

## Murchs Corner BESS

### Cultural Heritage Due Diligence Assessment

Client: EBARE Pty Ltd

Heritage advisor and author: Rochelle Bensted

2/12/2025

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## Document control

Project number	Client	Project manager	LGA
9285	EBARE Pty Ltd	Rochelle Bensted	Moyne Shire Council

Version	Author	Review	Status	Comments	Date
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## List of Abbreviations

Term or abbreviation	Definition
ACHRIS	Aboriginal Cultural Heritage Register and Information System
The Act	<i>Aboriginal Heritage Act 2006</i>
CHMP	Cultural Heritage Management Plan
EMAC	Eastern Maar Aboriginal Corporation
FP-SR	First Peoples - State Relations
LGA	Local Government Area
Niche	Niche Environment and Heritage
RAP	Registered Aboriginal Party
Regulations	Aboriginal Heritage Regulations 2018
VAHC	Victorian Aboriginal Heritage Council
VAHR	Victorian Aboriginal Heritage Register

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# Executive Summary

Niche Environment and Heritage (Niche) were commissioned by Robert Luxmoore on behalf of EBARE Pty Ltd to undertake a Cultural Heritage Due Diligence Assessment for the proposed installation of a battery energy storage system (BESS) and associated infrastructure at 2977 Hamilton Highway, Darlington (the 'Site').

## Aboriginal Cultural Heritage

The assessment of the proposed activity has identified:

- The activity is a high impact activity under the Aboriginal Heritage Regulations 2018, as the activity will involve the construction of a building or the construction or carrying out of works on land that will involve significant ground disturbance, for the purposes of a utility installation where the works will affect an area exceeding 25 square metres (regulation 46(1)(a)(b)(xxvii)(D)).
- The Project Area is not situated within an area of cultural heritage sensitivity under the Aboriginal Heritage Regulations 2018.

As the Project Area is not situated within an area of cultural heritage sensitivity, a mandatory CHMP is not required for the proposed activity.

The Project Area has been previously assessed under CHMPs 10152 (Kirkwood, Neuweger and Clarke 2008) and 11020 (Ford 2009). These CHMPs allowed for the construction of wind turbines within the Project Area as part of the proposed Mortlake Wind Farm. These assessments, which involved a ground survey, did not identify Aboriginal cultural heritage within the Project Area.

An area of archaeological potential was identified within the south-western portion of the Project Area under CHMP 10152, which resulted in the relocation of the E05 proposed wind turbine. However, the report does not note why this area was considered to be an area of archaeological potential. The subsequent report (CHMP 11020) also does not mention this area of archaeological potential, and nor was this identified as an area of archaeological potential during the site inspection. Regardless, the southwest portion of the Project Area is not proposed to be impacted under this activity.

The Project Area has been subject to several ground disturbing activities, such as land clearing, ploughing, stock use, and road and drainage construction; which will have affected the preservation of Aboriginal cultural heritage (if present). The site inspection has found that the Project Area does not contain any areas of high Aboriginal archaeological potential. Additionally, the development areas are located within areas considered to be of low Aboriginal archaeological potential, as they are situated on flat plains with no microtopographic features, at a distance from permanent water sources.

## Historic Cultural Heritage

There are no registered historic cultural heritage places located within the Project Area. The Project Area also has a low potential to contain historical materials or features, and nor does it contain any areas of historical archaeological potential.

## Recommendations

Based on the above results, the following recommendations are made:

- A mandatory CHMP is not required under the *Aboriginal Heritage Act 2006* for the proposed activity.
- A Cultural Heritage Permit is not required under the *Aboriginal Heritage Act 2006* for the proposed activity, as there are no recorded Aboriginal places located within the Project Area.
- No approvals are required for historic cultural heritage under the *Environment Protection and Biodiversity Conservation Act 1999*, the *Heritage Act 2017*, or the *Planning and Environment Act 1987*.



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# 1 Introduction

Niche Environment and Heritage (Niche) were commissioned by Robert Luxmoore on behalf of EBARE Pty Ltd to undertake a Cultural Heritage Due Diligence Assessment for the proposed installation of a battery energy storage system (BESS) at 2977 Hamilton Highway, Darlington (the 'Site'). Within this broader Site, a 'Project Area' of approximately 167 ha has been defined, although an actual development footprint is likely to be in the vicinity of 25 ha.

This assessment has been conducted based on the information presented to Niche by Robert Luxmoore, and was undertaken to determine the requirements of the activity under current cultural heritage legislation.

## 1.1 Legislation

### 1.1.1 Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* (the Act) provides for the protection of Aboriginal cultural heritage in Victoria. The Act establishes organisations and bodies to facilitate the protection and management of Aboriginal cultural heritage, including the Victorian Aboriginal Heritage Council (VAHC) and Registered Aboriginal Parties (RAPs). It establishes the Victorian Aboriginal Heritage Register (VAHR) which holds details of known Aboriginal places and objects within the state. It also provides sanctions and penalties for harm to Aboriginal cultural heritage.

The Act protects and manages Aboriginal cultural heritage by setting requirements for the preparation Cultural Heritage Management Plans (CHMPs) and Cultural Heritage Permits for activities which may harm that heritage. The Act is given effect by the Aboriginal Heritage Regulations 2018 (the Regulations).

### Cultural Heritage Management Plans (CHMPs)

A mandatory CHMP is required under the Act for a proposed activity when two cultural heritage triggers are met:

A **high impact activity** is planned to be undertaken within an **area of cultural heritage sensitivity**.

