



Our Reference: 2050

21st October 2019

David Hogan
Senior Project Manager
RMG
PO Box 2422
Bendigo DC. Vic. 3554

REQUIREMENT FOR THE PREPARATION OF A CHMP, CATHERINE MCAULEY COLLEGE, 10 ST VINCENTS ROAD, JUNORTOUN

Dear David

I am writing in response to your request for comment about whether a Cultural Heritage Management Plan (CHMP) is required by the *Aboriginal Heritage Regulations 2018*, for the proposed expansion of the college. I understand that the proposed works are re-surfacing of two sporting ovals, and construction of new carpark, outdoor netball courts, and a sports hub with indoor cricket training, basketball courts and change rooms.

A cultural heritage management plan is required by Regulation 7 when;

- (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and
- (b) all or part of the activity is a high impact activity.

The proposed works are a high impact activity defined in Regulation 46 (b) (viii) (Buildings and Works for Specified Uses – education centre) although if the land was used for the same purpose prior to the commencement day of the *Aboriginal Heritage Act 2006* in (May 2007), then the works may be exempted by Regulation 46(3) which states that;

- (3) Despite subregulation (1), the construction of a building or the construction or carrying out of works on land is not a high impact activity if it is for, or associated with, a purpose listed under subregulation (1)(b) for which the land was being lawfully used immediately before 28 May 2007.

The college is not within an area of cultural heritage sensitivity defined in the *Regulations, 2018*.

Consequently I can advise that a Cultural Heritage Management Plan is not required by the *Aboriginal Heritage Regulations 2018*. This is because the property is not within an area of cultural heritage sensitivity and because the works would be exempted from being a high impact activity by Regulation 46(3) above if the land was being used as a college site prior to 2007. Even if this was not the case, the property would still be exempted from the need to prepare a CHMP because it is not within an area of cultural heritage sensitivity.

Please note that this is not advice about whether or not there are likely to be Aboriginal sites or places within the property, as the likelihood or otherwise that Aboriginal places will be found has not been assessed. It should be noted that Sections 27-28 of the *Aboriginal Heritage Act 2006* provide blanket protection to Aboriginal places, regardless of whether or not a CHMP is required. It is an offence under the Act to knowingly conduct an activity which harms or is likely to harm Aboriginal Cultural Heritage.

In order to ensure statutory compliance with the Act, if suspected Aboriginal cultural heritage is found during the works, the following must occur;

- All works within 10m of the relevant discovery area must cease immediately and if necessary protective fencing erected around the relevant area;
- The person making the discovery shall immediately notify Aboriginal Victoria, the Registered Aboriginal Party (RAP) and a cultural heritage advisor. The RAP for the study area is the Dja Dja Wurrung Aboriginal Corporation;
- While works are suspended the nominated project delegates and the cultural heritage advisor, in consultation with the RAP, must evaluate the suspected Aboriginal cultural heritage material; and
- If the material is demonstrated to be Aboriginal cultural material, approval for the activity under the *Aboriginal Heritage Act 2006* must be sought.

Please feel to contact me on (03) 9376 6569 or 0417 366 972 if you have any queries regarding the above.

Kind Regards



David Rhodes
Director
Heritage Insight Pty Ltd
www.heritageinsight.com