

# **Brimbank Aboriginal Cultural Heritage Strategy**

**2018 - 2023**

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**Adopted 11 December 2018**

*This Strategy has been informed by consultation with the Wurundjeri Tribe Land and Compensation Cultural Heritage Council, Boon Wurrung Foundation/Yaluk-ut Weelam Elders council and the Bunurong Land Council Aboriginal Corporation. **The information provided in the Strategy was current at the time it was completed.***

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# 1. Introduction

## *Understanding Aboriginal heritage*

The term heritage is commonly associated with built heritage and has generally referred to European or post-contact heritage, where buildings, groups of buildings, archaeological sites, gardens, landscapes and shipwrecks tell a tale of development since settlement, a period of over 200 years. However, this heritage does not tell of a history of this country that dates back tens of thousands of years.

In more recent times, 'heritage' has come to encompass natural heritage – areas of environmental importance and Aboriginal heritage that can include places and landscapes that are part of a spiritual and physical connection to the land. This is a fundamental element of Aboriginal cultural heritage.

Across Victoria, the land has been shaped by thousands of generations of Aboriginal people. Each part of the State contains culturally significant places where Aboriginal people have lived and left their mark, be it through creating trading places and camp sites, fashioning tools, weapons and traps to obtain food, drawings and artwork, burial sites and scar trees. Cultural heritage also recognises the significance and importance of oral traditions and intangible significance where there is no physical evidence of the past - the passing on of stories, places of spiritual or ceremonial significance, trade and travel routes, language, customs, values and beliefs and the development of social networks, that are passed down through one generation to the next.

Following contact with European settlers, new heritage places were created in the form of missions, protectorate stations and massacre sites. More recent heritage places can be linked to sites where protests associated with the Aboriginal rights movement occurred and as time goes by additional places will continue to be discovered.

The cultural heritage places, objects and landscapes associated with Aboriginal people are a significant part of the heritage of all Australians and are a fundamental part of Victorian Aboriginal community life and cultural identity.

*We cultivated our land, but in a way different from the white man. We endeavoured to live with the land; they seemed to live off it. I was taught to preserve, never to destroy.*

Aboriginal Tom Dystra

## **2. Purpose of the Strategy**

The Brimbank Aboriginal Cultural Heritage Strategy 2018 - 2023 (the Strategy) will guide the conservation and protection of Aboriginal objects, places and landscapes, both known and unrecorded within Brimbank City Council (Brimbank). Unknown places relate to the discovery of new sites and/or artefacts found or exposed during a development or other works.

The Strategy will also encourage and provide guidance for the ongoing education, promotion, understanding and appreciation of Aboriginal cultural heritage, learnings/lore and traditions.

The Strategy outlines particular issues related to the identification, protection and management of Aboriginal cultural heritage within Brimbank and presents policies and actions required to address these issues.

### **3. Aboriginal Cultural Heritage in Brimbank**

#### **Places**

Brimbank has a rich physical and cultural Aboriginal heritage. The municipality contains 427 known places of cultural heritage significance that are listed on the Victorian Aboriginal Heritage Register, managed by Aboriginal Victoria and protected through the Aboriginal Heritage Act 2006. These places, objects and landscapes are representative of the complex and changing lifestyles of Aboriginal people over thousands of years.

These places have a range of values from cultural, scientific, educational, aesthetic, spiritual and historical importance.

Land adjacent to waterways throughout the municipality are rich with traditional places and artefacts, however most of these are not mapped or recognised through the Brimbank Planning Scheme.

Two of the most significant places of importance to the Aboriginal people in Brimbank include:

#### The Maribyrnong River Valley

The Maribyrnong River Valley was of great importance; providing a source of food, medicine, construction material, drinking water and transport by canoe. Edible plants grew on the river flats, big game such as kangaroos and emus were found on the surrounding great basalt plains, smaller animals such as echidna, possum, lizards and water birds closer to the river, and fish and eels thrived in the river.

The Maribyrnong River Valley featured large outcrops of a hard rock called silcrete, formed from the weathering basalt impregnating limestone with water, that was quarried for use in making small, flaked stone implements. Eleven Aboriginal silcrete quarries have been found along the Maribyrnong River and its tributaries; these are protected by the Aboriginal Heritage Act 2006, but are not protected by a heritage overlay.

There are two alternative meanings of the word Maribyrnong, both suggesting food supplies available in the surrounding landscape. It is thought that Maribyrnong was derived from an Aboriginal phrase, either Murring-gnai-birr-nong, meaning 'I can hear a ringtail possum' or Murring-quai-birngong, the name of an edible yam that grew in the river valley.<sup>1</sup>

#### Kororoit Creek

Kororoit Creek is of high significance to Aboriginal people as it represents Aboriginal occupation along the Creek and the surrounding area. Scar trees, where canoes were carved from the bark of the river red gums, are dotted along the Creek and the environs is well known for the presence of artefact scatters; these gums and artefact scatters are protected by the Aboriginal Heritage Act 2006 but are not protected by a heritage overlay.

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<sup>1</sup> <https://www.melbournewater.com.au/sites/default/files/2017-10/KYR-Maribyrnong-River.pdf>

The name "Kororoit" is thought to have come from an Aboriginal word meaning "male kangaroo".<sup>2</sup>

## **People**

There are three groups of Aboriginal people who have cultural ties to Brimbank; the Wurundjeri people (who are the Registered Aboriginal Party for a part of the Brimbank municipality) and the Boonwurrung/Bunurong people, of which there are two main language groups the Woiwurrung (Wurundjeri) and the Boonwurrung (Bunurong Land Council and Boon Wurrung Foundation (Yaluk-ut Weelam)). Each group have their own unique view on their history, culture and role in Aboriginal heritage. Refer to Map 1 – Brimbank RAP area.

