

Ongoing Protection Declaration for the purposes of the *Aboriginal Heritage Act 2006*

SECTION 1 – Identification of Aboriginal place or object

I *Gabrielle Williams*, Minister for Treaty and First Peoples, pursuant to section 103(1) of the *Aboriginal Heritage Act 2006* ('the Act') am satisfied that:

Ghow Swamp Aboriginal Place located at MDA/GDA94 256165.063 Easting 6014537.914 Northing, Parish of Patho, County of Gunbower, taking in Kow Swamp water reserve specifically the majority of Crown land allotment 18 A and also includes other Crown and freehold land encompassing an area of 3177 hectares, and shown on the attached map, Gazettal Plan 3507 (refer to Plan No. LEGL./22-122 lodged in the Central Plan office for dimensions of the land)

- is an Aboriginal place; and
- it is appropriate having regard to the importance of maintaining the relationship between Aboriginal people and the place, that an ongoing protection declaration be made in relation to this Aboriginal place.

This Aboriginal place is recorded on the Victorian Aboriginal Heritage Register as Ghow Swamp Aboriginal Place (VAHR 7726-0534). Yorta Yorta Nation Aboriginal Corporation ICN 3279 is the Registered Aboriginal Party (RAP) for the majority of the Aboriginal place. A minority of the Aboriginal Place falls within an area for which no RAP has been appointed at this time.

SECTION 2 – Protective measures to be taken

The following measures are required to be taken to protect Ghow Swamp Aboriginal place the subject of this declaration

1. Construction or upgrade of infrastructure, ancillary services or works associated with the use of Ghow Swamp by the responsible water corporation as a water storage facility is prohibited within Ghow Swamp Aboriginal Place outside the footprint (at the date of this declaration) of existing water storage related infrastructure, ancillary services or works (which includes, but is not limited to, the existing footprint of the infrastructure, ancillary services and works identified in Map A).
2. The footprint (at the date of this declaration) of water channels within Ghow Swamp Aboriginal place (which includes, but is not limited to, the existing footprint of the channels identified in Map B) must not be expanded or deepened. The operation and maintenance of such channels must only be undertaken by or on behalf of the responsible water corporation and in accordance with any requirements of the *Aboriginal Heritage Act 2006*.
3. Continued use and essential maintenance of an existing licensed water pump or irrigation outlet on Crown land and/or waters within Ghow Swamp Aboriginal place by the license holder is allowed; however, works associated with continued use, maintenance or replacement of an existing licensed water pump or irrigation outlet by or on behalf of the license holder must be confined to the existing footprint (at the date of this declaration) of that water pump or irrigation outlet or its ancillary infrastructure. Works must not include the excavation of soil beyond the immediate suction line extraction point. Any works undertaken must accord with any conditions of a license issued under the *Water Act 1989* and any requirements of the *Aboriginal Heritage Act 2006*. Extension of an existing suction line beyond the existing footprint to the extent necessary to access water must not involve ground disturbing works. Vehicle access to the existing licensed water pump or irrigation outlet is allowed for maintenance or replacement works if there is no other reasonable alternative.
4. Establishment of any new transmission lines or other new services or works is prohibited on Crown land and/or waters within Ghow Swamp Aboriginal Place. Maintenance and/or upgrade to existing transmission lines or services on Crown land and/waters within Ghow Swamp Aboriginal Place is not permitted outside the existing footprint (at the date of this declaration) of that existing transmission line, service, or work (which includes, but is not limited to, the footprint of the transmission lines, services and works identified in Map C).
5. Livestock are not permitted to enter or remain on Crown land and/or waters within Ghow Swamp Aboriginal Place. Owners of livestock are responsible for ensuring that livestock are not found trespassing on Crown land and/or waters within Ghow Swamp Aboriginal Place. Authorised officer(s) may impound animals found trespassing on Crown land.
6. Horse riding (including riding of any animal capable of being ridden or carrying a load) is not permitted in the entirety of the Crown land and/or waters within Ghow Swamp Aboriginal Place.
7. The boundaries between Crown and private land along the Ghow (Kow) Swamp foreshore are to be fenced as soon as practicable with a stock proof fence by or on behalf of the responsible public land manager. A neighboring private landowner or occupier is responsible for the maintenance of the section of the stockproof fence that separates their land from Crown land, unless an alternative maintenance agreement is in place with the public land manager. Where there is no Crown land foreshore the private landowner or occupier must prevent livestock from entering or remaining on Crown land and/waters within Ghow Swamp Aboriginal

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Place with stock proof fencing on the freehold property.

