



Unearthed Heritage Australia Pty Ltd
Address: PO Box 446 Castlemaine, Vic, 3450
0457 777 423 | joseph@uneearthedheritage.com.au

Sam Raunik

Hamton

23 February 2026

Re: Due diligence Aboriginal cultural heritage review advice, re: Moonee Valley North East Precinct

The following due diligence advice was prepared by Unearthed Heritage Australia Pty Ltd to review earlier advice regarding Aboriginal cultural heritage considerations and requirements associated with the development for the **Moonee Valley Racecourse, North East Precinct, Stage 1** (Figure 1).

1. Background

The following letter is to review and confirm the findings of the letter prepared by Jonathan Howell-Meurs (Andrew Long & Associates) dated 20 April 2017 as it relates to the current study area (Figure 1).

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Aerial Photo: Nearmap (16 December 2025)
 Topographic data: (c) State of Victoria 2025. The State of Victoria does not warrant the accuracy or completeness of information in this publication and any person using or relying on upon such information does so on the basis that the State of Victoria shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in the information

Figure 1 Study area

2. Legislative Context

In Victoria, the *Aboriginal Heritage Act 2006* is the main piece of legislation regarding the protection and management of Aboriginal cultural heritage. Under the *Aboriginal Heritage Regulations 2018* (the Regulations; Regulation [r.] 7), a Cultural Heritage Management Plan (CHMP) is required when a proposed Activity:

- Is a **high impact activity**, as defined in the Regulations; and,
- All or part of the Activity Area is defined in the Regulations as an area of cultural heritage sensitivity (area of CHS).

A CHMP can also be prepared voluntarily as a risk-minimisation strategy where a CHMP is not required, or where there is some uncertainty as to the requirement.

Construction of 3 or more dwellings is a high impact activity under the *Aboriginal Heritage Regulations 2018* (r. 48). The proposed works would also include other high impact activities, such as construction of a carpark. As such, the proposed works would be considered to be a high impact activity under r. 48, so if the study area includes an area of cultural heritage sensitivity, then preparation of a CHMP would be required for the proposed works.

The study area is mapped as being within an area of cultural heritage sensitivity as defined by the Regulations – within 200m of a waterway (Moonee Ponds Creek – r. 26). However, r. 26 states:

(2) If part of a waterway or part of the land within 200 metres of a waterway has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

As such, if the part of the study area that is within 200m of Moonee Ponds Creek has been subject to significant ground disturbance, then this would not be an area of cultural heritage sensitivity, and a CHMP would not be triggered. Significant ground disturbance is defined in the Regulations as: *‘disturbance of - a. the top soil or surface rock layer of the ground; or b. a waterway – by machinery in the course of grading, excavating, digging or dredging.’*

Howell-Meurs (2017) concluded that land including the current study area had been subject to significant ground disturbance, based on the works that were undertaken to landscape, seal (concrete or asphalt) and construct the study area for the extant structures. Specifically that, *‘it is considered that the activity area has been subject to significant ground disturbance. This is shown in the existing surface and subsurface characteristics of the activity area, the nature and breadth of structures, and the timing of development. Based on the occurrence of significant ground disturbance, a mandatory CHMP in accordance with section 46 of the Aboriginal Heritage Act 2006 should not be required’.*

I support this conclusion, and provide the two additional maps (combined with Figure 1), showing the study area in 1945 (Figure 2) with some structures and market gardens, and in 2009 (Figure 3) with none of the same features as 1945, and a range of structures and sealed surfaces present, that were accompanied by cutting of the land within the study area to create a new drainage flow. By 2025 (Figure 1), some of the structures from 2009 have been removed towards the south of the study area. The net effect of all this, is that the study area has been subject to significant ground disturbance, and therefore the land within 200m of Moonee Ponds Creek within the study area is



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not an area of cultural heritage sensitivity. As such, a mandatory CHMP is not triggered for the proposal.

Summary

1. The proposed works **do not require the mandatory preparation of a CHMP.**

I would be more than happy to discuss any of this advice, so please feel free to contact me.

