

# Northern Victoria Irrigation Development Guidelines

AGRICULTURE VICTORIA

## FACT SHEET 3 – Protecting Aboriginal Cultural Heritage

*This factsheet 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 Northern Victoria Irrigation Development Guidelines 2020 (the Guidelines) as part of seeking approval for their proposed development.*

### PART ONE: WHERE TO START

All developers of new irrigation developments (and significant re-developments) within the Goulburn Murray Water (GMW) region of Northern Victoria 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.

#### Contact an Irrigation Development Coordinator

Agriculture Victoria employs Irrigation Development Coordinators (IDCs) in Northern Victoria to provide information about the Guidelines and to guide developers through the approvals process, including what to do regarding Aboriginal cultural heritage assessments.

The IDC service is provided at no charge and can save developers considerable time and resources.

#### IDC contacts:

- Echuca (west of Goulburn River to Nyah)
  - Kathy Long, Agriculture Victoria, PO Box 441, Echuca, Vic. 3564, [kathy.long@agriculture.vic.gov.au](mailto:kathy.long@agriculture.vic.gov.au)
- Rutherglen (east of Goulburn River and the North East).
  - Dennis Watson, Agriculture Victoria, 124 Chiltern Valley Road, Rutherglen, Vic 3685, [dennis.watson@agriculture.vic.gov.au](mailto:dennis.watson@agriculture.vic.gov.au)

#### Complete an Irrigation Development Application Form

To commence the approval process, developers must obtain an Irrigation Development Application Form from the relevant IDC. Return the completed form to the IDC.

The completed Irrigation Development Application Form provides the basis for preliminary assessments. The IDC will undertake a desktop analysis to examine readily known issues which may prevent the development from going ahead and/or have a large impact upon the viability of the development. A site visit may be required to clarify development issues that may require further investigation.

#### WHAT TO EXPECT

The Aboriginal Heritage Act 2006 (the Act), 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. The Guidelines ensure that the developer is complying with the Act.

The 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 the Act, including when a person undertakes an act that harms or is likely to harm Aboriginal cultural heritage (Aboriginal Heritage Act, Section 28).

#### Cultural heritage sensitivity overlays

Irrigation developments along rivers and creeks in Northern Victoria, on the edge of the Mallee 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](#)



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[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 landholders 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.

The IDC 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 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 Park (as defined in the National Parks Act 1975).

A CHMP or CHP is only required within Victoria and is relative to the lip of the bank of the Murray River which is the border. The border is difficult to define and there may be a need to investigate where the Victorian boundary applies to.

A CHMP must be prepared by a qualified heritage advisor who is engaged by the developer. See the Aboriginal 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 responded and adapted to their environment over time.

## FURTHER INFORMATION

- [Relevant Registered Aboriginal Party \(RAP\)](#)
- [Aboriginal Heritage Regulations 2018](#)
- [Aboriginal Affairs Victoria](#)

An information kit containing related fact sheets is available from the IDC:

- Overview of the NVIDG process
- Irrigation and drainage plan
- Native vegetation protection
- Buffer standards for the protection of native vegetation
- Applying for a works licence
- Public land managers consent application
- Siting and design guidelines
- Roles and responsibilities

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## ACCESSIBILITY

If you would like to receive this publication in an accessible format, please telephone Kathy Long on 03 54821922 email [irrigation@agriculture.vic.gov.au](mailto:irrigation@agriculture.vic.gov.au)

If you are deaf, or have a hearing or speech impairment contact the [National Relay Service](#) on 133 677

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