Appendix G. Other environmental considerations
G.1   Historic and Aboriginal Cultural Heritage
Australian Paper Energy from Waste Project

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Author: Caroline Seawright
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Jacobs Group (Australia) Pty Limited
ABN 37 001 024 095
Floor 11, 452 Flinders Street
Melbourne VIC 3000
PO Box 312, Flinders Lane
Melbourne VIC 8009 Australia
T +61 3 8668 3000
F +61 3 8668 3001
www.jacobs.com

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<td>Jeff Hill</td>
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Executive Summary

Introduction

Jacobs Group (Australia) Pty Ltd (Jacobs) has been engaged by Australian Paper (AP) to provide a cultural heritage due diligence assessment for the Australian Paper Energy from Waste Project (The Project). The Project proposes to develop an Energy from Waste (EfW) plant in Maryvale, within the City of Latrobe. The project area for this desktop assessment comprises an area of works within the existing location of the Maryvale Mill.

The Maryvale Mill was originally owned by Australian Paper Manufacturers (APM), which became Amcor Limited in 1986. PaperlinX Limited was formed after demerging from Amcor in 2000, and its manufacturing business, AP, was subsequently purchased by Nippon Paper Group in 2009. The current owner of operations of the Maryvale Mill is AP.

The proposed Australian Paper Energy from Waste project will comprise the development of a 650,000 tonne per annum EfW plant at the Maryvale Mill, thermally treating with energy recovery primarily Municipal Solid Waste (MSW) sourced from Gippsland and South East Melbourne Metropolitan area. The plant will be a cogeneration system, providing both steam and power to the mill, primarily, of the order of 30 Megawatts electric (MWe) and 200 tonnes per hour of very high pressure (VHP) steam.

The proposed project area is approximately 187,719 m².

This desktop assessment will aim to ascertain whether further detailed cultural heritage assessment is required under the relevant legislation and to make recommendations as to how AP should proceed in order to minimise risk to cultural heritage.

Desktop assessment

Aboriginal heritage

The project area traverses a landscape that contained natural resources, the Latrobe River within 1.5 km to the north and 1.2 km to the northeast of the project area, and the Wades, Plough, and Waterhole Creeks within 900 m to the east. A search of the Victorian Aboriginal Heritage Register (VAHR) revealed that there are no Aboriginal Places within the project area. However, due to its location near these waterways and the potential ground disturbance at the Maryvale Mill site, it is assessed that there is a low-moderate potential for previously unknown Aboriginal Places to be present within the project area.

Historical heritage

There are no registered historical heritage places within, adjacent to, or intersecting with, the project area. Despite the prior use of the project area as part of the APM Maryvale Mill since 1937, there is a low likelihood for the discovery of previously unidentified historical heritage places or archaeological sites within the project area that could contribute to an understanding of the history of the mill, due to the project area having little prior development or construction taking place, and with no previous historical structures visible in historical aerial photography.

While there are no registered heritage places within the project area, local heritage studies have identified the Maryvale Mill complex as of potential local heritage significance, along with a range of other 20th century industrial heritage sites in the area, and other building associated with the Maryvale Mill (eg APM staff houses).

Given the recent nominations by the community for 20th century industrial sites, the Maryvale Mill complex also has the potential to be nominated, as it is a 20th century industrial site which was integral to the development of Morwell and Traralgon. The mill complex, in which the project area is located, has also been previously identified in a local heritage study to be of potential heritage significance. As such, there is a possibility that the complex may also be nominated to the VHR as a place of industrial heritage within the Latrobe Valley.
Most of the project area itself, however, would not be a key component of the Maryvale Mill complex and is unlikely to contribute to the site’s heritage significance. The railway spur may be an exception to this, as it is part of the transportation system which moved pulp paper from the mill through Morwell, on to Melbourne, and beyond.

Management recommendations

Table 1 summarises the cultural heritage assessment and the recommendations for the project.

Table 1: Further assessment required

<table>
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<tr>
<th>Is a mandatory CHMP required?</th>
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<th>Is further historical heritage assessment required?</th>
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<td>No</td>
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<td>No</td>
<td>Yes</td>
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</table>

Aboriginal heritage

While the proposed works are defined as a high impact activity, the project area does not intersect with any designated areas of cultural heritage sensitivity (CHS). Therefore, a mandatory Cultural Heritage Management Plan (CHMP) is not required for the project, in accordance with the Aboriginal Heritage Regulations 2007.

A voluntary CHMP has not been recommended as the project area has been heavily disturbed by prior construction activities associated with the AP Maryvale Mill.

Historical heritage

While there are no registered historical heritage places within the project area, the Maryvale Mill itself, including the railway spur, is of potential local significance. Due to community interest in 20th century industrial complexes within the Latrobe Valley, there is a potential for the Maryvale Mill complex to be nominated to the VHR. However, as there is a low likelihood of historical archaeological sites or other historical heritage being present within the project area, there are no further assessments recommended for the project area.

However, it is recommended that a AP consider taking a proactive approach to the risk of the Maryvale Mill and associated railway spur being nominated and/or listed on the VHR. It is recommended AP consider having a detailed heritage assessment of the Maryvale Mill complex as a whole undertaken in the near future. This would provide AP with appropriate information to support or refute a future nomination, or to consider nominating and proactively managing the heritage value of the complex.

All historical archaeological sites in Victoria older than 75 years are protected by the Heritage Act. It is an offence to knowingly or negligently deface, damage, or otherwise interfere with an archaeological site without obtaining the appropriate consent from the Executive Director of HV. Under Section 127 of the Heritage Act, if an archaeological site is discovered during construction or excavation on any land, the person in charge of the construction or excavation must as soon as practicable report the discovery to HV. If any unexpected archaeological sites are uncovered during construction works, the procedure outlined in section 4.3.1 must be followed by AP and/or their contractors.

