

Attachment 5

Preliminary heritage appraisal report

NOTE: Details regarding the Aboriginal cultural heritage objects identified within the Project Area have been redacted for confidentiality at the request of the Commonwealth Department of Agriculture, Water and Environment (DAWE), absent consents to publication from the Registered Aboriginal Party (RAP). Consents to future publication will be pursued by ENGIE Hazelwood subsequent to the submission of this referral.



Preliminary Aboriginal and non-Aboriginal heritage appraisal report

Hazelwood Rehabilitation Project Referrals

25-Nov-2021
Hazelwood Rehabilitation Project
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Preliminary Aboriginal and non-Aboriginal heritage appraisal report

Hazelwood Rehabilitation Project Referrals

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Abbreviations

Term	Definition
AECOM	AECOM Australia Pty Ltd
ACHRIS	Aboriginal Cultural Heritage Register and Information System
CHMP	Cultural Heritage Management Plan
CHP	Cultural Heritage Permit
CMP	Conservation management plan
CHL	Commonwealth Heritage List
DELWP	Department of Environment, Land, Water and Planning
EES	Environment Effects Statement
EPA	Environment Protection Authority Victoria
GL	Gigalitre
GLaWAC	Gunaikurnai Land and Waters Aboriginal Corporation
HARA	Hazelwood Ash Retention Area
HCP	Hazelwood Cooling Pond
HPC	Hazelwood Power Corporation Pty Ltd
HPP	Hazelwood Power Partnership
ICOMOS	International Council on Monuments and Sites
LDAD	Low Density Artefact Distribution
LPPF	Local Planning Policy Framework
m AHD	metres Australian Height Datum
MRD	Hazelwood Morwell River Diversion
MRFD	Hazelwood Morwell River Flood Diversion
NHL	National Heritage List
RAP	Registered Aboriginal Party
RL	relative level
RNE	Register of the National Estate
SPPF	State Planning Policy Framework
VAHR	Victorian Aboriginal Heritage Register
VHI	Victorian Heritage Inventory
VHR	Victorian Heritage Register

Executive Summary

AECOM Australia Pty Ltd (AECOM) has been commissioned by ENGIE Hazelwood to assist with the preparation of referrals under the *Environment Effects Act 1978* (Vic) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) for the ENGIE Hazelwood Rehabilitation Project (the Project).

The Project involves the rehabilitation of the former Hazelwood Mine and Power Station to a safe, stable and sustainable landform. The site of the former Hazelwood Mine and Power Station is located in the Latrobe Valley in Victoria, immediately south of the township of Morwell, approximately 150 kilometres east of Melbourne. The broader Hazelwood site comprises approximately 4,000 hectares, including 3,258 hectares covered by Mining Licence MIN5004 (the 1,281-hectare former Hazelwood Mine, comprising a void between 70 and 130 metres deep and including the internal Hazelwood Ash Retention Area (HARA) ash landfill and overburden dump areas), operational SP AusNet Hazelwood Switchyard, decommissioned Hazelwood Power Station (the Power Block), 524-hectare Hazelwood Cooling Pond (HCP) and various other leased areas.

The proposed final landform for the former Hazelwood Mine void is a lake to a relative level (RL) of 45 metres Australian Height Datum (m AHD). The proposed lake would provide for ongoing safety and stability of the Mine void, obviate a requirement for ongoing groundwater pumping in perpetuity, minimise fire risk in the M1 coal seam, and provide opportunities for future investment and uses that might be delivered by Government, the local community or the private sector.

The purpose of this report is to provide a preliminary appraisal of the potential heritage impacts associated with the Project, based on available desktop information to inform the preparation of referrals under the *Environment Effects Act 1978* (Vic) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

This assessment covers both Aboriginal and non-Aboriginal heritage. The study methodology for this report includes:

- Review the Project Area boundary presented in Figure 1-1
- Review existing heritage reports (Sections 4.3.1 and 4.3.2)
- Search relevant Commonwealth and Victorian databases to identify Aboriginal and historic heritage places protected under Commonwealth and Victorian within or in the near vicinity of the Project Area (Sections 4.1.1 and 4.2.1)
- Review the Latrobe City Planning Schemes to identify any heritage overlays within or in the near vicinity of the Project Area (Section 4.2.1)
- Review other data sources including on-line maps and other publicly available heritage sources relevant to the Project site (Section 4.2.1)
- Characterise the Aboriginal and historic heritage values within and in the vicinity of the Project boundary including preparation of maps which show these values
- Identify Commonwealth and Victorian heritage legislation relevant to the Project (Section 6.0)
- Undertake a preliminary appraisal of the effects of the project on the Aboriginal and historic heritage values based on the proposed project (Section 5.0)
- Identify high level mitigations that could be considered to address potentially significant effects on Aboriginal and historic heritage values (Section 5.0)
- Document the limitations and uncertainties associated with the appraisal and outline further work needed to complete a full assessment of effects on Aboriginal and historic heritage values (Sections 5.0 and 7.0).

In addition to the above, the Aboriginal heritage component of this Appraisal will undertake the following additional tasks:

- Identify areas of Aboriginal cultural heritage sensitivity in the vicinity of the Project and provide preliminary advice on the need for a Cultural Heritage Management Plan (CHMP) to be prepared

The non-Aboriginal (historic) heritage component of this Appraisal will also undertake the following tasks:

- Evaluate specifically the potential for the Project to impact on World Heritage Properties and National Heritage Places (Section 4.2.1).

Database searches and review of other data sources indicate a total of 90 Aboriginal heritage sites recorded within the study area, one non-Aboriginal site on the Victorian Heritage Register (VHR), two items on the Latrobe City Council Planning Scheme Heritage Overlay and seven non-Aboriginal heritage archaeological places on the Victorian Heritage Inventory (VHI).

In relation to the Aboriginal Places, Consents to Disturb were obtained impacting 58 of the 90 Aboriginal Places (see Table 5-1). These Aboriginal Places are assumed to be destroyed with the artefacts stored off site in consultation with Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC). However, the current status and condition of the remaining 32 Aboriginal Places has not been assessed. As such, it is recommended that a CHMP be undertaken. To this end, it is understood that preliminary consultation has commenced between ENGIE Hazelwood and GLaWAC and that a Notice of Intention to Develop will be issued shortly. It is also recommended that the details of the 58 Aboriginal Places covered by the Consents to Disturb should be updated on the Aboriginal Cultural Heritage Register and Information System (ACHRIS).

In relation to the non-Aboriginal heritage, the Morwell Power Station and Briquette Factories and the Hazelwood Cemetery and Memorial Gates are outside but adjacent to the Project Area, while the Hazelwood Soldiers Settlement Memorial and seven listed archaeological sites listed on the VHI are within the Project Area. While the Morwell Power Station, cemetery and Hazelwood Soldiers Settlement Memorial are unlikely to be impacted, this should be comprehensively assessed as part of any approvals process.

In relation to the archaeological items, as with the Aboriginal heritage sites previously identified, the status and condition of the non-Aboriginal archaeological sites are not clear. Further assessment of these places and sites should be undertaken as part of any approvals process.

1.0 Introduction

The ENGIE Hazelwood Rehabilitation Project (the Project) involves the rehabilitation of the former Hazelwood Mine and Power Station to a safe, stable and sustainable landform.

The purpose of this report is to provide a preliminary appraisal of the potential heritage impacts associated with the Project (based on available desktop information) to inform the preparation of referrals under the *Environment Effects Act 1978* (Vic) and the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act).

1.1 Background

The site of the former Hazelwood Mine and Power Station is located in the Latrobe Valley in Victoria, immediately south of the township of Morwell, approximately 150 kilometres east of Melbourne. The broader Hazelwood site comprises approximately 4,000 hectares, including 3,258 hectares covered by Mining Licence MIN5004 (the 1,281-hectare former Hazelwood Mine, comprising a void between 70 and 130 metres deep and including the internal Hazelwood Ash Retention Area (HARA) ash landfill and overburden dump areas), operational SP AusNet Hazelwood Switchyard, decommissioned Hazelwood Power Station (the Power Block), 524-hectare Hazelwood Cooling Pond (HCP) and various other leased areas. The boundary of the Project Area is shown in Figure 1-1.

Key existing licences for the Hazelwood Mine comprise:

- MIN5004 under the *Mineral Resources (Sustainable Development) Act 1990* (Vic) – held by the Hazelwood Power Corporation Pty Ltd (HPC)
- EPA Operational Licence OL0046436 held under the *Environment Protection Act 1970* (Vic) as recently re-issued under the *Environment Protection Act 2017* (Vic) – held by the Hazelwood Power Partnership (HPP) entities.

