



# 14 Aboriginal cultural heritage

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## 14.1 OVERVIEW

This chapter provides an assessment of the Aboriginal cultural heritage impacts associated with the construction and operation of the Mordialloc Bypass (Freeway) (the project). It is based on the impact assessment prepared by Archaeology At Tardis and presented in Appendix H: *Aboriginal cultural heritage impact assessment*. Potential impacts on historical heritage are considered in Chapter 15: *Historical cultural heritage* and Appendix I: *Historical heritage impact assessment* of this Environment Effects Statement (EES).

Aboriginal cultural heritage in Victoria is assessed under the *Aboriginal Heritage Act 2006 (Vic)* in consultation with Registered Aboriginal Parties (RAPs). There is no RAP for the study area, so Major Road Projects Authority (MRPA) consulted with Traditional Owners groups considered to have an interest in the study area (refer to Section 14.7.3), as well as Aboriginal Victoria.

There is a long history of Aboriginal occupation in south-eastern Melbourne, particularly surrounding the former Carrum Carrum Swamp (also often referred to simply as the Carrum Swamp). A desktop assessment predicted that there was potential for stone artefacts to be present in areas with sand dune, sand sheet and sandy rise landforms in areas least disturbed by European land use and development.

The Aboriginal cultural heritage assessment also included a comprehensive pedestrian ground surface survey of the project area, followed by a more targeted subsurface testing program. Although stone artefacts were found in two locations, these were deemed to have no or low research potential. The assessment also confirmed that it is unlikely that there are large numbers of artefacts in the study area that would be impacted by the project. It was concluded that all Aboriginal cultural heritage could be managed within the framework of the project's Cultural Heritage Management Plan (CHMP) (subject to its approval by Aboriginal Victoria).

A CHMP is required for this project because it is considered a 'high impact activity' within the Aboriginal Heritage Regulations 2007, which gives effect to the *Aboriginal Heritage Act 2006 (Vic)*. A CHMP is also mandated for any project that requires an EES.

## 14.2 EES OBJECTIVES AND REQUIREMENTS

The draft evaluation objective for cultural heritage is defined in the *Scoping Requirements for Mordialloc Bypass Environment Effects Statement* (scoping requirements) (DELWP 2018).

Table 14.1 summarises key issues for cultural heritage as identified in the scoping requirements.

### DRAFT EVALUATION OBJECTIVE

*To avoid or minimise adverse effects on Aboriginal and historic cultural heritage values.*

**Table 14.1 EES key issues – cultural heritage**

Key issues
Potential for adverse effects on known and unknown Aboriginal and non-Aboriginal cultural heritage values.
Potential for permanent loss of significant heritage values.

### 14.3 LEGISLATION AND POLICY

The relevant legislation and policies relating to Aboriginal cultural heritage are outlined in Table 14.2.

**Table 14.2 Legislation and policy — Aboriginal cultural heritage**

Legislation/policy	Description
<b>Commonwealth</b>	
<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act)	Details provisions for the protection of Aboriginal and non-Aboriginal cultural heritage places with national heritage value. Places protected under the Act are registered on the National Heritage List, Commonwealth Heritage List or the World Heritage List and include natural, historic and Aboriginal places of outstanding heritage value.
<i>Native Title Act 1993</i> (Cth)	Legislates Indigenous ownership of land. Establishing Native Title requires claimants to demonstrate that the area claimed has been continually occupied or direct links (physical, spiritual, traditional) have been maintained.
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (Cth)	Protects areas and objects that are of significance to Aboriginal people, as granted by application to the Environment Minister.
<b>State</b>	
<i>Aboriginal Heritage Act 2006</i> (Vic)	Protects Aboriginal cultural heritage in Victoria. Establishes organisations to preserve, enforce and manage Aboriginal heritage in Victoria, including the Victorian Aboriginal Heritage Council that advises the Minister for Aboriginal Affairs on the management of cultural heritage and RAPs for Aboriginal groups with ties to country.
Aboriginal Heritage Regulations 2007 (Vic)	Gives effect to the <i>Aboriginal Heritage Act 2006</i> and prescribes standards and conditions for when a CHMP should be prepared. A CHMP is required for high impact activities, such as the construction of “a road with a length exceeding 100 metres” (refer to clause 44(e) of the regulations), and whenever an EES is required.  A draft CHMP has been prepared in accordance with these guidelines for the project.
<i>Traditional Owner Settlement Act 2010</i> (Vic)	Allows for out-of-court settlement of Native Title. Traditional Owners must meet the definition outlined in this Act before agreements can be entered into.  There are no Traditional Owner groups, as defined under the Act, within the project area.
<i>Heritage Act 2017</i> (Vic)	Establishes the Victorian Heritage Inventory that is a statutory listing of all known historical archaeological sites in Victoria. The Act provides a blanket protection for historical archaeological places in Victoria 75 years and older.

