

# 14. Cultural Heritage

This chapter addresses both Aboriginal Cultural Heritage and Non-Aboriginal (Historical) Cultural Heritage. The assessment for each examined effects on identified cultural heritage places and potential unknown cultural heritage places.

## Aboriginal Cultural Heritage

To assess the impact of the Project on Aboriginal Cultural Heritage places, the following tasks were completed:

- Consultation with the two Registered Aboriginal Parties (RAPs): Wathaurung Aboriginal Corporation and the Martang
- Desktop study
- A Standard Assessment for each RAP area under the provisions of the *Aboriginal Heritage Act 2006*
- Mortuary tree assessment.

The study area contains 30 identified Aboriginal cultural heritage sites. Nineteen of these sites were recorded during a survey for the Project and have been submitted to Aboriginal Affairs Victoria for inclusion on the Victorian Aboriginal Heritage Register (VAHR).

Both Option 1 and Option 2 would directly encounter 11 currently registered Aboriginal cultural heritage places: nine of which are of minor significance (artefact scatter) and two of which are of moderate significance (scarred trees). For both options the places of Aboriginal cultural heritage which would be impacted are predominantly of minor significance, therefore resulting in a low overall impact on Aboriginal Cultural Heritage.

The locality has potential for the preserve of Aboriginal mortuary trees (a significant type of Aboriginal place where human remains and grave goods have been placed within the hollow of a tree trunk or branch). However, no mortuary trees with human remains were found during the mortuary tree assessment and inspections carried out for the Project.

In the unlikely event that human remains are discovered during the construction of the Project, there are strict contingency measures which are required to be met in accordance with Section 18 (2) (b) of the *Aboriginal Heritage Act 2006*.

In accordance with Section 49 of the *Aboriginal Heritage Act 2006* a Cultural Heritage Management Plan (CHMP) is required for the Project in each of the two RAP areas which would be affected by the Project. The CHMPs would include management recommendations which detail the approach to managing potential impacts on Aboriginal cultural heritage sites.

## Historical Cultural Heritage

Within or adjacent to the study area there are five registered historical sites. Following inspection of existing registered sites, archival research and community consultation, nine previously unregistered sites were submitted to Heritage Victoria for listing on the Heritage Inventory (HI) under the *Heritage Act 1995* and three previously unregistered sites were recommended for submission to the Rural City of Ararat for consideration of inclusion in the Heritage Overlay in the Ararat Planning Scheme.

Of the registered and identified historical sites, the two alignment options provide similar impacts. Both options would require the relocation of the Major Mitchell Cairn, which is considered to be of local historic significance. Option 2 would encounter an additional two historic sites: Peacocks Road House ruins (local historic significance) and the former Colvinsby School site (local historic significance). It is noted that these two sites have been submitted to Heritage Victoria for inclusion in the Heritage Inventory as a result of the Project. Both options would result in an overall low impact to historical cultural heritage due to the small number of locally significant sites requiring removal or relocation.

An Environmental Management Plan (EMP) would be prepared which would include contingency measures that manage the unexpected discovery of previously unregistered and assessed historical cultural heritage sites and features.

## 14.1 Introduction

This chapter has a different structure to other specialist impact assessment chapters in order to provide clarity and continuity of impacts between Aboriginal and historical cultural heritage. For this reason, the chapter has been divided into two primary sections, one for Aboriginal cultural heritage and one for Historical cultural heritage. However, within each of the two primary sections, the structure is the same as in other chapters (ie. EES objectives, study area, methodology etc).

## 14.2 Aboriginal Cultural Heritage EES Objectives

The EES objective relevant to Aboriginal cultural heritage is:

- 'To protect Aboriginal and non-Aboriginal cultural heritage'

This section describes the Aboriginal cultural heritage values of the project area, the potential impacts from the Project on these values, and the management measures proposed to be implemented to minimise these impacts. More specifically, this

section provides the following information in relation to Aboriginal cultural heritage, as required by the EES Scoping Requirements:

- Provides relevant information on pre-contact and contemporary activities in the project area by Aboriginal people.
- Documents consultation undertaken to gain the knowledge and views of local Aboriginal communities, including traditional owners and relevant Registered Aboriginal Parties (RAPs).
- Describes field investigations undertaken to locate Aboriginal cultural heritage sites within the Project area, and provides the rationale for the nature of investigations.
- Identifies cultural heritage sites located prior to or during the EES process and characterises both the scientific and cultural significance of each site. The investigation was undertaken in consultation with Aboriginal Affairs Victoria (AAV), traditional owners and RAPs and in accordance with relevant legislation, in particular the *Aboriginal Heritage Act 2006*.
- Discusses the potential for unknown sites in the area, highlighting any areas of cultural heritage sensitivity.
- Identifies and assesses potential effects of the Project on known significant sites and potential unknown sites.
- Identifies proposed measures to avoid, mitigate or manage potential effects on known and unknown sites of cultural significance.
- Assesses likely residual effects of the Project on Aboriginal cultural heritage and values in the project area.

### 14.3 Aboriginal Cultural Heritage Study Area

The physical footprint of the study area extends 200m beyond the alignment options that are furthest from the existing Western Highway (refer to Figure 14-1).

## 14.4 Aboriginal Cultural Heritage Methodology

### 14.4.1 Desktop Assessment

A desktop assessment was undertaken by Andrew Long and Associates Pty Ltd for Aboriginal Cultural Heritage. The purpose of the desktop assessment was:

- To determine the level of prior cultural heritage assessment (for example the 2008 Noble et. al. report 'Western Highway Duplication: Burrumbeet to Stawell, Cultural Heritage Due Diligence').
- To determine the presence of registered Aboriginal and historical heritage places within the study area and the surrounding region.
- To determine the environmental context of the study area with regard to landform.

The desktop investigations included a search of all known Indigenous heritage reports as identified on the Victorian Aboriginal Heritage Register (VAHR) in 18th May 2011.