High impact activities and areas of cultural heritage sensitivity are defined within the Regulations. The only mitigating circumstances for not requiring a mandatory CHMP when both cultural heritage triggers are met is if significant ground disturbance can be proven across the entire area of cultural heritage sensitivity within the proposed activity area. The Regulations define significant ground disturbance as:

*The disturbance of - (a) the topsoil or rock surface 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.*

A mandatory CHMP is also required when an Environment Effects Statement, impact management plan or comprehensive impact statement is required for a development.

A CHMP may also be voluntarily prepared when one or neither of the cultural heritage triggers are applicable for a proposed activity.

### Cultural Heritage Permits

A Cultural Heritage Permit is required when a proponent is planning to:

- Disturb or excavate for the purposes of identifying Aboriginal cultural heritage,
- Rehabilitate land at an Aboriginal place,
- Inter Aboriginal ancestral remains at an Aboriginal place,
- Carry out research on an Aboriginal place,



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- Undertake an activity that will, or is likely to, harm Aboriginal cultural heritage,
- Sell an Aboriginal object, and
- Remove and Aboriginal cultural heritage object from Victoria.

Permit applications are made to the relevant RAP, or to the Secretary to the Department of Premier and Cabinet if there is no RAP.

### 1.1.2 Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* protects heritage on Commonwealth land, and establishes the National and Commonwealth Heritage Lists which includes natural, historical, and Indigenous places of national significance. The *Environment Protection and Biodiversity Conservation Act 1999* also outlines penalties for anyone who takes an action that harms or has the potential to harm a place with Indigenous significance on these lists.

### 1.1.3 Heritage Act 2017

The *Heritage Act 2017* identifies and protects heritage places and objects within Victoria that are of state significance, and is administered by Heritage Victoria. The *Heritage Act 2017* establishes the Victorian Heritage Register, the Victorian Heritage Inventory, and the Heritage Council of Victoria.

### 1.1.4 Planning and Environment Act 1987

The *Planning and Environment Act 1987* establishes the land use planning controls used by local and state government bodies. One planning control is local government heritage overlays, which list places and precincts of local heritage significance which require a planning permit in the event of an alteration to a heritage place or precinct.

## 1.2 Aims

This Cultural Heritage Due Diligence Assessment has been undertaken to determine the requirements for the proposed activity under cultural heritage legislation. The assessment aims to identify:

- If there are any recorded Aboriginal or historic cultural heritage places within or surrounding the Project Area,
- If the Project Area is located within an area of cultural heritage sensitivity as defined in the Regulations,
- If the activity triggers the requirement for approvals under current cultural heritage legislation, and
- Determine potential risk management options that will benefit the project.

## 1.3 Methodology

This Cultural Heritage Due Diligence Assessment included the following:

- A review of the Victorian Aboriginal Heritage Register (VAHR) for recorded Aboriginal places and previous archaeological investigations within and surrounding the Project Area.
- A review of historic cultural heritage listings and databases for recorded historic cultural heritage places, including:
  - National, Commonwealth and international heritage lists,
  - Victorian Heritage Register (VHR),
  - Victorian Heritage Inventory (VHI),
  - Heritage overlay of the local government Planning Scheme (Moyne Shire Council), and
  - National Trust of Australia (Victoria) Register.



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- A review of the historical land use of the Project Area to identify any areas of historic cultural heritage significance.
- A site inspection of the Project Area.

The database searches and were undertaken to determine the nature and extent of Aboriginal and historic cultural heritage places within and surrounding the Project Area, and to assess the likelihood of previously unrecorded cultural heritage to be present and potentially harmed by the proposed activity.

A site inspection of the Project Area was undertaken to identify areas of significant ground disturbance which may negate areas of cultural heritage sensitivity.

## 1.4 Limitations

This report is a due diligence assessment only, and does not meet the requirement for approvals under current cultural heritage legislation. No detailed archaeological survey or subsurface investigations were undertaken as part of this assessment.

## 1.5 Heritage Advisor and Authorship

This Due Diligence Assessment was undertaken by Rochelle Bensted, who is a qualified cultural Heritage Advisor under s. 189(1) of the Act. A description of Rochelle's qualifications and experience is outlined below:

*Rochelle Bensted graduated with a Bachelor of Archaeology with honours from La Trobe University in 2017. She has extensive experience in cultural heritage management in Victoria and NSW, and has authored and co-authored over 30 CHMPs and other archaeological assessment reports. She has successfully managed a wide range of infrastructure and development projects, and undertaken archaeological surveys and excavations across various environments, with field experience in Victoria and NSW in Australia and internationally in Ireland. Rochelle is a fully qualified Heritage Advisor under the Aboriginal Heritage Act 2006.*

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## 2 The Activity

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### 2.1 Location of the Project Area

The Project Area is located at 2977 Hamilton Highway, Darlington, within the Moyne Shire Council local government area (LGA). The cadastral details of the Project Area are outlined in Table 1 below, and the general location of the Project Area is shown in Figure 1.

Table 1: Cadastral details of the Project Area

Category	Details
Address	2977 Hamilton Highway, Darlington
SPI	2~10\PP2492 1~20\PP2492
LGA	Moyne Shire Council
Parish	Darlington
Area (ha)	166.7
Planning zone	Farming Zone [FZ]

#### 2.1.1 Areas of Cultural Heritage Sensitivity

The Project Area does not contain any areas of cultural heritage sensitivity as defined within the Regulations (see Figure 2 below).

Approximately 5 m to the west of the Project Area, on the opposite side of Darlington-Terang Road, there is an area of cultural heritage sensitivity associated with Koo Wee Rup Plain deposits (geological unit Qm1), as identified in the Surface Geology of Victoria 1:250 000 map book (regulation 34(1)).

#### 2.1.2 Registered Aboriginal Party

Eastern Maar Aboriginal Corporation (EMAC) is the Registered Aboriginal Party (RAP) for the Project Area.

