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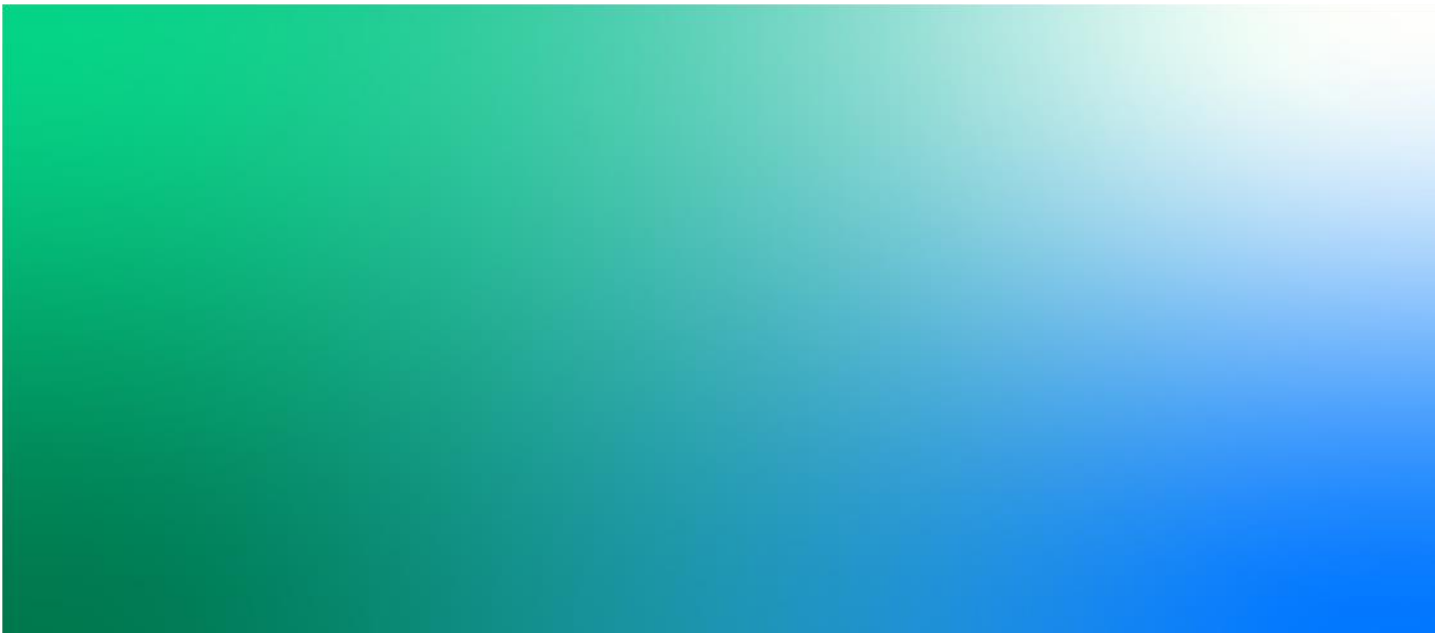
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**Jacobs**

**Prospect Hill Energy from Waste Plant  
Cultural Heritage Due Diligence Assessment**

IS305100 | RevA  
16 June 2020

**Prospect Hill International Pty Ltd**



## Prospect Hill Energy from Waste Plant

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### Document history and status

Revision	Date	Description	Author	Checked	Reviewed	Approved
A	16 June 2020	Technical Review	M Aitchison	16 June 2020	B Watson R Overberg	

## Executive Summary

Jacobs Group (Australia) Pty Ltd (Jacobs) has been engaged by Prospect Hill International Pty Ltd to provide a cultural heritage due diligence assessment for the proposed Prospect Hill Energy from Waste (EfW) Plant, located at 164-200 McManus Road, Lara (the Project area). The purpose of this cultural heritage due diligence assessment is to identify key Aboriginal and historic heritage constraints and/or risks that may influence development within the Project area and provide recommendations for any additional heritage assessment requirements for the Project area.

### Aboriginal Heritage

A search of the Victorian Aboriginal Heritage Register (VAHR) identified no registered Aboriginal cultural heritage places (Aboriginal Places) within the Project area. A previous heritage assessment undertaken in 1998 included the current Project area (Debney, 1998), and determined that the Project area has undergone extensive ground disturbance and is unlikely to contain Aboriginal cultural heritage. A site inspection for the current due diligence assessment confirmed extensive disturbance across the Project area, and that the proposed works are very unlikely to impact on Aboriginal cultural heritage.

### Historic Heritage

A review of relevant heritage registers found that there are no registered historical heritage places within, adjacent to or intersecting with the Project area. The desktop assessment determined that the Project area had been used primarily for grazing and agriculture since the early to mid-nineteenth century. Aerial photographs and parish maps indicated a low likelihood for historic heritage to be identified within the Project area. These results were confirmed during the site inspection which found the Project area has been subject to extensive ground disturbance including land clearance, levelling and the introduction of fill.

### Management Recommendations

#### Aboriginal heritage

While the proposed works are defined as a high impact activity, the project area does not intersect with any areas of cultural heritage sensitivity (CHS). Therefore, a mandatory Cultural Heritage Management Plan (CHMP) is not required for the project, in accordance with the Aboriginal Heritage Regulations 2018. As the Project area has been heavily disturbed and there is very low potential for Aboriginal cultural heritage, a voluntary CHMP is not recommended.

Although a CHMP is not required, it is unlawful to harm Aboriginal cultural heritage (s 27 of the Act) or to carry out an act likely to harm Aboriginal cultural heritage (s 28 of the Act). If during the works for the activity, Aboriginal cultural heritage is identified, or there is reason to believe that Aboriginal cultural heritage may be present, work must cease immediately at that location, Aboriginal Victoria and the RAP notified, and the provisions set out in Appendix A implemented.

#### Historical heritage

There are no registered heritage places situated within the Project area or within its immediate vicinity. Extensive ground disturbance within the Project area indicates there is a low likelihood for the presence of historic heritage places.

Under Section 127 of the *Heritage Act* 2017, it is an offence to excavate, damage or disturb relics and sites whether or not they are included on the Victorian Heritage Register (VHR) or Victorian Heritage Inventory (VHI). In the unlikely event that an archaeological site is discovered during construction or excavation on any land, the person in charge of the construction or excavation must as soon as practicable report the discovery to Heritage Victoria (HV). If any unexpected archaeological sites are uncovered during construction works, the following

procedure outlined in Section 5.3.1 must be followed by Prospect Hill International Pty Ltd and/or their contractors.

## Abbreviations

the Act	<i>Aboriginal Heritage Act 2006</i>
AHC	Australian Heritage Commission
AHC Act	<i>Australian Heritage Commission Act 2003</i>
c.	Circa
CHL	Commonwealth Heritage List
CHMP	Cultural Heritage Management Plan
CHP	Cultural Heritage Permit
CHS	Cultural Heritage Sensitivity
the Commonwealth Act	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>
EfW	Energy from Waste
EPBC Act	<i>Environment Protection and Diversity Conservation Act 1999</i>
the Heritage Act	<i>Heritage Act 1995</i>
HO	Heritage Overlay
HV	Heritage Victoria
NHL	National Heritage List
RAP	Registered Aboriginal Party
the Regulations	Aboriginal Heritage Regulations 2018
RNE	Register of the National Estate
VAHR	Victorian Aboriginal Heritage Register
VHI	Victorian Heritage Inventory
VHR	Victoria Heritage Register

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## **Important note about your report**

The sole purpose of this report and the associated services performed by Jacobs Group Australia (Jacobs) is to undertake an Historic and Aboriginal Cultural Heritage Desktop Assessment of the proposed Prospect Hill EfW plant in accordance with the scope of services set out in the contract between Jacobs and the Client (Prospect Hill International Pty Ltd). That scope of services, as described in this report, was developed with the Client.