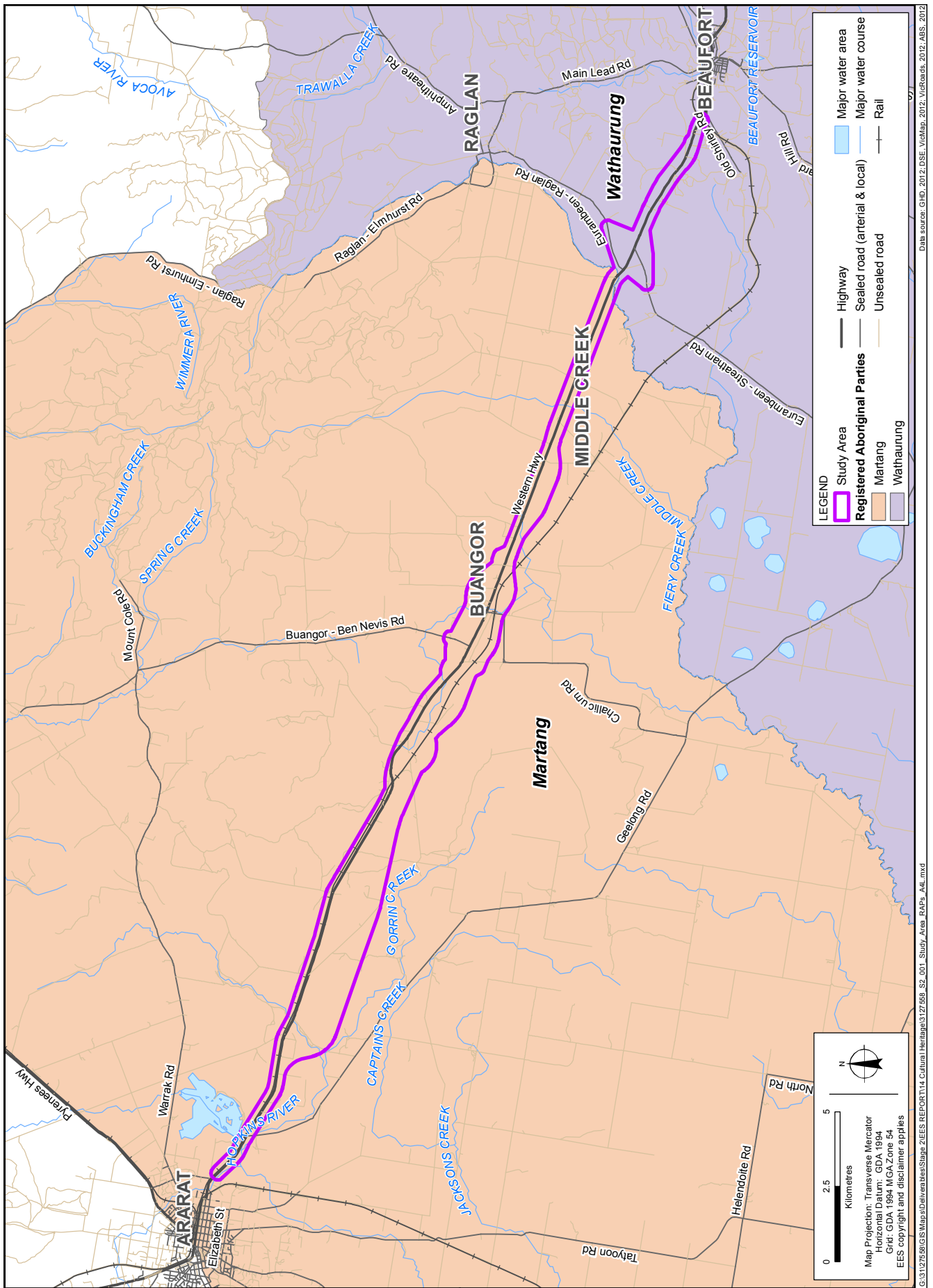
### 14.4.2 Consultation

As part of the assessment process, consultation was undertaken with the two Registered Aboriginal Party's (RAPs) within the study area. These RAPs are:

- Wathaurung Aboriginal Corporation; and
- Martang Pty Ltd.

See Figure 14-1 for a boundary of the areas of responsibility of the two RAPs.





**Figure 14-1 Registered Aboriginal Parties (RAPs) in the study area**



### 14.4.3 Standard Assessments

In January 2012, Australian Cultural Heritage Management (ACHM) undertook Standard Assessments, as defined in the *Aboriginal Heritage Regulations 2007*, within the Wathaurung and Martang areas:

- Standard Assessment 11813: Beaufort to Fiery Creek
- Standard Assessment 11812: Fiery Creek to Ararat

The Standard Assessments included a non-intrusive surface survey across the study area for the presence of archaeological sites and areas of cultural heritage sensitivity. It is noted the relevant RAPs and AAV supervised the fieldwork.

The Standard Assessments are included in Technical Appendix K to the EES.

### 14.4.4 Mortuary Tree Assessment

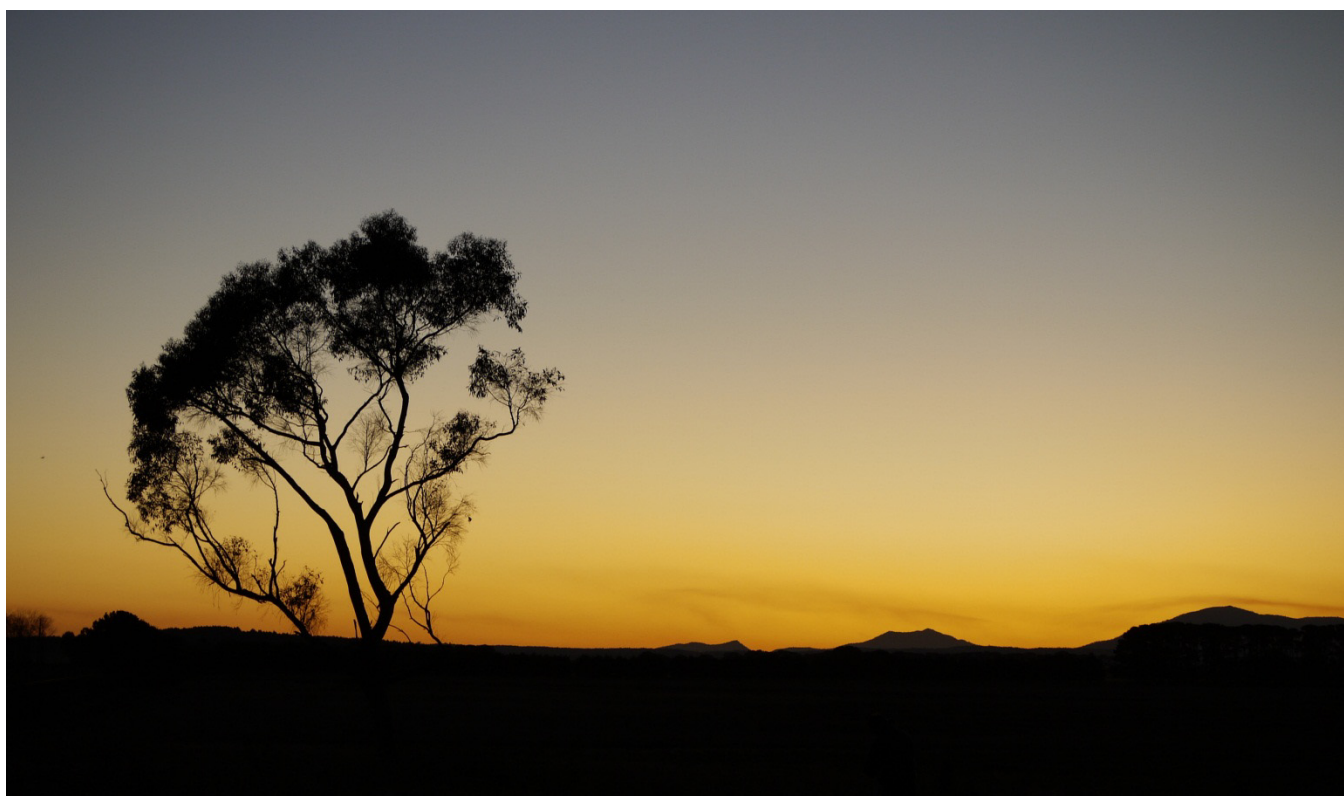
The locality surrounding and encompassing Section 2 (Beaufort to Ararat) has been known for the occurrence of Aboriginal mortuary trees. A mortuary tree is a significant type of Aboriginal place where human remains and grave goods have been placed within a hollow tree trunk or branch.

As part of the cultural heritage assessment a separate mortuary trees assessment was also undertaken by ACHM. The assessment involved a desktop study to determine and record all hollow bearing trees of an appropriate age, which could potentially contain human remains, followed by a physical inspection.

Three categories were used to classify the potential for each hollow tree to contain burial remains:

- Category 1 – Requires further examination and is considered likely to contain human remains, i.e. hollow opening is large enough and the tree is obviously mature and large in girth.
- Category 2 – Requires further examination, but the likelihood for containing human remains is considered low, i.e. hollow is large enough and is considered to be more than 150 years old, but needs to be confirmed by an arborist.
- Category 3 – Does not require further examination, i.e. hollow is extremely small and contains evidence which indicates that the tree is younger than 150 years in age.

For the trees which required further examination (Category 1 and Category 2 trees), an arborist provided assistance to assess the type of tree and likely age to assist in eliminating some trees from further investigation. The remaining potential mortuary trees were then inspected by the archaeologists and representatives of the relevant RAP. For those hollow-bearing trees which were considered to be of sufficiently mature age and with a hollow located high on the tree's trunk (i.e. unable to be inspected from the ground) a flexible camera was used to look inside the hollow to confirm whether there were human remains or grave goods.



## 14.5 Aboriginal Cultural Heritage Legislation and Policy

The relevant legislation and government policies for Aboriginal cultural heritage for this Project are discussed in Table 14-1.

