

Expected Mitigation Measures for Aboriginal Cultural Heritage – Melbourne Airport Link to OMR and Bulla Bypass (Cultural Heritage Management Plan no. 11935)

This public access version has been edited to omit details on the location of Aboriginal cultural heritage

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Introduction

This document outlines expected mitigation measures regarding Aboriginal cultural heritage that may be affected by the planned Melbourne Airport Link to the Outer Metropolitan Ring (MAL) and the Bulla Bypass. The project is the subject of an ongoing cultural heritage management plan (CHMP no. 11935). The desktop and standard assessments have been completed and some subsurface testing has taken place as part of the complex assessment.

The Registered Aboriginal Party for the subject land is the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Incorporated (the Wurundjeri). Management of Aboriginal cultural heritage within the activity area will be the subject of detailed recommendations, developed in consultation with the Wurundjeri, which will appear in an approved CHMP.

Background

As part of the planning for a Melbourne Airport Link (MAL) to the Outer Metropolitan Ring and bypass of Bulla, VicRoads commissioned Dr Vincent Clark & Associates to undertake a cultural heritage assessment. To comply with the *Aboriginal Heritage Act 2006*, a CHMP is compulsory because the proposed activity is as a high impact activity (Regulation 44) that will take place, in part, in an area of cultural heritage sensitivity (Regulations 22 and 23).

A notice of intent to prepare the CHMP was submitted to Aboriginal Affairs Victoria (now Office of Aboriginal Affairs Victoria – OAAV) on 3 October 2011; the Wurundjeri was contacted to participate in the conduct and evaluation of the CHMP. An activity area was provided which has maximum dimensions of 7 km (north/south) by 6.8 km (east/west) and covers a total surface area of 561.2 hectares (Map 1).

The standard assessment for CHMP 11935, carried out during seven days in November and December 2011, resulted in the identification of 49 previously unrecorded Aboriginal sites, mainly surface artefact scatters. These were registered with the Victorian Aboriginal Heritage Register (VAHR), adding to two previously recorded VAHR places in the activity area. A draft CHMP containing the results of the desktop and standard assessments was prepared in March 2012.

Complex assessment (subsurface testing) was undertaken in certain parts of the activity area during 12 days in late 2012/early 2013. Preliminary reports containing results of the complex assessment have been prepared – in January, February and March 2013. Test excavations focused on the central stretch of the Bulla bypass, particularly on the valley of Deep Creek. These sought to investigate potential alignments for the bridge crossing of Deep Creek. Initially there were five alignment options considered (BB1 North, BB1 South, BB2, BB3 and BB4); option BB4 was dropped prior to the complex assessment, and option BB5 was introduced in June 2013.

The results of fieldwork informed assessments of each option for compliance with an Objective Based Evaluation Matrix (OBEM) supplied by VicRoads. Four such assessments have been prepared - in April 2012, March 2013, May 2013 and August 2013. Based on the result of the field investigations, an options assessment determined that alignment BB5 performed most favourably against the OBEM (although complex assessment has not been completed for this alignment). Along the MAL alignment there has been no complex assessment undertaken.

The Wurundjeri has participated in the fieldwork and has been consulted throughout the investigation of alignment options. All preliminary reports have been provided to the Wurundjeri and meetings have been held with the cultural heritage advisor, VicRoads and the Wurundjeri. At a meeting held on 11 July 2013, it was agreed that option BB5 was the preferable option for minimising impact to known Aboriginal cultural heritage.

BB5 – investigations and findings

Alignment BB5 is a linear corridor between the junction of Oaklands and Somerton Road in the east and just north of the junction of Sunbury Road and Loemans Road in the west (Map 2) From its east end, the alignment runs parallel with Somerton Road, on the north side of the current right-of-way, until the junction with Wildwood Road. West of Wildwood Road, the alignment veers northwest, crossing open fields south of Lochton homestead. It crosses a gully and intersects with a spur before crossing Deep Creek valley. On the west side of Deep Creek valley, the alignment curves north to meet with Sunbury Road.

