

Attn: Kristina Yan
Goorambat Solar Farm – Eastern Front
Cultural Heritage Assessment

1 Introduction

The purpose of this letter is to assess whether the construction of a solar farm near Goorambat, Victoria, by Neon, will require the preparation of a mandatory cultural heritage management plan (CHMP), as may be required by the *Aboriginal Heritage Act 2017* (Vic) (hereafter ‘the Act’) and the *Aboriginal Heritage Regulations 2018* (Vic) (hereafter ‘the Regulations’). The construction of the solar farm will be undertaken in four stages, each of which will be subject to separate planning applications, and are considered to be discrete activities in and of themselves. This assessment specifically pertains to the construction of a solar farm on the south eastern side of Goorambat, and is otherwise referred to as the ‘Goorambat Eastern Front’ (GEF) or ‘stage 2’ (Figure 1). While the construction footprint of the proposed solar farm and associated facilities will not impact on the entirety of the indicated activity area, this assessment assumes that the entirety of each property parcel subject to the construction of the proposed solar farm is part of the activity area for the purpose of establishing whether a CHMP is required. The property parcels which will be included within the activity area are:

- 2\TP179662
- 2\TP399580
- 1\TP179662
- 1\TP399580
- 51\PP2704
- 1\TP161528
- 39B\PP2704

The GEF is situated about 550 m to the south of Goorambat within the Rural City of Benalla, and therefore subject to the Benalla Planning Scheme. The GEF activity area is situated within land that is subject to the Farming Zone (VPP 35.07) overlay, and Schedule to the Farming Zone (Clause 35.07).

The GEF activity area is approximately 756.59 ha. As such, the activity area is considered a large activity for the purpose of the Regulations.

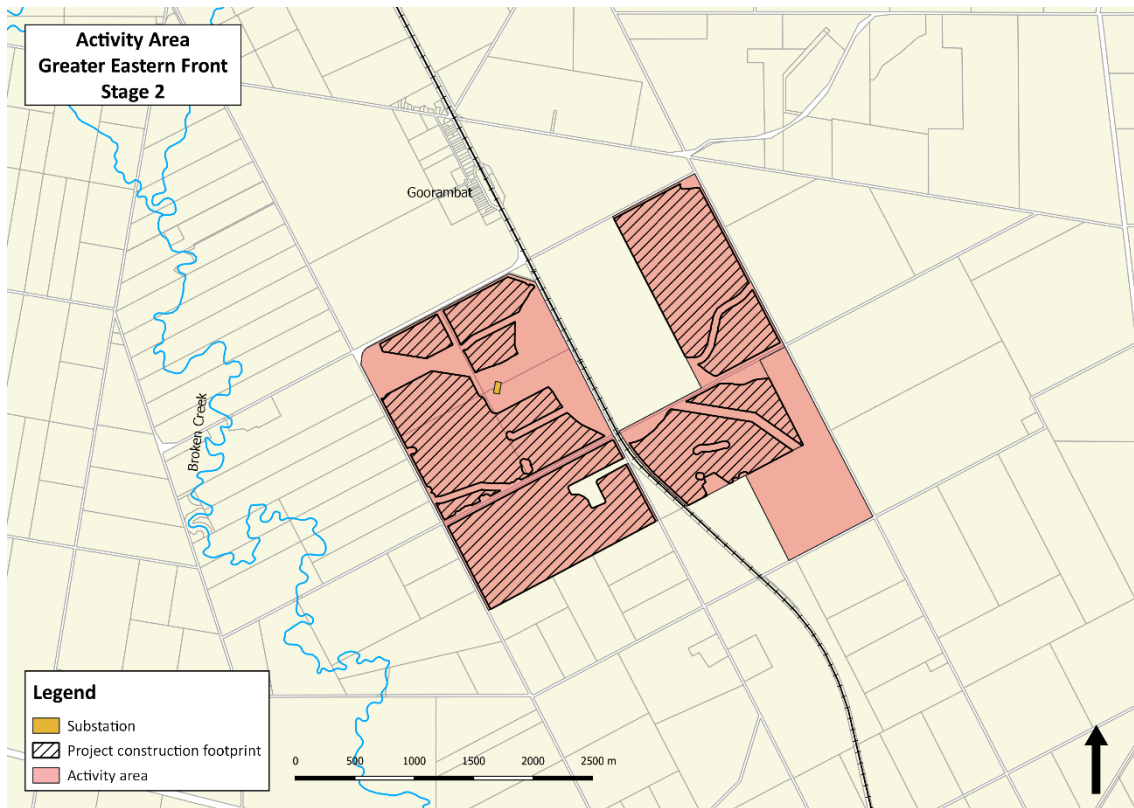


Figure 1: Map of the location of the Greater Eastern Front activity area

1.1 Resources

In preparation of this report the following resources have been referred to:

- Aboriginal Cultural Heritage Register and Information System (ACHRIS)¹
- VicPlan²
- VicNames³
- Victorian Resources Online⁴

The respective shapefiles and design documents which inform the activity area, and anticipated construction footprint, were made available to us on 6 June 2019, 15 June 2019, 8 July 2019 and 15 July 2019.

1.2 Aboriginal Stakeholders

It is important to note that ‘cultural heritage significance’ as defined in the Act 2006 includes ‘(a) archaeological, anthropological, contemporary, historical, scientific, social or spiritual significance’, and ‘(b) significance in accordance with Aboriginal tradition’. All Aboriginal heritage sites are protected equally under this legislation, irrespective of significance, and consultants and development proponents are required to seek the views of Aboriginal heritage stakeholders (or

¹ <https://achris.vic.gov.au/#/dashboard> - accessed 3 July 2019.

² <https://mapshare.maps.vic.gov.au/vicplan/> - accessed 12 February 2019.

³ <https://maps.land.vic.gov.au/lasi/VicnamesUI.jsp> - accessed 12 February 2019.

⁴ <http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/vrohome> - accessed 12 February 2019.

Registered Aboriginal Parties [RAPs], as defined in the Act) regarding whether Aboriginal heritage sites may be disturbed in accordance with that significance.

At the time of this assessment, the Yorta Yorta Nation Aboriginal Corporation (YYNAC) are the appointed RAP for land which includes both the GEF and GWF activity areas. As such, the YYNAC are responsible for evaluating a CHMP for the proposed activity should a CHMP be required.

2 When is a CHMP required?

Section 46 of the Act outlines four instances in which a mandatory CHMP is required. Those instances are:

- a) the Regulations require the preparation of a CHMP for a planned activity;
- b) the Minister directs the preparation of a CHMP for the activity under Section 48 of the Act;
- c) a CHMP is required if an Environmental Effects Statement (EES), impact management plan or Comprehensive Impact Statement (CIS) must be prepared (s.49 and s.49A); or
- d) the Minister certifies, via a Preliminary Aboriginal Heritage Test (PAHT), that a CHMP is required.

It is unlikely, in the current instance, that the Minister will require a CHMP to be prepared, and similarly an EES or CIS will not be required. As such, these pathways are not considered here. A PAHT should only be undertaken where either the Act or the Regulations are not clear as to whether the proposed works would require a CHMP and, as such, is not considered here.

Section 47 of the Act states:

47. Regulations may require plan

The regulations may specify the circumstance in which a cultural heritage management plan is required for an activity or class of activity.

Regulation 7 of the Regulations thus specifies:

A cultural heritage management plan is required for an activity if-

- 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.*

These matters are each addressed in detail below.

3 Does the activity area include an area of cultural heritage sensitivity?

Division 3 of the Regulations defines areas of cultural heritage sensitivity for the purpose of establishing whether a CHMP is required. In the current instance there are 2 relevant regulations which warrant further consideration. Those regulations are:

- Regulation 25: Registered cultural heritage places
- Regulation 40: Dunes

The relevance of each of the aforementioned regulations are considered below.

3.1 Registered cultural heritage places

Regulation 25 is as follows:

- 1) A registered cultural heritage place is an area of cultural heritage sensitivity.
- 2) Subject to subregulation (3), land within 50 metres of a registered cultural heritage place is an area of cultural heritage sensitivity
- 3) If part of the land within 50 metres of a registered cultural heritage place has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.

In order to establish whether or not the activity area contains, or is near to, any registered cultural heritage places, a search of the Aboriginal Cultural Heritage Register and Information System was undertaken on 3 July 2019 (Access No. 7143). As is evident in Figure 2, there are no registered Aboriginal cultural heritage places within 200 m of the GEF. Therefore the GEF does not contain an area of cultural heritage sensitivity associated with any registered cultural heritage places.