Rehabilitation and demolition activities began in 2017 after the operational closure of the former Hazelwood Mine and Power Station. A range of rehabilitation activities are currently approved under Mining Licence MIN5004 and separate approvals including:

- Demolition of the Power Block and redundant infrastructure
- Decommissioning of groundwater pumping infrastructure and associated services on the Mine floor
- Earthworks on the northern batters
- Construction of the Hazelwood Morwell River Flood Diversion (Hazelwood MRFD) emergency flood diversion infrastructure, to assist in safeguarding the Yallourn Mine
- Ongoing management activities, including:
 - Water management (collection, treatment, monitoring, reporting)
 - Hydrogeological and geotechnical monitoring and reporting
 - Maintaining and operating infrastructure necessary to maintain safe and stable conditions (e.g. fire service pumps, aquifer bores and pumps)
 - Management of landfills and related audits and reporting to EPA Victoria under existing EPA Operational Licence OL0046436
 - Environmental monitoring and management.
- Environmental investigations and remediation works undertaken pursuant to post-closure Clean up Notices issued by EPA Victoria, which require statutory audits under section 53V (for the Mine void) and section 53X (for the remainder of the Project Area) of the *Environment Protection Act 1970* and development of clean up plans.

These activities therefore do not form part of the proposal that is the subject of the referrals.

Under section 84AZU(3)(b) of the MRSD Act, a Declared Mine Rehabilitation Plan must be prepared by the declared Mine licensee to facilitate the “closure” of the Mine on declared Mine land.

The Project would address the geotechnical, hydrogeological, water quality or hydrogeological factors within the Mine that pose a significant risk to public safety, the environment or infrastructure. This requires the decommissioning, rehabilitation and change of land use on which the Project is situated.

1.2 Study objectives

The study objectives are to:

- Review available desktop information in relation to heritage values relevant to the Project
- Identify and describe heritage values at or near the Project Area with particular focus on values protected under the *Aboriginal Heritage Act 2006*, *Heritage Act 2017*, the *Planning and Environment Act 1987* and the EPBC Act.
- Undertake a preliminary evaluation of the potential impacts of the Project on heritage values
- Document uncertainties associated with the preliminary appraisals and identify additional work needed to fully assess the potential impacts of the Project on significant heritage values.

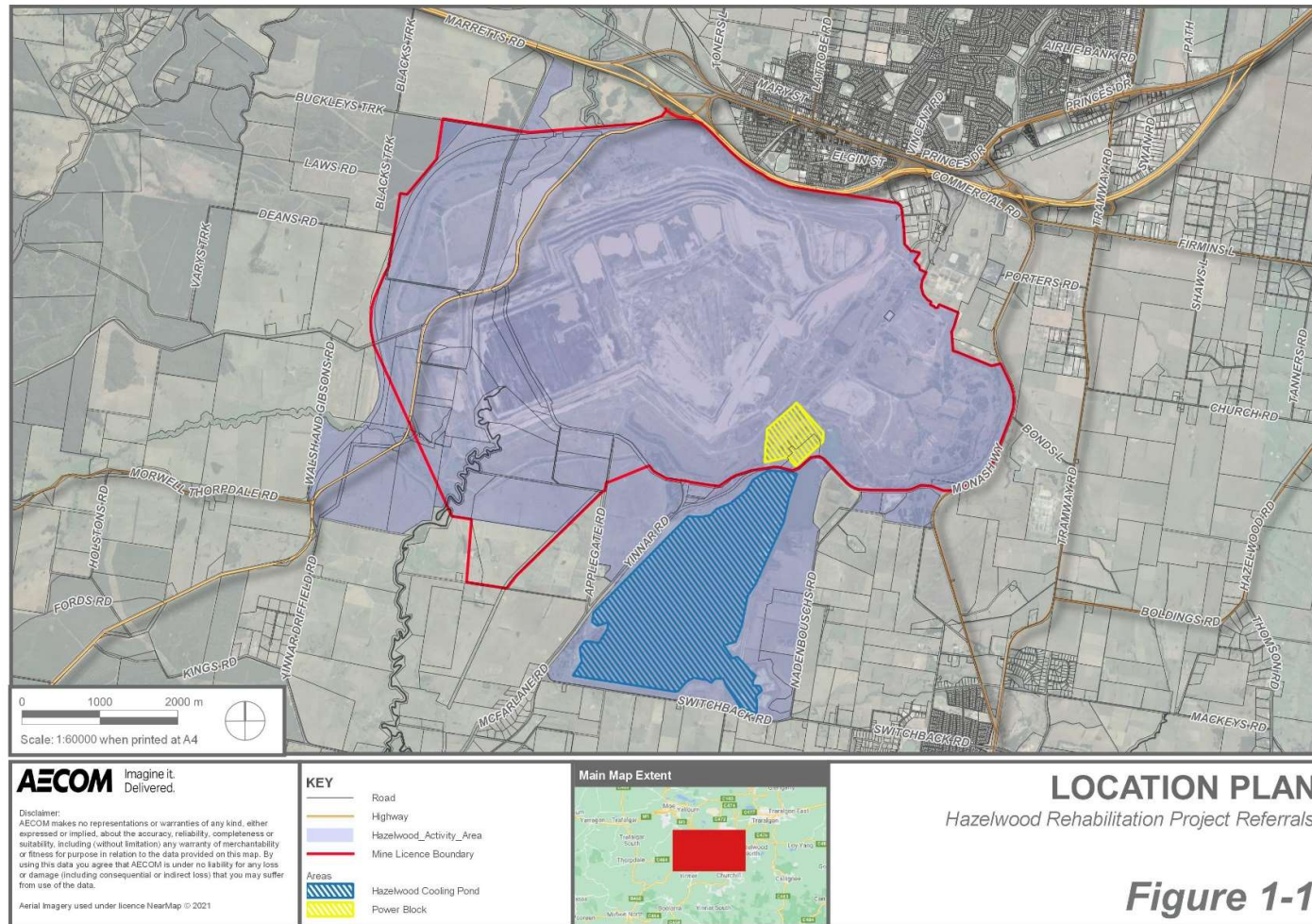


Figure 1-1: Project Area

2.0 Project overview

The proposed final landform for the Hazelwood former Mine void is a lake to a relative level (RL) of 45 metres Australian Height Datum (m AHD). The lake would provide for ongoing safety and stability of the Mine void, minimise fire risk, and provide opportunities for future investment and uses that might be delivered by Government, the local community or the private sector.

The proposed lake would provide for ongoing safety and stability of the Mine void (batters and floor), obviate a requirement for ongoing groundwater pumping in perpetuity, minimise fire risk in the M1 coal seam, and provide opportunities for future investment and uses that might be delivered by Government, the local community or the private sector.

A range of redundant mining plant and infrastructure on the Project Area is being progressively decommissioned and demolished. To date, all infrastructure on the Mine floor has been decommissioned. All disused pipework, fittings and concrete above RL +45m AHD would be removed. Sector ponds (established to collect and settle particulates from surface water runoff) located within the Mine lake footprint have been decommissioned and will be inundated by the rising water level.

The coal batters and overburden batters above the final lake level would be reprofiled to a geotechnically 'stable' batter profile. Ash and asbestos landfills on the Project Area (both within and external to the Mine void) would be capped and rehabilitated in accordance with the EPA Operational Licence OL0046436 and ongoing audits, subject to the site's Clean up Notice.

The Mine lake would require approximately 637 gigalitres (GL) of water to be filled to RL +45m AHD, with a maximum depth of 116 metres and covering an area of 1,145 hectares. It is proposed to be filled from the following primary water sources:

- Groundwater obtained under licence from Southern Rural Water
- Bulk water entitlements obtained through commercial agreements with Gippsland Water.

Based on the indicative annual volumes likely to be available from these water sources, the target fill period is between 10 and 20 years.

The Mine lake is proposed to have an interconnection with an external watercourse following filling to maintain the lake level, with the possibility of re-establishing the currently diverted Morwell River to its original pathway through the site.

The HCP, located outside of the MIN5004 area, has current capacity of approximately 20GL. The HCP would remain a water supply for fire prevention purposes while the Mine lake is filling. As Mine lake levels increase, the HCP would be drained following the re-engineering of the Mine's reticulated fire service system, to be entirely supplied from within the Mine. The HCP water may then be diverted into the Mine lake as a contribution towards the fill. The HCP would then be decommissioned, and the underlying land rehabilitated to reinstate the alignment of Eel Hole Creek.

Following lake filling and final rehabilitation of landforms, the Project Area would go through a phase of aftercare, including monitoring and weed and pest management, and relinquishment. It is envisioned that the rehabilitated Hazelwood site would be transformed into land uses that are suitable for a mix of tourism, agriculture, industry, passive recreation and conservation of natural ecosystems.

