

Cultural Heritage Management Plans: Information Sheet

The *Aboriginal Heritage Act 2006* (**the Act**) prescribes in regulations the circumstances in which a Cultural Heritage Management Plan (**CHMP**) will be required. Large scale developments and many activities in culturally sensitive landscapes, such as coastal dunes or areas near water, can cause significant harm to Aboriginal cultural heritage. Generally the need for a CHMP is tied to a statutory approval, most commonly the need for a planning permit.

What is a CHMP?

A CHMP assesses whether a project will have any impact on Aboriginal cultural heritage values and, as appropriate, outlines management recommendations.

Preparation of a CHMP is commissioned and paid for by the project proponent (sponsor) and involves a cultural heritage advisor (an archaeologist or heritage specialist) working with the Aboriginal community to identify and assess cultural heritage values in relation to a proposed development or activity.

For certain developments and activities, a CHMP may be required to be prepared and approved before other statutory approvals are granted, such as a planning permit.

A CHMP is required if:

- all or part of the proposed development is in an area of cultural heritage sensitivity that has not previously been significantly disturbed; and
- all or part of the activity is a high impact activity.

What is Significant Ground Disturbance?

Disturbance of the topsoil or surface rock layer of the ground or waterway by machinery in the course of grading, excavating, digging, dredging or deep ripping (60cm or deeper).

Examples of areas of cultural heritage sensitivity include:

- Registered Aboriginal cultural heritage places
- Named Waterways
- Certain Ancient lakes
- Declared Ramsar wetlands
- Coastal Crown land
- Coastal land within 200m of high water mark
- Parks (as defined by the National Parks Act)
- High plains areas
- Stony rises of the Mt Eccles, Mt Napier and Mt Rouse lava flows
- Volcanic cones of western Victoria
- Caves
- Dunes

What is a high impact activity?

A high impact activity is an activity that is likely to harm Aboriginal cultural heritage, as set out in the *Aboriginal Heritage Regulations 2007 (the Regulations)*.

Some examples include:

- Constructing or carrying out works for 3 or more dwellings on a lot
- Subdivision of land into 3 or more lots which may be used for dwellings (if 3 or more lots are less than 8ha) or 2 or more lots for industry
- Buildings and works for specified uses if they result in significant ground disturbance such as aquaculture, a cemetery, a car park or a hospital.
- Changes in land use for specified purposes where a planning permit is required such as industry or commercial uses
- Constructing specified items of infrastructure if it results in significant ground disturbance
- Activities requiring earth resource authorisations (ie. Mining, quarrying)
- Extraction or removal of stone, sand or sandstone
- Searching for stone – if it will cause significant ground disturbance
- Extraction or removal of loose stone on agricultural land on the Victorian Volcanic Plain on land that has not been cultivated for the purpose of pasture enhancement
- The construction or alteration of a private dam if a licence is required under the *Water Act 1989*
- Timber production – if over 40ha and a planning permit is required and it will cause significant ground disturbance

Cultural Heritage Sensitivity

An area of cultural heritage sensitivity is an area in which Aboriginal cultural heritage is or is likely to be present which has not already been subject to significant ground disturbance.

Exempt activities

Activities exempt from the need for a CHMP include:

- Construction of one or two dwellings on a lot
- Buildings and works ancillary to a dwelling
- Construction or carrying out of works for services to a dwelling, such as a storage shed, garage, pool or water tank
- External alterations of buildings
- Two lot subdivisions
- Minor works, including construction of fences and temporary structures
- Demolition or removal of a building

General Information

A map is provided that shows the areas of cultural heritage sensitivity in the Moyne Shire.

Members of the public can obtain a free Planning Property Report by visiting www.land.vic.gov.au to identify if their land is included within an area of cultural heritage sensitivity.

The onus of proof to determine if a CHMP is required or not is on the applicant. A tool has been developed that assists applicants to work out if a CHMP is required for their buildings and works or subdivision. The tool is available at this link:

<http://www.aav.nrms.net.au/aavQuestion1.aspx>