In preparing this report, Jacobs has relied upon and presumed accurate, any information (or confirmation of the absence thereof) provided by the Client and/or from other sources. Except as otherwise stated in the report, Jacobs has not attempted to verify the accuracy or completeness of any such information. If the information is subsequently determined to be false, inaccurate or incomplete, then it is possible that our observations and conclusions as expressed in this report may change.

Jacobs derived the data in this report from information sourced from the Client (if any) and/or available in the public domain at the time or times outlined in this report. The passage of time, manifestation of latent conditions or impacts of future events may require further examination of the project and subsequent data analysis and re-evaluation of the data, findings, observations and conclusions expressed in this report. Jacobs has prepared this report in accordance with the usual care and thoroughness of the consulting profession, for the sole purpose described above and by reference to applicable standards, guidelines, procedures and practises at the date of issue of this report. For the reasons outlined above, observations and findings expressed in this report, to the extent permitted by law.

This report should be read in full and no excerpts are to be taken as representative of the findings. No responsibility is accepted by Jacobs for use of any part of this report in any other context.

The register searches undertaken for this report are current only at the date that a particular register was searched, as noted in the report. Aboriginal cultural heritage sites and areas of cultural heritage sensitivity may be added to or removed from heritage registers at any time and users of this report should check that sites/areas have not been added or removed from a particular register since the date the register was searched.

While the scope of this desktop assessment included a site inspection, it did not include consultation with the Registered Aboriginal Party (RAP) or Traditional Owners.

This report has been prepared on behalf of, and for the exclusive use of, Jacobs' Client, and is subject to, and issued in accordance with, the provisions of the contract between Jacobs and the Client. Jacobs accepts no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this report by any third party.



## 1. Introduction

Jacobs Group (Australia) Pty Ltd (Jacobs) has been engaged by Prospect Hill International Pty Ltd to provide a cultural heritage due diligence assessment for the proposed Prospect Hill Energy from Waste (EfW) Plant (the Project).

### 1.1 Location of Project area

The Project area is located 14 km north of Geelong within Lot D PS710783, 164-200 McManus Road, Lara, within the Greater City of Geelong local government area (LGA) (Figure 1). The project area located within industrial land and is approximately 16 ha in size. It is bounded to the north by farmland and the incomplete roadway, Production Way, to the south by Mcmanus Road and to the east and west by industrial land and structures.

### 1.2 Project background

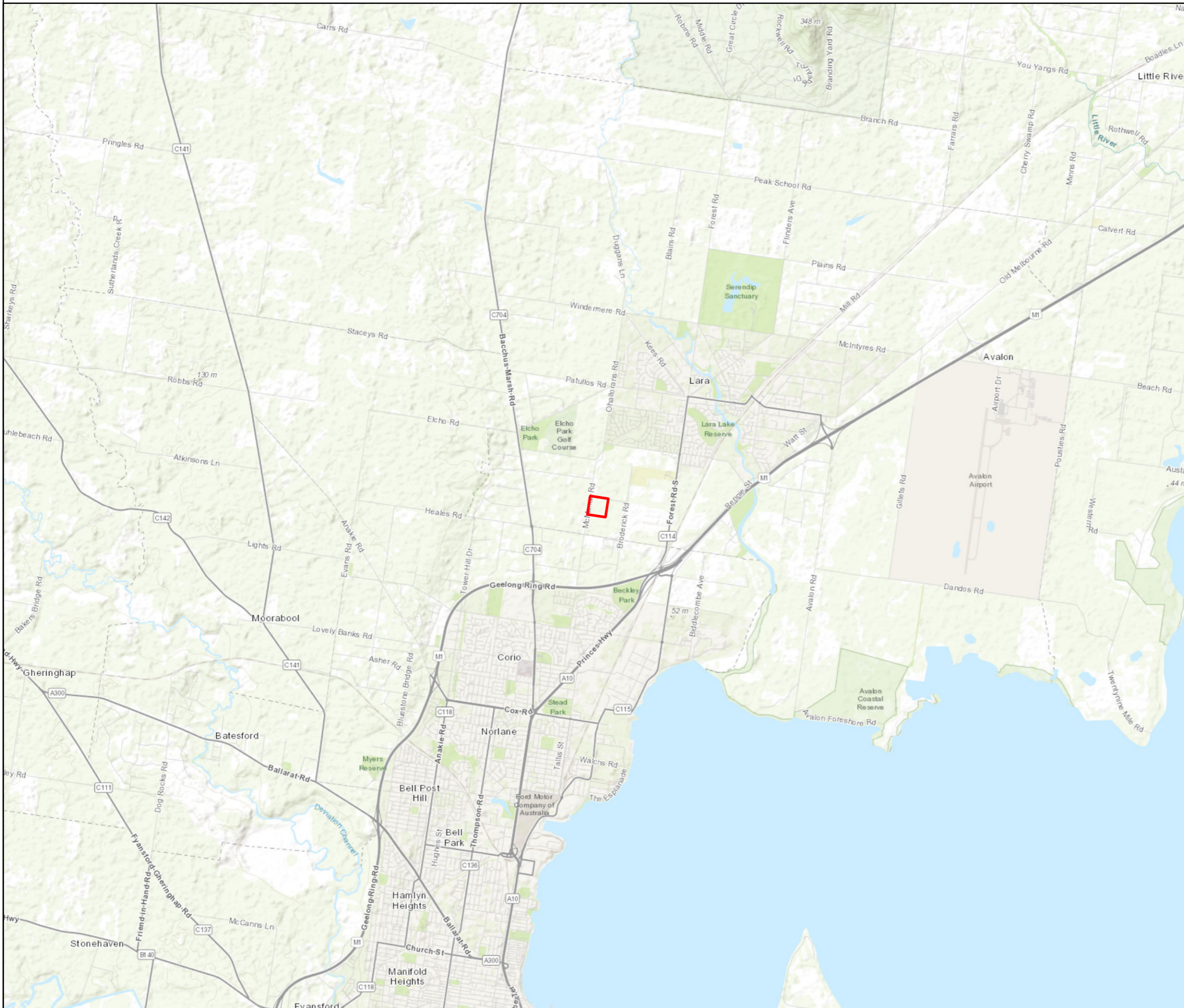
The proposed EfW plant will utilise conventional reciprocating grate combustion technology to process residual municipal solid waste (MSW) supplemented with commercial and industrial waste (C&I). EfW Plant design will have the capacity to process 400,000 tonnes of waste per annum. The EfW Plant will output electrical power with a proposed connection via 66kV transformer bushing to the Geelong Terminal Station. The proposed design and location of planned works within the Project area are shown in Figure 2.

### 1.3 Aim and scope of assessment

The purpose of this cultural heritage due diligence assessment is to:

- Identify key Aboriginal and historic heritage constraints and/or risks that may influence development within the Project area
- Provide recommendations for any additional heritage assessment requirements for the Project area.

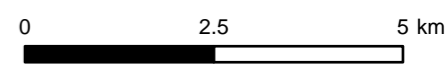
The results of this assessment will inform applications for Works Approval and a Planning Permit in compliance with the *Environmental Protection Act 1970* and the *Planning and Environment Act 1987*.