3.0 Method

In order to establish the Aboriginal and non-Aboriginal heritage values attached to the Project Area, the following methodology will be followed:

3.1 General

- Review the proposed site boundary presented in Figure 1-1
- Review existing heritage reports (Sections 4.3.1 and 4.3.2)

- Search relevant Commonwealth and Victorian databases to identify Aboriginal and historic heritage places protected under Commonwealth and Victorian within or in the near vicinity of the Project Area (Sections 4.1.1 and 4.2.1)
- Review the Latrobe City Planning Schemes to identify any heritage overlays within or in the near vicinity of the Project Area (Section 4.2.1)
- Review other data sources including on-line maps and other publicly available heritage sources relevant to the Project Area (Section 4.2.1)
- Characterise the Aboriginal and historic heritage values within and in the vicinity of the Project Area including preparation of maps which show these values
- Identify Commonwealth and Victorian heritage legislation relevant to the Project (Section 6.0)
- Undertake a preliminary appraisal of the effects of the Project on the Aboriginal and historic heritage values based on the proposed Project (Section 5.0)
- Identify high level mitigations that could be considered to address potentially significant effects on Aboriginal and historic heritage values (Section 5.0)
- Document the limitations and uncertainties associated with the appraisal and outline further work needed to complete a full assessment of effects on Aboriginal and historic heritage values (Sections 5.0 and 7.0).

3.2 Aboriginal heritage

In addition to the above, the Aboriginal heritage component of this Appraisal will undertake the following additional tasks:

- Identify areas of Aboriginal cultural heritage sensitivity in the vicinity of the Project and provide preliminary advice on the need for a Cultural Heritage Management Plan (CHMP) to be prepared.

3.3 Non-Aboriginal heritage

In addition to the tasks identified in Section 3.1, the non-Aboriginal (historic) heritage component of this Appraisal will undertake the following tasks:

- Evaluate specifically the potential for the Project to impact on World Heritage Properties and National Heritage Places (Section 4.2.1).

4.0 Existing conditions

4.1 Aboriginal heritage

4.1.1 Database searches

Commonwealth

A search of the Australian Heritage Database was undertaken on 8 October 2021 for Aboriginal heritage sites of World, National and Commonwealth heritage. No items were identified as a result of that search.

Victorian

A search was undertaken of the Victorian Aboriginal Heritage Register (VAHR) on 8 October 2021 for the Project Area. The results indicated that ninety (90) previously recorded Aboriginal Cultural Heritage Places were located within the Project Area. Table 4-1 below provides a summary of the reported Aboriginal Places/components. Reference to the site cards for these Aboriginal Places indicates that all ninety places are valid. Of the recorded site types, artefact scatters dominated the search results, accounting for c. 83% of the total search results. If considered collectively with Low Density Artefact Distributions (LDADs), 'artefact' site types accounted for 87% of the search results. Less well-represented site types included earth features (comprising soil deposits or hearths) and quarry sites.

Table 4-1: Aboriginal Place types

Place Type	Count (n)	Percentage (%)
Low Density Artefact Distribution	2	2.22%
Quarry	3	3.33%
Scarred Tree	4	4.44%
Earth Feature	6	6.67%
Artefact Scatter	75	83.33%
Total	90	100%

In addition to those registered Aboriginal Places identified above, the search of the VAHR identified mapped areas of cultural heritage sensitivity associated with Eel Hole Creek, the original course of the Morwell River and previously-identified Aboriginal Places within the Project Area (including those in the Morwell Opencut). It is noted that the HCP was not recognised as a natural watercourse by the VAHR and as such, is not mapped as an area of cultural heritage sensitivity (with the exception of isolated areas associated with Aboriginal Places located on its banks).

4.2 Non-Aboriginal heritage

4.2.1 Database searches

Commonwealth

A search of the Australian Heritage Database was undertaken on 8 October 2021 for items of World, National and Commonwealth heritage. No items were identified as a result of that search.

State

A search of the Victorian Heritage Register (VHR) was undertaken on 8 October 2021. The following heritage item was identified (Table 4-2).

Table 4-2: Items on the Victorian Heritage Register (VHR)

Item Name	Address	VHR#
Morwell Power Station and Briquette Factory	412 Commercial Road, Morwell	H2377

This item is adjacent to the Project Area.

Victorian Heritage Inventory

A search of the Victorian Heritage Inventory (VHI) was undertaken on 8 October 2021. The following archaeological sites were identified (Table 4-3). It should be noted that these items were within the West Field study area and are now likely destroyed. The items in Table 4-3 whose VHI number begins with "D" (shaded in grey) are delisted as heritage items. However, while these items are likely to no longer exist in the landscape, they have been included to illustrate the non-Aboriginal heritage character of the area prior to development.

Table 4-3: Items on the Victorian Heritage Inventory (VHI)

Item Name	Address	VHI#
Driffield 1	Brodribb Road, Hazelwood	D8121-0001
Driffield 2	Brodribb Road, Hazelwood	H8121-0002
Ryan's Hut (Driffield 14)	Brodribb Road, Hazelwood	H8121-0014
Driffield 15	Brodribb Road, Hazelwood	H8121-0015

Item Name	Address	VHI#
Quigley's House	Monash Way, Hazelwood	H8121-0035
Eel Hole Creek Bank Dam Overflow Gate	Hazelwood	D8121-0039
Macmillan Homestead (Driffield 18)	Brodribb Road, Hazelwood	H8121-0018
Wooden Railway Bridge	Monash Way, Hazelwood	D8121-0036
Homestead Complex, Hazelwood	Monash Way, Hazelwood	H8121-0033
Applegate Homestead	Nadenbouchs Road, Hazelwood	D8121-0038
Waldon's Homestead	Monash Way, Hazelwood	H8121-0037
Hazelwood Soldiers Settlement Memorial	Off Brodribb Road, Hazelwood	Victorian War Heritage Inventory

The remaining sites are within the Project Area.

Planning Scheme Overlays

A search of the Latrobe Planning Scheme Heritage Overlays was undertaken on 8 October 2021. The following items were identified (Table 4-4).

Table 4-4: Items on the Latrobe Heritage Overlay

Item Name	Address	HO#
Morwell Power Station and Briquette Factory	412 Commercial Road, Morwell	H0153
Hazelwood Cemetery & Memorial Gates	Cnr Brodribb Road and Yinnar Road, Hazelwood	HO28

Both of these sites are adjacent to the Project Area.

4.3 Desktop information review

4.3.1 Aboriginal heritage

International Power Hazelwood West Field Project Environmental Effects Statement (EES) Aboriginal and Non-Aboriginal archaeological Heritage Values Impact Assessment Study (Perspective Heritage Solutions Pty Ltd, 2003).

Aboriginal heritage investigations undertaken by Perspective Pty Ltd comprised comprehensive survey of the impact zones for the then proposed West Field Project. The survey identified seven (7) new Aboriginal places in the proposed impact area [REDACTED]

[REDACTED]. The location of the identified artefact scatters supported the initial predictive model for the distribution of Aboriginal places within the study area, suggesting such sites were likely to occur in alluvial landscapes associated with locally significant watercourses.

Areas of potential archaeological deposits were identified throughout the study area, with areas designated as high to very high potential reserved for the Strzelecki Highway Deviation area, the Morwell Rover corridor and associated terraces, and the Eel Hole Creek-Morwell River confluence. Areas adjacent to other local watercourses were likewise designated a range from moderate to high

archaeological potential, predicated on the likelihood that such landforms would have been favourable for Aboriginal occupants (Perspective Heritage Solutions Pty Ltd, 2003:42).

Investigations of the Aboriginal Cultural Heritage Values and Salvage Excavations for the Hazelwood Mine Expansion (Perspective Heritage Solutions Pty Ltd, 2006)

The Phase 2 development of the West Field project beyond the existing mining license boundary required the preparation of an Environment Effects Statement, of which further Aboriginal heritage investigations were then necessary. A subsurface testing program and subsequent salvage were undertaken in all areas determined to represent the greater archaeological potential, comprising river and stream terraces.

Authors note: the status for these Aboriginal Places appears to be valid and remains as 'registered' on the VAHR.

Discovery of Aboriginal artefacts at Hazelwood Cooling Ponds (Biosis, 2019).

In reviewing statutory requirements pertaining to the activities in the study area, Biosis noted that areas of mapped sensitivity were ambiguous where they pertained to the HCP. Typically, it was noted that watercourses including Eel Hole Creek would have been mapped as an area of sensitivity. However, as the HCP was an anthropogenic feature, the mapping did not reflect the natural course of Eel Hole Creek into the HCP or its immediate environs.

Due to the uncertainty surrounding the impact of proposed remedial activities and whether such activities triggered the necessity for a mandatory CHMP, Biosis recommended a voluntary CHMP under Section 45 of the *Aboriginal Heritage Act 2006* be prepared for the proposed activities.

