

Archaeology TARDIS

heritage advisors

ABN 12 151 540 662

PO Box 776
Beaconsfield, Vic 3807

Beaconsfield Office: (03) 9769 7765
Port Melbourne Office: (03) 9676 9009
enquiries@tardisenterprises.com.au
www.aatardis.com.au

Our Ref: 3791.000

19 July 2018

Mr Andrew Wilkinson
ib vogt GmbH
Level 35, 1 International Tower
100 Barangaroo Avenue
Sydney NSW 2000

Re: Carisbrook Solar Farm – Cultural Heritage Statutory Obligations

Dear Andrew,

I am writing in response to your request for an investigation into the cultural heritage statutory obligations regarding the proposed **Carisbrook Solar Farm, located on the Pyrenees Highway Carisbrook (Maps 1 & 2)**. This land is currently proposed for the construction of a Solar Farm and related infrastructure.

This summary focuses on the obligations required under the *Aboriginal Heritage Act 2006* and *Heritage Act 2017*. It has also included a review of the Victorian Aboriginal Heritage Register (VAHR) and Heritage Victoria's Online Database (HERMES) for previously recorded sites and relevant reports.

The advice presented in this letter is focused on legislative requirements in relation to cultural heritage; it does not discuss the likelihood of unknown Aboriginal or European cultural heritage being present within the activity area.

The advice contained in this letter, which is based on our interpretation of the *Aboriginal Heritage Act 2006*, the *Aboriginal Heritage Regulations 2018* and the *Heritage Act 2017* is considered to be true and accurate. This statement is not legal advice.

Cultural Heritage Management Plan Triggers

A Cultural Heritage Management Plan must be prepared in circumstances involving *both*:

- 1) Activities to be completed on land within or partially within a legislated area of Aboriginal cultural heritage sensitivity, as described in the *Aboriginal Heritage Regulations 2018* (Part 2, Division 3) *and*,
- 2) Activities considered to be high impact under the *Aboriginal Heritage Regulations 2018* (Part 2, Division 5)

If only one of these two conditions applies to the proposal, the preparation of a mandatory Cultural Heritage Management Plan is not triggered.

A CHMP is also required if the Minister directs a CHMP to be prepared (s48, *Aboriginal Heritage Act 2006*) or if an Environmental Effects Statement is required (s49, *Aboriginal Heritage Act 2006*). Neither of these conditions are known to currently exist.

Culturally Sensitive Areas:

An examination of the Department of Premier and Cabinet culturally sensitive areas (**Map 1**) via ACHRIS (Aboriginal Cultural Heritage Register Information System) and the *Aboriginal Heritage Regulations 2018* has revealed that the proposed activity area is *not* situated within a legislated area of Aboriginal cultural heritage sensitivity. This means that there is *no* requirement to prepare a mandatory Cultural Heritage Management Plan.

European Settlement – 1840-1860

While the first sighting of the Victorian coast occurred in 1770 and the initial settlement near Sorrento in 1803, the area now known as Carisbrook was not formally occupied by European settlers until 1840, when the Charlotte Plains pastoral run was taken up by Donald Simpson and his family. Simpson constructed an impressive stone homestead, and grazed cattle and sheep on extensive pastoral runs (**Billis & Kenyon 1932**). Since that time most of the land surrounding Carisbrook has been used for grazing purposes. There is little specific knowledge of the impact early settlers of the Carisbrook area had on the land's natural environment. Past and recent land-use activities included the clearing of trees, repeated ploughing, and long-term grazing. An aerial photograph from 1946 shows that land in the proximity of the activity area had by then been cleared of natural vegetation and was being used primarily for grazing (**Photo 1**).