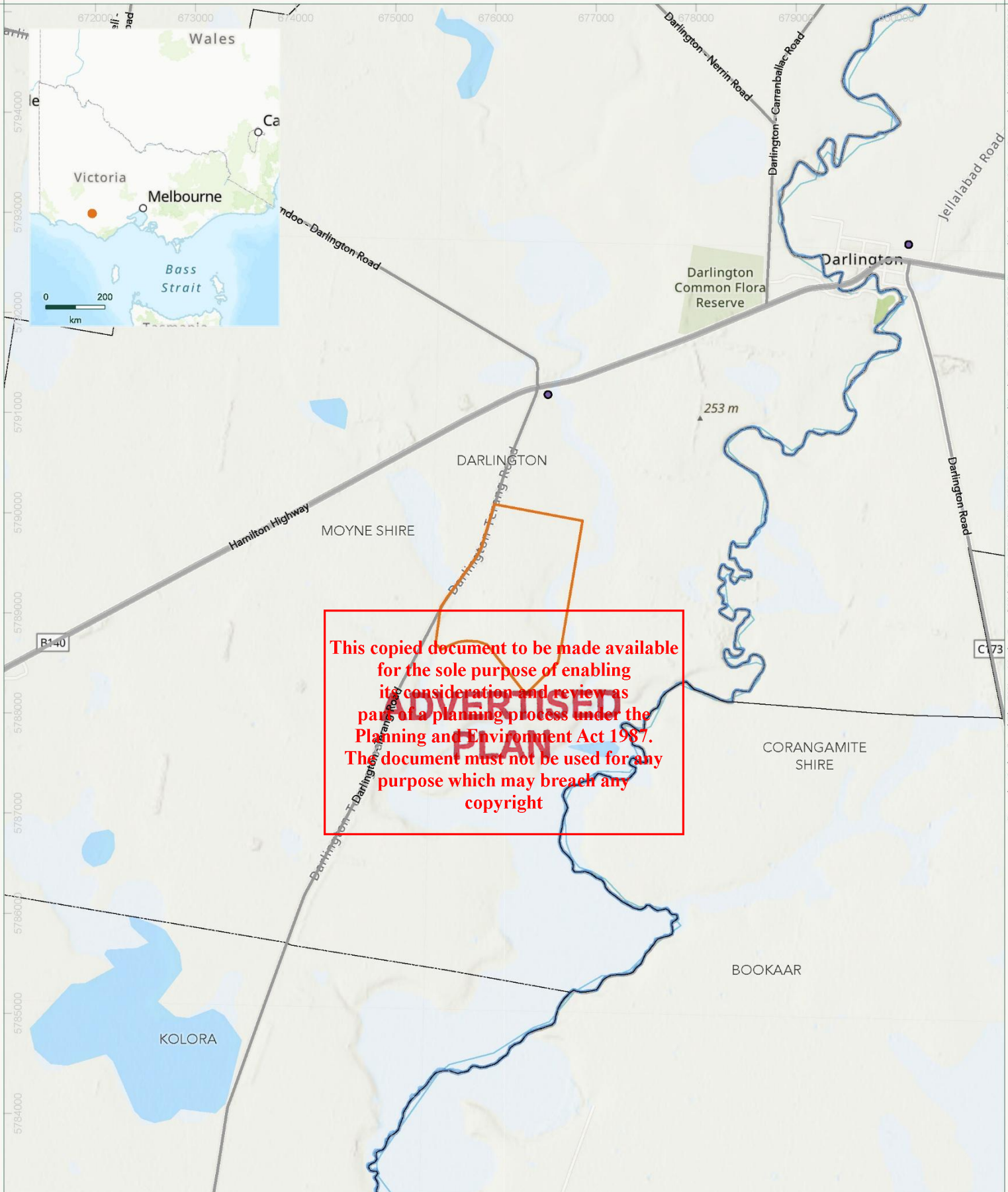
### 2.2 Activity Description

The proposed activity will involve the construction of a Battery Energy Storage System (BESS) and terminal station, with a potential laydown area during construction.

The development areas are outlined in Figure 2 below.

#### 2.2.1 High Impact Activities

The activity is a high impact activity as defined in the Regulations, as the activity will involve the construction of a building or the construction or carrying out of works on land that will involve significant ground disturbance for the purposes of a utility installation where the works will affect an area exceeding 25 square metres (regulation 46(1)(a)(b)(xxvii)(D)).



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- Project area
- Sub-arterial
- Transport
- Highway
- Arterial