 Project location

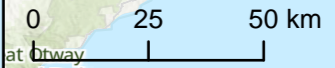


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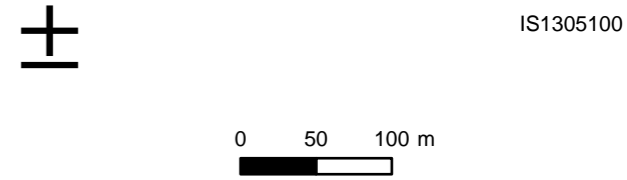
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- Project Boundary
- Buildings
- Construction
- Easement - Gas
- Easement - Potable water and sewer
- Easement - Stormwater
- Equipment
- Fence
- Road / Carpark



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## 2. Review of relevant legislation

### 2.1 Victorian state legislation

#### 2.1.1 *Aboriginal Heritage Act 2006*

In 2006, the Victorian Parliament passed the *Aboriginal Heritage Act 2006* (the Act), which came into operation on 28 May 2007. The Act was amended in 2016 (*Aboriginal Heritage Amendment Act 2016*) and is the principal piece of legislation dictating Aboriginal cultural heritage management in Victoria.

##### 2.1.1.1 **Aboriginal Heritage Regulations 2018**

The Aboriginal Heritage Regulations 2018 (the Regulations) are designed to generally give effect to the Act. Key objectives of the Regulations are to:

- Specify the circumstances in which a cultural heritage management plan is required for an activity or class of activity
- Prescribe standards for the preparation of a cultural heritage management plan including the carrying out of assessments.

A cultural heritage management plan (CHMP) is a legally binding document that includes cultural heritage assessment, consultation with Aboriginal stakeholders and management recommendation/contingencies put in place to protect Aboriginal cultural heritage. A CHMP is designed to manage Aboriginal cultural heritage issues specific to an activity for a specified area, called an 'activity area'. An approved CHMP also acts like a permit and if followed correctly protects the Sponsor of the CHMP against prosecution under the Act.

Regulation 7 of the Regulations prescribes that a CHMP is required for an activity if:

- a) All or part of the activity area is defined as an area of cultural heritage sensitivity (CHS; see regulation 5 for definitions); and
- b) All or part of the activity is a high impact activity (see regulation 5 for definitions).

If only part of a Project includes high impact activities and only part of the activity area is within an area of CHS, a CHMP is required.

A CHMP is also required for an activity, regardless of points a) and b) if any part of the activity requires an Environmental Effects Statement.

A CHMP is not required for an activity if the entire area of CHS has been subject to significant ground disturbance. Significant ground disturbance is defined in regulation 5 as disturbance by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing (other than deep ripping) of:

- The topsoil or surface rock layer of the ground, or
- A waterway.

The burden of proving that an area has been subject to significant ground disturbance, and therefore does not require archaeological investigation, rests with the Sponsor of a CHMP. The Sponsor must provide evidence to support a claim of significant ground disturbance. Evidence may include common knowledge, publicly available records, further information or expert advice or opinion (DPC 2013).

### 2.1.2 *Heritage Act 2017*

The *Heritage Act 2017* (the Heritage Act), which replaced the Heritage Act 1995 on 1 November 2017, is administered by Heritage Victoria (HV), Department of Environment, Land, Water and Planning. The main purpose of the Heritage Act is to 'provide for the protection and conservation of the cultural heritage of the State'. The Heritage Act protects all categories of cultural heritage relating to the non-Aboriginal settlement of Victoria including shipwrecks, buildings, structures, objects and archaeological sites.

There are two categories of listing provided for under the Heritage Act:

- Victorian Heritage Register (Section 23), and;
- Victorian Heritage Inventory (Section 117).

#### 2.1.2.1 **Victorian Heritage Register**

This category provides protection for those places, objects, archaeological places, archaeological artefacts or shipwrecks assessed as being of outstanding cultural significance within the State of Victoria. The Heritage Act establishes a Heritage Council, an independent statutory authority which determines which heritage places/objects are included on the Victorian Heritage Register (VHR). Nominations to the VHR can be made to the Executive Director (Heritage Victoria) who will review the nomination and make recommendations to the Heritage Council for inclusion on the VHR.

Under Section 87 and 88 of the Heritage Act it is an offence to knowingly, or negligently, remove, relocate, demolish, damage, despoil, develop, alter or excavate any part of a registered place on the VHR, unless a Permit is granted under the Heritage Act. Permit applications must be submitted to the Executive Director for consideration and determination of the matter. There is a review process for the decisions or conditions of permits through the Heritage Council. Fees for permits to carry out works to a registered place or object are detailed in Section 13 and 14 of the Heritage Regulations 2017 and range in scale depending on the nature and costs of the works involved.

#### 2.1.2.2 **Victorian Heritage Inventory**

The Victorian Heritage Inventory (VHI) includes all known archaeological sites (other than those determined to be of low archaeological value). Archaeological sites are defined as a place (other than a shipwreck) which:

- a) Contains an artefact, deposit or feature which is 75 or more years old<sup>1</sup>; and
- b) Provides information of past activity in the State; and
- c) Requires archaeological methods to reveal information about the settlement, development or use of the place; and
- d) Is not associated only with Aboriginal occupation of the place.

Under Section 123 of the Heritage Act it is an offence to knowingly or negligently deface, damage, or otherwise interfere with an archaeological site, whether it is included in the VHI or not, without a Consent. A Consent under Section 124 is required from the Executive Director for works or activities, including excavation, in relation to an archaeological site. Fees for consents are detailed in Section 23 of the *Heritage Regulations 2017* and range in scale depending on the nature and scale of the works involved.

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<sup>1</sup> Archaeological sites that are less than 75 years old may also be listed on the VHI, if it is determined that the site is of archaeological value.

### 2.1.2.2.1 'D' listing

Heritage Victoria has a 'D' classification in the VHI for places that don't meet the definitions and requirements for inclusion in the VHI as an archaeological site or those with no cultural heritage significance. There is no requirement to obtain Consent from HV for removal or damage to relics or sites provided with a 'D' classification although HV request they are notified in writing.

### 2.1.2.3 Discovering archaeological sites

Under Section 127 of the Heritage Act, if an archaeological site is discovered during an investigation or survey of land for a relevant survey purpose (including survey for an Aboriginal Cultural Heritage Management Plan), the person undertaking the survey or investigation must provide a site card to HV within 30 days after the discovery. Even if the survey does not reveal an archaeological site, HV must be notified and a survey report provided, in accordance with Section 31 of the Heritage Regulations 2017.

If an archaeological site is discovered during construction or excavation on any land, the person in charge of the construction or excavation must as soon as practicable report the discovery to HV.

### 2.1.3 *Planning and Environment Act 1987*

The Project area is located within the City of Greater Geelong local government area (LGA). In accordance with the *Planning and Environment Act 1987*, City of Greater Geelong has developed a Planning Scheme. As part of the Planning Scheme City of Greater Geelong have produced a Schedule to the Heritage Overlay (HO). The purpose of the HO (Clause 43.01) and Schedule is to conserve and enhance places of natural or cultural significance and those elements which contribute to their significance (both historical and Aboriginal heritage places). Planning approval may be required from the City of Greater Geelong to undertake works within a place listed on the Heritage Overlay.

## 2.2 Commonwealth legislation

### 2.2.1 *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (the Commonwealth Act) protects Aboriginal cultural property that is significant to Aboriginal people. Cultural property includes any places, objects and folklore that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'. This includes intangible cultural heritage values; these sites may not necessarily have an archaeological component. Where Aboriginal cultural heritage places have cultural significance in accordance with Aboriginal tradition and are registered under the State's *Aboriginal Heritage Act 2006*, these would also be Aboriginal places subject to the provisions of the Commonwealth Act.

There is no cut-off date and the Commonwealth Act may apply to contemporary Aboriginal cultural property as well as ancient sites. The Commonwealth Act takes precedence over State cultural heritage legislation where there is conflict. Under section (s) 9 and 10 of the Commonwealth Act, the responsible Minister may make a declaration in situations where state or territory laws do not provide adequate protection of heritage places. The declaration can be made in response to verbal or written communication to the Minister, which seeks to protect or preserve a specified area from injury or desecration. Declarations can result in stop work activities and override other approvals that may be in place.

### 2.2.2 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) includes 'national heritage' as a Matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL).