Historical heritage awareness training should be completed as part of the site induction for AP personnel and/or contractors prior to the commencement of construction works to ensure understanding of potential heritage items that may be impacted during the project, and the procedure required to be undertaken in the event of discovery of historical heritage material, features or deposits, or the discovery of human remains.
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<td>registered cultural heritage places</td>
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<td>the Act</td>
<td>Aboriginal Heritage Act 2006</td>
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<td>APM</td>
<td>Australian Paper Manufacturers</td>
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<td>AP</td>
<td>Australian Paper</td>
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<td>CHMP</td>
<td>Cultural Heritage Management Plan</td>
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<td>CHS</td>
<td>Cultural Heritage Sensitivity</td>
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<td>EfW</td>
<td>Energy from Waste</td>
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<td>EPBC Act</td>
<td>Environment Protection and Biodiversity Conservation Act 1999</td>
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<td>GLaWAC</td>
<td>Gunaikurnai Land and Waters Aboriginal Corporation</td>
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<td>the Heritage Act</td>
<td>Heritage Act 2017</td>
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<td>HO</td>
<td>City of Latrobe Planning Scheme Heritage Overlay</td>
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<td>HV</td>
<td>Heritage Victoria</td>
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<td>Jacobs</td>
<td>Jacobs Group (Australia) Pty Ltd</td>
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<tr>
<td>km</td>
<td>kilometre</td>
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<tr>
<td>LDAD</td>
<td>Low Density Artefact Distribution</td>
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<tr>
<td>LGA</td>
<td>Local Government Area</td>
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<td>m</td>
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<tr>
<td>MSW</td>
<td>Municipal Solid Waste</td>
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<td>MWe</td>
<td>Megawatts electric</td>
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<td>National Heritage List</td>
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<td>the project</td>
<td>Australian Paper Energy from Waste Project</td>
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<td>Registered Aboriginal Party</td>
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<td>Register of the National Estate</td>
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<td>Victorian Aboriginal Heritage Register</td>
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<td>VHI</td>
<td>Victorian Heritage Inventory</td>
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<tr>
<td>VHP</td>
<td>Very High Pressure</td>
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<tr>
<td>VHR</td>
<td>Victorian Heritage Register</td>
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Important note about your report

The sole purpose of this report and the associated services performed by Jacobs is to assess cultural heritage values and potential constraints in accordance with the scope of services set out in the contract between Jacobs and Australian Paper (AP). That scope of services, as described in this report, was developed with AP.

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

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

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1. Introduction

1.1 Project description

Jacobs Group (Australia) Pty Ltd (Jacobs) has been engaged by Australian Paper (AP) to provide a cultural heritage due diligence assessment for the Australian Paper Energy from Waste Project.

The purpose of the Australian Paper Energy from Waste Project is to identify potential issues which may be constraints to the project, inform the design of the project and identify any future analysis or assessments to be carried out.

The Australian Paper Energy from Waste is a project that proposes to develop an energy from waste (EfW) plant in Maryvale, within the City of LaTrobe. The project area for this desktop assessment comprises an area of works within the location of the existing Maryvale Mill.

The Maryvale Mill was originally owned by Australian Paper Manufacturers (APM), which became Amcor Limited in 1986. PaperlinX Limited was formed after demerging from Amcor in 2000, and its manufacturing business, AP, was subsequently purchased by Nippon Paper Group in 2009. The current owner of operations of the Maryvale Mill is AP.

The proposed Australian Paper Energy from Waste project will comprise the development of a 650,000 tonne per annum EfW plant at the Maryvale Mill, thermally treating with energy recovery primarily Municipal Solid Waste (MSW) sourced from Gippsland and South East Melbourne Metropolitan area. The plant will be a cogeneration system, providing both steam and power to the mill, primarily, of the order of 30 Megawatts electric (MWe) and 200 tonnes per hour of very high pressure (VHP) steam.

The proposed project area is approximately 187,719 m².

This desktop assessment will aim to ascertain whether further detailed cultural heritage assessment is required under the relevant legislation and to make recommendations as to how AP should proceed in order to minimise risk to cultural heritage.

1.2 Project location

The project is located in Maryvale (north of Morwell), approximately 130 kilometres (km) east-southeast of Melbourne's central business district, within the City of Latrobe Local Government Area (LGA) (Figure 1.1).

1.3 Purpose of assessment

The desktop assessment aims to ascertain whether further detailed cultural heritage assessments may be required under the relevant legislation and to make recommendations as to how AP should proceed in order to minimise risk to cultural heritage.

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

- Identify key Aboriginal and historical heritage constraints and/or risks that may influence design within the project area
- Provide recommendations for any additional heritage assessment for the project area.
Figure 1.1: Location of the project area
2. Review of relevant legislation

2.1 Victorian state legislation

2.1.1 Aboriginal Heritage Act 2006

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

2.1.2 Aboriginal Heritage Regulations 2007

The *Aboriginal Heritage Regulations 2007* (the Regulations) are designed to generally give effect to the Act. Key objectives of the Regulations are to:

- specify the circumstances in which a cultural heritage management plan (CHMP) is required for an activity or class of activity;
- prescribe standards for the preparation of a CHMP including the carrying out of assessments;

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

Regulation 6 of the Regulations prescribes that a CHMP is required for an activity if:

a) All or part of the activity area is defined as an area of cultural heritage sensitivity (CHS; see regulation 4 for definitions); and

b) All or part of the activity is a high impact activity (see regulation 4 for definitions)

If only part of a Project includes high impact activities and only part of the activity area is within an area of CHS, a CHMP is required. A CHMP is also required for an activity, regardless of points a) and b) if any part of the activity requires an Environmental Effects Statement.

A CHMP is not required for an activity if the entire activity area has been subject to significant ground disturbance. Significant ground disturbance is defined in regulation 4 as disturbance by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing (other than deep ripping) of:

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

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

2.1.3 Heritage Act 2017

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

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

### 2.1.3.1 Victorian Heritage Register

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

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

### 2.1.3.2 Victorian Heritage Inventory

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

- contains an artefact, deposit or feature which is 75 or more years old; and
- provides information of past activity in the State; and
- requires archaeological methods to reveal information about the settlement, development or use of the place; and
- is not associated only with Aboriginal occupation of the place.

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

#### 2.1.3.2.1 ‘D’ listing

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

### 2.1.3.3 Discovering archaeological sites

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

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1 Archaeological sites that are less than 75 years old may also be listed on the VHI, if it is determined that the site is of archaeological value.
If an archaeological site is discovered during construction or excavation on any land, the person in charge of the construction or excavation must as soon as practicable report the discovery to HV.