8. Gates may be installed, removed, or repositioned on the Crown and private land boundary within Ghow Swamp Aboriginal Place by or on behalf of the public land manager in consultation with the Registered Aboriginal Party(ies).
9. Interference with Crown land boundary survey pegs, fencing and/or gates within Ghow Swamp Aboriginal Place other than for necessary maintenance or replacement is prohibited.
10. Persons must not remove, destroy, or lop native vegetation on Crown land or waters within Ghow Swamp Aboriginal place, including dead native vegetation. The introduction of non-Indigenous flora on Crown land or waters is prohibited within Ghow Swamp Aboriginal Place.
11. Persons may access Crown land and waters within Ghow Swamp Aboriginal Place on foot. Vehicles must remain on a road or a public parking area.
12. The following activities are prohibited on Crown land and waters within Ghow Swamp Aboriginal place:
 - i. ground disturbing activities, including removal or disturbance of soil or sediments.
 - ii. camping, the lighting or maintaining of fires (including any barbeque other than an electric barbeque), firewood collection.
 - iii. hunting, use or possession of trap, snare, net or similar equipment.
 - iv. use of vehicles (including trail bikes, motorbikes, quad bikes, two/four-wheel drives, and all-terrain vehicles) off a road or a public parking area.
 - v. recreational vessel launching, landing, loading, or unloading (including with the assistance of a motorised vehicle) by any person outside any recreational facility designated for that purpose by the public land manager. This prohibition does not apply to human powered craft when there is no use of a motorised vehicle to launch, land, load or unload that craft.
 - vi. the storage, discharge, disposal of litter, dangerous litter, and waste.
 - vii. agricultural activity and installation/storage/use of agricultural related infrastructure, materials and waste, vehicles, and machinery.
13. Measures 5, 11 and 12(i)(iv)(vi)(vii) do not apply to the following area of Crown land until such time as the Crown land boundaries are fenced as soon as practicable with a stock proof fence by or on behalf of the responsible public land manager:
 - the area of land comprising Crown Allotment 18B, Section A on Parish Plan 3378 within the Shire of Campaspe occurring immediately south of freehold allotment 11B, Section 6 on Parish Plan 2733, which does not extend east or west of this freehold allotment and is bounded by the water channel.
14. Exploration or mining, extraction or production of gas, petroleum, mineral, stone, and other substances is prohibited in Ghow Swamp Aboriginal Place.
15. **None of the specified prohibitions and restrictions apply to:**
 - a) activities undertaken by or on behalf of the responsible public land manager to the extent reasonably necessary for; heritage protection and management, fire prevention, water quality monitoring, water operations and management within the footprint of the various water infrastructure described in paragraphs 1-2 above, erosion control, weed and pest control (including removal of non-native vegetation), native plant re-generation/vegetation, land management and public safety. However, these works must comply with the requirements of the *Aboriginal Heritage Act 2006*, be undertaken with reference to the *Ghow Swamp Cultural Landscape Conservation Management Plan September 2019* and in consultation with the Registered Aboriginal Party(ies);
 - b) heritage protection and management activities undertaken by or on behalf of the relevant Registered Aboriginal Party(ies) and/or a public sector employee(s) whose duties involve the administration of the *Aboriginal Heritage Act 2006*.
 - c) a Traditional Owner(s) acting in accordance with Aboriginal tradition as it relates to Aboriginal cultural heritage and the Aboriginal place; and
 - d) activities undertaken in accordance with a cultural heritage permit granted under the *Aboriginal Heritage Act 2006*.

Note:

The protective measures apply in addition to any other requirements of the *Aboriginal Heritage Act 2006*.

Signs are to be erected notifying of the making of the declaration, explaining the significance of the area, and setting out the prohibitions and restrictions in the declaration.

Definitions:

Authorised Officer has the same meaning as in the *Impounding of Livestock Act 1994*.

Crown Land means land held by the Crown in right of the State of Victoria but does not include the eastern part of Crown allotment 15G, section C, Parish of Patho on which sheds, part residence, gravel driveway and gardens are located.

Exploration has the same meaning as in the *Mineral Resources (Sustainable Development) Act 1990*.

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Footprint means the area occupied.