- Hydrography
- Watercourse

- Water Area
- Administrative and Property Boundaries
- Locality Point

- Locality Boundaries
- Local Government Area

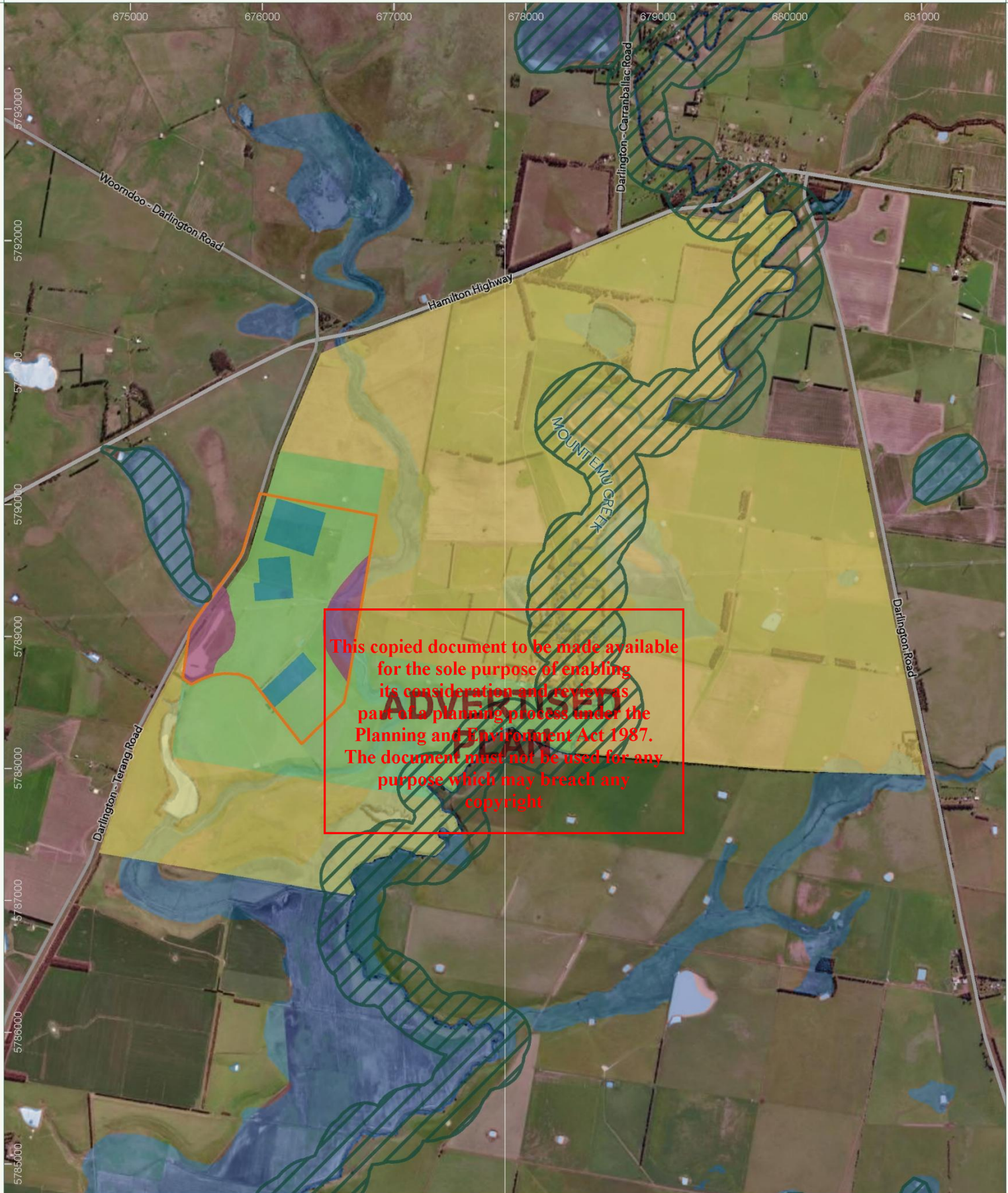


**Figure 1**  
**General Location**

Proposed Murchs Corner BESS - RFP for Cultural Heritage Consultant Services

Niche PM: Rochelle Bensted  
Niche Proj. #: 9285  
Client: Robert Luxmore Pty Ltd

Local Government Area: / Locality Point: / Project area: / Hillshade: Esri, Geoscience Australia, NASA, NGA, USGS/ Water Area: / Road Network - Vicmap Transport (TR\_ROAD): / Ferry: / Locality Boundaries: / Watercourse: / World Topographic Map: Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community/ Subject area: / Rail Network: / Watercourses, Waterbodies, Road and Rail alignments, Property © Vicmap | VAHR | Niche uses GDA2020 as standard for all project-related data. In order to ensure that data from numerous sources and coordinate systems is aligned, on-the-fly transformation to GDA2020 MGA Zone 54 is used in the map above. For ease of reference, the grid tick marks and labels shown around the border of the map are presented in GDA2020 MGA Zone 54.



- Project area
- Avoidance areas
- Development areas
- Site area

- Stony Point property
- Areas of cultural heritage sensitivity

- Transport**
- Highway
  - Arterial
  - Sub-arterial

- Hydrography**
- Watercourse
  - Water Area



**Figure 2**  
Project area plan

Proposed Murchs Corner BESS – RFP for Cultural Heritage Consultant Services

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# 3 Heritage Database Search

## 3.1 Aboriginal Cultural Heritage

### 3.1.1 Victorian Aboriginal Heritage Register

The VAHR is administered by First Peoples – State Relations (FP-SR), and holds records of the location, nature and extent of all known Aboriginal places and objects in Victoria. It also includes a database of previous archaeological investigations undertaken within Victoria, including CHMPs and salvage investigations, as well as surveys and excavations predating the Act.

#### 3.1.1.1 Registered Aboriginal Places

There are no previously recorded Aboriginal places within the Project Area. The closest recorded Aboriginal place is located >5 km south of the Project Area.

