

Cultural Heritage Management Plan (CHMP) Fact Sheet

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The Victorian Government introduced the Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2007 came into force on the 28 May 2007. The new Act provides more effective protection of Aboriginal cultural heritage and broadens Aboriginal community involvement in decision making.

Every Planning Application and Section 72 Amendment lodged with Council will be assessed to determine if a planning permit application requires a Cultural Heritage Management Plan (CHMP) which is approved by Aboriginal Affairs Victoria.

If the proposal is not an exempt activity then the **applicant must provide** clear documented proof that they meet the exemptions from the requirement to prepare a CHMP as specified in the Act and Regulations or provide a CHMP.

How does an applicant for a planning permit determine if a CHMP is or is not required?

A CHMP is required for an activity if:

- All or part of the activity area is an area of cultural heritage sensitivity, and
- All or part of the activity is a high impact activity.

It is the responsibility of the applicant to provide appropriate documentation to justify that a CHMP is not required.

What must be done if a CHMP is required?

If a CHMP is required then the applicant must submit to Council a copy of the approved CHMP in support of the application for planning permit.

Definition of an Area of Cultural Heritage Sensitivity

Division 3 of the Aboriginal Heritage Regulations 2007 defines an area of cultural heritage sensitivity as an area in which Aboriginal cultural heritage is, or is likely to be present, which has not already been subject to significant ground disturbance. If the proposed activity will not affect any of these areas, it does not require a CHMP.

Definition of significant ground disturbance

Disturbance of the topsoil or surface rock layer of the ground or a waterway by machinery in the course of grading, excavating, deep ripping (60cm or deeper), digging or dredging. Any other disturbance is not significant ground disturbance. Other forms of ploughing than deep ripping, for example, are not significant ground disturbance despite disturbing the ground.

Definition of a high impact activity

A high impact activity is an activity that is likely to harm Aboriginal cultural heritage and specified in Section 43, 44, 45 and 46 of the Aboriginal Heritage Regulations 2007.

Exempt activities

The following activities are always exempt from the requirement to prepare a CHMP:

- Constructing one or two dwellings;
- Buildings and works ancillary to a dwelling;

- Services to a dwelling;
- Alteration of buildings;
- Minor works;
- Demolition of a building;
- Consolidation of land;
- Subdivision of existing building;
- Amendments to a statutory authorisation in some instances;
- A jetty for one dwelling;
- Works on the sea-bed of Victorian waters; and
- Emergency works.

If further advice and assistance is required contact Aboriginal Affairs Victoria

Department Of Premier and Cabinet

Office of Aboriginal Affairs Victoria

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Email: Aboriginalaffairs@dpc.vic.gov.au

Web: <http://www.dpc.vic.gov.au/index.php/aboriginal-affairs/aboriginal-cultural-heritage>

Aboriginal Affairs Victoria's Heritage Services website section provides information, forms, guides and support details.