

Aboriginal Heritage Act 2006

Information Sheet Cultural Heritage Management Plans and Planning

Large scale developments and many activities in culturally sensitive landscapes – for example coastal dunes or areas near water – can cause significant harm to Aboriginal cultural heritage. The *Aboriginal Heritage Act 2006* prescribes, in regulations, the circumstances in which the preparation of a Cultural Heritage Management Plan is required.

What is a Cultural Heritage Management Plan?

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

A Cultural Heritage Management Plan is a written report containing the results of the assessment and recommendations for measures to be taken before, during and after an activity to manage and protect Aboriginal cultural heritage in the area.

Preparation of a Cultural Heritage Management Plan is commissioned and paid for by the project proponent (sponsor).

Preparing a Cultural Heritage Management Plan involves a cultural heritage advisor (an archaeologist or other heritage specialist) working with Aboriginal community representatives to identify and assess cultural heritage values in relation to a proposed development or activity.

Why was this system introduced?

Most large infrastructure development projects in Victoria – such as freeways, rail developments, pipelines and mines – were already preceded by an Aboriginal cultural heritage assessment.

However, previously many land developments also went ahead with no consideration of their potential impacts on Aboriginal cultural heritage. This resulted in the needless destruction of numerous sites of significance around the state each year.

The *Aboriginal Heritage Act 2006* introduced guidance to developers, industry and others on the circumstances that trigger the need for

an approved Cultural Heritage Management Plan, allowing heritage to be considered in the planning stages of a project.

For certain activities, Government agencies, local councils and other authorities need to check whether there is an approved Cultural Heritage Management Plan for activities before issuing statutory approvals such as a work authority, licence or planning permit.

What sort of activity requires a Cultural Heritage Management Plan?

Examples of activities that require preparation of a Cultural Heritage Management Plan include:

- Developments that require an Environment Effects Statement.
- Larger scale residential or industrial subdivisions on areas of cultural heritage sensitivity, which have not previously been subject to significant ground disturbance.
- Substantial infrastructure or resource development projects on areas of cultural heritage sensitivity, which have not previously been subject to significant ground disturbance.

Other circumstances requiring a Cultural Heritage Management Plan are prescribed in the Regulations. In addition, the relevant Minister may require the preparation of a Cultural Heritage Management Plan.

Who approves a Cultural Heritage Management Plan?

Where a Registered Aboriginal Party exists they must be notified of a proponent's intention to prepare a Cultural Heritage Management Plan and they then evaluate the Plan.

Once a Cultural Heritage Management Plan has been approved by a Registered Aboriginal Party, it must be lodged with the Secretary of the Department of Planning and Community Development (DPCD) to take effect.

What if there is no Registered Aboriginal Party?

Where there is no Registered Aboriginal Party, the Secretary DPCD evaluates any Cultural Heritage Management Plan in that area.

What if there is more than one Registered Aboriginal Party?

If there is more than one Registered Aboriginal Party, each relevant registered Aboriginal Parties has equal powers regarding the Cultural Heritage Management Plan procedure and outcome for their registered area.

How much will the preparation of a Cultural Heritage Management Plan cost?

Preparing a Cultural Heritage Management Plan involves costs in undertaking on-ground assessment work, consulting with the Registered Aboriginal Party, and writing the Cultural Heritage Management Plan itself.

These costs are not regulated and will vary depending on the size of the activity, the complexity of the Aboriginal heritage issues involved, and general market forces.

Understanding the requirements, obtaining a number of competitive quotes, and taking into consideration the experience and ability of people employed to do a job may reduce costs and result in better outcomes.

How much will evaluation of a Cultural Heritage Management Plan cost?

A fee is charged by the Registered Aboriginal Party responsible for evaluating the Cultural Heritage Management Plan.

Evaluation costs are greater for more complex Cultural Heritage Management Plans and less where plans are simpler. Evaluation costs are tabulated in the regulations.

Can a decision to reject a Cultural Heritage Management Plan be appealed?

Yes, there are appeal rights. If a decision is made by a Registered Aboriginal Party not to approve a Cultural Heritage Management Plan, this may be appealed at the Victorian Civil and Administrative Tribunal (VCAT).

Where more than one Registered Aboriginal Party is involved in an evaluation and they disagree, the Act has a process for resolving this kind of dispute, facilitated through the Aboriginal Heritage Council.

How does the requirement to prepare a Cultural Heritage Management Plan relate to planning approvals?

Authorities like state government agencies and local councils are not be able to make decisions on prescribed planning applications until an approved Cultural Heritage Management Plan has been completed, if one is required.

If an approved Cultural Heritage Management Plan is required but is not included with an application, the authority must refer the application back to the proponent for preparation of a Plan.

The Act encourages project proponents to consider Aboriginal cultural heritage and work with Registered Aboriginal Parties before applying to an authority for an approval. Understanding the cultural heritage management issues at an early stage means that there is maximum flexibility in dealing with these issues and removes delays.

Can I do a Cultural Heritage Management Plan even if I don't have to?

The Act allows for voluntary Cultural Heritage Management Plans to be prepared. Once approved, these provide the same benefits in terms of certainty as required Plans.

Further Information

If you would like more information please contact:

Aboriginal Affairs Victoria
Department of Planning and
Community Development
GPO 2392
Melbourne Victoria 3001
Tel: 1800 762 003

Cultural Heritage Management Plan (CHMP) Process

The following diagram is an example of the process a developer would follow when seeking approvals for a large scale subdivision.