2.1.4 **Planning and Environment Act 1987**

The study area is located within the Latrobe City LGA. In accordance with the *Planning and Environment Act 1987*, the Latrobe City Council has developed a Planning Scheme and as part of their Planning Scheme, has produced a Schedule to the Heritage Overlay, which identifies heritage places. The purpose of the Heritage Overlay and Schedule is to conserve and enhance places of natural or cultural significance and those elements which contribute to their significance (both historical and Aboriginal heritage places). Planning approval may be required from the Latrobe City Council to undertake works within a place listed on the Heritage Overlay.

2.2 **Environment Protection and Biodiversity Conservation Act 1999**

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

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

2.2.1 **Commonwealth Heritage List**

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

2.2.2 **National Heritage List**

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

2.2.3 **Register of the National Estate**

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

3.1 Aboriginal heritage

3.1.1 Ethno-history

At the time of European contact, the Maryvale area was occupied by the clans from the Gunai (or Kurnai) language group, who occupied much of Gippsland and the southern slopes of the Victorian Alps, and ‘between the Tarwin River and the Snowy River and north to the alps’ – a landscape that was rich in natural resources and characterised by a system of large rivers and lakes, large expanses of open woody vegetation and extensive mountain ranges (Wesson 2000, p. 17). A language group consisted of clusters of neighbouring clans, which shared a common dialect and political and economic interests and who were spiritually linked to designated areas of land through their association with topographic features connected to mythic beings or deities. Clan lands were inalienable, and clan members had religious responsibilities (eg. conducting rituals), to ensure ‘the perpetuation of species associated with the particular mythic beings associated with that territory’ (Berndt 1982).

The Gunai tribe was comprised of six clan or land owning groups – Brataualong, Braiakaulung, Tatungalung, Brabralung, Krauatungalung and Bidawal – which were divided into multiple clans (Clark 1996, p. 8). The clan likely to be associated with the project area is the Braiakaulung (Fison and Howitt 1880). Braiakaulung means ‘of the west’ or ‘belonging to the west’ (Clark 1996, p. 9). The territory of the Braiakaulung is broadly defined as comprising the Great Dividing Range from Mt Baw Baw in the east to Mt Howitt in the north, then in a south-easterly direction across Mt Wellington to the north shore of Lake Victoria in the vicinity of Goon Nure, then across the north shore of Lake Wellington to Holey Plains State Park, then westwards to the vicinity of Narracan, and northwards to Mt Baw Baw (Fison and Howitt 1880). The tribe most likely associated with the project area within the Braiakaulung clan was the Bunjil Kraura (Clark 1998, p. 187-188).

3.1.2 Existing conditions

A search of the Victorian Aboriginal Heritage Register (VAHR) was completed by Jeff Hill (Senior Archaeologist, Jacobs) on 22 November 2017.

There are no Aboriginal Places within the project area. However, there are 81 registered cultural heritage places (Aboriginal Places) within six kilometres (km) of the project area (Table 3.1). While the majority of these Places were artefact scatters including Low Density Artefact Distribution (LDAD) (n=78, 97 per cent), some scarred trees (n=2, 2 per cent), and an earth feature (n=1, 1 per cent) were also recorded.

Table 3.1 : Aboriginal Places within six km of the project area

<table>
<thead>
<tr>
<th>Aboriginal Place type</th>
<th>Number</th>
<th>Percent (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Artefact scatter (including low density artefact distribution (LDAD))</td>
<td>78</td>
<td>97%</td>
</tr>
<tr>
<td>Scarred tree</td>
<td>2</td>
<td>2%</td>
</tr>
<tr>
<td>Earth feature</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td><strong>Total number of Aboriginal Places</strong></td>
<td>81</td>
<td>100%</td>
</tr>
</tbody>
</table>

3.1.3 Areas of Cultural Heritage Sensitivity

The project area does not intersect with any areas of Cultural Heritage Sensitivity (CHS) as defined by Division 3 of the Regulations.

3.1.4 Previous Aboriginal heritage assessments

There have been few cultural heritage investigations in close proximity to the project area. Relevant Aboriginal archaeological investigations are listed in Table 3.2.
Table 3.2: Summary of relevant Aboriginal archaeological investigations

<table>
<thead>
<tr>
<th>Author</th>
<th>Summary</th>
</tr>
</thead>
</table>
| Costello and Hill (2011) | Sinclair Knight Merz, on behalf of the Sponsor, TRUenergy, undertook a complex CHMP (No. 11305) for a proposed the construction, commissioning, and operation of the CCGT power station and associated infrastructure at Yallourn. This is approximately 1.2 km to the north of the current project area along the Latrobe River. The activity area starts in Yallourn North, crosses south to the Yallourn power generation site in Yallourn, then eastwards to Morwell North where it splits in two - the northern branch follows the Latrobe River and wetlands before crossing it at the Tyers River, while the southern branch follows Tanjil East Road, then Aeration Track, until it reaches the Latrobe River within the current project area. This comprised: a gas pipeline area approximately 6.5 km long and 500 m wide; a transmission line area (with north and south options) approximately 10 km long and 500 m wide and the last 4 km extending to approximately 1.5 km wide to encompass alternative transmission line routes; and the CCGT power station, which was approximately 11.5 ha in area. The desktop assessment showed that activity area within TRUenergy land had undergone significant ground disturbance through coal mining and associated activities. It also stated that 13 Aboriginal Places had been previously recorded outside of the TRUenergy land, along undulating ridgelines. The predictive model noted:  
- Land adjacent to all drainage lines is of moderate-high archaeological sensitivity  
- Large and more significant Aboriginal Places will be located in close proximity to waterways, and will occur on any land system  
- The majority of sub-surface archaeological material is expected to occur within the topsoil horizon of the activity area (top 400-500 mm)  
- It is highly unlikely that any artefact scatter will remain in situ in areas of high level of ground surface modification  
- Aboriginal Places are also likely to occur outside areas of CHS, however the Latrobe River floodplain is of low archaeological sensitivity  
- Surface scatters and isolated artefact occurrences are predicted as the most likely Aboriginal Place types  
- The expected dominant raw material type used for the manufacture of stone tools will be fine-grained silcrete, but small quantities of quartz, chert and quartzite may also be found  
- The overall Aboriginal archaeological potential of the activity area is assessed as moderate.  