#### 3.1.1.2 Previous Archaeological Investigations

##### Mortlake Wind Farm, Mortlake, Victoria (CHMP 10152)

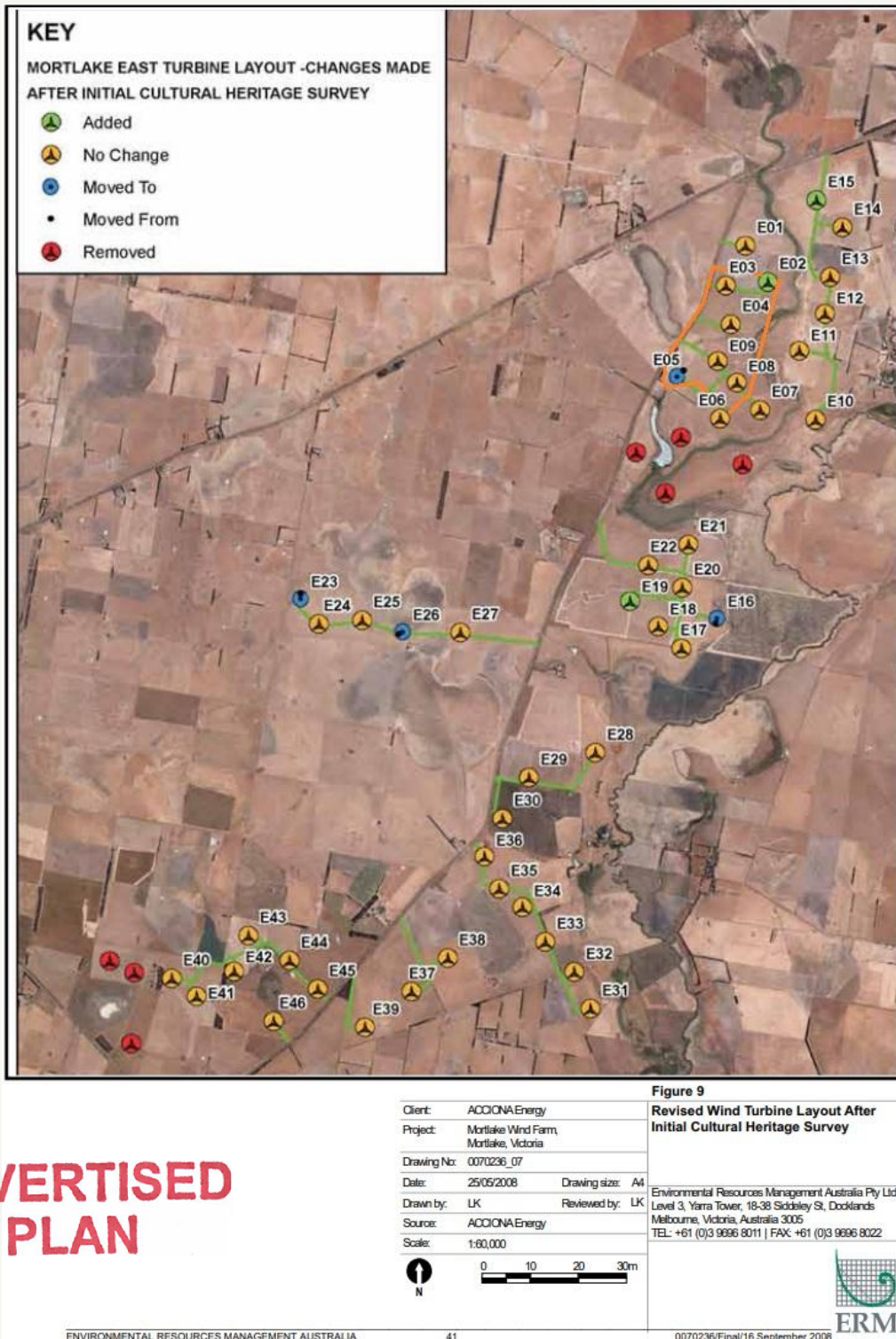
Kirkwood, Neuweger and Clarke (2008) prepared a CHMP for the proposed construction of the Mortlake Wind Farm on behalf of ACCIONA Energy Oceania Pty Ltd. The activity area for this CHMP measures 2,515 hectares in area, and encompasses the Project Area except for the Darlington-Terang Road road reserve on the western side. The activity proposed by the CHMP includes the construction of 96 wind turbines, substations, control rooms, compound areas, switchyards, access tracks, and the installation of underground cabling.

The desktop assessment component of the CHMP found that no previously recorded Aboriginal places were located within the activity area. It was predicted that:

- Artefact scatters are predominantly located in proximity to water, and were considered to have a moderate to high potential to occur within the activity area.
- Isolated stone artefacts have potential to occur anywhere on the landscape, but were considered to be more likely to occur in the same contexts as artefact scatters.
- Scarred trees, which may occur anywhere on the landscape where stands of mature native vegetation remain, were considered unlikely to occur within the activity area due to extensive land clearing.
- Stone arrangements, which are rare within the region, were considered unlikely to occur within the activity area.
- Aboriginal ancestral remains (burials) are likely to occur in soft soil or sand deposits with suitability for digging purposes. These deposits are most likely to occur near waterways and on dunes adjacent to old lake beds. Within the region, burials have also been known to occur in proximity to other Aboriginal place types (i.e. oven mounds and shell middens) and notable Aboriginal historical sites, such as known massacre sites.
- Earthen mounds occur where Aboriginal people lived for extended periods of time, and are usually located in proximity to water sources but can also be found on dunes and rock outcrops. It was considered unlikely that earth mounds would occur within the activity area due to disturbance through land clearance.
- Stone quarries, which occur where suitable rock outcrops are present, were considered to potentially be present within the activity area based on the local geology (volcanic), however, it was noted that none had been recorded in the region at the time of assessment.
- Fish and eel traps, which occur along waterways and swamps, were noted as common to the region and had been previously noted along Mount Emu Creek. However, due to the lack of permanent water resources within the activity area, it was considered unlikely that this place type would be present.



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Figure 3: Final wind turbine locations following the completion of ERM's survey in 2008 (Kirkwood, Neuweger and Clarke 2008:41). The approximate location of the Project Area is outlined in orange. A single wind turbine (E05) was relocated within the southwestern portion of the Project Area.



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An archaeological survey (standard assessment) of the activity area was undertaken in 2007 using a combination of pedestrian and vehicular survey. Areas of archaeological potential were noted during the survey, including:

- Land within 200m of waterways and swamps,
- Areas of elevated ground, and
- Any area in proximity to existing Aboriginal places.