4.3.2 Non-Aboriginal heritage

Prior to development of the West Field of Morwell Open Cut Mine, an investigation into the Aboriginal and non-Aboriginal heritage was undertaken by Perspectives Heritage Solutions Pty Ltd on behalf of International Power Hazelwood and Enesar Consulting Pty Ltd. The proposed works included the further development of the West Field and diversion of the Morwell River, within the current Project Area. The works also required the diversion of Eel Hole Creek and Wilderness Creek, and the proposed deviation of the Strzelecki Highway.

The investigation by Perspectives Heritage Solutions Pty Ltd in 2003 included a survey of the entire West Field study area from roads and tracks. The investigation identified ninety registered and potential non-Aboriginal heritage places, including archaeological sites and structures. Many of these items were dwellings and ruins of dwellings associated with the early settlement of Morwell, and mostly located on the upper terraces above the Morwell River (old alignment) and along permanent waterways. Most information regarding these items was sourced from the Morwell Historical Society. It was noted in the

report that the purpose of that investigation was not to undertake a detailed recording of the existing and potential non-Aboriginal heritage places and sites, but to provide an inventory for later investigation.

In contrast to the searches of the VHI for this appraisal, the search results for the 2003 investigation yielded 24 archaeological sites. All of the sites identified in Table 4-3 are represented in the 2003 search results. Given that current search results are far fewer, it suggests that the remaining sites have since been destroyed by the West Field expansion and that the status of the sites in Table 4-3 is unknown.

A total of 30 non-Aboriginal places and archaeological sites (16 structures, three known archaeological sites and 11 potential archaeological sites) were to be disturbed by the West Field development, with a further two places (one known archaeological site and one structure) located adjacent to the development and therefore potentially disturbed. While the 2003 survey identified five sites listed on the VHI, only one of those sites is still listed, being Driffield 15 (VHI H8121-0015). This site is a late 19th/early 20th century structure with associated artefact scatter and exotic plantings and is highly likely to have since been destroyed (see Section 4.3.3).

Mitigation recommendations for these places and sites included the archival research of places and archaeological sites and to develop individual management recommendations for each site and structure. Where appropriate, it was recommended that sites should be recorded in detail and registered with Heritage Victoria, as well as undertake further archaeological investigations. Where a site was to be demolished, a permit or consent to destroy was to be sought from Heritage Victoria.

4.3.3 Discussion

As indicated from the database searches in Section 4.2.1, there are two heritage places within the vicinity of the proposal, being the Morwell Power Station and Briquette Factories and the Hazelwood Cemetery. The descriptions of these items come from their heritage listing.

Morwell Power Station and Briquette Factories

The following description comes from the VHD:

HISTORY SUMMARY: The Morwell Power Station and Briquette Factories was constructed between 1949 and 1959 by the State Electricity Commission of Victoria (SECV). It was the centrepiece of the Victorian Government's postwar strategy to revitalise Victoria's industrial and economic growth through the development of the Latrobe Valley into the state's principal power and energy production region. The Yallourn Power Station had been established in 1921 and electricity started flowing to Melbourne in 1924. Morwell was the next project to capitalise on the region's brown coal resources. Its purpose was to provide electricity to a rapidly growing population, alleviate power shortages, produce briquettes for industrial and domestic use, and to reduce the reliance of Victoria on black coal from New South Wales. Building on knowledge from Yallourn, the SECV sourced briquetting equipment from Germany and boilers and turbines from Britain. Electricity production at Morwell Power Station commenced in December 1958. The first commercial briquette production commenced in December 1959. It was soon discovered that the brown coal from the Morwell open cut mine was unsuitable for briquetting, and Yallourn coal had to be transported to the Morwell factories. From the commencement of its operations the Morwell Power Station and Briquette Factories workforce consisted largely of post-war immigrants from Britain, Italy, the Netherlands, Germany and other European countries. Many of these migrants settled permanently in the Latrobe Valley and as the power industry grew, a multi-generational workforce developed within the region. By the early 1960s, Morwell, not Yallourn, had become the nerve centre of the new industrial valley. After Hazelwood Power Station went into operation the proportion of Victoria's electricity supply sourced from brown coal in the Latrobe Valley reached almost 90%. The briquette plant at Morwell was one of the first components of the SECV to be privatised in late 1993 with the creation of Energy Brix Australia. Following declining profits and the impact of fires in 2003 the plant closed in 2014.

Description Summary

The Morwell Power Station and Briquette Factories is a large industrial complex located approximately two kilometres south east from the Morwell Railway Station and includes a power station, two briquette factories, coal transportation systems, storage areas and ancillary buildings. Buildings are constructed using a variety of different methods and materials. The layout of the place is informed by the processes of power generation and the manufacture of briquettes, with coal conveyed into the place from the west, and distributed to either the Power Station or the Briquette Factories. Output in the form of electricity or briquettes occurs at the eastern side of the site.



Figure 4-1: Morwell Power Station and Briquette Factories (Victorian Heritage Register)

Hazelwood Cemetery and Memorial Gates

The Hazelwood cemetery was established in 1879 and currently has 4,500 internments arranged in sections. These include religious denominations and other such as the Children's Garden, Remembrance Garden, non-denominational monumental and lawn sections (Hazelwood Cemetery Trust, n.d.).

The memorial gates for the cemetery were built by public subscription in remembrance of 13 people who lost their lives during bushfires in 1944 in the Morwell area. They consist of four, two metres-high granite pillars supporting two main gates and two smaller side gates. The gates are inscribed on the right hand side with the words "Bushfire, 14 Feb. 1944" and the names of the 13 deceased (Monuments Australia, n.d.). The memorial gates were handed over to the Hazelwood Cemetery Trust for installation in February 1948 (Morwell Historical Society, 2012:5).



Figure 4-2: Location of Hazelwood Cemetery and Memorial Gates (Google Earth)

Hazelwood Soldiers Settlement Memorial

The following listing comes from the listing on the VHI:

VETERAN'S DESCRIPTION FOR PUBLIC: The Hazelwood Soldiers Settlement memorial, at the lookout off Brodribb Road, commemorates 51 returned soldiers from the first World War who were allocated land in Hazelwood to develop dairy farms. On 24 April 1988, the monument, a stone and plaque, was erected by the Morwell, Yinnar and Boolara Members of the Returned Services League of Australia and the Morwell Shire Council.



Figure 4-3: Hazelwood Soldiers Settlement Memorial (VHI)

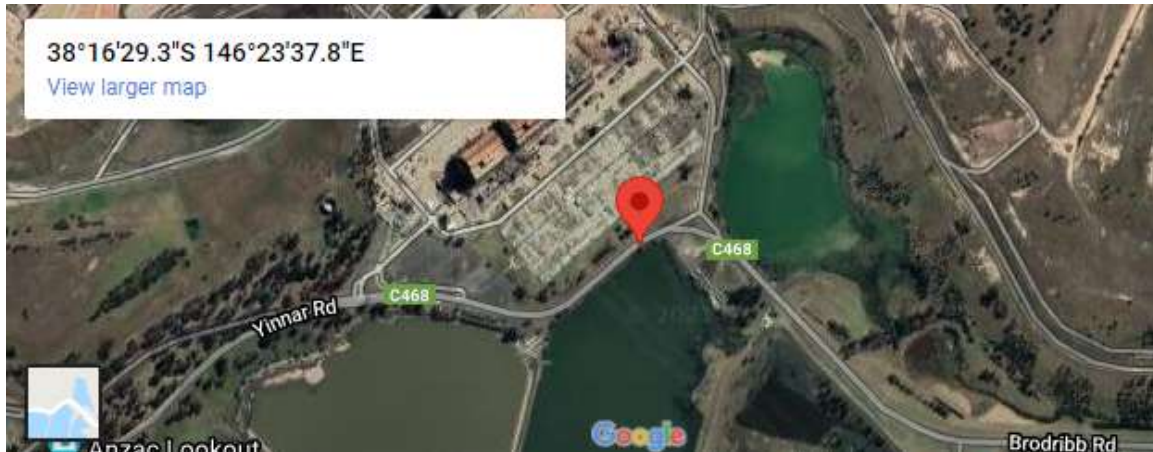


Figure 4-4: Location given for Soldiers' Settlement Memorial on VHI

Archaeological sites

As detailed in the earlier Aboriginal and Non-Aboriginal Heritage Values Assessment (Perspectives Heritage Solutions Pty Ltd, 2003), the pre-development character of the West Field was related to the early non-Aboriginal settlement of Morwell, with the principal places and archaeological sites related to dwellings, or the ruins of dwellings, and agricultural land use. Large pastoral stations had dominated the area, including Hazelwood, Maryvale, Wilderness and Merton Rush. These were subdivided into smaller farms in 1860s-1880s, increasing the local population and therefore the construction of housing and other structures associated with the Hazelwood community.

