

Approved Form under clause 64(a) of the Aboriginal Heritage Regulations 2007

Cultural Heritage Management Plan for the purposes of the *Aboriginal Heritage Act 2006*

This form, approved by the Secretary, Department of Planning and Community Development specifies the format in which a Cultural Heritage Management Plan ("Management Plan") must be prepared by a sponsor in order to comply with the *Aboriginal Heritage Act 2006* ("the Act") and the Aboriginal Heritage Regulations 2007 ("the Regulations"). The approved form is intended to assist Registered Aboriginal Parties ("RAPs"), the Secretary and the Aboriginal Heritage Council to evaluate Management Plans by ensuring Management Plans are complete and consistently presented, and to facilitate the registration of approved Management Plans by Aboriginal Affairs Victoria ("AAV").

A Management Plan for an area is the written report setting out the results of an assessment, and recommendations for measures to be taken to manage and protect the Aboriginal cultural heritage identified in that assessment.

Status of this Form

This form is an approved form under Regulation 64(a) of the Regulations and Section 190 of the Act. A sponsor may, in particular circumstances, prepare a Management Plan in an amended format. If a sponsor intends to do this, the sponsor should first discuss the amended format with the relevant RAP(s) and then obtain the approval of the Secretary in writing. Any such amended format must still comply with the prescribed standards for the purposes of Section 53 of the Act and adequately address the matters set out in Section 61 of the Act.

Format and Content of a Management Plan

The approved format and content for a Management Plan is set out in the remaining sections.

1. Presentation

The Management Plan must be presented as follows:

- Pages must be typed and numbered.
- References must be given to any reports, articles, primary sources, maps or books used.
- A standard set of contents set out in (2) below must be used.

2. Standard Contents

The standard set of contents in a Management Plan must include at least the following:

- **Cover**
- **Title page**
- **Executive summary**
- **Table of contents**

PART 1 – Assessment

- Introduction
- Activity description
- Extent of activity area covered by the management plan
- Documentation of consultation
- Aboriginal cultural heritage assessment
- Details of Aboriginal cultural heritage in the activity area (if any)
- Consideration of Section 61 matters

PART 2 – Cultural Heritage Management Recommendations

- Specific management measures
- Contingency plans
- **References**
- **Appendices**

3. Cover

The cover must set out:

- the title of the Management Plan;
- the AAV Management Plan identifier;
- the name of the sponsor;
- the name of the cultural heritage advisor;
- the name of the author(s) if different or in addition to the cultural heritage advisor; and
- the date of completion.

The title of the Management Plan must commence with the name of the activity and its location (eg Greenfields Residential Development, Eastmeadows: Cultural Heritage Management Plan).

4. Title Page

The title page must set out:

- the title of the Management Plan;
- the AAV Management Plan identifier;
- whether the activity is small, medium or large (in accordance with Regulation 68 of the Regulations);
- whether a desktop, standard and/or complex assessment was undertaken (in accordance with Regulation 56 of the Regulations);
- the name of the sponsor;
- the name of the cultural heritage advisor;
- the name of the author(s) if different or in addition to the cultural heritage advisor; and
- the date of completion.

5. Executive Summary

A Management Plan must commence with an executive summary that briefly describes the nature and extent of the proposed activity, the results of the cultural heritage assessment and includes a brief summary of management recommendations. The executive summary must succinctly set out:

- the activity;
- the location;
- the assessment undertaken;
- the results of the assessment;
- the Aboriginal cultural heritage in the activity area; and
- the recommendations.

6. Table of Contents

The table of contents must list the following items (as appropriate), giving page numbers for each item:

- Headings
- Sub-headings
- Tables
- Maps
- Photographs
- Figures
- Gazetteer
- Appendices
- References

PART 1 – ASSESSMENT

7. Introduction

The Introduction must contain the following information:

- the reasons for preparing the Management Plan (in accordance with Regulation 63 of the Regulations);
- a reference to the Notice of Intention to Prepare a Management Plan submitted to each relevant party under Section 54 of the Act and attached in the Appendices;
- a brief description of the location of the activity area, including relevant cadastral details;
- the name of the sponsor;
- the name of the cultural heritage advisor who undertook the work and their qualifications and experience (in accordance with Section 189 of the Act);
- the name(s) of the owner(s) or occupier(s) of the land where the activity area is located;
- the RAP(s) with responsibility for the activity area; and
- whether any RAP has elected to evaluate the Management Plan.

8. Activity Description

A Management Plan must provide clear and relevant information about the nature and extent of the proposed activity in order to assess the scope for potential impact on Aboriginal cultural heritage. Photographs may be included to give a visual description of the activity area.