The following is a description of each of the heritage lists and the protection afforded places listed on them.

### 2.2.2.1 Commonwealth Heritage List

The Commonwealth Heritage List (CHL) is established under the EPBC Act. The CHL is a list of properties owned by the Commonwealth that have been assessed as having significant heritage value. Any proposed actions on CHL places must be assessed for their impact on the heritage values of the place in accordance with *Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies (Significant Impact Guidelines 1.2)*. The guidelines require the proponent to undertake a self-assessment process to decide whether or not the action is likely to have a significant impact on the environment, including the heritage value of places. If an action is likely to have a significant impact an EPBC Act referral must be prepared and submitted to the Minister for approval.

### 2.2.2.2 National Heritage List

The National Heritage List (NHL) is a list of places with outstanding heritage value to Australia, including places overseas. Any proposed actions on NHL places must be assessed for their impact on the heritage values of the place in accordance with *Matters of National Environmental Significance (Significant Impact Guidelines 1.1)*. The guidelines require the proponent to undertake a self-assessment process to decide whether or not the action is likely to have a significant impact on a matter of National Environmental Significance, including the national heritage value of places. If an action is likely to have a significant impact an EPBC Act referral must be prepared and submitted to the Minister for approval.

### 2.2.2.3 Register of the National Estate

The Register of the National Estate (RNE) was formerly compiled as a record of Australia's natural, cultural and Aboriginal heritage places worth keeping for the future. The RNE was frozen on 19 February 2007, which means that no new places have been added or removed since that time. From February 2012 all references to the RNE were removed from the EPBC Act. The RNE is maintained on a non-statutory basis as a publicly available archive.

### 3. Desktop Assessment

#### 3.1 Aboriginal Heritage

Available ethnohistorical and historical information relating to Aboriginal peoples in the region surrounding the project area was briefly reviewed. This information has been used to assist in formulating a model of past Aboriginal occupation in the project area. Analysis of the documented archaeological record of this area viewed in conjunction with ethnohistorical information assists in the interpretation of archaeological sites in the wider region, and in predicting the potential location of archaeological site types within the project area.

##### 3.1.1 Ethno-history

According to Clark (1990), at the time of European occupation, the Lara area was occupied by peoples of the *Wadawurrung* language group. This language group was divided into some 26 clans, with each responsible for specific areas within the wider *Wadawurrung* territory (Figure 3). According to Clark (1990, p. 311) the clan historically responsible for the land surrounding the current project area were the *Neerer balag*, who resided between Geelong and the You Yangs and along Hovells Creek (see label 17, Figure 3). Today descendants of these Aboriginal peoples form the Wathaurung Aboriginal Corporation (WAC), the Registered Aboriginal Party (RAP) for the region. At the time of writing, no consultation had been undertaken with WAC regarding this assessment.

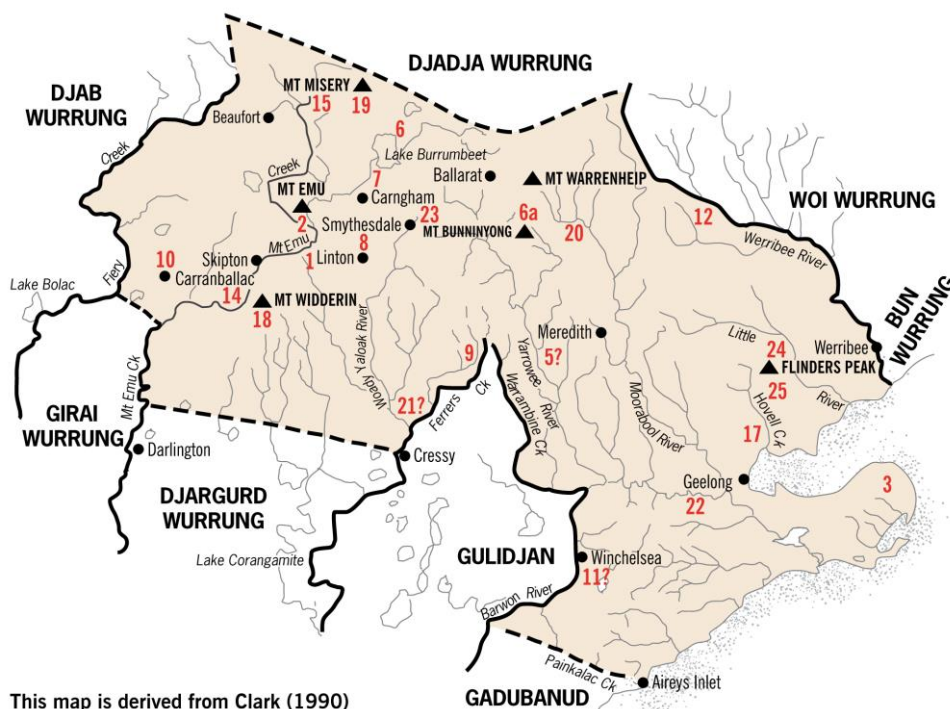


Figure 3 Wadawurrung lands derived from Clark (1990) (City of Greater Geelong, 2020)



Hunting and gathering would have been common activities occurring throughout this area, and the Lara region would have provided people with fresh water and food resources especially around the seasonal Hovells Creek and its tributaries, 3 km to the east (Presland, 1994). Kangaroos and wallabies would have been abundant in the level plains surrounding the project area. A number of bird and frog species as well as Platypus are endemic to the Hovells Creek catchment geographic region. The rich riparian habitat and vegetation adjacent the creek would have provided native vegetation, fresh water, fish, shellfish, water birds and small mammals would have provided a ready resource within this landscape (Zola & Gott, 1990). These resources would have made the area just a few kilometres to the west of the current project area an attractive location for Aboriginal groups to camp for extended periods.

### 3.1.2 Areas of cultural heritage sensitivity

The project area does not intersect with areas of Cultural Heritage Sensitivity (CHS) as defined by Division 3 of the Regulations. The closest areas of CHS to the project area are those associated with an artefact scatter (VAHR 7721-1175) located approximately 600 m to the north-east, and those associated with Hovells Creek, approximately 3 km to the east of the Project area.

### 3.1.3 Existing conditions

A search of the Victorian Aboriginal Heritage Register (VAHR) was completed by Meaghan Aitchison (Project Archaeologist, Jacobs) on 2 April 2020. There are no registered cultural heritage places (Aboriginal Places) within the project area and none within 200 m of the project area.

There is one Aboriginal Place (VAHR 7721-1175) within 1 km of the study area, and a further 92 Aboriginal places located within 5 km of the Project area (Table 1, Figure 4). The majority of components making up these places are with Low Density Artefact Distributions (LDADs) (81.67 per cent, n=361). The remaining components are Artefact Scatters (n=72), Object Collections (n=6) and Shell Middens (n= 2). There is one recorded burial (Aboriginal Ancestral Remains) within five kilometres of the Project area (n= 1). The frequency of registered Aboriginal Place components within 5 km of the Project area is shown in Table 1.

Table 1 Aboriginal Places within 5 km of Project area

Aboriginal Place type	Number of components	Per cent (%)
Low Density Artefact Distribution	361	81.67
Artefact Scatter	72	16.29
Object Collection	6	1.36
Shell Midden	2	0.45
Aboriginal Ancestral Remains	1	0.23

### 3.1.4 Previous Aboriginal heritage assessments

There have been 74 cultural heritage investigations previously undertaken within 5 km of the Project area. One archaeological survey has been previously undertaken within the current project area. The remaining reports lodged with the VAHR include 29 Complex Assessment CHMPs, 2 Standard Assessment CHMPs, 18 desktop and due diligence reports, 17 archaeological survey reports, four test excavation reports and one cultural heritage permit. Those in closest proximity to the current project area and most relevant to this assessment are summarised in Table 2.