## 14.4 CULTURAL HERITAGE MANAGEMENT PLAN (CHMP)

A CHMP is required when high impact activities are planned in an area of cultural heritage sensitivity, as defined by Aboriginal Heritage Regulations 2007. Because the project is a road with a length exceeding 100 metres, a CHMP is required.

Notwithstanding the above, regardless of the level of impact, any project in Victoria that requires an EES is also required to prepare a CHMP.

In the case of this project, Archaeology At Tardis began the preparation of a CHMP on behalf of MRPA before the Minister for Planning's decision that an EES would be required for the project based on the high impact activities.

While cultural heritage issues are documented in this EES, the approval of the CHMP will be deferred until the Minister of Planning has made an assessment of the project under the *Environment Effects Act 1978* (Vic). The process for developing a CHMP is guided by Environment Effects Advisory Note (August 2007) 'Aboriginal cultural heritage and the environment effects process'. Figure 3.3, in Chapter 3: *Legislative framework and approval requirements* summarises the process followed for the project.

If a RAP existed for the project area, then the Minister for Planning would notify that RAP. Since there is no RAP for the project area, Aboriginal Victoria is notified instead and represents Traditional Owner groups throughout the EES process (refer to section 14.7.3).

The draft CHMP will not be exhibited with this EES, at the request of DELWP and Aboriginal Victoria. An impact assessment report has been prepared instead, and can be found in Appendix H: *Aboriginal cultural heritage impact assessment*. The CHMP will be finalised and lodged once the Minister for Planning has made an assessment on this EES.

## 14.5 METHODOLOGY

The EES technical impact assessment has been informed by a draft CHMP that included desktop, standard and complex assessments. In addition to the draft CHMP, an assessment of project-related risks to Aboriginal cultural heritage was undertaken in accordance with the process described in Chapter 4: *EES assessment framework and approach*. The results of this risk assessment are discussed in Section 14.8.

### 14.5.1 Desktop assessment

A desktop assessment was completed that included background data collection, desktop analysis and an inception meeting with stakeholders. Details on stakeholder engagement are in Section 14.7.3.

The desktop assessment reviewed information for the study area, including:

- registered Aboriginal places on the Aboriginal Cultural Heritage Register and Information System (ACHRIS)
- reports on the Victorian Aboriginal Heritage Register
- a history and ethnohistory literature review
- a study of landforms and geomorphology, geology, soils and environment
- a study of land use history and strategic values.

The information gathered during the desktop assessment was used to create a site prediction model, which identifies areas considered most likely to contain items of Aboriginal cultural heritage, such as stone artefacts, scarred trees and shell middens, to inform the subsequent fieldwork. The model can be tested and refined during any subsequent standard and complex assessment.

The site prediction model considered various existing spatial datasets, including data from the Victorian Aboriginal Heritage Register, geomorphological data, ecological vegetation class data, hydrological data, ecological data, and additional data found during the desktop study.

### 14.5.2 Standard assessment

The standard assessment included two days of pedestrian ground surface surveying by Archaeology At Tardis and representatives from Traditional Owner groups (see Section 14.7.3).

The standard assessment aimed to:

- survey the study area and test the site prediction model
- identify Aboriginal places
- identify and map areas with the potential to be archaeologically significant
- identify areas suitable for further (complex) assessment.



**Figure 14.1 Standard walkover assessment**

The study area was divided into five survey areas based on the existing road network (Table 14.3) and was surveyed in a systematic way; individuals walked 2m apart to identify areas with good ground surface visibility and potential for archaeological significance. Areas with good ground surface visibility were then surveyed by individuals walking 1m apart (Figure 14.1).

**Table 14.3 Survey areas**

Survey area	Description
Survey Area 1	Dingley Bypass to Centre Dandenong Road
Survey Area 2	Centre Dandenong Road to Lower Dandenong Road
Survey Area 3	Lower Dandenong Road to Governor Road
Survey Area 4	Governor Road to Springvale Road
Survey Area 5	Mornington Peninsula Freeway

### 14.5.3 Complex assessment

The complex assessment included sub-surface excavations and a post-assessment stakeholder meeting.

The aim of the complex assessment was to determine whether there was Aboriginal cultural heritage underground on the site, what type, how much, and the significance of any Aboriginal cultural heritage that the assessment found.

Six test pits and 23 mechanical trenches were excavated in the sand dune/sand sheet, plain and floodplain landforms. Test pits were 1m x 1m and mechanical trenches were typically 5m x 1m in size. The proposed complex assessment methodology was sent to all interested Traditional Owner groups for review. Aboriginal Victoria agreed with the methodology proposed.

Excavation was completed in the following locations:

- south of Dingley Bypass
- between Centre Dandenong Road and Lower Dandenong Road
- between Lower Dandenong Road and Governor Road
- between Governor Road and Springvale Road
- at the Mornington Peninsula Freeway.