During the standard assessment, 13 artefact scatters have been located within the corridor for the gas pipeline. These scatters comprise solely of silcrete artefacts and are found on the high points of the undulating hills that the gas pipeline corridor traverses, the majority being small and diffuse artefact scatters. However, the CHMP noted there are two Aboriginal Places that appear to be relatively dense in artefacts: YGP 5 (VAHR 8121-0282) and YGP 6 (VAHR 8121-0283). These two sites were highlighted for further testing to fully determine the nature and extent of these Aboriginal Places. No Aboriginal Places were found along the transmission line corridor.  

During sub-surface testing, two new Aboriginal Places were recorded during the sub-surface testing programme – Yallourn North GP1 (VAHR 8121-0320) and YTL1 (VAHR 8121-0321) – one recorded along the gas pipeline corridor and the other recorded along the transmission line corridor. Four of the previously recorded artefact scatters along the gas pipeline corridor were found to have a sub-surface dimension. Only one new Aboriginal Place was located along the transmission line corridor (northern transmission line corridor) and this Aboriginal Place was located within 200 m of the Latrobe River, within the terrace of a former channel. No Aboriginal Places were found upon the Latrobe River floodplain. A total of three 1 m x 1 m, six 0.5 m x 0.5 m and twenty-four 0.4 m x 0.4 m (shovel probe) excavation pits were excavated along the gas pipeline alignment. A total of one 1 m x 1 m thirteen 0.5 m x 0.5 m and sixty-one 0.4 m x 0.4 m (shovel probe) excavation pits were excavated within the footprint of the transmission towers along the transmission line corridor. Two new Aboriginal Places were recorded during sub-surface testing (VAHR 8121-0320 and 8121-0321). Yallourn North GP1 (VAHR 8121-0320), located within the gas pipeline section of the activity area, comprises a single silcrete core retrieved at a depth of 200 mm in a black clay that appears to have mixed with coal tailings to give the soil the black colour. YTL1 (VAHR 8121-0321) was...
<table>
<thead>
<tr>
<th>Author</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>located within the northern transmission line corridor of the activity area, and comprised two quartz artefacts located within a shovel probe upon the bank of a relict ox-bow of the Latrobe River. No additional artefacts were located within the four other shovel probes excavated at this location. Additional Aboriginal cultural material was found within four of the previously recorded Aboriginal Places along the gas pipeline corridor. A further seven silcrete artefacts were found to the north of the previously recorded extent of YGP 5 (VAHR 8121-0285), thus extending the extent of this Aboriginal place to include these artefacts. All seven artefacts were recovered in the top 200 mm of soil deposits. Thirty silcrete and three quartz artefacts were recovered from YGP 6 (VAHR 8121-0283). Artefacts were located in the 1 m x 1 m test pit (n=30) and within two of the shovel probes undertaken west of the 1 m x 1 m test pit. Artefacts were found from the surface to a depth of 600 mm. The three quartz artefacts were located between the depths of 450-600 mm below the surface. Two silcrete artefacts were recovered from the 1 m x 1 m test pit excavated within the extent of YGP 9 (VAHR 8121-0286). Both artefacts were located in the top 150 mm of soil deposits. The soil a dark sandy-clay was very shallow on top of this rise and ended in a firm coffee rock layer at a depth of 250 mm. Only one silcrete artefact was recovered during sub-surface testing at YGP 10 (VAHR 8121-0287). This artefact was found at a depth of 200 mm within soil excavated from SP3. The artefact came from a compact loamy-sand matrix. No other Aboriginal cultural deposit type was noted during the assessment. No Aboriginal Places were found upon the floodplain, which may be due to its past frequent inundation and its inherent unsuitability as a place for permanent habitation. Soils were slightly acidic (pH 5.5 for the four 1 m x 1m test pits) due to high rainfall. Soil deposits were characterised by rich, heavy loams within the Latrobe Valley floodplain and river terraces, to a sandy-loam/clay upon the ridgelines. Soil deposits tended to end in a stiff clay or coffee rock for high rises.</td>
<td></td>
</tr>
</tbody>
</table>

Andrew Long & Associates (2010)  
Andrew Long and Associates undertook an Aboriginal due diligence review for a proposed development of a surge basin to contain effluent from the paper mill operations. This is approximately 1 km to the north of the current project area, adjacent to the Latrobe River. No registered Aboriginal cultural heritage places were located within, or within 1 km of, the activity area during their background research. The predicted that Aboriginal sites such as scarred trees and artefact scatters would occur on significant landscape features such as ridges, spurs and crests in steep country, but none of these landforms occurred within the activity area; and that site types such as quarries or stone arrangements, would occur in specific locations where particular resources were available, but prior land clearance and modification had reduced the possibility of these site types being identified within the activity area. They stated that no significant constraints stemming from Aboriginal or historical heritage issues were identified during their background research, and, as such, a mandatory CHMP was not required as the risk of an Aboriginal archaeological site occurring within the proposed surge basin activity area was considered to be very low. A voluntary CHMP was also not recommended, as long as a reporting procedure is provided (should Aboriginal heritage unexpectedly be identified during construction).

3.1.5 Predictive statement

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

- Low density stone artefact scatters and isolated artefacts are the most likely Aboriginal Places to be found in the project area;
- Aboriginal Places are most likely to occur on higher landforms in close proximity to the creek lines;
- Artefact scatters will likely consist of silcrete, but quartz, chert, and quartzite may also be found;
- There is potential for sub-surface artefacts on the crest of higher raised landforms that have a vantage point, overlooking the waterways or floodplains
- Sub-surface archaeological deposits if present are likely to be found to a depth of 0-600 mm, but more generally found to a depth of 200 mm;
- The level of prior ground disturbance will determine the likelihood of finding intact Aboriginal Places; and
- Site identification will be heavily influenced by ground visibility, exposure and vegetation cover.
3.1.6 Conclusion

The project area traverses a landscape that contained natural resources, the Latrobe River within 1.5 km to the north and 1.2 km to the northeast of the project area, and the Wades, Plough, and Waterhole Creeks 900 m to the east. A search of the VAHR revealed that there are no Aboriginal Places within the project area. However, due to its location near these waterways and the potential ground disturbance at the Maryvale Mill site, it is assessed that there is a low-moderate potential for previously unknown Aboriginal Places to be present within the project area.
Figure 3.1: Location of Aboriginal Places within 6 km of the project area
3.2 Historical heritage

