Fosterville Solar Farm
Russells Bridge Road, Axedale

Aboriginal Cultural Heritage Desktop Due Diligence Assessment

Report to Energy Forms on behalf of
FRV Services Australia Pty Ltd
14 December 2021

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Natural and Cultural Heritage Management

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Executive Summary

FRV Services Australia Pty Ltd proposes to construct a 100 MW solar photovoltaic (PV) electricity generation facility at Russells Bridge Road, Axedale, in the Midlands region of central Victoria. The activity area for the proposed electricity generation facility measures approximately 183 ha.

As part of the planning approvals process preceding the Fosterville Solar Farm archaeologist Dr Matt Cupper was engaged by Energy Forms on behalf of FRV Services Australia Pty Ltd to complete a preliminary investigation to identify any possible Aboriginal cultural heritage constraints that might need to be addressed prior to installation of the proposed infrastructure. Dr Cupper is a qualified archaeologist, with 21 years' experience as a heritage advisor and high-level expertise in geoscience.

The assessment comprised a desktop review of the Aboriginal Cultural Heritage Register and Information System (ACHRIS) maintained by First Peoples - State Relations.

No Aboriginal cultural heritage places have previously been recorded in the activity area for the proposed Fosterville Solar Farm. Predictive modelling shows that there is a low potential for Aboriginal cultural heritage to be harmed by the activity.

Three scarred trees are in the road reserve of Brownes Lane immediately outside the western boundary of the activity area. Areas within 50 m of the Aboriginal cultural heritage places are areas of cultural heritage sensitivity according to regulation 25(2) of *Aboriginal Heritage Regulations* 2018 where not previously subject to significant ground disturbance.

Accordingly, the proposed construction of the Fosterville Solar Farm does not require a mandatory Cultural Heritage Management Plan (CHMP) under Section 46 of the *Aboriginal Heritage Act* 2006 as activities are avoided within 70 m of the Aboriginal cultural heritage places.

In the event that any Aboriginal cultural heritage places or items are encountered during the course of the proposed activity, all activities likely to harm the material must cease immediately and a Heritage Advisor or First Peoples - State Relations (tel: 1800 762 003)) consulted about an appropriate course of action prior to recommencement of work.

If human skeletal remains are encountered during the course of the proposed activities all work in that area must cease. Remains must not be handled or otherwise disturbed except to prevent further disturbance. The Police or Victorian Coroner's office must be notified immediately. The Coronial Admissions and Enquiries Hotline is tel: 1300 888 544.

A voluntary Aboriginal cultural heritage management plan could also be prepared for the activities under section 45 of the *Aboriginal Heritage Act* 2006.

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CHMP – Cultural Heritage Management Plan

1 Introduction

FRV Services Australia Pty Ltd proposes to construct a 100 MW solar photovoltaic (PV) electricity generation facility at Russells Bridge Road, Axedale, in the Midlands region of central Victoria. The activity area for the proposed electricity generation facility measures approximately 183 ha.

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1.1 Aims of the Investigation

The aim of this preliminary cultural heritage investigation was to prepare a general statement identifying known Aboriginal cultural heritage items and sites and any areas of archaeological potential within the activity area. Statutory requirements pertaining to Aboriginal cultural heritage were also examined to determine their applicability to the proposed activity.

Preparation of this due diligence study involved review of the *Aboriginal Heritage Act* 2006 and the *Aboriginal Heritage Regulations* 2018. Any Aboriginal cultural heritage sites or items recorded previously in the activity area were identified by searching the Aboriginal Cultural Heritage Register and Information System (ACHRIS) site database maintained by First Peoples - State Relations.

A general predictive model examining possible cultural heritage site locations within the activity area was formulated from this and other relevant archaeological and environmental data. Preparation of this model also involved the use of topographic and geological maps and aerial photographs to identify landscape features likely to contain archaeological sites.