This is borne out by the large number of sites and potential sites identified in the 2003 report for the West Field study area. However, since the redevelopment of the West Field, many of those sites have been destroyed, particularly by the extension of the open cut Mine. However, information regarding the status, character, descriptions and heritage of the remaining seven sites on the VHI is limited. The 2003 report provides limited information (see Table 4-5), as does the VHI for most sites. Preliminary historical research has been undertaken for these items.

Table 4-5: Description of sites in Perspectives Heritage Solutions Pty Ltd 2003 report still remaining on VHI

Site ID	Place Name/Type	Location
H8121-0002	Driffield 2 – Brinsmeade House	East of Strzelecki Highway, adjacent to bridge crossing Morwell River terrace
H8121-0014	Driffield 14 – Ryan's Hut	Near lagoon on Morwell River, east of Brodribb Road. Flood plain
H8121-0015	Driffield 15 – Vary's homestead	At end of Varys Lane. River terrace.
H8121-0018	Driffield 18 – Macmillan's homestead	East of Brodribb Road. River terrace.
H8121-0033	Homestead complex, Hazelwood	East of Brodribb Road
H8121-0035	Quigley's House	East of the Strzelecki Highway, north of Vary's homestead, south of Ryan's Dairy
H8121-0037	Waldon's homestead	East of Brodribb Road



Figure 4-5: Non-Aboriginal heritage places and archaeological sites within Project Area

Driffield 2 – Brinsmead House

Little information is recorded for this property. Historical sources note several Brinsmeads in the Morwell-Driffield area, with many family notices placed in the local newspapers in the first half of the 20th century. In 1905, it was noted that a fire broke out “at the rear of Mr Brinsmead’s farm”, sweeping through Mr Maher’s paddock, destroying 100 acres of grass, before spreading “through Ryan’s paddocks, destroying grass and fencing” (The Age, 1905:14). It is noted that Ryan’s hut (Driffield 14) is located to the south of Brinsmead House (Driffield 2) (Figure 4-5).

An obituary in 1935 laments the passing of Mr R Brinsmead Snr, who died that year at 83 years of age. The obituary states that he came from Geelong to the Morwell area in the 1890s, purchasing “Mr Mulcare’s property at Driffield” before purchasing the “old Presbyterian Manse on the Ridge, near Morwell”. He was buried at Hazelwood Cemetery (Morwell Advertiser, 1935:1). It is uncertain whether this person was the owner of Driffield 2, however further historical research, searches of historical land property information and historical surveys may assist in identifying the property and the structures once on it.



Figure 4-6: Location given for Driffield 2 – Brinsmead House on the VHI

Driffield 14 – Ryan’s Hut

As noted above, Ryan is recorded as a neighbour of Brinsmead. The property is also recorded as “Ryan’s Dairy” in the 2003 Perspectives report.

An obituary for Jeremiah Ryan is recorded in the local newspaper, which states that in around 1870:

...he decided to settlement down here notwithstanding the hardships he faced. He was one of the first to select in Driffield. It was simply a forest then and the selector needed indomitable pluck and energy to tackle it. The deceased, however, overcame all the difficulties and succeeded in converting his selection of bush and scrub into a smiling and profitable dairy farm, where he resided for over thirty years and breathed his last... The remains of the deceased will be interred in Hazelwood Cemetery this afternoon (Morwell Advertiser, 1910:1).

As with Driffield 2, Jeremiah Ryan may have been the owner of Driffield 14, however additional research is required. Unlike Driffield 2, however, Driffield 14 is likely to have been destroyed as part of

the open cut mine workings.



Figure 4-7: Location given for Driffield 14 – Ryan's Hut on the VHI

Driffield 15 – Vary's Homestead

Samuel Vary was the last owner of the Merton Rush pastoral run before it was subdivided in the last 19th century. Vary kept part of the run and built his homestead on that portion.

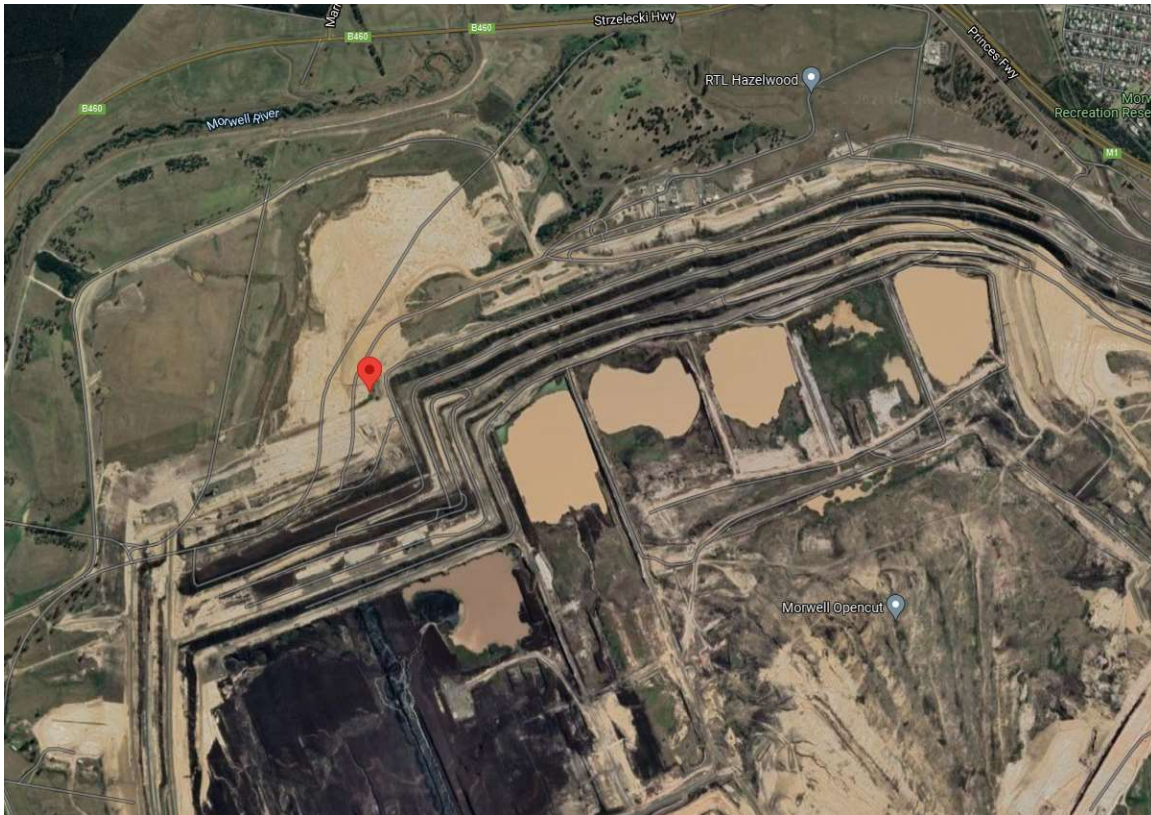


Figure 4-8: Location given for Driffield 15 – Vary's Homestead on VHI

Driffield 18 - Macmillan's Homestead

A Heritage Study undertaken by Latrobe City Council states the following:

The Haslewood (later Hazelwood) cattle run of 16,000 acres, three miles south of Morwell was originally taken up by Albert Brodribb and William Bennett in 1844 and is thought to have been the first squatting run in the Morwell District. Albert's sister married William Bennett and together their retained ownership of the run until 1852. It was later transferred to John Macmillan in September, 1860. (Context Pty Ltd, 2010:192).

John MacMillan arrived in the area in the 1859 and initially leased the Hazelwood run. In later years, he also took up a considerable amount of freehold land. During his leasehold, Macmillan developed a renowned herd of shorthorn cattle and bred horses for the Indian army (Context, 2010:6). In 1942, Llewellyn Vary JP recalled the homestead:

A mention of the natural features of this excellent station would not be out of place... the Homestead (what a beautiful position), (was) situated on a hill near the river with sloping ground on every side and which every direction one looked there was a view that would gladden the heart of the most fastidious poet or painter... the old stock yard with its four rails and a cap and the old mulberry tree in the garden, now nearly 100 years old; all bring back kind memories of the pleasant times I spent there as a boy. (Vary, 1942:8)

The homestead block included the original Bennett & Macmillan homesteads, which was believed to have been constructed c.1844, and the Macmillan homestead (c. 1880s). The Bennett homestead was moved by sledge in c.1921 by a soldier settler, Charles Hatfield, to his nearby block, then it was moved again in 1937 to Morwell, however its fate is unknown. The Macmillan homestead stood until the 1970s, after which it was demolished and removed (Figure 4-9) (Context Pty Ltd, 2010:192).