Investigations completed so far along BB5 include standard assessment of the whole alignment and complex assessment in parts of the alignment. The eastern half, between Oaklands Road and Wildwood Road, has been investigated to the level of standard assessment with no complex assessment. The central section, between Wildwood Road and the gully south of Lochton homestead has been investigated with standard and complex assessment. The section on the spur east of Deep Creek, which is the most culturally sensitive area, has not been investigated with complex assessment except for a small area along the south of the alignment. The western section, including all areas west of Deep Creek, has been investigated with standard and complex assessment.

On the basis of current information, alignment BB5 intersects with six Aboriginal cultural heritage sites; another six sites are within 50m of the alignment, including two within 10m (Table 1 and Map 2).

The far east of the alignment has only been investigated with standard assessment, and there are no recorded sites within the alignment (Map 3). The most easterly recorded site within the BB5 alignment is a single artefact [REDACTED] (Greenville Road 1B IA: VAHR 7822-3261); three other surface artefact scatters are to the north, [REDACTED] (VAHR 7822-3260, -3262 and -3263) (Map 4).

Several Aboriginal sites have been identified on the spur east of Deep Creek (Map 5). Excavations have located archaeological deposits buried in granitic sediments [REDACTED]. Two registered sites on the spur are within the BB5 alignment. Lochton 2A (VAHR 7822-3268) is recorded as a surface artefact scatter that has only been investigated with standard assessment. Lochton 7 (VAHR 7822-3584) has been investigated with subsurface testing. Below-ground, *in situ* cultural deposits have been located here: charcoal from the lower part of an excavation pit, found alongside lithic artefacts, returned a date of 8844 ± 64 BP. Two other sites are near the alignment: VAHR 7822-3269 [REDACTED] (and it has only been investigated with survey, not excavations); VAHR 7822-3586, a single surface artefact, [REDACTED].

[REDACTED], BB5 intersects with two recorded sites (Map 5). Bulla 3A (VAHR 7822-3580) is an extensive area of surface and subsurface artefact deposits [REDACTED]. Bulla 4A (VAHR 7822-3581) is a surface artefact scatter [REDACTED]. The westernmost site recorded along the BB5 alignment is 470 Sunbury Road, Bulla-1 (VAHR 7822-2106), which is a light scatter of surface artefacts [REDACTED]. Also in this area, VAHR 7822-3286 is a surface artefact site [REDACTED].

Mitigation measures for BB5 alignment

Management recommendations for Aboriginal cultural heritage affected by construction of the Bulla Bypass will be contained in a completed and approved CHMP. At present, different levels of investigation have taken place along alignment BB5 – standard assessment is complete across the whole activity area, but further subsurface testing is needed to complete the complex assessment. On the basis of information available, expected mitigation measures for the six identified sites within the BB5 alignment are as follows:

Greenvale Road 1B IA (VAHR 7822-3261): The site is recorded as a single surface artefact near to a surface artefact scatter [REDACTED]. Determining the extent of the site is subject to further investigation as part of a complex assessment. Expected mitigation measures include recording and collection of artefacts on the surface.

Lochton 2A (VAHR 7822-3268): The site is recorded as a surface artefact scatter [REDACTED]. Complex assessment is needed to determine presence of subsurface artefacts and the extent, nature and significance of the site. Depending on the results, expected mitigation measures include archaeological salvage excavations in parts of the site affected by the activity, recording and collection of artefacts on the surface and fencing off parts of the site not affected by the activity.

Lochton 7 (VAHR 7822-3584): The site is recorded as a subsurface artefact deposit [REDACTED]. Complex assessment has been completed in the south part of the site, but the site's continuation to the north remains to be investigated. Depending on the results, expected mitigation measures include archaeological salvage excavations in parts of the site affected by the activity, recording and collection of artefacts on the surface and fencing off parts of the site not affected by the activity.