Artefacts found were bagged, tagged and stored in a secure facility to be managed according to the conditions defined in the CHMP.

## 14.6 STUDY AREA

The study area for the cultural heritage impact assessment includes the project area, defined in Chapter 6: *Project description*, and land within a 2km buffer of the project area. The study area is shown in Figure 14.2.

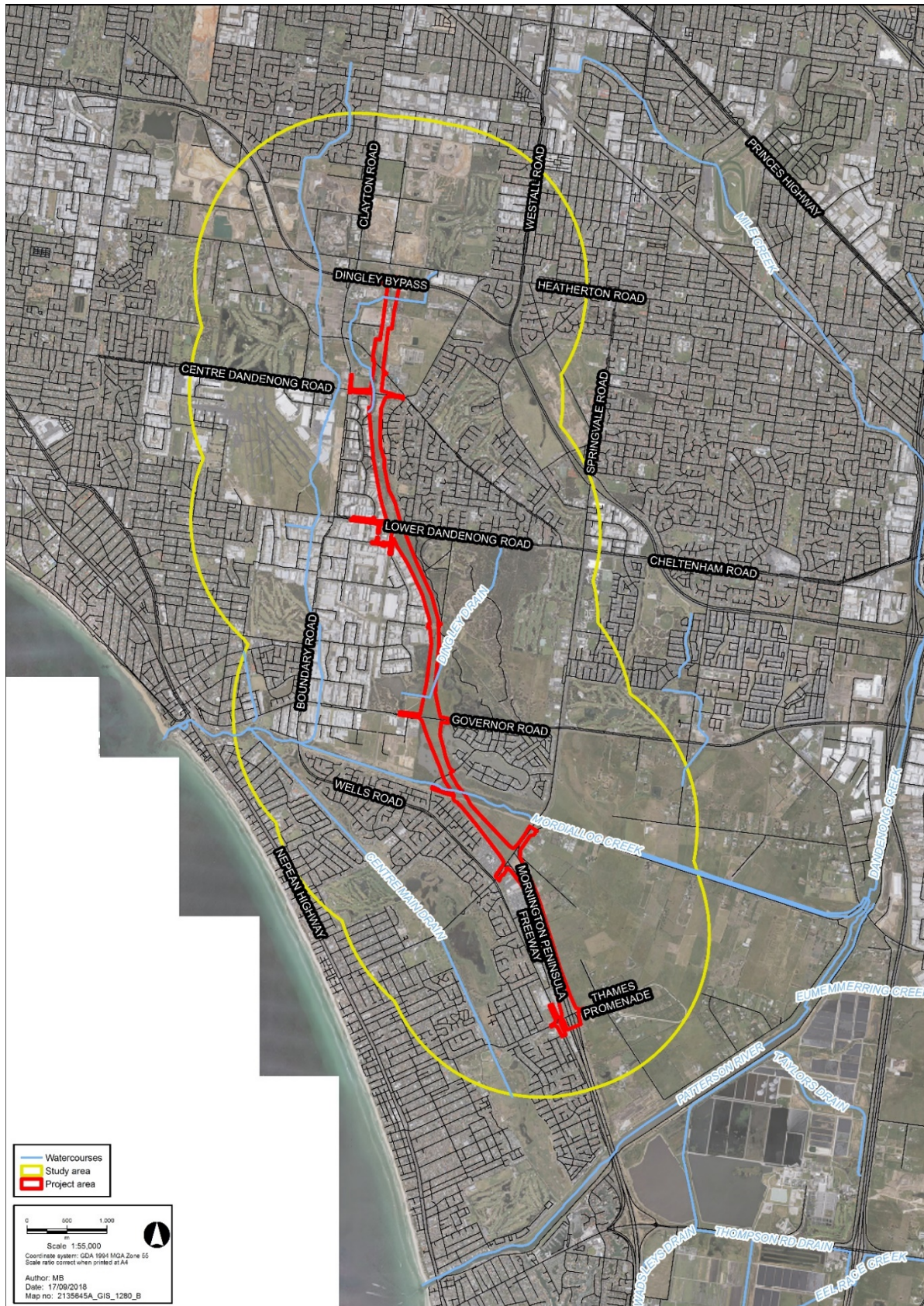


Figure 14.2 Aboriginal cultural heritage study and project areas

## 14.7 EXISTING CONDITIONS

### 14.7.1 Regional context

The study area is within the Gippsland Plain bioregion. The former Carrum Carrum Swamp would have been the regional strategic resource for Aboriginal groups in the region, providing water, flora and fauna. Dry sandy rises and dunes would have provided higher, dry camping locations for Aboriginal people.

Prior to European contact, five ecological vegetation classes were prominent, and would have provided abundant resources for Aboriginal people, namely:

- Plains Grassy Wetland
- Swamp Scrub
- Creekline Grassy Woodland
- Damp Sands Herb-Rich Woodlands
- Plains Grassy Woodland.