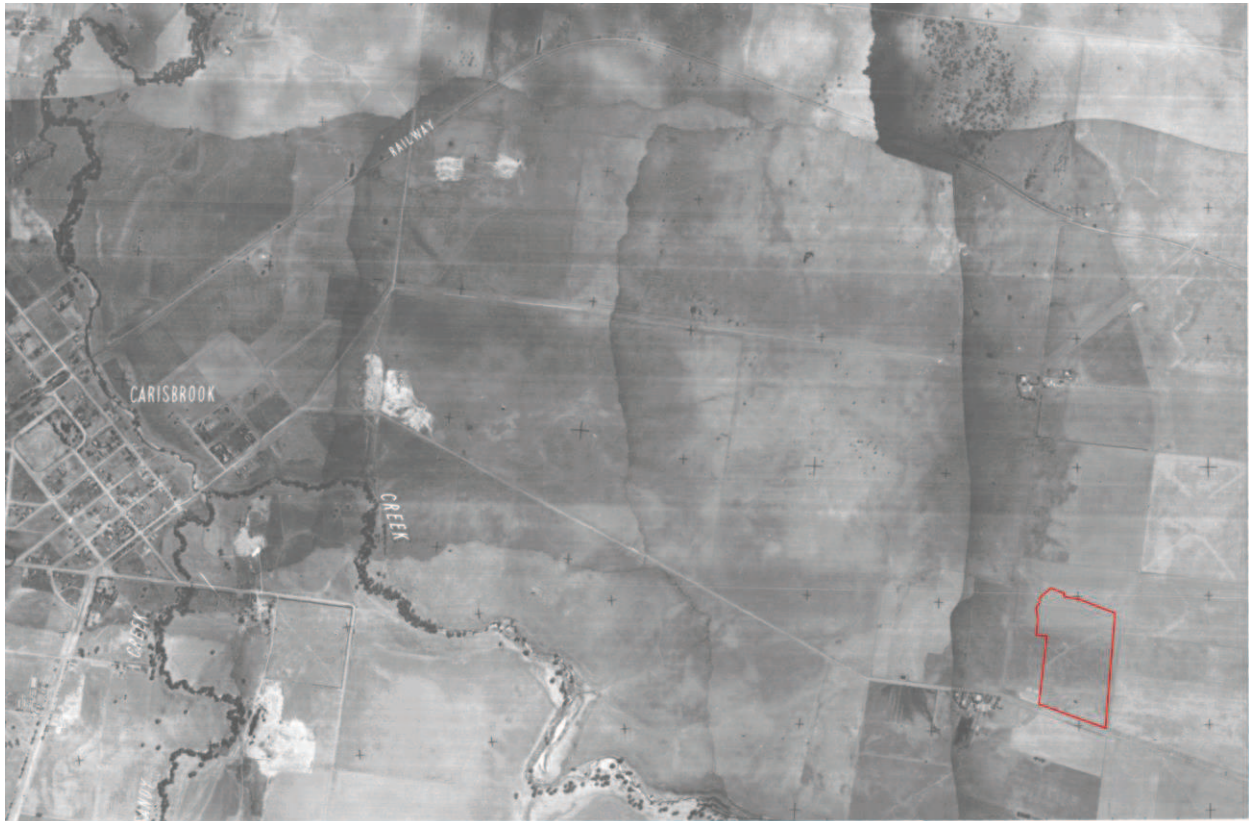


Photo 1 Aerial of Carisbrook 1946 (indicative activity area in red)

Aboriginal Cultural Heritage Register and Information System (ACHRIS)

A search of the Aboriginal Cultural Heritage Register and Information System (ACHRIS) database has revealed that there are **no** registered Aboriginal heritage places within the activity area or within 50m of its boundaries. The ACHRIS search also showed that the activity area has **not** previously been subject to archaeological survey.

Previous Assessments

There have been no previous cultural heritage assessments relevant to the project area.

Statutory Obligations under the *Aboriginal Heritage Act 2006*

The above checks demonstrate that, under conditions of the *Aboriginal Heritage Act 2006*, the proposed **Solar Farm located on the Pyrenees Highway Carisbrook** does **not** require the preparation of a mandatory CHMP because the activity area is **not** situated within an area of legislated cultural heritage sensitivity.

If the sponsor wishes to manage the potential of discovery of Aboriginal cultural heritage during the construction of the solar farm then a voluntary cultural heritage management plan could be commissioned. Having an approved plan for the development will negate the risk of any lengthy delays that may arise due to the discovery of Aboriginal cultural heritage.

Statutory Authorisation

It is however possible, that the decision maker will link the requirement for a CHMP to the planning application (Regulation 54 (3)). If this is the case, then a CHMP will be required for the activity area.

Statutory Obligations under the Heritage Act 2017

Additionally, all historic sites are protected under the *Heritage Act 2017* which states that appropriate Consents or Permits must be obtained before any historic site is disturbed and that all historic sites must be reported to the Executive Director of the Heritage Council. Any archaeological site older than 75 years is considered to have potential archaeological value under the *Heritage Act 2017*. A search of Heritage Victoria's Online Database (HERMES) (**Map 3**) has revealed that there are **no** previously recorded historical sites within the activity area. In addition, there are no previously recorded historical sites within 1.9km of the activity area. Registered sites in closest proximity to the activity area are; 835 Baringhup Road (VHI No – H7623-0002) approximately 2.1km to the north, the Deep Leads Electric Power House (VHR No – H1689) 2.5km to the north, and the Carisbrook Dry Stone Complex (VHI No – H7623-0295) approximately 1.9km to the southwest (**Map 2**).

There is **no** government Heritage Overlay applicable to the activity area.

Summary

This investigation has reviewed the statutory obligations associated with both the *Aboriginal Heritage Act 2006* and the *Victorian Heritage Act 2017*. The proposed **Solar Farm located on the Pyrenees Highway Carisbrook** should *not* require the preparation of a mandatory CHMP because the activity area is **not** situated within an area of legislated cultural heritage sensitivity.