**Table 14-1 Relevant Aboriginal Heritage legislation and government policies**

Legislation / Policy	Description
State	
<i>Aboriginal Heritage Act 2006</i>	<p>The <i>Aboriginal Heritage Act 2006</i> forms the framework within which Aboriginal heritage assessment is undertaken in Victoria.</p> <p>The Act provides for the protection and management of Victoria's Aboriginal heritage with processes linked to the Victorian planning system. Cultural Heritage Management Plans (CHMPs) and Cultural Heritage Permits are processes to manage activities that may harm Aboriginal cultural heritage.</p> <p>The Act recognises Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage. RAPs are the organisations of Aboriginal people in the management and protection of Aboriginal cultural heritage. RAPs have responsibilities relating to the management of Aboriginal cultural heritage under the Act.</p>
<i>Heritage Act 1995</i>	<p>The purpose of the <i>Heritage Act 1995</i> is to "provide for the protection and conservation of places and objects of cultural heritage significance and the registration of such places and objects" (s.1). There are two levels of protection for cultural heritage places:</p> <ul style="list-style-type: none"> <li>Victorian Heritage Register: The Victorian Heritage Register lists the State's most significant heritage places and objects. These can be searched on the Victorian Heritage Database.</li> <li>Victorian Heritage Inventory: The Victorian Heritage Inventory, commonly known as the Heritage Inventory (HI), lists all known historical archaeological sites in Victoria. It includes information about sites and artefacts, including a description and assessment of significance.</li> </ul> <p>Under the Act, it is an offence to damage or disturb unregistered archaeological places or objects (s.127) of registered places or objects without consent (s. 129) and the discovery of archaeological places or objects must be reported (s.132).</p> <p>An archaeological object (see relic in the Act) is any archaeological deposit or artefacts which are 50 or more years old (s.3). An archaeological site (or place) under the Act is any area in which archaeological objects are situated (s.3).</p>
<i>Planning and Environment Act 1987</i>	<p><i>In the Planning and Environment Act 1987</i> places of heritage significance are able to be protected under Planning Schemes, according to Objective 15 of State Planning Policy Framework. Places of heritage significance to a locality can be protected by a Heritage Overlay (HO). HOs are contained within Planning Schemes and assist in protecting the heritage of a local government area. HOs include places of local significance as well as places included in the Victorian Heritage Register (VHR). There are two Planning Schemes affecting the Section 2 study area, the Pyrenees Shire Council and Ararat Shire Council.</p>

## 14.6 Aboriginal Cultural Heritage Existing Conditions

According to the *Aboriginal Heritage Regulations 2007*, the study area contains around 349 hectares of Aboriginal cultural heritage sensitivity, predominantly from the intersection with waterways.

The study area contains 30 identified Aboriginal cultural heritage places, see Table 14-2 and Figure 14-2, within or adjacent to the proposed alignment options. There are 18 artefact scatters, 8 scarred trees and 4 earth features. Nineteen of these sites were recorded during a survey and are yet to be included on the VAHR. The significance is determined by the occurrence and extent of the Aboriginal cultural heritage place or feature. For example, a rarely occurring Aboriginal cultural heritage place, such as a burnt mound, is classified to be of major significance, an occasional occurring Aboriginal cultural heritage place is considered to be of moderate significance and a commonly occurring Aboriginal cultural heritage place, such as artefact scatters, are considered to be of minor significance.

The site type 'artefact scatter' on the VAHR also includes single artefacts.

A detailed description of each site is provided in Section 5.2 of Technical Appendix J.



*Green Hill Lake*

**Table 14-2 Aboriginal cultural heritage sites within the study area**

VAHR Number	Site Name	Site Type	Significance
7523-0001	Gorinn 1	Earth feature/mound	Major
7523-0002	Gorinn 2	Earth feature/mound	Major
7523-0003	Gorinn 3	Earth feature/mound	Major
7523-0004	Gorinn 4	Earth feature/mound	Major
7523-0107	LG/St 20	Scarred tree	Moderate
7523-0108	LG/St 22	Scarred tree	Moderate
7523-0109	LG/St 23	Scarred tree	Moderate
7523-00081	LG/ST 29	Scarred tree	Moderate
7523-0141	CO9	Artefact Scatter	Minor
7523-0144	CO12	Artefact Scatter	Minor
7523-0149	CO17	Artefact Scatter	Minor
Recently Submitted	Eurambeen-Streatham Road Eurambeen 1	Artefact scatter	Minor
Recently Submitted	Eurambeen-Streatham Road Eurambeen 2 IA	Artefact scatter	Minor
Recently Submitted	Eurambeen-Streatham Road Eurambeen 4 IA	Artefact scatter	Minor
Recently Submitted	Eurambeen-Streatham Road Eurambeen 5 IA	Artefact scatter	Minor
Recently Submitted	Eurambeen-Streatham Road Eurambeen 6 IA	Artefact scatter	Minor
Recently Submitted	Eurambeen-Streatham Road Eurambeen 7 IA	Artefact scatter	Minor
Recently Submitted	Eurambeen-Streatham Road Eurambeen 8 IA	Artefact scatter	Minor
Recently Submitted	Eurambeen-Streatham Road Eurambeen 9 IA	Artefact scatter	Minor
Recently Submitted	Fiery Creek Eurambeen 1 IA	Artefact scatter	Minor
Recently Submitted	Fiery Creek Eurambeen 2 IA	Artefact scatter	Minor
Recently Submitted	Fiery Creek Eurambeen 4	Artefact scatter	Minor
Recently Submitted	Fiery Creek Eurambeen 5 IA	Artefact scatter	Minor
Recently Submitted	Fiery Creek Eurambeen 6 IA	Artefact scatter	Minor
Recently Submitted	Fiery Creek Eurambeen 7 IA	Artefact scatter	Minor
Recently Submitted	Western Highway 1	Scarred tree	Moderate
Recently Submitted	Western Highway 3	Scarred tree	Moderate
Recently Submitted	Western Highway 4	Scarred tree	Moderate
Recently Submitted	Western Highway 5	Scarred tree	Moderate
Recently Submitted	Western Highway 7	Artefact scatter	Minor
Recently Submitted	Western Highway Eurambeen 2 IA	Artefact scatter	Minor

Note: AAV lists both isolated single artefacts and multiple artefacts as an artefact scatter.

### 14.6.1 Mortuary Trees

There are a total of eight mortuary trees which have been recorded in Victoria, one of which is located within the study area at Gorinn (but not within or immediately adjacent to the construction area). It is believed that the burial at Gorinn occurred post-1835 AD (post European contact) due to the high level of preservation of the remains and associated goods such as basketry and fibre netting preserved.

## 14.7 Aboriginal Cultural Heritage Impact Assessment

To adequately assess the potential impact of the Project on Aboriginal cultural heritage, the following values were considered:

- Impact on registered mortuary trees

- Impact on registered burnt mounds
- Impact on potential mortuary trees
- Impact on potential burnt mounds.

Of the possible 30 Aboriginal cultural heritage places identified in Table 14-2 that are within the study area, 11 may be directly impacted. The potential impacts upon these places have been summarised in Table 14-3 and shown in Figure 14-2 for both Option 1 and Option 2.

In addition Figure 14-2 shows the location of 10 sites which are located 'adjacent' to the construction area, as discussed in Table 14-4. The construction area is defined in Chapter 6.7 (Project Description).

An approved Cultural Heritage Management Plan would be required to manage the risk of the 11 places that could be impacted.