Key food sources in these ecological vegetation classes would have included wetland and dry land root crops, crustaceans, waterfowl and land mammals. There were also significant kangaroo, eel and duck populations within the region.

The large number of Red Gums in the north-east of the study area would have been part of a Red Gum forest, so it is likely that Aboriginal people would have travelled there specifically to use the wood. Where mature Red Gums (i.e. 100–150 years old) remain, scarred trees might be found. No mortuary trees or birthing trees have been recorded in the geographic region.

The former flooded areas of Carrum Carrum Swamp and the dunes surrounding it have high Aboriginal cultural heritage value. These dunes have the highest potential for stone artefact scatters within the project area. Stone artefact scatters are physical remnants of places Aboriginal people camped, prepared and ate meals, and worked with stone.

#### After European settlement

After European settlement, land was cleared for grazing and agriculture. Sand mining also became common in the area. The Carrum Carrum Swamp was drained and industrial, road and urban development spread throughout the region. European land use removed many local landforms, particularly wetlands, dunes and Red Gum forest. Most plants and animals relied upon by pre-contact Aboriginal people are now scarce.

Areas of archaeological potential within the study area include:

- the Mordialloc Creek
- Port Phillip foreshore
- boundaries of the former Carrum Carrum Swamp
- sand sheets, sand dunes and sandy rises.

Although the desktop assessment showed that parts of the study area could contain stone artefact scatters, previous complex assessments on the plain and floodplain show low archaeological potential because of the significant disturbance following European contact. The assessment found there was moderate potential for stone artefacts on sandy rises, sand dunes and sand sheets, particularly in the north near the Dingley Bypass and at the former Braeside Treatment Plant.

#### WHAT ARE SCARRED TREES?

Scarred trees are trees which have had bark removed by indigenous Australians for the creation of bark canoes, shelters, shields and containers, such as coolamons.

Scarred trees are significant evidence of Aboriginal occupation and can provide information on Aboriginal activities in the area in which they are located.



### 14.7.2 Historical accounts and land use history

The traditional lands of the Bunurong tribe are thought to have extended north from the coast at Westernport Bay to the Dandenong Ranges, and include the study area (Gaughwin and Sullivan 1984). The Bunurong tribe is one of five tribes within the Kulin nation language group, amongst whom intermarriage and trade were common. It is impossible to know the exact boundaries of tribal lands, as records kept were created by non-Aboriginal settlers. Tribes were made up of clans, and clans included family members, foraging groups and, occasionally, visitors. The Nguruk William and Mayune Ballug clan peoples lived in Mordialloc and the former Carrum Carrum Swamp area, which form part of the study area.

Aboriginal populations were severely affected by European contact, particularly through hostile confrontations, loss of traditional lands and resources, the spread of disease, and displacement. The Bunurong people likely first came into contact with European sealers and whalers in the 1790s, after which the Bunurong population declined.

The *Aboriginal Protection Act 1839* saw the establishment of an Aboriginal Reserve in Mordialloc in 1841. Reserves were designed to indoctrinate Aboriginal people into western culture. The creek, swamp and coastal environment there provided the reserve with a rich resource base and it remained open until 1878.

### 14.7.3 Registered Aboriginal Party (RAP)

There is no RAP provided for under the *Aboriginal Heritage Act 2006* that covers the study area. However, the following Traditional Owners with an interest in the study area were consulted and participated in fieldwork assessments:

- Wurundjeri Tribe Land and Compensation Cultural Heritage Council Aboriginal Corporation
- Boon Wurrung Foundation
- Bunurong Land Council Aboriginal Corporation.

The Bunurong Land Council Aboriginal Corporation currently has an application with the Victorian Aboriginal Heritage Council to become the RAP over the project area.

### 14.7.4 Previously recorded sites

A search of the ACHRIS database for registered cultural heritage values found 66 recorded Aboriginal places within the study area:

- 34 scarred trees
- 19 stone artefact scatters
- seven Low-Density Artefact Distributions (LDADs)
- two earth features
- two shell middens
- two Aboriginal historical places.

No previously registered Aboriginal places were recorded within the project area. Figure 14.2 shows where the project area is located within the study area. Table 14.4 provides a summary of the results from the ACHRIS search for Aboriginal places.