### Wurundjeri Tribe Land and Compensation Cultural Heritage Council (or its' successor)

The Wurundjeri Tribe Land and Compensation Cultural Heritage Council (Wurundjeri Council) is comprised of over 80 members of the Wurundjeri community who are the Traditional Owners of the Melbourne and Greater Melbourne region. The Wurundjeri Council members are direct descendants of the Woiwurrung (Wurundjeri) men and women who lived in the region for many thousands of years. Their principal ancestor is Bebejan/Be-be-jern Jerum-Jerum, Ngurangaeta (head man) of the Wurundjeri-willam clan of the Woiwurrung language group.

The Wurundjeri Council was established by Wurundjeri leaders 25 years ago and in August 2008 the Wurundjeri Tribe Land Compensation and Cultural Heritage Council was appointed a Registered Aboriginal Party (RAP) by the Heritage Council under the Victorian *Aboriginal Heritage Act 2006*. The Council's RAP area is based on the traditional boundaries of the Wurundjeri people.

Present-day Wurundjeri Country encompasses a substantial and geographically diverse region that includes both urban and rural areas and significant waterways, sea Country, parks and reserves. In carrying out its heritage management responsibilities the Wurundjeri Council works closely with government agencies (including Parks Victoria), local government, developers and the heritage industry.

### Boon Wurrung Foundation /Yaluk-ut Weelam Elders and the Bunurong Land Council (or its' successor)

The Boon Wurrung Foundation represents the traditional people and custodians of the lands from the Werribee River to Wilson Promontory, and are proud members of the Kulin People.

The history of the Boonwurrung people dates back many thousands of years to a time when this land that is now called Melbourne extended right out to the ocean. Port Phillip Bay was then a large flat plain where the Boonwurrung hunted kangaroos and cultivated yam daisy. The importance of this land and this spiritual place lies within the history and the culture of the Boonwurrung.

The spirit of Bundjil and his gift of generosity has influenced this land for thousands of years and continues to do so today. According to tradition, the land has always been

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<sup>2</sup> <http://www.fokc.org.au/history-of-the-kororoit-creek-area/>

protected by the creator Bundjil who travels as an eagle and by Waarn who protects the waterways and travels as a crow.

Bundjil taught the Boonwurrung to always welcome guests, but he always required that the Boonwurrung would ask all visitors to make two promises: To obey the laws of Bundjil and not to harm the children or the land of Bundjil. This commitment was made through the simple exchange of a small bough, dipped in the water.

The Boonwurrung people continue their tradition as the proud custodians and protectors of these lands from the Werribee River to Port Phillip Bay to Westernport Bay to Phillip Island and all the way to Wilsons Promontory.

The Boonwurrung people encourage everyone to nurture and care for this land – with love and respect, to protect the rivers, the creeks and the waterways as they are the blood of this land and to observe the wisdom of Bundjil – to care for the children.

The Boon Wurrung Foundation/ Yaluk-ut Weelam Elders is a not for profit organisation dedicated to the First People of the lands and have been the proud custodians of the land for centuries.

The Boon Wurrung Foundation, through the work of their Chair and elder, N'arweet Carolyn, is restoring the language, customs and history of the Boon Wurrung people.

## 4. Policy Framework

There are a number of policy documents and legislative frameworks that guide the identification of areas of Aboriginal cultural heritage and how it should be protected and managed.

### **The Aboriginal Heritage Act 2006 (Amended 2016)**

The *Aboriginal Heritage Act 2006* (the Act) was enacted "to provide for the protection of Aboriginal cultural heritage in Victoria."

The objectives of the Act state:

- to recognise, protect and conserve Aboriginal cultural heritage in Victoria in ways that are based on respect for Aboriginal knowledge and cultural and traditional practices;
- to recognise Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage;
- to accord appropriate status to Aboriginal people with traditional or familial links with Aboriginal cultural heritage in protecting that heritage;
- to promote the management of Aboriginal cultural heritage as an integral part of land and natural resource;
- to promote public awareness and understanding of Aboriginal cultural heritage in Victoria;
- to establish an Aboriginal cultural heritage register to record Aboriginal cultural;
- to establish processes for the timely and efficient assessment of activities that have the potential to harm Aboriginal cultural heritage;
- to promote the use of agreements that provide for the management and protection of Aboriginal cultural heritage;
- to establish mechanisms that enable the resolution of disputes relating to the protection of Aboriginal cultural heritage;
- to provide appropriate sanctions and penalties to prevent harm to Aboriginal cultural heritage.

This Act and the subsequent amendment, introduced a framework to manage and protect aboriginal heritage including:

- Definitions of Aboriginal Place and Aboriginal Object
- Registered Aboriginal Parties (RAP's)
- Victorian Aboriginal Heritage Council.

#### Definitions of Aboriginal Place and Aboriginal Object

The Act introduced the concept of Aboriginal Place and Aboriginal Object. Identified places and objects can be protected through their inclusion on the Victorian Aboriginal Heritage Register.

The Act defines an Aboriginal Place as an area in Victoria or its coastal waters that is of cultural heritage significance to the Aboriginal people. A Place might include an area of land or an expanse of water; land set aside for the permanent reinterment of Aboriginal human remains, a building or structure, a natural feature, formation or landscape; or an archaeological site.

Places may also be sites that post-date European contact. They can relate to contemporary or historical associations and may or may not contain archaeological remains, such as the foundations of a mission building, be the site of a massacre, or be a place of spiritual importance where no physical remains survive.