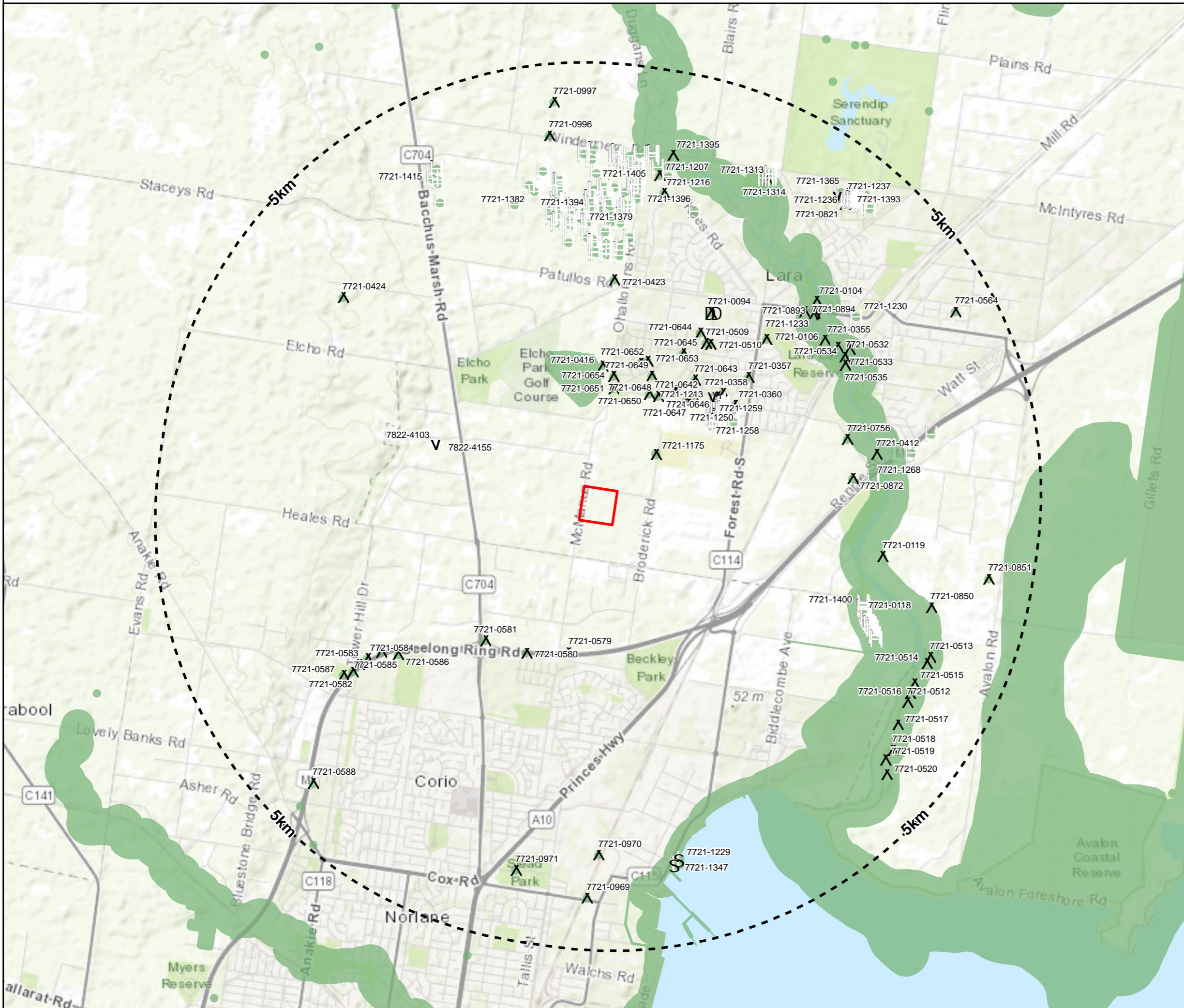
Previous archaeological investigations within proximity to the project area demonstrate that the patterns occupation by Aboriginal peoples were strongly influenced by the drainage pattern. The 200 m corridor either side of drainage lines has been identified in prior archaeological investigations to be sensitive for Aboriginal cultural heritage. This is demonstrated by the density of artefact scatters previously recorded along Hovells Creek to the east and north-east of the project area. Outlying nodes of occupation are based on significant

landscape features such as elevated rises (eruption points). As such, virtually all Aboriginal sites of high significance occur adjacent to major drainage features such as rivers and creeks. While the landscape as a whole contains diffuse scatters and low-density or isolated occurrences of stone artefacts, these likely reflect a collection of short-term activities occurring away from semi-permanent or recurrent habitation sites.

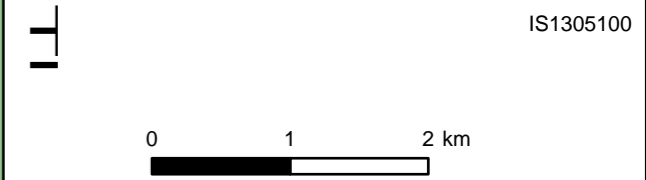
Table 2 Summary of relevant Aboriginal archaeological investigations

Author, Year	Summary
Debney (1998)	An archaeological assessment was conducted within an industrial estate for a proposed fertiliser plant which included the current project area. No Aboriginal places or landscape features with potential to contain Aboriginal cultural heritage were identified during a ground survey. The project area was identified as having been subject to extensive disturbance due to land modifications, such as land clearance and agricultural ploughing. No historic sites or areas with potential to contain historic heritage were identified during the ground survey. The report concludes that it is unlikely for historic heritage to be present within the project area due to previous grazing and agricultural ploughing of the property.
Weaver (1998)	An archaeological survey was conducted for a proposed residential subdivision on the western floodplain of Hovells Creek approximately 6 km north-east of the current project area. One new Aboriginal place consisting of over 300 stone artefacts was identified, VAHR 7721-0355. Weaver made a recommendation that Wathaurung Aboriginal Cooperative retain the artefacts and a permit to destroy those parts of the site where harm could not be avoided be sought prior to construction.
Bullers and MacManus (2011)	A complex CHMP (11902) was undertaken for the Elcho retarding basin and drainage channel north of Prospect Way, immediately adjacent the northern extent of the current Project area. The activity area consisted of a 74 ha parcel of flat pastoral/agricultural land. One Aboriginal place consisting of two broken quartzite flakes (Broderick Road AS1 VAHR 7721-1175) was identified on the eastern boundary of the activity area, 600 m north-east of the current project area. Radial testing across a 10 m radius did not identify any further Aboriginal cultural heritage material. Two 1 x 1 m test pits (TPs) and 89 shovel test pits (STPs) measuring 400 x 400 mm were also excavated across twelve transects within the activity area. Complex assessment results revealed soils within the activity area to be shallow, consisting of heavily compacted silty clay over reddish brown heavily compacted clay. It was concluded that it was unlikely that the activity area would contain any further Aboriginal cultural heritage material in either a surface or sub-surface context as any artefact bearing soils would be shallow and entirely within current and historic plough zones.
Kapteinis & Gilchrist (2018)	Kapteinis & Gilchrist (2018) completed a CHMP for 92 hectares of land located at 205-245 O'Hallorans Road and 465 Windermere Road, Lara, approximately 4.9 km north of the current Project area. Thirty surface artefacts were identified in the activity area during the Standard Assessment. These were located on ploughed surfaces with high ground surface visibility. The effective survey coverage results indicate that while artefact densities were overall very low, they were higher on elevated landforms (1 artefact per 22,490 m <sup>2</sup> on the rise and 1 artefact per 10,571 m <sup>2</sup> on the slope) than within the drainage line (1 artefact per 37,909 m <sup>2</sup> ). No stone artefacts were identified on the plain landform. A further four subsurface stone artefacts were recovered to a maximum depth of 150 mm.
Reich (2019)	Reich (2019) undertook a complex assessment for CHMP 15982 approximately 5 km north of the current Project area. The subsurface testing program included the hand excavation of two 1x1 m test pit and 59 0.5x0.5m shovel test probes, to a maximum depth of 400 mm. Soils within the northern part of the activity area were generally silty, while those towards the south, were clayey soils. Disturbance associated with the construction of a road on the southern side of the Hovells Creek has modified the landform. Ninety-five artefacts were identified across eleven test pits registered as an artefact scatter and a low-density artefact distribution (LDAD), VAHR 7721-1395, 'Windermere Rd AS 1' and VAHR 7721-1396, 'Windermere Rd LDAD 2'. Most artefacts were recovered from between 100 and 300 mm below the ground surface, with an overall average depth range of 200 mm.