**Table 14.4 Registered Aboriginal places within the study area**

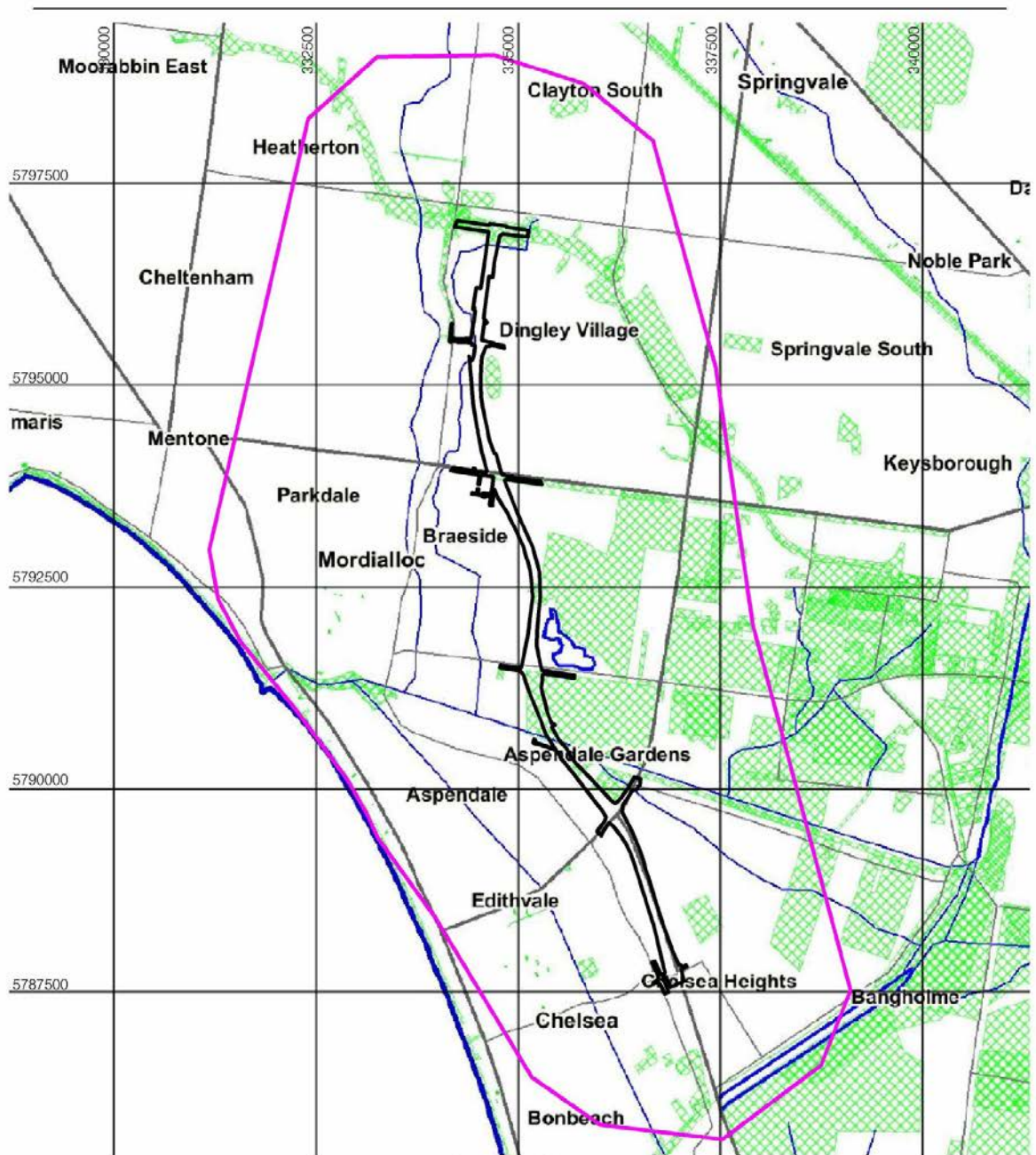
Type	Proportion of artefacts	Number of artefacts	Description	Aboriginal places within the study area
Scarred trees	51%	34	Scarred trees are trees that have had bark removed from the trunk for various purposes such as canoes, shields, shelter, containers or foot holds.	Scarred trees were recorded on Red Gums and on four unknown eucalypt species; most of these trees were either dead, or in poor condition. All previously recorded scarred trees were recorded on the floodplain or plain.
Stone artefact scatters	40%	19	Artefact scatters are groupings of stone tools made and used by Aboriginal people in the past, or leftover material from creating stone tools.	The previously recorded regional findings were dominated by flakes, followed by angular fragments, cores and tools. The presence of tools is indicative of the Australian Small Tool Tradition that dates to the Late Holocene epoch (within the past 5,000 years).
LDAD		7		
Earth features (soil deposit)	3%	2	Earth features can be rings of burned clay.	Two soil deposits containing stone artefacts were previously found within the study area.
Shell middens	3%	2	Shell middens are places where the remains from eating shellfish can be found.	Two shell middens and a shell midden component were previously found; both were located within 700m of Port Phillip Bay.
Aboriginal historical places	3%	1	Aboriginal places are locations with cultural significance to Aboriginal people. It may or may not include archaeological remains.	The Mordialloc Aboriginal Reserve, a camping reserve for Aboriginal people was located approximately 1.2km west of the project area.

At least 18 percent of the study area has been the subject of previous archaeological survey. The extent of previous archaeological surveys in the study area is shown in Figure 14.3.