Human powered craft are self-propelled vessels such as canoes, kayaks, row boats, surf skis and stand-up paddle boats that are not fitted with an engine that is used for propulsion.

Hunting has the same meaning as in the *Wildlife Act 1975*.

Litter, dangerous litter, and waste has the same meaning as in the *Environmental Protection Act 2017*.

Livestock has the same meaning as in the *Livestock Management Act 2010*.

Mineral has the same meaning as in the *Mineral Resources (Sustainable Development) Act 1990*.

Mining has the same meaning as in the *Mineral Resources (Sustainable Development) Act 1990*.

Native vegetation has the same meaning as in the *Victorian Planning Provisions*.

Occupier has the same meaning as the *Impounding of Livestock Act 1994*.

Owners of livestock has the same meaning as in the *Impounding of Livestock Act 1994*.

Petroleum has the same meaning as in the *Mineral Resources (Sustainable Development) Act 1990*.

Public land manager has the same meaning as in the *Aboriginal Heritage Act 2006*.

Public parking area means an area provided on land by the public land manager for parking of vehicles by members of the public.

Road has the same meaning as in the *Land Conservation (Vehicle Control) Regulations 2013*.

Services include a water channel, pipeline, sewer, wire, cable, electronic communication facility, conduit pipe, tunnel, tube, manhole, antenna, mast, or similar infrastructure, that can be used for the provision or disposal of electricity, gas, water, sewerage, or drainage or for telephonic or electronic communications or similar services.

Stone has the same meaning as in the *Mineral Resources (Sustainable Development) Act 1990*.

Vehicle has the same meaning as in the *Road Safety Act 1986* but does not include a wheelchair; a motorised wheelchair; a pram or stroller; or any other device used for the conveyance of disabled or injured persons.

Vessel has the same meaning as in the *Marine Safety Act 2010*.

Water corporation has the same meaning as in the *Water Act 1989*.

Water channels include a cut, being a passage constructed in the ground to convey water to land.

Works has the same meaning as in the *Aboriginal Heritage Act 2006*.

This ongoing protection declaration takes effect on the date it is published in the Government Gazette.

Signed:

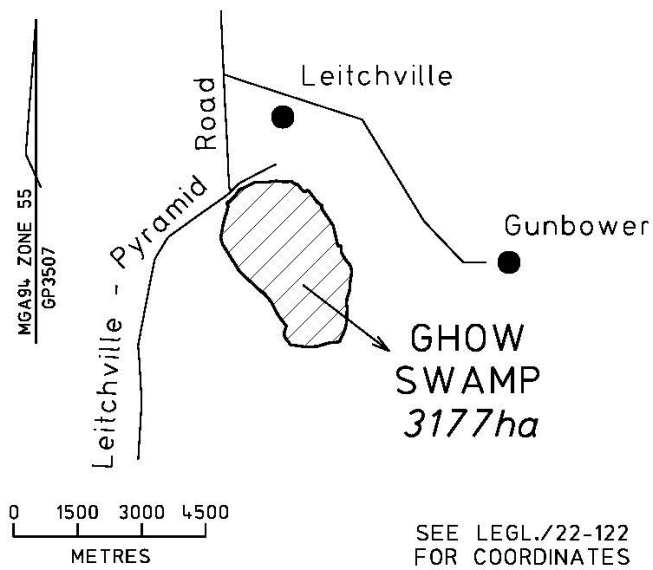

[Gabrielle Williams MP]

Date of issue: 28 / 09 / 2022

** It is an indictable offence under section 108 of the Act to do an act or fail to do an act that contravenes this ongoing protection declaration, where the person knew of the existence of this declaration, or was reckless as to its existence, unless the conduct was necessary because of an emergency.*

