

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 Aboriginal Affairs Victoria (AAV), Martang Pty Ltd and Barengi Gadjin Land Council Aboriginal Corporation (the Registered Aboriginal Party (RAP) Applicant).
- Desktop study.
- Standard Assessment under the provisions of the *Aboriginal Heritage Act 2006*.
- Mortuary tree assessment.

The study area contains ten identified Aboriginal cultural heritage places. The proposed alignment would directly encounter six registered Aboriginal cultural heritage places: three of which are of minor significance (artefact scatter) and three of moderate significance (scarred tree). The proposed alignment has been designed to avoid Sisters Rocks and minimise the extent of change to culturally sensitive views towards the Black Ranges. The places of Aboriginal cultural heritage value which would be impacted are of minor to moderate significance, therefore resulting in an overall minor to moderate impact on Aboriginal cultural heritage.

The locality has the potential for the presence 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 proposed alignment.

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. A complex assessment and final CHMP will be completed subsequent to the EES process and submitted to Aboriginal Affairs Victoria (AAV) and the Registered Aboriginal Party (RAP) Applicant for evaluation and approval by AAV.

The CHMP would include management recommendations which detail the approach to managing potential impacts on Aboriginal cultural heritage sites.

Historical Cultural Heritage

Within the study area there are twelve registered historical sites. Following inspection of existing registered sites, archival research and community consultation, four previously unregistered sites were submitted to Heritage Victoria for listing on the Heritage Inventory under the *Heritage Act 1995* and two previously unregistered sites were recommended for submission to the Rural City of Ararat and Northern Grampians Shire respectively for consideration of inclusion in the Heritage Overlay in the Ararat and Northern Grampians Planning Schemes.

Of the registered and identified historical sites, a total of thirteen sites would potentially be impacted by the proposed alignment. All thirteen sites are of local historic significance and are listed with the Heritage Inventory and two (Great Western Lead Mine site and Sisters Rocks Graffiti Site) are listed as an historic site on Crown land by the Department of Sustainability and Environment (DSE). It is noted that four of these thirteen sites have been registered as a result of the Project. The proposed alignment would result in an overall moderate impact to Non-Aboriginal (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.
- Clearly documents consultation undertaken to gain the knowledge and views of local Aboriginal communities (including traditional owners and relevant Registered Aboriginal Parties).
- Describes field investigations undertaken to locate Aboriginal cultural heritage sites within the project area, and provide the rationale for the nature of investigations (e.g. why sub-surface investigations were or were not undertaken in particular areas).
- Identifies any cultural heritage sites located prior to, (e.g. Sisters Rocks) or during the EES process and characterise both the scientific and cultural significance of each site. The investigation should be undertaken in consultation with Aboriginal Affairs Victoria, traditional owners and RAPs and in accordance with relevant legislation, particularly the *Aboriginal Heritage Act 2006*.
- Discusses the potential for unknown sites in the area, highlighting any areas of sensitivity.
- Identifies and assess 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 study area extends 200 metres (m) beyond the proposed alignment option that is 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).

14.4.2 Community Consultation

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

- Martang Pty Ltd; and
- Barengi Gadjin Land Council Aboriginal Corporation.

It is noted that Martang Pty Ltd was initially a RAP Applicant, however their application was declined by the Victorian Heritage Council on 2 February 2012.

See Figure 14-1 for a boundary of the areas of the two RAP Applicants.

14.4.3 Standard Assessments

In February 2012, Australian Cultural Heritage Management (ACHM) undertook a Standard Assessment, as defined in the Aboriginal Heritage Regulations 2007 (Standard Assessment 11819: Ararat to Stawell).

The Standard Assessment included a surface survey across the designated activity area (50m east and west of the proposed alignment) for the presence of archaeological sites and areas of cultural heritage sensitivity. It is noted that the relevant RAP Applicants and AAV supervised the fieldwork. Two new sites of Aboriginal cultural value were found as a result of the Standard Assessment (Kimburra Road 1 and Wattle Gully Road 1), these sites are listed in Table 14-2.

The Standard Assessment is included in Technical Appendix K to the EES.

14.4.4 Mortuary Tree Assessment

The locality surrounding and encompassing Section 3 (Ararat to Stawell) has the potential 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 in the field in order to classify the likelihood of each hollow tree containing 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 Applicants and AAV. 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 present.



Armstrong Alluvial Gold Mining Area No. 1 (Photo: Andrew Long and Associates)