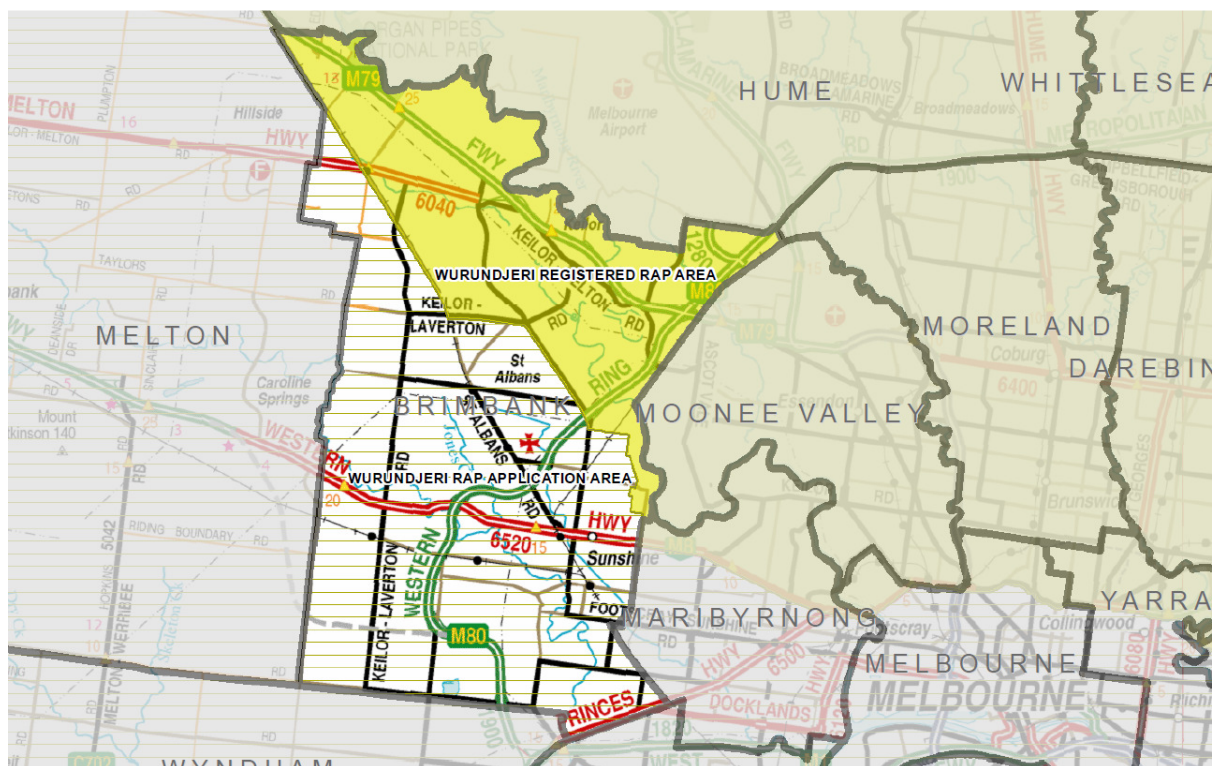
An Aboriginal Object is an object that relates to the Aboriginal occupation of any part of Australia (regardless of age), which is of cultural heritage significance to the Aboriginal people. Objects include any archaeological finds and materials which have been excavated from Aboriginal Places. Objects do not include items which are manufactured for sale.

#### Registered Aboriginal Parties (RAP's)

The Act established Registered Aboriginal Parties to act as the "primary guardians, keepers and knowledge holders of Aboriginal cultural heritage." The RAPs hold decision-making responsibilities for protecting Aboriginal cultural heritage in a specified geographical area.

For Brimbank, only part of the municipality is covered by an appointed Registered Aboriginal Party who represents the Woiwurrung language group - the Wurundjeri Land and Compensation Aboriginal Cultural Heritage Council Corporation.

Map 1 – Brimbank RAP area.



For that part of the Brimbank not covered by a RAP, there are several groups, who have claimed traditional and/or familial links.

The Victorian Aboriginal Heritage Council had not made a decision regarding who the Traditional Owners are for this area of the Brimbank. Until any decision regarding the future of the non-RAP area, Council will continue to consult with Aboriginal Victoria and any other relevant group/s.

Aboriginal Victoria advises where there is no RAP for an area, that a broad approach should be taken with consultation and that all Aboriginal groups who claim traditional and/or familial links to that area should be consulted on matters regarding cultural heritage.

Brimbank City Council will continue to create a fair and inclusive approach to working with the various organisations claiming traditional and/or familial links to Brimbank.

#### Victorian Aboriginal Heritage Council

The Victorian Aboriginal Heritage Council (the VAHC) was created to ensure that Traditional Owners throughout Victoria play a central role in the protection and management of their heritage.

The VAHC is responsible for determining applicants to be registered as RAPs and the operations of those RAPs. Once registered a RAP will make decisions on Cultural heritage permit applications. Where no RAP exists the VAHC will make those decisions on cultural heritage permit applications.

The VAHC are responsible for Ancestral Remains and protection of burial places, secret or sacred objects and managing the Victorian Aboriginal Cultural Heritage Fund to provide initiatives to protect Aboriginal cultural heritage.

The VAHC also promote understanding and awareness of Aboriginal cultural heritage in Victoria.

#### **Aboriginal Heritage Regulations 2018**

The Aboriginal Heritage Regulations (Regulations) provide the operational guidelines to implement the requirements of the Aboriginal Heritage Act 2006, and include:

##### Cultural Heritage Management Plans (CHMP)

Developments and activities proposed in culturally sensitive areas can potentially cause harm to Aboriginal cultural heritage. In these instances a Cultural Heritage Management Plan (CHMP) will be required to ensure land use and development is correctly managed and mitigation measures applied to protect Aboriginal cultural heritage within the development area.