**Table 14-3 Aboriginal Cultural Heritage Impact Assessment**

Option	Aboriginal Cultural Heritage Places Within Construction Footprint	Site Type	Significance of Impact
Common to both Options	Western Highway Eurambeen 2 IA (Ch. 4125)	Artefact Scatter	Minor
	Eurambeen-Streatham Road Eurambeen 5 IA (Ch. 4800)	Artefact Scatter	Minor
	Eurambeen-Streatham Road Eurambeen 7 IA (Ch.4800)	Artefact Scatter	Minor
	Eurambeen-Streatham Road Eurambeen 6 IA (Ch. 4825)	Artefact Scatter	Minor
	Eurambeen-Streatham Road Eurambeen 4 IA (Ch. 4825)	Artefact Scatter	Minor
	Eurambeen-Streatham Road Eurambeen 8 IA (Ch. 5015)	Artefact Scatter	Minor
	Eurambeen-Streatham Road Eurambeen 1 (Ch. 5290)	Artefact Scatter	Minor
	Eurambeen-Streatham Road Eurambeen 2 IA (Ch. 5290)	Artefact Scatter	Minor
	Western Highway 7 (Ch. 33,700)	Artefact Scatter	Minor
	Western Highway 5 (Ch. 16115)	Scarred Tree	Moderate
	Western Highway 3 (Ch. 17455)	Scarred Tree	Moderate

### 14.7.1 Potential Impact on Mortuary Trees

A total of 133 hollow trees were assessed for their potential as mortuary trees by a qualified arborist. 20 trees were considered to require further inspections by archaeologists and representatives of the RAPs (a flexible camera was used to look inside the hollow to confirm whether there were human remains or grave goods). No human remains were recorded within any of the hollows inspected.

There is the potential for human remains to exist within hollows in trees which have since closed over, consequently leaving no sign of the tree potentially being a mortuary tree. If human remains are discovered at any time during the removal of trees within the study area, certain contingencies must strictly be adhered to. These are discussed in more detail in the Mortuary Tree Assessment, Technical Appendix K.

### 14.7.2 Comparison of Options

Both options provide the same results in regards to impacts, with both Option 1 and Option 2 encountering the same eight Aboriginal cultural heritage places of minor significance and two Aboriginal cultural heritage places of moderate significance within the construction area. Overall, both options result in a low impact to Aboriginal Cultural Heritage due to the number and significance of the sites.

## 14.8 Aboriginal Cultural Heritage Risk Assessment

An environmental risk assessment, including an assessment of risk to cultural heritage, was undertaken on the Project options to identify key environmental issues associated with the construction and operation of the Project. The methodology for this risk assessment has been described in Section 4.2 of Chapter 4 (EES Assessment Framework). A risk assessment report that explains the process in detail and contains the

complete risk register has also been included as Technical Appendix Q.

Table 14-4 and Figure 14-2 show a summary for Aboriginal Cultural Heritage in relation to:

- The impact pathways identified; and
- A description of the consequences.