Figure 2: Map of areas of cultural heritage sensitivity and registered Aboriginal cultural heritage places within the vicinity of the activity area

3.2 Dunes

Areas of cultural heritage sensitivity associated with dunes are defined in r.40 of the Regulations as follows:

- 1) Subject to subregulation (2), a dune or source bordering dune is an area of cultural heritage sensitivity.

- 2) *If part of a dune or part of a source bordering dune has been subject to significant ground disturbance, that part is not an area of cultural heritage sensitivity.*
- 3) *In this regulation-*

Dune includes an inland, riverine, lacustrine or coastal dune;

Source bordering dune means an area identified as “Qdi” in the Surface Geology of Victoria 1:250 000 map book.

The definition of a ‘dune’, beyond the common meaning (whether inland, riverine, lacustrine or coastal), and excepting ‘source bordering dunes’, has not been associated with a specific geological identifier, such as may be depicted in geological maps and the like. While it is clear that the GEF does not include any source bordering dunes, as defined by r.40(3), a review of the geomorphology underlying the activity area with regard to the potential for the area to contain ‘dunes’ is presented below.

In this case, the GEF activity area is situated across three different geomorphological units, which are identified in the Victorian Geomorphological Framework⁵ as:

- Plains with leveed channels, sometimes source-bordering dunes (Tatura, Naneella) (GMU 4.2.1);
- Outlying ridges and hills (Warby Range, Lurg Hills, Howe Range, Mt. Dandenong) (GMU 1.4.6)⁶; and
- Alluvial fans and aprons (Burnt Creek, Seven Creek, Broken River, Katamatite, Raywood, & aprons around Korong, Dookie Hills) (GMU 4.3)⁷.

The citation for GMU 4.2.1 is as follows:

Plains with largely inactive leveed channels of various ages are a characteristic of earlier of stream deposition that predate the present flood plains. These are referred to here as the prior stream plains. They emanated from the foothills at about the same location as each of the present streams but, unlike the present streams, the stream pattern traversing the plain is distributary and/or divergent. The prior streams and associated levees are generally recognizable features on aerial photographs and contour maps, and are seen as low winding ridges up to 2 km wide and up to 3 m above the level of the surrounding flood plain.

Initially the prior streams incised the sediments on the plains during prolonged wet periods, when little erosion was occurring in the uplands. During later dry periods, erosion increased in the uplands and deposited sediments within the incision. Eventually these streams filled the incision with sediment, which then spilled over the plain. Coarse material was deposited nearest to the stream channel forming levees with finer material

⁵ http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework# - accessed 13 February 2019.

⁶ http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework_1.4.6# - accessed 13 February 2019.

⁷ http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework_4.3# - accessed 13 February 2019.

overflowing onto the plain. In this way prior streams built up levees and clayey flood plains. Eventually the streams abandoned these courses and new courses developed in the lower land between the ridges. Stream deposition initially continued when the wetter period returned, but eventually the uplands were stabilized, and stream incision again occurred, generally outside the previous meander path. A thin layer of wind blown calcareous clay called "parna" is believed to mantle much of the prior stream plains east of the Loddon River. The areal extent of the prior stream plains associated with each catchment appears to be related to its area and rainfall, with those associated with the Murray River being the most extensive, followed in order by the Goulburn, Campaspe, Loddon, Avoca and Wimmera Rivers.

The most extensive area of plains with leveed channels occurs east of the Campaspe River and is associated with former courses of the Goulburn River. South and west of Rochester, there are also extensive areas of prior stream plains but these merge into plains without channels further north. Only small areas of prior stream plains associated with the Loddon River are evident and the areas associated with the Avoca River are even less evident. Plains with leveed channels occupy much of the land between Glenorchy, Murtoa and Horsham. These prior stream plains comprise a suite of sand plains, floodplains and flats including the Corkers prior stream plains, Barrabool sand plains and Wal Wal prior stream plains. To the south lies the current course of the Wimmera River while to the north, the clays plains with subdued ridges are elevated above the prior stream plains.