Bulla 3A (VAHR 7822-3580): The site consists of surface and subsurface artefact deposits [REDACTED]. Complex assessment has taken place here, though further investigation may be needed, particularly to investigate the possibility of deeply buried cultural deposits, [REDACTED]. Expected mitigation measures include archaeological salvage excavations in parts of the site affected by the activity, recording and collection of artefacts on the surface and fencing off parts of the site not affected by the activity.

Bulla 4A (VAHR 7822-3581): The site consists of a surface artefact scatter on disturbed and eroded ground [REDACTED]. Complex assessment has been completed at this location, which found no subsurface component. Expected mitigation measures include recording and collection of artefacts on the surface.

470 Sunbury Road, Bulla-1 (VAHR 7822-2106): The site consists of a light scatter of surface artefacts [REDACTED]. Complex assessment has been completed at this location, which found no subsurface component. Expected mitigation measures include recording and collection of artefacts on the surface.

MAL alignment – cultural heritage investigations and findings

The south end of the Melbourne Airport Link to the Outer Metropolitan Ring (MAL) alignment runs alongside Sunbury Road to the east of Melbourne Airport (Map 7); at the junction of Sunbury and Oaklands Road, the alignment runs to the east of the former site of St Mary's Church, crosses Oaklands Road and veers north, running parallel to the west of Oaklands

Road (Map 8). North of Somerton Road, the alignment crosses open fields, curving to the northwest, crossing St Johns Road and continuing up to Wildwood Road (Map 9).

Standard assessment (ground survey) of the MAL alignment took place in November and December 2011. There has been no complex assessment (subsurface testing) undertaken along this alignment. Parts of the current alignment are situated outside the activity area which was investigated.

On the basis of current information, MAL alignment intersects with 15 Aboriginal cultural heritage sites; another three sites are within 50m of the alignment (Table 2 and Map 6).

All identified sites are surface artefact scatters. Most are located on eroded ground [REDACTED] [REDACTED] (Map 7). The lack of identified sites north of Somerton Road may be partly due to poor ground visibility: at the time of the survey there was tall vegetation across most of this area. It is likely that several of the artefact scatters identified [REDACTED] [REDACTED] are related, and may form a continuous zone of cultural deposits along the edge of the terrace.

Mitigation measures for MAL alignment

Management recommendations for Aboriginal cultural heritage affected by construction of the Melbourne Airport Link to Outer Metropolitan Ring will be contained in a completed and approved CHMP. At present, only standard assessment has been completed along the MAL alignment. Subsurface testing as part of the complex assessment is required to verify the presence, extent, nature and significance of cultural deposits. On the basis of information available, expected mitigation measures for the 12 identified sites that are within the MAL alignment would include recording and collection of surface artefacts. However, it is likely that there are subsurface components at some or all of the identified sites and also that there are sites yet to be identified, where artefacts are not visible or present on the surface. Sites located and investigated during the complex assessment may be subject to mitigation measures including avoidance and/or archaeological salvage excavations.

Contingency measures

As part of a completed and approved CHMP, contingency measures would be contained within the management recommendations. These apply to the accidental discovery of cultural heritage and/or human remains during the course of the activity, i.e. sites in the activity area that have not been identified during the CHMP assessment and for which there are not management recommendations. An example of the text used for contingency measures is reproduced here as Appendix 1.

Conclusion

The Bulla Bypass and Melbourne Airport Link to Outer Metropolitan Ring is the subject of an ongoing CHMP. Following completion of the assessment, all identified Aboriginal cultural heritage will be registered with the VAHR. The impact of the activity on VAHR sites will then be assessed, and management recommendations that detail required mitigation measures will be developed between the cultural heritage advisor, the sponsor and the RAP. These will be contained in an approved CHMP which will be evaluated by the RAP.