1.2 Personnel Involved in the Assessment

Landskape's principal research scientist Dr Matt Cupper undertook the investigation and produced this report. Dr Cupper has a wide background in the sciences and humanities, with degrees (including a PhD) in archaeology and classical history.

geology and botany, with particular expertise in understanding the formation of archaeological sites and Quaternary environments. He has published extensively on these topics in high-profile, peer-reviewed scientific journals and was lead author for the Quaternary chapter of the *Geology of Victoria* (Cupper *et al*. 2003), the current, premier reference to Victoria's geology.

Dr Cupper is currently a Research Fellow in the School of Geography, Earth and Atmospheric Sciences at The University of Melbourne (www.findanexpert.unimelb.edu.au/display/person20521), where he manages the luminescence dating facility in addition to teaching geological methods and sedimentary geology to undergraduate students and supervising postgraduate research.

As a consulting archaeologist and geoscientist, Dr Cupper has been engaged in hundreds of management and research-oriented studies throughout southeastern Australia for industry and government. Dr Cupper is also a Heritage Advisor, meeting the requirements of s.189(1) of the *Aboriginal Heritage Act* 2006.

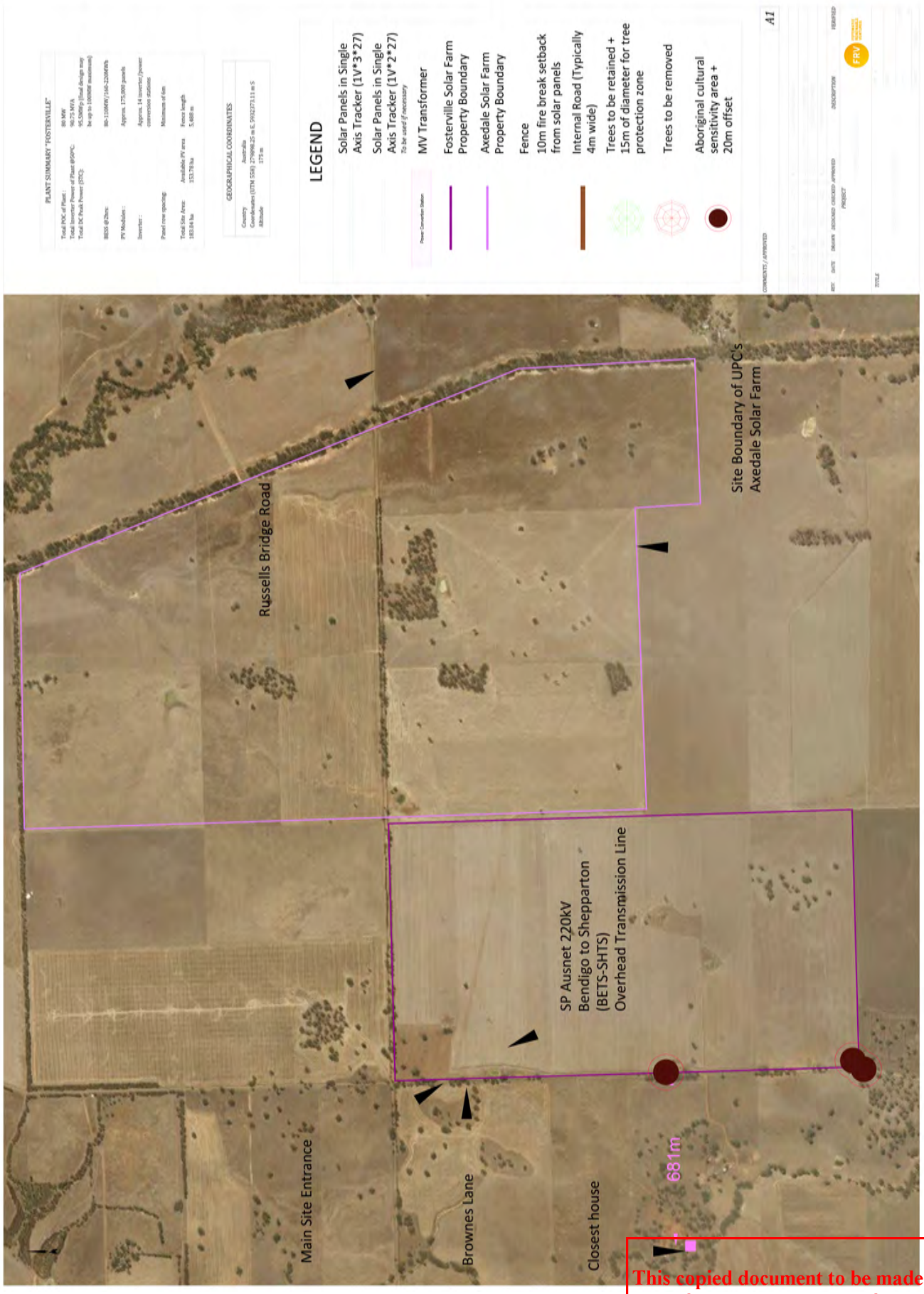

Figure 1. Location of the activity area for the proposed Fosterville Solar Farm

2 Contextual Information

2.1 Legislative Context

All Victorian registered and unregistered Aboriginal cultural heritage sites are protected by the *Aboriginal Heritage Act* 2006 (commenced 28 May 2007). This Act prohibits the wilful destruction or disturbance of any Aboriginal cultural heritage site, place or object, whether on private or public land.

First Peoples - State Relations is the Victorian State Government agency that administers the *Aboriginal Heritage Act* 2006.

2.1.1 *Aboriginal Heritage Act* 2006

The *Aboriginal Heritage Act* 2006 and its *Aboriginal Heritage Regulations* 2018 are of particular relevance to the proposed activity. A core component of this Act is the preparation of Aboriginal Cultural Heritage Management Plans (CHMPs), which are required under certain circumstances for high impact activities. Aboriginal Cultural Heritage Management Plans must meet prescribed standards and be approved by First Peoples - State Relations before they can be used to support permit applications to local government or other agencies.