#### **14.7.5 Areas of archaeological potential**

Places where archaeology is likely to survive are called ‘areas of archaeological potential’, and include known archaeological sites and areas with high cultural heritage value. Using a site prediction model, it was determined that there could be areas of archaeological potential, including the former Carrum Carrum Swamp and tributary creeks, and coastline and dunes along the margins of Carrum Carrum Swamp; most likely in sandy rises, sand dunes and elevated sand sheets.


The areas of archaeological potential within the study area include a deflated (wind-eroded) dune at the former Braeside Treatment Plant. The deflated dune has high archaeological potential for sub-surface stone artefacts because it was the least disturbed sandy landform in the project area.



Map Courtesy of DSE Website

0 1000 2000  
Scale of Metres

**Legend:**

-  Activity Area Boundary
-  Geographic Region Boundary
-  Previous Archaeological Survey  
Total Area = 1183 ha  
18% (approx) of Geographic Region
-  Waterway



**Figure 14.3** Areas of previous archaeological surveys in the study area

### 14.7.6 Newly identified Aboriginal cultural heritage sites within the project area

Two surface stone artefacts were found during the standard assessment and six sub-surface artefacts were found during the complex assessment of the project area. Both were associated with sandy landforms, and were registered as components of the Mordialloc Bypass (Freeway) as LDAD1 and LDAD2 (Figure 14.4).

The field surveys for Aboriginal cultural heritage in the project area confirmed evidence of Aboriginal occupation during the Late Holocene period (up to 5,000 years ago), which is reflective of the region. The artefacts found were likely associated with spears for hunting, and would have been brought into the area from elsewhere. The artefact findings were comparatively low-density when compared to artefact scatters found in nearby locations along the margins of the Carrum Carrum Swamp.

No high integrity occupation features such as stone hearths were found during the cultural heritage assessment.

All trees were inspected during field surveys to identify if they were mature trees and if they were Red Gums. No scarred, mortuary or birthing trees were recorded within the project area. Figure 14.2 shows where the project area is located within the study area.

#### Mordialloc Bypass (Freeway) (LDAD1)

LDAD1 is in the northern part of the project area (Figure 14.4). The standard assessment found one quartzite flake on the surface south of Dingley Bypass. No subsurface artefacts were found during the complex assessment. Given the highly disturbed nature of the area, it is unlikely that there are any additional stone artefacts in the area. LDAD1 was assessed as having high cultural and low scientific significance.

Archaeological salvage is not recommended at LDAD1 as it is unlikely to make a substantial scientific contribution to knowledge of the project area or study area.