In accordance with Clause 6.1, Schedule 2 of the Regulations, this information must include a detailed description of the nature of the proposed activity and any ancillary works associated with the activity as well as a description of the likely impact on the surface of the land and buried former land surfaces, in relation to its possible impact on Aboriginal cultural heritage.

If the activity is a subdivision, the activity description must also include a description of how each lot is intended to be used or developed or if no such description is provided in relation to a lot, a description of the use or development of each lot permitted by the relevant planning scheme (in accordance with Clauses 6.2 and 10, Schedule 2 of the Regulations).

9. Extent of Activity Area Covered by the Cultural Heritage Management Plan

In accordance with Clause 7, Schedule 2 of the Regulations, the extent of the activity area to be covered by the Management Plan must be described with reference to a **map** or maps indicating:

- the location of the activity area in the regional context; and
- the relevant municipal district (if any) in which the area is located; and
- the salient prominent structures and works in, and natural features of, the activity area.

The map(s) must be in a form approved by the Secretary (see the Approved Form under Schedule 2, Clause 7.1 of the Regulations, "Map of the Activity Area of a Cultural Heritage Management Plan for the purposes of the Aboriginal Heritage Act 2006"). If a map relates to part of the activity area, a detailed description of that part must be provided.

10. Documentation of Consultation

If a RAP gives notice under Section 55 of the Act of its intention to evaluate a Management Plan, the Management Plan must:

- a) state the name and functions of any representative appointed by the RAP(s) (pursuant to Clause 4.3, Schedule 2 of the Regulations);
- b) include detail of the any consultation between the sponsor and the RAP(s) in relation to the assessment of the area for the purposes of the Management Plan (pursuant to Sections 60(a) of the Act);
- c) include detail of the RAP(s) participation in the conduct of the assessment for the Management Plan (pursuant to Section 60(c) of the Act);
- d) include detail of the sponsor's efforts to consult with the RAP(s) in relation to the recommendations to be included in the Management Plan (pursuant to section 60(b) of the Act);
- e) pursuant to Clause 8.2, Schedule 2 of the Regulations:
 - identify the RAP representatives, if any, who participated in Management Plan meetings and/or consultation (including tele-conferencing, video conferencing and internet hook-ups as acceptable alternatives to meetings); and,
 - identify RAP representatives, if any, who participated in any field assessment.
- f) provide a summary of the outcomes of the consultation.

11. Reporting the Results of an Aboriginal Cultural Heritage Assessment

In reporting on the results of an Aboriginal cultural heritage assessment, a Management Plan must use Victorian Aboriginal Heritage Register numbers to identify all Aboriginal cultural heritage found, discovered or subject to investigation. A Management Plan must provide:

- a) **Desktop Assessment** - Details of the desktop assessment pursuant to Regulation 57 and Clause 8.1, Schedule 2 of the Regulations, including the following information relating to the Aboriginal cultural heritage in or associated with the activity area:
 1. a search of the Victorian Aboriginal Heritage Register for information relating to the activity area, including the date(s) the Victorian Aboriginal Heritage Register was accessed;
 2. an identification and determination of the geographic region of which the activity area forms a part that is relevant to the Aboriginal cultural heritage that may be present in the activity area;
 3. a concise **map** or maps showing the geographic region referred to in point 2 and the location of the activity area in that geographic region;
 4. a review of the registered Aboriginal places in the geographic region referred to in point 2;
 5. a review of reports and published works about Aboriginal cultural heritage in the geographic region referred to in point 2, relevant to the activity area;
 6. a review of historical and ethno-historical accounts of Aboriginal occupation of the geographic region referred to in point 2, relevant to the activity area;
 7. a review of the landforms or geomorphology of the activity area;
 8. a review of the history of the use of the activity area, including discussion of prior disturbance to ground surfaces and soil deposits if available; and
 9. a conclusion surmising from the desktop assessment whether it is possible Aboriginal cultural heritage may be located in the activity area.
- b) **Standard Assessment** – When a cultural heritage assessment includes a ground survey, details of the assessment pursuant to Clause 8, Schedule 2 of the Regulations, including:
 1. the method by which the Aboriginal cultural heritage present in the activity area was assessed, including ground survey strategies and techniques;
 2. if any, a concise **map** or maps showing the ground survey areas and any Aboriginal places in the survey areas, including estimates of effective survey coverage;
 3. the names of those taking part in the ground survey;
 4. details of obstacles encountered, if any, in completing the ground survey; and
 5. the results and conclusions of the ground survey, considered in light of the desktop assessment, including the identification of areas likely to contain Aboriginal cultural heritage (if any).
- c) **Complex Assessment** - When a cultural heritage assessment includes subsurface testing and excavation, the Management Plan must also include (Clause 9, Schedule 2 of the Regulations):
 1. the subsurface testing or excavation aims and methodology (including strategies employed and techniques used);
 2. a concise **map** or maps showing the location of subsurface testing or excavation pits or transects and any Aboriginal places in the vicinity of the subsurface testing or excavation pits or transects;
 3. scaled section drawings or scaled photographs of the profile of each controlled excavation subsurface testing or excavation pit or transect pit where Aboriginal cultural heritage is present;
 4. scaled section drawings or scaled photographs of the profile of each controlled excavation subsurface testing or excavation pit or transect pit representative of a landform being investigated;
 5. the co-ordinates for the location of subsurface testing or excavation pits or transects, including transect start and end points (Victorian Government standard GDA94 MGA for Eastings, Northings and Zone);
 6. the names of those taking part in the subsurface testing or excavation;
 7. the name of the person responsible for supervising the subsurface testing or excavation;
 8. any physical or other obstacles to the carrying out of the subsurface testing or excavation (eg environmental conditions, weather, access restrictions, competency of participants, etc); and
 9. the results and conclusions of the subsurface testing or excavation including the results of any radiometric or other dating, considered in light of the desktop and standard assessment.