As the CHMP assessment is incomplete, it is only possible to make a prediction on the expected mitigation measures. Where possible, harm to Aboriginal cultural heritage must be avoided or minimised. Where harm cannot be avoided, mitigation measures will include

recording and collection of surface artefacts and undertaking archaeological salvage excavations.

Along the BB5 alignment there are currently six VAHR sites within the alignment and six other VAHR sites within 50m of the alignment. Along the MAL alignment, there are currently 15 VAHR sites within the alignment and three sites within 50m of the alignment. Mitigation measures will be required for all sites affected by the activity, including sites whose location, extent, nature and significance are still to be determined.

Table 1: Recorded Victorian Aboriginal Heritage Register sites within 50m of the BB5 alignment

| Site name | VAHR code | Distance from alignment (m) |
|---------------------------|-----------|-----------------------------|
| 470 Sunbury Road, Bulla-1 | 7822-2106 | 0 |
| Greenvale Road 1A | 7822-3260 | 10 |
| Greenvale Road 1B IA | 7822-3261 | 0 |
| Greenvale Road 2A | 7822-3262 | 49 |
| Greenvale Road 2B IA | 7822-3263 | 43 |
| Lochton 2A | 7822-3268 | 0 |
| Lochton 2B | 7822-3269 | 3 |
| Bulla 9 | 7822-3286 | 38 |
| Bulla 3A | 7822-3580 | 0 |
| Bulla 4A | 7822-3581 | 0 |
| Lochton 7 | 7822-3584 | 0 |
| Lochton 10 IA | 7822-3586 | 25 |

Table 2: Recorded Victorian Aboriginal Heritage Register sites within 50m of the MAL alignment

| Site name | VAHR code | Distance from alignment (m) |
|--------------------|-----------|-----------------------------|
| Sunbury Road 1 IA | 7822-3227 | 0 |
| Sunbury Road 2 | 7822-3228 | 0 |
| Sunbury Road 3 | 7822-3229 | 0 |
| Sunbury Road 4 | 7822-3230 | 0 |
| Sunbury Road 5 | 7822-3231 | 0 |
| Sunbury Road 6 IA | 7822-3232 | 0 |
| Sunbury Road 7 IA | 7822-3233 | 0 |
| Sunbury Road 8 IA | 7822-3234 | 0 |
| Sunbury Road 9 IA | 7822-3235 | 0 |
| Sunbury Road 10 IA | 7822-3236 | 0 |
| Sunbury Road 11 IA | 7822-3237 | 0 |
| Sunbury Road 12 | 7822-3238 | 0 |
| Sunbury Road 13 | 7822-3239 | 0 |
| Sunbury Road 14 IA | 7822-3240 | 0 |
| Sunbury Road 15 IA | 7822-3241 | 0 |
| Oaklands 6 IA | 7822-3246 | 10 |
| Oaklands 7 IA | 7822-3247 | 4 |
| Oaklands 1 IA | 7822-3248 | 17 |