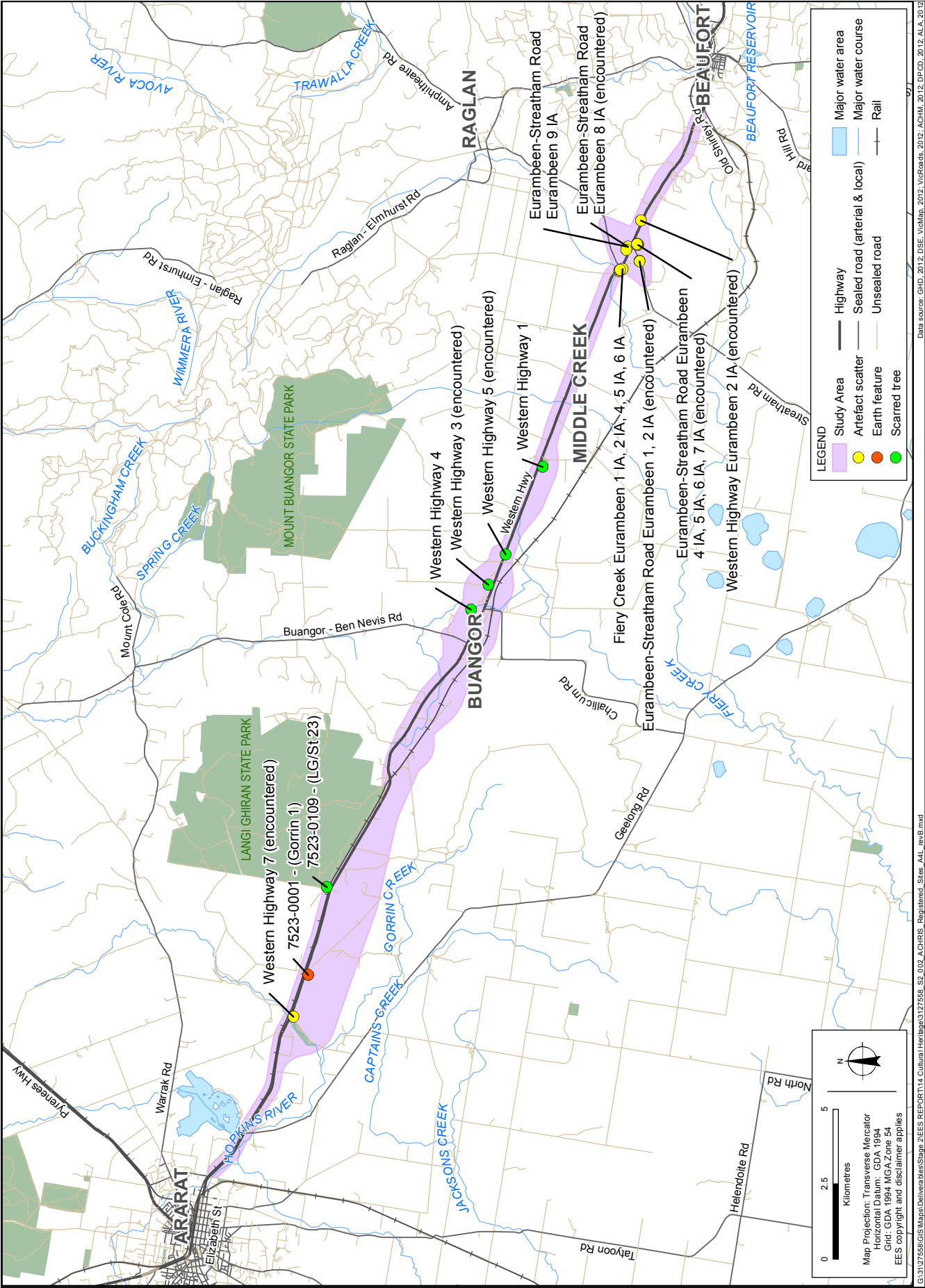


Figure 14-2 Aboriginal Heritage Sites Potentially Impacted by the Project



**Table 14-4 Aboriginal Cultural Heritage Risks**

Risk No.	Impact Pathway	Consequence Description
ACH 1	Construction encounters the following previously identified Aboriginal cultural heritage place: Western Highway Eurambeen 2 IA Ch. 4125 (artefact scatter),	Destruction of common occurrence Aboriginal cultural heritage place.
ACH 2	Construction encounters the following previously identified Aboriginal Heritage Places: <ul style="list-style-type: none"> <li>Eurambeen- Streatham Road Eurambeen 5 IA, Ch. 4800 (artefact scatter)</li> <li>Eurambeen-Streatham Road Eurambeen 7 IA, Ch. 4800 (artefact scatter)</li> </ul>	Destruction of two common occurrence Aboriginal cultural heritage places.
ACH 3	Construction encounters the following previously identified Aboriginal Heritage Places: <ul style="list-style-type: none"> <li>Eurambeen- Streatham Road Eurambeen 6 IA, Ch. 4825 (artefact scatter)</li> <li>Eurambeen-Streatham Road Eurambeen 4 IA, Ch. 4825 (artefact scatter)</li> </ul>	Destruction of two common occurrence Aboriginal cultural heritage places.
ACH 4	Construction encounters the following previously identified Aboriginal cultural heritage places: <ul style="list-style-type: none"> <li>Eurambeen-Streatham Road Eurambeen 8 IA, Ch. 5015 (artefact scatter)</li> </ul>	Destruction of one common occurrence Aboriginal cultural heritage places.
ACH 5	Construction adjacent to the following previously identified Aboriginal Heritage Places: <ul style="list-style-type: none"> <li>Eurambeen-Streatham Road Eurambeen 9 IA, 5120 (artefact scatter)</li> </ul>	Present design places the construction immediately adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy a common occurrence Aboriginal cultural heritage place.
ACH 6	Construction encounters the following previously identified Aboriginal Heritage Places: <ul style="list-style-type: none"> <li>Eurambeen- Streatham Road Eurambeen 1, Ch.5290 (artefact scatter)</li> <li>Eurambeen-Streatham Road Eurambeen 2 IA, Ch.5290 (artefact scatter)</li> </ul>	Destruction of two common occurrence Aboriginal cultural heritage places.
ACH 7	Construction adjacent to (within 40 m) the following previously identified Aboriginal Heritage place: <ul style="list-style-type: none"> <li>Fiery Creek Eurambeen 6 IA. Ch. 5725 (artefact scatter)</li> </ul>	Present design places the construction immediately adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy a common occurrence Aboriginal cultural heritage place.
ACH 8	Construction adjacent to (within 40 m) the following previously identified Aboriginal Heritage place: <ul style="list-style-type: none"> <li>Fiery Creek Eurambeen 5 IA, Ch. 5057 (artefact scatter)</li> </ul>	Present design places the construction adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy a common occurrence Aboriginal cultural heritage place.
ACH 9	Construction immediately adjacent to (within 5 m) the following previously identified Aboriginal Heritage place: <ul style="list-style-type: none"> <li>Fiery Creek Eurambeen 4, Ch. 5790 (artefact scatter)</li> </ul>	Present design places the construction immediately adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy a common occurrence Aboriginal cultural heritage place.
ACH 10	Construction immediately adjacent to (within 5 m) the following previously identified Aboriginal Heritage place: <ul style="list-style-type: none"> <li>Fiery Creek Eurambeen 2 IA, Ch.5800 (artefact scatter)</li> </ul>	Present design places the construction immediately adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy a common occurrence Aboriginal cultural heritage place.
ACH 11	Construction adjacent to (within 20 m) the following previously identified Aboriginal Heritage place: <ul style="list-style-type: none"> <li>Fiery Creek Eurambeen 1 IA, Ch.5860 (artefact scatter)</li> </ul>	Present design places the construction immediately adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy a common occurrence Aboriginal cultural heritage place.
ACH 12	Construction adjacent to (within 50 m) the following previously identified Aboriginal Heritage place: <ul style="list-style-type: none"> <li>Western Highway 1, Ch. 12945 (scarred tree)</li> </ul>	Present design places the construction adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy occasional occurrence Aboriginal cultural heritage place.
ACH 13	Construction encounters the following previously identified Aboriginal cultural heritage place: <ul style="list-style-type: none"> <li>Western Highway 5, Ch. 16115 (scarred tree)</li> </ul>	Destruction of an occasional occurrence Aboriginal cultural heritage place.

Risk No.	Impact Pathway	Consequence Description
ACH 14	Construction encounters the following previously identified Aboriginal cultural heritage place: <ul style="list-style-type: none"> <li>Western Highway 3, Ch. 17455 (scarred tree)</li> </ul>	Destruction of an occasional occurrence Aboriginal cultural heritage place.
ACH 15	Construction immediately adjacent to (within 2 m) the following previously identified Aboriginal Heritage place: <ul style="list-style-type: none"> <li>Western Highway 4, Ch.18400 (scarred tree)</li> </ul>	Present design places the construction immediately adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy an occasional occurrence Aboriginal cultural heritage place.
ACH 16	Construction adjacent to (within 40 m) the following previously identified Aboriginal Heritage place: <ul style="list-style-type: none"> <li>Gorinn 1, Ch. 32115 (burnt mound)</li> </ul>	Present design places the construction adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy a rare occurrence Aboriginal cultural heritage place.
ACH 17	Construction encounters the following previously identified Aboriginal cultural heritage place: <ul style="list-style-type: none"> <li>Western Highway 7, Ch. 33600 (artefact scatter)</li> </ul>	Destruction of a common occurrence Aboriginal cultural heritage place.
ACH 18	Construction adjacent to (within 35 m) the following previously identified Aboriginal Heritage place: <ul style="list-style-type: none"> <li>LG/ST 23, Ch. 29160 (scarred tree)</li> </ul>	Present design places the construction adjacent to this Aboriginal cultural heritage place. Alteration to design could destroy an occasional occurrence Aboriginal cultural heritage place.
ACH 19	Construction encounter previously unregistered and unassessed common occurrence Aboriginal cultural heritage place.	Destruction of a common occurrence Aboriginal cultural heritage place.
ACH 20	Construction encounter previously unregistered and unassessed common occurrence Aboriginal cultural heritage place.	Destruction of an occasional occurrence Aboriginal cultural heritage.
ACH 21	Construction encounters previously unregistered and unassessed rare occurrence (e.g. burnt mounds) Aboriginal cultural heritage place.	Destruction of a rare occurrence (e.g. burnt mounds) Aboriginal cultural heritage.
ACH 22	Construction encounters previously unregistered and unassessed mortuary tree Aboriginal cultural heritage place.	Destruction of a mortuary tree Aboriginal cultural heritage place.

## 14.9 Aboriginal Cultural Heritage Environmental Management Measures

VicRoads has a standard set of environmental management measures which are typically incorporated into their construction contracts for road works and bridge works. These measures have been used as the starting point for the assessment of construction related risks and described in detail in Chapter 21 (Environmental Management

Framework). In some instances, additional Project specific environmental management measures have been recommended to reduce risks.

Management measures specific to each identified Aboriginal Cultural Heritage risk, and the residual risk rating after these environmental management measures have been applied, are outlined in Table 14-5 and Table 14-6. Refer to Table 14-4 for impact pathways and site types.

**Table 14-5 Aboriginal Cultural Heritage Environmental Management Measures and Residual Risk**

Risk No. – refer to Table 14-4	Environmental Management Measures	Residual Rating
ACH 1	Following registration with VAHR approvals must be obtained from relevant authorities prior to impacting the Aboriginal cultural heritage.	Medium
ACH 2	Following registration with VAHR approvals must be obtained from relevant authorities prior to impacting the Aboriginal cultural heritage.	Medium
ACH 3	Following registration with VAHR approvals must be obtained from relevant authorities prior to impacting the Aboriginal cultural heritage.	Medium
ACH 4	Following registration with VAHR approvals must be obtained from relevant authorities prior to impacting the Aboriginal cultural heritage.	Medium
ACH 5	Following registration with VAHR confirm precise place extent in relation to proposed construction.	Low
ACH 6	Following registration with VAHR approvals must be obtained from relevant authorities prior to impacting the two Aboriginal cultural heritage places.	Medium

Risk No. – refer to Table 14-4	Environmental Management Measures	Residual Rating
ACH 7	Following registration with VAHR confirm precise place extent in relation to proposed construction.	Low
ACH 8	Following registration with VAHR confirm precise place extent in relation to proposed construction.	Low
ACH 9	Following registration with VAHR confirm precise place extent in relation to proposed construction.	Low
ACH 10	Following registration with VAHR confirm precise place extent in relation to proposed construction.	Low
ACH 11	Following registration with VAHR confirm precise place extent in relation to proposed construction.	Low
ACH 12	Following registration with VAHR confirm precise place extent in relation to proposed construction.	Medium
ACH 13	Following registration with VAHR approvals must be obtained from relevant authorities prior to impacting the Aboriginal cultural heritage	High
ACH 14	Following registration with VAHR approvals must be obtained from relevant authorities prior to impacting the Aboriginal cultural heritage.	High
ACH 15	Following registration with VAHR confirm precise place extent in relation to proposed construction.	Medium
ACH 16	Determine precise place extent in relation to proposed construction.	Medium
ACH 17	Following registration with VAHR approvals must be obtained from relevant authorities prior to impacting the Aboriginal cultural heritage.	Medium
ACH 18	Determine precise place extent in relation to proposed construction.	Medium
ACH 19	Undertake a Complex Assessment.	Low
ACH 20	Undertake a Complex Assessment.	Medium
ACH 21	Undertake a Complex Assessment.	Medium
ACH 22	Undertake a Complex Assessment.	High

#### 14.9.1 Aboriginal Cultural Heritage Residual Risks

Following implementation of the proposed mitigation measures there are not expected to be any significant detrimental impacts. The overall risk to Aboriginal cultural heritage is medium.

