

Dyurrite Cultural Landscape

Decision Framework: principles and process

The Decision Framework (adopted by Parks Victoria, June 2021)

Parks Victoria and Barengi Gadjin Land Council are working together to undertake a project in 2020-21 to assess and evaluate defined rock climbing areas in Mount Arapiles-Tooan State Park. The assessment of cultural and natural values within these areas will provide an evidence base to inform decisions regarding future climbing opportunities. This document establishes the framework for how these decisions will be made.

A proposed long-term management approach for future climbing access is to be supported by this decision framework (the framework), and it is to be applied consistently to all identified rock climbing areas within Dyurrite.

All identified rock climbing areas are to be evaluated and the proposed outcomes for rock climbing in these areas are to be classified through the framework of 'designated climbing areas' (see below).

The framework provides a systematic and evidence-based process for making management decisions in the Dyurrite Cultural Landscape. It comprises the following components:

- The Designated Climbing Area approach supported by a work flow process for decision making.
- Overarching principles to guide the broad outcomes of determinations.
- Management-level principles to guide specific determinations for each defined climbing area.
- Consideration of management approaches and mitigation options
- Consideration of standard conditions for rock climbing
- Implementation of immediate protection measures
- Key definitions of harm to Aboriginal cultural heritage
- Key definitions of rock climbing segments
- Assessment and Determinations database to document all relevant evidence and decision making.

The Designated Climbing Area Approach

The future regulation of rock climbing is proposed to be based on an approach of 'designated climbing areas'. Climbing would be prohibited across the park except within Designated Climbing Areas in accordance with specified conditions. The approach is consistent with the overarching and management principles and provides a precautionary regime based on the evidence of values and risk. The categories below define the proposed outcomes for rock climbing activity in the park and **Figure 1** defines the decision-making workflow used to determine these outcomes.

Designated Climbing Areas

Areas where there are no known risks to tangible Aboriginal cultural heritage or significant environmental values, or where management measures have been completed to mitigate risks or deemed unnecessary.

Some of these areas may also be used by Licensed Tour Operators. The Designated Climbing Areas are depicted in green on Maps. Bouldering and bouldering mats are to be prohibited in these areas unless specified as 'bouldering permitted' locations (yet to be determined).

Designated Climbing Areas (subject to completion of management actions)

Areas where there are known risks to tangible Aboriginal cultural heritage or significant environmental values, and where management measures have yet to be completed to mitigate risks.

Climbing will not be permitted in an area until management actions are implemented, and the area has subsequently been classified as a **Designated Climbing Area**.

Designated Climbing Areas (LTO & Organised Groups Only)

Climbing areas where use is limited exclusively to Licensed Tour Operators and organised groups (such as clubs and organisations) who have the capacity to comply with additional administrative and supervisory requirements.

There is known risk to Aboriginal cultural heritage and management measures have been completed to mitigate those risks in accordance with a permit under the *Aboriginal Heritage Act 2006*. Rock climbing in these areas will be permitted subject to specific conditions of the LTO Licence and permit issued under the Aboriginal Heritage Act. It is anticipated that only LTOs and other organisations, such as clubs, will be able to comply with this condition and that individual climbers will not be able to comply with these requirements. Designated Climbing Areas are depicted in Blue on Maps.

Climbing Not Permitted

Areas where rock climbing (including bouldering) is excluded due to significant cultural and/or significant environmental values.

In these areas Aboriginal cultural heritage is known or has been re-discovered, or significant environmental values exist, such as threatened flora sensitive to climbing impacts, for which the risk of direct climbing impact cannot be adequately managed or mitigated. Climbing cannot be permitted as the risk is too great. These areas are depicted in red on Maps.

Possible Climbing Areas (Unassessed/Under Review)

Areas that are yet to be assessed or where the outcomes of evaluations are yet to be determined.

Rock climbing (including bouldering) will not be permitted in these areas on an interim basis but may be allowed in the future subject to the outcomes of assessments. Management measures to protect values are being considered, to determine if climbing (and/or bouldering) is appropriate. If appropriate, climbing will be permitted in the future following the completion of management measures. On determination, these areas will be allocated to either the Climbing Not Permitted or Designated Climbing Area categories. The areas are depicted in orange on Maps.