*Prior to European Settlement the vegetation on the prior stream plains was mainly plains grassy woodland with other woodland complexes but this is mainly cleared and much is now irrigated. The little tree vegetation that remains includes Grey Box (*Eucalyptus macrocarpa*), Black Box (*E. largiflorens*) and Buloke (*Allocasuarina luehmannii*). In addition, Yellow Gum (*E. leucoxylon*) occurs around Horsham Yellow Box and (*E. melliodora*) on the better drained lighter textured soils around Rochester and Shepparton. The original grassland vegetation included Spear grass (*Danthonia spp.*) and Wallaby grass (*Stipa spp.*) with common rush (*Juncus polyanthemus*) in wetter areas.*

Pasture is predominant on the more clayey soils with horticulture on the lighter textured soils, mainly around Shepparton, Tatura and Kyabram. The soils are mainly red, brown and yellow texture contrast soils (Sodosols), with grey cracking clays (Vertosols) occupying poorly drained areas. Salinity is an ever increasing problem in the irrigation districts and is associated with shallow watertables; often less than 2m deep. High sodicity in deep subsoil and soil physical properties such as a hardsetting surfaces in some Sodosols and high dry bulk densities in some Vertosols may also adversely effect yield in cropping areas.⁸

In consideration of the citation for GMU 4.2.1, it is evident that 'source bordering dunes', which can form adjacent to rivers, may be present within those parts of GEF that include GMU 4.2.1 landforms. However, as has been established by r.40(3), those source bordering dunes are only an area of cultural heritage sensitivity if depicted on the Surface Geology of Victoria 1:250 000 map book. As depicted in Figure 3, where the surface geology of Victoria is presented, there are no source bordering dunes, as would be identified by "Qdi", depicted within the GEF on Map 18 of the Surface

⁸ http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework_4.2.1 - accessed 14 February 2019.

Geology of Victoria 1:250 000 map book. Therefore, the GEF does not contain any source bordering dunes, as defined by r.40.

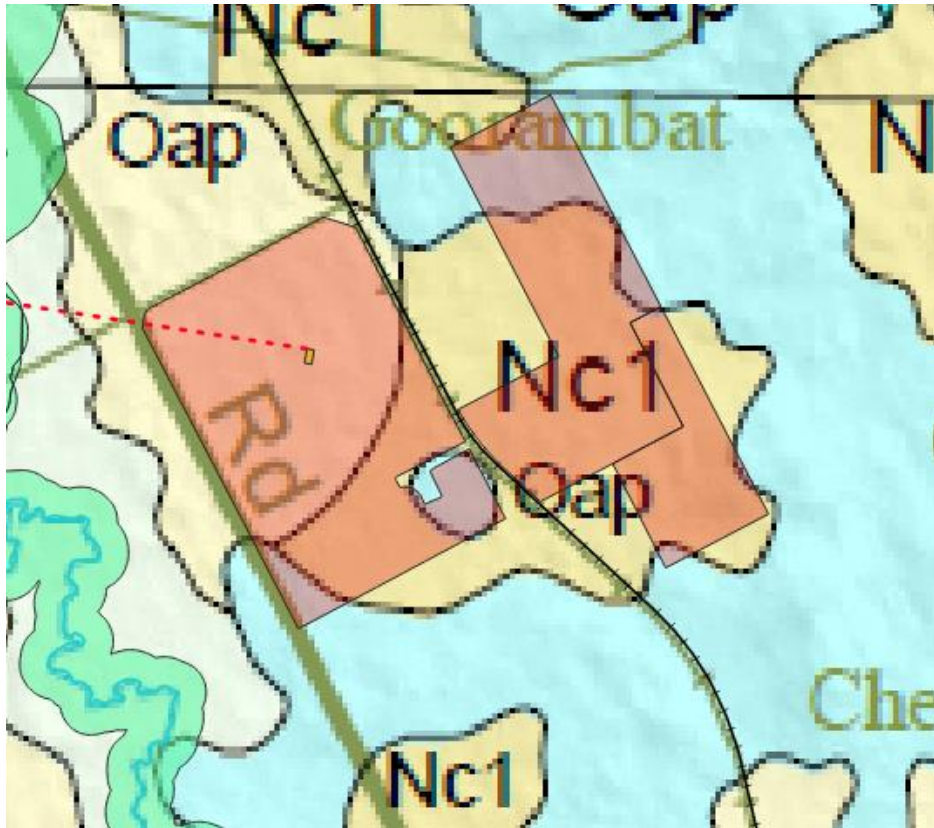


Figure 3: Surface Geology of Victoria 1:250 000 map book Map 18 excerpt with the location of the GEF activity area (shaded polygon) depicted

The citation for GMU 1.4.6 is as follows:

Low hills and low outlying ridges are usually continuations of the dividing ridges of the main drainage systems. The Warby Range is the northern end of the divide between the Ovens River and the Broken River catchments. Further to the west, the Lurg hills mark the divide between Ryans Creek (a tributary of the Broken River) and Fifteen Mile Creek (a tributary of the Ovens River). The knot of low ridges and hills of the Leneva hills form the divide between Indigo Creek, (a small tributary of the Murray River) and the Kiewa River.