Map 1: Activity area for CHMP 11935 showing two previously recorded VAHR places



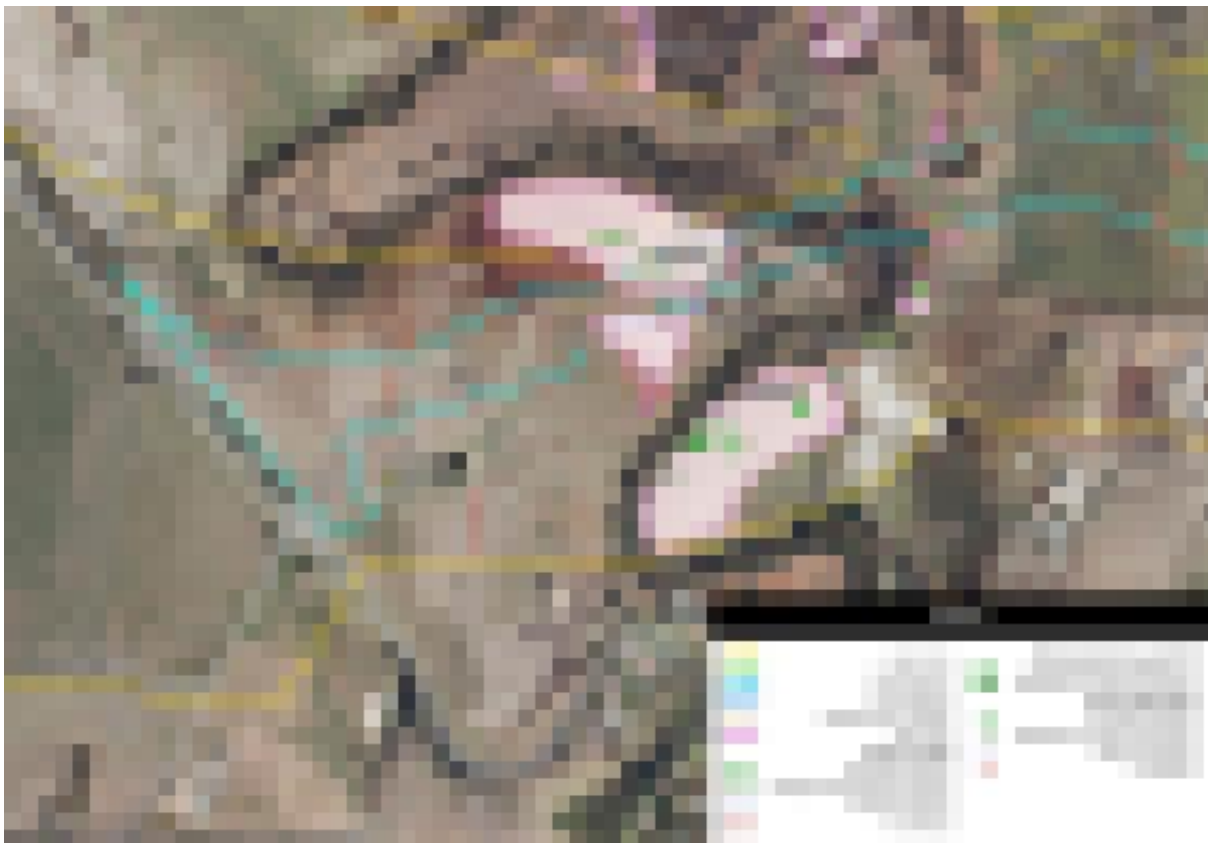
Map 2: BB5 alignment with activity area and registered VAHR sites



Map 3: BB5 alignment, east section, with activity area, registered VAHR sites and subsurface testing



Map 4: BB5 alignment, central section, with activity area, registered VAHR sites and subsurface testing



Map 5: BB5 alignment, west section, with activity area, registered VAHR sites and subsurface testing



Map 6: MAL alignment with activity area and registered VAHR sites



Map 7: MAL alignment, south section, with activity area and registered VAHR sites



Map 8: MAL alignment, central section, with activity area and registered VAHR sites



Map 9: MAL alignment, north section, with activity area and registered VAHR sites

Appendix 1 – Example of Contingency Measures to be included in a completed CHMP

Section 61 matters

There is a possibility that Aboriginal cultural heritage or archaeological remains will be found during the activity. If such remains are uncovered during the activity, the following contingencies will apply. These contingencies must be implemented by the sponsor or the agents of the sponsor if the presence of cultural heritage is identified or suspected at any time during the activity. The contingencies take into account s.61 matters regarding avoidance or minimisation of harm.

Dispute resolution

In the event of any dispute arising under this agreement the Parties shall exercise best endeavours to resolve the matter initially by discussion and negotiation between themselves. They will attempt such resolution within 48 hours of a notice being received that a Dispute between the Parties is deemed to exist.