Figure 4 Aboriginal Places within 5km of Project area



- Project location
- Areas of Cultural Heritage Sensitivity (AV March 2020)
- Aboriginal Places (within 5km)
  - D Aboriginal Ancestral Remains (Burial)
  - ▲ Artefact Scatter
  - Low Density Artefact Distribution
  - ▼ Object Collection
  - S Shell Midden



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### 3.1.5 Predictive statement

Following a search of the VAHR, review of the previous literature and analysis of relevant archaeological reports, the following predictive summary statements can be made in relation to the project area:

- Low Density Artefact Distributions are the most common Aboriginal Place type within 5 km of the Project area, followed by artefact scatters
- Low-density surface and sub-surface stone artefact scatters and isolated artefacts may occur within alluvial terraces, intervening saddles and areas of elevated land, but are uncommon on the plain
- Artefact scatters will likely consist of silcrete, quartz and quartzite artefacts and flakes and flaked pieces will compose the predominant stone artefact types
- Cultural material may occur in both surface and sub-surface contexts
- Sub-surface archaeological deposits are likely to be found at a depth of 0-300 mm
- The level of prior ground disturbance will determine the likelihood of finding intact Aboriginal Places; and
- Site identification will be heavily influenced by ground visibility, exposure and vegetation cover.

### 3.1.6 Conclusion

There are no registered Aboriginal Places within the Project area or within 200 m of the project area. Overall, the Project area is considered to be of low archaeological sensitivity, with low potential to contain Aboriginal cultural heritage. As the project area appears to be located on a predominantly flat plain, sensitive landforms that are typically found to contain Aboriginal archaeological deposits such as alluvial terraces, intervening saddles and elevated landscapes are not present. Furthermore, an archaeological survey conducted by Debney (1998), described extensive disturbance of the Project area due to historic land-use from cultivation, and other agricultural activities, further suggesting it is unlikely that any Aboriginal cultural heritage is present.

## 3.2 Historical heritage

### 3.2.1 Historical background

As early as 1802, explorer Matthew Flinders observed the broad sweep of the western plains from the top of the You Yangs as 'low grassy and very slightly covered with wood, presenting great facility to a traveller desirous of penetrating inland' (Flinders, 1814, p. 216). Two decades later, Hume and Hovell passed along Hovells Creek which runs north of Limeburners Bay and through Lara approximately 3 km to the east of current project area. Hume and Hovell originally named the creek Kennedys Creek after one of their party and over the subsequent century it would also be known as Wourn Yaloak, Limeburners and Duck Ponds (Peel, 1974).

This natural environment of the Lara region changed significantly following European settlement in the 1840s (Rowe, 2013). The village of Lara was established in the 1850s following construction of the Geelong – Melbourne rail line. Following construction of this line, land surrounding Hovells Creek was subdivided and further settled (Wynd, 1971).

Today, Lara is a residential suburb 15 km north-east of the city of Geelong covering an area of approximately 14.5 square kilometres. While the central portion of Lara consists largely of suburban residential properties, the outlying region reflects the original rural character of the suburb (Rowe, 2013).

### 3.2.2 The Project area

Limited historic data specific to the Project area is available. Like the surrounding landscape, the Project area was likely settled during the early to mid-nineteenth century. Mapping of Victorian squatters runs from the late 1830s to mid-1850s indicates that the Project area was situated within the boundaries of Warnyalook Parish or Duck Ponds ( Figure 5). This run was registered to a Thomas Bates in 1838 and covered an region of 22.5 square miles or approximately 36 square kilometres (Spreadborough & Anderson, 1983, p. 271). The Bates' were the earliest family in the area, with their first home station on the east side of Hovells Creek (Weaver, 1998, p. 6).



Figure 5 Skene 1843 Plan of Port Phillip showing squatters stations and early tracks (National Library MAPRM938)

Sheep grazing, and cattle grazing were among the earliest uses of the Lara landscape by European settlers, with sheep being the stock of choice (Rowe, 2013, p. 18). By 1858 there were over 24,000 sheep being tended to in the wider Lara region, as well as a smaller number of cattle and pigs. Farms were established early on in the area's European history, with a 30-acre property along Windermere Road established as a farm by c. 1856, for example (Rowe & Jacobs 2013: 18). These properties were not exclusively used for grazing, with wheat, oats and barley being grown in the region by the 1860s, and a wine industry in development by the late nineteenth century (Rowe, 2013, p. 21). By the early 20th century it was recorded that 'around half the population of the Lara area were farmers' (Rowe, 2013, p. 20). Based on this information, it is assumed that the Project area was used for either grazing of livestock or agricultural activity.

Aerial imagery from 1963 (Figure 6) confirms that until recently, the Project area was primarily used for agricultural purposes, such as cropping. There are no structures, existing or prior, evident in images taken prior to the 1970s.



Figure 6 Project area c.1963 (Landata, 1963)

### 3.2.3 Register searches

The following heritage registers were searched on 2 April 2020 by Meaghan Aitchison (Project Archaeologist, Jacobs) to determine whether any known historical heritage places were present within or in proximity to the Project area:

- VHR
- VHI
- Greater Geelong Planning Scheme Heritage Overlay (HO)
- CHL

- NHL
- World Heritage List (WHL)
- RNE

There are no registered historical heritage places within or within 1 km of the Project area. The location of listed historical heritage sites within 5 km of the Project area are shown in Figure 7.

#### **3.2.4 Previous historical heritage assessments**

There has been one historical heritage investigation undertaken within the project area. This investigation was part of an archaeological survey undertaken as part of site investigations for a proposed fertiliser plan (Debney, 1998). As previously indicated in Table 2 of this report, the archaeological survey found the Project area to be highly disturbed by past agricultural and land use practices with little likelihood for any unidentified historic heritage to be present.