Local relief is usually no more than about 200 m and slopes are moderate with rounded crests and concave lower slopes grading via alluvial/colluvial fans into valleys, often with ephemeral streams, or merging into the margins of Tier 1.3.3 or either the Northern Riverine Plains (Tier 4) or the Eastern Plains (Tier 7).

Mt Dandenong (618 m) in Devonian dacites and the Cathedral Range (c. 1000 m) near Buxton, composed of hard Devonian sandstone, are outlying eminences rising sharply above their surroundings.

The native vegetation has been cleared from most of these landscapes. The original vegetation in the drier areas was probably woodland to low open forest of Red Stringybark, Broad-leaf Peppermint, Red Box and Long-leaf Box with a sparse ground-

cover of low shrubs and grasses. Tall open forest of Narrow-leaf Peppermint, Mountain Grey Gum, and Messmate Stringybark occur in areas of higher rainfall.

On the more stable, lower valley-side slopes, soils are mostly red and brown acid texture contrast soils (Kurosols) tending to red and brown gradational soils (Dermosols) in higher rainfall areas. On drier and less-stable slopes poorly structured texture contrast soils (Kandosols) and stony soils with little pedogenic development (Leptic Rudosols and Tenosols) are more common.⁹

The citation for GMU 4.3 is as follows:

Pediments, and alluvial fans and aprons derived from the uplands, occur around the edge of the Eastern Uplands, for example along Broken Creek, Seven Creeks, and around Katamatite. On the northern edge of the Western Uplands they occur along the Campaspe River, (Macumber pers. comm), the Loddon River (Macumber, 1978b), Bullock Creek (check) around Raywood, the Avoca River, and possibly the Richardson River and nearby drainage lines). They are also found on the south side of the Wimmera River, for example south of Glenorchy and west and south-west of Mt Zero and along Burnt Creek.

The sediments comprising these alluvial fans and aprons may be quite shallow adjoining the Western Uplands with Neogene ferruginous sediments close to the surface in the Brimpaen area and Palaeozoic sediments north of Lake Lonsdale. The sediments adjoining the Eastern Uplands are much deeper and separation between the alluvial fans and aprons and the older alluvial plains (4.2) is largely an arbitrary decision.

Higher level alluvial fans and aprons occur predominantly on the south side of the Wimmera River, adjoining the consolidated material of the Western uplands (2.1, 2.2, 2.3) from which they were derived. The alluvial fans and aprons extend from south of Horsham to the Douglas Depression in the west and Dadswells Bridge in the east. The alluvial systems extend south into the Glenelg Hopkins CMA region but finish less than 10 km over the catchment divide. Depth of apron material over the underlying older material (consolidated or not) may vary and may be quite shallow with Neogene ferruginised sediments close to the surface in the Brimpaen area and Grampians sandstone north-west of the western Black Range. Apron and alluvial plain sediments belong to the Shepparton Formation where once extensive fluvial systems extended across much of the Murray Basin. These unconsolidated sediments conformably overlie the Neogene Parilla Sand. The lithology of this formation is largely a mix of gravels, sands and silts that through groundwater fluctuations combined with pedogenesis have altered the nature of these sediments.

The major streams which flow north across the plains between the Grampians and Horsham are Norton Creek, the Mackenzie River, its tributary Bungalally Creek, and Burnt Creek. All are tributaries of the Wimmera River. Burnt Creek flows across the Drung floodplain before entering the Wimmera River near Horsham. All these streams are relatively inactive. This feature together with the even shallow slope, a drop of over 30 metres down from south to north over a distance of at least 20 km, suggests a

⁹ http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework_1.4.6# - accessed 13 February 2019.

stagnant alluvial plain landform pattern superimposed on an apron of material derived in part at least from the Grampians. Several different map units surround the near isolated plain. These include the Grampians Ranges to the south and south-east, the St Helens gentle plains and Drung alluvial plains soil-landform units to the north and the relatively elevated Darragan rolling rises unit to the north-west. An area of isolated and clustered lake and lunettes, now mapped as the Kingcourt and Pine Lake soil-landform units respectively, occupy areas to the south west.