The Regulations outline the circumstances when a CHMP is required and what the report should contain, including an assessment of any potential impact a proposed activity/development may have on Aboriginal cultural heritage. It can provide measures to be taken before, during and after an activity/development. CHMP's are required if a development is classed as a 'high impact activity', these activities include, but are not limited to the construction of 3 or more dwellings on land more than 0.11 hectare, extractive industry, walking and bicycle tracks longer than 500 metres.

Where existing land uses occurred prior to the Aboriginal Heritage Act (28 May 2006), such as recreation reserves or facilities, upgrades to those facilities do not require preparation of a CHMP (r. 46 [3]). Land that has been mechanically disturbed is also exempt from preparation of a CHMP.

### Areas of Cultural Heritage Sensitivity

A registered cultural heritage place is an area of cultural heritage sensitivity, as defined in the Regulations. Part of the land within 50 metres of a registered cultural heritage place is also included as part of the area of cultural sensitivity, unless there has been significant ground disturbance within that area.

A waterway and land within 200 metres of a waterway is also an area of cultural heritage sensitivity. If the land within the 200 metre area has been subject to significant ground disturbance that area is not considered to be of significance.

Within Brimbank, Aboriginal places have been recorded and registered on the Victorian Aboriginal Heritage Register (Register), and considered of cultural heritage sensitivity. The Register is managed by Aboriginal Victoria and places have been identified for their high cultural, scientific and archaeological significance and Aboriginal heritage values.

Places are mapped on the Aboriginal Cultural Heritage Register and Information System (ACHRIS), a mapping system which is not available to the public. Aboriginal Victoria do make a map available to the public that shows areas of cultural heritage significance associated with waterways and areas with a 50 metre buffer area around registered places.

### **The Burra Charter**

The Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance, generally known as the Burra Charter 2013, provides guidance and principles for the conservation and management of places of cultural significance (including cultural heritage places). The Charter also sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians

The Charter can be applied to all types of places of cultural significance including natural, archaeological, Indigenous and historic places and landscapes with cultural values.

### **Brimbank Planning Scheme**

The framework for the protection of Aboriginal cultural heritage is included at Clause 15 and Clause 43.01 of the Brimbank Planning Scheme.

- Clause 15.03-2S Aboriginal cultural heritage

This clause provides the policy basis for the protection of Aboriginal cultural heritage for the state of Victoria, as follows,

Objective

*To ensure the protection and conservation of places of Aboriginal cultural heritage significance.*

## Strategies

*Identify, assess and document places of Aboriginal cultural heritage significance, in consultation with relevant Registered Aboriginal Parties, as a basis for their inclusion in the planning scheme.*

*Provide for the protection and conservation of pre- and post-contact Aboriginal cultural heritage places.*

Ensure that permit approvals align with conditions of a Cultural Heritage Management Plan approved under the Aboriginal Heritage Act 2006.

## Policy guidelines

*Planning must consider as relevant:*

- *The Aboriginal Heritage Act 2006 for all Aboriginal cultural heritage.*
  - *The findings and recommendations of the Heritage Council.*
  - *The findings and recommendations of the Victorian Heritage Council for post-contact Aboriginal heritage places where relevant.*
- Municipal Strategic Statement (MSS)

Clause 21.06-1 of the current MSS states,

*Heritage buildings and places provide an historical snapshot of the development within the municipality and should be protected for future generations. New development within heritage areas must be carefully managed to ensure the conservation and protection of heritage buildings and places.*

*The introduction of heritage overlays to protect these heritage assets is a recent initiative within Brimbank. The community need to understand and appreciate the value of Brimbank's historical places. To achieve this, the Council needs to promote and educate the community about the value of its heritage places.*

The MSS focus has been on built heritage, such as buildings, precincts, structures, post-contact heritage rather than places of intangible and spiritual significance.

The Local Policy section of the planning scheme should be amended to include specific consideration and policy direction for Aboriginal heritage.

- Heritage Overlay

Clause 43.01 of the planning scheme is the Heritage Overlay. The purpose of the overlay is to:

- *To conserve and enhance heritage places of natural or cultural significance.*
- *To conserve and enhance those elements which contribute to the significance of heritage places.*
- *To ensure that development does not adversely affect the significance of heritage places.*
- *To conserve specifically identified heritage places by allowing a use that would otherwise be prohibited if this will demonstrably assist with the conservation of the significance of the heritage place.*

At Clause 43.01-7, *Aboriginal heritage places*, it states,

*A heritage place identified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the Aboriginal Heritage Act 2006.*

No other guidance is provided for Aboriginal heritage.

The schedule accompanying this Clause specifies heritage places, sites and objects that have been identified as having heritage significance within Brimbank. There are no places of aboriginal cultural heritage significance that are included in this overlay.

- Council's Statement of Commitment and Reconciliation Action Plan

In April 2012, Brimbank City Council adopted the Reconciliation Statement of Commitment which laid the foundation for the first Reconciliation Action Plan (2013 – 2017). Both the Statement of Commitment and the Reconciliation Action Plan have contributed to the 'reconciliation journey', both within Council, as well as with the Aboriginal community.

In the Draft Reconciliation Action Plan 2019 – 2021, it is proposed that Council commits to facilitating whole-of-community action towards reconciliation, imbedding reconciliation across all aspects of Council's operations. The proposed Action Plan included in the Draft Reconciliation Action Plan 2019 - 2021 commits Council to continue developing relationships with Aboriginal and Torres Strait Islander people who live, work or study in the municipality, as well as building long-term relationships with Traditional Owner organisations based on mutual respect and trust.

- Creating Better Parks Policy & Plan (Updated 2016)

Creating Better Parks Open Space and Playground Policy & Plan (the Plan) provides a vision and blueprint for transforming the Brimbank park network.

