

***The Aboriginal Heritage Act 2006  
The Cultural Heritage Advisors  
Perspective***

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# Cultural Heritage Management Plans (CHMP)

*Formerly Cultural Heritage Assessments/Archaeology Surveys etc*

- **A CHMP or Plan involves**
  - an assessment of an area to determine the nature of any Aboriginal cultural heritage present
  - a written report setting out the assessment results and contingency plans for measures to be taken before, during and after an activity to manage and protect the Aboriginal cultural heritage identified
- **The written report *is* the CHMP**
- **Consultation with the RAP is crucial**

# Cultural Heritage Management Plans (CHMP)

*Formerly Cultural Heritage Assessments/Archaeology Surveys etc*

- **CHMPs are required if:**
  - All or part of an activity area for the activity is an area of cultural heritage sensitivity; and
  - All or part of the activity is a high impact activity and the land has not been subject to significant ground disturbance

## **CHMP required where:**

- A developer/land owner proposes to do any class of activity prescribed in the Regulations
  - The Minister directs a person who proposes to carry out an activity to prepare a Cultural Heritage Management Plan before commencing the activity
  - A developer/land owner is required to prepare an Environmental Effects Statement under the *Environment Effects Act 1978 (Vic)* in respect of any works
- **Where a CHMP is required, a decision maker under any other Act is not allowed to grant an authorisation for the activity unless the Plan has been approved**
  - **CHMPs can be voluntary to reduce risk**

## But.....

- If land has been subject to *significant ground disturbance* it will be excluded

“disturbance of topsoil or surface rock layer of the ground or a waterway by machinery in the course of grading, excavating, digging or dredging”

- Note that ploughing is not considered significant ground disturbance
- Parts of activity areas subject to a CHMP may still have sections that have been subject to significant ground disturbance
- Therefore the Advisor must fully detail the nature of disturbance for these areas in the CHMP

# Types of Assessment

- **A CHMP will be one of three types of cultural heritage assessment:**
  - Desktop Assessment (AAV Register check and a review of written accounts relevant to the activity area, landforms and historical uses);
  - Standard Assessment (Desktop Assessment and a ground survey of the activity area); or
  - Complex Assessment (Desktop Assessment, ground survey of the activity area, review of primary sources and/or collection of oral history, and excavation).
- **In many cases a Standard Assessment will need to convert to a Complex Assessment before it can be approved**

# Cultural Heritage Management Plans (CHMP)

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- **A CHMP would usually involve:**
  - background research into Aboriginal cultural heritage of an area
  - a ground survey to detect any evidence of Aboriginal heritage (sites)
  - the disturbance or excavation of land to uncover or discover Aboriginal cultural heritage
  - A written report that meets prescribed standards set by the Victorian Aboriginal Heritage Council
- **A qualified Cultural Heritage Advisor must be engaged**
  - Visit the Australian Association of Consulting Archaeologists Inc.:
  - <http://www.aacai.com.au>
  - Many Advisors are currently booked through to March 2008

# Cultural Heritage Management Plans (CHMP)

*Formerly Cultural Heritage Assessments/Archaeology Surveys etc*

- **A CHMP will be considered approved:**
  - when it is approved by the relevant RAP or AAV (they have 30 calendar days to respond to a request for approval) *and*
  - a copy of the CHMP is lodged with the Secretary (AAV)
  - The CHMP must meet the prescribed standards set out in the regulations and address Section 61 in the Act “ avoid and minimise harm to heritage”
  - Contingency plans in the CHMP must be detailed
  - Many CHMP’s have been rejected some more than once with requests to conduct further works (especially excavation) to determine the extent, nature and significance of sites
  - This can extend timelines by another 3 to 5 months for approval

# Complex Assessments

- **Monitoring and use of machine excavation is no longer encouraged as a recommendation: Advisors required to undertake more sub-surface testing by hand prior to any development**
- **Test pits must be dug to establish soil profiles before any sub-surface testing**
- **Hand excavated trenches are required at most sites**
- **Sieving 100% of all soil excavated is required**
- **Detailed artefact analysis after excavation is required**
- **Detailed mapping and illustrated figures are required**
- **This is all labour intensive work**

# Fees – Cultural Heritage Advisors

- **Indicative Costs for a CHMP**
  - Desktop \$4,500 - \$6,000
  - Standard \$7,000 - \$12,000
  - Complex \$15,000 - \$100,000
- **Most Standard Plans that have areas of cultural sensitivity that will need to convert to Complex Plans meaning excavation works are required. These costs can be quite high (\$15,000 for a two day dig and \$50,000-\$100,000 for digs of one to two weeks is about average).**
- **May still need to conduct a salvage dig later – these can be very costly**
- **This does not include Aboriginal community fees (RAP or non RAP) for field work and any meetings.**
- **Avoiding areas of sensitivity or known heritage is preferable to excavation.**