The variety of soils which occur on the plain include grey Vertosols, brown Sodosols and Yellow and brown Kandosols. Sand sheets (Barrabool map unit) are also present. Within the plain there may be a possible subdivision based on the proportions of Vertosols relative to Sodosols and Kandosols (i.e. the Yallambee with the greater area of Vertosols than the Glencoe map units). Some soil properties may well be limiting factors to primary production. For cereal production these include the coarse blocky structure and the very strong ie very hard, consistence of both surface soils and subsoils of some Vertosols and the strong consistence of the surface soils of some Kandosols.

Remnant vegetation communities on the flat plains and sandy clay plains are dominated by woodlands including Plains Woodland, Shallow Sands Woodland, Damp Sands Herb-rich Woodland, Heathy Woodland, Creekline Sedgy Woodland, Dry Creekline Woodland, Sand Ridge Woodland, Shrubby Woodland, Riparian Woodland, Red Gum Wetland and Plains Grassy Woodland.¹⁰

As is clear, neither citation for GMU 4.2.1, GMU 1.4.6 or GMU 4.3 imply that dunes, for the purpose of the Regulations, should be expected to be situated within the GEF.

3.3 Conclusion

As has been demonstrated, the GEF activity area does not contain an area of cultural heritage sensitivity, as might be defined in Part 2, Division 3, of the Regulations.

4 Are the proposed works a high impact activity

The proposed development is the construction of a solar farm (a renewable energy facility for the purposes of the VPP). As presented below, it can be demonstrated that the proposed development is a high impact activity for the purposes of the Regulations.

Part 2, Division 5 of the Regulations lists activities which are considered to be high impact activities Regulation 46 of the Regulation is as follows:

Buildings and works for specified uses

- 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*

¹⁰ http://vro.agriculture.vic.gov.au/dpi/vro/vrosite.nsf/pages/landform_geomorphological_framework_4.3 - accessed 14 February 2019.

(b) Is for, or associated with, the use of the land for any one or more of the following purposes –

...

xxvii. A utility installation other than a telecommunications facility, if-

...

D. The works affect an area exceeding 25 square metres;

...

xxx. Land used to generate electricity, including a wind energy facility.

2) The terms used in subregulation (1)(b) have the same meaning as in the VPP.

3) Despite subregulation (1), the construction or carrying out of a building or the construction or carrying out of works on land is not a high impact activity if it is for, or associated with, a purpose listed under subregulation (1)(b) for which the land was being lawfully used immediately before 28 May 2007.

As the proposed activity, being the construction of a “renewable energy facility” for the purpose of generating electricity, and may be associated with utility installations, and in order to undertake the activity works will result in significant ground disturbance across an area more than 25 square meters, it is clear that, at a minimum, the proposed works are a high impact activity in accordance with r.46(1)(b)(xxvii) and r.46(1)(b)(xxx) of the Regulations.

Regulation 58 of the Regulations also states that “the use of land for a purpose specified in regulation 46(1)(b) is a high impact activity if a statutory authorisation is required to change the use of the land for that purpose”. The GEF activity area is situated entirely within land subject to the Benalla Farming Zone overlay, and in accordance with the Benalla Planning Scheme, a permit will be required for the construction of both a “renewable energy facility” and any associated utilities. As such, the proposed activity is a high impact activity in accordance with r.58 of the Regulations.

By way of review, in accordance with r.46(1)(b)(xxvii), r.46(1)(b)(xxx) and r. 58(1), the proposed activity is a high impact activity.

5 Is a CHMP required

On the basis of the prior discussion it has been established that:

- the activity, being the construction of a renewable energy facility and associated infrastructure, such as a substation, is a high impact activity as defined by r.46 of the Regulations; and
- the activity area does not contain an area of cultural heritage sensitivity as defined by Division 3 of the Regulations.

Therefore, despite the proposed activity being a high impact activity, as the GEF does not contain an area of cultural heritage sensitivity, in accordance with r.7 of the Regulations, a mandatory CHMP is not required by the Regulations.