No Aboriginal cultural heritage was identified during the survey, however, the effectiveness of the survey was limited by poor ground surface visibility, which was impacted by crops and other dense vegetation. Following the conclusion of the 2007 survey, seven proposed wind turbines were removed to avoid identified areas of archaeological potential, nine turbines were relocated, and three new turbine locations were added to the proposed activity. These new locations were surveyed the following year in 2008, and were found to not contain Aboriginal cultural heritage or areas of high archaeological potential.

A single wind turbine (E05) was relocated from an identified area of archaeological potential within the southwestern portion of the Project Area (see Figure 3 above). The ERM report does not detail what this area of archaeological potential was associated with. The remainder of the wind turbine locations within the activity area (5-6 in total) were found to not be located within areas of archaeological potential.

## Mortlake Wind Farm, Mortlake, Victoria (CHMP 11020)

Ford (2009) prepared a CHMP for the proposed construction of the Mortlake Wind Farm on behalf of ACCIONA Energy Oceania Pty Ltd. The activity area for this CHMP measures 6,003 hectares in area, and encompasses the Project Area except for the Darlington-Terang Road road reserve on the western side. The activity proposed by the CHMP includes the construction of 96 wind turbines, substations, control rooms, compound areas, switchyards, access tracks, and the installation of underground cabling. This CHMP was prepared following previous CHMP 10152 (Kirkwood, Neuweger and Clarke 2008) due to proposed changes in the activity which would result in impacts to areas not previously assessed.

The standard assessment conducted under CHMP 11020 involved a resurvey of the wind turbines and access tracks proposed within the Project Area for this assessment. The Project Area was found to be predominantly situated on stony rises (flat to moderate rises of decomposing basalt lava flows), with a low-lying floodplain associated with an ephemeral drainage line on the eastern side. These landforms were considered to be of low archaeological potential, except when that are in close proximity to creeklines.

No Aboriginal cultural heritage was identified within the Project Area during the survey; however, a single artefact scatter (Darlington As1 (VAHR 7421-0201)) was identified >7km south of the Project Area.

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## 3.2 Historic Cultural Heritage

### 3.2.1 National, Commonwealth and International Heritage Lists

The Australian Government Department of Climate Change, Energy, and Environment and Water maintains the Australian Heritage Database, which includes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL). The NHL is a register of outstanding natural, Aboriginal, and historical heritage places of national significance, and the CHL is a register of heritage places of national significance located on Commonwealth land. A place on either list has statutory protection under the *Environment Protection and Biodiversity Conservation Act 1999*.

The World Heritage List (WHL) as it applies to Australia is also managed under the Australian Heritage Database. The WHL lists cultural and natural heritage places that are considered to have international significance by the World Heritage Council.

Additionally, the Australian Heritage Database also includes the Register of the National Estate (RNE), a former heritage list which was discontinued as a statutory register in 2012. Although listing on the RNE no longer affords protection to any listing, the RNE database is still accessible as a non-statutory archive.

The Project Area is not listed on the WHL, NHL or CHL, nor is it included on the RNE database.

Stony Point Homestead, located ~1.5 km east of the Project Area, was listed on the RNE before its discontinuation.

Table 2: Historic places listed on the RNE in proximity to the Project Area

Place Name	RNE Place ID	Statement of Significance
Stony Point Homestead, Hamilton Hwy, Darlington, VIC, Australia	3801	Stoney Point pastoral station is one of three homesteads in the Darlington district acquired in the 1850s by pioneer John Cumming, and subsequently developed as successful sheep stations by his descendants. The Italianate style homestead, which includes the original stone house, is typical of Western District architecture of the 1870s and is most notable for the unusual harled facades, accentuated quoins, iron verandah and northern entrance portico.

Listing on the RNE does not afford Stony Point Homestead any statutory protections under current legislation.

### 3.2.2 Victorian Heritage Register

The Victorian Heritage Register (VHR) lists historical places of state-level significance in Victoria, which are afforded protection under the *Heritage Act 2017*.

There are no historical places listed on the VHR within or directly surrounding the Project Area.

### 3.2.3 Victorian Heritage Inventory

The Victorian Heritage Inventory (VHI) lists sites of archaeological potential in Victoria, which are also afforded protection under the *Heritage Act 2017*.

There are no historical places listed on the VHI within or directly surrounding the Project Area.



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## 3.2.4 Moyne Shire Council Planning Scheme

The Project Area is located within the Moyne Shore Council local government area and is governed by the Moyne Planning Scheme that sets out the policies and provisions for the use, development, and protection of land. Places considered to be of local significance are listed on the heritage overlay under the Moyne Planning Scheme.

There are no historical places listed on the Moyne Planning Scheme heritage overlay within or directly surrounding the Project Area.

## 3.2.5 National Trust of Australia

The National Trust of Australia is a non-government organisation dedicated to conserving and promoting Australia's natural, cultural, and built heritage. Historic heritage places considered to be of significance are listed on the National Trust's database; however, this listing does not afford statutory protection to these places.

The Stony Point Homestead, as described in Section 3.2.1, is listed by the Nation Trust (Place ID 67782).

## 3.3 Summary of the Heritage Database Search Results

### 3.3.1 Aboriginal Cultural Heritage within the Study Area

There are no previously recorded Aboriginal places located within, or within 5km of, the Project Area.