The Plan recognises that well-developed parks contribute to the physical and mental health of residents, create better connected communities, make a significant contribution to the character of neighbourhoods and help protect natural environments and cultural heritage.

The Plan identifies the need to reflect the cultural heritage values of Traditional Owners spatially in parks and waterway areas. In order to articulate the cultural landscape values of the Traditional Owners, the following attributes need to be considered in future open space projects, where appropriate:

- *Aboriginal landscape values/cultural values*
- *Traditional Owner boundaries/sites (The Registered Aboriginal Party for part of the Brimbank LGA is Wurundjeri Land and Compensation Cultural Heritage Council Aboriginal Corporation, refer to Brimbank LGA RAP Map 14 Oct 2015.*
- *Spiritual and social connection to country – access and lore*
- *Identity (of landscapes, of individuals, families and clans)*
- *Biodiversity and totemic identity*
- *Traditional uses of plants/land and food, biodiversity resources*
- *Sense of place*
- *Habitation sites*
- *Migration/hunting/songline routes*
- *A way of life associate with natural events (Aboriginal seasonal calendar)*
- *Significance of waterway sites*

- *Inherited rights and responsibilities 'caring for country'*
- *Spiritual connection through dreaming, ancestors and ceremony*
- *Women's business/areas*
- *Men's business/areas*

Council will continue its ongoing dialogue and engagement with Wurundjeri Traditional Owner representatives, or other groups claiming traditional and/or familial links to Brimbank, to ensure that interpretive spatial outcomes are supported by Aboriginal people with cultural connections to this municipality.

## **5. Identify places, areas and objects of Aboriginal Cultural Heritage Significance**

### **5.1 Purpose**

Identify Aboriginal places and objects of significance within Brimbank to ensure their conservation and protection.

Ensure that relevant Aboriginal heritage places and objects are correctly identified and mapped so that Aboriginal heritage can be taken into account at an early stage in all land-use planning development assessments and the re-zoning of land within Brimbank.

### **5.2 Key Considerations**

Brimbank has a rich Aboriginal cultural heritage, with both Aboriginal cultural and archaeological places recorded within the municipality and included in the Victorian Aboriginal Heritage Register. Examples of these include Organ Pipes National Park, Brimbank Park and Horseshoe Bend Park and sites along the Maribyrnong River and Kororoit Creek.

These places characterise the complex and changing lifeways of Aboriginal people through many hundreds/thousands of years. They represent a wide range of heritage values including scientific and cultural significance, educational, aesthetic and historical importance within Brimbank.

While these places and landscapes are recorded by Aboriginal Victoria and protected under the Aboriginal Heritage Act, the mapping and location of these places is not publically available and they are not mapped in any Council mapping system or provided statutory protection through inclusion in the Heritage Overlay in the Brimbank Planning Scheme.

Having places and objects of Aboriginal heritage significance correctly mapped on Council's Geographic Information System (GIS), (even if only used by Council staff) will ensure that heritage values and issues associated with each place will be identified early in the planning and building process.

If the places are included in the Heritage Overlay, statutory protection will be provided to ensure minimal disturbance or damage to places and objects of Aboriginal heritage significance.

However, not all the places included in the Aboriginal Heritage Register may need to be identified and mapped. For example, the places where minor surface scatters have been identified or in areas of high ground disturbance may not warrant inclusion in a mapping layer as the heritage value of the place may have been compromised.

It is important that Council works with Aboriginal Victoria, the RAP and Traditional Owners to determine the criteria for inclusion of new places that could be protected by the Heritage Overlay. In identifying these places, a rigorous assessment of the types, size and range of places, the condition of the places and the intactness of the landscape(s) in which they occur will be assessed. This work will need to be undertaken by heritage experts in the field of Aboriginal heritage.

There are some places that are of such spiritual and sensitive significance that Traditional Owners do not wish them mapped or be publically identified. Where development that includes ground disturbance, on or near these places is proposed, Council will ensure a referral to Traditional Owners and Aboriginal Victoria for advice and direction.

There may be other areas of potential Aboriginal significance within Brimbank that have not been investigated, particularly if the place is located in proximity to a waterway. For example, many of Brimbank's existing industrial areas have been developed adjacent to waterways. If development that includes ground disturbance is proposed within these areas, some preliminary survey or investigation works should be required to ensure potential Aboriginal heritage artefacts or objects are not present or to determine if there appears to be some scatters or objects on site.

### 5.3 Actions

1. Create a mapping layer for Aboriginal heritage places, landscapes and objects to be shown on Council's Geographical Information System.
2. For the mapping of new places of Aboriginal heritage significance:
  - Liaise with Aboriginal Victoria, the RAP and Traditional Owners (as required) to determine the correct locations of places and objects of Aboriginal heritage significance.
4. Work with the RAP, Traditional Owners and Aboriginal Victoria (as required) to provide direction and advice to Council, developers and landowners where places of spiritual significance are not publically mapped.
5. Require new staff to undertake training for the ACHRIS mapping system subject to the approval of Aboriginal Victoria.

## 6. Conservation & Protection of Aboriginal Cultural Heritage

### 6.1 Purpose

To provide statutory protection of Aboriginal heritage places, landscapes and objects, identified by the RAP, Traditional Owners and Aboriginal Victoria, in the Heritage Overlay of the Brimbank Planning Scheme.

To prepare guidelines on the appropriate conservation of Aboriginal heritage assets, when Cultural Heritage Management Plans are required and what they entail.

To liaise with Traditional Owners on the appropriate management of areas of significance.

### 6.2 Key Considerations

Having places and objects of Aboriginal heritage significance correctly identified and mapped is important and any future work requires engagement with the RAP, Traditional Owners and Aboriginal Victoria to determine those places that could be protected by the Heritage Overlay.