The regulations can be used to determine if an Aboriginal Cultural Heritage Management Plan is required for an activity. Section 4 of this scoping study makes such a determination for the proposed activity. The regulations also detail the standards expected of an Aboriginal Cultural Heritage Management Plan.

2.1.2 Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (*Burra Charter*)

The *Australia ICOMOS Charter for the Conservation of Places of Cultural Significance* (Burra Charter) was adopted at a conference at the historic mining town of Burra, South Australia, in 1979 (last updated 2013). This charter defines the procedures and basic principles to be followed in the preservation of all types of sites. Cultural significance is a term used to encompass all the meanings and values that a particular place may have to people, beyond its utilitarian value. It refers to 'aesthetic, historical, scientific or social value for past or present generations, or for its likely value to future generations' (Marquis-Kyle and Walker, 1992: 73).

Under the guidelines of *The Burra Charter* Aboriginal cultural heritage has social value. According to the charter, social value is defined as:

> *…the qualities for which a place has become a focus of spiritual, political, national, or other cultural sentiment to a majority or minority group* (Marquis-Kyle and Walker, 1992: 73).

Some sites and items also have scientific value. This is assessed according to each particular site's research or scientific potential to provide information about past Australian culture, the environment, or human behaviour generally. According to *The Burra Charter*:

> *The scientific or research value of a place will depend upon the importance of the data involved or its rarity, quality or representativeness and on the degree to which the place may contribute further substantial information* (Marquis-Kyle and Walker, 1992: 73).

2.2 Environmental Context

The proposed Fosterville Solar Farm would be located on alluvial and volcanic plains at Axedale in the Midlands of Victoria. The geological framework of these dissected uplands of central Victoria comprises hills and plateaux of Ordovician (500-465 million year old) marine sandstones of the Castlemaine Group and late Neogene and Quaternary (past few million year old) volcanic lava flows (VandenBerg 1997, Joyce and Webb 2003). The geology of the study area is alluvial sediments of the Shepparton Formation of the Wunghnu Group (Lawrence 1966, VandenBerg 1997, Cupper *et al*. 2003), channel and floodplain sand, silt and clay sediments deposited in the valley of the Campaspe River and precursor streams over the Quaternary. Basalt of the Newer Volcanic Province outcrops in the northwestern corner of the activity area (VandenBerg 1997).

