

Good afternoon

It is acknowledged that the current suggested amendments are less in terms of degree of affect than the previous (2017 amendments), which saw the need for local government as a project manager, together with other individuals to understand the importance of the desktop review process and implications of failure to comply with the ACHA and Guidelines developed (s21A) for this process.

It is acknowledged that many of the proposed amendments are to clarify degrees of authority under the Act and to further define processes which have been somewhat unclear.

General Observations- A Planning Authority perspective.

Despite these proposed changes, the most concerning thing is the lack of real integration between the HCHA and the RMPS system. The AHA is not under the umbrella of the LUPAA system and subsequently the appraisal of land use and development matters can only give cursory regard to the protection of sites, in the form of non-statutory requests for information for aboriginal heritage studies or as advice on a planning permit.

It is recognised that amendment to the Act (LUPAA) may be required **but the value is worth the effort here.**

In some other States the relevant legislative requirements are integrated, for example The Aboriginal Heritage Act 2006 and Aboriginal Heritage Regulations 2018 provides for the protection and management of Victoria's Aboriginal heritage and is linked to the Victorian planning system.

Victoria has areas of cultural sensitivity mapped,. An area of cultural sensitivity are registered Aboriginal cultural heritage places, as well as landforms and land categories that generally regarded as more likely to contain Aboriginal cultural heritage. The maps are available at <https://achris.vic.gov.au/#/onlinemap>

In regards to the planning process, the Aboriginal Heritage Regulations defines 'high impact activities'. If a proposal is a high impact activity and is on a site which is mapped as being in an area of Aboriginal Cultural Sensitivity, then a Cultural Heritage Management Plan may be required to be prepared.

Section 52(1) of the Aboriginal Heritage Act 2006 states that a statutory authorisation for an activity must not be given unless a Cultural Heritage Management Plan is approved.

A similar approach is recommended here, the incorporation of these requirements to protect and manage Aboriginal heritage should be a defined part of the statutory process.

Whilst it is understood there are potential concerns around mapping sites (damage, cultural impacts) perhaps with increased awareness and education - negative impacts can be decreased and some localised mapping will assist in planning being able to undertake a referral process.

Other comments

- Is there a representative group that is supported by all groups - maybe local areas could achieve better representation ?

- In terms of enforcement of the legislation it is the experience in the Local Government context that processes such as stop work notices/orders, infringement notices and potential prosecution are effective tools, where education and emphasis on voluntary compliance have failed.

Kind Regards

Kylie Williams

contained in this transmission.