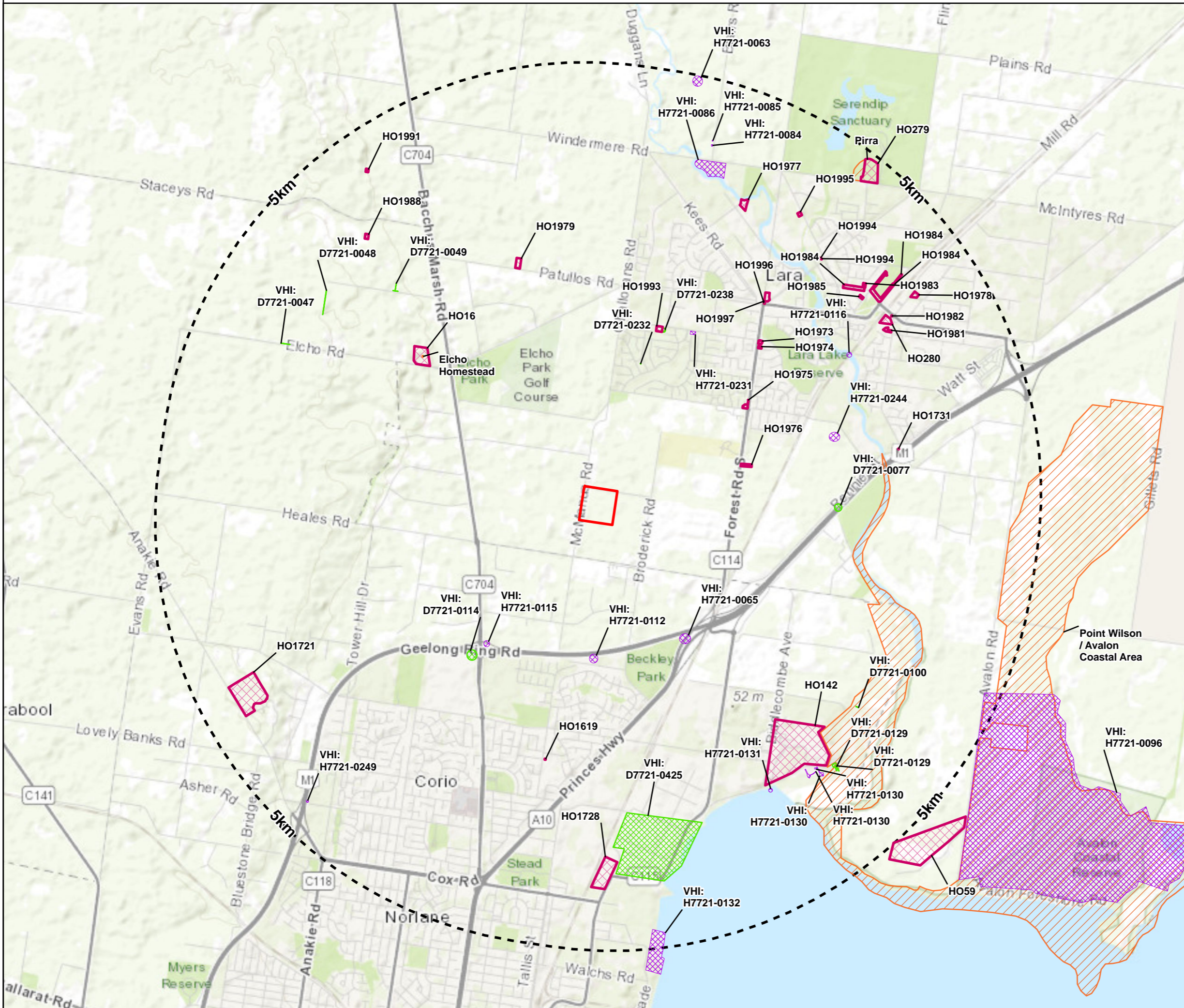
#### **3.2.5 Predictive statement**

Following a search of the heritage registers, review of the previous literature and analysis of relevant reports, the following predictive summary statements can be made in relation to the Project area:

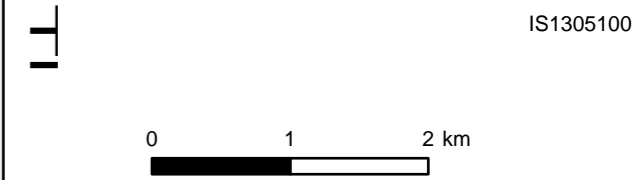
- The most likely site type in the project area would be places associated with past pastoral or agricultural land use activities
- There is a low potential for previously unidentified historical heritage sites and archaeological features to be present within the project area.

#### **3.2.6 Conclusion**

There are no recorded historic sites within the project area. Historic land use within the Project area and immediate surrounds appears to have been principally pastoral and agricultural. Activity within the Project area would likely have consisted of agricultural ploughing and stock grazing across the entire of the property. Historic aerial imagery confirms these past land use practices which indicate a low likelihood for any previously unidentified historic heritage to be present within the Project area.



- Project location
- Historical Heritage**
- HO - HERITAGE
- Heritage Inventory Delisted (Heritage Victoria-DELWP)
- Heritage Inventory (Heritage Victoria-DELWP)
- Register of National Estate (Dep of State Development, Business and Innovation)



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## 4. Site inspection

In order to confirm the results of the Desktop Assessment, and to assess the condition of the land and its potential for Aboriginal and historical cultural heritage, a site inspection of the Project area was undertaken by Ben Watson (Senior Archaeologist, Jacobs) on 7 May 2020. The site was walked where safe to do so and notes on ground conditions made. The site was photographed using digital camera.

### 4.1.1 Results

The Project area is approximately 16 ha in size and consists of a single parcel of land, approximately 2.5 km west of Hovells Creek. The Project area and surrounding landscape are characterised by a flat, open featureless plain (Figure 8). It is devoid of trees and natural drainage lines. Ground surface visibility across approximately 75 per cent of the Project area was low (less than 20 per cent per m<sup>2</sup>) due to exotic weed vegetation (Figure 8). Areas of greater visibility (80 per cent per m<sup>2</sup>) were identified along the boundaries of the project area and across sections of ground disturbed by machine (Figure 9).

The ground surface within the Project area is highly disturbed. The ground is uneven, there is mounding of earth by machine, vehicular disturbance, and large areas that have been excavated, where large amounts of soil removed. Land clearance and levelling of the surface is also evidenced by stockpiling of basalt boulders in the southern portion of the site (Figure 10). Excavation and disturbances by machine throughout the project area have exposed the underlying clay soils. Pooling of water in these areas indicates that these clays are likely to be heavily compacted with poor drainage properties (Figure 11). There are large amounts of introduced fill material comprising mixed clay soils, crushed basalt and rock gravels. The fill is built up in some areas more than 1 m above the natural surface (Figure 9). Detritus is strewn across the surface.

Underground services have been installed along the northern and western boundaries of the Project area, including gas, water and telecommunications. An open drain runs along the western margin. Construction of the unsealed access road, Production Way, has also caused considerable disturbance along the northern margin. A linear drain line has been incised which due to its straight linear form, does not appear to have been based on any original creek line.

No Aboriginal or historic cultural heritage was located during the site inspection. No areas of potential for Aboriginal or historic cultural heritage were identified within the Project area. Proposed works associated with the Project will take place within land that is highly disturbed. The disturbance of ground where cultural material typically occurs in the region appears to be comprehensive across the whole of the Project area, where the land consists of excavated and redeposited surfaces. Thus, there is very little or no likelihood of Aboriginal or historical cultural heritage material being present, and the proposed works are not expected to have any impact on cultural heritage.

### 4.2 Conclusion

There are no Aboriginal or historical cultural heritage places located within or in proximity to the Project area. Previous assessments describe the project area as being located on a predominantly flat plain, it is unlikely that sensitive landforms (such as alluvial terraces, intervening saddles and elevated paddocks) will be present. A previous archaeological survey described extensive disturbance across the project area (Debney 1998). Historic and modern disturbances including land clearance, cultivation, road construction and utility installation suggest it is unlikely that any Aboriginal places or historic sites remain. Similarly, the Desktop Assessment indicated that it was unlikely that historic sites such as homesteads or associated structures would be present within or near the Project area.

The site inspection confirmed the results of the Desktop Assessment. Overall, the Project area is of low archaeological sensitivity. No historic heritage places or areas with potential to contain Aboriginal cultural heritage are present within the project area.



Figure 8 Project area facing north-east (B. Watson 7/05/2020)



Figure 9 Disturbance and fill within the Project area facing east (B. Watson 7/05/2020)



Figure 10 Stockpiled basalt boulders within southern extent of Project area (B. Watson 7/05/2020)



Figure 11 Lying water over exposed clay soils within eastern extent of Project area (B. Watson 7/05/2020)

## 5. Recommendations

### 5.1 Summary

Table 3 provides a summary of the existing heritage conditions and predicted cultural heritage sensitivity of the Project area.