If the matter remains unresolved for at least 14 days from the date that the Dispute commences, the Parties shall seek to agree upon the appointment of an independent mediator to assist in the resolution of the matter. In the absence of agreement as to a mediator, mediation shall be effected by a mediator nominated upon the application by either party by the Victorian Chapter of the Institute of Arbitrators and Mediators or the Dispute Settlement Centre of Victoria.

If the matter remains unresolved after mediation the Parties shall seek to agree upon the appointment of an independent arbitrator to hear and resolve the matter. In the absence of agreement as to an arbitrator, arbitration shall be effected by an arbitrator nominated upon the application by either Party by the Victorian Chapter of the Institute of Arbitrators, or, failing such nomination within 28 days, appointed in accordance with the provisions of the Commercial Arbitration Act 1984 (Vic).

A reference to arbitration under this Clause shall be deemed to be a reference to arbitration within the meaning of the laws relating to arbitration in force in the State of Victoria. The arbitrator shall have all the powers conferred by those laws. The arbitrator's decision shall be final, subject to any rights of appeal under the Commercial Arbitration Act 1984 (Vic).

The procedures concerning mediation and arbitration, including payment of costs, shall be agreed between the Parties.

These arrangements do not preclude any legal recourse open to the Parties being taken but the Parties agree the above avenues will be exhausted before such recourse is made.

In order to facilitate the above procedure:

- The Party with the grievance must notify each other Party of the problem at the earliest opportunity;
 - Throughout all stages of the procedure all relevant facts must be clearly identified and recorded;
 - All Disputes will be jointly investigated; and
 - Sensible time limits must be allowed for completion of the various stages of discussion.
- However, the parties must cooperate to ensure that the Dispute resolution procedures are carried out as quickly as possible.

Without prejudice to either party, and except where a bona fide safety issue is involved, and/or when the nature of the Work or the area affected by the Work concerns the matter in Dispute, Work should continue in accordance with this Plan while matters in Dispute between them are being negotiated in good faith. No party shall be prejudiced as to final settlement by the continuance of Work in accordance with this procedure.

Any corrective or remedial activities required by a resolution to a Dispute under this Clause (e.g. repairing damage to sites) will be overseen by a representative from the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. (the RAP) and will take place in accordance with their instructions.

Discovery of Aboriginal cultural heritage during works

Unexpected discovery of Human Remains

If any suspected human remains are found during any activity, works must cease. The Victoria Police and the State Coroner's Office should be notified immediately. If there are reasonable grounds to believe that the remains are Aboriginal, the Department of Sustainability and Environment's Emergency Coordination Centre must be contacted immediately on 1300 888 544. This advice has been developed further and is described in the following 5-step contingency plan. Any such discovery at the activity area must follow these steps.

Discovery:

If suspected human remains are discovered, all activity in the vicinity must **stop** to ensure minimal damage is caused to the remains; and,
The remains must be left in place, and protected from harm or damage.

Notification:

Once suspected human skeletal remains have been found, the Coroner's Office and the Victoria Police must be notified immediately;
If there is reasonable grounds to believe that the remains could be Aboriginal, the DSE Emergency Co-ordination Centre must be immediately notified on 1300 888 544; and
All details of the location and nature of the human remains must be provided to the relevant authorities.

If it is confirmed by these authorities that the discovered remains are Aboriginal skeletal remains, the person responsible for the activity must report the existence of the human remains to the Secretary, DPCD in accordance with s.17 of the Act.

Impact Mitigation or Salvage:

The Secretary, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal human remains, will determine the appropriate course of action as required by s.18(2)(b) of the Act;

An appropriate impact mitigation or salvage strategy as determined by the Secretary must be implemented by the Sponsor.

Curation and further analysis:

The treatment of salvaged Aboriginal human remains must be in accordance with the direction of the Secretary.

Reburial:

Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, clearly marked and all details provided to AAV;
Appropriate management measures must be implemented to ensure that the remains are not disturbed in the future.