Prior to settlement by Europeans, the plains are likely to have supported a vegetation cover of eucalypt woodlands with a grassy understorey according to DELWP's (2021) NatureKit Victoria Biodiversity Interactive Map Ecological Vegetation Classes pre-1750. Current land use of the activity area is grazing pasture.

Overall, the environment of the activity area has been extensively modified by past land use. Since the establishment of pastoral runs in the late 1830s (Spreadborough and Anderson 1983), Europeans have cleared and levelled the proposed work areas. This has included removal of the original vegetation including clear-felling of the eucalypt trees, land levelling and ploughed cultivation for cereal crops and pasture for introduced sheep and cattle. The construction of roads, fences, channels and dams has also impacted the activity area.

2.3 Aboriginal Cultural Heritage Context

2.3.1 Aboriginal Ethno-History

At the time of first contact with Europeans, Aboriginal people of the Taungurung language group occupied the part of the Victorian Midlands encompassing the activity area (Barwick 1984, Clark 1990). The Taungurung were part of the Kulin group of languages, who included peoples of the related Bun wurrung (or Bunurong)–, Dja Dja wurrung–, Djab wurrung–, Ngurai-illam wurrung–, Wath wurrung (or Wathaurong) and Woi wurrung (or Woiworung)–speakers (Barwick 1984, Clark 1990). These language groups shared similar language and kinship systems, notably the division members into patrilineal moieties (two-part social classification) termed 'Waa' (raven) and 'Bungil' (eagle) (Clark 1990).

Clark (1990) estimates that there were at least 25 clans in the Victorian Midlands encompassing the activity area, with between 40-120 adult men, women, adolescents and children in each, suggesting a total population of around 1000-3000 people.

Aboriginal people caught fish including eels, freshwater crayfish, yabbies and tortoises in the streams and wetlands in the region (Dawson 1881). Fish traps were also constructed, with Chief Protector of Aborigines George Augustus Robinson noting a system of channels and weirs near the Grampians (Bird 1984). Nets were used to catch waterbirds, whose eggs were also collected. Some of the other animals that Aboriginal people of the Midlands hunted include kangaroos, wallabies, emus, possums, echidnas, lizards, snakes and frogs (Dawson 1881, Howitt 1904). Plant foods included native millet, panic grass, pigface fruits, wild cherries, kangaroo apple, tubers, yams, roots and other grass grains (Dawson 1881, Gott 1983, Zola and Gott 1992).

Aspects of the initial interaction between Europeans and the Aboriginal people of the Midlands led to violent conflict. Aborigines were shot, poisoned and displaced from their land by pastoral settlers and, in retaliation, sheep were speared and settlers threatened (Bride 1898, Clark 1990). In response, the Aboriginal Protectorate system was introduced, with Assistant Protector Edward Park establishing the Mount Franklin Protectorate Station near Daylesford (Clark 1990). The Aboriginal Protectorate recorded a rapid decline in Taungurung numbers, caused by dispossession of land and the consequent destruction of habitat and social networks. Diseases including malnutrition also took their toll.

Many Taunurung continued to live by "fringe dwelling" on the outskirts of mining settlements and survived largely through begging, as their traditional food resources were greatly depleted. Honorary Correspondent depots were set up around Victoria to

dispense food and other supplies to Aboriginal people. The Aboriginal Protectorate system was replaced in 1860 by the Central Board for the Protection of Aborigines (Barwick 1984). It established Coranderrk Station at Healesville for the surviving Taunurung people.

Today, the interests of Aboriginal cultural heritage are in the custodianship of the Taunurung Land and Waters Council Aboriginal Corporation.

2.3.2 Previous Aboriginal Archaeological Studies

Previous archaeological studies of sites in the Victorian Midlands have demonstrated Aboriginal occupation dating back to the last glacial period some 26,000 years ago. The oldest archaeological site in the region is a swamp near Lancefield, approximately 100 km southwest of the study area (Gillespie *et al*. 1978). The deposits of this swamp contain the fossilized bones of extinct giant marsupials or 'megafauna' in association with Aboriginal stone artefacts. These finds indicate that Aboriginal people and megafauna interacted for at least 7,000 years. However, no evidence was recovered to suggest that Aboriginal people had hunted the megafauna or had butchered them for food.