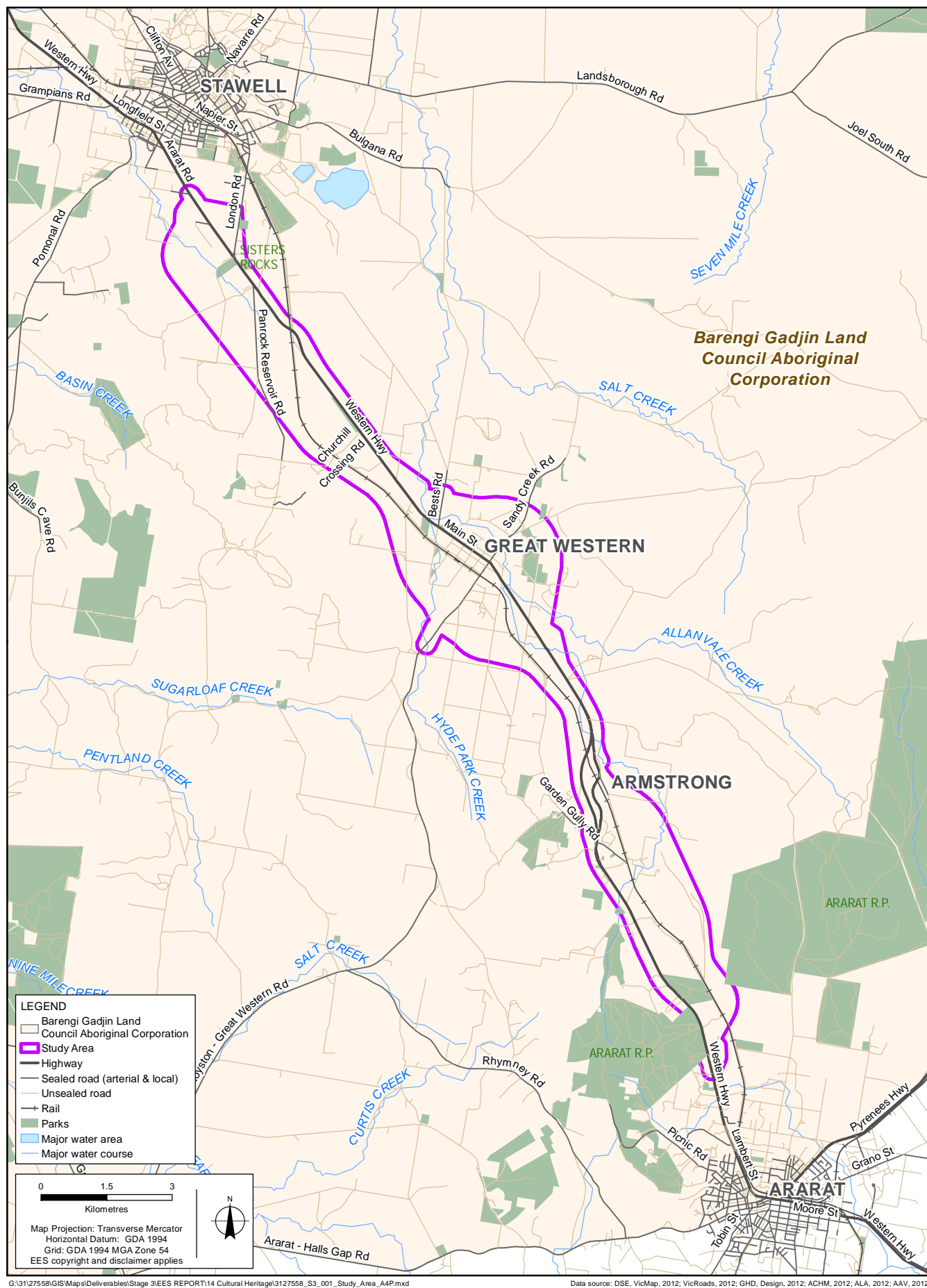


Figure 14-1 Registered Aboriginal Parties (applicant) in the Study Area

14.5 Aboriginal Cultural Heritage Legislation and Policy

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

Table 14-1 Relevant Aboriginal Heritage Legislation and 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 involved 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"> 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. Victorian Heritage Inventory: The Victorian Heritage Inventory, commonly known as the Heritage Inventory lists all known historical archaeological sites in Victoria. It includes information about sites and artefacts, including a description and assessment of significance. <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>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 the 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 3 study area, the Ararat Planning Scheme and Northern Grampians Planning Scheme.</p>

14.6 Aboriginal Cultural Heritage Existing Conditions

According to the Aboriginal Heritage Regulations 2007, the study area contains around 860 hectares of Aboriginal cultural heritage sensitivity, predominantly from the intersection with waterways.

The study area contains ten identified Aboriginal cultural heritage places, see Table 14-2 and Figure 14-2, within or adjacent to the proposed alignment. There are five artefact scatters and five scarred trees. The significance is determined by the occurrence and extent of the Aboriginal cultural heritage place or feature. For example, an occasionally occurring Aboriginal cultural heritage place, such as a scarred tree, 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.

During community consultation for the options assessment the VAHR unregistered area known as 'Sisters Rocks' was articulated by both RAP Applicants at the time to be of particular cultural significance. The location of the area is south of the intersection of the existing western highway and London Road and on the eastern side of the existing highway.

A detailed description of each site is provided in Section 5.2.2 of Technical Appendix J.

Table 14-2 Aboriginal Cultural Heritage Sites within the Study Area

VAHR Number	Site Name	Site Type	Significance
7423-0712	Junction Bridge 1	Scarred Tree	Moderate
7423-0713	Junction Bridge 2	Scarred Tree	Moderate
7423-0734	Armstrong SS I	Artefact Scatter	Minor
7423-0736	Armstrong ST 1	Scarred Tree	Moderate
7423-0755	Armstrong SS 1	Artefact Scatter	Minor
7423-0772	Kimburra Road I	Artefact Scatter	Minor
7423-0179	Allanvale 6	Scarred Tree	Moderate
7423-0735	Armstrong SS II	Artefact Scatter	Minor
7423-0738	Armstrong ST 3	Scarred Tree	Moderate
7423-0771	Wattle Gully Road 1IA	Artefact Scatter	Minor

14.6.1 Mortuary Trees

There are a total of eight mortuary trees which have been recorded in Victoria. Five of those trees are within 30 kilometres (km) of Moyston (a town located approximately 15km south-west of the study area) and two are within Moyston, one is located at Mokepilly (approximately 14km west of the study area) and another at Pleasant Creek and Gorinn (approximately 10km south-east of the study area) as well as two at Adelaide Hill, one at Franklindford, Charlton and finally at Wannon River. A number of these mortuary trees contained 'grave goods' - items which have been buried along with the human remains.