Decision workflow

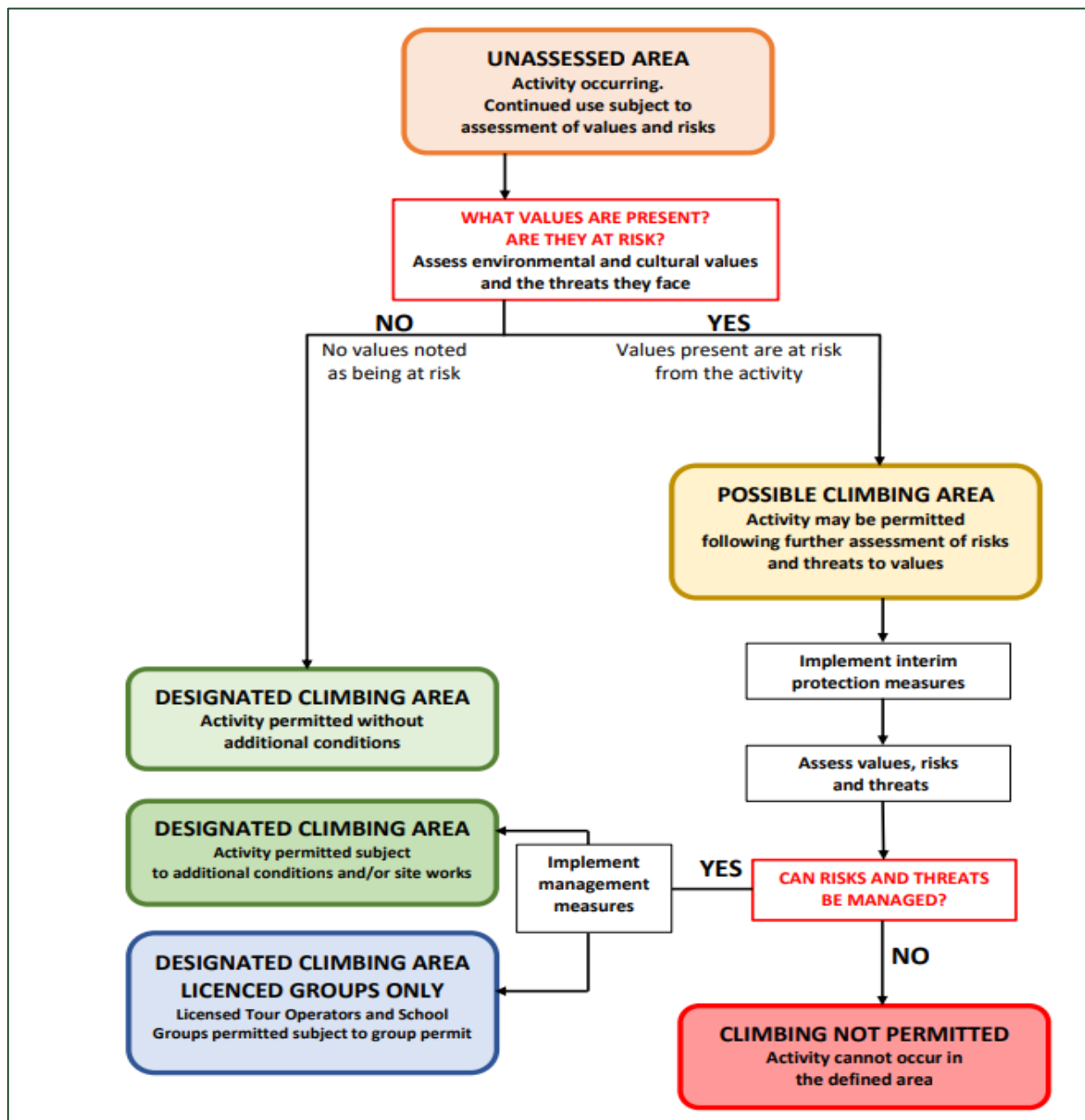


Figure 1: Decision process for climbing areas

Overarching principles to guide decision making

These overarching principles are provided to ensure decision outcomes are consistent with Traditional Owners responsibilities to care for Country and Parks Victoria's accountabilities as the land manager:

1. The area subject to this Decision Guideline is conceptualised, understood and respected as an Aboriginal Cultural Landscape.
2. The Dyurrite Cultural Landscape is a significant place for Traditional Owners with a very high density of cultural heritage values. All Aboriginal cultural values are significant and protected by legislation. Damage to physical sites also impacts their intangible values.
3. Future management of the cultural landscape is aimed at preventing further harm to cultural values by avoiding, minimising or mitigating risks.
4. Future management of the cultural landscape should not result in the displacement of cultural practices or prevention of opportunities for Traditional Owners to connect to Country.
5. All **public access and use rights** in the Dyurrite Cultural Landscape should be understood as temporary, and that changes to these in future is a possibility.