Table 3 Summary of existing conditions and archaeological sensitivity

Aboriginal places	Areas of CHS	Heritage Overlays and registered historical heritage sites/features	Archaeological sensitivity (Aboriginal)	Potential for previously unidentified historical heritage places
No	No	No	Low	Low

While the proposed activity constitutes a high impact activity under the Regulations, there is no statutory requirement to undertake a CHMP as the project area is not located within an area of CHS. Further, the project area has historically been subject to extensive ground disturbance which has likely removed or destroyed any Aboriginal cultural heritage or historic heritage material which may have once been present.

### 5.2 Aboriginal heritage recommendations

Under the Regulations (Regulation 7), there are two relevant triggers for determining if a mandatory CHMP is required for the Project:

- (a) all or part of the activity area for the activity is an area of cultural heritage sensitivity; and
- (b) all or part of the activity is a high impact activity.

#### 5.2.1 High impact activities

The proposed activity is considered high impact under:

- Regulation 46 – Buildings and works for specified works
  - (1) The construction of a building or the construction or carrying out of works on land is a high impact activity if the construction of the building or the construction or carrying out of the works –
    - a) would result in significant ground disturbance; and
    - b) is for, or associated with, the use of the land for any one or more of the following purposes –
      - (xxvii) a utility installation
      - (D) the works affect an area exceeding 25 square metres;
      - (xxx) land used to generate electricity, including a wind energy facility.

#### 5.2.2 Areas of Cultural Heritage Sensitivity

The Project area is not located within an area of cultural heritage sensitivity as defined by Division 3 of the Regulations.

### 5.2.3 Cultural Heritage Management Plan requirement

In accordance with Regulation 7 of the Aboriginal Heritage Regulations 2018, a mandatory CHMP is not required for the Project.

The due diligence assessment has determined that the Project area has been subject to extensive ground disturbance and has very limited to no potential to contain Aboriginal cultural heritage. Therefore, a voluntary CHMP is not recommended.

### 5.2.4 Unexpected discovery of Aboriginal cultural heritage

Although a CHMP is not required, it is unlawful to harm Aboriginal cultural heritage (s 27 of the Act) or to carry out an act likely to harm Aboriginal cultural heritage (s 28 of the Act).

If during the works for the activity, Aboriginal cultural heritage is identified, or there is reason to believe that Aboriginal cultural heritage may be present, work must cease immediately at that location, the parties listed in Table 4 notified and the provisions set out in the Contingencies (Appendix A) implemented.

Table 4 Contacts for unexpected finds

Contact details	Contact details
Aboriginal Victoria, Heritage Services Branch are 3 Treasury Pl, East Melbourne VIC 3002 Telephone: 1800 762 003 Email: Aboriginal.Heritage@dpc.vic.gov.au	Wathaurung Aboriginal Corporation (WAC) 99 Mair St E, Ballarat East VIC 3350 Telephone: 03 4308 0420 Email: paul@wathcorp.com.au

## 5.3 Historical heritage recommendations

There are no historical heritage places registered within the Project area. The due diligence assessment has determined that there is a low potential for historic heritage to be present within the Project area. No additional historic cultural heritage assessment is recommended for the Project area.

### 5.3.1 Unexpected discoveries of historical archaeological sites

All historical archaeological sites in Victoria older than 75 years are protected by the Heritage Act, whether they are recorded on the VHI or not. It is an offence to knowingly or negligently deface, damage, or otherwise interfere with an archaeological site without obtaining the appropriate consent from the Executive Director of HV.

Under Section 127 of the Heritage Act, in the unlikely event that an archaeological site is discovered during construction or excavation on any land, the person in charge of the construction or excavation must as soon as practicable report the discovery to HV. If any unexpected archaeological sites are uncovered during construction works, the following procedure must be followed by Prospect Hill International Pty Ltd and/or their contractors:

#### STOP

- Stop any activity which may impact on the discovery
- Ensure that other people working in the area are aware of it and have also stopped work in the area
- Protect the artefacts or site by erecting temporary fencing or another suitable barrier

#### ADVISE

- A supervisor or the cultural heritage consultant must be consulted if they are on site
- Supervisors are to contact the Client to advise of the discovery

- Supervisors are to advise HV where the discovery was made and provide a description or photograph of the discovery

**MANAGE**

- HV, the onsite heritage consultant or supervisor will advise on how to manage the discovery
- Management of the discovery may involve protection, recovery, recording or removal of the artefacts or features and is likely to require Consent to Damage from HV.

## 6. References

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## Appendix A. Unexpected finds policy

### A.1 Contingencies for the Unexpected Discovery of Aboriginal Cultural Heritage

Note that s 24 of the Act provides for the mandatory reporting of the discovery of an Aboriginal Place as soon as practicable and specifies that the "person in charge of the works is deemed .... to be the person who discovered the place or object" (s 24(3)).

The procedure for reporting the discovery of Aboriginal cultural heritage during construction is as follows:

- If any unexpected artefacts or other Aboriginal cultural heritage are identified during the site works, the person making the discovery must notify the person in charge of the activity immediately and that person must then suspend soil disturbance at that location.
- The extent of the site, or suspected site, must be determined and a 5 m buffer established around that extent, within which work may not be undertaken.
- The person responsible for the activity must notify AV immediately (i.e. within no more than 24 hours) of the discovery (or suspected discovery).

If the discovery is determined to be Aboriginal cultural heritage, a qualified archaeologist must record the Aboriginal place and complete any necessary records and notify AV and the relevant Aboriginal stakeholder groups.

A decision/recommendation concerning the process to be followed to manage the Aboriginal cultural heritage in an appropriate manner will be determined in consultation with AV, the Heritage Advisor (HA) and the client. A stop order may be issued for the activity, pursuant to s.87 of the Act.

#### A.1.1 Contingency for the unexpected discovery of human remains

If potential human skeletal remains are uncovered during the site works, all work must cease immediately and the Victoria Police and the Victorian Coroner's Office (ph: 1300 309 519) notified, as required by the *Coroners Act 1985*. If there are reasonable grounds to believe that the remains are Aboriginal, the State Control Centre must be contacted immediately (ph: 1300 888 544) and the requirements of s 17 of the *Aboriginal Heritage Act 2006* (the Act) will apply.

Any discovery of suspected human remains during the project must comply with the following:

a) Discovery:

- If suspected human remains are discovered, all activity in the vicinity must cease, to ensure that damage to the remains is minimised; and
- The remains shall not be touched or otherwise interfered with, other than to meet the requirements of the Coroner and the Act and to safeguard them from further disturbance.
- There must be no contact with any media representative in the event of the discovery of a suspected burial.

b) Notification

- Immediately suspected human remains are identified, the Victoria Police and the Victorian Coroner's Office (ph: 1300 309 519) must be notified.
- If, upon investigation, there are reasonable grounds to believe that the remains could be Aboriginal, the State Control Centre must be notified immediately on 1300 888 544;
- All details of the location and nature of the suspected human remains must be provided to the relevant authorities; and



- If it is confirmed by the relevant authorities that the remains are Aboriginal skeletal remains, the person responsible for the activity must report the existence of the remains to the Secretary, Department for Victorian Communities, in accordance with s 17 of the Act.
- c) Impact Mitigation or Salvage
  - The Secretary, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the human remains, will determine the appropriate course of action, as required by s 18(2)(b) of the Act;
  - The appropriate impact mitigation or salvage strategy, as determined by the Secretary, must be implemented.
- d) Curation and Analysis of Remains
  - The treatment of salvaged Aboriginal human remains must be in accordance with the direction of the Secretary.
- e) Reburial of Aboriginal (Ancestral) Human Remains
  - Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, clearly marked, and all details passed on to AV. An appropriate management plan must be devised and implemented to ensure that the remains are not disturbed in the future.