3.2.1 Historical background

Initial interaction between European settlers and local Aboriginal groups probably occurred when sealers, whalers and wattle bark strippers extensively exploited the area between 1798 and 1826. The contact with sealers and whalers is also considered responsible for the introduction of many diseases fatal to Aboriginal people such as smallpox, measles, and syphilis. Due to these diseases and increasing inter-tribal warfare, there was a very low population of Aboriginal people in Gippsland when pastoral settlement began. In 1840 when the explorer Angus McMillan rode into the Sale Plains he estimated that there were upwards of 2,000 Gunaikurnai people, though by 1853 there were only 131 counted (Synan 1994, p. 23). During the period of initial settlement by Europeans, the traditional Aboriginal owners were dispossessed of their land, and many conflicts between these groups occurred. This period of conflict is thought to have peaked in 1850-51 when the Aboriginal population was reduced to almost a tenth of its previous size (du Cros & Associates 1998). By 1857, the Braiakauling population was reduced to 50 people. In 1963, the Braiakauling were forced to move to the newly established Ramahyuck Aboriginal Mission Station located along the Avon River, near Lake Wellington. When Ramahyuck closed in 1907, the remaining inhabitants were sent to Lake Tyers Station. Gunai people continue to live at Lake Tyers and were granted formal ownership of the land at Lake Tyers under the Aboriginal Lands Act 1970 (Costello 2011, p. 44).

Angus McMillan opened the Gippsland region as far as Port Albert in 1841, on his search for fresh pastures for his employer, Lachlan Macalister (Tout-Smith 2003). The pastoral occupation of central Gippsland then began in 1843 after ‘Gipps Land’ was proclaimed a squatting district. Settlement in the Morwell region dates to this period, when David Parry-Okedon took up the Rosedale, named after his wife, Rosalie, run in 1842. Several runs were taken up in 1844, including the Traralgon run by Edmund Hobson, the Loy Yang run by James Rintoul, and the Hazelwood run by William Bennett. Thomas Gorringe took up the Maryville run, in which the current project area is located, in 1845 (it passed hands five more times until 1875, when Frederick Rowe became the last squatter on the run). It is believed that the Maryville run was named after Bennett’s eldest daughter, Lavinia Mary Bennett (Maddern 1962, p. 4). Soon after, John Turnbull took up the River Tyers run to the north in 1846, while Henry Scott took up the Merton Rush run, situated between the Latrobe and Morwell Rivers, and Wilderness and Narracan Creeks. The Scarne run, on the north bank of the Latrobe River, was taken up in 1847 by John Reeve (Context Pty Ltd 2010b, pp. 3-4; Spreadborough and Anderson 1983, pp. 16-18, 23-24, 29). In the same year, a bridge was built to span the Morwell River. A hotel was established by the bridge in 1858, and the area became known as Morwell Bridge, and a stockyard for travelling stock was built. By 1865, the area had become a staging post on the coach road from Melbourne to Sale.

During the late 1870s, the railway line was built between Melbourne and Sale, being laid several kilometres to the east of Morwell Bridge, due to the need for level, elevated land. This caused a shift in the settlement pattern, with township blocks being surveyed near the train station in 1878, around which several businesses had already been established (Victorian Places 2015a). The first school was a hut known as Maryvale State School (Maryvale Ridge School), established in 1877, but soon closed due to the hut’s bad condition, and the opening of the Morwell State School in 1879 (Maddern 1962, p. 6). An 1880 map names the blocks to the south of the train station as the ‘Maryvale Township reserve’ (Department of Lands and Survey 1880). The new train line encouraged population growth, and the Maryvale township rapidly expanded through the 1880s, with a mechanics’ institute, post office, hotels, churches, and schools having been established (Victorian Places 2015a). The name of the township was officially changed from Maryvale (a corruption of ‘Maryville’) to Morwell on 21 September 1888 (Maddern 1962; Tout-Smith 2003).

Timber getting was a major industry within the region throughout the 1880s. Other important employment opportunities were found in the building, brick making, and pottery industries. Coal mining began in the late 1880s. The surrounding area was agricultural in nature, first with mixed farming and then extensive dairying both taking place. By 1890, Morwell had a butter factory. Morwell Shire was proclaimed in 1892, created from parts of the Traralgon and Narracan Shires. The Morwell township was thriving at the turn of the 19th century, despite the Depression of the 1890s, being known as a well-established and prosperous town, with its own bank and telegraph office (Victorian Places 2015a). It was known for its shooting, fishing, and scenery, as well as for
its mining and pottery, and there were three trains daily between the township and Melbourne (Gordon and Gotch 1901, p. 322).

An 1885 map shows that the land which would later comprise the present-day location of the Maryvale Mill was owned by four people:

- John Lindsay, who owned lots 29 and 30 adjacent to the Latrobe River;
- William Wade, who owned lot 21 adjacent to the Latrobe River, the western portion of which is within the mill boundary;
- E.F. Ollis, who owned the largest portion, lot 28, directly beneath Lindsay’s lots;
- John Lawless, who owned lot 27, directly below Ollis’s lots; and
- Pat Dwyer Junior, who owned a small section of lot 26, located between Lawless’ lot and the present-day Maryvale Road (Department of Lands and Survey 1885).

The project area is located within the lots owned by E.F. Ollis, John Lawless, and Pat Dwyer Junior (Figure 3.2). To the south of the present-day mill, the lot to the south of present-day Maryvale Road was owned by John (Jack) Dwyer, a local bullock driver. In 1885, he owned lots 85, 85a, and 86. He built his house (Jack Dwyer’s House (HO68)), a now heritage-listed late Victorian bi-chromatic brick villa built with locally made bricks, on this land between 1899-1900 (Context Pty Ltd 2010c, pp. 373-374).

Morwell remained an agricultural centre into the early 1900s, with 50 small farms within the area of the old Hazelwood run being allocated to soldiers returning from World War I in 1919. It wasn’t until the 1920s that the State Electricity Commission started excavating coal using open cut methods in the region of present-day Yallourn. This new venture brought in workers, which stimulated the growth of Morwell (Victorian Places 2015a).