Figure 4-9: Macmillan homestead site (Context Pty Ltd, 2010:191)

The description of the site in the 2010 Latrobe Heritage study states (Context Pty Ltd, 2010:191):

The site of the Hazelwood homestead is situated on a prominent crest that now overlooks the Morwell Open Cut Mine. The site is marked by several mature exotic trees (mostly conifers) in good condition. No other visible remains are immediately evident, however, archaeological remains may be present.

The Statement of Significance states (Context Pty Ltd, 2010:192-193):

Why is it significant?

The Hazelwood homestead site at Brodribb Road, Morwell contains mature trees and potential archaeological remains that are believed to be associated with the construction of the Hazelwood homesteads on this site in c. 1844 (removed c. 1920s) and c. 1880 (demolished removed c. 1970s).

How is it significant?

The Hazelwood homestead site is of local historic and scientific significance to Latrobe City.

Why is it significant?

The Hazelwood homestead site is of historical significance for its associations with the Hazelwood cattle run, one of the first runs to be established in the area, which led to the opening up of the land for selection. The trees and potential archaeological remains are thought to be the only elements associated with the former homestead to remain and therefore provide valuable evidence of this important chapter in the history of the area.

The Hazelwood homestead site is of scientific (archaeological) significance as it may provide further evidence about the early settlement and development of this area during the Bennett and Macmillan ownerships in the nineteenth and early twentieth centuries.

Although the exact location of the homestead is uncertain, it is highly likely that this item has been destroyed by the extension of the open cut Mine (Figure 4-10). It is not known whether the site was excavated and/or recorded after 2010. Given the significance of the site, the fate of the site should be further investigated and if it has been destroyed, the VHI entry for this site should be updated.



Figure 4-10: Location given for Driffield 18 – Macmillan's Homestead on the VHI

Homestead complex, Hazelwood

The following information is noted on the VHI for this listing:

HISTORY: Still to be determined – further information will be forwarded on completion.

INTERPRETATION OF SITE: Yet to be fully determined, and will be based on further work. Based on a preliminary site inspection the complex comprised a brick homestead and dairy which probably dates from the late 1800s onwards, with some more recent additions. House and associated barns/sheds now removed or destroyed by foundations and extensive refuse from occupation still present.

HERITAGE INVENTORY DESCRIPTION: Large homestead complex on hill north of Brodrigg Road, Hazelwood. Complex consists of numerous structural remains, most of which have been disturbed. The house no longer stands but foundations of buildings are still present.

Heritage Inventory Significance: Probably local scientific and cultural significance but detailed historical and archaeological research required. Further information will be forwarded on completion.

Informants: Morwell Historical Society. Recorded by Lucy Amarosi & Taryn Debney. Date Recorded: 6 September 2000.

Heritage Inventory Key Components: Large domestic refuse dump and material exposed, extensive brick scatter, exotic mature plantings, brick floors possibly associated with dairy, shed foundations, numerous post and rail fences, built-up driveway, possible fireplace remnants.

Heritage Inventory Site Features: 1. Large brick scatter. 2. Brick flooring or paths. 3. Post and rail wooden fences, 3 rung. 4. Cement channel 5. Iron drum. 6. Fireplace/incinerator. 7. Metal pipe. 8. Cement floor (dairy or holding pen, raised edges). 9. Raised wooden floor. 10. Bottle dump containing late 19th century artefacts. 11. Old farm machinery. 12. Built-up driveway.



Figure 4-11: Location given for Homestead Complex, Hazelwood on VHI

Quigley's House

The following information is noted on the VHI for this listing:

HISTORY: No formal historical background has been found which relates to Quigley's House. Although Lou Bond recalls that Quigley's House was removed in 1990.

INTERPRETATION OF SITE: The site is the remnants of the house occupied by the Quigleys. Very little surface remains are visible, although subsurface remains may be present.

HERITAGE INVENTORY DESCRIPTION: The site of Quigley's House is located on the east of Strzelecki Highway, to the north of Vary's Homestead (H8121-0015) and the south of Ryan's Dairy (H8121-0034). The site consists of brick and concrete structural remains that are the remnants of the house. The remains comprise machine made bricks, concrete bricks and concrete mortar. Two discrete mounds of structural remains were observed.

Heritage Inventory Significance: Local significance. Low Scientific Significance.

Recorded by: Sam George. Heritage Inventory Site Features: Two mounds of brick and concrete structural remains.



Figure 4-12: Location given for Quigley's House on the VHI

Waldon's Homestead

The following information is noted in the VHI for this listing:

***HISTORY:** Donald Waldon was born in Geelong in 1857. After working in an office in Geelong, he selected 161 acres in 1875 and settled there in 1876. His property was used for horse breeding and dairying (butter making). Donald married Miss Monaghan and raised a family of ten children.*

Jack Lawless recalled that the Waldon homestead was dismantled and removed to Hazelwood in the 1950s and is still occupied. However, Lou Bond remembers that the fires in 1944 destroyed the house. He also recollects that Mrs Waldon was a school teacher at the local school.

***INTERPRETATION OF SITE:** The remains of the former Waldon's Homestead are very disturbed. Whether the house was destroyed in the 1944 fire or dismantled and moved in the 1950s is unclear. Further subsurface remains may be present at the site and monitoring of any disturbance is recommended.*

***HERITAGE INVENTORY DESCRIPTION:** The site is located on the north of Brodribb Road. The site of the former Waldon's Homestead is very disturbed, which correlates with both accounts of the homestead being dismantled and removed and that of it being destroyed by fire. Further archaeological investigation may help to determine the fate of the house. Four features were observed and recorded at the site. Features one and two are located underneath two peppercorn trees. The peppercorn and oak tree demarcate the location of the former Waldon's homestead. Both features are comprised of very disturbed structural remains located around the root structure of the trees. Feature one is beneath the southern-most peppercorn tree and is comprised of sections of cement rendered brick and an iron car part (possibly a muffler). This feature is approximately three metres in diameter. Feature two is beneath the northern most peppercorn tree and is comprised of scattered brick, rendered brick and field stones. This feature measures four by five metres. Feature three is a brick lined underground water storage tank,*

located 30 metres to the north of the homestead area. The diameter of the surface level of the tank is two metres. It may have originally been capped with a dome-shaped covering, but the upper parts of the structure have collapsed. Large fragments of concrete and rendered brick are visible on the surface of the tank area. Exposed artefacts were also noted on the surface. These included earthenware ceramics with blue transfer printed undertglaze designs along with clear and dark green glass fragments. Feature four is a dam located 40 metres to the north east of the homestead area. The diameter of the dam is seven metres. Blocks of rendered brick and concrete were observed in the dam, along with a large riveted iron pipe. Handmade and machine made bricks were noted scattered around the dam. Some of the machine made bricks were marked with GLEN IRIS on the frog.

Heritage Inventory Significance: Local heritage. Moderate Scientific Significance.

Recorded by Sam George. Heritage Inventory Site features: Features one and two are comprised of highly disturbed structural remains (brick, concrete, mortar) beneath two peppercorn trees. The homestead location is bounded by the peppercorn trees and an oak tree. Associated with the homestead is an underground water storage tank and a dam. Artefacts are scattered around the tank and the dam.



Figure 4-13: Location of Waldon's Homestead given on VHI

5.0 Potential impacts and mitigation

5.1 Aboriginal heritage

As identified in Section 4.1.1 of this report, a total of ninety (90) registered Aboriginal Places lie within the Project Area. "Consent to Disturb" permits were obtained for 58 sites (Table 5-1), leaving 32 sites remaining potentially valid.

[illegible]

24

Artefact sites	Description of artefact area

It is assumed for the purposes of this report that those sites have been destroyed entirely, however ground-truthing of these sites should be undertaken to confirm. Artefacts retrieved from the sites in Table 5-1 have been removed and stored off-site in consultation with GLaWAC.

Recent investigations undertaken by Biosis (2019) indicate that at least a portion of these places remain valid. Those places, located principally in the southern portion of the Project Area adjacent to the HCP, appear to be relatively undisturbed and require ongoing management.

Under the *Aboriginal Heritage Regulations 2018*, a mandatory CHMP is required if a proposed activity lies within a specified area of cultural sensitivity and is a 'high impact activity'. Following Biosis (2019), it remains unclear if proposed remedial activities, including continued use of the HCP as a water storage area, would result in harm to the places still remaining. It is understood that initial consultations are underway between GLaWAC and ENGIE Hazelwood, and that a Notice of Intention to Develop will be issued shortly.

The CHMP would provide an opportunity to undertake further investigations of existing Aboriginal Places within the Project Area and contextualise the potential impacts to those places. The CHMP would need to take account of:

- The extent to which the site has been previously disturbed
- Areas that are proposed to be further disturbed through the works
- The previous 'Consent to Disturb' permits already obtained.

In addition, it is recommended that Aboriginal Cultural Heritage Register and Information System (ACHRIS) be updated to accurately reflect the status of all sites, including the 58 sites under the earlier Consents to Disturb and details relating to the artefacts retrieved from them.