The inclusion of these places and objects in the Heritage Overlay (the Overlay) of the Brimbank Planning Scheme provides statutory protection and would also include the location of the places on the Brimbank planning scheme maps.

This approach acknowledges Aboriginal heritage and ensures a greater understanding of this heritage.

Under the requirements of the Heritage Overlay, a planning permit is required to:

- *Demolish or remove a building.*
- *Construct a building or construct or carry out works, including:*
  - *Road works and street furniture*
  - *Bicycle pathways and trails.*
- *Carry out works, repairs and routine maintenance which change the appearance of a heritage place or which are not undertaken to the same details, specifications and materials.*
- *Remove, destroy or lop a tree if the schedule to this overlay identifies the heritage place as one where tree controls apply.*

Clause 43.01-7 of the Overlay relates specifically to Aboriginal heritage places and requires:

*A heritage place identified in the schedule to this overlay as an Aboriginal heritage place is also subject to the requirements of the Aboriginal Heritage Act 2006.*

The Overlay itself focuses primarily on post-contact heritage and provides little guidance on how to protect and conserve Aboriginal heritage, and it will be important to establish the requirements of the Aboriginal Heritage Act 2006 in relation to heritage protection.

The inclusion of places, landscapes and objects of Aboriginal heritage significance in the Overlay will fill a number of 'gaps' in how Aboriginal heritage has been addressed in Brimbank in the past. Similarly, any changes to the significance or status of an object or place of heritage significance should be recorded to allow the Heritage Overlay and/or Aboriginal Heritage Register to be updated.

There are a number of additional processes that can be developed to further ensure the protection of these heritage assets. This includes guidelines to assist future owners and developers on the appropriate process for the conservation, protection and management of Aboriginal heritage places and objects. Guidelines will also assist in improving the understanding of Aboriginal heritage and ensure that future development respects this heritage. This approach would replicate the use of heritage guidelines currently operating for heritage precincts that are included in the Heritage Overlay of the Brimbank Planning Scheme.

Where development is proposed on identified places and landscapes of Aboriginal significance in Council ownership, Management plans or Cultural Heritage Management Plans may be required to ensure both Council and external contractors are aware of the significance of the place. Plans could also identify areas of the place that must not be disturbed, areas of the place that can be developed and to identify a process which must be followed if further artefacts are found etc. These plans would be developed in consultation with Traditional Owners and/or the RAP and Aboriginal Victoria. These plans could also be included in the Schedule to the Heritage Overlay as Incorporated Documents, and also be provided to the relevant Council departments to ensure that the areas are managed and developed appropriately.

The location of significant places and landscapes of Aboriginal significance do not always fall neatly into municipal boundaries. Liaison and co-ordination of policy and management with adjoining councils and other authorities may promote a regional approach to heritage protection.

Although there has been a considerable level of research undertaken into Aboriginal prehistory and culture in the Brimbank region, there are considerable gaps in the archaeological data. For example, there is as yet no real timeframe for human occupation of the region. The geomorphological context of Pleistocene Aboriginal cultural material is poorly understood and there is a poor understanding of past Aboriginal use and settlement on the volcanic plains.

Research is an essential component of Aboriginal cultural heritage management, as more detailed and accurate information on the extent, contents and values of a place can then inform ongoing management decisions.

### 6.3 Actions

1. Assess all relevant places, landscapes and objects of Aboriginal heritage significance for inclusion in the Heritage Overlay (as a staged process), and undertake an amendment to the Brimbank Planning Scheme.
2. Ensure changes to the significance or values of any place or object of heritage significance is recorded and the Heritage Overlay and Aboriginal Cultural Heritage Register updated.

3. Prepare heritage guidelines for developers and land owners in consultation with the RAP, Traditional Owners and Aboriginal Victoria (as required), to provide appropriate guidance on matters including:
  - the conservation, protection and management of Aboriginal Heritage
  - impacts to and mitigation of development on Aboriginal heritage assets
  - determining when survey work of a place is required and how it should be undertaken.
4. Where required, prepare Management Plans or Cultural Heritage Management Plans for each area of significance owned and/or managed by Council. These should be developed in consultation with the RAP, Traditional Owners and Aboriginal Victoria (as required). The Plans can also be included in the Schedule to the Heritage Overlay as Incorporated Documents.
5. Monitor funding and grant opportunities to support the identification of places of potential Aboriginal heritage significance including:
  - Gap heritage studies
  - Archaeological information.

## **7. Aboriginal Cultural Heritage Policy and Procedures**

### **7.1 Purpose**

To ensure Council policy for Aboriginal heritage is reviewed and updated.

To provide guidance on policy and procedures to the community and developers for the identification and protection of places and objects of Aboriginal heritage significance.

To provide requirements for development and works within areas of Aboriginal heritage significance to ensure the area or objects are protected from harm or damage.

To provide guidance for acknowledgement and engagement with Traditional Owners and Aboriginal Victoria.

### **7.2 Key Considerations**

While there is overarching State-wide policy direction for the protection of Aboriginal cultural heritage, the planning scheme provides limited guidance or direction at the local level for the identification, conservation and management of Aboriginal heritage.

The current Municipal Strategic Statement (MSS) focusses primarily on post contact heritage and the story it tells of the development of Brimbank.

#### **Objective 1 of Clause 21.06 of the MSS states:**

*To conserve and enhance historic buildings, features and precincts that contribute to the community's understanding of the development within the municipality.*

#### **The strategy to achieve this objective is to:**

*Identify and protect heritage places and objects of natural, **aboriginal** and cultural significance.*

The remaining policy direction within this section of the MSS deals with alterations to heritage buildings and places and how new development should address existing heritage buildings and features. No differentiation between Aboriginal heritage and post contact heritage is provided. There is no guidance provided for Aboriginal heritage in relation to significant landscapes, objects and intangible heritage and how new development should respond and protect this heritage.

