

6. Cultural Heritage Assessment

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Green Heritage

Compliance & Research Pty Ltd

ABN 36 402 507 401

(DRAFT) Wimmera Plains Energy Facility

Complex Assessment

Cultural Heritage Management Plan Number: 16948

Sponsor: BayWa r.e Projects Australia Pty Ltd

Heritage Advisors: Laura Campbell and Barry Green

Authors: Laura Campbell, Barry Green and Mardi Renehan

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Barry Green
Principal Consultant
121 High Street,
Prahran 3181

August 18, 2020

Fiona Cotter
Director - Energy Forms
Level 8, 91 William St,
Melbourne 3000

Dear Fi,

I am writing to you to provide clarification on the preparation of the voluntary CHMP for the Wimmera Plains Energy Facility following receipt of the RFI. The CHMP had been prepared to the complex assessment stage on the understanding that no areas of cultural heritage sensitivity were to be impacted by works.

Subsequent to the undertaking of the Complex Assessment, minor layout amendments were included in the final application for planning approval. These amendments included approximately 850m of cable trenching within an area of cultural heritage sensitivity along Finlaysons Road. It is an area of cultural heritage sensitivity under the Aboriginal Heritage Regulations 2018 (Part 2 Reg. 34 (3)) as it is an area identified as "Qm1" in the Surface Geology of Victoria 1:250 000 map book.

34 Koo Wee Rup Plain

- (1) Subject to subregulation (2), the Koo Wee Rup Plain is an area of cultural heritage sensitivity.
- (2) If part of the Koo Wee Rup Plain has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.
- (3) In this regulation, **Koo Wee Rup Plain** means an area identified as "Qg" and "Qm1" in the Surface Geology of Victoria 1:250 000 map book

Finlaysons Road is typical of minor roads within the project envelope in that it was originally formed through mechanical grading and is regularly re-graded as a result of heavy-machinery traffic. In this case the Finlaysons Road reserve should no longer be considered an area of cultural heritage sensitivity as it has been subject to *significant ground disturbance*.

The Aboriginal Heritage Regulations 2018 (Part 1 5 *Definitions*) defines *significant ground disturbance* as follows:

significant ground disturbance means disturbance of—

- (a) the topsoil or surface rock layer of the ground; or
- (b) a waterway— by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping;

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This brings us back to Reg 34(2) whereby:
(2) If part of the Koo Wee Rup Plain has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

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As a voluntary CHMP is already being prepared, it is my opinion that although it is clear and obvious that the Finlaysons Road area of cultural heritage sensitivity has been subject to *significant ground disturbance*, it would be prudent and sensible to undertake additional Standard and Complex Assessment testing in this area (and other layout amendment areas) to identify any surface artefacts if present and to demonstrate that *significant ground disturbance* has occurred (or not). This is required so that the CHMP can be prepared to the required standard.

Summary of Advice:

- The project layout has been amended subsequent to the Complex Assessment.
- The Finlaysons Road area of cultural heritage sensitivity will be impacted by cable trenching.
- This area of sensitivity is highly likely to have been subject to *significant ground disturbance*, which if established as fact, means it is no longer an area of cultural heritage sensitivity.
- Additional testing under the existing voluntary CHMP will establish whether or not *significant ground disturbance* has occurred.
- There is no consideration of a mandatory CHMP requirement once *significant ground disturbance* is established.
- Additional testing should also include layout amendments subsequent to the last stage of the Complex Assessment.

Please let me know if you require additional information on the path forward, the key issue is to undertake additional testing to ensure that the CHMP adequately assesses the potential impact of the project on Aboriginal cultural heritage values within the Activity Area.

Kind Regards,



Barry Green MA MPHA FRAI
Principal Consultant