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 VAHR places (excluding mortuary trees and burnt mounds)
- Impact on registered mortuary trees
- Impact on registered burnt mounds
- Impact on potential VAHR places (excluding mortuary trees and burnt mounds)
- Impact on potential mortuary trees
- Impact on potential burnt mounds.

Of the possible ten Aboriginal cultural heritage places identified in Table 14-2 that are within the study area, six may be directly impacted. The potential impacts upon these places have been summarised in Table 14-3 and shown in Figure 14-2. It is noted that whilst Armstrong SSI (7423-0734) and Armstrong SS1 (7423-0755) are situated at the same location. The different extents of this artefact scatter were registered in different years, 1999 and 2002 on the VAHR.

In addition, Figure 14-2 shows the location of four sites which are located 'adjacent' to the construction area, as discussed in Table 14-4. The construction

area is defined in Chapter 6 (Project Description). These sites are:

- Armstrong SS II (7423-0735)
- Wattle Gully Road 1 IA (7423-0771)
- Allanvale 6 (7423-0179)
- Armstrong ST 3 (7423-0738).

Of the ten places determined to be of common or occasional occurrence that could potentially be impacted by the Project, an approved Cultural Heritage Management Plan would be required to manage the risk of the Project to the sites.

It is important to note that whilst 'Sisters Rocks' as discussed in Section 14.6 is not registered on the VAHR and therefore the extent has not been defined for mapping purposes, it was acknowledged during the options assessment process because of its Aboriginal cultural value. During the options assessment process the area and its relationship to the Black Ranges south west of the study area was taken into consideration. At the completion of the options assessment workshop it was determined that the proposed alignment would not impact on the location area known as "Sisters Rocks".

14.7.1 Potential Impact on Mortuary Trees

A total of eight hollow bearing trees were assessed for their potential as mortuary trees by a qualified arborist. One tree was considered to require further inspection (a flexible camera was used to look inside the hollow to confirm whether there were human remains or grave goods). No human remains or grave goods were recorded within the hollow 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.



Hollow Tree

14.8 Aboriginal Cultural Heritage Risk Assessment

An environmental risk assessment, including an assessment of risk to Aboriginal cultural heritage, was undertaken on the Project 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.

Table 14-3 Aboriginal Cultural Heritage Impact Assessment

Aboriginal Cultural Heritage Places within construction area	VAHR No.	Site Type	Significance of impact
Armstrong SS I: Ch. 7900 - 8000	7423 - 0734	Artefact Scatter	Minor
Armstrong SS 1: Ch. 7900 - 8000	7423 - 0755	Artefact Scatter	Minor
Kimburra Road 1: Ch. 8300 - 8400	7423 - 0772	Artefact Scatter	Minor
Junction Bridge 1: Ch. 4233 - 4300	7423 - 0712	Scarred Tree	Moderate
Junction Bridge 2: Ch. 4200 - 4300	7423 - 0713	Scarred Tree	Moderate
Armstrong ST 1: Ch. 6600 - 6700	7423 - 0736	Scarred Tree	Moderate



Allanvale House (Photo: Andrew Long and Associates)