Unexpected discovery of isolated or dispersed Aboriginal cultural heritage

If there is unexpected discovery of isolated or dispersed Aboriginal cultural heritage during construction works then the procedures outlined below in section 9.4 and 9.5 must be implemented and followed.

Unexpected discovery of stratified occupation deposits

If there is unexpected discovery of stratified occupation deposits during construction works then the procedures outlined below in section 9.4 and 9.5 must be implemented and followed.

Unexpected discovery of other Aboriginal cultural heritage

If there is unexpected discovery of other Aboriginal cultural heritage during construction works then the procedures outlined below in section 9.4 and 9.5 must be implemented and followed.

Reporting discovery of Aboriginal cultural heritage during works

If any unexpected artefacts or other features are identified during the site works, the person making the discovery must notify the person in charge of the activity immediately and that person must then suspend soil disturbance at that location.

The extent of the site, or suspected site, must be determined and a 5m buffer established around that extent, within which work may not be undertaken.

The person responsible for the activity must notify the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. (RAP) immediately (i.e. **within no more than 48 hours**) of the discovery (or suspected discovery).

If requested by the RAP, a cultural heritage advisor must be engaged by the sponsor to assess the discovery(ies) and to advise on appropriate management strategies. If the discovery is determined to be Aboriginal cultural heritage a qualified archaeologist must record the Aboriginal place and complete any necessary records and submit these to OAAV.

Within a period not exceeding three (3) working days, the cultural heritage advisor, in consultation with the sponsor and the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. (RAP), will make a decision/recommendation concerning the process to be followed to manage the Aboriginal cultural heritage in an appropriate manner and on how to proceed with the works.

Management of Aboriginal cultural heritage discovered during works

The procedure for managing any previously unknown and unexpected sites, places and objects identified during construction activities, will be:

For any Aboriginal cultural heritage identified during the activity, the sponsor must attempt to avoid harm to them or, if this is not possible, to minimise harm. In the event that it is not possible to avoid or minimise harm, the following will apply:

In the case of isolated or scattered stone artefacts (less than five artefacts), these should be recorded by the cultural heritage advisor who will also report the discovery to OAAV using the appropriate site record forms (s.24, Aboriginal Heritage Act 2006).

If deemed necessary by the cultural heritage advisor, after consultation with the RAP, additional archaeological salvage excavation must be undertaken at the site under the direction of a qualified archaeologist, with the aim of gathering data that may provide information on the use of the activity area by Aboriginal people in the past, before soil disturbance continues. Salvage will include:

The development of a methodology will be determined by the cultural heritage advisor, in consultation with the relevant Aboriginal cultural heritage stakeholders. The methodology will be designed to maximise the quality of information derived from the salvage operation. The methodology developed must include the salvage of the relevant cultural heritage, analysis of the salvaged material, and the reporting of the results of the analysis to OAAV and to the RAP.

Cultural heritage material recovered during salvage operations will be secured and stored by the cultural heritage advisor until a decision about the ultimate custody and management of these has been determined through consultation between the sponsor and the RAP. Any such material will be analysed and catalogued labelled and packaged with reference to provenance by the cultural heritage advisor. If the salvage involves archaeological excavation and suitable material is recovered, radiometric dating of occupation deposits and features must be undertaken.

The results of the salvage of cultural heritage material will be provided in a report, which will be completed and lodged with the relevant authorities (including the Heritage Registrar in AAV and the RAP) stakeholders as soon as possible and within 90 days of completing the salvage operation. This report will include information on the density of salvaged cultural heritage material, size range of artefacts, raw materials, the stage of reduction and artefact type, and will also include maps and/or plans that accurately present the location and extent of any excavation, and the details of any exposed sediments and stratigraphy. Insights into the procurement of the raw materials for making the stone artefacts may also be obtained from the size analysis and reduction stages of different materials.