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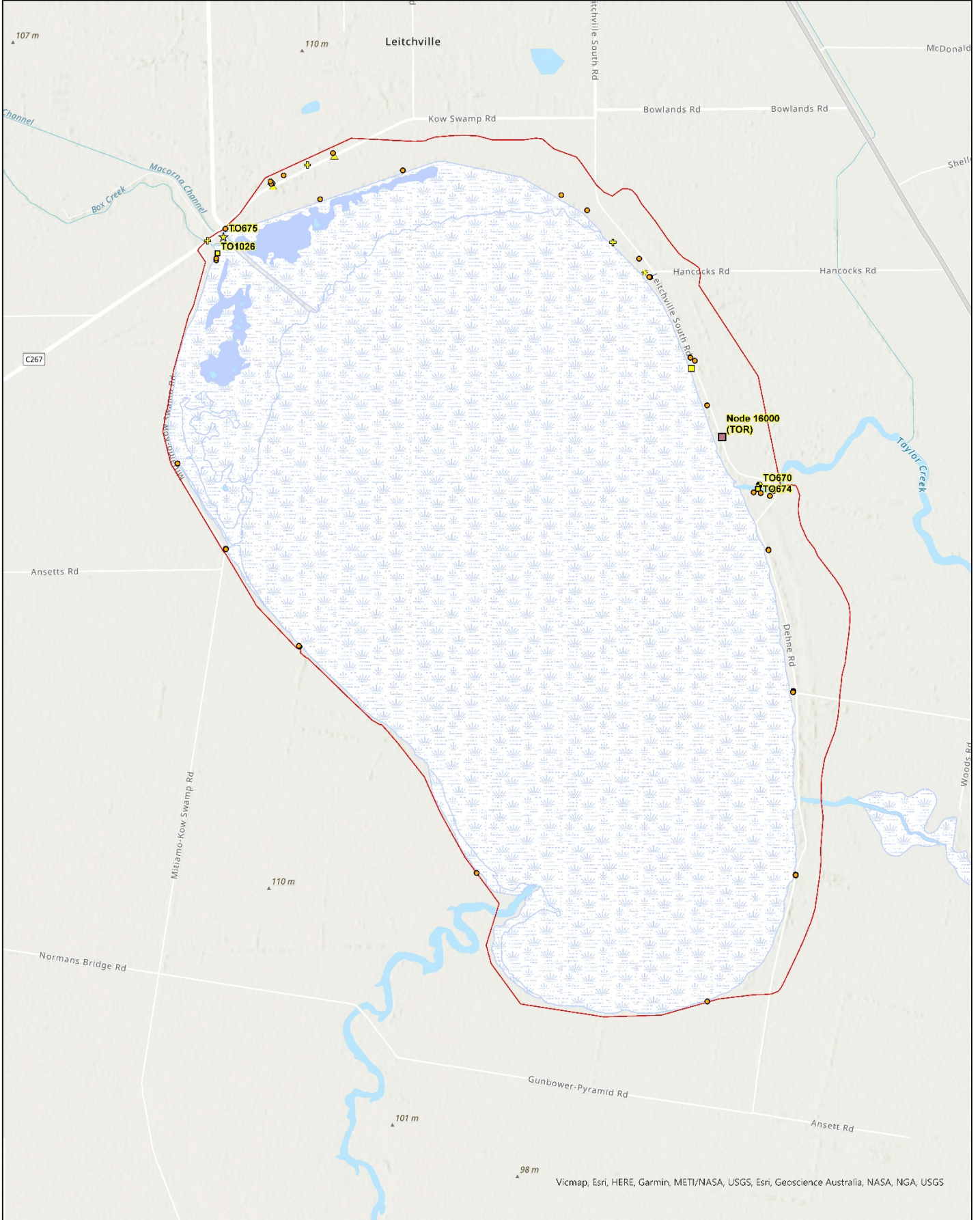
GHOW SWAMP ABORIGINAL PLACE ONGOING PROTECTION DECLARATION		
PARISH OF PATHO COUNTY OF GUNBOWER		
<i>Prepared from:</i> VDP, P152(10), G199(16) AND LEGL./22-122		J. DONELAN 02/06/2022 for CRAIG LESLIE SANDY SURVEYOR-GENERAL VICTORIA
<i>File Ref:</i> GHOW SWAMP	<i>Drawn:</i> MH 1/06/2022	GP 3507

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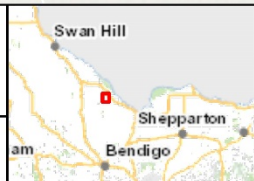
MAP A – GMW Infrastructure, Services and Works










GOULBURN-MURRAY WATER

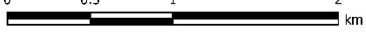


Vicmap, Esri, HERE, Garmin, METI/NASA, USGS, Esri, Geoscience Australia, NASA, NGA, USGS


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 01 July 2022
 GOULBURN-MURRAY WATER
 40 CASEY STREET (PO BOX 165)
 TATURA VIC 3616
 GISSupport@gmwwater.com.au

