

# Southwest Irrigation Development Guidelines

## FACT SHEET

### Protecting Aboriginal Cultural Heritage



***This fact sheet is part of an information kit for developers of new irrigation developments (or significant expansion or intensification of an existing irrigation project). The information kit helps developers follow the Southwest Irrigation Development Guidelines (the Guidelines) as part of seeking approval for a proposed development.***

#### WHAT TO EXPECT

All developers of new irrigation developments (and significant re-developments) within the Glenelg Hopkins Catchment Management Area must follow the Guidelines. Protecting Aboriginal cultural heritage from damage or loss, caused by the construction or operation of a new irrigation development, is a fundamental step in the process.

The *Aboriginal Heritage Act 2006*, and the *Aboriginal Heritage Regulations 2018*, provide for the protection and management of Victoria's Aboriginal heritage (e.g., Aboriginal places, objects and human remains etc.) from irrigation development activities on private and public land.

This act provides clear guidance to planners and developers about how, Aboriginal cultural heritage is considered during the planning process and in some situations, where work cannot proceed until compliance is met. Significant penalties apply for breaches of this act, including when a person undertakes action that harms or is likely to harm Aboriginal cultural heritage (*Aboriginal Heritage Act, Section 28*).

***NB: The onus of responsibility is on the Landowner to ensure that all relevant licenses, permits and approvals are obtained prior to commencing works.***

#### PART ONE: WHERE TO START

##### Cultural Heritage Sensitivity Overlays

Irrigation developments along rivers and creeks in the Glenelg Hopkins Catchment Management Area, and/or within 200 metres of a named waterway or across Parks Victoria managed land will be in an area of Aboriginal cultural sensitivity. Developments that include sand dunes, ancient lakes, sand sheets, lunettes, rivers, creeks, and wetlands may have a cultural heritage sensitivity overlay.

Areas of cultural heritage sensitivity are shown on the [online map](#).

If the proposed development is associated with Cultural Heritage Sensitivity check the [Aboriginal Heritage Planning Tool](#) to see if your proposal classifies as a high impact activity and will need a CHMP.

The developer may be required to:

- prepare a Cultural Heritage Management Plan or
- obtain a cultural heritage permit (if works are in proximity to an Aboriginal Place).

Where an Aboriginal cultural heritage place is present on a landholder's property, they might also elect to enter into a cultural heritage agreement with the relevant Registered Aboriginal Party for the ongoing protection of that place.

##### Cultural Heritage Management Plan

Some new irrigation developments will require a cultural heritage management plan (CHMP) because all or part of the associated activity will take place in areas of cultural sensitivity, and because all or part of those activities will be high impact activities.

Southern Rural Water (SRW) can assist you in determining if the new irrigation development proposal will trigger the need for a CHMP.

##### When is a CHMP required?

A CHMP is required if the activity is in an area of cultural heritage sensitivity and all or part of the activity is a high impact activity.

An example of some activities which may trigger the requirement for a CHMP include:



- Construction or alteration of water storage dams if a licence is required under *section 67(1A) of the Water Act (Vic) 1989* for the construction or alteration of the private dam.
- Utility installation (for example if a pump and associated pipeline is installed to service a property).
- Or if part of the works fall within a section of a park (as defined in the *National Parks Act 1975*).

A CHMP must be prepared by a qualified heritage advisor who is engaged by the developer. See the First Peoples' Assembly of Victoria website for a [list of heritage advisers](#).

The CHMP must be assessed and approved by either a Registered Aboriginal Party (if one exists for the activity area), or the Secretary of the Department of Environment, Land, Water and Planning, (via First Peoples – State Relations Group).

### Cultural Heritage Permit

A cultural heritage permit (CHP) may be required where an exempt activity or a low impact activity may be planned that will, or is likely to, harm an Aboriginal place.

Activities within 50 metres of known or registered Aboriginal places (such as scarred trees, shell middens and artefact scatters) will require a cultural heritage permit.

### WHY IS ABORIGINAL/INDIGENOUS CULTURAL HERITAGE PROTECTED?

Aboriginal places provide a direct link between the past and contemporary Aboriginal culture, and they are an important source of information about how Aboriginal people live and relate to the environment.

In addition to the connections and significance that cultural heritage holds for Aboriginal people, Aboriginal places also have great scientific value. Some Aboriginal places are associated with the recent past while others are very old and date to a time when the environment was different from today. By studying the location and contents of Aboriginal places, we can learn more about how the environment has changed and how Aboriginal people have responded and adapted to their environment over time.

### FURTHER INFORMATION

- [Relevant Registered Aboriginal Party \(RAP\)](#)
- [Aboriginal Heritage Regulations 2018](#)
- [First Peoples' Assembly of Victoria](#)

An information kit containing related fact sheets is available at [www.ghcma.vic.gov.au](http://www.ghcma.vic.gov.au) and can be discussed further with the Irrigation Development Coordinator .

### ACCESSIBILITY

If you would like to receive this publication in an accessible format, please telephone GHCMA on

(03) 5571 2526 or email [ghcma@ghcma.vic.gov.au](mailto:ghcma@ghcma.vic.gov.au)

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