The Project Area has been subject to archaeological investigation and survey undertaken in 2007-2009 under CHMPs 10152 (Kirkwood, Neuweger and Clarke 2008) and 11020 (Ford 2009), both of which were prepared for the proposed Mortlake Wind Farm. No Aboriginal cultural heritage was identified within the Project Area during the preparation of these CHMPs. An area of archaeological potential was identified within the southwestern portion of the Project Area under CHMP 10152, which resulted in the relocation of the E05 proposed wind turbine location. However, the report does not note why this area was considered to be an area of archaeological potential. The subsequent report (CHMP 11020) also does not mention this area of archaeological potential.

Regardless, it is worth noting that the southwest portion of the Project Area is not proposed to be impacted under the proposed activity.

### 3.3.2 Historic Cultural Heritage Places within the Study Area

There are no registered historical places within the Project Area.

A single historical place has been identified ~1.5km east of the Project Area: Stony Point Homestead. This place was listed on the RNE prior to the register's discontinuation in 2012, and it is also listed on the National Trust's database. Neither of these listings afford statutory protection to historic places. The Homestead is also not anticipated to be impacted by the proposed activity.

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## 4 Land Use History

Darlington was an early place of European settlement in western Victoria, mostly due to its strategic location on the Hamilton Highway as it intersects with Mount Emu Creek, which was part of early stock routes used by the regions first pastoralists. The town was initially known as Elephant Bridge due to the bridge constructed across Mount Emu Creek on this route, prior to its gazettal as Darlington in 1852.

The district was initially dominated by large pastoral estates, which primarily ran sheep for wool on the surrounding undulating plains. Most of these estates were subdivided into soldier-settlement farms following the first and second World Wars, which caused increased settlement in the area.

The Project Area is situated within the Stony Point Station, which was taken up by Matthew Hall in 1844. In 1849 John Cumming acquired the run and built a four-room stone house with a verandah and kitchen wing. His son Thomas later erected additions to the homestead in 1878 (Victorian Heritage Database 2025).



Figure 4: View of Stony Point homestead, located ~1.5km east of the Project Area in c. 1987 (Victorian Heritage Database 2025).

The Project Area has been subject to high levels of disturbance since the arrival of Europeans in the region in the 1830s. Disruptive activities include large scale clearance of vegetation for farming activities and the subsequent ploughing of the ground surface for cropping. The continuous grazing of cattle and sheep has also had a significant impact, resulting in erosion and further disturbance to the topsoil. It is also likely the Project Area has been subject to rock clearing: a common practice on Victorian volcanic plains to facilitate agricultural activity.

A review of aerial imagery shows the Project Area to be heavily vegetated in 1947, and used for agricultural purposes (see Figure 5 below). Aerial imagery from 2008 show that the area has since been cleared of vegetation, with no notable change in the landscape visible in imagery from 2008 until the present.

The removal of this vegetation and the continued agropastoral use of the Project Area will have significantly impacted on Aboriginal cultural heritage deposits that may have been present within the area, potentially destroying some Aboriginal Place types (i.e. scarred trees) if they were once present.



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Figure 5: Aerial view of the Project Area (outlined in red) in 1947 (Department of Lands and Survey 1947).



Figure 6: Current aerial image of the Project Area.



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# 5 Site Inspection

A site inspection of the Project Area was undertaken on 12 September 2025 by Rochelle Bensted (Principal/Heritage Advisor, Niche). The inspection was undertaken to:

- Determine the extent of significant ground disturbance within the Project Area,
- Determine if there are any areas of high Aboriginal archaeological potential with the Project Area, and
- Determine if there are areas of historical archaeological potential within the Project Area.

## 5.1 Ground Disturbance

The Project Area is located almost entirely within agricultural land, with the exception of Darlington-Terang Road on the western side. Ground disturbances noted due to this land use include:

- Stock pugging during times of wet and saturated soils,
- Erosion along waterways due to continued stock use,
- Continued ploughing of the topsoil for cropping, and
- Vehicle use.

These activities have resulted in the repeated disturbance of the topsoil since European settlement of the region; however, they do not meet the definition for significant ground disturbance, as defined in the Regulations. Despite this, these activities will have disturbed and potentially destroyed Aboriginal cultural heritage deposits located within the first 0-200mm of topsoil.

### 5.1.1 Areas of Significant Ground Disturbance

A single area of significant ground disturbance, as defined in the Regulations, was identified during the site inspection. The footprint of Darlington-Terang Road has been subjected to significant ground disturbance associated with the mechanical alteration of the topsoil during the construction of the road and associated drainage.



Figure 7: View of Darlington-Terang Road on the western side of the Project Area.



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## 5.2 Areas of Aboriginal Archaeological Potential

No areas of high Aboriginal archaeological potential were identified during the site inspection.

The eastern side of the Project Area comprises a gently undulating plain, with a downwards slope towards an ephemeral drainage line which intersects the eastern side of the Project Area. There are no elevated landforms or alluvial terraces of high archaeological potential located in proximity to this drainage line.

The northern and central portions of the project area are characterised by a flat plain with no landscape features that would indicate high Aboriginal archaeological potential (e.g. low rises or water sources).

The southwest portion of the Project Area comprises a gently sloping plain, which slopes in a westerly direction towards an ephemeral soak. Similar to the ephemeral drainage line in the east, there are no microtopographic landforms surrounding this soak that would be considered of high archaeological potential.

The southeast portion of the Project Area comprises a flat plain, again with no landscape features of high Aboriginal archaeological potential.



Figure 8: View of the ephemeral drainage line on the eastern side of the Project Area.



Figure 9: View of the flat plain within the northern portion of the Project Area.



Figure 10: View of the southwest portion of the Project Area, comprising a gently sloping plain.



Figure 11: View of the southeast portion of the Project Area, comprising a flat plain.



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### 5.2.1 Areas of Cultural Heritage Sensitivity

No areas of Aboriginal cultural heritage sensitivity, as defined in the Regulations, are present within Project Area.