Early Aboriginal occupation of the Western Uplands is also evident from the Drual rockshelter in the Grampians, approximately 150 km west of the activity area. Stone artefacts and ochre at the lower levels of the Drual sequence have been radiocarbon dated to 22,140 ± 160 years before present (Beta-88523; Bird *et al*. 1998). The only formal tool types in these early assemblages are thumbnail scrapers, which are present throughout the sequence. Later mid-Holocene (around 5000 years ago) assemblages include backed microliths and greenstone flakes. This is the oldest, continuous cultural sequence in Victoria.

One of the most impressive Aboriginal sites in Victoria is the Carisbrook Ceremonial Stone Arrangement first described by Massola (1963). It is a large, boomerang-shaped stone arrangement 60 m long and 5 m wide associated with two stone circles and a small rock cairn. The site overlooks Tullaroop Creek some 50 km west of Axedale. Massola (1956) also recorded three Aboriginal rock wells on the outskirts of Maryborough, west of the activity area.

Most surface archaeological sites in the region probably date to within the past 5000 years. One of the most significant is the Mount William Axe Quarry also located near Lancefield (McBryde 1984). This is a site where Aboriginal people have extracted diorite or 'greenstone' for the manufacture and trade of stone axe heads. Ground edge axe heads from this quarry have been found throughout Victoria and as far afield as Broken

Hill in NSW. The geographical spread of these axe heads is used by archaeologists to infer past Aboriginal exchange networks. Other significant Aboriginal stone quarries in the region are located at Mount Camel (Mitchell 1949) some 20 km southeast of Axedale. These sites comprise worked greenstone strewn over the hillsides of Mount Camel. Among the artefact types represented are axe blanks and large struck flakes. These were also used by McBryde (1984) to reconstruct trade networks in the region.

2.3.3 Aboriginal Cultural Heritage Site Types

Based on the results and analytical conclusions of previous archaeological surveys in similar landscape contexts in the Midlands region it is possible to predict the types and topographic contexts of Aboriginal cultural heritage sites in the study area. The occurrence and survival of archaeological sites is, however, dependent on many factors including micro-topography and the degree of land surface disturbance.

The types of Aboriginal cultural heritage site previously recorded in the Midlands region are described below.

Stone artefact scatters

Scatters of stone artefacts exposed at the ground surface are one of the most commonly occurring types of archaeological site in the region. In rare instances, sites that were used over a long period of time may accumulate sediments and become stratified. That is, there may be several layers of occupation buried one on top of another.

Stone artefact scatters are almost invariably located near permanent or semi-permanent water sources. Local topography is also important in that stone artefact scatters tend to occur on level, well-drained ground elevated above the local water source. In the Midlands they are commonly located river terraces and along creek-lines and also around the margins of lakes, swamps and claypans.

Shell middens

Shell middens are deposits of shell and other food remains accumulated by Aboriginal people as food refuse. Middens are most frequently found as thin layers or small patches of shell and often contain stone or bone artefacts and evidence of cooking. Such sites are occasionally found near permanent water sources in the Midlands.

Stone quarries

Quarries are locations where Aboriginal people obtained raw material for their stone tools or ochre for their art and decoration. Materials commonly used for making flaked stone tools include chert, silcrete, quartz and quartzite. Most stone in the Midlands was probably sourced from bedrock in the dissected uplands of the region.

Rockshelter sites

Caves or shelters in cliff lines and beneath boulder overhangs were often used by Aboriginal people as campsites. Because of the confined area in these shelters and because of repeated Aboriginal occupation of such sites, the occupation deposits that they contain are often richer than open campsites and are usually stratified.

Rockshelters will only be found where suitable geological formations are present. They may occur as sandstone overhangs, shelters beneath granite tors or as limestone caves.

Rock art sites

Rock art consists of paintings, drawings and/or engravings on rock surfaces. In most instances in the wider region, rock art is related to the distribution of rockshelters but it may also be found on freestanding rocks.