5.2 Non-Aboriginal heritage

The desktop assessment identified one item on the VHR (Morwell Power Station and Briquette Factories), seven archaeological sites and one war memorial on the VHI (see Table 4-3) and two items on the Latrobe Planning Scheme Heritage Overlays (Morwell Power Station and Briquette Factories). The items on the VHR, Heritage Overlays are outside the Project Area, whilst the seven archaeological sites on the VHI and the war memorial are within the Project Area.

The Morwell Power Station and Briquette Company was registered as an item of State heritage significance on the VHD on 12 February 2018. It includes the power station, two briquette factories, coal transportation systems, storage areas and ancillary buildings (Figure 5-1). It has been assessed against the VHR significance criteria as being of historical (Criterion A) and associative (Criterion H) significance, as well as for rarity (Criterion B) and a notable example of a mid-20th century power station (Criterion D).

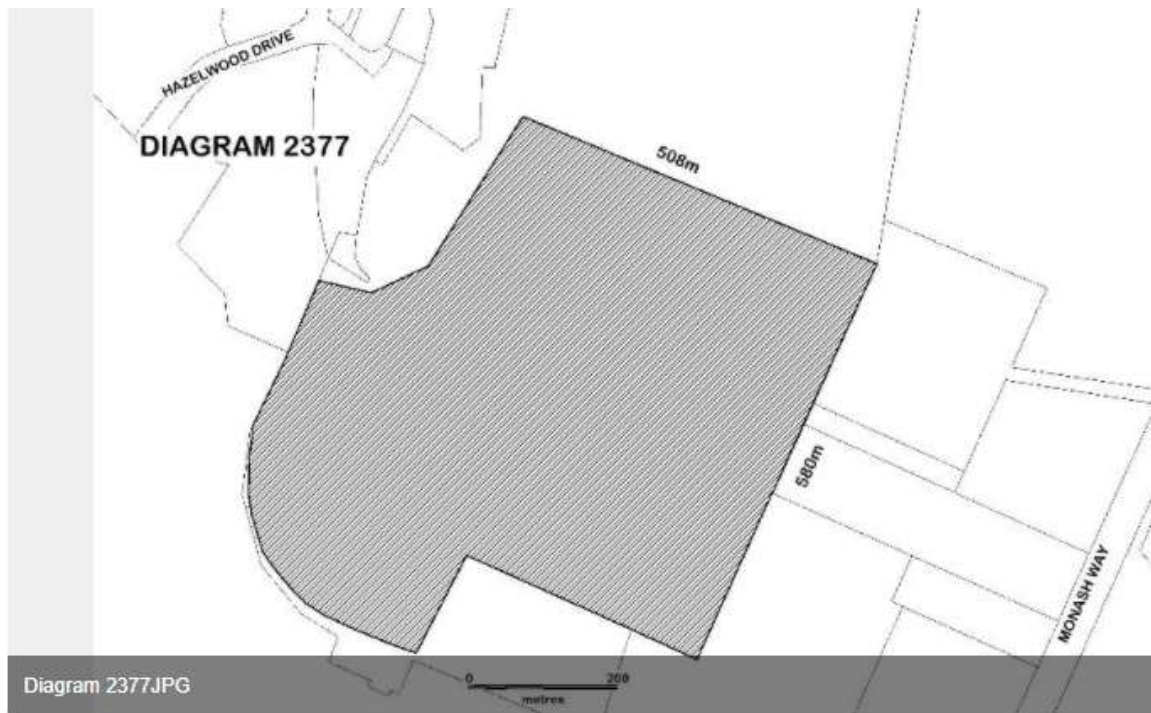


Figure 5-1: Heritage curtilage of the Morwell Power Station and Briquette Company (VHD Item H2377)

As can be seen from Figure 1-1 and Figure 5-1, the curtilage of the Morwell Power Station and Briquette Company and the Hazelwood Cemetery and Gates is immediately outside the boundary of the Project Area and therefore this site would not be directly affected by the Hazelwood Rehabilitation Project. Nevertheless, their proximity to the proposed works should be considered to ensure protection from indirect effects associated with the proposed works. In particular, any works that may cause indirect impacts to the item, such as vibration, should be assessed as part of any approvals process.

The Hazelwood Soldiers Settlement Memorial is on the southern side of Brodribb Road and therefore unlikely to be directly impacted, however this conclusion should be reassessed following a detailed design of the proposed works.

As noted in Section 4.2.1, there are a number of archaeological sites associated with the Project Area's former agricultural/pastoral uses whose condition and significance are unknown. It is probable that many of these have been destroyed by the open cut mine, however some, such as Driffield 2 (Brismead house) and Waldon's homestead may still survive. It is unknown whether the sites that have been destroyed were recorded prior to destruction.

It is recommended that the existing archaeological sites in Table 4-3 be inspected and assessed prior to the commencement of any works. The listings for sites that have been destroyed should be updated on the VHI and any surviving sites should be maintained.

6.0 Legislative implications

6.1 Commonwealth

6.1.1 Environment Protection and Biodiversity Conservation Act 1999

The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) defines 'environment' as both natural and cultural environments and therefore includes Aboriginal and non-Aboriginal historic cultural heritage items. Under the EPBC Act, protected heritage items are listed on the National Heritage List (NHL) (items of significance to the nation) or the Commonwealth Heritage List (CHL) (items belonging to the Commonwealth or its agencies). These two lists replaced the

Register of the National Estate (RNE). The RNE has been suspended and is no longer a statutory list; however, it remains as an archive.

Under Part 9 of the EPBC Act, any action that is likely to have a significant impact on a Matter of National Environmental Significance (known as a controlled action under the EPBC Act), may only progress with approval of the Commonwealth Minister for Agriculture, Water and the Environment. An action is defined as a project, development, undertaking, activity (or series of activities), or alteration. An action would also require approval if:

- It is undertaken on Commonwealth land and would have or is likely to have a significant impact on the environment on Commonwealth land
- It is undertaken by the Commonwealth and would have or is likely to have a significant impact.

This Appraisal has determined that no items on the CHL or the NHL exist within or in the near vicinity of the Project Area. Accordingly, there are no heritage implications for the Hazelwood Rehabilitation Project in relation to the EPBC Act.

6.1.2 Commonwealth guidelines

The Burra Charter

The International Council on Monuments and Sites (ICOMOS) Burra Charter, 2013 (Burra Charter) is an international industry standard which is frequently referenced as a guide to best practice management of cultural heritage places in both Australia and abroad. The Burra Charter and its accompanying guidelines define the basic principles, processes and practices upon which statutory assessments of heritage significance in Australia are based. In Victoria, it is recognised by Heritage Victoria as a guiding principle of heritage management and conservation.

The Burra Charter is referenced in Clause 15.03-1S of the Wellington LPPF.

6.2 Victorian

6.2.1 Aboriginal Heritage Act 2006

The *Aboriginal Heritage Act 2006* forms the framework within which Aboriginal heritage assessments are undertaken in Victoria. The *Aboriginal Heritage Act 2006* provides for the protection and management of Victoria's Aboriginal heritage with processes linked to the Victorian planning system. Cultural Heritage Management Plans (CHMPs) and Cultural Heritage Permits (CHPs) are processes to manage activities that may harm Aboriginal cultural heritage. The *Aboriginal Heritage Regulations 2018* set out the circumstances in which a CHMP is required to be prepared, and the standards for the preparation of a CHMP. The regulations also prescribe standards and set fees and charges for CHMP evaluation.

Under Part 4, Division 2 of the *Aboriginal Heritage Act 2006*, in instances in which a proponent is required to prepare an Environment Effects Statement under the *Environment Effects Act 1978* in respect of any works, the proponent must, before commencing the works, also prepare a CHMP for the area in which those proposed works are to be carried out.

The *Aboriginal Heritage Act 2006* recognises Aboriginal people as the primary guardians, keepers and knowledge holders of Aboriginal cultural heritage. Registered Aboriginal Parties (RAPs) are Aboriginal organisations recognised under the *Aboriginal Heritage Act 2006* with responsibilities for the management and protection of Aboriginal cultural heritage. At the time of writing, there is one RAP appointed for the Project Area - Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC).

6.2.2 Heritage Act 2017

The *Heritage Act 2017* (Heritage Act), administered by Heritage Victoria, regulates the protection and conservation of places and objects of heritage significance in the state of Victoria. The Heritage Act established the Heritage Council of Victoria and also provides for the registration of such places and objects through two registers, i.e. the Victorian Heritage Register (VHR) and the Victorian Heritage Inventory (VHI). The Heritage Act provides a useful description of what heritage places can encompass, including buildings, gardens, trees, shipwrecks, archaeological sites, precincts, sites and associated

land. Monuments and memorials can also be considered, whether as heritage places (or as part of a heritage place) or as objects.