6 Recommendations

As has been established, in accordance with r.7 of the Regulations, a mandatory CHMP is not required for the proposed activity. Consideration regarding the requirement to undertake a

mandatory CHMP aside, and in accordance with s.45 of the Act, we would recommend that a voluntary CHMP be undertaken for the proposed works.

In making this recommendation we consider that the absence of registered cultural heritage places within both activity areas is likely a result of the limited archaeological investigations that have been undertaken within the Benalla region, rather than a reflection of prior Aboriginal use of the land. Specifically, neither activity area has been subject to any direct archaeological assessment, being survey or excavation. Further to which, and while not elaborated upon in the prior discussion, the GEF activity area contains waterways and waterbodies, that while not formally registered (and therefore not areas of cultural heritage sensitivity), and while perhaps no longer active due to the more recent manipulation of natural waterways, may have been focal points for Aboriginal land use prior to European colonization of the region. Therefore, there is some potential for Aboriginal cultural heritage material to be located within the GEF activity area, despite the contemporary and historic use of the land for pastoral and agricultural activities.

Should the works be undertaken without having an approved CHMP there would be no mechanism in place to manage any Aboriginal cultural heritage materials that may be encountered during the activity. If Aboriginal cultural heritage materials were encountered during the activity in such a circumstance, significant delays in the construction timeframes could be expected.

Should Neon elect to prepare a voluntary CHMP prior to undertaking the activity, council cannot require the presentation of an approved CHMP either before evaluating or issuing a permit for the activity to take place. Preparation of a voluntary CHMP would likely take between six to nine months, depending on the capacity of the RAP to be available for meetings in a timely manner, and on the assumption that the RAP agrees to a conventional archaeological assessment methodology.

7 Disclaimer

This report does not mean to imply that there are no Aboriginal cultural heritage places within the activity area, or are not at risk of impact from the proponent of any future development of the land. The minimum reporting requirements may be met by implementing the attached procedure during any ground disturbing works, which is compliant with the provisions of the Act.

This report does not constitute a CHMP as defined in Division 1 of the Act.

8 References

Legislation

Aboriginal Heritage Act 2006 (Vic)

Aboriginal Heritage Regulations 2018 (Vic)

Geographic Place Names Act 1998 (Vic)

Victorian Planning Provisions 2018 (Vic)

9 Appendix 1

Statutory Regulations

ABORIGINAL CULTURAL HERITAGE LEGISLATION

The Aboriginal Heritage Act 2006

It should be noted that new Victorian legislation for Aboriginal heritage protection (the *Aboriginal Heritage Act 2006*) commenced operation on May 28th 2007.

This act provides blanket protection for all Aboriginal heritage sites, places or items in Victoria.

The main aspects of the Act in relation to the development process are as follows:

- An *Aboriginal Heritage Council* (AHC) has been appointed by the Minister, Aboriginal Affairs Victoria, made up of 11 Victorian Aboriginal people.
- Aboriginal community groups with traditional interests in cultural heritage are to apply to the AHC for registration as a *Registered Aboriginal Party* (RAP). RAPs will have the role of endorsing *Cultural Heritage Management Plans* (CHMP) within a given area of interest. There may be two or more RAPs for an area, provided it does not hinder the operation of the legislation.
- Under Section 48, a developer ('sponsor') may be required to submit a CHMP before the issue of a statutory authority by local government or other agency ('decision maker'). A CHMP must be registered with the Secretary, Victorian Communities (AAV), and all relevant RAPs notified in writing. If an RAP does not respond, AAV will act in lieu. A CHMP will contain details of research, field evaluation, consultation and management provisions in regard to the Aboriginal heritage of an area at risk from a development. A *Cultural Heritage Advisor* must be appointed to assist in the preparation of a CHMP. It is the role of an RAP to approve a CHMP if it meets prescribed standards.
- A CHMP will not be considered approved unless it has been approved by all relevant RAPs.

The regulations accompanying the Act specify when a CHMP will be required by law, and prescribe minimum standards for the preparation of a CHMP (Section 53). The approved form for CHMPs specifies the format in which a CHMP should be prepared by a sponsor in order to comply with the Act and the Regulations, and is an approved form under section 190 of the Act. The regulations have not been finalised to date, but their draft content has not been issued to stakeholders.