Management principles to guide decision making

These management principles are provided to ensure decisions and outcomes demonstrate consistent, transparent, peer-reviewed, evidence-based, well-documented, and precautionary decision-making.

1. Evidence-based decision making – rock climbing will only be supported in any given area if:
 - a. there is sufficient information available about the area's values¹; and
 - b. this information has been considered through this framework and agreed with Traditional Owners.
2. A designated area² for rock climbing can only be established where:
 - a. it is already acknowledged and documented to be an area where climbing has been undertaken in the past; and
 - b. there are no known Aboriginal cultural values present; or
 - c. there are Aboriginal cultural values present but there is demonstrated capability to appropriately and effectively avoid or mitigate the risk of harm to values. Where this is the case, it is necessary to obtain:
 - i. informed consent from Traditional Owners (which may include site visits)

¹ Aboriginal cultural values are derived from the extent, nature and significance of:

- tangible Aboriginal material culture; and
- intangible cultural heritage including stories, the beliefs and experiences of Traditional Owners and their position within the broader cultural landscape, and cultural knowledge of the landscape from ecological, chemical and cosmological perspectives.

Significant environmental values include rare or threatened flora and fauna species and communities.

² There needs to be some flexibility about the appropriate scales to use for determining areas for climbing and protection. In some circumstances, this may be:

- a single climbing route which may intersect with significant or complex values
- a climbing area as identified or codified by climbers; or
- a group of climbs or climbing areas that sit together in a distinctive part of the cultural landscape.

- ii. statutory authorisations as required, including all conditions and contingencies.
- d. there are significant environmental values present but the risk of direct climbing impact is low, or where the risk of impact may be adequately managed or mitigated.
- 3. Recreational activities, including rock climbing, will not be permitted near rock shelters, rock art sites or other tangible Aboriginal cultural heritage such as quarries and manufacturing sites. These areas will be managed for preservation.
- 4. Recreational activities, including rock climbing, will not be permitted near places considered by Traditional Owners to hold significant intangible values, which could be subject to visible or audible impacts from rock climbing activities. These areas will be managed for preservation.
- 5. Where it is determined that areas will be managed for the preservation of environmental and/or cultural values, then rock climbing will be prohibited in those areas. In some circumstance other activities, including all public access, may also be prohibited where this aligns with significant risk of harm. The boundaries³ for these areas will be established based on objectives to:
 - i. reflect and protect the nature and extent of Aboriginal places as defined in the *Aboriginal Heritage Act 2006*
 - ii. include an area of land sufficient to obscure the precise location of values
 - iii. remove the risks/ threats to values as far as possible; and
 - iv. enable the land manager to implement appropriate protections.
- 6. There will be no further growth in rock climbing – only defined climbing areas currently known and documented at the time of commencement of current assessments (October 2020) will be considered in decision-making processes. Climbing areas established after this time will be considered invalid and will not be supported. This management principle acknowledges the coexistence of historic rock-climbing use where appropriate and that the residual opportunities for climbing is adequate. The management principle also recognises that the expansion of the aggregated footprint of the activity may undermine the integrity of the cultural landscape, its tangible and intangible values, including cultural displacement of Traditional Owner practices. Pioneering of new climbing areas is also perceived by Traditional Owners as a continuing act of colonisation of the landscape. Areas where there is no demonstrated history that rock climbing has previously occurred, will therefore remain for preservation and will not be subject to assessment.
- 7. Decisions about access and use of places must consider standard options for management approaches outlined below.
- 8. Where the risk of harm to values is determined is too great or is unable to be managed, the area will be designated as Climbing Not Permitted.

³ The existing climbing area polygons (Sourced from Mentz, S. & Tempest, G 2016 *Arapiles selected climbs*, Open Spaces Publishing, Natimuk) currently represent the most practical boundaries for achieving these objectives as they comprise the best available data and were the units used for recent systematic values assessments. Their use as proxy settings will also significantly reduce the size of buffer zones that were adopted for the 2019 Special Protection Areas. It is expected that in future, the management units will be re-configured to better align with Aboriginal cultural values, places and landscape features in line with Traditional Owner expectations.