There are **no** further historic archaeological or heritage matters that need to be addressed prior to development of the solar farm taking place.

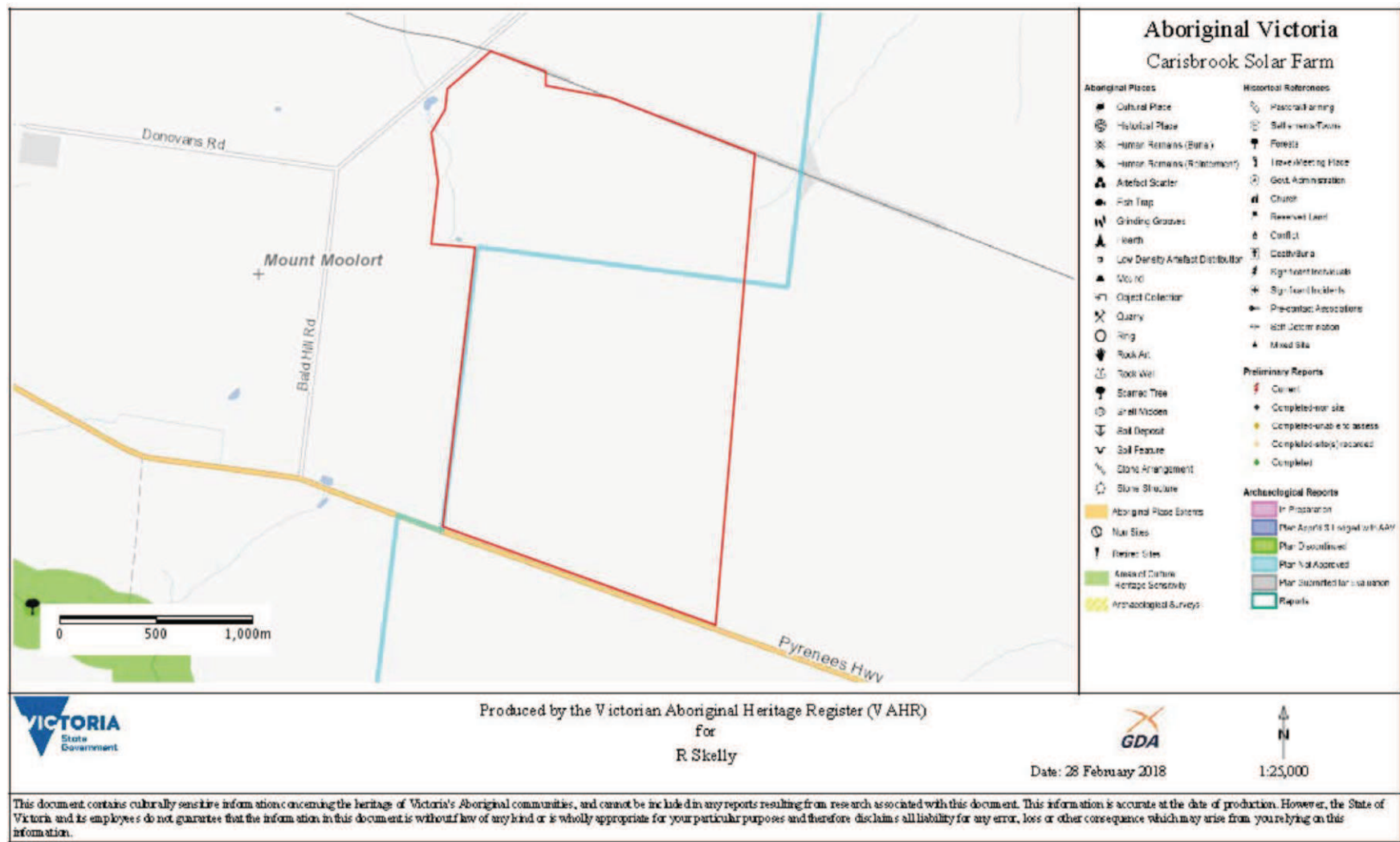
If during any stage of the development any suspected heritage items are exposed, then the contractor should call Archaeology at Tardis to assess the find and make any necessary management arrangements.

We hope this assists with clarification of legal obligations in relation to the above-mentioned project.

Yours sincerely,



Robert Skelly
Project Archaeologist



Map 1 Map of Activity Area (indicative in red) and Legislated Areas of Cultural Heritage Sensitivity (green) (ACHRIS)



Map 2 Map of Activity Area (ib vogt GmbH)



Map 3 Map of Activity Area (indicative in red) (HERMES)

REFERENCES

BILLIS, R.V. & 1932
A.S. KENYON

Pastoral Pioneers of Port Phillip. Melbourne VIC:
Macmillian & Co. Limited.