10 Appendix 2

SUGGESTED PROCEDURE

IN THE EVENT

AN ABORIGINAL HERITAGE PLACE

IS IDENTIFIED

DURING CONSTRUCTION

A. Management of Aboriginal Cultural Heritage Found During Works

If Aboriginal places or objects are found during works, the following steps must be applied:

- The person who identified the find will immediately notify the person in charge of the activity.
- The person in charge of the activity must then suspend any relevant works at the location of the discovery and within 5 m of the relevant site extent and isolate the find via the installation of safety webbing, or other suitable barrier and the material to remain *in situ*.
- Works may continue outside of the 5 m barrier.
- The person in charge of works must notify the Heritage Advisor (HA) and the Secretary (AV) of the find within 24 hours of the discovery.
- The HA must notify the RAP(s) or other agreed Aboriginal stakeholder(s) within 24 hours of the discovery and invite RAP(s) or other agreed Aboriginal stakeholder(s) to inspect the find.
- Within 24 hours of notification, a HA is to attend the site and evaluate the find to determine if it is part of an already known site or should be registered as a new site and to update and/or complete site records as appropriate and advise on possible management strategies.
- Enable RAP(s) or other agreed Aboriginal stakeholder(s) to inspect site within 24 hours of notification and remove/rebury any cultural heritage material found.
- Within a period not exceeding three (3) working days the Sponsor, in consultation with the HA, RAP or other agreed Aboriginal stakeholder, shall, if necessary, apply for a Cultural Heritage Permit (CHP) in accordance with Section 36 of the *Aboriginal Heritage Act 2006*.
- If a CHP application is lodged, works may only recommence within the area of exclusion following the issue of a CHP and compliance with any conditions.
 - When the appropriate protective measures have been taken;
 - Where the relevant Aboriginal cultural heritage records have been updated and/or completed;

In the case of the discovery of human remains, separate procedures relating to the discovery of human skeletal remains must be adhered to (see below).

B. Custody and Management of Aboriginal Cultural Heritage Recovered

- Any Aboriginal cultural heritage recovered or salvaged from the activity area remains the property of the RAP(s) or other agreed Aboriginal stakeholder(s). Any such recovery or salvage will be agreed to and overseen by a RAP(s) or other agreed Aboriginal stakeholder representative(s). In any such instance it will be the responsibility of the Heritage Advisor to:
 - Catalogue the Aboriginal cultural heritage;
 - Label and package the Aboriginal cultural heritage with reference to provenance; and
 - With the RAP(s) or other agreed Aboriginal stakeholder(s), arrange storage of the Aboriginal cultural heritage in a secure location together with copies of the catalogue and assessment documentation.

C. The Management of the Discovery of Human Remains

The following steps must be taken if any suspected human remains are found in the activity area:

1. Discovery:

- If suspected human remains are discovered, all activity in the vicinity must ***cease immediately*** to ensure minimal damage is caused to the remains; and,

- The remains must be left in place, and **protected** from harm or damage.
2. Notification:
 - Once suspected human skeletal remains have been found, the Coroner's Office and the Victoria Police must be notified immediately;
 - If there is reasonable grounds to believe the remains are Aboriginal Ancestral Remains, the Coronial Admissions and Enquiries hotline must be immediately notified on 1300 888 544; and
 - All details of the location and nature of the human remains must be provided to the relevant authorities.
 - If it is confirmed by these authorities that the discovered remains are Aboriginal skeletal remains, the person responsible for the activity must report the existence of the human remains to the Victorian Aboriginal Heritage Council in accordance with s.17 of the *Aboriginal Heritage Act 2006*.
 3. Impact Mitigation or Salvage:
 - The Victorian Aboriginal Heritage Council, after taking reasonable steps to consult with any Aboriginal person or body with an interest in the Aboriginal Ancestral Remains, will determine the appropriate course of action as required by s.18(2)(b) of the Act.
 - An appropriate impact mitigation or salvage strategy as determined by the Victorian Aboriginal Heritage Council must be implemented by the Sponsor or Sponsor's delegate.
 4. Curation and further analysis:
 - The treatment of salvaged Aboriginal Ancestral Remains must be in accordance with the direction of the Secretary.
 5. Reburial:
 - Any reburial site(s) must be fully documented by an experienced and qualified archaeologist, clearly marked and all details provided to AV;

Appropriate management measures must be implemented to ensure that the remains are not disturbed in the future.