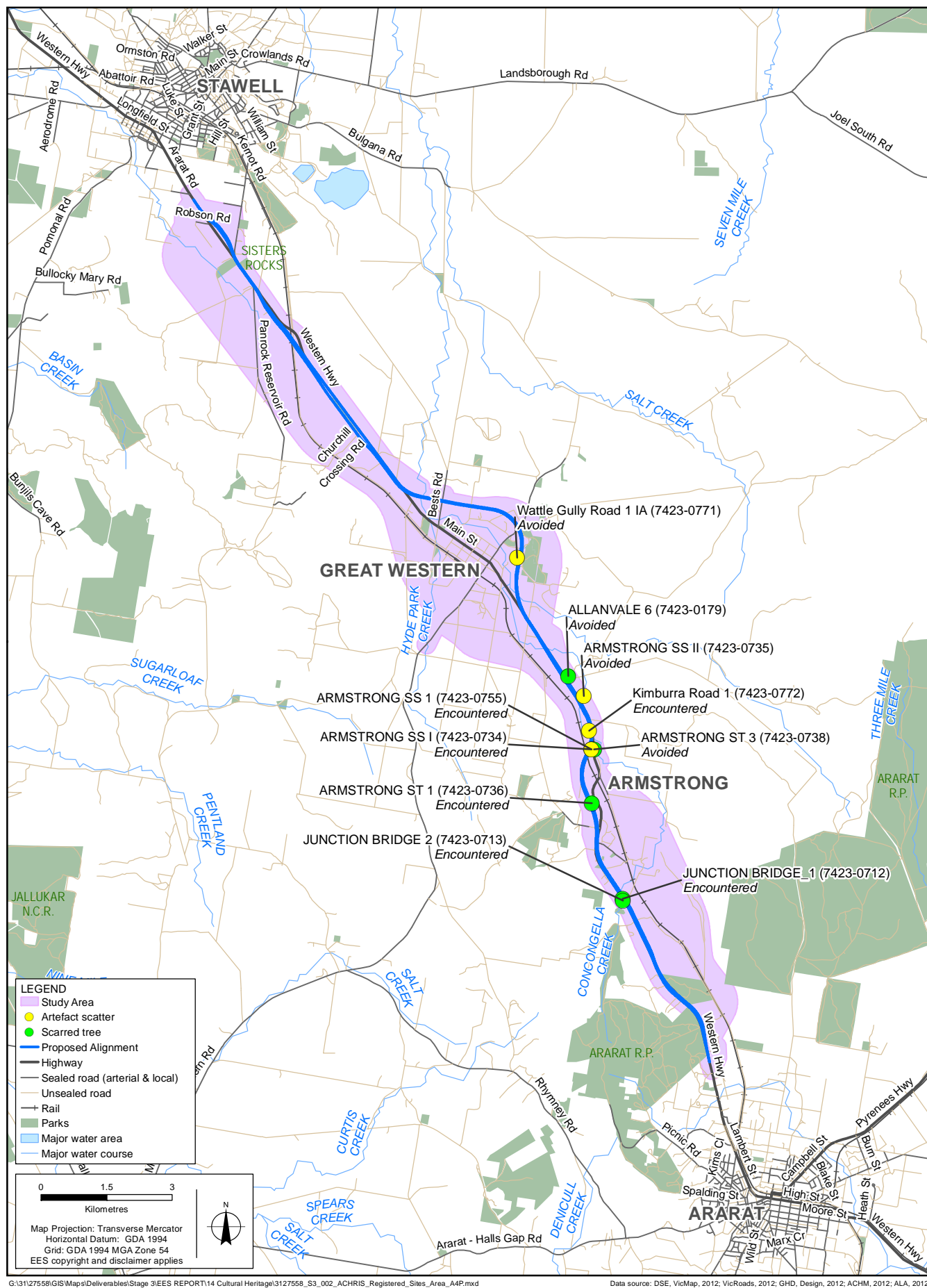


Figure 14-2 Aboriginal Heritage Sites Avoided and Potentially Impacted by the Project

Table 14-4 Aboriginal Culture Heritage Risks

Risk No.	Impact Pathway	Consequence Description
ACH1	Construction encounters the following previously identified Aboriginal cultural heritage places: <ul style="list-style-type: none"> ▪ Junction Bridge 1, Ch. 4223-4300 (scarred tree) ▪ Junction Bridge 2, Ch. 4200-4300 (scarred tree) 	Destruction of two occasional occurrence Aboriginal cultural heritage places.
ACH2	Construction encounters the following previously identified Aboriginal cultural heritage place: <ul style="list-style-type: none"> ▪ Armstrong ST 1, Ch. 6600 – 6700 (scarred tree) 	Destruction of occasional occurrence Aboriginal cultural heritage place.
ACH3	Construction encounters the following previously identified Aboriginal cultural heritage places: <ul style="list-style-type: none"> ▪ Armstrong SS I, Ch. 7900-8000 (artefact scatter) ▪ Armstrong SS1, Ch. 7900-8000 (artefact scatter) 	Destruction of two occasional occurrence Aboriginal cultural heritage places.
ACH4	Construction adjacent to (within 27m) the following previously identified Aboriginal cultural heritage place: <ul style="list-style-type: none"> ▪ Armstrong ST 3, Ch. 7900-8000 (scarred tree) 	Present design places the construction adjacent to this Aboriginal cultural heritage place whose precise place extent is undetermined. Alteration to design could destroy an occasional occurrence Aboriginal cultural heritage place.
ACH5	Construction encounters the following previously identified Aboriginal cultural heritage place: <ul style="list-style-type: none"> ▪ Kimburra Road 1, Ch. 8300 – 8400 (artefact scatter) 	Destruction of one common occurrence Aboriginal cultural heritage place.
ACH6	Construction adjacent to (within 47m) the following previously identified Aboriginal cultural heritage place: <ul style="list-style-type: none"> ▪ Armstrong SS II, Ch. 9100-9200 (artefact scatter) 	Present design places the construction adjacent to this Aboriginal cultural heritage place whose precise place extent is undetermined. Alteration to design could destroy a common occurrence Aboriginal cultural heritage place.
ACH7	Construction adjacent to (within 15m) the following previously identified Aboriginal cultural heritage place: <ul style="list-style-type: none"> ▪ Allanvale 6, Ch. 9700-9800 (scarred tree) 	Present design places the construction adjacent to this Aboriginal cultural heritage place whose precise place extent is undetermined. Alteration to design could destroy an occasional occurrence Aboriginal cultural heritage place.
ACH8	Construction adjacent to (within 6.5m) the following previously identified Aboriginal cultural heritage place: <ul style="list-style-type: none"> ▪ Wattle Gully Road 1 IA, Ch. 12700-12800 (artefact scatter) 	Present design places the construction adjacent to this Aboriginal cultural heritage place whose precise place extent is undetermined. Alteration to design could destroy a common occurrence Aboriginal cultural heritage place.
ACH9	Construction encounters previously unregistered and unassessed common occurrence Aboriginal cultural heritage place, e.g. artefact scatter.	Destruction of a common occurrence Aboriginal cultural heritage place.
ACH10	Construction encounters previously unregistered and unassessed occasional occurrence Aboriginal cultural heritage place, e.g. scarred tree.	Destruction of an occasional occurrence Aboriginal cultural heritage place.
ACH11	Construction encounters previously unregistered and unassessed rare occurrence Aboriginal cultural heritage place, e.g. burnt mound.	Destruction of a rare occurrence (e.g. burnt mound) Aboriginal cultural heritage place.
ACH12	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 its 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. Refer to Table 14-4 for impact pathways and site types.