Water holes

Rock wells are subterranean water sources that have been either modified or maintained by Aboriginal people. Besides being important for the provision of clean drinking water rock wells may also have mythological significance to Aboriginal people and are often sacred places.

Grinding grooves

Grinding grooves result from Aboriginal people having rubbed the edges of stone axe-heads repeatedly against a soft abrasive rock in order to shape or sharpen them. Grinding grooves are normally located adjacent to creeks where suitable stone for grinding may be present. In most instances, sandstone outcrops provided the most suitable surfaces for grinding purposes.

Scarred trees

Slabs of bark were cut from trees by Aboriginal people and used for a variety of purposes including roofing shelters and constructing canoes, shields and containers. Scars also resulted from the cutting of toeholds for climbing trees to obtain honey or to capture animals such as possums.

In the Midlands River Red Gums and Box are the most commonly scarred species. The classification of modified trees as natural, European or Aboriginal is often problematic. However, if the scar is Aboriginal the tree must now be more than ~150 years old.

Stone arrangements, ceremonial rings and ceremony and dreaming sites

Stone arrangements range from cairns or piles of rock to more elaborate arrangements such as stone circles or standing slabs of rock held upright by stones around the base. Some stone arrangements were used in ceremonial activities whilst others may represent

sacred or totemic sites. Other features associated with the spiritual aspects of Aboriginal life are those now called 'ceremony and dreaming' sites. These can be either stone arrangements or natural features such as rock outcrops, which may be associated with initiation ceremonies or the activities of ancestral creators.

Burials

Aboriginal burial grounds may consist of a single interment or a suite of burials. Burials tend to be in areas of sandy soil that were easy to dig and above floodwaters. Burials are most commonly preserved in sand dunes along rivers. Knowledge of Aboriginal burial grounds is best sought from local Aboriginal communities.

2.3.4 Previously Recorded Aboriginal Cultural Heritage Sites in the Activity Area

According to the Aboriginal Cultural Heritage Register and Information System (ACHRIS), no Aboriginal cultural heritage places have been located previously in the activity area for the proposed Fosterville Solar Farm.

The closest Aboriginal cultural heritage places to the proposed Fosterville Solar Farm are three scarred trees in the road reserve of Brownes Lane.

Table 1. Previously identified Aboriginal cultural heritage places near the activity area.

VAHR Site number	Site name	Type	GDA94 (Zone 55) mE	GDA94 (Zone 55) mN
7824-0027	Russell Bridge 16	Scarred Tree	279812	5931685
7824-0028	Russell Bridge 16	Scarred Tree	279858	5930953
7824-0100	Browne Lane 1	Scarred Tree	279824	5930911

3 Cultural Heritage Risk Assessment

3.1 Aboriginal Cultural Heritage Predictive Statement

Previous archaeological studies indicate that the most frequently recorded Aboriginal cultural heritage sites in the Midlands region are stone artefact scatters. Shell middens, scarred trees, burials, stone quarries, rockshelters and axe grinding grooves are also represented in the archaeological record. Based on these observations of archaeological site types and their distribution and landscape setting, the following predictive model of Aboriginal cultural heritage site locations for the activity area can be proposed. A summary of the predictive model is presented in Table 2.

Past Aboriginal occupation of the broader study area would have been heavily focussed on the Campaspe River and its associated tributaries, anabranches and wetlands because these areas offered a rich resource zone. Consequently, most archaeological sites can be expected adjacent to freshwater sources. Although Aboriginal people would have regularly journeyed into the hinterland to collect plants, hunt animals and exploit mineral resources, these areas including the activity area have a much lower probability of containing Aboriginal cultural heritage places and items than the riverine corridor.

The landscape setting of the activity area therefore precludes the possibility of encountering some site types. For example, shell middens will not be encountered, because these are normally restricted to within 100 m of permanent water sources, absent from the activity area. Stone features such as Aboriginal quarries, rock shelters and axe grinding grooves will also definitely not occur because suitable rock outcrop is absent. Burials are unlikely, given that most occur in sandy dunes near the river.