12. Details of Aboriginal Cultural Heritage in the Activity Area (if any)

- a) For the Aboriginal places or objects found, discovered or subject to investigation (if any) in the activity area (pursuant to Clauses 8 and 11, Schedule 2 of the Regulations) the following must be included:
1. details of the assessment of the Aboriginal cultural heritage undertaken to determine the nature and significance of each Aboriginal place or object, including analysis of site formation processes and (where relevant): artefact analysis; shell or faunal analysis; radiometric dating; statistical analysis; and any other relevant analysis undertaken;
 2. a summary of information, if any, provided by a member of a relevant RAP or other person about the Aboriginal cultural heritage of the activity area;
 3. an accurate transcript of any oral information provided by a representative of a relevant RAP or other people who may possess information about the Aboriginal heritage of the activity area, if the person who provided the information consents;
 4. the results of the assessment of the Aboriginal cultural heritage; and
 5. a concise **map** or maps of the activity area which locates all Aboriginal cultural heritage found, discovered or subject to investigation with reference to Victorian Aboriginal Heritage Register numbers.
- b) For each Aboriginal place or object found, discovered or subject to investigation in the activity area, which may be subject to impact by the activity, presented by Victorian Aboriginal Heritage Register number, the following must be included (pursuant to Clause 11, Schedule 2 of the Regulations):
1. the Victorian Aboriginal Heritage Register number;
 2. the full cadastral description of the land on which Aboriginal cultural heritage is located;
 3. **the Extent** – a detailed **plan** of each Aboriginal place found, discovered or subject to investigation including co-ordinates (Victorian Government standard GDA94 MGA for Eastings, Northings and Zone);
 4. **the Nature** – a detailed description of the Aboriginal cultural heritage found, discovered or subject to investigation;
 5. **the Significance** – a statement of the significance of the Aboriginal cultural heritage found, discovered or subject to investigation in terms of the definition of ‘cultural heritage significance’ in Section 4 of the Act; and
 6. at least one representative photograph or digital image of the Aboriginal cultural heritage.
- c) If a cultural heritage assessment identifies areas likely to contain Aboriginal cultural heritage, which will not be impacted by the activity, the following must be included:
1. the reasoning behind the identification of each area likely to contain Aboriginal cultural heritage; and
 2. a description of each area identified as likely to contain Aboriginal cultural heritage.

If no Aboriginal cultural heritage is found, discovered or subject to investigation for the Management Plan, and no areas likely to contain Aboriginal cultural heritage are identified in the activity area, then this section should not be included.

13. Consideration of Section 61 matters – Impact Assessment

For each Aboriginal place or object found, discovered or subject to investigation in the activity area, presented by Victorian Aboriginal Heritage Register number and in accordance with Section 61 of the Act, consideration of the following must be presented:

- a) whether the activity will be conducted in a way that avoids harm to the Aboriginal place or object;
- b) if it does not appear to be possible to conduct the activity in a way that avoids harm to Aboriginal place or object, whether the activity will be conducted in a way that minimises harm to Aboriginal place or object; and
- c) any specific measures required for the management of the Aboriginal place or object likely to be affected by the activity, before, during and after the activity.

In accordance with Section 61 of the Act consideration of the following must be presented:

- any contingency plans required in relation to disputes, delays and other obstacles that may affect the conduct of the activity; and
- requirements relating to the custody and management of Aboriginal cultural heritage during the course of the activity.