9. Within Designated Climbing Areas, exclusion zones may be utilized around cultural sites and environmental values for their protection. Rock Climbing will be prohibited in such exclusion zones.
10. Bouldering may be permitted at a limited number of sites within Designated Climbing Areas subject to evaluation.
11. Designated Climbing Areas that require management actions to mitigate the risks of harm to values will not be accessible until the agreed management actions have been completed and are compliant with relevant legislation and regulations. These may include the formalisation or de-commissioning of informal access tracks, installation of new access tracks and/or other protective infrastructure, signage and interpretation etc.
12. Where the land manager does not have the resources to actively manage a site or implement agreed mitigation measures where values are present, the site will be closed to rock climbing until such time that these management actions can be implemented. Resources will be actively sought to support implementation.
13. Where relevant new information about values becomes available, previous management decisions will be reviewed in consultation with Traditional Owners. This may result in changes to designation of areas for rock climbing.
14. Seasonal rotations based on management capacity and landscape impact/recovery and ability to undertake cultural practices will be considered in the decision making process and implemented, if appropriate.

Standard options for management approaches

Consideration of possible management approaches and mitigation measures

Standard options for management approaches and mitigation measures to avoid, minimise or mitigate impact to values are summarised below. The consideration of these options will inform determinations for defined rock climbing areas where cultural and/or significant environmental values are present. The appropriateness, feasibility and effectiveness of these will be evaluated at a location specific level. Agreed options will be identified as a prerequisite for climbing.

In partnership with Traditional Owners, the land manager will implement agreed management and mitigation measures to avoid and minimise risk of harm for designated climbing areas (and defined access tracks) in accordance with the **Assessment and Determination Report** and subject to available resources. Possible management and mitigation measures may include:

- demarcation of exclusion areas (horizontal and vertical)
- installation of appropriate signage to support visitor experience and enforcement
- new infrastructure such as fencing, barriers, boardwalks etc
- revegetation and other environmental works
- Managing authorised access to climbing areas – noting that cultural heritage assessments and authorisations may be required for:
 - sign-marking of informal routes where track formalisation is not required
 - formalising existing informal tracks that have been defined/authorised
 - commissioning of new tracks
 - de-commissioning old redundant tracks
 - maintenance of existing tracks
- works to manage drainage and erosion
- other infrastructure works that may be required to manage visitor impacts at these places.
- capping of sub-surface soil deposits.

Where there is likely to be an unacceptable residual risk of harm to values despite the implementation of these options, climbing may not be supported in parts or all of a defined climbing area. Agreed management approaches and mitigation options to provide critical direction for the operationalising of designated climbing areas, and to help ensure Traditional Owners have confidence that further harm to values will be avoided. The following box represents general management actions and mitigation measures that may be considered to enable rock climbing:

Consideration of possible standard conditions for rock climbing

A range of standard conditions may be considered for the conduct of rock climbing to minimise and mitigate the potential risks of harm to natural and cultural values. The following box represents some of the possible measures to be considered for **all climbers⁴** in the Dyurrite Cultural Landscape. They are consistent with measures outlined within the Draft Greater Gariwerd Landscape Management Plan. The prospect of these standard conditions in managing risks to values will be considered in making determinations for defined rock climbing areas.

All climbers, including Licensed Tour Operators, will be subject to conditions in designated climbing areas. Such conditions may include:

- Climbers may be required to obtain a free Rock Climbing Permit (valid for one year) prior to climbing.
- Permits may be issued following a cultural induction to ensure climbers are aware of and protect cultural and environmental values.
- Access to climbs may only be permitted via formally designated tracks or routes.
- Climbing events and competitions may not be permitted.
- Installation, replacement or removal of fixed protection (bolts) may not be permitted unless authorised by Parks Victoria.
- Restrictions on the use of chalk may be determined
- All exclusion zones that may be defined must be respected and no physical contact with any cultural heritage values is permitted.
- Bouldering and use of bouldering mats may only be permitted in designated bouldering areas

Licensed Tour Operators (LTOs) and organised groups (such as clubs and organisations) may be permitted to access the areas in accordance with Designated Climbing Areas and their license provisions, subject to periodic review. The following additional conditions may be mandated:

- Obtaining a permit under the *Aboriginal Heritage Act 2006*, if required.
- Utilising an agreed booking system.
- Agreeing to a code of conduct for itself and its clients.