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

Risk No. - refer to Table 14-4	Environmental Management Measures	Residual Rating
ACH1	An approved Cultural Heritage Management Plan (CHMP).	High
ACH2	An approved Cultural Heritage Management Plan (CHMP).	High
ACH3	An approved Cultural Heritage Management Plan (CHMP).	Medium
ACH4	Maintain current design to avoid impact if it is determined to occur outside the construction. An approved Cultural Heritage Management Plan (CHMP) will be required if it is determined construction will encounter it.	Low
ACH5	An approved Cultural Heritage Management Plan (CHMP).	Medium
ACH6	Maintain current design to avoid impact if it is determined to occur outside the construction. An approved Cultural Heritage Management Plan (CHMP) will be required if it is determined construction will encounter it	Low
ACH7	Maintain current design to avoid impact if it is determined to occur outside the construction. An approved Cultural Heritage Management Plan (CHMP) will be required if it is determined construction will encounter it	Medium
ACH8	Maintain current design to avoid impact if it is determined to occur outside the construction. An approved Cultural Heritage Management Plan (CHMP) will be required if it is determined construction will encounter it	Low
ACH9	An approved Cultural Heritage Management Plan (CHMP).	Low
ACH10	An approved Cultural Heritage Management Plan (CHMP).	Medium
ACH11	An approved Cultural Heritage Management Plan (CHMP).	High
ACH12	Consider realignment if a mortuary tree is identified in the future.	High

14.9.1 Aboriginal Cultural Heritage Residual Risks

As outlined in Table 14-5 there are four impact pathways that have a residual risk rating of high (ACH1, ACH2, ACH11 and ACH12). Despite the residual risk rating of High it is expected that ACH1 and ACH2 would have a moderate impact on Aboriginal cultural heritage due to the moderate significance of the sites. The remainder of the risks are rated either medium or low. Following implementation of the proposed mitigation measures there are not expected to be any significant detrimental impacts.

However, in regards to impact pathway ACH12, it is noted that following the risk assessment completed by Andrew Long and Associates, field work was conducted as part of the Standard Assessment completed by ACHM, as discussed in Section 14.4.3. The findings of the assessment concluded that there is highly unlikely to be any mortuary tree impacted by the Project. As a result of the Standard Assessment, the residual risk rating shown in Table 14-5 for ACH12 has been assigned a new rating of medium, as shown in Table 14-6.

Table 14-6 Amended Residual Rating ACH12 Following Standard Assessment

Risk No.	Environmental Management Measures	Residual Rating
ACH12	Consider realignment if a mortuary tree is identified in the future.	Medium

14.10 Aboriginal Cultural Heritage Conclusion

In regards to Aboriginal cultural heritage places, the proposed alignment would directly encounter six registered Aboriginal cultural heritage places: three of which are of minor significance (artefact scatter) and three of moderate significance (scarred tree). In the context of the Project and considering the Aboriginal cultural heritage places that would be impacted are of minor to moderate significance, the overall impact of the Project on Aboriginal cultural heritage is considered to be minor to moderate.

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

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 study 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 for the project area and provides a thematic history of the project area.
- Provides an inventory of any non-Aboriginal heritage places of significance in and within the vicinity of the project area. Survey work may be required to ensure that the inventory is a thorough listing of all non-Aboriginal heritage places 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 Northern Grampians Shire Council and the Ararat Rural City Council.
- Identifies and assesses 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 potential unknown sites of significance. Include details of any proposed measures such as site protection measures, site recording and documentation, funding options and relocation procedures if necessary, and any requirements under either the Ararat or Northern Grampians Planning Scheme and the *Heritage Act 1995*.
- Identifies residual effects of the project on non-Aboriginal heritage and values in 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 study area extends 200m beyond the proposed alignment option that is 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:
 - Ararat Planning Scheme
 - Northern Grampians Planning Scheme

The following tasks were also completed:

- Relevant spatial datasets were applied to the proposed alignment
- Primary source research, such as review of geo-referenced Parish maps and pastoral run files
- Consultation with relevant local councils, community members 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 (historical) Cultural Heritage are discussed in Table 14-7.

Table 14-7 Relevant Historical Heritage Legislation and Policies

Legislation / Policy	Description
International	
Burra Charter	<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"> ▪ association with special events, developments or phases; ▪ rarity due to association with a distinctive way of life, custom, process, land use, function or design no longer practiced; ▪ importance for demonstrating principal characteristics of a particular type or class of human activities); ▪ aesthetic value to the local community; ▪ value for demonstrating a particular technical or creative process; and ▪ strong or special association with a particular community or ethnic group for social, cultural or spiritual reasons. <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>The amended legislation also established two new lists or registers for heritage places at Commonwealth/National level, the National Heritage List (for places of outstanding cultural heritage significance to Australia) and the Commonwealth Heritage List (for significant heritage places owned or controlled by Commonwealth Government organisations).</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> <ul style="list-style-type: none"> ▪ 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. ▪ Heritage Inventory: 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. <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>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 3 study area, the Ararat and Northern Grampians Planning Schemes.</p>

14.15 Historical Cultural Heritage Existing Conditions

There are twelve registered historical sites within the study area. These sites and their significance, which is based on their registration type, are listed in Table 14-8.

Following inspection of existing registered sites, archival research and community consultation undertaken for the Project, four previously unregistered sites were identified as requiring listing on the Heritage Inventory and two previously unregistered sites were recommended by Heritage Victoria for possible inclusion in the Planning Scheme Heritage Overlay. These sites are listed in Table 14-9.