However, it is noted that following the risk assessment completed by Andrew Long and Associates, field work was conducted as part of the Standard Assessment for each RAP area completed

by ACHM, as discussed in Section 14.4.3. The findings of the assessment concluded that there are highly unlikely to be any mortuary trees impacted by the Project. As a result of the Standard Assessment, the residual risk rating shown in Table 14-9 for ACH 22 has been assigned a new rating of medium, as shown in Table 14-6.

**Table 14-6 Amended Residual Rating ACH 22 Following Standard Assessment**

Risk No.	Environmental Management Measures	Residual Rating
ACH 22	Undertake a Complex Assessment	Medium

#### 14.10 Aboriginal Cultural Heritage Conclusion

In regards to Aboriginal cultural heritage places, the two options provide equal outcomes. Option 1 and Option 2 would directly encounter 11 registered Aboriginal cultural heritage places: nine of which are of minor significance (artefact scatter) and two are of moderate significance (scarred trees). Overall, for both options the places of Aboriginal cultural

heritage which would be impacted are predominantly of minor significance, therefore resulting in a low overall impact on Aboriginal Cultural Heritage.

In addition, for the places that may potentially be impacted, an approved CHMP would be required to manage the risk. The CHMP process is outlined in Section 3.2.3 of Chapter 3 (Project Approval Requirements).



### 14.10.1 Potential Mortuary Trees

No human remains were recorded within any of the tree hollows inspected. However, in the event human remains are discovered during construction of the Project and associated removal of a tree,

there are contingency measures in accordance with Section 18 (2) (b) of the *Aboriginal Heritage Act 2006* that are required to be met.



## 14.11 Historical Cultural Heritage EES Objectives

### 14.11.1 EES Objectives

The EES objective relevant to non-Aboriginal (Historical) cultural heritage is:

- *'To protect Aboriginal and non-Aboriginal cultural heritage'*

This section describes the historical cultural heritage values of the project area, the potential impacts from the Project on these values, and the management measures proposed to be implemented to minimise these impacts. More specifically, this section provides the following information in relation to historical cultural heritage, as required by the EES Scoping Requirements:

- Identifies relevant historical information within the vicinity of the project area and provide a thematic history of the area.
- Provides an inventory of non-Aboriginal heritage places of significance in and within the vicinity of the project area.
- Establishes the cultural heritage significance of any known or newly recorded sites in consultation

with Heritage Victoria and the Pyrenees Shire Council and Ararat Rural City Council.

- Identifies and assesses the potential effects of the project on known and recorded sites, including whether the Project will affect the setting and context of heritage places.
- Identifies measures to avoid, mitigate or manage potential effects on known and recorded places of cultural heritage significance.
- Identifies the residual effects of the project on non-Aboriginal heritage and values in or nearby to the project area.

This section is based on a Historical Cultural Heritage Impact Assessment completed by Andrew Long and Associates (ALA) which is included in Technical Appendix I.

## 14.12 Historical Cultural Heritage Study Area

The physical footprint of the study area extends 200m beyond the alignment options that are furthest from the existing Western Highway (refer to Figure 14-3).

### 14.13 Historical Cultural Heritage Methodology

A search of Commonwealth, State and local registers was undertaken to identify any registered heritage sites that exist in the study area. The search included the following registers:

- Commonwealth Heritage List
- National Heritage List
- Victorian Heritage Register
- Heritage Inventory
- Register of the National Estate
- DSE Heritage Sites list
- Planning Schemes Heritage Overlays:
  - Pyrenees Planning Scheme
  - Ararat Planning Scheme

The following tasks were also completed:

- Relevant spatial datasets were applied to the alignment options

- Primary source research, such as review of Parish maps and pastoral run files
- Consultation with relevant local councils and historical societies
- Inspection of previously registered historic places and potential additional historic places.

### 14.14 Historical Cultural Heritage Legislation and Policy

The relevant legislation and government policies for Non-Aboriginal (Historic) Cultural Heritage are discussed in Table 14-7.

**Table 14-7 Relevant Historic Heritage legislation and government policies**

Legislation / Policy	Description
International	
<i>Burra Charter</i>	<p>In 1977 the Australian International Council of Monuments and Sites (ICOMOS) reviewed the Venice Charter adopted in 1964 in relation to Australian practice and in 1979 the Charter for the Conservation of Places of Cultural Significance was adopted at a meeting in the historic mining town of Burra, South Australia. This is now commonly known as the 'Burra Charter'</p> <p>The Burra Charter and its accompanying guidelines define the basic principles, processes and practices upon which statutory assessments of heritage significance in Australia are based. In most cases the wording of the various sets of criteria will differ slightly: for example, the criteria used by the Victorian Heritage Council are worded differently from those used by the Australian Heritage Council. All, however, are based on the same principles and incorporate general criteria such as the following:</p> <ul style="list-style-type: none"> <li>▪ association with special events, developments or phases;</li> <li>▪ rarity due to association with a distinctive way of life, custom, process, land use, function or design no longer practiced;</li> <li>▪ importance for demonstrating principal characteristics of a particular type or class of human activities);</li> <li>▪ aesthetic value to the local community;</li> <li>▪ value for demonstrating a particular technical or creative process; and</li> <li>▪ strong or special association with a particular community or ethnic group for social, cultural or spiritual reasons.</li> </ul> <p>Generally these criteria can be grouped into three main categories: social (I), scientific (II) and historical (III), depending on the nature of a given place or item.</p>
National	
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	<p>Amendments introduced in January 2004 to the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act), introduced a new national cultural heritage management regime. The Regulations defined a suite of Commonwealth Heritage Values / Commonwealth Heritage Management Principles and National Heritage Values / National Heritage Management Principles. The Heritage Values derive from aesthetic, historic, scientific or social significance or other special value for future generations as well as for the present community. The Heritage Management Principles are broad principles which provide a guiding framework for excellence in managing heritage properties, and address aspects of the management of heritage properties including objectives, standards, processes and practices.</p> <p>In addition, the EPBC Act establishes a Commonwealth process for assessment of proposed actions that are likely to have a significant impact on matters of national environmental significance (NES) including: National and World Heritage properties and places.</p>
State	
<i>Heritage Act 1995</i>	<p>The purpose of the <i>Heritage Act 1995</i> is to "provide for the protection and conservation of places and objects of cultural heritage significance and the registration of such places and objects" (s.1). There are two levels of protection for cultural heritage places:</p>

Legislation / Policy	Description
	<ul style="list-style-type: none"> <li>Victorian Heritage Register: The Victorian Heritage Register lists the State's most significant heritage places and objects. These can be searched on the Victorian Heritage Database.</li> <li>Victorian Heritage Inventory: The Victorian Heritage Inventory, commonly known as the Heritage Inventory (HI), lists all known historical archaeological sites in Victoria. It includes information about sites and artefacts, including a description and assessment of significance.</li> </ul> <p>Under the Act, it is an offence to damage or disturb unregistered archaeological places or objects (s.127) of registered places or objects without consent (s. 129) and the discovery of archaeological places or objects must be reported (s.132).</p> <p>An archaeological object (see relic in the Act) is any archaeological deposit or artefacts which are 50 or more years old (s.3). An archaeological site (or place) under the Act is any area in which archaeological objects are situated (s.3).</p>
<i>Planning and Environment Act 1987</i>	In the <i>Planning and Environment Act 1987</i> places of heritage significance are able to be protected under Planning Schemes, according to Objective 15 of State Planning Policy Framework. Places of heritage significance to a locality can be protected by a Heritage Overlay (HO). HOs are contained within Planning Schemes and assist in protecting the heritage of a local government area. HOs include places of local significance as well as places included in the Victorian Heritage Register (VHR). There are two Planning Schemes affecting the Section 2 study area, the Pyrenees Shire Council and Ararat Shire Council.