By the 1950s, Morwell was an industrial centre. It had an open cut mine to the south of the township, a power station, and a briquette factory. The local clothing manufacturing industry also attracted a large labour force of women. During this period, had an additional 2,000 homes built for the local workforce by the Housing Commission. During the 1950s, the shopping centre at the railway station was extended to the north of the train line, and three new primary schools, one high school, and one technical school were established. In 1969, Maryvale High was opened. The township continued to grow throughout the 1960s and 1970s, even as the nearby Yallourn township was demolished to mine for coal underneath it. Hazelwood power station, and two gas turbine power stations, opened in the 1970s, to the south of Morwell. During the 1980s, another power station was built at Loy Yang, to the township’s southeast. These industries continued to stimulate the township, bringing more ancillary industrial developments to the area. By the 1980s, the Gippsland Mail Centre and the headquarters of the Latrobe Valley Ambulance Service and Gippsland Police District were established in Morwell, which had a large civic centre that included an art gallery, library, hospital, and courthouse (Victorian Places 2015a). Morwell Shire was officially proclaimed the City of Morwell in 1990. However, Morwell City was soon absorbed into the City of Latrobe in 1994 (Victorian Places 2015b).

During the 1990s, the power stations and government utilities were privatised, leading to mass unemployment in the town, which led to a slump in housing prices by the mid-1990s (Victorian Places 2015a; 2015b). As of 2011, Morwell had yet to recover from this, as social distress remained high and housing prices remained below 55 per cent of the median price for country Victoria. The social distress caused by mass unemployment in the 1980s can still be seen from the median weekly household income of people in Morwell compared to those in Traralgon: $608 compared to $956 in 2006, $725 compared to $1,152 in 2011, and $801 compared to $1,276 in 2016 (Australian Bureau of Statistics 2001; 2006; 2011; 2016). The 2014 Hazelwood open cut coal mine fire, which burned for over six weeks, did not help matters as the people of the township were disproportionately affected by the fire (Victorian Council of Social Services 2016; Victorian Places 2015a). The Victorian Council of Social Services (2016) noted that communities facing disadvantage were less able to respond to, and recover from, the emergency that blanketed the town in hazardous smoke and ash. Those living in Morwell were not told of the health hazards the smoke would bring until 19 days into the fire (Victorian Places 2015a). The state government thus announced a $51.2 million package of initiatives aimed at improving the health of the people living within the Latrobe Valley, and ‘work side by side with communities in the Valley to improve the health and wellbeing of current and future generations’ (Victorian Council of Social Services 2016).
The population of the township of Morwell has shifted over the years, from 13,505 in 2001 down to 13,399 in 2006, then up to 13,691 in 2011, and down to 13,540 in 2016, possibly due to both a change in suburb boundaries and the social distress evident in the area. However, electricity generation-related jobs have fallen from the second major employment industry in 2001 to third place from 2006 onwards as people turn to food retailing and food services, and hospital-related, and education-related industries. The Italian background of Morwell is still evident, as Italian is still the main language other than English spoken at home at 3.2 per cent in 2016. Geek is the next most spoken language other than English, with 0.8 per cent in 2016 (Australian Bureau of Statistics 2001; 2006; 2011; 2016).

3.2.1.1 Maryvale Mill

A paper pulp mill (Figure 3.3) was established by Australian Paper Manufacturers (APM) in 1937 to the north, in present-day Maryvale, to make use of local timber (Australian Paper 2017; Tout-Smith 2003; Victorian Places 2015a). APM secured a 900-acre site which included two dairies, water access to the Latrobe River, and a direct transmission line from Yallourn to provide power. The Maryvale rail spur, which branches from the Gippsland Rail Line at Morwell, was commissioned by APM during the late 1930s to transport paper pulp by rail from the mill to Melbourne freight terminals (Debtech 2014). The project area is located within this site.

After World War II, the plant was expanded to supply pulp for building materials. APM also erected memorial gates at the entrance to the Maryvale mill. The inscription reads, ‘Erected in memory of Maryvale employees..."
who gave their lives in World War II 1939-1945’ (Monument Australia 2010). APM also provided housing for its employees in Taralgon and Morwell, as well as alternative accommodation such as work camps and hostels, which contributed to the growth of these two towns. Approximately 300 houses were constructed in Morwell by 1942, and the total population of the township of Morwell reached 1,762 by 1940. Derham’s Hill transit camp was set up in 1947, and accommodated a peak population of 500 in 1956. The new post-war residents of Morwell were made up of a large proportion of migrants, a number of whom set up shops in the Church Street shopping precinct, which was dubbed ‘Little Italy’ (Context Pty Ltd 2010b, pp. 31-32, 47-48). APM also logged for pulpwood within Boola Boola Forest, setting up a forestry camp there in between 1947 and 1958. By 1986, APM also had a subsidiary company, APM Forests Ltd, who planted 11,000 hectares of eucalypts and 18,000 hectares of softwood in the Strzeleckis Ranges. As such, APM and the construction of the Maryvale Mill had a large impact upon the surrounding region. Although the mill has changed and expanded as technology advanced, the APM mill complex was determined to be an area of potential significance as an industrial heritage place, and therefore warrants further research (Context Pty Ltd 2010a, p. 44).

3.2.2 Previous historical heritage assessments

There have been a number of cultural heritage investigations in close proximity to the project area. Relevant historical heritage investigations are listed in Table 3.3. The 1990 Latrobe Valley Heritage Study, the 1992 Traralgon Heritage Study, and the 2005 Latrobe City Heritage Study are currently unavailable for review.

Table 3.3 : Summary of relevant historical heritage investigations

<table>
<thead>
<tr>
<th>Author</th>
<th>Summary</th>
</tr>
</thead>
</table>
| Context Pty Ltd (2010a) | Context Pty Ltd undertook the Latrobe City Heritage Study, the second volume of which was their key findings and recommendations, based upon Chris Johnston’s 1990 Latrobe Valley Heritage Study, Context’s 1992 Traralgon Heritage Study, and Context’s 2005 Latrobe City Heritage Study. The key outcome of the report was to integrate the Traralgon Heritage Study into the 2010 Latrobe City Heritage Study. It was heaving based upon the 2005 Latrobe City Heritage.