Table 14-8 Registered Historical Heritage places within the Study Area

Registration Type	Registration Number	Place/Site Name	Description	Significance
Heritage Inventory & DSE listed	H7423-0027	Former Great Western Lead Mine	Narrow band of intensive sinkings (shafts and small mounds) along an old cement lead. Very scrubby but workings are undisturbed and do provide an appreciation of the nature of this type of gold mining.	Local
Heritage Inventory	H7423-0060	Armstrong No. 1	Ruins comprising a ruined structure, marked by stone wall foundations and possible stone hearth with a possible outbuilding and a raised circular structure with a central depression	Local
Heritage Inventory	H7423-0061	Armstrong No. 2	House ruins with remnant cistern and garden.	Local
Heritage Inventory	H7423-0062	Garden Gully Road Ruin	Unable to be located during comprehensive site surveys between Sep. 2011 and Feb. 2012. Site previously recorded as a ruinous structure, marked by the remains of a stone fireplace with stones set in mud mortar. There a few scattered handmade bricks.	Local
Heritage Inventory	H7423-0063	Garden Gully Road House Site No. 1	Unable to relocate during comprehensive site surveys between Sep 2011 and Feb 2012. The site was previously recorded (V. Clark. D 3 June 1999) as a four roomed timber house. Other site features included a shearing shed to the west, brick shed foundations nearby, a small dam and a brick cistern. Remnant orchard, mature pines and other exotic trees.	Local
Heritage Inventory	H7423-0064	Garden Gully Road House Site No. 2	Stone and brick foundations, low mounds and scattered historical artefacts amongst extensive exotic vegetation on the top of a hill. There is also a brick cistern and a remnant garden.	Local
Heritage Inventory	H7423-0065	Armstrong Alluvial Gold Mining Area No. 1	Extensive area of shallow alluvial gold workings along a tributary of Concongella Creek. Area is marked by shallow pits, low mounds of spoil and scattered historical artefacts.	Local
Heritage Inventory	H7423-0066	Armstrong Alluvial Gold Mining area No. 2	Shallow alluvial gold workings along banks of Concongella Creek, over about 250m of the creek. Marked by shallow pits, low mounds, one partially filled tunnel and scattered historical artefacts.	Local
Heritage Inventory	H7423-0071	Armstrong Brick Structure Ruins	Site was unable to be located during the recent survey. Previously recorded by Vincent Clark 28/09/2000. Brick and stone foundations described as: Brick and stone footings covered by long grass. Handmade bricks, granite and lime mortar. Some wall lines are apparent in an area about 10x10m. Low mounds 50-60cm above ground level may mark further ruins.	Local
Heritage Inventory	H7423-0072	Armstrong Hotel Ruins	Previously recorded as a ruined stone structure, with some well-preserved sections of wall made of mudstone and mud mortar. Appears to be large and multi-roomed but difficult to assess as it is covered by dense scrub, may be garden remains on the South side of structure. The present survey located all features and brick and bluestone structural elements.	Local
Heritage Inventory	H423-0073	Armstrong Graves	A group of 8 to 9 low oval mounds edged by field stones. Appeared to be graves, but recent investigations suggest they are not graves. Most are small (i.e. children's) but 3 are larger. One is shaped like a cross. There are a number of larger, rectangular areas that are also raised and edged by stones.	Local

Registration Type	Registration Number	Place/Site Name	Description	Significance
DSE Listed		Sisters Rocks Graffiti Site	Large granite rocks scattered with graffiti – Need longer description.	Local

Table 14-9 Previously Unregistered Historical Heritage places within the Study Area

Registration Type	Registration Number	Place/Site Name	Description	Significance
Heritage Inventory	H7423-0080	Junction Township Site	Extensive diggings, associated with quartz and alluvial mining. Extant structures include battery, 2 small buildings, pub, possible post office, stables and bakery in a largely wooded setting. Power lines and Western Highway have previously impacted site.	Local
Heritage Inventory	H7423-0083	Former Armstrong Primary School Site	There are no extant structural remains visible at the location of the former Armstrong School. Some exotic trees at location. An empty small paddock to the north added, fencing and a small red brick/concrete culvert.	Local
Recommended for inclusion in HO		St Ethel's Winery	Original Winery House and shed/cellar (mud brick/timber) intact and in good condition/currently inhabited, some progressive alterations and repairs to mud brick elements, including the addition of an alcove at rear of house, intact wells and storage. All vineyards removed in the early 20th Century. Only small, former winery with surviving extant structures in Great Western.	Local
Heritage Inventory	H7423-0081	Former Allanvale Tollgate Site	Site comprises a small area of unidentified exotic vegetation, a diffuse scatter of redbrick, glass, bluestone and granite surrounding a small linear mound containing similar material.	Local
Recommended for inclusion in HO		Salinger's Winery	Present day modern vineyards and cellar door/sheds (Grampians estate winery). Brick lined well at front of property purported to be from original winery of the 1860's.	Local
Heritage Inventory	H7423-0082	Former McKay Family Homestead site	Site comprises an area of red brick, stone and concrete footings, plumbing and stumps, rubble filled concrete pits, water tanks, farm machinery and wooden out buildings set amongst linear rows of pine trees, an orchard, and exotic garden vegetation (lilies, agapanthus).	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.

A total of thirteen historical sites have been identified to potentially be impacted by the construction and operation of the proposed alignment. Nine sites would have their extents 'partially' within the proposed alignment construction area, three sites would be 'entirely' within the proposed alignment construction area and one immediately adjacent to the construction footprint. These sites are presented in Table 14-10 and shown in Figure 14-3.

The construction area is defined in Chapter 6.7 (Project Description). A key consideration of the proposed alignment was to avoid direct impact on these sites of historical significance, where possible.