The Local Planning Policy Framework in the Brimbank Planning Scheme can be amended to introduce specific policy direction in relation to Aboriginal heritage including what it encompasses and strategies for how it can be protected.

Guidelines can also be developed to assist landowners, developers and maintenance contractors on the correct procedure to undertake if potential artefacts are discovered during earthworks or development.

If potential new places or objects are discovered during preliminary development, construction or earthworks in areas of cultural heritage sensitivity (CHS), like areas close to waterways, guidance on reporting disturbance and/or discovered artefacts should be provided to ensure the risk of damage to any artefacts is minimised.

Such a process would require a Cultural Heritage Management Plan that includes referral to the RAP and Traditional Owners and their potential registration and mapping.

Similarly, where works include ground disturbance, including landscaping and revegetation, in areas of known Aboriginal heritage significance, a checklist and/or procedural manual can be developed to ensure the works do not damage or harm the heritage site, place or object.

Each of these procedures should be developed in consultation with the RAP and other traditional owner organisations claiming traditional and/or familial links to Brimbank.

When conducting meetings or community consultation, Council officers are sometimes unsure whether to or how to acknowledge Traditional Owners. Council has the Brimbank Aboriginal and Torres Strait Islander Cultural Protocols Framework and Traditional Owner Frequently Asked Questions guide that assists with:

- how to acknowledge Traditional Owners at meetings, events and other formalities,
- information about Registered Aboriginal Parties and other Traditional Owners claiming traditional and/or familial links to Brimbank
- significant dates for the Aboriginal and Torres Strait Islander community.

Aboriginal Victoria also has available on their website, advice on Welcome to Country and Acknowledgement of Traditional Owners and a map identifying RAP areas.

Council currently has a Memorandum of Understanding with Wurundjeri that specifies in part how consultation will occur, on what matters and when permit applications for works, disturbance should occur. A clear consultation process has been established and if required, this process allows joint management agreements and information sharing.

Council can also develop formal communication procedures with other organisations claiming traditional and/or familial links to Brimbank and Aboriginal Victoria to ensure all groups are correctly engaged and/or referred to when seeking advice on Aboriginal heritage matters.

### 7.3 Actions

1. Introduce objectives and strategies within the Brimbank Planning Scheme to specifically address Aboriginal heritage protection and conservation.
2. Develop guidelines and procedures, with the assistance of the RAP, Traditional Owners and Aboriginal Victoria (as required) that provide guidance for landowners and developers on a correct procedure to identify, report and protect potential artefacts discovered during development.
3. Develop guidelines and procedures for staff and external contractors, when undertaking works within areas of Aboriginal heritage, to ensure their protection from damage or harm.
4. Develop protocols for:
  - Acknowledging Traditional Owners at meetings and events
  - Engaging with Traditional Owners and Aboriginal Victoria when seeking advice and referrals on matters of Aboriginal heritage.

## **8. Education and Promotion**

### **8.1 Purpose**

To increase awareness of Aboriginal cultural heritage and promote Aboriginal culture and history in Brimbank.

Provide opportunities for educational programmes about Aboriginal cultural heritage in Council libraries and public spaces.

Encourage the development of an Aboriginal Interpretation Centre within Brimbank.

### **8.2 Key Considerations**

The understanding of Aboriginal cultural heritage and the management of places is limited within the municipality. There is an opportunity to inform and educate the wider Brimbank community about Aboriginal heritage and the many positive values of that heritage.

There is currently limited educational and interpretive material information on Aboriginal culture in display centres throughout the Brimbank municipality. Some information is presented at the Brimbank Park visitor centre. Parks Victoria has previously received a proposal for a visitor centre focusing on Aboriginal heritage and archaeology in the Keilor Archaeological Area at Horseshoe Bend Park (a Parks Victoria asset) in Keilor.

There is a need to better understand and evaluate the materials and resources that Council has with regard to Aboriginal heritage and where it is located, what it is used for and how it is catalogued.

Increasing awareness of Aboriginal places and reaffirming the traditional links with the land within Brimbank could be improved in a range of ways, including considering the renaming of places back to reflect their original Aboriginal place name. Work of this nature would need to be done in conjunction with the RAP, Traditional Owners and the approval of the Victorian Aboriginal Corporation of Languages.

Further review of education materials and information on Aboriginal cultural heritage is required to ensure accuracy and consistency of information presented to the community. This includes displays of Aboriginal heritage in Council centres to ensure they are co-ordinated and complement one another and involve consultation with the Aboriginal community.

Further promotion can include informing the community about this Strategy, and improved notification and promotion of Aboriginal cultural events i.e. local history societies, local school groups and settlement service providers.

There are a number of active heritage societies within Brimbank that have an interest and knowledge on Aboriginal heritage. Council could facilitate meetings with these groups, RAP and other Traditional Owner organisations claiming traditional and/or familial links to Brimbank to exchange information and extend knowledge. The Brimbank Heritage Advisory Committee is an additional resource to disseminate information about Aboriginal heritage, and includes a member of the Aboriginal community.

Council has a designated officer whose responsibility is to communicate, provide information and consult with the RAP and Aboriginal communities, particularly in relation to Aboriginal cultural heritage. Council officers can also improve their knowledge of Aboriginal heritage by undertaking cultural heritage awareness training.