#### Mordialloc Bypass (Freeway) (LDAD2)

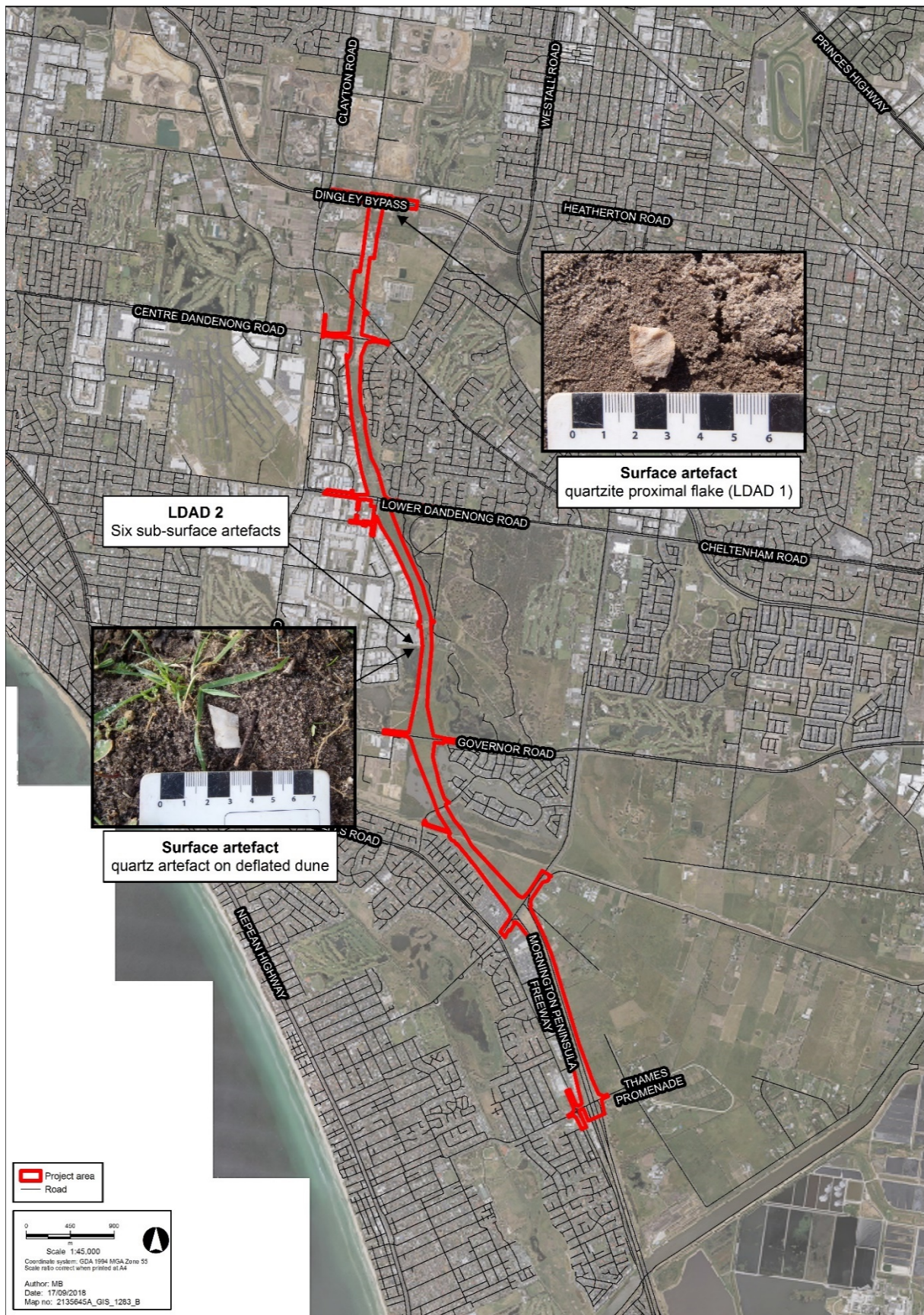
LDAD2 is next to Braeside Park in the central part of the project area (refer Figure 14.4). One surface quartz and six subsurface silcrete artefacts were found at the former Braeside Treatment Plant during the standard and complex assessments. The subsurface artefacts were found on the crest and upper slope of the dune between 35cm and 80cm deep. It is likely that there are a few more subsurface stone artefacts on the dune in LDAD2. Thus, LDAD2 was assessed as having high cultural and low scientific significance. Archaeological salvage is not recommended at LDAD2 as it is unlikely to make a substantial scientific contribution to knowledge of the project area or study area.

#### CULTURAL SIGNIFICANCE

Relates to the aesthetic, historic, scientific or social value for past, present or future generations. Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

#### SCIENTIFIC SIGNIFICANCE

Contribution made by the artefact, place, or object to advancing scientific knowledge and understanding.



**Figure 14.4** Newly recorded cultural heritage artefacts within the project area (approximate location)

## 14.8 RISK ASSESSMENT

An environmental risk assessment (ERA) was undertaken to identify environmental risks associated with the construction and operation of the project. Where initial risks were rated as 'medium' or higher (with standard controls in place) these issues were further assessed and investigated in the Aboriginal Cultural Heritage Impact Assessment Report. Where necessary, additional controls were identified as part of the Impact Assessment to reduce the identified risks to acceptable levels. These controls have been incorporated into the environmental performance requirements (EPRs) for the project. The initial risks were then re-assessed following application of the environmental performance requirements to derive the residual risk ratings. The methodology for the risk assessment has been described in Chapter 4: *EES assessment framework and approach*.

The risk assessment identified one key pathway by which impacts to Aboriginal cultural heritage may occur: *uncovering/damaging matters of cultural significance*.

During early project risk evaluations, only one primary risk related to Aboriginal cultural heritage was seen to be potentially significant with an initial risk rating of medium; the potential for construction activities to impact on culturally significant places (refer to Table 14.5).

Three mitigation measures are recommended to reduce this primary risk; engaging an archaeologist during construction, consultation with Aboriginal heritage stakeholders, and options to avoid and minimise impact, such as depositing fill over artefact bearing deposits. These mitigation measures will be covered in a CHMP, which will set out how culturally significant places would be managed during construction (EPR CH1). Implementing a CHMP will reduce the risk of construction activities impacting on culturally significant places to low.

A range of other potential impacts were identified, all of which were assessed to be of low or negligible risk. These risks include the potential for geotechnical investigations during pre-construction, and maintenance activities during operation, to impact on culturally significant places.

A full list of all Aboriginal cultural heritage related primary risks and further information on potential impacts determined to be low/negligible risks, are contained in Appendix I: *Historical heritage impact assessment* and Attachment I: *Environmental risk assessment report*.

**Table 14.5 Aboriginal cultural heritage risk**

Risk	Impact pathway	Primary impact	Project phase	Initial risk rating	EPR ref.	Residual risk rating
R-ACH2	Uncovers/ damages matters of cultural significance	Construction activities impact on culturally significant places.	C	Medium	CH1	Low

## 14.9 IMPACT ASSESSMENT AND MITIGATION

### 14.9.1 Construction

#### Risk R-ACH2

Aboriginal cultural heritage found during the assessment comprised a total of eight stone artefacts, found at two locations:

- LDAD1: One quartzite flake was found on the surface south of the Dingley Bypass on a disturbed sand sheet.
- LDAD2. One surface quartz and six subsurface silcrete artefacts were found on the deflated dune at the former Braeside Treatment Plant.