The proposed construction footprint intersects the periphery of two listed Heritage Inventory site extents that were unable to be located during the Impact Assessment Survey, and is immediately adjacent to one:

- H7423-0062 Garden Gully Road Ruin
- H7423-0063 Garden Gully Road House Site No.1
- H7423-0071 Armstrong Brick Structure Remains (immediately adjacent to construction footprint)

However, these three sites were still considered in the Impact Assessment and Mitigation Measures in recognition that the potential for as yet unidentified subsurface archaeological deposits may exist.

Table 14-10 Historical Cultural Heritage Impact Assessment

Site name	Registration	Registered extent of site within construction area	Significance
Junction Township Site	H7423-0080	Partially	Local
Armstrong No. 1	H7423-0060	Partially	Local
Former Armstrong Alluvial Gold Mining Area No. 1	H7423-0065	Partially	Local
Former Armstrong Alluvial Gold Mining Area No. 2	H7423-0066	Partially	Local
Former McKay Family Homestead site	H7423-0082	Partially	Local
Former Great Western Lead Mine	H7423-0027 and DSE listed	Partially	Local
Sisters Rocks Graffiti Site	DSE Listed	Partially	Local
Garden Gully Road Ruin	H7423-0062	Partially	Local
Garden Gully Road House Site No. 1	H7423-0063	Partially	Local
Former Armstrong Hotel Ruins	H7423-0072	Entirely	Local
Former Armstrong Primary School Site	H7423-0083	Entirely	Local
Former Allanvale Tollgate Site	H7423-0081	Entirely	Local
Armstrong Brick Structure Remains	H7423-0071	Immediately adjacent to alignment	Local

***Sisters Rocks******Great Western Lead Mine (Source: ALA)***

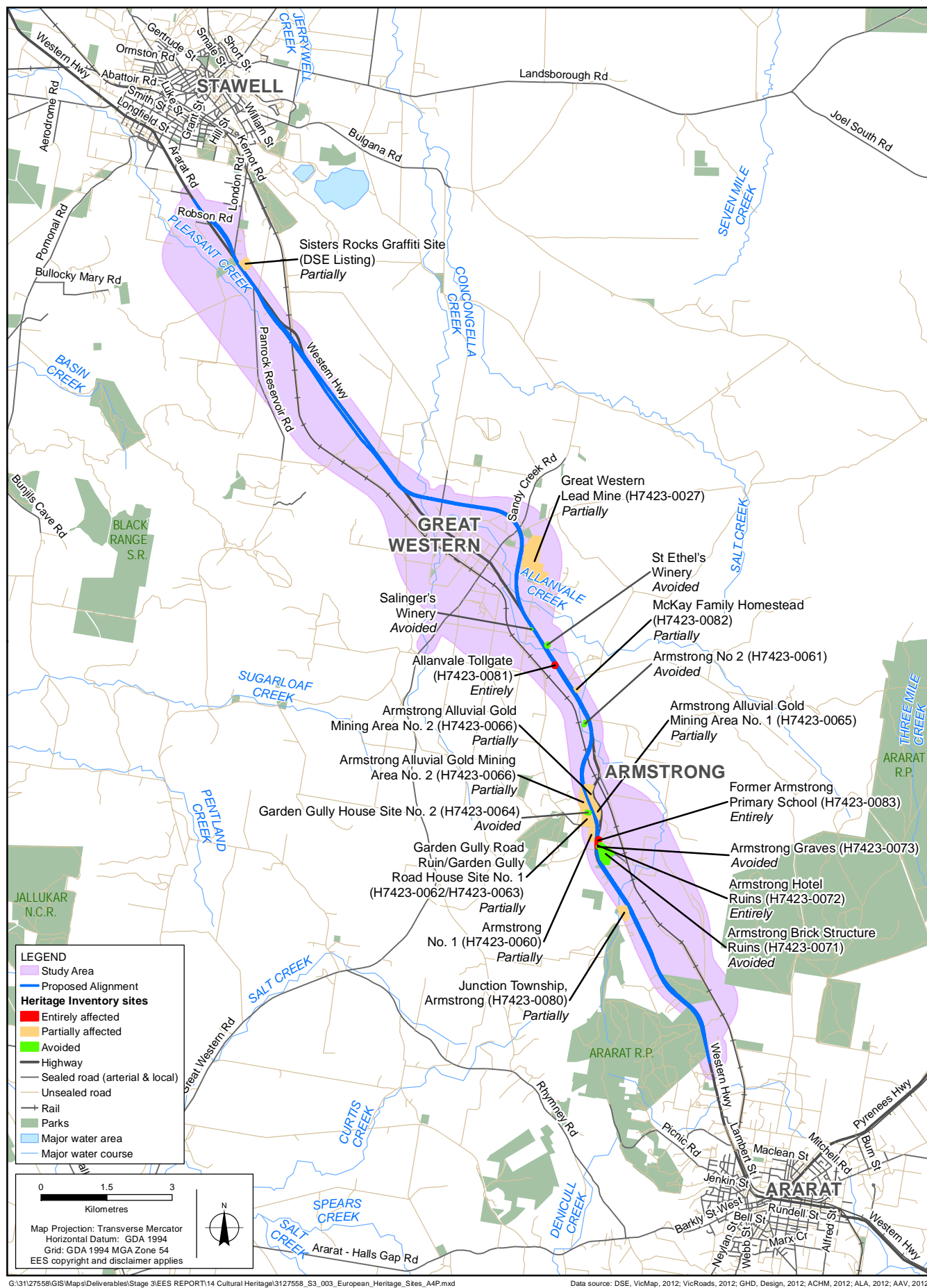


Figure 14-3 Historical Heritage Sites Avoided and Potentially Impacted by the Project