Their list of places for further heritage study identified the APM Maryvale Mill complex (ID 267) as a place of potential local significance. There were no details about this potential heritage place in the study, and no assessment of significance. It was recommended that further work be undertaken to complete the assessment of places of potential significance, including that of the Maryvale Mill. Other industrial places of potential significance comprise the Morwell Water Tower, the Morwell Reservoir (Billy’s Creek System), the Tyers Lime Kiln ruins, and a Concrete Silo in Yinnar. Industrial sites of potential significance comprise the Hazelwood Power Station complex and Hazelwood Pondage, the Morwell Briquette Factory & Power Station (Energy Brix Australia), the Australian Char Company, and the Lurgi Coal Gasification Plant in Morwell; the Loy Yang Power Station complex in Traralgon South; the Lake Narracan (Yallourn Storage Dam) and the Yallourn Weir in Yallourn North; and the Brown Coal Mine Power Generator in Yallourn. Also included as a place of potential significance was a precinct comprising APM Staff Houses in Morwell.

Context Pty Ltd (2010c) | Context Pty Ltd undertook the Latrobe City Heritage Study, the third volume was their heritage places and precinct citations. The closest place to the project area was Jack Dwyer’s House (HO68), which is a c.1899 house located approximately 950 m to the southwest. It was assessed as having local significance and was recommended for the City of Latrobe Planning Scheme Heritage Overlay (HO). The house was noted as being historically significant as a now rare example of a selector’s house in the Morwell area, which demonstrates the more substantial houses that were erected as security of land tenure was gained and farms became more profitable. It was also associated with a local identity called Jack Dwyer. The house itself has architectural significance as a representative example of a late Victorian bi-chromatic brick villa, which has a high degree of external integrity.

The study also lists a number of places associated with the Maryvale Mill, including: APM Senior Staff Houses, Traralgon, Precinct (recommended for the HO); House at 13 Bridges Avenue (recommended for the HO); APM Staff Housing (HO86); APM Staff House at 78 Kay Street (recommended for the HO). The report also notes that APM set up a war memorial gates at the entrance to the Maryvale Mill.
3.2.3 Register searches

The following heritage registers were searched on 22 November 2017 by Caroline Seawright (Graduate Archaeologist, Jacobs) to determine whether any known historical heritage places were present within or in proximity to the project area:

- Victorian Heritage Register (VHR)
- Victorian Heritage Inventory (VHI)
- City of Latrobe Planning Scheme Heritage Overlay (HO)
- Commonwealth Heritage List (CHL)
- National Heritage List (NHL)
- World Heritage List (WHL)
- Register of the National Estate (RNE)

There are no registered historical heritage places within, adjacent to, or intersecting, the project area. The closest registered historical heritage place being Jack Dwyer’s House (HO68), which is listed on the City of Latrobe HO, and is approximately 407 m to the west-southwest of the nearest boundary of the project area. This place is unlikely to be impacted by the project. Results of historical heritage register searches are presented in Table 3.4 and Figure 3.4.

Table 3.4: Historical heritage places within 1 km of the Project area

<table>
<thead>
<tr>
<th>Heritage database</th>
<th>Register number</th>
<th>Name</th>
<th>Address</th>
<th>Description</th>
<th>Distance from project</th>
</tr>
</thead>
<tbody>
<tr>
<td>HO</td>
<td>HO68</td>
<td>Jack Dwyer’s House</td>
<td>620 Maryvale Road, Maryvale</td>
<td>House</td>
<td>407 m</td>
</tr>
</tbody>
</table>

3.2.4 Recent heritage listing and nominations

In May 2017, the Executive Director to the Heritage Council recommended that the Morwell Power Station and Briquette Factories, established in 1949, be included as a Heritage Place in the VHR (Smith 2017). The nomination to protect the site from demolition was put forth by the community, headed by Moe resident Cheryl Wragg. In response, the Heritage Council placed an Interim Protection Order (IPO) over the site, including over the spur line off the main regional railway which was used for the transport of briquettes out of the site. The site was also nominated to potentially create and consolidate an industrial heritage tourism industry within the Latrobe Valley (Lazzaro 2017; Smith 2017; Whittaker 2017). Likewise, the Hazelwood Power Station, which was shut down in March 2017, was also recently nominated to the VHR by the local community. Wragg applied for partial conservation of the site, including one whole stage, the turbine halls and chimneys, which would form part of a Latrobe Valley industrial history trail. Engie, the company who owns the Hazelwood Power Station, has hired its own heritage consultants to identify items of significance at the site (ABC Gippsland 2017; Latrobe Valley Express 2017). Both these nominated places relate to key 20th century industries within the Latrobe Valley. Both are currently subject to the reviews process under the Heritage Act and decisions are pending.

3.2.5 Aerial imagery review

The 1945 historic aerial photography of the Maryvale Mill (Figure 3.3) shows roads and a railway line within the project area, and that the majority of the area was being heavily utilised by the mill as a lumberyard with no obvious structures. Modern aerial photography shows that the majority of project area is used as a shipping container storage area (Google 2017). Part of the project area covers a small area of the tree plantation to the west of the storage area, while another follows a roadway and railway spur to the south to meet Traralgon West Road. A review of this aerial imagery appears to indicate no obvious historical heritage features within the project area, beyond the railway spur.
3.2.6 Predictive statement

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

- There appears to have been little prior development to the project area within the Maryvale Mill, due to its use as a former lumberyard, a storage area, and a planation
- There is low potential for previously unidentified historical heritage places to be present within the project area
- The Maryvale Mill complex itself, which Context Pty Ltd (2010a, p. 45) identified as a place of potential local significance, and should be considered as potentially having historical heritage significance.

3.2.7 Conclusion

There are no registered historical heritage places within, adjacent to, or intersecting with, the project area. Despite the prior use of the project area as part of the APM Maryvale Mill since 1937, there is a low likelihood for the discovery of previously unidentified historical heritage places or archaeological sites within the project area that could contribute to an understanding of the history of the mill, due to the project area having little prior development or construction taking place, and with no previous historical structures visible in historical aerial photography.

While there are no registered heritage places within the project area, local heritage studies have identified the Maryvale Mill complex as of potential local heritage significance, along with a range of other 20th century industrial heritage sites in the area, and other building associated with the Maryvale Mill (eg APM staff houses).

Given the recent nominations by the community for 20th century industrial sites, the Maryvale Mill complex also has the potential to be nominated, as it is a 20th century industrial site which was integral to the development of Morwell and Traralgon. The mill complex, in which the project area is located, has also been previously identified in a local heritage study to be of potential heritage significance. As such, there is a possibility that the complex may also be nominated to the VHR as a place of industrial heritage within the Latrobe Valley.