The stone artefacts found during this investigation in both raw material and primary form are representative of those found in the region. It is therefore considered unlikely that there are large numbers of additional stone artefacts, or any high integrity occupation features such as stone hearths, in the project area that would be impacted by the project.

No subsurface artefacts were found at LDAD1 and, due to the highly disturbed nature of the area, it is considered unlikely that there are any additional stone artefacts in the area. Therefore, LDAD1 is considered to have no research potential. In contrast, it is likely that there are additional small numbers of subsurface stone artefacts on the dune associated with LDAD2. For this reason, LDAD2 is considered to have low research potential. However, it is unlikely that management of LDAD1 or LDAD2 by archaeological salvage would make a substantial scientific contribution to knowledge of the activity area or geographic region.

The potential impact on culturally significant places identified within the project area are summarised in Table 14.6.

**Table 14.6 Summary of potential impacts and mitigation measures**

Area	Potential impact	Research potential	Mitigation recommendation
Northern part of study area, just south of Dingley Bypass (LDAD1) as shown in Figure 14.4.	No subsurface artefacts were found. Due to the highly disturbed nature of the area, it is unlikely that there are any additional stone artefacts in the area.	No research potential	No subsurface artefacts were identified at this location, and the one surface artefact found during the standard assessment was collected and recorded. No archaeological salvage is recommended as it is unlikely to make a substantial scientific contribution to knowledge of the study area or geographic region.
Central part of study area, adjacent to Braeside Park (LDAD2) as shown in Figure 14.4.	Artefacts likely to be disturbed during construction of swale drains through the deflated dune, otherwise minimal disturbance from road built on existing land surface.	Low research potential	No archaeological salvage is recommended as it is unlikely to make a substantial scientific contribution to knowledge of the study area or geographic region.

No additional stone artefacts were identified through the complex assessment; however, there remains a potential for artefacts to be identified during construction, especially on sandy rises where the land was dry with views of the surrounding area.

The project must comply with and implement a CHMP approved under the *Aboriginal Heritage Act 2006*, which would set out how culturally significant places would be managed during construction (EPR CH1). If additional artefacts are discovered during construction, a suitably qualified archaeologist would be employed in accordance with the CHMP, to assist with the identification of artefacts and significance of the site.

The approved CHMP would provide compliance management measures (conditions) and a Contingency Plan which must be followed during the construction of the project. The Contingency Plan would provide a process to manage harm to any unexpected Aboriginal cultural heritage encountered during construction of the project. The contractor would undertake all project works in accordance with the recommendations of the approved CHMP, including immediately stopping work and reporting the discovery of an Aboriginal cultural heritage artefact or significant place.

Straight roadways, as proposed for the project, have limited ability to avoid harm to stone artefacts on the ground surface or surficial deposits when level and grade construction methods are used.

Table 14.5 summarises the additional controls that would be included as part of a CHMP (EPR CH1). Implementing the CHMP would reduce the likelihood of construction activities impacting on culturally significant places to Rare, and the overall residual risk rating to Low.

### 14.9.2 Operation

Given the potential for initial disturbance associated with construction works, no additional impacts on Aboriginal cultural heritage are envisaged during operation and maintenance of the project.

## 14.10 ENVIRONMENTAL PERFORMANCE REQUIREMENTS (EPRs)

Table 14.7 outlines the environmental performance requirements (EPRs) relating to Aboriginal cultural heritage management.

**Table 14.7 Environmental performance requirements**

EPR reference	Environmental performance requirements
H1	<b>Cultural Heritage Management Plan (CHMP)</b> Comply with and implement the CHMP approved under the <i>Aboriginal Heritage Act 2006</i> .

## 14.11 CONCLUSIONS

Fieldwork investigations found two new Aboriginal cultural heritage sites containing low-density stone artefact distributions (LDAD1 and LDAD2). Due to previous site disturbance, it is unlikely that there are large numbers of additional stone artefacts in the project area that would be impacted by the project, resulting in a low overall impact on Aboriginal Cultural Heritage.

No scarred, mortuary or birthing trees were identified within the project area.

Consistent with the recommended EPR for Aboriginal cultural heritage, a draft CHMP is being prepared in accordance with the *Aboriginal Heritage Act 2006* (CHMP 15026). The process for developing a CHMP is guided by Environment Effects Advisory Note (August 2007) 'Aboriginal cultural heritage and the environment effects process'. All impacts on Aboriginal cultural heritage could be managed appropriately within the framework of the CHMP, once approved by Aboriginal Victoria.