

Planning and Aboriginal Cultural Heritage

Cultural Heritage VCAT Experts

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Planning applications and Cultural Heritage Management Plans

In 2007 the Aboriginal Heritage Act (AHA) introduced new complexities into the planning and development process, including determining whether a mandatory Cultural Heritage Management Plan (CHMP) is required for a permit application. This remains a matter of confusion between permit applicants and council planners, resulting in many CHMPs being prepared unnecessarily at the expense of the developer.

At Andrew Long + Associates we approach the interpretation of the AHA diligently with a proven track record. If we can find a legitimate reason why a mandatory CHMP is not required, we will argue the case based on its individual merits.

We are the only cultural heritage experts with demonstrated overwhelming success at VCAT.

We have prepared over 200 approved CHMPs and more than 250 Cultural Heritage Assessments (CHAs).

Over 90% of our CHAs have been accepted at local council or VCAT without further investigations.

Overleaf we provide an outline of the key considerations and links to particular cases where our expert evidence resulted in the outcome that no CHMP was required.



Does my planning application project trigger an Aboriginal Cultural Heritage Management Plan?

A development may require a mandatory investigation known as a Cultural Heritage Management (CHMP) under the *Aboriginal Heritage Act 2006* and *Aboriginal Heritage Regulations 2007*.

Local councils are legally obliged to withhold approval of a planning application until an approved CHMP has been prepared if both the following triggers exist in relation to a proposed development:

- The development area is or contains an area of cultural heritage sensitivity; and
- The development is or involves a high impact activity – such as the subdivision of land.

We can provide an expert opinion as to whether the *Aboriginal Heritage Regulations 2007* have been correctly applied to your project.

Will I always need to prepare a CHMP?

Not necessarily. Areas of cultural heritage sensitivity may be invalidated through prior 'significant ground disturbance,' and other matters OR exemptions may apply.

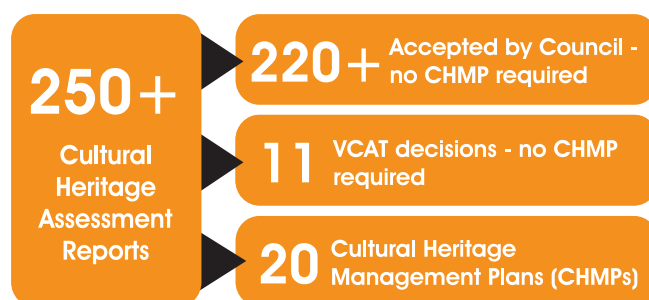
Demonstrating that significant disturbance has occurred is a specialised procedure. It can require an investigation of historical documents (aerial photographs, property services plans etc.) and an assessment of the property through limited sub-surface investigations.

Depending on the outcomes of these investigations it may be possible to demonstrate that the land has undergone significant ground disturbance in a CHA Report.

Andrew Long + Associates are experts in this process

We have over 21 years of experience, with an impressive track record of over 200 approved CHMPs and 250 Cultural Heritage Assessment Reports.

If addressed at an early stage the effective management of planning issues can have a significant beneficial impact on the timing and cost of your development. Our Cultural Heritage Assessment Reports are tailored to your planning application requirements.



VCAT successes

We are the only cultural heritage experts with an overwhelmingly successful track record at VCAT.

If your development proposal is referred to VCAT, the tribunal will deal with the issue of Aboriginal cultural heritage as the first order of business. A Cultural Heritage Assessment Report demonstrating significant ground disturbance can be presented to the tribunal as expert evidence. Click on the links below to view a selection of our successful VCAT cases:

[Azzure Investment Group Pty Ltd v Mornington Peninsula SC](#)
[Colquhoun & Ors v Yarra CC](#)
[Robert Polizzi Summerhill Drafting Service v Hume CC](#)
[PMC Developments Pty Ltd v Kingston CC](#)
[Bablis Holdings Pty Ltd v Bayside CC](#)
[The Silver ARC v Kingston CC](#)
[Williamson & Ors v Yarra CC & Anor](#)
[Butter Factory Supermarket Pty Ltd v Surf Coast SC & Ors](#)
[Hocking v Moyne SC](#)

Call Andrew Long or Jonathan Howell-Meurs on +613 9470 9222 to discuss further.



Andrew Long (B.A. Hons.; M. Litt.) is a senior cultural heritage consultant with 27 years industry experience. He has appeared as an expert witness at VCAT and other planning inquiries. Andrew provided key evidence in the legally significant Azzure and Colquhoun determinations.



Jonathan Howell-Meurs (B.A. Hons.; M.A.), Executive Director, specialises in providing advice to clients on their obligations under the AHA, and to date has submitted over 150 Cultural Heritage Assessments to local councils. He has extensive experience in demonstrating significant ground disturbance, including many expert witness appearances at VCAT.