Under Part 5 of the Heritage Act, permits are required for all VHR places where subdivision or physical works are proposed. In the case of listed places on the VHI, where subsurface disturbance is proposed, consent must be sought from the Heritage Council of Victoria, and may be applied for under either a 'consent to excavate' (for the purposes of archaeological testing) or 'consent to damage' (for disturbance, impact or removal).

Section 5.2 of the current assessment includes all historic heritage places relevant to the Project. Note: The Heritage Act replaced the *Heritage Act 1995*, which established a legislative framework for heritage protection in Victoria, which in turn replaced the *Historic Buildings Act 1981*, the *Historic Shipwrecks Act 1981* and the *Archaeological and Aboriginal Relics Preservation Act 1971* (partial).

As all items listed on the VHR and VHI are protected by the Heritage Act, permits will be required for any works that impact the Morwell Power Station and Briquette Factories, Hazelwood Cemetery and Memorial gates, and all seven archaeological sites registered on the VHI. It is noted that some may have already been destroyed by the open cut mine workings, and it should be established whether any historical consent to damage these sites had been sought as part of the West Fields redevelopment, or whether the sites were recorded prior to destruction. In any case, the VHI will need to be updated to show which sites are still intact and which have been destroyed.

6.2.3 Planning and Environment Act 1987

The *Planning and Environment Act 1987* (P&E Act 1987) establishes the framework for planning the use, development and protection of land in Victoria in the present and long-term interests of the people of Victoria. For all municipalities in Victoria, the requirements for land-use, development and protection are covered by land-use planning controls prepared and administered by the Victorian Government and councils through planning schemes. Planning schemes under the P&E Act 1987 require planning approval for any works in the Heritage Overlays and Environmental Significance Overlays (ESO Schedule 2). Heritage places in the Heritage Overlays can include a range of typologies, including buildings, structures, gardens, landscapes and trees, as well as monuments and memorials.

Planning Schemes and Heritage Overlays

Under Part 1A of the P&E Act 1987, municipal councils are required to maintain a register of places of recognised local significance, which are listed for protection in respective planning schemes by Heritage Overlays. The planning schemes contain standard provisions that are directed at conserving and enhancing places of natural and cultural heritage significance, including historical heritage places. Heritage Overlays are mapped to show the location and extent of heritage controls over heritage places. Heritage Overlays control works that may include subdivision, demolition, external alterations and additions. As applicable, these controls are identified in the schedule to the Heritage Overlay.

There are two types of Heritage Overlays control, i.e. 'Site-specific Heritage Overlays' relating to individually significant heritage places, which may be located within or outside heritage precincts and 'Precinct-based Heritage Overlays', which can extend over larger areas and include multiple individual properties.

Places identified on a Heritage Overlay are not exclusively of local significance, however, and may also include places of a higher level of significance, including those listed on the Victorian Heritage Register (VHR) under the Heritage Act 2017. In instances in which items listed on the schedule of a Heritage Overlay are also listed on the VHR, these places are subject to the requirements of the Heritage Act 2017, and not the heritage overlay provisions of the relevant planning scheme. It is noted that Heritage Victoria is the responsible authority for VHR places, with referral requirements to local councils.

The Latrobe Planning Scheme covers key matters relating to the environment, landscape and heritage, environmental risk, natural resource management, economic development, transport and infrastructure. There are two heritage places (Morwell Power Station and Briquette Factories, Hazelwood Cemetery and Memorial Gates) that will require a planning permit if works were proposed that impacted on the heritage significance of either of these places.

6.2.4 State policies

State Planning Policy Framework

The State Planning Policy Framework (SPPF) forms part of all Victorian planning schemes and informs planning and responsible authorities of the State's objectives for planning in Victoria. The SPPF falls under the Victoria Planning Provisions, a statutory device developed to ensure that consistent provisions for various matters are maintained across Victoria.

Under Clause 15 (Built Environment and Heritage) of the SPPF, planning provisions should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value. Heritage conservation is addressed in Clause 15.03-1S, which establishes the following overarching objectives:

- Identify, assess and document places of natural and cultural heritage significance as a basis for their inclusion in the planning scheme;
- Provide for the protection of natural heritage sites and man-made resources;
- Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance;
- Encourage appropriate development that respects places with identified heritage values;
- Retain those elements that contribute to the importance of the heritage place;
- Encourage the conservation and restoration of contributory elements of a heritage place;
- Ensure an appropriate setting and context for heritage places is maintained or enhanced;
- Support adaptive reuse of heritage buildings where their use has become redundant; and
- Consider whether it is appropriate to require the restoration or reconstruction of a heritage building in a Heritage Overlay that has been unlawfully or unintentionally demolished in order to retain or interpret the cultural heritage significance of the building, streetscape or area.

6.2.5 Local policy

Local Planning Policy Framework (LPPF)

Under Clause 23 of the SPPF, Local Planning Policies for historical heritage are generally considered when determining a planning application associated with a Heritage Overlay. Within the LPPF, specific local policies can address issues of full or partial demolition of heritage buildings and places, alterations and additions to heritage buildings and places, and provide guidance on sympathetic outcomes. In some cases, the LPPF will identify relevant documentation that must be considered when assessing a planning application under the Heritage Overlay. Typically, these include place-specific citations and can also include building or place 'gradings'. *The Planning Practice Note Applying the Heritage Overlay* (July 2015) identifies that appropriate thresholds are those of State Significance and Local Significance for place grading. In practice, many municipalities do continue to distinguish between places of local significance that are 'contributory' and those that are considered to be 'significant' or 'individually significant'.

6.2.6 State guidelines

Conservation management plans

Conservation management plans (CMPs) are generally prepared for heritage places included on the VHR and follow a standard format that is endorsed by Heritage Victoria. A CMP establishes the nature of heritage significance and are intended to provide guidance and reference tools to proponents for undertaking development activities for listed heritage places.

6.2.7 Local guidelines

No local policies are applicable to this report.

7.0 Conclusion

7.1 Aboriginal heritage

In relation to the Aboriginal Places, Consents to Disturb were obtained impacting 58 of the 90 places (see Table 5-1). These Aboriginal Places are assumed to have been impacted with any recovered artefacts stored off site in consultation with Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC). However, the current status and condition of the remaining 32 Aboriginal Places has not been assessed. As such, it is recommended that a CHMP be undertaken. To this end, it is understood that preliminary consultation has commenced between ENGIE Hazelwood and GLaWAC and that a Notice of Intention to Develop will be issued shortly. It is also recommended that the details of the 58 Aboriginal Places covered by the Consents to Disturb should be updated on ACHRIS.

Under Part 4, Division 2 of the *Aboriginal Heritage Act 2006*, it is mandatory that a proponent who is required to prepare an EES under the *Environment Effects Act 1978* must prepare a CHMP for the area in which those proposed works are to be carried out prior to commencement of those works.

7.2 Non-Aboriginal heritage

As noted in Section 5.2, the Morwell Power Station and Briquette Factories and the Hazelwood Cemetery and Memorial Gates are outside but adjacent to the Project Area, while the Hazelwood Soldiers Settlement Memorial and seven listed archaeological sites listed on the VHI are within the Project Area. While the Morwell Power Station, cemetery and Hazelwood Soldiers Settlement Memorial are unlikely to be impacted, this should be comprehensively assessed as part of any approvals process.

In relation to the archaeological items, as with the Aboriginal Places previously identified, the status and condition of the non-Aboriginal archaeological sites are not clear. Further assessment of these places and sites should be undertaken as part of any approvals process.

8.0 References

- Context Pty Ltd. (2010). *Latrobe City Heritage Study, Vol. 3*.
- Hazelwood Cemetery Trust. (n.d.). *Hazelwood Cemetery*. <https://www.hazelwoodcemeterytrust.com/>
- Monuments Australia. (n.d.). *Bushfire Memorial*.
<https://monumentaustralia.org.au/themes/disaster/fire/display/32735-bushfire-memorial>
- Morwell Advertiser. (1910, October 7). Death of Mr Jeremiah Ryan. *Morwell Advertiser*, 2.
- Morwell Advertiser. (1935, August 29). Obituary: Death of Mr Brinsmead, Snr. *Morwell Advertiser*, 1.
- Morwell Historical Society. (2012). It Happened In February! *The "Morwell Post,"* 29(1), 5.
- Perspectives Heritage Solutions Pty Ltd. (2003). *International Power Hazelwood West Field Project Environmental Effects Statement (EES): Aboriginal and Non-Aboriginal Archaeological Heritage Values Impact Assessment Study*.
- The Age. (1905, February 11). Bush Fires. Large Fire at Morwell. *The Age*, 14.
- Vary, L. (1942, August 13). Harking Back. *Morwell Advertiser*, 8.