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4 February 2022

The Secretary
Legislative Council Environment and Planning Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

By email: planninginquiry@parliament.vic.gov.au

Dear Secretary,

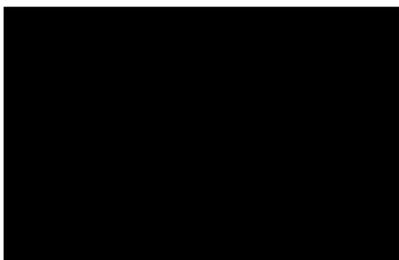
Inquiry into the Protections within the Victorian Planning Framework

We write in respect of the above, and please find below a brief submission in respect of the inquiry.

1. The Bunurong Land Council Aboriginal Corporation (BLCAC) is the Registered Aboriginal Party (RAP) for much of Greater Melbourne, Mornington Peninsula, and the Bass Coast. Representing the Bunurong people as the Traditional Owners of the Peninsula, its aim is to preserve and protect the sacred lands and waterways of their ancestors, their places, traditional cultural practices, and stories. Please see the below – a map of the BLCAC RAP area.
2. BLCAC has a very high level of exposure to the planning framework, particularly as it relates to Bunurong Country. It is involved in a great many projects that range from small residential scale works to large scale infrastructure developments.
3. While not expressly set out in the terms of reference, there is a clear need to position the protection and identification of the priceless and irreplaceable tangible and intangible heritage of Victoria's First People's into this discussion.
4. During the course of this enquiry, the committee should consider the relationship between the *Aboriginal Heritage Act 2006* (Vic) (AHA) and the *Marine and Coastal Act 2018* (Vic) and the Victorian Planning Framework.
5. In our view there are risks to Aboriginal Cultural Heritage where the AHA is not triggered prior to, or during a planning process. The attached decision about small lot developments from VCAT illustrates some of the challenges.
6. We do have ongoing concerns about protecting Aboriginal Cultural Heritage within the Victorian Planning Framework. One of them is the apparent lack of any current requirement for planning panels to advise RAPs of an inquiry, nor invite them to participate. This can result as it has, in an entire process occurring including a report to the Minister – with no involvement of Traditional Owners.
7. We see some value in the committee considering the processes that are part of the Victorian Planning Framework, but external to it.
8. BLCAC is uniquely placed to make some observations that will assist the committee in its work and would welcome the opportunity to participate in any public hearings.

Thank you once again for considering this submission. If you require any further information in relation to our comments, then please contact me.

Yours Sincerely,



Robert Ogden
Chief Executive Officer