### 8.3 Actions

1. Continue to implement the Creating Better Parks Policy & Plan 2016, which seeks to increase the recognition of Aboriginal Cultural heritage values in a spatial form within our parks and open space areas.
2. Conduct an audit of display materials and information and develop a catalogue that can be used for future displays and educational purposes, and ensure these materials are appropriate and housed in a safe and secure location.
3. Develop an annual calendar of events for Aboriginal activities and promote through the Council website, other heritage and community groups and encourage community and staff participation.
4. Provide Aboriginal Cultural Heritage training for staff of Brimbank City Council on a bi-annual basis.
5. Monitor funding and/or grant opportunities for conservation, further assessments, education and promotion of Aboriginal heritage.
6. Investigate the renaming of places and places of Aboriginal significance from their European name to their original Aboriginal name, in consultation with the RAP and approval of the Victorian Aboriginal Corporation of Languages.
7. Develop educational material about Aboriginal heritage within Brimbank and the wider region to make available to the community in consultation the RAP, Traditional Owners and Aboriginal Victoria (as required).
8. Work with local historical societies and ensure website material is regularly updated to extend information and interest in Aboriginal heritage and develop improved links with these groups, the RAP and Traditional Owners.

## **9. Strategy Review**

To respond to changes in legislation and Government policy, new information about Aboriginal heritage and the addition of new places, objects and landscapes into the Register of Aboriginal heritage, the Brimbank Aboriginal Heritage Strategy should be reviewed every 5 years.

The review should:

- Audit the operation of the Strategy and assess the implementation of the Actions;
- Evaluate and revise content, priorities and policy;
- Respond to changes in legislation and policy frameworks;
- Consider new place records and additional places of Aboriginal heritage significance;
- Consider the views of relevant Aboriginal communities and the RAP, and
- Review resourcing requirement.

## 10. Action Plan

All actions will be subject to resources being made available through Council's annual capital works and operational budget process.

The timeline for actions includes:

Short – to be completed within 2 years

Medium - to be completed within 2 - 4 years

Long – to be completed within 5 years

Some actions occur on an ongoing basis through the life of the Strategy. Where appropriate Council will implement actions in consultation with the RAP, Traditional Owners and Aboriginal Victoria.

	Actions	Responsibility	Timeline	Performance indicators
<b>Identify</b>				
1	Liaise with Aboriginal Victoria, Wurundjeri, Bunurong and Boon Wurrung Traditional Owner organisations (as required) to identify all places of Aboriginal heritage.	City Strategy	Short	Completed list of places, landscapes and objects
2	Map all places, landscapes & objects of Aboriginal heritage on Council's mapping programme.	Asset and Property Services /City Strategy	Medium	Mapping layer completed and functional
3	Arrange annual training of ACHRIS mapping system with the approval of Aboriginal Victoria (for new staff).	City Strategy	Ongoing	Attendance
<b>Conserving</b>				
4	Pursue an amendment to the Heritage Overlay to the Brimbank Planning Scheme to include all places, landscapes and objects of Aboriginal heritage significance, in consultation with Aboriginal Victoria, the RAP and/or Traditional Owner to ensure their support.	City Strategy	Long	Planning Scheme Amendment completed
5	Develop heritage guidelines to provide guidance on appropriate conservation, protection of places, landscapes and objects of Aboriginal heritage significance.	City Strategy	Short	Guidelines completed and available to the public
6	Prepare Heritage Management Plans or Cultural Heritage Management Plans for each area of Aboriginal heritage significance owned by Brimbank City Council, as required.	Asset and Property Services /Major Projects	Ongoing	Management Plans completed
7	Monitor funding opportunities for:	City Strategy	Ongoing	Heritage studies

	<ul style="list-style-type: none"> <li>The identification of places of potential Aboriginal heritage significance to support further heritage studies</li> <li>Archaeological investigations.</li> </ul>			completed
8	Prepare a business case to inform a budget decision to extend heritage advisory services to including Aboriginal Cultural Heritage.	City Strategy / City Planning	Short	Completed business case
<b>Policy</b>				
9	Pursue an amendment to the Brimbank Planning Scheme to provide policy guidance for Aboriginal heritage protection and conservation.	City Strategy	Short	Planning Scheme Amendment completed
10	Prepare guidelines that will provide guidance for landowners and developers on a correct procedure to identify, report and protect potential artefacts discovered during development.	City Strategy	Short	Guidelines completed
11	Develop and promote guidelines for staff and external contractors, when undertaking works within areas of Aboriginal heritage, to ensure their protection from damage or harm.	Asset and Property Services / City Strategy	Short	Guidelines completed
12	Develop protocols for: <ul style="list-style-type: none"> <li>Acknowledging Traditional Owners at meetings and events</li> <li>Engaging with Traditional Owners and Aboriginal Victoria when seeking advice and referrals on matters of Aboriginal heritages.</li> </ul>	Community Planning and Advocacy	Short	Protocols completed
<b>Education and Promotion</b>				
13	Undertake an audit of materials and objects of Aboriginal heritage and information owned by Council. Develop a catalogue of education material that can be used for future displays, Council website content, promotion and educational purposes.	Community Planning and Advocacy / City Strategy	Short	Audit completed
14	Prepare an annual calendar of events for Aboriginal activities and promote participation through the Council's website and heritage and other community groups.	Community Planning and Advocacy	Ongoing	Annual calendar of events prepared

15	Arrange Aboriginal Cultural Heritage training as required (new staff).	Community Planning and Advocacy	Ongoing	Training programme implemented
16	Monitor funding/grant opportunities for education and promotion of Aboriginal heritage	Community Planning and Advocacy	Ongoing	Successful grant/funding applications
17	Develop educational material about Aboriginal heritage for areas within Brimbank and the wider region	Community Planning and Advocacy	Short	Educational material developed for use
18	Promote Aboriginal Heritage by including information on Council's website including working with local historical societies	Community Planning and Advocacy	Ongoing	Hits on Council website



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