### 14.15 Historical Cultural Heritage Existing Conditions

There are five registered historical sites within or adjacent to the study area. These sites and their significance, which is based on their registration type, are listed in Table 14-8 and shown on Figure 14-3.

Following inspection of existing registered sites, archival research and community consultation

undertaken for the Project, nine previously unregistered sites were identified as requiring listing on the Heritage Inventory and three previously unregistered sites were recommended by Heritage Victoria for possible inclusion in the Planning Scheme Heritage Overlay (one site just recommended for the Heritage Overlay and two sites for both the Heritage Overlay and Heritage Inventory). These sites are listed in Table 14-9 and also shown in Figure 14-3.

**Table 14-8 Historic Heritage places within or adjacent to the study area**

Registration Type	Registration Number	Place Name	Description	Significance
Victorian Heritage Register/Ararat Planning Scheme HO	HO259/HO115	Former Cobb and Co Staging Stables – Buangor.	Bluestone stables and remnant gateway	State
Ararat Planning Scheme	HO71	The Hill - 122 Green Hill Drive, Ararat.	Whole property, including 19thC mayoral residence, outbuildings, formal gardens and winery cellar	Local
Register of the National Estate		Primary School #2072 – Buangor.	19th C weatherboard and brick structure	Local
		Railway Station Buangor - near the intersection of the railway line and Chalicum Road.	Early 20th C weatherboard structure and platform	Local
DSE local listing		Major Mitchell Cairn - east of Buangor.	1930s cairn marking a stop on Major Mitchells route throughout the area	Local



**Table 14-9 Previously unregistered sites within or adjacent to the study area**

Registration Type	Registration Number	Place/Site Name	Description	Significance
Recommended for inclusion in HO		Woodnaggerak Homestead	This property includes the homestead and the farm lands. Located on the Western Highway around Fiery Creek and Middle Creek.	Local
Heritage Inventory	H7523-0085	Former Fay's Hotel	Fay's Hotel comprises a series of insitu concrete and redbrick footings and slabs located within a clearing in an extensive area of exotic vegetation. Two wooden out buildings were also present to the north and west of the main area as well as a number of fence posts delineating up to three separate areas around the former structure. Site is known to local residents as 'Fay's' .	Local
Heritage Inventory	H7523-0086	Former Dobie Hall/School	The hall/school is one of three archaeological sites in the former township of Dobie (including Dobie House Ruins and Dobie Railway Station) which together constitute a physical, representative sample of past public, educational, private and economic life in Dobie.	Local
Heritage Inventory	H7523-0087	Peacock's Road House Ruins	At the western end of the alignment is a swampy, low lying, mid-section comprising a sugar gum plantation. At the eastern end is a house site comprising large scatter of redbrick granite and bluestone, concrete slabs, exotic vegetation.	Local
Heritage Inventory	H7523-0088	Former Prince of Wales Hotel Site	Site comprises four extant historical structures; 1860's shed/barn (stone), 1860's house (weatherboard/shingle), 1900's house (redbrick), 1920's house (redbrick), two significant trees and the location of the former Prince of Wales Hotel at Middle Creek. The property is still lived on and maintained by a direct descendant of the original European settler.	Local
Heritage Inventory	H7523-0089	Aherns Road Cistern	Site comprises a red brick cistern surrounded by an extensive scatter of red brick and building material spread over an area of 150m x 95m in a grazed paddock, north of the Western Highway.	Local
Heritage Inventory	H7523-0090	Former Colvinsby School	Physical remains comprise elongated mounds which are likely those of a small two roomed structure. Artefactual material identified in and around the mounds is domestic function including; glass, ceramic and metal. A small ceramic plate, possibly from a toy tea set was identified in the artefact scatter and is potentially indicative of past activities involving children at the site.	Local
Heritage Inventory and recommended for inclusion in HO	H7523-0091	Dobie House Ruins	Site comprises a series of low stone and redbrick walls, concrete pits , slabs, a concrete and red brick cistern set within an area of exotic vegetation including fruit trees located north of the Western Highway, south of the railway line and west of the Gorrin Cattle Yard Road. Walls are in situ with low, elongated mounds likely representing additional wall remnants. A series of fence posts mark the likely edge of the original house area.	Local
Heritage Inventory and recommended for inclusion in HO	H7523-0092	Former Dobie Railway Station	The physical remains at Dobie Railway station represent a tangible, link to an example of a small, rural railway siding that provide transportation of goods and people for more than 60 years, in what is now, an almost extinct community. The station is one of three archaeological sites in the township of Dobie (including Dobie House Ruins and Dobie Hall/School) which together constitute a physical, representative sample of past public, educational, private and economic life in Dobie.	Local

Registration Type	Registration Number	Place/Site Name	Description	Significance
Heritage Inventory	H7523-0093	Former Middle Creek School Site	Significant railway siding existed here, comprising of a railway station and two railway houses.	Local

## 14.16 Historical Cultural Heritage Impact Assessment

To adequately assess the potential impact of the Project on historical cultural heritage, the following values were considered:

- Impact on registered historic places
- Impact on potential historic places

The historic sites which are directly impacted by the Project for both Option 1 and Option 2 are presented in Table 14-10 and shown in Figure 14-3. Figure 14-3 also shows the historic sites within the study area which would be immediately adjacent to the construction area. The construction area is defined in Chapter 6.7 (Project Description). It is noted that

there are five sites immediately adjacent to the construction area:

- Woodnaggerak Homestead
- Former Middle Creek School site
- Former Prince of Wales Hotel site
- Former Dobie Railway Station
- Dobie House Ruins site.

A key consideration in both alignments was to avoid direct impact on these sites of historical significance and the sites are proposed to be identified as 'no go areas' during construction.

**Table 14-10 Historical Cultural Heritage Impact Assessment**

Option	Historical Cultural Heritage Places Within Impact Pathway	Significance
Option 1	Major Mitchell Cairn (Ch. 10100)	Local
Option 2	Major Mitchell Cairn (Ch. 10100)	Local
Option 2	Peacocks Road House Ruins (Ch. 18300 – 18400)	Local
Option 2	Former Colvinsby School site (Ch. 26100 – 26180)	Local

### 14.16.1 Comparison of Options

The sites which would require removal or relocation for the Project are listed in Table 14-10. Option 1 is considered to be the preferred option in regards to impacts on historical cultural heritage, considering only one site of local historic significance would be impacted. However, both options would have a low impact on historical cultural heritage due to the small number of sites which would be impacted and their local significance.