The sponsor will be responsible for any costs associated with the salvage, assessment, cataloguing, labelling and packaging of any cultural heritage material.

In the event that significant and unusual Aboriginal cultural heritage is identified during the site works, as well as completing and submitting any necessary documentation, the Secretary should be notified (significant cultural heritage may include, for example, in situ remains, features such as hearths, stone arrangements etc, or large deposits of stone artefacts).

Completing and submitting any necessary records to AAV will meet the requirements of s.24 of the Aboriginal Heritage Act 2006 and completed records must be forwarded to AAV within 14 days of any discovery.

*In the case of the discovery of human remains, separate provisions relating to the discovery of human remains must be followed (see section 9.3.1).

Other Considerations

Protocol for handling sensitive information

Information concerning the discovery, location and/or nature of Aboriginal cultural heritage may be considered sensitive by Aboriginal people. The sponsor must ensure that no information about Aboriginal cultural heritage in the activity area is disseminated to the media, the public or others not involved directly with the activity without the express approval in writing of the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. (RAP). The Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. must be consulted about the form and content of any such release of information.

Provision for Aboriginal people to continue to access or visit Aboriginal cultural heritage places during and after the activity

Provision must be made for representatives of the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. (RAP) to visit Aboriginal cultural heritage places within the activity area, both during and after the activity. If Aboriginal people wish to visit the activity area during the construction activities they must:

- Give notice to the sponsor and/or the contractor 24 hours prior to the intended visit; and
- Comply with any safety requirements of the sponsor, owner and/or occupier.

Communication of information between the Sponsor and the RAP

There shall be regular and on-going communication between the sponsor and the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. (RAP). For the purposes of this plan the communication of information between the sponsor and the Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. relating to the activity, this plan and its implementation shall be as follows:

Timing

| Action/ Event | Timing |
|---|--------------------------------------|
| Commencement of works under this CHMP | 7 days notice |
| The discovery, or suspected discovery of Aboriginal cultural heritage | Immediately (not more than 24 hours) |
| Notice of meetings | 5 working days notice |
| Request by the RAP for its representative to attend on site | 24 hours |
| Request by sponsor for RAP representative to attend on site | 24 hours |
| Completion by the sponsor of the compliance checklist (Table 3) and provision of checklist to the RAP | Monthly |

Contact details for representatives of the parties:

| | |
|---|----|
| VicRoads | xx |
| Wurundjeri Tribe Land and Compensation Cultural Heritage Council Inc. | xx |

Any changes to contact details, including nominated representatives, addresses or telephone numbers, must be advised to all parties as soon as possible and within no more than seven (7) days of a change occurring.

Reviewing compliance

In order to ensure that there is compliance with the Cultural Heritage Management Plan, a checklist is included (Table 3) for use by the Sponsor. It lists those matters addressed in this plan with which the sponsors must comply. This list should be used as a reference in the event that compliance with the plan is questioned.

It should be noted that Part 6 of the Aboriginal Heritage Act 2006 makes provision for the conduct of cultural heritage audits. The Minister may require an audit if the sponsor of a management plan has, or is likely to, contravene the recommendations of the plan or the conditions of a permit, or if the impact of the activity on cultural heritage is deemed to be greater than determined at the time the plan was prepared. The audit must be conducted by, or under the direction of, an inspector. Under s.88 of the Act, if an audit is ordered, a stop order for the activity will be issued until the audit has been completed.

The report of a cultural heritage audit may identify any contravention of an approved management plan, recommend amendments to a plan and other measures in relation to an activity to protect Aboriginal cultural heritage. It may also result in amendments to an approved plan.

If a stop order has been issued in relation to an activity it operates for 30 days or for a period of time specified in the order, or until it is revoked (under the terms of s.93). A stop order may be revoked by the Minister or by the inspector who issued it. Under s.95 of the Act it is an indictable offence to engage in any conduct in contravention of a stop order and monetary penalties also apply.