PART 2 – CULTURAL HERITAGE MANAGEMENT RECOMMENDATIONS

The following statement must be included immediately below this heading:

“These recommendations become compliance requirements once the Cultural Heritage Management Plan is approved”

14. Specific cultural heritage management requirements

Specific management requirements must:

- a) be presented by Victorian Aboriginal Heritage Register number for known Aboriginal cultural heritage;
- b) where identified, include requirements for ensuring areas likely to contain Aboriginal cultural heritage that are not to be impacted by the activity are protected; and
- c) include a **map** or maps showing the location of specific requirements.

These requirements should include, without limitation:

- avoidance of as much of the Aboriginal cultural heritage as possible, based on the significance of the Aboriginal cultural heritage;
- developing an appropriate salvage strategy to recover information about Aboriginal cultural heritage if it is not possible to avoid disturbance, based on the significance of the Aboriginal cultural heritage;
- the removal and curation of Aboriginal cultural heritage;
- requirements relating to the custody and management of Aboriginal cultural heritage during the course of the activity; or
- any combination of the above measures.

If no Aboriginal cultural heritage is found during the assessment, and no areas are identified as likely to contain Aboriginal cultural heritage, the Management Plan may specify that no specific cultural heritage management activities are required.

15. Contingency plans

A Management Plan must include contingency plans for the possible discovery of Aboriginal cultural heritage during works.

A Management Plan must also include specific contingency plans (Clause 13(1) Schedule 2 of the Regulations) for:

- a) the matters referred to in Section 61 of the Act;
- b) the resolution of any disputes between the sponsor and relevant RAPs in relation to the implementation of an approved Management Plan or the conduct of the activity (if a RAP is evaluating the Management Plan);
- c) the management of Aboriginal cultural heritage found during the activity;
- d) the notification, in accordance with the Act, of the discovery of Aboriginal cultural heritage during the carrying out of the activity; and
- e) reviewing compliance with the Management Plan and mechanisms for remedying non-compliance.

16. References

The References section of the Management Plan must list all reports, articles, primary sources, maps or books referred to in the Management Plan and be presented in accordance with standard referencing conventions, such as those set out in the *Australian Style Manual*¹.

¹ 2002 *Australian Style Manual, for Authors, Editors and Printers*, Department of Information, Communication Technology and the Arts, Wiley Australia.

17. Appendices

The following documents must be appended to the Management Plan:

- the Notice of Intention to Prepare a Management Plan (including the map) provided by the sponsor to various parties under Section 54 of the Act;
- the notice from each relevant RAP to the sponsor specifying whether or not it intends to evaluate a Management Plan under Section 55 of the Act (where relevant);
- A glossary listing simple explanations for any technical terms specifically used in the Management Plan;
- A Gazetteer of all Aboriginal cultural heritage found, discovered or subject to investigation in the activity area indexed by Victorian Aboriginal Heritage Register numbers; and
- Any catalogues of data recorded about Aboriginal cultural heritage, such as detailed recording of stone artefact dimensions and features for analysis.

A Management Plan may also include, (without limit) as appendices:

- relevant figures, tables, photographs not required in the body of the Management Plan; and
- correspondence between the sponsor and the RAP(s) (where appropriate).

Maps in a Cultural Heritage Management Plan

Maps must be of sufficient quality to clearly identify the activity area and the Aboriginal cultural heritage of the area. All maps must provide a minimum of:

- either geo-referencing or at least three readily identifiable features, eg road intersections, river crossings, prominent features, within the vicinity;
- a prominent North arrow;
- a scale bar using standard cartographic formats;
- the area covered by the Management Plan clearly shown; and
- any other salient prominent natural features, structures and works.

The following information must be provided to AAV as projected spatial data (eg. Polygon or Shape file):

- the activity area;
- ground survey areas (if any);
- subsurface testing or excavation pits or transects (if any); and
- the extent of each Aboriginal place found, discovered or subject to investigation (if any), normally provided when the Victorian Aboriginal Heritage Register form is lodged.

Lodgement of a Cultural Heritage Management Plan

Pursuant to Section 64(1)(b) of the Act, the sponsor of an approved management plan must lodge the following with the Secretary for that management plan to take effect:

- a) one hard copy document and an electronic copy in Portable Document Format (PDF); and
- b) a copy of each written notice of that approval received by the sponsor inserted after the title page.

Pursuant to Section 65(6) of the Act, a cultural heritage management plan approved by the Secretary takes effect on the date of that approval. One hard copy document and an electronic copy in Portable Document Format (PDF) must be provided to the Secretary pursuant to Section 67 of the Act. This must include a copy of each notice of approval received by the sponsor, inserted after the title page.