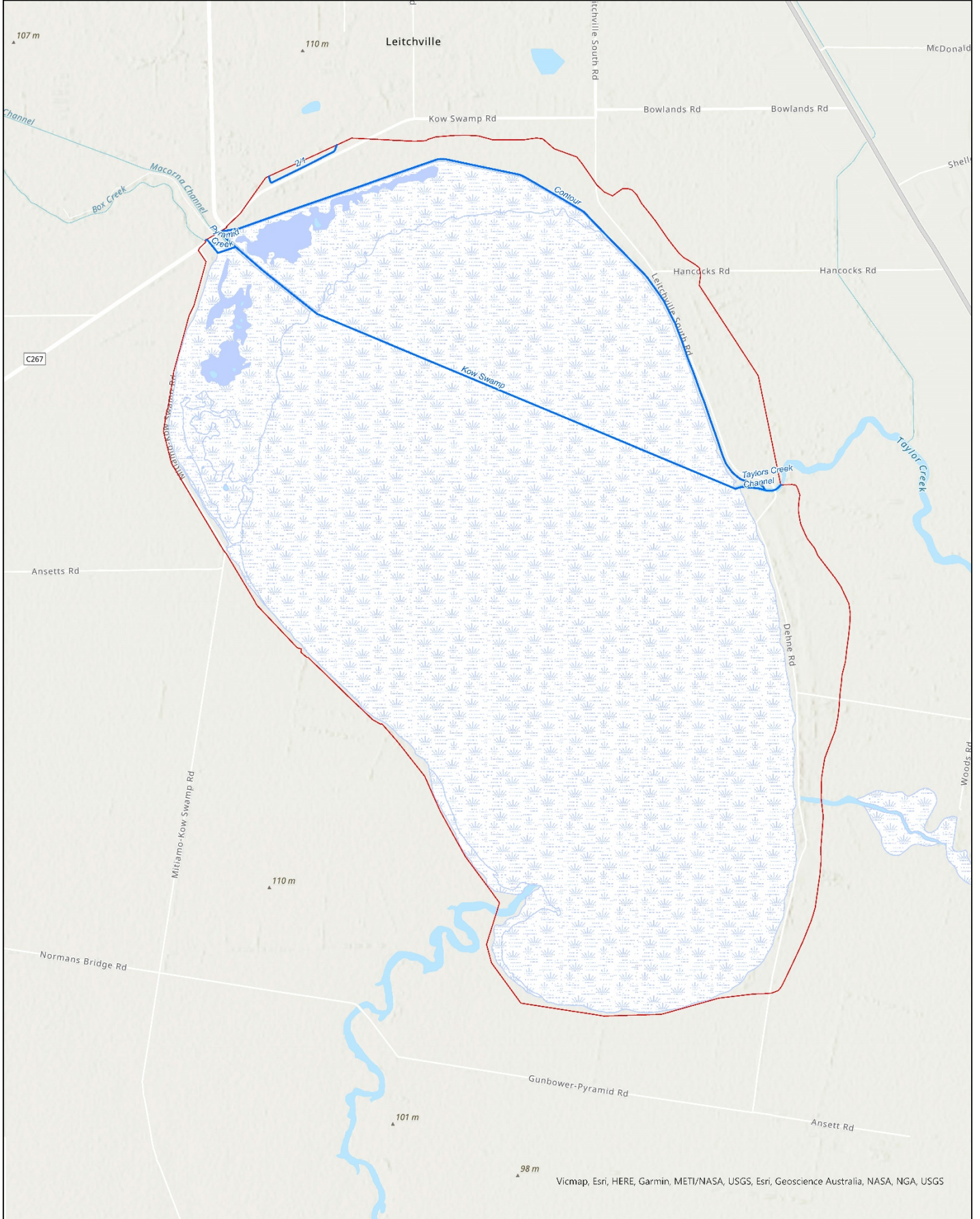


-  Berm Drain Inlet
-  Drainage Inlet
-  Footbridge
-  Offtake
-  Regulator
-  Regulator Combine
-  SCADA Radio Tower
-  G-MW Meter Outlets
-  Ghow Swamp Aboriginal Place Extent

SCALE AT A3 1:30,000

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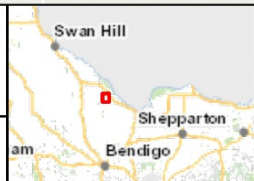
MAP B – GMW Water Channels