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 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
CHH1	Construction 'partially' encounters Junction Township Site, Armstrong (HI) Ch. 3800 - 4150	Damage to, or destruction of previously registered historical archaeological sites of features (HI).
CHH2	Construction 'entirely' encounters Former Armstrong Hotel Ruins (HI) Ch. 5600 – 5670	Damage to, or complete destruction of previously registered historical archaeological sites of features (HI).
CHH3	Construction 'entirely' encounters Former Armstrong Primary School Site (HI) Ch. 5750 -5800	Damage to, or complete destruction of previously registered historical archaeological sites of features (HI).
CHH4	Construction 'partially' encounters Armstrong No.1 site (HI) Ch. 5700 – 6000	Damage to, or destruction of previously registered historical archaeological sites of features (HI).
CHH5	Construction 'partially' encounters Armstrong Alluvial Gold Mining Area No. 1 (HI) Ch. 6200 - 6700	Damage to, or destruction of previously registered historical archaeological sites of features (HI).
CHH6	Construction 'partially' encounters Armstrong Alluvial Gold Mining Area No. 2 (HI) Ch. 6500 - 7100	Damage to, or destruction of previously registered historical archaeological sites of features (HI).
CHH7	Construction 'partially' encounters Former McKay Family Homestead site (HI) Ch. 9300 - 9400	Damage to, or destruction of previously registered historical archaeological sites of features (HI).
CHH8	Construction 'entirely' encounters Former Allanvale Tollgate(HI) Ch. 10050 – 10150	Damage to, or complete destruction of previously registered historical archaeological sites of features (HI).
CHH9	Construction 'partially' encounters Great Western Lead Mine(HI and DSE listed) Ch. 13000 - 13200	Damage to, or destruction of previously registered historical archaeological sites of features (HI).
CHH10	Construction 'partially' encounters Sisters Rock Graffiti Site (DSE listed) Ch. 22500 - 22750	Damage to previously listed local historical site (DSE).
CHH11	Construction immediately adjacent to Armstrong Brick Structure Ruins (HI) Ch. 5150 - 5700	Present design places the construction adjacent to this previously registered historical archaeological site (HI). Surface evidence of site not detectable, but potential for as yet unidentified subsurface archaeological deposits may exist.
CHH12	Construction 'partially' encounters Garden Gully Road Ruin and Garden Gully Road House Site No.1 (HI) 6000 – 6400.	Potential damage to two previously registered historical archaeological sites (HI). Surface evidence of site not detectable, but potential for as yet unidentified subsurface archaeological deposits may exist.
CHH13	Construction encounters previously unregistered and unassessed historical cultural heritage sites	Alteration to design could cause damage to, or completely destroy site previously unregistered historical cultural heritage sites.

14.18 Historical Cultural Heritage Environmental Management Measures

VicRoads has a standard set of environmental management measures which are typically incorporated into its construction contracts for road projects. 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 low. It is noted that while the sites impacted are of local significance, given they would be within the construction area the

impact is almost certainly going to occur; therefore the risk rating is low.

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 Measure	Residual Rating
CHH1	Early application to Heritage Victoria for consent to destroy (prior to construction) alleviates any potential delays resulting from unexpected finds and does not compromise the collection of data.	Low
CHH2	Early application to Heritage Victoria for consent to destroy (prior to construction) alleviates any potential delays resulting from unexpected finds and does not compromise the collection of data.	Low
CHH3	Early application to Heritage Victoria for consent to destroy (prior to construction) alleviates any potential delays resulting from unexpected finds and does not compromise the collection of data.	Low
CHH4	Early application to Heritage Victoria for consent to destroy (prior to construction) alleviates any potential delays resulting from unexpected finds and does not compromise the collection of data.	Low
CHH5	Early application to Heritage Victoria for consent to destroy (prior to construction) alleviates any potential delays resulting from unexpected finds and does not compromise the collection of data.	Low
CHH6	Early application to Heritage Victoria for consent to destroy (prior to construction) alleviates any potential delays resulting from unexpected finds and does not compromise the collection of data.	Low
CHH7	Early application to Heritage Victoria for consent to destroy (prior to construction) alleviates any potential delays resulting from unexpected finds and does not compromise the collection of data.	Low
CHH8	Early application to Heritage Victoria for consent to destroy (prior to construction) alleviates any potential delays resulting from unexpected finds and does not compromise the collection of data.	Low
CHH9	Early application to Heritage Victoria for consent to destroy (prior to construction) alleviates any potential delays resulting from unexpected finds and does not compromise the collection of data.	Low
CHH10	Construction avoids graffitied rocks.	Low
CHH11	Maintain current design to avoid impact.	Low
CHH12	In consultation with Heritage Victoria implement low level monitoring by a suitably qualified archaeologist: <ul style="list-style-type: none"> site inspection on first day of work to confirm that proposed construction footprint intersects the periphery of the registered site extent. on call during construction one scheduled visit to site during works. 	Low
CHH13	An EMP would be prepared to include contingency measures that manage the unexpected discovery of historical cultural heritage sites and features, in accordance with the <i>Heritage Act 1995</i> (Vic).	Medium

14.19 Historical Cultural Heritage Conclusion

A total of thirteen sites have been identified and assessed as potentially being impacted by the proposed alignment, refer to Table 14-10. All thirteen sites are of local historic significance and are registered with the Heritage Inventory (HI) and two (Great Western Lead Mine site and Sisters Rocks Graffiti site) are listed on the DSE heritage sites list.

It is noted that four of these nine sites have been registered as a result of the Project. The proposed alignment would result in an overall moderate 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.