportunities to contribute to the conservation and enhancement of their cultural heritage.

22.18-2 Objectives

- To provide for the identification, protection and management of Aboriginal cultural heritage values.
- To promote consultation with the local Aboriginal communities in providing for the conservation and enhancement of places, sites and objects of Aboriginal cultural heritage value.
- To ensure new uses, development and works do not adversely impact on sites and features of Aboriginal cultural heritage and archaeological significance.

22.18-3 Definitions

For the purposes of this policy:

Community Heritage Assessment is an assessment of the cultural heritage values of an area of land or water carried out by a suitably qualified member of a local Aboriginal community that may also recommend the undertaking of a Voluntary Cultural Heritage Management Plan or other Cultural Heritage Report, in accordance with guidelines prepared by Aboriginal Affairs Victoria.

Local Aboriginal community refers to the traditional owners of the land subject of a heritage assessment, being either the relevant registered Aboriginal party appointed under Part 10 of the Aboriginal Heritage Act 2006 or, in the absence of any relevant registered...
Aboriginal party, an organisation that has made application to be the relevant registered Aboriginal party.

Substantially undeveloped land refers to land that has not been significantly disturbed by the construction of buildings or by the construction or carrying out of works, and which has a minimum area of 200 square metres. Such works include pipeline installation, road construction, soil ripping (>60cm depth), foundation excavation and dredging, but do not include the disturbance of the land by previous agricultural practices or by the clearance of vegetation.

22.18-4  
27/09/2012  
C152  
Policy

It is policy that:

Development proposals

An application to construct a building or to construct or carry out works on substantially undeveloped land, or to subdivide such land, is to be accompanied by two copies of:

- an approved Cultural Heritage Management Plan, if separately prescribed under the Aboriginal Heritage Act 2006; or,
- a Community Heritage Assessment.

This does not apply to an application:

- to construct a single dwelling;
- to construct one or more dwellings on a lot of up to 1,012 square metres;
- to subdivide a lot of up to 1,012 square metres for two or more dwellings;
- for an extension to an existing building; or,
- for a boundary realignment;

unless separately prescribed under the Aboriginal Heritage Act 2006.

Amendment requests

A request to amend the planning scheme that, if approved, would result in additional buildings and works on substantially undeveloped land, is to be accompanied by a Community Heritage Assessment.

Waiver of requirements

The responsible authority may, upon request, waive all or part of the above requirements, such as for an application for minor buildings and/or works, unless a Cultural Heritage Management Plan is separately prescribed under the Aboriginal Heritage Act 2006.

22.18-5  
18/07/2012  
C162  
Decision guidelines

Before deciding on an application, the responsible authority must consider, as appropriate:

- The extent to which the proposal meets the objectives of this policy.
- The recommendations of any approved Cultural Heritage Management Plan or Community Heritage Assessment.
- Any relevant provisions of the Aboriginal Heritage Act 2006.
- The Cultural Heritage Sensitivity Maps and any relevant guidelines prepared by Aboriginal Affairs Victoria.
- The current Aboriginal heritage study document(s) for the municipality.
- Any reasonable alternative means of siting or constructing buildings, or constructing or carrying out works, or subdividing land, in order to avoid or minimise harm to any identified places, sites or objects of Aboriginal cultural heritage value.

**22.18-6 Policy references**


*An Overview of the Aboriginal Archaeology within the “Casey Foothills”, Narre Warren North and Harkaway, Victoria*, A. Murphy (October 1996).

*An Overview of the Aboriginal Archaeology within the “Non-Urban South & Non-Urban Foreshore”, Victoria*, A. Murphy (September 1997).

**22.18-7 Expiry**

This policy expires on 18 May 2013.