GOULBURN-MURRAY WATER

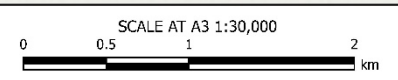


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- Ghow Swamp Aboriginal Place Extent
- Channel

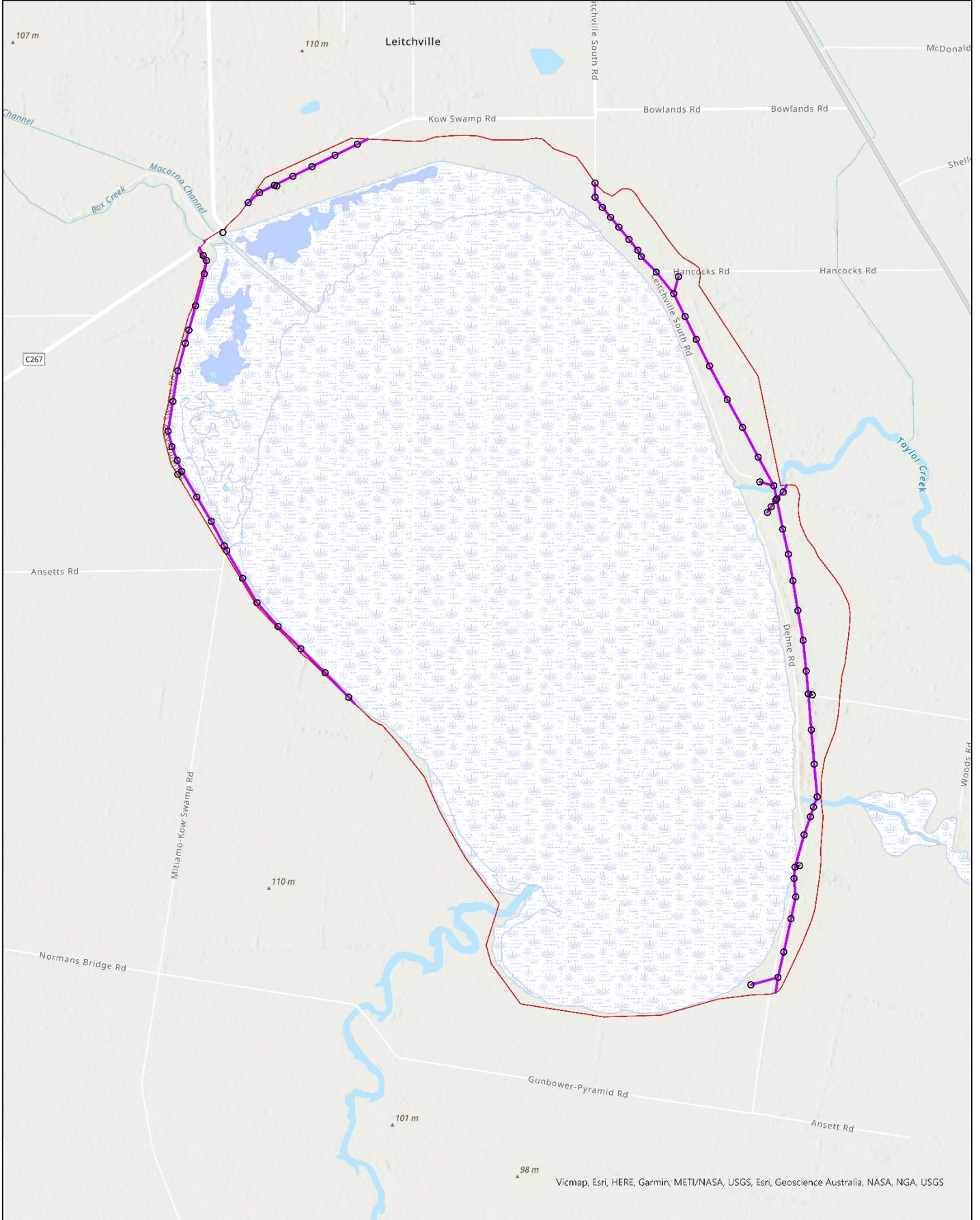


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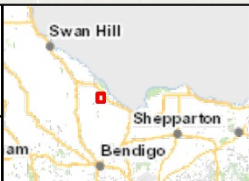
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MAP C – Transmission Lines and Services

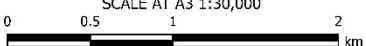
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- Ghow Swamp Aboriginal Place Extent
- Power Pole
- Powercor Transmission Line

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