# Timelines

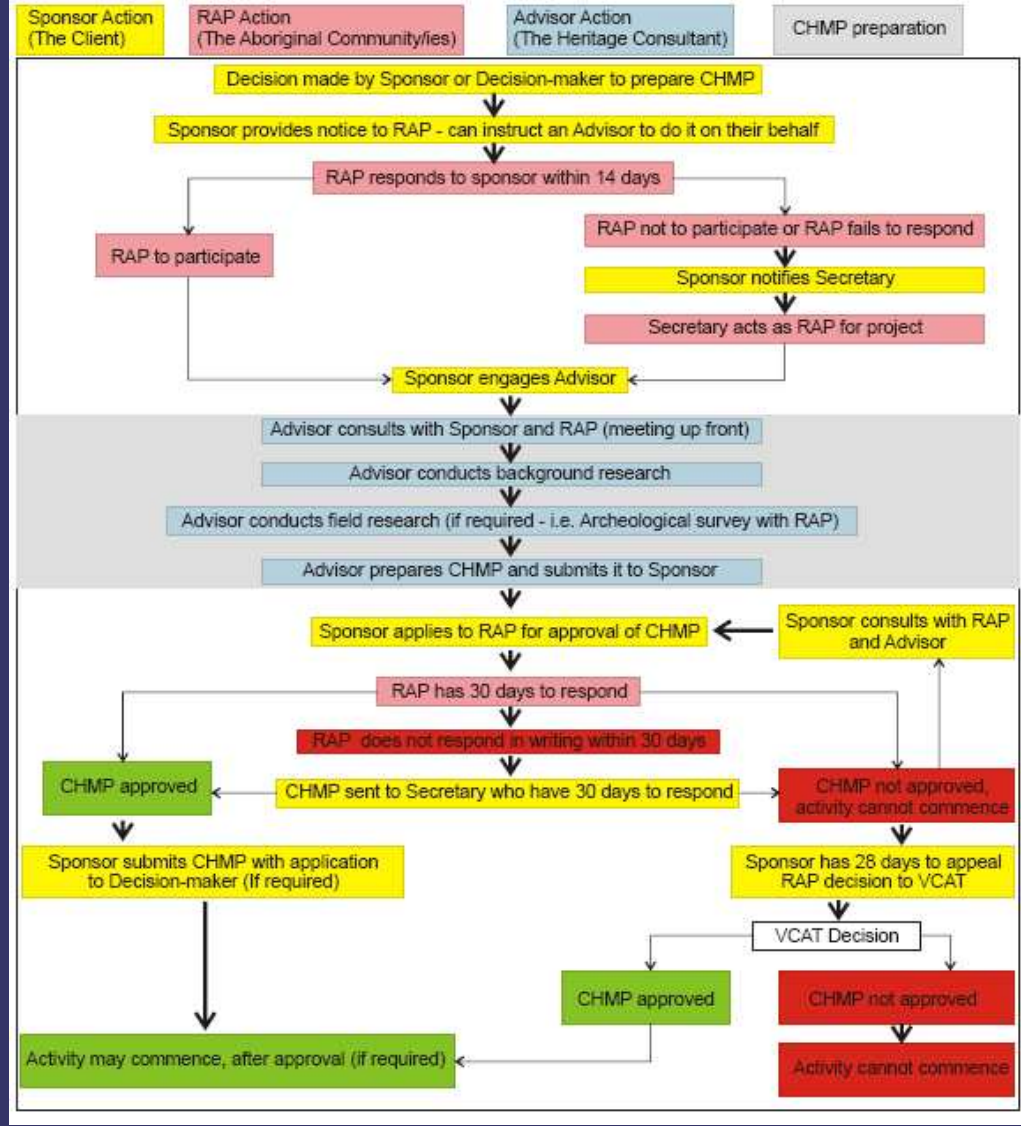
- **It will take an *absolute minimum of 2 months, realistically 6-9 months* from engaging an Advisor to carry out a CHMP to having it approved (this does not take into account the wait for the Advisor to be able to start work)**
- **Therefore contacting an Advisor at least 9-12 months prior to submitting a planning permit application will reduce risk of development delays**

## Timelines (cont)

- **Strongly advise a due diligence assessment be carried out prior to purchase of a property or as early as possible**
  - **Could reduce risk**
  - **Gives an indication of future costs and nature of CHMP required (e.g., standard or complex)**
- **This can give an indication of potential likelihood of the extent of cultural heritage work**

# ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN PROCESS

Key:



# Questions?