Most of the project area itself, however, would not be a key component of the Maryvale Mill complex and is unlikely to contribute to the site’s heritage significance. The railway spur may be an exception to this, as it is part of the transportation system which moved pulp paper from the mill through Morwell, on to Melbourne, and beyond.
Figure 3.4: Location of historical places within close proximity of the project area
4. Recommendations

4.1 Summary

Table 4.1 provides a summary of the existing heritage conditions and predicted cultural heritage sensitivity of the project area.

Table 4.1: Summary of existing conditions and archaeological sensitivity

<table>
<thead>
<tr>
<th>Aboriginal Places</th>
<th>Areas of CHS</th>
<th>Heritage Overlays and registered historical heritage sites/features</th>
<th>Archaeological sensitivity (Aboriginal)</th>
<th>Potential for previously unidentified historical heritage places</th>
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</thead>
<tbody>
<tr>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Low-Moderate</td>
<td>Low</td>
</tr>
</tbody>
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4.2 Aboriginal heritage recommendations

There are two triggers for determining if a mandatory CHMP is required for the project; the presence of areas of CHS, and whether the proposed activity constitutes a 'high impact' activity (Section 2.1.2).

4.2.1 High impact activities

According to Part 2, Division 5 of the Regulations, the project constitutes a high impact activity because the construction would result in significant ground disturbance. The proposed activity for the entire project is a high impact activity as:

- Land used to generate electricity, including a wind energy facility (r 43(1)(b)(xxvi)).

4.2.2 Areas of Cultural Heritage Sensitivity

The project is not located within an area of cultural heritage sensitivity as defined by Division 3 of the Regulations (Section 3.1.3).

4.2.3 Cultural Heritage Management Plan requirement

While the proposed works are defined as a high impact activity, the project area does not intersect with any designated areas of CHS. Therefore, a mandatory CHMP is not required for the project, in accordance with the Aboriginal Heritage Regulations 2007.

A voluntary CHMP has not been recommended as the project area has been heavily disturbed by prior construction activities associated with the APM Maryvale Mill.

4.3 Historical heritage recommendations

While there are no registered historical heritage places within the project area, the Maryvale Mill itself, including the railway spur, is of potential local significance. Due to community interest in 20th century industrial complexes within the Latrobe Valley, there is a potential for the Maryvale Mill complex to be nominated to the VHR. However, as there is a low likelihood of historical archaeological sites or other historical heritage being present within the project area, there are no further assessments recommended for the project area.

However, it is recommended that a AP consider taking a proactive approach to the risk of the Maryvale Mill and associated railway spur being nominated and/or listed on the VHR. It is recommended AP consider having a detailed heritage assessment of the Maryvale Mill complex as a whole undertaken in the near future. This would provide AP with appropriate information to support or refute a future nomination, or to consider nominating and proactively managing the heritage value of the complex.
4.3.1 Unexpected discoveries of historical heritage

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

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

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

ADVISE
- A supervisor or the cultural heritage consultant must be consulted if they are on site
- Supervisors are to contact AP to advise of the discovery
- Supervisors are to advise HV where the discovery was made and provide a description or photograph of the discovery

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

4.3.2 Heritage induction training

Historical heritage awareness training should be completed as part of the site induction for AP personnel and/or contractors prior to the commencement of construction works to ensure understanding of potential heritage items that may be impacted during the project, and the procedure required to be undertaken in the event of discovery of historical heritage material, features or deposits, or the discovery of human remains.
5. References

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Lazzaro, K. 2017 Heritage order granted to stop demolition of old Morwell power station. *ABC News*.


Smith, T. 2017 Assessment of Cultural Heritage Significance and Executive Director Recommendations to the Heritage Council, Heritage Victoria.


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Appendix A. Glossary

Historical archaeological artefact: This term relates to historical (non-Aboriginal) archaeology and is defined by the Heritage Act 2017 as an object (other than a shipwreck artefact) which provides information of past activity in Victoria and:

- Is associated with an archaeological site; or
- Is associated with a registered archaeological place; or
- Is associated with an approved site of archaeological value; or
- Is associated with a place that was an archaeological site, registered archaeological place or approved site of archaeological value.

Area of archaeological sensitivity (Aboriginal heritage): A part of the landscape that contains demonstrated occurrences of cultural material. The precise level of sensitivity will depend on the density and significance of the material.

Aboriginal artefact: An object made or modified by humans. In Australia this term commonly refers to stones that have been purposefully modified by Aboriginal people through percussion for the purpose of creating tools (referred to as stone artefacts). Stone artefacts include angular fragments, cores, flakes and tools.

Archaeological site: This term relates to historical (non-Aboriginal) archaeology and is defined by the Heritage Act 2017 as a place (other than a shipwreck) which:

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

Cultural Heritage Management Plan (CHMP): Larger developments and many high impact activities in culturally sensitive landscapes can cause significant harm to Aboriginal cultural heritage. The Aboriginal Heritage Act 2006 prescribes in regulations, circumstances in which a CHMP will be required for certain types of development or activities located in sensitive areas before they can commence. CHMPs are required to be prepared in a prescribed legal format and will be evaluated by a Registered Aboriginal Party or if a Registered Aboriginal Party has not been elected across a study area then the CHMP will be evaluated by Aboriginal Affairs Victoria.

Registered cultural heritage places/Aboriginal Places: These are Aboriginal sites registered on the Victorian Aboriginal Cultural Heritage Register.

Scarred trees: Aboriginal derived scars are distinct from naturally occurring scars by their oval or symmetrical shape and occasional presence of steel, or more rarely, stone axe marks on the scar's surface. Other types of scarring include toeholds cut in the trunks or branches of trees for climbing purposes and removal of bark to indicate the presence of burials in the area. Generally, scars occur on river red gums (Eucalyptus camaldulensis), or Grey Box (E microcarpa) or Black Box (E largiflorens) trees. River red gums are usually found along the margins of rivers, creeks and swamps with grey box on near and far floodplains. Size and shape of the scar depended on the use for which the bark was intended. For example, bark was used for a variety of dishes and containers, shields, canoes and construction of huts.

Significant ground disturbance: is the disturbance of the topsoil/surface rock layer of the ground/a waterway by machinery in the course of grading, excavating, digging, dredging or deep ripping, but does not include ploughing other than deep ripping.

Victorian Aboriginal Cultural Heritage Register (VAHR): A list of all registered cultural heritage places (Aboriginal Places) in Victoria.