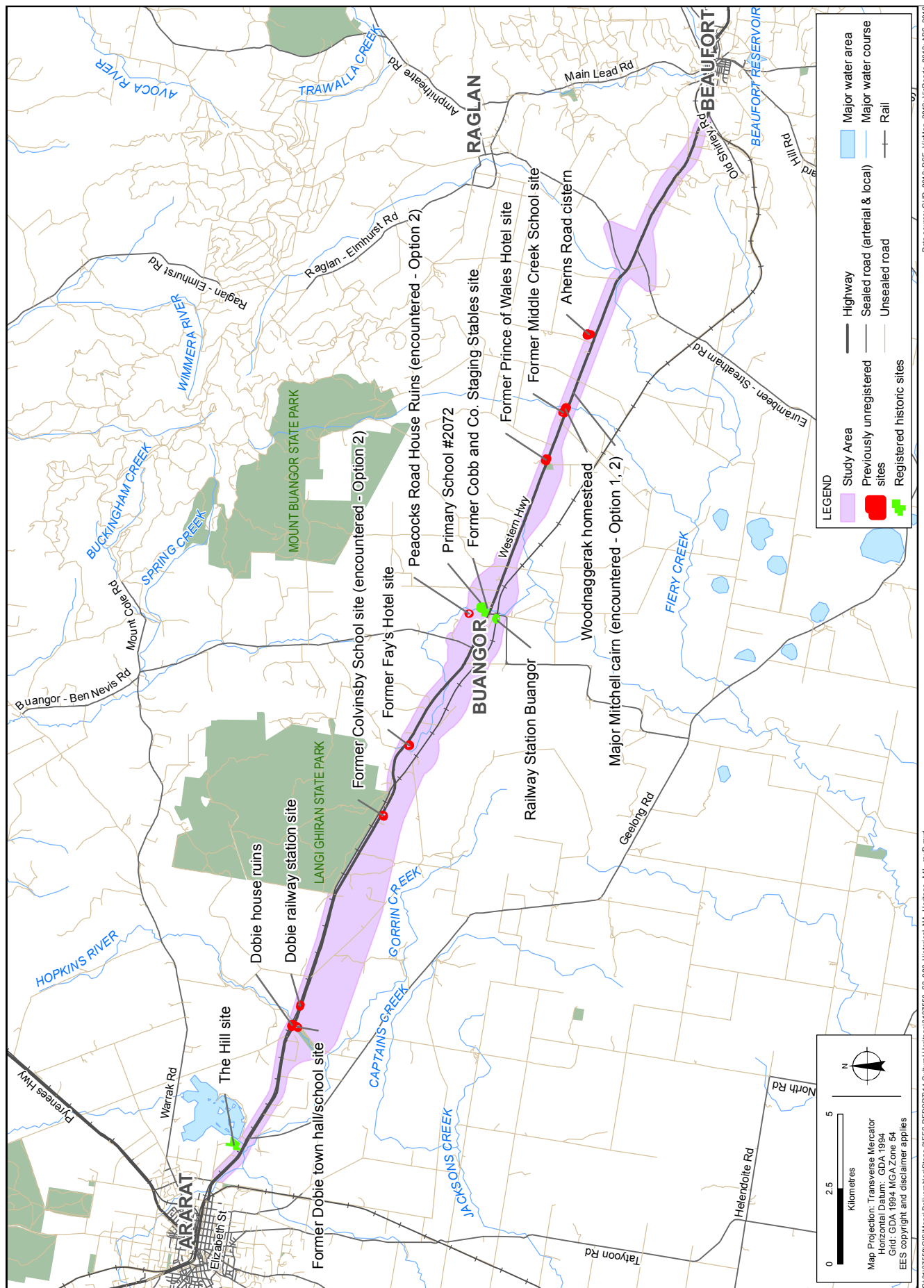
*Remains of Fay's Hotel Garden beds*

*(Source: Andrew Long & Associates Pty Ltd)*



*Major Mitchell Cairn*

*(Source: Andrew Long & Associates Pty Ltd)*



**Figure 14-3 Historic Heritage sites potentially impacted**



## 14.17 Historical Cultural Heritage Risk Assessment

An environmental risk assessment, including an assessment of risk to historic cultural heritage, was undertaken on the Project options to identify key environmental issues associated with the construction and operation of the Project. The methodology for this risk assessment has been

described in Section 4.2 of Chapter 4 (EES Assessment Framework). A risk assessment report that explains the process in detail and contains the complete risk register has also been included as Technical Appendix Q. Table 14-11 shows a summary for Historical Cultural Heritage risks.

**Table 14-11 Historical Heritage Risks**

Risk No.	Impact Pathway	Consequence Description
CHH 1	Construction encounters Major Mitchell Cairn (DSE local) Ch. 101000	Damage to or complete destruction of previously registered local historical site.
CHH 2	Construction immediately adjacent to Woodnaggerak Homestead Ch. 10625 - 108000	Present design places the construction on the boundary of this site. Alteration to design could cause damage to, or completely destroy historical site recommended for Heritage Overlay.
CHH 3	Construction immediately adjacent to Former Middle Creek School Site (HI) Ch. 10850	Present design places the construction on the boundary of this site. Alteration to design could cause damage to, or completely destroy site.
CHH 4	Construction immediately adjacent to Former Prince of Wales Hotel (HI) Ch. 12500 - 126000	Present design places the construction on the boundary of this site. Alteration to design could cause damage to, or completely destroy site.
CHH 5	Construction encounters Peacock's Road House Ruins (HI) Ch. 18300 - 184000	Damage to, or complete destruction of previously registered historical archaeological site.
CHH 6	Construction encounters former Colvinsby School site (HI) Ch. 26100 - 26180	Damage to, or complete destruction of previously registered historical archaeological HI site.
CHH 7	Construction immediately adjacent to Former Dobie Railway Station site (HI) Ch. 33150 - 33210	Present design places the construction on the boundary of this site. Alteration to design could cause damage to, or completely destroy site.
CHH 8	Construction immediately adjacent to Dobie House Ruins (HI) Ch. 33820 - 33975	Present design places the construction on the boundary of one site. Alteration to design could cause damage to, or completely destroy site.
CHH 9	Construction encounters previously unregistered and unassessed historical cultural heritage sites.	Construction could cause damage to, or completely destroy site.

## 14.18 Historical Cultural Heritage Environmental Management Measures

VicRoads has a standard set of environmental management measures which are typically incorporated into their construction contracts for road works and bridge works. These measures have been used as the starting point for the assessment of construction related risks and described in detail in Chapter 21 (Environmental Management Framework). In some instances, additional Project specific environmental management measures have been recommended to reduce risks.

### 14.18.1 Historical heritage residual risks

Following implementation of the proposed mitigation measures there are not expected to be any significant detrimental impacts. The overall risk to historical cultural heritage is medium. It is noted that while the sites impacted are of local/minor significance, given they would be within the construction area the impact is almost certainly going to occur, therefore the risk rating remains as medium.

Table 14-12 provides the environmental management measures and residual risk rating for historical cultural heritage.

**Table 14-12 Historical Cultural Heritage Environmental Management Measures and Residual Risk**

Risk No. – refer to Table 14-11	Environmental Management Measures	Residual Rating
CHH 1	Submission to approvals authority (relevant LGA) prior to damaging, distributing or otherwise impacting cultural heritage site to relocate site to an agreed area.	Low
CHH 2	Current design avoids site. 'No-go zones' around site would be clearly marked on site maps and fenced if necessary.	Negligible
CHH 3	Current design avoids site. 'No-go zones' around site would be clearly marked on site maps and fenced if necessary.	Negligible
CHH 4	Current design avoids site. 'No-go zones' around site would be clearly marked on site maps and fenced if necessary.	Negligible
CHH 5	Approval would be obtained from relevant authorities prior to damaging , disturbing or otherwise impacting cultural heritage sites.	Low
CHH 6	Approval would be obtained from relevant authorities prior to damaging , disturbing or otherwise impacting cultural heritage sites.	Low
CHH 7	Current design avoids site. 'No-go zones' around site would be clearly marked on site maps and fenced if necessary.	Medium
CHH 8	Current design avoids site. 'No-go zones' around site would be clearly marked on site maps and fenced if necessary.	Medium
CHH 9	Avoidance or reporting and approval would be obtained from relevant authorities (Heritage Victoria) prior to damaging, disturbing or otherwise impacting cultural heritage sites	Medium

## 14.19 Historical Cultural Heritage Conclusion

Generally, the two alignment options provide similar impacts on non-Aboriginal (historical) cultural heritage. Both options would require the relocation of the Major Mitchell Cairn, which is considered to be of local historic significance. Option 2 would encounter an additional two historic sites: Peacock's Road House Ruins and the former Colvinsby School site, both of local historic significance. It is noted that these two sites have been registered on the Heritage Inventory as a result of the Project. Both options would result in an overall low impact to Non-Aboriginal (historical) cultural heritage.

An Environmental Management Plan would be prepared which would include contingency measures (listed in Table 14-12) that manage the unexpected discovery of previously unregistered and unassessed historical cultural heritage sites and features.



*Woodnaggerak Homestead*

(Source: Andrew Long & Associates Pty Ltd)