### 5.3 Area of Historic Archaeological Potential

No areas of historic archaeological potential are present within the Project Area.

### 5.4 Development Areas

Three areas are proposed for development as part of the activity. These include the BESS area, the terminal station, and an optional laydown area. None of these locations were found to contain areas of historic or Aboriginal archaeological potential during the site inspection. The site inspection results for these areas are summarised in Table 3 below.

Table 3: Assessed archaeological potential of the project development areas.

Development Area	Location	Landform	Aboriginal Archaeological Potential	Historic Archaeological Potential
BESS	Northwest portion of the Project Area	Flat plain	Low	Low
Terminal station	Central-northwest portion of the Project Area	Flat plain	Low	Low
Laydown area	Southeast portion of the Project Area	Flat plain	Low	Low

### 5.5 Site Inspection Results

The Project Area has been subject to several ground disturbing activities since European settlement in the region, including land clearing, ploughing and stock trampling, which will have affected the preservation of any Aboriginal archaeological material that may be present. The only location where significant ground disturbance, as defined in the Aboriginal Heritage Regulations 2018, has occurred is along Darlington-Terang Road on the western side of the Project Area; associated with the construction of the road and parallel drainage.

The site inspection has found the Project Area to comprise several landforms, including flat plains within the north, central and southeast portions of the area, and gently sloping plains in the east and southwest. Two ephemeral water sources are present within the area, with an ephemeral drainage line on the eastern side and an ephemeral soak in the southwest. No areas or landforms of high Aboriginal or historical potential were identified during the site inspection, either in proximity to the water sources or in general across the Project Area. No areas of cultural heritage sensitivity, as defined in the Regulations, are present within Project Area.

The proposed development areas associated with the BESS, terminal station and potential laydown, are considered to be areas of low archaeological potential.



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# 6 Conclusion and Recommendations

This Cultural Heritage Due Diligence Assessment was undertaken to determine the requirements of the proposed construction of a BESS and associated infrastructure at 2977 Hamilton Highway, Darlington, under cultural heritage legislation.

## 6.1 Aboriginal Cultural Heritage

### 6.1.1 Mandatory Cultural Heritage Management Plan

Assessment of the proposed activity identified:

- The activity is a high impact activity under the Aboriginal Heritage Regulations 2018, as the activity will involve the construction of a building or the construction or carrying out of works on land that will involve significant ground disturbance, for the purposes of a utility installation where the works will affect an area exceeding 25 square metres (regulation 46(1)(a)(b)(xxvii)(D)).
- The Project Area is not situated within an area of cultural heritage sensitivity under the Aboriginal Heritage Regulations 2018.

As the Project Area is not situated within an area of cultural heritage sensitivity, a mandatory CHMP is not required for the proposed activity.

### 6.1.2 Cultural Heritage Permit

No registered Aboriginal places are located within the Project Area. Therefore, a Cultural Heritage Permit is not required.

### 6.1.3 Risk to Aboriginal Cultural Heritage during the Activity

The Project Area been assessed as having a low potential to contain Aboriginal archaeological material that may be harmed during the activity.

The Project Area has been previously assessed under CHMPs 10152 (Kirkwood, Neuweger and Clarke 2008) and 11020 (Ford 2009). These CHMPs allowed for the construction of wind turbines and connecting access tracks and infrastructure within the Project Area as part of the proposed Mortlake Wind Farm. These assessments, which involved a ground survey, did not identify Aboriginal cultural heritage within the Project Area. It is worth noting that under CHMP 10152, a wind turbine (E05) was relocated in the southwest portion of the Project Area to avoid an identified area of archaeological potential. The associated report (Kirkwood, Neuweger and Clarke 2008) did not elaborate on the nature of this area of potential, and no such area was reidentified during the site inspection undertaken during this due diligence assessment. Regardless, the southwest portion of the Project Area will not be impacted as part of the proposed activity, and harm will be avoided to this area.

The Project Area has also been subject to several ground disturbing activities, such as land clearing, ploughing, stock use, and road and drainage construction; which will have affected the preservation of Aboriginal cultural heritage (if present). The site inspection has found that the Project Area does not contain areas of high Aboriginal archaeological potential. Additionally, the proposed development areas are located within areas considered to be of low Aboriginal archaeological potential; as they are situated on flat plains with no microtopographic features, and at a distance from permanent water sources.



## 6.2 Historic Cultural Heritage

There are no registered historic cultural heritage places located within the Project Area. The Project Area has a low potential to contain any historical materials or features, and nor does it contain any areas of historical archaeological potential.

## 6.3 Recommendations

Based on the above results, the following recommendations are made:

- A mandatory CHMP is not required under the *Aboriginal Heritage Act 2006* for the proposed activity.
- A Cultural Heritage Permit is not required under the *Aboriginal Heritage Act 2006* for the proposed activity, as there are no recorded Aboriginal places located within the Project Area.
- No approvals are required for historic cultural heritage under the *Environment Protection and Biodiversity Conservation Act 1999*, the *Heritage Act 2017*, or the *Planning and Environment Act 1987*.

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### Contact us

info@niche-eh.com  
niche-eh.com

#### NSW Office

Sydney: Dharug Country  
02 9630 5658

L3, 93 George St

Parramatta NSW 2150

QLD Office

Brisbane:  
Turrbal and Jagera Country

07 2104 8374 Ground Floor,  
Suite 3 North Tower

527 Gregory Terrace  
Fortitude Valley QLD 4006

#### VIC Office

Melbourne:  
Wurundjeri Country  
0488 224 036  
Level 3, 162 Collins Street  
Melbourne VIC 3000

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