Implementation of immediate protection measures (where required) to protect Aboriginal cultural heritage

Under the proposed management approach of designated climbing areas, the setting aside of discrete specific areas to exclude climbing would become redundant. Instead, climbing would be prohibited broadly across the park via set-aside determinations, except within a designated climbing area and in accordance with specified conditions.

Setting-aside specific areas for immediate protection in advance of formal authorisations of a longer-term regime of designated climbing areas may however be urgent, and intermediate statutory mechanisms may be required to formally protect areas in the park considered to be significantly vulnerable to the risk of immediate harm.

Voluntary signage has been used at several locations to encourage visitors to remain away from significant places, and although voluntary compliance has largely been positive, formalization of protections via set-aside determinations may be required in advance of any possible long-term regime change. In some cases where there is significant risk of harm due to broader human impacts it may be determined that all public access (not just rock climbing activity) is to be restricted within a specific area.

Set-asides to protect cultural values (i.e. Rock Climbing Exclusion Areas or All access Prohibited Areas) may be implemented as an immediate measure and intermediate mechanism to formally protect vulnerable areas in circumstances where:

- A. An assessment of cultural heritage has defined the area as vulnerable with a clear and present risk of harm to *Aboriginal Cultural Heritage 2006*; and
- B. The area is defined as an area of Aboriginal cultural heritage registered on the VAHR; and
 - A determination has been made (and endorsed by Parks Victoria and BGLC) that the area is to be designated as 'climbing not permitted' and/or 'all access prohibited';

and that either:

- C. The area is or has been subject to an interim or permanent protection order under the *Aboriginal Cultural Heritage 2006*;

or

- D. A peer review has evaluated the determination and found that the outcome is consistent with the framework.

Definitions of Harm

The key definitions of harm below will be applied in recognising risks to Aboriginal cultural heritage under the framework.

The *Aboriginal Heritage Act 2006* provides the following definition:

***harm**, in relation to Aboriginal cultural heritage, includes damage, deface, desecrate, destroy, disturb, injure or interfere with.*

However, the terms *damage, deface, desecrate, destroy, disturb, injure, or interfere with* are **not defined** in the Act so we rely on their common dictionary definitions. In this context, the definitions of these terms are as follows:

Key terms employed for describing 'Harm'	Common definitions
Damage	Inflict physical harm on (something) so as to impair its value, usefulness, or normal function.
Deface	Spoil the surface or appearance of (something), for example by drawing or writing on it.
Desecrate	Treat (a sacred place or thing) with violent disrespect.
Destroy	End the existence of (something) by damaging or attacking it.
Disturb	Interfere with the normal arrangement or functioning of something.
Injure	Harm or impair [weaken or lessen] (something).
Interfere with	Prevent something from operating or existing in the correct way.

Definitions of rock-climbing segments

Rock climbing is a broad term and covers a range of activities. For the purpose of this plan, Parks Victoria is using the following definitions to describe the sport:

- **Traditional climbing:** Rock climbing based on the adventure of ascending a route. Climbers mainly use natural or temporary protection (devices placed in naturally occurring cracks or pockets in the rock face by the lead climber and removed by the seconder). Traditional climbing routes may include some bolted anchor points.
- **Abseiling:** Descending a rock face or other near-vertical surface using ropes and devices to manage the descent. It is often used by rock climbers to descend after completing a climb but can also be a standalone activity, often as part of an outdoor education program.
- **Sport climbing:** Climbs that are based on usually short, single pitch routes. They are generally considered safer as there is a heavy reliance on fixed protection and lower-off points (permanent anchors at the top of a sport climb).
- **Bouldering:** Rock climbing without a rope or similar fall protection. Usually a short sequence of climbing moves close to the ground (generally at heights less than 4 metres). Boulderers are often protected with a bouldering mat on the ground beneath the climbing area, sometimes with a team of spotters.

The assessment and determinations database

The Assessment and Determinations database is a Parks Victoria information management system. Detailed data tables are being compiled for all known climbing areas in the Dyrurrite Cultural Landscape. This database will document all evidence, decisions, and the decision making rationale for determinations under the Designated Climbing Area Framework.