The potential for encountering Aboriginal cultural heritage in the activity area is also mitigated to a large extent by the high degree of previous disturbance. For example, modification of the original land surface by clearing, land levelling and ploughing would have obliterated earthen and stone features and dispersed stone artefacts, had they previously existed in this area. Past removal the original vegetation further reduces the chance of encountering scarred trees.

Table 2. Desktop predictive model of encountering Aboriginal cultural heritage sites in the proposed activity area.

Scarred trees	Stone artefacts	Rock-shelters	Grinding grooves	Burials	Stone quarries	Shell middens
Low	Low	Negligible	Negligible	Negligible	Negligible	Negligible

4 Assessment of Proposed Activity According to *Aboriginal Heritage Regulations* 2018

All Aboriginal cultural heritage is protected by the State *Aboriginal Heritage Act* 2006. Responsibility rests with the proponent of a development to demonstrate that due care and diligence have been taken to identify and avoid impacts on archaeological sites through construction works.

A key component of the Act is Aboriginal Cultural Heritage Management Plans, which are required under certain circumstances for high impact activities.

Using the *Aboriginal Heritage Regulations* 2018 that accompany the *Aboriginal Heritage Act* 2006 it is possible to determine whether the development proposal for the Fosterville Solar Farm would trigger the requirement for an Aboriginal Cultural Heritage Management Plan.

The *Aboriginal Heritage Regulations* 2018 (r. 7) stipulate that an Aboriginal Cultural Heritage Management Plan is required for a proposed activity, if:

> (a) all or part of the activity area for the activity is an area of *cultural heritage sensitivity*[1]; and,
> (b) all or part of the activity is a *high impact activity*.

Use of land to generate electricity is a *high impact activity* (see r.46[1][b][xxx]).

Parts of the western boundary of the activity area are near three Aboriginal cultural heritage places (three scarred trees in the adjacent road reserve of Brownes Lane). Aboriginal cultural heritage places and areas within 50 m of Aboriginal cultural heritage places are areas of cultural heritage sensitivity (where not subject to previous significant ground disturbance) according to r.25 of the *Aboriginal Heritage Regulations* 2018.

However, the proposed Fosterville Solar Farm is more than 70 m from the three scarred trees in the adjacent road reserve of Brownes Lane. Therefore the activity does not require a mandatory Cultural Heritage Management Plan (CHMP) under Section 46 of the *Aboriginal Heritage Act* 2006

[1] An area of 'cultural heritage sensitivity' means an area with the potential to contain Aboriginal cultural heritage items, places and/or values.

5 Conclusions and Recommendations

No Aboriginal cultural heritage places have previously been recorded in the activity area for the proposed Fosterville Solar Farm. Predictive modelling shows that there is a low potential for Aboriginal cultural heritage to be harmed by the activity.

Three scarred trees are in the road reserve of Brownes Lane immediately outside the western boundary of the activity area. Areas within 50 m of the Aboriginal cultural heritage places are areas of cultural heritage sensitivity according to regulation 25(2) of *Aboriginal Heritage Regulations* 2018 where not previously subject to significant ground disturbance.

Accordingly, the proposed construction of the Fosterville Solar Farm does not require a mandatory Cultural Heritage Management Plan (CHMP) under Section 46 of the *Aboriginal Heritage Act* 2006 as activities are avoided within 70 m of the Aboriginal cultural heritage places.

In the event that any Aboriginal cultural heritage places or items are encountered during the course of the proposed activity, all activities likely to harm the material must cease immediately and a Heritage Advisor or First Peoples - State Relations (tel: 1800 762 003)) consulted about an appropriate course of action prior to recommencement of work.

If human skeletal remains are encountered during the course of the proposed activities all work in that area must cease. Remains must not be handled or otherwise disturbed except to prevent further disturbance. The Police or Victorian Coroner's office must be notified immediately. The Coronial Admissions and Enquiries Hotline is tel: 1300 888 544.

A voluntary Aboriginal cultural heritage management plan could also be prepared for the activities under section 45 of the *Aboriginal Heritage Act* 2006.

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