Joseph Minter Brooke

Director/Principal Heritage Advisor

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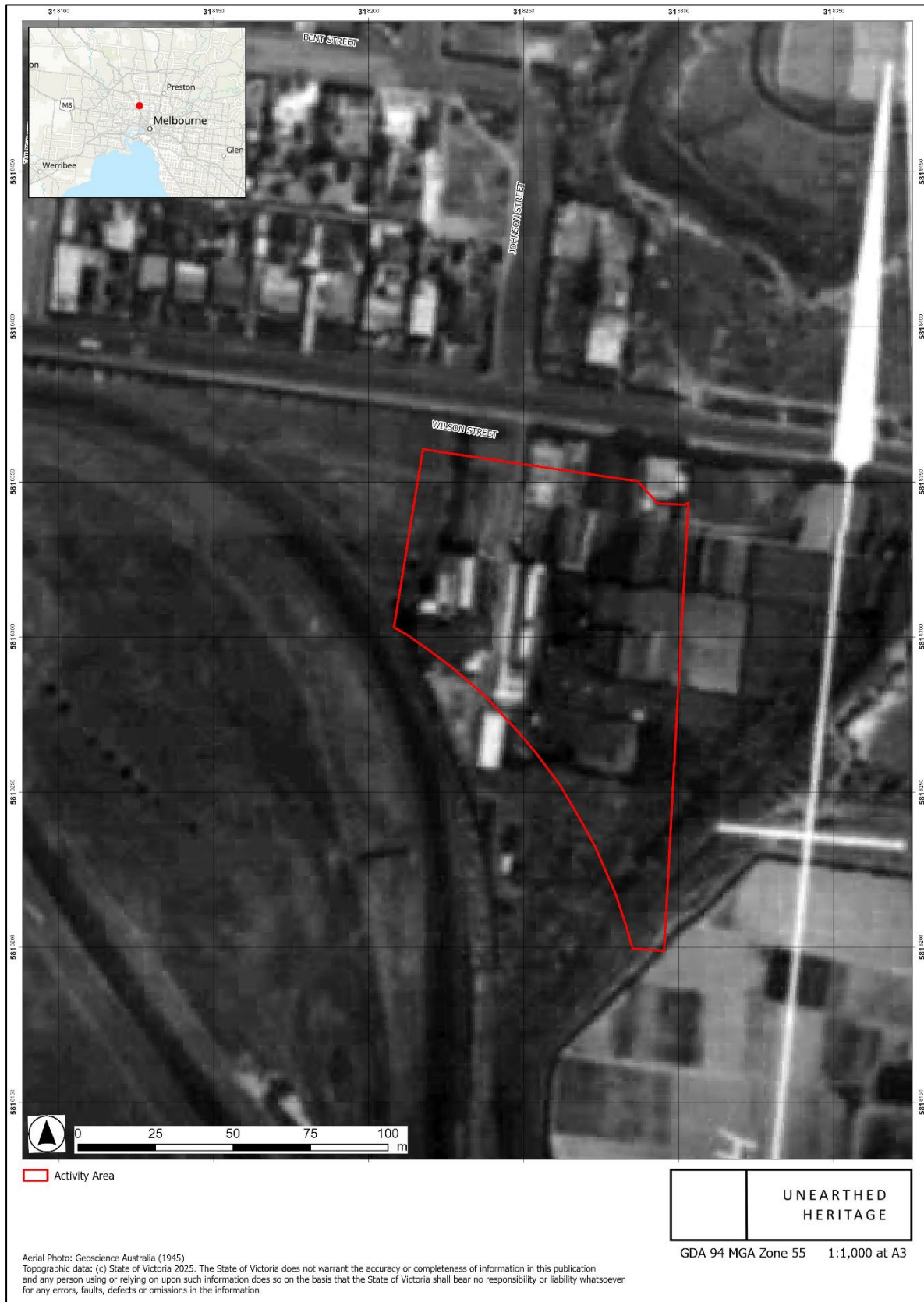


Figure 2 Study area showing aerial imagery from 1945



Figure 3 Study area showing aerial imagery from 2009